

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2008-03

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING ORDINANCE NO. 2007-04 WHICH APPROVED A CHANGE OF LAND USE FROM "COMMERCIAL, LOW-RISE INTENSITY" TO "COMMERCIAL, MID-RISE INTENSITY", AND MIXED-USE SITE PLAN REVIEW PURSUANT TO ZONING CODE SECTION 3-5 FOR THE PROPOSED MIXED-USE PROJECT REFERRED TO AS "GIRALDA COMPLEX", ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 25-48, BLOCK 28, SECTION "K" (2222 PONCE DE LEON BOULEVARD), CORAL GABLES, FLORIDA, AND INCLUDED REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Application No. 02-05-312-P was submitted for approval in order to amend the Future Land Use Map of the "City of Coral Gables Comprehensive Plan" from "Commercial, Low-Rise Intensity" to "Commercial, Mid-Rise Intensity", and mixed-use site plan review for the project referred to as the "Giralda Complex", on the property legally described as Lots 25-48, Block 28, Section "K" (2222 Ponce de Leon Boulevard), Coral Gables, Florida; and

WHEREAS, the proposed mixed-use project submitted and reviewed concurrently with the change of land use consists of an eight (8) story development containing commercial retail and office space, 44 multi-family residential units and 474 on-site parking spaces; and

WHEREAS, the City of Coral Gables, pursuant to Florida Statutes and the City of Coral Gables Zoning Code, has designated the Planning and Zoning Board as the Local Planning Agency; and

WHEREAS, after notice of public hearing duly published and notification of all property owners of record within one thousand (1000) feet, public hearings were held before the Local Planning Agency (Planning and Zoning Board) of the City of Coral Gables on October 11, 2006 at which hearings all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the public hearing held on October 11, 2006, the Local Planning Agency (Planning and Zoning Board) recommended approval of the change of land use and mixed-use site plan with conditions (vote: 6-0); and

WHEREAS, the change of land use request is considered a small scale amendment, and will not require review by the Department of Community Affairs; and

WHEREAS, the applicant has proffered various improvements and contributions to mitigate the proposed development's potential impact as a part of this application, the applicant has agreed to conditions of approval as outlined and provided herein for the proposed mixed-use project; and

WHEREAS, pursuant to the provisions of Chapter 163.3187 Florida Statutes, the City Commission approved Application No. 02-05-312-P on January 23, 2007 with conditions; and

WHEREAS, the City Commission held a public hearing on January 8, 2008 at which hearing all interested persons were afforded an opportunity to be heard and the proposed amendments to the previously approved conditions of approval were approved (vote: 3-1) on First Reading;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That the request for a land use amendment to the "City of Coral Gables Comprehensive Plan," and in particular that portion of the Future Land Use Element, known as the Future Land Use Map of Coral Gables, shall be and it is hereby amended to show henceforth a change in the Future Land Use by changing the "Land Use Category" from "Commercial, Low-Rise Intensity" to "Commercial, Mid-Rise Intensity" as set forth in Application No. 02-05-312-P on the property legally described as Lots 25-48, Block 28, Section "K" (2222 Ponce de Leon Boulevard), Coral Gables, Florida.

SECTION 3. The request for site plan review for the construction of the proposed mixed-use project referred to as the "Giralda Complex" on the property legally described as Lots 25-48, Block 28, Section "K" (2222 Ponce de Leon Boulevard), Coral Gables, Florida, as set forth in Application No. 02-05-312-P shall be and are hereby approved with the following conditions:

1. Application/supporting documentation. Construction of the project shall be in conformance with the following:
 - a. Site plan, building elevations and building program contained in application package prepared by Fullerton Diaz Architects, Inc., Application Sheets No. 1-54, dated 08.02.06.
 - b. Landscape plan prepared by Alex Knight, Landscape Architecture and Planning, Application Sheets No. 47-54 of 54, dated 08.02.06.
 - c. Streetscape improvements and other associated public realm improvements prepared by Alex Knight, Landscape Architecture and Planning, Application Sheets No. 42-54 of 54, dated 08.02.06.
 - d. Traffic study prepared by Transport Analysis Professionals, Inc., dated January, 2005.
 - e. Improvements and/or conditions contained herein, unless otherwise specified herein, shall be completed prior to receipt of final Certificate of Occupancy (CO).
 - f. All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package dated 02.01.05, and revised and re-submitted on 07.17.06.

- g. All representations proffered by the applicant's representatives provided during public hearing review.
 - h. Changes to the plans required by the City Commission as part of the review of this application at public hearings.
- 2. Revisions to plans, elevations and all supporting documents.
 - a. Modification to all applicable documents that are necessary as a part of the public hearing review and approval of the application shall be submitted to the Planning Department within 60 days of final approval for verification that all conditions of approval are satisfied.
- 3. Changes to approved plans.
 - a. The applicant, successors or assigns shall advise of any changes to the plans and drawings referenced above as a part of building permit review process. Changes shall require Planning Department review and approval to determine the extent of changes and may require reconsideration by the Planning and Zoning Board and City Commission as determined by the Planning Director.
 - b. The applicant, successors or assigns shall advise the Department of any applicable changes in writing prior to the issuance of a temporary Certificate of Occupancy (CO) for any principal structure for each phase of the project.
- 4. General.
 - a. Restrictive Covenant. Within 30 days of approval of the adoption of the ordinances, the property owner, its successors or assigns shall secure City Attorney review and approval of a Restrictive Covenant outlining all conditions of approval required by the City Commission. Failure to submit the draft Restrictive Covenant within the specified time frame shall render all approvals void.
- 5. Prior to the issuance of a building permit, or as otherwise specified in the Restrictive Covenant, the property owner, its successors or assigns, shall adhere to the following conditions:
 - a. Public Realm Improvements mitigation improvements as proffered and agreed to by the applicant.
 - 1) On-site pedestrian amenities. Provide additional pedestrian amenities at the publicly accessed open spaces, including the pedestrian paseos, lobby entrances, pedestrian walkway along alleyway and plaza colonnade. These additional pedestrian amenities shall include, but not be limited to, public art, urban type landscaping and movable planters, water features, information kiosks and pedestrian scale lighting. All proposed on-site pedestrian amenities shall be subject to review and approval by the Directors of Public Works, Public Service and Planning Departments.
 - 2) Public realm improvements. Provide all streetscape and landscaping improvements proposed within public rights-of-way per the City Master Streetscape Plan along both sides of Giralda Avenue between Salzedo Street and Ponce de Leon Boulevard as presented as part of the submitted application package on Application Sheets Nos. 20, 28, 29, and 42-54 of 54, dated 08.02.06. This includes, but is not limited to the following: landscaping, drainage, curbing, structural soil, directional signage, street lighting, street furniture including benches, waste cans, lighting standards, bicycle racks, newspaper racks, moveable planters and other related items. All proposed public realm improvements and landscaping within public rights-of-way shall conform with the City's Master Streetscape Plan, subject to review and approval by the Directors of Public Works, Public Service and Planning Departments.

- 3) City Museum urban plaza. As proffered by the applicant, an amount of \$486,743.00 dollars shall be provided to the City for all site improvements and landscaping for the urban plaza located at the City Museum.
- b. Parking and traffic circulation.
 - 1) Sale or leasing. 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.
 - 2) Parking garage gates. All vehicular and parking garage gates shall be included and shown on site and building plans. No vehicular gates shall be installed that prohibit or restrict required and designated commercial parking spaces.
- c. Affordable housing. The applicant agrees to comply with all legislation adopted by the City Commission, within one (1) year after the issuance of a building permit, to promote the provision and/or retention of affordable housing, as defined by the City Commission, related to the findings of the City's Affordable Housing Study (April 2006).

6. Prior to the issuance of the final Certificate of Occupancy (CO), the owner, its successors or assigns shall complete the following:
 - a. Traffic improvements. Install improvements required as identified in submitted traffic study prepared by Transport Analysis Professionals, Inc., dated January, 2005, and as recommended by and subject to review and approval of the Director of Public Works Department, as follows:
 - 1) Intersection of Giralda Avenue and LeJeune Road shall be signalized in conjunction with the construction of the proposed project.
7. Prior to the issuance of a building permit, the property owner, its successors or assigns, shall apply for and receive the following required City reviews and approvals.
 - a. Right-of-way encroachments. Secure City Commission review and approval of all proposed encroachments into public rights-of-way.
 - b. Infrastructure improvements. Prepare and submit an infrastructure improvement plan for the coordination and construction of water, sewer, gas, electrical and other infrastructure facilities upon request by the Director of the Public Works Department for review and approval.

SECTION 4. All rights, actions, proceedings and Contracts of the City, including the City Commissioners, the City Manager, or any of its departments, boards or officers undertaken pursuant to the existing code provisions, shall be enforced, continued, or completed, in all respects, as though begun or executed hereunder.

SECTION 5. All ordinance or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 6. If any section, part of session, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 7. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of the City of Coral Gables, Florida, as amended, which provisions may be renumbered or relettered and that the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 8. This ordinance shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SECOND DAY OF JANUARY, A.D. 2008.

(Moved: Anderson / Seconded: Withers)

(Yea: Withers, Anderson, Slesnick)

(Nays: Cabrera)

(Absent: Kerdyk)

(Majority (3-1) Vote)

(Agenda Item: E-1)

APPROVED:



DONALD D. SLESNICK II

MAYOR

ATTEST:



WALTER POEMAN

CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ

CITY ATTORNEY