

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2017-50**

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA GRANTING CONDITIONAL USE APPROVAL PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW," DIVISION 4, "CONDITIONAL USES," AND ARTICLE 4, "ZONING DISTRICTS," DIVISION 3, "NONRESIDENTIAL DISTRICTS," SECTION 4-301, "COMMERCIAL LIMITED DISTRICT," FOR THE UNIVERSITY OF ST. AUGUSTINE TO ALLOW GREATER THAN FIFTY (50) STUDENT SEATS WITHIN A COMMERCIAL LIMITED (CL) ZONED DISTRICT FOR THE PROPERTY LEGALLY DESCRIBED AS BLOCKS 1, 2 AND 4, DOUGLAS ENTRANCE (800 DOUGLAS ROAD), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, an Application was submitted requesting conditional use with site plan review pursuant to Zoning Code Section 4-301 for an educational facility of greater than fifty (50) student seats on property zoned Commercial Limited for the "Annex Building at Douglas Entrance" on the property legally described as Blocks 1, 2 and 4, Douglas Entrance (800 Douglas Road), Coral Gables, Florida; and

**WHEREAS**, after notice of public hearing duly published and courtesy notification of all property owners of record within one-thousand (1,000) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on February 1, 2017 at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the Planning and Zoning Board's February 1, 2017 meeting, the Board recommended approval of the proposed conditional use (vote: 7-0) subject to conditions of approval; and

**WHEREAS**, after notice of public hearing duly published, a public hearing was held before the City Commission on February 28, 2017, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, the City Commission on February 28, 2017, approved the requested conditional use (vote: 5-0) with conditions; and

**WHEREAS**, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request for conditional use with 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 conditional use with site plan review for the application referred to as the “Annex Building at Douglas Entrance” on Blocks 1, 2 and 4, Douglas Entrance (800 Douglas Road), 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 January 3, 2017 prepared by Hamed Rodriguez Architects, Inc.
  - b. Traffic Study, dated October 2016, 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), its 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. Prior to issuance of the first Certificate of Occupancy or Temporary Certificate of Occupancy, the Applicant shall:**
  - a. Landscape and Pedestrian Improvements.** Install all landscaping and pedestrian improvements identified on the Applicant’s approved plans, subject to review and approval by the Directors of Public Works and Planning and Zoning.
  
  - b. Courtyard Plan.** Railings/fences identified in the Concept Courtyard Plan shall be removed and replaced with landscaping or other pedestrian oriented improvements that provide for an open area that is publicly accessible during standard business hours, subject to review and approval by the Directors of Public Works and Planning and Zoning.
  
  - c. Curb Cut Removal.** Remove the curb cut located in front of the plaza located on SW 8<sup>th</sup> Street.

- d. **Public Transportation Improvements.** Install improvements to the public transportation stops located throughout the property. This includes, but is not limited to, shelters with benches for the Coral Gables Trolley stop located on Galiano Street and Miami-Dade Metrobus stops located on SW 8<sup>th</sup> Street and Douglas Road. Improvements to the public transportation stops shall be subject to review and approval by the Directors of Public Works, Planning and Zoning, and Parking.
  - e. **Art in Public Places.** Applicant shall provide a complete and notarized copy of the Project Value Application to the City. Prior to the issuance of a Temporary Certificate of Occupancy, applicant must make the required contribution to the appropriate Art in Public Places fund or receive approval for a waiver in accordance with the requirements of Article 3, Division 21, Section 3-2103(B).
  - f. **Lighting Installation.** Install lighting in the rights-of-way, where permitted by FDOT. Lighting shall be LED, 3500k, and Coral Gables pole with acorn fixture. The top shall not be clear in an effort to reduce lighting pollution. Subject to review and approval by the Director of Public Works.
4. **Maximum amount of students.** The University shall have a maximum of three-hundred and ninety (390) students scheduled to be on campus at any one point in time provided; however, that students enrolled to take online classes that are not on campus shall not be counted towards the maximum on campus enrollment. Upon request by the City the University shall provide the on campus student count to determine compliance.

**SECTION 3.** That the applicant shall further be required to comply with all applicable zoning regulations and any changes to the application herein granted shall be in conformance with the requirements of Zoning Code Section 3-410, "Changes to conditional use approvals."

**SECTION 4.** 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.

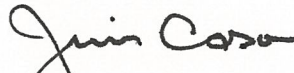
**SECTION 5.** That this Resolution shall become effective upon the date of its adoption herein.

2017.

PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF FEBRUARY, A.D.,

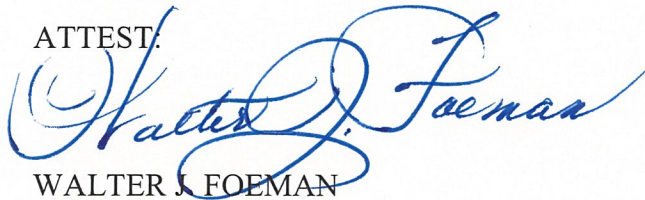
(Moved: Keon / Seconded: Quesada)  
(Yeas: Slesnick, Keon, Lago, Quesada, Cason)  
(Unanimous: 5-0 Vote)  
(Agenda Item: E-5)

APPROVED:



JIM CASON  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY