

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA APPROVING CONDITIONAL USE REVIEW OF A SITE PLAN PURSUANT TO ZONING CODE ARTICLE 14, "PROCESS" SECTION 14-203, "CONDITIONAL USES," FOR A PROPOSED PUBLIX GROCERY STORE AND LIQUOR STORE ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 1 THROUGH 48, BLOCK 8, CORAL GABLES CRAFTS SECTION (2551 LE JEUNE RD), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting site plan review for a new Publix grocery store and liquor store that is greater than 20,000 square feet on property legally described as Lots 1 through 48, Block 8, Crafts Section (2551 Le Jeune Rd) Coral Gables, Florida; and

WHEREAS, the Application requires City of Coral Gables site plan review and public hearing consideration pursuant to the Zoning Code Mixed Use District (MX) provisions (Section 2-200.D.); and

WHEREAS, the Application has been submitted concurrently with an Application for a Planned Area Development (PAD) designation; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one thousand (1,000) feet from the subject property, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on November 8th, 2023, at which hearing all interested persons were afforded the opportunity to be heard;

WHEREAS, at the Planning and Zoning Board's November 8th, 2023 meeting, the Board recommended approval regarding the proposed mixed use site plan (vote: 5 - 1) subject to conditions of approval;

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand (1,000) feet from the subject property, a public hearing was held before the City Commission on January 23rd, 2024, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard;

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 site plan review for the new Publix grocery store and liquor store on property legally described as Lots 1 through 48, Block 8, Crafts Section (2551 Le Jeune Rd) 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. The Applicant’s submittal package to PZB prepared by GRAEF to include:
 - i. Maximum building height shall not exceed 36 ft. to roof (3 stories)
 - ii. 3.0 FAR (total floor area: 56,140 sq. ft.)
 - iii. 44,377 sq. ft. (33.49%) of total open space
 - iv. 285 parking spaces at the second and third level
- b. Traffic Impact Study, dated October 6, 2023, prepared by CHA.
- c. The site plan shall be updated to include the following:
 - i. Coordination with the Public Works Greenspace Management and revision of the Salzedo public park and Le Jeune Road plaza designs.
- d. The public rights-of-way shall be updated to include the following:
 - i. Curblines of future two-way cycle tracks on the south side of Andalusia and the west side of Salzedo, between Miracle Mile and Almeria, with temporary striping / on-street parking.
 - ii. Use of Coral Gables Beige concrete on the public sidewalks on Andalusia and Valencia. Revised paver design may be required within the private property.
 - iii. Removal of sidewalk ramps and replacement of continuous and level sidewalk through all three proposed curbcuts/driveways to prioritize pedestrian movements.
 - iv. Pedestrian crossing on the south leg of the intersection of Le Jeune Road at Valencia. Final approval and installation will be subject to Miami-Dade County and Florida Department of Transportation (FDOT).
- e. All representations preferred 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. It is recognized that the requirements contained in the restrictive covenant constitute

regulatory conditions of approval and shall survive as regulatory conditions of approval even if the restrictive covenant is later found to be void or unenforceable.

3. Prior to issuance of the first Building Permit:

- a. **Impact Fees.** The Applicant shall include the payment of all applicable City of Coral Gables impact fees, sewer capacity fees and service charges prior to the issuance of a building permit. No impact fee shall be waived.
- b. **Art in Public Places.** The Applicant shall provide a complete and notarized copy of the Project Value Application to the City. Prior to the issuance of the first Building Permit, applicant must make the required contribution to the appropriate Art in Public Places fund or receive approval for a waiver in accordance with the requirements of Article 9-103(B).
- c. **Ground Floor Design.** The ground floor of all sides of all buildings including the loading and service areas shall continue to be designed to optimize pedestrian activity and access. All arcades shall be flush with the sidewalk grade.
- d. **Public Realm Improvements.** Prior to issuance of the first City permit for vertical construction:
 - i. All proposed traffic flow modifications, including street design, crosswalk on south leg of Andalusia Avenue and Le Jeune Road, and any required signal adjustment on Salzedo at Miracle Mile for southbound lane repurposing shall require a “Dry-Run” approval of Miami-Dade County and the City. If any components of the proposed modifications are not approved, the traffic study shall be revised and additional community involvement may be required.
 - ii. The Applicant shall coordinate with Public Works on the final street design of Andalusia Avenue with current visioning project that implements a bike route on Andalusia Avenue between Biltmore Way and the future Mobility Hub, and Salzedo cycle track. The curblineline of the implemented bike routes shall be illustrated on site plan with temporary striping / parking until remainder of bike route(s) are constructed.
- e. **Encroachment Agreement and Covenant.** All encroachments illustrated in the Applicant’s submittal package, including special treatment sidewalks, landscaping, irrigation, street lighting, landscaping lighting and any other encroachments into, onto, under and over the right of way as shown in the site plan, are approved by the City Commission in the Site Plan approval and a Hold Harmless agreement must be executed approving the encroachments. Execute and record a restrictive covenant regarding encroachments and utilities in, below and above the public rights-of-way, in a form acceptable to the Public Works Director, the Risk Management Division, and the City Attorney, which shall include the precise locations and dimensions of the proposed areas of all encroachments. It is recognized that the requirements contained in the restrictive covenant constitute regulatory conditions of approval and shall survive as regulatory conditions of approval even if the restrictive covenant is later found to be void or unenforceable.
- f. **Bond to Restore Project Property.** Provide to the City a surety bond, or other form of security deemed acceptable by the City, covering the estimated maximum cost of the full restoration of the Property, including installation of sod and landscaping to City Code standards, and removal of all construction fencing.
- g. **Bond for Offsite Improvements.** Provide to the City a surety bond, or other form of security deemed acceptable by the City, in the amount of 100% of the estimated total hard and soft cost of all Offsite Improvements as determined by the Public Works Director.

- h. **Construction Notices.** Provide written notice to all properties within one thousand (1,000) feet of the project boundaries 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.
- i. **Construction staging.** Submit a construction staging plan to the Building Division. A checklist of requirements shall be provided upon request. Construction phasing/staging shall maintain pedestrian access and circulation along Le Jeune Rd, Valencia Avenue, Andalusia Avenue, and Salzedo Street. No equipment, outriggers, tracks, tires, RTU or vehicles permitted within the City's ROW/sidewalk area at any time.
- j. **Underground overhead utilities.** Applicant shall provide all necessary plans and documents to underground all utilities along Salzedo Street from the alley north of Andalusia to the alley south of Valencia and along Andalusia Avenue on the project site, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning, and the applicable utility companies.
- k. **Loss of On-street parking.** Payment shall be provided by Applicant, its successors or assigns according to established City requirements for the loss of on-street parking spaces on Valencia as a result of the project. Payment for loss of on-street parking as a result of the proposed cycle tracks on Andalusia and Salzedo will not be required.

4. Prior to issuance of the first Certificate of Occupancy or Temporary Certificate of Occupancy:

- a. **Sustainability Certification.** The developer/owner/contractor shall provide the City with a performance bond, cash or irrevocable letter of credit payment (Green Building Bond) in the amount of three (3%) percent of the master building permit construction cost value.
- b. **Underground utilities.** Complete the undergrounding of all utilities along Salzedo Street from the alley north of Andalusia to the alley south of Valencia, and along Andalusia Avenue on the project site, subject to review and approval by the Directors of Public Works, Landscape Services, and Planning and Zoning.
- c. **Utility Upgrades.** Water and Sewer system upgrades, fees, and all associated right-of-way improvements may be required at the Applicant's expense.
- d. **Art in Public Places.** The Applicant shall comply with all City requirements for Art in Public Places.
- e. **Public Realm improvements.**
 - i. **Public Maintenance.** The Applicant or property owner and its successors shall submit a Public Maintenance Agreement for City Attorney review and approval, which provides for the Applicant's payment of the costs of maintaining all public realm improvements surrounding the building and within the City's right-of-way. The agreement shall also state that should the property owner, its successors or assigns fail to meet the terms of the agreement, the City shall complete necessary maintenance and/or access improvements, which costs shall be reimbursed to the City by the property owner. The agreement shall be recorded in the public records for Miami-Dade County, Florida, in the form of a restrictive covenant.
- f. **Streetscape Design.** Install all right-of-way improvements and all landscaping, public realm, and streetscape improvements identified on the Applicant's approved plans, including street design with cycle tracks, crosswalk on south leg of Andalusia Avenue and Le Jeune Road, any required signal adjustment at Miracle Mile for lane repurposing on Salzedo, and landscaped bumpouts and shade trees. Address all issues highlighted in

the Traffic Impact Study, including repair non-functioning pedestrian signal (WALK display) on the south-east corner of Miracle Mile and Salzedo; restripe existing crosswalks on Le Jeune Road and Valencia; and install missing piece of the existing portion of curb ramp on north-east corner. 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, Landscape Services, and Planning and Zoning.

- g. **Conveyance of Salzedo Park.** The Applicant proffers to convey the completed 20,000 square foot park on Salzedo to the City of Coral Gables in fee simple, subject to a separate agreement to be approved by the City Commission. If the separate agreement is not finalized and approved, the park shall not be conveyed to the City and a publicly accessible open space easement shall be executed and recorded between the City and the Owner of the public park. The easement agreement shall include public accessibility from dawn to dusk, daily. All open spaces and any associated park furniture and amenities shall be maintained by the applicant or their successor in perpetuity, at a standard comparable to City parks such as Ingraham Park or Merrick Park.

5. Following issuance of the first Certificate of Occupancy:

- a. **Sustainability Certification.** Within two years of the issuance of a Final Certificate of Occupancy, the building must achieve LEED Silver, 3 Green Globes certification level, or equivalent certification. If the applicant chooses to pursue NGBS Silver Certification, an Energy Star Label will also be required within two years of the Final Certificate of Occupancy.
 - i. The City will hold the Green Building Bond for the time necessary for the green certification, or equivalent, to be issued for twenty-four (24) months after issuance of the Certificate of Occupancy or Completion; whichever occurs first. Upon receiving final documentation of certification from the developer/owner/contractor, the City shall release the full amount of the bond within thirty (30) days.
 - ii. If the developer/owner/contractor is unable to provide proof of green certification, or equivalent, within twenty-four (24) months after issuance of the Certificate of Occupancy or Completion, the full amount of the Green Building Bond shall be forfeited to the City. Any proceeds from the forfeiture of the bond under this section shall be allocated toward funding Sustainability Master Plan initiatives.
- b. **Bicycle infrastructure.** Applicant shall fund and/or construct any bicycle lane improvements approved by Miami-Dade County within four (4) years of issuance of the first certificate of occupancy for the portions of Andalusia and Valencia adjacent to the project, and Salzedo between Valencia and Miracle Mile, as determined by the Public Works Director.

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 be in conformance with the requirements of Zoning Code Section 3-410, "Changes to conditional use approvals."

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 passage and adoption herein.

PASSED AND ADOPTED THIS ____ DAY OF _____ A.D., 2024.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

BILLY URQUIA
CITY CLERK

CRISTINA SUAREZ
CITY ATTORNEY