

185

1 in Staff's recommendation, yes.  
 2 CHAIRMAN KORGE: Anything else in  
 3 the motion? No?  
 4 Any further discussion? Do we have  
 5 a second on the motion?  
 6 MR. AIZENSTAT: Yes.  
 7 CHAIRMAN KORGE: We have a second.  
 8 Moved and seconded. Any further  
 9 discussion on this motion?  
 10 No discussion. We'll call the  
 11 roll, please.  
 12 MS. MENENDEZ: Jeff Flanagan?  
 13 MR. FLANAGAN: Yes.  
 14 MS. MENENDEZ: Pat Keon?  
 15 MS. KEON: Yes.  
 16 MS. MENENDEZ: Javier Salman?  
 17 MR. SALMAN: Yes.  
 18 MS. MENENDEZ: Eibi Aizenstat?  
 19 MR. AIZENSTAT: Yes.  
 20 MS. MENENDEZ: Tom Korge?  
 21 CHAIRMAN KORGE: Yes. Let's take a  
 22 five-minute break.  
 23 MR. SALMAN: It's -- I notice from  
 24 the clock on the wall --  
 25 MS. RUSSO: Thank you very much for

186

1 your consideration.  
 2 MS. HERNANDEZ: Wait a minute.  
 3 It's almost nine o'clock. What's the  
 4 will of the Board?  
 5 MR. AIZENSTAT: Let's not take a  
 6 break.  
 7 (Simultaneous comments)  
 8 MS. HERNANDEZ: All right, we're  
 9 going to start the next item and maybe  
 10 we'll finish it in 10 minutes, okay?  
 11 Folks, if you could please keep it  
 12 down, please. Thank you. We're trying  
 13 to also finish up. Thank you. Please  
 14 take it outside.  
 15 All right, Mr. Vice-Chair?  
 16 MR. AIZENSTAT: Okay, let's take it  
 17 over to --  
 18 MS. HERNANDEZ: City of Coral  
 19 Gables Comprehensive Land Use Plan.  
 20 Mr. Riel?  
 21 MR. AIZENSTAT: The next item, City  
 22 of Coral Gables Comprehensive Land Use  
 23 Plan and Map.  
 24 Eric?  
 25 MR. RIEL: At the last meeting, you

187

1 know, Staff did a presentation on this.  
 2 We're obviously not going to go through  
 3 that presentation.  
 4 MR. SALMAN: Bless your heart.  
 5 MR. RIEL: We had -- a couple Board  
 6 members indicated they'd like the  
 7 opportunity to have some additional time  
 8 to look at the plan.  
 9 At this point, I'll turn it over to  
 10 those members, if they would like to  
 11 provide any comments, and then any other  
 12 members that have any additions.  
 13 MS. HERNANDEZ: Right.  
 14 MR. RIEL: I would ask that when  
 15 you do your Staff recommendation again,  
 16 I need four separate motions on each of  
 17 these items --  
 18 MS. HERNANDEZ: Right.  
 19 MR. RIEL: -- because they need to  
 20 go in different directions, in terms of  
 21 the Department of Community Affairs.  
 22 MS. HERNANDEZ: And for ease of  
 23 reference, we were in the deliberations  
 24 portion of it, so the public hearing was  
 25 closed. So this is where we're at,

188

1 okay?  
 2 MR. RIEL: And I'm sorry, Mr. Vice-  
 3 Chair, I was just handed a letter  
 4 from -- dated June 3rd, 2009, Riviera  
 5 Neighborhood Association.  
 6 Unfortunately, I just was handed  
 7 it, so I have not had a chance to read  
 8 it.  
 9 MS. HERNANDEZ: Can you read it  
 10 into the record?  
 11 MR. SALMAN: Do you want to read it  
 12 in the record?  
 13 MR. RIEL: It's about two pages  
 14 long.  
 15 MS. HERNANDEZ: Oh.  
 16 MS. KEON: Should it be read into  
 17 the record?  
 18 MR. FLANAGAN: The public hearing  
 19 session was closed?  
 20 MS. HERNANDEZ: Yeah, it was  
 21 closed. The public hearing portion of  
 22 this was closed at the last meeting. So  
 23 the Board will have to make a motion if  
 24 they want to accept it and review it and  
 25 consider it.

189

1           MR. AIZENSTAT: Do I hear anything?  
 2           MS. KEON: I wasn't here.  
 3           MR. AIZENSTAT: Any comments?  
 4           MR. FLANAGAN: Comments following  
 5           from last week (sic)?  
 6           MR. AIZENSTAT: Well, about the  
 7           letter. Let's take into account, do you  
 8           want to accept it or --  
 9           MR. FLANAGAN: I mean, if it  
 10          becomes a public document, I think Staff  
 11          has it and I imagine they'll take it  
 12          under consideration.  
 13          MS. HERNANDEZ: And it will be part  
 14          of the record that goes to the  
 15          Commission.  
 16          MR. AIZENSTAT: They had full  
 17          representation the last time they were  
 18          here, and we did close it.  
 19          MS. HERNANDEZ: I'll be right back.  
 20          MR. RIEL: We'll accept it and  
 21          include it and provide it, obviously, to  
 22          the Commission as a part of their  
 23          record.  
 24          MR. AIZENSTAT: Okay.  
 25          MR. FLANAGAN: Thank you,

190

1           Mr. Vice-Chair.  
 2           At the last meeting, we continued,  
 3           I think it was my request, so I could  
 4           read through everything, and I actually  
 5           did read through everything. I met with  
 6           Mr. Riel. I gave him most of my package  
 7           with a bunch of comments and just some  
 8           thoughts, items I thought could be  
 9           aggregated together, maybe some were  
 10          duplications. So he has those, and I  
 11          think he'll take those under  
 12          consideration. I had three elements  
 13          that I hadn't gotten through, that I did  
 14          manage to get through since our meeting  
 15          the other day.  
 16          One specific item that I feel is  
 17          important to go on the record to read is  
 18          in the new element of the City's which  
 19          is the Green Element, and specifically,  
 20          it's Policy GRN-1.8.1, which, as  
 21          proposed, reads as follows: "Any  
 22          Comprehensive Plan and Future Land Use  
 23          Map Amendments must be supported by data  
 24          and analysis to demonstrate how the  
 25          amendment is based upon energy-efficient

191

1           land use patterns and greenhouse gas  
 2           reduction strategies."  
 3           I mentioned that I had a problem  
 4           with the word "must be supported by data  
 5           analysis," and I suggested that the word  
 6           should be "may," and so I would like to  
 7           put on the record that that would be a  
 8           change that I would like to see when  
 9           we go ahead and --  
 10          MR. AIZENSTAT: Can I ask you what  
 11          page that is of the --  
 12          MR. RIEL: Page 6 -- I'm sorry,  
 13          Page 5 of the Green Element.  
 14          CHAIRMAN KORGE: 5 of the Green  
 15          Element.  
 16          MR. RIEL: The Green Element is the  
 17          last element in your package.  
 18          CHAIRMAN KORGE: Okay.  
 19          MS. KEON: What's the difference  
 20          between -- well, I mean, but why would  
 21          you say "may" as opposed to "should"?  
 22          MR. FLANAGAN: Oh, no, it says  
 23          "must."  
 24          MR. RIEL: It says "must."  
 25          MS. KEON: But "may" is --

192

1           MR. SALMAN: Optional. "Must" is  
 2           mandatory.  
 3           MS. KEON: No, but I think "should"  
 4           is a better -- is a better --  
 5           MR. FLANAGAN: I can live with  
 6           "should."  
 7           MR. SALMAN: I'll live with  
 8           "should."  
 9           MR. FLANAGAN: I'll live with  
 10          "should."  
 11          MS. KEON: "Should," I think, is  
 12          better than "may."  
 13          MR. FLANAGAN: Okay.  
 14          MS. KEON: I mean, "should" (sic)  
 15          is, "Well, if you want," where I think  
 16          "should" says --  
 17          MR. SALMAN: "You should."  
 18          MS. KEON: -- "You ought to. You  
 19          don't have to, but you ought to."  
 20          MR. SALMAN: It errs on the side of  
 21          requirement.  
 22          MS. KEON: Right.  
 23          MR. AIZENSTAT: What number was  
 24          that?  
 25          MR. FLANAGAN: That was GRN 1.8.1.

193

1 MR. RIEL: It's the second-to-last  
 2 policy on Page 5, on the right-hand  
 3 column.

4 MR. SALMAN: But again, there's no  
 5 supporting requirement in the Code for  
 6 us to --

7 MR. AIZENSTAT: Well, Eric, is  
 8 there a reason that you wouldn't want  
 9 "may" in there?

10 MR. RIEL: I have absolutely no  
 11 problem with the --

12 MR. AIZENSTAT: Okay.

13 MR. RIEL: -- with the change.

14 MS. KEON: I think "should" is a  
 15 better word than "may."

16 MR. RIEL: In fact, I thank the  
 17 Board member for pointing that out.

18 MR. SALMAN: Is that it?

19 CHAIRMAN KORGE: I have a question.  
 20 I have one concerning, education, Page 2  
 21 of the education statement. Policy  
 22 EDU-1.2.3, and it's a -- concerns the  
 23 contribution of land, construction of --  
 24 expansion or payment for land  
 25 acquisition or construction of a

194

1 permanent public school facility as one  
 2 way to mitigate or pay the impact fees,  
 3 and I was wondering if that would  
 4 include charter schools, so a  
 5 contribution of land for a charter  
 6 school, would that meet the obligation?

7 MR. RIEL: No. Charter school is  
 8 not -- it does not include charter  
 9 schools.

10 CHAIRMAN KORGE: Why not?

11 MR. RIEL: I don't believe it does.

12 MR. SALMAN: It should.

13 MS. KEON: I think it should. It's  
 14 a public school.

15 MR. RIEL: I'm -- to be honest, I  
 16 don't believe it does, but I obviously  
 17 need to go back and check that. This  
 18 was the element that was done two years  
 19 ago, if you recall, and we basically  
 20 didn't make any changes to this, and  
 21 this went through the State for review,  
 22 went through the County for review, and  
 23 it was a State requirement, because the  
 24 Legislature made changes to this, so  
 25 whatever we have in here was found in

195

1 compliance, but --

2 CHAIRMAN KORGE: Well, that -- I'm  
 3 sure that, you know, construction of a  
 4 permanent public school facility would  
 5 be in compliance, but the question is  
 6 whether the construction of a permanent  
 7 charter school facility would be in  
 8 compliance.

9 MR. SALMAN: A charter school is,  
 10 by definition, a public school.

11 CHAIRMAN KORGE: That's the  
 12 question I have. I don't know. Are you  
 13 sure about that?

14 MR. SALMAN: I'm pretty sure. They  
 15 get their money from there.

16 MS. HERNANDEZ: What was your  
 17 question, again?

18 CHAIRMAN KORGE: One of the ways to  
 19 mitigate the impact of a lack of schools  
 20 is to provide for the construction of a  
 21 permanent public school facility --

22 MS. HERNANDEZ: Uh-huh.

23 CHAIRMAN KORGE: -- and my question  
 24 was whether the construction of a  
 25 permanent charter school facility would

196

1 also meet that obligation.

2 MS. HERNANDEZ: It -- yes, they  
 3 would -- it would meet that obligation,  
 4 because it is statutorily created and it  
 5 has to be in compliance with the  
 6 school concurrency requirements and the  
 7 school elements --

8 CHAIRMAN KORGE: So couldn't we --

9 MS. HERNANDEZ: -- and they have to  
 10 get approval from Dade County Public  
 11 Schools.

12 MR. SALMAN: Dade County Public  
 13 Schools.

14 CHAIRMAN KORGE: Could we not --

15 MR. SALMAN: They're chartered by  
 16 the School Board.

17 MS. HERNANDEZ: Right.

18 CHAIRMAN KORGE: -- make it clear  
 19 that charter schools would be -- in  
 20 addition to the permanent public school  
 21 facility, a permanent charter school  
 22 facility would be included in that  
 23 language, Eric?

24 MR. RIEL: Sure, if you'd like to.  
 25 I mean, obviously, there is a

197

1 definition of what is considered --  
 2 MS. KEON: I wouldn't --  
 3 CHAIRMAN KORGE: There's a  
 4 conflict.  
 5 MR. RIEL: -- a public school.  
 6 MS. KEON: What is the conflict  
 7 between the two?  
 8 CHAIRMAN KORGE: Public schools  
 9 don't like charter schools.  
 10 MR. SALMAN: No, they don't.  
 11 CHAIRMAN KORGE: So, you know, I  
 12 just want to make it --  
 13 MS. KEON: So what?  
 14 CHAIRMAN KORGE: No, my point is,  
 15 I'd just like it to be clear that either  
 16 type of school facility would be  
 17 acceptable in mitigating the lack of  
 18 school capacity.  
 19 MS. KEON: But if you were to  
 20 change the statute that changed the role  
 21 of charter schools under the public  
 22 schools, then you would be allowing --  
 23 you would be giving that right to a --  
 24 what would then become a private school.  
 25 I mean, right now, the charter school

198

1 legislation is included under the  
 2 auspices of the public schools, now, the  
 3 way that the law is written; isn't that  
 4 right?  
 5 MS. HERNANDEZ: Yes.  
 6 MR. SALMAN: (Inaudible).  
 7 MS. KEON: It is now under the  
 8 public schools. So to say --  
 9 CHAIRMAN KORGE: No, it isn't.  
 10 It's treated like -- it's funded like a  
 11 public school, but it's not a public  
 12 school. It's not -- that is to say,  
 13 it's not part of the public school  
 14 system.  
 15 MS. KEON: I thought they --  
 16 CHAIRMAN KORGE: It's run --  
 17 MR. SALMAN: It's run privately.  
 18 CHAIRMAN KORGE: It's not run by  
 19 the public school system. It's run by  
 20 private enterprise.  
 21 MS. KEON: But isn't it under the  
 22 supervision of the public schools?  
 23 MR. SALMAN: Yes, it is.  
 24 CHAIRMAN KORGE: All I'm saying  
 25 is that it seems to me appropriate --

199

1 MR. SALMAN: They've got to meet  
 2 all the requirements of a public school.  
 3 MS. KEON: I would like them to  
 4 come back and clarify that issue of the  
 5 charter school with respect to the  
 6 public school, before you would change  
 7 that language --  
 8 MS. HERNANDEZ: Okay.  
 9 MS. KEON: -- because I think that  
 10 it's -- I think it does say what you're  
 11 saying now by -- under the public  
 12 schools.  
 13 MR. RIEL: But Board Members, we're  
 14 looking for a recommendation from the  
 15 Board this evening. We need to --  
 16 MS. HERNANDEZ: Right.  
 17 MR. AIZENSTAT: Mr. Chair, it's  
 18 nine o'clock right now.  
 19 MS. HERNANDEZ: It's, yeah, 30  
 20 seconds till nine o'clock. Is there a  
 21 motion to extend this --  
 22 MR. FLANAGAN: I make a motion to  
 23 extend this meeting --  
 24 MR. SALMAN: Second.  
 25 MR. FLANAGAN: -- to finish our

200

1 business.  
 2 MR. AIZENSTAT: Well --  
 3 MS. HERNANDEZ: Finish the business  
 4 or for a period of time?  
 5 MR. SALMAN: No, no, for another 15  
 6 minutes.  
 7 CHAIRMAN KORGE: Pick a few more  
 8 minutes, and --  
 9 MR. AIZENSTAT: Fifteen minutes is  
 10 good.  
 11 MR. FLANAGAN: Fifteen minutes.  
 12 MR. SALMAN: Second.  
 13 CHAIRMAN KORGE: Second. Any  
 14 discussion?  
 15 Call the roll on the extension,  
 16 please.  
 17 MS. MENENDEZ: Eibi Aizenstat?  
 18 MR. AIZENSTAT: Yes.  
 19 MS. MENENDEZ: Jeff Flanagan?  
 20 MR. FLANAGAN: Yes.  
 21 MS. MENENDEZ: Pat Keon?  
 22 MS. KEON: Yes.  
 23 MS. MENENDEZ: Javier Salman?  
 24 MR. SALMAN: Yes.  
 25 MS. MENENDEZ: Tom Korge?

201

1 CHAIRMAN KORGE: Yes.  
 2 MR. AIZENSTAT: Now you've got 14  
 3 minutes.  
 4 MS. HERNANDEZ: I miss Jack Coe.  
 5 MR. RIEL: May I suggest this,  
 6 Mr. Chair, that if the definition of the  
 7 public school doesn't include a charter  
 8 school, then we'll put it in there, and  
 9 that if it is included, we'll --  
 10 CHAIRMAN KORGE: That would be fine  
 11 with me, but I don't know -- I'm not  
 12 speaking for Pat. I mean, she may  
 13 not --  
 14 MR. RIEL: We need a recommendation  
 15 from the Board on this so this can  
 16 proceed to--  
 17 CHAIRMAN KORGE: That would be my  
 18 recommendation.  
 19 MS. KEON: I don't know why you  
 20 would give it to a charter school if it  
 21 is not already included under the public  
 22 school and not give to it a private  
 23 school.  
 24 CHAIRMAN KORGE: Because a charter  
 25 school meets the -- mitigates the impact

202

1 of a lack of school facilities. A  
 2 charter school is -- does not charge  
 3 tuition, so it is a free school, and I  
 4 mean, as far as I'm concerned, even in  
 5 our neighborhoods, probably a parochial  
 6 or private school that charges tuition  
 7 would mitigate the impact, but in any  
 8 event, certainly any free school that is  
 9 in the neighborhood would meet --  
 10 mitigate that impact.  
 11 So, to me, whether it's called a  
 12 public school or a charter school,  
 13 or even a private school, if it's not  
 14 being charged tuition, then it  
 15 mitigates.  
 16 MR. SALMAN: This is beyond our pay  
 17 grade. Why don't we just take it the  
 18 way it is and approve --  
 19 CHAIRMAN KORGE: Because it's  
 20 really an important issue. I mean,  
 21 charter schools happen to be a big  
 22 issue --  
 23 MR. SALMAN: I know it is.  
 24 CHAIRMAN KORGE: -- in the  
 25 community and in the State, so I think

203

1 that is -- I mean, that just kind of  
 2 jumped out at me.  
 3 MR. AIZENSTAT: Aren't the charter  
 4 schools directed by the public schools  
 5 and given their charter through the  
 6 public school system?  
 7 MR. SALMAN: Uh-huh.  
 8 CHAIRMAN KORGE: Yeah, but they're  
 9 not run by the public schools. So I  
 10 don't know that a "permanent public  
 11 school facility" would include a charter  
 12 school, even though it is open to the  
 13 public and doesn't charge tuition.  
 14 MR. AIZENSTAT: But if the funds go  
 15 into the public school system and then a  
 16 charter school opens up within that  
 17 city, don't those funds come out of that  
 18 public system?  
 19 MS. KEON: Yes, and I think,  
 20 though, the -- the approval to operate  
 21 that charter school is approved by the  
 22 public school system, and the public  
 23 school system also has the right to  
 24 withdraw that charter.  
 25 MR. AIZENSTAT: Correct.

204

1 MS. HERNANDEZ: Right.  
 2 MS. KEON: So it is controlled by  
 3 the public school system.  
 4 CHAIRMAN KORGE: Good, but  
 5 that's --  
 6 MS. KEON: Where if you put it  
 7 in --  
 8 MR. SALMAN: Yeah, but you know,  
 9 Tom, they don't always own the land.  
 10 MS. KEON: Right.  
 11 MR. SALMAN: The School Board  
 12 doesn't own the land.  
 13 CHAIRMAN KORGE: We're talking  
 14 about a construction of a permanent  
 15 school facility as mitigation, and in my  
 16 judgment, at least, for what little it's  
 17 worth, the charter school or public  
 18 school equally satisfied that need, and  
 19 so I just want it to be clear that under  
 20 current law, the way charter schools  
 21 operate, if a charter school were  
 22 proposed to be constructed to meet that  
 23 need, that would fall within our --  
 24 our -- our CLUP language, and that's  
 25 what I'm suggesting. Eric's approach to

205

1 it is acceptable to me, that he'll check  
 2 it out, but I -- it doesn't -- it  
 3 doesn't seem, to me, clear enough, the  
 4 way it's written, to -- I mean, that was  
 5 my concern --

6 MS. HERNANDEZ: Okay.

7 CHAIRMAN KORGE: -- the best I can  
 8 say it, so, you know, if nobody wants  
 9 to move for that, then, you know --

10 MR. AIZENSTAT: I would just be  
 11 concerned that you're putting a  
 12 different type of schooling system and  
 13 then you're segregating or not doing a  
 14 private school or a free funded school  
 15 that's private or --

16 MR. SALMAN: Beyond our pay grade.

17 MR. AIZENSTAT: I don't know. To  
 18 me, a charter school is derived from a  
 19 public system. That's why -- That's  
 20 why --

21 CHAIRMAN KORGE: So why would you  
 22 object to putting it in there? I mean,  
 23 if it meets all the criteria, I don't  
 24 have a problem putting it in there. My  
 25 concern, again, is that it's not clear,

206

1 when I read it, that it includes a  
 2 charter school.

3 MS. KEON: Right, but I think that  
 4 if you -- it may not be clear because  
 5 you don't maybe have full knowledge of  
 6 what is included in the public school.  
 7 So, if we know and we have full  
 8 knowledge that included in the public  
 9 school would be a charter school, then  
 10 it's already there.

11 I'm concerned that you're giving  
 12 some right to a particular group that  
 13 you're not giving to --

14 MR. AIZENSTAT: Another group.

15 MS. KEON: -- another group, I  
 16 mean, or that you're -- you're  
 17 identifying a particular group that is  
 18 given some privilege or some right under  
 19 your Code that isn't available to  
 20 everyone under the Code.

21 CHAIRMAN KORGE: I don't know that  
 22 it's about a right. It's about whether  
 23 we're mitigating a particular impact.  
 24 It's not about a right. It's mitigating  
 25 an impact.

207

1 MR. SALMAN: I would proffer that,  
 2 as long as the land were given to the  
 3 public school board for use as either a  
 4 public school or a charter school and  
 5 the land went with the public school  
 6 board, then I wouldn't have a problem  
 7 with it.

8 But my problem is that I know the  
 9 charter schools, often enough, own the  
 10 land that they're sitting on. They're  
 11 operated under a charter by the school  
 12 board, they are paid for out of school  
 13 board funds, and it's a gray area, and  
 14 the intent here is that that land be  
 15 held in public trust, and in the case of  
 16 charter schools they're not necessarily.  
 17 Sometimes they are, sometimes they're  
 18 not, but they're not necessarily.

19 CHAIRMAN KORGE: You're suggesting  
 20 that if we didn't change the language,  
 21 charter school would not mitigate the  
 22 impact?

23 MR. SALMAN: No, what I'm saying is  
 24 that, as long as the land was given to a  
 25 public entity such as the public school

208

1 board, for use as either a public school  
 2 or a charter school, then the land --  
 3 It's a land use issue. Comprehensive  
 4 land use is what we're talking about.

5 CHAIRMAN KORGE: Even if it's  
 6 permanently dedicated? Even if it's --

7 MR. SALMAN: It's about it being --  
 8 It could be permanently dedicated, but  
 9 at that point, it's the same thing as  
 10 giving it to them.

11 CHAIRMAN KORGE: It says permanent.  
 12 MR. SALMAN: Okay.

13 CHAIRMAN KORGE: It says permanent.  
 14 MR. SALMAN: Okay.

15 CHAIRMAN KORGE: So it would have  
 16 to be permanent. I didn't mean to  
 17 suggest that the charter schools  
 18 wouldn't have to be permanent. The way  
 19 I see it is, permanent means permanent.  
 20 It doesn't mean temporary for --

21 MR. SALMAN: I'm one of the biggest  
 22 proponents for charter schools, believe  
 23 me. I'm 110 percent behind you, as long  
 24 as that land was tied to a public use,  
 25 because that's the intent of the

209

1 mitigation, and that if it were -- as  
 2 long as it were in perpetuity and tied  
 3 to the school board for that use, then I  
 4 have no problem.

5 CHAIRMAN KORGE: Well, but that's  
 6 different.

7 MR. SALMAN: Well, that's the  
 8 problem.

9 CHAIRMAN KORGE: No.

10 MR. SALMAN: It has to be to a  
 11 public entity.

12 CHAIRMAN KORGE: Permanent use  
 13 doesn't have to be owned by any  
 14 particular public agency. Permanent use  
 15 could include ownership by a nonprofit,  
 16 in perpetuity, for that particular use.

17 (Thereupon, Mr. Aizenstat stepped  
 18 out.)

19 CHAIRMAN KORGE: So I don't -- I  
 20 mean, and by the way, the school board  
 21 could, if it wanted to, sell the land --

22 MR. SALMAN: They buy and sell land  
 23 all the time.

24 CHAIRMAN KORGE: They can sell  
 25 their land.

210

1 MR. SALMAN: They buy and sell land  
 2 all the time.

3 CHAIRMAN KORGE: So I don't even  
 4 know if the permanent public school  
 5 facility language there works, because  
 6 how are we going to restrict the school  
 7 board from disposing of any land it  
 8 wants to dispose of?

9 MR. SALMAN: But there's processes  
 10 for the disposal, and they're public.

11 CHAIRMAN KORGE: So you don't want  
 12 to include public charter schools in  
 13 the --

14 MR. SALMAN: Just say public  
 15 schools and leave it at that. Why kick  
 16 over (inaudible) on this particular  
 17 issue?

18 CHAIRMAN KORGE: Did we lose Eibi?

19 MS. HERNANDEZ: He went to the  
 20 little boys' room. For a moment, we  
 21 lost him.

22 CHAIRMAN KORGE: Well, if there's  
 23 no motion, then, you know, there's  
 24 nothing I can do about it, but that's  
 25 how I feel, so --

211

1 MR. SALMAN: I feel the same way,  
 2 but it's expansive, and I'm not an  
 3 attorney, nor do I play one on TV. But  
 4 it's going to be a problem. I can see  
 5 it. I can see it. If there were  
 6 legislation that were properly done -- I  
 7 just don't think -- then I would see it,  
 8 but right now, there's a cleaved  
 9 difference between public schools and  
 10 charter schools, and a part of that  
 11 difference is the ownership of the  
 12 facility, in many cases, and when you're  
 13 donating land to mitigate for a public  
 14 good to a private institution, that's  
 15 where you're going to have a problem.  
 16 That's where it's going -- that's where  
 17 it's going to fail the test, and again,  
 18 I'm not a lawyer and I don't play one on  
 19 TV, but I don't think it's going to meet  
 20 the muster, until such time as the  
 21 Legislature -- and then it survives  
 22 attack in the court, because it's going  
 23 to get it there -- makes that  
 24 distinction more clear, we're -- You  
 25 know, the whole point of the charter

212

1 schools, and we can have that discussion  
 2 now that Eibi is not here, because it's  
 3 totally off the record, right? No? Oh,  
 4 okay. Well, we'll have the discussion,  
 5 anyway. It was a way to cut the -- you  
 6 know, get local control of the  
 7 educational process, in a manner that  
 8 was potentially more beneficial to the  
 9 students, more cost-effective.

10 Now, the public schools actually  
 11 get more money than the money that the  
 12 public schools give to charter schools,  
 13 so they actually have to operate more  
 14 efficiently. The fact that they are,  
 15 almost all of them, excellent schools  
 16 is part of the challenge which was  
 17 created in the previous administration  
 18 to raise the bar for everybody, and  
 19 that's how it was done.

20 How you -- the debate between  
 21 public and private education is one that  
 22 we're not going to solve today, and  
 23 right now, the way it was cut was by  
 24 creating this charter school. Okay, you  
 25 have a private school, but it's going to

213

1 be funded and it's going to meet the  
 2 requirements of the public school  
 3 system, and it's going to operate under  
 4 a direct charter of the public school  
 5 system, but the facilities are not  
 6 necessarily owned by the public school  
 7 system. Sometimes they are, sometimes  
 8 they're not. I know of cases both ways.

9 CHAIRMAN KORGE: It's irrelevant.

10 MR. SALMAN: Well, the relevance  
 11 is -- the relevance is the donation of  
 12 land to a public entity for a specific  
 13 use, and so far as I can see, a charter  
 14 school is not necessarily a public  
 15 entity. It's operated as such, but it's  
 16 not.

17 CHAIRMAN KORGE: I do believe in  
 18 Unincorporated Dade, a charter school --  
 19 maybe Jeff knows this -- a charter  
 20 school would meet the impacts for new  
 21 school construction in a development  
 22 area.

23 MR. SALMAN: Would it, Jeff?

24 MR. FLANAGAN: I think it does.

25 CHAIRMAN KORGE: Yes, it does. I

214

1 know that for a fact.

2 MR. SALMAN: I don't know.

3 MR. FLANAGAN: But I think if -- I  
 4 think -- and I would -- if I'm  
 5 understanding what Tom is trying to get  
 6 at, and I think I -- I agree with  
 7 Javier's concern about basically the  
 8 dedication of land to a private entity  
 9 for private enterprise, which would  
 10 fulfill -- rather than paying impact  
 11 fees, that maybe if there was some way  
 12 to couch the language that it was  
 13 dedicated -- I think I like that -- to  
 14 the school board, to remain public  
 15 land --

16 MR. SALMAN: For disposal by the  
 17 school board --

18 MR. FLANAGAN: And I know they  
 19 could dispose it 20 years later --

20 MR. SALMAN: -- how they wish.

21 MR. FLANAGAN: But that the  
 22 school -- the school use could be either  
 23 a public school, one operated by the  
 24 school board, or some other entity.

25 MR. SALMAN: Or operated under a

215

1 charter by a private institution.

2 MR. FLANAGAN: I understand Javier  
 3 is basically saying it's the land, it's  
 4 the dedication of the land to a public  
 5 entity versus a private entity. If it  
 6 goes to a public entity, and then  
 7 however they choose to operate the  
 8 school facility, then that's fine.

9 CHAIRMAN KORGE: Well, as I see it,  
 10 the dedication of the land is in the use  
 11 of the land. In other words, if the  
 12 land is fixed for use as a school,  
 13 that's the dedication of it, and it  
 14 can't be changed. And it would be very  
 15 difficult, for example, to change a  
 16 public school -- a charter school,  
 17 excuse me, that had been approved, I  
 18 think it would be darn near impossible,  
 19 that had been approved, in order to  
 20 mitigate the impact of additional  
 21 development. I don't see how you would  
 22 ever be able to, unless that development  
 23 disappeared, be able to --

24 MR. SALMAN: Which has happened.

25 MR. FLANAGAN: Yeah, some charter

216

1 schools have closed.

2 CHAIRMAN KORGE: -- end the charter  
 3 school, but I will tell you that I know  
 4 that it doesn't -- first doesn't have to  
 5 be dedicated to the school system,  
 6 number one, the land, and number two, it  
 7 could be sold by the developer --

8 MR. SALMAN: Right.

9 CHAIRMAN KORGE: -- to the charter  
 10 school system. So long as the charter  
 11 school is actually built and meets the  
 12 need, mitigates the impact, it  
 13 qualifies, and so I just disagree with  
 14 everybody's interpretation of what the  
 15 rules are. That's not the rules in Dade  
 16 County.

17 MR. SALMAN: The thing is that  
 18 there are interpretations.

19 CHAIRMAN KORGE: No, this is what  
 20 happens in Dade County. I know from  
 21 experience.

22 MR. SALMAN: All right, then, fine.

23 CHAIRMAN KORGE: But if there's no  
 24 motion, then --

25 MR. SALMAN: I'm going to vote

217

1                   against it, but there you go.  
 2                   CHAIRMAN KORGE: Well, there's got  
 3                   to be a motion before you can vote.  
 4                   MR. SALMAN: Don't go there. We're  
 5                   not going to get --  
 6                   CHAIRMAN KORGE: I'll open the --  
 7                   I'm done with my discussion. I'll open  
 8                   the floor for any motion, if there is  
 9                   any.  
 10                  MR. SALMAN: We have to have one.  
 11                  We're almost done. We've got two  
 12                  minutes to do three things.  
 13                  CHAIRMAN KORGE: I'm going to waste  
 14                  the two minutes. So there's no motion.  
 15                  Is there anything else in this before  
 16                  we take a motion to approve, I guess,  
 17                  with the one change that we have?  
 18                  No? Anybody want to move to  
 19                  approve with that one change?  
 20                  MR. SALMAN: I'll make a motion to  
 21                  approve with Jeff's change with regards  
 22                  to "should."  
 23                  MR. RIEL: If I may, if you'd like,  
 24                  I'd like to read, very fast, the four  
 25                  motions I need from the Board, okay?

218

1                   First, there's an Ordinance of the  
 2                   City Commission of Coral Gables adopting  
 3                   the annual update of the Capital  
 4                   Improvements Elements within the City's  
 5                   Comprehensive Plan.  
 6                   MR. SALMAN: I make a motion to  
 7                   approve Staff's recommendation.  
 8                   MR. FLANAGAN: Second.  
 9                   CHAIRMAN KORGE: Any discussion?  
 10                  Please call the roll.  
 11                  MS. MENENDEZ: Eibi Aizenstat?  
 12                  MR. AIZENSTAT: Yes.  
 13                  MS. MENENDEZ: Jeff Flanagan?  
 14                  MR. FLANAGAN: Yes.  
 15                  MS. MENENDEZ: Pat Keon?  
 16                  MS. KEON: If I wasn't here for  
 17                  that discussion at the last meeting, can  
 18                  I rightfully vote on it?  
 19                  MS. HERNANDEZ: Did you review the  
 20                  minutes?  
 21                  MS. KEON: Yes. Okay, yes.  
 22                  MS. MENENDEZ: Javier Salman?  
 23                  MR. SALMAN: Yes.  
 24                  MS. MENENDEZ: Tom Korge?  
 25                  CHAIRMAN KORGE: Yes.

219

1                   MR. RIEL: The next one is --  
 2                   MR. AIZENSTAT: Wait, before we  
 3                   proceed, let's make a motion just to  
 4                   extend this for another five or 10  
 5                   minutes, so we'll be legal.  
 6                   MR. SALMAN: So moved.  
 7                   CHAIRMAN KORGE: Motion to extend  
 8                   for another five minutes. Is there a  
 9                   second on that?  
 10                  MR. FLANAGAN: Second.  
 11                  CHAIRMAN KORGE: Call the roll for  
 12                  the motion to extend, five minutes.  
 13                  MS. MENENDEZ: Jeff Flanagan?  
 14                  MR. FLANAGAN: Yes.  
 15                  MS. MENENDEZ: Pat Keon?  
 16                  MS. KEON: Yes.  
 17                  MS. MENENDEZ: Javier Salman?  
 18                  MR. SALMAN: Yes.  
 19                  MS. MENENDEZ: Eibi Aizenstat?  
 20                  MR. AIZENSTAT: Yes.  
 21                  MS. MENENDEZ: Tom Korge?  
 22                  CHAIRMAN KORGE: Yes.  
 23                  MR. RIEL: The second motion: An  
 24                  Ordinance of the City Commission of  
 25                  Coral Gables adopting a 10-year water

220

1                   supply facilities work plan and amending  
 2                   the Comprehensive Plan to promote and  
 3                   facilitate better coordination between  
 4                   water supply and local land use planning  
 5                   as required by law.  
 6                   MR. FLANAGAN: So moved.  
 7                   MR. SALMAN: Second.  
 8                   CHAIRMAN KORGE: Any discussion?  
 9                   No?  
 10                  Call the roll, please.  
 11                  MS. MENENDEZ: Jeff Flanagan?  
 12                  MR. FLANAGAN: Yes.  
 13                  MS. MENENDEZ: Pat Keon?  
 14                  MS. KEON: Yes.  
 15                  MS. MENENDEZ: Javier Salman?  
 16                  MR. SALMAN: Yes.  
 17                  MS. MENENDEZ: Eibi Aizenstat?  
 18                  MR. AIZENSTAT: Yes.  
 19                  MS. MENENDEZ: Tom Korge?  
 20                  CHAIRMAN KORGE: Yes.  
 21                  MR. RIEL: This next ordinance is  
 22                  where you would put the appropriate  
 23                  change, as Mr. Flanagan had indicated.  
 24                  An Ordinance of the City Commission  
 25                  of Coral Gables adopting the Evaluation

221

1 and Appraisal Report based amendments,  
 2 various updates of the Goals,  
 3 Objectives, and Policies, and providing  
 4 for newly created elements,  
 5 Administration, Design, Public Safety,  
 6 and Green to the City of Coral Gables  
 7 Comprehensive Plan.

8 CHAIRMAN KORGE: With what change?

9 MR. RIEL: With the change --

10 MR. FLANAGAN: From "must" to  
 11 "should" in that Green Element.

12 MR. SALMAN: The Green Element,  
 13 second to the last.

14 CHAIRMAN KORGE: Is that a motion?

15 MS. KEON: Yes.

16 MR. SALMAN: Yes.

17 CHAIRMAN KORGE: Yes. Second?

18 MR. FLANAGAN: Yes.

19 CHAIRMAN KORGE: Seconded. Any  
 20 discussion?

21 No discussion. Let's call the  
 22 roll, please.

23 MS. MENENDEZ: Pat Keon?

24 MS. KEON: Yes.

25 MS. MENENDEZ: Javier Salman?

222

1 MR. SALMAN: Yes.

2 MS. MENENDEZ: Eibi Aizenstat?

3 MR. AIZENSTAT: Yes.

4 MS. MENENDEZ: Jeff Flanagan?

5 MR. FLANAGAN: Yes.

6 MS. MENENDEZ: Tom Korge?

7 CHAIRMAN KORGE: Yes.

8 MR. RIEL: And the last is, an

9 Ordinance of the City Commission of  
 10 Coral Gables readopting the  
 11 Comprehensive Land Use Plan Map in its  
 12 entirety, and change in the Land Use Map  
 13 designations for the purpose of  
 14 correcting inconsistencies between the  
 15 Comprehensive Land Use Plan and Zoning  
 16 Map based upon the current use of the  
 17 following City-owned properties:

18 Change from "Commercial, Low and  
 19 Mid-Rise Intensity" to "Public Buildings  
 20 and Grounds" for 285 Aragon Avenue,  
 21 which is the Coral Gables Museum.

22 The second is change from "no  
 23 designation" to Open Space" for the  
 24 public open space located on all of  
 25 Block 37, Country Club Section 3; and

223

1 the change from "Residential Single-  
 2 Family Low Density" to "Public Buildings  
 3 and Grounds" for the City Utility  
 4 Station located on Tract A, Block 2,  
 5 Hammock Oaks Harbor Section 2.

6 MR. SALMAN: So moved.

7 MR. FLANAGAN: Second.

8 CHAIRMAN KORGE: Seconded. Any  
 9 discussion?

10 No discussion. Let's call the  
 11 roll, please.

12 MS. MENENDEZ: Javier Salman?

13 MR. SALMAN: Yes.

14 MS. MENENDEZ: Eibi Aizenstat?

15 MR. AIZENSTAT: Yes.

16 MS. MENENDEZ: Jeff Flanagan?

17 MR. FLANAGAN: Yes.

18 MS. MENENDEZ: Pat Keon?

19 MS. KEON: Yes.

20 MS. MENENDEZ: Tom Korge?

21 CHAIRMAN KORGE: Yes.

22 MR. RIEL: One other very quick  
 23 matter. You have in front of you the  
 24 financial disclosure reporting  
 25 requirements. I'm not sure if you got

224

1 it from the City Clerk's Office, but  
 2 we've provided you a copy. It must be  
 3 filed by July 1st, 2009.

4 MR. SALMAN: It's real easy this  
 5 year. There are no financials.

6 MR. RIEL: I have nothing else,  
 7 Mr. Chair.

8 CHAIRMAN KORGE: One other point I  
 9 mentioned to you privately, but it would  
 10 be good for the City to start looking  
 11 at, in terms of the Green, the use of  
 12 solar panels on houses, in terms of  
 13 changing the zoning to accommodate  
 14 those, in a way that fits within the  
 15 City.

16 MR. RIEL: And just very briefly, I  
 17 mean, that's one of the first steps, was  
 18 the Green Element. What we'll do is,  
 19 we'll go back into the LDRs, the Zoning  
 20 Code, and do that. We can certainly  
 21 accelerate and make that as a first  
 22 priority.

23 CHAIRMAN KORGE: Right, and our  
 24 next meeting?

25 MR. RIEL: The next meeting is July

225

1                   7th.  
2                   CHAIRMAN KORGE: July 7th.  
3                   MS. HERNANDEZ: That's the same day  
4                   as the City Commission meeting.  
5                   MR. RIEL: 8th? I'm sorry, July  
6                   8th. I'm sorry.  
7                   MS. HERNANDEZ: I was about to say,  
8                   I'm excused.  
9                   MR. RIEL: Sorry. July 8th, yes.  
10                  CHAIRMAN KORGE: I guess we're  
11                  adjourned, then.  
12                  MR. RIEL: Yes.  
13                  CHAIRMAN KORGE: Anything else?  
14                  MR. RIEL: No, nothing else. If  
15                  you do not want your Comp Plans, leave  
16                  them here, but if you've written in  
17                  them --  
18                  MR. SALMAN: I'm keeping mine.  
19                  MR. RIEL: -- you can keep them.  
20                  MR. SALMAN: I'm keeping it.  
21                  MS. KEON: You want these back?  
22                  MR. RIEL: Yes, please. Anything  
23                  you give back, we'll recycle for the  
24                  next meeting.  
25                  (Thereupon, the meeting was

226

1                   adjourned at 9:19 p.m.)  
2  
3                   C E R T I F I C A T E  
4  
5                   STATE   OF   FLORIDA:  
6                   SS.  
7                   COUNTY OF MIAMI-DADE:  
8  
9                   I, JOAN L. BAILEY, Registered Diplomate  
10                  Reporter, Florida Professional Reporter, and a  
11                  Notary Public for the State of Florida at Large,  
12                  do hereby certify that I was authorized to and  
13                  did stenographically report the foregoing  
14                  proceedings and that the transcript is a true and  
15                  complete record of my stenographic notes.  
16  
17                  I further certify that all witnesses  
18                  were duly sworn by me.  
19  
20                  DATED this 8th day of June, 2009.  
21  
22  
23  
24                  JOAN L. BAILEY, RDR, FPR  
25                  Notary Commission Number DD 64037  
                        Expiration June 14, 2011.



# 05 13 09 Excerpts of PZB Meeting Minutes

21

1        And the last item on our agenda is  
2        an update of the City's Comprehensive  
3        Land Use Plan and map.

4        Eric, are you going to lead us on  
5        this, please?

6        MR. RIEL: Yes, I am, Mr. Chair.

7        Good evening, Board Members and  
8        members of the public. I'm Eric Riel,  
9        Planning Director with the City.

10       What I'd like to do is, I'd like to  
11       go through a PowerPoint this evening.  
12       It's about 20 minutes in length, provide  
13       you an overview of the process, but  
14       before I start, I just want to indicate  
15       that the Staff Report and copies of the  
16       Comprehensive Plan are with Jill up  
17       there, so if anybody would like a copy.  
18       Also, we have -- as in the past, we put  
19       everything on the City's web page for  
20       easy downloading.

21       First off, let me introduce you to  
22       the team that was involved in this  
23       update of the Comprehensive Plan. The  
24       City hired a consultant, basically, the  
25       Corradino Group, and they're here this

22

1        evening, Joe Corradino, the president,  
2        Ms. Scarlet Tenen, the senior planner  
3        with the firm. They assisted us in the  
4        update of the Comprehensive Plan  
5        greatly, and we look forward -- we  
6        really enjoyed working with them.

7        All the City department directors  
8        worked closely with us. Every  
9        department director and members of the  
10       Staff assisted us. Specifically,  
11       Building & Zoning Department helped us,  
12       they're here this evening; Historic  
13       Preservation; the Parking Department;  
14       and Public Works; as well as the  
15       Planning Department; as well as the City  
16       Attorney. So this was basically a group  
17       effort, included a lot of input from all  
18       the departments, and with that, I'm  
19       going to present you the PowerPoint, and  
20       Walter, if you could turn down the  
21       lights.

22       CHAIRMAN KORGE: Do you want to  
23       hold all the questions till the end of  
24       the presentation?

25       MR. RIEL: Yes, thank you,

23

1        Mr. Chair. I'd ask that you go  
2        through -- I go through the entire  
3        PowerPoint. It hopefully will answer  
4        some of your questions. If you could  
5        jot those down, obviously, at the end of  
6        the presentation, we'd be happy to  
7        answer any questions you might have for  
8        any member of the team, if you have  
9        very, very specific questions regarding  
10       various elements of the Comprehensive  
11       Plan.

12       Basically, the Comprehensive Plan  
13       is divided into 14 different elements.  
14       What we did is, we created logos. We  
15       also created new names for the elements,  
16       and I'm going to go through those.

17       Basically, there's 14 different  
18       elements. The new elements are  
19       Administration, Design, Public Safety  
20       and then a Green Element.

21       Basically, the organization of the  
22       document is, in front of each element,  
23       there's an executive summary of what the  
24       changes are in each element. Obviously,  
25       the new name of the element. We have a

24

1        Vision Statement, which is new to the  
2        Comprehensive Plan. It's a two-column  
3        format. The first column is the current  
4        comprehensive language in strike-out and  
5        underlined format, that indicates the  
6        changes. The second column shows you a  
7        clean version.

8        You notice, as you go through the  
9        document, you see check marks at the end  
10       of each of the goals and objectives.  
11       Those are additions or deletions based  
12       upon the State's review of the element.  
13       There's numerous goals and objectives  
14       that were subject to evaluation, and  
15       those are noted, as I indicated, in the  
16       check. As I indicated, we created 14  
17       element logos.

18       Basically, what is this agenda item  
19       about? You know, what is the  
20       Comprehensive Plan, what are the EAR-  
21       based amendments, what changes are  
22       proposed, what is the Planning  
23       Department's goals and the City's goals,  
24       and then what are the next steps?

25       Again, what is this item about?



# COMPLIMENTS OF JOAN L. BAILEY & ASSOCIATES

(305) 358-2829

25

1       Provide an overview of the EAR-based  
2       amendments, introduction of the Comp  
3       Plan, and we'd like to seek the Board  
4       and obviously the public's input.

5       What is the Comprehensive Plan? In  
6       1985, the Growth Management Act was  
7       implemented, which requires all local  
8       governments to adopt a Comprehensive  
9       Plan to guide the future development of  
10      the City. It must contain certain  
11      elements that deal with future land use,  
12      transportation, and basically planning  
13      and growth issues. Each element has  
14      goals, objectives and policies, and many  
15      of those are required by the State.  
16      They're general in nature, and they're  
17      meant to implement the Zoning Code, the  
18      City Code and other regulatory  
19      documents.

20      I know this is kind of hard to  
21      read, but what this is, is, this is a  
22      preface of the Comp Plan. It kind of  
23      gives you an overview, and it's the  
24      first page in your document. I put this  
25      up here because I want to, you know,

26

1       note your attention to how we got to  
2       this point, and I'm going to go through  
3       in a little bit more detail.

4       You recall the Charrette. I'm  
5       certain you recall the update of the  
6       Zoning Code, the 50-plus meetings we had  
7       over the three-year span. That is the  
8       basis for these new goals and  
9       objectives.

10      You certainly remember the interim  
11      zoning regulations on the single-family  
12      residence, and you probably don't  
13      remember, but about 18 months ago, we  
14      went through the actual preparation of  
15      the EAR document or Evaluation Appraisal  
16      Report. That was back in 2006.  
17      2007, I'm sorry.

18      Again, you remember that document,  
19      the Charrette. Many of you participated  
20      in that process, a very successful  
21      visioning process for the City.

22      The interim single-family zoning  
23      regulations, we did that in advance of  
24      the Zoning Code rewrite, what's known as  
25      the McMansion issue.

27

1       And obviously, the Zoning Code, a  
2       total rewrite, comprehensive rewrite of  
3       a 350-page document.

4       Again, the purpose of the Zoning  
5       Code and the purpose of the Comp Plan:  
6       Promote, protect historical  
7       architectural character of the City,  
8       improve the quality of life, preserve  
9       residential properties, stable and  
10      orderly development, preservation and  
11      protection, zoning districts which  
12      achieve civic design in relationship to  
13      one another, protect property values,  
14      minimize and reduce conflicts between  
15      various land uses. I just wanted to  
16      highlight, that's the purpose of a  
17      zoning code.

18      We completed an affordable housing  
19      study. That is also background  
20      information. That was done in 2006.

21      What is the Comprehensive Plan?  
22      The last major revision was done in '97.  
23      At -- the current plan has 10 elements.  
24      Nine of those are required by the State.  
25      The City, at that time, had an optional

28

1       historic preservation element, obviously  
2       giving the value that that has with the  
3       City.

4       Problems with the current Comp Plan  
5       is, obviously, it's out of compliance.  
6       '97 was some time ago. It's outdated.  
7       It's inconsistent with the Zoning Code.  
8       In my opinion, it's over-technical.  
9       It's not general in form. It needs to  
10      be less specific, because that's the  
11      function of the land development  
12      regulations, not a future plan of the  
13      City. And -- don't take this offense,  
14      City Attorney -- it has a lot of legal  
15      jargon in it --

16      MS. HERNANDEZ: Thank you.

17      MR. RIEL: -- that I don't think is  
18      necessary.

19      MS. HERNANDEZ: My pleasure.

20      MR. RIEL: And in some facets, I  
21      will say, it's outright boring.

22      EAR-based amendments, basically,  
23      these are required amendments pursuant  
24      to the previous document you saw in  
25      2007. Every local government has to go

29

1       through this process every seven years.  
 2       It's called the Evaluation Appraisal  
 3       Report, or EAR for short.

4       As I said, we adopted it in April  
 5       of 2006. It went to the State for  
 6       review. They take about six months, and  
 7       then it came back for final adoption in  
 8       October of 2007.

9       We have to amend the Comprehensive  
 10      Plan within 18 months of that 2007 date.  
 11      That 18 months happened March -- a  
 12      couple months ago. We're not the only  
 13      ones behind. In fact, these are a  
 14      listing of other local governments that  
 15      have due dates that are exceeded by  
 16      almost a year or 18 months later: North  
 17      Miami Beach, Pinecrest, Pompano.  
 18      Typically, local governments are behind  
 19      in this process, because obviously,  
 20      lately, the economy had issues,  
 21      resources are issues, but I just kind of  
 22      want to give you a framework. In terms  
 23      of being late, we're only two or three  
 24      months behind.

25       What happens if the City doesn't

30

1       adopt? We cannot process any more  
 2       amendments. We cannot process any  
 3       changes to the map or the text. And  
 4       possibly the State could issue  
 5       sanctions, stop State grants. My  
 6       knowledge is that I don't think they've  
 7       ever done that, but that's an option  
 8       that's available. My experience being  
 9       10 years in Florida and 10 years prior  
 10      to that, I don't think I've ever heard  
 11      of a local government having sanctions  
 12      because they didn't adopt a Comp Plan,  
 13      but I'm just providing that for your  
 14      information.

15       What changes are being proposed?  
 16      The 2006 EAR recommendations, changes to  
 17      the new growth management requirements.  
 18      I'm sure you've read the paper, the  
 19      Legislature is making numerous changes  
 20      to the growth regulations. We're trying  
 21      to -- the fact that we're amending it  
 22      now, trying to include a lot of those  
 23      recommendations that will be implemented  
 24      in the coming months or the next  
 25      legislative -- or next -- the 2010, so

31

1       we're trying to bring the plan in  
 2       compliance, and not catch up, but trying  
 3       to be a little bit more progressive and  
 4       try to catch a lot of those things.  
 5       Again, being consistent with the Zoning  
 6       Code, changes to modernize, streamline  
 7       and strengthen the plan. I would say  
 8       that's probably the major portion of the  
 9       changes. You'll see a change in  
 10      terminology. There's a lot of outdated  
 11      terms, because the original Comp Plan  
 12      does date back until the late eighties,  
 13      and there really hasn't been a look at  
 14      the plan from the standpoint of  
 15      rewriting or updating it.

16       How did we determine issues in  
 17      2006? Obviously, we held meetings, City  
 18      Staff input, worked with local  
 19      governments, the Charrette, the Zoning  
 20      Code rewrite, housing study. We worked  
 21      with the Regional Planning Council and  
 22      the State, other agencies, FDOT.

23       Four issues were identified and  
 24      approved by the State. One was revision  
 25      to the Housing Element that deals with

32

1       workforce or affordable housing;  
 2       maintenance of the single-family  
 3       residential neighborhoods; and  
 4       mitigation of adjoining commercial  
 5       high-density and residential uses;  
 6       mitigation of traffic impacts; and  
 7       strengthening alternative modes of  
 8       transportation; and then a revision to  
 9       the -- how we determine a level of  
 10      service for parks.

11       What are the Department's 10 goals?  
 12      Obviously, meet the State requirements;  
 13      implement the EAR recommendations  
 14      consistent with the Zoning Code; broader  
 15      general goals; streamline; user  
 16      friendly; accessible and understandable  
 17      by lay persons; relevancy.

18       What we're going to do when we get  
 19      to the final document, we're going to  
 20      include photographs in the final draft.  
 21      It actually might be a document you  
 22      might want to pick up and you might want  
 23      to read, rather than it just sitting on  
 24      a shelf. And then our intent is to also  
 25      make it interactive and-web oriented, so

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(305) 358-2821

33

1       you can do search engines for specific  
2       goals, and that's why we did the icons.  
3       We're going to create a basically  
4       interactive computer-based system, where  
5       you can do a search on, you know,  
6       residential neighborhoods or traffic or  
7       mobility or trolley or any issue.  
8       The new elements being proposed, as  
9       I -- again, the 14 elements, the same  
10      element names as the '97 plan, Future  
11      Land Use, Housing, Recreation and Open  
12      Space, Capital Improvements, and  
13      Historic Preservation. We integrated  
14      some of the old names and new elements.  
15      Intergovernmental Coordination is now  
16      Community Facilities -- Services and  
17      Facilities. Governance. Traffic  
18      Circulation was the old element, we're  
19      calling it Mobility. Conservation is  
20      now Natural Resources. Education,  
21      the Education name remains the same.  
22      And in fact, it was actually adopted  
23      about a year ago, if you remember. That  
24      was a State requirement.  
25       The new elements: Administrative,

34

1       Design, Public Safety and a Green  
2       Element.  
3       What I'd like to do now is give you  
4       just an overview of each element. The  
5       Administrative Element. This interprets  
6       or implements the guidelines of the  
7       goals and objectives. It has future  
8       funding and coordination efforts,  
9       procedures for monitoring and updating  
10      the Comp Plan.  
11      Governance Element. This was known  
12      as the Intergovernmental Coordination.  
13      We have new policies which address  
14      public outreach, public participation  
15      between City boards and elected  
16      officials, and if I would describe it in  
17      one way, more transparency in  
18      government. Interdepartmental  
19      coordination efforts, and then obviously  
20      coordination of the issues that revolve  
21      around development.  
22      Future Land Use. Basically, the  
23      largest change we did in here was, we  
24      put this in a table format. Previously,  
25      we had a narrative form. The land use

35

1       classifications, we moved them to the  
2       front of the document, because that's  
3       typically -- when someone looks at the  
4       document, that's what they're interested  
5       in, in terms of the intensity and  
6       density, excuse me, of development in  
7       the City. As you remember, in the  
8       Zoning Code rewrite, we told you we were  
9       going to remove the floors from the  
10      classifications. This is where we're  
11      doing that. We're transferring those to  
12      feet. And also, basically, there's  
13      protection of residential uses adjacent  
14      to non-residential uses. We've beefed  
15      up those.

16       This is the map change and how it  
17      looks in terms of the number of stories  
18      that are being removed and how they  
19      translate into feet, and that's with the  
20      large map on the side here. This is the  
21      only change we're making to the map  
22      designations themselves, with the --  
23      with two or three other map changes that  
24      Scot is going to go over in a couple  
25      minutes.

36

1       Design Element. We have a  
2       Mediterranean Ordinance. We don't have  
3       a Comp Plan element that supports that.  
4       Basically, what we did is created goals  
5       to support that element, as well as  
6       neighborhood preservation.

7       Community Facilities. Changes --  
8       These mainly are changes required by the  
9       State, have to do with sewer, level of  
10      service, solid waste, drainage and  
11      water.

12      Housing Element. We're going to  
13      update the land development regulations  
14      to provide for affordable housing,  
15      update the study, and hopefully come up  
16      with regulations in 2011. Again, just a  
17      copy of the study.

18      Education, as I indicated, was  
19      adopted last year. Really, no changes  
20      to this element, just some language  
21      updating.

22      Mobility. This was Traffic  
23      Circulation. We added a lot of stuff on  
24      multi-modal, bicycle, promoting walking,  
25      obviously the trolley.

37

1                   Natural Resources, basically  
 2                   updating, pursuant to the State,  
 3                   preserving natural resources, regulating  
 4                   development to minimize impacts.

5                   Recreation and Open Space. This is  
 6                   another change that was one the four  
 7                   issues. Basically, the ratios we had in  
 8                   the plan were dealt with on a resident  
 9                   population basis. What we did is, we  
 10                  updated it to include a radius. In  
 11                  other words, the intent was to have  
 12                  available to you parks and recreation  
 13                  facilities within a realistic quarter  
 14                  mile or five-minute walk, 10-minute  
 15                  walk, 15-minute drive, or a 30-minute  
 16                  drive. And those are, depending on the  
 17                  type of park facility, neighborhood  
 18                  parks or regional parks. We found that  
 19                  population standards where you need a  
 20                  tennis court every 5,000 was not  
 21                  realistic; it was more realistic to put  
 22                  the use in proximity to where it's  
 23                  actually used.

24                  Historic Resources, we just updated  
 25                  the element to be consistent with

38

1                   changes to the Zoning Code, TDR support,  
 2                   and enhancing, obviously, single-family  
 3                   and preservation.

4                   The Coastal Management Element,  
 5                   updated emergency planning and public  
 6                   safety outreach efforts. Basically,  
 7                   what we created here was a public safety  
 8                   element. We actually have level of  
 9                   service for fire and police, which was  
 10                  not in the previous Comp Plan, and we  
 11                  worked closely with the Fire and Police  
 12                  Department. Again, this is a new  
 13                  element.

14                  Capital Improvements. This  
 15                  basically deals with requirements that  
 16                  the State required us to do, to make  
 17                  sure that facilities are available when  
 18                  they're needed to be, obviously, tapped  
 19                  into, and it basically deals with level  
 20                  of service changes and facilities needs.  
 21                  This was probably one of the more  
 22                  stringent requirements that the State  
 23                  enacted in terms of the recent changes  
 24                  in the past couple years.

25                  And then the Green Element, a new

39

1                   element, and this is just to provide  
 2                   guidance for conservation of natural  
 3                   resources, incentives for green  
 4                   technology, increase in tree canopy,  
 5                   conservation of energy, energy-efficient  
 6                   land use patterns, partnering with other  
 7                   local governments, and that basically --  
 8                   that's a new element that we actually  
 9                   had meetings with the State, and they  
 10                  were -- I think we're one of the few  
 11                  local governments, probably the only  
 12                  local government that is submitting a  
 13                  green element to the State for review,  
 14                  and it will form the basis for future  
 15                  development of land development  
 16                  regulations, possibly incentives. It  
 17                  deals with solar panels and all kinds of  
 18                  issues. If you know, that was brought  
 19                  up during the Zoning Code rewrite, and I  
 20                  mentioned to the Board that, you know,  
 21                  that's something we're going to look at,  
 22                  at a later date, but this kind of sets  
 23                  the basis.

24                  Let me go ahead and turn it over to  
 25                  Scot, give me a break here for about two

40

1                   minutes, and then I'll be right back up.

2                   MR. BOLYARD: Good evening,  
 3                   Mr. Chairman, Members of the Board. For  
 4                   the record, Scot Bolyard from the  
 5                   Planning Department. What we're  
 6                   reviewing is the map inconsistencies.  
 7                   This was as a part of the EAR process.  
 8                   The Planning Department is required by  
 9                   State Statutes to correct  
 10                  inconsistencies between existing zoning  
 11                  map classifications and existing CLUP  
 12                  Map classifications.

13                  If you recall, during the Zoning  
 14                  Code rewrite process, 18 inconsistent  
 15                  parcels were corrected. Planning Staff  
 16                  is recommending approval of the proposed  
 17                  changes of land use for the three  
 18                  City-owned properties, to provide  
 19                  consistency with the existing zoning  
 20                  designations and actual use of the  
 21                  properties.

22                  The first one is the Coral Gables  
 23                  Museum. This is a change from  
 24                  Commercial, Low and Mid-Rise Intensities  
 25                  to Public Buildings and Grounds. The

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(305) 358-282

41

1 existing zoning on this parcel is "S"  
2 Special Use, which is consistent with  
3 the use of Public Buildings and Grounds  
4 and the use of the property as a museum.  
5 The second parcel is a public open  
6 space. This currently doesn't have a  
7 land use designation, so we're going to  
8 provide it with one of Open Space.  
9 Currently, there's just a banyan tree on  
10 the property and it's an open lot.  
11 This -- again, this property is also  
12 zoned "S" Special Use, which is  
13 consistent with its use as an open  
14 space, and there are no physical  
15 improvements to this -- being proposed  
16 to this property.  
17 The last one, Parcel 3, 395 Campana  
18 Avenue, there's actually -- in the  
19 Attachment K in the Staff Report, there  
20 was an error. It showed the Fairchild  
21 Tropical Gardens as having "S" Special  
22 Use zoning, when it actually has "SFR,"  
23 Single-Family Residential zoning. The  
24 correction is noted on one of the  
25 handouts, and then the correct

42

1 Attachment K is also provided. The  
2 existing zoning on this parcel is "S"  
3 Special Use, which is consistent and  
4 would only go to the change of land use.  
5 This is being changed from Residential  
6 Single-Family, Low Density, to Public  
7 Buildings and Grounds, which is  
8 consistent with the existing zoning on  
9 the parcel, which is "S" Special Use.  
10 This -- and which is also consistent  
11 with the actual use of the property as a  
12 pump station, and no physical  
13 improvements are being proposed for this  
14 property, either.  
15 MR. RIEL: Let me just kind of give  
16 you just a couple slides and update,  
17 just an overview.  
18 Basically, as you know, when we  
19 went through the Zoning Code rewrite,  
20 one of the main impetus was looking at  
21 commercial uses, how they interact with  
22 adjoining non-residential uses. The  
23 City is very unique, that we have in  
24 certain instances properties that are  
25 allowed to go eight, 16 stories,

43

1 adjacent to Single-Family zoning. So  
2 our Comp Plan is very -- has a lot of  
3 goals and objectives that support that.  
4 But we did add additional goals and  
5 objectives to further strengthen that,  
6 that process, you know, that we went  
7 through, you remember, when we went  
8 through the CL properties adjacent to  
9 the Single-Family.  
10 So we did provide additional goals  
11 in the Governance Element, again, to  
12 promote transparency and encourage  
13 public outreach. We strengthened  
14 protection for neighborhoods, providing  
15 mitigation standards, and as you recall,  
16 I'm sure you do, the nighttime  
17 provisions, standard provisions that we  
18 enacted. We had a number of meetings on  
19 those issues. We added some GOPs to  
20 basically support that.  
21 And if you look on Pages 10 and 11  
22 in your Future Land Use Element, you'll  
23 see about 10 or 15 additional goals that  
24 deal with public outreach, preservation  
25 of residential areas, preservation of

44

1 neighborhoods.  
2 As I indicated, we solidified the  
3 Mediterranean architecture, the new  
4 Design Element. We added within the  
5 current -- In the current Comp Plan, we  
6 have 22 goals that deal with protection  
7 of residential uses in neighborhoods.  
8 We added 15 additional, so there's a  
9 total of 37 goals and objectives that  
10 deal specifically with maintaining,  
11 mitigating impacts of, you know,  
12 regional traffic issues, mitigating  
13 architecture, design and whatnot.  
14 We also added goals and objectives  
15 in the Housing Element, to maintain  
16 sound housing, and then, as I indicated,  
17 we updated the Mobility Element. The  
18 City is very progressive in terms of  
19 traffic calming. And then we tried to  
20 promote other means of mobility to  
21 lessen traffic, walking, biking and  
22 trolley.  
23 Basically, 65 goals and objectives  
24 are directed toward providing protection  
25 to the City's residents and

45

1                   neighborhoods.  
 2                   What are the next steps? After the  
 3                   Planning and Zoning Board recommends  
 4                   approval, it goes to the Commission. If  
 5                   the Board recommends approval this  
 6                   evening, in all likelihood, we'll go to  
 7                   the June 2nd planning -- Commission  
 8                   meeting. They consider it on first  
 9                   reading. After that, it gets shipped up  
 10                  to the Department of Community Affairs.  
 11                  They review it. They will issue what's  
 12                  called an ORC, Objections,  
 13                  Recommendations and Comments, with any  
 14                  changes, and then it comes back for  
 15                  final approval at the Commission.  
 16                  Typically, between first and second  
 17                  reading, it's 90 to 120 days, so it  
 18                  won't be back to the City, probably, you  
 19                  know, till August, September or October,  
 20                  depending on the number of objections.

21                  We did initially meet with the DCA,  
 22                  the Regional Planning Council, and did  
 23                  provide an overview, and based upon the  
 24                  consultant and our discussion with them,  
 25                  they were very, very supportive of the

46

1                   efforts we were doing and they were, you  
 2                   know, appreciative of the additional  
 3                   elements, the Green Element and Design  
 4                   Element. So we got a really good  
 5                   feeling from them, and hopefully that  
 6                   transfers into when they actually look  
 7                   at the goals and objectives and provide  
 8                   us comments.

9                   Basically, there's four  
 10                  recommendations for your consideration  
 11                  this evening. I won't go through those,  
 12                  but they're in the Staff Report.  
 13                  Basically, approval of the Capital  
 14                  Improvements Element. This is required  
 15                  by the State. We need a separate motion  
 16                  on this one.

17                  The Ten Year Water Supply  
 18                  Facilities Work Plan, we need a separate  
 19                  motion on that, as well.

20                  The Evaluation Appraisal Report,  
 21                  the amendments and update, which is  
 22                  basically what I just went through, we  
 23                  need a motion on that.

24                  And then re-adoption of the entire  
 25                  Comprehensive Land Use Plan Map, and the

47

1                   changes, those three changes that Scot  
 2                   went over.

3                   Basically, that's Staff's  
 4                   presentation. However you would like to  
 5                   do it, Mr. Chair, we'd be happy to  
 6                   answer questions now --

7                   MR. COE: Mr. Chairman, I have a  
 8                   question of the Director.

9                   CHAIRMAN KORGE: Why don't we open  
 10                  for questions first by the Board, and  
 11                  then we'll have public input.

12                  MR. COE: I have one quick  
 13                  question. If we only approve, say,  
 14                  three out of four, what does that do?

15                  MR. RIEL: You need to approve all  
 16                  four at one time.

17                  MR. COE: If they're not -- Well,  
 18                  that's my whole point. If they're not  
 19                  all approved, nothing goes up to the  
 20                  City?

21                  MR. RIEL: Correct. We will not  
 22                  transmit until we have a recommendation  
 23                  from the Board on the four items.

24                  MR. COE: So, if all four items are  
 25                  not approved, what happens?

48

1                   MR. RIEL: Well, the Board can  
 2                   obviously -- you can approve, which is  
 3                   what we hope you will do, you can  
 4                   recommend approval with changes, or you  
 5                   can obviously recommend denial. But we  
 6                   need all four at one time, yes. One of  
 7                   them is not going to allow us to  
 8                   transmit. We need all four of those.  
 9                   They're a complete package to go  
 10                  forward.

11                  MR. COE: I understand. So let me  
 12                  just ask one further question, and that  
 13                  will be it. So, if this Board should  
 14                  make approval conditioned on certain  
 15                  things, then Staff has to approve that  
 16                  tonight?

17                  MR. RIEL: However you would like  
 18                  to do it. I mean, in the past, you've  
 19                  made changes, and they proceeded forward  
 20                  to the Commission.

21                  MR. COE: I recall doing this many  
 22                  years ago, and I'm just trying to  
 23                  remember what we did, but I recall, many  
 24                  years ago, we didn't agree on certain  
 25                  things, Staff went back, we had another

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(305) 358-2821

49

1 meeting --  
2 MR. RIEL: Sure.  
3 MR. COE: -- and so forth. It  
4 never went up to the Commission. Is  
5 that still the same procedure?  
6 MR. RIEL: However you would like.  
7 You've done it both ways. You've said,  
8 "Staff, we want you to amend this  
9 condition," or, "Proceed forward to the  
10 Commission," "We want you to come  
11 back --"  
12 CHAIRMAN KORGE: I think that  
13 depends on the nature and extent of the  
14 changes.  
15 MR. COE: Right. Well, the concern  
16 I have, you've indicated, Mr. Riel, that  
17 we're already three months behind  
18 schedule, so -- and you're anticipating  
19 finalization -- since the City  
20 Commission only meets once a month in  
21 the summertime, we may not get this  
22 through the City Commission for  
23 finalization, perhaps, until September,  
24 assuming things go the way you've  
25 intended to go this evening. Is that

50

1 correct?  
2 MR. RIEL: Certainly, I mean, if  
3 the Board desires to recommend approval,  
4 that's fine. I will tell you, the two  
5 or three months does not concern me.  
6 I'd rather get a recommendation from the  
7 Board and do it right and proceed  
8 forward. If it takes another two or  
9 three months, that's fine. I don't --  
10 you know, we need to do this right, and,  
11 you know, it took three years of going  
12 through the Zoning Code. That doesn't  
13 concern me, the two-month delay.  
14 CHAIRMAN KORGE: Okay. Does  
15 anybody have any questions at this time  
16 of Staff?  
17 Well, shall we open it to the  
18 public comment? Do we have people  
19 signed up for this?  
20 MS. MENENDEZ: We have 14 speakers.  
21 MR. BEHAR: I want a clarification  
22 from Scot on the Parcel Number 3, at 395  
23 Campana. There's an existing utility  
24 station there, correct? And we're  
25 changing from a Single-Family

51

1 designation to Special Use, but you're  
2 not -- This has nothing to do with the  
3 Fairchild Gardens whatsoever?  
4 MR. BOLYARD: No, it's not  
5 associated in any way.  
6 MR. RIEL: Let me -- Let me -- Yes,  
7 this is only a technical change, to make  
8 the land use consistent with the zoning.  
9 As you know, when we went through  
10 the Zoning Code rewrite process, we  
11 changed all public properties to have  
12 consistent zoning.  
13 MR. BEHAR: Right.  
14 MR. RIEL: These are some remaining  
15 land use changes on publicly-owned  
16 properties, to make them consistent with  
17 zoning. This is a pump station.  
18 There's no intention -- This has nothing  
19 to do with expansion of the station,  
20 access through. It's only a technical  
21 map change.  
22 MR. BEHAR: Okay. Thank you.  
23 CHAIRMAN KORGE: Do you want to  
24 call the -- Well, first of all, we have  
25 the Riviera Neighborhood Association. I

52

1 promised you that I'd let you come  
2 first.  
3 MR. ACOSTA: Thank you, Mr.  
4 Chairman. Is our president here?  
5 Josie, are you here?  
6 MR. COE: How many speakers are  
7 they going to have?  
8 CHAIRMAN KORGE: So you're going to  
9 speak on behalf of your association?  
10 MR. ACOSTA: Yes.  
11 CHAIRMAN KORGE: So all the members  
12 aren't going to come up and speak?  
13 MR. ACOSTA: No.  
14 CHAIRMAN KORGE: Very good. Very  
15 good.  
16 MR. SALMAN: Thank you.  
17 CHAIRMAN KORGE: Thank you.  
18 MS. RAMIREZ: Good evening,  
19 Mr. Chair and the Board. No, we're  
20 not -- we're going to let you go home.  
21 I'm the president, Josie Ramirez,  
22 but I'm going to defer to Al Acosta, who  
23 has been following this process since  
24 the beginning, but I did want to  
25 recognize many of our neighbors and

53

1 friends that came, to make sure that --  
2 that you, you know, saw our views and  
3 our wishes were reflected in this  
4 document. Thank you very much.

5 MR. COE: A point of order,  
6 Mr. Chairman. Something has just arisen  
7 which I wasn't prepared for. Mrs.  
8 Ramirez did not advise me that she was  
9 going to be present tonight, and I do  
10 need to present this to the City  
11 Attorney and get a legal opinion from  
12 the City Attorney.

13 I represent Mrs. Ramirez's company,  
14 nothing to do with the Riviera  
15 Neighborhood Association, nothing to do  
16 with City business or anything else, but  
17 so I'm not criticized down the road, I  
18 do want to have that presented and have  
19 the City Attorney make a determination  
20 of whether or not I have a conflict this  
21 evening.

22 MS. HERNANDEZ: Okay, Mr. Coe, you  
23 advised me that you do not represent the  
24 association and you have not been  
25 retained on any matter with regard to

54

1 the issues before the Board this  
2 evening. On the basis of that, you have  
3 no conflict and you are required to  
4 participate and vote in the proceedings.

5 MR. COE: Thank you.

6 MR. ACOSTA: Good evening. My name  
7 is Amado Acosta, nickname Al, and I'm  
8 here with the Riviera Neighborhood  
9 Association. We appreciate, first of  
10 all, Mr. Chairman, and Members of the  
11 Board, this opportunity to be here and  
12 your deference in recognizing us for our  
13 comments.

14 As you can see, we have quite a few  
15 members here tonight. Could you briefly  
16 stand up, please?

17 Thank you. You can sit down.

18 We have been before this Board many  
19 times and before the Commission many  
20 times. We have worked with the City  
21 very proactively for a number of years  
22 on the Zoning Code rewrite, as well as  
23 other matters that have come up to the  
24 Board.

25 In 2005, our area, which, to

55

1 refresh the memories of all here, is  
2 mainly comprised by the area between  
3 U.S. 1 and Sunset Drive and between  
4 Maynada and Red Road -- and as you can  
5 see in the perimeter, particularly in  
6 the area close to U.S. 1 and Red Road  
7 and part of Sunset, there is commercial  
8 development which is there, and we know  
9 that it's going to continue developing,  
10 and we hope it does, because that's good  
11 news for the development of the City.

12 At the same time, we have that area  
13 close to the residential zone of our  
14 area, and so in the past, leadership had  
15 the vision of the need for a special  
16 study, which was conducted in 2005,  
17 under the auspices of the University of  
18 Miami School of Architecture and Urban  
19 Studies, which was presented to this  
20 Board, and most of you have copies of  
21 this visioning report. If you do not  
22 and you wish one, please let us know,  
23 through Mr. Riel. We'll make a copy  
24 available to you at no time at all.

25 Thanks to the leadership that we

56

1 had -- and we have here today our past  
2 president, Joyce Newman, and other  
3 members of the Board, a great deal of  
4 expenditure in money and energies were  
5 done in order to accomplish a study for  
6 our area. The study was presented to  
7 this Board. It was presented to the  
8 Commission on January the 9th, 2007, and  
9 the Commission accepted our report at  
10 that time and referred it to the  
11 Planning Department.

12 On behalf of the RNA, I want to  
13 commend extensively your Planning  
14 Department for the interactive work that  
15 they've done with RNA over the years.  
16 Many, many comments we see now reflected  
17 in the changes to the CLUP. We're  
18 highly encouraged by the fact that there  
19 are now 37 mentions and recognitions of  
20 neighborhood values and neighborhood  
21 character, as opposed to 22 that you had  
22 before. So that is a tremendous plus  
23 that we have in there.

24 We are proposing, since this is an  
25 open hearing, a little modification to

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(305) 358-282

57

1                   the Article 1 -- 3.3, your objective  
2                   3.3, under Future Land Use Element. We  
3                   commend you for the language that you  
4                   have there --

5                   MS. HERNANDEZ: It would be at Page  
6                   11.

7                   MR. ACOSTA: Page 11, and what we  
8                   would like to propose is that you  
9                   consider, and we know this is a  
10                  recognition that you may or may not do,  
11                  but that you consider strengthening  
12                  that, with the language that I have  
13                  provided copies of to you.

14                  Jill, did you provide the copies to  
15                  them now?

16                  MS. MENENDEZ: Yes.

17                  MR. RIEL: Yes.

18                  MR. ACOSTA: Okay. This language  
19                  has been developed through Attorney  
20                  Tucker Gibbs, and he has been working  
21                  closely with Mr. Riel and with Ms.  
22                  Hernandez. Granted, there's probably  
23                  more time that is needed on this. What  
24                  we see and what we're proposing in here  
25                  is the clear delineation of what the

58

1                   vehicle will be once a plan for a  
2                   neighborhood is accepted, in other  
3                   words, what happens to that plan.

4                   With this language, I think you  
5                   will strengthen that. It will be clear  
6                   to everybody. It will be in line with  
7                   the transparency that you're seeking,  
8                   and any new development that comes along  
9                   and reads this knows exactly what to  
10                  expect.

11                  So that's the only consideration.  
12                  We actually are here to commend your  
13                  work and to just suggest tonight.  
14                  Tucker Gibbs wished he could have been  
15                  here, but he had other commitments, so I  
16                  am here with what he is proposing.

17                  If you have any questions, I will  
18                  entertain the questions. Thank you.

19                  MR. COE: I have a question of  
20                  Mr. Riel. Has Staff had an opportunity  
21                  to review the proposed change?

22                  MR. RIEL: This language, no. It  
23                  was provided late today, so I'm not able  
24                  to comment on the specific language at  
25                  this time.

59

1                  MR. COE: Has the City Attorney had  
2                  an opportunity to review the language?

3                  MS. HERNANDEZ: Not necessarily.  
4                  In discussions with Mr. Tucker earlier  
5                  in the week, the concerns that we had  
6                  raised to him and specifically I had  
7                  raised to him was the issue of who  
8                  defines a neighborhood, you know, who  
9                  defines the commonality of the factors  
10                 that create the boundaries in a  
11                 neighborhood.

12                 Some of the language here is  
13                 appropriate for consideration on a  
14                 visioning study, but just as a  
15                 neighborhood organization would want a  
16                 Commission to review it, there are  
17                 fiscal analyses that need to be taken  
18                 into consideration. Mr. Riel would have  
19                 to comment on that. The development  
20                 community would also wish to submit  
21                 their plans, have an opportunity to  
22                 participate. So there are concerns  
23                 about these issues.

24                 My understanding, in talking with  
25                 Mr. Gibbs and talking with Mr. Riel, is

60

1                  that many of the suggestions in the plan  
2                  that was done by the RNA, which was a  
3                  very good plan, were considered and  
4                  incorporated in the general provisions  
5                  of the Comprehensive Plan amendments  
6                  that we have before us today, but they  
7                  are general throughout the City, because  
8                  they were good recommendations that  
9                  should be implemented, not on a  
10                 neighborhood scale, but rather  
11                 City-wide.

12                 So, knowing that we did accept many  
13                 of the provisions provided, this is good  
14                 starting language, but we have to work  
15                 with it. You know, we just got it  
16                 today.

17                 CHAIRMAN KORGE: Well, I just read  
18                 it. It seems to me like -- it sounds  
19                 like what has already been done. In  
20                 other words, it's just kind of reciting  
21                 what, you know, was good practice,  
22                 though I guess you really want to --  
23                 you're telling us you really want to  
24                 review it and make sure that it  
25                 doesn't --

61

1 MS. HERNANDEZ: Well, you don't  
 2 want to tie the City Commission's hands.  
 3 You don't want to obligate the City --  
 4 CHAIRMAN KORGE: Right.  
 5 MS. HERNANDEZ: -- to become  
 6 involved in issues that they necessarily  
 7 should not be involved in, because this  
 8 is a Comprehensive Plan. This is not a,  
 9 you know, site plan. This is not -- you  
 10 know, this is a different document.  
 11 This is the large Bible, versus the  
 12 specific application. And so we need to  
 13 be able to review it and look at what  
 14 potential pitfalls, if any, occur. You  
 15 can't do it in under 30 minutes, you  
 16 know. It takes analysis.  
 17 CHAIRMAN KORGE: Right, so I guess  
 18 are you suggesting, then, that you'd  
 19 like to review it and then maybe, if you  
 20 think this or some modification of this  
 21 is appropriate, to recommend it to the  
 22 Commission at that time?  
 23 MS. HERNANDEZ: Yes. At that time,  
 24 yes.  
 25 CHAIRMAN KORGE: Yeah.

62

1 MR. COE: Mr. Acosta, do you have a  
 2 problem with that?  
 3 MR. ACOSTA: No, absolutely not. I  
 4 appreciate the questions and the  
 5 answers. We see this as a starting  
 6 point. We never intended for you to  
 7 approve this language tonight. I'm glad  
 8 to see that Ms. Hernandez sees this as a  
 9 starting point. Is that correct?  
 10 MS. HERNANDEZ: Yes.  
 11 MR. ACOSTA: And there's apparently  
 12 plenty of time between now and first  
 13 reading to probably reach an agreement,  
 14 together with Mr. Riel and Mr. Gibbs and  
 15 perhaps with my little two cents  
 16 contribution.  
 17 CHAIRMAN KORGE: Right.  
 18 MR. ACOSTA: Is that sufficient,  
 19 then?  
 20 MS. HERNANDEZ: I --  
 21 CHAIRMAN KORGE: Yeah.  
 22 MS. HERNANDEZ: I can't, you  
 23 know --  
 24 MR. BEHAR: But let me ask a  
 25 question.

63

1 MS. HERNANDEZ: That's what we're  
 2 going to aim for, but --  
 3 MR. BEHAR: Let me ask a question,  
 4 because what I understand that Mr.  
 5 Acosta is proposing with this language  
 6 will require that the Planning  
 7 Department reviews the neighborhood  
 8 visioning plan.  
 9 MS. HERNANDEZ: Right.  
 10 MR. BEHAR: And then report. Is  
 11 that going to be creating more work?  
 12 MS. HERNANDEZ: Yes.  
 13 MR. BEHAR: Is that what you intend  
 14 to do or is that creating -- I mean,  
 15 this could happen to 25 different  
 16 neighborhood associations.  
 17 MS. HERNANDEZ: Right, depending  
 18 who creates it, who creates the  
 19 boundaries, what are the common elements  
 20 of a boundary, is the visioning report  
 21 consistent with directions and  
 22 directives that the Planning Department  
 23 may issue or that the City Commission  
 24 may want to see?  
 25 You know, there's a lot of

64

1 questions that this opens up. You know,  
 2 just -- you know, this happened to be a  
 3 good report that the Planning Department  
 4 received, reviewed and accepted many  
 5 recommendations on a City-wide basis,  
 6 but what you're doing is, you're being  
 7 asked to consider a plan, City-wide, for  
 8 neighborhood associations that would put  
 9 together a visioning plan. You know,  
 10 there's an issue there that we need to  
 11 review and address and raise concerns  
 12 that we may have.  
 13 MR. RIEL: And kind of the  
 14 piggyback, I mean, it's a visioning  
 15 plan. It's not land development  
 16 regulations.  
 17 MS. HERNANDEZ: Right.  
 18 MR. RIEL: We did the Charrette.  
 19 That document was accepted by the  
 20 Commission. It was not approved, but it  
 21 was a basis for the development of the  
 22 Zoning Code rewrite. The neighborhood  
 23 plan they prepared, we did include a lot  
 24 of the recommendations -- it was a great  
 25 plan -- that were specific, but we

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65

1 didn't, you know, provide it  
2 specifically for that neighborhood, for  
3 all residential neighborhoods within the  
4 City. So it wasn't just geared toward  
5 that particular neighborhood.

6 MR. BEHAR: Particular  
7 neighborhood.

8 MR. RIEL: It was meant to protect  
9 all residential neighborhoods from  
10 potential impact. So we looked at it  
11 from a more global scale than a  
12 site-specific.

13 MS. HERNANDEZ: Right.

14 CHAIRMAN KORGE: As you should,  
15 but, you know, like a particular  
16 organization covers a specific area, and  
17 so they look at it from their  
18 perspective in that area. Obviously,  
19 you did what you needed to do with that,  
20 to take and incorporate the changes that  
21 you thought were beneficial on a  
22 City-wide basis, and I think Al's  
23 acknowledged that it's pretty much --

24 MR. ACOSTA: Right, we do.

25 CHAIRMAN KORGE: You know, they're

66

1 happy with that.

2 MR. ACOSTA: Yeah.

3 CHAIRMAN KORGE: So this -- and  
4 again, I think you need to sit down with  
5 the City Attorney later and discuss  
6 this. This is what -- this language, we  
7 followed -- I understand the City  
8 followed in connection with your  
9 visioning plan. I think Liz is saying  
10 something a little different, that it's  
11 great for your visioning plan, but other  
12 visioning plans, you know, maybe we need  
13 to be a little more circumspect in the  
14 directions --

15 MR. ACOSTA: Right.

16 MR. BEHAR: And you guys prepared a  
17 great plan. It doesn't mean that  
18 another association can do a job like  
19 yours, and I don't want to create more  
20 work for the Planning Department  
21 than --

22 MR. ACOSTA: Actually, this  
23 language in here is general, not to  
24 our simple -- it's not for our  
25 organization. This is general.

67

1 MS. HERNANDEZ: Right.  
2 MR. BEHAR: We're not saying that.  
3 In your particular case, you guys did an  
4 excellent job and we admire you for the  
5 job you guys did, and a lot of those  
6 recommendations were implemented.

7 MR. ACOSTA: Right.

8 MR. BEHAR: But it may come along a  
9 time where somebody else, another  
10 association, may submit and the work  
11 that is going to be imposed, from what I  
12 gather, to the Planning Department is  
13 going to be much greater, and I don't  
14 know if we should allow for that to  
15 happen.

16 CHAIRMAN KORGE: Well, to require  
17 it.

18 MR. BEHAR: To require it.

19 MR. SALMAN: Require, right, that's  
20 my problem.

21 MS. HERNANDEZ: One thing is to  
22 allow. The Commission at any time can  
23 direct --

24 CHAIRMAN KORGE: Right.

25 MS. HERNANDEZ: -- that a visioning

68

1 plan or Charrette in any area of the  
2 city occur. The question is, what are  
3 you doing in terms of the goals,  
4 objectives and policies and the tying  
5 the hands of a future City Commission,  
6 of a future Planning Department, with  
7 words that future potential  
8 neighborhoods -- who creates the  
9 boundaries, you know.

10 CHAIRMAN KORGE: So, you know,  
11 maybe Liz will want to tweak this  
12 language or revise it, or she may  
13 ultimately say, "I don't think we should  
14 make any changes," but that's --

15 MS. HERNANDEZ: Yes. We'll look at  
16 it. We'll meet with Mr. Acosta.

17 CHAIRMAN KORGE: -- some discussion  
18 you need to take outside of the Board,  
19 with Liz, yeah.

20 MR. ACOSTA: No, absolutely,  
21 outside of this Board.

22 MR. AIZENSTAT: And it should be  
23 City-wide, as opposed to --

24 MR. ACOSTA: Of course, of course.  
25 MR. AIZENSTAT: -- specific to one

69

1                   area.  
 2                   MR. ACOSTA: We got the gist, once  
 3                   we went through, and we were really very  
 4                   impressed with the new revisions and the  
 5                   specific references to neighborhood and  
 6                   neighborhood character. That's a  
 7                   tremendous plus.

8                   MS. HERNANDEZ: Right.

9                   MR. ACOSTA: And we're very happy  
 10                  to have contributed our two cents to  
 11                  that.

12                  MS. HERNANDEZ: You did.

13                  MR. ACOSTA: This language is  
 14                  general and applies to anything. What  
 15                  it does provide is an avenue for any  
 16                  visioning plan that may be, may be,  
 17                  recommended by the Commission. It does  
 18                  say in here that the Commission would  
 19                  have the decision to make, whether to  
 20                  proceed to the next step or not. It  
 21                  doesn't even say "will." It says "may"  
 22                  in here. So, you know, it's quite open,  
 23                  and we recognize it only as a first  
 24                  step. We would appreciate it if we can  
 25                  proceed from here with perhaps Ms.

70

1                   Hernandez and Mr. Riel getting back with  
 2                   Mr. Gibbs and taking it from there.

3                   CHAIRMAN KORGE: Okay. Anything else?

4                   MR. ACOSTA: Is that okay?

5                   CHAIRMAN KORGE: That's great. I  
 6                   think that's the way to proceed.

7                   MR. ACOSTA: Great.

8                   CHAIRMAN KORGE: It will work a lot  
 9                   smoother that way.

10                  MR. ACOSTA: Absolutely.

11                  CHAIRMAN KORGE: Is there anything  
 12                  else that you wanted to mention at this  
 13                  time?

14                  MR. ACOSTA: No. Again, if any  
 15                  member on this Board is new, haven't  
 16                  seen our visioning report, we'll be very  
 17                  glad to provide a copy, if you let Mr.  
 18                  Riel or Jill know, and we'll provide a  
 19                  copy for you.

20                  CHAIRMAN KORGE: Okay.

21                  MR. ACOSTA: Thank you very much.

22                  CHAIRMAN KORGE: Thank you very  
 23                  much.

24                  MR. ACOSTA: At this time, I'd  
 25                  request, then, that we can leave, and

71

1                   let them continue their deliberations,  
 2                   unless you want to stay here. Thank  
 3                   you. Goodnight.

4                   MS. HERNANDEZ: Thank you.

5                   MR. SALMAN: Good night.

6                   CHAIRMAN KORGE: Others who want to  
 7                   speak on the Comprehensive Plan?

8                   MS. HERNANDEZ: Yes.

9                   MS. MENENDEZ: Yes. Alan Savitz.

10                  MS. HERNANDEZ: Can you say it  
 11                  again? I didn't hear you.

12                  MS. MENENDEZ: Alan Savitz.

13                  MS. HERNANDEZ: Oh, here he is.

14                  MR. SAVITZ: I just want to wait to  
 15                  give these people the courtesy of  
 16                  leaving.

17                  To The Honorable Members of the  
 18                  Planning and Zoning Board, my name is  
 19                  Alan Savitz, living at 11094 Paradela  
 20                  Street, in Hammock Oaks, Florida, Coral  
 21                  Gables.

22                  In 1960, I graduated from the  
 23                  University of Miami in Coral Gables. I  
 24                  love the City Beautiful so much that my  
 25                  wife and I have been living -- my wife

72

1                   is right over here. We've been living  
 2                   in the same house in Hammock Oaks for  
 3                   over 42 years. The last time I was here  
 4                   was for another good reason, and that  
 5                   was, there was a fire station that we  
 6                   needed on Old Cutler Road, and I was in  
 7                   support of that. So was my wife.

8                   So I don't want you to think that  
 9                   we come here to bother everybody. What  
 10                  we're here today about is something very  
 11                  important. There was just one little  
 12                  point in the 14 different elements.

13                  Number 3, change from Residential,  
 14                  Single-Family, Low Density, to Public  
 15                  Buildings and Grounds for 495 Campana  
 16                  Avenue, City utility station located on  
 17                  Tract A, Block 2, Hammock Oaks Harbor.

18                  Now, here's the problem with  
 19                  changing that. It is the only area in  
 20                  all of Campana Avenue, which is our main  
 21                  entrance in and out, that's a green-like  
 22                  park area. You could -- I would be  
 23                  willing to take all the members of the  
 24                  Board here to visit our area, and you'll  
 25                  see, it is the only area that everybody

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1                   little tiny parcel. In fact, if Mr.  
2                   Riel can knock that out, leave it the  
3                   way it is -- because he mentioned that  
4                   it's not going to affect the whole  
5                   thing, it is just a little change that  
6                   they're asking.

MR. BEHAR: Is that where there is an existing utility station at that -- That's what I asked before. There's a utility station right there; isn't that correct?

MR. SAVITZ: Yeah, but you see, over here, all this green area.

MS. HERNANDEZ: Right.

MR. SAVITZ: This is like a little park with that there. You have to come over and see it to really understand what I'm talking about.

MR. COE: Mr. Riel, do you understand what he's saying?

MR. SAVITZ: Mr. Riel, see, if you make that into public buildings and area, you're going to -- you'll knock that out forever.

CHAIRMAN KORGE: But it's

1 way, there's no problem. Why change it?  
2 MR. RIEL: Let me read you the  
3 definition of Public Buildings and  
4 Grounds.

Buildings and adjacent land areas used for local, state and federal government purposes for the public and semi-public services, including utilities.

We're assigning the land use pursuant to it being a pump station. In my opinion, it provides more protection than leaving it Single-Family.

MS. HERNANDEZ: Right.

MR. AIZENSTAT: I agree.

MR. BEHAR: That's why I'm questioning it, as well. I asked the question earlier, that it had no affiliation or no association with the Fairchild Gardens, that this was strictly a utility station, that with this change, will protect you even mor

MR. SAVITZ: No, it won't protect us, because I was at a meeting recently with the Fairchild people, and they

77

1 specifically earmarked that one piece of  
 2 property to put a public road through  
 3 there.  
 4 MR. BEHAR: No.  
 5 MR. COE: They can't.  
 6 MS. HERNANDEZ: They can't.  
 7 MR. SAVITZ: And, in order to do  
 8 that, it has to be changed to a public  
 9 parcel.  
 10 MR. COE: No, they can't do that.  
 11 They can't put a road through there.  
 12 MR. BEHAR: No.  
 13 MR. COE: Impossible.  
 14 MR. BEHAR: Whatever they told you,  
 15 I'm not the attorney --  
 16 MR. AIZENSTAT: I can't control  
 17 what they tell you, but I don't see how  
 18 they could do that.  
 19 MR. BEHAR: Absolutely not.  
 20 MR. SAVITZ: Because it will ruin  
 21 the whole area, you know.  
 22 MR. COE: Sir, I think you're  
 23 unduly alarmed about a nonexistent  
 24 problem. I can tell you that they  
 25 cannot put a road through there.

78

1 MR. SAVITZ: Can that be added to  
 2 the wording?  
 3 MR. COE: I don't think we're  
 4 concerned about a road going through  
 5 there.  
 6 MR. SAVITZ: Mr. Riel, could you  
 7 just add that little part in there, that  
 8 there will be no roads or anything going  
 9 through there? Do you just want to  
 10 change the wording?  
 11 MR. RIEL: No, this is not the  
 12 proper document to do that. This  
 13 document is assigning a designation  
 14 that's consistent with the zoning. It's  
 15 owned by the City. So, obviously,  
 16 anything that happens on it needs to go  
 17 through a City review, if not also --  
 18 they obviously have to sign off on it.  
 19 CHAIRMAN KORGE: So what would have  
 20 to happen in order for a road to be put  
 21 on that property?  
 22 MR. RIEL: It would have to be  
 23 basically -- They would have to come and  
 24 get authorization to file an  
 25 application, because the City owns it.

79

1 They would have to come through a  
 2 development plan. That's not going to  
 3 happen. It's a utility station.  
 4 MR. BEHAR: You cannot get rid of  
 5 the utility station.  
 6 CHAIRMAN KORGE: Would the public  
 7 have -- would the public have an  
 8 opportunity to comment on that at that  
 9 time?  
 10 MR. RIEL: Yes, absolutely.  
 11 CHAIRMAN KORGE: Would there be a  
 12 public hearing on it?  
 13 MR. RIEL: Absolutely.  
 14 MR. COE: I'd also point out, if  
 15 you really want to take this to an  
 16 extreme and worry about a road going  
 17 through, if it's zoned Single-Family,  
 18 which I think it may be now --  
 19 MR. SAVITZ: Which it is now.  
 20 MR. COE: Yes. If it was zoned  
 21 Single-Family and the State, the County,  
 22 the City wanted to build a road, there's  
 23 a process called eminent domain and they  
 24 can take it. It's a lot more difficult  
 25 if it's a pump station, trust me.

80

1 MR. SAVITZ: Well, the reason I'm  
 2 bringing it up is because I saw that  
 3 there were plans made, that I saw with  
 4 my own eyes, and beautiful boards like  
 5 this here, that they want to put a  
 6 road --  
 7 MR. COE: Sir, if that contingency  
 8 ever happened, you can come and raise  
 9 the dickens. I assure you it's not  
 10 going to happen.  
 11 MR. RIEL: Let me -- just a point  
 12 of clarification, the property is zoned  
 13 "S." Anything that's built on an "S"  
 14 property is a conditional use. It has  
 15 to come through this Board for review.  
 16 MR. COE: Right.  
 17 CHAIRMAN KORGE: So what that means  
 18 is that in the event something else is  
 19 going to go on there, whatever is -- it  
 20 doesn't matter what, it's going to have  
 21 to come to this Board, and before this  
 22 Board approves it, there will be a  
 23 public hearing, at which time you can  
 24 come and object, and this really isn't  
 25 going to affect that, because if, for

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81

1 example -- I'm hypothesizing here --  
2 we've made a change and then later, the  
3 County wanted to put a road there, they  
4 would have to come to this Board, and at  
5 that time we'd still have the power to  
6 provide for that, and so this -- this --  
7 this conformity of existing use and  
8 zoning to the Comprehensive Plan really  
9 doesn't enable this to be changed  
10 without a formal public hearing where  
11 all the protections are provided. So it  
12 really isn't the concern that you think  
13 it should be, at this time.

14 MR. SAVITZ: There's a nice little  
15 pump station there, with beautiful green  
16 grass around it.

17 MR. BEHAR: That can't go away.  
18 MR. COE: It will remain a pump  
19 station.

20 MR. BEHAR: That cannot go away.  
21 CHAIRMAN KORGE: It will be a pump  
22 station forever.

23 MR. BEHAR: You know, by the time  
24 the City would implement a sewer system  
25 throughout the City, you know -- but

82

1 that's not going to happen.

2 MR. SAVITZ: Well, I'd better get  
3 off here and let somebody else have a  
4 chance. Thank you very much for your  
5 patience.

6 CHAIRMAN KORGE: Thank you.

7 MS. MENENDEZ: Mr. Brown?

8 MR. BROWN: Good evening. I'm  
9 Charles Brown, 451 Rovino Avenue.

10 I moved to Coral Gables about 10  
11 years ago, and at the time I wanted to  
12 put a porte-cochere on the front of my  
13 house, and the architect told me I  
14 wouldn't live long enough to get a  
15 variance from Coral Gables to put that  
16 porte-cochere up. So I gave it up.

17 Then I come along and it would  
18 really be nice if I could have a  
19 carport, which would be -- it's on the  
20 west side. I had beautiful plans drawn  
21 up for that, and two years later, I was  
22 still waiting, because I couldn't get it  
23 through Coral Gables. Coral Gables does  
24 not give variances for anything.

25 Now, when we -- so I would expect

83

1 that Fairchild Gardens would be treated  
2 equally.

3 Another thing, Fairchild Gardens,  
4 regardless of what people think about  
5 Fairchild Gardens, they're not the  
6 greatest neighbor to live next to. I  
7 had to call the Mayor the next morning,  
8 after a party at Fairchild Gardens went  
9 until three and four o'clock in the  
10 morning. So I realize that, having  
11 lived in Bal Harbour, that there are  
12 ordinances that prevent that. We had --  
13 we had -- you had to be out by eleven, I  
14 believe it was, during weekdays, and  
15 noon -- no, it was midnight during  
16 weekends.

17 So finally, Coral Gables came  
18 around and they put the clamps on the  
19 parties over there, the rock and roll  
20 over there, the -- you know, it's not a  
21 great joy.

22 Now, we were presented plans at  
23 another meeting by a gentleman who  
24 really didn't introduce himself, and he  
25 very arrogantly said, "Look, we're going

84

1 to build a building right there, and  
2 we're going to have a variance that's  
3 going to give us a road that goes into  
4 the park," that will be, as I recall it,  
5 an emergency exit or entrance in case of  
6 an emergency by some emergency vehicle.

7 Well, great, except that they have  
8 8,000 acres there that they certainly  
9 could build a road. Why they have to  
10 plop everything right smack in our front  
11 door, I don't know. They -- We have one  
12 entrance and one exit only to Hammock  
13 Oaks. That exit is constantly blocked  
14 by Coca-Cola trucks, by Sysco trucks, by  
15 garbage trucks, right in front of  
16 houses, nice homes, that have to face  
17 this. They also have an entrance to the  
18 trash area which faces our road, which  
19 occasionally is open, other times it's  
20 closed. Many times the gates are all  
21 boarded up in there.

22 I mean, it's -- they're very  
23 inconsiderate, and we pay outrageous  
24 taxes to live in Coral Gables, and I  
25 think, since these people don't even pay

1 taxes, it would be nice that they would  
2 give us a little consideration.

3 I certainly hope you will refuse to  
4 give them any rights to that road. We  
5 only have one in and one out. I don't  
6 know why they need so much more space  
7 than they've already got.

8 CHAIRMAN KORGE: Well, there's no  
9 road --

10 MR. COE: No, there's no road.

11 CHAIRMAN KORGE: -- as part of  
12 this --

13 MR. BEHAR: There's not going to be  
14 a road there, and I have seen  
15 personally -- and you're right, I've  
16 seen a lot of trucks, delivery trucks,  
17 but that's something, perhaps, for --  
18 you know, Code Enforcement has to get  
19 after them, because I have seen those  
20 delivery trucks parked on that street  
21 and it is a nuisance to your  
22 neighborhood.

23 MR. BROWN: Well, it really is a  
24 nuisance and, you know, it's dangerous,  
25 because we only -- it's a narrow road,

1 and we have to go around these trucks.  
2 Many times, I've had to slam on the  
3 brakes just to avoid hitting one of  
4 them.

5 MR. COE: Sir, your problem is not  
6 with this Board. You need to contact  
7 the Code Enforcement Board, the Code  
8 Enforcement officers, and have them go  
9 down there and conduct their  
10 investigation and have those  
11 people -- have them take --

12 MR. BROWN: Well, I've already  
13 talked to Maria Anderson, I've talked to  
14 the Mayor. Nobody -- you know, it falls  
15 on deaf ears, many, many times.

16 MR. COE: Fairchild Gardens can be  
17 ticketed like anybody else.

18 MR. BEHAR: And as far as the  
19 variances, we have not seen -- or at  
20 least personally, I have not seen  
21 anything come through this Board to that  
22 effect.

23 MR. BROWN: Well, we understand  
24 there's going to be a huge building.  
25 They have to have -- in order to build

1 this building, which is supposed to be a  
2 science center or something --

3 CHAIRMAN KORGE: Well, I don't mean  
4 to interrupt you, but we do have a time  
5 limit. However, if there is a huge  
6 building or even a small building, I  
7 believe that's going to come back to  
8 this Board, and there will be a public  
9 hearing, won't there?

10 MR. RIEL: Yes. If there's a  
11 building constructed on Fairchild, it  
12 would need to come to this Board, yes.

13 CHAIRMAN KORGE: Right. So that  
14 would be the appropriate time to come  
15 here and express your views on whatever  
16 they're proposing at that time. It's  
17 not before us now.

18 MR. BROWN: They've had meetings.  
19 They've had meetings over there and --

20 CHAIRMAN KORGE: But -- sir, it's  
21 not before us now. We're not  
22 considering that. It's not even an  
23 issue that we're considering to approve  
24 or disapprove at this time. So,  
25 although we appreciate your concerns and

1 understand them, there's nothing we can  
2 do about them right now.

3 MR. BROWN: Yeah. Well, you can  
4 deny the variance, can you not?

5 CHAIRMAN KORGE: Well, we don't  
6 have any variance before us.

7 MR. BEHAR: Nothing is before us.

8 CHAIRMAN KORGE: None of that is  
9 before us now.

10 MR. SALMAN: And that would be the  
11 Board of Adjustment that would give them  
12 a variance.

13 MR. AIZENSTAT: The variance goes  
14 before a different Board, if it is.

15 There's nothing before us right now.

16 MR. BEHAR: If a project is, you  
17 know, to be considered, it will come  
18 through our Board. At that time, we'll  
19 look at it.

20 MR. RIEL: Let me just give you a  
21 really, really brief overview of what I  
22 understand Fairchild is doing.

23 We've had preliminary discussions  
24 with them about an expansion or an  
25 addition to their building. We have not

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89

1 seen -- you know, the plans went through  
2 the DRC, the Development Review  
3 Committee, which is like a preliminary  
4 review committee. We have not received  
5 any application to the Department.

6 So, by me saying that any building  
7 that would be constructed on there, is  
8 not really correct. It's depending how  
9 big it is and what it is. I mean, it  
10 might go to the Board of Adjustment for  
11 a variance.

12 CHAIRMAN KORGE: But excuse me for  
13 interrupting. That would also be a  
14 public hearing.

15 MR. RIEL: Yes, that would be a  
16 public hearing, which notice would be  
17 provided within a thousand feet.

18 MR. BEHAR: And I cannot imagine,  
19 with that much land, you'd be asking for  
20 a variance.

21 MR. RIEL: And I just want to say  
22 that I don't want to mislead anyone -- I  
23 mean, we have not -- we don't have a  
24 formal application in, so I can't really  
25 say that, you know, it's going to come

90

1 to this Board. There's obviously  
2 certain thresholds in the Code that can  
3 go through without coming through this  
4 Board. So I don't want to be  
5 misinterpreted that way.

6 We do have follow-up meetings  
7 coming up, but there's nothing scheduled  
8 with the attorneys on Fairchild. It's  
9 just kind of -- we have a preliminary,  
10 you know, application. I do have it in  
11 the office, just like all the other City  
12 departments do, but there's nothing been  
13 formally filed with the City, with the  
14 Planning Department.

15 CHAIRMAN KORGE: Okay, but in any  
16 event, we can't deal with that in  
17 the Comprehensive Plan.

18 MR. RIEL: That's not issue that's  
19 before you this evening, no.

20 CHAIRMAN KORGE: Right.

21 MR. BROWN: Well, thank you, sir.

22 CHAIRMAN KORGE: You're welcome.

23 MS. MENENDEZ: Carolina Macias?

24 MS. MACIAS: Hello. My name is  
25 Carolina Macias. I'm a resident, at 475

91

1 Campana Avenue, and I think -- I mean, I  
2 wasn't sure what position I was going to  
3 speak, so I'll try to be brief, because  
4 I know it's a long night for you all,  
5 but you wonder why such a small parcel  
6 of land has caused so much commotion in  
7 our neighborhood, and I want to just  
8 give you like a little brief history.  
9 Ten days ago, the Planning Board posted  
10 a sign.

11 MR. COE: Ma'am, I don't want to  
12 cut you off. We have a very limited  
13 amount of time --

14 MS. MACIAS: Okay.

15 MR. COE: Any alleged road,  
16 anything to deal with that --

17 MS. MACIAS: Okay, I think --

18 MR. COE: -- has nothing to do with  
19 what we're doing.

20 MS. MACIAS: Thank you. I will  
21 stay to the tract of land.

22 CHAIRMAN KORGE: Okay.

23 MS. MACIAS: Ten days ago, the sign  
24 was posted in our neighborhood, and  
25 immediately the neighborhood was

92

1 alarmed. It was alarmed because of the  
2 issue of Fairchild Gardens, which I am  
3 not going to go into. We had had a  
4 meeting with Fairchild Gardens that did  
5 not go very well. We are hopeful that  
6 they have always been good neighbors and  
7 that we can work this issue out. As it  
8 stands right now, it doesn't look like  
9 we're going to be able to, right now,  
10 solve this issue. However, we are  
11 hopeful that it will.

12 So the reason we are alarmed with  
13 this small piece of parcel, I called and  
14 I have been speaking to both Mr. Riel  
15 and Mr. Bolyard, and they have sent me  
16 information regarding this tract of  
17 land. What one of the main -- the  
18 information that they sent me says, an  
19 Ordinance Number 1250 was done in 1961  
20 that says that the Zoning Code, as  
21 amended, by establishing zoning, facing  
22 and setback requirements for lots shown  
23 on entitled Hammock Oaks Harbor Section  
24 2 -- Section B of that, which pertains  
25 particularly to this piece of land,

93

1       says: The use of Tract A, Building --  
 2       Block 2, is limited and restricted to  
 3       use as a compressor station site, to be  
 4       used in conjunction with the sanitary  
 5       sewer system.

6       To me, that is exactly what this  
 7       property is, in addition to part of it,  
 8       which is a beautiful landscaped area,  
 9       which one of our residents spoke about.  
 10      It is a small pump station that is  
 11     there, and this ordinance that was done  
 12     in 1961 states the land use and zoning  
 13     use.

14      So I am not really sure why, at  
 15     this particular point, when we are  
 16     having our issues with Fairchild  
 17     Gardens, why at this particular point  
 18     the City, which I was told has 50 some  
 19     odd inconsistencies in their plat books  
 20     or zoning books or -- I'm not sure that  
 21     I'm saying the right wording, but I was  
 22     told there's 50 some odd inconsistencies  
 23     in the City of Coral Gables, and those  
 24     inconsistencies are being worked on one  
 25     by one so that you have a comprehensive

94

1       map.

2       CHAIRMAN KORGE: Let me cut you off  
 3       and ask you, so what you're suggesting  
 4       is that actually there is no  
 5       inconsistency right now, if it is zoned  
 6       for a pump station and it is also  
 7       planned for land use purposes as a pump  
 8       station.

9       Is that right, Eric?

10      MR. RIEL: That's what I guess --

11      MR. COE: That's the whole problem.

12      MS. MACIAS: That's what it's --

13      MR. COE: Right now it's listed --

14      It's Single-Family housing.

15      MR. FLANAGAN: I'm sorry, can I  
 16     just ask the speaker to read Subsection  
 17     B again?

18      CHAIRMAN KORGE: Yeah.

19      MR. FLANAGAN: Can I -- Would you  
 20     mind?

21      MS. MACIAS: Subsection B says that  
 22     the use of Tract A, Block 2, is limited  
 23     and restricted to use as a compressor  
 24     station site, to be used in conjunction  
 25     with a sanitary sewer system.

95

1       MR. FLANAGAN: So, at least the way  
 2       I hear it, that is basically a zoning  
 3       aspect. It's a use of the property,  
 4       not -- not necessarily a land use  
 5       designation.

6       MR. MACIAS: I think that is --

7       MR. FLANAGAN: And so it tells what  
 8       happens on the property, but the land  
 9       use designation, as it is right now, as  
 10      Single-Family --

11      MR. COE: Which is wrong.

12      MR. FLANAGAN: -- is -- actually  
 13     ends up being inconsistent with the  
 14     zoning of Special Use.

15      MS. MACIAS: Correct.

16      MR. FLANAGAN: And I think the  
 17     City -- I think all they're trying to  
 18     do -- Anybody can go in, any -- as Judge  
 19     Coe said earlier, any government entity  
 20     can go in today, yesterday, and create a  
 21     road there, if that's what anybody --

22      MS. MACIAS: Okay --

23      MR. FLANAGAN: -- wanted. However,  
 24     the ordinance -- and I think that  
 25     answers everybody's questions. What you

96

1       just -- That Subsection B answers it all  
 2       for me, right there, that says it shall  
 3       only be used for a compressor --

4       MS. MACIAS: Right, but --

5       MR. FLANAGAN: A compressor  
 6       station, and that's exactly -- it's the  
 7       lift station, and that's it.

8       MS. MACIAS: If you change the  
 9       zoning or land use -- I believe what  
 10      they want to do is change the land use,

11      and the land use states Public Buildings  
 12     and Grounds. Public Buildings and  
 13     Grounds is something totally different

14     to a pump use station that cannot be  
 15     used -- that land cannot be used for  
 16     anything else. If, on this particular

17     property, you attach this, where it  
 18     would only be used as a pump, I don't  
 19     think we really have a problem. Where

20     we have a problem is with our issue with  
 21     Fairchild Gardens. This property abuts  
 22     Fairchild Gardens. I think that the

23     Planning Department has bigger issues  
 24     than this small piece of land, because  
 25     they --

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1                   CHAIRMAN KORGE: Well, excuse me  
 2                   for interrupting, but I guess what  
 3                   you're saying is, you'd prefer that the  
 4                   designation in the land use plan be pump  
 5                   station and grounds, not public  
 6                   facilities.  
 7                   MS. MACIAS: Well, I think Public  
 8                   Buildings and Grounds gives them -- and  
 9                   I may be wrong, and that's why I just  
 10                  want to state what we feel. I think we  
 11                  want to make sure that it is only used  
 12                  for that, that in no future time by  
 13                  changing the zoning or the land use,  
 14                  Fairchild is given a possibility of  
 15                  putting a road through it, and I know  
 16                  that you've all kind of laughed at our  
 17                  suggestion, but I wish to show you a  
 18                  site plan of the Fairchild proposal  
 19                  which shows an entrance -- if it's not  
 20                  through the property, it is immediately  
 21                  adjacent, and since there is no actual  
 22                  survey of the property or actual survey  
 23                  of Fairchild Gardens, it does show the  
 24                  Fairchild Gardens, as they were saying,  
 25                  the entrance, the service entrance, or

97

1                   the fire truck entrance to Fairchild  
 2                   Gardens, very close, if not through this  
 3                   particular piece of land.

4                   MR. FLANAGAN: If I may --

5                   MR. BEHAR: The problem is  
 6                   that it's zoned Single-Family.

7                   MR. COE: That's not what we're  
 8                   doing.

9                   MR. BEHAR: That's the problem.  
 10                  It's zoned Single-Family.

11                  MR. RIEL: It's zoned "S" use.  
 12                  "S," Special Use.

13                  CHAIRMAN KORGE: The problem is, it  
 14                  is listed in the Comprehensive Plan as  
 15                  Single-Family --

16                  MR. RIEL: Correct.

17                  CHAIRMAN KORGE: -- but it's zoned  
 18                  for "S" use. So --

19                  MR. COE: So the designation is  
 20                  wrong from the zoning. That's what is  
 21                  being corrected.

22                  MS. MACIAS: I think the only  
 23                  complaint here, really --

24                  MR. COE: This is simply a  
 25                  corrective thing, ma'am. It has nothing

98

1                   to do with what you're talking about.  
 2                   MS. MACIAS: Well, that's -- I --  
 3                   You know what? If it doesn't, we are  
 4                   very happy, I think, and maybe I'm  
 5                   speaking for others, other than myself.  
 6                   MR. COE: Ma'am, so you understand,  
 7                   what issues you're bringing up --  
 8                   MS. MACIAS: Uh-huh.  
 9                   MR. COE: -- has nothing to do with  
 10                  what we're discussing tonight, has  
 11                  nothing to do with what's before us. We  
 12                  cannot even consider what you're  
 13                  bringing up. This is simply changing  
 14                  things to comport with the Comprehensive  
 15                  Plan.  
 16                  MS. MACIAS: But --  
 17                  MR. COE: It's a corrective  
 18                  measure. That's all we're talking  
 19                  about.  
 20                  MS. MACIAS: I mean, maybe you need  
 21                  to --  
 22                  MR. COE: No -- no, because --  
 23                  MS. MACIAS: -- incorporate another  
 24                  section of your code that states --  
 25                  MR. COE: No, until Fairchild --

99

1                   MS. MACIAS: -- pump stations.  
 2                   MR. COE: Ma'am, ma'am, just  
 3                   listen. Until Fairchild Gardens, if  
 4                   that ever happens, presents a plan for  
 5                   development, it's never at issue in  
 6                   front of us.  
 7                   MR. BEHAR: There's no other  
 8                   classification that could be applied to  
 9                   that.  
 10                  MS. MACIAS: Exactly. So that's  
 11                  what worries us, you know, if there  
 12                  was --  
 13                  MR. BEHAR: What they're doing --  
 14                  what we're doing here is changing from  
 15                  Single-Family --  
 16                  MS. MACIAS: Uh-huh.  
 17                  MR. BEHAR: -- the classification,  
 18                  designation, to Public Buildings and  
 19                  Grounds.  
 20                  MS. MACIAS: Are we sure it is  
 21                  Single-Family? Is there any -- I mean,  
 22                  I asked them to give me something that  
 23                  said it was Single-Family. See, the map  
 24                  that they do have before you, that they  
 25                  sent me first from the Planning

100

101

1 Department, showed Fairchild Gardens as  
2 Special Use District. Then another one  
3 was sent to me showing it as a park.  
4 And finally, a third one was sent to me,  
5 showing it as a Residential. I still  
6 believe that -- and you didn't want to  
7 talk about Fairchild Gardens, but I  
8 think I have to, because I think there's  
9 an inconsistency in what they show their  
10 zoning at. I don't think that the whole  
11 of Fairchild Gardens is zoned  
12 Residential. I believe it's only  
13 the front part.

(Simultaneous voices)

15 CHAIRMAN KORGE: Let me -- Let me  
16 just try to bring this to a head. The  
17 way it's zoned now, not the land use  
18 plan, but the way it's zoned now,  
19 according to the ordinance you read, it  
20 can only be used as a pump station.

MS. MACIAS: Correct.

22 CHAIRMAN KORGE: Changing the land  
23 use to conform to that doesn't allow the  
24 zoning to be any different than it is  
25 now, without going through a full public

hearing process, that you would go through to change the zoning in any event. In other words, if we don't change this at all in the land use plan, and Fairchild Gardens wants to put a road through there, the first thing they're going to have to do is get a zoning change for that parcel in order to put a road through there, which means they have to go through the public hearing process.

By contrast, if we go ahead and change, as recommended by the Planning Staff, the Comprehensive Land Use designation for that parcel, and the Fairchild Gardens wants to put a road through there, they're going to have to go through the exact same process and change the zoning by a public hearing process, in order to put the road through there. So the change in the designation is strictly a conforming change. It does not allow any other use than the use presently permitted by ordinance, which is the pump station

103

1 use.

2 MS. MACIAS: Okay, the zoning of --

3 CHAIRMAN KORGE: Is that correct,

4 Liz?

5 MS. HERNANDEZ: That's correct.

6 MS. MACIAS: The zoning, according

7 to this, is green, and green is a

8 Special Use District.

9 CHAIRMAN KORGE: We're talking

10 about Parcel A now.

11 MS. MACIAS: Parcel A.  
12 CHAIRMAN KORGE: Right.  
13 MS. MACIAS: Parcel A is green, and  
14 the zoning on Parcel A, green, is  
15 Special Use District, not Residential.  
16 MR. FLANAGAN: Correct.  
17 CHAIRMAN KORGE: That's correct.  
18 MS. MACIAS: This is what I was  
19 given by the Planning Department.  
20 MR. FLANAGAN: That is correct.  
21 MR. BOLYARD: This is what I gave  
22 the members of the Board.  
23 MS. MACIAS: Yes.  
24 MR. BOLYARD: It shows that this  
25 was --

MS. MACIAS: Green. This little parcel, green.

MR. BOLYARD: And it shows that the "S" zoning on there, that that was incorrect, that it is actually --

MS. MACIAS: That's not what it says here.

MR. BOLYARD: See, that's why the X  
is there, and then this is the correct  
attachment A.

MS. MACIAS: Correct.  
MR. BOLYARD: So this has been

entered into the record --  
MS. MACIAS: Existing zoning,

green, for Parcel A. Parcel A, green.

MR. BARKMAN: Correct, and we're not changing the zoning tonight. We're not modifying that ordinance that you read, that only allows a pump station and nothing else on the property. The only thing we're doing is, if you go to the two blocks above that, where it goes from yellow to green, is, we're changing the land use classification from Single-Family Residential, Low Density, to

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105

1       Public Buildings and Grounds, which  
2       brings it into conformance with its use  
3       as a pump station, which is the only  
4       thing it can be used for.

5       MS. MACIAS: I agree, that's what  
6       this shows, but I was told originally  
7       that that little piece of land was zoned  
8       Residential zoning.

9       CHAIRMAN KORGE: It was. It wasn't  
10      zoned Residential, it was designated for  
11      land use purposes as Residential. It  
12      was zoned, according to the ordinance  
13      you read, as a pump station and only a  
14      pump station.

15      MS. MACIAS: Okay. I basically --  
16      I think the concern, the concern is that  
17      they, you know -- that if by making  
18      it -- that it doesn't make it more  
19      restrictive -- you know, less  
20      restrictive than it is now.

21      MR. BEHAR: It will not.

22      CHAIRMAN KORGE: It will not.

23      MR. BEHAR: It will not.

24      MS. MACIAS: And I think that --

25      MR. BEHAR: It will not.

106

1       MS. MACIAS: -- if anybody else,  
2       you know, has something to say,  
3       they're --

4       CHAIRMAN KORGE: So anybody who  
5       signed up to speak on this issue, I  
6       think we've pretty much got it by now,  
7       and we don't need to keep repeating --

8       MR. BEHAR: There's somebody else  
9       in the corner.

10      MR. FLANAGAN: If there's something  
11      new to say.

12      CHAIRMAN KORGE: Pardon me?

13      MR. FLANAGAN: If there's something  
14      new to add.

15      CHAIRMAN KORGE: If there's  
16      something new. Well, why don't you go  
17      through the list of people who signed  
18      up, and if you feel like you've already,  
19      you know, gotten a full, fair hearing on  
20      this issue, you don't need come up and  
21      repeat it.

22      Go ahead.

23      MS. MENENDEZ: State your name,  
24      please.

25      MR. SEGALL: Sure. I'm Norman

107

1       Segall, and I reside at 495 Campana  
2       Avenue. I'm a past president of the  
3       Hammock Oaks Homeowners' Association.

4       Mr. Chairman, Members of the Board,  
5       Ms. Hernandez. I'm not going to repeat  
6       all of that. I understand the  
7       difference between a technical change  
8       and otherwise.

9       One of the things -- I'm going to  
10      suggest a technical change to your  
11      technical change, first, and that is  
12      that Item 3 proposes to change my house  
13      to a City utility station, at 495  
14      Campana. It's not a good idea. This is  
15      next door to my house, and it's not  
16      there. So you might want to note  
17      that -- that, and I think on your slide  
18      presentation, you had 395 Campana --

19      MR. RIEL: That's correct.

20      MR. SEGALL: -- which is down the  
21      road the other way. So you might want  
22      to get yourself straightened out a  
23      little bit before --

24      MS. HERNANDEZ: Just a little.

25      MR. SEGALL: -- you do that.

108

1       I don't think that -- I don't think  
2       that there's much doubt that the  
3       homeowners, all of whom are concerned  
4       here over our little park space and  
5       whatever technical change that you have  
6       to do, if there is -- and I don't  
7       practice -- I'm a lawyer, but I don't  
8       practice planning and zoning, if you can  
9       make a reservation that preserves that  
10      property intact any more than the -- the  
11      current technical change that you're  
12      suggesting does, then that's what  
13      everybody is here about. Everybody  
14      wants that green space. That's what --  
15      That's all that we want. We don't want  
16      roads going through it. We don't want  
17      anything -- The only thing that we might  
18      suggest, and since I live next door to  
19      it, I don't think that pump station has  
20      been a pump station for 15 years. I  
21      think it's just there, and I don't know  
22      whether Mr. Riel knows --

23      MR. COE: That does not make your  
24      argument, you know.

25      MR. SEGALL: No, it doesn't, but it

109

1 should be a -- it's a park area. That's  
 2 all it is. They've -- they've put  
 3 landscaping around it and it looks like  
 4 a little park area, and that's all we  
 5 want it -- that's all it is and that's  
 6 all that we want it to be, and we'd  
 7 appreciate whatever it is that you can  
 8 do to that end.

9 MS. HERNANDEZ: Thank you.

10 CHAIRMAN KORGE: Thank you, sir.

11 MS. MENENDEZ: Joe Pallot.

12 Alan Sepe.

13 MR. SEPE: I am.

14 I'm Alan Sepe. I live at 11084  
 15 Monfero Street, and I just want to chime  
 16 in on what Mr. Savitz said. One thing  
 17 that's really important, he invited the  
 18 Board to come out there, and one  
 19 thing -- to come out there and see the  
 20 parcel that we're talking about and come  
 21 out there and touch it and feel it, and  
 22 that's it, go see what we're talking  
 23 about, and then make your decisions.  
 24 Simple as that.

25 MR. AIZENSTAT: Thank you.

110

1 MS. MENENDEZ: Edward Lores?  
 2 Ileana Barbara?  
 3 Gerald Pinna?  
 4 Amanda Quirke?  
 5 MS. QUIRKE: Amanda Quirke, with  
 6 offices at 1441 Brickell, on behalf of  
 7 Amace Properties. I'll be brief.

8 The first comment I'd just like to  
 9 make is, as to the proposed revision by  
 10 the Riviera Neighborhood Association, we  
 11 think that it's inappropriate to  
 12 incorporate that modification in the  
 13 Comprehensive Plan. It's, you know,  
 14 mandating review and incorporation of  
 15 portions of a neighborhood plan. The  
 16 City can do that at their own  
 17 discretion, on a case-by-case basis.

18 The second point --

19 MS. HERNANDEZ: Ms. Quirke, we'll  
 20 include you in whatever meetings we have  
 21 with Mr. Gibbs and Mr. Acosta, so that  
 22 that way we have both sides contributing  
 23 to any discussion.

24 MS. QUIRKE: That would be very  
 25 helpful. Thank you very much.

111

1 The second point is, on Mobility,  
 2 1.1.8, it's on Page 1 of the Mobility  
 3 section, it says: Protect residential  
 4 areas from parking impacts of nearby  
 5 non-residential uses and businesses and  
 6 discourage parking facilities that  
 7 intrude, impact and increase traffic  
 8 into adjacent residential areas.

9 For a point of clarification, for  
 10 parking facilities, are you talking  
 11 about --

12 MS. HERNANDEZ: Wait a minute, let  
 13 us --

14 MR. RIEL: Give us a minute to go  
 15 to the page.

16 MR. SALMAN: What page?

17 MR. RIEL: What page was that,  
 18 again?

19 MS. QUIRKE: I was trying to speed  
 20 it up.

21 MR. RIEL: Could you say it again?

22 MS. HERNANDEZ: Page 1 of the  
 23 Mobility section.

24 MS. QUIRKE: Of the Mobility. It's  
 25 Section 1.1.8.

112

1 CHAIRMAN KORGE: That's the orange  
 2 one.

3 MR. SALMAN: Thank you.

4 MS. HERNANDEZ: 1.1.8, okay.

5 MS. QUIRKE: It's the third from  
 6 the bottom, on the left.

7 MS. HERNANDEZ: Right here.

8 MR. RIEL: What page, I'm sorry?

9 MS. HERNANDEZ: Page 1 on Mobility.

10 MS. QUIRKE: It's Page 1 of  
 11 Mobility.

12 CHAIRMAN KORGE: Page 1. It's the  
 13 orange stuff.

14 MR. COE: Mobility?

15 MS. HERNANDEZ: Yeah, this one.

16 MR. SALMAN: Here it is.

17 (Simultaneous voices)

18 MS. HERNANDEZ: Here, I'll share  
 19 with you. 1.1. --

20 MS. QUIRKE: 1.1.8.

21 MS. HERNANDEZ: Okay.

22 MS. QUIRKE: Protect residential  
 23 areas from parking --

24 MR. AIZENSTAT: The right side.

25 You said left.

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113

1 MS. HERNANDEZ: It's on the right.  
 2 MS. QUIRKE: Yeah. Protect  
 3 residential areas from parking impacts  
 4 of nearby non-residential uses and  
 5 businesses and discourage parking  
 6 facilities that intrude, impact and  
 7 increase traffic into residential areas.  
 8 For parking facilities, as  
 9 Mr. Acosta recognized, there is a lot of  
 10 commercial use along U.S. 1. It's  
 11 immediately adjacent to residential  
 12 neighborhoods. Are you referring  
 13 specifically to off-street parking?  
 14 Because all of those facilities are  
 15 required to have certain parking  
 16 requirements, some of them substantial,  
 17 that could arguably -- you know, that  
 18 could be used as a Comprehensive Plan  
 19 change, maybe excessively.  
 20 MS. HERNANDEZ: Right, but if you  
 21 look at the language --  
 22 MS. QUIRKE: Uh-huh.  
 23 MS. HERNANDEZ: -- it's protecting  
 24 residential areas from parking impacts.  
 25 So it imposes the burden to make sure

114

1 that whatever parking it's going to  
 2 effect is not going to have a  
 3 detrimental impact, and then  
 4 discouraging parking facilities. So  
 5 it's not an outright prohibition.  
 6 MR. RIEL: Right, it's not  
 7 mandatory.  
 8 MS. HERNANDEZ: What suggested  
 9 changes are you recommending?  
 10 MS. QUIRKE: I think my suggested  
 11 change would be from "and discourage  
 12 parking facilities," to delete it,  
 13 because I think it's redundant and I  
 14 think it can include parking garages or  
 15 anything. I know that you don't want  
 16 off-street parking spilling over into  
 17 residential neighborhoods.  
 18 MS. HERNANDEZ: Right.  
 19 MS. QUIRKE: I think that that  
 20 might be the intent, but some of these  
 21 facilities on U.S. 1 have extensive  
 22 parking requirements that -- so I would  
 23 submit to you to just delete "and  
 24 discourage," through the end of the  
 25 sentence, because the first part of the

115

1 sentence speaks for itself.  
 2 In fact, there are three sections  
 3 that are being added to the Mobility  
 4 section that regard traffic intrusion  
 5 into the residential neighborhoods.  
 6 There's also 2.7.1 and Mobility 3.2.  
 7 MS. HERNANDEZ: Wait, wait. 2.7?  
 8 MR. COE: 2.7?  
 9 MS. QUIRKE: 2.7.1 is on Page 10.  
 10 MS. HERNANDEZ: Okay, and -- Right.  
 11 What does that -- What is your objection  
 12 to that one?  
 13 MS. QUIRKE: It's -- I don't have  
 14 an objection to that one.  
 15 MS. HERNANDEZ: Oh.  
 16 MS. QUIRKE: I'm just saying that  
 17 protecting from traffic intrusion is  
 18 already in two other -- is proposed to  
 19 be added in two other places, and so I  
 20 think that that's addressed, for a point  
 21 of clarification.  
 22 MS. HERNANDEZ: Thank you.  
 23 MR. COE: Thanks very much.  
 24 MS. QUIRKE: Thank you.  
 25 MS. HERNANDEZ: Amanda, did you get

116

1 a copy of the proposed language, or not?  
 2 MS. QUIRKE: Yes, I did.  
 3 MS. HERNANDEZ: You did.  
 4 MR. COE: The next speaker?  
 5 MS. MENENDEZ: Chamorro?  
 6 Laudani?  
 7 That's all the speakers we have.  
 8 CHAIRMAN KORGE: That's everything?  
 9 So we'll close the public portion of our  
 10 meeting and --  
 11 MR. FLANAGAN: If I may --  
 12 CHAIRMAN KORGE: Yes.  
 13 MR. FLANAGAN: I've been back for  
 14 two days, and there's a significant  
 15 amount of information here.  
 16 CHAIRMAN KORGE: Where were you?  
 17 MR. FLANAGAN: In a place not so  
 18 warm.  
 19 MS. HERNANDEZ: In a place not --  
 20 MR. FLANAGAN: Which was quite  
 21 nice, anyway. No, I was just gone for a  
 22 few days, but I've been back for two and  
 23 I've been trying to get through some of  
 24 this.  
 25 There is a significant amount of

117

1 information here that I think needs some  
 2 intense review, that I haven't had the  
 3 time to go over in the past two nights,  
 4 not all of it, and so I'm just putting  
 5 out there, I know nobody wants to come  
 6 back and do this next time, but I'm not  
 7 in a position to comment on or make  
 8 suggestions to or vote on the  
 9 significant changes to the elements that  
 10 existed previously, together with, I  
 11 think, the four new elements that are  
 12 now in here.

13 CHAIRMAN KORGE: Right. Well, is  
 14 there a motion? Is there any motion on  
 15 the floor at this time?

16 MR. COE: Before we make a motion,  
 17 I'd like Mr. Behar -- I think he's in  
 18 the -- Here he comes now.

19 MS. HERNANDEZ: Welcome back.

20 MR. COE: Well, for purposes of  
 21 discussion, Mr. Chairman, for purposes  
 22 of discussion, I will move Staff's  
 23 recommendation to accept all of these  
 24 changes as proposed, with the caveat  
 25 that Staff will meet with Mr. Acosta and

118

1 the RNA people and counsel to discuss  
 2 that proposed modification.

3 CHAIRMAN KORGE: Is there a second  
 4 for that motion?

5 Hearing no second, I'll take --  
 6 open the floor to any other motion.

7 MR. FLANAGAN: I'll make a motion  
 8 that we defer action on this item until  
 9 our next motion.

10 CHAIRMAN KORGE: Is there a second  
 11 for that one?

12 MR. BEHAR: I'll second that  
 13 motion.

14 MR. COE: Mr. Chairman, before we  
 15 go on to that --

16 Mr. Riel, on the June 3rd meeting,  
 17 is there already agenda items set?

18 MR. RIEL: Yes.

19 MS. HERNANDEZ: And if I just may,  
 20 for a point of clarification, while, you  
 21 know, it's fine if you defer, the issue  
 22 is, are there any questions that you  
 23 would like Staff to research, because --

24 MR. RIEL: Right.

25 MS. HERNANDEZ: -- to make a motion

119

1 to defer, while we would accept it,  
 2 obviously --

3 MR. RIEL: My preference is a  
 4 motion to continue --

5 MS. HERNANDEZ: Okay.

6 MR. FLANAGAN: For a continuance.

7 MR. RIEL: -- rather than defer --

8 MS. HERNANDEZ: But if you have any  
 9 specific issues --

10 MR. RIEL: I would offer that if  
 11 any Board member, in advance of the next  
 12 meeting -- we'd be happy to sit down and  
 13 go through each of the elements and the  
 14 issues, and welcome, you know, that, and  
 15 we can kind of coordinate that review,  
 16 so when we do come back on June 2nd --

17 MR. COE: June 3rd.

18 MR. RIEL: -- we can hopefully, you  
 19 know --

20 MR. COE: June 3rd.

21 MR. RIEL: -- dispense with it very  
 22 quickly, and then I would also ask -- I  
 23 don't know, I just want to make sure the  
 24 Board -- Will we be opening the public  
 25 hearing again? I just, you know,

120

1 because that --

2 CHAIRMAN KORGE: Well --

3 MR. AIZENSTAT: That's the problem  
 4 that I see.

5 MR. RIEL: And I'm just asking the  
 6 question.

7 MR. COE: And we will --

8 CHAIRMAN KORGE: Wait, let's --

9 MS. HERNANDEZ: No, no, no, but --

10 (Simultaneous comments)

11 CHAIRMAN KORGE: I'm going to  
 12 address that. Excuse me, I'm going to  
 13 address that very clearly. We closed  
 14 the public portion of the hearing --

15 MS. HERNANDEZ: Right.

16 CHAIRMAN KORGE: We are continuing  
 17 this for purposes of discussion --

18 MR. RIEL: Discussion by the Board  
 19 members.

20 CHAIRMAN KORGE: -- by the Board.

21 MS. HERNANDEZ: Right.

22 CHAIRMAN KORGE: And then a motion  
 23 by the Board to approve any amendments.

24 Mr. COE: Hold on, hold on.

25 Mr. Chairman, hold on one second.

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121

1 I want to get an opinion from the City  
2 Attorney on that.

3 If there's new elements that are  
4 being proposed for us to vote on, do we  
5 not have to reopen the public portion  
6 for comment?

7 MS. HERNANDEZ: Okay. I don't  
8 believe that Mr. Riel is going to be  
9 bringing back new changes to the Comp  
10 Plan. It's just this is being deferred  
11 specifically for the Board to study and  
12 pose questions to Staff, to come back at  
13 a public forum and answer and respond  
14 to. However, at any time, a majority of  
15 this Board can reopen the proceedings  
16 for public comment and input.

17 At this time, public comment has  
18 been closed, and the only thing  
19 presently before the Board is discussion  
20 by the Board and deliberation, but  
21 again, you're not tying your hands,  
22 okay? But it would have to be subject  
23 to a motion to reopen it.

24 MR. AIZENSTAT: I mean, if that's  
25 the case, wouldn't you at that point, if

122

1 you were going to meet with any  
2 association or look at anything -- isn't  
3 that the time when you're going to do  
4 it, between the City Attorney and the  
5 Planning Department?

6 MS. HERNANDEZ: Yes, we would be  
7 meeting with the Riviera  
8 representatives, as well as the  
9 representatives for any objecting party,  
10 in order to discuss if any language we  
11 would recommend. I'm not -- you know, I  
12 have concerns.

13 MR. AIZENSTAT: You see, I feel --  
14 I feel comfortable with the City  
15 Attorney as far as the City Attorney's  
16 ability to review the document, the  
17 document that's before us. I'm not --  
18 I'm speaking for myself. I'm not an  
19 attorney, to go ahead and look at this,  
20 but I'm familiar with a lot of the  
21 processes and a lot of what's in here.

22 If you'd like to take a look at it  
23 from a legality point of view, and any  
24 recommendations on it that way, I can  
25 understand that. But I don't know if

123

1 that's -- if that's something --

2 MS. HERNANDEZ: No, he wants to  
3 look at it as a Board member, to address  
4 any concerns.

5 MR. AIZENSTAT: My understanding  
6 was that you wanted to look at it on a  
7 legal --

8 MR. FLANAGAN: Oh, no, no. No,  
9 it's as a Board member.

10 MR. AIZENSTAT: I just want to be  
11 clear on that.

12 MR. FLANAGAN: With all of these  
13 new goals, you know, objectives and  
14 policies that are in here.

15 CHAIRMAN KORGE: He wants to read  
16 it.

17 MR. AIZENSTAT: Okay.

18 MR. SALMAN: He wants to know what  
19 he's voting on.

20 MR. AIZENSTAT: I understood it a  
21 different way.

22 MR. RIEL: Just for clarification  
23 of the record, could I have the motion  
24 restated as a continuance or --

25 MR. FLANAGAN: Yes, I will make a

124

1 motion that we continue this until our  
2 June 3rd -- whatever our next meeting  
3 is.

4 MR. RIEL: June 3rd.

5 MR. FLANAGAN: June 3rd meeting.

6 MR. BEHAR: And I'll second that  
7 motion again.

8 CHAIRMAN KORGE: There's a motion  
9 and a second. Any further discussion on  
10 this motion?

11 Let's call the question, please.

12 MS. MENENDEZ: Eibi Aizenstat?

13 MR. AIZENSTAT: Yes.

14 MS. MENENDEZ: Robert Behar?

15 MR. BEHAR: Yes.

16 MS. MENENDEZ: Jack Coe?

17 MR. COE: No.

18 MS. MENENDEZ: Jeff Flanagan?

19 MR. FLANAGAN: Yes.

20 MS. MENENDEZ: Javier Salman?

21 MR. SALMAN: Yes.

22 MS. MENENDEZ: Tom Korge?

23 CHAIRMAN KORGE: Yes.

24 MS. HERNANDEZ: Okay.

25 MR. COE: That's it.

9 (Thereupon, the meeting was  
10 adjourned at 7:48 p.m.)

125

JOAN L. BAILEY, RDR, FPR

Notary Commission Number DD 64037  
Expiration June 14, 2011.

CITY OF CORAL GABLES PLANNING AND ZONING BOARD MEETING  
VERBATIM TRANSCRIPT WEDNESDAY, MAY 13, 2009