

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2009-291**

A RESOLUTION AMENDING THE PREVIOUSLY APPROVED RESOLUTION NO. 28447 WHICH GRANTED APPROVAL TO REINSTATE THE BUILDING PERMIT FOR THE SUBJECT PROPERTY BASED ON A DETERMINATION THAT A 90% ADMINISTRATIVE USE, WITH 10% ACCESSORY USE, CAN LEGALLY OPERATE IN A CB COMMERCIAL DISTRICT, WITH CONDITIONS FOR THE CORAL GABLES BRANCH COURT HOUSE, LOCATED AT 3100 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA; WHEREAS, THE CORAL GABLES BRANCH COURTHOUSE DESIRES TO AMEND THE CONDITION THAT TWO COURTROOMS SHALL NOT BE INCREASED IN NUMBER AND OR SIZE TO THREE COURTROOMS WITH A 16% ACCESSORY USE, LEAVING 84% FOR ADMINISTRATIVE USE. THE APPROVAL AND ALL OTHER CONDITIONS OF APPROVAL CONTAINED IN RESOLUTION NUMBER 28447 SHALL REMAIN IN EFFECT; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, after duly published and notification on October 2, 2009 of all property owners of record within 1000 feet; and

**WHEREAS**, by way of background on the 8<sup>th</sup> day of March 1994 the City Commission having jointly heard the Appeals of the Aggrieved Parties herein, including the Applicant/Developer, 3100 Ponce Associates, Inc., owned by F.W. Guilford and Jeffrey Fine, and the Administrative Official, Building and Zoning Director Dennis Smith, and the Applicant/Appellant, Todd and Nanette Wernstrom, Austin and Vera Porfiri, and Edgar and Nina Bravo, against a decision of the Board of Adjustment at its regular meeting of Monday, February 7, 1994, wherein the Board heard the Appeal of the Applicant/Appellant duly filed under the Applicant's Proposal No. 7782-Z; and

**WHEREAS**, the said Appeal by the Applicant/Appellant to the Board of Adjustment in connection with a proposed Court Administrative Building at 3100 Ponce de Leon Boulevard, on property legally described as Lots 1-13, Block 34, Crafts Section, and filed for the purpose of (a) appealing the decision of the Board of Architects in approving the plans for the subject property; (b) appealing the issuance of the Building Permit by the Building and Zoning Department; and (c) appealing Comprehensive Plan Land Use issues; and

**WHEREAS**, the Board of Adjustment decision in the Appeal of the Applicant/Appellant having been made in three parts: (a) upholding the decision of the Board of Architects and denying the Appeal; (b) overruling the Building and Zoning Department decision to issue the Building Permit; and (c) refusing to consider Comprehensive Plan Land Use issues based on its decision that it did not have jurisdiction; and

**WHEREAS**, all parties were given an opportunity to be heard by the City Commission on the 8<sup>th</sup> day of March, 1994, the Appeals of the Applicant/Developer and the Administrative Official as to 3(b) herein was granted the Appeal of the Applicant/Appellant as to 3(a) and 3(c)

herein and denied, thereby approving the plans and reinstating the Building Permit for the subject property, subject to certain conditions as hereinafter set forth, and further agreeing that the Board of Adjustment did not have jurisdiction to decide Comprehensive Plan Land Use issues; thereby overruling in part and upholding in part the Board of Adjustment decision and upholding the Board of Architects and Building and Zoning decisions; and

**WHEREAS**, the decision to reinstate the Building Permit for the subject property was based on a determination that a 90% Administrative Use, with a 10% Accessory Use, can legally operate in a CB Commercial District and the reinstatement of the Building Permit shall be subject to the following conditions: (a) that no court proceedings shall commence after 4:30 p.m.; (b) that the courtrooms shall not be operated on weekends or holidays; (c) that no criminal felony cases shall be conducted at that location; (d) that there shall be no holding cells at that location; and (e) that the two proposed courtrooms shall not increase in number or size.

**WHEREAS**, the Administrative Office of the Courts claims, that to date, all of the conditions have been strictly adhered to and by all accounts the Coral Gables Branch Court has been an invaluable benefit to the City of Coral Gables and its residents, and

**WHEREAS**, the Administrative Office of the Courts claims that since 1994, due to the overwhelming utilization of the Coral Gables Branch Court by residents and businesses to resolve legal disputes, the cumulative caseloads of the judges assigned there have increased from 10,082 in 1994 to 21,706 by the end of 2008. (Caseload projections for the end of 2009 indicate that the last year's caseloads may be exceeded.); and

**WHEREAS**, the Administrative Office of the Courts claims that presently, there are four judges assigned to the Coral Gables Branch Court, who share the two courtrooms, with one judge using a hearing room as her chambers; and

**WHEREAS**, the Administrative Office of the Courts claims that most significantly, due to the large volume of cases and the limited courtroom space, it has become increasingly difficult to schedule trials and hearings; and

**WHEREAS**, the Administrative Office of the Courts claims that the proposed interior renovations, to include the addition of one courtroom and judicial chambers ("Interior Renovations"), would significantly alleviate the scheduling problem. Conversely, if the Interior Renovations are not made, in all likelihood, one of the judges will have to be reassigned to another court facility (outside of Coral Gables) in the interest of controlling the hearing and trial dockets so as to effectuate the prompt disposition of cases; and

**WHEREAS**, prior to issuance of a building permit, all conditions of approval recommended by the City Commission shall be a part of a revision to Resolution No. 28447, and shall include a Restrictive Covenant subject to City Attorney's review and approval as follows:

- A. The interior Renovations will not increase, but merely reconfigure the square footage of the Coral Gables Branch Court and will only increase the allowable accessory use from 10% to 16% of the facility. (*See* Floor Plans enclosed herewith.)
- B. No exterior renovations are contemplated.
- C. There will be no increase in public traffic.
- D. The renovation work shall comply with all City Codes and Regulations including construction activities and staging.

**WHEREAS**, the Coral Gables Branch Courthouse has requested an amendment to allow three courtrooms that would provide 16% Accessory Use and 84% Administrative Use; and

**WHEREAS**, the Building and Zoning Department recommends approval subject to specific conditions delineating herein;

**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 Resolution upon adoption hereof.

**SECTION 2.** That the City Commission does hereby amend Resolution Number 28447 to approve for a third Courtroom and Chambers within the existing space for the Coral Gables Branch Court House, located at 3100 Ponce de Leon Boulevard, Coral Gables, Florida that would provide 16% Accessory Use and 84% Administrative Use.

**SECTION 3.** That the Applicant shall submit properly prepared signed and sealed construction documents and will go before all required City Boards and obtain all necessary permits to complete the proposed work.

**SECTION 4.** That said approval be conditioned on compliance with all applicable Codes, regulations including construction activities and staging.

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

PASSED AND ADOPTED THIS THIRTEENTH DAY OF OCTOBER A.D., 2009.

(Moved: Anderson / Seconded: Withers)

(Yea: Kerdyk, Withers, Anderson, Cabrera, Slesnick)

(Unanimous: 5-0 Vote)

(Agenda Item: D-2)

APPROVED:

DONALD D. SLESNICK II  
MAYOR

ATTEST:

*Walter J. Foeber*  
WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

*Elizabeth M. Hernandez*  
ELIZABETH M. HERNANDEZ  
CITY ATTORNEY