

07.08.09 Excerpts of PZB Meeting Minutes

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Exhibit C

1 CITY OF CORAL GABLES
2 PLANNING AND ZONING BOARD MEETING
3 VERBATIM TRANSCRIPT
4 CORAL GABLES CITY HALL
405 BILTMORE WAY, COMMISSION CHAMBERS
5 CORAL GABLES, FLORIDA
6 WEDNESDAY, JULY 8, 2009, 6:00 P.M.
7
8

8 Board Members Present:

9 Robert Behar
10 Jack Coe
11 Tom Korge, Chairman
Jeffrey Flanagan
12 Pat Keon
Javier Salman
13
14
15

16 City Staff:

17 Eric Riel, Jr., Planning Director
Scot Bolyard, Planner
18 Jill Menendez, Administrative Assistant
Elizabeth M. Hernandez, City Attorney
Martha Salazar-Blanco-zoning Official
19
20
21
22
23
24
25

1 THEREUPON:
2 (The following proceedings were held.)
3 MS. KEON: Let's call the meeting
4 to order.
5 MS. MENENDEZ: Roll call.
6 Eibi Aizenstat?
7 Robert Behar?
8 MR. BEHAR: Here.
9 MS. MENENDEZ: Jack Coe?
10 MR. COE: Here.
11 MS. MENENDEZ: Jeff Flanagan?
12 MR. FLANAGAN: Here.
13 MS. MENENDEZ: Pat Keon?
14 MS. KEON: Here.
15 MS. MENENDEZ: Javier Salman?
16 MR. SALMAN: Here.
17 MS. MENENDEZ: Tom Korge?
18 MR. RIEL: Just for a matter of
19 the record, Mr. Aizenstat is ill,
20 therefore he will be not attending this
21 evening.
22 MS. KEON: Can we expect Tom?
23 MR. RIEL: Yes.
24 MS. KEON: He should be here in a
25 minute.

1 The first item, can we move to 3
2 approve the minutes?
3 MR. COE: Which item are we doing?
4 MS. KEON: Approval of the
5 minutes. First we'll do approval of
6 the minutes --
7 MR. FLANAGAN: So moved.
8 MS. KEON: -- as long as we have a
9 quorum.
10 Number 3.
11 MR. SALMAN: Second.
12 MS. KEON: Call the roll, please.
13 Do we call the roll for that?
14 MS. MENENDEZ: Robert Behar?
15 MR. BEHAR: Abstain.
16 MS. MENENDEZ: Jack Coe?
17 MR. COE: This is the minutes?
18 MS. KEON: Yeah.
19 MR. COE: Abstain. I wasn't here
20 last time.
21 MS. MENENDEZ: Jeff Flanagan?
22 MR. FLANAGAN: Yes.
23 MS. MENENDEZ: Pat Keon?
24 MS. KEON: Yes.
25 MS. MENENDEZ: Javier Salman?

1 MR. SALMAN: Yes. 4
2 MR. RIEL: We have a problem. We
3 only have three members that are
4 voting, so --
5 MR. COE: Madam Chair, I move that
6 we defer the elections and defer the
7 minutes to later, and move to Item
8 Number 6.
9 MS. KEON: Okay. Moving to Item
10 Number 6. Am I supposed to wait up?
11 MR. RIEL: Item Number 6 is a
12 zoning Code text amendment regarding
13 telecommunications. It's basically
14 dealing with providing a new section
15 regarding the installation of amateur
16 radio stations or antennae.
17 When the Zoning Code Rewrite was
18 completed, we did redo the
19 Telecommunications Section. However,
20 this, regarding amateur radio, was not
21 included in that review.
22 MS. HERNANDEZ: We set that aside,
23 so that Special Counsel can review it
24 for us, under then rules that were
25 being challenged at the time. So it's

1 appropriate now for consideration and 5
 2 to move forward.

3 MR. RIEL: So, basically, this is 6
 4 an entirely new section, 5-2011. It --
 5 basically, it's almost a stand alone
 6 section. It has application
 7 requirements and fees.

8 The required reviews, if a tower 7
 9 is less than 50 feet, it's essentially
 10 a just by right review by the Building
 11 & Zoning Department. If it exceeds 50
 12 feet, it will need to go for a
 13 conditional use review by the Planning
 14 Board and the City Commission, subject
 15 to the conditional use standard
 16 provisions which are in the Zoning
 17 Code.

18 Obviously, it needs to go to the 8
 19 Board of Architects for review, and
 20 then it needs to have permits.

21 As a part of that approval, the 9
 22 Boards or the City Staff or the
 23 Commission can prescribe conditions and
 24 safeguards to such approval.

25 Basically, the height -- there's

1 an indication in terms of height, how 6
 2 it's measured. They're allowed in
 3 single family, MF1, MF2, which is the
 4 multi-family zones, and the MFSA
 5 districts. There's only one called per
 6 building site. It does require set
 7 backs, which is basically the set backs
 8 that are of the underlying single
 9 family or multi-family district.

10 In terms of -- and they're 10
 11 basically only allowed in the rear yard
 12 area.

13 And, then, there's also provisions 11
 14 that -- for the dismantling or the
 15 tilting of the antenna, for those
 16 exceeding 50 feet in height. It
 17 provides for when there's obviously a
 18 natural disaster coming, that it should
 19 be cranked down, and there is an
 20 exemption for emergency communications
 21 that are utilized as a part of
 22 assisting the City or, you know, any
 23 local government in providing amateur
 24 radio service, and then there's
 25 obviously installation requirements and

1 then there's violation provisions. 7

2 MR. COE: For the record, the -- 8
 3 note that the Chairman has arrived.
 4 Mr. Chairman, I move approval.

5 CHAIRMAN KORGE: There's a motion 9
 6 for approval of --

7 MR. SALMAN: I'll second it, but I 10
 8 have a question or comment.

9 MS. HERNANDEZ: Number 6.

10 CHAIRMAN KORGE: Number 6, the 11
 11 Zoning Code Text Amendment for
 12 Communication -- Telecommunications.

13 MR. SALMAN: These are for amateur 12
 14 radios.

15 CHAIRMAN KORGE: Mr. Salman. 13
 16 (Simultaneous speaking.)

17 MR. SALMAN: Yeah, I have a 14
 18 question of Staff with regards to this.
 19 You have, for hurricane's provisions,
 20 the requirement that they be able to be
 21 cranked down to their reduced position
 22 if they're over 50 feet.

23 MR. RIEL: Correct.

24 MR. SALMAN: But I saw, in my 25
 25 brief review, that from a permitting

1 point of view, they have it by right. 8
 2 On the measurement portion for the 50
 3 feet, is it in its -- in its extended
 4 position or is it in its nested
 5 position?

6 MR. FLANAGAN: Extended.

7 MR. RIEL: Extended.

8 MR. SALMAN: Extended?

9 MR. RIEL: Yes.

10 MR. SALMAN: Okay. That's -- I 11
 11 wanted to make sure. Thank you.

12 CHAIRMAN KORGE: I had a question 13
 13 about the 50 feet, as well. Is that --
 14 you may have already answered it
 15 before, but is that -- is that
 16 measurement from the ground or from the
 17 top of the building or -- if it's
 18 attached to the building?

19 MR. COE: Ground.

20 MS. HERNANDEZ: From the grade.

21 MR. RIEL: From the established grade.

22 MS. HERNANDEZ: Yes.

23 CHAIRMAN KORGE: Okay. So it's 24
 24 attached to the building, it would be
 25 50 feet from the ground level?

1 MS. HERNANDEZ: Yes. 9
 2 MR. RIEL: Yes.
 3 MS. KEON: I'm assuming that,
 4 then, all of these provisions are in
 5 accordance with whatever the rulings
 6 were?
 7 MS. HERNANDEZ: Yeah. What
 8 happened was, the FCC has specific
 9 rulings as to amateur radios. You
 10 know, they're independent providers,
 11 and, basically, they have certain
 12 protections under FCC guidelines, and
 13 these provisions are the bare minimum
 14 that we can get away with in order to
 15 allow them to exist.
 16 I think we have maybe four in the
 17 City, you know, and we have actually
 18 been working with them, because they do
 19 actually provide volunteer services to
 20 the City in times of need, so --
 21 MR. FLANAGAN: And there's no --
 22 there's no concern with a pole 50 feet
 23 high? Is that like a flag pole?
 24 MS. HERNANDEZ: They're already there.
 25 MR. FLANAGAN: Versus -- but if

10
 1 somebody comes in for a new one -- I
 2 mean, at 50 feet, I'm wondering, it's a
 3 flag pole type structure, what's on top
 4 of it, does it then need to be guided
 5 to prevent it from falling over or help
 6 stabilize it if a storm is on the way?
 7 MR. RIEL: I mean, it has to meet
 8 all the structural. It has to get a
 9 permit, so it has to meet all the
 10 structural --
 11 MS. HERNANDEZ: And it has to meet
 12 -- right, our structural engineer has
 13 to provide the approvals, but it's
 14 pursuant to FCC guidelines and
 15 regulations and under our Building
 16 Code.
 17 MR. RIEL: And -- and I'll tell
 18 you, I know Martha's here, I can tell
 19 you -- I know Martha's been here for
 20 some time in the City, I don't think
 21 there's a lot of these that come in.
 22 It's not like we get one a week. I
 23 mean, probably -- I don't even know if
 24 you remember any coming through in the
 25 20-plus years.

11
 1 MS. HERNANDEZ: Well, we had one
 2 in the middle of the Zoning Code
 3 Rewrite. What had happened was, it was
 4 old and he needed to put it up. So
 5 what we just did was, we worked with
 6 the gentleman under FCC regulations.
 7 He understood that our regulations were
 8 outdated and we wanted to -- but that
 9 was, what, I think, two years ago?
 10 MS. SALAZAR-BLANCO: Two or three
 11 years.
 12 MS. HERNANDEZ: It was near --
 13 yeah, near the Biltmore.
 14 MR. COE: It should be noted, Mr.
 15 Chairman, other than the basics that --
 16 that are embodied in this proposed
 17 ordinance, there's sort of a preemption
 18 of everything else.
 19 CHAIRMAN KORGE: Is there a second
 20 on the motion to approve?
 21 MR. SALMAN: Yeah.
 22 MS. KEON: There was.
 23 CHAIRMAN KORGE: It was seconded.
 24 Moved and seconded. Any further
 25 discussion on the motion?

12
 1 None?
 2 Then we'll call the roll, please.
 3 MS. MENENDEZ: Jack Coe?
 4 MR. COE: Yes.
 5 MS. MENENDEZ: Jeff Flanagan?
 6 MR. FLANAGAN: Yes.
 7 MS. MENENDEZ: Pat Keon?
 8 MS. KEON: 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 There are two items that we --
 16 we've missed, because I wasn't here at
 17 the start of the meeting. One is the
 18 election of the Chairperson and
 19 Vice-Chairperson and the appointment
 20 of --
 21 MR. COE: Mr. Chairman, I nominate
 22 Tom Korge for Chairman.
 23 MR. FLANAGAN: I'll second it.
 24 MS. KEON: I'll second it.
 25 CHAIRMAN KORGE: Any discussion?