



To: Ramon Trias, Assistant Director for Development Services

From: Cristina M. Suarez, Deputy City Attorney for the City of Coral Gables

Approved: Miriam Soler Ramos, City Attorney for the City of Coral Gables *MSR*

RE: Legal Opinion Regarding Office Max Site - Zoning Opinion

Date: February 13, 2019

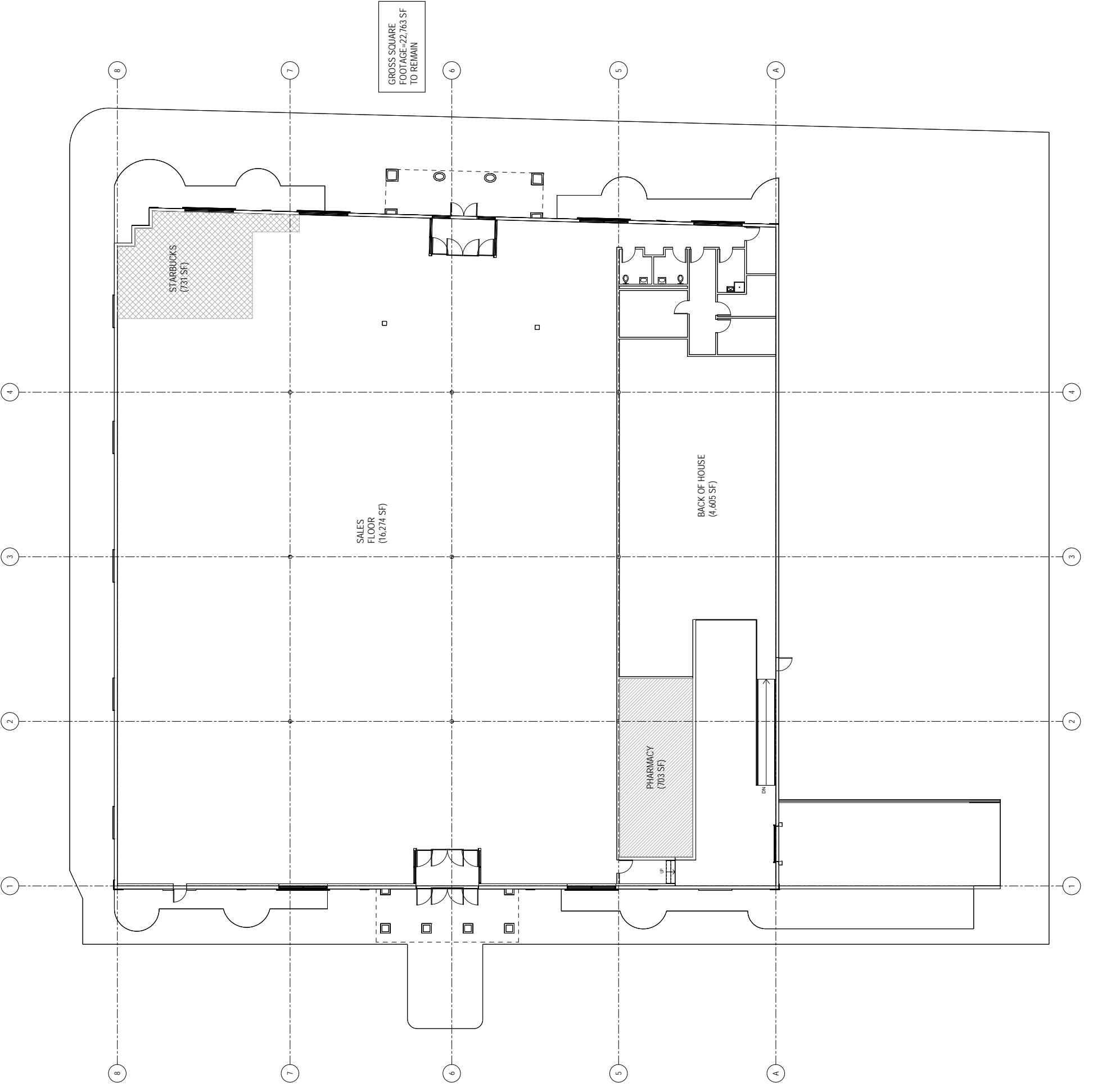
As you know, there is a proposed new tenant for the building located at 1906 Ponce de Leon Blvd. which is currently occupied by Office Max and the question has come up whether a change in tenant would constitute a change in use such that the current parking requirements would be triggered. The site plan for the existing building was approved pursuant to Ordinance No. 3146 in 1995. My understanding from discussing the matter with Laura Russo, Esq., on behalf of the owner, is that in 1997 when the building was developed, 66 parking spaces were required, but 83 parking spaces were developed. Per Ms. Russo, under the current requirements of the Zoning Code, 91 parking spaces would be required for retail use at a building of this size. Thus, the retail use at this site with the existing parking is a legally nonconforming use.

Ms. Russo provided a copy of the site plan (attached) for the proposed new tenant, Target, which also indicates accessory uses including a coffee bar (731 square feet), a pharmacy (703 square feet) and beer and wine sales for consumption off premises (365 square feet). Because the proposed new tenant would continue the retail use of the property within the existing building, there would be no change in use and thus, no trigger that would require compliance with the current parking requirements in the Zoning Code. During our discussion and review of the proposed site plan and history of the approval, you confirmed your agreement that a retail use by Target as depicted in the attached site plan would not constitute a change of use.

Additionally, Ms. Russo has explained that the tenant proposes to sell beer and wine for off-premises consumption and that the such sale of alcoholic beverages will only require 365 square feet of the entire site's floor area. While Section 5-702 of the Zoning Code provides that "[n]o alcoholic beverage sales (package) shall be permitted upon premises closer than five hundred (500) feet from any religious institution or school without approval by the Board of Adjustment," and the subject property is located in proximity to Coral Gables Elementary, the restriction does

not apply, as long as the amount of space that will be devoted to the sale of beer and wine does not meet the definition of “alcoholic beverage sales.” Specifically, the definition of “alcoholic beverage sales” means “a principal commercial activity involving the sale of alcoholic beverages for off-premises consumption, such that twenty-five (25%) percent or more of the floor area is occupied by the display of alcoholic beverages.” Since the proposed floor area that will be used for the sale of beer and wine is only 365 feet, no variance shall be required pursuant to section 5-702.

This opinion is issued pursuant to Section 2-252(e)(1) and (8) of the City Code and Section 2-702 of the City’s Zoning Code.



GROSS SQUARE
FOOTAGE=22,763 SF
TO REMAIN

From: [Ramos, Miriam](#)
To: [Suarez, Cristina](#); [Paulk, Enga](#)
Subject: Fwd: Office Max site - zoning opinion
Date: Wednesday, February 13, 2019 5:54:09 PM
Attachments: [image001.png](#)
[ATT00001.htm](#)
[image001.png](#)
[ATT00002.htm](#)
[Target.FloorPlan.pdf](#)
[ATT00003.htm](#)

Thank you Cristina.

Enga, please publish.

Miriam Soler Ramos, B.C.S.
City Attorney
City of Coral Gables

Begin forwarded message:

From: "Suarez, Cristina" <csuarez@coralgables.com>
Date: February 13, 2019 at 5:39:19 PM EST
To: "Trias, Ramon" <rtrias@coralgables.com>
Cc: "Ramos, Miriam" <mramos@coralgables.com>
Subject: RE: Office Max site - zoning opinion

Ramon:

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Thanks,
Cristina

Cristina M. Suárez
Deputy City Attorney & City Prosecutor

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