

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2017-157**

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA GRANTING SITE PLAN APPROVAL PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW," DIVISION 4, "CONDITIONAL USES," SECTION 3-402, "GENERAL PROCEDURES FOR CONDITIONAL USES," FOR AN AMENDMENT TO THE VILLAGE OF MERRICK PARK SITE PLAN FOR THE DEVELOPMENT PROJECT REFERRED TO AS "MERRICK PARK HOTEL" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 12-22, BLOCK 6, INDUSTRIAL SECTION (4241 AURORA STREET), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, an Application was submitted requesting approval for conditional use with site plan review in order to amend the Village of Merrick Park site plan by adding the project referred to as the "Merrick Park Hotel" for the property legally described Lots 12-22, Block 6, Industrial Section (4241 Aurora Street), Coral Gables, Florida; and

**WHEREAS**, after notice of public hearing duly published and courtesy notification of all property owners of record within one-thousand (1,000) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on May 10, 2017 at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the Planning and Zoning Board's May 10, 2017 meeting, the Board recommended approval of the proposed conditional use (vote: 6-0) subject to conditions of approval; and

**WHEREAS**, after notice of public hearing duly published, a public hearing was held before the City Commission on July 11, 2017, 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 conditional use with 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 conditional use with site plan review amending the Village of Merrick Park site plan by adding the project referred to as the “Merrick Park Hotel” for the property legally described Lots 12-22, Block 6, Industrial Section (4241 Aurora Street), 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 the following, with revisions as needed for compliance with outstanding code requirements stated in the Staff Report:
  - a. Applicant’s Submittal Package dated 04.25.17 prepared by Nichols, Brosch, Wurst, Wolfe & Associates, Inc.
  - b. Initial Application submittal as amended via the City review process and all representations proffered by the Applicant’s representatives as a part of the review of the Application at public hearings.
2. Restrictive covenant. Within 30 days of approval, the property owner, its successors or assigns shall submit a draft restrictive covenant for City Attorney review/approval outlining all conditions of approval as approved by the City Commission. Failure to submit the covenant within the specified time frame shall render the approval void unless said time frame for submittal of the 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 the issuance of a City Building Permit for the project, the Applicant shall satisfy the following conditions:
  - a. Ownership of the land shall be transferred to the City of Coral Gables in order to incorporate the proposed development into the previously approved site plan for the Village of Merrick Park which is owned by the City of Coral Gables. As a part of the transfer of ownership a lease shall be prepared that limits the use to the hotel, subject to review and approval by the City Attorney.
  - b. Encroachments.
    - 1) The Applicant shall execute a restrictive covenant prepared by the City Attorney, which shall run with the title of the land, agreeing to provide public liability insurance coverage for the encroachment in the minimum limits required by the City, and naming the City as an additional insured under the policy.
    - 2) An executed copy of the restrictive covenant, together with certificates of required insurance, shall be presented to the Building Official.
    - 3) Encroachments must be designed to comply with the Florida Building Code Section 3202, “Encroachments” and approved by the Directors of Public Works and Planning and Zoning.
    - 4) Provide the Building Official with evidence, as in his opinion is reasonable, showing that all encroachments have been approved by the Florida Department of Transportation and Miami-Dade County.
  - c. Submit a parking management plan approved by the Director of Parking.
  - d. Comply with all City requirements for Art in Public Places. The Applicant’s compliance with all requirements of the Art in Public Places program shall be coordinated by the Historical Resources and Cultural Arts Director.
  - e. Incorporate landscape elements and pedestrian lighting into the alleyway.
  - f. Modify tree/palm species for street trees to accommodate Public Works traffic site visibility triangles in planting bump outs where the alleyway exits to the streets, subject to review and approval by Public Works.

- g. Incorporate more extensive landscape on the pool deck, subject to review and approval by Public Works.
  - h. Enhance streetscape connection between valet drop-off and parking garage entrance across the street, subject to review and approval by Public Works.
  - i. 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 spaces as a result of the project.
  - j. Submit plans providing landscaping, public realm and streetscape improvements in accordance with the City of Coral Gables streetscape master plan, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning.
  - k. Based on proposed sewer flow, sanitary sewer system may require improvement. Gravity lines are currently out of capacity. Any improvements deemed necessary are the sole responsibility of the Applicant, its successors or assigns and shall be completed subject to review and approval by the Director of Public Works.
  - l. Existing drainage system abutting the property shall be subject to assessment. Any improvements deemed necessary shall be completed by the Applicant, its successors or assigns and prior to TCO, subject to review and approval by the Director of Public Works.
  - m. Construction Staging. A construction staging plan shall be submitted to the City. A checklist of requirements shall be provided upon request. Construction phasing/staging shall maintain pedestrian and vehicular access and circulation around the development site.
  - n. Construction information/contact. Provide written notice a minimum of seventy-two (72) hours to all properties within five hundred (500) feet of the project, 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. Complete street/alley closure shall be prohibited.
  - o. Traffic Improvements. All proposed traffic flow modifications including street design, width, sight triangles, cross walks, diverters, etc. shall require written conceptual approval of Miami-Dade County and the City Public Works Department prior to the issuance of the first City permit for vertical construction. If any components of the proposed modifications are not approved, the traffic study shall be revised and additional community involvement may be required.
4. Prior to the issuance of any Temporary Certificate of Occupancy (TCO) for the project, the Applicant shall complete the following, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning:
- a. Install lighting in the ROW. It shall be LED, 3500k, Coral Gables pole with acorn fixture. The top shall not be clear in an effort to reduce lighting pollution.
  - b. Provide garbage and recycling receptacles in ROW.
  - c. Install bike parking in the ROW.
  - d. 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. 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, Planning and Parking.
  - e. Provide a tree root ball anchoring system such as Platypus or equal system for trees/palms in the pool deck planters.

5. Update traffic study one (1) year after Temporary Certificate of Occupancy is issued. If any recommendations for mitigation are proposed, they shall be reviewed and approved by the Director of Public Works and implemented by the Applicant, its successors or assigns within six (6) months.
6. Parking study. Complete a parking study one (1) year after the issuance of a Final Certificate of Occupancy and if it is determined that additional parking is required then the Applicant shall provide compensation to the City, subject to review and approval by the Director of Parking.
7. LEED. Within two (2) years of the issuance of a Final Certificate of Occupancy the building must achieve LEED Silver or equivalent certification.

**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 ELEVENTH DAY OF JULY, A.D., 2017.

(Moved: Quesada / Seconded: Mena)

(Yeas: Keon, Lago, Mena, Quesada, Valdés-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: F-6)

APPROVED:

RAUL VALDÉS-FAULI  
MAYOR

ATTEST:

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

WALTER J. FOEMAN  
CITY CLERK

CRAIG E. LEEN  
CITY ATTORNEY