

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2014-33

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING CONDITIONAL USE SITE PLAN REVIEW PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 4, "CONDITIONAL USES", AND ARTICLE 5, "DEVELOPMENT STANDARDS", DIVISION 1, "ACCESSORY USES", SECTION 5-115, "DRIVE-THROUGHS, WALK-UP WINDOWS, AND AUTOMATIC TELLER MACHINES (ATM)", FOR A DRIVE-THROUGH BANK FACILITY ON PROPERTY DESIGNATED COMMERCIAL DISTRICT (C) ADJACENT TO A MULTI-FAMILY 2 DISTRICT (MF2) ZONED DISTRICT, AND LEGALLY DESCRIBED AS LOTS 6-10, BLOCK 26, DOUGLAS SECTION (1200 PONCE DE LEON BOULEVARD), CORAL GABLES, FLORIDA; AND INCLUDING REQUIRED CONDITIONS; PROVIDING FOR SEVERABILITY, REPEALER AND AN EFFECTIVE DATE.

WHEREAS, an application was submitted requesting conditional use with site plan review for a proposed drive-through bank facility on property designated Commercial District (C) adjacent to a Multi-Family 2 District (MF2) zoned district, and legally described as Lots 6-10, Block 26, Douglas Section (1200 Ponce de Leon Boulevard), Coral Gables, Florida; and

WHEREAS, the proposed drive-through bank facility is being submitted concurrently with a request for a change of zoning from Multi-Family 2 District (MF2) to Commercial District (C) on Lots 6 and 7 and construction of a commercial office building referred to as "Ofizzina"; and

WHEREAS, Conditional Use with Site Plan Review is required for a drive-through bank facility proposed on Commercial (C) zoned property when adjacent to a residentially zoned district; and

WHEREAS, Staff finds that the standards for reviewing a proposed drive-through bank facility are provided in Zoning Code Article 5, "Development Standards", Division 1, "Accessory Uses", Section 5-115, "Drive-throughs, walk-up windows, and automatic teller machines (ATM)", have been met; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one thousand (1000) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on October 8, 2014, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the October 8, 2014 Planning and Zoning Board meeting, the Board recommended approval (vote: 7-0) on the proposed conditional use and site plan for the drive-through bank facility; and

WHEREAS, the City Commission held a public hearing on October 28, 2018 at which hearing all interested persons were afforded an opportunity to be heard and this conditional use and site plan was approved on first reading (vote: 5-0) with conditions; and

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request for a conditional use with 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 ORDAINED 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 proposed drive-through bank facility on property designated Commercial District (C) adjacent to a Multi-Family 2 District (MF2) zoned district, and legally described as Lots 6-10, Block 26, Douglas Section (1200 Ponce de Leon Boulevard), Coral Gables, Florida shall be and is hereby approved with the following conditions:

1. Application/supporting documentation. Construction of the proposed project shall be in substantial conformance with all of the following:
 - a. Applicant’s Planning and Zoning Board submittal package dated 10.08.14, prepared by Corwil Architects.
 - b. Traffic Impact Study, dated August 2014, prepared by David Plummer and Associates.
 - c. All representations proffered by the Applicant’s representatives as a part of the review of the Application at public hearings.
2. 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.
3. Prior to the issuance of a City Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall satisfy the following conditions:
 - a. On-street parking. Payment shall be provided by Applicant, its successors or assigns according to established City requirements for the loss of any on-street parking spaces as a result of the project.
 - b. Construction information/contact. Provide written notice to all properties within five hundred (500) feet of the “Ofizzina” project (1200 Ponce de Leon Boulevard), providing a specific liaison/contact person for the project including the contact name, contact telephone number and email, to allow communication between adjacent neighbors or interested parties of construction activities, project status, potential concerns, etc.
 - c. Comply with all City requirements for Art in Public Places, which will include having the proposed artist and concept reviewed and approved by the Arts Advisory Panel and Cultural Development Board, and Board of Architects approval before being submitted to the City Commission. The Applicant’s compliance with all requirements of the Art in Public Places program shall be coordinated by the Director of Economic Sustainability.

- d. City review and approval of proposed park improvement and landscaping plans submitted with the Application, subject to further review and approval by the Director of Public Service and in accordance with all applicable City procedures.
4. Written notice. Provide a minimum of seventy-two (72) hour written notice to all properties within five hundred (500) feet of the “Ofizzina” project (1200 Ponce de Leon Boulevard) project boundaries of any proposed partial street closures as a result of the project’s construction activity. Complete street closure shall be prohibited.
5. Prior to the issuance of a Certificate of Occupancy (CO) for the project, the Applicant, property owner, its successors or assigns shall complete the following:
 - a. Right-of-way and public realm improvements. Installation of all right-of-way improvements and all landscaping, public realm and streetscape improvements identified on the Applicant’s approved plans, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning. Any changes to and departures from the right-of-way and public realm improvements identified on the Applicant’s approved plans and associated detail plans and specifications via the permitting process shall be subject to review and approval by Directors of Public Works, Public Service, Planning & Zoning and Parking.
6. The operation of the drive-through bank teller facility shall comply with all nighttime use requirements as specified in Zoning Code Section 4-302(D)6, and shall only be permitted to be open between the hours of 6:00 a.m. and 8:00 p.m.

SECTION 3. All ordinance or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. 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 6. 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 7. This ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS EIGHTEENTH DAY OF NOVEMBER, A.D., 2014.
(Moved: Quesada / Seconded: Lago)
(Yeas: Quesada, Keon, Kerdyk, Lago, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-3)

APPROVED:

A handwritten signature in black ink, appearing to read "Jim Cason".

JIM CASON
MAYOR

ATTEST:

A handwritten signature in blue ink, appearing to read "Walter J. Foeman".

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

A handwritten signature in blue ink, appearing to read "Craig E. Leen".

CRAIG E. LEEN
CITY ATTORNEY