



City of Coral Gables Planning Department Staff Recommendation

Applicant:	City of Coral Gables
Applications:	Change in Land Use, Rezoning and Zoning Code Text Amendments
Property:	285 Aragon Avenue (Coral Gables Museum)
City Public Hearing Dates/Times	Planning and Zoning Board October 19, 2011, 6:00 – 9:00 p.m. City Commission, November 8, 2011, 9:00 a.m.
Location	City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida, 33134

Application Request.

The City of Coral Gables is requesting review and consideration of the following:

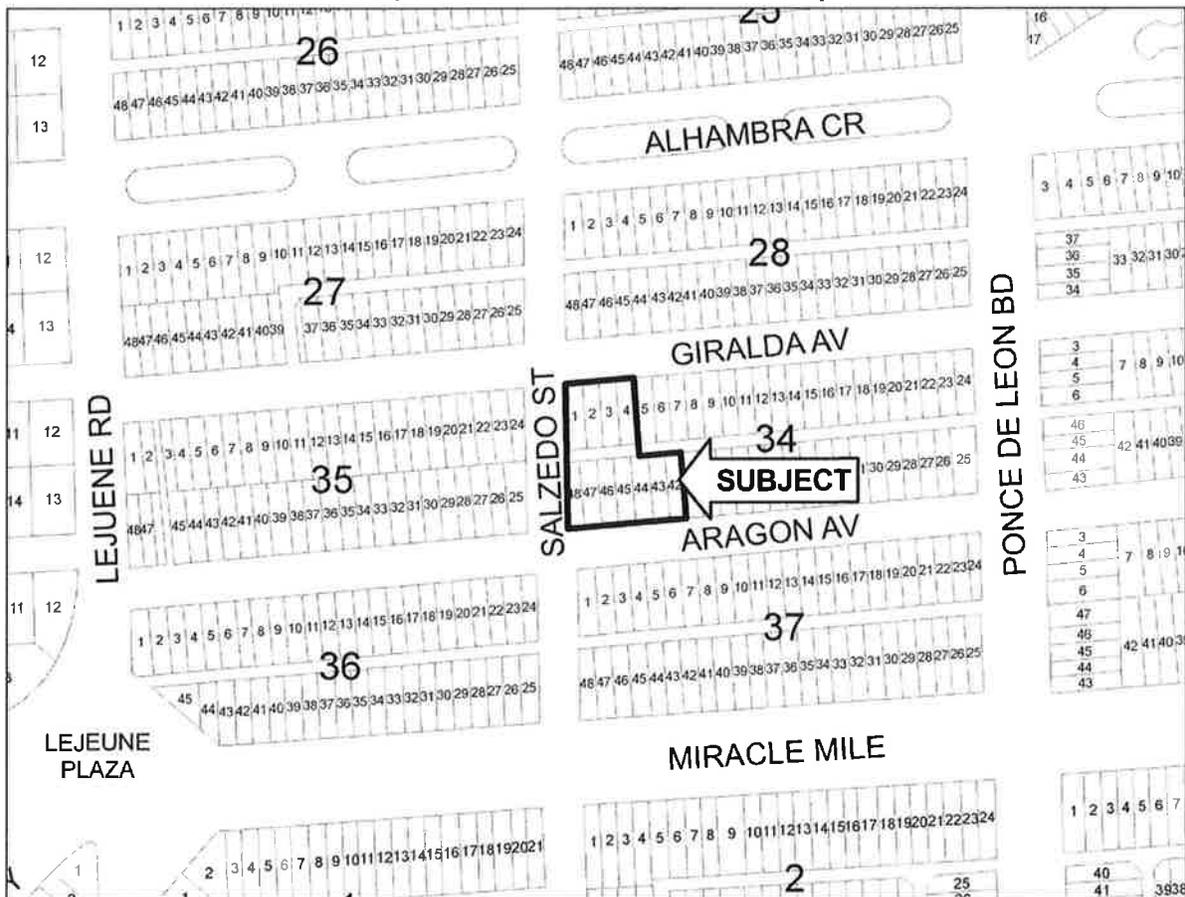
1. An Ordinance of the City Commission of Coral Gables, Florida amending the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Small Scale Amendment procedures subject to ss. 163.3187 as amended, Florida Statutes, from “Public Buildings and Grounds” to “Commercial, Low-Rise Intensity” on Lots 1-4 and north half of vacated alleyway and “Commercial, Mid-Rise Intensity ” on lots 42-48 and south half of vacated alleyway for the property commonly known as the Coral Gables Museum, legally described as Lots 1-4 and 42-48 and portion of vacated alleyway, Block 34, Section “K” (285 Aragon Avenue), Coral Gables, Florida; and providing for severability, repealer, codification, and an effective date (LPA review).
2. An Ordinance of the City Commission of Coral Gables, Florida amending the City of Coral Gables Official Zoning Map providing for a Change of Zoning from Special Use (S) District to Commercial District (C) for the property legally described as Lots 1-4 and 42-48 and portion of vacated alleyway, Block 34, Section “K” (285 Aragon Avenue), Coral Gables, Florida; and providing for severability, repealer, codification, and an effective date (PZB review).
3. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code, Article 4, “Zoning Districts”, adding “Museum” as a permitted use in Commercial District (C) and Industrial District (I) and as a conditional use in Commercial Limited (CL) District and Special Use (S) District, and Article 8, “Definitions”, creating a definition for “Museum”, and providing for severability, repealer, codification, and an effective date (PZB review).

1. Summary of Applications.

As a part of the comprehensive rewrite of the City's Comprehensive Plan in 2010, various publicly held properties throughout the City underwent a Change in Land Use or Change in Zoning to ensure all properties had consistent land use and zoning designations. This is a requirement of the Comprehensive Plan and State of Florida Growth Management legislation. At that time, 285 Aragon Avenue (Coral Gables Museum), which is owned by the City was changed from "Commercial, Low-Rise Intensity" on Lots 1-4 and north half of vacated alley and "Commercial, Mid-Rise Intensity" on Lots 42-48 and south half of vacated alleyway to "Public Building and Grounds" land use designation. The zoning was changed from Commercial Limited (CL) to Special Use (S) zoning designation. This change resulted in the elimination of the ability to transfer of development rights from the historic property to other properties within the Central Business District. This Change in Land Use and Zoning request restores that ability to have available TDRs. No exterior building additions or modifications are requested to the Coral Gables Museum as a result of these applications.

The subject property is legally described as Lots 1-4 and 42-48 and portion of vacated alleyway, Block 34, Section "K" (285 Aragon Avenue), Coral Gables, Florida, as shown in the following location map:

Lot, Block and Section Location Map



2. City Review.

Planning and Zoning Board Recommendation

Pursuant to the City Charter, and subject to Zoning Code Article 2, "Decision Making and Administrative Bodies", Division 2, "Planning and Zoning Board", Section 2-201., "Powers and Duties", the Planning and Zoning Board is created to act as the Local Planning Agency (LPA) of the City. As the LPA, the Board is charged with the review and recommendation on proposed Change in Land Use applications. The Board's recommendation is forwarded by City Staff for consideration by the City Commission at public hearings.

The Board also reviews and recommends on applications for Change of Zoning and amendments to the text of the City of Coral Gables Zoning Code. The Board's recommendation can be one of the following: approval; approval subject to specified conditions; denial; or continuance with request for additional information/further study. Ultimately the Board's recommendation is forwarded to the City Commission.

City Staff evaluates all applications and provides its recommendation to both Planning and Zoning Board and City Commission based upon conformance and/or consistency with the following Official City documents: Comprehensive Plan, Zoning Code, City Code, and other applicable local, County and State agency requirements (i.e., Florida Statutes, etc.).

City Commission Decision

The City Commission reviews the Applications, the recommendations of staff and the Planning and Zoning Board, and conducts a quasi-judicial public hearing and may grant the approval, grant the approval subject to specified conditions or deny the applications.

The City Commission considers the applications at two (2) separate public hearings (1st and 2nd Reading). If the City Commission recommends approval at 2nd and Final Reading, a letter is forwarded to the State of Florida Department of Economic Opportunity (DEO), Division of Community Development advising of the "Small Scale" amendment pursuant to F.S. Chapter 163.3187. Recent amendments to the Florida Statutes provide that small scale amendments do not require State review and local governments are "invited" to transmit a copy to the DEO.

3. Site Information.

Site Data and Surrounding Uses

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

Existing Property Designations

Comprehensive Plan Map designation	"Public Buildings and Grounds"
Zoning Map designation	Special Use District (S)
Within Central Business District	Yes
Within Coral Gables Redevelopment Infill District (GRID) (Traffic Concurrency Exemption Area)	Yes

Surrounding Land Uses

Location	Existing Land Uses	CP Designations	Zoning Designations
North	Parking lot	"Commercial, Low-Rise Intensity"	"C", Commercial
South	2-story commercial building	"Commercial, Mid-Rise Intensity"	"C", Commercial
East	8-story mixed-use building	"Commercial, Mid and Low-Rise Intensities"	"C", Commercial
West	Two 1-story commercial buildings	"Commercial, Mid-Rise Intensity"	"C", Commercial

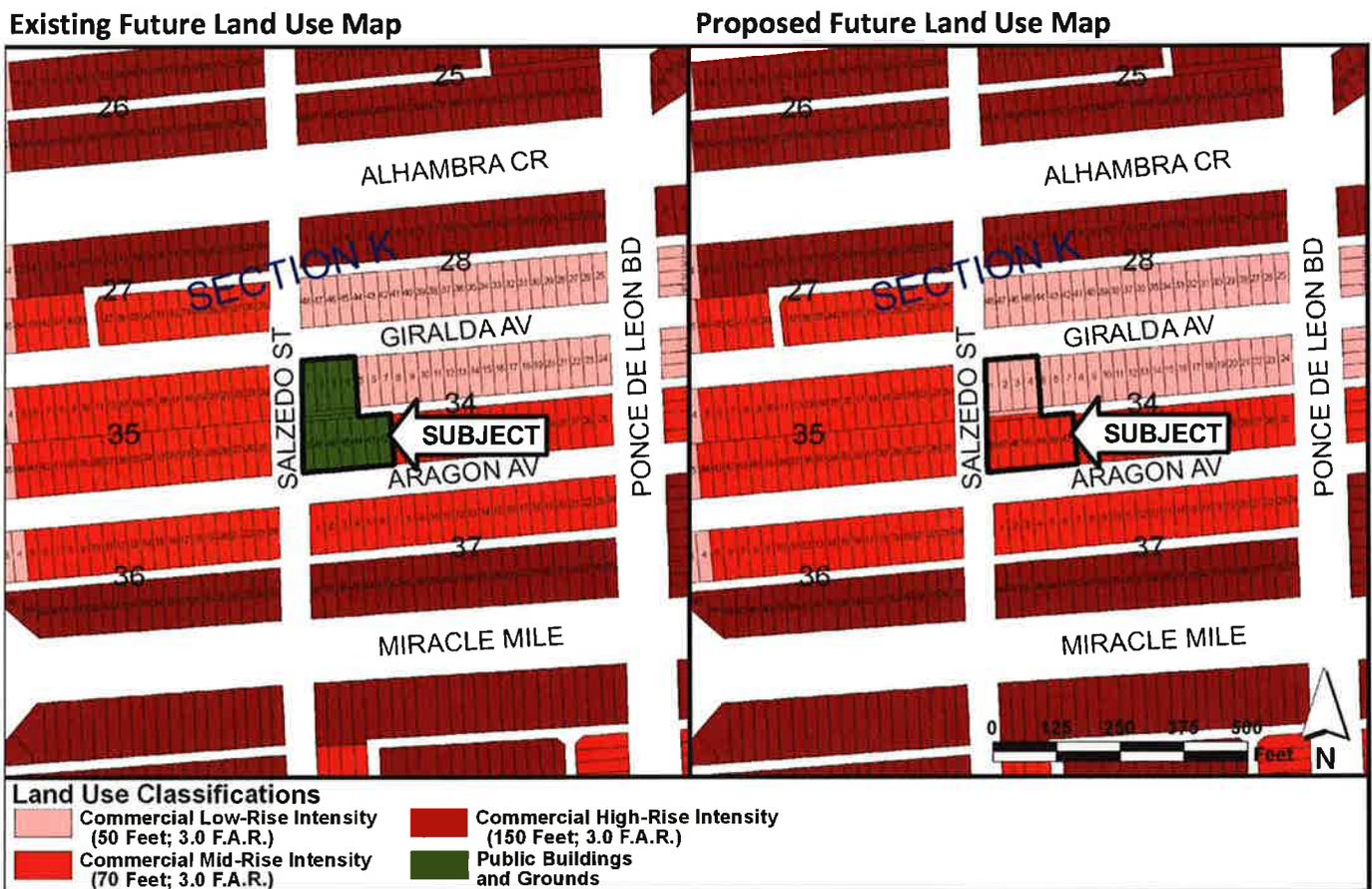
Aerial



4. Proposed Land Use, Zoning and Text Amendments.

Proposal – Change in Land Use and Zoning

The map amendments requested propose to change the City’s Future Land Use Map designation from “Public Buildings and Grounds” to “Commercial Use, Low-Rise Intensity” and “Commercial Use, Mid-Rise Intensity”, and rezoning of the City’s Zoning Map from Special Use (S) District to Commercial District (C) for the Coral Gables Museum. The Change of Land Use would reflect the property’s previous commercial land use and zoning designations. A comparison of the existing Land Use Map and Zoning Map designation is provided on the following mapping:

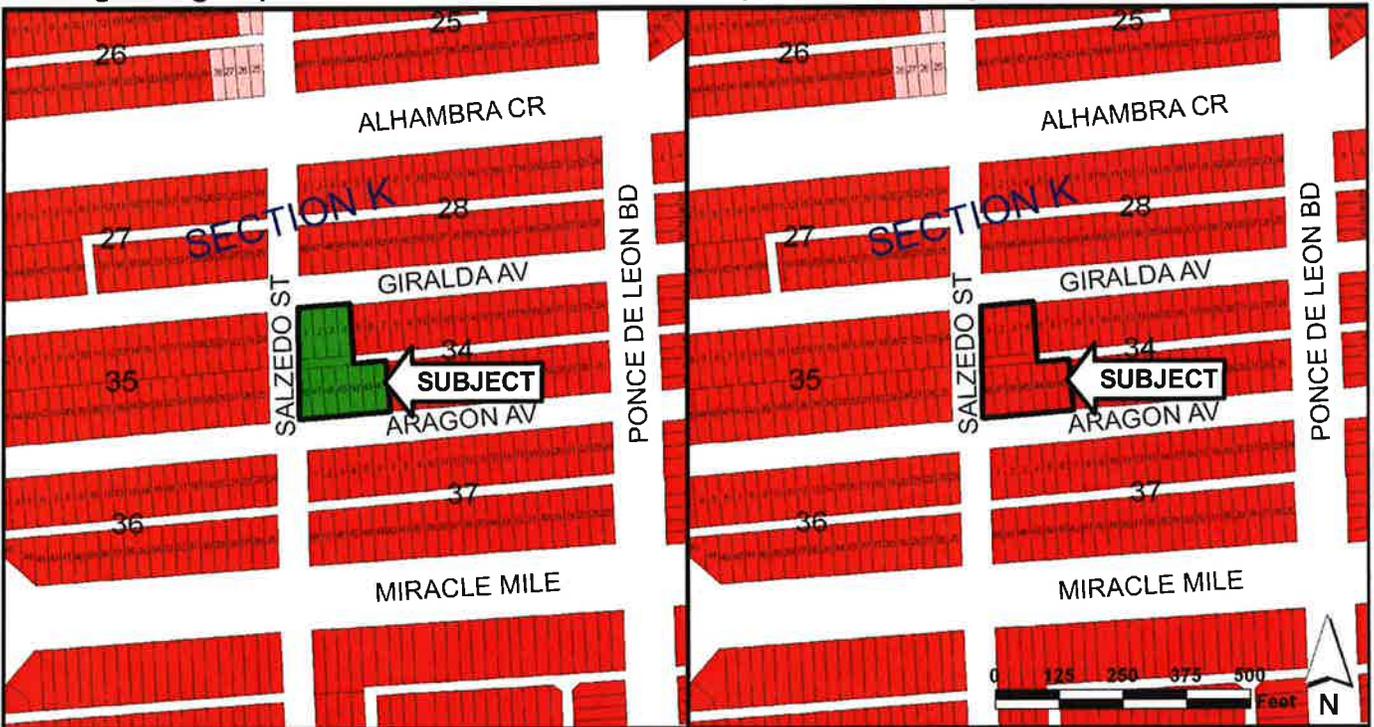


The Comprehensive Plan descriptions of “Public Buildings and Grounds”, “Commercial Use, Low-Rise Intensity” and “Commercial Use, Mid-Rise Intensity” land use classifications are as follows:

Comprehensive Land Use Plan – “Table FLU-5. Other Land Uses.”			
Classification	Description	Density / Intensity	Height
Public Buildings and Grounds	Buildings and adjacent land areas used for local, state, or federal government purposes, and for public and semi-public services, including utilities.	Maximum F.A.R. of 2.0.	Per the Zoning Code.
Commercial Use, Low-Rise Intensity	This category is oriented to low intensity pedestrian and neighborhood commercial uses, including residential, retail, services, office, and mixed use.	Maximum F.A.R. of 3.0, or 3.5 with architectural incentives. Up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs). Residential use shall only be permitted as part of a mixed-use development, as provided herein.	Up to 50’ maximum (no limitation on floors), or up to 77’ maximum (with a maximum of 2 additional floors) with architectural incentives per Zoning Code.
Commercial Use, Mid-Rise Intensity	This category is oriented to medium intensity pedestrian and neighborhood commercial uses, including residential, retail, services, office, and mixed use.	Maximum F.A.R. of 3.0, or 3.5 with architectural incentives. Up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs). Residential use shall only be permitted as part of a mixed-use development, as provided herein.	Up to 70’ maximum (no limitation on floors), or up to 97’ maximum (with a maximum of 2 additional floors) with architectural incentives per Zoning Code.

Existing Zoning Map

Proposed Zoning Map



Zoning Districts

- (SFR) Single-Family Residential District
- (MFSA) Multi-Family Special Area District
- (P) Preservation District
- (MF1) Multi-Family 1 Duplex District
- (UCD) University Campus District
- (CL) Commercial Limited District
- (MF2) Multi-Family 2 District
- (S) Special Use District
- (C) Commercial District

The Special Use (S) District and Commercial District (C) zoning designations are as follows:

City of Coral Gables Zoning Code – “Article 4 - Zoning Districts”			
Designation	Description	Density / Intensity	Height
Special Use (S) District	The purpose of the Special Use (S) District is to provide a zoning classification which accommodates uses which have the potential of adversely impacting adjacent uses but which enhance the quality of life of the citizens of City.	Floor area ratio: a. .35, when adjacent to a single-family residential district. b. 1.0, when not adjacent to a single-family residential district.	Forty-five (45) feet except as provided in Site Specific Zoning Regulations.
Commercial District (C)	The purpose of the Commercial (C) District is to provide convenient access to higher intensity goods and services throughout the City in conjunction with providing economic	When multiple uses are incorporated into a development of four (4) or more stories in height, the floor area ratio (F.A.R.) for each use shall be individually determined and the	The maximum permitted height is as follows: a. Pursuant to the Comprehensive Land Use Plan Map designation and/or Site Specific Zoning regulations.

	<p>stability without adversely impacting the integrity of residential neighborhoods, diminishing the scenic quality of the City or negatively impacting the safe and efficient movement of people and things within the City</p>	<p>highest of the individual F.A.R. shall be applied to the entire development.</p>	<p>b. C properties shall have a height limitation of three (3) floors or forty-five (45) feet, whichever is less, within 100 feet of an adjacent, abutting or contiguous (including streets, waterways, or alleys) SFR and/or MF1 property, as measured from the C property line.</p>
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Proposal – Zoning Code Text Amendment

The proposed Zoning Code text amendment requested by staff provides for a specific “museum” use as a defined category. Museum would be a permitted use in a Commercial District (C) and a conditional use in Commercial Limited (CL) and Special Use (S) Districts. A definition shall also be included in Article 8, Definitions. Previously a museum use category was classified as a “municipal facilities” or “government uses.” This would prohibit museums as a private use. This text amendment clarifies the museum use.

The proposed Zoning Code text amendments shown in ~~strike-through~~ and underline format are provided as Attachment A.

5. Findings of Fact.

This section of the report presents City Staff’s evaluation and Finding’s of Facts of the applications. The City’s responsibility is to review the applications 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.

Findings of Fact- Change in Land Use

The City’s responsibility is to evaluate the application for the Change in Land Use with the appropriate provisions of the Zoning Code, and for “Consistency” with the Comprehensive Plan Goals, Objectives and Policies. This is a request to a change to the City’s Future Land Use Map designation from “Public Buildings and Grounds” to “Commercial Use, Low-Rise Intensity” and “Commercial Use, Mid-Rise Intensity” for the Coral Gables Museum.

Staff finds the request satisfies Zoning Code Section 3-1506, “Standards for Comprehensive Plan Text and Future Land Use Map Amendments,” as follows:

“A. Proposed amendments to the Text and Maps of the Comprehensive Land Use Plan shall be reviewed pursuant to the following standards:

- 1. Whether it specifically advances any objective or policy of the Comprehensive Land Use Plan.*
- 2. Whether it is internally consistent with Comprehensive Land Use Plan.*
- 3. Its effect on the level of service of public infrastructure.*
- 4. Its effect on environmental resources.*
- 5. Its effect on the availability of housing that is affordable to people who live or work in the City of Coral Gables.*
- 6. Any other effect that the City determines is relevant to the City Commission’s decision on the application.”*

Consistency Evaluation of the Comprehensive Plan Goals, Objectives and Policies

Staff’s evaluation and Findings of Facts of the Change in Land Use request finds the request is “Consistent” with the following CP Goals, Objectives and Policies:

Ref. No.	CP Goal, Objective and Policy	Consistency
1.	Policy ADM-1.5.1. Amend the Comprehensive Plan as necessary in a manner that is consistent with and furthers the goals, objectives, and policies of the City of Coral Gables City Commission and City Administration and in concert with federal, state and local laws and regulations.	Complies
2.	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-1.1.1. 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.	Complies
4.	Objective FLU-1.3. By the year 2015 the City shall endeavor to reduce the number of inconsistencies between the Future Land Use Map and the actual land uses from 40 to 20.	Complies
5.	Objective FLU-1.4. Provide for protection of natural and historic resources from development and/or redevelopment together with continued maintenance.	Complies
6.	Policy FLU-1.4.1. Include balanced consideration for protection of natural and historic resources in the consideration of granting all development orders. Parcels with natural or historic resources are eligible, pursuant to the Zoning Code, to be designated as a sending sight. Sending sights are eligible to send their remaining development rights to receiving sites, thereby preserving the historic or natural resource from further development.	Complies
7.	Policy FLU-1.4.3. Historic sites shall be identified and protected, and	Complies

Ref. No.	CP Goal, Objective and Policy	Consistency
	performance standards for development and sensitive reuse of historic resources shall be established.	
8.	Policy FLU-1.4.4. The City completed a review of the existing land development regulations as a part of the comprehensive rewrite of the Zoning Code in 2007 and determined the impacts, if any, on historic preservation activities. The City shall annually review any land development regulations which are in conflict with the City’s historic preservation goals and amend those regulations accordingly.	Complies
9.	Policy FLU-1.9.1. Encourage balanced mixed use development in the central business district and adjoining commercial areas to promote pedestrian activity and provide for specific commitments to design excellence and long term economic and cultural vitality.	Complies
10.	Policy FLU-1.9.2. Encourage the detailed planning of downtown, which is defined as the central business district, to establish sound economic, aesthetic and land use principles for effective utilization of both public and private resources.	Complies
11.	Policy DES-1.2.4. Preserve and protect the City’s existing Mediterranean-inspired landmarks and facilities through historic preservation, capital improvements, and other available means.	Complies
12.	Goal HIS-3. Continue the preservation and protection of the historical and cultural resources within the City of Coral Gables.	Complies
13.	Objective HIS-5.1. Encourage historic preservation efforts through the promotion, creation, and/or establishment of economic incentives; continue with the established ad-valorem tax incentive program for historic properties; and offer incentives to owners of significant historic resources as a means of encouraging the preservation of historic resources.	Complies
14.	Policy HIS-5.1.2. The City shall continue its current use and documentation of Transfer of Development Rights (TDRs) to provide for the preservation and protection of historic landmarks, properties or areas. The City shall examine the possible expansion of the TDR district or creation of other TDR districts and possible amendments to the program to provide for additional incentives to promote historic and cultural preservation.	Complies

Findings of Fact- Change of Zoning

The City’s responsibility is to evaluate the application pursuant to Zoning Code Section 3-1405, “Standards for review of text amendments to these regulations and for City-initiated district boundary changes.”

This is a request for a Change of Zoning from Special Use (S) District to Commercial District (C) for the Coral Gables Museum and includes a request to amend the text of the Zoning Code by adding museum as a permitted use and conditional use and adding a definition for museum.

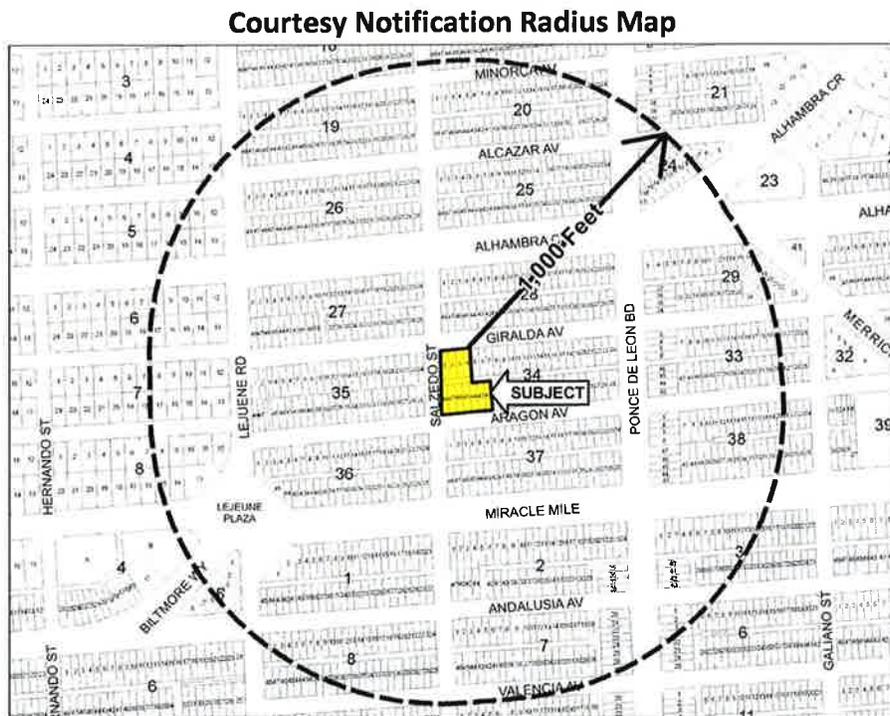
Planning Staff finds this request satisfies Zoning Code Section 3-1405:

- "A. Promotes the public health, safety, and welfare.*
- B. Does not permit uses the Comprehensive Land Use Plan prohibits in the area affected by the district boundary change or text amendment.*
- C. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property.*
- D. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less the minimum requirements of the Comprehensive Land Use Plan.*
- E. Does not directly conflict with an objective or policy of the Comprehensive Land Use Plan."*

In conclusion, Staff evaluation and Findings of Fact as provided herein, support the Change in Land Use, Change of Zoning and text amendments.

6. Public Notification and Comments.

The Zoning Code requires that a courtesy notification be provided to all property owners within 1,000 feet of the subject property. The notice lists the type of applications filed, proposed public hearing dates/time, location where the application files can be reviewed. The notice also provides for an opportunity to submit comments on pending applications. Approximately 324 notices were mailed. A Copy of the legal advertisement and courtesy notice are provided as Attachments F and G. A map of the notice radius is as follows:



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

Public Notice

Type	Date
Courtesy notification - 1,000 feet of the property	09.28.2011
Posting of property	09.30.2011
Legal advertisement	10.07.2011
Posted agenda on City web page/City Hall	10.14.2011
Posted Staff report on City web page	10.14.2011

Staff mailed a courtesy notification to all property owners within 1,000 feet of the property to advise them of the request and Staff has not received any comments to date.

7. Staff Recommendation.

The Planning Department based upon the complete Findings of Fact contained within this Report recommends **approval** the following:

1. An Ordinance of the City Commission of Coral Gables, Florida amending the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Small Scale Amendment procedures subject to ss. 163.3187 as amended, Florida Statutes, from "Public Buildings and Grounds" to "Commercial, Low-Rise Intensity" on Lots 1-4 and north half of vacated alleyway and "Commercial, Mid-Rise Intensity" on lots 42-48 and south half of vacated alleyway for the property commonly known as the Coral Gables Museum, legally described as Lots 1-4 and 42-48 and portion of vacated alleyway, Block 34, Section "K" (285 Aragon Avenue), Coral Gables, Florida; and providing for severability, repealer, codification, and an effective date (LPA review).
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October 6, 2011

Respectfully submitted,



Eric Riel, Jr.
Planning Director
City of Coral Gables, Florida

Attachments.

- A. Zoning Code text amendments in ~~striketrough~~/underline format.
- B. Coral Gables Museum information sheet.
- C. Draft Ordinance - Change of Land Use.
- D. Draft Ordinance - Change of Zoning.
- E. Draft Ordinance - Zoning Code Text Amendment.
- F. Notice of Public Hearing - Legal Advertisement.
- G. Courtesy Public Hearing Mail Notice.