

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2017-04

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 "515 VALENCIA" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 24-38, BLOCK 7, BILTMORE SECTION (501 - 525 VALENCIA AVENUE), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

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 "515 Valencia" on the property legally described as Lots 24-38, Block 7, Biltmore Section (501 - 525 Valencia Avenue), Coral Gables, Florida; and

WHEREAS, the Application has been submitted concurrently with an Application for a zoning code text amendment pursuant to Zoning Code Article 3, "Development Review", Division 14, "Zoning Code Text and Map Amendments" adding site specific provisions increasing the maximum permitted floor area ratio for the property legally described as Lots 24-38, Block 7, Biltmore Section, Coral Gables, Florida; 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 December 14, 2016, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the December 14, 2016 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 "515 Valencia" on the property legally described as Lots 24-38, Block 7, Biltmore Section (501 - 525 Valencia Avenue), Coral Gables, Florida; and

WHEREAS, a public hearing for First Reading was held before the City Commission on January 10, 2017 at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, on January 10, 2017 public hearing the City Commission was presented with the proposed Planned Area Development (PAD) referred to as “515 Valencia,” and after due consideration and discussion, approved the Planned Area Development (PAD) 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 “515 Valencia” on the property legally described as Lots 24-38, Block 7, Biltmore Section (501 - 525 Valencia Avenue), 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 Submittal Package with architectural plans dated October 28, 2016 prepared by Hamed Rodriguez Architects Inc.
 - b. Traffic Study, dated November 2016 prepared by David Plummer & Associates.
 - c. 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, property owner(s), its successors or assigns, shall satisfy the following conditions:
 - a. Subject to the review and approval by the Director of Public Works, address all outstanding Traffic Study issues as identified by the Public Works Department and City’s traffic consultant,.
 - b. Obtain Commission approval 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 shall be approved by City resolution and a Hold Harmless agreement shall be executed.

- c. 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, Landscape Services and Planning and Zoning. The applicant shall continue to work closely with the Landscape Services Director on the landscape plan for the project and must receive final approval for all landscaping, in particular along the street frontages of the project and within the right-of-way. Additional landscape comments on the design are as follows:
 - i. Must comply with City of Coral Gables Public Works sight distance requirements at all driveway and intersections. Modify the tree species in the visibility triangle to a species acceptable to staff.
 - ii. Landscape and pedestrian lighting shall be provided along the alleyway on the north side of the building.
 - iii. Clearly marked pedestrian connections shall be provided through the parking garage from Valencia Avenue to the alley, and at the pedestrian walkway from the trellis on Valencia Avenue.
 - iv. Plant palette, street tree selection, site triangles, and Silva Cell locations shall be subject to final approval by Public Works Traffic Engineering and Landscape Services.
 - v. The gates on the north and south ends of the arcade facing the publicly accessible park space shall be removed. These access points shall be designed to be open and inviting to the public.
 - vi. Prior to applying for a building permit the applicant shall work with neighborhood representatives on the final design of the publicly accessible park. Any substantive changes to the park, as determined by the city, after its completion may require additional neighborhood input.
 - vii. Entrances to the publicly accessible park shall be realigned in a manner that takes into consideration pedestrian circulation and access from adjacent rights-of-way.
- d. Incorporate recommended improvements from the 2014 Coral Gables Bicycle / Pedestrian Plan, including but not limited to bike lanes along Valencia Avenue, subject to the approval of the Public Works Director. Due to the fact that Valencia Avenue between De Soto Blvd and Le Jeune Rd was identified in the Bicycle Master Plan as a potential location to install bike lanes, the installation of a median on Valencia Ave between Segovia and Hernando Street shall be subject to approval by the Public Works Department.
- e. Incorporate Silva cell planters or structural soil into the landscape plans for all trees planted within the public right-of-way.
- f. All windows and garage openings screening materials shall be recessed a minimum of four (4) inches from the building face.
- g. Any garbage receptacles in the right-of-way shall be coupled with recycling receptacles.
- h. Consider the need for refuse recovery (recycling) by residents. Residents should be able to dispose of recycling materials in the same manner as garbage. Ensure adequate space for recycling dumpsters.
- i. 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.

- j. Parking:
 - i. Pay for and install parking regulatory signage for an evening Residential Permit Zone and paid week-day parking on the 500 block of Valencia as determined by the City. The evening Residential Zone may be extended to the 400 block of Valencia at the City's discretion.
 - ii. Guest parking for the residential building shall be provided in designated and signed spaces within the parking garage and approved by the Parking Director.
 - iii. There will be a loss of on-street parking that will require compliance with City Code 74-201. A final cost for loss of on-street parking will be calculated by the Parking Director once the final right-of-way layout is approved.
 - iv. Provide bicycle parking for the project: a minimum of thirty-eight (38) secure, covered bicycle parking spaces for residents, and a minimum of five (5) on-street bicycle rack spaces for visitors. See http://c.ymcdn.com/sites/www.apbp.org/resource/resmgr/Bicycle_Parking/Essential_sofBikeParking_FINA.pdf as reference when selecting bike parking.
 - v. Provide a minimum of two (2) electric vehicle charging stations.
 - vi. Proffer that parking shall not be leased to off-site uses.
 - k. Construction information/contact. Provide written notice 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.
 - l. Street Closure notice. Provide a minimum of seventy-two (72) hour written notice to all properties within five hundred (500) feet of the project boundaries of any proposed partial street/alley closures as a result of the project's construction activity. Complete street/alley closure shall be prohibited.
 - m. Stormwater Discharge. Since the project will result in the disturbance of one acre or more, the applicant is required to seek coverage under the generic permit for stormwater discharge from large and small construction activities (DEP document 62-622.300 (4) (a) FDEP (850) 245-7522).
4. Prior to the issuance of a Temporary Certificate of Occupancy (CO) for 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 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, Landscape Services, Planning and Parking.
 - b. Utility Upgrades. The capacity of the gravity sewer main along Segovia Street between Valencia Avenue and Biltmore Way, and between Biltmore Way and Coral Way shall be increased by installing parallel lines or replacing existing pipes with larger diameter mains.

- c. Undergrounding of overhead utilities. The Applicant shall submit all necessary plans and documents, and shall complete the undergrounding of all overhead utilities along all public rights-of-way surrounding and abutting the project boundary, including Hernando Street and the public alley, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning.
 - d. Incorporate the FPL “Coral Gables” acorn pole with 3500k LED lights as part of the streetscape improvements along the applicant’s property on Valencia Avenue and Hernando Street, subject to the approval of the Public Works Director. The top shall not be clear in an effort to reduce lighting pollution.
 - e. LEED Certification. Prior to the issuance of the Temporary Certificate of Occupancy shall comply with Green Building Certifications as outlined in Zoning Code Section 5-1302.
 - f. Publicly Accessible Open Spaces Easement. Execute and record a Publicly Accessible Open Spaces Easement Agreement between the City and the Owner for the approximately 10,954 square foot open space at the intersection of Hernando Street and Valencia Avenue. The Easement Agreement shall include the following:
 - i. The open space shall be accessible to the public from dawn to dusk, daily. Any doors or gates, if proposed, that physically separate the open space from the public rights-of-way shall be open and unlocked during these hours.
 - ii. The open space and any park furniture and amenities, if provided, 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. The residential units located within the proposed project shall not be used for short term rentals consistent with present City requirements.

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 passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-FOURTH DAY OF JANUARY,
A.D., 2017.

(Moved: Keon / Seconded: Quesada)
(Yeas: Keon, Quesada, Slesnick, Cason)
(Majority: (4-0) Vote)
(Absent: Lago)
(Agenda Item: E-2)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY