

1 CITY OF CORAL GABLES
 2 PLANNING AND ZONING BOARD MEETING
 3 ZONING CODE REWRITE
 4 VERBATIM TRANSCRIPT
 5 CORAL GABLES CITY COMMISSION CHAMBERS
 6 405 BILTMORE WAY, CORAL GABLES
 7 WEDNESDAY, SEPTEMBER 6, 2006, 6:15 P.M.

8 Board Members Present:

9 Tom Korge, Chairman
 10 Eibi Aizenstat, Vice-Chairman
 11 Robert Behar
 12 Jack Coe
 13 Pat Keon
 14 Cristina Moreno
 15 Javier Salman

16 City Staff:

17 Eric Riel, Jr., Planning Director
 18 Walter Carlson, Assistant Planning Director
 19 Javier Betancourt, Planner
 20 Elizabeth M. Hernandez, City Attorney
 21 Lourdes Alfonsin Ruiz, Assistant City Attorney
 22 Jill Menendez-Duran, Administrative Assistant
 23 Martha Salazar-Blanco, Zoning Administrator

24 Also participating:

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25 Charles Siemon, Consultant	11
Maria C. Longo	39
18 Amado "Al" Acosta	41
Charles D. Papy, III	44
19 Larry Horton	52
Mamta Chaudhry-Fryer	54
20 Felix Pardo	59
Andy Murai	82
21 Robert Fine	108
Elaine Codias	152
22 Phyllis Saldarriaga	154
Laura Russo	155
23 Gladys Diaz	154
Rebekah Paris	161
24 Steven Thompson	163
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1 THEREUPON:

2 The following proceedings were had:

3 CHAIRMAN KORGE: Okay, we're ready, Eric?

4 MR. RIEL: Yeah, ready.

5 CHAIRMAN KORGE: Okay, we'll call the
6 meeting to order.

7 Would you call the roll call, please?

8 MS. MENENDEZ-DURAN: Eibi Aizenstat?

9 MR. AIZENSTAT: Here.

10 MS. MENENDEZ-DURAN: Robert Behar?

11 MR. BEHAR: Here.

12 MS. MENENDEZ-DURAN: Jack Coe?

13 MR. COE: Here.

14 MS. MENENDEZ-DURAN: Pat Keon?

15 MS. KEON: Here.

16 MS. MENENDEZ-DURAN: Cristina Moreno?

17 Javier Salman?

18 MR. SALMAN: Here.

19 MS. MENENDEZ-DURAN: Tom Korge?

20 CHAIRMAN KORGE: Here.

21 The next item on the agenda is elections.

22 First, the appointment of a Planning & Zoning Board

23 member, which requires City Commission's

24 confirmation. Do we have any nominations for that?

25 Pat, are you the --

1 MS. KEON: I think that's me.

2 CHAIRMAN KORGE: That's you?

3 MS. KEON: Yes.

4 MR. AIZENSTAT: I'd like to again reaffirm
5 to nominate Pat.

6 CHAIRMAN KORGE: Is there a second for Pat's
7 nomination?

8 MR. BEHAR: I'll second it.

9 CHAIRMAN KORGE: Seconded.

10 Are there any other nominations? Would
11 anybody else like to nominate someone to the Board?

12 No? Okay, let's call the roll on that.

13 MS. MENENDEZ-DURAN: Robert Behar?

14 MR. BEHAR: Yes.

15 MS. MENENDEZ-DURAN: Jack Coe?

16 MR. COE: Yes.

17 MS. MENENDEZ-DURAN: Pat Keon?

18 MS. KEON: Yes.

19 MS. MENENDEZ-DURAN: Javier Salman?

20 MR. SALMAN: Yes.

21 MS. MENENDEZ-DURAN: Eibi Aizenstat?

22 MR. AIZENSTAT: Yes.

23 MS. MENENDEZ-DURAN: Tom Korge?

24 CHAIRMAN KORGE: Yes.

25 Next is the election of Chairman and

1 Vice-Chairman. Are there any nominations?

2 MS. KEON: Can we talk about that a little?

3 MR. BEHAR: I'd nominate Tom Korge.

4 CHAIRMAN KORGE: Yeah.

5 MR. BEHAR: Chairman, Tom Korge.

6 MS. KEON: Yeah. Do you want to continue?

7 CHAIRMAN KORGE: Well, for -- until --

8 MS. KEON: Can we talk about it? Can we
9 have that discussion?

10 CHAIRMAN KORGE: I guess I could resign as
11 Chairman later. I mean, I think for finishing this
12 rewrite, probably.

13 MS. KEON: Yeah, I mean, if you would want
14 to --

15 CHAIRMAN KORGE: Yeah, I don't mind.

16 MS. KEON: -- I would think it would be
17 fine, and I think to continue the way it is would be
18 fine, unless you all would want it otherwise.

19 CHAIRMAN KORGE: No, that's fine. Is that a
20 second?

21 MR. AIZENSTAT: That's fine.

22 MS. KEON: Yes.

23 CHAIRMAN KORGE: Any other nominations?

24 All right, let's call the roll on that,
25 please.

1 MS. MENENDEZ-DURAN: Jack Coe?

2 MR. COE: Yes.

3 MS. MENENDEZ-DURAN: Pat Keon?

4 MS. KEON: Yes.

5 MS. MENENDEZ-DURAN: Javier Salman?

6 MR. SALMAN: Yes.

7 MS. MENENDEZ-DURAN: Eibi Aizenstat?

8 MR. AIZENSTAT: Yes.

9 MS. MENENDEZ-DURAN: Robert Behar?

10 MR. BEHAR: Yes.

11 MS. MENENDEZ-DURAN: Tom Korge?

12 CHAIRMAN KORGE: Yes.

13 Vice-Chairman. Is there a nomination for

14 Vice-Chairman?

15 MR. COE: Are you running?

16 MR. AIZENSTAT: Yeah, I'm all right with

17 it.

18 MR. COE: I'll nominate Eibi Aizenstat.

19 MS. KEON: I'll second that.

20 CHAIRMAN KORGE: Seconded. Any other

21 nominations?

22 Let's call the roll on that, please.

23 MS. MENENDEZ-DURAN: Pat Keon?

24 MS. KEON: Yes.

25 MS. MENENDEZ-DURAN: Javier Salman?

1 MR. SALMAN: Yes.

2 MS. MENENDEZ-DURAN: Eibi Aizenstat?

3 MR. AIZENSTAT: Yes.

4 MS. MENENDEZ-DURAN: Robert Behar?

5 MR. BEHAR: Yes.

6 MS. MENENDEZ-DURAN: Tom Korge?

7 CHAIRMAN KORGE: Yes.

8 Okay. Approval of the minutes. First, the

9 minutes of June 21st, 2006. Do I have a motion to

10 approve those minutes?

11 MR. COE: Move approval.

12 CHAIRMAN KORGE: Is there a second?

13 MR. SALMAN: Second.

14 CHAIRMAN KORGE: Seconded. Any

15 discussion, corrections or anything?

16 Let's call the roll on that, please.

17 MS. MENENDEZ-DURAN: Eibi Aizenstat?

18 MR. AIZENSTAT: Yes.

19 MS. MENENDEZ-DURAN: Robert Behar?

20 MR. BEHAR: Abstain.

21 MS. MENENDEZ-DURAN: Jack Coe?

22 MR. COE: Yes.

23 MS. MENENDEZ-DURAN: Pat Keon?

24 MS. KEON: I don't think I was here.

25 MS. MENENDEZ-DURAN: Javier Salman?

1 MR. SALMAN: Yes.

2 MS. MENENDEZ-DURAN: Tom Korge?

3 CHAIRMAN KORGE: Yes.

4 Next is the approval of the minutes of the
5 August 9th, 2006 meeting.

6 MR. COE: So moved.

7 CHAIRMAN KORGE: Moved. Second?

8 MR. SALMAN: Second.

9 MS. KEON: Second.

10 CHAIRMAN KORGE: Seconded. Any discussion,
11 changes, corrections?

12 Let's call the roll on that, please.

13 MS. MENENDEZ-DURAN: Robert Behar?

14 MR. BEHAR: Abstain.

15 MS. MENENDEZ-DURAN: Jack Coe?

16 MR. COE: Yes.

17 MS. MENENDEZ-DURAN: Pat Keon?

18 MS. KEON: Yes. Yes.

19 MS. MENENDEZ-DURAN: Javier Salman?

20 MR. SALMAN: Yes.

21 MS. MENENDEZ-DURAN: Eibi Aizenstat?

22 MR. AIZENSTAT: Yes.

23 MS. MENENDEZ-DURAN: Tom Korge?

24 CHAIRMAN KORGE: Yes.

25 Eric, I think you're up.

1 MR. RIEL: Good evening.

2 What I'd like to ask the Chair and the Board
3 is, I think I'd like to go through the entire Code,
4 because it's so interrelated. What we'd like to do
5 this evening is advise you of the changes, identify
6 some issues that have come to light in the past
7 couple weeks, since we've gotten the draft out, and
8 just kind of let me do a little bit of background.

9 Obviously, you know we went through a
10 discovery phase, and I have three binders full of
11 minutes here, where we've had over about 30 meetings.

12 We started this process in October of 2004,
13 discovery, basically meeting with the Commission, we
14 went through policy matrix, direction and whatnot,
15 and we actually started reviewing the Code, January
16 of 2005. Actually, that was one of the first drafts
17 that came out.

18 Other Boards have seen it, Historic
19 Preservation, Economic Development, Landscape
20 Advisory Board, Parking Advisory Board. They have
21 all provided input into key sections in the Code --
22 as well as the Board of Architects, I apologize.

23 City Staff presented a draft Code in June of
24 2006, which we again have gotten comments since that
25 time. I will tell you, since this June 6th, 2006,

1 what we've done internally is, there's eight
2 articles; we assigned an article to each member of
3 the Zoning Code Rewrite Staff, including the City
4 Manager, the Assistant City Managers, the Building &
5 Zoning Department, Dennis, Margaret, Walter and my
6 department, myself, Historic Preservation Staff, the
7 new Historic Preservation Officer. They were all
8 given sections of the Code to go through and compare
9 it to the current Code, and the new Code, to make
10 sure that things weren't overlooked.

11 We all sat in a room. It was the ninth time
12 we've gone through it as a whole team, throughout
13 this process. Is it perfect? Do we have everything
14 in there? Hopefully we do. Will there be addendums
15 that we will discuss as a part of the 27th meeting,
16 the second meeting of this? Yes, I expect some,
17 because that's what this process is about. It's a
18 public hearing process. We're winding down this
19 process. This is called a Final Code, because we
20 want to finalize this Code. We have scheduled for
21 the Commission, October 17th, their first
22 presentation, a special meeting at 9:00 a.m., to do
23 that.

24 What we want to do this evening is get
25 further input, answer your questions. Any questions

1 we get from the public, we'll try to, you know,
2 answer those this evening, or if it requires
3 additional research, but the goal, again, is to come
4 back on the 27th, hopefully adopt this document, with
5 a set of addendum sheets that will be probably blue
6 in color, and then move this Code forward to the City
7 Commission, so we can begin that process.

8 And as I've indicated to you in the past
9 couple of months, you know, you are very much a part
10 of this process. We certainly appreciate it, from
11 the City Staff's standpoint. You're the arm of the
12 City, you're the Planning & Zoning Board, the Local
13 Planning Agency, and we invite you to participate in
14 that October 17th meeting, as well, and become a part
15 of that meeting, because I know this has become very
16 much a part of your life, as well as past Board
17 members that have served on the Board, and as you
18 know, there's been 13 members of this Board that have
19 participated in this process. It's been a long
20 process. I think it's been a good process. There's
21 been a lot of good public discussion, a lot of good
22 debate. Not everybody is happy with the result.
23 When it's adopted, there will certainly be changes.
24 If we did this perfect -- I would probably be more
25 apprehensive if we did this perfect, with no changes.

1 So, with that, what I'd like to do is go
2 through the entire Code and just kind of give you an
3 overview of each article and describe to you some
4 changes since this last draft.

5 I don't know, Charlie, did you want to make
6 any comments?

7 MR. SIEMON: I'm just -- I just want to say
8 that we're going to do this together, because unlike
9 some of the prior drafts, there's been a lot of
10 interactivity with the Staff, and while I have
11 knowledge of some of the modifications, there's some
12 others that Eric is going to address, and we're just
13 going to go through it together, and I think I'll do
14 the general overview, try to point out the changes
15 that I recognize, and then move on.

16 But we don't intend to spend a great deal of
17 time. As you know, we did this previously, and it's
18 really coming back to you and basically telling you
19 that we've incorporated what you directed, the things
20 you directed us to address, as best we could. There
21 have been some issues, debate back and forth among
22 Staff, further input from the public, and we
23 reflected some of that, but --

24 CHAIRMAN KORGE: Has your office gone --
25 excuse me for interrupting, but has your office gone

1 through the entire draft for -- as revised, for
2 drafting purposes, not specific --

3 MR. SIEMON: We have, and then it's gone
4 back. We thought we had done it the final time, and
5 it went back through two more cycles. So there are
6 always a few things that pop out, and I saw one
7 today, but -- that's just one word that needs to be
8 changed.

9 CHAIRMAN KORGE: Well, the only reason I'm
10 asking is, I want to be sure that whatever the final
11 language is, you've gone through, from a legal
12 standpoint --

13 MR. SIEMON: We have.

14 CHAIRMAN KORGE: -- and feel comfortable.

15 MR. SIEMON: For sure.

16 CHAIRMAN KORGE: Thanks.

17 MR. RIEL: And just for technical -- we have
18 maps, Jill has maps and the Zoning Codes available.
19 They're behind her. So, if you'd like to get a copy
20 of the maps and the Zoning Code, they're free, as
21 well as all the information that we're presenting
22 this evening is online, as well.

23 We have updated public comments. The first
24 four pages are new from what you received last
25 Friday, so we've received about eight or nine new

1 comments.

2 As a part of the Article 4, which are the
3 zoning districts, Walter, from my Staff, will be
4 going through the zoning map and inconsistencies, so
5 that will be a part of that, that article's
6 presentation.

7 So, with that, let me just go ahead and
8 start off with Article 1, which is basically the
9 general provisions. I can tell you what has changed.
10 There's two basic changes that have occurred in
11 Article 1. The purpose of the Zoning Code was
12 expanded. If you look on Page 1-1 of Article 1,
13 Lines 20 through 39, which is A through G, those are
14 essentially a new purpose that was included. It was
15 included from a lot of the input that we received
16 from the single-family regulations. It basically
17 tries to establish more of the purpose of the Code by
18 the establishment of the history of the City, by, you
19 know, George Merrick's vision of the City, you know,
20 in terms assuring residential properties are in
21 conformity with the character of the area,
22 preservation of flora and fauna. So we did kind of
23 strengthen that substantially.

24 And then the only other changes, if you look
25 at the end of the article, one thing that the Code

1 was silent on was, on PADs, there was time
2 limitations on approvals. What we did is, we put a
3 time limitation on all approvals that were sought.
4 So this, this Section 111, is entirely new, and
5 basically we're saying 18 months from the time of
6 building permit, with the ability to do a six-month
7 extension that can be granted by the Development
8 Review Official or basically the person in the
9 Building & Zoning Department Staff. So that's pretty
10 much the change in Article 1, unless I'm --

11 Article 2, Decision Making and
12 Administrative Bodies. Again, as we've indicated in
13 the past, this was the section that was spread out
14 throughout the Code, in terms of responsibilities of
15 all the Boards. No changes from the June 2006
16 draft.

17 Development Review, which is Article 3, this
18 has the general procedures, notice procedures,
19 conditional uses, PAD requirements, appeals,
20 moratorium provisions, variances, TDRs, historic
21 preservation. As part of the City rewrite team
22 review in the past couple weeks, the City Attorney's
23 Office, with the Historic Preservation Department,
24 has further looked at the Historic Preservation
25 Ordinance and made some further changes to it, to

1 further strengthen the ordinance, and there was a
2 couple discrepancies with the movement of the Code
3 from the -- the Preservation Code from the City Code
4 into the Zoning Code, that they have since then
5 corrected. So there's been some changes there. I'll
6 tell you, that's probably the part or the section
7 that has undergone the most extensive review.

8 Abandonment and Vacations and Concurrency
9 Review all pretty much remain the same. Development
10 Agreements, DRIs, Protection of Landowner's Rights,
11 really no changes from the June 6th draft, and we do
12 not have affordable housing regs in here. That's
13 still a reserved section. We're still working with
14 the County on coming up with county-wide regulations.

15 One -- let me just highlight one change I
16 did forget. We did -- remember, we had the
17 discussion about providing notice for \$25,000 or
18 more? Staff discussed that further. We decided to
19 go up to the 75,000. So there would not be notice
20 provided on the property unless it was \$75,000 or
21 more. We felt, after discussion, that the 25 was
22 considerably low, and that most any construction was
23 in excess of the 75, so it really was little or no
24 impact.

25 CHAIRMAN KORGE: Would that be adjusted for

1 inflation or just kept constant?

2 MR. RIEL: Since it didn't change from the
3 25 to 75 for probably 20 or 30 years, probably not.
4 I think we're probably just -- you know, next time we
5 look at this section, we'll --

6 CHAIRMAN KORGE: Twenty years from now?

7 MR. RIEL: Twenty years from now.

8 Okay, Article 4.

9 MR. SIEMON: Can I just -- I do want to
10 point out, there are some clarifications in the lot
11 split, building site determination provisions. There
12 was an ambiguity as to whether to -- if conditional
13 use was required, how that transition occurred, so
14 there's some additional paragraphs that were added to
15 make it clear, textual language that's there.

16 There's no change in the intent. It was just to make
17 sure that it was clear which portion applied to the
18 original determination, or then, if not found to be a
19 buildable site, what is the application process for
20 going forward to seek additional --

21 CHAIRMAN KORGE: I didn't understand.

22 MR. SIEMON: In the building site
23 determination, there's a threshold determination of
24 whether it's eligible, based on certain criteria.

25 CHAIRMAN KORGE: Uh-huh.

1 MR. SIEMON: If it doesn't -- if it's not
2 eligible, then you can seek what we otherwise call a
3 block split, by going through the conditional use
4 process, and that language was just not as clear as
5 we wanted, and so there was some additional
6 language --

7 CHAIRMAN KORGE: Is that the existing lot
8 split language that we have?

9 MR. SIEMON: The substance is. We -- as
10 you know, we use the conditional use now for
11 discretionary approvals. That was new language from
12 the old Code. But what we didn't have was an
13 efficient transition from the original determination
14 to going to a conditional use approval, and we've
15 just added some additional language in there, no
16 substantive change.

17 MR. RIEL: Article 4. This is the Zoning
18 Districts. This is what I would call probably the
19 most important part of the Code, and I'm going to ask
20 for Charlie's help on this.

21 Obviously, you know, we went through the
22 single-family residential district on a number of
23 meetings. It was adopted by the Commission on August
24 22nd. It goes into effect October 1. We took those
25 regulations and we put them into this Code. As you

1 know, the way this Code is rewritten, all the
2 landscaping is in one section, all the roofs are in
3 one section, all the parking is in one section. We
4 tried our best we could to try to move it into this.
5 There's still some changes that need to be done.
6 There's some things that we missed in the short time
7 frame. We will rectify those and have those in as
8 addendum sheets, but I guarantee you that what was
9 adopted on the 22nd will be in this Code.

10 What happened is, when we started moving the
11 stuff into the roof section, we found something that
12 was in the roof section that referred to the
13 single-family, so we needed to look at it, and said,
14 "Wait a minute, this kind of says the same thing,
15 but, you know, we need to make sure this language is
16 consistent."

17 So we're going to go ahead and do that, and
18 the couple items we did, we did miss, but we will
19 certainly take care of that.

20 The next districts are the multi-family,
21 the Multi-family 1, the Multi-family 2, and the
22 Multi-family Special Area.

23 MR. SIEMON: I think, in the Multi-family 1,
24 the only material change that I recollect was that we
25 added a minimum size of a unit. There was a concern,

1 I believe, before this Board as to whether or not
2 there was a minimum size for the units in that
3 district, and the consensus was to put in a 575-foot,
4 square foot -- 575 square foot minimum, and that was
5 confirmed after extensive discussion with Staff. I
6 believe that's all I recollect in --

7 MR. RIEL: Well, there's two other things.
8 Well, the MF1, one of the changes we did make is, we
9 had a lot of discussion when we discussed the MFSA
10 District, and we introduced -- which was the
11 moratorium regulations, where we introduced the
12 townhouse dwelling. As you know, we had a lot of
13 discussion, when we were talking about the
14 single-family homes, about duplexes. One thing that
15 the Department has received a lot of comments in the
16 past couple weeks, we reduced the size or the height
17 of duplexes from 34 down to 29, to be consistent with
18 the single-family. I can tell you that has raised a
19 lot of eyebrows, and we've gotten a lot of input to
20 go back up to the 34. And we've also heard from
21 people that, on the other side, have said that --
22 which is the other issue. We're suggesting to allow
23 townhouses in this area, which has not been
24 previously proposed, and we've heard from some folks
25 that say that that's a good thing, as well, you know,

1 you know, those duplexes need to be replaced by town
2 homes, but then there's folks that say that, you
3 know, the duplexes have the character of the
4 single-family home.

5 So you're going to hear some public comment
6 from that this evening, but the way this is drafted,
7 we're suggesting to allow town homes in the MF1
8 district, which is basically the North Ponce
9 corridor, from Ponce Circle down to Bird Road, and
10 those duplexes that front on LeJeune Road.

11 Let me go ahead and get a map.

12 Basically, these areas in kind of the
13 lighter brown, and then this is Ponce, Ponce Circle,
14 and you have the commercial limited area. Then
15 basically this is Bird Road. This is the MF1, and
16 then this is LeJeune Road. These are zoned MF1, and
17 then this part up here. So, basically, what we're
18 saying is to allow townhouses there.

19 CHAIRMAN KORGE: On both sides of LeJeune?

20 MR. RIEL: Both sides. Oh, no, just one
21 side.

22 CHAIRMAN KORGE: The brown?

23 MR. RIEL: Well, actually, the MFSA district
24 is on the other side, so that would allow it, as
25 well. That would allow it, as well.

1 MR. COE: There's two different colors
2 there.

3 MR. RIEL: Well, one of the things with the
4 townhouse regulations that we put in here, which has
5 been a subject of a lot of discussion, is not to have
6 garage doors facing the road. So these properties do
7 not have alleys, so we required that townhouses only
8 have access for the vehicles from the rear. So it
9 would require an alley to be created in the rear,
10 which would therefore diminish the property. So that
11 might, you know, not encourage the use of town
12 homes. But we want to look for the Board's direction
13 on that particular issue. But, you know, we can keep
14 that as a reminder. You will certainly be -- you'll
15 be reminded of that when you hear public comments
16 this evening.

17 And then the other change was the height.

18 MR. SIEMON: Three stories adjacent --

19 MR. RIEL: Three stories, 45 feet, MF1.

20 MR. AIZENSTAT: Eric, on LeJeune, from what
21 street to what street are you -- because it's not
22 clear for me -- are you pointing for townhouses on
23 LeJeune?

24 MR. RIEL: It's hard for me to read here,
25 too. Zamora.

1 MR. AIZENSTAT: Okay.

2 MR. RIEL: That's Zamora. Down LeJeune,
3 basically, to -- let's see. I'm not sure what the
4 street is here. I think it's Andalusia.

5 MR. AIZENSTAT: And on Douglas, it goes
6 quite a bit further, starts at the circle and then it
7 works down on Ponce.

8 MR. RIEL: Yeah, it starts down at Camilo.
9 Camilo down to Bird.

10 MR. AIZENSTAT: But further down on
11 LeJeune --

12 MR. RIEL: Down at University. Well,
13 actually, I'm sorry, Palermo down to Viscaya. But
14 it's only on the east side of LeJeune.

15 MR. AIZENSTAT: Is there a reason why you
16 would have it only that side or only some --

17 MR. RIEL: Well, the MFSA, which is across
18 on the other side, allows it, as well. So it's
19 basically kind of a mirror image. Again, you have
20 maps in your --

21 MR. AIZENSTAT: Right.

22 MR. RIEL: -- packets, as well.

23 Again, that's something that is a change.
24 So, you know, if that's something that the Board
25 doesn't entertain --

1 Okay, MF2. There was only --

2 MR. COE: What page are we on?

3 MR. RIEL: -- two changes. MF2 starts on
4 Page 4-10.

5 MR. COE: Okay.

6 MR. RIEL: 4-10, the bottom of 4-10.

7 MR. COE: 4-10.

8 MR. RIEL: The one change is on Page 4-14,
9 the townhouse parking design standard, where it talks
10 about, they have to access off the rear alley, or a
11 driveway acting as an alley.

12 MR. SIEMON: And then the height, which has
13 previously been described, in Paragraph a of Line 1
14 of that page, abutting, contiguous or across the
15 street from a waterway or alley to an SFR or MF1
16 district, three stories or 45 feet within 50 feet of
17 the property line. And that is a change that
18 resulted from some discussions that we had, both from
19 public comment and from Staff interaction. Again,
20 trying to bring some balance between height and
21 adjacent properties. That was also -- it evolved
22 during the discussion of the special area
23 regulations.

24 I don't believe there's any change in the
25 MFSA.

1 MR. RIEL: The only -- the same change in
2 terms of the height, is in the MFSA.

3 MR. SIEMON: But that was original.

4 MR. RIEL: Right.

5 MR. SIEMON: Then we go to the Overlay and
6 Special Purpose Districts. The Mixed-use District,
7 there's a small edit to make it clear that this is --
8 can be either as a designated district or by overlay,
9 that either option is available, just to clarify the
10 way this Code treats the existing MXD, 1, 2 and 3, is
11 that there's an MXD district; it can either be an
12 overlay or a designation, and that's the major
13 mixed-use district, and then in certain -- in the
14 commercial districts, there is a conditional use that
15 also allows mixed use under certain terms and
16 conditions, and so that's how -- that's the results
17 of the MXD, the three districts that exist today, and
18 I think that's the only change. There might have
19 been a small omission in bringing a provision forward
20 from this Code to this Code, and that's been
21 corrected.

22 No change on the Downtown Overlay or the
23 Special Use District, the Preservation District, the
24 CL District. There was a modification --

25 MR. RIEL: Let me back up. The University

1 of Miami, the UMC District, is not provided in this
2 draft. You'll see it as being reserved. City Staff
3 is working with the University to continue to refine
4 the UMC District. We were not able to complete that
5 process in time for the publishing of this, but we'll
6 have it in the 27th document.

7 As you know, we've had -- we're trying to
8 simplify the process for when changes to the plan
9 come forward, and I think the end result will be, I
10 think, better for both the City as well as the
11 University, in terms of accountability on both sides.
12 So we'll have those provisions in the addendums for
13 the 27th.

14 MR. SIEMON: In the CL and C Districts, in
15 fact, the change I was thinking of is not in this
16 provision, it's in a later provision. There are just
17 formatting changes, I believe, between the original
18 draft and the one that's presented here.

19 MR. RIEL: In the Commercial District, which
20 is the C District, which is pretty much most of the
21 downtown area, there's one change that I had -- I'm
22 proposing, and we discussed this in the past. It has
23 to do with drive-through facilities. Right now, all
24 drive-through banking facilities have to come for a
25 conditional use review.

1 It's my opinion, I think that drive-through
2 facilities that are located in the center of the CBD
3 do not necessarily need to come through a public
4 hearing review. I think they need to come through an
5 administrative review. I feel that if a property is
6 zoned commercial and there's a drive-through facility
7 and they're across the street from a residential use,
8 such as single-family or multi-family, then it should
9 be required to go through a conditional use review.

10 I think that's -- I just don't see what the
11 benefit is of -- you know, for a mixed-use building
12 in the downtown to have to come through a conditional
13 use review. So I did make that one change in the C
14 district, and we did have some discussion about that
15 in the past, as well.

16 Article 5, Development Standards. This is
17 the longest chapter in the Code. I probably want to
18 say there is -- 24 separate divisions. This is made
19 up of the supplemental or site-specific regulations
20 that have to do with everything from accessory uses,
21 service stations, cottage, design review standards,
22 heliports, group homes, lighting, platting,
23 sanitation, signs. Let me just go through briefly
24 and kind of give you an overview.

25 Accessory Uses. As you know, we had a long

1 discussion about accessory uses. I believe we spent
2 one entire evening just discussing accessory uses.
3 If I can look at the chart here, Article 5, picking
4 one out, that's one of the ones that was deferred.
5 You did not recommend approval of that. For that
6 reason, that's why we spent so much time on it.

7 The next change, Landscaping, Division 11.
8 We presented that and discussed it in the June 6th
9 draft. Since that meeting, Mr. Keys and I -- Mr.
10 Keys is the Public Service Director -- went to the
11 Landscape Advisory Board, got their input. We put
12 those changes in this draft. As I indicated before,
13 we took the single-family landscape provisions, all
14 the multi-family. Anything you want to know about
15 landscaping space is in this new Division 11.

16 The next division that -- probably where we
17 had the most discussion of, I'd say is Division 14,
18 Parking, Loading and Driveway Requirements. We did
19 have three -- I know we discussed it on three
20 separate meetings, just in generalities. As you
21 know, we did increase the parking requirements for
22 commercial retail uses.

23 Platting --

24 Roofs, changes to Division 16, the roof
25 provisions. As you know, the metal roof issue was

1 discussed at a separate meeting. Those provisions
2 are in the Code, as directed by the Board.

3 No changes to Signs.

4 Division 22, Underground Utilities. The
5 only change that was done in that division was, these
6 single-family regulations require the undergrounding
7 of utilities, so we put those provisions in this
8 section.

9 And Walls and Fences, nothing else has
10 changed.

11 MR. SIEMON: Well, there was one innocuous
12 elimination of a miscellaneous provision, a
13 miscellaneous construction that was duplicated in
14 another part of the Code, and so on Building &
15 Zoning's recommendation, we eliminated that. It just
16 was a location of certain things that are actually
17 not appropriate in this Code and ought to be in the
18 Building Code. I think that's all.

19 MR. RIEL: Article 6, I'll let you do that.

20 MR. SIEMON: Article 6, relatively minor
21 changes. There's a typo, historic -- all
22 nonconforming provisions have once again been
23 reassembled in the nonconformities. During the
24 drafting process, a couple of times, separate
25 districts were rewritten and nonconforming language

1 was put in that section, and we've now relocated all
2 of those so that they're in. There's no substantive
3 changes. It's just that you will find the
4 nonconforming provisions for historic issues in the
5 nonconformities provision, not in another part, and I
6 think that's all that I recall that was modified in
7 that section.

8 MR. RIEL: And just as a reminder, which I
9 know we had a significant amount of discussion in
10 terms of upgrading a nonconforming use. You're
11 probably going to hear some public input this evening
12 on those. I know we did discuss it on two or three
13 separate meetings, and I don't believe -- no, we
14 didn't approve that section. That was deferred, as
15 well.

16 MR. SIEMON: There was one other change.
17 Division 7, that had to do with nonpermitted enclosed
18 garages, that was in the prior draft, there was a
19 provision that was adopted; it had a time period for
20 bringing those things into conformance, and that
21 period lapsed, and so it's now been taken out of the
22 Code, because it no longer has any force and effect.
23 They have that status, but there's no further
24 application of it, so that was deleted from that
25 section, as well.

1 I don't believe there are any changes in
2 Article 7, and --

3 MR. RIEL: Article 8, Definitions. There's
4 a couple clarifications that we still need to make on
5 floor area ratio, the definition, carport. Again,
6 it's mostly the fact that single-family
7 regulations -- making sure that the definitions we
8 have here mirror the single-family regs.

9 So we're going to go through these, but for
10 the most part, I only have probably about two or
11 three clarification changes.

12 MR. SIEMON: One other thing that I did
13 notice when I was reviewing. When we took -- excuse
14 me -- put the University campus in a reserved
15 category, we did not take the definitions that went
16 with that district, so there are right now some --
17 until we have a new UM District back in the Code,
18 there's some definitions that don't occur in the text
19 as it's presented to you today, but I think they're
20 useful definitions, when we get that back in the
21 Code.

22 MR. RIEL: Appendix A, the site-specific
23 zoning regulations, didn't change. In fact, we
24 forgot a couple that we had recently just adopted for
25 annexation, so we inserted those.

1 Let me go ahead and turn it over to Walter.
2 He's going to go through the map and the
3 inconsistency changes.

4 MR. CARLSON: Much of what I have to
5 present was provided to the Board in detail in June,
6 in the PowerPoint presentation, so what I'm going to
7 do here is recap, essentially, what was provided at
8 that time.

9 Again, the adoption of the new Zoning Code
10 is a two-part process. First, existing inconsistent
11 zoned properties must be corrected, and then second
12 is the assignment of the new zoning classifications
13 as proposed in the Zoning Code, which have just been
14 presented to you.

15 The same 19 inconsistent properties that
16 were presented to the Board in June are proposed to
17 be rezoned in this package. They include 18
18 publicly-owned properties and one privately-owned
19 property, which was the result of a scrivener's error
20 which occurred when the zoning map was redrafted in
21 1997. And in your package, if you'll go to
22 Attachment B, we have the location map for those
23 properties.

24 Following the location map, we have the
25 inconsistent property table, which gives you a

1 description of them and what the existing zoning is
2 and what the proposed zoning is, and then following
3 that table, we have the individual -- all 19 of the
4 individual properties and the description of them.
5 Again, these are all publicly-owned properties except
6 for one, which was a scrivener's error.

7 Each of the property owners for the
8 inconsistent -- each of the owners of the
9 inconsistent properties were notified by certified
10 mail of the rezoning and that this meeting was going
11 to occur.

12 Now, the assignment of the new zoning
13 classifications is just reassigning the existing
14 categories according to the new Zoning Code's
15 terminology. There will be no reduction or change in
16 the permitted uses resulting from the new
17 classifications. There is a chart in your Staff
18 Report which shows those conversions, and also, there
19 is one at your -- at the table there. It's on yellow
20 paper. And for the members of the public who would
21 like to have a copy this chart, we have extra copies
22 at the sign-in desk, if you'd like to take one with
23 you, and this shows -- this shows the old district
24 designations and then also -- and then shows the new
25 district designations, and again, this is just

1 reassigning the old classifications to the new
2 classifications, according to the terminology in the
3 proposal.

4 The criteria used by Staff in the assignment
5 of the properties is also included in your report and
6 also on another yellow page, New Classification Map
7 Assumptions, which is at the dais for you, as well,
8 and again, we have copies for the public, if they
9 would like to have a copy.

10 In Staff's criteria, all existing A
11 Commercial zoned properties are designated as CL
12 Commercial Limited. Those tend to be close or
13 adjacent to single-family residential and
14 duplex-zoned properties. CB and C-zoned properties,
15 existing CB and CC-zoned properties, are designated
16 as C Commercial, except where those occur next to
17 single-family, and they are designated as CL
18 Commercial Limited. And all other districts only
19 replace the one zoning symbol for the other as they
20 occur in the new Zoning Code.

21 In your package is a reduced copy of the
22 zoning map, which we also have available, and the
23 large ones are shown on the easels to my left, your
24 right. And that concludes my presentation.

25 CHAIRMAN KORGE: Before you go, can I ask

1 you one quick question? Property Number 19, the
2 private property --

3 MR. CARLSON: Yes.

4 CHAIRMAN KORGE: It would be converted from
5 S, Special Use, to A-13, Apartment?

6 MR. CARLSON: That's correct.

7 CHAIRMAN KORGE: It will be legally
8 conforming, under the new designation?

9 MR. CARLSON: Yes. Oh, there are apartment
10 buildings on it now.

11 CHAIRMAN KORGE: I understand. I just want
12 to make sure it's legally conforming under that
13 designation.

14 MR. CARLSON: Yes.

15 CHAIRMAN KORGE: Okay, thanks.

16 Do you have something, Eibi?

17 MR. AIZENSTAT: Yes.

18 Walter, on the zoning map that I have here,
19 the color, as far as the zoning districts, doesn't
20 seem to match up to what you have over there. I
21 don't know if it's because of the ink or the colors,
22 but for example, what Eric was talking about, the
23 town home area along Ponce, according to my map, it
24 doesn't go all the way down to Bird Road, the way I'm
25 looking at it. Now, like I said, it could be in the

1 printing or the color. Maybe I could just show it to
2 you here a second --

3 MR. CARLSON: Yeah, sure.

4 MR. AIZENSTAT: -- so you'll see.

5 I have it stopping here.

6 MR. CARLSON: Yes.

7 MR. AIZENSTAT: Shouldn't it go all the way
8 down to Bird Road?

9 MR. CARLSON: This is CL Commercial.

10 MR. AIZENSTAT: Okay.

11 MR. CARLSON: This is CL Commercial, and
12 then from --

13 MR. AIZENSTAT: Because down there, it looks
14 like it goes all the way down to Bird Road.

15 MR. CARLSON: Here, let me bring -- this is
16 CL Commercial, right here, and the rest of it --

17 MR. AIZENSTAT: So it's a --

18 MR. COE: See, that's the problem.

19 MR. AIZENSTAT: Okay, from far away -- okay,
20 it looks like a different ink.

21 MR. CARLSON: When it prints this small,
22 sometimes the black ink makes it very difficult to
23 read. This is printed from the same computer,
24 though.

25 MR. AIZENSTAT: Okay. All the way down

1 there --

2 CHAIRMAN KORGE: Yeah, it doesn't look like
3 it.

4 MR. AIZENSTAT: See how it changes?

5 MR. COE: Yeah, from pink to brown.

6 MR. AIZENSTAT: And here, it just keeps
7 going in the same color.

8 MR. CARLSON: It's very difficult --

9 CHAIRMAN KORGE: Yeah, it looks like yellow.

10 MR. AIZENSTAT: It looks like yellow.

11 MR. CARLSON: It's difficult to see.

12 MR. AIZENSTAT: Okay. I just wanted to
13 clarify that. Thank you.

14 CHAIRMAN KORGE: Are we going to open it to
15 questions for the Staff now, or hear the public and
16 then open to questions?

17 MR. COE: I have one question of Eric.

18 What are we supposed to do at the end of
19 this evening, if anything?

20 MR. RIEL: If you have any final questions,
21 anything you would like additional information on,
22 we'd like to get that from you this evening, because
23 our intent is to try to finalize and get a
24 recommendation from the 27th.

25 MR. COE: So the next meeting, at the end of

1 the month, the 27th or whatever, is when we're going
2 to vote?

3 MS. HERNANDEZ: What? I'm sorry, what did
4 you say, the next meeting --

5 CHAIRMAN KORGE: We vote at the next
6 meeting.

7 MS. HERNANDEZ: Yes, yes.

8 MR. COE: That's when we're going to vote.

9 MS. HERNANDEZ: The idea is, when we receive
10 the input from the public, whatever the Board votes
11 on, those final comments should be coming back at
12 the --

13 MR. COE: September 27th meeting.

14 CHAIRMAN KORGE: Okay, we can either hear
15 from the public now or ask questions and then hear
16 from the public, whichever you guys prefer.

17 MR. AIZENSTAT: I mean, for me, I'd like to
18 hear from the public, because I think afterwards we
19 can direct any questions we have to Staff.

20 CHAIRMAN KORGE: Okay. Very good.

21 MR. BEHAR: I agree, but I'd like to suggest
22 that we try to keep the public input to a --

23 MR. COE: Three minutes.

24 MR. BEHAR: Three to five minutes.

25 CHAIRMAN KORGE: Brief, three to five

1 minutes. That's been consistently asked of me at
2 every meeting, and I'll do my best to enforce that
3 time limit.

4 How many do we have signed up?

5 MS. MENENDEZ-DURAN: About 12 to 15
6 speakers.

7 CHAIRMAN KORGE: How many?

8 MS. MENENDEZ-DURAN: Twelve speakers.

9 CHAIRMAN KORGE: Twelve?

10 MS. HERNANDEZ: Yes, and this --

11 CHAIRMAN KORGE: Liz, do we need to swear
12 them in, or not?

13 MS. HERNANDEZ: No, this is --

14 CHAIRMAN KORGE: No, okay.

15 MS. HERNANDEZ: This is legislation. But I
16 will advise the Board, the City Commission has
17 adopted an ordinance that any Board that wishes to go
18 beyond 9:00 p.m. has to, upon -- there has to be a
19 motion all the -- well, a majority must vote to
20 continue with the proceedings.

21 So I would suggest that around 8:45, this
22 Board, you know, decide what it wants to do. Not
23 that I'm jinxing you and telling you it's going to go
24 till then.

25 CHAIRMAN KORGE: Twelve speakers, we should

1 be finished up with that and any questions by 8:00.

2 MR. COE: If you hold them to the --

3 CHAIRMAN KORGE: If I hold them to the --

4 yes, and then I'll get abused later, ladies and
5 gentlemen, if I don't hold you, so forgive me for
6 trying to move this along.

7 Do you want to call the first speaker,
8 please?

9 MS. MENENDEZ-DURAN: Maria Longo?

10 MS. LONGO: Good evening. My name is Maria
11 Cristina Longo, and I own two properties on Segovia
12 Street, and I presently reside in one of them, 2828
13 Segovia, a duplex.

14 I am against the reduction of duplex height
15 from 34 feet to 29 feet, but I'm in favor of allowing
16 a combination of these two heights. The effort to
17 prevent McMansions is valid and important, and duplex
18 zoning should also play the important role of keeping
19 our City's character, to enhance lifestyle for
20 families living in single-family homes.

21 The intention for duplex zoning in the
22 current Code is to accommodate low-density
23 multi-family dwelling units and buffer single-family
24 homes from collector -- from collector streets,
25 collector roads. LeJeune, Segovia and Ponce de Leon

1 are all collector roads. These roads are two-way
2 streets with high traffic flow. There have -- and
3 they also have a larger scale than single-family home
4 streets.

5 My recommendation is that the City applies a
6 height rule similar to the one that the City is
7 already using for townhouses that abut or are
8 contiguous to single-family homes. From the current
9 townhouse zoning -- I'm going to read you what's in
10 the current townhouse zoning, which says there's a
11 maximum height of 45 feet for townhouses, except that
12 no portion of any building within 50 feet of any
13 property line which abuts or is contiguous to line --
14 to land designated as an SF district shall have a
15 height in excess of 35 feet. A combination of
16 heights, larger massing, facing the opposite side of
17 the side that is abutting or is contiguous to
18 single-family homes.

19 I recommend that the City allows duplex
20 height at a maximum of 34 feet, and require the first
21 25 feet from a property line which abuts or is
22 contiguous to SF district to be at 29 -- at 29.
23 Unlike townhouses, duplex zoning have front setback
24 requirements of 25. Duplex zonings, the laws vary in
25 depth from 90 -- I walked the streets, and I looked

1 it up in the internet, from 90 to 125. Mostly
2 they're in the nineties and the hundreds. My lots
3 are 110 in depth, and duplexes don't have alleyways.

4 So the solution of combining the heights
5 would allow the single-family homes to have the lower
6 massing of 29, which is what single-family homes
7 have, and the 34 feet facing the collector streets,
8 which again have a larger scale; they're different.

9 On Segovia Street, on my side of the street,
10 which is the west side of the street, I have a
11 parkway. It's a totally different scale, where you
12 can use different proportions. And this way, we can
13 keep the lower massing facing the single-family
14 district. This is my recommendation. Thank you.

15 CHAIRMAN KORGE: Thank you.

16 MS. MENENDEZ-DURAN: Sonia Blair?

17 Amada Acosta?

18 MR. ACOSTA: Good evening, Mr. Chairman and
19 Members of the Commission. My name is Amado Acosta,
20 also the nickname of "Al." I live at 1225 South
21 Alhambra Circle, and I'm here representing the
22 Riviera Neighborhood Association. I'm the
23 vice-president. We have several board members here
24 present, and another one, Charles Papy, will also be
25 speaking, with me, momentarily.

1 As you recall, we have been before this body
2 several times, and the last time, possibly that you
3 might remember, was when we had the presentation of
4 our Charrette, and that was that was on May 10th of
5 this year. At that time and other times, we have
6 expressed a great deal of concern about the body of
7 water and how the City protects a body of water,
8 whether it's a waterway, a canal or a lake. And in
9 respect to what is being written now for the grade of
10 CL, we notice that on setbacks on the rear, it
11 continues with the practice of not defining a body of
12 water behind.

13 In other words, for multi-family or for
14 single-family, you have a requirement where -- that
15 is 35 feet on the rear, when there's a body of water,
16 okay? And that's written into here now.

17 When it comes down to commercial, on Page
18 47, 4-37 and 4-38 -- 4-38, minimum setbacks, on the
19 rear, where there is a dedicated alley in the rear,
20 five feet. Where there is no dedicated alley in the
21 rear, it's 10 feet. That is only referring to earth,
22 to ground. It doesn't address the matter of water.
23 And we are here to request that this Board consider
24 this unique opportunity now to define what happens on
25 the rear of a lot that is rated CL when the rear of

1 that lot is a body of water. I don't see it
2 defined. We have great concerns, and we think that
3 it needs to be addressed before it's recommended to
4 the Commission.

5 The other aspect that we have in here has to
6 do, also, with when the property is converted by
7 designation to CL, for instance, and right now you
8 have CA and CB. Individual lots, right now, may have
9 restrictions on them. They might have covenants. We
10 want to ask and make sure that those continue. We're
11 not sure, so we're asking the question to Staff,
12 tonight, if there are existing restrictions on the
13 lots that have been defined privately, when the lot
14 is converted to the new classification, do those
15 restrictions continue? That is a question that we
16 have.

17 MS. HERNANDEZ: Yes, they do continue.

18 MR. ACOSTA: Great. Thank you.

19 The other aspect, Mr. Papy will address in a
20 minute. I know he has signed up --

21 MS. HERNANDEZ: If you refer to Page -- to
22 Article 1, Page 4, Section 1-109, you'll find our
23 construction rules, and it provides that those do
24 continue to exist.

25 MR. ACOSTA: Okay, thank you. All right.

1 With that, I bring up Mr. Papy. He's signed
2 up, and he's also a part of this, and he would like
3 to offer just one minute of comments.

4 CHAIRMAN KORGE: Okay.

5 MR. COE: One minute of your time for Mr.
6 Papy.

7 MR. ACOSTA: Yes, sir. Thank you.

8 CHAIRMAN KORGE: No, he's already finished
9 using all of his time, so --

10 MR. COE: I was about to say, I don't know
11 if you have that minute left, but we'll hear from
12 Papy.

13 MR. ACOSTA: I did a lot less than five
14 minutes.

15 Come on. The Chairman has agreed.

16 I appreciate it. Thank you.

17 MR. PAPY: I think I'm entitled to my own
18 three minutes, aren't I?

19 MS. HERNANDEZ: That's right. That's right.

20 MR. PAPY: My name is Charles T. Papy, III,
21 and I live at 1190 South Alhambra Circle, and I'm a
22 new resident of the Gables, over the last three
23 years, and I've been watching how you all and Staff
24 have been working very hard on trying to deal with a
25 code that's been very -- it's a very old code, and

1 there's a lot of hard work that's gone into it.

2 I -- as a member of the board of the Riviera
3 Homeowners' Association, one of the things I just
4 wanted to point out to you, in looking at it and
5 trying to read through it, that I'd like you all to
6 really consider, or whatever the process is going to
7 be -- we, as the Riviera Homeowners' Association, and
8 just as a concerned citizen myself, I want to be sure
9 that whatever your -- what eventually the City
10 changes and becomes the Code, I think it's important
11 to be sure what effect that has on present pending
12 applications.

13 Let me give you a for-instance. If an
14 application is pending, where someone has suggested
15 that they need a setback or something because of the
16 way the Code is presently, and then all of a sudden
17 the Code is changed and that provision no longer
18 requires the setback, that's not putting everybody on
19 the same playing field, in my view. So I just want
20 to be very careful that when that occurs, I don't
21 think it's unreasonable for Staff or someone to have
22 to suggest to the Commission or to you folks that
23 there's a pending application that's going to be
24 before you, some three weeks or four weeks or two
25 months after this document has become effective, and

1 understand that when they filed it they would have
2 needed the following variances, but because now we've
3 changed the Code, they may or may not need those,
4 because like those of us that are watching over
5 interested issues -- we have a very large project
6 that's being planned at the end of South Alhambra,
7 which is where the old -- where the old University
8 Inn is, and we're very concerned that we want to be
9 sure that we're comparing apples to apples, and that
10 is, whatever the Code is at the time the application
11 is doesn't affect, all of a sudden, that certain
12 things have been approved just simply because the law
13 has changed, without us understanding what the effect
14 would be, because if the Code didn't change, they
15 would have maybe needed variances.

16 Now, the application's not all filed, we
17 don't know what finally the developer is going to
18 come up with, or other people in the City, but it's
19 just something I think we have to be very careful
20 with, when this becomes effective, what effect does
21 it have on pending applications.

22 MR. COE: Can I interrupt you? You raise a
23 very good point. I was thinking about that, too.

24 Am I correct, Madam City Attorney, that a
25 pending application is subject to the then current

1 zoning law, because it's merely a pending
2 application?

3 MS. HERNANDEZ: It's subject to the then
4 zoning law, but if the City has removed a zoning
5 restriction, when it comes to this Board, the Board
6 is going to apply --

7 MR. COE: Yeah.

8 MS. HERNANDEZ: -- the new provisions of the
9 Zoning Code.

10 MS. COE: Yeah.

11 MS. HERNANDEZ: There's a reason why you've
12 recommended to remove it. So it would be consistent.

13 CHAIRMAN KORGE: Or they could withdraw
14 their application and resubmit it.

15 MR. COE: You'd have to do an amended
16 application, I think, is probably --

17 MS. HERNANDEZ: So you might -- if you have
18 specific concerns, I mean, Staff is, you know,
19 willing to meet with you. It's very difficult to
20 visualize a hypothetical, so, you know, I'm having
21 trouble following you, but we're happy to meet with
22 you and discuss potential hypotheticals, to see if,
23 you know, what is proposed here would impact some
24 future application.

25 MR. PAPY: Yeah. I'm just concerned --

1 it's -- I'm concerned about the fact that an
2 application can be filed, and that application, in
3 it, says I need the following variances.

4 MS. HERNANDEZ: Right.

5 MR. PAPY: Okay? Then, by the time the
6 application finally gets through the process, those
7 variances are no longer necessary.

8 MS. HERNANDEZ: Correct.

9 MR. PAPY: So everybody in the public out
10 here is believing, before Smith or Jones gets their
11 project approved, they're going to have to go through
12 a process to get variances from you folks and from
13 others, when in fact they don't need to get those
14 variances anymore.

15 MS. HERNANDEZ: But that could happen.

16 MR. COE: That would become apparent,
17 though.

18 MS. HERNANDEZ: Right.

19 MR. PAPY: Well, it would become apparent in
20 front of the body. It may not become apparent in
21 front of the people who were relying upon what was
22 filed, which at the time said I need a variance, but
23 when it gets in front of you, the variance is no
24 longer necessary, because the condition for that
25 variance has been removed. All I'm saying to you

1 is --

2 MS. HERNANDEZ: Keep the condition there?

3 MR. PAPY: I'm sorry? I couldn't hear you.

4 MS. HERNANDEZ: You're saying, keep the
5 condition in place, even though you have a new Zoning
6 Code?

7 MR. PAPY: What I'm saying to you is, if
8 someone files an application with you and their
9 requirements for a variance and so forth -- if
10 they -- if they no longer need a variance, your
11 advertisements, your conversations, your information
12 to the public needs to be that these variances are no
13 longer necessary or they have to file an amended
14 application to do that, because what is clearly not
15 fair is for someone to file an application with you
16 which says they need variances, get here, and no
17 longer need variances, as a matter of law, when the
18 public is relying upon this body and another body to
19 take action on a needed variance. And that, that
20 process, I don't see that in anything I've read.

21 MS. HERNANDEZ: Right.

22 MR. PAPY: And it can be a pretty serious
23 problem. So I don't -- you should put something in
24 your approach, it seems to me, and something to go to
25 the Commission, that would suggest that any zoning

1 application that is pending, that the Staff ought to
2 advise the Board that's going to look at it, at the
3 very least, that because now there is a new zoning
4 law that's been passed, these variances are no longer
5 necessary.

6 MR. COE: I think that's done, Mr. Papy, as
7 a matter of course.

8 MR. RIEL: There's transition rules in
9 Article 1.

10 MR. COE: That's done right now.

11 MR. RIEL: There's two pages, Page 1-2 and
12 1-3, that deal with --

13 MS. HERNANDEZ: More restrictive
14 requirements, though.

15 MR. COE: Yes.

16 MS. HERNANDEZ: What he's talking about
17 is --

18 MR. AIZENSTAT: Is less restrictive.

19 MR. SALMAN: Is less restrictive
20 requirements.

21 MS. HERNANDEZ: Right.

22 MR. PAPY: That's the only thing I'm worried
23 about.

24 MR. COE: It's exactly the opposite.

25 MS. HERNANDEZ: Right.

1 MR. COE: It's the opposite.

2 MR. PAPY: I'm not worried about more
3 restrictive.

4 MS. HERNANDEZ: Right.

5 MR. PAPY: It's the other way you go.

6 MS. HERNANDEZ: It's the other, and Charlie,
7 unless you have -- you know, I have no idea on that,
8 because all I have to do as an applicant is withdraw
9 my application and then come in and pull an
10 as-of-right building permit.

11 MR. PAPY: But that's fine.

12 MR. COE: Or you amend it. Or you amend it.

13 MR. PAPY: That's different. That's fine,
14 as long as the application that is before the
15 appropriate bodies --

16 MS. HERNANDEZ: But what's --

17 MR. AIZENSTAT: But it might not need to go
18 before the --

19 MR. PAPY: I'm sorry?

20 MR. AIZENSTAT: But it might not need to go
21 before that body anymore.

22 MR. PAPY: Because of a zoning change?

23 MR. AIZENSTAT: Correct.

24 MR. PAPY: All I'm saying to you is, if
25 someone has an application that's pending with a

1 condition that they need to have changed, there's no
2 longer a condition that needs to be changed, but the
3 rest of their application is still in play, I think
4 you need to advise the public that that particular
5 matter is no longer an issue in that application,
6 because a lot of people are going to read an
7 application and say, "Oh, I don't need to worry. Mr.
8 Jones needs a variance." Mr. Jones gets down here --

9 MR. COE: He's worrying about neighbors.

10 MR. PAPY: The City Attorney says, "You
11 don't need a variance anymore. We passed a law."

12 MS. HERNANDEZ: He's worried about correct
13 notice.

14 MR. COE: Yeah. He's worried about the
15 neighbors. Okay.

16 MR. PAPY: Okay? Thank you.

17 MR. SALMAN: Thank you.

18 MS. MENENDEZ-DURAN: Santiago Echemendia?

19 MR. ECHEMENDIA: I'll pass.

20 (Simultaneous inaudible comments between Mr.
21 Coe and Mr. Aizenstat)

22 MS. MENENDEZ-DURAN: Larry Horton?

23 MR. HORTON: Hello, Members of the Board.
24 My name is Larry Horton. I live at 6604 Leonardo
25 Street, and my comments are going to be regarding

1 Sections 4-411 and 4-412 of the new Zoning Code,
2 which is the parking in residential areas and the
3 trucks, trailers, commercial vehicles, and
4 recreational vehicles, parking upon streets and
5 public places.

6 MR. RIEL: Do you have a page number?

7 MS. HERNANDEZ: Yes.

8 MR. RIEL: A page number would be good.

9 MR. HORTON: Yes, 4-48.

10 MR. RIEL: 4-48? Thank you.

11 MS. HERNANDEZ: Okay.

12 MR. HORTON: I'd just like to say that my
13 understanding is that in September of 2005, the
14 Planning & Zoning Board recommended that this
15 ordinance be modified, and I have the Planning &
16 Zoning Department Staff Report that if I could
17 provide you with, with the recommendations, and they
18 recommended that the article be liberalized or
19 modified.

20 Another point I have is that the way the
21 ordinance is worded, it applies to trucks, which if
22 you use the State of Florida or U.S. Government
23 definition of a truck, that's going to make an awful
24 lot of violators in the City of Coral Gables.

25 What's currently occurring today is that I

1 feel it's discriminatory, it's being discriminatorily
2 enforced against pickup trucks only, and I think
3 that's incorrect.

4 One observation that Chairman Korge made at
5 the prior Planning & Zoning meeting was that visitors
6 to your home after 7:00 p.m., that come to visit you
7 in your home in that type of vehicle, will be in
8 violation, and he also observed that it's possible
9 that people coming into our City to dine on Miracle
10 Mile in those types of vehicles, that maybe want to
11 dine at one of our nice restaurants, they would also
12 possibly be in violation.

13 So the only thing I would like to say is
14 that I would like to ask that the Planning & Zoning
15 Board incorporate the modifications of Plan A into
16 the new Zoning Code. Thank you very much.

17 CHAIRMAN KORGE: Thank you.

18 MS. MENENDEZ-DURAN: Mamta Fryer.

19 MS. CHAUDHRY-FRYER: My name is Mamta
20 Chaudhry-Fryer. I live at 640 Majorca Avenue.

21 I'd like to thank each and every one of you
22 for the work you did on the single-family ordinance
23 and to the Commission for passing it recently. It
24 will go a long way to protecting the character and
25 scale of our neighborhood, and we thank you for all

1 the work you did on that.

2 I'm sure the Board remembers the last time
3 we discussed the single-family regulations as part of
4 the Zoning Code. I had brought up a number of
5 inconsistencies and contradictions between the
6 proposed ordinance -- it was proposed at that time,
7 it hadn't been passed -- and what was in the Zoning
8 Code, and at that time we were assured that that had
9 happened so recently that by the time the final
10 Zoning Code came before you, all those would be taken
11 care of. You asked me to send this in writing to the
12 City, and I did it within the week, listing all the
13 problems with it.

14 But in this new version, over two months
15 later, I realized that the ordinance was passed
16 August 22nd, but it has been two months since those
17 same discrepancies were pointed out. I have again
18 sent a letter, my husband and I, to the Commission,
19 and I hope you've seen a copy of it, because you were
20 addressed, via City Staff, and I have repeated all
21 those errors, discrepancies that were there, and
22 tonight Staff pointed out that those will be taken
23 care of and that the Zoning Code will have the
24 provisions as they were in the ordinance, and they're
25 substantive things. You know, they're things like,

1 the height of the flat roofs, for instance, has been
2 taken out. So the height and pitch which were in the
3 ordinance are not in the Zoning Code, but we have
4 been assured that things with the carport
5 definitions, with the way the FAR is counted for
6 single-families and flat roofs and other things will
7 be addressed. So I will not go into details of these
8 points again. You've heard them. They're written
9 down. They have been resubmitted.

10 The other thing I had asked is if the
11 notification process for neighbors has been
12 strengthened, and Mr. Siemon mentioned that now it
13 has been raised to \$75,000, but my question is, are
14 neighbors going to have notification of demolitions
15 and substantive changes to their neighboring
16 properties? That has, I think, come up over and over
17 again before you, how people feel blindsided by
18 something going on where the only notification is a
19 small sign on the property, and I have been assured
20 that I will get an answer to that, as well.

21 So let me move on, then, to a discussion
22 that was deferred earlier, which is to the MF1, the
23 duplexes and town homes, because that directly
24 affects single-family homes. It's in the
25 single-family home area. Mr. Riel pointed out

1 tonight that they will allow townhouses in what was
2 originally a duplex designation.

3 In Section 4-9, it points out that the lot
4 size -- if you look in the middle, on Line 29, for
5 the building site, currently, as I understand it, on
6 a 50-by-100-foot lot, you can have a duplex, okay,
7 subject to certain requirements, but the building
8 site is 50 by 100. Now it says that buildings and
9 structures other than townhouses have to have this,
10 so let me ask you this. What building site does a
11 townhouse require? It doesn't say it here, but later
12 on, where it has the special apartment section, it
13 says townhouses have a 16-foot requirement. So where
14 there's currently a duplex, if you allow townhouses
15 instead of two dwellings on a 50-foot lot, if it's a
16 16-foot lot, you're going to have at minimum three
17 dwellings on the same 50-foot lot? Is that correct?
18 16 feet, 16 feet, 16 feet --

19 CHAIRMAN KORGE: Right.

20 MS. CHAUDHRY FRYER: -- three of them, as
21 opposed to the duplexes on one lot? That increases
22 density by 33 percent, you know, so this is not a
23 superficial change. This changes the complexion of
24 the duplex section, and I think that to not address
25 this as a substantive change is -- is not very clear

1 to the neighbors who are counting on the duplexes to
2 stay there, fitting into the profile of the
3 single-family homes.

4 On the special apartment district, again, as
5 somebody pointed out, they're stepped back, but they
6 can go up to 70 feet high. They just cannot be more
7 than 35 if they're contiguous to a single-family
8 home, but they can step them up to more than 70 feet
9 high, and the landscape requirement is cut back to 25
10 percent.

11 So, you know, I'm very happy to see that the
12 single-family regulations are in force and I'm very
13 happy to see that the intent of the Code is right up
14 front at 1-1, which says to preserve residential
15 properties, to assure that future development will be
16 in conformity with the distinctive character, and to
17 preserve the quality of this. I don't think these
18 MF1 and MFSA regulations are doing that. They do
19 impact single-family, so technically, within our
20 single-family residential neighborhoods, we're
21 getting something that does not fit into either the
22 character or the architectural context of it.

23 The last thing I just want to bring up as
24 something that is troubling me, and I'm not sure how
25 to get around it, but perhaps you have an idea what

1 to do with it. You know, we have been obsessively --
2 a lot of residents and I have been obsessively, line
3 by line, reading this to catch words that are not
4 there, to catch commas that are misplaced, and still,
5 in the single-family, there are things missing,
6 okay? This raises a really huge question. Who is
7 reading the rest of it, line by line -- other than
8 City Staff, who else is giving it the same kind of
9 scrutiny? Because if there are problems in this
10 section, after so much discussion, you know, it
11 shakes one's confidence in what the rest of the Code
12 has that we are not aware of because that's not
13 something that we focused on.

14 So thank you very much.

15 CHAIRMAN KORGE: Thank you.

16 MS. MENENDEZ-DURAN: Robert Black?

17 Felix Pardo?

18 MR. PARDO: Good evening, Mr. Chair.

19 CHAIRMAN KORGE: Good evening.

20 MR. PARDO: For the record, my name is Felix
21 Pardo. My residential address is 421 Cadima Avenue,
22 Coral Gables.

23 I understand that this was posted at 4:45
24 Friday, before a long weekend. It was a little
25 difficult to kind of catch up on everything,

1 especially with the football game on Monday night, if
2 you call it that. But the point is that I'd like to
3 tell you that this is nothing more -- this is not a
4 zoning rewrite. This is a rezoning of the entire
5 City of Coral Gables. Most residents don't
6 understand that. It's not just the short notice of
7 what happened, but what is the evolution of this
8 entire zoning rewrite, when you look -- and as I had
9 said when I was Chair of this Board, I had said,
10 without a map, you can't understand what the changes
11 really mean.

12 Final Map, "Subject to further review and
13 changes." Well, that gives me a glimmer of hope, but
14 let me explain to you exactly what I have found so
15 far, that was just put in there. And unfortunately,
16 probably the most valuable Staff person that you have
17 that understands this proposed Zoning Code and the
18 existing Zoning Code is Dennis Smith, and
19 unfortunately, he's not here this evening.

20 Number one, I'd like you to understand that
21 in Section 4-102, there has been a strip of
22 townhouses on the west side, from Valencia all the
23 way down to the French Normandy Village, that has
24 been changed, or proposed change, until you all and
25 then finally your recommendation goes to the

1 Commission, from duplex MF2, the new designation, to
2 MFSA. What does that mean? Multi-family Special
3 Area District. I couldn't understand why there were
4 so many real estate signs up and down all these
5 duplexes, from almost overnight, but obviously
6 someone's going to make some money, and let me
7 explain why.

8 First, one of the changes that was proposed
9 in the duplex section, just the M2, Page 4-9, Section
10 4-102, was that the height was being reduced from 34
11 feet, as presently in the Code, to 29 feet. Why was
12 that being done? Well, it was being done because 29
13 feet is the maximum height in single-family. So it
14 was for compatibility, because duplexes were put on
15 major arteries to buffer and give an advantage to the
16 property owner to have a transition that looked like,
17 smelled like, just like the single-family homes,
18 two-story maximum, and then they had lots that were
19 50 foot wide, 5,000 square foot minimum.

20 The building site criteria under Section
21 4-102, Multi-family, replaced by Duplex, says that
22 everything other than townhouses -- other than
23 townhouses, what does that mean? What is a building
24 site for a townhouse? There is none. It was already
25 brought up. Only the width is in there, only the

1 FAR, only the setbacks, only the height. But there's
2 no minimum lot area. So this is the scenario.

3 Because of this, under Page 4-10, Section 9,
4 now we've introduced something, the minimum dwelling
5 area. Do you know what the minimum dwelling area is
6 right now? 575 square feet. Well, that exists in
7 the existing Code today. Do you know what it's for?
8 You all probably don't know. I'm sure you don't
9 know. It's for an efficiency. But if you go to
10 A3-11, Section 3-4, you'll see that the minimum size
11 of a one-bedroom is bigger than 575 square feet in
12 the present Code, and then that wasn't copied in
13 there. And then a two-bedroom has a minimum, and a
14 three-bedroom has a minimum. And the reason is
15 because they get progressively bigger, so what you're
16 allowing to do now with a 16-foot footprint is --
17 I'll tell you exactly what. Making the duplex, this
18 duplex area -- by the way, it also entails all the
19 way from Valencia on Segovia, both sides of the
20 street, all the way down to Bird Road. Those
21 residents, not one -- not one explanation has been
22 given to them, graphically, to show them from a
23 design standpoint that all of a sudden, at the end of
24 every block, that is, a hundred foot and a hundred
25 foot, that's 200 feet, where you could only have two

1 duplexes, which is a total of four units, now, with
2 the setbacks and everything, you could put 11.25
3 units there. You've just increased the density by
4 almost 300 percent.

5 Your FAR, in today's Zoning Code --

6 CHAIRMAN KORGE: Excuse me for interrupting.
7 How did you calculate 11.25?

8 MR. PARDO: Very easy. Follow me on this.

9 CHAIRMAN KORGE: This is on a hundred by --

10 MR. PARDO: Write this down. This is very
11 simple.

12 CHAIRMAN KORGE: A hundred foot by a hundred
13 foot?

14 MR. PARDO: A hundred and a hundred is 200
15 feet. Just imagine facing LeJeune Road, you know,
16 the back-to-back of those single-family residences
17 down the street, like where I live --

18 CHAIRMAN KORGE: Right.

19 MR. PARDO: -- a hundred-foot deep lot, plus
20 a hundred feet, that's 200 feet. Your side street
21 setbacks, according to the proposed Code, is 10 feet,
22 side street setback, okay? 200 minus 20, that's 180;
23 divided by 16, that's 11.25. But it gets better.

24 Now they say, "Well, you know what? You
25 could push the building up to 10 feet from LeJeune

1 Road," and if you are abutting single-family --
2 which, of course, by definition, you are, because
3 just about all the duplexes here were set originally,
4 in the original Master Plan -- what you've done is,
5 they said, "Well, the height limit now will be 35
6 feet for the first 50 feet abutting the
7 single-family."

8 Well, my neighbor, that is a pilot, he's not
9 real happy, because now what he gets to see is a
10 private driveway over there. Basically, it's a
11 private alley. So they could come in and come in
12 through the back. Now, 16 feet isn't even wide
13 enough to get the minimum width of a parking space
14 side by side, so they're looking to tandem parking.
15 So when you have now, you're selling a townhouse with
16 three bedrooms, you're telling them you're going to
17 provide two parking spaces. Where are the rest of
18 the people going to park, on LeJeune Road? No,
19 they're not. They're going to park up and down
20 Cadima or Alesio or all the other avenues that run up
21 and down, and on Segovia, the same thing, from
22 Valencia all the way to Bird Road. You pick it.

23 Now, I'm not going to repeat myself. But I
24 do want to explain to you that when you calculate the
25 FAR in today's townhouse, it's 35 percent per story.

1 35 percent per story of the lot, times two stories,
2 that's .70. Do you know what the townhouse proposal
3 is today? You probably don't. It's 2.0. It's 300
4 percent, almost, greater than. The height has gone
5 from 29 feet to 45 feet, and three stories instead of
6 two.

7 Now, you tell me. At the beginning, in the
8 purpose, where this is to make it more compatible, my
9 property value just went down with this proposal, and
10 it got stuck into this particular one now at 4:45 on
11 Friday. I'd like to explain this to my neighbors,
12 because first I've got to draw them a picture.
13 There's no picture of what the site plan is going to
14 look like, and by the way, now, because they have to
15 enter -- enter, ingress and egress is from the back,
16 they're going to be crossing over that sidewalk. Not
17 two cars, not one car, but it's going to be the cars
18 for 11 units, which is a minimum of 22 cars, and the
19 visitors are going to be parking up and down.

20 On top of that, in the uses, by the way,
21 you're also including, to my amazement, a commercial
22 use. The commercial use is family day care homes.
23 That's the same thing you see in the City of Miami,
24 up on LeJeune Road, when you're going toward the
25 airport and you're at 8th Street, you know, the ones

1 that have the fences and you have all these signs and
2 all that. Maybe your signs will be smaller, but the
3 use will still be there. It will be commercial.

4 You know, is this a zoning rewrite? No.
5 It's a rezoning of the City. It gets better.

6 When we go down to -- from Valencia to Bird
7 Road, on Segovia, on both sides, now what you've done
8 is, you've increased the density by almost 300
9 percent, FAR by almost 300 percent, and then what
10 you've done is that this apartment special area then
11 allows you to have a basically commercial use in
12 those areas.

13 By the way, the lot splitting ordinance
14 applies only to single-family residences and
15 duplexes, but it does not apply to townhouses. So
16 that's why, in there, it says, "except townhouses,"
17 even under MF2. So, even if you have the MF2 duplex,
18 you're not safe, because now you can put townhouses
19 there by splitting lots. So we talk a lot about the
20 McMansions. What do you think it's going to do to
21 all the residences right in the heart of the War
22 Memorial Youth Center?

23 Article 4-201, C, the mixed-use ordinance.
24 It does not allow the use of the underlying zoning.
25 That's on Page 4-22.

1 The building regulations for FAR, letter F
2 in the chart, is wrong. It again states 3.5. The
3 minimum FAR is 3. With Med bonus, you go to 3.5.
4 You could interpret that, if not this Staff, future
5 Staff, and give you 4, with the Med bonus.

6 (Thereupon, Ms. Moreno arrived.)

7 MR. PARDO: CL zoning, as Mr. Papy has said
8 earlier, it's commercial limited, providing a buffer
9 for residential neighborhoods. There are
10 discrepancies all over the City. By the way, CL is
11 located throughout the City. It's in the Riviera
12 Neighborhood section, the War Memorial Youth area
13 section, the old JCI, the North Gables area, right on
14 the Trail, and the Douglas Entrance.

15 Now, why is that important? It's important
16 because under CL, under Page -- under Page 4-38,
17 Section D, F (sic), after 50 feet from single-family,
18 you can then -- now your height limit is only the
19 Comprehensive Land Use Plan. In other words, you
20 could go many, many stories after 50 feet. And it
21 used to be a hundred feet. It's been reduced to 50
22 feet.

23 Now, these things were done intentionally,
24 because people that don't live in the City of Coral
25 Gables have been making these recommendations, both

1 our own Staff and our consultant. My family lives in
2 my home, the same as yours lives in your home. I
3 don't want to have a negative impact. This
4 definitely has a negative impact. When you go, then,
5 through the CL and you look at the existing Code, all
6 the provisions, the safety guards of distance, in the
7 present and much maligned Code, is a hundred feet
8 minimum. Why would that be reduced to 50 feet? And
9 by the way, it's in addition to the width of the
10 right-of-way, whether it's a waterway or whether it's
11 a street. That's been removed.

12 So, in reality, some of these 100-foot
13 distances, when you add the right-of-way, could be
14 200 feet, and what it's trying to do is provide
15 enough distance and separation so you don't have the
16 shade of the buildings, which is what the City of
17 Miami is grappling with, with all the high-rises that
18 have gone in there.

19 The landscape open space. Now, there's a
20 little bit of a discrepancy under Article 5, Table
21 C. That's on Page 5-42. The landscape open space
22 starts talking about and is in --

23 MS. HERNANDEZ: I apologize, it's 5 what?

24 MR. PARDO: 5-42, Article 5. When you look
25 into that, look at A.

1 MS. HERNANDEZ: I've got it.

2 MR. PARDO: Four, small Roman numeral four.

3 MS. HERNANDEZ: All right.

4 MR. PARDO: It's in direct conflict with
5 C. It starts talking about impervious area and
6 pervious area. Well, you could have now basically
7 asphalt, if it's approved by someone, to count for a
8 hundred percent of your landscaping. How do you
9 figure that one? How many mistakes are there in this
10 document?

11 CHAIRMAN KORGE: Where is that one?

12 MR. PARDO: This is under -- the attorney's
13 got it. It's --

14 CHAIRMAN KORGE: 5-42?

15 MR. PARDO: -- Page 5-42.

16 MS. HERNANDEZ: Number 4.

17 MR. PARDO: Number 4, a. Look under c.
18 It's in direct conflict with the 100 percent
19 impervious versus pervious area. If you read those
20 two chapters --

21 MS. HERNANDEZ: You have 4, a, and then --

22 MR. PARDO: -- that's a mistake.

23 MR. RIEL: No, it's 5-43, a -- a, iv, and
24 c.

25 MR. PARDO: So, if you look at this, how

1 many mistakes, how many gigantic mistakes, are in
2 this document? Those are mistakes, but what I want
3 to concentrate is back on the map, and by the way --

4 MR. COE: Hold on.

5 MR. PARDO: -- the last thing I'd like you
6 to understand --

7 MR. COE: Mr. Pardo --

8 MR. PARDO: Yes?

9 MR. COE: Could I just ask you a question?

10 MR. PARDO: Yes, Judge.

11 MR. COE: Have you gone through the
12 document, then, and have listed things that you view
13 as mistakes?

14 MR. PARDO: These are my handwritten --

15 MR. COE: Well, why don't you print it up?

16 MR. PARDO: Well, like I said, the element
17 of time has been so compressed --

18 MR. COE: Well, today, we're not voting on
19 anything. You've got till the end of the month.

20 MR. PARDO: Oh, I understand that. I want
21 to bring this up, because one of the things that has
22 been, I think, unacceptable, is that the duplex issue
23 was discussed at the War Memorial Youth Center with
24 all the neighbors that are affected, like I am, and
25 they were told one thing, and this gets stuck in here

1 at 5:45 (sic) on Friday. I'd like you to deal with
2 it and instruct Staff, "Strike it, change this," and
3 when we start, we don't have to worry with that
4 component, and strike the commercial use, too. I'd
5 like you to instruct Staff to do what we in the
6 public, and going to the public meetings, were told
7 and promised that was going to happen.

8 I -- what would have happened, Judge Coe, if
9 I would not have been here? What would have happened
10 if I would have been out of town, from Friday at 4:45
11 to today? I've got a number of questions, which I
12 will be more than happy to address to Staff, but what
13 I can't believe is, I feel like I can't trust some
14 people that are going to a public hearing and
15 expressing one thing, and all of a sudden, at the
16 last moment, we get something stuck in there.

17 Not only is this surprising, but it was very
18 disingenuous, because I went to the public hearings.
19 I've got a hundred neighbors. I called five of them
20 today. They were absolutely incensed. They could
21 not believe it. And by the way, this thing was not
22 available, except on the computer, and most computers
23 can't even open this document because it's so huge,
24 that is, the colored representation, which is the
25 crux of this, because it's not that. It's

1 implementing that with this, and that's how you get
2 rezoning throughout the entire City of Coral Gables,
3 which is what I've said for years and years and
4 years, and here's the prime example.

5 Change a color code, change a little thing;
6 all of a sudden, you can have a 20-story building
7 next to you, and you didn't even know this.

8 You're a lawyer. You turn around and you
9 say to someone, "Well, I can understand these words,"
10 but can you visualize, three-dimensionally, what this
11 building is going to look like until you see it built
12 in front of you? Most lawyers can't, and lawyers
13 have been trained for seven years in college. That
14 is frightening. And that is what this is. This is a
15 frightening, frightening, dangerous document. And
16 you give your time tremendously on behalf of the
17 City, but you really don't know what the impact is
18 until you actually see it built.

19 Now, the last thing I'd like to tell you
20 about is in Section 8, which I was amazed.

21 MS. HERNANDEZ: Section --

22 MR. PARDO: The first --

23 MS. HERNANDEZ: Article 8?

24 MR. PARDO: I think one of the first --

25 MR. COE: Article 8, I guess.

1 MR. PARDO: Article 8, one of the first
2 definitions under Article 8, "aggrieved." Most
3 people that are aggrieved are the ones that have the
4 ability to appeal.

5 MR. COE: What page is this?

6 MR. PARDO: So now an aggrieved party is
7 actually defined. So legally, that means any
8 applicant or any person who received a courtesy
9 notice of a public hearing from the City, and shall
10 also mean the City Manager. That's a hundred percent
11 of the time.

12 Now, the reason I say that I'm amazed with
13 this is that what happens if the new radius that the
14 Planning Board, in their legislative process, says
15 it's a thousand feet, but I happen to live at a
16 thousand and one feet away?

17 MR. COE: You've not aggrieved.

18 MR. PARDO: I'm not aggrieved. So,
19 therefore, I have no standing, and that's amazing.

20 Why even put this in the document? What are we
21 afraid of?

22 MS. HERNANDEZ: That's even -- you know,
23 that's under Chapter 163. I mean, you know --

24 CHAIRMAN KORGE: Who can appeal, under
25 current law?

1 MS. HERNANDEZ: An aggrieved party.

2 MR. PARDO: Under the court system?

3 MR. COE: An aggrieved party.

4 MS. HERNANDEZ: We take the position that
5 it's an aggrieved party who received courtesy notice.
6 Those of you who sat on the Planning & Zoning Board
7 when Mr. Mandelstam challenged the City, the courts
8 upheld our position that it included only the
9 individuals who received courtesy notice, which was
10 within 500 feet. The Commission has extended that --

11 MR. COE: To a thousand.

12 MS. HERNANDEZ: -- to a thousand.

13 CHAIRMAN KORGE: This is existing law?

14 MR. PARDO: Yeah, but the point is, that is
15 not -- that is an interpretation. What I'm saying,
16 why don't you expand it, say every taxpayer? Every
17 resident that lives in the City should be able to be
18 an aggrieved party if they disagree with something.
19 There's nothing wrong. This is a public hearing.
20 It's a process.

21 And by the way, in Article 3, the Board of
22 Architects now becomes diluted. Now you don't have
23 to be a registered architect anymore. In fact, you
24 don't even have to be a graduate architect anymore.
25 Now the only thing you have to be is an urban design

1 professional.

2 MR. SALMAN: That's kind of how it is.

3 MR. COE: Where are you reading?

4 MR. PARDO: Included in with the Board of
5 Architects. An urban design professional.

6 MR. COE: Where are you reading? Where are
7 you reading?

8 MR. PARDO: That's under -- I'm sorry, 2-4.

9 MR. COE: Okay.

10 MS. HERNANDEZ: 2-4?

11 MR. PARDO: 2-4. Sorry about that.

12 MR. COE: Okay, 2-4.

13 MR. PARDO: Under Article 3, we have now --
14 under the development review process, which provides
15 a lot of power to someone, we have now a City
16 architect, which, of course, we don't have it funded,
17 but it says City architect or assigned review
18 official. An assigned review official, that could
19 mean any employee in the City of Coral Gables, I
20 would imagine.

21 MS. HERNANDEZ: No.

22 MR. PARDO: They don't have to have any type
23 of planning or architectural -- even, you know, they
24 don't even have to spell the word, but they'll be
25 able to -- under the development review, Article 3,

1 and the amazing power that that person has, be able
2 to wave a wand and sprinkle some fairy dust and make
3 something happen for someone.

4 I think there's some serious issues. When
5 you look at this map, I'm an aggrieved party
6 already. Why are you going to change that duplex
7 zoning to a limited apartment zoning? The point that
8 Mr. Papy, who left already, came up with about
9 restrictions that have been granted in the past,
10 those were promises that were made to residents.
11 Those were promises that were made to commissions for
12 approval. Are promises made to be broken?

13 CHAIRMAN KORGE: Restrictive covenants
14 don't go away.

15 MS. HERNANDEZ: They don't go away.

16 MR. PARDO: Well, I'll tell you, right now,
17 there are a lot of holes in this thing. I would like
18 the City to really provide workshops with
19 neighborhoods, and if you are in the Riviera
20 Neighborhood Association and in that area, they
21 should understand clearly what the possibilities
22 are. And I think, also, the Zoning Staff, not just
23 Planning, but the Zoning Staff should be involved,
24 and the reason is because Dennis Smith and his Zoning
25 people are the ones that interpret and look at and

1 follow and implement what's in the Planning Board. I
2 think what is very, very important is that they be
3 involved in any future Charrette, any future public
4 meeting, neighborhood by neighborhood, because this
5 is a plain rezoning of the entire City of Coral
6 Gables. This is very, very serious. The quality of
7 life here changes, I understand that, but is it
8 changing for the better? I know that on LeJeune and
9 Segovia, it's not. And by the way, the Hyatt Hotel,
10 so you can see discrepancies, has a CL. Half of the
11 hotel is CL. How are you going to implement this
12 thing? It's wrong.

13 And by the way, there's a big red commercial
14 in the heart of the University of Miami campus. It's
15 red. Everything else is blue. The -- all the
16 religious facilities that had special exceptions,
17 with all sorts of details in it, they've all become
18 blue, and then there's one little red patch in the
19 center, and no one has been able to answer to me and
20 tell me, well, is this the Rathskeller that was the
21 first question I had.

22 MR. COE: Felix --

23 MR. PARDO: It's not the Rathskeller.

24 MR. COE: Felix, I think you'd do me, at
25 least, a favor if you reduce this to a written

1 document --

2 MR. PARDO: I will. I will, Judge.

3 MR. COE: -- and circulate that to members
4 of this Board and to Staff, and I think a lot of the
5 things you say certainly need to be examined and
6 looked at before we supposedly vote at the end of
7 September on this document.

8 MR. PARDO: I appreciate all of your time.
9 Thank you very much.

10 MR. AIZENSTAT: Felix, just one question, if
11 I may.

12 MR. PARDO: Yes, sir.

13 MR. AIZENSTAT: Are you saying that Dennis
14 Smith was not involved in the writing of this
15 document?

16 MR. PARDO: No, no, no. No. I'm saying
17 that he's probably the most knowledgeable person as
18 far as the implementation. Unfortunately, he got
19 called away at the last minute tonight, a personal
20 family problem --

21 MR. AIZENSTAT: For tonight, but --

22 MR. PARDO: For tonight.

23 MR. AIZENSTAT: But I'm sure he has reviewed
24 this.

25 MR. PARDO: Well, Dennis has not been able

1 to review this whole thing.

2 MR. RIEL: No, no, no.

3 MR. PARDO: No, he has not.

4 MR. RIEL: That's --

5 MR. PARDO: I spoke with Dennis today. I

6 met with Dennis today --

7 MR. BROWN: That's not true.

8 MR. PARDO: -- because -- excuse me, sir --

9 MR. RIEL: I'm sorry, I didn't --

10 MR. PARDO: Excuse me. I met with --

11 MR. RIEL: No, that was the City Manager
12 that said "not true." That was the City Manager that
13 said "not true."

14 MR. PARDO: What's not true, that I met
15 with Dennis Smith?

16 MR. RIEL: Mr. Smith has gone through this
17 document in detail, as a part of the rewrite team.

18 MR. PARDO: Okay. Well, the Dennis Smith I
19 met with today --

20 MR. RIEL: He actually reviewed --

21 MS. HERNANDEZ: But Mr. Pardo has the
22 floor.

23 MR. PARDO: -- has said otherwise. But
24 anyway, it doesn't matter.

25 MS. HERNANDEZ: Okay.

1 MR. PARDO: The point -- the point here is
2 that the reason that -- the reason that I'm bringing
3 Dennis Smith in is because he's the most
4 knowledgeable Zoning person. He's the one that has
5 to take this and implement it.

6 CHAIRMAN KORGE: Well, he has been involved.
7 I mean, he's been actually involved.

8 MR. PARDO: He's the one that has to take a
9 look at your plans and my plans and make sure that
10 everything is compliant. He's the most knowledgeable
11 person and most experienced person there. I'm just
12 saying, you know, he has to be involved, also, in
13 these meetings with neighbors, and the reason why is
14 because I think neighbors have to understand how
15 they're impacted, three-dimensionally, from a traffic
16 standpoint; visually, from a use standpoint. And
17 that's why I think it's important that the Zoning
18 people be involved in expressing from a neighborhood
19 to neighborhood -- and in some areas, block to block,
20 so they understand how this impacts them.

21 When you look at this, you know, this is --
22 this is a gigantic undertaking, but once it's
23 approved, you don't want to have a gigantic mistake.
24 You don't want to have a negative impact on neighbors
25 and neighborhoods. The City of Coral Gables has a

1 specific look, feel, quality of life, that we all
2 treasure and we all understand.

3 Right now, I have focused on things that are
4 not good in this document. The single-family rewrite
5 succeeded because Zoning, Dennis Smith, got involved
6 and he had tremendous input in it. It's not for one
7 person or two people to take credit.

8 CHAIRMAN KORGE: Well, you've identified
9 some issues that we haven't even touched on as of
10 today, that will need to be addressed, especially the
11 townhouse --

12 MR. PARDO: And that's all I ask, Tom.

13 CHAIRMAN KORGE: And we appreciate it. If
14 you can submit your written comments to us and to the
15 Staff, I think it will help facilitate our review of
16 that.

17 MR. PARDO: And the notice has been short,
18 and that's why I have not be able to put this -- and
19 this all happened from Friday to today.

20 CHAIRMAN KORGE: But we have another month
21 to go through that.

22 MR. PARDO: No, I understand, but I think
23 that, you know, there's some serious issues that have
24 been raised already by other speakers, and I think it
25 would be good to start moving it in that direction,

1 so we don't forget from here to the end of September
2 or October or whatever.

3 CHAIRMAN KORGE: Right.

4 MR. PARDO: Thank you.

5 CHAIRMAN KORGE: Thank you very much.

6 MR. PARDO: Thank you very much.

7 CHAIRMAN KORGE: Do we want to take a break?

8 MR. COE: Let's take a break.

9 CHAIRMAN KORGE: Take a five-minute break
10 and then come back.

11 MR. SALMAN: Thank you.

12 (Thereupon, a recess was taken.)

13 CHAIRMAN KORGE: Let's go ahead. We're
14 going. We're back, and we have a quorum here, so
15 we're going.

16 Will you call the next speaker, please?

17 MS. MENENDEZ-DURAN: The next speaker is
18 Andy Murai.

19 MR. MURAI: Mr. Chairman, my name is Andy
20 Murai, 200 Solano Prado.

21 First of all, I want to thank all of you for
22 your time. I do serve on another Board, and I know
23 what it means.

24 I'm not going to restate some of the other
25 items that have been said by other persons. I'm just

1 going to focus on a couple of them. I want to bring
2 to your attention an item regarding the MXD overlay,
3 where right now there's a minimum that's been set of
4 20,000 square feet of land area. That, in itself,
5 takes away a lot of the incentives for people that
6 have smaller buildings to be able to have the mixed
7 use, as we're trying to get in the Gables. I bring
8 it to your attention for you to take up with Staff.
9 I'm also going to write my comments to you, so you
10 can discuss them, in the essence of being short
11 tonight. So that's one issue.

12 MR. AIZENSTAT: Can I ask you to speak up?

13 MR. MURAI: That's one issue, the 20,000
14 square feet in the MXD.

15 MS. MORENO: You're suggesting that it be
16 less?

17 MR. MURAI: That it be less, so you can
18 promote -- there are buildings, you know, especially
19 in the industrial section, that are less than 20,000
20 square feet, that this overlay which was put in that
21 area was help to promote the change of use from what
22 is being used now to mixed use, and if you -- by you
23 restricting it to 20,000 square feet, then you're
24 defeating the purpose.

25 MR. COE: Do you have a number in mind, like

1 10,000?

2 MR. MURAI: So that's one issue.

3 The next issue has to do with nonconforming
4 use. The way this proposed draft -- if you have a
5 nonconforming use in a building, if you sell it, then
6 you've got to be coming into compliance. To me,
7 that's onerous on the people buying it, and, you
8 know, it restricts you from selling your building.
9 You might have had a nonconforming use for -- which,
10 by the way, is not my case, so this is not my item,
11 this is just in general, for the citizens. If you
12 have a nonconforming use and you want to sell your
13 building, the new owner should be able to carry on
14 the nonconforming use, and not -- keep it the way it
15 is.

16 CHAIRMAN KORGE: Is that correct, a sale
17 would require --

18 MR. MURAI: The sale will trigger, you know,
19 compliance, the way that is drafted right now.
20 That's on 6-1.

21 CHAIRMAN KORGE: 6-1, Page 6-1?

22 MR. MURAI: Yeah, well, Page 6-1, Section
23 6-206.

24 MR. RIEL: Line 50.

25 CHAIRMAN KORGE: Oh, yes. Change in

1 ownership, yeah.

2 MR. COE: Andy, where are you, 6 what?

3 MR. AIZENSTAT: Now, would that be
4 nonconforming because it's an illegal --

5 MR. MURAI: Page 6-1, Section -- Article 6,
6 Page 6-1, at the end, at the bottom of it, Section
7 6-206.

8 MR. COE: 206, okay.

9 MR. MURAI: Change of ownership. In the
10 event of a change of ownership, then it triggers, you
11 know, compliance.

12 CHAIRMAN KORGE: Is that the current law,
13 Liz?

14 MS. HERNANDEZ: It says it shall -- no, the
15 new law is going to require you, to the extent
16 possible, under the Development Review Official
17 guidelines, bring the perimeter buffer requirements
18 into compliance, sanitation requirements, and
19 standards for nighttime uses.

20 MR. AIZENSTAT: And standards for --

21 MS. HERNANDEZ: Nighttime uses.

22 MR. MURAI: But, you know --

23 MS. HERNANDEZ: That's the whole sleep
24 center issue --

25 CHAIRMAN KORGE: Oh, yeah, yeah.

1 MS. HERNANDEZ: -- that we were wanting to
2 address.

3 CHAIRMAN KORGE: So it's limited, it's only
4 limited to --

5 MS. HERNANDEZ: Those provisions.

6 CHAIRMAN KORGE: -- those provisions which
7 are provisions put in place --

8 MS. HERNANDEZ: I left my reading glasses --

9 CHAIRMAN KORGE: -- to protect
10 residential -- adjacent residential communities from
11 really kind of noxious uses.

12 MS. HERNANDEZ: Right.

13 MR. AIZENSTAT: Liz, let me give you an
14 example.

15 MS. HERNANDEZ: Okay.

16 MR. AIZENSTAT: If somebody has a building
17 that is a nonconforming use, but it's
18 grandfathered --

19 MS. HERNANDEZ: Right.

20 MR. AIZENSTAT: For example, they have four
21 units in an area that will only be allowed to have
22 two units.

23 MS. HERNANDEZ: Right.

24 MR. AIZENSTAT: If they sell that property,
25 even though they're licensed for four units, if they

1 sell that property, do they now have to convert it
2 back to two units, or it doesn't apply?

3 MR. COE: No.

4 MS. HERNANDEZ: No, I ask you to go to what
5 is known as the transitional rules in Article 1.

6 MR. RIEL: Right.

7 MR. AIZENSTAT: Yeah?

8 MS. HERNANDEZ: And those would apply.

9 MR. AIZENSTAT: Okay.

10 MS. HERNANDEZ: These are the rules that
11 will apply, and basically, a lawful use now will
12 remain a lawful use.

13 MR. AIZENSTAT: Okay.

14 MS. HERNANDEZ: Certain nonconformities will
15 have to come into compliance, but, you know, you have
16 to read the rules of construction together with the
17 provisions.

18 And Charlie, do you disagree with that,
19 or --

20 MR. MURAI: Well, you know --

21 MS. HERNANDEZ: I mean, I don't know if you
22 have anything to add to it.

23 MR. MURAI: I disagree with it. First of
24 all, you have to bring it into compliance -- you
25 know, bring it into compliance. You know, if you're

1 saying certain items, they should be spelled out.

2 CHAIRMAN KORGE: Well, they are.

3 MS. HERNANDEZ: They are.

4 MR. SIEMON: They are.

5 CHAIRMAN KORGE: Go back to Section 6-206.

6 MS. MORENO: Article 5, Division --

7 MR. SIEMON: First off, there's a separate
8 provision in Division 3, 6-302, destruction of
9 nonconforming structures, that allows the replacement
10 or any existing residential structure at the density
11 that exists at the time the Code becomes effective.
12 So the density issue is not relevant.

13 The provision which was initially identified
14 was originally -- the recommendation, I believe, of
15 this Board was that these particular land uses which
16 have these problems of adjacent land uses, it was
17 originally a mandatory requirement within a fixed
18 period of time.

19 MS. HERNANDEZ: Right.

20 CHAIRMAN KORGE: Right.

21 MR. SIEMON: That was modified to make it
22 more relaxed.

23 MR. RIEL: Right.

24 MR. SIEMON: To be on a change of
25 ownership. And these are the uses, and they're the

1 classic examples. I won't mention a certain
2 restaurant, but it's one, and we also put in, very
3 clearly, that it's required to be brought in
4 compliance to the maximum extent practicable as
5 determined by the development review official.

6 MS. HERNANDEZ: Which can be appealed.

7 MR. SIEMON: If you can improve the existing
8 condition, you should do so, upon a change of
9 ownership. That's the recommendation.

10 MR. MURAI: My concern is exactly what he
11 just stated, practicable as determined by the
12 development review official. That's so wide. You
13 know, we have one official one year, we have another
14 official the following year.

15 CHAIRMAN KORGE: Do you prefer it to be
16 mandatory, regardless of whether it could meet
17 compliance?

18 MR. MURAI: Well, what I'm trying to say, if
19 you could narrow, you know, what -- specify or
20 narrow, you know, what is the minimum that needs to
21 be done. And, you know, it just concerns me when I
22 see the change of ownership triggers, you know,
23 something and that it's subject to a development
24 review official.

25 MS. HERNANDEZ: Right.

1 MR. MURAI: So whatever you can improve on
2 that, whatever you can take it up, I'll make my
3 comments, you know, in writing to you.

4 And finally, a matter that I've been
5 involved from the very beginning has to do with metal
6 roofs, which you took up for discussion before. I
7 respectfully request this Board to defer this matter
8 out of this Zoning Code and have its own hearing and
9 its own process in due course.

10 MS. HERNANDEZ: Which section?

11 MR. MURAI: This is the metal roof, Section
12 5-68. The metal roof matter was not part of the
13 single-family rewrite. It was not part of the entire
14 zoning process, throughout this entire last two
15 years. It came out of a denial of a variance, and
16 the City Commission requested you to look into it.

17 CHAIRMAN KORGE: Right.

18 MR. MURAI: So I would respectfully request,
19 you know, that this matter be deferred and have its
20 own process, its own hearing --

21 MR. COE: But we did that.

22 MR. MURAI: -- its own public comments.

23 CHAIRMAN KORGE: But we did look at it.

24 MR. COE: We did look at that individually.
25 That was like in August.

1 MR. MURAI: You had a discussion, but I
2 don't think -- it was not part of the public -- I
3 think this matter is so important for the entire
4 City, that you're going to change, you know, the
5 looks of the City, throughout the City, that
6 neighborhoods, areas, have not been included.

7 MR. COE: Did I miss something? Didn't we
8 have a meeting on this in August, a public meeting?

9 MS. HERNANDEZ: But wait a minute --

10 MR. RIEL: Yes.

11 MS. HERNANDEZ: Is it in here? Because I
12 can't find it.

13 MR. MURAI: It's in here.

14 MR. RIEL: Yes.

15 MR. MURAI: It was put in this draft.

16 MR. RIEL: It's 5-68, Lines 44 through 56.

17 MS. HERNANDEZ: Okay.

18 MR. MURAI: What I'm saying is, it was not
19 part of the process, not part of the hearings. We
20 didn't have public hearings. We didn't have --
21 People were not advised. Neighborhoods were not
22 advised. This was taken up as a matter from the
23 Commission to you, because of denial of a variance,
24 and, you know, it was not part of this process. It
25 was not part of the last two years --

1 CHAIRMAN KORGE: But no -- I mean, I don't
2 want to argue with you, but we had a meeting where
3 that was noticed --

4 MS. MORENO: This whole topic.

5 MR. COE: The sole thing --

6 CHAIRMAN KORGE: -- and all heard --

7 MR. COE: -- the entire public meeting in
8 August --

9 CHAIRMAN KORGE: -- and people spoke.

10 MR. COE: -- just on metal roofs.

11 CHAIRMAN KORGE: People came here and they
12 spoke for or against it.

13 MR. MURAI: I still think that this
14 matter --

15 MR. COE: You were on vacation.

16 MR. MURAI: -- you know, should --

17 MR. COE: Were you on vacation, that made
18 you miss it? We had a whole meeting in August.

19 MS. HERNANDEZ: Do you -- what was the
20 recommendation of the Board at the time? Was it to
21 bring back language later?

22 MR. RIEL: Yes, to bring back language --

23 MR. COE: Yeah, it was kind of deferred.

24 MS. HERNANDEZ: I guess perhaps what --

25 MR. RIEL: And this is the language that

1 they recommended, the Board recommended.

2 MS. HERNANDEZ: Right. So I think what Mr.
3 Murai is saying is that if you're going to consider
4 this language -- and I'm not putting words in your
5 mouth -- he wants a full public hearing so that he
6 has an opportunity to address this specific issue
7 and --

8 I think that's what you're saying.

9 MR. MURAI: That's exactly. And, you know,
10 citizens should be notified of this public hearing
11 in, you know, the various neighborhoods, because a
12 lot of the citizens are not aware that, you know, the
13 character, the looks of the City, will change with
14 this measure.

15 MS. HERNANDEZ: And to the extent that this
16 was an item that was separately reviewed by the Board
17 and that the Board said, "Bring back a recommendation
18 for us," there is an expectation by those individuals
19 who attended the hearing that this will be an item
20 that will be discussed, both for and against, you
21 know, by the Board, on its own merits. So that's --

22 CHAIRMAN KORGE: So I guess what your
23 concern is, that they don't even know that --

24 MS. HERNANDEZ: Because you didn't vote?

25 MR. MURAI: Exactly.

1 CHAIRMAN KORGE: -- because it's the whole
2 Code rewrite, unless somebody is looking specifically
3 for this --

4 MR. MURAI: My concern is that this should
5 be -- you know, I would appreciate if it could be
6 deferred to its own public hearing and its own
7 rewrite. It was not part of the single-family
8 rewrite, because it came in at a later date. You
9 know, you asked for language, the language is here,
10 but it should be taken out of this and be taken
11 separately, you know, with input from the entire
12 City.

13 MS. KEON: Excuse me, didn't the issue -- I
14 thought it went to the Commission. Didn't it go to
15 the Commission at all?

16 MR. RIEL: No, the Commission referred the
17 issue back to the Planning & Zoning Board --

18 MS. KEON: Right.

19 MR. RIEL: -- for review and discussion. We
20 scheduled it at a meeting --

21 MS. KEON: Right, and we had some -- right.

22 MR. RIEL: Discussion, and there was input
23 provided, and this was the -- we provided
24 different --

25 MS. KEON: Right.

1 MR. RIEL: -- alternatives --

2 MS. MORENO: Right.

3 MR. RIEL: -- towards the recommendation --

4 MR. COE: And you're coming back with some
5 kind of --

6 MR. RIEL: -- and this is what the Board had
7 recommended.

8 MR. COE: Right, which is now --

9 CHAIRMAN KORGE: I thought that was to go
10 the Commission.

11 MS. HERNANDEZ: There was a vote by the
12 Board? That's all I'm asking.

13 MR. RIEL: I don't know if there was a
14 vote. I can't recall.

15 MR. COE: Yes, there was a vote, and it's
16 now in the document, isn't it?

17 MS. MORENO: Yes, there was a vote.

18 MR. COE: Yes, at ten o'clock at night, we
19 voted on it.

20 MR. RIEL: I can't remember.

21 CHAIRMAN KORGE: Yeah, and I thought that
22 was going directly to the Commission, or was it not?

23 MR. RIEL: No. It was always the intention
24 to put it in here.

25 MR. MURAI: The Commission did not -- you

1 know, I was at the Commission meeting. The
2 Commission did not direct you to put it in the
3 zoning. The Commission asked you to look into it,
4 because of the denial, you know, of the variance.
5 That's what -- that was the direction of the
6 Commission at the meeting that I attended.

7 CHAIRMAN KORGE: I'm a little confused. I
8 thought we were going to send something back to the
9 Commission.

10 MR. RIEL: It will go with the Zoning Code.
11 Certainly, if you'd like to send it to the Commission
12 prior to, because -- you know, but it was always that
13 it was going to be part of the Zoning Code.

14 MR. MURAI: Mr. Chairman, this matter was a
15 discussion item. It was not a public hearing item.
16 When you took it up, you took it up as a discussion
17 item.

18 MR. COE: I think Andy is right. It was a
19 discussion item.

20 MR. RIEL: I don't remember if there was a
21 vote or not.

22 MR. COE: It was a discussion item.

23 MR. MURAI: It was not a public hearing.

24 MS. HERNANDEZ: That's what I thought, and
25 that's why I keep saying -- I remember being told

1 that --

2 MR. COE: It was a discussion item.

3 MS. HERNANDEZ: -- the Board said, "Draft
4 something to this and bring it back."

5 MR. RIEL: Correct.

6 MS. HERNANDEZ: And that's where I think
7 there's a --

8 MR. COE: It was a discussion item.

9 MR. MURAI: But it was a discussion item.
10 It was not a public hearing matter. It did not go
11 through the --

12 MR. COE: We need to take a look at that.

13 CHAIRMAN KORGE: Did the Commission want
14 this to be separate from -- like they did with the
15 single-family McMansion rules that we drafted?

16 MR. RIEL: They just directed it -- to send
17 it back to the Planning Board, and we said, "We'll do
18 that and then we'll bring it back with the Zoning
19 Code." So that's --

20 MR. AIZENSTAT: So what you're doing is
21 incorporating it into the Zoning Code?

22 MR. RIEL: Yes.

23 CHAIRMAN KORGE: Are they expecting it to be
24 sent back only as part of the Zoning Code, or are
25 they expecting --

1 MR. COE: It has to be part of the Zoning
2 Code.

3 CHAIRMAN KORGE: Well, no. No, it doesn't.

4 MR. COE: Sure it does.

5 MR. RIEL: We can send it back any way you
6 all would like.

7 MR. AIZENSTAT: You can do it individually
8 or as part of --

9 MR. COE: It's got to be part of the Code.

10 CHAIRMAN KORGE: The reason I ask is because
11 there have been other items that have been
12 incorporated into the Zoning Code that have already
13 been to the Commission and approved by the
14 Commission.

15 MR. RIEL: Right.

16 MS. HERNANDEZ: Right.

17 CHAIRMAN KORGE: And so what I don't
18 understand is whether they wanted this to be a
19 single, separate item, which is what Mr. Murai is
20 saying, for their ultimate consideration, or did they
21 just want it to be folded into the Code rewrite? We
22 could do it either way.

23 MS. HERNANDEZ: Right.

24 MR. RIEL: I -- to be honest with you, I
25 don't recall. I don't know.

1 MR. COE: You need -- you need to look at
2 our minutes, you need to look at the City
3 Commission's minutes, and see if we can find out what
4 the intent was. However, I'll say this. If you're
5 doing a zoning rewrite, to have a zoning issue
6 separate from the Zoning Code --

7 CHAIRMAN KORGE: We've already looked --

8 MR. COE: -- to go up to the Commission --
9 No, not when you're putting it in the comprehensive
10 thing that they're going to get, you know, in a few
11 weeks. It makes no sense to have a separate thing.
12 But if that's what the Commission wants, I think we
13 need to do what the Commission wants. I don't recall
14 what the Commission requested.

15 MS. KEON: Excuse me. Is this the
16 gentleman who had the home that the issue was with
17 regard to a variance?

18 MR. COE: He's the one that gave the big --
19 hour presentation.

20 MS. KEON: Yeah, okay. I mean, this is --

21 MR. FINE: My comments are that, you know --

22 CHAIRMAN KORGE: When it's your turn to
23 speak, you can speak.

24 MR. MURAI: You know, there was no public
25 hearing, there was a discussion item, and I'm

1 requesting a public hearing before this matter is
2 incorporated in the discussion.

3 MR. COE: If it wasn't a public hearing, I
4 think Mr. Murai is right. That certainly is worthy
5 of a public hearing, and we perhaps should extract it
6 out of the Code right now.

7 MS. HERNANDEZ: I just think that we need to
8 look at the minutes to see, because --

9 MR. COE: Well, obviously.

10 MR. AIZENSTAT: I wasn't here at that
11 meeting, so I'm not familiar --

12 MR. COE: So you're not going to put in your
13 two cents?

14 MS. KEON: I thought that it was -- there
15 was a variance issue. They went -- he went back to
16 the Commission. The Commission then asked for some
17 input from the Planning & Zoning Board on the issue.
18 I think we gave input, and I remember -- it seemed to
19 me that our input then was going to go back to the
20 Commission.

21 CHAIRMAN KORGE: That's what I thought.

22 MS. KEON: That's what I thought. But I
23 don't -- I don't remember that --

24 MR. COE: Was it going to come back? You'd
25 better look, Eric, at the minutes. I don't know if

1 it was coming back --

2 MR. RIEL: It was going to come back to the
3 Planning Board, I know that.

4 MR. COE: Well, now you -- now, apparently,
5 you've put it into the Code.

6 Is that what you're saying, Mr. Murai?

7 MR. MURAI: What I'm saying -- what I'm
8 saying is, this now has been put into the Code, you
9 know, in this draft, from the last draft.

10 MR. COE: Yeah.

11 MR. MURAI: It was not in the last draft.
12 There was no public hearing. It was only a
13 discussion item.

14 MR. COE: I don't think our intent was to
15 put it into this draft of the Code.

16 MR. MURAI: Well, that's what I'm --

17 I'm shocked, to be honest with you, to see
18 it in this draft, especially when this draft has only
19 been 48 hours out in the public domain. So I'm just
20 requesting --

21 MR. COE: I don't think that was our intent.

22 MR. MURAI: -- process, and not rush into
23 this matter. This is a matter that will affect the
24 entire City, you know.

25 CHAIRMAN KORGE: Is there anything else that

1 you wanted to bring to our attention?

2 MR. MURAI: No, sir.

3 MR. COE: Thanks very much, Mr. Murai.

4 MR. MURAI: Thank you.

5 MR. COE: This is the problem, Mr. Chairman,
6 when we go late. Sometimes we lose our focus.

7 MR. MURAI: Thank you, Mr. Chairman. Thank
8 you, Members of the Board, for your time.

9 MS. HERNANDEZ: Thank you, Mr. Coe --

10 CHAIRMAN KORGE: Next witness, please.

11 MS. HERNANDEZ: Now, if we can remain --

12 MR. RIEL: Actually, if I could --

13 MR. COE: Do you have the minutes there?

14 MR. RIEL: I have the minutes right here.

15 Mayor Slesnick: We made a motion to ask the
16 Planning & Zoning Board to blend in their looking at
17 the rewrite of the Zoning Code a consideration of
18 approval of metal roofing in the Old Cutler Bay
19 community.

20 MR. COE: Okay, so that was limited to Old
21 Cutler Bay. If I recall, in our discussion item last
22 month, several members of this Board couldn't
23 understand, if we're going to adopt something like
24 that, why it was going to be so limited and not
25 City-wide, for example, but I didn't -- I didn't

1 think whatever we did in that last meeting, that was
2 with the understanding that whatever we may have
3 voted on was final, to be put into this Code --

4 MS. HERNANDEZ: Right.

5 MR. COE: -- as reflected now, and quite
6 frankly, I have not --

7 MS. HERNANDEZ: I just --

8 MR. COE: I missed that portion of this when
9 I quickly, over the weekend, looked at this. But if
10 that's the case, we do have to have a public hearing
11 on this, because I don't think it's appropriate,
12 because that was simply a discussion item.

13 So that needs to come back to us, and it
14 needs to be -- I think, if we have to vote on this,
15 I'll make a motion, if that's what needs to be done,
16 but --

17 MS. HERNANDEZ: No, not yet. We need to --

18 CHAIRMAN KORGE: We're not voting on it
19 today.

20 MR. COE: But what we need to -- well, we do
21 have to do this. We need to, at this juncture, take
22 it out of the Code and treat it, for the moment, at
23 least, as a separate item. We do need to have, I
24 think, a public discussion of this, and it was not
25 done that way. It was done as a discussion item

1 only.

2 MR. AIZENSTAT: Eric, let me ask you a
3 question. We also took a look, for example, at
4 generators. Was that incorporated into this Code, or
5 is that separate?

6 MR. RIEL: That's going on a separate track
7 right now.

8 MR. AIZENSTAT: So wouldn't we want to treat
9 the metal roofs the same way?

10 MR. RIEL: We can. It's just that we were
11 doing what --

12 MR. COE: The City.

13 MR. RIEL: I think what the problem is, is
14 that the Commission said, "Look at Old Cutler Bay,"
15 and then when the regulations came to the Board, it
16 became a City-wide issue, so that's the difference.
17 It --

18 MR. COE: Well, that was the discussion we
19 had --

20 MR. RIEL: Right.

21 MR. COE: -- whether it's going to be
22 limited to Old Cutler Bay or is going to be
23 City-wide --

24 MR. RIEL: Staff's original
25 recommendation --

1 MR. COE: -- and I don't understand why it
2 would be different.

3 MR. RIEL: -- was to only do the south end
4 of the City, or amend the site-specific standards,
5 and as a part of the discussion of the metal roofs
6 issue, it became a City-wide issue. So that's where
7 there's a difference.

8 MS. KEON: Right.

9 MR. COE: Well, if we made this for public
10 discussion --

11 MR. RIEL: We can certainly schedule it for
12 the next Planning & Zoning Board meeting --

13 MS. KEON: As a separate item.

14 MR. RIEL: -- or thereafter, as a separate
15 public hearing item --

16 MR. COE: Okay.

17 MR. RIEL: -- provide notice --

18 MR. COE: Okay. That's fine.

19 MR. RIEL: -- and we can do that, and --

20 MR. COE: Because it's a controversial --

21 MR. RIEL: You know, and then move it
22 forward to the Commission.

23 MR. COE: It's certainly a controversial
24 issue.

25 CHAIRMAN KORGE: Right.

1 MR. COE: There's no question about that.

2 CHAIRMAN KORGE: Right.

3 MS. HERNANDEZ: I'm only -- I'm only
4 concerned about when we get to the end. I just want
5 to be sure that, on a technical issue, I'm not being
6 challenged. That's my biggest concern, and it was --
7 since it was a separate matter that you reviewed, and
8 I'm not sure what the motions were or whether it
9 was -- you know, I just wanted to be sure --

10 MS. MORENO: Just do it.

11 MS. HERNANDEZ: -- that we crossed all the
12 T's.

13 MS. MORENO: Let's not discuss it, let's
14 just do it.

15 MR. COE: We voted on proposed language,
16 was my recollection, and you were going to draft --
17 Staff was going to draft some proposed language, and
18 apparently this proposed language is now in the
19 Code --

20 MR. RIEL: Correct.

21 MR. COE: -- as a proposed Code change.
22 Well, that, we didn't -- I don't think we voted that
23 way.

24 CHAIRMAN KORGE: Okay. Well, you know, we
25 can bring that back for a separate discussion --

1 MS. HERNANDEZ: Well, let's -- I think you
2 need to weigh --

3 CHAIRMAN KORGE: -- at a public hearing --

4 MR. RIEL: Okay.

5 CHAIRMAN KORGE: -- at the next meeting.

6 MR. FINE: Mr. Chairman --

7 MS. HERNANDEZ: I think someone wants to
8 talk to that issue.

9 CHAIRMAN KORGE: Well, he will. When it's
10 his turn, he'll be able to speak to the issue.

11 MR. COE: If we're going to do metal roofs
12 now --

13 MR. FINE: Well, wouldn't it be fair to not
14 take action and instructions until I've spoken?

15 CHAIRMAN KORGE: Pardon me?

16 MR. FINE: Wouldn't it be fair to not
17 instruct Staff until I've spoken?

18 CHAIRMAN KORGE: Sure. Okay. I'm sorry,
19 what's your name?

20 MR. FINE: Robert Fine.

21 MR. COE: Why don't we take him out of
22 turn --

23 CHAIRMAN KORGE: Take him next.

24 MR. COE: -- and let's hear him.

25 MS. MENENDEZ-DURAN: Robert Fine.

1 MR. FINE: Good evening, Members of the
2 Board. My name is Robert Fine, a resident at 360
3 Solano Prado.

4 I'm actually here in two roles tonight. So,
5 if you prefer, when I speak on behalf of clients,
6 I'll come in my normal turn.

7 I was the resident who applied for a
8 variance in Old Cutler Bay for a metal roof, and at
9 the Commission hearing -- and in your materials from
10 the meeting we did have in August, there was a copy
11 of the Commission transcript, where they referred it
12 to the Planning & Zoning Board for consideration of
13 it being done as a site-specific change in Old Cutler
14 Bay, to be done as part of the Zoning Code rewrite,
15 and again, you've got those transcripts in your
16 materials.

17 When it came here, the discussion broadened,
18 "If we're doing it there, why not consider it
19 City-wide?" The discussion was also that, in looking
20 at the language, that you generally liked it but
21 wanted to get input from the Zoning Staff and, if
22 possible, the Board of Architects.

23 It was supposed to go to the Board of
24 Architects last Thursday, but because of the weather,
25 when the City was closed, or the day after, that

1 meeting was canceled. So it never went to the Board
2 of Architects.

3 Prior to that, however, we met -- Tom
4 Mooney, who's a resident of the Gables and with the
5 Planning Department on Miami Beach, worked on
6 language, met with Zoning Staff, refined it, looked
7 at concerns that we got from around the community,
8 protections of older Mediterranean and Mission style
9 homes, compatibility, and proposed additional
10 language, which we've -- I've now sent to Staff, and
11 I'll leave you with copies that you can look at, at
12 your convenience, since you're not taking action
13 tonight, anyways.

14 At the meeting in August -- first of all,
15 let me say, there was -- there was notice provided to
16 everybody in Old Cutler Bay of that meeting, by mail,
17 and I know because I mailed the notices, number one.
18 Two, it was part of the advertised meeting. So to
19 say there was no notice --

20 MR. COE: Well, hold on. We're talking
21 about two different things. It was a discussion
22 item.

23 MR. FINE: No, no, I understand that.

24 MR. COE: That's absolutely different.

25 MR. FINE: No, no, I understand. But there

1 was something said, that nobody had notice of that
2 meeting.

3 MR. COE: That's wrong. We all know that.

4 MR. FINE: Okay.

5 MR. COE: Right, but it was a discussion
6 item.

7 MR. FINE: So -- right, it was a discussion
8 item --

9 MR. COE: That's the technical problem.

10 MR. FINE: Right, and the Board had asked
11 for Staff to work with it, us to work with Zoning
12 Staff, and come back tonight with language to be
13 considered as part of that. I have language.
14 There's the language that's in there. Obviously --

15 MR. COE: Is the language in there your
16 language?

17 MR. FINE: It's not, and I'll hand something
18 out and -- no, no, we've refined it after working
19 with Zoning Staff.

20 MR. COE: All right. All right.

21 MR. FINE: But there also is a meeting the
22 27th, when we're coming back, and things are going to
23 be noticed and this language can be there, and as
24 part of that notice, this can be dealt with at that
25 time.

1 As you're aware, there were a number of
2 people, probably more people not from the noticed
3 area, the mailed notice, but the newspaper notice,
4 the City-wide, talking about metal roofs, than in my
5 little neighborhood. So this is not an issue that's
6 been going on in secret, either.

7 MR. COE: No, I understand that you have a
8 particular problem because of your particular
9 property. This Board's problem goes beyond,
10 obviously, your particular parcel of land, and what
11 the City Commission may have done initially is to get
12 something from the Board concerning where you live.
13 The Board, I think, in August, thought that, you
14 know, this should be looked at for City-wide
15 application, which is beyond your particular
16 interest.

17 I don't know if, on September 27th, which I
18 think is the next meeting, whether or not we'll be in
19 a position to deal with what we intended to do with
20 metal roofs. We may have to wait till the October
21 meeting. Why am I getting -- okay.

22 Eric, how are we going to handle this?

23 MR. RIEL: Well, I've got the minutes. It
24 was scheduled as a discussion item, and
25 my final comments to the Board: Well, we'll pass the

1 recommendation on to the Building & Zoning
2 Department, and they can go to the Board of
3 Architects, get their input, and then we'll fold it
4 into the Zoning Code rewrite.

5 And basically --

6 MR. COE: Well, apparently, some kind of
7 version of this is in the rewrite, but we didn't --
8 it never went to the Board of Architects.

9 MR. RIEL: No, it has not.

10 MR. COE: So whatever language in here is
11 not the language that anybody has really looked at.

12 MR. RIEL: Well, I don't know if it's gone
13 to the Board of Architects. I don't know if Building
14 & Zoning --

15 MR. FINE: It has not gone to the Board of
16 Architects.

17 MR. COE: He says it didn't go.

18 MR. RIEL: -- cancelled the meeting because
19 of the tropical storm.

20 MR. COE: So -- I don't know if this can be
21 done in the September meeting, or we're going to be
22 into our regular meeting in October with this, as a
23 separate item.

24 MR. RIEL: We can certainly put it on the
25 27th. We can do it.

1 MR. COE: Okay, because I want to make sure
2 there's proper public notice. Mr. Murai can come
3 here and speak, and anybody else, pro or con, and we
4 can deal with it at that point, if there's enough
5 time to do that.

6 CHAIRMAN KORGE: It's probably going to take
7 more time than the proper --

8 MR. RIEL: Well, proper City-wide notice is
9 basically a legal ad in the paper.

10 MR. COE: That's right. I mean, that's all
11 you have to do, so --

12 MR. RIEL: So it will just be a separate
13 legal ad in the paper.

14 MR. AIZENSTAT: But you want to introduce
15 that at the 27th meeting, which is when we're also
16 bringing back the Zoning Code rewrite?

17 MR. COE: The whole document. The whole
18 document.

19 MR. AIZENSTAT: Do you want to put it at the
20 same time?

21 MR. RIEL: Or we could do it --

22 CHAIRMAN KORGE: It could be done with the
23 full rewrite, noticing the full rewrite, but I think
24 the point that we're getting to is that it may
25 require more attention and -- I'm a little

1 disappointed that the Board of Architects hasn't had
2 an opportunity to look at it yet, because that was,
3 you know, an important thing for us, since it's
4 really an architectural feature more than anything
5 else.

6 MS. MORENO: Yeah. The conclusion we
7 reached was that there were a whole lot of reasons
8 why we should approve it, if it was not aesthetically
9 displeasing, and we referred it to the Board of
10 Architects for that determination.

11 MR. COE: And they haven't looked at it.

12 CHAIRMAN KORGE: So we need that. We can
13 just do it as part of the other meeting. I think
14 that will make everybody feel a little more
15 comfortable, that --

16 MR. RIEL: Why don't we do this? Why don't
17 we -- I'll have Building -- try to get Building &
18 Zoning to schedule it for the Board of Architects,
19 and then, giving enough time for notice, we'll put it
20 on the next available meeting.

21 MS. MORENO: After the Board of
22 Architects looks at it.

23 MR. RIEL: After the Board of Architects
24 makes their comments.

25 MS. MORENO: That makes sense.

1 MR. COE: Yeah. A concern I have, doing the
2 roof aspect of this document on the 27th, I have a
3 sense that there's going to be significant public
4 comment, and if --

5 CHAIRMAN KORGE: It's better to handle that
6 separately.

7 MR. COE: If that's going to be the case,
8 yes, because it's going to hold up the whole
9 document.

10 CHAIRMAN KORGE: Right. Exactly.

11 MR. COE: So I think we should go back to
12 what we were originally talking about, a few minutes
13 ago, and separate the metal roof issue from the rest
14 of the document and deal with that in our October
15 meeting. I think that's probably the better way to
16 go.

17 CHAIRMAN KORGE: Whatever we decide, we can
18 fold into this document.

19 MR. COE: That's right.

20 CHAIRMAN KORGE: Absolutely.

21 MR. COE: But I'd rather separate it out,
22 because I don't want to spend all of the 27th dealing
23 with the roof, and this whole -- the rest of this
24 does not get approved.

25 CHAIRMAN KORGE: Exactly.

1 MR. AIZENSTAT: That's right.

2 MR. RIEL: Maybe if we could get a motion
3 on that, so that we're absolutely clear on that?

4 CHAIRMAN KORGE: Do you want to make a
5 motion?

6 MR. FINE: Mr. Chair, could I ask that you
7 make it so that if people want to come, the first
8 item on that --

9 MR. COE: Yeah.

10 MR. FINE: -- regular October meeting?

11 CHAIRMAN KORGE: You want it the first item
12 on the agenda?

13 MR. FINE: Well, if we're going to do it,
14 and we know what happens when things go late, as was
15 discussed earlier, we may as well get it in and --

16 CHAIRMAN KORGE: Right.

17 MR. FINE: -- let people speak on it.

18 CHAIRMAN KORGE: Well, I mean, we'll do our
19 best. It depends what's on the agenda.

20 MR. COE: Exactly. I don't know if we
21 can --

22 MR. RIEL: There's one other item on the
23 agenda.

24 MR. COE: Okay. Well --

25 MS. HERNANDEZ: Okay, so there you go.

1 MR. COE: -- at worst, you'll be number
2 two.

3 MR. FINE: Okay.

4 MR. COE: At worst.

5 With that, I would move, then, that the
6 section dealing with metal roofs be separated from
7 the Code document as a whole and be treated as a
8 separate item in the October whatever meeting.

9 MR. RIEL: If you could include that it will
10 go to the Board of Architects prior to that.

11 MR. COE: Well, hopefully it goes to the
12 Board of Architects prior.

13 MS. MORENO: I don't want to see it unless
14 it's gone to the Board of Architects.

15 CHAIRMAN KORGE: I agree.

16 MR. COE: Exactly. Otherwise it's
17 pointless.

18 MS. MORENO: I think the motion should be at
19 the first available meeting --

20 MR. FINE: I just got the nod from Martha
21 that it will get there.

22 MS. MORENO: -- after it goes to the Board
23 of Architects.

24 MS. SALAZAR-BLANCO: This item is set for
25 tomorrow at the Board of Architects, at nine

1 o'clock. It was actually set last week, but since it
2 was canceled, it was rescheduled for tomorrow at
3 nine, a time certain.

4 MR. COE: Good.

5 CHAIRMAN KORGE: Problem solved. Okay.

6 MR. COE: So we will have --

7 CHAIRMAN KORGE: At the next meeting, we'll
8 look at this as a separate item.

9 MR. RIEL: October 11th.

10 CHAIRMAN KORGE: Okay.

11 MS. MORENO: Second the motion.

12 CHAIRMAN KORGE: Okay. Do you want to call
13 the roll on this motion?

14 MS. MENENDEZ-DURAN: Eibi Aizenstat?

15 MR. AIZENSTAT: Yes.

16 MS. MENENDEZ-DURAN: Robert Behar?

17 MR. BEHAR: Yes.

18 MS. MENENDEZ-DURAN: Jack Coe?

19 MR. COE: Yes.

20 MS. MENENDEZ-DURAN: Pat Keon?

21 MS. KEON: Yes.

22 MS. MENENDEZ-DURAN: Cristina Moreno?

23 MS. MORENO: Yes.

24 MS. MENENDEZ-DURAN: Javier Salman?

25 MR. SALMAN: Yes.

1 MS. MENENDEZ-DURAN: Tom Korge?

2 CHAIRMAN KORGE: Yes.

3 MR. FINE: For my other item, should I wait
4 till they call me?

5 CHAIRMAN KORGE: No, just go ahead and
6 finish your --

7 MR. FINE: Okay.

8 CHAIRMAN KORGE: -- whatever presentation
9 you have.

10 MR. FINE: Well, that aside, and private
11 citizen aside, again, my name is Robert Fine, with
12 offices at 1221 Brickell Avenue, representing Roger
13 Development, also Balzebre Limited. These are
14 commercial property owners in the City of Coral
15 Gables, and starting out, to take a little bit of
16 what Felix Pardo said, he was actually a little
17 generous, because the e-mail announcing the Zoning
18 Code being posted went out at 4:56 on Friday. It got
19 posted a few minutes earlier, the actual thing, and
20 I'm not saying that to bash Staff, because I will
21 tell you, in my experience of me personally, when
22 something gets posted at 4:56 on Friday, it means at
23 4:30 you figured out you needed another week to get
24 it done. I mean, this is a huge undertaking, and
25 what they've done in this time is really incredible,

1 but as you've already heard, there's still -- not
2 only a few things to be fixed up, but the problem I
3 have, as a practitioner, and some of my other
4 colleagues as practitioners, and certainly private
5 citizens, are, we don't yet even know enough what's
6 in this Code. I mean, we've had, basically, a long
7 weekend. It was a holiday weekend. I mean, my --

8 MR. COE: Have you made a laundry list of
9 items that you have problems with?

10 MR. FINE: I haven't had the time to make a
11 whole laundry list of problems, and that's what I'm
12 going to get to. I'm not going to sit there and, you
13 know, read you the novel tonight, because I know
14 you're not taking action, but there are certain
15 concerns. The change of ownership is a concern.
16 Even though you're not doing the full thing, what
17 happens when somebody gets divorced and you partition
18 a property? Do they now have to be subject to that
19 provision of the Zoning Code, when nothing else has
20 happened to the property? I mean, there are things
21 out there.

22 MS. HERNANDEZ: But are you saying that the
23 provisions, perimeter buffer requirements to the
24 extent determined practicable by the development
25 review official, which has already appeal guidelines,

1 sanitation requirements, and standards for nighttime
2 uses, are too much, anyway?

3 MR. FINE: I'm saying if a husband and wife
4 get divorced, that's a change of ownership.

5 MS. HERNANDEZ: Right.

6 MR. FINE: That woman owns a property, and
7 should she be required -- you know, I'm just saying,
8 it ought to be looked at. It was raised. It's a
9 legitimate issue.

10 MR. COE: That's always been the case.
11 What's different?

12 MR. FINE: Well, change of ownership. I
13 mean, normally, in land use law, change of
14 ownership -- adding restrictions is an alienation,
15 and in many cases, it's not constitutional.

16 MR. COE: Is change of ownership normally a
17 change of family members?

18 MR. FINE: A partition is. A title change
19 is.

20 MR. COE: If it's a partition, certainly.

21 MS. HERNANDEZ: Yeah, property --

22 MR. FINE: That's a change of -- right,
23 right, right.

24 MS. HERNANDEZ: The property appraiser's
25 office.

1 MR. COE: If it's a partition.

2 MR. FINE: No, exactly, but it's --

3 MR. COE: But you could have a divorce
4 without a partition.

5 MR. FINE: But you could have one with one.

6 MR. COE: Well, then you have a change of
7 ownership.

8 MR. FINE: Right, and I'm just --

9 MS. HERNANDEZ: The property appraiser's
10 office does determine that it is change of ownership
11 for tax purposes.

12 MR. FINE: There's issues such as commercial
13 limited. They have height when you're next to a
14 residential property; they don't have a height when
15 you're not. Is it the same height or does it go back
16 to full commercial?

17 These are issues that are out there and
18 there are concerns, and in the time we've had -- I
19 mean, I'm comparing it to clients' projects, but
20 there's a whole City out there, and we're doing a
21 book that's going to go for a long time, you know,
22 without a lot of problems, and if there's problems,
23 there's a lot of headaches, there's litigation,
24 there's cost.

25 CHAIRMAN KORGE: Well, we can tell you --

1 MR. FINE: We hope to avoid that. So --

2 CHAIRMAN KORGE: We can tell you that
3 you've got a month --

4 MR. FINE: Right.

5 CHAIRMAN KORGE: -- to get -- you know, go
6 through it --

7 MR. FINE: That's true, but I'm getting to a
8 point, and the point is, amongst myself and a lot of
9 my colleagues or practitioners and other people we've
10 spoken to in the City, what we'd like to ask this
11 Board, and I think others will probably mention it
12 tonight, is, if there's some possibility this Board
13 could ask Planning & Zoning Staff to possibly hold an
14 informal workshop, say next week sometime, so people
15 who have read through it and had the week, can ask
16 questions and get these things sorted out. They'll
17 get additional comments, with another week or two to
18 prepare something for the Board if it's a good
19 comment. We, the public, the practitioners, can get
20 an understanding, and I think that would be very
21 helpful for us, for you, for Staff, so that when it
22 comes back on the 27th, a lot of these things,
23 hopefully, are worked out, the comments are lessened,
24 you've got some of these issues taken care of, and
25 because we have a three-week time period --

1 CHAIRMAN KORGE: What do you think of that
2 suggestion?

3 MS. HERNANDEZ: A workshop. That's a
4 good --

5 MR. RIEL: You know, I --

6 MS. HERNANDEZ: No, that's not a bad
7 suggestion. I think we would welcome it.

8 CHAIRMAN KORGE: I don't know about that.

9 MR. COE: Don't politic.

10 MS. MORENO: It's a great idea. I think
11 it's a great idea.

12 MR. COE: Ask Mr. Riel now, what do you
13 really think?

14 MR. RIEL: I just -- I think we've gone
15 through a process that's two years. I mean, yes,
16 it's been an evolution and a change. As I said in
17 the beginning of my presentation, is this a perfect
18 Code? You know, we're making changes here that are
19 for the betterment. Yes, there's going to be things
20 that we missed and we overlooked, and yes, we'll come
21 back six months after the adoption of the Code and
22 make those corrections again.

23 So, you know, I just think a lot of these
24 issues have been fleshed out, and I think we've
25 gotten different direction from the Board as we've

1 gone forward. I think we just need to bring finality
2 to this Code.

3 MR. COE: In all seriousness, what's the
4 problem if you had a workshop next week for
5 interested citizens?

6 MR. RIEL: If we had a workshop next week,
7 we would not be able to turn around the document in
8 time to make the meeting on the 27th productive.

9 MS. MORENO: Eric, but let me tell you, I
10 have a problem with people having to come here,
11 having had a weekend to review the document.

12 MR. RIEL: I understand. That's why --

13 MS. MORENO: So --

14 MR. RIEL: -- we had scheduled the 27th
15 meeting, and I was going to discuss, if we didn't
16 finalize on the 27th meeting --

17 MR. COE: I understand.

18 MR. RIEL: -- that we go to an October
19 meeting, as a fall-back.

20 MS. MORENO: Well, it seems to me -- two
21 things. I consider it a waste of my time to be
22 sitting here, listening to people tell me there's
23 glitches in the document. That should be done in a
24 format such as he's suggesting, where they can tell
25 you what those glitches are. I mean, we're paging

1 through things here to see if there's a mistake in
2 something.

3 I think the nonconforming use that you guys
4 are referring to, when you work it out with Staff,
5 it's not as obnoxious as it sounds, because it's only
6 three little things, but I'm not sure of that
7 anymore.

8 MR. RIEL: But I'll tell you, that issue has
9 been discussed by this Board on three occasions. We
10 actually had said that within 24 months of adoption
11 of the Code, all these properties that are
12 nonconforming --

13 CHAIRMAN KORGE: Right.

14 MS. HERNANDEZ: Right.

15 MR. RIEL: -- had to comply. We've backed
16 off of that.

17 MS. HERNANDEZ: That was our original --

18 MR. FINE: But there's other issues.

19 There's --

20 MS. HERNANDEZ: That was our original
21 proposal.

22 MR. FINE: There's a mixed-use district line
23 missing on the map. There's a large high-rise
24 building in Downtown Gables that has commercial
25 limited running halfway through it. There's still

1 problems that can be fixed before this goes in.

2 MR. COE: Well, why you don't you, like I
3 told Mr. Pardo -- why don't you do the same thing,
4 sit down with the document and make a list, editor's
5 list, if you will, and present that to us and to
6 Staff? I mean, I don't know how we're supposed to
7 deal, in a short period of time, if you're going to
8 make textual suggestions and then think about the
9 legal ramifications of the textual change, because I
10 assure you, as a lawyer -- you will have to agree
11 with this -- if you make one textual change, that may
12 have further legal significance that we hadn't
13 thought about. So that becomes a little bit more
14 complicated.

15 So if you can get something to each member
16 of the Board and to Staff within a timely manner,
17 which we can then think about it, that would be more
18 productive. But to go through and say, you know,
19 "Page 12, you know, Line 2, I don't think is written
20 properly" --

21 MR. FINE: But sometimes you don't
22 understand what it means. You read it, and this part
23 relates to that part. That's why, I mean, we wanted
24 the discussion, in dealing --

25 MR. COE: That's pretty bad --

1 MR. FINE: No, no, no, no, that's not --

2 MR. COE: -- when a lawyer says he doesn't
3 understand what it means.

4 MR. FINE: Well, but --

5 MR. COE: I guess that we'd have to go to
6 the District Court of Appeal, then, to find out what
7 it really means.

8 MR. FINE: But do we really want to do that?

9 MR. COE: Of course not.

10 MR. FINE: Exactly.

11 MR. COE: And I'm only kidding.

12 MR. FINE: I understand, and to the extent,
13 though --

14 MS. MORENO: No, but his principal problem
15 is, he hasn't really had a chance to review it,
16 because it was posted on Friday.

17 MR. COE: I understand.

18 MR. FINE: And when you look at things --

19 MR. COE: And I mean, I --

20 MR. FINE: When you look at things in the
21 Code, and every part interrelates -- and that's why
22 there's Zoning Staff and Planning Staff to answer
23 it, why not --

24 MR. COE: The problem we have -- and I don't
25 know quite how to resolve the problem. Obviously,

1 the Commission wants this document soon, and it's
2 going to go to the October Commission. That's where
3 it's planned.

4 MR. RIEL: October 17th, yes.

5 MR. COE: Okay. So that's six weeks -- five
6 weeks. We have one more meeting, the 27th of
7 September, to deal with this document. What I'm
8 hearing is that that may become a difficult
9 proposition for us.

10 Now, I don't know what the sense of this
11 Board is, to delay further, after two years,
12 submitting the final document to the Commission. I
13 don't know, Eric, how you want to reconcile some
14 obvious concerns that --

15 MR. RIEL: I can tell you --

16 MR. COE: -- may be justified with citizens
17 coming in and saying that they get a substantial
18 revision at the end of the day on Friday and it's a
19 holiday weekend, and now we have this meeting and,
20 you know, it's just a few hours and they can't really
21 do it.

22 MR. RIEL: We're getting exactly what we
23 wanted. We're getting the input that we want to see,
24 I mean, and my Staff, we have four professional
25 planners. We've sat down with a number of

1 individuals and gone through this Code, page by page,
2 where they, you know, had questions, and we sat down.
3 That's what, you know, Staff is here for. I know Mr.
4 Smith has sat down with folks. I'm sure other
5 members of the City rewrite team have gotten
6 questions. I'm sure Historic Preservation has gotten
7 questions. That's what Staff is here for.

8 Approach Staff. We'll be happy to sit down
9 with you and explain --

10 MR. FINE: I've met with Dennis and asked
11 him, "How does the new Code apply to a project that I
12 have a client?" Dennis says, "I don't know." I
13 mean, he's read it, he's looked at it. I don't think
14 he's gone back to back and -- I mean, do we want to
15 send a defect that we can fix? There is time to fix
16 it. Eric said there's time to schedule an October
17 meeting, if necessary. Why not --

18 CHAIRMAN KORGE: Well, let's get this
19 focused a little bit. We've got probably 80 percent
20 of this already has been approved by the Board, and
21 if there are any glitches or problems with the 80
22 percent that's been approved by the Board, that's
23 something that Staff should be made aware of and, you
24 know, try to fix, okay? It shouldn't be -- that
25 shouldn't be a substantive issue.

1 MR. RIEL: Correct.

2 CHAIRMAN KORGE: There are some deferred
3 items here that are substantive, that may require
4 either a workshop or additional input, but we
5 shouldn't, at this point, be ruminating too much
6 about everything that's been approved, especially the
7 policy decisions that have been made. Right or
8 wrong, you know, we all have to make decisions and go
9 with them.

10 MR. FINE: But keep in mind, notwithstanding
11 that, this book has been in the dark for months.
12 It's not like we've had an opportunity --

13 CHAIRMAN KORGE: Well --

14 MR. FINE: -- to see these changes going on.

15 MR. AIZENSTAT: You can't say it's been --
16 I'm sorry.

17 MR. FINE: No, no. The changes have come
18 out. Something might be the same, but until we go
19 and see it, we don't know that.

20 CHAIRMAN KORGE: Well, for example --

21 MR. FINE: I mean, we have to sit there --

22 CHAIRMAN KORGE: -- for example, the concern
23 you expressed about the change in ownership, we --
24 you know, we've had numerous hearings on that, and it
25 goes back -- all the way back to the problems with

1 the -- what was it, the sleep center.

2 MS. HERNANDEZ: Right.

3 CHAIRMAN KORGE: Okay. So, I mean, it goes
4 back several years, but we made some decisions. We
5 discussed the different alternatives. You know,
6 maybe it's not -- maybe we didn't do the best we
7 could have done --

8 MR. FINE: That's true, but I'm saying, even
9 if Staff gets input, that doesn't mean they have to
10 take it or rewrite it, but they've got the
11 information. They can make those choices.

12 CHAIRMAN KORGE: Well, we've already made
13 that choice. That's the point I'm trying to make.
14 We made certain choices here, and they're all the
15 approved items. The deferred items, we need to, you
16 know, focus on. If there are any technical problems,
17 not -- not policy disagreements, but technical
18 problems with the way drafting has occurred on the
19 approved items, that's something we really appreciate
20 knowing about, and then we really need to focus on
21 the substance, the policy decisions that we're
22 making, and the items that are in white here on this
23 sheet, and that way we'll finish up. We have a
24 responsibility to go through everything, but not to
25 keep going through it over and over.

1 MS. HERNANDEZ: Right.

2 MR. FINE: No, I understand.

3 CHAIRMAN KORGE: So these are the issues.
4 Landscaping, for example, was deferred. Lighting was
5 deferred, miscellaneous construction requirements,
6 parking, et cetera. So, you know, we need to focus
7 on the policy decisions there.

8 MR. COE: If we don't do it that way, the
9 document will never be finished.

10 MR. AIZENSTAT: Never be written.

11 MR. FINE: But even on those issues --
12 parking is a huge issue.

13 MR. COE: Yeah, but we've argued parking ad
14 nauseum.

15 MR. FINE: Right, but I mean, you say that's
16 an issue that was deferred.

17 MR. COE: Well, because we hadn't finished
18 arguing it, apparently. But the idea is, you cannot
19 take every line of this document and argue it and
20 argue it and argue it. It will be 50 years from now
21 and we'll still not have a zoning rewrite.

22 MR. FINE: Well, I'm not asking for all
23 that. I'm asking for, you know, a couple hours with
24 Staff, that the public can sit down and ask
25 questions.

1 MR. COE: You know, I'm not going to tell
2 Mr. Riel and Staff, you know, how much time they have
3 between now and September the 27th. If you can work
4 out some time with him, that's fine.

5 MR. RIEL: I'll be happy to sit down with
6 Mr. Fine and go through the document.

7 CHAIRMAN KORGE: And if you want to do a
8 workshop because it will flesh out the remaining
9 concerns --

10 MR. COE: Well, I don't -- I think he's
11 saying that --

12 CHAIRMAN KORGE: He doesn't want to do it.
13 I understand.

14 MR. COE: Well, he doesn't have time to do
15 it and be ready for the 27th of September, and I
16 mean, he has to prioritize --

17 MR. RIEL: Because if I do a workshop next
18 week --

19 MR. COE: -- and I'm not telling him he
20 shouldn't.

21 MR. RIEL: -- people are going to say they
22 didn't get enough notice.

23 MR. COE: Yeah. Well, that's always the
24 case.

25 MR. RIEL: And then, you know, they're going

1 to ask to submit written comments within a week, and
2 we're not going to be able to make the 27th meeting.

3 CHAIRMAN KORGE: No, but the problem -- the
4 real problem, Eric, is that they didn't get enough
5 notice for this.

6 MR. RIEL: This meeting --

7 CHAIRMAN KORGE: They got legal notice, but
8 not -- really, for something of this size and nature,
9 you know, an extra week or two with the document
10 would have been really advisable.

11 MR. RIEL: The intent of this meeting was to
12 roll out those issues. I understand they didn't get
13 notice. I understand that.

14 MR. BEHAR: Eric, I listened to everybody.
15 I personally believe that it is a good idea to have a
16 workshop, because I think there's a lot of issues
17 that are not there yet. I hate -- you're probably
18 going to hate me for it, but I would be willing to
19 have a motion to have the workshop, and sit down with
20 the residents, put a time limitation on when
21 everything has to be done. To come back on September
22 27th, you don't have the time, obviously, and I'd
23 rather have things worked out a little bit better and
24 feel like we're going to approve something that, with
25 whatever kinks are in it, we can get them out.

1 MR. COE: You're making that as a motion?

2 MS. KEON: You can make that motion.

3 MR. BEHAR: I will make a motion that
4 there's a workshop to be scheduled as soon as
5 possible.

6 CHAIRMAN KORGE: There's a motion on the
7 floor for scheduling of a workshop on this Code
8 rewrite. Is there a second?

9 MS. KEON: It's a public workshop?

10 MR. COE: Public workshop.

11 CHAIRMAN KORGE: Yeah.

12 MR. COE: Yes. Not the Board.

13 MS. KEON: It's not with Staff -- I mean --

14 MR. COE: Not the Board. The Board does not
15 have to go to the workshop.

16 MR. BEHAR: But It will be Planning and
17 Zoning.

18 MS. KEON: I would second your motion.

19 CHAIRMAN KORGE: There's a second on it. Is
20 there -- does anybody want to discuss this motion or
21 ask questions?

22 MR. AIZENSTAT: I would just like to make a
23 comment. I think we need to realize that this is a
24 fluid document as it is, and things are going to
25 progress and move and change as it goes on. As you

1 can see tonight, the idea was to roll this out, and
2 things are becoming -- are, I guess, coming to light,
3 of items that maybe we did not think about.

4 As far as saying that the Staff did not
5 really work with residents, I know of several
6 instances where, for example, the Planning Department
7 saw numerous --

8 MR. FINE: I didn't say that.

9 MR. AIZENSTAT: -- numerous individuals and
10 worked with them, and any time they had questions,
11 they went over and over again. From my experience of
12 sitting on Boards, I have always noticed that,
13 through the years and through the progression, the
14 residents and people don't really come out when
15 they're notified.

16 MS. HERNANDEZ: Right.

17 MR. AIZENSTAT: They come out at the end,
18 and that's when the whole thing starts to broil -- or
19 to boil, I'm sorry, but --

20 MR. COE: Both.

21 MR. AIZENSTAT: Both. But I think, you
22 know, in two years, we have gone through all these
23 items, and people have been notified, and I think the
24 residents are aware that there is a zoning rewrite.
25 I've seen it, whether it's in the City news e-mail,

1 flyers -- they get the word out. And unfortunately,
2 now is the time when people are coming, because it's
3 coming towards the end, and they're saying, "You know
4 what, we didn't know about this," or, "We didn't get
5 a chance to do our input."

6 And if the workshop will help, I agree with
7 it, but at the same time, I think it's unfair to say
8 that Staff has not sat down --

9 MR. FINE: I didn't say that.

10 MR. AIZENSTAT: Well --

11 MR. FINE: Others before me -- no, no.
12 Others before me said that. I've never been denied
13 access to Staff.

14 MR. AIZENSTAT: I'm not accusing anybody.
15 I'm just saying --

16 MR. FINE: Right.

17 MR. AIZENSTAT: -- I have seen Mr. Smith,
18 the Planning Department, the Zoning Department, the
19 City Manager's Office -- I think they have dealt with
20 residents and they are trying to work with --

21 MR. FINE: But the whole City is not just
22 residents. The residential Code is done and taken
23 care of, and it went through a process. But there's
24 a whole other part of the City that's commercial,
25 commercial properties.

1 MR. COE: You're worried about the
2 commercial portion of this.

3 MR. FINE: Right, which is what we're doing
4 now. The residential is done. I'm not worried about
5 the residential part.

6 MR. COE: My concern, frankly, is, I don't
7 want to put Staff in the position to have to set up a
8 public workshop if that's going to prevent them from
9 having the document ready for us to vote on September
10 the 27th. I think Staff has to decide whether that's
11 going to, in fact, defer this, which means the City
12 Commission does not get this document at its October
13 meeting, which means the City Commission may not get
14 this document till November, and I think that's not
15 what the City Commission wants, and I think it's an
16 unfair burden on Staff. I understand what's been
17 raised by a lot of the people, that they've gotten
18 this on short notice. This is what I've said, then:
19 Go through the document, flesh out what you think is
20 not appropriate, that should be changed or amended or
21 whatever, and send it to Staff and send it to each
22 member of this Board. It will be looked at, and then
23 we can deal with it, perhaps, at the September 27th
24 meeting.

25 But to have Staff set up a workshop, at this

1 date, to me, I think is counterproductive, frankly.

2 MR. BEHAR: But what do we do if you do have
3 some comments that are valid comments and there's not
4 enough time to incorporate those?

5 MR. AIZENSTAT: Then we have to extend the
6 date.

7 MR. COE: That's right.

8 MR. AIZENSTAT: I think that's what our
9 colleague is saying.

10 CHAIRMAN KORGE: Well, I mean, that raises
11 the basic question, are we more concerned about
12 pushing this through or about what we push through,
13 in addition to the timing of what we do?

14 MR. FINE: I think that's the ultimate
15 question. What's -- after all this time, what's
16 going in the document that shows up in front of the
17 Commission?

18 MR. COE: But, you see, the document then
19 will never end.

20 MS. HERNANDEZ: Right.

21 MR. COE: It will never go to the
22 Commission. Ten years from now, people will come in
23 and say, "Well, this area was not thoroughly
24 discussed," or, "I never got notice and I didn't know
25 about that."

1 MR. FINE: No question, but this document
2 might have come out a week or 10 days ago, not Friday
3 at 4:59 --

4 MR. COE: But that's fine.

5 MR. FINE: -- and there would have been more
6 time to do that.

7 MR. COE: Today is September the 7th or
8 8th -- 6th, whatever it is, and the next meeting is
9 September the 27th. That's three weeks away. And
10 the Commission meeting is not until October the
11 17th. So that's five weeks away, or six weeks away.
12 So there's still plenty of time, and all I'm saying
13 is, if you reduce to writing your criticisms, your
14 critiques of this document, with specificity, so it
15 can be intelligently examined by the Board members
16 and by Staff, so it can be appropriately addressed,
17 that's the way to do it.

18 What is Staff -- I'm not quite sure what's
19 going to happen in this workshop. I mean, Staff is
20 going to go through, like they've done ad nauseum for
21 months now, page by page, and say what all this stuff
22 means, and I assure you, there will be eight people
23 at this meeting. The workshop will have eight public
24 citizens come in, and the Staff will have devoted all
25 this time for eight or nine people.

1 MR. FINE: That's true, but those eight
2 people may represent 50 or 60 percent of the property
3 owners in the City.

4 MR. COE: They represent eight people.

5 MR. AIZENSTAT: And it will be the same
6 eight people that have been coming to every single
7 meeting.

8 MR. FINE: That's true, and if we had gotten
9 this 10 days ago, we'd have gone to Staff with some
10 comments --

11 MR. COE: That document wasn't, obviously,
12 available 10 days ago.

13 CHAIRMAN KORGE: Well, be that as it may,
14 how long would a workshop take? How many hours will
15 it take of your time?

16 MR. RIEL: We could do a two or three-hour
17 workshop.

18 CHAIRMAN KORGE: A two to three-hour
19 workshop.

20 MR. RIEL: Sure.

21 CHAIRMAN KORGE: When's the earliest it
22 could occur?

23 MR. RIEL: I'd have to look at a calendar.

24 CHAIRMAN KORGE: Do you have to give -- do
25 you have to give prior notice?

1 MR. COE: Of course.

2 CHAIRMAN KORGE: How long is the prior
3 notice?

4 MR. RIEL: Well, there's not notice
5 requirements for a workshop in the Code. So we would
6 just send something out in an e-mail.

7 MR. COE: But Eric, if you don't give the
8 notice --

9 MR. AIZENSTAT: We're defying the purpose if
10 we don't.

11 MR. COE: Exactly. If you don't give
12 sufficient notice, everyone is going to be saying --

13 MR. RIEL: But I can't send a letter --

14 MR. COE: -- "You had the workshop and we
15 didn't know about it."

16 MR. RIEL: I can't send a letter to every
17 resident in the City. I can't do that.

18 MR. COE: See, this is the whole problem
19 with this.

20 CHAIRMAN KORGE: How would you normally --

21 MR. COE: It's an unending deal.

22 CHAIRMAN KORGE: How would you normally --

23 MR. RIEL: We put it on the web page. We do
24 an advertisement in the local newspapers.

25 CHAIRMAN KORGE: So how much -- what would

1 be the earliest reasonable time you thought you could
2 do a workshop, in the ordinary course?

3 MS. HERNANDEZ: Ten days.

4 MR. AIZENSTAT: Two to three weeks?

5 MR. RIEL: Probably 10 days.

6 MS. HERNANDEZ: Ten days --

7 CHAIRMAN KORGE: Ten days?

8 MR. RIEL: Ten days.

9 MS. HERNANDEZ: -- to get the ad in the
10 paper and everything.

11 MR. COE: See, there's the problem. So
12 you're now -- so you're now going to be -- 10 days
13 from tomorrow is the 17th of September, except I
14 think the 10 days is a weekend. So you're going to
15 have it a Saturday workshop, which I'm sure Staff
16 will love, and then, you know, a few days after that
17 is this meeting.

18 MS. MORENO: Okay, but is there anything
19 preventing people from submitting comments?

20 MR. AIZENSTAT: That's not going to give
21 them to write --

22 MR. COE: Of course not.

23 MS. HERNANDEZ: No, nothing at all.

24 MR. RIEL: We have gotten -- I have -- we
25 have 300 pages of comments, or 250 comments from

1 folks.

2 CHAIRMAN KORGE: In that regard --

3 MS. MORENO: And each of those comments gets
4 addressed and you give --

5 MR. RIEL: Absolutely. We don't respond to
6 all of the comments, because that's all we would
7 spend doing, but those issues that are brought up,
8 yes, we bring people in. They contact us. We sit
9 down, we go through the Code with them.

10 CHAIRMAN KORGE: And as you recall, that's
11 what's happened with all the approved items. What
12 we're left with are a few deferred ones, and then
13 some people are concerned that even of the approved
14 ones, there may be some questions or glitches. But I
15 can tell you that, you know, as far as policy issues
16 go, I mean, you know, maybe we didn't do the best --
17 you know, maybe we've made bad choices occasionally,
18 or more than occasionally, I don't know, but I do
19 know that, you know, we made the choices. They were
20 at public meetings, you know, duly announced. The
21 drafts of the Code language relating to those
22 provisions were provided -- were given to us.
23 Red-line changes were distributed when we brought
24 them back again. And so we're now at a point where,
25 as far as I'm concerned, the deferred items are the

1 only ones that require that level of review that the
2 others have already received, and they're -- most of
3 those are pretty far along in that process, as well.

4 MR. RIEL: Right.

5 CHAIRMAN KORGE: So what I would anticipate
6 at the next meeting is that whether you've had a
7 workshop or not, any policy issues that are open are
8 going to be mainly on deferred items.

9 MR. RIEL: Correct.

10 CHAIRMAN KORGE: And --

11 MR. RIEL: And we're going to do an addendum
12 with strike out and underline that shows technical --

13 CHAIRMAN KORGE: I know.

14 There's -- we need a motion to go beyond
15 9:00 p.m., I've been reminded. So we have -- well,
16 first, we have a motion on the floor. Is there any
17 more discussion on the motion on the floor? No more
18 discussion?

19 MS. MORENO: I have a discussion. I'm not
20 in favor of the workshop at this point, based on what
21 Eric says, but if you hold it, I want Dennis Smith
22 there, because I don't want anybody coming up here
23 and saying to me, "Dennis Smith was not there."

24 MR. FINE: Mr. Chair, would it be possible,
25 if you don't do a workshop, to at least get a

1 red-lined version from before, these several months
2 when the book wasn't out there --

3 MS. HERNANDEZ: No.

4 MR. FINE: -- so at least we can see what --

5 CHAIRMAN KORGE: No.

6 MR. COE: Is that possible?

7 MS. HERNANDEZ: No, we can't possibly do
8 that for you, Robert.

9 MR. FINE: It's not for me --

10 MS. HERNANDEZ: Let's set it -- let's set it
11 in January, you know.

12 CHAIRMAN KORGE: No. Just to be clear,
13 I've asked that same question a number of times, and
14 I've been told that there have been so many changes
15 that the red-line system just won't work anymore.
16 There's been too many changes. We can't do that.

17 We've got a motion on the floor --

18 MR. FINE: If there's that many changes from
19 the last version --

20 MR. COE: Your three minutes is up.

21 MR. FINE: -- then obviously that's the need
22 for the workshop. Otherwise, if there's not that
23 many changes, the red-lining would be minimal.

24 CHAIRMAN KORGE: Afterwards, you talk to
25 Eric about it. If he can accommodate you, I'm sure

1 he will.

2 MR. COE: Let's vote, Mr. Chairman.

3 CHAIRMAN KORGE: Do we have a -- Wait. Any
4 more discussion on the motion on the floor?

5 MR. RIEL: And the motion -- I just want to
6 make sure it's clear -- is for Staff to -- Planning &
7 Zoning to conduct a workshop?

8 MS. MORENO: Yeah.

9 CHAIRMAN KORGE: That's correct, a public
10 workshop.

11 Call the roll.

12 MS. MENENDEZ-DURAN: Eibi Aizenstat?

13 MR. AIZENSTAT: Yes.

14 MS. MENENDEZ-DURAN: Robert Behar?

15 MR. BEHAR: Yes.

16 MS. MENENDEZ-DURAN: Jack Coe?

17 MR. COE: No.

18 MS. MENENDEZ-DURAN: Pat Keon?

19 MS. KEON: Yes.

20 MS. MENENDEZ-DURAN: Cristina Moreno?

21 MS. MORENO: No.

22 MS. MENENDEZ-DURAN: Javier Salman?

23 MR. SALMAN: No.

24 MS. MENENDEZ-DURAN: Tom Korge?

25 CHAIRMAN KORGE: Yes.

1 MR. RIEL: What was the vote on that?

2 CHAIRMAN KORGE: So the motion fails.

3 MS. MENENDEZ-DURAN: Four to three.

4 MR. RIEL: Four to three, it passed.

5 CHAIRMAN KORGE: Oh.

6 MR. COE: You were the deciding vote.

7 CHAIRMAN KORGE: Four to three. I missed
8 one.

9 MS. MORENO: You were the deciding vote.

10 MR. COE: You were the deciding vote.

11 CHAIRMAN KORGE: Okay, so the motion
12 passes. We need -- to continue this hearing, we
13 would need a motion. I would entertain any motion --

14 MR. COE: This is not a hearing.

15 MS. HERNANDEZ: What? Say this again?

16 CHAIRMAN KORGE: Whatever it is, we need a
17 motion to continue beyond 9:00 p.m. We're at seven
18 minutes before nine o'clock. Do I have a motion to
19 continue? And you can specify, if you want, to
20 continue a specific time period, or not, and there
21 would be no motion.

22 MS. HERNANDEZ: Before you do that, do you
23 want to know how many speakers have signed up and are
24 left to be heard? I mean, that might help you
25 decide.

1 MR. BEHAR: Can we put a time limit?

2 MS. HERNANDEZ: Yes.

3 MR. FINE: Let me say, thank you very much.

4 CHAIRMAN KORGE: You're welcome.

5 MS. MORENO: Thank you.

6 MR. COE: Nobody's paying any attention to
7 the time limit.

8 MS. MENENDEZ-DURAN: We have five speakers
9 remaining.

10 CHAIRMAN KORGE: We have five more people?

11 MR. COE: Yeah, so that's ridiculous.

12 MR. BEHAR: Then put a time limitation how
13 far we can go.

14 MR. COE: I mean, you know, the last two
15 speakers each have spoken 22 minutes. I've timed
16 them. So, I mean, I don't understand what's the
17 point of a time limit. It's never enforced.

18 CHAIRMAN KORGE: Well, it has been enforced,
19 but we've had some difficulties because of some
20 unexpected problems, and we've also had another
21 motion brought. But in any event, do I have a motion
22 to extend the time?

23 MS. KEON: I'll make a motion to extend it
24 till 9:30.

25 CHAIRMAN KORGE: Till 9:30. Is there a

1 second for that motion?

2 MR. BEHAR: I'll second the motion.

3 CHAIRMAN KORGE: Any discussion?

4 Call the roll for that, please.

5 MS. MENENDEZ-DURAN: Robert Behar?

6 MR. BEHAR: Yes.

7 MS. MENENDEZ-DURAN: Jack Coe?

8 MR. COE: No.

9 MS. MENENDEZ-DURAN: Pat Keon?

10 MS. KEON: Yes.

11 MS. MENENDEZ-DURAN: Cristina Moreno?

12 MS. MORENO: No.

13 MS. MENENDEZ-DURAN: Javier Salman?

14 MR. SALMAN: No.

15 MS. MENENDEZ-DURAN: Eibi Aizenstat?

16 MR. AIZENSTAT: Yes.

17 MS. MENENDEZ-DURAN: Tom Korge?

18 CHAIRMAN KORGE: Yes.

19 MR. RIEL: What was the vote on that?

20 CHAIRMAN KORGE: Another four-three?

21 MS. MENENDEZ-DURAN: Four-three.

22 MR. RIEL: Four-three. I just want to make
23 sure.

24 CHAIRMAN KORGE: Okay. Let's go through
25 these speakers. We have a three-minute limit.

1 Knowing that there's going to be a workshop
2 at which you can participate and give comments and
3 discuss this further with the Staff, please keep your
4 comments short, if you wish to come forward now.

5 Call them, please.

6 MS. MENENDEZ-DURAN: Elaine Codias.

7 MS. CODIAS: My name is Elaine Codias. I
8 live at 1604 Casilla Street.

9 I've been concerned with the part of the
10 Code with deals with the duplication of elevations
11 and/or architectural design, and this was Section
12 15-5 in the old Code. And I think what I have
13 tonight is a -- probably would be considered a
14 technical comment. This was -- the language of this
15 section was changed and passed as part of the
16 single-family district, and is now in Article 4, on
17 Page 4-8.

18 MS. HERNANDEZ: 4-8?

19 MS. CODIAS: This is the new text that was
20 passed by the City Commission. There's another
21 section --

22 MS. HERNANDEZ: What was the comment on the
23 section?

24 MS. CODIAS: This is -- I'm just pointing
25 out that this is the new text, and I'm just going to

1 point out another section of the Code where the same
2 paragraph has not been updated to be in agreement
3 with this.

4 MS. HERNANDEZ: Oh, okay.

5 MR. RIEL: It's Page 5-19.

6 CHAIRMAN KORGE: Page 5-19?

7 MR. RIEL: 5-19. What happened is, when the
8 single-family regs were updated, we didn't realize
9 that it's in another section of the Code, so we're
10 going to put the identical regulations on 5-19.

11 MR. COE: So you'll have parallel --

12 MR. RIEL: That's already been noted.

13 MS. CODIAS: Are you saying Page 5-19?

14 MR. RIEL: Yes, Page 5-19.

15 MS. CODIAS: Because that was -- I had not
16 seen that one.

17 MR. RIEL: It's 5-19.

18 MS. CODIAS: So, then, there's maybe a
19 third.

20 MS. HERNANDEZ: A third.

21 MR. RIEL: Probably a third or a fourth.

22 MS. CODIAS: I'm looking at Page 3-8,
23 Article 3, Development Review, Section 3-205,
24 Paragraph C.

25 MR. COE: It sounds like Staff be should

1 going through, to make sure there's not -- we've now
2 identified two. Maybe there's four or five.

3 MR. RIEL: I've already got those.

4 MR. COE: So that needs to --

5 MS. MORENO: You've got them?

6 MR. RIEL: I've got them written, yes.

7 MS. HERNANDEZ: Okay, thank you. That was a
8 good thing.

9 MS. CODIAS: You have that one, too?

10 MR. RIEL: Yes.

11 MS. CODIAS: Thank you.

12 CHAIRMAN KORGE: Thank you very much.

13 Call the next witness.

14 MS. MENENDEZ-DURAN: Phyllis Saldarriaga.

15 MRS. SALDARRIAGA: Thank you. Good evening.

16 My name is Phyllis Saldarriaga, and I'm here -- I
17 live at 2711 Segovia Street, and I'm here to
18 represent family members, including children,
19 cousins, sisters and brothers, who all own properties
20 on Segovia Street. We all own duplexes. We have six
21 of them, in total. Five of them are on the east side
22 of the street and one of them is on the west side of
23 the street.

24 We object to a reduction in height from 34
25 feet to 29 feet. We don't know why. We don't know

1 whether this has been an arbitrary decision, on whose
2 part. I have heard from Staff that the Board made
3 the decision because people came up here and spoke.
4 Well, I don't think you've asked any of the
5 taxpayers. We've owned these properties more than 20
6 years. We've been paying taxes on these properties,
7 and we expect the zoning to remain the same. Any
8 reduction in height, we feel, is a taking of that
9 property value. Thank you.

10 CHAIRMAN KORGE: Thank you.

11 MS. MENENDEZ-DURAN: Laura Russo.

12 MS. RUSSO: Good evening, Mr. Chairman,
13 Members of the Board. Laura Russo, with offices at
14 2655 LeJeune Road.

15 I'm here this evening representing Northern
16 Trust, and I'm here for you to consider their zoning
17 classification. Under the proposed Zoning Code,
18 their classification would go from CA, which is the
19 current -- excuse me -- classification, to commercial
20 limited. I understand that the intent of commercial
21 limited was to protect adjacent residential
22 buffering, single-family neighborhoods, for those of
23 you who were here, one of the issues raised during
24 the famous sleep center case.

25 The subject property is located on Biltmore

1 Way, and it is currently zoned CA, but it is a
2 high-rise site. It faces 550 Biltmore. It's
3 diagonally across from Biltmore II and immediately
4 east of Gables Plaza. And the real impact that the
5 change in designation has on the property is, the
6 bank has a drive-through window, and drive-through
7 windows -- drive-through tellers. It has one
8 drive-through teller. It's not allowed even as a
9 special use under the commercial limited.

10 So I would ask that we either look at adding
11 a drive-through teller as a conditional use, which is
12 what it always has been -- as a conditional use, so
13 they would have to go through the hearing process, or
14 to allow their property to be zoned commercial,
15 because under the circumstances, immediately north of
16 them is a church and a school. So they're not in any
17 way adjacent to a single-family neighborhood that
18 would require the buffering that was the intent of
19 commercial limited. Thank you.

20 CHAIRMAN KORGE: Thank you.

21 MS. MENENDEZ-DURAN: Gladys Diaz?

22 MS. DIAZ: Good evening. I've sat on many
23 boards, so I will be brief.

24 I'm here to -- I live at 1510 Madrid Street.
25 I'm the owner of the Coral Rock Village, and I'm also

1 an architect and urban designer. I'm here --

2 CHAIRMAN KORGE: Would you state your name
3 for the record?

4 MS. DIAZ: Gladys Margarita Diaz, I'm sorry.

5 I'm here to talk about a property, about the
6 Ponce de Leon corridor between Christie's and Bird
7 Road. It was originally, in the last draft, which I
8 read, zoned for townhouse development. It is now
9 back to duplex. That particular zone, if you take a
10 look at it --

11 MR. COE: I think it's still townhouse.

12 CHAIRMAN KORGE: It's still townhouse.

13 MS. DIAZ: It's MF1.

14 MS. HERNANDEZ: Which -- are you referring
15 to a specific page, so we can reference it?

16 MS. DIAZ: Actually, I've marked it here.

17 If you'd like to go to --

18 MR. COE: It's townhouse.

19 MS. DIAZ: The MF1 District, Page 4-9 and
20 Section 4-102. And I am going to go to the workshop,
21 and I have conducted workshops and we can do it fast,
22 by the way. We can get the comments in quickly.

23 But basically, it says here that the maximum
24 density is two units and one principal building per
25 building site, and the front setback and the side

1 setbacks for duplexes are put in.

2 In the previous draft of the document that I
3 read -- and I actually wrote to Staff; I wrote to
4 Charlie and I wrote to you, as well -- was
5 recommendations for converting this particular
6 corridor between Christie's and Bird Road into a
7 commercial district, and if not commercial,
8 commercial limited, and the reason is that there are
9 alleys abutting both of the properties on either side
10 of the street. On the north side, you have
11 commercial limited as your bracket -- it's bracketed
12 by commercial limited on the north, and commercial at
13 the intersection of Bird, okay?

14 Now, if you take a look at the axis between
15 the circle, Miracle Mile -- Miracle Mile at the
16 northern end, the circle, and then Merrick Park at
17 the southern end, you have a sort of a sequence of
18 nodes, which in an urban designer's dream is to be
19 linked with pedestrian walkable environments. If you
20 have a district that terminates, you know, just south
21 of Christie's, with commercial limited, and then
22 becomes a duplex zone and then it becomes commercial,
23 which is a lot more dense than commercial limited,
24 you're actually truncating the ability of the
25 pedestrian activity to go from the Merrick Park area

1 to the Business Improvement District. One of the
2 aims of that particular district is to increase the
3 amount of retail activity and the viability of the
4 businesses that are located there.

5 I would suggest very strongly that Staff and
6 consultants review this text and address this
7 particular issue, and I think that it would benefit
8 the City greatly if we're going to become a
9 pedestrian-oriented community, which I believe is
10 what we're trying to do, and with the townhouse
11 zoning -- which I refuse to call it townhouse. I
12 believe it should be called brownstone zoning,
13 because one can create a smaller number of structures
14 that are taller and bigger, similar to the fabric
15 that you have in the Upper East Side of New York City
16 and cities like Washington D.C., which are very green
17 and yet still dense.

18 So I would like you guys to consider this,
19 Mr. Riel, and anybody else that's working on this.

20 Do you have any comments, any questions of
21 me?

22 MS. KEON: I'd like you to give -- I'm
23 sorry, just repeat to me --

24 MS. DIAZ: I beg your pardon?

25 MS. KEON: Repeat again, how do you want to

1 see the zoning changed?

2 MS. DIAZ: I want to see the zoning changed
3 from duplex to commercial or commercial limited,
4 between the circle and Bird Road. Right now, it goes
5 from high-density commercial, commercial limited,
6 duplex, and then it goes back to high-density
7 commercial. There is a multi-family -- an SF1
8 abutting a commercial zoning at the corner of Bird,
9 and I think that doesn't make strategic sense from
10 the viewpoint of design, because it doesn't create
11 sort of a limited commercial activity which sponsors
12 the galleries and the little shops and all that other
13 stuff, which encourages pedestrian traffic, which I
14 think is what you guys want.

15 MR. RIEL: Well, I can comment that when we
16 first started this process, the intent was not to up-
17 or down-zone properties.

18 MS. DIAZ: Uh-huh.

19 MR. RIEL: Therefore, that was -- that would
20 not be considered as a part of this, as a Zoning Code
21 rewrite.

22 MS. HERNANDEZ: It would be a separate --

23 MR. RIEL: If those property owners desire
24 to come in and do a zoning change, they could do so,
25 but that would not be included as a part of this

1 rewrite process.

2 MS. DIAZ: From a design viewpoint, and if
3 what you're trying to do is to streamline the City
4 and to actually create an activity that would
5 encourage pedestrian traffic from the node of Merrick
6 Park to the node of Miracle Mile and the circle, it
7 stands to logic that you would examine and explore
8 the possibility of doing either a zoning overlay or
9 something that -- because you're creating special
10 districts throughout the entire City. So one would
11 consider -- it's not an up-zoning. It's actually
12 exactly the type of zoning that is just to the
13 north. And it's not higher density or anything like
14 that. It's simply a change of use that would
15 encourage the ability for small business owners to
16 have facilities along that axis. And there are
17 alleys abutting that particular property, so you're
18 not adversely impacting the residential, which I know
19 is going to be one of the concerns.

20 CHAIRMAN KORGE: That's right. Okay, thank
21 you very much for your comments.

22 MS. MENENDEZ-DURAN: Rebekah Paris?

23 MS. PARIS: Good evening. My name is
24 Rebekah Paris. I live at 520 Aragon Avenue. I've
25 been a resident of Coral Gables for the last 38

1 years.

2 I simply just want to say that -- or request
3 that you take the small person into consideration,
4 not small in stature, but the single-family
5 homeowners. I own a home that, when I bought the
6 house on Aragon Avenue, I bought it because of its
7 historical value and the fact that it was one of the
8 prototypes designed by the original architects for
9 the Flaglers and Mellons and so on and so forth.

10 I happen to have a building that is three
11 stories, behind me, and I've never been able to enjoy
12 my back yard, because when I'm in my back yard, the
13 people behind me are drinking on their balconies or
14 tossing things across the way over into my property.
15 There's a swimming pool, and it's very, very loud.
16 They swim at all hours of the night. There's a lot
17 of parking, undisciplined parking by guests who come
18 to visit. This is -- this is Coral Way, which is
19 right directly behind my house, Aragon Avenue.

20 In my first year that I bought the house, I
21 was constantly battling it out with Building & Zoning
22 over different things, different issues about the
23 house, that my roof wasn't clean or I needed to paint
24 it. This was when I had just bought the house, and
25 yet I turn around and I see, at the end of the block,

1 there's commercial buildings that needed tremendous
2 upgrades, that there's a lot of parking by staff or
3 doctors' offices or commercial offices, commercial
4 use offices, right on the corner of Aragon Avenue.

5 Now I have two monolithic structures on the
6 Segovia Avenue. Aragon Avenue is a very small
7 street, residential. In the residential side,
8 there's only two blocks, the 400 and 500 block, and I
9 just ask for your consideration when you're talking
10 about high-rises or homes that are oversized homes,
11 super-sized homes, that you take us into
12 consideration, that those of us who have small homes
13 want to keep our homes that way. Thank you.

14 MS. HERNANDEZ: Thank you.

15 CHAIRMAN KORGE: Thank you.

16 MS. MENENDEZ-DURAN: Steven Thompson?

17 MR. THOMPSON: Good evening. My name is
18 Steven Thompson. I'm a resident of 427 Cadima Way --
19 Cadima Avenue, and this weekend, we just found out
20 about this proposed change in this issue Friday
21 afternoon, when we were all getting together for the
22 weekend, and I guess it was published about 4:45.

23 All the meetings we've come to in the past
24 about the rezoning along LeJeune, the change from the
25 existing zoning, which is R-TH, which is basically

1 duplexes, to allowing those to go now to
2 multi-family, doubling -- more than doubling the
3 density, more than doubling the height along those
4 properties that had never been presented at any of
5 the meetings we'd ever gone to over the last couple
6 of years this has been going on. It was never
7 explained to us that that was going to happen for all
8 of our neighbors.

9 So I was asked - I got a call to come down
10 here and speak out on behalf of the neighborhood and
11 the residents between University, toward Bird, that
12 abut onto -- they're all single-family residences,
13 mostly duplexes, are only one story high, and yet
14 this change in zoning is going to allow it to go up
15 two to three stories, depending upon the design, and
16 double plus the density, with units as small as 16
17 feet wide, abutting a single-family residential on
18 the back side.

19 CHAIRMAN KORGE: Mr. Pardo -- I don't know
20 if you were here when Mr. Pardo explained that to us
21 and discussed that. But he told us essentially the
22 same thing, and I think what you need to do is, if
23 you can, attend the workshop, to flesh out your
24 concerns on that particular issue, because it's going
25 to come back here and we're going to have to discuss

1 that particular --

2 MR. THOMPSON: When's the workshop?

3 MR. COE: Ask Mr. Riel.

4 CHAIRMAN KORGE: Mr. Riel will let you know.

5 MR. RIEL: We will -- you obviously got the
6 e-mail notice from the Department. You're on our
7 e-mail list.

8 MR. THOMPSON: Right.

9 MR. RIEL: So you'll get notice of that.

10 MR. THOMPSON: Will we get notice in time
11 that we can be prepared and not get it 15 minutes
12 before a three-day weekend?

13 MR. RIEL: We'll provide notice in the next
14 day or two.

15 MR. COE: The next three-day weekend is
16 Thanksgiving.

17 MR. THOMPSON: Right. So we're going to
18 have it before then, right?

19 MR. COE: Oh, yeah.

20 MR. RIEL: It will be within 10 days. The
21 workshop will be within the next 10 days.

22 MR. THOMPSON: Okay. Thank you very much.

23 CHAIRMAN KORGE: Thank you.

24 Any more witnesses?

25 MR. RIEL: That's it.

1 CHAIRMAN KORGE: That's it?

2 MR. SALMAN: Can I make a motion? There may
3 be an issue, by one of the previous speakers, that
4 they want to add to their previous statements. Can
5 we grant them three minutes?

6 CHAIRMAN KORGE: Well --

7 MS. LONGO: Two.

8 CHAIRMAN KORGE: Come on up.

9 MR. SALMAN: Come on up.

10 CHAIRMAN KORGE: Let's be very quick.

11 MR. BEHAR: And before we do, I'd like to
12 see if Mr. Siemon has any response to any of the
13 comments brought out tonight.

14 MS. LONGO: Thank you. When I first spoke
15 this evening about my opposition of the height
16 reduction from 34 to 29, I was under the impression
17 that the only change for duplex zoning was a height
18 reduction, and this is so because about two to three
19 weeks ago, I met with Dennis Smith and two other
20 residents from Segovia Street, to discuss and talk
21 about the reasons for the reduction and to come up
22 with solutions.

23 I am shocked, in awe, confused, about the
24 townhouse zoning. The reason is because I live in
25 Segovia, I own properties in Segovia. I oppose the

1 townhouse zoning in Segovia. I think it's a large --
2 it's big mistake, and I spoke about this, I think,
3 about three months ago, when Mr. Jorge -- the
4 architect, George Hernandez, was here and talked
5 about the townhouse zoning on Segovia.

6 There is no reason -- or I don't understand
7 the reason why you would increase density in Segovia.
8 When the townhouse zoning was developed originally,
9 it was to motivate developers to lower density, to
10 give them incentives for zero setbacks, so that you
11 will lower density. I am in awe, I'm confused, and
12 I --

13 MR. COE: If you want, the Zoning --

14 MR. RIEL: I would suggest that you contact
15 Planning. We'll meet with you. There's some
16 inaccurate statements that were made this evening.
17 We will go through, in terms of the density issue and
18 other issues.

19 CHAIRMAN KORGE: Make sure he has your
20 e-mail address. He'll give you notice of the
21 workshop, and it will be discussed there.

22 MR. LONGO: I understood townhouse, when I
23 met with Dennis, and I have to say --

24 MR. COE: That will all be worked out at the
25 workshop.

1 MR. RIEL: But we'd like to meet with you
2 beforehand.

3 MR. COE: Maybe you have a misapprehension
4 of what really it all means.

5 MS. LONGO: Thank you.

6 MRS. SALDARRIAGA: Can I be put on the list
7 for the workshop?

8 MR. RIEL: Your husband is on the list.
9 Your husband's on the list.

10 MRS. SALDARRIAGA: Okay.

11 MR. BEHAR: Charlie?

12 CHAIRMAN KORGE: Charlie, do you have
13 anything to add at this time?

14 MR. SIEMON: I would just like to say that
15 some of the things that have been said tonight, I'm
16 sure, were erroneous because there was just
17 insufficient time to understand.

18 For example, there was an example given
19 about the density of the townhouses. Over a 200-foot
20 frontage, it was suggested that you could have 11
21 town homes. The Code is quite clear that you can't
22 exceed the density in the Comprehensive Plan. 200 by
23 110 feet is 22,000 feet. That's slightly more than
24 an acre -- I mean, it's more than half an acre. That
25 multiplied -- .52 multiplied times nine, which is the

1 maximum density permitted per acre, is 4.5 units.

2 You don't round up, so that's four units, just like
3 the four duplex units that are there.

4 And so I would just be very cautious that
5 everybody take a little more time and read the Code
6 carefully and not overlook some of those facts.

7 MR. COE: Well, presumably, the workshop
8 will --

9 MR. AIZENSTAT: Clarify.

10 MR. COE: -- clarify these misconceptions.

11 MR. SIEMON: But I think that, honestly, the
12 concept was to bring it here, get initial concepts,
13 have a month, have another public hearing, and
14 finalize the Code. And I think that's all I would
15 say.

16 MR. AIZENSTAT: Thank you.

17 MS. MORENO: Charlie, I have two questions.

18 On the suggestion Mr. Murai made about
19 reducing the size for the MXD district, do you have a
20 position on that, or a thought about it? We do want
21 to encourage --

22 CHAIRMAN KORGE: The minimum lot size.

23 MR. AIZENSTAT: From 20,000.

24 MR. COE: He wants -- he never gave us a
25 figure, though. I asked --

1 MR. AIZENSTAT: I heard 10,000.

2 MR. COE: I asked him 10, and he kind of
3 smiled.

4 MR. RIEL: We need to meet on that.

5 MR. COE: He didn't say yes or no. I don't
6 know --

7 MR. RIEL: We need to --

8 MR. COE: -- Maybe he wants 5,000.

9 MR. RIEL: Staff needs to look at that a
10 little bit further, but --

11 MS. MORENO: Okay.

12 MR. RIEL: -- I did meet with Mr. Murai.

13 MS. MORENO: Okay. To me, that was
14 interesting, because it is a use we want to promote.

15 MR. SIEMON: I think the answer to that is
16 that, at least historically, 20,000 square feet has
17 sort of been a threshold in your Code, historically,
18 between what is low-scale and high-scale, and I think
19 that that was why that's carried over into the mixed
20 use.

21 MS. MORENO: But not necessarily should
22 apply in this industrial area, right?

23 MR. SIEMON: That's correct, and -- but it
24 might be that the way to deal with that is to make --
25 if you have industrial that's -- to make conditional

1 some -- in the commercial district, you can have a
2 mixed use as a conditional use, not through the MXD
3 district, and that might be the best solution for
4 that smaller planned development.

5 MS. MORENO: And the other item that they
6 spoke about, the zoning for the Northern Trust site,
7 it seems to me that she's right, that it shouldn't be
8 commercial limited if it doesn't abut any
9 residential.

10 MR. SIEMON: I think that there's an issue
11 there, because you happen to have a CA that is along
12 a major road that's been historically used for
13 relatively intense commercial uses, that doesn't abut
14 single-family, it abuts a special use property, and
15 frankly, just the -- my sense is, the equation table
16 isn't working out.

17 I don't know whether it deserves to be --
18 whether making that C, all of it C, with the Comp
19 Plan designation, would yield the right result we
20 want. I've never noticed that before. In fact,
21 there is an XC district right in the middle of that
22 block. So I think that's -- it's just one of those
23 unique circumstances where you have a CA district
24 that doesn't -- is not really a low-intensity
25 district, it really probably is a C district, and

1 that's probably something we need to look in the
2 mapping protocol. There are a couple of other
3 examples of that.

4 A number of things, by the way, that were
5 raised tonight, I would just also note, are things
6 that weren't in the old Code and aren't in the new
7 Code because nobody has raised it before. There were
8 a number of new items --

9 MR. RIEL: A number of new issues have been
10 raised this evening.

11 MR. SIEMON: -- that came up for the first
12 time after two and a half years, and I think that
13 will happen a lot, but I don't want anybody to think
14 that there's -- you know, lots of stuff has fallen
15 off the -- and I just would --

16 MR. RIEL: It's not a particular concern --

17 MR. SIEMON: I'd like you all to know, I

18 mean --

19 MR. RIEL: -- because there are new issues.

20 MR. SIEMON: -- there are always -- when you
21 work in a Code like this, over and over again, you
22 become numb to seeing it. We have, in our shop, had
23 every professional that works for us, was forced to
24 read this Code from cover to cover, over the last
25 month, in trying to get this straight, and we've made

1 a serious effort to corroborate. We had stacks and
2 stacks of comments, went page by page, and set the
3 Code. There's still a few mistakes. There always
4 will be.

5 CHAIRMAN KORGE: We're virtually at the
6 end. I see that we have a few deferred items that we
7 need to vote on, and that will be -- that will occur,
8 I guess, at the last meeting, when we vote all of
9 this.

10 MR. RIEL: That's our hope, yes.

11 CHAIRMAN KORGE: And the workshop, I would
12 anticipate, will bring out all of the last comments
13 and then we're going to work off of that to the
14 conclusion at the next meeting, after that.

15 MR. RIEL: Just so everybody understands,
16 the workshop will be a kind of a discovery workshop,
17 an opportunity to ask Staff questions and for us to
18 provide, you know --

19 MS. HERNANDEZ: Explanations.

20 MR. RIEL: -- in terms of what the intent is
21 of it. It is not to solicit comments. I mean, it's
22 to give us comments, but, you know, we're not going
23 to make decisions. It will be more of an exchange of
24 information. So I want people to understand that --

25 CHAIRMAN KORGE: Well, I understand.

1 MR. RIEL: -- because that's all it can be.

2 CHAIRMAN KORGE: I understand. If you see
3 problems, you know, that --

4 MR. RIEL: Absolutely. Absolutely.

5 CHAIRMAN KORGE: You'll fix those.

6 MR. RIEL: Absolutely.

7 CHAIRMAN KORGE: And, you know, all the
8 policy decisions we've made, we're not here to
9 rework. There's still a big issue with the
10 townhouse -- that you need to get everybody
11 comfortable with --

12 MR. RIEL: Yes.

13 CHAIRMAN KORGE: -- one way or the other.

14 And I think those were the main issues. Is there
15 anything else that we want to focus on -- them to
16 focus on at the workshop?

17 MR. COE: I think we should adjourn.

18 MS. KEON: Could I ask one --

19 MR. COE: I think Staff knows what to put
20 into a workshop, and I don't think this Board should
21 presume how Staff is going to conduct its workshop.
22 I'm sure Staff and the City Attorney will put on a
23 fine workshop and --

24 MS. HERNANDEZ: Resolve as many issues as
25 we can.

1 MR. COE: -- resolve questions that the
2 citizens have, and I think we'd just leave it at
3 that.

4 MR. BEHAR: Mr. Chairman, I just want to
5 make one quick comment. On the issue of the height
6 for the town homes and single-family, my only concern
7 is that I don't want to see where the houses start
8 lowering the pitch of the roof because you're not,
9 you know --

10 CHAIRMAN KORGE: Right.

11 MR. BEHAR: -- exceeding the height. I
12 personally think that a higher pitch is going to be
13 more attractive, aesthetically. That's my only
14 concern. So take a look at that to make sure that it
15 would not affect that. Also, you start getting three
16 in twelve pitches, which is not what we want to see.

17 CHAIRMAN KORGE: Okay. Anything else?

18 MS. KEON: I understood one question that
19 the gentleman asked about the property that was
20 abutting the waterway, and I'm sure their concern is
21 that area along the highway, where University Inn
22 was. It's the provision -- that 25 or 35-foot
23 setback from the waterway. Does that apply to that,
24 also?

25 MR. COE: No.

1 MR. SIEMON: That's a provision that's not
2 in the existing Code, and that's the first time I've
3 heard that.

4 MR. RIEL: Right, that's a new issue.

5 MR. COE: What he's suggesting is, we add
6 that into the Code, because it was not there, and
7 this was the grand opportunity to put that in there.

8 MS. HERNANDEZ: And this is -- and at the
9 workshop, we will ask people, "Tell us where it is in
10 the old Code that you feel is missing from the new,"
11 because we're not going to guess for them, you know.

12 MS. KEON: No, but I mean, that
13 particular -- that particular parcel, you've been
14 made aware of that parcel and that because of its
15 zoning, where primarily the zoning has been -- is
16 residential along the waterway -- that happens to be
17 one parcel that isn't residential, whatever -- so
18 it's -- you know, and I think that, you know, they
19 would like to --

20 MR. SIEMON: We made a note of that --

21 MS. KEON: So you're doing that.

22 MR. SIEMON: -- Eric and I. I don't know
23 that those two parcels or three parcels that are
24 there, well enough to make a judgment, but we will
25 look at that.

1 MR. RIEL: We need to look at it.

2 CHAIRMAN KORGE: What's your question, very
3 quickly, please?

4 MS. CHAUDHRY-FRYER: Very quickly, as one of
5 the eight people --

6 CHAIRMAN KORGE: He's going to shoot me
7 after this meeting.

8 MS. CHAUDHRY-FRYER: As one of the eight
9 people, Mr. Coe, who's attended every single meeting,
10 if I'm not able to make it to the workshop, you said
11 put everything in writing, send it to Staff, send it
12 to you. How do we get it to you, via Staff?

13 CHAIRMAN KORGE: Yes.

14 MR. COE: Oh, yes.

15 MS. CHAUDHRY-FRYER: Do we just send it, and
16 they'll get it to you?

17 MR. COE: Staff distributes it. We each
18 get our little package, and we spend our evening
19 hours reading everything everybody sends.

20 MS. CHAUDHRY-FRYER: Thank you.

21 MR. COE: You'd better believe that,
22 absolutely.

23 MR. SALMAN: I have one issue, very brief.
24 5-69, J, top of the page, where it says Monier --

25 MS. HERNANDEZ: Right.

1 MR. SALMAN: -- roof tiles, I don't think
2 we're in the business of recommending any kind of
3 manufacturer.

4 MS. HERNANDEZ: Right.

5 MR. SALMAN: I think we should just say
6 "roof tiles with surface-applied glaze," not even the
7 word "cement."

8 MR. COE: Good point. Good point.

9 MR. SALMAN: And I have not, for the record,
10 read this, but I will read it, with great detail, and
11 have all my comments annotated for you.

12 CHAIRMAN KORGE: And we have a motion to
13 adjourn.

14 MR. AIZENSTAT: I'll second it.

15 CHAIRMAN KORGE: That's done.

16 (Thereupon, the meeting was adjourned at
17 9:23 p.m.)

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CERTIFICATE

STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

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

DATED this 13th day of September, 2006.

JOAN L. BAILEY,
REGISTERED DIPLOMATE REPORTER

Notary Commission Number DD 190412.
My current notary commission expires 6/14/07.

