

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2018-91

A RESOLUTION OF THE CITY COMMISSION PURSUANT TO SECTION 3-1705 OF THE ZONING CODE APPROVING THE DISPUTE RESOLUTION AGREEMENT AMONG WILLIAM I. MUINOS, ADRIANA R. MUINOS, AND THE CITY OF CORAL GABLES REGARDING THE PROPERTY LOCATED AT 910 CAPRI STREET AND LEGALLY DESCRIBED AS LOTS 11 AND 12, BLOCK 83, AMENDED PLAT OF CORAL GABLES PART OF GRANADA SECTION, ACCORDING TO THE PLAT THEREOF RECORDED AT PLAT BOOK 15, PAGE 7, IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WHICH PROVIDES, IN PART, FOR HISTORIC DESIGNATION OF THE ENTIRE PROPERTY; RESTORATION AND MAINTENANCE OF THE HISTORIC HOME ON LOT 11; AND THAT THE OWNERS ARE ENTITLED TO LOT 12 AS A SEPARATE BUILDING SITE, SUBJECT TO ADDITIONAL TERMS AND CONDITIONS IN THE DISPUTE RESOLUTION AGREEMENT.

WHEREAS, William I. Muinos and Adriana R. Muinos (the "Owners") own certain real property located at 910 Capri Street, identified by Miami-Dade County Property Tax Folio Identification Nos. 03-4107-020-0081, and legally described as:

Lots 11 and 12, Block 83, amended Plat of Coral Gables Part of Granada Section, according to the plat thereof recorded at Plat Book 15, Page 7, in the Public Records of Miami-Dade County, Florida (hereinafter the "Property"); and

WHEREAS, the City intends to seek to historically designate the Property because the existing residence was built in 1923 and it is the City's position that the Property satisfies the criteria for designation as a historic landmark; and

WHEREAS, Owners do not want the Property historically designated because it will prevent demolition of the existing garage thus complicating renovation and addition plans to the existing residence; and

WHEREAS, Article 3, Division 17 of the City of Coral Gables Zoning Code ("Division 17") entitled, "Protection of Landowners' Rights; Relief from Inordinate Burdens," is intended to protect landowners' rights and provide relief from inordinate burdens; and

WHEREAS, Owners allege that the City's historic designation of the Property and would prohibit demolition to the existing non-conforming garage would impede design of an addition to the residence would disproportionately and inordinately burden the Owners' property rights in violation of Division 17 of the City of Coral Gables Zoning Code and the Bert J. Harris Act as codified in Section 70.001 of the Florida Statutes; and

WHEREAS, the City Commission finds sufficient evidence in the record to justify a settlement pursuant to Division 17 of the City of Coral Gables Zoning Code and the Bert J. Harris Act as codified in Section 70.001 of the Florida Statutes; and

WHEREAS, pursuant to Division 17 of the City of Coral Gables Zoning Code and the Bert J. Harris Act, as codified in Section 70.001 of the Florida Statutes, the parties wish to enter into a dispute resolution agreement (the “Agreement”), substantially in the form attached as Exhibit A; and

WHEREAS, among other things, the Agreement provides that the Owners will not oppose or challenge the historic designation and denial of the demolition of the existing non-conforming garage of the Property, will not claim economic hardship in the future, and will restore and maintain the historic home; and

WHEREAS, the Agreement also provides that the Owners are entitled to Lot 12 as a separate building site, provided that the total combined maximum allowable square footage of the historic home on Lot 11 and any residence to be developed on Lot 12 shall be equal to or less than 4,200 square feet, which is the maximum size of a residence that can currently be constructed on the Property if developed as a single building site, and more specifically, Owners agree that the maximum allowable square footage of the residence on each lot shall not exceed 2,100 square feet; and

WHEREAS, as required by Section 3-1703(E) of the Coral Gables Zoning Code, the Agreement provides that Owners release the City from any claims related to the dispute, include a Bert J. Harris Act claim or any other takings or property rights claim; and

WHEREAS, courtesy notice was mailed to the property owners within a one thousand (1,000) foot radius of the Property; and

WHEREAS, on March 20, 2018, the City Commission reviewed and approved the Agreement in substantial form, as attached as Exhibit A, after public hearing, pursuant to Section 3-1705 of the City of Coral Gables Zoning Code; and

WHEREAS, Section 3-1705 of the Zoning Code requires that once executed by the City Manager, the dispute resolution agreement shall be placed on the next available consent agenda of the City Commission for ratification and shall not be pulled from the consent agenda except by supermajority vote of the entire membership of the City Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon the adoption hereof.

SECTION 2. That the dispute resolution agreement attached as Exhibit A is approved by the City Commission, with such modifications as approved by the City Manager and the City Attorney, consistent with the approval of the City Commission.

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

PASSED AND ADOPTED THIS TWENTIETH DAY OF MARCH, A.D., 2018.

(Moved: Quesada / Seconded: Lago)

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

(Unanimous: 5-0 Vote)

(Agenda Item: F-6)

APPROVED:



RAUL VALDES-FAULI
MAYOR

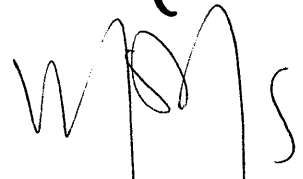
ATTEST:



For

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS
CITY ATTORNEY