

THE CITY OF CORAL GABLES**ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING REVIEW OF A PLANNED AREA DEVELOPMENT (PAD) PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 5, "PLANNED AREA DEVELOPMENT (PAD)", FOR THE CONSTRUCTION OF THE SECOND PHASE OF THE EXISTING COMMERCIAL PROJECT REFERRED TO AS THE "COLUMBUS CENTER" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 3-40 AND PORTIONS OF ALLEYWAY, BLOCK 22, SECTION L (100 ALHAMBRA CIRCLE AND 1 ALHAMBRA PLAZA), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE AT THE CITY)

WHEREAS, an Application was submitted requesting review of a Planned Area Development (PAD) pursuant to Zoning Code Article 3, "Development Review", Division 5, "Planned Area Development (PAD)", for the construction of the second phase of the existing development referred to as the "Columbus Center" on the property legally described as Lots 3-40 and portions of alleyway, Block 22, Section L (100 Alhambra Circle and 1 Alhambra Plaza), Coral Gables, Florida; and,

WHEREAS, the Application has been submitted concurrently with an Application for mixed use site plan review which is necessary for the existing Columbus Center office building and the proposed second phase containing primarily multi-family residential units to be reviewed as a mixed use project in their totality; and,

WHEREAS, after notice of public hearing was duly published and notifications of all property owners of record within one thousand (1000) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on June 11, 2014, at which hearing all interested persons were afforded the opportunity to be heard; and,

WHEREAS, at the June 11, 2014 Planning and Zoning Board meeting, the Board recommended approval (vote: 6-0) with conditions of the Planned Area Development (PAD) for the proposed project referred to as the "Columbus Center" on the property legally described as Lots 3-40 and portions of alleyway, Block 22, Section L (100 Alhambra Circle and 1 Alhambra Plaza), Coral Gables, Florida; and,

WHEREAS, after notice was duly published, a public hearing for First Reading was held before the City Commission on July 22, 2014 at which hearing all interested parties were

afforded the opportunity to be heard; and

WHEREAS, at the July 22, 2014 public hearing the City Commission was presented with the proposed Planned Area Development (PAD) referred to as “Columbus Center”, and after due consideration and discussion, approved the Planned Area Development (PAD) on First Reading (vote: 5-0) with conditions.

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. The Applicant’s request for review of a Planned Area Development (PAD) pursuant to Zoning Code Article 3, “Development Review”, Division 5, “Planned Area Development (PAD)”, for the construction of the second phase of the existing commercial project referred to as the “Columbus Center” on the property legally described as Lots 3-40 and portions of alleyway, Block 22, Section L (100 Alhambra Circle and 1 Alhambra Plaza), Coral Gables, Florida, is approved, subject to the following conditions:

1. Application/supporting documentation. Construction of the proposed project shall be in substantial conformance with the following:
 - a. Applicant’s Submittal Package dated 06.11.14 prepared by Behar-Font Partners, P.A.
 - b. Traffic Impact Analysis, dated September 2013 and revised May 2014 prepared by Kimley-Horn and Associates, Inc.
 - c. Initial Application submittal as amended via the City review process and all representations 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, the property owner, its successors or assigns shall submit a draft restrictive covenant for City Attorney review/approval outlining all conditions of approval as approved by the City Commission. Failure to submit the covenant within the specified time frame shall render the approval void unless said time frame for submittal of the 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 City Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall satisfy the following conditions:
 - a. All outstanding Traffic Study issues as identified by the Public Works Department and City’s traffic consultant shall be satisfactorily resolved, subject to review and approval by the Director of Public Works.
 - b. Amend Ordinance No. 2854 to comply with the vertical clearance provided on the site plan, be subject to review and approval by the Fire Chief and Directors of Public Works and Public Service.
 - c. Commission approval required for a special treatment sidewalk, decorative pavers, landscaping, irrigation, street lighting, landscaping lighting and any other encroachments

into, onto, under and over the right of way. The above encroachments must be approved by City resolution and a Hold Harmless agreement must be executed.

- d. Submit plans providing landscaping, public realm and streetscape improvements in accordance with the City of Coral Gables streetscape master plan, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning.
 - e. Construction information/contact. Provide written notice to all properties within five hundred (500) feet of the Columbus Center Phase 2 project (100 Alhambra Circle), providing a specific liaison/contact person for the project including the contact name, contact telephone number and email, to allow communication between adjacent neighbors or interested parties of construction activities, project status, potential concerns, etc.
 - f. Comply with all City requirements for Art in Public Places, which will include having the proposed artist and concept for the redesign of the existing plaza as a civic space with public art be reviewed by the Arts Advisory Panel and Cultural Development Board, and be subject to the Board of Architects approval before being submitted to the City Commission. The Applicant's compliance with all requirements of the Art in Public Places program shall be coordinated by the Director of Economic Sustainability.
4. Written notice. Provide a minimum of seventy-two (72) hour written notice to all properties within five hundred (500) feet of the Columbus Center Phase 2 project (100 Alhambra Circle) project boundaries of any proposed partial street/alley closures as a result of the project's construction activity. Complete street/alley closure shall be prohibited.
 5. The Applicant may be permitted to re-configure the substitute alleyway configuration and adjust the legal description, as required by Ordinance No. 2854, subject to the review and approval by the City Attorney, Fire Chief and Directors of Planning and Zoning, Public Works and Public Service. Such easement amendment instrument shall be recorded and executed in favor of the City of Coral Gables prior to the issuance of the building permit for Phase 2.
 6. Prior to the issuance of a Certificate of Occupancy (CO) for the project, the Applicant, property owner, its successors or assigns shall complete the following:
 - a. Right-of-way and public realm improvements. Installation of all right-of-way improvements and all landscaping, public realm and streetscape improvements identified on the Applicant's approved plans, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning. Any changes to and departures from the right-of-way and public realm improvements identified on the Applicant's approved plans and associated detail plans and specifications via the permitting process shall be subject to review and approval by Directors of Public Works, Public Service, Planning and Parking.
 - b. Undergrounding of overhead utilities. In accordance with Zoning Code Article 4 "Zoning Districts", more specifically, Section 4-201, "Mixed use District (MXD)," and Article 4, "Zoning Districts," Table 1, sub-section L, "Utilities", the Applicant shall submit all necessary plans and documents, and shall complete the undergrounding of all overhead utilities along all public rights-of-way surrounding and abutting the project boundary, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning.

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. This ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2014.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY