

City of Coral Gables
Planning and Zoning Board Meeting
Wednesday, October 13, 2010, 6:00 p.m.
Coral Gables City Commission Chambers
405 Biltmore Way, Coral Gables

----- 2010 -----

Members:	J13	F10	M10	A4	M12	J9	J24	Ju14	Ju21	A11	S15	O13	Appointed by:
Eibi Aizenstat	P	C	P	C	P	P	E	P	P	P	P	P	City Manager
Robert Behar	P	C	P	C	P	P	P	P	P	E	P	P	Commissioner Rafael "Ralph" Cabrera, Jr.
Jack M. Coe	P	C	P	C	P	P	P	P	P	P	P	E	Mayor Donald D. Slesnick, II
Jeffrey Flanagan	P	C	P	C	P	P	P	P	P	P	P	P	Commissioner Maria Anderson
Pat Keon	P	C	P	C	P	E	P	P	P	P	P	E	Planning & Zoning Board
Tom Korge	E	C	P	C	P	P	P	P	P	P	P	P	Commissioner Wayne "Chip" Withers
Javier Salman	P	C	P	C	P	P	P	P	E	P	E	P	Vice Mayor William H. Kerdyk Jr.

P = Present
E = Excused
U = Unexcused
C = Meeting Cancelled

City Staff:
 Elizabeth Hernandez, City Attorney
 Eric Riel, Jr., Planning Director
 Walter Carlson, Asst. Planning Director
 Scot Bolyard, Planner
 Jill Menendez, Administrative Assistant
 Eli Gutierrez, Code Enforcement Lead
 Charles Siemon, Special Counsel to the City

Court Reporter:
 Joan Bailey

**(See attached Verbatim Transcript of Planning and Zoning Board Meeting
 prepared by Joan L. Bailey & Associates)**

- A. 10.13.10 Planning and Zoning Board Meeting – Verbatim Minutes.
- B. 10.13.10 Attendance/Speaker Sign In Sheet.
- C. Entered into the Record by Staff: Copies of certified letter receipts.



CITY OF CORAL GABLES
PLANNING DEPARTMENT

2010 OCT 18 AM 11:33

1 CITY OF CORAL GABLES
 2 PLANNING AND ZONING BOARD MEETING
 3 VERBATIM TRANSCRIPT
 4 CORAL GABLES CITY COMMISSION CHAMBERS
 5 405 BILTMORE WAY, CORAL GABLES, FLORIDA
 6 WEDNESDAY, OCTOBER 13, 2010, 6:02 P.M.

7 Board Members Present:
 8 Tom Korge, Chairman
 9 Eibi Aizenstat, Vice-Chairman
 10 Robert Behar
 11 Jeffrey Flanagan
 12 Javier Salman

13 City Staff:
 14 Eric Riel, Jr., Planning Director
 15 Elizabeth M. Hernandez, City Attorney
 16 Walter Carlson, Assistant Planning Director
 17 Scot Bolyard, Planner
 18 Jill Menendez, Administrative Assistant
 19 Eli Gutierrez, Code Enforcement Lead
 20 Charles L. Siemon, Esq.
 21 Siemon & Larsen
 22 Special Counsel to the City.

23 Also Participating:
 24 Sanford I. Rakofsky, M.D.

25

1 MR. BEHAR: Yes.
 2 MS. MENENDEZ: Eibi Aizenstat?
 3 MR. AIZENSTAT: Yes.
 4 MS. MENENDEZ: Jeff Flanagan?
 5 MR. FLANAGAN: Yes.
 6 MS. MENENDEZ: Tom Korge?
 7 CHAIRMAN KORGE: Yes.
 8 The second item on the agenda is
 9 Application Number 09-10-119-P, Change of Land
 10 Use from "Commercial Use, Mid-Rise Intensity,"
 11 to "Commercial Use, High-Rise Intensity," for a
 12 .6 acre parcel described as Lots 1 through 10
 13 of Block 7 of the Crafts Section, on Andalusia
 14 Avenue.
 15 MR. CARLSON: Good evening.
 16 CHAIRMAN KORGE: Hello.
 17 MR. CARLSON: For the record, Walter
 18 Carlson, with the Planning Department, and as
 19 you just noted, this first item before you this
 20 evening is a change of land use request, and
 21 this is similar -- a similar request to the one
 22 which came before you last month, which was the
 23 Mercedes Benz application. As an aside, for
 24 your information, that application was approved
 25 by the Commission at yesterday's Commission

1 THEREUPON:
 2 The following proceedings were had:
 3 CHAIRMAN KORGE: We have a quorum, so we'll
 4 begin the meeting.
 5 MS. MENENDEZ: Eibi Aizenstat?
 6 MR. AIZENSTAT: Here.
 7 MS. MENENDEZ: Robert Behar?
 8 MR. BEHAR: Here.
 9 MS. MENENDEZ: Jack Coe?
 10 Jeffrey Flanagan?
 11 MR. FLANAGAN: Here.
 12 MS. MENENDEZ: Pat Keon?
 13 Javier Salman?
 14 Tom Korge?
 15 CHAIRMAN KORGE: Here.
 16 The first item on the agenda is the
 17 approval of the minutes --
 18 MR. BEHAR: Motion to approve.
 19 CHAIRMAN KORGE: -- of the meeting of
 20 September 15th. There's a motion and --
 21 MR. AIZENSTAT: I'll second.
 22 CHAIRMAN KORGE: And a second. Any
 23 discussion, changes or corrections?
 24 Hearing none, we'll call the roll.
 25 MS. MENENDEZ: Robert Behar?

1 meeting.
 2 This property is also located in the CBD,
 3 and is one block north of the Mercedes Benz
 4 site, and is now occupied by a series of
 5 one-story commercial buildings. The request is
 6 a change of land use from "Commercial, Mid-Rise
 7 Intensity," to "Commercial, High-Rise
 8 Intensity." This change would only increase
 9 the permitted height of the future development
 10 of this property. It would not increase the
 11 allowable FAR that could be constructed on the
 12 site.
 13 In Staff's report, which is before you, we
 14 found that the proposal is consistent with the
 15 Comprehensive Plan's goals, objectives and
 16 policies. The proposed land use designation is
 17 consistent with the property's existing
 18 commercial designation. The infill development
 19 of this property which would occur is in
 20 character with the similar commercial projects
 21 which are being constructed in the CBD. And
 22 finally, the proposal would not adversely
 23 affect the use of other properties in the area.
 24 Staff is recommending approval of this
 25 request. For your information, this property

1 was posted, there was a notification published
2 in the paper, and there were courtesy notices
3 mailed to all the property owners within a
4 thousand feet.

5 That concludes my presentation. If you
6 have any questions, I'd be glad to answer them.

7 CHAIRMAN KORGE: Are there any questions at
8 this time?

9 MR. AIZENSTAT: Did this come about -- I
10 remember at that meeting, we had a comment
11 about other properties that were -- that would
12 lie between this that would not be zoned. Is
13 that why this is coming before us?

14 (Thereupon, Mr. Salman arrived.)

15 CHAIRMAN KORGE: Excuse me. For the
16 record, Javier Salman has arrived.

17 MR. RIEL: I mean --

18 MR. AIZENSTAT: We were talking about
19 spot --

20 MR. RIEL: -- from Staff's -- You know, as
21 I indicated previously, we don't go out and
22 pursue property owners.

23 MR. AIZENSTAT: Correct.

24 MR. RIEL: But, you know, I can't comment
25 on that. I mean, perhaps the applicant can.

1 MR. AIZENSTAT: Is the applicant here?

2 MR. RIEL: Yes.

3 MR. CARLSON: Yes, the applicant is here.

4 MR. AIZENSTAT: Would you come up, please?

5 CHAIRMAN KORGE: Hi. Would you like to
6 make your presentation before we question you?

7 DR. RAKOFSKY: Yes, please question me.

8 Good evening, gentlemen. I'm Dr. Rakofsky.
9 I've lived in Coral Gables for the past 38

10 years, and the past 25 at 37 Arvida Parkway. I
11 practice medicine in Coral Gables, right across
12 the street, the 401 Building, the round
13 building. I've been in there for 38 years,
14 practicing ophthalmology.

15 As you know, I also own property in Coral
16 Gables, the Andalusia property, and I'm happy
17 to say that Staff suggested that I come here,
18 for my request to change the zoning from mid
19 intensity to high intensity, because, as you
20 know, all of the garages on the north side of
21 Andalusia have been changed to high intensity,
22 and to the west of me, we've got Publix, which
23 the entire building is high intensity. To the
24 east, we have the Ponce de Leon, then we have,
25 across the street, the First Union and Wachovia

1 building, and the one -- on the following
2 block, next to SunBank, you have also a high
3 intensity, and as was mentioned, south,
4 Mercedes Benz just got approval.

5 So, in my opinion -- it's my opinion that
6 this would be very, very good for the City of
7 Coral Gables, and also for the citizens,
8 because it increases the financial -- the tax
9 bases, and we all know we need this
10 desperately. So I'm hoping for your blessing
11 and your approval, and I'm ready for all the
12 questions.

13 CHAIRMAN KORGE: Any questions?

14 MR. AIZENSTAT: My question was actually,
15 at our last meeting, when we approved this, we
16 were looking, for example, at your property,
17 that was zoned differently than what we had
18 approved, and we were wondering why certain
19 owners hadn't come before us at the same time
20 in order to change their zoning. So, for me,
21 I'm glad that you're coming before us now.

22 DR. RAKOFSKY: Thank you. Yeah, I'm coming
23 here before you because I think that -- First
24 of all, I love the City of Coral Gables, and
25 you guys, too, otherwise you wouldn't be on the

1 Board. And I have a vision, like we all do. I
2 think Coral Gables is a great city, and it's
3 going to be greater. And knowing that there
4 are plans to do something on the 200 garage, I
5 would like to join in with the City on
6 something like that, in a -- now, I'm being
7 very visionary, now. I really think in terms
8 of George Merrick with the Venetian concept,
9 all the Mediterranean buildings, and having two
10 of them together, being built together, and
11 maybe an archway, like the Ponte Vecchio they
12 have in Florence, something like that. So I
13 know I'm just pipe dreaming, but I would like
14 to get involved with the City, and I think now
15 is the time, since you're making the changes, I
16 saw all that, I got copies of it, and I
17 figured, well, let me go, also, and see if I
18 can do the same thing.

19 CHAIRMAN KORGE: Any other questions of the
20 applicant?

21 MR. BEHAR: No.

22 CHAIRMAN KORGE: Hearing none, I'll take a
23 motion or open it for discussion.

24 MR. BEHAR: Yeah, I'm opening it for
25 discussion. I -- This is again -- I mean, I'm

1 glad you're coming forward, but this is again,
2 we look -- we're looking at this whole sector
3 in pieces. I think that, if we had all the old
4 property owners like you come forward, I think
5 we would make a much better --

6 DR. RAKOFSKY: I agree.

7 MR. BEHAR: -- you know, decision, in
8 order -- I'm in favor of doing it. I just --
9 Again, there's no method of being able to --

10 You know, Eric, any --

11 MR. RIEL: And that was actually an issue
12 that was brought up by the Commission at
13 yesterday's meeting, when the other property
14 came through. They actually asked the Manager
15 to schedule an upcoming meeting or workshop to
16 talk about the area in general, the CBD, in
17 terms of, you know, development of a Master
18 Plan, or to look at, you know, from a holistic
19 basis, the area from Almeria north. So that's
20 in motion.

21 MR. BEHAR: Okay.

22 CHAIRMAN KORGE: Any other discussion or
23 questions?

24 MR. BEHAR: If there's none, I make a
25 motion to approve.

1 application. At last month's -- Last month,
2 the Board approved a change of zoning for
3 University-owned properties, from UMCAD to
4 University Campus District, or UCD.

5 At that meeting, Staff informed the Board
6 that a change of zoning for private properties
7 which are located within the campus, being the
8 fraternity properties and the religious
9 institutional properties, would be made at this
10 month's Board meeting.

11 This change would bring these private
12 properties into compliance with their existing
13 University Campus land use designation. With
14 this change, there are seven fraternities and
15 five religious institutions included in this
16 change of zoning. Currently, the fraternities
17 are zoned single-family residential, and the
18 religious institutional -- institutions are
19 zoned UMCAD, which remains from the previous
20 UMCAD zoning designation.

21 All 12 of these properties would be rezoned
22 to the University Campus District designation,
23 or the UCD designation, similar to the
24 University-owned properties which surround
25 them.

1 CHAIRMAN KORGE: There's a motion to
2 approve.

3 MR. SALMAN: I'll second it.

4 CHAIRMAN KORGE: Seconded. No further
5 discussion? Let's call the roll, please.

6 MS. MENENDEZ: Jeff Flanagan?

7 MR. FLANAGAN: Yes.

8 MS. MENENDEZ: Javier Salman?

9 MR. SALMAN: Yes.

10 MS. MENENDEZ: Eibi Aizenstat?

11 MR. AIZENSTAT: Yes.

12 MS. MENENDEZ: Robert Behar?

13 MR. BEHAR: Yes.

14 MS. MENENDEZ: Tom Korge?

15 CHAIRMAN KORGE: Yes.

16 DR. RAKOFSKY: Thank you very much.

17 CHAIRMAN KORGE: Our next item is a change
18 of zoning in the University of Miami Campus
19 boundaries. This a City-initiated change of
20 zoning for certain privately-owned properties
21 within the boundaries, bounded -- in the area
22 generally bounded by Levante Avenue, Red Road,
23 Mataro Avenue, and San Amaro Drive.

24 MR. CARLSON: The second item which is
25 before you this evening is a change of zoning

1 This change of zoning is City-initiated,
2 and the Planning Department is recommending
3 approval of this application. Each of these 12
4 properties were sent a certified letter,
5 notifying them of this, of this proposal, and
6 for the record, I would like to submit the
7 receipts, the certified letter receipts.

8 CHAIRMAN KORGE: Thank you.

9 MR. CARLSON: I would also like to note
10 that each one of these properties was posted
11 and that there were courtesy notices mailed to
12 all property owners within a thousand feet of
13 these properties, and at the back of your
14 report, you can note -- I hope you can note
15 that there was only one returned, and that was
16 no objection.

17 That concludes Staff's presentation.

18 CHAIRMAN KORGE: Thank you.

19 Is anybody here representing the
20 University? Would you like to speak to this?

21 UNIDENTIFIED WOMAN: We're not the
22 applicant.

23 CHAIRMAN KORGE: I know you're not the
24 applicant. I didn't know if you wanted to say
25 anything before we -- No?

1 UNIDENTIFIED WOMAN: No. We have no
2 objection.

3 CHAIRMAN KORGE: I'll open it for
4 discussion or a motion.

5 MR. FLANAGAN: Can I just ask, did we get
6 no response back from any of those property
7 owners or any of the fraternity owners?

8 MR. CARLSON: We had just the one notice
9 from the surrounding properties. We had one
10 call from one of the fraternities, and all they
11 wanted was a clarification and explanation, and
12 once the proposal was explained to them, they
13 didn't have any issue with it.

14 MR. FLANAGAN: Did it go to the house or
15 did it go to -- I guess it would have gone to
16 the owner of record?

17 MR. CARLSON: Owner of record.

18 MR. RIEL: And we did a fairly detailed
19 letter, in terms of what it -- what the, you
20 know, proposal previously would -- existing
21 zoning, and then what the new proposal was,
22 so --

23 CHAIRMAN KORGE: This won't preclude the
24 existing use at all, obviously.

25 MR. RIEL: No, it won't. It won't.

1 CHAIRMAN KORGE: Right.

2 MR. RIEL: Correct.

3 CHAIRMAN KORGE: Which raises an
4 interesting question for me, not the -- not the
5 change in zoning, but this is City-initiated,
6 correct?

7 MR. RIEL: Correct.

8 CHAIRMAN KORGE: Why isn't the City able to
9 initiate a similar change with respect to the
10 other properties that we were discussing --

11 MR. BEHAR: Thank you.

12 CHAIRMAN KORGE: -- in the previous
13 application.

14 MR. BEHAR: Thank you.

15 CHAIRMAN KORGE: If there is.

16 MR. BEHAR: Take the Fifth.

17 MR. RIEL: Maybe I should take the Fifth,
18 yeah. Thank you.

19 I mean, obviously, the University, by
20 coming through, you know, with the application,
21 that changed everything to UCD, this would
22 create, pretty much, donut holes. So that's
23 why we initiated it, to make it, in terms of
24 consistency. In terms of going out and doing a
25 wholesale -- you know, for instance, of the

1 CBD, that would involve doing a study,
2 contacting each of the owners, and then, you
3 know, obviously, working with them. But I
4 think that's a more in-depth, you know, rather
5 than just -- This is kind of -- I don't see
6 this as kind of -- not scrivener's errors, but
7 this is more of just like making it consistent,
8 because it's wholly surrounded by the
9 University, so --

10 MR. SALMAN: I have a question. These
11 properties are not owned by the University of
12 Miami, yet we're incorporating them in the UCD;
13 is that correct?

14 UNIDENTIFIED WOMAN: They're not owned by
15 the University.

16 MR. SALMAN: They're not owned by the
17 University?

18 MR. RIEL: No. Correct.

19 MR. SALMAN: And there's none of them here
20 to say that they're okay with it?

21 CHAIRMAN KORGE: Well, if you think about
22 it, it's not surprising, because they're
23 basically affiliated with the University, all
24 of them, you know.

25 MR. SALMAN: Hey --

1 CHAIRMAN KORGE: I'm sorry, go ahead.

2 MR. SALMAN: You know, let's follow the
3 logic out here, okay? So, basically, we're
4 initiating a change of zoning, where the people
5 are being noticed that they're being -- "By the
6 way, your zoning is being changed to be
7 included as part of the University of Miami and
8 the University Campus District," and nobody
9 showed up?

10 Well, let the record say that, you know,
11 nobody showed up, and that we're going to go
12 ahead and rule on this.

13 MR. BEHAR: My question is, you know, I'm
14 wondering if we should extend that all the way
15 through Miller Drive.

16 MR. SALMAN: No, because it's outside the
17 perimeter of what we --

18 MR. BEHAR: It's going to happen sooner or
19 later.

20 MR. RIEL: But it's also important to note,
21 I mean, these properties have UMCAD zoning and
22 they have single-family zoning. They have a
23 lot of different categories. There's not
24 consistent land use and zoning. So that's one
25 thing that the City is responsible to do, to

1 make sure there's consistent land use and
2 zoning, by the Comp Plan. So that's why, you
3 know, in terms of the City-initiated request, I
4 mean, that's one of our goals and objectives,
5 to eliminate inconsistencies on properties,
6 so --

7 MR. SALMAN: I know the University of Miami
8 owns property north of their boundary, and it's
9 all in the single-family area, between Mataro
10 and Miller, well as places in and around the
11 campus that they use -- in and around that area
12 outside the campus that they use for their
13 professors and visiting lecturers or whatnot.

14 My concern, again, is that we're doing it
15 without necessarily the benefit of having a
16 letter, saying, "Yeah, we're okay with it."

17 CHAIRMAN KORGE: The what, I'm sorry? I
18 didn't hear.

19 MR. SALMAN: The letter, saying that, yeah,
20 they're okay with it, that the owners of the
21 properties are okay with the change of the
22 underlying zoning.

23 CHAIRMAN KORGE: Well, that would be more
24 problematic, but the point I was trying -- if
25 we moved it north, say, to the residential

1 violation. They have multi-family in a
2 single-family lot, so --

3 MR. AIZENSTAT: Well, that was actually
4 what I wanted to ask. I've noticed --

5 MR. SALMAN: We're correcting an issue.

6 MR. AIZENSTAT: -- that all these
7 properties that are here are single-family.
8 Weren't they in violation?

9 MR. RIEL: Well, we did have one, about
10 three or four years ago, come through and, as a
11 part, you know, ask for a change in zoning,
12 but --

13 MR. AIZENSTAT: Property Number 6.

14 MR. RIEL: I'm not sure which one it was,
15 but we did, in the past. But basically, what
16 we've done in the past is, as they do, you
17 know, an expansion, that's when we make them
18 come back and do consistent, you know, land use
19 and zoning. I mean, just what we've done here
20 is, obviously, since the University has come
21 forward with their application --

22 MR. BEHAR: And it makes sense, because
23 you're cleaning the whole area, where
24 everything -- I mean, it makes sense to do
25 that.

1 there. But the point I was trying to make,
2 maybe not very well, is that because these
3 properties essentially exist solely as an
4 adjunct of the University --

5 MR. SALMAN: Agreed.

6 CHAIRMAN KORGE: -- they are more properly
7 zoned within the University Campus District.
8 They really are just there to service the
9 University. I don't know what the underlying
10 title provides, but I suspect the University
11 has some say, more than just as a neighbor,
12 over the activities within those facilities,
13 especially the fraternities. They're not going
14 to let the fraternities -- I can tell you, at
15 the University of Florida, for example, there
16 are fraternities located off-campus, yet
17 they're subject to control by the University,
18 because they're --

19 MR. SALMAN: They're chartered by the
20 University. They're allowed.

21 CHAIRMAN KORGE: Chartered by the
22 University, exactly. So, I mean, I don't know
23 the details of it, but in that context, it
24 doesn't bother me.

25 MR. SALMAN: Well, they're already in

1 MR. RIEL: And essentially, what would
2 happen is, under the current Code right now, if
3 they did an expansion, it would have to
4 actually come through for a change in zoning,
5 and that would have to come to this Board. So
6 if they add on to any portion of a fraternity
7 or anything, it would need to come through this
8 Board.

9 MR. SALMAN: These are all probably
10 existing nonconforming uses.

11 MR. CARLSON: Well, these are all -- These
12 were all approved many, many years ago, under
13 an X designation. They're single-family. The
14 underlying zoning is a single-family
15 residential, and they put -- they applied an X
16 designation, 30, 40 years ago, whenever this
17 was done --

18 MR. AIZENSTAT: Oh, so they are legal?

19 MR. CARLSON: -- to allow the fraternities
20 to exist there. When we changed --

21 MR. RIEL: They're not illegal. They're
22 nonconforming.

23 MR. BEHAR: Legal nonconforming, legal
24 nonconforming.

25 MR. RIEL: Right.

1 MR. CARLSON: So when we changed the
 2 zoning --
 3 MR. BEHAR: So it makes sense to, you know,
 4 put it into the UCD and --
 5 MR. SALMAN: Yeah, I see this obviously as
 6 a housekeeping issue, other than the fact
 7 that -- that --
 8 MR. BEHAR: I think that would help
 9 promote --
 10 MR. SALMAN: -- the underlying ownership of
 11 the property isn't part of the University of
 12 Miami. That's the only issue that I see.
 13 MR. BEHAR: I'll make a motion to approve.
 14 MR. AIZENSTAT: I'll second it.
 15 CHAIRMAN KORGE: Any discussion on the
 16 motion? Oh, excuse me. Is there anybody from
 17 the public that wishes to speak on this? Well,
 18 we've got the motion still on the table, okay.
 19 Any discussion on the motion?
 20 Hearing none, we'll call the roll, please.
 21 MS. MENENDEZ: Javier Salman?
 22 Javier?
 23 MR. SALMAN: Because there is no objection
 24 from the owners, I will vote to approve.
 25 MS. MENENDEZ: Eibi Aizenstat?

1 MR. AIZENSTAT: Yes.
 2 MS. MENENDEZ: Robert Behar?
 3 MR. BEHAR: Yes.
 4 MS. MENENDEZ: Jeff Flanagan?
 5 MR. FLANAGAN: Yes.
 6 MS. MENENDEZ: Tom Korge?
 7 CHAIRMAN KORGE: Yes.
 8 Our final item on the agenda is a
 9 proposed City-initiated amendment to Zoning
 10 Code, Article 5, Division 14, entitled
 11 "Parking, Loading and Driveway Requirements."
 12 MR. RIEL: Mr. Chair, what this is, this is
 13 a request for a change in the Zoning Code that
 14 was identified by the Building & Zoning
 15 Department, more specifically, the Code
 16 Enforcement Department, relative to some
 17 actions on the Code Enforcement Board.
 18 So I'll turn it over to Eli Gutierrez.
 19 He's the Code Enforcement Lead for the City.
 20 MR. GUTIERREZ: Good evening, Mr. Chairman,
 21 Members of the Board. For the record, my name
 22 is Eli Gutierrez, City of Coral Gables Code
 23 Enforcement Lead. I'm here tonight requesting
 24 an amendment be made to Article 5, Division 14,
 25 "Parking, Loading and Driveway Requirements,"

1 specifically, Section 5-1404 of our Zoning
 2 Code.
 3 You have the packet, I believe, that Staff
 4 has provided for you. I'll briefly go over the
 5 packet with you. Attachment A, the purpose for
 6 this text amendment. In order to achieve
 7 better clarity of this particular section, the
 8 Code Enforcement Division recommends amendments
 9 to the language used to cite for vehicles
 10 parked on unapproved surfaces, specifically, on
 11 private property.
 12 At our Code Enforcement ticket hearing,
 13 which is held monthly, attorneys specifically
 14 have been challenging the wording of the Code.
 15 The word vehicle is missing in the Code, and it
 16 does not -- and also does not specify that a
 17 vehicle cannot park on the grass on private
 18 property. Because of the missing language, the
 19 hearing officer has been throwing out cases.
 20 Right below is a proposed amendment, which
 21 would just be subsection C, and it would be as
 22 following: "Parking of vehicles on any surface
 23 on private property other than the
 24 aforementioned surfaces shall be prohibited."
 25 I'll repeat it one more time, just to make

1 clear. "Parking of vehicles on any surface on
 2 private property other than the aforementioned
 3 surfaces shall be prohibited."
 4 Attached in your packet is the ordinance
 5 and the proposed change. Also, we have some
 6 photos determining the violation, which is
 7 Attachment C. Page 1, you see, if you're
 8 following with me, the vehicle parked on
 9 private property on the green space, on green
 10 grass. That is illegal in our Code. Page 2
 11 also shows the same, private property, parked
 12 on grass. Page 3 shows what we do allow in the
 13 City, parking on our swales. As long as it's
 14 very clear for anybody listening out there, as
 15 long as there's a no parking sign, you can
 16 park, and you cannot block a sidewalk. That is
 17 a parking issue which Code Enforcement is also
 18 certified to cite for that. So Page 3, that is
 19 an allowable parking on our swale. Page 4 is
 20 the same, and the first photo on Page 4, if
 21 you're looking at it, it shows a row of
 22 vehicles parked on the swale, and that is also
 23 allowed.
 24 That concludes my quick presentation. I'm
 25 open for any questions.

1 MR. AIZENSTAT: I'm glad you gave the
 2 examples. They're nice.
 3 MR. GUTIERREZ: Yes, sir. I wanted to make
 4 sure -- I know I spoke to a couple of you in
 5 the last meeting, and I wanted to make it
 6 clear, what we allow and what we don't allow.
 7 CHAIRMAN KORGE: Well, let me ask you --
 8 MR. GUTIERREZ: Yes, sir.
 9 CHAIRMAN KORGE: Why? Why, if there's not
 10 enough parking for people at their homes, why
 11 are you prohibiting them from parking on their
 12 grass?
 13 MR. GUTIERREZ: On private property.
 14 CHAIRMAN KORGE: Yeah. We're talking about
 15 their homes, yeah.
 16 MR. GUTIERREZ: Well, then, I will give you
 17 an example of what a resident would, for
 18 example, tell me. "It looks like a used car
 19 lot, and you're destroying our grass," on
 20 private property.
 21 MS. HERNANDEZ: It's always been a Code
 22 provision that we have enforced, and only
 23 recently have Code Enforcement hearing masters
 24 not been enforcing it, but the City has never
 25 allowed property owners to park on their grass.

1 You know, it's only because someone is
 2 interpreting it -- and, you know, there is --
 3 It makes -- The way that the officer is
 4 interpreting it does make sense, so we want to
 5 be clear and not have the ordinance vague.
 6 MR. BEHAR: But -- I understand.
 7 MS. HERNANDEZ: Yeah.
 8 MR. BEHAR: But the example you give is an
 9 example that they have a sidewalk.
 10 MR. GUTIERREZ: Yes.
 11 MR. BEHAR: And you could determine,
 12 establish where is the swale --
 13 MR. GUTIERREZ: That's correct.
 14 MR. BEHAR: -- from the private property.
 15 What about if you don't have a sidewalk? What,
 16 then, is --
 17 MR. GUTIERREZ: Well, that's considered our
 18 swale.
 19 MS. HERNANDEZ: Right.
 20 MR. GUTIERREZ: That's considered a swale,
 21 and you're allowed to park there, when
 22 there's --
 23 MR. BEHAR: So, from -- you're going to get
 24 off and then determine where the -- you know,
 25 where the property line is, and then outside of

1 that --
 2 MS. HERNANDEZ: Right.
 3 MR. BEHAR: So, in this case, if they
 4 didn't have a sidewalk, it would be legal?
 5 MR. GUTIERREZ: It's clear, right. With a
 6 sidewalk there, it's clear where you can park
 7 and where you cannot park. When there is no
 8 sidewalk, the officer will get off, measure it,
 9 our right-of-way, and determine what's private
 10 property and what's our swale.
 11 CHAIRMAN KORGE: Well, let me ask it a
 12 different way. If you've got a sidewalk that
 13 runs through the public right-of-way, and
 14 there's public right-of-way on both sides of
 15 the sidewalk, are you saying that you can't
 16 park on the public side of -- on the
 17 homeowner's side of the public right-of-way
 18 because there's a sidewalk there?
 19 MS. HERNANDEZ: No, he's saying it's only
 20 on private property. That's what the ordinance
 21 says.
 22 MR. GUTIERREZ: Correct, yes, only on
 23 private property.
 24 MS. HERNANDEZ: Only private property.
 25 CHAIRMAN KORGE: So you could park on the

1 public property --
 2 MS. HERNANDEZ: Right.
 3 CHAIRMAN KORGE: -- that is on the other
 4 side of the sidewalk?
 5 MS. HERNANDEZ: If that exists, they can,
 6 yes.
 7 MR. GUTIERREZ: Yes, sir.
 8 MS. HERNANDEZ: It's public property.
 9 CHAIRMAN KORGE: But how would a homeowner
 10 determine where the public portion begins and
 11 ends? Well, you know where it begins; it
 12 begins on the street.
 13 MR. GUTIERREZ: Right.
 14 MS. HERNANDEZ: Right.
 15 CHAIRMAN KORGE: But how do you determine
 16 where it ends?
 17 MR. GUTIERREZ: Usually --
 18 CHAIRMAN KORGE: Do you have to get a
 19 survey, to know where you can park?
 20 MS. HERNANDEZ: Typically --
 21 MR. GUTIERREZ: Yes.
 22 CHAIRMAN KORGE: You get a survey?
 23 MS. HERNANDEZ: Yes. Typically, people
 24 have had surveys on their property, and every
 25 time they're refinancing and -- I mean, people

1 know where their private property is.
 2 CHAIRMAN KORGE: I don't think that's
 3 realistic.
 4 MS. HERNANDEZ: We have arguments and
 5 debates between residents all the time, they're
 6 encroaching with their tree, 32 inches, 12
 7 inches, half an inch onto my property -- I
 8 mean, you know, I haven't seen that as a
 9 problem.
 10 CHAIRMAN KORGE: I understand that, but,
 11 you know, I can tell you, I've -- I've got
 12 surveys on my house, and I don't know where the
 13 private and public begins, and frankly, I had
 14 some changes, installed some lighting -- you'll
 15 remember, Liz, years ago --
 16 MS. HERNANDEZ: Yeah.
 17 CHAIRMAN KORGE: -- that the City checked
 18 off and said it wasn't in the public
 19 right-of-way, and it turned out it was in the
 20 public right-of-way, so --
 21 MS. HERNANDEZ: That's true.
 22 CHAIRMAN KORGE: -- it sounds great in
 23 theory, everybody should know where their
 24 property is, but we don't live in theory; we
 25 live in a real world. So, let me again ask the

1 this up, first, Code Enforcement have been
 2 citing this for years, way longer than I've
 3 been here. However, recently, at our hearings,
 4 attorneys have been questioning it, and it
 5 started off from our ticket hearing officer,
 6 our special master. He's the one -- "I need to
 7 take a look at this Code. Don't bring it
 8 before me, because it's missing language." And
 9 that is where this all originated from.
 10 CHAIRMAN KORGE: Any other questions or
 11 discussion?
 12 MR. FLANAGAN: Yeah. I mean, it may have
 13 been interpreted one way for a long time, it
 14 might be being interpreted differently now, but
 15 it's in front of us now.
 16 MS. HERNANDEZ: Right.
 17 MR. FLANAGAN: And I've got to tell you,
 18 fundamentally, I have a real hard time with
 19 somebody telling me what I can and cannot do on
 20 my private property. And if I can park on the
 21 grass in the public right-of-way, then why
 22 can't I park on the grass on my private
 23 property?
 24 I think Example 3 on Page 2 looks -- and
 25 Example 4 on Page 2 -- looks a heck of a lot

1 question. How is the City going to determine
 2 where the public property ends?
 3 MR. GUTIERREZ: The experience of the
 4 enforcement officer, to be honest with you.
 5 CHAIRMAN KORGE: I know, but how is he
 6 going to determine --
 7 MR. GUTIERREZ: Also, if I may --
 8 CHAIRMAN KORGE: Yes.
 9 MR. GUTIERREZ: Also, without having a survey,
 10 points of reference for us, sometimes, when we're out in
 11 the field, it's looking at utilities.
 12 CHAIRMAN KORGE: I'm sorry?
 13 MR. GUTIERREZ: Utilities. Where utilities
 14 are placed, usually, towards the street, that's
 15 our right-of-way. Anything inside the utility
 16 is usually private property.
 17 CHAIRMAN KORGE: I don't know about that,
 18 either. I mean, I --
 19 MR. GUTIERREZ: That's basically --
 20 CHAIRMAN KORGE: There's so many examples
 21 where that's not the case, but go ahead.
 22 MR. GUTIERREZ: Well, that's just basically
 23 it. One thing is, we're not out there just
 24 focusing on this particular issue. As Liz
 25 mentioned, one of the reasons why we brought

1 nicer than Example 7 on Page 4.
 2 You're going to allow somebody, or multiple
 3 vehicles, to park on their grassy swale, but on
 4 my lawn, I can't cross over the sidewalk, onto
 5 the property that I own. It's my fundamental
 6 property right, and I know, there are some
 7 zoning regulations for aesthetic purposes, but
 8 if you were going to deny parking on the grassy
 9 swale and deny parking on your lawn, maybe I
 10 could understand that, because what's good for
 11 the goose, as they say, is good for the
 12 ganders. But why differentiate between private
 13 property and public property? Grass is grass.
 14 Maybe that's the clarification that I need,
 15 because I don't see a difference between the
 16 grass that's on the street side of the sidewalk
 17 versus the grass that's on private property.
 18 CHAIRMAN KORGE: And not only that, but in
 19 a lot of our neighborhoods, there are no
 20 sidewalks.
 21 MR. FLANAGAN: I don't have a sidewalk in
 22 front of my house, and I assume that the
 23 property line ends where the front walk ends.
 24 MS. HERNANDEZ: Right.
 25 MR. FLANAGAN: But I don't have -- It may,

1 it may not. I've never measured it, and I'm
2 not going to go measure it, and Heaven forbid,
3 some day I pull too far up and my front tire is
4 now parked on my property and my rear tires are
5 parked in what might be public property, and
6 I'm going to get a ticket.

7 MS. HERNANDEZ: Listen, policy decisions
8 are made by you and the City Commission, and if
9 you want to, we can also do away with the
10 prohibition on campers, and allow boats parked
11 in the front lawn, because it's a private
12 property right.

13 CHAIRMAN KORGE: No, that's not -- Liz --
14 That's not before us.

15 MR. FLANAGAN: That's more of an
16 aesthetics --

17 CHAIRMAN KORGE: We're talking about
18 parking on grass.

19 MS. HERNANDEZ: Well, one thing leads to
20 another.

21 MR. FLANAGAN: No --

22 MS. HERNANDEZ: It's the issue of quality
23 of life.

24 MR. FLANAGAN: I can park -- well, hold on.
25 I can have a boat in my yard, as long as it

1 here is minimum housing. The issue that Code
2 Enforcement is attempting, especially in this
3 era of the significant number of foreclosures
4 and abandoned, vacant properties, is issues of
5 minimum housing standards. They can only apply
6 the tools at their disposal. It's up to the
7 Board to decide whether, from a policy
8 perspective, they want this or they don't want
9 it. If you feel that it is appropriate for
10 individuals -- you know, the issue is not the
11 person who applies common sense and parks, one
12 day, a vehicle in their front lawn. That's not
13 the issue. The issue is the individual who
14 suddenly is acquiring more and more vehicles or
15 is having more and more friends living and
16 staying in their property and parking seven or
17 eight cars on their lawn, and, you know, it's
18 not an issue of selective enforcement. It's an
19 issue of giving our Code Enforcement officers
20 the tools that they need in order to keep
21 residents such as yourself from complaining
22 about their neighbors who are allowing their
23 properties to fall into disarray. That's all.
24 You know, it's that simple.

25 But if this Board feels that they're going

1 does not come forward of my front facade.

2 MS. HERNANDEZ: Correct.

3 MR. FLANAGAN: But wait, now I'm parking a
4 boat -- and I'm assuming the boat's on a
5 trailer, and it's going to be on grass --

6 MS. HERNANDEZ: Right.

7 MR. FLANAGAN: -- on private property.

8 MS. HERNANDEZ: Right.

9 MR. FLANAGAN: I can no longer park my boat
10 on my private property, because it's parked on
11 the grass.

12 MR. BEHAR: That would be correct.

13 MS. HERNANDEZ: That is not correct.

14 MR. BEHAR: Why not?

15 MR. AIZENSTAT: Because it relates to
16 automobiles and vehicles.

17 MS. HERNANDEZ: Is it a vehicle?

18 MR. FLANAGAN: I don't know the definition
19 of vehicle, what would be considered --

20 MS. HERNANDEZ: It's not a vehicle, you
21 know.

22 MR. FLANAGAN: Well, what if I own a pickup
23 truck, and I park the pickup truck on my
24 side --

25 MS. HERNANDEZ: No, you cannot. The issue

1 too far by citing the issue of vehicles, then,
2 you know, it's up to the Board and the
3 Commission to advise where they feel that the
4 officers are crossing the line.

5 MR. FLANAGAN: I think if we have an issue
6 of a bunch of cars parked consistently, we may
7 have a problem with people violating the
8 residency requirement, and that should be the
9 way to address it, that maybe there's too many
10 unrelated people living in one house.

11 CHAIRMAN KORGE: Well, it goes through --

12 MR. SALMAN: I just have a question for
13 Eli. You don't ticket on the first -- Do you
14 warn?

15 MR. GUTIERREZ: Of course. We issue a
16 warning, to educate the resident, and he's
17 placed on notice.

18 MR. SALMAN: So --

19 MR. GUTIERREZ: I mean, that's another
20 thing. I mean, as Liz was saying, it's up to
21 you guys, if you want to agree or if not, but
22 the Code will still be -- we'll still issue to
23 Code. It's just a way of clarifying for the
24 residents, making it -- more educational.

25 MR. SALMAN: The point here, and the way I

1 see the Code, and the intent of the Code here,
2 is that you park your vehicle on your property
3 on a paved area, okay, for a specific purpose,
4 that that's for the movement of the vehicle in
5 and on your property.

6 The Code now allows you to park on it. A
7 long time ago, you had to park in the garage
8 and close the door --

9 MS. HERNANDEZ: Right.

10 MR. SALMAN: -- because the intent here was
11 that the City was a garden city, and it had a
12 certain amount of green area. It wasn't meant
13 to have green area for more parking. It was
14 meant to have green area for the enjoyment of
15 everybody else. So it is a quality of life
16 issue, and it is a quality of life issue for
17 not just the person living at the house, who's
18 parking on his grass. It's for the people who
19 have to live around him, who don't park on
20 their grass. So, you know, if we say that it's
21 allowed, then it's a fundamental change in the
22 concept of what Coral Gables is, as a City.

23 So that's how I see it, and that's why I
24 think that they should be properly empowered to
25 enforce that law.

1 would have some mechanism to cite them for an
2 unkempt yard --

3 MR. SALMAN: What are you going to do?

4 MR. FLANAGAN: -- and it is their -- and at
5 that point, it's the property owner's own fault
6 for causing that problem.

7 MS. HERNANDEZ: Typically, when it's on the
8 right-of-way and homeowners notify the City,
9 there is a response by the City's Public Works
10 Department to come out and repair. So we have
11 a pretty good program --

12 MR. GUTIERREZ: Yes.

13 MS. HERNANDEZ: -- and when it has fallen
14 by the wayside, I mean, a couple of e-mails by
15 a homeowner, saying, "Hey, there is a problem
16 here, the grass has died -- " I mean, I
17 have -- Our Public Works and our Public Service
18 Department, they're pretty responsive to that.
19 So I don't know, you know --

20 MR. FLANAGAN: I remember sitting on a
21 different board --

22 MS. HERNANDEZ: -- what you're saying about
23 the right-of-way.

24 MR. FLANAGAN: I remember sitting on a
25 different board. There were neighbors over --

1 MR. GUTIERREZ: And to follow up with Mr.
2 Salman's point, let's just say we do it on
3 private property, going onto the private
4 property, coming out. It starts destroying the
5 grass, and now their property now has -- We
6 have to cite for something else now, minimum
7 housing --

8 MS. HERNANDEZ: Right.

9 MR. GUTIERREZ: -- because now their
10 private property is not up to our City Codes.

11 MR. FLANAGAN: But the same thing happens
12 to the swale, and I remember hearing complaints
13 constantly about people, drivers of school
14 buses, especially in the vicinity of the
15 schools in town -- the school buses and other
16 drivers that drive up on the swale, they park,
17 they tear up the dirt, and that becomes -- Then
18 the homeowner who's adjacent to that gets cited
19 for failure to maintain. So, at that point,
20 the homeowner is now responsible for solving a
21 problem and an unpleasing condition caused by
22 others, whereas at least if it was on their
23 property --

24 MS. HERNANDEZ: Right.

25 MR. FLANAGAN: -- I would hope the City

1 MS. HERNANDEZ: Code Enforcement?

2 MR. FLANAGAN: No, School and Community
3 Relations.

4 MS. HERNANDEZ: Oh.

5 MR. FLANAGAN: Neighbors at one of the
6 schools, that I won't name, and there were
7 constant complaints about the school buses and
8 that neighbors were then the ones who
9 respond -- They would put a new sod down, give
10 it a week, give it a dose of rain, then they'd
11 have to go out and do it again. It was just a
12 constant problem.

13 MR. GUTIERREZ: I mean, thankfully, around
14 the City now, there isn't a big complaint-based
15 issue about our right-of-ways.

16 MR. FLANAGAN: That's good to hear.

17 MR. GUTIERREZ: So that's a good thing,
18 And we also take into consideration that we
19 allow them to park on there instead of their
20 private property. And we would help the
21 resident if they asked to re-sod it,
22 definitely, our Public Works and Public Service
23 Department.

24 MR. BEHAR: You know, really,
25 fundamentally, I agree with you, but when you

1 look at some of these pictures, you know,
2 you've got a car -- or you've got a house that
3 has at least four cars parked in front, you
4 know? I would hate to be that neighbor across
5 the street.

6 MR. GUTIERREZ: That's another thing.

7 MR. SALMAN: Yeah, that's who I'm thinking
8 about.

9 MR. GUTIERREZ: Well, there's obviously
10 numerous complaints, and you're correct.

11 MR. BEHAR: As much as, yeah, they have the
12 right to park, but you know what? You know,
13 the pictures, or Example Number 2, if it came
14 in to widen up the driveway, I'm sure they
15 could do it.

16 MR. GUTIERREZ: Yes, sir.

17 CHAIRMAN KORGE: What if they don't have
18 any swale?

19 MS. HERNANDEZ: What if they what?

20 CHAIRMAN KORGE: Where there's no swale.
21 At my house, there's no swale. You have a big
22 tree on one side, and then the City's installed
23 the circles, so there's now a half a sidewalk
24 on the other side. There's really -- There's
25 no other place to park. There's no swale.

1 MS. HERNANDEZ: You pull -- you either have
2 a special events permit or you have off-duty
3 police officers for a one-time event at a
4 house. I mean --

5 CHAIRMAN KORGE: So, if I want to invite
6 someone over for Christmas, I've got to get a
7 permit?

8 MR. GUTIERREZ: No.

9 MS. HERNANDEZ: No.

10 CHAIRMAN KORGE: I mean, come on.

11 MS. HERNANDEZ: No, no, no. That's only
12 for special events.

13 MR. FLANAGAN: Well, they can't park on
14 your yard.

15 CHAIRMAN KORGE: We've got to live with
16 these things.

17 MR. SALMAN: That's not what they're
18 saying. That's not what they're saying.

19 MS. HERNANDEZ: Yeah, that's not what we're
20 saying, you know. You're going to an extreme.

21 CHAIRMAN KORGE: Yeah, but if I --

22 MR. SALMAN: They can't park on the grass.

23 CHAIRMAN KORGE: If I just have my whole
24 family over for Christmas, I've got more cars
25 than I've got capacity --

1 MS. HERNANDEZ: You mean, that beautiful
2 house you live in, you're complaining?

3 CHAIRMAN KORGE: And across the street,
4 there's no parking, because there's a swale
5 there for another house, and they don't want
6 parking on that swale.

7 MS. HERNANDEZ: Right.

8 CHAIRMAN KORGE: So what do you do?

9 MS. HERNANDEZ: You tell people not to
10 visit. No, I'm only kidding.

11 CHAIRMAN KORGE: Yeah. I mean, that's --
12 The problem is intractable.

13 MR. BEHAR: I'm sure -- I'm sure this is
14 more than once, you know, commission. I'm sure
15 these -- this is over and over and over.

16 MR. GUTIERREZ: That's right.

17 MR. BEHAR: You know, you have a party and
18 people come over, and they're going to park on
19 the grass, you know.

20 MS. HERNANDEZ: Right.

21 MR. BEHAR: And I'm sure that --

22 MR. SALMAN: And you hope they don't park
23 on the septic.

24 MR. BEHAR: Yeah, or ruin one of the
25 sprinkler heads.

1 MR. BEHAR: Because they'll come and give
2 you a warning on that evening. They'll give
3 you warning.

4 (Simultaneous comments by Board Members)

5 MR. FLANAGAN: And then you're going to get
6 a ticket, so now --

7 CHAIRMAN KORGE: The next time I -- On
8 Easter, I get the ticket.

9 MR. FLANAGAN: Now they have to park up and
10 down the block, and they're going to park in
11 front of everybody else's home.

12 MS. HERNANDEZ: Not Easter, but Halloween.

13 CHAIRMAN KORGE: Yeah, right.

14 (Simultaneous comments by Board Members)

15 MR. FLANAGAN: Exactly. I mean, I think
16 Example 1 looks terrific, but what all these
17 cars are going to do, they're going to go park
18 on the swale in front of everybody else's home,
19 and they're going to kill the grass in front of
20 everybody else's house --

21 (Simultaneous comments by Board Members)

22 MR. FLANAGAN: -- up and down the block.

23 MR. AIZENSTAT: Let me ask you a question,
24 if I may. The only thing that you're doing
25 here is inserting the word "vehicle"?

1 MR. GUTIERREZ: Yes, sir.
 2 MR. AIZENSTAT: If we say no, and we don't
 3 approve this, you'll continue to enforce --
 4 MR. GUTIERREZ: That's right.
 5 MR. AIZENSTAT: -- without the word
 6 "vehicle," and then you'll have problems --
 7 MR. GUTIERREZ: Well, we'll take our
 8 chances with our ticket hearing officer. I'll
 9 have to find other ways of --
 10 MR. AIZENSTAT: So my question is, if the
 11 Board feels that this isn't correct, then it
 12 shouldn't just look at inserting the word or
 13 not. It should look at changing that. But I
 14 just don't know if this is the time.
 15 CHAIRMAN KORGE: I agree with you. I mean,
 16 you make a lot of sense, because --
 17 MS. HERNANDEZ: Right.
 18 CHAIRMAN KORGE: -- I mean, absolutely, I
 19 have that fundamental problem. On the one
 20 hand, all you're doing is clarifying the
 21 intent.
 22 MS. HERNANDEZ: Right.
 23 MR. AIZENSTAT: Which makes sense.
 24 CHAIRMAN KORGE: And that doesn't offend
 25 me, to do that, I mean, if you're going to --

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1 If that's the intent --
 2 MR. GUTIERREZ: That's basically the
 3 intent.
 4 CHAIRMAN KORGE: -- then, you know, it
 5 should be clear, because we don't want
 6 ambiguity --
 7 MS. HERNANDEZ: Exactly.
 8 MR. GUTIERREZ: Exactly.
 9 CHAIRMAN KORGE: -- in terms of our
 10 ordinance. However, you know, I just think
 11 we're overreaching, the way we're managing this
 12 seeming problem, which really isn't much of a
 13 problem, except --
 14 MR. GUTIERREZ: Well, another thing is, you
 15 don't see the --
 16 CHAIRMAN KORGE: Except in my house.
 17 MR. GUTIERREZ: You don't go and see -- You
 18 don't see the problem that --
 19 CHAIRMAN KORGE: I've never been cited,
 20 but --
 21 MR. GUTIERREZ: If the guys weren't out
 22 there, citing for this, you would see a
 23 different type of Coral Gables, with vehicles
 24 parked all over, all over, everywhere. It
 25 would be a little different. Because the

1 officers are out there, citing for this, is why
 2 we have control. Like Mr. Salman said, it's a
 3 quality of life issue. We live in Coral
 4 Gables, the City Beautiful. That's our
 5 standards.
 6 CHAIRMAN KORGE: Any more questions or
 7 discussion?
 8 MR. AIZENSTAT: No, to me, the way it's
 9 presented before me, for a clarification, I'm
 10 okay with it. If the Board wants to go ahead,
 11 as a whole, and look into it, or ask for the
 12 City to look into it, to change it, that's a
 13 whole different aspect, and I don't think
 14 that's before us at this point.
 15 MR. SALMAN: Well, on the matter before us,
 16 I'd like to make a motion to approve.
 17 MR. AIZENSTAT: I'll second it.
 18 CHAIRMAN KORGE: It's been moved and
 19 seconded. Any more discussion?
 20 Jeff?
 21 MR. FLANAGAN: No. No, I have no
 22 questions.
 23 CHAIRMAN KORGE: Call the roll.
 24 MS. MENENDEZ: Eibi Aizenstat?
 25 MR. AIZENSTAT: Yes.

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1 MS. MENENDEZ: Robert Behar?
 2 MR. BEHAR: Yes.
 3 MS. MENENDEZ: Jeff Flanagan?
 4 MR. FLANAGAN: No.
 5 MS. MENENDEZ: Javier Salman?
 6 MR. SALMAN: Yes.
 7 MS. MENENDEZ: Tom Korge?
 8 CHAIRMAN KORGE: Yes, with an explanation.
 9 I have a real -- I do have a real problem with
 10 this, and I think it would be -- it would be
 11 good for the Planning Department to take a look
 12 at it and come back, or whoever would look at
 13 it, and come back, maybe, with some
 14 recommendations, maybe not --
 15 MR. AIZENSTAT: The City Attorney?
 16 CHAIRMAN KORGE: But, I mean, obviously --
 17 it's the obvious intent, so I think if that is
 18 the intent, we should make it clear in the
 19 ordinance. That's the only reason I'm voting
 20 yes. That's it, I believe, on our agenda.
 21 MR. RIEL: I've got one other item.
 22 CHAIRMAN KORGE: Okay.
 23 MR. GUTIERREZ: Thank you.
 24 CHAIRMAN KORGE: Thank you very much.
 25 MR. RIEL: Liz, are you going to --

1 MS. HERNANDEZ: Oh, yes. Gentlemen, for
 2 those of you who do not watch television and
 3 work for a living, I want you to know that
 4 yesterday I did announce my retirement from the
 5 City, effective December 31st of this year.
 6 MR. SALMAN: I heard.
 7 CHAIRMAN KORGE: Congratulations.
 8 MS. HERNANDEZ: And after 16 years, it's
 9 time for new adventures and new opportunities.
 10 I'm very excited about it. Thank you.
 11 MR. SALMAN: You're not going to come back
 12 before this Board and present a project, are
 13 you?
 14 MS. HERNANDEZ: No.
 15 MR. SALMAN: Okay.
 16 MS. HERNANDEZ: I have a two-year
 17 limitation on representing any adverse
 18 interests before any City Boards, so, you know,
 19 I will absolutely be available to advise you
 20 and counsel you on the quality of life. But
 21 other than that, moving on.
 22 CHAIRMAN KORGE: And where are you going?
 23 Are you going to take a job with somebody?
 24 MS. HERNANDEZ: I've accepted a position as
 25 shareholder at the law firm of Akerman

1 MR. RIEL: If anybody has any problem with
 2 that -- I mean, we'll contact you tomorrow, but
 3 if you do, is there any -- I mean --
 4 MR. SALMAN: Wednesday, the 3rd? So far,
 5 so good.
 6 MR. RIEL: Okay, we'll contact you each one
 7 of you, and obviously, the members who are
 8 not --
 9 MR. AIZENSTAT: So, right now -- For some
 10 reason, I didn't even have the 10th on here.
 11 Right now, we have it as the 10th?
 12 MR. RIEL: The 10th, yes, but it's about 90
 13 percent for sure it will be the 3rd.
 14 CHAIRMAN KORGE: Is it a big agenda, a
 15 small agenda?
 16 MR. RIEL: A small agenda. Small, two or
 17 three items. That's all I have.
 18 CHAIRMAN KORGE: Okay. I guess we're
 19 adjourned till the next meeting.
 20 (Thereupon, the hearing was adjourned at
 21 6:45 p.m.)
 22
 23
 24
 25

1 Senterfitt.
 2 CHAIRMAN KORGE: Great.
 3 MR. BEHAR: Congratulations.
 4 CHAIRMAN KORGE: Congratulations.
 5 MS. HERNANDEZ: Thank you very much.
 6 MR. BEHAR: We'll miss you tremendously.
 7 MS. HERNANDEZ: Thank you, thank you.
 8 MR. SALMAN: We will miss you.
 9 MS. HERNANDEZ: I have your numbers.
 10 MR. RIEL: We know where you live, right?
 11 MS. HERNANDEZ: Yeah, and I know where Tom
 12 lives.
 13 CHAIRMAN KORGE: Tickets to follow.
 14 MR. RIEL: We'll cite you on cars, yes.
 15 CHAIRMAN KORGE: Citations to follow.
 16 MR. FLANAGAN: Citations.
 17 MR. RIEL: Just -- I have one item. I'd
 18 like to ask the Board's indulgence to move up
 19 the November 10th meeting to November 3rd.
 20 MR. AIZENSTAT: Say that again, please?
 21 MR. RIEL: November 10th meeting, up to
 22 November 3rd.
 23 MR. AIZENSTAT: November 3rd?
 24 CHAIRMAN KORGE: Well, I guess you need to
 25 just notice everybody and get --

1 CERTIFICATE
 2
 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
 6
 7 I, JOAN L. BAILEY, Registered Diplomate
 8 Reporter, Florida Professional Reporter, and a Notary
 9 Public for the State of Florida at Large, do hereby
 10 certify that I was authorized to and did
 11 stenographically report the foregoing proceedings and
 12 that the transcript is a true and complete record of my
 13 stenographic notes.
 14
 15 DATED this 18th day of October, 2010.
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

 JOAN L. BAILEY, RDR, FPR

Notary Commission Number DD 64037
 Expiration June 14, 2011.

**Planning & Zoning Board Meeting
Attendance/Sign In Sheet – October 13, 2010**

	Name	Mailing Address	Phone	(If you wish to be a speaker, please check the appropriate box)
1.	SARINA RATHUSKY MD	401 M... Cm 1 666 3337	(303) 442-9026	<input checked="" type="checkbox"/> Item # 5 (246-296 Andalusia Avenue) <input type="checkbox"/> Item # 6 (UM Campus Boundaries) <input type="checkbox"/> Item # 7 (ZC Text Amend.-Parking/ Loading)
2.				<input type="checkbox"/> Item # 5 (246-296 Andalusia Avenue) <input type="checkbox"/> Item # 6 (UM Campus Boundaries) <input type="checkbox"/> Item # 7 (ZC Text Amend.-Parking/ Loading)
3.				<input type="checkbox"/> Item # 5 (246-296 Andalusia Avenue) <input type="checkbox"/> Item # 6 (UM Campus Boundaries) <input type="checkbox"/> Item # 7 (ZC Text Amend.-Parking/ Loading)
4.				<input type="checkbox"/> Item # 5 (246-296 Andalusia Avenue) <input type="checkbox"/> Item # 6 (UM Campus Boundaries) <input type="checkbox"/> Item # 7 (ZC Text Amend.-Parking/ Loading)
5.				<input type="checkbox"/> Item # 5 (246-296 Andalusia Avenue) <input type="checkbox"/> Item # 6 (UM Campus Boundaries) <input type="checkbox"/> Item # 7 (ZC Text Amend.-Parking/ Loading)
6.				<input type="checkbox"/> Item # 5 (246-296 Andalusia Avenue) <input type="checkbox"/> Item # 6 (UM Campus Boundaries) <input type="checkbox"/> Item # 7 (ZC Text Amend.-Parking/ Loading)
7.				<input type="checkbox"/> Item # 5 (246-296 Andalusia Avenue) <input type="checkbox"/> Item # 6 (UM Campus Boundaries) <input type="checkbox"/> Item # 7 (ZC Text Amend.-Parking/ Loading)

Attachment

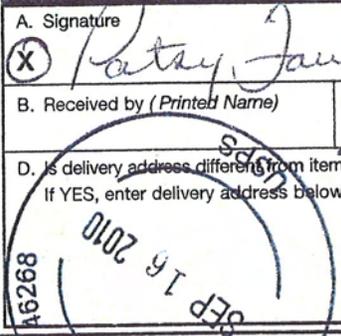
B

ENTERED AS EXHIBIT
 by Planning Staff A1
 THE PLANNING AND ZONING BOARD
 ON 10.13.2010 JVM
 DATE

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>[Signature]</i> 9-16-10</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Alpha Epsilon Pi Fraternity 8815 Wesleyan Road Indianapolis, IN 46268</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 91 7108 2133 3932 5990 8108</p>	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>[Signature]</i> 9-14-10</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Sigma Chi Fraternity 1714 Hinman Ave. Evanston, IL 60201</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 91 7108 2133 3932 5990 8085</p>	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

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<p>1. Article Addressed to:</p> <p style="text-align: center;">Zeta Beta Tau Fraternity 3905 Vincennes Road, Suite 300 Indianapolis, IN 46268</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 91 7108 2133 3932 5990 8115</p>	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	



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<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input checked="" type="checkbox"/> Addressee <input type="checkbox"/> Agent	
1. Article Addressed to: House of the Epsilon Omega Zeta of Lambda Chi Alpha 1700 Ponce De Leon Blvd. Miami, FL 33134-4417		B. Received by (Printed Name)	C. Date of Delivery
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Article Number (Transfer from service label)		91 7108 2133 3932 5990 8092	
PS Form 3811, February 2004		Domestic Return Receipt	102595-02-M-1540

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1. Article Addressed to: Pi Kappa Alpha of Miami, Inc. 8347 W Range CV Memphis, TN 38125		B. Received by (Printed Name)	C. Date of Delivery 9/13/10
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		91 7108 2133 3932 5990 8054	
PS Form 3811, February 2004		Domestic Return Receipt	102595-02-M-1540

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input checked="" type="checkbox"/> Addressee <input type="checkbox"/> Agent	
1. Article Addressed to: Diocese of SE Florida, Inc. 525 NE 15 th St. Miami, FL 33132-1411		B. Received by (Printed Name)	C. Date of Delivery
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		91 7108 2133 3932 5990 8122	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
Hillel Advisory Council, Inc. 1100 Stanford Drive Miami, FL 33146-2002			9-13-10
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
91 7108 2133 3932 5990 8047			
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	
3. Service Type		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.			

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1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
Florida Baptist Convention 1230 Hendricks Ave. Jacksonville, FL 32207-8619			SEP 13 2010
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
91 7108 2133 3932 5990 8023			
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	
3. Service Type		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.			

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
Board of Trustees of Florida Conf. of United Methodist Churches, Inc. Box 8225 U of M Coral Gables, FL 33124			
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
91 7108 2133 3932 5990 8030			
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	
3. Service Type		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.			

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Christian Science
Organization
1115 Levante Ave.
Miami, FL 33146-2506

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Christina Beck* Agent Addressee

B. Received by (Printed Name) Date of Delivery
9-16-78

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

91 7108 2133 3932 5990 8061