

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2009-260

A RESOLUTION OF THE CITY COMMISSION GRANTING THE APPEAL FILED BY NELSON DE LEON, ARCHITECT/APPLICANT, APPLICATION NO. 8701-Z, THEREBY REVERSING THE DECISION OF THE BOARD OF ADJUSTMENT, TO ALLOW SIGNAGE FOR EXISTING TENANT, NAMELY "STARBUCKS COFFEE", COMMERCIAL PROPERTY LOCATED AT 475 SO. DIXIE HIGHWAY, LEGALLY DESCRIBED AS BEGINNING 632.3 FEET SOUTHWEST OF NORTHEAST CORNER OF BLOCK 36-A SOUTHWEST 50 FEET SOUTHEAST 100 FEET NORTHEAST 50 FEET NORTHWEST 100 FEET TO POB CORAL GABLES RIVIERA SECTION 2, REVISED PB/PG:28/18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

WHEREAS, and Nelson De Leon, applicant, has filed an appeal to the Coral Gables City Commission from a decision of the Board of Adjustment at its regular hearing of Monday, August 3, 2009; and

WHEREAS, the Board of Adjustment at its regular hearing on August 3, 2009, on a motion which was made by Board Member Dr. Briggie and seconded by Board Member Dr. De Blij, passed and adopted Resolution No. 4951-ZB, thus denying applicant's request for a variance to allow proposed building signage for building located at 475 S. Dixie Highway to have two signs versus only one sign permitted per street level, per street right-of-way frontage, in addition to having a cabinet sign versus cabinet signs as respectively stipulated by Section 5-1902 (D) (4) and Section 5-1904 of the Coral Gables "Zoning Code"; and

WHEREAS, after reviewing the record and decision of the Board of Adjustment, and having heard testimony from all interested parties, the City Commission of Coral Gables instructed the City Manager to provide a clear definition of cabinet signs for inclusion in the City's Zoning Code; further providing clarification as to whether on major transportation arteries, as to whether signage regulation might be different because of traffic concerns; ultimately reversing the ruling made by the Board of Adjustment and granting the appeal; and

WHEREAS, a motion to grant the appeal and reverse the decision of the Board of Adjustment was proposed by Commissioner Anderson and seconded by Commissioner Cabrera, and upon a 3-2 Majority vote, the City Commission approved said motion;

**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 hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the appeal is hereby granted and the decision of the Board of Adjustment is hereby reversed.

SECTION 3. That the resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS EIGHTH DAY OF SEPTEMBER, A.D., 2009.

(Moved: Anderson/ Seconded: Cabrera)

(Yeas: Anderson, Cabrera, Withers)

(Nays: Kerdyk, Slesnick)

(Majority 3-2 Vote)

(Agenda Item E-1)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER L. POEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY