



City of Coral Gables
CITY COMMISSION MEETING
August 25, 2015

ITEM TITLE:

Ordinance on First Reading. Conditional Use Review for a Building Site Determination. 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 zoned Single-Family Residential (SFR) District; one (1) building site consisting of a portion of Lot 1 and all of Lot 2; and, one (1) building site consisting of a portion of Lot 1 and all of Lot 23 on the property legally described as Lots 1, 2 and 23, Block 263, Riviera Section Part 11 (450 Como Avenue), Coral Gables, Florida; including required conditions; providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

DEPARTMENT HEAD RECOMMENDATION:

Denial. However, an alternative recommendation with conditions of approval is provided in Staff's report and recommendation if the proposed building site separation is approved by the City Commission.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board at their 07.29.15 meeting recommended approval (vote: 4 yes – 1 no) of the Conditional Use Review for a Building Site Determination with conditions.

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 Planning and Zoning Board at their 07.29.15 meeting recommended approval (vote: 4 yes – 1 no) of the application for Conditional Use Review for a Building Site Determination with conditions. The draft Ordinance is provided as Exhibit A, Staff's report and recommendation is provided as Exhibit B, comments and issues discussed by the Board at the meeting are presented in the meeting minutes provided as Exhibit C, and Staff's PowerPoint Presentation is provided as Exhibit D.

The property is located on the southeast corner of the intersection of San Vicente Street, Como Avenue and Maggiore Street and is bounded by San Vicente Street to the west, Como Avenue to the north and Garlanda Avenue to the south. The property contains three (3) platted lots, which together constitute the existing building site. The request is to separate an existing 0.60 acre (25,989 square feet) building site, with 176.75 feet of street frontage on San Vicente Street, into two (2) building sites.

A one-story single-family residence with auxiliary and accessory structures was previously located on the property and were demolished in 2003 by a previous owner with the intent of constructing a larger single-family residence on the entire property. However, the proposed single-family residence was never constructed and the property was sold to a new owner. The property is currently vacant.

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 satisfied two (2) of the six (6) criteria: 1) the existence of exceptional circumstances; and, 2) neighborhood compatibility.
2. Staff found that the proposal did not satisfy four (4) of the six (6) criteria: 1) building sites created would have equal or larger building frontage than a majority of surrounding building sites; 2) separated building sites would not result in demolished or existing structures becoming non-conforming; 3) no restrictive covenants or encroachments exist, including demolished buildings, that would prevent site separation; and, 4) 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 since the Application satisfied only two (2) of the six (6) criteria.

The Planning and Zoning Board's recommendation for approval included the determination that the Application satisfied four (4) of the six (6) criteria. The Planning and Zoning Board's recommendation for approval determined that the proposal satisfied the following four (4) criteria: 1) the existence of exceptional circumstances; 2) separated building sites would not result in demolished or existing structures becoming non-conforming; 3) no restrictive covenants or encroachments exist, including demolished buildings, that would prevent site separation; and, 4) neighborhood compatibility.

Staff's report identified 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 at least four (4) of the six (6) criteria. The Planning and Zoning Board's recommendation for approval includes Staff's recommended conditions which have been provided in the draft Ordinance and are as follows:

1. The new single-family residences constructed on the two (2) building sites shall meet all applicable requirements of the Zoning Code, and no variances shall be required or requested.
2. The new single-family residences constructed on the two (2) building sites shall be deemed to face San Vicente Street. The main entrances shall face San Vicente Street while the driveways shall be required to have access from the side streets of Como Avenue and Garlenda Avenue.
3. A detailed tree disposition plan and landscape plan shall be prepared and provided by the Applicant, subject to review and approval of the Directors of the Public Service Division and the Planning and Zoning Division prior to the submittal to the Board of Architects for either building site.
4. Prior to submittal to the Board of Architects the property owner, its successors or assigns shall file for and receive a release of the restrictive covenants currently running with the land.
5. Prior to submittal to the Board of Architects the property owner, its successors or assigns shall obtain letters from all affected utility companies and comply with any requests for easements.
6. The total square footage of the two (2) residences shall be equal to or less than 8,947 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.
7. Prior to submittal to the Board of Architects the property owner, its successors or assigns shall remove the driveway aprons located on Como Avenue and San Vicente Street.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
N/A		

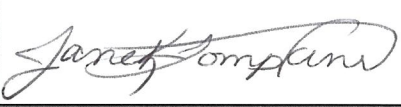

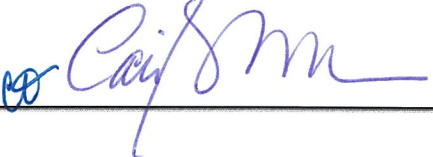
OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
07.29.15	Planning and Zoning Board	Recommended approval (vote: 4 yes – 1 no) with conditions.

PUBLIC NOTIFICATION(S):

Date	Form of Notification
07.17.15	Courtesy notification mailed to all property owners within 1,000 feet of the boundary of the subject property for Planning and Zoning Board meeting.
07.17.15	Property posted for Planning and Zoning Board meeting.
07.16.15	Legal advertisement published for Planning and Zoning Board meeting.
07.21.15	Planning and Zoning Board meeting agenda posted at City Hall.
07.24.15	Planning and Zoning Board meeting agenda, staff recommendation, legal notice and all attachments posted on City web page.
08.21.15	City Commission meeting agenda posted on City web page.

APPROVED BY:

Department Director	City Attorney	City Manager
		

EXHIBIT(S):

- A. Draft Ordinance – Conditional Use Review for a Building Site Determination.
- B. 07.29.15 Planning Division Staff report and recommendation with attachments.
- C. 07.29.15 Excerpts of Planning and Zoning Board Meeting Minutes.
- D. PowerPoint Presentation.