

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2008-13**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING PREVIOUSLY APPROVED ORDINANCE NO. 3608, WHICH APPROVED A MIXED-USE PROJECT (GABLES RENTAL APARTMENT HOTEL/ST. GEORGE) ON LOTS 13-34 AND EAST 7 FEET OF LOT 35, BLOCK 18, SECTION "K" [BOUNDED BY NAVARRE AVENUE (NORTH), MINORCA AVENUE (SOUTH) AND SALZEDO STREET (EAST)], CORAL GABLES, FLORIDA; WHEREAS THE APPLICANT DESIRES TO AMEND TWO CONDITIONS WHICH INCLUDE THE REMOVAL OF A SELF-IMPOSED PROVISION RESTRICTING THE MAXIMUM LENGTH OF STAY FOR HOTEL OCCUPANTS AND A MODIFICATION TO PROVIDE COMMERCIAL USE IN PLACE OF A RESTAURANT ON THE GROUND FLOOR, THE APPROVAL AND ALL OTHER CONDITIONS OF APPROVAL CONTAINED IN ORDINANCE NO. 3608 AND THE RESTRICTIVE COVENANT SHALL REMAIN IN EFFECT; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Application Nos. 08-01-020-P and 12-01-030-P were submitted for approval for a change of zoning from "XA-15", Apartment to "CB", Commercial on Lots 13-24, and requesting site plan review on Lots 13-34 and East 7 feet of Lot 35, Block 18, Section "K", (no address – bounded by Salzedo Street and Navarre Avenue and Minorca Avenue), Coral Gables, Florida, to permit the construction of a proposed commercial mixed-use project to known as the "Gables Rental Apartment-Hotel" consisting of a 3,481 square feet of commercial space, 123 unit extended stay hotel and 99 residential units; and

**WHEREAS**, after notice of public hearing duly published and notifications of all property owners of record within one thousand (1,000) feet, public hearings were held before the Planning and Zoning Board of the City of Coral Gables on March 13, 2002, July 24, 2002 and October 9, 2002 at which hearings all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, the change of zoning and site plan review are required to permit the construction of the proposed mixed-use project; and

**WHEREAS**, the Planning and Zoning Board at their regular meeting of October 9, 2002, considered and recommended approval to the City Commission on the applicant's requests; and

**WHEREAS**, the City Commission at its regular meeting of November 12, 2002 recommended approval of the change in zoning and site plan on first reading; and

**WHEREAS**, the applicant requested two (2) amendments to the conditions of approval including an amendment to the site plan to provide general commercial use in place of the previously

specified restaurant use on the ground floor and removal of the self-imposed condition pertaining only to the length of stay for extended-stay hotel occupants provided in the Declaration of Restrictive Covenants; all other extended-stay and suite hotel provisions of the previous (Archived) Zoning Code, specifically Section 3-6(ff), shall remain in effect; and

**WHEREAS**, the Planning and Zoning Board on April 9, 2008 reviewed and recommended approval of the amendment to previously approved Ordinance No. 3608 with all other previously required conditions of approval to remain in effect (vote: 5-0); and

**WHEREAS**, the City Commission on May 13, 2008 held a public hearing to amend previously approved Ordinance No. 3608 and approved the amendment to the conditions of approval (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 are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** That from and after the effective date of this ordinance, and pursuant to Ordinance No. 1525, as amended and known as the “Zoning Code”, and in particular Section 3-5, which requires that all proposed plans for commercial mixed-use projects receive Commission approval, the change of zoning from “XA-15”, Apartment to “CB”, Commercial on Lots 13-24, and the site plan review on Lots 13-34, and East 7 feet of Lot 35, Block 18, Section “K”, (no address – bounded by Salzedo Street and Navarre Avenue and Minorca Avenue), Coral Gables, Dade County, Florida, shall be and are hereby approved subject to the following conditions:

1. Construction of the proposed project shall be in conformance with the following documents as modified subject to the conditions contained herein:
  - a) Site plan, building elevations and building program prepared by Cohen, Freedman, Encinosa & Associates, dated October 2, 2002.
  - b) Landscape plan prepared by Fuster Design Associates, P.A. dated September 16, 2002.
  - c) Traffic Impact study prepared by Transport Analysis Professionals, Inc. dated September 2001, and revised on February 27, 2002.
  - d) All representations and exhibits prepared and provided to the Planning Department as a part of the application package (as amended) dated October 2, 2002.
2. All conditions of approval recommended by the City Commission shall be included within a Restrictive Covenant to be reviewed and approved by the City Attorney.
3. Prior to the issuance of any building permits for the project, the applicant, its successors or assigns, shall adhere to the following conditions:
  - a) Apply for and secure administrative review and approval for building setback relief (0’ setback proposed) as permitted for approved Mediterranean buildings located within the City’s Central Business District (CBD) pursuant to Zoning Code Section 28-5 (a) 2.

- b) Review and approval of proposed landscape encroachments by the City's Landscape Encroachment Review Committee.
  - c) The deficit for sewage capacity and public parks facilities identified by the City's Concurrency Impact Statement is resolved, as specified and approved by the Public Works and Building and Zoning Directors.
  - d) Submission and approval from the Building and Zoning Department of a construction parking and traffic management plan.
  - e) Off street parking spaces may not be reserved, assigned, identified and/or designated for a certain use, business or individual for any parking spaces in both parking facilities in any way other than that which is otherwise required for disabled or delivery vehicles, and as permitted in item k) herein.
  - f) Payment shall be provided by applicant, its successors or assigns according to established City requirements for the loss of two (2) on-street parking spaces resulting from this proposed project.
  - g) The commercial portion of the mixed-use project will be an extended stay hotel, which shall meet all Zoning Code's provisions for extended stay hotels established in Section 3-6 (ff) (Ordinance No. 3458).
  - h) Any future valet service shall meet all City requirements, shall utilize the proposed circle/drop-off area on Salzedo Street, and shall store all vehicles in building's garage in area designated for hotel guests.
  - i) The applicant shall pay all costs and associated expenses for the relocation of the mid-block pedestrian crosswalk to the intersection of Minorca Avenue and Salzedo Street.
  - j) Both hotel guests and apartment residents shall have access to the 4<sup>th</sup> floor recreation deck.
  - k) Applicant shall only be permitted to provide a total of fifty-nine (59) public parking spaces for attendant parking, with the remainder dedicated to the project's proposed commercial and residential uses.
  - l) Two parking spaces shall be dedicated for loading and deliveries for the residential component of the project by small delivery vehicles. Movers utilizing large tractors – trailers for deliveries to residential apartment units shall be required to use the loading docks facility on the building's south side and internal corridor to the freight elevator located on the north side of the building. The location and total size shall be subject to review and approval by the Parking Director.
4. The maximum permitted building height shall be ninety-seven (97) feet to top of the flat roof. Any increase in height shall require Planning and Zoning Board and City Commission review and approval.
4. The 59 parking spaces for public shall be attended parking available from 8:00 a.m. to 6:00 p.m. Monday through Friday, at City rates, as amended from time to time, as provided for in a ten year period or when the construction of Lot No. 6 occurs, whichever occurs (from the issuance of the Certificate of Occupancy of the property).

**SECTION 3.** That all ordinances or parts of ordinances inconsistent or in conflict herewith shall be and the same are hereby repealed insofar as there is conflict or inconsistency.

**SECTION 4.** That this ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SEVENTH DAY OF MAY, A.D., 2008.

(Moved: Anderson / Seconded: Kerdyk)

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

(Unanimous: 5-0 Vote)

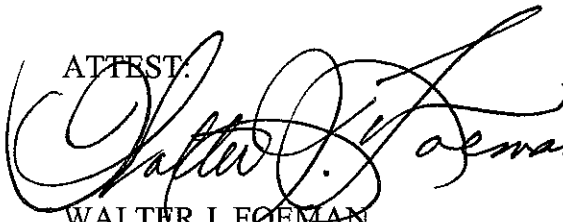
(Agenda Item: E-2)

APPROVED:



DONALD D. SLESNICK II  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



ELIZABETH HERNANDEZ  
CITY ATTORNEY