



**City of Coral Gables  
CITY COMMISSION MEETING  
December 14, 2010**

**E-1**

**ITEM TITLE:**

**Ordinance on Second Reading. Change of Land Use.** An Ordinance of the City Commission of Coral Gables, Florida amending the Future Land Use Map of the Coral Gables Comprehensive Plan pursuant to small scale amendment procedures subject to ss. 163.3187, Florida Statutes, from "Commercial Use, Mid-Rise Intensity" to "Commercial Use, High-Rise Intensity" for a 0.6 acre parcel legally described as Lots 1-10, Block 7, Crafts Section (246-296 Andalusia Avenue), Coral Gables, Florida; and providing for severability, repealer, codification and an effective date.

**DEPARTMENT HEAD RECOMMENDATION:**

The Planning Department recommends approval of the amendment to the Future Land Use Map of the Coral Gables Comprehensive Plan as referenced herein, subject to the property owner's proffered condition that any proposed future development of the property to construct a building taller than allowed under the City's regulations governing Commercial Use Mid-Rise Intensity including Mediterranean Bonuses: to wit: 70' + 27' equaling the maximum of 97' feet (excluding architectural elements), shall undergo the "Conditional Use" and "Site Plan" public hearing review process, regardless of the proposed use. The property owner, successors or assigns, shall submit an application to the City for "Conditional Use" review to the City pursuant Zoning Code Article 4., Division 4., Conditional Uses, as amended, and "Site Plan" review pursuant to Article 3, Development Review, as amended, as provided herein. The validation of this proffered condition shall be via a Restrictive Covenant subject to final review and approval by the City Attorney.

See Exhibit A – Ordinance.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board acting as the Local Planning Agency at their 10.13.10 meeting recommended unanimous approval (vote: 5-0) of the application.

**BRIEF HISTORY:**

At Second Reading on 11.09.10, the property owner supplemented his application by proffering the condition that any proposed future development of the property to construct a building taller than allowed under the City's regulations governing Commercial Use Mid-Rise Intensity including Mediterranean Bonuses, to wit: 70' + 27' equaling the maximum of 97' feet (excluding architectural elements), shall undergo the "Conditional Use" and "Site Plan" public hearing review process, regardless of the proposed use.

The City Commission deferred the proposed Change of Land Use at the Second Reading (vote: 5-0) to allow the City Attorney to research a means of validating the owners proffered condition. The City Attorney concluded that with the initiation and approval of a Restrictive Covenant specifying the property owners proffered condition, this shall be sufficient to allow the City Commission to evaluate the future use of the property and review the site plan for the subject property pursuant to the Zoning Code provisions. Specifically, Zoning Code Sections Article 3., Development Review for site plan review and

Article 3, Division 4., Conditional Uses.

Article 3., Division 4., Conditional Uses provides for City staff, Planning and Zoning Board and City Commission review, recommendation and approval and presentation of Findings of Fact that the conditional use complies with the Section 4-408., Standards for Review as follows:

- A. *The proposed conditional use is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan and furthers the purposes of these regulations and other City ordinances and actions designed to implement the Plan.*
- B. *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.*
- C. *The proposed conditional use does not conflict with the needs and character of the neighborhood and the City.*
- D. *The proposed conditional use will not adversely or unreasonably affect the use of other property in the area.*
- E. *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.*
- F. *The parcel proposed for development is adequate in size and shape to accommodate all development features.*
- G. *The nature of the proposed development is not detrimental to the health, safety and general welfare of the community.*
- H. *The design of the proposed driveways, circulation patterns and parking is well defined to promote vehicular and pedestrian circulation.*
- I. *The proposed conditional use 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.*

The validation of this proffered condition shall be via a Restrictive Covenant subject to final review and approval by the City Attorney. The proffered condition of approval has been included in Section 2 of the Ordinance and the property owners legal counsel has provided a Draft Restrictive Covenant as Exhibit D.

The following information is attached as supplemental information:

- B. Land Use Map
- C. 10.28.10 Sanford Rakofsky Letter – Proffered Condition of Approval.
- D. Draft Restrictive Covenant.
- E. Public comments.

**LEGISLATIVE ACTION:**

| Date:    | Resolution/Ordinance No. | Comments  |
|----------|--------------------------|---|
| 10.26.10 | Ordinance                | Approval on First Reading - Change of Land Use (vote: 4-1). |
| 11.09.10 | Ordinance                | Deferred on Second Reading –Change of Land use (vote: 5-0). |

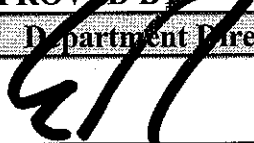


**OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):**

| Date     | Board/Committee                                 | Comments (if any)                          |
|----------|---|--|
| 10.13.10 | Local Planning Agency/Planning and Zoning Board | Approval - Change of Land Use (vote: 5-0). |

**PUBLIC NOTIFICATION(S):**

| Date     | Form of Notification   |
|----------|--|
| 09.24.10 | Courtesy notification mailed to property owners within 1,000 feet of the subject property.                                   |
| 09.29.10 | Posted property.   |
| 10.01.10 | Published Planning and Zoning Board Meeting Agenda in newspaper.   |
| 09.30.10 | Posted agenda on City web page/City Hall.  |
| 10.08.10 | Posted Staff report on City web page.  |
| 10.13.10 | Memo to City Clerk requesting advertisement of public hearing notification and Ordinance heading on First Reading.           |
| 10.22.10 | City Commission memo and all attachments posted on City web page.  |
| 10.27.10 | Memo to City Clerk requesting advertisement of public hearing notification and Ordinance heading on Second Reading.          |
| 10.27.10 | Memo to City Clerk requesting advertisement of public hearing notification and Ordinance heading with map on Second Reading. |
| 12.01.10 | Memo to City Clerk requesting advertisement of Ordinance headings with map per State Statutes.                               |
| 12.01.10 | Memo to City Clerk requesting advertisement of Ordinance headings on 2 <sup>nd</sup> Reading.                                |
| 12.10.10 | City Commission memo and all attachments posted on City web page.  |

**APPROVED BY:**

| Department Director  | City Attorney (If Applicable)  | City Manager   |
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**EXHIBIT(S):**

- A. Ordinance - Change of Land Use.
- B. Land Use Map.
- C. 10.28.10 Sanford Rakofsky Letter – Proffered Condition of Approval.
- D. Draft Restrictive Covenant.
- E. Public comments.