

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2014-\_\_**

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES PURSUANT TO ARTICLE 3, DIVISION 18 OF THE CORAL GABLES ZONING CODE REVIEWING AND MAKING DETERMINATION REGARDING THE REQUEST FOR CITY COMMISSION APPROVAL OF GOVERNMENT SETTLEMENT AS TO CITY OF CORAL GABLES, FLORIDA V. ASTOR TROLLEY, LLC AND MERRICK MANOR, LLC, F/K/A 4111 LE JEUNE, LLC, CASE NO. 13-29113-CA-40 (11TH JUDICIAL CIRCUIT, MIAMI-DADE COUNTY, FLORIDA), AND RELATING TO THE ADMINISTRATIVE MATTER PROCEEDING BEFORE THE FEDERAL TRANSIT ADMINISTRATION, COMPLAINT NO. 2013-0131; AND REVIEWING AND MAKING DETERMINATION REGARDING DEVELOPMENT REQUESTS AS TO THE PROPOSED MIXED USE DEVELOPMENT AT 301 ALTARA AVENUE, CORAL GABLES, FLORIDA, WHICH ARE PART OF THE PROPOSED GOVERNMENT SETTLEMENT.

**WHEREAS**, the City Commission has reviewed the Request for City Commission Approval of Government Settlement, along with the proposed government settlement and development requests, and the City Attorney Recommendation of Government Settlement, and comments and recommendations of City staff, including the designated Development Review Officer;

**WHEREAS**, in accordance with the requirements in Article 3, Division 18 of the Zoning Code, the Commission held a quasi-judicial hearing at which testimony was taken and all interested parties had the opportunity to be heard;

**WHEREAS**, the Commission has considered the record, and weighed the following criteria established in section 3-1805 of the Zoning Code:

***Section 3-1805. Standards for review.***

- A. In order to achieve the purposes of this Division while remaining consistent with and further the goals, policies and objectives of the Comprehensive Plan and the purposes of these regulations and other City ordinances and actions designed to implement the Plan, the following standards shall apply to review and recommendations by City staff and the decision of the City Commission regarding the elements of the Request for Review of Government Settlement to which this Division of the Zoning Code applies. To the extent of any inconsistency between these standards and other Zoning*

*Code standards, the standards in this Division shall apply:*

- 1. The City Commission shall weigh the following criteria in determining whether to allow a waiver of or variance from the limitations on any provision of the Zoning Code outside of this Division in order to facilitate approval of the Government Settlement:*
  - a. The property is owned, or partially owned, by the City or will be owned, or partially owned, by the City as part of implementation of the Government Settlement;*
  - b. The proposed use of a property has a combined government and private use and facilitates important public policy objectives that are identified in the Comprehensive Plan, including but not limited to improvement of mobility alternatives to the automobile as described in the Mobility Element;*
  - c. Implementation of the Government Settlement is designed to redress the effects of alleged discrimination on the basis of a protected classification;*
  - d. Implementation of the Government Settlement resolves a federal or state administrative proceeding or will be made part of a consent order;*
  - e. Implementation of the Government Settlement will further the protection of the public health, safety or welfare, including but not limited to the remediation or prevention of allegedly discriminatory practices and the protection of the public health, environment, or natural resources;*
  - f. Implementation of the Government Settlement will facilitate the resolution of any potential conflict between the Zoning Code and a federal, state, or county statute or provision that pre-empts local regulation in accordance with Section 1-109.F of the Zoning Code;*
  - g. The proposed use is compatible with the nature, condition and development of adjacent uses, buildings and structures and will not adversely affect the adjacent uses, buildings or structures;*
  - h. The nature of the proposed development is not detrimental to the health, safety and general welfare of the community.*

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

**SECTION 1.** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

**SECTION 2.** The City Commission hereby [approves/approves with conditions/denies] the Government Settlement and related development requests [identify development requests] for the following reason(s): [enter reasons as established at hearing].

**SECTION 3.** That said Resolution shall become effective upon the date of its adoption.

PASSED AND ADOPTED THIS TWENTY SECOND DAY OF JULY, A.D., 2014.

(Moved By )

JIM CASON  
MAYOR

ATTEST:

WALTER FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN  
CITY ATTORNEY