

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2010-38

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE CORAL GABLES COMPREHENSIVE PLAN PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SS. 163.3187, FLORIDA STATUTES, FROM "COMMERCIAL USE, MID-RISE INTENSITY" TO "COMMERCIAL USE, HIGH-RISE INTENSITY" FOR A 0.6 ACRE PARCEL LEGALLY DESCRIBED AS LOTS 1-10, BLOCK 7, CRAFTS SECTION (246-296 ANDALUSIA AVENUE), CORAL GABLES, FLORIDA; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, Application No. 09-10-119-P is an application to Change of Land Use Map Designation for City owned properties from "Commercial Use, Mid-Rise Intensity" to "Commercial Use, High-Rise Intensity" for a 0.6 acre parcel legally described as Lots 1-10, Block 7, Crafts Section (246-296 Andalusia Avenue), Coral Gables, Florida; and

WHEREAS, the City of Coral Gables, pursuant to Florida Statutes and the City of Coral Gables Zoning Code, has designated the Planning and Zoning Board as the Local Planning Agency; and

WHEREAS, the City completed a thorough review of the application and presented its Findings of Facts as a part of the public hearing review process and this Ordinance incorporates those Findings of Facts and Planning Department Staff Report as a part of the record in support of the application; 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, a public hearing was held before the Local Planning Agency (Planning and Zoning Board) of the City of Coral Gables on October 13, 2010, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at a public hearing held on October 13, 2010, the Local Planning Agency (Planning and Zoning Board) recommended unanimous approval (vote: 5-0) amending the Future Land Use Map of the Coral Gables Comprehensive Plan as referenced herein; and

WHEREAS, pursuant to the provisions of ss. 163.3187 Florida Statutes, the City Commission held a public hearing on October 26, 2010, at which hearing all interested persons were afforded an opportunity to be heard and this application for Change of Land Use was approved on First Reading (vote: 4-1); and

WHEREAS, based on issues raised in discussions of application, the Owner supplemented his application to proffer the condition that any proposed development of the Property to construct a building taller than allowed under the City's regulations governing properties designated as Mid Rise Intensity and Land Use including Mediterranean Bonuses – to wit: 70' + 27' equaling the maximum of 97' feet (excluding architectural elements), shall undergo the "Conditional Use" and "Site Plan" public hearing review process, regardless of the buildings proposed; and

WHEREAS, at a public hearing held on November 9, 2010, the City Commission recommended deferral (vote: 5-0) of amending the Future Land Use Map of the Coral Gables Comprehensive Plan at Second Reading as referenced herein to allow the City Attorney to research a means of validating the owners proffered condition; and

WHEREAS, the City Attorney concluded that with the initiation and approval of a Restrictive Covenant specifying the property owners proffered condition, this shall be sufficient to allow the City Commission to evaluate the future use of the property and review the site plan for the subject property pursuant to the Zoning Code provisions, specifically Zoning Code Article 3., Development Review for Site Plan review and Article 3, Division 4., Conditional Use review; and,

WHEREAS, the property owner, successors or assigns, shall submit an application to the City for "Conditional Use" review to the City pursuant Zoning Code Article 4., Division 4., Conditional Uses, as amended, and "Site Plan" review pursuant to Article 3, Development Review, as amended, as provided herein, and

WHEREAS, this request is pursuant to Chapter 163, Florida Statutes, is considered a small scale amendment, and would not require review by the Florida Department of Community Affairs;

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 are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That the request for a Comprehensive Plan Map amendment to the "City of Coral Gables Comprehensive Plan, Future Land Use Map, is hereby approved and amended from "Commercial Use, Mid-Rise Intensity" to "Commercial Use, High-Rise Intensity" for a 0.6 acre parcel legally described as Lots 1-10, Block 7, Crafts Section (246-296 Andalusia Avenue), Coral Gables, Florida; with the condition, proffered by the Owner that any proposed future development of the property to construct a building taller than allowed under the City's regulations governing Commercial Use Mid-Rise Intensity including Mediterranean Bonuses: to wit: 70' + 27' equaling the maximum of 97' feet (excluding architectural elements), shall undergo the "Conditional Use" and "Site Plan" public hearing review process, regardless of the proposed use. The property owner, successors or assigns, shall submit an application to the City for "Conditional Use" review to the City pursuant Zoning Code Article 4., Division 4., Conditional Uses, as amended, and "Site Plan" review pursuant to Article 3, Development Review, as amended, as provided herein. The validation of the proffered condition shall

be via a Restrictive Covenant subject to final review and approval by the City Attorney.

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 FOURTEENTH DAY OF DECEMBER, A.D., 2010.

(Moved: Anderson / Seconded: Withers)

(Yeas: Cabrera, Withers, Anderson)

(Majority: 3-2 Vote)

(Nays: Kerdyk, Slesnick)

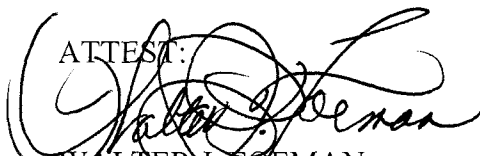
(Agenda Item: E-1)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER L. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY