



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
Application: **Zoning Code Text Amendment - Drive-Through Facilities**
Public Hearing: Planning and Zoning Board
Date & Time: **November 9, 2016; 6:00 – 9:00 p.m.**
Location: City Commission Chambers, City Hall,
405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

The City of Coral Gables is requesting review and consideration of the following:

An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 4, "Zoning Districts," Division 3, "Nonresidential Districts," Section 4-302, "Commercial District;" and, Article 5, "Development Standards," Division 1, "Accessory Uses," Section 5-115, "Drive-throughs, walk-up windows, and automated teller machines (ATM)" requiring conditional use review for drive through facilities; providing for repealer provision, severability clause, codification, and providing for an effective date.

2. BACKGROUND INFORMATION

City Staff is proposing a Zoning Code text amendment that will require all drive-through facilities to be reviewed via the conditional use approval process. The proposed amendment includes language which strengthens the review criteria for drive-through facilities. If approved all future applications with a proposed drive-through facility, including banks and restaurants, will be required to be heard before the Planning and Zoning Board and receive approval by the City Commission.

3. PROPOSED ZONING CODE TEXT AMENDMENT

The proposed Zoning Code text amendment is provided below in ~~striketrough~~/underline format.

Article 4 - Zoning Districts

Division 3. Nonresidential Districts

Section 4-302. Commercial District (C).

B. Permitted uses. The following uses are permitted subject to the standards in this Section and other applicable regulations in Article 5:

~~9. Drive through facilities not abutting or adjacent to SFR, MF1, MF2, and MFSA zoning districts.~~

C. Conditional uses. The following uses are permitted as conditional uses, if approved under the provisions of Article 3, Division 4, subject to the standards in this Section and other applicable regulations in Article 5:

1. Assisted living facilities (ALF).

2. Drive through facilities ~~abutting and/or adjacent to SFR, MF1, MF2, and MFSA zoning districts.~~

Article 5 - Development Standards

Division 1. Accessory Uses

Section 5-115. Drive-throughs, walk-up windows, and automated teller machines (ATM).

~~Drive-throughs, and walk-up windows, and ATMs accessory to banks, restaurants, and retail sales and service may be approved as conditional uses and ATMs accessory to banks and retail sales and service shall be permitted provided that:~~

A. Such uses are designed so as to not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys or sidewalks or block on-site parking facilities. If a drive-through fails to perform as designed, whether such use was previously approved or approved as a conditional use pursuant to this section, then the City may take enforcement action including revocation of the certificate of use and of the conditional use by the City Commission.

- B. Drive-through lanes and vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls, railings, or hedges at least thirty-six (36) inches in height.
- C. Three-hundred and sixty (360) degree architectural treatment is utilized. Building design shall incorporate variation in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls. Drive through, ATMs and walk-up elements should be architecturally integrated into the building, rather than appearing to be applied or “stuck on” to the building.
- D. Drive-through displays, ordering areas, walk-up windows, ATMs and parking canopies shall not serve as the singularly dominant feature on the site or as a sign or an attention-getting device.
- E. Exterior walk-up ATMs serving pedestrians may be permitted up to a maximum of two (2) square feet in sign area per ATM machine. Such signage shall not be internally illuminated.
- F. Entries and/or exits to drive-through facilities shall be a minimum of one hundred (100) feet from any intersection and provided from a side street or alley if determined to be appropriate. Shorter distances from road intersections may be approved if the Development Review Officer determines that public safety and/or the efficiency of traffic circulation are not being compromised.
- G. Drive-through stacking lanes shall be a minimum of one hundred (100) feet from any single-family residential parcel.
- H. All service areas, restrooms and ground mounted equipment associated with the drive-through shall be screened from public view.
- I. Landscaping shall screen drive-through aisles from the public right-of-way and adjacent uses and shall be used to minimize the visual impacts of the drive-through.
- J. A traffic study shall be required for drive-through applications. The City has the discretion to request a traffic analysis based on similar uses in the South Florida area or as determined by City Staff. Issues related to stacking analysis, impact of the drive-through facility on the urban character of the neighborhood, and operation will be reviewed as a part of the design review process. Interference with the circulation of pedestrian or vehicular traffic on adjoining streets, alleys or sidewalks and blocking of on-site parking facilities shall not be allowed.
- K. Drive-through facilities may be required to provide a bypass lane based on site conditions to afford customers with the opportunity to exit the drive-through.

4. FINDINGS OF FACT

In accordance with Section 3-1405 of the Zoning Code, the Planning and Zoning Board shall not recommend adoption of, and the City Commission shall not adopt, text amendments to these land Zoning Code unless the text amendment:

- A. Promotes the public health, safety, and welfare.
- B. Does not permit uses the Comprehensive Plan prohibits in the area affected by the district boundary change or text amendment.
- C. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property.
- D. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less the minimum requirements of the Comprehensive Plan.
- E. Does not directly conflict with an objective or policy of the Comprehensive Plan.

Staff finds that all five of these criteria are **satisfied**.

5. COMPREHENSIVE PLAN CONSISTENCY

In accordance with Section 3-1407 of the Zoning Code, the Planning and Zoning Board shall determine whether the Zoning Code text amendment is consistent with the Comprehensive Plan. Staff finds that the proposed text amendment **is consistent** with the Comprehensive Plan.

6. PUBLIC NOTIFICATION

The following has been completed to provide notice of the request:

Type	Date
Legal advertisement	10.28.16
Posted agenda on City web page/City Hall	11.04.16
Posted Staff report on City web page	11.04.16

7. STAFF RECOMMENDATION

The Planning and Zoning Division recommends **approval**.

8. ATTACHMENTS

A. 10.28.16 Legal advertisement published.

Please visit the City's webpage at www.coralgables.com to view all Application plans and materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida 33134.

Respectfully submitted,



Ramon Trias
Director of Planning and Zoning
City of Coral Gables, Florida

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

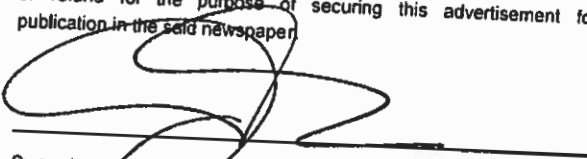
Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NOTICE OF PUBLIC HEARING
CITY OF CORAL GABLES - NOV. 9, 2016

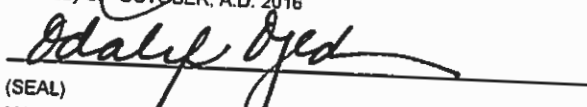
in the XXXX Court,
was published in said newspaper in the issues of

10/28/2016

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper



Sworn to and subscribed before me this
28 day of OCTOBER, A.D. 2016



(SEAL)
MARIA MESA personally known to me



**CITY OF CORAL GABLES, FLORIDA
NOTICE OF PUBLIC HEARING**

CITY PUBLIC HEARING LOCAL PLANNING AGENCY / PLANNING
ZONING BOARD
DATES/TIMES WEDNESDAY, NOVEMBER 9, 2016,
6:00 – 9:00 P.M.
LOCATION CITY COMMISSION CHAMBERS, CITY
HALL, 405 BILTMORE WAY, CORAL GABLES
FLORIDA, 33134

PUBLIC NOTICE is hereby given that the City of Coral Gables, Florida, Local Planning Agency (LPA)/ Planning and Zoning Board (PZB) will conduct Public Hearings on the following:

Items 1 through 5 are related.

1. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 3, "Development Review," Division 15, "Comprehensive Plan Text and Map Amendments," and Small Scale Amendment procedures (S.163.3187, Florida Statutes), providing for the "North Ponce de Leon Boulevard Mixed-Use Overlay District;" providing for severability, repealer and an effective date. (Legal description on file with the City) (LPA review)
2. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the text of the City of Coral Gables Comprehensive Plan, Future Land Use Element, Policy FLU-1.1.3, "Table FLU-4. Mixed-Use Land Use," pursuant to expedited State review procedures (S.163.3184, Florida Statutes) and Zoning Code Article 3, "Development Review," Division 15, "Comprehensive Plan Text and Map Amendments;" amending the "MXOD, Mixed-Use Overlay Districts" Land Use Classification to provide that a Mixed-Use Overlay District may be permitted as an overlay in the Multi-Family Medium Density and the Multi-Family High Density Land Uses; providing for severability, repealer and an effective date. (LPA review)
3. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Zoning Map pursuant to Zoning Code Article 3, "Development Review", Division 14, "Zoning Code Text and Map Amendments", to create the "North Ponce de Leon Boulevard Mixed Use District" for portions of the Douglas Section, Section K, and Section L, Coral Gables, Florida; providing for severability, repealer and an effective date. (Legal description on file with the City)

4. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 4, "Zoning Districts," Section 4-201, "Mixed Use District (MXD)" to allow an MXD Overlay District to be assigned in a Multi-Family 2 Zoning District under certain conditions, and to include provisions for the "North Ponce de Leon Boulevard Mixed Use District" to modify and supplement the existing Commercial and Multi-Family 2 standards and criteria to allow appropriate redevelopment that promotes walkability, enhances Ponce de Leon Boulevard, and provides a transition to the North Ponce Neighborhood Conservation District; providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

5. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 3, "Development Review," Division 10, "Transfer of Development Rights" to modify criteria for sending sites north of Navarre Avenue, and to allow for Commercial zoned properties with the "North Ponce Mixed Use District" overlay to be receiving sites subject to certain criteria; providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

Items 6 through 8 are related.

6. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the text of the City of Coral Gables Comprehensive Plan, Future Land Use Element, Policy FLU-1.1.3, "Table FLU-1. Residential Land Uses," pursuant to expedited State review procedures (S.163.3184, Florida Statutes) and Zoning Code Article 3, "Development Review," Division 15, "Comprehensive Plan Text and Map Amendments," amending the "Multi-Family Medium Density" Land Use Classification to provide that a maximum density of 60 units/acre, or 75 units/acre with architectural incentives per the Zoning Code, shall be permitted for development within designated Residential Infill Districts; providing for severability, repealer and an effective date. (LPA review)

7. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Zoning Map pursuant to Zoning Code Article 3, "Development Review", Division 14, "Zoning Code Text and Map Amendments", to create the "East Ponce de Leon Boulevard Residential Infill District" for portions of the Douglas Section, Coral Gables, Florida; providing for severability, repealer and an effective date. (Legal description on file with the City)

8. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 4, "Zoning Districts," adding Section 4-208, "East Ponce de Leon Boulevard Residential Infill District" to modify and supplement the existing Multi-Family 2 standards and criteria to allow appropriate redevelopment that promotes walkability, enhances East Ponce de Leon Boulevard, and provides a visual connection between the Douglas Entrance and Ponce de Leon Boulevard; providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

9. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 4, "Zoning Districts," Division 3, "Nonresidential Districts," Section 4-302, "Commercial District;" and, Article 5, "Development Standards," Division 1, "Accessory Uses," Section 5-115, "Drive-throughs, walk-up windows, and automated teller machines (ATM)" requiring conditional use review for drive through facilities; providing for repealer provision, severability clause, codification, and providing for an effective date.

10. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 3, "Development Review," Division 10, "Transfer of Development Rights;" modifying the provisions for transfer development rights; providing for repealer provision, severability clause, codification, and providing for an effective date.

All interested parties are invited to attend and participate. Upon recommendation by the Board, the applications will be scheduled for City Commission consideration. Please visit the City webpage at www.coralgables.com to view information concerning the applications. The complete applications are on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134. Questions and written comments can be directed to the Planning and Zoning Division at planning@coralgables.com (FAX: 305.460.5327) or 305.460.5211.

Ramon Trias
Director of Planning and Zoning
Planning & Zoning Division
City of Coral Gables, Florida

Any person, who acts as a lobbyist pursuant to the City of Coral Gables Ordinance No. 2006-11, as amended, must register with the City Clerk prior to engaging in lobbying activities before City Staff, Boards, Committees or City Commission. A copy of the Ordinance is available in the Office of the City Clerk, City Hall. If a person decides to appeal any decision made by a Board, Committee or City Commission with respect to any matter considered at a meeting or hearing, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). Any meeting may be opened and continued and, under certain circumstances, additional legal notice will not be provided. Any person requiring special accommodations in order to attend or participate in the meeting should contact the City's ADA Coordinator, Raquel Elejabarieta (Email: relejabarieta@coralgables.com, Telephone: 305-722-8686, TTY/TDD: 305-442-1600, at least three (3) working days prior to the meeting. All meetings are telecast live on Coral Gables TV Channel 77.
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