

Page 77

1 that has to be addressed?

2 MS. MENENDEZ: Are you referring to the

3 west or are you referring along Blue Road?

4 MR. COLLER: I think it was, this gentleman

5 had the issue of apparently the wall and there

6 was a discussion about a four-foot wall with a

7 two-foot picket iron fence on top of it, and I

8 didn't know whether that was addressed in the

9 plans that are proposed and whether that is

10 something that you want to make part of your

11 recommendations?

12 MS. MENENDEZ: Yeah, I have it here. Not

13 so detailed as you explained it, but -- okay.

14 So approval with the condition that the path be

15 extended west towards Santa Maria.

16 MR. BEHAR: Correct.

17 MS. MENENDEZ: That a traffic study or

18 traffic calming study and pedestrian safety

19 study be conducted along Blue Road, adjacent to

20 the property -- adjacent to that property. Is

21 that acceptable?

22 MR. PEREZ: So it's pedestrian, but it's

23 also golf carts, as well. So I don't know if

24 that's determined pedestrian or not.

25 MS. MENENDEZ: Okay. I understand. So

Page 78

1 pedestrian, slash, crossing, you know. You

2 know what we mean.

3 MR. PARSELY: Yes, we do.

4 MS. MENENDEZ: More importantly, Staff

5 knows what we mean. And then the buffer on the

6 west of the property, a proper buffer, and

7 perhaps you can get someone from Public Service

8 to recommend a proper buffer that would

9 replace the fifteen feet or ten feet space

10 that's now being taken away or, you know, being

11 enclosed by a wall.

12 So that's the condition to the approval,

13 and I guess we need a second.

14 MR. BEHAR: I'll second that.

15 MR. RODRIGUEZ: I just have a question

16 then. In addition to the study, shouldn't

17 there be a recommendation that there would be

18 some action taken based on the study?

19 MS. MENENDEZ: That's typically -- if it

20 gets approved, it's typically at the level of

21 Public Works and the County. I think the

22 County is going to be involved.

23 I'm pretty sure -- and I can't say a

24 hundred percent, but I think Blue Road is a

25 County road, but I'm not a hundred percent.

Page 79

1 MR. TRIAS: And the real condition is that

2 the Applicant be the one who would pay for the

3 improvements. That's the way that I would

4 phrase that concern.

5 CHAIRMAN FLANAGAN: Okay. So Albert,

6 you're good with that condition?

7 MR. PEREZ: Yeah.

8 CHAIRMAN FLANAGAN: Okay.

9 MR. BEHAR: We have a motion and a second.

10 CHAIRMAN FLANAGAN: We have a motion and a

11 second. Any additional comments or questions?

12 Seeing none, Jill, if you could call the

13 roll, please.

14 THE SECRETARY: Alberto Perez?

15 MR. PEREZ: Yes.

16 THE SECRETARY: Frank Rodriguez?

17 MR. RODRIGUEZ: Yes.

18 THE SECRETARY: Robert Behar?

19 MR. BEHAR: Yes.

20 THE SECRETARY: Marshal Bellin?

21 MR. BELLIN: Yes.

22 THE SECRETARY: Maria Menendez?

23 MS. MENENDEZ: Yes.

24 THE SECRETARY: Jeff Flanagan?

25 CHAIRMAN FLANAGAN: Yes.

Page 80

1 MR. PARSELY: Thank you very much.

2 MS. MENENDEZ: Thank you.

3 CHAIRMAN FLANAGAN: Okay. The next item on

4 our agenda -- Item 9 and 10 are related, so why

5 don't I read them both in at the same time?

6 We'll hear the application. Then we'll vote on

7 them individually.

8 Item Number 9 is an Ordinance of the City

9 Commission of Coral Gables, Florida requesting

10 Conditional Use Review for a Building Site

11 Determination pursuant to Zoning Code Article

12 3, "Development Review", Section 3-206,

13 "Building Site Determination" to create two

14 separate single-family building sites on

15 property zoned Single-Family Residential

16 District; one building site consisting of Lots

17 19-21 and one building site consisting of Lots

18 22-24 on the property located on the 2500 block

19 of Red Road and legally described as Lots

20 19-24, Block 15, Coral Gables Section "D",

21 Coral Gables, Florida; including required

22 conditions; providing for a repealer provision,

23 providing for a severability clause,

24 codification, and providing for an effective

25 date.

1 Item Number 10 is an Ordinance of the City
 2 Commission of Coral Gables, Florida providing
 3 for a text amendment to the City of Coral
 4 Gables Official Zoning Code, Appendix A, "Site
 5 Specific Zoning Regulations", Section A-38,
 6 "Section D" removing site specific provisions
 7 for building sites located on the 2500 block of
 8 Red Road and at 2508 Country Club Prado and
 9 legally described as Lots 3 through 8,
 10 inclusive, and 19 through 24, inclusive Block
 11 15; providing for a repealer provision,
 12 severability clause, codification and providing
 13 for an effective date.

14 We're going to have the Applicant present
 15 first, like the last time?

16 MR. BOLYARD: If you'd prefer. We can do
 17 that. I can go first.

18 CHAIRMAN FLANAGAN: I think we'll stay with
 19 what we were doing.

20 MR. BOLYARD: Sure.

21 CHAIRMAN FLANAGAN: Okay.

22 MR. PARDO: Mr. Chairman, Board Members,
 23 first of all, thank you very much for your
 24 service to the community.

25 My name is Felix Pardo. I'm the architect

1 What happened was that in 1960 the property
 2 owners there on Prado made an investment. They
 3 bought six lots on 57th Avenue, not to add to
 4 their existing home, they simply bought them as
 5 an investment, as many other people.

6 So what happened was that, from what I have
 7 understood from people that lived in the area,
 8 people started dumping on the 57th Avenue
 9 property, coming off 57th Avenue, which was
 10 something not very unusual, and, therefore,
 11 they put up a chain link fence going around the
 12 property, to try to prevent people from dumping
 13 on the property.

14 So what happened was -- that's back in the
 15 '60s some time after they had purchased the
 16 land. The chain link fence was erected without
 17 a permit, and, unfortunately, when they went to
 18 investigate selling these particular lots, they
 19 found out, in 1987, from a very young Zoning
 20 Administrator, Dennis Smith, he thought that
 21 that had tied all of the properties together.

22 Then, to complicate matters, Diane Wheeler
 23 was the Acting Planning Director at that time,
 24 and before you knew it, within just a few
 25 weeks, they were before the Commission asking

1 for this project. I've been involved in the
 2 community for a long time. My office
 3 address -- I live and work in the City -- is
 4 255 University Drive.

5 Normally, something like this, a lot split
 6 is something that I would not -- in fact, I've
 7 never, in my career, have engaged in a lot
 8 split in the City of Coral Gables. I find that
 9 that goes against the grain of Coral Gables.
 10 Actually, this application is more correcting a
 11 mistake than anything else.

12 Historically, what happened was that there
 13 are six lots here, and just for the record,
 14 also, Ms. Vanessa Beltran is the attorney for
 15 the owner, and she is allowing me to make the
 16 presentation.

17 It's very straight-forward. We have the
 18 Staff recommendations, but just so the Board
 19 Members feel a little more comfortable with
 20 this: Is that back in 1940, the property owner
 21 immediately to the east of these lots, which
 22 face Prado -- is 150-foot wide lot, and they
 23 built a home there in 1940, a single-family
 24 home, just had to do with the property facing
 25 Prado.

1 for a lot split, because a determination had
 2 been made that this was all unified.

3 So by the time they went back to the
 4 Commission, a resolution was passed by the
 5 Commission at that time, splitting the two.
 6 Inadvertently, they did not realize that they
 7 split a 150-foot wide lot, with six individual
 8 25-foot lots, into two separate sites, instead
 9 of saying, you know, this is one building site
 10 that has nothing to do with the site on 57th
 11 Avenue. So it got complicated.

12 The properties that we're trying to split
 13 tonight is -- basically has two folio numbers
 14 with Miami-Dade County. The two folio numbers
 15 have three 25-foot lots. These folio numbers
 16 have existed for a tremendous amount of years.
 17 So --

18 MS. MENENDEZ: I'm sorry, it's already
 19 split?

20 MR. PARDO: No. It should be, but it
 21 isn't.

22 MS. MENENDEZ: But if there's two folio
 23 numbers --

24 MR. PARDO: There are two folio numbers.

25 MS. MENENDEZ: And one is for three lots

1 and the other one is for the other three lots?
 2 MR. PARDO: Exactly. We can't figure it
 3 out. And here's the tragedy about this thing,
 4 my clients, who happen to be my friends, go out
 5 and they buy two parcels of land, with two
 6 folio numbers. They have their attorney do the
 7 closing.

8 They do a title search. The title company
 9 comes back and says, "You've got two pieces of
 10 land." What they didn't do, which the City
 11 Attorney would say, is that they had to come in
 12 to the City of Coral Gables and start checking,
 13 and maybe even get a building appropriateness
 14 or a building site, because what happened was
 15 that that resolution did not get recorded at
 16 the County.

17 So when the title company did their
 18 research, they found that it was two parcels,
 19 two folio numbers, two sets of taxes, and, in
 20 fact, at one time two different ownerships. Go
 21 figure.

22 So, now, cutting to the chase, they're
 23 single-family homes. There are two lots that
 24 immediately abut these properties to the north
 25 on 57th Avenue. Each one of those two sites

1 lots that are 25-foot, you would have a
 2 buildable site today, with today's revised
 3 Code, after all of these years.

4 Now, where you would run into a problem
 5 today, because back in the day the restrictions
 6 -- there is no sewer service here, so you need
 7 to have a septic tank. With the regulations as
 8 they have become tighter for septic tank
 9 compliance for area and green space and all of
 10 these things, it would be very difficult to
 11 build on a 50 wide foot lot by 110-foot, just
 12 because of the requirements for a septic tank
 13 system as required today.

14 So, again, the long and short of this is
 15 that we met with Staff, and we're not
 16 interested in three lots. We're interested in
 17 only the two lots that are 75-foot wide,
 18 110-foot deep. I have spoken to the neighbor
 19 that is immediately to the east of us, in other
 20 words, abutting us. He had no objections
 21 whatsoever. The only concern he had was that
 22 he didn't want a second story balcony
 23 overlooking his pool, which is really on the
 24 southern most property, and we promised him
 25 that, you know, we wouldn't do that.

1 has got two lots only. Instead of three
 2 25-foot lots, two lots. In other words,
 3 they're 50 -- by the way, these are not 100
 4 foot deep lots. They're 110-foot lots.

5 So they had to have a minimum frontage of
 6 50 feet, in other words, two lots of 25, and
 7 100-foot to have the minimum 5,000 square foot
 8 of area for the lot size for this particular
 9 area.

10 So the two properties immediately to the
 11 north are two 50-foot by 110-foot lots, and
 12 they were built properly, building permits,
 13 didn't have to go through a hearing, it was
 14 just a matter of zoning right that they were
 15 able to do that.

16 MR. RODRIGUEZ: Excuse me, how about the
 17 lots immediately to the south?

18 MR. PARDO: Those lots are empty right now.
 19 There's no fence around them. They are all
 20 individual 25-foot lots, and by Zoning Code,
 21 you don't have to go to a public hearing. The
 22 only reason we're here is because of this
 23 mistake that was made in 1988, and that's why
 24 I've tried to stress that.

25 So those lots, if you take two of those

1 The other thing is that what Staff has
 2 done -- they're trying to be very consistent
 3 with what they've heard the Commission say, and
 4 that is they don't want that the total square
 5 footage, if they were to build one house on the
 6 150 wide by 110-foot deep lot, that the FAR
 7 would not be greater than what would be
 8 allowed.

9 Now, mathematically, the way the Zoning
 10 Code is, is that the first 5,000 square feet,
 11 you could build up to 45 or 48 percent. Then
 12 the percentage drops down a little bit for the
 13 next 5,000 square feet, and then it drops down
 14 for the balance at 30 percent. So,
 15 mathematically, and it's in the Staff
 16 recommendations, which they caught up on that,
 17 for the 16,500 total lot, you would not be able
 18 to build up to 900 additional square feet, that
 19 you would on two separate lots. We don't want
 20 that. We simply want to be able to comply and
 21 get the two lots built, so these people can,
 22 you know, get on with their lives.

23 So we're not asking for any variances for
 24 setbacks. We're not asking for any variances
 25 whatsoever for minimum size. We're not asking

1 for an increase in density. We face 57th
2 Avenue, which is a completely different animal
3 than facing Prado. You know, it's almost like
4 two different things. We're literally facing
5 on the other side of 57th Avenue, you know,
6 another City.

7 And we think that we would be able to
8 enhance with a 75-foot by 110-foot deep lot,
9 for two homes there. It would make more sense.

10 We have a circular drive. We've talked to
11 FDOT, because 57th Avenue is a State Road
12 there. They don't have a conceptual issues
13 with us having a circular drive. On 75 feet,
14 you could do that. I'm not a big fan of that,
15 but the reason that we would want to do that is
16 because they have a designated bike lane, and
17 from a safety standpoint, it's a lot safer to
18 go out hood first than backing up onto 57th
19 Avenue, because that's the only way that they
20 could do it on the two homes that are
21 immediately to the north.

22 So we have, I think, a good product, you
23 know, that we're looking at, that is compatible
24 with the neighborhood, and I'm looking -- we
25 have no objections with the three conditions

1 Map Designations for single-family residences.
2 The Applicant is requesting to separate an
3 existing .38 acre building site, with 150 feet
4 of street frontage on Red Road, into two
5 building sites.

6 The proposed building sites would be split
7 evenly, with each new building site containing
8 .19 acres, with 75 feet of street frontage
9 proposed on Red Road.

10 Shown here are the conceptual Site Plans,
11 which are not tied to the application
12 currently.

13 Here is the front elevation for the
14 northern site, which is Lots 22 through 24, and
15 the elevation for the southern site, which is
16 Lots 19 through 21.

17 This application went to the Development
18 Review Committee in August of last year. They
19 held their neighborhood meeting January 20th of
20 this year. They are before you tonight. And
21 they will be required to go to the City
22 Commission on two readings, which have not yet
23 been determined.

24 The following public notifications were
25 completed to provide notice of the application:

1 that Staff came up with.

2 CHAIRMAN FLANAGAN: All right. Thank you.

3 MR. PARDO: You're welcome.

4 CHAIRMAN FLANAGAN: Scot.

5 MR. BOLYARD: Good evening, Mr. Chair,
6 Madam Vice Chair, Members of the Board. For
7 the record, Scot Bolyard, Principal Planner
8 with the City of Coral Gables.

9 Aaron, if you would please bring up the
10 PowerPoint.

11 The application before you is referred to
12 as FDP Red Road. It's located on the 2500
13 block of Red Road. They are requesting a
14 Building Site Separation, Conditional Use Site
15 Plan Review and a Zoning Code Text Amendment.

16 You can see on the location map here that
17 it's located on Red Road, just south of Coral
18 Way. We've got some aeriels here that show
19 that the property is vacant. You can see how
20 it would be split there.

21 Here are some street photos to the
22 property, and the property to the north, with
23 the two 50-foot houses, and the vacant property
24 to the south.

25 The property has Future Land Use and Zoning

1 They held a neighborhood meeting earlier this
2 year. On April 1st, they provided their
3 courtesy notification, mailed to all property
4 owners within a thousand feet. The property
5 was posted, a legal advertisement published,
6 and the agenda was posted on the City web page
7 and City Hall, and then last Friday the Staff
8 Report was posted on the City web page.

9 Shown here is the 1,000 foot notification
10 radius around the subject property. The
11 existing building site has a frontage of 150
12 feet, which, like we said, is going to be split
13 evenly between the proposed building sites,
14 which will each have 75-foot frontage.

15 As the Applicant noted, they have 110-foot
16 building site depth, which is not changed on
17 the proposed building sites. The existing
18 building site has an area of 16,500 square
19 feet, which would be split evenly. Each site
20 would be 8,250 square feet.

21 The maximum permitted building floor area
22 currently is 6,100 square feet. Under the
23 Zoning Code provisions, when you split it, the
24 maximum permitted FAR would be 3,538 square
25 feet, but, as noted, we have a condition of

1 approval that limits both building sites to a
2 total maximum of 6,100 square feet, which would
3 be permitted today. The maximum permitted
4 building height on the existing and proposed
5 building sites would be two stories, 29 feet.

6 The Zoning Code provides that the
7 application must satisfy at least four of the
8 following six criteria. The first is that
9 exceptional or unusual circumstances exist,
10 that are site specific or are Code specific,
11 which warrant the separation of a building
12 site.

13 The property has Code specific language in
14 the form of Zoning Code Site Specific
15 Resolutions that limit the development of the
16 property; therefore, the application satisfies
17 this criterion.

18 The second is that the building sites
19 created would be equal to or larger than a
20 majority of the building site frontages, with
21 the same Zoning designation, within a 1,000
22 feet.

23 The Applicant's information provided
24 indicates that the proposed building sites
25 would have a 75-foot street frontage that would

1 be equal to or larger than less than half of
2 the building sites within a 1,000 feet. As a
3 result, the application would not satisfy this
4 criterion.

5 MS. MENENDEZ: Scot, how about along 57?
6 Was that also a problem?

7 MR. BOLYARD: That is not a problem. They
8 actually exceed every developed building site
9 along Red Road, within 1,000 feet of their
10 property, that fronts Red Road, they exceed the
11 building site frontage and they exceed the area
12 on all of them.

13 MS. MENENDEZ: Because normally it is 50 by
14 100, 110?

15 MR. BOLYARD: Yeah, there's a couple on
16 there that are 65 feet wide, but, again, they
17 still exceed that. So they would be larger
18 than 100 percent of all building sites on Red
19 Road.

20 MS. MENENDEZ: Right. Thank you.

21 MR. BOLYARD: You're welcome.

22 The building site separation -- the third
23 criterion is that the building site separation
24 would not result in any existing or previously
25 demolished structures becoming non-conforming.

1 The subject property does not have any
2 existing structures or previous structures that
3 would result in non-compliance with this
4 criterion, so it satisfies this criterion.

5 The fourth is that no restrictive
6 covenants, encroachments, easement or the like
7 exist which would prevent the separation of the
8 building sites, including previously demolished
9 structures.

10 A restrictive covenant exists, tying Lots
11 19 through 21 together. The Applicant's
12 proposal is to have Lots 19 through 21 become a
13 building site; therefore, the existing
14 restrictive covenant is in compliance with this
15 criterion. The subject property does not have
16 any previously demolished structures that would
17 result in non-compliance with this criterion.
18 Staff has determined that the application
19 satisfies this criterion.

20 The fifth is that the proposed building
21 sites maintain and preserve open space, promote
22 neighborhood comparability, preserve historic
23 character, maintain property values and enhance
24 visual attractiveness of the area.

25 Both building sites can be developed in

1 compliance with the Zoning Code. Specimen
2 trees are being preserved on site, as requested
3 by Staff. The proposed building sites would
4 have a greater street frontage and site area
5 than all developed building sites fronting Red
6 Road within 1,000 feet.

7 As a result, Staff has determined that the
8 proposed building sites would be compatible
9 with the surrounding neighbor and that the
10 application satisfies this criterion.

11 The last is that the building sites were
12 purchased prior to September 17th, 1977.

13 The properties were purchased in 2015, so
14 it does not satisfy this criterion.

15 Staff is recommending approval of the
16 request, as it satisfies four of the six
17 criteria, as required by the Zoning Code.

18 The second request is for a Zoning Code
19 Text Amendment, which would remove Site
20 Specifics tying the sites together as one
21 building site, and it would also remove a
22 required 75-foot setback on Red Road.

23 Staff recommends approval of this requested
24 Zoning Code Text Amendment to remove the Site
25 Specific Regulations, which would allow for the

1 separation of the building site.
 2 CHAIRMAN FLANAGAN: Great. Thank you,
 3 Scot.
 4 MR. BOLYARD: You're welcome.
 5 You want to go through the conditions of
 6 approval?
 7 CHAIRMAN FLANAGAN: Oh, sorry. Yes.
 8 MR. BOLYARD: Yes. We have three
 9 conditions of approval. This is the last
 10 slide. That the new single-family residences
 11 constructed on the two sites shall meet all
 12 applicable requirements of the Zoning Code and
 13 no variances shall be required or requested.
 14 The total square footage of the two
 15 residences shall be equal to or less than 6,100
 16 square feet, which is the maximum permitted
 17 size of a residence that could be constructed
 18 on the current building site.
 19 And that the existing trees labeled as
 20 Numbers 5, 14 and 31 on the Tree Disposition
 21 Plan must remain on site, which the Applicant
 22 is doing.
 23 And that completes my presentation.
 24 Would you like me to go over the new
 25 requirements of the lot split that the City

1 criterion in here, that exceptional or unusual
 2 circumstances exist that are Site Specific or
 3 Code Specific. We've determined that it
 4 satisfies that criterion.
 5 The next required criterion is that the
 6 proposed building site maintain and preserve
 7 open space, specimen trees, promotes
 8 neighborhood compatibility, preserves historic
 9 character and maintains property value. We've
 10 determined that this one satisfies that.
 11 Then the next step is that the application
 12 has to satisfy at least three of the following
 13 four criteria. That the building sites created
 14 would have a street frontage equal to or larger
 15 than a majority of the existing building sites
 16 within 1,000 feet. And, again, this is being
 17 based on just those building sites on Red Road,
 18 so it would satisfy those criterion. That's
 19 one of three.
 20 The second one is that the building sites
 21 separated or established will not result in
 22 existing structures becoming non-conforming.
 23 We've determined that it satisfies that one.
 24 So that's two out of three.
 25 And then the last one is that there aren't

1 Commission went through yesterday?
 2 CHAIRMAN FLANAGAN: Yes.
 3 MR. BOLYARD. Okay. So these were just
 4 approved yesterday, and I went through and
 5 studied whether this application would satisfy
 6 those criteria, as well, and Staff's
 7 determination is that they would.
 8 The first provision is that they would have
 9 to have a lot area equal to or larger than a
 10 majority of the existing building sites with
 11 the same Zoning designation within 1,000 feet.
 12 It's similar to what we have now; however, the
 13 Development Review Official may determine that
 14 the comparison of the building sites can be
 15 based on -- let's see here -- one or more of
 16 the following, and this is the one that we
 17 would apply, that the building sites located --
 18 we would compare it with the building sites
 19 located on the same street as the subject
 20 property, which is Red Road, which we
 21 previously discussed. So it would satisfy that
 22 first criterion.
 23 And these are required. There are three
 24 requirements. I'm going to go through those.
 25 The second is that -- basically the first

1 any restrictive covenants or easements, any
 2 demolition of an existing building that would
 3 result in non-compliance. We've determined
 4 that it satisfies that criterion. So that's
 5 the third.
 6 Just to go over the last one, instead of
 7 having the date where they have to own it since
 8 1977, and the new criterion is that they have
 9 to have owned it for at least 10 years, but
 10 they don't satisfy that one, but they do
 11 satisfy at least three out of the four.
 12 And just so you are aware, the required
 13 conditions of approval going forward, one is
 14 that the total square footages of the separated
 15 building sites has to be equal to what's
 16 currently permitted. So that's a condition
 17 that we're including.
 18 The second is that the new single-family
 19 residences constructed shall meet all
 20 applicable requirements of the Zoning Code,
 21 with no variances required or requested. We've
 22 included that as a condition.
 23 The third is that the plans depicted in the
 24 site plans and elevations of the residences
 25 that are being separated, that they have to be

1 tied to the application. We are not requiring
2 these plans to be tied to this application at
3 this time. I mean, I don't know if the City
4 Commission will require that.

5 And the last is that a bond shall be
6 required to ensure timely removal of any
7 non-conformities. They don't have any
8 non-conformities, so that wouldn't apply, but
9 they would meet -- under Staff's review, they
10 would meet the new criterion, as well.

11 CHAIRMAN FLANAGAN: Great.

12 And, Scot, of course, you're not applying
13 the new criteria, because this application came
14 in before that went into effect, right?

15 MR. COLLER: Not exactly.

16 MR. BOLYARD: I would defer to the City
17 Attorney on this.

18 CHAIRMAN FLANAGAN: Okay.

19 MR. COLLER: Yeah, I've consulted with
20 Craig Leen on that, and the ordinance doesn't
21 grandfather in applications filed, so he
22 determined that it did not have to meet the
23 requirements for the Planning and Zoning, but
24 he may need to meet those requirements when it
25 gets to the City Commission.

1 Site Plan, back in the day.

2 The problem that we have is that, in this
3 particular case, we have no shave off a certain
4 amount of square footage out of our proposed
5 preliminary design that we took to the Board of
6 Architects. So just imagine, we've already had
7 the pleasure of spending about \$60,000 in
8 applications to get to the Commission level.
9 Now just imagine the amount of time and money
10 to go basically and correct scrivener's errors,
11 and this is something that I'm also going to
12 discuss with the City Attorney, because we have
13 to make sure that the Commission understands
14 these ramifications.

15 There are certain places, where, yes, a
16 Site Plan approval or plans, it should be tied
17 to that, when the developments are at that
18 level, but when it comes to something like
19 this, it becomes such an encumbrance that the
20 weight on the Applicant is so huge that you're
21 basically killing them.

22 CHAIRMAN FLANAGAN: But, Mr. Pardon, you
23 sat up here for many years, and I'm sure that
24 you fought the battles and heard many, many
25 stories, that when somebody comes in for a lot

1 CHAIRMAN FLANAGAN: And, at this point, I
2 think what I'm hearing is, the one item that
3 would be missing would be being tied to a set
4 of plans?

5 MR. PARDO: Mr. Chairman, may I address
6 that?

7 CHAIRMAN FLANAGAN: Yes.

8 MR. PARDO: I am personally going to
9 address this with the Commissioners. That is a
10 dreadful mistake, and I'll tell you why. For
11 example, one of the conditions that was placed
12 by Staff was the criteria of the 6,100 square
13 foot maximum.

14 Every encumbrance that you have, normally
15 when you have a bureaucracy that just comes to
16 a grinding halt, is when you do some things
17 that are necessary. As long as we comply with
18 the Zoning Code, we should not be tied to the
19 plan.

20 Now, there are projects that are much more
21 complex, such as a previous application that
22 you had denied, that has the special "S"
23 designation, such as the Riviera Country Club,
24 such as the Coral Gables Youth Center. Those
25 Special Conditions have always been tied to a

1 split, you're coming in and asking for
2 something you're not entitled to at the time.

3 And so by giving something to a property
4 owner to split, of course, generally there are
5 going to be some concessions made, and one of
6 those is going to be the FAR, keeping it in
7 line with what could be built on the lot today,
8 and, then, when you do split the lots -- and
9 admittedly this one seems to be a bit
10 different -- you need to be cognizant of the
11 impact to the neighbors, and we have seen
12 several lot splits during my time of sitting on
13 this Board, and it was very helpful, and I
14 thought, very important, to see those proposed
15 plans, to see what the impact was to the
16 neighbors and they appreciated it.

17 So, sure, it's an expense. I mean, we all
18 understand that, but, by the same token,
19 there's an easy way to avoid that expense, and
20 that's just to not file the application.

21 MR. PARDO: And, Mr. Chairman, I think
22 you're right, in a normal lot split, and when I
23 chaired this Board, I had zero lot splits that
24 were approved before this Board. And the
25 reason is, it's very different someone taking a

1 property, tearing it down, and trying to
2 speculate on that. In this particular case,
3 these were vacant pieces of land.

4 The second thing is that, you know, you
5 have a couple of designers on this Board, too,
6 that when you have to go -- one thing is to
7 say, well, Staff has maybe the flexibility to
8 work with the designer, you know, where you
9 don't have to go through the hearing process
10 again to be able to move something here or
11 there. Conceptually I don't have a problem
12 with that, when it's a much more complex
13 property.

14 The problem is that, you know, be careful
15 what you wish for, because when you do have
16 that, we see that in the City of Miami, with
17 Miami 21, going back to the Planning Department
18 there, and that you're dealing only with Staff.
19 Just imagine if you escalate, let's say, a
20 warrant, where you have to go all of the way to
21 the Commission, with their busy schedule, you
22 could delay projects substantial amounts of
23 time. So it's not just money, it's just
24 allowing the designer to be able to have the
25 flexibility to resolve things with Staff.

1 cannot have the balconies overlooking his
2 swimming pool. There's nothing in the Code
3 against that, but just as being a good
4 neighborhood, we're going to do that.

5 Imagine if I would have had that in there,
6 and I'm tied to the Site Plan. Now, I've got
7 to call this fellow up and tell him that I
8 can't do it, because they approved the Site
9 Plan that way.

10 MR. BELLIN: Okay. If we approve this lot
11 split -- Ramon, if we approve the lot split,
12 aren't we essentially approving the documents
13 that he presented to us, like the Site Plan?

14 And I'll tell you the problem that I have
15 with the Site Plan is, neither one of those
16 houses complies with the Zoning Code.

17 CHAIRMAN FLANAGAN: The Site Plan is not
18 before us. It's just basically for
19 illustrative purposes.

20 MS. MENENDEZ: In the past, we've never
21 tied the Site Plan to the request for the lot
22 split.

23 MR. BELLIN: No, but we have. I remember
24 we did a lot split on, I forget what street it
25 was --

1 CHAIRMAN FLANAGAN: Okay.

2 MR. BELLIN: I have a question.

3 CHAIRMAN FLANAGAN: Okay, Marshall.

4 MR. BELLIN: I'm not clear as to, do you
5 want this Site Plan tied to this approval?

6 MR. PARDO: Absolutely not.

7 MR. BELLIN: All right. Then why is it
8 there?

9 MR. PARDO: I'm sorry?

10 MR. BELLIN: Why do we have the --

11 MR. PARDO: Because, again, going back to
12 the bureaucracy, which is not a reflection on
13 the Planning Director or his Staff, the way
14 that it is set up now, you have to obtain all
15 sorts of permits and things to be able to get
16 to this level. And one of them was, develop
17 speculatively a Site Plan and going through
18 that, instead of simply addressing the lot
19 split.

20 And that's one of the primary reasons that
21 I didn't show you the Site Plans and all of
22 that, because it's not tied to the Site Plan.
23 That Site Plan, for example, we had the
24 conversation with the neighbor immediately next
25 to us. He asked me, this morning, to see if we

1 CHAIRMAN FLANAGAN: It's Maynada or
2 something.

3 MS. MENENDEZ: No, we've always said we
4 don't want variances and things like that,
5 because they have conditioned the approval on
6 it, but I don't remember ever tying Site Plans,
7 because I don't think we can.

8 MR. PEREZ: We had a lot split down south
9 that was tied to the Site Plan.

10 MS. MENENDEZ: Really?
11 (Simultaneous speaking.)

12 MR. BELLIN: It was on San Vicente.

13 MR. TRIAS: Mr. Chairman, if I could
14 address the issue. In the past, it was not a
15 requirement of the Code to tie the Site Plan.
16 That's clear. Now, in the future, it is.
17 Okay. That was passed yesterday.

18 And the opinion of the City Attorney was
19 that when it gets to the City Commission,
20 because there's a new ordinance that already
21 passed, it applies. So this is a significant
22 issue.

23 And Mr. Pardo disagrees with that
24 requirement. He has an opinion that is
25 different.

1 MR. BELLIN: Ramon, you know I've been
 2 involved in a number of lot splits.
 3 MR. TRIAS: Yes.
 4 MR. BELLIN: And a requirement always is
 5 that we had to provide Site Plan and
 6 elevations.
 7 MR. TRIAS: A concept. A conceptual Site
 8 Plan and elevation, that, in the future, could
 9 change. I mean, that was the expectation in
 10 the past.
 11 Now, the Commission made it a requirement.
 12 It was a deliberate choice. It's a policy
 13 choice that they made.
 14 MS. MENENDEZ: But do you think it's
 15 correct --
 16 CHAIRMAN FLANAGAN: Hold on. Craig --
 17 well, sorry --
 18 MR. COLLER: I'm sorry. Obviously a Board
 19 Member should go first. So I'll chime in
 20 afterwards, if that's okay.
 21 CHAIRMAN FLANAGAN: Okay. Well, he's been
 22 trying to chime in for like --
 23 MS. MENENDEZ: I just wanted to say that I
 24 don't think it's very fair to take a position
 25 from -- you know, they submitted their

1 application probably a month ago. They came in
 2 with a certain, you know, expectation, and now,
 3 all of a sudden, it gets approved yesterday and
 4 now we're saying, "Oh, by the way, what you
 5 submitted, it's a done deal."
 6 I don't think that's right.
 7 MR. TRIAS: And, Mr. Chairman, what I would
 8 say is that the City Attorney did not give an
 9 official opinion. We just had a simple
 10 conversation.
 11 MS. MENENDEZ: No, I understand. I'm just
 12 expressing --
 13 MR. COLLER: What I was trying to say was,
 14 this was a very quick discussion we had
 15 initially. I don't think the City Attorney has
 16 taken an official position yet.
 17 The one thing he did tell me was that he
 18 was not going to require this element before
 19 your Board, that this was going to be addressed
 20 at the City Commission. There's an opportunity
 21 for everyone to reflect on the issue, and we'll
 22 take a look at it then, and I'm sure he'll make
 23 a very wise decision as to what should be done.
 24 CHAIRMAN FLANAGAN: Okay. Thank you,
 25 Craig.

1 MR. PARDO: Mr. Chairman --
 2 CHAIRMAN FLANAGAN: One moment.
 3 MR. PARDO: Sure.
 4 CHAIRMAN FLANAGAN: Frank.
 5 MR. RODRIGUEZ: Yeah. As a practical
 6 matter -- I guess, I'm thinking, what am I
 7 missing? I mean, we're not talking about a lot
 8 split in, I don't know, name any number of
 9 streets, Granada, anything like that. This is
 10 57th Avenue for God's sake. Who's going to buy
 11 a 150 by 110 foot lot and build a 6,000 square
 12 foot house there? I mean, it doesn't seem to
 13 be an economically rational thing to do.
 14 I mean, I go by there all of the time. I
 15 live on Coral Way, and close to Granada, and I
 16 go by there all of the time. I mean, I think
 17 the choice -- well, anyway, I just don't think
 18 it's your typical circumstance, and I think we,
 19 as a Board, should always look at every
 20 circumstance and take, you know, the
 21 circumstances that are at issue, and take them
 22 into account.
 23 I find it very compelling that the request
 24 is for a lot split on 57th Avenue.
 25 CHAIRMAN FLANAGAN: Okay. Well, let's open

1 up the public hearing. Do we have any
 2 speakers?
 3 THE SECRETARY: No public speakers.
 4 CHAIRMAN FLANAGAN: Anybody here wishing to
 5 speak on the item?
 6 Seeing none, we'll close the public
 7 hearing.
 8 Mr. Pardo, you had something --
 9 MR. PARDO: The only thing I was going to
 10 add, you know, be careful what you wish for, as
 11 I said, because let's say you own that home and
 12 you want to add a little terrace to it, you're
 13 going have to spend \$60,000 in all of the
 14 application fees to build a terrace that will
 15 probably cost a third of that.
 16 CHAIRMAN FLANAGAN: But at this point,
 17 that's not before us for any type of
 18 consideration.
 19 MR. PARDO: I understand, but what I'm
 20 trying to emphasis is the danger of a Site Plan
 21 in certain situations.
 22 CHAIRMAN FLANAGAN: Sure, but at this
 23 point, that's an issue for the Commission.
 24 MR. PARDO: Okay. Thank you.
 25 CHAIRMAN FLANAGAN: Anybody have any

1 additional comments?
 2 Marshall.
 3 MR. BELLIN: I don't feel comfortable
 4 approving -- as far as the site split, I'm fine
 5 with that. I don't feel comfortable approving
 6 the site split with the documentation that's
 7 shown, because I don't want somebody to come
 8 back or the Applicant to say, "Well, look, you
 9 know, I went through the Planning and Zoning
 10 Board and showed them the Site Plan and I
 11 showed them the elevations," which were
 12 required, or else you don't do them. It's
 13 takes a lot of money to design two houses.
 14 CHAIRMAN FLANAGAN: Okay. I think I'm not
 15 understanding your concern, because the Staff
 16 recommendation says that the plans that were
 17 given to us are not tied to the application.
 18 So they do not impact. We're not approving
 19 them in any form or fashion. You have the
 20 Applicant's representative right here, who
 21 understands and clearly doesn't want them
 22 attached to it, so I don't think we have any
 23 problem.
 24 MR. BELLIN: Then they should not be part
 25 of this application is what I'm saying.

1 CHAIRMAN FLANAGAN: Okay. Well, that's a
 2 policy issue to take up, I think, with Staff,
 3 in the future, because if what the Commission
 4 passed yesterday stays in effect, they're going
 5 to come before us in the pipeline.
 6 MR. PEREZ: So I just want to be clear,
 7 what's there now, the home that's there now,
 8 that's not --
 9 MR. PARDO: No, there is no home. It's a
 10 vacant lot.
 11 MR. PEREZ: No, I know there's no home.
 12 But I'm saying, what's part of your submittal,
 13 that's not the houses that you're proposing?
 14 MR. PARDO: Not necessarily, no, because
 15 what I did was exactly what the system asked me
 16 to do, and they could have asked for a very
 17 simple plan. They asked me for floor plans,
 18 elevations, landscaping plans, landscaping
 19 permit. It was beyond belief, but it's part --
 20 and I could understand the confusion, it's part
 21 of the application process, and maybe there was
 22 a reason at some time that they wanted to see
 23 what the massing looked like, they wanted to
 24 see this or they wanted to see that. I'm not
 25 trying to criticize Staff. I'm just saying

1 that this is a simple separation of those lots.
 2 MR. PEREZ: So I think it's as simple as
 3 approving the site split.
 4 CHAIRMAN FLANAGAN: Yeah, that's all it is.
 5 Okay. Any further discussion?
 6 Anybody want to move it?
 7 MR. RODRIGUEZ: I move for Staff
 8 recommendation -- that we approve the Staff
 9 recommendation.
 10 MS. MENENDEZ: I second it.
 11 CHAIRMAN FLANAGAN: Motion and second.
 12 Further discussion?
 13 Seeing none, Jill, call the roll, please.
 14 THE SECRETARY: Frank Rodriguez?
 15 MR. RODRIGUEZ: Yes.
 16 THE SECRETARY: Robert Behar?
 17 MR. BEHAR: Yes.
 18 THE SECRETARY: Marshall Bellin?
 19 MR. BELLIN: Yes.
 20 THE SECRETARY: Maria Menendez?
 21 MS. MENENDEZ: Yes.
 22 THE SECRETARY: Alberto Perez?
 23 MR. PEREZ: Yes.
 24 THE SECRETARY: Jeff Flanagan?
 25 CHAIRMAN FLANAGAN: Yes.

1 MR. PARDO: Thank you very much.
 2 MR. RODRIGUEZ: You're welcome.
 3 CHAIRMAN FLANAGAN: Thank you.
 4 Any other items on the agenda? No other
 5 items. All right. Move to adjourn.
 6 MS. MENENDEZ: Thank you, sir.
 7 CHAIRMAN FLANAGAN: All right. We're out.
 8 (Thereupon, the meeting was concluded at
 9 8:00 p.m.)
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25