

## **CITY OF CORAL GABLES, FLORIDA**

### **ORDINANCE NO. 2024-11 (AS AMENDED)**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA APPROVING A PLANNED AREA DEVELOPMENT (PAD) PURSUANT TO ZONING CODE ARTICLE 14, “PROCESS,” SECTION 14-206, “GENERAL PROCEDURES FOR PLANNED AREA DEVELOPMENT” FOR A PROPOSED PUBlix GROCERY STORE AND LIQUOR STORE ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 1 THROUGH 48, BLOCK 8, CORAL GABLES CRAFTS SECTION (2551 LE JEUNE RD), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

**WHEREAS**, an Application was submitted requesting approval of a proposed Planned Area Development (PAD) pursuant to Zoning Code Article 14, “Process,” Section 14-206, “General Procedures for Planned Area Development,” for new construction of a Publix grocery store and liquor store on the property legally described as Lots 1 through 48, Block 8, Coral Gables Crafts Section (2551 Le Jeune Road), Coral Gables, Florida; and

**WHEREAS**, Staff finds that the procedures for reviewing and recommending proposed Planned Area Developments (PAD) are provided in Zoning Code Article 14, Section 14-206, “General Procedures for Planned Area Development,” and that the proposed Planned Area Development Site Plan has met those criteria and standards; and

**WHEREAS**, the Application has been submitted concurrently with a Conditional Use application for a site plan that is greater than 20,000 square feet; and

**WHEREAS**, in advance of public hearing consideration, the City’s staff analysis and recommendation were expressly incorporated into the record of this proceeding and are available for inspection at City of Coral Gables Planning Division and City Clerk’s office and available on the City’s Web page at [www.coralgables.com](http://www.coralgables.com) for easy retrieval; and

**WHEREAS**, after notice of public hearing duly published and mailed notifications of all property owners of record within one thousand (1,000) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on November 8<sup>th</sup>, 2023 at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the Planning and Zoning Board’s November 8<sup>th</sup>, 2023 meeting, the Board recommended approval of the proposed Planned Area Development application (vote: 5-1) subject to conditions of approval; and

**WHEREAS**, after notice duly published and mailed notifications of all property owners of record within one thousand (1,000) feet, a public hearing for First Reading was held before the City

Commission on January 23<sup>rd</sup>, 2024, at which hearing all interested parties were afforded the opportunity to be heard; and

**WHEREAS**, the City Commission was presented with the Planned Area Development, and after due consideration and discussion, approved the Planned Area Development on First Reading; and

**WHEREAS**, after notice duly published, a public hearing for Second Reading was held before the City Commission, at which hearing all interested parties were afforded the opportunity to be heard; and

**WHEREAS**, in accordance with Section 14-206, the Commission finds based upon the written evidence and testimony received into the record – including the design modifications during the Commission’s consideration of this matter – that the public realm improvements on and off-site, the design and construction of the substantial public open spaces, the design, construction, and solutions for pedestrian and vehicular access, ingress, egress, shared parking and circulation, as well as the design treatment of the project’s architecture, massing, setbacks, and stepbacks, although not literally in accord with these PAD regulations, satisfy public benefits to at least an equivalent degree and in fact exceed them;

**NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**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 Ordinance upon adoption hereof.

**SECTION 2.** That the Applicant’s request for approval of the proposed project referred to as “Publix” pursuant to Zoning Code Article 14, “Process,” Section 14-206, “Planned Area Development” is approved, subject to conditions, provided in Attachment “A”, attached, which must be satisfied by the Applicant or its successors or assigns.

**SECTION 3.** All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

**SECTION 4.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 5.** 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 6.** That this Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWELFTH DAY OF MARCH, A.D., 2024.  
(Moved: Anderson / Seconded: Fernandez)  
(Yea: Castro, Fernandez, Menendz, Anderson, Lago)  
(Unanimous: 5-0 Vote)  
(Agenda Item: E-4)

APPROVED:

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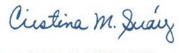
VINCE LAGO  
MAYOR

ATTEST:

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BILLY Y. URQUIA  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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CRISTINA M. SUÁREZ  
CITY ATTORNEY

“Attachment A”

**1. Application/Supporting Documentation. Construction of the proposed project shall be in substantial conformance with all of the following:**

- a. The Applicant's submittal package to PZB prepared by GRAEF to include:
  - i. Maximum building height shall not exceed 36.3 ft. to roof (3 stories) (additional 25' for architectural features)
  - ii. 3.0 FAR (Publix floor area: 58,302 sq. ft. and Liquor floor area: 2,500 sq. ft.)
  - iii. 40,726 sq. ft. (30%) of total onsite open space
  - iv. 285 parking spaces at the second and third level
- b. Traffic Impact Study, dated October 6, 2023, prepared by CHA.
- c. The site plan shall be updated to include the following:
  - i. Coordination with the Public Works Greenspace Management and revision of the Salzedo public park and Le Jeune Road plaza designs, including replacing proposed palms with Oak trees and removal of raised planters.
- d. The public rights-of-way shall be updated to include the following:
  - i. Two-way cycle tracks on the south side of Andalusia and the west side of Salzedo, between Miracle Mile and Almeria. Final approval of bicycle infrastructure will be subject to both Miami-Dade County and the City of Coral Gables.
  - ii. Use of Coral Gables Beige concrete on the public sidewalks on Andalusia and Valencia. Revised paver design may be required within the private property.
  - iii. Removal of sidewalk ramps and replacement of continuous and level sidewalk through all three proposed curbcuts/driveways to prioritize pedestrian movements.
  - iv. Pedestrian crossing on the south leg of the intersection of Le Jeune Road at Valencia. Final approval and installation will be subject to Miami-Dade County and Florida Department of Transportation (FDOT).
  - v. Reduction of travel lanes on Valencia, dedicated northbound left turn lane on Salzedo at Valencia, and “Do Not Block the Box” markings on Le Jeune Road at Valencia and Andalusia intersections, all subject to City, Miami-Dade County, and Florida Department of Transportation (FDOT) review and approvals.
- e. 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:**

- a. **Impact Fees.** The Applicant shall include the payment of all applicable City of Coral Gables impact fees, sewer capacity fees and service charges prior to the issuance of a building permit. No impact fee shall be waived.
- b. **Art in Public Places.** The 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 9-103(B).
- c. **Ground Floor Design.** The ground floor of all sides of all buildings including the loading and service areas shall continue to be designed to optimize pedestrian activity and access. All arcades shall be flush with the sidewalk grade.
- d. **Public Realm Improvements.** Prior to issuance of the first City permit for vertical construction:
  - i. All proposed traffic flow modifications, including street design, crosswalk on south leg of Andalusia Avenue and Le Jeune Road, bicycle infrastructure on both Andalusia and Salzedo, reduction of travel lanes on Valencia, dedicated northbound left turn lane on Salzedo at Valencia, audible pedestrian countdown signals, “Do Not Block the Box” signage and markings on Le Jeune Road at Valencia and Andalusia, crosswalk on south side of Valencia at Le Jeune Road, and any required signal adjustment on Salzedo at Miracle Mile for southbound lane repurposing shall require a “Dry-Run” approval of Miami-Dade County, Florida Department of Transportation (FDOT), and the City. If any components of the proposed modifications are not approved, the traffic study shall be revised and additional community involvement may be required.
  - ii. The Applicant shall coordinate with Public Works on the final street design of Andalusia Avenue with current visioning project that implements a bike route on Andalusia Avenue between Biltmore Way and the future Mobility Hub, and Salzedo cycle track.
- e. **Encroachment Agreement and Covenant.** All encroachments illustrated in the Applicant's submittal package, including special treatment sidewalks, 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, are approved by the City Commission in the Site Plan approval and a Hold Harmless agreement must be executed approving the encroachments. 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.
- f. **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.

- g. **Bond for Offsite Improvements.** Provide to the City a surety bond, or other form of security deemed acceptable by the City, in the amount of 100% of the estimated total hard and soft cost of all Offsite Improvements as determined by the Public Works Director.
- h. **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.
- i. **Construction staging.** Submit a construction staging plan to the Building Division. A checklist of requirements shall be provided upon request. Construction phasing/staging shall maintain pedestrian access and circulation along Le Jeune Rd, Valencia Avenue, Andalusia Avenue, and Salzedo Street. No equipment, outriggers, tracks, tires, RTU or vehicles permitted within the City's ROW/sidewalk area at any time.
- j. **Underground overhead utilities.** Applicant shall provide all necessary plans and documents to underground all utilities along Salzedo Street from the alley north of Andalusia to the alley south of Valencia and along Andalusia Avenue on the project site, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning, and the applicable utility companies.
- k. **Loss of On-street parking.** Payment shall be provided by Applicant, its successors or assigns according to established City requirements for the loss of on-street parking spaces on Valencia as a result of the project. Payment for loss of on-street parking as a result of the proposed cycle tracks on Andalusia and Salzedo will not be required.

#### **4. Prior to issuance of the first Certificate of Occupancy or Temporary Certificate of Occupancy:**

- a. **Sustainability Certification.** 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.
- b. **Underground utilities.** Complete the undergrounding of all utilities along Salzedo Street from the alley north of Andalusia to the alley south of Valencia, and along Andalusia Avenue on the project site, subject to review and approval by the Directors of Public Works, Landscape Services, and Planning and Zoning.
- c. **Utility Upgrades.** Water and Sewer system upgrades, fees, and all associated right-of-way improvements may be required at the Applicant's expense.
- d. **Art in Public Places.** The Applicant shall comply with all City requirements for Art in Public Places.
- e. **Public Realm improvements.**
  - i. **Public Maintenance.** The Applicant or property owner and its successors shall submit a Public Maintenance Agreement for City Attorney review and approval, which provides for the Applicant's payment of the costs of maintaining all public realm improvements surrounding the building and within the City's right-of-way. 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.

- ii. **Streetscape Design.** Install all right-of-way improvements and all landscaping, public realm, and streetscape improvements identified on the Applicant's approved plans, including street design with cycle tracks, crosswalk on south leg of Andalusia Avenue and Le Jeune Road, any required signal adjustment at Miracle Mile for lane repurposing on Salzedo, reduction of travel lanes on Valencia, dedicated northbound left turn lane on Salzedo at Valencia, audible pedestrian countdown signals, "Do Not Block the Box" signage and markings on Le Jeune Road at Valencia and Andalusia, and landscaped bumpouts and shade trees. Address all issues highlighted in the Traffic Impact Study, including repair non-functioning pedestrian signal (WALK display) on the south-east corner of Miracle Mile and Salzedo; restripe existing crosswalks on Le Jeune Road and Valencia; and install missing piece of the existing portion of curb ramp on north-east corner. 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, and Planning and Zoning, and Florida Department of Transportation (FDOT) and Miami-Dade County, as applicable.
- f. **Conveyance of Salzedo Park.** The Applicant proffers to convey the completed 20,000 square foot park on Salzedo to the City of Coral Gables in fee simple, subject to a separate agreement to be approved by the City Commission. If the separate agreement is not finalized and approved, the park shall not be conveyed to the City and a publicly accessible open space easement shall be executed and recorded between the City and the Owner of the public park. The easement agreement shall include public accessibility from dawn to dusk, daily. All open spaces and any associated park furniture and amenities shall be maintained by the applicant or their successor in perpetuity, at a standard comparable to City parks such as Ingraham Park or Merrick Park.

## 5. Following issuance of the first Certificate of Occupancy:

- a. **Sustainability Certification.** Within two years of the issuance of a Final Certificate of Occupancy, the building must achieve LEED Silver, 3 Green Globes certification level, 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.