



City of Coral Gables Planning and Zoning Staff Report

Property: Arcana Subdivision
5400 and 5401 Banyan Trail

Applicant: Jose Jimenez

Application: Right-of-Way Vacation and Tentative Plat

Public Hearing: Planning and Zoning Board / Local Planning Agency

Date & Time: **April 4, 2023; 6:00 – 9:00 p.m.**

Location: City Commission Chambers, City Hall,
 405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

Application request is to review a vacation of a public right-of-way and a tentative plat for a single-family residential/vacant residential property referred to as "Arcana Subdivision," Coral Gables, Florida.

1. *An Ordinance of the City Commission of Coral Gables, Florida, approving the vacation of a public right-of-way pursuant to Zoning Code Article 14, "Process," Section 14-211, "Abandonment and Vacations" and City Code Chapter 62, Article 8, "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process," providing for the vacation of the 8,441 (eight thousand four hundred forty one) square feet of public right-of-way and dedication of 1,748 (one thousand seven hundred forty eight) square feet between Lot 4 (5401 Banyan Trail) and Lot 5 (5400 Banyan Trail) in Palm Vista, Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE).*

2. *A Resolution of the City Commission of Coral Gables, Florida approving the Tentative Plat entitled "Arcana Subdivision" pursuant to Zoning Code Article 14, "Process," Section 14-210, "Platting/Subdivision," being a re-plat consisting of two existing lots which total 97,377 (ninety seven thousand three hundred seventy seven) square feet (2.24 acres) into a modified two lots on the property legally described as Lots 4 and 5, Palm Vista, together with that portion of the vacated 50-foot platted right-of-way lying between Lots 4 and 5, and dedication of 1,748 (one thousand seven hundred forty eight) square feet between (5400 and 5401 Banyan Trail), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*

The requests require three public hearings, including review and recommendation by the Planning and Zoning Board, and 1st and 2nd Reading before the City Commission.

2. APPLICATION SUMMARY

The applications have been submitted by Mr. Jose Jimenez on behalf of Mr. and Mrs. Barlick (hereinafter noted as "Applicant") to the City of Coral Gables to review a public right-of-way vacation and tentative plat referred to as "Arcana Subdivision." The application package submitted by the Applicant is provided as Attachment A.

The subject property consists of two lots, 5400 and 5401 Banyan Trail, and are platted pursuant to the 1949 Palm Vista Plat. The land was annexed into the City with Hammock Lakes on July 31st, 1996. It is located at the cul-de-sac of Banyan Trail with vacant government land to the north and single-family residential homes to the east, south, and west. The two lots are zoned as Single-Family Residential. Lot 5 (5400 Banyan Trail) is +/- 1.05 acres (45,738 square feet) and has an existing two-story single home, with a garage and pool, that was built in 2000. Lot 4 (5401 Banyan Trail) is +/- 1.05 acres (45,738 square feet) and is currently vacant. The 50-foot right-of-way that sits between the two lots and the platted 40-foot radius cul-de-sac does not have enough turnaround space for an emergency vehicle to pass through. In addition, the current right-of-way would result in the loss of specimen trees.

The first request seeks to approve the vacation of the east end of the Banyan Trail right-of-way. The Applicant is proposing to vacate the existing 8,441 square foot right-of-way and dedicate a 1,748 square foot alternative access between Lot 5 and Lot 4. The purpose of this vacation is for tree preservation and to allow for safe vehicular traffic circulation at the eastern end of Banyan Trail.

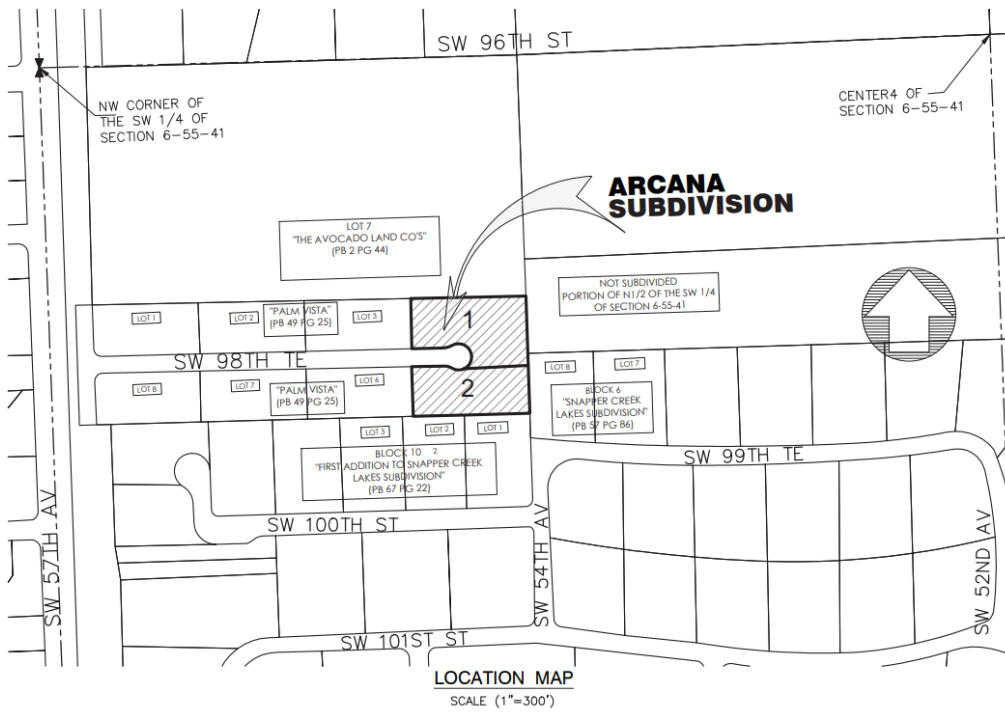
The second request proposes to replat Lot 5 and Lot 4. The replat will decrease Lot 5 by 1,318 square feet to become 44,420 square feet ("Proposed Lot 2") and increase Lot 4 by 7,219 square feet to become 52,957 square feet ("Proposed Lot 1"). The proposed tentative plat conforms to the City's Zoning Code Section A-74-1 – Palm Vista, Appendix A. The purpose of the replat is to maximize the use of the subject property and to continue the development pattern of the other properties in the block.

Background

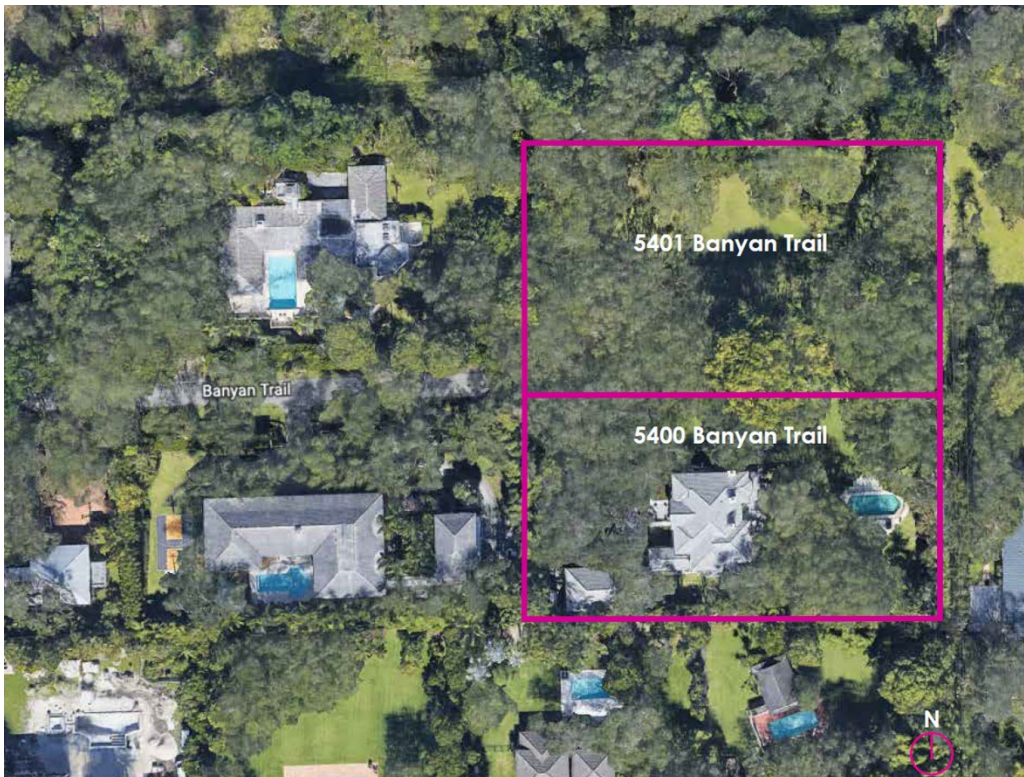
The Application was reviewed by the Development Review Committee on Friday, January 27th, 2023, with a cul-de-sac design. However, the proposed tree relocation with a cul-de-sac design was determined infeasible, and therefore Staff requested the Applicant to propose a new T-turnaround design and meet the standards of Miami-Dade County.

Since the meeting was held, the Applicant has revised the turn-around and proposes a new design that meets the design, drainage, and green area standards of the City of Coral Gables and Miami-Dade County. The proposed T-turnaround design and new driveway will not require the removal or relocation of any trees on site.

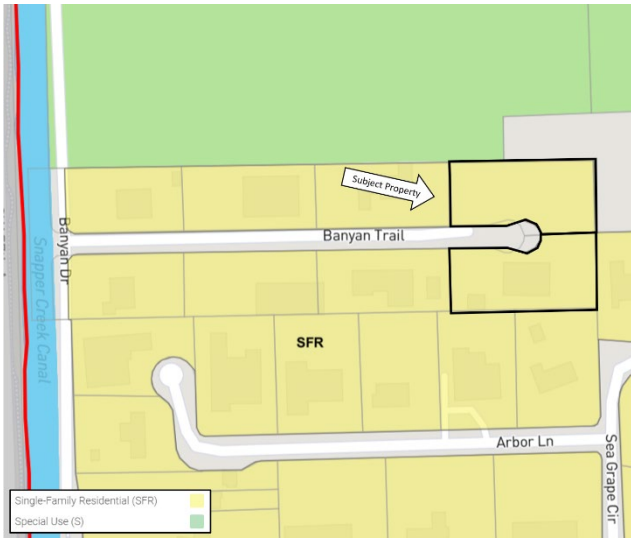
Lot, Subdivision, and Plat Map



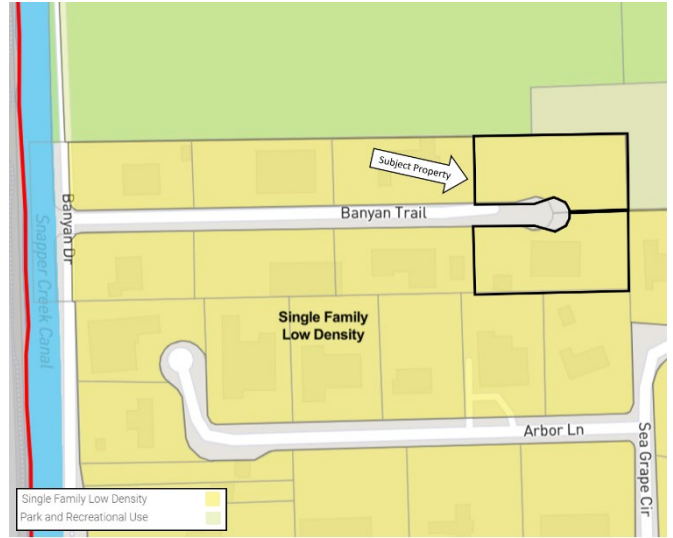
Aerial Map



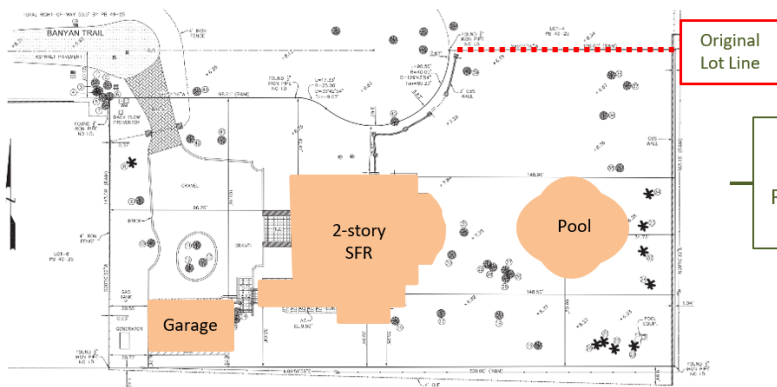
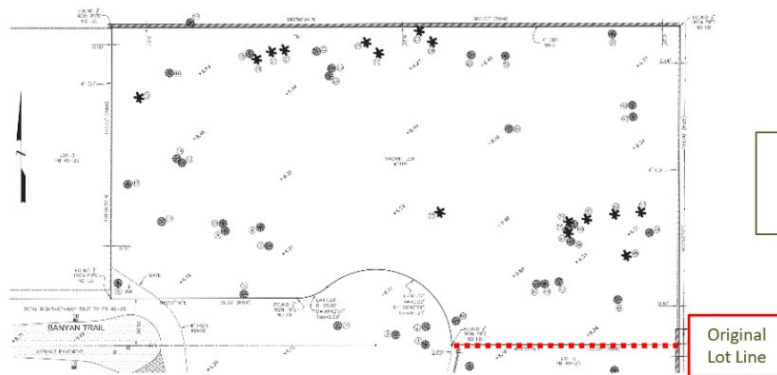
Zoning Map



Future Land Use Map



Existing Conditions

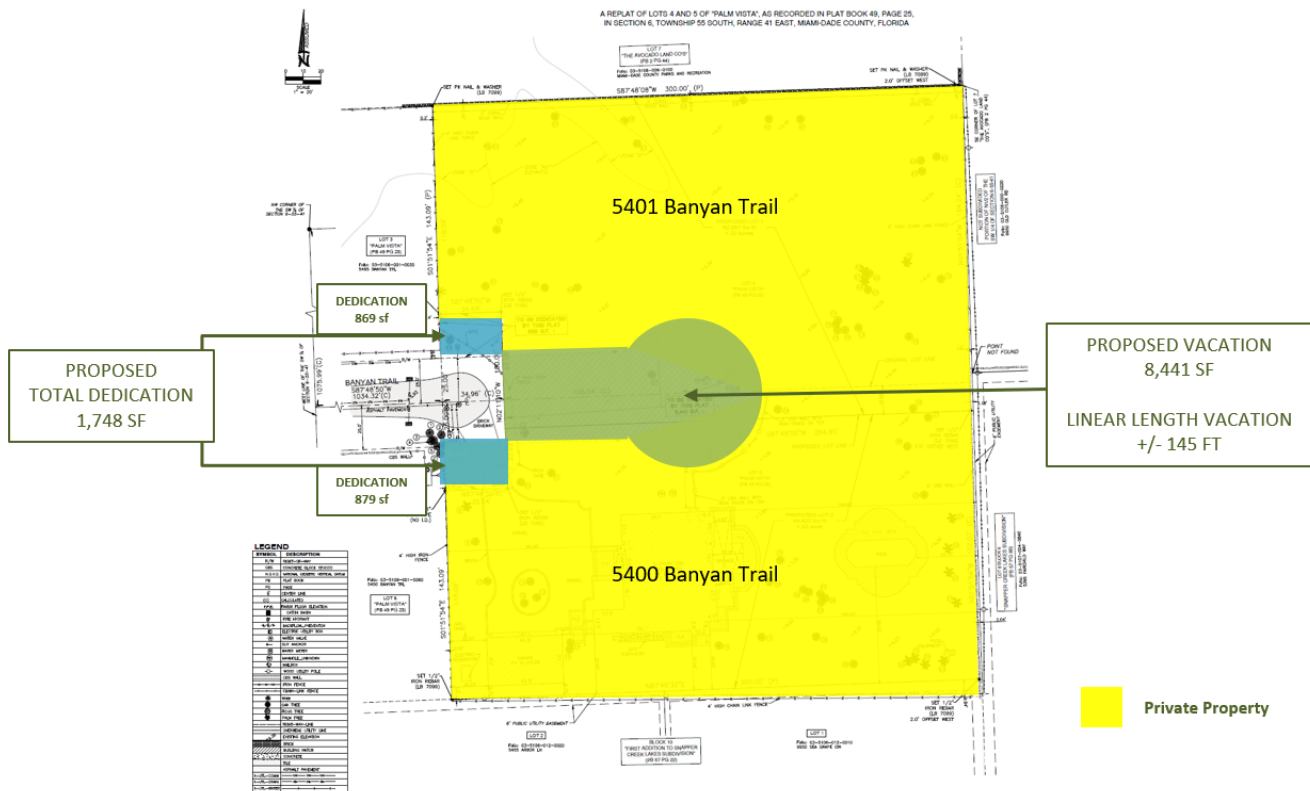


3. FINDINGS OF FACT

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

Vacation of a Public Right-of-Way

The Applicant is proposing to vacate the existing public right-of-way that bisects the subject property. In order to preserve the existing trees on-site and within the current right-of-way, a T-turnaround design is proposed to allow the fire trucks and rescue to be able to turnaround.



City Code Chapter 62, Article VIII, “Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Form” requires that the Public Works Department shall review all applications for the vacation of a public right-of-way in accordance with criteria set forth in City Code Sections 62-325.

Zoning Code, Article 14, ‘Process’, Section 14-211.3., “Standards for review” provides the standards for review for the proposed vacations, abandonment or closure of public streets and alleyways.

The standards provided in Zoning Code Section 14-211.3, “Standards for review” and the response to each standard is as follows:

“Applications for abandonment and vacation of city streets, alleys, special purpose easements and other non-fee interests which the City may have in real property may be approved provided that it is demonstrated that:”

STANDARD FOR REVIEW	STAFF FINDING
<p>The non-fee property interest sought to be abandoned does not provide a benefit to the public health, safety, welfare, or convenience, in that it is not being used by the City for any of its intended purposes.</p>	<p>The existing public right-of-way is not being used by the City for any of its intended purposes. The construction of the current platted right-of-way and cul-de-sac were not fully completed. The asphalt pavement was not poured in accordance to its initial plan. Additionally, the owners of the subject property fenced in the unfinished portion of the cul-de-sac. Therefore, the existing right-of-way is not fully accessible to the 6 other residences on Banyan Trail since it appears as a dead-end street.</p>
<p>The Comprehensive Plan, special purpose plan, or capital improvement program does not anticipate its use.</p>	<p>There is no plan or program that anticipates the use of the right-of-way.</p>
<p>Provides some benefit to the public health, safety, welfare, or convenience, but the overall benefit anticipated to result from the abandonment outweighs the specific benefit derived from the non-fee property interest, in that the vacation or abandonment will not frustrate any comprehensive plan, special purpose plan, or capital improvement program of the City.</p>	<p>The right-of-way will be replaced with an alternative turnaround, dedicating 1,748 square feet, which will improve vehicular movement and safety. The existing conditions of the platted right-of-way and cul-de-sac do not allow space for fire trucks and rescue vehicles to turnaround at the street in emergency circumstances. The inability for these vehicles to easily turn threatens the health and safety of residents living in the single-family homes on Banyan Trail who may need emergency medical transportation to hospitals or who may need emergency rescue from a fire. Therefore, the proposed vacation and alternative access dedication will provide benefit to the public health, safety, and convenience.</p> <p>The proposed T-turnaround also does not require the relocation or removal of trees on-site. The new design is favorable since it will preserve the mature specimen trees at the subject property.</p>
<p>The vacation or abandonment will not interfere with any planning effort of the City that is underway at the time of the application but is not yet completed.</p>	<p>The vacation of the public right-of-way will not interfere with any planning effort of the City that is presently underway but not yet completed.</p>

STANDARD FOR REVIEW	STAFF FINDING
<p>The vacation or abandonment will provide a material public benefit in terms of promoting the desired development and improves the City’s long-term fiscal condition and the Applicants provide beneficial mitigation in the form of a proffered mitigation plan which mitigates the loss of real property, the increase in the intensity of use and/or impacts on the public health, safety and welfare including increased parking and traffic.</p>	<p>The requested right-of-way vacation will provide a material public benefit to the City by improving fire safety and vehicle maneuverability. The proposed T-turnaround design will accommodate fire trucks and rescue vehicles from accessing the subject property and 6 other residential properties along Banyan Trail in the event of a medical or fire emergency, as elucidated above. Additionally, the proposed T-turnaround design will require less pavement. Therefore, the new design will benefit the public’s health, safety, and welfare.</p> <p>The proposed T-turnaround design, which shortens the current cul-de-sac, also provides the material benefit of protecting mature specimen trees on the site. Trees reduce air pollution, limit carbon, and minimize erosion, as well as maintain healthy soil and absorb sunlight. The preservation of trees also contributes to the aesthetics and beauty of the single-family residential zoning district and protects the neighborhood from nuisances, such as noise, light, and odor.</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 to vacate the existing public right-of-way and the determination of consistency:

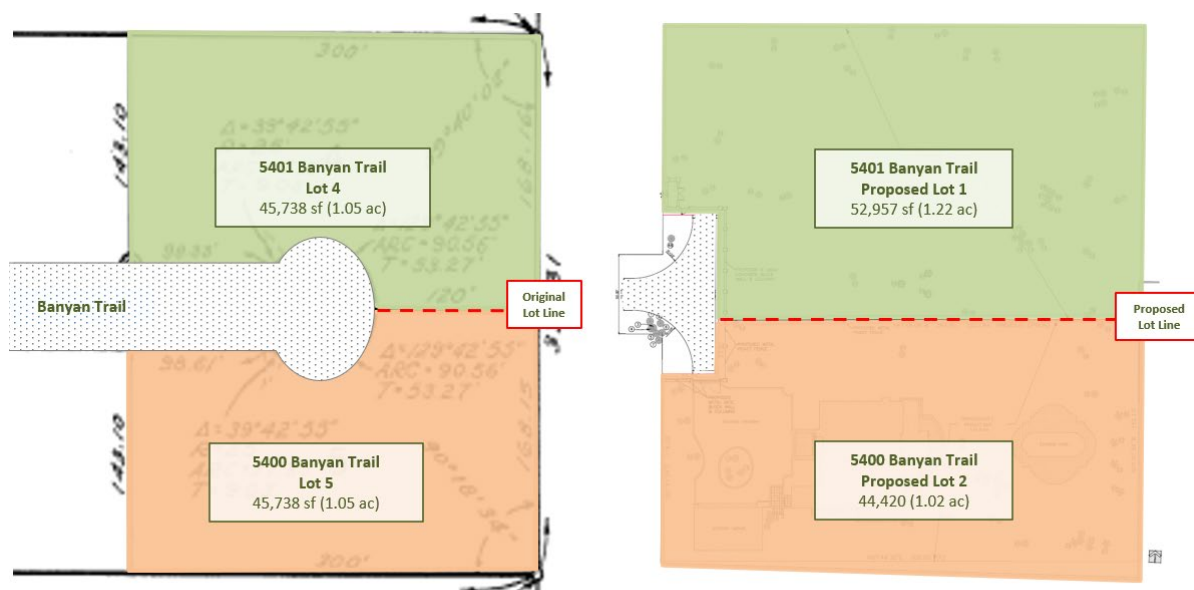
REF. NO.	COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF REVIEW
1.	Objective NAT-1.7. The City shall conserve, appropriately use, and protect minerals, soils and native vegetative communities. Assure the maintenance and conservation of trees within the City through continued maintenance of trees on all properties and the site plan development review process.	Complies
2.	Policy NAT-1.7.1. 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
3.	Objective FLU-1.2. Efforts shall continue to be made to control blighting influences, and redevelopment shall continue to be encouraged in areas experiencing deterioration.	Complies
4.	Policy FLU-1.3.2. 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.	Complies

Staff Comments: The above evaluation indicates that this Application for the vacation of the public right-of-way between Lots 4 and 5 is “consistent” with the CP’s goals, objectives, and policies as determined by Staff. Per Policy NAT-1.7.1., the City intends to “Ensure the preservation of trees during development or redevelopment wherever possible, and consistent with the tree preservation ordinance and landscape ordinance.” The proposed T-turnaround design preserves the existing mature trees on the subject property and within the right-of-way. Per Objective FLU-1.2. and Policy FLU-1.3.2., the City aims to “control blighting influences” and “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 proposed T-turnaround design and preservation of the trees on site protects the surrounding residences from the nuisances listed. Additionally, tree preservation maintains the neighborhood’s aesthetic beauty due to their endless variety of forms, textures, shapes, and color. Environmentally, the continuous growth of trees produce oxygen and reduce stormwater runoff.

B. Tentative Replat

The Applicant is proposing a re-plat of the private properties to reflect the vacated right-of-way and donation of private property that shortens the platted length of Banyan Trail and creates a T-turnaround. The proposed tentative plat retains two single-family lots, but enlarges the existing Lot 4 by 7,219 square feet– which is currently vacant – and decreases the existing Lot 5 by 1,318 square feet.

The procedure for reviewing and recommending a tentative plat is contained in Sections 14-210.1 through 14-210.4 of the Zoning Code. The Planning and Zoning Board provides a recommendation on tentative plats to the City Commission. The final plat is prepared from the tentative plat, with a final review and approval in resolution form by the City Commission. Administrative review and approval of the final plat by the Miami-Dade County Subdivision Department is required prior to the City Commission hearing. The tentative plat is provided in the submitted Application (See Attachment A).



Current (Palm Vista)

Proposed (Arcana Subdivision)

City Staff Review

This tentative plat was submitted for review to the Development Review Committee (DRC) and distributed to City Departments as required in Zoning Code Section 14-210.2. The Zoning Code requires review and comments be provided by the Public Works Department, which have been sent to the Applicants. Further review is required by the Public Works Department and Miami-Dade County prior to final plat consideration by the City Commission.

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

This section provides those Comprehensive Plan Goals, Objectives, and Policies applicable to the proposed re-plat and the determination of consistency:

REF. NO.	COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF REVIEW
1.	Goal FLU-1. 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.	Complies
3.	Policy FLU-1.11.1. Maintain and enforce effective development and maintenance regulations through site plan review, code enforcement, and design review boards and committees.	Complies
4.	Objective FLU-1.14. The City shall enforce Zoning Code provisions which continue to preserve and improve the character of neighborhoods.	
5.	Goal DES-1. Maintain the City as a livable city, attractive in its setting and dynamic in its urban character.	Complies
6.	Objective DES-1.1. 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

Staff Comments: The above evaluation indicates that this Application for the Subdivision Review for a tentative plat is “consistent” with the CP’s goals, objectives, and policies as determined by Staff. Per Policy FLU-1.1.1. the City aspires to “maintain and enforce effective development and maintenance regulations through site plan review, code enforcement, and design review boards and committees...” Throughout the development review process, City Departments assisted the applicant in choosing the best design approach to meet the standards of the City and County. The proposed vacation provides emergency vehicles safe and efficient access to maneuver the public right-of-way in case of emergencies. In Objective FLU-1.14. “The City shall enforce Zoning Code provisions which continue to preserve and improve the character of neighborhoods.” The proposed T-plat design does not impact the residences nor the environmental context of the area. For instance, the T-plat will allow space for the development of another single-family home on Lot 4, which is consistent with the surrounding single-family residential neighborhood. The T-plat also does not require the relocation or removal of any trees on site, which preserves and improves the character of the neighborhood. Lastly, per Objective Des-1.1., the City aspires

to “preserve and promote high quality, creative design and site planning...” This proposed T-plat is effectively designed to safely and efficiently guide emergency vehicles from smoothly entering and leaving the properties along Banyan Trail during emergency events.

4. REVIEW TIMELINE AND PUBLIC NOTIFICATION AND COMMENTS

City Review Timeline

The submitted applications have undergone the following City reviews:

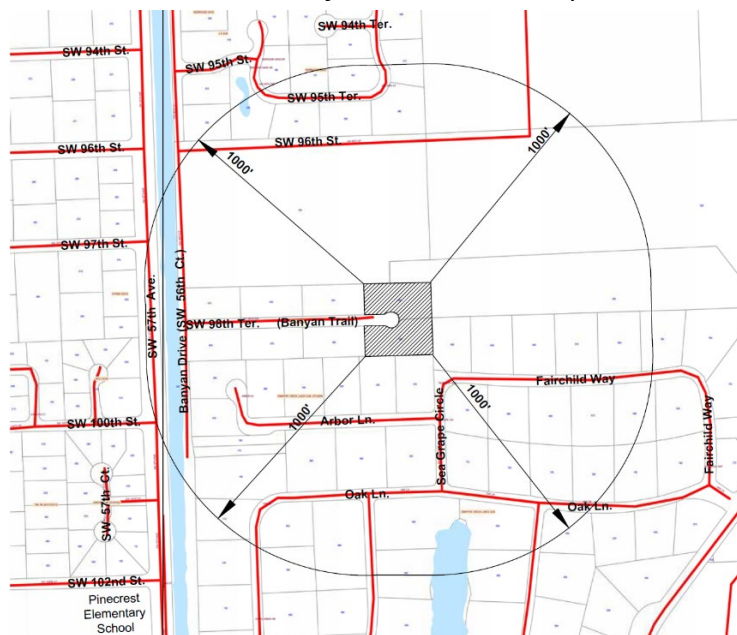
TYPE OF REVIEW	DATE
Development Review Committee	01.27.23
Planning & Zoning Board	04.04.23
City Commission (1 st Reading)	TBD
City Commission (2 nd Reading)	TBD

Public Notification and Comments

The Applicants held the mandatory neighborhood meeting on February 13, 2023 with notification to all property owners within 1,000 feet of the property.

The Zoning Code requires that a mailed notification be provided to all property owners within 1000 feet of the property. The notification was sent on March 21, 2023. The notice indicates the following: applications filed; public hearing dates/time/location; where the application files can be reviewed and provides for an opportunity to submit comments. Fifty-seven (57) notices were mailed. A copy of the legal advertisement and courtesy mailed notice are provided as Attachment B. A map of the notice radius is provided below.

Mailed Notification Radius Map



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

Public Notice

TYPE	DATE
Applicants neighborhood meeting	02.13.23
Sign posting of property for April PZB	03.22.23
Mailed Notification	03.22.23
Legal advertisement for April PZB	03.25.23
Posted Staff report on City web page for April PZB	03.31.23
Mailed notification for April PZB	03.21.23

5. STAFF RECOMMENDATION

The Planning Division based upon the complete Findings of Fact contained within this Report recommends **approval, with conditions** of the following subject to all of the conditions of approval as specified herein.

Summary of the Basis for Approval

Staff’s support and recommendation of approval of the Right-of-Way vacation and Tentative Plat is subject to all recommended conditions of approval. As enumerated in the Findings of Fact contained herein, Planning Staff finds the Application is in compliance with the CP Goals, Objectives and Policies, Zoning Code and the City Codes subject to all of the following listed conditions of approval.

Conditions of Approval

In furtherance of the Comprehensive Plan’s Goals, Objectives, and Policies, Zoning Code Article 14, “Process,” Section 14-211, “Abandonment and Vacations” and all other applicable Zoning Code and City Code provisions, the recommendation for approval of the Application is subject to all of the following conditions of approval:

1. That the Applicant shall relocate the public utilities, including the fire hydrant, and any communication infrastructure (e.g. Comcast) prior to the Final Plat approval by the City Commission;
2. That the Applicant shall relocate the backflow preventer into private property prior to the Final Plat approval by the City Commission; and
3. That the costs of removal or relocation of any and all utilities, including storm and sanitary sewers, installation of any required drainage facilities, removal of curbs or abandoned concrete approach and sidewalks and the paving and construction of the substitute alley described hereinabove shall be borne by the Applicant.

6. ATTACHMENTS

- A. Applicants' submittal package.
- B. Public Works Memo.
- C. Notice mailed to all property owners within 1,000 feet and legal ad.
- D. PowerPoint Presentation.

Please visit the City's webpage at www.coralgables.com to view all Application materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is 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,

Jennifer Garcia, AICP, CNU-A
City Planner
City of Coral Gables, Florida