

CITY OF CORAL GABLES, FLORIDA**RESOLUTION NO. _____**

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING MIXED USE SITE PLAN 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 "4311 PONCE" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 36-43 , BLOCK 5, INDUSTRIAL SECTION (4225 AND 4311 PONCE DE LEON BOULEVARD), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 11, 2008, the City Commission approved Resolution No. 2008-38 for a property at 4311 Ponce de Leon legally described as Lots 38-43, Block 5, Industrial Section (4311 Ponce de Leon Boulevard), Coral Gables, Florida; and,

WHEREAS, the issue of setbacks/stepbacks was not identified during staff's review, which caused the City to approve a project that does not meet the present interpretation of that code provision; and,

WHEREAS, Resolution No. 2008-38 that granted the mixed use site plan approval expired pursuant to Sec. 1-111 of the Zoning Code; and,

WHEREAS, an Application was submitted requesting mixed use site plan review for the project referred to as "4311 Ponce" on the property legally described as Lots 36-43 , Block 5, Industrial Section (4225 and 4311 Ponce de Leon Boulevard), 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 applicable Comprehensive Plan Mixed Use District (MXD) provisions; and,

WHEREAS, Staff reviewed the proposed mixed use site plan referred to as "4311 Ponce" with the criteria provided in Zoning Code Article 4, "Zoning Districts", Division 2, "Overlay and Special Purpose Districts", Section 4-201, "Mixed Use District (MXD)", and finds that the proposed project does not meet the intent of the setback/stepback requirements; and,

WHEREAS, after notice of public hearing duly published and courtesy notifications of all property owners of record within one-thousand five hundred (1,500) feet of the property boundary as well as within the North Industrial MXOD, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on October 8, 2014, at which hearing all interested persons were afforded the opportunity to be heard; and,

WHEREAS, at the Planning and Zoning Board's October 8, 2014 meeting, the Planning and Zoning Board continued this public hearing item to the November 12, 2014 Board meeting; and,

WHEREAS, at the Planning and Zoning Board's November 12, 2014 meeting, a motion to approve the proposed mixed use site plan (vote: 3 yes – 2 no) resulted in the lack of a recommendation, as an affirmative vote of four (4) members of the Board is necessary for the adoption of any motion (Sec. 2-203(B) Zoning Code); and,

WHEREAS, after notice of public hearing was duly published, a public hearing was held before the City Commission on December 16, 2014, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and,

WHEREAS, the City Commission on December 16, 2014, (approved/denied) the proposed "4311 Ponce" mixed use project (vote: _ - _) with the conditions itemized herein; 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,

WHEREAS, approval of this project based upon the reliance on the prior interpretation does not set a precedent for omitting a setback/stepback feature as required by the Zoning Code and that staff shall apply the setback/stepback requirement going forward as it has consistently for other projects such as Village Place, Gables Gateway, Merrick Manor and 4535 Gables Ponce II.

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 "4311 Ponce" on the property legally described as Lots 36-43 , Block 5, Industrial Section (4225 and 4311 Ponce de Leon Boulevard), 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 Planning and Zoning Board submittal package dated 08.21.14, prepared by Mateu Architecture Incorporated.
 - b. Traffic Impact Study, dated August 2014, prepared by David Plummer & Associates.
 - 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.
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. The following landscaping issues identified by the Public Service Department shall be satisfactorily resolved, subject to review and approval by the Director of Public Service:
 - 1) Existing curb cuts and driveway aprons will be removed, replaced with a vertical curb, and landscaped with irrigation to match the existing streetscape.
 - 2) Subject to review and coordination with the Public Works and Public Service Departments, landscaping, possibly including bulb-outs, will be provided at the entrances to the alley and parking garage.
 - 3) Subject to City approval of the right-of-way encroachment and Public Service and Public Works review, an 8"-12" planting area with irrigation along the base of the building fronting the alley shall be provided.
 - 4) Prior to the issuance of a building permit, the Applicant shall provide for screening of the 4th level parking area which is visible from the 5th level.
 - 5) Prior to the issuance of a building permit and once the tenant mix is better established, a landscape program shall be provided for the outdoor plaza on the 7th level.
 - 6) Since there is no tree canopy proposed within the property at the ground level, prior to the issuance of a building permit, a plan for small trees and/or palms on balconies, rooftops, and/or amenity decks shall be provided, subject to the approval of the Public Service Director.
 - c. On-street parking. Payment shall be provided by Applicant, its successors or assigns according to established City requirements for the loss of one (1) on-street parking space as a result of the project.
 - d. Construction information/contact. Provide written notice to all properties within five hundred (500) feet of the "4311 Ponce" project (4311 Ponce de Leon Blvd), providing a specific liaison/contact person for the project including the contact name, contact telephone number and email, to allow communication with neighbors or interested parties of construction activities, project status, potential concerns, etc.
 - e. Comply with all City requirements for the Art in Public Places Program pursuant to Division 21 of the Zoning Code, which include having the proposed artist and concept for the public art to be reviewed by the Arts Advisory Panel, the Cultural Development Board and the Board of Architects for a formal recommendation before being submitted to the City Commission. The Applicant's compliance with all requirements of the Art in Public Places Program shall be coordinated with the Director of Economic and Cultural Development.
 4. Written notice. Provide a minimum of seventy-two (72) hour written notice to all properties within five hundred (500) feet of the "4311 Ponce" (4311 Ponce de Leon Blvd) project boundaries of any proposed partial street closures as a result of the project's construction activity. Complete street closure shall be prohibited.
 5. 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 the 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. That the applicant shall further be required to comply with all other applicable zoning regulations and any changes to the application herein granted shall require a recommendation from the Planning and Zoning Board and approval by the City Commission.

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 _____ 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

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