

**City of Coral Gables City Commission Meeting**  
**Agenda Item E-3**  
**August 23, 2016**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Jim Cason**  
**Commissioner Pat Keon**  
**Commissioner Vince Lago**  
**Vice Mayor Frank Quesada**  
**Commissioner Jeannett Slesnick**

**City Staff**

**City Manager, Cathy Swanson-Rivenbark**  
**City Attorney, Craig E. Leen**  
**City Clerk, Walter J. Foeman**  
**Deputy City Clerk, Billy Urquia**  
**Planning and Zoning Director, Ramon Trias**

**Public Speaker(s)**

**Mario Garcia-Serra**  
**Marshall Bellin**  
**Enrique Garcia**

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**Agenda Item E-3 [0:00:00 a.m.]**

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 separate into two (2) single-family building sites the property zoned Single-Family Residential (SFR) District and legally described as Lots 8-10 and the east 15 Feet of Lot 7, Block 25, Coral Gables Section "B" (728 Navarre Avenue), Coral Gables, Florida; one (1) building site consisting of Lot 8 and the west half of Lot 9 and one (1) building

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site consisting of Lot 10 and the east half of Lot 9 with the remaining east 15 feet of Lot 7 to be included as a part of the property to the west legally described as the east 25 feet of Lot 6 and Lot 7 less east 15 feet, Block 25, Coral Gables Section "B" (734 Navarre Avenue); including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (PZB recommended approval with conditions; Vote 5-1)

Mayor Cason: Okay, we're going to now do E-3.

City Attorney Leen: Thank you, Mr. Mayor. Item E-3 is an ordinance on first reading, Conditional Use Review for a Building Site Determination. It's 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...

City Manager Swanson-Rivenbark: Excuse me. I'm sorry, ma'am. We need to be quiet. Thank you.

City Attorney Leen: "Development Review", Section 3-206, "Building Site Determination" to separate into two (2) single-family building sites the property zoned Single-Family Residential (SFR) District and legally described as Lots 8-10 and the east 15 Feet of Lot 7, Block 25, Coral Gables Section "B" (728 Navarre Avenue), Coral Gables, Florida; one (1) building site consisting of Lot 8 and the west half of Lot 9 and one (1) building site consisting of Lot 10 and the east half of Lot 9 with the remaining east 15 feet of Lot 7 to be included as a part of the property to the west legally described as the east 25 feet of Lot 6 and Lot 7 less east 15 feet, Block 25, Coral Gables Section "B" (734 Navarre Avenue); including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. This is a quasi-judicial item. In addition -- and it's a public hearing. One other thing, in the proposed item, I would like to add that there should be a restrictive covenant imposing the conditions of approval. That's not in the item, but typically when there's conditions of approval, that's by

restrictive covenant, so that's in the -- that will now be placed into the proposed ordinance by interlineation.

Commissioner Slesnick: Mr. City Attorney, I would just like to say for the record that my son owns the property right across the street from this, but I have no financial interest in any of the properties on that street.

City Attorney Leen: Thank you.

Mayor Cason: Ramon.

Planning and Zoning Director Trias: Thank you, Mayor. If I could have the PowerPoint, please. Very briefly, I will describe the application to you. The property is, as you can see, three platted lots plus a sliver of the lot next to it, right in an area that is developed in a very typical way for Coral Gables. The neighborhood is fully built out, like many neighborhoods in Coral Gables. It's fairly typical of the historic and other areas of the city. The request is to separate the lot. And the diagram that I'm showing I think that describes it more clearly is probably this one. It gives you a good sense of the two parcels. The yellow and the blue are the two parcels, plus the sliver of land that will go to the parcel next to it. This is the way that looks in context, to give you a sense of the scale and the general area. The neighborhood is single-family houses, as you can see, mostly fronting the street in a fairly...

Commissioner Lago: Ramon, may I ask you a quick question? I'm sorry...

Planning and Zoning Director Trias: Yes.

Commissioner Lago: To interrupt you. I apologize. Will you be addressing the sliver of land that's -- in the future in reference to your presentation or should I ask you a question now in regards to that?

Planning and Zoning Director Trias: I will, but if you ...

Commissioner Lago: Okay, no, no. I'll wait until after. That's it.

Planning and Zoning Director Trias: Yeah. I'm trying to go through it.

Commissioner Lago: I just didn't know if it was an easement or not. I just wanted to just get some answers.

Planning and Zoning Director Trias: Yeah. And the applicant will explain it better because that's part of their transaction that they're proposing. The zoning and the land use is single-family. There's nothing unusual about it. Then the proposed site plan was included in your packets and it's two houses. I think that there was an attempt to preserve some of the trees that are in the property and also there was an attempt to try to design the massing in such a way to de-emphasize the parking garage door and emphasize the entrances. As you can see, similar houses, but still differently designed. The review timeline, as you all know, includes many steps. The DRC Committee was in November. Then there was a neighborhood meeting, which is required, in May. Then there was a Planning and Zoning Board in July. Then the City Commission today and there will be a second reading to be determined in the future. Public notifications. As you know, we notify the neighbors. We do a courtesy mail-out within a thousand feet of the property. The property was also posted. There was a legal advertisement published. And of course, the item was published on the agenda and City Hall. The one thousand feet, as you can see, it basically notifies most of the neighbors that would have anything to say about this issue. The site plan information is that the frontage is 150 feet currently, so the two sites will be 75 feet wide, and the depth is 112 feet and six inches. So, each lot will be 8,400 feet approximately when they're finally separated, if the request is approved. The criteria, as you know, we have spent a lot of time refining and improving the criteria, and I think that generally the criteria should be interpreted in the bigger picture whether the project makes sense, whether the request

makes sense. The criteria should be looked at from that point of view. And we -- even though it was submitted under the previous criteria, we still reviewed it under the current criteria and we determined that it complies. And some detail, you can see that, for example, that the building sites created would be -- would have a lot area equal or larger than the majority of the existing building sites of the same zoning designation within a minimum of one thousand feet. And the request satisfies that criterion. Then another criterion is that exceptional or unusual circumstances exists, and the fact that that sliver of land and the way that the land was configured it was determined to be exceptional, so it's also satisfied. Whether the proposed building sites maintain or preserve the open space and promote neighborhood compatibility, and we believe that that is also satisfied. And that the application satisfies three of the following four criteria; that the frontage will be equal or larger than the existing building sites within one thousand feet and that criterion is satisfied.

Commissioner Lago: Can you go back to that for a second?

Planning and Zoning Director Trias: Yes, of course.

Commissioner Lago: I just want to make sure so our viewers understand what you've put before the in reference to this PowerPoint presentation. You're basically explaining here that the frontage is -- that there's about 250 building sites that have between zero and seventy-five feet of frontage, and that that is predominantly, obviously, the overwhelming...

Planning and Zoning Director Trias: Seventy-four percent of the sites are narrower. They're smaller in width, 74 percent. So, clearly, that criterion is satisfied. These are larger -- the outcome -- the final outcome, the proposed request results in wider and larger lots.

Commissioner Lago: Okay.

Planning and Zoning Director Trias: That the building sites would not result in any existing structures becoming nonconforming. That criterion was satisfied also. And that the restricted covenants and encroachments prevent the separation of the site. There is a restrictive covenant, but it did create some nonconformities, so we interpret it to be satisfied. Clearly, that's something that you, as a Commission, would have to determine at the end. And then finally that the owner has owned the property for ten years. That is not satisfied. That criterion is not. So, staff is recommending approval with conditions.

Commissioner Lago: So, they satisfy six out of the seven?

Mayor Cason: Three out of the four.

Planning and Zoning Director Trias: Yes.

Commissioner Lago: Three of the four. I'm sorry.

Planning and Zoning Director Trias: Yeah, three out of the four, yeah.

Commissioner Lago: Three of the four.

Planning and Zoning Director Trias: Three out of the four that have to be satisfied, which, again, it's up to you to determine whether that's the case, but that is the staff recommendation. If I could -- I still have a few slides in the PowerPoint, if you don't mind. Thank you very much. We recommend approval. Staff recommends approval. And the Planning and Zoning recommended approval 5-1, with staff recommendations for conditions. And the conditions of approval will be that all of the zoning requirements will be met without variances, that the total square footage shall be equal or less than 6,213, that the parking garages, carports and/or porte-cocheres shall be setback an additional five feet from the front façade, and the garage doors shall be divided into single bays separated by at least 18 inches, that prior to submittal to the Board of

Architects, a release of the restricted covenants on the land shall be filed; that the east 15 feet -- and this is the answer to your question -- of Lot 7 shall be deeded to the 734 Navarre Avenue site prior to the issuance of any building permit. And that the site plans and elevations of the residences shall be made part of the approval, the ones that were submitted, if you believe that they're sufficiently developed and attractive enough; and that a bond shall be required to ensure the timely removal of any non-conformities as a result of the building separation approval. That is the end of my presentation. I believe the applicant has a presentation.

Mayor Cason: Mario.

Mario Garcia-Serra: Good morning, Mr. Mayor, Commissioners. Mario Garcia-Serra, with offices at 600 Brickell Avenue, representing 728 Navarre, LLC, which is the owner of this property indicated in the aerial photograph. I'm joined today by Alejandro (INAUDIBLE), my client and the principal of 728 Navarre, LLC, as well as Marshall Bellin, our project architect. What my client is proposing to do here is very straight forward in that he is looking to divide what is for the neighborhood a very large lot in half, which will result in two new lots, which will still be very large for the area. The two new 8,500 square foot lots will still be larger than 65 percent of all other lots within 1,000 feet, and will still be wider than 75 percent of all other lots within 1,000 feet. I have some exhibits here which illustrate that point even further. Okay, the subject property's in the middle of the exhibit right here, Parcel 327. It's about 16,000 square feet in size, a little bit over, actually, almost 17,000 square feet in size. Once it is split in half, it will be about 8,500 square feet, each lot. And you'll see that 65 percent of the lots within a thousand foot radius, the ones that are shaded in blue, are smaller than those new lots that are going to be created.

Commissioner Keon: Where is the lot on there that you're talking about?

Mr. Garcia-Serra: Where's the lot in particular?

Commissioner Keon: Yeah, where is the lot?

Mr. Garcia-Serra: Okay.

Commissioner Keon: Which lot is it?

Commissioner Lago: Right there.

Commissioner Keon: Oh, okay.

Commissioner Lago: Double 07. That is it?

Vice Mayor Quesada: It's tough to see from this angle.

Commissioner Lago: 327, excuse me.

Mr. Garcia-Serra: Right in the middle.

Commissioner Slesnick: (INAUDIBLE) put it back so we can (INAUDIBLE)...

Vice Mayor Quesada: Yeah, the camera did a good job zooming in.

Mr. Garcia-Serra: Right there. It's this lot, 327. It's just sort of in the middle. Let's call it the bull's eye of the circle there is the subject property, 728 Navarre, which is over 16,000 square feet, proposed to be split into two lots. A similar graphic discussing frontage. It's another criteria of the Code. And once these lots are split in half, they will each have about a 75-foot frontage. That frontage is wider than 70 -- almost 75 percent of all the other properties within a thousand mile radius, with those 75 feet or smaller being represented in green, again, the vast majority. Just as important to note is that the two new homes proposed to be built will in no way



benefit in terms of increased floor area. At present, a total of 6,213 feet are permitted on this site, if you were to build just one home. And the two homes that are proposed to be built are each approximately 3,100 square feet in size. So, we're basically taking the floor area that would be permitted for one home and splitting it up into two. We are not trying to take advantage of the potential increase in FAR that would take place from the lot split. We have met with the neighbors, both as a group and individually, and everyone has been supportive of the two new homes. There's a strong desire on the part of the neighbors to see the site redeveloped with appropriately sized homes. I will pass out a petition that was signed by six of the neighbors we met with extensively. You'll note that one of the signatures on there is Tom Mooney, a long-time resident here of the City and current Director of Planning and Zoning over in the City of Miami Beach. He couldn't be here in person today, but he did send out an email and ask me to read it into the record, and I'll just do that right now. I wanted to send you a brief message in support of the above-noted lot split, which will be considered by the Coral Gables City Commission tomorrow. Unfortunately, I cannot attend tomorrow's meeting in person. The subject site is a little more than a block from my home at 601 Navarre Avenue, where I've resided since 2002. Over the years, I have seen good and bad new single-family construction in north Coral Gables. The proposed new homes for the two lots are attractive and well within the established scale, character and context of Navarre Avenue. The approval of the lot split request would ensure that two separate and appropriately-scaled homes would be built instead of an out of scale and out of context single McMansion on the existing larger-than-average site. I believe that from a planner and design standpoint, the design and development of lower-scaled single-family infill construction on smaller lots is critical to maintaining the highly successful neighborhood character of North Gables. Thanks in advance for your consideration. Coming from a neighbor, a long-time resident, probably one of the most recognized authorities in planning and zoning matters in Miami-Dade County. With that, I will pass out the petition so you guys can review it. We do have our architect here, Marshall Bellin, if you'd like for him to walk through the plans of the actual two proposed homes. We'll reserve time for rebuttal, if necessary. And then we have at least one neighbor and property owner here to speak in support. Thank you.

City Attorney Leen: Mr. Mayor, at this time, I just wanted to speak with Commissioner Slesnick. So, you have disclosed that your son owns the...

Commissioner Slesnick: Owns the property, yes.

City Attorney Leen: Property across the street.

Commissioner Slesnick: Yes, and I have a small mortgage on the house.

City Attorney Leen: Okay, the -- I've spoken with Mr. Garcia-Serra, who has no objection to your participation as a Commissioner. Is there any objection from the Commission?

Vice Mayor Quesada: No.

Commissioner Lago: No, no.

City Attorney Leen: Okay. We looked at the matter, and because it's not directly abutting the property on either side or behind, so touching the property, and because this affects a broad base of different houses in the area, we believe that you're not specially affected by this or specially benefit. Any financial interest -- I don't see how this would impact you financial in any way. Certainly, any impact would be, at most, de minimis, but I don't see any. So, at this point, you know, based on what -- that there's no objection from the Commission, no objection from Mr. Garcia-Serra, it's my opinion you can proceed...

Commissioner Slesnick: Thank you.

City Attorney Leen: To vote on the matter. I do need to ask you one question. Can you be fair?

Commissioner Slesnick: Yes.

City Attorney Leen: This is a quasi-judicial proceeding. Okay, yes. Thank you.

Mayor Cason: Marshall.

Marshall Bellin: Any questions?

Mayor Cason: Are you going to describe what your --? Do you have any presentation to make or just for questions? Anybody have any questions of Marshall? Okay. I thought maybe you had a presentation. We do have one speaker card, Enrique Garcia.

Commissioner Lago: Before we do that, if you could just give me one second. I apologize, sir. I just want to put on the record also that Marshall is my appointment to the Planning and Zoning Board. I've been looking through the minutes. I haven't gotten to the point where maybe -- where they delineate who actually voted yea or nay against this project. Did you recuse yourself on this project?

Mr. Bellin: Yes.

Commissioner Lago: Okay.

City Attorney Leen: Yes, and you did not participate in the presentation before the Board either, correct? And here, he's only here in the capacity as a witness. He can't present or advocate to you...

Commissioner Lago: Okay.

City Attorney Leen: To support this, but he can answer any questions or present the project.

Commissioner Lago: I think it's important to put it on the record just to be clear and concise. Thank you, Marshall.

Mayor Cason: Okay, Enrique Garcia.

Enrique Garcia: Good morning. Enrique Garcia, 741 Navarre Avenue. I'm here. I'm affected. The property's literally across the street from my house. I live in a 1924 house. I think the street is marvelous. I moved into the Gables from Key Biscayne last fall. I have some experience in what you guys do. I served on the Council of Key Biscayne for eight years as a council member, as a Vice Mayor. I think, in Key Biscayne, we kind of dropped the ball. All of a sudden we have a whole bunch of McMansions. I mean, literally we can pass on a lot of \$3 million properties, the coffee from one window to the other through the neighborhood. And I hope -- and I know the Board here is very strict and good about it, and I'm very happy about it, that we keep our -- you know, the character of the area. I coincidentally know the group that is building these two houses -- or want to build these two houses across the street. I know them from personal relations from long back when I lived in Venezuela. It's a very, very solid group. They have done work all over the world. I think in Bogota, in Caracas, in the islands. So, this group is solid and as solid as it'll get, and what they promise, they deliver. The other thing I have seen the project in detail, and I live in a 1924 house. I really would like to keep the spirit of it. I think these two houses will do that. I mean, if we go into a single lot and we build a 6,000 square foot house, even the shade of the street will be affected. And the other major thing that it concerns a lot of my neighbors that I talked with, the most dangerous thing to have in your neighborhood is an empty lot with a chain-link fence and a green canvas covering it. School started. It's a very quiet street. I would like to see a family or two families move there as soon as possible, just for our security. I think the project has merit. I think the project, it goes with the street. And I have talked to several of my neighbors in a very informal way. They have shown no objections. And we'd like to see this project go up. Thank you.

Mayor Cason: Thank you very much. Any other speaker cards?

City Clerk Foeman: No, Mr. Mayor.

Mayor Cason: Then we'll close the public hearing.

Commissioner Lago: I'd like to just ask the City Attorney -- I was looking over the minutes and I had one of the individuals, the Chairman of the Planning and Zoning Board mention that one of the -- he felt that one of the criteria was not met, and I have a lot of respect for the Chairman. And so I wanted to kind of get your impression of -- is there any background? Can you give me a little bit further information in reference to why you felt one of the criteria was not met? Mr. -- maybe Mr. Trias can also provide some insight. Because it was pretty unanimous; it was 7-1. But for some reason, the Chairman felt that one of the criteria was not met.

City Attorney Leen: Sure. I'd like -- one moment. Mr. Trias, could you briefly speak about that?

Planning and Zoning Director Trias: And again, if you need a few moments just to kind of discuss it, I can move on to another topic that I want to bring up. Has anybody...

Commissioner Keon: I want to -- I had that question too.

Commissioner Lago: So, when you look at the property -- and I apologize, just like Commissioner Slesnick had mentioned -- and I want to put on the record I drive down the street a lot because my grandmother lives at 425 Minorca. She's been there for almost 50 years. I have no financial interest in the property, even though I wish I did. But I haven't noticed -- are there any trees on the swale in front of this property? And I ask because, as we just finished the Tree Succession Plan, I want to make sure that if we do approve this project today, that the

developer put two beautiful specimens on that -- in front of that home. Is that -- I'm asking without even...

Planning and Zoning Director Trias: I -- don't quote me on this, but I don't believe there are any trees, and that will be a good recommendation.

Commissioner Lago: Mr. Mario Garcia-Serra, could we -- would you like to have a discussion with your client in reference to -- because I know how the City works, okay, and we've done a spectacular job with the Tree Succession Plan. But there's a very good chance that if this is approved today, your client will build two beautiful homes and it'll probably take another year to plant two spectacular trees in the swale. And I would like for your client, if it's possible, he sees the value in it, that they plant those trees so that those neighbors don't have to wait another year.

Commissioner Keon: What's a spectacular tree?

(COMMENTS MADE OFF THE RECORD).

Commissioner Lago: Maybe -- again, I'm not asking for a 30-inch caliper tree. I'm talking about something, you know, four or five, six inches, something that falls in line with what we're planting now.

Planning and Zoning Director Trias: Commissioner, I would recommend maybe if Brook could provide some advice on it.

Commissioner Lago: We're flexible. We're flexible. Just plant something...

Mr. Garcia-Serra: We definitely have the commitment to...

Commissioner Lago: Have a conversation with Brook.

Commissioner Keon: I want a seedling. I'd like to see, if you're going to do it, that you designate the size of the tree that's going to be expected to go...

Planning and Zoning Director Trias: We have professional staff that is able to answer that question.

Commissioner Lago: And make sure that the swales meet our new criteria because we just -- again, this is -- you're probably not privy to this, but we have new criteria for swales, especially areas that are not receiving the necessary sunlight. So, again, I think it's a selling point for you to have a nice shade tree -- two trees or three trees or four trees, whatever is required there. So, meet with Brook, have a conversation with him, and like Commissioner Keon, let's put something that's a little bit above the minimum. I think it's beneficial for not only your sales pitch but also for the community as a whole. I have a second issue, and this deals with Mr. Iglesias. I'm going through the neighborhoods -- and we've had a discussion and I know you've been very diligent about it. If this project does get approved today, I want to make sure that there's a construction fence on site. I want to make sure that there is a green mesh which provides not only visual control but also dust control, which is the main purpose of it.

Mayor Cason: No trespassing sign.

Commissioner Lago: No trespassing sign, all the requirements that you have implemented here. I want to make sure that we're vigilant and that the developer understands. The neighbor who lives next to my grandmother, I'm on top of that property constantly and they -- and I say it openly. I call Code Enforcement on them because you're right on the sidewalk there. There's a lot of families in those neighborhoods, a lot. If the gate is open on a Sunday, if there's garbage, if the sidewalks are not kept clean, we will have Code Enforcement out there, especially in those neighborhoods. People are living in smaller lots, nine, eight, seven thousand square feet. We want to make sure -- and I'm not taking this out on you. I just want to give you -- I like for

people to tell me ahead of time before I enter, you know, some sort of agreement or some sort of business opportunity, what are the parameters so I can meet the goals. And those are two issues that I think we need to think about so that later we're not discussing trees or we're discussing what's the requirement in regards to construction.

Vice Mayor Quesada: (INAUDIBLE).

Commissioner Lago: Yeah, but it's very difficult. Again, the lots are small, so what they end up doing is they end up parking on the swales. It's very difficult. It's a very, very difficult situation.

Vice Mayor Quesada: If I can just -- are you done?

Commissioner Lago: Now, I am.

City Attorney Leen: I do have the answer to the question, but I can...

Vice Mayor Quesada: No, go ahead. Answer the question.

Commissioner Lago: Let the Vice Mayor go. He has something to say.

Commissioner Slesnick: There's a fence with green on it already and it has been since they cleared the houses.

City Manager Swanson-Rivenbark: But Commissioner Lago, your point about trees. This is first reading, so we can already come and incorporate that specific condition at second reading, if you want.

Mayor Cason: Vice Mayor.



City Attorney Leen: So, the -- oh, I'm sorry.

Vice Mayor Quesada: No, let him answer the question.

City Attorney Leen: Okay, so the Chairman, his concern was that he believed that the unusual circumstance criteria was not met. That criteria is that exception or unusual circumstances exist that are site specific, such as unusual site configuration and multiple facings which would warrant the separation or establishment of a building site. What he said in his testimony -- well, it was not testimony. What he said in his comments, was that here the reason for the unusual configuration was two platted lots and then part of a third platted lot. And what's being done here will essentially take that part of the third platted lot and restore it to its adjoining lot, so that that will be a complete and whole platted lot, and then there'll be the two other lots that are being split. He was -- so the unusual issue was that we had a nonconformity, essentially, that's being corrected through this action. He didn't believe that that was the type -- from what I take from his comments -- of unusual circumstance that this provision spoke to.

Commissioner Lago: Well, if I may, Mayor, just a quick question. I don't expect you to have this answer. Maybe Dona may have some background or Mr. Trias. But when you look at it, it looks to me like an easement. It looks to me like some sort of easement. Why would, you know, the 1920s, when all these lots were platted out, why is it that, you know, this type of tiny sliver of property was designated to be considered a lot? Was there a plan? Was there a historic plan? Mario, do you have any...

Commissioner Keon: It belonged to a (INAUDIBLE)...

Commissioner Lago: I'm just trying to figure out...

Mr. Garcia-Serra: It's a little bit more modern than that.

Commissioner Lago: It is.

Mr. Garcia-Serra: That conveyance of those 15 feet -- and let me put up a graphic to help better explain it. Okay, so we go back to the 1980s. And this property, 728 Navarre was under the same ownership as the property next door, 734 Navarre, owned by the same individual. He at that point had owned it, I think, since the '50s. Sometime in the late '80s, decides -- from the best that I can discern from what's available to us -- that he wants to give these 15 feet to this property, alright. So, he enters into a covenant, a restrictive covenant running with the land that essentially has the legal description of Lot 8, 9 and then the east 15 feet of Lot 7. So, he essentially, through that document that was signed off by the City, which in reality should not have been done at that point in time, gave these 15 feet to this property. What happens is that it then leaves 734, which is the property next door, as being nonconforming because 734 then is just part of Lot 7 and part of Lot 6. In reality, or under law, every property in Coral Gables, every building site in Coral Gables has to have at least one fully platted lot, and that's not the case at this point. At this point, 734 Navarre is just part of Lot 6 and part of Lot 7. So, what we're proposing to do is sort of to correct that issue, which we think is an unusual site configuration and give those 15 feet back to 734, which is not under -- the ownership overlaps right now -- and give them that sliver back to 734 so this is a fully conforming building site, and then create the two building sites over here. From a sort of planning perspective, it also makes sense because I have a graphic here indicating that we could potentially get approved today administratively and what we're asking for today as a part of the public hearing. Administratively, we could potentially just build on Lot 10, which would be a narrow, 50-foot lot, keep these properties as they are, which are 115 feet in width, and then leave 734 as only 60 feet in width. Instead, by giving the 15 feet back to 734 Navarre and doing the lot split here on 728 Navarre, we're going to end up with 75 foot wide lot, 75 foot wide lot, 75 foot wide lot, which from a planning perspective, I think is the preferred route to go.

Commissioner Slesnick: Mario.

Commissioner Keon: Yeah, don't take that down. Please leave that up.

Mayor Cason: You had a question? The Vice Mayor had a question first.

Commissioner Lago: I find that interesting that that happened in the '80s.

Vice Mayor Quesada: No, no, stay with this conversation.

Commissioner Slesnick: Mario, is Lot 7 -- is that the old Spanish that just sold for almost a million dollars on a 50-foot or a 45-foot lot?

Mr. Garcia-Serra: No, (INAUDIBLE).

Commissioner Slesnick: It's the other way.

Mr. Garcia-Serra: (INAUDIBLE).

Commissioner Slesnick: Okay. I have some history because I live down the street in the 1970s and I knew the previous owner for 30 years is that he owned that property and it was designated in the three different lots. And he wanted to keep it all together, so he built a garage that connected his house over -- like a two- or three-car garage over on that middle lot because he owned...

Commissioner Keon: On which lot? Tell what number you're talking about.

Commissioner Slesnick: He owned...

City Attorney Leen: Between Lot 8 and 9.

Commissioner Slesnick: It's upside down, right? So...

Mr. Garcia-Serra: No. This is the property right here.

Commissioner Slesnick: Which side's north?

Mr. Garcia-Serra: North would still be in this direction, which I believe the garage you're talking about...

Commissioner Slesnick: Oh, you're on -- okay.

Mr. Garcia-Serra: Existed around here.

Commissioner Slesnick: I don't know what the other street is, then because Navarre -- if north is up, that's the south(INAUDIBLE)...

City Attorney Leen: Oh, these are two examples.

Commissioner Keon: One is -- yeah, they're two different things.

City Attorney Leen: These are two examples of the same street.

Commissioner Slesnick: Okay.

City Attorney Leen: He's just showing two possible scenarios.

Commissioner Slesnick: Okay. He lived -- and he owned a yellow house there on the high numbers, whatever the high number was on...

Mr. Garcia-Serra: 734.

Commissioner Slesnick: Okay. And then he owned the other two properties next to the old Spanish, and he sold -- he built out onto that middle lot. So, I guess -- which lot would that be?

City Attorney Leen: Lots 8 and 9.

Commissioner Slesnick: Lot 8, 8 and 9.

City Attorney Leen: Mario, could you speak to that? Because my understanding is that that was an illegal addition.

Mr. Garcia-Serra: Well, I think the garage that we're talking about, the detached garage which you could see...

Commissioner Slesnick: He built into the middle of the next lot so that he could have -- it would be encumbered.

Mr. Garcia-Serra: Right. The previously existing garage you'll see here -- it was right here, so sort of straddled between Lots 8 and 9. The issue with the garage is that that garage today -- it's already been demolished. But that garage when it existed, it was not conforming with the Code because in the City of Coral Gables, detached garages have to be in the rear yard and this was located in a side yard facing the street.

City Attorney Leen: So, one interpretation that was done -- and my office agreed with this -- was that because the garage that's being removed is a nonconforming garage, it brings this property more into compliance with the Zoning Code under Article 6, which deals with

nonconformities, and ultimately, over time, seeks to see the removal of nonconformities. We believe that that did not prevent a lot split in this particular circumstance.

Commissioner Keon: So what you're saying, under this here where it says that there -- where we have to, you know, meet one of the criteria that there's no restrictive covenants, encroachments or whatever, right?

City Attorney Leen: Yes.

Commissioner Keon: So, you're saying that because that garage was nonconforming and was -- had been demolished some time ago, that it doesn't -- it shouldn't -- that covenant should -- it should be nullified?

City Attorney Leen: I mean, that's ultimately a determination for you whether you believe it should be nullified. My legal determination was that this was a legally sufficient application and that it could come before you because that garage which was removed is to the benefit of the City in the sense that our Code calls for the removal of nonconformities. Our Code indicates we don't want garages in that location.

Mr. Garcia-Serra: And if I could clarify just a bit, Commissioner Keon, because I think you're thinking of two issues. One of them is the restrictive covenant that encumbers the property. That same restrictive covenant was the one that created the illegal subdivision which took away the 15 feet from the neighboring property and gave it to this one and left 734 Navarre nonconforming.

Commissioner Keon: Wait a minute. Say that again.

Mr. Garcia-Serra: When they entered into these covenants for 728 Navarre and 734 Navarre that essentially conveyed this 15 feet, it left the westerly property, 734 Navarre, without a fully platted lot, and so it was -- it is, today, nonconforming. You know, it should be...

Commissioner Keon: So, how large is the lot next door then?

Mr. Garcia-Serra: The lot next door right now I can't off the top of my head tell you a total -- well, yes, I could perhaps (INAUDIBLE) -- do you know?

Commissioner Keon: Because it was that strip -- or 15 feet was then given to and tied to the lot...

Mr. Garcia-Serra: 728.

Commissioner Keon: 728, which is not in question here, right?

Mr. Garcia-Serra: No, 728 is the property we're talking about. That's the one we're proposing to split.

Commissioner Keon: What is this yellow line over here?

Mr. Garcia-Serra: These are the two new lots.

Commissioner Keon: So...

Mr. Garcia-Serra: 728 Navarre today encompasses everything that is red, blue and yellow -- excuse me, red, blue...

Commissioner Lago: Green.

Mr. Garcia-Serra: Green, blue and yellow.

Commissioner Keon: Right.

Mr. Garcia-Serra: And so, right now what we're proposing to do is to give these 15 feet back to 734 Navarre, which is the property over here, to make it conforming, have it have a fully platted lot.

Commissioner Keon: Right.

Mr. Garcia-Serra: And then with what is left, split it in half...

Commissioner Keon: Okay.

Mr. Garcia-Serra: To create two lots.

Commissioner Keon: This part that's green that you're giving back to the other lot...

Mr. Garcia-Serra: Right.

Commissioner Keon: Is -- who owns that lot?

Mr. Garcia-Serra: That right now is owned by the 728 Navarre, LLC entity, the owner of...

Commissioner Keon: Okay.

Mr. Garcia-Serra: The 728 Navarre.



Commissioner Keon: So, what was -- what is the third lot over here? What's the third lot?

Mr. Garcia-Serra: This is going to be the new lot...

Commissioner Keon: So, you're going to have three...

Mr. Garcia-Serra: That's going to be created.

Commissioner Keon: Building sites or you're going to have two building sites?

Mr. Garcia-Serra: Two building sites.

Commissioner Keon: What happens with the sliver? Where does it go?

Mr. Garcia-Serra: This sliver?

Commissioner Lago: Back left.

Commissioner Keon: Yeah.

Mayor Cason: Yeah, back left.

Mr. Garcia-Serra: It goes back to the neighboring property where it originally belonged to.

Commissioner Keon: Who -- is that a -- that's a built out lot?

Mr. Garcia-Serra: Right now they are under -- they're under permitting to build a new home on that site.

Commissioner Keon: And what was there before?

Mr. Garcia-Serra: There was a home there before that was demolished.

Commissioner Keon: There as a home there before. And how big is that lot?

Mr. Garcia-Serra: That lot is approximately...

Unidentified Speaker: Eight thousand four hundred...

Commissioner Keon: What's the width of that lot? Is it a fully platted lot?

Mr. Garcia-Serra: It's 75 once we do the 15 feet back.

Commissioner Keon: Okay, right. But it was a fully...

Mr. Garcia-Serra: Right now it is 60.

Commissioner Keon: I guess what I'm having trouble with is this condition here that you're saying that is making this a -- the condition that -- the unusual condition.

Mr. Garcia-Serra: Correct.

Commissioner Keon: The unusual condition doesn't have anything to do with the two lots you're dealing with. It has to deal with the next lot, so it's not making it unusual.

Mr. Garcia-Serra: But it is...

Commissioner Keon: How is that making it unusual?

Mr. Garcia-Serra: Well, it's an unusually configured lot because it has a sliver of another lot that was taken away improperly from the building next door and made this one nonconforming.

Commissioner Keon: It -- how could there -- that one be -- what's nonconforming?

Mr. Garcia-Serra: It's supposed to have one fully platted lot as part of the building and it doesn't.

Commissioner Keon: You're talking about that sliver?

Mr. Garcia-Serra: Yes. That sliver...

Commissioner Keon: Because that sliver then was tied to the other lot.

Mr. Garcia-Serra: Correct. It was tied to the one next door.

Commissioner Keon: And they took it from that one...

Mr. Garcia-Serra: Right.

Commissioner Keon: Because who -- somebody -- how do they own that or whatever?

Mr. Garcia-Serra: They own -- they entered into...

Commissioner Keon: He owns all the lots?

Mr. Garcia-Serra: They owned all the lots. They entered into restrictive covenants that improperly split up Lot 7.

Commissioner Keon: Well -- but it was done because there's a covenant that runs with this. Was this done...

Mr. Garcia-Serra: It -- correct.

Commissioner Keon: In '87?

Mr. Garcia-Serra: It shouldn't have been done.

Commissioner Keon: Is this the one that was done in '87?

Mr. Garcia-Serra: Right, correct.

Commissioner Keon: Okay, so who did it? The Commission?

Mr. Garcia-Serra: Previous owner signed off with the City, but not approved by the City Commission.

Commissioner Keon: But approved by the City? So, it's not -- I don't see that it's an (INAUDIBLE)...

Commissioner Slesnick: Does the neighbor next door want to buy that section or you want to keep it with the property, the main property?

Mr. Garcia-Serra: The 15 feet?

Commissioner Slesnick: Yeah.

Mr. Garcia-Serra: The 15 feet we want to give back to 734.

Commissioner Slesnick: Or sell it back to them.

Commissioner Keon: Sell it back?

Commissioner Slesnick: Are you selling it back to...

Mr. Garcia-Serra: There's overlapping ownership here, so it would be a transfer.

Commissioner Keon: I can't -- I didn't understand your answer.

Mr. Garcia-Serra: The entity that owns this has essentially the same ownership as the entity that owns this, so they would be giving this...

Commissioner Keon: Right, so you know what, this person has three lots. So, that piece...

Commissioner Slesnick: No, they have more than three lots.

Commissioner Keon: Yeah, I -- see, I don't think that meets any condition whatsoever. I don't -  
- I mean...

Mr. Garcia-Serra: It certainly is unusual, you know. And we have a situation here where...

Commissioner Keon: It's not unusual. I mean, you -- somebody decided at one time that owned those properties in the '80s -- in '87, someone decided at some point, they owned all those properties, plus the neighboring property, which I guess is the one to the east, right? It's to the east?

Mr. Garcia-Serra: Umm-hum.

Commissioner Keon: Okay, they owned all those properties. They, apparently, split off...

Mr. Garcia-Serra: Correct.

Commissioner Keon: One and when they split off the 75-foot one that was next door -- is it 75?

Mr. Garcia-Serra: This one here originally was 75 feet in width. Now it's only...

Commissioner Keon: Okay.

Mr. Garcia-Serra: Sixty.

Commissioner Lago: Now it's only 60.

Commissioner Keon: Right. So, you know what, they said, fine, that's a fully platted lot. We can sell that one off. We can do whatever. We're going to sell that off. We can split that off if it's never been built on or whatever else, but I'd like a little more room around me, so I'm going to take 15 feet over here so I have a little more space or whatever else, and I enter into a restrictive covenant that says I'm going to tie all of this together. And so, you're saying that the reason that, you know, it was nonconforming because where somebody happened to build a garage, but was the garage that was built -- was it permitted?

Mr. Garcia-Serra: No, that's not...

Commissioner Keon: Was it permitted?

Mr. Garcia-Serra: They're sort of two different issues.

City Attorney Leen: But was the -- she asked a question.

Mr. Garcia-Serra: The one important issue with the 15 feet here is that that leaves -- this should have never happened. That leaves this lot today...

Commissioner Keon: But you know what...

Mr. Garcia-Serra: As an illegal building site.

Commissioner Keon: Just like we should never split a lot, but it comes before us and we make a determination that it's appropriate and it happens. There was some body that existed, you know, prior to our time here that said that it was appropriate. They -- you know.

Commissioner Lago: It was done administratively.

Commissioner Keon: They moved it over, whether -- I don't -- you know, and I don't -- maybe we don't have the whole history. And anyway, so they moved the property lines. They made the 75-foot lot a 60-foot lot. They then gave that 15 feet to this other property so now it became a larger property. I mean, I want to know if they maybe demolished the garage at some point, but was the garage permitted? I mean, you said it's nonconforming, but we have nonconforming structures that are permitted and approved and okay. So, you know, was it a permitted -- was it permitted?

City Attorney Leen: I don't know if it was permitted. I would ask Development Services...

Commissioner Keon: I think it's important that you find out if it's permitted.

City Attorney Leen: I would ask Development Services.

Mr. Garcia-Serra: I have seen a permit for the garage. The key thing with the garage is that the criteria that's applicable says does not create a nonconformity. The nonconformity already exists by the fact that the garage does not comply -- the previously existing garage did not comply with the Code.

Commissioner Slesnick: It was just a garage. It wasn't attached to the house.

Commissioner Lago: It was just a garage, a free-standing building.

Commissioner Slesnick: And both of the structures...

Commissioner Keon: And it was into the other property. Is that right? It was in the other property.

Mr. Garcia-Serra: No, it's on the 728 site.

Commissioner Keon: It's on the 728 site?

Mr. Garcia-Serra: Yes.

Commissioner Keon: So, it doesn't go into...

Mr. Garcia-Serra: Yeah.

Commissioner Keon: The other 75 feet...

Mr. Garcia-Serra: No.



Commissioner Keon: That you're splitting off?

Mr. Garcia-Serra: No.

Commissioner Keon: So, what did the covenant tie together? Lots 8, 9 and the east 15 feet of 7. So, there was a covenant that tied those three pieces back together.

Mr. Garcia-Serra: Well, it's important to note Lot 10 is here also too, and Lot 10 was never part of the covenant. It was...

Commissioner Keon: Okay, what's 8 and 9?

Mr. Garcia-Serra: 8 and 9 are here. The boundary of 9 is this dotted line right here.

Commissioner Keon: Okay.

Mr. Garcia-Serra: Here's 9, here's 8.

Commissioner Keon: Plus the 15 feet. So, in reality, what that did is it created a -- is that -- it would be 100-foot lot? What was that? The 15 feet, plus the 100 feet, plus...

Mr. Garcia-Serra: That would be 50 -- that would be a 65-foot-wide lot from here to here.

Commissioner Keon: So, it's a 65-foot lot. So, what it created was a 60-foot lot on one side, a 65-foot lot in the middle, and what's the end lot? Another 60-foot lot; is that what that was? Or a 50-foot lot?

Mr. Garcia-Serra: Which way are you -- let's -- I need to get another graphic.

Commissioner Keon: Going west.

Mr. Garcia-Serra: Okay. Here's what we know today at 728 Navarre, alright.

Commissioner Keon: As what is the black line, yes? Oh, no, I'm sorry. It's the blue line.

Commissioner Lago: With the green.

Mr. Garcia-Serra: Right.

Commissioner Keon: Right.

City Attorney Leen: In the green.

Mr. Garcia-Serra: 8, 9, 10 and 15 feet of Lot 7.

Commissioner Keon: Right.

Mr. Garcia-Serra: What happens with 734 Navarre with the existing situation, it does not have one fully platted lot as is required under the Code. Under the Code, you have to have a fully platted lot as part of your building site, and that is not the case at 734 Navarre. It is part of Lot 7 and part of Lot 6. 728 Navarre is Lots 8 and 9 and 10 -- and with the same ownership -- and the sliver of the 15 feet that we keep on discussing. It's important to note that in the covenant it did not include Lot 10, so Lot 10 today...

Commissioner Keon: Right.

Mr. Garcia-Serra: Is its own separate building site.

Commissioner Keon: It's its own separate building site.

Mr. Garcia-Serra: Correct.

Commissioner Keon: No, I understand that.

Mr. Garcia-Serra: Correct.

Commissioner Keon: But...

Mr. Garcia-Serra: And so, what we're trying to do here is go from this situation to this situation, which was more uniform, with a 75-foot wide lot for each building site.

Commissioner Keon: I know, but -- okay, and so you're taking part of Lot 6, is that right? On Lot 6?

Mr. Garcia-Serra: Lot 6 stays as it is. Lot 7 would increase, would take those 15 feet and become one fully platted lot, so that 734...

Commissioner Keon: But there's a common ownership, then, between Lot 7, Lot 8, Lot 9 and Lot 10. Is that right?

Mr. Garcia-Serra: Today, yes.

Commissioner Keon: There's a common ownership, and so you're looking to -- I know -- I guess one, I don't think that little sliver is an unusual condition. I think it was intentionally done or whatever, and it looks like it was joined in a covenant because I'm sure someone at that time - - I don't know, but I'm going to assume that someone at that time came along and said, okay, you can do this split, but you're not doing any more splits, and so that's the split and that's why

the covenant is there. So, I don't -- it's hard for me to understand how that could meet the condition, and I really don't see how that little sliver can meet the condition either. So, because that has nothing to do with that because all you're going to do is give it back to the other Lot 7 that you're already building a house on, right? You're building a house on.

Mr. Garcia-Serra: Correct.

Commissioner Keon: So, you know, you're creating -- now, what I think is very sad is that in our neighborhoods, particularly in the more dense neighborhoods and because of the way our Code is written, our residents are so fearful when there is a larger lot comes available of what we're going to place on it because it is so out of context with what is existing. So, I think that that is a true -- a real issue for our Building Code and our Zoning Code -- or our Zoning Code, I guess, not building, but our Zoning Code that, you know, would you say to the people would you rather have, you know, a smaller house your size, you know, on 75 feet that had a little more green space around it and everything else than having to max it out? And I'm sure they'd say, yeah, we would much rather have that. But if we know they're going to build something giant, we'd rather have two homes crammed into this place.

Commissioner Lago: Could I ask you a question, Mario?

Commissioner Keon: So, I don't think you meet the -- in my mind, I don't think you meet the condition. So, I can't support the application because I just don't think you meet the condition.

Commissioner Lago: In reference to the three lots and what Commissioner Keon was saying, what the applicant is proposing is three 75-foot lots, correct?

Mr. Garcia-Serra: Correct.

Commissioner Lago: Instead of a 61, 15 and 50.

Mr. Garcia-Serra: Correct.

Commissioner Lago: So, you have more uniformity, number one.

Mr. Garcia-Serra: Yeah.

Commissioner Lago: Number two, you told me that the two applications would be 3,100 square feet for the residential...

Mr. Garcia-Serra: Correct.

Commissioner Lago: Homes? What is permissible as per the Zoning Code?

Mr. Garcia-Serra: As per the Zoning Code as two separate lots or as -- if you were to split the lots and just build by what the FAR is permitted on each one, you could potentially have a total of 7,200, so that would be another thousand square feet. We have agreed that we're only going to live with the amount of floor area that's permitted today, which is 6,200 split between the two lots, 3,100 square feet.

Commissioner Lago: Which will increase the open space.

Mr. Garcia-Serra: Correct.

City Attorney Leen: You know, one thing that's interesting is you're ultimately not changing the amount of lots...

Commissioner Lago: No.

City Attorney Leen: Because either way there's three. It's really -- even though you're using the lot split ordinance, it's really a reconfiguration of the size of the lots.

Commissioner Lago: And that's what I -- and that's -- I'm happy you brought that up, Craig, because I want people to be aware that it's not like you're adding an additional lot, you know. It's going to remain three lots. It's just it's being reconfigured in regards to the dimensions of the lot. It's actually a less -- you know, you're not looking at the McMansion style opportunity which you could have if you have a 115-foot frontage lot.

Commissioner Slesnick: Commissioner Lago, I just want to point out we're talking most of the lots on that street are 50- or 60-foot lots, like 18 of the lots are. And the lot just to the east of that -- you asked about property values in Coral Gables -- the two-story old Spanish 1920s house on a 55-foot lot just sold for just under a million on a 50-foot lot. So, these houses, even though they could build a lot more, these are going to be multimillion dollar homes because they're on larger lots and smaller than what they could build there. And I agree with Commissioner Keon. I don't like to see McMansions, but these are going to be very expensive homes in a less expensive neighborhood, which is always a little bit difficult if you're speculating, but that's what's happening in the Gables and developers are able to sell houses even next to Le Jeune Road for well over two million, so that's what's happening in the neighborhoods.

Commissioner Lago: Let me ask you, just touching on your expertise, would you prefer to see a 115-foot frontage lot or would you prefer to see 75, 75 and 75?

Commissioner Slesnick: I think it's more in keeping of the neighborhood to split the lots into two and let somebody build a smaller than allowed house so...

Commissioner Lago: So with...

Mayor Cason: 75, 75, 75.

Commissioner Lago: With more green space...

Commissioner Slesnick: I agree with the presentation.

Commissioner Lago: With more green space...

Commissioner Slesnick: With more green space.

Commissioner Lago: More green space.

Commissioner Slesnick: More trees.

Commissioner Lago: I'm asking you because, I mean, you're in the trenches. You're dealing with this every day.

Commissioner Slesnick: And there's big trees in the back of this property -- or there used to be -  
- so they're building around the trees, are you not?

Mr. Garcia-Serra: You'll notice on the site plans we actually designed the house...

Commissioner Slesnick: Yeah.

Mr. Garcia-Serra: Around the trees.

Commissioner Slesnick: So -- and I've seen the lots vacant for months now, but the trees are still there. So, if they can build something around there, I mean, I think that's the best application for this neighborhood.

Mayor Cason: And I agree. I think with -- you've got the neighbors in favor of it. You've got the Planning expert from Miami Beach that lives there that's in favor of it. I think 75, 75, 75, smaller homes...

Commissioner Lago: And I don't think...

Mayor Cason: And (INAUDIBLE)...

Commissioner Lago: And I'm sorry to interrupt you, Mayor. But I don't think -- this is my opinion. I don't think there's lot -- you're not really splitting a lot here.

Mayor Cason: No, you're rejiggering them.

Commissioner Lago: Yeah, you're not. This is my opinion. I mean, you're correcting an error of the Zoning Code. You have a 15-foot frontage sliver of land that, for some reason, nobody can figure out how in the 1980s was approved.

Commissioner Keon: But it came with a covenant, so I'm going to tell you, somebody did. There is a covenant on that, so it went through a process. They made a decision to -- I'm going to assume it was the original owner that wanted to split off one portion of his property, and so they did it on the condition -- and they -- but the lot was big enough that he wanted to take some of it over so he had a bigger parcel on this side because they were living there at that time and for whatever reason. But we don't have a real accurate record, but you know...

City Attorney Leen: Why don't we determine that...

Commissioner Lago: But let me...

City Attorney Leen: We can get that information for you for second reading.



Commissioner Slesnick: Okay, for second reading.

Mayor Cason: This is on first reading.

Commissioner Keon: I would like the whole history on that lot and...

Commissioner Lago: But that was...

Commissioner Keon: And want to know who -- I want to know...

Commissioner Slesnick: And there...

Commissioner Keon: Where it was done and why this covenant is on there.

Commissioner Lago: But if you go back to the meeting minutes when Mr. Trias was beginning his presentation, my first question was, how did this happen? Okay, because it had to come to the Commission and had to be administratively approved because we just...

Commissioner Keon: And we don't know that.

Commissioner Lago: And you could tell me it's an easement for utility lines. Mr. Iglesias can tell you, okay, this is why things were done, you know. The County required a utility line easement. Give me a reason. Why is it there? We don't have an answer. So, let's find out between first and second reading, like Commissioner Keon says, because I have an interest in really kind of putting it to rest.

Commissioner Slesnick: And this is taking three lots and making it into two, as versus taking three lots and making it into three.

Commissioner Lago: Yes.

Commissioner Slesnick: So, there's more open space. I move that we accept this application.

Mayor Cason: Okay, so we have a motion...

City Attorney Leen: On first reading.

Commissioner Keon: Well, wait a minute.

Commissioner Slesnick: On first reading.

Vice Mayor Quesada: Well, we'll move it for discussion.

Commissioner Keon: And I have more things I want to talk about, so I'm not ready to vote on anything yet.

Vice Mayor Quesada: Yeah, no, no.

Commissioner Lago: Take your time.

Vice Mayor Quesada: I just have a few comments. A few comments, not terribly long.

Commissioner Keon: Are these supposed to be -- are these like conceptual renderings of your house or is this what you're going to build?

Mr. Garcia-Serra: No, ultimately, they'll be more elaborated, of course.

Vice Mayor Quesada: But before (INAUDIBLE)...

Commissioner Keon: You know what, I'll tell you one of my biggest problems I have. When you start splitting up lots and they're done as spec homes, it's not done custom home for an individual. They are spec homes. These two homes look like A and B model of some suburb, somebody's development. These model -- these homes are one has a little curve here, one is straight. One has a roof that goes this way; the other one has a roof that goes this way. These essentially look like the same house. I'm going to tell you, I will -- if this goes through, I will ask for you -- and I would hope that everyone on this Commission would ask that there be absolutely no resemblance of one home to another, none, because we don't live in a suburb that is whatever. And I don't -- you may have three lots, but part of the beauty of this city is that when it was platted into 50-foot lots, it allowed people to buy as many 50-foot lots as they chose. So, you see throughout the City that some -- you'll go down a street and there may be a 50-foot, there may be then a 100-foot. There may be 75 feet or whatever else because people bought what they could afford to buy. And so it is a nice look. I think it's a very nice look when you go down the street and you see varying sizes, you know, as opposed to, you know, a development, you know, where Lennar splits up and gives you, you know, a certain section of land and every house is put on that piece of property and, you know, you get, you know, a door that goes this way or you get a door that goes that way.

Commissioner Slesnick: Commissioner Keon.

Mayor Cason: Alright, if we approve this, we're not approving the design of the homes?

City Attorney Leen: No. It's on first reading. Any of these conditions...

Mayor Cason: That's a separate issue.

City Attorney Leen: You could impose them now or you could impose them for second reading.

Commissioner Slesnick: Well, Commissioner Keon, are you thinking that there should be three homes there?

Commissioner Keon: Well, no. I don't...

Commissioner Slesnick: Or you're just oppose the...

Commissioner Keon: I really want to know what the history of the prior one was.

Commissioner Slesnick: Okay.

Commissioner Keon: Because my feeling and what we had seen before over and over again is that people came before us, an original owner came before us, had an opportunity to sell off a lot that had not been developed at all, a 50-foot lot next to their home that at one time they bought it. They really don't need it. They could use the income for whatever reason, and for whatever personal reason -- and it's not my concern. I don't care why they would sell it, but they could. It was not built on, it wasn't unified. It wasn't tied to the site. There was no reason for it, and they were able to do it. So, they were given -- they were granted that, but then there was a condition placed on it, and the condition is a covenant that, you know, then ties the lot together. Then you come back -- what is this, 20 years later, and you say, oh, we'd like to talk about this again. So...

Mr. Garcia-Serra: Because it's an illegal nonconformity, which I think it is important to point out.

Commissioner Keon: But you know, we don't know that because obviously someone did it. And by their doing it, it approved it because there's a covenant there, whether it's illegally or nonconforming or whatever, there is a covenant that ties them together. So, it's not -- somebody

did it, somebody looked at it. Somebody approved it; somebody recorded the covenant in the City Attorney's Office. It was a process and we don't have that history and we don't know, and we don't know why.

Mayor Cason: Well, whatever...

Commissioner Keon: So...

Mayor Cason: We can find that out between now and the second reading, as well as the discussion of what kind of homes go there, whether the same is presented or something else.

Commissioner Slesnick: The houses are pretty similar. I agree with Commissioner Keon, but there's no landscaping on those plans either, so...

Commissioner Keon: It doesn't have anything to do with it.

Commissioner Slesnick: Yeah, I know.

Commissioner Keon: Our Code is...

Commissioner Slesnick: But they are very similar.

Commissioner Keon: Our Code talks about design. It doesn't talk about what happens when you put the landscaping in. It says what happens when you're build.

Mr. Garcia-Serra: And on that point, we're aware that the Code requires that each house be distinct, and we definitely are committed to having two different homes on each site.

Commissioner Keon: Right. And I will tell you what you're -- you know, this 15-foot that you're talking about giving to 7 doesn't create an unusual condition for 8 and 9 that you are looking to combine with 8, 9 and 10. That has -- in no way.

Mayor Cason: Alright, let's...

Commissioner Keon: So, I don't think...

Mayor Cason: I think you...

Commissioner Keon: You meet the conditions.

Mayor Cason: Okay, I think you -- we understand your position. You have something to say on...

Vice Mayor Quesada: Yeah. I just -- my biggest issue was with Section 3-206(f)(3), which is the condition related to maintaining its preserved open space, specimen trees, neighborhood -- more of the neighborhood compatibility. I was shocked to see in the report -- and I believe Mr. Trias also put it up on the screen that 74, 75 percent of the homes were less than 75 feet frontage. I was just -- I was surprised by that. You know, my concern is having too many homes right next to each other making it seem that cookie-cutter aspect. So, I'm leaning to not approve it for failure to satisfy that provision. But for purposes of first reading, I mean, I think it may be something that we can -- something that could be remedied by second reading. I'd like to see some changes with regard to that. I don't want to have that feeling in that neighborhood that it's a whole bunch of small, little houses right next to each other. Again, I was surprised that 74 or 75 percent...

Commissioner Keon: Right.

Vice Mayor Quesada: Were that. So, I think my comments are, I guess, somewhat in line with what Commissioner Keon's. I think if you can address that as far as removing the cookie-cutter aspect to it, I think it would resolve my concerns as far as the neighborhood compatibility. Maintaining the property values, what I heard Commissioner Slesnick say, was compelling for me. But that's just -- that's where I'm at. So with that, I will make a motion to...

Mayor Cason: First of all, we have to close the public hearing...

Vice Mayor Quesada: Okay.

Mayor Cason: If there are no more cards. So, we'll close the public hearing. We had a motion by Commissioner Slesnick. Do we have a second?

Vice Mayor Quesada: Second.

Mayor Cason: Vice Mayor seconds. City Clerk.

City Attorney Leen: Could we just repeat the motion because of the time lapse? What was the motion?

Commissioner Slesnick: I move to approve the applicant's application.

City Attorney Leen: On first reading.

Commissioner Slesnick: On first reading.

City Attorney Leen: And there was a...

Mayor Cason: Okay, and we had a...

Vice Mayor Quesada: Second.

Mayor Cason: Second by the Vice Mayor. City Clerk.

Commissioner Slesnick: Yes.

Commissioner Keon: You know, I'll say yes because it's first reading, but I will retain every one of those concerns for second reading.

Mayor Cason: We'll come back.

Commissioner Lago: I'll say yes, but I also want to be clear and support I think what everybody on this dais has said in reference to getting rid of the cookie-cutter aspect to the project.

Vice Mayor Quesada: Yes.

Mayor Cason: Yes.

(Vote: 5-0)

Mr. Garcia-Serra: Thank you very much.

Vice Mayor Quesada: Thank you.

Mr. Garcia-Serra: We'll be back on second reading...

Commissioner Lago: Thank you.

Mr. Garcia-Serra: And address those issues.