

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2009-27

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES APPROVING THE PLANNED AREA DEVELOPMENT (PAD) SITE PLAN REFERRED TO AS "THE PALACE AT CORAL GABLES" ON LOTS 35-47 AND TRACT B, BLOCK 4, AND LOTS 10-20, BLOCK 5, CRAFTS SECTION (83 ANDALUSIA AVENUE), CORAL GABLES, FLORIDA, AND INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Application No. 02-08-051-P was submitted requesting PAD site plan review for the senior living project referred to as "The Palace at Coral Gables" on Lots 35-47 and Tract B, Block 4, and Lots 10-20, Block 5, Crafts Section (83 Andalusia Avenue), Coral Gables, Florida; and

WHEREAS, this request is being submitted in conjunction with a request for a change of land use required to permit the construction of the proposed nine (9) story senior living facility; and

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

WHEREAS, at the Planning and Zoning Board's February 11, 2009 meeting, the Board recommended approval of the proposed PAD site plan (vote: 6-0) with conditions; and

WHEREAS, the City Commission held a public hearing on March 11, 2009 at which hearing all interested persons were afforded an opportunity to be heard and this application was approved on first reading (vote: 5-0);

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. The proposed PAD site plan review for the senior living project referred to as "The Palace at Coral Gables" on Lots 35-47 and Tract B, Block 4, and Lots 10-20, Block 5, Crafts Section (83 Andalusia Avenue), Coral Gables, Florida shall be and is hereby approved with the following conditions:

1. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following:
 - a. Amended site plans, building elevations and building program prepared by Fullerton Diaz Architects, dated 06.02.09.
 - b. Site plans, building elevations and building program prepared by Fullerton Diaz Architects, dated 02.11.09.
 - c. Landscape plans prepared by Mariano Corral, Landscape Architects, dated 12.08.08.
 - d. Traffic impact study prepared by David Plummer & Associates, dated November 2007.
 - e. All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package, sheets 1 thru 40, dated 02.11.09, 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 agree to the following conditions:
 - a. Parking garage gates. There shall be no gates or any other devices that physical restrict vehicular access to the 337 designated public replacement parking spaces located in the parking garage.
 - b. Pedestrian paseo. Provide surface improvements and directional signage for the portion of the pedestrian paseo between the project and Miracle Mile similar to that proposed for the project.
 - c. Landscape plans prepared by Mariano Corral, Landscape Architects, dated 12.08.08.
 - d. Traffic impact study prepared by David Plummer & Associates, dated November 2007.
 - e. All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package, sheets 1 thru 40, dated 02.11.09, and proffered by the applicant's representatives as a part of the review of the application at public hearings.
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 - b. Pedestrian paseo. Provide surface improvements and directional signage for the portion of the pedestrian paseo between the project and Miracle Mile similar to that proposed for the project.

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 approved site plans (sheets 21 thru 23 of 40) dated 02.11.09, subject to final review and approval by Directors of Public Works and Public Service Departments.
 - b. Traffic improvements. Install traffic improvements, subject to review and approval of the Director of Public Works Department, as follows:
 - 1) Add northbound right turn lane on Galiano Street at Miracle Mile.
 - 2) Re-stripe eastbound approach of Andalusia Avenue at Galiano Street intersection for one right turn lane and two through lanes.
 - 3) Request signal timing adjustments at the intersections of Douglas Road/Miracle Mile, Douglas Road/Andalusia Avenue, Miracle Mile/Galiano Street and Coral Way/SW 26 Avenue.

SECTION 3. 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 4. All ordinance or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 5. 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 6. 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 7. This Ordinance shall become effective ten (10) days after final reading and adoption thereof.

PASSED AND ADOPTED THIS SECOND DAY OF JUNE, A.D., 2009.

(Moved: Kerdyk / Seconded: Anderson)

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

(Unanimous: 5-0 Vote)

(Agenda Item: E-5)

APPROVED:

DONALD D. SLESNICK II
MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY

ATTEST:

WALTER J. BOEMAN
CITY CLERK