

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2012-108 (AS AMENDED)**

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING MIXED-USE SITE PLAN REVIEW PURSUANT TO ZONING CODE ARTICLE 4, DIVISION 2, SECTION 4-201, MIXED USE DISTRICT (MXD), FOR THE CONSTRUCTION OF A MIXED USE PROJECT REFERRED TO AS "4535 GABLES PONCE II" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 25-30 AND 55-60 AND VACATED PORTION OF ALLEY, BLOCK 17, INDUSTRIAL SECTION (4535 PONCE DE LEON BOULEVARD AND 298-300 GRANELLO AVENUE), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; 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 "4535 Gables Ponce II" on Lots 25-30 and 55-60 and vacated portion of alley, Block 17, Industrial Section (4535 Ponce de Leon Boulevard and 298-300 Granello 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 notifications 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 April 24, 2012, at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the Planning and Zoning Board's April 24, 2012 meeting, the Board recommended approval of the proposed mixed use site plan (vote: 5-0) subject to Staff's Conditions of Approval and additional conditions; and

**WHEREAS**, after notice of public hearing was duly published, a public hearing was held before the City Commission on June 6, 2012, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, the City Commission on June 6, 2012, approved the requested mixed use project (vote: 4-0); 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;

**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 “4535 Gables Ponce II” on Lots 25-30 and 55-60 and vacated portion of alley, Block 17, Industrial Section (4535 Ponce de Leon Boulevard and 298-300 Granello 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 the following:
  - a. Applicant’s Plan Submittal Package dated 04.18.2012, received/date stamped by the Planning Division on 05.10.2012, prepared by Behar Font & Partners, P.A.
  - b. Traffic Impact Study, dated 03.20.2012 and Supplement Report dated 04.09.2012, prepared by Richard Garcia & 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. Public alley construction and service plan. Submit a construction staging and service plan for City review/approval providing for adequate/safe vehicular circulation, parking and service for surrounding property owners serviced by the public alleyway during the construction of the project. The intent is to minimize the impact of construction operations on the function of the alleyway.
  - b. Construction information/contact.
    - 1) Contact person. Provide written notice to all properties within five hundred (500) feet of the 4535 Ponce II project, 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.
    - 2) Written notice. Provide a minimum of 72 hour written notice to all properties impacted by any proposed partial street or alleyway closures as a result of the project’s construction activity. Complete street or alley closure shall be prohibited.
  - c. On-street parking. Provide payment to the City pursuant to the City Code requirements for the loss of a total of twenty-seven (27) on-street parking spaces for both Gables Gateway and 4535 Ponce II project. A total of twenty-four (24) spaces shall be discounted pursuant to the City Code requirements.
4. Passenger valet parking. All valet operations, including but not limited to valet parking stations, valet stacking, vehicular valet circulation, etc. shall be prohibited on the entire length of Ponce de Leon Boulevard public rights-of-way.

5. Public realm/landscape improvements. Changes to and departures from the Ground Floor Public Realm Landscape Plan (sheets L-1 through L-3 of the Applicants Plans), 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.
6. Prior to the issuance of the final Certificate of Occupancy (CO) for 4535 Ponce II, the Applicant, property owner, its successors or assigns shall complete the following:
  - a. Right-of-way improvements. All right-of-way improvements identified on the Applicant's Plan shall be subject to review and approval by the Public Works Director.
  - b. Right-of-way median improvements. Provide over-and-under story landscaping, curb/gutter and irrigation within the existing right-of-way median of Ponce de Leon Boulevard from LeJeune Road east to Lot 55 of Block 17 (eastern project boundary). Type, quantity and location of the improvements shall be subject to review and approval by the Public Works and Public Service Directors. Additional alternate median improvements (temporary and/or permanent) as identified in Condition 6.b. may be required subject to Public Works Director review and approval.
  - c. Right-of-way sidewalk and landscape improvements. Repair and replace all existing sidewalks and curb/gutter and replace existing overstory trees along the west side of Ponce de Leon Boulevard right-of-way between Lots 61 through 75, Block 17. Condition 6.c. shall be subject to review and approval of the Public Works Director.”
7. Previously approved public realm improvements, traffic calming and roadway improvements. Pursuant to previously approved Resolution #2008-58, condition C.4 and D.2, the Applicant, property owner(s), its successors or assigns shall, prior to the issuance of the final Certificate of Occupancy (CO) for the 4535 Ponce II project, complete the following:
  - a. Public realm improvements. Provide landscaping, public realm and streetscape improvements in accordance with the City of Coral Gables Master Streetscape Plan and pursuant to the standards in Section 4-201(D) through (M) and Article 5, Division 11 for LeJeune Road, both sides of Granello Avenue, the portion of Ponce de Leon Boulevard adjacent to the project site, and the intersection of Granello and Greco Avenues, to be reviewed and approved by the Public Works and Public Service Directors.
  - b. Traffic calming and roadway improvements. Provide roadway resurfacing and sidewalk reconstruction with curb and gutter along both sides of Granello Avenue and install traffic calming improvements at the intersection of Granello and Greco Avenues including reconfiguration of roadway geometry and pedestrian crosswalks, subject to Public Works Director review and approval.

Payment in lieu of installation of the above improvements and/or bonding of the improvements may be permitted pursuant to applicable Zoning Code and City Code requirements.

8. Prior to the issuance of the final Certificate of Occupancy (CO) for 4535 Ponce II, the Applicant, property owner, its successors or assigns shall complete the following:
  - a. Post a bond equal to the entire amount or value of the required streetscape/public realm improvements required along the north side of Granello Avenue from LeJeune Road to Greco Avenue and north side of Ponce de Leon Boulevard from LeJeune Road, east to Lot 55 of Block 17 (eastern project boundary).
  - b. Shall resurface the entire roadway width of Granello Avenue from LeJeune Road to Greco Avenue.

**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 require a recommendation from the Planning and Zoning Board and approval by the City Commission.

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

PASSED AND ADOPTED THIS SIXTH DAY OF JUNE, A.D., 2012.

(Moved: Anderson / Seconded: Quesada)

(Yeas: Cabrera, Quesada, Anderson, Cason)

(Majority: (4-0) Vote)

(Absent: Kerdyk)

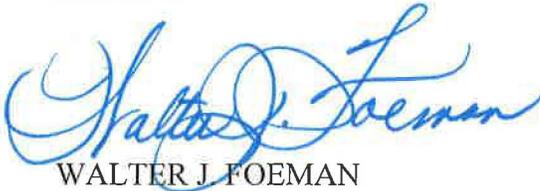
(Agenda Item: E-3)

APPROVED:



JIM CASON  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY