

**City of Coral Gables**  
**Local Planning Agency (LPA)/Planning and Zoning Board Meeting**  
**Wednesday, October 9, 2013**  
**Coral Gables City Commission Chambers**  
**405 Biltmore Way, Coral Gables, Florida**

<b>MEMBERS</b>	<b>J9</b>	<b>F13</b>	<b>M13</b>	<b>A10</b>	<b>M8</b>	<b>J12</b>	<b>J10</b>	<b>A14</b>	<b>S11</b>	<b>O9</b>	<b>APPOINTMENT</b>
	'13	'13	'13	'13	'13	'13	'13	'13	'13	'13	
<b>Eibi Aizenstat - Chair</b>	P	P	C	C	P	P	C	C	E	P	City Manager Patrick Salerno
<b>Marshall Bellin</b>	-	-	-	-	-	-	-	-	P	P	Commissioner Vince Lago
<b>Jeffrey Flanagan - Vice Chair</b>	P	P	C	C	P	P	C	C	P	P	Commissioner Pat Keon
<b>Julio Grabiell</b>	P	P	C	C	P	P	C	C	P	E	Mayor Jim Cason
<b>Maria Menendez</b>	-	-	-	-	-	-	-	-	-	P	VM William H. Kerdyk, Jr.
<b>Alberto Perez</b>	-	-	-	-	-	-	-	-	-	P	Commissioner Frank C. Quesada

DRAFT

**P = Present**  
**E = Excused**  
**C = Meeting Cancelled**  
**R = Resigned**  
**X = Term Expired**

**City Staff and Consultants:**

Ramon Trias, Director of Planning and Zoning Division  
Walter Carlson, Asst. City Planner  
Scot Bolyard, Principal Planner  
Jill Menendez, Administrative Assistant  
Cindy Birdsill, Economic Sustainability Director

**Court Reporter:**

Joan Bailey

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(See attached minutes)

1 CITY OF CORAL GABLES  
 2 LOCAL PLANNING AGENCY (LPA)  
 3 PLANNING AND ZONING BOARD MEETING  
 4 VERBATIM TRANSCRIPT  
 5 CORAL GABLES CITY HALL  
 6 405 BILTMORE WAY, COMMISSION CHAMBERS  
 7 CORAL GABLES, FLORIDA  
 8 WEDNESDAY, OCTOBER 9, 2013, COMMENCING AT 6:05 P.M.

9 Board Members Present:  
 10 Eibi Aizenstat, Chairperson  
 11 Jeffrey Flanagan, Vice-Chairperson  
 12 Marshall Bellin  
 13 Maria Alberro Menendez  
 14 Alberto Perez

15 City Staff and Consultants:  
 16 Ramon Trias, Planning & Zoning Director  
 17 Walter Carlson, Assistant City Planner  
 18 Scot Bolyard, Principal Planner  
 19 Jill Menendez, Planning Administrative Assistant  
 20 Cynthia Birdsill, Economic Sustainability Director

21 Others Participating in Proceedings:  
 22 Zeke Guilford, Esq.  
 23 On behalf of the Applicant (6009 Maggiore Street)

24 Ines Marrero, Esq.  
 25 Holland & Knight  
 On behalf of the Applicant (390 Bird Road)

26 Eduardo Carcache, P.E.  
 Sergio Pino

27 Public Speakers:  
 28 Stetson Glines  
 29 Jane Wooldridge  
 30 Joseph Portuondo  
 31 Liz Muraro  
 32 Jim Berlin  
 33 Stephanie Schmidt  
 34 Mary Lynch  
 35 Ivo Fernandez

1 CHAIRMAN AIZENSTAT: A second. Any  
 2 comments or questions?  
 3 Call the roll, please.  
 4 MS. MENENDEZ: Jeff Flanagan?  
 5 MR. FLANAGAN: Yes.  
 6 MS. MENENDEZ: Maria Menendez?  
 7 MS. ALBERRO MENENDEZ: Yes.  
 8 MS. MENENDEZ: Alberto Perez?  
 9 MR. PEREZ: Yes.  
 10 MS. MENENDEZ: Marshall Bellin?  
 11 MR. BELLIN: Yes.  
 12 MS. MENENDEZ: Eibi Aizenstat?  
 13 CHAIRMAN AIZENSTAT: Yes.  
 14 We have with us, actually, three new Board  
 15 members. At the last meeting, our Board Member  
 16 Marshall Bellin was introduced, and I'd like to  
 17 take this time right now to introduce our two  
 18 other members, that is, Maria Menendez and  
 19 Alberto Perez. Maria and Alberto --  
 20 If, Maria, you'd start --  
 21 MS. ALBERRO MENENDEZ: Sure.  
 22 CHAIRMAN AIZENSTAT: -- if you can just  
 23 tell us a little bit about yourself and your  
 24 background.  
 25 MS. ALBERRO MENENDEZ: I'll be happy to.

1  
 2 THEREUPON:  
 3 The following proceedings were had:  
 4 CHAIRMAN AIZENSTAT: Okay, Mr. Flanagan has  
 5 arrived, and I think we're ready to start.  
 6 Could you do roll call, please?  
 7 MS. MENENDEZ: Marshall Bellin?  
 8 MR. BELLIN: Here.  
 9 MS. MENENDEZ: Jeff Flanagan?  
 10 MR. FLANAGAN: Here.  
 11 MS. MENENDEZ: Julio Grabiell?  
 12 Maria Menendez?  
 13 MS. ALBERRO MENENDEZ: Here.  
 14 MS. MENENDEZ: Alberto Perez?  
 15 MR. PEREZ: Here.  
 16 MS. MENENDEZ: Eibi Aizenstat?  
 17 CHAIRMAN AIZENSTAT: Here.  
 18 The first item on the agenda, let's go  
 19 ahead and do the approval of the minutes. Is  
 20 there a motion for the approval of the  
 21 minutes --  
 22 MR. FLANAGAN: So moved.  
 23 CHAIRMAN AIZENSTAT: -- of September 11?  
 24 We've got a motion by Mr. Flanagan.  
 25 MS. ALBERRO MENENDEZ: I'll second.

1 My name is Maria Alberro Menendez. I'm a  
 2 resident of the City of Coral Gables for over  
 3 20 years. I have an undergraduate degree in  
 4 Civil Engineering and a Master's in Public  
 5 Administration. I am an Assistant City Manager  
 6 for the Village of Pinecrest. I formerly  
 7 worked for the City of Coral Gables for over 30  
 8 years, and my last 18 was as an Assistant City  
 9 Manager.  
 10 I'm super elated to be giving back to my  
 11 community. I love the City, and I'm very  
 12 honored to have been appointed by our Vice-  
 13 Mayor, William Kerdyk. Thank you.  
 14 CHAIRMAN AIZENSTAT: Thank you.  
 15 Alberto?  
 16 MR. PEREZ: Thank you. Good evening. My  
 17 name is Alberto Jose Perez. I've been a  
 18 resident of Coral Gables for the past 11 years.  
 19 I live in the Gables, I office in the Gables.  
 20 I run a firm called AJP Ventures Corporation,  
 21 that is a boutique acquisition and commercial  
 22 development firm. I have an undergrad in  
 23 Finance, an MBA in Real Estate and Finance, and  
 24 as Maria said, just honored to be serving the  
 25 community that I work in, live in, and hope to

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1 continue making it a better place.  
 2 CHAIRMAN AIZENSTAT: Thank you, and on  
 3 behalf of the Board, all three of you, welcome.  
 4 MS. ALBERRO MENENDEZ: Thank you.  
 5 MR. PEREZ: Thank you.  
 6 MR. BELLIN: Thank you.  
 7 CHAIRMAN AIZENSTAT: Okay, and second, I'd  
 8 like to actually thank -- We have two members  
 9 that were on our Board previously, which are  
 10 not on the Board anymore, and that would be  
 11 Robert Behar and Javier Salman. I'd like to  
 12 take this time, on behalf of the Board, and  
 13 actually express the gratitude for all their  
 14 service and the time that they have put into  
 15 it, because it really is a lot of work, and I  
 16 just want to thank them for that, in gratitude.  
 17 Thank you.  
 18 The next item which I'd like to bring up is  
 19 the retirement of Eric Riel, who was -- who has  
 20 been, actually, with the City of Coral Gables  
 21 for 13 years, and he has done quite a bit for  
 22 the City of Coral Gables. I remember back in  
 23 2002, he was part of the Charrette with the  
 24 University of Miami, with Maria, who's present  
 25 here. In 2005, he was part of the Mixed-Use

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1 District with the Village of Merrick Park,  
 2 along with the Zoning Code rewrite in 2007, and  
 3 in 2010, the Comp Plan, where actually he  
 4 received the Green Planning Award.  
 5 What I'd like to bring up to the Board is,  
 6 I don't know how the Board feels, but I would  
 7 be inclined to welcome Eric, maybe, to our next  
 8 meeting and maybe present him with a plaque or  
 9 something as a gratitude from this Board for  
 10 all the service that he has done to the City.  
 11 Are there any comments, or how does  
 12 everybody feel?  
 13 MR. BELLIN: I agree.  
 14 MS. ALBERRO MENENDEZ: I agree.  
 15 CHAIRMAN AIZENSTAT: Everybody?  
 16 MR. FLANAGAN: Definitely.  
 17 CHAIRMAN AIZENSTAT: Okay. Maybe, if it's  
 18 okay, Ramon, maybe if you can get in touch with  
 19 him?  
 20 MR. TRIAS: Yes, we will do that, and we'll  
 21 prepare a plaque, according to your wishes.  
 22 CHAIRMAN AIZENSTAT: Yes, that would be  
 23 nice, just for his service. Thank you.  
 24 MR. TRIAS: Sure.  
 25 CHAIRMAN AIZENSTAT: The following item,

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1 which is on the agenda, is the election of a --  
 2 the appointment of a Planning and Zoning member  
 3 by this Board, which would have to be confirmed  
 4 by the City Commission. It's on the agenda,  
 5 and what I would propose to the Board is that  
 6 we defer that to the next meeting, we go ahead  
 7 and -- I think it's imperative that all Board  
 8 Members, and I think the Code is --  
 9 MR. TRIAS: That's a requirement of the  
 10 Code, that all Members --  
 11 CHAIRMAN AIZENSTAT: That all Board Members  
 12 be here?  
 13 MR. TRIAS: Yes.  
 14 CHAIRMAN AIZENSTAT: A suggestion would be,  
 15 if any of the Board Members have somebody that  
 16 they would like to nominate, I would suggest  
 17 maybe that they go ahead and give the person's  
 18 name over to Ramon, and prior to the meeting,  
 19 maybe you can circulate, to all of us, the  
 20 names of the individuals, with a little bit  
 21 about their background and qualifications.  
 22 MR. TRIAS: Okay.  
 23 CHAIRMAN AIZENSTAT: Is that okay with  
 24 everybody?  
 25 MS. ALBERRO MENENDEZ: Yes.

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1 CHAIRMAN AIZENSTAT: Okay, perfect.  
 2 Moving right along, we have the swearing in  
 3 of interested parties. Is there anybody here  
 4 that will be speaking tonight? If so, if they  
 5 would please stand up and get sworn in.  
 6 (Thereupon, all who were to speak were duly  
 7 sworn by the court reporter.)  
 8 CHAIRMAN AIZENSTAT: Thank you, and has  
 9 everybody gone ahead and signed up with the  
 10 secretary, with Jill, to speak, and given your  
 11 name and so forth?  
 12 Jill, do you have a list of people for --  
 13 MS. MENENDEZ: No, we have no sign-ins, if  
 14 you would, thank you.  
 15 CHAIRMAN AIZENSTAT: The people that will  
 16 speak, if you would please take a minute and  
 17 sign in, that would be great. Thank you.  
 18 I'd also like to take this moment to remind  
 19 everybody to please turn off their cell phones  
 20 or turn off the ringers, and that way we can go  
 21 ahead and conduct business.  
 22 Okay. Let's wait a minute while everybody  
 23 that's going to go ahead and speak is signing  
 24 up.  
 25 Jill, can they take the sheets individually

1 back to the seats and then maybe just bring it  
2 up when they're done, and that way we won't  
3 have a line? Is that possible, that we can  
4 hand it out to everybody?

5 Okay, thank you. Let it also be noted that  
6 we don't have the City Attorney present with us  
7 tonight. Ramon, he's --

8 MR. TRIAS: He's out of town.

9 CHAIRMAN AIZENSTAT: He's out of town?

10 MR. TRIAS: Yes.

11 CHAIRMAN AIZENSTAT: Okay. Let's get  
12 started with the first item, while they're  
13 signing up.

14 The first item is an Ordinance of the City  
15 Commission of Coral Gables, Florida, requesting  
16 Conditional Use Review for a Building Site  
17 Determination, pursuant to Zoning Code Article  
18 3, "Development Review," Section 3-206,  
19 "Building Site Determination," to create two  
20 separate single-family building sites on  
21 property assigned Single-Family Residential,  
22 known as SFR zoning, which is one building site  
23 consisting of the west 73 feet of Lots 1 and 2,  
24 and the other, the west 73 feet of Lots 27 and  
25 28, on property legally described as the west

1 before I get started.

2 CHAIRMAN AIZENSTAT: If I may, just one  
3 second. Zeke?

4 MR. GUILFORD: Yeah.

5 CHAIRMAN AIZENSTAT: We had Laura that was  
6 doing the presentation. You're --

7 MR. GUILFORD: Yes, I'm stepping in for  
8 Laura. Laura is in the Mediterranean, on a  
9 cruise, enjoying herself.

10 CHAIRMAN AIZENSTAT: That's great.

11 MR. GUILFORD: And I don't know if this is  
12 a good or bad move, by the client having me  
13 instead of Laura, but I'm going to give it my  
14 best shot.

15 CHAIRMAN AIZENSTAT: He is -- I'm sure he's  
16 in very capable hands.

17 MR. GLINES: I have to say that I've worked  
18 with both of them over the years in the City,  
19 and it was a tough call as to which one to  
20 bring into this, and fortunately, I now have  
21 both of them involved, so --

22 CHAIRMAN AIZENSTAT: Thank you. If you  
23 could start off by stating your name and  
24 address, please.

25 MR. GLINES: My name is Stetson Glines. I

1 73 feet of Lots 1 and 2 and 27-28, Block 122,  
2 Riviera Section Part 10, whose street address  
3 is 6009 Maggiore Street, Coral Gables, Florida,  
4 including required conditions, providing for  
5 severability, repealer, codification, and an  
6 effective date.

7 Do we have a presentation that the  
8 applicant would like to make?

9 MR. GUILFORD: Good evening, Mr. Chairman,  
10 Members of the Board. For the record, my name  
11 is Zeke Guilford, with offices at 400  
12 University Drive. It gives me great pleasure  
13 to be here this evening, representing Stetson  
14 Glines and his wife, Jane Wooldridge. They are  
15 the contract purchasers for the property at  
16 6009 Maggiore Street.

17 What we're requesting today is, currently  
18 there is a single-family house that was built  
19 in 1923, located in the center of the property.

20 We are requesting --

21 Can you bring that up?

22 We're requesting that the building site be  
23 subdivided into two building sites. But before  
24 I begin my presentation, what I'd like to do is  
25 have Mr. Glines come up and say a few words,

1 live at 536 Hardee Road. Good evening, Members  
2 of the Board, members of the community, and  
3 neighbors.

4 I wanted just to briefly give you a little  
5 bit of background on my wife and I (sic).  
6 We've -- Both of us have lived in Coral Gables  
7 since we were married. Me, before, I studied  
8 at the University of Miami. I've been partner  
9 in three architectural planning and  
10 construction management firms, all based in  
11 Coral Gables, during my working professional  
12 years.

13 We currently reside in a historic home in  
14 the French Country Village, which we bought in  
15 1999, and completely renovated, and this  
16 subject property is two blocks away from our  
17 current home.

18 We have three boys. They're all grown up,  
19 out in their own jobs, educated, off of the  
20 payroll, and enjoying the "vida loca," and we  
21 are rattling around in this historic house and  
22 wondering what we need with 4300 square feet.  
23 And a few years ago, I noticed that Jeannette  
24 Hunt, who used to be involved with the Youth  
25 Center, was living around the corner from me,

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1 and I never knew that, but I worked with  
 2 Jeannette on a pro bono basis and we did the  
 3 master planning when I was at the Nichols  
 4 partnership, of the Youth Center, and I got to  
 5 know Jeannette.  
 6 So I stopped one afternoon when I caught  
 7 her in the front yard and said, "Listen,  
 8 Jeannette, if you ever decide to sell this  
 9 property, we live right around the corner and  
 10 we'd be very interested." She was, I think,  
 11 about 80 at the time, and she said, "The only  
 12 way I'm leaving this place is feet first."  
 13 And about a year later, I noticed that her  
 14 mailbox was overflowing, her car was gone, the  
 15 house was beginning to look rather woebegone,  
 16 and I started looking at the public record and  
 17 I found out that Jack Thomson was the trustee  
 18 for her estate, and I approached Jack. We got  
 19 the property under contract, and our intent is  
 20 to try and convince this Board and the City to  
 21 allow us to subdivide this property to build  
 22 two houses. We would like to reside in one and  
 23 sell the other, and sell our place in the  
 24 French Country Village, and stay in our  
 25 community, in our neighborhood, connected to

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1 our friends, traveling the same game paths we  
 2 do to all the things that we love to do in the  
 3 Gables, and maintain the associations that we  
 4 have in the Gables. So we're asking for the  
 5 Board's consideration.  
 6 We've spent quite a bit of time, working  
 7 with Ramon and with Walter and with other  
 8 members of the Planning and Zoning Staff, in  
 9 order to shape this proposal and make sure that  
 10 it is collaborative. We have a number of  
 11 professionals which you'll see enumerated on  
 12 the cover of the presentation binder that each  
 13 of you have (sic), and we've also engaged our  
 14 neighbors. We've had a series of meetings. We  
 15 had the obligatory meeting for neighbors within  
 16 a thousand feet, but we've also reached out to  
 17 neighbors that are closer to the site, and sat  
 18 down and presented the project to them, and  
 19 gained their support.  
 20 I think, with the exception of maybe two  
 21 faces behind me, all those folks are here  
 22 tonight that we've talked with, and, you know,  
 23 maybe they'll have an opportunity to get up and  
 24 speak, if necessary.  
 25 But again, our intent, I think, will be

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1 demonstrated by the materials we put in front  
 2 of you. We want to do something that's  
 3 sensitive in scale, in the context with the  
 4 neighborhood planning, and we want to continue  
 5 to be good neighbors and a good part of this  
 6 community.  
 7 So we would appreciate the Board's  
 8 consideration of the proposal, and certainly,  
 9 once Zeke gets through presenting the project  
 10 in more detail, we'd be happy to take any  
 11 questions you may have.  
 12 CHAIRMAN AIZENSTAT: Thank you.  
 13 MR. GLINES: Thank you.  
 14 MR. GUILFORD: Mr. Chairman, what you have  
 15 in front of you is the proposed site plan for  
 16 the two residences.  
 17 Now, we've had an opportunity to review the  
 18 Staff's recommendation. Staff -- There is a  
 19 set of six criteria, that we must meet four of  
 20 them in order to have Staff's recommendation of  
 21 approval. Staff, basically, according to their  
 22 report, states that we have met three of the  
 23 six.  
 24 What I would like to do is just take a  
 25 moment to go through two of those criteria that

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1 they say we don't meet, and explain to you our  
 2 rationale.  
 3 The first one has to do with the lot  
 4 frontage analysis. Essentially, under the City  
 5 of Coral Gables Zoning Code, basically, the  
 6 front is determined by the short end of the  
 7 platted lots. The short end of the platted  
 8 lots would, in fact, be Maggiore. Also, there  
 9 are site-specific regulations regarding this  
 10 block and these specific lots that say Maggiore  
 11 is the front. If you take that for a minute  
 12 and say, okay, using Maggiore as the frontage  
 13 of the property, it's 105 feet in width. That  
 14 is larger than 84 percent of the properties  
 15 within a thousand feet.  
 16 So, frankly, using Maggiore as the front,  
 17 we comply with that criteria. However, I know  
 18 what Staff is going to say. Staff is going to  
 19 say, "Zeke, this is only the first part of the  
 20 process. You now have to replat it, and once  
 21 you replat it, basically, the short end, the  
 22 two side streets, become the front, and  
 23 therefore, you don't meet it.  
 24 But instead of arguing and bickering about  
 25 whether, technically, today as we stand here in

1 front of you, we comply, or tomorrow we're not  
2 going to comply, I think what is really  
3 critical is that you understand the development  
4 pattern of Maggiore Street.

5 Here is the property, right here, and what  
6 you have, actually one block south, on the end  
7 cap, is exactly two houses that have the exact  
8 same 73 feet of frontage. So what we're doing  
9 is the exact thing that has already occurred.

10 And also, when you go through the lots, you'll  
11 see that each one has two houses on each one,  
12 except in two cases. In one case, which is  
13 right here, it has three, and this one has one.

14 So, in fact, by putting two houses on this,  
15 we are, in fact, compatible with the  
16 neighborhood. And in fact, I would argue with  
17 you that having one building site and one large  
18 house is not compatible with the neighborhood.

19 Now, the second criteria is actually  
20 Criteria Number 4, and what that says -- I'm  
21 going to just go ahead and -- And what that  
22 criteria says is that if the building sites are  
23 separated, there will not be an encroachment  
24 from one building site to the other. And then  
25 at the end of that criteria, it says you cannot

1 voluntarily, and that's the key word,  
2 voluntarily demolish a structure in order to  
3 comply with this regulation.

4 But what you have in front of you and in  
5 your package is a letter from a structural  
6 engineer. As I stated earlier, this house was  
7 built in 1923. It does not comply with any  
8 current Building Code regulations, and in fact,  
9 if you read the letter, this residence, the  
10 existing residence, is in a serious state of  
11 disrepair, and you heard Mr. Glines say earlier  
12 that it was an older lady, she did not have the  
13 ability to upkeep it, this house was not  
14 upkept, and in fact, the structural report says  
15 that really it's not worth saving this house,  
16 that basically you ought to tear it down.

17 So, basically, this is not a voluntary  
18 demolition. This is, in fact, an involuntary  
19 demolition, and if you consider it an  
20 involuntary demolition, then we meet that  
21 criteria.

22 Mr. Chairman, Members of the Board, we  
23 believe we meet four criteria, potentially five  
24 criteria. We clearly meet the standards.

25 Now, what Staff has provided to you in your

1 package is actually two recommendations. They  
2 provided a recommendation and an alternative  
3 recommendation. And what we are asking you to  
4 do here tonight is, go with the alternative  
5 recommendation. That recommendation is  
6 approval with conditions.

7 However, Condition Number 2, and we've met  
8 with Staff on this, it says that we will not  
9 apply for any variances regarding the property.  
10 However, we agree to that condition so long as  
11 it applies to the main or principal building.  
12 However, as designed currently, we would need a  
13 variance for the swimming pool, which is at  
14 ground level, and the only thing we're asking  
15 is -- we're not saying the Board would grant it  
16 or deny it, but what we want is the right to  
17 petition the Board of Adjustment for that  
18 variance.

19 So, if this Board feels that this  
20 application should be approved, then what we're  
21 asking you to do is to approve it and only say  
22 that there will be no variances for the main or  
23 principal building.

24 What I'd like to do is just take a second  
25 and show you just really what the elevations --

1 Again, the two houses along Maggiore, and just  
2 a different perspective.

3 Mr. Chairman, there are several people who  
4 are here, who will speak in favor of this  
5 application, but right now what I'd like to do  
6 is, all those people in favor of the  
7 application, because some of them will not  
8 speak, to please stand up.

9 So, if you are in favor of the application,  
10 please.

11 UNIDENTIFIED WOMAN: I have two people who  
12 are not present who gave me permission, if you  
13 want names, are totally in favor.

14 MR. GUILFORD: Okay, so I think, you know,  
15 this -- you know, it's very rarely that you get  
16 a situation like this, where you have a  
17 building site separation, which I think is one  
18 of the more difficult items and applications to  
19 be successful at, to get all these people here  
20 in support of this application.

21 So, Mr. Chairman, Members of the Board,  
22 that concludes my presentation. If you have  
23 any questions of myself or the contract  
24 purchasers, we're more than happy to answer  
25 them at this time.

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1 CHAIRMAN AIZENSTAT: Would the Board like  
2 to ask questions now or wait until Staff does  
3 its presentation?  
4 MS. ALBERRO MENENDEZ: I'd like to wait for  
5 Staff.  
6 CHAIRMAN AIZENSTAT: Agreed, okay.  
7 Thank you.  
8 MR. TRIAS: Mr. Chairman, thank you very  
9 much. I think Mr. Guilford has given us a very  
10 good summary of the issues. As you know, the  
11 Code and the City of Coral Gables is very  
12 strict, and that is one the challenges that we  
13 have any time we evaluate these issues. We've  
14 looked at the six criteria. We believe three  
15 were clearly met, and then our recommendation  
16 was for you to consider any testimony presented  
17 by the applicant during the meeting, in  
18 addition to what we've given you.  
19 I think that the issue of the development  
20 pattern of the street, I tend to agree with  
21 Mr. Guilford. However, when Staff prepared the  
22 report, by reading the Code strictly, the  
23 conclusion was that, yes, the dimensions,  
24 because of the way the Code defines frontages,  
25 were not large enough. However, in my

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1 professional view, it does fit within the  
2 neighborhood fairly well. So I don't have any  
3 disagreement with the testimony of  
4 Mr. Guilford, and as I said before, you have  
5 two options here, a recommendation of denial or  
6 a recommendation of approval with conditions.  
7 MS. ALBERRO MENENDEZ: I have a question,  
8 Mr. Chairman.  
9 CHAIRMAN AIZENSTAT: Yes, please.  
10 MS. ALBERRO MENENDEZ: Our Planning  
11 Director --  
12 CHAIRMAN AIZENSTAT: Yes.  
13 MS. ALBERRO MENENDEZ: How do you define a  
14 neighborhood? Because when I look at two of  
15 your criteria, one's satisfied and the other  
16 one is not, and they both refer to  
17 neighborhoods.  
18 MR. TRIAS: Right.  
19 MS. ALBERRO MENENDEZ: So, when you look at  
20 this, I guess something like this, how do you  
21 define a neighborhood? Is it like what  
22 Mr. Guilford defined, which is the front, the  
23 homes in front of this site, or is it the  
24 100-foot radius, or is it the half a mile, as  
25 it's described in the Code?

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1 MR. TRIAS: If you could show that image,  
2 because I think that the analysis was very  
3 specific.  
4 And that is the area, that is about a  
5 thousand feet in radius, that was taken into  
6 account when we calculated the neighboring  
7 properties, and then that's here in this table.  
8 In the Staff Report, it shows which ones or how  
9 many, rather, are larger or smaller than the  
10 proposed site.  
11 MS. ALBERRO MENENDEZ: Right, and in that  
12 one, it wasn't satisfied.  
13 MR. TRIAS: Right, it wasn't.  
14 MS. ALBERRO MENENDEZ: But then, when you  
15 look at Number 2 -- or, I'm sorry, that's  
16 Number 2, and then when you look at Number 5,  
17 which also makes reference to neighborhoods,  
18 that one is satisfied.  
19 So, can you share with me the difference  
20 between 2 and 5?  
21 MR. TRIAS: Well, 2 speaks specifically of  
22 the width of the lot, so it's a very clear,  
23 defined criteria. And if you take a very  
24 strict look at that, according to the  
25 definitions in the Code, then, as Mr. Guilford

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1 said, it's not satisfied.  
2 However, if you had a more general  
3 understanding of the character of the  
4 neighborhood, I tend to agree with the fact  
5 that the proposed dimensions of the split are  
6 fairly consistent with everything around there,  
7 even though they may be, from a technical point  
8 of view, slightly narrower than the majority of  
9 the site -- of the other lots. Frankly, they  
10 do fit the character of the neighborhood fairly  
11 well.  
12 CHAIRMAN AIZENSTAT: Let me suggest  
13 something, if we can. Let's get all the public  
14 comment, and that way, afterwards we can go  
15 ahead and close it --  
16 MS. ALBERRO MENENDEZ: Okay.  
17 CHAIRMAN AIZENSTAT: -- and then we can ask  
18 questions --  
19 MS. ALBERRO MENENDEZ: Sure.  
20 CHAIRMAN AIZENSTAT: -- to both the  
21 applicant and City Staff, if that's okay with  
22 everybody.  
23 MS. ALBERRO MENENDEZ: Absolutely.  
24 CHAIRMAN AIZENSTAT: Okay, great. Would  
25 you call the first person?

1 MS. MENENDEZ: Jane Wooldridge?  
 2 MS. WOOLDRIDGE: Hi. Thanks for letting us  
 3 speak here tonight. I am, with my husband, one  
 4 of your two applicants, and --  
 5 CHAIRMAN AIZENSTAT: If you could just  
 6 state your name and address.  
 7 MS. WOOLDRIDGE: Jane Wooldridge, 536  
 8 Hardee Road.  
 9 CHAIRMAN AIZENSTAT: Thank you.  
 10 MS. WOOLDRIDGE: We have been in the  
 11 neighborhood a very long time. We have thought  
 12 a lot about the next stage of our life, and as  
 13 my husband said, we really want to stay in the  
 14 neighborhood. I'm not sure I can count how  
 15 many years I've been in Coral Gables, but it's  
 16 been a lot, and we love the City, we believe in  
 17 it, and we'd like to continue to be part of it  
 18 and be good neighbors in all ways, which  
 19 includes maintaining the character of our  
 20 neighborhood, and so thank you very much for  
 21 hearing us this evening.  
 22 CHAIRMAN AIZENSTAT: Thank you.  
 23 MS. MENENDEZ: Joseph Portuondo?  
 24 MR. PORTUONDO: Good evening.  
 25 CHAIRMAN AIZENSTAT: Good evening.

1 what is there now, and I heartily approve it  
 2 for the neighborhood. I hope you all will,  
 3 too. Thanks very much.  
 4 CHAIRMAN AIZENSTAT: Thank you.  
 5 MS. MENENDEZ: Jim Berlin?  
 6 MR. BERLIN: Hi. I'm Jim Berlin. I live  
 7 at 6018 San Vicente, which is at the other end  
 8 of the block we're talking about from Maggiore.  
 9 I've lived in the Gables, in different  
 10 locations, 40 years. I support this. Like  
 11 they said, there are homes on the block on  
 12 Maggiore that are similar in construction, the  
 13 two-story.  
 14 I just have a question I wanted to address  
 15 to someone to answer for me. How,  
 16 historically, did the lot get that west 73  
 17 part, versus not being the full lots, 1, 2, 26  
 18 or whatever it is. Does anybody know how that  
 19 happens?  
 20 CHAIRMAN AIZENSTAT: Say that again?  
 21 MR. BERLIN: Why is the lot smaller than  
 22 the other lots, in terms of the depth?  
 23 MR. TRIAS: It was replatted at some point,  
 24 but I don't know exactly when.  
 25 Mr. Guilford, would you know, or perhaps

1 MR. PORTUONDO: Good evening. My name is  
 2 Joseph Portuondo. I live at 501 Hardee Road.  
 3 I've lived there for more than 20 years. It's  
 4 the first house in the Country French Village,  
 5 coming from LeJeune, on the right. I'm two  
 6 doors down from the site.  
 7 If you drive by the place and look at it,  
 8 this becomes a complete no-brainer. The house  
 9 that's there now is a complete eyesore. This  
 10 is not only a good deal for this neighborhood;  
 11 the elevations are magnificent. But what's  
 12 there now is a complete eyesore. This is a  
 13 gift to us. It's totally in character with  
 14 what's there now, and I would urge you very  
 15 much to approve the application.  
 16 CHAIRMAN AIZENSTAT: Thank you.  
 17 MS. MENENDEZ: Liz Muraro?  
 18 CHAIRMAN AIZENSTAT: If you could speak  
 19 into the microphone, please.  
 20 MS. MURARO: I'm Liz Muraro. I live at 528  
 21 Hardee Road. I hate to say this, but I've  
 22 lived in Coral Gables for 65 years. I went by  
 23 and looked at the lot that the Glines were  
 24 anticipating doing the new construction on it,  
 25 and I think it will be a vast improvement to

1 the applicant?  
 2 MR. GLINES: I'm only somewhat familiar  
 3 with the Code, but there is an exception in the  
 4 Code for the front yard setback for this  
 5 property and for the property immediately to  
 6 the south and on the same side of the street,  
 7 which is exactly the same depth, 73 feet, and  
 8 they are partially platted lots. And the  
 9 neighbors immediately to the east of both of  
 10 those block ends enjoy those other two feet in  
 11 their properties.  
 12 This house that sits on this property is a  
 13 very small cottage. I think at one time it was  
 14 a servant's cottage for somebody that actually  
 15 lived in the French Country Village, and as  
 16 Mr. Guilford pointed out, it's broken down,  
 17 it's settling, it's in the process of going  
 18 through a demolition by neglect. And I think  
 19 the site plan and our elevations indicate that  
 20 we've been successful in designing and planning  
 21 around that two feet that don't exist on this  
 22 lot, that might exist on some of the other  
 23 properties on Maggiore.  
 24 MR. BERLIN: You're saying the difference  
 25 of what the lots --

1 CHAIRMAN AIZENSTAT: If you can direct all  
 2 questions --  
 3 MR. GLINES: Well, because the other lots  
 4 are 75 feet deep. This one is 73 feet deep.  
 5 MR. BERLIN: The drawings don't indicate  
 6 those proportions.  
 7 CHAIRMAN AIZENSTAT: If you could direct  
 8 all questions to us.  
 9 MR. BERLIN: Okay.  
 10 CHAIRMAN AIZENSTAT: Thank you.  
 11 MR. BERLIN: Do you understand my question?  
 12 CHAIRMAN AIZENSTAT: Yes.  
 13 MR. BERLIN: He's talking about two  
 14 dimensions, 75 versus 73, but when you look at  
 15 the drawing, it looks like it was a hundred and  
 16 somebody got 27 feet from the other side. I  
 17 just don't know how that happened,  
 18 historically.  
 19 CHAIRMAN AIZENSTAT: That would be  
 20 something for City Staff.  
 21 MR. TRIAS: Yeah, I understand your  
 22 question, and like I said, I believe that  
 23 Merrick platted it as you said, and then it was  
 24 replatted at some point with those 20 some feet  
 25 given to the neighbor. I just don't know when,

1 and it is very compatible with their  
 2 surrounding homes, and I support the proposed  
 3 request.  
 4 CHAIRMAN AIZENSTAT: Thank you.  
 5 MS. MENENDEZ: Mary Lynch?  
 6 MS. LYNCH: I'm Mary Lynch. I live at 1020  
 7 Cotorro, in the City French Village.  
 8 Stet and Jane are in our walking group,  
 9 where there are 10 of us at six o'clock in the  
 10 morning, and we walk the Village walk, and we  
 11 walk by all the houses, go by there, and as  
 12 Stephanie said, it very much fits in with what  
 13 we see in that neighborhood. There's probably  
 14 not a street that we don't cover, five days a  
 15 week. Thank you.  
 16 CHAIRMAN AIZENSTAT: Thank you.  
 17 MS. MENENDEZ: Ivo Fernandez?  
 18 MR. FERNANDEZ: Hi. Good evening. My name  
 19 is Ivo Fernandez. I'm with Modis Architects.  
 20 We are the architects for Stetson Glines, and I  
 21 just wanted to add something. I live at 8440  
 22 Southwest 36th Street.  
 23 I just wanted to add something, real  
 24 quickly, to Mr. Guilford's presentation, is  
 25 that not only do we feel the homes -- as part

1 and I believe that's what happened. But it's  
 2 been a long time.  
 3 MR. BERLIN: Okay.  
 4 MR. TRIAS: I mean, it's nothing recent.  
 5 CHAIRMAN AIZENSTAT: Now, the property  
 6 that's directly on the same side of the street  
 7 across from it is the same 73; is that correct?  
 8 That's what it appears on the plat that we have  
 9 here that I'm looking at.  
 10 MR. TRIAS: Yes. Yes.  
 11 MR. GUILFORD: That's correct.  
 12 MR. TRIAS: That's correct.  
 13 CHAIRMAN AIZENSTAT: Okay, thank you.  
 14 Could I ask a question of you? Are you in  
 15 favor of this or against it?  
 16 MR. BERLIN: I'm in favor.  
 17 CHAIRMAN AIZENSTAT: Okay. Thank you.  
 18 The next person?  
 19 MS. MENENDEZ: Stephanie?  
 20 MS. SCHMIDT: Good evening. I'm Stephanie  
 21 Schmidt. I live at 1028 Cotorro Avenue, which  
 22 is in the French City Village, and I've lived  
 23 in Coral Gables for 50 years, in different  
 24 locations. I'm proud to say that.  
 25 I have walked by this property many times,

1 of the design and the lot split, do we feel  
 2 that the homes are sensitive to the community  
 3 and the context, but we also took into account  
 4 a fairly large oak tree that sits on the site,  
 5 and the way we kind of, you know, designed this  
 6 or master planned these two sites was really to  
 7 take advantage of that large oak tree and how  
 8 it became incorporated into, you know, part of  
 9 this overall scheme of the site, the homes and  
 10 the tree and the surroundings, and that's it.  
 11 CHAIRMAN AIZENSTAT: Thank you.  
 12 MS. MENENDEZ: We have no more speakers.  
 13 CHAIRMAN AIZENSTAT: I'm sorry?  
 14 MS. MENENDEZ: No more speakers.  
 15 CHAIRMAN AIZENSTAT: No more speakers.  
 16 At this time, I'd like to go ahead and  
 17 close to the public and open up for discussion.  
 18 Maria, I don't know if you were finished  
 19 with --  
 20 MS. ALBERRO MENENDEZ: No, I mean --  
 21 CHAIRMAN AIZENSTAT: Please continue.  
 22 MS. ALBERRO MENENDEZ: -- can you just  
 23 repeat how we define the neighborhood, just to  
 24 see how we determine one over the other? As I  
 25 understand it, you were saying that the Number

1 2, the one that has the table, was pretty much  
2 more straightforward, whereas Number 5, is it  
3 more of a judgment call?

4 MR. TRIAS: Yes.

5 MS. ALBERRO MENENDEZ: Okay.

6 MR. TRIAS: And, I mean specifically,  
7 because what happens in Number 2, the  
8 neighborhood is defined as 1,000 feet radius.  
9 In the other item, it's not defined, so it's  
10 more of an opinion that I think you, as a  
11 resident, are able to make a judgment call on  
12 what you believe is relevant, as far as  
13 affecting that site.

14 MS. ALBERRO MENENDEZ: And then I had one  
15 last question, if I may. Number 6, the one  
16 that refers to --

17 CHAIRMAN AIZENSTAT: Ownership.

18 MS. ALBERRO MENENDEZ: The ownership.

19 CHAIRMAN AIZENSTAT: Yeah.

20 MS. ALBERRO MENENDEZ: What is the purpose  
21 of that particular criteria? What are we  
22 trying to achieve with that criteria?

23 MR. TRIAS: As you know, I did not write  
24 the Code, so I cannot really speak in detail on  
25 that, but I believe that when the Code was

1 written, there was an attempt to provide some  
2 additional ability for long-term owners to be  
3 able to do this type of lot split. I believe  
4 that's the reasoning behind it. But as I said,  
5 you know, the Code is very specific, it's very  
6 strict, and it's done like that, in my opinion,  
7 deliberately, and it's a very high bar to be  
8 able to meet. And I think that was the choice  
9 of the Commission at the time when it was  
10 adopted, and I believe that the applicant has  
11 provided additional information that you should  
12 consider.

13 MS. ALBERRO MENENDEZ: But when you say  
14 it's based on long-term ownership, didn't they  
15 just purchase this lot or --

16 CHAIRMAN AIZENSTAT: Well, no, actually --  
17 That's also a question -- that's also a  
18 question that I had, because the applicant is  
19 not the current owner. So, when I read this,  
20 also, I looked at Number 6, and I didn't  
21 understand how it should be satisfied or  
22 interpreted.

23 MR. GUILFORD: I'm going to try to  
24 answer --

25 CHAIRMAN AIZENSTAT: And unfortunately, we

1 don't have the City Attorney with us here  
2 tonight.

3 MR. GUILFORD: Since the property is still  
4 in the name of the trust, we satisfy that  
5 criteria. How that criteria came about and the  
6 date that it came about, I believe that is when  
7 they actually wrote that, the lot separation  
8 ordinance, so it really became a notice issue.  
9 If you owned it before that date, then you  
10 weren't put on notice of the -- you know, that  
11 it would be one building site. After that,  
12 after that date, you then have notice of the  
13 regulation that you cannot separate your lots.  
14 You have notice of the ordinance, is what you  
15 have.

16 MS. ALBERRO MENENDEZ: But that's not  
17 consistent with what our Planning Director  
18 mentioned. He's tying to it ownership --

19 MR. GUILFORD: Right, well --

20 MS. ALBERRO MENENDEZ: -- prior.

21 MR. GUILFORD: Correct. Well, it's still  
22 owned by the person who owned it prior to that  
23 date. So, therefore, that is how that --

24 CHAIRMAN AIZENSTAT: Shouldn't the  
25 applicant, then, be the owner?

1 MR. GUILFORD: Well, actually, the owner  
2 signed the application as the owner of the  
3 property.

4 MS. ALBERRO MENENDEZ: But yet they're not  
5 the ones that are proposing to separate it.  
6 It's the new owner, or the prospective new  
7 owner.

8 MR. GUILFORD: Correct.

9 MS. ALBERRO MENENDEZ: But yet, we state  
10 here that that criteria is satisfied.

11 MR. GUILFORD: Again, it becomes a point in  
12 time, and as of right now, it is still owned by  
13 the person who owned it prior to that date, so  
14 that's how that gets -- What happens after the  
15 fact, happens after the fact, but as we sit  
16 here today, it is still owned by the person who  
17 owned it before the date in Criteria Number 6,  
18 and therefore, the criteria is, in fact, met.

19 CHAIRMAN AIZENSTAT: As a matter of an  
20 opinion or --

21 MR. GUILFORD: Well, it is. You can pull  
22 the deed on the property. It's still --

23 CHAIRMAN AIZENSTAT: No, no, no, I agree.  
24 I agree. But I'm just wondering if the  
25 applicant should not -- should not be the

1 current owner, to satisfy that criteria. I  
2 think that was the intention when it was  
3 written in. Unfortunately, you know, I wish  
4 our City Attorney was here to give us an  
5 interpretation of that.

6 MR. TRIAS: I would agree, and I think it's  
7 clear the applicant has technically met this  
8 requirement in order to meet the six criteria.  
9 That is what he has done, and you need to  
10 consider that and then make your own judgment.

11 CHAIRMAN AIZENSTAT: Thank you.

12 MR. GLINES: If I may interject, also.  
13 Jack Thomson, who is the trustee for Jeannette  
14 Hunt, did sign the application. And we did  
15 meet with Planning and Zoning officials to make  
16 sure that that criteria was met before we  
17 embarked upon making the offer we've made on  
18 this property. We do not own this property.  
19 We will not own this property if we aren't  
20 able -- aren't successful in doing this. I  
21 hope that helps to clarify.

22 CHAIRMAN AIZENSTAT: Thank you.

23 Maria, do you want to continue?

24 MS. ALBERRO MENENDEZ: No, that's it.

25 CHAIRMAN AIZENSTAT: Any other questions on

1 you.

2 MR. PORTUONDO: This is --

3 CHAIRMAN AIZENSTAT: Can you speak into the  
4 microphone, please?

5 MR. PORTUONDO: Oh, sorry.

6 CHAIRMAN AIZENSTAT: That's okay.

7 MR. PORTUONDO: I live on the corner of  
8 Hardee Road. When I first saw the house, about  
9 20 years ago, before I put an offer on it, the  
10 lot included those other two parcels. It was  
11 one title of property. The previous owner to  
12 me separated itself and divided it in half, and  
13 then that subsequent buyer divided it in half.

14 For comparison, if you go across the street  
15 on Hardee Road, this house here, that's still  
16 intact, a long lot that goes from street to  
17 street, and that's what happened here. So,  
18 quite frankly, these two kinds of lots were  
19 given permission to face Maggiore. I was here  
20 for that, and -- because they're supposed to  
21 face -- That was the big problem, because in  
22 order to subdivide this lot, they had to face  
23 Maggiore, when logically they were going to  
24 face Caligula. But this thing here, it makes  
25 no sense to have one like gigantic, spaghetti

1 the applicant? Jeff?

2 MR. FLANAGAN: I just -- I don't know if  
3 this is for Ramon or Mr. Guilford, whoever  
4 knows. What's the frontage of the property to  
5 the north, which is on the north side -- north  
6 side of Savona Street, I guess.

7 MR. GUILFORD: I believe it's 105, assuming  
8 all the blocks are equal.

9 MR. FLANAGAN: Okay. If you go one block  
10 to the south and cross the street, the one  
11 that's three parcels --

12 MR. GUILFORD: Correct.

13 MR. FLANAGAN: -- you know the frontage of  
14 the northern parcel and then of the middle  
15 parcel?

16 MR. GUILFORD: No. I would -- you know,  
17 just guessing, it looks like that's half of the  
18 lot, so you would say it's 105, it's roughly  
19 50, 50-foot lots?

20 MS. WOOLDRIDGE: (Inaudible comment from  
21 audience).

22 CHAIRMAN AIZENSTAT: It's the gentleman's  
23 property?

24 (Inaudible comments from audience)

25 MR. GUILFORD: It's actually the one behind

1 long looking house on a skinny lot. It makes  
2 more sense as the applicant requested it, to  
3 split it in half, and have each side this way,  
4 facing the side streets, and that -- Along  
5 Maggiore, you'll see --

6 MR. FLANAGAN: No, I -- Yeah, I got it.  
7 I'm just trying to do the comparison of lot  
8 frontages.

9 MR. PORTUONDO: Yeah. Along Maggiore,  
10 you'll see houses facing -- the side of the  
11 house facing Maggiore. There's lots of them  
12 like that. There's nothing unusual about the  
13 application.

14 CHAIRMAN AIZENSTAT: Thank you.

15 MR. PORTUONDO: I'm sorry if I was  
16 long-winded about that.

17 MR. FLANAGAN: No, that's -- It's helpful.

18 MR. PORTUONDO: (Inaudible).

19 MR. FLANAGAN: Ramon, do you know how -- So  
20 if those two other lots on the block between  
21 Caligula and Hardee were subsequently  
22 subdivided, was that done by a lot split?

23 MR. TRIAS: I don't know. We certainly  
24 could research that, if you --

25 CHAIRMAN AIZENSTAT: Walter, would you know

1 that answer?  
 2 MR. CARLSON: I couldn't find any history  
 3 on that being a building site separation.  
 4 CHAIRMAN AIZENSTAT: So you did look into  
 5 it?  
 6 MR. CARLSON: No, we looked up and down the  
 7 street at the frontages and the sides and then  
 8 the orientation of them, but I didn't -- I do  
 9 not recall that being -- There is another  
 10 method of building site determination where  
 11 that could have been gone through and been  
 12 determined to be a building site.  
 13 MR. FLANAGAN: Administratively, if there  
 14 weren't encroachments or a wall built or  
 15 nothing across the property line?  
 16 MR. CARLSON: Exactly.  
 17 MR. FLANAGAN: Something -- right, okay.  
 18 CHAIRMAN AIZENSTAT: Thank you.  
 19 Jeff?  
 20 MR. FLANAGAN: I'm good for now.  
 21 MR. PEREZ: Ramon, I just have a point of  
 22 clarification on the alternative  
 23 recommendation.  
 24 MR. TRIAS: Yes.  
 25 MR. PEREZ: So, when you say, on Item

1 Number 2, that no variances shall be required  
 2 or requested --  
 3 MR. TRIAS: Yes.  
 4 MR. PEREZ: -- I believe Mr. Guilford said  
 5 something about a variance that will have to  
 6 come forth regarding the pool, the swimming  
 7 pool, et cetera. I just want to shed some  
 8 clarity on that.  
 9 MR. TRIAS: Yes, and I think it has to be  
 10 clear, also, that what they are showing you  
 11 tonight --  
 12 CHAIRMAN AIZENSTAT: Is not tied in.  
 13 MR. TRIAS: Right. It's just a concept, so  
 14 it's not that they're trying to get a building  
 15 permit on this precise design.  
 16 However, Mr. Guilford, if you could just  
 17 show the pool, so it's very clear.  
 18 MR. GUILFORD: Well, actually, the variance  
 19 would be -- What the Coral Gables Code says is  
 20 that you can't have a pool closer to a street  
 21 than the main or principal building, and as you  
 22 can tell, within a couple feet, it's closer to  
 23 Maggiore than the principal building. So that  
 24 would be -- That would be the variance that we  
 25 would apply for.

1 Again, it's at grade level. You wouldn't  
 2 see it. We actually have two rows of  
 3 landscaping plus a privacy wall there. So,  
 4 again, we're -- as far as the houses are  
 5 concerned, we have no problems with the  
 6 condition that Staff has requested. We just  
 7 ask that the auxiliary structure of the  
 8 swimming pool be allowed to have the  
 9 opportunity to apply for a variance.  
 10 CHAIRMAN AIZENSTAT: Okay. Marshall?  
 11 MR. BELLIN: No, no questions.  
 12 CHAIRMAN AIZENSTAT: No questions?  
 13 To me, first, it's unusual to have  
 14 something of this nature come before our Board  
 15 without being tied to a site plan.  
 16 Zeke, as you know in the past, we have  
 17 always asked for whatever determinations or  
 18 zoning or so forth be tied to a specific site  
 19 plan. In this case, it's open. It's not.  
 20 The second issue that I have is, there is a  
 21 property that's built there. The Code does  
 22 state that if you have -- whether it's a wall  
 23 or so forth, that's built across it, then  
 24 you're not able to divide. I understand your  
 25 letter, and I understand your rationale,

1 saying, well, it's settling and it's all this,  
 2 where in reality, if the house is settling and  
 3 so forth, you can, if you wanted to, if it was  
 4 a historic building, you could save it.  
 5 (Simultaneous comments from the audience)  
 6 CHAIRMAN AIZENSTAT: Excuse me, excuse me.  
 7 You could save it. I'm not saying you want to  
 8 save that structure. I'm just telling you how  
 9 it relates to the Code.  
 10 While I agree that, for me, it's very  
 11 unusual to see so many people come here in  
 12 support of a lot split, because in the Gables,  
 13 usually people do not support lot splits.  
 14 MR. PORTUONDO: The house is an eyesore.  
 15 CHAIRMAN AIZENSTAT: And that's -- and  
 16 that, I agree. You know, it is unusual.  
 17 To me, there's also a question whether the  
 18 criteria has been met or it has not been met.  
 19 According to the Code, you would have to meet  
 20 four criteria. If I analyze the Code and the  
 21 way it's written up here, you've met maybe  
 22 three criteria. I'm not sure.  
 23 Those are just my comments on it. I like  
 24 the plan. I think the design is nice. I think  
 25 it fits on the lot. I'm not saying it does

1 not. Those are just my comments.  
 2 Any other comments?  
 3 MS. ALBERRO MENENDEZ: I just have a  
 4 general comment. You know, I was struggling  
 5 with this application, because, you know, the  
 6 whole -- the architecture, and I understand  
 7 that the other properties in the neighborhood,  
 8 you know, have those two lots and similar  
 9 homes. But this criteria, the way that it's  
 10 written here, it just doesn't meet it.  
 11 So my question to Staff is, is there a need  
 12 to look at this criteria? I mean, not  
 13 necessarily for this application, but maybe for  
 14 the future, because I think what you mentioned  
 15 to me is that you're not sure about Number 6,  
 16 because obviously you weren't here when it was  
 17 drafted. Is there a need to maybe look at  
 18 this, perhaps, for future applications,  
 19 because --  
 20 MR. TRIAS: To --  
 21 MS. ALBERRO MENENDEZ: -- if not, you're  
 22 not really going to meet any of these. You're  
 23 not going to meet at least four of them.  
 24 MR. TRIAS: Is your question whether we  
 25 should maybe look at revising the criteria? Is

1 agree with that. To me, it's just very unusual  
 2 that there is no site plan that's tied into  
 3 this.  
 4 MR. FLANAGAN: Can I ask --  
 5 CHAIRMAN AIZENSTAT: Yes.  
 6 MR. FLANAGAN: The last lot split we did  
 7 was a property on Alhambra. I know we dove  
 8 into that in tremendous detail, analyzing the  
 9 wall.  
 10 CHAIRMAN AIZENSTAT: Right.  
 11 MR. FLANAGAN: Did that have a site plan  
 12 tied to it?  
 13 CHAIRMAN AIZENSTAT: Yes.  
 14 MR. FLANAGAN: I think it did.  
 15 CHAIRMAN AIZENSTAT: Yes, right. Liz was  
 16 here at the time, the City Attorney. I  
 17 remember that, and she was commenting on the  
 18 wall. Actually, I think it was Zeke's client.  
 19 Zeke, wasn't that your client?  
 20 MR. GUILFORD: Which one?  
 21 MR. FLANAGAN: That large lot on Alhambra.  
 22 You had, I think, a historic structure that the  
 23 owners bought at an I.R.S. or Federal auction.  
 24 MR. GUILFORD: No, that was not me. I'll  
 25 tell you what. If it makes this Board, I want

1 that --  
 2 CHAIRMAN AIZENSTAT: Well, I don't know if  
 3 it would be revising or getting an actual  
 4 interpretation.  
 5 MS. ALBERRO MENENDEZ: Interpretation, just  
 6 making it a little clearer.  
 7 MR. TRIAS: Well, I think it's very -- It's  
 8 clear, but it's not useful, in the sense that  
 9 it does have some contradictions within the six  
 10 criteria. That's the way the Code is written.  
 11 If you ask for my opinion, I would agree with  
 12 you that it's something that we probably should  
 13 review and make it more useful and make it more  
 14 effective in terms of the goals of the  
 15 Comprehensive Plan, in terms of the idea of  
 16 enhancing the neighborhood and so on. Right  
 17 now, the criteria is what it is, and it's very  
 18 difficult to use, and that is why we said, if  
 19 you look at the criteria, it's not met;  
 20 however, as a Board, you need to listen to  
 21 whatever testimony is provided and then  
 22 consider everything together and make a  
 23 decision based on your judgment.  
 24 CHAIRMAN AIZENSTAT: Correct. The Board  
 25 could make a determination otherwise, and I

1 to say easier -- to feel easier about it, we  
 2 will tie an approval to this site plan. As a  
 3 matter of fact, Ms. Wooldridge and Mr. Glines  
 4 plan on living in one of the houses, so he's  
 5 already designed one of the houses already that  
 6 he plans on living in, and we'll tie the second  
 7 lot to the site plan.  
 8 CHAIRMAN AIZENSTAT: Then you would need a  
 9 variance.  
 10 MR. GUILFORD: If we built the pool the way  
 11 it is, yes. I mean, there's going to be some  
 12 give or take.  
 13 CHAIRMAN AIZENSTAT: I understand. I  
 14 understand. Thank you.  
 15 Any other comments, questions? Is there a  
 16 motion? Anybody like to make a motion?  
 17 MR. BELLIN: I'll make a motion to approve.  
 18 MR. PEREZ: I'll second it.  
 19 CHAIRMAN AIZENSTAT: We have a motion to  
 20 approve by Mr. Bellin, and seconded. Any  
 21 comments?  
 22 MR. FLANAGAN: Can I just touch on the site  
 23 plan that the applicant just offered?  
 24 Ramon, are there sufficient plans in there  
 25 that it could be tied tonight, or does it need

1 to be advertised or something and come back in  
 2 a month?  
 3 MR. TRIAS: No, I believe there's  
 4 sufficient information. There's site plans,  
 5 there's elevations, it's fully designed. I  
 6 feel comfortable that that's fine.  
 7 MR. FLANAGAN: Okay.  
 8 MR. BELLIN: Let me ask a question.  
 9 CHAIRMAN AIZENSTAT: Yes.  
 10 MR. BELLIN: I would move for approval with  
 11 the stipulation that there are no variances.  
 12 CHAIRMAN AIZENSTAT: So you're amending  
 13 your motion for approval and you'd like to put  
 14 in there that there's no --  
 15 MR. BELLIN: Yeah.  
 16 CHAIRMAN AIZENSTAT: Would you amend your  
 17 second?  
 18 MR. PEREZ: I mean, my approval stands,  
 19 inclusive of -- if, in fact, they want to seek  
 20 a variance for the pool in the front, my  
 21 approval stands the way it is.  
 22 CHAIRMAN AIZENSTAT: So we do not have a  
 23 second on Marshall's motion. Is there --  
 24 MS. ALBERRO MENENDEZ: Is it too late to  
 25 ask a question?

1 package?  
 2 MS. ALBERRO MENENDEZ: Yeah.  
 3 MR. TRIAS: I was looking at the Staff  
 4 report, I'm sorry.  
 5 MS. ALBERRO MENENDEZ: I should have said  
 6 the big package.  
 7 MR. TRIAS: Do you have that?  
 8 CHAIRMAN AIZENSTAT: Ramon, I would like to  
 9 suggest that it would be probably better for  
 10 the Board if any type of letters or appendix  
 11 are given separate.  
 12 MR. TRIAS: Yes. That was --  
 13 CHAIRMAN AIZENSTAT: Separate sheets, as  
 14 opposed to --  
 15 MR. TRIAS: That was prepared by the  
 16 applicant and we just included that.  
 17 CHAIRMAN AIZENSTAT: Right. If you could  
 18 have those separate in the packet --  
 19 MR. TRIAS: Do you have that in the file?  
 20 Because I don't have the applicant's with me.  
 21 And basically, we took what they gave us and we  
 22 forwarded that to you.  
 23 CHAIRMAN AIZENSTAT: I understand.  
 24 MR. FLANAGAN: Ramon, do you need one of  
 25 ours?

1 CHAIRMAN AIZENSTAT: Please.  
 2 MS. ALBERRO MENENDEZ: This letter from  
 3 Zoning that's in the package, dated March 15th,  
 4 signed by Martha Salazar-Blanco, can you  
 5 explain that letter a little? Is it based on  
 6 the zoning or is it the --  
 7 CHAIRMAN AIZENSTAT: Actually, I think --  
 8 Would you withdraw your motion so we can -- I  
 9 think it's better we withdraw it --  
 10 MR. BELLIN: I'll withdraw the motion.  
 11 CHAIRMAN AIZENSTAT: That way we can ask  
 12 the questions.  
 13 Go ahead, please.  
 14 MS. ALBERRO MENENDEZ: All right, thank  
 15 you.  
 16 It's towards the end of the package. I  
 17 think it's the third sheet towards the end of  
 18 the package.  
 19 MR. TRIAS: Let me find it.  
 20 MS. ALBERRO MENENDEZ: What is meant by  
 21 that last -- second-to-last paragraph in her  
 22 letter? Do you need it? I have it here. I  
 23 can pass it down.  
 24 MR. TRIAS: Yeah, thank you.  
 25 CHAIRMAN AIZENSTAT: Oh, it's in the

1 MR. TRIAS: If it's easier. I just don't  
 2 have it with me.  
 3 CHAIRMAN AIZENSTAT: Maria, would you read  
 4 that sentence, please?  
 5 MS. ALBERRO MENENDEZ: It says, "Any change  
 6 from the foregoing may only be made upon a  
 7 demonstration of a change in material facts  
 8 upon which this determination is made by the  
 9 City Commission after the matter has first been  
 10 heard at a public hearing for an establishment  
 11 of a building site before the Planning and  
 12 Zoning Board."  
 13 What is -- I mean, I'm confused as to what  
 14 this letter is --  
 15 CHAIRMAN AIZENSTAT: Is there a zoning  
 16 official --  
 17 MR. TRIAS: I believe the question is, why  
 18 was this letter included in the packet and what  
 19 does it mean --  
 20 MS. ALBERRO MENENDEZ: Right.  
 21 MR. TRIAS: -- in the application?  
 22 MS. ALBERRO MENENDEZ: Right.  
 23 MR. TRIAS: And as far as I know, it  
 24 doesn't have any relevance to the --  
 25 MS. ALBERRO MENENDEZ: It doesn't give any

1 relevance?  
 2 MR. TRIAS: Why don't you explain this.  
 3 MR. CARLSON: Maybe I can explain it.  
 4 CHAIRMAN AIZENSTAT: How does it not give  
 5 any relevance?  
 6 MR. CARLSON: Maybe I can shed a little bit  
 7 of light on it.  
 8 MS. ALBERRO MENENDEZ: Please.  
 9 MR. CARLSON: The first thing that's  
 10 required when somebody comes in and wishes to  
 11 separate a property, one building site into  
 12 two, or one property into multiple building  
 13 sites, is, we require a letter of determination  
 14 for a building site. The property goes to the  
 15 Zoning Department. They do an evaluation on  
 16 the history of the permitting, the development  
 17 of the property, the location of the setback,  
 18 structures, et cetera, and they issue a letter,  
 19 and the letter says whether or not it's one  
 20 building site or multiple building sites.  
 21 What this letter -- This letter was issued,  
 22 and it says it's one building site. This  
 23 entire property is one building site.  
 24 MR. TRIAS: Right.  
 25 MR. CARLSON: That letter says, the only

1 MR. CARLSON: Exactly.  
 2 MS. ALBERRO MENENDEZ: Did the Development  
 3 Review Committee look at this project? And how  
 4 did they -- What was their results?  
 5 MR. CARLSON: They -- This went to the DRC,  
 6 and I don't believe there were any significant  
 7 comments with that.  
 8 MS. ALBERRO MENENDEZ: So they were in  
 9 favor, per se, or --  
 10 MR. CARLSON: They don't -- They don't --  
 11 When an application comes to them, they don't  
 12 approve or --  
 13 MS. ALBERRO MENENDEZ: So there was no  
 14 comments -- I understand. So there was no  
 15 comments that caused them to --  
 16 MR. CARLSON: There was no significant  
 17 comments on the application.  
 18 MS. ALBERRO MENENDEZ: Got it.  
 19 CHAIRMAN AIZENSTAT: Thank you.  
 20 Having closed that, would you like to make  
 21 your motion again, or is there any other  
 22 motion?  
 23 MS. ALBERRO MENENDEZ: Can you repeat the  
 24 motion?  
 25 MR. BELLIN: I'd like a clarification of

1 way it can be anything other -- That paragraph  
 2 means, the only way it could be anything other  
 3 than one building site is if it goes through  
 4 this process.  
 5 CHAIRMAN AIZENSTAT: The public hearing and  
 6 in front of the Commission.  
 7 MR. CARLSON: The evaluation of the  
 8 proposal against the criteria in the Zoning  
 9 Code goes to the public hearings, the request  
 10 is heard and gets a recommendation from the  
 11 Planning and Zoning Board, and then goes to the  
 12 City Commission, and the City Commission would  
 13 be the ultimate consideration on the request.  
 14 MR. TRIAS: So the issue is that this is  
 15 not related to the request. This is the  
 16 existing condition --  
 17 MS. ALBERRO MENENDEZ: Okay.  
 18 MR. TRIAS: -- of the site.  
 19 MR. CARLSON: This triggers this process.  
 20 MS. ALBERRO MENENDEZ: Okay.  
 21 MR. CARLSON: And that's a letter we get,  
 22 saying, okay, this is the only way that these  
 23 people --  
 24 MS. ALBERRO MENENDEZ: That they can get it  
 25 approved.

1 something. A variance could be -- if we  
 2 approve this, a variance could be requested,  
 3 and the variance has to do with the setback for  
 4 the pool.  
 5 MS. ALBERRO MENENDEZ: Uh-huh.  
 6 MR. BELLIN: Personally, I think that  
 7 there's absolutely no hardship involved, to  
 8 grant the variance. If they want a bigger  
 9 pool, it's in the setback, and I think that the  
 10 property could be designed within the  
 11 parameters that the Zoning Code spells out. So  
 12 I really don't believe there should be any  
 13 variances granted, so I would like to have  
 14 that --  
 15 CHAIRMAN AIZENSTAT: And the variance would  
 16 be by another Board.  
 17 MR. BELLIN: It would be by another Board,  
 18 and they have to find hardship.  
 19 CHAIRMAN AIZENSTAT: And they have to prove  
 20 a hardship. I mean, there are certain  
 21 prerequisites that they have to prove in order  
 22 to grant it.  
 23 MR. GUILFORD: The only thing we're asking,  
 24 Mr. Chairman, is the right to seek the  
 25 variance. Whatever that Board does, whether

1 they find a hardship or not, it's really --  
 2 Obviously, it's the Board of Adjustment, and  
 3 not the Planning and Zoning Board. The only  
 4 thing we're asking is to seek it, and it's  
 5 actually not for the setback, Marshall. It's  
 6 actually to have it closer to the street than  
 7 the main or principal building. We are not  
 8 asking for a variance for a setback.  
 9 MR. GLINES: That's correct.  
 10 MR. GUILFORD: Correct.  
 11 MR. GLINES: If I could add one thing to  
 12 that. We spent a lot of time with the  
 13 landscape architects on this, and we did --  
 14 These are not what I would call full-size  
 15 pools. They're more plunge pools, spas, and  
 16 this is a pretty carefully knitted together,  
 17 integrated site plan and design that is melded  
 18 together, with several professionals involved,  
 19 and this outcome, where these pools wound up,  
 20 wasn't contrived to break through the setbacks  
 21 so we could have a bigger pool. It was done in  
 22 a way that said this is the most satisfactory,  
 23 cohesive result that we think makes sense for  
 24 this property, this architecture, this  
 25 location, this exposure, et cetera, and I think

1 CHAIRMAN AIZENSTAT: Meaning that they can  
 2 go for a variance?  
 3 MR. BELLIN: We'll let the Board of  
 4 Adjustment determine that.  
 5 CHAIRMAN AIZENSTAT: Okay, is there a  
 6 second?  
 7 MR. PEREZ: My second still stands. I  
 8 believe it's our job to make a decision  
 9 whether, you know, this could be split into two  
 10 lots. I mean, I'm of the position that the  
 11 applicant is being sensitive to the area. I  
 12 believe it complies with the neighborhood, and  
 13 whether the Board of Adjustment wants to make  
 14 the decision whether to grant a variance or  
 15 not, it's up to them, not up to us. So my  
 16 position stands. I second it.  
 17 CHAIRMAN AIZENSTAT: So, being no other  
 18 discussion -- I think we've spoken about it.  
 19 Just to be clear, then, your recommendation is  
 20 different than the Staff's recommendation?  
 21 MR. BELLIN: Yes.  
 22 CHAIRMAN AIZENSTAT: Okay. Call the --  
 23 MR. TRIAS: Just for clarification, it's to  
 24 approve with this specific site plan as a  
 25 condition?

1 we've tried to be sensitive to that. So I  
 2 would ask for the Board's forbearance in not  
 3 putting a condition on us to not be allowed to  
 4 seek a variance. We certainly understand,  
 5 we'll have to go to the Board of Adjustment and  
 6 plead our case there, but we'd appreciate it if  
 7 that were not a condition. We meet all the  
 8 other criteria from the zoning standpoint, the  
 9 principal building setbacks, their height,  
 10 their lot coverage, their floor area, et  
 11 cetera, et cetera. And we're happy to make  
 12 this site plan a part of the record. You know,  
 13 I think that there obviously will be tweaks in  
 14 this, but we will not break through any of  
 15 those hard criteria that are in the Zoning  
 16 Code, in going from this conceptual design  
 17 through a design development into construction  
 18 documents, if the Board allows us to move  
 19 forward.  
 20 CHAIRMAN AIZENSTAT: Thank you.  
 21 MR. GLINES: Thank you.  
 22 MR. BELLIN: All right, I'll make a motion  
 23 to approve, and we'll just leave it up to the  
 24 Board of Adjustment to make the determination  
 25 if that's acceptable or not.

1 CHAIRMAN AIZENSTAT: That specific site  
 2 plan as a condition.  
 3 MR. TRIAS: Okay.  
 4 MS. ALBERRO MENENDEZ: But if you're  
 5 approving -- If I may, if you're approving the  
 6 site plan, aren't you, in fact, approving the  
 7 pool? Aren't they going to have an ability to  
 8 go before the Board of Adjustment --  
 9 CHAIRMAN AIZENSTAT: Yes.  
 10 MS. ALBERRO MENENDEZ: -- and say --  
 11 CHAIRMAN AIZENSTAT: That's what they're  
 12 saying, is -- The motion that we have right now  
 13 is that they can go before the Board of  
 14 Adjustments, and it's up to the Board of  
 15 Adjustments to make its determination.  
 16 MS. ALBERRO MENENDEZ: But if we're tying  
 17 this to the lot split, aren't we, in fact,  
 18 approving the site plan as presented, which  
 19 includes the pool within setbacks?  
 20 MR. TRIAS: Yes, that is what's going on,  
 21 and it couldn't be built unless they got the  
 22 variance from the Board of Adjustment. So,  
 23 yes, those are two complications right there.  
 24 CHAIRMAN AIZENSTAT: Marshall, you can ask  
 25 that they would have to go, just to be

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1 technical, back to the Board of Adjustments and  
 2 get a variance for that pool.  
 3 MR. BELLIN: Yes, and I think that's the  
 4 standard procedure.  
 5 MR. TRIAS: And just to be clear, this  
 6 Board is not -- doesn't have the authority, the  
 7 final authority, to approve that site plan.  
 8 CHAIRMAN AIZENSTAT: I understand.  
 9 MR. TRIAS: So this is a recommendation and  
 10 other things need to take place.  
 11 CHAIRMAN AIZENSTAT: It still has to go to  
 12 the City Commission.  
 13 MS. ALBERRO MENENDEZ: Okay.  
 14 CHAIRMAN AIZENSTAT: So you are amending  
 15 it? I just want to be clear for the court  
 16 reporter.  
 17 MR. BELLIN: I'm amending it to, for  
 18 approval.  
 19 CHAIRMAN AIZENSTAT: For approval with them  
 20 going --  
 21 MR. BELLIN: To the Board of Adjustment, if  
 22 they wish.  
 23 CHAIRMAN AIZENSTAT: And you're still  
 24 seconding?  
 25 MR. PEREZ: I still second, yes.

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1 CHAIRMAN AIZENSTAT: Okay.  
 2 Call the roll, please, for a vote.  
 3 MS. MENENDEZ: Alberto Perez?  
 4 MR. PEREZ: Yes.  
 5 MS. MENENDEZ: Marshall Bellin?  
 6 MR. BELLIN: Yes.  
 7 MS. MENENDEZ: Jeff Flanagan?  
 8 MR. FLANAGAN: I don't disagree that the  
 9 single lot is a bit of an anomaly. I think the  
 10 Code is very technical, and we've always been  
 11 very technical in the analysis, and I'm not  
 12 convinced that it meets the standards that it  
 13 has to. I think you're between a bit of a rock  
 14 and a hard place. It's compatible, but you  
 15 have a technical Code requirement. So,  
 16 unfortunately, I'm voting no.  
 17 MS. MENENDEZ: Maria Menendez?  
 18 MS. ALBERRO MENENDEZ: I'm afraid I have to  
 19 take the same position. Based on the criteria  
 20 that we're reviewing, it just doesn't meet the  
 21 four, so I'm going to have to vote no.  
 22 MS. MENENDEZ: Eibi Aizenstat?  
 23 CHAIRMAN AIZENSTAT: No.  
 24 MR. GUILFORD: Thank you.  
 25 CHAIRMAN AIZENSTAT: Thank you.

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1 (Simultaneous comments from audience)  
 2 CHAIRMAN AIZENSTAT: Let's take a  
 3 five-minute recess.  
 4 (Thereupon, a recess was taken.)  
 5 CHAIRMAN AIZENSTAT: Okay, let's get  
 6 started on the next item.  
 7 CHAIRMAN AIZENSTAT: Ramon?  
 8 MR. TRIAS: Yes.  
 9 CHAIRMAN AIZENSTAT: Are we going to do --  
 10 The next item consists of three items.  
 11 MR. TRIAS: Right.  
 12 CHAIRMAN AIZENSTAT: Are we going to do all  
 13 three together, or do we need to do them  
 14 separately?  
 15 MR. TRIAS: I'd recommend to do them  
 16 together, because it's a fairly simple project;  
 17 it's just that the process appears complicated.  
 18 It's really not as complicated as it appears.  
 19 CHAIRMAN AIZENSTAT: Okay.  
 20 The next item on the agenda is an Ordinance  
 21 of the City Commission of Coral Gables,  
 22 Florida, requesting an amendment to the Future  
 23 Land Use Map of the City of Coral Gables  
 24 Comprehensive Plan, pursuant to Small Scale  
 25 amendment procedures, Statute 163.3187 of the

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1 Florida Statutes, from "no land use  
 2 classification assigned" to "Commercial Use,  
 3 Low-Rise Intensity" for an approximately .09  
 4 acre parcel of land for a drive-through bank  
 5 facility, legally described as Lot 5 and the  
 6 north 15 of Lot 6, Block 1, Industrial Section,  
 7 whose address is known as 390 Bird Road, in  
 8 Coral Gables, Florida, and providing for  
 9 severability, repealer, codification, and an  
 10 effective date.  
 11 The second item is an Ordinance of the City  
 12 Commission of Coral Gables, Florida, requesting  
 13 a change of zoning from "no zoning designation  
 14 assigned" to Commercial District C, for an  
 15 approximately .09 acre parcel of land for a  
 16 drive-through bank facility, legally described  
 17 as Lot 5 and the north 15 of Lot 6, Block 1,  
 18 Industrial Section, whose address is 390 Bird  
 19 Road, Coral Gables, Florida, and providing for  
 20 severability, repealer, codification, and an  
 21 effective date.  
 22 And finally, an Ordinance of the City  
 23 Commission of Coral Gables, Florida, requesting  
 24 conditional use with site plan review, pursuant  
 25 to Zoning Code Article 3, "Development Review,"

1 Division 4, "Conditional Uses," and Article 5,  
 2 "Development Standards," Division 1, "Accessory  
 3 Uses," Section 5-115, "Drive-throughs, walk-up  
 4 windows, and automatic teller machines," known  
 5 as ATMs, for a drive-through bank facility on  
 6 property designated Commercial District C  
 7 adjacent to a Multi-Family 1 Duplex District  
 8 known as MF1 zoned district, and legally  
 9 described as Lots 1 through 8 and 39 through  
 10 42, Block 1, Industrial Section, whose address  
 11 is 390 Bird Road, Coral Gables, Florida, and  
 12 including required conditions, and providing  
 13 for severability, repealer, codification, and  
 14 an effective date. The legal descriptions are  
 15 on file with the City of Coral Gables.

16 MS. MARRERO: Thank you.  
 17 Good evening, Mr. Chairman, Members of the  
 18 Board. For the record, my name is Ines  
 19 Marrero. I'm an attorney with offices at 701  
 20 Brickell Avenue, with the law firm of Holland &  
 21 Knight, and I'm here on behalf of the applicant  
 22 and owner, Century Laguna, LLC.

23 I'm here this evening, joined by Mr. Sergio  
 24 Pino, the principal of Century Laguna, as well  
 25 as the design team.

1 2012, and now we're getting all the approvals  
 2 in place.

3 If you look at the Staff Report, Page 5,  
 4 and you look at the zoning map, you'll see that  
 5 there is a little white square in both your  
 6 future land use map and your existing zoning  
 7 map. The property that is owned by the City  
 8 that will become part of our project in  
 9 exchange for our land is unzoned. So this is a  
 10 zoning assignment, assigning -- a zoning  
 11 designation, not a zoning change or a land use  
 12 change. It's actually an assignment, because I  
 13 think in the City's files, they deemed this  
 14 particular lot to be right-of-way, although  
 15 it's really a lot, a platted lot. So they did  
 16 not have a zoning designation.

17 So the first two requests before you  
 18 concern establishing the zoning that is  
 19 compatible with the abutting development for  
 20 that property that doesn't have any zoning. So  
 21 that would be the first two -- the first two  
 22 requests.

23 The third request concerns the site plan  
 24 and conditional use approval for the removed  
 25 drive-through teller lanes, which your Code

1 As has been read into the record, there's  
 2 three items in front of you, but it's really  
 3 just one project, and the project we're talking  
 4 about is on the corner of LeJeune -- and I  
 5 apologize, the aerial, this aerial, is facing  
 6 south, which is usually not the correct  
 7 orientation, but mentally this is how I always  
 8 think of the site. It's on the corner of  
 9 LeJeune and Bird Road, and between LeJeune and  
 10 Laguna on the south side, and the project is,  
 11 in its very essence, a very simple project. We  
 12 are looking to develop that corner, that used  
 13 to be a gas station, with a one-story retail  
 14 bank branch facility with drive-through  
 15 tellers.

16 Part of the assemblage of the property has  
 17 required that we go before the City Commission  
 18 and agree that we swap a parcel of land that is  
 19 currently owned by the City for our land, and  
 20 the City-owned land is outlined here in yellow,  
 21 and we own the property to the south in white.  
 22 So we're going to be swapping those properties.  
 23 In fact, the swap has been approved by the City  
 24 Commission. It was approved back -- a while  
 25 back, in Resolution 2012-69, March 27th of

1 requires be approved as a conditional use.

2 Just again, to clarify, let me put the site  
 3 plan up. How about that? You all have all of  
 4 these documents in the record.

5 When this project is completed, we're going  
 6 to be looking at the 1,400 square foot bank  
 7 branch building on the corner, a surface  
 8 parking lot, drive-through lanes, and then this  
 9 lot will become a City-owned property. It's  
 10 going -- Right now, it's -- It will become  
 11 parking to serve Caffè Vialto. It will  
 12 become City parking. Right now, there's nine  
 13 parking spaces there. Part of this agreement  
 14 is that we're going to pave it, improve it,  
 15 landscape it, and instead of the nine spaces  
 16 that are there, there will be 17 parking  
 17 spaces.

18 CHAIRMAN AIZENSTAT: Seventy?

19 MS. MARRERO: Seventeen, that will be owned  
 20 by the City. In addition to the parking,  
 21 there's still some on-street parking spaces on  
 22 the street.

23 So the third -- The appropriateness of the  
 24 zoning also speaks, I think, to the changing  
 25 nature of this area. For those of you -- all

1 of you who know the City, remember that this  
 2 was originally really the industrial section of  
 3 the City of Coral Gables. This is where the  
 4 equipment yard was, before Merrick Park became  
 5 really the engine for the rebirth of this area.  
 6 And as a result, this really is no longer an  
 7 industrial area for the City. There's still  
 8 some remnant, but you've seen a lot of projects  
 9 come before you, Gables Ponce, Merrick Manor,  
 10 and so as this area changes, we think that it's  
 11 appropriate to have this community-serving  
 12 retail services on that corner.

13 Just to skip over to the way the project  
 14 has been developed, in lengthy conversations  
 15 and meetings with the Planning and Zoning  
 16 Staff, it is pedestrian friendly. It sits on  
 17 the corner. We will not have any ingress or  
 18 egress on Bird Road. So, when you think of  
 19 pedestrians and the kids crossing the street  
 20 from Gables High, it's all uninterrupted  
 21 sidewalk. All of the ingress into the property  
 22 is going to be from LeJeune into the bank, from  
 23 LeJeune and from Laguna. However, from  
 24 LeJeune, it's only right-in and right-out, to  
 25 prevent anybody who's southbound on LeJeune

1 With that we have a recommendation of  
 2 approval and conditions from your Planning  
 3 Department. We concur and accept all of those.  
 4 We will be tying ourselves to this site plan.  
 5 There will be a covenant running with the land,  
 6 that will make sure that all of those  
 7 conditions are done, and we have -- like I  
 8 said, the design and engineering professionals  
 9 are here, if you have any questions, and any  
 10 other questions that the Board would have.

11 We hope to have your favorable  
 12 recommendation. Thank you.  
 13 CHAIRMAN AIZENSTAT: Thank you. Does the  
 14 City wish to make a presentation?

15 MR. TRIAS: Just to clarify the issue, the  
 16 building and the site plan are not before you.  
 17 That's not the issue. They have already been  
 18 reviewed by the Board of Architects, they're  
 19 trying to get building permits, and so on. The  
 20 issue here is very narrow and very simple, from  
 21 my point of view. It's the zoning that is  
 22 needed for the parcel of land that had no  
 23 zoning, so that's what you're taking action on,  
 24 and then the conditional use for the  
 25 drive-through.

1 from turning in.  
 2 Similarly, there is no ingress or egress  
 3 off Bird Road, so all access is from Laguna,  
 4 and if you're using -- if you're exiting the  
 5 site, you have to exit through the southernmost  
 6 driveway, again, so there's enough distance  
 7 between Bird Road. And all of those things  
 8 have been incorporated to make the project meet  
 9 the criteria of making it safe and having the  
 10 appropriateness of the drive-through lanes.

11 You know, it's interesting, the project  
 12 that preceded us had an issue with a variance.  
 13 We already needed a variance, and we went  
 14 through the Board of Adjustment and obtained  
 15 approval for a variance. The variance related  
 16 to the fact that the drive-through is close --  
 17 is an accessory use and it's located closer to  
 18 a street than the principal building, in this  
 19 case. The building is on the corner, but yet  
 20 the drive-through is closer to Laguna. And  
 21 back in December of last year, by a unanimous  
 22 vote, the Board of Adjustment approved that  
 23 variance. So we're here with a site plan that  
 24 has undergone all of the technical requirements  
 25 to appear before you.

1 CHAIRMAN AIZENSTAT: Do you have a  
 2 presentation?

3 MR. TRIAS: The recommendation is approval.  
 4 That's -- I concur with the presentation given  
 5 by the applicant.

6 CHAIRMAN AIZENSTAT: So there is no other  
 7 presentation, just a recommendation for  
 8 approval?

9 MR. TRIAS: Correct.

10 CHAIRMAN AIZENSTAT: Okay.

11 Are there any members of the audience that  
 12 wish to speak? Has anybody signed up? Would  
 13 anybody like to speak? No?

14 Okay, we're going to go ahead and close it  
 15 at this time to the audience. Are there any  
 16 comments, questions?

17 MR. FLANAGAN: Just a clarification. I  
 18 think, Ramon, did I just hear you say that the  
 19 site plan is not before us for review?

20 MR. TRIAS: That's correct, yes. However,  
 21 the site plan is exactly what they're proposing  
 22 in this case. It's going through the permit  
 23 process as we speak.

24 MR. FLANAGAN: Okay, I thought -- forget  
 25 thought, I'm reading in our packet, Item Number

1 3 is an Ordinance of the City Commission of  
2 Coral Gables, requesting conditional use with  
3 site plan review.

4 MR. TRIAS: Right, and that has to do with  
5 the drive-through, right?

6 MS. MARRERO: That's correct.

7 MR. PEREZ: With the what, I'm sorry?

8 MR. FLANAGAN: Is the site plan before us  
9 for review or is the site plan not before us  
10 for review? I'm confused.

11 MR. TRIAS: I was -- It is for review,  
12 because it's part of the conditional use.

13 MS. ALBERRO MENENDEZ: Right.

14 MR. TRIAS: Yeah, that is correct. That  
15 was a mistake on my part.

16 CHAIRMAN AIZENSTAT: So it is. Right,  
17 okay.

18 MS. ALBERRO MENENDEZ: I have a question,  
19 also. In your report, Page 26, you put, under  
20 conditions of approval, the recommendation for  
21 approval of conditional use, site plan,  
22 vacation and dedication of public alleyway for  
23 the project referred to as Chase Bank is  
24 subject to the following conditions.

25 Are we vacating and dedicating and -- I

1 When we swapped the two parcels, our new  
2 parcel will have a public easement. So, in  
3 addition to the parking, that's where the  
4 alleyway serving all of the properties on the  
5 block will be located.

6 CHAIRMAN AIZENSTAT: So, currently, there  
7 are no easements on the existing City-owned  
8 property?

9 MS. BIRDSILL: Correct.

10 CHAIRMAN AIZENSTAT: It's just a parcel of  
11 land.

12 MS. ALBERRO MENENDEZ: Right, but this  
13 land, from what I remember, was provided to the  
14 City in replacement for a portion of the  
15 north-south alley closest to Bird Road, when  
16 that was being -- In other words, this parcel  
17 of land, which was a platted lot, was given in  
18 exchange for the City vacating the north-south  
19 portion that Chase Bank is going on now.

20 MS. BIRDSILL: I haven't researched that --

21 MS. ALBERRO MENENDEZ: And it was given for  
22 the purpose --

23 MS. BIRDSILL: -- but I recall somebody  
24 saying it before.

25 MS. ALBERRO MENENDEZ: Yeah, and it was

1 mean, there it says, obviously, we're reviewing  
2 the site plan, but are we also doing those two  
3 things?

4 MR. TRIAS: Yeah, it's a land swap, and  
5 Cindy Birdsill is --

6 MS. ALBERRO MENENDEZ: No, I'm aware of  
7 that, but what I'm asking is, you're putting  
8 here that we're approving -- that your  
9 condition of approval for these items are  
10 subject to some conditions. I'm just confused.  
11 Are we also looking to -- Are we, as a Board,  
12 taking action on vacating and dedication of the  
13 public alleyway, or has that already been done  
14 by this Board?

15 MR. TRIAS: I believe that was already done  
16 by the Commission, wasn't it, Cindy?

17 MS. ALBERRO MENENDEZ: Has this gone  
18 through a vacation process, I guess, is the  
19 question.

20 MS. BIRDSILL: Actually, what's interesting  
21 is that the City parcel is not technically a  
22 right-of-way or designated as an alley. It's  
23 an actual lot that just never received zoning,  
24 and it's also not considered an official  
25 alleyway. So there's nothing to vacate.

1 provided for the purpose so that the alley, you  
2 could go in and out of the alley.

3 CHAIRMAN AIZENSTAT: For an ingress and  
4 egress.

5 MS. ALBERRO MENENDEZ: Right.

6 MS. BIRDSILL: Right, but I guess the  
7 technical steps to make it an alley were never  
8 taken.

9 MS. ALBERRO MENENDEZ: Right, or they just  
10 simply dedicated it to what it is today, which  
11 is an easement for access to the alley.

12 MS. BIRDSILL: Yeah.

13 MS. MARRERO: Access to the alley will  
14 continue to exist, because the alley will  
15 remain.

16 MS. ALBERRO MENENDEZ: Yes. The only thing  
17 that concerns me is that with the site plan,  
18 for the drive-through, you're creating a dead  
19 end. If you look at the north-south alley,  
20 there is a portion that has no way of turning,  
21 that's right in back of that restaurant. So,  
22 the way that the whole thing has been designed,  
23 there's no way of getting out of that dead end  
24 alley, because that's, in fact, what it is.

25 MS. MARRERO: Well, part of the many

1 meetings that we've had, included discussions  
 2 with the owner of Caffè Vialetto, who is in  
 3 full support of what's before you, Well, he's  
 4 the one that will continue to use the alley --  
 5 MS. ALBERRO MENENDEZ: Right.  
 6 MS. MARRERO: -- to service his restaurant.  
 7 There's no other real use --  
 8 MS. ALBERRO MENENDEZ: Right.  
 9 MS. MARRERO: -- because to the extent you  
 10 have trolleys or service vehicles, they've all  
 11 reviewed the proposed layout and they're in  
 12 agreement that the way this alley and its  
 13 ingress and egress and loop will work is going  
 14 to be serviceable for, you know, Solid Waste  
 15 and whatever other services need to occur  
 16 through the alley.  
 17 MS. ALBERRO MENENDEZ: Right.  
 18 MS. MARRERO: So that has been vetted  
 19 through the site plan approval process.  
 20 MS. ALBERRO MENENDEZ: But if you turn  
 21 right on that alley, which you can, you're  
 22 going to get stuck, unless they --  
 23 MS. MARRERO: You'll have to do a T-turn.  
 24 MS. ALBERRO MENENDEZ: Right, unless they  
 25 go onto the restaurant's property, pull back

1 in --  
 2 CHAIRMAN AIZENSTAT: Is it open to the  
 3 alley?  
 4 MS. MARRERO: Yes. The City lot with all  
 5 of its parking spaces will continue to have  
 6 access to the alley.  
 7 MS. ALBERRO MENENDEZ: This is the --  
 8 MR. TRIAS: But Ms. Menendez is speaking of  
 9 the area north of that.  
 10 MR. FLANAGAN: I have the same concern.  
 11 The new alleyway here --  
 12 CHAIRMAN AIZENSTAT: Right.  
 13 MR. FLANAGAN: Currently, the alleyway's up  
 14 here, so you have an alley. You've got easy  
 15 circulation through it.  
 16 MS. ALBERRO MENENDEZ: Right.  
 17 MR. FLANAGAN: Right now, as proposed, if  
 18 you then go north in the alley, you've  
 19 dead-ended, and as I've seen the site plan,  
 20 there's no ability to continue and to access  
 21 the proposed bank parking lot. So you do end  
 22 up at a dead end in the alley. Has the Fire  
 23 Department had any comment on that?  
 24 MR. TRIAS: This has been reviewed by  
 25 Public Works and the Fire Department and

1 out, and then come back out. It's just not  
 2 typical of --  
 3 CHAIRMAN AIZENSTAT: To do a U-turn.  
 4 MS. ALBERRO MENENDEZ: Right. I mean, you  
 5 can't to a U-turn. You have to do a T-turn  
 6 around -- I guess then you end up --  
 7 CHAIRMAN AIZENSTAT: Well, let me ask you,  
 8 before, Maria -- from your knowledge, before,  
 9 were the cars going out through that empty lot?  
 10 MS. ALBERRO MENENDEZ: Oh, yes. Yeah, you  
 11 go in and you come out, I mean, all the way  
 12 through. It's an L shape.  
 13 CHAIRMAN AIZENSTAT: It's paved?  
 14 MS. ALBERRO MENENDEZ: Right, yes.  
 15 CHAIRMAN AIZENSTAT: So now you're clearing  
 16 that out.  
 17 Now, do you show, possibly, in the land  
 18 swap, that you can cut through from the alley,  
 19 through the parking, and exit on the other  
 20 side?  
 21 MS. MARRERO: You can see how the alley  
 22 operates on the site plan. This is the alley.  
 23 CHAIRMAN AIZENSTAT: Right.  
 24 MS. MARRERO: And these are the parking  
 25 spaces that will be provided, and if you come

1 everybody else who reviews the projects in the  
 2 DRC, the Development Review Committee, and that  
 3 issue has not been raised, but you're correct,  
 4 I mean, that is exactly what is being proposed.  
 5 CHAIRMAN AIZENSTAT: So you're basically  
 6 cutting off the exit, from turning out of that  
 7 parking lot, what's now going to be the new  
 8 property.  
 9 MS. MARRERO: You will still be able to  
 10 turn out. The alley will have a full  
 11 circulation. There's just a smaller -- The  
 12 loop will be smaller and there is a portion of  
 13 the alley that will not be part of that  
 14 circulation, so to speak.  
 15 CHAIRMAN AIZENSTAT: Do you have with you  
 16 your traffic engineer?  
 17 MS. MARRERO: Pardon me?  
 18 CHAIRMAN AIZENSTAT: Your traffic engineer,  
 19 that did the traffic study, is he present?  
 20 MS. MARRERO: He's not here.  
 21 CHAIRMAN AIZENSTAT: He's not here?  
 22 MS. MARRERO: No. I mean --  
 23 CHAIRMAN AIZENSTAT: The traffic engineer?  
 24 MR. CARCACHE: The traffic consultant had a  
 25 hearing in Delray Beach and couldn't be here.

1 My name is Eduardo Carcache. I'm with CKE  
 2 Group, the engineers for the project. My  
 3 address is 15500 New Barn Road, Miami Lakes,  
 4 Florida.  
 5 The section that you're referring to is  
 6 basically a small, you know, about 70 feet  
 7 deep --  
 8 CHAIRMAN AIZENSTAT: 70 feet deep?  
 9 MR. CARCACHE: Yes. That is going to be --  
 10 You'll continue to use the same way it is right  
 11 now. It's basically for the restaurant behind.  
 12 They come and do their deliveries there. So it  
 13 actually would be beneficial, because if a  
 14 truck comes in and does delivery, it will be  
 15 out of the way. That will be like a loading  
 16 area for them.  
 17 CHAIRMAN AIZENSTAT: How is the truck --  
 18 The truck is going to have to totally try to  
 19 back out of there and through the City parking  
 20 lot to get in and out?  
 21 MR. CARCACHE: Well, the way they're doing  
 22 it now.  
 23 CHAIRMAN AIZENSTAT: Okay.  
 24 MR. CARCACHE: They come in -- They come in  
 25 from here, back into here, and then through the

1 the position of the teller.  
 2 CHAIRMAN AIZENSTAT: You only have -- So,  
 3 your report only has three stacking spaces?  
 4 CHAIRMAN AIZENSTAT: The report, I believe,  
 5 has a total of five for the two lanes.  
 6 CHAIRMAN AIZENSTAT: Is that enough for --  
 7 I mean, you're doing a branch in a very busy  
 8 part of the City. You're taking into two major  
 9 thoroughfares, between Bird Road and LeJeune.  
 10 You know, at night, or on a busy night or so  
 11 forth, people trying to go to the ATMs, or at  
 12 five o'clock, people trying to come in there  
 13 from the neighborhood, whether they work in any  
 14 of the areas, do you think that's sufficient to  
 15 stack cars?  
 16 MR. CARCACHE: That is sufficient, and  
 17 there were comparisons done, studies done with  
 18 comparable locations nearby, plus the --  
 19 CHAIRMAN AIZENSTAT: Which? Other  
 20 locations that Chase has, or --  
 21 MR. CARCACHE: Chase has several locations,  
 22 actually, and I think they just opened or are  
 23 about to open another branch, so they don't  
 24 anticipate to be overburdened in this branch in  
 25 here. But they did -- when the traffic study

1 end of the alley and get out.  
 2 CHAIRMAN AIZENSTAT: They actually come in  
 3 now, closer in, one lot closer into the  
 4 property.  
 5 MR. CARCACHE: And they --  
 6 CHAIRMAN AIZENSTAT: So you don't have that  
 7 70 feet.  
 8 MR. CARCACHE: But they also, when they  
 9 come in, there's the possibility that they can  
 10 block the flow of the traffic in the alley.  
 11 CHAIRMAN AIZENSTAT: Yes.  
 12 MR. CARCACHE: So, in my opinion, this is  
 13 beneficial, because it's only used for them,  
 14 that section of the alley, okay?  
 15 CHAIRMAN AIZENSTAT: Can you talk about  
 16 your drive-through, as to how you -- Show us  
 17 the placement in detail -- I mean, I see it  
 18 there, of your drive-through, and how you've  
 19 calculated the stacking of the cars and so  
 20 forth during the time --  
 21 MR. CARCACHE: Yeah. The drive-through  
 22 stacking, this is a small branch and the  
 23 parking is -- I mean, they come in from here or  
 24 they can come in from Laguna, and they go in  
 25 here, and you have three stacking spaces behind

1 was done, there were some comparables, not  
 2 necessarily Chase's, but banks around the area.  
 3 MR. FLANAGAN: And I think the comparable  
 4 was to U.S. Century Bank, to the south --  
 5 MR. CARCACHE: That was one of them.  
 6 MR. FLANAGAN: -- which, I would posit, has  
 7 a probably much lower customer base and much  
 8 lower daily traffic going through. I think a  
 9 proper comparable would have been the flow at  
 10 the existing Chase branch in the 4000 Ponce  
 11 building, because I think they are relocating  
 12 to this space.  
 13 CHAIRMAN AIZENSTAT: That's what I was  
 14 thinking.  
 15 MR. FLANAGAN: And so I think that would  
 16 have been the better analysis.  
 17 MS. MARRERO: Except that one doesn't have  
 18 a drive-through.  
 19 MR. FLANAGAN: But I would imagine you  
 20 could extrapolate from the customer count, and  
 21 I think, also, the traffic analysis assumed two  
 22 drive-throughs, and they did whatever their  
 23 traffic standard, queuing analysis, industry  
 24 standard on two drive-throughs, rather than one  
 25 drive-through and one ATM, and I don't know if

1 there's a difference, but I'm assuming there  
 2 might be.  
 3 MR. CARCACHE: Well, you know, the report  
 4 and all that was reviewed by several different  
 5 people at the Public Works Department and  
 6 outside consultants, and actually, the last  
 7 person that reviewed it was the previous DOT  
 8 district permit engineer representative  
 9 consultant that the City hired, and they were  
 10 satisfied with the study for the stacking, and  
 11 so is Chase. Chase is not going to open a  
 12 branch that is going to choke the parking lot  
 13 and they might not be able to operate. So  
 14 they're satisfied that their projections are  
 15 that this traffic volume is what will be there,  
 16 and they think that there is a cover, you know,  
 17 for different areas, since they have branches  
 18 around the city.  
 19 CHAIRMAN AIZENSTAT: They're opening a lot  
 20 of branches, that's true. So the City has --  
 21 The City has taken a look at this traffic study  
 22 or this branch and the drive-through and has  
 23 gone ahead and --  
 24 MR. TRIAS: This issue was discussed  
 25 multiple times in a period of several weeks or

1 little bit is -- continues to be that dead end  
 2 right behind the restaurant. So, just out of  
 3 curiosity, from a site plan perspective, why  
 4 couldn't there be some type of shared easement  
 5 from the alley going into the Chase parking  
 6 lot, so as to not cause that, you know,  
 7 bottleneck or that dead end? Is there any way  
 8 of just flowing that traffic through the Chase  
 9 property?  
 10 MS. MARRERO: I mean, there's liability  
 11 issues for the bank. They would not agree to  
 12 that. But most importantly, the one party  
 13 that's most affected by this is the restaurant  
 14 owner, who is fully supportive of the project,  
 15 is fully supportive of the way the land swap  
 16 has been conducted, and the final configuration  
 17 of the lots, and his ability to do loading and  
 18 to have his customers arrive to the restaurant.  
 19 MR. PEREZ: So that was explored?  
 20 MS. MARRERO: It's been explored, it's been  
 21 agreed to, and we can provide something in  
 22 writing as to --  
 23 MR. PEREZ: No, my question is, has the  
 24 cross easement, if you want to call it that, so  
 25 as to not have that dead end on that alley, is

1 months, with several traffic consultants, and  
 2 it took, I would say, three or four versions of  
 3 the design to get to something that was  
 4 acceptable, and at this point, all the experts  
 5 said that the drive-through was acceptable.  
 6 That is the latest opinion.  
 7 CHAIRMAN AIZENSTAT: So you've changed it  
 8 recently, your drive-through?  
 9 MR. CARCACHE: We made some little  
 10 adjustments in there. A lot had to do with the  
 11 way the report was written. There were some  
 12 clarifications that they wanted to do.  
 13 CHAIRMAN AIZENSTAT: Yes.  
 14 MR. PEREZ: It's comforting to know, for  
 15 me, that obviously this was reviewed by DRC,  
 16 and obviously, you know, Fire, Waste, everybody  
 17 gave their input, and that's already been  
 18 approved, so I trust that's been taken care of.  
 19 The stacking item, for me, doesn't make --  
 20 doesn't give me much concern, as the majority  
 21 of the depth of this property is private  
 22 property, so stacking into right-of-way  
 23 shouldn't be a concern.  
 24 Just out of curiosity -- From a site plan  
 25 perspective, you know, what concerns me a

1 there a possibility of -- Again, my question  
 2 is, has it been explored that the flow-through  
 3 could continue going into the Chase property  
 4 and not cause that dead end?  
 5 MS. MARRERO: It was considered and Chase  
 6 was not supportive of that. They could not  
 7 agree to that.  
 8 MS. ALBERRO MENENDEZ: Is there a  
 9 possibility of maybe vacating that portion, so  
 10 it's not a public alley, so that, in fact, what  
 11 you've done is you've swapped, like you have,  
 12 but instead of it -- There's no right turn,  
 13 there's -- You know, that's why I was focused  
 14 on the design, because although I was familiar  
 15 with the swap, I was hoping that your design  
 16 would incorporate something that would not end  
 17 up being a dead end, you see? So --  
 18 MS. MARRERO: I think that Mr. Fernandez  
 19 and Mr. Chopra, who are the principals of Caffe  
 20 Vialto, would be more than happy to do that,  
 21 and he would be happy if the City said they'd  
 22 be supportive. They would be part of the  
 23 necessary paperwork and would join in as the  
 24 abutting property owner. So, yes, I don't see  
 25 why they wouldn't want to do that. It's just

1 not part of what's before you right now and --  
 2 CHAIRMAN AIZENSTAT: It's not before us.  
 3 MS. ALBERRO MENENDEZ: Right.  
 4 CHAIRMAN AIZENSTAT: Well, but we can make  
 5 a recommendation.  
 6 MS. MARRERO: Sure.  
 7 MS. ALBERRO MENENDEZ: Yes.  
 8 CHAIRMAN AIZENSTAT: The other question I  
 9 have, looking at the drive-through, where the  
 10 cars come out, you've got two lanes of  
 11 drive-through. You've got one that's  
 12 designated, I assume, as an ATM lane?  
 13 MS. MARRERO: Correct.  
 14 CHAIRMAN AIZENSTAT: And you've got one  
 15 that will be your drive-through lane?  
 16 MS. MARRERO: Right.  
 17 CHAIRMAN AIZENSTAT: Your ATM lane will  
 18 also have access to the bank or it will be  
 19 strictly an ATM lane and no drive-through?  
 20 MS. MARRERO: Just an ATM lane. It's not a  
 21 manned, remote teller.  
 22 CHAIRMAN AIZENSTAT: I'm noticing that  
 23 you're giving yourself there about 17 feet for  
 24 a cushion for two cars to take a radius. Is  
 25 that sufficient?

1 building.  
 2 CHAIRMAN AIZENSTAT: No, no, I understand  
 3 that, but I'm looking at it as a design that  
 4 you're presenting, which, you know, the working  
 5 of --  
 6 MS. MARRERO: Because you have a full  
 7 lane available.  
 8 MR. CARCACHE: Yeah, I mean, we show a car  
 9 past -- If you look at the plan, we show a car  
 10 stack past the position --  
 11 CHAIRMAN AIZENSTAT: Yeah. No, I noticed  
 12 that, but I wonder if that will work. You  
 13 know, I think your stacking of only three cars  
 14 is not realistic. I'm not a traffic engineer,  
 15 but from drive-throughs -- The location which  
 16 this branch is going to be, I think you're  
 17 going to have other issues with cars going in  
 18 there and your parking area.  
 19 MR. CARCACHE: We could possibly increase  
 20 that 17 to 20 feet. The concern was, when you  
 21 make it too wide, then people start driving the  
 22 wrong way.  
 23 CHAIRMAN AIZENSTAT: That's true.  
 24 MR. CARCACHE: So we wanted to narrow it.  
 25 That's one of the items that was discussed

1 MR. FLANAGAN: It's 15.  
 2 CHAIRMAN AIZENSTAT: Well, according to  
 3 here, it's 17. Or is it 17 less the five?  
 4 MR. FLANAGAN: I've got 17.  
 5 MS. MARRERO: The 17 is the distance  
 6 between the width of -- between planter and the  
 7 sidewalk there.  
 8 MR. FLANAGAN: Do you get the same --  
 9 CHAIRMAN AIZENSTAT: Yeah, I've got -- But  
 10 you're doing the radius at 15. Okay.  
 11 Is that enough?  
 12 MR. CARCACHE: One lane being the ATM.  
 13 CHAIRMAN AIZENSTAT: I'm sorry, say that  
 14 again.  
 15 MR. CARCACHE: One lane being an ATM and  
 16 the other a drive-through, we don't anticipate  
 17 traffic will be a conflict.  
 18 CHAIRMAN AIZENSTAT: I actually think, at  
 19 certain hours, you're going to have both lanes  
 20 pretty busy, of people going in, because the  
 21 way banking is going today, everything,  
 22 deposits, cash withdrawals, everything is being  
 23 done through the ATMs.  
 24 MR. CARCACHE: Well, there is an ATM, also,  
 25 in the building, you know, as you come into the

1 before.  
 2 CHAIRMAN AIZENSTAT: I would urge you to  
 3 take a look at that. Once again, your stacking  
 4 of three cars for a drive-through is really not  
 5 a lot. I assume the City had its engineers --  
 6 Who did the City use for a traffic  
 7 engineer?  
 8 MR. TRIAS: It's a consultant that the --  
 9 outside consultant that the Public Works  
 10 Department uses. It changed a couple of times,  
 11 different people, but they're qualified.  
 12 CHAIRMAN AIZENSTAT: And they signed off on  
 13 it?  
 14 MR. TRIAS: Yes.  
 15 MR. CARCACHE: And like I mentioned before,  
 16 Ingrid was the lady who was the district permit  
 17 engineer for DOT, before, so --  
 18 MR. FLANAGAN: Can I ask a question?  
 19 CHAIRMAN AIZENSTAT: Yes, please.  
 20 MR. FLANAGAN: Go ahead, no, no.  
 21 CHAIRMAN AIZENSTAT: Well, what I was going  
 22 to say is, if you have a backup, your  
 23 circulation just does not work on that site,  
 24 because of the fact that after the three cars,  
 25 you're blocking your ingress and egress out of

1 that site.  
 2 MR. CARCACHE: That's -- you know, this is  
 3 an item that Chase reviewed and -- because they  
 4 will be the ones affected by it, because it's  
 5 interior, and they --  
 6 CHAIRMAN AIZENSTAT: Well, I don't know if  
 7 it would just be Chase that's affected. I  
 8 think the residents of the neighborhood would  
 9 also be affected.  
 10 MR. CARCACHE: You know, they're satisfied;  
 11 the City's consultant is satisfied; our  
 12 consultant is satisfied that it would be  
 13 adequate.  
 14 CHAIRMAN AIZENSTAT: I'm actually very  
 15 surprised that the City's consultant was  
 16 satisfied with that. I really am.  
 17 MR. TRIAS: But it's certainly up to you to  
 18 make a judgment on this.  
 19 CHAIRMAN AIZENSTAT: No, I understand. I  
 20 understand.  
 21 Jeff?  
 22 MR. FLANAGAN: When I got to the site plan,  
 23 Ines, at the northeasterly ingress-egress  
 24 point, the one closest to Bird, it doesn't show  
 25 on the site plan that it's right turn only. It

1 designated as a right turn only. It's not on  
 2 the site plan, but it's --  
 3 MR. CARCACHE: It's marked.  
 4 MS. MARRERO: It's marked. And maybe what  
 5 we can propose is a hard marker, like we have  
 6 on LeJeune, to stop somebody from doing the  
 7 left turn north. But other than that, I think  
 8 there's just a natural circulation of the site.  
 9 I mean, you have to have -- If we push all of  
 10 the ingress to the second driveway, then that's  
 11 when you're going to run into problems with the  
 12 drive-through. So we need to have ingress  
 13 from -- to push it away from Bird Road, we need  
 14 to have it on Laguna, and we can't have it  
 15 really just coming out of one driveway, because  
 16 it would conflict with the circulation of  
 17 people leaving the drive-through lane.  
 18 MR. FLANAGAN: Do you need an entrance like  
 19 that, closer to Bird? Can you do an exit only,  
 20 and that way it would be much easier to sculpt  
 21 it so that they're forced to go south on  
 22 Laguna?  
 23 MS. MARRERO: We need an entrance, because  
 24 the entrance on LeJeune is only northbound on  
 25 LeJeune.

1 wasn't until I got much deeper in the packet  
 2 that I saw that it was going to be right turn  
 3 only. I just want to make sure, A, that it's  
 4 right turn only. I'm wondering if that access  
 5 area isn't too close to Bird Road and is going  
 6 to cause a ton of conflict, because no matter,  
 7 you and I know, how many signs you put,  
 8 somebody is going to exit and try to go north  
 9 to get to Bird Road.  
 10 Additionally -- I'm just throwing my  
 11 comments out there -- the City loves its  
 12 bulb-outs of landscaping. It looks like  
 13 there's a bulb-out at Bird and Laguna that is  
 14 now into the existing paved right-of-way, and  
 15 according to the site plan, you've got a  
 16 bulb-out, I'm going to say 30 to 40 percent  
 17 into the southbound lane, but it doesn't look  
 18 like any adjustment as to the width of  
 19 northbound or southbound lanes on Laguna. So  
 20 I'm questioning that bulb-out at the corner,  
 21 that access that close to Bird Road, and what  
 22 to really do about ensuring a right turn exit  
 23 only movement. I think that's going to be a  
 24 problem.  
 25 MS. MARRERO: I know that we have it

1 MR. FLANAGAN: I mean, you would have the  
 2 entrance further south on Laguna. I'm saying,  
 3 get rid of the northeasterly entrance, leave it  
 4 exit only. Then you've got both in and out.  
 5 MS. MARRERO: This was something that was  
 6 also discussed with Public Works in our many  
 7 meetings, and it was agreed that it was safer  
 8 for circulation --  
 9 CHAIRMAN AIZENSTAT: To have two?  
 10 MS. MARRERO: -- to have two.  
 11 MR. FLANAGAN: Okay.  
 12 MR. TRIAS: Mr. Flanagan, my original  
 13 proposal was to simply close that entrance  
 14 altogether and not have it there, but as a  
 15 result of the discussions, the situation with  
 16 having only one entrance was deemed to be more  
 17 dangerous, so it was a balancing act.  
 18 MR. FLANAGAN: Okay.  
 19 CHAIRMAN AIZENSTAT: Marshall, let me ask  
 20 you. You're an architect. Looking at the  
 21 site, what do you think? What's your opinion?  
 22 MR. BELLIN: I tend to agree with you, with  
 23 respect to that particular area, where you have  
 24 the stacking. What's going to happen is,  
 25 you're going to have stacking and then

1 people are going to -- they're not going to be  
2 able to get from here to there. So, for me,  
3 the stacking is -- and also, there's no bypass  
4 lane, so --

5 CHAIRMAN AIZENSTAT: There's absolutely  
6 none.

7 MR. BELLIN: Yeah.

8 CHAIRMAN AIZENSTAT: That's where my  
9 concern is, the way it's designed.

10 MS. MARRERO: Except it's an estimate, too,  
11 because if you have a lot of stacking, then you  
12 have all these people in the queue, and that's  
13 when you need a bypass lane. If the stacking  
14 is short, and you just see that there's a lot  
15 of people in front of you, you just simply  
16 don't go in; you just park and use the ATM  
17 inside the bank branch.

18 CHAIRMAN AIZENSTAT: Unfortunately, human  
19 character, I don't know if they do that.

20 MS. MARRERO: That's what I do.

21 CHAIRMAN AIZENSTAT: Which I agree with  
22 you. I just don't know if human nature is that  
23 way.

24 MR. FLANAGAN: Before we move on, how does  
25 that bulb-out work, as far as encroaching -- I

1 don't want to use the word encroaching, but  
2 extending into what looks like paved  
3 right-of-way, right now, so close to the  
4 corner?

5 MR. CARCACHE: This was a requirement by  
6 the City landscape architect and the Public  
7 Works Department, and it follows the design  
8 that has been done along -- on the southern  
9 portion of Laguna, and it's all been master  
10 planned, and we're basically complying with  
11 what they had in mind there.

12 MR. FLANAGAN: I get that. I think -- To  
13 Ramon, I have -- as I look at this, what is it,  
14 14 feet from curb to center line? My plan  
15 shows 14 feet from the bulb-out curb to center  
16 line, which obviously is fine for a one-lane,  
17 one-way road heading southbound.

18 MR. TRIAS: Yes.

19 MR. FLANAGAN: The problem, I think, and  
20 concern --

21 CHAIRMAN AIZENSTAT: People are going to be  
22 coming in and out.

23 MR. FLANAGAN: You are barreling down  
24 LeJeune. I don't care that it's a right turn;  
25 people use it for all sorts of stuff. You're

1 going to make a fast, hard turn southbound,  
2 onto Laguna, and somebody's car is going to --  
3 I will put money on it -- 75 percent of the  
4 time, cross that center line as they start to  
5 head south, and you've got people at 7-Eleven  
6 both coming in and pulling out.

7 CHAIRMAN AIZENSTAT: And students that are  
8 coming out of that high school that, actually,  
9 they go to that 7-Eleven.

10 MR. FLANAGAN: I think that needs to be  
11 looked at.

12 CHAIRMAN AIZENSTAT: I think that's a big  
13 problem.

14 MR. TRIAS: That was my original idea,  
15 also, and my concern, and I think that it's a  
16 very valid concern, and the traffic engineers  
17 have looked at different issues and this is  
18 their best solution, looking at all the issues,  
19 according to their professional opinion, but I  
20 share the same idea and concern.

21 MR. FLANAGAN: Well, why don't we just get  
22 rid of that bulb-out so close to such a heavily  
23 traveled roadway?

24 MR. CARCACHE: We're not opposed to that.  
25 I mean, we --

1 MR. FLANAGAN: I would imagine.

2 MR. CARCACHE: But, you know, I mean, it's  
3 a suggested --

4 MR. FLANAGAN: I know it's a requirement.  
5 My comment actually is really more towards --

6 MR. TRIAS: Mr. Flanagan, it's not  
7 required, in a technical sense. Certainly we  
8 have the flexibility to design it in a way that  
9 is safe, and we should, and that could be a  
10 very valid recommendation from you.

11 MR. FLANAGAN: Okay. How does this play  
12 into -- and I forget the name of the project  
13 that you guys cite in your traffic report? Is  
14 it Merrick Manor? I don't remember that  
15 application. I mean, I remember it, but I  
16 don't remember the nuances of how that was  
17 playing with the alleyway. How does this  
18 interact? Does it interact with the alleyway?  
19 Did we make any changes to the alley for  
20 Merrick Manor?

21 MR. TRIAS: I don't --  
22 Do you know, Wally?

23 MR. FLANAGAN: I have a vague recollection  
24 that we did.

25 MR. TRIAS: From my understanding -- and

1 maybe Cindy can help us with this one.  
 2 MS. BIRDSILL: Okay. Merrick Manor will  
 3 share this portion of the alley. They will  
 4 have their water and sewer line there, as well,  
 5 and the ingress and egress. Right now, this  
 6 alley goes all the way down to Altara, I think  
 7 it is, and what they are doing is, they're  
 8 vacating a portion of it and making it a U  
 9 shape, and Public Works has looked at it and  
 10 everybody signed off on it.

11 MR. FLANAGAN: So the alley is -- So  
 12 combining the two of them, we're going to have  
 13 an alley that -- So it's not going to go down  
 14 to Altara?

15 MS. BIRDSILL: It's going to be U-shaped.

16 MR. FLANAGAN: Laguna to Laguna?

17 MS. BIRDSILL: Yes.

18 CHAIRMAN AIZENSTAT: Plus 70 more feet or  
 19 so extension.

20 MS. BIRDSILL: That's right.

21 CHAIRMAN AIZENSTAT: You know what's going  
 22 to happen; people are going to pull in there,  
 23 because they're not going to be able to get  
 24 in --

25 MS. ALBERRO MENENDEZ: That's correct.

1 CHAIRMAN AIZENSTAT: -- to this parking,  
 2 and they're going to pull into that alley,  
 3 somehow, to try to cross there and get into  
 4 that bank. I think you need to study it a  
 5 little bit more.

6 MS. MARRERO: Like I said, I'm sure that  
 7 the owners of Caffè Vialetto will be happy to  
 8 join in an application to vacate it and just  
 9 close it and not have that there. Again, that  
 10 requires replatting, public hearings, that  
 11 whole --

12 CHAIRMAN AIZENSTAT: I understand.

13 MS. MARRERO: We've been at this for almost  
 14 three years. If we have to replat this  
 15 property --

16 CHAIRMAN AIZENSTAT: It's the first time  
 17 that we have it.

18 MS. MARRERO: -- we will put our hands in  
 19 the air, because we couldn't really go through  
 20 that. You know, we couldn't wait that much.  
 21 But we'd be happy to study it and bring it  
 22 forth separately.

23 MS. ALBERRO MENENDEZ: Is the first time  
 24 the Board --

25 CHAIRMAN AIZENSTAT: That we're hearing it,

1 yes. It's the first time that we're hearing  
 2 it.

3 MR. TRIAS: Yes, that's correct.

4 CHAIRMAN AIZENSTAT: So it has never come  
 5 before us, you know, and I understand your  
 6 hardship, you've been three years with other  
 7 departments, but, you know, Jeff raises very  
 8 valid points, and I think it all has to do with  
 9 the design of ingress and egress of this  
 10 property, including the drive-throughs. I  
 11 don't -- for me, I don't see drive-throughs  
 12 with stacking of three cars, I really do not,  
 13 in this location. And you're asking us or  
 14 you're asking me to vote on a site plan which  
 15 is presented before me. That's what you're  
 16 essentially doing.

17 MS. MARRERO: That's correct.

18 CHAIRMAN AIZENSTAT: Okay. Any other  
 19 comments?

20 MS. ALBERRO MENENDEZ: No.

21 CHAIRMAN AIZENSTAT: Comments?

22 MR. PEREZ: They're asking us to vote on  
 23 the site plan, but also on the zoning.

24 CHAIRMAN AIZENSTAT: Yes.

25 MS. ALBERRO MENENDEZ: There's three items.

1 Two relate to the zoning of --

2 MR. PEREZ: Correct.

3 MS. ALBERRO MENENDEZ: Yeah, and then the  
 4 third is the site plan.

5 MR. FLANAGAN: Which I think should be --  
 6 We're voting separately on all of those?

7 MR. TRIAS: Yes, separate.

8 MR. FLANAGAN: So we're voting on each one  
 9 of them?

10 CHAIRMAN AIZENSTAT: Right.

11 MS. ALBERRO MENENDEZ: We should.

12 MR. FLANAGAN: I want to make sure.

13 Back to the site plan, Ines, my packet  
 14 doesn't have any signage plans.

15 MS. MARRERO: The signage will be as per  
 16 Code.

17 MR. FLANAGAN: Right. Do you have --

18 MS. MARRERO: It will be approved  
 19 separately.

20 MR. FLANAGAN: Okay.

21 MR. BELLIN: Excuse me.

22 CHAIRMAN AIZENSTAT: Yes.

23 MR. BELLIN: I'd like to ask a question.

24 People coming out of the drive-through, which  
 25 way do you anticipate that they're going to

1 turn, coming out of the drive-through, to the  
 2 right or the left?  
 3 MS. MARRERO: They may do both. Some  
 4 people will turn south, to just go down and  
 5 loop around one of the other blocks to go back  
 6 on LeJeune. You know, usually people that use  
 7 this bank branch are people who live in the  
 8 neighborhood, and they know how those blocks  
 9 back there work out. I know this because where  
 10 I bank, it's a similar situation, a little bit  
 11 east on Coral Way, and everybody, the first  
 12 time, you may not get it right, but most of the  
 13 time this is your branch, this is where you do  
 14 your banking, and if you're going south, you're  
 15 going to turn left and then -- I mean, right,  
 16 and go south on Laguna, and then come back out  
 17 and do another left and go back through  
 18 LeJeune. And if you're going to Bird Road,  
 19 then you're going to turn left and then -- on  
 20 Laguna, and then right on Bird Road.  
 21 MR. BELLIN: To me, I think the majority of  
 22 the people are going to turn to get on LeJeune.  
 23 It just seems that that drive-through creates a  
 24 tremendous --  
 25 CHAIRMAN AIZENSTAT: Strain.

1 even though you say it's a gas station and  
 2 you're improving it and so forth, but you're  
 3 changing the use of that property through the  
 4 bank that you're doing.  
 5 MS. MARRERO: I mean, a permitted use.  
 6 CHAIRMAN AIZENSTAT: Right, but --  
 7 MS. MARRERO: The drive-through -- and  
 8 remember, the reason we're before you, and I  
 9 think it's important to sort of go back to  
 10 that, is because the drive-through use is  
 11 abutting or adjoining multi-family use, and  
 12 really, everything around us is office and  
 13 industrial. The closest residential is on the  
 14 other side of Bird Road, so that's adjoining,  
 15 technically, under your Code, but it's not even  
 16 abutting or really next door. It's far away,  
 17 and, you know, that's really where -- that's  
 18 where your Code directs you mitigate the  
 19 impact, is on the residential use, and so --  
 20 CHAIRMAN AIZENSTAT: But it will --  
 21 MS. MARRERO: -- we put it as far away from  
 22 residential, we put it as far away from  
 23 everything else, and buffered it with all the  
 24 necessary Code requirements, and so I think  
 25 it's really a good project, and we've really

1 MR. BELLIN: Yeah. It just --  
 2 MS. MARRERO: I mean, it's a small site.  
 3 It's a very small building. It was a gas  
 4 station that had ingress and it had driveways  
 5 on LeJeune, as well as Bird Road, several, and  
 6 the project overall is reducing the number of  
 7 drivers on Bird Road, it's improving the safety  
 8 on that corner, obviously improving, you know,  
 9 the visual and aesthetic character, because  
 10 it's a much nicer building. And I think the  
 11 nature of banking and the nature of  
 12 information -- the nature of the usage is such  
 13 that a lot of people do remote banking, online  
 14 banking. I think, and I would respectfully  
 15 say, that we're overestimating the usage of the  
 16 drive-through banking, that that's not the  
 17 nature of the banking right now. Certainly the  
 18 kids do, you know, the online banking.  
 19 CHAIRMAN AIZENSTAT: I actually think the  
 20 nature of banking today is drive-through, from  
 21 experience. I actually do.  
 22 MS. MARRERO: And electronic.  
 23 CHAIRMAN AIZENSTAT: Electronic,  
 24 tremendously, but being involved in banking,  
 25 banking is a key part. And you are changing --

1 tried to do very, very smart, thoughtful  
 2 planning in the way it's laid out.  
 3 CHAIRMAN AIZENSTAT: Hearing what you have  
 4 heard from the Board, would you like to get a  
 5 deferral, possibly, to the next meeting,  
 6 consult with your traffic people, maybe your  
 7 client, see if there's anything you can do  
 8 there, and bring that back to us?  
 9 MS. MARRERO: I almost don't even have to  
 10 look back, to look at my client shaking his  
 11 head, because we are really in a time crunch,  
 12 vis-a-vis the approvals for this project --  
 13 CHAIRMAN AIZENSTAT: Okay.  
 14 MS. MARRERO: -- and I really -- More  
 15 important than that is that we really have had  
 16 so many meetings --  
 17 CHAIRMAN AIZENSTAT: I'm sure.  
 18 MS. MARRERO: -- with Planning and the  
 19 City's traffic consultant and the City's Public  
 20 Works Staff, all of the directors and all of  
 21 the people, you know, to work this out, and  
 22 this is the solution that all the parties  
 23 agreed to, that I can honestly say that I don't  
 24 think that waiting and putting this off for  
 25 another month would bring before you any other

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1 solution.

2 MR. CARCACHE: Can I --

3 MS. MARRERO: Sure.

4 MR. CARCACHE: I'd just like to add one

5 thing. When we started doing the swap of the

6 pieces of land, we were under the impression

7 and we had designed it, basically, taking equal

8 sizes of property.

9 CHAIRMAN AIZENSTAT: Okay.

10 MR. CARCACHE: And so this needs to be

11 moved back in here, okay? When we went through

12 working out with the City, it was preferred

13 that to get more parking here, in order to get

14 the swap, that basically we ended up switching

15 pieces of parcel, but the larger piece is going

16 to the City now. And that reduced the stacking

17 in here, and it was basically a thing that

18 wasn't --

19 CHAIRMAN AIZENSTAT: Without knowing that,

20 I see it, and that's -- to me, that's a big

21 concern, because it doesn't only affect your

22 parcel interior, but it's going to affect

23 traffic, it's going to affect people outside of

24 there.

25 MR. PEREZ: Can you clarify something for

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1 me? Again, the concern continues to be that

2 dead end. You said you had to replat. Don't

3 you have to plat, anyways, because of the land

4 swap --

5 MS. MARRERO: No.

6 MR. PEREZ: -- or how are you treating

7 that?

8 MS. MARRERO: They are platted lots, so the

9 swap contemplates swapping a platted lot for a

10 platted lot. There are no subdivision issues.

11 CHAIRMAN AIZENSTAT: Any -- Maria?

12 MS. ALBERRO MENENDEZ: No.

13 MR. CARCACHE: I don't know if the City

14 will allow us to do this, but what if we were

15 to stripe this area in here, so that, you know,

16 there is really no indication that that's an

17 area where you can drive in. It would be

18 basically like a loading or something over

19 there for service, that would be, you know,

20 just -- It will be paved, but --

21 MS. ALBERRO MENENDEZ: I mean -- I mean, I

22 don't know how to answer that, because we don't

23 have it before us. We haven't had an

24 opportunity to ask Public Works: Did they look

25 into this? Did they study it? Did they know

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1 that was going to be a dead end? What were

2 their thoughts on it? What's the future? You

3 know, that's the issue.

4 CHAIRMAN AIZENSTAT: I'd like to have

5 Public Works here.

6 MS. ALBERRO MENENDEZ: If we had a few

7 people here that we could talk to, like, your

8 traffic engineer, maybe someone from Public

9 Works, we could ask them, "Did you guys look at

10 this? And what were your thoughts?" And maybe

11 they would have come up with a suggestion. But

12 right now, we're looking at a plan that has a

13 dead-end alley, and when I studied your

14 package, I mean, it's a beautiful building,

15 very nice, good, you know, it's going to be

16 good for the Gables, but when I studied your

17 package, when you look at Section 5-115,

18 drive-through, walk-through windows and

19 automatic teller machines, the first one, it

20 says, "Such uses are designed as to not

21 interfere with the circulation of pedestrian or

22 vehicular traffic on the adjoining streets,

23 alleys or sidewalks."

24 CHAIRMAN AIZENSTAT: And that's --

25 MS. ALBERRO MENENDEZ: So, when I look at

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1 your site plan, I kind of like look at this and

2 I go, "Hmm, they haven't looked at this dead

3 end," you know, and so I would have loved to

4 have asked someone, "Did we see it when we

5 reviewed it? How do you guys plan to treat it?

6 Where are we going with that?" And maybe one

7 of the suggestions is what this gentleman has

8 suggested, but right now, that particular item

9 is not being addressed.

10 MS. MARRERO: Well, I can tell you that it

11 was seen and it was discussed.

12 MS. ALBERRO MENENDEZ: Oh, sure, I'm sure,

13 because it's clear.

14 MS. MARRERO: With several directors and

15 Staff.

16 MS. ALBERRO MENENDEZ: But there's no

17 reference to it in any of the papers that I've

18 read.

19 CHAIRMAN AIZENSTAT: Ramon?

20 MR. TRIAS: Yes, Mr. Chairman?

21 CHAIRMAN AIZENSTAT: What do you have on

22 record as far as conditional use of

23 drive-through? Can we deny the conditional use

24 of the drive-through, but approve the part of

25 the branch, or how does --

1 MR. TRIAS: Certainly. There are three  
 2 items. You can approve one, two or three. The  
 3 only thing is that they only make sense, I  
 4 believe, to the applicant together. It doesn't  
 5 really serve any purpose for them to have the  
 6 rezoning and not have the drive-through, I  
 7 think.  
 8 MS. MARRERO: That's correct.  
 9 MR. TRIAS: And then again, the reason why  
 10 the drive-through is before you is specifically  
 11 because it's next to the residential.  
 12 Otherwise, it would be by right.  
 13 CHAIRMAN AIZENSTAT: Right.  
 14 MR. TRIAS: And I apologize for not making  
 15 myself clear, earlier. What I meant was that  
 16 except for that, it wouldn't be before you.  
 17 CHAIRMAN AIZENSTAT: Right.  
 18 MR. TRIAS: But the issue -- but there's a  
 19 good reason why it is before you. It's because  
 20 you need to consider exactly the issues that  
 21 you're talking about.  
 22 CHAIRMAN AIZENSTAT: I'll ask you again,  
 23 would you like to defer it?  
 24 MS. MARRERO: No.  
 25 CHAIRMAN AIZENSTAT: Okay. Any other --

1 MR. PINO: We lose Chase in December, if it  
 2 doesn't get approved.  
 3 CHAIRMAN AIZENSTAT: You're welcome -- If  
 4 you could state your name and address, please.  
 5 MR. PINO: My name is Sergio Pino. I said,  
 6 we lose Chase. We have a deadline to meet, and  
 7 if we don't resolve it by December, we won't  
 8 have enough time.  
 9 CHAIRMAN AIZENSTAT: I understand, sir.  
 10 Thank you.  
 11 Any other comments or questions?  
 12 MS. ALBERRO MENENDEZ: No. I mean, I'm  
 13 willing to move the first two and revisit the  
 14 third one when some of the issues that have  
 15 been raised have been --  
 16 CHAIRMAN AIZENSTAT: You're willing to --  
 17 Well, how do we go into this?  
 18 MS. ALBERRO MENENDEZ: Each one, but I  
 19 mean, if they --  
 20 CHAIRMAN AIZENSTAT: Each one, but if they  
 21 are --  
 22 MS. ALBERRO MENENDEZ: Maybe they'll  
 23 address number three another way, I guess.  
 24 CHAIRMAN AIZENSTAT: But what happens if,  
 25 let's say, they get approval on the first two,

1 but not the third? What happens to their --  
 2 because we're going for the site plan the way  
 3 it's presented to us.  
 4 MS. ALBERRO MENENDEZ: Right.  
 5 MR. TRIAS: Yeah. Certainly, if you  
 6 approve the first two, there's an option that  
 7 the third one could be presented to you in a  
 8 different way. I mean, certainly that may  
 9 happen if you deny the site plan.  
 10 CHAIRMAN AIZENSTAT: But then we can't  
 11 approve -- Can we approve the site plan?  
 12 MR. TRIAS: You can approve --  
 13 MS. ALBERRO MENENDEZ: No, the site plan is  
 14 part of Number 3.  
 15 MR. TRIAS: Yeah.  
 16 CHAIRMAN AIZENSTAT: It's not tied into  
 17 Number -- to the second one?  
 18 MR. TRIAS: The change of zoning --  
 19 MS. ALBERRO MENENDEZ: They're zonings.  
 20 CHAIRMAN AIZENSTAT: It's just zoning?  
 21 MS. ALBERRO MENENDEZ: Right.  
 22 MR. TRIAS: Yeah, and just to remind you,  
 23 it's that area which has no zoning right now  
 24 that used to be part of the City.  
 25 CHAIRMAN AIZENSTAT: Understood. Would you

1 like to make a motion?  
 2 MS. ALBERRO MENENDEZ: I'd like to make a  
 3 motion, but let me ask the Board a question. I  
 4 mean, my issue is the alley. You know, I'm  
 5 going to assume that the traffic engineers  
 6 looked at the circulation and everything. I am  
 7 willing to put a condition to the approval of  
 8 Number 3, but then I'm hearing that you all  
 9 have issues with the site plan. Because I  
 10 think that the alley issue could be addressed.  
 11 I'm just hoping -- I just want them to address  
 12 it. I don't want it to be left that way,  
 13 because if not, it's a dead-end alley -- at  
 14 least in our level. If something happens  
 15 later, that's fine.  
 16 MR. TRIAS: Mr. Chairman, if I could, from  
 17 my understanding, I hear three issues. One is  
 18 the alley, the dead-end alley.  
 19 MS. ALBERRO MENENDEZ: Right.  
 20 MR. TRIAS: Another one is the actual  
 21 design of the intersection of LeJeune (sic) and  
 22 Laguna, whether the bulb-out is correct or not.  
 23 So it's a design issue.  
 24 And then the last one is the operations  
 25 issue --

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1 MS. ALBERRO MENENDEZ: Right.  
 2 MR. TRIAS: -- of the traffic going  
 3 through. Are those the three issues?  
 4 CHAIRMAN AIZENSTAT: The third one is  
 5 actually the whole third part of -- It  
 6 affects the entire -- to me, it affects the  
 7 entire third part.  
 8 MR. TRIAS: The traffic operations of the  
 9 drive-through, is that a good way to describe  
 10 that?  
 11 CHAIRMAN AIZENSTAT: Correct.  
 12 MR. TRIAS: Okay.  
 13 CHAIRMAN AIZENSTAT: Maria?  
 14 MS. ALBERRO MENENDEZ: I'll move Number 1,  
 15 the ordinance, requesting an amendment to the  
 16 future land use map of the City of Coral Gables  
 17 Comprehensive Plan, that that one be moved.  
 18 MR. FLANAGAN: I'll second that.  
 19 I think we should separate those.  
 20 MS. ALBERRO MENENDEZ: I think so, too.  
 21 MR. FLANAGAN: Those should be separate.  
 22 CHAIRMAN AIZENSTAT: We should do them  
 23 separately, one at a time.  
 24 MR. TRIAS: You should vote individually,  
 25 yes, separately.

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1 MS. ALBERRO MENENDEZ: You can call the  
 2 roll, no?  
 3 CHAIRMAN AIZENSTAT: Any other comments or  
 4 questions? You're saying to move it as is  
 5 written?  
 6 MS. ALBERRO MENENDEZ: Yes.  
 7 CHAIRMAN AIZENSTAT: We have a second by  
 8 Mr. Flanagan. No questions, no comments?  
 9 Call the roll, please.  
 10 MS. MENENDEZ: Marshall Bellin?  
 11 MR. BELLIN: Yes.  
 12 MS. MENENDEZ: Jeff Flanagan?  
 13 MR. FLANAGAN: Yes.  
 14 MS. MENENDEZ: Maria Menendez?  
 15 MS. ALBERRO MENENDEZ: Yes.  
 16 MS. MENENDEZ: Alberto Perez?  
 17 MR. PEREZ: Yes.  
 18 MS. MENENDEZ: Eibi Aizenstat?  
 19 CHAIRMAN AIZENSTAT: Yes.  
 20 Moving on to the second item, is there a  
 21 motion, since you're on a roll?  
 22 MS. ALBERRO MENENDEZ: I make a motion to  
 23 approve Number 2.  
 24 MR. FLANAGAN: Second.  
 25 CHAIRMAN AIZENSTAT: As written?

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1 MS. ALBERRO MENENDEZ: Yes, as written.  
 2 CHAIRMAN AIZENSTAT: Any comments?  
 3 Hearing none, call the roll, please.  
 4 MS. MENENDEZ: Jeff Flanagan?  
 5 MR. FLANAGAN: Yes.  
 6 MS. MENENDEZ: Maria Menendez?  
 7 MS. ALBERRO MENENDEZ: Yes.  
 8 MS. MENENDEZ: Alberto Perez?  
 9 MR. PEREZ: Yes.  
 10 MS. MENENDEZ: Marshall Bellin?  
 11 MR. BELLIN: Yes.  
 12 MS. MENENDEZ: Eibi Aizenstat?  
 13 CHAIRMAN AIZENSTAT: Yes.  
 14 And do I hear any motions on Item Number 3?  
 15 MS. ALBERRO MENENDEZ: I'm not really sure  
 16 how we handle these, other than to say maybe  
 17 defer it, or not approve the site plan.  
 18 MR. PEREZ: So, can we -- We can comment,  
 19 right?  
 20 CHAIRMAN AIZENSTAT: Say that again,  
 21 please.  
 22 MR. PEREZ: We can comment on this one?  
 23 CHAIRMAN AIZENSTAT: Yes, please.  
 24 MR. PEREZ: I mean, I think for me,  
 25 personally, the pros, you know, far outweigh

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1 the cons, and I hear that we have comments or  
 2 concerns with the overall site plan, but I  
 3 think the fact that, you know, there is this  
 4 type of user, willing, able and ready to go  
 5 into the City, I think, for me, the site plan,  
 6 although we all have our comments and opinions,  
 7 you know, I'm willing to support the site plan  
 8 as is.  
 9 CHAIRMAN AIZENSTAT: Would you like to make  
 10 a motion?  
 11 MR. PEREZ: I do.  
 12 CHAIRMAN AIZENSTAT: And what is your  
 13 motion, please?  
 14 MR. PEREZ: To approve.  
 15 CHAIRMAN AIZENSTAT: The third item, as  
 16 written?  
 17 MR. PEREZ: Yes.  
 18 CHAIRMAN AIZENSTAT: Is there a second?  
 19 MR. BELLIN: I'll second.  
 20 CHAIRMAN AIZENSTAT: We have a first and we  
 21 have a second. Any questions or comments?  
 22 Call the roll, please.  
 23 MR. FLANAGAN: I'm sorry.  
 24 CHAIRMAN AIZENSTAT: Yes. Go ahead.  
 25 MR. FLANAGAN: We can condition it or add

1 some recommendations, right?  
 2 MS. ALBERRO MENENDEZ: That's what I was  
 3 going to say.  
 4 MR. FLANAGAN: If they would be amenable  
 5 to --  
 6 CHAIRMAN AIZENSTAT: Yes.  
 7 MR. FLANAGAN: You both moved and seconded  
 8 it as is. I have a -- and I know it's not the  
 9 applicant. I have a very hard time approving  
 10 what I think is a big safety problem at that  
 11 Laguna and Bird intersection. So I guess, if I  
 12 was to -- I've got other concerns, but that's  
 13 my big one at this point. So I think if you  
 14 both would be amenable to recommending or  
 15 conditioning that the -- and I don't know how  
 16 to say it, but at least that the bulb-out at  
 17 the northeast corner does not exist, or  
 18 something along the lines of that the full  
 19 right-of-way of pavement be there to help limit  
 20 any potential traffic accidents.  
 21 MR. PEREZ: So that item, before they get a  
 22 permit, has to go through Public Works,  
 23 anyways, so --  
 24 MR. TRIAS: And that would be a Public  
 25 Works permit.

1 MR. PEREZ: -- at that point in time, that  
 2 that design gets reviewed at permit, or gets  
 3 approved --  
 4 MR. FLANAGAN: From what I've heard from  
 5 Staff and the applicant, this has been through  
 6 reviews. Nobody has anything against it. It's  
 7 been through DRC. The departments, including  
 8 Public Works, have no problem with it? And  
 9 we've taken -- You've got a 30-foot  
 10 right-of-way on that half. 16 feet of it now  
 11 is going to the bulb-out.  
 12 MR. TRIAS: Mr. Flanagan, if I could advise  
 13 you on this -- and the attorney would probably  
 14 be a better person advising you on this -- I  
 15 would not design the project specifically,  
 16 because of the liability issues. My  
 17 recommendation, if I were in your case, would  
 18 be for the experts, for the traffic  
 19 professionals, to review the safety and follow  
 20 some of the ideas that you suggested, but I  
 21 wouldn't be as specific --  
 22 MR. FLANAGAN: I'm not a site plan  
 23 architect, and I hate it when people try to do  
 24 it to me, so I'm very sensitive to that, and I  
 25 think counsel knows that, but as I've heard and

1 said, this has been through the engineers, the  
 2 traffic engineers, Public Works, and it's still  
 3 here, and that bothers me.  
 4 CHAIRMAN AIZENSTAT: Right.  
 5 MR. TRIAS: The way I would phrase it is  
 6 that you have some safety concerns that should  
 7 be addressed again by the engineers, and we  
 8 will happily follow up on that.  
 9 CHAIRMAN AIZENSTAT: That's why maybe --  
 10 I'm going to ask you again, would you like  
 11 to defer the third item, to have your traffic  
 12 engineers, if you -- You may want to do some  
 13 changes, you might want to explore what your  
 14 options are on that third item. You may want  
 15 to have certain Staff from the City here. You  
 16 may want to have your own engineers here. I'm  
 17 just giving you an option.  
 18 MS. MARRERO: I don't mean it  
 19 disrespectfully of this Board, because in the  
 20 ideal circumstances, it's always my  
 21 recommendation to come back to the Board that's  
 22 asking for the request --  
 23 CHAIRMAN AIZENSTAT: I understand.  
 24 MS. MARRERO: -- with all the information  
 25 and traffic consultants, traffic engineers, as

1 well as the Staff from Public Works, to address  
 2 all the questions, but because of the timing  
 3 circumstances, it would be our wish that you  
 4 let us proceed with those recommendations, and  
 5 between now and the time this goes to the  
 6 Commission, we have an opportunity to have that  
 7 discussion with Staff and with Public Works and  
 8 have all that information to give to the  
 9 Commission, to address your concerns.  
 10 CHAIRMAN AIZENSTAT: I understand. For me,  
 11 it's hard to --  
 12 MS. MARRERO: We understand.  
 13 CHAIRMAN AIZENSTAT: -- do that, but --  
 14 with the site plan that's before me.  
 15 MR. FLANAGAN: Let me ask the applicant a  
 16 question.  
 17 Would the applicant be amenable to deleting  
 18 that bulb-out?  
 19 MS. MARRERO: Oh, yes.  
 20 CHAIRMAN AIZENSTAT: Okay, so --  
 21 MR. BELLIN: I have another question.  
 22 For me, I think all the bulb-outs ought to  
 23 be eliminated.  
 24 MR. FLANAGAN: Well, that poses problems  
 25 down at Gables Ponce and that whole area, with

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1 the way these things are --

2 MR. BELLIN: I know, but it serves no

3 purpose. It's very restrictive. And, you

4 know, I know the City has their --

5 MR. PEREZ: Master plan.

6 MR. BELLIN: The way they want these roads

7 to look, but I really think that in this case,

8 and I don't know if you know that street or

9 not, but it's --

10 MR. FLANAGAN: Yeah.

11 CHAIRMAN AIZENSTAT: I think this whole --

12 the traffic study, the stacking, the bulb-out,

13 I think it all culminates into something that

14 needs to be addressed, and to me, just removing

15 that one part doesn't really solve the issue.

16 MS. ALBERRO MENENDEZ: Yeah, I think the

17 biggest problem we have is that we don't have

18 the experts here that we can ask, you know,

19 that we can say, "Okay, did you guys think

20 about this," and then them telling us, "Yes, we

21 did, and this is our reasoning for it." And

22 that's what's lacking here.

23 CHAIRMAN AIZENSTAT: On the floor now, we

24 do have a motion and we have a second. As it

25 stands, any other questions? That's without

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1 removing -- without taking it into account.

2 Any other questions? No?

3 Call the roll, please.

4 MR. FLANAGAN: With no friendly amendment,

5 then?

6 CHAIRMAN AIZENSTAT: With no -- No, there

7 hasn't been any friendly amendment.

8 MR. FLANAGAN: Okay.

9 MS. MENENDEZ: A motion to approve as is,

10 correct?

11 CHAIRMAN AIZENSTAT: That is correct.

12 MS. MENENDEZ: Maria Menendez?

13 MS. ALBERRO MENENDEZ: No.

14 MS. MENENDEZ: Alberto Perez?

15 MR. PEREZ: Yes.

16 MS. MENENDEZ: Marshall Bellin?

17 MR. BELLIN: Yes.

18 MS. MENENDEZ: Jeff Flanagan?

19 MR. FLANAGAN: No.

20 MS. MENENDEZ: Eibi Aizenstat?

21 CHAIRMAN AIZENSTAT: No.

22 Thank you.

23 MS. MARRERO: Thank you.

24 CHAIRMAN AIZENSTAT: Those are the two

25 items that we have tonight. Anything else?

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1 MR. TRIAS: That's it, sir.

2 CHAIRMAN AIZENSTAT: That's it. The

3 meeting is adjourned. Thank you.

4 MR. TRIAS: Thank you very much.

5 CHAIRMAN AIZENSTAT: Do you want these

6 packets back for the Commission?

7 MR. TRIAS: Yes.

8 (Thereupon, the meeting was adjourned at

9 8:00 p.m.)

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1 CERTIFICATE

2

3 STATE OF FLORIDA:

4 SS.

5 COUNTY OF MIAMI-DADE:

6

7 I, JOAN L. BAILEY, Registered Diplomate

8 Reporter, Florida Professional Reporter, and a Notary

9 Public for the State of Florida at Large, do hereby

10 certify that I was authorized to and did

11 stenographically report the foregoing proceedings and

12 that the transcript is a true and complete record of my

13 stenographic notes.

14

15 I further certify that all public speakers were

16 duly sworn by me.

17

18 DATED this 15th day of October, 2013.

19

20 SIGNED COPY ON FILE

21

22 JOAN L. BAILEY, RDR, FPR

23

24 Notary Commission Number EE 083192.

25 My Notary Commission expires 6/14/15.