

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2016-232

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING MIXED USE SITE PLAN CONDITIONAL USE REVIEW PURSUANT TO ZONING CODE ARTICLE 4, "ZONING DISTRICTS", DIVISION 2, "OVERLAY AND SPECIAL PURPOSE DISTRICTS", SECTION 4-201, "MIXED USE DISTRICT (MXD)", FOR THE MIXED USE PROJECT REFERRED TO AS "THE HENRY" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 22-38, BLOCK 2, INDUSTRIAL SECTION (4015 - 4131 LAGUNA STREET), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting mixed use site plan review pursuant to Zoning Code Section 4-201 for the mixed-use project referred to as "The Henry" on the property legally described as Lots 22-38, Block 2, Industrial Section (4015-4131 Laguna Avenue), Coral Gables, Florida; and

WHEREAS, the Application requires City of Coral Gables mixed use site plan review and public hearing consideration pursuant to the Zoning Code Mixed Use District (MXD) provisions and Comprehensive Plan Mixed Use Overlay District (MXOD) provisions; and

WHEREAS, after notice of public hearing duly published and courtesy notification of all property owners of record within one-thousand-five-hundred (1500) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on September 14, 2016 at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's September 14, 2016 meeting, the Board recommended approval of the proposed mixed use site plan (vote: 5-0) subject to conditions of approval; and

WHEREAS, a public hearing was held before the City Commission on October 11, 2016, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and

WHEREAS, the City Commission on October 11, 2016, approved the requested mixed use project (vote: 5-0; and

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request for mixed use site plan review as required by the Zoning Code, and including careful consideration of written and oral comments by members of the public; and

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

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Resolution upon adoption hereof.

SECTION 2. The proposed mixed use site plan review for the mixed-use project referred to as “The Henry” on Lots 22-38, Block 2, Industrial Section (4015-4131 Laguna Avenue), Coral Gables, Florida shall be and is hereby approved subject to all of the following conditions:

- 1. Application/supporting documentation.** Construction of the proposed project shall be in substantial conformance with all of the following:
 - a. Applicant’s submittal package dated July 22, 2016 prepared by Behar Font Partners, P.A.
 - b. Traffic Impact Study, dated April 2016, prepared by Kimley-Horn.
 - c. All representations proffered by the Applicant’s representatives as a part of the review of the Application at public hearings.

- 2. Restrictive covenant.** Within thirty (30) days of City Commission approval of the Application, the Applicant, property owner(s), its successors or assigns shall submit a restrictive covenant for City Attorney review and approval outlining all conditions of approval as approved 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. It is recognized that the requirements contained in the restrictive covenant constitute regulatory conditions of approval and shall survive as regulatory conditions of approval even if the restrictive covenant is later found to be void or unenforceable.
- 3. Prior to issuance of the first Building Permit, Applicant shall:**
 - a. **Art in Public Places.** Applicant shall provide a complete and notarized copy of the Project Value Application to the City. Prior to the issuance of the first Building Permit, applicant must make the required contribution to the appropriate Art in Public Places fund or receive approval for a waiver in accordance with the requirements of Article 3, Division 21, Section 3-2103(B).
 - b. **On-street parking.** Payment shall be provided by Applicant, its successors or assigns according to established City requirements for the loss of any on-street parking space as a result of the project.
 - c. **Additional Reviews.**
 - i. **Board of Architects.** Final approval of the project by the Board of Architects is required prior to issuance of any building permit.

- ii. **Zoning Review.** The Applicant shall provide measurable floor plans of the project to City Staff for verification of Zoning requirements such as floor area ratio, setbacks, height and parking.
- d. **Signage.** Provide Signage Plan indicating code compliant size and location of all proposed exterior signage, including tenant signs, directory signs, parking garage signs, etc. Signage shall not be permitted above 45 feet in height on the north façade of the building facing Bird Road.
- e. **Parking Garage Design.** The parking garage shall be designed to address the following items:
 - i. Provide direct pedestrian access from the parking garage to all adjacent streets and open spaces in the project.
 - ii. All parking garage openings shall be screened so that interior lights and car headlights are not visible from surrounding properties and rights-of-way.
- f. **Ground Floor Design.** The ground floor of all buildings shall continue to be designed to optimize pedestrian activity and retail success. All Storefronts shall be transparent.
 - i. All arcades shall be flush with the sidewalk grade.
 - ii. Arcades shall not be interrupted by stairwells, elevators, or solid walls.
 - iii. Pedestrian entrances into active spaces (lobbies, retail, etc) shall be provided on all ground floor facades with an average spacing of 60'.
- g. **Loading and Service.** Loading and Service shall be designed so as to minimize its effect on the pedestrian realm.
- h. **Construction Staging.** A construction staging plan shall be submitted to the Building Division. A checklist of requirements shall be provided upon request.
- i. **Traffic Improvements.** All proposed traffic flow modifications including street design, width, sight triangles, cross walks, diverters, etc. shall require written conceptual approval of Miami-Dade County and the City prior to the issuance of the first City permit for vertical construction. If any components of the proposed modifications are not approved, the traffic study shall be revised and additional community involvement may be required.
- j. **Encroachment Plan.** Obtain Commission approval by resolution of an Encroachment Plan addressing special treatment sidewalks, decorative pavers, landscaping, irrigation, street lighting, landscaping lighting and any other encroachments into, onto, under and over the right of way as shown in the site plan. The above encroachments must be approved by City resolution and a Hold Harmless agreement must be executed approving the encroachments.
- k. **Encroachment Agreement and Covenant.** Execute and record a restrictive covenant regarding encroachments and utilities in, below and above the public rights-of-way, in a form acceptable to the Public Works Director, the Risk Management Division, and the City Attorney, which shall include the precise locations and dimensions of the proposed areas of all encroachments. It is recognized that the requirements contained in the restrictive covenant constitute regulatory conditions of approval and shall survive as regulatory

conditions of approval even if the restrictive covenant is later found to be void or unenforceable.

- l. Bond to Restore Project Property.** Provide to the City a surety bond, or other form of security deemed acceptable by the City, covering the estimated maximum cost of the full restoration of the Property, including installation of sod and landscaping to City Code standards, and removal of all construction fencing.
- m. Construction Notices.** Provide written notice to all properties within one thousand (1,000) feet of the project boundaries 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.
- n. Sustainability Certification.** Prior to the issuance of a Building Permit, the developer/owner/contractor shall provide the City with a performance bond, cash or irrevocable letter of credit payment (Green Building Bond) in the amount of three (3%) percent of the master building permit construction cost value.

4. Prior to issuance of the first Certificate of Occupancy or Temporary Certificate of Occupancy, Applicant shall:

- a. Underground utilities.** Submit all necessary plans and documents, and complete the undergrounding of all new utilities along all public rights-of-way surrounding and abutting the project boundary, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning.
- b. Utility Upgrades.** Sewer improvements may be required, at the Applicants expense, based on the proposed connections.
- c. Art in Public Places.** The Applicant shall comply with all City requirements for Art in Public Places.
- d. Traffic improvements and study.** Complete all traffic improvements recommended by the Traffic Study prepared by Kimley Horn, and satisfactorily resolve any outstanding Traffic Study issues as identified by the Public Works Department and City's traffic consultant, subject to review and approval by the Director of Public Works.
- e. Bicycle / Pedestrian Plan.** The bicycle and pedestrian paths shall comply with the City's Bicycle Pedestrian Master Plan.
- f. Right-of-way and public realm improvements.** Install 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, Landscape Services, Planning and Zoning, and Parking. 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, Landscape Services, Planning and Zoning, and Parking.

- g. Publicly Accessible Open Spaces Easement.** Execute and record a Publicly Accessible Open Spaces Easement Agreement between the City and the Owner.

5. Following issuance of the first Certificate of Occupancy, Applicant shall:

- a. Sustainability Certification.** Within two years of the issuance of a Final Certificate of Occupancy, the building must achieve LEED Silver or equivalent certification. If the applicant chooses to pursue NGBS Silver Certification, an Energy Star Label will also be required within two years of the Final Certificate of Occupancy.

- i. The City will hold the Green Building Bond for the time necessary for the green certification, or equivalent, to be issued for twenty-four (24) months after issuance of the Certificate of Occupancy or Completion; whichever occurs first. Upon receiving final documentation of certification from the developer/owner/contractor, the City shall release the full amount of the bond within thirty (30) days.

- ii. If the developer/owner/contractor is unable to provide proof of green certification, or equivalent, within twenty-four (24) months after issuance of the Certificate of Occupancy or Completion, the full amount of the Green Building Bond shall be forfeited to the City. Any proceeds from the forfeiture of the bond under this section shall be allocated toward funding Sustainability Master Plan initiatives.

- b. Traffic improvements.** Conduct the following warrant and pedestrian signage and signalization studies, and provide the funding and installation of required improvements identified by these studies, subject to Public Works Director's review and approval. The applicant shall post either a cashiers check, letter of credit, certificate of deposit or bond, subject to City Attorney approval, to fund the required studies, installation of new traffic signal, 4-way stop signs and improvements to pedestrian crossing, if warranted. The balance of these funds shall be returned to the applicant, if not expended for required improvements.

- i. Traffic signal warrant study for the intersection of Altara Avenue and Ponce de Leon Boulevard shall be completed within one (1) year after issuance of final CO for the project. If warranted, the construction of the signal shall be completed within six (6) months after the completion of the study.

- ii. Warrant study for 4-way stop sign at the intersection of Altara Avenue and Laguna Street six (6) months after issuance of final CO for the project. If warranted, the installation of the required stop signs shall be completed within three (3) months after the completion of the study.

- iii. Pedestrian flow study for the intersection of Altara Avenue and LeJeune Road six (6) months after issuance of final CO for the project to determine if changes are required to the signal, signage or signal timing. The study must be conducted when the school is in session and during peak pedestrian hours during both morning and afternoon. If warranted, the installation of the required pedestrian signage and/or signal improvements shall be completed within three (3) months after the completion of the study.

- c. Storefront Transparency. Ground-level glass storefronts as shown in the approved elevations, with interior spaces that have a Certificate of Occupancy for Commercial Use (Temporary or regular), shall remain transparent and allow visibility into the interior of the ground-level space from the public right of way and pedestrian areas of the project. ~~Tinting, curtains, blinds, paper, or other materials that obstruct visibility into the interior of the ground level space shall not be permitted except as required by the City during construction.~~


SECTION 3. That the applicant shall further be required to comply with all applicable zoning regulations and any changes to the application herein granted shall be in conformance with the requirements of Zoning Code Section 3-410, "Changes to conditional use approvals."

SECTION 4. 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 5. That this Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS ELEVENTH DAY OF OCTOBER, A.D., 2016.
(Moved: Lago / Seconded: Keon)
(Yeas: Quesada, Slesnick, Keon, Lago, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-7)

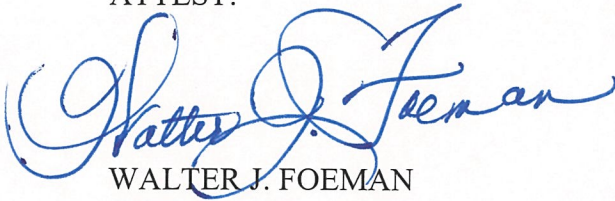
APPROVED:



Vice Mayor
for.

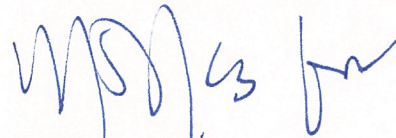
JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY