**City of Coral Gables**
**Planning and Zoning Board Meeting**
**Wednesday, January 14, 2015**
**Coral Gables City Commission Chambers**
**405 Biltmore Way, Coral Gables, Florida**

| MEMBERS | J14 | F11 | M11 | A8 | M13 | J10 | J8 | A12 | S9 | O14 | N11 | D9 | APPOINTMENT |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | '15 | '15 | '15 | '15 | '15 | '15 | '15 | '15 | '15 | '15 | '15 | '15 | |
| **Eibi Aizenstat – Chair** | P | | | | | | | | | | | | City Manager |
| **Marshall Bellin** | P | | | | | | | | | | | | Commissioner Vince Lago |
| **Anthony Bello** | P | | | | | | | | | | | | Board Appointee |
| **Jeffrey Flanagan – Vice Chair** | E | | | | | | | | | | | | Commissioner Pat Keon |
| **Julio Grabiel** | P | | | | | | | | | | | | Mayor Jim Cason |
| **Maria A. Menendez** | P | | | | | | | | | | | | VM William H. Kerdyk, Jr. |
| **Alberto Perez** | E | | | | | | | | | | | | Commissioner Frank C. Quesada |

DRAFT

**P = Present**
**E = Excused**
**C = Meeting Cancelled**

**City Staff and Consultants:**
Charles Wu, Asst. Development Services Director
Yaneris Figueroa, Asst. City Attorney
Jane Tompkins, Development Services Director
Scot Bolyard, Principal Planner
Megan McLaughlin, City Planner
Jill Menendez, Administrative Assistant

**Court Reporter:**
Joan Bailey

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Attachments:
A. 01 14 15 Planning and Zoning Board Verbatim Minutes
B. Various documents entered into the record by Melissa Tapanes Llahues, Esq.:
   B1 Resolution No. 13947
   B2 Boundary Survey (Tree Survey)
   B3 10 14 13 Gables Estates Club Inc. Letter
   B4 Florida Statutes, Chapter 689; Conveyances of Land and Declarations of Trust

CITY OF CORAL GABLES
LOCAL PLANNING AGENCY (LPA)/
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
CORAL GABLES CITY HALL
405 BILTMORE WAY, COMMISSION CHAMBERS
CORAL GABLES, FLORIDA
WEDNESDAY, JANUARY 14, 2015, COMMENCING AT 6:03 P.M.

Board Members Present:
Eibi Aizenstat, Chairperson
Marshall Bellin
Anthony Bello
Julio Grabiel
Maria Alberro Menendez

City Staff and Consultants:

Charles Wu, Assistant Development Services Director
Yaneris Figueroa, Assistant City Attorney
Jane Tompkins, Development Services Director
Scot Bolyard, Principal Planner
Megan McLaughlin, City Planner
Jill Menendez, Planning Admistrative Assistant

Also Participating:

Mario Garcia-Serra, Esq.,
On behalf of Agave Ponce LLC
Melissa Tapanes Llahues, Esq.,
Bercow Radell & Fernandez, P.A.,
On behalf of Benjamin Leon.
Zeke Guilford, Esq.,
Co-counsel for Benjamin Leon.

Public Speakers:
Alan Potamkin



THEREUPON:

The following proceedings were had:

CHAIRMAN AIZENSTAT: Let's go ahead and get started, since the members that are here tonight are all here.

Call the roll, please.

MS. MENENDEZ: Marshall Bellin?

MR. BELLIN: Present.

MS. MENENDEZ: Anthony Bello?

MR. BELLO: Present.

MS. MENENDEZ: Jeff Flanagan?

Julio Grabiel?

MR. GRABIEL: Here.

MS. MENENDEZ: Maria Menendez?

MS. ALBERRO MENENDEZ: Here.

MS. MENENDEZ: Alberto Perez?

Eibi Aizenstat?

CHAIRMAN AIZENSTAT: Here.

Good evening and Happy New Year to all. Welcome to the Planning and Zoning Board meeting of Wednesday, January 14, 2015.

This Board is comprised of seven members. Four members of the Board shall constitute a quorum, and the affirmative vote of four members of the Board present shall be necessary



for the adoption of any motion. A tie shall result in an automatic continuance of the matter to the next meeting, which will be continued until a majority vote is achieved.

If only four members of the Board are present, an applicant shall be entitled to a postponement to the next regularly scheduled Board meeting.

As far as lobbyists, any person who acts as a lobbyist, pursuant to the City of Coral Gables Ordinance Number 2006-11, must register with the City Clerk prior to engaging in lobbying activities or presentations before City Staff and Boards, Committees and/or City Commission. A copy this ordinance is available at the Office of the City Clerk. Failure to register and provide proof of registration shall prohibit your ability to present to the Board.

I now call the City of Coral Gables Planning and Zoning Board of Wednesday, January 14, 2015, to order. The time right now is 6:03.

Jill, please call the roll.

MS. ALBERRO MENENDEZ: I think we did.



MS. MENENDEZ: We did.

CHAIRMAN AIZENSTAT: Oh, you did, sorry.

Charles, would you like to do the ex-parte?

MR. WU: Yes, sir.

For the record, it's important the Board members declare for the record whether they've had ex-parte communications for the cases on the agenda today.

Has any one of the members of the Board had ex-parte communication?

Let the record say there has been none.

Thank you.

CHAIRMAN AIZENSTAT: Thank you.

Everybody that's going to go ahead and speak tonight, with the exception of attorneys, if they would please rise so they can be sworn in.

(Thereupon, all who were to speak were duly sworn by the court reporter.)

CHAIRMAN AIZENSTAT: Thank you.

Also, the people that are going to speak, go ahead and give their names over to Jill, so she can call you up.

Jill, do you have some people?

MS. MENENDEZ: No, I have no one signed in.



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CHAIRMAN AIZENSTAT: Okay, well, there's a few people, so --
MS. MENENDEZ: Okay.
CHAIRMAN AIZENSTAT: Yeah, please, if you can go. Thank you.
Also, I'd like to ask at this time, if you would please turn off your cell phones or put it on silent, we would greatly appreciate it.
First we have -- the first item, the election of the Chair and Vice-Chair, I'd like to go ahead for now and just move it over till the end, so we'll discuss that, if that's okay with everybody.
MS. ALBERRO MENENDEZ: Sure.
CHAIRMAN AIZENSTAT: Okay.
MR. BELLIN: Eibi, would you have any objection if we postpone that --
CHAIRMAN AIZENSTAT: That's what I was going to do at the end.
MR. BELLIN: Okay.
CHAIRMAN AIZENSTAT: That's exactly --
MR. BELLIN: Until we've got everybody.
CHAIRMAN AIZENSTAT: Yeah, let's go ahead and move it, because we don't have a full Board, but we'll discuss that at the end.



MR. BELLO: I think he's referring to postpone it when more members are here.
CHAIRMAN AIZENSTAT: Correct. We'll discuss -- I agree, but let's just move it to the end, if that's okay.
The approval of the minutes. Has everybody had a chance to read the minutes? Is there a motion?
MR. GRABIEL: I move to approve them.
MS. ALBERRO MENENDEZ: I'll second.
CHAIRMAN AIZENSTAT: First and second. Any comments, questions?
Call the roll, please.
MS. MENENDEZ: Anthony Bello?
MR. BELLO: Yes.
MS. MENENDEZ: Julio Grabiel?
MR. GRABIEL: Yes.
MS. MENENDEZ: Maria Menendez?
MS. ALBERRO MENENDEZ: Yes.
MS. MENENDEZ: Marshall Bellin?
MR. BELLIN: Yes.
MS. MENENDEZ: Eibi Aizenstat?
CHAIRMAN AIZENSTAT: Yes.
Items 6, 7 and 8, there's a memorandum in our packets that this is being continued.



Is that correct, Mario?
MR. GARCIA-SERRA: Yes.
Good evening, Mr. Chair, Members of the Board. Mario Garcia-Serra, with offices at 600 Brickell Avenue, representing Agave Ponce, LLC, the applicant on Items 6, 7 and 8. Indeed you remember, these items were discussed at the December meeting, and the conclusion at that meeting was a continuance to this meeting, in order for the site plan application to catch up with the legislative amendments.
We did an exceptional effort, both City Staff and ourselves, to address all the site plan issues and wrap them up. We ended up submitting a revised and updated package this past Monday, but it wasn't, of course, sufficient time for Staff to then review that package between then and now. So we'll be continuing those items, 6, 7 and 8, to February 11th, and then also bringing the PAD site plan and alley vacation required, along with that site plan approval, to the February meeting.
CHAIRMAN AIZENSTAT: Do you need any type of motion from us so we can continue it?
MR. WU: Yes, sir. Yes.



CHAIRMAN AIZENSTAT: Okay. Is there --
MS. ALBERRO MENENDEZ: I'll move it.
MR. BELLO: Second.
CHAIRMAN AIZENSTAT: First, second.
MR. WU: Just for the record, we'll be moving it to a time certain, February 11th.
CHAIRMAN AIZENSTAT: Say that again, please.
MR. WU: To the February 11th meeting.
CHAIRMAN AIZENSTAT: Correct.
So your motion is to continue it to a time certain --
MS. ALBERRO MENENDEZ: Yes.
CHAIRMAN AIZENSTAT: Of?
MS. ALBERRO MENENDEZ: February 11th, 2015.
CHAIRMAN AIZENSTAT: And we have a second?
MR. GRABIEL: Second.
CHAIRMAN AIZENSTAT: Okay. Call the roll, please.
MS. MENENDEZ: Julio Grabiel?
MR. GRABIEL: Yes.
MS. MENENDEZ: Maria Menendez?
MS. ALBERRO MENENDEZ: Yes.
MS. MENENDEZ: Marshall Bellin?
MR. BELLIN: Yes.



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MS. MENENDEZ: Anthony Bello?
MR. BELLO: Yes.
MS. MENENDEZ: Eibi Aizenstat?
CHAIRMAN AIZENSTAT: Yes.
MR. GARCIA-SERRA: Thank you, and I'll see you next month.
CHAIRMAN AIZENSTAT: Thank you.
MR. WU: And let the record show, that pertains to Items 6, 7 and 8.
CHAIRMAN AIZENSTAT: That is correct. The --
MR. WU: Mr. Chair, if I may --
CHAIRMAN AIZENSTAT: Yes.
MR. WU: Staff would like your opinion, on the case coming for the Mediterranean Village, whether you're open to the idea of receiving the entire package on disk. We will also have an 11-by-17 abbreviated version of it. You remember, you got the three-inch binder that became very unwieldy for your review. So an option is, we can condense that, the 11-by-17, a smaller version, but the remaining, put on it a disk. We wanted your feedback, whether that's acceptable, or do you still want to go with the --



CHAIRMAN AIZENSTAT: In other words, we would --
Has everybody saved their packets from last time?
MS. ALBERRO MENENDEZ: I have mine.
MR. GRABIEL: I have mine.
MR. WU: You'll be getting new packets.
MS. ALBERRO MENENDEZ: Really? Because it's changed?
MR. WU: It's changed.
MS. ALBERRO MENENDEZ: Okay.
CHAIRMAN AIZENSTAT: Okay.
MR. WU: It's best if you --
MS. ALBERRO MENENDEZ: So, I'm sorry, your question was the 11-by-17 or the disk?
MR. WU: No, you will get the 11-by-17, but a greatly reduced version of it, not, you know, the three-inch binder version, and you would also get a disk that has absolutely everything that's in the binder.
MS. ALBERRO MENENDEZ: In what format, the disk?
MR. WU: PDF.
MS. ALBERRO MENENDEZ: PDF? Sure, that's fine.



CHAIRMAN AIZENSTAT: That's a good way to save on printing and so forth. We've already --
MS. ALBERRO MENENDEZ: Could you electronically send it to us, since that's --
MR. WU: I'm afraid it's too large.
MS. ALBERRO MENENDEZ: It's too large?
MR. WU: Yes.
CHAIRMAN AIZENSTAT: Is it possible that if a Board member would like to have it ahead of time, they can come to your office?
MR. WU: Yes. If you would still like the three-inch binder, we can make arrangements with the applicant to provide the three-inch binder to the individuals, but we want to get around, you know, providing -- asking for 15 copies of three-inch binders.
CHAIRMAN AIZENSTAT: Sure, sure.
MR. WU: And it becomes, you know, a waste of paper.
CHAIRMAN AIZENSTAT: Correct.
MR. BELLIN: Charles, what are the issues coming before us? Is it just going to be the zoning land use change, or is it going to be full site plan approval?



MR. WU: It will be everything. It will be the legislative action; it will be the development agreement. It will be the site plan. All lumped in one process.
MR. BELLIN: But we can vote on each individual item?
MR. WU: Yes, absolutely.
MR. BELLIN: Okay.
MS. ALBERRO MENENDEZ: I'd like to get a hard copy, if it's not too much trouble.
MR. GRABIEL: I would, too, because I look at the drawings and I make notes on it --
MS. ALBERRO MENENDEZ: Me, too.
MR. GRABIEL: -- which on an electronic disk, I wouldn't be able to do it, so I can bring those notes to the meeting.
MS. ALBERRO MENENDEZ: Me, too.
MR. WU: So I have two. I'm going to ask, through e-mails, the two absent members, as well. So, so far, there are two. Thank you.
CHAIRMAN AIZENSTAT: Is there any item that will be on that February meeting, other than this?
MR. WU: We're trying to not schedule any other items at all.



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CHAIRMAN AIZENSTAT: Good.
MR. WU: That is our goal.
CHAIRMAN AIZENSTAT: Because this -- you know, we'd like to dedicate the time that this merits --
MR. WU: Yes.
CHAIRMAN AIZENSTAT: -- and have it possibly as the only item. Is everybody okay with that?
MS. ALBERRO MENENDEZ: Absolutely.
MR. GRABIEL: Agreed.
MS. ALBERRO MENENDEZ: You know, it would be useful, also, if you could give it to us even earlier, if possible --
MR. WU: We will strive towards that.
MS. ALBERRO MENENDEZ: -- since it's a large project, if that's possible.
CHAIRMAN AIZENSTAT: You usually give it to us the Friday before --
MS. ALBERRO MENENDEZ: The Wednesday.
CHAIRMAN AIZENSTAT: -- the Wednesday.
MS. ALBERRO MENENDEZ: Right.
CHAIRMAN AIZENSTAT: As normal.
MR. WU: So how about the Monday before?
CHAIRMAN AIZENSTAT: That would be great.



MS. ALBERRO MENENDEZ: Sure.
MR. GRABIEL: Fantastic.
CHAIRMAN AIZENSTAT: If that's possible, that would be great.
MS. ALBERRO MENENDEZ: Yeah, anything you can add would be helpful.
CHAIRMAN AIZENSTAT: Okay, let's move on.
The next item on the agenda is an Ordinance of the City Commission of Coral Gables, Florida, requesting Conditional Use Review for a building site determination pursuant to Zoning Code Article 3, "Development Review," Section 3-206, "Building Site Determination," to create two separate single-family building sites on property zoned Single-Family Residential, SFR, District, one building site on Lot 30 and one building site consisting of Lot 31, on the property legally described as Lots 30 and 31, Block A, Gables Estates Number 2, at 20 Casuarina Concourse, Coral Gables, Florida; including required conditions; providing for severability, repealer, codification, and an effective date.
Would Staff like to go first or --
MR. WU: It's up to the Chair.



CHAIRMAN AIZENSTAT: It's -- It's a simple -- If Staff would like to go first, that's fine.
MR. BELLIN: I would prefer if Staff does go first.
CHAIRMAN AIZENSTAT: Perfect.
MR. BOLYARD: Good evening, Chairperson, Members of the Board. For the record, my name is Scot Bolyard, Principal Planner, with the City of Coral Gables.
Aaron, can you bring up the PowerPoint, please?
The application before you tonight is for a separation of a building site and conditional use site plan review for the property at 20 Casuarina Concourse. The subject property is located in the southern portion of the City, in the area referred to as the Gables Estates.
The building site shown on the aerial here has two fully platted lots. Each platted lot is proposed as an individual building site. The request is to separate the existing 2.59 acre building site, with 376 feet of street frontage, into two building sites, which would consist of Lot 30, which is 1.2 acres in size



and has a 200-foot street frontage, and the second would be Lot 31, which is 1.39 acres in size and has a 176-foot street frontage.
Application history. On June 25th, 2007, the Historic Preservation Board passed a motion not to designate the property as historic, allowing for the demolition of the previously existing three-story single-family residence, referred to as the Wackenhut Castle. One moment.
And then on September 26, 2014, the application was presented to the Development Review Committee. The applicant has satisfactorily resolved all DRC comments resulting from this meeting.
Here's an existing zoning map. It shows the property is designated Single-Family Residential, and the land use on the property is designated Residential Single-Family Low Density, the same as all the surrounding properties.
Here you can see a survey of the property. Located along the waterway is a wood deck, and there's also a concrete dock located approximately here. The survey also shows a



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few trees located along the right-of-way.
The next slide shows conceptual site plans for both lots. The site plans shown here are not tied to this application; they're just for reference.
Here we have site plan information that shows the existing building site compared with the proposed building sites. You can see the building site frontage and how it's divided between the two proposed sites. There's also a waterway frontage on the existing building site. It's 510 feet. The proposed Lot 30 building site would have a 200-foot waterway frontage, and the proposed Lot 31 would have a 310-foot waterway frontage. The building site depth for the existing building site and proposed sites is approximately 275 feet.
The total site area is shown here, as well, and how it would be divided between the two building sites, as well as the proposed floor area that would be allowed. By separating the sites, they would get about -- approximately an extra 1,000 square feet of developable floor area.
The building height permitted on the



property is two stories, 39 feet above established grade, and the setbacks on the property would remain the same for the existing and proposed, a minimum 50-foot front setback, 30-foot side setbacks, and a 50-foot rear setback along the waterway.
The review of the Zoning Code criteria. The Zoning Code requires that four out of the six criteria must be satisfied for a building site separation. Staff reviewed the application, and based upon the six criteria, determined that the proposal satisfies one of the six criteria, which is neighborhood compatibility. Staff found that the proposal did not satisfy five of the six criteria.
One, has an unusual site configuration. The property has a typical site configuration.
Two, has equal or larger building frontage than the majority of the surrounding properties. The proposed building site on Lot 31 would have a smaller frontage than most surrounding properties.
The third, it would not result in demolished or existing structures becoming non-conforming. The previously demolished



residence, existing concrete dock and wood deck would all become non-conforming if approved.
Four, no restrictive covenants or encroachments exist, including demolished buildings, that would prevent site separation. There is a restrictive covenant that exists, tying the lots together as one building site.
And the fifth one, the property was purchased by the current owner prior to September 17th, 1977. This property was purchased by the current owner in 2010.
Based on this review criteria, Staff recommends denial of the request, since it only satisfies one of the six criteria.
Alternative recommendation conditions. If the Planning and Zoning Board determines, based upon additional information presented by the applicant, that the application satisfies the criteria and desires to recommend approval, then Staff recommends the following conditions: The new single-family residences constructed on the two building sites shall meet all applicable requirements of the Zoning Code, and no variances shall be required or requested.
Two, a detailed tree disposition plan and



landscape plan shall be prepared and provided by the applicant, subject to review and approval by the Directors of the Public Service and the Planning and Zoning Division prior to submittal to the Board of Architects for either building site.
Three, prior to submittal to the Board of Architects, the property owner, its successors or assigns, shall file for release of the restrictive covenant currently running with the land.
And Staff also has a fourth condition that we would like to add, and that is, within 60 days of approval, the property owner shall remove the concrete dock, wood deck and any non-conforming structures or encroachments.
And that concludes Staff's presentation.
CHAIRMAN AIZENSTAT: Thank you.
MR. BOLYARD: Thank you.
CHAIRMAN AIZENSTAT: If the applicant can please come up.
MS. TAPANES LLAHUES: Good evening, Mr. Chair, Honorable Members of this Board. My name is Melissa Tapanes Llahues, with the law firm of Berkow Radell & Fernandez, Law Offices,



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at 200 South Biscayne Boulevard, Miami.

I'm here this evening, representing Mr. Benjamin Leon, as trustee, the owner of Lot 30 and 31, located at 20 Casuarina Concourse, in Gables Estates. I'm joined here today by Mr. Ben Leon, as well as Albert Maury and Ben Leon, Jr., and Michael Shealy, with Leon Medical Centers. I'm also joined by co-counsel, Zeke Guilford.

The applicant is here, as Staff mentioned, requesting conditional use approval to permit two building site determinations, and we're here respectfully requesting your recommendation for approval.

To give you a little bit of background on this site, I first show you the two sites. The property consists of two platted parcels, approximately 2.5 acres of vacant land in size. It's located between the Casuarina Concourse cul-de-sac and the Gables Estates Waterway. While Lots 30 and 31 were originally master planned and subdivided as two platted lots, the property was developed in the late 1960s with one 18,360-square-foot residence, known as the Wackenhut Castle, a German-style, three-story



castle, known by many. As Staff mentioned, the Commission did not choose to designate it as historic back in the mid 2000s.

Also, notably, in 1968, the City Commission adopted Resolution 13947, which I'll submit into the record, granting certain variances to the City Zoning Code in order to allow for the Wackenhut Castle to be constructed. These variances allowed the Wackenhut Castle to -- among other items, to have a total of four kitchens, which, as you all know, under today's Code, would equate to four units. I'll submit that resolution into the record. I believe this is additional information from what is in the Staff recommendation.

Back in 2007, the then property owner demolished the residence, at which time the City apparently required the declaration of restrictions found in Tab 5 of your binder. You should note that, contrary to State law, this covenant only has one witness. More on this issue in a moment.

When the property was originally built in the 1960s, a declaration tying the property as a single site was not required in the City



Zoning Code at the time. Mr. Leon purchased the property in 2010. Today, the property is vacant and unimproved, but well maintained and sodded. No trees exist with the exception of a few sea grapes along the seawall, and I'll also submit into the record an updated tree survey.

Mr. Leon seeks to develop the property as it was originally intended, with one single-family residence located on each of the platted parcels. This is consistent with the SFR zoning district, as well as the Gables Estates charter and by-laws on each of the two platted lots. Lot 30 will consist of 1.2 acres of land and Lot 31 will consist of 1.6 acres of land. The Gables Estates Club Architectural Review Board reviewed and unanimously approved the proposal, concluding that the resulting lots are compatible and comparable to the surrounding homesteads.

In addition, after a publicly noticed board meeting, the Gables Estates Club unanimously approved the proposal and submitted a letter, urging this Board to recommend approval to the City Commission. I'll submit that letter into the record, as well.



So, as you know, as Staff mentioned, Section 3-206(F) of the Code requires that the proposal satisfy at least four of the six criteria. It is our position that we arguably meet five of the six criteria, and we'll expound as to the reasons why.

The first criteria is that exceptional or unusual circumstances exist that are site-specific. Exceptional and unusual site-specific circumstances do exist that support Mr. Leon's request for site separation. The original unification of Lots 30 and 31 were to construct the Wackenhut Castle, back in the 1960s. This, again, was an 18,000-square-foot, three-story castle, with four kitchens, and it was certainly unusual to the City of Coral Gables at the time, as well as at the time that it was demolished, prior to -- or following the review of the Historic Preservation Board of the City.

The approval of the four kitchens via variances by the City Commission in 1968 amount to the approval of duplexes on each one of these lots. Arguably, this proposal is a reduction from the originally approved four



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units, and ultimately, the approval of this request will restore the property as it was initially intended, as part of the Gables Estates Master Plan, and which is consistent with the surrounding area, as well as, will bring the property to conformity with the majority of the sites in Gables Estates.

The second criteria is that the building sites 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 1,000 feet. Let me -- I have a couple slides to show you.

The presentation on the top is the lot water frontage width, and on the bottom, you have the lot frontage width on Casuarina Concourse. The building site frontages -- and that's what the Code says, building site frontages -- have been determined by analysis of the City Commission to not only include lot frontage, but also water frontage. Lot 30's proposed 200 feet of frontage is equal to larger than 65 percent of the lots within the 1,000-foot radius. Its 200-foot water frontage is equal to larger than 37.5 percent of the



lots within a 1,000-foot radius. That means that Lot 30 satisfies this criteria as it relates to lot frontage on the Casuarina Concourse cul-de-sac.

Lot 31, as Staff mentioned, however, is on a cul-de-sac, and similar to all the other cul-de-sacs in Gables Estates, because of the curvature of the cul-de-sac, it results in less than the majority of the sites, so Lot 31 -- Let me just show that. So this is Lot 31, and as you can see, the curvature of the cul-de-sac leads to not your typical linear calculation of what is typical in Gables Estates of 200 feet, but if you look at the entire Gables Estates community, all those lots ending on a cul-de-sac are less than the regular.

What it turns out to equate into is a larger lot water frontage for the lots on the cul-de-sacs, which, in the case of Lot 31, it provides for a 310-foot water frontage that is equal to or larger than 70 percent of the lots within the 1,000-foot radius. This circumstance is lesser street frontage and greater water frontage, and again, it's



applicable to all similarly situated properties within Gables Estates.

Accordingly, we believe that we meet the criteria of Number 2, because in Lot 30, we satisfy the building site frontage on the lot frontage on Casuarina Concourse, and for Lot 31, we satisfy the building site frontage on the water, which, again, Zeke will talk about a little later on, about how the City Commission has reviewed this criteria in past circumstances.

The third criteria is that the building sites 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 provisions of the Zoning Code. The voluntary demolition of a building which eliminates any of these conditions is not allowed to be considered part of compliance.

So, in this case, while the property was developed with one 18,000-square-foot residence encroaching on lot lines, the Wackenhut Castle was an architectural eyesore that negatively impacted the privacy and visual appeal of the



Gables Estates community.

When Mr. Leon purchased this site, back in 2010, it was vacant and unimproved, and he was not responsible for the voluntary demolition. This proposal seeks to develop the property as it was originally intended. Additionally, the two proposed building sites would not create any existing structures that would become non-conforming on the site itself, on the property itself. The home is no longer there. The only issue that has been discussed in the Staff recommendation is the issue of the actual seawall and the building dock, which, again, that's a permit through Miami-Dade County that could easily be resolved through a condition, as Staff recommended here, and would be the case upon approval of the building site determination. Separating these building sites will also make the property more environmentally efficient in regard to land resources, water use, maintenance and upkeep.

The fourth criteria is that no restrictive covenants, encroachments, easements or the like exist which would prevent the separation of the site. The voluntary demolition, again, that



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would eliminate this condition shall not consist -- constitute compliance with this criterion. When the property was originally developed, back in the late 1960s, it was prior to this Code even being in effect. In 2010, when Mr. Leon purchased the property, as a vacant, unimproved site, he was not responsible for this voluntary demolition. The Staff recommendation mentions that the June 24th, 2013 letter of determination issued by the Development Services Department, stated that the building permit history identifies Lots 30 and 31 as one building site. However, based on the resolution that we presented before you, again, four kitchens existed on these two lots at the time the Wackenhut Castle was approved. So what the building permit history really shows is that under today's Code, the former Wackenhut Castle itself would have been non-conforming, and the elimination of that non-conforming structure, it would be akin to those four units.

In addition, the 2007 covenant, we believe, is void and unenforceable under State law, as it was not properly executed by two witnesses.



I'll also submit into the record Section 689.01 of Florida Statutes, where it clearly provides that any real estate conveyed or transferred would have to be -- over one year would have to be witnessed by two witnesses, and what is before you, as you will see, the declaration of restrictive covenant, is not. It is executed by one witness, and most importantly, it was done at the time of demolition, in 2007, most likely in a rush, without proper -- or quite vague terms within that covenant. So I'll submit into the record this section of Florida Statutes.

The fifth criteria, Staff mentions that we do satisfy, and it is the compatibility standard, that the building sites maintain and preserve open space, promotes neighborhood compatibility, preserves historic character, and maintains property values and enhances visual attractiveness of the area. We, of course, agree with Staff's position that the approval will improve the appearance of the neighborhood by putting this site to use and creating these two building sites as originally envisioned by the Gables Estates community, and



which rendered their favorable support of this application.

With that, I'd like Mr. Guilford to conclude. Thank you.

MR. GUILFORD: Good evening, Mr. Chairman, Members of the Board. For the record, Zeke Guilford, at 400 University Drive. It gives me great pleasure to be here, representing Mr. Leon in this matter, as well as serving with my colleague, Ms. Tapanes.

I'd like to just touch on a couple things before I get into the conclusion. There were four kitchens, but there were also four separate buildings that made up the Wackenhut -- I'm not even going to call it Castle. It wasn't a single-family residence. This was a compound. There was a service quarters that had a kitchen. There was an outparcel that had a kitchen. There was a non-connected wing that had a kitchen. There was the building in the center that had a kitchen. It wasn't four kitchens in one building. This was buildings all over the property.

Also, let me talk about Criteria Number 1



and just kind of relate it. We're all pretty well familiar -- many of you all were here when I actually presented the application for 6801 Granada Boulevard, and at that time, it was very similar to this application, in that it went from street to waterway, and at that time, there was much debate here, and you all determined that we had -- a majority had determined that we had met that criteria.

It then went to the Commission, and there was probably more discussion regarding the waterway frontage, because in that case, we had had a smaller waterway frontage versus the street frontage, and that the way the Commission was looking at this application is that the waterway was similar to a street. As people went up and down and traversed it and traveled it, they wanted to see similarity of lots. So, if you look at it as a street, and that's the way the Commission looked at that application, then we meet this criteria, because we are then considered a through lot, and if you look at Staff's report, the Staff Report also includes water frontages. Therefore, we have two frontages on this piece



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of property. And to be honest with you, the City Commission has looked at it, and in the 6801, determined that it had two frontages. And this application that's here before you tonight is no different than that one. It goes from street to water, and in fact, what's interesting about this, the property line between Lot 30 and 31 is 250 feet in width. A City of Coral Gables block is only 200 feet in width. If you add an alley, it's 220. What we have here is a lot that has a greater width than an entire City block of the City of Coral Gables.

Now, Mr. Chairman, Members of the Board, this is a simple application, a very simple application. All we are requesting of you tonight is to allow us to develop this property as it was originally intended by the plat that was approved by this City Commission in 1956.

Gables Estates have the largest lots of any subdivision in the City of Coral Gables. Most, if not all, are an acre or more. The people who live in Gables Estates are probably, as we all know, some of the most affluent people in the City of Coral Gables. They are the titans



of industry. They are the leaders of our community. If what we were doing here today was harmful to their property values, to their neighborhood, they would be here. You would have every neighbor standing up, objecting to this application. What we have here are actually two neighbors. Ms. Ross has come out, who's said she's not sure how she wants to look at this application, she just wants to hear it out. We have Mr. Potamkin back here, who's actually one of the -- I'm going to say, actually the most directly affected neighbor regarding this application. His property looks right onto this piece of property, and he is in full support of this application.

Now, what we also have is the Gables Estates Neighborhood Homeowners' Association. You know, in the old days, they used to say that they did not object to an application. What you have before you is a total, 100 percent support of the association for this application.

You've also heard from Ms. Tapanes. She's nailed it. She has given you every reason why this application should be approved. She has



gone through the criteria and has told you how we meet each one. We believe that we do meet the criteria set forth in the Code. We believe this application should be approved. We believe this property should be developed in accordance with the plat.

Now, Mr. Chairman and Members of the Board, we believe that you should recommend in favor of this application and support Staff's alternative recommendation with conditions. That concludes our presentation. Mr. Potamkin would like to say a couple words, but after he gets through, if you have any questions of myself, Ms. Tapanes or Mr. Leon, we are more than happy to answer them at that time. Thank you.

CHAIRMAN AIZENSTAT: Thank you.

Before we do that, why don't we go ahead and close the floor to the attorneys and open it up to the public. That way Mr. Potamkin, at that point, can make any comments, and anybody else.

MS. MENENDEZ: He's actually the first speaker.

MR. POTAMKIN: Thank you. I'm Alan



Potamkin. I live and have for quite some time lived at 11 Casuarina Concourse, directly across the street from the property we're speaking about. My driveway faces almost exactly what the split would be between the properties. I have absolutely no objection at all to restoring the property to the way it was originally, with two separate lots.

Other than that, I agree fully what what I've heard counsel for Mr. Leon say. Thank you very much.

CHAIRMAN AIZENSTAT: Thank you.

MR. BELLO: I have a question, Mr. Potamkin.

MR. POTAMKIN: Yes, sir.

MR. BELLO: Did you live there when the Castle was there?

MR. POTAMKIN: Pardon me?

MR. BELLO: Did you live there when the Castle was there?

MR. POTAMKIN: Oh, yes, sir. Yes, sir.

MR. BELLO: You lived before or after the Castle was built?

MR. POTAMKIN: I moved into the house -- The Castle was there at the time, for sure. I



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moved in about 14 years ago, built my house across the street. I was there when the famous Mr. Stanford was standing outside, pointing at it, saying that he was going to do this and do that. So I've been there from the time that it was -- Actually, when I first moved into Gables Estates, I was interviewed by George Wackenhut as a participant in the approval process.

MR. BELLO: Thank you.

MR. POTAMKIN: Thank you.

MR. WU: Mr. Chair, you have a latecomer in the public meeting. I'd ask if he wants to to make a public comment.

CHAIRMAN AIZENSTAT: Yeah. I don't see him because of the boards.

MR. WU: Sir, would you like to make a public comment?

MR. GUILFORD: He's our architect.

MS. TAPANES LLAHUES: Yes.

MR. GUILFORD: He supports it.

CHAIRMAN AIZENSTAT: Call the next person, please.

MS. MENENDEZ: There are no more speakers.

CHAIRMAN AIZENSTAT: There are no more speakers? Okay.



Would the applicant like to say something before we close?

MR. GUILFORD: We're just -- Again, Mr. Chairman, Members of the Board, we're here to answer any questions you may have regarding our presentation or any questions you have regarding the plans.

CHAIRMAN AIZENSTAT: Thank you.

At this point, let's go ahead and close it to the floor, for discussion.

Julio?

MR. GRABIEL: Not yet.

CHAIRMAN AIZENSTAT: Not yet.

MR. BELLO: Mr. Chairman.

CHAIRMAN AIZENSTAT: Yes.

MR. BELLO: I think, obviously, this was two lots initially. I think that the neighbors are in favor of going back to two lots. So I think I'm prepared to make a motion to approve.

CHAIRMAN AIZENSTAT: Is there a second or any discussion?

MS. ALBERRO MENENDEZ: I think we need to all have an opportunity to ask questions.

CHAIRMAN AIZENSTAT: Correct. He went ahead and made a motion.



MS. ALBERRO MENENDEZ: Yeah. I have questions.

MR. BELLO: With the conditions imposed by the City.

MS. ALBERRO MENENDEZ: Well, the City is recommending denial.

MR. BELLO: Yeah, but the City also has provided some --

MS. ALBERRO MENENDEZ: An alternative, okay.

MR. BELLO: -- alternatives. So my motion is to approve with the conditions set by the City.

MR. BELLIN: I have a question. I have a couple questions.

CHAIRMAN AIZENSTAT: Is there a second to his motion, before we continue?

Okay, let's continue, please. Marshall?

MR. BELLIN: Zeke, let me ask you a question. When this -- When the Gables Estates was originally developed, these two lots, and at that time it was two lots, and then there was a unity of title so you could build a house on a larger lot -- At the time that it was developed, these two lots were in conformance



with whatever the requirements were for lots in Gables Estates?

MR. GUILFORD: Oh, absolutely. You know, the plat came before the City Commission and they approved it with the property line along the cul-de-sac. So what you have here is exactly what was approved by the City.

MR. BELLIN: So, if it was in conformance then, why is it not in conformance now?

MR. GUILFORD: It is in conformance with the plat. When you're doing a building site separation, one of the criteria is to look at frontage, but what it doesn't have is a criteria to look at a frontage on a cul-de-sac. I mean -- and honestly, to be fair and equitable, I would tell you to take the front and the water frontage and combine them and average them, because otherwise, if you're on a cul-de-sac, you would never comply.

MR. BELLIN: I guess the point I'm making is, if it was fine then, to me it's fine now.

MR. GUILFORD: It should be. I mean, we're not asking anything more than what was previously there, and I think that -- again, as I stated in my closing, I think it's simple.



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1 We're only asking for what was permitted.
2 MS. ALBERRO MENENDEZ: Okay. You know, in
3 our Zoning Code, we have specific criteria, as
4 you all mentioned. You've stated the six of
5 them. Staff has a different view. They have
6 only compliance with one. I'm having a hard
7 time understanding the relevance of the four
8 kitchens, and what does that bring to this lot
9 split, because the building is not there
10 anymore.
11 MR. GUILFORD: Well --
12 MS. ALBERRO MENENDEZ: So I'm not sure what
13 you what uniqueness that brings.
14 MR. GUILFORD: The point is that -- What
15 we're trying to say is, there was never one
16 building on this, so to call it a single-family
17 residence is absolutely a mistake. There were
18 actually four buildings and four units. It
19 would never comply today. It would actually be
20 considered -- If it came before you today, it
21 would be considered multi-family zoning and
22 multi-family land use. So to say that there's
23 one building, there wasn't one building. There
24 were four independent -- This was a
25 multi-family development. It was a compound.



1 MS. ALBERRO MENENDEZ: Well, but I'm
2 trying --
3 MS. TAPANES LLAHUES: To answer your
4 question directly, you mentioned why is it
5 important. It's because --
6 MS. ALBERRO MENENDEZ: No, it's not -- Not
7 important, but I'm trying to connect the four
8 kitchens to the Number 1 criteria, which is the
9 exceptional and unique circumstances that
10 exist, and the building is not there anymore,
11 so --
12 MS. TAPANES LLAHUES: There's two criterias
13 that require you to count -- Because the
14 building has been demolished, it cannot comply,
15 so there's two criteria of the six that require
16 us to look at the building as it was permitted
17 by the City, and that's why the argument of the
18 four kitchens and the fact that this was
19 basically a multi-family residence in Gables
20 Estates, why it matters, because there's two
21 criteria that require us to look at what was
22 there originally.
23 MS. ALBERRO MENENDEZ: Okay. I just don't
24 see the connection, still, but that's okay.
25 Let me just go on with my questions.



1 MS. TAPANES LLAHUES: It's Criteria 3 and
2 4.
3 MS. ALBERRO MENENDEZ: Okay. All righty.
4 Three makes reference to, would not result in
5 any existing structures being non-conforming as
6 it relates to setbacks, lot area, lot width.
7 How does that connect to the four kitchens?
8 MS. TAPANES LLAHUES: Well, the way that it
9 relates to the four kitchens is because the
10 last sentence requires -- it says that the
11 voluntary demolition of a building which
12 eliminates these conditions identified shall
13 not constitute compliance.
14 So, if we're looking at the lot as it is
15 today, vacant, then we comply, or we should
16 comply, arguably.
17 MS. ALBERRO MENENDEZ: Right.
18 MS. TAPANES LLAHUES: Because we have to
19 look back at the Wackenhut Castle, then Staff
20 says we don't comply, because the voluntary
21 demolition doesn't count for us in this case.
22 So that's why the four kitchens are important.
23 MS. ALBERRO MENENDEZ: But weren't the four
24 kitchens approved through a variance process?
25 Wasn't it legalized through the process?



1 MS. TAPANES LLAHUES: Correct, yes.
2 MS. ALBERRO MENENDEZ: Okay.
3 MS. TAPANES LLAHUES: Prior to the
4 existence of this criteria. This criteria was
5 adopted by the City Commission in 1989. That
6 variance was approved in 1968.
7 MS. ALBERRO MENENDEZ: Right.
8 MS. TAPANES LLAHUES: What we're saying is
9 that it's a non-conforming structure, what was
10 there. It's no longer there. We just want to
11 go back as to the way it was originally platted
12 in the early 1960s.
13 MS. ALBERRO MENENDEZ: Okay.
14 The reference you made to the restrictive
15 covenant, do you know when the Florida Statute
16 was enacted, that particular sentence where it
17 requires two witnesses? Because I see all
18 these dates at the bottom --
19 MS. TAPANES LLAHUES: Yes.
20 MS. ALBERRO MENENDEZ: -- but unless you
21 see each one of them, I really wouldn't know.
22 MS. TAPANES LLAHUES: Yes, the history, the
23 legislative history, is what is at the bottom,
24 and the last amendment appears to be from 19--
25 1950.



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MS. ALBERRO MENENDEZ: You mean, the first amendment.
MS. TAPANES LLAHUES: I'm sorry, 2008-35.
MS. ALBERRO MENENDEZ: 2008.
MS. TAPANES LLAHUES: That's the last one.
MS. ALBERRO MENENDEZ: Right.
MS. TAPANES LLAHUES: I don't have the legislative history for this language.
MR. ALBERRO MENENDEZ: Okay.
MS. TAPANES LLAHUES: But again, we do know that it has existed since. I mean, the history goes back to November 15th, 1828, this section of the Code. So it's a long-standing position, this section of the Code,
MS. ALBERRO MENENDEZ: Right. The question is, when was -- Was that ever amended into it, or was that always like that?
MS. TAPANES LLAHUES: The issue of two witnesses is long-standing, as part of real estate law, contract law. It's --
MS. ALBERRO MENENDEZ: But since when, is my question.
MS. TAPANES LLAHUES: I graduated from law school before 2007, and that was a requirement.
MS. ALBERRO MENENDEZ: It's still there,



okay. Okay.
MS. TAPANES LLAHUES: Two witnesses is pretty standard.
MS. ALBERRO MENENDEZ: Let me ask you, as it relates to the site frontage and the way -- I imagine you all saw Staff's analysis.
MS. TAPANES LLAHUES: Correct.
MS. ALBERRO MENENDEZ: And Staff, on the issue of the street frontage, basically is saying that there's -- that you don't meet the criteria.
MS. TAPANES LLAHUES: Uh-huh.
MS. ALBERRO MENENDEZ: And then in the waterway frontage, again, they say you don't meet the criteria, at least in one of the lots. So I'm trying to connect what Mr. Guilford had said in stating that, in fact, you do meet the criteria at the waterfront footage, or at the water side.
MS. TAPANES LLAHUES: To preamble what Zeke will say, the Code provides the term "building site frontages." It doesn't say lot frontage on a street.
MS. ALBERRO MENENDEZ: Right.
MS. TAPANES LLAHUES: It doesn't say water



frontage. So what we're saying is that Lot 30 complies with this section, based on its frontage on Casuarina Concourse, and Lot 31 complies based on its water frontage on the Gables Estates Waterway.
What Zeke is saying is that in the 6801 Granada Boulevard case, that the City Commission looked at the waterway as another through street. Same concept, it's the building site frontage, you could look at it either way, because a waterway is sort of a through street, like an alley. Cars actually traverse it. In this case, boats traverse it. So it's part of the feeling of Gables Estates. You don't just feel Gables Estates on the street side. In fact, a much more beautiful view of Gables Estates is by these waterways, and they're through streets for boating, and that's what we're saying.
In this case, we have a unique situation, because we're on a cul-de-sac. It's unique to this site. It's also similar to every other cul-de-sac in Gables Estates, where you have less of a frontage and a larger waterfront for those cul-de-sacs.



MS. ALBERRO MENENDEZ: So what you're basically saying is that we should apply in some cases the front and in some cases the back, depending on the criteria?
MS. TAPANES LLAHUES: What I'm saying is, we should apply both. What I'm saying is that the language is building site frontages, and what the City Commission has said is, both are applicable, and that's why both are in your Staff recommendation. What we're saying is, both should apply. In this case, we meet the building site frontage for one lot on the street side and for the other lot on the water side.
The most important bottom line, however, is that this is what is compatible with the area. It's consistent with the originally platted lot. What was built in the Wackenhut Castle is something that is inconsistent. It was approved by variances. And that's why us going back to what was originally approved is something that merits your support this evening.
MS. ALBERRO MENENDEZ: Okay, thank you.
CHAIRMAN AIZENSTAT: Julio?



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1 MR. GRABIEL: Yeah. You know, there's
2 patterns in suburban development which are
3 fairly strong, and Gables Estates has one of
4 lots of a certain size, which are repeated and
5 repeated and repeated. All over Coral Gables,
6 we have that. In the North Gables, we have
7 50-foot lots. In Gables Estates, we have lots
8 of an acre or an acre and a half.
9 Originally, this was lotted (sic) as two
10 separate building sites. I remember the
11 Castle, the most horrific building ever built
12 on Coral Gables soil, and so I was thrilled
13 when it was torn down. I don't see any problem
14 in going back to these two lots being
15 subdivided and creating two building lots, as
16 long as it complies with all the regulations of
17 the City of Coral Gables.
18 I have a question for Staff. Why are you
19 requiring tearing down the concrete dock, as I
20 understand it, and the wood dock?
21 MR. WU: Because it crosses both
22 properties.
23 MS. ALBERRO MENENDEZ: It encroaches.
24 MR. GRABIEL: Oh, it encroaches on both
25 properties. So they would have to be separated



1 as two separate --
2 MS. ALBERRO MENENDEZ: Yes.
3 MR. GRABIEL: Okay.
4 MS. TAPANES LLAHUES: What we would most
5 likely do is modify what's existing.
6 MR. GRABIEL: And you would comply with
7 that? You have no problem complying with that?
8 MS. TAPANES LLAHUES: We would modify it,
9 absolutely.
10 MR. GRABIEL: To comply?
11 MS. TAPANES LLAHUES: To comply, correct.
12 CHAIRMAN AIZENSTAT: I'd like to ask a
13 question to the Assistant City Attorney, as far
14 as the covenant. What's the City's position on
15 that?
16 MS. FIGUEROA: The City's position is that
17 the notary would serve as the second witness.
18 I did speak to Craig on this issue. He says
19 that that is not something that he is opposed
20 to, as long as one of the conditions is that
21 the City Commission approves a release of the
22 covenant.
23 CHAIRMAN AIZENSTAT: But your position is
24 that the covenant is legal and binding?
25 MS. FIGUEROA: Is legal and binding,



1 correct.
2 CHAIRMAN AIZENSTAT: That is your position?
3 MS. FIGUEROA: Yes.
4 CHAIRMAN AIZENSTAT: For the City. Okay.
5 Zeke --
6 MR. WU: I apologize, Mr. Chair.
7 CHAIRMAN AIZENSTAT: I'm sorry?
8 MR. WU: I wanted to introduce Ms. Yaneris
9 Figueroa. She's sitting in for Craig Leen.
10 Thank you.
11 CHAIRMAN AIZENSTAT: Thank you.
12 Zeke --
13 MR. GUILFORD: Yes?
14 CHAIRMAN AIZENSTAT: Do you have the
15 survey, when the property was with the Castle?
16 MR. GUILFORD: Yes, it's part the -- Well,
17 the site plan is in your package.
18 CHAIRMAN AIZENSTAT: I didn't see that.
19 MS. TAPANES LLAHUES: Correct.
20 MR. GUILFORD: Do you have what tab it is?
21 MS. TAPANES LLAHUES: Yes.
22 CHAIRMAN AIZENSTAT: There was reference to
23 Exhibit A, but I didn't --
24 MR. GRABIEL: Tab 10.
25 MS. TAPANES LLAHUES: It is Tab 10.



1 MR. GRABIEL: Mr. Chairman, Tab 10.
2 MR. GUILFORD: Mr. Chairman, I would just
3 make one point while you're looking at the site
4 plan --
5 CHAIRMAN AIZENSTAT: Yes.
6 MR. GUILFORD: -- is that actually, what
7 the law says is that a notary can serve as the
8 second witness. It doesn't -- In this case,
9 the notary never witnessed the document. They
10 only notarized it.
11 CHAIRMAN AIZENSTAT: Because that may also
12 be an issue that you can bring up with your
13 title insurance. Was there an exception or
14 anything made to the title on this property
15 because of that covenant missing a witness?
16 MS. TAPANES LLAHUES: I'm not certain. We
17 have not reviewed title for this in some time,
18 but we will.
19 CHAIRMAN AIZENSTAT: Okay. You know, to
20 me, it's interesting because the first question
21 that comes to my mind is, when you have a
22 property and you cross the property between
23 lines, just because you knock it down doesn't
24 release you from tying it together, to me. If
25 not, if that would be the case, then everybody



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1 would take a property, knock it down, and then
2 come before the Board and say nothing is
3 crossing between boundaries. In this case,
4 obviously, you're arguing the opposite.
5 To me, I feel that two properties, there's
6 not a problem with two properties, but if I
7 look at the way our Code reads, specifically,
8 what must be satisfied, I'm just not seeing you
9 satisfying four of the six. You're stretching
10 and trying to convince me that maybe you're
11 satisfying one more?
12 MS. ALBERRO MENENDEZ: Right.
13 CHAIRMAN AIZENSTAT: But just to me, I
14 don't see you satisfying four of the six. That
15 doesn't mean that I don't think it merits
16 having two properties. In that part, I do
17 agree. But according to what's presented to
18 me, I just don't see you satisfying the four.
19 Any other comments?
20 MS. ALBERRO MENENDEZ: No.
21 MR. BELLIN: I'd like to make a motion.
22 CHAIRMAN AIZENSTAT: Okay, go ahead.
23 MR. BELLO: There's a motion on the floor.
24 CHAIRMAN AIZENSTAT: There wasn't a second.
25 So would you like to make that motion again?



1 We didn't get a second on that motion.
2 MR. BELLO: No, I'll let Marshall make the
3 motion.
4 MR. BELLIN: Yeah, I'd like to move for
5 approval, with the conditions that the Staff
6 has imposed on the approval, with one
7 additional condition, that the amount of square
8 footage allowed on both lots doesn't exceed
9 what would be allowed on one lot.
10 MS. TAPANES LLAHUES: Understood. Thank
11 you.
12 MR. BELLIN: And I don't know how --
13 CHAIRMAN AIZENSTAT: Before they discuss
14 that, is there a second?
15 MS. FIGUEROA: For purposes of the record,
16 can we just specify which four criteria that
17 motion is based on?
18 CHAIRMAN AIZENSTAT: I don't think it's
19 based on any of the criteria. I think it's
20 based upon the determination that Staff has
21 done as to what could be built as of right, if
22 I'm not mistaken, and what can be built if it's
23 split into two lots. There's a difference of
24 like 3,000 square feet, I think.
25 MR. BELLIN: It's not quite 3,000. What



1 happens is, if it stays as one lot, the FAR is
2 calculated a certain way. If you split it, the
3 FAR is calculated individually, on both lots,
4 which is more FAR.
5 MR. WU: It's 34,000 --
6 CHAIRMAN AIZENSTAT: It's 34,974, if it's a
7 single, and then if they split it, one property
8 could be 16,901 and the second property 19,224,
9 which would render 36,124.
10 So, if I understand you correctly,
11 Marshall, you're saying that combined, those
12 two properties could not be more than 34,974?
13 MR. BELLIN: That's right.
14 CHAIRMAN AIZENSTAT: Thank you.
15 MR. WU: Mr. Chair, what the City Attorney
16 was alluding to is, have the maker of the
17 motion be clear on the record which four
18 criteria the application has met, so if you
19 could just go through and state for the record
20 your opinion which four criteria they meet.
21 MS. FIGUEROA: Correct.
22 CHAIRMAN AIZENSTAT: Well, should we --
23 That's during the vote, isn't it, as opposed to
24 the motion?
25 MR. WU: It's important for him to mention



1 into the motion which criteria they meet, so
2 the second of the motion can discuss, agree or
3 not.
4 MR. BELLO: Mr. Chairman?
5 CHAIRMAN AIZENSTAT: Yes.
6 MR. BELLO: Charles, I think he's referring
7 to the restrictions that you have recommended
8 in the event of approval.
9 MR. WU: Yes.
10 MR. BELLO: I don't know that he has to
11 identify what he thinks the four criteria that
12 are met.
13 MR. WU: He has not, but we're asking him
14 to clarify on the motion.
15 MR. BELLO: Well, what does that have to do
16 with the motion for approval?
17 MR. WU: Well, if you approve it with the
18 conditions, Staff needs to know and the
19 Commission needs to know your vote, which are
20 the four they meet, because the Commission will
21 also read the six criteria, and they want to
22 hear from you which of are four you think are
23 met.
24 MR. BELLIN: My opinion is that they don't
25 have to meet the four criteria.



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MR. WU: The Code is very clear, they have to meet four or more.
MS. ALBERRO MENENDEZ: That's correct.
MR. WU: So we advise you to strongly make, into the record, which four.
MS. FIGUEROA: I agree with --
CHAIRMAN AIZENSTAT: Assistant City Attorney?
MS. FIGUEROA: I agree with everything Charles just stated, and I also spoke with both Bridgette and Craig, and they stated the same, that we would need four on the record to move forward.
MR. WU: Because it can be perceived as arbitrary and capricious.
MS. FIGUEROA: Exactly.
MR. WU: You need to be based on findings of fact, what are the findings that you meet the criteria?
MS. FIGUEROA: Right.
MR. WU: That's all. Just state into the record which four are met.
MS. ALBERRO MENENDEZ: That's the biggest challenge with these lot splits, is that we are assigned the criteria, where we have to



evaluate the project based on.
MS. TAPANES LLAHUES: Respectfully, we would proffer that we satisfy the first criteria, exceptional and unusual circumstances; the second criteria, building site frontages; as well as the third criteria, and the fifth criteria, which Staff agrees that we satisfy.
MR. BELLIN: So 1, 2, 3 and 4?
MS. TAPANES LLAHUES: 1, 2, 3 and 5.
MR. GUILFORD: 1, 2, 3 and 5.
MR. BELLIN: 1, 2, 3 and 5.
Okay, 1, 2, 3 and 5.
MS. TAPANES LLAHUES: Thank you.
MS. FIGUEROA: Thank you.
MR. BELLO: And the restrictions, I think Staff had other restrictions beyond --
MR. WU: Yes.
MR. BELLO: -- the ones that are on our agenda.
MR. WU: We stated into the record the fourth one, about removing the encroachment.
MR. BELLO: The dock?
MR. WU: The dock.
MR. BELLO: And you were saying removal and



they are saying modification.
MR. WU: We're fine with modification, as long as the remedy meets the Code. It doesn't have to be total removal.
I'm sorry, I'm wrong. It has to be removal, because it creates a non-conforming structure.
CHAIRMAN AIZENSTAT: If it's not, it's tying both properties together.
MR. BELLIN: If you remove the part that's encroaching --
MR. BELLO: But that's what needs to be clear in their requirement, because at this point they're saying removal, and the applicant is saying they're willing to modify it.
MR. WU: We'll clarify it by the Commission. We understand the intent.
MS. TAPANES LLAHUES: Please.
MR. GUILFORD: Yeah, we will do whatever is necessary in order to bring the dock into compliance, whether that's removal or modification.
MS. TAPANES LLAHUES: We want to make sure that we comply with the County's regulations, as well.



CHAIRMAN AIZENSTAT: So --
MR. BELLIN: Can we start over?
CHAIRMAN AIZENSTAT: Please, just so we have it clear. I'm sorry.
MR. BELLIN: All right. Motion for approval, with the conditions that Staff has placed on there.
CHAIRMAN AIZENSTAT: Plus?
MR. BELLIN: Plus the --
CHAIRMAN AIZENSTAT: Square footage?
MR. BELLIN: Well, the square footage.
MS. TAPANES LLAHUES: Thank you.
MR. BELLIN: Have you agreed on that?
MR. GUILFORD: Right.
MS. TAPANES LLAHUES: Yes.
MR. GUILFORD: That's acceptable to us.
MR. BELLIN: Okay.
CHAIRMAN AIZENSTAT: And you're stating that the --
MR. BELLIN: That 1, 2, 3 and 5 are met.
CHAIRMAN AIZENSTAT: Are met. Is there a second?
MR. BELLO: I second the motion.
CHAIRMAN AIZENSTAT: A first and second. Any discussion?



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When you call the roll, if a person agrees, that means they're agreeing that those, 1 -- those --
MS. ALBERRO MENENDEZ: Criterias.
CHAIRMAN AIZENSTAT: -- criterias are met, correct?
MS. ALBERRO MENENDEZ: Yes.
MR. WU: Yes.
CHAIRMAN AIZENSTAT: Okay.
Call the roll, please.
MS. MENENDEZ: Maria Menendez?
MS. ALBERRO MENENDEZ: No.
MS. MENENDEZ: Marshall Bellin?
MR. BELLIN: Yes.
MS. MENENDEZ: Anthony Bello?
MR. BELLO: Yes.
MS. MENENDEZ: Julio Grabiel?
MR. GRABIEL: Yes.
MS. MENENDEZ: Eibi Aizenstat?
CHAIRMAN AIZENSTAT: No.
MR. GUILFORD: Thank you all very much. We appreciate your time.
MS. TAPANES LLAHUES: Thank you. Appreciate it.
MR. GUILFORD: Thank you.



CHAIRMAN AIZENSTAT: Let's just take a couple of minutes so they clear out. Thank you and good luck, and Happy New Year.
(Pause in proceedings)
CHAIRMAN AIZENSTAT: The item as far as the election of the Chairperson and Vice-Chairperson, you know, I think we -- from what I understand and what we spoke at the beginning, it's best that we defer it to the next meeting so we have a full Board, because we've always had a full Board, accordingly, and at that point we can discuss it. I think that's the simplest --
MR. WU: If that's your decision. Remember, the next meeting is Mediterranean Village.
CHAIRMAN AIZENSTAT: I understand that, but --
MS. ALBERRO MENENDEZ: Well, I think that our present Chairman should continue his role until such time, of course, that we select someone.
MR. BELLIN: I think we can --
MS. ALBERRO MENENDEZ: Who's our Vice-Chair, by the way?



CHAIRMAN AIZENSTAT: Jeff.
MS. ALBERRO MENENDEZ: Jeff?
MR. BELLIN: I mean, I don't have any objection to doing that right now.
CHAIRMAN AIZENSTAT: Well, in the past, we've always had a full Board, and I just don't know if it would be fair to those individuals.
MR. BELLIN: They should have shown up, then.
CHAIRMAN AIZENSTAT: Well --
MR. BELLIN: They knew what was going on.
CHAIRMAN AIZENSTAT: I agree, but I think Jeff had a conflict, that he's doing, actually, a zoning presentation at a different --
MR. BELLIN: I was just joking.
MS. ALBERRO MENENDEZ: Whatever you decide, but, you know, you'll continue it until such time --
MR. GRABIEL: I like our Chair.
MS. ALBERRO MENENDEZ: Me, too.
MR. GRABIEL: I would vote on keeping the Chair.
MS. ALBERRO MENENDEZ: I mean, for me, I'll make a motion right now to keep our Chair.
MR. BELLIN: I'll second it.



MS. ALBERRO MENENDEZ: There you go.
MR. BELLIN: Now we do the Vice-Chair.
CHAIRMAN AIZENSTAT: I mean, I appreciate it, but like I said, I mean, I would --
MR. BELLIN: We have a majority. Call the roll.
MS. ALBERRO MENENDEZ: Call the roll. Call the roll.
MS. MENENDEZ: Marshall Bellin? Marshall Bellin?
MR. BELLIN: Yes.
MS. MENENDEZ: Anthony Bello?
MR. BELLO: Yes.
MS. MENENDEZ: Julio Grabiel?
MR. GRABIEL: Yes.
MS. MENENDEZ: Maria Menendez?
MS. ALBERRO MENENDEZ: Yes.
MR. BELLO: You're it.
MS. ALBERRO MENENDEZ: You're it. You know, and I'm also all for allowing our Vice-Chair to continue, as well, even if --
MR. BELLIN: Agreed.
MS. ALBERRO MENENDEZ: I'll make a motion, then.
MR. BELLO: Second.



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CHAIRMAN AIZENSTAT: Call the roll.
MS. MENENDEZ: Anthony Bello?
MR. BELLO: Yes.
MS. MENENDEZ: Julio Grabiel?
MR. GRABIEL: Yes.
MS. MENENDEZ: Maria Menendez?
MS. ALBERRO MENENDEZ: Yes.
MS. MENENDEZ: Marshall Bellin?
MR. BELLIN: Yes.
MS. MENENDEZ: Eibi Aizenstat?
CHAIRMAN AIZENSTAT: Yes.
MS. ALBERRO MENENDEZ: See how easy that was?
CHAIRMAN AIZENSTAT: Thank you.
MR. BELLO: Motion for adjournment, Mr. Chairman.
CHAIRMAN AIZENSTAT: Motion for adjournment?
MR. GRABIEL: You read those --
CHAIRMAN AIZENSTAT: Thank you.
MR. GRABIEL: -- that information better than anybody I've ever heard.
MR. BELLIN: Why are you thanking us? Do you really enjoy that?
CHAIRMAN AIZENSTAT: So we're adjourned,



and everybody, Happy New Year, if I haven't --
MR. GRABIEL: Happy New Year.
CHAIRMAN AIZENSTAT: And to the Staff, Happy New Year on behalf of the Board.
(Thereupon, the meeting was adjourned at 7:03 p.m.)



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 further certify that all public speakers were duly sworn by me.

DATED this 15th day of January, 2015.

SIGNED COPY ON FILE

JOAN L. BAILEY, RDR, FPR

Notary Commission Number EE 083192.
My Notary Commission expires 6/14/15.



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RESOLUTION NO. 13947

A RESOLUTION AUTHORIZING EXCEPTIONS TO ORDINANCE NO. 1525, AS AMENDED, AND KNOWN AS THE "ZONING CODE".

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

That the following exceptions to the provisions of Ordinance No. 1525, as amended, and known as the "Zoning Code", having been recommended by the Planning and Zoning Board at its regular meeting of May 6, 1968, with the exception of Item No. 6 of said Item 3317-Z, be and the same hereby is approved, to-wit:

(3317-Z)

In connection with construction of a proposed single family residence building on subject property, permit the following as shown on submitted plans, to-wit:

Construction of a detached garage and suite closer to the street than the main residence and between the main residence and the street;

Installation of a kitchen unit in the suite;

Construction of a tennis court closer to the street then the main residence building;

Construction of a 12 ft. high green vinyl plastic covered chain link fence around the proposed tennis court;

Construction of a 6 ft. high wall around parking, pool and patio areas;

The south wing of the residence building not to be interconnected with the main building;

Construction of a 2-story detached recreation unit and guest suite;

Construction of a 10 feet ± x 18 feet ± detached boat equipment storage building;

Construction of a kitchen unit in the south wing of the main building;

Installation of a kitchen unit on the second floor of the detached recreation unit and guest suite;

A flat roof over recreation unit bay on front elevation;

Wood frame dormers with tile facing on main building;

all of the above located on Lots 30 and 31, Block 'A', Gables Estates No. 2, the west side of Cascarino Concourse in the zero hundred block, Coral Gables, Florida.

Motion for its adoption was made by Commissioner Phillips, seconded by Commissioner Kerdyk. Resolution was adopted by the following roll call: "Yeas" - Commissioners Kerdyk, Murphy and Phillips. "Nays" - Mayor Drazel. "Abstention" - Commissioner Philbrick.

EXCERPTS FROM CITY COMMISSION MINUTES

9

# BOUNDARY SURVEY

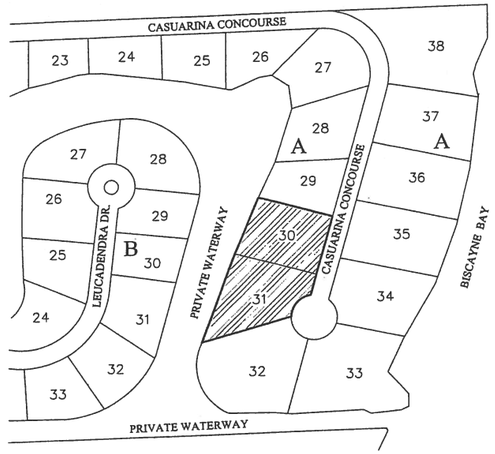
of

20 CASUARINA CONCOURSE, CORAL GABLES,
MIAMI, MIAMI-DADE COUNTY, FLORIDA 33143

for

LEON MEDICAL CENTER

**Attachment B2**




LOCATION SKETCH
NOT TO SCALE

## LEGEND

- Back Flow Preventer
- CLP Concrete Light Pole
- MLP Metal Light Pole
- Guy Wire
- Utility Power Pole
- Fire Hydrant
- WM Water Meter
- Electric Box
- Telephone Box
- Sewer Manhole
- --OUL-- Overhead Utility Lines
- LP Light Pole
- GV Gas Valve
- WV Water Valve
- Water Manhole
- Telephone Manhole
- MW Monitoring Well
- Parking Meter
- Unknown Manhole
- Sewer Valve
- Mail Box
- +10.00 Spot Elevation
- Temporary Benchmark
- 1.5'-15'-10' Diameter-Height-Spread
- Right-of-Way Lines
- Property Corner
- Traffic Sign
- Catch Basin
- Drainage Manhole
- Irrigation Control Valve
- Iron Fence
- C.B.S. Wall
- CO Clean Out
- GP Guard Pole
- Chain Link Fence
- Wood Fence

N

P.B. 60, PG. 37

0' 15' 30' 60'

GRAPHIC SCALE
SCALE : 1" = 30'

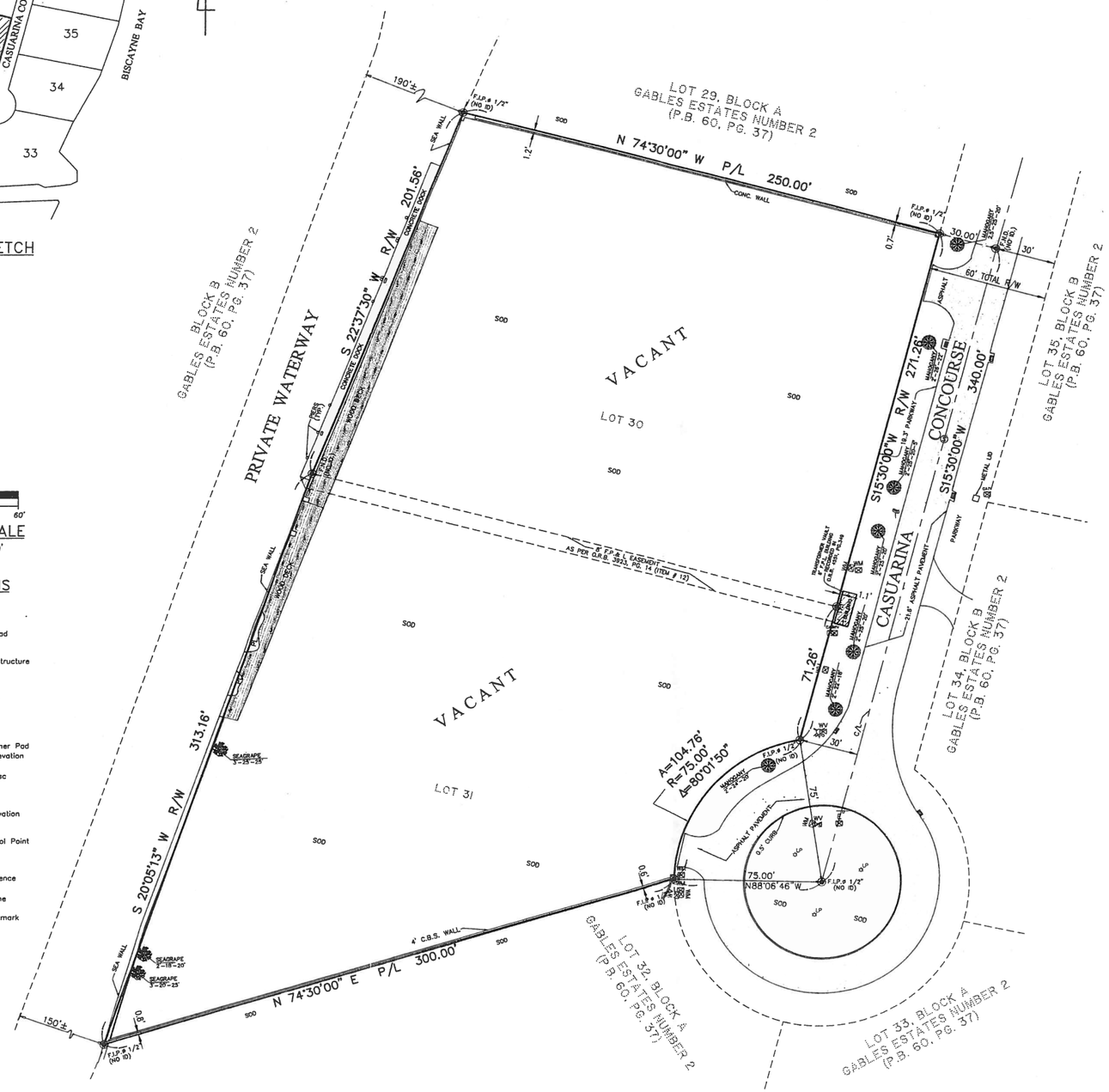
## ABBREVIATIONS

| | |
|---|---|
| A | Arc Length |
| A/C | Air Conditioner Pad |
| ASPH. | Asphalt |
| B.M. | Benchmark |
| C.B.S. | Concrete Block Structure |
| C.C. | Conc. Curb. |
| C.G. | Curb & Gutter |
| C/L | Center Line |
| C.L.F. | Chain Link Fence |
| CONC. | Concrete |
| C.S. | Concrete Slab |
| D.C. | Depress Curb. |
| DWY. | Driveway |
| E.T.P. | Electric Transformer Pad |
| F.F.E. | Finished Floor Elevation |
| F.I.P. | Found Iron Pipe |
| F.N.D. | Found Nail & Disc |
| F.R. | Found Rebar |
| I.D. | Identification |
| INV. | Inverts |
| L.F.E. | Lowest Floor Elevation |
| M/L | Monument Line |
| P.B. | Plat Book |
| P.C.P. | Permanent Control Point |
| PG. | Page |
| PL. | Planter |
| P/L | Property Line |
| P.R.M. | Permanent Reference Monument |
| R/W | Right-of-Way Line |
| SWK. | Sidewalk |
| T.B.M. | Temporary Benchmark |
| V.G. | Valley Gutter |

## TREE LEGEND

| SYMBOL | COMMON NAME |
|---|---|
| | Mahogany |
| | Seagrape |
| 1.5'-15'-10' | Diameter-Height-Spread (Diameter at breast height) |

* Tree types are determined to the best of our ability and should be confirmed by botanist or a trained specialist.




**SURVEYOR'S NOTES:**

1. MAP OF BOUNDARY SURVEY:

Field Survey was completed on: December 19th, 2014.

2. LEGAL DESCRIPTION:

Lots 30 and 31, Block A of GABLES ESTATES NUMBER 2, according to the plat thereof, as recorded in Plat Book 60, at Page 37, of the Public Records of Miami-Dade County, Florida.

Containing 112,747 Square Feet or 2.59 Acres more or less, by calculations.

The above captioned property was surveyed based on the above Legal Description furnished by the client.

3. SOURCES OF DATA:

AS TO VERTICAL CONTROL:

By scaled determination the subject property lies in Flood Zone AE, Base Flood Elev. 11 feet as per Federal Emergency Management Agency (FEMA) Community-Panel Number 120639, Map No. 12086C0459, Suffix L, Revised Date: 09-11-2009.

An accurate Zone determination should be made by the preparer of the map, the Federal Emergency Management Agency, or the Local Government Agency having jurisdiction over such matters prior to any judgments being made from the Zone as noted. The referenced Federal Emergency Management Agency Map states in the notes to the user that "this map is for insurance purposes only".

AS TO HORIZONTAL CONTROL:

North arrow and Bearings directions is based on assumed value of S15°30'00"W along the C/L of Casuarina Concourse, as per Plat of "GABLES ESTATES NUMBER 2", Plat Book 60, Page 37, Miami-Dade County, Florida.

4. ACCURACY:

The accuracy obtained by measurement and calculation of closed geometric figures was found to exceed this requirement.

5. LIMITATIONS:

Since no other information other than what is cited in the Sources of Data was furnished, the Client is hereby advised that there may be legal restrictions on the Subject Property that are not shown on the Survey Map or contained within this Report that may be found in the Public Records of Miami-Dade County, or the records of any other public and private entities as their jurisdictions may appear. The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual who may appear in public records. No excavation or determination was made as to how the Subject Property is served by utilities. No improvements were located, other than those shown. No underground foundations, improvements and/or utilities were located or shown hereon. This notice is required by the "Minimum Technical Standards for Land Surveying in the State of Florida," pursuant to Rule 5J-17 of the Florida Administrative Code.

Notice is hereby given that Sunshine State One Call of Florida, Inc.. must be contacted at 1-800-432-4770 at least 48 hours in advance of any construction, excavation or demolition activity within, upon, abutting or adjacent to the Subject Property. This Notice is given in compliance with the "Underground Facility Damage Prevention and Safety Act," pursuant to Chapter 556.101-111 of the Florida Statutes.

CERTIFY TO:

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY: That the Boundary Survey of the above described property is true and correct to the best of my knowledge and belief as recently surveyed under my direction. Further, there are no above ground encroachments unless shown. This survey meets the minimum technical standards set forth by the Florida Board of Professional Surveyors and Mappers, in Chapter 5J-17, Florida Administrative Code, pursuant to section 472.027 Florida Statutes. Examination of the abstract of title will have to be made to determine recorded instruments, if any, affecting the property. Location and identification of utilities adjacent to the property were not secured as such information was not requested. Ownership is subject to opinion of title.

THIS SURVEY IS NOT INTENDED FOR CONSTRUCTION PURPOSES. FOR THOSE PURPOSES A TOPOGRAPHIC SURVEY IS REQUIRED.

**J. Bonfill & Associates, Inc.**
Florida Certificate of Authorization Number LB 3398

By: _____

**Oria Jannet Suarez, P.S.M.**
Professional Surveyor and Mapper Number No. LS 6781
State of Florida

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps by other than the signing party are prohibited without the written consent of the signing party.


J. Bonfill & Associates, Inc.
REGISTERED LAND SURVEYORS & MAPPERS
Florida Certificate of Authorization LB3398
7100 S.W. 99th Avenue Suite 104
Miami, Florida 33173 (305) 598-8383


BOUNDARY SURVEY
of
20 CASUARINA CONCOURSE, CORAL GABLES,
MIAMI-DADE COUNTY, FLORIDA 33143
for
LEON MEDICAL CENTER

| REVISIONS | BY |
|---|---|
| | |

| | |
|---|---|
| Proj: | 03-0763 |
| Job: | 14-0402-1 |
| Date: | 12-19-2014 |
| Drawn: | G.P., J.S., C.B. |
| Checked: | J.S. |
| Scale: | AS SHOWN |
| Field Book: | ON FILE |
| SHEET 1 OF 1 | |

**Attachment B3**

Gables Estates Club Inc.
7550 S.W. 57 Avenue, Suite 204, South Miami, FL 33143
Office: 305-667-9031
Fax: 305-667-9032

October 14th, 2013

City of Coral Gables
Planning and Zoning Division
427 Biltmore Way, Suite 201
Coral Gables, Florida 33134

Re: Separation/Establishment of a Building Site and Release of Unity of Title for 20 Casuarina Concourse, Coral Gables

Dear Members:

On behalf of Gables Estates Club, Inc. ("HOA"), I am hereby asking you to approve this request to support the release the Declaration of Restrictive Covenant, dated October 19, 2007, recorded at Official Record Book 26001 at Page 1248 of the Public Records of Miami-Dade County, Florida, in order to permit the separation of the building site located at 20 Casuarina Concourse and allow the establishment of two separate lots sites. Furthermore the request has been reviewed by our Architectural Review Board and it was approved unanimously.

We understand that the establishment of two separate building sites will allow the development of one single-family residence in full compliance with the City's Single Family Residential (SFR) zoning district and the HOA's Charter and Bylaws on each of the two platted parcels, legally described as Lot 30 and Lot 31 of Block A of Gables Estates No. 2, according to the plat thereof, as recorded in Plat Book 60 at Page 37 of the Public Records of Miami-Dade County, Florida.

We are confident that approval of this application will have beneficial effects and serve important public interests, while not having adverse effects on the environment, overburdening public services, or changing the desired character of the Gables Estates community. We urge the Planning and Zoning Division and Planning and Zoning Board to recommend in favor of the application, and implore the City Commission to approve the application.

Sincerely yours,

Rene Guerra
President

Select Year: 2014 Go

# The 2014 Florida Statutes

| Title XL | Chapter 689 | View Entire Chapter |
| --- | --- | --- |
| REAL AND PERSONAL PROPERTY | CONVEYANCES OF LAND AND DECLARATIONS OF TRUST | |

**689.01 How real estate conveyed.**—No estate or interest of freehold, or for a term of more than 1 year, or any uncertain interest of, in or out of any messuages, lands, tenements or hereditaments shall be created, made, granted, transferred or released in any other manner than by instrument in writing, signed in the presence of two subscribing witnesses by the party creating, making, granting, conveying, transferring or releasing such estate, interest, or term of more than 1 year, or by the party's lawfully authorized agent, unless by will and testament, or other testamentary appointment, duly made according to law; and no estate or interest, either of freehold, or of term of more than 1 year, or any uncertain interest of, in, to, or out of any messuages, lands, tenements or hereditaments, shall be assigned or surrendered unless it be by instrument signed in the presence of two subscribing witnesses by the party so assigning or surrendering, or by the party's lawfully authorized agent, or by the act and operation of law. No seal shall be necessary to give validity to any instrument executed in conformity with this section. Corporations may execute any and all conveyances in accordance with the provisions of this section or ss. 692.01 and 692.02.

**History.**—s. 1, Nov. 15, 1828; RS 1950; GS 2448; RGS 3787; CGL 5660; s. 4, ch. 20954, 1941; s. 751, ch. 97-102; s. 2, ch. 2008-35.

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