

CITY OF CORAL GABLES
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
CORAL GABLES CITY COMMISSION CHAMBERS
405 BILTMORE WAY, CORAL GABLES, FLORIDA
WEDNESDAY, NOVEMBER 3, 2010, 6:02 P.M.

Board Members Present:
Tom Korge, Chairman
Eibi Aizenstat, Vice-Chairman
Robert Behar
Jeffrey Flanagan
Pat Keon
Javier Salman

City Staff:
Eric Riel, Jr., Planning Director
Scot Bolyard, Planner
Jill Menendez, Administrative Assistant

Also Participating:
Laura Russo, Esq.,
Russo & Baker, P.A.
On behalf of Northern Trust Bank
Juan Espinosa, P.E.
David Plummer & Associates
Kelsey Hirsch, Northern Trust Bank

record, Javier Salman has arrived.
CHAIRMAN KORGE: There's a motion and a second to approve the minutes of the meeting of October 13th.
MR. SALMAN: So moved.
CHAIRMAN KORGE: Is there any discussion, questions, changes? None? Let's call the roll.
MS. MENENDEZ: Robert Behar?
MR. BEHAR: Yes.
MS. MENENDEZ: Jack Coe?
MR. COE: I was absent from the last meeting, and therefore, I cannot vote.
MS. MENENDEZ: Javier Salman?
MR. SALMAN: Yes.
MS. MENENDEZ: Eibi Aizenstat?
MR. AIZENSTAT: Yes.
MS. MENENDEZ: Tom Korge?
CHAIRMAN KORGE: Yes.
Our next item is the Abandonment and Vacation of Non-Fee Interests at the University of Miami, Application Number 09-10-120-P.
MR. RIEL: Mr. Chair, actually, this item is going to be continued, but just for the record, let me read the title: An Ordinance of

THEREUPON:
The following proceedings were had:
CHAIRMAN KORGE: We have a quorum, so we can begin. Would you call the roll, please.
MS. MENENDEZ: Eibi Aizenstat?
MR. AIZENSTAT: Here.
MS. MENENDEZ: Robert Behar?
MR. BEHAR: Here.
MS. MENENDEZ: Jack Coe?
MR. COE: Here.
MS. MENENDEZ: Jeff Flanagan?
Pat Keon?
Javier Salman?
Tom Korge?
CHAIRMAN KORGE: Here.
The first item on the agenda is the approval of the minutes from the last meeting of October 3rd -- 13th --
(Thereupon, Mr. Salman arrived.)
MR. SALMAN: Here.
CHAIRMAN KORGE: -- 2010.
MR. AIZENSTAT: I'd like to make a motion to approve.
MR. BEHAR: Second.
CHAIRMAN KORGE: Make a note for the

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

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

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| <p>1 because of the Gables Tower, I think, it's the</p> <p>2 one -- not 600 Biltmore, but the one directly</p> <p>3 across the street, which is to the west of the</p> <p>4 subject property, on the west side of Segovia.</p> <p>5 So, otherwise, if this -- if that building were</p> <p>6 not there, this would be an as-of-right</p> <p>7 application.</p> <p>8 I'm here, we have our traffic engineer,</p> <p>9 Juan Espinosa, of David Plummer & Associates,</p> <p>10 if you have any questions, but we did turn in a</p> <p>11 Queuing Analysis that was reviewed by the</p> <p>12 City's Public Works Department, and we are</p> <p>13 happy to answer any questions you have, but</p> <p>14 respectfully request your approval of the</p> <p>15 conditional use for the drive-through window.</p> <p>16 Thank you.</p> <p>17 (Thereupon, Pat Keon arrived.)</p> <p>18 CHAIRMAN KORGE: Any questions for the</p> <p>19 applicant?</p> <p>20 MR. COE: Yes, I have a question,</p> <p>21 Mr. Chairman, if I may.</p> <p>22 I draw your attention to part of your</p> <p>23 package, which is the July 27th, 2010 letter</p> <p>24 from David Plummer & Associates. Perhaps</p> <p>25 you're not the correct person to respond to</p> | <p>1 MR. ESPINOSA: Data collected in other</p> <p>2 facilities around the country, based on ITE.</p> <p>3 MR. COE: It's not, then, peculiar to the</p> <p>4 City of Coral Gables and the driving patterns</p> <p>5 by the residents and people going through?</p> <p>6 MR. ESPINOSA: Well, it's data collected</p> <p>7 everywhere, for banks specifically, so that's</p> <p>8 the worst time for a bank, is in the p.m. peak.</p> <p>9 MR. COE: So what you've done is some</p> <p>10 generalized national study and you've applied</p> <p>11 it here?</p> <p>12 MR. ESPINOSA: That's correct.</p> <p>13 MR. COE: No specific study for the City of</p> <p>14 Coral Gables, with this specific location?</p> <p>15 MR. ESPINOSA: Not for the trip generation.</p> <p>16 MR. COE: Thank you.</p> <p>17 CHAIRMAN KORGE: Excuse me, Jack, which</p> <p>18 letter are you looking at?</p> <p>19 MR. COE: In the package, it is</p> <p>20 Attachment --</p> <p>21 CHAIRMAN KORGE: Is it the Queuing</p> <p>22 Analysis?</p> <p>23 MR. COE: It's the tab --</p> <p>24 MR. RIEL: Yes.</p> <p>25 MR. COE: It's called Queuing Analysis.</p> |
| Page 10 | Page 12 |
| <p>1 this.</p> <p>2 MS. RUSSO: Probably --</p> <p>3 MR. COE: Perhaps -- yes.</p> <p>4 MS. RUSSO: Yes.</p> <p>5 MR. COE: Now let's get to the right</p> <p>6 person.</p> <p>7 I'm a little bit concerned about how you</p> <p>8 determined your assumptions in the second</p> <p>9 paragraph of the first page of the letter, and</p> <p>10 then why were they talking about p.m. peak hour</p> <p>11 volume, and not a.m. peak? Are they not open</p> <p>12 in the a.m. at all?</p> <p>13 MR. ESPINOSA: We look at the worst case</p> <p>14 condition, and that's how, the worst case.</p> <p>15 MR. COE: Okay. So you concluded that p.m.</p> <p>16 is the worst case, and people going to work in</p> <p>17 the a.m., if the drive-in is open, that's not</p> <p>18 going to be the worst case?</p> <p>19 MR. ESPINOSA: That's correct.</p> <p>20 MR. COE: And why did you make that</p> <p>21 assumption?</p> <p>22 MR. ESPINOSA: That's based on data</p> <p>23 collected in other facilities around the</p> <p>24 country.</p> <p>25 MR. COE: Data in the what?</p> | <p>1 MR. RIEL: The last tab.</p> <p>2 MR. COE: And it's the last tab.</p> <p>3 CHAIRMAN KORGE: Right. Okay, thank you.</p> <p>4 MR. BEHAR: I don't have a problem</p> <p>5 supporting the drive-through. My biggest</p> <p>6 problem here is, urbanistically, we're taking</p> <p>7 the building out of -- away from the corner,</p> <p>8 instead of addressing the corner, and we're</p> <p>9 putting it to the side, which really, it's a</p> <p>10 shame that we're doing that. I know,</p> <p>11 as-of-right, you're entitled to do that, but</p> <p>12 from the urbanistic point of view, it's</p> <p>13 probably a mistake that we're allowing for it</p> <p>14 to happen, and I know the reason is, you don't</p> <p>15 want to take out the building, to keep your</p> <p>16 customers happy during the construction period.</p> <p>17 MS. RUSSO: Well, it's not just the</p> <p>18 customers happy. It's keeping the whole</p> <p>19 banking facility ongoing, but --</p> <p>20 MR. BEHAR: But when you look for the next</p> <p>21 50 years --</p> <p>22 MS. RUSSO: But we're also -- correct, but</p> <p>23 we're also --</p> <p>24 MR. BEHAR: -- we're compromising nine</p> <p>25 months.</p> |

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| <p style="text-align: right;">Page 13</p> <p>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.</p> | <p style="text-align: right;">Page 15</p> <p>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</p> |
| <p style="text-align: right;">Page 14</p> <p>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</p> | <p style="text-align: right;">Page 16</p> <p>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.</p> |

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.

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| <p style="text-align: right;">Page 21</p> <p>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.</p> | <p style="text-align: right;">Page 23</p> <p>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.</p> |
| <p style="text-align: right;">Page 22</p> <p>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</p> | <p style="text-align: right;">Page 24</p> <p>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</p> |

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| <p style="text-align: right;">Page 25</p> <p>1 wall.</p> <p>2 MS. RUSSO: The way it is now.</p> <p>3 MR. AIZENSTAT: Okay. I just -- I like it</p> <p>4 closer to the circle. Mr. Behar makes sense.</p> <p>5 MR. BEHAR: I mean, I don't -- I don't want</p> <p>6 to, you know, derail this and go further back</p> <p>7 or anything, okay? But it should be something</p> <p>8 that should have been thought about, and I know</p> <p>9 that it has to do with the inconvenience of</p> <p>10 your customers, bottom line, okay? It's not --</p> <p>11 Otherwise, you would knock that building down</p> <p>12 and you'd put a temporary trailer, but, you</p> <p>13 know, your customers may not want to go to a</p> <p>14 trailer while you do the construction, okay?</p> <p>15 But that's what would happen in every other</p> <p>16 situation.</p> <p>17 The drive-through is not a problem, because</p> <p>18 you can still accommodate a drive-through on</p> <p>19 the back side and achieve the same thing.</p> <p>20 You know, it is a shame. I don't know what</p> <p>21 Javier, my other architect colleague here,</p> <p>22 thinks about, urbanistically, what the</p> <p>23 placement should be or shouldn't be, but</p> <p>24 that's -- and I don't know if this Board -- I'm</p> <p>25 not playing with the architecture. I don't --</p> | <p style="text-align: right;">Page 27</p> <p>1 with all entities to try to make that happen.</p> <p>2 MS. KEON: Can I --</p> <p>3 MR. SALMAN: With regard to the location of</p> <p>4 the building on the corner, this is a land</p> <p>5 lease, correct?</p> <p>6 MS. RUSSO: Excuse me?</p> <p>7 MR. SALMAN: This is a land-lease project?</p> <p>8 MS. RUSSO: It's a what project?</p> <p>9 MR. SALMAN: A long-term land lease.</p> <p>10 MS. RUSSO: It's been under a long land</p> <p>11 lease.</p> <p>12 MR. SALMAN: How much is left on the lease?</p> <p>13 MS. RUSSO: Forty years.</p> <p>14 MR. SALMAN: Forty years?</p> <p>15 MS. RUSSO: Is that right?</p> <p>16 MS. HIRSCH: Left is about thirty-seven and</p> <p>17 a half.</p> <p>18 MS. RUSSO: Thirty-seven and a half.</p> <p>19 MR. SALMAN: Thirty-seven years. So we're</p> <p>20 talking about, in building life cycle time</p> <p>21 frames, a fairly short period of time. You'll</p> <p>22 get to the end of the building cycle about the</p> <p>23 same time as the lease is up. So sometime 40</p> <p>24 years from now, this will be a whole new</p> <p>25 project.</p> |
| <p style="text-align: right;">Page 26</p> <p>1 you know, I was, at one point, on the Board of</p> <p>2 Architects. This is in the Planning and Zoning</p> <p>3 Board. But I don't know if this Board really</p> <p>4 has the guidelines to look at --</p> <p>5 MR. RIEL: Let me just make a -- I attended</p> <p>6 the Board of Architects meeting, and always</p> <p>7 when those projects that come forward, that</p> <p>8 come before this Board, I usually go to the</p> <p>9 meeting, and you know, that issue was discussed</p> <p>10 and it was debated for about 45 minutes with</p> <p>11 the Board. Ultimately, they did approve it in</p> <p>12 the corner, but where we left it was that</p> <p>13 Carlos Mindreau, the City Architect, myself,</p> <p>14 and the architect would try to work to come up</p> <p>15 with something on the corner, perhaps a wall,</p> <p>16 that met the Code requirements, or some other</p> <p>17 type of structures that would provide a</p> <p>18 presence on the corner, and that could be</p> <p>19 landscaping or it could be walls.</p> <p>20 So I think we're going to sit down, and we</p> <p>21 heard, you know, what the Board said, and we</p> <p>22 obviously heard what the Board of Architects</p> <p>23 said. So it's something we're going to work</p> <p>24 towards, and actually, I indicated to the</p> <p>25 applicant, we'll be happy to, you know, work</p> | <p style="text-align: right;">Page 28</p> <p>1 MS. RUSSO: Correct.</p> <p>2 MR. SALMAN: You have a wealth of examples</p> <p>3 in the City, as to corner treatments,</p> <p>4 especially for public --</p> <p>5 MS. RUSSO: Exactly, for public --</p> <p>6 MR. SALMAN: All up and down Coral Way, you</p> <p>7 see beautiful fountains, trellises. I think</p> <p>8 that we need to have some sort of an amenity</p> <p>9 there, to sort of hold that circle, that</p> <p>10 corner, together. And I'm sure that that's</p> <p>11 probably where you're going to be ending up.</p> <p>12 MR. RIEL: Yes.</p> <p>13 MR. SALMAN: I agree with Robert, I think</p> <p>14 that the placement of the building is</p> <p>15 unfortunate, but it's well within your right,</p> <p>16 and I'm not here to question your rights.</p> <p>17 Likewise, the issue of the turn movements</p> <p>18 onto Biltmore, absolutely, out of the site, it</p> <p>19 has to be right-hand. It really needs to go</p> <p>20 that way, and again, I defer to Public Works on</p> <p>21 that issue, but I think that you're going to</p> <p>22 run into some serious problems there.</p> <p>23 With regards to the landscaping of it and</p> <p>24 the development of that edge, I see you've gone</p> <p>25 to a lot of trouble to establish, with either</p> |

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| <p style="text-align: right;">Page 29</p> <p>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.</p> | <p style="text-align: right;">Page 31</p> <p>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</p> |
| <p style="text-align: right;">Page 30</p> <p>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</p> | <p style="text-align: right;">Page 32</p> <p>1 particularly attractive or notable in our 2 community. It's -- How is that within our 3 purview to recommend, with regard to site -- 4 MS. RUSSO: It's not. 5 MR. BEHAR: Eric will -- 6 MR. RIEL: What you're looking at, what you 7 have in your purview this evening is 8 conditional use of the drive-through. 9 That's -- 10 MS. KEON: That's why. So that's why I'm 11 asking you, how do we get to that point? 12 MR. RIEL: If you remember, in the past, 13 you had the purview of conditional use in the 14 site plan, but as a part of the Zoning Code 15 rewrite, we relaxed the regulations. 16 Basically, drive-throughs adjacent to 17 single-family or residential has to come 18 through for your review. By-right doesn't. 19 It's unfortunate that this project is across 20 the street from a 15-story building, so it's 21 not -- necessarily didn't meet the intent of 22 the single-family, but they are residential, 23 so -- But you're only looking at the 24 drive-through -- 25 MS. KEON: Right.</p> |

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.

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| <p style="text-align: right;">Page 37</p> <p>1 MR. SALMAN: We are granting -- we are</p> <p>2 asking, via motion, for concurrence of</p> <p>3 ourselves as a body to go ahead and approve</p> <p>4 this.</p> <p>5 CHAIRMAN KORGE: Right. As I understand --</p> <p>6 MR. SALMAN: But there are issues that are</p> <p>7 so gross that we have to say something.</p> <p>8 CHAIRMAN KORGE: As I understand the</p> <p>9 motion, it's a motion to approve the</p> <p>10 recommendation --</p> <p>11 MS. KEON: Right.</p> <p>12 CHAIRMAN KORGE: -- made by the Staff, and</p> <p>13 a suggestion that the applicant look at the</p> <p>14 possibility, when it comes to locating the</p> <p>15 building in the future, to considering the</p> <p>16 possibility of moving it closer to the corner.</p> <p>17 MR. SALMAN: Right now, they have sought,</p> <p>18 but have not achieved, approval from the Board</p> <p>19 of Architects. This is only for the location</p> <p>20 of a drive-through at this site.</p> <p>21 MR. BEHAR: That's it, exactly.</p> <p>22 MR. SALMAN: Not their location --</p> <p>23 CHAIRMAN KORGE: Our suggestion --</p> <p>24 MR. SALMAN: Not their location on the</p> <p>25 site, but a drive-through on the site.</p> | <p style="text-align: right;">Page 39</p> <p>1 MR. BEHAR: And this is a Planning and</p> <p>2 Zoning Board. Planning.</p> <p>3 MS. KEON: That's right.</p> <p>4 MR. BEHAR: Absolutely.</p> <p>5 MR. COE: But one plans that which is what</p> <p>6 is in front of the Board. What we're</p> <p>7 discussing and have appended to what I think an</p> <p>8 improper motion has nothing to do with the</p> <p>9 Board's action on the specific thing in front</p> <p>10 of us --</p> <p>11 MR. BEHAR: Can we call the question, call</p> <p>12 the roll, please?</p> <p>13 MR. COE: -- and I think it's an illegal</p> <p>14 act.</p> <p>15 CHAIRMAN KORGE: Okay.</p> <p>16 MS. KEON: Some of us feel compelled to</p> <p>17 speak when we feel it's necessary.</p> <p>18 CHAIRMAN KORGE: Okay, so we beat that one</p> <p>19 pretty good. Is there anything else that we'd</p> <p>20 like to discuss --</p> <p>21 MS. KEON: No.</p> <p>22 CHAIRMAN KORGE: -- before we call the</p> <p>23 roll? Anything? No?</p> <p>24 Would you call the roll, please?</p> <p>25 MS. MENENDEZ: Javier Salman?</p> |
| <p style="text-align: right;">Page 38</p> <p>1 MR. COE: Exactly.</p> <p>2 CHAIRMAN KORGE: Let me interrupt --</p> <p>3 MR. COE: Exactly, and that's the point.</p> <p>4 And that's the point.</p> <p>5 CHAIRMAN KORGE: Let me interrupt. No, but</p> <p>6 the point is that our suggestion has no</p> <p>7 authority whatsoever. It's nothing more than a</p> <p>8 suggestion. I don't think it's necessary in</p> <p>9 the motion, because it's in the record, and I</p> <p>10 think everybody who's going to look at this,</p> <p>11 going forward, will understand where we, as a</p> <p>12 Board, stand. So, as far as I'm concerned, if</p> <p>13 you took it out of the motion, it wouldn't</p> <p>14 matter.</p> <p>15 MS. KEON: I know, but our leaving in the</p> <p>16 motion makes it more poignant.</p> <p>17 CHAIRMAN KORGE: More emphatic? More</p> <p>18 emphatic.</p> <p>19 MS. KEON: It makes it more emphatic, and</p> <p>20 it means that you have another body that is</p> <p>21 trusted with recommending on projects, that</p> <p>22 also feels the same way. So I think it's just</p> <p>23 a matter of reiterating concerns already</p> <p>24 raised, to strengthen those concerns. That's</p> <p>25 it.</p> | <p style="text-align: right;">Page 40</p> <p>1 MR. SALMAN: Yes.</p> <p>2 MS. MENENDEZ: Eibi Aizenstat?</p> <p>3 MR. AIZENSTAT: Yes.</p> <p>4 MS. MENENDEZ: Robert Behar?</p> <p>5 MR. BEHAR: Yes.</p> <p>6 MS. MENENDEZ: Jack Coe?</p> <p>7 MR. COE: For reasons previously stated,</p> <p>8 unfortunately -- I think the project is fine,</p> <p>9 but the way the motion is posed, I think it's</p> <p>10 an improper motion. I'll have to vote against</p> <p>11 it.</p> <p>12 MS. MENENDEZ: Jeff Flanagan?</p> <p>13 MR. FLANAGAN: I walked in tardy. I missed</p> <p>14 the presentation. I mean, I read the packet,</p> <p>15 I've looked through everything, but I don't</p> <p>16 think, unfortunately, it's appropriate that I</p> <p>17 vote, since I did miss the presentation. But I</p> <p>18 would like the record to reflect that I</p> <p>19 arrived, it was a little after -- it was about</p> <p>20 6:10 or so that I arrived.</p> <p>21 Now, if the City Attorney were here, she</p> <p>22 could advise whether I can vote or not, but I</p> <p>23 don't know that it's appropriate.</p> <p>24 MS. KEON: You can vote. You can vote.</p> <p>25 CHAIRMAN KORGE: So --</p> |

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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CERTIFICATE

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 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.
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