

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2008-08

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES FOR A CHANGE OF ZONING FROM "SFR", SINGLE FAMILY RESIDENTIAL TO "CL", COMMERCIAL LIMITED ON LOT 24, BLOCK 1B, MACFARLANE HOMESTEAD AND ST. ALBANS PARK SECTION (230 FLORIDA AVENUE), AND REVIEW OF PROPOSED AMENDMENTS TO A PREVIOUSLY APPROVED SITE PLAN REFERRED TO AS "BAHAMIAN VILLAGE" ON LOTS 7-27, BLOCK 1B, MACFARLANE HOMESTEAD AND ST. ALBANS PARK SECTION (INTERSECTION OF GRAND AVENUE AND U.S. 1), CORAL GABLES, FLORIDA, AND INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Application No. 08-07-024-P was submitted requesting a change of zoning from "SFR", Single Family Residential to "CL", Commercial Limited on Lot 24, Block 18, MacFarlane Homestead and St. Albans Section (230 Florida Avenue), and review of proposed amendments to a previously approved site plan referred to as "Bahamian Village" on Lots 7-27, Block 18, MacFarlane Homestead and St. Albans Section (intersection of Grand Avenue and U.S. 1), Coral Gables, Florida; and

WHEREAS, a change of land use, rezoning and site plan approval was granted for the "Bahamian Village" project on property the surrounding the subject single-family residence on January 25, 2005 (Ordinances No. 2005-03 and 2005-04), at which time the single-family residence was under separate ownership and was not a part of the application; and

WHEREAS, the developer of the "Bahamian Village" project has since purchased the subject single-family residence located on Lot 24 and wishes to revise the previously approved site plan by incorporating this property into the commercial project; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one thousand (1000) feet, public hearings were held before the Planning and Zoning Board of the City of Coral Gables on January 9, 2008, at which hearings all interested persons were afforded the opportunity to be heard; and

WHEREAS, the change of zoning and site plan review are required to permit the proposed revisions for the previously approved "Bahamian Village" project; and

WHEREAS, the conditions of approval required for the previously approved "Bahamian Village" project remain in effect with revised plan references; and

WHEREAS, at a public hearing held on January 9, 2008, the Planning and Zoning Board recommended approval of the change of zoning and amendments to previously approved site plan with previously required conditions (vote: 5-0); and

WHEREAS, this application is accompanied by a Change of Land Use which was reviewed by the Local Planning Agency (Planning and Zoning Board) and City Commission at the same public hearings; and

WHEREAS, the City Commission held a public hearing on February 12, 2008 at which hearing all interested persons were afforded an opportunity to be heard and this application was approved on first reading (vote: 5-0);

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

SECTION 2. The proposed change of zoning from "SFR", Single Family Residential to "CL", Commercial Limited, and proposed amendments to the previously approved site plan referred to as "Bahamian Village" submitted in accordance with the requirements of the Zoning Code shall be and are hereby approved with the following conditions:

1. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following documents as modified subject to the conditions contained herein:
 - a. Site plan, building elevations and building program prepared by Hersh Vitalini Corazzini, dated August 1, 2007.
 - b. Landscape Plan prepared by Hersh Vitalini Corazzini, dated August 1, 2007 and revised on December 20, 2007.
 - c. Traffic impact study prepared by Civil Works, Inc., dated August 2007.
 - d. Any changes to the plans and drawings referenced above as a part of building permit may require Planning and Zoning Board and City Commission review and approval dependent upon the changes. The applicant, successors or assigns shall advise the Planning Department of any applicable changes in writing.
 - e. Improvements and/or conditions contained herein, unless otherwise specified herein, shall be completed prior to receipt of final Certificate of Occupancy (CO). Prior to the issuance of a CO for the principal building, the applicant shall provide an affidavit, in a form acceptable to the City Attorney, averring that all the conditions set forth herein are satisfied.
 - f. All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package dated December 28, 2007.
 - g. All representations proffered by the applicant's representatives provided as a part of the review of the application at public hearings.
 - h. Changes to the proposed plans required by the City Commission as part of the review of this application at public hearings.
2. Restrictive Covenant. Within 90 days of approval of the adopting ordinance, the property owner, its successors or assigns shall secure City Attorney review and approval of Restrictive Covenant outlining

all conditions of approval. Prior to the issuance of a building permit for the project, or as otherwise specified in the Restrictive Covenant, the property owner, its successors or assigns, shall adhere or agree to the following conditions:

- a. Provide/install lighting deflectors on all perimeter parking lot light fixtures that are adjacent to or across the street from single-family residential properties to minimize overspill of lighting. This provision does not exempt minimum lighting standards as required per applicable Code.
- b. No exterior paging systems or music shall be installed or audible outside the confines of any buildings.
- c. The hours of operation of the commercial uses of property shall be prohibited from 12 a.m. (midnight) to 6:00 a.m. daily.
- d. All nighttime lighting of parking lot shall be extinguished from 12:30 a.m. to dawn daily. Lighting for purposes of health and safety of the site as required by Code shall be exempt from these provisions.
- e. A six foot (6') CBS wall shall be constructed along the east property line between the commercial parking lot and existing residence as required by the Zoning Code.
- f. Prepare and submit a vehicular directional signage plan for review and approval by the Public Works Director.
- g. Prepare and submit an infrastructure improvement plan for the coordination and construction of water, sewer, gas, electrical and other infrastructure facilities subject to the Director of the Public Works Department review and approval.

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.

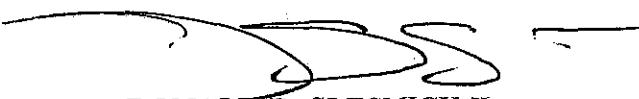
SECTION 6. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of the City of Coral Gables, Florida, as amended, which provisions may be renumbered or relettered and that the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 7. This ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-FIFTH DAY OF MARCH, A.D., 2008.

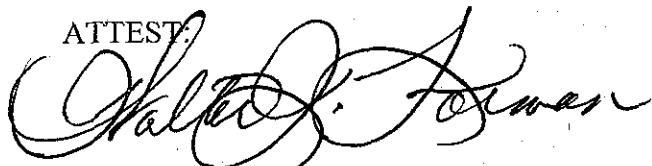
(Moved: Anderson / Seconded: Kerdyk)
(Yea: Anderson, Kerdyk, Withers, Slesnick)
(Absent: Cabrera)
(Majority (4-0) Vote)
(Agenda Item: E-4)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY