

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2024-106

A RESOLUTION OF THE CITY COMMISSION APPROVING RECEIPT OF TRANSFER OF DEVELOPMENT RIGHTS (TDRS) PURSUANT TO ZONING CODE ARTICLE 14, "PROCESS," SECTION 14-204.6, "REVIEW AND APPROVAL OF USE OF TDRS ON RECEIVER SITES," FOR THE RECEIPT AND USE OF TDRS FOR A MIXED-USE PROJECT REFERRED TO AS "PONCE PARK RESIDENCES" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 8 THROUGH 21, LESS THE WEST ½ OF LOT 8, BLOCK 29, CRAFTS SECTION, TOGETHER WITH THAT PORTION OF THE 20-FOOT PLATTED ALLEY LYING EAST OF LOTS 11 AND 19, OF SAID BLOCK 29; (3000 PONCE DE LEON BLVD, 216 & 224 CATALONIA, 203 UNIVERSITY DR, AND 225 MALAGA), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting receipt of Transfer of Development Rights (TDRs), for receipt and use for the mixed use project referred to as "Ponce Park Residences" on the property legally described as Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29 (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; and

WHEREAS, the proposed receipt of Transfer of Development Rights (TDRs) is being submitted concurrently with a proposed Comprehensive Plan map amendment, Zoning Code map amendment, alley vacation, conditional use mixed-use site plan and encroachment, and re-plat; and

WHEREAS, the receipt and use of TDRs shall comply with the public hearing review requirements established in the Zoning Code, Article 14, "Process", Section 14-204.6, "Review and approval of use of TDRs on receiver sites"; and

WHEREAS, the Applicant is utilizing TDRs made available pursuant to a Dispute Resolution Agreement between the City of Coral Gables and Mundomed S.A., and South High Cliff Corporation in which specific TDRs were created to preserve some environmentally sensitive lands which may be transferred and utilized not only within the boundaries of designated receiving areas (Central Business District and North Ponce Mixed-Use Corridor) but also in Commercial and Industrial zoned areas of the City, which do not abut and are not adjacent to either South Dixie Highway or properties zoned Single Family Residential subject to the approval of the City Commission; and

WHEREAS, on August 27, 2019, by Resolution No. 2019-252, the City Commission approved RC Acquisitions LLC to file an application for receipt/use of 40,000 sq. ft. of TDRs available pursuant to the Dispute Resolution Agreement and to proceed with the process set forth in Article 3, Division 10 of the Zoning Code; and

WHEREAS, pursuant to Zoning Code Article 14, “Process”, Section 14-204.6, “Review and approval of use of TDRs on receiver sites” the receipt and use of TDRs shall comply; and

WHEREAS, the Receiving Site is zoned Commercial, and does not abut and not adjacent to either South Dixie Highway or properties zoned Single Family Residential (SFR) District; and

WHEREAS, the Receiving Site is proposed to be developed as a Mixed-Use project referred to as “Ponce Park Residences” which includes 57 residential units with ground floor office/commercial uses of approximately 20,142 square feet; and

WHEREAS, the utilization of TDRs in this project will permit an increase in Floor Area Ratio (FAR) from 3.5, as permitted in the underlying zoning district, to 4.375 an increase of 25% in FAR, which is within the 25% increase in FAR permitted when TDRs are utilized; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand and five hundred (1,500) feet, a public hearing was held before the Planning and Zoning Board/Local Planning Agency of the City of Coral Gables on December 13, 2023, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the December 13, 2023 Planning and Zoning Board meeting, the Planning and Zoning Board/Local Planning Agency approved the proposed use of TDRs (vote: 4-2); and

WHEREAS, the receiving site is within five hundred (500) feet of a local historic landmark and Historic Preservation Board review and approval is required to determine if the proposal shall not adversely affect the historic, architectural, or aesthetic character of the property, and on February 21, 2024, the Historic Preservation Board (HPB) reviewed and approved the proposed receiving site plan (vote: 8 – 0); and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand and five hundred (1,500) feet, the City Commission held a public hearing on March 12, 2024, at which meeting the Applicant deferred the item; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand and five hundred (1,500) feet, the City Commission held a public hearing on April 16, 2024 at which hearing all interested persons were afforded an opportunity to be heard; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand and five hundred (1,500) feet, the City Commission held a public hearing on May 21, 2024 at which hearing all interested persons were afforded an opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, 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 this Resolution upon adoption hereof.


SECTION 2. The Applicant’s request for requesting receipt of Transfer of Development Rights (TDRs) pursuant to Zoning Code Article 14, “Process”, Section 14-204, “Transfer of Development Rights”, Section 14-205.6, “Review and approval of use of TDRs on receiver sites”, for the receipt and use of TDRs for the mixed use project referred to as “Ponce Park Residences”, on the property legally described as Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29 (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida, is approved.

SECTION 3. 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 4. That this Resolution shall become effective upon the date of its passage and adoption herein.


PASSED AND ADOPTED THIS TWENTY-FIRST DAY OF MAY, A.D., 2024.
(Moved: Menendez / Seconded: Anderson)
(Yeas: Castro, Fernandez, Menendez, Anderson, Lago)
(Unanimous: 5-0 Vote)
(Agenda Item: E-5)

APPROVED:

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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

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CRISTINA M. SUÀREZ
CITY ATTORNEY