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CITY OF CORAL GABLES
PLANNING AND ZONING BOARD WORKSHOP
VERBATIM TRANSCRIPT

CORAL GABLES CITY COMMISSION CHAMBERS
405 BILTMORE WAY, CORAL GABLES
NOVEMBER 10, 2004, 4:20 P.M.

Board Members Present:

Michael Steffens, Acting Chair
Tom Korge
Bill Mayville
Felix Pardo

City Staff:

Eric Riel, Jr., Planning Director
Elizabeth M. Hernandez, City Attorney
Walter Carlson, Assistant Planning Director
Richard Cannone, Principal Planner
Dona Lubin, Historic Preservation Director
Jill Menendez-Duran, Administrative Assistant

Also participating:

Wendy Larsen, Consultant

Public Speakers:

Richard Namon
Juanita Greene
Tucker Gibbs
Roger Soman
Jaime Saldarriaga
Christopher Cooke-Yarborough
Wirt Maxey

- - -

THEREUPON:

The following proceedings were had:

MR. STEFFENS: I'd like to call the
Wednesday, November 10th Special Meeting of the

5 Planning & Zoning Board to order, the review of the
6 proposed land development regulations and Zoning
7 Code.

8 The first thing I'd like to do is have a
9 roll call.

10 MS. MENENDEZ-DURAN: Tony Gonzalez?

11 Manny Kadre?

12 Tom Korge?

13 MR. KORGE: Here.

14 MS. MENENDEZ-DURAN: Bill Mayville?

15 MR. MAYVILLE: Here.

16 MS. MENENDEZ-DURAN: Felix Pardo?

17 MR. PARDO: Here.

18 MS. MENENDEZ-DURAN: Michael Steffens?

19 MR. STEFFENS: Here.

20 I'd like to see if we can have a motion for
21 approval of the minutes of our previous meeting.

22 MR. KORGE: I'll so move.

23 MR. STEFFENS: Is there a second?

24 MR. MAYVILLE: I wasn't here.

25 MR. PARDO: Second. We won't be able to

1 pass it, I don't think.

2 MR. RIEL: Right.

3 MR. STEFFENS: You weren't here?

4 MR. MAYVILLE: No.

5 MR. STEFFENS: So we can't pass it. We'll
6 have to postpone it till the next meeting.

7 MR. RIEL: We'll keep postponing it.

8 MR. STEFFENS: We're going to have a short
9 presentation by Eric.

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MR. RIEL: Absolutely.

MR. STEFFENS: And then I'd like to ask everybody from the public here, if you plan to speak on any of the issues this evening, that you should have signed in with the secretary. If you could go ahead and do that now, that would be good. Thank you.

Eric?

MR. RIEL: First, I just kind of want to go over a couple of things. First off, again, if you have any comments, we do have a comment form up here that you can fill out.

We also do have the conceptual zoning map, with copies available, as well, for both the north and south section of the City. We also have on display, to the right, the current Comprehensive Land

⁴
Use Plan map, the current zoning map, and then the conceptual zoning map is the third map over. That's a large version.

In terms of the discussion this evening, the Board is going to focus and Staff is going to focus on the yellow, four-column chart. This is an updated chart in terms of what was provided to the Board last Friday, so we'd like you to work from this chart.

The changes as a result, from the chart on Friday, are noted with the underlining, and the reason for the changes are a couple things. We have, as I've indicated in the past, had an opportunity to go before various other boards for the City. Staff, at this point, has gone to the Economic Development

15 Board, gone to Historic Preservation on two
16 occasions, and also gone to the Board of Adjustment,
17 to seek their input and review of, basically, what
18 the Zoning Code rewrite is.

19 We've also scheduled with the Board of
20 Architects on November 17th at 10:30 in the morning,
21 and we're going to go before the Board of Architects
22 and secure their input.

23 Also, what is included on here is, based
24 upon the direction that we've received to date, we
25 have also -- as you know, the City has set up a City

1 team that's made up of the consultants, Building &⁵
2 Zoning Department representatives, Historic
3 Preservation, City Manager's Office, and Planning
4 Department. We meet on a weekly basis, and after we
5 secure the input from this Board, as well as other
6 boards, we go back and we look at the recommendations
7 in terms of what direction has been provided to us.

8 So you'll see, in the third column, the team
9 recommendation or other City board recommendations,
10 the updated recommendations with reference to the
11 City. We've discussed Policy 1, and one of the
12 changes -- I'm just going to go through, basically,
13 the changes on Policy 1, 2 and 3 -- we've had a
14 considerable amount of discussion before the Board on
15 those three issues -- and kind of just bring you up
16 to date.

17 With reference to the lot split, we're
18 suggesting to continue the public hearing process,
19 and in terms of your direction, where we had

20 discussed the radius of influence and other
21 clarifications, so we are going to continue with the
22 current regulations of the lot split, which requires
23 it to go through a public hearing format, and
24 basically make some modifications to that. We went
25 to the Historic Preservation Board, and they

1 basically agreed with that. 6

2 I'm going to go ahead and jump to transfer
3 of development rights. We had a significant amount
4 of discussion before the Historic Preservation
5 Board on this issue --

6 MR. PARDO: Excuse me, Eric, so I'm not
7 confused, on the lot split, we would leave it the way
8 it is in today's Code?

9 MR. RIEL: With the changes that are noted
10 in the two bullets there.

11 MR. PARDO: Amend the thousand-foot radius?

12 MR. RIEL: Amend the thousand-foot radius of
13 influence to the one-block street frontage, which we
14 discussed previously.

15 MR. KORGE: But that's not what we agreed
16 to.

17 MR. PARDO: That's what I thought.

18 MR. RIEL: In terms of the contextual
19 review, in terms of the one block?

20 MR. PARDO: Oh, okay. Pardon me, but he's a
21 lawyer, I'm not. I read this -- The way that it
22 reads here reads different, right? Because the word
23 contextual is not on here.

24 MR. RIEL: That was the intent.

25

1 doing was, the lot split provisions would remain⁷
2 unchanged. We were going to overlay the contextual
3 review for all -- all applications --

4 MR. RIEL: That's -- that's the --

5 MR. KORGE: -- including the lot split.

6 MR. RIEL: Right. That's the fourth one
7 down.

8 MR. KORGE: Okay. So we weren't going to
9 change the thousand-foot radius. There was no --
10 there was no consensus on that.

11 MR. RIEL: There was some discussion on
12 that.

13 MR. KORGE: I know, but there was
14 discussion, but there was --

15 MS. HERNANDEZ: But if you look at Planning
16 & Zoning Board Recommendation, it said, "Board was
17 divided on issue. Board desired to -- " So, he's
18 talking about, you know, the team recommendations --

19 MR. PARDO: No.

20 MS. HERNANDEZ: -- and the Board
21 recommendations.

22 MR. PARDO: No. I beg to differ with you.
23 At the end, when Eric started to summarize --

24 MS. HERNANDEZ: Right.

25 MR. PARDO: -- I jumped in, and the rest of

1 the Board members, and the Chair at that time said,⁸
2 "Well, this is -- this is not going to pass. This is
3 too much of a controversial issue."

4 MS. HERNANDEZ: Right.
5 MR. PARDO: And we killed it, at that
6 point. Now, that's the way I saw it. That's the way
7 these two gentlemen saw it, also.
8 MS. HERNANDEZ: Right.
9 MR. PARDO: Were you there? I can't
10 remember.
11 MR. STEFFENS: I was here, and that's what I
12 heard.
13 MR. PARDO: Okay.
14 MR. STEFFENS: I don't necessarily agree
15 with it, but that's what I heard.
16 MR. PARDO: No, no --
17 MR. KORGE: Right.
18 MR. PARDO: -- but the point is --
19 MR. KORGE: Right.
20 MR. PARDO: -- it was a unanimous consensus.
21 There wasn't even one dissenting or -- and then, what
22 was said specifically, specifically, there, was that
23 we would look at historic properties, and we directed
24 the Historic Director, Dona Lubin, to come back with
25 specific recommendations about the possibility there

1 in order to save historic structures, and we were⁹
2 going to add the contextual component in it, for
3 scale, where properties were larger, et cetera, which
4 included contextual, as far as second floors and all
5 that, putting it in as part of the review process for
6 the Board of Architects.

7 MR. KORGE: For all properties.

8 MR. PARDO: Exactly, for all properties, for

9 the Board of Architects to have more to deal with.
10 MR. RIEL: And that's on the bottom of the
11 page.
12 MR. STEFFENS: Right.
13 MR. PARDO: Now, gentlemen, did I miss
14 anything, or is that the way I recollect it?
15 MR. KORGE: That's what I remembered.
16 MR. RIEL: So the thousand-foot radius
17 should be -- remain the same?
18 MR. KORGE: The whole -- the whole provision
19 is unchanged, and what we're looking for from you and
20 from the Historic Preservation people is a
21 recommendation on how to address splitting of lots to
22 preserve historic properties.
23 MR. RIEL: Okay.
24 MS. HERNANDEZ: Okay.
25 MR. KORGE: So -- yeah, I think what you

1 want to do is come up with a proposal, a specific¹⁰
2 proposal for historic properties, that would be
3 separate and distinct from the existing lot-splitting
4 provisions for all other properties.

5 MR. PARDO: I mean, that was -- I mean, it
6 wasn't that the Board was split.
7 MR. MAYVILLE: It wasn't split.
8 MR. PARDO: The Board had a heated argument,
9 is what happened. At the end of the day, we had a
10 very specific, unanimous consensus. You know, I
11 really don't --
12 MR. KORGE: Okay.
13 MR. PARDO: -- want to rehash it. I mean,

14 if we didn't agree, great, but the thing is, we
15 agreed that night.

16 MR. RIEL: I will go back through and read
17 through the minutes again and make sure it accurately
18 reflects what --

19 MR. MAYVILLE: No, why don't we just make
20 clarification right now?

21 MR. PARDO: No, let's clarify it right now.

22 MR. RIEL: I agree with you. I'm not
23 disagreeing.

24 MR. STEFFENS: Right.

25 MR. RIEL: I'm just saying, I'll go back

11

1 and --

2 MS. HERNANDEZ: Okay, so we just need to
3 remove that first sentence under Planning & Zoning
4 Board Recommendation, where it says, "Board was
5 divided on this issue," and just start with, "Board
6 desired to continue the public hearing review and
7 approval process on lot splits."

8 MR. KORGE: Right, and also that the Board
9 asked the Staff to come back with a recommendation on
10 a different provision for lot splitting --

11 MR. STEFFENS: Historic properties.

12 MR. KORGE: -- to preserve historic
13 properties.

14 MR. PARDO: Yeah, and it was only -- it was
15 only for -- what should be added at the end of the
16 second sentence, for historic properties --

17 MS. HERNANDEZ: Uh-huh.

18 MR. PARDO: -- and we asked for specific

19 recommendations from Dona Lubin, who was named, who
20 is the director that's sitting right there.

21 MS. HERNANDEZ: Right.

22 MR. PARDO: Okay? So, you know --

23 MR. RIEL: So noted.

24 MR. KORGE: Okay.

25 MR. PARDO: Okay, and one last question I

1 have for you on this issue, and that is that you ¹²
2 said, "We took it to the Economic Development Board."
3 You took what to the Economic Development Board, the
4 lot split or the whole Code?

5 MR. RIEL: We provided them an overview of
6 the Zoning Code, and they had very specific questions
7 to portions of the rewrite and we addressed each of
8 those questions. We -- That meeting was November
9 5th. As soon as we get those minutes, as soon as we
10 get the Parking Advisory Board and the other boards,
11 we will provide that information to you. I'm merely
12 trying to summarize --

13 MR. KORGE: Right.

14 MR. RIEL: -- basically what had happened
15 about a week ago.

16 MR. KORGE: I think you gave us -- Didn't
17 you give us the parking --

18 MR. RIEL: The Parking Advisory Board, I
19 believe we gave, because I met with them on two
20 separate occasions.

21 MR. PARDO: Mr. Chairman, the reason I'm
22 bringing this up is because --

23 MR. STEFFENS: I understand.

24 MR. PARDO: Very specific.

25 MR. STEFFENS: I don't know that you should

13

1 remove that first sentence, because --

2 MR. PARDO: Well, that was not the -- What
3 it should say, if you want to be accurate about it,
4 is say, the Board was unanimous in its final
5 recommendation, because usually you don't say that
6 the Board was divided and finally there was a vote.
7 If it was approved four to one or -- it's reflected
8 in that. That's the way you accurately do the
9 minutes in this.

10 What I hate -- what I'm concerned with is
11 that we go through hours and hours of public hearings
12 and testimony, we come up with the best we can give
13 it, and then all of a sudden -- you know, all of a
14 sudden, what we get back is not a verbatim --

15 MR. KORGE: Yeah, but it was --

16 MR. PARDO: If you read the verbatim
17 minutes --

18 MR. KORGE: I remember exactly what
19 happened, but it was a little confusing, because we
20 didn't take a formal vote.

21 MR. STEFFENS: Right. Cristina just said --

22 MR. PARDO: We didn't take a formal vote.

23 MR. KORGE: No, we didn't. She --

24 MR. STEFFENS: -- let's end this issue and
25 move forward.

14

1 MR. KORGE: She just looked at it.

2 MR. RIEL: There was no formal vote taken.
3 MR. KORGE: There was no formal vote.
4 MR. RIEL: There was no formal vote.
5 MR. STEFFENS: That's why I don't think you
6 should say that the Board wasn't split, because I
7 think if there was a vote, the Board would have been
8 split, so --
9 MR. KORGE: Which raises another question.
10 I don't know if this is the place and time to do it,
11 but are we going to vote separately on each of these
12 issues and -- is that what -- and then do an overall
13 vote, or is it just we're going to vote separately on
14 each of these issues?
15 MR. RIEL: I think what we're doing is,
16 we're discussing each of these issues, and I'm trying
17 to summarize as best we can, and I'm glad we're
18 having this dialogue. I want to make sure I
19 accurately reflect this. We're going to update the
20 chart each week, so if there's errors or something
21 that I didn't -- you know, in terms of how you felt
22 on a particular issue, this discussion is good. I
23 want to make sure that --
24 MR. KORGE: Well, that's fine, then, but are
25 we going to bring to a final vote the entire revised
15
1 Code?
2 MR. RIEL: I would probably say we're
3 probably going to go through this chart and then
4 discuss each of the issues --
5 MR. KORGE: Vote on each of them separately?
6 MR. RIEL: Each of them separately.

7

MR. KORGE: Okay.

8

MR. STEFFENS: I think that's the only way
9 we can do it --

10

MS. HERNANDEZ: Right.

11

MR. STEFFENS: -- and then we would get
12 something that we would -- we'd weed out all the
13 pieces that we didn't agree on, and have something
14 that we all agreed on, and then move that forward to
15 the City Commission.

16

MS. HERNANDEZ: Exactly.

17

MR. PARDO: See, the problem that you have
18 with this process, the way it is now -- you know, the
19 way we have been doing it before was section by
20 section. And basically, there's a lot of confusion
21 now, because the Code -- you know, primarily, it's
22 not even a tweaking, right? Most of the document is
23 a reshuffling of the existing Code, putting it in
24 different sections.

25

MR. STEFFENS: Okay. Putting it into order.

1

MR. PARDO: Well, putting it in a different¹⁶
2 order. So it's a reshuffling of what's there,
3 reorganizing, if you want to call it that.

4

MR. KORGE: Cleaning up, a clean-up.

5

MR. PARDO: Or cleaning up, whatever. But
6 the point is that, on points like this, it was very,
7 very specific. What I don't want to happen is for
8 this thing to go on time, and then all of a sudden,
9 someone says, "Well, the Board was split, and they
10 didn't -- " Members of this Board were very
11 specific.

12 MR. KORGE: Well, you know, we can just
13 bring that back up and have a formal vote on it.

14 MR. PARDO: But, you see, that's the point
15 I'm trying to make.

16 MR. STEFFENS: I think we will have to bring
17 it up and have a formal vote on it.

18 MR. PARDO: Well, and here's the problem,
19 the problem that I see. The people that are here
20 might be here for the lot split, or the people that
21 are here tonight might be here for the TDR, or the
22 people that are here tonight might be for one
23 specific item. They may not be here whenever this
24 final vote is taken.

25 When we discussed the signage ordinance,

1 when we discussed the Mediterranean ordinance, when
2 we discuss a specific ordinance, we are dealing with
3 one ordinance at a time. Why this was done with --
4 you know, the way it is, I think is very, very
5 confusing. I don't think it serves the public
6 properly, simply because, you know, some people
7 have -- some people are residents and they care about
8 lot splits, but they may not care about TDRs.

9 MR. KORGE: But if they're here when we
10 discuss lot splits, that's fine.

11 MR. PARDO: True, but they may not be here
12 for the final vote --

13 MR. KORGE: But --

14 MR. PARDO: -- and this can be moved around
15 and massaged in such a way that it may not reflect
16 the feelings of the vote and the testimony for that

17 particular section. And again, it goes back to when
18 you're looking at all these multiple sections, it
19 could become very overwhelming, because then
20 everything gets clumped in. And it's the same thing
21 as the way that this is written. Because words mean
22 things, it's very easy to change one word or another
23 word, and all of a sudden your final result isn't
24 even what was discussed at this Board.

25 MR. RIEL: That's why --

1 MR. PARDO: And that's what I'm concerned ¹⁸
2 with.

3 MR. RIEL: That's why, Board Members, I
4 would ask that, as we update this, if something
5 doesn't accurately reflect that, please note that for
6 the record, and we will make sure it accurately
7 reflects that.

8 MR. KORGE: Right.

9 MR. RIEL: Okay? We will bring this back as
10 we update it, and you've certainly highlighted an
11 issue, and I certainly will make the change. It will
12 come back next week, and you can tell me if it
13 accurately reflects what was the Board's thoughts.

14 MR. PARDO: The other boards that you went
15 to -- that you go to see, how does that input -- how
16 does that input -- Does it come back to us?

17 MR. RIEL: Yes.

18 MR. PARDO: Or does the Parking Board have
19 more or the same say as the Planning Board, when this
20 gets taken to the Commission?

21 MR. RIEL: I can --

22 MS. HERNANDEZ: No, it comes back to the
23 Planning & Zoning Board --
24 MR. RIEL: It will come back to you.
25 MS. HERNANDEZ: -- and your

19

1 recommendation --
2 MR. RIEL: Right.
3 MS. HERNANDEZ: -- is what's going to go to
4 the City Commission.
5 MR. KORGE: Right.
6 MR. PARDO: Do we get to hear whatever they
7 write or whatever they say?
8 MR. RIEL: Yes. I'd like to respond to
9 that.
10 MR. KORGE: We got the Parking --
11 MR. RIEL: You will get -- let me -- please,
12 if I can respond. You will get the minutes from that
13 board. You will probably get the department director
14 from that board, that will also be in attendance.
15 For instance, the parking issue will be discussed at
16 the next meeting. The Parking Advisory Board
17 chairperson will be here, the Parking Director will
18 be here, and you will have the minutes of that
19 meeting, so you will certainly have representation
20 from the Staff, as well as the board.
21 My expectation is, you'll get the same from
22 the Economic Development Board. They've asked us to
23 let them know when the Board will discuss this issue,
24 and we'll schedule it, either probably for the next
25 meeting or the meeting thereafter, and probably from

1 the Board of Architects, obviously, they'll have
2 representatives here. So we will certainly make sure
3 that, from all sides of the coin, that you get the
4 message in terms of what the discussion was.

5 MR. PARDO: Thanks. Thank you.

6 MR. STEFFENS: Can we move on to the TDRs?

7 MR. RIEL: Absolutely.

8 MR. STEFFENS: TDR wrap-up.

9 MR. RIEL: With reference to the TDR, the
10 team's recommendation at this point is to create --
11 or basically defer the TDR issue and complete a
12 special area plan for the North Ponce de Leon area,
13 and this would be done in association with the
14 rewrite of the Comprehensive Plan.

15 We heard a lot of input in terms of
16 alternatives, in terms of TDRs, and also, it is in
17 combination with the Mediterranean Ordinance. We had
18 a tri-board meeting, as you know, earlier this year.
19 We've had a lot of identification in terms of issues
20 that were identified in the Charrette, as well as the
21 study that was done in the early nineties of the
22 North Ponce area.

23 We are suggesting at this point that that
24 area requires a special area plan and it needs to
25 include some more focus and input, and it should

1 include this Board's input, as well as all the other
2 boards, Economic Development, you know, Board of
3 Adjustment -- so we're asking, basically, for
4 deferral on that issue and just make minor changes to
5 the TDR provisions which have -- was gone over with

6 the Historic Preservation Board, which we did this
7 Monday and they have basically endorsed the changes
8 that were proposed by Staff, and that was basically
9 some minor modifications, but they also endorsed the
10 three bullet points that are noted on Page 2.

11 And then I'd like to move on to Policy
12 Number 3.

13 MR. PARDO: So, can I --

14 MR. RIEL: Mr. Pardo, if I could finish,
15 please.

16 MR. PARDO: Because here's the problem that
17 I'm having, okay? We're going through all these
18 policy changes. You're going to go through this
19 presentation. Again, I recall specifically the
20 Chair, at that time, Ms. Moreno, said not to
21 transfer -- not to have as a receiving area the North
22 Ponce area, and --

23 MR. KORGE: The recommendation, as I
24 understand it, is that right now there's not going to
25 be any material change.

1 MR. STEFFENS: It will not be a receiving²²
2 area.

3 MR. KORGE: It will not be, so I think these
4 bullets --

5 MR. PARDO: Okay, again, I'm getting
6 confused with what's written. I see the
7 recommendation --

8 MS. HERNANDEZ: And Staff.

9 MR. PARDO: Other City boards and Staff.
10 That's the third column, correct?

11 MS. HERNANDEZ: Right.

12 MR. PARDO: The last column, nowhere does it
13 say that the Board had reservations of making the
14 recommendation by the consultant, which was the North
15 Ponce area -- I mean, the Chair was vehement about
16 it, and there were other Board members that were
17 vehement about it, but it's not reflected in the last
18 column.

19 MS. HERNANDEZ: But whether a vote -- The
20 Chair being vehement about it, that's one vote.

21 MR. PARDO: No, no, there were no votes
22 taken.

23 MS. HERNANDEZ: Was there a vote of the
24 Board?

25 MR. PARDO: There were no votes taken. On

1 any of these issues that have been in this workshop,²³
2 there have been no votes taken on anything.

3 MS. HERNANDEZ: But the statements of one
4 person is not the unanimous position of the Board.

5 MR. PARDO: No, I said several of the Board
6 members, including myself --

7 MS. HERNANDEZ: Right.

8 MR. PARDO: -- we questioned that, and there
9 was specific conversation about it, but it's not
10 reflected under what was said, which I think that is
11 what Eric is making the right column, of a
12 reflection --

13 MS. HERNANDEZ: Of the comments.

14 MR. PARDO: -- of the comments. So this is
15 not a true reflection of what happened that evening,

16 and it's important, because the recommendation from
17 the consultant was to make that a receiving area, and
18 the policy recommendation from this Board, whether it
19 was individuals -- it was not taken as -- I wasn't
20 chairing the meeting, but it was very specific that
21 other areas should be looked at, and in fact, there
22 was a discussion based on the map, as a receiving
23 area for the industrial section. That's not
24 reflected in the right column, either. So what I'm
25 saying is, we spent five hours here and these are two

24

1 big columns --

2 MR. STEFFENS: Felix, to resolve this
3 issue --

4 From this point forward, Eric, before we
5 close each section that we're reviewing, let's get
6 comments from each of the Board members as the
7 Planning & Zoning Board recommendation, so we can
8 list them --

9 MR. MAYVILLE: Well, I think the Chair can
10 summarize it.

11 MR. PARDO: Summarize it, summarize the
12 minutes. It's --

13 MR. RIEL: Well, I would also ask this Board
14 to take a vote on each of the issues, then, so I'm
15 absolutely clear.

16 MR. STEFFENS: Yes, I think we either need
17 to take a vote --

18 MR. PARDO: Sure.

19 MR. STEFFENS: -- and record the vote, or we
20 each need to --

21 MR. PARDO: That's fine.
22 MR. STEFFENS: -- give our individual
23 recommendations to move forward, because previously,
24 for the lot splits --
25 MS. HERNANDEZ: Uh-huh.

1 MR. STEFFENS: -- it said the Board was 25
2 divided on the issue, and the Board was divided on
3 the issue. Even though Cristina agreed to end the
4 discussion at that time and to move forward with
5 other issues, the Board was still -- it was a
6 unanimous decision to end the discussion and to move
7 forward.

8 MS. HERNANDEZ: Right.
9 MR. STEFFENS: But the Board was divided.
10 MR. KORGE: She pretty much killed it.
11 MR. PARDO: Right, and the TDR was tabled.
12 MR. STEFFENS: Exactly, so I think what we
13 need to do, from this point forward, is to more
14 formalize -- to have a more formalized resolution --
15 MS. HERNANDEZ: As you're coming to the end
16 of the hearing.

17 MR. STEFFENS: -- of recommendations at the
18 end of each section.

19 MR. KORGE: And vote on it.
20 MR. PARDO: And Eric, the reason I'm
21 bringing this up is that, you know, we are spending,
22 all of us -- you know, it's not only the consultants
23 and Staff, but it's the public and this Board. We're
24 spending hours and hours and hours on this thing, and
25 that right-hand column should reflect much more

1 accurately the summary at the end of the day.

2 MR. STEFFENS: Yes, it should.

3 MR. PARDO: That's all I'm saying.

4 MR. STEFFENS: Okay.

5 MR. RIEL: So noted, but I'll also note that
6 the intention of Staff is, that's why we do verbatim
7 minutes. It would be very difficult to summarize,
8 like you said, two or three hours of discussion, in
9 about ten or fifteen words, so --

10 MR. STEFFENS: Well, we will summarize it.

11 MR. RIEL: Please.

12 MR. KORGE: And vote on it.

13 MR. STEFFENS: And vote on it, and then --

14 MR. RIEL: Thank you.

15 MR. PARDO: Take a vote, and we'll do it
16 tonight.

17 MR. STEFFENS: Good.

18 MR. RIEL: Okay, on Policy 3, with reference
19 to Mediterranean bonus provisions, there's going to
20 be no changes to the Mediterranean Ordinance bonus
21 provisions. That's all I have to say on that.

22 MR. PARDO: Because that was done already?

23 MS. HERNANDEZ: Right.

24 MR. PARDO: Because it was done already?

25 MR. RIEL: Correct.

1 MR. PARDO: Okay.

2 MR. RIEL: So, at this point, I turn it to
3 the Chair, and I understand you want to go to public

4 input.

5 After the public input, what we would like
6 to do is begin with Policy 4. We do have Wendy
7 Larsen, from Siemon & Larsen, here, as well as, we do
8 have the City departments represented that are the
9 City team that was a substantial part of the rewrite.

10 So with that, I'll turn it over to you, Mr.
11 Chairman.

12 MR. STEFFENS: At the last meeting, we had
13 asked for public input at the end of the presentation
14 of each section that we're reviewing, and
15 unfortunately, between the presentations and Board
16 comments, these things went on indefinitely, as they
17 usually do at this Board.

18 Tonight we're going to do that a little bit
19 differently. We're going to ask for all public
20 comment right now. You can comment on any section of
21 this review that you would like to. I would like to
22 ask that you keep your comments to three minutes or
23 less, and I would also like to ask that you sign in
24 with the secretary prior to making any comments. And
25 I would like everybody right now that is intending on

28
1 making comments to stand and be sworn in.

2 MS. HERNANDEZ: Okay, this is a legislative
3 determination --

4 MR. STEFFENS: So they don't need to be?

5 MS. HERNANDEZ: Right.

6 MR. PARDO: It's like a workshop.

7 MS. HERNANDEZ: This is a legislative
8 Zoning Code rewrite, that is not fact-specific.

9 MR. STEFFENS: Okay.

10 MS. HERNANDEZ: So we do not need to swear

11 in anyone.

12 MR. STEFFENS: Thank you.

13 So you just need to sign in.

14 MS. HERNANDEZ: Go ahead, John.

15 We'll swear in John Fullerton.

16 MR. STEFFENS: And if the secretary could

17 call the first speaker.

18 MS. MENENDEZ-DURAN: Nelson Bean?

19 Paul -- I'm not sure of the spelling here --

20 Van Wallegghem?

21 MR. VAN WALLEGHEM: No comment at this time,

22 thank you.

23 MS. MENENDEZ-DURAN: Okay. Jaime

24 Saldarriaga?

25 MR. SALDARRIAGA: No comment.

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1 MS. MENENDEZ-DURAN: Richard Namon?

2 MR. STEFFENS: You know, if you don't have

3 comments now, you might have to wait until the next

4 meeting to make comments.

5 MR. NAMON: I'm Richard Namon, 5555 Oakwood

6 Lane, Coral Gables.

7 A quick comment, as a follow-up to the

8 issues of the last hearing, which I just couldn't

9 stay to the end for public comment and I guess they

10 were not utilized.

11 One is a consideration about legal issues

12 that might arise from the fact that you are taking

13 what are now separate zoning categories, residential,

14 and placing them in an appendix. I could see if I
15 owned a property on, say, Granada, on the waterfront,
16 I might come back and say, "Hey, I'm living in an S
17 zone that is -- allows a 25-foot setback, and you're
18 sticking me with a 50-foot setback. I think I should
19 only have to -- in court, say that I have to abide by
20 the average of what's in that zoning category."
21 Because this is in an appendix, it may be used as a
22 historic reference, and I think that's a
23 consideration that is worth noting.

24 Another issue has to deal with the question
25 of mixing zonings together. For instance, take the

1 project that's going on just east of Riviera Drive,³⁰
2 along Ponce de Leon Boulevard on the north side. I
3 believe that some of those properties have been zoned
4 duplex, with the idea of integrating in with the
5 residential district immediate to it. I think that
6 you'll find that the owners of that property, if they
7 suddenly find that they can build townhouses on it,
8 will suddenly want to build townhouses on it, and I
9 think that the whole issue of changing the zoning
10 categories -- and changes that need to be looked at
11 in individual site places before you go ahead and
12 make these general sweeping changes, and my real
13 comment for tonight deals with a very interesting
14 fact, that the new Code, which is an extension of the
15 old Code in many areas, we hear from the consultant
16 that this is an area of great architectural
17 diversity, and what the -- essentially, the
18 Mediterranean Code does is, it tends to make, over a

19 long period of time, the whole City become looking
20 the same.

21 I look at the, quote, unquote, new
22 Mediterranean-style buildings that are in the
23 downtown area here. From downtown Miami, from the
24 Metrorail station, as you cross the bridge, you can
25 see Coral Gables, and I'll tell you, those big hunks

1 of concrete do not look Mediterranean from a 31
2 distance. The only structure in the entirety of
3 Miami that looks Mediterranean from a great distance
4 is the Biltmore Hotel, and there's something, I
5 think, wrong, inherently, with a Code that will not
6 let you build a duplicate of some of the historic
7 properties which are being preserved.

8 The setbacks for auxiliary buildings, as
9 they're currently written, require that the auxiliary
10 buildings be in the shadow of the main structure, and
11 the fact is that a number of historic properties that
12 you look at are -- have auxiliary buildings, like the
13 garage apartments which sit off to the side and add
14 to the visual features, rather than subtract.

15 So we have a Building Code that doesn't
16 allow us to build what was historically considered
17 the very best architecture of Coral Gables, and
18 secondly, it discourages any kind of architectural
19 ingenuity. Frank Lloyd Wright, one of the great
20 Twentieth Century architects, could not practice in
21 Coral Gables, and I think that says something very
22 bad about a Zoning Code that is so restrictive that
23 great architects cannot practice.

24 As the last thing, I'll leave with you an
25 anecdote, which is unfortunately true. An architect

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1 I've known for a couple of decades, I was asking
2 about doing a small project for a Coral Gables
3 property and which he volunteered that he'd do
4 without any problem, until he finally said, "Oh, by
5 the way, Richard, where is it located?"

6 And I said, "Coral Gables."

7 He said, "Oops, that's a problem." He said,
8 "I swore ten years ago I'd never do another project
9 in Coral Gables, because of the going back and forth
10 between the difference between what the Code says and
11 what the Board of Architects say."

12 And if there's any resolution to that
13 problem in the new Code, that would be wonderful.

14 And those are my comments. Thank you.

15 MR. STEFFENS: Thank you.

16 MS. MENENDEZ-DURAN: Juanita Greene.

17 MS. GREENE: I'm here to ask that you all
18 listen with patience and interest to our proposal
19 about transfer of development rights. This is
20 something relatively new. The policy was established
21 by people who have worked very hard to deal with the
22 problem that's happening in growing and expanding
23 cities, like Coral Gables is doing. This is a very
24 serious thing, and it's also an opportunity to solve
25 a very serious problem, which is having buffers

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1 between the central city and the residential areas.

2 So please listen with patience and interest.

3 Thank you.

4 MR. STEFFENS: Thank you.

5 MS. MENENDEZ-DURAN: Tucker Gibbs.

6 MR. GIBBS: Wow, that was pretty good. I
7 don't think that was planned.

8 My name is Tucker Gibbs. I represent the
9 Valencia Homeowners Association, and I came before
10 you at the last meeting, when we discussed TDRs, and
11 one of the things that came out of it, from testimony
12 from neighbors, as well as the comments from the
13 Board, was the issue -- two issues. One, should it
14 be voluntary or not voluntary. And what we'd like to
15 do is propose to you all to -- I hate to use the word
16 expand, but yes, expand TDRs beyond just for historic
17 preservation. Historic preservation is critical in
18 Coral Gables, as it is throughout Dade County, but
19 equally critical is preserving neighborhood quality
20 of life, and there are certain areas that have buffer
21 ordinances. Our position is, use TDRs beyond just
22 historic preservation.

23 Our proposal is to let a high-density owner,
24 within an area that is adjoining a single-family or
25 lower-density area -- to give that person an

1 incentive to build less, to build less high, to build
2 less dense. The way to do that, as we discussed at
3 that last meeting, was through transfer of
4 development right; allow that person to sell square
5 footage to a receiver site that wants that square
6 footage, in another area that the City picks, the
7 City determines can absorb additional development, an

8 area that the City believes and you all determine
9 needs additional development.

10 In our proposal, we had proposed one such
11 area, which was the industrial section, as you noted
12 before, and we can show statistically where that
13 industrial section can absorb, not only from the
14 Valencia area, and I think that the Planning
15 Department is in the process of studying whether or
16 not it can absorb from the North Ponce area as well,
17 but our position is to look at those areas
18 critically, and as Juanita said, not just to say,
19 "No, oh, no, transfer of development rights," but to
20 look at transfer of development rights as a tool to
21 give incentives to property owners to build less, and
22 incentives to other property owners in areas that may
23 not be, right now, economically ready for
24 development, to help get them ready for development.

25 It's an incentive idea, and so what we'd

1 like you all to do is, even though the recommendation³⁵
2 of your Staff is to table the TDR discussion pending
3 the study, if you all determine to table it, please
4 table it with instructions not to limit the TDRs just
5 to historic areas and historic buildings, but also to
6 buffer areas, and remember, you all are going to be
7 the ones that craft that ordinance. You're just not
8 handing it off. You, as the Planning Board, are
9 going to create this, and you can create it in such a
10 way, as I said, that would give incentives to
11 lower-intensity development near residential
12 neighborhoods and give incentives to develop areas

13 that really need development in the City of Coral
14 Gables.

15 So, again, if you table, table with the
16 instructions to expand it to nonhistoric properties,
17 as well. Thank you.

18 MR. PARDO: Tucker, I have a question for
19 you. TDRs, you know, to make your clients happy,
20 basically, it's to take that area that is
21 underdeveloped, and as the Chair, the last time,
22 said, is take that problem and put it somewhere else.
23 It becomes someone else's problem, which you --

24 MR. GIBBS: I disagree emphatically with
25 that.

1 MR. PARDO: Which you disagreed emphatically³⁶
2 at that time.

3 MR. GIBBS: Right. I do now, too.

4 MR. PARDO: My question to you is, why not
5 just take that extra development and have the ability
6 where your clients can simply purchase those TDRs --

7 MR. GIBBS: And that's -- This is what
8 we're --

9 MR. PARDO: -- and not put it somewhere
10 else?

11 MR. GIBBS: This -- Well, you're saying
12 putting a problem somewhere else, and I want to tell
13 you why, because I never got the chance to disagree,
14 because the Chair talked about that after I sat down,
15 but I will tell you why it's not moving a problem
16 somewhere else.

17 The industrial section -- as I explained to

18 you last time and I will explain again, the
19 industrial section, which includes the Rouse
20 project -- The Rouse project is built with an FAR of
21 one point below what the Comprehensive Plan allows
22 right now. There is area in that -- in that area,
23 there's the ability to absorb additional square
24 footage. We are not taking one problem and making it
25 the problem of the industrial section, because under

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1 your Comprehensive Plan, the industrial section can
2 absorb additional square footage, and you yourself
3 mentioned that, when you talked about North Ponce and
4 moving development rights from North Ponce down to
5 the industrial section. That is no more trading off
6 North Ponce's problem to the industrial section than
7 this would be transferring the issue, transferring
8 development rights to an industrial section that is
9 underdeveloped, that the City would like to see more
10 development in, because it will help the Rouse
11 project and it will help the City's economy.

12 MR. PARDO: If you do what you're saying,
13 mathematically, maybe the property that affects your
14 client can be accommodated in the industrial
15 section. But if you take all the limitations off,
16 there's no way that mathematically the industrial
17 section or any other section can take, you know, when
18 you take all limits off, completely --

19 MR. GIBBS: You're talking about taking all
20 limits off every piece of property in the City of
21 Coral Gables. I'm talking about the historic
22 properties in the North Ponce area. I'm talking

23 about the Valencia area. And I believe --

24 I don't know, Richard, if you've done that
25 study, but I've seen numbers that say that it

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1 probably can absorb it.

2 MR. PARDO: No, but you're saying -- now
3 you're being more specific. You're saying it, add
4 Valencia, that Valencia area, only to the historic
5 buildings. That is different than what you said
6 before.

7 MR. GIBBS: No, what I'm saying is, when we
8 proposed this ordinance this summer, when we wrote
9 it, the proposal was to make the Valencia area as a
10 donor district, as a sample, as a case study. If it
11 works there, to expand it, because as Ms. Greene
12 said, the goal is to create buffer districts and
13 incentives to buffer areas all around the commercial
14 area, and that was our point. Our point is, wait for
15 the numbers. I've told you -- you all said you all
16 want to table it. Your director said to table it.
17 All I'm saying is, when you table it and you send it
18 back for that mathematical study -- and I can bring
19 Mr. Alvarez up, who did a mathematical study, who
20 will tell you about the square footage and the work
21 did he that we paid for, because the City said, "We
22 won't even consider a TDR ordinance until you tell us
23 the receiver site can absorb it." So we did that.
24 We paid the money. We had a planner take every
25 single piece of property in our receiver district and

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1 do that, and our -- and it far exceeds what we're
2 going to add on to, what our area adds on to it.

3 At the last meeting, you directed the
4 Planning Department to look at the numbers from the
5 historic properties, and I believe the Planning
6 Department did look at those numbers.

7 MR. PARDO: Tucker, remember --

8 MR. STEFFENS: Can we not -- We're getting
9 public input here.

10 MR. PARDO: Well, we are, and --

11 MR. GIBBS: I'm just saying, as a policy
12 matter -- and you're right, Mr. Chairman. As a
13 policy matter, all I'm saying is, when you --

14 MR. STEFFENS: We are going to revisit that.
15 It has not been resolved.

16 MR. GIBBS: And I understand that.

17 MR. STEFFENS: We have to revisit that.

18 MR. GIBBS: And all I'm saying is, when you
19 all decide to send it back, please send it back and
20 ask them to look at nonhistoric properties as buffer
21 areas.

22 MR. STEFFENS: We understand your position.

23 MR. GIBBS: I understand, and I just want to
24 make sure if it does.

25 MR. PARDO: Okay, so that is what you said

1 first. In other words, look at all nonhistoric
2 areas.

3 MR. GIBBS: No, I said look at nonhistoric
4 areas that are a buffer. I started off my --

5 MR. PARDO: Okay, they're a buffer area.

6 MR. GIBBS: I started off -- when I started
7 speaking, I said high-density areas next to
8 low-density areas.

9 MR. PARDO: Tucker, I just wanted
10 to understand --

11 MR. GIBBS: I understand.

12 MR. PARDO: -- the specifics, because if
13 not, what's going to happen is, Staff is going to
14 look at all areas, all over the place --

15 MR. GIBBS: Staff understands. I've been
16 meeting with Staff. I think they understand. This
17 has been a buffer district ordinance from the very
18 beginning.

19 MR. STEFFENS: Now, we're going to have to
20 define buffer.

21 MR. PARDO: Exactly.

22 MR. GIBBS: I said high density -- high
23 density, high intensity.

24 MR. STEFFENS: Well, you're not the only
25 high-density area next to a low-density area.

1 MR. GIBBS: I know that, and you know what? ⁴¹

2 MR. STEFFENS: There are a lot of other
3 areas.

4 MR. GIBBS: And I said it from the very
5 beginning. I'm not talking about just Valencia. I'm
6 talking about every area that buffers up against the
7 Central Business District.

8 MR. PARDO: It just so happens that
9 Valencia meets that parameter.

10 MR. GIBBS: Valencia hired me and said,

11 "We've got a problem." I said, "You're not the only
12 ones with a problem. There are a lot of places in
13 Coral Gables with that problem."

14 MR. PARDO: You don't have to defend
15 yourself. I'm just saying that that category, that
16 problem, applies to Valencia and other areas.

17 MR. GIBBS: Absolutely.

18 MR. PARDO: We have to define that area to
19 be able to direct Staff to look at that, so when they
20 study the TDRs -- if we choose to add that in.

21 MR. GIBBS: And that's why I said in the
22 beginning, high density next to lower density.

23 MR. PARDO: In your proposal, there's no
24 definition of the buffer area.

25 MR. GIBBS: I said, the buffer area is high

1 density in the Central Business District adjacent to ⁴²
2 lower density --

3 MR. STEFFENS: So we need to look at all of
4 those areas that are like that.

5 MR. GIBBS: But it's not the entire City of
6 Coral Gables. It's the Central Business area of
7 Coral Gables and areas buffering it that are
8 low-density.

9 MR. STEFFENS: And the area that applies to
10 that definition.

11 MR. GIBBS: That's right.

12 MR. STEFFENS: So we'll study those areas.

13 MR. GIBBS: Thank you.

14 MR. STEFFENS: Next?

15 MS. MENENDEZ-DURAN: Roger Soman.

16 MR. SOMAN: My name is Roger Soman. I have
17 a very brief comment to make. I'll wait until all of
18 our guest speakers are through shmoozing.

19 MR. PARDO: Thank you.

20 MR. SOMAN: On behalf of our group, and I
21 think on behalf of the majority of people who come to
22 this beautiful temple for a four o'clock meeting, for
23 it to kick in at four-thirty is inexcusable, as far
24 as I'm concerned. It shows complete disregard for
25 the public. And for meetings to run until midnight

1 is absolutely an aberration beyond words. And I just⁴³
2 wish there was some way to cut the shmooz out and get
3 to the nitty-gritty of these things and move on with
4 it.

5 I will say this. Whoever made the decision
6 to flip-flop here today and have the public come on
7 first, instead of last, when our eyes are drooping
8 and we don't even know what the hell we're saying, or
9 what it is that we're saying, that deserves a tip of
10 my hat --

11 MR. PARDO: It's him.

12 MR. SOMAN: -- and I thank you for
13 bringing --

14 MR. STEFFENS: Well, we lost everybody at
15 the last meeting.

16 MR. SOMAN: You sure did. You sure did,
17 and --

18 MR. STEFFENS: And that's not our intent.

19 MR. SOMAN: And people are not coming back.
20 Many of our people have not come back today,

21 because --

22 MR. STEFFENS: Well, you can tell them that
23 this will be the format for the rest of the meetings.

24 MR. SOMAN: They're home, watching
25 television, so they'll get the message.

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1 MR. STEFFENS: Now they know.

2 MR. SOMAN: On behalf of my group and
3 everybody else, thank you.

4 MS. MENENDEZ-DURAN: No more speakers.

5 MR. STEFFENS: That's it?

6 MR. SALDARRIAGA: I'd like to say something.

7 MR. COOKE-YARBOROUGH: I signed up.

8 MS. MENENDEZ-DURAN: Did you indicate --

9 MR. RIEL: Unless you checked next to it
10 that you would like to speak, we would not indicate.

11 MS. HERNANDEZ: Okay.

12 MR. COOKE-YARBOROUGH: I signed up. I came
13 over and signed up.

14 MR. STEFFENS: Mr. Saldarriaga?

15 MR. SALDARRIAGA: Just a very simple
16 comment. I am Jaime Saldarriaga. I live in 2711.

17 Before the meeting, and I chose not to
18 speak, Mr. Tucker came to me and said his proposal
19 was optional, not mandatory. He did not mention
20 that --

21 MR. GIBBS: I'm sorry.

22 MR. SALDARRIAGA: -- and I just want to make
23 sure. I didn't speak because he told me, and I said,
24 "If it is optional, if the Board goes along, I have
25 no problem," but since he didn't mention, I have to

1 ask to speak again.

2 MR. STEFFENS: TDRs?

3 MR. GIBBS: Yes, and I apologize. I meant
4 to say voluntary. Thank you, Mr. Saldarriaga. I
5 appreciate that.

6 MR. SALDARRIAGA: A very important point.

7 MR. GIBBS: Yes.

8 MR. STEFFENS: Thank you.

9 MR. COOKE-YARBOROUGH: Good afternoon, Mr.
10 Chairman, Members of the Board. I may need your
11 guidance here. I'm an architect. I've done work --

12 MR. RIEL: You need to say your name.

13 MR. COOKE-YARBOROUGH: Christopher Cooke-
14 Yarborough. I've worked on several old Mediterranean
15 houses, two of them on Alhambra Circle and one
16 undergoing construction now on Palmarito.

17 I have a concern about the ordinance
18 prohibiting the use of flat roofs in this City. I
19 don't know if this is the proper forum to discuss it,
20 but let me make my comments brief.

21 There are a number of large Mediterranean
22 homes in this City, two of -- three of them, I've
23 worked on, which have flat roofs. They're flat roofs
24 behind tiled parapets. One of the houses I worked on
25 got an award, not for what I did, but for what the

1 contractor did, and it's a traditional 1920s -- ⁴⁶1923,
2 I think it's a Phineas Paist house. It has a flat
3 roof. You cannot see it.

4 The third house I worked on, I put a flat

5 roof on. It was new. I took it to the Historic
6 Board. They said it was a far improvement over the
7 previous architect, who had put a continuous pitched
8 roof on it. It looked like a mega-mansion from
9 Kendall. I took to the Architectural Board. They
10 signed off on it. I did all the construction
11 drawings. I got it through Zoning, got it through
12 everybody. At the very end, the building official
13 said, "You can't have a flat roof on this house."

14 I ended up having to go to Dennis Smith, who
15 said, "The only reason I can allow you to do this
16 flat roof," which you cannot see, is because part of
17 the building we had removed to build the second floor
18 on had originally had a flat roof. He said, "It's
19 not allowed."

20 We have an ordinance in this City that is
21 preventing us from doing historic Mediterranean
22 massing on buildings. It's crazy, and it really
23 needs to be addressed. Now, I spoke to the Mayor
24 about this, about last December, and I wrote him a
25 long letter, explaining it all, and he said, you

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1 know, "Please send me a letter and I'll pass it
2 around," and then I got an e-mail in January from the
3 Mayor, which was a copy of my letter that he had sent
4 around to other Staff members.

5 I don't know if anything has ever been done
6 about it, but we definitely have an issue here, where
7 we are not -- as an architect, I'm not allowed to
8 design to match existing historical architecture in
9 this City. It's like the previous gentleman said, it

10 doesn't make sense.

11 And as part of that, as part of the problem
12 that I ran into with this, was when you do build a
13 roof like that, you're basically building a flat
14 roof, you're building a parapet wall, sloped tile
15 parapet walls, and then it comes down, vertical
16 parapet. Then I got, "Well, that's wood frame
17 construction. You can't have wood frame
18 construction, because it's a vertical surface."
19 Inside this parapet that you cannot see, I was told,
20 "Well, you have to redesign that and do that out of
21 concrete." I said, "This is insane. This is
22 completely insane."

23 And finally, it was resolved that, well, it
24 was a minor part of the building, and it was allowed
25 to go forth. But we have -- we have codes in this

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1 City, architectural codes, that are -- make no sense.
2 They just make no sense at all.

3 There's an issue with -- well, again, with
4 the wood frame construction. I had a situation where
5 I was putting a window in a wall, and in order to get
6 the window centered I had to put a larger than a
7 two-by-four piece of material. It had to be a
8 four-by-four, and I was told, "You can't do that.
9 That makes it wood frame construction."

10 So I said, "Well, on your typical
11 Mediterranean house, with no overhangs, your roof
12 trusses sit right on top of the -- here's the tie
13 beam. They sit right on top." I said, "What do you
14 think closes in the ends of the rafters? You have a

15 piece six inches high, two feet wide. That's wood."
16 That's okay, but you can't have a four-by-six buck,
17 you have to have a two-by-six buck. It doesn't make
18 sense.

19 I really think that sort of thing needs to
20 be looked at and resolved. We're trying to do lovely
21 Mediterranean architecture here, and we run into
22 these codes which say you cannot, and they're so
23 arbitrary.

24 MR. KORGE: Is that in the Zoning Code
25 or --

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1 MR. COOKE-YARBOROUGH: Yes, it is.

2 MR. STEFFENS: Yeah, it's in the Zoning
3 Code.

4 MR. KORGE: Yeah, it's in the Zoning Code.

5 MR. STEFFENS: I think, Dona, that -- there
6 is more flexibility when you're doing an addition to
7 a historic structure and using flat roofs, isn't
8 there?

9 MS. LUBIN: No.

10 MR. STEFFENS: No?

11 MS. LUBIN: No. In the existing Code, it's
12 in Article 14, Roofs, and that has been problematic,
13 because it says that, except in certain situations,
14 flat roofs, either with or without a parapet -- this
15 is talking about without a parapet -- is subject to
16 the following restrictions, and it says over porch or
17 room additions with an LTU, the flat roof portion
18 shall not exceed 15 percent of the ground area of the
19 building.

20 So there's all kinds of restrictions when
21 you're trying to put a flat roof addition on.

22 MR. STEFFENS: I thought there was more
23 flexibility in historic, if you're dealing with a
24 house that is almost all flat roof, then your
25 additions to that could be flat roof additions?

1 MS. LUBIN: Right. If you have 50
2 something -- if you have an addition to existing
3 buildings having flat roof with a parapet, then you
4 can add, and that's for anyone. That's not just
5 historic.

6 MR. STEFFENS: In that same manner?

7 MS. LUBIN: In that same manner. It is
8 allowed.

9 MR. STEFFENS: And that's for historic?

10 MS. LUBIN: That's for any --

11 MR. STEFFENS: Any house?

12 MS. LUBIN: -- single-family home, any
13 house.

14 MR. STEFFENS: Any single-family home, and if
15 the majority of the roof is a flat roof, you can add
16 in the same manner.

17 MS. LUBIN: That's right.

18 MR. COOKE-YARBOROUGH: Yeah, like the
19 mission style.

20 MR. STEFFENS: Yeah.

21 MS. LUBIN: But if it's not, the flat roof
22 portion shall not exceed 15 percent of the ground
23 area of the building, and if it's visible, it's 20
24 percent of the building's total roof area.

25

MR. PARDO: You're basically almost

1 extending the legal nonconforming component of it. ⁵¹

2 MS. LUBIN: Right.

3 MR. PARDO: And then you have a little more
4 flexibility in the historic homes.

5 MS. LUBIN: Right. We have actually, in
6 historic homes, approved variances that -- you know,
7 because it makes more sense.

8 MR. PARDO: Well, and that was one of the
9 things, also, when that part was changed, to be able
10 to give the Board of Adjustment more flexibility in
11 being able to allow variances for historic buildings.

12 MS. LUBIN: Right, exactly. So we have done
13 that.

14 MR. COOKE-YARBOROUGH: But what I --

15 MS. LUBIN: It is an issue, when you're
16 trying do an addition that is not overpowering,
17 particularly to historic homes, if you have to do a
18 pitched roof, then a lot of times it's not
19 appropriate. You'd rather have it --

20 MR. COOKE-YARBOROUGH: Well, I mean, the
21 point is, even if it's an absolutely clear piece of
22 property and you want to do a historic home, if
23 Phineas Paist came along and wanted to put the house
24 at 760 Alhambra, he could not build that house today.

25 MR. STEFFENS: There's plenty of houses that

1 are existing that couldn't be rebuilt -- ⁵²

2 MR. COOKE-YARBOROUGH: Exactly.

3

MS. LUBIN: That's exactly right.

4

MR. STEFFENS: -- because they have a majority of flat roof --

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MR. COOKE-YARBOROUGH: Right.

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MS. LUBIN: That's exactly right.

8

MR. STEFFENS: -- and you just can't build flat roofs on new houses.

10

MR. COOKE-YARBOROUGH: Right. It doesn't make sense.

12

MR. STEFFENS: I'd like to get -- John's house couldn't be rebuilt. Actually, my other -- my last house couldn't be rebuilt.

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MR. COOKE-YARBOROUGH: Yeah. I mean, why do they have an ordinance that prohibits us from doing the type of architecture which the house that's standing there, we're all so proud of it, we take people around to the gallery of homes and we walk them through these houses, yet if that house, God forbid, burned down, fell down, you couldn't build it back again.

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MR. STEFFENS: If John and maybe Glenn and other people speak tonight and they want to make some comments on that, I'd like to hear how you feel about

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that, also.

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MR. COOKE-YARBOROUGH: The only -- just very briefly, the only other item I've run into, and I don't know how Mediterranean it is, but I have a building that I'm working on, on Ponce.

6

MR. STEFFENS: Historic?

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MR. COOKE-YARBOROUGH: It's right on the

8 sidewalk. My clients want to light the building.
9 The building does not lend itself to having light
10 fixtures hanging off the roof or off the side. We'd
11 like to put light fixtures in the sidewalk. Well,
12 you can't do that.

13 I was in Merida, in the Yucatan, last year,
14 and they have these lovely old colonial buildings,
15 and colonnades, buildings of lovely colonnades, and
16 there are lights, you know, well lights, set into the
17 sidewalks. It is so dramatic at night.

18 MR. STEFFENS: I think you can get a
19 variance for that.

20 MR. COOKE-YARBOROUGH: I don't know if we --
21 I've talked to the Mayor about that, too, but why --

22 MR. STEFFENS: Well, I mean, that's not
23 something we should be dealing with here at the
24 Board, but you should go talk to --

25 MR. COOKE-YARBOROUGH: But what I'm saying

1 is that there's a City ordinance that -- 54

2 MR. STEFFENS: -- Public Works about that.

3 MR. COOKE-YARBOROUGH: Right, and I think
4 Ms. Hernandez was there when I was talking with the
5 Mayor. I don't know if you recall.

6 MS. HERNANDEZ: Oh.

7 MR. COOKE-YARBOROUGH: It was a very brief
8 meeting. But it might be something that the Board
9 wants to look at and say, you know, "We're trying to
10 make this City beautiful. Why do we need to have
11 these prohibitions?"

12 MR. STEFFENS: But that's not a zoning

13 prohibition. That's a prohibition somewhere else.

14 MS. HERNANDEZ: That would come to us from
15 the Historic Preservation Board as a recommendation,
16 if you so chose to proceed with it, not --

17 Right, Ms. Lubin? The issues that he's
18 raising would come to the Board as a recommendation
19 from the Historic Preservation -- if you wanted to
20 amend the ordinance to allow what he's seeking.

21 MR. STEFFENS: No, it would be --

22 MR. COOKE-YARBOROUGH: What I'm talking
23 about has nothing to do with historic.

24 MS. LUBIN: I think it's an encroachment
25 issue.

1 MR. STEFFENS: Well, the light issue, I ⁵⁵
2 think, is a Public Works issue --

3 MS. LUBIN: Right.

4 MR. STEFFENS: -- because that's going into
5 the sidewalk.

6 MS. LUBIN: Exactly.

7 MS. HERNANDEZ: Right, but the roofs --

8 MR. STEFFENS: The roof issue --

9 MR. COOKE-YARBOROUGH: Yeah.

10 MR. STEFFENS: -- is a Zoning Code issue,
11 because it's in the basic Zoning Code, and it doesn't
12 necessarily deal with historic. It does and it
13 doesn't.

14 MS. LUBIN: It more impacts the new homes
15 that are being built --

16 MS. HERNANDEZ: Okay.

17 MS. LUBIN: -- than it does the historic

18 homes, because we actually do grant those variances.

19 MR. STEFFENS: That's why I'd like to get
20 feedback from our architects, if they choose to speak
21 on this issue at some point in time.

22 MR. PARDO: You are allowed to have 15
23 percent within the L, the U --

24 MR. STEFFENS: Or the T.

25 MR. COOKE-YARBOROUGH: Right, but if you

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1 don't have --

2 MR. PARDO: And obviously, there's some
3 methods of construction, there are some details that
4 you see today in historic homes, that obviously
5 wouldn't be able to comply with today's wind codes,
6 et cetera, and they were done one way.

7 MR. COOKE-YARBOROUGH: No, no --

8 MR. PARDO: Garages before the Code was -- I
9 mean, until very recently, garages weren't required,
10 as far as those. You're not going to have that. And
11 minimum dimensions also were not included in that
12 Code.

13 MS. LUBIN: Right.

14 MR. PARDO: Now, that Code, in all fairness
15 to the Code, those things were added there for
16 specific reasons, and one of them, on the flat roof
17 issue, I know for a fact that, you know, if you're
18 very clever and you do a nice job, you know, it could
19 be pretty nice. If you don't do a nice job, you
20 know, you can get away with just building a cheaper
21 building.

22 MS. LUBIN: And I think that was the history

23 of it.

24 MR. PARDO: And that was the history of
25 that. See, when --

1 MS. LUBIN: Particularly the flat roof
2 without a parapet --

3 MR. PARDO: Right.

4 MS. LUBIN: -- because they have those --

5 MR. STEFFENS: Flashings.

6 MS. LUBIN: -- flashings that are --

7 MR. PARDO: I'm very big on the history of
8 these things. You know, it's the same thing as the
9 lot splits. Things were added or changed for
10 specific reasons.

11 MR. STEFFENS: Christopher, you can always
12 do a parapet condition with a roof behind it --

13 MS. LUBIN: Right.

14 MR. STEFFENS: -- and hide the roof, and you
15 get the appearance of the roof. That happens all the
16 time.

17 MS. LUBIN: When I was in Zoning, we used to
18 do that all the time to get the look.

19 MR. COOKE-YARBOROUGH: I figured that --

20 MR. STEFFENS: I think it's just an
21 expensive way of doing a flat-roof-looking house.

22 MR. COOKE-YARBOROUGH: Well, I don't want a
23 flat-roof-looking house. You know, I want a
24 Mediterranean-looking house, and I can't do it. Like
25 I say, you know, Phineas Paist could not build his

1 houses here today.

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7 MR. PARDO: It destroys the original
8 integrity of the structure.

9 MR. COOKE-YARBOROUGH: No, absolutely.
10 Absolutely.

11 MR. STEFFENS: But it doesn't have to be
12 different. It just has to be distinct.

13 MR. PARDO: Distinct, correct.

14 MR. COOKE-YARBOROUGH: Right.

15 MR. STEFFENS: There's a difference between
16 different and distinct.

17 MR. PARDO: Yeah, the way that they
18 interpret it.

19 MR. COOKE-YARBOROUGH: Thank you very much.

20 MS. MENENDEZ-DURAN: W.C. Maxey.

21 MR. MAXEY: Good evening. My name is Wirt
22 Maxey. I live at 6312 Riviera Drive.

23 I'm the owner of the property at 3001 Ponce
24 de Leon Boulevard. What I want to speak about
25 tonight is the proposed new CL zoning district and

1 the proposed conceptual zoning map. 60

2 I want to suggest to the Board that in the
3 planning process, it is important to distinguish --
4 as far as the property along Ponce de Leon goes, it's
5 important to distinguish between the property which
6 is north of University Drive and the property which
7 is south of University Drive. There's a courthouse
8 at the intersection of Ponce and University Drive.
9 There's a bank in my building, the 3001 building.
10 It's the U.S. Century Bank. There's a bank planned
11 for the site directly across the street from my

12 building. That's the Turnberry Bank project.
13 There's a high-rise at 250 Catalonia. That's a 12 or
14 13-story building, which is a stone's throw from my
15 building. It's about a half a block off of Ponce.
16 There's a high-rise at 2801 Ponce, which is just
17 north of my building. And of course, there's the
18 Union Planters building on the opposite side of
19 Ponce, just north of my building.

20 South of University Drive, all of the
21 properties are low-rise. The intersection of Ponce
22 de Leon Boulevard and University Drive is very much a
23 natural boundary to the Downtown Business District.
24 The property north of University Drive is generally
25 perceived to be in the business district. The

1 property south of University Drive, for the most 61
2 part, along Ponce, is for the most part, with one or
3 two exceptions, residences which have been converted
4 to office use.

5 I want to bring to the Board's attention
6 certain policy recommendations that were made by the
7 recent Charrette, that I think have been overlooked
8 so far in the planning process. The Board will
9 recall that the Commission gave its approval to the
10 Charrette, and at least as I understand things, that
11 was supposed to be the underlying policy basis, if
12 you will, the marching orders, if you will, for the
13 revisions to the Zoning Code.

14 Policy Recommendation 17 of the Charrette,
15 and I quote, "Revise the Zoning Code to bring FAR and
16 height restrictions into conformance with land use

17 and platting regulations."

18 Under the current Comprehensive Land Use
19 Plan, the plan that is currently in effect for Coral
20 Gables, the property that I own, which is legally
21 described as Catamal Corner, Tracts A, B and C, and
22 Lots 1 through 3 and 16 through 19 of Block 30 in the
23 Crafts Section, under the Comp Plan, that property is
24 currently designated in two different designations.
25 The Catamal Corner, Tracts A, B and C, which is where

1 my parking lot sits, is designated mid-rise, six ⁶²
2 stories, FAR 3.0. Lots 1 through 3 and 16 through
3 19 -- it's easy to locate it if you find Ponce Circle
4 Park, then you can locate it from there. Lots 1
5 through 3 and 16 through 19, where my building sits,
6 are designated, and I quote, "Commercial low-rise
7 intensity, four stories, FAR 3.0."

8 So, in order for Policy Recommendation 17 to
9 be followed, the new Zoning Code should place my
10 property in a zoning classification which provides
11 for six stories, FAR of 3.0 on Catamal Corner, Tracts
12 A, B and C, and four stories, FAR 3.0, on Lots 1
13 through 3 and 16 through 19.

14 I've been attending each of these meetings,
15 and in the very first meeting, the proposed
16 conceptual zoning map was posted. It wasn't
17 available to the public. It was available in the
18 second meeting. And I've studied that, and was
19 frankly quite surprised and almost flabbergasted to
20 see that what is proposed in that is to place all of
21 my property in the new CL zoning district. The new

22 CL zoning classification has a height restriction of
23 35 feet, in other words, basically one story, and an
24 FAR of 1.0. That is not following Policy
25 Recommendation 17 of the Charrette. In fact, it is

1 moving in the opposite direction, and quite candidly,⁶³
2 appears to be a down-zoning of my property.

3 MR. PARDO: What is your property zoned?
4 You said what it is in the Master Plan. What is it
5 zoned now?

6 MR. MAXEY: CB now.

7 MR. PARDO: CB?

8 MR. MAXEY: CB now.

9 MR. PARDO: It's not an X use?

10 MR. MAXEY: With the exception of a back
11 portion of the parking, which I think the parking lot
12 does have an X use, but the rest of it is zoned CB.

13 MR. STEFFENS: You have two different
14 zonings and two different land uses.

15 MS. HERNANDEZ: But CB zoned, six stories,
16 3.0 FAR.

17 MR. MAXEY: Excuse me?

18 MS. HERNANDEZ: CB zoned, six stories, 3.0
19 FAR.

20 MR. PARDO: No, that isn't correct.

21 MR. MAXEY: No, the six stories and 3.0
22 FAR --

23 MS. HERNANDEZ: I was trying to hear what he
24 was saying.

25 MR. MAXEY: The six stories -- the four

1 stories and the six stories and the 3.0 FAR come from
2 the Comp Plan.

3 MS. HERNANDEZ: Okay.

4 MR. MAXEY: The local zoning currently does
5 not conform to the Comp Plan.

6 MS. HERNANDEZ: Okay.

7 MR. PARDO: No, wait, wait. We're starting
8 to confuse things here. Let's get --

9 MR. MAXEY: Okay, let's not do that.

10 MR. PARDO: No, okay. You said, very
11 specifically, what the Comp Plan gives you, which is
12 a ceiling.

13 MS. HERNANDEZ: Right.

14 MR. MAXEY: Right.

15 MR. PARDO: Right? We're all in agreement
16 with that. Then I asked you specifically, what is
17 the existing zoning that your property has, and you
18 said CB, and the City Attorney thought that it meant
19 CB, six stories.

20 MS. HERNANDEZ: No, I thought that he had
21 said that under his present zoning --

22 MR. PARDO: Exactly, because he was talking
23 about the Comp Plan --

24 MS. HERNANDEZ: Right.

25 MR. PARDO: -- which is the ceiling.

1 Now, the CL zoning, which Staff has
2 recommended in this conceptual, limits you to 35
3 feet, but that's 35 feet and you said one story.
4 That is not correct. It's three stories, 35 feet.

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Is that correct, Eric?

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MR. RIEL: Correct.

MR. PARDO: Okay. The existing zoning that you have now is governed by one thing, that you're abutting single-family zoning on the east side. Is that correct?

MR. MAXEY: I don't know what the existing zoning is governed by. I mean, I wasn't around when that was developed.

MR. PARDO: Well, the existing zoning today, the existing zoning today, not what is being proposed as CL, not what the Master Plan says, and definitely not what the Charrette proposed, is that when you are buffering single-family --

MR. STEFFENS: Abutting.

MR. PARDO: Abutting, yeah, because we're using abutting. When you are abutting single-family, even if you're across from a waterway or street and you have commercial and it's single-family next to you, you are limited to a certain height. I think that height, in today's Code, is 45 feet.

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MS. HERNANDEZ: Right.

MR. PARDO: Okay? Three stories, 45 feet.

MR. MAXEY: Parenthetically, I thought 45 feet was three stories, not 35.

MR. PARDO: Right, but what I'm saying is -- what I want to do is reflect, you know, accurately what you're saying, and making sure that there's no mistake. You are right as far as your down-zoning of height from 45 feet, which would be allowed in

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today's Code, to the proposed 35 feet of CL.

11 MR. MAXEY: All right, let me try to clarify
12 that for you a little bit better, Mr. Pardo, as I
13 understand it.

14 MR. PARDO: Okay.

15 MR. MAXEY: Right now, as I understand it,
16 there is a discrepancy between the current local
17 zoning on the one hand and the Comp Plan on the other
18 hand. Certainly the City Attorney can advise you
19 better than I on this, but my understanding of the
20 statute and the case law is that the Comp Plan trumps
21 the local zoning, that the local zoning has to
22 conform to the Comp Plan.

23 In any event, the Charrette Policy
24 Recommendation 17 said, "Let's do that. Let's make
25 the local zoning conform to the Comp Plan." In order

1 to do that, the new Zoning Code should place my ⁶⁷
2 property not in the CL district, but actually in the
3 C classification, which has specific provisions to
4 conform to the Comp Plan, and that's the point that
5 I'm trying to make here.

6 MR. STEFFENS: What is the land use on that
7 piece of land right now, Eric?

8 MR. RIEL: I'm not -- I mean, it's hard for
9 me to react to -- you know, without having the map in
10 front of me. I mean, he needs to show me where it's
11 at on the map. I mean, that's why we have the maps
12 there. I mean, I can tell you the property is zoned
13 CB, and that does have single-family behind it, based
14 upon what I understand where his property is, I

15 mean. I might be incorrect, though.

16 MR. MAXEY: That is correct, as I

17 understand.

18 MR. RIEL: And I believe the land use is

19 probably commercial mid-rise.

20 MR. PARDO: Are you okay?

21 MR. STEFFENS: Commercial mid-rise, and

22 commercial low-rise?

23 MR. MAXEY: Right, commercial mid-rise on

24 the northern end of it and low-rise on the southern.

25 MR. PARDO: Eric, how long did the Charrette

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1 take? How long --

2 MR. RIEL: How long did the Charrette take?

3 MR. PARDO: Right. How long was the --

4 MS. HERNANDEZ: Four months?

5 MR. RIEL: You mean, the whole process?

6 MR. PARDO: No, no --

7 MR. RIEL: I would say well over a year.

8 MR. PARDO: -- the actual -- where the

9 public got together in the Youth Center and put their

10 ideas together.

11 MS. HERNANDEZ: Oh, three weeks, maximum.

12 MR. RIEL: It was a four-day -- four to

13 five-day process.

14 MR. PARDO: Four to five-day process?

15 MR. RIEL: Right. But there was a lot of

16 other --

17 MR. PARDO: Right.

18 MS. HERNANDEZ: Like other individual

19 meetings.

20 MR. PARDO: You know, let's put -- let's
21 put everything into --

22 MS. HERNANDEZ: Context.

23 MR. PARDO: Into proper context. Very good
24 people got together for the Charrette process, and
25 you know what the word charrette means. I mean, we

1 go through that, through architectural school, and⁶⁹
2 we -- you basically brain-storm, you come up with
3 ideas, et cetera.

4 The difference between the Charrette and,
5 for example, the Comprehensive Land Use Plan, the
6 CLUP, and the Zoning Code, that took years and years
7 and years. That recommendation, I cannot blame any
8 of the people that got together and said, "Well, you
9 know, we should make it conform," not, "We must make
10 it conform." Maybe it was written, at the end,
11 different than what was being suggested. But right
12 now, the CLUP is a ceiling. Your zoning may limit it
13 to this amount. There are exceptions in the Zoning
14 Code now to try to make sure that there's a
15 transitional area when you're abutting single-family
16 residential. Previous people are here now, trying to
17 get relief because of transitional areas.

18 Without a doubt, I understand when you're
19 saying, "I'm allowed in today's Code, Zoning Code, 45
20 feet, and now it's being reduced to 35 feet, and I
21 can't build three stories physically in 35 feet."
22 You've got a good point. The problem that I have
23 with your argument on the Charrette is that the
24 Charrette is not the all-inclusive document that we

25 have to work in a process that has gone through for

1 years and public hearings and it gets amended once in ⁷⁰
2 a blue moon, where all of a sudden that
3 recommendation trumps the Zoning Code and the CLUP.

4 MR. STEFFENS: But the Charrette's
5 recommendation on this type of situation, where the
6 Zoning Code and the land use plan don't coincide, is
7 the same recommendation as the State. The State
8 wants you to bring your zoning into conformance with
9 your land use plan.

10 MR. PARDO: City Attorney, what does the
11 State law say?

12 MS. HERNANDEZ: Right. The Charrette is a
13 visioning tool, one of the many tools that the
14 Commission has at its disposal in order to have a
15 vision of where it might want to go, okay, with
16 everything, if all the factors that are part of this
17 Charrette come into play.

18 The Charrette also emphasized the
19 preservation of single-family residential
20 communities. So, having said that, the Comprehensive
21 Plan is, as everybody has said, the ceiling. That
22 does not mean that a property owner is automatically
23 entitled to that ceiling. The CLUP also provides
24 other policy goals and objectives. One of the
25 primary ones in the City of Coral Gables is the

1 preservation of single-family residential areas. ⁷¹ So
2 someone who may -- in that particular area who may be
3 seeking to zone to the maximum may not necessarily

4 get the maximum, because it is abutting single-family
5 residential family districts.

6 So you don't just look at it and say, "The
7 CLUP plan says this." You have to look --

8 MR. STEFFENS: The CLUP plan says, "This is
9 the maximum."

10 MS. HERNANDEZ: That's the maximum, and all
11 things being equal, in an ideal world, and all the
12 stars being aligned.

13 MR. STEFFENS: But this is not a situation
14 where the underlying land use is in conflict with the
15 zoning --

16 MR. PARDO: Not the use.

17 MR. STEFFENS: -- such as the piece of
18 property on U.S. 1 that we just saw --

19 MS. HERNANDEZ: Right.

20 MR. STEFFENS: -- where the underlying --

21 MS. HERNANDEZ: Complete inconsistency.

22 MR. STEFFENS: The land use was commercial
23 and the zoning was residential, and we revised the
24 zoning to conform with the land use.

25 MS. HERNANDEZ: Exactly.

1 MR. STEFFENS: This is not that situation.⁷²
2 This is a situation where the zoning and the land use
3 are in conformity with each other. It's just that
4 the zoning is not necessarily taking full advantage
5 of what the land use is allowing.

6 MS. HERNANDEZ: Right.

7 MR. PARDO: Exactly, and what the Zoning
8 Code carefully does is, it protects the abutting --

9 abutting?

10 MR. STEFFENS: Yes.

11 MR. PARDO: Okay. The abutting property,
12 which is single-family residential. Those people are
13 limited to two stories in height, a single-family
14 use, and you could just imagine if you had a 12-story
15 building next to you, when your -- you know, your
16 kids are out in the back yard and they have this
17 huge -- Now, if you said, "I have a problem, that I'm
18 allowed 45 with this Code." The 45 foot was put in
19 the Code many, many years ago, and in fact, you don't
20 have to just be abutting, you could be across a road,
21 a waterway, all sorts of things. It still tells you
22 that visually, you have to reduce or you're limiting
23 the height.

24 Now, if you had, for example, one of the
25 properties in the North -- in the North Ponce area,

1 where you have CB on Ponce and then you have the 73
2 apartment district behind it, you're allowed then to
3 have a high-rise if you have 200 lineal feet, or
4 20,000 square feet, you could build a high-rise and
5 then you could transition downward to another
6 height. Again, the transitioning, the buffering that
7 the people in Valencia are also seeking, makes sense.

8 In this particular case, the Charrette has
9 always been a visioning tool. It is not in place of
10 a CLUP, and it is not in place of zoning.

11 MR. MAXEY: Oh, I grant you that, but
12 nevertheless, the Charrette did make a certain policy
13 recommendation that I think needs to be --

14 MR. PARDO: Used as a tool.
15 MR. MAXEY: -- given due consideration.
16 MR. PARDO: Used as a tool.
17 MR. STEFFENS: I think this gentleman's
18 concern is the --
19 MS. HERNANDEZ: 35 feet.
20 MR. PARDO: 35 feet.
21 MR. STEFFENS: -- 35 feet versus 45 feet.
22 MR. MAXEY: My concern is, I don't want to
23 lose something I've had for years and years and
24 years.
25 MR. STEFFENS: Exactly.

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1 MR. PARDO: Right, and --
2 MR. MAXEY: Don't take anything away from
3 me.
4 MR. STEFFENS: Possibly FAR.
5 MR. MAXEY: I'm not asking for more.
6 MR. PARDO: Exactly.
7 MR. MAXEY: Just don't take anything away
8 from me.
9 MR. PARDO: Exactly, and that's fair.
10 MR. STEFFENS: I think we need to look at
11 this property in particular, because of its unique
12 situation in relationship to Ponce Park and the
13 Downtown area and everything, and see if there's
14 something we can do as a mitigation between the CL
15 and the C.
16 MR. MAXEY: That is correct, and let me
17 address that a little further, Mr. Steffens. There
18 is a lot of factors which distinguish the particular

19 site there in Block 30 from the rest of the property
20 along Ponce, and specifically the portion I own, the
21 commercial portion of Block 30. First is the
22 configuration of the property. You'll see that on
23 the northern end, there's considerably -- it has a
24 considerable more depth than any of the rest of the
25 property along Ponce.

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1 MR. STEFFENS: Well, you also have an
2 abandoned roadway right-of-way in there, too.

3 MR. MAXEY: That's correct. That's correct.

4 MR. STEFFENS: And maybe there's something
5 we can do, looking at that, and we can ask Eric to --
6 if the Board feels that way --

7 MR. PARDO: Well, you know, Michael, the
8 point -- I think, you know, this gentleman has a very
9 good point. I think one of the concerns he has, and
10 a huge concern I have, is that we have maps now which
11 basically is rezoning properties without people
12 understanding that. This gentleman has come
13 forward. How many more --

14 MR. KORGE: We had another speaker before
15 who raised that same point --

16 MR. PARDO: Exactly.

17 MR. KORGE: -- and I even noted it, and I
18 read your comments earlier and I don't think I fully
19 understand the problem, but I see the issue, I mean,
20 and I thought we'd asked this question when we
21 approved the consolidation of the residential
22 districts.

23 MR. STEFFENS: I think we did.

24 MR. KORGE: And we were told -- let me just
25 finish -- we were told that there would be no

1 material changes resulting from the consolidation,⁷⁶
2 and we need to be sure about that.

3 MR. PARDO: Exactly.

4 MR. KORGE: And that's the issue. I think,
5 Eric, we really need to be confident that -- and
6 maybe we have a few aberrations like this particular
7 property, but we need to be confident that if we're
8 going to merge these districts, we don't end up
9 creating a lot of nonconforming uses.

10 MR. PARDO: Well, you know, this --

11 MR. RIEL: We have not done that analysis,
12 and again, remember, this map is just taking the 19
13 or 20 single-family districts and basically doing a
14 technical change and putting it into either an SF 1,
15 SF 2, MF 1, MF 2, you know, MF 3.

16 MR. KORGE: Excuse me for interrupting you,
17 but none of those -- So all that merger really
18 doesn't change any of the criteria --

19 MR. RIEL: It was just to illustrate what
20 the new districts-- if they are approved, how they
21 would look with the current map. It's just an
22 illustration. See, that's why it's called a
23 conceptual --

24 MR. KORGE: Right.

25 MR. RIEL: -- draft map.

1 MR. PARDO: But I have a concern about⁷⁷

2 this. This gentleman has a tremendous point. He has
3 property --

4 MR. RIEL: And I'm saying, Mr. Pardo, we
5 have not done that analysis in terms of this
6 particular gentleman. We do have other areas that we
7 need to look at.

8 MR. PARDO: Okay.

9 MR. RIEL: That map, I can tell you, from
10 Day One, the purpose was not to look at individual
11 parcels. It was just taking the 19 districts and
12 saying they fall into two categories.

13 MR. STEFFENS: You're talking single-family
14 residential.

15 MR. RIEL: Yes.

16 MR. PARDO: No, he's also talking about
17 duplex.

18 MR. STEFFENS: No.

19 MR. RIEL: No, I'm talking about MF 1 and
20 MF 2, and I'm also talking about CL and C. Okay,
21 that's all it was. It was just an exercise to
22 illustrate what the categories would look like in the
23 new districts if they're approved.

24 MR. PARDO: For example --

25 MR. RIEL: I want you to understand that.

1 MR. KORGE: But if they're approved, are ⁷⁸
2 there going to be changes that create nonconforming
3 uses? So, for example, one of the earlier persons,
4 one of the persons that came forward earlier to
5 speak, asked, you know, "Will this affect setback
6 requirements," because by merging different

7 properties that have different setbacks, they're
8 going to all have a uniform setback, so some will be
9 different than others. In other words, he gives an
10 example, I think. He talked about Granada, where
11 there's now a 25-foot setback and it would become
12 50-foot. I don't know if that's accurate, an
13 accurate description of what would actually happen,
14 but I've been assuming that the merger of these
15 different categories into, you know, a unified
16 category, did not -- would not change setback
17 requirements for particular properties that were in
18 the old categories, for example, or FAR or other
19 things like that.

20 If that's incorrect, then we really need to
21 be sure that in the process we're not wreaking havoc
22 throughout the City on the treatment of these
23 properties, these existing properties.

24 MR. STEFFENS: Tom, I don't think -- a lot
25 of the things that he brought up in relationship to

1 residential properties, I don't think were -- there's⁷⁹
2 validity to them. I think the residential
3 properties -- the setbacks don't change because of
4 this. And he was talking about properties that are
5 in the -- what's that, the appendix section, which is
6 all the --

7 MR. RIEL: Site-specific.

8 MR. STEFFENS: -- special properties,
9 exceptions to the rule.

10 MR. KORGE: I understand that.

11 MR. STEFFENS: And those have their own --

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MR. KORGE: Right.

MR. STEFFENS: -- setbacks and other requirements that are specific to -- site-specific requirements for those properties, and they would be in the appendix with the property --

MR. KORGE: That's the SF 2.

MR. STEFFENS: No, that's site-specific. It could be in SF 2 or SF 1. I could be wherever.

MR. KORGE: I'm sorry, I was under the impression that the south end of the Gables, residential --

MR. STEFFENS: Right.

MR. KORGE: -- was all the -- they were all site-specific, and we had a separate appendix for

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all --

MR. RIEL: No. Site-specific standards deal with all zoning districts throughout the City.

MR. STEFFENS: There's site-specific everywhere, and so there's SF 1 north of the Circle and SF 2 south of the Circle, and within those two areas, there's lots of site-specifics all over the place.

MR. RIEL: The predominant number of Appendix A deals with the south section of the City.

MR. KORGE: Okay.

MR. PARDO: There is an issue, for example, with the duplexes, the way that they're changed now in this Code, the way that they're changed, the duplexes can be converted to townhouses, so --

MR. KORGE: But I thought we dealt with that

17 earlier.

18 MR. PARDO: Tom, I'm telling you what this
19 has.

20 MR. KORGE: I know. I'm just saying that I
21 thought we discussed townhouses at prior -- you know,
22 we voted on this townhouse concept.

23 MR. PARDO: No, that was another area. That
24 was another area that had specific boundaries. If
25 you recall, they had up to this street and down to

1 that street.

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2 The problem here is that, for example,
3 down --

4 MR. STEFFENS: Segovia?

5 MR. PARDO: -- Segovia, that's all within
6 that district. Those duplexes have now been
7 basically changed.

8 MR. STEFFENS: Eric, do duplexes still -- do
9 they have the setbacks for townhouses or do they
10 retain the setbacks that were required for duplexes?

11 MR. RIEL: I'm going to have to ask Wendy
12 to -- I mean, we're getting into very specific
13 questions.

14 MR. STEFFENS: Not yet.

15 MS. LARSEN: Not yet?

16 MR. STEFFENS: I'd like to really finish
17 with the public input, and then get Wendy.

18 MR. RIEL: Maybe if we could write it down,
19 Wendy will be happy to address those.

20 MR. STEFFENS: Yes. You know, it would be
21 good to put these items down as questions, so we can

22 deal with this gentleman's issue now and not deal
23 with 15 other different issues at the same time.

24 MR. PARDO: I would just like to bring up
25 one point, which is specific to Tom, who is confused,

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1 and rightfully so.

2 For example, duplexes run on Ponce from
3 Camilo Avenue --

4 MR. STEFFENS: All the way.

5 MR. PARDO: -- all the way down to Bird.
6 Now, you'll be able to build townhouses according to
7 this Code, according to this conceptual map. Be
8 careful what you wish for, because you may get it.
9 What you're having here is, I think, and -- is that
10 we should have been looking first at the zoning map
11 and then you write your sections according to your
12 zoning map. We're writing these changes, which
13 affect not only this gentleman, it affects every
14 property owner, if you're not careful, and you can't
15 see it, because basically, you can take now -- this
16 is no longer a CLUP, a ceiling. This basically is a
17 rezoning of the entire City, and what you're asking
18 for is to compare the existing zoning with the
19 conceptual zoning so you could see the difference, so
20 everyone can see the difference.

21 In this particular case, this gentleman is
22 saying just -- "I don't know how it affects me. Just
23 tell me if you're taking away my property rights."
24 He has a bona fide question. We all have a bona fide
25 question. The problem is that when you look at

1 something microscopic like this and you don't read
2 this and you don't connect the dots, your duplexes
3 that were originally placed there, which have
4 existing buildings on them now, because they're all
5 built out, all of a sudden -- with maybe one
6 exception, all of a sudden those duplexes tomorrow
7 can become townhouses. Literally, the density can
8 change. Literally, the setbacks and FAR can change,
9 and literally, a townhouse's value, compared to a
10 duplex value, can change. It all happened right
11 before your eyes.

12 So these differences, although they seem
13 small now, can truly affect a neighborhood. It could
14 affect the single-family residents abutting it, and
15 the next one and the next one and the whole
16 neighborhood. So these duplexes that you see on
17 Ponce, the duplexes that you see on LeJeune, can be
18 altered, and the ones that are between Anastasia and
19 Bird Road, which were also outside of that apartment
20 district that came before us. So that was a specific
21 area to try to take care of a specific problem, but
22 this has an underlying effect that is very, very
23 difficult.

24 I'm glad to see that we finally have three
25 exhibits here of the conceptual zoning map, the CLUP

1 and the existing zoning, but what concerns me about
2 this is that we have to look at these neighborhoods
3 and see how these changes now affect that. I would
4 like to know, not on this property, on all the
5 properties, exactly what this gentleman is asking --

6 MR. STEFFENS: And I think --

7 MR. PARDO: -- "What is the net effect on
8 property values?"

9 MR. STEFFENS: -- Eric will provide us with
10 that, but let's deal with this gentleman's issue
11 right now.

12 MR. PARDO: Okay. Okay.

13 MR. MAXEY: Let me just make just a couple
14 more comments, and then I'll finish up.

15 Certainly the preservation of single-family
16 neighborhoods and so forth is an important and
17 desirable policy goal. However, as I said earlier,
18 there are a number of factors which distinguish Block
19 30 from other property along Ponce which has
20 residential neighborhoods immediately to the east of
21 it.

22 First, I can tell you from personal
23 knowledge that, with one exception, all of the
24 residences on Block 30 are rentals. They are not
25 single-family residences in the sense that somebody's

1 moving in there and raising their children there, you
2 know, from Day One through the time they go to
3 college. They're rentals, with one exception.

4 Secondly, I can tell you that I have -- I've
5 not been able to contact all of those owners, but I
6 have made an effort and I have spoken to the majority
7 of those owners and have been advised that they
8 certainly do not have any objection whatsoever to my
9 property maintaining the zoning status that it
10 currently has under the Comp Plan. So I think those

11 are important factors to consider.

12 The property north of University Drive must
13 be distinguished from the property south of
14 University Drive, for all of the reasons that I
15 mentioned earlier, and because there is a distinction
16 in the nature of the residential neighborhood behind,
17 as well.

18 MR. PARDO: You know, physically, you're not
19 north of University Drive, just so you know.

20 MR. STEFFENS: Technically.

21 MR. PARDO: No, physically, you're not north
22 of University Drive, because University Drive
23 stops --

24 MR. STEFFENS: It ends at Ponce.

25 MR. MAXEY: Oh, well, I'd be north of

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1 Malaga.

2 MR. PARDO: Okay.

3 MR. MAXEY: At the intersection of Ponce and
4 University, is perhaps a more accurate description.

5 MR. PARDO: See, and that pocket of zoning
6 that you see there is single-family residential --

7 MR. MAXEY: Yes, yes.

8 MR. PARDO: -- whether they rent it.
9 It's the same as if you had an office building.
10 Whether you sell it as office condos, it's still an
11 office building. Whether you rent to single-family.
12 It's still single-family.

13 MR. STEFFENS: I think we need to have Eric
14 look at this and make --

15 MR. RIEL: I just want to make sure I

16 understand. So you're saying that your desire is to
17 have the ability to go to six stories and 3.0 FAR,
18 which is consistent with the Comp Plan?

19 MR. MAXEY: Yes, that's what I --

20 MR. RIEL: Is that a good way to summarize
21 your discussion?

22 MR. MAXEY: In a nutshell, yes, sir.

23 MR. KORGE: What's it zoned now?

24 MR. RIEL: It is currently zoned low-rise,
25 which -- the Comp Plan designation, but there are

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1 zoning provisions in --

2 MR. KORGE: What's the zoning? Not in the
3 Comp Plan, the zoning.

4 MR. RIEL: The zoning is CB.

5 MR. MAXEY: Let me --

6 MR. RIEL: CB with an X use on the lot
7 behind it.

8 MR. KORGE: And what does that translate in
9 terms of height and FAR?

10 MR. RIEL: Height, because it's adjacent to
11 single-family, 35 feet.

12 MR. KORGE: And FAR?

13 MR. STEFFENS: But today it's 45 feet.

14 MR. RIEL: Today is 45 feet, yes, I believe
15 so.

16 MR. PARDO: 45 feet.

17 MR. RIEL: FAR, I'm not sure.

18 MR. STEFFENS: Under the new Code, it's 35.

19 MR. PARDO: FAR is 3.5, I think.

20 MR. STEFFENS: 45 and three stories?

21 MR. PARDO: 45 and three stories, correct.
22 MR. STEFFENS: And what about with
23 Mediterranean bonuses? Does that change that formula
24 at all?
25 MR. PARDO: I think, in the last one we did,

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1 it we may have altered that.
2 MR. RIEL: It's 45 feet.
3 MR. STEFFENS: 45 feet.
4 MR. RIEL: FAR remains the same, three
5 stories.
6 MR. PARDO: With the new Mediterranean
7 bonus --
8 MR. KORGE: I'm sorry, what's the current
9 FAR?
10 MR. PARDO: -- it's like two feet difference
11 or --
12 MR. RIEL: 3.0.
13 MR. KORGE: It's going to go down to 1.0
14 under this?
15 MR. RIEL: I'm not sure what the CL FAR is.
16 MR. CARLSON: The CL will go down to 1 --
17 MR. RIEL: One, okay.
18 MR. CARLSON: -- and FAR to 1.
19 MR. MAXEY: I -- you know, I am a lawyer. I
20 have no great expertise in the area of land use
21 planning. I need to most humbly and most
22 respectfully express a disagreement with the learned
23 City Attorney. I did take a look at the Florida
24 Statute dealing with the Comp Plan, and I did take a
25 look at -- granted, a very brief look, at a couple of

1 cases that one of my associates pulled for me,
2 dealing with issues where there was a conflict
3 between the local zoning on the one hand and the Comp
4 Plan on the other hand, and the couple of appellate
5 cases that I read -- and I believe one of them was a
6 Third D.C.A. case, although I can't remember, and I
7 wouldn't want to go on record -- I think that it was.
8 The cases seemed to say that if there's a conflict
9 between the Comp Plan and the local zoning, that the
10 Comp Plan is going to govern, and the statute itself
11 seems to say that, to me.

12 MR. PARDO: If you read that case, I'm
13 willing to bet you that they're going to be talking
14 about uses. Your use of CB right now is consistent
15 with the CLUP. I think that's what the City Attorney
16 has said. You're consistent.

17 MR. MAXEY: Certainly, if I was having this
18 argument in front of a panel of appellate judges, I
19 would have read the cases considerably more
20 thoroughly.

21 MS. HERNANDEZ: No, and you make the same
22 argument -- We had a very interesting situation, a
23 year ago, where a very well-known law firm
24 representing one applicant submitted a brief to my
25 office on how the zoning in the area was inconsistent

1 with the land use, so we had to, we were bound by
2 law, to change the zoning to be consistent, and three
3 months later, they represented a different applicant

4 and it was the converse, and they gave me all the
5 cases that said that we were bound by law to change
6 the Comp Plan to conform with this wonderful zoning.

7 So, you know, the issues on Comp versus
8 Zoning Code are very fact-specific. But it was --
9 you're making absolutely the same -- I don't want to
10 dissuade you from it, because that is the argument
11 that everybody makes, but it would be very
12 fact-specific as to that.

13 MR. MAXEY: It sort of sounds to me like
14 it's an area that's pretty much up in the air, then,
15 until the Supreme Court gives us a ruling.

16 MR. PARDO: You make a very good point as
17 far as your -- in the height, you know, I don't
18 disagree at all with you, in any way, shape or form,
19 but what I -- without a doubt, if you said what
20 you're saying is true, then rezoning wouldn't have to
21 occur, and people could build up to the ceiling.

22 So the point of the CLUP usually is a use
23 issue, usually is a use issue. You don't have a use
24 issue problem with your property. You are trying to
25 change your existing zoning to -- so you would not

1 have to conform with a limitation that already exists⁹¹
2 in the Zoning Code, which has been continued in the
3 new Zoning Code.

4 Correct, Eric? Where he abuts single-family
5 residential?

6 MR. RIEL: Yes. Yes, yes, yes.

7 (Thereupon, Mr. Korge left the Commission
8 Chambers.)

9 MR. PARDO: So Mr. Riel has been able to
10 continue that protection when you're abutting
11 single-family residential, and if you look at the
12 properties, as I said before, to the north, you see
13 the different color there. They don't have that
14 particular problem, because only single-family
15 residential and duplex is what is protected when
16 they're abutting the CB uses.

17 MR. STEFFENS: I think his property is
18 different from all the other properties that we're
19 talking about in the CL right now --

20 MR. PARDO: It may be.

21 MR. STEFFENS: -- because his property not
22 only had low-rise, but it had mid-rise.

23 MR. MAXEY: That's correct. That's correct.

24 MR. STEFFENS: And it's the mid-rise portion
25 that's being affected, and it's the mid-rise -- and

1 it's some solution that we should look at to mitigate⁹²
2 the effects on the mid-rise section.

3 MR. MAXEY: That's -- yes, thank you.

4 MR. STEFFENS: We'll look at that.

5 MR. MAXEY: Let me -- let me make another
6 point here. Policy Recommendation 2 of the
7 Charrette, and I quote --

8 MR. RIEL: Mr. Chairman, I just want to
9 note, you don't have a quorum.

10 MR. PARDO: Oh.

11 MS. HERNANDEZ: Oh.

12 MR. STEFFENS: Do we need a quorum for this
13 type of meeting? We didn't need to swear the people

14 in.

15 MS. HERNANDEZ: Yeah. No, yeah, you do.

16 MR. STEFFENS: Oh, beg your pardon. Okay.

17 MS. HERNANDEZ: In any legislative hearing,
18 we don't need to swear in the --

19 MR. STEFFENS: Okay, but we need a quorum?

20 MS. HERNANDEZ: Right.

21 MR. STEFFENS: Okay, so don't talk to us
22 right now.

23 MR. MAXEY: Well, we'll all pause for a
24 minute.

25 MR. RIEL: Do you want to take a five-minute

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1 break?

2 MR. STEFFENS: Do you want to take a
3 five-minute break right now?

4 MR. PARDO: Sure.

5 MR. STEFFENS: Is that okay?

6 MR. MAXEY: Sounds good to me.

7 MS. HERNANDEZ: Okay? Sorry.

8 (Thereupon, a recess was taken, after which
9 all the Board members returned to the Commission
10 Chambers.)

11 MR. STEFFENS: If you would like to wrap up
12 your comments, please.

13 MR. MAXEY: Yes, sir. Thank you.

14 I want to mention, also, Policy
15 Recommendation 2 of the Charrette, which specifically
16 addresses the area that I've been discussing, and I
17 quote, "Engage property owners, residents and
18 merchants to address issues of design, regulation and

19 management in the area south of the downtown boundary
20 and north of University Drive."

21 I do not believe, most respectfully to the
22 Planning Department, that that's been done, and I
23 think that if that was done, you would find not only
24 the commercial property owners, but many of the
25 residential property owners suggesting something

1 different than what is proposed in the conceptual ⁹⁴
2 map. So let's get the people that are affected
3 together, like the Charrette said we should, before
4 we make this final decision.

5 Under the way the conceptual map proposes to
6 change the zoning on my property, the FAR is reduced
7 from 3.0 to 1.0. That is a drastic reduction in what
8 can be built there. My property is the only property
9 abutting Ponce Circle Park which is not in the C
10 designation, not colored red. Why am I being treated
11 differently from everybody else? I don't know,
12 really. I mean, the property just north of me has
13 single-family residences to the east of it, but it's
14 still in the C zone.

15 To change my property from the CB to the CL
16 designation drastically reduces the available uses
17 for the property.

18 So let me summarize, in a sense. We have
19 made plans for years, changed our position in
20 innumerable ways for years, in reliance on the zoning
21 that has been on the property. Please don't take
22 away from us what we've had for all these years.

23 And with that, I will thank you for your

24 time and attention.

25 MR. STEFFENS: Thank you.

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1 Is there anyone else from the public who
2 wishes to speak?

3 We'll close the public portion.

4 MR. RIEL: I just have -- I just want to
5 reference one thing I had forgotten to reference
6 that's included in your packet, before Ms. Larsen
7 gets up.

8 We do have Attachment B and C in the packet.
9 As a part of the basis of the rewrite, we did look at
10 the Charrette recommendations. We did look at the
11 study that was completed, that Douglas apartment
12 district study, and what Staff has done is gone
13 through each of those recommendations and provided a
14 status of how that particular recommendation was
15 utilized in the rewrite.

16 So I wanted to indicate that Attachment B
17 and C in your packet does provide those specifically
18 for your review, and we will obviously be continuing
19 to look at these recommendations and include them.
20 We just wanted to make sure that you understood that
21 we certainly have included the Charrette
22 recommendations and all those other recommendations.

23 So, with that, I'll turn it over to Ms.
24 Larsen.

25 MR. PARDO: Eric, did you get something from

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1 Historic, as we requested at the last meeting, as far
2 as the North Gables?

3 MS. LUBIN: I'm still working on it.
4 MR. PARDO: Still working on that?
5 MR. RIEL: With reference to the available
6 amount of TDR?
7 MR. PARDO: To the properties that are --
8 that will be able to qualify as historic.
9 MS. LUBIN: Yes, I know what you're talking
10 about. That's the available FAR from historic
11 properties. We've --
12 MR. STEFFENS: Right, and this is historic
13 properties in the north apartment district?
14 MR. PARDO: In the north apartment district,
15 there are a certain amount of properties --
16 MR. STEFFENS: Right.
17 MR. PARDO: -- that could qualify --
18 MR. STEFFENS: Could qualify.
19 MR. PARDO: -- but not necessarily have
20 been.
21 MR. RIEL: That's Attachment D in your
22 packet.
23 MR. PARDO: And --
24 MS. LUBIN: I think you have that, because
25 we provided the information to the Planning

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1 Department and met with Dennis Smith on it, also.

2 MR. RIEL: Right. Ms. Lubin, Mr. Smith and
3 Mr. Cannone of Planning did meet, and that
4 information is provided in Attachment D your packet,
5 and Richard would be happy to explain it at any
6 time.

7 MR. MAYVILLE: Let me ask the Chair, because

8 I understand we're going to lose our quorum a little
9 later --

10 MR. STEFFENS: We're going to lose our
11 quorum in about an hour.

12 MR. MAYVILLE: Why don't we define what our
13 objectives are going to be for the next hour?
14 Because I've got some issues that I wanted to try to
15 direct, and I don't know if the other Board members
16 do, too, about where we're going with this whole
17 thing, time-wise, and then, you know, as well as with
18 Staff issues. Do I go with that, or -- I didn't want
19 to interrupt you, but --

20 MR. STEFFENS: Go ahead.

21 MR. MAYVILLE: My concern is that this
22 gentleman that just spoke, to me, is a classic
23 example of a problem I see brewing between his
24 objectives and the objectives of homeowners that are
25 going to be colliding here in the not-too-distant

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1 future, and I don't see any time being allocated to
2 try to address those issues. We've got a letter here
3 tonight dealing with this sleep center issue, and I'm
4 concerned that we've got some hot pocket issues that
5 are coming down the pike, and they don't -- they're
6 not reflected in this yellow chart that we have, and
7 so my question was, if we're going to deal with these
8 things here, that's fine, but I think there's a
9 bigger issue involved, that involves certain property
10 owners, particularly those that have conflicts
11 between development, higher development, next to
12 residential areas, where we've seen -- and those

13 things are going to take some time to sort of muddle
14 through the waters on.

15 So I don't know if anyone else has any other
16 comments, but I see some things bubbling that --

17 MR. STEFFENS: And the concern is that we're
18 not going to spend enough time addressing those or
19 that the people don't know --

20 MR. MAYVILLE: Well, I think there's got to
21 be first the notification. I don't think the public
22 knows that there are problems about to be brewing on
23 their property, you know, if they haven't paid a
24 little bit of attention, without getting some kind of
25 specific notice, and so my question is, there's some

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1 items in here, if we need to get through for Eric,
2 tonight, that are easy to do, my thought was we ought
3 to get through that, but ultimately, I think the
4 Ponce area is one area that's going to need to get
5 addressed. There are some areas in the North Gables
6 that are areas that are going to need to be
7 addressed. You have property owners that can build
8 up, that are next to smaller -- either smaller
9 apartments, two-story apartments, or duplexes or
10 what have you, and I don't think this is something
11 that can just be willy-nilly dealt with. I think,
12 you know, this is the crux of what we're trying to
13 deal with.

14 We also, tonight -- the Valencia people have
15 been here, I don't know how many times. I almost
16 feel like we need to have a special session just to
17 deal with this issue, because it's got to get

18 addressed. You know, either they've got to say it
19 can't be solved or we've got to find a solution for
20 it, but it keeps coming back with no resolution,
21 and --

22 MR. STEFFENS: Well, we had a resolution.
23 We have a new zoning district.

24 MR. MAYVILLE: I know, but they haven't
25 accepted that as a solution. My point is either that

1 we ought to -- 100

2 MR. PARDO: That (inaudible) was accepted by
3 the Commission.

4 (Simultaneous inaudible comments between
5 Board members.)

6 MR. MAYVILLE: That's a problem. The people
7 from the Valencia area are willing to put the time
8 into it, and either we need to say to them, "We've
9 done all we can do," or we need to put a little bit
10 more time in and try to see if we can't come up with
11 some better ideas.

12 MR. KORGE: You want to bring up the TDRs
13 now?

14 MR. MAYVILLE: No, no, no. I'm saying --

15 MR. KORGE: That was the solution they were
16 looking to --

17 MR. STEFFENS: That is the solution they
18 were looking to implement, and I think something
19 short of that is not acceptable.

20 MR. MAYVILLE: Well, that's another --

21 MR. STEFFENS: And I think that's something
22 that we're discussing and we continue to discuss.

23 MR. MAYVILLE: Yeah, but my point is that
24 they've been here, as well as the gentleman in the
25 back, for the last two or three meetings and, you

1 know, I hate to see them continually feel they have¹⁰¹
2 to be at every meeting to protect their rights or
3 their interest, rather than we have a special session
4 for them, to say, "We're going to deal with this
5 issue and try to come up with some kind of solution."

6 MR. KORGE: Well, I agree with you, but I
7 think what I'm hearing is that the solution they're
8 recommending to us is some sort of a TDR program, and
9 I think what is being recommended by the Staff is
10 that we set that aside, finish the rewrite, and then
11 come back with -- after they've studied it more and
12 have explained it and worked it out, you know, worked
13 with the Valencia people and some other people, to
14 see if they can come up with a proposal that would be
15 considered separately.

16 My impression is that it's a very complex
17 concept. My impression from discussions that have
18 been held during these meetings is that right now it
19 would be hard to get a consensus of the Board members
20 favoring TDRs, primarily if not exclusively because
21 we don't really understand them yet.

22 So I think, in response, we're not going
23 to -- my impression is, we're not going to get TDRs
24 done now, with this rewrite, that it's going to come
25 back to this Board again, more fully developed by the

1 Staff.

2 MR. MAYVILLE: I'm not disagreeing with you.
3 All I'm saying is, whatever we do with the Valencia
4 group, I think we ought to tell them --

5 MR. KORGE: Well, that's what I'm saying.
6 I'm saying that now. That's my impression. It's
7 just my impression, that we're not going to get the
8 TDRs done right now, but we don't have --

9 MR. STEFFENS: I think your impression is
10 that the TDRs will remain as they are right now, and
11 that any changes to the TDRs will have to take place
12 at a later time.

13 MR. RIEL: Correct.

14 MR. KORGE: And not just that, but that the
15 staff will be actually looking at it, the proposal,
16 and coming back to us with a recommendation, but the
17 recommendation will be separate from the zoning
18 rewrite.

19 MR. RIEL: Correct.

20 MR. KORGE: So it will be an amendment of
21 the revised Zoning Code. That's my impression. Now,
22 if I'm wrong --

23 MR. MAYVILLE: That's what I'm saying. All
24 I'm saying is, I think we have an obligation to them
25 to say that this is not the forum for the problem,

1 we will deal with on it a separate issue, so that we
2 don't waste their time coming out here. I mean, as I
3 said, I don't know how many hours you've spent here.

4 MR. KORGE: Right.

5 MR. MAYVILLE; That's all, I think --

6 MR. RIEL: If that's the desire of this
7 Board, if you'd like to draft that into a motion,
8 that's fine, I mean, but I would look --

9 MR. STEFFENS: I think it would be good to
10 put something like that into a motion. I would like
11 to see that motion made with more of the Board here.

12 MR. KORGE: Yeah, that's the thing, is, I
13 feel --

14 MS. HERNANDEZ: Could you say that louder?
15 I'm becoming like Mr. Zahner.

16 MR. KORGE: We're missing -- we're missing a
17 good number of Board members. Is it three members?

18 MR. STEFFENS: Yes.

19 MR. KORGE: And so I think what you're
20 suggesting is that -- yeah, I'd like to vote that now
21 so that they don't have to keep coming back, but I
22 just feel bad that -- if we got unanimity here, then
23 maybe that would be fine.

24 MR. MAYVILLE: We've got to have unanimity,
25 because you can't have -- You've got to have four

1 votes to --

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2 MR. PARDO: Because if not, you don't have a
3 recommendation.

4 MR. KORGE: Okay, well, then, I mean, I can
5 make that motion, and --

6 MR. RIEL: Just as a reminder, you'll recall
7 this issue did come up when the development of the
8 A use district was a part of the review process, in
9 the development of the A district, and the property
10 owners were very kind in providing information, and

11 that information will be utilized by Staff, but the
12 TDR issue deals with a City-wide issue, not just the
13 Valencia corridor, so that's why --

14 MR. STEFFENS: This is an issue of mid-rise
15 density adjacent to single-family residential areas.
16 This is not an issue of the Valencia area, as their
17 attorney has spoken to us and stated, correct,
18 Felix?

19 MR. PARDO: (Nods head).

20 MR. STEFFENS: This is an issue of --

21 MR. RIEL: It's a number of issues
22 intertwined into the TDR.

23 MR. KORGE: Right.

24 MR. RIEL: It's not just whether or not --

25 MR. STEFFENS: It's intermediate areas that

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1 we need to look at.

2 MR. PARDO: Theirs is different. Michael is
3 correct. Theirs is -- The transitional area that we
4 have to define, when Tucker was up here, is very
5 specific. It has to do with high-rise/mid-rise, not
6 mid-rise/single-family. You know, that's not the
7 conflict. That's already in the Zoning Code.

8 There's -- What they're talking about is where --

9 MR. RIEL: I understand. I understand.

10 MR. PARDO: Okay, but I think --

11 MR. STEFFENS: And I think this gentleman
12 that was speaking to us before is another issue --

13 MR. RIEL: Is a different --

14 MR. STEFFENS: -- of a transitional
15 situation --

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MR. RIEL: Correct.

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MR. STEFFENS: -- that should be discussed in the same vein as the TRDs in this transitional district.

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MR. RIEL: And that's what Policy 4 is a part of, transitional uses in the CL and C, which is tonight's presentation.

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MR. KORGE: Yeah, but we're going to have to deal with him as we do this rewrite.

MR. RIEL: Correct.

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MR. KORGE: Right. That's the difference.

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MR. PARDO: Look, I've got to confess to you guys, okay, that I'm not the smartest guy in the world, but I've been doing this for a long time, and I've got to tell you that the protections -- The way I see it, is real simple.

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Coral Gables is a residential community that has a commercial component in it, and supposedly they're going to live in harmony. Over time, there have been certain conflicts, and you see it when you see neighbors upset over certain applications over the last years. The other thing is, the growth of the City is the growth of the City, but people are outraged by certain components of it.

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I was expecting, as maligned as the existing Zoning Code is, that most of the problems that that Code has is the understandability of the Code, not contents of the Code, but simply the way it was organized over the years. I was expecting that that component of it was going to simply be reorganized so

21 it was simpler for the people that use the Code, not
22 normal people, but for architects and planners and
23 developers. Those are the people that really open
24 the Code up for anything.

25 What has happened is that I thought that the

1 second component was that we were going to come up ¹⁰⁷
2 with innovative ways of protecting and solving some
3 of the problems that have been created, in innovative
4 ways.

5 MR. STEFFENS: And that's what this seems
6 like we're doing.

7 MR. PARDO: But, Michael, I mean, we've been
8 at this now for a long time. We took up certain
9 issues, and in all fairness, I'm not trying to
10 criticize anyone. I'm just trying to summarize the
11 size of this monumental task. One thing is to
12 reorganize. The other thing is to solve certain
13 problems. I called this week -- I think it was this
14 week, Eric, that you and I talked about --

15 MR. RIEL: No. I did? No, I don't recall.

16 MR. PARDO: Oh, I'm sorry, I spoke with
17 Wally, and when I spoke with Wally, I said, you know,
18 as far as hours and things, in the next -- no, I
19 think we spoke last week, I'm sorry, and that in this
20 meeting we were going to be speaking about, for
21 example, hours of operation of commercial.

22 MR. RIEL: That's what Policy 4 is.

23 MR. PARDO: Exactly. You know, there's
24 certain things, and basically, the concept of all
25 these things is to protect the residential component

1 so they could live in harmony with the commercial ¹⁰⁸
2 component, but --

3 MR. STEFFENS: That's what we're doing. We
4 are not dealing with the reorganization of the Code
5 here.

6 MR. PARDO: Okay.

7 MR. STEFFENS: We're dealing with all the --

8 MR. PARDO: Okay.

9 MR. STEFFENS: -- specific problems that
10 have been coming up in the last couple of years --

11 MR. PARDO: But, Michael, the --

12 MR. STEFFENS: -- the sleep center issue,
13 the McMansion issue.

14 MR. PARDO: Right.

15 MR. STEFFENS: All of these issues are the
16 ones that we're dealing with specifically, with all
17 of the things we're reviewing here.

18 The Department has presented options for us
19 to review. We're looking at them in relationship to
20 those problems that the City Commission has sent to
21 us, and we're trying to see if any of these options
22 that they are presenting to us work.

23 We looked at lot splits as a solution to --
24 as a potential solution to McMansions, and we said,
25 or a majority of the Board said, "Well, I don't think

1 that works. I don't think we should really go down ¹⁰⁹
2 that road of lot splits. Maybe there's some other
3 way too deal with McMansions." So now lot splits
4 seem to be off the board here.

5 The TDRs, in dealing with these transitional
6 zones, seem to be off the board. But these are all
7 things that we're looking at and considering. We're
8 not necessarily changing the Code.

9 MR. PARDO: No, but here's the point I'm
10 trying to make, because this is so complex and there
11 have been so many hundreds of hours, you know, spent
12 on this thing. When the conceptual zoning map came
13 into play, this gentleman comes up with something
14 that he never bargained for, we never bargained for,
15 I don't think the Commission ever bargained for.

16 MR. STEFFENS: And he has a very valid
17 point.

18 MR. PARDO: And he has a very good point,
19 right. So the way I saw it was the cleaning up of
20 the Code to make it more usable, and then --

21 MR. STEFFENS: Right, which is being done
22 completely outside of what we're doing here.

23 MR. PARDO: Exactly, exactly, without a
24 doubt, but what I'm saying is, once you have that, we
25 should have been spending more time, I think, on

1 simply adding technical aspects to the existing
2 components of the Code, regardless of what chapter
3 you put it under. 110

4 In other words, okay, let's look at
5 parking. If commercial property is within 400 feet
6 of single-family residential, then their required
7 parking should be increased from 1 to 300, to 1 to
8 200 square feet.

9 MR. STEFFENS: Okay, so that's a valid

10 point.

11 MR. PARDO: What I'm saying is, with all the
12 meetings that we've had so far --

13 MR. STEFFENS: Right.

14 MR. PARDO: -- that hasn't been --

15 MR. STEFFENS: We haven't gotten to that
16 point yet.

17 MR. PARDO: Exactly.

18 MR. STEFFENS: We haven't been able to move
19 forward to that point yet.

20 MR. PARDO: Exactly, because the lot split
21 issue consumed a lot of time.

22 MR. STEFFENS: Well, that's fine. That's
23 something we needed to discuss.

24 MR. PARDO: And the TDR component consumed a
25 lot of time.

1 MR. STEFFENS: Right, and it might consume¹¹¹
2 some more time, because the components are here.

3 MR. KORGE: Are we -- just out of
4 curiosity, are we in general agreement that the TDRs
5 are so complicated and difficult that they need to be
6 considered after the Staff has done further work?

7 MR. STEFFENS: If you want to make that as a
8 motion --

9 MR. KORGE: Okay, I'll make that as a
10 motion.

11 MR. PARDO: And they have to be studied very
12 elaborately, you know, by Staff, and have public
13 hearings only on that item --

14 MR. KORGE: Right.

15 MR. PARDO: -- because --
16 MR. KORGE: Absolutely.
17 MR. RIEL: That -- I can clarify and
18 define -- That's the special area plan. That's the
19 purpose of that.
20 MR. PARDO: To get this thing going, Eric --
21 MR. STEFFENS: I don't necessarily see that
22 anything we're doing is different than what you're
23 talking about. We are going through all of these
24 items --
25 MR. RIEL: Mr. Chairman, we've identified

1 nine or ten policies. We've only gotten through ¹¹²
2 Policy Number 3.

3 MR. STEFFENS: Right.
4 MR. RIEL: We have not finished our entire
5 presentation, in terms of all the issues we would
6 like your input.
7 MR. STEFFENS: Right.
8 MR. RIEL: These are all interchanged.
9 We've seen a piece of the pie right now.

10 MR. STEFFENS: Exactly.
11 MR. RIEL: Please let us present the entire
12 pie for to you digest, and then tell us how you would
13 like us to proceed.
14 MR. STEFFENS: That's one reason I would not
15 like to take TDRs off the board yet, because we might
16 be talking about something else, down the road, that
17 might affect our thinking about TDRs and might affect
18 our thinking about lot splits. It might affect our
19 thinking about something that we've already

20 discussed.

21 MR. PARDO: Well --

22 MR. KORGE: I think the issue for me --

23 MR. STEFFENS: Let's get this presentation
24 completed so we understand, as much as we can,
25 everything that they're proposing, and then we can go

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1 back and deal with each issue.

2 MR. PARDO: Okay --

3 MR. KORGE: I think the problem --

4 MS. HERNANDEZ: Are we going to be losing a
5 quorum in half an hour? Is that what I understand?

6 MR. STEFFENS: 45 minutes.

7 MR. PARDO: 45 minutes, we're going to lose
8 a quorum.

9 MR. MAYVILLE: Can't we approve the
10 reorganization by itself, without dealing with
11 anything on this chart?

12 MR. PARDO: It should be brought to us by
13 itself and within -- and that's what I'm trying to
14 say. I think that the time -- that the issues for
15 this Board are crystal clear, but they haven't been
16 put in a position where they're crystal clear for us,
17 for our consumption, for our debate, for our public
18 hearings. The technical component of it should have
19 already been brought to us and said, "This is the
20 reorganization component."

21 MR. STEFFENS: Is that a problem?

22 MR. PARDO: But the problem is that --

23 MR. KORGE: It was, at the beginning of this
24 whole process.

25 MR. PARDO: No, but Tom, when you throw this

1 zoning map in, which is basically a conceptual zoning ¹¹⁴
2 map, with all of the --

3 MR. STEFFENS: This is the same as this.
4 These are conceptual things that we're sitting here
5 talking about.

6 MR. RIEL: Working drafts.

7 MR. KORGE: Right.

8 MR. PARDO: Okay, I am definitely not making
9 myself clear. Let me explain to you what happened.
10 What happened today is just one example of
11 basically --

12 MR. STEFFENS: This.

13 MR. PARDO: -- this, which is basically a
14 rezoning --

15 MR. STEFFENS: Right.

16 MR. PARDO: -- of the City. You can't do a
17 rezoning of the City when existing people own
18 existing property, because you're --

19 MR. STEFFENS: Well, you have to --

20 MR. PARDO: No --

21 MR. STEFFENS: You have to propose it and
22 then see what happens.

23 MR. PARDO: I'll tell you, I wouldn't want
24 to be the City Attorney, because she is not going to
25 have one -- God knows how many problems we're going

1 to -- because we can't see it yet. ¹¹⁵

2 MR. KORGE: Well, I think, as I understand

3 it -- correct me if I'm wrong, Eric -- you're going
4 to make the comparison.

5 MR. RIEL: Yes.

6 MR. KORGE: You haven't finished that.
7 You're in that process, right?

8 MR. RIEL: This is an illustration of only
9 the change of the 20 districts into the two. It's
10 only an illustration and change of colors. That's
11 all it is. We have not looked at specific
12 properties.

13 MR. KORGE: Right.

14 MR. RIEL: I have a map here that has
15 circles on it, where we will look at specific
16 properties, in terms of specific issues.

17 MR. KORGE: And then everybody's going to
18 know what changes are occurring to those specific
19 properties. The owners will know that, and they'll
20 be able to come to us with their suggestions or
21 complaints.

22 MR. PARDO: Okay. Are we going to
23 direct-mail every single resident in the City of
24 Coral Gables, the same as if it was a rezoning for
25 their particular property, so -- and then we're going

1 to explain in great detail that when their duplexes¹¹⁶
2 at the end of the block turns into townhouses, they
3 understand that?

4 What I'm saying is that the original rewrite
5 of the Code did not mean rezone, you know, the whole
6 City. That's wrong.

7 MR. MAYVILLE: That's my point, is, can't we

8 just take the reorganization, let's call it a
9 reorganization of the Code, by chapters and what have
10 you, complete that part of it, and then take, one by
11 one, sort of like issues that are hot, and then hold
12 a public hearing and do them one at a time?

13 MR. PARDO: And there's some immediate
14 things, Tom, that have to be added, such as the
15 contextual character for the Board of Architects, to
16 put that right into the paragraphs that already
17 exist. Do it now. That's part of the
18 reorganization. That gives them so much today --

19 MR. KORGE: I understand, but that's what
20 we're doing, and for example --

21 MR. STEFFENS: Wait a minute. Let's not
22 confuse the reorganization of the Code with all these
23 proposed --

24 MR. MAYVILLE: That's right. That's
25 correct.

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1 MR. PARDO: Exactly. That's --

2 MR. STEFFENS: Let's talk about one thing.

3 MR. PARDO: That's why I'm trying to
4 separate it.

5 MR. STEFFENS: You're talking about this and
6 you're talking about --

7 MR. MAYVILLE: This.

8 MR. PARDO: Yeah.

9 MR. STEFFENS: The reorganization.

10 MR. MAYVILLE: That's right. Exactly.

11 MR. STEFFENS: Eric, can we reorganize the
12 Code, separate from all these proposals about

13 changing --

14 MR. PARDO: The Code.

15 MR. STEFFENS: -- the Code?

16 MS. HERNANDEZ: Well, but -- and let me just
17 jump in, okay?

18 First of all, you can reorganize. But there
19 are sections in here, for example, the moratorium
20 section, which we have drafted for you in order to
21 make it legally consistent with present case law and
22 present statutory provisions. I don't think that,
23 you know, you can call that reorganization. It is a
24 clarification and update for statutory sufficiency,
25 and I don't see why it should not be part of this

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1 Zoning Code rewrite.

2 We have a vested rights section, which
3 should be in our Code, which we're bringing to you,
4 statutorily, just to make sure that we're protecting
5 the City. We have a Burt J. Harris section, in case
6 you, a property owner, think you want to protect a
7 right, this is the process the City is requiring you,
8 and that we are entitled by law to protect
9 ourselves. Those are not organizational, but they
10 are provisions that statutorily we can take advantage
11 of, that put the City in a stronger position, and
12 that we're recommending that you move forward on.

13 MR. KORGE: Not only that, but definitions
14 are being rewritten and conform so that we don't have
15 such confusion.

16 MR. STEFFENS: And both of those things --

17 MS. HERNANDEZ: Exactly.

18 MR. KORGE: It's a recodification of our
19 zoning.

20 MR. STEFFENS: But both of those things,
21 definitions and Liz's items, are not here.

22 MR. MAYVILLE: That's right.

23 MS. HERNANDEZ: Correct. The New Street &
24 Alley Vacation, how it plays into the Planning &
25 Zoning Board, because the Commission has already

1 adopted that which plays into the City as owner. 119
2 That's important for us, because we have seen an
3 increase in requests for street and alley vacations,
4 and we want more control of that. We want this Board
5 involved in that.

6 Those are things that are coming to you. Is
7 it reorganization? No, it's not.

8 MR. KORGE: But a lot of the nuts and bolts
9 aren't here, are not here because we asked them
10 specifically to give us the issues where we need to
11 focus on the policy.

12 MS. HERNANDEZ: Right.

13 MR. KORGE: Now, some of these, like the lot
14 splits, we decided we don't want to make any change.

15 MS. HERNANDEZ: Right.

16 MR. KORGE: Others, like maybe the TRDs,
17 we're going to say, "Well, we really want to look at
18 that in depth." But we're not going to be able to
19 get this codification done and look at that in depth.

20 MR. PARDO: But, meanwhile, there's an
21 existing TDR ordinance, and leave it in place.

22 MR. KORGE: Right.

23 MR. PARDO: Which is what we have been
24 doing, always, in the past.
25 MR. KORGE: But, Felix, I mean, I think this

1 is the point Michael was making earlier. We're going ¹²⁰
2 through this, issue by issue. We're going to find
3 some that -- I still have questions about the merging
4 of these different zoning classifications. We have
5 more work to do on them. We may have approved them,
6 but I don't think it's done, because it could affect
7 other properties than the property that was just
8 presented to us. So we need to be comfortable about
9 that. But I think I agree that we should go through,
10 issue by issue, and we may not agree with everything
11 that's been recommended. We may decide not to do a
12 lot of the things that have been recommended, or we
13 may decide we want to do them or look at them more
14 carefully in a separate process, separate and
15 distinct from the rewrite.

16 MS. HERNANDEZ: That's what -- We're looking
17 for that direction from you.

18 MR. KORGE: Right.

19 MS. HERNANDEZ: When you see these, you may
20 say -- and all we want you to do is say, "You know
21 what? We're not ready for a recommendation at this
22 time on this particular issue. Let's move on," you
23 know.

24 MR. KORGE: And that's why I was going to
25 make the motion on the TDRs, simply that I don't

1 think we're prepared for it. I think it's way too ¹²¹

2 much to absorb.

3 MS. HERNANDEZ: We agree with you.

4 MR. KORGE: And so we're just a step closer.
5 This isn't done, you know, and I don't think we need
6 to debate this much, because I think we're pretty
7 much on track, at least my impression, with going
8 through all these issues and, you know, keeping the
9 ones that we like, killing the ones we don't like,
10 deferring or not acting on the ones that we're unsure
11 about.

12 MR. PARDO: But would you -- Do you agree,
13 Tom, that the zoning map has to be -- the conceptual
14 zoning map, the new one, has to be reviewed very
15 carefully by this Board?

16 MR. KORGE: Yes, and Eric --

17 MR. PARDO: And we must understand what the
18 differences are --

19 MR. KORGE: Absolutely.

20 MR. PARDO: -- on block by block, property
21 by property, to make sure we don't stick our foot in
22 somebody else's mouth.

23 MR. KORGE: Absolutely, and Eric promises he
24 would do that.

25 MR. STEFFENS: Of course.

1 MR. KORGE: So I trust that he will do that. ¹²²

2 MR. PARDO: Now, remember --

3 MR. KORGE: And we're not going to vote this
4 out, at least I'm not going to vote this out --

5 MR. PARDO: Up to now, the only --

6 MR. KORGE: -- until I'm comfortable that

7 it's done.

8 MR. PARDO: The only thing -- the only thing
9 I am in agreement right now, at this point, with this
10 Zoning Code, as far as designations are concerned,
11 and I told Charlie Siemon, I am in agreement with the
12 minimum square footages, deleting that completely,
13 the minimum square footages on the homes, you know,
14 the 15 designations or whatever that exist, so it's
15 single-family.

16 The problem is that they went a couple of
17 steps beyond that, in changing those designations.
18 The problem I have is that when you have a definition
19 for something, you know, like let's say --

20 MR. STEFFENS: Abuts.

21 MR. PARDO: -- a speed limit -- let's say a
22 speed limit.

23 MS. HERNANDEZ: Right.

24 MR. PARDO: You have to show a map where you
25 show the speed limits. You see, you really should

1 take the map first and say, you know, on LeJeune it¹²³
2 will be 40 miles an hour, and down University it will
3 be 30 miles an hour, and in front of schools it's 15
4 miles an hour. Once you have this, then you define
5 the speed limits, but approving speed limits without
6 an approved plan, you're going the wrong way.

7 MR. KORGE: I understand --

8 MR. PARDO: You're going backwards.

9 MR. KORGE: -- but he's going to give us
10 that plan.

11 MR. PARDO: Exactly.

12 MR. RIEL: Mr. Chairman -- Mr. Chairman, if
13 I could say --

14 MR. STEFFENS: Both of these are moving --

15 MR. RIEL: These are recommendations, okay?

16 MR. STEFFENS: Both of these are moving
17 parallel.

18 MR. RIEL: This map is a working map, just
19 like this is a recommendation. Nothing is in
20 finality. This is a recommendation. The end result
21 will be what you all recommend to the City
22 Commission. This is just showing you, basically,
23 what the districts are. This is -- These are working
24 documents. This is not a finality.

25 MR. PARDO: Okay. Okay. Eric, I live --

1 MR. RIEL: And this is just an illustration ¹²⁴
2 of what -- If you adopt the C -- you know, the MF 1,
3 MF 2, you might say, "We want an SF 3, SF 4." That's
4 going to change this, okay? You might say, "We want
5 to go back to the 18 residential districts." We'll
6 go back and change that.

7 MR. PARDO: You know --

8 MR. RIEL: That's what we'll do. This works
9 in hand with this. These are both together, so --

10 MR. PARDO: But what I'm trying to explain
11 is that when you look at the zoning map, and we have
12 our existing zoning designations on every single
13 property in the City, I would like to understand the
14 difference, and the thing is that I don't want to
15 blanketly now make duplexes, which are very specific,
16 into the possibility of townhouses, Tom. I don't

17 want to make duplexes into townhouses without us
18 understanding that you're going to change a
19 neighborhood. And the way this is written, it's
20 basically duplexes will be fine as existing, but
21 tomorrow someone can come in and buy two duplexes and
22 stick five townhouses on it.

23 MR. KORGE: Eric is going to show us all of
24 that when he gets it done.

25 MR. PARDO: But how can you approve that

1 part of this?

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2 MR. STEFFENS: We're not approving anything.

3 MR. KORGE: We're not going to approve
4 anything until he shows us that. That's the point.

5 MR. STEFFENS: We're not approving anything
6 yet.

7 MR. KORGE: It's not approved yet. It won't
8 be approved until we've seen it, until we're sure
9 that if there are changes that affect people, that we
10 are satisfied that those changes are beneficial.

11 MR. PARDO: I just feel that, in the past,
12 we have approached this on a chapter-by-chapter
13 version. In other words, whether it was the
14 Mediterranean Ordinance or whether it was whichever,
15 you know, the Signage Ordinance, we were able to look
16 at something thoroughly and come up with a
17 recommendation that was specific, and we got to the
18 point that we understood it.

19 MR. STEFFENS: We haven't gotten to that
20 point yet here.

21 MR. PARDO: I know, but --

22 MR. STEFFENS: We're looking at these in the
23 larger picture right now --

24 MR. KORGE: And then we're going to get more
25 specific.

1 MR. STEFFENS: -- and once they implement¹²⁶
2 our recommendations for the larger picture, then
3 we'll look at each one of these items specifically.

4 MR. PARDO: Okay, well --

5 MR. KORGE: Yeah. So why don't we get
6 through the larger recommendations, and then see
7 where it goes from there? Because we're never going
8 to get this done any other way.

9 MR. PARDO: And the only thing I want to say
10 is, you know, I want to go on the record that I do
11 not -- I am not interested, in any way, shape or
12 form, of supporting something that will alter the
13 residential neighborhoods and -- the residential
14 neighborhoods and values of the City, which is the
15 foundation of Coral Gables, which is why we have our
16 valuations where they are, and I don't want this to
17 become a free-for-all, for developers to come in and,
18 at the cost of those single-family residential, just
19 absolutely destroy the City as we know it. I want to
20 make sure that that's like the overall policy --

21 MS. HERNANDEZ: The guiding policy.

22 MR. PARDO: -- that we all -- that we all
23 agree to.

24 MR. KORGE: Right.

25 MR. PARDO: And I think, being reasonable

1 people, we all agree to that.

2 MR. STEFFENS: I think we're moving in the
3 direction of providing as much protection as we can.

4 MS. HERNANDEZ: Yes, and I think that Mr.
5 Pardo touches on what is our guiding principle, is to
6 protect the strong single-family residential
7 neighborhoods that we have, and to the extent that
8 there's something in here that may negatively impact
9 that, we need to pull it out.

10 MR. PARDO: Right, and Eric, in the mailer
11 that was sent out about the rewrite of the Code, you
12 have it written in your mission statement. It's -- I
13 mean, verbatim. In fact, I tore it out to keep it.
14 That's --

15 MR. RIEL: It's also in the intent. It's
16 in --

17 MR. PARDO: Yeah, right.

18 MR. RIEL: -- the intent of Article 1 of
19 the LDR.

20 MR. PARDO: Right. But, see, in my eyes,
21 you know, what we have to do first, I think, in order
22 of -- is not -- within the single-family residential,
23 is try to now look and protect that buffering area.
24 You know, I think if we challenge that first and look
25 at that thoroughly first, before TDRs --

1 MS. HERNANDEZ: Right.

2 MR. PARDO: -- before McMansions, before any
3 of these things, if we look at that, we're providing,
4 truly, a better service for --

5

MS. HERNANDEZ: Right.

6

MR. PARDO: -- the foundation of this community, and the thing is that it's very easy, at least maybe -- you know, you guys are smarter than me, but, you know, when you look at this, I feel like I'm trying to choke an elephant. I can't get my arms around the throat. You know, I can't do it. So --

12

MS. HERNANDEZ: And, you know, that may have been our fault, because what we wanted to do was give you an all-in-one reference.

15

When this is printed and all the stuff that we struck through is removed and everything is changed, you're going to see something that is maybe a quarter of the size, and what's happened is, because we wanted to refer you to the statutory provisions and to, "This is in the City Code, but now we're putting it here for" -- you know, we wanted to -- as you went along, we didn't want you to have to be looking at our City Code, looking at our Zoning Code and looking at the new provisions. We wanted it to be all in one for you, and that may have been a

1

mistake. We just felt you wanted everything so that you would be able to compare.

3

MR. KORGE: How big is the new Code, in terms of pages?

5

MR. RIEL: Well, we're --

6

MR. KORGE: Presently.

7

MR. RIEL: It's less. It's less than what's the current Code, but we've also taken sections out of the City Code and put them into the Zoning Code.

9

10 MS. HERNANDEZ: Right.
11 MR. RIEL: So --
12 MS. HERNANDEZ: That should have been. Like
13 platting has always been in our City Code. It should
14 be in the Zoning Code.
15 MR. RIEL: Right, so --
16 MS. HERNANDEZ: It's an LDR.
17 MR. RIEL: -- we're taking a lot of
18 things and --
19 MR. KORGE: I mean, if you think that would
20 be helpful, you could just print out your current
21 version --
22 MR. RIEL: We're doing a word count and a
23 page count, and I'll have that information for you.
24 MS. HERNANDEZ: Yeah.
25 MR. KORGE: Anyway --

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1 MR. STEFFENS: Bill?
2 MR. MAYVILLE: I don't think we -- I mean,
3 we've gone around in a circle, but I don't think we
4 got anyplace.
5 MR. KORGE: Do you want to do the motion?
6 MR. MAYVILLE: Well, I think we need to give
7 some direction to Staff and start lasering this
8 process, because I don't see any way that we're going
9 to meet a time line that we're going to the
10 Commission -- I don't think the Commission is looking
11 for that, either.
12 MR. STEFFENS: Well, I don't think the
13 Commission is looking for a time line. I think we
14 need to --

15 MR. MAYVILLE: Not anymore, I don't think.

16 MR. STEFFENS: I think we need to address
17 these issues as we see fit, as they come up.

18 MR. MAYVILLE: Well, what I'm saying is --

19 MR. STEFFENS: You say laser into them. I
20 think that would be the next step, after we go
21 through these and we get a sort of general idea --

22 MR. RIEL: This is a comprehensive picture.

23 MR. STEFFENS: We get the overall picture,
24 but then we go back --

25 MR. RIEL: The overriding thing was

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1 preservation of the residential areas.

2 MR. STEFFENS: -- and we start doing what
3 Felix was talking about, and going in there and
4 saying, okay, the zoning districts, are we affecting
5 the R districts when we get rid of all of the various
6 iterations of R that we have right now? Are we
7 affecting the setbacks that this gentleman was
8 talking about? Are we affecting the site-specific
9 issues that this gentleman was talking about
10 earlier? What are the effects of actually doing
11 that?

12 MR. MAYVILLE: All I'm saying is, let's go
13 on record and say that there's no way this thing is
14 going to the Commission on the current schedule. Do
15 we agree on that?

16 MR. RIEL: Well, what's going to the
17 Commission on the 23rd of November is an update of
18 the progress we've made, so --

19 MR. KORGE: Whatever progress we can make.

20 Let's just keep working. Come on.

21 MR. STEFFENS: This goes to the Commission

22 when we go through every item on this --

23 MR. RIEL: We will provide the progress,

24 where you've gotten to that point.

25 MR. STEFFENS: -- we go through every item

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1 and we vote it.

2 MR. PARDO: No, no. On all of my -- excuse

3 me, but on all of my schedules, it says "For first

4 reading."

5 MS. HERNANDEZ: When? November 23rd?

6 MR. PARDO: November 23rd, first reading.

7 Am I wrong?

8 MS. HERNANDEZ: Yes.

9 MR. PARDO: You're just going to give them

10 a cursory --

11 MS. HERNANDEZ: On November 23rd, yeah.

12 There's no intention of going to first reading with

13 the City Commission. I don't remember --

14 MR. KORGE: I mean, that's a given.

15 MR. PARDO: I almost had a heart attack when

16 I read that, I guarantee you that.

17 MR. STEFFENS: What could you give them for

18 a first reading?

19 MR. PARDO: That's what I asked myself when

20 I read it, so maybe --

21 MR. STEFFENS: We haven't passed anything.

22 MS. HERNANDEZ: No.

23 MR. PARDO: Okay, that's the latest one?

24 MR. RIEL: No, that's the one that was sent

25 111004PZBRewriteVerbatimMinutes.TXT
out in September.

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1 MR. STEFFENS: Okay, so are we --

2 MR. MAYVILLE: Yeah, do you want to go
3 ahead and --

4 MR. KORGE: I move that the recommendations
5 regarding the transfer of development rights be
6 tabled from this rewrite and that Staff take a look
7 at it separately, study it, and get back to us with a
8 recommendation, separate and distinct from the zoning
9 rewrite that we're undertaking here.

10 MR. MAYVILLE: I'll second that.

11 MS. HERNANDEZ: Okay.

12 MR. STEFFENS: Did you hear that, Felix?

13 MR. PARDO: Yes.

14 MS. HERNANDEZ: Roll?

15 MR. KORGE: No discussion?

16 MR. MAYVILLE: Call the roll?

17 MS. MENENDEZ-DURAN: Tom Korge?

18 MR. KORGE: Yes.

19 MS. MENENDEZ-DURAN: Bill Mayville?

20 MR. MAYVILLE: Yes.

21 MS. MENENDEZ-DURAN: Felix Pardo?

22 MR. PARDO: Yes.

23 MS. MENENDEZ-DURAN: Michael Steffens?

24 MR. STEFFENS: No.

25 MS. HERNANDEZ: Okay. What about -- There

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1 was a recommendation -- I don't know if I'm just
2 jumping the gun here, but I feel like we can get you
3 on a roll.

4 MR. KORGE: Well, see, that means that the
5 motion fails, because we need -- Okay.
6 Okay.
7 MS. HERNANDEZ: Did the motion fail?
8 MR. RIEL: Yes, three-one.
9 MS. HERNANDEZ: Who voted no?
10 MR. PARDO: Michael.
11 MR. KORGE: Michael.
12 MR. STEFFENS: I did.
13 MR. KORGE: Okay.
14 MR. STEFFENS: I don't think we should be
15 voting any of these issues off the table until we --
16 MR. KORGE: Fair enough.
17 MR. STEFFENS: -- see everything and we
18 understand everything, and then we can start removing
19 things from our plate.
20 MS. HERNANDEZ: Okay.
21 MR. KORGE: Fair enough.
22 MR. STEFFENS: It's not an issue if we're
23 not discussing it, and let's move forward and discuss
24 the things we need to discuss, and then if we want to
25 take things off the plate, let's have more people

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1 here and let's take things off the plate.
2 MR. KORGE: Okay. Fair enough.
3 MR. PARDO: Michael, can I read this
4 sentence?
5 MR. STEFFENS: Please, go ahead.
6 MR. PARDO: Okay. This is --
7 MR. KORGE: It's not coming back.
8 MR. PARDO: This is the mailer -- this is

9 the mailer that was sent to everyone, informing the
10 public about what the rewrite is about. And I agree
11 with this sentence a hundred percent. I'm hoping
12 that this is what we're doing.

13 "The rewrite will include new and innovative
14 planning processes to address future residential and
15 commercial development with the intent to continue
16 the preservation and protection of the character of
17 the residential neighborhoods in concert with
18 commercial uses while maintaining the architectural,
19 cultural and historic attributes of the City."

20 And those goals are the litmus test. Those
21 goals are what everybody that sits on this Board and
22 on the Commission should be protecting. My concern
23 is that some of the things, technically, that are in
24 here are in direct conflict with that mission
25 statement, and that's what we have -- if there's a

1 conflict between those two, we shouldn't even be 136
2 discussing that conflict.

3 MS. HERNANDEZ: Right.

4 MR. PARDO: You know, for example, allowing
5 preschools in residential areas. Staff says,
6 recommending not to allow preschools. I don't think
7 we should even bring the point up. I mean, in my
8 particular frame of mind, it's a moot point. There's
9 never been preschools in residential areas, and there
10 should never be preschools --

11 MR. RIEL: But we're merely responding to a
12 public question that was asked.

13 MS. HERNANDEZ: Right.

14 MR. PARDO: I understand, and it's the same
15 thing as many other things, but --

16 MS. HERNANDEZ: But there have been a lot
17 of residents that have asked about this, so we need
18 to respond to them.

19 MR. STEFFENS: But there are preschools in
20 residential areas.

21 MS. HERNANDEZ: There are some?

22 MR. STEFFENS: Sure, as part of --

23 MR. RIEL: A church.

24 MR. STEFFENS: Either churches or schools,
25 of course there are.

1 MR. PARDO: Right, but that's a different ¹³⁷
2 issue altogether, and the point here is, you know,
3 if, for example, in this rewrite, you're going to
4 take away the thresholds of, for example, variances,
5 which are very specific and have served this
6 community well for many years, when the Board of
7 Adjustment looks at potential variances, and you
8 water those down, you know --

9 MR. STEFFENS: That's not even on our
10 agenda.

11 MR. KORGE: Let's go through the agenda.

12 MS. HERNANDEZ: That's not what we're
13 hearing.

14 MR. STEFFENS: Please.

15 MR. PARDO: But what I'm saying is, these
16 are simple things that are in there that --

17 MR. STEFFENS: You have 20 minutes. Is
18 there a section that you can cover in 20 minutes?

19 MS. LARSEN: Well, Mr. Chairman, Members of
20 the Board, I'm Wendy Larsen. I believe that what we
21 were supposed to discuss this evening was policy for
22 nonresidential issues.

23 MR. STEFFENS: Right.

24 MS. LARSEN: And --

25 MR. STEFFENS: Can you do that in 20

1 minutes?

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2 MS. LARSEN: Well, we've already made a
3 presentation to this Board about what we did and why
4 we came up with the consolidation of the two
5 districts.

6 MR. STEFFENS: Uh-huh.

7 MS. LARSEN: I believe Charlie made a very
8 extensive presentation about the analysis that we
9 did, along with City Staff. So I don't think I have
10 to repeat that.

11 But the issues that are addressed here on
12 Page 3 of these yellow sheets really highlight the
13 issues that we found when we were doing the rewrite,
14 and I do want to address one thing on the mapping
15 issue, because we have done a lot of testing. When
16 we came up with these revised zoning districts, we
17 did do a lot of analysis prior to coming up with
18 these. But we have identified other areas that we
19 need to look at more specifically, and I believe next
20 week you've got on your agenda the zoning map, is
21 actually --

22 MR. STEFFENS: Are we back here next week?

23 MS. LARSEN: -- I think, scheduled for next

24 week. I'm not sure how much of that additional
25 analysis will be prepared by that time, but I just

1 had to say that, because we are aware that there are ¹³⁹
2 some issues that we've got to address.

3 On the CL district, I mean, basically, this
4 is your transitional district, and one of the reasons
5 we consolidated the two districts is because the
6 existing districts were very similar and hard to
7 distinguish, and in particular the two hundred and --
8 two hundred and some odd different uses that were
9 listed, it would be very difficult for you to
10 distinguish between those uses. And so we
11 recommended consolidating those uses into 57 use
12 categories, and the best thing to do, in my view, for
13 you as you go through these districts is to take your
14 use chart and look very specifically at what's
15 permitted, both as permitted as of right and as a
16 conditional use, and then look at the definition of
17 that use.

18 We've also given you another -- in the
19 original handout, we gave you a matrix of existing
20 uses to new proposed use categories, which I think is
21 quite helpful, because it takes your existing use
22 list, it tells you where they're currently permitted,
23 and then it tells you what we propose the new use
24 category be. And we address the nighttime uses that
25 have been a subject of many discussions, and there

1 are very specific performance standards that increase ¹⁴⁰

2 by the intensity of the use adjacent to residential
3 areas.

4 Let's see what else.

5 MS. HERNANDEZ: Well, if could you expand on
6 that a little bit, so that the Board can understand.

7 Right now, you have, in the present
8 commercial uses abutting residential, a whole host of
9 allowable uses. We have narrowed that list, and in
10 addition to that, put in performance standards so
11 that if it's a use that has the most impact,
12 potentially, on a neighborhood, then what we've
13 required is certain performance standards so that it
14 has the least impact on the neighborhood.

15 It's just trying to tighten and restrict
16 those uses that are presently allowed in the abutting
17 areas.

18 MS. LARSEN: Well, like the nighttime uses,
19 for example.

20 MR. STEFFENS: Is there any reason to
21 continue to include nighttime uses in a CL district?

22 MS. LARSEN: Yes. There are restaurants
23 that are nighttime uses, that are permitted in the CL
24 district. There are all kinds of uses other than
25 sleep centers.

1 MR. STEFFENS: No, I know that, but is there ¹⁴¹
2 a reason to allow that to continue?

3 MS. HERNANDEZ: You mean, to just eliminate
4 that use and make the present ones nonconforming? Is
5 that what you're saying?

6 MR. STEFFENS: Well, it would be a

7 nonconforming --

8 MR. PARDO: A legal nonconforming.

9 MR. STEFFENS: -- a legal nonconforming use,
10 and if they ever --

11 MR. PARDO: Changed.

12 MR. STEFFENS: -- went out of business, then
13 it would --

14 MR. RIEL: The nighttime use is also part
15 of the C districts. It's not just the CL.

16 MS. LARSEN: Yeah.

17 MR. RIEL: It's all commercial districts.

18 MR. STEFFENS: Yeah, but --

19 MS. LARSEN: But he's asking a question --

20 MR. STEFFENS: But we're talking about
21 specifically CL.

22 MR. RIEL: Basically, what it says is, you
23 need to go through a public hearing review, and there
24 are a certain set of performance standards that you
25 need to satisfy, and then the public hearing review

1 is before this Board.

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2 MR. PARDO: Why would you have to go
3 through -- Question. If you -- if you're abutting
4 single-family residential --

5 MS. LARSEN: Uh-huh.

6 MR. PARDO: -- wouldn't you think that if
7 you're a legal nonconforming, if you change it and
8 you say everybody's got to have a time limit for
9 whatever use it is, wouldn't you rather put them in a
10 position, instead of going through this review, of
11 possibly going through, conceivably, a variance where

12 they'd have to prove some sort of hardship threshold
13 at that time?

14 MS. LARSEN: I don't think that you could --
15 if you were an existing use and you were
16 nonconforming and you were required -- if you were
17 changing the operator or going to a similarly
18 situated use, you could comply with the variance
19 standards. I mean, how would you ever show undue
20 hardship?

21 MR. PARDO: Uh-huh.

22 MS. LARSEN: And then what happens is that
23 somebody will come in and the Board will think it's
24 appropriate to have that use there, and then they'll
25 sort of fudge the undue hardship finding.

1 MR. PARDO: Can you explain exactly what ¹⁴³
2 kind of hearing process you would go through to be
3 able to get that now, based on your proposal, just
4 simplified?

5 MS. LARSEN: On the nighttime uses?

6 MR. PARDO: Correct.

7 MS. LARSEN: Yes. It's a public hearing
8 process -- as proposed, it's a public hearing process
9 by Planning & Zoning.

10 MR. PARDO: By Planning & Zoning?

11 MS. LARSEN: Yes.

12 MR. PARDO: And then it goes to the
13 Commission.

14 MS. LARSEN: Excuse me?

15 MR. PARDO: Then it goes to the Commission,
16 because it's only a recommendation.

17 MR. RIEL: As proposed right now -- as
18 proposed right now, the Planning & Zoning Board is
19 the final authority, with appeal.

20 MR. PARDO: Oh, really?

21 MS. LARSEN: Yes.

22 MR. RIEL: As proposed.

23 MS. LARSEN: As proposed.

24 MS. HERNANDEZ: But is that going to stay
25 that way or --

1 MS. LARSEN: It depends on what this Board¹⁴⁴
2 tells us.

3 MR. STEFFENS: That's the proposal.

4 MR. PARDO: I think that's very bad. I
5 think it should eventually go as a recommendation to
6 the Commission, because historically this Board, I
7 think, even when we passed legislative issues, has to
8 go to the Commission, and the reason is -- well, the
9 reason is, when things are of that magnitude or
10 importance, they must go to the Commission.

11 The Board of Adjustment, on the other hand,
12 can be appealed to the Commission first, before going
13 to the courts, and that's on variances, which are
14 much more specific and a lot more delicate than the
15 specificity of, you know, a variance versus a
16 Planning Board issue, normally.

17 MS. HERNANDEZ: Which has more discretion.
18 The Planning & Zoning Board has more ability for
19 discretion and subjective input. That's why it's
20 more of a recommending body to the Commission.

21 MS. LARSEN: The way it's drafted now, we

22 have minor conditional uses, which are
23 administrative, and then we have major conditional
24 uses, which are decided by this Board, with an appeal
25 to the City Commission.

1 MR. PARDO: Getting back to the nighttime¹⁴⁵
2 issues --

3 MS. LARSEN: Okay.

4 MR. PARDO: -- those are not considered
5 minor?

6 MS. LARSEN: No.

7 MR. PARDO: Okay. What are considered
8 minor?

9 MS. LARSEN: Minor are assisted-living
10 facilities, congregate care of greater than 20 rooms,
11 educational facilities of greater than 50 student
12 units, indoor recreation, medical clinic, municipal
13 facilities.

14 Pretty much what we did was, we took the
15 two -- the existing districts and we sort of
16 determined what was currently permitted and what was
17 only permitted by public hearing, and that's how we
18 came up with the differentiation between minor and
19 major.

20 MR. STEFFENS: When you say medical
21 clinic --

22 MS. LARSEN: Yes.

23 MR. KORGE: That's a hot button.

24 MR. STEFFENS: -- does the issue that
25 probably brought this whole thing up fall into that

1 category?

2 MS. LARSEN: Well, the performance standards
3 for a medical clinic are pretty specific.

4 MR. STEFFENS: I guess it would be, since if
5 it operated 24 hours, it would be --

6 MS. HERNANDEZ: A major.

7 MR. STEFFENS: -- a major conditional use.

8 MS. LARSEN: Right.

9 MS. HERNANDEZ: Right.

10 MR. RIEL: Correct.

11 MR. STEFFENS: So, therefore, it wouldn't be
12 the same type of medical --

13 MS. LARSEN: Right.

14 MR. STEFFENS: It would have to be --

15 MS. LARSEN: I mean, if it's a medical
16 clinic like I go to, it's closed at five o'clock.
17 But then, if it comes within the nighttime use
18 definition, then it's subject to additional criteria.

19 MR. STEFFENS: But wouldn't an ACLF --

20 MR. KORGE: Is it a major or minor one?

21 MS. LARSEN: What?

22 MR. STEFFENS: Wouldn't an ACLF fall into a
23 nighttime --

24 MS. LARSEN: Not the way it's defined. I
25 mean, if you did that, then, you know --

1 MR. PARDO: You see --

2 MS. LARSEN: -- you'd have to eliminate
3 congregate care or -- You treat all of those the same
4 way as you do other nighttime uses.

5 MR. PARDO: You see, this process, I think,

6 is a great example of what we were talking about just
7 a little while ago, making now final decisions at the
8 Planning Board. That's a major change of policy to
9 this Code. This is not -- This is not a little
10 thing.

11 MR. STEFFENS: Right.

12 MR. PARDO: Okay? And the other thing is
13 that Staff now has the ability of saying yes or no on
14 something that, obviously, I think, on ACL -- I mean,
15 we're talking about an intensive use, that I think
16 should go through a public hearing process.

17 You've just bifurcated, you know, the
18 public's ability to voice themselves, and Staff
19 changes from year to year. The consistency that you
20 have, whether you have good Staff today or Staff, you
21 know, that may not be good tomorrow, it's still in
22 Staff's hands. You've taken it out of the public
23 hearing process. I don't think that's good.

24 MR. STEFFENS: But, Felix, you don't agree
25 with that. I would say probably many of the people

1 on the Board don't agree with that. That would -- ¹⁴⁸

2 MR. RIEL: And if you'd like to make a
3 motion to that effect, please do so.

4 MR. STEFFENS: We would change it.

5 MR. RIEL: That's a policy --

6 MR. STEFFENS: I mean, this is something
7 they're presenting to us, as something to think
8 about.

9 MR. PARDO: Right, but what I'm saying is,
10 this is based on specific questions on one issue.

11 MS. LARSEN: You also need to understand
12 that there are existing public hearing requirements.
13 I mean, there are many uses permitted in the CA and
14 CB districts that do not currently require public
15 hearings.

16 MR. STEFFENS: Right.

17 MS. LARSEN: Okay? So it's not like we've
18 introduced something totally new.

19 MR. PARDO: If I were to take the existing
20 Code and the existing uses --

21 MS. LARSEN: Right.

22 MR. PARDO: -- and I would simply say,
23 "Hours of operation will now be added as one of the
24 requirements, and if your hours of operation are
25 nighttime, you must go through a public hearing, to

1 the Planning Board, and then to the Commission to ¹⁴⁹
2 have that granted, and if, tomorrow, you sell your
3 business, that new business has to do exactly the
4 same thing, of a public hearing process," you would
5 probably avoid, you know, a lot of issues.

6 MS. LARSEN: Well, it's a very simple fix.
7 If there are major conditional uses, or maybe all
8 major conditional uses, that you think would be
9 appropriately heard by this body and then recommended
10 to the City Commission for final decision, that's a
11 very simple thing to take care of, but --

12 MR. KORGE: I thought we liked the minor
13 versus major.

14 MS. HERNANDEZ: Right.

15 MR. KORGE: But the concern Felix is

16 expressing is, what may be considered minor in this
17 draft may not be considered minor by us.

18 MS. LARSEN: That may be true, very true.

19 MR. PARDO: Or by the neighbors that are
20 affected.

21 MR. MAYVILLE: Well, that's --

22 MR. STEFFENS: But Felix is also saying that
23 the way it's presented here, we would determine a
24 major and approve it or disapprove it, and then it
25 wouldn't go to the City Commission. Felix was saying

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1 it should still go to the City Commission.

2 MS. HERNANDEZ: It should be recommending,
3 as opposed to appeal.

4 MR. PARDO: Oh, absolutely, and we should be
5 recommending as opposed to appealing to the
6 Commission. The other thing is, you could do it
7 right now with the current Zoning Code, if you say
8 all properties that are within -- you know, that are
9 adjacent or abutting or within a certain distance,
10 simply have to go through that for hours of
11 operation.

12 MR. RIEL: You're talking about all uses, in
13 other words, any type?

14 MS. HERNANDEZ: All hours of operation.

15 MR. PARDO: Hours of operation, when --
16 Eric, I mean --

17 MS. LARSEN: Any commercial use that was
18 open after five o'clock would have to have --

19 MR. PARDO: Or six o'clock, whatever.

20 MS. LARSEN: Whatever.

21 MR. PARDO: You know, if you say six
22 o'clock, you know, eight to six, whatever is
23 reasonable, where there would be conflict with the
24 single-family residential neighborhood component of
25 it.

1 If, for example -- the exception would be,¹⁵¹
2 if you were in the Central Business District, let's
3 say, or, you know, in the commercial district, and
4 you're in a mixed-use property, you bought into a
5 mixed-use property. You're buying there as a choice.
6 You know, your lifestyle is, "I want to be able to go
7 down and go grab a sandwich at two o'clock in the
8 morning." I don't have a problem with that. Where I
9 have a problem is the people that bought a
10 single-family home and then they're being affected by
11 the hours of operation and then the bleeding in of
12 those parking requirements into the single-family
13 residential.

14 MR. STEFFENS: Well, what if -- if this --

15 MS. LARSEN: Well, that's why we added --
16 I'm sorry.

17 MR. STEFFENS: Yeah, but if this is such a
18 big issue, why are we allowing 24-hour operations in
19 the CL district? What is there that has to be in a
20 CL district that really needs to operate 24 hours?

21 MR. PARDO: Convenience stores.

22 MR. STEFFENS: Why do you want a convenience
23 store in a CL district?

24 MR. PARDO: No, but I mean, those are --

25 MR. STEFFENS: That would be a legal

1 nonconforming, and Christie's would be a legal
2 nonconforming, and if Christie's was ever sold and
3 abandoned and the business wasn't continuing, then it
4 would revert to an office building or something
5 else. I mean --

6 MR. MAYVILLE: That's a good example. What
7 would be the process that the owners of Christie's or
8 of all the restaurants, also, that fall in the same
9 category -- how would that -- how would they have to
10 deal with this ordinance if we put down what you --

11 MS. HERNANDEZ: He's concerned about his
12 lunchtime.

13 MR. MAYVILLE: The owners of Christie's, are
14 we talking that they would have to change their -- go
15 before this hearing?

16 MR. STEFFENS: No. They'd have to maintain
17 their business.

18 MS. LARSEN: That's the way he's addressing
19 it. It's not --

20 MR. STEFFENS: No, I'm just saying, they
21 would have to maintain their business. As long as
22 they maintain their business, they would be a legal
23 nonconforming business. At some point in time, if
24 they close their doors and they were closed for --

25 MR. MAYVILLE: Well, let's say they

1 wanted --

2 MR. STEFFENS: -- some period of time, a
3 year --

4 MR. MAYVILLE: Let's say they want to sell
5 their business. Now --
6 MR. STEFFENS: I don't think they should
7 have to go through the process if they sell their
8 business. If it continues, if it's a continuing
9 business, no matter who owns it --
10 MR. PARDO: That's not destroyed, like
11 Charade's.
12 MR. STEFFENS: Yeah.
13 MR. KORGE: There's no way we could ever
14 keep them from selling their business by rezoning. I
15 mean, that would be taking a valuable property right.
16 MS. HERNANDEZ: No.
17 MR. MAYVILLE: That's exactly my concern.
18 MR. STEFFENS: Yeah.
19 MR. MAYVILLE: That's my concern.
20 MR. STEFFENS: Exactly.
21 MR. MAYVILLE: Okay. It only affects it if
22 a new business --
23 MS. LARSEN: Change of use.
24 MR. MAYVILLE: -- wants to come in at the
25 end, not change of ownership, but --

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1 MS. LARSEN: Change of use.
2 MR. STEFFENS: Change of use.
3 MR. MAYVILLE: That's right.
4 MR. PARDO: Change of use.
5 MR. STEFFENS: I don't understand why we --
6 I mean, unless you have some other views on it, I
7 don't -- this is such a contentious issue, why are we
8 considering 24-hour operations in the CL district?

9 It's a very limited district. It affects very small
10 properties.

11 My only concern would be, from my experience
12 in my offices, I have accountants and other people,
13 and during tax time, they work 18 hours a day. Would
14 this affect accountants, working in their office 18
15 hours a day?

16 MR. RIEL: Let me just point out, I mean,
17 looking at the conceptual zoning map, we have CL
18 districts on Southwest 8th, we have CL districts on
19 U.S. 1. We have it on the Ponce corridor. So it's
20 in a number of places.

21 MR. STEFFENS: Well, maybe we need to rezone
22 those districts.

23 MR. RIEL: The other option is create CL 1,
24 2, 3, 4. I mean, that's another option.

25 MR. PARDO: No, I -- I -- I think, you know,

1 you have to draw the line. Look at the amount of ¹⁵⁵
2 these salmon-colored areas on this conceptual map,
3 and there's a direct conflict with single-family
4 residential on most of them. No, I'm sorry, that's
5 not true. Except for the Biltmore Way corridor.

6 Is that the right color, Eric?

7 MR. STEFFENS: Yeah, probably.

8 MR. RIEL: Yes.

9 MR. STEFFENS: The little furniture shops
10 and --

11 MR. PARDO: Right, right, okay. Okay, but
12 there, they're not abutting single-family, so the
13 hours of operation there would not be an issue. The

14 issue is always when you're abutting either

15 single-family or --

16 MR. KORGE: Really, the big issue is Ponce,

17 because anybody who's on Douglas or adjacent to

18 Douglas or Eighth Street, they -- I mean, they have

19 to expect there's nighttime use --

20 MR. PARDO: No, that block --

21 MR. KORGE: -- on Douglas and Eighth Street,

22 but on Ponce, it's really -- there is not much, if

23 any, nighttime use there, as such.

24 MR. STEFFENS: Well, you know, on Eighth

25 Street, really, there's very few things that I know

1 about on Eighth Street, on the Coral Gables side, ¹⁵⁶

2 that are more than sort of office uses --

3 MS. HERNANDEZ: That are more than what?

4 MR. STEFFENS: -- or showrooms. More than

5 office uses or showrooms or something like that.

6 Anything that's open more is across Eighth Street, on

7 the City of Miami side.

8 MS. HERNANDEZ: Well, we have the hospital.

9 MR. STEFFENS: Yeah.

10 MS. HERNANDEZ: Vencor.

11 MR. STEFFENS: But the hospital is in its

12 own district.

13 MS. HERNANDEZ: Okay.

14 MR. KORGE: Is there a funeral home on that

15 strip?

16 MR. STEFFENS: Yeah.

17 MS. HERNANDEZ: Yeah, but not in the Gables.

18 MR. KORGE: It's not in the Gables?

19 MR. STEFFENS: It's outside. That's right
20 outside the Gables.

21 MS. HERNANDEZ: Right outside.

22 MR. KORGE: Right outside?

23 MS. HERNANDEZ: It could, some day, be in
24 the Gables, but not right now.

25 MR. PARDO: I think the -- you know, the

1 hours of operation are very important, and I 157
2 understand what you're saying, that -- you know, you
3 could also have a cleaning crew coming in and
4 cleaning a building at night, but the cleaning crew
5 is not going to be --

6 MS. HERNANDEZ: Open for --

7 MR. PARDO: -- providing the parking impact,
8 receiving, you know. What you're trying to do --

9 MS. HERNANDEZ: The issue is open for
10 business. Is it open for business?

11 MR. RIEL: Well, the issue is also, what we
12 did is got more restrictive with the current Code. I
13 mean, you could put a restaurant in right now that
14 operated 24 hours a day, and they would just need to
15 go to the building permit process. That's it. We
16 went a step further, and if this Board is desirous
17 for us to go a step further and more restrictive, we
18 can certainly do that. Provide us the direction.

19 MR. STEFFENS: I'm just asking the
20 question. I mean, I didn't understand that it was
21 also affecting U.S. 1 properties.

22 MR. RIEL: That's why we did the conceptual
23 zoning map, so you could understand.

24 MR. KORGE: Thank you, by the way.

25 MR. PARDO: There's also --

1 MR. STEFFENS: Because U.S. 1 properties are ¹⁵⁸
2 a whole different world.

3 MR. RIEL: Yeah.

4 MR. PARDO: There's also another issue.
5 What about resolutions that have been approved by
6 previous Commissions, where they had certain --

7 MS. HERNANDEZ: Conditions.

8 MR. PARDO: -- conditions?

9 MS. HERNANDEZ: Those remain. Those
10 conditions remain.

11 MS. LARSEN: Those, the conditions remain.

12 MR. PARDO: They're not going to say, "Oh,
13 you changed," you know, "This was changed and I'm
14 going to take full advantage of this"?

15 MS. HERNANDEZ: No. No, no, no, no.

16 MR. KORGE: 24 hours? I mean, if the
17 concern is that --

18 MR. STEFFENS: I just brought it up.

19 MR. KORGE: -- that the -- No, I think it's
20 a very legitimate point. I've heard you, and we've
21 been hearing that consistently for some time now. I
22 guess that really proves up the squeaky wheel theory.

23 Anyway, I mean, one way to approach it is to
24 say -- you know, to restrict 24-hour uses other than
25 office use, where office use -- you can have office

1 use at night, when somebody is in there at night, ¹⁵⁹
2 working, preparing tax returns or whatever. I mean,

3 that's another way to approach it.

4 MR. RIEL: There's all different means of
5 approaching it.

6 MR. KORGE: Carve out --

7 MR. RIEL: If you provide us some direction
8 in terms of what you want, we will provide you the
9 language. There's, you know, 24-hour uses. There's
10 elimination of those uses. We can go a step farther
11 in terms of more performance standards. We can take
12 some of the minor conditional uses and drop them into
13 the major category. I mean, there's all types of
14 options that are available for us, to make sure that
15 this Board is comfortable that the commercial uses do
16 not impact the single-family.

17 MR. KORGE: We did address that, to a
18 considerable extent, and examine that during the
19 sleep center issue.

20 MR. RIEL: And that's what Staff is
21 presenting in this proposal.

22 MR. KORGE: Right.

23 MR. RIEL: And actually, we've gone a step
24 further and we, throughout that process, have learned
25 some more, and we've gone a step further, to further

1 protect the neighborhood.

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2 But if this Board is desirous for it to go
3 with more criteria or whatever direction, just
4 provide us that direction. We can tell you what
5 other communities have done, and obviously, what Mr.
6 Siemon and Ms. Larsen have experience in.

7 MR. PARDO: You know, for example, in the

8 office uses, you could have, let's say, a phone bank,
9 which could have three eight-hour shifts.

10 MR. STEFFENS: But I think you would exclude
11 something like that.

12 MS. LARSEN: Yeah. A very difficult thing
13 to do. You could put standards on that so that you
14 could make sure that the newer buildings, at least,
15 were designed so that entrance and exits of an office
16 building were not directly adjacent or immediately
17 across the street, but very difficult to apply
18 retrofit performance standards to existing uses.

19 MR. PARDO: A couple weeks ago, someone that
20 I know, a good friend of mine, was telling me about a
21 problem that he had. He lives a block and a half
22 away from an office building. He said the tenants
23 that were there forever, it was, I think, State Farm
24 or Allstate or whatever, they moved out, and they
25 were very good neighbors, never heard, you know, from

1 them. It was just ideal for them. A phone bank went ¹⁶¹
2 in.

3 MS. LARSEN: Uh-huh.

4 MR. PARDO: 24 hours, three shifts, parking
5 all -- because they fit people in there like sardine
6 cans, you know, and they had people parking four
7 blocks away, up and down the swales, people taking
8 cigarette breaks and screaming at three o'clock in
9 the morning like it was noon, because for them, it
10 was noon, and -- you see, where's the protection?

11 MS. LARSEN: Well, there are some things you
12 could do about the employee situation.

13 MR. PARDO: Okay.

14 MS. LARSEN: I mean, in some of the
15 performance standards that we suggested, I believe we
16 actually addressed that, about employees standing
17 outside and, you know, taking cigarette breaks
18 between hours of ten and six or seven or something in
19 the morning.

20 So there are some things you could do for
21 offices. It's just that the standards that we are
22 proposing for what are considered to be more
23 traditional nighttime uses are very specific, and I
24 just don't think they're translatable, necessarily,
25 to an office.

1 MR. PARDO: When you have 24-hour uses, does ¹⁶²
2 Code Enforcement work 24 hours?

3 MS. LARSEN: No.

4 MS. HERNANDEZ: No.

5 MR. PARDO: Because -- they don't?

6 MS. LARSEN: No, but code enforcement mostly
7 operates -- I don't know about this City, but by
8 complaint.

9 MR. PARDO: Within a two-block area around
10 my house, I have, every night, six, seven pickup
11 trucks. They're there at night, then they leave.

12 MS. LARSEN: Right. Right.

13 MR. PARDO: They're commercial trucks.

14 MS. LARSEN: But then the neighbors --

15 MR. PARDO: You know, I call Code
16 Enforcement and they tell me, "Well, we don't work at
17 night."

18 MR. RIEL: But you can call the Police
19 Department. You can call the Police Department, and
20 that complaint will go over to Code Enforcement.

21 MR. PARDO: Do you want to see them? I
22 mean, they're there. They're there, and I just
23 think -- and I want to be, you know, clear -- the
24 more we make these things up, at the end of the day
25 we have to look at enforcement.

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1 MS. LARSEN: Right.

2 MR. PARDO: You know.

3 MS. LARSEN: Correct.

4 MR. PARDO: One thing is, you go in and you
5 get your CO and you get your licenses and you renew
6 them and people are working according to the law.
7 That's not -- and they get building permits, et
8 cetera, and they work. But the thing is, when these
9 restrictions are in there, it becomes almost
10 impossible from a code enforcement standpoint.

11 MS. HERNANDEZ: But we have -- and as she
12 said, that Code Enforcement, definitely, in the City
13 of Coral Gables, operates largely by complaint, and
14 we have had establishments -- I can tell you that we
15 shut down Giocosa, when they were having their
16 illegal nightclub. That was a nighttime activity.
17 The Pub was serving only alcohol and, you know, we
18 sent Code Enforcement out there.

19 So, you know, we do respond to complaints
20 and we do try and fulfill whatever this Board has,
21 you know, directed and the Commission has adopted.
22 Code Enforcement is, I believe, very good at trying

23 to follow up with that.

24 MR. MAYVILLE: Michael, we've got about ten
25 minutes. Do you want to get down to some specifics

1 that we can --

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2 MR. KORGE: I've got to be going soon.

3 MR. MAYVILLE: As I say, do we want to get
4 some specifics on board that we can make as a summary
5 motion to the Staff?

6 MR. STEFFENS: I don't think we got all the
7 way through 4, did we?

8 MS. LARSEN: Well --

9 MR. KORGE: We really did go into this
10 point.

11 MS. LARSEN: We really did. We got through
12 the transitional issues. Let me just pull -- Can I
13 have one more interrupt, Mr. Chairman?

14 MR. STEFFENS: If someone would like to --

15 MR. MAYVILLE: No, she has one more point
16 she wants to make.

17 MS. LARSEN: Just one more point, is that as
18 you're considering limiting the number of uses that
19 might have some nighttime characteristics in this
20 district, remember, you need to look and consider
21 what's permitted now, and hotels are permitted, for
22 example.

23 MR. STEFFENS: I know.

24 MS. LARSEN: Yeah, and --

25 MR. STEFFENS: That's a problem.

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1 MS. LARSEN: And that's why we have
2 performance standards in here for hotels.
3 MR. STEFFENS: And would hotels --
4 MS. LARSEN: To eliminate them --
5 MR. STEFFENS: Would hotels be a major
6 conditional use?
7 MS. LARSEN: Yes.
8 MR. STEFFENS: But this --
9 MS. LARSEN: Over a certain size. Over a
10 certain size.
11 MR. STEFFENS: Not just any hotel?
12 MS. LARSEN: No. The way we have it, we've
13 actually said not more than eight rooms is permitted,
14 and then for less than a hundred is minor. So you
15 might want to move the break, so over a hundred is
16 major.
17 MR. KORGE: Less than a hundred is minor?
18 MS. LARSEN: Less than a hundred is minor,
19 the way it is.
20 MR. STEFFENS: It's for us to change.
21 MR. MAYVILLE: We have these little details
22 that we sort of find on the fly. We don't -- you
23 know, we just hit them by accident.
24 MR. STEFFENS: I think you cover it by
25 saying, any nighttime use is --

1 MR. MAYVILLE: No, I don't mean that. I ¹⁶⁶
2 mean, how do we know -- These little things are
3 popping up, you know, like Felix --
4 MS. HERNANDEZ: Because we're going through
5 them with you.

6 MR. MAYVILLE: Yeah, but we only got these
7 by, you know --

8 MR. STEFFENS: By asking questions.

9 MR. MAYVILLE: Well, I'm saying, how many
10 more things, surprises, are in there that we haven't
11 asked the right --

12 MR. RIEL: Well, we could go through the CL
13 district, and you'd go down the chart and we would go
14 through each use and say, "Okay, this is a use that's
15 permitted," you know. I mean, it's --

16 MR. MAYVILLE: Don't you think we need to do
17 that? I mean, that's --

18 MR. RIEL: We can certainly do that.

19 MR. MAYVILLE: Is that too much detail? I
20 mean, I think, if we're making these changes -- We
21 would do that if we were making a -- If this were not
22 a complete rewrite, we would do that, anyway.

23 MR. STEFFENS: I think, right now, we're
24 looking for the bigger picture. If the bigger
25 picture is, you don't want 24-hour uses in a CL

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1 district, then they become major conditional uses.
2 You say, "Okay, all 24-hour uses are major
3 conditional uses," whether it's a hotel or an ACLF or
4 a restaurant or --

5 MR. RIEL: If that's this Board's
6 direction, provide us that direction and we'll look
7 at the chart, come back and redo it, and then we can
8 go through it, use by use.

9 MR. PARDO: Let's get back to sleep centers
10 for one second. A quick question about sleep

11 centers. The sleep center now has been added in a
12 category here, and we -- you know, are we considering
13 that now something other than where it's allowed in
14 the City right now, which is in hospitals? I don't
15 understand. What -- Was that just taken and plopped
16 or someone made a, you know, tremendous study about
17 why sleep centers should be put where they have been
18 put now?

19 MR. RIEL: It wasn't plopped, but --

20 MR. PARDO: No, no, but what I'm saying is,
21 it was based on what research? What research, that
22 you took a sleep center now -- which today is only
23 allowed in hospital areas, right? And it's been
24 inserted somewhere else. Based on what research?

25 MR. MAYVILLE: Why would it even be

1 switched? I mean, we went through this huge debate. ¹⁶⁸

2 MR. PARDO: I know, but it was switched.

3 MR. STEFFENS: It wasn't switched.

4 MR. PARDO: Yeah, it's in there now.

5 MR. STEFFENS: It never appeared anywhere in
6 the Code.

7 MS. LARSEN: It's not listed as a sleep
8 center.

9 MR. PARDO: I'm sorry?

10 MS. LARSEN: It's not listed as a sleep
11 center.

12 MR. PARDO: What's it listed as?

13 MS. LARSEN: A medical clinic.

14 MR. RIEL: Medical clinic.

15 MS. LARSEN: Medical clinics cannot have

16 overnight stays which exceed 24 hours, which is
17 basically the limitation on sleep center that I heard
18 everybody talk about.

19 MR. PARDO: Are sleep centers in here --

20 MS. LARSEN: Not listed as a separate use.

21 MR. PARDO: Okay. Based on this rewrite,
22 where do sleep centers go? Where are they allowed?
23 Where are they allowed?

24 MS. LARSEN: If it's a medical clinic that
25 doesn't have overnight stays exceeding 24 hours, they

1 are permitted as a major conditional use -- 169

2 MR. KORGE: Exceeding 24 hours?

3 MS. LARSEN: -- in the CL district.

4 MR. KORGE: Or not exceeding 24 hours?

5 MS. LARSEN: Did I say that one backwards?

6 MR. KORGE: I probably heard you wrong.

7 MS. LARSEN: No, I may have misspoken. I
8 meant to say not exceeding 24 hours.

9 MR. KORGE: Okay.

10 MR. PARDO: What do you want to do?

11 MR. STEFFENS: Would you like to go through
12 all of the -- I mean, if we're going to go through
13 all of the issues --

14 MR. MAYVILLE: If you want to keep the
15 broader picture, let's keep it broader, but I think
16 we need to give some kind of summary to Staff.

17 MR. RIEL: Provide us the broader picture,
18 and we'll come back when we talk about the issues
19 specifically and modify the uses based upon that
20 broader picture that you brought us.

21 MR. STEFFENS: Your feeling on this section
22 is -- We need to get some consensus here.

23 MR. MAYVILLE: The first issue is, do we
24 want to reduce from three districts down to two? I
25 have no objections to that, that concept.

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1 MR. PARDO: The residential?

2 MR. MAYVILLE: Yeah.

3 MR. STEFFENS: No, we're talking about
4 commercial.

5 MR. MAYVILLE: No, commercial.

6 MR. RIEL: Commercial.

7 MR. STEFFENS: Not residential.

8 MR. MAYVILLE: If you want to move three to
9 two, I don't have a problem with the concept.

10 MR. KORGE: I don't have a conceptual
11 problem with it.

12 MR. STEFFENS: Okay.

13 MR. MAYVILLE: Felix, do you have any
14 problem with that?

15 MR. RIEL: Can I get a motion?

16 MR. MAYVILLE: Well, that's what I'm saying.
17 We're sort of moving down the --

18 MR. KORGE: Why don't you make a motion?

19 MR. MAYVILLE: There's no point in making a
20 motion, if we don't have --

21 MR. KORGE: Make a motion and I'll second.

22 MR. MAYVILLE: You know, there's no point in
23 it if we've got to have --

24 MR. KORGE: It's like the TDR. You make a
25 motion and second, we'll vote, and then we'll know.

1 MR. PARDO: Okay, my question, for me to
2 understand it, is, the categories that are in CL are
3 broken out of CA and -- these are specific
4 requirements. What is included in CL, versus C,
5 which are not included in CA, CB and CC presently?

6 MR. RIEL: There's a comparison chart that
7 you have in your packet. There's also the use
8 chart. Not in the packet, no, in the book, in the
9 binder. In the binder. It's the first part.

10 MR. STEFFENS: But the motion -- The motion
11 is, is there something -- is there a conceptual
12 problem with reducing from three zoning districts to
13 two zoning districts?

14 MR. PARDO: I have a problem with it, for
15 one reason, because this goes back to a map. Where
16 are the CA, CB, CC uses, compared to the new CL, C
17 uses, in comparison with that map? Do you follow
18 what I'm trying to say?

19 In other words, you're reducing it. I'm not
20 saying it's wrong. I'm just saying, if you look at
21 CA, CB, CC, physically on the existing zoning map,
22 how has it changed when you reduce it to the two
23 uses, the CL/C use, in this conceptual map? That's
24 why you can't do one without the other.

25 MR. STEFFENS: Okay. So the resolution on

1 two to one is, there is no resolution at this time,
2 until we have some additional clarification on how
3 the uses shifted between the two classifications,
4 from three to the two classifications.

5 MR. PARDO: And what I'm trying to do,
6 Michael, is understand if this -- if the CA, CB, CC
7 are located in specific areas.

8 MR. STEFFENS: Were located.

9 MR. PARDO: Or were -- well, they are,
10 presently.

11 MR. STEFFENS: Right.

12 MR. PARDO: Okay, they are presently located
13 in certain areas. I want to understand the specific
14 uses. When I see that area, I may understand why
15 there was a CA versus a CB versus a CC, for the
16 specific location of that area in our existing Zoning
17 Code, and you changing it to -- and I understand a
18 conceptual. I want to see if, all of a sudden now,
19 you know, a car dealership gets shifted from here
20 physically and now it's allowed there, where it's not
21 allowed today.

22 MR. RIEL: I'd be happy to sit down with you
23 and go over the map and the uses and the changes.
24 I'd be happy to do that.

25 MR. PARDO: I think the whole Board should

1 understand, you know, crystal clear. 173

2 MR. RIEL: We can certainly do that.

3 MR. PARDO: You follow? I know it's very
4 tedious, Eric, but what I'm saying is --

5 MR. RIEL: No, if that's what you --

6 MR. PARDO: -- if it's physically located
7 here, and the limitations are uses are here --

8 MR. STEFFENS: I think it can be done in big
9 blocks. This is CA, we're changing it to this, it

10 affects this.

11 MR. PARDO: And then the list of the uses
12 right next to it. In other words, just the
13 difference, the net difference.

14 MR. RIEL: You have that information, but
15 it's not in that form. But we can transform it into
16 that form.

17 MR. STEFFENS: Do it on a little map and
18 we --

19 MR. RIEL: We can transform it into that
20 form.

21 MR. PARDO: Because then that way, you're
22 looking at the -- really, the contextual use and how
23 it could conceivably shift.

24 MR. STEFFENS: Okay.

25 MR. RIEL: So there's no resolution on this

1 matter? 174

2 MR. STEFFENS: There is no resolution on
3 that item.

4 MR. RIEL: And there's no vote taken. Okay.

5 MR. STEFFENS: Commercial uses, policy
6 issue. Consolidation of commercial uses from more
7 than 200 different uses into 57 use categories.

8 MR. MAYVILLE: Well, again, I think it's the
9 same concept.

10 MR. STEFFENS: So it will be covered --

11 MR. MAYVILLE: Conceptually, I don't think
12 we have a problem.

13 MR. STEFFENS: It will be covered with the
14 same map, and we'll look at the changes from the many

15 uses in three districts to the change in 57 uses in
16 two districts.

17 MR. PARDO: Right, and, you know, it's like
18 the example that the consultant just gave, you know,
19 where is the sleep center? No, it's not here, it's
20 not there. You know, I want to understand that,
21 because --

22 MR. RIEL: What we can do is, like I said,
23 since there's 57 uses, we can go through the CL
24 categories. We can go through, one by one, and say,
25 a medical clinic is permitted -- like Southwest 8th,

1 this here.

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2 MR. STEFFENS: Okay.

3 MR. RIEL: We can go to two, here, here,
4 here, and I can point to it.

5 MR. PARDO: I want to make sure that when
6 you bring them down to 57, that medical clinic,
7 medical office and sleep centers don't get
8 consolidated into one new name. Do you follow that?

9 MR. RIEL: Is that the Board's direction? I
10 just want to make sure.

11 MR. PARDO: Well, or if it does, explain it
12 to us.

13 MR. STEFFENS: Well, they are
14 differentiating it by hours of operation. There's a
15 medical clinic that operates eight to six --

16 MR. MAYVILLE: Yeah, but we've got a
17 political issue that's --

18 MR. STEFFENS: -- and there's a medical
19 clinic that operates more than eight to six, but less

20 than 24 hours.

21 MR. MAYVILLE: I understand, but I'm saying,
22 this is an issue that has been a hot political issue
23 for over a year now.

24 MR. STEFFENS: Well, you know, these guys
25 call it a sleep center. Somebody else is going to

1 come in here that doesn't do sleep research and call ¹⁷⁶
2 it something else, and then, if we specifically name
3 this thing a sleep center, we're going to have this
4 issue all over again.

5 MR. KORGE: Right.

6 MR. STEFFENS: So I think the way they're
7 describing it is fine. They're describing it as a
8 medical clinic that operates more than eight or ten
9 hours a day, but less than 24 hours a day, which is
10 theoretically how the sleep center operates.

11 MR. RIEL: We look at the use and operations
12 of the use --

13 MR. PARDO: Okay.

14 MR. KORGE: How many hours of operation.

15 MR. RIEL: -- and potential impact it could
16 have, yes. I mean, we look at it not as, how is
17 this -- you know, what category. We look at it as
18 what the operation within that building is, what
19 potentially is the impact, and what --

20 MR. STEFFENS: Bill, if you think we should
21 describe it as a sleep clinic, they can describe a
22 sleep clinic, but something else is going to come
23 along that doesn't fit into that description and it's
24 not going to be covered, and this issue is going to

25 come up all over again.

1 MR. PARDO: Where is a medical -- oh, gee, I¹⁷⁷
2 had it -- a medical -- an emergency ambulatory
3 center, where is that? How is that classified today
4 and how would it be classified tomorrow?

5 MR. STEFFENS: It would be a 24-hour medical
6 clinic.

7 MR. PARDO: Not necessarily.

8 MS. LARSEN: A hospital.

9 MR. STEFFENS: Or a hospital. That would be
10 a hospital?

11 MS. LARSEN: It would be a hospital.

12 MR. PARDO: Okay, so, you see what I mean?
13 Even if it's eight to five, it wouldn't be 24 hours,
14 but then all of a sudden you could put one of these
15 walk-in emergency clinics -- care centers, and then
16 put it in a CL use, but it doesn't operate 24 hours,
17 in other words, it closes at the end of the day, but
18 still the function is almost like a hospital.

19 MS. LARSEN: Well, it would be permitted.

20 MR. PARDO: I'm sorry?

21 MS. LARSEN: It would be permitted,
22 because the way this is drafted, that particular
23 use would be permitted.

24 MR. STEFFENS: Is that a problem?

25 MR. MAYVILLE: I mean, we can go back over

1 these. I think we're going to lose our quorum in a¹⁷⁸
2 second. I'm just going to say, the last point, the

3 nighttime services, I think we're in general
4 agreement, aren't we, that we want to put in those
5 provisions?

6 MR. STEFFENS: That all nighttime
7 operations are a major conditional use?

8 MR. PARDO: And also on the parking issue,
9 which has a lot to do with, you know, when you're
10 abutting, again, should we look at increasing the
11 parking requirement when you're within a certain
12 distance of single-family --

13 MR. RIEL: And that's a part of the
14 remaining policy --

15 MR. STEFFENS: We haven't gotten to the
16 parking yet.

17 MR. RIEL: That's why I cannot emphasize to
18 the Board, if we could finish and go through all the
19 policy issues, a lot of these questions that you're
20 bringing up, we have answers and recommendations to.
21 If we could go through each of the policies and let
22 you have the big picture -- I'm not talking about
23 this evening, but let us get through and, you know,
24 we can provide you the Parking Advisory Board's input
25 on that issue. These questions you're bringing up,

1 we have answers to, and we look for your direction. ¹⁷⁹

2 MR. PARDO: Okay, I think that's fair.

3 MR. RIEL: I mean, that's why I think it's
4 really important, the next meeting, that we at least
5 allow Staff to go through the remainder of the
6 policies.

7 MR. MAYVILLE: Do we need to make a motion

8 on this last one? Because I sense, on 1 and 2, that
9 there's not going to be a motion, we're just going to
10 have an agreement that -- to stash it.

11 MR. STEFFENS: A motion on the last item?

12 MR. MAYVILLE: I think you've got agreement
13 on that.

14 MR. PARDO: Which one is the last one?

15 MR. STEFFENS: The 24-hour use, all 24-hour
16 uses are a major conditional use approval.

17 MR. PARDO: Right, except that we would
18 change this, where it would go to the Commission for
19 final --

20 MR. RIEL: That's Policy 7, which we're
21 getting to, as well.

22 MR. STEFFENS: All right.

23 MR. KORGE: Okay, when we get to Policy 7,
24 we'll deal with that.

25 MR. RIEL: Exactly.

1 MR. PARDO: Well, you wouldn't want to vote ¹⁸⁰
2 on that until you get that one. I don't feel
3 comfortable with this Board having final --

4 MR. KORGE: Okay, then, let's defer that
5 until we get to that, but, you know, we've got to
6 stay focused. We can't do everything at the same
7 time. It will never get done.

8 We can go back after we, you know, look at
9 Policy Number 7 and Number 4 and say, "Well, did we
10 get Number 4 right?"

11 MR. PARDO: Yeah, but, you see, I would
12 change my --

13 MR. KORGE: Well, then, you can move for
14 reconsideration.

15 MR. PARDO: Okay, that's fine, because I
16 agree with this as a major --

17 MR. KORGE: Right.

18 MR. PARDO: -- but I only agree if it's
19 recommended by this Board and then approved by the
20 Commission.

21 MR. KORGE: Otherwise, you wouldn't make it
22 a major condition?

23 MR. PARDO: No, no, I would make it a major
24 condition, but it would have to come -- when it's a
25 major condition, it comes to this Board, and then it

1 would go to the Commission. 181

2 MR. KORGE: All right.

3 MR. MAYVILLE: Does anybody have a problem
4 with that? Why don't we just go ahead and move that?

5 MR. KORGE: Then move it.

6 MR. MAYVILLE: Okay, I'll move it.

7 MS. HERNANDEZ: So that it's a major
8 conditional use --

9 MR. MAYVILLE: A major condition --

10 MS. HERNANDEZ: -- it's a recommendation to
11 the City Commission.

12 MR. PARDO: From the Planning Board to the
13 Commission.

14 MS. HERNANDEZ: Okay.

15 MR. KORGE: Is there a second?

16 MR. STEFFENS: I can't.

17 MR. PARDO: He can't second, he's the Chair.

18 MR. KORGE: I'll second.
19 MR. PARDO: Second -- okay, you second.
20 MR. MAYVILLE: All right.
21 MS. MENENDEZ-DURAN: Tom Korge?
22 MR. KORGE: Yes.
23 MS. MENENDEZ-DURAN: Bill Mayville?
24 MR. MAYVILLE: Yes.
25 MS. MENENDEZ-DURAN: Felix Pardo?

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1 MR. PARDO: Yes.
2 MS. MENENDEZ-DURAN: Michael Steffens?
3 MR. STEFFENS: Yes.
4 MR. RIEL: If I could just take one minute,
5 I just want -- We do have the uses in here that does
6 reference the current uses, the current categories,
7 and the new category it goes into. So, if you take
8 the map, you can pretty clearly delineate it. It's
9 in the first part of your binder.
10 The second thing is, we're going to start
11 the next meeting talking about parking, because we
12 have the Parking Advisory Board and the Parking
13 Director coming. So I just want to make sure that
14 everybody understands that.
15 MR. KORGE: We need to that --
16 MR. RIEL: Next Wednesday, at 4 p.m.
17 MR. SOMAN: Ladies and gentlemen, thank you
18 very much.
19 MS. HERNANDEZ: Thank you. Thank you.
20 Mr. Chairman, good night. Good night, all.
21 MR. STEFFENS: Thank you.
22 (Thereupon, the hearing was adjourned at

23 111004PZBRewriteVerbatimMinutes.TXT
7:35 p.m.)

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1 CERTIFICATE

2

3 STATE OF FLORIDA:

4 SS.

5 COUNTY OF MIAMI-DADE:

6

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

13

14 DATED this 16th day of November, 2004.

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19 JOAN L. BAILEY, RDR

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