

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2024-16

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA GRANTING CONDITIONAL USE APPROVAL PURSUANT TO ZONING CODE ARTICLE 14, "PROCESS," SECTION 14-203, "CONDITIONAL USES" FOR A WALK-UP COUNTER AS AN ACCESSORY USE TO SANGUICH, A RESTAURANT, ON PROPERTY LEGALLY DESCRIBED AS TRACT A, PLAZA CORAL GABLES, ALSO GENERALLY KNOWN AS 111 PALERMO AVE, SUITE 103, CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting a walk-up counter as an accessory use for a restaurant known as Sanguich on legally described as Tract A, Plaza Coral Gables, (111 Palermo) Coral Gables, Florida; and

WHEREAS, the Application for a walk-up counter requires City of Coral Gables site plan review and public hearing consideration pursuant to the Zoning Code Restaurant provisions (Section 3-315.A); and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one thousand (1,000) feet from the subject property, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on January 10th, 2024, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's January 10, 2024 meeting, the Board recommended approval regarding the proposed mixed use site plan (vote: 6 - 0) subject to conditions of approval; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand (1,000) feet from the subject property, a public hearing was held before the City Commission on January 23rd, 2024, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request for mixed use site plan review as required by the Zoning Code, and including careful consideration of written and oral comments by members of the public;

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

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

SECTION 2. The proposed site plan review for the walk-up counter as an accessory use to the restaurant known as Sanguich on property legally described as Tract A, Plaza Coral Gables, (111 Palermo), Coral Gables, Florida shall be and is hereby approved subject to all of the following conditions:

1. Walk-up counter shall only be permitted to be operated when the rest of the business is in operation, including the interior service counter.
2. The walk-up counter shall not interfere with the pedestrian circulation on adjoining sidewalks, pursuant to Section 3-315 of the Zoning Code.
3. Any future open air dining within the public right-of-way requires a sidewalk café permit pursuant to Section 3-315.C.
4. Noise levels shall be governed by the applicable provisions of the City Code. Live entertainment or speakers placed in permitted areas shall comply with noise regulations and hours of operation.
5. Walk-up counter shall be maintained in a clean, neat, and orderly appearance at all times. No storage of dishes, silverware, or other restaurant/walk-up counter equipment shall be visible.
6. 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.

SECTION 3. That the applicant shall further be required to comply with all applicable zoning regulations and any changes to the application herein granted shall be in conformance with the requirements of Zoning Code Section 3-410, “Changes to conditional use approvals.”

SECTION 4. 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.

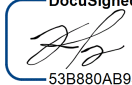
SECTION 5. That this Resolution shall become effective upon the date of its passage and adoption herein.

2024.

PASSED AND ADOPTED THIS TWENTY-THIRD DAY OF JANUARY, A.D.,

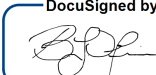
(Moved: Menendez / Seconded: Anderson)
(Yeas: Menendez, Anderson, Castro, Fernandez, Lago)
(Unanimous: 5-0 Vote)
(Agenda Item: E-5)

APPROVED:

DocuSigned by:

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VINCE LAGO
MAYOR

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ATTEST:

DocuSigned by:

358417D2FA884FF...
BILLY Y. URQUIA
CITY CLERK

DocuSigned by:

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CRISTINA M. SUÀREZ
CITY ATTORNEY