

DRAFT COPY

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Planning and Zoning Board

**City of Coral Gables
Planning and Zoning Board Meeting
Wednesday, November 3, 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	N3	Appointed by:
Eibi Aizenstat	P	C	P	C	P	P	E	P	P	P	P	P	P	City Manager
Robert Behar	P	C	P	C	P	P	P	P	P	E	P	P	P	Commissioner Rafael "Ralph" Cabrera, Jr.
Jack M. Coe	P	C	P	C	P	P	P	P	P	P	P	E	E	Mayor Donald D. Slesnick, II
Jeffrey Flanagan	P	C	P	C	P	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	P	Planning & Zoning Board
Tom Korge	E	C	P	C	P	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	P	Vice Mayor William H. Kerdyk Jr.

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

City Staff:
Eric Riel, Jr., Planning Director
Scot Bolyard, Planner
Jill Menendez, Administrative Assistant

Court Reporter:
Joan Bailey

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

- A. 11.03.10 Planning and Zoning Board Meeting – Verbatim Minutes.
- B. Updated comments re: 595 Biltmore Way, Conditional use site Plan Review.

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<p>1 CITY OF CORAL GABLES 2 PLANNING AND ZONING BOARD MEETING 3 VERBATIM TRANSCRIPT 4 CORAL GABLES CITY COMMISSION CHAMBERS 405 BILTMORE WAY, CORAL GABLES, FLORIDA WEDNESDAY, NOVEMBER 3, 2010, 6:02 P.M.</p> <p>5 Board Members Present: 6 Tom Korge, Chairman Eibi Aizenstat, Vice-Chairman 7 Robert Behar Jeffrey Flanagan 8 Pat Keon Javier Salman</p> <p>9 10 City Staff: 11 Eric Riel, Jr., Planning Director Scot Bolyard, Planner 12 Jill Menendez, Administrative Assistant 13 Also Participating: 14 Laura Russo, Esq., Russo & Baker, P.A. 15 On behalf of Northern Trust Bank Juan Espinosa, P.E. 16 David Plummer & Associates Kelsey Hirsch, Northern Trust Bank</p> <p>17 18 19 --- 20 21 22 23 24 25</p>	<p>record, Javier Salman has arrived. 2 CHAIRMAN KORGE: There's a motion and a 3 second to approve the minutes of the meeting of 4 October 13th. 5 MR. SALMAN: So moved. 6 CHAIRMAN KORGE: Is there any discussion, 7 questions, changes? None? Let's call the 8 roll. 9 MS. MENENDEZ: Robert Behar? 10 MR. BEHAR: Yes. 11 MS. MENENDEZ: Jack Coe? 12 MR. COE: I was absent from the last 13 meeting, and therefore, I cannot vote. 14 MS. MENENDEZ: Javier Salman? 15 MR. SALMAN: Yes. 16 MS. MENENDEZ: Eibi Aizenstat? 17 MR. AIZENSTAT: Yes. 18 MS. MENENDEZ: Tom Korge? 19 CHAIRMAN KORGE: Yes. 20 Our next item is the Abandonment and 21 Vacation of Non-Fee Interests at the University 22 of Miami, Application Number 09-10-120-P. 23 MR. RIEL: Mr. Chair, actually, this item 24 is going to be continued, but just for the 25 record, let me read the title: An Ordinance of</p>

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<p>1 THEREUPON: 2 The following proceedings were had: 3 CHAIRMAN KORGE: We have a quorum, so we 4 can begin. Would you call the roll, please. 5 MS. MENENDEZ: Eibi Aizenstat? 6 MR. AIZENSTAT: Here. 7 MS. MENENDEZ: Robert Behar? 8 MR. BEHAR: Here. 9 MS. MENENDEZ: Jack Coe? 10 MR. COE: Here. 11 MS. MENENDEZ: Jeff Flanagan? 12 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 from the last meeting 18 of October 3rd -- 13th -- 19 (Thereupon, Mr. Salman arrived.) 20 MR. SALMAN: Here. 21 CHAIRMAN KORGE: -- 2010. 22 MR. AIZENSTAT: I'd like to make a motion 23 to approve. 24 MR. BEHAR: Second. 25 CHAIRMAN KORGE: Make a note for the</p>	<p>1 the City Commission of Coral Gables, pursuant 2 to Zoning Code Article 3, Division 12, 3 "Abandonment and Vacations," providing for the 4 abandonment and vacation of non-fee interests 5 of the City for the following public 6 rights-of-way identified as: Theo. Dickinson 7 Drive, William E. Walsh Avenue, George E. 8 Merrick Street, Henry King Stanford Drive, 9 Pavia Street and Levante Avenue, all within the 10 University of Miami campus, Coral Gables, 11 Florida, providing for severability, 12 codification and effective date. 13 This item needs -- 14 CHAIRMAN KORGE: I see you need a motion 15 for continuance? 16 MR. RIEL: Yes, to the November 30th 17 meeting at 6:00 p.m. 18 CHAIRMAN KORGE: Is there a motion to 19 continue this item -- 20 MR. BEHAR: Motion to continue. 21 CHAIRMAN KORGE: -- to November 30th? 22 MR. AIZENSTAT: Second. 23 CHAIRMAN KORGE: Moved and seconded. Any 24 discussion? Hearing none, we'll call -- 25 MR. SALMAN: Yes.</p>

1 CHAIRMAN KORGE: I'm sorry.
 2 MR. SALMAN: Yes.
 3 CHAIRMAN KORGE: Yes, discussion?
 4 MR. SALMAN: I have no problem with any of
 5 those streets except for Levante Avenue. It is
 6 a public right-of-way. It connects San Amaro
 7 with 57th Avenue. It's a point where you can
 8 actually enter 57th Avenue to go south --
 9 MR. COE: Mr. Chairman, what are we doing?
 10 CHAIRMAN KORGE: The motion is to
 11 continue to the next meeting.
 12 MR. COE: Is to continue it. Are you going
 13 to discuss it?
 14 MR. SALMAN: I just want to be on the
 15 record that I have a problem with that one
 16 particular street. If we're going to be
 17 continuing it, I just want to make sure
 18 everybody knows --
 19 CHAIRMAN KORGE: That everyone knows that
 20 that's going to come up.
 21 MR. SALMAN: Right.
 22 MR. COE: Are you going to be here for the
 23 next meeting?
 24 MR. SALMAN: I plan to.
 25 MR. COE: Oh, okay.

1 conditional use review for a bank drive-through
 2 facility on a Commercial Limited zoned property
 3 located at 595 Biltmore Way. The property is
 4 zoned Commercial Limited because it is adjacent
 5 to a 13-story Multi-Family Residential property
 6 which has MF2 zoning and Residential Multi-
 7 Family, High Density land use designations.
 8 The Zoning Code permits drive-through
 9 facilities on Commercial Limited zoned
 10 properties, subject to conditional use review
 11 and approval by the Planning & Zoning Board and
 12 the City Commission.
 13 Staff's review of the application, based
 14 upon analysis of the Comprehensive Plan and
 15 Zoning Code, determined that the proposal is
 16 consistent with the Comprehensive Plan's goals,
 17 objectives and policies. The proposed
 18 drive-through lane is physically separate from
 19 the other on-site parking and pedestrian
 20 circulation. No variances are required for the
 21 project. The concurrency impact statement has
 22 indicated that adequate infrastructure is
 23 available to support the project, and the
 24 applicant has satisfactorily addressed all
 25 comments provided by City Departments via the

1 CHAIRMAN KORGE: Okay. So, any other
 2 discussion on the motion to continue?
 3 Hearing none, we'll call the roll.
 4 MS. MENENDEZ: Jack Coe?
 5 MR. COE: Yes.
 6 MS. MENENDEZ: Javier Salman?
 7 MR. SALMAN: Yes.
 8 MS. MENENDEZ: Eibi Aizenstat?
 9 MR. AIZENSTAT: Yes.
 10 MS. MENENDEZ: Robert Behar?
 11 MR. BEHAR: Yes.
 12 MS. MENENDEZ: Tom Korge?
 13 CHAIRMAN KORGE: Yes.
 14 The next item on the agenda is Application
 15 Number 09-10-121-P, Conditional Use Review for
 16 a Bank Drive-Through Facility at the Northern
 17 Trust Bank on -- What is that on? Oh, go
 18 ahead.
 19 MR. BOLYARD: 595 Biltmore Way.
 20 CHAIRMAN KORGE: Yeah.
 21 MR. BOLYARD: Good evening, Chairman,
 22 Vice-Chair, Members of the Board. For the
 23 record, my name is Scot Bolyard, with the Coral
 24 Gables Planning Department.
 25 The application before you tonight is for a

1 DRC process.
 2 In conclusion, Staff recommends approval of
 3 the proposed application, subject to the
 4 conditions of approval.
 5 If the Board has any questions, Staff would
 6 be happy to answer them. Thank you.
 7 CHAIRMAN KORGE: Does the applicant have a
 8 presentation to present? Ms. Russo?
 9 MS. RUSSO: A very small one.
 10 Good evening, Mr. Chairman, Members of the
 11 Board. For the record, Laura Russo, with
 12 offices at 2655 LeJeune Road, Coral Gables,
 13 representing Northern Trust Bank.
 14 We are here seeking conditional use
 15 approval for the drive-through teller window
 16 for the proposed new building that will be
 17 erected on the subject property, which is the
 18 northwest (sic) corner of the intersection of
 19 Segovia and Biltmore Way. There is currently a
 20 bank there. The new bank will be constructed.
 21 The old bank will be demolished. So we're not
 22 adding something different; it's just a
 23 replacement building.
 24 The reason we are here, as opposed to
 25 as-of-right, under a Commercial zoning, is

1 because of the Gables Tower, I think, it's the
 2 one -- not 600 Biltmore, but the one directly
 3 across the street, which is to the west of the
 4 subject property, on the west side of Segovia.
 5 So, otherwise, if this -- if that building were
 6 not there, this would be an as-of-right
 7 application.
 8 I'm here, we have our traffic engineer,
 9 Juan Espinosa, of David Plummer & Associates,
 10 if you have any questions, but we did turn in a
 11 Queuing Analysis that was reviewed by the
 12 City's Public Works Department, and we are
 13 happy to answer any questions you have, but
 14 respectfully request your approval of the
 15 conditional use for the drive-through window.
 16 Thank you.
 17 (Thereupon, Pat Keon arrived.)
 18 CHAIRMAN KORGE: Any questions for the
 19 applicant?
 20 MR. COE: Yes, I have a question,
 21 Mr. Chairman, if I may.
 22 I draw your attention to part of your
 23 package, which is the July 27th, 2010 letter
 24 from David Plummer & Associates. Perhaps
 25 you're not the correct person to respond to

1 MR. ESPINOSA: Data collected in other
 2 facilities around the country, based on ITE.
 3 MR. COE: It's not, then, peculiar to the
 4 City of Coral Gables and the driving patterns
 5 by the residents and people going through?
 6 MR. ESPINOSA: Well, it's data collected
 7 everywhere, for banks specifically, so that's
 8 the worst time for a bank, is in the p.m. peak.
 9 MR. COE: So what you've done is some
 10 generalized national study and you've applied
 11 it here?
 12 MR. ESPINOSA: That's correct.
 13 MR. COE: No specific study for the City of
 14 Coral Gables, with this specific location?
 15 MR. ESPINOSA: Not for the trip generation.
 16 MR. COE: Thank you.
 17 CHAIRMAN KORGE: Excuse me, Jack, which
 18 letter are you looking at?
 19 MR. COE: In the package, it is
 20 Attachment --
 21 CHAIRMAN KORGE: Is it the Queuing
 22 Analysis?
 23 MR. COE: It's the tab --
 24 MR. RIEL: Yes.
 25 MR. COE: It's called Queuing Analysis.

1 this.
 2 MS. RUSSO: Probably --
 3 MR. COE: Perhaps -- yes.
 4 MS. RUSSO: Yes.
 5 MR. COE: Now let's get to the right
 6 person.
 7 I'm a little bit concerned about how you
 8 determined your assumptions in the second
 9 paragraph of the first page of the letter, and
 10 then why were they talking about p.m. peak hour
 11 volume, and not a.m. peak? Are they not open
 12 in the a.m. at all?
 13 MR. ESPINOSA: We look at the worst case
 14 condition, and that's how, the worst case.
 15 MR. COE: Okay. So you concluded that p.m.
 16 is the worst case, and people going to work in
 17 the a.m., if the drive-in is open, that's not
 18 going to be the worst case?
 19 MR. ESPINOSA: That's correct.
 20 MR. COE: And why did you make that
 21 assumption?
 22 MR. ESPINOSA: That's based on data
 23 collected in other facilities around the
 24 country.
 25 MR. COE: Data in the what?

1 MR. RIEL: The last tab.
 2 MR. COE: And it's the last tab.
 3 CHAIRMAN KORGE: Right. Okay, thank you.
 4 MR. BEHAR: I don't have a problem
 5 supporting the drive-through. My biggest
 6 problem here is, urbanistically, we're taking
 7 the building out of -- away from the corner,
 8 instead of addressing the corner, and we're
 9 putting it to the side, which really, it's a
 10 shame that we're doing that. I know,
 11 as-of-right, you're entitled to do that, but
 12 from the urbanistic point of view, it's
 13 probably a mistake that we're allowing for it
 14 to happen, and I know the reason is, you don't
 15 want to take out the building, to keep your
 16 customers happy during the construction period.
 17 MS. RUSSO: Well, it's not just the
 18 customers happy. It's keeping the whole
 19 banking facility ongoing, but --
 20 MR. BEHAR: But when you look for the next
 21 50 years --
 22 MS. RUSSO: But we're also -- correct, but
 23 we're also --
 24 MR. BEHAR: -- we're compromising nine
 25 months.

1 MS. RUSSO: It probably won't be a full 50
 2 years, since this is a long-term land lease.
 3 But we are looking at it, and that's a part of
 4 the care that we are taking, dealing in
 5 particular with the Board of Architects, to
 6 make sure that the style of the building works
 7 with the fact that it's not on the --
 8 MR. BEHAR: Laura, I don't have a problem
 9 with the drive-through, because it's well done,
 10 put in the back and all that. I mean, it
 11 works. I don't -- you know, not a problem, and
 12 the bank will need it. It's just, you know,
 13 that's my only objection, but --
 14 CHAIRMAN KORGE: I did have a question.
 15 There's a drive-through currently there,
 16 right?
 17 MS. RUSSO: Yes, there is.
 18 CHAIRMAN KORGE: So it's relocating the
 19 drive-through a little bit?
 20 MS. RUSSO: Well, we're relocating the
 21 building and the drive-through. The building
 22 will be reconstructed.
 23 CHAIRMAN KORGE: Right. No, I understand
 24 that.
 25 MS. RUSSO: Yes.

1 drive-through?
 2 MS. RUSSO: Yes.
 3 CHAIRMAN KORGE: Is that a condition -- Can
 4 you make that a -- Would you mind making that a
 5 condition?
 6 MS. RUSSO: I'm happy to make that a
 7 condition.
 8 MR. SALMAN: It's on the plans.
 9 MS. KEON: It's on the plans.
 10 MR. RIEL: It's on the plans. It's on the
 11 plans.
 12 CHAIRMAN KORGE: Okay, it's on the plans.
 13 MS. RUSSO: I think it's on the plans. It
 14 was specifically made so that it would be
 15 labeled that that's a drive-through entrance
 16 only, but yes.
 17 CHAIRMAN KORGE: Perfect. Okay, thank you.
 18 MR. COE: Ms. Russo --
 19 MS. RUSSO: Yes.
 20 MR. COE: There are a series of Staff
 21 recommendations as conditions of approval. The
 22 applicant is agreeing to all these
 23 recommendations?
 24 MS. RUSSO: Yes. We have reviewed the
 25 conditions of approval and we are agreeing to

1 CHAIRMAN KORGE: So, in the
 2 recommendation -- I just want to make sure I
 3 understand this.
 4 MS. RUSSO: Uh-huh.
 5 CHAIRMAN KORGE: There's a separate
 6 drive-through lane on the site plan, before --
 7 you know, right --
 8 MS. RUSSO: Yes, yes --
 9 CHAIRMAN KORGE: -- at the --
 10 MS. RUSSO: -- correct. It's as you are
 11 heading on Biltmore Drive, heading west.
 12 CHAIRMAN KORGE: Correct.
 13 MS. RUSSO: There is a curb cut that is
 14 your curb cut into the drive-through.
 15 CHAIRMAN KORGE: Right.
 16 MS. RUSSO: Correct.
 17 CHAIRMAN KORGE: And that's just a
 18 drive-through lane?
 19 MS. RUSSO: That is correct. There is an
 20 additional curb cut that allows you access into
 21 the parking area, which would be immediately
 22 west of the proposed building.
 23 CHAIRMAN KORGE: Okay. On the
 24 drive-through lane, is there going to be
 25 signage to make it clear that that's solely for

1 them.
 2 (Thereupon, Mr. Flanagan arrived.)
 3 MR. COE: And can Staff tell me
 4 specifically, when it says a condition of
 5 approval is letter C, on the second page,
 6 Queuing Analysis, prepared by David Plummer &
 7 Associates, dated 7/27/10, which is the letter
 8 I was inquiring about earlier -- What is
 9 exactly the condition, the numbers in the
 10 chart?
 11 MR. RIEL: No, basically, what we do is, we
 12 always reference all the documents as a part of
 13 the application.
 14 MR. COE: All right.
 15 MR. RIEL: That's why, so the information
 16 is part of the record.
 17 MR. COE: Okay.
 18 CHAIRMAN KORGE: Are there any other
 19 questions of the applicant?
 20 Yeah, Pat?
 21 MS. KEON: You know, I'm sorry I was late,
 22 so I missed it. It exits onto Segovia; is that
 23 right?
 24 MS. RUSSO: Correct, and it currently exits
 25 onto Segovia now.

1 MS. KEON: Okay.
 2 MS. RUSSO: But it also allows now for an
 3 exit onto Biltmore. So there's a choice of
 4 exit on Segovia or on Biltmore, on the
 5 proposed --
 6 MS. KEON: Is it currently restricted to
 7 just a right-hand turn onto Segovia?
 8 MS. RUSSO: Yes --
 9 MS. KEON: It is currently?
 10 MS. RUSSO: -- it is currently.
 11 MS. KEON: And that will remain?
 12 MS. RUSSO: In the -- Will it remain
 13 right-turn only?
 14 MS. KEON: Right.
 15 MS. RUSSO: I think, with the addition of
 16 the circles, it may not be necessary, but if
 17 Public Works makes a determination, working
 18 along with David Plummer & Associates, that
 19 that's necessary, since it's currently the case
 20 now, we would. But I think it would be best to
 21 wait -- The circles have changed how traffic
 22 operates when you exit onto Segovia.
 23 MS. KEON: Right, but it's still crossing
 24 two lanes of traffic and it's heavily traveled.
 25 That's why if you turn right only, you --

1 MS. RUSSO: I think it's only one lane of
 2 travel now, because of the way they narrowed --
 3 The purpose of the circle --
 4 MS. KEON: Right.
 5 MS. RUSSO: -- was sort of traffic calming,
 6 so when you come around --
 7 MS. KEON: Right.
 8 MS. RUSSO: -- it actually narrows into
 9 one, which is why you can do it now.
 10 MS. KEON: Oh, okay, because I thought --
 11 MS. RUSSO: I'm not admitting to having
 12 done it, since it's right turn only, but it is
 13 easier.
 14 MS. KEON: Yeah, but if you turn right,
 15 then you just go down to the other circle --
 16 MS. RUSSO: You can just go to the circle
 17 and come around, absolutely.
 18 MS. KEON: And you come around.
 19 MS. RUSSO: Absolutely.
 20 MS. KEON: I would hope that they would
 21 keep it as a right-turn-only lane.
 22 MS. RUSSO: Okay.
 23 MS. KEON: I think coming off of those
 24 circles, it's very close to the circle, but --
 25 CHAIRMAN KORGE: That would be --

1 MS. KEON: -- you know, that's a Public
 2 Works determination, also.
 3 CHAIRMAN KORGE: Yeah, I was going to
 4 say --
 5 MS. KEON: I mean, that's really a Public
 6 Works --
 7 MS. RUSSO: Yeah, and we're happy to work
 8 with Public Works and make sure that -- you
 9 know, if that current -- you know, it's a
 10 current condition, and if it has to remain,
 11 we're happy to keep that, but I'd like to wait
 12 until further along, just because we'd have a
 13 better idea of it.
 14 MS. KEON: Right.
 15 MR. COE: Ms. Russo --
 16 MS. KEON: And if they know that,
 17 they'll --
 18 MR. COE: I'm sorry.
 19 Ms. Russo, is the applicant intending -- if
 20 this is approved and recommended by this Board
 21 and by the City Commission, they intend to do
 22 their construction in the immediate future
 23 or --
 24 MS. RUSSO: Yes. We are hoping to start
 25 construction as early as --

1 MS. HIRSCH: The end of first quarter.
 2 MS. RUSSO: The end of first quarter of
 3 2011.
 4 MR. COE: So very shortly.
 5 MS. RUSSO: Yes.
 6 MR. COE: Has -- Since we're doing the
 7 Segovia Street remake, what impact is all of
 8 this going to have if construction of our
 9 Segovia Street remake and this building is done
 10 simultaneously?
 11 MS. RUSSO: I'm going to allow Juan
 12 Espinosa from Plummer & Associates, because I
 13 don't know if they're involved with the plans
 14 for the Segovia -- You're talking about the
 15 Segovia median? It's my understanding the
 16 Segovia median will be between Bird Road and
 17 Biltmore, but all our construction will be
 18 on-site. Arrangements will be made for our
 19 construction workers to park. We've made
 20 arrangements with the church.
 21 In other words, I don't anticipate that our
 22 construction, that's all going to be
 23 self-contained, will interfere with the City's
 24 plan to add the median to Segovia.
 25 MR. COE: Well, that's my concern.

1 Has Staff done any kind of analysis of
 2 this?
 3 MR. RIEL: I don't -- well, Public Works,
 4 obviously, is the department that's --
 5 MR. COE: I understand.
 6 MR. RIEL: -- coordinating the Segovia
 7 improvements. I'm not sure in terms of the
 8 timing of the construction, but my guess is,
 9 this project probably will be under
 10 construction prior to the Segovia improvement.
 11 MS. RUSSO: And it's a small building.
 12 It's a 7,000-square-foot building, so it's
 13 not --
 14 MR. RIEL: But that certainly --
 15 MS. RUSSO: -- a high-rise that's going to
 16 take a long time.
 17 MR. RIEL: Public Works, as a part of the
 18 review, obviously, will --
 19 MS. RUSSO: And construction staging,
 20 that's required at building permit issuance.
 21 You have to go for a construction staging plan.
 22 MR. AIZENSTAT: If I can --
 23 Do you have to go before the Board of
 24 Architects?
 25 MS. RUSSO: Yes.

1 than it would be for this Board. I don't know
 2 how that --
 3 MR. RIEL: Well, I can tell you, that issue
 4 was discussed. The Board did discuss that and
 5 an issue did come up, and they did recommend,
 6 the Board, that the location and siting of the
 7 building, as shown, away from the corner, was
 8 okay, so --
 9 MS. KEON: I'm sorry, was --
 10 MR. RIEL: Was okay.
 11 MS. KEON: Was okay?
 12 MR. RIEL: They recommended approval. The
 13 architecture just needs to come back to the
 14 Board.
 15 MS. RUSSO: In treatment of the corner --
 16 We intend to address treatment of the corner.
 17 The current issue we're having now is, some of
 18 the corner treatment that we're trying to do
 19 will require a variance from the Zoning Code,
 20 which puts -- you know, so we're trying to find
 21 ways to address the corner treatment in the --
 22 MR. AIZENSTAT: Do you require a variance
 23 from the City of Coral Gables to move the
 24 building back to where you're moving it?
 25 MR. RIEL: No, no.

1 MR. AIZENSTAT: And I assume you already
 2 went before the Board of Architects?
 3 MS. RUSSO: We went before the Board of
 4 Architects, and we've been approved for just
 5 the location of the drive-through. We have not
 6 received approval for the plans yet for the --
 7 MR. AIZENSTAT: Not for the plans?
 8 MS. RUSSO: Not for the design, for the --
 9 MR. AIZENSTAT: The reason I'm asking is --
 10 MS. RUSSO: Uh-huh.
 11 MR. AIZENSTAT: -- the circle that's being
 12 done there is going to be new on the street.
 13 MS. RUSSO: Is going to be what?
 14 MR. AIZENSTAT: Is new.
 15 MS. RUSSO: Correct.
 16 MR. AIZENSTAT: The whole circle and so forth.
 17 MS. RUSSO: Correct.
 18 MR. AIZENSTAT: And I tend to agree with
 19 Mr. Behar, who is an architect -- I'm not an
 20 architect -- about placing the building more so
 21 towards the circle itself, to create that area.
 22 CHAIRMAN KORGE: That jumped out at me,
 23 too.
 24 MR. AIZENSTAT: But I'm just wondering if
 25 that would be more for the Board of Architects

1 MS. RUSSO: No, no, no, for the wall
 2 treatment, in other words, to give the corner
 3 some -- some importance and --
 4 CHAIRMAN KORGE: Put a wall back or
 5 something.
 6 MS. RUSSO: Some relationship to the -- to
 7 the remainder of --
 8 CHAIRMAN KORGE: That's really more for the
 9 Board of Architects.
 10 MS. RUSSO: Correct, and we're working
 11 closely with the Board of Architects.
 12 MR. AIZENSTAT: If you were putting the
 13 building closer to that corner, would you need
 14 that wall there?
 15 MS. RUSSO: Well, we would still need some
 16 sort of wall, because, one, we want to shield
 17 the parking lot, and landscaping and so forth,
 18 but --
 19 MR. AIZENSTAT: But your parking lot would
 20 be now towards the back; it would be off the
 21 circle. Your parking lot would no longer be on
 22 the corner. It would be opposite.
 23 MS. RUSSO: It would be on the other side,
 24 correct.
 25 MR. AIZENSTAT: So you wouldn't need this

1 wall.

2 MS. RUSSO: The way it is now.

3 MR. AIZENSTAT: Okay. I just -- I like it
4 closer to the circle. Mr. Behar makes sense.

5 MR. BEHAR: I mean, I don't -- I don't want
6 to, you know, derail this and go further back
7 or anything, okay? But it should be something
8 that should have been thought about, and I know
9 that it has to do with the inconvenience of
10 your customers, bottom line, okay? It's not --
11 Otherwise, you would knock that building down
12 and you'd put a temporary trailer, but, you
13 know, your customers may not want to go to a
14 trailer while you do the construction, okay?
15 But that's what would happen in every other
16 situation.

17 The drive-through is not a problem, because
18 you can still accommodate a drive-through on
19 the back side and achieve the same thing.

20 You know, it is a shame. I don't know what
21 Javier, my other architect colleague here,
22 thinks about, urbanistically, what the
23 placement should be or shouldn't be, but
24 that's -- and I don't know if this Board -- I'm
25 not playing with the architecture. I don't --

1 with all entities to try to make that happen.

2 MS. KEON: Can I --

3 MR. SALMAN: With regard to the location of
4 the building on the corner, this is a land
5 lease, correct?

6 MS. RUSSO: Excuse me?

7 MR. SALMAN: This is a land-lease project?

8 MS. RUSSO: It's a what project?

9 MR. SALMAN: A long-term land lease.

10 MS. RUSSO: It's been under a long land
11 lease.

12 MR. SALMAN: How much is left on the lease?

13 MS. RUSSO: Forty years.

14 MR. SALMAN: Forty years?

15 MS. RUSSO: Is that right?

16 MS. HIRSCH: Left is about thirty-seven and
17 a half.

18 MS. RUSSO: Thirty-seven and a half.

19 MR. SALMAN: Thirty-seven years. So we're
20 talking about, in building life cycle time
21 frames, a fairly short period of time. You'll
22 get to the end of the building cycle about the
23 same time as the lease is up. So sometime 40
24 years from now, this will be a whole new
25 project.

1 you know, I was, at one point, on the Board of
2 Architects. This is in the Planning and Zoning
3 Board. But I don't know if this Board really
4 has the guidelines to look at --

5 MR. RIEL: Let me just make a -- I attended
6 the Board of Architects meeting, and always
7 when those projects that come forward, that
8 come before this Board, I usually go to the
9 meeting, and you know, that issue was discussed
10 and it was debated for about 45 minutes with
11 the Board. Ultimately, they did approve it in
12 the corner, but where we left it was that
13 Carlos Mindreau, the City Architect, myself,
14 and the architect would try to work to come up
15 with something on the corner, perhaps a wall,
16 that met the Code requirements, or some other
17 type of structures that would provide a
18 presence on the corner, and that could be
19 landscaping or it could be walls.

20 So I think we're going to sit down, and we
21 heard, you know, what the Board said, and we
22 obviously heard what the Board of Architects
23 said. So it's something we're going to work
24 towards, and actually, I indicated to the
25 applicant, we'll be happy to, you know, work

1 MS. RUSSO: Correct.

2 MR. SALMAN: You have a wealth of examples
3 in the City, as to corner treatments,
4 especially for public --

5 MS. RUSSO: Exactly, for public --

6 MR. SALMAN: All up and down Coral Way, you
7 see beautiful fountains, trellises. I think
8 that we need to have some sort of an amenity
9 there, to sort of hold that circle, that
10 corner, together. And I'm sure that that's
11 probably where you're going to be ending up.

12 MR. RIEL: Yes.

13 MR. SALMAN: I agree with Robert, I think
14 that the placement of the building is
15 unfortunate, but it's well within your right,
16 and I'm not here to question your rights.

17 Likewise, the issue of the turn movements
18 onto Biltmore, absolutely, out of the site, it
19 has to be right-hand. It really needs to go
20 that way, and again, I defer to Public Works on
21 that issue, but I think that you're going to
22 run into some serious problems there.

23 With regards to the landscaping of it and
24 the development of that edge, I see you've gone
25 to a lot of trouble to establish, with either

1 pylons and hedging and whatnot. That needs to
2 be a hard edge, and how you develop that and
3 yet still retain safety and find that privacy
4 is going to be a challenge.

5 My final concern with regards to this
6 project is the stacking depth that you have.
7 Five o'clock on a Friday, and I don't care what
8 bank you are -- congratulations to your bank,
9 you're going to be busy on that day, as you
10 well know.

11 MS. RUSSO: They're actually closed at five
12 o'clock.

13 MR. SALMAN: Well, then, at four o'clock,
14 you're going to get really busy, and at lunch,
15 you're going to get really busy, both of which
16 are peak traffic times.

17 MS. RUSSO: Uh-huh.

18 MR. SALMAN: My concern is one of -- that,
19 I don't care what bank you are, you always have
20 a stacking problem, and you have sort of a
21 narrowing of your bypass towards the end. If
22 you could extend that bypass, maybe relocate
23 some of those AC units into an AC farm and
24 enclose them, you can extend that bypass to
25 allow for greater depth of people to bypass.

1 the client's advantage, because if it starts
2 backing up there and they're on the street,
3 their customers are going to be just as unhappy
4 as the City would be.

5 MS. RUSSO: Okay, but --

6 MS. HIRSCH: I don't know that we've ever
7 had a problem with it currently, but
8 definitely, we understand the concern.

9 MR. SALMAN: It's something to consider.

10 MS. RUSSO: Right. Yeah, no, we will look
11 at it, absolutely.

12 MR. SALMAN: Okay, and other than that, I'm
13 willing to support the project, so that's it
14 for right now.

15 CHAIRMAN KORGE: Any more comments or
16 questions?

17 MR. AIZENSTAT: Pat, did you want to say
18 something?

19 CHAIRMAN KORGE: Any more questions?

20 MS. KEON: Yeah, I did have one question
21 for Robert. You know, I feel really strongly
22 about looking at parking lots, too. I really
23 don't like looking at them, and I don't like
24 looking at them particularly next to corners
25 and next to areas that are -- that are

1 MS. RUSSO: For bypass.

2 MR. SALMAN: That's one of my site
3 concerns, with regards to limiting the amount
4 of overflow that you may experience, and this
5 may be enough and more than enough. Only you,
6 as a client --

7 MS. RUSSO: Right.

8 MR. SALMAN: -- know how much you actually
9 need of a bypass.

10 MS. RUSSO: Well, we're lucky, since it's
11 an existing bank, we have the existing data on
12 the use of the current drive-through, so --

13 MR. SALMAN: My concern is public
14 right-of-way on Biltmore Way. We're down to
15 one lane at that point.

16 MR. RUSSO: Right.

17 MR. SALMAN: If a car backs up because
18 they're trying to get in, guess what? We
19 closed it.

20 MS. RUSSO: Okay.

21 MR. SALMAN: So we need to go through every
22 extra effort possible to extend -- to allow
23 people to bypass out of the situation, as much
24 as possible.

25 CHAIRMAN KORGE: And I'd add that that's to

1 particularly attractive or notable in our
2 community. It's -- How is that within our
3 purview to recommend, with regard to site --

4 MS. RUSSO: It's not.

5 MR. BEHAR: Eric will --

6 MR. RIEL: What you're looking at, what you
7 have in your purview this evening is
8 conditional use of the drive-through.
9 That's --

10 MS. KEON: That's why. So that's why I'm
11 asking you, how do we get to that point?

12 MR. RIEL: If you remember, in the past,
13 you had the purview of conditional use in the
14 site plan, but as a part of the Zoning Code
15 rewrite, we relaxed the regulations.

16 Basically, drive-throughs adjacent to
17 single-family or residential has to come
18 through for your review. By-right doesn't.
19 It's unfortunate that this project is across
20 the street from a 15-story building, so it's
21 not -- necessarily didn't meet the intent of
22 the single-family, but they are residential,
23 so -- But you're only looking at the
24 drive-through --

25 MS. KEON: Right.

1 MR. RIEL: -- the allowance of that use.
 2 That's what's under your --
 3 MS. KEON: Okay, but can we -- can we
 4 include in our recommendation of approval, but
 5 with a concern raised for the placement of the
 6 building?
 7 MR. RIEL: Well, you can, but I can tell
 8 you that that issue has been discussed at the
 9 Board of Architects, and they did --
 10 MS. KEON: That's okay.
 11 MR. RIEL: -- recommend approval.
 12 MS. KEON: Okay.
 13 MR. RIEL: And I'm certainly going to be at
 14 the Board when --
 15 MS. KEON: Right.
 16 MR. RIEL: -- this comes up again.
 17 MS. KEON: Right.
 18 MR. RIEL: So I can certainly convey that.
 19 CHAIRMAN KORGE: And it's in the record
 20 now, anyway, so --
 21 MS. KEON: But I think it would be good
 22 that it be part of our recommendation, too. I
 23 think that, as a Planning Board, you have an
 24 obligation with regard to how buildings meet
 25 the street and the appearance of our City.

1 CHAIRMAN KORGE: Well, when we go to
 2 motion, if you want to make that motion, you're
 3 free to do so.
 4 MS. KEON: Thank you.
 5 CHAIRMAN KORGE: Any other questions or
 6 comments from the Board before we take any
 7 public comment?
 8 No? Is there anybody from the public who
 9 wishes to speak on this?
 10 Did anybody sign up?
 11 MR. RIEL: No --
 12 CHAIRMAN KORGE: No?
 13 MR. RIEL: -- nobody signed up.
 14 CHAIRMAN KORGE: So I'll close it, and open
 15 for -- close the presentation and open it for a
 16 discussion or a motion.
 17 Pat, did you want to make a motion?
 18 MS. KEON: I'll make a motion that we
 19 approve, as Staff recommends, with a note
 20 that --
 21 MR. SALMAN: Serious consideration be given
 22 to the placement of the building closer to the
 23 corner.
 24 MS. KEON: Thank you.
 25 MR. BEHAR: I'll second that motion.

1 CHAIRMAN KORGE: Okay. We have a motion
 2 and a second. Is there any discussion on the
 3 motion?
 4 MR. COE: Yes, Mr. Chairman. We do not
 5 have the benefit of City Counsel. I am
 6 concerned that the expansion of that which is
 7 beyond what's before us will make this an ultra
 8 vires act by this Board and we're going to have
 9 it bucked back to us.
 10 The way I look at this application, it is
 11 strictly limited to the drive-in. Am I not
 12 correct, Mr. Riel?
 13 MR. RIEL: The conditional use, the use as
 14 a drive-through facility, correct.
 15 MR. COE: And nothing else is lawfully
 16 before this Board, other than the use of the
 17 drive-in. If we expand that and have other
 18 discussions about the applicant's project, we
 19 have gone beyond the scope of our authority, in
 20 my judgment. I'm not making a legal opinion.
 21 Unfortunately, the person that should is not
 22 here, for whatever reason, but I think, in my
 23 personal opinion, it's an ultra vires act of
 24 this Board and would have no validity
 25 whatsoever, and I don't think the Commission

1 then could accept anything that we do that
 2 derives therefrom. In criminal law, it's
 3 called the fruit of the poisonous tree, and
 4 therefore, I could not vote for this, as
 5 currently posed, and I would ask this Board to
 6 reconsider its motion.
 7 CHAIRMAN KORGE: Pat, would you like to
 8 reconsider the form of your motion --
 9 MS. KEON: No.
 10 CHAIRMAN KORGE: -- to satisfy it?
 11 MS. KEON: No. You know what, I think
 12 we're a recommending body, and I think that we
 13 have the ability to make recommendations.
 14 MR. BEHAR: And I will not reconsider my
 15 second.
 16 MR. SALMAN: And to answer Jack's point, I
 17 mean, as a strict constructionist, I agree with
 18 you with regards to the letter of the law and
 19 that that is outside of our purview. However,
 20 we are also citizens, we are also
 21 professionals, in some cases, with regards to
 22 this, and these are our opinions. Certainly
 23 the record will stand. That which we give as a
 24 recommendation is only a recommendation.
 25 MS. KEON: A recommendation.

1 MR. SALMAN: We are granting -- we are
2 asking, via motion, for concurrence of
3 ourselves as a body to go ahead and approve
4 this.

5 CHAIRMAN KORGE: Right. As I understand --

6 MR. SALMAN: But there are issues that are
7 so gross that we have to say something.

8 CHAIRMAN KORGE: As I understand the
9 motion, it's a motion to approve the
10 recommendation --

11 MS. KEON: Right.

12 CHAIRMAN KORGE: -- made by the Staff, and
13 a suggestion that the applicant look at the
14 possibility, when it comes to locating the
15 building in the future, to considering the
16 possibility of moving it closer to the corner.

17 MR. SALMAN: Right now, they have sought,
18 but have not achieved, approval from the Board
19 of Architects. This is only for the location
20 of a drive-through at this site.

21 MR. BEHAR: That's it, exactly.

22 MR. SALMAN: Not their location --

23 CHAIRMAN KORGE: Our suggestion --

24 MR. SALMAN: Not their location on the
25 site, but a drive-through on the site.

1 MR. BEHAR: And this is a Planning and
2 Zoning Board. Planning.

3 MS. KEON: That's right.

4 MR. BEHAR: Absolutely.

5 MR. COE: But one plans that which is what
6 is in front of the Board. What we're
7 discussing and have appended to what I think an
8 improper motion has nothing to do with the
9 Board's action on the specific thing in front
10 of us --

11 MR. BEHAR: Can we call the question, call
12 the roll, please?

13 MR. COE: -- and I think it's an illegal
14 act.

15 CHAIRMAN KORGE: Okay.

16 MS. KEON: Some of us feel compelled to
17 speak when we feel it's necessary.

18 CHAIRMAN KORGE: Okay, so we beat that one
19 pretty good. Is there anything else that we'd
20 like to discuss --

21 MS. KEON: No.

22 CHAIRMAN KORGE: -- before we call the
23 roll? Anything? No?

24 Would you call the roll, please?

25 MS. MENENDEZ: Javier Salman?

1 MR. COE: Exactly.

2 CHAIRMAN KORGE: Let me interrupt --

3 MR. COE: Exactly, and that's the point.
4 And that's the point.

5 CHAIRMAN KORGE: Let me interrupt. No, but
6 the point is that our suggestion has no
7 authority whatsoever. It's nothing more than a
8 suggestion. I don't think it's necessary in
9 the motion, because it's in the record, and I
10 think everybody who's going to look at this,
11 going forward, will understand where we, as a
12 Board, stand. So, as far as I'm concerned, if
13 you took it out of the motion, it wouldn't
14 matter.

15 MS. KEON: I know, but our leaving in the
16 motion makes it more poignant.

17 CHAIRMAN KORGE: More emphatic? More
18 emphatic.

19 MS. KEON: It makes it more emphatic, and
20 it means that you have another body that is
21 trusted with recommending on projects, that
22 also feels the same way. So I think it's just
23 a matter of reiterating concerns already
24 raised, to strengthen those concerns. That's
25 it.

1 MR. SALMAN: Yes.

2 MS. MENENDEZ: Eibi Aizenstat?

3 MR. AIZENSTAT: Yes.

4 MS. MENENDEZ: Robert Behar?

5 MR. BEHAR: Yes.

6 MS. MENENDEZ: Jack Coe?

7 MR. COE: For reasons previously stated,
8 unfortunately -- I think the project is fine,
9 but the way the motion is posed, I think it's
10 an improper motion. I'll have to vote against
11 it.

12 MS. MENENDEZ: Jeff Flanagan?

13 MR. FLANAGAN: I walked in tardy. I missed
14 the presentation. I mean, I read the packet,
15 I've looked through everything, but I don't
16 think, unfortunately, it's appropriate that I
17 vote, since I did miss the presentation. But I
18 would like the record to reflect that I
19 arrived, it was a little after -- it was about
20 6:10 or so that I arrived.

21 Now, if the City Attorney were here, she
22 could advise whether I can vote or not, but I
23 don't know that it's appropriate.

24 MS. KEON: You can vote. You can vote.

25 CHAIRMAN KORGE: So --

1 MS. KEON: You're abstaining?
 2 CHAIRMAN KORGE: Are you abstaining?
 3 MR. FLANAGAN: I don't know that I can
 4 vote, since I missed the presentation.
 5 MR. BEHAR: I --
 6 MR. RIEL: You can vote.
 7 MR. FLANAGAN: I can?
 8 MR. RIEL: Yeah.
 9 MR. COE: Too bad she's not here.
 10 MR. RIEL: I don't see a problem with that.
 11 MR. FLANAGAN: Okay.
 12 Yes. I don't remember what the motion was.
 13 MS. MENENDEZ: Tom Korge?
 14 CHAIRMAN KORGE: Yes.
 15 The motion passes.
 16 MS. KEON: Did you call me?
 17 CHAIRMAN KORGE: Did you call Pat?
 18 MS. RUSSO: Thank you very much, appreciate
 19 it.
 20 MS. MENENDEZ: I'm sorry. Pat Keon?
 21 MS. KEON: Yes.
 22 CHAIRMAN KORGE: Is there anything else,
 23 Eric?
 24 MR. RIEL: No, just the next meeting is
 25 November 30th.

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 5th day of November, 2010.
 16
 17
 18
 19 JOAN L. BAILEY, RDR, FPR
 20
 21 Notary Commission Number DD 64037
 22 Expiration June 14, 2011.
 23
 24
 25

1 MS. KEON: November 30th?
 2 MR. COE: I think that's a Tuesday, right?
 3 MR. RIEL: Correct.
 4 MR. COE: And we do have the chambers on a
 5 Tuesday?
 6 MR. RIEL: Yes.
 7 MR. COE: Okay.
 8 MR. SALMAN: It's not concurrent with the
 9 commission meeting, right?
 10 (Thereupon, the meeting was adjourned at
 11 6:33 p.m.)
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November 3, 2010 – Updated
Letters Received from Property Owners – Planning Department
Application No. 09-10-121-P (595 Biltmore Way – Conditional Use Site Plan Review – Bank Drive-Through Facility)

Date Received	Name and Address	Object	No Objection	Comments (Verbatim)
1. 11 03 10	Michele V. Johnson and Mark Johnson	X		A drive thru bank: (a) is unsightly; (b) will create more congestion than a non-drive through, as more customers will be included to commute to this location and site and wait in their vehicles (c) a drive through also increase pollution which is contrary to the City's intent to go 'green'. Finally, customers already have the option to bank on-line thereby eliminating any real economic need for a drive-through option. Its antiquated & unnecessary.
2. 11 03 10	George & Lucia Darnell 721 Biltmore Way, #902 Coral Gables, FL 33134		X	
3. 11 01 10	Norton & Gloria Pallot 610 Valencia #504 Coral Gables, FL 33134		X	
4. 10 29 10	Isabelle Benditte 600 Biltmore Way, #718 Coral Gables, FL 33134		X	
5. 10 29 10	Marvin & Carol Goldman 600 Biltmore Way, #Ph 107 Coral Gables, FL 33134	X		Create a dangerous situation for pedestrian, as well as vehicle traffic.
6. 10 29 10	Elena Calmet 525 Coral Way Coral Gables, FL 33134	X		I am concerned this might cause even more traffic congestion on my block, which is now a one-car-at-a-time single lane between Hernando and Segovia, then comes the big circle on Segovia, followed by another circle on Biltmore Way, plus possibly a narrowing of Segovia with the project of making it a one lane on either side of a tree lane? Many thanks to you all for keeping Coral Gables Beautiful!
7. 10 27 10	Arnold & Sandra Mannis 2600 Cardena Street Coral Gables, FL 33134		X	They need more spaces.
8. 10 27 10	Carmen M. Sueiro 428 Giralda Avenue Coral Gables, FL 33134		X	
9. 10 27 10	Pedro Diaz-Mendez 600 Biltmore Way, Apt. 602 Coral Gables, FL 33134	X		Current traffic volume, now with new circle, is excessive for a residential area. Proposed plan for zoning code aggravates flow & volume of traffic. Further exacerbated at night time with crime potential.
10. 10 27 10	Dr. Richard Polo 647 Almeria Avenue Coral Gables, FL 33134		X	I do not object to this application.

November 3, 2010 – Updated
Letters Received from Property Owners – Planning Department
Application No. 09-10-121-P (595 Biltmore Way – Conditional Use Site Plan Review – Bank Drive-Through Facility)

	Date Received	Name and Address	Object	No Objection	Comments (Verbatim)
11.	10 27 10	Maria V. Zayas 6101 NW 2 nd Avenue Miami, Florida 33127	X		As a resident of Coral Gables since July 1984, I wish to express my feelings regarding the above captioned topics. I did receive the courtesy notice notification regarding the November 3, 2010 Commission Chambers meeting to decide about the Bank Drive-Through Facility at 595 Biltmore Way. I do not know all the facts about this issue regarding the total short and long-term ramifications of going through with this project. Therefore, I hereby object, among other things because we do not need another construction in the Coral Gables community. And, regarding the upcoming work to be started very soon on Segovia Street, I want to know why the same courtesy notice was not mailed out to Coral Gables residents. I am totally against such a project, most importantly given the supposed financially-strapped situation that the City of Coral Gables has been in for at least the last couple of years. Given the present economic situation, I can't understand how the City Commission approved undertaking this unnecessary huge expense, and reducing much-needed traffic lanes in this lovely street. Money is squandered throughout the City in superfluous projects—such as the myriad of roundabouts, and yet repaving of a great number of residential streets in dire need of upkeep is ignored. I know that my opinion does not count, and that all these are fait-a-compli projects, but I wanted to make my thoughts known as a tax-paying resident. Thank you for your consideration.
12.	10 25 10	Antonia Buxo' 600 Biltmore Way, #708 Coral Gables, FL 33134	X		I like the neighborhood as it is right now. I don't want it to be commercialized by the banks. Thanks.