

1 MR. WU: Was the motion second?
 2 MS. MENENDEZ: Yes, the motion was second
 3 by Julio.
 4 MR. WU: Call the roll.
 5 THE SECRETARY: Marshall Bellin?
 6 MR. BELLIN: Yes.
 7 THE SECRETARY: Julio Grabin?
 8 MR. GRABIEL: Yes.
 9 THE SECRETARY: Frank Rodriguez?
 10 MR. RODRIGUEZ: Yes.
 11 THE SECRETARY: Robert Behar?
 12 MR. BEHAR: Yes.
 13 THE SECRETARY: Maria Menendez?
 14 MS. MENENDEZ: Yes.
 15 MR. WU: Some items between 5 and 12 will
 16 be continued to the December 14th agenda.
 17 MS. MENENDEZ: I'll scoot over. Thank you.
 18 MR. GRABIEL: Welcome, Mr. Chairman.
 19 MS. MENENDEZ: Welcome, Mr. Chairman. You
 20 were dismissed, as always.
 21 MR. BEHAR: Can we take a five-minute
 22 break?
 23 CHAIRMAN FLANAGAN: Yes.
 24 (Short recess taken.)
 25 CHAIRMAN FLANAGAN: Okay. We'll continue

1 believe conditional use is the right process to
 2 deal with them.
 3 CHAIRMAN FLANAGAN: We had something
 4 several months ago about walk-up service
 5 windows at restaurants.
 6 MR. TRIAS: Yes.
 7 MR. BEHAR: That was a window right on
 8 Ponce de Leon, wasn't it?
 9 CHAIRMAN FLANAGAN: Yeah, but I think it --
 10 it was, but I think what we reviewed was on a
 11 larger --
 12 MR. BEHAR: It was a coffee shop or
 13 something. It wasn't a drive-through.
 14 MR. TRIAS: It wasn't a drive-through this
 15 is really -- drive-throughs are not a good
 16 urban condition. I mean, if you're trying to
 17 do a City that tries to emphasize pedestrians,
 18 clearly drive throughs is not the best
 19 approach. However, in some locations, it may
 20 be appropriate. So that's why conditional use
 21 is a good process to deal with this.
 22 One particular drive-through that has
 23 created some issues is the one that is on --
 24 the Starbucks on US-1, for example.
 25 MS. MENENDEZ: Right.

1 with the agenda. I guess we're on Item Number
 2 13.
 3 MR. TRIAS: Yes, Mr. Chairman.
 4 CHAIRMAN FLANAGAN: Okay. Item Number 13
 5 is an Ordinance of the City of Coral Gables,
 6 Florida providing for a text amendment to the
 7 City of Coral Gables Official Zoning Code by
 8 amending Article 4, "Zoning Districts,"
 9 Division 3, "Nonresidential Districts," Section
 10 4-302, "Commercial District;" and, Article 5,
 11 "Development Standards," Division 1, "Accessory
 12 Uses," Section 5-115, "Drive-throughs, walk-up
 13 windows, and automated teller machines (ATMs)"
 14 requiring conditional use review for drive
 15 through facilities; providing for a repealer
 16 provision, severability clause, codification,
 17 and providing for an effective date.
 18 MR. TRIAS: Mr. Chairman, this is a very
 19 straight-forward request. It makes
 20 drive-throughs a conditional use, and then it
 21 requires the provision of traffic studies and
 22 an explanation of how they work.
 23 This is because we've had some existing
 24 drive-throughs, in some locations, that have
 25 created a lot of problems with traffic, and we

1 MR. TRIAS: For example.
 2 MS. MENENDEZ: Right.
 3 CHAIRMAN FLANAGAN: Which half of that
 4 parking lot is on City owned property.
 5 MS. MENENDEZ: Right.
 6 MR. TRIAS: Among other things. But like,
 7 for example, there is another that is being
 8 proposed, too. The McDonald's, they're trying
 9 to re-design it, and there's a point in which
 10 simply drive-throughs don't fit in fairly small
 11 site, and it's just not a good use. So we need
 12 to have that discretion or the Commission
 13 should have the discretion to place conditions
 14 based on operations and traffic flows, et
 15 cetera, or even deny it, if it really doesn't
 16 make sense, from a bigger picture point of
 17 view.
 18 CHAIRMAN FLANAGAN: Okay. So the
 19 introductory paragraph, Ramon, says,
 20 "Drive-throughs and walk-up windows, accessory
 21 to banks" -- I think I'm just struggling with
 22 the language, so bear with me.
 23 MR. TRIAS: Yeah, that's the existing
 24 language in the Code, unfortunately.
 25 CHAIRMAN FLANAGAN: Right, and the

1 underline is what's being added, correct?
 2 MR. TRIAS: Yeah.
 3 CHAIRMAN FLANAGAN: Okay.
 4 MR. TRIAS: So what happens is that the
 5 existing language is confusing, because it
 6 deals with ATMs, drive-throughs, all kinds of
 7 things. All we're saying is, we want to change
 8 the drive-throughs to conditional use.
 9 CHAIRMAN FLANAGAN: Okay. Just the
 10 drive-throughMR. TRIAS: Yes. Yes.
 11 CHAIRMAN FLANAGAN: Okay. Let me just walk
 12 through this in my mind, because I'm not maybe
 13 reading it clearly. As proposed, it says,
 14 drive-throughs and walk-up windows, accessory
 15 to banks, restaurants and retail sales and
 16 service may be approved as conditional uses,
 17 and ATM accessory to bank and retail sales and
 18 service shall be permitted, provided that" --
 19 and then it goes on to say that they don't
 20 interfere or block parking, et cetera, et
 21 cetera.
 22 Drive-throughs, walk-up windows, accessory
 23 to banks, restaurants, retail may be approved
 24 as conditional uses and ATMs accessory --
 25 MR. BEHAR: See, what I'm having a hard

1 time is that -- you know, I understand drive
 2 through, but walk-up windows, accessory to
 3 banks, restaurant -- so if I have a walk-up
 4 window to a restaurant, which is what we
 5 approved the last time, that becomes a
 6 conditional use?
 7 MR. TRIAS: Mr. Chairman, I must apologize
 8 for the existing language in the Code, and we
 9 didn't make it any better. Obviously it's
 10 confusing.
 11 The only thing we're trying to do is,
 12 drive-throughs become conditional uses, and
 13 maybe that should be a sentence that says
 14 there.
 15 CHAIRMAN FLANAGAN: Yeah. I'm fine with
 16 that.
 17 MS. MENENDEZ: But it also says here that
 18 walk-up windows, accessory to banks,
 19 restaurants --
 20 CHAIRMAN FLANAGAN: And ATMs.
 21 MR. RODRIGUEZ: I think what Ramon --
 22 MS. MENENDEZ: And retail sales.
 23 MR. TRIAS: It is not really --
 24 MS. MENENDEZ: -- clear.
 25 MR. TRIAS: I apologize. It's not clear

1 enough. We need to make it more clear. But
 2 the intent is simple. Let's not get
 3 complicated. It's just, drive-through become a
 4 conditional use.
 5 Yes.
 6 MR. RODRIGUEZ: Yeah, Ramon, I think --
 7 well, speaking for myself, and based on the
 8 comments, I think everybody's in agreement --
 9 or at least I'm in agreement with what you're
 10 trying to do. I think the concern is that the
 11 language that's presently here before us is not
 12 exactly what you're saying you want to do.
 13 That's all.
 14 MR. TRIAS: Yes.
 15 MS. MENENDEZ: Are you in a hurry for this
 16 one?
 17 MR. TRIAS: Yes. And I say that with
 18 certainty.
 19 MS. MENENDEZ: Well, what language -- how
 20 do you want to change it, so it's right?
 21 MR. TRIAS: I'm going to write the
 22 sentence. Drive-through are conditional use,
 23 period. And the other activities are whatever
 24 they need to be as permitted use.
 25 MR. GRABIEL: You leave the rest of the

1 Ordinance the way it is. You're only adding
 2 that sentence?
 3 MR. TRIAS: Yeah. That introductory
 4 paragraph is confusing. I profusely apologize
 5 for the confusion. And the rest of it is,
 6 we've added the traffic study requirement --
 7 some language that allows us to be specific as
 8 far as the review.
 9 MR. RODRIGUEZ: You want us to vote on it
 10 now?
 11 MR. TRIAS: I would like that, yes.
 12 MR. RODRIGUEZ: I would make a motion --
 13 MR. WU: Mr. Chair, did we get public
 14 comment? Are you just making a suggestion or
 15 are you making a motion?
 16 CHAIRMAN FLANAGAN: I'm sorry.
 17 MR. TRIAS: You should open the public hearing.
 18 MS. MENENDEZ: May I just ask a question,
 19 before we move forward?
 20 CHAIRMAN FLANAGAN: Yeah.
 21 MS. MENENDEZ: So the only thing you're
 22 changing is that first paragraph after Section
 23 5-115, where it describes -- you're just going
 24 to put drive-through may be approved as a
 25 conditional use? Is that what you're

1 looking --
 2 MR. TRIAS: Pretty much, yeah. Yeah.
 3 MS. MENENDEZ: But everything else in this
 4 proposed Ordinance stays the same?
 5 MR. TRIAS: Yes.
 6 MS. MENENDEZ: Okay. Sorry. Thank you.
 7 MR. WU: I think the verb is "shall be,"
 8 not may be.
 9 MS. MENENDEZ: Shall, right.
 10 MR. TRIAS: Yeah. It's mandatory. I mean,
 11 it's throughout the City.
 12 CHAIRMAN FLANAGAN: Charles, where did you
 13 want to put "shall" in place of "may"?
 14 MR. WU: Where we're going to talk about
 15 drive-throughs shall be approved --
 16 MS. MENENDEZ: Shall be approved, instead
 17 of this may.
 18 MR. BEHAR: No.
 19 MR. RODRIGUEZ: No. It should --
 20 MR. COLLER: I'm not sure I agree with
 21 that. I think it should be, may be approved as
 22 a conditional use, and then maybe a separate
 23 sentence that says, AMTs accessory to banks and
 24 retail and services shall be permitted and
 25 provide that, but the intent, though, isn't it

1 also that even if approved as a conditional
 2 use, you still want the drive-through to meet
 3 these other requirements, correct?
 4 MR. TRIAS: Right. Yes. We're creating
 5 some standards of review that require
 6 information to be provided, in terms of
 7 traffic.
 8 MR. BEHAR: I'm okay with the intent that
 9 you have, just the language needs to be worked
 10 out.
 11 MR. COLLER: We may have to repeat it a
 12 second time to clean it up. We'll come up with
 13 how to do it.
 14 MR. BEHAR: But he needs to get this
 15 approved.
 16 MR. TRIAS: I do. And I do, because
 17 there's some pretty poor projects that may be
 18 proposed soon that deal with drive-throughs and
 19 we need this language. And the reason why this
 20 has taken some time is that we changed some of
 21 the notice conditions, so we're way behind on
 22 this one. We need to get this one approved.
 23 MR. WU: But, Craig, correct me if I'm
 24 wrong, by the fact that we have an item on the
 25 agenda and we're discussing it, we already have

1 initiated changes to legislature?
 2 MR. COLLER: Well, I think we have the
 3 intent, which the Board is approving, is that
 4 we want drive-throughs to be a conditional use,
 5 meaning all of the requirements of A through K.
 6 In addition, you want ATMs and walk-up windows
 7 to comply with these requirements. We're not
 8 making walk-up windows -- are we making walk-up
 9 windows a conditional use?
 10 MR. TRIAS: We're not making any changes on
 11 anything except drive-throughs. That is what
 12 we're trying to do. Whatever the Code says --
 13 MR. RODRIGUEZ: Can I propose some
 14 language?
 15 MR. COLLER: Sure.
 16 MR. RODRIGUEZ: If I understand what Ramon
 17 is saying, I think I understand him, how about,
 18 "Drive-throughs may be approved as a
 19 conditional use, subject to the conditions set
 20 forth below," something like that.
 21 MR. TRIAS: That's it. That's all we need,
 22 yes.
 23 MR. COLLER: I think that works. Maybe say
 24 the same thing, and have a separate sentence
 25 that says that these other uses are subject to

1 the conditional --
 2 MR. RODRIGUEZ: No, we doesn't want the
 3 other uses.
 4 MR. WU: No. The other uses, by right,
 5 that has to meet the conditions.
 6 MR. RODRIGUEZ: Right.
 7 MR. COLLER: No. I understand. One of
 8 them is a conditional use, that meets all of
 9 these conditions. The others are permitted
 10 use, if they meet all of these conditions.
 11 MR. BEHAR: But they're already in the
 12 Code.
 13 MR. RODRIGUEZ: Ramon doesn't care about
 14 addressing those other things. He just wants
 15 to address the drive-throughs. That's all.
 16 MR. COLLER: Okay.
 17 MR. TRIAS: That's all. That's all we need
 18 to do.
 19 MR. COLLER: Sounds good.
 20 MR. TRIAS: That's it. Thank you.
 21 MR. RODRIGUEZ: Sure.
 22 CHAIRMAN FLANAGAN: All right. We'll open
 23 the public hearing. Anybody from the public?
 24 Seeing none, we'll close the public hearing.
 25 All right. Is everybody comfortable with

1 letting or having Staff and the Legal
 2 Department tweak the language?
 3 MS. MENENDEZ: Sure.
 4 MR. RODRIGUEZ: Yes.
 5 MR. TRIAS: Well, Mr. Rodriguez gave us
 6 some good language, so I don't think it's going
 7 to be significantly different than that.
 8 CHAIRMAN FLANAGAN: Anybody --
 9 MR. BEHAR: I'll make a motion.
 10 CHAIRMAN FLANAGAN: Thank you.
 11 MR. RODRIGUEZ: Second.
 12 MR. WU: As amended.
 13 MR. BEHAR: As amended.
 14 MR. RODRIGUEZ: As amended.
 15 CHAIRMAN FLANAGAN: All right. Moved and
 16 second as amended. Any further discussion?
 17 Jill, could we call the roll, please?
 18 THE SECRETARY: Julio Grabiell?
 19 MR. GRABIEL: Yes.
 20 THE SECRETARY: Maria Menendez?
 21 MS. MENENDEZ: Yes.
 22 THE SECRETARY: Frank Rodriguez?
 23 MR. RODRIGUEZ: Yes.
 24 THE SECRETARY: Robert Behar?
 25 MR. BEHAR: Yes.

1 THE SECRETARY: Marshall Bellin?
 2 MR. BELLIN: Yes.
 3 THE SECRETARY: Jeff Flanagan?
 4 CHAIRMAN FLANAGAN: Yes.
 5 Okay. The next item is Number 14 on the
 6 agenda. That's an Ordinance of the City
 7 Commission of Coral Gables, Florida providing
 8 for a text amendment to the City of Coral
 9 Gables Official Zoning Code by amending Article
 10 3, "Development Review," Division 10, "Transfer
 11 of Development Rights;" modifying the
 12 provisions for transfer of development rights;
 13 providing for a repealer provision,
 14 severability clause, codification, and
 15 providing for an effective date.
 16 MR. TRIAS: Mr. Chairman, as we discussed
 17 before, the current TDR, Transfer of
 18 Development Rights Program, only deals with
 19 Historic properties. This amendment includes
 20 an additional way to have TDRs, which is
 21 designed to create City parks. And that is the
 22 amendment.
 23 MR. BEHAR: So if you give the City a
 24 property, that becomes a public park, you could
 25 transfer that TDR to a site?

1 MR. TRIAS: Yes.
 2 MR. BEHAR: Does it have to be within a
 3 specific area? Or if I'm in -- let's say I
 4 have a property by Country Club Prado, and I
 5 want to turn that into a park, can I transfer
 6 that TDR to a property on the North Ponce
 7 corridor?
 8 MR. TRIAS: Yes, on the North Ponce
 9 corridor, because it's a receiving site, and
 10 also Downtown, because it's a receiving site,
 11 but not anywhere else.
 12 MS. MENENDEZ: Where does that say that?
 13 MR. WU: That's just in the background
 14 information in the Staff report.
 15 MS. MENENDEZ: But it's not in the
 16 Ordinance.
 17 MR. WU: No. We can modify the title and
 18 reflect the intent better.
 19 MS. MENENDEZ: Let me ask you something, I
 20 also noticed in the background, on Page 3,
 21 where it says the approval to transfer or sell
 22 shall be through a Resolution. Is your
 23 objective, to not have a public hearing?
 24 MR. TRIAS: A Resolution has a public
 25 hearing. It has one public hearing before the

1 Commission.
 2 MS. MENENDEZ: Yeah, but it's not notified.
 3 I mean, people aren't notified. People aren't
 4 notified. That's just placed on the agenda.
 5 MR. TRIAS: There's no requirement for a
 6 mail out, yes. Yes.
 7 MS. MENENDEZ: There's no what?
 8 MR. TRIAS: Mailing requirement.
 9 MS. MENENDEZ: Right. Do we require, when
 10 there's TDRs for a Historic property, to be via
 11 Ordinance or through a Resolution? It should
 12 be the same way, I guess is my point.
 13 MR. TRIAS: I think it's Resolution, but I
 14 think -- you're raising a very good point. We
 15 need to --
 16 MS. MENENDEZ: I just don't have the
 17 Ordinance here, so I can't see it. Or do I?
 18 No, I don't. I know that we're trying to save
 19 paper, but we really should look at the
 20 Ordinance. We should have the Ordinance.
 21 Oh, here's the Ordinance.
 22 MR. TRIAS: Yeah, the Ordinance is on Page
 23 2 and 3.
 24 MS. MENENDEZ: I stand corrected.
 25 MR. TRIAS: We do have enough paper for