

**City of Coral Gables
Planning and Zoning Board Meeting
October 8, 2008
Coral Gables City Commission Chambers
405 Biltmore Way, Coral Gables**

Members:	J9	F13	M12	A9	M14	M28	A13	O8	N12	D10	Appointed by:
Eibi Aizenstat	P	E	P	P	P	E	P	E			City Manager
Robert Behar	P	P	P	E	P	P	P	P			Commissioner Rafael "Ralph" Cabrera, Jr.
Jack M. Coe	E	P	P	P	P	P	P	P			Mayor Donald D. Slesnick, II
Jeffrey Flanagan	X	X	X	X	X	X	X	P			Commissioner Maria Anderson
Pat Keon	P	P	E	P	P	P	P	P			Planning & Zoning Board
Tom Korge	P	P	P	P	P	P	P	P			Commissioner Wayne "Chip" Withers
Javier Salman	P	P	P	P	P	P	P	P			Vice Mayor William H. Kerdyk Jr.

P = Present

E = Excused

City Staff:

Elizabeth Hernandez, City Attorney
Eric Riel, Jr., Planning Director
Walter Carlson, Asst. Planning Director
Javier Betancourt, Principal Planner
Jill Menendez, Adm. Assistant
Ed Weller, Building & Zoning
Martha Salazar-Blanco, Zoning Official
Alberto Delgado, Public Works
Kevin Kinney, Parking

Court Reporter:

Joan Bailey & Associates

(See attached Verbatim Transcript of Planning and Zoning Board Meeting
prepared by Joan L. Bailey & Associates)

Attachments:

- A. 10.08.08 Planning and Zoning Board Meeting - Verbatim Minutes.
- B. 10.08.08 Attendance/Speaker Sign In Sheets.
- C. Document entered into the record by Bob De La Fuente re: Menoyo (Agenda Item # 6).

10.08.08 Verbatim Excerpts of PZB
Meeting Minutes

1 entertain that, for that purpose.
2 MR. GARCIA-SERRA: We would be willing to
3 bear the cost of the special meeting.
4 MR. SALMAN: Okay.
5 CHAIRMAN KORGE: Anybody have an idea what
6 that cost would be?
7 MS. HERNANDEZ: No, we do not.
8 MR. RIEL: We -- We do not develop cost. I
9 mean, Staff is basically on an annual salary, I mean,
10 obviously any advertising costs, or anything else, but
11 we've typically continued, you know, to the next
12 meeting.
13 MR. BEHAR: Personally, I don't think we
14 should --
15 MR. COE: No, I don't think we should
16 have any special meeting. We have the next
17 meeting.
18 MS. HERNANDEZ: You have security, you
19 have everything else.
20 CHAIRMAN KORGE: I don't know that we have
21 consensus for that.
22 MR. SALMAN: All right. That's fine.
23 CHAIRMAN KORGE: Any more discussion on
24 continuing this agenda item?
25 I just want to make a comment. We do have a

1 lot of members of the public here who've made a special
2 trip here, for this agenda item, and, you know, it's
3 not a good situation, because then they've got to come
4 back, too.
5 MR. SALMAN: I know, but it's an automatic
6 appeal and we're going -- we're setting ourselves up
7 for a problem, honestly --
8 CHAIRMAN KORGE: Yeah. Yeah.
9 MR. SALMAN: -- in whatever decision we make
10 here.
11 MR. COE: There's a motion to continue this
12 agenda item.
13 CHAIRMAN KORGE: Right, we were discussing
14 it.
15 MR. SALMAN: We were discussing it.
16 MR. COE: Okay. Do we call the question? I
17 mean, either we're going to do it or we're not going to
18 do it.
19 CHAIRMAN KORGE: Well, let me ask, anybody
20 in the public want -- The applicants explained their
21 position. Anybody else in the public want to come
22 forward, at this time and --
23 MR. COE: Why? There's no public input
24 on this, Mr. Chairman. This is a vote of the
25 Board.

1 CHAIRMAN KORGE: Okay. Fine. Let's --
2 Let's -- There's -- The question's called. No further
3 discussion.
4 Call the question, please.
5 MS. MENENDEZ: Jack Coe.
6 MR. COE: Yes.
7 MS. MENENDEZ: Jeffrey Flanagan.
8 MR. FLANAGAN: Yes.
9 MS. MENENDEZ: Javier Salman.
10 MR. SALMAN: Yes.
11 MS. MENENDEZ: Robert Behar.
12 MR. BEHAR: Yes.
13 MS. MENENDEZ: Tom Korge.
14 CHAIRMAN KORGE: Yes.
15 Okay. So this item is continued to the
16 next regularly scheduled Board meeting at what
17 date?
18 (Thereupon, Pat Keon entered the meeting
19 room.)
20 MR. RIEL: It's November 12th.
21 CHAIRMAN KORGE: November 12th.
22 MS. HERNANDEZ: And this will be --
23 MR. DAMIAN: I apologize. I didn't
24 introduce myself.
25 MR. SALMAN: Will this serve as a public

1 notice for the --
2 MS. HERNANDEZ: Yes. Folks, this will be
3 the only notice that you are receiving. Please
4 understand that it is a continuance to the next
5 Planning and Zoning Board meeting.
6 MR. DAMIAN: I'm Vincent Damian,
7 representing Shirley Maroon and neighbors. I forgot to
8 introduce myself.
9 MR. SALMAN: I know who you are.
10 MR. DAMIAN: Thank you.
11 MR. RIEL: Ladies and gentlemen, could you
12 please go? We have other agenda items.
13 CHAIRMAN KORGE: We're still -- We're still
14 in meeting here.
15 Would you please note, for the record, that
16 Pat Keon has arrived.
17 The next item on our agenda -- If you want
18 to chat, outside is the place, please. Thank you.
19 Next item on the agenda is item number
20 six, "Proposed Zoning Code text amendment pursuant
21 to a proposed settlement agreement with Fernando Menoyo
22 and Almeria Row, LLC, represented by Tew Cardenas,
23 LLP."
24 MS. HERNANDEZ: Okay. Mr. Chairman, if I
25 may just do a brief introduction to the Board, so that

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1 we can get into this item.

2 This item comes to you as a result of a
3 referral from the City Commission. You are not
4 considering today any settlement discussions that the
5 applicants may have had. This was as a result of a
6 Bert J. Harris claim. The Board is here merely to
7 consider a request on a zoning matter. Issues
8 involving the Bert J. Harris claim will be considered
9 at the City Commission level. But the Board's inquiry
10 really has to do only with zoning issues, at this
11 point.

12 I will tell you that the applicant is here
13 before you today based on a referral of the City
14 Commission. It is Staff's position that sufficient
15 information was not provided for thorough Staff
16 analysis, so we will be requesting today that the Board
17 listen to the input of the applicant, pose any
18 questions that they would like Staff to come back with
19 and direct the applicant to provide to Staff the
20 necessary information, so that Staff can provide a
21 thorough Planning Department review and bring back a
22 recommendation to you.

23 At the conclusion of the presentation and
24 after the discussions by the Board members, we're going
25 to also ask that this specific matter be continued to

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1 the next Board meeting, so that we don't have to
2 re-advertise, so that the input is provided to Staff
3 in a timely basis, and so that we can come back to
4 you with final recommendations of professional staff.
5 And I don't know if Mr. Riel has anything to add to
6 that.

7 MR. RIEL: No, I think you pretty much
8 covered everything.

9 MR. SALMAN: Through the Chair, Madam
10 Attorney --

11 MS. HERNANDEZ: Yes, sir.

12 MR. SALMAN: -- could you please explain,
13 for the benefit of the public, what a Bert J. Harris
14 Act is?

15 MS. HERNANDEZ: Yes. A Bert J. Harris claim
16 is a claim that is just below that of a taking. A
17 property owner has a one-year between a zoning action
18 of the City Commission in order to file a claim, to
19 perfect it, claiming that action of the City
20 Commission, in a zoning capacity, has inordinately
21 burdened their property.

22 Again, I don't want to get more into that
23 because I don't want this -- the claim to influence
24 this Board. I just wanted to give it to you for
25 information purposes, so that you understand how it

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1 came back to you. Okay?

2 MR. SALMAN: Understood. Thank you.

3 MR. ECHEMENDIA: Good afternoon,
4 Mr. Chairman, Santiago Echemendia, 1441, on behalf of
5 Coral Gables Rentals, Fernando Menoyo, who is here, as
6 well as Maricris Longo, I don't believe she's here.
7 I'm also accompanied by Teofilio De La Guardia, and his
8 wife, Maria De la Guardia, who are the architects on
9 this project.

10 Just very briefly, just to simplify this as
11 much as possible, the reason we filed a Bert J. is, it
12 really -- it's -- though it's \$9,000,000 inordinate
13 burden claim, it was really for purposes of having a
14 discussion to resolve the issue. That's really the
15 predicate or the premise of the Bert J. Harris Property
16 Rights Act, is to avoid litigation.

17 We've had some very successful meetings
18 facilitated by Liz and the City Manager, with the City
19 Commissioners, who we believe have expressed some
20 receptiveness to the concept of changing, on a
21 site-specific, the regulations back to what they were
22 before this language got incorporated regarding
23 adjacent to MFS, adjacent to single family. Bringing
24 it back, it was at 50, it got brought down to 35. We
25 want to bring it back for -- to 45 feet, for a limited

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1 number of sites owned by -- by Gables -- Coral Gables
2 Rentals, some of which were under contract at the time.

3 Liz's position, of course, is that as it
4 relates to settling the Bert J. claim, the ones that
5 were under contract at the time do not qualify. What
6 we have suggested, to address her concern, is that
7 those simply be treated legislatively, not to be
8 incorporated as part of the settlement agreement, which
9 would just be for those that we actually owned at the
10 time.

11 So we think we have a fairly -- it's a
12 fairly simple exercise. The as-built environment
13 around it is -- from a transitional perspective, it
14 makes sense to go to 45 feet, because you have 60 feet,
15 up to 110 feet, all the way around.

16 The City -- The Commissioners, after the
17 various meetings, I think what was concluded was, yes,
18 go ahead and send it back to the Planning and Zoning
19 Board. In fact, the City Commission -- The City
20 Commission met, right, Liz, and requested that it be --
21 come back to Planning and Zoning Board, after the
22 various private meetings, because it's required that
23 you all make a recommendation as part of a legislative
24 change.

25 And Bob -- My partner, Bob De La Fuente,

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1 really has more of a comprehensive presentation, but
2 because it is Yom Kippur and because you all -- you
3 know, we're the only thing between you all and sunset
4 this evening, I wanted to kind of cut to the chase.

5 One of the things that we do want to get a
6 little bit of direction from -- from you all, or maybe
7 have you all give some direction to Eric is -- The
8 exercise is fairly straightforward. We've identified
9 the parcels. We want to go back to the 45 feet, the
10 regulations, as they were before this adjacency
11 language got incorporated.

12 Eric is requesting a lot of information from
13 us, and maybe we can go through that a little bit,
14 Eric, as to what you're requesting and why we believe
15 that we're being asked for more than what should be
16 provided.

17 Again, it's a very simple exercise. We've
18 identified the properties. We want to go back to the
19 45, which is what it was before, rather than the 35.
20 It's that simple. The Planning Department wants to do
21 a bit of analysis. I don't want to say JD. I'll let
22 Eric explain. But this isn't an application, per se,
23 this is a settlement of a Bert J. Harris Property
24 Rights Act, where the simple exercise is, we're
25 changing the height from 45 to 35 for these

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1 site-specific properties to be appended, hopefully, to
2 a Bert J. Harris settlement agreement, which then goes
3 with the recommendations from Planning and Zoning,
4 whether it's negative, no recommendation or favorable,
5 then to the City Commission, with the intent of
6 hopefully settling this case and bringing the site-
7 specifics up to 45 feet, so that we can move forward
8 with the project.

9 MR. BEHAR: Excuse me a second. Madam
10 Attorney, I've got a question. If we do this, would
11 this not create a spot zoning?

12 MS. HERNANDEZ: No. I mean, obviously,
13 there will -- you know, just about anybody can argue
14 that -- you know, a spot zoning case. I do not believe
15 that anyone who challenges the action of this Board,
16 should this Board adapt site-specific regulations for
17 this property will have a successful spot zoning claim.
18 So I'm very comfortable that you can go either way on
19 this particular request, either approval or denial, and
20 either one will be sufficient, for purposes of
21 defending any claim.

22 CHAIRMAN KORGE: Well, on a typical
23 Bert J. -- and I'm not really familiar with the Act,
24 so I'm not talking with any knowledge, but on a typical
25 Bert J. Harris, it would be for specific properties,

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1 would it not, not for the whole community.

2 MS. HERNANDEZ: Correct.

3 CHAIRMAN KORGE: So when you change the
4 zoning as a settlement for those particular properties,
5 even if it were considered spot zoning, that's the only
6 way you're going to settle, isn't it, or do you just
7 pay money?

8 MR. COE: That's correct, Tom.

9 MS. HERNANDEZ: The City -- No, the City
10 cannot -- The City -- No city can engage in spot
11 zoning. Even if there's a Bert Harris claim, the City
12 cannot, because it's a settlement, do something
13 illegal. So if it were spot zoning -- if it were
14 determined to be spot zoning, it would not withstand an
15 appeal.

16 CHAIRMAN KORGE: Good. Then what would
17 constitute spot zoning?

18 MS. HERNANDEZ: If -- Okay. The legal
19 definition of spot zoning is when an area is zoned
20 different from the surrounding areas and it is not
21 consistent with the area -- the adjacent neighborhoods.
22 This is not an issue of spot zoning, and I can provide
23 you with a copy of cases that would explain it better.

24 MR. BEHAR: Does the fact that the adjacent
25 property is zoned with the limitation of 35 feet and

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1 these particular three properties are going to have an
2 exception that it be allowed to go up to 45 feet,
3 doesn't that create, by itself --

4 MS. HERNANDEZ: Again, it is not -- it is my
5 opinion, as the City Attorney, that it is not spot
6 zoning. And I believe that it is not an area that you
7 should concern yourself with --

8 CHAIRMAN KORGE: Okay.

9 MS. HERNANDEZ: -- with regard to the issue
10 of --

11 CHAIRMAN KORGE: Gotcha.

12 MS. HERNANDEZ: -- a zoning analysis.

13 CHAIRMAN KORGE: Okay.

14 MR. ECHEMENDIA: Can I add something,

15 Mr. Chair? Spot zoning -- and Madam City Attorney is
16 completely right, but spot zoning typically deals with
17 just that, zoning. It's typically when you have
18 residential surrounded by a sea of commercial, which
19 would be a reverse spot zoning situation. You can't
20 deny the rezoning from residential to commercial
21 because you're surrounded by commercial, or otherwise,
22 you have commercial surrounded by residential. That's
23 a spot zoning situation.

24 A height between 45 and 35 feet doesn't even
25 fall into the case law -- classic case law relative to

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1 spot zoning.

2 CHAIRMAN KORGE: Okay.

3 MR. ECHEMENDIA: Moreover, if you balance a
4 possible claim, which doesn't apply, versus the
5 \$9,000,000 Bert J. Harris claim, I think you know where
6 you should land, or at least in our opinion.

7 CHAIRMAN KORGE: Okay. Then we're not
8 concerned with that. It's what Liz was telling us.

9 MS. HERNANDEZ: Correct.

10 CHAIRMAN KORGE: Thank you. Okay. But that
11 was helpful.

12 MR. ECHEMENDIA: Could we get a little --
13 Again, what one of the Commissioners was very adamant
14 about, you know, unfortunately, the Menoyos have been
15 put in this predicament, and to try to do this as least
16 expensively as possible -- you know, unfortunately, I
17 haven't been able to give Fernando my pro bono rate
18 just yet, but what we'd like to do is do this as least
19 painfully as possible. And to that end, we have
20 language which proposes the change to go back to what
21 it was. It's that simple.

22 So, with that, if you all could just
23 maybe -- maybe if we can engage the Planner, in terms
24 of what he's requesting and why, we would be hopeful
25 that it be as simple as going back to that language

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1 that was there before.

2 MS. HERNANDEZ: Right. No, I -- I have to
3 object, first of all, I -- I have to, for the record,
4 because I am concerned that Mr. Echemendia is creating
5 a situation where an objecting party is going to
6 indicate that Mr. Echemendia inappropriately is
7 suggesting to you what Commissioners want. So please
8 disregard any statements that he says, "A Commissioner
9 is concerned that Mr. Menoyo was unfairly," or "A
10 Commissioner." That is irrelevant and really should
11 not be part of the discussion. This is purely a zoning
12 analysis, and I would recommend that we not deviate
13 from our standards, at all, because then I'm going to
14 be back in court with a totally different person, an
15 affected neighbor who is saying, "You're circumventing
16 your procedures for this particular property owner,"
17 so --

18 We have facilitated their opportunity to
19 come before this Board and I am recommending and
20 advising that this Board strictly follow its
21 procedures, which include giving the information needed
22 to the Planning Department. It's basic, you know.

23 MR. ECHEMENDIA: Fair enough. I apologize,
24 Madam City Attorney.

25 MS. HERNANDEZ: No, but you can't -- you've

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1 go to be careful.

2 MR. ECHEMENDIA: No, no, I do apologize. I
3 was just trying to put it in context, so --

4 MS. HERNANDEZ: I know.

5 MR. ECHEMENDIA: -- I do step back from
6 those comments.

7 CHAIRMAN KORGE: Well, maybe Eric can tell
8 us what he needs, in order to make a recommendation to
9 us.

10 MR. RIEL: Well, I mean, it's kind of
11 difficult for me to tell you, within a five-minute --
12 you know, provide an understanding of what's required.
13 It includes the Building and Zoning Department, as well
14 as the Planning Department. We have corresponded with
15 the applicant. We've requested a minimum amount of
16 information, less than we typically request on a
17 preliminary zoning analysis. We just need the
18 information to provide this Board a recommendation.

19 MS. HERNANDEZ: Right.

20 MR. COE: And the information has not been
21 forthcoming from the applicant?

22 MS. HERNANDEZ: No.

23 MR. RIEL: The Building and Zoning
24 Department has responded and the applicant -- not the
25 applicant, the claimant has not provided the

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1 information back to us, regarding some questions that
2 we have.

3 MR. COE: And as --

4 MR. DE LA FUENTE: Can I --

5 MR. COE: -- there a reason why the claimant
6 isn't doing it?

7 MR. DE LA FUENTE: For the record, Bob De La
8 Fuente, I'm Santiago's law partner, 1441 Brickell
9 Avenue.

10 I have to disagree with Mr. Riel because we
11 have even -- We have them here, the responses to
12 everything that they've asked. We've specifically
13 responded with exhibits and correspondence to the City,
14 and we had them hand-delivered, last week, within days
15 of when it was asked for, we've responded.

16 The last time that we responded, there was
17 no response back from the City, so we're a little bit
18 at a loss as to what else is required in order for them
19 to finish the review. If it's a matter of that they
20 didn't have enough time to review it, then that's one
21 thing. But in terms of providing the information and
22 the documents, we've done that.

23 MS. HERNANDEZ: And you believe that
24 whatever Ms. Salazar-Blanco requested you have complied
25 with?

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1 MR. DE LA FUENTE: Correct. In fact, we --
2 on September 25th, 2008, we e-mailed and hand-delivered
3 this letter, here, and I can pass it up to you.
4 It's --

5 MR. COE: Hold on. Hold on. We're getting
6 far afield here. I don't think it's the function of
7 the Board to decide whether or not the City has
8 received sufficient information. It's at this -- The
9 function of the Board, in my judgment, Mr. Chairman, is
10 to decide whether not to grant the relief that's being
11 requested.

12 MS. HERNANDEZ: Correct.

13 MR. COE: If the City is unsatisfied with
14 what's been delivered to them, do you want the City to
15 rely on what it has in making its opinions?

16 MR. ECHEMENDIA: No, Mr. Coe --
17 I'm sorry, Bob.

18 -- I think what we'll do is, since we're
19 not -- and as not to prolong the evening, we know you
20 all need to go, we'll work diligently with --

21 MS. HERNANDEZ: With Martha.

22 MR. ECHEMENDIA: -- Liz, and Martha and
23 City -- and the principal planner to reconcile that
24 information, that they think they have not received
25 between now and the 12th. So we'll work it out. We

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1 just wanted to bring to your attention that there is a
2 little bit of a debate going on between Bob and Eric as
3 to whether we provided the information or not.

4 MR. COE: I suppose we could appoint a
5 special master to go over everything.

6 MR. ECHEMENDIA: No, that's okay.

7 MS. HERNANDEZ: Bob, Bob.

8 MR. BEHAR: For the record, make sure you
9 work with the Planning Director, not the principal
10 planner, or with the Planning Director.

11 MR. ECHEMENDIA: That's what I meant.

12 MS. HERNANDEZ: Santiago, could you please
13 introduce, then, the properties, you know, go through,
14 so that the Board can provide any questions that they
15 may have.

16 MR. ECHEMENDIA: Thank you, Liz. Yes,
17 absolutely.

18 MR. DE LA FUENTE: Okay. Just very briefly,
19 the two exhibits that are to your right will show you
20 exactly what we're talking about. These are also
21 included in your packet, that we've handed out to you.
22 They're broken down into five different groups, and
23 you'll see which these subject groups are.

24 A small clarification, if you look at Group
25 3, we have not included the already built townhomes. I

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1 don't know if you're familiar with the project that has
2 already been built, but those already built townhomes
3 are not part of this plan. So, basically, we start
4 here, it goes along Anderson and then along Almeria,
5 until here, all the way up to here, where Group 3 is.
6 So all these properties are the subject of this claim
7 where we see --

8 MR. COE: These are vacant properties? Is
9 this vacant land?

10 MR. DE LA FUENTE: No.

11 MR. COE: Okay. There's already structures
12 on that that you would demolish?

13 MR. DE LA FUENTE: Correct. Correct. And
14 these are the properties where we seek the
15 reinstatement of the original 45-foot height.

16 CHAIRMAN KORGE: But the properties in that
17 gap area here --

18 MR. DE LA FUENTE: Not part of the claim.

19 CHAIRMAN KORGE: I understand. Are they
20 already developed?

21 MR. DE LA FUENTE: They are already
22 developed.

23 CHAIRMAN KORGE: And so you're not
24 redeveloping them?

25 MR. DE LA FUENTE: No.

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1 CHAIRMAN KORGE: What height are they to?

2 MR. DE LA FUENTE: Those are -- I would ask
3 Mr. Menoyo to -- He's -- He's our client --

4 CHAIRMAN KORGE: Sure.

5 MR. DE LA FUENTE: -- and he's very familiar
6 with these, so --

7 MS. HERNANDEZ: Has he been sworn in? Just
8 to --

9 MR. DE LA FUENTE: I don't think --

10 MR. ECHEMENDIA: No.

11 MS. HERNANDEZ: Anybody that's going to
12 testify needs to be sworn in.

13 CHAIRMAN KORGE: State your name and address
14 for the record, then she will swear you in.

15 MR. MENOYO: Fernando Menoyo, 744 Biltmore
16 Way.

17 MS. DE LA GUARDIA: Maria De La Guardia 2508
18 Columbus Boulevard.

19 MR. VICTORIA: Teofilio Victoria, 2508
20 Columbus Boulevard.

21 CHAIRMAN KORGE: Okay. Let's swear
22 everybody in.

23 THE COURT REPORTER: Okay. Do you solemnly
24 swear or affirm to tell the truth, the whole truth and
25 nothing but the truth?

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1 MS. DE LA GUARDIA: Yes.
 2 MR. VICTORIA: Yes.
 3 CHAIRMAN KORGE: Thank you.
 4 Now, I guess the question was, in that --
 5 that gap area there, I can't read the lot numbers. On
 6 Almeria, between the two areas to be developed, what
 7 are the heights of the current structures that are
 8 already developed on those lots?
 9 MR. MEMOYO: Correct. This is a project
 10 that was built maybe -- a townhouse project that was
 11 built about 30 years ago. It's four stories. There
 12 are sections of this project that face Almeria, that
 13 are four stories high.
 14 CHAIRMAN KORGE: Just out of -- They're
 15 about 45 feet or --
 16 MR. MEMOYO: Over 45 feet --
 17 CHAIRMAN KORGE: Over 45.
 18 MR. MEMOYO: Ours are 45 feet, that we're
 19 supposed to have, are limited to three stories. We're
 20 limited to three stories and we're not arguing that
 21 limitation.
 22 CHAIRMAN KORGE: Right.
 23 MR. MEMOYO: Yeah, before the -- before the
 24 townhouse ordinance, we had 50 feet in heights.
 25 CHAIRMAN KORGE: Okay. But you see what I'm

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1 asking about. It's -- So it would be --
 2 MR. MEMOYO: Yeah. This is -- This is
 3 50 feet. This is another condominium here, and this is
 4 a historic property.
 5 CHAIRMAN KORGE: How tall is the condo?
 6 MR. MEMOYO: I'm not sure about this one.
 7 CHAIRMAN KORGE: Right. Okay.
 8 MR. MEMOYO: I'm not sure about this one.
 9 These are townhomes.
 10 CHAIRMAN KORGE: Townhomes. Okay.
 11 MR. MEMOYO: All this, this is high density.
 12 This is the Biltmore 2, the David William is here.
 13 CHAIRMAN KORGE: You're referring to -- Is
 14 that Block 10, there?
 15 MR. MEMOYO: Yes.
 16 CHAIRMAN KORGE: And how -- I'm sorry.
 17 Block 10 is the David William Hotel?
 18 MR. MEMOYO: That is correct.
 19 CHAIRMAN KORGE: Okay. Now I see, yeah.
 20 MR. MEMOYO: This is the Valencia Grand,
 21 that building that was recently built.
 22 CHAIRMAN KORGE: Right.
 23 MR. MEMOYO: All this, this little area, is
 24 a multi-unit area, very small, within the residential
 25 area, and our properties are the buffer between the

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1 higher -- the higher buildings in the back and the
 2 single family homes.
 3 CHAIRMAN KORGE: Right. I see.
 4 MR. MEMOYO: And prior to the moratorium, we
 5 came up to see -- Because I -- Thirty years ago I met
 6 with John Little. John Little used to have Dennis
 7 Smith's job here, in the City. I was 24 years old
 8 then, and I had just arrived from -- I had gone to
 9 school up in Ithaca, New York, at Cornell. I landed a
 10 job with GE, and when I came here, I decided this was
 11 going to be my home.
 12 I met with John Little. He gave me a copy
 13 of the zoning map. And ever since, we -- my partners
 14 and I have been investing in this area, land banking,
 15 carrying negative cash flows in all of our buildings,
 16 trying to upkeep them and having beautiful properties,
 17 which I believe people are aware of.
 18 And, uh -- When we -- Finally, when we
 19 decided to take advantage of our land, we came up to
 20 see Dennis Smith, and he steered us in the way of the
 21 townhomes. What we presented to him, at that time, was
 22 a condominium project that was 50-feet tall, what we
 23 were allowed to build then, with ground parking,
 24 50-feet tall, four stories high. Dennis Smith
 25 suggested that -- that a townhouse typology would be a

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1 better structure as a buffer between the buildings in
 2 the back and the single family homes in the front.
 3 So we got our architects involved, we got
 4 our attorney involved. We spent thousands of dollars
 5 helping the City develop a good ordinance for this --
 6 for this land. As a matter of fact, we made
 7 suggestions that were really working -- that worked
 8 against us, such as making sure that all the garages
 9 would be in the alleyways in the back, not in the
 10 front, that the main doors would face the street, a
 11 whole series of improvements that we suggested for the
 12 ordinance. And we got our -- What everyone, at that
 13 time, agreed was the correct height, 45 feet. Then,
 14 about three months prior to the passing of this
 15 ordinance, in January of 2006, right?
 16 MR. DE LA FUENTE: Seven.
 17 MR. MEMOYO: 2007, this change was made. We
 18 were never told about the change. Even though we had
 19 been involved with the City, spending our money, our
 20 time to work with the City, we were never told about
 21 the change, not until we submitted our plans for a
 22 different project. Almeria was our first project, that
 23 we limited to two stories because we had never
 24 developed in this City, and we wanted to be
 25 conservative, but we wanted to have our right to go to

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1 three stories, and we never relinquished our right. We
2 never wanted to relinquish our right.

3 Last year we submitted plans to develop
4 another beautiful project, Beatrice Row, and when we
5 submitted our papers, the City came back to us to tell
6 us that we couldn't go the 45 feet. And we said,
7 "What? Why not?" And then they told, "Well, we made
8 this change." Two months before the final order -- You
9 know, the whole rewrite was passed, unbeknownst to us.

10 And we had to rush, hire attorneys, spend
11 another I don't know how many thousands of dollars
12 trying to -- You know, this effort, for a person like
13 me, that I've been here, trying to make a livelihood,
14 for 30 years, trying to do what's right for the City,
15 something like this can put us under. And I don't know
16 if the City is aware of that. This effort, the
17 thousands of dollars that were spent, the way the City
18 has put us in this position, can make us go broke.
19 It's very unfair.

20 CHAIRMAN KORGE: Thank you very much.

21 MR. DE LA FUENTE: Mr. Chair, I believe
22 where Mr. Menoyo was also going with this was trying to
23 explain to you how the original height, that was
24 45 feet, is, in fact, a better planning decision and
25 how that's a more appropriate transition between the

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1 taller buildings that are in back of or near his
2 properties, and the single family that's limited to 29
3 feet.

4 If you look at Exhibit C in the handout that
5 we provided, it shows you what the permissible heights
6 are in the properties that are surrounding this
7 property. So we have provided that information, so you
8 have that before you, that shows you why it's logical
9 to have 45 feet rather than 35 feet. In fact, I would
10 like to ask the architects to come and explain to
11 you -- we've prepared a couple of exhibits here, so you
12 can see for yourselves how, from a transition
13 perspective, it makes better sense to have a 45-foot
14 height limit for these properties, rather than 35 feet.

15 MR. COE: Mr. Chairman, before they go
16 into this, I'm going to ask Mr. Riel a question. What
17 we're talking about here was simply part of the master
18 plan redone from last year, when it cropped the heights
19 down, that's what we're talking about, correct?

20 MR. RIEL: What has happened, to do a brief
21 two-minute overview, the Commission enacted a
22 moratorium, 120-day moratorium to do a special study,
23 the area of Biltmore Way, LeJeune, Bird Road, Granada.
24 Special regulations came up, and they're called MFSA.
25 They were included as part of the rewrite of the zoning

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1 Code.

2 During the finalization of the Code, in
3 October, the Commission asked us to look at properties
4 that are adjacent to single family. If you recall, the
5 shadow studies we did on the duplexes, and all the
6 other studies. They asked us to look at all properties
7 adjacent to single family, which is the subject
8 property. It was reduced, by the Commission, 35 feet
9 for the first 50 feet, and then the remaining portion
10 of the property can be 45 feet.

11 They asked that the definition of adjacent,
12 abutting and contiguous basically be the same.

13 MS. SALMAN: That's the problem.

14 MR. RIEL: And that's the issue.

15 MR. SALMAN: That's the problem.

16 MR. RIEL: And, again, it was a subject of
17 further study as a part the rewrite. The Commission
18 actually referred it back to this Board, with a number
19 of other issues. It went back to the Commission,
20 again, on first reading, and then it was ultimately
21 adopted.

22 MR. COE: And the claimant never got notice?

23 MR. RIEL: I am not -- I mean, we do not
24 send out a notice to every property owner within the
25 City for each public hearing.

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1 CHAIRMAN KORGE: But it was -- It was a
2 complete Code rewrite.

3 MR. RIEL: It was a complete Code rewrite.
4 I mean --

5 MR. COE: Ultimately, it was a complete
6 Code -- Well, everybody had notice of the complete Code
7 rewrite.

8 MR. RIEL: I mean, we had an e-mail
9 subscription list.

10 MR. COE: Right.

11 MR. RIEL: We did as much public outreach,
12 you know, as -- we had 56 meetings to the total
13 process.

14 MR. SALMAN: I know Mr. Menoyo because he's
15 been -- when I was on the Board of Adjustment, he came
16 for the original project, and there were some issues
17 there. I remember Dennis presenting, for that
18 particular Board, for those initial Almeria townhouse
19 project, and he's a person who's actually fairly aware
20 of what the City was doing. So if he didn't know about
21 it, it's possible that it wasn't -- it wasn't clear.

22 Likewise, I think that part of the problem
23 here is one of the definition of adjacency. When we
24 extend adjacency to be across the street, that's where
25 we're getting into this particular problem. Where we

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1 have a house across the street from a townhouse, we're
2 now limiting it to the 29 feet, when I think the intent
3 was if we had a house next to a townhouse on the same
4 block or the adjacency was along a common property
5 line, as opposed to across the street.

6 CHAIRMAN KORGE: Or divided by an alleyway.

7 MR. SALMAN: Or divided by an alleyway, then
8 perhaps the -- the application of that limitation is
9 really what has led us to where we are today, with
10 Mr. Menoyo, to get to the nut of the situation.

11 CHAIRMAN KORGE: That is. But I don't
12 remember why we ended up merging all those definitions
13 into one.

14 MR. RIEL: Because their height was reduced
15 to 29 feet for single family, and the shadow studies
16 that we did, and I remember this Power Point, you know,
17 vividly, we did discuss the terminology of adjacent,
18 abutting and contiguous. And it was originally Staff's
19 recommendation, to be a little bit more lenient.
20 However, the Commission, when they looked at all the
21 property surrounding single family, as a transitional
22 use, they suggested that abutting, contiguous, adjacent
23 all be the same thing, no matter if it was by an alley,
24 a street or right up against single family.

25 CHAIRMAN KORGE: You know, if memory serves

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1 me right, the Board didn't originally think that was
2 necessary and it came back to us from the Commission.

3 MR. RIEL: I know -- No, when the Commission
4 referred all the issues back to the Board. It was
5 about 10 or 15. I'm not sure what the recommendation
6 of the Board was.

7 CHAIRMAN KORGE: I guess what I'm asking,
8 didn't we originally pass it at 45, across the street?

9 MR. RIEL: Yes.

10 CHAIRMAN KORGE: Yeah. So they sent it back
11 and said, "We want to change it."

12 MR. RIEL: Right, they asked for an
13 additional study be completed.

14 CHAIRMAN: Right.

15 MR. RIEL: And that's when we did additional
16 shadow studies and additional --

17 MR. ECHEMENDIA: Tom, if I may, one
18 comment, I think -- Thank you, Eric, because that's
19 precisely the issue. What we're suggesting --
20 Remember, this was a global rewrite, where there was a
21 lot of stuff in front of Commission, relative to the
22 entire City. So I think what we're suggesting is, this
23 is a refinement relative to these properties that
24 really got lumped into everything.

25 MR. BEHAR: But, you know, and that's my

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1 problem. And in principle, I agree with the concept.
2 My problem is that we're only picking a certain number
3 of properties to modify, and that's not -- We may have
4 to go back and look at the whole global changed, we did
5 before, and maybe identify --

6 MR. SALMAN: That's precisely right.

7 MR. BEHAR: You know, I cannot -- I -- I --
8 I feel -- I'm very uncomfortable, looking at three
9 pieces of property and just -- And I agree, that
10 perhaps 45 feet was a better -- You know, the way we
11 had it was a better alternative, but to go back and
12 pick three properties and do this, I don't feel
13 comfortable doing that.

14 MR. ECHEMENDIA: What we could do -- What I
15 was suggest, because we were -- we're certainly not
16 adverse to that, but let me posit at the following.
17 We're the only Bert J. Harris claim that emanated from
18 the rewrite. We basically filed on the last day.
19 Nobody else could file a Bert J. claim. So what we're
20 suggesting is, treat us pursuant to the Bert J. claim,
21 correct this inordinate burden, and then you can go on
22 and legislatively correct whatever else you need to do.

23 CHAIRMAN KORGE: That makes more sense to
24 me, too, because this particular area, I mean, it's
25 not -- it wasn't -- The idea of 45 feet wasn't so

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1 offensive to us, originally, as the Board -- the
2 then-constituted Board, to bring it down automatically,
3 when it became back to us from the Commission, so it
4 wasn't some clear-cut problem. I would prefer to deal
5 with specific first, and then look at the global, you
6 know, overall, City-wide, because there are other areas
7 that it might -- you know, that were in the 35 feet. I
8 mean, I don't know that I'm anxious to change
9 everything just because of one problem property.

10 So I would be willing, myself, to look at
11 this one property, in that location, bearing in mind
12 the other properties surrounding it, you know, hear
13 from any neighbors that want to object, if they have
14 any objections, and treat it like a site-specific
15 change, and then the Commission will do whatever it
16 wants to do. But I think what they're sen -- sending
17 it back to us for is to make a determination whether in
18 this area, dealing with it on a site-specific basis,
19 this would be otherwise acceptable to the Board under
20 whatever conditions, you know, might normally be
21 negotiated in a site-specific zoning change. So, I
22 mean, that doesn't bother me, to do it itself just
23 for this -- this site-specific area. I mean, it really
24 makes more sense than for us to then go back and talk
25 about doing the whole City-wide -- a City-wide change.

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1 MR. COE: Mr. Chairman, could we clarify
2 what we're doing this evening? I -- I think we're --
3 All we're doing is giving Staff input on what we want?
4 MS. HERNANDEZ: Right.
5 MR. COE: That's all we're doing? And then
6 Staff is going to come back, at some point, when it
7 receives all of the information they claim they do not
8 have, from the claimant, and then Staff would make some
9 recommendation. That's the drill tonight, right?
10 MR. RIEL: That's correct.
11 MR. COE: I don't know if we can do anything
12 else.
13 CHAIRMAN KORGE: No, we're not doing
14 anything else. But, I mean, one of the suggestions
15 that's been made by a couple of Board members is,
16 they'd rather look at it on a City-wide basis, which
17 is --
18 MR. COE: Well, I -- I -- The problem --
19 CHAIRMAN KORGE: -- materially -- Let me
20 finish. That's a materially different task than the
21 site-specific changes that have been requested.
22 MR. COE: From what I understand, this is a
23 unique situation. So assuming that is correct, there
24 isn't any other parcels to look at and there's no
25 reason to go beyond this unique exception, this unique

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1 problem that we have.
2 Is that the claimant's position, as well?
3 MR. ECHEMENDIA: We don't disagree with
4 that, Mr. Coe. That's not to say I don't disagree with
5 Mr. Behar, that there could conceivably be others
6 that -- that somebody could take the position, also,
7 would be justified at 45 feet, that could be looked at,
8 at some other point --
9 MS. HERNANDEZ: Right.
10 MR. ECHEMENDIA: -- we're not suggesting it
11 be commingled with this. We do agree with you,
12 Mr. Coe.
13 CHAIRMAN KORGE: And -- And more to that
14 point, there are no other Bert J. Harris claims filed.
15 MR. ECHEMENDIA: That's correct.
16 CHAIRMAN KORGE: So, you know, if we deal
17 with this one, we're not prejudicing other people.
18 MR. COE: Correct. That's why I don't think
19 we should get far afield. Let's limit it to this
20 particular, unique parcel.
21 MR. VICTORIA: If I may, there's
22 another consideration which I think is very
23 important.
24 MR. ECHEMENDIA: State your name for the
25 record, please.

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1 MR. VICTORIA: Teofilio Victoria, principal
2 at De La Guardia Victoria Architects and Urbanists.
3 And it is that this is -- It's the
4 properties, yes, and I understand the concerns with
5 respect to the property, but it's also a particular
6 building type. I mean, it's a fee simple townhouse,
7 which is a new -- a new -- It's a -- It's a -- It's a
8 new housing product in the City of Coral Gables, and it
9 is very limited, where it can actually be built, and it
10 has a great deal of limitations. In fact, this, the
11 return of the fee simple townhouse to the downtown of
12 Coral Gables, the City center of Coral Gables, was a
13 happy -- a happy working relationship between the City,
14 developers and architects.
15 And, indeed, after the moratorium, we were
16 able to, I think, arrive at what was -- what is an
17 innovative and, indeed, new zoning condition for not
18 just the City of Coral Gables but, to a certain extent,
19 for the -- for the -- for the whole of Dade County. In
20 fact, the Coral Gables Zoning Ordinance, with respect
21 to the townhouse has being adopted by a number of
22 municipalities in the County.
23 So we're looking at a very particular type
24 of building that's not a condominium, it's not an
25 apartment building, but rather something different,

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1 that has its own constraints and limitations. And in
2 our two-year work with the City, to develop this
3 ordinance, we arrive at specific dimensions, setbacks,
4 building heights, and general characteristics.
5 And the building height, I think we need to
6 remember, is actually less than it was prior to this --
7 the incorporation of this building type, of this new
8 building type, as well as density. It was -- So it
9 achieved what the City was after, which was a
10 mitigating intermediary building type, between the
11 larger mid-rise apartment building, in some instances
12 highrise apartment buildings, and the single family
13 units, residentials across Anderson, in one instance,
14 across Almeria.
15 And for the architect, of course, it was an
16 interesting opportunity to build this building type
17 that has -- that is prevalent throughout American
18 cities, New York City, you might remember, Boston. Of
19 course, in Europe, this building is prevalent and very
20 pertinent to our situation, today, of building proper,
21 domestic housing types for city centers. So that
22 needs to be --
23 What I'm trying to point out and remind you
24 is that one needs to consider is that this not -- this
25 is a different type of building, and we arrived at the

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1 45-foot height dimension because it seemed to be the
2 one that worked. We didn't need 50, but we needed 45.
3 The owner, the developers ended up building up to 35
4 feet, but this doesn't mean that the townhouse works
5 best at those dimensions. In fact, it works best at
6 the 45-foot dimension.

7 CHAIRMAN KORGE: Okay. Thank you. Anything
8 else from the Board?

9 MS. DE LA GUARDIA: I think that one of the
10 things that you can see in these diagrams is that when
11 the townhouse happens across the street from the single
12 family residence, you --

13 Okay. Maria De La Guardia, principal, De La
14 Guardia Victoria Architects.

15 So when the townhouse occurs across the
16 street versus next door or -- or -- or across an alley,
17 you have this whole area, you know, you have the whole
18 parkway, the whole right away that also acts as a
19 buffer between -- between the two. In this case, we
20 have, you know, two -- two parkways, the street, the
21 sidewalk, two parkways, the street, the sidewalk and
22 the setbacks that separate these two buildings.

23 And, you know, when we look at the
24 transition of heights that we're going to, from 29 to
25 45, in this case, the Valencia Royal, which is, I think

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1 is at about 106, more or less. I mean, we're worried
2 about the shadows in the single family residence, but
3 what about the shadows into the townhouse? I mean,
4 they, you know -- I think 45 feet acts more as a
5 transition than the 35 feet. If I can go to our
6 potential candidates, 35 feet is more of the same. The
7 difference between 29 and 35 feet is not truly a
8 transition to the taller buildings. So, I think,
9 formally, if you look at the City, the 45 feet is
10 more -- is a better transition to what is, in some
11 cases, high density and in other cases mid density.

12 CHAIRMAN KORGE: Thank you. So where are
13 we? I mean --

14 MR. BEHAR: Well, let's then -- Eric, why
15 don't you put together what you think is going to be
16 sufficient material, that needs to be submitted to
17 you --

18 CHAIRMAN KORGE: To make a recommendation.

19 MR. BEHAR: To make a recommendation.
20 Whatever you think is necessary, that's what you've got
21 to submit to the applicant.

22 MR. RIEL: Especially in the Building and
23 Zoning and the Planning.

24 MR. BEHAR: Absolutely.

25 MS. KEON: Right. And to make sure, then,

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1 if you will include the shadowing and the distances
2 from the single family homes --

3 MR. SALMAN: What shadow? They're on the
4 north side of the street. They're never going to cast
5 a shadow on the south.

6 MS. KEON: But it isn't just for those. I
7 mean, I have a bigger concern also that maybe this an
8 area that you should look at with respect to the Zoning
9 Code. You know, I mean, and I think it's better if
10 you're going to do it, we ought to go back and look at
11 it, also.

12 MR. SALMAN: We have -- We have a different
13 issue with the Zoning Code. And the problem is one of
14 adjacency, and that's, I think, what the problem is.

15 MS. KEON: Well, but that's what I'm asking
16 you. I think when it's not adjacent and it's not
17 abutting, but when they define it, I think it should be
18 defined more with regard to shadowing than just its
19 proximity to a particular -- the proximity of buildings
20 to one another. It's the effect that the buildings
21 have on one another, and not just that they're there.
22 So I think that I'd like to see that information so
23 that we can --

24 MR. SALMAN: That's a separate issue.

25 MS. KEON: Right.

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1 MR. SALMAN: That's a separate issue.

2 CHAIRMAN KORGE: Right.

3 MR. SALMAN: I think that's a direction we
4 should give to Staff with regards to the unintended
5 consequence --

6 MS. KEON: Right.

7 MR. SALMAN: -- to some of these -- some of
8 these definitions. Especially the one where
9 adjacency's across the street --

10 CHAIRMAN KORGE: Right, but again --

11 MR. SALMAN: But that's a separate issue.
12 Just come back to us with the recommendations for --

13 CHAIRMAN KORGE: Exactly.

14 MR. SALMAN: -- for three properties, so
15 that we can make a decision.

16 MR. RIEL: I'll come back with a
17 recommendation based on Building and Zoning input,
18 compliance with the Comp Plan and the Zoning Code.

19 MS. KEON: But I'd like to see that
20 information because I'd like the basis for whatever
21 that recommendation is. And I think that that's an
22 element that should be part of the basis --

23 MR. RIEL: I understand that
24 responsibility --

25 MS. KEON: Yeah.

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1 MR. RIEL: -- and we'll provide that
2 recommendation.
3 MR. BEHAR: Just to -- to clarify, for the
4 applicant, when do you feel that you will have the wish
5 list or the necessary tools for you to make --
6 submitted by the applicant? Do you think that sometime
7 next week that will be ready?
8 MR. RIEL: I can't answer that, because I do
9 not -- I do not supervise the Building and Zoning
10 Department. They're responsible for the preliminary
11 zoning analysis. I mean, I rely on them. They
12 interpret the Zoning Code. They need to feel
13 comfortable with the information they've received to
14 provide input to the Planning Department, and then
15 we'll come forward. You know, I can't guarantee you
16 next week.
17 MR. SALMAN: That's where you're going to
18 run afoul, because they're going to provide you an
19 interpretation based on the definitions as they are
20 provided in the code, and that's where you're going to
21 run afoul. Okay. That's the way it's going to happen,
22 so just get it to us and then we'll make a decision,
23 one way or the other.
24 MR. RIEL: When I am able to make a
25 decision, I will provide --

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1 MR. BEHAR: Okay. Fair enough. We'll leave
2 it up to you.
3 MR. SALMAN: We'll leave it up to you.
4 MR. BEHAR: Fair enough.
5 MR. ECHEMENDIA: Thank you, Mr. Chairman. I
6 think -- Are we then continued to November 12th, after
7 a motion and hopefully a second and --
8 MR. COE: Yes.
9 CHAIRMAN KORGE: Is there a motion to
10 continue to the November 12th meeting?
11 MR. SALMAN: Motion.
12 MR. BEHAR: Second.
13 MR. COE: Second.
14 CHAIRMAN KORGE: Moved and seconded. Any
15 discussion?
16 MR. COE: Call the question.
17 CHAIRMAN KORGE: Call the question, please.
18 MS. MENENDEZ: Jeffrey Flanagan.
19 MR. FLANAGAN: Yes.
20 MS. MENENDEZ: Pat Keon.
21 MS. KEON: Yes.
22 MS. MENENDEZ: Javier Salman.
23 MR. SALMAN: Yes.
24 MS. MENENDEZ: Robert Behar.
25 MR. BEHAR: Yes.

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1 MS. MENENDEZ: Jack Coe.
2 MR. COE: Yes.
3 MS. MENENDEZ: Tom Korge.
4 CHAIRMAN KORGE: Yes.
5 MR. ECHEMENDIA: Thank you so much. We know
6 we're going to be able to work this out.
7 CHAIRMAN KORGE: Hopefully we'll see you in
8 November.
9 The last -- Is this the last item on the
10 agenda, the amendment to the City Code?
11 MR. RIEL: Yes. This is a -- a discussion
12 item. It's under the Planning Director's item.
13 This is an item -- It's actually an
14 ordinance for a text amendment to the City Code. As
15 you know, the Planning and Zoning Board is responsible
16 for the Zoning Code, in terms of text amendments. The
17 ordinance was presented to the City Commission. It's
18 relative to the parking requirements that are in the
19 City Code.
20 As part of the discussion, when I went to
21 the Commission, initially, I believe, about two months
22 ago, the Commission asked that the Parking Director
23 come to the Planning Board for their input regarding
24 the changes in the City Code. So we're looking for
25 recommendations, suggestions, modification to the Code,

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1 that will go to Parking Director, the Parking Director
2 will make a recommendation to the City Commission, and
3 the City Commission will take your comments under
4 advisement and recommendations.
5 With that, I'll turn it over to the Parking
6 Director, Mr. Kinney.
7 MR. KINNEY: Mr. Chairman, Kevin Kinney, the
8 Parking Director here, in Coral Gables. As Eric
9 explained, I did a rewrite of the Parking Code, which
10 hadn't been touched for about 50 years, and made some
11 significant changes. And one of those changes
12 generated significant discussion at the Commission
13 level. And the end result of that was that -- present
14 that section to you, and get your comments, and see
15 where we're going to go with that.
16 The specific issue relates to Section 5 in
17 the -- in the proposed code that was distributed to
18 you. It's called a Parking Replacement Assessment. It
19 has two key components. The first component deals with
20 loss of on-street parking.
21 Currently, how the City handles loss of
22 on-street parking is, if a development causes the loss
23 of on-street parking, I calculate the lost revenue, and
24 there's an annual payment for that lost revenue, in
25 perpetuity. In other words, the focus is on getting

Attendance/Speaker Sign In Sheet
Planning & Zoning Board Meeting - Re: DYL Merrick MXD
October 8, 2008

	Name	Mailing Address	Phone Number or Email Address	Do you wish to speak? (check one)
1.	ZEKE GUILFORD	2222 PONCE DE LEON BLVD CONAR GMBUS, FL 33134	305-446-8411	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.	JOHN NARAYO	418 ALMIXAR AVE	305-663-2746	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3.	Elizabeth Stone	425 Cadagua Ave	(305) 663-1303	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4.	Janne Patrick	424 Almiral Ave	305 661 6310	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5.	PEONY CARR	412 ALMIXAR AVE	305/666-8911 ONLY A CARR@AOL.COM	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6.	LOHNDIECK	413 CADAGUA AVE	305/661-1699	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7.	VINCENT DAMIAN	115 N. Greenway	305 379 1681	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.	Wayne Block	600 Blue Rd	305 662 1626 wblock@miam1.edu	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9.	John Gustin	258 NW 45th St Miami FL 33127	John-gustin@hotmail.com	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Attachment

B

Attendance/Speaker Sign In Sheet
Planning & Zoning Board Meeting - Re: DYL Merrick MXD
October 8, 2008

	Name	Mailing Address	Phone Number or Email Address	Do you wish to speak? (check one)
1.	Lisa Maroon	608 Cadagua Avenue CG 33146	305-661-4306	<input checked="" type="checkbox"/> Yes [] No
2.	Shirley Maroon	608 cadagua Avenue CG 33146	305-661-4306	<input checked="" type="checkbox"/> Yes [] No
3.	Jane O'Reynolds	539 Cadagua		[] Yes [] No
4.				[] Yes [] No
5.	Enice M. Smith	539 CADAGUA 33146	305-666-6094	[] Yes [] No
	Elizabeth Rebecca Connor	539 Cadagua 33146	305-666-6094	[] Yes [] No
6.				[] Yes [] No
7.				[] Yes [] No
8.				[] Yes [] No
9.				[] Yes [] No

Attendance/Speaker Sign In Sheet
Planning & Zoning Board Meeting - Re: Proposed Settlement Agreement w/Menoyo
October 8, 2008

	Name	Mailing Address	Phone Number or Email Address	Do you wish to speak? (check one)
1.	Teófilo Victoria	2508 Columbus Blvd. Coral Gables, FL 33134	305-442-6763	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Agenda Item #6
2.	Maria de la Guardia	2508 Columbus Blvd Coral Gables FL 33134	305-444-6363	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Agenda Item #6
3.	Mario Garcia-Serra	1221 Brickell Ave. Miami, FL 33131	garcia-serra@mgtlaw.com	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Agenda Item #7
4.	Fernando Menoyo			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Agenda Item #6
5.				<input type="checkbox"/> Yes <input type="checkbox"/> No
6.				<input type="checkbox"/> Yes <input type="checkbox"/> No
7.				<input type="checkbox"/> Yes <input type="checkbox"/> No
8.				<input type="checkbox"/> Yes <input type="checkbox"/> No
9.				<input type="checkbox"/> Yes <input type="checkbox"/> No

FERNANDO MENOYO
ALMERIA ROW LLC

Planning & Zoning Board Meeting

October 8, 2008

- A. Properties
- B. Prior Code Provisions Regarding Height
- C. Height Analysis – Adjacent Properties
- D. Transition Analysis
- E. Land Use Plan Map
- F. Photographs of Neighborhood
- G. Proposed Site Specific Regulations

ENTERED AS EXHIBIT Bob de la Fuente A1
NUMBER
THE PLANNING AND ZONING BOARD
ON Oct. 8, 2008 JM
DATE INITIALS



GROUP I

GROUP V

GROUP III

GROUP IV

GROUP II



TOWN HOUSE

- 1 a. Parcels of land abutting or contiguous to SF Districts. Forty-five (45) feet, except that
- 2 no portion of any building within fifty (50) feet of any property line which abuts or is
- 3 contiguous to land designated as an SF District shall have a height in excess of
- 4 thirty-five (35) feet.
- 5
- 6 ~~b.~~ b. Parcels of land adjacent to SF Districts. Forty-five (45) feet.
- 7
- 8 c. Parcels of land which are contiguous or adjacent to MF - 1 Districts or land
- 9 designated as public buildings and grounds. Forty-five (45) feet.
- 10
- 11 d. Parcels of land designated residential use - multi-family low density.
- 12
- 13 Parcels of land which are contiguous or adjacent to parcels designated
- 14 residential use - multi-family low-density land use designations: forty-five (45)
- 15 feet.
- 16 Parcels of land which are contiguous or adjacent to other parcels designated
- 17 residential use - multi-family medium density land use designations: forty-five
- 18 (45) feet.
- 19 i. Parcels of land which are contiguous or adjacent to parcels designated
- 20 residential use - multi-family high density or commercial use high-rise intensity
- 21 land use designations: sixty (60) feet.
- 22
- 23 e. Parcels of land designated residential use - multi-family medium density.
- 24
- 25 Parcels of land which are contiguous or adjacent to parcels designated
- 26 residential use - multi-family low-density land use designations: sixty (60) feet.
- 27 Parcels of land which are contiguous or adjacent to parcels designated
- 28 residential use - multi-family medium density land use designations: sixty (60)
- 29 feet or seventy (70) feet if a parcel of land has an area of 20,000 square feet or
- 30 more.
- 31 Parcels of land which are contiguous or adjacent to parcels designated
- 32 residential use - multi-family high density or commercial use high-rise intensity
- 33 land use designations: sixty (60) feet or one-hundred (100) feet if a parcel of
- 34 land has an area of 20,000 square feet or more.
- 35
- 36
- 37 f. Parcels of land designated residential use - multi-family high density.
- 38
- 39 i. Parcels of land which are contiguous or adjacent to parcels designated
- 40 residential use - multi-family low-density land use designations: sixty (60) feet or
- 41 seventy (70) feet if a parcel of land has an area of 20,000 square feet or more.
- 42 i. Parcels of land which are contiguous or adjacent to parcels designated
- 43 residential use - multi-family medium density land use designations:
- 44
- 45 (a) Sixty (60) feet if a parcel of land is less than 10,000 square feet, or seventy
- 46 (70) feet if a parcel of land has an area of 10,000 square feet or greater but
- 47 less than 20,000 square feet, or
- 48
- 49 (b) One hundred (100) feet if a parcel of land has an area of 20,000 square feet
- 50 or more.
- 51
- 52 ii. Parcels of land which are contiguous or adjacent to other parcels designated
- 53 residential use - multi-family high density or commercial use high-rise intensity
- 54 land use designations: sixty (60) feet or one hundred fifty (150) feet if a parcel of
- 55 land has an area of 20,000 square feet or more.
- 56
- 57



**HEIGHT ANALYSIS
ADJACENT PROPERTIES**

GROUP I: 744 Biltmore Way; 2509 Anderson Road; 745 Valencia Avenue

NORTH

Zoning	MF2
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	Per CLUP or Site Specific Zoning Regulations

SOUTH (Group V)

Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code (subject of Harris Act claim – requesting restoration of 45 feet)

EAST

Zoning	MFSA
LUP	MULTI-FAMILY HIGH DENSITY
Height Limit	Approved Project: 106 feet.

WEST

Zoning	SFR
LUP	SINGLE FAMILY LOW DENSITY
Height Limit	29 feet

GROUP II: 635 Almeria Avenue; 643 Almeria Avenue

NORTH:

Zoning	MFSA
LUP	MULTI-FAMILY MEDIUM DENSITY
Height Limit:	60 feet

SOUTH

Zoning	SFR
LUP	SINGLE FAMILY LOW DENSITY
Height Limit	29 feet

EAST

Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code

WEST (Already-Built Townhomes)

Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code

GROUP III: 2605 Anderson Road; 2611 Anderson Road

NORTH (Group V)

Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code (subject of Harris Act claim – requesting restoration of 45 feet)

SOUTH (Group IV)

Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code (subject of Harris Act claim – requesting restoration of 45 feet)

EAST

Zoning	MFSA
LUP	MULTI-FAMILY MEDIUM DENSITY
Height Limit	60 feet

WEST

Zoning	SFR
LUP	SINGLE FAMILY LOW DENSITY
Height Limit	29 feet

GROUP IV: 731 Almeria Avenue; 735 Almeria Avenue; 743 Almeria Avenue; 2615 Anderson Road

NORTH

Zoning	MFSA
LUP	MULTI-FAMILY MEDIUM DENSITY
Height Limit	60

SOUTH

Zoning	SFR
LUP	SINGLE FAMILY LOW DENSITY
Height Limit	29 feet

EAST

Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code

WEST (Group III)

Zoning	SFR
LUP	SINGLE FAMILY LOW DENSITY
Height Limit	29 feet

GROUP V: 760 Valencia Avenue

NORTH (Group I)

Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code (subject of Harris Act claim -- requesting restoration of 45 feet)

SOUTH (Group III)

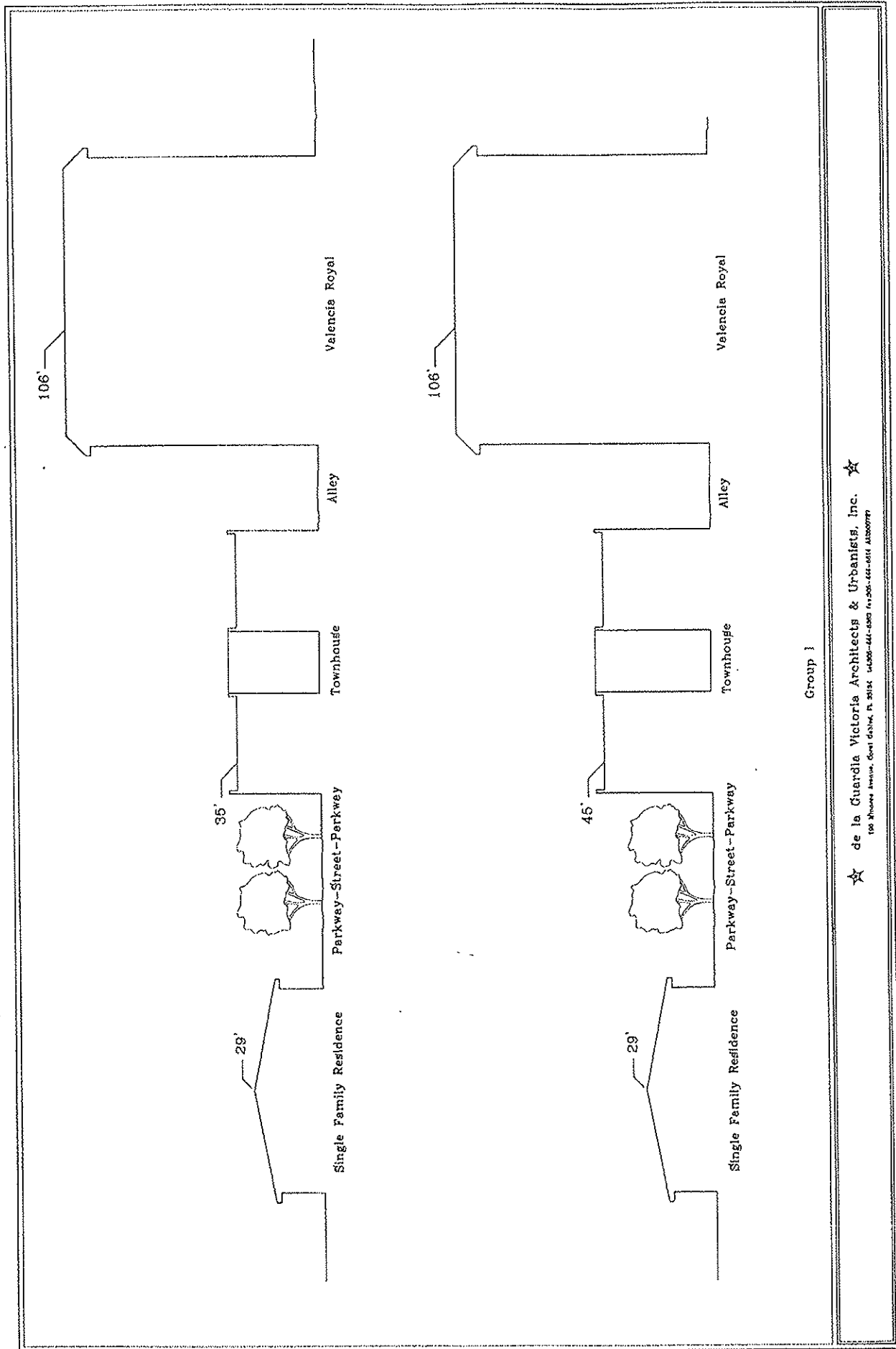
Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code (subject of Harris Act claim -- requesting restoration of 45 feet)

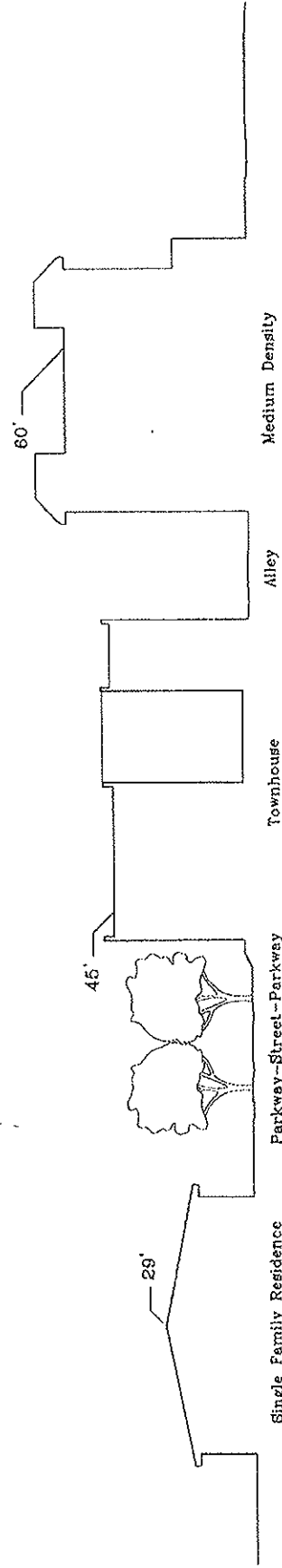
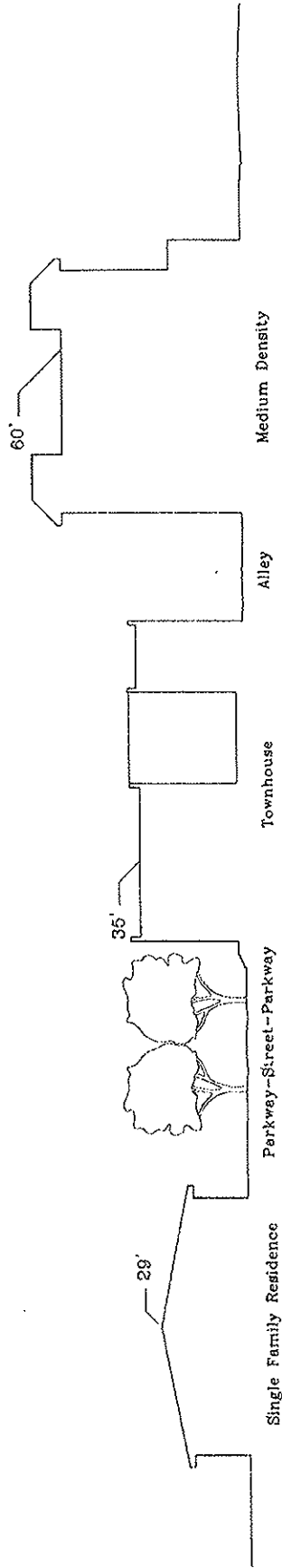
EAST

Zoning	MFSA
LUP	MEDIUM DENSITY
Height Limit	60 feet

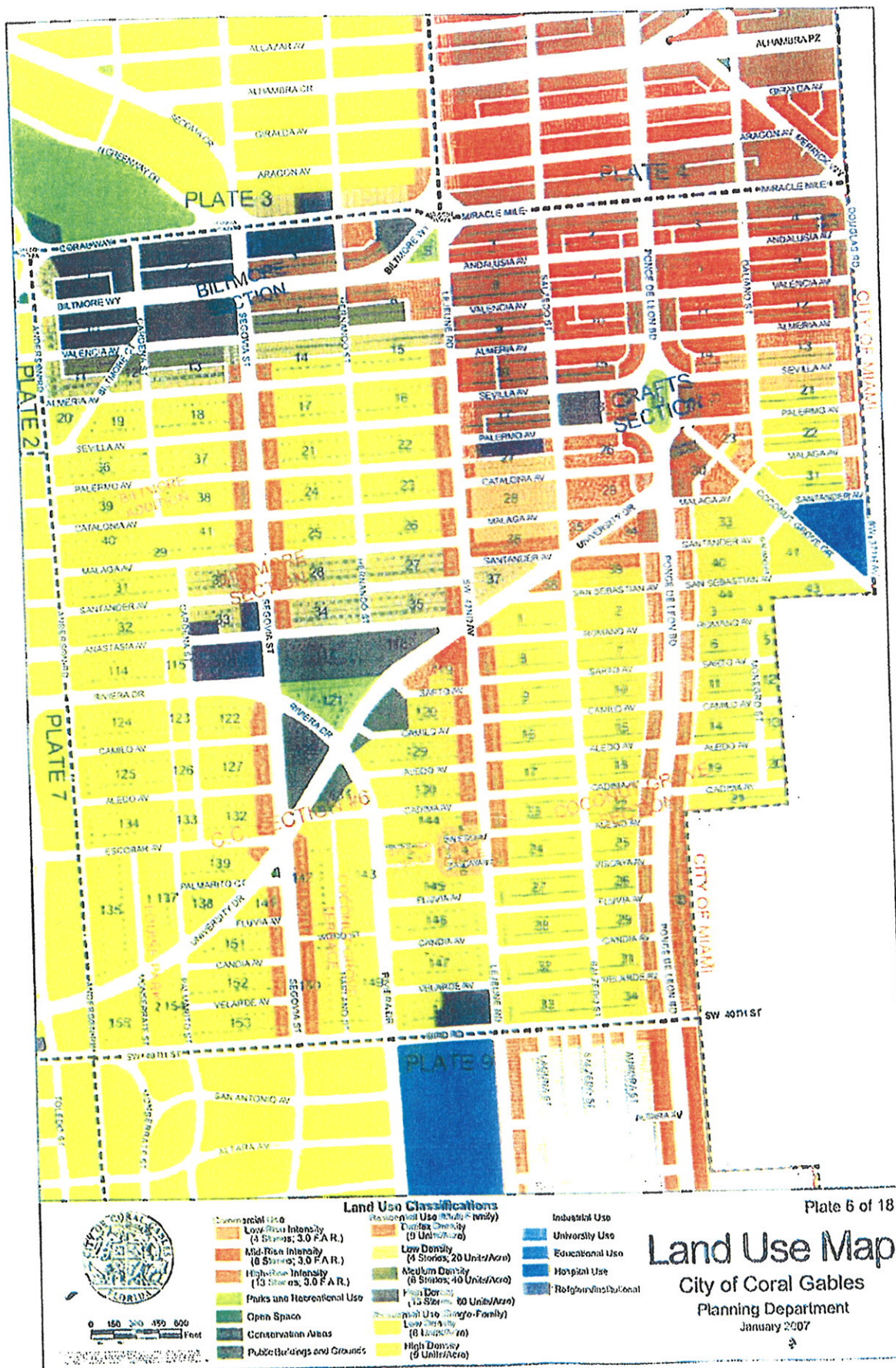
WEST

Zoning	SFR
LUP	SINGLE-FAMILY LOW DENSITY
Height Limit	29 feet

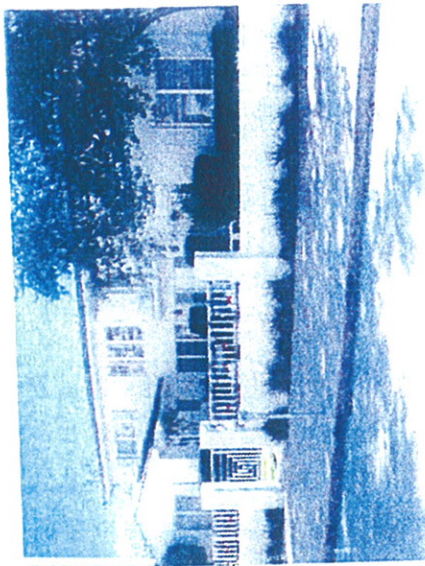
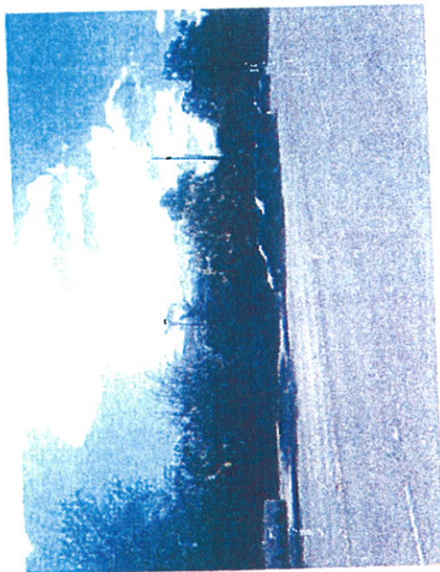




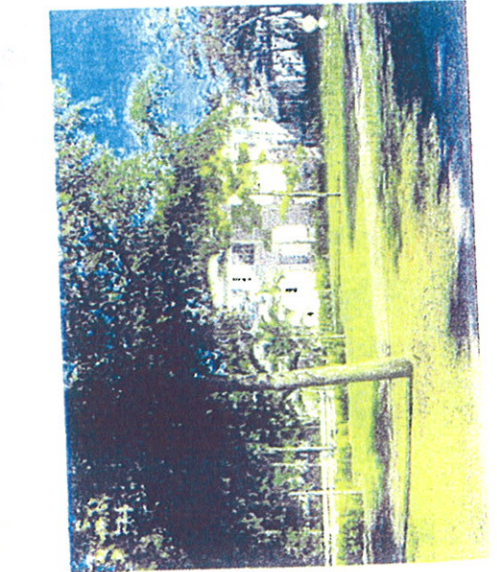
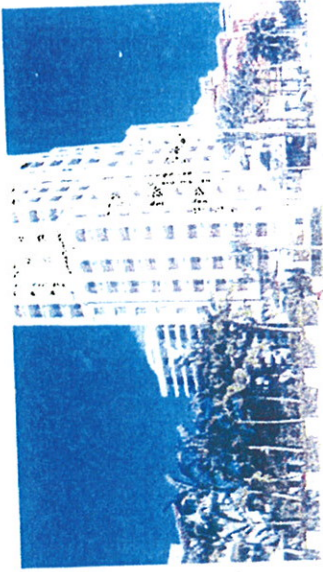
Groups II, III, IV, V



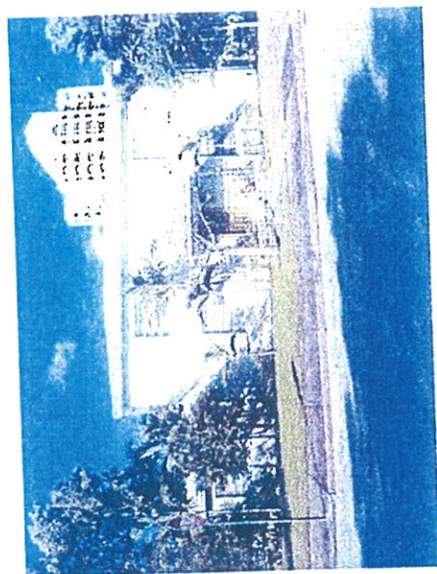
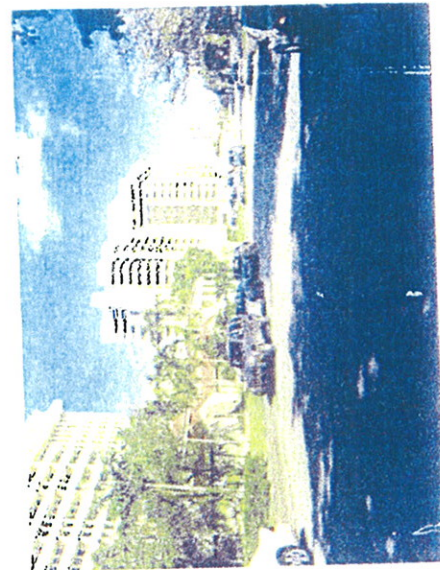
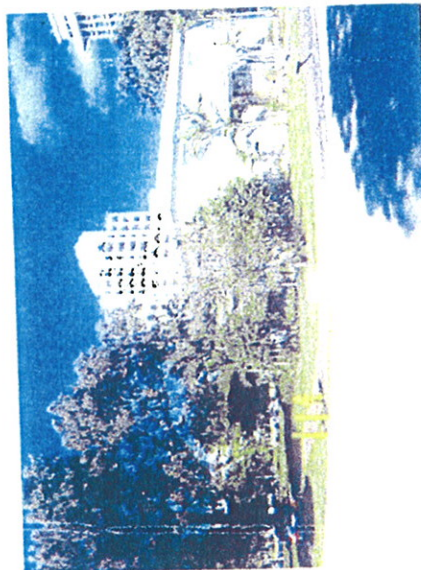
Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



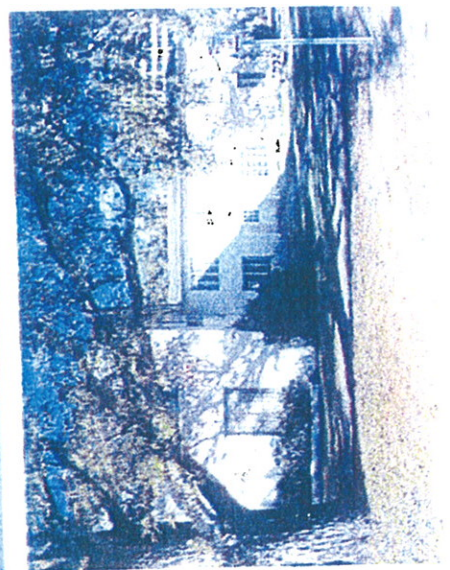
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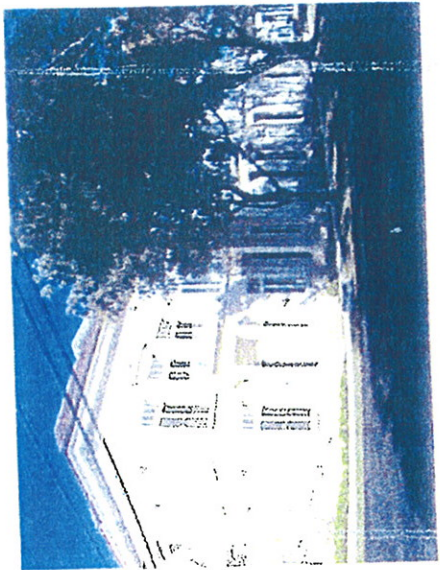
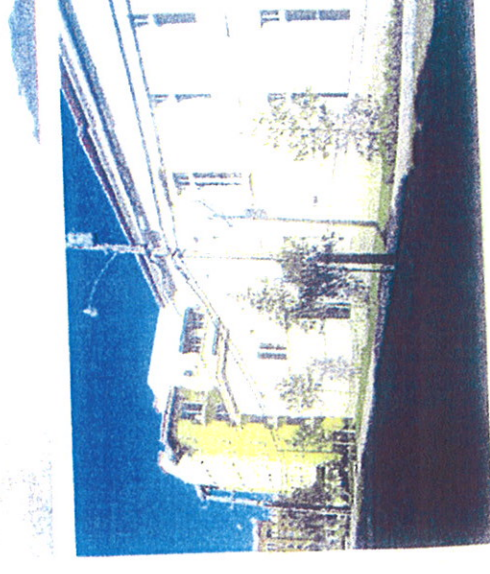
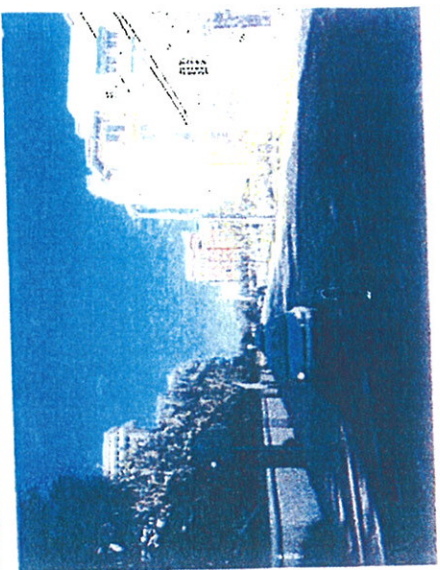
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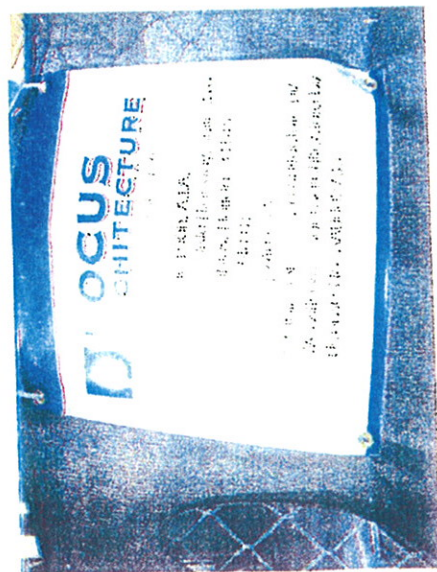
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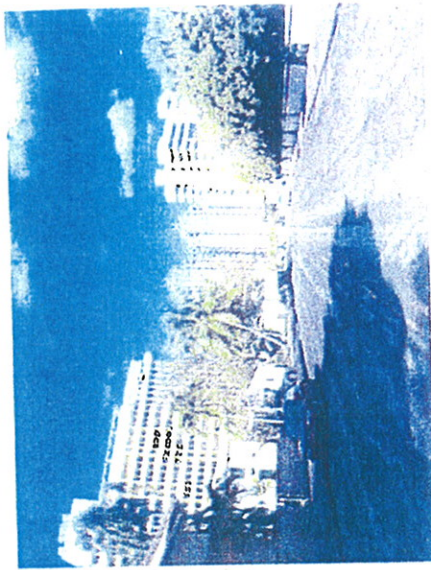
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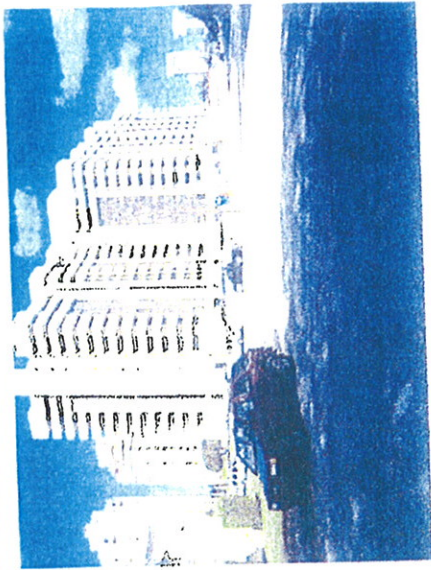
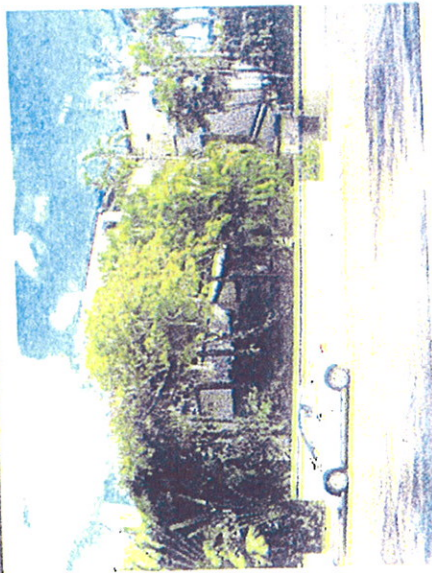
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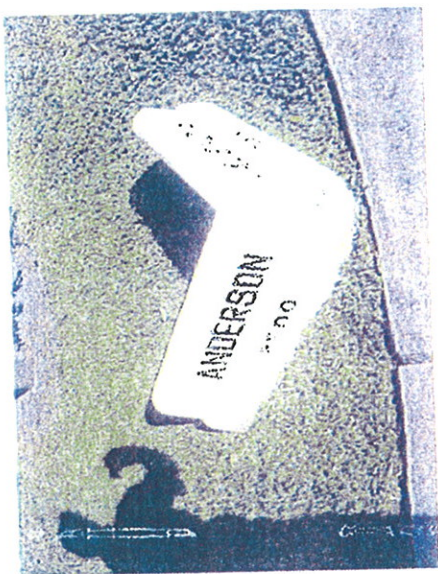
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SITE SPECIFIC

APPENDIX A – SITE SPECIFIC ZONING REGULATIONS

SECTION A-12 – Coral Gables Biltmore Section

A. Height of buildings.

1. Height of buildings on the following described properties shall have a height limitation of forty-five (45) feet and 3 stories:

- a. Coral Gables Biltmore Section, Plat Book 20, Page 28, Lots 1, 2, 42 and 43, Block 10;
- b. Coral Gables Biltmore Section, Plat Book 20, Page 28, Lots 1, 2, 18, 19, 20, 21, 22, 23, Block 11.

SECTION A-3(A) – Almeria

A. Height of buildings.

1. Height of buildings on the following described properties shall have a height limitation of forty-five (45) feet and 3 stories:

- a. Almeria Replat, Plat Book 166, Page 82, Lots 6, 7, 8, 9, 10, Block 1