

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2023-99

A RESOLUTION OF THE CITY COMMISSION APPROVING THE TENTATIVE PLAT ENTITLED “ARCANA SUBDIVISION” PURSUANT TO ZONING CODE ARTICLE 14, “PROCESS,” SECTION 14-210, “PLATTING/SUBDIVISION,” BEING A RE-PLAT CONSISTING OF TWO EXISTING LOTS WHICH TOTAL 97,377 (NINETY SEVEN THOUSAND THREE HUNDRED SEVENTY SEVEN) SQUARE FEET (2.24 ACRES) INTO A MODIFIED TWO LOTS ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 4 AND 5, PALM VISTA, TOGETHER WITH THAT PORTION OF THE VACATED 50-FOOT PLATTED RIGHT-OF-WAY LYING BETWEEN LOTS 4 AND 5, AND DEDICATION OF 1,748 (ONE THOUSAND SEVEN HUNDRED FORTY EIGHT) SQUARE FEET BETWEEN (5400 AND 5401 BANYAN TRAIL), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE)

WHEREAS, an application was submitted to review a tentative plat entitled “Arcana Subdivision,” being a re-plat of two existing lots that total 97,377 square feet into a modified two lots on property assigned Single-Family Residential zoning, legally described as Lots 4 and 5, together with that portion of the vacated 50-foot platted right-of-way lying between Lots 4 and 5, and dedication of 1,748 square feet, in Palm Vista, Coral Gables, Florida; and

WHEREAS, the proposed tentative plat is being submitted concurrently with a proposed vacation of the 8,441 square feet of public right-of-way; and

WHEREAS, Staff finds that the procedures for reviewing and recommending both tentative and final plats are contained in Zoning Code Article 14, Section 14-210, “Platting/Subdivision,” and that the proposed tentative plat entitled “Arcana Subdivision” has met those criteria and standards; and

WHEREAS, after notice of a public hearing being duly published and a 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 April 4th, 2023, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the April 4th, 2023 Planning and Zoning Board meeting, the Board recommended approval with conditions of the proposed tentative plat entitled “Arcana Subdivision” (vote: 5-0); and

WHEREAS, pursuant to the platting/subdivision requirements of Zoning Code Article 14, Section 14-210 “Platting/Subdivision,” Tentative Plats for all proposed re-plat applications are subject to a public hearing for City Commission review and approval via Resolution; and

WHEREAS, Zoning Code Section 14-210.2 (F) allows an optional review of the tentative plat by the City Commission to evaluate the tentative plat for conformance with the Zoning Code regulations; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand (1,000) feet, the City Commission held a public hearing on May 9th, 2023 at which hearing all interested persons were afforded an opportunity to be heard; and,

WHEREAS, after notice of public hearing was duly published, a public hearing was held before the City Commission on (month) (day), 2023, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and,

WHEREAS, the City Commission approved the Tentative Plat;

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

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 re-plat of two existing lots which total 97,377 square feet into a modified two lots on the property legally described as Lots 4 and 5, Palm Vista, together with that portion of the vacated 50-foot platted right-of-way lying between Lots 4 and 5, and dedication of 1,748 square feet between 5400 and 5401 Banyan Trail, Coral Gables, Florida;

SECTION 3. That the Tentative Plat herein shall be subject to the following terms and conditions:

1. That the Applicant shall relocate the public utilities, including the fire hydrant, and any communication infrastructure (e.g. Comcast) prior to the Final Plat approval by the City Commission;
2. That the Applicant shall relocate the backflow preventer into private property prior to the Final Plat approval by the City Commission; and
3. That the costs of removal or relocation of any and all utilities, including storm and sanitary sewers, installation of any required drainage facilities, and removal of curbs or abandoned concrete approach described hereinabove shall be borne by the Applicant.

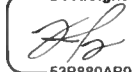
SECTION 4. That the applicant shall further be required to comply with all applicable zoning regulations and any material changes to the application herein granted shall require a recommendation from the Planning and Zoning Board and approval by the City Commission.

SECTION 5. This permit does not in any way create any right on the part of an applicant to obtain a permit from a county, state or federal agency. Likewise, this development permit does not create any liability on the part of the City of Coral Gables for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency, or if the applicant undertakes actions that result in a violation of county, state or federal law. In addition, as a condition of this approval, all county, state and federal permits must be obtained before commencement of the development.

SECTION 6. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-THIRD DAY OF MAY, A.D., 2023.
(Moved: Anderson / Seconded: Fernandez)
(Yeas: Fernandez, Menendez, Anderson, Castro, Lago)
(Unanimous: 5-0 Vote)
(Agenda Item: F-8)

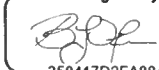
APPROVED:

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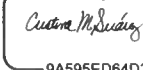
VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

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BILLY Y. URQUIA
CITY CLERK

DocuSigned by:

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CRISTINA M. SUÁREZ
CITY ATTORNEY

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, APPROVING THE VACATION OF A PUBLIC RIGHT-OF-WAY PURSUANT TO ZONING CODE ARTICLE 14, "PROCESS," SECTION 14-211, "ABANDONMENT AND VACATIONS" AND CITY CODE CHAPTER 62, ARTICLE 8, "VACATION, ABANDONMENT AND CLOSURE OF STREETS, EASEMENTS AND ALLEYS BY PRIVATE OWNERS AND THE CITY; APPLICATION PROCESS," PROVIDING FOR THE VACATION OF THE 8,441 (EIGHT THOUSAND FOUR HUNDRED FORTY ONE) SQUARE FEET OF PUBLIC RIGHT-OF-WAY AND DEDICATION OF 1,748 (ONE THOUSAND SEVEN HUNDRED FORTY EIGHT) SQUARE FEET BETWEEN LOT 4 (5401 BANYAN TRAIL) AND LOT 5 (5400 BANYAN TRAIL) IN PALM VISTA, CORAL GABLES, FLORIDA; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE).

WHEREAS, an Application was submitted by Jose Jimenez ("Applicant") requesting approval to vacate 8,441 square feet of public right-of-way and dedicate 1,748 square feet between Lot 4 (5401 Banyan Trail) and Lot 5 (5400 Banyan Trail) in Palm Vista, Coral Gables, Florida; and

WHEREAS, the proposed Vacation is being submitted concurrently with a Tentative Plat entitled "Arcana Subdivision," being a replat of two existing lots that total 97,377 square feet into a modified two lots; and

WHEREAS, in accordance with City Code Chapter 62, Article VIII, "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Form" requires that the Public Works Department shall review all applications for the vacation of a public right-of-way; and

WHEREAS, after notice of a public hearing being duly published and a 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 April 4th, 2023, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's April 4, 2024 meeting, the Board recommended approval with conditions of the proposed public right-of-way vacation (vote: 5-0); and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand (1,000) feet, the City Commission held a public hearing on May 9, 2023 at which hearing all interested persons were afforded an opportunity to be heard and this

application was approved on first reading;

WHEREAS, public hearings have been completed by the Coral Gables City Commission in consideration of a request to vacate a public right-of-way as required by the Zoning Code, and including careful consideration of written and oral comments by members of the public.

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

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 Ordinance upon adoption hereof.

SECTION 2. The vacation of the 8,441 feet of public right-of-way and dedication of 1,748 square feet between Lot 4 (5401 Banyan Trail) and Lot 5 (5400 Banyan Trail) in Palm Vista, Coral Gables, Florida.

SECTION 3. The Vacated public right-of-way herein shall be subject to the following terms and conditions:

1. That the Applicant shall relocate the public utilities, including the fire hydrant, and any communication infrastructure (e.g. Comcast) prior to the Final Plat approval by the City Commission;
2. That the Applicant shall relocate the backflow preventer into private property prior to the Final Plat approval by the City Commission; and
3. That the costs of removal or relocation of any and all utilities, including storm and sanitary sewers, installation of any required drainage facilities, and removal of curbs or abandoned concrete approach described hereinabove shall be borne by the Applicant.

SECTION 4. That all ordinances or part of ordinances inconsistent or in conflict herewith shall be and they are hereby repealed insofar as there in conflict of inconsistency.

SECTION 5. This ordinance shall become effective _____, 2023

PASSED AND ADOPTED THIS _____ DAY OF _____ A.D., 2023.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

BILLY URQUIA
CITY CLERK

CRISTINA SUAREZ
CITY ATTORNEY

DRAFT

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA APPROVING THE TENTATIVE PLAT ENTITLED "ARCANA SUBDIVISION" PURSUANT TO ZONING CODE ARTICLE 14, "PROCESS," SECTION 14-210, "PLATTING/SUBDIVISION," BEING A RE-PLAT CONSISTING OF TWO EXISTING LOTS WHICH TOTAL 97,377 (NINETY SEVEN THOUSAND THREE HUNDRED SEVENTY SEVEN) SQUARE FEET (2.24 ACRES) INTO A MODIFIED TWO LOTS ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 4 AND 5, PALM VISTA, TOGETHER WITH THAT PORTION OF THE VACATED 50-FOOT PLATTED RIGHT-OF-WAY LYING BETWEEN LOTS 4 AND 5, AND DEDICATION OF 1,748 (ONE THOUSAND SEVEN HUNDRED FORTY EIGHT) SQUARE FEET BETWEEN (5400 AND 5401 BANYAN TRAIL), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE)

WHEREAS, an application was submitted to review a tentative plat entitled "Arcana Subdivision," being a re-plat of two existing lots that total 97,377 square feet into a modified two lots on property assigned Single-Family Residential zoning, legally described as Lots 4 and 5, together with that portion of the vacated 50-foot platted right-of-way lying between Lots 4 and 5, and dedication of 1,748 square feet, in Palm Vista, Coral Gables, Florida; and

WHEREAS, the proposed tentative plat is being submitted concurrently with a proposed vacation of the 8,441 square feet of public right-of-way; and

WHEREAS, Staff finds that the procedures for reviewing and recommending both tentative and final plats are contained in Zoning Code Article 14, Section 14-210, "Platting/Subdivision," and that the proposed tentative plat entitled "Arcana Subdivision" has met those criteria and standards; and

WHEREAS, after notice of a public hearing being duly published and a 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 April 4th, 2023, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the April 4th, 2023 Planning and Zoning Board meeting, the Board recommended approval with conditions of the proposed tentative plat entitled "Arcana Subdivision" (vote: 5-0); and

WHEREAS, pursuant to the platting/subdivision requirements of Zoning Code Article 14, Section 14-210 “Platting/Subdivision,” Tentative Plats for all proposed re-plat applications are subject to a public hearing for City Commission review and approval via Resolution; and

WHEREAS, Zoning Code Section 14-210.2 (F) allows an optional review of the tentative plat by the City Commission to evaluate the tentative plat for conformance with the Zoning Code regulations; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand (1,000) feet, the City Commission held a public hearing on May 9th, 2023 at which hearing all interested persons were afforded an opportunity to be heard; and,

WHEREAS, after notice of public hearing was duly published, a public hearing was held before the City Commission on (month) (day), 2023, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and,

WHEREAS, the City Commission approved the Tentative Plat.

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

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 re-plat of two existing lots which total 97,377 square feet into a modified two lots on the property legally described as Lots 4 and 5, Palm Vista, together with that portion of the vacated 50-foot platted right-of-way lying between Lots 4 and 5, and dedication of 1,748 square feet between 5400 and 5401 Banyan Trail, Coral Gables, Florida;

SECTION 3. That the Tentative Plat herein shall be subject to the following terms and conditions:

1. That the Applicant shall relocate the public utilities, including the fire hydrant, and any communication infrastructure (e.g. Comcast) prior to the Final Plat approval by the City Commission;
2. That the Applicant shall relocate the backflow preventer into private property prior to the Final Plat approval by the City Commission; and
3. That the costs of removal or relocation of any and all utilities, including storm and sanitary sewers, installation of any required drainage facilities, and removal of curbs or abandoned concrete approach described hereinabove shall be borne by the Applicant.

SECTION 4. That the applicant shall further be required to comply with all applicable zoning regulations and any material changes to the application herein granted shall

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

SECTION 5. This permit does not in any way create any right on the part of an applicant to obtain a permit from a county, state or federal agency. Likewise, this development permit does not create any liability on the part of the City of Coral Gables for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency, or if the applicant undertakes actions that result in a violation of county, state or federal law. In addition, as a condition of this approval, all county, state and federal permits must be obtained before commencement of the development.

SECTION 5. That this Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____ A.D., 2023.

APPROVED:

VINCE C. LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

BILLY Y. URQUIA
CITY CLERK

CRISTINA SUAREZ
CITY ATTORNEY