

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2014-21

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING REVIEW OF A PLANNED AREA DEVELOPMENT (PAD) PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 5, "PLANNED AREA DEVELOPMENT (PAD)", FOR THE PROPOSED PROJECT REFERRED TO AS THE "GABLES POINTE PLAZA" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 7-27, BLOCK 1B, MACFARLANE HOMESTEAD AND ST. ALBAN'S PARK SECTION (280 SOUTH DIXIE HIGHWAY), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR SEVERABILITY, REPEALER AND AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE AT THE CITY)

WHEREAS, an Application was submitted requesting review of a Planned Area Development (PAD) pursuant to Zoning Code Article 3, "Development Review", Division 5, "Planned Area Development (PAD)", for the proposed project referred to as the "Gables Pointe Plaza" on the property legally described as Lots 7-27, Block 1B, MacFarlane Homestead and St. Alban's Park Section (280 South Dixie Highway), Coral Gables, Florida; and

WHEREAS, the Application has been submitted concurrently with an Application for a change of zoning pursuant to Zoning Code Article 3, "Development Review", Division 14, "Zoning Code Text and Map Amendments" from Commercial Limited District (CL) to Commercial District (C) for Lot 13 and Lots 17-23 of the property; and

WHEREAS, after notice of public hearing was duly published and 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 May 14, 2014, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the May 15, 2014 Board of Architects (BOA) meeting, the submitted plans received preliminary approval which included the shortage of two (2) parking spaces as a result of the BOA's request to adjust the site plan for aesthetic reasons, action deemed appropriate by the City Attorney; and

WHEREAS, at the May 14, 2014 Planning and Zoning Board meeting, the Board recommended approval (vote: 6-0) with conditions of the Planned Area Development (PAD) for the proposed project referred to as the "Gables Pointe Plaza" on the property legally described as Lots 7-27, Block 1B, MacFarlane Homestead and St. Alban's Park Section (280 South Dixie Highway), Coral Gables, Florida; and

WHEREAS, after notice was duly published, a public hearing for First Reading was held before the City Commission on August 26, 2014 at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, at the August 26, 2014 public hearing the City Commission was presented with the proposed Planned Area Development (PAD) referred to as "Gables Pointe Plaza", which after due consideration and discussion was approved on First Reading (vote: 5-0) with conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing 'WHEREAS' clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The Applicant's request for review of a Planned Area Development (PAD) pursuant to Zoning Code Article 3, "Development Review", Division 5, "Planned Area Development (PAD)", for the proposed project referred to as the "Gables Pointe Plaza" on the property legally described as Lots 7-27, Block 1B, MacFarlane Homestead and St. Alban's Park Section (280 South Dixie Highway), Coral Gables, Florida, is approved subject to the following conditions:

1. Application/supporting documentation. Construction of the proposed project shall be in substantial conformance with the following:
 - a. Applicant's Plan Submittal Package dated 05.14.14, and revised and dated 08.26.14.
 - b. Site plan and architectural drawings prepared by Studio X Architects and submitted with Applicant's Plan Submittal Package dated 08.26.14.
 - c. Landscape plan prepared by Bell-la Landscape Architecture and submitted with 08.26.14 Applicant's Plan Submittal Package dated 07.30.14.
 - d. Traffic Impact Study, dated February, 2014 prepared by David Plummer and Associates.
 - e. 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 take action to nullify or rescind any and all prior restrictive covenants related to prior development approvals and 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 is demonstrated as to why the time frame should be extended.
3. Prior to the issuance of a City Building Permit as applicable for each phase of the project, the Applicant, property owner(s), its successors or assigns, shall satisfy the following conditions:
 - a. A Restrictive Covenant shall be filed reserving within the parking lot the provided off-street parking spaces for each of the buildings as submitted and approved by the Planning and Zoning Board, subject to review and approval by the City Attorney and Director of Planning and Zoning.

- b. Provision for the off-street parking of bicycles shall be provided as required by Zoning Code Section 3-502.C.13, subject to review and approval by the Director of Planning and Zoning.
 - c. A Sign Plan shall be prepared and submitted that indicates the number, size, character, location, and orientation of all signs for the PAD in accordance with Zoning Code Article 5, Division 19 as required by Zoning Code Sections 3-502.C.16 and 3-502.D.3.h, subject to review and approval by the Director of Planning and Zoning.
 - d. If applicable, provide detailed plan and elevation drawings for the proposed trash room and proposed screening around the perimeter of the structure as required by Zoning Code Section 3-502.C.17, subject to review and approval by the Directors of Public Service and Planning and Zoning.
 - e. Submit a Utilities Plan showing that all utilities within and around the perimeter of the project have been installed underground, and a statement indicating proposed arrangements with appropriate agencies for the provision of needed utilities as required by Zoning Code Sections 3-502.C.22 and 3-502.D.3.i, subject to review and approval by the Directors of Public Works and Planning and Zoning.
 - f. Provide a plan of pedestrian and vehicular circulation showing the proposed circulation system of surrounding streets and driveway access to the property, vehicular circulation within the property, and pedestrian and transit systems as required by Zoning Code Sections 3-505.D.3.b, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning.
 - g. All design and buffering provisions for night time uses shall be provided as required in Zoning Code Sections 4-301.E and 4-302.D.6, subject to review and approval by the Directors of Public Works and Planning and Zoning.
 - h. Outdoor dining. The outdoor dining area shall not occupy an area of more than thirty (30%) percent of the public indoor dining area of the restaurant, as required by Zoning Code Section 5-119.A.3., subject to review and approval by the Director of Planning and Zoning.
 - i. Proposed landscaping plan shall require review and approval by the Directors of Public Service and Planning and Zoning.
 - j. Trash room. The proposed trash room shall be air conditioned, as required by Zoning Code Section 5-1701.
4. Prior to the issuance of the final Certificate of Occupancy (CO), as applicable per the plans for each Phase of 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 plans, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning.
 - b. Traffic circulation improvements. The property owner, its successors or assigns shall complete and install the following traffic circulation improvements, as recommended by the Public Works Department, subject to review and approval by the Director of Public Works:
 - 1) Provide directional median opening on Grand Avenue preventing vehicles exiting the development from making left-turns onto Grand Avenue due to the proximity to the school crosswalk. Eastbound left-turn movement on Grand Avenue will be provided allowing vehicles to access the development.
 - 2) Right-turn only pavement markings and signs shall be installed at the southern driveways' exits to Grand Avenue.

- 3) Driveway on north side of project must comply with the City of Coral Gables Public Works sight distance requirements.
- 4) Prepare and submit a directional sign and markings plan.
- 5) All work on Grand Avenue will require approval from the Miami Dade County Public Works Department.
5. The project's community center building shall be required to implement and meet all performance standards and operational requirements for nighttime uses as specified in Zoning Code Section 4-301.E, subject to review and approval by the Director of Planning and Zoning and regulation by Code Enforcement.
6. The project's restaurant building shall be required to implement and meet all performance standards and operational requirements for nighttime uses as specified in Zoning Code Section 4-302.D.6, subject to review and approval by the Director of Planning and Zoning and regulation by Code Enforcement.
7. Changes to and departures from the right-of-way and public realm improvements identified on the Applicant's 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, Parking and Planning and Zoning.
8. There shall be no overflow parking intrusion into the residential neighborhood.
9. Restaurant operation hours are as follows: Sunday - Thursday 9 am to 1 am the following day; Friday and Saturday 9:00 am to 2:00 am the following day. Outdoor seating: restaurant opening times to midnight every day.
10. The landscape hedge located along Florida Avenue that screens and buffers the surface parking lot shall be maintained at a minimum height of four (4) feet.

SECTION 3. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. 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 6. This ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS ELEVENTH DAY OF SEPTEMBER, A.D., 2014.

(Moved: Kerdyk/ Seconded: Quesada)

(Yeas: Quesada, Keon, Kerdyk, Lago, Cason)

(Unanimous: 5-0 Vote)

(Agenda Item: E-1)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY