



City of Coral Gables
CITY COMMISSION MEETING
May 13, 2008

ITEM TITLE:

Ordinance on Second Reading. An Ordinance of the City of Coral Gables amending the Zoning Code, Appendix A, "Site Specific Zoning Regulations", "Section A-12, Biltmore Section", also known as the David Williams Hotel/Condominium located at 700 Biltmore Way; providing for a minimum residential unit size for the property legally described as Lots 6-22 inclusive, Block 10, Biltmore Section; providing for repeal, providing severability, providing for codification thereof, an effective date, and repealing all ordinances inconsistent herewith.

RECOMMENDATION OF THE CITY MANAGER/PLANNING DEPARTMENT:

Recommend approval of the following Zoning Code Text Amendment – Appendix A, "Site Specific Zoning Regulations", "Section A-12, Biltmore Section" (also known as the David Williams Hotel/Condominium located at 700 Biltmore Way) the property legally described as Lots 6-22 inclusive, Block 10, Biltmore Section (see Exhibit A - Ordinance):

"Section A-12 – Biltmore Section." Lots 6 through 22, inclusive, Block 10

F. Minimum Residential Dwelling Unit Sizes

- 1. The minimum residential dwelling unit size shall be four hundred (400) square feet.*
- 2. The minimum residential dwelling unit size of four hundred (400) square feet shall not pertain to cabanas.*
- 3. Seven (7) efficiency apartments, as defined and approved pursuant to Resolution No. 10436 adopted on 02.25.1964, are exempt from these provisions. These units may be less than four hundred (400) square feet.*
- 4. All minimum residential dwelling unit size requirements previously adopted in Ordinance and Resolution form, with the exception of above item 3, is hereby repealed."*

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board at the 03.12.08 meeting recommended unanimous (6-0 vote) approval of Staff recommendation as provided above.

BRIEF HISTORY:

See the attached 03.12.08 Planning Department staff report for background information.

The City Commission on 04.08.08 approved the Ordinance on First Reading (4-0 vote) subject to the insertion of additional "Whereas" clauses indicating the amendment does not set a precedence of minimum residential unit size and is based upon specific "safety" circumstances particular to this property. The additional "Whereas" clauses have been added to Exhibit A – Ordinance.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
04.08.08		Approved on First Reading (4-0 vote)

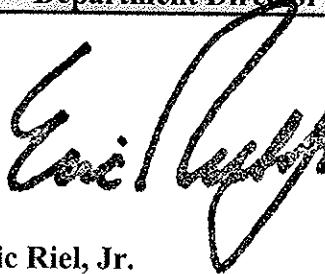
OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
03.12.08	Planning and Zoning Board	Recommended unanimous (6-0 vote) approval

PUBLIC NOTIFICATION(S):

Date	Form of Notification
02.27.08	Published Planning and Zoning Board Meeting Agenda in newspaper and city web page
02.21.08	Posted notification at David Williams Hotel/Condominium of upcoming building meeting
02.28.08	City Staff conducted building tenant meeting
03.06.08	Forwarded Planning Department Staff report to building tenant representative
03.07.08	First Reading. Posted City Commission Cover Memo and all attachments on City Web page.
04.28.08	Memorandum to City Clerk requesting advertising of Second Reading heading.
05.09.08	Second Reading. Posted City Commission Cover memo and all attachments on City Web page.

APPROVED BY:

Department Director	City Attorney (If Applicable)	City Manager
 Eric Riel, Jr. Planning Director	Elizabeth Hernandez City Attorney	David L. Brown City Manager

EXHIBIT(S):

- A. Ordinance.
- B. 03.12.08 Planning Department Staff Report and Attachments.

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING THE ZONING CODE APPENDIX A, "SITE SPECIFIC ZONING REGULATIONS", "SECTION A-12, BILTMORE SECTION", ALSO KNOWN AS THE DAVID WILLIAMS HOTEL/CONDOMINIUM LOCATED AT 700 BILTMORE WAY; PROVIDING FOR A MINIMUM RESIDENTIAL UNIT SIZE FOR THE PROPERTY LEGALLY DESCRIBED AS LOTS 6-22 INCLUSIVE, BLOCK 10, BILTMORE SECTION; PROVIDING SEVERABILITY, PROVIDING FOR CODIFICATION THEREOF, AN EFFECTIVE DATE, AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

WHEREAS, the subject property, known as the David Williams Hotel/Condominium building located at 700 Biltmore Way, has undergone significant changes in the "residential use typologies" since initial construction in the early 1960's; and,

WHEREAS, the City recently has identified numerous health and life safety issues and Zoning Code compliance issues within the building and the City has been working diligently with property management and owners to resolve all outstanding issues; and,

WHEREAS, one issue included substandard residential unit sizes per the City Zoning Code, more specifically seven (7) units have been occupied which are less than the 575 square foot minimum; and,

WHEREAS, to resolve the Zoning Code issues, an amendment to the text of the Zoning Code, more specifically the Site Specific Regulations, is necessary to clarify and legalize those units that are less than the minimum 575 square feet; and

WHEREAS, it is the City's intent to repeal all minimum residential dwelling unit size requirements previously adopted in Ordinance and Resolution form for the seven (7) units; and,

WHEREAS, the property owners have been notified of the proposed Zoning Code text amendment and scheduled public hearing dates, and the City Administration, specifically, the City Manager's Office and Building and Zoning Department, conducted a "building" information meeting on February 28, 2008 with residents of the property; and

WHEREAS, after notice duly published, a public hearing was held before the Planning and Zoning Board on March 12, 2008, at which hearing all interested parties were afforded the opportunity to be heard, and the Board recommended approval (6-0 vote) of the Zoning Code text amendment; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on April 8, 2008 at which hearing all interested parties were afforded the opportunity to be heard, and the City Commission recommended approval (4-0 vote) of the Zoning Code text amendment subject to the insertion of additional "Whereas" clauses solidifying the text amendment does not set a precedence as to minimum residential unit size and is based upon specific "safety" circumstances particular to this property; and,

WHEREAS, the City Commission has determined and made findings of fact that the proposed "site specific" zoning code text amendment does not set a precedence with reference to allowing residential unit sizes below the established City of Coral Gables Zoning Code requirement of 575 square feet; and,

WHEREAS, the City Commission has also determined and made findings of fact that the proposed "site specific" zoning code text amendment was necessary for this property based upon "safety" circumstances particular to this property; and,

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on May 13, 2008 at which hearing all interested parties were afforded the opportunity to be heard, and the City Commission recommended approval (- vote) of the Zoning Code text amendment.

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. The Official Zoning Code of the City of Coral Gables, Appendix A, "Site Specific Zoning Regulations", "Section A-12, Biltmore Section" is hereby amended as follows:

"Section A-12 – Biltmore Section. Lots 6 through 22, inclusive, Block 10

F. Minimum Residential Dwelling Unit Sizes

- 1. The minimum residential dwelling unit size shall be four hundred (400) square feet.*
- 2. The minimum residential dwelling unit size of four hundred (400) square feet shall not pertain to cabanas.*
- 3. Seven (7) efficiency apartments, as defined and approved pursuant to Resolution No. 10436, adopted on 02.25.1964, are exempt from these provisions. These units may be less than four hundred (400) square feet.*
- 4. All minimum residential dwelling unit size requirements previously adopted in Ordinance and Resolution form, with the exception of above item 3, is hereby repealed."*

SECTION 3. All minimum residential dwelling unit size requirements previously adopted in Ordinance and Resolution form, as identified herein, are hereby repealed; and

SECTION 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. 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 6. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 7. This ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2008.
(Moved: _____ / Seconded: _____)
(_____, _____, _____, _____, _____)
(Vote: _____)
(Agenda Item _____)

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY

City of Coral Gables Planning Department Staff Report

To: Planning and Zoning Board Members

From: Planning Department

Date: March 12, 2008

Subject: **Zoning Code Text Amendment – Appendix A, Site Specific Zoning Regulations.** An Ordinance of the City of Coral Gables amending the Zoning Code, Appendix A, "Site Specific Zoning Regulations", "Section A-12, Biltmore Section" (also known as the David Williams Hotel/Condominium located at 700 Biltmore Way); providing for a minimum residential unit size for the property legally described as Lots 6-22 inclusive, Block 10, Biltmore Section; providing for repeal, providing severability, providing for codification thereof, an effective date, and repealing all ordinances inconsistent herewith.

Recommendation

The Planning Department recommends approval of the following Zoning Code Text Amendment – Appendix A, "Site Specific Zoning Regulations", "Section A-12, Biltmore Section" (also known as the David Williams Hotel/Condominium located at 700 Biltmore Way) the property legally described as Lots 6 – 22 inclusive, Block 10, Biltmore Section (see Attachment A):

"Section A-12 – Biltmore Section." Lots 6 through 22, inclusive, Block 10

F. Minimum Residential Dwelling Unit Sizes

- 1. The minimum residential dwelling unit size shall be four hundred (400) square feet.*
- 2. The minimum residential dwelling unit size of four hundred (400) square feet shall not pertain to cabanas.*
- 3. Seven (7) efficiency apartments, as defined and approved pursuant to Resolution No. 10436 adopted on 02.25.1964, are exempt from these provisions. These units may be less than four hundred (400) square feet.*
- 4. All minimum residential dwelling unit size requirements previously adopted in Ordinance and Resolution form, with the exception of above item 3, is hereby repealed."*

Background

The proposed Zoning Code text amendment is necessary to provide for the continued use of seven (7) residential units below the minimum Zoning Code required "575 square feet residential unit size" for the David Williams Hotel/Condominium. The subject property has undergone significant changes in the "residential use typologies" since initial construction in the early 1960's.

Recently, numerous health and life safety issues were identified within the building. Since 2006, the City has been working diligently with property management and owners to resolve all outstanding issues. One issue, which is a "Zoning Code" issue, included the minimum size of

Site Specific Zoning Regulations Amendment

March 12, 2008

Page 2 of 2

the residential units. Seven (7) units exist and are occupied by tenants, which are less than the required 575 square feet. Therefore, City Staff is requesting an amendment to the Zoning Code to provide for "site specific" standards to clarify and legalize these units.

This Zoning Code amendment is under the purview of the Planning and Zoning Board and City Commission since it requires public hearing review. All other issues associated with this property are not zoning related matters and are currently being addressed by City Administration.

Please refer to Attachment B, Building and Zoning Department memo (dated 02.07.2008) for background information and detailed description of all issues.

Public Notification

The property owners have been notified of the proposed Zoning Code text amendment and scheduled public hearing dates. City Administration, specifically, the City Manager's Office and Building and Zoning Department, conducted a "building" information meeting on Thursday, February 28, 2008 with the residents of the property.

Respectfully submitted,



Eric Riel, Jr.
Planning Director

Attachments:

- A. Ordinance.
- B. Building and Zoning Department background memorandum (dated 02.08.2008).

I:\P Z B\Zoning Code Amendments\David Williams text amend\03 12 08 David Williams site specific staff report.doc

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

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING THE ZONING CODE APPENDIX A, "SITE SPECIFIC ZONING REGULATIONS", "SECTION A-12, BILTMORE SECTION", ALSO KNOWN AS THE DAVID WILLIAMS HOTEL/CONDOMINIUM LOCATED AT 700 BILTMORE WAY; PROVIDING FOR A MINIMUM RESIDENTIAL UNIT SIZE FOR THE PROPERTY LEGALLY DESCRIBED AS LOTS 6-22 INCLUSIVE, BLOCK 10, BILTMORE SECTION; PROVIDING SEVERABILITY, PROVIDING FOR CODIFICATION THEREOF, AN EFFECTIVE DATE, AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

WHEREAS, the subject property, known as the David Williams Hotel/Condominium building located at 700 Biltmore Way, has undergone significant changes in the "residential use typologies" since initial construction in the early 1960's; and,

WHEREAS, the City recently has identified numerous health and life safety issues and Zoning Code compliance issues within the building and the City has been working diligently with property management and owners to resolve all outstanding issues; and,

WHEREAS, one issue included substandard residential unit sizes per the City Zoning Code, more specifically seven (7) units have been occupied which are less than the 575 square foot minimum; and,

WHEREAS, to resolve the Zoning Code issues, an amendment to the text of the Zoning Code, more specifically the Site Specific Regulations, is necessary to clarify and legalize those units that are less than the minimum 575 square feet; and

WHEREAS, it is the City's intent to repeal all minimum residential dwelling unit size requirements previously adopted in Ordinance and Resolution form for the seven (7) units; and,

WHEREAS, the property owners have been notified of the proposed Zoning Code text amendment and scheduled public hearing dates, and the City Administration, specifically, the City Manager's Office and Building and Zoning Department, conducted a "building" information meeting on _____, 2008 with residents of the property; and

WHEREAS, after notice duly published, a public hearing was held before the Planning and Zoning Board on March 12, 2008, at which hearing all interested parties were afforded the opportunity to be heard, and the Board recommended approval (____ vote) of the Zoning Code text amendment; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on April 8, 2008 at which hearing all interested parties were afforded the opportunity to be heard, and the City Commission recommended approval (vote) of the Zoning Code text amendment; and

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on April 29, 2008 at which hearing all interested parties were afforded the opportunity to be heard, and the City Commission recommended approval (- vote) of the Zoning Code text amendment.

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. The Official Zoning Code of the City of Coral Gables, Appendix A, "Site Specific Zoning Regulations", "Section A-12, Biltmore Section" is hereby amended as follows:

"Section A-12 – Biltmore Section. Lots 6 through 22, inclusive, Block 10

F. Minimum Residential Dwelling Unit Sizes

- 1. The minimum residential dwelling unit size shall be four hundred (400) square feet.*
- 2. The minimum residential dwelling unit size of four hundred (400) square feet shall not pertain to cabanas.*
- 3. Seven (7) efficiency apartments, as defined and approved pursuant to Resolution No. 10436, adopted on 02.25.1964, are exempt from these provisions. These units may be less than four hundred (400) square feet.*
- 4. All minimum residential dwelling unit size requirements previously adopted in Ordinance and Resolution form, with the exception of above item 3, is hereby repealed."*

SECTION 3. All minimum residential dwelling unit size requirements previously adopted in Ordinance and Resolution form, as identified herein, are hereby repealed; and

SECTION 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. 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 6. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 7. This ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS TWENTY NINTH DAY OF APRIL, A.D., 2008.

(Moved: / Seconded:)

(, , , ,)

(Vote: -)

(Agenda Item)

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY

CITY OF CORAL GABLES

2008 FEB 14 AM 8:42

CITY OF CORAL GABLES

- MEMORANDUM -

TO: ERIC RIEL, JR.
PLANNING DIRECTOR**DATE:** FEBRUARY 8, 2008**VIA:** 
DONA M. LUBIN
ASSISTANT CITY MANAGER**SUBJECT:**
ZONING CODE TEXT AMENDMENT
PROVIDING FOR REVISED SITE SPECIFIC
REGULATIONS FOR THE DAVID WILLIAM
HOTEL/CONDOMINIUM**FROM:** 
MARTHA SALAZAR-BLANCO
ZONING ADMINISTRATOR

Please place on the next available Planning and Zoning Board Agenda the following text changes to Section A-12 of Appendix A – Site Specific Zoning Regulations:

“Section A-12 – Biltmore Section-. Lots 6 through 22, inclusive, Block 10

F. Minimum Residential Dwelling Unit Sizes

- 1. The minimum residential dwelling unit size shall be four hundred (400) square feet.*
- 2. The minimum residential dwelling unit size of four hundred (400) square feet shall not pertain to cabanas.*
- 3. Seven (7) efficiency apartments, as defined and approved pursuant to Resolution No. 10436, adopted on 02.25.1964 are exempt from the these provisions. These units may be less than four hundred (400) square feet.*
- 4. All minimum residential dwelling unit size requirements previously adopted in Ordinance and Resolution form, with the exception of above item 3, is hereby repealed”*

The history of this issue is as follows:

The David William Hotel (700 Biltmore Way) was originally constructed satisfying all applicable code requirements permitting a twelve (12) story apartment/hotel use. Since initial construction, a significant amount of applications have been filed and issued which has changed the “residential composition” of the property. The changes and City Commission approvals granted are outlined below:

Resolution No. 8671. Approved the building of a twelve (12) story building.

Resolution No. 10436. February 11, 1964. Approved the relocation of the restaurant

from the 12th floor to the ground floor.

Resolution No. 10457. February 25, 1964. Directed the Building and Zoning Director to issue a permit for construction of seven (7) efficiency apartment each having less than four hundred (400) square feet to contain a sink and refrigerator only. At that time, the Zoning Code allowed efficiency apartments to be four hundred (400) square feet or above.

Resolution No. 10648. May 26, 1964. Issued a liquor license, without regard to population "to hotels having one hundred or more guests."

Resolution No. 10690. June 30, 1964. Directed the Building and Zoning Director to issue permit for the redevelopment of the 12th floor apartment building by building six cabanas and additional restrooms as shown with plans submitted (cabana is currently defined as an accessory building or a portion of the main building used as a bathhouse or a dressing area in connection with a swimming pool or a tennis court).

Resolution No. 11261. March 23, 1965. Permitted the sale of alcoholic beverages or intoxicating liquor for consumption on the premises only with conditions (paragraph 1 of said resolution states that the building located on the subject property is a hotel containing 100 or more guest rooms).

Issues which called attention to numerous violations included:

1. 2005 – Gas leak
2. August 11, 2006. Fire in Unit No. 804, causing severe damage to adjacent and neighboring units on Floor 8 and other floors.

The current known violations and status based upon limited inspections of the building to date are listed below. This list is provided for information purposes only.

1. The six cabana units are being used as living quarters and not as bathhouses or dressing areas in connection with the swimming pool. Cabanas are not to be used as living quarters pursuant to the Zoning Code. Issue to be resolved.
2. All the units in the 15 line did not have an electric panel and therefore these units receive power through the electric panel in the 16 line. Units in the 15 line must maintain their own electric panel. The electrical panel issue has been corrected.
3. The primary means of egress in the 15 line needs to satisfy minimum doorway widths in conformance with the Florida ADA / Accessibility Codes. Issue to be resolved. The City is awaiting response from the property
4. Kitchen remodeling, electric work, wall erection, and floor installation has occurred without permits in numerous units. Issue to be resolved.
5. Retrofitting of fire sprinklers in common areas, condominium units, and hotel units are

necessary as required by the Fire Marshal. There is a process per Florida Statute 718.112(2)(l) that would allow condominium units to opt out of the sprinkler requirements. The City is awaiting response from the property.

6. The David William no longer maintains a minimum of 100 or more hotel units and therefore is unable to have a liquor license and a commercial restaurant
7. A second means of egress / escape issues. The City is awaiting response from the property

The City provided all unit owners an amnesty period in which to seek a courtesy inspection and come into compliance. Several individuals took advantage of this reprieve and complied with violations of work done without a permit. Others, with units having floor areas of over 575 square feet did not take advantage of this period of abatement and have been issued notices of violation. The dwelling units between 400 and 575 square feet of floor area have had the enforcement abated, as the owners are unable to comply without obtaining relief from prior zoning and land use approvals. A total of sixty-six (66) units are substandard.

In summary, this text amendment allows for changes to City of Coral Gable, Zoning Code, Appendix A – Site Specific Regulations, Section A-12 to legalize the units that are between 400 and 575 square feet, which currently violate of the 575 square feet minimum floor area. These text amendments do not address the above issues that are being handled separately.

cc. Elizabeth M. Hernandez, City Attorney
Walter Reed, Fire Chief
Ed Weller, Assistant Building and Zoning Director
Manny Lopez, Building Official

BBB126

Wynn argued at length that Coral Gables was designed originally as a residential area and not for the type of "high-rise" buildings as requested by the owner of such twelve story building. Also present was former Mayor W. Keith Phillips, who stated that while two different viewpoints exist in this matter he was asked to appear before the Commission on behalf of the residents to say that Coral Gables is known as a city of beautiful homes and the desire has been vehemently expressed that it so remain. Present proponent of the plan was Mr. A. H. Sakolsky, owner and applicant, who presented a foundation building permit, which had been issued following Commission action on December 6, 1960, upon which he based his prerogative to enter into contractual arrangements for construction of such apartment building which had proved to be costly and expensive; and therefore, urged the Commission to stand firm on previous actions in granting him the permit. After all persons were duly heard, the following resolution was presented and read:

RESOLUTION NO. 8671

**A RESOLUTION RESCINDING RESOLUTIONS NUMBERS
8622, 8626 AND 8660, PASSED AND ADOPTED BY THE
CITY COMMISSION OF THE CITY OF CORAL GABLES
DEALING WITH CONSTRUCTION OF A MULTI-STORY
BUILDING.**

**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL
GABLES:**

That the following resolutions, having been passed and adopted by the City Commission of The City of Coral Gables at their regular meetings, duly held and convened in the Commission Chamber, City Hall, Coral Gables, Florida, dealing with construction of a multi-story apartment building proposed to be located on Lots 6 to 22, inclusive, Block 10, "Biltmore Section" (SW corner of Biltmore Way and Cardena Street), Coral Gables, Florida, to-wit:

1. Resolution No. 8622, passed and adopted December 6, 1960 authorizing and permitting construction of an apartment building on subject property to be twelve stories in height, under certain terms and conditions;
2. Resolution No. 8626, passed and adopted December 6, 1960, approving the following exceptions to Ordinance No. 1005, as amended, and known as the "Zoning Code":
 - (a) Omission of a parapet on the canopy in front of proposed apartment building;
 - (b) A ground coverage of 36.4% instead of 35%;

(c) A parking garage, to be constructed completely below grade, to extend from the east to the west property line and from the north to the south property line, not having any setbacks on the front, rear or side property lines; all subject to final plans being approved by the City Commission for traffic layout and fire control.

* 3. Resolution No. 8660, passed and adopted December 20, 1960, approving final plans of traffic flow to and from said proposed building in accordance with the terms of Resolution No. 8626.

be and the same hereby are RESCINDED.

Motion for its adoption was made by Commissioner Murphy, seconded by Commissioner Kerdyk. Resolution was adopted by the following roll call: "Yea" - Commissioners Kerdyk, Murphy and Hess. "Nays" - Commissioner Searle; Mayor Montgomery. Mayor Montgomery asked that the record show that in voting "Nay" he maintains his previous position in this matter as he is of the belief that this community needs structures of this kind. Commissioner Hess asked in voting "Aye" that the record show he is influenced by his 1959 campaign platform as Commissioner of The City of Coral Gables in adhering to the zoning code and he is, therefore, of the opinion that before multi-story buildings are permitted certain standards should be established.

Present at the meeting was Mrs. Alice Soltysiak, a physical education teacher at the Deerborne School, a private school, to request the same privileges to play golf at the Biltmore Golf Course as those granted to teachers of the Dade County Schools. Following discussion the following resolution was presented and read:

RESOLUTION NO. 8672

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PERMIT AN INSTRUCTOR OF A PRIVATE SCHOOL ANNUAL GREENS FEES AT BILTMORE GOLF COURSE.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

That the City Manager be and he hereby is authorized to permit Mrs. Alice Soltysiak, a physical education instructor at Deerborne School, a private school located at 311 Avenue Sevilla, Coral Gables, Florida, the same privileges as are given to coaches, athletic directors, teachers and principals of schools in Dade County Public School System and all other persons as described in Section B, Greens Fees - Annual, Biltmore (2) of Resolution No. 8484, passed and adopted August 2, 1960.

The City Clerk reported that certificates of appreciation were forwarded to Mr. Robert L. Brinkman and Mr. Tom Maxey for their services as members of the Budget Advisory Committee for the period ending December 31, 1963.

The City Clerk reported receipt of letters from Metropolitan Dade County, Florida State Board of Health, and Department of Health, Education and Welfare, Atlanta, Georgia in connection with test work on the proposed extension of the Florida Power and Light Company's Cutler Power Plant.

The City Manager reported that the Commission has been invited to a luncheon at the Coral Gables Country Club on Tuesday, February 18, 1964 as guests of Mr. and Mrs. George K. Zain, regarding a beautification program.

The City Manager reported that the Commission is invited to attend the Orange Bowl dinner at the Hotel Columbus on February 24, 1964. The invitation was accepted and the City Manager was instructed to arrange for the regular Commission conference to be held on Monday, February 17, 1964 in lieu of the one scheduled for Monday, February 24, 1964.

The Mayor presented the City Manager with a copy of the Zoning Code of Dade County.

Present at the meeting at this time was Mr. A. H. Saksiky, owner of a multi-story building located on Lots 6 to 22, inclusive, Block 10, "Biltmore Section", southwest corner of Biltmore Way and Cardena Street, to request permission to relocate a restaurant, which he stated had been planned originally to be located on the twelfth floor overlooking the swimming pool, and which he now considers would be more favorably located on the ground floor. After discussion, the following resolution was presented and read:

RESOLUTION NO. 10436

**A RESOLUTION PERMITTING A RESTAURANT TO BE
LOCATED ON THE FIRST FLOOR OF A MULTI-STORY
BUILDING.**

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

That the installation of a restaurant on the first floor of a multi-story building, located on Lots 6 to 22, inclusive, Block 10, "Biltmore Section", 720 Biltmore Way, Coral Gables, Florida, subject to compliance with all regulatory ordinances and laws in respect thereto, be and the same hereby is permitted.

Motion for its adoption was made by Commissioner Dressel, seconded by Commissioner Phillips. Resolution was adopted by the following roll call: "Yea" - Commissioners Dressel, Philbrick and Phillips; "Nays" - Commissioner Wilson and Mayor Murphy.

The following resolution was presented and read:

RESOLUTION NO. 10437

A RESOLUTION RESCINDING RESOLUTION NO. 10381
CREATING A CORAL GABLES CITIZENS TRAFFIC SAFETY
COMMITTEE COMPOSED OF FIVE MEMBERS.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

That Resolution No. 10381, passed and adopted January 14, 1964, creating a Citizens Traffic Safety Committee, composed of five residents of the City of Coral Gables to be appointed by each member of the City Commission, be and the same hereby is rescinded and repealed.

BBH378
Motion for its adoption was made by Commissioner Dressel, seconded by Commissioner Phillips. Resolution was adopted by the following roll call: "Yea" - Commissioners Dressel, Philbrick, Phillips and Wilson; Mayor Murphy. "Nays" - None.

There being no further business the meeting was adjourned at 1:45 o'clock A. M.

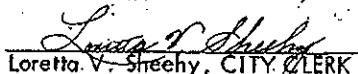
Wednesday, February 12, 1964.

APPROVED:


Joseph H. Murphy, MAYOR


W. Keith Phillips, Jr., VICE-MAYOR

ATTEST:


Loretta V. Sheehy, CITY CLERK

Motion for its adoption was made by Commissioner Dressel, seconded by Commissioner Phillips. Resolution was adopted by the following roll call: "Yea's" - Commissioners Dressel, Philbrick, Phillips and Wilson; Mayor Murphy; "Nays" - None.

The following resolution was presented and read:

RESOLUTION NO. 10456

A RESOLUTION AUTHORIZING NEGOTIATIONS FOR AN AGREEMENT WITH THE UNIVERSITY OF MIAMI FOR AN EASEMENT IN SANITARY SEWER DISTRICT SS-8; AND BE IT RESOLVED.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

That the City Manager be and he hereby is authorized to enter into negotiations with the University of Miami for the granting of a sanitary sewer easement in Sanitary Sewer District SS-8, lying in a portion of an area designated as Block 208, "University Waterway", "Second Revised Plat of Coral Gables Riviera Section Part 14", Coral Gables, Florida.

Motion for its adoption was made by Commissioner Dressel, seconded by Commissioner Philbrick. Resolution was adopted by the following roll call: "Yea's" - Commissioners Dressel, Philbrick, Phillips and Wilson; Mayor Murphy. "Nays" - None.

In connection with plans for construction of a multi-story building in Block 10, "Biltmore Section", the City Manager reported that the owner requests installation of seven rooms on the first floor of the proposed multi-story apartment building having a minimum of three hundred eighty (380) square feet each and each containing a sink, refrigerator and stove; however, that the zoning requirements specify a minimum of four hundred (400) square feet and that stoves are not permitted. After discussion, the following resolution was presented and read:

RESOLUTION NO. 10457

A RESOLUTION DIRECTING THE BUILDING AND ZONING DIRECTOR TO ISSUE A PERMIT.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

That the Building and Zoning Director be and he hereby is directed to issue a permit for construction of seven (7) efficiency apartments, each having less than four hundred (400) square feet, as required by the "Zoning Code", and each containing a sink and refrigerator only, in a multi-story apartment building; located on Lots 6 to 22, inclusive, Block 10, "Biltmore Section", 720 Biltmore Way, Coral Gables, Florida.

Motion for its adoption was made by Commissioner Dressel, seconded by Commissioner Philbrick. Resolution was adopted by the following roll call: "Yea's" - Commissioners Dressel, Philbrick, Phillips and Wilson; Mayor Murphy. "Nays" - None.

7:30 o'clock P. M. Present at the meeting at this time was Mr. Al Sakolsky to present plans and discuss alterations of numerous items prior to completion of the multi-story building presently under construction on Lots 6 to 22, inclusive, Block 10, "Biltmore Section", 720 Biltmore Way, Coral Gables, Florida. He requested that before making such alterations, in particular to the first floor containing the restaurant and lobby, he be granted a retail liquor license for hotel operation, in order to construct the building more economically. After discussion, the following resolution was presented and read:

RESOLUTION NO. 10648.

WHEREAS, A. H. SAKOLSKY has submitted plans to the City Commission showing the lay-out of the David-William Apartment Hotel, presently under construction on Lots 6 to 22, inclusive; Block 10, "Biltmore Section", with a request to the City Commission that he be issued a liquor license as provided for and contemplated in Chapter 24446, Special Laws of Florida, 1947, permitting the issuance of a liquor license, without regard to population, "to hotels having one hundred or more guest rooms"; and

WHEREAS, upon the representation made by Mr. Sakolsky, together with plans and specifications exhibited to the Commission at the time of the application, it appears to the City Commission that, if and when completed according to the plans and specifications and representations, such operation would come within the intent and scope of the aforesaid Chapter 24446, Special Laws of Florida, 1947;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

That (a) if the David-William Apartment Hotel is completed according to the plans and specifications submitted to the City Commission, and the operation will be within the scope and intent of the applicable Charter provision, and (b) provided other qualifications necessary in connection with liquor licenses are present, as required by the laws of the State of Florida and the ordinances of the City of Coral Gables, a liquor license for the sale and consumption of liquor on the premises be granted to proper applicant for use in connection with the operation of the David-William Apartment Hotel, located in Block 10, "Biltmore Section", on Biltmore Way in the City of Coral Gables, with the understanding, however, that the liquor license and the operation under said liquor license shall be in accord and keeping with the laws and regulations of the State of Florida and the City of Coral Gables as it presently exists or may exist in the future.

Motion for its adoption was made by Commissioner Dressel, seconded by Commissioner Wilson. Resolution was adopted by the following roll call: "Yea" - Commissioners Dressel and Wilson; Vice Mayor Philbrick. "Nay" - Commissioner Phillips.

The City Clerk reported that Mr. Oliver Hoover had accepted membership on the Recreational Advisory Board.

There being no further business the meeting was adjourned at 8:30 o'clock P.M.

ATTEST:

Loretta V. Sheehy
Loretta V. Sheehy, CITY CLERK

APPROVED:

W. L. Philbrick
W. L. Philbrick, VICE-MAYOR

Thereupon Mayor Murphy then declared the ordinance passed and adopted and ordered its publication as Ordinance No. 1420, effective July 1, 1964, to take effect at once.

Present at the meeting at this time was Mr. Ali Sakolsky, who presented plans for redevelopment of the twelfth story of the apartment building located at 720 Biltmore Way, by relocation of swimming pool facilities and roof garden area, and who stated that the shower and rest room facilities in the cabanas were approved by the State Board of Health. Mr.

Sakolsky stated that such plans will not raise the elevation of the building. The following resolution was presented and read:

THE RESOLUTION NO. 10690,
A RESOLUTION AUTHORIZING THE BUILDING AND
ZONING DIRECTOR TO ISSUE A BUILDING PERMIT.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

That the Building and Zoning Director is hereby authorized and instructed to issue a permit to Mr. Ali Sakolsky, owner of the twelve-story apartment building presently under construction on Lots 6 to 22, inclusive, Block 10, "Biltmore Section", 720 Biltmore Way, Coral Gables, Florida, for the redevelopment of the twelfth floor of said multi-story apartment building by installation of six cabanas and additional public restrooms in accordance with plans submitted at this meeting of June 30, 1964.

Motion for its adoption was made by Commissioner Philbrick, seconded by Commissioner Wilson. Resolution was adopted by the following roll call: "Yea" - Commissioners Dressel, Philbrick, Phillips and Wilson. Mayor Murphy abstained from voting.

The following resolution was presented and read:

THE RESOLUTION NO. 10691,
A RESOLUTION AUTHORIZING AN EXCEPTION TO ORDINANCE NO. 1005, AS AMENDED, AND KNOWN AS: THE ZONING CODE.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

That the following exception to the provisions of Ordinance No. 1005, as amended, and known as the "Zoning Code", having been recommended by the Zoning Board at its regular meeting of June 1, 1964, be and the same hereby is approved:

(252.1+Z) *Allowing the subject property to be developed in accordance with the following:*
 That the provisions of Section 3 of Ordinance No. 1254, passed and adopted September 19, 1964, dealing with construction of an automobile service station on subject property and requiring that no driveways shall be constructed from Avenue Giralda to the subject premises, be and the same hereby are rescinded and installation of a driveway on Avenue Giralda to subject property be and the same hereby is authorized; located on Lots 7, 8, 9, 10 and the north east extension 4.55 feet of Lot 11, Block 31, "Section 11", 10, Avenue 1, 11, Giralda, Coral Gables, Florida.

Motion for its adoption was made by Commissioner Phillips, seconded by Commissioner Philbrick. Resolution was adopted by the following roll call: "Yea" - Commissioners Dressel, Philbrick, Phillips and Wilson; Mayor Murphy; "Nays" - None.

The following ordinance was presented and read:

ORDINANCE: AMENDING THE "CODE OF THE CITY OF CORAL GABLES, FLORIDA", IN THE FOLLOWING SECTION: SECTION: 17-28, ENTITLED: "LICENSE, TAXES, FEES, SCHEDULE" AND IN PARTICULAR PARAGRAPH (1) ABSTRACT COMPANY; PARAGRAPH (57) COIN-OPERATED, VENDING OR OTHER MACHINES; PARAGRAPH (60) CONSULTANT AND/OR BUSINESS ADVISORY; PARAGRAPH (112) INSURANCE; PARAGRAPH (121) LAUNDRY; PARAGRAPH (156) PARKING LOTS; REPEALING ALL LAWS INCONSISTENT OR IN CONFLICT HEREWITHE.

upon first reading. Motion for its adoption was made by Commissioner Philbrick, seconded by Commissioner Wilson. Ordinance was adopted on first reading by the following roll call:

"Yea" - Commissioners Dressel, Philbrick, Phillips and Wilson; Mayor Murphy; "Nays" - None.

The following resolution was presented and read:

RESOLUTION NO. 10692

A RESOLUTION ACCEPTING THE BID OF MARKS BROTHERS COMPANY FOR CONTRACT WORK ON STREET SEALING PROJECT NO. 8A, CORAL GABLES, FLORIDA AND AUTHORIZING EXECUTION OF A CONTRACT THEREFOR.

WHEREAS, pursuant to the provisions of the City Charter, the City has advertised for sealed proposals for sealing various streets north of Avenue Anastasia and west of LeJeune Road within the City limits of Coral Gables, Florida, designated as Street Sealing Project No. 8A, and bids therefor were received at 2:00 o'clock P.M. on Tuesday, June 30, 1964 and publicly opened by the City Commission in the Commission Chamber, City Hall, Coral Gables, Florida, as follows:

Contractor

Base Bid

Marks Brothers Company, \$0.14 per square yard.

Holland Paving Company \$0.155 per square yard.

and;

WHEREAS, the bid of MARKS BROTHERS COMPANY is the low and most advantageous bid, and fully meets specifications ordered;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES,

- That the above recited bid of MARKS BROTHERS COMPANY to perform contract work on Street Sealing Project No. 8A, north of Avenue Anastasia and west of LeJeune Road within the City limits of the City of Coral Gables, be and the same hereby is accepted.

Motion for its adoption was made by Commissioner Phillips, seconded by Commissioner Dressel. Resolution was adopted by the following roll call: "Yea" - Commissioners Dressel, Philbrick, Phillips and Wilson; Mayor Murphy. "Nays" - None.

A letter from the International Association of Chiefs of Police, Inc., Washington, D. C. with reference to a proposed study of the Police Department was presented and read.

Present at the meeting at this time was Attorney William Burton, on behalf of his client, Mr. Al Sakolsky, for an application for a liquor license for the David Williams Apartment building, located at 700 Biltmore Way, and in this connection, requested that the license be issued to Chez Vendome, Inc., at the same address. Discussion followed upon the question of whether or not all building requirements have been met. The following resolution was presented and read:

RESOLUTION NO. 11261

A RESOLUTION AUTHORIZING ISSUANCE OF A RETAIL LIQUOR STORE LICENSE.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

That, when, as and if, a Certificate of Occupancy has been issued by the City of Coral Gables for that certain apartment building located in Block 10, "Biltmore Section", Coral Gables, Florida, the issuance of a Retail Liquor Store License, permitting the sale of alcoholic beverages or intoxicating liquors regardless of alcoholic content for consumption on the premises; only, in conjunction with a license for apartments having one hundred (100) or more guest rooms to A. H. Sakolsky, William M. Burton and Eileen Sakolsky, with A. H. Sakolsky, Manager, d/b/a David-William Apartment Hotel, 700 Biltmore Way, Coral Gables, Florida, hereby is authorized and approved on the following grounds, to-wit:

1. Said apartment building, known as the David-William Apartment Hotel, located on Lots 6 to 22, inclusive, Block 10, "Biltmore Section", 700 Biltmore Way, Coral Gables, Florida, is a hotel containing one hundred (100) or more guest rooms, having no entrances or exits thereto except from within the hotel and not from the exterior of such hotel or from any street, and is located in an Apartment-Hotel Use District as permitted under the present zoning ordinances of the City.

2. Said retail liquor store license shall never be severable from the hotel license issued in conjunction with said apartment hotel at 700 Biltmore Way, Coral Gables, Florida.

3. Said hotel shall have no signs advertising such retail liquor store or for the sale of alcoholic beverages or intoxicating liquors upon the exterior, nor shall such signs be visible from the exterior of said apartment hotel.

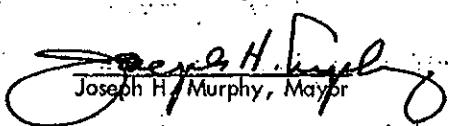
4. The business of such retail liquor store license shall be operated only between the hours of 7:00 o'clock A.M. and midnight (prevailing time) each day, except that such business may continue open through Saturday night to 1:00 o'clock A.M. on Sunday; no alcoholic beverages or intoxicating liquors may be sold or dispensed by such licensee between the hours of midnight and 7:00 o'clock A.M. on weekdays and 1:00 o'clock A.M. and 7:00 o'clock A.M. on Sundays.

5. Said licensee shall be subject to compliance with all regulatory ordinances and laws in respect thereto, and subject to cancellation upon receipt of any disqualifying criminal record on the part of the licensee.

Motion for its adoption was made by Commissioner Dressel, seconded by Commissioner Philbrick. Resolution was adopted by the following roll call: "Yea" - Commissioners Dressel, Philbrick and Wilson. "Nay" - Commissioner Phillips and Mayor Murphy.

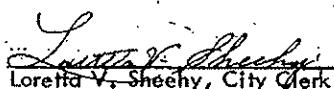
There being no further business the meeting was adjourned at 5:00 o'clock P.M.

APPROVED:



Joseph H. Murphy, Mayor

ATTEST:



Loretta V. Sheehy, City Clerk