

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2010-255

RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR AN AMENDMENT TO A PREVIOUSLY APPROVED MIXED-USE PROJECT (APPROVED VIA RESOLUTION NO. 2008-58) REFERRED TO AS "GABLES GATEWAY", LOCATED ON PROPERTY LEGALLY DESCRIBED AS LOTS 1-23 AND LOTS 76-88, BLOCK 17, INDUSTRIAL SECTION (INTERSECTION OF LEJEUNE ROAD, GRANELLO AVENUE AND PONCE DE LEON BOULEVARD), CORAL GABLES, FLORIDA; PROVIDING FOR AN AMENDMENT TO THE PREVIOUSLY REQUIRED ATTAINABLE/AFFORDABLE HOUSING CONDITION; PROVIDING FOR AN ALTERNATIVE CONDITION OF APPROVAL; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Application No. 12-07-042-P was submitted requesting a mixed-use (MXD) site plan and alley relocation review for proposed amendments to a previously approved mixed-use project referred to as "Gables Gateway", located on Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida; and

WHEREAS, Application No. 05-05-346-P was granted approval for MXD3 site plan review on July 11, 2006 (Resolution No. 2006-146); and

WHEREAS, the property known as "Gables Gateway" has, since approval, changed ownership and due to market conditions the current owner proposed revisions to the project which received an amended mixed use site plan approval pursuant to Resolution No. 2008-58 approved by the City Commission on April 29, 2008; and

WHEREAS, Condition D.3. of Resolution No. 2008-58 required that 15% of the project's units be rented at "attainable/affordable" rental rates, based on 30% of 100% of the City's median household income, for a period of 15 years; and

WHEREAS, the property owners on November 4, 2010 submitted a letter to the City requesting consideration of an alternative attainable/affordable housing condition; and

WHEREAS, the City as a part of its 2010 rewrite of the Comprehensive Plan amended the Policy requiring attainable/affordable housing which provided for the deferral of the implementation of City's program(s) governing attainable/affordable housing; and

WHEREAS, the property owners has provided an alternative condition which has been accepted and approved by the City Commission on November 9, 2010;

**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 property owner desires to amend the previously approved Condition D.3. of Resolution No. 2008-58 providing for an alternative condition (referenced herein as new Condition D.3.) to satisfy the attainable/affordable housing requirements pursuant to the City Commission April 29, 2008 approval for the construction of a mixed-use project consisting of ground floor retail and multi-family residential units on Lots 1-23 and Lots 76-88, Block 17, Industrial Section (intersection of LeJeune Road, Granello Avenue and Ponce de Leon Boulevard), Coral Gables, Florida, subject to the following conditions:

- A. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following documents:
 - 1) Site plan, landscape plan, building elevations and building program prepared by Behar Font and Partners, P.A., dated 12.22.07, as amended on plan dated 04.17.08 providing for 9 on-street parking spaces as approved by the City Commission on 04.29.08.
 - 2) Traffic impact study prepared by David Plummer & Associates, Inc., dated December 2005 and updated on November 2007.
 - 3) All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package, and proffered by the applicant's representatives as a part of the review of the application at public hearings.
- B. Restrictive Covenant. Within 30 days of approval of the adoption of the ordinance and resolution, 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 in writing by the City Attorney after good cause as to why the time frame should be extended has been demonstrated by the applicant.
- C. Prior to the issuance of a building permit for the project, the property owner, its successors or assigns, shall adhere or agree to the following conditions:
 - 1) Parking garage gates. No vehicular gates or similar devices shall be installed that prohibit public access and use of required commercial parking spaces during all hours that any commercial businesses are open.
 - 2) Parking spaces. The sale or leasing of parking spaces to any person, business or entity that is not a tenant or resident of this project shall be prohibited.
 - 3) Retail parking spaces. Reservation of parking spaces for retail or commercial uses is prohibited.
 - 4) Public realm improvements. Provide landscaping, public realm and streetscape improvements in accordance with the City of Coral Gables Master Streetscape Plan and pursuant to the standards in Section 4-201 (D) through (M) and Article 5, Division 11 for LeJeune Road, both sides of Granello Avenue, the portion of Ponce de Leon Boulevard adjacent to the project site, and the intersection of Granello and Greco Avenues, to be

- reviewed and approved by the Public Works and Public Service Directors.
- 5) Underground facilities master plan. Prepare and submit an Underground facilities master Plan for water, sewer, gas, electrical and other infrastructure facilities upon request by the Director of the Public Works Department for review and approval.
- D. Prior to the issuance of the final Certificate of Occupancy (CO), the property owner, its successors or assigns shall complete the following:
- 1) Traffic improvements. Provide the following traffic improvements, subject to the Public Works Director's review and approval:
 - a. Install northeast bound left turn lane on Ponce de Leon Boulevard at project alleyway.
 - b. Extend southwest right turn lane on Ponce de Leon Boulevard at LeJeune Road.
 - c. Install westbound left turn lane on Granello Avenue at LeJeune Road.
 - d. Reconfigure intersection at Granello and Greco Avenues.
 - e. Reconfigure intersection at Biltmore and Riviera Drives.
 - f. Install roundabout at Blue Road and Riviera Drive.
 - 2) Traffic calming and roadway improvements. In addition to the above traffic improvements the property owner, its successors or assigns shall provide roadway resurfacing and sidewalk reconstruction with curb and gutter along both sides of Granello Avenue and install traffic calming improvements at the intersection of Granello and Greco Avenues including reconfiguration of roadway geometry and pedestrian crosswalks, subject to Public Works Director review and approval.
 - 3) The property owner to promote affordable/attainable housing within the City shall provide for a payment in lieu subject to the following:
 - a. Prior to issuance of a building permit or April 29, 2011, whichever occurs first, the property owner(s), successors or assigns shall allocate \$100,000 dollars to the LBW Homeowner's Foundation, Inc. for the delivery of affordable/attainable housing units within the MacFarlane Homestead Historic District. Said contribution to the LBW Homeowner's Foundation Inc. will be made pursuant to an agreement between the property owner and the LBW Homeowners Foundation whereby the contribution amount will be deposited in an interest bearing escrow account and only be released for the funding of affordable housing initiatives. Allocation of the funding by LBW Homeowner's Foundation Inc. shall be subject to City review and consent.
 - b. Prior to the issuance of a building permit or April 29, 2011, whichever occurs first, the property owner(s), successors or assigns shall contribute \$200,000 dollars to the City.
 - c. The Restrictive Covenant which was previously executed and recorded in the Public Records of Miami-Dade County at Official Records Book 27071, at Page 3052, shall be amended to indicate this amended condition of approval. With 30 days of approval of this Resolution, the property owner, its successors, or assigns shall submit an Amendment to Restrictive Covenant for City Attorney review and approval. Failure to submit the draft Amendment to Restrictive Covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft Amendment to Restrictive Covenant is extended in writing by the City Attorney after good cause as to why the time frame should be extended has been demonstrated by the property owner.
 - 4) Public access via Lot 9, Block 17, Industrial Section. The applicant shall provide a perpetual public access via an easement. Access shall be provided via Lot 9, Block 17, Industrial Section, in lieu of agreed upon dedication of Lot 10, Block 17, Industrial

Section, as provided for in Ordinance No. 1515. All costs, including maintenance, to relocate the dedicated easement shall be at the expense of the applicant. Enforcement shall be via Restrictive Covenant and shall be subject to City Attorney review and approval. If the applicant does not exercise his right to construct the proposed project, Ordinance No. 1515 shall remain valid and enforceable.

SECTION 3. That the applicant shall further be required to comply with all applicable zoning regulations, and that any changes to the submitted plans in connection with the site plan herein granted shall require a recommendation from the Planning and Zoning Board and approval by the City Commission.

SECTION 4. The modification requested via this Resolution shall become effective upon the date the payment in lieu monies identified in above Condition (3)(a) and (3)(b) are paid as prescribed herein. Failure to provide payment by April 29, 2011 renders this Resolution null and void.

PASSED AND ADOPTED THIS NINTH DAY OF NOVEMBER, A.D., 2010.

(Moved: Kerdyk / Seconded: Anderson)

(Yeas: Kerdyk, Withers, Anderson, Cabrera, Slesnick)

(Unanimous: 5-0 Vote)

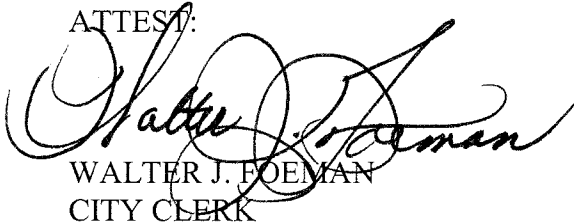
(Agenda Item: H-1)

APPROVED:



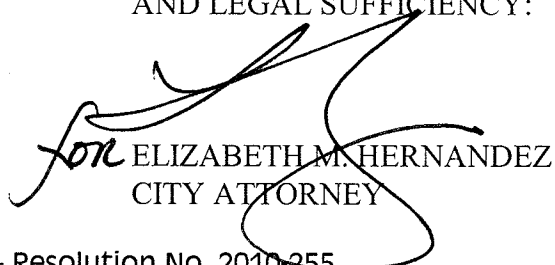
DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY