

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2011-02

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA GRANTING CONDITIONAL USE APPROVAL PURSUANT TO ZONING CODE ARTICLE 3, DEVELOPMENT REVIEW, DIVISION 4, CONDITIONAL USES, FOR A BANK DRIVE-THROUGH FACILITY WITHIN THE COMMERCIAL LIMITED (CL) DISTRICT ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 23-34, BLOCK 3, BILTMORE SECTION (595 BILTMORE WAY – NORTHERN TRUST BANK), CORAL GABLES, FLORIDA; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Application No. 09-10-121-P is an application for a Conditional Use Review for a bank drive-through facility on property legally described as Lots 23-34, Block 3, Biltmore Section (595 Biltmore Way), Coral Gables, Florida; and

WHEREAS, Conditional Use Review is required for drive-through facilities proposed on Commercial Limited (CL) zoned property when adjacent to a Residential, Multi-Family (MF2) District; and

WHEREAS, after notice of public hearing duly published and notification of all property owners of record within one thousand (1000) feet of the property, public hearing was held before the Planning and Zoning Board of the City of Coral Gables on November 3, 2010, at which hearings all interested persons were afforded the opportunity to be heard; and

WHEREAS, at a public hearing held on November 3, 2010, the Planning and Zoning Board recommended approval (vote: 6-1) of the application for Conditional Use Review for a bank drive-through facility with conditions; and

WHEREAS, the City Commission held a public hearing on December 14, 2010, at which hearing all interested persons were afforded an opportunity to be heard and this application was approved on First Reading (vote: 4-1) with conditions;

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

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The application for Conditional Use Review for a bank drive-through facility on the property legally described as Lots 23-34, Block 3, Biltmore Section (595 Biltmore Way), Coral Gables, Florida shall be and is hereby approved with the following conditions:

1. Application/supporting documentation. Construction of the project shall be in conformance with the following:
 - a. Site plan, landscape plan, building elevations and building program prepared by Glidden, Spina & Partners, dated 12.01.10.
 - b. Queuing Analysis prepared by David Plummer and Associates, dated 07.27.10.
 - d. Improvements and/or conditions contained herein, unless otherwise specified herein, shall be completed prior to receipt of final Certificate of Occupancy (CO).
 - e. All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package dated 12.06.10.
 - f. All representations proffered by the applicant's representatives provided during public hearing review.
 - g. Changes to the plans required by the City Commission as part of the review of this application at public hearings.
2. General.
 - a. Restrictive Covenant. Within 30 days of approval and adoption of the ordinances, the property owner, its successors or assigns shall submit a Restrictive Covenant for City Attorney review and approval outlining all conditions of approval required by the City Commission. Failure to submit the draft Restrictive Covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft Restrictive Covenant is extended by the City Attorney after good cause as to why the time frame should be extended.
3. Prior to the issuance of a building permit for the project, the property owner, its successors or assigns, shall provide for annual payment for the loss of three (3) on-street parking spaces resulting from the project.

SECTION 3. All rights, actions, proceedings and Contracts of the City, including the City Commissioners, the City Manager, or any of its departments, boards or officers undertaken pursuant to the existing code provisions, shall be enforced, continued, or completed, in all respects, as though begun or executed hereunder.

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

SECTION 5. If any section, part of session, 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 the Code of the City of Coral Gables, Florida, as amended, which provisions may be renumbered or re-lettered and that the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 7. This ordinance shall become effective within ten (10) days following the date of its passage and adoption herein.

PASSED AND ADOPTED THIS ELEVENTH DAY OF JANUARY, A.D., 2011.

(Moved: Withers / Seconded: Kerdyk)

(Yeas: Kerdyk, Withers, Cabrera, Slesnick)

(Majority: (4-0) Vote)

(Absent: Anderson)

(Agenda Item: E-3)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



LOURDES ALFONSIN RUIZ
INTERIM CITY ATTORNEY