

City of Coral Gables City Commission Meeting
Agenda Item E-9
January 13, 2009
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael "Ralph" Cabrera, Jr.
Commissioner Wayne "Chip" Withers

City Staff

Interim City Manager, Maria Alberro Jimenez
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
City Clerk Staff, Billy Urquia
Planning Director, Eric Riel
Zoning Technician, Dulce Conde

Public Speaker(s)

Santiago Echemendia, Attorney for Fernando Menoyo and Almeria Row, LLC
Maria de la Guardia, Principal of de la Guardia Victoria Architects & Urbanists, Inc. /
Menoyo Properties
Fernando Menoyo, Coral Gables Developer

E-9 [Start: 4:15:20 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida, amending the text of the Official Zoning Code, Appendix A, Site Specific Zoning Regulations providing for changes to the allowable townhouse building height for specific properties from 35 to 45 feet pursuant to a City of Coral Gables City Commission Settlement Agreement; providing for repeal, providing severability, providing for codification thereof, and providing for an effective date.

(PZB recommended approval with a 4-1 vote).

[Note for the Record: Portions of this transcript are inaudible due to the power outages that occurred, at approximately 2:11 p.m. (which came back at 2:26 p.m.), and then again at approximately 2:30 p.m. (which came back at 4:12 p.m.) which disabled the microphones].

City Attorney Hernandez: Mr. Mayor, members of the City Commission you will recall the following a Bert J. Harris claim filed by the property owner on several pieces of property, we advised the property owner that our office had no objection to them meeting with Commissioners for purposes of presenting to the Planning and Zoning Board a proposed text amendment, that is not an indication from our office, that is the Legal Department, that we are in support or opposed to the text amendment. Rather, we take this as a review by your professional Planning Board and

by the City Commission on zoning principals on not looking at a claim. If the Commission moves forward on a positive manner, at the next reading we will bring forth the Settlement Agreement and then discuss the Bert Harris claim at that meeting, but for today's purposes you are considering the text amendment. Do you agree Mr. Echemendia? Text amendment is what we are talking about today.

Mr. Echemendia: [Inaudible – off mike].

City Attorney Hernandez: Yes, that's it, two hearings.

Mr. Riel: Briefly Mr. Mayor and members of the Commission, I just want to give you a...I'm going to refer to the November 12th Staff Report, the Planning and Zoning Report. Scott in my office handed out to you an exhibit I'm going to refer to; you have that in your packet, but just for sense of urgency, I provided you another copy; I'm going to refer to that at the end. As the City Attorney indicated, this Zoning Code text amendment is proposed by the applicant or the property owner's representative as a means of settlement of a Bert J. Harris claim. Basically, what I've done is prepared findings of fact, six findings of fact that I'm going to go through very briefly, in terms of the City staff's position. City staff's position is we do not support the amendment as presented. Those reasons being the current MFSA height restrictions allow 35 feet within 50 feet of the property line, and then for the remaining property line is allowed to go to 45 feet. If you recall, which I'm sure you do, we did a moratorium study, hundred and twenty days, we enacted a moratorium for the Biltmore Way area; we did a comprehensive study hired outside planning and legal assistance, and basically what we came up with some transitional zoning regulations that dealt with properties as you proceed from single family, multifamily to the Biltmore Way in terms of height, reducing the height. That resulted in the creation of (a) Special District; and as a part of the Zoning Code rewrite toward the end of the rewrite in October 2006, the issue of proximity of uses adjacent to single family, but the Commission asked us to do an additional study to look at commercial, commercial limited, multifamily, and MFSA properties adjacent to single family. If you recall, I did a PowerPoint presentation, we did shadow studies, I don't know if you remember these charts, before we went over in detail in terms of what each of the Zoning Code requirements were. Ultimately the recommendation from staff as well as the Commission was that the limitation would be 35 feet for the first 50 feet on MFSA, and 45 feet for the remainder of the property. On C and CL in MF2, we just decided to go with 35 feet for the entire 100 feet of the property. Just again, trying to refresh your memory in terms of how we got to the point where we are in the Code. Finding number two: the site specific text amendments are assigned to the property, not the specific property owner. The property owner could sell it tomorrow and whoever obviously owns that property would enjoy those rights. The potential exists that the subject property owner could seek variations, or variances that's just to let you know that, that right is available to anybody else, but we just wanted to make sure you understand that. The proposed language that, that applicant has proposed does not require it to be mandatory for townhouses; there could be multifamily units, condominiums that could be if you decide to proceed forward with the height, they could construct that, so townhouses, understand townhouses are not a limitation as proposed by the applicant at this time. The site specific does include a site plan as a part of the settlement agreement, basically just a fact; and probably the issue that causes the department more concern is, the assignment of the site specific does not provide the same opportunities for other properties that have a similar zoning in the same

situation; and with that I'd like to refer to the attachment. Basically what I've done here, the properties in question, which the applicant is going to get up and discuss, and the claim is these three properties right here, shown in the dashed black line; the other two dashed properties that you see, what I've indicated there, and provided illustrations on the bottom, are developments that have gone through the current regulations and adhere to the current regulations. If you look on this illustration you'll see a red hatched, like diagonal line, that's the 50 foot. Basically, when MFSA properties are adjacent to single family, the first 50 foot has to be 35 feet, remainder 45 feet. So that indicates on all the MFAS properties the limitation in terms of the height. If you go to page 2, just further indicating that these are the other MFSA properties that would not be able to partake of the regulations if the Commission decides to go forward with this.

Commissioner Anderson: Sorry, which ones?- which ones wouldn't be able to?- the second page.

Mr. Riel: The second and the third page. Basically the orange is the MFSA designation and single family is the yellow. As you know, we went through the review of the Zoning Code; we went through in terms of height reduction, single family is 29 feet; duplex is 29 feet for the first 50, 45 feet for the remainder, 34 feet for the remainder; the MFSA again 35/45; and then if you recall if you go up to Biltmore Way the heights get higher in terms of 60, 70, and 100 feet, that's why the moratorium City was done. So basically what we did was as a part of that study, which includes this property, is look at transitional height zoning as you move from the single family toward a more intensive development. So basically that presents staff's position; the Planning Board did discuss the applicants proposed text amendments, and they did recommend approval for a 4-1 vote.

Commissioner Anderson: Let me ask a question, its probably my brain that's really fried; I understand that some of the issues that surrounding the increase in these things is to be able to accommodate a certain building typology, is that correct?- a townhouse....

Mr. Riel: [Inaudible – voice-over]

Commissioner Anderson:...OK, I'll just put that out there and I'll get an answer. Now to staff, is there a way, if we decided to go with this to address the concerns of staff is to make, is there a way to apply this in a more consistent basis to the properties that are affected?- I'd like to approve it, but I'm concerned about the consistency issue that you raise.

Mr. Riel: And that was part of the study, it was part of the moratorium study where we looked at that, so that's one of my biggest concerns is why allow it only for this parcel when all the other MFSA properties were not allowed that. Obviously, if we go through and do that study, we will have to renew it by folks, and go through basically reiterate...

Commissioner Anderson: You'd have to go through a whole public process.

Mr. Riel: You'd have to go through the whole public process, again.

Commissioner Anderson: Thank you for the answer, I appreciate it.

Commissioner Withers: Let me ask a question; on page one where the hatched properties are, properties that are hatched, that's basically...

Mr. Riel: The hatching is the first 50 feet of the property.

Commissioner Withers: Right, I understand, but the ones that are block hatched, those are the subject properties, correct?- these three?

Mr. Riel: The assembled property and Almeria Row, those two.

Commissioner Withers: But then it would...[inaudible – off mike]...

Mr. Riel: Correct, correct.

Commissioner Withers: So it's not only...[inaudible – off mike]...the whole area we just doing partial streets also?

Mr. Riel: Correct – site specific, only those particular lots and blocks that are outlined here.

Commissioner Withers: So the issue...[inaudible – off mike].

Mr. Riel: Yes, yes. We have nothing further.

Commissioner Anderson: Thank you Eric.

[Note for the Record: Due to earlier power outage, microphones not working].

Santiago Echemendia: Good afternoon...[inaudible]...architect...

Mayor Slesnick: I think its better you tilt it up towards your mouth.

Mr. Echemendia:...[Inaudible]...if Fernando wants to make some comments as well. In its simplest terms – let me go back...first we thank you for affording us the opportunity, we all visited with you individually, I think it went very well, and...[inaudible]...the result of the Zoning and Planning Board...[inaudible]...not only did they, and I don't want to sound like...[inaudible]...moved in favor of revisiting the entire MFSA, they felt that when you are...[inaudible]...adjacent – adjacency really is the issue that is part of the problem here that was thrown in between the two meetings, we really don't know how it...[inaudible]...but that's what caused the problem here; and I think the Planning Department realized it, but it really causes an unfair burden because the setback, if you will see in some of these conceptuels that Maria handed out...[inaudible]...25 feet setback for family...for townhomes, that's a much different transition than...[inaudible]...The issue of adjacency where right across the street is inappropriate for MFSA, designated property with regards to the limitations on height, and in that respect...[inaudible]...So that's what came out of the Planning and Zoning Board...they are the experts that you look at for architects, that looked at this when you went through the Zoning Code Re-write and added to the recommendation. Incidentally, Pat Keon was the sole dissenting

vote....but she is the one that actually had, and I quote, "can I, can I ask?- you know, I do remember discussion about...[inaudible]...I don't know how you allow for this in the Code...[inaudible]...there are medians and whatever, there is so much difference...you know, that makes some of the outer ones. So she recognized, and her reservation really was, she thought she...[inaudible]...let's look at the whole thing MFSA, our argument was, folks this is a very simple exercise, you have six million dollar...there is no opposition, this is an EYL...you took...[inaudible]...and then allow staff to look at it with respect to all...[inaudible]...in the direction part of the motion that the Planning and Zoning Board made to do. So that was all of our issues. Again, there is no opposition, you know, with all due respect to staff, we think, we poured through the legislative history and there was no, there was nothing relevant to MFSA in terms of...[inaudible]...there was some discussion and concern, and the moratorium was adopted relevant to the [inaudible] allowing an exceedence of 45 feet, and in fact the history shows that this property was originally zoned at a height of 50 feet...[inaudible]...bringing it down to 45; he was caught off-guard to 35 feet.

[Note for the Record: Communications staff stated that they were having problems with the microphones].

Mr. Echemendia: So he was supportive of the various modifications, but was caught by surprise when they were in front of the Design Review Board and were told that, guess what?- your height is 35 feet; and it seems to have been cryptically, again there is nothing in the record in the discussions of Planning and Zoning in the record, in Planning's recommendation and the discussion of the Planning and Zoning Board, but rather somewhere between September 29th, the B and Z (sic: Building and Zoning) meeting, and the October 17th draft there was a critical change that went adjacent with the butting and contiguous, and there was no discussion during the P and Z meeting, and that's what we believe has caused the problem. We truly believe it's a scrivener's error; your Planning and Zoning Board, I think, largely agrees from an architectural planning transitional perspective, and its an easy resolution to a problem that our client has had pending for some time now, notwithstanding your indulgence and your willingness to meet with us, and send us back. It has been a kind of a daunting and arduous task to get in front of you at the stage we are at. Just one comment before, because I think Maria really makes the most compelling argument with the graphics and from, you know, being as an esteemed and well regarded architect as she is, with respect to staff, it is misplaced to treat this as a development proposal; and I think the Planning and Zoning Board acknowledged that; we don't have a site plan because we are not here with a development proposal that you are looking at; we are simply to give us back the 45 feet that we had previously. If we have variances, we will go in front of the Board of Architects, or Board of Adjustment; when we have a site plan, the site plan will go through DRC and we'll go through the process; there is no typology because we don't have a program in front of you. So we believe that the basis for staff's objections are really misplaced in this case; this is a different matter and urges you to consider a favorable...

Mayor Slesnick: Well, let's go over a few points. You say there is no typology; when I met with you, I was under the impression that we were talking about the row-house typology.

Commissioner Anderson: Yeah, the carriage home typology, the third one.

Mayor Slesnick: Are you suggesting now that we are giving 45 feet for whatever is decided to be built there? I thought we were doing this specifically to reproduce, recreate what we've already seen Mr. Menoyo create, and that's what we talked about.

Mr. Echemendia: Mr. Mayor, we'd be happy to have that discussion with you; the item is simply a legislative item...

Mayor Slesnick: No, no, no.

Mr. Echemendia: Let me ask you a question, if I may? I'm not suggesting, I know that you have suggested that we limit it, in other words....

Mayor Slesnick: No, I didn't suggest anything, we talked about that day, and Mr. Menoyo came in with more materials suggesting of the award-winning properties that he produced, and we looked at the book together, the glossy photographs, and I mean, it was my impression that the reason we were considering this is because Mr. Menoyo wanted to again create the same typology on these pieces of land.

Mr. Echemendia: OK, can I answer that?- I'll try to answer that. When...Menoyo has built the Almeria Row, that is an award-winning project, that is a townhouse project, and I believe, I believe if I'm not mistaken, it's at 35 feet?- 45 feet?- Maria you could help – 35 feet; the argument relative to the townhouse project, the argument articulated by, and will be articulated by Maria and Fernando is that, though you can get a townhouse project in 35 feet, the prototype that they have going forward at least in one project, or had going forward which is now on hold, requires more than 35 feet, it's still three stories, but one of the floors is called a "Piano Noblé", which has a much higher ceiling and therefore requires the 45 feet. You are absolutely right, we did have that discussion. The nature of the request, however, is simply to change the height from 35 to 45 feet on the properties that are the subject of the Bert J. Harris claim. If the Commission in its wisdom or lack thereof, however you want to do it, decides that you want to impose a further limitation; if the Commission and based on your recollection, Mr. Mayor, if you decided as part of the second reading, or between now and the second reading, that the condition to your support be that if you limit it to the townhouse concept, and that's something that we would have to obtain.

Mayor Slesnick: Let me, I don't know about the first vote, I mean, my fellow Commission members can recollect what they had discussions with you about, but I thought it was clear to me that the reason that I could even consider distinguishing these properties from other people and it was for the typology, and for the exact thing that you described to me. We went through in detail about the height needed, the ceilings, where we were going with this, and how, etc., etc., etc; so I am very surprised. So let's move on. Is it your understanding Eric adjacent was a mistake, an oversight, a scrivener's error, or...?

Mr. Echemendia: [Inaudible – off mike]

Mayor Slesnick: So whether we agree to this or not, it's your recollection as it is mine, that we clearly discussed this, and we clearly made this, it was not a mistake, or scrivener's error?

Mr. Echemendia: [Inaudible – off mike]...we actually didn't have a definition...

Mayor Slesnick: OK. OK, and finally, what was finally?- let me see – the Bert J. Harris suit.
City Attorney Hernandez: Yes sir.

Mayor Slesnick: We took the allegation and the suit is that we took property rights from Mr. Menoyo?

City Attorney Hernandez: The allegations under Bert Harris is that the City Commission took action that inordinately burdened the property that he owned at the time, however, he didn't own all of the property.

Mayor Slesnick: That's what I was going to ask you; did he own all of the properties we are now discussing at the time of our action?

City Attorney Hernandez: No, he did not.

Mayor Slesnick: OK. How many of these properties...are we looking at all the properties that we are discussing today, one, two, three, four, five?

Mr. Riel: Yes sir.

City Attorney Hernandez: He's looking at the entire group of properties, and I would ask him to identify the...

Mayor Slesnick: How many did Mr. Menoyo own?

City Attorney Hernandez: As of January 2007?

Mr. Echemendia: He owned I believe, Almeria, Bob come up.

City Attorney Hernandez: Excuse me, the Zoning Code; yes the Zoning Code.

Mr. De La Fuente: About half the properties Mr. Mayor; about half of the properties. I mean, arguably a nine million dollar claim comes down to six million dollars. The adjacent – just one point of information – the adjacency issue, Eric is correct; it is referred to in the yellow colored graphic that he showed you in a matrix, but we have poured through all of the transcripts, which are part of your record, and there is no discussion of adjacency as it relates to MSFA.

Mayor Slesnick: But as a lawyer, you know that legislatively, I am supposed to read, I am supposed to digest, I am supposed to come to the microphone and vote my conscience based on my understanding; I don't have to discuss it to say that I was acknowledging it, in other words, I don't have to say, oh yes, I'm voting because I'm understanding the adjacency issue, in other words I can vote on the new Code understanding the adjacency without ever saying a word about it.

Mr. De La Fuente: No, Mr. Mayor, I understand that, that's absolutely right, that is the law. What I'm suggesting is that there was no deliberative or deliberate discussion regarding the need to incorporate adjacency as it relates to MFSA, from a planning perspective it doesn't make sense.

Mayor Slesnick: I'm not suggesting how I feel about the final outcome of this, I just think that we need to be, I feel more comfortable stating number one, I think adjacency was a part of my consideration; and if I vote today it'll be in fact going in a different direction because of the circumstances of this case, and its particular aspects of this case; number two, I am a little concerned that some of these properties weren't owned when the nexus of the suit was caused by us changing the Code; and number three, I really am tied to the idea that when I discussed this with you, I really felt that we were voting to settle the suit in order that Mr. Menoyo could move forward with building the same quality and types of row houses although higher, because of the "Piano Noblé" so forth, so I just want to put those on the record.

City Attorney Hernandez: If that is...

Mayor Slesnick: That's me.

City Attorney Hernandez: I understand and as the rest of the Commissioners debate and discuss this text amendment, if that is something that the Commission wishes to see, then we would ask that you refer this language to us, so that Mr. Riel and my office can narrow that language because this language is very broad and it doesn't limit it just...

Mayor Slesnick: If I were to consider...let me...OK I've got two questions...I've got one statement and one question for you Liz...

City Attorney Hernandez: Yes sir.

Mayor Slesnick: If I were to consider approving this settlement and text amendment, one of the things that I felt I could take confidence in that I wasn't just undermining or underwriting the entire approach here, which by the way we may come back to some day; but at the moment we are not, is that if the next person walked in and said, I want 45 feet too, I'm going to say, well excuse me, but we are talking about a certain presentation to the street; we are talking about something that we bought into as a typology the presentation on the street; so that is one thing; but the second thing is, is it in fact within our power to resolve a lawsuit by including properties other than those that were owned at the time.

City Attorney Hernandez: Absolutely – the lawsuit would be obviously limited to the claims; it would encompass all of the claims that they are bringing, including any that they would dream of the day after we settle, but the issue here is, and my concern deals with the language that you are considering is not so sculpted to just be for projects of a particular style...

Mayor Slesnick: Why?

City Attorney Hernandez: It's a very broad language and I just, you know...

Mayor Slesnick: You're saying we can't do that or it's not what we are considering?

City Attorney Hernandez: You can, but the language that you are considering is much broader than that.

Mayor Slesnick: OK, but may be we not going to consider that language.

Mr. Echemendia: Mr. Mayor may I suggest something?- just one last point and then I'll let our wise Architect try to persuade you. I think that the basis of her argument to you and her professional opinion is that that the typology, and our conversation notwithstanding, the typology doesn't matter. Her argument is based on the fact that adjacency when you have that boulevard reducing the height to 35 feet, when you have 29 feet single family, 80 feet away or 50 feet away, and you have a 120 foot building right behind us, just from a transitioning planning perspective doesn't make sense, then we can get to the typology. Maria.

Ms. de la Guardia: Good afternoon, my name is Maria de la Guardia, and I live on 2508 Columbus Boulevard, and I am Principal at de la Guardia Victoria Architects, and we are on 224 Valencia Avenue.

Mayor Slesnick: Thank you; if you would turn the mike so it sort of...yes, that may be better for the TV.

Ms. de la Guardia: I'm going to ask you to refer to these images.

Mayor Slesnick: The image of the roll-outs?

Ms. de la Guardia: Yes, thank you; and D and V Architects were fortunate to have participated in aiding the City and the Zoning consultants in developing the MFSA townhouse code during the Zoning Rewrite. At that time we were involved in the process of designing Almeria Row and they were sort of fine tuning, and tweaking, and doing sort of the final touches on the Code. As a side note, its been mentioned that Almeria Row has received two awards, two national awards, the Paladio Award and the Congress for New Urbanism; and I think this is a recognition to the City as well as a tribute to those involved in the Code rewrite. During the entire Code rewrite process, the townhouse type was very attractive, because it served as a transition between the single family residents and the mid to high density. I want to discuss with you both conditions; the transition to single family residents and transition to mid to high rise, high density. With respect to the single family residents, early in the process, the consultants recognized the City had two distinct conditions. There was the townhouse next door or across the alley from the single family residents, which they are calling contiguous and abutting, and whose height limit was limited to 35 feet; and then there was the townhouses across the street from the single family residents, which is defined as adjacent and whose height limit was limited to 45 feet. Please look at Exhibit "A". In the position in which we are calling contiguous, the townhouse type can actually be 10 feet away from the single family residents, because the side setback on the townhouses are zero, and the side setback on the single family resident is 10 feet. So in theory, you can have the townhouse 10 feet away from your single family residents. In this condition, I

think that it makes sense and the consultants realize that it made sense to limit the height of the townhouses to 35 feet. In the other condition, which is the adjacent the townhouse is across the street from the single family residents; in our case that condition puts the face of the townhouse 80 feet away from the face of the single family residents. There is an enormous difference between a townhouse being 10 feet away from a residence, and a townhouse being 80 feet away from a residence; not only is it 80 feet away from the residence, but it has that whole right-of-way in our case; it has two rows of mature mahoganies on both sides, and that's why in the initial versions of the Code, it was established that adjacent was 45 feet. This was the Code for a while and then it was changed, at the eleventh hour it was changed, and as the attorneys were saying, without public discussion on this issue; this issue was not discussed in public, but I think that the difference in the distance between the townhouses and the single family is critical in the decision of the height.

Mayor Slesnick: I take it there were no objections filed?

Ms. de la Guardia: Excuse me?

Mayor Slesnick: I take it there were no objections filed if it wasn't discussed?

Ms. de la Guardia: We have not found a record of...

Mayor Slesnick: I take it no one came before us to complain about it at the time, if there was no discussion then there was no person complaining.

Ms. de la Guardia: There wasn't it.

Mayor Slesnick: OK.

Ms de la Guardia: So this is the relationship between the townhouse and the single family resident. We also have the relationship between the townhouses and those areas, mid and high density areas, that we are trying to transition into. Please look at Exhibit "B.1". In these sections, you'll see the relationship of the two heights to the surrounding buildings. Here you can appreciate the relationship between the 35 foot high building and a 29 foot high single family resident and compare that to the height of this future Valencia Royal, which is a high density building; and I think there are drawings into the City with an approximate height of 106 feet. So if look at the top drawing and you look at the bottom drawing, the 45 feet presents a better transition between the 29 feet and the 106 feet; the 35 feet is just too similar to the single family residents, its not giving you any transition into the higher densities. "B.1" is where we are transitioning into a high density; Exhibit "B.2" is where we are transitioning into a medium density at 60 feet. So we can move forward to Exhibit "C"; and in Exhibit "C" where I was trying to show is that you have the Biltmore...

Mayor Slesnick: Doesn't on "B.2" it works just the opposite way?- 45 feet isn't much of a transition from 60 to 29 feet? I mean, you made the point that 35 feet wasn't much of a transition from 29 to 106, but just conversely on "B.2", 45 feet isn't much of a transition from 60 down to 29.

Ms. de la Guardia: Well, the truth is, that it's practically in the middle of the two, you know, its almost exactly half, it splits the height almost exactly in half...

Mayor Slesnick: OK.

Ms. de la Guardia:...I mean, if there is 29 feet to 60 feet, that's 31 feet, if you split it in half its 15 and that's what approximately the 45 feet gives us.

Mayor Slesnick: OK.

Ms. de la Guardia: The members of the Planning Board were very convinced by the idea that 45 feet presented a much better transition into high density than the 35 feet, and so much so that they recommended to staff to that staff should study changing this in the Code, because they were convinced that this was the right way to go, but look at Exhibit "C"; because there we have the Biltmore corridor, and in the Biltmore corridor we have, you know, coming down the Biltmore corridor from the Central Business District, you know, we have the 550 Building, we have the Biltmore II, we have the David Williams; and in the same block, in the same block, the very same block with the David Williams, we would, in the middle of the block, we would drop to 35 feet in order to transition to the single family residents; its too big, its too big of a drop, that is not a transition, that is a mistake, urbanistically it's a mistake; 35 feet cannot transition from the high rise buildings into the single family residents; I mean, if you look at Avignon on the other side of the street; Avignon is between four and five stories; I think Avignon is much more successful at transitioning from the high rises into the single family residents, because it's a height in between. To me its in the same block with the David Williams, I'm going to repeat myself, because I think if you study that corridor, and you drive that corridor, to think of the height of those buildings, and then to drop to basically 35 feet is almost the same as 29, its 6 feet away from 29, which is the height of the single family residents, that's not transition; and the townhouse type was developed as a transitional type to go from one height to the other height.

Commissioner Anderson: Let me ask a technical question, because I was asking the City Attorney. I like the vision you are trying to do, but I want to make sure that we limit this, and was asking the City Attorney what she meant by making the broader language, a little more limited to allow you to do what you want, but not so broad that it causes what issue; you have to help me because my brain is...

City Attorney Hernandez: It opens it up to other types of development, its broad language, it is not specific...

Commissioner Anderson:...to this particular type of carriage house, typology that we wouldn't want to encourage.

City Attorney Hernandez: Right.

Commissioner Anderson: See, I would like that to happen; I'd like to limit it to this because I think it is a very unique vision and I get it, and I think I understand that the 45 makes a logical

transition better from the 35, but I'd be more comfortable with it if you tightened the language tied it to that particular typology.

Commissioner Cabrera: To that typology, right?

Mayor Slesnick: Row house.

Commissioner Anderson: Yes, because I mean, its something that we want; I don't want somebody to come in and then use it and bastardize it for some other use.

Commissioner Cabrera: See, I support that.

Mr. Echemendia: Can I just ask a question?

Mayor Slesnick: There is no microphone there.

Mr. Echemendia: Going back to the Planning and Zoning Board, to the extent, and here's...

City Attorney Hernandez: No, no, it's not saying going back to the Planning and Zoning Board...

Commissioner Anderson: No, no, no, I'm just saying...

Mr. Echemendia: No, no, that's not what I'm saying either, just let me finish for a second; if Maria keeps going in that direction and we agree to that, here's what I foresee is a possible problem; Planning and Zoning has directed your staff to revisit the entire MFSA as it relates to the adjacency issue because they think its inappropriate. We could be left in the ironic position of being the only one with a Bert J. claim and being limited to this typology and everybody else has 45 feet.

Mayor Slesnick: Wait a minute, wait, wait, wait, if down the road they change the whole thing, we would allow that change to affect you too.

Mr. Echemendia: No, I'm saying there is a possibility of...

Commissioner Withers: That's unlikely.

Mayor Slesnick: And besides that, I don't know that you are hearing the same thing from some of us as you heard from the Planning and Zoning Board.

Mr. Echemendia: No, you are absolutely right, they make the recommendation to you; but you understand the concern I'm raising? I guess that they are saying it doesn't matter, because if you did go there you would release us of that limitation – fair enough, then you clarified my concern.

Mayor Slesnick: Of course; I mean really, to suggest that we would do that to you is...we wouldn't do that to you.

Mr. Echemendia: No, just unintended consequences.

Commissioner Anderson: No, no, no.

Mayor Slesnick: No, I know.

Commissioner Cabrera: Well look, I think this whole thing is unintended.

Commissioner Anderson: Yes, because look, we drafted a garden apartment thing that turned into something else, somebody morphed it into something else. So what I want to make sure is that we get want we want to happen.

Mayor Slesnick: Yes, we can go back to Ricky Nelson garden party...we've already been to [inaudible] and Woody Guthrie.

Commissioner Anderson: We went back memory lane.

Ms. de la Guardia: May I continue?

Commissioner Cabrera: If you'd like.

Mayor Slesnick: But I think...is there more to add?

Ms. de la Guardia: Yes, there is just a little more.

Commissioner Cabrera: Go.

Mayor Slesnick: OK.

Ms. de la Guardia: If you look at Exhibit "E" where we have Group II, we have the Biltmore Court Villas, you can see it just to the left of Almeria Row project, and those buildings are 3 and 4 stories. Directly behind Group 2 you have Valencia Grand, which is 60 feet plus. I would like to address three items that I feel were incorrect in the staff report, which are the requested height, and the shadow studies, and possible future variances. We are not looking to go up to 55 feet as stated in the staff report; we are requesting the 45 feet height as defined by the Code with the definition provided in the Code for height. Also, in searching through the City's archives, we could not find any shadow studies performed for the MFSA lots adjacent to the single family residents for the townhouse lots adjacent to single family residents; we looked through all the archives and we could not find any. The reason why they didn't do shadow studies for this particular property is because shadows are not an issue; when you are 80 feet away from the single family residents, shadows are not an issue; when you are 10 feet away they are, but not when you are 80 feet away; and I also wanted to mention that we do not foresee any variance requests for these projects, but if we should need a variance, I think that would be a separate issue to be evaluated by the Board.

Mayor Slesnick: Well, are you talking about height variance?

Ms. de la Guardia: No, no height variance.

Mayor Slesnick: OK, that's a condition that you would accept, no height variance.

Ms. de la Guardia: No, we are not looking for a height variance; we are looking just to restore the 45 feet.

Mayor Slesnick: That's what I'm asking; so you have raised an issue as did your attorney, that sort of put me on notice, that variances, and I'm just asking, you agree that there will not be any requests for height variances, 45 feet would be the cap.

Ms. de la Guardia: Yes; we are just looking to restore. We bring up the issue of variances because Pat brought up the issue of variances.

Mayor Slesnick: Well, what was the staff's point about 55 feet?

Mr. Riel:...they were asking for 45 feet, but with architectural elements they are allowed to go to 55 feet, and Building and Zoning can explain that further. In terms of variances, yes, I mean anybody can go to get variances; it's just a finding of fact indicating that potentially they could go forward...

Mayor Slesnick: OK, let's talk about right now; they are at what?- right now they are at...?- they are going from 39 feet...?

Mr. Riel: 35 (feet).

Mayor Slesnick: 35 feet.

Mr. Riel:...to 45 (feet).

Mayor Slesnick: And what can they do on top of 35 feet?- what architectural?

Mr. Riel: Building and Zoning could you please come up and answer that.

Mayor Slesnick: So I mean, if in fact...OK, come on up, we are looking at all these charts about these comparative step-downs; so you are telling me that on top of 35 feet this isn't really what it looks like, there's architectural things on top of 35.

Dulce Conde: Good afternoon Dulce Conde from Planning and Zoning (Building and Zoning)

Mayor Slesnick: Right now there is a 35 foot limit.

Ms. Conde: Correct; on top of that you are allowed to go 10 feet with architectural elements; stairs, elevators, roof parapets, sloop roofs; the 35 feet is measured to the top of roof slab or the top of the tiding, depending on the type of construction that you have.

Mayor Slesnick: So this is an incorrect depiction of step-down?

Ms. Conde: There is something incorrect about that; I'm not really sure; basically they can go to 35 with 10 above that; what they are requesting is 45 with an additional 10 above that, for architectural elements and that would obviously be approved by the Board of Architects, the design. If they do go to 45, then it would really take it to 55; and what's really not shown correctly in that drawing, in my opinion, is that for the first 50 feet its 35, then after that they can pop it up to the 45, and that's kind of showing just a straight shot across 35 or 45; and it is also lacking the additional 10 feet that they can add on top of that.

Vice Mayor Kerdyk: But on everyone of our, in fairness to them, and from my understanding, everyone of our height limitations, whether its 99 feet or 77 feet, there is always an element that goes on top of that can be 10 feet in addition to that, is that correct?

Ms. Conde: Ten feet or 25 feet.

Vice Mayor Kerdyk: So, so...

Mayor Slesnick: How about 29 feet?

Vice Mayor Kerdyk: Well that's a single family house.

Mayor Slesnick: Well, I'm just saying, if you are trying to get a relationship here, this is a building that exists, so it's a 106 feet.

Mr. Echemendia: [Inaudible – off mike]...

Vice Mayor Kerdyk: We removed the Mediterranean bonuses.

Ms. de la Guardia: Commissioner Kerdyk brought up a very good point, which is just like, we could, doesn't mean that we will, but just like we could go up 10 feet with any architectural detail or parapet...[inaudible – off mike]...and the high density building could also go up...[inaudible]...

Mayor Slesnick: I appreciate that, but on this drawing you have a built building, so I presume you have told us the exact height of the built building?- it's not the exact height?- what is this then?

Ms. de la Guardia: It's a project that is...

Mayor Slesnick: Valencia Royal, OK...

Ms. de la Guardia:...[Inaudible – off mike].

Mayor Slesnick: And what does the 106 feet represent?

Ms. de la Guardia: [Inaudible – off mike].

Mayor Slesnick: Thank you, thank you very much.

Ms. de la Guardia: Fernando's properties, and this is very important, Fernando's properties, plus the two properties next to Almeria Row that are not owned by Fernando, and have a total of six townhouse lots are the only low density residential properties in the MFSA that are adjacent to single family residential, and have medium and high density residential behind them. The other multi unit residential properties in the MFSA area are adjacent to single family residential have low density residential behind them. So his lots plus two other lots are the only ones that have the task of transitioning from single family residents to medium or high density; there are not that many lots that have that responsibility of transitioning. This is important because it validates the concept of restoring the 45 feet height for our properties in order to achieve the gradual scaling down from the high rise to single family. We've already mentioned that the Zoning Board voted 4-1 in favor, and recommended that staff revisit these issues in the Code. The 45 foot height limit was in place during many months prior to the last minute Code revision. When we built Almeria Row, we were allowed 45 feet; we decided not to go 45 feet, but we had...we were allowed 45 feet at that time. So the 45 foot height was in place for several months. Prior to the moratorium we could build 50 feet; before the moratorium we could build 50 feet and four stories; and during the moratorium we lost...we went from 50 feet down to 45 feet; and from four stories down to three stories; now we've lost an additional 10 feet. So in some of his properties he has lost 15 feet in height and one story in height as well. Architecturally, we can design a three story townhouse in 35 feet, with three low floors, but is a very different product to the three story townhouse in 45 feet; and the concept for Beatrice Row, which is Group 1, was the Upper East Side townhouse interpretation of Italian "Piano Noble", with the principal living floor on the second floor. In order to design the "Piano Noble", one needs the extra height to truly make that second floor magnificent; its not possible with the 35 feet, it is possible with the 45 feet; and lastly, I would like to close by saying that Fernando has been involved with the City for over 30 years, and everything that he has done or touched has been of the highest quality, and for the betterment of the City; and I believe that this is just another example of his commitment to the City of Coral Gables. Thank you.

Commissioner Anderson: Thank you.

Ms. de la Guardia: Any further questions?

Commissioner Withers: I have a question. Number one, to follow up with you; I have a great deal of admiration for Fernando and I respect his work and that's what's leading me toward this. I know that you might have spoke about the type of product that he produces, but I think we all feel the same way about him, and that's why we are here in this collegial manner even resolving this, but I have a question; you've completed one project, correct?- and you did not fully develop that to its maximum...

Ms. de la Guardia: Correct.

Commissioner Withers:...was that a decision that you made in the development aspect of it?

Ms. de la Guardia: That was a financial decision that Fernando and his group made, and it was based on the fact that they were new to the development business, and they wanted to limit their risk; it was a financial decision, they were young developers.

Commissioner Withers: I didn't know if it had anything to do with the design of typology, or the...

Ms. de la Guardia: I think we can build, we can design something beautiful in two stories and we can design something beautiful in three stories, but that was the developer's decision.

Commissioner Withers: OK, fair enough.

Mayor Slesnick: Fernando.

Mr. Menoyo: Let me be quick, I don't want to bore you. Good afternoon, Fernando Menoyo, 744 Biltmore Way. I'm going to read this quickly. Thirty years ago, I was transferred by General Electric from New York to Coral Gables to work for their Latin-American Operations Division, located then at 2801 Ponce de Leon Boulevard. After a few months in Coral Gables and having decided to make the City my home, I took a prolonged lunch break and came to City Hall in search of real estate and zoning information. With no money in the pocket and large school loans to pay, since I had recently graduated from college in upstate New York, I was nonetheless enthusiastic about purchasing real estate here. I was directed to Mr. John Little, who held Mr. Dennis Smith's position at that time. Mr. Little gave me a copy of the Zoning map; the Zoning map then like today's map showed Coral Gables zoned mostly single family residential, with a few very small pockets zoned multi family. The Biltmore Way, Valencia and Almeria corridor was one of such pockets, but was unique in the sense that it showed the highest density zoning, and had service alleyways, it was here that I decided to purchase. During thirty years my partners and I have been buying and managing small apartment buildings in this corridor with much dedication and pride of ownership. Our properties are known in town for being unusually well maintained. Since day one we knew that we were purchasing land value, and for this reason we have been willing to sustain substantial negative cash flows. During the moratorium, my Partner Maria Christina Longo and I actively participated in the process. We came to every meeting and hired urban planners and attorneys in order to assist with suggestions with the objective of improving the Code and the quality of future developments. Early in the process, we agreed to compromise by reducing the heights of our properties, zoned low density residential from 50 feet maximum height to 45 feet; and from three and-a-half stories or four, I'm not sure, to three stories maximum. But during this lengthy process, not once did we hear discussions about further reductions from 45 to 35 feet for our properties adjacent to single family. Not once did any member of the Planning Department have the courtesy to inform us about this last minute change, knowing how involved we were, and how many resources we had contributed to the process. We came to know of this last minute height change at closing the purchase of a few properties that had taken years to negotiate, and after submitting plans for our second townhouse project Beatrice Row, which has been on hold waiting for the resolution of this issue. Throughout our appeal process, our Planning Department has been dedicated to delaying and

defending their mishandling of this last minute height change, instead of admitting their mistake and doing what is best for all parties involved, including the City, which is to reinstate our height to 45 feet. Meanwhile, we have spent tens of thousands of dollars in fees and have been forced to place our vision and business plan on hold for one and-a-half years, and to wait patiently with much control and sacrifice for this day. Allow me to finish by saying that the Zoning Code rewrite could have been achieved much more professionally by hiring local talent associated with our University of Miami. We have some of the best urban planners in the world here, such as the Duany's and the de la Guardia Victoria, who are passionate about design excellence and who has dedicated their lives to studying properties, to studying proportions that create beauty. Thank you.

Mayor Slesnick: Thank you.

Mr. Echemendia: Five seconds, sorry. I want to refer because...Commissioner Anderson had a great take and unfortunately the lights turned off, but the slides I think, Commissioner depicted Almeria and some of those Rows, and I think your comment was with the trees you can't even see taller buildings. So I kind of want to remind you of that...

Mayor Slesnick: Taller buildings down the street, not across the street, OK.

Mr. Echemendia: And it also shields from across the street as well to some extent. I just wanted to remind you guys one other point, we are the only Bert J. Harris claim, everybody else is out of the timeline, so...

Mayor Slesnick: How do you defend putting properties you didn't own in that claim? I mean, I don't quite understand.

Mr. Echemendia: We had contracts for purchasing sale, Mr. Mayor, and...

Mayor Slesnick: Oh, you had contracts for purchasing sale.

Mr. Echemendia: We had contracts for purchasing sale, now just to be clear and abundantly candid with you, this is a legislative body...

Mayor Slesnick: Which is what you are always.

Mr. Echemendia: No, the statute does say legal rather than equitable, I'm actually trying to work with the Legislature on a legislative change and it incorporate equitable because if you have an equitable claim, you would think if you are inordinately burdened you also have a cause of action, but technically speaking we had a contract for purchasing sale, but didn't quite close; we believe that as a matter of planning this is the right thing to do. The final comment is....

City Attorney Hernandez: And that's why it's separate from the claim.

Mr. Echemendia: That's correct; separate from the claim, that's correct Madam City Attorney. You have...one of the things that I don't understand and has been frustrating to me, and I know

all you folks do a fine job by your residents is, what I thought from the beginning was a Vanilla, Vanilla case, has almost seems to me like its become a Federal case, where you have an opportunity now to help resolve a claim filed by a developer who you all concede is a friend of the City's and does a great job, there is absolutely not one iota of opposition, and Liz has sent a courtesy notice to everybody in the area, and it makes sense from a planning perspective, I don't understand why you folks aren't jumping at moving this and getting it out of the way, I really don't, forgive me, I don't mean to be flip, but it's a great opportunity to resolve a very simple issue.

Commissioner Anderson: Santiago, Santiago, you kind of lose me; I'm all for trying to do the right thing here with this.

Vice Mayor Kerdyk: I didn't realize we were not doing anything.

Commissioner Withers: I want to know what happened; I want to learn the whole...

Mayor Slesnick: Wait a minute Santiago, we have people...you know what?- if one hundred people were here, wait a minute, if a hundred people were here opposing this, we would still try to do the right thing, and if there is no one here opposing it we are still going to do the right thing for the City.

Commissioner Cabrera: Remain silent for one more second, remain silent, let me try to get you out of this hole.

Mr. Echemendia: Thank you.

Commissioner Cabrera: I really do think, I really do think that you are doing an incredibly good job at representing your client, and your client is a good person who likes to do things right the first time; and his level of frustration is being communicated through you, and in my heart of hearts, I think all five of us want to cooperate on this one; I certainly do; and so a lot of things happen along the way, and I don't want to cast any terrible comments to staff or anyone else for that matter. Mrs. de la Guardia did a beautiful job of taking us through the exhibits, I mean, it could not have been done in a more delicate and professional fashion; Mr. Menoyo himself spoke beautifully just now...

Mr. Echemendia: I apologize...

Commissioner Cabrera: Forget it, forget it.

Mr. Echemendia: I didn't mean you guys; I started saying thank you very much and I truly mean that...

Commissioner Cabrera: I know, I know, I know...

Mr. Echemendia: I meant it's been a tough process...and it's been expensive for Fernando...

Commissioner Cabrera: I really do think...I know its been expensive, its been expensive for the City from a time standpoint, but certainly from a financial aspect its been a terrible expense for him, but you know what?- at the end of the day, he wants to do the right thing, he's not being self-serving, and I don't believe he's being self-serving, and I know our City Attorney is doing her best to protect our City, but I really do think in my heart of hearts that this has just been an oversight; somehow someway this got past someone, and it was a very difficult task, and you know what, we probably should have used the talents of the University of Miami to a greater extent, but we didn't; maybe the next time we do that hopefully still in our lifetimes, we'll be able to use that lesson and use the talents of our local university.

Mayor Slesnick: I think we did.

Commissioner Cabrera: Well, but we could have...well you know what, I'm not going to sit here and defend and cast bad things about anybody, we did the best we could.

Commissioner Withers: How did you arrive at the claim amount?

City Attorney Hernandez: Say this again.

Commissioner Withers: How did they arrive at the claim amount? No, I'm just curious to know.

City Attorney Hernandez: They had an appraiser, Michael Canon, submit an appraisal as part of their claim, it was at the peak of the real estate market, it included properties that they weren't entitled to claim under; that's how he arrived at his claim.

Commissioner Hernandez: Whatever, it doesn't matter. No, no, but I mean, its based on value of the property; so in essence this is increasing the property's value six million (\$6,000,000) by getting this?

Mr. Echemendia: No, Chip, I'm sorry, Commissioner Withers, what it is...the way it works is, its not a complete taking, its an inordinate burden; so the difference in value between the property when it had the ability to have the 45 feet, and at 35 feet, the loss as appraised by Michael or "Mad Dog Canon" as he is referred to, was nine million dollars (\$9,000,000). Now that of course did also include the properties that were under purchase in sale, we've estimated that those that he owned is approximately at about six million dollars (\$6,000,000) at that time in the market.

Commissioner Withers: OK, so does that mean we are going to enjoy additional tax revenue next year by allowing this to move forward?

Mr. Echemendia: I am hopeful that...

City Attorney Hernandez: Well we can print a copy of this transcript and send it to the Property Appraiser.

Commissioner Cabrera: But what I mean, what they are trying to do makes so much sense, I mean, it really does; I mean, if you did not come in with a such a good exhibit, well laid out, and showed examples and walked us through that process as if we were lay persons, which we are, I'd probably would have said, hey you know, it is what it is, but you haven't taken that approach. It's been a year and-a-half undertaking for you, so.

Mayor Slesnick: I'm still concerned about the typology.

Vice Mayor Kerdyk: I am too.

Commissioner Cabrera: Well, what if we do what Ms. Anderson suggested, which I thought it was a very good recommendation on her behalf, to try to make it consistent with the type of design, the architectural design.

Mayor Slesnick: The townhouse row houses, that we were...that was the whole presentation that I was given was about.

Commissioner Cabrera: But you don't have a level of comfort if we were to focus it just to that?

Commissioner Anderson: If we were to limit it.

Mayor Slesnick: Yes...

Commissioner Cabrera: You would?

Mayor Slesnick: I do have a level of comfort.

Commissioner Cabrera: So what's your concern?

Mayor Slesnick: That's it.

Commissioner Cabrera: OK

Mayor Slesnick: That's not part of the proposed language...

Commissioner Cabrera: I know, I know, I know.

Mayor Slesnick: That's all.

Commissioner Cabrera: I know, I know, that's kind of a compromise.

Mayor Slesnick: So we can do that. I am happy to do that, and I'm also happy to add the proviso language...

Commissioner Cabrera: But that's not going to make it; you are not happy with that because you think we are going to come back...

Mayor Slesnick: But he said they would accept the proviso language, that if we come back and redo the whole area, then of course they can be released from the...right now we are approving something very special for someone...

Mr. Echemendia: Fernando suggested, what if we compromised on the parapet, the additional architectural feature, to be 5 feet instead of 10 feet?- does that get you a little closer in your type of the townhome?

Commissioner Anderson: For me it's not the height, for me its just kind of limiting it to that particular thing to; for me the height issue isn't as much as us making sure that what we approve is actually what gets done, because remember we did the garden apartment thing, and it all went awry...

Vice Mayor Kerdyk: You don't want an apartment building sitting there.

Commissioner Anderson:...so I just want to make sure...the wrong way to go.

Mayor Slesnick: I was going to say, do we have a motion?

Ms. de la Guardia: There are two types of buildings that you can build on this site; one is the townhouse, and the townhouse has its series of setbacks related to the townhouse, and the other one would be like a small apartment building, a condo building; and the condo building has its series of setbacks. The setbacks for the apartment building would be much greater than the setbacks off the street for the townhouse. So in reality if we were to decide to do an apartment building, a condo, then the issue of height would even be less than an issue because we have a greater distance to the single family residents.

Mayor Slesnick: That's very fine, but that wasn't what was presented. You know, I came here today based on the meetings I had with Mr. Menoyo and his...and we talked start to finish about the beautiful townhomes that he was building, the row houses, that's what we talked about; we talked about the "Piano Noble", we talked about all that, now its like a bait and switch. Now we are talking about apartment houses, and I just didn't come here for that purpose.

Commissioner Anderson: I want to just focus, so we could narrow it. I want to achieve what you all want to do...

Mayor Slesnick: That's jumping way ahead of the Planning and Zoning Board; if we were just to say anything you want, I mean, that's...they'll get back to that.

Mr. Echemendia: Mr. Mayor, can I suggest, can we think about it between first and second reading? I think that we may have, as it stands it actually, we may have a bit of, I want to consult with the City Attorney off of the record on an issue...

Commissioner Cabrera: You know...

Mr. Echemendia:...OK, we are OK with townhomes.

City Attorney Hernandez: You're OK with...?

Mr. Echemendia: We're OK with the limitation of the 45 feet being townhomes, which is exactly how it's been advertised by the City, it actually says townhomes to 45 feet, if you look at the public notice.

City Attorney Hernandez: OK, Mr. Riel, do we need to modify the language that the Planning and Zoning Board considered and bring it back to the City Commission on second reading?

Mayor Slesnick: Wait, we haven't made a motion yet.

City Attorney Hernandez: I know, but I just want you to have all the answers before you...unless you don't want it.

Mr. Riel: The language that the Planning and Zoning adopted was what was presented by the applicant.

Mayor Slesnick: And we are modifying it; we can amend it on first reading, I don't understand...

City Attorney Hernandez: I know Eric, I'm asking you a question, and that's not an answer.

Mr. Riel: I asked the question, what was approved by the Planning and Zoning Board 4-1 was the applicant's language which did not include the townhouse...

Mayor Slesnick: So we can amend that language.

City Attorney Hernandez: Which did not, right, and that's what I was asking.

Commissioner Anderson: Which did not include, she wants it on the record; is that what it is?

City Attorney Hernandez: Right.

Commissioner Anderson: The Attorney wants it on the record.

Mayor Slesnick: Would you like to make a motion that we approve the recommendation of the Planning and Zoning Board, but amend it to limit it to the townhomes.

Vice Mayor Kerdyk: I'll make that motion.

Mayor Slesnick: Been moved by Mr. Kerdyk, is there a second?

Commissioner Anderson: Yes.

Mayor Slesnick: Second by Ms. Anderson. Also, are you willing to suggest and hear that should there be future changes in this overlay zoning that it would be applied to this, and they would be released from that limitation of townhouses, OK? So that we are not

disadvantaging you from what the rest of the public would gather if the Planning and Zoning Board and we change...OK.

Mr. Clerk

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Commissioner Anderson: Yes

Mayor Slesnick: Yes

(Vote: 5-1)

Mr. Echemendia: Thank you very much.

Commissioner Cabrera: Do you want some of these materials back?

Mayor Slesnick: For the second reading, well I mean, maybe the Planning Department wants them, for passing out to us for second reading.

Commissioner Cabrera: Nice job.

[End: 5:23:38 p.m.]