

**City of Coral Gables  
Planning Department Staff Report**

**To:** Honorable Planning and Zoning Board Members

**From:** Planning Department

**Date:** July 18, 2007

**Subject:** Application No. 01-07-445-P. Building Site Separation, Tentative Plat Review and Variances to the Subdivision requirements. The applicant is making the following requests for the property legally described as Tract 2, Cartee Homestead Section (6801 Granada Boulevard), Coral Gables, Florida:

1. Separation of building site pursuant to Zoning Code Section 3-206. The existing single tract of land is proposed to be subdivided into two (2) separate building sites for two (2) single-family residences.
2. Review of a tentative plat entitled "Revised Plat of Cartee Homestead" to re-plat the approximately 3.0 acre property/tract into two (2) platted lots.
3. Variances to the Subdivision requirements pursuant to Zoning Code Section 3-904.

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**Recommendation**

The Planning Department recommends denial of the building site separation and tentative plat. Staff's recommendation of denial of the building site separation is based on Staff findings of fact regarding the six review criteria included in Zoning Code Section 3-206(F). Staff has determined that the application satisfies none (0) of six (6) of the Zoning Code's criteria for review. A minimum of four (4) criteria are required to be met to be considered a candidate for building site separation.

Since the applicant's request for building site separation is being recommended for denial, the Planning Department also recommends denial of the proposed tentative plat and requested variances to the subdivision requirements (Section 3-904 of the Zoning Code), which is the technical means by which to accomplish the building site separation.

*Alternative Recommendation*

If the Planning and Zoning Board and the City Commission determine based upon the additional information submitted by the applicant and the facts of the application, testimony, and evidence received that the application satisfies the criteria, and desires to recommend approval of the proposed building site separation, tentative plat and variances from the subdivision requirements, Planning Department Staff recommends the application be recommended by the Board subject to all of the following conditions of approval:

1. All proposed plans for construction on the historically designated property, including modifications to the existing historically designated residence and the

new residences shall require review and approval by the Historic Preservation Board prior to the issuance of a building permit.

2. A detailed landscape plan including an existing tree survey indicating those trees that will be removed, relocated or replaced and a root preservation plan shall be prepared and provided by the applicant, subject to review and approval of the Directors of the Public Service, Historic Resources and Planning Departments prior to consideration of the building site separation by the City Commission.
3. Approval of required variances for the final plat is granted by the City Commission in accordance with the standards outlined in Zoning Code Section 3-904.
4. Amend Zoning Code Appendix A - Site Specific Regulations, by adding Section A-17.1, "Cartee Homestead – Revised Plat", and indicate the property is two (2) separate building sites.

### **Request**

The applicant is requesting consideration of a building site separation and tentative plat and variances. The building site separation is being reviewed in accordance with Zoning Code Section 3-206. The tentative plat and required variances are being reviewed in accordance with Zoning Code Sections 3-901 thru 3-904. Final plats and building site separations are adopted by Resolution by the City Commission (one public hearing). Variances for re-plats are recommended by the Planning and Zoning Board and adopted by Ordinance by the City Commission (two public hearings).

The building site separation request is to separate the subject property into two (2) building sites. This property is currently a single tract of land (one platted lot), and has been determined by the Building and Zoning Department to be one building site for a single family residence. The applicant would retain portions of the existing historic structure residence into the construction of a new residence on proposed Lot 1, and construct a new single-family residence on proposed Lot 2.

The applicant is requesting two (2) variances from Zoning Code Article 5 – Development Standards, Division 15, "Platting Standards". The variances are for requirements that: 1) all lots shall abut by their full frontage on a publicly dedicated street; and, 2) side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines. Variances required for final plats are reviewed according to Zoning Code Section 3-904, and are adopted by Ordinance by the City Commission.

The applicant's application package containing the tentative plat and building site separation materials is provided as Attachment A.

### **Background**

This application was scheduled to be heard by the Planning and Zoning Board on 02.21.07, but was continued prior to the public hearing at the request of the City Attorney in order to conduct additional research to determine if the application was appropriately before the Board. The City Attorney issued a memorandum on 03.09.07 stating that the application was appropriately before the Board. That memo includes the 07.27.05 Building Site Determination Letter issued by the Building and Zoning Department as an attachment. A copy of the City Attorney's memo and Building Site Determination Letter are provided as Attachment B. A copy of the City

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Attorney's 04.04.07 memorandum providing a history of building site separations is provided as Attachment C.

*Property Description*

This property is located on Granada Boulevard approximately two blocks north of Sunset Road, half way between Hardee Road and Cartagena Plaza. The property backs onto the Coral Gables Waterway and the north side of the property is bounded by the Mahi Waterway. The property consists of a single tract and is approximately 128,077 square feet in size (approximately 2.94 acres) with approximately 433 feet of frontage along Granada Boulevard. According to the Miami Dade County property information files, the existing residence was constructed in 1951 and is a two story residence containing 9,448 adjusted square feet (8 bedrooms/7 bathrooms). Existing asphalt driveways, pool/pool house, tennis court and a coral rock wall are located on the property in addition to the existing residence.

The Historic Resources Department reviewed the existing residence located on the property, and determined in a letter to the applicant dated 01.26.07 that the existing residence does meet the minimum eligibility criteria for designation as a local historic landmark and has historic significance. The Historic Preservation Department also provided a memorandum on 02.12.07 stating concern about the proposal to separate the property into multiple building sites, and recommends that applicant apply to designate the property as a local historic landmark and that any proposal for new construction, including any new residences, need to be submitted for site plan review and recommendation by the Historic Preservation Board. Copies of the 01.26.07 Historical Significance Letter to the applicant and the 02.12.07 memorandum are provided as Attachment D.

On 06.21.07, the Historic Preservation Board designated the property as a local historic landmark, and reviewed the proposed separation of the property into two (2) building sites. At that meeting, the Historic Resources Department and the Board recommended denial of the proposed building site separation to the Planning and Zoning Board. A copy of the Historic Designation Report, 06.21.07 Historic Preservation Board meeting minutes and 06.25.07 Historic Designation Letter are provided as Attachment E.

**Facts – Background and Proposed Project**

*Development information:*

<i>Application</i>	<i>Request</i>
Change of land use designation(s)	No
Comprehensive Plan text amendment	No
Change of zoning designation(s)	No
Building site separation	Yes
Zoning Code text amendment	Yes
Site plan review	No
Mixed use site plan review	No
Planned Area Development	No
Subdivision Review or Tentative Plat	Yes
Variances requested for Final Plat	Yes
Conditional uses	No

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*City reviews and approvals:*

<i>City Reviews/Timeline</i>	<i>Date Scheduled/ Reviewed/Approved*</i>
Development Review Committee	11.04.05
Board of Architects	N/A
Board of Adjustment	N/A
Historic Preservation Board	06.21.07
Landscape Advisory Board	N/A
Local Planning Agency	N/A
Planning and Zoning Board	02.21.07 (item was continued) and 07.18.07
Street and Alley Vacation Committee	N/A
Public rights-of-way encroachment (City Commission)	N/A
City Commission 1 <sup>st</sup> reading (final plat and building site separation one public hearing – via Resolution)	TBD
City Commission 2 <sup>nd</sup> Reading (variances required for final plat two public hearings – via Ordinance)	TBD

\*All scheduled dates and times are subject to change without notice.

*Existing property designations:*

<i>Applicable Designations</i>	
CLUP Map Designation	"Residential Use (Single Family) Low Density"
Zoning Map Designation	Single Family Residential (SFR)
Within Central Business District	No
Mixed Use District 1	No
Mixed Use District 3	No
Mediterranean Architectural District (citywide)	Yes
Within Coral Gables Redevelopment Infill District (GRID) (Traffic Concurrency Exemption Zone)	No

*Surrounding uses:*

<i>Location</i>	<i>Existing Land Uses</i>	<i>CLUP Designations</i>	<i>Zoning Designations</i>
North	1-2 story single-family residences	"Residential Use (Single Family) Low Density"	Single Family Residential (SFR)
South	1 story single-family residences	"Residential Use (Single Family) Low Density"	Single Family Residential (SFR)
East	1 story single-family residence	"Residential Use (Single Family) Low Density"	Single Family Residential (SFR)
West	2 story single-family residence	"Residential Use (Single Family) Low Density"	Single Family Residential (SFR)

*Setbacks:*

<i>Type</i>	<i>Required</i>	<i>Proposed</i>
Front	25 feet	35 feet
Side (waterway)	35 feet	35 feet
Side (interior)	5 feet	15 feet
Rear	10 feet	15 feet
Rear (waterway)	35 feet	35 feet

## **Discussion**

The property is located in an established residential neighborhood consisting of one and two story residences. Larger homes along Granada Boulevard are typically located along the Coral Gables and Mahi Waterways. Smaller homes are located in the surrounding residential neighborhood on properties that are not located on a waterway. This property and all other surrounding properties are zoned Single Family Residential (SFR). The applicant included in the application package an analysis of building site frontages and total size of comparable residential properties in the surrounding neighborhood, which indicates that this is the largest residential property in the area. Both the building site frontage and total size analysis are provided in the application package in Attachment A.

### *Permitted Development*

Currently, this 128,077 SF property is a single tract of land (one platted lot), and has been determined to be one building site for a single-family residence. The Zoning Code permits a residence with a maximum 39,573 SF size to be constructed on this property. This is based on the Zoning Code provisions allowing 48% for the first 5,000 SF of the property, 35% for the second 5,000 SF and 30% for all remaining property over 10,000 SF.

The proposed building site containing the existing historic structure (Lot 1) is approximately 77,798 SF in size. This would allow a residence (historic structure + new structure) with a maximum 24,489 SF to be constructed. The proposed second building site (Lot 2) is approximately 49,594 SF in size. This would allow a new residence with a maximum 16,028 SF to be constructed. A total development of 40,517 SF would therefore be permitted on this property based on the provisions in the Code.

### *Review of Zoning Code Criteria*

Staff has reviewed the application based upon the six (6) criteria pursuant to Zoning Code Section 3-206(F) and presents the following findings:

1. *“That exceptional or unusual circumstances exist, that are site specific such as unusual site configuration or partially platted Lots, or are code specific such as properties having two or more zoning and/or land use designations, multiple facings or thru-block sites which would warrant the separation or establishment of a building site(s).”*

Staff Comment: While this building site is the largest property in this residential neighborhood, the site does not exhibit any of the characteristics described that would qualify as exceptional or unusual circumstances. This property does not have an unusual site configuration, does not consist of partially platted lots, does not have two or more land use or zoning designations, does not have multiple facings and is not a thru-block site.

The application does not satisfy this criteria.

2. *“That the building site(s) created would be equal to or larger than the majority of the existing building site frontages of the same zoning designation within a minimum of 1000-foot radius of the perimeter of the subject property or extending no farther than the immediate vicinity, whichever is less. “Immediate vicinity” shall be defined as an area in which a parcel of land is located, that is physically, functionally or geographically identifiable as a distinct realm, place or neighborhood, or an area within a radius of not more than one-half (½) mile from the subject property, whichever is smaller.”*

The applicant's building site frontage analysis is as follows (see Attachment A):

<b>Proposed building sites fronting Alhambra Circle</b>				
Frontage	0 to 120'	121' to 262'	263'+	Total
No. of Sites	9	25	2	36
Percentage	25%	69%	6%	100%

Staff Comment: The building site frontage of proposed Lot 1 (120' frontage) would be less than seventy-five percent (75%) of the surrounding comparable building site frontages.

The application does not satisfy this criteria.

3. *"That the building site(s) separated or established would not result in any existing structures becoming non-conforming as it relates to setbacks, lot area, lot width and depth, ground coverage and other applicable provisions of the Zoning Code, Comprehensive Land Use Plan and City Code."*

Staff Comment: This proposal would result in the existing residence becoming a "flag lot" (building site typically configured with a portion of the site, or "flag", located behind a building site that fronts onto the public street). Variances from the Zoning Code are being requested from requirements for full building site frontage on a publicly dedicated street, and side lot lines being at right angles to straight street lines or radial to curved street lines that would otherwise not be required.

The application does not satisfy this criteria.

4. *"That no restrictive covenants, encroachments, easements, or the like exist which would prevent the separation of the site."*

Staff Comment: The existing residence's asphalt driveway and existing tennis court encroaches onto proposed Lot 2. These existing encroachments would have to be removed to allow the separation of the property as proposed into two building sites. The 07.06.06 memorandum regarding building site separations prepared by the City Attorney's Office confirms that these existing encroachments tie this property together as a single building site. A copy of the City Attorney's memo is provided as Attachment B.

The application does not satisfy this criteria.

5. *"That the proposed building site(s) maintains and preserves open space, promotes neighborhood compatibility, preserves historic character, maintains property values and enhances visual attractiveness of the area and approval of the request is in the best interest of the public."*

Staff Comments: The proposal for two (2) building sites on this property results in a site plan that requires variances from the Zoning Code's platting standards and the creation of a "flag lot". This configuration is not consistent with the surrounding neighborhood, and results in an increased amount of driveway and impermeable areas requiring the removal of additional existing trees and landscaping.

The application does not satisfy this criteria.

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6. *"That the building site(s) created was purchased as a separate building(s) by the current owner prior to September 17, 1977."*

Staff Comment: The property data information sheet submitted with the application shows that the current owner purchased the property in 1980.

The application does not satisfy this criteria.

Staff's evaluation of the proposal determined that this application satisfies none (0) of the six (6) criteria contained in the Zoning Code for building site separations. The Code requires that a minimum four (4) criteria be satisfied to be considered for building site separation, therefore, Staff recommends denial of the request.

*Proposed Zoning Plan*

The property's zoning designation would not change as a result of this re-plat and would remain Single Family Residential (SFR). Both building sites would be deemed to face onto Granada Boulevard. All required building setbacks for these building sites would apply.

*Variances – Standards for review*

The applicant is requesting two variances from Zoning Code platting standards that are required to allow this application to proceed forward. Specifically, variances are being requested from the following requirements contained in Section 5-1508:

- "B. Location. All lots shall abut by their full frontage on a publicly dedicated street or a street that has received the legal status as such.*
- C. Lot Lines. Side lot lines shall be substantially at right angles to straight street lines or radical to curved street lines."*

Zoning Code Section 3-904, "Variances from subdivision requirements", states that the City Commission shall provide findings of fact that such variance(s) complies with the following standards:

- "1. That special conditions and circumstances exist which are particular to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.*
- 2. That the special conditions and circumstances do not result from the actions of the applicant.*
- 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulation to other lands, buildings or structures in the same zoning district.*
- 4. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations and would work unnecessary and undue hardship on the applicant.*
- 5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*
- 6. That the granting of the variance will be in harmony with the general intent and purpose of these regulations, and that such variance will not be injurious to the area involved or otherwise be detrimental to the public welfare."*

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*Zoning Code Amendment*

If the application is approved, amend Zoning Code Appendix A - Site Specific Regulations, by adding Section A-17.1, "Cartee Homestead – Revised Plat", to indicate Lot 1 and Lot 2 are separate building sites, as follows: (underlining denotes additions)

*Section A-17.1 – Cartee Homestead – Revised Plat.*

(a) Building Sites.

1. Tract 2 shall be considered two (2) building sites as follows:
  - a. One building site consisting of Lot 1.
  - b. One building site consisting of Lot 2.

*City Staff Comments*

This proposal was distributed to City Departments including Historical Resources, Public Works and Public Service with a request for review and comments, and the following comments were received:

1. Historical Resources Department. Historic Resources Staff has determined in a letter dated 01.26.07 that the existing residence located on the property does meet the minimum eligibility requirements for designation as a local historic landmark and has historic significance. A memo was also provided on 02.12.07 stating concern about the proposal to separate the property into three building sites, and recommends that applicant apply to designate the property as a local historic landmark and submit any proposal for new construction, including any new residences, for site plan review and recommendation by the Historic Preservation Board. Copies of the 01.26.07 Historic Significance Letter and 02.12.07 memo are provided as Attachment D.

On 06.21.07, the Historic Preservation Board designated the property as a local historic landmark, and reviewed the proposed site plan for the separation of the property into two (2) building sites. At that meeting, the Historic Resources Department and the Board recommended denial of the proposed building site separation to the Planning and Zoning Board. A copy of the Historic Designation Report, 06.21.07 Historic Preservation Board meeting minutes and 06.25.07 Historic Designation Letter are provided as Attachment E.

Staff has included with the alternative recommendation a condition that the applicant shall submit all proposed construction on the property, including proposed new residences and modifications to the historic structure, for review and approval by the Historic Preservation Board prior to issuing a building permit.

2. Public Service Department. The Public Service Director stated that no comments could be provided at this time as the plans are too preliminary, but that significant impact on existing trees is likely if the property is separated. The Director stated that it cannot be assumed that medium or large trees can be relocated and that it is misleading to depict a tree on a survey as a point rather than showing the larger root system footprint, concluding that the required tree root preservation area may therefore reduce the footprint of any homes that could be built.

Staff has included with the alternative recommendation a condition that a detailed landscape plan including an existing tree survey indicating those trees that will be removed, relocated or replaced and a root preservation plan shall be prepared and provided by the applicant,

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subject to review and approval of the Directors of the Public Service and Planning Departments prior to consideration of the building site separation by the City Commission.

**Findings of Fact**

Staff recommends denial of the application for tentative plat and building site separation based upon the following findings of fact:

1. This application satisfies none (0) of the six (6) criteria for building site separation. A minimum of four (4) criteria must be satisfied for a recommendation of approval.
2. This application would result in creation of a "flag lot" and development pattern that is not consistent with the surrounding neighborhood, and requires two variances from the Zoning Code's platting standards.
3. There is significant existing tree canopy on the property, and the Public Service Director has stated that the separation of this property would likely have a significant impact on the preservation of the trees.
4. Historic Preservation Board has designated the entire property as a local historic landmark, The Historic Resources Department and the Board recommended to the Planning and Zoning Board denial of the proposed separation of the property into two (2) building sites.

**Public Notification/Comments**

The following has been completed to solicit input and provide notice of the application:

Type	Explanation
Neighborhood meeting completed	N/A
Courtesy notification of all property owners within 1,000 feet of the subject property	Completed 02.08.07 and 07.05.07
Newspaper ad published	Completed 02.05.07 and 07.05.07
Posted property	Completed 02.08.07 and 07.05.07
Posted agenda on City web page/City Hall	Completed 02.06.07 and 07.13.07
Posted Staff report on City web page	Completed 02.16.07 and 07.13.07

The listing of property owners who returned the notification/comment form, including the date received, property owners name, address, object/no objection/no comment and verbatim comments are attached as Attachment F. A copy of the published newspaper notification of this public hearing item is included as Attachment G.

Respectfully submitted,

Eric Riel  
Planning Director

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**Attachments:**

- A. Application package including tentative plat and building site separation materials.
- B. 03.09.07 City Attorney's memorandum and Building Site Determination Letter.
- C. 04.04.07 City Attorney's background memorandum.
- D. 01.26.07 Historic Resources Department's Historical Significance Letter and 02.12.07 memorandum.
- E. Historic Designation and Site Plan Review Report, 06.21.07 Historic Preservation Board meeting minutes and 06.25.07 Historic Designation Letter.
- F. Synopsis of comments received from property owners within 1,000 feet.
- G. Published newspaper notification (advertisement).

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# TENTATIVE PLAT OF "REVISED PLAT OF CARTEE HOMESTEAD"

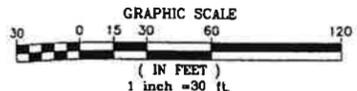
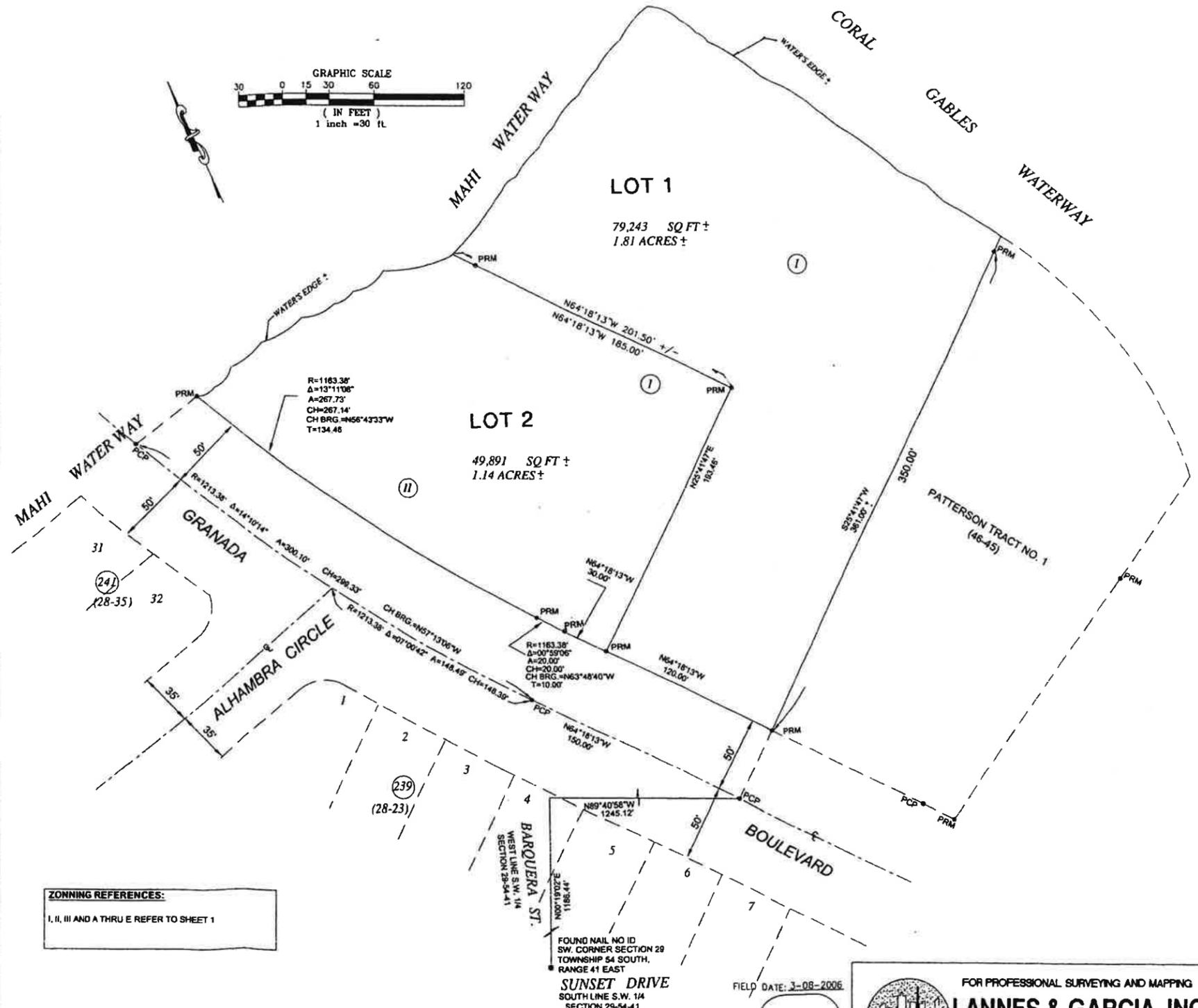
BEING A REPLAT OF TRACT 2 OF "CARTEE HOMESTEAD" AS RECORDED IN PLAT BOOK 43, AT PAGE 30 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND SITUATED IN THE SW 1/4 OF SECTION 29, TOWNSHIP 54 SOUTH, RANGE 41 EAST, LYING AND BEING IN THE CITY OF CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA

DEVELOPMENT INFORMATION		
PROPOSED LOT 1		
ZONING INFORMATION		
	REQD	EXISTING
FRONT SETBACK	35'-0"	
SETBACK FROM CANAL	35'-0"	
SIDE SETBACK	15'-0"	
SIDE SETBACK	15'-0"	
MAXIMUM HEIGHT	34'-0"	
LOT AREA	79,243	
BLDG. FOOTPRINT: 35%	SQ. FT. ±	
LOT AREA	27,735	
MIN. SQUARE FOOTAGE	3,682	
R-18	SQ. FT. ±	R-18
PROPOSED LOT 2		
ZONING INFORMATION		
	REQD	EXISTING
FRONT SETBACK	35'-0"	35'-0"
SETBACK FROM CANAL	35'-0"	22'-11"
SIDE SETBACK	15'-0"	15'-0"
SIDE SETBACK	15'-0"	15'-0"
MAXIMUM HEIGHT	34'-0"	
LOT AREA	49,891	
BLDG. FOOTPRINT: 35%	17,462	9,662
LOT AREA	SQ. FT. ±	SQ. FT. ±
MIN. SQUARE FOOTAGE	3,682	
R-18	SQ. FT. ±	R-18

AREAS:	
LAND: LOT A=	79,243 SQ. FT. ± 1.82 ACRES
LOT B=	49,891 SQ. FT. ± 1.15 ACRES
TOTAL:	129,134 SQ. FT. ± 2.97 ACRES ±

LEGEND OF SURVEY ABBREVIATIONS AND SYMBOLS:	
⊙	PRM= DENOTES PERMANENT REFERENCE MONUMENT #LB 2098
●	PCP= DENOTES PERMANENT CONTROL POINT #LB 2098
No.	= NUMBER
⊖	= CENTERLINE
R	= RADIUS
Δ	= DELTA ANGLE
A	= ARC LENGTH
CH	= CHORD DISTANCE
T	= TANGENT
CH BRG	= CHORD BEARING
Sq. Ft.	= SQUARE FEET
±	= MORE OR LESS
L.B.	= LICENSED BUSINESS
MIN	= MINIMUM
REQD	= REQUIRED

**ZONING REFERENCES:**  
I, II, III AND A THRU E REFER TO SHEET 1



FOR PROFESSIONAL SURVEYING AND MAPPING  
**LANNES & GARCIA, INC.**

359 ALCAZAR AVENUE  
PH (305) 666-7909

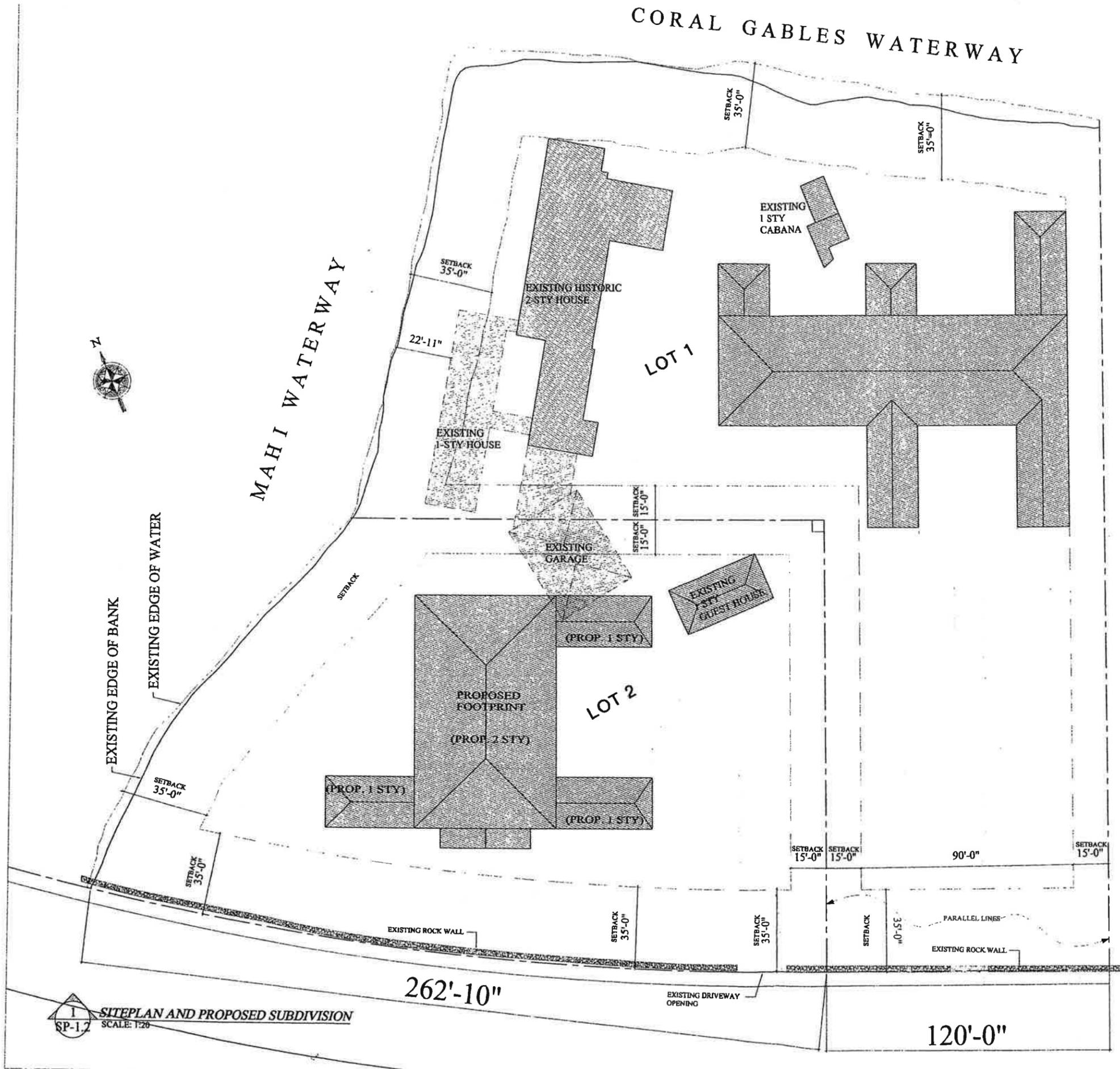
CORAL GABLES, FLORIDA 33134  
FAX (305) 559-3002

FIELD DATE: 3-08-2006

SEAL

# CORAL GABLES WATERWAY

## MAHI WATERWAY



### LEGAL DESCRIPTION

TRACT 2, CARTER HOMESTEAD, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 43, AT PAGE 30, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

### PROPOSED LOT 1

ZONING INFORMATION		
	REQD.	PROPOSED
FRONT SETBACK	35'-0"	35'-0"
SETBACK FROM CANAL	35'-0"	22'-11"
SIDE SETBACK	15'-0"	15'-0"
SIDE SETBACK	15'-0"	15'-0"
MAXIMUM HEIGHT	34'-0"	34'-0"
LOT AREA	-	77,791.7 SQ. FT.
BLDG. FOOTPRINT: 33% LOT AREA	27,229.2 SQ. FT.	17,464.49
F.A.R.: (40% * 2000) + (33% * 5000) (50% REMAINDER)	24,239.31 SQ. FT.	24,237.1 SQ. FT.

### PROPOSED LOT 2

ZONING INFORMATION		
	REQD.	PROPOSED
FRONT SETBACK	35'-0"	35'-0"
SETBACK FROM CANAL	35'-0"	35'-0"
SIDE SETBACK	15'-0"	15'-0"
SIDE SETBACK	15'-0"	15'-0"
MAXIMUM HEIGHT	34'-0"	34'-0"
LOT AREA	-	49,594.37 SQ. FT.
BLDG. FOOTPRINT: 33% LOT AREA	17,338.03 SQ. FT.	16,377.67
F.A.R.: (40% * 2000) + (33% * 5000) (50% REMAINDER)	15,778.31 SQ. FT.	15,777.67 SQ. FT.

PROJECT: CARTER HOMESTEAD SUBDIVISION  
801 N. W. 10th BLVD. CORAL GABLES, FL  
NO.

JORGE L. HERNANDEZ  
Architect  
FLORIDA REGISTRATION # 841  
337 Palermo Avenue, Coral Gables, Florida 33134 (305) 774-0022

REVISIONS:  
△  
△  
△

DRAWING: 1  
2 LOT  
SITE PLAN  
DATE: 5.7.07  
SHEET: SP-1.2

1 SITEPLAN AND PROPOSED SUBDIVISION  
SP-1.2 SCALE: 1/2" = 1'-0"

262'-10"

120'-0"



## The City of Coral Gables

### Historical Resources Department

2327 SALZEDO STREET  
CORAL GABLES, FLORIDA 33134

January 26, 2007

F.W. Zeke Guilford  
400 University Dr., Suite 200  
Coral Gables, FL 33146

Re: 6801 Granada Boulevard, legally described Tract 2, Cartee Homestead

Dear Mr. Guilford:

Section 3-1107(g) of the Coral Gables Zoning Code states that "No permit for demolition of a non-designated building shall be issued to the owner thereof without prior notification by the Building Official to the Historical Resources Department. All demolition permits for non-designated buildings must be approved and signed by the Director of the Department of Historical Resources. Such signature is valid for six (6) months and shall thereafter expire and the approval deemed void unless the demolition permit has been issued by the Building and Zoning Department. The Historical Resources Department may require review by the Historic Preservation Board if the building to be demolished is considered eligible for designation as a local historic landmark or as a contributing building or property within an existing local historic landmark district. The public hearing shall be held at the next regularly scheduled meeting if the provided statutory notice is complied with at which time the provisions of this Division shall apply. The determination of historic significance and eligibility for designation as a local historic landmark by the Historic Preservation Board is a non-final and non-appealable decision."

Therefore, please be advised that after careful research and study of our records and the information you presented the following information has been determined:

**6801 Granada Boulevard, legally described Tract 2, Cartee Homestead, does meet the minimum eligibility criteria for designation as a local historic landmark. The home was built in 1951 and designed by Alfred Browning Parker. Staff is aware that the house has been altered and expanded, yet we do not feel that it has lost its essential character or architectural integrity. Therefore, the Historical Resources staff will require review by the Historic Preservation Board if an application is made for a demolition permit.**

Please note that, pursuant to Section 2-705(b)(15) of the Coral Gables Zoning Code, this determination does not constitute a development order and is valid for a period of six (6) months. Upon expiration of the six-month period, you will be required to file a new application. Any change from the foregoing may be made upon a demonstration of a change in the material facts upon which this determination was made. If you have any further questions concerning this matter, please do not hesitate to contact this office.

Sincerely,

Kara Kautz, Historic Preservation Officer

cc: Califon Co. NV, c/o Garry Schwartz P.A., 4000 Ponce de Leon Blvd., Suite 470, Coral Gables, FL 33146  
Elizabeth Hernandez, City Attorney  
Margaret Pass, Building and Zoning Director  
Dennis Smith, Assistant Building and Zoning Director  
Ed Weller, Assistant Building and Zoning Director  
Manny Lopez, Building Official  
Historical Significance Request Property File

CITY OF CORAL GABLES  
2007 JAN 29 AM 10:57



## The City of Coral Gables

### Historical Resources Department

2327 SALZEDO STREET  
CORAL GABLES, FLORIDA 33134

June 25, 2007

F.W. Zeke Guilford  
400 University Dr., Suite 200  
Coral Gables, FL 33146

Re: Local Historic Designation  
6801 Granada Boulevard-Tract 2, Cartee  
Homestead

Dear Mr. Guilford:

This letter is to confirm the results of the Historic Preservation Board meeting of Thursday, June 21, 2007. The Board met to review a request for Local Historic Designation of the property located at 6801 Granada Boulevard with an application for the issuance of an Accelerated Special Certificate of Appropriateness.

We are pleased to inform you that the Historic Preservation Board found that the property is significant to Coral Gables history and thus deemed it a historic landmark, listing it on the Coral Gables Register of Historic Places. As a result, any plans for modifications to your property should first be submitted to the Historical Resources Department for review. A copy of the Board's resolution will be forwarded as soon as it is available.

The Historic Preservation Board also reviewed the application for the issuance of an Accelerated Special Certificate of Appropriateness [COA (SP) 2007-11]. After deliberation, the Board passed a motion to recommend denial to the Planning and Zoning Board for the division of the property. Therefore the Accelerated Special Certificate of Appropriateness request to create the two separate building sites was not approved.

Please note that there is a fourteen day appeal period. Any aggrieved party may appeal any decision of the Historic Preservation Board to the City Commission by filing a written Notice of Appeal and an appeal fee of two hundred dollars (\$200.00) with the City Clerk not less than five (5) days and within fourteen (14) days from the date of the decision. The notice shall concisely set forth the decision appealed and the grounds for the appeal. If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, the aggrieved party will need a record of the proceedings. For such purpose the aggrieved party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Should you have any questions, please feel free to contact the office.

Sincerely,

Kara Krautz

Historic Preservation Officer

cc: LHD 2007-01  
Califon Co. NV, c/o Garry Schwartz P.A., 4000 Ponce de Leon Blvd., Suite 470, Coral Gables, FL 33146  
Jorge Hernandez, 337 Palermo Avenue, Coral Gables, FL 33134  
Walter J. Foeman, City Clerk  
Alberto Delgado, Public Works Director  
Dennis Smith, Assistant Building and Zoning Director  
Ed Weller, Assistant Building and Zoning Director  
Martha Salazar-Blanco, Zoning Administrator  
Eric Riel, Jr., Planning Director  
Walter Carlson, Assistant Planning Director  
GIS Coordinator via Gee Ming Chow, IT Director  
Lemay Ramos, IT Analyst via Gee Ming Chow, IT Director

1 CITY OF CORAL GABLES  
2 PLANNING AND ZONING BOARD MEETING  
3 VERBATIM TRANSCRIPT  
4 CORAL GABLES POLICE STATION BASEMENT  
5 2801 SALZEDO STREET, CORAL GABLES, FLORIDA  
6 WEDNESDAY, JULY 18, 2007, 6:25 P.M.

7 Board Members Present:

8 Tom Korge, Chairman  
9 Jack Coe  
10 Pat Keon  
11 Cristina Moreno  
12 Javier Salman

13 City Staff:

14 Eric Riel, Jr., Planning Director  
15 Lourdes Alfonsin Ruiz, Assistant City Attorney  
16 Walter Carlson, Assistant Planning Director  
17 Jill Menendez-Duran, Administrative Assistant  
18 Kara Kautz, Historic Preservation Officer

19 Also Participating:

20 Laura Russo, Esq.,  
21 On behalf of the Applicant, Ponce Circle  
22 Developers, LLC  
23 Robert Fine, Esq.,  
24 On behalf of the Applicant, Ponce Circle  
25 Developers, LLC  
26 Eduardo N. Lamas, Architect

27 Zeke Guilford, Esq., representing the Applicant,  
28 Califon Company  
29 Gary Schwartz, Esq., representing the Applicant,  
30 Califon Company  
31 Gil Haddad  
32 Mark Brown  
33 Amado "Al" Acosta

34

35

36



1 variances to subdivision requirements for  
2 the property located at 6801 Granada  
3 Boulevard.

4 MR. RIEL: Board Members, while we're  
5 waiting for the other applicant to set up,  
6 if you do not want these books, if you  
7 could give them to the applicant, because  
8 we will need them for the Commission.

9 MR. COE: Do you want to pick them up  
10 for the Commission?

11 CHAIRMAN KORGE: Yes.

12 MS. MORENO: Beautiful.

13 MR. RIEL: You can have this one back.  
14 Actually, I'll need it for the record.  
15 Thank you.

16 (Inaudible comments off the record)

17 MR. CARLSON: Mr. Chairman, I can  
18 begin when you would like me to.

19 CHAIRMAN KORGE: I think we're ready.

20 MR. CARLSON: Okay, very good.

21 The third -- actually, the second item  
22 before you tonight is the Cartee Homestead  
23 Replat, which is commonly referred to as  
24 the --

25 MR. RIEL: We can't hear you. You've

1 got to hold it up to you.

2 MR. CARLSON: Can you hear me now?

3 MR. RIEL: Yes.

4 MR. CARLSON: The second item before  
5 you this evening is the Cartee Homestead  
6 replat, which is commonly referred to as  
7 the 6801 Granada Boulevard lot separation.  
8 It is for a building site separation and  
9 tentative plat review.

10 The applicant is requesting the  
11 separation of the property's single tract  
12 of land into two building sites for  
13 single-family residences. The applicant is  
14 also requesting a replat of the property  
15 into two platted lots, and that would be  
16 the technical means by which to accomplish  
17 the building site separation. And the  
18 final request from the applicant is a  
19 recommendation on two required variances  
20 for the replat.

21 The property is one tract of land and  
22 it is approximately three acres in size.

23 The entire property was designated as a  
24 local historic landmark in June of this  
25 year, last month.

1           The existing residence was constructed  
2           in 1951, and contains approximately 9,500  
3           square feet.

4           An existing driveway, a tennis court  
5           and a coral rock wall tie the entire  
6           property together as a single building  
7           site.

8           Here is the property, and I'll outline  
9           the entire property for you. That is the  
10          property, and this is the site plan which  
11          is proposed, proposed to divide the  
12          property into two building sites, the  
13          existing residence, which is located right  
14          here, and a new residence which would join  
15          that would be Proposed Lot Number 1.

16          As you can see, portions, the shaded  
17          portions of the existing lot, would have to  
18          be removed to allow Proposed Lot 2, which  
19          would have a new residence constructed on  
20          it.

21          As you look at Lot 1, this is -- this  
22          takes the configuration of what we call a  
23          flag lot, the reason being is, you have the  
24          narrow portion of the site going back to a  
25          larger portion of the site, and the

1 frontage of this portion of the site would  
2 face onto the back of the Proposed Lot 2,  
3 and you can see that the side -- the side  
4 property line for Lot 1 and Lot 2 would  
5 meander back through the property.

6 The Public Service -- These plans have  
7 been reviewed by City departments, and the  
8 Public Service Department had expressed  
9 concern about the impact of the proposed  
10 new construction on the preservation of the  
11 property's existing mature trees and  
12 landscaping.

13 The Historic Resources Department has  
14 expressed concern of the impact of the new  
15 residence on the historical structure and  
16 its setting on the property.

17 MS. MORENO: I'm sorry, will there be  
18 two new residences on Lot 1?

19 MR. CARLSON: What would occur is,  
20 there would be -- Let me go back. What  
21 would occur is -- this is Lot 1, again --

22 MS. MORENO: Right.

23 MR. CARLSON: -- this configuration.  
24 This is the existing residence, here. That  
25 existing residence was designated as

1 historic. These portions of the historic,  
2 which you can barely see on here, but it's  
3 clearer, I believe --

4 MS. MORENO: Yeah.

5 MR. CARLSON: -- on your handout --  
6 these portions of the historic residence  
7 would be demolished, and then this historic  
8 portion of the building would be left on  
9 the site, and a new -- I hate to say an  
10 addition, because it's actually a new  
11 residence -- would be constructed there,  
12 and the remaining portion of the historic  
13 residence would remain. So --

14 MS. MORENO: What is that building to  
15 the -- that long, narrow building  
16 existing -- no, the other one.

17 MR. CARLSON: This one?

18 MS. MORENO: What is it?

19 MR. CARLSON: That's the historic  
20 residence.

21 MS. MORENO: That's the house?

22 MR. CARLSON: That's the house that  
23 exists there now.

24 MS. MORENO: And what's on Lot 2?

25 MR. CARLSON: Lot 2? This would be a

1 brand-new single-family residence.

2 MS. MORENO: So we're going to put  
3 three houses?

4 MR. CARLSON: What it would be is,  
5 there would be -- This is the historic  
6 portion, this is the new portion -- the new  
7 construction on Lot 1. This would be one  
8 building site. This is a new residence,  
9 would be located on Lot 2.

10 MS. MORENO: Why are they not tied  
11 together?

12 MR. CARLSON: That is the proposal  
13 which came before the City.

14 MS. MORENO: But the two buildings are  
15 not tied at all. I mean --

16 MR. CARLSON: That's correct.

17 MS. MORENO: -- is that a single-family  
18 residence?

19 MR. CARLSON: They would have to go for  
20 a variance for that, I believe, and because  
21 it's a historically designated property,  
22 that variance request would go to the  
23 Historic Resources -- the Historic Board.

24 CHAIRMAN KORGE: Would the demolition  
25 of the existing -- a portion of the

1 existing structure have to go through  
2 those, as well?

3 MR. CARLSON: Yes, yes, and anything on  
4 the historic structure would have to be  
5 approved by them, and as you can see --  
6 it's hard to see here -- a portion of that  
7 existing historic structure encroaches onto  
8 Building Site Number 2.

9 CHAIRMAN KORGE: Just out of curiosity,  
10 why wouldn't you go before that Board  
11 first, since that's probably the --

12 MR. CARLSON: A little bit farther in  
13 my presentation -- that has gone to them --

14 CHAIRMAN KORGE: Okay.

15 MR. CARLSON: -- and I'll give you the  
16 results of --

17 MS. MORENO: Okay, but wait. You're  
18 telling me that that one existing building  
19 is the one that has 9,448 square feet?

20 MR. CARLSON: If you take the entire  
21 building as it sits now. They're proposing  
22 to remove or demolish portions of it.

23 MS. MORENO: Two portions, right.

24 MR. CARLSON: That's correct. The  
25 existing, one as it sits now, has

1 approximately 9,500 square feet.

2 (Simultaneous inaudible comments)

3 MS. MORENO: How big are these going to  
4 be?

5 MR. CARLSON: All right, again, in  
6 June, last month, the Historic Preservation  
7 Board designated the entire property as a  
8 historic landmark, as I said previously,  
9 and at that meeting, both the Historic  
10 Resources Department and the Board, the  
11 Historic Preservation Board, recommended  
12 denial of the proposed building site  
13 separation request.

14 The Planning and Zoning Board  
15 recommends to the City Commission on  
16 proposed variances required on final plats.  
17 The replat requires two variances from the  
18 Code. First, all lots are required to abut  
19 by their full frontage on a public street,  
20 and as I showed you in the graphic, the  
21 proposed site plan, Lot Number 1 has a  
22 portion which is located behind the  
23 proposed lot which does not face onto a  
24 public street, and it also requires that  
25 side lot lines be at right angles to the

1 street line, and again, that side lot  
2 line -- side lot line meanders through the  
3 site.

4 The property -- the current property  
5 has been determined to be one building  
6 site, and a residence of 39,500 square feet  
7 could be built on the property now, as of  
8 right.

9 The proposal would permit a total of  
10 40,500 square feet to be built on the site,  
11 with approximately 24,500 square feet on  
12 Lot Number 1 and 16,000 square feet on Lot  
13 Number 2.

14 MS. MORENO: That's what would be  
15 permitted, but that's not what they're  
16 proposing, or that's what they're  
17 proposing?

18 MR. CARLSON: That is what -- that is  
19 what would be permitted.

20 The applicant is required to meet a  
21 minimum of four of the Zoning Code's six  
22 review criteria to be considered a good  
23 candidate for a building site separation.  
24 Staff has reviewed this proposal against  
25 those criteria and has determined the

1 following.

2 The first criteria, that exceptional or  
3 unusual circumstances exist. This proposal  
4 does not satisfy this criteria. This site  
5 does not exhibit any of the characteristics  
6 described in the Zoning Code that would  
7 qualify as exceptional or unusual  
8 circumstances, such as being an unusual  
9 site configuration, having partially  
10 platted lots, two or more land uses or  
11 zoning designations, or having multiple  
12 facings.

13 That the building sites created would  
14 be equal to or larger than the majority of  
15 surrounding building site frontages. This  
16 proposal does not satisfy this criteria.  
17 The building site frontage of Proposed Lot  
18 1 would be less than 75 percent of the  
19 comparable surrounding building sites.

20 That the building site separation would  
21 not result in any existing structure  
22 becoming nonconforming. This proposal does  
23 not satisfy this criteria. The proposed  
24 site plan would require the demolition of a  
25 portion of the existing historic residence,

1 result in the creation of a flag lot, and  
2 require two variances from the Zoning Code.

3 That no restrictive covenants,  
4 encroachments, easements or the like exist.  
5 This proposal does not satisfy this  
6 criteria. The existing residence's tennis  
7 court and driveway encroach onto Lot Number  
8 2, and as I mentioned before, a portion of  
9 the historic residence itself encroaches  
10 onto the lot.

11 Maintains and preserves open space,  
12 historic character and visual  
13 attractiveness and promotes neighborhood  
14 compatibility. This proposal does not  
15 satisfy this criteria. The proposed site  
16 plan is not consistent with the development  
17 pattern of the surrounding neighborhood,  
18 creates a building site that does not fully  
19 front onto a public street, and requires  
20 the removal of existing mature trees and  
21 landscaping.

22 The final criteria, was the property  
23 purchased by the current owner prior to  
24 September 1977? It was not. The current  
25 owner purchased the property in 1980.

1           Staff is recommending denial of this  
2 building site separation because it meets  
3 none of the six criteria which are  
4 required, and as I mentioned before, a  
5 minimum of four are required to be  
6 considered a good candidate.

7           Staff, therefore, also recommends  
8 denial of the tentative plat and the  
9 required variances, which is the technical  
10 means of accomplishing the building site  
11 separation.

12           If the Board should recommend approval  
13 of the request, Staff recommends the  
14 following conditions of approval be  
15 included and required: First, all proposed  
16 site plans shall be reviewed and approved  
17 by the Historic Preservation Board.

18           Second, a tree preservation plan shall  
19 be prepared and submitted for City review  
20 and approval.

21           Third, the City Commission approve the  
22 required variances for the final plat.

23           And finally, that the Zoning Code be  
24 amended to indicate the property is two  
25 separate building sites.

1           And that concludes Staff's  
2           presentation. If you have any questions,  
3           I'd be glad to answer them.

4           CHAIRMAN KORGE: Does any Board member  
5           have questions at this time?

6           MS. MORENO: I do have a question.

7           Mr. Guilford, in his cover letter, says  
8           that the proposed lots would remain larger  
9           than the other existing building sites in  
10          the area.

11          CHAIRMAN KORGE: Right.

12          MS. MORENO: And you said that was not  
13          true.

14          MR. CARLSON: We evaluate the  
15          frontages. There's two frontages. One of  
16          the building sites would have a frontage of  
17          120 feet, and the other would have a  
18          frontage of 262 feet, and the 120-foot  
19          frontage would be less than 75 percent of  
20          the surrounding comparable building sites.  
21          We don't do it by land size.

22          MS. MORENO: But if you do it by land  
23          size, what's the answer?

24          MR. CARLSON: We didn't do that  
25          evaluation, so -- I believe he's prepared

1 that, but --

2 CHAIRMAN KORGE: The requirement says  
3 that it would -- the building site created  
4 would be equal to or larger than the  
5 majority of the existing building site  
6 frontages of the same zoning designation.

7 MR. COE: Frontages.

8 MS. MORENO: I understand that, but I  
9 still want the answer on total size.

10 CHAIRMAN KORGE: That's probably not  
11 the issue, the square footage, I'm  
12 guessing, but I don't know.

13 Any other questions?

14 MR. CARLSON: The applicant is here  
15 to --

16 (Inaudible comments off the record)

17 MR. GUILFORD: Good evening,  
18 Mr. Chairman, Members the Board. For the  
19 record, my name is Zeke Guilford, with  
20 offices at 400 University Drive,  
21 representing Califon Company, the owner of  
22 property at 6801 Granada Boulevard. With  
23 me is Mr. Gary Schwartz, who is the general  
24 counsel for Califon.

25 What I'd like to do is basically kind

1 of give you a history of this property a  
2 little bit. This -- actually, what you  
3 have before you, which is not very good, is  
4 actually Mr. Merrick's first plat of the  
5 property, and actually the property in  
6 question is actually right here. What's  
7 actually kind of neat about this, this is  
8 Cocoplum Circle, and just to kind of give  
9 you a history, he actually created parks  
10 here and here, down at the end, but what's  
11 really neat is, around the property in  
12 question he created another park, and  
13 actually what you have is, you have a road  
14 coming in here, you have roads coming in on  
15 this side, as well, and this was actually a  
16 yacht basin. Needless to say, it was not  
17 fully dredged, and the property actually,  
18 in 1940s, actually got replatted.

19 It was replatted by a man named  
20 Mr. Cartee, and he actually -- what's  
21 unique is, he actually owned two pieces of  
22 property, this piece of property, which is  
23 the one that's before you, but also the one  
24 across the waterway, the Mahi Canal  
25 waterway, and what you'll tell -- what is

1 interesting here is, this is what we  
2 originally came before the Board, and this  
3 was our original submittal, was actually  
4 three lots on the property, and the reason  
5 we actually separated it into three lots is  
6 because if you look at Cartee Number 1, it  
7 has already been subdivided into three  
8 lots. The lines do not go perpendicular.  
9 None of these meets the requirements of  
10 Code, but yet it actually has been approved  
11 and it already has another house on it, and  
12 this is actually under a separate  
13 ownership, so a third house can be built on  
14 this property. And this piece, Cartee 1,  
15 is approximately a quarter acre smaller  
16 than what we have here.

17 Then, in 1950, a gentleman by the name  
18 of Mr. Caudle actually purchased the  
19 property, and Mr. Caudle was a single man  
20 and basically did not build a large house.  
21 The 9,000 square feet that you see was not  
22 the original house. It was actually  
23 probably about 2,500 square feet. It was a  
24 one-bedroom house, and later it  
25 subsequently was added on and added on and

1           added on, until it got up to 9,000 square  
2           feet.

3           I believe I'm going to probably repeat  
4           some things that Staff had said. The  
5           property is approximately three acres in  
6           size, 2.94 acres. Staff has stated that we  
7           can build a house approximately 39,500  
8           square feet. It was originally platted in  
9           approximately four lots by the original  
10          Merrick plat.

11          This property subsequently, in the  
12          '70s, went into foreclosure. In 1980, our  
13          clients bought it. The original house,  
14          which we keep talking about as the historic  
15          structure, was actually designed by Alfred  
16          Browning Parker, and it's only the small  
17          portion that I mentioned before, the 2,500  
18          square feet, approximately, give or take.  
19          And that's the reason we're actually -- our  
20          proposal, and I'll go into it a little bit  
21          further, actually talks about removing not  
22          the Alfred Browning Parker portion, but  
23          portions that were added by other  
24          architects as appendages, later on.

25          It's my understanding and I believe,

1           and Kara can correct me if I'm wrong -- I  
2           think there's only two Alfred Browning  
3           Parker houses in the Gables. I know  
4           there's one -- oh, there's more? There's  
5           definitely, I know, two, one on Bayamo and  
6           then this one, and this one was just  
7           designated in June.

8                     This application has been being  
9           processed for approximately two years.  
10          We've been working with the Building &  
11          Zoning Department. Laura Russo actually  
12          was handling this case prior to myself. We  
13          also worked with Historic Preservation,  
14          prior to Kara, with Dona Lubin.

15                    Recently, we went to the Historic  
16          Preservation Board, and we actually started  
17          with the three lots that I showed you  
18          earlier. We then, based upon a meeting  
19          with Staff, reduced that down to two.

20                    When we got the Staff recommendation,  
21          to be quite candid with you, we were a  
22          little bit disappointed, because with two  
23          lots, we thought it was adequate size for  
24          two residences, but if you read Staff's  
25          recommendation, they're not recommending

1 denial of the lot separation or because  
2 they don't believe in the lot separation.  
3 Their basis of their denial is that we are  
4 not providing adequate information for them  
5 to make a decision. And I'm going to tell  
6 you why we can't provide that and why we  
7 told the Board we can't provide that.

8 Califon is not a developer. So,  
9 basically, you could end up with a house  
10 that looks like this, and this will  
11 ultimately be either a guest house or  
12 people have envisioned this either -- Jorge  
13 Hernandez envisions this as a gallery,  
14 something to complement the original  
15 residence. So you will not have two  
16 residences on this piece of property. But  
17 a house could look like this --

18 MR. COE: Hold on, let me interrupt  
19 you.

20 MR. GUILFORD: Sure.

21 MR. COE: You just lost me with what  
22 you just said.

23 MR. GUILFORD: What did I say?

24 MR. COE: You're proposing a lot split  
25 for two residences.

1 MR. GUILFORD: Right. Correct.

2 MR. COE: Now you just told me you're  
3 not going to have two residences.

4 MR. GUILFORD: No, we'll have one here,  
5 but I think the question was, is there two  
6 residences on one lot.

7 MR. COE: Oh, okay.

8 MR. GUILFORD: And we are not having two  
9 residences on a single lot.

10 MR. COE: If you were to get your lot  
11 split, on each lot there would be a  
12 residence.

13 MR. GUILFORD: One residence,  
14 absolutely.

15 MR. COE: Okay.

16 MR. GUILFORD: Absolutely.

17 A residence can be built this way --

18 MS. MORENO: In other words, what  
19 you're giving us is not a real proposal,  
20 it's just a possibility.

21 MR. GUILFORD: Absolutely. Absolutely,  
22 because we can't at this time.

23 Or a third scenario -- and the  
24 reason -- the reason we really could not  
25 provide the Historic Preservation Board

1           this information is because we don't know  
2           what's going to be built. We could spend  
3           the money and give them the elevations that  
4           they wanted, but it really would mean  
5           nothing because whoever bought the property  
6           would want it their own way and come back,  
7           and what we tried to explain to the Board,  
8           and it's actually kind of funny, because  
9           the Staff's alternative recommendation is,  
10          now that the property has been designated  
11          historic, whatever happens on that property  
12          has the overview of the Historic  
13          Preservation Board. So any demolition on  
14          the property must go before the Board. Any  
15          addition to the property must go before the  
16          Board. Anything that happens on that  
17          property, because you just don't designate  
18          the Alfred Browning Parker portion; you  
19          designate the whole property.

20                 As a matter of fact, Lot 2, the house  
21          on Lot 2, would have to come before the  
22          Historic Preservation Board, because it is  
23          sitting on a historically designated piece  
24          of property.

25                 Now, what I'd like to do is just

1 backtrack, because I don't think it was in  
2 your packet, is, in 2005 -- in 2005, Dennis  
3 Smith wrote a letter to Laura Russo,  
4 stating that this piece of property did not  
5 have to go through the building site  
6 separation procedures.

7 Subsequently, which is in your package,  
8 is a letter from the City Attorney,  
9 stating, a year and a half later, that we  
10 do. What I'd like to point out is that  
11 cc'd on this letter is Planning Staff. At  
12 no time within that year and a half between  
13 the issuance of this letter and the City  
14 Attorney's letter did anybody object to  
15 this, did anybody appeal this decision, and  
16 therefore, we have actually relied on this  
17 decision that's before you.

18 However, based upon the City Attorney's  
19 decision, we have no other alternative but  
20 to move forward, basically, under protest  
21 of this matter, and move forward with this  
22 application. Otherwise, we would not be  
23 able to move forward with the application.

24 So what are we really requesting?  
25 We're requesting two building sites,

1 Building Site 1, which is approximately a  
2 little bit over -- close to 78,000 square  
3 feet, almost two acres, and Lot 2, which is  
4 49,000 square feet, which is over an acre.

5 Now, Staff has said in their -- and  
6 what I'd like to do is just take a moment  
7 to go through Staff's six criteria. Staff  
8 has said that it's not unique or  
9 exceptional in any circumstance. Frankly,  
10 I believe a three-acre tract in this  
11 neighborhood, which is by far the largest  
12 single parcel -- it is fronted on two sides  
13 by water and is designated historic. In  
14 and of itself, it makes it a very unique  
15 piece of property.

16 Now, the second thing is that Staff --  
17 the second issue is, are you equal to or  
18 larger than the 50 percent or a majority of  
19 the properties in the area? The reason you  
20 cannot do frontages in this case is, this  
21 is the area that Staff has picked as their  
22 subject property to analyze. What you'll  
23 see along the waterway is that it  
24 constantly meanders, so that no two lots  
25 are particularly exactly alike.

1           Yes, sir?

2           MR. COE: I don't want to interrupt  
3 your presentation, but doesn't the Code  
4 require that frontage be the criteria?

5           MR. GUILFORD: Yes, it does, but it  
6 doesn't -- it cannot work in this case,  
7 because you don't have standardized lots,  
8 like you do in others. This lot has a  
9 bigger frontage, but it's got the hoop  
10 taken out of it.

11          MR. COE: Hold on.

12          MR. GUILFORD: Yes, sir.

13          MR. COE: So you want us to ignore --  
14 in this particular case, you want this  
15 Board, and presumably the Commission, to  
16 ignore the specific language of the Code?  
17 You want us --

18          MR. GUILFORD: Because it --

19          MR. COE: -- to pretend it doesn't say  
20 that.

21          MR. GUILFORD: Because it cannot apply  
22 in this case, because you don't have a  
23 uniformity area to analyze with frontages.  
24 As a matter of fact, you have a house  
25 here -- where is it, right here -- that's

1 half of a vacated street and half of a lot.  
2 Under the Code, it's not even actually  
3 considered a building site. You have  
4 situations where you have part of a vacated  
5 street up here.

6 This is not a normal lot and block  
7 scenario. I mean, the meandering  
8 creates -- I have 150 feet here, but I have  
9 the narrowest lot in the whole area. It  
10 just -- it doesn't work the way the Code  
11 has set up, and when you actually apply the  
12 criteria that really works in this  
13 scenario, what you're going to find is that  
14 the first lot, Lot A, or Lot 1, is 77,000  
15 square feet. It's larger than about 96  
16 percent.

17 In fact, I got into a discussion at the  
18 Historic Preservation Board whether it was  
19 or it wasn't. There's one, actually, right  
20 here, which is a relatively large -- that's  
21 the old -- or it's the Wirt Maxey estate.  
22 I looked that up in the tax records; that's  
23 68,000. But there's actually -- this is  
24 actually even drawn wrong. There's an  
25 appendage coming out of that property. So

1           it's equal to -- it's pretty close, but  
2           clearly, from the Dade County tax roll, Lot  
3           1 is clearly the largest of the whole  
4           sample size. Lot 2 is 49,590--

5           MR. COE: But based on the square  
6           footage.

7           MR. GUILFORD: Based upon the square  
8           footage, absolutely, because again, you  
9           know, this is not a normal lot and block  
10          situation.

11          MR. COE: I understand what you're  
12          saying. I just want it --

13          MR. GUILFORD: Sure. Absolutely.

14          MR. COE: I want it clear.

15          MR. GUILFORD: This one, at 49,000,  
16          we're greater than 93 -- 83 percent of the  
17          properties.

18          So, basically, when you actually apply  
19          the criteria that can actually work in this  
20          particular case, because you don't have a  
21          standardized lot and block to go by, these  
22          lots are larger than the majority of the  
23          lots. In fact, the actual average lot size  
24          is 31,000 square feet. So we're  
25          approximately 17,000 square feet larger

1 than all the lots, the average of all the  
2 lots.

3 CHAIRMAN KORGE: Mr. Guilford, can I  
4 ask you a quick question?

5 MR. GUILFORD: Sure.

6 CHAIRMAN KORGE: What do you think the  
7 purpose for referencing lot frontage was in  
8 the Code?

9 MR. GUILFORD: Because I don't believe  
10 they actually anticipated a situation like  
11 this. What they anticipated were blocks  
12 like this.

13 CHAIRMAN KORGE: Well, why not just say  
14 square footage for blocks like that, too?

15 MR. GUILFORD: It's how they developed  
16 the Code, but clearly, when you look at  
17 something like this, this looks nothing  
18 like that.

19 CHAIRMAN KORGE: I understand that. I  
20 live in the neighborhood, so I really do  
21 understand, but I guess what I'm asking is,  
22 why would -- if they said frontage for  
23 only -- if they were only contemplating,  
24 you know, regular sized lots, not irregular  
25 lots which go around the waterway, why

1           didn't they say square footage for that,  
2           too?

3           MR. GUILFORD: I have no idea. But  
4           clearly, clearly, you know, again, there is  
5           no uniformity along the waterway, so it  
6           makes it extremely difficult to say --  
7           again, one lot can be very narrow and very  
8           long.

9           Yes, sir?

10          MR. COE: Mr. Guilford, so I'm a little  
11          puzzled by this argument that you're  
12          making. We just spent several years doing  
13          an extensive City Code rewrite

14          MS. MORENO: This was not addressed by  
15          that.

16          MR. COE: I understand. It was not  
17          addressed at all.

18          If, in fact, this is unique to this  
19          particular area of the City of Coral  
20          Gables, weren't you remiss in not raising  
21          that point, sitting on your application, as  
22          you've told us, for the last two years,  
23          sir.

24          MR. GUILFORD: Well, actually, it was  
25          part of Mrs. Russo before myself, so --

1           excuse me --

2           MR. COE: I understand.

3           MR. GUILFORD: But anyways, I'm

4           not -- I'm not --

5           MR. COE: Hold on. This process has  
6           been going on for two years, in the middle  
7           of the Code rewrite, yet it was never  
8           raised. The Code is the Code as we have  
9           now.

10          MR. GUILFORD: I understand, Judge, but  
11          you know what? Not everything is written  
12          perfectly, and --

13          MS. MORENO: Can I just butt in for a  
14          minute?

15          MR. GUILFORD: Sure.

16          MS. MORENO: Because I think I was on  
17          the Board when the two things happened. We  
18          had a very acrimonious lot split case, and  
19          certain revisions were made to the lot  
20          split ordinance at that time, including  
21          adopting some of these criteria, in  
22          response to a case that arose in the North  
23          Gables area.

24          I am not sure that anyone considered,  
25          at the time that was done, any of the

1 irregular lots that are in the waterway  
2 areas, and I know that when the Zoning Code  
3 rewrite was considered, it was determined  
4 that in order to avoid a lengthy discussion  
5 on lot splits, the lot split section would  
6 not be considered as part of the zoning  
7 rewrite.

8 CHAIRMAN KORGE: That was after  
9 proposals were made to change it.

10 MR. COE: Right.

11 MS. MORENO: It was after proposals,  
12 and we had disagreement among the Board  
13 members as to what to do and what not to  
14 do. Some of us thought that allowing lot  
15 splits would eliminate the McMansion  
16 problem. Some of us did not want lot  
17 splits. There was significant  
18 disagreement, and the decision was made to  
19 table that for future consideration. It's  
20 not that it was considered and rejected.  
21 That's the only point of what I'm trying to  
22 say.

23 MR. GUILFORD: Thank you.

24 MR. RIEL: Mr. Chair, but I would note  
25 that prior to the Zoning Code, the lot

1           splitting ordinance was further  
2           strengthened, so it was out -- it was in  
3           front of -- we started the Zoning Code  
4           rewrite in like 2005, 2006, but about a  
5           year prior or 18 months prior --

6           MS. MORENO: Yeah.

7           MR. RIEL: -- there were changes made  
8           to that. That's one of the reasons why it  
9           was not looked at, although Staff had  
10          wanted to make changes to it, to further  
11          strengthen it, but it was looked at about  
12          four or five years ago.

13          MR. GUILFORD: And to be honest with  
14          you, I believe that provision, the one  
15          we're talking about, has been the same all  
16          the way through, so -- so I don't believe  
17          that people looked at particular  
18          situations, and what Mr. Riel is talking to  
19          was actually prior to this application  
20          being filed, but anyways, be that as it  
21          may, the third issue is the building site,  
22          separated, would not result in any existing  
23          structures becoming nonconforming.

24          Now, Staff has stated that what we're  
25          doing is creating a flag lot. Well, the

1 answer is, that's true. However, we end up  
2 with a dilemma, is, number one, we could  
3 actually move this over, okay?

4 Judge, you know where I'm going.

5 MR. COE: Yep.

6 MR. GUILFORD: And we could probably  
7 meet the frontage requirement. We could  
8 divide it right down the middle, and I  
9 would have Ms. Kautz here climbing all over  
10 me, because we would then be destroying the  
11 historic structure.

12 So the only reason we made this  
13 configuration was the preservation of the  
14 historic structure.

15 MS. MORENO: Why would you be  
16 destroying it?

17 MR. GUILFORD: Because basically the  
18 pool -- they have determined -- Staff has  
19 determined, and correct me if I'm wrong --  
20 is that the cabana and the pool is an  
21 integral part of the building. So for me  
22 to move this over and just cut it in the  
23 middle would not be acceptable to Historic  
24 Preservation. Then this frontage gets  
25 bigger, basically, but what happens is --

1           so I'm between the rock and the hard place,  
2           between Historic Preservation and a flag  
3           lot.

4           MS. MORENO: Well, but you could do --  
5           I mean, you could give yourself equal  
6           frontage and then meander that way.

7           MR. GUILFORD: Again, I'd still need  
8           the variance. Again, I would still need  
9           the variance. So, anyway, it really  
10          becomes a weighting of Historic  
11          Preservation versus a flag lot, and that's  
12          the issue we're faced with this  
13          requirement.

14          MR. COE: Could I ask one more  
15          question --

16          MR. GUILFORD: Yes, sir.

17          MR. COE: -- for clarification, Mr.  
18          Guilford, so I fully understand what's  
19          before this Board this evening.

20          Your applicant has no intention of  
21          actually constructing anything on these  
22          sites; is that correct?

23          MR. GUILFORD: That is correct.

24          MR. COE: So, if there's any new  
25          construction, that's going to be by a

1 subsequent owner.

2 MR. GUILFORD: That is correct, and  
3 that construction must go before the  
4 Historic Preservation Board, and it could  
5 be conditioned to come before this Board,  
6 as well.

7 MR. COE: Right, so essentially, all  
8 we're going to vote on is a lot split,  
9 without any understanding of, if that lot  
10 split is granted by the Board and by the  
11 City Commission, of what ultimately will be  
12 put on these split lots.

13 MR. GUILFORD: That is correct.

14 The next criteria, that there's no  
15 restrictive covenants, encroachments, et  
16 cetera. Well, if there were no  
17 encroachments, we wouldn't be here.  
18 Clearly, we violate that by the removal of  
19 the noncontributing structures and the  
20 tennis court. We do not comply with that.

21 Criteria Number 5, maintains and  
22 preserves open space, neighborhood  
23 compatibility, preserves historic character  
24 and maintains property values. I'm going  
25 to argue that if I have two of the biggest

1           lots still remaining in the neighborhood,  
2           I'm maintaining property values. I'm  
3           consistent with that neighborhood. By  
4           maintaining the historic structure, I'm  
5           maintaining the historic character.

6                     And preserves open space and green  
7           area. By maintaining the two largest lots,  
8           I then again maintain more green space and  
9           open than the surrounding neighborhood. So  
10          I don't know how I don't comply with that  
11          one.

12                    And the last one, which I do not comply  
13          with, as well, is that we purchased -- the  
14          property was purchased in 1980. We do not  
15          comply with that requirement.

16                    Mr. Chairman, Members of the Board,  
17          what we have here is a unique circumstance.  
18          We have Historic Preservation playing a  
19          part. We have different -- we have unique  
20          pieces of property, as it fronts the  
21          waterway. We would ask that you recommend  
22          approval of this tentative plat -- or  
23          approve this tentative plat with the  
24          subdivision variances.

25                    Yes, sir?

1           MR. COE: I have another quick  
2 question, so I understand the difference  
3 between your position and Staff's position.

4           Staff found that you met none of the  
5 six criteria. Are you telling us you meet  
6 one, Number 5?

7           MR. GUILFORD: No, sir. What I'm  
8 actually telling you, I believe I meet  
9 four.

10          MR. COE: No. You're throwing out the  
11 frontage.

12          MR. GUILFORD: I'm --

13          CHAIRMAN KORGE: Just list the four  
14 again.

15          MR. GUILFORD: Okay. I believe we have  
16 a unique piece of property.

17          MR. COE: Okay.

18          MR. GUILFORD: I believe -- I'm arguing  
19 that frontages doesn't apply, so --

20          MR. COE: So frontage doesn't count, so  
21 we throw that one out.

22          MR. GUILFORD: Well, then I can't meet  
23 four.

24          MR. COE: I understand.

25          MR. GUILFORD: So now I'm down to four

1 out of five.

2 MR. COE: Okay, so you just want to --  
3 you say we meet the frontage in your  
4 definition of frontage, the square footage  
5 of the lot.

6 MR. GUILFORD: I meet -- what I believe  
7 is, the whole idea of that provision, or I  
8 believe the intent, which I don't think  
9 anyone will argue with me, is that  
10 basically what you don't want to have are  
11 lots that are not comparable to each other.

12 MR. COE: Are you prepared right now to  
13 present the legislative history of this  
14 portion of the Code?

15 MR. GUILFORD: Not right now. I'll be  
16 more than happy to start doing it for you.

17 MR. COE: I'm not sure, Mr. Guilford,  
18 that when this was generated, a long time  
19 ago, that --

20 MR. GUILFORD: You don't believe it was  
21 lot compatibility.

22 MR. COE: Yes. I don't think that was  
23 really thought of. I think what was  
24 thought of was frontage, for a very obvious  
25 reason, why frontage would be thought of.

1           That's what impacts, visually, when you  
2           drive down a street or walk down a street.  
3           It's not necessarily the square footage;  
4           it's the frontage.

5           MS. MORENO: I have a question for the  
6           City Attorney.

7           If we find that this does not meet four  
8           of the criteria, can we approve this? If  
9           we say -- you know, I think that arguably  
10          it cannot meet four of the criteria. Are  
11          we bound to disapprove it?

12          MS. ALFONSIN RUIZ: The section of the  
13          Code actually says "shall meet four of the  
14          criteria."

15          MS. MORENO: So, then, we must find  
16          that he meets four of the criteria?

17          MS. ALFONSIN RUIZ: Correct.

18          MS. MORENO: And it is undisputed that  
19          he doesn't meet the last one.

20          MR. GUILFORD: Or Number 4.

21          MS. MORENO: Or Number 4, and although  
22          I sympathize with the idea of lot splits  
23          and I have supported them in the past, I  
24          don't think you meet the frontage  
25          requirements.

1 MR. GUILFORD: That's --

2 MS. MORENO: And, you know, I --

3 MR. GUILFORD: Ms. Moreno, that's, you  
4 know, clearly your prerogative.

5 MS. MORENO: So I'm willing to give you  
6 that you arguably meet the uniqueness  
7 requirement, and I'm willing to give you  
8 that you're trying to draw it so that it  
9 complies with Historic Preservation's  
10 concern, but, you know, if I give you those  
11 two and I cannot give you Number 4, because  
12 you admit you can't meet Number 4 --

13 MR. GUILFORD: Right.

14 MS. MORENO: -- I still don't get to  
15 four, so I'm not sure that we're -- I think  
16 discussing it further is wasting our time.

17 CHAIRMAN KORGE: Wait a minute. One,  
18 two -- you think you meet Number 3?

19 MS. MORENO: No, I think he arguably --

20 CHAIRMAN KORGE: I'm asking -- I'm  
21 asking -- no, I'm asking Mr. Guilford.

22 MR. GUILFORD: Well --

23 CHAIRMAN KORGE: You thought --

24 MR. GUILFORD: Yes.

25 CHAIRMAN KORGE: You said you thought

1           you met one and two, and you --

2           MR. GUILFORD: One, two --

3           CHAIRMAN KORGE: Three --

4           MR. GUILFORD: -- three and five.

5           CHAIRMAN KORGE: And five.

6           MR. RIEL: Mr. Chair --

7           CHAIRMAN KORGE: Those are the ones he  
8           thinks he meets.

9           MR. RIEL: Mr. Chair, if I can  
10          interject, there's two things that the  
11          applicant stated, that there's inadequate  
12          information to provide a Staff  
13          recommendation, and I believe the applicant  
14          is incorrect. We evaluated the six  
15          criteria based upon the application.

16          So I don't agree with your finding that  
17          there's inadequate information for the  
18          Staff.

19          MR. GUILFORD: I don't believe I  
20          said -- if I said it, I did not --

21          MR. COE: Yes, you did.

22          MR. GUILFORD: Okay.

23          MR. COE: Yes, you did say that.

24          MR. RIEL: And the second thing is,  
25          just so everybody knows, the alternative

1 recommendation is always provided by the  
2 Department if the Board makes findings of  
3 fact that they feel that they should  
4 recommend approval. So I didn't want  
5 anybody to assume that since we provided  
6 alternative recommendations, that --

7 MR. GUILFORD: No, I didn't argue that  
8 point, or if I did -- and I apologize, I  
9 did not say Staff did not have adequate  
10 information to make -- We disagree with --  
11 Basically, what I was trying to say is, we  
12 disagree with Staff's determination.

13 MS. MORENO: Okay, but the bottom line  
14 is, the City Attorney has told me that I  
15 must find four of the six, and --

16 MR. GUILFORD: Yes, ma'am, and if  
17 you --

18 MS. MORENO: And you've admitted that  
19 you don't comply with two.

20 MR. GUILFORD: Correct.

21 MS. MORENO: So I have to find that you  
22 comply with the other four --

23 MR. GUILFORD: Right, and --

24 MS. MORENO: -- and I can't find that  
25 you comply with the frontage.

1           MR. GUILFORD: I understand your  
2 position, Ms. Moreno.

3           If you have any more questions, I'll be  
4 more than happy to answer them at this  
5 time.

6           CHAIRMAN KORGE: Any more questions of  
7 the applicant?

8           MS. KEON: I have one question with  
9 regard to the Historic Preservation  
10 Department.

11          MS. MORENO: Do you want to come up?

12          MS. KAUTZ: Hi. For the record, Kara  
13 Kautz, Historic Preservation Officer for  
14 the City of Coral Gables.

15          MS. KEON: Mr. Guilford stated that --  
16 it seems that it's only a small portion of  
17 this house that was actually designed  
18 by --

19          MS. KAUTZ: Yes, I'll show you. I  
20 didn't see the graphic that he presented,  
21 but I'm assuming it's here.

22          The home was originally built in 1951  
23 by Mr. Parker.

24          MS. KEON: Right.

25          MS. KAUTZ: And the auxiliary structure

1 was built one year later, also designed by  
2 Mr. Parker. This -- this generally --

3 MR. COE: It's not City Hall.

4 MS. KAUTZ: Yeah, I'm sorry. I'm on  
5 stage.

6 This generally is the outline of the  
7 existing historic 1951 structure. This is  
8 also the 1952 structure. This was built  
9 one year later. What this --

10 MS. KEON: But designed by?

11 MS. KAUTZ: Mr. Parker.

12 MS. KEON: By Mr. Parker, okay.

13 MS. KAUTZ: This compound of this --

14 MS. KEON: Yeah.

15 MS. KAUTZ: -- which is the pool and an  
16 out-cabana and this was also designed by  
17 Mr. Parker. What this is generally showing  
18 is the outline of what the original house  
19 was.

20 MS. KEON: I see. I see.

21 MS. KAUTZ: It's been altered slightly,  
22 so I don't know if they can put it back  
23 exactly as it was, currently, if this  
24 outline is exactly the way it was, but it's  
25 the closest -- This is the 1951 portion.

1 MS. KEON: And what was done  
2 subsequently, is it in the style of?

3 MS. KAUTZ: It's not a great addition,  
4 I'm going to be honest with you. It's not.  
5 If someone were to come and restore the  
6 house back to its original pristine  
7 condition, that would be removed. I mean,  
8 it would generally be considered to be a  
9 nonsympathetic addition.

10 MS. KEON: So, when you approve things  
11 for -- as historically significant, the  
12 fact -- it looks like almost half the  
13 house, half the square footage of that  
14 house, is not historically significant.

15 MS. KAUTZ: Generally, yes. The entire  
16 property is significant because it was  
17 originally an Alfred Browning Parker  
18 residence.

19 MS. KEON: Right.

20 MS. KAUTZ: The later addition -- it  
21 was Staff's recommendation that the later  
22 addition did not significantly detract from  
23 the historic character of the original  
24 structure.

25 MS. KEON: Oh, okay.

1 MS. KAUTZ: The original structure is  
2 still pretty much intact. If you look at  
3 it, you can see what was original and what  
4 was added on at a later date. The historic  
5 portion of the house is intact.

6 MR. RIEL: And Kara, just so they --  
7 The entire property has been deemed  
8 historic?

9 MS. KAUTZ: Yes.

10 MR. RIEL: The entire property.

11 MS. KAUTZ: The entire property, not just  
12 the house.

13 MR. RIEL: Not just the structure.

14 MS. MORENO: Why is that, that it's the  
15 entire property?

16 MS. KAUTZ: That's the way it always  
17 is. Every designated building, it's the  
18 property, as well.

19 MR. COE: It's the site.

20 MS. KAUTZ: It's the entire site.

21 MS. MORENO: Does that mean that it  
22 can't be separated?

23 MS. KAUTZ: No, it does not mean that.  
24 We allow people to do additions,  
25 demolitions. They've never actually had a

1 separation come before our Board before,  
2 but it certainly would be allowable in  
3 certain circumstances.

4 MR. COE: If you meet the four out of  
5 six criteria.

6 MS. MORENO: I'm sorry?

7 MR. COE: If you meet the four out of  
8 six criteria.

9 CHAIRMAN KORGE: Okay, we'll open it --  
10 if there are no more questions --

11 MR. RIEL: Three people.

12 CHAIRMAN KORGE: Pardon me?

13 MR. RIEL: We've got three.

14 CHAIRMAN KORGE: Three minutes?

15 MR. RIEL: No, we've got three people  
16 that signed up.

17 CHAIRMAN KORGE: Three people that  
18 signed up, so let's call the individuals  
19 who wish to speak on this.

20 MS. MENENDEZ-DURAN: Gil Haddad.

21 CHAIRMAN KORGE: Please state your name  
22 and address for the record.

23 MR. HADDAD: Yes.

24 CHAIRMAN KORGE: And I believe --

25 Do we need to swear in this witness?

1 Do we need to swear him in?

2 MS. ALFONSIN RUIZ: No -- yes.

3 CHAIRMAN KORGE: Yes?

4 MR. COE: This is testimony.

5 (Thereupon, Gil Haddad was duly sworn  
6 by the court reporter.)

7 MR. HADDAD: I do.

8 CHAIRMAN KORGE: Again, state your name  
9 and address for the record.

10 MR. HADDAD: I'm Gil Haddad. My wife  
11 and I live at 6800 Granada Boulevard, Coral  
12 Gables, Florida.

13 I'd like to thank this Board for giving  
14 us the opportunity to speak. I'd also like  
15 to bring to the Board's attention the fact  
16 that the City Attorney's Office, the  
17 Planning & Zoning Staff, the Planning &  
18 Zoning Board and your Staff have exhibited  
19 extraordinary attention to this very  
20 important issue for our neighborhood.

21 The record here contains an original  
22 petition that was filed for your February  
23 21 hearing that was aborted because that  
24 July 1 letter was presented -- of 2005, was  
25 given to the City Attorney one hour before

1           your four (sic) o'clock meeting. The  
2           minutes of that meeting reference Judge Coe  
3           and Chairman Korge commenting about the  
4           number of people present and the fact that  
5           we had to make a little bit of noise to  
6           leave. So we had so many people present at  
7           that meeting, we were a little bit  
8           disconcerted that that July 1 letter was  
9           given to the City Attorney one hour before  
10          the scheduled meeting.

11                 The City Attorney then had to do  
12          research, and came out with her memo, which  
13          is in your file, of -- which says that the  
14          July 1 letter clearly is erroneous and has  
15          no application, and that the process for  
16          lot splitting must be completely complied  
17          with, which Mr. Guilford obviously  
18          acknowledges now, because he's doing this.

19                 I would also like to thank not only the  
20          original 36 petitioners, but another six  
21          residents in the area wrote lengthy  
22          letters, all of which are in your record,  
23          all of which are in opposition to any lot  
24          split.

25                 I'd like to thank the Riviera

1 Neighborhood Association for its support,  
2 and four executives of that association,  
3 which are with us here tonight, and I'd  
4 like to thank our other neighbors that are  
5 with us here tonight.

6 I think that your Staff, as well as the  
7 Staff of Historic Resources, understands  
8 why there should be no lot split here far  
9 better than I do as a layman in this  
10 particular area. You folks sit here and  
11 listen to these problems, day in and day  
12 out, and I think you understand why -- and  
13 I don't mean to be so dogmatic about it,  
14 but why I really believe that as a matter  
15 of law, you cannot recommend to this City  
16 Council, because the City Council, the City  
17 Commission, must make six specific findings  
18 of fact. One is that the literal  
19 interpretation of the Code, which every  
20 resident of this City has a right to rely  
21 on, must be varied to accommodate the  
22 interests of this offshore corporation,  
23 which has this property on the market for  
24 sale at this time.

25 Mr. Guilford, of course, is my friend.

1 He is an excellent and honorable attorney,  
2 and he's doing an excellent job for his  
3 client, but on a common sensical basis,  
4 this two-year effort is nothing more than a  
5 marketing tool to advance the sale of this  
6 property.

7 You have in your record a printout of  
8 the web site for the sale of this property,  
9 which, by its very terms, extols its  
10 virtues as one single plat -- platted lot.  
11 In your record, you have a copy of this web  
12 site. So this authorized agent of the  
13 owner is saying that this is a three-acre  
14 waterfront estate, boasting 757 feet of  
15 waterfront. It's architecturally unique.  
16 It has a 10,000-square-foot home on it,  
17 built by the renowned architect, Alfred  
18 Browning Parker, who, incidentally, in an  
19 international magazine, just had his local  
20 home, Wind Song, designated as one of the  
21 10 most beautiful homes in the world. It  
22 sits on lush private grounds, surrounded by  
23 mature oaks, surrounded by a coral rock  
24 wall, and incidentally, our Code makes  
25 reference to coral rock walls and that they

1           should not be breached or removed.

2           It has a tennis court. Our Code  
3           verbatim and specifically speaks against  
4           the removal of existing tennis courts. It  
5           has a swimming pool. Our Code  
6           specifically -- this is the Code that we  
7           all follow the rules by. It has a swimming  
8           pool that will not be disturbed, according  
9           to our Code, once it exists. It has  
10          outbuildings, staff quarters and such  
11          things as that, which because they exist,  
12          under our Code, should not be removed.

13          The mature oaks are of tremendous  
14          concern to our Public Service Department,  
15          because they requested, for over a year  
16          now, that this applicant submit a root  
17          plan, and the applicant hasn't even  
18          submitted a root plan for the trees.

19          Now, it goes on to say that this is a  
20          private compound. Now, there's no one  
21          connected to this application who ever  
22          lived on that property, but our former  
23          neighbors did live on that property and  
24          enjoyed it for 20 years as just that, a  
25          very exclusive compound.

1           This web site has a purchase price and  
2           asking price of \$13,500,000, for a piece of  
3           property which I don't know the price in  
4           1980, but I would guess a million, two  
5           million, in 1980.

6           The New York Times -- it's not in your  
7           record, but if you take the Times, you'll  
8           see that there's a 28-acre estate,  
9           overlooking the Hudson River, that has a  
10          20-horse barn -- stall on it, three  
11          caretaker houses, it's a 7,500 foot,  
12          impeccable manor, for sale for 13 million  
13          dollars. So, if this owner has a problem  
14          in selling and marketing this property, it  
15          might be the price. It's not because  
16          anybody in this neighborhood did anything  
17          to deter them.

18          I call your attention again, only  
19          because Mr. Guilford dramatically handed  
20          you the July 1, '05 letter, signed by  
21          Dennis. The City Attorney, on March 9 of  
22          2007, analyzed that situation and said that  
23          letter was, quote, unquote, a clearly  
24          erroneous interpretation, and your counsel,  
25          the City Attorney, can provide you with a

1 copy of this, but it's already in your  
2 record. It's already with your Staff.

3 The law involved here, the zoning  
4 scheme, began in 1973. It was amended in  
5 '77. It was amended in '81. It was  
6 amended again in '86. And every one of  
7 those amendments was for the purpose of  
8 controlling density in the residential  
9 neighborhoods of our City, every one of  
10 them. That is the ethos of our entire  
11 Building Code, the ethos of the new  
12 amendments to the Code, and all of those  
13 amendments going back to 1973.

14 Our concern in this neighborhood is  
15 exactly what's in the Code. The criteria  
16 in the Code are that property values shall  
17 be considered and maintained. At 800  
18 Alhambra, with all due respect to the owner  
19 and building of that very, very large house  
20 that extends from one street -- from  
21 Altamira to the next street, it is so huge,  
22 and it's not nearly the size of what's  
23 depicted here, but you've pointed out very  
24 cogently that what's depicted here is  
25 irrelevant, because this owner will never

1 build anything, this offshore Antilles  
2 corporation. Their counsel has represented  
3 to you, they'll never build anything.

4 But our concern is that we have an  
5 extraordinarily beautiful piece of property  
6 that everybody in the City can enjoy. We  
7 have relied on that piece of property in  
8 our purchases. There's a young family  
9 named Fernandez that are friends and new  
10 neighbors, who bought at 6750 Granada,  
11 catty-corner from this location, a  
12 two-story house overlooking this location.  
13 They paid about two million dollars for  
14 that property and they've put another six  
15 or seven hundred thousand dollars in  
16 renovation. They relied on the platting,  
17 and had a right to rely on the platting.

18 My wife and I have been there for many,  
19 many decades, since she was a child, 15 or  
20 16 years ago. We've paid all our taxes.  
21 We've played by the rules. We go to the  
22 City if we want to clean our roof or paint  
23 something. Everybody in our neighborhood  
24 has great respect for the standards and  
25 criteria of the City, and we really feel

1           that we have a right to expect and rely  
2           that when there are six criteria that your  
3           Staff, having considered this now for  
4           years, as Mr. Guilford pointed out -- and  
5           incidentally, in '05, there was a  
6           determination made, a determination, a  
7           written determination, that this was a  
8           single parcel, suitable only for a  
9           single-family home, which exists there now,  
10          over a 9,000-square-foot home, and  
11          incidentally, Mr. Alfred Browning Parker  
12          was personally involved in the original  
13          design, the second design, a year later,  
14          and then in the third addition to the  
15          house, a local architectural firm worked  
16          with Mr. Parker, consulted with him, and  
17          added that third piece. So Mr. Alfred  
18          Browning Parker's skill and genius flows  
19          throughout that entire structure, and your  
20          file contains a letter from him, in which  
21          he explains the design of his apertures,  
22          his portals, his windows, to encompass  
23          these mature oaks and the entire property.

24                 If you, respectfully, refer to Page 9,  
25          Paragraph 4 of your Staff Report, you will

1 see the operative word here, and it's the  
2 word that Mr. Riel mentioned to you a  
3 moment ago. It's the word entire. When  
4 Historic Resources unanimously and without  
5 objection and without an appeal -- and  
6 there was no appeal in 2005, from the  
7 determination that it was a single parcel,  
8 with a single house. There's no appeal  
9 from that. And there was no appeal from  
10 the June 2007 determination by your sister  
11 agency that this was a historic property  
12 and they recommended no lot split. At  
13 Paragraph 4, Page 9, you will see that your  
14 Staff recognizes the practice and policy of  
15 Historic Preservation that it's the entire  
16 property.

17 Now, isn't it incongruous that you  
18 would take an entire property that is  
19 historic, that has been now registered in  
20 the Registry of Historic Places, and start  
21 chopping it up? Now, what's this new owner  
22 going to say? This new owner is going to  
23 come by and say, "Wait a minute. I bought  
24 a piece of property next door to a historic  
25 place. Why should I go back to Historic to

1 get my lot, this front lot that they've  
2 carved out in there?"

3 So you're looking at potential  
4 litigation, and you shouldn't, and ma'am, I  
5 think the law -- the case that you might be  
6 referring to is Velez, where the Third  
7 District Court of Appeal denied the City's  
8 effort to do any kind of lot split when  
9 there were two side-by-side 100-foot lots.  
10 One was sold off to a new buyer, and that  
11 new buyer wanted to build, and the  
12 neighbors came in and said, "Sorry, under  
13 our Code, if there is an existing  
14 single-family house on a parcel, not on a  
15 lot, on a parcel, that's the way it is and  
16 that's the way it stays."

17 Now, if there's anything that I've said  
18 that draws any question in your mind about  
19 the legal standards that apply, your City  
20 Attorney, Mrs. Hernandez, and Ms. Ruiz,  
21 wrote you a memo on April 4, 2007 -- it's  
22 in your file -- setting out all these  
23 things, about the swimming pools, about the  
24 tennis courts, about the standards that are  
25 to be applied, the things that shall be

1           determined, not may be but shall be.

2           That's in your record.

3                     And speaking on behalf of myself alone,  
4           but in recognition of the nearly 40 people  
5           in this neighborhood who have taken part in  
6           this process, I respectfully request that  
7           this Board recommend to the City Commission  
8           that it deny any lot split and deny any  
9           variance, and I'll close by saying this.  
10          This largest property rationale, not only  
11          is it irrelevant under the Code, as has  
12          been pointed out by your Staff, and by  
13          Judge Coe, not only is it irrelevant under  
14          the Code, it's illogical, because if this  
15          lot is split, somewhere else in the Gables  
16          there will be the, quote, largest lot  
17          around, largest property around, and then  
18          that owner will come in and say, "Well,  
19          look at the precedent. You split that  
20          one." And then it will be split, and then  
21          what today is the third largest lot will  
22          come in and say, "Well, my gosh, you gave  
23          it to those two guys. Why not me?"

24                     So the whole argument about largest  
25          size and the meandering canal and the

1           irregularity of the shape of some of those  
2           lots was there before the Code was written.  
3           So the authors of the Code knew those  
4           physical facts on the ground when they  
5           stressed that frontage was the essential  
6           criteria.

7           CHAIRMAN KORGE: Thank you very much,  
8           Mr. Haddad. Appreciate it.

9           MR. HADDAD: I know it's late, but as  
10          far as Cartee is concerned, we've heard  
11          this argument before. Your Staff rejected  
12          it, Historic Resources rejected it, for  
13          these reasons. There are some lines on  
14          Cartee 1, which is just north of this  
15          property, across the Mahi Canal, but Staff,  
16          nor attorneys in this field, not myself,  
17          because I'm not in this field, can't find  
18          any empirical evidence. There's really not  
19          a file. There's not evidence of neighbors  
20          being given notice. There's no indication  
21          of a hearing, as to how those lines got  
22          there, and if you'll look at those lines,  
23          there's an hourglass-shaped main lot. It  
24          looks exactly like an hourglass, which  
25          would never be approved under today's

1 standards, because it in fact is a flag  
2 lot, and the minute Mr. Guilford admits  
3 that he's trying to put across a flag lot,  
4 he's out of court, because flag lots are  
5 proscribed by the Police, they're  
6 proscribed by Fire, they're proscribed by  
7 our regulations, for good, sound, logical,  
8 practical reasons. You can't cross  
9 somebody else's property or meander through  
10 various properties for those public  
11 services.

12 Cartee Number 1 is not historic. This  
13 has been declared historic, and there's no  
14 appeal been taken.

15 So I want to thank you again for your  
16 attention and assure you that this is an  
17 immensely important matter to your  
18 neighbors. Thank you very much.

19 CHAIRMAN KORGE: Thank you, sir.

20 Next witness, please.

21 MS. MENENDEZ-DURAN: Mark Brown.

22 MR. BROWN: My name is Dr. Mark Brown,  
23 and my wife Josie and I live at 702 South  
24 Alhambra Circle.

25 CHAIRMAN KORGE: Do you want to swear

1 the witness, please?

2 (Thereupon, Dr. Mark Brown was duly  
3 sworn by the court reporter.)

4 MR. BROWN: I do.

5 And we live one house separated from  
6 the property, right across the street. We  
7 walk past that property every day, almost,  
8 and we enjoy the beauty of the property.  
9 And I've seen pileated woodpeckers, red  
10 wing hawks, and ospreys come off that  
11 property. I don't know whether that means  
12 anything to you all, but I'm not an Audubon  
13 expert, but it's a gorgeous piece of  
14 property. It really makes the Riviera  
15 section of Coral Gables a great place to  
16 live, and a great quality of life.

17 Now, I'm not as articulate nor as  
18 verbose as my good neighbor, Gil Haddad.  
19 He said it all. But from an emotional  
20 standpoint, I think the subdivision of that  
21 property, and to build two additional gross  
22 mega-mansions on it would be a terrible  
23 thing to the quality of life of our  
24 neighborhood, and it would definitely  
25 decrease the value of our properties.

1           That's all I have to say. Thank you.

2           CHAIRMAN KORGE: Thank you, sir.

3           MS. MENENDEZ-DURAN: Amado Acosta.

4           MR. COE: He's the last one?

5           MS. MORENO: He's the last one?

6           CHAIRMAN KORGE: Yes, he's the last  
7 witness.

8           Would you swear the witness, please?

9           (Thereupon, Amado Acosta was duly sworn  
10 by the court reporter.)

11          MR. ACOSTA: I do.

12          Mr. Chairman and Members of the  
13 Commission, my name is Amado, also known as  
14 "Al," Acosta. I reside at 1225 South  
15 Alhambra Circle, together with my wife,  
16 Nilda. I am the vice-president of the  
17 Riviera Neighborhood Association, which, as  
18 you know, has actively participated with  
19 this Board and with the Commission on  
20 matters affecting our area.

21          Tonight I also have two other members  
22 of the board here. I have Attorney Robert  
23 Barnett, and I have Dr. Paul Van Wallegghem.

24          Our association has consistently been  
25 on the lookout, because our area has been

1 defined as a very fragile area. There have  
2 been presentations to this Board, there  
3 have been presentations to the  
4 Commissioners, and as a matter of fact, at  
5 the May 10th meeting, the Commissioners, by  
6 unanimous vote, recommended to the Planning  
7 Department a special study of our area,  
8 because of the fragility of the conditions  
9 that we have.

10 Consistently, during the zoning  
11 rewrite, we addressed the matter of lot  
12 splitting, among other things, and our  
13 concern in there is the domino effect, and  
14 what can happen in one property of this  
15 size, there are plenty of other properties  
16 in there, along Riviera and Granada, that,  
17 like Mr. Haddad said so eloquently, later  
18 on would also try to get the lot split and  
19 what have you.

20 So we're very concerned. I cannot add  
21 too much to what Mr. Haddad so eloquently  
22 presented, except to say that we have over  
23 720 people in our area that are represented  
24 one way or the other through the  
25 association, over 400 members, dues-paying

1 members, and this board is coming to you  
2 today to also agree with the City Staff's  
3 so highly professional study, that you also  
4 deny this proposal. Thank you.

5 CHAIRMAN KORGE: Thank you.

6 I think that closes the -- there's no  
7 more witnesses. That closes the public  
8 portion of this hearing. I'll open it for  
9 discussion.

10 MR. COE: Mr. Chairman, at this time, I  
11 would move that we adopt Staff's  
12 recommendation and deny the applicant's  
13 application.

14 CHAIRMAN KORGE: There's a motion on  
15 the floor. Is there a second to that?

16 MR. SALMAN: I'll second.

17 CHAIRMAN KORGE: A second. Let's open  
18 it for discussion. Is there any discussion  
19 on this motion?

20 MS. MORENO: I think, as I said before,  
21 that the City Attorney has advised us that  
22 we must find that in order to approve this,  
23 this meets four of the six criteria. The  
24 applicant has admitted that it does not  
25 meet two, and we find, without having to

1           decide on the other three, it's clear that  
2           the language is frontage and that it does  
3           not meet the frontage requirements. I  
4           think some of the others, there's arguments  
5           that it also does not meet those  
6           requirements, specifically, that it would  
7           not result in the buildings becoming  
8           nonconforming. One of the requests is to  
9           demolish buildings. There's requests --  
10          but anyway, I don't think we need to get to  
11          that, because we don't meet the frontage.  
12          We don't meet the other two. That makes  
13          three out of the six that are not met, so  
14          our hands are tied. We can't approve it.

15                 CHAIRMAN KORGE: Okay. Is there any  
16          more discussion? Pat?

17                 MS. KEON: No.

18                 CHAIRMAN KORGE: Call the roll, then.

19                 MS. MENENDEZ-DURAN: Cristina Moreno?

20                 MS. MORENO: Yes.

21                 MR. COE: Yes for no.

22                 MS. MENENDEZ-DURAN: Javier Salman?

23                 MR. SALMAN: Yes to deny.

24                 MS. MENENDEZ-DURAN: Jack Coe?

25                 MR. COE: Yes.

1 MS. MENENDEZ-DURAN: Pat Keon?

2 MS. KEON: Yes.

3 MS. MENENDEZ-DURAN: Tom Korge.

4 CHAIRMAN KORGE: Yes.

5 Do we have anything else on the agenda?

6 Nothing?

7 MR. RIEL: No. This application will  
8 proceed to the Commission on August 28th.

9 CHAIRMAN KORGE: Right.

10 MR. RIEL: No, we have nothing else.

11 CHAIRMAN KORGE: When's the next meeting?

12 MR. CARLSON: Can we please have your  
13 books --

14 MR. RIEL: August 8th.

15 MR. CARLSON: -- on the Old Spanish  
16 Village?

17 MS. KEON: They took them.

18 MR. COE: They've already been  
19 confiscated by the applicant.

20 MR. CARLSON: Oh, they already have.

21 MR. RIEL: August 8th, in this room.  
22 This room.

23 CHAIRMAN KORGE: The next meeting is  
24 August 8th, in this room.

25 MR. SALMAN: Here.

1                    (thereupon, the meeting was adjourned  
2                    at 7:45 p.m.)  
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C E R T I F I C A T E

STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomate Reporter, Florida Professional Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

I, JOAN L. BAILEY, a Notary Public in and for the State of Florida at large, do hereby certify that all witnesses were duly sworn by me.

DATED this 23rd day of July, 2007.

JOAN L. BAILEY, RDR, FPR

Notary Commission Number DD 190412  
My Notary Commission expires 6/14/07.

