

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2012-158

RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES REQUESTING MIXED USE SITE PLAN REVIEW AND CONDITIONAL USE REVIEW PURSUANT TO ZONING CODE ARTICLE 4, DIVISION 2, "MIXED USE DISTRICT (MXD)," FOR THE CONSTRUCTION OF A MIXED USE PROJECT REFERRED TO AS "MERRICK MANOR" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 13-36, BLOCK 1 AND PORTION OF ALLEY, INDUSTRIAL SECTION (4111 LEJEUNE ROAD), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS AND PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE AT THE CITY).

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 "Merrick Manor" on Lots 13-34 and portion of alley, Block 1, Industrial Section (4111 LeJeune Road), Coral Gables, Florida; and

WHEREAS, this request is being submitted in conjunction with a request for a Vacation and Abandonment of an alleyway and dedication of a public easement required to permit the construction of the proposed seven (7) and ten (10) story mixed use project containing ground floor commercial retail and office space and 180 multi-family residential units; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one thousand five hundred (1500) feet of the North Industrial (MXD) District, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on July 11, 2012, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's July 11, 2012 meeting, the Board recommended approval of the proposed mixed use site plan (vote: 4-0) subject to Staff's Recommended Conditions of Approval and one additional condition; and

WHEREAS, pursuant to the Zoning Code all proposed applications for Mixed Use Site Plan review are subject to a public hearing for City Commission review and approval via Resolution; and

WHEREAS, the City Commission on July 24, 2012 considered the Applicant's proposed Application for Vacation and Abandonment submitted in conjunction with this proposed mixed use project; and

WHEREAS, after notice of public hearing was duly published, a public hearing was held before the City Commission on August 28, 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 August 28, 2012, approved the Application for a mixed use project (vote: 5-0) subject to Staff's Recommended Conditions of Approval; 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 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 Applicant’s Application for Mixed Use Site Plan for the mixed use project referred to as “Merrick Manor” on Lots 13-34 and portion of alley, Block 1, Industrial Section (4111 LeJeune Road), Coral Gables, Florida shall be and is hereby approved. In furtherance of the Comprehensive Land Use Plan’s Goals, Objectives and Policies, Zoning Code, Article 4, Zoning Districts, Section 4-201, “Mixed Use District (MXD)” and Article 3, Division 4, “Conditional Uses,” other applicable Zoning Code provisions and City Code, the recommendation for approval of the Application is subject to all of the following Conditions of Approval:

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 Plan Submittal package dated 04.27.12 date stamped and received by the Planning Division on 05.03.12 prepared by Behar Font & Partners, P.A.
 - b. Traffic Impact Study, dated October 2011, prepared for The Astor Companies by TrafTech Engineering, Inc.
 - 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. Public Alley Construction and Service Plan. Submit a construction staging and service plan for City approval providing for 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 a written notice to all properties within five hundred (500) feet of the Merrick Manor project boundaries, providing a specific liaison/contact person 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 seventy-two (72) hour written notice to all properties within five hundred (500) feet of the Merrick Manor 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.

- c. On-street parking. Payment shall be provided by Applicant its successors or assigns according to established City requirements for the loss of three (3) on-street parking spaces contiguous to the project. If it is determined by the City that additional on-street parking spaces have been lost as a result of the project, the Applicant its successors or assigns shall provide payment for those spaces as well.
 - d. Valet parking. All valet operations including, but not limited to, valet parking stations, valet stacking, vehicular valet circulation, etc. shall be prohibited on the Altara Avenue and LeJeune Road public rights-of-ways.
 - e. Altara Avenue designated passenger drop-off area. The drop-off area located within the Altara Avenue public right-of-way in front of the building's entrance shall only be used for passenger loading/unloading, and use of that area for valet parking or by delivery or service vehicles is prohibited.
 - f. Building facade. No illuminated signage or exterior building lighting shall be permitted above the building's second floor facing west (LeJeune Road) and south (Altara Avenue).
4. Public realm/landscape improvements. Changes to and departures from the approved Ground Floor Public Realm Landscape Plan (sheets ST-1 and L-1 through L-3 of the Applicant's plans) and associated detail plans, specifications, and changes necessary via the permitting process shall be subject to review and approval by Directors of Public Works, Public Service, Development Services and Parking Departments.
 5. Alley vacation and abandonment. Prior to the issuance of the final Certificate of Occupancy (CO) for the project, and in accordance with Chapter 62, Article VIII, Sections 62-257 through 62-265 of the City Code, the Public Works Department recommendation of approval of the proposed alley vacation and abandonment is incorporated herein, and the Applicant, property owner(s), its successors or assigns shall complete the following:
 - a. The Applicant shall grant to the City by Deed of Dedication absolute right of public ingress and egress and all utilities as required and/or requested by the City.
 - b. All vehicle turning radii shall be adequate for all vehicles that utilize, and/or are served by the properties adjoining the alley.
 - c. Provide a minimum vertical clearance of fifteen feet (15') along the full length and width of the public easement.
 - d. Applicant shall be responsible for the relocation of existing utilities located in the alley to be vacated in accordance with all applicable City, County, State or outside agency, and or utility company requirements.
 6. Right-of-way improvements and Public Easement Agreement. Prior to the issuance of the final Certificate of Occupancy (CO) for the project, the Applicant, property owner(s), its successors or assigns shall complete the following:
 - a. Right-of-way improvements. All right-of-way improvements identified on the Applicant's plans shall be subject to review and approval by the Public Works Director.

- b. **Public Easement Maintenance and Access Agreement.** As proffered by the Applicant, the property owner, its successors or assigns shall submit a Public Easement Maintenance and Access Agreement for City Attorney review and approval, which provides for the Applicant's payment of the costs of maintaining the public vehicular easement (the relocated public alleyway) and the provision of clear and unrestricted public access along and through this easement at all times. The agreement shall also state that should the property owner, its successors or assigns fail to meet the terms of the agreement, the City shall complete necessary maintenance and/or access improvements, which costs shall be reimbursed to the City by the property owner. The agreement shall be recorded in the public records for Miami-Dade County, Florida, in the form of a restrictive covenant.
7. **Offsite improvements and undergrounding of overhead utilities.** Prior to the issuance of the final Certificate of Occupancy (CO) for the project, and in furtherance of satisfying Zoning Code Article 4 "Zoning Districts," more specifically, Division 2, "Overlay and Special Purpose Districts," Section 4-201, "Mixed use District (MXD)," and Article 4, "Zoning Districts," Division 4, "Conditional Uses," Section 3-408, "Standards for review," the Applicant has proffered to complete the undergrounding of overhead utilities from the project boundary (northwest corner of Altara Avenue and Laguna Street) along the northern right-of-way along Altara Avenue to the mid-block alley of Block 2, Industrial Section. In association with the undergrounding, the Applicant has also proffered to improve the northeast corner of Altara Avenue and Laguna Street with curb, gutter, sidewalk and landscape improvements. The improvements to the northeast corner of Altara Avenue and Laguna Street listed herein are proffered in lieu and/or exchange of the Zoning Code required right-of-way Streetscape Master Plan requirements that cannot be accommodated on LeJeune Road. Payment of costs for installation, permitting, etc. for these improvements will be pursuant to the Land Exchange Agreement anticipated to be entered into by the Applicant and the City. All underground utilities and improvements identified herein and identified on the Applicant's plans shall be subject to final review and approval of the Public Works Director.
8. **Ground/street level trees and additional landscaping (public right-of-way and private property).** Prior to the issuance of a City Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall submit a revised landscape plan providing six (6) to eight (8) inch caliper ground/street level street trees, both within the public right-of-way and private property and installation of additional landscaping (i.e., vines and/or similar climbing plant materials) on all sides of the building at street/ground level. The quantity, type and location of all trees and additional landscaping shall be subject to final City Staff review and approval.

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 TWENTY-EIGHTH DAY OF AUGUST, A.D., 2012.
(Moved: Kerdyk / Seconded: Quesada)
(Yeas: Kerdyk, Quesada, Anderson, Cabrera, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-5)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY