

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2008-77

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES RECONSIDERING PREVIOUSLY APPROVED RESOLUTION NO. 2007-16, WHICH GRANTED APPROVAL OF A SEPARATION OF A BUILDING SITE PURSUANT TO ZONING CODE SECTION 12-5, FOR LOTS 17-19 AND 40-42, BLOCK 127, RIVIERA SECTION PART 10 (5705 RIVIERA DRIVE), CORAL GABLES, FLORIDA; WHEREAS THE APPLICANT DESIRES TO AMEND THE CONDITION REQUIRING A RESTRICTIVE COVENANT FROM THE FOUR (4) ADJOINING PROPERTY OWNERS; AND THE APPROVAL AND ALL OTHER CONDITIONS OF APPROVAL CONTAINED IN RESOLUTION NO. 2007-16 SHALL REMAIN IN EFFECT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the request for a building site separation of Lots 17-19 and 40-42, Block 127, Riviera Section 10 (5707 Riviera Drive), Coral Gables, Florida, as set forth in Application No. 06-06-422-P, requesting that Lots 17-19 would be a separate building site and Lots 40-42 would be a separate building site for single-family residences; and

WHEREAS, after notice of a public hearing being duly published and a courtesy public notice was mailed to all property owners of record within a one thousand (1,000) foot radius from the said property, a public hearing was held before the Planning and Zoning Board on July 12, 2006, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the July 12, 2006 Planning and Zoning Board meeting, the Board recommended approval of the proposed building site separation with conditions (vote: 4-1); and

WHEREAS, pursuant to Section 12-5 of the Zoning Code all proposed building site separation applications are subject to a public hearing for City Commission review and approval via Resolution; and

WHEREAS, after notice of public hearing was duly published, a public hearing was held before the City Commission on August 22, 2006, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and

WHEREAS, the City Commission on August 22, 2006 denied the request for building site separation (vote: 3-2) and

WHEREAS, the City Commission on September 12, 2006, adopted by Resolution No. R-2006-175 by which the Commission reconsidered the failed vote allowing for the rescheduling of a public hearing to reconsider the request; and

WHEREAS, the City Commission on January 23, 2007 reconsidered and approved the request for building site separation with conditions of approval (vote: 3-2); and

WHEREAS, one of the conditions for approval, that the Restrictive Covenant shall be proffered to all adjoining property owners and become a party of the agreement, was unattainable because one of the adjoining property owners would not become party to the agreement; and

WHEREAS, the applicant requested to amend the condition requiring all adjoining property owners to become a party of the Restricted Covenant; and

WHEREAS, the amended Restrictive Covenant binds the applicant for building site separation, successors heirs, assigns, and may be enforced by the four (4) adjoining property owners and the City of Coral Gables; and

WHEREAS, the Planning and Zoning Board on April 9, 2008 reviewed and recommended approval of the amendment to previously approved Resolution No. 2007-16 with all other previously required conditions of approval to remain in effect (vote: 5-0); and

WHEREAS, the City Commission on May 27, 2008 reconsidered previously approved Resolution No. 2007-16 by adopting Resolution No. 2007-77, the amendment to the conditions of approval (vote: 5-0);

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 request for a building site separation of Lots 17-19 and 40-42, Block 127, Riviera Section 10 (5705 Riviera Drive), Coral Gables, Florida, as set forth Application No. 06-06-442-P, requesting that Lots 17-19 would be a separate building site and Lots 40-42 would be a separate building site for single-family residences shall be approved subject to all of the following conditions:

- a. The property shall not be further separated, with the existing property divided into two building sites each with three (3) platted lots; and

- b. Each building site shall be for one single-family residence; and
- c. All existing encroachments shall be removed from the proposed building site (Lots 17-19) within one (1) year of the approval; and
- d. The existing single-family shall be reconfigured to remove all non-conforming encroachments within one (1) year of the approval; and
- e. The new residence constructed on Lots 17-19 shall meet all requirements of the new single-family Zoning Code regulations; and
- f. As proffered by the applicant, no encroachments or variances shall be granted for the new residence constructed on Lots 17-19; and
- g. Prior to the issuance of a building permit, all conditions of approval recommended by the City Commission shall be included within a Restrictive Covenant prepared by the applicant subject to final review and approval by the City Attorney; and
- h. The Restrictive Covenant shall be binding against the property that is located at, Lots 17-19 and Lots 40-42 Block 127 of Coral Gables Riviera Section 10 according to the Plat thereof as recorded in Plat Book 31 at Page 1 of the Public Records of Miami-Dade-County, and enforceable by the City of Coral Gables and the four (4) adjoining properties who's addresses are 5617 Riviera Drive, 5709 Riviera Drive, 5614 San Vicente Street and 5700 San Vicente Street, Coral Gables, Florida; and
- i. The Restrictive Covenant shall be binding upon the respective successors, heirs, executors, administrators, representatives and assigns of the Applicant / Owner, and upon all persons arguing an interest thereunder and shall constitute a covenant running with the land for a period of thirty (30) years from the date of the covenant is recorded after which it shall be extended automatically for successive periods of ten (10) years, unless modified or released by the City of Coral Gables.


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 require recommendation from the Planning and Zoning Board and approval by the City Commission.

SECTION 4. That this resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SEVENTH DAY OF MAY,
A.D., 2008.


(Moved: Cabrera / Seconded: Anderson)
(Yeas: Cabrera, Kerdyk, Withers, Anderson, Slesnick)
(Unanimous: 5-0 Vote)
(Agenda Item: E-3)

APPROVED:



DONALD D. SELESNICK II
MAYOR

ATTEST



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY