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2 CITY OF CORAL GABLES  
3 PLANNING & ZONING BOARD MEETING  
4 VERBATIM TRANSCRIPT  
5 CORAL GABLES CITY HALL  
6 405 BILTMORE WAY, COMMISSION CHAMBERS  
7 CORAL GABLES, FLORIDA  
8 WEDNESDAY, MAY 28, 2008, 6:03 P.M.  
9

## 5 Board Members Present:

6 Tom Korge, Chairman  
7 Robert Behar  
8 Jack Coe  
9 Pat Keon  
10 Javier Salman

## City Staff:

11 Eric Riel, Jr., Planning Director  
12 Lourdes Alfonso Ruiz, Assistant City Attorney  
13 Walter Carlson, Assistant Planning Director  
14 Jill Menendez, Administrative Assistant  
15 Martha Salazar, Zoning Administrator  
16 Edward Weller, Building Director  
17 Carlos Mindreau, City Architect

## Also Participating:

18 Jose Gonzalez  
19 On behalf of Flagler Development Group  
20 Dr. Joseph Briggle  
21 Amanda Quirk, Esq.  
22 Tew Cardenas, LLP,  
23 On behalf of AMACE Properties.

## 1 THEREUPON:

2 The following proceedings were had on  
3 May 14, 2008  
4 CHAIRMAN KORGE: All right, call  
5 the meeting to order.

6 Call the roll, please.

7 MS. MENENDEZ: Eibi Aizenstat?

8 Robert Behar?

9 MR. BEHAR: Here.

10 MS. MENENDEZ: Jack Coe?

11 MR. COE: Here.

12 MS. MENENDEZ: Pat Keon?

13 MS. KEON: Here.

14 MS. MENENDEZ: Cristina Moreno?

15 Javier Salman?

16 MR. SALMAN: Here.

17 MS. MENENDEZ: Tom Korge?

18 CHAIRMAN KORGE: Here.

19 The first item on the agenda is  
20 approval of the minutes --

21 MR. COE: So moved, Mr. Chairman.

22 CHAIRMAN KORGE: -- of the meeting  
23 of May 14th.

24 MR. BEHAR: Second.

25 CHAIRMAN KORGE: Moved and  
26 seconded. Any discussion? No

1 discussion?

2 Call the roll on that, please.

3 MS. MENENDEZ: Robert Behar?

4 MR. BEHAR: Yes.

5 MS. MENENDEZ: Jack Coe?

6 MR. COE: Yes.

7 MS. MENENDEZ: Pat Keon?

8 MS. KEON: Yes.

9 MS. MENENDEZ: Javier Salman?

10 MR. SALMAN: Yes.

11 MS. MENENDEZ: Tom Korge?

12 CHAIRMAN KORGE: Yes.

13 The next item is Application Number

14 04-08-063-P, Amendments to Conditions of

15 Approval for property referenced at 2701  
16 LeJeune Road.

17 MR. CARLSON: Good evening.

18 CHAIRMAN KORGE: Good evening.

19 MR. CARLSON: For the record,

20 Walter Carlson, Planning Department.

21 The request which is before you

22 this evening is regarding the City

23 National Bank, which is located on

24 LeJeune Road. The resolution which

25 approved the Burger King headquarters

1 project and the relocation of the City  
2 National Bank building was adopted in  
3 2005. The Burger King headquarters,  
4 which is now referred -- which is now  
5 going to be the headquarters of the  
6 Bacardi Corporation, is currently under  
7 construction. The new City National  
8 Bank building has been constructed.  
9 It's already been constructed and is now  
10 referred to as the Sevilla Building.

11 When the City National Bank was  
12 approved for relocation, there was a  
13 condition of approval required that the  
14 bank's drive-through facility be gated  
15 during off-business hours for security  
16 purposes. The applicant is providing  
17 24-hour ATM access within that bank  
18 drive-through facility and is therefore  
19 requesting that the condition requiring  
20 the security gates be removed.

21 The Planning Department does not  
22 object to the removal of that condition,  
23 as long as all the other conditions  
24 remain in effect.

25 I believe the applicant is here, if

1 you have any questions, or if you have  
2 any questions of myself.

3 CHAIRMAN KORGE: Does the applicant  
4 want to make a presentation at this  
5 time?

6 MR. GONZALEZ: I really don't  
7 anticipate a presentation, just -- my  
8 name --

9 CHAIRMAN KORGE: Will you state  
10 your name and address for the record?

11 MR. GONZALEZ: Yeah. Jose  
12 Gonzalez, Flagler Development Group,  
13 2855 South LeJeune Road, Fourth Floor,  
14 Coral Gables, Florida, 33134.

15 We agree with Staff's  
16 recommendation. We're here to answer  
17 any questions. If you like, we can make  
18 a presentation, if the Board wants it,  
19 but I think it's a simple and a  
20 straightforward request.

21 MR. BEHAR: You're proposing to  
22 remove the security gates; is that  
23 correct?

24 MR. GONZALEZ: In the drive-through  
25 area. We still have a security gate in

1 our main parking garage area, which is  
2 just next to the drive-through.

3 MR. COE: And that's the only  
4 condition?

5 MR. GONZALEZ: That's the only  
6 thing we're changing.

7 MR. COE: Okay.

8 MR. GONZALEZ: Because the ATM, at  
9 the time when we came in, we didn't know  
10 if they were going to have a 24-hour  
11 ATM. The bank put in a 24-hour ATM, so  
12 if we put the gates, it kind of  
13 nullifies the 24-hour ATM, so that's why  
14 the bank had an issue with that  
15 condition, now. Back then, they didn't  
16 know, so -- They were hoping to do an  
17 outside ATM, but they ended up having a  
18 drive-through ATM.

19 CHAIRMAN KORGE: I just have one  
20 question, Eric or Walter.

21 Why -- originally, why was the gate  
22 provided? I mean, what additional  
23 security does it provide?

24 MR. CARLSON: Well, at the time, we  
25 didn't realize they were going to have a

1 24-hour --

2 CHAIRMAN KORGE: I understand.

3 MR. CARLSON: -- facility within  
4 the drive-through, but if it was empty  
5 and unlit, what happens is, sometimes  
6 there are people -- the homeless will  
7 camp in there or people will park their  
8 cars during the evenings in there. It  
9 will be used as it wasn't intended to be  
10 used, and so the gates were intended to  
11 secure it, secure it so that it wasn't  
12 used for other purposes.

13 CHAIRMAN KORGE: And if they ever  
14 revert to, let's say, regular business  
15 hours for the ATM, what would happen?

16 MR. CARLSON: Well, we'd probably  
17 have to revisit the issue at that time.

18 CHAIRMAN KORGE: Would we be able  
19 to revisit it?

20 MR. SALMAN: We will if we make it  
21 conditional, that they provide 24-hour  
22 ATM services, as a condition.

23 MR. RIEL: Well, actually, since --  
24 in the past three or four years, we  
25 haven't really been requiring the

1 gate --

2 CHAIRMAN KORGE: You don't think  
3 it's --

4 MR. RIEL: -- because of increased  
5 security, lighting, mirrors and  
6 things --

7 CHAIRMAN KORGE: Do you think it  
8 will be unnecessary, in all events?

9 MR. RIEL: Typically, when  
10 drive-throughs come through right now,  
11 we don't require it anymore, so --

12 CHAIRMAN KORGE: Okay.

13 MR. RIEL: We think it's necessary.

14 CHAIRMAN KORGE: Okay. Those are  
15 the only questions I had. Is anybody  
16 from the public here to speak for or  
17 against this change?

18 MS. MENENDEZ-DURAN: Yes.

19 CHAIRMAN KORGE: Please state your  
20 name and address for the record.

21 DR. BRIGGLE: Yes. My name is Dr.  
22 Joseph Briggle. I live at 1430 Sienna  
23 Avenue, and my office is 368 Sevilla  
24 Avenue, which is the property that abuts  
25 this, and I'm in agreement with this. I

1 have no problem. I thought the idea of  
 2 having the gates was ridiculous to begin  
 3 with, so I would approve this.  
 4 CHAIRMAN KORGE: Thank you very  
 5 much.  
 6 DR. BRIGGLE Thank you.  
 7 CHAIRMAN KORGE: Anybody else from  
 8 the public? No? I'll close the --  
 9 MR. COE: Move Staff's  
 10 recommendation, Mr. Chairman.  
 11 MR. BEHAR: Second.  
 12 CHAIRMAN KORGE: There's a motion  
 13 and a second to approve the amendments  
 14 to the Conditions of Approval. Any  
 15 discussion? No discussion?  
 16 Let's call the roll on that,  
 17 please.  
 18 MS. MENENDEZ: Jack Coe?  
 19 MR. COE: Yes.  
 20 MS. MENENDEZ: Pat Keon?  
 21 MS. KEON: Yes.  
 22 MS. MENENDEZ: Javier Salman?  
 23 MR. SALMAN: Yes.  
 24 MS. MENENDEZ: Robert Behar?  
 25 MR. BEHAR: Yes.

1 MS. MENENDEZ: Tom Korge?  
 2 CHAIRMAN KORGE: Yes.  
 3 MR. GONZALEZ: Thank you.  
 4 CHAIRMAN KORGE: The next item on  
 5 the agenda is a Zoning Code text  
 6 amendment for transitional rules,  
 7 amending Section 1-108, transitional  
 8 rules of the current Zoning Code.  
 9 MR. RIEL: As the Board knows, on  
 10 January 9th, 2007, the Board --  
 11 actually, the Commission approved the  
 12 new Zoning Code. As a part of that,  
 13 there was an 18-month period where if  
 14 applicants secured preliminary Board of  
 15 Architects approval before January 9th,  
 16 2007, they had to go through the process  
 17 and secure final approval, either that  
 18 being the Board of Architects or the  
 19 City Commission.  
 20 What we're suggesting here is  
 21 allowing an additional six months to be  
 22 added to that time frame if the City  
 23 Manager so determines, based upon the  
 24 language that's provided in the proposal  
 25 here. There is a requirement that they

1 have to request that by July 9th, 2008,  
 2 because obviously the 18 months will  
 3 expire.  
 4 If you look at Attachment 1,  
 5 there's approximately nine or 10  
 6 projects that this applies to. This  
 7 list was prepared by the Building &  
 8 Zoning Department. It's based upon  
 9 those projects that are basically going  
 10 through the process. Basically, this is  
 11 a listing of what we feel, in the  
 12 opinion of the entire City Staff, that  
 13 has shown good cause and diligence in  
 14 proceeding forward. We'd just like to  
 15 give them an additional opportunity for  
 16 six months. This doesn't extend the  
 17 time frame for building permit, and I  
 18 put a revised time line in front of you.  
 19 The one that you had in your packet  
 20 incorrectly showed -- The darker blue is  
 21 12 months. It's actually 18 months.  
 22 So let me just go through, quickly,  
 23 this time line. If we put it up on the  
 24 screen, we'd have it up on the screen as  
 25 well.

1 Basically, this is an 18-month  
 2 transition period, the first green  
 3 block. The second green block allows  
 4 for the six-month extension to the City  
 5 Manager. If you go past the dashed  
 6 line, they have 18 months that basically  
 7 that Board of Architects approval is  
 8 valid for. There's an opportunity to  
 9 get a six-month extension, which brings  
 10 you to the orange, and then the Building  
 11 Department issues building permits for  
 12 six months, and then the building  
 13 official has the opportunity to do  
 14 extensions of six months beyond that  
 15 time line.  
 16 So, just to give you an idea, if  
 17 you look on the top of the time line,  
 18 from January 9th, 2007, basically,  
 19 there's an opportunity for these nine or  
 20 10 projects to remain valid up unto July  
 21 9th, 2011. We just felt, based upon the  
 22 progress of these projects, that we felt  
 23 it's appropriate to allow for a six-  
 24 month extension.  
 25 Staff is recommending approval of