



## City of Coral Gables Planning and Zoning Staff Report

**Applicant:** David Cabarrocas

**Application:** Marin Boat Slips – Amendment to Conditional Use

**Property:** 11093 Marin Street, Coral Gables, Florida

**Public Hearing:** Planning and Zoning Board

**Date & Time:** **November 12, 2020 6:00 – 9:00 p.m.**

**Location:** Hybrid Format via Zoom  
City Commission Chambers, City Hall  
405 Biltmore Way, Coral Gables, Florida 33134

### 1. APPLICATION REQUEST

An application has been submitted by David Cabarrocas, requesting an amendment to Ordinance No. 2018-43 which granted the Conditional Use Approval for a private yacht basin with eight (8) dock slips on the property located at 11093 Marin Street, Coral Gables, Florida. The request is to increase the number of slips from eight (8) to nine (9). The request is for consideration of the following:

*An Ordinance of the City Commission of Coral Gables, Florida amending Ordinance no. 2018-43, which granted the Conditional Use approval for a private yacht basin on property zoned Single-Family Residential, legally described as a portion of Tract E, Block 4 of Hammock Oaks Harbor Section Two (11093 Marin Street), Coral Gables, Florida, by increasing the number of dock slips from eight (8) to nine (9), all other conditions of approval contained in Ordinance no. 2018-43 shall remain in effect; providing for a repealer provision, providing for a severability clause, and providing for an effective date.*

### 2. APPLICATION SUMMARY

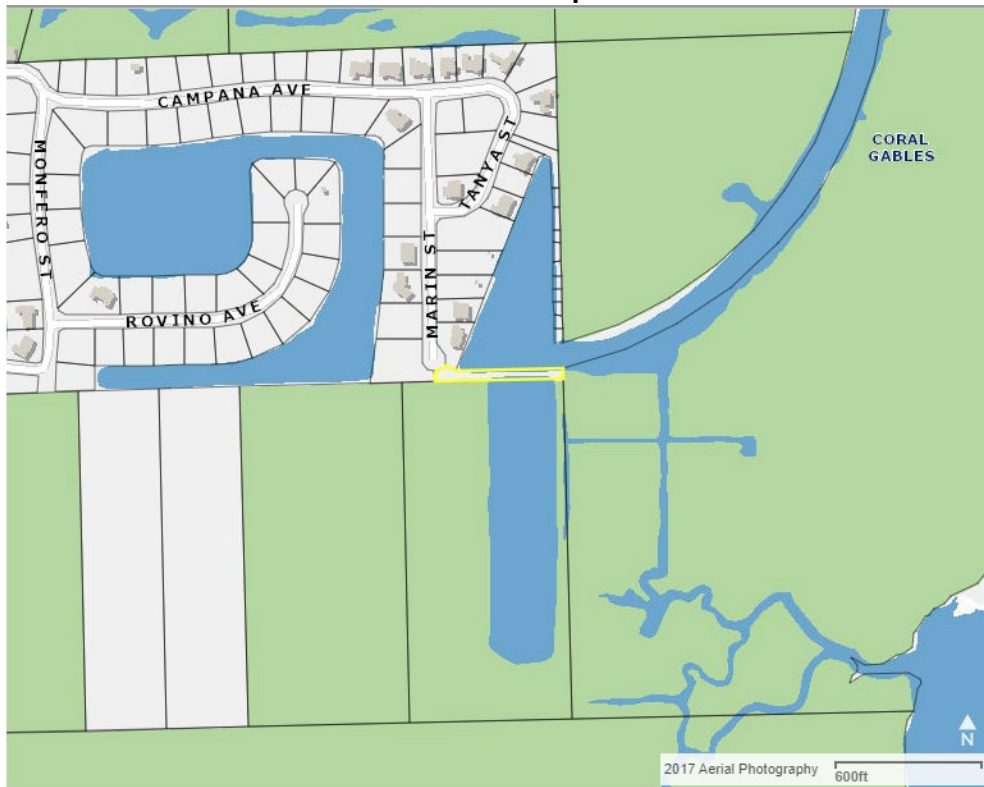
On October 9, 2018, the City Commission approved a Text Amendment to the Zoning Code (Ordinance No. 2018-42), by creating a subsection for Hammock Oaks Harbor, providing provisions for a private yacht basin facility located on this long and narrow strip of land at the southern boundary of Lake "B" within Hammock Oaks Harbor. A Conditional Use approval was also granted (Ordinance No. 2018-43) to allow a private yacht basin that includes eight (8) boat slips.

October 14, 2020, last month's PZB meeting, the Board reviewed an application for the Text Amendment to the Zoning Code, to increase the number of boat slips from eight (8) to nine (9) slips. This time, under consideration is an Amendment to the Conditional Use approval for same, to increase the number of boat slips from eight (8) to nine (9) slips.

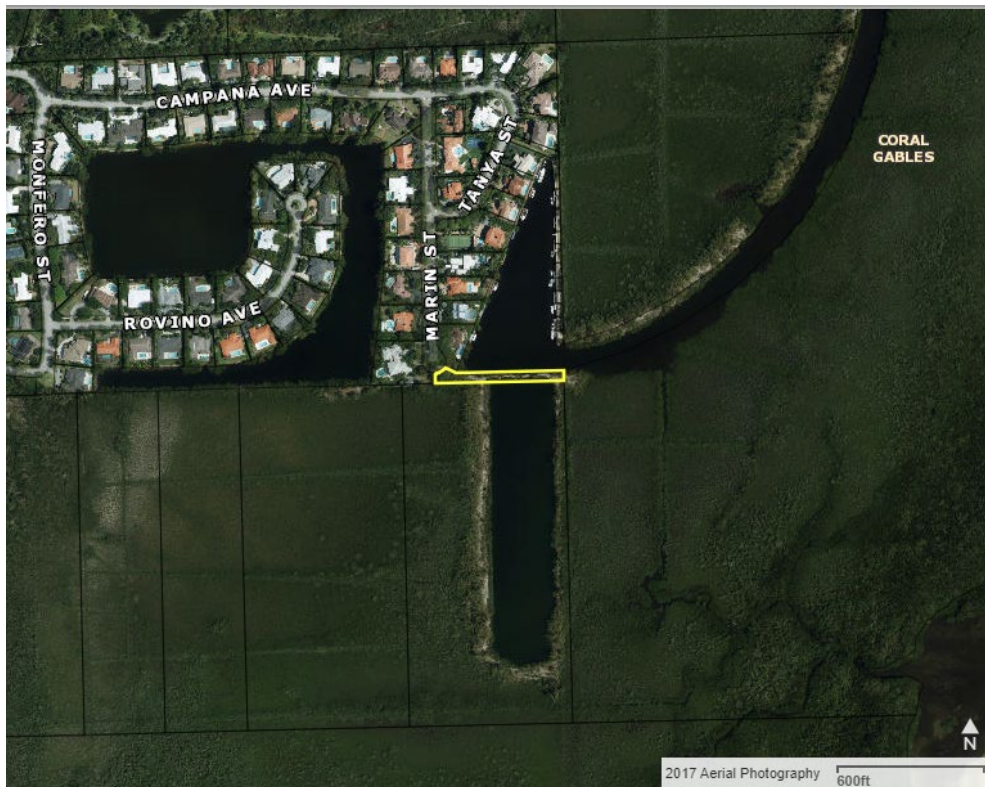
Conditional Use Amendment applications require review and recommendation by the Planning and Zoning Board at one (1) advertised public hearing, and consideration by the City Commission at two (2) advertised public hearings (Ordinance format).

The subject property is a long narrow strip that is located at the southern boundary of Lake B on Tract E, Hammock Oaks Harbor, Section #2 at the end of the Marin Street cul-de-sac.

**Location Map**



**Aerial**



### Site Data and Surrounding Uses

The following tables provide the subject property’s designations and surrounding land uses:

#### Existing Property Designations

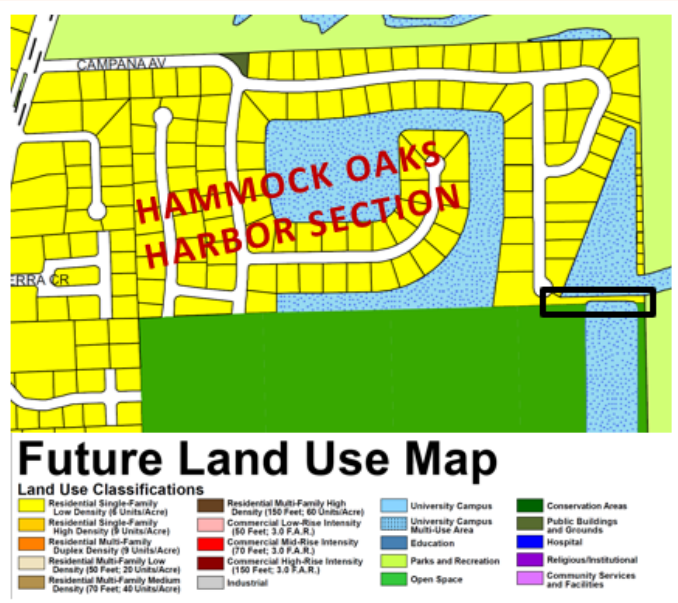
Comprehensive Plan Map designation	Residential Single-Family Low Density
Zoning Map designation	Single-Family Residential (SFR)

#### Surrounding Land Uses

Location	Existing Land Uses	Comprehensive Plan Designations	Zoning Designations
North	Single-family residences	Residential Single-Family Low Density	Single-Family Residential (SFR)
South	Matheson Hammock Park	Conservation Area	Preservation (P)
East	Vacant Land	Park and Recreation Use	Special Use (S)
West	Single-family residences	Residential Single-Family Low Density	Single-Family Residential (SFR)

The Applicant proposes no changes to the property’s existing land use and zoning designations, as illustrated in the following maps:

#### EXISTING FUTURE LAND USE MAP



#### EXISTING ZONING MAP



### City Review Timeline

The submitted Applications have undergone the following City reviews:

Types of Review	Dates
Development Review Committee	N/A
Courtesy Notice	10.30.20
Planning and Zoning Board	11.12.20
City Commission, 1 <sup>st</sup> reading and 2 <sup>nd</sup> reading	To be determined

### City Legislative History

The following is a chronology of previous approvals/legislation affecting the subject property:

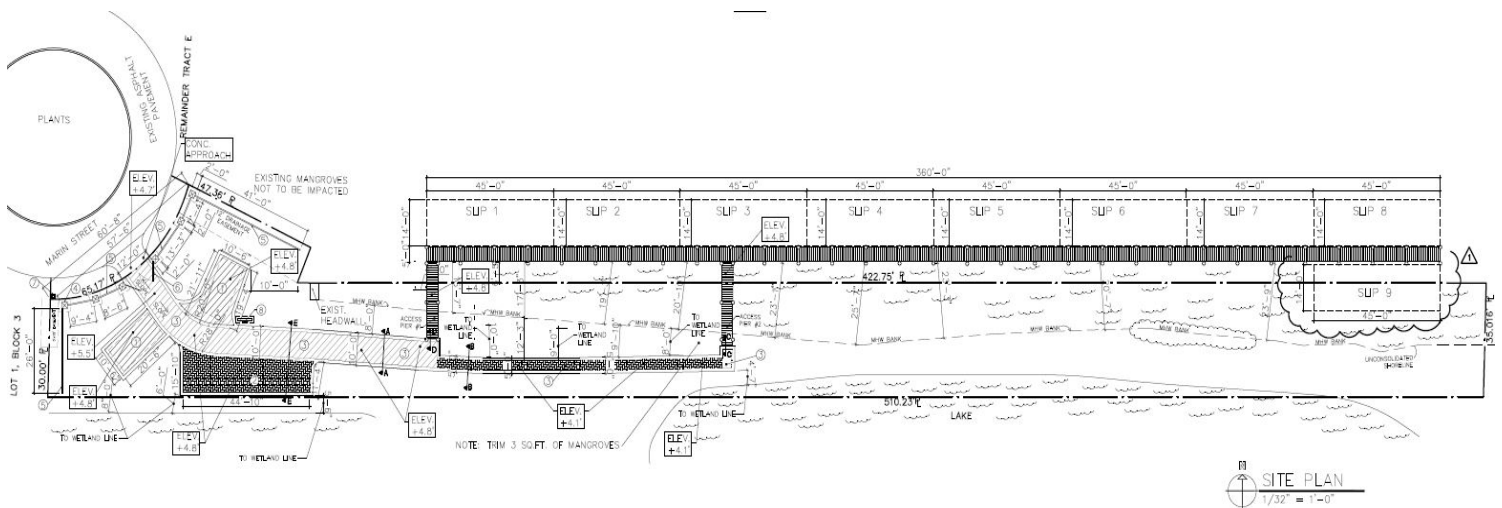
- Ordinance 1128 approved plat Hammock Oaks Harbor – adopted May 5, 1959.
- Ordinance 1249 approved plat Hammock Oaks Harbor Section #2 - adopted May 7, 1961.
- Ordinance 2315 zoning to revert to single family residential use - adopted August 28, 1979.
- Ordinance 2018-42 Zoning Text Amendment to allow private yacht basin – adopted October 9, 2018
- Ordinance 2018-43 – Conditional Use for private yacht basin with 8 boat slips – adopted October 9, 2018

### 3. PROPOSAL – Amendment to Conditional Use Approval

In 2018, the Commission approved Ordinance No. 2018-42, which granted the Conditional Use approval for a private yacht basin with eight (8) dock slips located on a long narrow strip that is located at the end of the Marin Street cul-de-sac, within Hammock Oaks Harbor (11093 Marin Street).

October 14, 2020, last month’s PZB meeting, the Board reviewed an application for the Text Amendment to the Zoning Code, to increase the number of boat slips from eight (8) to nine (9) slips. This time, under consideration is an Amendment to the Conditional Use approval for same, to increase the number of boat slips from eight (8) to nine (9) slips.

Site plan



#### 4. FINDINGS OF FACT

This section of the report presents City Staff’s evaluation of the Application and Findings of Facts. The City’s responsibility is to review the Application for consistency with the City’s Comprehensive Plan Goals, Objectives and Policies and compliance with the Zoning Code and City Code.

To provide an overview of the purpose and intent of the Conditional Use provisions, Zoning Code Article 3, “Development Review,” Division 4, “Conditional Uses,” Section 3-401, “Purpose and Applicability” provides for the following:

*“The purpose of providing for conditional uses within each zoning district is to recognize that there are uses which may have beneficial effects and serve important public interests, but which may, but not necessarily, have adverse effects on the environment, particularly residential areas, overburden public services, or change the desired character of an area. Individualized review of these uses is necessary due to the potential individual or cumulative impacts that they may have on the surrounding area or neighborhood. The review process allows the imposition of conditions to mitigate identified concerns or to deny the use if concerns cannot be resolved.”*

**Staff’s Findings:** In 2018, the City Commission approved Ordinance No. 2018-42, which granted the Conditional Use approval for a private yacht basin with eight (8) dock slips on the subject property zoned Single-Family Residential, located on a long narrow strip at the end of the Marin Street cul-de-sac, within Hammock Oaks Harbor (11093 Marin Street). The Applicant has built the private yacht basin and found there is adequate space for one additional dock slip. As such, the Applicant is requesting an amendment to increase the dock slips from the already approved eight (8) to nine (9). There is no other change proposed and all conditions of approval contained in Ordinance No. 2018-43 remain in effect.

Based upon the Findings of Facts provided herein, Staff finds the Application satisfies the provisions of the Zoning Code for the Conditional Use Site Plan Review for the proposed increase of one additional dock slip, from a total of eight (8) to nine (9) slips.

Staff’s responsibility is to review the application in accordance with the criteria provided in Zoning Code Article 3, “Development Review”, Division 4, “Conditional Uses”, Section 3-408, “Standards for review” and provide Findings of Fact regarding the proposed application. Staff has compared the Applicant’s proposal with the review criteria set out in Zoning Code Section 3-408, and found that the application complies with the following standards and criteria:

A Conditional Use site plan review must comply with Zoning Code Section 3-408, “Standards for Review” as follows:

STANDARD	STAFF EVALUATION
1. The proposed conditional use is consistent with and furthers the goals, objectives and policies of the Comprehensive Land Use Plan and furthers	<b>Yes.</b> The use of the property as a private yacht basin containing 8 dock slips was already approved. The proposed amendment is to increase an additional one slip. No changes to the site layout and all conditions of approval remain in effect.

STANDARD	STAFF EVALUATION
the purposes of these regulations and other City ordinances and actions designed to implement the Plan.	
2. The available use to which the property may be put is appropriate to the property that is subject to the proposed conditional use and compatible with existing and planned uses in the area.	<b>Yes.</b> The use of the property as a private yacht basin remains the same, the request is only to increase the number of dock slips from eight (8) to nine (9). The boat slips shall only be for the for Hammock Oak Harbor property owners or residents. It is compatible with the existing residential neighborhood.
3. The proposed conditional use does not conflict with the needs and character of the neighborhood and the City	<b>Yes.</b> The use of the property as a private yacht basin remains the same, the request is only to increase the number of dock slips from eight (8) to nine (9). The boat slips are for the Hammock Oak Harbor property owners or residents and does not conflict with the needs and character of the neighborhood.
4. The proposed conditional use will not adversely or unreasonably affect the use of other property in the area.	<b>Yes.</b> The Applicant’s proposal will not adversely or unreasonably affect the use of other adjoining, adjacent and contiguous properties in the area.
5. The proposed use is compatible with the nature, condition and development of adjacent uses, buildings and structures and will not adversely affect the adjacent uses, buildings or structures	<b>Yes.</b> The use of the property as a private yacht basin containing 8 dock slips was already approved. The proposed amendment is to increase an additional one slip. There is an existing condition in place which proposes to mitigate any potential impacts related to the height of the wall and providing vegetative buffer in landscape design.
6. The parcel proposed for development is adequate in size and shape to accommodate all development features.	<b>Yes.</b> The parcel is approximately 23,511 square feet (.54 acres) in size which accommodates all development features while providing high standards of architectural quality.
7. The nature of the proposed development is not detrimental to the health, safety and general welfare of the community.	<b>Yes.</b> The use of the property as a private yacht basin was already approved which provides extra amenities for the Hammock Oak Harbor property owners or residents.
8. The design of the proposed driveways, circulation patterns and parking is well defined to promote vehicular and pedestrian circulation.	<b>Yes.</b> There is no change to the previously approved site layout. The request is to allow an additional one dock slip as the Applicant found out that there is adequate space to accommodate an additional slip without changing the layout.
9. The proposed conditional use	<b>Yes.</b> The Application shall have no substantial impact on public

STANDARD	STAFF EVALUATION
<p>satisfies the concurrency standards of Article 3, Division 13 and will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonable or disproportionate manner.</p>	<p>infrastructure.</p>

**Consistency Evaluation of the Comprehensive Plan (CP) Goals, Objectives and Policies**

This section provides those CP Goals, Objectives and Policies applicable to the Application and the determination of consistency:

Ref. No.	CP Goal, Objective and Policy	Staff Review
1.	<p><b>Goal FLU-1.</b> Protect, strengthen, and enhance the City of Coral Gables as a vibrant community ensuring that its neighborhoods, business opportunities, shopping, employment centers, cultural activities, historic value, desirable housing, open spaces, and natural resources make the City a very desirable place to work, live and play.</p>	Complies
2.	<p><b>Objective FLU-1.1.</b> Preserve Coral Gables as a “placemaker” where the balance of existing and future uses is maintained to achieve a high quality living environment by encouraging compatible land uses, restoring and protecting the natural environment, and providing facilities and services which meet or exceed the minimum Level of Service (LOS) standards and meet the social and economic needs of the community through the Comprehensive Plan and Future Land Use Classifications and Map (see FLU-1: Future Land Use Map).</p>	Complies
3.	<p><b>Policy FLU-1.1.1.</b> The City’s Future Land Use Classifications and Map shall describe, assign, and depict the future land uses found to be in the public interest and to be the basis for regulations, programs, actions and rules of the City and other affected agencies.</p>	Complies
4.	<p><b>Policy FLU-1.3.2.</b> All development applications in residential neighborhoods shall continue to be reviewed by applicable boards and committees to ensure the protection from intrusion by incompatible uses that would disrupt or degrade the health, safety, tranquility, aesthetics and welfare of the neighborhood by noise, light, glare, odor, vibration, dust, hazardous materials or traffic. The City will continue to enforce the adopted restrictive design standards; historic preservation policies and the applicable performance standards of the Commercial Limited designation in the Zoning Code.</p>	Complies
5.	<p><b>Policy FLU-1.3.3.</b> Non-residential uses designated in the Comprehensive Plan which cause significant noise, light, glare, odor, vibration, dust, hazardous conditions or industrial traffic, shall provide buffering such as landscaping, walls and setbacks, when located adjacent to or across the street from incompatible uses such as residential uses.</p>	Complies

Ref. No.	CP Goal, Objective and Policy	Staff Review
6.	<b>Objective FLU-1.11.</b> Maintain a pattern of overall low density residential use with limited medium and high density residential uses in appropriate areas to preserve the low intensity and high quality character of the residential neighborhoods.	Complies
7.	<b>Policy FLU-1.11.1.</b> Maintain and enforce effective development and maintenance regulations through site plan review, code enforcement, and design review boards and committees.	Complies
8.	<b>Policy FLU-1.12.1.</b> Maintain and enforce effective development and maintenance regulations.	Complies
9.	<b>Objective FLU-1.13.</b> The City shall enforce the recently adopted Zoning Code which creates, preserves and maintains scenic vistas in keeping with the classic traditions as embodied in the original city plan.	Complies
10.	<b>Objective FLU-1.14.</b> The City shall enforce Zoning Code provisions which continue to preserve and improve the character of neighborhoods.	Complies
11.	<b>Policy FLU-1.14.1.</b> The City shall enforce Zoning Code provisions which continue to address the location and extent of residential and non-residential land uses consistent with the Future Land Use Map in order to preserve the character of existing neighborhoods.	Complies
12.	<b>Goal FLU-3.</b> The City as a part of its development review process shall engage public/community participation and collaboration to provide for a transparent development review process.	Complies
13.	<b>Objective FLU-3.1.</b> The City shall continue its efforts to notify stakeholders, residents, property owners and neighborhood associations of pending development reviews to provide transparency within the development process.	Complies
14.	<b>Policy FLU-3.1.1.</b> The Planning Department shall, when necessary, assist in the dissemination of information of applications to surrounding properties with the intent of supporting all the goals, objective and policies of the Comprehensive Plan. Specifically as it relates to ensuring residential areas are protected from potential impacts which may include noise, light, traffic, and vehicular access.	Complies
15.	<b>Policy FLU-3.2.2.</b> The Planning Department, when receiving a development proposal for property that adjoins a single-family residential district, shall facilitate the contact and discussion between applicants and known organized neighborhood groups and neighborhood associations to provide the opportunity to resolve potential neighborhood issues prior to City review at public hearings. The necessity to complete further collaboration and consensus decision making to mitigate or resolve identified issues may be conducted by the City’s Planning Department or outside mediation services such as the South Florida Regional Planning Council, Institute for Community Collaboration.	Complies
16.	<b>Goal DES-1.</b> Maintain the City as a livable city, attractive in its setting and dynamic in its urban character.	Complies
17.	<b>Objective DES-1.1.</b> Preserve and promote high quality, creative design and site planning that is compatible with the City’s architectural heritage, surrounding development, public spaces and open spaces.	Complies
18.	<b>Policy DES-1.1.5.</b> Promote the development of property that achieves unified civic design and proper relationship between the uses of land both within zoning districts	Complies



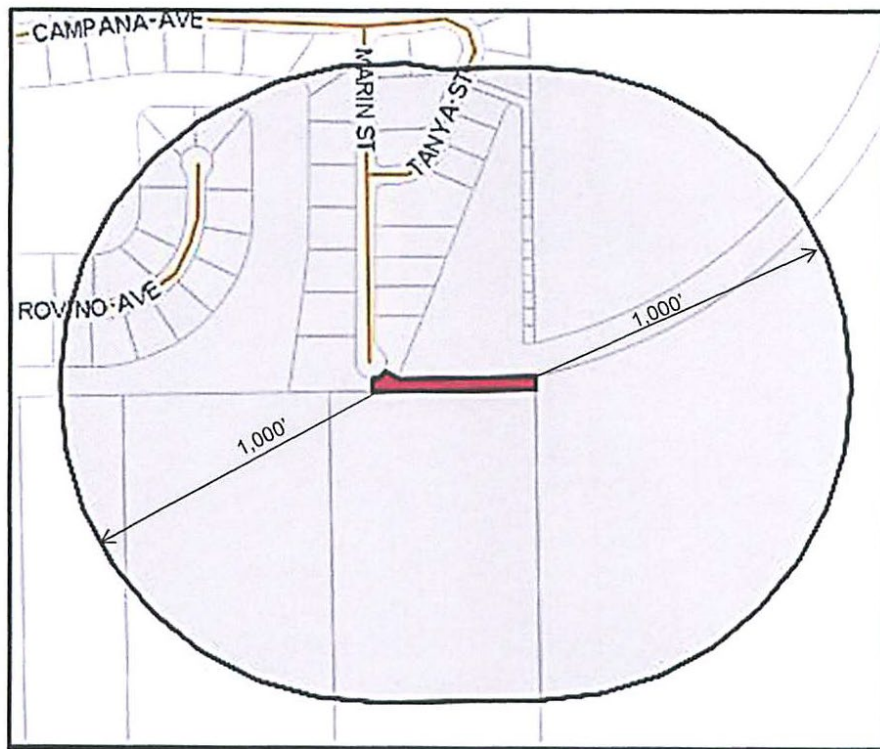
Ref. No.	CP Goal, Objective and Policy	Staff Review
	and surrounding districts, by regulating, limiting and determining the location, height, density, bulk and massing, access to light and air, area of yards, open space, vegetation and use of buildings, signs and other structures.	
19.	<b>Policy DES-1.1.6.</b> Maintain the character of the residential and nonresidential districts, and their peculiar suitability for particular uses.	Complies
20.	<b>Policy MOB-1.1.8.</b> Protect residential areas from parking impacts of nearby nonresidential uses and businesses and discourage parking facilities that intrude, impact and increase traffic into adjacent residential areas.	Complies
21.	<b>Policy MOB-2.7.1.</b> The City shall, via the review of development projects and city transportation improvement projects, conserve and protect the character and livability of all residential neighborhoods by preventing the intrusion of through vehicles on local and collector streets. The City shall discourage through traffic in neighborhoods and may incorporate traffic management and calming measures including, but not limited to, signage, landscape design, traffic calming devices and roadway design.	Complies
22.	<b>Policy MOB-2.8.1.</b> The City shall continue implementation and further strengthen the City’s existing land development regulations requiring the placement of landscaping within rights-of-way to complete the following: <ul style="list-style-type: none"> <li>•Promote expansion of the City’s existing tree canopy.</li> <li>•Provide screening of potentially objectionable uses.</li> <li>•Serve as visual and sound buffers.</li> <li>•Provide a comfortable environment for pedestrian walking (walkability) and other activities.</li> <li>•Improve the visual attractiveness of the urban and residential areas (neighborhoods).</li> </ul>	Complies
23.	<b>Goal NAT-1.</b> The City is an environmentally sustainable entity containing a healthy ecosystem in which natural resources are conserved, protected, maintained, enhanced, and restored.	Complies
24.	<b>Objective NAT-1.4.</b> The City shall conserve and protect the remaining natural systems of the City in recognition of the inherent values of these areas left in their natural state, through appropriate land use designations and implementation of protective development regulations.	Complies
25.	<b>Policy NAT-1.6.2.</b> Require site-plan review and approval of all proposed development and redevelopment to prevent unnecessary destruction or inappropriate use of existing natural resources and natural sites.	Complies
26.	<b>Policy NAT-1.6.3.</b> Continue to enforce landscaping standards that require the preservation of existing natural growth where practical, and the removal of invasive, exotic plant species.	Complies
27.	<b>Policy NAT-1.7.1.</b> Ensure the preservation of trees during development or redevelopment wherever possible, and consistent with the tree preservation ordinance and landscape ordinance. Where trees approved for removal as a last resort, require that they be replaced with quality trees of equal or greater canopy.	Complies
28.	<b>Goal NAT-2.</b> The City shall conserve, manage, use and protect natural and environmental resources and maintain and enhance the natural balance of ecological functions in the coastal area.	Complies

Staff’s Findings of Facts has determined that the Application is “consistent” with the Zoning Code via the establishment of a Site Specific Standards that was already codified into the Zoning Code. The existing provisions exceed comparable regulations in the Zoning Code that govern the use of similar boating facilities. The increase of one additional dock slip does not change the use and site layout of the previously approved Site Plan. Staff has also determined the Application is consistent with the Comprehensive Plan, more specifically, the Goals, Objectives and Policies identified above.

**5. PUBLIC NOTIFICATION**

The Zoning Code requires that a courtesy notification be provided to all property owners within 1,000 feet of the subject property. A total of 41 notices were mailed within 1000 ft of property as required by City of Coral Gables Zoning Code.

**Courtesy Notification Radius Map**



The following has been completed to solicit input and provide notice of the Applications:

**Public Notice**

Type	Date
Neighborhood meeting.	09.21.20, 10.05.20
Courtesy notification of all property owners within 1,000 feet of Subject site.	10.01.20, 10.31.20
Posting of property.	10.01.20, 10.31.20
Legal advertisement.	10. 30. 20
Posted agenda on City web page/City Hall.	11.06.20
Posted Staff report and the Application on City web page.	10.06.20

## 6. STAFF RECOMMENDATION

The Planning and Zoning Division based upon the complete Findings of Fact contained within this Report recommends **approval** of the proposed amendment to the Conditional Use Approval.

## 7. ATTACHMENTS

- A. Applicant's Plan Submittal Package.
- B. Legal notice and courtesy notice mailed to all property owners.
- C. Power Point presentation

Please visit the City's webpage at [www.coralgables.com](http://www.coralgables.com) to view all application materials. The complete Application is also on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134.

Respectfully submitted,



Ramon Trias, Ph.D., AIA, AICP, LEED AP  
Assistant Director of Development Services  
for Planning and Zoning  
City of Coral Gables, Florida