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glad you're coming forward, but this is again, we look -- we're looking at this whole sector in pieces. I think that, if we had all the old property owners like you come forward, I think we would make a much better --

DR. RAKOFSKY: I agree.

MR. BEHAR: -- you know, decision, in order -- I'm in favor of doing it. I just -- Again, there's no method of being able to --

You know, Eric, any --

MR. RIEL: And that was actually an issue that was brought up by the Commission at yesterday's meeting, when the other property came through. They actually asked the Manager to schedule an upcoming meeting or workshop to talk about the area in general, the CBD, in terms of, you know, development of a Master Plan, or to look at, you know, from a holistic basis, the area from Almeria north. So that's in motion.

MR. BEHAR: Okay.

CHAIRMAN KORGE: Any other discussion or questions?

MR. BEHAR: If there's none, I make a motion to approve.

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CHAIRMAN KORGE: There's a motion to approve.

MR. SALMAN: I'll second it.

CHAIRMAN KORGE: Seconded. No further discussion? Let's call the roll, please.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Javier Salman?

MR. SALMAN: Yes.

MS. MENENDEZ: Eibi Aizenstat?

MR. AIZENSTAT: Yes.

MS. MENENDEZ: Robert Behar?

MR. BEHAR: Yes.

MS. MENENDEZ: Tom Korge?

CHAIRMAN KORGE: Yes.

DR. RAKOFSKY: Thank you very much.

CHAIRMAN KORGE: Our next item is a change of zoning in the University of Miami Campus boundaries. This a City-initiated change of zoning for certain privately-owned properties within the boundaries, bounded -- in the area generally bounded by Levante Avenue, Red Road, Mataro Avenue, and San Amaro Drive.

MR. CARLSON: The second item which is before you this evening is a change of zoning

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application. At last month's -- Last month, the Board approved a change of zoning for University-owned properties, from UMCAD to University Campus District, or UCD.

At that meeting, Staff informed the Board that a change of zoning for private properties which are located within the campus, being the fraternity properties and the religious institutional properties, would be made at this month's Board meeting.

This change would bring these private properties into compliance with their existing University Campus land use designation. With this change, there are seven fraternities and five religious institutions included in this change of zoning. Currently, the fraternities are zoned single-family residential, and the religious institutional -- institutions are zoned UMCAD, which remains from the previous UMCAD zoning designation.

All 12 of these properties would be rezoned to the University Campus District designation, or the UCD designation, similar to the University-owned properties which surround them.

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This change of zoning is City-initiated, and the Planning Department is recommending approval of this application. Each of these 12 properties were sent a certified letter, notifying them of this, of this proposal, and for the record, I would like to submit the receipts, the certified letter receipts.

CHAIRMAN KORGE: Thank you.

MR. CARLSON: I would also like to note that each one of these properties was posted and that there were courtesy notices mailed to all property owners within a thousand feet of these properties, and at the back of your report, you can note -- I hope you can note that there was only one returned, and that was no objection.

That concludes Staff's presentation.

CHAIRMAN KORGE: Thank you.

Is anybody here representing the University? Would you like to speak to this?

UNIDENTIFIED WOMAN: We're not the applicant.

CHAIRMAN KORGE: I know you're not the applicant. I didn't know if you wanted to say anything before we -- No?

1 UNIDENTIFIED WOMAN: No. We have no
2 objection.

3 CHAIRMAN KORGE: I'll open it for
4 discussion or a motion.

5 MR. FLANAGAN: Can I just ask, did we get
6 no response back from any of those property
7 owners or any of the fraternity owners?

8 MR. CARLSON: We had just the one notice
9 from the surrounding properties. We had one
10 call from one of the fraternities, and all they
11 wanted was a clarification and explanation, and
12 once the proposal was explained to them, they
13 didn't have any issue with it.

14 MR. FLANAGAN: Did it go to the house or
15 did it go to -- I guess it would have gone to
16 the owner of record?

17 MR. CARLSON: Owner of record.

18 MR. RIEL: And we did a fairly detailed
19 letter, in terms of what it -- what the, you
20 know, proposal previously would -- existing
21 zoning, and then what the new proposal was,
22 so --

23 CHAIRMAN KORGE: This won't preclude the
24 existing use at all, obviously.

25 MR. RIEL: No, it won't. It won't.

1 CHAIRMAN KORGE: Right.

2 MR. RIEL: Correct.

3 CHAIRMAN KORGE: Which raises an
4 interesting question for me, not the -- not the
5 change in zoning, but this is City-initiated,
6 correct?

7 MR. RIEL: Correct.

8 CHAIRMAN KORGE: Why isn't the City able to
9 initiate a similar change with respect to the
10 other properties that we were discussing --

11 MR. BEHAR: Thank you.

12 CHAIRMAN KORGE: -- in the previous
13 application.

14 MR. BEHAR: Thank you.

15 CHAIRMAN KORGE: If there is.

16 MR. BEHAR: Take the Fifth.

17 MR. RIEL: Maybe I should take the Fifth,
18 yeah. Thank you.

19 I mean, obviously, the University, by
20 coming through, you know, with the application,
21 that changed everything to UCD, this would
22 create, pretty much, donut holes. So that's
23 why we initiated it, to make it, in terms of
24 consistency. In terms of going out and doing a
25 wholesale -- you know, for instance, of the

1 CBD, that would involve doing a study,
2 contacting each of the owners, and then, you
3 know, obviously, working with them. But I
4 think that's a more in-depth, you know, rather
5 than just -- This is kind of -- I don't see
6 this as kind of -- not scrivener's errors, but
7 this is more of just like making it consistent,
8 because it's wholly surrounded by the
9 University, so --

10 MR. SALMAN: I have a question. These
11 properties are not owned by the University of
12 Miami, yet we're incorporating them in the UCD;
13 is that correct?

14 UNIDENTIFIED WOMAN: They're not owned by
15 the University.

16 MR. SALMAN: They're not owned by the
17 University?

18 MR. RIEL: No. Correct.

19 MR. SALMAN: And there's none of them here
20 to say that they're okay with it?

21 CHAIRMAN KORGE: Well, if you think about
22 it, it's not surprising, because they're
23 basically affiliated with the University, all
24 of them, you know.

25 MR. SALMAN: Hey --

1 CHAIRMAN KORGE: I'm sorry, go ahead.

2 MR. SALMAN: You know, let's follow the
3 logic out here, okay? So, basically, we're
4 initiating a change of zoning, where the people
5 are being noticed that they're being -- "By the
6 way, your zoning is being changed to be
7 included as part of the University of Miami and
8 the University Campus District," and nobody
9 showed up?

10 Well, let the record say that, you know,
11 nobody showed up, and that we're going to go
12 ahead and rule on this.

13 MR. BEHAR: My question is, you know, I'm
14 wondering if we should extend that all the way
15 through Miller Drive.

16 MR. SALMAN: No, because it's outside the
17 perimeter of what we --

18 MR. BEHAR: It's going to happen sooner or
19 later.

20 MR. RIEL: But it's also important to note,
21 I mean, these properties have UMCAD zoning and
22 they have single-family zoning. They have a
23 lot of different categories. There's not
24 consistent land use and zoning. So that's one
25 thing that the City is responsible to do, to

1 make sure there's consistent land use and
2 zoning, by the Comp Plan. So that's why, you
3 know, in terms of the City-initiated request, I
4 mean, that's one of our goals and objectives,
5 to eliminate inconsistencies on properties,
6 so --

7 MR. SALMAN: I know the University of Miami
8 owns property north of their boundary, and it's
9 all in the single-family area, between Mataro
10 and Miller, well as places in and around the
11 campus that they use -- in and around that area
12 outside the campus that they use for their
13 professors and visiting lecturers or whatnot.

14 My concern, again, is that we're doing it
15 without necessarily the benefit of having a
16 letter, saying, "Yeah, we're okay with it."

17 CHAIRMAN KORGE: The what, I'm sorry? I
18 didn't hear.

19 MR. SALMAN: The letter, saying that, yeah,
20 they're okay with it, that the owners of the
21 properties are okay with the change of the
22 underlying zoning.

23 CHAIRMAN KORGE: Well, that would be more
24 problematic, but the point I was trying -- if
25 we moved it north, say, to the residential

1 violation. They have multi-family in a
2 single-family lot, so --

3 MR. AIZENSTAT: Well, that was actually
4 what I wanted to ask. I've noticed --

5 MR. SALMAN: We're correcting an issue.

6 MR. AIZENSTAT: -- that all these
7 properties that are here are single-family.
8 Weren't they in violation?

9 MR. RIEL: Well, we did have one, about
10 three or four years ago, come through and, as a
11 part, you know, ask for a change in zoning,
12 but --

13 MR. AIZENSTAT: Property Number 6.

14 MR. RIEL: I'm not sure which one it was,
15 but we did, in the past. But basically, what
16 we've done in the past is, as they do, you
17 know, an expansion, that's when we make them
18 come back and do consistent, you know, land use
19 and zoning. I mean, just what we've done here
20 is, obviously, since the University has come
21 forward with their application --

22 MR. BEHAR: And it makes sense, because
23 you're cleaning the whole area, where
24 everything -- I mean, it makes sense to do
25 that.

1 there. But the point I was trying to make,
2 maybe not very well, is that because these
3 properties essentially exist solely as an
4 adjunct of the University --

5 MR. SALMAN: Agreed.

6 CHAIRMAN KORGE: -- they are more properly
7 zoned within the University Campus District.
8 They really are just there to service the
9 University. I don't know what the underlying
10 title provides, but I suspect the University
11 has some say, more than just as a neighbor,
12 over the activities within those facilities,
13 especially the fraternities. They're not going
14 to let the fraternities -- I can tell you, at
15 the University of Florida, for example, there
16 are fraternities located off-campus, yet
17 they're subject to control by the University,
18 because they're --

19 MR. SALMAN: They're chartered by the
20 University. They're allowed.

21 CHAIRMAN KORGE: Chartered by the
22 University, exactly. So, I mean, I don't know
23 the details of it, but in that context, it
24 doesn't bother me.

25 MR. SALMAN: Well, they're already in

1 MR. RIEL: And essentially, what would
2 happen is, under the current Code right now, if
3 they did an expansion, it would have to
4 actually come through for a change in zoning,
5 and that would have to come to this Board. So
6 if they add on to any portion of a fraternity
7 or anything, it would need to come through this
8 Board.

9 MR. SALMAN: These are all probably
10 existing nonconforming uses.

11 MR. CARLSON: Well, these are all -- These
12 were all approved many, many years ago, under
13 an X designation. They're single-family. The
14 underlying zoning is a single-family
15 residential, and they put -- they applied an X
16 designation, 30, 40 years ago, whenever this
17 was done --

18 MR. AIZENSTAT: Oh, so they are legal?

19 MR. CARLSON: -- to allow the fraternities
20 to exist there. When we changed --

21 MR. RIEL: They're not illegal. They're
22 nonconforming.

23 MR. BEHAR: Legal nonconforming, legal
24 nonconforming.

25 MR. RIEL: Right.

MR. CARLSON: So when we changed the zoning --

MR. BEHAR: So it makes sense to, you know, put it into the UCD and --

MR. SALMAN: Yeah, I see this obviously as a housekeeping issue, other than the fact that -- that --

MR. BEHAR: I think that would help promote --

MR. SALMAN: -- the underlying ownership of the property isn't part of the University of Miami. That's the only issue that I see.

MR. BEHAR: I'll make a motion to approve.

MR. AIZENSTAT: I'll second it.

CHAIRMAN KORGE: Any discussion on the motion? Oh, excuse me. Is there anybody from the public that wishes to speak on this? Well, we've got the motion still on the table, okay.

Any discussion on the motion?

Hearing none, we'll call the roll, please.

MS. MENENDEZ: Javier Salman? Javier?

MR. SALMAN: Because there is no objection from the owners, I will vote to approve.

MS. MENENDEZ: Eibi Aizenstat?

specifically, Section 5-1404 of our Zoning Code.

You have the packet, I believe, that Staff has provided for you. I'll briefly go over the packet with you. Attachment A, the purpose for this text amendment. In order to achieve better clarity of this particular section, the Code Enforcement Division recommends amendments to the language used to cite for vehicles parked on unapproved surfaces, specifically, on private property.

At our Code Enforcement ticket hearing, which is held monthly, attorneys specifically have been challenging the wording of the Code. The word vehicle is missing in the Code, and it does not -- and also does not specify that a vehicle cannot park on the grass on private property. Because of the missing language, the hearing officer has been throwing out cases.

Right below is a proposed amendment, which would just be subsection C, and it would be as following: "Parking of vehicles on any surface on private property other than the aforementioned surfaces shall be prohibited."

I'll repeat it one more time, just to make

MR. AIZENSTAT: Yes.

MS. MENENDEZ: Robert Behar?

MR. BEHAR: Yes.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Tom Korge?

CHAIRMAN KORGE: Yes.

Our final item on the agenda is a proposed City-initiated amendment to Zoning Code, Article 5, Division 14, entitled "Parking, Loading and Driveway Requirements."

MR. RIEL: Mr. Chair, what this is, this is a request for a change in the Zoning Code that was identified by the Building & Zoning Department, more specifically, the Code Enforcement Department, relative to some actions on the Code Enforcement Board.

So I'll turn it over to Eli Gutierrez. He's the Code Enforcement Lead for the City.

MR. GUTIERREZ: Good evening, Mr. Chairman, Members of the Board. For the record, my name is Eli Gutierrez, City of Coral Gables Code Enforcement Lead. I'm here tonight requesting an amendment be made to Article 5, Division 14, "Parking, Loading and Driveway Requirements,"

clear. "Parking of vehicles on any surface on private property other than the aforementioned surfaces shall be prohibited."

Attached in your packet is the ordinance and the proposed change. Also, we have some photos determining the violation, which is Attachment C. Page 1, you see, if you're following with me, the vehicle parked on private property on the green space, on green grass. That is illegal in our Code. Page 2 also shows the same, private property, parked on grass. Page 3 shows what we do allow in the City, parking on our swales. As long as it's very clear for anybody listening out there, as long as there's a no parking sign, you can park, and you cannot block a sidewalk. That is a parking issue which Code Enforcement is also certified to cite for that. So Page 3, that is an allowable parking on our swale. Page 4 is the same, and the first photo on Page 4, if you're looking at it, it shows a row of vehicles parked on the swale, and that is also allowed.

That concludes my quick presentation. I'm open for any questions.

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by MEMBER
THE PLANNING AND ZONING BOARD
ON 10.13.2010 JWM
DATE
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