

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2013-21**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING CONDITIONAL USE WITH 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 1 DUPLEX DISTRICT (MF1) ZONED DISTRICT, AND LEGALLY DESCRIBED AS LOTS 1-8 AND 39-42, BLOCK 1, INDUSTRIAL SECTION (390 BIRD ROAD), CORAL GABLES, FLORIDA; AND INCLUDING REQUIRED CONDITIONS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE. (LEGAL DESCRIPTIONS ON FILE AT THE CITY) (PLANNING AND ZONING BOARD REVIEW)

**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 an MF1 zoned district for the project known as "Chase Bank", and legally described as Lots 1-8 and 39-42, Block 1, Industrial Section (390 Bird Road), Coral Gables, Florida; 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**, this request for a drive-through bank facility is being submitted in conjunction with a proposed change of land use and change of zoning; 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 9, 2013, at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the October 9, 2013 Planning and Zoning Board meeting, the Board made no recommendation (vote: 2 yes – 3 no) on the proposed conditional use and site plan for the drive-through bank facility; and

**WHEREAS**, the Planning and Zoning Board is providing the City Commission with no recommendation, as an affirmative vote of four (4) members of the Board is necessary for the adoption of any motion; and

**WHEREAS**, the City Commission held a public hearing on November 12, 2013 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 for the project known as “Chase Bank”, and legally described as Lots 1-8 and 39-42, Block 1, Industrial Section (390 Bird Road), 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 conformance with the following:
  - a. Building plans and elevations prepared by BDG Architects, dated 07.29.13.
  - b. Site plans and Landscape plans prepared by CKE Group, Inc., dated 09.09.10.
  - c. Traffic impact study and stacking analysis prepared by Traf Tech Engineering, Inc., dated April 2013, and updated August 2013.
  - d. All representations and exhibits as prepared and provided to the Planning and Zoning Division as a part of the application submittal package dated 10.09.13.
  - e. All representations proffered by the applicant’s representatives as a part of the review of the application at public hearings.
2. Restrictive covenant. Within 30 days of approval of the site plan, the property owner, 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 building permit for the project, the property owner, its successors or assigns, shall satisfy the following conditions:
  - a. Installation of alternative public access easement improvements. The Applicant shall install all curb, paving, landscaping and all other required improvements for the alternative public access easement and off-street parking on south 10’ of Lot 6 and Lots 7 and 8 prior to any construction of the bank facility and associated site improvements, subject to the review and approval of the Directors of Public Works, Public Service and Planning and Zoning, consistent with the requirements of the Land Exchange Agreement regarding the proposed land swap. The intent is to assure continuous uninterrupted service and access to the public alleyway while construction of the project is in process.

- b. Construction information/contact. Designate a contact person, and provide a written notice to all properties within five hundred (500) feet of the Chase Bank project boundaries, providing a specific liaison/contact person 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. On-street parking. Payment shall be provided by Applicant, its successors or assigns according to established City requirements for the loss of three (3) on-street metered parking spaces contiguous to the project.
- 4. Written notice. Provide a minimum of seventy-two (72) hour written notice to all properties within five hundred (500) feet of the Chase Bank project boundaries of any proposed partial street/alley closures as a result of the project's construction activity. Complete street/alley closure shall be prohibited.
- 5. Prior to the issuance of the final Certificate of Occupancy (CO), the property owner, its successors or assigns shall complete and install the following traffic circulation improvements, as recommended in the Applicant's Traffic Study, subject to review and approval by the Director of Public Works:
  - a. The property access driveway on LeJeune Road be restricted to right-turn in and right-turn out only.
  - b. The north property driveway, located approximately 50 feet from Bird Road, will allow for right-turn and left-turn in, but will be restricted to right-turn out only.
  - c. Signage and driveway markings shall be installed notifying drivers of turning restrictions specified herein, subject to review and approval of the Public Works Director or their designated representative.
- 6. Nighttime bank operations. The bank shall comply with all operational requirements for a nighttime commercial use adjacent to a residential district as specified in Zoning Code Section 4-302(D), subject to review and approval by the Director of Planning and Zoning.

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

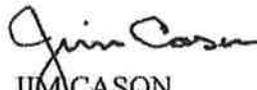
**SECTION 4.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

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

PASSED AND ADOPTED THIS TENTH DAY OF DECEMBER, A.D., 2013.

(Moved: Kerdyk / Seconded: Lago)  
 (Yeas: Kerdyk, Lago, Quesada, Keon, Cason)  
 (Unanimous: 5-0 Vote)  
 (Agenda Item: E-5)

APPROVED:

  
 JIM CASON  
 MAYOR

ATTEST:

  
 WALTER J. FOEMAN  
 CITY CLERK

APPROVED AS TO FORM  
 AND LEGAL SUFFICIENCY:

  
 CRAIG E. LEEN  
 CITY ATTORNEY