

1 CITY OF CORAL GABLES
 2 PLANNING AND ZONING BOARD MEETING
 3 VERBATIM TRANSCRIPT
 4 CORAL GABLES CITY COMMISSION CHAMBERS
 5 405 BILTMORE WAY, CORAL GABLES, FLORIDA
 6 WEDNESDAY, NOVEMBER 3, 2010, 6:02 P.M.
 7
 8 Board Members Present:
 9 Tom Korge, Chairman
 10 Eibi Aizenstat, Vice-Chairman
 11 Robert Behar
 12 Jeffrey Flanagan
 13 Pat Keon
 14 Javier Salman
 15 City Staff:
 16 Eric Riel, Jr., Planning Director
 17 Scot Bolyard, Planner
 18 Jill Menendez, Administrative Assistant
 19 Also Participating:
 20 Laura Russo, Esq.,
 21 Russo & Baker, P.A.
 22 On behalf of Northern Trust Bank
 23 Juan Espinosa, P.E.
 24 David Plummer & Associates
 25 Kelsey Hirsch, Northern Trust Bank
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CITY OF CORAL GABLES
 PLANNING AND ZONING BOARD MEETING
 2010 NOV 10 PM
 1 record, Javier Salman has arrived.
 2 CHAIRMAN KORGE: There's a motion and a
 3 second to approve the minutes of the meeting of
 4 October 13th.
 5 MR. SALMAN: So moved.
 6 CHAIRMAN KORGE: Is there any discussion,
 7 questions, changes? None? Let's call the
 8 roll.
 9 MS. MENENDEZ: Robert Behar?
 10 MR. BEHAR: Yes.
 11 MS. MENENDEZ: Jack Coe?
 12 MR. COE: I was absent from the last
 13 meeting, and therefore, I cannot vote.
 14 MS. MENENDEZ: Javier Salman?
 15 MR. SALMAN: Yes.
 16 MS. MENENDEZ: Eibi Aizenstat?
 17 MR. AIZENSTAT: Yes.
 18 MS. MENENDEZ: Tom Korge?
 19 CHAIRMAN KORGE: Yes.
 20 Our next item is the Abandonment and
 21 Vacation of Non-Fee Interests at the University
 22 of Miami, Application Number 09-10-120-P.
 23 MR. RIEL: Mr. Chair, actually, this item
 24 is going to be continued, but just for the
 25 record, let me read the title: An Ordinance of

1 THEREUPON:
 2 The following proceedings were had:
 3 CHAIRMAN KORGE: We have a quorum, so we
 4 can begin. Would you call the roll, please.
 5 MS. MENENDEZ: Eibi Aizenstat?
 6 MR. AIZENSTAT: Here.
 7 MS. MENENDEZ: Robert Behar?
 8 MR. BEHAR: Here.
 9 MS. MENENDEZ: Jack Coe?
 10 MR. COE: Here.
 11 MS. MENENDEZ: Jeff Flanagan?
 12 Pat Keon?
 13 Javier Salman?
 14 Tom Korge?
 15 CHAIRMAN KORGE: Here.
 16 The first item on the agenda is the
 17 approval of the minutes from the last meeting
 18 of October 3rd -- 13th --
 19 (Thereupon, Mr. Salma arrived.)
 20 MR. SALMAN: Here.
 21 CHAIRMAN KORGE: -- 2010.
 22 MR. AIZENSTAT: I'd like to make a motion
 23 to approve.
 24 MR. BEHAR: Second.
 25 CHAIRMAN KORGE: Make a note for the

1 the City Commission of Coral Gables, pursuant
 2 to Zoning Code Article 3, Division 12,
 3 "Abandonment and Vacations," providing for the
 4 abandonment and vacation of non-fee interests
 5 of the City for the following public
 6 rights-of-way identified as: Theo. Dickinson
 7 Drive, William E. Walsh Avenue, George E.
 8 Merrick Street, Henry King Stanford Drive,
 9 Pavia Street and Levante Avenue, all within the
 10 University of Miami campus, Coral Gables,
 11 Florida, providing for severability,
 12 codification and effective date.
 13 This item needs --
 14 CHAIRMAN KORGE: I see you need a motion
 15 for continuance?
 16 MR. RIEL: Yes, to the November 30th
 17 meeting at 6:00 p.m.
 18 CHAIRMAN KORGE: Is there a motion to
 19 continue this item --
 20 MR. BEHAR: Motion to continue.
 21 CHAIRMAN KORGE: -- to November 30th?
 22 MR. AIZENSTAT: Second.
 23 CHAIRMAN KORGE: Moved and seconded. Any
 24 discussion? Hearing none, we'll call --
 25 MR. SALMAN: Yes.

<p style="text-align: right;">Page 5</p> <p>1 CHAIRMAN KORGE: I'm sorry. 2 MR. SALMAN: Yes. 3 CHAIRMAN KORGE: Yes, discussion? 4 MR. SALMAN: I have no problem with any of 5 those streets except for Levante Avenue. It is 6 a public right-of-way. It connects San Amaro 7 with 57th Avenue. It's a point where you can 8 actually enter 57th Avenue to go south -- 9 MR. COE: Mr. Chairman, what are we doing? 10 CHAIRMAN KORGE: The motion is to 11 continue to the next meeting. 12 MR. COE: Is to continue it. Are you going 13 to discuss it? 14 MR. SALMAN: I just want to be on the 15 record that I have a problem with that one 16 particular street. If we're going to be 17 continuing it, I just want to make sure 18 everybody knows -- 19 CHAIRMAN KORGE: That everyone knows that 20 that's going to come up. 21 MR. SALMAN: Right. 22 MR. COE: Are you going to be here for the 23 next meeting? 24 MR. SALMAN: I plan to. 25 MR. COE: Oh, okay.</p>	<p style="text-align: right;">Page 7</p> <p>1 conditional use review for a bank drive-through 2 facility on a Commercial Limited zoned property 3 located at 595 Biltmore Way. The property is 4 zoned Commercial Limited because it is adjacent 5 to a 13-story Multi-Family Residential property 6 which has MF2 zoning and Residential Multi- 7 Family, High Density land use designations. 8 The Zoning Code permits drive-through 9 facilities on Commercial Limited zoned 10 properties, subject to conditional use review 11 and approval by the Planning & Zoning Board and 12 the City Commission. 13 Staff's review of the application, based 14 upon analysis of the Comprehensive Plan and 15 Zoning Code, determined that the proposal is 16 consistent with the Comprehensive Plan's goals, 17 objectives and policies. The proposed 18 drive-through lane is physically separate from 19 the other on-site parking and pedestrian 20 circulation. No variances are required for the 21 project. The concurrency impact statement has 22 indicated that adequate infrastructure is 23 available to support the project, and the 24 applicant has satisfactorily addressed all 25 comments provided by City Departments via the</p>
<p style="text-align: right;">Page 6</p> <p>1 CHAIRMAN KORGE: Okay. So, any other 2 discussion on the motion to continue? 3 Hearing none, we'll call the roll. 4 MS. MENENDEZ: Jack Coe? 5 MR. COE: Yes. 6 MS. MENENDEZ: Javier Salman? 7 MR. SALMAN: Yes. 8 MS. MENENDEZ: Eibi Aizenstat? 9 MR. AIZENSTAT: Yes. 10 MS. MENENDEZ: Robert Behar? 11 MR. BEHAR: Yes. 12 MS. MENENDEZ: Tom Korge? 13 CHAIRMAN KORGE: Yes. 14 The next item on the agenda is Application 15 Number 09-10-121-P, Conditional Use Review for 16 a Bank Drive-Through Facility at the Northern 17 Trust Bank on -- What is that on? Oh, go 18 ahead. 19 MR. BOLYARD: 595 Biltmore Way. 20 CHAIRMAN KORGE: Yeah. 21 MR. BOLYARD: Good evening, Chairman, 22 Vice-Chair, Members of the Board. For the 23 record, my name is Scot Bolyard, with the Coral 24 Gables Planning Department. 25 The application before you tonight is for a</p>	<p style="text-align: right;">Page 8</p> <p>1 DRC process. 2 In conclusion, Staff recommends approval of 3 the proposed application, subject to the 4 conditions of approval. 5 If the Board has any questions, Staff would 6 be happy to answer them. Thank you. 7 CHAIRMAN KORGE: Does the applicant have a 8 presentation to present? Ms. Russo? 9 MS. RUSSO: A very small one. 10 Good evening, Mr. Chairman, Members of the 11 Board. For the record, Laura Russo, with 12 offices at 2655 LeJeune Road, Coral Gables, 13 representing Northern Trust Bank. 14 We are here seeking conditional use 15 approval for the drive-through teller window 16 for the proposed new building that will be 17 erected on the subject property, which is the 18 northwest (sic) corner of the intersection of 19 Segovia and Biltmore Way. There is currently a 20 bank there. The new bank will be constructed. 21 The old bank will be demolished. So we're not 22 adding something different; it's just a 23 replacement building. 24 The reason we are here, as opposed to 25 as-of-right, under a Commercial zoning, is</p>

1 because of the Gables Tower, I think, it's the
 2 one -- not 600 Biltmore, but the one directly
 3 across the street, which is to the west of the
 4 subject property, on the west side of Segovia.
 5 So, otherwise, if this -- if that building were
 6 not there, this would be an as-of-right
 7 application.

8 I'm here, we have our traffic engineer,
 9 Juan Espinosa, of David Plummer & Associates,
 10 if you have any questions, but we did turn in a
 11 Queuing Analysis that was reviewed by the
 12 City's Public Works Department, and we are
 13 happy to answer any questions you have, but
 14 respectfully request your approval of the
 15 conditional use for the drive-through window.

16 Thank you.

17 (Thereupon, Pat Keon arrived.)

18 CHAIRMAN KORGE: Any questions for the
 19 applicant?

20 MR. COE: Yes, I have a question,
 21 Mr. Chairman, if I may.

22 I draw your attention to part of your
 23 package, which is the July 27th, 2010 letter
 24 from David Plummer & Associates. Perhaps
 25 you're not the correct person to respond to

1 MR. ESPINOSA: Data collected in other
 2 facilities around the country, based on ITE.

3 MR. COE: It's not, then, peculiar to the
 4 City of Coral Gables and the driving patterns
 5 by the residents and people going through?

6 MR. ESPINOSA: Well, it's data collected
 7 everywhere, for banks specifically, so that's
 8 the worst time for a bank, is in the p.m. peak.

9 MR. COE: So what you've done is some
 10 generalized national study and you've applied
 11 it here?

12 MR. ESPINOSA: That's correct.

13 MR. COE: No specific study for the City of
 14 Coral Gables, with this specific location?

15 MR. ESPINOSA: Not for the trip generation.

16 MR. COE: Thank you.

17 CHAIRMAN KORGE: Excuse me, Jack, which
 18 letter are you looking at?

19 MR. COE: In the package, it is
 20 Attachment --

21 CHAIRMAN KORGE: Is it the Queuing
 22 Analysis?

23 MR. COE: It's the tab --

24 MR. RIEL: Yes.

25 MR. COE: It's called Queuing Analysis.

1 this.

2 MS. RUSSO: Probably --

3 MR. COE: Perhaps -- yes.

4 MS. RUSSO: Yes.

5 MR. COE: Now let's get to the right
 6 person.

7 I'm a little bit concerned about how you
 8 determined your assumptions in the second
 9 paragraph of the first page of the letter, and
 10 then why were they talking about p.m. peak hour
 11 volume, and not a.m. peak? Are they not open
 12 in the a.m. at all?

13 MR. ESPINOSA: We look at the worst case
 14 condition, and that's how, the worst case.

15 MR. COE: Okay. So you concluded that p.m.
 16 is the worst case, and people going to work in
 17 the a.m., if the drive-in is open, that's not
 18 going to be the worst case?

19 MR. ESPINOSA: That's correct.

20 MR. COE: And why did you make that
 21 assumption?

22 MR. ESPINOSA: That's based on data
 23 collected in other facilities around the
 24 country.

25 MR. COE: Data in the what?

1 MR. RIEL: The last tab.

2 MR. COE: And it's the last tab.

3 CHAIRMAN KORGE: Right. Okay, thank you.

4 MR. BEHAR: I don't have a problem
 5 supporting the drive-through. My biggest
 6 problem here is, urbanistically, we're taking
 7 the building out of -- away from the corner,
 8 instead of addressing the corner, and we're
 9 putting it to the side, which really, it's a
 10 shame that we're doing that. I know,
 11 as-of-right, you're entitled to do that, but
 12 from the urbanistic point of view, it's
 13 probably a mistake that we're allowing for it
 14 to happen, and I know the reason is, you don't
 15 want to take out the building, to keep your
 16 customers happy during the construction period.

17 MS. RUSSO: Well, it's not just the
 18 customers happy. It's keeping the whole
 19 banking facility ongoing, but --

20 MR. BEHAR: But when you look for the next
 21 50 years --

22 MS. RUSSO: But we're also -- correct, but
 23 we're also --

24 MR. BEHAR: -- we're compromising nine
 25 months.

1 MS. RUSSO: It probably won't be a full 50
 2 years, since this is a long-term land lease.
 3 But we are looking at it, and that's a part of
 4 the care that we are taking, dealing in
 5 particular with the Board of Architects, to
 6 make sure that the style of the building works
 7 with the fact that it's not on the --

8 MR. BEHAR: Laura, I don't have a problem
 9 with the drive-through, because it's well done,
 10 put in the back and all that. I mean, it
 11 works. I don't -- you know, not a problem, and
 12 the bank will need it. It's just, you know,
 13 that's my only objection, but --

14 CHAIRMAN KORGE: I did have a question.
 15 There's a drive-through currently there,
 16 right?

17 MS. RUSSO: Yes, there is.

18 CHAIRMAN KORGE: So it's relocating the
 19 drive-through a little bit?

20 MS. RUSSO: Well, we're relocating the
 21 building and the drive-through. The building
 22 will be reconstructed.

23 CHAIRMAN KORGE: Right. No, I understand
 24 that.

25 MS. RUSSO: Yes.

1 drive-through?

2 MS. RUSSO: Yes.

3 CHAIRMAN KORGE: Is that a condition -- Can
 4 you make that a -- Would you mind making that a
 5 condition?

6 MS. RUSSO: I'm happy to make that a
 7 condition.

8 MR. SALMAN: It's on the plans.

9 MS. KEON: It's on the plans.

10 MR. RIEL: It's on the plans. It's on the
 11 plans.

12 CHAIRMAN KORGE: Okay, it's on the plans.

13 MS. RUSSO: I think it's on the plans. It
 14 was specifically made so that it would be
 15 labeled that that's a drive-through entrance
 16 only, but yes.

17 CHAIRMAN KORGE: Perfect. Okay, thank you.

18 MR. COE: Ms. Russo --

19 MS. RUSSO: Yes.

20 MR. COE: There are a series of Staff
 21 recommendations as conditions of approval. The
 22 applicant is agreeing to all these
 23 recommendations?

24 MS. RUSSO: Yes. We have reviewed the
 25 conditions of approval and we are agreeing to

1 CHAIRMAN KORGE: So, in the
 2 recommendation -- I just want to make sure I
 3 understand this.

4 MS. RUSSO: Uh-huh.

5 CHAIRMAN KORGE: There's a separate
 6 drive-through lane on the site plan, before --
 7 you know, right --

8 MS. RUSSO: Yes, yes --

9 CHAIRMAN KORGE: -- at the --

10 MS. RUSSO: -- correct. It's as you are
 11 heading on Biltmore Drive, heading west.

12 CHAIRMAN KORGE: Correct.

13 MS. RUSSO: There is a curb cut that is
 14 your curb cut into the drive-through.

15 CHAIRMAN KORGE: Right.

16 MS. RUSSO: Correct.

17 CHAIRMAN KORGE: And that's just a
 18 drive-through lane?

19 MS. RUSSO: That is correct. There is an
 20 additional curb cut that allows you access into
 21 the parking area, which would be immediately
 22 west of the proposed building.

23 CHAIRMAN KORGE: Okay. On the
 24 drive-through lane, is there going to be
 25 signage to make it clear that that's solely for

1 them.

2 (Thereupon, Mr. Flanagan arrived.)

3 MR. COE: And can Staff tell me
 4 specifically, when it says a condition of
 5 approval is letter C, on the second page,
 6 Queuing Analysis, prepared by David Plummer &
 7 Associates, dated 7/27/10, which is the letter
 8 I was inquiring about earlier -- What is
 9 exactly the condition, the numbers in the
 10 chart?

11 MR. RIEL: No, basically, what we do is, we
 12 always reference all the documents as a part of
 13 the application.

14 MR. COE: All right.

15 MR. RIEL: That's why, so the information
 16 is part of the record.

17 MR. COE: Okay.

18 CHAIRMAN KORGE: Are there any other
 19 questions of the applicant?

20 Yeah, Pat?

21 MS. KEON: You know, I'm sorry I was late,
 22 so I missed it. It exits onto Segovia; is that
 23 right?

24 MS. RUSSO: Correct, and it currently exits
 25 onto Segovia now.

1 MS. KEON: Okay.
 2 MS. RUSSO: But it also allows now for an
 3 exit onto Biltmore. So there's a choice of
 4 exit on Segovia or on Biltmore, on the
 5 proposed --
 6 MS. KEON: Is it currently restricted to
 7 just a right-hand turn onto Segovia?
 8 MS. RUSSO: Yes --
 9 MS. KEON: It is currently?
 10 MS. RUSSO: -- it is currently.
 11 MS. KEON: And that will remain?
 12 MS. RUSSO: In the -- Will it remain
 13 right-turn only?
 14 MS. KEON: Right.
 15 MS. RUSSO: I think, with the addition of
 16 the circles, it may not be necessary, but if
 17 Public Works makes a determination, working
 18 along with David Plummer & Associates, that
 19 that's necessary, since it's currently the case
 20 now, we would. But I think it would be best to
 21 wait -- The circles have changed how traffic
 22 operates when you exit onto Segovia.
 23 MS. KEON: Right, but it's still crossing
 24 two lanes of traffic and it's heavily traveled.
 25 That's why if you turn right only, you --

1 MS. RUSSO: I think it's only one lane of
 2 travel now, because of the way they narrowed --
 3 The purpose of the circle --
 4 MS. KEON: Right.
 5 MS. RUSSO: -- was sort of traffic calming,
 6 so when you come around --
 7 MS. KEON: Right.
 8 MS. RUSSO: -- it actually narrows into
 9 one, which is why you can do it now.
 10 MS. KEON: Oh, okay, because I thought --
 11 MS. RUSSO: I'm not admitting to having
 12 done it, since it's right turn only, but it is
 13 easier.
 14 MS. KEON: Yeah, but if you turn right,
 15 then you just go down to the other circle --
 16 MS. RUSSO: You can just go to the circle
 17 and come around, absolutely.
 18 MS. KEON: And you come around.
 19 MS. RUSSO: Absolutely.
 20 MS. KEON: I would hope that they would
 21 keep it as a right-turn-only lane.
 22 MS. RUSSO: Okay.
 23 MS. KEON: I think coming off of those
 24 circles, it's very close to the circle, but --
 25 CHAIRMAN KORGE: That would be --

1 MS. KEON: -- you know, that's a Public
 2 Works determination, also.
 3 CHAIRMAN KORGE: Yeah, I was going to
 4 say --
 5 MS. KEON: I mean, that's really a Public
 6 Works --
 7 MS. RUSSO: Yeah, and we're happy to work
 8 with Public Works and make sure that -- you
 9 know, if that current -- you know, it's a
 10 current condition, and if it has to remain,
 11 we're happy to keep that, but I'd like to wait
 12 until further along, just because we'd have a
 13 better idea of it.
 14 MS. KEON: Right.
 15 MR. COE: Ms. Russo --
 16 MS. KEON: And if they know that,
 17 they'll --
 18 MR. COE: I'm sorry.
 19 Ms. Russo, is the applicant intending -- if
 20 this is approved and recommended by this Board
 21 and by the City Commission, they intend to do
 22 their construction in the immediate future
 23 or --
 24 MS. RUSSO: Yes. We are hoping to start
 25 construction as early as --

1 MS. HIRSCH: The end of first quarter.
 2 MS. RUSSO: The end of first quarter of
 3 2011.
 4 MR. COE: So very shortly.
 5 MS. RUSSO: Yes.
 6 MR. COE: Has -- Since we're doing the
 7 Segovia Street remake, what impact is all of
 8 this going to have if construction of our
 9 Segovia Street remake and this building is done
 10 simultaneously?
 11 MS. RUSSO: I'm going to allow Juan
 12 Espinosa from Plummer & Associates, because I
 13 don't know if they're involved with the plans
 14 for the Segovia -- You're talking about the
 15 Segovia median? It's my understanding the
 16 Segovia median will be between Bird Road and
 17 Biltmore, but all our construction will be
 18 on-site. Arrangements will be made for our
 19 construction workers to park. We've made
 20 arrangements with the church.
 21 In other words, I don't anticipate that our
 22 construction, that's all going to be
 23 self-contained, will interfere with the City's
 24 plan to add the median to Segovia.
 25 MR. COE: Well, that's my concern.

1 Has Staff done any kind of analysis of
2 this?

3 MR. RIEL: I don't -- well, Public Works,
4 obviously, is the department that's --

5 MR. COE: I understand.

6 MR. RIEL: -- coordinating the Segovia
7 improvements. I'm not sure in terms of the
8 timing of the construction, but my guess is,
9 this project probably will be under
10 construction prior to the Segovia improvement.

11 MS. RUSSO: And it's a small building.
12 It's a 7,000-square-foot building, so it's
13 not --

14 MR. RIEL: But that certainly --

15 MS. RUSSO: -- a high-rise that's going to
16 take a long time.

17 MR. RIEL: Public Works, as a part of the
18 review, obviously, will --

19 MS. RUSSO: And construction staging,
20 that's required at building permit issuance.
21 You have to go for a construction staging plan.

22 MR. AIZENSTAT: If I can --

23 Do you have to go before the Board of
24 Architects?

25 MS. RUSSO: Yes.

1 than it would be for this Board. I don't know
2 how that --

3 MR. RIEL: Well, I can tell you, that issue
4 was discussed. The Board did discuss that and
5 an issue did come up, and they did recommend,
6 the Board, that the location and siting of the
7 building, as shown, away from the corner, was
8 okay, so --

9 MS. KEON: I'm sorry, was --

10 MR. RIEL: Was okay.

11 MS. KEON: Was okay?

12 MR. RIEL: They recommended approval. The
13 architecture just needs to come back to the
14 Board.

15 MS. RUSSO: In treatment of the corner --
16 We intend to address treatment of the corner.
17 The current issue we're having now is, some of
18 the corner treatment that we're trying to do
19 will require a variance from the Zoning Code,
20 which puts -- you know, so we're trying to find
21 ways to address the corner treatment in the --

22 MR. AIZENSTAT: Do you require a variance
23 from the City of Coral Gables to move the
24 building back to where you're moving it?

25 MR. RIEL: No, no.

1 MR. AIZENSTAT: And I assume you already
2 went before the Board of Architects?

3 MS. RUSSO: We went before the Board of
4 Architects, and we've been approved for just
5 the location of the drive-through. We have not
6 received approval for the plans yet for the --

7 MR. AIZENSTAT: Not for the plans?

8 MS. RUSSO: Not for the design, for the --

9 MR. AIZENSTAT: The reason I'm asking is --

10 MS. RUSSO: Uh-huh.

11 MR. AIZENSTAT: -- the circle that's being
12 done there is going to be new on the street.

13 MS. RUSSO: Is going to be what?

14 MR. AIZENSTAT: Is new.

15 MS. RUSSO: Correct.

16 MR. AIZENSTAT: The whole circle and so forth.

17 MS. RUSSO: Correct.

18 MR. AIZENSTAT: And I tend to agree with

19 Mr. Behar, who is an architect -- I'm not an
20 architect -- about placing the building more so
21 towards the circle itself, to create that area.

22 CHAIRMAN KORGE: That jumped out at me,
23 too.

24 MR. AIZENSTAT: But I'm just wondering if
25 that would be more for the Board of Architects

1 MS. RUSSO: No, no, no, for the wall
2 treatment, in other words, to give the corner
3 some -- some importance and --

4 CHAIRMAN KORGE: Put a wall back or
5 something.

6 MS. RUSSO: Some relationship to the -- to
7 the remainder of --

8 CHAIRMAN KORGE: That's really more for the
9 Board of Architects.

10 MS. RUSSO: Correct, and we're working
11 closely with the Board of Architects.

12 MR. AIZENSTAT: If you were putting the
13 building closer to that corner, would you need
14 that wall there?

15 MS. RUSSO: Well, we would still need some
16 sort of wall, because, one, we want to shield
17 the parking lot, and landscaping and so forth,
18 but --

19 MR. AIZENSTAT: But your parking lot would
20 be now towards the back; it would be off the
21 circle. Your parking lot would no longer be on
22 the corner. It would be opposite.

23 MS. RUSSO: It would be on the other side,
24 correct.

25 MR. AIZENSTAT: So you wouldn't need this

1 wall.
 2 MS. RUSSO: The way it is now.
 3 MR. AIZENSTAT: Okay. I just -- I like it
 4 closer to the circle. Mr. Behar makes sense.
 5 MR. BEHAR: I mean, I don't -- I don't want
 6 to, you know, derail this and go further back
 7 or anything, okay? But it should be something
 8 that should have been thought about, and I know
 9 that it has to do with the inconvenience of
 10 your customers, bottom line, okay? It's not --
 11 Otherwise, you would knock that building down
 12 and you'd put a temporary trailer, but, you
 13 know, your customers may not want to go to a
 14 trailer while you do the construction, okay?
 15 But that's what would happen in every other
 16 situation.
 17 The drive-through is not a problem, because
 18 you can still accommodate a drive-through on
 19 the back side and achieve the same thing.
 20 You know, it is a shame. I don't know what
 21 Javier, my other architect colleague here,
 22 thinks about, urbanistically, what the
 23 placement should be or shouldn't be, but
 24 that's -- and I don't know if this Board -- I'm
 25 not playing with the architecture. I don't --

1 you know, I was, at one point, on the Board of
 2 Architects. This is in the Planning and Zoning
 3 Board. But I don't know if this Board really
 4 has the guidelines to look at --
 5 MR. RIEL: Let me just make a -- I attended
 6 the Board of Architects meeting, and always
 7 when those projects that come forward, that
 8 come before this Board, I usually go to the
 9 meeting, and you know, that issue was discussed
 10 and it was debated for about 45 minutes with
 11 the Board. Ultimately, they did approve it in
 12 the corner, but where we left it was that
 13 Carlos Mindreau, the City Architect, myself,
 14 and the architect would try to work to come up
 15 with something on the corner, perhaps a wall,
 16 that met the Code requirements, or some other
 17 type of structures that would provide a
 18 presence on the corner, and that could be
 19 landscaping or it could be walls.

20 So I think we're going to sit down, and we
 21 heard, you know, what the Board said, and we
 22 obviously heard what the Board of Architects
 23 said. So it's something we're going to work
 24 towards, and actually, I indicated to the
 25 applicant, we'll be happy to, you know, work

1 with all entities to try to make that happen.
 2 MS. KEON: Can I --
 3 MR. SALMAN: With regard to the location of
 4 the building on the corner, this is a land
 5 lease, correct?
 6 MS. RUSSO: Excuse me?
 7 MR. SALMAN: This is a land-lease project?
 8 MS. RUSSO: It's a what project?
 9 MR. SALMAN: A long-term land lease.
 10 MS. RUSSO: It's been under a long land
 11 lease.
 12 MR. SALMAN: How much is left on the lease?
 13 MS. RUSSO: Forty years.
 14 MR. SALMAN: Forty years?
 15 MS. RUSSO: Is that right?
 16 MS. HIRSCH: Left is about thirty-seven and
 17 a half.
 18 MS. RUSSO: Thirty-seven and a half.
 19 MR. SALMAN: Thirty-seven years. So we're
 20 talking about, in building life cycle time
 21 frames, a fairly short period of time. You'll
 22 get to the end of the building cycle about the
 23 same time as the lease is up. So sometime 40
 24 years from now, this will be a whole new
 25 project.

1 MS. RUSSO: Correct.
 2 MR. SALMAN: You have a wealth of examples
 3 in the City, as to corner treatments,
 4 especially for public --
 5 MS. RUSSO: Exactly, for public --
 6 MR. SALMAN: All up and down Coral Way, you
 7 see beautiful fountains, trellises. I think
 8 that we need to have some sort of an amenity
 9 there, to sort of hold that circle, that
 10 corner, together. And I'm sure that that's
 11 probably where you're going to be ending up.
 12 MR. RIEL: Yes.
 13 MR. SALMAN: I agree with Robert, I think
 14 that the placement of the building is
 15 unfortunate, but it's well within your right,
 16 and I'm not here to question your rights.
 17 Likewise, the issue of the turn movements
 18 onto Biltmore, absolutely, out of the site, it
 19 has to be right-hand. It really needs to go
 20 that way, and again, I defer to Public Works on
 21 that issue, but I think that you're going to
 22 run into some serious problems there.
 23 With regards to the landscaping of it and
 24 the development of that edge, I see you've gone
 25 to a lot of trouble to establish, with either

1 pylons and hedging and whatnot. That needs to
 2 be a hard edge, and how you develop that and
 3 yet still retain safety and find that privacy
 4 is going to be a challenge.

5 My final concern with regards to this
 6 project is the stacking depth that you have.
 7 Five o'clock on a Friday, and I don't care what
 8 bank you are -- congratulations to your bank,
 9 you're going to be busy on that day, as you
 10 well know.

11 MS. RUSSO: They're actually closed at five
 12 o'clock.

13 MR. SALMAN: Well, then, at four o'clock,
 14 you're going to get really busy, and at lunch,
 15 you're going to get really busy, both of which
 16 are peak traffic times.

17 MS. RUSSO: Uh-huh.

18 MR. SALMAN: My concern is one of -- that,
 19 I don't care what bank you are, you always have
 20 a stacking problem, and you have sort of a
 21 narrowing of your bypass towards the end. If
 22 you could extend that bypass, maybe relocate
 23 some of those AC units into an AC farm and
 24 enclose them, you can extend that bypass to
 25 allow for greater depth of people to bypass.

1 MS. RUSSO: For bypass.

2 MR. SALMAN: That's one of my site
 3 concerns, with regards to limiting the amount
 4 of overflow that you may experience, and this
 5 may be enough and more than enough. Only you,
 6 as a client --

7 MS. RUSSO: Right.

8 MR. SALMAN: -- know how much you actually
 9 need of a bypass.

10 MS. RUSSO: Well, we're lucky, since it's
 11 an existing bank, we have the existing data on
 12 the use of the current drive-through, so --

13 MR. SALMAN: My concern is public
 14 right-of-way on Biltmore Way. We're down to
 15 one lane at that point.

16 MR. RUSSO: Right.

17 MR. SALMAN: If a car backs up because
 18 they're trying to get in, guess what? We
 19 closed it.

20 MS. RUSSO: Okay.

21 MR. SALMAN: So we need to go through every
 22 extra effort possible to extend -- to allow
 23 people to bypass out of the situation, as much
 24 as possible.

25 CHAIRMAN KORGE: And I'd add that that's to

1 the client's advantage, because if it starts
 2 backing up there and they're on the street,
 3 their customers are going to be just as unhappy
 4 as the City would be.

5 MS. RUSSO: Okay, but --

6 MS. HIRSCH: I don't know that we've ever
 7 had a problem with it currently, but
 8 definitely, we understand the concern.

9 MR. SALMAN: It's something to consider.

10 MS. RUSSO: Right. Yeah, no, we will look
 11 at it, absolutely.

12 MR. SALMAN: Okay, and other than that, I'm
 13 willing to support the project, so that's it
 14 for right now.

15 CHAIRMAN KORGE: Any more comments or
 16 questions?

17 MR. AIZENSTAT: Pat, did you want to say
 18 something?

19 CHAIRMAN KORGE: Any more questions?

20 MS. KEON: Yeah, I did have one question
 21 for Robert. You know, I feel really strongly
 22 about looking at parking lots, too. I really
 23 don't like looking at them, and I don't like
 24 looking at them particularly next to corners
 25 and next to areas that are -- that are

1 MR. RIEL: -- the allowance of that use.
 2 That's what's under your --
 3 MS. KEON: Okay, but can we -- can we
 4 include in our recommendation of approval, but
 5 with a concern raised for the placement of the
 6 building?
 7 MR. RIEL: Well, you can, but I can tell
 8 you that that issue has been discussed at the
 9 Board of Architects, and they did --
 10 MS. KEON: That's okay.
 11 MR. RIEL: -- recommend approval.
 12 MS. KEON: Okay.
 13 MR. RIEL: And I'm certainly going to be at
 14 the Board when --
 15 MS. KEON: Right.
 16 MR. RIEL: -- this comes up again.
 17 MS. KEON: Right.
 18 MR. RIEL: So I can certainly convey that.
 19 CHAIRMAN KORGE: And it's in the record
 20 now, anyway, so --
 21 MS. KEON: But I think it would be good
 22 that it be part of our recommendation, too. I
 23 think that, as a Planning Board, you have an
 24 obligation with regard to how buildings meet
 25 the street and the appearance of our City.

1 CHAIRMAN KORGE: Well, when we go to
 2 motion, if you want to make that motion, you're
 3 free to do so.
 4 MS. KEON: Thank you.
 5 CHAIRMAN KORGE: Any other questions or
 6 comments from the Board before we take any
 7 public comment?
 8 No? Is there anybody from the public who
 9 wishes to speak on this?
 10 Did anybody sign up?
 11 MR. RIEL: No --
 12 CHAIRMAN KORGE: No?
 13 MR. RIEL: -- nobody signed up.
 14 CHAIRMAN KORGE: So I'll close it, and open
 15 for -- close the presentation and open it for a
 16 discussion or a motion.
 17 Pat, did you want to make a motion?
 18 MS. KEON: I'll make a motion that we
 19 approve, as Staff recommends, with a note
 20 that --
 21 MR. SALMAN: Serious consideration be given
 22 to the placement of the building closer to the
 23 corner.
 24 MS. KEON: Thank you.
 25 MR. BEHAR: I'll second that motion.

1 CHAIRMAN KORGE: Okay. We have a motion
 2 and a second. Is there any discussion on the
 3 motion?
 4 MR. COE: Yes, Mr. Chairman. We do not
 5 have the benefit of City Counsel. I am
 6 concerned that the expansion of that which is
 7 beyond what's before us will make this an ultra
 8 vires act by this Board and we're going to have
 9 it bucked back to us.
 10 The way I look at this application, it is
 11 strictly limited to the drive-in. Am I not
 12 correct, Mr. Riel?
 13 MR. RIEL: The conditional use, the use as
 14 a drive-through facility, correct.
 15 MR. COE: And nothing else is lawfully
 16 before this Board, other than the use of the
 17 drive-in. If we expand that and have other
 18 discussions about the applicant's project, we
 19 have gone beyond the scope of our authority, in
 20 my judgment. I'm not making a legal opinion.
 21 Unfortunately, the person that should is not
 22 here, for whatever reason, but I think, in my
 23 personal opinion, it's an ultra vires act of
 24 this Board and would have no validity
 25 whatsoever, and I don't think the Commission

1 then could accept anything that we do that
 2 derives therefrom. In criminal law, it's
 3 called the fruit of the poisonous tree, and
 4 therefore, I could not vote for this, as
 5 currently posed, and I would ask this Board to
 6 reconsider its motion.
 7 CHAIRMAN KORGE: Pat, would you like to
 8 reconsider the form of your motion --
 9 MS. KEON: No.
 10 CHAIRMAN KORGE: -- to satisfy it?
 11 MS. KEON: No. You know what, I think
 12 we're a recommending body, and I think that we
 13 have the ability to make recommendations.
 14 MR. BEHAR: And I will not reconsider my
 15 second.
 16 MR. SALMAN: And to answer Jack's point, I
 17 mean, as a strict constructionist, I agree with
 18 you with regards to the letter of the law and
 19 that that is outside of our purview. However,
 20 we are also citizens, we are also
 21 professionals, in some cases, with regards to
 22 this, and these are our opinions. Certainly
 23 the record will stand. That which we give as a
 24 recommendation is only a recommendation.
 25 MS. KEON: A recommendation.

1 MR. SALMAN: We are granting -- we are
 2 asking, via motion, for concurrence of
 3 ourselves as a body to go ahead and approve
 4 this.
 5 CHAIRMAN KORGE: Right. As I understand --
 6 MR. SALMAN: But there are issues that are
 7 so gross that we have to say something.
 8 CHAIRMAN KORGE: As I understand the
 9 motion, it's a motion to approve the
 10 recommendation --
 11 MS. KEON: Right.
 12 CHAIRMAN KORGE: -- made by the Staff, and
 13 a suggestion that the applicant look at the
 14 possibility, when it comes to locating the
 15 building in the future, to considering the
 16 possibility of moving it closer to the corner.
 17 MR. SALMAN: Right now, they have sought,
 18 but have not achieved, approval from the Board
 19 of Architects. This is only for the location
 20 of a drive-through at this site.
 21 MR. BEHAR: That's it, exactly.
 22 MR. SALMAN: Not their location --
 23 CHAIRMAN KORGE: Our suggestion --
 24 MR. SALMAN: Not their location on the
 25 site, but a drive-through on the site.

1 MR. COE: Exactly.
 2 CHAIRMAN KORGE: Let me interrupt --
 3 MR. COE: Exactly, and that's the point.
 4 And that's the point.
 5 CHAIRMAN KORGE: Let me interrupt. No, but
 6 the point is that our suggestion has no
 7 authority whatsoever. It's nothing more than a
 8 suggestion. I don't think it's necessary in
 9 the motion, because it's in the record, and I
 10 think everybody who's going to look at this,
 11 going forward, will understand where we, as a
 12 Board, stand. So, as far as I'm concerned, if
 13 you took it out of the motion, it wouldn't
 14 matter.
 15 MS. KEON: I know, but our leaving in the
 16 motion makes it more poignant.
 17 CHAIRMAN KORGE: More emphatic? More
 18 emphatic.
 19 MS. KEON: It makes it more emphatic, and
 20 it means that you have another body that is
 21 trusted with recommending on projects, that
 22 also feels the same way. So I think it's just
 23 a matter of reiterating concerns already
 24 raised, to strengthen those concerns. That's
 25 it.

1 MR. BEHAR: And this is a Planning and
 2 Zoning Board. Planning.
 3 MS. KEON: That's right.
 4 MR. BEHAR: Absolutely.
 5 MR. COE: But one plans that which is what
 6 is in front of the Board. What we're
 7 discussing and have appended to what I think an
 8 improper motion has nothing to do with the
 9 Board's action on the specific thing in front
 10 of us --
 11 MR. BEHAR: Can we call the question, call
 12 the roll, please?
 13 MR. COE: -- and I think it's an illegal
 14 act.
 15 CHAIRMAN KORGE: Okay.
 16 MS. KEON: Some of us feel compelled to
 17 speak when we feel it's necessary.
 18 CHAIRMAN KORGE: Okay, so we beat that one
 19 pretty good. Is there anything else that we'd
 20 like to discuss --
 21 MS. KEON: No.
 22 CHAIRMAN KORGE: -- before we call the
 23 roll? Anything? No?
 24 Would you call the roll, please?
 25 MS. MENENDEZ: Javier Salman?

1 MS. KEON: You're abstaining?
 2 CHAIRMAN KORGE: Are you abstaining?
 3 MR. FLANAGAN: I don't know that I can
 4 vote, since I missed the presentation.
 5 MR. BEHAR: I --
 6 MR. RIEL: You can vote.
 7 MR. FLANAGAN: I can?
 8 MR. RIEL: Yeah.
 9 MR. COE: Too bad she's not here.
 10 MR. RIEL: I don't see a problem with that.
 11 MR. FLANAGAN: Okay.
 12 Yes. I don't remember what the motion was.
 13 MS. MENENDEZ: Tom Korge?
 14 CHAIRMAN KORGE: Yes.
 15 The motion passes.
 16 MS. KEON: Did you call me?
 17 CHAIRMAN KORGE: Did you call Pat?
 18 MS. RUSSO: Thank you very much, appreciate
 19 it.
 20 MS. MENENDEZ: I'm sorry. Pat Keon?
 21 MS. KEON: Yes.
 22 CHAIRMAN KORGE: Is there anything else,
 23 Eric?
 24 MR. RIEL: No, just the next meeting is
 25 November 30th.

1 MS. KEON: November 30th?
 2 MR. COE: I think that's a Tuesday, right?
 3 MR. RIEL: Correct.
 4 MR. COE: And we do have the chambers on a
 5 Tuesday?
 6 MR. RIEL: Yes.
 7 MR. COE: Okay.
 8 MR. SALMAN: It's not concurrent with the
 9 commission meeting, right?
 10 (Thereupon, the meeting was adjourned at
 11 6:33 p.m.)
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1 CERTIFICATE
 2
 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
 6
 7 I, JOAN L. BAILEY, Registered Diplomate
 8 Reporter, Florida Professional Reporter, and a Notary
 9 Public for the State of Florida at Large, do hereby
 10 certify that I was authorized to and did
 11 stenographically report the foregoing proceedings and
 12 that the transcript is a true and complete record of my
 13 stenographic notes.
 14
 15 DATED this 5th day of November, 2010.
 16
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 18
 19
 20
 21
 22 Notary Commission Number DD 64037
 23 Expiration June 14, 2011.
 24
 25