

City of Coral Gables
Planning Department Staff Report

To: Honorable Planning and Zoning Board Members

From: Planning Department

Date: October 8, 2008

Subject: **Proposed Zoning Code Text Amendment pursuant to a Proposed Settlement Agreement with Fernando Menoyo and Almeria Row, LLC, represented by Tew Cardenas, LLP**

Zoning Code Text Amendment – Appendix A, Site Specific Zoning Regulations. An Ordinance of the City of Coral Gables amending the text of the Official Zoning Code, Appendix A, Site Specific Zoning Regulations providing for changes to the allowable townhouse building height for specific properties from 35 to 45 feet pursuant to a City of Coral Gables City Commission Settlement Agreement; providing for repeal, providing severability, providing for codification thereof, and providing for an effective date.

Request

This item comes to the Planning and Zoning Board at the request of the property owners, Fernando Menoyo and Almeria Row, LLC, represented by Tew Cardenas, LLP, who on January 8, 2008 filed a claim for compensation for \$8,135,000.00 dollars with the City of Coral Gables pursuant to the Bert J. Harris Private Property Rights Protection Act Claim (see Attachment A).

The Fernando Menoyo Claim relates to the following properties (property references extracted from January 8, 2008 letter and not verified by City Staff -see Attachment A):

Group I: 744 Biltmore Way, Folio No.: 03-4117-008-1570
2509 Anderson Road, Folio No.: 03-4117-008-1580
745 Valencia Avenue, Folio No.: 03-4117-008-1870

Group II: 635 Almeria Avenue, Folio No. 03-4117-056-0070
643 Almeria Avenue, Folio No. 03-4117-056-0060

Group III: 2605 Anderson Road, Folio No. 03-4117-008-1890
2611 Anderson Road, Folio No. 03-4117-008-1970

Group IV: 731 Almeria Avenue, Folio No. 03-4117-008-1931
735 Almeria Avenue, Folio No. 03-4117-008-1940
743 Almeria Avenue, Folio No. 03-4117-008-1950
2615 Anderson Road, Folio No. 03-4117-008-1960

Group V: 760 Valencia Avenue, Folio No. 03-4117-008-1880

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The property owners' representatives, Tew Cardenas, LLP, have requested a Settlement Agreement. The representatives are requesting an amendment to the Site Specific Standards of the Zoning Code (see Attachment B). The representative's background materials are provided in Attachment C.

City Commission Action

The City Attorney advised the City Commission of the desired Settlement Agreement at the September 28, 2008 City Commission meeting (see Attachment D). The City Commission requested the item be scheduled for Planning and Zoning Board consideration, therefore, the Planning Department advertised the item for the October 8, 2008 Board meeting.

Planning and Zoning Board Meeting

The City Attorneys Office and City Staff have advised the property owners' representatives that they must present their proposal to the Planning and Zoning Board.

City Staff has not completed its analysis and final findings of the proposal.

The City Attorney and City Staff request the Board to provide input to the property owners' representatives' on the proposal and that the Board continue the agenda item until such time City Staff can complete its analysis and present its findings.

Respectfully submitted,

Eric Riel, Jr.
Planning Director

Attachments:

- A. 01.08.08 Fernando Menoyo Claim Letter
- B. 09.25.08 Fernando Menoyo Response Letter
- C. Fernando Menoyo request for amendment to the Zoning Code Site Specific standards
- D. 09.22.08 City Attorney's Office memorandum to the City Commission