

**City of Coral Gables
Planning Department Staff Report**

To: Honorable Planning and Zoning Board Members

From: Planning Department

Date: August 25, 2003

Subject: **Application No. 07-02-069-P. Rezoning and Site Plan Review.** Submitted by Zeke Guilford, Esq., applicant, 400 University LLC, owner, requesting a change of zoning from "XR-14", Residential and "XD-10", Duplex to "CB", Commercial, and site plan review for the Junior Chamber of Commerce (JCI) Building located on Lots 1-10, Block 119, Country Club Section 6 (400 University Drive), Coral Gables, Florida. The change of zoning and site plan review are required to allow commercial use of the existing building which was previously occupied by JCI International Headquarters. (The item was deferred from the Board's May 14, 2003 meeting.)

Recommendation

The Planning Department recommends approval of the following requests for the 1.5 acre property commonly know as the JCI Building, and located on Lots 1-10, Block 119, Country Club Section 6 (400 University Drive), Coral Gables, Florida:

- a) Change of Zoning from "XR-14", Residential and "XD-10", Duplex to "CB", Commercial; and
- b) Site plan.

The Planning Department recommends that City approval of the existing medical clinic uses which lapsed in 1999 not be renewed or extended. Therefore, the existing medical clinic is not a permitted use and shall be vacated from the premises.

Staff's recommendation is in support of the application based upon the applicant's proffering of conditions to address the issues which have been identified. The revised and additional conditions are a result of numerous meetings between the property owner, residents and City Staff since the May 14, 2003 Planning and Zoning Board. The conditions include the following (changes since the May 14th meeting are shown in **bold text**):

1. Installation of site improvements shall be in conformance with the following documents as modified subject to the conditions contained herein:
 - a) Site plan, building elevations and building program prepared by Arden Architectural Group Inc., dated September 20, 2002 and revised **July 20, 2003**.
 - b) Landscape plan prepared by The Stern Design Group, P.A., dated September 26, 2002 and revised **June 13, 2003**.
 - c) Traffic Impact studies prepared by D.L. Plummer and Associates, Inc., date stamped July 27, 2002 and **July 29, 2003**.

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- d) All representations and exhibits prepared and provided to the Planning Department as a part of the application package (as amended) dated April 2, 2003.
2. All conditions of approval recommended by the City Commission shall be included within a Restrictive Covenant prepared by the applicant with final review and approval by the City Attorney.
3. Prior to the issuance of any building permits for the project, the applicant, its successors or assigns, shall adhere to the following conditions:
 - a) All site improvements included on the applicant's plans and application materials, as modified subject to the conditions contained herein, shall be completed, installed and inspected for final approval not less than one (1) year after approval of the ordinance.
 - b) A six foot (6') high masonry wall shall be installed, or increased in height as required, along the entire length of the property's south and west property lines from the parking lot entrance located on LeJeune Road to University Drive. **A three foot (3') high masonry wall shall be installed along the north property line between Sarto Avenue and the University Drive parking lot entrance.** The finish, color and architectural style of the wall shall be consistent with the principal building.
 - c) All Mahogany trees shall be a minimum of 14'-16" height and 3" caliper at time of installation; all perimeter hedge plant materials (Jasmine and Japanese Yew) shall be a minimum 6' high at time of planting; and, all perimeter Areca palms shall be a minimum of 12'-14' high at time of planting.
 - d) Maintain all landscaping as detailed on the landscaping plan, and replace all dead or non-complying plant materials in accordance with the plant materials identified.
 - e) All landscaped areas shall be irrigated with 100% coverage.
 - f) Parking lot entrances and exits shall not be gated, or restricted by any other means which would prohibit or discourage use of available on-site parking.
 - g) The **forty-four (44)** commercial uses permitted within the existing building, as agreed to by the applicant, shall be restricted to those uses listed below:

1. *Abstract and/or title company*
2. *Accountant*
3. *Actuaries*
4. *Addressing and mailing service*
5. *Administrative office*
6. *Advertising office – no shops*
7. *Appraisers*
8. *Architects*
9. *Attorneys*
10. *Auctioneers – office only*
11. *Auditors*
12. *Broker – mortgage*
13. *Broker mercantile*
14. *Business analyst– counselors or brokers*
15. *Calculating and statistical service*
16. *Computer design studio*
17. *Computer software development*
18. *Consulates*
19. *Consultant*
20. *Court reporting, public stenographers*
21. *Credit reporting*
22. *Data processing*
23. *Detective agency*
24. *Employment agencies, placing executives only*

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25. *Engineers – professional*
26. *General office use.*
27. *Importer/exporter office only*
28. *Insurance agencies and bond office*
29. *Interior decorating, (no work to be done on premises)*
30. *Investment and securities dealer*
31. *Loan agencies (excluding pawn shops)*
32. *Mail order office without storage of products*
33. *Manufacturer's agents*
34. *Market research*
35. *Notary public*
36. *Office for business and professional purposes*
37. *Public relations*
38. *Real estate sales and management offices*
39. *Stock exchanges and brokerage offices*
40. *Tax consultants*
41. *Telephone exchange*
42. *Travel agencies*
43. *Video production*
44. *Or other similar general office uses, which are not more obnoxious or detrimental to the welfare of the particular community that the business or enterprise herein, enumerated. These general office uses shall require review and approval by the Board of Adjustment.*

- h) "Clinics, Medical or Dental Uses", "**Medical laboratory**" and "**Dental laboratory**" shall be prohibited uses.
 - i) "No Parking" signs shall be installed along **the north side** of Sarto Avenue between LeJeune Road and University Drive as approved by Public Works Department. **Parking shall be prohibited between the hours of 8 a.m. and 5 p.m. All costs associated with the construction shall be the responsibility of the applicant subject to review and approval by the Public Works Department.**
 - j) **The property's on-site parking lot shall be available for the City's Youth Center overflow parking on Saturdays and for special weekend events at the request of the Parks and Recreation Director.**
 - k) **Within ninety (90) days after approval of the site plan by the City Commission, the property owner agrees to implement and request in writing from Miami Dade County adjustments to traffic signal timing at the intersection of LeJeune Road and University Drive as recommended by the Traffic Study (dated July 27, 2002). The property owner shall be required to provide the Planning Director and Public Works Director quarterly status reports on progress of adjustments, and written notification upon completion of work.**
 - l) **Within one (1) year after the issuance of a building permit by the City for required modifications to the existing building, the property owner shall install intersection improvements at the intersection of Sarto Avenue and University Drive as agreed to and presented in Exhibit 4 of the June 24, 2003 Traffic Study revisions prepared by David Plummer and Associates.**
4. All proposed signage shall conform to the Sign Code provisions applicable at the time of permit submittal.
 5. **The property owner, its successor or assigns shall prepare and submit to the Planning and Public Works Departments a traffic study conducted six months after 100% occupancy of the building or issuance of Certificate of Occupancy, whichever occurs first, assessing the traffic impact of the building and identifying required improvements to mitigate those impacts. The traffic study shall be reviewed and evaluated by the**

Planning Director and Public Works Director.

Background

The conditions of approval provided herein are the results of numerous meetings held between the applicant, Staff and property owners since the Planning and Zoning Board’s May 14, 2003 meeting. All of the revised and additional conditions were offered by the applicant in their responses to the thirty (30) issues that have been identified by Staff, the Board and residents. The following City Departments have closely been involved in the review of all issues: Public Works, Public Service, Parks and Recreation, Building and Zoning and Planning. A list of the 30 issues, the applicant’s response and Staff’s comments and recommendations are provided below:

	ISSUES	APPLICANT’S RESPONSES	STAFF COMMENTS
A.	Commercial Uses		
1.	Further reduce list of commercial uses by eliminating uses that could generate parking overflow problems.	Medical & dental labs have been deleted from the list of uses submitted. Our traffic engineer does not believe that any of the remaining suggested uses create any additional parking and/or traffic impacts.	Staff’s original recommended condition of approval has been revised to specifically prohibit these two uses. Applicant has reduced the list of permitted uses from 46 to 44 uses (see condition 3.h) .
B.	Site Design		
2.	Extend wall around Sarto Ave. to University Dr. parking lot entrance (provide for triangle of visibility at parking lot entrance as required by Code)	Applicant has complied with this request. See site plan prepared by Arden Architectural Group attached hereto and labeled A-0.1 showing the wall extending to the University Drive entrance. It is our intention to decrease the height of the wall to 3 feet at the corner of University Drive and Sarto Avenue due, in part, to the triangle of visibility at the entrance on University Drive.	Staff’s recommended condition of approval has been revised to include applicant’s requested modification (see condition 3.b) .
3.	Increase existing hedge and wall buffering JCI building from residential to 6’ high, to be architecturally consistent with existing wall.	Applicant has complied with this request. See landscaping plan prepared by Stern Design Group attached hereto and labeled 10-1.	Applicant has complied with request.
4.	Improve visibility of existing parking lot entrances; they are currently not easy to see.	Applicant has complied with this request. A directory sign has been placed at both driveway locations. Further, trees will be removed where necessary so as to increase the visibility of the driveways.	The applicant’s proposed design modifications will improve the existing conditions.

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	ISSUES	APPLICANT'S RESPONSES	STAFF COMMENTS
C.	Building Modifications		
5.	Provide south side elevation of building showing proposed elevator and bathroom additions.	Applicant has complied with this request. See south elevation plan prepared by Arden Architectural Group attached hereto and labeled A-6.	Applicant has provided proposed building elevations (see Attachment A).
6.	Provide building floor plans showing proposed renovations to accommodate new elevators and bathrooms.	Applicant has complied with this request. See Floor Plans prepared by Arden Architectural Group attached hereto and labeled A-1 thru A-5. It should be noted that these plans are still in the development stage and have not been finalized.	Applicant has provided proposed floor plans (see Attachment A). A revised Zoning Analysis has been provided by the Building and Zoning Department reflecting the proposed changes (see Attachment F).
D.	Parking		
7.	Provide parking management plan that addresses overflow parking for the remaining term of the existing medical clinic's lease.	After the medical clinic's lease expires and the entire building is considered professional office, the parking code requirement is 88 parking spaces, before any additions. There is the possibility of locating a driveway on University Drive at the entrance of the building, should parking become an issue. The revised site plan for the project has 93 parking spaces, compared to the existing 69 parking spaces. Currently, 7,000 s.f. of the building is leased as medical offices. The balance of the building is approximately 19,000 s.f. City of Coral Gables code requires 98 parking spaces for this combination of uses (a deficit of five spaces). The applicant agrees to lease only 17,500 s.f. of the remaining space of the building until the medical clinic's lease expires in order to meet parking code requirements.	Staff recommends that the City approval to lease commercial space within the building which lapsed in 1999 <u>not</u> be renewed. Staff recommends the applicant and the Board and the City Commission a time frame for the removal of the medical uses or another alternative to address the issue.
8.	Explore and provide alternative solutions to accommodate overflow parking.	See D7 above. The City's parking code requires 1 parking space for every 350 s.f. of office in the CBD area. The JCI Building is required to provide 1 space for every 300 s.f. The code requires fewer parking spaces in the CBD to account for the availability of on-street parking in that area, and conversely requires more parking spaces outside of the CBD because of the general lack of on-street parking spaces. If overflow parking spaces are needed for the JCI Building, there are available on-street parking spaces on University Drive east of LeJeune Road. Additionally, there are public parking spaces at the Coral Gables Youth Center (CGYC).	See above comments.

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	ISSUES	APPLICANT'S RESPONSES	STAFF COMMENTS
9.	Clarify amount of required/proposed on-site parking with and without existing medical clinic tenant (verify with revised Zoning Analysis from Building and Zoning Department).	See D7 above.	The Building and Zoning Department has provided a revised Zoning Analysis for the project (see Attachment F). The Building and Zoning Department has interpreted the medical use parking requirements as general office which equates to one parking space per 300 square feet. 89 parking spaces are required with the medical clinic and 92 parking spaces are provided on site plan.
10.	Provide revised parking utilization study, include peak use period between 9:45a.m. and 2:30 p.m.	See JCI Building: Existing Conditions Traffic Study (May 2002) for parking utilization study. This study included the periods of 9:45 am and 2:30 pm. These two time periods have been identified as the peak parking times for the existing use.	Requested information was provided by applicant and is included in referenced report received on July 27, 2002.
11.	Provide a "Parking Management Plan" before consideration of application by Commission.	The applicant agrees to implement the following: a. Lease on 17,500 sq.ft. of the 19,000 sq. ft. until the medical office lease is expired. The JCI Building will then meet the parking code requirements. b. Install semi-circular driveway, if needed on University Drive that can accommodate up to four parked vehicles that will be used for overflow parking only.	See comments regarding issues D7 and D8.
12.	Install "No Parking" signs and implement parking enforcement plan along Sarto Avenue.	Applicant has agreed with this request. See Exhibit 2 of the Supplemental Banking and Traffic Study for locations of "NO PARKING" signs on Sarto Avenue.	This has been included as a condition of approval (see condition 3.i). At the request of the residents, the original condition was changed to install the "No Parking" signs only on the north side of Sarto Avenue, and to prohibit parking between the hours of 8 a.m. and 5 p.m.
13.	Can parking on applicant's property be permitted on Saturdays, or for certain events?	Yes.	This has been included as a condition of approval (see condition 3.i).

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	ISSUES	APPLICANT'S RESPONSES	STAFF COMMENTS
E.	Traffic		
14.	Provide revised traffic study to evaluate cut through traffic during peak use period (between 9:45 a.m. and 2:30 p.m.)	48- hour traffic counts were taken on Sarto Avenue between LeJeune Road and University Drive on Tuesday, June 3, 2003 and Wednesday, June 4, 2003 *see traffic count sheets in Appendix A). The traffic counts showed an average of 132 vehicles use Sarto Avenue daily. Further, between 5 to 9 vehicles use Sarto Avenue during the peak parking periods of the JCI Building. This is only one vehicle every 6 to 12 minutes, which is a very minor amount of traffic and does not appear to be traffic from the JCI Building. Turning movement counts at Sarto Avenue/LeJeune Road, Sarto Avenue/University Drive, University Drive/JCI Driveway, and LeJeune Road/JCI Driveway were taken on Thursday, June 5, 2003 during the peak parking periods of the JCI Building. This information is summarized in Exhibit 3 of the Supplemental Parking and Traffic Study and is very minor as well. During the peak parking periods for the JCI Building, field observations were made (Thursday, June 5, 2003) to track any cut through traffic using westbound Sarto Avenue to the JCI Building driveway on University Drive. Cut through traffic was not observed during the two peak parking periods.	The requested information was provided by the applicant. Public Works conclusion of the study was that the amount of cut through traffic is minor.
15.	Clarify when timing adjustments to traffic lights on LeJeune Road and University Drive which are recommended by the applicant's traffic study will be implemented.	The applicant's traffic engineer will work with Miami-Dade County to have the traffic signal timing adjustments implemented within 90 days after the project's approval.	The requirement has been included as a recommended condition of approval (<u>see condition 3.k).</u>
16.	Provide "Traffic Management Plan" before consideration of application by Commission.	The applicant agrees to implement the following: a. Signal timing adjustments at LeJeune Road/University Drive. b. Intersection improvements are Sarto Avenue/University Drive (see response to E18). c. Improve the visibility of the LeJeune Road driveway. d. Installing a "NO LEFT TURN" sign for the outbound movement of the University Drive driveway (see F19)	Three of these improvements (a., b., and c.) have been agreed to by the applicant (<u>conditions 3.K and 3.I, and response to issue B4).</u> Item d. is not supported by the Public Works Department (<u>see issue F19).</u>

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	ISSUES	APPLICANT'S RESPONSES	STAFF COMMENTS
17.	Traffic engineers review the impact of closing Sarto Avenue at University Drive.	After meeting with the City's Director of Public Works, it was determined that these low volumes do not warrant Sarto Avenue as a candidate for street closure. The applicant has agreed to an additional traffic study of Sarto Avenue six months after the building is fully leased to determine if a street closure is warranted.	Staff concurred with the applicant's conclusion. A requirement that the applicant complete and submit another traffic study six months after full occupancy of the building is included as a condition of approval (<u>see condition 5).</u>
18.	Explore potential of using medians, street closures or traffic calming measures at the intersection of LeJeune and Sarto and/or University and Sarto to reduce traffic on Sarto Avenue.	The applicant has agreed to implement an intersection improvement at Sarto Avenue and University Drive to better prevent drivers from traveling the wrong direction on Sarto Avenue (see Exhibit 4). Traffic calming measures are not warranted at LeJeune and Sarto.	This proposal was generally accepted by the residents of Sarto Avenue as an acceptable alternative to actually closing Sarto Avenue at University Drive. This proposed intersection improvement will be required as a condition of approval (<u>see condition 3.k).</u>
F.	Youth Center		
19.	Evaluate impact of parking and traffic generated by proposal on Youth center (include period between 4:30 p.m. and 6 p.m. in revised analysis).	There is no adverse impact from the JCI Building. This is documented in JCI Building: Existing Conditions Traffic Study (May 2002). The applicant will further minimize the traffic impacts to the CGYC by: <ul style="list-style-type: none"> a. Installing a "NO LEFT TURN" sign for the outbound movement of the University Drive driveway. This will require outbound traffic to turn east on University Drive, away from the CGYC. b. Improving the visibility of the LeJeune Road driveway and improving the signage identifying the building for drivers using LeJeune Road. This will place greater emphasis on the LeJeune Road driveway, keeping more vehicles destined for the JCI Building away from University Drive and the CGYC. 	The Public Works Department does not support the installation of a "No Left Turn" sign, as it could result in additional traffic utilizing Sarto Avenue that may wish to go west on University Drive.
20.	Youth Center to be engaged in discussions regarding project – particularly traffic and parking impacts.	The applicant met with the City's Director of Parks and Recreation to discuss the project and its traffic and parking impacts. The Director met with the Parks and Recreation Board on June 19, 2003 to discuss these impacts and determined that there was no adverse impact.	The City's Parks and Recreation Board passed a resolution in support of this project on June 19, 2003 (<u>see Attachment G).</u>

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	ISSUES	APPLICANT'S RESPONSES	STAFF COMMENTS
21.	Public Works Dept. be involved in reviewing what can be done to mitigate impact on the Youth Center's University Drive entrance, both as a result of the commercial zoning and if Sarto Avenue is closed at its intersection with University Drive.	The applicant's traffic engineer will assist Public Works with any modifications that would be appropriate at the CGYC University Drive entrance.	Public Works Department reviewed the existing conditions at the Youth Center and the applicant's Traffic Study, and concluded that no additional modifications would be required.
22.	Public Works and the traffic engineers review what can be done to protect the youth Center community from speeding traffic on University Drive ("request light" for crossing street, reduced speed zone between 3:00 p.m. and 7:00 p.m. weekdays and 8:30 p.m. and 5:00 p.m. on Saturdays, traffic calming devices, etc.).	<p>The applicant met with the City's Director of Public Works and Director of Parks and Recreation to discuss the issue. These Directors agreed that speeding on University Drive has become less of an issue since a traffic signal was installed on University Drive and Riviera Drive.</p> <p>Further, the City and Miami-Dade County have teamed on a safety project for pedestrians on University Drive at the main entrance to the CGYC. An enhanced crosswalk with flashers (using a state-of-the-art activation system) will be installed at this location. This will also assist in reducing vehicular speeds on University Drive. Construction of this project is expected to start in the fall of 2003.</p>	City Staff concurs with the applicant's conclusions.
G.	Legal		
23.	Determine whether existing lease with medical clinic tenant is enforceable (because it is currently illegal).	Only a court of competent jurisdiction can determine the validity of the lease. It would not be prudent to make supposition here.	See City Attorney's August 12, 2003 memorandum (see Attachment H) .
24.	Determine amount of discretion the PZB has in considering this request.	It is our opinion that the PZB does not have any discretion to deny this application. Florida Statute 163, as well as the City own Comprehensive Plan dictates that the zoning must be consistent with the Land Use Map.	See City Attorney's August 12, 2003 memorandum (see Attachment H) .
25.	City Attorney to review whether consent can be denied under applicable case law due to the existence of the Youth Center (should Youth Center have lawyer advocating for it as do the neighbors of Sarto?.)	Consent cannot be denied based upon the Youth Center. Even if determined that the public policy application set forth in <i>Snyder</i> applies, then the decision must be based upon by competent substantial evidence. The competent substantial evidence provided by the Traffic Engineer and the City indicate that there will be no adverse impact. Thus, the competent substantial evidence provided dictates that this rezoning application cannot be denied based upon the Youth Center.	See City Attorney's August 12, 2003 memorandum (see Attachment H) .

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	ISSUES	APPLICANT'S RESPONSES	STAFF COMMENTS
26.	Consequences to City of denying rezoning to conform to Land Use Plan and modifying Land Use Plan to conform to zoning, or otherwise conform to character of neighborhood.	The denial of this application could lead to potential takings and Bert J. Harris issues.	See City Attorney's August 12, 2003 memorandum <u>(see Attachment H)</u> .
G.	Miscellaneous		
27.	Clarify "red tag" status for existing medical office.	The Medical Clinic has not been "red tagged". A Notice of Violation has been issued regarding the use, but has been stayed pending this rezoning application.	The property has not been "red tagged" (for unpermitted work), but was cited by the City's Code Enforcement for unapproved use of the building. This issue has gone before the City's Code Enforcement Board, but has been deferred for an additional 3 months pending the outcome of the rezoning application.
28.	Obtain a Concurrency Impact Statement from Building and Zoning Dept. that states existing infrastructure can support proposal.	Applicant has complied with this request. See attached concurrency statement.	Applicant has complied with this request.
29.	Address requests made in February 5, 2002 property owner's petition letter submitted to City Manager.	The February 5, 2002 letter deals with the potential lose of property values. Every homeowner in the 400 block of Sarto purchased their home after the office building was built. Since that time, the property values have continued to increase.	Planning Staff evaluates applications based upon the Comprehensive Plan, Zoning Code and other applicable Code requirements. This review does not include any requirements for any economic impacts.

	ISSUES	APPLICANT'S RESPONSES	STAFF COMMENTS
30.	Establish land use designation, zoning designation development restrictions and ownership of undeveloped ("green") parking lot west of subject property (Lots 1-3 and 20-24, Block 20, Country Club Section 6).	To be completed by the Planning Department.	The property is designated for "Public Buildings and Grounds" as the City's Future Land Use Map. Ordinance No. 1952 (<u>see Attachment I</u>) established the property's zoning as "S", Special Use and contains the conditions and restrictions for the use and development of that property.

Additional Background Materials

The property owner met with City Staff on numerous occasions and a resident's meeting was completed on August 29, 2003 in the City Hall Commission Chambers to solicit further input and address all issues. Summary minutes of the August 29th resident's meeting are provided as Attachment B.

The following attachments have also been included as further background information:

1. May 14, 2003 Staff Report (Attachment C).
2. May 14, 2003 Planning and Zoning Board Meeting Minutes (Attachment D).
3. History report prepared by City Attorney (Attachment E).
4. August 14, 2003 revised Zoning Analysis prepared by Building and Zoning Department (Attachment F).
5. June 19, 2003 resolution adopted by Parks and Recreation Board (Attachment G).
6. August 12, 2003 City Attorney's memorandum regarding legal issues (Attachment H).
7. Ordinance No. 1952 concerning undeveloped "green" parking lot west of subject property (Attachment I).

Comprehensive Land Use Plan Analysis

The May 14, 2003 Staff report identified specific Comprehensive Plan goals, objectives and policies with which the proposed application "is consistent and furthers". The applicant's legal opinion is that this is a statement by Staff that this application "satisfies" all of the Comprehensive Plan's goals, objectives and policies. Staff disagrees with this opinion. Staff's determination that this application "is consistent and furthers" indicates that those goals, objectives and policies that were identified by Staff have been addressed by the proposal and/or mitigative measures have been provided. A determination that these specific goals, objectives and policies have been "satisfied" has not been made or intended.

Staff review notes the following goals, objectives and policies included in the May 14th Staff report were not furthered. The applicant has proffered various conditions with the site plan to address and further these goals, objectives and policies. These include:

Policy 1-1.3.1: Avoid encroachment into neighborhoods by incompatible uses. Residential neighborhoods should be protected 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.

Policy 1-1.3.2: Application of buffering techniques. Uses designated in the plan which cause significant noise, light, glare, odor, vibration, dust, hazardous conditions or industrial traffic, shall provide buffering when located adjacent to or across the street from incompatible uses such as residential uses.

Policy 1-1.3.3: Limitations on potentially disruptive uses. Normally disruptive uses may be permitted on sites within related districts only where proper design solutions are demonstrated and committed to in advance which will be used to integrate the uses so as to buffer any potentially incompatible elements.

Timeline

This application is tentatively scheduled for City Commission review and consideration as follows:

- 1st Reading Tuesday, September 23, 2003, 9:00 a.m.
- 2nd Reading Tuesday, October 21, 2003, 9:00 a.m.

Dates and time are subject to change.

Public Notification/Comments

Staff has mailed out another notification to all property owners within 1,000 feet of the subject property to advise them of the request and provide an additional opportunity to comment on the application. An updated listing of property owners who returned the notification/comment form, including comments received for both the May 14 and August 25, 2003 Planning and Zoning Board meetings, the date received, property owner's name, address, legal description, object/no objection/no comment and verbatim comments are attached as Attachment J. A copy of the published newspaper notification of this public hearing item is included as Attachment K.

Respectfully submitted,

Eric Riel, Jr.
Planning Director

Attachments:

- A. Applicant's resubmittal letter and itemized responses to issues with exhibits and background materials (binder).
- B. July 29, 2003 resident's meeting minutes.
- C. May 14, 2003 Planning Department Staff report.
- D. May 14, 2003 Planning and Zoning Board meeting minutes with Exhibits A and B.
- E. Junior Chamber International (JCI) Report and May 13, 2003 memorandum prepared by City Attorney (history of ordinances, deeds and correspondence). Copies of JCI Report to Board members only.
- F. August 14, 2003 revised Zoning Analysis prepared by the Building and Zoning Department.
- G. June 19, 2003 Resolution adopted by Parks and Recreation Board.
- H. August 12, 2003 City Attorney's memorandum regarding legal issues, with attached chronology on historical development of property, and July 2, 2003 letter of legal opinion from applicant's legal representative.
- I. Ordinance No. 1952.
- J. Updated synopsis of comments received from property owners within 1000 feet.
- K. Copy of published newspaper notification (advertisement).

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