

CITY OF CORAL GABLES
PLANNING DEPARTMENT

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1 CITY OF CORAL GABLES
2 PLANNING AND ZONING BOARD MEETING
3 VERBATIM TRANSCRIPT
4 CORAL GABLES CITY COMMISSION CHAMBERS
5 405 BILTMORE WAY, CORAL GABLES, FLORIDA
6 WEDNESDAY, JUNE 9, 2010, 6:05 P.M.

7 Board Members Present:
8 Tom Korge, Chairman
9 Eibi Aizenstat, Vice-Chairman
10 Robert Behar
11 Jack Coe
12 Jeffrey Flanagan
13 Javier Salman

14 City Staff:
15 Patrick G. Salerno, City Manager
16 Eric Riel, Jr., Planning Director
17 Elizabeth M. Hernandez, City Attorney
18 Maria Alberro Menendez, Assistant City Manager
19 Kevin Kinney, Parking Director
20 Fred Couceyro, Parks & Recreation Director
21 Scot Bolyard, Planner
22 Jill Menendez, Administrative Assistant
23 Catherine Cathers, Arts & Culture Specialist

24 Public Speakers:
25 Rick Holmes
26 Joel Lehman
27 Jean Field

2 CHAIRMAN KORGE: Call the roll, please.
3 MS. MENENDEZ: Jack Coe?
4 MR. COE: Yes.
5 MS. MENENDEZ: Jeff Flanagan?
6 MR. FLANAGAN: Yes.
7 MS. MENENDEZ: Eibi Aizenstat?
8 MR. AIZENSTAT: Yes.
9 MS. MENENDEZ: Tom Korge?
10 CHAIRMAN KORGE: Yes.

11 The next item on the agenda is -- I'd
12 better look at the agenda -- Application Number
13 00-09-092-P, Planned Area Development Site Plan
14 Review.

15 MR. RIEL: Mr. Chairman, if I could, just
16 for a matter of the record, I just want to note
17 a change on the agenda, the deferral of the
18 Gulliver Academy application.

19 CHAIRMAN KORGE: My apologies. That was
20 deferred. I didn't read down far enough.
21 Okay.

22 MR. COE: That's deferred to July 14.

23 CHAIRMAN KORGE: To July 14th.

24 MR. RIEL: To July 14th, and there's a
25 letter I'd like to enter into the record from
the applicant.

1 THEREUPON:

2 The following proceedings were had:

3 CHAIRMAN KORGE: All right, so we've got a
4 quorum. Let's get rolling. Will you call the
5 roll, please?

6 MS. MENENDEZ: Eibi Aizenstat?

7 MR. AIZENSTAT: Here.

8 MS. MENENDEZ: Robert Behar?

9 Jack Coe?

10 MR. COE: Here.

11 MS. MENENDEZ: Jeff Flanagan?

12 MR. FLANAGAN: Here.

13 MS. MENENDEZ: Pat Keon?

14 Javier Salman?

15 Tom Korge?

16 CHAIRMAN KORGE: Here.

17 The first item on the agenda is approval of
18 the minutes of the meeting of May 12th, 2010.

19 Do I have a motion of approval?

20 MR. FLANAGAN: So moved.

21 CHAIRMAN KORGE: Second?

22 MR. COE: Second.

23 CHAIRMAN KORGE: Any discussion?

24 Hearing no discussion, no objections --

25 MR. COE: Call the question.

1 CHAIRMAN KORGE: Okay.

2 MR. COE: Some kind of conflict with
3 co-counsel, that was the reason for this?

4 MS. HERNANDEZ: Right.

5 MR. COE: Okay.

6 CHAIRMAN KORGE: You've given us a copy of
7 the letter from Laura Russo, dated June 3rd?
8 Is that the letter?

9 MR. RIEL: Correct.

10 CHAIRMAN KORGE: Okay. Thank you.

11 The next item on the agenda is Application
12 Number 05-10-105-P, Change of Land Use.

13 MR. RIEL: Thank you, Mr. Chairman.

14 This is a request for a change in land use
15 from Commercial Use, Mid-Rise Intensity, to
16 Commercial Use, High-Rise Intensity, for three
17 City-owned properties, that will allow for the
18 future development of the properties at their
19 highest and best use.

20 These properties are currently used as a
21 City parking lot and garage -- this references
22 Property Number 1, which is Parking Lot Number
23 6 -- and Scot, if you could just indicate it.
24 Property Number 2 is Garage Number 4, the 300
25 Block of Andalusia. Property 3 is Garage

1 Number 1, the 200 Block of Andalusia.
 2 MR. COE: These are municipal garages? Are
 3 these municipal garages, Mr. Riel?
 4 MR. RIEL: These are all City-owned
 5 properties.

6 MR. COE: Municipal garages are what we're
 7 talking about?

8 MR. Riel: Yes. Yes.

9 This change will allow the City the
 10 flexibility to develop the property as a future
 11 mixed-use development that could allow any of
 12 the following uses: Retail, office, public
 13 parking, multi-family residential, public open
 14 space, and/or other public uses.

15 No change in zoning is being requested,
 16 because all the properties have the proper
 17 Commercial zoning designation. In terms of
 18 changing the land use, it again allows more
 19 flexibility in terms of greater opportunities
 20 for development. It's designed as an infill
 21 development. It promotes mixed-use, which is
 22 consistent in the Central Business District.
 23 It allows for quality construction that will
 24 allow for integration of a variety of land uses
 25 and densities in one development.

1 (Thereupon, Mr. Salman arrived.)

2 MR. RIEL: And again, provides for infill
 3 redevelopment of the properties, basically,
 4 within a ten-minute walk, which is kind of the
 5 norm, in terms of the flexibility of mixed
 6 uses, and then, for sure, not least, increases
 7 the choices available to public parking.

8 And Scot --

9 We have -- If you look in your packet,
 10 Attachment D, we have an illustration which
 11 Scot has on the board there, as well. It
 12 basically shows the location of each of the
 13 properties, an aerial. The existing land use,
 14 the proposed land use. And there's no change
 15 in the Commercial designation, so obviously,
 16 there's no exhibit indicating the same.

17 If you note, the properties predominantly
 18 are surrounded by High-Rise as well as Mid-Rise
 19 uses.

20 What Staff did is kind of give you an idea
 21 in terms of what the parameters of the
 22 development would be. We did a preliminary
 23 zoning analysis, which is on Page 5 in your
 24 packet. It lists the -- you know, the
 25 property, the total site area. Those

1 properties are available for Mediterranean
 2 bonuses under either of the categories, and
 3 it's within the Traffic Concurrency Exception
 4 Area District.

5 The properties do meet the minimum 200-foot
 6 frontage, 20,000 square foot minimum, to go to
 7 a High-Rise, and again, they're allowed
 8 Mediterranean bonuses.

9 (Thereupon, Mr. Behar arrived.)

10 MR. RIEL: The proposal for change in land
 11 use would allow up to 190 feet. That's with
 12 Mediterranean bonuses. Currently, the
 13 properties are allowed up to 100 feet.

14 CHAIRMAN KORGE: Excuse me for
 15 interrupting. I just want to note for the
 16 record that both Javier Salman and Robert Behar
 17 have arrived. I'm sorry.

18 MR. RIEL: And I just want to clarify, the
 19 intent will allow the flexibility of the City
 20 to go to that height. You're not looking at a
 21 site plan this evening. It's just a change in
 22 land use. It allows the ability, when the City
 23 determines to develop the parcels, to be able
 24 to go up that height, and it allows additional
 25 flexibility, again, in terms of the mixing of

1 uses.

2 MR. COE: Could I ask a question, Mr. Riel?
 3 I'm a little bit confused by this.

4 Now, you have, on Parcels -- well, Items 2
 5 and 3, two municipal garages. The underlying
 6 land is owned by the City?

7 MR. RIEL: Yes.

8 MR. COE: And the structure is owned by the
 9 City?

10 MR. RIEL: Yes.

11 MR. COE: Is it the City's intent, down the
 12 road, to sell off the land?

13 MR. RIEL: There's no -- I mean, there's no
 14 development scenario at this time. There's no
 15 proposal.

16 MR. COE: If this is rezoned to
 17 High-Density, High-Rise, is the City going to
 18 build a structure and then lease it? Or are
 19 they going to lease the land and have somebody
 20 build a structure with a 99-year lease? What
 21 are we talking about?

22 MR. RIEL: That's something that's going to
 23 be determined later. This is just -- The
 24 request before you is a change in land use.
 25 The City is the property owner and, obviously,

1 will be the regulator, as well. Any
 2 development of that parcel will come through
 3 this Board and will go to the City Commission.

4 CHAIRMAN KORGE: I guess the question --

5 MR. COE: Hold on. Hold on a second. How
 6 many parking spaces in each of the garages
 7 currently exist?

8 MR. RIEL: If you look on Page -- Property
 9 Number 1, which is 2100 Salzedo, has 104
 10 existing spaces. The 300 Block of Andalusia
 11 has 354, and the 200 Block has 282.

12 MR. COE: Now, when we go from Mid-Rise to
 13 High-Rise, and there's a building 11, 12, 13,
 14 14 stories, whatever is under the Mediterranean
 15 bonus, are those existing parking spaces
 16 preserved and the developer then will have to
 17 have additional parking spaces to meet City
 18 parking requirements? Or is it all lost, the
 19 municipal parking spaces?

20 MR. RIEL: Again, the future use of the
 21 property is subject to the City. I mean, it
 22 could be a -- I mean, it could be all the uses
 23 I listed. It could be residential, it could be
 24 office, it could be primarily a public parking
 25 garage, it could be a private-public

1 there some other development occurring, maybe,
 2 in the Legislature that's --

3 MR. RIEL: It's just to allow the
 4 flexibility when the Commission does decide how
 5 the design should proceed forward.

6 CHAIRMAN KORGE: Yeah, but that doesn't
 7 answer the question. You could, when the
 8 Commission decides to do something with the
 9 property, at that time, come with a change in
 10 land use, as well as the development proposal.

11 MR. RIEL: That's correct.

12 CHAIRMAN KORGE: But you're not doing that.
 13 MR. RIEL: Correct.

14 CHAIRMAN KORGE: Instead, you're coming
 15 with a change in land use now, and the simple
 16 question is, why now? Why not wait? I think
 17 that's what Jack's asking. Why not wait until
 18 you're ready to do something with the property,
 19 build on the property or sell it or whatever
 20 the City plans to do? What's the reason?

21 MR. RIEL: Again, just to allow
 22 flexibility, to go up on that hundred-foot
 23 window.

24 MS. HERNANDEZ: And --

25 MR. RIEL: Right now, there's limitations

1 in terms of the maximum height on the property.
 2 You can only go to a hundred feet. So what
 3 we'd like to do is --

4 CHAIRMAN KORGE: We got that. But that
 5 doesn't answer the question.

6 MS. HERNANDEZ: Right, but --

7 CHAIRMAN KORGE: It's a simple question.

8 MS. HERNANDEZ: Right, and just so that you
 9 will remember, several years ago, we did go out
 10 to RFP. Every single one of the -- First of
 11 all, many applicants did not apply, because
 12 they could not rebuild the parking garages for
 13 the City and at the same time produce a retail
 14 or a market that would give them the necessary
 15 revenue in order to make up for the investment.

16 The City is just -- you know, we're not
 17 aware of any plans right now to go out to RFPs.
 18 What we're just doing is moving forward the
 19 land use, because we know that it was not a
 20 successful venture in the past. You will
 21 recall that all three projects basically failed
 22 and the developers went away.

23 So that's the only answers we have. We
 24 can't give you -- You keep asking questions.
 25 All we can give you is the history, what's

1 partnership. That has not been determined at
 2 this time. This just allows the future
 3 flexibility.

4 MR. COE: Well, wouldn't it make more
 5 sense, then, for the City to come up with this
 6 rezoning when it has more definite ideas of how
 7 the property is going to be developed, rather
 8 than speculating now and allow some development
 9 that may never take place?

10 My great concern is that we're going to use
 11 the existing parking spaces, that, you know,
 12 people are told, "Well, don't worry about
 13 parking on Miracle Mile. It's not the place to
 14 park. We're going to go to parallel parking
 15 eventually. That's going to lose parking
 16 spaces. Go use the garages."

17 Is there going to come a time when the
 18 garages aren't going to exist for the public at
 19 large? That's my concern.

20 MR. RIEL: And I can't answer that. Again,
 21 this is not a development proposal. It's just
 22 a change in land use.

23 CHAIRMAN KORGE: Right. Well, I guess the
 24 question he's really getting at is, why do we
 25 need a change in land use at this time? Is

1 happened, and, you know, what's here before
2 you.

3 CHAIRMAN KORGE: Would The City's ability
4 to develop this property in the future be
5 impaired if the change in land use were
6 proposed at the same time that the City has
7 decided, however tentatively, what it wants to
8 do with the property?

9 MR. BEHAR: Well, the only thing I could
10 think of is, if in fact you're going to go out
11 at a future date for an RFP and you still have
12 to get the approval --

13 MS. HERNANDEZ: Right.

14 MR. BEHAR: -- of the rezoning --

15 MS. HERNANDEZ: It scares away people.

16 MR. BEHAR: It really does.

17 MS. HERNANDEZ: Yeah.

18 MR. BEHAR: You know, I think you're going
19 to have a better turnout and be more
20 successful --

21 MS. HERNANDEZ: More competitive.

22 MR. BEHAR: -- if everything is in place
23 already.

24 MS. HERNANDEZ: Right.

25 MR. AIZENSTAT: And we have had, in the

1 to be gone, and that is my great concern. It's
2 going to -- You know, if it's five, 10, 15
3 years from now, the history of all this is
4 lost. I see no reason at this time to do what
5 we're doing.

6 MR. BEHAR: Correct me if I'm wrong, but I
7 think that when this RFP went out, you know,
8 whatever, four or five years ago, whenever that
9 went out, part of the requirement was that the
10 developer had to incorporate the same number of
11 spaces that were on the site in the new
12 development?

13 MS. HERNANDEZ: Right.

14 MR. SALMAN: That's correct.

15 MR. RIEL: That's correct.

16 MR. COE: Is that -- But I don't see that
17 here, and you didn't answer it that way when I
18 asked you.

19 MR. RIEL: And again, there's not a
20 development proposal. Let me just make a
21 couple comments. By increasing the ability to
22 build above a hundred foot, it allows the
23 flexibility to provide more public parking --

24 MS. HERNANDEZ: Right.

25 MR. RIEL: -- mix of uses, different types

1 past, people come before us asking for a change
2 of land use without having specific plans of
3 what they're doing with that property; have we
4 not?

5 MR. COE: Well, except this is City-owned
6 property. I don't care how we're doing it for
7 privately owned property. My great concern is,
8 is this really a public -- serving a public
9 purpose --

10 MS. HERNANDEZ: Right.

11 MR. COE: -- to do this at this time? To
12 me, you know, it says, well, sometime down the
13 road, five years, 10 years, 50 years, we may
14 want to do something with this. No one has
15 answered the question, "Why now?" And I am
16 seriously worried that down the road, we're
17 going to lose all the public parking spaces
18 that we have, because I know what's going to
19 happen. When they build a high-rise, you're
20 going to have parking for -- whether it's
21 condos, apartments, offices or whatever, you're
22 going to have parking to meet the needs of the
23 tenant, not the public at large, and so these
24 hundreds of parking spaces which are now public
25 parking spaces in municipal garages are going

1 of uses. There's a severe limitation in terms
2 of the hundred foot, given the size of the
3 parcels and based upon the experience that we
4 had with the RFPs, you know, 10 years ago.

5 Also, as you know, Hometown Democracy is on
6 the agenda for the voters in November.

7 CHAIRMAN KORGE: That's the issue.

8 MR. COE: This November, yes.

9 CHAIRMAN KORGE: That's why you're doing it
10 early.

11 MR. RIEL: And the Hometown Democracy
12 issue, obviously, any change in land use will
13 be required to go to the voters. So this will
14 allow that flexibility. There's no proposal as
15 of this date to develop the parcels or remove
16 the parking or anything --

17 CHAIRMAN KORGE: We know that. We
18 understand that. So it's really the Hometown
19 Democracy Act, that you don't want to have to
20 be faced with a referendum, if it passes in the
21 future. If we can legally change it now, you'd
22 rather do it now.

23 MR. RIEL: Right.

24 CHAIRMAN KORGE: That's what I was asking
25 you before, what's the reason. That's the real

1 reason.

2 MR. RIEL: And also -- I mean, again, it's
3 to allow the development, the ability to -- the
4 flexibility, but yes, the Hometown Democracy
5 issue is one of those.

6 CHAIRMAN KORGE: So just a couple of
7 questions about the change itself, assuming we
8 would agree to the change. I'm looking at the
9 outlines of Properties 1, 2 and 3, and just
10 based on the color differential, I see that
11 like Property Number 1, it looks as if the
12 whole rest of that block should all be the
13 same. You've got a gap in there for -- I guess
14 some Mid-Rise would still be in part of the
15 block. Do you see what I'm saying?

16 MS. HERNANDEZ: Uh-huh.

17 CHAIRMAN KORGE: Why -- I mean, is that not
18 a change because you need the owner to apply
19 for that?

20 MR. RIEL: Yes. It's held by private --
21 It's privately owned. It's not under the
22 City's ownership.

23 CHAIRMAN KORGE: Okay. That answers the
24 question for all of this.

25 MR. AIZENSTAT: That answers the question,

1 absent elevations, absent design issues. So
2 this is just providing the City flexibility.

3 Cities across the State of Florida today
4 are going through this process. Private
5 developers are going through this process
6 across the State of Florida today. The City is
7 doing this to protect a valuable resource and
8 asset to this community, because if that
9 amendment passes, there is going to be an
10 extended period likely of uncertainty, court
11 challenges, interpretations, et cetera, that
12 are going to follow this, perhaps, for years,
13 before it becomes established law on this
14 matter.

15 We have a need today for additional
16 parking. If we did nothing, the City could,
17 today, decide to tear down that parking garage
18 and put a residential -- and put some other
19 type of development. So this action here
20 doesn't preserve a single thing, as far as
21 parking, because the City has that right today.
22 It could tear down one garage. It could tear
23 down both garages. It could tear down one and
24 build one twice as big on the other site.

25 So I just don't want anybody to be

1 what?

2 CHAIRMAN KORGE: For all three of these,
3 because you see all three of these -- like
4 Andalusia, on the second one, it's all but two
5 lots. One or two lots at the end would be --

6 MR. AIZENSTAT: Right, no, I see that, but
7 by going the extra height, you're actually
8 allowing for the additional -- Wouldn't you be
9 allowing for the additional parking to be in
10 place?

11 MS. HERNANDEZ: Uh-huh.

12 MR. AIZENSTAT: To where at the height that
13 it is now, you can't have it.

14 MR. RIEL: Mr. Chair, if I could, I believe
15 the City Manager would like to make a couple of
16 comments.

17 CHAIRMAN KORGE: Sure.

18 MR. SALERNO: Thank you, Mr. Chairman and
19 Members. There was a concern mentioned by one
20 Board member earlier that by doing this,
21 somehow there's a concern about, well, we don't
22 know what's going to be developed there or
23 whatever. This is a land use plan change, and
24 theoretically, land use plan changes are
25 supposed to be considered absent site plans,

1 concerned that this, somehow, is an action that
2 somehow gets interpreted as reducing parking.
3 It is nothing but the contrary, frankly,
4 because it will give us greater ability and
5 flexibility to add more parking. And the
6 question was -- Let's say there was additional
7 office development associated with this. Well,
8 that's going to have to be met on site, in
9 addition to whatever our parking needs are.
10 So, if we have public parking needs of 350,
11 okay -- this is theoretical, because we don't
12 have plans -- but if you had 350 today and the
13 parking director says, "You know, I really
14 would like to have 500 spaces in that area,"
15 what that's going to mean is, any other
16 potential review, is that we would have 500,
17 and there might be additional office
18 development, and they'll meet their own needs
19 on top of that. So it doesn't reduce anything.
20 It frankly gives further flexibility.

21 I think, as the City Attorney mentioned
22 before, the City went through a process, an RFP
23 process. It wasn't successful --

24 MS. HERNANDEZ: At all.

25 MR. SALERNO: -- because the economics --

1 MR. BEHAR: Didn't make sense.
 2 MR. SALERNO: -- were such that it didn't
 3 make sense. We're trying to solve problems
 4 that will facilitate adding more parking in the
 5 downtown. That is what is behind this. We're
 6 not looking at this as an opportunity to sell
 7 land or whatever. Parking is important. This
 8 is to facilitate that. This is to not put the
 9 City in limbo for several years, potentially,
 10 after the fact, and not be able to look at
 11 those opportunities.

12 These are assets of the City that need to
 13 be protected, and it would be imprudent on our
 14 part to have not brought this item forward.
 15 That's why cities, as I said, all across the
 16 state, are doing this now, because they don't
 17 want to be in limbo.

18 MR. BEHAR: Not only that. I mean, this
 19 gives the flexibility where you're going to be
 20 able to get a private-public partnership --

21 MR. SALERNO: Absolutely.

22 MS. HERNANDEZ: Right.

23 MR. BEHAR: -- which is the only way that
 24 you're going to see any major development take
 25 place.

1 MR. SALERNO: You all know that we are not
 2 flush with cash today. Most cities or counties
 3 are not flush with cash today. We need to look
 4 at these opportunities, to explore and let us
 5 leverage our asset with the private sector, in
 6 partnership, and develop something that's even
 7 better than we have today.

8 Those garages, they're both old. One is
 9 exceedingly old and needs to be replaced, and
 10 this is just prudent -- a prudent planning and
 11 business practice to take this step today. If
 12 we don't proceed, you'll be foregoing -- in my
 13 opinion, we could be facing a situation where
 14 it has significant financial consequences of us
 15 not acting today.

16 Any other questions from members?

17 CHAIRMAN KORGE: Any other questions or
 18 discussion?

19 MR. BEHAR: I do like to ask Mr. Riel
 20 another question.

21 The only thing that bothers me a little bit
 22 is the fact that we're -- it's sort of a spot
 23 zoning, because you're only going for the land
 24 that is owned by the City. You're not taking,
 25 for example, on Property Number 1, the adjacent

1 lots, whatever they are, 5 through 11 -- you're
 2 not taking the whole block in consideration,
 3 because -- and that's what is the only thing
 4 that's bothering me a bit here. Obviously,
 5 that's owned by somebody else, but shouldn't
 6 the --

7 MS. HERNANDEZ: Right. They're not the
 8 applicant.

9 MR. BEHAR: They have to apply.

10 MS. HERNANDEZ: Every applicant has to
 11 apply for its own --

12 MR. AIZENSTAT: Let them apply.

13 MR. FLANAGAN: But from a planning
 14 consistency standpoint, I would have -- When I
 15 first looked at these -- and you look at the
 16 color on the map and you see that you are kind
 17 of horseshoeing -- at least on the Salzedo one,
 18 you're horseshoeing around about four or five
 19 parcels, and then on the 300 block of
 20 Andalusia, you neglected the westernmost two
 21 lots.

22 MS. HERNANDEZ: Uh-huh.

23 MR. FLANAGAN: Even though they're under
 24 private ownership, the City could have talked
 25 to the property owner and filed an application

1 on their behalf, to achieve the planning
 2 consistency of those blocks. As it sits today,
 3 on the Salzedo one, I mean, there's a very
 4 definitive line between the east half of those
 5 blocks that abut Ponce and the west half of
 6 those blocks that abut Salzedo.

7 So everything on the north side of Alhambra
 8 was High Density, but it looks like there's a
 9 very definitive reason for keeping the east
 10 half different from the west half. I'm not --
 11 The 300 block of Andalusia, I think that makes
 12 sense, but I think the entire block should be
 13 brought in, including those two lots on the
 14 west, because it completes the north-south, and
 15 then I'll tell you my thought, you know, when
 16 you look at the 200 block of Andalusia, I think
 17 it's inappropriate, because it's like a sore
 18 thumb sticking down.

19 MR. SALERNO: Let me add -- if I could just
 20 add something to that. How we arrived at this
 21 was a request by me to the Planning Staff to
 22 look at all City-owned properties in the
 23 Downtown. I don't know the exact number. It
 24 was in excess of 20 --

25 MR. RIEL: 39.

1 MR. SALERNO: 39. Eric remembers. So I
 2 asked for a comprehensive review of City-owned
 3 properties. Out of 39, Eric came forward and
 4 said there are three that he would support and
 5 recommend, that made sense. And we did have a
 6 discussion about other private properties that
 7 should be considered, and the City has had a
 8 practice, and Eric had told me that he does not
 9 recall the City ever taking administrative
 10 actions, you know, to change the land use on
 11 somebody's property that they didn't request.

12 Now, certainly, I mean, we have tens of
 13 thousands of parcels in this City, and every
 14 person, you know, they can -- they need to
 15 represent their own interests and so forth, and
 16 it doesn't mean that they can't come back
 17 later, if it made sense, and they have that
 18 time frame.

19 If they so choose to not protect their
 20 interest, perhaps, or it's -- you know, that's
 21 up to them. We can't look after the tens of
 22 thousands of individual parcel owners and make
 23 this their land use decisions, and we haven't.

24 MR. BEHAR: We're not asking you to do
 25 that --

1 MR. SALERNO: Right.

2 MR. BEHAR: -- but I think it's
 3 inappropriate, you know, with all due respect,
 4 to be able to -- Were these adjacent property
 5 owners notified that we're going to go through
 6 this process?

7 MR. SALMAN: Yes.

8 MR. RIEL: They received notice of the land
 9 use change.

10 MR. SALERNO: They received notice.
 11 Everybody received notice, yes.

12 MR. SALMAN: I got notified.

13 MR. SALERNO: Everybody received notice
 14 that was in the appropriate distance, and they
 15 would have been notified, but we --

16 MR. COE: If they don't care, they don't
 17 care.

18 MR. SALERNO: But we -- but we needed to
 19 take care of and make sure -- so out of 39
 20 properties, Staff came forward and said there's
 21 three that they would recommend to take action
 22 on. So we're talking about, you know, a very
 23 small percentage of those that, from a variety
 24 of criteria, they looked at, you know, and came
 25 up with these three as appropriate.

1 And like I said, there are significant
 2 financial consequences of inaction. This is
 3 not a decision that no action doesn't have a
 4 consequence. This has a consequence,
 5 financially, to the City. No action is just --
 6 it's not a --

7 CHAIRMAN KORGE: It's an action, too.

8 MR. SALERNO: It's an action in a way that
 9 has financial consequences, and that's what --

10 MR. BEHAR: Let me be clear, I am in
 11 support, okay?

12 MR. SALERNO: Yeah, I know, you want to
 13 make it perhaps even further, and I agree with
 14 you.

15 MR. BEHAR: I agree, you know, with
 16 Mr. Flanagan. I think that from a planning
 17 standpoint --

18 MR. SALERNO: Absolutely.

19 MR. BEHAR: -- it should be consistent.

20 MR. SALERNO: And they will have that
 21 opportunity in the future, and you will have
 22 that to consider, whether or not other folks,
 23 because -- so you'll have that opportunity in
 24 the future, if that -- if that goes forward,
 25 but the City hasn't had a practice of

1 administratively rezoning -- rechanging the
 2 land use on properties --

3 MR. SALMAN: That it doesn't own.

4 MR. SALERNO: -- that it doesn't own.
 5 That's been the City's practice.

6 CHAIRMAN KORGE: I agree with Robert, but
 7 maybe it would be worthwhile, personally, to
 8 reach out to the landowners, if you can
 9 identify them.

10 MR. SALERNO: We could do that.

11 CHAIRMAN KORGE: And just talk to them
 12 about it, tell them how we feel about it. It
 13 seems to me highly likely that they would
 14 want -- if it's not going to cost them a lot of
 15 money, they would want to make an application,
 16 a timely application, too, because it increases
 17 the usage -- it will increase the value in the
 18 long term for the property owner, and it fits
 19 with better planning, which is the reason we're
 20 involved with it.

21 MR. SALERNO: Mr. Chairman, we will do
 22 that. We'll follow up, Mr. Chairman. I think
 23 it's a great idea. Mr. Behar, same thing. We
 24 will do that, absolutely.

25 MR. FLANAGAN: Can I ask, what's the future

1 land use designation of the parking lot -- I
 2 guess it would be the zero block of Andalusia,
 3 over by the Ross --
 4 MR. SALMAN: That's part of The Palace.
 5 MR. RIEL: High-rise.
 6 MR. FLANAGAN: Part of The Palace?
 7 MR. RIEL: High-rise.
 8 MR. FLANAGAN: That's High-Rise?
 9 MR. RIEL: Yes.
 10 MR. SALMAN: I remember, I was here when
 11 they passed it.
 12 MR. SALERNO: Huh?
 13 MR. SALMAN: I was here when they passed
 14 it.
 15 MR. RIEL: It was changed to High-Rise to
 16 allow the additional flexibility to go up
 17 higher for the mixed use.
 18 CHAIRMAN KORGE: Are there any more
 19 questions or discussion?
 20 MR. FLANAGAN: Does the City not own -- I
 21 guess for the 200 block of Andalusia, the City
 22 doesn't own those four blocks to the west of
 23 the parking garage, which I thought was the
 24 back --
 25 MS. HERNANDEZ: I'm sorry?

1 MR. FLANAGAN: -- which I thought was the
 2 back side of the theater?
 3 MR. RIEL: The theater, I know they own --
 4 MR. FLANAGAN: These four lots? It looks
 5 like Lots Number 44, 5, 6 and 47?
 6 MR. RIEL: Yes. It's the Miracle Theater.
 7 MR. SALMAN: That's the Miracle Theater.
 8 That's the back end of the theater.
 9 CHAIRMAN KORGE: Is there a motion,
 10 perhaps?
 11 MR. SALMAN: I'd like to make a motion,
 12 Mr. Chairman, to approve Staff's
 13 recommendation.
 14 CHAIRMAN KORGE: We have a motion to
 15 approve the Staff recommendation for a land use
 16 change. Is there a second?
 17 MR. BEHAR: Second.
 18 MR. AIZENSTAT: Should we have -- Is there
 19 any public input or --
 20 MR. COE: Are you skipping the public?
 21 CHAIRMAN KORGE: Oh, I apologize. You're
 22 right. I'm sorry. We'll open it for public
 23 discussion.
 24 MR. RIEL: And, Mr. Chair, I also have one
 25 thing I need to enter in the record, as well,

1 just, there's a requirement by the Department
 2 of Community Affairs -- There's a courtesy
 3 informational sheet that Scot has placed up
 4 here. Anybody who would like to receive the
 5 notice of intent that the DCA publishes, they
 6 need to sign that sheet, and the State will
 7 notify them of their actions.
 8 CHAIRMAN KORGE: Okay. Any discussion from
 9 the public? Anybody from the public who wishes
 10 to make some input on this, please come
 11 forward.
 12 Sure, come on up. State your name and
 13 address for the record, please.
 14 MR. HOLMES: Thank you. It's great to see
 15 you all. I'm honored to be here. My name is
 16 Rick Holmes. I own 256 Miracle Mile, which is
 17 just in front of one of these garages, and
 18 forgive me -- I'm grateful to you, Mr. Coe, and
 19 to you, Chairman -- Korge, I guess, for your
 20 skepticism, because when I got this, my heart
 21 started pounding out of my chest. This kind of
 22 issue is something that could actually cause me
 23 a heart attack. I'll tell you why. I want to
 24 preserve Low-Rise Miracle Mile, I want to
 25 preserve parking, and I want to get a

1 department store in order to do it, in the very
 2 two garages, two of the three that you're
 3 considering.
 4 It's been a 12-year journey for me. I
 5 probably am as far behind now as I was when I
 6 started 12 years ago. I think that this is
 7 almost the jugular vein, if you will, the life
 8 blood of the City, is parking, its future.
 9 What happens in 300 and 200 Andalusia, I
 10 believe, will determine a whole lot about the
 11 future of Coral Gables, including whether
 12 Miracle Mile can make it and can stay Low-Rise,
 13 our main street of Coral Gables, Low-Rise in
 14 the future.
 15 It not only depends on parking. It
 16 depends, in my opinion, on whether we can
 17 incorporate a department store in any
 18 redevelopment of these two parcels.
 19 So I'll flatter myself. The City Manager
 20 asked me if I was going to speak in favor of
 21 this or not. He knows me well enough to know
 22 that my issue is the department store, and then
 23 I told him yes, I will, and I'll tell you why I
 24 would be in favor of it.
 25 Number one, I thank both of you for

1 insisting on an explanation, why now, and we're
 2 fortunate we have a City Manager and a Planning
 3 Director who are honest and forthcoming, and
 4 they've given what seems to be a pretty good
 5 explanation, "We want to get ahead of the curve
 6 on the land use constitutional amendment."

7 I don't want to go on forever here, you've
 8 got a limited time, but I'll just say to you,
 9 in the 12-year journey that I've had, trying to
 10 bring a department store to these sites, one of
 11 the frustrations that I've had is that we don't
 12 have a higher limit on what's allowed on these
 13 sites.

14 So, if I were sitting in your position --
 15 and it really is an honor for me to get to see
 16 you all, finally. I can see that our community
 17 is well served, with some of the high-powered
 18 people in the entire county sitting right here
 19 in front of me today. Thank you. I would vote
 20 yes, but as I said to the City Manager a few
 21 minutes ago, my heart is still beating out of
 22 my chest, because I don't know what's the plan
 23 behind this. The same question that you all
 24 started out with, is there some agenda that
 25 we're not hearing about? My agenda is, let's

1 get a department store in there.

2 Thank you.

3 MR. BEHAR: Mr. Holmes, I've got a question
 4 for you. You say you own a shop that is on
 5 Miracle Mile, in front. What type of store is
 6 that?

7 MR. HOLMES: Thank you for asking. I'm
 8 going to brag to you for a second. My family,
 9 as far as I know, is the oldest property-owning
 10 family on Miracle Mile. My grandfather lucked
 11 into meeting the founder of the City, who
 12 helped him choose which property to buy. We
 13 used to own 10 stores. When my mother died, a
 14 bunch were sold off. We now own four.

15 To answer your question, Mr. Behar, I
 16 have Massage Envy in my particular location.
 17 The stores that I share with my sisters, we
 18 have Agonagona, a women's clothing, we have
 19 Gables Gyms, and we have a bridal store.

20 MR. BEHAR: And the reason I'm asking, you
 21 said that you are in favor of a department
 22 store?

23 MR. HOLMES: Yeah. I think that what we
 24 need to do -- Thanks for asking me. The
 25 Village of Merrick Park came here. They

1 certainly awoke all of us on Miracle Mile as to
 2 what we could have done and should have done
 3 and didn't do, and they brought in spectacular
 4 department stores -- fortunately, high-end
 5 department stores, Neiman Marcus, Nordstrom.
 6 What a grand-slam home run.

7 I made it my mission to say, how can
 8 Miracle Mile try and keep up with what we could
 9 have done and should have done already? And
 10 I've talked to every major department store
 11 ever since, and I may even have to run for City
 12 Commission if I can't get a job with the City
 13 that I'm trying to get right now as assistant
 14 economic sustainability director. Why?
 15 Because Coral Gables -- You all as planners can
 16 really appreciate this. We, hopefully, will
 17 forever be a small suburb, residential
 18 community, where rich people or want-to-be rich
 19 people like you and me can raise our children
 20 and not be afraid of crime and this and that.
 21 So let's keep our main street, Miracle Mile,
 22 Low-Rise. That gives the suburban feel that we
 23 want our community to remain. But in order to
 24 do that, we've got to protect our property owners
 25 on Miracle Mile from these pressures to build

1 up, up, up, up, up. How do you do that?
 2 Anchor them with a department store.

3 Ask yourselves right now -- forgive me,
 4 thank you for letting me talk -- do you shop on
 5 Miracle Mile? The answer might be, "I'd like
 6 to, I try to, but I don't really shop there.
 7 If I've got to get something quick, I go to
 8 Dadeland, I go to a department store," this and
 9 that and the other. I want Miracle Mile to be
 10 a place where you can say, "Hey, I've got to
 11 get some socks." Run down to Miracle Mile, go
 12 to the Macy's, that I've talked to for there.

13 I want it to continue to have the anchor,
 14 the power, the attraction that you, sitting
 15 there right now, can say, "Well, you know, I
 16 don't really shop on Miracle Mile," but you'll
 17 say, "Oh, yes, I do, because there's a
 18 department store there." I want us to anchor
 19 Miracle Mile.

20 MR. BEHAR: That could be a double-edged
 21 sword, because you could kill the small shops
 22 that exist there, when you bring a department
 23 store. I mean, that's my concern, because
 24 there is a charm to Miracle Mile, and if you
 25 bring a -- if you brought a big department

1 store in, there's a lot of places that may not
 2 be able to compete with the department stores.

3 MR. HOLMES: Well, that's always a concern,
 4 but if you look at the history of retail, I
 5 mean, the places that took over from the main
 6 streets, you know, decades ago, are the malls.
 7 Ask your small retail at the malls. They're
 8 doing fine. They're paying two, three times
 9 the rent of places on Miracle Mile.

10 So, although I understand your concern, the
 11 whole history of retail goes against your
 12 concern, because the stores --

13 CHAIRMAN KORGE: You know, I think we're --

14 MR. HOLMES: -- the stores that make it,
 15 make it malls that are anchored by department
 16 stores.

17 CHAIRMAN KORGE: I think we're kind of
 18 straying a little bit --

19 MR. HOLMES: Yeah, yeah.

20 CHAIRMAN KORGE: -- from our issue. Do you
 21 have anything else to add about the change in
 22 land use, at this time? You support it?

23 MR. HOLMES: Well, I would just do what I
 24 think your instincts are. I would say, "I vote
 25 yes, but with many caution flags. We're going

1 MR. BEHAR: Which one?

2 MR. FLANAGAN: Property Number 3.

3 CHAIRMAN KORGE: Number three?

4 MR. FLANAGAN: Yeah.

5 CHAIRMAN KORGE: Why do you have a problem
 6 with that one?

7 MR. FLANAGAN: It's mid-block, nothing
 8 else --

9 MS. HERNANDEZ: Number 3?

10 CHAIRMAN KORGE: That's the garage behind
 11 the Miracle Theater.

12 MR. SALMAN: Miracle Theater, right.

13 MR. FLANAGAN: And then the balance of the
 14 block on the west end, which is City property,
 15 is included.

16 CHAIRMAN KORGE: Well, I mean, I have a
 17 problem with all of these little holes here,
 18 but --

19 MR. BEHAR: I have a problem with the
 20 holes.

21 CHAIRMAN KORGE: But we're not going to fix
 22 that today.

23 MR. FLANAGAN: But why can't we advertise
 24 and come back and include the holes?

25 MR. AIZENSTAT: Because the people --

1 to keep watching this."

2 CHAIRMAN KORGE: Okay. Thank you.

3 Is anybody else from the public here to
 4 speak on this particular application?

5 None?

6 Well, we still have a motion on the floor.
 7 It's been seconded. Is there any discussion
 8 among the Board for that motion, further
 9 discussion?

10 MR. FLANAGAN: We're doing these as a
 11 group, all together?

12 CHAIRMAN KORGE: I'm sorry? Do you want
 13 them divided or would you prefer to just do it
 14 as a group?

15 MR. SALMAN: I would do them as a group.

16 CHAIRMAN KORGE: I'd prefer it as a group,
 17 but if there's an objection, I'll --

18 MR. FLANAGAN: If I'm the only one, then
 19 that's fine.

20 CHAIRMAN KORGE: Okay, we'll do it as a
 21 group. Do you have an objection to one
 22 particular one you want to express?

23 MR. FLANAGAN: I'm just having a very hard
 24 time with the 200 block of Andalusia.

25 MR. AIZENSTAT: With which one?

1 MS. HERNANDEZ: You can't force the land
 2 use on somebody that, you know --

3 MR. SALMAN: We can't force it.

4 MR. FLANAGAN: But we don't know that
 5 they --

6 MR. AIZENSTAT: But they were noticed. We
 7 have a Board member that sits with us that is
 8 right near this property that was noticed.

9 MR. RIEL: We sent out over 1,500 notices,
 10 a thousand feet of each of these properties.

11 CHAIRMAN KORGE: I will just note that most
 12 people don't pay attention to them, and I think
 13 if you follow up -- excuse me, I think if you
 14 follow up individually, you'll get a different
 15 response from those people --

16 MR. RIEL: As the Manager indicated, we
 17 will do that --

18 CHAIRMAN KORGE: Yeah.

19 MR. RIEL: -- but, you know, I disagree
 20 with you. I did get a lot of calls in the
 21 office and did get a lot of questions on this,
 22 on these applications.

23 MS. HERNANDEZ: Yeah, and you get
 24 objections and --

25 CHAIRMAN KORGE: Okay. Not from the right

1 people, I guess.
 2 MR. RIEL: Not from the neighboring
 3 property owners.
 4 CHAIRMAN KORGE: Any more discussion?
 5 Hearing none, we'll call the roll on this
 6 motion.
 7 MS. MENENDEZ: Eibi Aizenstat?
 8 MR. AIZENSTAT: Yes.
 9 MS. MENENDEZ: Robert Behar?
 10 MR. BEHAR: Yes.
 11 MS. MENENDEZ: Jack Coe?
 12 MR. COE: Yes.
 13 MS. MENENDEZ: Jeff Flanagan?
 14 MR. FLANAGAN: Yes.
 15 MS. MENENDEZ: Javier Salman?
 16 MR. SALMAN: Yes.
 17 MS. MENENDEZ: Tom Korge?
 18 CHAIRMAN KORGE: Yes.
 19 MR. RIEL: Your recommendation goes to the
 20 Commission at their July 13th meeting.
 21 MR. AIZENSTAT: Eric, let me ask you a
 22 question. If any of the property owners that
 23 are adjacent here want to come forward now and
 24 apply, what type of fee would they have with
 25 the City in doing so?

1 through the process in advance of Hometown
 2 Democracy, however. It's dependent on the
 3 application.

4 MR. AIZENSTAT: Thank you.
 5 CHAIRMAN KORGE: The next item on the
 6 agenda is Application Number 05-10-104-P,
 7 Change of Land Use and Change of Zoning for two
 8 City-owned applications -- properties.

9 MS. HERNANDEZ: Right.
 10 MR. BOLYARD: Good evening, Chairman,
 11 Members of the Board. For the record, my name
 12 is Scot Bolyard, with the Planning Department.

13 The item before you is for a change of land
 14 use and a change of zoning for the property
 15 located at 4650 Alhambra Circle. The proposed
 16 change of land use is from Residential Use,
 17 Single-Family, Low Density, to Parks and
 18 Recreation, and the proposed change of zoning
 19 is from Single-Family Residential District to
 20 Special Use District.

21 The size of the property is just under half
 22 an acre, at .48 acres. The surrounding uses
 23 are one and two-story single-family residences.
 24 The proposed change of land use and change of
 25 zoning are required to provide for the

1 MR. RIEL: A change in land use fee, I
 2 believe, is \$10,000, and then the advertising,
 3 which is another \$5,000.
 4 MR. SALMAN: Advertising.
 5 MR. AIZENSTAT: The 10,000 and the 5,000?
 6 MR. RIEL: Yeah. That's basically to cover
 7 the cost for the advertising, the notice, staff
 8 time and so forth.
 9 CHAIRMAN KORGE: Is it legal to waive those
 10 fees, in this circumstance?
 11 MR. RIEL: We have not waived them for
 12 private property owners. It sets a really bad
 13 precedent.
 14 MR. FLANAGAN: If you do that, where do you
 15 start and where do you stop?
 16 MR. AIZENSTAT: If they would have come
 17 now, at the same time, how would that have
 18 worked?
 19 MR. RIEL: Well, the issue is that the Code
 20 only allows two amendment cycles a year, for
 21 changes in land use. City-initiated
 22 applications aren't subject to that twice a
 23 year. So they would have to wait until August.
 24 MR. AIZENSTAT: Okay.
 25 MR. RIEL: In all likelihood, they could go

1 property's future intended use as a green space
 2 or neighborhood park.

3 The Parks & Recreation Department has
 4 agreed to conduct neighborhood meetings with
 5 surrounding property owners to present and
 6 provide for public input and comments for
 7 future development plans at the property.

8 Staff, based on analysis of the
 9 application, recommends approval of the
 10 proposed changes, based on the following
 11 findings of fact: That the future development
 12 of the property will be subject to Zoning Code
 13 regulations for S, Special Use District
 14 designated properties, which includes, but not
 15 limited to, restrictions on setbacks, height,
 16 landscaping, and floor area ratio. Any
 17 placement of structures on the property
 18 requires conditional use public hearing review
 19 before the Planning & Zoning Board and City
 20 Commission. The application is in compliance
 21 with and furthers the goals, objectives and
 22 policies of the Comprehensive Plan, and this
 23 proposal would provide for the redevelopment of
 24 vacant land to allow for future development as
 25 a green space or neighborhood park.