

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2008-38

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES APPROVING A MIXED USE (MXD) SITE PLAN FOR THE PROPOSED MIXED USE PROJECT REFERRED TO AS "4311 PONCE", LOCATED ON PROPERTY LEGALLY DESCRIBED AS LOTS 38-43, BLOCK 5, INDUSTRIAL SECTION (4311 PONCE DE LEON BOULEVARD), CORAL GABLES, FLORIDA; AS SET FORTH IN APPLICATION NO. 01-08-043-P; SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, Application No. 01-08-043-P was submitted for approval for a mixed use site plan review on Lots 38-43, Block 5, Industrial Section (4311 Ponce de Leon Boulevard), Coral Gables, Florida, to permit the construction of a mixed-use project known as "4311 Ponce"; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within the North and South MXD Industrial Districts and within one thousand five hundred (1,500) foot radius from the Districts, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on February 13, 2008, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the February 13, 2008 Planning and Zoning Board meeting, the Board recommended approval of the proposed MXD project (vote: 5-0) with conditions; and

WHEREAS, pursuant to the MXD zoning regulations all proposed MXD site plan applications are subject to a public hearing for City Commission review and approval via Resolution; and

WHEREAS, after notice of public hearing was duly published, a public hearing was held before the City Commission on March 11, 2008, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, the City Commission on March 11, 2008, approved the request (Vote: 3-2) subject to conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION 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 Resolution upon adoption hereof.

In furtherance of the Comprehensive Land Use Plan Goals, Objectives and Policies, Zoning Code and other applicable City provisions the "4311 Ponce" MXD project shall be approved subject to all of the following conditions:

1. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following:
 - a. Site plans, building elevations and building program prepared by Mateu Architecture Inc., dated 01.04.08.
 - b. Landscape plans prepared by Mariano Corral Landscape Architect, dated 01.04.08.

- c. Traffic impact study prepared by David Plummer & Associates, dated January 2008.
- d. All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package dated 01.04.08, and 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 of the adoption of the site plan, the property owner, its successors or assigns shall submit a restrictive covenant for City Attorney review and approval outlining all conditions of approval required 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.
3. Prior to the issuance of a building permit for the project, the property owner, its successors or assigns, shall satisfy the following conditions:
 - a. Retail customer parking. Thirty (30) floor level parking spaces (non-mechanical lift) shall be designated and reserved on the second floor of the building for use by retail customers, and shall remain unrestricted by the mechanical lifts above for the use of retail parking patrons during all hours that retail businesses are open. Each space shall include signage indicating "Retail customer parking".
 - b. Parking garage gates. No vehicle gates or similar devices shall be installed that prohibit public access and use of required commercial office or retail parking spaces during all hours that commercial businesses are open.
 - c. Parking spaces. The sale or leasing of parking spaces to any person, business or entity that is not a tenant or resident of the building shall be prohibited.
 - d. Pedestrian crosswalk signal. The applicant shall prepare and provide to the Public Works Director a traffic signal timing analysis for the Ponce de Leon / Bird Road signal identifying modifications required for pedestrian crossing times as recommended by the Traffic Study.
 - e. Required landscaping. Minimum ten (10%) percent on-site landscaping shall be provided and confirmed by the Building and Zoning Department at the time the Final Zoning Analysis is prepared.
 - f. Gym facilities. The roof top gym facility and lap pool shall be for the exclusive use of building tenants, residents and guests, and shall not be made available for use by the general public.
4. Prior to the issuance of the final Certificate of Occupancy (CO), the property owner, its successors or assigns shall complete the following:
 - a. Public realm improvements. Install all landscaping and public realm improvements and streetscape improvements on-site and within the public ROW adjacent to project site as shown on the Site Landscape Plan and Site Hardscape Plan (sheets LP-1 & LH-1), subject to review and approval by Directors of Public Works and Public Service Departments.

SECTION 2. That the applicant 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 3. That this resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS ELEVENTH DAY OF MARCH., A.D.,
2008.

(Moved: Anderson / Seconded: Withers)
(Yea: Kerdyk, Withers, Anderson)
(Nays: Cabrera, Slesnick)
(Majority (3-2) Vote)
(Agenda Item: E-4)

APPROVED:



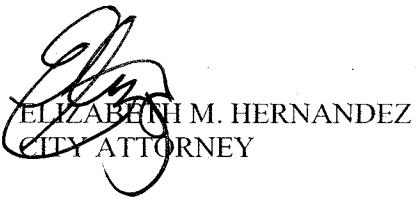
DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOELMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY