

1 CITY OF CORAL GABLES
 2 CITY COMMISSION MEETING
 3 VERBATIM TRANSCRIPT
 4 CORAL GABLES CITY COMMISSION CHAMBERS
 5 405 BILTMORE WAY, CORAL GABLES
 6 TUESDAY, OCTOBER 17, 2006, 9:07 A.M.

7 City Commissioners Attending:

8 Donald D. Slesnick, Mayor
 9 Maria Anderson, Vice-Mayor
 10 Rafael "Ralph" Cabrera, Jr.
 11 William H. Kerdyk, Jr.
 12 Wayne E. "Chip" Withers, Jr.,

13 City Staff Participating:

14 David L. Brown, City Manager
 15 Elizabeth M. Hernandez, City Attorney
 16 Walter J. Foeman, City Clerk
 17 Eric Riel, Jr., Planning Director
 18 Walter Carlson, Assistant Planning Director
 19 Dona Lubin, Assistant City Manager
 20 Walter Carlson, Assistant Planning Director
 21 Dennis Smith, Assistant Building & Zoning Director
 22 Scot Bolyard, Planner

23 Also Participating:

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24 Charles Siemon, Consultant	
25 Eibi Aizenstat	63
26 Tucker Gibbs, Esq.	65
27 Richard Namon	69
28 Zeke Guilford, Esq.	70
29 Santiago D. Echemendia, Esq.	83
30 Jaime Saldarriaga	93
31 Andres Murai	97
32 Mario J. Garcia-Serra, Esq.	100
33 Robert S. Fine, Esq.	102
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37 Mamta Chaudhry-Fryer	144
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1 THEREUPON:

2 The following proceedings were had:

3 MAYOR SLESNICK: Good morning, everybody,
4 and welcome to your City Commission meeting of
5 Tuesday, October 17th, 2006. This is a special
6 meeting, called to consider on first reading the
7 proposed rewrite of our Zoning Code, and that is our
8 one item of business for today.

9 We will begin with the Pledge of Allegiance,
10 and I've asked the Vice-Mayor to lead us. If you'll
11 please stand.

12 VICE-MAYOR ANDERSON: Please follow along
13 with me on the Pledge of Allegiance.

14 (Pledge of Allegiance)

15 MAYOR SLESNICK: I would ask if we could
16 have a moment of silence in thinking about our men
17 and women serving overseas, protecting our democracy.

18 (Moment of silence)

19 MAYOR SLESNICK: Thank you.

20 As I said, today we're here to consider on
21 first reading the proposed rewrite of the Zoning Code
22 which has been recommended to us by our Planning &
23 Zoning Board. We will have a presentation, we'll
24 have a reading. We'll have a presentation by our
25 Planning Department. We have representatives of the

1 Planning & Zoning Board here.

2 We will then take public comment. We have
3 speaker cards that are being circulated. If you wish
4 to speak, please, if you would, fill out one. It
5 helps us facilitate this. We have a time requirement
6 of three minutes per speaker. If I see by the number
7 of cards that we have so many speakers that we can
8 handle, then we'll maybe extend that by a couple
9 minutes, but I'd ask you all to cooperate.

10 This is -- and I believe Eric will tell us
11 the official number, but this is, I believe,
12 something like the 36th hearing of the Zoning Code.
13 So we appreciate everyone's input. As I look around
14 the room, I see a lot of people who I know who have
15 been to other hearings and have inputted before, and
16 I hope that you have found the City willing to listen
17 and to heed your words.

18 David?

19 MR. BROWN: Yes, Mr. Mayor.

20 This is an ordinance on first reading. A
21 ordinance repealing the Zoning Code of the City of
22 Coral Gables, Florida, as amended, and all other City
23 Code provisions and ordinances inconsistent with the
24 provisions of this ordinance, and adopting a new
25 Zoning Code to be known as the Zoning Code of the

1 City of Coral Gables, Florida, which pertains to the
2 general provisions of the Zoning Code; the
3 establishment of the decision-making and
4 administrative powers and duties of the City
5 Commission, Planning & Zoning Board, Board of
6 Architects, Board of Adjustment, Historic
7 Preservation Board, Code Enforcement Board, Ticket
8 Hearing Officers, Enforcement Officers, Development
9 Review Committee and Planning and Zoning
10 Administrators; the establishment of development
11 review procedures, including notice and hearing
12 requirements related to building site approvals,
13 conditional uses, planned area developments,
14 moratoriums, variances, subdivisions, transfer of
15 development rights, historic preservation and
16 procedures, abandonment and vacations, concurrency
17 review, Zoning Code amendments, zoning map and land
18 use plan amendments, developments of regional impact,
19 the protection of landowners' rights, vested rights
20 determinations, Unity of Title and Declaration of
21 Restrictive Covenants, development agreements and
22 appeals procedures; the establishment of zoning
23 districts applicable to all land within the corporate
24 limits of the City, including residential, overlay
25 and special purpose, and non-residential districts,

1 and providing authorized and prohibited uses within
2 each zoning district; the establishment of
3 development standards, including those related to
4 design, landscaping, lighting, parking and loading,
5 construction, platting, roofs, sanitation systems,
6 screening, signs, and walls and fences, which are
7 applicable to uses permitted within the various
8 zoning districts and all other development activities
9 such as accessory uses, automobile service stations,
10 awnings and canopies, clearing, filling and
11 excavation activities, cottages, docks and other
12 watercraft moorings, group homes, assisted living and
13 child care facilities, heliports, helistops,
14 telecommunication concerning nonconforming uses (sic)
15 -- facilities, underground utilities and temporary
16 uses; the establishment of regulations concerning
17 nonconforming uses, structures, signs and lawfully
18 existing uses; the establishment of provisions
19 governing of the administration, the interpretation
20 and the enforcement of the new Zoning Code;
21 providing for definitions applicable to the Zoning
22 Code; providing appendices in support of the Zoning
23 Code, including site-specific zoning regulations, a
24 foundation map, and campus perimeter map; providing
25 for the severability of the provisions hereof;

1 providing for the proper notice of proposed enactment
2 and to provide penalties for the violation of the
3 Zoning Code; and providing for a repealer provision,
4 a savings clause, and providing for an effective
5 date.

6 MAYOR SLESNICK: Thank you, David.

7 I'd accept a motion.

8 VICE-MAYOR ANDERSON: I move that.

9 COMMISSIONER KERDYK: I'll second it.

10 MAYOR SLESNICK: It's been moved by Ms.
11 Anderson, seconded by Mr. Kerdyk. We are now going
12 to go to a presentation.

13 Let me say, before we start that, without
14 objection from the Commission, I'd like to ask the
15 Clerk to make, as an official part of the record, all
16 of the proceedings before the Planning & Zoning
17 Board, all of the input that we have received on our
18 web site, official input or input received by the
19 Planning & Zoning from citizens -- in other words,
20 the entire Planning & Zoning file should be made part
21 of this record for future reference and for use in
22 any legal proceedings.

23 Is there any objection?

24 COMMISSIONER CABRERA: How about
25 communications received by the City Commission?

1 MAYOR SLESNICK: Well, I think that we're
2 going to have to offer those as we --

3 COMMISSIONER CABRERA: Yeah, I'd like to go
4 ahead and do that.

5 MAYOR SLESNICK: Right now? Fine.

6 COMMISSIONER CABRERA: Or just --

7 MAYOR SLESNICK: Okay, because I know I have
8 some of them, too.

9 COMMISSIONER CABRERA: You have some, we all
10 have some. I'm going to read some here.

11 MAYOR SLESNICK: Okay.

12 COMMISSIONER CABRERA: Yeah.

13 MAYOR SLESNICK: Well, before it's all over,
14 we'll do that.

15 COMMISSIONER CABRERA: Yeah.

16 MAYOR SLESNICK: Any time you're ready.

17 What Mr. Cabrera was saying is that we have
18 gotten -- we just don't know which of us have
19 received them --

20 COMMISSIONER CABRERA: Right.

21 MAYOR SLESNICK: -- or have come through, so
22 we have other correspondence which we'll offer into
23 the record.

24 Okay. Mr. Riel?

25 MR. BROWN: Mr. Riel.

1 MR. RIEL: Good morning.

2 First off, let me just say that we do have
3 copies of the Code over here on the table, all the
4 mapping, and there's an addendum sheet that I'm going
5 to go through as a part of my presentation today.

6 Mr. Mayor, as you outlined previously, the
7 Planning & Zoning Board has had about 35 public
8 meetings to date. They've included workshops and
9 public hearings. In addition, there's been
10 approximately 10 other Board meetings, the Parking
11 Advisory Board, Landscape Advisory Board, Economic
12 Development, Historic Preservation, and other
13 committees that have also had a lot of input into
14 this Code.

15 As you know, we've had everything on our web
16 page. We've gotten a significant amount of comments.
17 We do have over there, as well, all the comments we
18 received. To date, we've received 200 plus comments,
19 written comments. And as you indicated, on September
20 27th, the Planning & Zoning Board did recommend
21 approval of the Code by a six-to-zero vote, and just
22 for clarification purposes, there's three ordinances
23 on your agenda today and there's a resolution.

24 The first ordinance is basically the
25 adoption of the book, the Zoning Code. Second is the

1 adoption of the inconsistencies between existing
2 zoning map and -- or the inconsistencies between the
3 zoning and land use.

4 MAYOR SLESNICK: Is this stuff to be passed
5 out, or is that reference?

6 MR. RIEL: It's the same stuff that you have
7 in your --

8 MAYOR SLESNICK: No, I meant, people are
9 taking it. If that's references, you'd better --

10 MR. RIEL: We've got copies.

11 MAYOR SLESNICK: Okay. I just wanted to
12 make sure before we -- you pointed and said we --

13 MR. RIEL: Yeah, no, the stuff in the back
14 row is the minutes and stuff like that.

15 MAYOR SLESNICK: Okay. Very good.

16 MR. RIEL: The second ordinance is the
17 change in zoning for those properties that are
18 inconsistent with land use, and those, for the most
19 part, are 18 public properties and one private
20 property that was a scrivener's error.

21 The third ordinance is the adoption of the
22 new zoning map, which is that large map I have next
23 to the screen there, which we also have small copies,
24 as well.

25 And then the fourth is a resolution, is when

1 the Commission decides to have a second reading, if
2 it's prior to 5:00 p.m., we need to adopt a
3 resolution, so whatever date you determine that we
4 want to do second reading, we need to adopt that
5 resolution. That can either be today or at a future
6 City Commission meeting.

7 With that, what I'd like to do is, I just
8 want to give you a summary of each of the articles,
9 and then go through the addendum sheets, which is
10 this document that has blue and yellow on it.

11 Scot, if you could --

12 We also have it on the screen, as well.

13 COMMISSIONER CABRERA: Why don't you refer
14 us to it in the -- in which binder? This refers to
15 the loose binders?

16 MR. RIEL: It would be in the Zoning Code
17 binder. It's the first page.

18 As I noted, the Board, on the 27th of
19 September, recommended approval. The Commission
20 thereafter asked the Staff to do a workshop. We
21 completed that on October 5th. We had approximately
22 10 or 15 people. We got some additional input.

23 Those minutes, as well as the 27th minutes,
24 are in your packet. The public comments we received
25 probably in the last year are in your packet. We

1 don't have the entire document there, because it ends
2 up being about 300 pages, but we have those exhibits
3 in your document; we have all the mapping; we have
4 the changes and inconsistent zoning. All that
5 information is within your packet.

6 Let me refer to this addendum.

7 Scot, if you'd go to the next one.

8 Since the Commission instructed us to try to
9 work with folks as much as possible, I can tell you,
10 up until we got this packet out last week, we were
11 meeting with individuals. A lot of good comments.

12 Everything you see on this four-page
13 document that is noted in white was considered by the
14 Planning & Zoning Board. There are some items in
15 yellow which the Board specifically made
16 recommendations, and I'm going to go through those.
17 Items in blue are changes that were noted to us,
18 either through reviewing the Code in the last couple
19 of weeks, that the City Attorney and City
20 Administration has determined to be major, a major
21 change. When I say major change, it could be minor
22 in form, but perhaps it was maybe one or two pages.
23 For the most part, it's provisions that are in the
24 existing Code, and then when we recodified it, we had
25 missed those.

1 So what we're going to do is go back to the
2 Planning Board on November 8th, get the Board to look
3 at those items, only those items in blue, pass it on
4 first reading at the Commission, at the November
5 meeting, and then when the Zoning Code comes back,
6 this entire document, with the blue items, they will
7 all be included on second reading. So we just want
8 to make sure that the Planning & Zoning Board has the
9 opportunity to look at everything.

10 COMMISSIONER WITHERS: Eric, can you confirm
11 that second reading date? Because 1/9 is a -- did
12 you say --

13 MR. BROWN: 11/9, because 1/8 is a Monday.

14 MR. RIEL: I think it's January 8th.

15 MR. BROWN: Is that a Monday?

16 MAYOR SLESNICK: It should be 1/9.

17 MR. RIEL: Did I have a wrong date?

18 MR. BROWN: Yeah. 1/9.

19 COMMISSIONER WITHERS: 1/9 is a Tuesday.

20 MR. RIEL: Okay. It's 1/9, then.

21 I was probably looking at 2006.

22 COMMISSIONER WITHERS: Yeah, I think you
23 were.

24 COMMISSIONER KERDYK: Yeah, that's probably
25 what that is.

1 MR. RIEL: Just in the start, before I go
2 through the addendum, let me tell you what provisions
3 are not included in this rewrite. The townhouse
4 provisions in the duplex zoning district are not
5 included. The Commission instructed Staff to defer
6 that item for further study at a future date. Those
7 have been removed from these regulations. Metal
8 roofs, that is currently under review by the Planning
9 & Zoning Board. Those provisions are not in this
10 Code, as well. Generator regulations is, I
11 understand, coming to the Commission at the next
12 meeting or the meeting thereafter. Therefore, those
13 regulations are not in here, as well. And also, as a
14 part of the North Ponce study, there was a lot of
15 recommendations regarding TDRs. Those have not been
16 included. Those will be included at which time the
17 North Ponce study is done.

18 So, with that, let me go ahead and go
19 through, basically, a summary of each article and
20 just -- I'm going to summarize the changes.

21 Article 1, General Provisions. For the most
22 part, these provisions remain the same. We did
23 update the purpose and intent, to capture more of the
24 history of the City. You'll see wording in there
25 regarding George Merrick's vision, the layout of the

1 City and other things.

2 Transitional uses -- this section, there
3 really wasn't a transitional section in the current
4 Code. Given the fact we're adopting a new Code, this
5 is an entirely new section, with three pages of how
6 we handle things in transition, previously approved
7 uses, conditional uses, et cetera. There's also a
8 new time limitation on provisions of development
9 projects that is not in the current Code. That kind
10 of, in summary, is Article 1. There were no changes
11 by the Board on the 27th meeting.

12 Article 2 is Decision Making and
13 Administrative Bodies. This is all the powers of all
14 the City Boards. It includes all the City positions
15 that are responsible or secretaries to the Boards.
16 Previously, this information was in the Code, but it
17 was spread out throughout the entire Code. It was
18 very difficult to see what the powers and duties
19 were. Now it's all in one article.

20 Article 3, Development Review. Again, this
21 article was rewritten. A lot of the powers and
22 duties of the Boards and their responsibilities in
23 terms of review was spread out throughout the Code.
24 We clarified conditional uses. We updated the
25 planned area development regulations. There were no

1 changes to the variance provisions. Recently, there
2 were changes to the platting standards. Those were
3 included in the Code, and also, we've transferred the
4 platting standards from the City Code into the Zoning
5 Code. We did update the Historic Preservation
6 Ordinance a little bit. No changes in concurrency
7 review. And we did update the development agreement
8 provisions based upon recent ordinance changes.

9 Within this section, there is one -- one
10 major change that will go back to the Planning Board,
11 and this was basically an omission in the Code. When
12 we transferred the University of Miami regulations
13 out of the planned area development, we took the
14 planned area development review procedures with it,
15 and it was an oversight on our part. So we're
16 basically putting in those review procedures back,
17 back in the PAD provisions.

18 Let me go ahead and move on to Article 4.
19 Article 4 is the Zoning Districts. Obviously, this
20 is the one that generated the most discussion. We
21 went through the Code and made changes in terms of
22 the number of uses. Right now, presently, there's
23 approximately 330 uses in the Code. We've
24 categorized those down into 60. We've made changes
25 in the commercial limited district by providing

1 nighttime provisions, more performance standards,
2 more restrictions for commercial properties that are
3 adjacent to residential properties. I would probably
4 say that's the foremost reason why this Code was
5 rewritten, and I would say that was where the most
6 changes were written into.

7 We also reduced the number of uses that are
8 permitted within the commercial limited district, and
9 the commercial limited district is that area
10 basically on Southwest 8th Street, and from Ponce
11 Circle Park down to Bird Road. It's a very limited
12 commercial depth, usually a hundred foot in depth,
13 and it abuts, most often, single-family
14 residential.

15 As I indicated, townhouses were removed from
16 the duplex regulations, but one item that did include
17 a lot of discussion was, as a part of the review of
18 the single-family regulations, it was recommended
19 that the duplex height be reduced from its current 34
20 feet down to 29 feet. The Planning & Zoning Board
21 did discuss that at length on the 27th meeting. I
22 would probably say it was the item that had the most
23 discussion, and the Board recommended that it go to
24 29 feet, be consistent with the single-family 29
25 feet.

1 VICE-MAYOR ANDERSON: Eric, is that going to
2 be considered right now?

3 MR. RIEL: Yes. That is in this current
4 document, that language is considered.

5 Then the other changes within Article 4 --
6 we basically transferred the University of Miami
7 UMCAD provisions that are in the current Code into
8 this Code. They're in verbatim form from what is in
9 the existing Code, into the new Code. That was
10 considered by the Planning & Zoning Board, actually,
11 last week and it was recommended to be included.

12 S uses, there were certain uses that were
13 omitted in the Code during the transfer. We have
14 cleaned that -- cleaned that up, as well. That will
15 go back to the Planning & Zoning Board for their
16 consideration on November 8th.

17 The other change is regarding medical
18 clinics and overnight accommodations. As a part of
19 the review process, public hearing process, in the
20 last two months, it was brought to the attention of
21 Staff that there's certain commercial limited areas
22 that are not adjacent to single-family. So what we
23 did is, we included thresholds in the CL district for
24 those properties that are not adjacent to
25 single-family. They're typically adjacent to another

1 commercial property or another use. So we put
2 thresholds in there to allow, basically, over a
3 certain threshold it's got to go through a
4 conditional use review, and under a certain threshold
5 it's a permitted use. And that was brought out,
6 probably in the last two meetings, by a number of
7 individuals. So those changes have been made, and
8 they're actually on Page -- although it's indicated
9 incorrectly on this addendum, they're on Page 4-50
10 and 4-51.

11 Then, the other change is in the industrial
12 district. By moving a lot of the provisions around,
13 we went back and checked the industrial district, to
14 ensure it had all the standards, because the way the
15 Code was written, at this point, the existing Code,
16 it referenced, like, the commercial and industrial
17 district had these standards that applied. So, if
18 you didn't know they were in this section, you would
19 go to the industrial and then you would have to go to
20 the section.

21 What we did is, we took out that stuff and
22 basically put it in each section. So, if you want to
23 know what all the regulations are for industrial or
24 commercial, you go to that, that section, and
25 hopefully that will be more user-friendly.

1 Article 5, Development Standards. This
2 lists all the development standards for the City,
3 which includes landscaping, design review standards,
4 parking, signs, telecommunications, Mediterranean
5 Ordinance provisions. Presently, the design review
6 standards are spread out throughout the Code. We put
7 them all in one chapter. The Mediterranean bonus
8 provisions did not change. The parking requirements
9 did change. They became more restrictive. The
10 Planning & Zoning Board did review that at a minimum
11 of three public hearings. It did have a lot of
12 discussion. Signs were updated from a legal
13 standpoint. Telecommunications, an entirely new
14 section, based upon recent changes in State laws.

15 And then, as I -- the Landscape Code did go
16 to the Landscape Advisory Board, and the Planning &
17 Zoning Board did discuss it on two occasions, as
18 well. And this is the section that, when metal roofs
19 is adopted, it will go into, and as I indicated,
20 those provisions are not included.

21 Article 6 is Nonconformities. This article,
22 specifically Section 2, had a lot of discussion, in
23 terms of nonconformities, how to deal with
24 reconstruction of properties after a storm event, a
25 lot of discussion on that. Also, when do properties

1 need to comply with the provisions of the Code? We
2 went from a very restrictive within 24 months of
3 adoption of the Code, properties that are commercial
4 adjacent to residential have to comply, but
5 basically, what we did is, we put some language in
6 there that allows the discretion of the City, to try
7 to put in regulations that are -- landscaping and
8 provisions that allow, you know, for dumpsters that
9 are adjacent to residential properties, for more
10 landscaping and for nighttime uses. Again,
11 protection of the residential properties.

12 Article 7, Violations, Enforcement and
13 Penalties. For the most part, no changes, just some
14 further strengthening from a legal standpoint.

15 And Article 8 -- currently, in the Code, we
16 probably have about 80 or 100 definitions. What we
17 did is, we went through the Code, we looked at each,
18 obviously, verbiage in the Code, and we defined each
19 definition based upon the discussion that occurred at
20 that time. So Article 8 was provided to the Board
21 throughout the discussion, and they adopted it in the
22 end. It includes all the definitions that -- you
23 know, that reference the Code.

24 And then the appendices. Site-specific
25 regulations didn't change, exactly what's in the

1 Code. We did include annexed areas, as well.

2 If I were to -- basically, that concludes my
3 presentation, but I just kind of, in ending, want to
4 say that if I were to summarize this year-and-a-half
5 process, the 35 to 45 meetings we've had, I would
6 probably summarize the Code in saying that there's
7 eight or nine things we accomplished throughout this
8 process. I think we organized the Code in a manner
9 that's more user-friendly. If you want to know the
10 landscaping provisions, you'll go to that section and
11 you'll be able to find all the provisions that deal
12 with that.

13 The second thing, single-family homes, we
14 had extensive public input on that, and this
15 Commission passed those regulations in August and
16 they are now in effect, as of October 1.

17 Architectural regulations, we strengthened
18 the regulations from that standpoint. Right now, the
19 City Architect has the ability to review smaller
20 items, and that will not necessitate that they go to
21 the Board of Architects. That should help in
22 speeding up the process and also assist the Board of
23 Architects in spending more time on the larger
24 projects.

25 Transitional zoning. As I indicated, more

1 performance standards for commercial properties
2 adjacent to residential. Nighttime provisions are
3 included in there. There's -- doors can't be open,
4 additional landscaping, no sanitation pickup, no
5 entry; those are some of the provisions that are on
6 commercial properties adjacent to single-family.

7 We updated the Code from a legal
8 standpoint. The team that went through it, which
9 included the Planning Department, Building & Zoning,
10 the City Attorney, the City Manager's office,
11 Historic Preservation, Economic Development, Public
12 Service; every department had a hand in this Code. I
13 think we updated the Code drastically in terms of
14 transitional, we updated the definitions, and then
15 lastly, the inconsistencies on the zoning map.

16 That's a 15-minute summary of to-date. With
17 that, I'd be happy to answer questions, or however
18 you would like to proceed forward, Mr. Mayor.

19 MAYOR SLESNICK: We'll go to questions,
20 first from the Commission, or comments, if they have
21 them at this time.

22 VICE-MAYOR ANDERSON: Do we want hear from
23 the public? Whatever --

24 MAYOR SLESNICK: There may be --

25 VICE MAYOR ANDERSON: -- you all decide is

1 fine.

2 MAYOR SLESNICK: -- probably, questions
3 here.

4 COMMISSIONER KERDYK: Well, you know, I
5 have --

6 MAYOR SLESNICK: Go ahead.

7 COMMISSIONER KERDYK: -- several questions.
8 I don't know, would you rather do the questions now,
9 or would you wait until the --

10 MAYOR SLESNICK: Let's do some now and we'll
11 do some later.

12 COMMISSIONER KERDYK: All right.
13 Commissioner Cabrera, do you have anything?

14 COMMISSIONER CABRERA: Well, no, I was going
15 to allow the public to speak, and the questions I
16 have relate back to many of the comments we've all
17 received thus far from the members of the community,
18 so -- but I -- whatever is your pleasure.

19 COMMISSIONER KERDYK: How about you?

20 COMMISSIONER WITHERS: I don't know. I just
21 want to understand the process after this. It would
22 be, anything that we discuss, we would send back to
23 the Planning & Zoning Board for further
24 clarification? Is that --

25 MR. RIEL: If you ask for any additional

1 items, yes, and then the items that are noted in blue
2 on this addendum.

3 COMMISSIONER WITHERS: Right, I understand
4 that.

5 MR. RIEL: Yes, and we're going to do that
6 on November 8th.

7 COMMISSIONER WITHERS: But we would still
8 approve the section now?

9 MR. RIEL: Yes, with the blue not being
10 included.

11 COMMISSIONER WITHERS: And then, if there's
12 substantive changes, do we have to have a third
13 reading on that?

14 MS. HERNANDEZ: Yes. If there are
15 substantive changes, there will be a third reading.

16 COMMISSIONER WITHERS: But it's going to go
17 ahead and -- your recommendation is to pass them now,
18 let them be discussed, and then resubmit them as a
19 first reading and then a second reading --

20 MR. RIEL: Both first readings come together
21 at second reading.

22 COMMISSIONER WITHERS: Okay.

23 It doesn't matter, Ralph. I have -- I
24 only -- I have three or four issues, but --

25 COMMISSIONER CABRERA: Well, my only

1 housekeeping question is -- and I probably wasn't
2 paying attention when you were talking about second
3 reading and you were discussing Monday and/or
4 Tuesday. So am I to understand the second reading
5 would take place on January the 9th?

6 MR. BROWN: Yes, that is -- that's the
7 present schedule, right now.

8 COMMISSIONER CABRERA: Okay.

9 MR. BROWN: Now, the resolution said the
10 28th, but that was the last update of a second
11 reading here, so it's now January 9th, and the
12 resolution, if we wanted to do that at 9:00, would
13 need a resolution from you, approving it at 9:00.

14 COMMISSIONER CABRERA: Okay. Let me -- and
15 Mayor Slesnick made a good point. He said at our
16 regular Commission meeting. So, in essence, will
17 this be a meeting much like today's, or will it also
18 include our regular agenda?

19 MR. BROWN: Right now, it's scheduled to
20 include the regular agenda, but if it doesn't, we'll
21 have to make changes and put this as a separate item,
22 a separate agenda.

23 COMMISSIONER CABRERA: Okay, here's the
24 problem that I foresee. If we go ahead with any
25 approvals today and we then still find that we have

1 to do some retooling of the document, I believe that,
2 at second reading, making it just simply part of the
3 agenda does a disservice to the process, and I would
4 prefer that it be the same sort of process that we've
5 adopted today, where we have people here who will
6 have many comments and have vested interests, to
7 return for a special meeting on this matter.

8 You know, this is just too big of a project
9 for me -- some of us, sometimes -- and I -- you know,
10 I'm just making an assumption here, so no one get
11 excited about it, but some of us see our first
12 readings as sort of a dress rehearsal, or also, we
13 see them as an opportunity to provide feedback,
14 understanding that Staff and the constituents and
15 those that are interested will come back with
16 additional comments at second reading. So I just
17 don't want this process to somehow be hurt.

18 MR. BROWN: It is -- it's very simple,
19 Commissioner. If the Commission wishes that to be
20 separate, we'll just hold the first meeting in
21 January as a Zoning Code meeting, and we'll hold the
22 business of the day to the second meeting in January.

23 COMMISSIONER CABRERA: And again, I don't
24 want people --

25 MR. BROWN: It's very easily achieved.

1 COMMISSIONER CABRERA: I don't want my
2 colleagues to think that I would ever consider them
3 not to pay attention to it on first reading, or vice
4 versa. I just -- you know, this is just too
5 important of an issue.

6 VICE MAYOR ANDERSON: I agree. I think
7 that's fine. I prefer it to be kind of a solid --
8 stand on its own. I have no problem with that.

9 MR. BROWN: There's been no advertisement.
10 That's a very easy change to make and can --

11 COMMISSIONER CABRERA: We've got so much
12 time.

13 MR. BROWN: Yeah, exactly.

14 COMMISSIONER KERDYK: Mayor, I have a few
15 questions that, if you don't mind, I'll go ahead and
16 go and start it off, and then maybe I'll defer some
17 questions until after we hear from the public itself.

18 All right, as I was going through this,
19 Eric, when I was glancing through from building site
20 determination -- starting with building site
21 determination, let's talk about that, on 2-11 in the
22 Code, and under building site determination, under
23 the -- under Planning Department, is the Planning
24 Department making the decision on building site
25 determination, or is the Building Department?

1 And the reason I reference that, if you look
2 at -- if you look under Planning Department, it says
3 building site determination is one of the points that
4 they're responsible for. Then, if you flip to 3-10,
5 you'll see, at that point, the Building & Zoning
6 Department being the one that's responsible for
7 determining building site determination letters and
8 such. How is that being done?

9 MR. RIEL: The building site determination
10 that the Planning Department is responsible for is
11 the conditional use, which comes to the Planning &
12 Zoning Board and the City Commission, so --

13 COMMISSIONER KERDYK: So your --

14 MR. RIEL: It's basically the lot split
15 ordinance.

16 COMMISSIONER KERDYK: All right. That's why
17 I was asking. So, on the lot split ordinance, tell
18 me how the procedure is now, and how it's differing,
19 if it's differing any, but just --

20 MR. RIEL: It is identical as it is
21 presently. They'll make a determination, and if it's
22 considered a building site, they'll issue a letter,
23 indicating it's a building site. If the lot needs to
24 be split, they come and see the Planning Department
25 and go through the process. That process has not

1 changed at all.

2 COMMISSIONER KERDYK: So that stays exactly
3 the same?

4 COMMISSIONER CABRERA: Mr. Riel --

5 COMMISSIONER KERDYK: So that stays exactly
6 the same?

7 MR. RIEL: (Nods head).

8 COMMISSIONER KERDYK: All right.

9 With regards to the -- with regards to --

10 MAYOR SLESNICK: I'd ask that everyone
11 please silence their cell phones and pagers.

12 COMMISSIONER KERDYK: Eric, with regards to
13 the Development Review Committee, I think it's under
14 3-204, if -- right now, currently, the Development
15 Review Committee looks at what kind of projects in
16 front of the -- when it comes? Larger projects,
17 right?

18 MR. RIEL: Yes.

19 COMMISSIONER KERDYK: Larger projects and
20 changes of use, probably, are the two things that
21 they look at. The way we have it written here, it
22 looks like they now take care of anything that --
23 anything other than single-family, they would
24 review. Is that -- is that just a misprint, or is
25 that something that you want to clarify a little bit

1 further?

2 MR. RIEL: That's currently the way they
3 operate.

4 COMMISSIONER KERDYK: So they look at
5 anything. So, for instance, interior renovations,
6 the Development Review Committee comes --

7 MR. RIEL: I'm not sure about interior
8 renovations. I'd have to ask Building & Zoning.

9 COMMISSIONER KERDYK: Signs, repaving
10 parking lots, any of that stuff?

11 MR. RIEL: Signs, no. Just -- you know, I
12 don't know what the threshold is for a major project,
13 so I would have to ask Building & Zoning to help me
14 on that one.

15 COMMISSIONER KERDYK: I just don't want to
16 inundate that committee, because what we're trying to
17 do with the Development Review Committee is to look
18 at the big picture. I don't want them to --

19 MR. BROWN: Commissioner, Dennis is --

20 MR. RIEL: There is a separate ordinance
21 that does outline it, but I can tell you, the process
22 has not changed. That was -- there's no change from
23 the existing process.

24 COMMISSIONER KERDYK: Dennis, did you
25 want --

1 MR. SMITH: Right now, the threshold is the
2 larger projects, multi-family, the big commercial,
3 new commercial buildings, or a change of use that
4 would affect other changes in the design of the
5 building, and I think that's the intent of this here,
6 as well.

7 COMMISSIONER KERDYK: All right, well, it
8 doesn't say that, from what is written there, so
9 maybe we just need it clarified a little bit more, of
10 what exactly the Development Review Committee is
11 responsible for and what they're not responsible
12 for.

13 MR. SMITH: We can do that.

14 COMMISSIONER KERDYK: Let me ask Eric.

15 Eric, another question I have is with
16 regards to -- one of the hot topics, so to speak, is
17 with regards to the why we reduced the height
18 limitations from 100 feet to 50 feet -- excuse me,
19 not the height limitations, but the distance across
20 from single-family, from 100 feet to 50 feet. What
21 was the thought there and --

22 MR. RIEL: Right now, the Code is silent in
23 terms of the 100-foot distance. As a part of the
24 discussion on the CL, the Planning & Zoning Board,
25 since we reduced the number of uses, put the

1 nighttime provisions in that require certain things
2 to happen if you operate, you know, beyond 8:00 p.m.
3 and 10:00 p.m.; there's certain restrictions you need
4 to apply.

5 They felt that, rather than doing 100-foot,
6 which is essentially the entire property depth of the
7 CL, they felt half was more appropriate. We did have
8 a lot of discussion about that, and we did have those
9 property owners that do have CL properties
10 participate in that discussions, so --

11 COMMISSIONER KERDYK: So, right now, there's
12 several projects that are going up on the LeJeune
13 corridor, the LeJeune corridor north of Miracle Mile,
14 let's just say, for discussion purposes. This is not
15 the only, exclusive area that this will be affecting,
16 but that's certainly one of them, and right now, we
17 require the builder or developer or owner, so to
18 speak, to step back their development before they can
19 get their maximum height, a hundred feet. So we are
20 now saying that would be a 50-foot buffer?

21 MR. RIEL: Correct. Correct.

22 COMMISSIONER CABRERA: Can I --

23 COMMISSIONER KERDYK: I don't know if I like
24 that, but --

25 COMMISSIONER CABRERA: Can I --

1 COMMISSIONER KERDYK: Yeah.

2 COMMISSIONER CABRERA: I support you on
3 that, not liking it. I'd like to piggyback on
4 Commissioner Kerdyk.

5 I had a recent message from one of our
6 residents, Mr. Kirk Menendez, who brought up the
7 question -- and may have sent it to the rest of the
8 Commission. And Mr. Menendez goes on to say that he
9 feels that the distance reduction will trigger a
10 flurry of people knocking down buildings in order to
11 capitalize on this new windfall, which will
12 negatively impact single-family homes.

13 You know, as I read Mr. Menendez's comments,
14 I can't help but recognize that he brings a very
15 valid point up. Mr. Menendez is a young man that's
16 lived in this community most of his life, if not all
17 of his life. In fact, I used to be his football
18 coach at the Coral Gables Youth Center, more years
19 ago than I like to say, but today he's an attorney, a
20 very successful attorney, and while he wrote us at
21 the twelfth hour, or the eleventh hour, I'm always
22 grateful that he took the time to write me at 6:50
23 p.m. yesterday, because I really wouldn't have caught
24 this, and I now hear Commissioner Kerdyk with his
25 concerns and I seem to voice the same reservations

1 over it. Any comment, sir?

2 MR. RIEL: Well, I mean, all I'd like to say
3 is, it was part of a lot of discussion, and if the
4 Commission feels that a hundred is more appropriate,
5 certainly, you know, we can go back to the way it
6 currently is. That's not --

7 COMMISSIONER CABRERA: Well, I appreciate
8 the answer, and I know, we can do whatever we want,
9 but I mean, this guy makes a lot of sense in two
10 sentences. Maybe this whole thing escaped me, but --

11 MAYOR SLESNICK: Well, in my meetings -- in
12 our briefings that we held with the Staff, this is an
13 issue which you raised, and we came up and we talked
14 about, and I answered Kirk and I told him what I had
15 been told. He actually responded that he appreciated
16 my response and that it was some good points. He
17 didn't say that he agreed, necessarily, but I was
18 told that one of the things we were trying to do is,
19 we were requiring more parking from people. So, by
20 allowing the setback to come forward, we were not
21 only requiring more parking, but giving the builders
22 an opportunity to provide that more parking, to get
23 cars off the street.

24 So that's what you told me before. I didn't
25 hear that responded here. I mean, if --

1 MR. RIEL: And also more landscaping.

2 COMMISSIONER CABRERA: See, that's the
3 problem with briefings. Sometimes the public doesn't
4 get to hear these things, when we get briefed.

5 MAYOR SLESNICK: Well, it's good for me to
6 get briefed. I'd just like you to repeat what you
7 said in the briefing here, if it's a true statement.

8 MR. RIEL: Yes.

9 MAYOR SLESNICK: Also, I'm told by you in
10 the briefing that we don't hold to the hundred feet,
11 number one, that the hundred feet doesn't appear in
12 the Code now. Is that true?

13 MR. RIEL: That's correct.

14 MAYOR SLESNICK: So it's not a change.
15 We're finally making it statutory, what it is, so
16 there is no change. The hundred feet is what, some
17 customary unwritten --

18 MR. RIEL: That being the depth of the CL
19 properties.

20 MAYOR SLESNICK: Okay. Secondly, you told
21 me that we don't really stick to a hundred feet, that
22 through the variance process, other people are not
23 going back a hundred feet.

24 MR. RIEL: I know variances have been
25 processed to reduce that, but --

1 MAYOR SLESNICK: I have no dog in this hunt,
2 except to do the right thing, and I would like, if we
3 could, David, where we have issues like this, to hear
4 the whole story, so that people who came here can
5 hear the whole story. I mean, that's a -- now, I
6 answer e-mails with the whole story that I know, and
7 I'd like to hear it repeated here for the public,
8 so --

9 COMMISSIONER KERDYK: Eric, I know for a
10 fact, at certain locations, they have adhered to the
11 hundred-foot setback.

12 MR. RIEL: Yes, I know, and variances have
13 been granted to reduce that, and I inadvertently
14 forgot to mention that, you know, the developers are
15 required, or property owners, more landscaping and
16 more parking. I apologize.

17 VICE-MAYOR ANDERSON: Is there a way to
18 show -- Mr. Menendez writes, also, that it also casts
19 a shadow line on the single-family homes. Besides
20 the additional restrictions and public process that
21 you require folks in this -- in the nighttime uses,
22 could we, between first and second reading, kind of
23 do like a massing study, showing kind of things in
24 section, and how things appear, and shadow lines, and
25 address more of these issues? That way, we can all

1 be educated.

2 MR. RIEL: We can certainly do -- we can lay
3 out -- do some typical developments and see what the
4 parking and more landscaping -- what the 50-foot
5 setback would mean to the shadow line --

6 VICE-MAYOR ANDERSON: Sure.

7 MR. RIEL: -- things like that. We can do
8 that between first and second reading. That's not a
9 problem.

10 VICE-MAYOR ANDERSON: Yeah. We'd be more
11 educated.

12 COMMISSIONER KERDYK: Yeah, and I'd like
13 you to -- if it's okay, I'd like you also --

14 MR. RIEL: Do different scenarios.

15 COMMISSIONER KERDYK: -- to show us where we
16 have adhered to that policy and where we have not
17 adhered to that policy, and so that we have a good
18 idea of where it's worked and where it's not worked.

19 MAYOR SLESNICK: Your other thing was good,
20 too, the difference between the CBD and outside the
21 CBD.

22 COMMISSIONER KERDYK: Yeah. What we don't
23 want to do is minimize -- I don't think anybody up
24 here is for minimizing (sic) our density in front of
25 the residential area there. I mean, we want to

1 minimize our density next to the residential area.

2 So, if this is going to inhibit that, we certainly
3 need to be cautioned, and again, we can have this
4 discussion on second reading. I agree with you, we
5 can look at it closer.

6 MAYOR SLESNICK: Sure.

7 COMMISSIONER KERDYK: I have two more
8 points, if that's okay.

9 Right now --

10 MAYOR SLESNICK: That was a good one that
11 you started with.

12 COMMISSIONER KERDYK: Right now, there is --
13 our mixed-use district goes from 8th Street to
14 Malaga, and then we have the MDX3 and the MDX4. Is
15 that correct?

16 MR. RIEL: (Nods head).

17 COMMISSIONER KERDYK: All right. Now, as
18 it's proposed in here, anywhere in the C-Use
19 districts will have mixed use -- mixed use, is that
20 correct?

21 MR. RIEL: Conditional use. Planning &
22 Zoning Board and City Commission review, yes.

23 COMMISSIONER KERDYK: Conditional use, what
24 does that mean?

25 MR. RIEL: It means it goes to the Planning

1 & Zoning Board, and then the recommendation comes to
2 the City Commission.

3 COMMISSIONER KERDYK: But it goes MDX -- I
4 mean, you can't have mixed use --

5 MR. RIEL: It allows mixed-use buildings,
6 yes --

7 COMMISSIONER KERDYK: All right.

8 MR. RIEL: -- in the commercial districts.

9 COMMISSIONER KERDYK: So let me expand on
10 that. So -- and I see a lot of the people from the
11 Riviera Homeowners Association here. Let's talk
12 about the Riviera Homeowners location there in South
13 Gables. Would the mixed-use ordinances go -- be
14 applicable to that area, then?

15 MR. RIEL: Yes.

16 COMMISSIONER KERDYK: All right. As we've
17 seen when we put in it in MDX3 and MDX4, once you do
18 that, that's the hot button for developers, because
19 they've done a lot of developments with mixed-use
20 projects now. So that area needs to be ready for
21 development once you extend that into that area,
22 which I guess you've thought about and moved forward
23 there with. So I guess where I'm going here is,
24 knowing now that it affects that whole quadrant,
25 including the University strip stores, which is where

1 Bagel Emporium is, and that whole area back there,
2 is, have you -- what have you done with the charrette
3 that Riviera Homeowners Association has done, in
4 trying to minimize the impact of a mixed-use
5 ordinance going in there, or what have you done as
6 far as that goes?

7 MR. RIEL: Well, as I indicated, any
8 mixed-use building would need to come through for
9 conditional use review, Planning & Zoning Board and
10 City Commission. So they would get notice of --
11 anybody within a thousand feet would get notice of
12 the change.

13 Typically, when mixed-use developments come
14 in, in the south end of the City, it does require a
15 change of land use and zoning, so that, again, that's
16 another conditional use review. So they will get
17 notification.

18 In terms of the neighborhood plan, Staff has
19 looked at it. We went to the charrette. We
20 participated in the charrette. We've worked with the
21 neighborhood association. When we redo the Comp
22 Plan, we're going to insert language to assist the
23 neighborhood association in the charrette
24 recommendations.

25 But from the standpoint of taking the

1 charrette recommendations, their charrette, and
2 putting them into the Code, we did not do that, okay.
3 But we are fully aware of the study.

4 COMMISSIONER KERDYK: I think what I'm
5 informing the Commission is, which I'm sure they
6 already know, is that MDX -- I mean, the mixed-use
7 ordinance now applies throughout the City of Coral
8 Gables. That might be a great thing, that might be a
9 good thing, and everything like that, but it's going
10 to encourage development in other areas that really
11 have not experienced development from mixed-use
12 projects, from accumulations of mixed-use projects.
13 That's my -- that's my feeling on that issue.

14 COMMISSIONER CABRERA: Well, I mean, you
15 made us aware of it, and we all sort of knew about
16 it, but you've kind of augmented the awareness
17 levels. So how do you feel about that?

18 COMMISSIONER KERDYK: Well, that's a good
19 question. The fact is that if Staff has worked with
20 that area in trying to implement some of their
21 charrette --

22 COMMISSIONER CABRERA: Recommendations.

23 COMMISSIONER KERDYK: -- recommendations,
24 then -- and they're understanding that this is an
25 impact that may be, mixed-use developments are not

1 bad things. I mean, they have residential components
2 in it and people live there and, you know, drive to
3 their residence and stay there, normally. It's not
4 the in and out that you have. But I do -- I will say
5 that when you open up that for development, similar
6 to what happened in the MDX3 and MDX4, it's likely
7 that developers will probably utilize that
8 opportunity, and that's -- I'm just making you aware
9 that this is something that's happening in that area.

10 COMMISSIONER WITHERS: And for whatever
11 reason, I don't think that the mixed-use ordinance
12 really worked the way we wanted it to in the North
13 Gables section, whether -- whether it was the market,
14 whether it was the parking requirements, but I think
15 it was more established to set up small, village-type
16 componentry in the neighborhood. The mixed use we
17 see today are big buildings.

18 COMMISSIONER KERDYK: Correct.

19 MR. RIEL: Vertical.

20 COMMISSIONER WITHERS: Vertical.

21 COMMISSIONER KERDYK: Vertical, yes.

22 COMMISSIONER WITHERS: So I don't know -- I
23 don't know the reason why it didn't work, but it's
24 also a conditional use, so it's going to come back to
25 the Planning & Zoning Board and it's coming back to

1 the Commission.

2 MR. RIEL: And those properties you're
3 talking about are commercial, so they have, you know,
4 very intensive use. By going mixed use, I mean,
5 they're less intensive in terms of uses by allowing
6 residential, so --

7 COMMISSIONER WITHERS: Right, right.

8 MR. RIEL: You know, that's why we looked at
9 it for mixed-use buildings throughout, and only in
10 commercial areas, understand that.

11 COMMISSIONER KERDYK: No, I understand that.
12 I understand that.

13 COMMISSIONER WITHERS: So like the
14 apartment district in North Gables is still going to
15 maintain the integrity of, I guess, a village concept
16 up there, as far as mixed use goes?

17 MR. RIEL: Yes, it is.

18 COMMISSIONER KERDYK: The next question I
19 have to ask about is with regards to parking, parking
20 in the downtown area, and I've been one of the
21 biggest proponents for trying to make the parking
22 more aggressive, as far as making people provide more
23 parking in the downtown area, so I ask this question
24 with some amount of pretext. The parking ratios, as
25 I understand now, are one per 350 feet for both

1 retail and office, right?

2 MR. RIEL: Correct. Right.

3 COMMISSIONER KERDYK: And we are reducing --
4 our proposal is one per 300 feet for office; is that
5 correct?

6 MR. RIEL: Yes.

7 COMMISSIONER KERDYK: And one per 250 for
8 retail; is that correct?

9 MR. RIEL: Correct.

10 COMMISSIONER KERDYK: All right. And when I
11 read the Zoning Code, one of the situations that we
12 are trying to encourage is retail downstairs; is that
13 correct?

14 MR. RIEL: Correct.

15 COMMISSIONER KERDYK: Even though you do
16 leave the latitude for offices to be built
17 downstairs, too.

18 My question to you, we understand that
19 retail has more intense parking requirements;
20 however, when you change the difference -- when you
21 make the difference between 300 and 250, from office
22 to retail, you might be defeating the purpose,
23 because you might be encouraging more office being
24 built downstairs than retail, because your parking
25 ratios are more aggressive for retail than for

1 office. Yes or no?

2 MR. RIEL: I don't necessarily agree with
3 that.

4 COMMISSIONER KERDYK: All right, tell me. I
5 just was looking at --

6 MR. RIEL: I think the market dictates what
7 will be produced at that time. So, what it ends up
8 being, we did some scenarios on like a 200,000 square
9 foot building, you know, given a mix; it ends up
10 being about 50 more spaces.

11 COMMISSIONER KERDYK: 50 more spaces to
12 build retail downstairs?

13 MR. RIEL: 50 more like with the mixed uses
14 in that building. We did different scenarios. It's
15 between 40, 50 and 60, depending -- and that's like
16 retail, office and residential.

17 COMMISSIONER KERDYK: All right, let me
18 understand that. So you say they're -- so if they
19 build retail downstairs and office upstairs --

20 MR. RIEL: Retail, office, with some
21 residential.

22 COMMISSIONER KERDYK: -- it's going to be
23 40 or 50 more spaces?

24 MR. RIEL: 40 to 50 more spaces.

25 COMMISSIONER KERDYK: All right. Just

1 remember you heard it here first. There will be
2 people that now opt for offices. 40 or 50 spaces is
3 substantial spaces when you're in an envelope of so
4 high, in my estimation. If that's --

5 MAYOR SLESNICK: But we go back to our
6 discussions for a long time here about the impact of
7 parking on restaurants and the impact of parking on
8 stores --

9 COMMISSIONER KERDYK: I'm just telling
10 you --

11 MAYOR SLESNICK: -- and we actually made the
12 MXD3 people go back and add more spaces for the
13 restaurant uses.

14 COMMISSIONER KERDYK: I understand. I
15 understand that. I'm just telling you that --

16 MAYOR SLESNICK: Not only that --

17 COMMISSIONER KERDYK: -- you're -- because
18 the other alternative is, you tell people that you
19 have to build retail downstairs, and here you're
20 giving them the option of retail or office space.

21 MAYOR SLESNICK: Don't we have a formula for
22 how much retail has to be in the mixed use?

23 COMMISSIONER KERDYK: I think it says eight
24 percent.

25 MR. RIEL: Eight percent of the first floor.

1 COMMISSIONER KERDYK: But either office or
2 retail, it says.

3 MR. RIEL: Right, there's some flexibility
4 in there.

5 COMMISSIONER KERDYK: That's correct. So --

6 MR. RIEL: This was one of the items that,
7 you know, was discussed at length, in terms of -- and
8 the Commission did direct us to look at, you know,
9 making the parking restrictions more strict.

10 COMMISSIONER KERDYK: No, parking is the
11 most important, I see, but I just want you to know,
12 when you do the parking, which I'm not against, that
13 you're going to possibly encourage office space on
14 the down -- on the retail space, and that's what -- I
15 don't think anybody wants retail as office space.
16 You want retail, where people open up and there's an
17 inviting --

18 MAYOR SLESNICK: Well, maybe the
19 Commissioner's point is that it shouldn't be
20 either/or. Maybe it should be --

21 COMMISSIONER KERDYK: Retail.

22 MAYOR SLESNICK: Or raise the percent.

23 COMMISSIONER KERDYK: That's --

24 COMMISSIONER WITHERS: Or mandate it retail.

25 MAYOR SLESNICK: Yeah.

1 COMMISSIONER KERDYK: All right, that's
2 enough for right now.

3 MAYOR SLESNICK: And retail includes --
4 retail includes banks?

5 MR. RIEL: Yes.

6 MAYOR SLESNICK: Retail -- would retail
7 include --

8 MR. RIEL: Pretty much -- four spaces per
9 thousand is pretty much a standard throughout South
10 Florida, in terms of retail.

11 MAYOR SLESNICK: Would retail include like
12 securities firms?

13 MR. RIEL: I would -- you know, it depends
14 how much office they have and if they have it open to
15 the public or not, so, you know --

16 COMMISSIONER CABRERA: How do we ensure that
17 your comments get reviewed and responded to?

18 COMMISSIONER KERDYK: I would hope that
19 Staff would --

20 MR. RIEL: We're --

21 COMMISSIONER KERDYK: -- look at --

22 MR. RIEL: We have a verbatim record, and
23 also, I'm writing down each of the issues.

24 COMMISSIONER CABRERA: Okay.

25 COMMISSIONER KERDYK: And then it will come

1 back to us before -- you know, on second reading.

2 COMMISSIONER CABRERA: Second reading, yeah.

3 MAYOR SLESNICK: Well, but before second
4 reading, I would hope that the Planning & Zoning
5 Board would take a look at these comments and also
6 that we would all get some feedback, written
7 feedback.

8 COMMISSIONER CABRERA: Well, I just think
9 it's such good -- I mean, you've given us such points
10 to consider, that I don't want this somehow, some
11 way, to float away in the ether.

12 MR. BROWN: You're funny.

13 MAYOR SLESNICK: Anything else?

14 COMMISSIONER KERDYK: Not right now, thank
15 you.

16 MAYOR SLESNICK: Chip, you said you had a
17 few more procedural --

18 COMMISSIONER WITHERS: Well, no, I just had
19 some questions about --

20 MAYOR SLESNICK: Okay.

21 COMMISSIONER WITHERS: -- the reduction of
22 the height in the duplex area to 29 feet. I mean,
23 that will basically kill the townhouses, I suppose,
24 because that's what --

25 MR. RIEL: Well, the townhouses are not

1 permitted on Segovia.

2 COMMISSIONER WITHERS: Well, I know, but
3 weren't we looking at putting townhouses into the
4 duplex areas? Is that one of the discussions that --

5 MR. RIEL: Yes. I mean, it is restrictive.
6 But I think we need to look at that as a part of the
7 study we do on town homes at a future date, because
8 it's a different building typology that the City
9 really hasn't seen. It's been tested in a lot of
10 other cities throughout, you know, the country, so
11 we're not reinventing the wheel. We just need to do
12 the study and look at the heights and maybe come up
13 with different types of heights --

14 COMMISSIONER WITHERS: No, I'm just pointing
15 that out as we move forward. I think -- I don't feel
16 strongly one way or the other on that, but it just --
17 if we're looking at duplex areas and we're reducing
18 the height to 29 feet, I think it's going to be
19 difficult in that 29-foot envelope to build town
20 homes.

21 Does the 50 to 100-foot --

22 MAYOR SLESNICK: Can we stay with that?

23 COMMISSIONER WITHERS: Huh?

24 MAYOR SLESNICK: Can we stay with that
25 subject for a minute?

1 COMMISSIONER WITHERS: Sure, absolutely.

2 MAYOR SLESNICK: Since you've raised the
3 subject, we've had several residents who have asked
4 about that and several people at home. Let's get
5 clearly on the floor what we're talking about.

6 Right now, we allow -- our new townhouse
7 ordinance is for multi-family zones, right?

8 MR. RIEL: Yes.

9 MAYOR SLESNICK: Are townhouses now allowed
10 in duplex zones?

11 MR. RIEL: They are not allowed.

12 MAYOR SLESNICK: Okay.

13 COMMISSIONER WITHERS: They want to put --

14 MAYOR SLESNICK: I know. I'm saying, I just
15 want to make sure we all understand where we are. So
16 townhouses are allowed under our new townhouse
17 ordinance, which is being incorporated here, in
18 multi-family zones but not in duplex zones?

19 MR. RIEL: Correct.

20 MR. SIEMON: Correct.

21 MAYOR SLESNICK: That's where we are?

22 MR. RIEL: Yes.

23 MAYOR SLESNICK: Okay. I just wanted to
24 make sure.

25 COMMISSIONER WITHERS: No, I understand

1 that, but the discussion --

2 VICE-MAYOR ANDERSON: Is the reduction in
3 height.

4 COMMISSIONER WITHERS: -- is reduction in
5 height on those, and there is discussion out there
6 that maybe moving townhouses into some duplex
7 zones --

8 MAYOR SLESNICK: Well, and of course, we've
9 gotten feedback on both sides of the issue.

10 COMMISSIONER WITHERS: Correct.

11 MAYOR SLESNICK: The Fryers have expressed
12 concern about the moving of townhouses into the
13 duplex zones --

14 COMMISSIONER WITHERS: Right.

15 MAYOR SLESNICK: -- and the height, and then
16 some of the owners of duplexes in areas have
17 expressed concern that they would like to --

18 COMMISSIONER WITHERS: Right.

19 MAYOR SLESNICK: -- stay at that height or
20 maybe build townhouses. So we have both sides of the
21 equation represented.

22 MR. RIEL: Just so it's clear, the duplexes
23 is only restricted to the 29, I just want you to
24 understand that.

25 MAYOR SLESNICK: Yes.

1 VICE-MAYOR ANDERSON: That's where I have
2 the problem. That's what we've discussed in the
3 past, is the duplex height, because right now it's
4 34. And a building typology which is different from
5 the single-family residential is -- you know, if you
6 lower that height, all buildings start to look the
7 same and we'll have cookie cutters. I think there's
8 a way to marry both worlds, and I think the concern
9 was the buffer to the residential, to the
10 single-family.

11 Some of the duplex town homes on Segovia
12 Street, they have a buffer between the back and the
13 single-family, and if we could leave the 34 and also
14 consider for future things that there be a buffer,
15 that it could be 29 feet when it come closer to
16 residential, I wouldn't have a problem. I do have a
17 problem in lowering the height of an existing
18 building typology which is very different from
19 single-family, although it mimics it.

20 MR. SIEMON: The dialogue, though, I mean --

21 VICE-MAYOR ANDERSON: Yeah, yeah.

22 MR. SIEMON: I would say there's no clear
23 consensus on this in this community.

24 VICE-MAYOR ANDERSON: Yeah, I saw the
25 Planning Board meeting.

1 MR. SIEMON: There's some people who speak
2 more -- but the underlying theory is that the duplex
3 is a multi-family form that mimics or fits in, quote,
4 unquote, with the single-family, and I think
5 that's -- that started the process and that led to
6 comparable heights.

7 VICE-MAYOR ANDERSON: Yeah, but the
8 comparable heights is -- when you have a city -- in
9 good city planning, you have different scales and
10 heights and you do have different things, and while
11 not -- we've enacted a single-family ordinance that
12 protects that, and I fully supported that. However,
13 when it abuts a residential, that's where I'm having
14 a problem, is that we reduce everything and then
15 there's no rhythm and scale and make things that make
16 pretty -- and I think there's a way of compromising
17 it.

18 MAYOR SLESNICK: Maria, let me ask you a
19 question on your position, though --

20 VICE-MAYOR ANDERSON: Sure.

21 MAYOR SLESNICK: -- so I can understand
22 it, because your position now brings some of the
23 input we got --

24 COMMISSIONER CABRERA: Right.

25 MAYOR SLESNICK: -- into focus, and that

1 is --

2 VICE-MAYOR ANDERSON: Sure.

3 MAYOR SLESNICK: -- if you support leaving
4 the duplex height at 34 feet, do you also support at
5 this time bringing townhouses into duplex areas?

6 VICE-MAYOR ANDERSON: I'm not sure that I
7 would support that, but I'd have to learn more about
8 it. But right now, I'm content with that duplexes
9 that are there. They'd have -- I'd have to be more
10 educated to do that. I'm not ready to take a
11 position right now on that. But what I do feel
12 strongly about is the height differentiation.

13 MAYOR SLESNICK: Now -- okay, so, in other
14 words, the position -- and I want to get this,
15 because this is important to me, too.

16 VICE-MAYOR ANDERSON: Sure.

17 MAYOR SLESNICK: So, in other words, the
18 position that you might take, when we come to it, is,
19 we leave the height at 34 feet, but we do not move
20 townhouses, at this time, into those areas?

21 VICE-MAYOR ANDERSON: I'm comfortable with
22 that.

23 MAYOR SLESNICK: Okay. Now, what duplexes
24 are we talking about, because do we have any open
25 duplex land? In other words, right now, all the

1 duplexes are -- could be up to 34 feet, or they are
2 there. So the only duplexes we're probably talking
3 about are when they tear those down and build new
4 ones.

5 MR. RIEL: That's my assumption, yes.

6 COMMISSIONER WITHERS: It's redevelopment.

7 MAYOR SLESNICK: Okay, so we have no -- that
8 you know of -- I don't know of any big open land.

9 MR. RIEL: No.

10 COMMISSIONER CABRERA: What was the genesis
11 of all this? I'm just so curious about that. I
12 mean, I've tried to get my arms around it and I have
13 yet to --

14 COMMISSIONER WITHERS: Garage doors.

15 MR. SIEMON: I think it really originated
16 during the moratorium area discussion and the
17 discussion of the future of the duplex district and
18 whether it was really a housing form that made the
19 most sense along these corridors, or whether row or
20 townhouses were a viable option, and in fact, I think
21 you all decided during that context that row houses,
22 townhouses that didn't have driveways onto the road,
23 that would have to have an alley that would form a
24 buffer was a desirable next generation for these
25 residential corridors, and you've just talked about

1 the diversity and, you know, homesteads -- all their
2 subdivisions, on the major roads, at the corner, was
3 a multi-family form. That's where it came from. It
4 was passed in the moratorium ordinance, but then I
5 think it ran into some objection as changed, when it
6 was then extended -- that same theory was extended to
7 the MF, what was called the MF2 district, you know,
8 the duplex, and there was opposition to that, that
9 the duplex was -- that the townhouse was inconsistent
10 with single-family dwellings, because it had a
11 thirty -- among the things was its form and the
12 height, and that led to elimination of townhouses,
13 and then I think the next building block that fell
14 was, the height was brought down then.

15 VICE-MAYOR ANDERSON: But if I'm not
16 mistaken, the genesis of that was the single
17 families, we should look like the single-family.

18 MR. SIEMON: Right.

19 VICE-MAYOR ANDERSON: And as we all went
20 through it, we all supported it here and we went
21 through an extensive dialogue, but when you -- like I
22 said, if you look at the building types, I mean, it
23 doesn't -- I mean, rational sense, to me, it doesn't
24 mean everything to look the same, it begins to look
25 like a cookie cutter, and I think certain streets, if

1 you look at an urban planning -- and I'm not an urban
2 planner, I don't have a degree in that, for sure, but
3 if you have a wider street that can hold a certain
4 height, there's nothing wrong in having a slightly
5 five-foot higher height, and then also respecting,
6 when you hit the envelope as to single-family, you
7 can design it in the future, for anybody who
8 redevelops, maybe to have a portion that, when it
9 meets the single-family area that abuts it, that it
10 respect the 29-foot height. I mean, that's something
11 for discussion. I think it's plausible.

12 COMMISSIONER WITHERS: The only thing I want
13 to point out is that if we are going to entertain
14 duplex properties allowing townhouse development,
15 then if we pass a 29-foot height restriction, we
16 might have -- might have to go back and address the
17 height if townhouses can't be built within a 29-foot
18 envelope. I don't know building construction, but I
19 would think it might be pretty tough to do that.

20 MR. SIEMON: Well, I think our original
21 recommendation was that town and row houses were
22 appropriate in this district, at the height of 34
23 feet --

24 COMMISSIONER WITHERS: Right.

25 MR. SIEMON: -- because --

1 COMMISSIONER WITHERS: That's all I was
2 trying to --

3 MR. SIEMON: -- because of the alignment,
4 there's always going to be an alley, have to be an
5 alley, to provide access behind, which provides a
6 better transition, frankly, than, I think, the
7 duplex. But that's an opinion that doesn't seem to
8 have taken hold, and so --

9 MAYOR SLESNICK: Yeah, and I am very
10 concerned about that opinion, Charles. I may agree
11 with Maria that we could allow some variation in
12 duplex height, but to me, the duplex is a kinder,
13 gentler lead-in to single families than the
14 townhouses, necessarily. And the townhouses that we
15 have right now are restricted to multi-family
16 housing. Now, that doesn't mean I'm right or that
17 that's my final -- but I'm just saying, I do find it
18 troubling to pre-conclude, and I guess one of the
19 things that kind of soured me was a developer who
20 went around town saying that all his duplex property
21 in a certain area, it was going to be townhouses and
22 he was going to swamp the neighborhood with
23 townhouses, and the neighborhood got pretty upset.
24 So, I mean, I think it's an issue that needs some
25 separate airing, because I think some neighborhoods

1 that live next to duplexes need to be heard on that,
2 specifically.

3 COMMISSIONER WITHERS: Eric, on the 50 to
4 100-foot issue we discussed, how does that affect
5 waterways?

6 MR. RIEL: It would be set back from the
7 waterway, the mean --

8 COMMISSIONER KERDYK: It affects it.

9 COMMISSIONER WITHERS: It affects it. I
10 mean --

11 MR. RIEL: Yeah.

12 COMMISSIONER WITHERS: -- someone, instead
13 of building 50 foot from the waterway, now has to
14 build a hundred foot from the waterway.

15 MR. RIEL: I think there's only one
16 property --

17 COMMISSIONER WITHERS: Well, I know.

18 MR. RIEL: -- that has that situation.

19 COMMISSIONER WITHERS: And it's going to be
20 fairly controversial, and that's probably why some of
21 these people are here. So, you know, it's --

22 MS. HERNANDEZ: Very astute.

23 COMMISSIONER WITHERS: Yeah, we kind of
24 realized that, didn't we? So, I mean, that means
25 that now we're allowing developers to build 50 foot

1 from the edge of the water, as opposed to requiring
2 them to do a hundred foot, which now they have just,
3 what, the regular setback?

4 MR. RIEL: Yes.

5 COMMISSIONER WITHERS: 20 foot?

6 MR. RIEL: Right, and that property has an
7 application pending review, so my guess is, if they
8 come under the thresholds, they will be subject to
9 the existing regulations, if not the new, so --

10 COMMISSIONER WITHERS: Because they've
11 already met the architectural review?

12 MR. RIEL: I believe so.

13 COMMISSIONER WITHERS: Okay.

14 COMMISSIONER CABRERA: And what prevents
15 them from withdrawing and waiting?

16 MR. RIEL: I'm -- certainly, if they would
17 like to do that, nothing prevents them from doing
18 that.

19 COMMISSIONER WITHERS: Nighttime uses,
20 really, you're really not restricting uses, you're --
21 you're restricting uses to hours of operation, is
22 basically how you're dealing with that issue?

23 MR. RIEL: Well, the current CA district has
24 a lot more uses than the CL permits.

25 COMMISSIONER WITHERS: Right.

1 MR. RIEL: So we did reduce the number of
2 uses.

3 COMMISSIONER WITHERS: But I mean, it seemed
4 to be hours of operation.

5 MR. RIEL: The hours -- the most restrictive
6 thing is the hours of operation and what happens
7 after those hours. You can't pick up sanitation --

8 COMMISSIONER WITHERS: Right.

9 MR. RIEL: -- you know, no doors open, no
10 access --

11 COMMISSIONER WITHERS: Right.

12 MR. RIEL: -- things like that.

13 COMMISSIONER WITHERS: Parking wasn't
14 affected, though, after hours, huh?

15 MR. RIEL: No, I don't believe so.

16 COMMISSIONER WITHERS: Okay, that's all.
17 That's it. I have a couple more, but that was --

18 MAYOR SLESNICK: All right, we have Eibi
19 Aizenstat from the Planning & Zoning Board. Did you
20 have anything to add to any of those discussion areas
21 you've heard?

22 MR. AIZENSTAT: I think everything you're
23 really touching on (inaudible) --

24 COMMISSIONER CABRERA: I can't hear him.

25 MAYOR SLESNICK: He just said --

1 MR. BROWN: Eibi, come to the podium.

2 MR. AIZENSTAT: Mayor, Commissioners, good
3 morning. My name is Eibi Aizenstat, Vice-Chair of
4 the Planning & Zoning Board.

5 Basically, as you know, the Planning &
6 Zoning Board has approved this, six-zero. The
7 comments that you are making are all valid. It's up
8 to the wisdom of the Commission as to which direction
9 you'd like to take it. Basically, it's a fluid
10 document that's being presented. The document will
11 change as it proceeds forward. I think there's going
12 to be some changes in that document even from the
13 first reading to the second reading.

14 The idea of taking the townhouses out, the
15 idea of taking the metal roofs out, are all great
16 ideas, and that allows this document to move forward.

17 As far as the height restriction on the
18 duplexes, the idea was basically that duplexes are a
19 buffer between single-family homes and more
20 commercial or higher projects, and we felt at that
21 time that the 29 feet in the duplex allows it to
22 maintain the same proportion as a single-family home,
23 to actually protect, more so, the residents in the
24 single-family homes.

25 As far as looking at doing town homes in a

1 duplex area, that's not really in this Code right
2 now, and I think that's for a separate discussion, so
3 that's why we didn't look at that issue. That has
4 not really come before us at this point.

5 As far as the setback of 50 feet or a
6 hundred feet, I don't think in the Code it's really
7 determined, the setback itself. I think there was an
8 interpretation that was a hundred feet, but it was
9 just not defined in the Code. What we have done is,
10 we have actually defined that 50 feet. If the
11 Commission feels that that is enough or not enough,
12 it's up to its wisdom to really make a decision on
13 that.

14 Other than that, I think it's a good
15 document, I think it's a good basis, and I think
16 something that we can all move forward with.

17 MAYOR SLESNICK: Well, thank you, Eibi.

18 MR. AIZENSTAT: Thank you.

19 MAYOR SLESNICK: Mr. Vice-Chair, thank you,
20 and I'd like you to thank the Board for their hard,
21 long, enduring work.

22 MR. AIZENSTAT: I will. Thank you very
23 much.

24 MAYOR SLESNICK: Okay. Do I have any more
25 cards out there, or is this a -- okay, as you know,

1 we allow three minutes per person for public
2 comment. We have enough time here to, say, go four
3 minutes or so. So we'll try to give you the benefit
4 of the doubt, but I'd appreciate your cooperation. I
5 don't want to appear heavy-handed by cutting you off,
6 but -- so if we go into this understanding that we're
7 trying to keep ourselves going here, so let's aim at
8 four minutes apiece.

9 Mr. Clerk, if you'd help me with that.

10 THE CLERK: Sure, Mr. Mayor.

11 MAYOR SLESNICK: Let me go right through
12 these and -- Mr. Tucker Gibbs. He's left?

13 There he comes. Tucker Gibbs, of 215 Grand
14 Avenue, is representing the Riviera Neighborhood
15 Association.

16 MR. GIBBS: Yes.

17 MAYOR SLESNICK: Tucker, good to see you.
18 Welcome.

19 MR. GIBBS: Good to see you all. And since
20 you've done my introduction for me, I can go right
21 into it. And I'm sorry Commissioner Kerdyk isn't
22 here right now. He --

23 MAYOR SLESNICK: I think he left because you
24 were coming up.

25 MR. GIBBS: I think so.

1 MAYOR SLESNICK: No, I'm just --

2 MR. GIBBS: No, I think so, because he --

3 COMMISSIONER WITHERS: That's what he told
4 us.

5 MR. BROWN: That's what he told us.

6 VICE-MAYOR ANDERSON: What have you done,
7 Tucker?

8 MR. GIBBS: Because actually, he said a lot
9 of what I was going to say, and I really appreciate
10 his words regarding the charrette, and I think you
11 all are familiar with this document. We got 20 -- we
12 made 20 copies at 50 bucks a copy for you all, so I
13 hope you all have seen them. This is the visioning
14 report that was a result of a charrette that was
15 undertaken and paid for by the Riviera Neighborhood
16 Association, and our concern, as Commissioner Kerdyk
17 recognized, is that this document is a valuable
18 document. It is the -- I guess you could call it the
19 vision of the community, and it came out of a series
20 of charrettes that the City was involved in and the
21 big property owners in the neighborhood were involved
22 in and the community was involved in, and as a result
23 of this vision came a lot of recommendations, and our
24 concern is -- and we understand that the Planning
25 Department has been very busy with the zoning rewrite

1 and the Comprehensive Plan and the rest of it, but
2 somehow this document has not been incorporated into
3 the Zoning Code, the zoning recommendations of this
4 document, and that's a concern. And we understand
5 that -- you know, we're not blaming anybody. We
6 understand the circumstances.

7 But the City, in the past, has made
8 recommendations in situations like this, where they
9 have said -- where you all have said, "Let's look at
10 the neighborhood, let's do a planning study, a zoning
11 study." This is a good start. Our visioning report
12 is a good start. It isn't detailed in zoning issues.
13 It's a planning document. It's a visioning document.

14 But what we would like and what we would
15 like to ask you all today to consider is to create a
16 planning study district, as did you with Valencia, as
17 you did with North Ponce. And that area is the area,
18 the Riviera Neighborhood Association, which is
19 essentially from Madruga and Dixie Highway down to
20 Sunset and Red Road. It is that quadrant of the
21 City. And what we'd like you to do is, if you adopt
22 this zoning rewrite, please create a planning study
23 for the area and withhold the application of that
24 zoning rewrite to this neighborhood until a planning
25 study is done, because we've articulated in this

1 document concerns that we have with the future, and
2 those concerns, while dealt with in very general
3 terms, I think, perhaps, by the zoning rewrite,
4 doesn't deal with them as specifically applied to
5 that neighborhood, and what we're asking for is that
6 planning study.

7 The specific issues that are of concern to
8 the neighborhood, in general, and I don't want to
9 take up a lot of time because we will provide a
10 written report to you all, prior to second reading,
11 going through it in detail, is the idea of
12 commercial -- the intense commercial development --
13 Commissioner Kerdyk, you got it right. We are
14 surrounded, almost, on two sides, with heavy-duty
15 commercial zoning, and the future development of that
16 commercial area, as you said, it's an invitation for
17 big development with the mixed use coming in. That's
18 a critical issue for my clients.

19 So what we'd like to do is to have this
20 planning study, to be able to look at these issues as
21 applied to us. So it's commercial intensity
22 encroaching on residential areas. We've talked in
23 this report about the Mediterranean bonus, about
24 buffering the waterway, the -- specifically the
25 waterway. We talked about setbacks on the waterway

1 and issues such as that.

2 We've also -- we've also been talking to the
3 University of Miami regarding their future, and we
4 want to continue that dialogue and we want to include
5 that dialogue within this process of this planning
6 report.

7 And in addition, I want to -- for our
8 friends who own property in the neighborhood, this
9 study, as I think -- I think it was the Planning
10 Director said, the application for development on the
11 Amace property has already been -- we're not talking
12 about trying to take away rights from property
13 owners. We understand that they're in, they're in
14 under the old plan, and we're working with them, as
15 well. But we think this planning study will be a
16 very good start for the community, and we would urge
17 you to recommend that, or to actually implement that.

18 MAYOR SLESNICK: Thank you very much.
19 Good seeing you back.

20 MR. GIBBS: Thank you very much.

21 MAYOR SLESNICK: It's been a while.
22 Richard Namon, 5555 Oakwood Lane.

23 MR. NAMON: Mr. Mayor and Commissioners,
24 it's got too many things in it. It started out as a
25 simple reorganization of our current Code. It now

1 represents a major change in how new structures will
2 look. Some of the initial proposed changes have been
3 dropped. They include the lot splitting and the
4 rezoning of duplex lots to townhouse. These were
5 things all in this original presentation.

6 However, the issues such as increased ground
7 coverage for taller buildings remain. You need
8 drawings showing what the current Code allows and
9 what the rewrite allows. When you take and reduce
10 the amount of space between buildings, the taller
11 buildings, you change their appearance and their
12 massing. Otherwise, if you don't have such maps --
13 drawings and maps, you are voting for an unknown Code
14 change.

15 It is time to recognize the Code rewrite, as
16 it is, is a flawed document. It goes beyond its
17 purpose of reorganization and modernization. It
18 should be rewritten first to accomplish that. Then
19 specific Code changes can be proposed and looked at.
20 To do otherwise is imprudent.

21 I ask you to defer adopting the current Code
22 rewrite as a flawed document. Thank you.

23 MAYOR SLESNICK: Thank you, Mr. Namon.

24 Mr. Zeke Guilford, 400 University Drive.

25 MR. GUILFORD: Good morning, Mr. Mayor,

1 Commissioners. For the record, my name is Zeke
2 Guilford, with offices at 400 University Drive.

3 Mr. Mayor, I'm not going to get into the
4 Zoning Code, but actually the zoning map. I'm here
5 on behalf of Crescent Properties, and they're the
6 owner of the office component of the Alhambra Hyatt,
7 and I believe part of this has been resolved by the
8 change in the Code. The way it was written before
9 the workshop, it was written that if you're in a CL,
10 you can only have eight units, hotel units. They've
11 changed that.

12 However, what they haven't changed is the
13 designation on the property from CL. As you all
14 know, the Alhambra Hyatt takes up the entire block,
15 and what you have is a situation where the rear
16 portion of the block is C, and the portion fronting
17 Alhambra Circle is CL. It is the only half a block
18 in the City -- along Alhambra Circle, that is, in
19 fact, CL.

20 MAYOR SLESNICK: Mr. Guilford?

21 MR. GUILFORD: Yes, sir.

22 MAYOR SLESNICK: Mr. Riel, I mean, do we
23 consider this like a technical correction, or is this
24 a difference in philosophy?

25 MR. RIEL: No, this is not a technical -- we

1 did not, as a part of the new zoning map, rezone
2 private properties. We had originally proposed that,
3 early on in the process, and the Commission directed
4 us to only do public. So, as properties redevelop or
5 there's other actions, they would have to -- those
6 would have to be corrected.

7 MR. GUILFORD: Well --

8 MAYOR SLESNICK: I --

9 MR. GUILFORD: Okay, I'm sorry.

10 MAYOR SLESNICK: I absolutely remember the
11 direction and the conversation, and I think a lot of
12 us were concerned about the up-zoning of properties
13 that were not then being used for that, but in this
14 case, this property is already in use as a hotel, is
15 it not?

16 MR. RIEL: And that's a fine line, in terms
17 of -- I mean, I understand, you know, this situation,
18 but if you start doing it for one, you start, you
19 know, going down a path which, from Staff's
20 standpoint --

21 COMMISSIONER WITHERS: I thought we were
22 going to allow people to come forward if they wanted
23 to do it.

24 MR. RIEL: Absolutely.

25 MR. BROWN: That's right.

1 MAYOR SLESNICK: Right.

2 COMMISSIONER WITHERS: We allowed -- we were
3 going to allow --

4 MAYOR SLESNICK: And we were going to
5 consider them --

6 MR. BROWN: That's what we wanted.

7 MAYOR SLESNICK: -- one at a time.

8 Okay, Mr. Guilford, please continue.

9 MR. GUILFORD: Right. Well, two issues,
10 really -- actually, three issues. Number one, as Mr.
11 Riel just told you earlier, under the CA, which was
12 the present, it allows more uses than the CL. So, in
13 fact, while you may not be up-zoning, you've kind of
14 down-zoned; you've limited the number of uses.

15 Also, what you have now is a situation where
16 you're going to allow certain uses on the back
17 portion of the office and not allow it on the front
18 portion of the office. So you're actually creating a
19 code enforcement building nightmare, because it's all
20 going to depend where the use is situated in the
21 building.

22 So what you really need to do is do this
23 entire block C, which encompasses the building, and
24 that's what I'm asking you to do, Mr. Mayor.

25 MAYOR SLESNICK: Thank you.

1 Commission -- you know, to me, and I
2 remember, I led that discussion, I just see this as a
3 totally different situation than the things that we
4 were talking about.

5 COMMISSIONER WITHERS: Yeah, this is already
6 an existing -- we were talking about redevelopment
7 and someone tearing down and putting in a totally
8 new -- not an existing -- not existing --

9 MAYOR SLESNICK: I remember specifically the
10 lots we were talking about. We were talking about
11 the lots that are one lot back off of Ponce de Leon.

12 COMMISSIONER WITHERS: Up by 8th Street.

13 MAYOR SLESNICK: Up by 8th Street and -- the
14 property up there by 8th Street and the first street
15 in and so forth.

16 MR. GUILFORD: Thank you.

17 COMMISSIONER CABRERA: So how are we
18 addressing this?

19 MAYOR SLESNICK: I'd like the Planning
20 Department, if it's the Commission's desire, I mean,
21 unless there's a disagreement, to come back with a
22 recommendation on changing that to conform to the use
23 that's presently there.

24 COMMISSIONER CABRERA: Well, you brought it
25 up originally.

1 MAYOR SLESNICK: Yeah, I know. I didn't
2 know this was --

3 COMMISSIONER CABRERA: No, no, I know. I
4 know. I'm just restating what you did. You brought
5 it up originally --

6 MAYOR SLESNICK: Absolutely.

7 COMMISSIONER CABRERA: -- and then I brought
8 it up --

9 MAYOR SLESNICK: Yeah.

10 COMMISSIONER CABRERA: -- as a follow-up,
11 because there was so much confusion, and more
12 importantly, a total lack of activity regarding it.
13 So now it hits us again, in an unrelated fashion --

14 MAYOR SLESNICK: Right.

15 COMMISSIONER CABRERA: -- but still -- the
16 principles are still -- are the same. So are you
17 sort of asking for next steps?

18 MAYOR SLESNICK: Yeah.

19 COMMISSIONER CABRERA: Okay.

20 MR. BROWN: What's the next step?

21 MR. RIEL: I can tell you the Planning
22 Department's recommendation. If the applicant would
23 like to process an application, we'd be more than
24 happy to process it, because we have stayed away from
25 rezoning private properties. That has been clear

1 from the Commission since Day One.

2 I have some concerns if we go back and start
3 picking one particular property, without doing that
4 wholesale review, because that could have dramatic
5 effects on the other properties.

6 COMMISSIONER CABRERA: Well, why don't you
7 do the whole -- you know, the whole map? Don't just
8 treat this one --

9 MR. RIEL: We started that process about a
10 year ago. We identified 67 inconsistent properties.

11 COMMISSIONER CABRERA: Right.

12 MR. RIEL: Right.

13 COMMISSIONER CABRERA: And you narrowed it
14 down.

15 MR. RIEL: And the Commission directed us to
16 only do the public properties. So we're proceeding
17 forward as the Commission asked us to do.

18 COMMISSIONER CABRERA: In the meantime,
19 everybody else is in limbo.

20 MR. RIEL: No, they're not in limbo. As
21 they develop their property -- or if they would like
22 to, they can come in and process an application.

23 MAYOR SLESNICK: Most of these were --

24 COMMISSIONER CABRERA: Already developed.

25 MAYOR SLESNICK: No, not developed. That

1 was the thing.

2 COMMISSIONER CABRERA: Well, there were some
3 that were already developed.

4 MR. RIEL: There's different situations in
5 each of the 40, so I really would caution the
6 Commission about proceeding forward with just this
7 one, without -- unless -- you know, give me some
8 clear direction to go ahead and do all 40 of them,
9 because it's very difficult to --

10 COMMISSIONER WITHERS: No, let's don't --

11 VICE-MAYOR ANDERSON: Is this one of the
12 private properties?

13 MR. RIEL: This is a private one, yes.

14 COMMISSIONER CABRERA: Yeah, well --

15 MAYOR SLESNICK: Can't you fast track an
16 application?

17 MR. GUILFORD: Well, but Mr. Mayor, I don't
18 think we really should be required to file an
19 application. As Staff said, you had X number of
20 uses, which were substantially more under the CA than
21 the CL, so in fact, you have changed my zoning, as
22 you've done everybody else in CL. But clearly, in
23 this case, what you're doing is, you're saying, "Hey,
24 file an application to get what you had before, but
25 it's okay for me to take away from what you had."

1 MR. RIEL: That's incorrect. It's a
2 nonconforming use. It is protected by the current
3 Code. All the uses there are considered
4 nonconforming.

5 MR. GUILFORD: That's not true. The office
6 is nonconforming, and in fact, what you're doing is,
7 you're changing certain uses on different parts of
8 the building.

9 MAYOR SLESNICK: Well, Mr. Guilford has
10 taken the time. I don't know how many other of the
11 owners have proceeded forward. I --

12 MS. HERNANDEZ: There are a few more.

13 MAYOR SLESNICK: Huh?

14 MS. HERNANDEZ: There are a few more --

15 COMMISSIONER CABRERA: Yeah, I agree.

16 MS. HERNANDEZ: -- who are here and, you
17 know --

18 MR. RIEL: And we've had meetings with all
19 the folks that have brought up issues and concerns,
20 and this is the first time -- we know about the
21 issue, but it wasn't a predominant issue on Mr.
22 Guilford's previous meetings.

23 COMMISSIONER WITHERS: Didn't we go through
24 to two or three series of notifications of these
25 property owners? That was part of our request, also.

1 MR. RIEL: Absolutely.

2 MR. BROWN: We did that.

3 MR. RIEL: We sent certified notices to
4 these folks, saying that as you come through the
5 process and develop or redevelop, we will process the
6 application, and it will be done on a case-by-case
7 basis.

8 COMMISSIONER WITHERS: Right, and the
9 response from those letters were?

10 MR. RIEL: I'd have to ask --

11 MAYOR SLESNICK: Nothing?

12 MR. CARLSON: We really didn't get very many
13 responses.

14 MR. RIEL: I mean, a couple people
15 questioned what that would be. We had maybe one or
16 two meetings with the issues.

17 VICE-MAYOR ANDERSON: One of the concerns
18 that I remember being raised was private versus
19 public properties. We went through that whole issue.
20 We were only adopting the public changes, because
21 that's what we have control over, and that the issue
22 about private things would be that we would grant
23 someone a special -- you know, that they would have
24 to -- that private people should come through the
25 process, because we don't want to take away their

1 ability to do so or not do so. And the whole thing
2 about paying or not paying through the process, for
3 the application --

4 MAYOR SLESNICK: Well, I was very clear in
5 my concern, and that was up-zoning of properties.

6 MR. RIEL: Correct.

7 MAYOR SLESNICK: I made that clear from the
8 beginning. I don't see this as one of my concerns,
9 but everyone raises a good question, as to what we
10 do, consistently.

11 COMMISSIONER WITHERS: Well --

12 MAYOR SLESNICK: And I don't know.

13 COMMISSIONER WITHERS: Well, the -- unless
14 I -- I remember that the position that the City was
15 going to take was, when the map and the Zoning Code
16 came into play, the City was going to take the more
17 conservative approach, the least --

18 MR. RIEL: Land use.

19 COMMISSIONER WITHERS: Yeah.

20 MR. RIEL: The land use overriding zoning,
21 yes.

22 VICE-MAYOR ANDERSON: Right.

23 COMMISSIONER WITHERS: But -- and so in this
24 case, what --

25 COMMISSIONER KERDYK: But he's even down

1 from land use, though.

2 COMMISSIONER WITHERS: Yeah, that's --

3 COMMISSIONER CABRERA: What did you say,
4 Bill?

5 COMMISSIONER KERDYK: I said, you're even
6 down lower than the land use is, from what you've got
7 now.

8 COMMISSIONER WITHERS: Yeah, that's his
9 issue. I mean, I think that's what his issue is.

10 MR. GUILFORD: Right, that is. But also,
11 just to give you a couple of examples, like alcoholic
12 beverage sales are not permitted in CL, but they're
13 permitted in C. So I could actually have them in the
14 back of the building but not in the front of the
15 building. Who's really going to look and enforce
16 where it's located in the building?

17 Mixed use, which from what I read is a
18 conditional use under C, is not in the CL. So it
19 could have a mixed use in the back of the building,
20 but not in the front of the building.

21 So, I mean, those -- you have that on a
22 single piece of property.

23 COMMISSIONER WITHERS: Yeah.

24 MR. RIEL: It's a nonconforming use. It's
25 accepted as a nonconforming use, lawfully established

1 nonconforming use. I can't be more clear than that.

2 COMMISSIONER CABRERA: No, I agree.

3 VICE-MAYOR ANDERSON: I'm comfortable with
4 that.

5 MAYOR SLESNICK: Well, put that on the list
6 of things to make sure we're informed about.

7 Mr. Guilford, I don't know, but I don't
8 think you see much opposition here to somehow, down
9 the road, doing what you're going to need to do, if
10 this doesn't work out.

11 MR. GUILFORD: Thank you, Mr. Mayor.

12 VICE-MAYOR ANDERSON: As long as it's done
13 consistently with the other properties --

14 MAYOR SLESNICK: Yeah.

15 VICE-MAYOR ANDERSON: -- that's fine.

16 MAYOR SLESNICK: Close down the Hyatt for a
17 few --

18 COMMISSIONER CABRERA: I -- that's my
19 office.

20 MAYOR SLESNICK: That's right. You're out
21 of compliance.

22 COMMISSIONER CABRERA: I had to go check to
23 see if I was conflicted.

24 MAYOR SLESNICK: And your bank is going to
25 be --

1 COMMISSIONER CABRERA: -- which I'm not,
2 according to the City Attorney.

3 MAYOR SLESNICK: Santiago Echemendia, 1441
4 Brickell, on behalf of the Dade County School Board.

5 MR. ECHEMENDIA: Mr. Mayor, Santiago
6 Echemendia, 1441 Brickell Avenue, on behalf of the
7 Dade County School Board.

8 We really need to request some clarification
9 on this issue. You may recall, I came before this
10 Board about three years ago, and the School Board is
11 still kind of in limbo with respect to its TDRs. The
12 rewrite doesn't change the methodology, but the table
13 that ascribed who had TDRs has been removed. So we
14 requested an opinion from the City Attorney, who
15 basically responded with, I think, the
16 Administration's position, which is that the School
17 Board has to submit all three sites to the land
18 development regulations, the Comp Plan and the
19 Historic Preservation Ordinance, in order to retain
20 its TDRs. We disagree with that opinion. I think
21 the rewrite is clear that the methodology is still
22 the same.

23 But in light of the City Attorney's
24 position, it calls into question our TDRs and the
25 marketability of our TDRs, and therefore, we wanted

1 to get some feedback from the Commission as to what
2 your opinion is. She has directed the Planner not to
3 answer our question as to whether the rewrite
4 adversely affects our TDRs or not.

5 So, with that, we would like to get some
6 guidance as to where the Administration -- we
7 understand David wants us to submit all three. We've
8 submitted a covenant that ties Coral Gables
9 Elementary, by itself, to the land development
10 regulations of the Comp Plan and the TDRs, which
11 really is the only one that's at issue. It's the
12 only one that has TDRs. We don't think it's
13 appropriate to include the others as part of this
14 equation.

15 So, with that, if you can give us a little
16 feedback, we'd greatly appreciate it.

17 MR. BROWN: Mr. Mayor, let me be clear on
18 behalf of the Administration.

19 The Zoning Code cannot be used at the will
20 or whim of one particular property. You either
21 submit yourself to the entire Zoning Code, and the
22 Zoning Code is applicable to every school in the
23 City, or you're not submitting yourself to the Zoning
24 Code whatsoever. And so I have staunchly said --
25 as late as last night, I've talked to people at the

1 School Board -- that if they wish to submit all
2 schools to the School Board (sic), I'd recommend that
3 we would talk to the Commission about the TDR
4 process, but not to have the TDR process at the whim
5 and will of one school or one site within the City.

6 COMMISSIONER WITHERS: So this is a
7 concurrency issue, is what you're saying?

8 MR. BROWN: This is not a concurrency issue.

9 VICE-MAYOR ANDERSON: TDRs.

10 MR. BROWN: This is the fact that the Zoning
11 Code provides for a TDR process, and if you're going
12 to utilize the Zoning Code for a TDR process, you use
13 it for Code enforcement, you use for building site --

14 COMMISSIONER WITHERS: Well, that's what I
15 hear you saying, is that if they want to take the
16 benefits of our Zoning Code and TDRs, et cetera, then
17 they have to comply with the concurrency for
18 everything.

19 MR. BROWN: Absolutely.

20 COMMISSIONER WITHERS: Okay.

21 MR. BROWN: That's the process.

22 MR. ECHEMENDIA: If I may, through the
23 Chair --

24 MAYOR SLESNICK: What sites --

25 COMMISSIONER KERDYK: Building heights,

1 signage --

2 MR. BROWN: Building heights, signage, you

3 name it.

4 COMMISSIONER KERDYK: -- setback

5 requirements --

6 COMMISSIONER WITHERS: Parking

7 requirements --

8 COMMISSIONER KERDYK: Parking, yeah, all

9 that.

10 MAYOR SLESNICK: You said three sites. What

11 three sites?

12 MR. ECHEMENDIA: I guess Ponce and Coral

13 Gables -- Coral Gables Senior, the three School Board

14 sites within the City of Coral Gables. Coral Gables

15 Elementary --

16 MAYOR SLESNICK: There are four -- there are

17 five --

18 MR. ECHEMENDIA: I'm sorry.

19 MAYOR SLESNICK: -- School Board sites.

20 COMMISSIONER WITHERS: There's Merrick.

21 MR. BROWN: Merrick and Carver.

22 MR. ECHEMENDIA: Maybe I missed a few.

23 COMMISSIONER WITHERS: There's like five or

24 six.

25 MR. ECHEMENDIA: I think David's position

1 is, submit all --

2 MR. BROWN: All.

3 MR. ECHEMENDIA: In response to Commissioner
4 Withers' question, I guess, what we're saying is,
5 we've agreed to submit to all of the land development
6 regulations with respect to Coral Gables Elementary.
7 That's the only one that's at issue and the only one
8 that has TDRs. So, when you all raised that issue,
9 that there was an unlevel playing field or that we
10 were trying to have our cake and eat it, too, we
11 said, okay, fine, we'll proffer a covenant and we'll
12 submit Coral Gables Elementary to all of the
13 regulations, and we've done that. So I think we've
14 perfected our interest and I think are kind of sorely
15 disabused that the City Attorney is taking, really, a
16 policy -- is rendering a legal opinion that's really
17 a policy decision, if you will, rather than a legal
18 opinion.

19 I think the methodology is still there.
20 What we'll probably do is file for our certificate of
21 TDRs. If it's denied, then we'll be in
22 intergovernmental --

23 MS. HERNANDEZ: Dispute.

24 MR. ECHEMENDIA: -- discord, yeah.

25 COMMISSIONER WITHERS: And you'll make more

1 money.

2 MS. HERNANDEZ: There you go.

3 MR. ECHEMENDIA: Our rates to the School
4 Board are reduced, so it's not that --

5 VICE-MAYOR ANDERSON: I have a few
6 thoughts --

7 MAYOR SLESNICK: Maria.

8 VICE MAYOR ANDERSON: -- on this issue, and
9 we had an animated discussion about -- maybe about
10 two years ago, in the fall, and I still hold to the
11 same theory. I think TDRs are a really valuable
12 commodity that we hold and that can become valuable
13 to the School Board, and in return for that exchange
14 of value, I think we need to have some assurances
15 that our schools, all of them, be -- come under
16 compliance, not just one school.

17 We have had ongoing issues with the School
18 Board on how to get issues of overcrowding,
19 parking -- I mean, you name it, we've had it, and
20 we've come a long way, thanks to Commissioner
21 Withers, but I feel TDRs are our trump card, in a
22 way, for me, that's how I look at it -- I speak
23 personally -- is that if we're going to give you
24 something of value, we want something of value in
25 return, and that is protections and adherence to our

1 Zoning Code. That's, for me, a -- it's a
2 non-negotiable.

3 MR. ECHEMENDIA: Mr. Mayor, if I may, if I
4 hear what you're saying, you're saying the School
5 Board is being treated differently than all of the
6 other folks who have TDRs on the table, because the
7 methodology, if applied to all -- if what you're
8 saying is, the methodology as applied to all takes
9 them all away, that's one thing. If you're saying
10 you are taking the position that you are emasculating
11 the School Board and only the School Board, then
12 that's a disparate treatment, and we're going to have
13 an equal protection issue. So that's pretty much
14 what this Commission is saying.

15 MS. HERNANDEZ: And I would advise the
16 Commission not to respond to the redundant questions,
17 and -- just, you know, I think that Mr. Echemendia
18 has heard the position of my office, as well as the
19 position of the Administration, and -- you know.

20 MAYOR SLESNICK: Well, I think what -- I
21 think, though, what he's asked for, which I think is
22 proper, is the position of the Commission.

23 COMMISSIONER CABRERA: Well, but -- you're
24 not going to like this. Not just the School Board.
25 Everybody else, I want to emasculate on this issue.

1 MR. ECHEMENDIA: Well, that's a different
2 story. If that's, in fact, the case, and that's the
3 Commission's consensus, we'd like to --

4 COMMISSIONER CABRERA: Well, I mean, you
5 wanted to know, and I think it's important that you
6 have the clear understanding that I want to do this
7 to everybody.

8 MR. ECHEMENDIA: That's not what the Code is
9 doing currently. That's the clarification that we're
10 seeking.

11 COMMISSIONER CABRERA: I just want to let
12 you know how I feel about it.

13 MR. ECHEMENDIA: I understand.

14 VICE-MAYOR ANDERSON: Let me ask a question
15 of the City Attorney. The other properties under the
16 TDR ordinance, do they come into compliance with our
17 Zoning regulations?

18 MS. HERNANDEZ: All property owners in the
19 City that wish to take advantage of the rights -- of
20 the benefits of the Zoning Code also have their
21 properties subject to the Zoning Code.

22 VICE-MAYOR ANDERSON: Right.

23 MS. HERNANDEZ: And here we have a
24 disagreement with the School Board as to whether or
25 not all their properties are subject to our Zoning

1 Code and whether they can pick and choose which
2 regulations they will subject themselves to and which
3 properties they will allow to be subjected. And so
4 there's a -- definitely a disagreement, both legally
5 and from the Administration's perspective.

6 COMMISSIONER KERDYK: Miss -- Liz, when we
7 first discussed this thing -- and this is six or
8 seven years ago, when we put TDRs in there -- there
9 was talk about withdrawing the school out at that
10 time and cutting the school out of that, so I've got
11 to tell you, you know, I listened to what you say.
12 I'm not even sure I'm for the School Board getting
13 these massive amounts of TDRs. You're talking about
14 substantial TDRs. You're not talking about --

15 COMMISSIONER CABRERA: It's six properties.
16 Six properties.

17 COMMISSIONER KERDYK: Well, they're talking
18 only of the Coral Gables Elementary.

19 COMMISSIONER CABRERA: No, but if you count
20 them all, six.

21 MR. ECHEMENDIA: It's 212,000 square feet,
22 is what's been confirmed by Dennis Smith.

23 COMMISSIONER KERDYK: 212,000?

24 MR. ECHEMENDIA: That's correct, in TDRs.

25 COMMISSIONER KERDYK: I mean, it's a

1 substantial amount. It's the size of Codina's
2 building on 396 Alhambra Circle, 212,000 square feet,
3 that you're throwing into the Central Business
4 District, so --

5 MR. BROWN: That's why it's the
6 recommendation.

7 (Simultaneous inaudible comments between
8 Mayor Slesnick and Commissioner Cabrera)

9 MR. ECHEMENDIA: Mr. Mayor, is that it on
10 the School Board? I have another comment on the
11 Gables Waterway, Riviera Homeowners Association.

12 I wasn't quite sure what -- and this is more
13 of a request for clarification, as well. I agree
14 with Eric that a visioning neighborhood study is
15 really typically part of comprehensive planning.
16 It's not part of the Zoning Code rewrite. I'm not
17 sure what I heard. Tucker looked back to me and said
18 Amace is vested under the old Code. We still have
19 not gone before the Board of Architects.

20 We would submit that the visioning report is
21 fine from a comprehensive planning standpoint, but
22 not from a zoning rewrite standpoint. So that's our
23 position. I wasn't quite sure if he was asking that
24 it be part of comprehensive planning or that you
25 actually incorporate some suggestions as part of the

1 rewrite. I think it was the latter. If that's the
2 case, we would be opposed. Thank you.

3 MAYOR SLESNICK: Okay, thank you, Santiago.

4 Jaime Saldarriaga, 2711 Segovia Street.

5 MR. SALDARRIAGA: Good morning. 2711

6 Segovia, Coral Gables.

7 I'm here to express my opposition to the
8 reduction in height for the duplexes from 34 to 29
9 feet. During the moratorium, we were told -- when I
10 asked if it was the intention of the Commission to
11 change the moratorium ordinance, I was told it was
12 not the intention of the Commission to change it at a
13 later date.

14 The reduction in height takes away some
15 opportunities to have nice duplexes. For instance,
16 elegant Mediterranean duplexes with high-pitched
17 roofs are eliminated. I'm going to show you a
18 drawing that I did last night. Designs that
19 incorporate elevated entrances, off the sidewalk, to
20 look more elegant and more like grand stairways, is
21 eliminated because of the height restriction. The
22 crawling spaces that are always good to have for
23 future maintenance on duplexes, eliminated; there is
24 no room for that. And also, to have high interior
25 ceilings, and I will show you what happens to the

1 roof pitch when you change that.

2 Duplexes, like somebody said here, have a
3 different topography. Single-family homes are -- all
4 the space is fully integrated. Duplexes must take
5 into account two family homes. They are totally
6 separate.

7 I'm going to show you something that I did
8 last night. It's not a rendering architectural, but
9 this is a duplex, typical, looking from the side, not
10 from the front, to be able to see the pitch. I took
11 the entrance, elevated it a little bit to have a
12 crawl space, two and a half feet, and I did several
13 renderings, 11 feet, 10 feet, nine feet designed
14 ceilings. In all of them, you can see that the pitch
15 of the roof is less than 12 degrees. 12 degrees, to
16 me, is flat roof, and that's 12 by three. In all
17 codes, that's a flat roof. Even when you go to 34
18 feet, now you have 16 for this, you have 18, and
19 here, if you only have nine feet, it's 22 degrees.

20 Now, keep in mind that most designers
21 nowadays, the ceilings are not nine feet. People
22 like to have 10 or 11, so they look more spacious.
23 So this is one of the consequences of that
24 restriction. It's not that I'm trying to have my
25 duplexes higher than the single-family homes.

1 They're a totally different topography. You don't
2 want to end up with square boxes and no roofs, flat
3 roofs. This is what you're going to end up with.

4 During the Planning & Zoning Board, nobody
5 presented a rendering of this. The decision was
6 taken very slightly, very shallow discussions. This
7 was never presented. I contend that this is what
8 happens when you limit that.

9 VICE-MAYOR ANDERSON: Mr. Saldarriaga, would
10 you make sure that we get copies of that, so that --

11 MR. SALDARRIAGA: I will leave it here with
12 you.

13 VICE-MAYOR ANDERSON: -- it's in the record?

14 MR. SALDARRIAGA: It's not very
15 professional, because I just did it last night, but
16 it shows the angle. I was trying to measure the
17 angle.

18 VICE-MAYOR ANDERSON: Sure.

19 MR. SALDARRIAGA: And I did three. I split
20 it in half, the side, so that you could see what
21 happened with different ceilings.

22 VICE-MAYOR ANDERSON: Sure.

23 MR. SALDARRIAGA: And this is just the space
24 that you need to have between floors --

25 VICE-MAYOR ANDERSON: I think these are the

1 kind --

2 MR. SALDARRIAGA: -- to have ducting and all
3 that.

4 VICE-MAYOR ANDERSON: -- of visuals that we
5 need to fully comprehend.

6 MR. SALDARRIAGA: Right. That's right.
7 That's why I want you to look into that before you
8 make a decision on that.

9 And finally, I contend that it's very
10 difficult for people -- and I challenge anybody to
11 tell me the difference between 34 and 29 feet,
12 sitting, looking from the street. I asked many of my
13 friends, tell me the height of that building. People
14 cannot tell the difference between 34 and 29 feet.

15 Thank you.

16 VICE-MAYOR ANDERSON: Thank you.

17 COMMISSIONER KERDYK: Eric, can I follow up
18 on that? With Eric. It's not necessary --

19 One of the things I'd like you to do before
20 the next discussion is, there are some large,
21 majestic duplexes on Segovia. Could you give me some
22 heights of the current duplexes on Segovia there?

23 MR. RIEL: (Nods head).

24 COMMISSIONER KERDYK: There are some very
25 elegant, you know, buildings, and I'd just like to

1 see how tall those existing buildings are.

2 MR. SALDARRIAGA: And keep in mind, a duplex
3 is nice when you have the entrance is raised from the
4 floor.

5 COMMISSIONER KERDYK: Yeah.

6 MR. SALDARRIAGA: That stairway looks nice,
7 and if you have an entrance, it looks nice. If you
8 build everything to the sidewalk level, it doesn't
9 look nice.

10 COMMISSIONER KERDYK: Yeah. That's good.

11 MAYOR SLESNICK: Thank you.

12 Andy Murai, of 200 Solano Prado.

13 MR. MURAI: Good morning, Mr. Mayor --

14 MAYOR SLESNICK: Good morning.

15 MR. MURAI: -- Members of the Commission.

16 Andy Murai, 200 Solano Prado. Two issues, one
17 general, one specific.

18 The specific one, in the Zoning Code, in
19 8-2, you have what is called an aggrieved party, and
20 it's been restricted to those who get notices, within
21 a thousand feet of whatever issue or whatever
22 property. I think that should be looked upon. You
23 know, I've talked to Management, and Management
24 disagrees with me, but I think that this community is
25 -- we're trying to promote everybody to get involved,

1 and if you're restricting it, when there's an issue,
2 to a thousand feet of that property, to those who get
3 notices, I don't think that's what we want to do here
4 in Coral Gables. I think that everybody should have
5 the right to come and be a party, an aggrieved party,
6 if there's an issue that you disagree. You might
7 win, you might lose, but take a look at it and see,
8 you know -- see how --

9 COMMISSIONER CABRERA: Can I ask you what
10 you would recommend?

11 MR. MURAI: Sir, you know, I think that an
12 aggrieved party is any resident of the City of Coral
13 Gables that has an issue with a matter that is
14 City-wide.

15 COMMISSIONER CABRERA: So you wouldn't want
16 to see it limited to a thousand, it could be any
17 affected --

18 MR. MURAI: Any affected party.

19 COMMISSIONER CABRERA: -- property owner in
20 the City limits?

21 MR. MURAI: And I've talked to Management.
22 Of course, Management disagrees with me, and I
23 respect Management for that, but I think you should
24 consider it.

25 My general comments -- so that's one issue.

1 MAYOR SLESNICK: Well, let me ask you, and
2 maybe you could work with us on thinking through, not
3 right here, but on what we could do, because let's
4 say the Riviera Neighborhood Association wants to do
5 something with their own study, and so somebody in
6 the North Gables, on the last street next to 8th
7 Street, disagrees with Riviera and can cause them to
8 go through extra hearings and challenges because they
9 don't like what the Riviera is doing?

10 I'm just saying -- I'm really not asking for
11 an answer. I'm just thinking out loud, if there's
12 some way to define better what it means to be
13 affected.

14 MR. MURAI: Okay, I'll be happy to work
15 with --

16 MAYOR SLESNICK: How does it mean to be
17 affected?

18 MR. MURAI: All right, and the other
19 comments in general, you know, I think this document
20 has gone through 33 or 35 hearings, 35 hearings, a
21 year and a half. I have noticed in the last 90 days
22 that Management and Mr. Riel and others have tried to
23 make a big effort to try to bring different parties
24 together and see what their issues are and try to put
25 them in the final document. You know, I've been

1 involved with the Planning & Zoning Board, you know,
2 and they have, you know, looked at it many times. I
3 think it would be very dangerous for you to start
4 even considering changing the document between first
5 reading and second reading, because what might seem
6 small to you on this thing could affect other
7 things. And I think you should consider, and if you
8 need to do something later on, that's -- you know, in
9 my opinion, you don't have to do it, but I think
10 that -- you know, that I've seen -- what I've seen in
11 the last 90 days, I didn't see in the first year, or
12 not even 120 days. I think that we have made great
13 progress in certain issues, City-wide.

14 That's all. I don't want to take any more
15 of your time. Thank you for allowing me to speak.

16 MAYOR SLESNICK: Thank you.

17 VICE-MAYOR ANDERSON: Thank you.

18 MAYOR SLESNICK: Thank you very much.

19 Mario Garcia-Serra, 1221 Brickell Avenue.

20 MR. GARCIA-SERRA: Good morning, Mr. Mayor,
21 Commissioners.

22 MAYOR SLESNICK: Good morning.

23 MR. GARCIA-SERRA: Mario Garcia-Serra, 1221
24 Brickell Avenue. I'm here on a relatively minor
25 matter, at least in my opinion, a relatively minor

1 matter.

2 MAYOR SLESNICK: But we'll make it big for
3 you.

4 MR. GARCIA-SERRA: Yeah, that's always a
5 possibility. Regarding the mixed-use district. As
6 you know, what we now know as the mixed-use district
7 number three is being proposed to be the mixed use
8 district across the City. In reviewing those
9 mixed-use district regulations, and having had
10 experience with them in the past, you realize that
11 they -- it's an overlay district that can be assigned
12 to the commercial or the industrial area.

13 What is not addressed, I realize now, in the
14 text of the Code, which wasn't addressed before nor
15 is it addressed in the current version, is whether
16 the site-specific regulations of the City are
17 applicable to the MXD3 or MXD properties and
18 projects. In practice, they haven't been. Three
19 projects that have been approved in the industrial
20 district also had site-specific regulations on their
21 property, but they were not applied to the
22 properties, and that's why I consider it relatively
23 minor. I think it's sort of, we're already doing
24 this in practice, but to clear it up in the text that
25 we have right now, to make it clear that if you're

1 approved as an MXD3 project or MXD project, the
2 site-specific regulations are not applicable. I just
3 think it makes the language legally tight and
4 consistent with the current practice. I have some
5 proposed language here, which I'll pass out to you
6 guys for your review, and Staff, also.

7 MAYOR SLESNICK: Make sure that Staff has it
8 handy.

9 MR. GARCIA-SERRA: Yeah.

10 MAYOR SLESNICK: Mr. Robert Fine, of 1221
11 Brickell.

12 MS. HERNANDEZ: Mario, do you have an extra
13 one? Can I take a look?

14 (Inaudible comments between Mayor Slesnick
15 and Commissioner Kerdyk)

16 MAYOR SLESNICK: Mr. Fine. Thank you.

17 MR. FINE: Good morning, Mr. Mayor,
18 Commissioners. My name is Robert Fine, with offices
19 at 1221 Brickell Avenue.

20 I'm here today to speak on four issues. One
21 is a location-specific issue, and the others are
22 general, regarding issues in the Code.

23 The location-specific issue regards a client
24 of ours, Balzebre, LLC, and they own the properties
25 on Douglas between Sevilla and Almeria, and then

1 running west on Almeria from Douglas -- for your
2 reference, across from Norman's and that 13-story
3 bank and office building.

4 That property, under today's Code, is zoned
5 CA along Douglas and CC along Almeria. Under the new
6 Zoning Code rewrite, it's proposed to make it CL.
7 Under both the CA and the CC, this property could
8 have a hotel use as of right, without a restriction
9 on the number of hotel rooms except for other
10 constraints in the Zoning Code. In fact, that
11 property could have, as of right, up to approximately
12 200 hotel rooms, without any special approvals.

13 My client is -- his family has been in the
14 hotel business for several generations. This is a
15 multigenerational property in Coral Gables in this
16 family, and they've always considered this site for a
17 hotel. That doesn't mean that couldn't change, but
18 that's been their plans for a long time.

19 Now, you know, with the new Zoning Code,
20 certain things have happened. You know, when it
21 becomes CL -- first of all, the Code brought it down
22 to that you couldn't have more than eight sleeping
23 rooms in a building in the CL district, which sort
24 of, you know, eliminates the use of a hotel, for
25 doing that.

1 We met with Staff, proposed certain
2 protections, considering that the property is near
3 single-family and residential areas. The response
4 from Staff was to propose allowing the overnight or
5 the hotel use with more than eight rooms as a
6 conditional use. There's some problems with that,
7 but before I get to that, at the same time, there's
8 an additional increased burden on the use of the land
9 by these regulations, because the regulations for CL
10 also put restrictions on nighttime uses and alcoholic
11 beverage use, both of which these properties can do
12 now, as of right.

13 The proposed change by Staff was to make
14 these properties a conditional use if you wanted to
15 have more hotel rooms. It doesn't really take care
16 of the alcohol use and the others.

17 The concern is, and I need to raise this
18 for the record -- is, we may come in, at some point
19 in the future, for a conditional use, and we may not
20 get it. It's something we have, as of right now, and
21 it's only fair that we make a record and inform you
22 that we believe that the zoning should be restored to
23 this property so we could do now -- I mean, in the
24 future, what we can do now. As it was discussed with
25 Mr. Guilford, that there was no intent to have

1 changes of zoning in this Zoning Code rewrite, just
2 clarifying, cleaning it up, making it more
3 user-friendly, this is clearly -- when you go from CC
4 down to CL, that's clearly a zoning change.

5 So, currently, again, we'd request that you
6 would consider asking Staff to look at restoring the
7 zoning rights to this property. Again, this is a
8 property that, while it has residential on the back
9 side, it has on the front side enormous 13-story
10 buildings and, you know, it's sort of like dropping
11 off a cliff, instead of good planning tactics of
12 stepping down and working that through.

13 We had proposed Staff maintaining those
14 rights, but putting in certain conditions, such as,
15 you can only service the hotel from Almeria and not
16 from the alley and all that, but apparently they
17 chose not to write that in. That's my first issue.

18 My second issue is that, as the Zoning Code
19 rewrite was going through and in the last couple
20 rounds, in commercial limited, if you weren't
21 adjacent to single-family properties, there was not a
22 restriction of height. It was tied back to the Comp
23 Plan, and there was not a restriction on the minimum
24 lot size in order to have a building taller than 45
25 feet, again, if you weren't capped by the

1 single-family being adjacent restriction.

2 We met with Staff, because there were
3 discussions about putting something back in, and in
4 looking with -- discussing with our clients, we met
5 with Dennis, we met with Eric and his Staff, and
6 discussed -- and this is now CL properties not next
7 to single-family, a minimum lot size of 10,000 square
8 feet and a hundred-foot frontage. Staff appeared
9 amenable to this. There's several advantages to
10 doing that, which I'll explain in a moment, but the
11 Code, as written, came out at 20,000 square feet, and
12 our discussion with Staff was that because it came
13 very late in the game, it was hard to make a change,
14 and since there was a history in the Zoning Code of
15 20,000 square feet, at least for the purposes of
16 today, that's what was in there.

17 What are the benefits of going from 20,000
18 to 10,000 square feet? First of all, it allows for
19 smaller buildings. When you sit there and require
20 20,000 square feet, and somebody's got a fifteen,
21 sixteen, eighteen thousand square foot site, they're
22 going to have to, because of land values, assemble a
23 parcel with the guy next door, and now you've got
24 buildings that are 80, 90, 100 feet high, that are
25 400 feet long, these big wall buildings with no

1 breaks in them, and you can see some examples in the
2 City now, and I don't know if that's what we want to
3 necessarily encourage everywhere you're allowed to
4 build high.

5 If you go and reduce the lot size to a
6 10,000 square foot minimum for a high-rise, you give
7 people the opportunities to develop buildings they
8 have now, that were smaller buildings, that don't
9 have any parking. So someone can take a four-story
10 building with no parking in some of these commercial
11 areas and build to maybe a five, six, seven-story
12 building in areas where their next-door neighbor is
13 already allowed to go 90 feet, and they can put
14 parking in there.

15 So, by getting increased value, by getting
16 additional parking, which is certainly a big issue
17 for the City, allowing these buildings to be built on
18 smaller sites -- not real small sites; 10,000 square
19 foot is still a pretty good site -- you help the
20 parking issue and you increase the value of these
21 commercial properties.

22 And as -- when I met with Dennis, he was
23 discussing with me, when you have a 10,000-square-
24 foot site, you're not going to get a 96 or 130-foot
25 building. You're probably going to get, by the time

1 you have setbacks, constraints, parking, you know,
2 maybe a six to eight-story building; when you get
3 fourteen, fifteen, eighteen thousand square feet,
4 maybe another story or two. So you're not unleashing
5 these smaller sites on the full height because of the
6 practical realities of building and the constraints
7 of the Zoning Code. So, if the purpose of the Zoning
8 Code was, in fact, to reduce massing, reducing these
9 sites would be a good way to do it.

10 Now, it's probably a good idea to look at
11 for all commercial, although it's a big bite and late
12 in the game. In talking with Staff, one of the
13 things they suggested I propose to you today is that
14 since certain aspects of the Code are going back to
15 the PBZ on November 8th, that limited issue of CL
16 properties not adjacent to single-family, considering
17 those requiring only a 10,000 square foot with a
18 hundred linear foot frontage site to be able to
19 exceed the 45-foot height limitation.

20 MAYOR SLESNICK: Thank you, Mr. Fine, and --
21 that's all.

22 MR. FINE: Two more, much smaller issues.
23 These are unrelated.

24 MAYOR SLESNICK: Well, but they're not
25 unrelated to the four-minute time limit, which is up.

1 Make them short.

2 MR. FINE: Okay, I'll make them short. The
3 current -- the zoning --

4 MAYOR SLESNICK: Before you go there --

5 Mr. Riel, you've got the two issues that
6 were currently brought up. Are you going to respond?

7 MR. RIEL: I'd be happy to.

8 MAYOR SLESNICK: Do you want to now?

9 MR. RIEL: Sure.

10 MAYOR SLESNICK: Let's get to those issues.

11 MR. RIEL: Regarding the first issue,
12 regarding the property on Douglas, that property is
13 limited because it has commercial mid-rise on it,
14 anyway. So the Comp Plan would limit the height.
15 Yes, he is correct, the fact that they are across the
16 street or next to single-family, we put it as a
17 conditional use. We felt that any type of a hotel in
18 that area should have the opportunity to go through
19 public hearing and review.

20 The second issue, regarding the 100 foot and
21 10,000 square foot --

22 MAYOR SLESNICK: Okay, but confirm for us,
23 in the decision-making process, is it true that he
24 could do a hotel there, his client could do a hotel
25 there now?

1 MR. RIEL: Yes. Yes, he could. Yes. But
2 it's also adjacent to single-family.

3 COMMISSIONER WITHERS: Are you talking about
4 the ones on the Miami side or the ones south?

5 MR. RIEL: No, it's in Coral Gables.

6 COMMISSIONER CABRERA: Yeah.

7 COMMISSIONER KERDYK: That house --

8 COMMISSIONER CABRERA: Almeria and Douglas,
9 right?

10 VICE-MAYOR ANDERSON: Near those new --

11 MR. FINE: Almeria and Douglas.

12 VICE-MAYOR ANDERSON: -- high-rise --

13 COMMISSIONER CABRERA: Yeah, Almeria and
14 Douglas.

15 MAYOR SLESNICK: There's single-family --

16 COMMISSIONER WITHERS: Yeah, but there's
17 a -- there's a vacant lot there, or there's --

18 COMMISSIONER KERDYK: That's what he's
19 talking about.

20 MR. FINE: That vacant lot is part of our
21 property.

22 COMMISSIONER WITHERS: Yeah, that's what I'm
23 saying. That's -- you're not talking about the
24 building itself, now, on Douglas. You're talking
25 about the vacant lot, is what you're talking about.

1 MR. FINE: The vacant lot, and as you go up
2 some of those lots up Almeria.

3 COMMISSIONER CABRERA: Because the building
4 is a separate property owner.

5 MR. FINE: Well, that sort of L-shaped
6 parcel. Everything along Douglas and then going
7 about halfway up along Almeria is all one property
8 owner.

9 COMMISSIONER KERDYK: He's talking on the
10 south side of Almeria, not on the north side.

11 COMMISSIONER CABRERA: Yeah. I'm speaking
12 of the south side of what I believe is your client's
13 property. That building is not their property,
14 right?

15 MR. FINE: I'm not sure which building
16 we're talking about.

17 COMMISSIONER CABRERA: You know, the
18 boxy-looking building that's got the narrow windows,
19 retro seventies --

20 COMMISSIONER WITHERS: No, no. No,
21 that's -- you mean -- you're talking down Douglas a
22 little bit further.

23 MAYOR SLESNICK: Actually, that's --

24 COMMISSIONER CABRERA: Yeah, I'm trying to
25 get -- because there's been some --

1 MAYOR SLESNICK: Right across --

2 COMMISSIONER CABRERA: I know, I know.

3 MAYOR SLESNICK: -- from Barnett Bank.

4 COMMISSIONER CABRERA: Yes, I know, but
5 there's been some confusion that all those properties
6 are owned by one -- by one corporation or individual.

7 MR. FINE: No, no. Ours is -- what our
8 client has is that sort of L shape.

9 COMMISSIONER WITHERS: He's north of the
10 vacant lot, and you're talking about south of the
11 vacant lot.

12 COMMISSIONER CABRERA: No, I know. I'm just
13 trying to make sure I'm not conflicted, okay? This
14 is getting more and more difficult to do.

15 MAYOR SLESNICK: When you come back, we'd
16 ask you to note all these issues and come back to us,
17 and you may want to approach the Planning & Zoning
18 Board on their -- as a group discussion of some of
19 these issues.

20 MR. RIEL: That's fine. My concern is,
21 we're adding a lot to this list for the Board, and to
22 prepare all this information and get it to the Board,
23 within about a week, I don't think is accomplishable.
24 I really don't.

25 MAYOR SLESNICK: Well, do what you can, and

1 then we'll have to discuss what you've done and what
2 you didn't do. I mean, that's --

3 MR. RIEL: The other issue is alcoholic
4 beverages in CL. We need to look at that issue.
5 I'll get back to you on that.

6 MAYOR SLESNICK: And what about the 10,000?

7 MR. RIEL: The 100-foot/10,000-square-foot,
8 that was brought to our attention about a week or two
9 ago and, you know, it sounded like a good idea at
10 first blush, but, you know, after Staff looked at it
11 more closely, it's a major shift, in terms of
12 construction. It would allow the development -- if
13 you're talking about development of parcels, this
14 will allow development of parcels beyond what you can
15 even expect.

16 MAYOR SLESNICK: Those are the kinds of
17 answers we need. You know, before you get too scared
18 that all these have to go back to the Planning &
19 Zoning Board, you need to make -- and your decision
20 with David, of course, approval, that there are some
21 things that you can give us an administrative answer
22 to, for us to consider. If we then think there still
23 needs to be something done, we can do that, but --
24 so that's the kind of commentary we need to hear. If
25 you have time to take it to the Planning & Zoning

1 Board, Mr. Fine has nicely requested it go. If it
2 has to time to go for a public discussion, fine. If
3 not, we'd like you --

4 MR. RIEL: I'll tell you, all the issues
5 that have been raised today, with the exception of
6 one or two, have been discussed by the Board.

7 MAYOR SLESNICK: Okay, well, that's the kind
8 of thing we don't know. I mean, we -- okay, it's
9 somewhere in here, but we need -- if it hasn't been
10 discussed, then maybe it should be. If it has been
11 discussed, we need to know about it and what the
12 results of that discussion were. Is that a fair --

13 VICE-MAYOR ANDERSON: Uh-huh.

14 MAYOR SLESNICK: Mr. Fine, take another
15 minute.

16 MR. FINE: Prior variances. The current --
17 this new Code, when it takes effect, will invalidate
18 the provisions in the old Zoning Code. If you get a
19 variance last week, this week, next month, before you
20 do second reading, things that you have as of right,
21 including a six-month extension of your variance,
22 will go away. It has not been provided for in this
23 Code. I raised that with Staff and they discussed
24 providing language, and I think just because things
25 ran out of time --

1 MAYOR SLESNICK: We need to -- Madam City
2 Attorney, we need to take care of that.

3 MS. HERNANDEZ: Well, I need to check on
4 what he's saying and then see if we don't address it
5 specifically.

6 MAYOR SLESNICK: I know, but I'm saying --
7 well, I'm not suggesting that --

8 COMMISSIONER KERDYK: It's a good point.

9 MAYOR SLESNICK: If he's right, we need
10 to --

11 MS. HERNANDEZ: Right, absolutely.

12 MAYOR SLESNICK: It's a good point.

13 COMMISSIONER KERDYK: That is a good point.

14 MR. FINE: And then finally, in Section
15 5-1301 F, on Page 5-49 and 5-50, where you're talking
16 about finished floor elevations for areas -- minimum
17 finished floor, when they refer to substantial
18 improvements, and they talk about a 50 percent
19 improvement, they talk about 50 percent of the
20 assessed value of the property. In doing --
21 practicing in other communities, assessed value has
22 become a problematic term, because it's subject to
23 the tax assessor's whims, and I'm sure you've always
24 heard your neighbors, well, he's assessed high and
25 he's assessed low, and the courts won't let you use

1 one against another, because there's no real rational
2 basis. It's just as time and they've come --

3 FEMA uses the term market value. I think
4 it's probably what was intended. Many communities
5 do, and that way you can use your tax assessment, you
6 can bring an appraisal, getting to the same place,
7 and I would suggest that very simply, the term
8 assessed value be changed to market value.

9 MAYOR SLESNICK: Thank you. Two good
10 suggestions. Thank you very much.

11 COMMISSIONER KERDYK: That was a good
12 suggestion.

13 MAYOR SLESNICK: Mr. Fine, thank you very
14 much.

15 Elizabeth Crawford, 315 North Romano
16 Avenue.

17 MS. CRAWFORD: My name is Elizabeth
18 Crawford, 315 Romano Avenue.

19 MAYOR SLESNICK: Welcome, Miss Crawford.

20 MS. CRAWFORD: Thank you. Thank you for
21 hearing me. What I need to know is about the
22 disposition of rainwater.

23 Now, the only thing I have here is something
24 very old, and I looked through here briefly and I
25 didn't find it, so I don't know what article that's

1 under or where it's to be found, but in the Florida
2 Building Code it comes under storm drainage system,
3 and that would be disposition -- 4611.1, it's
4 disposition of rainwater, and it refers to a soakage
5 pit. This is referring to water coming from a
6 downspout, full force, and coming onto another
7 property, an abutting property, and this refers to a
8 soakage pit, is one method to contain the water, and
9 a drainage well.

10 So what I want to know is --

11 MAYOR SLESNICK: We'll get Mr. Smith up
12 here. Go ahead.

13 MS. CRAWFORD: What I want to know is, does
14 the City of Coral Gables base their Code on what the
15 Florida Building Code requires? Is it similar?

16 MAYOR SLESNICK: Mr. Smith?

17 MS. CRAWFORD: And also, does the City Code
18 allow for something -- a smaller area, rather than a
19 soakage pit or a drainage well, to contain the
20 water?

21 MR. SMITH: The --

22 MS. CRAWFORD: And where would that --
23 excuse me just a moment. Where would I find this in
24 the new Zoning Code?

25 MAYOR SLESNICK: Okay. I'm not sure it's in

1 the Zoning Code. It may --

2 MS. CRAWFORD: Where would it be? There's
3 got to be a --

4 MAYOR SLESNICK: Mr. Smith is going to tell
5 us all right now.

6 MS. CRAWFORD: Okay.

7 MAYOR SLESNICK: You're asking some very
8 good technical questions that I'm not sure we're
9 qualified to answer, but Mr. Smith, I hope, is.

10 MR. SMITH: The provisions for drainage are
11 covered under the Florida Building Code. They're not
12 covered under our Zoning Code.

13 MAYOR SLESNICK: So we follow the --

14 MS. CRAWFORD: So the City complies with
15 the Florida Building Code?

16 MR. SMITH: Yes.

17 MS. CRAWFORD: Now -- so you must be
18 familiar with that, right?

19 COMMISSIONER WITHERS: If he's not, he'll
20 make it up.

21 MS. CRAWFORD: Okay. Well, I think that's
22 my problem already. So, in the Florida Building
23 Code, then, what is the disposition of rainwater?

24 MR. SMITH: Generally speaking, you have to
25 retain all drainage and all rainwater on your own

1 property.

2 MS. CRAWFORD: Okay. It says here, "shall
3 be disposed of where same originates and/or falls in
4 such manner." So would that be a downspout?

5 MR. SMITH: I believe so.

6 MS. CRAWFORD: So, if a downspout is pouring
7 out water and it comes onto an adjoining property or
8 a property abutting that, the offending -- I call it
9 the offending downspout would have to contain all
10 their water on their property, correct?

11 MR. SMITH: That's correct.

12 MS. CRAWFORD: Okay. So what Code, then,
13 in the City requires that? Where is the Code -- I
14 can't find it, that says --

15 VICE-MAYOR ANDERSON: It's in the Florida
16 Building Code.

17 MR. SMITH: It's in the Florida Building
18 Code --

19 VICE-MAYOR ANDERSON: It's the guiding
20 document.

21 MR. SMITH: -- which the City has adopted.

22 MS. CRAWFORD: Yeah, okay, and so do you
23 have a copy of that Code? Would I be able to get a
24 copy of that Code?

25 MR. SMITH: The Florida Building Code?

1 MS. CRAWFORD: Uh-huh.

2 MR. SMITH: Yes. We have it in the Building
3 & Zoning Department.

4 MS. CRAWFORD: Okay, and would you be able
5 to tell me what that -- oh excuse me, thank you.

6 So would you be able to tell me what that
7 Code violation is?

8 MR. SMITH: The appropriate person in the
9 Building Department could do that, yes.

10 MS. CRAWFORD: So do you know, then, the
11 soakage pit and the drainage well -- it's very
12 involved, and according to this, it must comply with
13 the same thing as a septic tank, as far as setback
14 goes, from the property line.

15 MR. SMITH: I would have to check that.

16 MS. CRAWFORD: Okay.

17 MAYOR SLESNICK: Miss Crawford --

18 MS. CRAWFORD: Yeah?

19 MAYOR SLESNICK: How about if I do this, if
20 I give your appearance card to Mr. Smith, and he'll
21 have the right person contact you about this and give
22 you all the questions --

23 MS. CRAWFORD: One more question, then.

24 MAYOR SLESNICK: Okay. I just was trying to
25 help you get to the right --

1 MS. CRAWFORD: So what I need to know,
2 specifically, too, is, other than the soakage pit and
3 drainage well, does the Florida Building Code allow a
4 lesser containing area, like something as big as a
5 12-quart stockpot filled with rocks?

6 MR. SMITH: I would have to look and see and
7 have someone that deals with that on a daily basis
8 reply to you on that.

9 MS. CRAWFORD: Okay, but will the City
10 then -- if -- would the City enforce that Code?

11 MR. SMITH: We do enforce the Florida
12 Building Code and we enforce the drainage provisions.

13 MS. CRAWFORD: You do enforce those?

14 MR. SMITH: Yes, we do.

15 MS. CRAWFORD: Very good. Thank you very
16 much, and thank all of you.

17 MAYOR SLESNICK: Miss Crawford, if you would
18 like to give Mr. Smith your phone number, too, on
19 there -- I mean, you don't have to give it to him on
20 the microphone. You can just give it to him
21 personally there, and --

22 COMMISSIONER CABRERA: That was very good
23 cross examination.

24 MS. CRAWFORD: Thank you.

25 COMMISSIONER CABRERA: You had me scared.

1 MS. CRAWFORD: I beg your pardon?

2 COMMISSIONER CABRERA: You had me scared.

3 COMMISSIONER KERDYK: You're not her
4 neighbor, are you?

5 COMMISSIONER CABRERA: No.

6 MS. CRAWFORD: You're the only one that's
7 scared, then. Nobody else here in the City has
8 been. All right. Thank you, gentlemen.

9 COMMISSIONER KERDYK: Thank you. Thank you.

10 MS. CRAWFORD: Thank you.

11 MAYOR SLESNICK: Miss Crawford, just for you
12 to know, that you're not the only person concerned
13 about rainwater drainage from someone else's
14 property.

15 MS. CRAWFORD: Who else is concerned?

16 MAYOR SLESNICK: Well, we have other
17 citizens who have brought it to our attention, the
18 problem with their next-door neighbors running water
19 into their land. So, I mean, it comes up on an
20 irregular basis, and --

21 MS. CRAWFORD: So how does the City handle
22 that for these --

23 MAYOR SLESNICK: Well, we send out our Code
24 Enforcement officers.

25 MS. CRAWFORD: And?

1 MAYOR SLESNICK: We make them comply with
2 the Florida Building Code.

3 MS. CRAWFORD: So, if the Code Enforcement
4 officer finds that there's a violation, then it comes
5 in to the City, but can a Building & Zoning Assistant
6 Director void it out and say, "Oh, no, we don't agree
7 with that"?

8 MAYOR SLESNICK: Okay, I can't answer that.

9 MS. CRAWFORD: Okay. I can answer that.
10 Thank you very much.

11 MAYOR SLESNICK: Thank you.

12 MS. CRAWFORD: Thank you, everyone.

13 MAYOR SLESNICK: And ma'am --

14 MS. CRAWFORD: Yeah?

15 MAYOR SLESNICK: If that's an issue, which I
16 don't want to get into here, but if that's an issue,
17 I wish you would really see Ms. Lubin, who's sitting
18 back here.

19 MS. CRAWFORD: Yes, I talked to Miss -- I
20 talked to Miss Lubin in June, and she said, "Oh, it's
21 a tremendous violation. I'm going to walk it right
22 up to Margaret Pass, right this minute, and I'll call
23 you right back."

24 MAYOR SLESNICK: Okay.

25 MS. CRAWFORD: I haven't heard from Miss

1 Lubin yet. Thank you.

2 MAYOR SLESNICK: Okay.

3 Dona, would you please see Miss Crawford?

4 Maria Cristina Longo?

5 MS. LONGO: I'll pass.

6 MAYOR SLESNICK: You'll pass? Okay. We
7 have your appearance, and we assume that you adopt
8 Jaime's words?

9 MS. LONGO: Yes. Well, let me just --

10 MAYOR SLESNICK: You know, passing really
11 makes us happy.

12 MS. LONGO: I will pass, I will pass.

13 MS. SLESNICK: Oh, okay, you don't want to
14 make us --

15 MS. LONGO: You've heard so much from me
16 that I'm embarrassed.

17 My name is Maria Cristina Longo, and I live
18 at 2828 Segovia, and I'm against the reduction of
19 duplex height, for all the reasons that have been
20 mentioned here today. I ditto what Jaime Saldarriaga
21 said, and I'm in favor if you consider keeping the 34
22 feet high -- and I know that there has been some
23 residents from single-family homes that have been
24 concerned from the duplex height. It was -- the
25 intention was to match the single-family homes. I'm

1 in favor of a combination of both heights.

2 As Mrs. Maria Anderson mentioned, there is
3 already in the Code, on the townhouse Code, on
4 Page -- Section 4, Page 4-17, a solution that was
5 given to the townhouses that are contiguous or abut
6 single-family homes. My recommendation is to apply a
7 similar solution to the duplex height.

8 And in the townhouse Code for height, it
9 reads, 35 feet within 50 feet of any property line
10 and three floors or 45 feet, whichever is less, on
11 the remaining portion, the combination of heights.
12 We can do the same thing for duplexes, to meet the
13 single-family homes' needs and to keep the beautiful,
14 desirable height that will match the scale of streets
15 like Segovia, LeJeune and Ponce.

16 Please remember that the intention of the
17 original Code was for duplexes to serve as buffers,
18 and I think -- I'm not an expert, but buffers should
19 be a little bit higher, and that's the intention,
20 from collector roads. Not only is that an argument,
21 but the argument of being able to build more
22 elegant -- more elegant buildings that are in context
23 with the streets is a very important argument for our
24 City Beautiful, in order to keep it beautiful. Thank
25 you.

1 MAYOR SLESNICK: Thank you. Thank you very
2 much. You enhanced Jaime's words, so that was very
3 good. Thank you.

4 Fernando Menoyo.

5 MR. MENOYO: Good morning. Fernando Menoyo,
6 744 Biltmore Way.

7 I have just a few comments on the townhouse
8 ordinance, and this is townhouse in the multi-family,
9 not townhouses in the duplex. I think there's --
10 there has been a lot of confusion since townhouses
11 were proposed for duplex, and people are confusing
12 it, but there's an existing townhouse ordinance in
13 the multi-family-zoned areas, and this new Code
14 addresses -- makes two very positive changes to that
15 ordinance. One of them is that it requires the
16 parking for townhouses to be in the back of the
17 townhouses, either through an alleyway or through a
18 driveway. That's new in this ordinance.

19 It also addresses parking, where there's
20 existing parking, on-street. It addresses that issue
21 so as to preserve the on-street parking. So it's
22 addressing two issues to do with townhouses.

23 For months, we have been proposing two
24 additional changes to the ordinance, not because it
25 favors us but because we feel that these changes will

1 make for a more beautiful area. One of the changes
2 is to increase the minimum width from 16 feet to 23
3 feet. That would allow for a two-car garage, with
4 side-by-side parking, and it also allows for a much
5 more commercial, much more sellable townhouse.
6 That's one of the issues that we're proposing.

7 And the other one that we have proposed for
8 a while is the requirement of the townhouses facing
9 the street, to require townhouses to face the street,
10 because townhouses that face the street are more
11 pedestrian-friendly, and because we feel that that
12 was the intent of the ordinance when it was written
13 during the moratorium.

14 As a matter of fact, I would like to ask the
15 consultant if he -- because I heard him, earlier
16 today, mention townhouse/row houses, and in no moment
17 have I heard him -- what's happening is that some
18 developers are using the townhouse ordinance to build
19 courtyard apartment buildings, which are very massive
20 apartment buildings, and by requiring that the
21 individual townhouses face the street, you would be
22 solving that problem, and --

23 COMMISSIONER CABRERA: And based upon your
24 recommendations, Mr. Menoyo, what has been Staff's
25 response to those two? Because they seem very

1 logical.

2 MR. MENOYO: Well, we proposed it to -- in
3 front of the Planning & Zoning Board, and this was
4 like eight months ago, and they -- they were in favor
5 of the proposals and they were going to further study
6 it, but nothing ever came from it. And as a matter
7 of fact, when one of these projects, these courtyard
8 buildings, came in front of the Development Review
9 Committee, the Planning Department, Mr. Carlson, said
10 that what was being proposed was not the intent --
11 was not the intent of the townhouse ordinance, but it
12 went through.

13 VICE-MAYOR ANDERSON: I have some thoughts,
14 to piggyback, if I may.

15 COMMISSIONER CABRERA: Uh-huh.

16 VICE-MAYOR ANDERSON: When this particular
17 courthouse -- courtyard apartment was proposed, I
18 guess on Valencia, there was a discussion had, and I
19 spoke with the Manager at the time, this was maybe
20 over a year ago, and at that time we thought, well,
21 we really need to make the changes to the townhouse
22 ordinance, because this is a particular building
23 type. The garden apartments are very nice and
24 appropriate, but I didn't feel that we should use one
25 ordinance that was specifically designed for one, to

1 build another.

2 MR. MENOYO: Right.

3 VICE-MAYOR ANDERSON: I talked about closing
4 the loopholes, and I would be very supportive of what
5 you're saying, because I do believe that those things
6 can exist, but let's just call it what it is.

7 MR. MENOYO: Right.

8 VICE-MAYOR ANDERSON: And let's just have an
9 ordinance that deals with that, and then not use the
10 townhouse ordinance as a back door into that.

11 MR. MENOYO: Precisely. We're not against
12 courtyard apartment buildings, but if City wants
13 courtyard apartment buildings, we need to establish a
14 Code, not use the townhouse Code --

15 VICE MAYOR ANDERSON: Right.

16 MR. MENOYO: -- to build courtyard apartment
17 buildings.

18 COMMISSIONER CABRERA: All right, so can we
19 have this looked at administratively, since the
20 Planning Board is -- if Mr. Menoyo is correct, and
21 I'm sure he is, the Planning Board looked at it and
22 gave some favorable commentaries, and then somehow,
23 some way, it didn't get incorporated -- between first
24 and second reading?

25 MR. RIEL: The issue has come up throughout

1 the townhouse discussion, and I don't disagree with
2 what's proposed, but we said it needs further study,
3 because there are townhouse -- different typologies,
4 and just within the time frame of trying to deliver
5 this Code, we could not do that study. So we welcome
6 the Commission's delaying the townhouses in the
7 duplex area to allow us to look at this, but we need
8 to do further study and it's just something we can't
9 do in the next -- because we need to look at
10 different properties, we need to provide notice to
11 those neighbors, and we just can't, wholesale, go and
12 say, you know, let's make this one change, without
13 seeing how it affects City-wide, so --

14 COMMISSIONER CABRERA: But when it was
15 originally brought to our attention, did we have the
16 appropriate time to do the things that you're
17 describing now?

18 MR. RIEL: The townhouse issue bubbled up
19 probably in the last three or four months of
20 discussion, when the single-family -- it was June. I
21 remember this, it was June, at the Biltmore. When
22 the single-family regulations were discussed, they
23 were talking about reducing the height of duplexes
24 and then the introduction of townhouses. So it's
25 kind of only been an issue for --

1 VICE-MAYOR ANDERSON: I kind of respectfully
2 disagree, because I always respect Staff, but I
3 remember the conversation I had with the Manager's
4 Office, that -- and I looked at a model floor of that
5 particular courtyard apartment and I was like, so how
6 did -- you know, it's a nice building, but -- in and
7 of its own, it's a nice building, but, you know, we
8 talked about closing loopholes, you know, and I have
9 no -- like I said, no problem in the garden
10 apartment, but I do think, you know, we've had some
11 time. I'm not going to bash you, because this has
12 been a long process and you've done a good job. I
13 think this is one of those things that we really
14 might need to look at.

15 MAYOR SLESNICK: We don't have to approve
16 any more --

17 VICE MAYOR ANDERSON: Yeah, I don't --

18 MAYOR SLESNICK: -- garden apartments in the
19 townhouse ordinance, if you don't want to. That's --

20 VICE-MAYOR ANDERSON: I do feel we've had
21 time. It just didn't get there.

22 COMMISSIONER CABRERA: Well, we don't have
23 to, but if they don't come to us, then we don't have
24 that --

25 MAYOR SLESNICK: We can instruct Staff that

1 they are --

2 COMMISSIONER CABRERA: That's what I mean.
3 We would have to create the right mechanisms to avoid
4 this from being abused. That's what I'm --

5 VICE-MAYOR ANDERSON: Yeah.

6 COMMISSIONER CABRERA: I'm reading this as
7 an abuse of an ordinance to benefit one's own gain in
8 terms of their development of their project, and so
9 if there's a mechanism to keep that from happening,
10 and giving you the time to do the necessary studies
11 to bring it back to us, then we'll be better off.

12 MR. MENOYO: Well, it's very simple. Single
13 townhouses should face the street.

14 COMMISSIONER CABRERA: That takes care of
15 it?

16 MR. MENOYO: That takes care of it.

17 COMMISSIONER CABRERA: Well, see, that's a
18 logical -- that's a logical recommendation, period.
19 That's why we --

20 MAYOR SLESNICK: For row houses.

21 COMMISSIONER CABRERA: For row -- for the
22 type of town properties, town homes, that we were
23 describing.

24 MR. MENOYO: When we talked about -- because
25 we participated in the moratorium, with Maria, our

1 architect, and that was really the intent. It wasn't
2 clarified, but that was the intent. As a matter of
3 fact, the consultant this morning mentioned row
4 houses, because that's what he's been thinking.

5 MAYOR SLESNICK: Mr. Menoyo, I appreciate
6 that, and I know what row houses are, but -- Ms.
7 Lubin -- is someone, David, going to come up here and
8 defend the apartments that we approved under the
9 townhouse ordinance? I mean, you did before. I
10 mean, we have this presentation going on, and I'd
11 like both sides to be aired before we make a decision
12 here.

13 MR. BROWN: Dennis?

14 MAYOR SLESNICK: I mean, it seems like
15 every time someone starts criticizing something, all
16 of a sudden the Administration disappears, on
17 something that they led us down the road to in the
18 first place. So, someone recommended to us that we
19 should go forward with the apartments and the
20 townhouse ordinance, and let's see what the reason
21 was.

22 MR. SMITH: Well, I'll talk to you about
23 the -- The townhouse was approved as a courtyard
24 type, okay? That one complies with the provisions
25 for our townhouse ordinance in the multi-family

1 special area district. Each unit comes from the
2 ground straight up. They don't overlap each other.
3 Each unit has its own parking below it. Each unit is
4 an individual type of unit. The only difference
5 between that building and a row house style of
6 townhouse is, you enter into a central courtyard and
7 then you enter into the doors.

8 Now, a row house is a townhouse style, but
9 all -- you could say all row houses are pretty much
10 townhouses, but row houses aren't the only type of
11 townhouses that there are. The apartment style that
12 we approved as a townhouse is another form of
13 townhouse building.

14 COMMISSIONER CABRERA: I've just never seen
15 it. I've never seen it. It makes absolutely no
16 sense to me, I'm sorry. I see it as an apartment
17 building. I don't see --

18 MR. MENOYO: And there's another --

19 VICE-MAYOR ANDERSON: I feel the same way.

20 MR. MENOYO: There's another difference. It
21 has underground parking, versus having garages in the
22 alleyway. The courtyard apartment building has
23 underground parking, with elevators going from the
24 underground parking into the units.

25 MR. SMITH: And there are townhouse types

1 that you can do that. The thing is, I think, that
2 some people contemplated that under the townhouse
3 ordinance, the only thing that we would get would be
4 row houses. But it wasn't written that way. It was
5 written so that you could have other types of
6 townhouse units.

7 COMMISSIONER CABRERA: All right.

8 MR. SMITH: I mean, if all you want is row
9 houses, well, then, the thing to do would be to say
10 that the door must face upon the street. But if you
11 want a variety of different townhouse units --

12 MAYOR SLESNICK: That's a good explanation,
13 and that's the explanation you gave us when we
14 considered the other building.

15 MR. SMITH: That's correct.

16 MAYOR SLESNICK: Thank you. I appreciate
17 you putting that on the record. So our decision is,
18 do we want it just to apply to row houses or --

19 COMMISSIONER KERDYK: Well, I think there's
20 another component here that maybe needs to be
21 addressed. Density-wise, can you get more density in
22 a --

23 COMMISSIONER CABRERA: Sure.

24 COMMISSIONER KERDYK: -- town home that --

25 MR. MENOYO: 30 percent more.

1 MR. SMITH: The density is the same. It's
2 the same number of units per acre. Then it becomes a
3 matter of design.

4 COMMISSIONER CABRERA: Right.

5 MR. SMITH: Okay?

6 COMMISSIONER CABRERA: I mean, if you don't
7 face the street --

8 MR. SMITH: Some people would design it so
9 that you can use the 30 -- or 25 units per acre, or
10 whatever.

11 COMMISSIONER KERDYK: But it seems to me,
12 Dennis, though -- I'm just looking at what he's
13 proposing here, and I really hadn't thought about it,
14 but if you have a 23-foot town home and you have a
15 hundred-foot piece of property, you're talking about
16 four town homes being built there, as opposed to if
17 you have this same -- the same analogy, and you bring
18 people in from the front door and you have town homes
19 set, you know, side by side, and this all opening
20 onto this courtyard, it seems that you would get a
21 lot more --

22 MR. MENOYO: More, more.

23 COMMISSIONER KERDYK: -- in that scenario.

24 MR. SMITH: You would get -- in either
25 case, you would still be under what's permitted, in

1 terms of the density, and I think that --

2 COMMISSIONER KERDYK: The answer is yes.

3 MR. SMITH: -- the bigger issue becomes the
4 FAR and the height, because the FAR and the height
5 for both types is the same. So you get the same mass
6 in the same setbacks. Okay? It's a difference of
7 the number of units.

8 MAYOR SLESNICK: How does he figure we get
9 30 percent more?

10 MR. SMITH: Pardon?

11 MR. MENOYO: Because, for instance, in this
12 project that was passed, and already permitted, it's
13 a 75-by-110 lot. Normally, on a 75-foot lot, you
14 would fit three townhouses.

15 MR. SMITH: Row houses.

16 MR. MENOYO: Three row houses. How many
17 units does that building have?

18 MR. SMITH: They have the five that's
19 permitted.

20 MR. MENOYO: Five units.

21 COMMISSIONER KERDYK: The same density, but
22 more units.

23 MR. MENOYO: So --

24 MAYOR SLESNICK: Well, 75 -- 16 feet is more
25 than three row houses. At your 23 feet, your

1 proposal --

2 MR. SMITH: That's correct.

3 MR. MENOYO: Yeah, if you go with the 16
4 feet --

5 MAYOR SLESNICK: No, but I'm saying, he's
6 saying -- I don't want anyone to think that we're
7 lying to each other.

8 MR. MENOYO: Yeah, right.

9 MAYOR SLESNICK: You're suggesting if you
10 build them where you think you could sell them, and
11 he's saying that you're permitted so many --

12 MR. MENOYO: Right.

13 MAYOR SLESNICK: Okay.

14 MR. MENOYO: That's why we're proposing
15 those two changes, increasing the minimum width and
16 facing the street.

17 MAYOR SLESNICK: I haven't heard Staff's
18 response to the 23 feet. Is there some reason we
19 would oppose developers wanting to build a little bit
20 wider row houses?

21 MR. SMITH: I don't know that there's a
22 need to do -- you can do a townhouse in the 16 feet
23 that we have, and have a one-car garage on the back
24 and then have another parking space behind that. You
25 can do that, and that is a --

1 MAYOR SLESNICK: And that's a minimum,
2 right?

3 MR. SMITH: That's a miniumum.

4 MAYOR SLESNICK: Now, Fernando, what is your
5 objection, that if you want to build really elegant
6 23-foot-wide townhouses --

7 MR. SMITH: Build them.

8 MAYOR SLESNICK: You can build them, but if
9 someone else comes along with a little bit cheaper
10 product and a little bit narrower product, why would
11 you want to stop them from that choice?

12 MR. MENOYO: It's just a vision. It's what
13 I envision, and I think that's what's good for our
14 City. I mean, we own a lot of property. So, for us,
15 building courtyard apartment buildings commercially
16 is great, but it's just the vision that I have for
17 the City.

18 MAYOR SLESNICK: Okay. That's a good
19 answer. Thank you.

20 COMMISSIONER CABRERA: Yeah, I appreciate
21 that commentary.

22 COMMISSIONER WITHERS: But we didn't like
23 that original design of all those garage doors,
24 originally.

25 MR. BROWN: We hated that.

1 COMMISSIONER WITHERS: That's -- remember
2 that? We didn't like all those garage doors across
3 the front.

4 VICE-MAYOR ANDERSON: Yeah, I think some of
5 the change --

6 COMMISSIONER KERDYK: That's why we put it
7 in the back.

8 VICE-MAYOR ANDERSON: In the back.

9 COMMISSIONER KERDYK: That's why it's in the
10 back.

11 COMMISSIONER WITHERS: Yeah, and also, we
12 wanted to get cars off the street, and that's why we
13 allowed that. I mean, when I saw the presentation on
14 the courtyard area, that's why we allowed it.

15 MAYOR SLESNICK: It was a nice presentation,
16 and we were advised that we should accept it. That's
17 how --

18 MR. BROWN: It fit the definition.

19 MAYOR SLESNICK: Well, David, it does
20 irritate me when we get people that criticize things,
21 that we've done something before, that I don't hear a
22 repetition of the reasons why we did it. I mean,
23 I --

24 VICE-MAYOR ANDERSON: This is where I have
25 the disconnect, of what happened when we talked, you

1 know --

2 MR. BROWN: Well, when we met in my office
3 with each one of you about the project, we talked
4 about the project itself and its interpretation from
5 the Zoning Code, but the bubbling up of the issue to
6 the Zoning Code was about 40 days later, at the
7 Biltmore. But we had already discovered the project
8 and discovered the interpretation, and then it
9 started to work its way forward.

10 MAYOR SLESNICK: Well, I think the issue
11 that Fernando brings to us about the doors facing the
12 front is very clear. If we want to support that that
13 ordinance only affects row houses, then we vote that
14 the doors should face the street. If we don't feel
15 that way, we shouldn't.

16 COMMISSIONER WITHERS: Right.

17 MAYOR SLESNICK: On the width, I'm a little
18 bit more confused about the width, and I appreciate,
19 Fernando, you want to build quality and so forth.

20 Mr. Siemon?

21 Can I ask Mr. Siemon a question about that?

22 COMMISSIONER CABRERA: Mr. -- oh, go ahead,
23 sir.

24 MAYOR SLESNICK: No, just on that --

25 COMMISSIONER CABRERA: I just wanted to

1 comment on the Manager --

2 Mr. Manager --

3 MR. BROWN: Yes, sir.

4 COMMISSIONER CABRERA: -- for the record,
5 you and I never talked about that project --

6 MR. BROWN: That's correct.

7 COMMISSIONER CABRERA: -- privately?

8 MR. BROWN: That's correct.

9 MAYOR SLESNICK: Mr. Siemon.

10 MR. SIEMON: Mr. Mayor, the Code requires a
11 minimum -- allows a minimum of 16 --

12 MAYOR SLESNICK: I know.

13 MR. SIEMON: -- but nothing prohibits a
14 developer from building 20 or 30.

15 MAYOR SLESNICK: I understand, but Fernando
16 has raised a good point for Coral Gables audiences,
17 and that is, in allowing a 16-foot minimum, in your
18 professional opinion -- that's all I'm asking, and
19 it's your opinion, it may not be ours, but in
20 allowing that, are we allowing inferior quality
21 townhouses at 16 feet? I mean, based on your looking
22 at it around the country.

23 MR. SIEMON: 16 feet is a minimum width, I
24 think, for a viable dwelling unit, but there are lots
25 of very high quality, very narrow buildings in very

1 valuable quasi-urban and urban markets, and I
2 don't -- I mean, my observation would be that you're
3 not going to get anything in any of the MF2 districts
4 that's going to -- either the special area or the
5 other, that are going to be anything but quality
6 regardless of their width, and our general experience
7 is, give flexibility.

8 What does often happen is, they're not all
9 the same. You'll get a sixteen, two twenties, a
10 sixteen, two twenties, and you get some rhythm on the
11 street, not just everything -- so our recommendation
12 was to allow a minimum, but of course, anyone can go
13 up above that.

14 COMMISSIONER KERDYK: I mean, wouldn't one
15 of the answers be, though, if you go 23 feet, you
16 take two cars off the street instead of just one?
17 And we're trying to discourage cars parking on the
18 street. I mean, that would be a great answer to
19 that.

20 MAYOR SLESNICK: Okay.

21 COMMISSIONER WITHERS: Someone else would
22 park there, anyway.

23 COMMISSIONER KERDYK: That's a possibility.

24 MAYOR SLESNICK: Great point.

25 Fernando, thank you for raising the issues.

1 Mamta Fryer, 640 Majorca.

2 MS. CHAUDHRY-FRYER: As you know, my husband
3 and I have been very closely involved with the
4 residential regulations in the Zoning Code rewrite
5 and we have obsessively re-read every successive
6 draft, to the detriment of both our eyesight and our
7 social life. But I would like to bring up some
8 points here today. One of them was brought up at the
9 Planning & Zoning Board meeting on September 27th,
10 but referred to you for a decision. That's about the
11 carport canopies in single-family homes. The Code
12 permits canopies as large as 440 square feet and says
13 they shall be so constructed as either to admit or
14 permit quick removal such as is necessary in cases of
15 impending storms or hurricanes.

16 My question is, who will ensure this
17 removal? You know, right next to Miami Children's
18 Hospital, after a tropical storm, not a hurricane, I
19 saw the twisted wreckage of a lot of these carport
20 canopies, and they can damage neighboring houses. In
21 the kind of insurance climate we have today, where
22 companies are eager to drop you at the first sign of
23 a claim, I don't know that the City of Coral Gables
24 wants to have this hazard, and I would urge you, both
25 for safety and for aesthetic reasons, to reconsider

1 the carport canopies in single-family residential
2 areas.

3 At the same Planning & Zoning Board meeting
4 on September 27th, the question of bonuses for
5 detached garages came up, and a Board member asked to
6 increase by 25 percent the bonus for detached garages
7 on 50-foot lots. But the Commission had already
8 voted on the single-family ordinance, and indeed, had
9 specifically deliberated on this matter. So I'm not
10 sure why this provision was changed, and in my
11 mountainous stack of notes and files, I found a draft
12 with a 50 percent bonus for detached garages reduced
13 to 25 percent, with a side bar comment from Staff
14 that I will be happy to provide that says, "Planning
15 & Zoning Board's request to encourage detached
16 garages located in the rear yard area. After the
17 Commission meeting, the bonus was reduced from 50
18 percent to 25 percent by counting three quarters of
19 the floor area of the detached garage at the rear of
20 the property. The suggestion was made at the
21 Commission that either this bonus for floor area or
22 the setback bonus should be given, preferably the
23 setback bonus, but not both."

24 So I'm a little confused as to why this
25 change was made, especially since Section 8 of the

1 single-family ordinance says that it's the intent of
2 the City Commission that the ordinance that you
3 passed be the controlling document when the Zoning
4 Code rewrite goes through, and I believe this is
5 something that the City Attorney might want to look
6 at, in terms of the inconsistency.

7 MAYOR SLESNICK: Let me ask Mr. Riel to
8 respond to that.

9 Is it your intent to change what we've
10 passed already?

11 MR. RIEL: No. The issue was brought up as
12 it being -- not being in the Code when it was passed
13 on single-family. Mr. Smith indicated that it was an
14 oversight, and the Board remembered. That's why
15 these provisions got put back in there.

16 MAYOR SLESNICK: Was it consistent with what
17 we passed?

18 COMMISSIONER WITHERS: It doesn't sound like
19 that.

20 MR. RIEL: I don't know. Dennis is going to
21 answer that.

22 MAYOR SLESNICK: I mean, I understand your
23 answer, but I would think it should be consistent
24 with what we adopted.

25 MR. SMITH: At the Planning & Zoning Board,

1 this was just brought up as an item for discussion,
2 and I know that we had gone back and forth on the 25
3 percent and the 50 percent and we had discussed it,
4 because we were giving them two bonuses if they did
5 the detached garage. Number one, we were reducing
6 the setbacks, and then we were also giving them 50
7 percent credit on the floor area of the garage. And
8 at some point in the discussion between the
9 Commission or the Planning & Zoning Board or
10 somewhere, we determined that the 50 percent may be
11 too much of a bonus if we're also giving them the
12 setback, and that's the language that was eventually
13 brought forward to the Commission, and that was
14 discussed and that was approved by the Commission.

15 MAYOR SLESNICK: Okay. Is that the language
16 that now appears in the Code?

17 MR. SMITH: No. The Planning & Zoning Board
18 asked that we relook at that, and for lots that are
19 only 50 feet in width, that we go back and give those
20 lots the 50 percent instead of the 25 percent
21 credit.

22 VICE-MAYOR ANDERSON: Wouldn't that negate
23 what we did?

24 MAYOR SLESNICK: Yeah. Is it the feeling of
25 the Commission that we at this time are wanting to

1 change what we just did or -- We haven't given that
2 a chance to be --

3 VICE-MAYOR ANDERSON: I just don't know, if
4 we passed an ordinance and it went into effect
5 October 1, and then subsequent to that, the Planning
6 Board makes a change, I would think that the proper
7 step would be to bring back to us, but not to insert
8 it in the Code, assuming that we would want that.

9 MAYOR SLESNICK: Yeah.

10 VICE-MAYOR ANDERSON: That's my thought.

11 MAYOR SLESNICK: I agree with that. I think
12 we'd like to see the Code reflect what we just
13 passed.

14 MR. SMITH: All right.

15 MS. CHAUDHRY-FRYER: The cottage ordinance
16 was not discussed at all, and, you know, I'm
17 certainly not going to ask you to hold up the process
18 that has come this far. We never -- I'm sure many of
19 us never thought we'd see the day when we would be at
20 this point. But I would like you to urge Staff to
21 re-examine -- if they're doing a comprehensive
22 re-examination, to see if that cottage ordinance
23 still serves the needs of the City. In fact, even
24 the original architect of that ordinance has said
25 that by having the cutoff date as 1940, we get a lot

1 more properties into the mix that are not really
2 Coral Gables cottages. You know, if you had the
3 cutoff date at 1930, you would be preserving the
4 cottage typology. So you've caught many more
5 properties in the net than was the intent. So I urge
6 you to direct Staff to re-examine this, either as an
7 addendum or follow-up. Even if you don't do it
8 between the two hearings, this is something that
9 needs to be looked at.

10 In Article 8, which is the definitions
11 section -- and I don't want to necessarily read out
12 the definition, unless you want me to do it, but the
13 floor area definition for single-family homes in the
14 definitions section is contradictory to how floor
15 area is counted. I've pointed it out before. I
16 would be happy again to sit down with Staff and point
17 it out, but I would like you to know this, I would
18 like it to be in the record, and I'd like it to be
19 changed to reflect what you passed.

20 You know, we've also talked about
21 notification. When somebody wants to build an arch
22 that's slightly higher than the permitted height of
23 the exterior wall, neighbors get notified. We've all
24 agreed that it would be prudent to notify neighbors
25 if there's a demolition or big construction, as well,

1 because blindsiding is one of the things that brought
2 a lot of neighbors together on this issue. Staff has
3 said that they will address this separately, the
4 notification procedure.

5 I have met with Planning Staff to discuss --
6 and Vice-Mayor Anderson attended that meeting, that
7 it can be done. The information is right there,
8 right now, on the web. It has to be put together and
9 sent out. Again, if they want to do it separately
10 from the Code, that's fine, but the notification of
11 neighbors about major construction that affects them
12 should move forward.

13 Also separated from the Zoning Code is that
14 contentious issue of townhouses, and many of you have
15 brought that up today and I would just like to
16 restate for the record why it's contentious. Both
17 Commissioner Withers and Commissioner Kerdyk pointed
18 to the height that it would allow in the duplex
19 areas, and you also talked, Commissioner Kerdyk,
20 about density.

21 And I think what's happening here, when we
22 say that it will not increase density, that is a very
23 semantic quibble on what density is. We were told
24 over and over again, it doesn't increase density,
25 because the Comprehensive Land Use Plan allows nine

1 dwelling units per acre; under the townhouse
2 provisions which they are now going to go back and
3 study, it would still be nine units per acre. But
4 the floor area is radically increased, the height is
5 increased, the setbacks are decreased, and the green
6 space is decreased. So, okay, you have nine units as
7 opposed to nine units, but nine much larger units.
8 It's like saying -- the density won't change, it's
9 like saying, you know, my gas consumption won't
10 increase if I trade in a smart car for a Humvee. So
11 I would just like to mention that.

12 And on the issue of the duplex heights, you
13 know, the whole process of this goal, at least from
14 the single-family regulations, has been a process of
15 compromise, of reasoned, articulated debate on this
16 issue, and I hear what Mr. Jaime -- I'm sorry, I
17 don't know his last name, and Maria Cristina Longo
18 have said about the elegance, especially on
19 boulevards, and in the spirit of that compromise, I
20 would like to suggest that I do understand that, and
21 if the stepping down within the 25 feet of contiguous
22 single-family homes is taken into account when
23 leaving the height at 34, that I think that would be
24 a reasonable compromise on the duplex heights.

25 So I would like to thank all the residents

1 and all the architects who have worked so hard to
2 bring this together. I would like to thank the Chair
3 and the members of the Planning & Zoning Board, and
4 of course, each and every one of you for being so
5 attentive and responsive to citizens' concerns.

6 But I also remind you that what we have
7 looked at very fixatedly has only been the
8 residential regulations, and I certainly hope that
9 you've had the same level of obsessive scrutiny on
10 other parts of the Code from other people.

11 Thank you very much.

12 MAYOR SLESNICK: Thank you very much,
13 Mamta. Thank you for your continuing participation.

14 Elaine Codias.

15 COMMISSIONER CABRERA: While she's coming
16 up, Mr. Manager --

17 MR. BROWN: Yes, sir.

18 COMMISSIONER CABRERA: I really am very
19 sensitive to that whole issue of the cottage
20 ordinance, and I'd really like to see us re-examine
21 it.

22 MR. BROWN: All right. I have made a note,
23 and we need to do that.

24 COMMISSIONER CABRERA: Yeah.

25 MS. LUBIN: I can address that, if you like.

1 I was trying to find it in the -- I'm sorry.

2 MAYOR SLESNICK: Elaine, I'm sorry. Don't
3 go too far.

4 MS. LUBIN: We did actually look at the
5 cottage ordinance, Staff did, and there were some
6 changes that were made to it, one of them being that
7 it should be no more than one story in height.
8 Before that was one of the 12 criteria that we
9 checked off.

10 As far as the 1940 cutoff, I think that
11 there are 1930s homes that fit the cottage criteria
12 as long as they have those 12 criteria. So that has
13 been looked at by Staff. We're happy to go over and
14 look at it again, and in fact, when Kara came on
15 board, I went over it with her, also.

16 COMMISSIONER CABRERA: Maybe you and I
17 can --

18 MS. LUBIN: Absolutely.

19 COMMISSIONER CABRERA: -- go into it a
20 little further with the Historic Preservation
21 officer.

22 MS. LUBIN: Okay.

23 MAYOR SLESNICK: Thank you. Let me, before
24 I -- Elaine, before we get to you --

25 Maria, is there -- can we talk about this

1 later, about this Maria Longo --

2 VICE-MAYOR ANDERSON: Yes.

3 MAYOR SLESNICK: And also what Mamta talked
4 about, 29 feet within 25 feet or something -- 29 feet
5 within 25 feet, is that something that --

6 VICE-MAYOR ANDERSON: I think that's
7 something that Staff worked out.

8 MAYOR SLESNICK: I know that you were
9 defending the 34 foot, and I didn't know if that
10 was something --

11 VICE-MAYOR ANDERSON: No, no, and I actually
12 said that I would prefer a kind of a hybrid, you
13 know, where we could compromise.

14 MAYOR SLESNICK: Okay.

15 VICE-MAYOR ANDERSON: And I think we can
16 come to terms on that. I think that's -- the intent
17 was -- the spirit was there.

18 MAYOR SLESNICK: Now, Elaine Codias, 1604
19 Casilla.

20 MS. CODIAS: Yes, good morning. I'd like
21 to say that I support the setting of the height of
22 duplexes at 29 feet. We live on the corner of
23 Casilla and Zamora, and my basic concern about the
24 height of duplexes arises from the duplex that's
25 being built on the southwest corner at LeJeune and

1 Zamora. This is a huge building and totally dwarfs
2 the single-family homes that it is next to, and thus,
3 I feel that anything that can be done to reduce the
4 size of such buildings would be a good thing for the
5 single-family residences.

6 MAYOR SLESNICK: Thank you.

7 MS. CODIAS: Thank you.

8 MAYOR SLESNICK: Thank you very much,
9 Elaine.

10 Maria de la Guardia, 2508 Columbus
11 Boulevard.

12 MS. DE LA GUARDIA: Maria de la Guardia,
13 from 2508 Columbus Boulevard, and I'm here to talk
14 about two issues. One is the duplex height, which I
15 know we were sort of beating to death, and I think
16 we're really close to arriving at a compromise, but
17 since I had done this board for one of the meetings
18 with Staff, I have brought it along.

19 Segovia is a very wide street. Segovia has
20 a 90-foot right-of-way. Most streets -- most sort of
21 typical Coral Gables streets have sort of a
22 60-foot -- 60, 65-foot right-of-way, and the height
23 that would work for the -- thank you -- the height
24 that would work for a narrower street is not
25 necessarily the height that would work for a wider

1 street such as Segovia, and as a matter of fact,
2 think of your experience of driving through Segovia,
3 and you -- it feels very open. It feels very broad.
4 Originally, there was a trolley going through the
5 middle, which sort of brought down that scale.
6 There's now a median planned, which is really going
7 to help bring down the scale, but Segovia is much --
8 is much too wide as a residential street.

9 When you combine that with lower buildings,
10 you know, you're creating a very -- I'm not even
11 going to say suburban. It's not a beautiful street
12 section. I think the street section has to be -- has
13 always -- urbanistically, is always studied as a
14 relationship of width to height, and for that reason,
15 I think that Segovia can definitely take a 34-foot
16 height limit, and I think the transitioning to the
17 back to single-family, I think that's a good idea.
18 And so that's one issue, on Segovia.

19 The other --

20 COMMISSIONER CABRERA: Does Staff have a
21 copy of that, that first --

22 MS. DE LA GUARDIA: No. They asked me to,
23 and I -- I'll --

24 MR. RIEL: We haven't gotten it yet.

25 MS. DE LA GUARDIA: Yeah. I will get it to

1 them.

2 COMMISSIONER CABRERA: Thank you.

3 MAYOR SLESNICK: If we return them, can you
4 just leave these?

5 MS. DE LA GUARDIA: Yes.

6 MAYOR SLESNICK: Okay.

7 MS. DE LA GUARDIA: The second issue is the
8 issue of the townhouses. And I think, although it
9 was -- the original intention was to get a row house
10 street, and I think a group found a way to create a
11 townhouse out of that row house Code, I think it's
12 time to decide what direction we want to take,
13 whether we want to combine types or not.

14 It's going to take a while before those
15 townhouse streets become beautiful streets. They're
16 going to get ugly before they get pretty, just like
17 Houston went through that transformation as it
18 started introducing the townhouse code into some of
19 its urban areas.

20 Right now, we have a townhouse project under
21 construction and there's a blank wall facing the
22 neighbor. That's not going to be very pretty until
23 the other units get built, and as the streets start
24 filling out, then we're going to get really beautiful
25 and spectacular streets, but it's going to take a

1 while.

2 One of the beautiful things about the
3 townhouse is the rhythm. You know, you're going down
4 a street in New York or Boston, and there's a certain
5 gait to the street, and it's a module of the small
6 parcels. You know, it might be a 12 -- not 12 -- it
7 might be a 16, a 25, a 30, a 16, a 20. You know,
8 there's a certain rhythm that I think we'll lose if
9 we don't make the entrances required on the street,
10 because you're going to end up with, you know, sort
11 of 25-foot modules, then suddenly 75 or 150-foot
12 modules. So that rhythm that is established by the
13 parcel is going to be lost if we don't make the Code
14 more specific to only allow townhouse units that are
15 entered off the street.

16 The other thing is that, you know, they're
17 really different types, you know, the courtyard and
18 the townhouse. The townhouse has traditionally --
19 it's sort of a very friendly -- street friendly
20 type. You know, it usually has a stoop out to the --
21 you know, and you have rooms that are overlooking the
22 street and it's sort of a very neighborly, very
23 friendly type.

24 The courtyard type is an introverted type.
25 You know, all the entrances are to the inside. It's

1 not -- it doesn't address the street in the same way
2 that the townhouse. And I think that having those
3 two types coexist on the same street is going to take
4 longer for our streets to become beautiful.

5 And I threw in this little caricature
6 cartoon of, you know, a street made up of beautiful
7 buildings but they're all different, and so I think
8 this is where vision comes into effect, you know,
9 what we want for our streets.

10 MAYOR SLESNICK: So, from your comments, you
11 would support us requiring the front door facing the
12 street?

13 MS. DE LA GUARDIA: Yes.

14 MAYOR SLESNICK: But you would also suggest
15 that, as on other streets you've looked at, having
16 varying widths wouldn't hurt, either 16, 23, 20 --

17 MS. DE LA GUARDIA: I think that from a
18 practical point of view, requiring 23 feet, for the
19 reasons that were brought up, regarding the parking
20 and getting the cars off the street and cleaning
21 up, and in terms of the inner workings of the
22 townhouse -- because we've just been through the
23 exercise of designing Almeria Row, and now we're
24 designing another townhouse project for Mr. Menoyo,
25 that from a practical point of view, what the 23-foot

1 width unit gives you is a lot, and when you go down
2 below that, you're going to run into -- the
3 designer's going to run into all kinds of troubles
4 and compromises in terms of how to resolve the inner
5 workings of the unit.

6 MAYOR SLESNICK: But you just said -- and
7 you're showing us these gaits of the streets with
8 varying widths and so forth. I think you described
9 it as 16, 23, 30, and --

10 MS. DE LA GUARDIA: Yeah. No, I think that
11 it can -- that can happen. I think, from a practical
12 point -- I think, street-wise, it can happen.

13 MAYOR SLESNICK: So, in other words, it
14 could be aesthetically charming to have different
15 widths, and agreeing with Mr. Kerdyk that there might
16 be a practical consideration for 23?

17 MS. DE LA GUARDIA: Yes, exactly.

18 MAYOR SLESNICK: Okay, thank you.

19 MS. DE LA GUARDIA: Okay, thank you very
20 much.

21 MAYOR SLESNICK: Thank you.

22 We are closing the public hearing, and thank
23 everyone for their participation and their comments
24 and suggestions.

25 Now, I have a card here from Mr. Siemon. I

1 didn't know if that was because you were wanting
2 to testify or --

3 MR. SIEMON: That was just to answer
4 questions.

5 MAYOR SLESNICK: Okay, well, very good.

6 Mr. Riel, is there any closing commentary
7 from you, Mr. Siemon, Mr. Carlson, Mr. Aizenstat,
8 anybody?

9 MR. RIEL: Yes, I would like some comments.

10 MAYOR SLESNICK: Okay.

11 MR. RIEL: I think a lot of the input that
12 we've gotten throughout this process has been great.
13 It's identified a lot of issues. It's identified a
14 lot of things that we need to look at. It's also
15 identified some additional work, you know, the
16 townhouse study, the North Ponce. And I've asked all
17 these folks that have come up here today to kind of
18 help Staff in doing that, you know, the studies that
19 they've done on the duplexes and the town homes.

20 But one -- you know, all the issues that
21 were discussed today, I can tell you, have been
22 discussed at the Planning Board, with the exception
23 of a few. They've been debated, discussed, and I can
24 tell you, the issue on the height on the duplexes,
25 although it was a six-zero vote, there was, you know,

1 two or three members that had provided input, and in
2 the long run, they ultimately made a decision to
3 recommend 29 feet.

4 I guess what I'm asking the Commission to do
5 is, to assist us in going forward on this, is that if
6 there's something specific you need in terms of
7 additional information, we will get you that, but
8 it's our desire to move forward and try to get this
9 Code to you as soon as possible, and I'm sure the
10 Planning Board will have special meetings, but we
11 would like to deliver this Code to you in January,
12 and it may require further study on other issues. As
13 I've said in the past, it's a fluid Code, it's not
14 perfect, but, you know, I think it's a really good
15 attempt, and it might not make everybody happy.
16 There's been disagreements on the Planning & Zoning
17 Board and between the Board of Architects, but I
18 think we're there at this point, and I think we look
19 forward to your recommendation on first reading.
20 We'll be happy to come back on second reading, and so
21 we can bring closure to this Zoning Code rewrite.

22 MAYOR SLESNICK: Thank you very much, Mr.
23 Riel. I appreciate it. But let me ask you, before
24 you sit down, that we have another opportunity --
25 it's my understanding that we already are going to

1 come back for first reading on the blue.

2 MR. RIEL: Yes.

3 MAYOR SLESNICK: So we do have an
4 opportunity to have other issues which were raised
5 today, which the Commission expressed interest in
6 coming back to us, prior to the formal second
7 reading, when we consider the blue areas for first
8 reading. You could actually bring us back, at that
9 time, changes and amendments for, again, first
10 reading.

11 MR. BROWN: Correct.

12 MR. RIEL: Yes.

13 MAYOR SLESNICK: So we have that
14 opportunity.

15 COMMISSIONER CABRERA: May I address Mr.
16 Riel a second?

17 MAYOR SLESNICK: Yes.

18 COMMISSIONER CABRERA: Before I do, I want
19 to thank all 14 speakers that came before us today.
20 It was a long morning, and I very much appreciated
21 all the commentaries and the -- I know I, for one,
22 took many, many notes and came away with a lot of
23 different impressions, but one of the comments that
24 I'd like to make to you, with complete respect, is,
25 while I appreciate the 34 public meetings we've had,

1 or 35 or 36, however you're counting them, at the end
2 of the process -- and incidentally, I appreciate the
3 fine, fine work done by our Planning Board. At the
4 end of the process, the people who get blamed for
5 this thing is not the Planning Department, it's not
6 the Planning Board, it's not Staff. It's the five
7 people that sit up here, who live in this community,
8 who recreate in this community, and who shop in this
9 community. So, as I move forward on Miracle Mile or
10 at Burger Bob's or at Salvador Park and people come
11 up to me, I need to be accountable for the things
12 that we do up here.

13 So I hear you. I know you've worked very
14 hard. You're tired. Your Staff has really been
15 stretched. But the process is a good process, and
16 there's still lots and lots of good feedback that we
17 received today from very, very good stakeholders.

18 And so, you know, I don't mind stretching
19 this out a bit if we have the opportunity to address
20 these issues, because quite candidly, I tried to
21 watch the Planning Board meetings, and my wife
22 forbids it. So I am not allowed to watch any of that
23 stuff at home, and, you know, I get the gist of this
24 stuff here, and so I am very, very optimistically
25 excited about this, but I'm also cautious that we

1 still have a long ways to go.

2 VICE-MAYOR ANDERSON: I have a few comments
3 and a few -- just reiterations.

4 First of all, it's been a long process, and
5 despite our -- some of our disagreements, which we've
6 put on the record, and honest disagreements, I
7 appreciate the whole process. I appreciate Staff's
8 work, I appreciate the Planning Board's work, and all
9 the people who have come in from our citizenry, from
10 our business community, to give input over these past
11 what seems like many, many years of laboring over
12 this process.

13 One of the first meetings I had with Staff,
14 when we talked about what are our goals about the
15 Zoning Code, one of the things was buffer areas and
16 cleaning up the Code so that it would be easier to
17 read and better used, and to make all the
18 improvements that we needed to make us a better City
19 and move us forward into a more modern planning era,
20 and I think, for the most part, 99 percent of the
21 time, we're there. I think we've done a great job,
22 and I'm confident that we will, with some work,
23 accomplish some of the other things we've outlined
24 today.

25 For me, a non-negotiable, as I mentioned

1 earlier, is, I do believe that TDRs need to be looked
2 at. The issue was brought up today. I believe we
3 should have some commensurate value for return if
4 we're going to do that.

5 I do support the reduction -- not to reduce
6 the height, and to find a compromise solution for
7 those issues that we talked about on duplex heights.

8 There are other issues that I could get
9 into, but they would be repetitive, and in general, I
10 do believe that we've come a long way.

11 One last thought was the townhouses. I do
12 believe they should be facing the street, just for
13 the record.

14 But I want to thank everyone, and I
15 appreciate it. It's been a long process, but it's
16 been a good process, and thank you all.

17 COMMISSIONER KERDYK: Okay. Thank you,
18 Mayor.

19 I, too, want to go ahead and say that the
20 Planning Board has done an excellent job. I had a
21 lot of trepidation when we first started, started
22 this process. I think we've come a long way. As
23 Andy Murai puts it, we've come a long way in the last
24 60 to 90 days. I've seen a substantial change and
25 improvement in the Code itself.

1 There are several issues that remain open,
2 and I'm one that would prefer, if it takes a little
3 bit longer to get it done right, let's get it done
4 right. I know it's a fluid document that we can come
5 back and address, but if there are some things
6 outstanding, we need to address them now.

7 For instance, I do want some clarification
8 on this 100-foot to 50-foot in the single-family. I
9 really believe the mixed use is going to impact
10 neighborhoods that do not -- are not impacted by the
11 mixed-use ordinance now, and I need to have some
12 clarification, and maybe Mr. Gibbs' suggestion of
13 looking at that Riviera section similar to what we
14 did on the Valencia corridor might be a good
15 opportunity.

16 I would like to see how you think these
17 parking ratios of putting one per 250 square feet for
18 retail, which sounds good, will that affect retail
19 being built on the down portion of these larger
20 buildings?

21 The 34 feet to 29 feet, the duplex, I would
22 like to explore that and hear your philosophies
23 before I make a final determination on how I feel,
24 and I believe that we need to look at what the
25 existing structures are and how tall those existing

1 structures are and how they work with the
2 neighborhoods as they currently exist, and then, of
3 course, the town home situation, we've withdrawn that
4 out of being put in the duplex locations, but I do
5 think that with regards to the front doors on a
6 street, that's something that I would like to explore
7 with Staff before I make a final determination.

8 MAYOR SLESNICK: Thank you.

9 COMMISSIONER KERDYK: Thank you.

10 MAYOR SLESNICK: Mr. Withers, anything to
11 add?

12 COMMISSIONER WITHERS: Yeah, just -- I guess
13 this all started in the basement of the fire
14 station --

15 MR. BROWN: Uh-huh.

16 COMMISSIONER WITHERS: -- when we talked
17 about the nine or ten visions. I'd be curious to
18 know how many of those we really accomplished, just
19 to -- it shouldn't take -- but there are two issues
20 which have been brought to my attention by residents,
21 which we really haven't seemed to discuss, and I
22 don't think I want to discuss them today, but I'd
23 like to maybe have you take them back to the Board.
24 One is home offices. I know Commissioner Anderson,
25 some time ago, kind of brought that subject up, and I

1 don't know what ever happened with that. I don't
2 know if that was ever addressed in here or -- but I
3 think it's eventually something we want to look at.

4 And the second thing -- and I want to make
5 it very clear I'm not advocating this, I'm bringing
6 it to the Commission and to the Planning & Zoning
7 Board on behalf of residents, and that's pickup
8 trucks. I have a letter, for the record, from Mr.
9 Michael -- excuse me -- Terraferma, 208 Ponce de
10 Leon, and it seems that, I guess, there's a
11 contingent of pickup truck owners who have felt that
12 the issue really wasn't discussed because we were in
13 litigation and the City really did not want to move
14 forward with discussion of it at the time, and that's
15 the excuse that I understood.

16 MAYOR SLESNICK: The hearing is set, by the
17 way, in two weeks at the Appellate Court.

18 COMMISSIONER WITHERS: Okay, so I think once
19 that's all behind us, I really think we should take a
20 look at that. I know the City Manager's Office had
21 some recommendations on some compromises, and I think
22 those should be sent back to the Planning & Zoning
23 Board for review. So, if we could schedule that for
24 sometime in the future.

25 And special thanks just to everyone that's

1 involved in it. It's been a long process, and we'll
2 see -- we'll see how we fare. That's all.

3 MAYOR SLESNICK: Thank you.

4 Okay, we have a motion and a second for the
5 ordinance on first reading, which has been read, with
6 the asterisk -- and it's a major asterisk, but it is
7 an asterisk, and that is, one, that we've already
8 been pre-told that there are several areas that are
9 going to go to the Planning & Zoning Board on
10 November the --

11 MR. RIEL: In all likelihood, I'm going to
12 ask the Board to do a special meeting in November,
13 because that will give us more time for notice.

14 MAYOR SLESNICK: Whatever. In November,
15 there are certain areas that are going to go, which
16 will come back for first reading.

17 Secondly, we have highlighted -- each
18 Commissioner here has highlighted, and it's been
19 basically helped, in part, by the testimony today,
20 areas which we would like addressed further before we
21 get to second reading, and I think that that would
22 be -- we could handle those at the same time you
23 bring back the blue issues, so that we still have an
24 opportunity -- for those of you who are either here
25 or watching, there's still an opportunity for the

1 Commission to amend, adjust or do whatever, or defeat
2 the ordinance, by the second reading.

3 Any other discussion?

4 Mr. Clerk?

5 THE CLERK: Vice-Mayor Anderson?

6 VICE-MAYOR ANDERSON: Yes.

7 THE CLERK: Commissioner Cabrera?

8 COMMISSIONER CABRERA: Yes.

9 THE CLERK: Commissioner Kerdyk?

10 COMMISSIONER KERDYK: Yes.

11 THE CLERK: Commissioner Withers?

12 COMMISSIONER WITHERS: Yes.

13 THE CLERK: Mayor Slesnick?

14 MAYOR SLESNICK: Yes.

15 David, ordinance on first reading.

16 MR. BROWN: Yes.

17 MAYOR SLESNICK: 06-0553.

18 MR. BROWN: This is an ordinance of the City

19 Commission of Coral Gables approving a change of
20 zoning to the official Zoning Map of the City of
21 Coral Gables, Florida, for various properties
22 referenced herein for the purpose of correcting
23 inconsistencies between Comprehensive Land Use Plan
24 Map and the Zoning Map classifications, referenced
25 herein as the "Inconsistencies Location Map" and

1 legally described in the "Inconsistent Uses Table";
2 and providing for a repealer provision, a savings
3 clause, and a severability clause, and providing for
4 an effective date.

5 MAYOR SLESNICK: Can I have a motion?

6 VICE-MAYOR ANDERSON: So moved.

7 COMMISSIONER KERDYK: Second.

8 MAYOR SLESNICK: It's been moved by Ms.
9 Anderson, seconded by Mr. Kerdyk.

10 Now, is there anyone here wishing to speak
11 specifically to the map that didn't speak because
12 they thought they would have that opportunity?

13 For those who spoke to the map in the first
14 part of the hearing, Mr. Clerk, we would like their
15 remarks, such as Mr. Guilford's, amended to this
16 first reading.

17 COMMISSIONER WITHERS: And Mr. Fine, no?

18 VICE-MAYOR ANDERSON: Yeah, Mr. Fine.

19 MAYOR SLESNICK: Mr. Fine's, also.

20 Okay. Mr. Clerk?

21 THE CLERK: Mr. Mayor, who moved and
22 seconded it?

23 MAYOR SLESNICK: It was a -- Ms. Anderson
24 moved and Mr. Kerdyk seconded.

25 THE CLERK: Okay.

1 Commissioner Cabrera?

2 COMMISSIONER CABRERA: Yes, sir.

3 THE CLERK: Commissioner Kerdyk?

4 COMMISSIONER KERDYK: Yes.

5 THE CLERK: Commissioner Withers?

6 COMMISSIONER WITHERS: Yes.

7 THE CLERK: Vice-Mayor Anderson?

8 VICE-MAYOR ANDERSON: Yes.

9 THE CLERK: Mayor Slesnick?

10 MAYOR SLESNICK: Yes.

11 And now we'll consider a resolution
12 authorizing the Zoning Code rewrite and associated
13 zoning maps a Time Certain 9:00 a.m., as a specific
14 subject hearing, at Mr. Cabrera's suggestion, at the
15 Coral Gables City Commission meeting of January 9th,
16 2007. Can I have a motion?

17 COMMISSIONER KERDYK: So moved.

18 VICE-MAYOR ANDERSON: Second.

19 MAYOR SLESNICK: It's been moved by Mr.

20 Kerdyk and seconded by Ms. Anderson. Discussion?

21 COMMISSIONER WITHERS: Just a discussion.

22 Do we want to do that in the morning or do we want to
23 do it in the afternoon? I just don't want to have --

24 MAYOR SLESNICK: Morning is fine.

25 COMMISSIONER WITHERS: Okay.

1 MAYOR SLESNICK: Morning is fine.

2 All those in favor?

3 (Thereupon, all Commissioners voted aye.)

4 MAYOR SLESNICK: Opposed?

5 MR. BROWN: Eric --

6 MAYOR SLESNICK: We again thank you all. We

7 thank our Planning & Zoning Board, our Staff, our

8 consultant and --

9 MR. BROWN: Mr. Mayor --

10 MAYOR SLESNICK: Yes?

11 MR. BROWN: We voted on 552 and 553.

12 MAYOR SLESNICK: Uh-oh.

13 MR. BROWN: We have to do 554.

14 MAYOR SLESNICK: Excuse me.

15 VICE-MAYOR ANDERSON: Oh.

16 MAYOR SLESNICK: Mr. Manager --

17 MR. BROWN: Yes.

18 MAYOR SLESNICK: -- 06-0554 --

19 MR. BROWN: Thank you.

20 MAYOR SLESNICK: Ordinance on first reading.

21 MR. BROWN: An Ordinance of the City

22 Commission of Coral Gables approving an update and

23 revision to the zoning map classifications pursuant

24 to the Zoning Code rewrite and citywide change of

25 zoning and assignment of the new zoning map

1 classifications to the official Zoning Map of the
2 City of Coral Gables, Florida, for all properties
3 located within the City, which is part two of a
4 two-part process, and providing for a repealer
5 provision, a savings clause, and a severability
6 clause, and providing for an effective date.

7 MAYOR SLESNICK: Can I have a motion?

8 VICE MAYOR ANDERSON: I'll move it.

9 MAYOR SLESNICK: Moved by Ms. Anderson.

10 COMMISSIONER WITHERS: Second.

11 MAYOR SLESNICK: Seconded by Mr. Withers.

12 VICE-MAYOR ANDERSON: Wow.

13 COMMISSIONER WITHERS: I beat you to it.

14 VICE-MAYOR ANDERSON: That's nice.

15 MAYOR SLESNICK: Mr. Clerk, again, I would
16 ask that --

17 COMMISSIONER KERDYK: He probably woke up.

18 MAYOR SLESNICK: -- for the benefit of those
19 here, that anyone who testified and gave testimony at
20 the previous hearings, have it apply to this hearing,
21 of the ordinance on first reading.

22 Is there anyone who feels like that they did
23 not have a chance to address this specific subject in
24 this ordinance, which, again, we're on the zoning map
25 classifications?

1 Mr. Clerk?

2 THE CLERK: Commissioner Kerdyk?

3 COMMISSIONER KERDYK: Yes.

4 THE CLERK: Commissioner Withers?

5 COMMISSIONER WITHERS: Yes.

6 THE CLERK: Vice-Mayor Anderson?

7 VICE-MAYOR ANDERSON: Yes.

8 THE CLERK: Commissioner Cabrera?

9 COMMISSIONER CABRERA: Yes.

10 THE CLERK: Mayor Slesnick?

11 MAYOR SLESNICK: Yes.

12 And let me take a moment to thank the
13 Commissioners. This is a big issue, it's a tough
14 issue. It's lived with us for the six years of our
15 tenure at this Commission together, and I thank them
16 for their work. We're adjourned.

17 (Thereupon, the meeting was adjourned at
18 12:05 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 20th day of October, 2006.

JOAN L. BAILEY,
REGISTERED DIPLOMATE REPORTER

Notary Commission Number DD 190412.
My current notary commission expires 6/14/07.

