

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2014-255

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING MIXED USE SITE PLAN REVIEW PURSUANT TO ZONING CODE ARTICLE 4, "ZONING DISTRICTS", DIVISION 2, "OVERLAY AND SPECIAL PURPOSE DISTRICTS", SECTION 4-201, "MIXED USE DISTRICT (MXD)", FOR THE MIXED USE PROJECT REFERRED TO AS "SHOMA PARK TOWER" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 11-16, BLOCK 203, RIVIERA SECTION PART 14 (1500 VENERA AVENUE), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting mixed use site plan review for the mixed use project referred to as "Shoma Park Tower" on the property legally described as Lots 11-16, Block 203, Riviera Section Part 14 (1500 Venera Avenue), Coral Gables, Florida; and

WHEREAS, the Application requires City of Coral Gables mixed use site plan review and public hearing consideration pursuant to the Zoning Code Mixed Use District (MXD) provisions and applicable Comprehensive Plan Mixed Use District (MXD) provisions; and

WHEREAS, the proposed mixed use site plan for the project referred to as "Shoma Park Tower" is being submitted concurrently with a proposed change of zoning from Multi-Family 2 District (MF2) to Commercial District (C) and change of land use from "Residential Multi-Family Medium Density" to "Commercial Mid-Rise Intensity", and

WHEREAS, Staff finds that the criteria for reviewing and recommending on a proposed mixed use site plan are provided in Zoning Code Article 4, "Zoning Districts", Division 2, "Overlay and Special Purpose Districts", Section 4-201, "Mixed Use District (MXD)", and that the proposed mixed use site plan referred to as "Shoma Park Tower" has met those standards; and

WHEREAS, after notice of public hearing duly published and courtesy notifications of all property owners of record within one-thousand (1000) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on October 8, 2014, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's October 8, 2014 meeting, the Board recommended approval of the proposed "Shoma Park Tower" mixed use site plan (vote: 6-1) subject to conditions of approval; and

WHEREAS, the City Commission on October 28, 2014, approved the proposed change of land use (vote: 5-0) and change of zoning (vote: 5-0) submitted concurrently with the mixed use site plan on first reading; and

WHEREAS, after notice of public hearing was duly published, a public hearing was held before the City Commission on November 18, 2014, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request for mixed use site plan review as required by the Zoning Code, and including careful consideration of written and oral comments by members of the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CORAL GABLES THAT:

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Resolution upon adoption hereof.

SECTION 2. The proposed mixed use site plan review for the mixed use project referred to as “Shoma Park Tower” on the property legally described as Lots 11-16, Block 203, Riviera Section Part 14 (1500 Venera Avenue), Coral Gables, Florida, shall be and is hereby approved subject to all of the following conditions:

1. Application/supporting documentation. Construction of the proposed project shall be in substantial conformance with all of the following:
 - a. Applicant’s Planning and Zoning Board submittal package dated 10.08.14, prepared by Behar Font & Partners, P.A.
 - b. Traffic Impact Study, dated August 2014 prepared by David Plummer and Associates.
 - c. All representations proffered by the Applicant’s representatives as a part of the review of the Application at public hearings.
2. Restrictive covenant. Within thirty (30) days of City Commission approval of the Application, the Applicant, property owner(s), its successors or assigns shall submit a restrictive covenant for City Attorney review and approval outlining all conditions of approval as approved by the City Commission. Failure to submit the draft restrictive covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft restrictive covenant is extended by the City Attorney after good cause as to why the time frame should be extended.
3. Prior to the issuance of a City Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall satisfy the following conditions:
 - a. On-street parking. Payment shall be provided by Applicant, its successors or assigns according to established City requirements for the loss of any on-street parking space as a result of the project.
 - b. Construction information/contact. Provide written notice to all properties within five hundred (500) feet of the Shoma Park Tower project (1500 Venera Avenue), providing a specific liaison/contact person for the project including the contact name, contact telephone number and email, to allow communication between adjacent neighbors or interested parties of construction activities, project status, potential concerns, etc.
 - c. Comply with all City requirements for Art in Public Places, which will include either a contribution to the Art in Public Places Fund, or having the proposed artist and public art concept be reviewed by the Arts Advisory Panel and Cultural Development Board, and Board of Architects approval before being submitted to the City Commission. The Applicant’s compliance with all requirements

of the Art in Public Places program shall be coordinated by the Director of Economic Sustainability.

4. Written notice. Provide a minimum of seventy-two (72) hour written notice to all properties within five hundred (500) feet of the Shoma Park Tower project (1500 Venera Avenue) boundaries of any proposed partial street/alley closures as a result of the project's construction activity. Complete street/alley closure shall be prohibited.
5. Prior to the issuance of a Certificate of Occupancy (CO) for the project, the Applicant, property owner, its successors or assigns shall complete the following:
 - a. Right-of-way and public realm improvements. Installation of all right-of-way improvements and all landscaping, public realm and streetscape improvements identified on the Applicant's approved plans, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning. Any changes to and departures from the right-of-way and public realm improvements identified on the Applicant's approved plans and associated detail plans and specifications via the permitting process shall be subject to review and approval by Directors of Public Works, Public Service, Planning & Zoning and Parking.
 - b. Undergrounding of overhead utilities. In accordance with Zoning Code Article 4 "Zoning Districts", more specifically, Section 4-201, "Mixed use District (MXD)," and Article 4, "Zoning Districts," Table 1, sub-section L, "Utilities", the Applicant shall submit all necessary plans and documents, and shall complete the undergrounding of all overhead utilities along all public rights-of-way surrounding and abutting the project boundary, subject to review and approval by the Directors of Public Works, Public Service and Planning & Zoning.
6. Applicant agrees, subject to the consent and cooperation of the neighboring property owner(s) at 6705 Red Road, to consolidate the pedestrian walkway it is proposing for the western end of its property with the existing pedestrian walkway located at the eastern end of the property at 6705 Red Road with all improvements being installed, and work done, at Applicant's expense. If such consolidated walkway is not feasible or consented to, then the Applicant agrees to provide a 5 foot wide pedestrian walkway at the western end of its property.

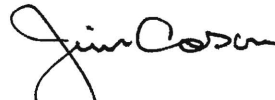
SECTION 3. That the applicant shall further be required to comply with all applicable zoning regulations and any changes to the application herein granted shall require a recommendation from the Planning and Zoning Board and approval by the City Commission.

SECTION 4. This development permit by the City of Coral Gables does not in any way create any right on the part of an applicant to obtain a permit from a county, state or federal agency. Likewise, this development permit does not create any liability on the part of the City of Coral Gables for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency, or if the applicant undertakes actions that result in a violation of county, state or federal law. In addition, as a condition of this approval, all county, state and federal permits must be obtained before commencement of the development.

SECTION 5. That this Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS EIGHTEENTH DAY OF NOVEMBER, A.D., 2014.
(Moved: Quesada / Seconded: Lago)
(Yeas: Lago, Quesada, Keon, Kerdyk, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-9)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY