

Zoning Code Rewrite (Part 7)

Public Comments - Verbatim (Updated 12 05 06 thru 01 09 07)

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	Date	Name & Address	Email Address	Verbatim Comments
1.	12/27/06	Maria Cristina Longo 100 Andalusia Ave, Apt. 211 Coral Gables, FL	maricrislongo@aol.com	<p>Re: Recommended Hybrid Solution for Duplex Height</p> <p>Dear Mr. Riel,</p> <p>According to the Commissioner's Meeting Held on December 12, 2006, the commissioners directed your department to implement a hybrid solution for the height requirement for Duplexes, using a combination of 34 feet and 29 feet heights.</p> <p>My recommendation is to require the first 25 feet from property line with single family homes to be at 29 feet high, and the rest at 34 feet high. The minimum rear setback requirement for duplex is 10 feet, therefore 15 feet allows ample space at 29 feet high. More than 25 feet from property line will restrict building at 34 feet high, because duplex zoning have minimum front setbacks requirements of 25 feet, and the average lot if about 100 feet in depth.</p> <p>Please note that the idea for implementing a hybrid solution is to allow duplex designs with higher ceilings and more vertical proportions, which are more luxurious than those with 8 ½ height ceilings. Additionally, duplex streets by their very same urban context demand a scale of importance and sophistication.</p> <p>Sincerely, Maria Cristina Longo</p>

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2.	12/19/06	Perry M. Adair 121 Alhambra Plaza, 10 th Floor Coral Gables, FL 33134	PAdair@becker- poliakoff.com	<div style="float: right; text-align: right;"> <p>121 Alhambra Plaza, 10th Floor Coral Gables, Florida 33134 Phone: (305) 262-4433 Fax: (305) 442-2232 US Toll Free: (800) 533-4874</p> </div> <div style="text-align: center;">  </div> <p style="text-align: center;">December 19, 2006</p> <p style="text-align: right;">Reply To: Coral Gables Perry M. Adair, Esq. Direct dial: (305) 269-1016 PAdair@becker-poliakoff.com</p> <p>VIA E-MAIL: EHERNANDEZ@CORALGABLES.COM AND U.S. MAIL.</p> <p>Elizabeth M. Hernandez, Esq. City Attorney's Office 405 Biltmore Way Coral Gables, Florida 33134</p> <p><i>Re: Suggested Language for New Zoning Code</i></p> <p>Dear Liz:</p> <p>This letter concerns the new zoning code which we understand to be scheduled for adoption in January of 2007. In particular, we are asking that the City consider some alternative language for the opposed Section 4-301(C)(4). As currently drafted, that section reads as follows:</p> <p style="margin-left: 40px;">C. Conditional Uses. The following uses are permitted in the CL District as conditional uses, if approved under the provisions of Article 3, Division 4, subject to the standards in this Section and other applicable regulations in Article 5:</p> <p style="margin-left: 80px;">4. <u>Drive-through facilities if not adjacent to SFR or MF1 districts.</u></p> <p>We suggest the City consider changing sub-paragraph 4 to read:</p> <p style="margin-left: 40px;">4. <u>Drive-through facilities, if not adjacent to SFR or MF1 districts. Where a parcel is located on a corner and is bordered on two-sides by state roads or, on one side by a state road and a second side by a county road, then the foregoing limitation as to adjacency to SFR or MF1 district shall not be applicable.</u></p> <p>We assume the present proposed wording represents an effort to insulate</p> <p style="text-align: center; font-size: small;">LEGAL AND BUSINESS STRATEGISTS MEMBERS OF CHESAIRE AN INTERNATIONAL ASSOCIATION OF LAW FIRMS AND MEMBERS OF SEABOARD LAW FIRMS</p>

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				<p>Elizabeth M. Hernandez, Esq. December 19, 2006 Page 2</p> <p>residential properties from what is perceived to be an incompatible use, in this case, drive-through facilities. We would submit however, that the analysis should be different for an interior CL parcel adjacent to residential uses, or even a corner CL parcel bordered only by municipal streets as compared to a corner CL parcel bordered by state roads or a state road and a county road. We submit that a parcel in the latter two scenarios should at least be eligible to have a drive-through considered as a conditional use.</p> <p>We appreciate your consideration in the foregoing suggested language.</p> <p>Best regards,  Peter M. Adair For the Firm</p> <p>PMA/pal:ms</p> <p>MIA_DB: C08875107245-000004_1_FADAIR</p>

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3.	11/9/06 Via email	Jaime L. Saldarriaga	Saldarriaga_Jaime_L@s olarturbines.com	<p>Subject: Duplex Height Reduction</p> <p>Your presentation to the Planning and Zoning Board last night totally ignored what I had attempted to convey with my sketches: That Duplex building height is directly proportional to interior ceiling heights. This is the variable that needs to be taken into consideration when assessing the impact of the proposed five feet height reduction.</p> <p>The existing Duplex elevation samples that you chose to show in support of Staff's recommendation to the Board, consisted of structures built in the 1950 where ceiling designs were only 8.5 feet. Now days ceiling heights have been increased to at least 10 feet to secure a more spacious and attractive interior design. If this increase in interior ceiling height of 3.0 feet for a two story building is taken in to account and one adds 2.5 feet for a raised building entrance (and crawl space), the heights shown in you examples now increase by 5.5 feet.</p> <p>Four of the structures of the nine you showed in your presentation now exceed the 29 feet height being proposed if one takes into account the above .</p> <p>Your presentation also failed to point to the Board the compromised that we have proposed that Duplex height should be left at a maximum of 34 feet and a code requirement that the first 25 feet from the property line which is contiguous to SF District be at 29 feet.</p> <p>A proper procedure would have been for you or any one in your staff to meet with us to discuss your presentation to the Board. It was unfair to receive a copy of your presentation minutes before the Board meeting.</p> <p>In summary your presentation was biased and incomplete and you failed to present and ignore all the considerations and the alternative proposed by us.</p>
4.	11/7/06 Via email	John P. Fullerton Fullerton Diaz Architects 366 Altara Avenue Coral Gables, FL 33146	jfullerton@fdarchitects.co m	<p>Eric,</p> <p>I have attached a letter concerning a zoning item which might be of interest. I hope that the subject can be discussed by the P & Z Board at this week's meeting. Thank you very much.</p> <p>John</p> <p>November 2, 2006</p> <p>Mr. Eric Reil, Planning Director City of Coral Gables Planning Department 405 Biltmore Way Coral Gables, Florida 33134</p>

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				<p>Dear Eric:</p> <p>As an architect practicing in Coral Gables for many years and with experience in large and complex structures, I would like to inform you and the members of the Planning and Zoning Board of my support for an issue that was raised at the City Commission when the "Final Zoning Code" was presented for first reading last month.</p> <p>Representing one of his clients, an attorney suggested allowing sites in Commercial Limited ("CL") districts to have structures in excess of 45 feet in height when (1) they are not adjacent to or abutting single family zoned properties; and (2) the lot contains a minimum of 10,000 square feet and has a minimum of 100 feet of frontage. Not only does this proposal make sense for CL zoned properties, but it should be implemented for both Commercial ("C") and CL districts.</p> <p>Reducing the minimum lot requirements to 10,000 square feet of area and 100' feet frontage will allow many building sites to achieve their allotted FAR while providing the required parking within the building, discouraging owners of smaller sites from opting out of providing parking.</p> <p>Allowing property owners with 10,000 square foot sites to build higher on their properties will actually result in smaller buildings, not larger ones. In the modern real estate market, the exceedingly high cost of land forces property owners to assemble sites to attain the minimum 20,000 square feet necessary to build over 45 feet and take advantage of allowed F.A.R. These larger sites end up being the location of very tall buildings with little variety in height, and sometimes adversely affecting the conditions on the streets surrounding them. The smaller, 10,000 square foot sites would also encourage intermediate setbacks between buildings resulting in a more interesting skyline. Additionally, having several smaller buildings on a block that may be 8 or 9 stories high, with self-contained parking, and with setbacks between them, will provide a more attractive street level than a single 8 to 16 (depending on the underlying comprehensive plan) building that runs the length, or half the length of a block.</p> <p>An additional and significant benefit would be that these buildings would be required to contain the necessary parking within the new building. Theoretically, in a typical 600' block of smaller properties, at an FAR of 1.45, in the CBD, there would be 580 parking spaces required but not necessarily provided.</p> <p>The additional parking provided in this new category of building site will be a significant help in alleviating our serious parking deficiencies.</p>

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				<p>Please note that my support for the reduction on minimum lot size and frontage to build over 45 feet in height is based on these sites not being adjacent to SFR, MF and MFSA zoned properties.</p> <p>Eric, I would appreciate it if you could open this discussion with the Planning and Zoning Board or present these comments to them at the November 8, 2006, public hearing for consideration.</p> <p>I look forward to your comments on this suggestion and am available to discuss the concept with you if you have an opportunity before the hearing.</p> <p>Best Regards, John Fullerton</p>
5.	11/3/06 Via email by Yanet Godoy	Amanda Quirke Tew Cardenas, LLP Four Seasons Tower 15 th Floor 1441 Brickell Avenue Miami, FL 33131	aq@teqlaw.com ygodoy@teqlaw.com	<p>Re: Proposed Zoning Code Re-Write - Planning and Zoning Board Public Hearing on November 8, 2006</p> <p>Dear Eric and Walter:</p> <p>I reviewed the chart summarizing the new changes to the Zoning Code that will be coming up for further review by the City Commission. There are a few items, such as the provision relating to the height of structures adjacent to SFR, that indicate Planning Staff will present information and recommendation at the meeting. However, we would like the opportunity to review the information prior to the meeting, as part of our participation in the public process. This letter shall serve as a request for the information and recommendations for all proposed changes to be made available at least 24 hours prior to the meeting, to afford the members of the public an opportunity to review and comment at the meeting. Thank you for your consideration in this matter.</p> <p>Sincerely, Amanda Quirke</p>
6.	11/3/06 Via email	Mario Garcia-Serra, Esq. Greenberg Traurig, PA 1221 Brickell Avenue Miami, FL 33131	Garcia- serram@gtlaw.com	<p>Re: Gables Catalonia, Ltd. / 283 Catalonia Avenue / Folio Nos. 03-4117-005-6660, 03-4117-005-6650, 03-4117-005-6640, 03-4117-005-6630 / Gables Zoning Code Rewrite / Proposed Down Zoning</p> <p>Dear Mr. Riel:</p> <p>This firm was recently retained by Gables Catalonia, Ltd., the owner of the above</p>

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				<p>referenced property, (the "property"), to represent it with regards to the ongoing rewrite of the Coral Gables Zoning Code. The Property is presently the site of a two story office building and an accompanying surface parking lot. The office is located on the western half of the property and the parking lot is located on its eastern half. At present, the entire Property is designated "Commercial Low Rise" on the Future Land Use Map of the Coral Gables Comprehensive Land Use Plan and zoned "CB" on the Coral Gables Zoning Map. The current draft of the new proposed Zoning Map proposes to zone the western half of the Property as "CL" (Commercial Limited) and eastern half as "C" (Commercial). We respectfully submit, that the partial proposed designation of the Property as "CL", for the reasons stated below, is (i) inappropriate and unnecessary from an urban planning perspective, (ii) a down zoning of the property which may subject the City staff's to a claim for a partial taking or a claim pursuant to the Bert.J. Harris Act, and (iii) contrary to City Staff's already stated policy of not "down zoning" or "up zoning" any properties during the Zoning Code rewrite process.</p> <p><u>CL Zoning is Not Appropriate for this Property</u></p> <p>The Property is located on a block that, at present, is completely dedicated to commercial uses and is proposed to be zoned "C" for its entirety except for the western half of the Property. Presumably, this CL enclave has been proposed due to the fact that a single family residentially zoned property is located across Salzedo Street from the Property. While we acknowledge that one of the motivations of this Zoning Code Rewrite has been the City's intent to protect single family neighborhoods, this goal can be achieved by other limitations which are already present in both the current and proposed City Codes. Both the current and proposed Zoning Codes limit the heights of buildings abutting or adjacent to single family residential neighborhoods. The current City Code of Ordinances has limitations on noise and other nuisances such as litter and construction which are maintained or strengthened by the new proposed Zoning Code and the proposed Zoning Code goes even further by regulating nighttime uses in particular. All of these restrictions are equally applicable to properties zoned either "CL" or "C". It is also important to note the fact that the single family zoned property across Salzedo Street is vacant and, to the best of our knowledge, has no prospects for development. In short, the Property is being down zoned for the benefit of protecting single family homes that do not exist when the necessary regulations to protect any potential future single family homes across Salzedo Street are already in place and are proposed to be strengthened. A rezoning of any portion of the Property to CL is superfluous, ineffective with regards to protecting the nearby single family neighborhood, and exclusively detrimental in its effect on the property's value. It is, indeed, ironic to note that the proposed CL district whose intent it is to protect single family neighborhoods, would permit, as of right, a solid waste disposal facility, a labor camp, or a</p>

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				<p>power plant on the Property.</p> <p><u>A Down Zoning to CL Could Create a Potential Takings or Bert. H. Harris Act Claim.</u></p> <p>As you are aware, the U.S. Constitution, the Florida Constitution, and the Bert J. Harris, Jr., Private Property Rights Protection Act (Fla. Stat, Chapter 70), provide private property owners with certain rights vis-à-vis government imposed regulations on the development of real property. The current CB zoning of the Property permits 156 different uses. The proposed CL zoning code would only permit 16 uses. Among those currently permitted uses which would be lost with a CL zoning designation are residential components of a mixed use development, the sale of alcoholic beverages, car rental agencies, hotels, medical clinics greater than 10,000 square feet, TV/radio studios, gas stations and drive through facilities. When one considers that the Property's area is over 20,000 square feet and is permitted a height of 6 stories and an FAR of 3.5 pursuant to the Comprehensive Plan, and is located in close proximity to the City's Central Business District, the value of these lost permitted uses becomes more apparent. If the CL zoning designation is approved, the Property could never be developed as mixed use residential project nor could it be developed as an office building with a bank drive through, or a large medical office, or a TV or radio studio. The ability to build and/or operate a hotel would also be lost. We respectfully submit that the loss of these development rights would constitute a deprivation or loss of "investment backed expectations" which would be actionable pursuant to the legal authorities referenced above.</p> <p><u>A Down Zoning to CL is Contrary to City Policy to Not Up Zone or Down Zone Private Property</u></p> <p>At several public hearings, City staff has announced that the intent of the Zoning Code Rewrite is not to "up zone" or "down zone" particular parcels. When allegations of "down zoning" have not been substantiated, efforts have been made to remedy these effects by revising the proposed new Zoning Code text or map. However, of particular importance to note, is the fact that when representatives of the Hyatt Hotel located on Alhambra Plaza requested that the proposed new Zoning Map may be revised to make both side of the property the same zoning designation, this request was rejected as an attempt to utilize the Zoning Code Rewrite process to "up zone" that parcel. With regards to this Property, the City is utilizing the Zoning Code Rewrite process to "down zone" a consistently zoned "CB" parcel into a parcel which is broken up into CL and C halves. This is contrary to the City's state policy of not engaging in "up zonings" or "down zonings" through the Zoning Code Rewrite process.</p>

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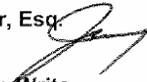
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				<p>In order to remedy this situation, we respectfully request that the entire Property be designated "C" (Commercial) which is consistent with its current "CB" zoning designation. While we are aware that the new proposed Zoning Code and Map have been adopted on first reading by the City Commission, we respectfully request that this matter be scheduled for discussion by the Planning and Zoning Board at its November 8th meeting as one of several pending items which still need to be addressed. If you would like to meet to discuss this matter prior to then, please feel free to contact me or my Associate, Mario Garcia-Serra.</p> <p>Sincerely, Mario Garcia-Serra (signed for) Clifford A. Schulman</p>
7.	10/16/06	Jerry Proctor Bilzin Sumberg Baena Price & Axelrod LLP 200 South Biscayne Boulevard, Suite 2500 Miami, Florida 33131- 5340	jproctor@bilzin.com	Eric, Dennis, and Walter- I have not received a reply to my noted discrepancies in the "Building Site Determination" provisions, noted in the attachment. Have revisions occurred, or should I attend first reading and advocate them? My direct line is 305-350-2361. Thank you.

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				<div style="text-align: right;">  </div> <p style="text-align: center;">MEMORANDUM</p> <p>TO: Eric Riel and Dennis Smith – City of Coral Gables</p> <p>FROM: Jerry B. Proctor, Esq. </p> <p>RE: Zoning Code Re-Write Article 3, Section 3-206, Building Site Determination</p> <p>DATE: October 6, 2006</p> <hr/> <p>Eric and Dennis,</p> <p>Thank you for the opportunity to appear at the workshop on Thursday night.</p> <p>Enclosed for your review, please find the latest Web posting for Section 3-206, together with Ordinance 2003-11. As far as I know, this Ordinance is the last adopted version on the subject of building site determinations.</p> <p>Please direct your attention to underlined portions of Section F3 and F4 of the latest proposed Code. The underlined sentences have been recently added to the text in Ordinance 2003-11.</p> <p>It is my understanding, and I believe yours as well, that this Section is to remain unchanged. I would appreciate your efforts in trying to insure that the documents are consistent, prior to the first reading of the Zoning Code Ordinance on October 17.</p> <p>I would appreciate hearing from one of you prior to the 17th. If you have any questions, please call me at 305-350-2361 or E-Mail at jproctor@bilzin.com.</p> <p>Thank you.</p>