

1 CITY OF CORAL GABLES
2 PLANNING AND ZONING BOARD MEETING
3 VERBATIM TRANSCRIPT
4 CORAL GABLES CITY HALL
5 405 BILTMORE WAY, COMMISSION CHAMBERS
6 CORAL GABLES, FLORIDA
7 WEDNESDAY, MAY 13, 2009, 6:00 P.M.

8 Board Members Present:

9 Tom Korge, Chairman
10 Eibi Aizenstat, Vice-Chairman
11 Robert Behar
12 Jack Coe
13 Jeffrey Flanagan
14 Javier Salman

15 City Staff:

16 Eric Riel, Jr., Planning Director
17 Walter Carlson, Assistant Planning Director
18 Scot Bolyard, Planner
19 Jill Menendez, Administrative Assistant
20 Elizabeth M. Hernandez, City Attorney
21 Martha Salazar-Blanco, Zoning Official
22 Kara Kautz, Historic Preservation Officer
23 Carlos Mindreau, City Architect
24 Alberto Delgado, Public Works Director
25 Kevin Kinney, Parking Director
Fred Couceyro, Park & Recreation Director
Sebrina Brown, concurrency administrator
Jim Kay, Public Works

Also Participating:

Jorge Hernandez, Architect
Josie Ramirez
Amado "Al" Acosta
Alan Savitz
Charles Brown
Carolina Macias
Norman Segall
Alan Sepe
Amanda Quirke, Esq.

24
25

1 THEREUPON:

2 The following proceedings were had:

3 CHAIRMAN KORGE: Well, we've got a
4 quorum. Let's call the roll, please.

5 MS. MENENDEZ: Eibi Aizenstat?

6 MR. AIZENSTAT: Here.

7 MS. MENENDEZ: Robert Behar?

8 Jack Coe?

9 MR. COE: Here.

10 MS. MENENDEZ: Jeff Flanagan?

11 MR. FLANAGAN: Here.

12 MS. MENENDEZ: Pat Keon?

13 Javier Salman?

14 MR. SALMAN: Here.

15 MS. MENENDEZ: Tom Korge?

16 CHAIRMAN KORGE: Here.

17 The first item on our agenda is --
18 let me get the agenda -- approval of the
19 minutes of the meeting of March 11th,
20 2009.

21 MR. SALMAN: So moved.

22 CHAIRMAN KORGE: There's a motion.

23 MR. AIZENSTAT: Just a question. I
24 notice that these minutes are very
25 different to the minutes that we've

1 always received. Is there a reason for
2 that?

3 CHAIRMAN KORGE: I don't think so.
4 Is there a reason for the change in the
5 form of the minutes? They used to be
6 transcripts.

7 MR. AIZENSTAT: Yeah, and I notice
8 this is just an abbreviated version of
9 the minutes.

10 MR. RIEL: Since it was a short
11 meeting, we didn't have a court
12 reporter, we just had Jill do the
13 minutes.

14 CHAIRMAN KORGE: Okay.

15 MR. AIZENSTAT: Okay. All right.

16 MR. RIEL: Cost-saving measures.

17 MR. AIZENSTAT: Which is fine.

18 MR. COE: Cost-saving measures.

19 MR. AIZENSTAT: I will second that
20 motion, then.

21 CHAIRMAN KORGE: Any discussion?

22 Hearing none, we'll call the roll
23 on that motion.

24 MS. MENENDEZ: Jack Coe?

25 MR. COE: What are we --

1 CHAIRMAN KORGE: We're moving on
2 the minutes, approval of the minutes.

3 MR. COE: Somebody already moved
4 for it? Yes.

5 MR. SALMAN: Yeah, I beat you to it
6 this time.

7 MS. MENENDEZ: Jeff Flanagan?

8 MR. FLANAGAN: Yes.

9 MS. MENENDEZ: Javier Salman?

10 MR. SALMAN: Yes.

11 MS. MENENDEZ: Eibi Aizenstat?

12 MR. AIZENSTAT: Yes.

13 MS. MENENDEZ: Tom Korge?

14 CHAIRMAN KORGE: Yes.

15 The second item on our agenda is
16 the abandonment of an alley behind the
17 Coral Gables Museum.

18 MR. CARLSON: Good evening.

19 CHAIRMAN KORGE: Good evening.

20 MR. CARLSON: For the record,
21 Walter Carlson, with the Planning
22 Department. The first item that's
23 before the Board this evening is an
24 alley vacation. This alley vacation is
25 being brought to you by City Staff. The

1 alley vacation is required for the
2 construction of the new City Museum
3 project. The portion of the alleyway
4 which is supposed to be vacated bisects
5 the project site. That portion is
6 proposed to be vacated and a new access
7 easement provided.

8 We have -- The property is
9 historically designated, and we have
10 Kara Kautz, who's the City's Historic
11 Preservation Officer, and Jorge
12 Hernandez, who is the project architect,
13 here to present you details of the
14 proposal.

15 But before they start, I would just
16 like to inform the Board that the
17 construction on the project for the new
18 museum is well under way, and that the
19 Planning Department is recommending
20 approval of the alley vacation.

21 With that, I'll turn it over to
22 Kara and Jorge.

23 MS. KAUTZ: Hi. Good evening.

24 I am Kara Kautz, the City's
25 Historic Preservation Officer, and we

1 are spearheading this effort to get the
2 alley vacated. As Wally mentioned, with
3 me is Jorge Hernandez the project
4 architect, and also Christine Rupp,
5 who's the Director of Operations for the
6 Coral Gables Museum.

7 We have a series of boards to
8 explain the project and what we're
9 proposing, so we'll get those ready. Do
10 you want to --

11 Can you all see from there? Is
12 that okay?

13 MR. HERNANDEZ: Is there a --
14 Hello? No. Oh, well. Is that one on?

15 CHAIRMAN KORGE: I don't know.

16 MR. HERNANDEZ: No. No, that's not
17 on. Anyway --

18 CHAIRMAN KORGE: Is there a switch?
19 Try the switch.

20 MR. AIZENSTAT: It's on.

21 MR. HERNANDEZ: Okay, hi. Jorge
22 Hernandez, 337 Palermo, the architect
23 for the museum project, and as Kara
24 Kautz said, we are here just to talk
25 about an alley vacation. If you like,

1 I'll point out that portion of the lot
2 or block in question, so you understand.

3 This is Aragon Avenue. The
4 historic Police and Fire Station
5 building is here on the corner of Aragon
6 Avenue and Salzedo, and the new Fewell
7 Gallery and public park, which will be
8 built -- is being built, I should say --
9 is being built in the old parking lot,
10 which is defined by Giralda and Salzedo,
11 comprise the perimeter of the project
12 site.

13 The portion of the alley that's
14 being vacated is from the east corner of
15 the Fewell Gallery all the way to the
16 west, and the reason for that is so that
17 the public park will enjoy pedestrian
18 activity unencumbered by alley
19 functions, but most importantly, so that
20 an un-air-conditioned breezeway which is
21 currently a part of the project can be
22 fully enclosed, and the benefits of
23 enclosing it is that then you'll be able
24 to go from the gallery and the historic
25 building to the new Fewell Gallery

1 without breaking a security barrier and
2 a temperature barrier. The types of
3 exhibits and the types of artworks and
4 the types of insurance coverage that
5 we're required to have would be greatly
6 benefited if we could do this and we
7 could provide an air-conditioned covered
8 passage between the two gallery spaces.

9 And the enjoyment of this space
10 will remain for the public. In other
11 words, this is public land currently,
12 and when it is vacated and we glaze in
13 the breezeway and make it an
14 air-conditioned connector, it will
15 remain public land.

16 I also have drawings, if you'd like
17 to see them, as to the covered breezeway
18 as it was permitted, now, because we
19 have obtained an easement over the alley
20 for the breezeway, and we're coming for
21 a vacation where the easement once was.
22 I have drawings of the covered breezeway
23 and I'll show you that there's no
24 general massing change between the
25 covered breezeway and the glazed

1 air-conditioned corridor.

2 Let me get that board.

3 So this is what was permitted.

4 Here is the corner of the historic
5 building, this is the space of the
6 alley, and here is the corner of the
7 Fewell Gallery, and we were going to
8 build a roof across the alley, about 12
9 feet wide, that was going to produce a
10 covered connection. We were going to
11 have a wrought iron gate securing that
12 experience from the rest of the alley.

13 And then if we show what we're
14 proposing, all that we're proposing is
15 glazing in exactly the space under the
16 roof. So it's exactly the same
17 footprint under roof; we're just glazing
18 it in and air conditioning it.

19 And then we have here some
20 elevations of the existing proposal.
21 Here's the existing proposal. Here's
22 the tower of the Police and Fire
23 Station. Here is the corner of the
24 Fewell Gallery. Here is the roof
25 connecting the two, back in space. This

1 was the wrought iron gate, and then in
2 the next view, you'll see that there are
3 the same features I described, the
4 tower, the Fewell Gallery, the roof, and
5 all we're doing is filling in the wall
6 under the roof to provide, you know,
7 French doors and air conditioning.

8 Do you want to go through the
9 dedication?

10 MS. KAUTZ: Uh-huh.

11 MR. HERNANDEZ: We have worked with
12 the Director of Public Works and with
13 Kara and with the Board of Architects
14 and with the Fire Chief, and they had no
15 objection to this work whatsoever. And
16 on top of that, the alley has been
17 closed for the last seven months while
18 we've been in construction, and it has
19 not affected -- negatively impacted any
20 of the property owners. There are no
21 property owners that have opposed any --
22 have shown any opposition to the
23 proposal.

24 MS. KAUTZ: I think there's one.

25 MR. HERNANDEZ: Oh, there was one?

1 MS. KAUTZ: In your packet, there
2 was one person who noted an objection.

3 MR. HERNANDEZ: This drawing shows
4 that this is the portion of the alley
5 that would be vacated. This is a
6 portion of the City's property that will
7 be dedicated, so that people can come to
8 the end and turn around if they'd like
9 to, so nothing will ever be built there,
10 and then this -- these two gray linear
11 areas are the driving lanes in the City
12 parking lot, so that a person could come
13 to the end, back up, and doesn't even
14 have to go to the end of the block,
15 could exit through the City parking lot,
16 because the City owns space on both
17 sides of the adjacent private building.

18 Do we have the full --

19 CHAIRMAN KORGE: Is there going to
20 be signage by the parking lot to
21 indicate there's no exit there?

22 MR. HERNANDEZ: Yes, there will.

23 Do we have the full block plan
24 somewhere?

25 We have a full block plan. Let us

1 locate that.

2 It should be the largest one,
3 right, Kara?

4 MS. KAUTZ: It's not there?

5 MR. HERNANDEZ: Let's see. Here it
6 is. This shows -- Can you see the very
7 light gray tint?

8 MS. KAUTZ: It's in your packet, as
9 well.

10 MR. HERNANDEZ: It's in your
11 package. It shows the footprint of the
12 whole block. So this is the City
13 parking lot, and these are the two lanes
14 that are being dedicated, so that people
15 can back out at the mid block, and the
16 signage will be right here. The signage
17 you refer to will be right here.

18 (Thereupon, Mr. Behar arrived.)

19 CHAIRMAN KORGE: Just note for the
20 record that Robert Behar has arrived.

21 MR. BEHAR: Thank you.

22 MR. COE: Now, if I might ask a
23 question, it seems to me before you
24 closed off the alley, I guess last fall,
25 you could -- if you were going through

1 the drive-in teller at Bank of America,
2 you'd be able to make a right-hand turn,
3 go down the alley, and go into Salzedo
4 Street, and you won't be able to do that
5 anymore.

6 MR. HERNANDEZ: No.

7 MR. COE: You'd have to go back
8 over -- out through a parking lot.

9 MR. HERNANDEZ: This is the
10 drive-in teller here.

11 MR. COE: Yeah.

12 MR. HERNANDEZ: Yeah. You'll make
13 a right and go down the alley and go out
14 through either of the lanes of the
15 parking lot, yes.

16 MR. COE: Okay.

17 MR. HERNANDEZ: I think that's it.

18 Also -- I mean, another point that
19 we should mention is that this building,
20 which is the adjacent -- it used to be
21 the Caramelo's Restaurant building --
22 has a series of courts off the alley.
23 Of course, those are not being, in any
24 way, shape or form, altered. So there
25 are multiple opportunities for backing

1 up and getting out of the alley, and
2 this is what was checked with Public
3 Works and with Fire.

4 MR. AIZENSTAT: What are those
5 courts used for presently?

6 MR. HERNANDEZ: Parking and
7 delivery.

8 MR. AIZENSTAT: If cars are parked
9 there, you'll still be able to turn
10 around and use that?

11 MR. HERNANDEZ: Yes. The
12 turnaround for all vehicles was
13 maneuvered within the museum property.
14 That's why we're dedicating that shaded
15 L-shaped portion of our property.

16 So, along with the vacation is the
17 two dedications, the lanes through the
18 parking lot and that portion of the
19 museum property.

20 CHAIRMAN KORGE: Any questions of
21 the applicant?

22 MR. COE: Move the City's
23 recommendation.

24 MR. SALMAN: Second.

25 CHAIRMAN KORGE: Well, first let's

1 open it to any comment from the public.
2 Anybody in the public wish to speak on
3 this issue?

4 Did anybody sign up to speak on
5 this one?

6 MS. MENENDEZ: No.

7 CHAIRMAN KORGE: No? Okay. So --

8 MR. AIZENSTAT: If I may, I have
9 one question.

10 CHAIRMAN KORGE: Yeah, sure.

11 MR. AIZENSTAT: The Building
12 Department and Zoning Department, once
13 you enclose your area, they're okay with
14 your square footages and so forth?
15 There's no problems with that?

16 MR. HERNANDEZ: Yes. This building
17 is way below the FAR cap.

18 MR. AIZENSTAT: That's all, thank
19 you.

20 CHAIRMAN KORGE: So you were about
21 to make a motion?

22 MR. COE: I think I already moved
23 City's recommendation. I'll do it
24 again, Mr. Chairman.

25 CHAIRMAN KORGE: There's a motion

1 to approve as recommended. Is there a
2 second?

3 MR. SALMAN: Second.

4 MR. FLANAGAN: May I ask one more
5 question?

6 CHAIRMAN KORGE: Yes.

7 MR. FLANAGAN: If the width of the
8 enclosed area is the same as the old
9 breezeway that had an easement, is there
10 a reason why we're vacating what seems
11 to be a much larger portion of the
12 alley, rather than just enclosing the
13 breezeway over the existing easement?

14 MR. HERNANDEZ: Yes, the Director
15 of Public Works recommended that,
16 because he said when you vacate, you
17 have to -- there's something in the Code
18 that says you have to vacate towards the
19 street, whereas an easement is just for
20 an -- it could be for an overhang or an
21 encroachment, so you literally just do
22 the easement under the footprint of the
23 structure that encroaches. But when you
24 vacate, you vacate from said point all
25 the way to the next street. That -- so

1 it was Albert Delgado that recommended
2 that.

3 CHAIRMAN KORGE: Any discussion?
4 It's been moved and, I believe,
5 seconded. Javier, you seconded it?

6 MR. SALMAN: Yes, sir.

7 CHAIRMAN KORGE: Any discussion on
8 the motion?

9 Hearing no further discussion,
10 let's call the roll, please.

11 MS. MENENDEZ: Jack Coe?

12 MR. COE: Yes.

13 MS. MENENDEZ: Jeff Flanagan?

14 MR. FLANAGAN: Yes.

15 MS. MENENDEZ: Javier Salman?

16 MR. SALMAN: Yes.

17 MS. MENENDEZ: Eibi Aizenstat?

18 MR. AIZENSTAT: Yes.

19 MS. MENENDEZ: Robert Behar?

20 MR. BEHAR: Yes.

21 MS. MENENDEZ: Tom Korge?

22 CHAIRMAN KORGE: Yes.

23 MR. HERNANDEZ: Thank you very
24 much.

25 CHAIRMAN KORGE: Thank you.

1 MR. RIEL: And just for a matter of
2 the record, it's going to the City
3 Commission on May 26th and June 2nd.

4 CHAIRMAN KORGE: The next item on
5 our agenda is the proposed Zoning Code
6 text amendment defining the term country
7 club as used in the Special Use "S"
8 District designation.

9 MR. CARLSON: Yes. The second item
10 which is before the Board this evening
11 is a Zoning Code text amendment, and
12 this, too, is being brought forward to
13 you by City Staff.

14 The Code currently does not specify
15 country club as a listed use within the
16 list of "S" Special Use Zoning District,
17 and -- which is the appropriate zoning
18 district for country clubs. It doesn't
19 specify that as a use, and it does not
20 provide a definition of the country
21 club. These are essentially technical
22 amendments to clarify the Code for
23 future interpretation by the Building &
24 Zoning Staff.

25 If you go into your Staff Report,

1 you will see that country club is added
2 to the list of allowed uses, all of them
3 which you will see are zoned "S," and
4 also, there is a definition for country
5 club.

6 CHAIRMAN KORGE: Is it fair to
7 assume that this definition is --
8 conforms to the existing country club
9 uses that are previously undefined?

10 MR. CARLSON: That is correct. It
11 covers all the uses there which are
12 currently there, so in the future, they
13 would still be permitted.

14 CHAIRMAN KORGE: So it's not
15 creating any nonconforming uses or
16 anything like that?

17 MR. CARLSON: No.

18 CHAIRMAN KORGE: Okay.

19 MR. SALMAN: Have you had any input
20 from any of the other existing country
21 clubs with regards to definitions and
22 uses?

23 MR. CARLSON: No, we did not.

24 MR. SALMAN: There aren't that
25 many, you know.

1 MR. CARLSON: No.

2 CHAIRMAN KORGE: Any questions or
3 discussion on this?

4 MR. COE: I move the City's
5 recommendation.

6 MR. FLANAGAN: Second.

7 CHAIRMAN KORGE: I have a motion
8 and a second. Any discussion on the
9 motion to approve the City's
10 recommendation?

11 No discussion. Let's call the roll
12 on that, please.

13 MS. MENENDEZ: Jeff Flanagan?

14 MR. FLANAGAN: Yes.

15 MS. MENENDEZ: Javier Salman?

16 MR. SALMAN: Yes.

17 MS. MENENDEZ: Eibi Aizenstat?

18 MR. AIZENSTAT: Yes.

19 MS. MENENDEZ: Robert Behar?

20 MR. BEHAR: Yes.

21 MS. MENENDEZ: Jack Coe?

22 MR. COE: Yes.

23 MS. MENENDEZ: Tom Korge?

24 CHAIRMAN KORGE: Yes.

25 MR. CARLSON: Thank you.

1 And the last item on our agenda is
2 an update of the City's Comprehensive
3 Land Use Plan and map.

4 Eric, are you going to lead us on
5 this, please?

6 MR. RIEL: Yes, I am, Mr. Chair.

7 Good evening, Board Members and
8 members of the public. I'm Eric Riel,
9 Planning Director with the City.

10 What I'd like to do is, I'd like to
11 go through a PowerPoint this evening.
12 It's about 20 minutes in length, provide
13 you an overview of the process, but
14 before I start, I just want to indicate
15 that the Staff Report and copies of the
16 Comprehensive Plan are with Jill up
17 there, so if anybody would like a copy.
18 Also, we have -- as in the past, we put
19 everything on the City's web page for
20 easy downloading.

21 First off, let me introduce you to
22 the team that was involved in this
23 update of the Comprehensive Plan. The
24 City hired a consultant, basically, the
25 Corradino Group, and they're here this

1 evening, Joe Corradino, the president,
2 Ms. Scarlet Tenen, the senior planner
3 with the firm. They assisted us in the
4 update of the Comprehensive Plan
5 greatly, and we look forward -- we
6 really enjoyed working with them.

7 All the City department directors
8 worked closely with us. Every
9 department director and members of the
10 Staff assisted us. Specifically,
11 Building & Zoning Department helped us,
12 they're here this evening; Historic
13 Preservation; the Parking Department;
14 and Public Works; as well as the
15 Planning Department; as well as the City
16 Attorney. So this was basically a group
17 effort, included a lot of input from all
18 the departments, and with that, I'm
19 going to present you the PowerPoint, and
20 Walter, if you could turn down the
21 lights.

22 CHAIRMAN KORGE: Do you want to
23 hold all the questions till the end of
24 the presentation?

25 MR. RIEL: Yes, thank you,

1 Mr. Chair. I'd ask that you go
2 through -- I go through the entire
3 PowerPoint. It hopefully will answer
4 some of your questions. If you could
5 jot those down, obviously, at the end of
6 the presentation, we'd be happy to
7 answer any questions you might have for
8 any member of the team, if you have
9 very, very specific questions regarding
10 various elements of the Comprehensive
11 Plan.

12 Basically, the Comprehensive Plan
13 is divided into 14 different elements.
14 What we did is, we created logos. We
15 also created new names for the elements,
16 and I'm going to go through those.

17 Basically, there's 14 different
18 elements. The new elements are
19 Administration, Design, Public Safety
20 and then a Green Element.

21 Basically, the organization of the
22 document is, in front of each element,
23 there's an executive summary of what the
24 changes are in each element. Obviously,
25 the new name of the element. We have a

1 Vision Statement, which is new to the
2 Comprehensive Plan. It's a two-column
3 format. The first column is the current
4 comprehensive language in strike-out and
5 underlined format, that indicates the
6 changes. The second column shows you a
7 clean version.

8 You notice, as you go through the
9 document, you see check marks at the end
10 of each of the goals and objectives.
11 Those are additions or deletions based
12 upon the State's review of the element.
13 There's numerous goals and objectives
14 that were subject to evaluation, and
15 those are noted, as I indicated, in the
16 check. As I indicated, we created 14
17 element logos.

18 Basically, what is this agenda item
19 about? You know, what is the
20 Comprehensive Plan, what are the EAR-
21 based amendments, what changes are
22 proposed, what is the Planning
23 Department's goals and the City's goals,
24 and then what are the next steps?

25 Again, what is this item about?

1 Provide an overview of the EAR-based
2 amendments, introduction of the Comp
3 Plan, and we'd like to seek the Board
4 and obviously the public's input.

5 What is the Comprehensive Plan? In
6 1985, the Growth Management Act was
7 implemented, which requires all local
8 governments to adopt a Comprehensive
9 Plan to guide the future development of
10 the City. It must contain certain
11 elements that deal with future land use,
12 transportation, and basically planning
13 and growth issues. Each element has
14 goals, objectives and policies, and many
15 of those are required by the State.
16 They're general in nature, and they're
17 meant to implement the Zoning Code, the
18 City Code and other regulatory
19 documents.

20 I know this is kind of hard to
21 read, but what this is, is, this is a
22 preface of the Comp Plan. It kind of
23 gives you an overview, and it's the
24 first page in your document. I put this
25 up here because I want to, you know,

1 note your attention to how we got to
2 this point, and I'm going to go through
3 in a little bit more detail.

4 You recall the Charrette. I'm
5 certain you recall the update of the
6 Zoning Code, the 50-plus meetings we had
7 over the three-year span. That is the
8 basis for these new goals and
9 objectives.

10 You certainly remember the interim
11 zoning regulations on the single-family
12 residence, and you probably don't
13 remember, but about 18 months ago, we
14 went through the actual preparation of
15 the EAR document or Evaluation Appraisal
16 Report. That was back in 2006.
17 2007, I'm sorry.

18 Again, you remember that document,
19 the Charrette. Many of you participated
20 in that process, a very successful
21 visioning process for the City.

22 The interim single-family zoning
23 regulations, we did that in advance of
24 the Zoning Code rewrite, what's known as
25 the McMansion issue.

1 And obviously, the Zoning Code, a
2 total rewrite, comprehensive rewrite of
3 a 350-page document.

4 Again, the purpose of the Zoning
5 Code and the purpose of the Comp Plan:
6 Promote, protect historical
7 architectural character of the City,
8 improve the quality of life, preserve
9 residential properties, stable and
10 orderly development, preservation and
11 protection, zoning districts which
12 achieve civic design in relationship to
13 one another, protect property values,
14 minimize and reduce conflicts between
15 various land uses. I just wanted to
16 highlight, that's the purpose of a
17 zoning code.

18 We completed an affordable housing
19 study. That is also background
20 information. That was done in 2006.

21 What is the Comprehensive Plan?
22 The last major revision was done in '97.
23 At -- the current plan has 10 elements.
24 Nine of those are required by the State.
25 The City, at that time, had an optional

1 historic preservation element, obviously
2 giving the value that that has with the
3 City.

4 Problems with the current Comp Plan
5 is, obviously, it's out of compliance.
6 '97 was some time ago. It's outdated.
7 It's inconsistent with the Zoning Code.
8 In my opinion, it's over-technical.
9 It's not general in form. It needs to
10 be less specific, because that's the
11 function of the land development
12 regulations, not a future plan of the
13 City. And -- don't take this offense,
14 City Attorney -- it has a lot of legal
15 jargon in it --

16 MS. HERNANDEZ: Thank you.

17 MR. RIEL: -- that I don't think is
18 necessary.

19 MS. HERNANDEZ: My pleasure.

20 MR. RIEL: And in some facets, I
21 will say, it's outright boring.

22 EAR-based amendments, basically,
23 these are required amendments pursuant
24 to the previous document you saw in
25 2007. Every local government has to go

1 through this process every seven years.
2 It's called the Evaluation Appraisal
3 Report, or EAR for short.

4 As I said, we adopted it in April
5 of 2006. It went to the State for
6 review. They take about six months, and
7 then it came back for final adoption in
8 October of 2007.

9 We have to amend the Comprehensive
10 Plan within 18 months of that 2007 date.
11 That 18 months happened March -- a
12 couple months ago. We're not the only
13 ones behind. In fact, these are a
14 listing of other local governments that
15 have due dates that are exceeded by
16 almost a year or 18 months later: North
17 Miami Beach, Pinecrest, Pompano.
18 Typically, local governments are behind
19 in this process, because obviously,
20 lately, the economy had issues,
21 resources are issues, but I just kind of
22 want to give you a framework. In terms
23 of being late, we're only two or three
24 months behind.

25 What happens if the City doesn't

1 adopt? We cannot process any more
2 amendments. We cannot process any
3 changes to the map or the text. And
4 possibly the State could issue
5 sanctions, stop State grants. My
6 knowledge is that I don't think they've
7 ever done that, but that's an option
8 that's available. My experience being
9 10 years in Florida and 10 years prior
10 to that, I don't think I've ever heard
11 of a local government having sanctions
12 because they didn't adopt a Comp Plan,
13 but I'm just providing that for your
14 information.

15 What changes are being proposed?
16 The 2006 EAR recommendations, changes to
17 the new growth management requirements.
18 I'm sure you've read the paper, the
19 Legislature is making numerous changes
20 to the growth regulations. We're trying
21 to -- the fact that we're amending it
22 now, trying to include a lot of those
23 recommendations that will be implemented
24 in the coming months or the next
25 legislative -- or next -- the 2010, so

1 we're trying to bring the plan in
2 compliance, and not catch up, but trying
3 to be a little bit more progressive and
4 try to catch a lot of those things.
5 Again, being consistent with the Zoning
6 Code, changes to modernize, streamline
7 and strengthen the plan. I would say
8 that's probably the major portion of the
9 changes. You'll see a change in
10 terminology. There's a lot of outdated
11 terms, because the original Comp Plan
12 does date back until the late eighties,
13 and there really hasn't been a look at
14 the plan from the standpoint of
15 rewriting or updating it.

16 How did we determine issues in
17 2006? Obviously, we held meetings, City
18 Staff input, worked with local
19 governments, the Charrette, the Zoning
20 Code rewrite, housing study. We worked
21 with the Regional Planning Council and
22 the State, other agencies, FDOT.

23 Four issues were identified and
24 approved by the State. One was revision
25 to the Housing Element that deals with

1 workforce or affordable housing;
2 maintenance of the single-family
3 residential neighborhoods; and
4 mitigation of adjoining commercial
5 high-density and residential uses;
6 mitigation of traffic impacts; and
7 strengthening alternative modes of
8 transportation; and then a revision to
9 the -- how we determine a level of
10 service for parks.

11 What are the Department's 10 goals?
12 Obviously, meet the State requirements;
13 implement the EAR recommendations
14 consistent with the Zoning Code; broader
15 general goals; streamline; user
16 friendly; accessible and understandable
17 by lay persons; relevancy.

18 What we're going to do when we get
19 to the final document, we're going to
20 include photographs in the final draft.
21 It actually might be a document you
22 might want to pick up and you might want
23 to read, rather than it just sitting on
24 a shelf. And then our intent is to also
25 make it interactive and-web oriented, so

1 you can do search engines for specific
2 goals, and that's why we did the icons.
3 We're going to create a basically
4 interactive computer-based system, where
5 you can do a search on, you know,
6 residential neighborhoods or traffic or
7 mobility or trolley or any issue.

8 The new elements being proposed, as
9 I -- again, the 14 elements, the same
10 element names as the '97 plan, Future
11 Land Use, Housing, Recreation and Open
12 Space, Capital Improvements, and
13 Historic Preservation. We integrated
14 some of the old names and new elements.
15 Intergovernmental Coordination is now
16 Community Facilities -- Services and
17 Facilities. Governance. Traffic
18 Circulation was the old element, we're
19 calling it Mobility. Conservation is
20 now Natural Resources. Education,
21 the Education name remains the same.
22 And in fact, it was actually adopted
23 about a year ago, if you remember. That
24 was a State requirement.

25 The new elements: Administrative,

1 Design, Public Safety and a Green
2 Element.

3 What I'd like to do now is give you
4 just an overview of each element. The
5 Administrative Element. This interprets
6 or implements the guidelines of the
7 goals and objectives. It has future
8 funding and coordination efforts,
9 procedures for monitoring and updating
10 the Comp Plan.

11 Governance Element. This was known
12 as the Intergovernmental Coordination.
13 We have new policies which address
14 public outreach, public participation
15 between City boards and elected
16 officials, and if I would describe it in
17 one way, more transparency in
18 government. Interdepartmental
19 coordination efforts, and then obviously
20 coordination of the issues that revolve
21 around development.

22 Future Land Use. Basically, the
23 largest change we did in here was, we
24 put this in a table format. Previously,
25 we had a narrative form. The land use

1 classifications, we moved them to the
2 front of the document, because that's
3 typically -- when someone looks at the
4 document, that's what they're interested
5 in, in terms of the intensity and
6 density, excuse me, of development in
7 the City. As you remember, in the
8 Zoning Code rewrite, we told you we were
9 going to remove the floors from the
10 classifications. This is where we're
11 doing that. We're transferring those to
12 feet. And also, basically, there's
13 protection of residential uses adjacent
14 to non-residential uses. We've beefed
15 up those.

16 This is the map change and how it
17 looks in terms of the number of stories
18 that are being removed and how they
19 translate into feet, and that's with the
20 large map on the side here. This is the
21 only change we're making to the map
22 designations themselves, with the --
23 with two or three other map changes that
24 Scot is going to go over in a couple
25 minutes.

1 Design Element. We have a
2 Mediterranean Ordinance. We don't have
3 a Comp Plan element that supports that.
4 Basically, what we did is created goals
5 to support that element, as well as
6 neighborhood preservation.

7 Community Facilities. Changes --
8 These mainly are changes required by the
9 State, have to do with sewer, level of
10 service, solid waste, drainage and
11 water.

12 Housing Element. We're going to
13 update the land development regulations
14 to provide for affordable housing,
15 update the study, and hopefully come up
16 with regulations in 2011. Again, just a
17 copy of the study.

18 Education, as I indicated, was
19 adopted last year. Really, no changes
20 to this element, just some language
21 updating.

22 Mobility. This was Traffic
23 Circulation. We added a lot of stuff on
24 multi-modal, bicycle, promoting walking,
25 obviously the trolley.

1 Natural Resources, basically
2 updating, pursuant to the State,
3 preserving natural resources, regulating
4 development to minimize impacts.

5 Recreation and Open Space. This is
6 another change that was one the four
7 issues. Basically, the ratios we had in
8 the plan were dealt with on a resident
9 population basis. What we did is, we
10 updated it to include a radius. In
11 other words, the intent was to have
12 available to you parks and recreation
13 facilities within a realistic quarter
14 mile or five-minute walk, 10-minute
15 walk, 15-minute drive, or a 30-minute
16 drive. And those are, depending on the
17 type of park facility, neighborhood
18 parks or regional parks. We found that
19 population standards where you need a
20 tennis court every 5,000 was not
21 realistic; it was more realistic to put
22 the use in proximity to where it's
23 actually used.

24 Historic Resources, we just updated
25 the element to be consistent with

1 changes to the Zoning Code, TDR support,
2 and enhancing, obviously, single-family
3 and preservation.

4 The Coastal Management Element,
5 updated emergency planning and public
6 safety outreach efforts. Basically,
7 what we created here was a public safety
8 element. We actually have level of
9 service for fire and police, which was
10 not in the previous Comp Plan, and we
11 worked closely with the Fire and Police
12 Department. Again, this is a new
13 element.

14 Capital Improvements. This
15 basically deals with requirements that
16 the State required us to do, to make
17 sure that facilities are available when
18 they're needed to be, obviously, tapped
19 into, and it basically deals with level
20 of service changes and facilities needs.
21 This was probably one of the more
22 stringent requirements that the State
23 enacted in terms of the recent changes
24 in the past couple years.

25 And then the Green Element, a new

1 element, and this is just to provide
2 guidance for conservation of natural
3 resources, incentives for green
4 technology, increase in tree canopy,
5 conservation of energy, energy-efficient
6 land use patterns, partnering with other
7 local governments, and that basically --
8 that's a new element that we actually
9 had meetings with the State, and they
10 were -- I think we're one of the few
11 local governments, probably the only
12 local government that is submitting a
13 green element to the State for review,
14 and it will form the basis for future
15 development of land development
16 regulations, possibly incentives. It
17 deals with solar panels and all kinds of
18 issues. If you know, that was brought
19 up during the Zoning Code rewrite, and I
20 mentioned to the Board that, you know,
21 that's something we're going to look at,
22 at a later date, but this kind of sets
23 the basis.

24 Let me go ahead and turn it over to
25 Scot, give me a break here for about two

1 minutes, and then I'll be right back up.

2 MR. BOLYARD: Good evening,
3 Mr. Chairman, Members of the Board. For
4 the record, Scot Bolyard from the
5 Planning Department. What we're
6 reviewing is the map inconsistencies.
7 This was as a part of the EAR process.
8 The Planning Department is required by
9 State Statutes to correct
10 inconsistencies between existing zoning
11 map classifications and existing CLUP
12 Map classifications.

13 If you recall, during the Zoning
14 Code rewrite process, 18 inconsistent
15 parcels were corrected. Planning Staff
16 is recommending approval of the proposed
17 changes of land use for the three
18 City-owned properties, to provide
19 consistency with the existing zoning
20 designations and actual use of the
21 properties.

22 The first one is the Coral Gables
23 Museum. This is a change from
24 Commercial, Low and Mid-Rise Intensities
25 to Public Buildings and Grounds. The

1 existing zoning on this parcel is "S"
2 Special Use, which is consistent with
3 the use of Public Buildings and Grounds
4 and the use of the property as a museum.

5 The second parcel is a public open
6 space. This currently doesn't have a
7 land use designation, so we're going to
8 provide it with one of Open Space.
9 Currently, there's just a banyan tree on
10 the property and it's an open lot.
11 This -- again, this property is also
12 zoned "S" Special Use, which is
13 consistent with its use as an open
14 space, and there are no physical
15 improvements to this -- being proposed
16 to this property.

17 The last one, Parcel 3, 395 Campana
18 Avenue, there's actually -- in the
19 Attachment K in the Staff Report, there
20 was an error. It showed the Fairchild
21 Tropical Gardens as having "S" Special
22 Use zoning, when it actually has "SFR,"
23 Single-Family Residential zoning. The
24 correction is noted on one of the
25 handouts, and then the correct

1 Attachment K is also provided. The
2 existing zoning on this parcel is "S"
3 Special Use, which is consistent and
4 would only go to the change of land use.
5 This is being changed from Residential
6 Single-Family, Low Density, to Public
7 Buildings and Grounds, which is
8 consistent with the existing zoning on
9 the parcel, which is "S" Special Use.
10 This -- and which is also consistent
11 with the actual use of the property as a
12 pump station, and no physical
13 improvements are being proposed for this
14 property, either.

15 MR. RIEL: Let me just kind of give
16 you just a couple slides and update,
17 just an overview.

18 Basically, as you know, when we
19 went through the Zoning Code rewrite,
20 one of the main impetus was looking at
21 commercial uses, how they interact with
22 adjoining non-residential uses. The
23 City is very unique, that we have in
24 certain instances properties that are
25 allowed to go eight, 16 stories,

1 adjacent to Single-Family zoning. So
2 our Comp Plan is very -- has a lot of
3 goals and objectives that support that.
4 But we did add additional goals and
5 objectives to further strengthen that,
6 that process, you know, that we went
7 through, you remember, when we went
8 through the CL properties adjacent to
9 the Single-Family.

10 So we did provide additional goals
11 in the Governance Element, again, to
12 promote transparency and encourage
13 public outreach. We strengthened
14 protection for neighborhoods, providing
15 mitigation standards, and as you recall,
16 I'm sure you do, the nighttime
17 provisions, standard provisions that we
18 enacted. We had a number of meetings on
19 those issues. We added some GOPs to
20 basically support that.

21 And if you look on Pages 10 and 11
22 in your Future Land Use Element, you'll
23 see about 10 or 15 additional goals that
24 deal with public outreach, preservation
25 of residential areas, preservation of

1 neighborhoods.

2 As I indicated, we solidified the
3 Mediterranean architecture, the new
4 Design Element. We added within the
5 current -- In the current Comp Plan, we
6 have 22 goals that deal with protection
7 of residential uses in neighborhoods.
8 We added 15 additional, so there's a
9 total of 37 goals and objectives that
10 deal specifically with maintaining,
11 mitigating impacts of, you know,
12 regional traffic issues, mitigating
13 architecture, design and whatnot.

14 We also added goals and objectives
15 in the Housing Element, to maintain
16 sound housing, and then, as I indicated,
17 we updated the Mobility Element. The
18 City is very progressive in terms of
19 traffic calming. And then we tried to
20 promote other means of mobility to
21 lessen traffic, walking, biking and
22 trolley.

23 Basically, 65 goals and objectives
24 are directed toward providing protection
25 to the City's residents and

1 neighborhoods.

2 What are the next steps? After the
3 Planning and Zoning Board recommends
4 approval, it goes to the Commission. If
5 the Board recommends approval this
6 evening, in all likelihood, we'll go to
7 the June 2nd planning -- Commission
8 meeting. They consider it on first
9 reading. After that, it gets shipped up
10 to the Department of Community Affairs.
11 They review it. They will issue what's
12 called an ORC, Objections,
13 Recommendations and Comments, with any
14 changes, and then it comes back for
15 final approval at the Commission.
16 Typically, between first and second
17 reading, it's 90 to 120 days, so it
18 won't be back to the City, probably, you
19 know, till August, September or October,
20 depending on the number of objections.

21 We did initially meet with the DCA,
22 the Regional Planning Council, and did
23 provide an overview, and based upon the
24 consultant and our discussion with them,
25 they were very, very supportive of the

1 efforts we were doing and they were, you
2 know, appreciative of the additional
3 elements, the Green Element and Design
4 Element. So we got a really good
5 feeling from them, and hopefully that
6 transfers into when they actually look
7 at the goals and objectives and provide
8 us comments.

9 Basically, there's four
10 recommendations for your consideration
11 this evening. I won't go through those,
12 but they're in the Staff Report.
13 Basically, approval of the Capital
14 Improvements Element. This is required
15 by the State. We need a separate motion
16 on this one.

17 The Ten Year Water Supply
18 Facilities Work Plan, we need a separate
19 motion on that, as well.

20 The Evaluation Appraisal Report,
21 the amendments and update, which is
22 basically what I just went through, we
23 need a motion on that.

24 And then re-adoption of the entire
25 Comprehensive Land Use Plan Map, and the

1 changes, those three changes that Scot
2 went over.

3 Basically, that's Staff's
4 presentation. However you would like to
5 do it, Mr. Chair, we'd be happy to
6 answer questions now --

7 MR. COE: Mr. Chairman, I have a
8 question of the Director.

9 CHAIRMAN KORGE: Why don't we open
10 for questions first by the Board, and
11 then we'll have public input.

12 MR. COE: I have one quick
13 question. If we only approve, say,
14 three out of four, what does that do?

15 MR. RIEL: You need to approve all
16 four at one time.

17 MR. COE: If they're not -- Well,
18 that's my whole point. If they're not
19 all approved, nothing goes up to the
20 City?

21 MR. RIEL: Correct. We will not
22 transmit until we have a recommendation
23 from the Board on the four items.

24 MR. COE: So, if all four items are
25 not approved, what happens?

1 MR. RIEL: Well, the Board can
2 obviously -- you can approve, which is
3 what we hope you will do, you can
4 recommend approval with changes, or you
5 can obviously recommend denial. But we
6 need all four at one time, yes. One of
7 them is not going to allow us to
8 transmit. We need all four of those.
9 They're a complete package to go
10 forward.

11 MR. COE: I understand. So let me
12 just ask one further question, and that
13 will be it. So, if this Board should
14 make approval conditioned on certain
15 things, then Staff has to approve that
16 tonight?

17 MR. RIEL: However you would like
18 to do it. I mean, in the past, you've
19 made changes, and they proceeded forward
20 to the Commission.

21 MR. COE: I recall doing this many
22 years ago, and I'm just trying to
23 remember what we did, but I recall, many
24 years ago, we didn't agree on certain
25 things, Staff went back, we had another

1 meeting --

2 MR. RIEL: Sure.

3 MR. COE: -- and so forth. It
4 never went up to the Commission. Is
5 that still the same procedure?

6 MR. RIEL: However you would like.
7 You've done it both ways. You've said,
8 "Staff, we want you to amend this
9 condition," or, "Proceed forward to the
10 Commission," "We want you to come
11 back -- "

12 CHAIRMAN KORGE: I think that
13 depends on the nature and extent of the
14 changes.

15 MR. COE: Right. Well, the concern
16 I have, you've indicated, Mr. Riel, that
17 we're already three months behind
18 schedule, so -- and you're anticipating
19 finalization -- since the City
20 Commission only meets once a month in
21 the summertime, we may not get this
22 through the City Commission for
23 finalization, perhaps, until September,
24 assuming things go the way you've
25 intended to go this evening. Is that

1 correct?

2 MR. RIEL: Certainly, I mean, if
3 the Board desires to recommend approval,
4 that's fine. I will tell you, the two
5 or three months does not concern me.
6 I'd rather get a recommendation from the
7 Board and do it right and proceed
8 forward. If it takes another two or
9 three months, that's fine. I don't --
10 you know, we need to do this right, and,
11 you know, it took three years of going
12 through the Zoning Code. That doesn't
13 concern me, the two-month delay.

14 CHAIRMAN KORGE: Okay. Does
15 anybody have any questions at this time
16 of Staff?

17 Well, shall we open it to the
18 public comment? Do we have people
19 signed up for this?

20 MS. MENENDEZ: We have 14 speakers.

21 MR. BEHAR: I want a clarification
22 from Scot on the Parcel Number 3, at 395
23 Campana. There's an existing utility
24 station there, correct? And we're
25 changing from a Single-Family

1 designation to Special Use, but you're
2 not -- This has nothing to do with the
3 Fairchild Gardens whatsoever?

4 MR. BOLYARD: No, it's not
5 associated in any way.

6 MR. RIEL: Let me -- Let me -- Yes,
7 this is only a technical change, to make
8 the land use consistent with the zoning.

9 As you know, when we went through
10 the Zoning Code rewrite process, we
11 changed all public properties to have
12 consistent zoning.

13 MR. BEHAR: Right.

14 MR. RIEL: These are some remaining
15 land use changes on publicly-owned
16 properties, to make them consistent with
17 zoning. This is a pump station.
18 There's no intention -- This has nothing
19 to do with expansion of the station,
20 access through. It's only a technical
21 map change.

22 MR. BEHAR: Okay. Thank you.

23 CHAIRMAN KORGE: Do you want to
24 call the -- Well, first of all, we have
25 the Riviera Neighborhood Association. I

1 promised you that I'd let you come
2 first.

3 MR. ACOSTA: Thank you, Mr.
4 Chairman. Is our president here?
5 Josie, are you here?

6 MR. COE: How many speakers are
7 they going to have?

8 CHAIRMAN KORGE: So you're going to
9 speak on behalf of your association?

10 MR. ACOSTA: Yes.

11 CHAIRMAN KORGE: So all the members
12 aren't going to come up and speak?

13 MR. ACOSTA: No.

14 CHAIRMAN KORGE: Very good. Very
15 good.

16 MR. SALMAN: Thank you.

17 CHAIRMAN KORGE: Thank you.

18 MS. RAMIREZ: Good evening,
19 Mr. Chair and the Board. No, we're
20 not -- we're going to let you go home.

21 I'm the president, Josie Ramirez,
22 but I'm going to defer to Al Acosta, who
23 has been following this process since
24 the beginning, but I did want to
25 recognize many of our neighbors and

1 friends that came, to make sure that --
2 that you, you know, saw our views and
3 our wishes were reflected in this
4 document. Thank you very much.

5 MR. COE: A point of order,
6 Mr. Chairman. Something has just arisen
7 which I wasn't prepared for. Mrs.
8 Ramirez did not advise me that she was
9 going to be present tonight, and I do
10 need to present this to the City
11 Attorney and get a legal opinion from
12 the City Attorney.

13 I represent Mrs. Ramirez's company,
14 nothing to do with the Riviera
15 Neighborhood Association, nothing to do
16 with City business or anything else, but
17 so I'm not criticized down the road, I
18 do want to have that presented and have
19 the City Attorney make a determination
20 of whether or not I have a conflict this
21 evening.

22 MS. HERNANDEZ: Okay, Mr. Coe, you
23 advised me that you do not represent the
24 association and you have not been
25 retained on any matter with regard to

1 the issues before the Board this
2 evening. On the basis of that, you have
3 no conflict and you are required to
4 participate and vote in the proceedings.

5 MR. COE: Thank you.

6 MR. ACOSTA: Good evening. My name
7 is Amado Acosta, nickname Al, and I'm
8 here with the Riviera Neighborhood
9 Association. We appreciate, first of
10 all, Mr. Chairman, and Members of the
11 Board, this opportunity to be here and
12 your deference in recognizing us for our
13 comments.

14 As you can see, we have quite a few
15 members here tonight. Could you briefly
16 stand up, please?

17 Thank you. You can sit down.

18 We have been before this Board many
19 times and before the Commission many
20 times. We have worked with the City
21 very proactively for a number of years
22 on the Zoning Code rewrite, as well as
23 other matters that have come up to the
24 Board.

25 In 2005, our area, which, to

1 refresh the memories of all here, is
2 mainly comprised by the area between
3 U.S. 1 and Sunset Drive and between
4 Maynada and Red Road -- and as you can
5 see in the perimeter, particularly in
6 the area close to U.S. 1 and Red Road
7 and part of Sunset, there is commercial
8 development which is there, and we know
9 that it's going to continue developing,
10 and we hope it does, because that's good
11 news for the development of the City.

12 At the same time, we have that area
13 close to the residential zone of our
14 area, and so in the past, leadership had
15 the vision of the need for a special
16 study, which was conducted in 2005,
17 under the auspices of the University of
18 Miami School of Architecture and Urban
19 Studies, which was presented to this
20 Board, and most of you have copies of
21 this visioning report. If you do not
22 and you wish one, please let us know,
23 through Mr. Riel. We'll make a copy
24 available to you at no time at all.

25 Thanks to the leadership that we

1 had -- and we have here today our past
2 president, Joyce Newman, and other
3 members of the Board, a great deal of
4 expenditure in money and energies were
5 done in order to accomplish a study for
6 our area. The study was presented to
7 this Board. It was presented to the
8 Commission on January the 9th, 2007, and
9 the Commission accepted our report at
10 that time and referred it to the
11 Planning Department.

12 On behalf of the RNA, I want to
13 commend extensively your Planning
14 Department for the interactive work that
15 they've done with RNA over the years.
16 Many, many comments we see now reflected
17 in the changes to the CLUP. We're
18 highly encouraged by the fact that there
19 are now 37 mentions and recognitions of
20 neighborhood values and neighborhood
21 character, as opposed to 22 that you had
22 before. So that is a tremendous plus
23 that we have in there.

24 We are proposing, since this is an
25 open hearing, a little modification to

1 the Article 1 -- 3.3, your objective
2 3.3, under Future Land Use Element. We
3 commend you for the language that you
4 have there --

5 MS. HERNANDEZ: It would be at Page
6 11.

7 MR. ACOSTA: Page 11, and what we
8 would like to propose is that you
9 consider, and we know this is a
10 recognition that you may or may not do,
11 but that you consider strengthening
12 that, with the language that I have
13 provided copies of to you.

14 Jill, did you provide the copies to
15 them now?

16 MS. MENENDEZ: Yes.

17 MR. RIEL: Yes.

18 MR. ACOSTA: Okay. This language
19 has been developed through Attorney
20 Tucker Gibbs, and he has been working
21 closely with Mr. Riel and with Ms.
22 Hernandez. Granted, there's probably
23 more time that is needed on this. What
24 we see and what we're proposing in here
25 is the clear delineation of what the

1 vehicle will be once a plan for a
2 neighborhood is accepted, in other
3 words, what happens to that plan.

4 With this language, I think you
5 will strengthen that. It will be clear
6 to everybody. It will be in line with
7 the transparency that you're seeking,
8 and any new development that comes along
9 and reads this knows exactly what to
10 expect.

11 So that's the only consideration.
12 We actually are here to commend your
13 work and to just suggest tonight.
14 Tucker Gibbs wished he could have been
15 here, but he had other commitments, so I
16 am here with what he is proposing.

17 If you have any questions, I will
18 entertain the questions. Thank you.

19 MR. COE: I have a question of
20 Mr. Riel. Has Staff had an opportunity
21 to review the proposed change?

22 MR. RIEL: This language, no. It
23 was provided late today, so I'm not able
24 to comment on the specific language at
25 this time.

1 MR. COE: Has the City Attorney had
2 an opportunity to review the language?

3 MS. HERNANDEZ: Not necessarily.
4 In discussions with Mr. Tucker earlier
5 in the week, the concerns that we had
6 raised to him and specifically I had
7 raised to him was the issue of who
8 defines a neighborhood, you know, who
9 defines the commonality of the factors
10 that create the boundaries in a
11 neighborhood.

12 Some of the language here is
13 appropriate for consideration on a
14 visioning study, but just as a
15 neighborhood organization would want a
16 Commission to review it, there are
17 fiscal analyses that need to be taken
18 into consideration. Mr. Riel would have
19 to comment on that. The development
20 community would also wish to submit
21 their plans, have an opportunity to
22 participate. So there are concerns
23 about these issues.

24 My understanding, in talking with
25 Mr. Gibbs and talking with Mr. Riel, is

1 that many of the suggestions in the plan
2 that was done by the RNA, which was a
3 very good plan, were considered and
4 incorporated in the general provisions
5 of the Comprehensive Plan amendments
6 that we have before us today, but they
7 are general throughout the City, because
8 they were good recommendations that
9 should be implemented, not on a
10 neighborhood scale, but rather
11 City-wide.

12 So, knowing that we did accept many
13 of the provisions provided, this is good
14 starting language, but we have to work
15 with it. You know, we just got it
16 today.

17 CHAIRMAN KORGE: Well, I just read
18 it. It seems to me like -- it sounds
19 like what has already been done. In
20 other words, it's just kind of reciting
21 what, you know, was good practice,
22 though I guess you really want to --
23 you're telling us you really want to
24 review it and make sure that it
25 doesn't --

1 MS. HERNANDEZ: Well, you don't
2 want to tie the City Commission's hands.
3 You don't want to obligate the City --

4 CHAIRMAN KORGE: Right.

5 MS. HERNANDEZ: -- to become
6 involved in issues that they necessarily
7 should not be involved in, because this
8 is a Comprehensive Plan. This is not a,
9 you know, site plan. This is not -- you
10 know, this is a different document.
11 This is the large Bible, versus the
12 specific application. And so we need to
13 be able to review it and look at what
14 potential pitfalls, if any, occur. You
15 can't do it in under 30 minutes, you
16 know. It takes analysis.

17 CHAIRMAN KORGE: Right, so I guess
18 are you suggesting, then, that you'd
19 like to review it and then maybe, if you
20 think this or some modification of this
21 is appropriate, to recommend it to the
22 Commission at that time?

23 MS. HERNANDEZ: Yes. At that time,
24 yes.

25 CHAIRMAN KORGE: Yeah.

1 MR. COE: Mr. Acosta, do you have a
2 problem with that?

3 MR. ACOSTA: No, absolutely not. I
4 appreciate the questions and the
5 answers. We see this as a starting
6 point. We never intended for you to
7 approve this language tonight. I'm glad
8 to see that Ms. Hernandez sees this as a
9 starting point. Is that correct?

10 MS. HERNANDEZ: Yes.

11 MR. ACOSTA: And there's apparently
12 plenty of time between now and first
13 reading to probably reach an agreement,
14 together with Mr. Riel and Mr. Gibbs and
15 perhaps with my little two cents
16 contribution.

17 CHAIRMAN KORGE: Right.

18 MR. ACOSTA: Is that sufficient,
19 then?

20 MS. HERNANDEZ: I --

21 CHAIRMAN KORGE: Yeah.

22 MS. HERNANDEZ: I can't, you
23 know --

24 MR. BEHAR: But let me ask a
25 question.

1 MS. HERNANDEZ: That's what we're
2 going to aim for, but --

3 MR. BEHAR: Let me ask a question,
4 because what I understand that Mr.
5 Acosta is proposing with this language
6 will require that the Planning
7 Department reviews the neighborhood
8 visioning plan.

9 MS. HERNANDEZ: Right.

10 MR. BEHAR: And then report. Is
11 that going to be creating more work?

12 MS. HERNANDEZ: Yes.

13 MR. BEHAR: Is that what you intend
14 to do or is that creating -- I mean,
15 this could happen to 25 different
16 neighborhood associations.

17 MS. HERNANDEZ: Right, depending
18 who creates it, who creates the
19 boundaries, what are the common elements
20 of a boundary, is the visioning report
21 consistent with directions and
22 directives that the Planning Department
23 may issue or that the City Commission
24 may want to see?

25 You know, there's a lot of

1 questions that this opens up. You know,
2 just -- you know, this happened to be a
3 good report that the Planning Department
4 received, reviewed and accepted many
5 recommendations on a City-wide basis,
6 but what you're doing is, you're being
7 asked to consider a plan, City-wide, for
8 neighborhood associations that would put
9 together a visioning plan. You know,
10 there's an issue there that we need to
11 review and address and raise concerns
12 that we may have.

13 MR. RIEL: And kind of the
14 piggyback, I mean, it's a visioning
15 plan. It's not land development
16 regulations.

17 MS. HERANDEZ: Right.

18 MR. RIEL: We did the Charrette.
19 That document was accepted by the
20 Commission. It was not approved, but it
21 was a basis for the development of the
22 Zoning Code rewrite. The neighborhood
23 plan they prepared, we did include a lot
24 of the recommendations -- it was a great
25 plan -- that were specific, but we

1 didn't, you know, provide it
2 specifically for that neighborhood, for
3 all residential neighborhoods within the
4 City. So it wasn't just geared toward
5 that particular neighborhood.

6 MR. BEHAR: Particular
7 neighborhood.

8 MR. RIEL: It was meant to protect
9 all residential neighborhoods from
10 potential impact. So we looked at it
11 from a more global scale than a
12 site-specific.

13 MS. HERNANDEZ: Right.

14 CHAIRMAN KORGE: As you should,
15 but, you know, like a particular
16 organization covers a specific area, and
17 so they look at it from their
18 perspective in that area. Obviously,
19 you did what you needed to do with that,
20 to take and incorporate the changes that
21 you thought were beneficial on a
22 City-wide basis, and I think Al's
23 acknowledged that it's pretty much --

24 MR. ACOSTA: Right, we do.

25 CHAIRMAN KORGE: You know, they're

1 happy with that.

2 MR. ACOSTA: Yeah.

3 CHAIRMAN KORGE: So this -- and
4 again, I think you need to sit down with
5 the City Attorney later and discuss
6 this. This is what -- this language, we
7 followed -- I understand the City
8 followed in connection with your
9 visioning plan. I think Liz is saying
10 something a little different, that it's
11 great for your visioning plan, but other
12 visioning plans, you know, maybe we need
13 to be a little more circumspect in the
14 directions --

15 MR. ACOSTA: Right.

16 MR. BEHAR: And you guys prepared a
17 great plan. It doesn't mean that
18 another association can do a job like
19 yours, and I don't want to create more
20 work for the Planning Department
21 than --

22 MR. ACOSTA: Actually, this
23 language in here is general, not to
24 our simple -- it's not for our
25 organization. This is general.

1 MS. HERNANDEZ: Right.

2 MR. BEHAR: We're not saying that.
3 In your particular case, you guys did an
4 excellent job and we admire you for the
5 job you guys did, and a lot of those
6 recommendations were implemented.

7 MR. ACOSTA: Right.

8 MR. BEHAR: But it may come along a
9 time where somebody else, another
10 association, may submit and the work
11 that is going to be imposed, from what I
12 gather, to the Planning Department is
13 going to be much greater, and I don't
14 know if we should allow for that to
15 happen.

16 CHAIRMAN KORGE: Well, to require
17 it.

18 MR. BEHAR: To require it.

19 MR. SALMAN: Require, right, that's
20 my problem.

21 MS. HERNANDEZ: One thing is to
22 allow. The Commission at any time can
23 direct --

24 CHAIRMAN KORGE: Right.

25 MS. HERNANDEZ: -- that a visioning

1 plan or Charrette in any area of the
2 City occur. The question is, what are
3 you doing in terms of the goals,
4 objectives and policies and the tying
5 the hands of a future City Commission,
6 of a future Planning Department, with
7 words that future potential
8 neighborhoods -- who creates the
9 boundaries, you know.

10 CHAIRMAN KORGE: So, you know,
11 maybe Liz will want to tweak this
12 language or revise it, or she may
13 ultimately say, "I don't think we should
14 make any changes," but that's --

15 MS. HERNANDEZ: Yes. We'll look at
16 it. We'll meet with Mr. Acosta.

17 CHAIRMAN KORGE: -- some discussion
18 you need to take outside of the Board,
19 with Liz, yeah.

20 MR. ACOSTA: No, absolutely,
21 outside of this Board.

22 MR. AIZENSTAT: And it should be
23 City-wide, as opposed to --

24 MR. ACOSTA: Of course, of course.

25 MR. AIZENSTAT: -- specific to one

1 area.

2 MR. ACOSTA: We got the gist, once
3 we went through, and we were really very
4 impressed with the new revisions and the
5 specific references to neighborhood and
6 neighborhood character. That's a
7 tremendous plus.

8 MS. HERNANDEZ: Right.

9 MR. ACOSTA: And we're very happy
10 to have contributed our two cents to
11 that.

12 MS. HERNANDEZ: You did.

13 MR. ACOSTA: This language is
14 general and applies to anything. What
15 it does provide is an avenue for any
16 visioning plan that may be, may be,
17 recommended by the Commission. It does
18 say in here that the Commission would
19 have the decision to make, whether to
20 proceed to the next step or not. It
21 doesn't even say "will." It says "may"
22 in here. So, you know, it's quite open,
23 and we recognize it only as a first
24 step. We would appreciate it if we can
25 proceed from here with perhaps Ms.

1 Hernandez and Mr. Riel getting back with
2 Mr. Gibbs and taking it from there.

3 CHAIRMAN KORGE: Okay. Anything else?

4 MR. ACOSTA: Is that okay?

5 CHAIRMAN KORGE: That's great. I
6 think that's the way to proceed.

7 MR. ACOSTA: Great.

8 CHAIRMAN KORGE: It will work a lot
9 smoother that way.

10 MR. ACOSTA: Absolutely.

11 CHAIRMAN KORGE: Is there anything
12 else that you wanted to mention at this
13 time?

14 MR. ACOSTA: No. Again, if any
15 member on this Board is new, haven't
16 seen our visioning report, we'll be very
17 glad to provide a copy, if you let Mr.
18 Riel or Jill know, and we'll provide a
19 copy for you.

20 CHAIRMAN KORGE: Okay.

21 MR. ACOSTA: Thank you very much.

22 CHAIRMAN KORGE: Thank you very
23 much.

24 MR. ACOSTA: At this time, I'd
25 request, then, that we can leave, and

1 let them continue their deliberations,
2 unless you want to stay here. Thank
3 you. Goodnight.

4 MS. HERNANDEZ: Thank you.

5 MR. SALMAN: Good night.

6 CHAIRMAN KORGE: Others who want to
7 speak on the Comprehensive Plan?

8 MS. HERNANDEZ: Yes.

9 MS. MENENDEZ: Yes. Alan Savitz.

10 MS. HERNANDEZ: Can you say it
11 again? I didn't hear you.

12 MS. MENENDEZ: Alan Savitz.

13 MS. HERNANDEZ: Oh, here he is.

14 MR. SAVITZ: I just want to wait to
15 give these people the courtesy of
16 leaving.

17 To The Honorable Members of the
18 Planning and Zoning Board, my name is
19 Alan Savitz, living at 11094 Paradela
20 Street, in Hammock Oaks, Florida, Coral
21 Gables.

22 In 1960, I graduated from the
23 University of Miami in Coral Gables. I
24 love the City Beautiful so much that my
25 wife and I have been living -- my wife

1 is right over here. We've been living
2 in the same house in Hammock Oaks for
3 over 42 years. The last time I was here
4 was for another good reason, and that
5 was, there was a fire station that we
6 needed on Old Cutler Road, and I was in
7 support of that. So was my wife.

8 So I don't want you to think that
9 we come here to bother everybody. What
10 we're here today about is something very
11 important. There was just one little
12 point in the 14 different elements.
13 Number 3, change from Residential,
14 Single-Family, Low Density, to Public
15 Buildings and Grounds for 495 Campana
16 Avenue, City utility station located on
17 Tract A, Block 2, Hammock Oaks Harbor.

18 Now, here's the problem with
19 changing that. It is the only area in
20 all of Campana Avenue, which is our main
21 entrance in and out, that's a green-like
22 park area. You could -- I would be
23 willing to take all the members of the
24 Board here to visit our area, and you'll
25 see, it is the only area that everybody

1 driving in and out will see as a
2 beautiful -- it's like a Coral Gables
3 little park.

4 In the -- in the different elements
5 that this gentleman over here -- you did
6 a great job, a great presentation. You
7 said preservation of neighborhoods. By
8 taking that little piece of property
9 away and making it into a public
10 buildings area, it is violating
11 preservation of neighborhoods. It's
12 violating the protection of property
13 values. People living on Campana
14 Avenue, their values are going to drop,
15 because instead of it being a nice,
16 green, pretty area, it will probably be
17 a road or something going through there.

18 The other thing is, we want to keep
19 the Coral Gables green and parks and an
20 element like that as it is. Now --

21 MR. BEHAR: Can I interrupt you for
22 one second? Are we talking about the
23 little parcel that the -- Mr. Riel
24 discussed today?

25 MR. SAVITZ: Yes. It's just a

1 little tiny parcel. In fact, if Mr.
2 Riel can knock that out, leave it the
3 way it is -- because he mentioned that
4 it's not going to affect the whole
5 thing, it is just a little change that
6 they're asking.

7 MR. BEHAR: Is that where there is
8 an existing utility station at that --
9 That's what I asked before. There's a
10 utility station right there; isn't that
11 correct?

12 MR. SAVITZ: Yeah, but you see,
13 over here, all this green area.

14 MS. HERNANDEZ: Right.

15 MR. SAVITZ: This is like a little
16 park with that there. You have to come
17 over and see it to really understand
18 what I'm talking about.

19 MR. COE: Mr. Riel, do you
20 understand what he's saying?

21 MR. SAVITZ: Mr. Riel, see, if you
22 make that into public buildings and
23 area, you're going to -- you'll knock
24 that out forever.

25 CHAIRMAN KORGE: But it's

1 residential right now.

2 MR. COE: He's talking about that
3 Triangle A, right?

4 MR. SAVITZ: Yes.

5 MR. COE: Is that what you mean,
6 Triangle A?

7 MR. SAVITZ: Yes. And it has no
8 effect over anything else. In fact,
9 right now, if you say you're going to
10 leave it as a residential area, we have
11 no objection.

12 MR. BEHAR: But there's a -- What I
13 understood from your presentation,
14 there's a discrepancy between -- an
15 inconsistency between a single-family
16 lot and what is there now, which is a
17 utility building, a City utility
18 station.

19 MR. SAVITZ: Right, but if you
20 leave it as a Single-Family Residential,
21 nobody can come in there and put public
22 buildings, public roads, public stuff on
23 it, so why change it? It's easier just
24 to leave it the same way.

25 Mr. Riel, if you leave it the same

1 way, there's no problem. Why change it?

2 MR. RIEL: Let me read you the
3 definition of Public Buildings and
4 Grounds.

5 Buildings and adjacent land areas
6 used for local, state and federal
7 government purposes for the public and
8 semi-public services, including
9 utilities.

10 We're assigning the land use
11 pursuant to it being a pump station. In
12 my opinion, it provides more protection
13 than leaving it Single-Family.

14 MS. HERNANDEZ: Right.

15 MR. AIZENSTAT: I agree.

16 MR. BEHAR: That's why I'm
17 questioning it, as well. I asked the
18 question earlier, that it had no
19 affiliation or no association with the
20 Fairchild Gardens, that this was
21 strictly a utility station, that with
22 this change, will protect you even more.

23 MR. SAVITZ: No, it won't protect
24 us, because I was at a meeting recently
25 with the Fairchild people, and they

1 specifically earmarked that one piece of
2 property to put a public road through
3 there.

4 MR. BEHAR: No.

5 MR. COE: They can't.

6 MS. HERNANDEZ: They can't.

7 MR. SAVITZ: And, in order to do
8 that, it has to be changed to a public
9 parcel.

10 MR. COE: No, they can't do that.
11 They can't put a road through there.

12 MR. BEHAR: No.

13 MR. COE: Impossible.

14 MR. BEHAR: Whatever they told you,
15 I'm not the attorney --

16 MR. AIZENSTAT: I can't control
17 what they tell you, but I don't see how
18 they could do that.

19 MR. BEHAR: Absolutely not.

20 MR. SAVITZ: Because it will ruin
21 the whole area, you know.

22 MR. COE: Sir, I think you're
23 unduly alarmed about a nonexisting
24 problem. I can tell you that they
25 cannot put a road through there.

1 MR. SAVITZ: Can that be added to
2 the wording?

3 MR. COE: I don't think we're
4 concerned about a road going through
5 there.

6 MR. SAVITZ: Mr. Riel, could you
7 just add that little part in there, that
8 there will be no roads or anything going
9 through there? Do you just want to
10 change the wording?

11 MR. RIEL: No, this is not the
12 proper document to do that. This
13 document is assigning a designation
14 that's consistent with the zoning. It's
15 owned by the City. So, obviously,
16 anything that happens on it needs to go
17 through a City review, if not also --
18 they obviously have to sign off on it.

19 CHAIRMAN KORGE: So what would have
20 to happen in order for a road to be put
21 on that property?

22 MR. RIEL: It would have to be
23 basically -- They would have to come and
24 get authorization to file an
25 application, because the City owns it.

1 They would have to come through a
2 development plan. That's not going to
3 happen. It's a utility station.

4 MR. BEHAR: You cannot get rid of
5 the utility station.

6 CHAIRMAN KORGE: Would the public
7 have -- would the public have an
8 opportunity to comment on that at that
9 time?

10 MR. RIEL: Yes, absolutely.

11 CHAIRMAN KORGE: Would there be a
12 public hearing on it?

13 MR. RIEL: Absolutely.

14 MR. COE: I'd also point out, if
15 you really want to take this to an
16 extreme and worry about a road going
17 through, if it's zoned Single-Family,
18 which I think it may be now --

19 MR. SAVITZ: Which it is now.

20 MR. COE: Yes. If it was zoned
21 Single-Family and the State, the County,
22 the City wanted to build a road, there's
23 a process called eminent domain and they
24 can take it. It's a lot more difficult
25 if it's a pump station, trust me.

1 MR. SAVITZ: Well, the reason I'm
2 bringing it up is because I saw that
3 there were plans made, that I saw with
4 my own eyes, and beautiful boards like
5 this here, that they want to put a
6 road --

7 MR. COE: Sir, if that contingency
8 ever happened, you can come and raise
9 the dickens. I assure you it's not
10 going to happen.

11 MR. RIEL: Let me -- just a point
12 of clarification, the property is zoned
13 "S." Anything that's built on an "S"
14 property is a conditional use. It has
15 to come through this Board for review.

16 MR. COE: Right.

17 CHAIRMAN KORGE: So what that means
18 is that in the event something else is
19 going to go on there, whatever is -- it
20 doesn't matter what, it's going to have
21 to come to this Board, and before this
22 Board approves it, there will be a
23 public hearing, at which time you can
24 come and object, and this really isn't
25 going to affect that, because if, for

1 example -- I'm hypothesizing here --
2 we've made a change and then later, the
3 County wanted to put a road there, they
4 would have to come to this Board, and at
5 that time we'd still have the power to
6 provide for that, and so this -- this --
7 this conformity of existing use and
8 zoning to the Comprehensive Plan really
9 doesn't enable this to be changed
10 without a formal public hearing where
11 all the protections are provided. So it
12 really isn't the concern that you think
13 it should be, at this time.

14 MR. SAVITZ: There's a nice little
15 pump station there, with beautiful green
16 grass around it.

17 MR. BEHAR: That can't go away.

18 MR. COE: It will remain a pump
19 station.

20 MR. BEHAR: That cannot go away.

21 CHAIRMAN KORGE: It will be a pump
22 station forever.

23 MR. BEHAR: You know, by the time
24 the City would implement a sewer system
25 throughout the City, you know -- but

1 that's not going to happen.

2 MR. SAVITZ: Well, I'd better get
3 off here and let somebody else have a
4 chance. Thank you very much for your
5 patience.

6 CHAIRMAN KORGE: Thank you.

7 MS. MENENDEZ: Mr. Brown?

8 MR. BROWN: Good evening. I'm
9 Charles Brown, 451 Rovino Avenue.

10 I moved to Coral Gables about 10
11 years ago, and at the time I wanted to
12 put a porte-cochere on the front of my
13 house, and the architect told me I
14 wouldn't live long enough to get a
15 variance from Coral Gables to put that
16 porte-cochere up. So I gave it up.

17 Then I come along and it would
18 really be nice if I could have a
19 carport, which would be -- it's on the
20 west side. I had beautiful plans drawn
21 up for that, and two years later, I was
22 still waiting, because I couldn't get it
23 through Coral Gables. Coral Gables does
24 not give variances for anything.

25 Now, when we -- so I would expect

1 that Fairchild Gardens would be treated
2 equally.

3 Another thing, Fairchild Gardens,
4 regardless of what people think about
5 Fairchild Gardens, they're not the
6 greatest neighbor to live next to. I
7 had to call the Mayor the next morning,
8 after a party at Fairchild Gardens went
9 until three and four o'clock in the
10 morning. So I realize that, having
11 lived in Bal Harbour, that there are
12 ordinances that prevent that. We had --
13 we had -- you had to be out by eleven, I
14 believe it was, during weekdays, and
15 noon -- no, it was midnight during
16 weekends.

17 So finally, Coral Gables came
18 around and they put the clamps on the
19 parties over there, the rock and roll
20 over there, the -- you know, it's not a
21 great joy.

22 Now, we were presented plans at
23 another meeting by a gentleman who
24 really didn't introduce himself, and he
25 very arrogantly said, "Look, we're going

1 to build a building right there, and
2 we're going to have a variance that's
3 going to give us a road that goes into
4 the park," that will be, as I recall it,
5 an emergency exit or entrance in case of
6 an emergency by some emergency vehicle.

7 Well, great, except that they have
8 8,000 acres there that they certainly
9 could build a road. Why they have to
10 plop everything right smack in our front
11 door, I don't know. They -- We have one
12 entrance and one exit only to Hammock
13 Oaks. That exit is constantly blocked
14 by Coca-Cola trucks, by Sysco trucks, by
15 garbage trucks, right in front of
16 houses, nice homes, that have to face
17 this. They also have an entrance to the
18 trash area which faces our road, which
19 occasionally is open, other times it's
20 closed. Many times the gates are all
21 boarded up in there.

22 I mean, it's -- they're very
23 inconsiderate, and we pay outrageous
24 taxes to live in Coral Gables, and I
25 think, since these people don't even pay

1 taxes, it would be nice that they would
2 give us a little consideration.

3 I certainly hope you will refuse to
4 give them any rights to that road. We
5 only have one in and one out. I don't
6 know why they need so much more space
7 than they've already got.

8 CHAIRMAN KORGE: Well, there's no
9 road --

10 MR. COE: No, there's no road.

11 CHAIRMAN KORGE: -- as part of
12 this --

13 MR. BEHAR: There's not going to be
14 a road there, and I have seen
15 personally -- and you're right, I've
16 seen a lot of trucks, delivery trucks,
17 but that's something, perhaps, for --
18 you know, Code Enforcement has to get
19 after them, because I have seen those
20 delivery trucks parked on that street
21 and it is a nuisance to your
22 neighborhood.

23 MR. BROWN: Well, it really is a
24 nuisance and, you know, it's dangerous,
25 because we only -- it's a narrow road,

1 and we have to go around these trucks.
2 Many times, I've had to slam on the
3 brakes just to avoid hitting one of
4 them.

5 MR. COE: Sir, your problem is not
6 with this Board. You need to contact
7 the Code Enforcement Board, the Code
8 Enforcement officers, and have them go
9 down there and conduct their
10 investigation and have those
11 people -- have them take --

12 MR. BROWN: Well, I've already
13 talked to Maria Anderson, I've talked to
14 the Mayor. Nobody -- you know, it falls
15 on deaf ears, many, many times.

16 MR. COE: Fairchild Gardens can be
17 ticketed like anybody else.

18 MR. BEHAR: And as far as the
19 variances, we have not seen -- or at
20 least personally, I have not seen
21 anything come through this Board to that
22 effect.

23 MR. BROWN: Well, we understand
24 there's going to be a huge building.
25 They have to have -- in order to build

1 this building, which is supposed to be a
2 science center or something --

3 CHAIRMAN KORGE: Well, I don't mean
4 to interrupt you, but we do have a time
5 limit. However, if there is a huge
6 building or even a small building, I
7 believe that's going to come back to
8 this Board, and there will be a public
9 hearing, won't there?

10 MR. RIEL: Yes. If there's a
11 building constructed on Fairchild, it
12 would need to come to this Board, yes.

13 CHAIRMAN KORGE: Right. So that
14 would be the appropriate time to come
15 here and express your views on whatever
16 they're proposing at that time. It's
17 not before us now.

18 MR. BROWN: They've had meetings.
19 They've had meetings over there and --

20 CHAIRMAN KORGE: But -- sir, it's
21 not before us now. We're not
22 considering that. It's not even an
23 issue that we're considering to approve
24 or disapprove at this time. So,
25 although we appreciate your concerns and

1 understand them, there's nothing we can
2 do about them right now.

3 MR. BROWN: Yeah. Well, you can
4 deny the variance, can you not?

5 CHAIRMAN KORGE: Well, we don't
6 have any variance before us.

7 MR. BEHAR: Nothing is before us.

8 CHAIRMAN KORGE: None of that is
9 before us now.

10 MR. SALMAN: And that would be the
11 Board of Adjustment that would give them
12 a variance.

13 MR. AIZENSTAT: The variance goes
14 before a different Board, if it is.
15 There's nothing before us right now.

16 MR. BEHAR: If a project is, you
17 know, to be considered, it will come
18 through our Board. At that time, we'll
19 look at it.

20 MR. RIEL: Let me just give you a
21 really, really brief overview of what I
22 understand Fairchild is doing.

23 We've had preliminary discussions
24 with them about an expansion or an
25 addition to their building. We have not

1 seen -- you know, the plans went through
2 the DRC, the Development Review
3 Committee, which is like a preliminary
4 review committee. We have not received
5 any application to the Department.

6 So, by me saying that any building
7 that would be constructed on there, is
8 not really correct. It's depending how
9 big it is and what it is. I mean, it
10 might go to the Board of Adjustment for
11 a variance.

12 CHAIRMAN KORGE: But excuse me for
13 interrupting. That would also be a
14 public hearing.

15 MR. RIEL: Yes, that would be a
16 public hearing, which notice would be
17 provided within a thousand feet.

18 MR. BEHAR: And I cannot imagine,
19 with that much land, you'd be asking for
20 a variance.

21 MR. RIEL: And I just want to say
22 that I don't want to mislead anyone -- I
23 mean, we have not -- we don't have a
24 formal application in, so I can't really
25 say that, you know, it's going to come

1 to this Board. There's obviously
2 certain thresholds in the Code that can
3 go through without coming through this
4 Board. So I don't want to be
5 misinterpreted that way.

6 We do have follow-up meetings
7 coming up, but there's nothing scheduled
8 with the attorneys on Fairchild. It's
9 just kind of -- we have a preliminary,
10 you know, application. I do have it in
11 the office, just like all the other City
12 departments do, but there's nothing been
13 formally filed with the City, with the
14 Planning Department.

15 CHAIRMAN KORGE: Okay, but in any
16 event, we can't deal with that in
17 the Comprehensive Plan.

18 MR. RIEL: That's not issue that's
19 before you this evening, no.

20 CHAIRMAN KORGE: Right.

21 MR. BROWN: Well, thank you, sir.

22 CHAIRMAN KORGE: You're welcome.

23 MS. MENENDEZ: Carolina Macias?

24 MS. MACIAS: Hello. My name is
25 Carolina Macias. I'm a resident, at 475

1 Campana Avenue, and I think -- I mean, I
2 wasn't sure what position I was going to
3 speak, so I'll try to be brief, because
4 I know it's a long night for you all,
5 but you wonder why such a small parcel
6 of land has caused so much commotion in
7 our neighborhood, and I want to just
8 give you like a little brief history.
9 Ten days ago, the Planning Board posted
10 a sign.

11 MR. COE: Ma'am, I don't want to
12 cut you off. We have a very limited
13 amount of time --

14 MS. MACIAS: Okay.

15 MR. COE: Any alleged road,
16 anything to deal with that --

17 MS. MACIAS: Okay, I think --

18 MR. COE: -- has nothing to do with
19 what we're doing.

20 MS. MACIAS: Thank you. I will
21 stay to the tract of land.

22 CHAIRMAN KORGE: Okay.

23 MS. MACIAS: Ten days ago, the sign
24 was posted in our neighborhood, and
25 immediately the neighborhood was

1 alarmed. It was alarmed because of the
2 issue of Fairchild Gardens, which I am
3 not going to go into. We had had a
4 meeting with Fairchild Gardens that did
5 not go very well. We are hopeful that
6 they have always been good neighbors and
7 that we can work this issue out. As it
8 stands right now, it doesn't look like
9 we're going to be able to, right now,
10 solve this issue. However, we are
11 hopeful that it will.

12 So the reason we are alarmed with
13 this small piece of parcel, I called and
14 I have been speaking to both Mr. Riel
15 and Mr. Bolyard, and they have sent me
16 information regarding this tract of
17 land. What one of the main -- the
18 information that they sent me says, an
19 Ordinance Number 1250 was done in 1961
20 that says that the Zoning Code, as
21 amended, by establishing zoning, facing
22 and setback requirements for lots shown
23 on entitled Hammock Oaks Harbor Section
24 2 -- Section B of that, which pertains
25 particularly to this piece of land,

1 says: The use of Tract A, Building --
2 Block 2, is limited and restricted to
3 use as a compressor station site, to be
4 used in conjunction with the sanitary
5 sewer system.

6 To me, that is exactly what this
7 property is, in addition to part of it,
8 which is a beautiful landscaped area,
9 which one of our residents spoke about.
10 It is a small pump station that is
11 there, and this ordinance that was done
12 in 1961 states the land use and zoning
13 use.

14 So I am not really sure why, at
15 this particular point, when we are
16 having our issues with Fairchild
17 Gardens, why at this particular point
18 the City, which I was told has 50 some
19 odd inconsistencies in their plat books
20 or zoning books or -- I'm not sure that
21 I'm saying the right wording, but I was
22 told there's 50 some odd inconsistencies
23 in the City of Coral Gables, and those
24 inconsistencies are being worked on one
25 by one so that you have a comprehensive

1 map.

2 CHAIRMAN KORGE: Let me cut you off
3 and ask you, so what you're suggesting
4 is that actually there is no
5 inconsistency right now, if it is zoned
6 for a pump station and it is also
7 planned for land use purposes as a pump
8 station.

9 Is that right, Eric?

10 MR. RIEL: That's what I guess --

11 MR. COE: That's the whole problem.

12 MS. MACIAS: That's what it's --

13 MR. COE: Right now it's listed --
14 It's Single-Family housing.

15 MR. FLANAGAN: I'm sorry, can I
16 just ask the speaker to read Subsection
17 B again?

18 CHAIRMAN KORGE: Yeah.

19 MR. FLANAGAN: Can I -- Would you
20 mind?

21 MS. MACIAS: Subsection B says that
22 the use of Tract A, Block 2, is limited
23 and restricted to use as a compressor
24 station site, to be used in conjunction
25 with a sanitary sewer system.

1 MR. FLANAGAN: So, at least the way
2 I hear it, that is basically a zoning
3 aspect. It's a use of the property,
4 not -- not necessarily a land use
5 designation.

6 MR. MACIAS: I think that is --

7 MR. FLANAGAN: And so it tells what
8 happens on the property, but the land
9 use designation, as it is right now, as
10 Single-Family --

11 MR. COE: Which is wrong.

12 MR. FLANAGAN: -- is -- actually
13 ends up being inconsistent with the
14 zoning of Special Use.

15 MS. MACIAS: Correct.

16 MR. FLANAGAN: And I think the
17 City -- I think all they're trying to
18 do -- Anybody can go in, any -- as Judge
19 Coe said earlier, any government entity
20 can go in today, yesterday, and create a
21 road there, if that's what anybody --

22 MS. MACIAS: Okay --

23 MR. FLANAGAN: -- wanted. However,
24 the ordinance -- and I think that
25 answers everybody's questions. What you

1 just -- That Subsection B answers it all
2 for me, right there, that says it shall
3 only be used for a compressor --

4 MS. MACIAS: Right, but --

5 MR. FLANAGAN: A compressor
6 station, and that's exactly -- it's the
7 lift station, and that's it.

8 MS. MACIAS: If you change the
9 zoning or land use -- I believe what
10 they want to do is change the land use,
11 and the land use states Public Buildings
12 and Grounds. Public Buildings and
13 Grounds is something totally different
14 to a pump use station that cannot be
15 used -- that land cannot be used for
16 anything else. If, on this particular
17 property, you attach this, where it
18 would only be used as a pump, I don't
19 think we really have a problem. Where
20 we have a problem is with our issue with
21 Fairchild Gardens. This property abuts
22 Fairchild Gardens. I think that the
23 Planning Department has bigger issues
24 than this small piece of land, because
25 they --

1 CHAIRMAN KORGE: Well, excuse me
2 for interrupting, but I guess what
3 you're saying is, you'd prefer that the
4 designation in the land use plan be pump
5 station and grounds, not public
6 facilities.

7 MS. MACIAS: Well, I think Public
8 Buildings and Grounds gives them -- and
9 I may be wrong, and that's why I just
10 want to state what we feel. I think we
11 want to make sure that it is only used
12 for that, that in no future time by
13 changing the zoning or the land use,
14 Fairchild is given a possibility of
15 putting a road through it, and I know
16 that you've all kind of laughed at our
17 suggestion, but I wish to show you a
18 site plan of the Fairchild proposal
19 which shows an entrance -- if it's not
20 through the property, it is immediately
21 adjacent, and since there is no actual
22 survey of the property or actual survey
23 of Fairchild Gardens, it does show the
24 Fairchild Gardens, as they were saying,
25 the entrance, the service entrance, or

1 the fire truck entrance to Fairchild
2 Gardens, very close, if not through this
3 particular piece of land.

4 MR. FLANAGAN: If I may --

5 MR. BEHAR: The problem is
6 that it's zoned Single-Family.

7 MR. COE: That's not what we're
8 doing.

9 MR. BEHAR: That's the problem.
10 It's zoned Single-Family.

11 MR. RIEL: It's zoned "S" use.
12 "S," Special Use.

13 CHAIRMAN KORGE: The problem is, it
14 is listed in the Comprehensive Plan as
15 Single-Family --

16 MR. RIEL: Correct.

17 CHAIRMAN KORGE: -- but it's zoned
18 for "S" use. So --

19 MR. COE: So the designation is
20 wrong from the zoning. That's what is
21 being corrected.

22 MS. MACIAS: I think the only
23 complaint here, really --

24 MR. COE: This is simply a
25 corrective thing, ma'am. It has nothing

1 to do with what you're talking about.

2 MS. MACIAS: Well, that's -- I --
3 You know what? If it doesn't, we are
4 very happy, I think, and maybe I'm
5 speaking for others, other than myself.

6 MR. COE: Ma'am, so you understand,
7 what issues you're bringing up --

8 MS. MACIAS: Uh-huh.

9 MR. COE: -- has nothing to do with
10 what we're discussing tonight, has
11 nothing to do with what's before us. We
12 cannot even consider what you're
13 bringing up. This is simply changing
14 things to comport with the Comprehensive
15 Plan.

16 MS. MACIAS: But --

17 MR. COE: It's a corrective
18 measure. That's all we're talking
19 about.

20 MS. MACIAS: I mean, maybe you need
21 to --

22 MR. COE: No -- no, because --

23 MS. MACIAS: -- incorporate another
24 section of your Code that states --

25 MR. COE: No, until Fairchild --

1 MS. MACIAS: -- pump stations.

2 MR. COE: Ma'am, ma'am, just
3 listen. Until Fairchild Gardens, if
4 that ever happens, presents a plan for
5 development, it's never at issue in
6 front of us.

7 MR. BEHAR: There's no other
8 classification that could be applied to
9 that.

10 MS. MACIAS: Exactly. So that's
11 what worries us, you know, if there
12 was --

13 MR. BEHAR: What they're doing --
14 what we're doing here is changing from
15 Single-Family --

16 MS. MACIAS: Uh-huh.

17 MR. BEHAR: -- the classification,
18 designation, to Public Buildings and
19 Grounds.

20 MS. MACIAS: Are we sure it is
21 Single-Family? Is there any -- I mean,
22 I asked them to give me something that
23 said it was Single-Family. See, the map
24 that they do have before you, that they
25 sent me first from the Planning

1 Department, showed Fairchild Gardens as
2 Special Use District. Then another one
3 was sent to me showing it as a park.
4 And finally, a third one was sent to me,
5 showing it as a Residential. I still
6 believe that -- and you didn't want to
7 talk about Fairchild Gardens, but I
8 think I have to, because I think there's
9 an inconsistency in what they show their
10 zoning at. I don't think that the whole
11 of Fairchild Gardens is zoned
12 Residential. I believe it's only
13 the front part.

14 (Simultaneous voices)

15 CHAIRMAN KORGE: Let me -- Let me
16 just try to bring this to a head. The
17 way it's zoned now, not the land use
18 plan, but the way it's zoned now,
19 according to the ordinance you read, it
20 can only be used as a pump station.

21 MS. MACIAS: Correct.

22 CHAIRMAN KORGE: Changing the land
23 use to conform to that doesn't allow the
24 zoning to be any different than it is
25 now, without going through a full public

1 hearing process, that you would go
2 through to change the zoning in any
3 event. In other words, if we don't
4 change this at all in the land use plan,
5 and Fairchild Gardens wants to put a
6 road through there, the first thing
7 they're going to have to do is get a
8 zoning change for that parcel in order
9 to put a road through there, which means
10 they have to go through the public
11 hearing process.

12 By contrast, if we go ahead and
13 change, as recommended by the Planning
14 Staff, the Comprehensive Land Use
15 designation for that parcel, and the
16 Fairchild Gardens wants to put a road
17 through there, they're going to have to
18 go through the exact same process and
19 change the zoning by a public hearing
20 process, in order to put the road
21 through there. So the change in the
22 designation is strictly a conforming
23 change. It does not allow any other use
24 than the use presently permitted by
25 ordinance, which is the pump station

1 use.

2 MS. MACIAS: Okay, the zoning of --

3 CHAIRMAN KORGE: Is that correct,
4 Liz?

5 MS. HERNANDEZ: That's correct.

6 MS. MACIAS: The zoning, according
7 to this, is green, and green is a
8 Special Use District.

9 CHAIRMAN KORGE: We're talking
10 about Parcel A now.

11 MS. MACIAS: Parcel A.

12 CHAIRMAN KORGE: Right.

13 MS. MACIAS: Parcel A is green, and
14 the zoning on Parcel A, green, is
15 Special Use District, not Residential.

16 MR. FLANAGAN: Correct.

17 CHAIRMAN KORGE: That's correct.

18 MS. MACIAS: This is what I was
19 given by the Planning Department.

20 MR. FLANAGAN: That is correct.

21 MR. BOLYARD: This is what I gave
22 the members of the Board.

23 MS. MACIAS: Yes.

24 MR. BOLYARD: It shows that this
25 was --

1 MS. MACIAS: Green. This little
2 parcel, green.

3 MR. BOLYARD: And it shows that the
4 "S" zoning on there, that that was
5 incorrect, that it is actually --

6 MS. MACIAS: That's not what it
7 says here.

8 MR. BOLYARD: See, that's why the X
9 is there, and then this is the correct
10 attachment A.

11 MS. MACIAS: Correct.

12 MR. BOLYARD: So this has been
13 entered into the record --

14 MS. MACIAS: Existing zoning,
15 green, for Parcel A. Parcel A, green.

16 MR. FLANAGAN: Correct, and we're
17 not changing the zoning tonight. We're
18 not modifying that ordinance that you
19 read, that only allows a pump station
20 and nothing else on the property. The
21 only thing we're doing is, if you go to
22 the two blocks above that, where it goes
23 from yellow to green, is, we're changing
24 the land use classification from Single-
25 Family Residential, Low Density, to

1 Public Buildings and Grounds, which
2 brings it into conformance with its use
3 as a pump station, which is the only
4 thing it can be used for.

5 MS. MACIAS: I agree, that's what
6 this shows, but I was told originally
7 that that little piece of land was zoned
8 Residential zoning.

9 CHAIRMAN KORGE: It was. It wasn't
10 zoned Residential, it was designated for
11 land use purposes as Residential. It
12 was zoned, according to the ordinance
13 you read, as a pump station and only a
14 pump station.

15 MS. MACIAS: Okay. I basically --
16 I think the concern, the concern is that
17 they, you know -- that if by making
18 it -- that it doesn't make it more
19 restrictive -- you know, less
20 restrictive than it is now.

21 MR. BEHAR: It will not.

22 CHAIRMAN KORGE: It will not.

23 MR. BEHAR: It will not.

24 MS. MACIAS: And I think that --

25 MR. BEHAR: It will not.

1 MS. MACIAS: -- if anybody else,
2 you know, has something to say,
3 they're --

4 CHAIRMAN KORGE: So anybody who
5 signed up to speak on this issue, I
6 think we've pretty much got it by now,
7 and we don't need to keep repeating --

8 MR. BEHAR: There's somebody else
9 in the corner.

10 MR. FLANAGAN: If there's something
11 new to say.

12 CHAIRMAN KORGE: Pardon me?

13 MR. FLANAGAN: If there's something
14 new to add.

15 CHAIRMAN KORGE: If there's
16 something new. Well, why don't you go
17 through the list of people who signed
18 up, and if you feel like you've already,
19 you know, gotten a full, fair hearing on
20 this issue, you don't need come up and
21 repeat it.

22 Go ahead.

23 MS. MENENDEZ: State your name,
24 please.

25 MR. SEGALL: Sure. I'm Norman

1 Segall, and I reside at 495 Campana
2 Avenue. I'm a past president of the
3 Hammock Oaks Homeowners' Association.

4 Mr. Chairman, Members of the Board,
5 Ms. Hernandez. I'm not going to repeat
6 all of that. I understand the
7 difference between a technical change
8 and otherwise.

9 One of the things -- I'm going to
10 suggest a technical change to your
11 technical change, first, and that is
12 that Item 3 proposes to change my house
13 to a City utility station, at 495
14 Campana. It's not a good idea. This is
15 next door to my house, and it's not
16 there. So you might want to note
17 that -- that, and I think on your slide
18 presentation, you had 395 Campana --

19 MR. RIEL: That's correct.

20 MR. SEGALL: -- which is down the
21 road the other way. So you might want
22 to get yourself straightened out a
23 little bit before --

24 MS. HERNANDEZ: Just a little.

25 MR. SEGALL: -- you do that.

1 I don't think that -- I don't think
2 that there's much doubt that the
3 homeowners, all of whom are concerned
4 here over our little park space and
5 whatever technical change that you have
6 to do, if there is -- and I don't
7 practice -- I'm a lawyer, but I don't
8 practice planning and zoning, if you can
9 make a reservation that preserves that
10 property intact any more than the -- the
11 current technical change that you're
12 suggesting does, then that's what
13 everybody is here about. Everybody
14 wants that green space. That's what --
15 That's all that we want. We don't want
16 roads going through it. We don't want
17 anything -- The only thing that we might
18 suggest, and since I live next door to
19 it, I don't think that pump station has
20 been a pump station for 15 years. I
21 think it's just there, and I don't know
22 whether Mr. Riel knows --

23 MR. COE: That does not make your
24 argument, you know.

25 MR. SEGALL: No, it doesn't, but it

1 should be a -- it's a park area. That's
2 all it is. They've -- they've put
3 landscaping around it and it looks like
4 a little park area, and that's all we
5 want it -- that's all it is and that's
6 all that we want it to be, and we'd
7 appreciate whatever it is that you can
8 do to that end.

9 MS. HERNANDEZ: Thank you.

10 CHAIRMAN KORGE: Thank you, sir.

11 MS. MENENDEZ: Joe Pallot.

12 Alan Sepe.

13 MR. SEPE: I am.

14 I'm Alan Sepe. I live at 11084
15 Monfero Street, and I just want to chime
16 in on what Mr. Savitz said. One thing
17 that's really important, he invited the
18 Board to come out there, and one
19 thing -- to come out there and see the
20 parcel that we're talking about and come
21 out there and touch it and feel it, and
22 that's it, go see what we're talking
23 about, and then make your decisions.
24 Simple as that.

25 MR. AIZENSTAT: Thank you.

1 MS. MENENDEZ: Edward Lores?

2 Ileana Barbara?

3 Gerald Pinnas?

4 Amanda Quirke?

5 MS. QUIRKE: Amanda Quirke, with
6 offices at 1441 Brickell, on behalf of
7 Amace Properties. I'll be brief.

8 The first comment I'd just like to
9 make is, as to the proposed revision by
10 the Riviera Neighborhood Association, we
11 think that it's inappropriate to
12 incorporate that modification in the
13 Comprehensive Plan. It's, you know,
14 mandating review and incorporation of
15 portions of a neighborhood plan. The
16 City can do that at their own
17 discretion, on a case-by-case basis.

18 The second point --

19 MS. HERNANDEZ: Ms. Quirke, we'll
20 include you in whatever meetings we have
21 with Mr. Gibbs and Mr. Acosta, so that
22 that way we have both sides contributing
23 to any discussion.

24 MS. QUIRKE: That would be very
25 helpful. Thank you very much.

1 The second point is, on Mobility,
2 1.1.8, it's on Page 1 of the Mobility
3 section, it says: Protect residential
4 areas from parking impacts of nearby
5 non-residential uses and businesses and
6 discourage parking facilities that
7 intrude, impact and increase traffic
8 into adjacent residential areas.

9 For a point of clarification, for
10 parking facilities, are you talking
11 about --

12 MS. HERNANDEZ: Wait a minute, let
13 us --

14 MR. RIEL: Give us a minute to go
15 to the page.

16 MR. SALMAN: What page?

17 MR. RIEL: What page was that,
18 again?

19 MS. QUIRKE: I was trying to speed
20 it up.

21 MR. RIEL: Could you say it again?

22 MS. HERNANDEZ: Page 1 of the
23 Mobility section.

24 MS. QUIRKE: Of the Mobility. It's
25 Section 1.1.8.

1 CHAIRMAN KORGE: That's the orange
2 one.

3 MR. SALMAN: Thank you.

4 MS. HERNANDEZ: 1.1.8, okay.

5 MS. QUIRKE: It's the third from
6 the bottom, on the left.

7 MS. HERNANDEZ: Right here.

8 MR. RIEL: What page, I'm sorry?

9 MS. HERNANDEZ: Page 1 on Mobility.

10 MS. QUIRKE: It's Page 1 of
11 Mobility.

12 CHAIRMAN KORGE: Page 1. It's the
13 orange stuff.

14 MR. COE: Mobility?

15 MS. HERNANDEZ: Yeah, this one.

16 MR. SALMAN: Here it is.

17 (Simultaneous voices)

18 MS. HERNANDEZ: Here, I'll share
19 with you. 1.1. --

20 MS. QUIRKE: 1.1.8.

21 MS. HERNANDEZ: Okay.

22 MS. QUIRKE: Protect residential
23 areas from parking --

24 MR. AIZENSTAT: The right side.
25 You said left.

1 MS. HERNANDEZ: It's on the right.

2 MS. QUIRKE: Yeah. Protect
3 residential areas from parking impacts
4 of nearby non-residential uses and
5 businesses and discourage parking
6 facilities that intrude, impact and
7 increase traffic into residential areas.

8 For parking facilities, as
9 Mr. Acosta recognized, there is a lot of
10 commercial use along U.S. 1. It's
11 immediately adjacent to residential
12 neighborhoods. Are you referring
13 specifically to off-street parking?
14 Because all of those facilities are
15 required to have certain parking
16 requirements, some of them substantial,
17 that could arguably -- you know, that
18 could be used as a Comprehensive Plan
19 change, maybe excessively.

20 MS. HERNANDEZ: Right, but if you
21 look at the language --

22 MS. QUIRKE: Uh-huh.

23 MS. HERNANDEZ: -- it's protecting
24 residential areas from parking impacts.
25 So it imposes the burden to make sure

1 that whatever parking it's going to
2 effect is not going to have a
3 detrimental impact, and then
4 discouraging parking facilities. So
5 it's not an outright prohibition.

6 MR. RIEL: Right, it's not
7 mandatory.

8 MS. HERNANDEZ: What suggested
9 changes are you recommending?

10 MS. QUIRKE: I think my suggested
11 change would be from "and discourage
12 parking facilities," to delete it,
13 because I think it's redundant and I
14 think it can include parking garages or
15 anything. I know that you don't want
16 off-street parking spilling over into
17 residential neighborhoods.

18 MS. HERNANDEZ: Right.

19 MS. QUIRKE: I think that that
20 might be the intent, but some of these
21 facilities on U.S. 1 have extensive
22 parking requirements that -- so I would
23 submit to you to just delete "and
24 discourage," through the end of the
25 sentence, because the first part of the

1 sentence speaks for itself.

2 In fact, there are three sections
3 that are being added to the Mobility
4 section that regard traffic intrusion
5 into the residential neighborhoods.
6 There's also 2.7.1 and Mobility 3.2.

7 MS. HERNANDEZ: Wait, wait. 2.7?

8 MR. COE: 2.7?

9 MS. QUIRKE: 2.7.1 is on Page 10.

10 MS. HERNANDEZ: Okay, and -- Right.
11 What does that -- What is your objection
12 to that one?

13 MS. QUIRKE: It's -- I don't have
14 an objection to that one.

15 MS. HERNANDEZ: Oh.

16 MS. QUIRKE: I'm just saying that
17 protecting from traffic intrusion is
18 already in two other -- is proposed to
19 be added in two other places, and so I
20 think that that's addressed, for a point
21 of clarification.

22 MS. HERNANDEZ: Thank you.

23 Mr. COE: Thanks very much.

24 MS. QUIRKE: Thank you.

25 MS. HERNANDEZ: Amanda, did you get

1 a copy of the proposed language, or not?

2 MS. QUIRKE: Yes, I did.

3 MS. HERNANDEZ: You did.

4 MR. COE: The next speaker?

5 MS. MENENDEZ: Chamorro?

6 Laudani?

7 That's all the speakers we have.

8 CHAIRMAN KORGE: That's everything?

9 So we'll close the public portion of our
10 meeting and --

11 MR. FLANAGAN: If I may --

12 CHAIRMAN KORGE: Yes.

13 MR. FLANAGAN: I've been back for
14 two days, and there's a significant
15 amount of information here.

16 CHAIRMAN KORGE: Where were you?

17 MR. FLANAGAN: In a place not so
18 warm.

19 MS. HERNANDEZ: In a place not --

20 MR. FLANAGAN: Which was quite
21 nice, anyway. No, I was just gone for a
22 few days, but I've been back for two and
23 I've been trying to get through some of
24 this.

25 There is a significant amount of

1 information here that I think needs some
2 intense review, that I haven't had the
3 time to go over in the past two nights,
4 not all of it, and so I'm just putting
5 out there, I know nobody wants to come
6 back and do this next time, but I'm not
7 in a position to comment on or make
8 suggestions to or vote on the
9 significant changes to the elements that
10 existed previously, together with, I
11 think, the four new elements that are
12 now in here.

13 CHAIRMAN KORGE: Right. Well, is
14 there a motion? Is there any motion on
15 the floor at this time?

16 MR. COE: Before we make a motion,
17 I'd like Mr. Behar -- I think he's in
18 the -- Here he comes now.

19 MS. HERNANDEZ: Welcome back.

20 Mr. COE: Well, for purposes of
21 discussion, Mr. Chairman, for purposes
22 of discussion, I will move Staff's
23 recommendation to accept all of these
24 changes as proposed, with the caveat
25 that Staff will meet with Mr. Acosta and

1 the RNA people and counsel to discuss
2 that proposed modification.

3 CHAIRMAN KORGE: Is there a second
4 for that motion?

5 Hearing no second, I'll take --
6 open the floor to any other motion.

7 MR. FLANAGAN: I'll make a motion
8 that we defer action on this item until
9 our next motion.

10 CHAIRMAN KORGE: Is there a second
11 for that one?

12 MR. BEHAR: I'll second that
13 motion.

14 MR. COE: Mr. Chairman, before we
15 go on to that --

16 Mr. Riel, on the June 3rd meeting,
17 is there already agenda items set?

18 MR. RIEL: Yes.

19 MS. HERNANDEZ: And if I just may,
20 for a point of clarification, while, you
21 know, it's fine if you defer, the issue
22 is, are there any questions that you
23 would like Staff to research, because --

24 MR. RIEL: Right.

25 MS. HERNANDEZ: -- to make a motion

1 to defer, while we would accept it,
2 obviously --

3 MR. RIEL: My preference is a
4 motion to continue --

5 MS. HERNANDEZ: Okay.

6 MR. FLANAGAN: For a continuance.

7 MR. RIEL: -- rather than defer --

8 MS. HERNANDEZ: But if you have any
9 specific issues --

10 MR. RIEL: I would offer that if
11 any Board member, in advance of the next
12 meeting -- we'd be happy to sit down and
13 go through each of the elements and the
14 issues, and welcome, you know, that, and
15 we can kind of coordinate that review,
16 so when we do come back on June 2nd --

17 MR. COE: June 3rd.

18 MR. RIEL: -- we can hopefully, you
19 know --

20 MR. COE: June 3rd.

21 MR. RIEL: -- dispense with it very
22 quickly, and then I would also ask -- I
23 don't know, I just want to make sure the
24 Board -- Will we be opening the public
25 hearing again? I just, you know,

1 because that --

2 CHAIRMAN KORGE: Well --

3 MR. AIZENSTAT: That's the problem
4 that I see.

5 MR. RIEL: And I'm just asking the
6 question.

7 MR. COE: And we will --

8 CHAIRMAN KORGE: Wait, let's --

9 MS. HERNANDEZ: No, no, no, but --

10 (Simultaneous comments)

11 CHAIRMAN KORGE: I'm going to
12 address that. Excuse me, I'm going to
13 address that very clearly. We closed
14 the public portion of the hearing --

15 MS. HERNANDEZ: Right.

16 CHAIRMAN KORGE: We are continuing
17 this for purposes of discussion --

18 MR. RIEL: Discussion by the Board
19 members.

20 CHAIRMAN KORGE: -- by the Board.

21 MS. HERNANDEZ: Right.

22 CHAIRMAN KORGE: And then a motion
23 by the Board to approve any amendments.

24 Mr. COE: Hold on, hold on.

25 Mr. Chairman, hold on one second.

1 I want to get an opinion from the City
2 Attorney on that.

3 If there's new elements that are
4 being proposed for us to vote on, do we
5 not have to reopen the public portion
6 for comment?

7 MS. HERNANDEZ: Okay. I don't
8 believe that Mr. Riel is going to be
9 bringing back new changes to the Comp
10 Plan. It's just this is being deferred
11 specifically for the Board to study and
12 pose questions to Staff, to come back at
13 a public forum and answer and respond
14 to. However, at any time, a majority of
15 this Board can reopen the proceedings
16 for public comment and input.

17 At this time, public comment has
18 been closed, and the only thing
19 presently before the Board is discussion
20 by the Board and deliberation, but
21 again, you're not tying your hands,
22 okay? But it would have to be subject
23 to a motion to reopen it.

24 MR. AIZENSTAT: I mean, if that's
25 the case, wouldn't you at that point, if

1 you were going to meet with any
2 association or look at anything -- isn't
3 that the time when you're going to do
4 it, between the City Attorney and the
5 Planning Department?

6 MS. HERNANDEZ: Yes, we would be
7 meeting with the Riviera
8 representatives, as well as the
9 representatives for any objecting party,
10 in order to discuss if any language we
11 would recommend. I'm not -- you know, I
12 have concerns.

13 MR. AIZENSTAT: You see, I feel --
14 I feel comfortable with the City
15 Attorney as far as the City Attorney's
16 ability to review the document, the
17 document that's before us. I'm not --
18 I'm speaking for myself. I'm not an
19 attorney, to go ahead and look at this,
20 but I'm familiar with a lot of the
21 processes and a lot of what's in here.

22 If you'd like to take a look at it
23 from a legality point of view, and any
24 recommendations on it that way, I can
25 understand that. But I don't know if

1 that's -- if that's something --

2 MS. HERNANDEZ: No, he wants to
3 look at it as a Board member, to address
4 any concerns.

5 MR. AIZENSTAT: My understanding
6 was that you wanted to look at it on a
7 legal --

8 MR. FLANAGAN: Oh, no, no. No,
9 it's as a Board member.

10 MR. AIZENSTAT: I just want to be
11 clear on that.

12 MR. FLANAGAN: With all of these
13 new goals, you know, objectives and
14 policies that are in here.

15 CHAIRMAN KORGE: He wants to read
16 it.

17 MR. AIZENSTAT: Okay.

18 MR. SALMAN: He wants to know what
19 he's voting on.

20 MR. AIZENSTAT: I understood it a
21 different way.

22 MR. RIEL: Just for clarification
23 of the record, could I have the motion
24 restated as a continuance or --

25 MR. FLANAGAN: Yes, I will make a

1 motion that we continue this until our
2 June 3rd -- whatever our next meeting
3 is.

4 MR. RIEL: June 3rd.

5 MR. FLANAGAN: June 3rd meeting.

6 MR. BEHAR: And I'll second that
7 motion again.

8 CHAIRMAN KORGE: There's a motion
9 and a second. Any further discussion on
10 this motion?

11 Let's call the question, please.

12 MS. MENENDEZ: Eibi Aizenstat?

13 MR. AIZENSTAT: Yes.

14 MS. MENENDEZ: Robert Behar?

15 MR. BEHAR: Yes.

16 MS. MENENDEZ: Jack Coe?

17 MR. COE: No.

18 MS. MENENDEZ: Jeff Flanagan?

19 MR. FLANAGAN: Yes.

20 MS. MENENDEZ: Javier Salman?

21 MR. SALMAN: Yes.

22 MS. MENENDEZ: Tom Korge?

23 CHAIRMAN KORGE: Yes.

24 MS. HERNANDEZ: Okay.

25 MR. COE: That's it.

1 Move adjournment.

2 MS. HERNANDEZ: Mr. Segall, if
3 there's anybody from your organization
4 that wishes to meet, as well, we're
5 happy to meet and address any concerns
6 that you may have at that time. You
7 know my number, so feel free to call us,
8 okay?

9 (Thereupon, the meeting was
10 adjourned at 7:48 p.m.)

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C E R T I F I C A T E

STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

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

DATED this 19th day of May, 2009.

JOAN L. BAILEY, RDR, FPR

Notary Commission Number DD 64037
Expiration June 14, 2011.