



**City of Coral Gables
CITY COMMISSION MEETING
May 12, 2015**

ITEM TITLE:

Ordinance on Second 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 on Lot 30 and one (1) building site consisting of Lot 31 on the property legally described as Lots 30 and 31, Block A, Gables Estates No. 2 (20 Casuarina Concourse), Coral Gables, Florida; including required conditions; providing for a severability clause, repealer provision, 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 01.14.15 meeting made no recommendation on the Conditional Use Review for a Building Site Determination (vote: 3 yes – 2 no) as an affirmative vote of four (4) members of the Board is necessary for the adoption of any motion.

BRIEF HISTORY:

This item was continued from the February 10, 2015 and March 10, 2015 City Commission meetings at the Applicant's request. The item was heard on 1st Reading at the April 28, 2015 City Commission meeting.

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 01.14.15 meeting made a motion to recommend approval of the application for Conditional Use Review for a Building Site Determination with conditions; however, the motion was not approved (vote: 3 yes – 2 no) as an affirmative vote of four (4) members of the Board is necessary for the adoption of any motion. The draft Ordinance is provided as Exhibit A, Staff's report and recommendation is provided as Exhibit B, and the comments and issues discussed by the Board at the meeting are presented in the meeting minutes provided as Exhibit C.

The property is located in the southern part of the City within the area referred to as "Gables Estates" at the end of Casuarina Concourse. The property contains two (2) platted lots, which together constitute the existing building site. The request is to separate the existing 2.59 acre (112,747 square feet) building site, with 376 feet of street frontage, into two (2) building sites. The proposed building sites would consist of a 1.2 acre (52,502 square feet) site with 200 feet of street frontage and a 1.39 acre (60,245 square feet) site with 176 feet of street frontage. Each of the proposed building sites would contain one (1) fully platted lot as required by the Zoning Code.

Previously located on the property was a three-story single-family residence, referred to as the "Wackenhut Castle," which was demolished in 2007. Prior to demolition, the Historical Resources Department determined that the structure had local historical significance. On June 25, 2007, after deliberation, the Historic Preservation Board passed a motion not to designate the property as a local historic landmark. The building was demolished. As a part of that demolition a significant number of trees deemed to be in poor condition were removed. There currently remain only a few trees on-site located along the seawall and several trees located off-site along the right-of-way fronting the property. A concrete dock and wood deck located along the seawall also remain on the property.

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 one (1) of the six (6) criteria: 1) neighborhood compatibility.
2. Staff found that the proposal did not satisfy five (5) of the six (6) criteria: 1) the existence of exceptional circumstances; 2) building sites created would have equal or larger building frontage than a majority of surrounding building sites; 3) separated building sites would not result in demolished or existing structures becoming non-conforming; 4) no restrictive covenants or encroachments exist, including demolished buildings, that would prevent site separation; and, 5) 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 one (1) of the six (6) criteria. Staff's report also 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 and decides to approve the proposed building site separation. The conditions of approval recommended by Staff included within the proposed Ordinance 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. 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.
3. Restrictive covenant. Within thirty (30) days of approval of the Conditional Use Review for a Building Site Determination, the property owner, its successors or assigns shall file for a release of the restrictive covenant currently running with the land and submit a new restrictive covenant for City Attorney review and approval that includes all conditions of approval as approved by the City Commission for both Lots 30 and 31. Failure to submit the covenant within the specified time frame shall render the approval void unless said time frame for submittal of the covenant is extended by the City Attorney after good cause as to why the time frame should be extended.
4. Within sixty (60) days of approval of the Conditional Use Review for a Building Site Determination, the property owner shall remove the concrete dock, wood deck, and any other non-conforming structures or encroachments.

The Planning and Zoning Board included an additional condition of approval limiting the total square footage of the two (2) residences in their motion to recommend approval of the application with conditions at their 01.14.15 meeting. This motion was based on a similar condition of approval imposed on the 6801 Granada Blvd request for building site separation. The motion made by the Board was not approved; however, Staff has included this condition of approval within the proposed Ordinance, which is as follows:

5. The total square footage of the two (2) residences on Lot 30 and 31 shall be equal to or less than 34,974 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 agreed to all four (4) of the conditions of approval recommended by Planning Staff as well as the condition included in the motion to approve the application made by the Planning and Zoning Board.

The item was heard on 1st reading by the City Commission on April 28th, 2015 and the Commission determined that criterion #2, #3, #4, and #5 had been met, thereby fulfilling the required four (4) out of six (6) criteria for approval of a building site separation. The Commission approved the proposed building site separation with conditions on First Reading (vote: 5-0).

During the Commission First Reading, Condition #4 was modified as follows:

4. Within sixty (60) days of approval of the Conditional Use Review for a Building Site Determination, the property owner shall modify the concrete dock and wood deck to meet the setback requirements of the Coral Gables Zoning Code.

The Applicant agreed to the modified condition of approval included in the motion to approve the application made by the City Commission.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
04.28.15	Ordinance	Approved Building Site Determination with conditions on First Reading (vote: 5 – 0).

OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

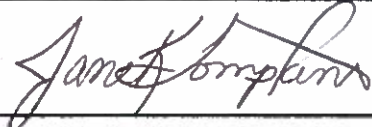
Date	Board/Committee	Comments (if any)
01.14.15	Planning and Zoning Board	No recommendation on the Conditional Use Review for a Building Site Determination (vote: 3 yes – 2 no) as an affirmative vote of four (4) members of the Board is necessary for the adoption of any motion.

PUBLIC NOTIFICATION(S):

Date	Form of Notification
01.02.15	Courtesy notification mailed to all property owners within 1,000 feet of the boundary of the subject property for Planning and Zoning Board meeting.
01.02.15	Property posted for Planning and Zoning Board meeting.
01.02.15	Legal advertisement published for Planning and Zoning Board meeting.
01.02.15	Planning and Zoning Board meeting agenda posted at City Hall.

01.09.15	Planning and Zoning Board meeting agenda, staff recommendation, legal notice and all attachments posted on City web page.
04.24.15	City Commission meeting agenda posted on City web page.
05.01.15	Legal advertisement published for 2 nd Reading Commission meeting.

APPROVED BY:

Department Director		City Attorney	City Manager
			

EXHIBIT(S):

A. Ordinance – Conditional Use Review for a Building Site Determination.