

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2017-107

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA GRANTING CONDITIONAL USE APPROVAL PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW," DIVISION 4, "CONDITIONAL USES," FOR A WALK-UP COUNTER AS AN ACCESSORY USE TO A RESTAURANT (STARBUCKS) ON PROPERTY ZONED COMMERCIAL DISTRICT FOR THE PROPERTY LEGALLY DESCRIBED AS THE NORTH 70 FEET OF LOTS 1 – 2 AND THE WEST 10 FEET OF THE NORTH 70 FEET OF LOT 3, BLOCK 2, CORAL GABLES CRAFTS SECTION (292 MIRACLE MILE), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting conditional use approval to allow a walk-up counter as an accessory use to a restaurant (Starbucks) on property zoned Commercial District for the property legally described as the North 70 feet of Lots 1 - 2 and the West 10 feet of the North 70 feet of Lot 3, Block 2, Coral Gables Crafts Section (292 Miracle Mile), Coral Gables, Florida; and

WHEREAS, after notice of public hearing duly published and courtesy notification of all property owners of record within one-thousand (1,000) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on May 10, 2017 at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's May 10, 2017 meeting, the Board recommended approval of the proposed conditional use (vote: 6-0) subject to conditions of approval; and

WHEREAS, after notice of public hearing duly published, a public hearing was held before the City Commission on May 30, 2017, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and

WHEREAS, the City Commission on May 30, 2017, approved the requested conditional use (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 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; and

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 conditional use to allow a walk-up counter as an accessory use to a restaurant (Starbucks) on property zoned Commercial District for the property legally described as the North 70 feet of Lots 1 - 2 and the West 10 feet of the North 70 feet of Lot 3, Block 2, Coral Gables Crafts Section (292 Miracle Mile), Coral Gables, Florida shall be and is hereby approved subject to all of the following conditions:

1. The set-back portion of the ground that will be provided for the walk-up counter window shall continue the sidewalk paver pattern of the existing Miracle Mile streetscape.
2. Walk-up counter shall only be permitted to be operated when the rest of the business is in operation, including the interior service counter.
3. The walk-up counter shall not interfere with the pedestrian circulation on adjoining sidewalks, pursuant to Zoning Code Section 5-115.
4. The outdoor dining on public property that is depicted within this Application shall be required to apply for and receive approval, in compliance with the Zoning Code requirements for the Business Improvement Overlay District provided in Zoning Code Section 4-206 and open air dining on public property provided in Zoning Code Section 5-119.B.
5. 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.

PASSED AND ADOPTED THIS THIRTIETH DAY OF MAY, A.D., 2017.

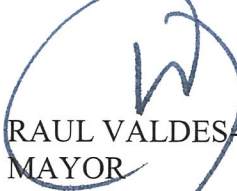
(Moved: Quesada / Seconded: Mena)

(Yeas: Mena, Quesada, Keon, Lago, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: F-16)

APPROVED:

A handwritten signature in blue ink, consisting of a large, stylized letter 'W' enclosed within a circular scribble.

RAUL VALDES-FAULI
MAYOR

ATTEST:

A handwritten signature in blue ink, appearing to read 'Walter J. Foeman' in a cursive script.

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

A handwritten signature in black ink, appearing to read 'Craig E. Leen' in a cursive script.

CRAIG E. LEEN
CITY ATTORNEY