



**City of Coral Gables  
CITY COMMISSION MEETING  
March 11, 2008**

**ITEM TITLE:**

**Resolution. Amending Conditions of Approval.** A Resolution amending previously approved Resolution No. 2007-16 of the City Commission of Coral Gables approving a separation of a building site pursuant to Zoning Code Section 12-5, to indicate that Lots 17-19 and 40-42, Block 127, Riviera Section Part 10 (5705 Riviera Drive), Coral Gables, Florida, shall be considered two separate building sites, with one building site consisting of Lots 17-19 and the other building site consisting of Lots 40-42; as set forth in Application No. 06-06-422-P; subject to certain conditions.

**CITY MANAGER'S RECOMMENDATION:**

The applicant has requested to appear before the City Commission to propose an amendment to the conditions of approval adopted with Resolution No. 2007-16. It is recommended that the amendments reviewed and recommended by the City Attorney's Office as presented in the draft Resolution be approved.

Resolution (in ~~strike thru~~ / underline format) provided as Exhibit A.

**BRIEF HISTORY:**

Resolution No. 2007-16 was adopted by the City Commission on 01.23.07. The Resolution contains conditions of approval required by the City Commission at the time of adoption. The applicant has requested to appear before the Commission to amend the condition requiring that the Restrictive Covenant be proffered to all adjoining property owners and become a party of the agreement. A copy of the applicant's 06.15.07 letter of request is provided as Exhibit B.

The applicant, working with the City Attorney's Office, prepared the draft Resolution and the alternative language provided for the Restrictive Covenant to address and provide for the restrictions imposed by the Commission when Resolution No. 2007-16 was approved. See Exhibit C for changes to the Restrictive Covenant in ~~strike thru~~ / underline format.

The condition requiring a Declaration of Restrictive Covenant was offered by the applicant at the request of a resident to provide assurance to all four adjoining property owners that the conditions of approval would be fulfilled. A copy of the Board's 07.12.06 meeting minutes is provided as Exhibit D.

The four adjoining property owners to the subject property were notified by mail that this request was being presented to the City Commission (Exhibit E).

**LEGISLATIVE ACTION:**

Date:	Resolution/Ordinance No.	Comments
08.22.06	Resolution	City Commission denied building site separation (vote: 3-2).
09.12.06	Adopted Resolution No. R-2006-175	Commission reconsidered the failed vote previously taken allowing for the rescheduling

		of a public hearing for reconsideration.
01.23.07	Adopted Resolution No. R-2007-16	City Commission approval (vote: 3-2 ).

#### **OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):**

<b>Date</b>	<b>Board/Committee</b>	<b>Comments (if any)</b>
05.12.06	Planning and Zoning Board	Deferred item to allow applicant to address concerns identified by the Board.
07.12.06	Planning and Zoning Board	Recommended approval (vote: 4-1) with conditions.

#### **PUBLIC NOTIFICATION(S):**

<b>Date</b>	<b>Form of Notification</b>
06.29.06	Property Owner Public Hearing Courtesy Notification to all properties within 1000 feet.
06.29.06	Published ad giving Notice of Public Hearing.
07.31.06	Memorandum to City Clerk requesting advertising of Resolution heading.
01.03.07	Property Owner Public Hearing Courtesy Notification to all properties within 1000 feet.
02.26.08	Memorandum to City Clerk requesting advertising of Resolution heading.
02.26.08	Courtesy public notification letter mailed by applicant to four (4) adjoining property owners.

#### **APPROVED BY:**

<b>Department Director</b>	<b>City Attorney (If Applicable)</b>	<b>City Manager</b>
Eric Riel, Jr. Planning Director		

#### **EXHIBIT(S):**

- Exhibit A: Resolution – in ~~strike thru~~ / underline format.
- Exhibit B: Applicant's 06.15.07 letter of request.
- Exhibit C: Draft Restrictive Covenant - in ~~strike thru~~ / underline format.
- Exhibit D: 07.12.06 Planning and Zoning Board meeting minutes.
- Exhibit E: Copy of public notification letter mailed to four (4) adjoining property owners.

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