

DAVID J. WINKER, P.A.

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June 16, 2026

Via Email and U.S. Mail

Cristina Suarez, Esq.
City of Coral Gables
Office of the City Attorney
csuarez@coralgables.com

RE: Planning and Zoning Application 26-1692 by FRC Realty, LLC re. 110 Phoenetia Ave

Dear Ms. Suarez:

This law firm represents Bonnie Bolton who lives within 500 feet of the subject property.

I write regarding the above-referenced quasi-judicial zoning matter scheduled for hearing on June 17, 2026 at 6pm. Because this proceeding is quasi-judicial in nature, it is subject to the due process requirements articulated by the Florida courts, including but not limited to those recognized in *Board of County Commissioners of Brevard County v. Snyder* 627 So. 2d 469 (Fla. 1993) and *Jennings v. Dade County*, 589 So.2d 1337 (3rd DCA 1991).

To ensure a full and fair hearing, I respectfully request that the following procedural safeguards be expressly recognized and implemented:

1. Ex Parte Communications Disclosure

I request that each Board Member disclose on the record any ex parte communications regarding this application, including:

- The identity of the person communicating
- The substance of the communication
- Any documents received

2. Right to Cross-Examine Witnesses

I request the opportunity to fully cross-examine:

- City and County staff
- The applicant and the applicant's representatives
- All expert witnesses
- Any person offering factual testimony or opinion evidence

Cross-examination is a fundamental component of procedural due process in quasi-judicial proceedings.

3. Advance Disclosure of Evidence

I request advance disclosure of:

- All staff reports (including revised reports)
- All exhibits the applicant intends to introduce
- All building plans that are the subject of this hearing
- All expert reports, studies, traffic analyses, environmental reports, or other supporting materials
- Any PowerPoint presentations or demonstrative exhibits

This disclosure should occur sufficiently in advance of the hearing to allow meaningful review and preparation.

4. Opportunity to Present Evidence and Rebuttal

I request the right to:

- Present witnesses and documentary evidence
- Provide rebuttal evidence following presentation of the applicant's case
- Make legal argument

5. Sworn Testimony and Competent Substantial Evidence

All witnesses, including the Applicant and City and County staff and expert witnesses, should be placed under oath. The Commission's decision must be based solely on competent substantial evidence presented at the hearing.

6. Reasonable Time Allocation

I request reasonable and equal time to:

- Conduct cross-examination
- Present witnesses

- Present argument
- Offer rebuttal

If time limits are imposed, they should be applied evenly and allow sufficient time for meaningful participation.

7. Complete Record

I request that:

- All exhibits be marked and preserved
- The complete record be maintained for potential appellate review

8. Intervenor's Preservation of Objections

Intevenor preserves for the record objections to the following:

- Applicant objects to the standing to appeal approval of the Application by any person or entity who has failed to preserve in the record a legally recognizable interest pursuant to *Renard v. Dade County*, 261 So.2d 832 (Fla. 1972) and its progeny.
- Applicant objects to any document or testimony or evidence of an expert that does not comply with the filing and disclosure requirements of Section 33-311(0), Code of Miami-Dade County, Florida.
- Applicant objects to any reference to or reliance upon any document or evidence that contains expert opinion where the expert is not present at the public hearing and available for cross-examination.
- Applicant objects to any document or argument or evidence presented or facilitated by a representative of a third party who is required but fails to comply with the registration requirements of Section 2-11.1(s), Code of Miami-Dade County, Florida.
- Applicant objects to any testimony or document or evidence submitted by any person or entity who fails to disclose a residential or business address.
- Applicant objects to any document or argument or evidence presented or facilitated by a representative of a third party who fails to identify and provide an address for said third party.
- Applicant objects to any petitions, letters, or social media that have been submitted based on any document or presentation that includes factual statements that are demonstrably inaccurate or misleading.

These requests are made to ensure compliance with Florida law governing quasi-judicial land use proceedings and to preserve all rights for judicial review, if necessary.

Thank you for your attention to these procedural matters. I respectfully request written confirmation that these procedures will be followed at the upcoming hearing.

Thank you,

s/davidjwinker
David Winker, Esq.

cc:

Jennifer Garcia, Planning & Zoning Director jgarcia4@coralgables.com
Billy Urquia, City Clerk burquia@coralgables.com