



**City of Coral Gables
CITY COMMISSION MEETING
May 13, 2014**

E-4&E-5

ITEM TITLE:

Ordinances on First Reading. Conditional Use Review for a Building Site Determination and Zoning Code Text Amendment.

1. An Ordinance of the City Commission of Coral Gables, Florida requesting Conditional Use Review for a Building Site Determination pursuant to Zoning Code Article 3, "Development Review", Section 3-206, "Building Site Determination" to create two (2) separate single-family building sites on property assigned Single-Family Residential (SFR) zoning and Local Historic Landmark; one building site consisting of Lot 1 and the other of Lot 2, submitted concurrently with a proposed re-plat for the property legally described as Tract 2, Cartee Homestead Section (6801 Granada Boulevard), Coral Gables, Florida; including required conditions; providing for severability, repealer and an effective date.
2. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code Appendix A, "Site Specific Regulations", by adding Section A-17.1. "Revised Plat of Cartee Homestead", to indicate Lots 1 and 2 are separate building sites; providing for severability, repealer, codification and an effective date.

Resolution. Final Plat. The following resolution for Final Plat is provided for reference, and not for consideration at this time. This resolution shall be included with the above ordinances on Second Reading, if the ordinances are approved on First Reading:

3. Resolution of the City Commission of Coral Gables approving the Final Plat entitled "Revised Plat of Cartee Homestead" pursuant to Zoning Code Article 3, Division 9, "Platting/Subdivision", being a re-plat of an approximately 3.0 acre single tract into two (2) platted lots for residential, single-family use on property assigned Single-Family Residential (SFR) zoning and Local Historic Landmark, legally described as Tract 2, Cartee Homestead Section (6801 Granada Boulevard), Coral Gables, Florida; providing for an effective date.

DEPARTMENT HEAD RECOMMENDATION:

Denial. An alternative recommendation with conditions of approval is provided in Staff's report if the proposed building site separation and Zoning Code text amendment are approved by the City Commission.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board at their 12.11.13 meeting recommended approval of the Conditional Use Review for a Building Site Determination (vote: 4-2) with conditions and the proposed Zoning Code text amendment (vote: 4-2).

BRIEF HISTORY:

The request is for Conditional Use Review for a Building Site Determination in order to separate an existing single building site into two (2) building sites for single-family residences. The proposed re-plat of the property is the technical process required to separate a single platted parcel of land into multiple

platted building sites. The Zoning Code text amendment is intended to record the building site separation in the Code should the request be approved. Neither the proposed re-plat of the property or the Zoning Code text amendment would be necessary should the building site separation not be granted.

The Planning and Zoning Board at their 12.11.13 meeting recommended approval of the Conditional Use Review for a Building Site Determination (vote: 4-2) with conditions, and the Zoning Code text amendment and proposed re-plat (vote: 4-2). The draft Ordinances for Conditional Use Review for a Building Site Determination and the Zoning Code text amendment are being presented at this time for consideration by the City Commission on First Reading. The draft Resolution for Final Plat is being provided for reference. The Resolution for Final Plat will be included with the above ordinances on Second Reading should this ordinance be approved on First Reading. The draft Ordinances are provided as Exhibits A and B. The draft Resolution is provided as Exhibit C.

Staff's report and recommendation is provided as Exhibit D, and the comments and issues discussed by the Board at the meeting are presented in the meeting minutes provided in Exhibit E. Documents submitted by the Historical Resources Department Staff at the public hearing are provided as Exhibit F.

This property is located on Granada Boulevard approximately two blocks north of Sunset Road, half-way between Hardee Road and Cartagena Plaza. The property backs onto the Coral Gables Waterway and the north side of the property is bounded by the Mahi Waterway. The property consists of a single tract and is approximately 128,077 square feet in size (2.94 acres) with approximately 433 feet of frontage along Granada Boulevard. According to the Miami-Dade County property information files, the existing residence was constructed in 1951 and is a two-story residence containing 9,448 adjusted square feet (8 bedrooms/7 bathrooms). Existing asphalt driveways, pool/pool house, tennis court and a coral rock wall are located on the property in addition to the existing residence.

A different proposal to separate this property was submitted to the City in 2007. On 07.18.07, the Planning and Zoning Board recommended denial (vote: 5-0) of the previous application for a re-plat and to separate the subject property into two (2) building sites, which was heard and also denied by the City Commission (vote: 5-0) on 08.28.07. While the 2007 proposal also proposed two (2) building sites, the re-plat had a different platted lot configuration and variances were required. The two proposals are dissimilar in lot configuration and dimensions, and have been evaluated independently of each other in accordance with the applicable provisions of the Zoning Code.

The entire property is designated as a local historic landmark. On 09.19.13 the Historic Preservation Board approved a Certificate of Appropriateness for the alterations to the existing historic residence required to permit the proposed re-plat into two (2) platted lots for single-family residences. At that meeting, Historical Resources Department Staff informed the Historic Preservation Board that the building site separation request to create two (2) building sites is subject to the purview of the Planning and Zoning Board and the City Commission. The Certificate of Appropriateness was approved with six (6) conditions of approval. Five of those conditions are included in the recommended conditions in Staff's report and the draft Ordinance provided as Exhibit A. The only condition not included was a prohibition of any future alteration or demolitions to the property. Any future alterations or demolitions regardless of the outcome of the current building site separation request would require submittal of an application and proposed plans and review by the Historic Preservation Board in accordance with all applicable provisions of the Zoning Code.

The Zoning Code requires that when reviewing and providing a recommendation on an application for

conditional use for a building site determination, the Planning and Zoning Division, Planning and Zoning Board and the City Commission shall consider and evaluate the request together with a proposed site plan and provide findings that the application satisfies at least four (4) of six (6) specific criteria.

1. Staff found that the proposal did satisfy three (3) of the six (6) criteria: a) has larger building frontage than surrounding properties; b) neighborhood compatibility and preservation of historic character; and c) would not result in existing structures becoming non-conforming.
2. Staff found that the proposal did not satisfy three (3) of the six (6) criteria: a) had unusual site configuration; b) encroachments exist that would have to be removed; and c) the property was purchased by the current owner prior to September 17, 1977.

Staff's detailed evaluation of the six (6) criteria is presented in Staff's report and recommendation. Staff recommended denial of all three (3) requests since the Application satisfied only three (3) of the six (6) criteria. At the 12.11.13 Planning and Zoning Board meeting, four (4) Board members determined, based upon the additional information submitted by the Applicant and the facts of the application, testimony, and evidence received, that the Application satisfied four (4) of six (6) criteria. There was no consensus by those Board members on the specific criteria that were satisfied.

Staff's report identifies recommended conditions of approval if the City Commission determines, based upon the additional information submitted by the Applicant and the facts of the application, testimony, and evidence received, that the Application satisfies the criteria and decides to approve the proposed building site separation. The conditions of approval recommended in Staff's report include the conditions recommended by the Historic Preservation Board, and are as follows:

1. The existing historical residence remain on Lot 1 and the new single-family residence constructed on Lot 2 shall meet all applicable requirements of the Zoning Code, and no variances shall be required or requested.
2. Retain the loggia of existing historic residence located on Lot 1 that is noted on the plans as "existing pool pavilion".
3. Any new construction on the parcel of land that will be created for a new residence on Lot 2 will require a Special Certificate of Appropriateness and review by the Historic Preservation Board. The demolition of the portion of the perimeter coral rock wall to accommodate the driveway for the new residence on Lot 2 will also be part of the application for that residence and will require a Certificate of Appropriateness.
4. The removal/relocation of trees on Lot 2 will be part of the application for the new residence and will require a Certificate of Appropriateness from the Historical Resources Department, and shall also be subject to review and approval by the Directors of Public Service and Planning and Zoning. No tree removal or relocations will occur until the design of the new residence on Lot 2 has been approved and a detailed landscape plan including an existing tree survey indicating those trees proposed to be removed, relocated or replaced and a root preservation plan shall be prepared and provided by the Applicant and submitted with the application for the new residence.
5. Within 30 days of approval of the Conditional Use Review for a Building Site Determination, the property owner, its successors or assigns shall submit a restrictive covenant for City Attorney review and approval that includes all conditions of approval as approved by the City Commission.

In addition to requesting that the conditions recommended by the Historic Preservation Board be required, which are included with the conditions recommended in Staff's report, the Board requested that

a condition be added that the total square footage of the two residences shall be equal to or less than the maximum permitted to be constructed on the property by the Zoning Code if developed as a single building site. The total amount that could be constructed if developed as a single building site is 39,574 square feet. Therefore, the following condition has been included in the draft Ordinance (see Exhibit A):

6. The total square footage of the two residences shall be equal to or less than 39,574 square feet, which would be the maximum size of a residence permitted by the Zoning Code that could be constructed on the property if developed as a single building site.

The Applicant is in agreement with the recommended conditions of approval.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
N/A		

OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
12.11.13	Planning and Zoning Board	Recommended approval of Conditional Use Review for a Building Site Determination (vote: 4-2) with conditions, and the proposed re-plat and Zoning Code text amendment (vote: 4-2).

PUBLIC NOTIFICATION(S):

Date	Form of Notification
11.26.13	Courtesy notification mailed to all property owners within 1,000 feet of the boundary of the subject property.
11.26.13	Posted property.
11.26.13	Legal advertisement.
11.26.13	Post agenda at City Hall.
12.06.13	Posted agenda, staff report, legal notice and all attachments on City web page.
05.02.14	Legal advertisement with map.

APPROVED BY:

Department Director	City Attorney	City Manager
		

EXHIBIT(S):

- A. Draft Ordinance – Conditional Use Review for a Building Site Determination.
- B. Draft Ordinance – Zoning Code text amendment.
- C. Draft Resolution – Final Plat.
- D. 12.11.13 Staff report and recommendation with attachments.
- E. 12.11.13 Excerpts of Planning and Zoning Board Meeting Minutes with written comments received and documents submitted at the public hearing attached.
- F. Documents submitted by Historical Resources Department Staff at public hearing.