

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES REQUESTING MIXED-USE SITE PLAN REVIEW AND CONDITIONAL USE REVIEW PURSUANT TO ZONING CODE ARTICLE 4, DIVISION 2, "MIXED USE DISTRICT (MXD)", FOR THE CONSTRUCTION OF A MIXED USE PROJECT REFERRED TO AS "THE COLLECTION RESIDENCES" ON THE PROPERTY LEGALLY DESCRIBED AS ALL OF BLOCK 3 AND THE PUBLIC ALLEYWAY, INDUSTRIAL SECTION (MULTIPLE STREET ADDRESSES), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTIONS ON FILE AT THE CITY)

WHEREAS, an Application was submitted requesting mixed use site plan review pursuant to Zoning Code Section 4-201 for the project referred to as "The Collection Residences" on the property legally described as all of Block 3 and the public alleyway, Industrial Section (250 Bird Road, 4101 Salzedo Street, 4111 Salzedo Street, 245 Altara Avenue, 4112 Aurora Street, and 4104 Aurora Street), 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 Application has been submitted concurrently with a request for a zoning code text amendment and a public alley vacation; and,

WHEREAS, after notice of public hearing duly published and courtesy notifications of all property owners of record within the MXD District and within one-thousand five hundred (1,500) feet of the MXD District, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on March 11, 2015, at which hearing all interested persons were afforded the opportunity to be heard; and,

WHEREAS, at the Planning and Zoning Board's March 11, 2015 meeting, the Board recommended approval of the proposed "The Collection Residences" mixed use site plan (vote: 7 – 0) subject to conditions of approval; and,

WHEREAS, after notice of public hearing was duly published, a public hearing was held before the City Commission on May 26, 2015 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 “The Collection Residences” on the the property legally described as all of Block 3 and the public alleyway, Industrial Section (250 Bird Road, 4101 Salzedo Street, 4111 Salzedo Street, 245 Altara Avenue, 4112 Aurora Street, and 4104 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 all of the following:
 - a. Applicant’s submittal package dated 03.11.14 prepared by Arquitectonica.
 - b. Traffic Impact Study, dated September 2014, prepared by David Plummer 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), their 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. **Bond.** Within 90 days of approval, the Applicant, property owner(s), their successors or assigns shall post a bond in favor of the City in an amount determined by the Public Works Director to cover the costs of restoring the property to a clean, safe, and attractive condition in the event that the project is not completed in a timely manner, consistent with the Development Agreement, Site Plan approval, and applicable conditions.
4. **Construction information/contact person.** Prior to the issuance of a City Building Permit for the project, the Applicant, property owner(s), their successors or assigns, shall provide a written notice to all properties within five hundred (500) feet of The Collection Residences project boundaries, providing a specific liaison/contact person 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.

5. **Written notice.** Provide a minimum of seventy-two (72) hour written notice to all properties within five hundred (500) feet of The Collection Residences project boundaries of any proposed partial street closure as a result of the project's construction activity. Complete street closure shall be prohibited.
6. **Construction of Underground Parking Garage.** Every effort shall be made to reduce the impact of dewatering of the underground parking garage and limit the impact to surrounding residents.
7. **Structural Plans Review.** The Applicant shall provide a Peer Reviewer for Structural Plans Review, as approved and overseen by the Building Director.
8. **Building facade.** No illuminated signage shall be permitted above the building's second floor facing north.
9. **Encroachments Plan.** Prior to the City's issuance of a Foundation Permit or any other major Building Permit for the project, Commission approval is required for a special treatment sidewalk, decorative pavers, landscaping, irrigation, street lighting, landscaping lighting and any other encroachments into, onto, under and over the right of way. The above encroachments must be approved by City resolution and a fully executed Hold Harmless agreement or restrictive covenant must be executed in a form acceptable to the City Attorney. 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.
10. **Art in Public Places.** Prior to the issuance of a City Building Permit for the project, the Applicant, property owner(s), their successors or assigns, shall 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 and Cultural Development.
11. **Replacement parking spaces.** The replacement of the forty-two (42) contiguous on-street and public alleyway parking spaces lost as a result of this project shall be replaced by the Applicant, property owner(s), their successors or assigns and located within the project in accordance with the approved plans, shall be unrestricted by the property owner or gated, shall have appropriate signage, and shall be designated, remain in perpetuity for public use only, and managed by the City Parking Department in a manner consistent with other public parking facilities. Any amendments to the replacement parking plans shall be subject to approval by the Parking Director.

12. **Tandem parking spaces.** Each set of tandem parking spaces within the building shall be assigned to an individual residential unit or leased commercial space within the building, and shall not be designated or used for public parking or parking for retail customers.
13. **Bird Road.** Provide a planting strip for shrubs provided all along Bird Road the width of the solitaire palm planting pits. The planting strip will provide a better buffer from traffic for pedestrians on the sidewalk and will improve the aesthetics along Bird Road. The shrubs will need to be maintained at a height of 24". The Applicant must seek, and this condition is subject to, approval and permit from Florida Department of Transportation for proposed improvements on Bird Road.
14. **Right-of-way and public realm improvements.** Prior to the issuance of the first Temporary Certificate of Occupancy (CO) for the project, the Applicant, property owner(s), their successors or assigns shall install 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, Planning and Zoning, and Parking.
15. **Undergrounding of overhead utilities.** Prior to the issuance of the first Temporary Certificate of Occupancy (CO) for the project, the Applicant, property owner(s), their successors or assigns shall, in accordance with Zoning Code Article 4, "Zoning Districts," more specifically, Section 4-201, "Mixed use District (MXD)," Table 1, sub-section L, "Utilities," submit all necessary plans and documents, and shall complete, at its expense, 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 and Planning and Zoning.
16. **Utility Upgrades.** Prior to the issuance of a building permit the Applicant, property owner(s), their successors or assigns shall prepare and submit an infrastructure improvement plan for the coordination and construction of utilities and facilities to the Public Works Department for review and approval. The Public Works Director shall determine if additional improvements are required upon review of the above plan. The Applicant shall be responsible for the funding of all recommended improvements, subject to and memorialized in a service agreement with the City which will incorporate a provision providing for proportionate reimbursements by subsequent projects, prior to issuance of the first major building permit.
17. **Emergency Vehicle Signal Preemption Technology.** Prior to issuance of the first Temporary Certificate of Occupancy, the Applicant, property owner(s), their successors or assigns shall contribute \$64,000 to emergency vehicle technology improvements for traffic signal preemption to improve response times within the Gables Redevelopment Infill District (GRID).

- 18. Use of Off-Street Parking.** All off-street parking in the project that is not provided as public parking spaces or as required parking for project uses shall be restricted for the use of owners, tenants or visitors.
- 19. LEED Building.** The project shall be certified as a LEED (Leadership in Energy and Environmental Design) building or equivalent national recognized green building certification program. If at the time the first Temporary Certificate of Occupancy is issued for the project, "Stage 3" LEED certification has not been achieved, then the Owner shall post a performance bond in a form acceptable to the City of Coral Gables and approved by the Building Official. The performance bond shall be determined based on the value of land per square foot of building in the area of the City in which the proposed project is located, which may be adjusted from time to time based on market conditions. The methodology for determining the value of land per square foot of building shall be maintained by the Department of Economic and Cultural Development. The City will draw down on the bond funds if "Stage 3" LEED certification has not been achieved and accepted by the City within one year of the City issuance of the first Temporary Certificate of Occupancy for the building. Funds that become available to the City from the forfeiture of the performance bond shall be placed in the Historic Public Art Fund as defined in Section 3-2106 of the Zoning Code.
- 20. Storefront Transparency.** Ground-level glass storefronts as shown in the approved elevations, with interior spaces that have a Certificate of Occupancy for Commercial Use (Temporary or regular), shall remain transparent and allow visibility into the interior of the ground-level space from the public right of way and pedestrian areas of the project. Tinting, curtains, blinds, paper, or other materials that obstruct visibility into the interior of the ground level space shall not be permitted except as required by the City during construction.

SECTION 3. The proposed mixed use site plan review for the mixed use project referred to as "The Collection Residences" on the the property legally described as all of Block 3 and the public alleyway, Industrial Section (250 Bird Road, 4101 Salzedo Street, 4111 Salzedo Street, 245 Altara Avenue, 4112 Aurora Street, and 4104 Aurora Street), Coral Gables, Florida, shall be and is hereby approved subject to the approval of Ordinance No. ____ for the Zoning Code Text Amendment for the Mixed Use District and subject to all of the conditions of approval required in the Ordinance No. ____ for the Public Alleyway Vacation on Block 3, Industrial Section.

SECTION 4. That the Applicant, property owner(s), their successors or assigns 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 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. That this Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS ____ DAY OF _____ A.D., 2015.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY