

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-42 (AMENDED)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, BY AMENDING APPENDIX A, "SITE SPECIFIC ZONING REGULATIONS," SECTION A-66, "MACFARLANE HOMESTEAD," BY MODIFYING PROVISIONS FOR HEIGHT AND ADDING NEW PROVISIONS, FOR THE PROPERTY LEGALLY DESCRIBED AS TRACTS A AND B, BLOCK 5 AND TRACT 1, MACFARLANE HOMESTEAD AND ST. ALBANS PARK (215 AND 251 SOUTH DIXIE HIGHWAY), CORAL GABLES, FLORIDA; PROVIDING FOR A REPEALER PROVISION, PROVIDING FOR A SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE AT THE CITY)

WHEREAS, an Application was submitted requesting approval of a Zoning Code text amendment to Appendix A, "Site Specific Zoning Regulations," Section A-66, "MacFarlane Homestead," by modifying provisions for height and setbacks, and adding new provisions for floor area ratio and density for the property legally described as Tracts A and B, Block 5 and Tract 1, MacFarlane Homestead and St. Albans Park; and

WHEREAS, the existing Site Specific Zoning Regulations for MacFarlane Homestead modify the underlying Industrial Zoning District, including height limitations and increased setbacks from Grand Avenue; and

WHEREAS, an application was submitted in connection with a project known as "Gables Station" ("Project") on a property generally bounded by US1 to the south, the Metrorail right-of-way to the north, Ponce de Leon Boulevard to the east, and Grand Avenue to the west, generally known as 215 and 251 South Dixie Highway, Coral Gables, Florida, as legally described on Exhibit "A;" (the "Subject Property") and

WHEREAS, companion applications for Gables Station were filed seeking a Comprehensive Plan Map amendment from "Industrial" Land Use to "Mixed Use" Land Use and removal of the "Mixed Use Overlay District" Land Use, a Zoning Map amendment from "Industrial" to "Commercial" Zoning District and removal of the "South Industrial Mixed-Use District," approval of a Planned Area Development ("PAD"), and a Mixed-Use Conditional Use site plan; and

WHEREAS, the Subject Property is within 1,500 feet of the Douglas Road Metrorail Station, part of a regional commuter rail system that connects to Brickell, Downtown Miami, and the Miami International Airport; and

WHEREAS, the City of Coral Gables Comprehensive Plan establishes a goal of growth in proximity to transit stations; and

WHEREAS, the Subject Property is located on South Dixie Highway – a major arterial roadway; and

WHEREAS, the subject property is located within one mile of the University of Miami campus; and

WHEREAS, the subject property is located within walking distance of the Village of Merrick Park, a regional mixed-use destination, and numerous mixed-use projects; and

WHEREAS, the Project consists of a mix of uses including hotel, residential, retail, commercial, and restaurant, and the Project design requires amendments to Appendix A, “Site Specific Zoning Regulations,” Section A-66, “MacFarlane Homestead,” by modifying provisions for height, and adding new provisions for Floor Area Ratio and Density, in order to be built; and

WHEREAS, the Applicant has also submitted proposed applications including Comprehensive Plan Map Amendment, Zoning Map Amendment, a proposed Planned Area Development Site Plan, and Mixed-Use Conditional Use Site Plan which are all necessary for the Project to be reviewed in its totality; and

WHEREAS, Staff finds that the procedures for reviewing and recommending proposed Zoning Code text amendments are provided in Zoning Code Article 3, Division 14, “Zoning Code Text and Map Amendments”, and that the proposed Zoning Code text amendment, shown in Exhibit “B,” has met those criteria and standards; and

WHEREAS, in advance of public hearing consideration, the City’s staff analysis and recommendation were expressly incorporated into the record of this proceeding and are available for inspection at City of Coral Gables Planning Department and City Clerk’s office and available on the City’s Web page at www.coralgables.com for easy retrieval; and

WHEREAS, after notice of public hearing duly published and courtesy notifications of all property owners of record within South Industrial Mixed-Use District and within one-thousand (1,500) feet of the South Industrial Mixed-Use District, the application was presented to the Planning and Zoning Board of the City of Coral Gables on May 17, 2016; and

WHEREAS, at the Planning and Zoning Board’s May 17, 2016 meeting, a public hearing was held and at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's May 17, 2016 meeting, the Board recommended approval of the proposed Zoning Code Text Amendment application with Staff's recommended modification to limit building height to 120' and to maintain the 20' setback provision for Grand Avenue (vote: 4-0); and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on June 14, 2016, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a modified Zoning Code Text Amendment, in which the request to remove 20' minimum setback provision on Grand Avenue was withdrawn by the applicant, and after due consideration and discussion, approved the amendment on First Reading (vote: 4-1); and

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on July 26, 2016, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a Zoning Code Text Amendment, and after due consideration and discussion, passed and adopted the Zoning Code Text Amendment on Second Reading (vote: 3-2); and

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request to change the Zoning Code pursuant to Florida Statutes, and including careful consideration of written and oral comments by members of the public; and

WHEREAS, the City subsequently and separately approved the Comprehensive Plan Map amendment, Zoning Code Map amendment, the Planned Area Development site plan, and the Mixed-Use Conditional Use site plan applications for the "Gables Station" project more particularly described above; and

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 a change of Zoning Code Text pursuant to Zoning Code Article 3, "Development Review," Division 14, "Zoning Code Text and Map Amendments," for Appendix A, "Site Specific Zoning Regulations," Section A-66, "MacFarlane Homestead," by modifying provisions for height, and adding new provisions for floor area ratio and density for the property legally described as Tracts A and B, Block 5 and Tract 1, MacFarlane Homestead and St. Albans Park, is hereby approved.

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 Ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF JULY A.D., 2016.

(Moved: Quesada / Seconded: Keon)

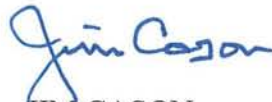
(Yeas: Keon, Quesada, Cason)

(Majority: (3-2) Vote)

(Nays: Lago, Slesnick)

(Agenda Item: E-6)

APPROVED:



JIM CASON
MAYOR

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY

ATTEST:



WALTER J. FOEMAN
CITY CLERK

Exhibit "A"

LEGAL DESCRIPTION:

TRACTS A AND B OF THE REPLAT OF BLOCK 5 OF THE COMBINED AND SUPPLEMENTAL MAP OF MACFARLANE HOMESTEAD PLAT AND ST. ALBAN'S PARK, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 44, PAGE 22, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THAT PORTION DEDICATED FOR STATE ROAD NO. 5 (U.S. NO. 1).

AND

BEGINNING AT A MONUMENT AT THE MOST WESTERLY CORNER OF TRACT 1, AS SHOWN ON REVISED PLAT OF PORTIONS OF COMBINED & SUPPLEMENTAL MAP OF MACFARLANE HOMESTEAD PLAT & ST. ALBAN'S PARK (P.B. 5-81) AND AMENDED PLAT OF COCONUT GROVE WAREHOUSE CENTER (P.B. 25-66), ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 42, PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY, A DISTANCE OF 158.95 FEET TO A PIPE; THENCE DEFLECTING TO THE RIGHT 87° 20' 30" AND IN A SOUTHEASTERLY DIRECTION, A DISTANCE OF 200.12 FEET TO A PIPE IN THE NORTHWESTERLY LINE OF SOUTH DIXIE HIGHWAY; THENCE DEFLECTING TO THE RIGHT 92° 39' 15" AND IN A SOUTHWESTERLY DIRECTION ALONG THE NORTHWESTERLY LINE OF THE AFORESAID SOUTH DIXIE HIGHWAY, A DISTANCE OF 168.28 FEET TO A PIPE AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF SOUTH DIXIE HIGHWAY AND THE NORTHEASTERLY LINE OF HARDING CROSSING; THENCE DEFLECTING TO THE RIGHT 90° 1' 9" AND IN A NORTHWESTERLY DIRECTION ALONG THE NORTHEASTERLY LINE OF HARDING CROSSING, A DISTANCE OF 199.92 FEET TO POINT OF BEGINNING; LESS AND EXCEPTING THEREFROM THE SOUTHEASTERLY 26 FEET THEREOF, ACQUIRED FOR WIDENING OF STATE ROAD NO. 5, ACCORDING TO RIGHT-OF-WAY MAP RECORDED IN PLAT BOOK 57, PAGE 65, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

THAT CERTAIN STREET DESIGNATED AS "HARDING CROSSING" DESCRIBED AS THAT STREET BOUNDED ON THE NORTHWEST BY THE SOUTHEASTERLY RIGHT-OF-WAY OF THE FORMER FLORIDA EAST COAST RAILWAY, ON THE SOUTHWEST BY SAID TRACT A, AND ON THE SOUTHEAST BY THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 5, AND ON THE NORTHEAST BY SAID TRACT 1.

AND

A PORTION OF TRACT 1 OF REVISED PLAT OF PORTIONS OF COMBINED & SUPPLEMENTAL MAP OF MACFARLANE HOMESTEAD PLAT & ST. ALBAN'S PARK (P.B. 5-81) AND AMENDED PLAT OF COCONUT GROVE WAREHOUSE CENTER (P.B. 25-66), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 42, AT PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; TOGETHER WITH A PORTION OF THAT STREET RIGHT-OF-WAY LYING NORTHEASTERLY OF AND ADJACENT TO SAID TRACT 1, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWESTERLY LINE OF SAID TRACT 1 EXTENDED FOR A DISTANCE OF 21.81 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED, SAID POINT BEING SITUATED ON THE ARC OF CIRCULAR CURVE CONCAVE TO THE NORTHEAST AND HAVING FOR ITS ELEMENTS A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 20° 16' 01"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 123.80 FEET TO A POINT OF TANGENCY ON THE NORTHEASTERLY LINE OF SAID TRACT 1; SAID POINT BEING 65.04 FEET NORTHWEST OF (AS MEASURED ALONG THE NORTHEASTERLY LINE OF SAID TRACT 1) THE MOST EASTERLY CORNER OF SAID TRACT 1; THENCE RUN SOUTH 50° 47' 44" EAST ALONG THE NORTHEASTERLY LINE OF SAID TRACT 1 FOR A DISTANCE OF 22.71 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE WEST AND HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 95° 03' 47"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, FOR A DISTANCE OF 41.48 FEET TO A POINT OF COMPOUND CURVATURE WITH ANOTHER CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING FOR ITS ELEMENTS A RADIUS OF 1867.58 FEET AND A CENTRAL ANGLE OF 1° 31' 41"; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 49.81 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 45° 47' 44" WEST FOR A DISTANCE OF 100.60 FEET TO A POINT; THENCE RUN NORTH 46° 50' 28" WEST FOR A DISTANCE OF 174.18 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID TRACT 1; THENCE RUN NORTH 45° 47' 44" EAST ALONG THE NORTHWESTERLY LINE OF SAID TRACT 1 FOR A DISTANCE OF 187.58 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND LYING AND BEING SITUATED IN THE CITY OF CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA.

LESS AND EXCEPT THE PROPERTY CONVEYED TO FDOT FOR RIGHT TURN LANE IN DEED RECORDED IN OFFICIAL RECORDS BOOK 28719, PAGE 4921, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

(Exhibit "A" of Commitment for Title Insurance prepared by First American Title Insurance Company, Order No. NCS-734437-CAST, with an effective date of June 22, 2015 at 8:00 A.M.).

Containing 191,249 Square Feet or 4.39 Acres (Net Area) and 328,559 Square Feet or 7.54 Acres (Gross Area), more or less, by calculations.

Exhibit "B"

The following Zoning Code Text Amendments are presented in ~~strike through~~ / underline format.

Section A-66 – MacFarlane Homestead.

C. Height of buildings.

1. No commercial, residential, or mixed use buildings and/or structures shall be erected or altered on the following described property to exceed ~~six (6) stories or seventy-two (72)~~ one hundred and sixty (160) feet in height, whichever is less:

MacFarlane Homestead and St. Albans Park.

a. Tracts A and B, Block 5.

b. Tract 1.

G. Floor area ratio (FAR) Provisions for mixed use buildings.

1. Maximum floor area ratio (FAR) for mixed use buildings on the following described property shall not exceed 3.5

MacFarlane Homestead and St. Albans Park.

a. Tracts A and B, Block 5.

b. Tract 1.

H. Density Requirements.

1. The density for mixed use buildings on the following described property shall not exceed 125 units per acre.

MacFarlane Homestead and St. Albans Park.

a. Tracts A and B, Block 5.

b. Tract 1.



August 30, 2016

VIA ELECTRONIC MAIL

Craig E. Leen, Esq.
City Attorney
City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, Florida 33134

**Re: Gables Station / Motion to Amend Ordinances and Resolution Regarding
Land Use and Zoning Approvals**

Dear Mr. Leen:

On behalf of NP International, LLC, the developer of the Gables Station project, I have reviewed Ordinance Nos. 2016-40, 2016-41, 2016-42, 2016-43 and Resolution No. 2016-172 (all collectively, the "Approvals") against the record of the proceedings. While the Approvals attempt to memorialize the various land use and zoning approvals that were granted for Gables Station, there are certain omissions and corrections that are necessary to ensure their accuracy. Because the City of Coral Gables adopts the Florida Rules of Appellate Procedure, *see* Zoning Code § 3-607(A), I hereby make a motion, pursuant to Florida Rule of Appellate Procedure 9.020(i), to amend these Ordinances and Resolution as further detailed below so as to correct clerical errors regarding several substantive matters. In particular, the errors requiring correction are summarized below:

1. Ordinance No. 2016-42 incorrectly recorded the vote of the City Commission at the First Reading of that Ordinance. Ordinance No. 2016-42 was approved by a vote of 4-1, not 4-0, on First Reading.
2. Ordinance No. 2016-43 and Resolution No. 2016-172 incorrectly reference the final site plan submittal package which was reviewed and approved by the City Commission which included an Addendum dated July 20, 2016, which is not referenced in either document.
3. Ordinance No. 2016-43 and Resolution No. 2016-172 incorrectly reference the final traffic impact study which was reviewed and approved by the City Commission

Mr. Craig E. Leen
August 30, 2016
Page 2

which included an Addendum dated July 15, 2016, which is not referenced in either document.

4. Conditions 4(c)(i) of Ordinance No. 2016-43 and Resolution No. 2016-172 fail to mention that the additional review required of the Board of Architects encompasses the entire project.
5. Conditions 4(x) of Ordinance No. 2016-43 and Resolution No. 2016-172 fail to provide that the bond, or other surety, required to restore the project site shall be released upon commencement of vertical construction.

Enclosed as Exhibit "A" to this motion are blackline versions of the relevant Ordinances and Resolutions which indicate the revisions which we respectfully submit are appropriate to address the substantive scrivener's errors mentioned above as well as some other minor typographical errors. If you would like to discuss this motion further, please contact me at mgarcia-serra@gunster.com or 305-376-6061. Thank you for your attention to this matter.

Sincerely,



Mario J. Garcia-Serra

MGS

MIA_ACTIVE 4516544.1

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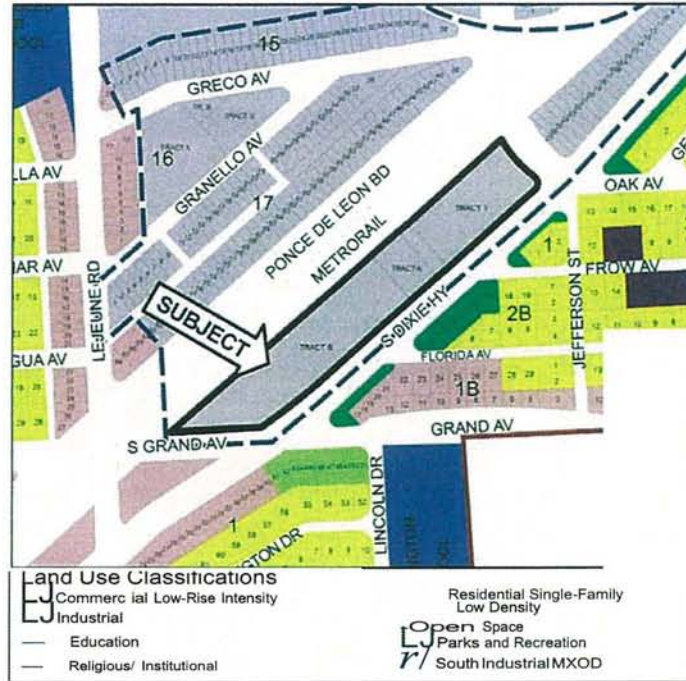
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2-3	Change	"amendment on First Reading (vote: 4 -0); and" changed to "amendment on First Reading (vote: 4 -1); and"
4	Insertion	GABLES, FLORIDA ORDINANCE...NO. 2016-43 (AS AMENDED)
5-6	Change	"July 14, 2016, prepared by Gensler." changed to "July 14, 2016, prepared...dated July 20, 2016."
7	Change	"April 2016 and updated on... by David Plummer" changed to "April 2016 and updated on... by David Plummer"
8-9	Change	"1." changed to "i."

10	Change	"Architects. Additional... ground level courtyard" changed to "Architects. Additional... ground level courtyard"
11-12	Change	"111. Zoning Review. The Applicant" changed to "iii. Zoning Review. The Applicant"
13-14	Change	"1. Prior to issuance of the first building" changed to "i. Prior to issuance of the first building"
15-16	Change	"11. Secure a County permit for the driveways" changed to "ii. Secure a County permit for the driveways"
17-18	Change	"111. Coordinate design and location of" changed to "iii. Coordinate design and location of"
19	Change	"any other potential... for maximum safety" changed to "any other potential... for maximum safety"
20-21	Change	"1v." changed to "iv."
22-23	Change	"v1. Internal Driveway. Coordinate with" changed to "vi. Internal Driveway. Coordinate with"
24-25	Change	"v11. Design, funding and construction" changed to "vii. Design, funding and construction"
26-27	Change	"1x." changed to "ix."
28	Change	"months have passed since...application for building" changed to "months have passed since...application for building"
29	Insertion	MIA_ACTIVE 4517438.1

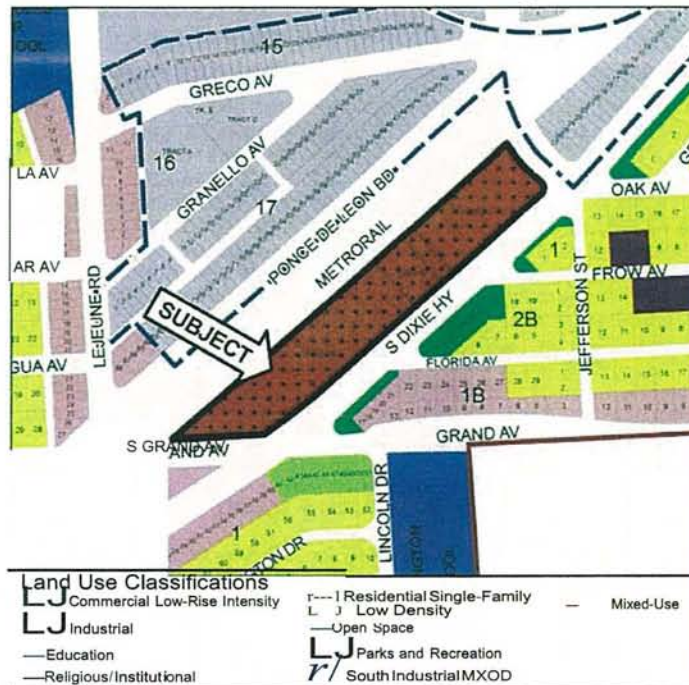
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Exhibit "B"

Future Land Use Map Prior to Commission Approval of MXD Land Use and Removal of the Mixed Use Overlay District



Approved Future Land Use Map with MXD Land Use and Removal of the Mixed Use Overlay District



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4	Change	"April 2016 and updated on...by David Plummer" changed to "April 2016 and updated on...by David Plummer"
5	Change	"Architects. Additional...ground level courtyard" changed to "Architects. Additional...ground level courtyard"
6-7	Change	"1. Prior to issuance of the first building" changed to "i. Prior to issuance of the first building"
8-9	Change	"11. Secure a County permit for the driveways" changed to "ii. Secure a County permit for the"

		driveways"
10-11	Change	"111. Coordinate design and location of" changed to "iii. Coordinate design and location of"
12	Change	"any other potential...for maximum safety" changed to "any other potential...for maximum safety"
13-14	Change	"1v." changed to "iv."
15-16	Change	"v1. Internal Driveway. Coordinate with" changed to "vi. Internal Driveway. Coordinate with"
17-18	Change	"v11. Design, funding and construction" changed to "vii. Design, funding and construction"
19-20	Change	"v111. Provide a pedestrian crosswalk across" changed to "vii. Provide a pedestrian crosswalk across"
21-22	Change	"1x. Maximize the number of parallel" changed to "ix. Maximize the number of parallel"
23	Change	"months have passed since...application for building" changed to "months have passed since...application for building"
24	Insertion	MIA_ACTIVE 4517432.1

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