

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA APPROVING RECEIPT OF TRANSFER OF DEVELOPMENT RIGHTS (TDRS) PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 10, "TRANSFER OF DEVELOPMENT RIGHTS", SECTION 3-1006 "REVIEW AND APPROVAL OF USE OF TDRS ON RECEIVER SITES", FOR THE RECEIPT AND USE OF TDRS FOR A MIXED-USE PROJECT REFERRED TO AS "MERRICK 250" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 1 THROUGH 11, INCLUSIVE, LESS THE SOUTH 7.5 FEET THEREOF, AND LOTS 32 THROUGH 42, INCLUSIVE, LESS THE SOUTH 7.5 FEET THEREOF, BLOCK 3, "CORAL GABLES INDUSTRIAL SECTION," TOGETHER WITH THAT PORTION OF THE 30 FOOT PLATTED ALLEY LYING NORTH OF THE NORTH LINE OF THE SOUTH 7.5 FEET OF SAID LOT 11 PROJECTED WESTERLY AND SOUTH OF THE NORTH LINE OF SAID BLOCK 3 (250 BIRD ROAD) CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE)

WHEREAS, an Application was submitted requesting receipt of Transfer of Development Rights (TDRs), for receipt and use for a Mixed-Use project referred to as "Merrick 250" on the property legally described as lots 1 through 11, inclusive, less the south 7.5 feet thereof, and lots 32 through 42, inclusive, less the south 7.5 feet thereof, Block 3, "Coral Gables Industrial Section," together with that portion of the 30 foot platted alley lying north of the north line of the south 7.5 feet of said lot 11 projected westerly and south of the north line of said block 3 (250 Bird Road) Coral Gables, Florida; and

WHEREAS, the Application has been submitted concurrently with an Application requesting Planned Area Development (PAD), Conditional Use Review for a Mixed-Use Site Plan, and Tentative Plat; and

WHEREAS, the Applicant is utilizing TDRs made available pursuant to a Dispute Resolution Agreement between the City of Coral Gables and Mundomed S.A., and South High Cliff Corporation in which specific TDRs were created to preserve some environmentally sensitive lands which may be transferred and utilized not only within the boundaries of designated receiving areas (Central Business District and North Ponce Mixed-Use Corridor) but also in Commercial and Industrial zoned areas of the City, which do not abut and are not adjacent to either South Dixie Highway or properties zoned Single Family Residential subject to the approval of the City Commission; and

WHEREAS, on October 8, 2019, by Resolution No. 2019-299, the City Commission approved Alta Developers, LLC to file an application for receipt/use of 7,000 sq. ft. of TDRs available

pursuant to the Dispute Resolution Agreement and to proceed with the process set forth in Article 3, Division 10 of the Zoning Code; and

WHEREAS, pursuant to Zoning Code Article 3, “Development Review”, Division 10, “Transfer of Development Rights”, Section 3-1006, “Review and approval of use of TDRs on receiver sites” the receipt and use of TDRs shall comply with the public hearing review requirements established in Zoning Code Article 3, “Development Review”, Division 4, “Conditional Uses”; and

WHEREAS, the Receiving Site is located within the City’s North Industrial Mixed-Use Overlay (MXD) District and is zoned Industrial, it does not abut and not adjacent to either South Dixie Highway or properties zoned Single Family Residential (SFR) District; and

WHEREAS, the Receiving Site is proposed to be developed as a Mixed-Use project referred to as “Merrick 250” which includes 215 residential units with ground floor office/commercial uses of approximately 18,500 square feet; and

WHEREAS, the utilization of TDRs in this project will permit an increase in Floor Area Ratio (FAR) from 3.5, as permitted in the underlying zoning district, to 3.58 an increase of 2.3% in FAR, which is within the 25% increase in FAR permitted when TDRs are utilized; and

WHEREAS, after notice of public hearing duly published and courtesy notifications 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 August 12, 2020 at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board’s August 12, 2020 meeting, the Board recommended approval (vote: 6-0) of the receipt of Transfer of Development Rights (TDRs) for receipt and use for a Mixed-Use project referred to as “Merrick 250” on the property legally described as lots 1 through 11, inclusive, less the south 7.5 feet thereof, and lots 32 through 42, inclusive, less the south 7.5 feet thereof, Block 3, “Coral Gables Industrial Section,” together with that portion of the 30 foot platted alley lying north of the north line of the south 7.5 feet of said lot 11 projected westerly and south of the north line of said block 3 (250 Bird Road) Coral Gables, Florida; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on September 8, 2020, at which hearing all interested parties were afforded the opportunity to be heard; and,

WHEREAS, the City Commission was presented with the request for receipt of Transfer of Development Rights (TDRs), for receipt and use for a Mixed-Use project referred to as “Merrick 250”, and after due consideration and discussion, (approved/denied) the receipt of TDRs on First Reading (vote: _- _); and

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on (month) (day), 2020, at which hearing all interested parties were afforded the opportunity to be heard; and,

WHEREAS, the City Commission was presented with the request for receipt of Transfer of Development Rights (TDRs), for receipt and use for Mixed-Use project referred to as “Merrick 250”,

and after due consideration and discussion, (approved/denied) the receipt of TDRs on Second Reading (vote: _ - _); 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. That the Applicant’s request for receipt of Transfer of Development Rights (TDRs) pursuant to Zoning Code Article 3, “Development Review”, Division 10, “Transfer of Development Rights”, Section 3-1006, “Review and approval of use of TDRs on receiver sites” the receipt and use of TDRs for Mixed-Use project referred to as “Merrick 250”, on the property legally described as lots 1 through 11, inclusive, less the south 7.5 feet thereof, and lots 32 through 42, inclusive, less the south 7.5 feet thereof, Block 3, “Coral Gables Industrial Section,” together with that portion of the 30 foot platted alley lying north of the north line of the south 7.5 feet of said lot 11 projected westerly and south of the north line of said block 3 (250 Bird Road) Coral Gables, Florida; is approved, subject to the following conditions:

1. All conditions of approval as required for the Mixed-Use project referred to as “Merrick 250” and as specified in Resolution No. _____.
2. The approval of the receipt and use of TDRs is limited to the “Merrick 250” project and site plan that is being reviewed concurrently with the Application. The TDRs may only be used for approved amendments to the “Merrick 250” project and site plan if such use of TDRs is approved by either the Development Services Director, if the amendments are minor pursuant to Section 3-410.A. of the Zoning Code, or the City Commission, if the amendments are not minor pursuant to Section 3-410.A.

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

PASSED AND ADOPTED THIS _____ DAY OF _____ A.D., 2020.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY

DRAFT