

City of Coral Gables
Planning Department Staff Report

To: Honorable Planning and Zoning Board Members

From: Planning Department

Date: November 3, 2010

Subject: **Application No. 09-10-121-P. Conditional Use Review – Bank Drive-Through Facility.** An Ordinance 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 bank drive-through facility within the Commercial Limited (CL) District on the property legally described as Lots 23-34, Block 3, Biltmore Section (595 Biltmore Way), Coral Gables, Florida; providing for severability, repealer, codification, and an effective date.

Recommendation

The Planning Department based upon the findings of fact contained herein recommends approval of the following:

An Ordinance 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 bank drive-through facility within the Commercial Limited (CL) District on the property legally described as Lots 23-34, Block 3, Biltmore Section (595 Biltmore Way), Coral Gables, Florida; providing for severability, repealer, codification, and an effective date.

Section 4-301 of the Zoning Code permits drive-through facilities in the Commercial Limited (CL) District as a conditional use subject to Planning and Zoning Board review pursuant to Zoning Code Section 3-402, "General Procedures for Conditional Uses".

Staff Recommended Conditions of Approval

In furtherance of the Comprehensive Plan (CP) Goals, Objectives and Policies, the Zoning Code and other applicable City provisions, the recommendation for approval is subject to the following conditions of approval:

1. Application/supporting documentation. Construction of the project shall be in conformance with the following:
 - a. All applicable plans and application documents prepared by Glidden, Spina & Partners, dated 07.26.10.

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- b. Landscape plan prepared by Environmental Design Group, revised 10.05.10
 - c. Queuing Analysis prepared by David Plummer and Associates, dated 07.27.10.
 - d. Improvements and/or conditions contained herein, unless otherwise specified herein, shall be completed prior to receipt of final Certificate of Occupancy (CO).
 - e. All applicable representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package dated 10.27.10.
 - f. All applicable representations proffered and agreed to by the applicant’s representatives provided during public hearing review.
 - g. Changes to the plans required by the City Commission as part of the review of this application at public hearings.
2. General.
- a. Restrictive Covenant. Within 30 days of approval and adoption of the ordinances, the property owner, its successors or assigns shall submit a Restrictive Covenant for City Attorney review and approval outlining all conditions of approval required 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 provide for annual payment for the loss of three (3) on-street parking spaces.
4. The bypass lane for the drive-through shall remain exclusively as a bypass lane and shall at no time be permitted as an additional drive-through teller/window lane or converted to a drive-through automated teller machine (ATM) lane.

Request

The applicant is requesting Conditional Use Review for a bank drive-through facility. Review is required for drive-through facilities proposed on Commercial Limited (CL) zoned property when adjacent to a Residential, Multi-Family (MF2) District. Review and recommendation of this application is required by the Planning and Zoning Board prior to consideration by the City Commission. Adoption of a Conditional Use is in ordinance form requiring two (2) public hearings before the City Commission.

The applicant has submitted an application package that includes a statement of use, plans and supporting documents, landscape plan, and Queuing Analysis, which are provided in Attachment A.

Facts – Background and Proposed Project

Development information:

Application	Request
Change of land use	No
Comprehensive Plan text amendment	No
Change of zoning	No
Zoning Code text amendment	No
Site plan review	Yes – Conditional Use (drive-through facility)
Mixed use site plan review	No

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Application	Request
Planned Area Development	No
Subdivision Review or Tentative Plat	No
Street or alleyway vacation	No

City Reviews:

City Reviews/Timeline	Date Scheduled/ Reviewed/Approved*
Development Review Committee	08.27.10
Board of Architects	10.28.10
Board of Adjustment	N/A
Historic Preservation Board (historic significance letter)	N/A
Local Planning Agency	N/A
Planning and Zoning Board	11.03.10
Street and Alley Vacation Committee	N/A
Public rights-of-way encroachment	N/A
City Commission, 1 st reading	TBD
City Commission, 2 nd reading	TBD

*All scheduled dates and times are subject to change without notice.

Existing Property Designations:

Applicable Designations	
CP Map Designation	“Commercial, High-Rise Intensity”
Zoning Map Designation	Commercial Limited (CL) District
Within Central Business District	No
Mixed Use District	No
Mediterranean Architectural District (citywide)	Yes
Within Coral Gables Redevelopment Infill District (GRID) (Traffic Concurrency Exemption Zone)	No

Surrounding Uses:

Location	Existing Land Uses	CP Designations	Zoning Designations
North	2-story church	“Religious/Institutional”	Special Use District (S)
South	15-story commercial office building	“Commercial Use, High-Rise Intensity”	Commercial Limited (CL) District
East	2-story commercial office building	“Commercial Use, High-Rise Intensity”	Commercial Limited (CL) District
West	13-story multi-family residential building	“Residential Use (Multi Family) High Density”	Multi-Family 2 District (MF2)

Site Plan Analysis:

Type	Date Completed
Concurrency Impact Statement (CIS)	10.27.10
Preliminary Zoning Analysis	N/A
Traffic queuing analysis (Public Works comments received)	10.20.10

The following information was taken from the site data/building program provided on the plans

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submitted by the applicant:

Site Plan Information:

Type	Permitted	Proposed (subject to Board of Architects approval)
Total site area	35,746 sq. ft. (0.8 acres)	35,746 sq. ft. (0.8 acres)
Floor area ratio (FAR)	3.0 FAR	0.2 FAR
FAR x total site area =	107,238 sq. ft.	---
Building square footage	---	7,084 sq. ft.
Building height	3 floors/45'-0"	1 floor/25'-1"
Building setbacks:		
- front	- 10'	- 10'-0"
- side (street)	- 0'	- 178'-5"
- side (interior)	- 0'	- 19'-2"
- rear	- 5'	- 13'-10"
On-site parking	29 spaces	29 spaces
Landscape open area	3,575 sq. ft.	10,844 sq. ft.

Discussion

Proposed Project

The property is located on the northeast corner of the Biltmore Way / Segovia Street intersection. The proposed project is for a one (1) story/25'-1" commercial office building containing 7,084 square feet of office space and 29 off-street parking spaces, subject to Board of Architects approval.

Permitted Development

The existing Northern Trust Bank building is 7,530 square feet in size and has one drive-through lane serving the facility. Under the current CL zoning designation the property could be developed up to 3 stories and 45 feet in height and with 107,238 sq. ft. without any bonuses. The proposed development is for a single-story, 7,084 square foot office building which is a significantly smaller proposal than what is permitted to be developed "as-of-right" on this site.

Bank Drive-Through Queuing and Circulation

The proposal includes a dedicated entrance on Biltmore Way for the drive-through teller lane and provides a by-pass lane. Customers utilizing the drive-through teller can exit through the parking lot onto either Biltmore Way or Segovia Street. Entrances for on-site parking are separated from the entrance for the drive-through teller lane. All on-site traffic will utilize the same exits; however, this does not conflict with on-site traffic circulation. On-site traffic does not impede existing pedestrian circulation; however, an additional curb-cut is proposed, which would have a minimal impact on pedestrian circulation.

The Queuing Analysis submitted has been reviewed by the Public Works Department and they have determined that adequate queuing has been provided.

City Department Review

This proposal was reviewed by City Staff at the Development Review Committee (DRC) meeting on 08.27.10. The application was also distributed to the Public Works, Public Service, Building & Zoning and Parking Departments on 10.14.10 for detailed review and comments. The Parking Department indicated that the proposed development would result in the loss of three (3) on-street parking spaces. As a result, a condition of approval requiring the applicant to provide annual payment for the loss of on-street parking has been included. All other DRC comments provided have subsequently been addressed by the applicant.

Board of Architects Review

On 10.28.2010, the Board of Architects reviewed the project as a full Board. The Board granted preliminary approval (vote: 6-0) of the location and siting of the proposed building and drive-through lane. The Board denied (rejected) the architecture of the building. The Board expressed concerns regarding the architecture of the proposed building and requested the applicant resubmit for architectural review. The application for Conditional Use Review for a bank drive-through facility will proceed forward to the City Commission at which time Preliminary Board of Architects approval is obtained.

Findings of Facts

This section evaluates the application for consistency with the Zoning Code and Comprehensive Plan (CP). This evaluation provides findings of fact and recommendations for compliance with the above.

Compliance with the Zoning Code

Section 4-301 of the Zoning Code permits drive-through facilities in the Commercial Limited (CL) District as a conditional use subject to Planning and Zoning Board review pursuant to Zoning Code Section 3-402, "General Procedures for Conditional Uses". Section 3-406 of the Zoning Code requires that the Planning and Zoning Board shall review the application for Conditional Use approval with a recommendation of staff. The Board shall conduct a quasi-judicial public hearing on the application and recommend to the City Commission whether they should grant the approval, grant the approval subject to specific conditions or deny the application. The Planning Department, Planning and Zoning Board and City Commission may recommend such conditions to the approval that are necessary to ensure compliance with the standards set out in Section 3-408.

Zoning Code Section 3-408 requires compliance with the below applicable standards for review:

- A. *The proposed conditional use is consistent with and furthers the goals, objectives and policies of the Comprehensive Plan and furthers the purposes of these regulations and other City ordinances and actions designed to implement the Plan.*

Staff Comments: As concluded in this Staff report, this application is "consistent" with the CP's Goals, Objectives and Policies with the recommended conditions of approval and provisions incorporated by the applicant.

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- B. *The available use to which the property may be put is appropriate to the property that is subject to the proposed conditional use and compatible with existing and planned uses in the area.*

Staff Comments: The subject property is located in the Biltmore Way corridor, which consists primarily of commercial and high density multi-family residential buildings facing onto Biltmore Way. The Northern Trust Bank which includes a drive-through bank facility is currently located on the property. Therefore, there would be no change in the existing use of the property which is appropriate for the area.

- C. *The proposed conditional use does not conflict with the needs and character of the neighborhood and the City.*

Staff Comments: The site is currently being utilized as a bank with a drive-through teller. The proposal would not change the use of the site and, therefore, would not create any additional impact on the surrounding neighborhood and the City.

- D. *The proposed conditional use will not adversely or unreasonably affect the use of other property in the area.*

Staff Comments: Currently the site consists of a Northern Trust Bank with a drive-through teller containing the same conditional use that is being proposed. The proposal would not change the use of the property or the fact that there is a drive-through teller which is a conditional use and, therefore, would not adversely or unreasonably affect the use of other properties in the area.

- E. *The proposed use is compatible with the nature, condition and development of adjacent uses, buildings and structures and will not adversely affect the adjacent uses, buildings or structures.*

Staff Comments: The proposed project is consistent with the existing development along the Biltmore Way corridor, which has commercial and high-rise multi-family residential buildings fronting onto Biltmore way. The site is currently being utilized as a bank with a drive-through teller. The proposal would not change the use of the site and, therefore, would not adversely impact the adjacent uses, buildings or structures.

- F. *The parcel proposed for development is adequate in size and shape to accommodate all development features.*

Staff Comments: No variances are being requested or required. The applicant proposes a significantly smaller project than could be constructed "as-of-right" on the site if the development potential of 3.0 FAR was utilized.

- G. *The nature of the proposed development is not detrimental to the health, safety and general welfare of the community.*

Staff Comments: The Northern Trust Bank is currently located on the property, and there would be no change in the existing use of the property. The proposed project is consistent with the existing development pattern in the surrounding area, and the applicant proposes a comparatively smaller project than could be constructed on the site as-of-right or if the maximum development potential was utilized, and meets all requirements of the Zoning Code.

- H. *The design of the proposed driveways, circulation patterns and parking is well defined to promote vehicular and pedestrian circulation.*

Staff Comments: The proposed project will not adversely affect vehicular or pedestrian circulation patterns in the surrounding area. All vehicular parking for the project is provided on the property and is separated from pedestrian circulation and activities around the perimeter and within the project.

- I. *The proposed conditional use satisfies the concurrency standards of Article 3, Division 13 and will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonable or disproportionate manner.*

Staff Comments: The proposed project was reviewed by the Building and Zoning Department for concurrency, and it was found that there is adequate infrastructure including water, sewer, open space, parks and recreation facilities available to support the project. The Queuing Analysis submitted has been reviewed by the Public Works Department with regards to drive-through stacking and traffic circulation, and they have determined that adequate queuing has been provided.

Section 5-115 of the Zoning Code which requires that “drive-throughs, walk-up windows, and ATMs accessory to banks, restaurants, and retail sales and service shall be permitted provided that”:

- A. *Such uses are designed so as to not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys or sidewalks.*
- B. *Drive-through lanes and vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls, railings, or hedges at least thirty-six (36) inches in height.*
- C. *360 degree architectural treatment is utilized. Building design shall incorporate variation in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls. Drive through, ATMs and walk-up elements should be architecturally integrated into the building, rather than appearing to be applied or “stuck on” to the building.*
- D. *Drive-through displays, ordering areas, walk-up windows, ATMs and parking canopies shall not serve as the singularly dominant feature on the site or as a sign or an attention-getting device.*
- E. *Entries and/or exits to drive-through facilities shall be a minimum of one hundred (100) feet from any intersection. Shorter distances from road intersections may be approved if the Development Review Officer determines that public safety and/or the efficiency of traffic circulation are not being compromised.*
- F. *Drive-through stacking lanes shall be a minimum of one hundred (100) feet from any single-family residential parcel.*
- G. *All service areas, restrooms and ground mounted equipment associated with the drive-through shall be screened from public view.*

H. Landscaping shall screen drive-through aisles from the public right-of-way and adjacent uses and shall be used to minimize the visual impacts of reader board signs and directional signs.

Staff Comments: The application satisfies applicable criteria for the construction of the drive-through with the exception of architectural criteria which shall be reviewed by the Board of Architects. With reference to criterion "E" the existing bank with drive-through facilities currently contains an ingress/egress within one hundred (100) feet of an intersection.

Consistent CP Goals & Objectives and Policies are as follows:

Ref. No.	CP Goal, Objective and Policy	Compliance with Requirement
1.	<i>POLICY FLU-1.3.2: All development applications in residential neighborhoods shall continue to be reviewed by applicable boards and committees to ensure the protection from intrusion by incompatible uses that would disrupt or degrade the health, safety, tranquility, aesthetics and welfare of the neighborhood by noise, light, glare, odor, vibration, dust, hazardous materials or traffic. The City will continue to enforce the adopted restrictive design standards; historic preservation policies and the applicable performance standards of the Commercial Limited designation in the Zoning Code.</i>	Complies
2.	<i>POLICY FLU-1-3.3: Non-residential uses designated in the Comprehensive Plan which cause significant noise, light, glare, odor, vibration, dust, hazardous conditions or industrial traffic, shall provide buffering such as landscaping, walls and setbacks, when located adjacent to or across the street from incompatible uses such as residential uses.</i>	Complies
3.	<i>OBJECTIVE FLU-1.9: Encourage sound innovation in the development standards of the City's Zoning Code which provides a continuing process to respond to community needs.</i>	Complies
4.	<i>POLICY FLU -1.11.1: Maintain and enforce effective development and maintenance regulations through site plan review, code enforcement, and design review boards and committees.</i>	Complies
5.	<i>Policy FLU-1.14.1: The City shall enforce Zoning Code provisions which continue to address the location and extent of residential and non-residential land uses consistent with the Future Land Use Map in order to preserve the character of existing neighborhoods.</i>	Complies
6.	<i>OBJECTIVE MOB-2.7: The City's Comprehensive Plan, this element and all applicable plans and programs shall protect and minimize any potential traffic impacts to the community and residential neighborhoods.</i>	Complies
7.	<i>POLICY MOB-2.8.1: The City shall continue implementation and further strengthen the City's existing land development regulations requiring the placement of landscaping within rights-of-way to complete the following:</i> <ul style="list-style-type: none"> • <i>Promote expansion of the City's existing tree canopy.</i> • <i>Provide screening of potentially objectionable uses.</i> • <i>Serve as visual and sound buffers.</i> • <i>Provide a comfortable environment for pedestrian walking (walkability) and other activities.</i> • <i>Improve the visual attractiveness of the urban and residential areas (neighborhoods).</i> 	Complies
8.	<i>POLICY MOB-3.2: Protect single-family neighborhoods from commercial traffic intrusion.</i>	Complies
9.	<i>POLICY HOU-1.2.6: New development shall be compatible with adjacent established residential areas.</i>	Complies

Concurrency Management

This project has been reviewed for compliance with the Building and Zoning Department's Concurrency Management program. The Concurrency Impact Statement (CIS) issued by the Building and Zoning Department for the project indicates that there is adequate infrastructure available to support the project. The CIS is on file and available for review with the Planning Department.

Findings of Fact Summary

In summary, Staff based upon its analysis of the CP and applicable codes and information, determined the following Findings of Fact regarding this application:

1. Proposal is "consistent" with specific CP Goals, Objectives and Policies as provided herein.
2. Northern Trust Bank currently occupies this property, and a similar size bank building is proposed.
3. The proposed drive-thru lane is physically separate from other on-site parking and pedestrian circulation.
4. Project provides additional improvements and features to adjacent public right-of-ways in the area of the new Segovia Street/Biltmore Way round-about.
5. No variances are required for this project.
6. A comparatively smaller project is proposed than could be constructed on the site as-of-right if the maximum 3.0 FAR was utilized.
7. The Concurrency Impact Statement indicates that adequate infrastructure is available to support the project.
8. The applicant has satisfactorily addressed all comments provided by City Departments via the DRC process.

Public Notification/Comments/Future Consideration

The following has been completed to solicit input and provide notice of the application:

Type	Explanation
Courtesy notification mailed to all property owners within 1,000 feet of the subject property	Completed 10.21.10
Newspaper ad published	Completed 10.22.10
Posted property	Completed 10.22.10
Posted agenda on City web page/City Hall	Completed 10.19.10
Posted Staff report on City web page	Completed 10.29.10

The listing of property owners who returned the notification/comment form, including the date received, property owners name, address, object/no objection/no comment and verbatim comments are attached as Attachment B.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'ERJ', is written over the text 'Respectfully submitted,'.

Eric Riel, Jr.
Planning Director

Attachments:

- A. Applicant's submittal package.
- B. Synopsis of comments received from property owners within 1,000 feet.