

City of Coral Gables
Local Planning Agency (LPA)/Planning and Zoning Board Meeting
Wednesday, October 19, 2011, 6:01 p.m.
Coral Gables City Commission Chambers
405 Biltmore Way, Coral Gables, Florida

MEMBERS	D9	J12	F9	M9	A27	M11	J8	J22	O12	O19	APPOINTMENT
	'10	'11	'11	'11	'11	'11	'11	'11	'11	'11	
Eibi Aizenstat - Chair	C	C	P	C	P	C	P	P	P	P	City Manager Patrick Salerno
Robert Behar	C	C	P	C	P	C	P	P	P	P	Commissioner Rafael Cabrera, Jr.
Jeffrey Flanagan - Vice Chair	C	C	P	C	P	C	P	P	P	E	Commissioner Maria Anderson
Julio Grabiell	-	-	-	-	-	C	P	P	P	P	Mayor Jim Cason
Pat Keon	C	C	P	C	P	C	P	P	E	P	Planning and Zoning Board
Vince Lago	-	-	-	-	-	-	-	-	P	P	Commissioner Frank C. Quesada
Javier Salman	C	C	P	C	P	C	P	P	P	E	Vice Mayor William H. Kerdyk, Jr.

P = Present
E = Excused
C = Meeting Cancelled

City Staff and Consultants:

Eric Riel, Jr., Planning Director
 Scot Bolyard, Principal Planner
 Jill Menendez, Administrative Assistant
 Craig E. Leen, City Attorney
 Dona Spain, Historical Resources Director
 Cynthia Birdsill, Economic Sustainability Director
 Jane Tompkins, Development Services Director

Court Reporter:

Joan Bailey

Also present: Patrick G. Salerno, City Manager

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CITY OF CORAL GABLES
LOCAL PLANNING AGENCY (LPA) /
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
CORAL GABLES CITY HALL
405 BILTMORE WAY, COMMISSION CHAMBERS
CORAL GABLES, FLORIDA
WEDNESDAY, OCTOBER 19, 2011, COMMENCING AT 6:01 P.M.

Board Members Present:

- Eibi Aizenstat, Chairman
- Robert Behar
- Julio Grabiell
- Pat Keon
- Vincent Lago

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- Craig E. Leen, City Attorney
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- Cynthia Birdsill, Economic Sustainability Director
- Jane Tompkins, Development Services Director
- Patrick G. Salerno, City Manager

Also Present:

- Laura Russo, Esq.

**Excerpts of Planning & Zoning Board
Meeting Minutes held on Oct. 19, 2011.**

CITY OF CORAL GABLES
PLANNING DEPARTMENT

2011 OCT 24 3 PM 2011

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22 Jane Tompkins, Development Services Director
23 Patrick G. Salerno, City Manager

24 Also Present:
25 Laura Russo, Esq.

1 The first item is going to be an Ordinance of the
2 City Commission of Coral Gables, Florida,
3 amending the Future Land Use Map of the City of
4 Coral Gables Comprehensive Plan pursuant to
5 Small Scale Amendment procedures subject to
6 Subsection 163.3187 as amended of the Florida
7 Statutes, from "Public Buildings and Grounds"
8 to "Commercial, Low-Rise Intensity" on Lots 1
9 through 4 and north half of vacated alleyway,
10 and "Commercial, Mid-Rise Intensity" on Lots 42
11 through 48 and south half of vacated alleyway
12 for the property commonly known as the Coral
13 Gables Museum, legally described as Lots 1
14 through 4 and 42 through 48 and portion of
15 vacated alleyway, Block 34, Section "K," whose
16 address is 285 Aragon Avenue, Coral Gables,
17 Florida; and providing for severability,
18 repealer, codification, and an effective date.

19 The second item is going to be an Ordinance
20 of the City Commission of Coral Gables,
21 Florida, amending the City of Coral Gables
22 Official Zoning Map, providing for a change of
23 zoning from Special Use (S) District to
24 Commercial District (C), for the property
25 legally described as Lots 1 through 4 and 42

1 THEREUPON:
2 The following proceedings were had:
3 CHAIRMAN AIZENSTAT: All right, should we
4 get started? It's six o'clock and we have a
5 quorum.
6 Will you please call the roll?
7 MS. MENENDEZ: Robert Behar?
8 MR. BEHAR: Here.
9 MR. MENENDEZ: Jeff Flanagan?
10 Julio Grabiell?
11 MR. GRABIEL: Here.
12 MS. MENENDEZ: Pat Keon?
13 MS. KEON: Here.
14 MS. MENENDEZ: Vince Lago?
15 MR. LAGO: Here.
16 MS. MENENDEZ: Javier Salman?
17 Eibi Aizenstat?
18 CHAIRMAN AIZENSTAT: Here.
19 The next item would be normally the
20 approval of the minutes, but we don't have any.
21 There are no changes to the agenda. And if
22 there was people in the audience, I would
23 actually ask them to stand up, if anybody was
24 going to speak, to get sworn in.
25 Let's take a look at the first item. The

1 through 48 and portion of vacated alleyway,
2 Block 34, Section "K," whose address is 285
3 Aragon Avenue, Coral Gables, Florida; and
4 providing for severability, repealer,
5 codification, and an effective date.

6 And the third item is an Ordinance of the
7 City Commission of Coral Gables, Florida,
8 providing for a text amendment to the City of
9 Coral Gables Official Zoning Code, Article 4,
10 "Zoning Districts," adding "Museum" as a
11 permitted use in Commercial District (C) and
12 Industrial District (I) and as a conditional
13 use in Commercial Limited District and Special
14 Use District, and Article 8, "Definitions,"
15 creating a definition for "Museum," and
16 providing for severability, repealer,
17 codification, and an effective date.

18 Is there a presentation?
19 MR. RIEL: Yes, Mr. Chair, I just have a
20 very brief presentation.
21 If I can have the PowerPoint up.
22 Scot, you don't need to do that. It's not
23 that long of a PowerPoint.
24 What you have before you today, and I'm
25 going to -- The presentation is regarding

1 Agenda Items 6, 7 and 8, which you read into
2 the record. They're all associated and
3 related.

4 Basically, the first -- This is the subject
5 property. It's 285 Aragon, which is basically
6 the Coral Gables Museum. And this is just an
7 aerial shot.

8 The first request is for a change in land
9 use. As a part of the update of the Comp Plan,
10 if you recall, those Board Members that were
11 present during that, we made changes to the
12 Comp Plan, as well as a change in the zoning to
13 ensure properties were compatible, in terms of,
14 they had the same land use and zoning.

15 If you remember, we presented to you about
16 130 or 40 properties throughout the City.
17 Those went forward, and upon consideration by
18 the Commission, they determined to only do the
19 publicly-held properties. They didn't do -- We
20 didn't do the privately-held properties. The
21 Commission, at the time, was desirous to -- as
22 each individual property developed or requested
23 something, to evaluate that at that time.

24 So, basically, what we did is, we went back
25 and did the publicly-held properties, those

1 owned by local governments, the County as well
2 as the City, and as a part of that, included
3 the museum property. We changed it to a
4 "Public Buildings and Grounds" land use, and
5 the zoning was changed to Special (S) use,
6 which is the compatible land use and zoning
7 category.

8 By doing that, in effect, what we did was,
9 we eliminated the opportunity for the transfer
10 of development rights on the property. As you
11 probably well know, the City has a
12 transferability of rights ordinance for the
13 preservation of historic properties, that
14 allows to transfer the rights within the CBD,
15 which then is sold to a property owner and they
16 can basically add additional development to
17 their property, up to a 4.25 FAR.

18 Basically, what happens is, when that is
19 sold, whatever the market bears, that cost is
20 then provided to the property owner where the
21 transfer is done. So, basically, it's a tool
22 to encourage and provide dollars for the
23 preservation of historic property. I mean,
24 that's been in place for I don't know how many
25 years, probably -- you know, I would say

1 probably 15, 20 years.

2 So, by doing this change in land use as a
3 part of this comprehensive change, we removed
4 the TDRs. What we're doing now is requesting
5 that it go back to the commercial designation
6 and the commercial zoning, to allow the ability
7 to transfer the rights. So, basically, we're
8 going back to what the original land use and
9 zoning was.

10 And also associated with this, at the time
11 when the museum came through for review, the --
12 there was no museum use listed in the Zoning
13 Code. At that time, it was determined to be a
14 municipal facility, and as you know, right now,
15 basically, it's a museum, but it's not
16 necessarily a municipal museum. So what we're
17 also doing is correcting the Code to provide
18 for a museum use, which basically, right now,
19 in the Code, you could not do a private museum.
20 It's not a permitted use. So we're correcting
21 that situation and we're also providing
22 basically for a definition. And that's
23 basically what 6, 7 and 8 -- is desired, and
24 Staff recommends approval, and we'd request,
25 given the fact that one of these ordinances

1 needs to go to the State for -- not for review,
2 but just for information, we request that
3 promotion, if you choose.

4 MR. BEHAR: Okay, let me ask a question.
5 You mentioned that currently, the transfer of
6 TDRs is only to commercial, from historic
7 property to commercial property.

8 MR. RIEL: In the CBD.

9 MR. BEHAR: In the CBD only?

10 MR. RIEL: Correct.

11 MR. BEHAR: You know, just throwing
12 something out, have you contemplated being able
13 to transfer to the mixed use district, also?

14 MR. RIEL: That's not a part of this
15 request, but that's not something that we've
16 looked into. You know, the transfer -- I don't
17 know, perhaps Dona knows when the original
18 ordinance was done.

19 MR. BEHAR: Because in the CBD, you really
20 only have a lot of FAR, available area. I'm
21 not sure if you want to even --

22 MS. SPAIN: You know, that has been
23 discussed in the past. We haven't studied it,
24 but we've discussed it, and I think that the
25 TDR provisions were put in -- in, I believe,

1 the '80s, but then they were rewritten 10 years
 2 ago, I guess.
 3 MR. BEHAR: Something to consider, because
 4 I think that it may be more advantageous --
 5 MS. SPAIN: Uh-huh.
 6 MR. BEHAR: -- to have that opportunity and
 7 not increase the CBD even more than we're
 8 allowed to do today.
 9 MS. SPAIN: Right, but that mixed use area
 10 was done after we had the TDRs.
 11 MR. BEHAR: Okay.
 12 MS. SPAIN: And that's why it just wasn't
 13 done as part of it.
 14 MR. BEHAR: I'll suggest to -- if we can,
 15 just let's look into that, please.
 16 Eric, you mentioned that you want to --
 17 You don't want to have the motion to have all
 18 three together, right? Separate?
 19 CHAIRMAN AIZENSTAT: Right.
 20 MR. RIEL: The preference is, yes.
 21 MR. BEHAR: I'll make a motion to -- if
 22 there's no -- I'll make a motion to approve
 23 Ordinance Number 6.
 24 CHAIRMAN AIZENSTAT: Is there a second?
 25 MS. KEON: I would second it.

1 CHAIRMAN AIZENSTAT: Okay. Just one
 2 question, if I may. How many TDRs does this
 3 property produce?
 4 MR. RIEL: That's subject to a calculation
 5 that the Building & Zoning Department needs to
 6 do, but we estimate around 55 or 60,000 square
 7 feet.
 8 CHAIRMAN AIZENSTAT: Okay.
 9 MR. RIEL: And again, that's just an
 10 estimate. Don't hold me to that.
 11 CHAIRMAN AIZENSTAT: Okay. There's a first
 12 and there's a second. Any further comments or
 13 discussions?
 14 Call the roll, please.
 15 MS. MENENDEZ: Julio Grabiell?
 16 MR. GRABIEL: Aye.
 17 MS. MENENDEZ: Pat Keon?
 18 MS. KEON: Yes.
 19 MS. MENENDEZ: Vince Lago?
 20 MR. LAGO: Yes.
 21 MS. MENENDEZ: Robert Behar?
 22 MR. BEHAR: Yes.
 23 MS. MENENDEZ: Eibi Aizenstat?
 24 CHAIRMAN AIZENSTAT: Yes.
 25 MR. BEHAR: With that, I make a motion to

1 approve Ordinance Number 7, or Item Number 7.
 2 MR. GRABIEL: Second.
 3 CHAIRMAN AIZENSTAT: There's a first and a
 4 second. Any discussion or any comments?
 5 Call the roll, please.
 6 MS. MENENDEZ: Pat Keon?
 7 MS. KEON: Yes.
 8 MS. MENENDEZ: Vince Lago?
 9 MR. LAGO: Yes.
 10 MS. MENENDEZ: Robert Behar?
 11 MR. BEHAR: Yes.
 12 MS. MENENDEZ: Julio Grabiell?
 13 MR. GRABIEL: Aye.
 14 MS. MENENDEZ: Eibi Aizenstat?
 15 CHAIRMAN AIZENSTAT: Yes.
 16 MR. LEEN: Excuse me, Mr. Chairman, could
 17 you make it clear or let's make it clear that
 18 there is no public -- that there was no one
 19 here for the public hearing, and that's closed?
 20 CHAIRMAN AIZENSTAT: Well, I actually did,
 21 at the very beginning.
 22 MR. LEEN: Oh, no, but -- so it has been
 23 formally closed, though, as well, correct?
 24 Well, it never really occurred, but normally --
 25 CHAIRMAN AIZENSTAT: That's fine. Since

1 there's nobody here, then there's no public
 2 input.
 3 MR. LEEN: Okay.
 4 MR. BEHAR: Just out of curiosity, on Item
 5 Number 8, "Museum," do you mean that currently,
 6 it's an illegal building?
 7 MR. LAGO: Well, that's an issue.
 8 MR. GRABIEL: It's not a museum.
 9 MR. BEHAR: Okay. Is that an issue?
 10 MR. RIEL: A municipal facility.
 11 MR. BEHAR: Oh, okay. I'll make a motion
 12 to approve Item Number 8.
 13 MR. GRABIEL: Second.
 14 CHAIRMAN AIZENSTAT: Having heard the
 15 first, and seconded, any comments?
 16 MR. LAGO: No.
 17 CHAIRMAN AIZENSTAT: Any questions?
 18 Call the roll, please.
 19 MS. MENENDEZ: Vince Lago?
 20 MR. LAGO: Yes.
 21 MS. MENENDEZ: Robert Behar?
 22 MR. BEHAR: Yes.
 23 MS. MENENDEZ: Julio Grabiell?
 24 MR. GRABIEL: Yes.
 25 MS. MENENDEZ: Pat Keon?

1 MS. KEON: Yes.
 2 MS. MENENDEZ: Eibi Aizenstat?
 3 CHAIRMAN AIZENSTAT: Yes.
 4 The second item that we're going to -- on
 5 the agenda is an Ordinance of the City
 6 Commission of Coral Gables, Florida, providing
 7 for a text amendment to the City of Coral
 8 Gables Official Zoning Code, Article 3,
 9 "Development Review," Division 10, "Transfer of
 10 Development Rights," to update and clarify the
 11 provisions; and providing for severability,
 12 repealer, codification, and an effective date.
 13 Eric, do you have a presentation?
 14 MR. RIEL: Yeah, again, very brief. Let me
 15 have the PowerPoint up.
 16 Basically, what this is, is a Zoning Code
 17 text amendment regarding a transfer of
 18 development rights. As a part of the rewrite
 19 of the Zoning Code, there were no really major
 20 changes that were done to the TDR. Since we
 21 are looking at the museum and the whole issue
 22 of, you know, change in land use and zoning,
 23 Historic Preservation and the Planning
 24 Department worked closely on just clarifying
 25 the TDR provisions. There's no change in terms

1 of the content of the provisions. The only
 2 change that was made is to kind of -- and I put
 3 up on the overhead, is to kind of outline the
 4 process in a more clear fashion, so it's
 5 hopefully easier to understand.
 6 The only other change that was done was to
 7 put a time limitation on when they're granted
 8 and when the TDR receiving site receives a site
 9 plan. There's a two-year time frame, which is
 10 typical or standard for all development
 11 approvals. So, if a TDR was granted, say, in
 12 1985, it would still be valid today. So we're
 13 just putting a time limitation, because
 14 obviously, as things go through time, you know,
 15 things change.
 16 So that's basically the only change, just
 17 clarification, and just, you know,
 18 modifications to the format of the document.
 19 CHAIRMAN AIZENSTAT: Okay. Seeing how
 20 there's nobody here from the public, we'll go
 21 ahead and close --
 22 MR. BEHAR: Let me ask --
 23 CHAIRMAN AIZENSTAT: -- to the public and
 24 bring it for Board discussion.
 25 MR. BEHAR: You're putting a time

1 limitation on the ability to transfer those
 2 development rights?
 3 MR. RIEL: Yes. The transfer is granted by
 4 the Historic Preservation --
 5 MR. BEHAR: Correct.
 6 MR. RIEL: -- Department, and there's a
 7 two-year time frame from the date of the
 8 issuance.
 9 MS. SPAIN: That was my request. I
 10 requested that because the transfer is linked
 11 to a maintenance plan of a historic building,
 12 and if it's indefinite, the building could be
 13 deteriorating and then they can transfer them,
 14 and the whole purpose is to maintain the
 15 historic building.
 16 MR. BEHAR: Okay.
 17 MS. SPAIN: Okay?
 18 CHAIRMAN AIZENSTAT: Makes sense.
 19 MR. BEHAR: Makes sense. Okay.
 20 CHAIRMAN AIZENSTAT: Any other comments?
 21 MS. KEON: Can I -- Yeah. Are -- Are the
 22 transfer of development rights transferable to
 23 another party within those two years? If
 24 somebody else buys a particular site, do you
 25 have to start all over?

1 MR. RIEL: The certificate, I would assume,
 2 is granted to a specific individual or
 3 property.
 4 MS. KEON: Right.
 5 MR. BEHAR: Property.
 6 MR. RIEL: Right.
 7 MS. KEON: To a property.
 8 MR. BEHAR: Property.
 9 MS. KEON: And if the property changes
 10 hands, the development rights don't go with it,
 11 or they do? That's what I'm asking.
 12 CHAIRMAN AIZENSTAT: That's a good
 13 question.
 14 MS. SPAIN: They do.
 15 This isn't tied to a specific owner. It is
 16 tied to a receiving site, though.
 17 MS. KEON: To a site?
 18 MS. SPAIN: To a receiving site, not a
 19 sending site.
 20 MS. KEON: Right, no.
 21 MS. SPAIN: So, if I own a historic
 22 building --
 23 MS. KEON: Right.
 24 MS. SPAIN: -- and I get the ability to
 25 transfer to some commercial property --