

1 already heard that other people have said, you  
2 may want to just give some new comments or so  
3 forth, or say that you agree with a certain  
4 person, and make up some time.

5 Craig, the first two items, since they're  
6 together, would you like for me to read them on  
7 the record at the same time?

8 MR. LEEN: Yes, I would recommend that you  
9 read both and that you have a public hearing as  
10 to both at the same time, and then you vote on  
11 them separately.

12 CHAIRMAN AIZENSTAT: Okay, thank you.

13 The first item is an Ordinance of the City  
14 Commission of Coral Gables, Florida, requesting  
15 review of a Planning -- of a Planned Area  
16 Development pursuant to Zoning Code Article 3,  
17 "Development Review," Division 5, "Planned Area  
18 Development," known as PAD, for the proposed  
19 project referred to as "Gables Pointe Plaza,"  
20 on the property legally described as Lots 7-27,  
21 Block 1B, MacFarlane Homestead and St. Alban's  
22 Park Section, whose address is 280 South Dixie  
23 Highway, in Coral Gables, Florida; including  
24 required conditions; providing for  
25 severability, repealer and an effective date.

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1 The legal description is on file with the City.

2 The second item is an Ordinance of the City  
3 Commission of Coral Gables, Florida, requesting  
4 a change of zoning pursuant to Zoning Code  
5 Article 3, "Development Review," Division 14,  
6 "Zoning Code Text and Map Amendments" from  
7 Commercial Limited District, known as CL, to  
8 Commercial District, known as C, for the  
9 property legally described as Lot 13 and Lot  
10 17-23, Block 1B, MacFarlane Homestead and  
11 St. Alban's Park Section, whose address is 280  
12 South Dixie Highway, located in Coral Gables,  
13 Florida; and providing for severability,  
14 repealer and an effective date. The legal  
15 description for this property is on file with  
16 the City.

17 At this time, we'll go ahead and have the  
18 applicant do their presentation, please.

19 MS. RUSSO: Good evening, Mr. Chairman,  
20 Members of the Board. For the record, my name  
21 is Laura Russo, with offices at 2655 LeJeune  
22 Road. I am here this evening representing the  
23 Bahamian Village, LLC, which is a private/  
24 public joint venture, composed of Redevco  
25 Grand, which is the developer, which owns 50

1 percent of the project, and the LBW Homeowners,  
2 Inc., which owns the other 50 percent of the  
3 project. LBW Homeowners, Inc. is a  
4 wholly-owned subsidiary of the LBW Foundation  
5 of Coral Gables, a not-for-profit organization.

6 I am also here this evening representing  
7 Tapco Restaurant Group, LLC, that is the tenant  
8 for one of the two buildings on the project.

9 I'm going to introduce some of the players.  
10 I have with me this evening Debra  
11 Sinkle-Kolsky, from Redevco, and Leona Cooper,  
12 Edwina Prime and Linda Dixie, who are members  
13 of both boards, the profit and the  
14 not-for-profit board, and I also have Mr. Doug  
15 Rudolph, who is the operator of the proposed  
16 restaurant.

17 CHAIRMAN AIZENSTAT: If I may interrupt you  
18 a second --

19 MS. RUSSO: Uh-huh.

20 CHAIRMAN AIZENSTAT: -- I'd like to welcome  
21 Commissioner Pat Keon, who has joined us.

22 Thank you, and welcome back.

23 COMMISSIONER KEON: Thank you.

24 CHAIRMAN AIZENSTAT: Sorry, Laura.

25 MS. RUSSO: That's okay.

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1 I'm going to take a little bit and tell you  
2 a little bit about the mission of the LBW  
3 Homeowners Foundation. They were formed in  
4 order to attract and bring back individuals to  
5 their community. Their goal is to preserve  
6 their Bahamian culture, create economic  
7 development and restore some of the historic  
8 homes that are in the their community and do  
9 infill construction on vacant lots.

10 This project is a joint venture. The  
11 proceeds from this project will be used to  
12 further those goals, and so that you know, I  
13 want to tell you a little bit about their  
14 accomplishments. To date, they have already  
15 successfully restored three of the 14  
16 designated historic homes in Coral Gables, on  
17 Frow and Florida Avenues, and this was done in  
18 approximately 2007. They have also built four  
19 homes, workforce housing, on four lots that  
20 were donated, and those homes were built  
21 within -- sold within the first quarter. I  
22 mean, it was amazing. It was quite successful.

23 So you understand a bit of the players,  
24 Redevco is the master developer of both the  
25 infill construction as well as the historic

<p style="text-align: right;">Page 13</p> <p>1 restoration. She worked on processing the 2 Federal grants. 3 And then Tapco, who is going to be our 4 tenant for this project, is a successful 5 restaurateur. He currently has Tap 42. Some 6 of you may or may not be familiar with the 7 restaurant in Fort Lauderdale, on Andrews 8 Avenue. 9 So we have a team, and now I'm going to 10 introduce some of the other members of the team 11 that we have. We have an architect for our 12 community center, who is Chloe Keidaish of 13 Studio X Architecture. We have Scott Lurie and 14 Chris Lopez, who are architects of the 15 restaurant building. I have Deena Bell, who is 16 our landscape architect. And I have Juan 17 Espinosa, of David Plummer &amp; Associates, who is 18 our traffic engineer. 19 And you can see, we have members of our 20 community who are here to see this come 21 through. 22 To give you a little bit of history on the 23 project, this project has been the subject of 24 two prior site plans, one in 2006, one in 2007. 25 I came on board in 2007. That project is a</p>	<p style="text-align: right;">Page 15</p> <p>1 Chris to please go and show you the portions 2 that we're asking to change in zoning from 3 Commercial Limited to Commercial, and it is 4 just the portions adjacent to the restaurant, 5 and the primary reason for this is that under 6 our Zoning Code, CL uses and C uses have a 7 little bit of a difference when it comes to 8 being adjacent to single-family for nighttime 9 uses. We have reviewed this with the 10 neighborhood, and the real difference is that 11 you're not allowed to have any music, any 12 particular noise, after a certain amount of 13 time. You can't have a kitchen open over a 14 certain amount of time. We felt confident that 15 we might make it under the CL zoning, but to be 16 perfectly safe and not have any issues, we 17 wanted to change the zoning on the restaurant 18 portion. 19 I'm going to state on the record now, there 20 will be no live music. The only music we're 21 talking about is music that will be coming from 22 inside the restaurant and maybe piped outside 23 to the outdoor dining area, but because of the 24 location, we didn't want to run the risk that 25 it would be not interpreted this way when it</p>
<p style="text-align: right;">Page 14</p> <p>1 very different project than we had here. For 2 numerous reasons, the site plan was never 3 implemented. There were some illegal 4 encroachments that until just recently, with 5 litigation, were removed. So what you have 6 with you now is an entirely different plan than 7 those two. That's old history. So what we 8 have here are two applications before you, a 9 PAD site plan approval and a change in zoning 10 for a portion of the property. 11 The property is located at the intersection 12 of U.S. 1 and Grand Avenue at the southwest 13 end, Florida Avenue on the northeast. The 14 property is unusually shaped, as you can see. 15 It's a triangle attached to a rectangle. The 16 property was actually a bit -- let's call it 17 deeper, but about 20, 25 years ago, Grand 18 Avenue was widened and 50 feet were taken from 19 the southern edge of this property. So it 20 makes it a little bit difficult to develop, and 21 as you can see, the angle, and what is 22 important and what is most profitable, of 23 course, is the U.S. 1, the U.S. 1 facing. 24 So, actually, Chris -- I don't know if you 25 can see the hatch marks, but I'm going to ask</p>	<p style="text-align: right;">Page 16</p> <p>1 was actually in operation. 2 The restaurant is approximately 6200 square 3 feet. It is a full-service restaurant with a 4 full liquor license, and it has a very nice 5 patio seating area. So that you know, before 6 this tenant was approved, the majority of the 7 board went to Fort Lauderdale and ate at Tap 42 8 in order to understand what restaurant they 9 were doing, because as you know, this is a 10 community project. It is in their best 11 interest that it be a successful project. 12 The restaurant, the outdoor seating has 13 purposely been oriented to the south, to Grand 14 Avenue, because across the street on Grand 15 Avenue is Carver Elementary and Carver Middle 16 School, and then park on either side of that; 17 east and west are park land. To the north, we 18 also have a park, and then across the street, 19 on Florida, on the east side of the driveway, 20 are single-family homes. 21 The second building, which you see over in 22 the far northeast corner, is a community 23 center. It's actually a building that will 24 house a 1400 square feet of the community 25 center, along with approximately 1200 square</p>

1 feet of the office for Redevco, who will be  
2 on-site.

3 We have -- Let's see. We have incredibly  
4 landscaped the site. The site has been  
5 landscaped by Deena Bell. As you can see from  
6 the renderings of Tapco, the one on top is  
7 facing U.S. 1, the one on the bottom is the  
8 parking lot view, and the one in the middle is  
9 what you see on Grand Avenue. The goal here  
10 was to keep the property very well landscaped.  
11 Some of you may or may not know, but there's a  
12 linear park that runs along the boundary of the  
13 property, and it is owned by the applicant, but  
14 there is a City easement on it.

15 What we have, and you have -- Just so you  
16 know, there's been some slight amendments. You  
17 should have this little packet that was put at  
18 your seat. Some slight amendments, because we  
19 have been to the Board of Architects. Tomorrow  
20 will be our fourth time. Last week we were  
21 approved with conditions, and we've been  
22 working very closely with the Planning and  
23 Zoning Board Staff and with Board of Architects  
24 members and with the community, trying to  
25 address everybody's needs, concerns, use of the

1 building and the unusual configuration.

2 What you will see here is a site plan that  
3 shows, at the request of Board of Architects,  
4 is a removal of a portion of that wall. The  
5 wall was built by the City, but they're  
6 requesting that a portion of that wall be  
7 removed and that there be enhanced landscaping  
8 in the City park.

9 We have looked at all the conditions that  
10 Staff has placed in their Staff Report, and we  
11 are fine with all the conditions but for one,  
12 and that one condition is the landscaping  
13 around the perimeter. When you have commercial  
14 adjacent to single-family, or across from  
15 single-family, you're required to have a  
16 six-foot-high hedge. So the six-foot-high  
17 hedge was proposed surrounding the site, along  
18 with the six-foot wall, which is along the  
19 eastern boundary. The neighborhood does not  
20 want a six-foot-high hedge. They believe that  
21 when the wall was constructed, they were walled  
22 in. You put a six-foot-high hedge, you're  
23 walling them away from their own project. They  
24 would like to see the hedge height come down to  
25 four feet, which is the norm in a commercial

1 project. So they are making this request.

2 The purpose of the enhanced landscaping and  
3 additional height is to keep traffic lights and  
4 car vehicle lights, but the neighborhood wants  
5 it at four feet. They want to feel part of the  
6 project. The project has outdoor seating.  
7 It's anticipated that people will be walking  
8 from the neighborhood, people will be driving.  
9 They want it to feel part of the neighborhood  
10 and not sort of something that's walled off  
11 from them, even in that visual -- in that  
12 visual sense. So it's there as part of some of  
13 the requirements for landscaping around a  
14 commercial and adjacent to commercial. So we  
15 would -- We would proffer the request from the  
16 neighborhood that that landscaping be dropped  
17 down.

18 And at this time, I respectfully request  
19 your approval of both of our applications, and  
20 I have an entire team here that is able to  
21 answer any questions you may have on this, and  
22 I also have members of the community that would  
23 like to speak and share their support of the  
24 project with you.

25 CHAIRMAN AIZENSTAT: Thank you, Laura.

1 Next let's go ahead and have Staff do their  
2 presentation, please.

3 MR. WU: Sure. If Aaron can pull up the  
4 PowerPoint. Thank you, Aaron.

5 This is to show you a geography of the  
6 property. I'd like to take a few minutes to  
7 introduce the surroundings. Laura talked about  
8 it briefly, but now we have a map showing you  
9 where the area is. The property is highlighted  
10 in white, between Grand and Florida Avenue,  
11 east of Dixie. There's approximately 1.3  
12 acres. There's a linear park, as you can see  
13 here in green, along Dixie Highway on the  
14 north. The easement Laura talked about is on  
15 the west side, and it further extends south of  
16 the property, along Grand, as well. This  
17 linear park is a very important buffer for the  
18 intense traffic along Dixie and the uses behind  
19 it, and some of it are primarily residential.

20 As the applicant mentioned, there's a  
21 school to the south, Washington Carver, and the  
22 boundary in red is actually the boundary of the  
23 city limits of Miami.

24 The Zoning Code requires that one building  
25 site has to have one building, and hence, you

<p style="text-align: right;">Page 21</p> <p>1 have the first application before you, is to go  2 through a PAD, called a Planned Area  3 Development Review, which will allow two  4 buildings on the building site. So that's  5 Request Number 1.  6 The next slide shows some images of the  7 property. Here, if you're standing on the  8 median, looking east, you can see vaguely the  9 landscaping, and it's quite lush at the corner  10 of Grand and Federal. There's the buffer here,  11 there's a meandering sidewalk, and there's a  12 low wall separating the easement onto the  13 property. Again, this is standing west of the  14 property, looking east.  15 The image to the bottom is standing right  16 at the corner, between Grand -- this is Grand  17 here, and this is Dixie, looking north,  18 somewhat at an angle, and this is the corner,  19 which is, again, somewhat mature landscaping.  20 There is another -- a taller wall here in the  21 back.  22 The next image is facing Grand and standing  23 east of the property, looking west, and the  24 area to the right is a property, and the area  25 to the left is the school. An image to the</p>	<p style="text-align: right;">Page 23</p> <p>1 permissible.  2 Some history on the project. In '05, the  3 City Commission approved the site plan of  4 11,500 square feet, for a one-story building --  5 one-story, two buildings that include a  6 community center. This is the image of the  7 '05. I'll just fly by these images. In the  8 '05, there was an outparcel here, and the  9 community center was located at the southeast  10 corner.  11 In '08, the Commission approved a modified  12 plan that shows the outparcel now becoming part  13 of the project and included 21,000 square feet,  14 a two-story commercial building and 79 parking  15 spaces.  16 This image, substantially close to what you  17 have in front of you, is the restaurant space  18 and the community center before you. Again,  19 1.3 acres, 81 parking spaces proposed. The  20 front area of the wall is proposed to be  21 removed. Again, this is the corner, the  22 landscaping with the corner wall here. Again,  23 a 6,196-square-foot restaurant, highlighted in  24 purple, and a community center, slash, office  25 at 2,450 square feet.</p>
<p style="text-align: right;">Page 22</p> <p>1 bottom is at the corner of Federal -- Federal  2 and Florida, and the image on the right, again,  3 is a property at the corner here, and you can  4 see the linear park extends across from  5 Florida. And again, this is Federal Highway  6 here.  7 So those are the images of the property.  8 The second request concerns changing the  9 zoning. As the applicant mentioned, they are  10 changing some parcels, Lot 13, 17 through 23,  11 from Commercial Light to Commercial. The image  12 to the left is the existing zoning map, and the  13 image to the right shows, upon zoning, what  14 will occur. Those lots will become Commercial.  15 Again, as the applicant mentioned,  16 Commercial allows nighttime uses between 8:00  17 p.m. and 6:00 a.m. within 150 feet of the  18 residential area, which is highlighted in  19 yellow, as a permitted use. As opposed to if  20 it were still a conditional use image, on the  21 left, it will be a conditional (sic) use.  22 As the applicant mentioned, certain uses  23 will not be allowed in Commercial Limited,  24 which are outdoor decks, dining, drinking, live  25 music. Now, with the change, those will be</p>	<p style="text-align: right;">Page 24</p> <p>1 This is the site plan, floor plan of the  2 restaurant. The parking lot is towards the  3 bottom. To the top is Federal Highway and the  4 linear park. The entry will be somewhat in the  5 middle to support kitchen and bathrooms. To  6 the right, the sit-down and bar area, and other  7 seating to the left. And this is an artist's  8 rendering -- I believe it's in your handout  9 today -- from south, looking north at an angle.  10 Again, the restaurant, the parking lot and  11 community center.  12 Some images of the restaurant from Federal  13 Highway. There is a tower element at the  14 corner, there's an entryway opened up, and this  15 is requested by the Board of Architects to be  16 inviting from the public. The Board of  17 Architects also requested that the wall  18 become -- be removed, to be more inviting to  19 the public, and some landscaping between the  20 sidewalk and the building.  21 All these windows are activated uses. The  22 public can see inside, and likewise from the  23 inside, looking out.  24 The next image is from the parking lot,  25 looking into the building. Another image from</p>

1 the parking lot looking into the building.

2 Last but not least, a community center  
3 rendering, very important for the community.  
4 This is a rendering of the community center  
5 proposed today, and a simple floor plan of the  
6 community room, and some office space in the  
7 front.

8 The Board of Architects reviewed this at  
9 its May 8th meeting and had two conditions upon  
10 a preliminary approval. One is to modify the  
11 layout and the elevations acceptable to Staff  
12 prior to tonight's meeting, and they have done  
13 that, and to revise the restaurant plan and  
14 review by the Board of Architects for tomorrow  
15 morning. For your information, the community  
16 center was approved by the Board of Architects  
17 last week.

18 This is some site plan data. They are way  
19 below the FAR allowed by the Code, which is  
20 3.5. They're proposing about 0.15. Again,  
21 they're proposing 8,646 square feet in total.  
22 They are way under the building height  
23 requirement. It does allow three floors.  
24 They're proposing one floor. In terms of  
25 setbacks, there are minor adjustments they have

1 to make, that upon the PAD approval can be  
2 reduced. One is the setback at Grand Avenue.  
3 The site-specific requirement of 20 feet,  
4 they're proposing 15 feet, as well as Florida  
5 Avenue, based on the new proposal, they also  
6 have some reduction there. So this number is  
7 incorrect. Fifteen feet is being proposed, to  
8 be reduced.

9 CHAIRMAN AIZENSTAT: Which number is  
10 incorrect?

11 MR. WU: It's the Florida Avenue side. The  
12 Florida Avenue side has some encroachments.

13 Some minor housekeeping matters: We have  
14 reviewed the application for preliminary zoning  
15 analysis and we have about nine or 10  
16 conditions we'd like to include for your  
17 information. One is, a restrictive covenant  
18 should be provided for each of the parking for  
19 each building. The restaurant should have the  
20 parking spaces that are needed, as well as the  
21 community center. Provision for off-street  
22 bicycle parking. The sign plan should have all  
23 signs indicated and meet Code. The utility  
24 plan should have utilities located underground.  
25 A pedestrian and vehicular circulation plan.

1 Buffering and design provisions for nighttime  
2 uses according to the Code. Outdoor dining  
3 area shall not exceed 30 percent of the indoor  
4 dining area. Payment in lieu of the loss of  
5 on-street parking. Detailed plan elevations  
6 for the trash room and screening, and the trash  
7 room are required to be air conditioned, per  
8 Code, so we look forward for that having upon  
9 building submittal.

10 Findings of Fact, and this becomes an  
11 important component for you making your  
12 decision on whether this meets the Code.  
13 According to Section 3-503, Staff has evaluated  
14 the application based on these standards, the  
15 six standards in front of you, and Staff had  
16 deemed that they meet the requirements and the  
17 standards have been satisfied.

18 Regarding changing the zoning, also Section  
19 3-1404, we have three standards. Likewise,  
20 Staff's finding is, the standards have been  
21 satisfied.

22 In conclusion, the Staff recommends  
23 approval, based on the conditions included in  
24 your Staff Report, such as: Construction shall  
25 be in conformance with the plan submittal,

1 substantial plan submittal dated 5/14/14.  
2 Within 30 days, submit a restrictive covenant  
3 including these conditions. We mentioned the  
4 nine or 10 conditions earlier, as well as some  
5 of these listed in front of you today, and  
6 they're mostly traffic. Install right-of-way  
7 improvements per plan. The median opening on  
8 Grand to prevent left turns; that exit from  
9 Grand has to be right turn only, for both  
10 exits. The driveway on the north shall comply  
11 with sight distance requirements, per Public  
12 Works. Directional signage and marking plans  
13 according to the City, and any improvements  
14 upon Grand need to be approved by Miami-Dade  
15 County Public Works Department.

16 Another condition, nighttime use of the  
17 community center and the restaurant needs to  
18 meet Code requirements, according to the  
19 Director of Planning and Zoning, and changes of  
20 right-of-way requires approval by the Public  
21 Works, Public Services, Planning and Zoning,  
22 and Parking Departments.

23 That concludes Staff's presentation.

24 CHAIRMAN AIZENSTAT: Thank you.

25 I'd like to welcome Commissioner Frank

<p style="text-align: right;">Page 29</p> <p>1 Quesada to our meeting. Thank you for coming.</p> <p>2 COMMISSIONER QUESADA: Real quick. Good</p> <p>3 evening. I just want to say thank you for</p> <p>4 serving on the Planning and Zoning Board and</p> <p>5 volunteering your time, especially with the</p> <p>6 Heat playoff game. So thank you so much.</p> <p>7 MS. RUSSO: You had to say that, right?</p> <p>8 COMMISSIONER QUESADA: And thank all of you</p> <p>9 for being so involved in our community.</p> <p>10 So, thanks so much.</p> <p>11 MS. RUSSO: Are you going to put the game</p> <p>12 on outside?</p> <p>13 COMMISSIONER QUESADA: No. Have a good</p> <p>14 night. Thank you, guys.</p> <p>15 CHAIRMAN AIZENSTAT: Thank you.</p> <p>16 MS. RUSSO: Mr. Chair, if I may, I just</p> <p>17 want to make a couple clarifications on the</p> <p>18 record. With the change from last week's Board</p> <p>19 of Architects to this week, what you have --</p> <p>20 And there's a scrivener's error on the packet</p> <p>21 that you received. The community center is</p> <p>22 actually 2660 square feet. The restaurant is</p> <p>23 approximately 6200. So we're talking 8800</p> <p>24 square feet. So it's a little bit bigger, and</p> <p>25 our encroachments go a little bit more to the</p>	<p style="text-align: right;">Page 31</p> <p>1 decision is made by the Board of Architects.</p> <p>2 So I just wanted you to know why, if</p> <p>3 someone caught that there were two, that there</p> <p>4 were two different ones, and I also want to</p> <p>5 turn in the letter from Ms. Mosezell Aguilar,</p> <p>6 who lives in the pink house, which is the house</p> <p>7 immediately on the north, the very first</p> <p>8 single-family home, and hers is the specific</p> <p>9 request for the four-foot-high hedge. So I'm</p> <p>10 going to turn this in to be part of the record.</p> <p>11 CHAIRMAN AIZENSTAT: Thank you.</p> <p>12 Laura, let me just ask you one question. I</p> <p>13 notice that when you did your presentation, you</p> <p>14 said that the second time that it was brought</p> <p>15 before the P &amp; Z Board was in 2007, and Charles</p> <p>16 said that it -- I'm sorry, you said 2007.</p> <p>17 Charles said 2008.</p> <p>18 MS. RUSSO: That's because I started in</p> <p>19 2007 or 2006, and by the time it was approved</p> <p>20 by the Commission, it was approved in 2008.</p> <p>21 CHAIRMAN AIZENSTAT: So, to be clear, it</p> <p>22 was 2008.</p> <p>23 MS. RUSSO: So, yes, it is the same.</p> <p>24 CHAIRMAN AIZENSTAT: Right.</p> <p>25 MS. RUSSO: It is the same. There were two</p>
<p style="text-align: right;">Page 30</p> <p>1 north and to the south on both ends of the</p> <p>2 property, and some of that was to accommodate</p> <p>3 some of the design issues and the wall, and</p> <p>4 they were answering issues both from Board of</p> <p>5 Architects members and from the Planning and</p> <p>6 Zoning Board Staff. So the trash room before</p> <p>7 had a different angle, we angled it out, and</p> <p>8 because the PAD does allow some flexibility,</p> <p>9 the changes weren't significant enough, but the</p> <p>10 Board of Architects will be seeing the revised</p> <p>11 plans.</p> <p>12 The other thing is, and I don't know if I</p> <p>13 mentioned it, but we had two community</p> <p>14 meetings. At both community meetings, we had,</p> <p>15 if you combine the total, close to 40 in</p> <p>16 attendance. And you have these renderings</p> <p>17 here. You have a different rendering that was</p> <p>18 up on the screen in the PowerPoint, very, very</p> <p>19 similar. The only difference is, on the front</p> <p>20 elevation, on the U.S. 1, we have Bahamian</p> <p>21 shutters. We have shutters on the windows. On</p> <p>22 the elevation that you saw, we do not. We're</p> <p>23 taking both to the Board of Architects</p> <p>24 tomorrow. Just so you know, the community here</p> <p>25 prefers the shutter elevation, but tomorrow the</p>	<p style="text-align: right;">Page 32</p> <p>1 previous site plans. The one was finally</p> <p>2 approved in 2008.</p> <p>3 CHAIRMAN AIZENSTAT: Okay, thank you.</p> <p>4 MS. RUSSO: You're very welcome.</p> <p>5 MR. LEEN: Mr. Chair?</p> <p>6 CHAIRMAN AIZENSTAT: Yes, go ahead, please.</p> <p>7 MR. LEEN: I just had one point. I just</p> <p>8 wanted to discuss the City Attorney's Office</p> <p>9 involvement in this matter, a little bit,</p> <p>10 because there was -- Ms. Russo did mention that</p> <p>11 there was a time when they could not proceed</p> <p>12 because of an encroachment. It wasn't a City</p> <p>13 encroachment. It was a utility encroachment.</p> <p>14 MS. RUSSO: Correct.</p> <p>15 MR. LEEN: And they did need to move that,</p> <p>16 and that's one of the reasons that this was</p> <p>17 delayed for so long. I know that this is very</p> <p>18 important to the community, this building, and</p> <p>19 one of the issues that came up is that they</p> <p>20 need to obtain a grant, and so that's one of</p> <p>21 the reasons why, to some extent, my office, you</p> <p>22 know, recommended that this be expedited and</p> <p>23 brought before you. It doesn't affect what you</p> <p>24 do here. You can do whatever you wish, but it</p> <p>25 was important that it be brought before you, so</p>

1 if you do decide to recommend approval to the  
2 City Commission, it would assist them in  
3 getting their grant. At the very least,  
4 though, they wanted to know today, so that --  
5 and that's more because of certain Federal and  
6 County requirements, and that's why it's being  
7 brought to you now.

8 MS. ALBERRO MENENDEZ: What's the grant  
9 for?

10 MS. RUSSO: I'm going to allow --

11 MS. SINKLE-KOLSKY: Debra Sinkle-Kolsky.

12 CHAIRMAN AIZENSTAT: Could you state your  
13 address, please?

14 MS. SINKLE-KOLSKY: Sure. 11098 Biscayne  
15 Boulevard, Miami, 33161.

16 The grant has already been received by the  
17 community to move this project forward, many  
18 years ago. It had a deadline to complete the  
19 project, but because of the utility  
20 encroachment and having to take legal action,  
21 we -- HUD is basically asking for the community  
22 to write them a check back right now. So we  
23 need to be able to show them that we're moving  
24 forward, in an effort for them to work out a  
25 payment plan that if we get it moved forward,

1 they won't have to pay it back.

2 MS. ALBERRO MENENDEZ: But what is the  
3 grant for?

4 MS. SINKLE-KOLSKY: The grant was for them  
5 to form their organization and move this  
6 project forward for their community.

7 MS. ALBERRO MENENDEZ: But you said "move  
8 this project forward." Are you talking about  
9 the community center?

10 MS. SINKLE-KOLSKY: Legal fees, architects.  
11 Their community center, correct. Correct. The  
12 organizational cost. No money for  
13 construction, just for the initial soft costs.

14 MS. ALBERRO MENENDEZ: I see.

15 CHAIRMAN AIZENSTAT: Only for that section,  
16 for that part where the community center is?

17 MS. SINKLE-KOLSKY: Yes, exactly.

18 MR. LEEN: And I just wanted to mention  
19 that I did make that request of Development  
20 Services, that they --

21 MS. SINKLE-KOLSKY: Thank you.

22 MR. LEEN: -- try to put that on this  
23 agenda, and I did want to commend them for the  
24 amount of work they did to get this on the  
25 agenda, and they did an excellent job.

1 CHAIRMAN AIZENSTAT: Thank you.

2 At this time, I'd like to go ahead and open  
3 up for public comments. Please remember that  
4 we're going to go ahead and limit it --

5 How many people do we have, Jill?

6 MS. MENENDEZ: We actually have two  
7 speakers.

8 CHAIRMAN AIZENSTAT: Only two speakers, so  
9 maybe about five minutes or so, if that's okay.

10 The first speaker --

11 MS. MENENDEZ: Mosezell --

12 CHAIRMAN AIZENSTAT: Would you call the  
13 first person, please?

14 MS. MENENDEZ: Mosezell Aguilar.

15 MS. AGUILAR: Good evening, to the Chairman  
16 of the Board and to all of the Board Members.

17 CHAIRMAN AIZENSTAT: Speak a little louder,  
18 into the microphone, please.

19 MS. AGUILAR: Oh. Good evening to the  
20 Chairman of the Board and to all of the Board  
21 Members. I just wanted to --

22 CHAIRMAN AIZENSTAT: If you could state  
23 your name and address for the record.

24 MS. AGUILAR: My name is Mosezell Aguilar,  
25 and I live at 221 Florida Avenue --

1 CHAIRMAN AIZENSTAT: Thank you.

2 MS. AGUILAR: -- in the MacFarlane area,  
3 and this is my husband, Carlos Aguilar, and he  
4 also lives there, 221 Florida Avenue, and we  
5 just wanted to stand before you and make the  
6 request, as well, that we do want to be a part  
7 of the project and not be, you know, felt  
8 to be -- made to feel left out of the project,  
9 so, in having the hedge be six feet, it would  
10 kind of -- not only just cause us to feel left  
11 out, but also security issues, too, you know.  
12 So I think, you know, with it being this high,  
13 you know, people could -- you know, all kinds  
14 of things, anything could happen back there.  
15 So that was one of our other concerns, as well.  
16 So we would prefer, if it's okay with you guys,  
17 four feet.

18 MS. ALBERRO MENENDEZ: Can you show us on  
19 the map where you live, approximately?

20 MS. RUSSO: This right here.

21 This is the park. You're the first one.

22 MS. AGUILAR: Yes, the first house.

23 MS. ALBERRO MENENDEZ: So the hedge you're  
24 referring to is the one that's on the northern  
25 part of the property?





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1 MS. AGUILAR: Yes, right here.  
 2 MS. ALBERRO MENENDEZ: Okay.  
 3 MS. AGUILAR: It would be so high.  
 4 MS. ALBERRO MENENDEZ: Got it.  
 5 MS. AGUILAR: That was it.  
 6 CHAIRMAN AIZENSTAT: Thank you very much  
 7 for coming.  
 8 MS. AGUILAR: Okay.  
 9 CHAIRMAN AIZENSTAT: Thank you.  
 10 The second, please.  
 11 MS. MENENDEZ: Ms. Cooper?  
 12 MS. COOPER: Good evening. My name is  
 13 Leona Ferguson Cooper. I live at 200  
 14 Washington Drive, and I only have one short --  
 15 This is unusual for me. This is very short. I  
 16 want to tell you, I appreciate you hearing us  
 17 today and I hope that you will act favorably to  
 18 us, and that is it. We want to get this  
 19 project going. I am getting older, not  
 20 younger, and it has to happen now, and I  
 21 appreciate you doing it. Thank you very much,  
 22 from me and my husband and my community. Thank  
 23 you very much.  
 24 CHAIRMAN AIZENSTAT: Thank you for taking  
 25 the time to come.

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1 Any other speakers?  
 2 MS. MENENDEZ: No more speakers.  
 3 MS. RUSSO: There are no other speakers,  
 4 but if you want to ask by a show of hands, the  
 5 rest of the community is here in favor.  
 6 They're just not going to speak.  
 7 So, if everyone here who's in favor of the  
 8 project, please raise their hands.  
 9 CHAIRMAN AIZENSTAT: Is there anybody not  
 10 in favor of the project?  
 11 MS. RUSSO: We didn't allow them to come.  
 12 CHAIRMAN AIZENSTAT: Thank you.  
 13 Just -- Is there anybody not in favor of  
 14 the project? Okay. Thank you.  
 15 At this time, I will go ahead and close the  
 16 floor for public comments and open it up for  
 17 Board discussion.  
 18 MS. ALBERRO MENENDEZ: I have a few  
 19 questions.  
 20 CHAIRMAN AIZENSTAT: Please.  
 21 MS. ALBERRO MENENDEZ: A question to the  
 22 architect. How many seats --  
 23 CHAIRMAN AIZENSTAT: I think there's two  
 24 architects, the restaurant --  
 25 MS. ALBERRO MENENDEZ: Well, whoever -- the

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1 restaurant, the restaurant architect.  
 2 How many seats indoor and how many seats  
 3 outdoors?  
 4 MR. LOPEZ: We have a total of -- It's  
 5 on -- Oh, you have it on the sheet here, Page 4  
 6 of 7. There are 119 seats indoor and 112  
 7 outdoor.  
 8 MS. ALBERRO MENENDEZ: Why so much outdoor?  
 9 MR. LOPEZ: Part of the appeal of the  
 10 restaurant is the outdoor seating. You know,  
 11 we have two very different functions, an indoor  
 12 area and an outdoor area, and I think, being in  
 13 the location that it is, patrons will enjoy  
 14 sitting outside. You can see from the  
 15 renderings, it's a very organic, very green,  
 16 very garden-like feel to it. So we did want to  
 17 maximize the ability to sit outside, and that's  
 18 really why.  
 19 MS. ALBERRO MENENDEZ: How do we -- How do  
 20 we -- What are the timings of the outdoor use?  
 21 In other words, what time would you be closing  
 22 down the operations of the outdoor use?  
 23 CHAIRMAN AIZENSTAT: Actually, if I can  
 24 expand on that, just give us the hours, also,  
 25 of the restaurant.

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1 MS. RUSSO: The hours the restaurant will  
 2 be -- The restaurant will be open for lunch and  
 3 dinner, so it will be open as late as it can,  
 4 pursuant to Zoning Code requirements.  
 5 MS. ALBERRO MENENDEZ: It says 6:00 a.m.  
 6 If it's a Commercial use, it says 6:00 a.m., so  
 7 I'm trying to --  
 8 MS. RUSSO: Well, I think they're going to  
 9 open for lunch.  
 10 You're going to open for lunch around  
 11 eleven o'clock? I guess staff will come in to  
 12 start working for lunch. And you will work  
 13 till midnight?  
 14 MR. RUDOLPH: Well, during the week --  
 15 MS. RUSSO: Eleven, probably, weeknights,  
 16 and later -- I think that the Code allows to  
 17 you one or two o'clock on weekends, 1:00 to  
 18 2:00 a.m.  
 19 MS. ALBERRO MENENDEZ: Okay.  
 20 MS. RUSSO: So that's the intent, is to  
 21 meet the hours of a full-service restaurant  
 22 with a bar on weekend hours.  
 23 MS. ALBERRO MENENDEZ: Do you know what the  
 24 restrictions for a bar so close to schools, for  
 25 licensing purposes?

1 MS. RUSSO: This does not fall within that  
2 criteria. The criteria that exists is  
3 permission when you sell for consumption off  
4 the premises. When you have a liquor store,  
5 you need to get permission from the City when  
6 it's within 500 feet of a church or a school,  
7 when you're selling packaged, whether it's  
8 packaged beer, packaged wine, but it's for  
9 consumption off the premises, not for a  
10 restaurant.

11 MS. ALBERRO MENENDEZ: Not for the  
12 consumption --

13 MS. RUSSO: Not for consumption on the  
14 premises.

15 MS. ALBERRO MENENDEZ: All righty. What's  
16 your concern with the Commercial Limited?

17 MS. RUSSO: The Commercial Limited has --  
18 The particular section of the Code, and it's  
19 referenced there, talks about overnight  
20 accommodations and dining, outdoor dining. So  
21 the concern was, even though the outdoor dining  
22 has been oriented toward Grand Avenue, would be  
23 that someone would interpret Code Enforcement,  
24 actually -- because the neighborhood is behind  
25 and knows what the project involves -- is, the

1 difference between Commercial Limited and  
2 Commercial, besides the hearing process, which  
3 didn't matter to us because we would be here  
4 anyway, is, there can be no noise or outdoor  
5 dining after 8:00 p.m., and so noise -- and it  
6 can't be seen from a single-family. Well,  
7 we've landscaped it enough, both in the  
8 restaurant area as well as on the perimeter  
9 area, that we were not concerned that it was  
10 going to be seen, and we even had that legal  
11 interpretation from the City Attorney. The  
12 concern became having outdoor activities after  
13 8:00 p.m. at night. Obviously, the intent is  
14 to have outdoor dining until eleven o'clock at  
15 night on weekdays and later on the weekends.  
16 So we had to then change the zoning, because  
17 the C zoning does allow that for the  
18 restaurants.

19 MS. ALBERRO MENENDEZ: Okay.

20 MS. RUSSO: That's the distinction, and  
21 that was the reason for the request.

22 MS. ALBERRO MENENDEZ: Okay.

23 MR. LEEN: In answer to your question about  
24 the nuisance law regarding sound, basically the  
25 playing of music or anything like that, that

1 could be heard more than a hundred feet from  
2 the building or structure, it's till 11:00 p.m.  
3 on Sunday, Monday, Tuesday, Wednesday and  
4 Thursday, and it's until midnight on Friday and  
5 Saturday.

6 MS. ALBERRO MENENDEZ: Okay, thank you.  
7 Okay, thank you.

8 CHAIRMAN AIZENSTAT: Craig, what are the  
9 hours of -- or Charles, what are the hours,  
10 according to our Zoning Code, for a restaurant  
11 of this type, that it's allowed to be open?

12 MR. FLANAGAN: Can I ask a question while  
13 they're looking for that answer?

14 CHAIRMAN AIZENSTAT: Yes.

15 MR. FLANAGAN: While they're looking for  
16 that, Ms. Russo, I think Staff's Report says  
17 that the community center will be used at  
18 night. It will have to comply with the  
19 nighttime use limitations of the Code?

20 MS. RUSSO: Yes, it will comply with the  
21 nighttime uses. The use of the community  
22 center at night will be indoors. So the  
23 nighttime uses has to do with outside -- with  
24 outdoor activities, keeping noise inside.

25 MR. FLANAGAN: Okay, so the nighttime uses

1 of the community center can happen within the  
2 CL District?

3 MS. RUSSO: Correct, and -- Yes, that is  
4 correct.

5 MR. FLANAGAN: And then who sends -- Does  
6 the applicant send the mailing notices, or is  
7 that the City?

8 MS. RUSSO: For the neighborhood? For the  
9 mailing notices?

10 MR. FLANAGAN: The mailing notices, right.

11 MS. RUSSO: Well, the applicant provides  
12 the mailing list, a certified mailing list of  
13 the property owners within a thousand linear  
14 feet. Staff sends out notice of tonight's  
15 meeting, but the applicant sends out a notice,  
16 and we had a community meeting. We actually  
17 had two, one of the neighborhood and then one  
18 noticed with the larger thousand linear feet.

19 MR. FLANAGAN: Okay, and I ask -- This may  
20 wait until they answer this first question. I  
21 live within a thousand square foot -- a  
22 thousand foot radius of the project, and I have  
23 received zero notices.

24 MS. RUSSO: You were within a thousand from  
25 the perimeter of this, and you were not on the

<p style="text-align: right;">Page 45</p> <p>1 list? I will look at the list, because it's a  2 certified list. What is your --  3 MR. FLANAGAN: Yeah, I'd like to  4 double-check the list --  5 MS. RUSSO: Yeah.  6 MR. FLANAGAN: -- and make sure that, in  7 fact, mailings did go out, because I think  8 that's important.  9 MS. RUSSO: And you did not get one from  10 the City, either?  11 MR. FLANAGAN: No.  12 MS. RUSSO: What is your address, Mr.  13 Flanagan?  14 MR. FLANAGAN: 417 Cadagua.  15 MS. RUSSO: 417 --  16 MR. FLANAGAN: Cadagua.  17 MS. ALBERRO MENENDEZ: Cadagua. Cadagua  18 Avenue.  19 MS. RUSSO: And that's on the other side of  20 U.S. 1?  21 MR. FLANAGAN: Yeah.  22 MS. RUSSO: I'll check the radius. No,  23 I'll look at the radius map and let you know,  24 and find out.  25 MR. FLANAGAN: Okay. I mean, I think we</p>	<p style="text-align: right;">Page 47</p> <p>1 certified mail. But the list that we obtain is  2 obtained from a real estate data services  3 provider that certifies that, in fact, they  4 have obtained the list of all the property  5 owners, so you get a list of property owners  6 and then you get separate mailing labels.  7 So I will check on that, Mr. Flanagan, and  8 let you know.  9 CHAIRMAN AIZENSTAT: Charles, do you have  10 the hours?  11 MR. WU: Yes. The Code only talks about  12 when it's outdoor facilities.  13 CHAIRMAN AIZENSTAT: When it's what, I'm  14 sorry?  15 MR. WU: Outdoor facilities for  16 restaurants. Overnight -- I'm sorry. No  17 outdoor facilities, including pools, decks,  18 outdoor dining, drinking, which are visible  19 from land designated residential shall be used  20 or operated between the hours of 10:00 p.m. and  21 8:00 a.m. weekdays, and 10:00 p.m. and 8:00  22 a.m. on weekends.  23 MS. RUSSO: But that's in CL zoning, isn't  24 it?  25 MS. ALBERRO MENENDEZ: Yes.</p>
<p style="text-align: right;">Page 46</p> <p>1 should -- Do you have it with you, or does the  2 City have it with you?  3 MS. RUSSO: The City should have the  4 regular --  5 MR. WU: We have it. I'm trying to dig it  6 up.  7 MR. FLANAGAN: I'm not trying to pile on  8 questions right now. We'll do one at a time.  9 MR. WU: There's a map on Page 25.  10 MS. RUSSO: It's on Page 25 of your --  11 MR. FLANAGAN: No, I saw the map. But I  12 live within the radius, and I haven't received  13 any mailing, so I'm questioning and want to  14 make sure that, in fact, the mailings have gone  15 out and that proper legal notice has been  16 provided to everybody.  17 MS. RUSSO: I will double-check the  18 property list. This is just the map, but I  19 will look at the property owners list, as well  20 as the mailing labels, and let you know,  21 because you are --  22 CHAIRMAN AIZENSTAT: Is the mailing list --  23 When you do a mailing, is it done certified or  24 it just goes out?  25 MS. RUSSO: Well, the mailing list is not</p>	<p style="text-align: right;">Page 48</p> <p>1 MS. RUSSO: That's in CL zoning. That's  2 why we asked for the switch.  3 CHAIRMAN AIZENSTAT: But I'd like to know  4 what it is and what they're asking in the C.  5 MR. WU: The C, no patron -- It's not in C.  6 MR. LEEN: I did give an interpretation  7 that it has to be visible, though.  8 MS. RUSSO: Right.  9 MR. LEEN: And my understanding was, you  10 were going to block it off, so it was not  11 visible.  12 MS. RUSSO: No, we are blocking it off, but  13 the question that the Chairman has asked is,  14 what are the hours, in other words, regardless.  15 For example, if you go up and down U.S. 1, I  16 don't think the Zoning Code, the new Zoning  17 Code -- I think the old Zoning Code had hours  18 of operation for restaurants.  19 CHAIRMAN AIZENSTAT: Correct.  20 MS. RUSSO: And I want to say my  21 recollection is, it was like 11:00 or 12:00  22 during the week, and it had a 2:00 p.m. (sic)  23 cutoff on a weekend. It could be 1:00, maybe  24 it was 2:00.  25 MS. ALBERRO MENENDEZ: 2:00 a.m., 2:00 a.m.</p>

1 MS. RUSSO: 2:00 a.m., right? But the new  
2 Zoning Code does not address the hours of  
3 operation, at least not --

4 MS. ALBERRO MENENDEZ: Is that going to be  
5 in some form of restrictive covenant? Is that  
6 what we intend to do or --

7 CHAIRMAN AIZENSTAT: The reason I'm  
8 asking --

9 MS. RUSSO: The lease --

10 MS. SINKLE-KOLSKY: I restrict it under the  
11 lease, just so you know.

12 MS. ALBERRO MENENDEZ: A lease restriction?

13 MS. SINKLE-KOLSKY: It can be no later than  
14 2:00 a.m. on weekends.

15 MS. ALBERRO MENENDEZ: Okay.

16 MS. SINKLE-KOLSKY: We had to restrict it  
17 within your -- within their lease.

18 CHAIRMAN AIZENSTAT: And then you will go  
19 ahead and restrict that with the City as  
20 whatever you --

21 MS. RUSSO: We will put it in the City's  
22 restrictive covenant.

23 MR. LEEN: You proffer that?

24 MS. RUSSO: We proffer that the restaurant  
25 on weekends will not stay open later than 2:00

1 a.m.

2 CHAIRMAN AIZENSTAT: Okay. The reason I  
3 ask is because if I remember correctly, some  
4 time ago, there was a restaurant on Ponce, on a  
5 corner of Ponce, and --

6 MS. RUSSO: Uva.

7 CHAIRMAN AIZENSTAT: -- the City of Coral  
8 Gables was having an issue with the hours.

9 MS. ALBERRO MENENDEZ: Yeah.

10 MS. RUSSO: They were having an issue with  
11 the type of operation. The City thought it was  
12 operating as a club and not as a restaurant.

13 MR. LEEN: Right. We don't allow  
14 nightclubs. It's generally a prohibited use  
15 except for -- and if there is anything like  
16 that, there's a limitation on alcohol, as well.

17 CHAIRMAN AIZENSTAT: Okay.

18 MR. LEEN: So I think that that was the  
19 concern there. But the reason why I mentioned  
20 that was, I did think that you could do this in  
21 a CL. But you were concerned that perhaps it  
22 would be visible, that there would be  
23 complaints, and it was clear in a Commercial  
24 area.

25 MS. RUSSO: So --

1 MR. LEEN: The other thing I wanted to say  
2 is that even though it's 2:00 p.m. (sic), and  
3 that's fine -- Thank you for that proffer.

4 CHAIRMAN AIZENSTAT: 2:00 a.m.

5 MR. LEEN: 2:00 a.m., thank you, Mr. Chair.  
6 The noise ordinance still applies, though. So  
7 you do have to be careful about the noise being  
8 heard a hundred feet from that area. So, if it  
9 is disturbing the neighbors, they would be able  
10 to call up and make a complaint, and normally  
11 what happens is, the police will go out there  
12 and they'll ask you to be quiet, and they'll  
13 write a report if you don't.

14 CHAIRMAN AIZENSTAT: Just so I understand  
15 I'm clear, on Friday and Saturday, it's 2:00  
16 a.m.?

17 MS. RUSSO: Correct.

18 CHAIRMAN AIZENSTAT: And on Sunday through  
19 Thursday, it is 11:00 p.m.?

20 MS. RUSSO: I think before, was it 11:00 or  
21 midnight, under our old --

22 MS. ALBERRO MENENDEZ: It was midnight.

23 MS. RUSSO: Midnight.

24 MS. ALBERRO MENENDEZ: I don't think it was  
25 eleven.

1 MS. RUSSO: I mean, I don't know that it  
2 will be --

3 CHAIRMAN AIZENSTAT: That's fine. Okay,  
4 just --

5 MS. RUSSO: Yeah.

6 CHAIRMAN AIZENSTAT: So you've put --

7 MS. RUSSO: I don't know what it will be,  
8 but that's what the City hours --

9 CHAIRMAN AIZENSTAT: You agree to that?

10 MS. RUSSO: Yes, I will agree to Sunday  
11 through Thursday, midnight.

12 MS. ALBERRO MENENDEZ: I'd like to ask a  
13 question of Staff, and I'll finish my  
14 questions. Do we count -- Do we have parking  
15 requirements for outdoor seating?

16 MR. WU: No, we don't, if it's -- If the  
17 outdoor seating is 30 percent or less than the  
18 indoor seating area. That's the catch.

19 CHAIRMAN AIZENSTAT: And in this case, they  
20 fall within that?

21 MR. WU: Well, we have not been provided  
22 data on the square footage area between the  
23 outdoor and the indoor.

24 MS. RUSSO: We have a larger plaza area,  
25 but our outdoor dining is approximately 1381

<p style="text-align: right;">Page 53</p> <p>1 square feet -- here, I'll tell you -- and we're</p> <p>2 willing to limit the number of seats. See, we</p> <p>3 have a little bit more -- There's atmosphere in</p> <p>4 the outdoor plaza area, but I will limit the</p> <p>5 number of seats to what is shown so that it</p> <p>6 can't be --</p> <p>7 MS. ALBERRO MENENDEZ: I'm just concerned</p> <p>8 with the activity in the outdoors, the</p> <p>9 proximity to the residents.</p> <p>10 MS. RUSSO: Exterior seating area is 1,380,</p> <p>11 and the building area is 6,626, so it breaks</p> <p>12 down to 21 percent. But we show 112 seats, and</p> <p>13 I'd be more than happy to proffer and make it</p> <p>14 part of the restrictive covenant that the</p> <p>15 outdoor won't have more than 112 seats, which</p> <p>16 is --</p> <p>17 CHAIRMAN AIZENSTAT: If I may --</p> <p>18 MS. RUSSO: Yes.</p> <p>19 CHAIRMAN AIZENSTAT: Your indoor seating is</p> <p>20 going to be dictated, also, by the Fire</p> <p>21 Marshall, as to what you're allowed to put in</p> <p>22 for indoor seating.</p> <p>23 MS. RUSSO: Correct.</p> <p>24 CHAIRMAN AIZENSTAT: So let's do it based</p> <p>25 on the seating, not on the square footage,</p>	<p style="text-align: right;">Page 55</p> <p>1 of seating outside, because I don't know how</p> <p>2 the -- I really don't know how the Fire</p> <p>3 Marshall dictates exterior, but they do dictate</p> <p>4 interior, and they make you put a plaque that</p> <p>5 says the maximum seating is X amount.</p> <p>6 MR. FLANAGAN: Correct.</p> <p>7 MR. LOPEZ: That's why we have the seating</p> <p>8 summary and table summary, because like Laura</p> <p>9 said, the net area of dining area, exterior, is</p> <p>10 well below 30 percent. It's actually 21</p> <p>11 percent. But because we have a circulation</p> <p>12 area, we need areas for access to the building,</p> <p>13 et cetera, the plaza itself by square footage</p> <p>14 is what you're --</p> <p>15 CHAIRMAN AIZENSTAT: Right, but I'm not</p> <p>16 concerned so much about the square footage of</p> <p>17 the plaza area. I'm just asking more for your</p> <p>18 patrons sitting within that area. You know, I</p> <p>19 understand you may have some patrons standing</p> <p>20 outside, you know, smoking cigarettes -- I</p> <p>21 don't know how it is, if you can smoke inside</p> <p>22 or not, if it's a bar, so I'm not so concerned</p> <p>23 with that.</p> <p>24 MR. LOPEZ: Okay.</p> <p>25 CHAIRMAN AIZENSTAT: I'm more concerned</p>
<p style="text-align: right;">Page 54</p> <p>1 because you're saying that the outdoor area is</p> <p>2 going to go ahead and be used for other</p> <p>3 activities, and that's why you need that size.</p> <p>4 MS. RUSSO: Well, activity -- not other</p> <p>5 activities, just landscaping. In other words,</p> <p>6 the plaza area is larger --</p> <p>7 CHAIRMAN AIZENSTAT: I'm talking about the</p> <p>8 sitting area.</p> <p>9 MS. RUSSO: Right. The sitting area is</p> <p>10 confined to 1380 --</p> <p>11 CHAIRMAN AIZENSTAT: I understand, but what</p> <p>12 I'm saying is, if you have X amount of seats</p> <p>13 indoors --</p> <p>14 MR. LOPEZ: Right.</p> <p>15 CHAIRMAN AIZENSTAT: -- then does the Code</p> <p>16 say that you're allowed to have up to 30</p> <p>17 percent of those seats outdoors?</p> <p>18 MR. WU: No. It's based on square footage.</p> <p>19 MS. RUSSO: It's on square footage.</p> <p>20 CHAIRMAN AIZENSTAT: It's strictly on</p> <p>21 square footage. So you can basically --</p> <p>22 MS. ALBERRO MENENDEZ: Squeeze in.</p> <p>23 CHAIRMAN AIZENSTAT: -- squeeze in --</p> <p>24 MR. FLANAGAN: Double.</p> <p>25 CHAIRMAN AIZENSTAT: -- double the amount</p>	<p style="text-align: right;">Page 56</p> <p>1 about the amount of space that you would be</p> <p>2 having outside for patrons and not have the</p> <p>3 adequate parking within your facility.</p> <p>4 MR. LOPEZ: For the patrons standing in the</p> <p>5 plaza?</p> <p>6 CHAIRMAN AIZENSTAT: No, not so much</p> <p>7 standing, but the patrons that are actually</p> <p>8 getting food service and so forth, because I'm</p> <p>9 also going to assume that from the</p> <p>10 neighborhood, you're going to have patrons that</p> <p>11 are going to be coming from the neighborhood</p> <p>12 and walking over there.</p> <p>13 MS. RUSSO: Right.</p> <p>14 MR. LOPEZ: Correct.</p> <p>15 CHAIRMAN AIZENSTAT: That's the whole</p> <p>16 purpose that you stated of this project.</p> <p>17 MS. RUSSO: Right. Right, and if we're</p> <p>18 lucky, there may even be a trolley stop so that</p> <p>19 people could come via trolley and come from</p> <p>20 other parts of Coral Gables and dine at Tapco,</p> <p>21 with our trolley stop.</p> <p>22 MS. ALBERRO MENENDEZ: I've heard that for</p> <p>23 some time.</p> <p>24 MS. RUSSO: I just throw that out there as</p> <p>25 a --</p>

1 CHAIRMAN AIZENSTAT: And the other reason  
2 is because you are in a residential  
3 neighborhood, and then Code Enforcement is  
4 going to get calls saying, you know, "I've got  
5 all these cars that are parking on -- "

6 MS. ALBERRO MENENDEZ: Or the police.

7 CHAIRMAN AIZENSTAT: Or the police.

8 MS. RUSSO: Once again, I remind you that  
9 the tenant -- that there's going to be some  
10 lease restrictions, because the community is  
11 part of the owner. So, as owner of the  
12 project, they are participating in the lease  
13 negotiations to make sure that the restaurant  
14 lives up to its expectations under the lease,  
15 but at the same time, they want it to be as  
16 successful as possible, because they benefit  
17 from the profits of the restaurant, that will  
18 help them restore. So it's a delicate balance,  
19 but they want the restaurant to be as  
20 successful as possible, and this restaurant  
21 concept does rely on outdoor seating, which is  
22 why even designing it was difficult, because we  
23 were trying to make sure that we oriented it  
24 away from the single-family homes and toward  
25 the uses that don't have nighttime uses. I

1 mean, the elementary school and the parks  
2 really are not used in the evening.

3 CHAIRMAN AIZENSTAT: And if I remember  
4 correctly, when this project was brought before  
5 us previously, there was a parcel that the  
6 gentleman didn't want to sell.

7 MS. RUSSO: That is in the original. In  
8 the original site plan, there was a hole in the  
9 donut, and there was a single-family home, and  
10 when I presented the second site plan, the  
11 single-family home had been purchased, so that  
12 closed the hole in the donut --

13 CHAIRMAN AIZENSTAT: Okay.

14 MS. RUSSO: -- and allowed it to be a --

15 CHAIRMAN AIZENSTAT: Okay.

16 MS. RUSSO: Very good memory.

17 MR. BELLO: No questions.

18 MR. BELLIN: I have one question -- well, I  
19 have two questions. What is the issue with the  
20 hedge being four feet or six feet? Is it  
21 because of the single-family across the street?

22 MS. RUSSO: It's because of the  
23 single-family across the street, the Zoning  
24 Code requires the six-foot wall along the  
25 eastern boundary, adjacent -- commercial

1 adjacent to single-family, and it also requires  
2 the heavy landscaping, but it requires the  
3 hedge height to be six feet.

4 From the neighbors' standpoint, they didn't  
5 like the wall when it was built, being walled  
6 in. It's a feeling of being -- you know, being  
7 blocked out of your own project. So they like  
8 the hedge, they want the landscaping; they just  
9 want it lowered so it doesn't appear as if  
10 they're being walled out of their own project.

11 MR. BELLIN: But it's a Code requirement.

12 MS. RUSSO: Well, in a PAD, I think that  
13 you as Board members have some Staff and some  
14 ability, some flexibility, to relax some of  
15 those Code requirements.

16 MR. BELLIN: Do we?

17 MS. ALBERRO MENENDEZ: Well, it's a  
18 recommendation.

19 MS. RUSSO: Mr. City Attorney --

20 MS. ALBERRO MENENDEZ: It's a  
21 recommendation.

22 MS. RUSSO: Right, it would be --

23 MR. LEEN: It depends on the --

24 MS. ALBERRO MENENDEZ: It will be up to the  
25 Commission.

1 MS. RUSSO: The Commission.

2 MR. LEEN: It depends on the -- There is a  
3 criteria that you're making a finding on. The  
4 extent to which the proposed plan departs from  
5 the zoning and subdivision regulations  
6 otherwise applicable to the subject property,  
7 including but not limited to density, size,  
8 area, bulk and use, and the reasons why such  
9 departures are or are not deemed to be in the  
10 public interest.

11 So there is some -- There is a mechanism,  
12 there is a provision that obviously allows some  
13 departure from those requirements as long as  
14 they're in the public interest.

15 Now, there are some specific requirements  
16 in the PAD, though, too, that need to be  
17 complied with, and Staff will go through them,  
18 if you want, but yes, there is some  
19 flexibility.

20 MR. BELLIN: My last question is, how was  
21 the seating determined?

22 MS. RUSSO: How was the seating --

23 MR. BELLIN: How was the seating  
24 determined? How did they figure, so many  
25 seats?

1 MS. RUSSO: I will allow the architect to  
2 answer that.

3 MR. LOPEZ: Seating on the exterior seats?

4 MR. BELLIN: Interior.

5 MR. LOPEZ: Interior?

6 MR. BELLIN: Yes.

7 MR. LOPEZ: Well, like Laura has mentioned,  
8 there is a restaurant currently at Fort  
9 Lauderdale and this was based somewhat on the  
10 success and the operation of that restaurant,  
11 and mimicking the scope of that restaurant to  
12 this one.

13 MR. BELLIN: But isn't the seating based on  
14 so many seats on a square-foot basis?

15 MR. LOPEZ: By Code?

16 MR. BELLIN: Yes.

17 MR. LOPEZ: Well, you are -- I do not know  
18 for sure, to be honest with you. The seating  
19 requirement for indoor patrons, I do not  
20 believe is a requirement of -- is not a -- you  
21 know, I don't think it's a by-product of area  
22 of restaurant. I don't know that for sure.

23 MR. BELLIN: Okay.

24 CHAIRMAN AIZENSTAT: Well, can -- City  
25 Staff, is there somebody that can answer that?

1 MR. WU: I'm sorry, what's the question,  
2 please?

3 CHAIRMAN AIZENSTAT: The question is, how  
4 is the seating area determined -- in the indoor  
5 area, how do you determine how many seats  
6 they're allowed to have? Is it determined by  
7 the square footage? Is it determined by  
8 parking spaces, maybe?

9 MS. RUSSO: Parking.

10 MR. WU: The seating area is based -- The  
11 question is, how is the indoor seating area  
12 determined?

13 CHAIRMAN AIZENSTAT: Yes.

14 MR. BELLIN: My question is, how did they  
15 get to X number of seats? What is it based on?

16 MS. RUSSO: It's back to the parking, isn't  
17 it?

18 MR. WU: It's based on the floor plan.

19 MR. LOPEZ: Yeah, it's --

20 MR. WU: The layout, the tables and  
21 chairs --

22 (Simultaneous voices)

23 MR. LOPEZ: The floor plan, the layout, the  
24 size of the restaurant, the number of patrons  
25 that we're looking to accommodate. The parking

1 is related to the square footage. So the  
2 seating isn't a by-product of how many parking  
3 spaces we have. The parking is a by-product of  
4 how much square footage we have in the  
5 building. So, if you're asking if we come up  
6 with 119 interior seats based on the amount of  
7 dining area, that is not what we've done.  
8 That's not what we've done. We've done, based  
9 on what we think we need to accommodate the  
10 number of patrons we anticipate visiting the  
11 site.

12 CHAIRMAN AIZENSTAT: Charles, do you have  
13 any information?

14 MR. WU: If you can look at the floor plan,  
15 you can see how -- I'm trying to find the page  
16 here.

17 MS. RUSSO: Page 5 of 7 in the little  
18 booklet.

19 MR. WU: It shows how they lay out the  
20 tables, and every table has the seating of six,  
21 and that pretty much determines the seating for  
22 the indoors. And I don't know if this answers  
23 your question. This is pretty much a design  
24 layout for the restaurant operator and how they  
25 designed the restaurant.

1 MR. BELLIN: But there's certain criteria  
2 that determine how many seats you could have in  
3 a restaurant. If you've got a thousand square  
4 feet, you can't have a thousand seats.

5 MR. LOPEZ: Sure.

6 CHAIRMAN AIZENSTAT: So I guess what he's  
7 asking is --

8 MS. RUSSO: Circulation?

9 CHAIRMAN AIZENSTAT: -- what's your  
10 criteria? How do you determine?

11 MS. RUSSO: Circulation, kitchen function,  
12 the ability of the wait staff to --

13 MR. BELLIN: Normally, it's figured so many  
14 square feet equals --

15 MR. LOPEZ: One seat.

16 MR. BELLIN: -- one seat.

17 MR. LOPEZ: Okay.

18 MR. BELLIN: But that wasn't taken into  
19 account?

20 MR. LOPEZ: I'm not familiar with that, no.

21 MR. BELLIN: The only reason I bring it up  
22 is because if you don't base it on --  
23 especially when you get to the Fire Marshall,  
24 you know, there's a whole lot of criteria, but  
25 I think you need to take a look at that.

1 MR. LOPEZ: Okay, we'll certainly look at  
2 it.  
3 CHAIRMAN AIZENSTAT: I mean, I assume that  
4 when they're going to go for plans and --  
5 MS. RUSSO: For construction, the Fire  
6 Marshall is going to --  
7 CHAIRMAN AIZENSTAT: Well, apart from the  
8 Fire Marshall, I have to assume that the City  
9 Staff, whoever is reviewing the plans, are  
10 going to look at the number of seats and do it  
11 accordingly as to what the Code requires.  
12 MS. RUSSO: Absolutely. Part of it being  
13 permitted through the construction process, the  
14 Fire Marshall -- Fire has to sign off on the  
15 actual --  
16 MR. BELLIN: I think it would be a good  
17 exercise to figure out now if they've got more  
18 seating than they're allowed.  
19 MS. RUSSO: Correct. I agree. We'll set  
20 up a meeting. Between now and then, I'll set  
21 up a meeting with the Fire Department and with  
22 the architect, so they can go through that and  
23 make sure, absolutely. So I'll do that.  
24 CHAIRMAN AIZENSTAT: So the seating can  
25 change, depending upon what you're allowed by

1 Code and Fire Marshall; is that correct?  
2 MR. LOPEZ: That's correct. I will tell  
3 you that the exits, the exit requirement,  
4 that's all based on number of occupants  
5 anticipated per assembly use, so all that stuff  
6 does comply as far as life safety, egress  
7 issues, based on the seating that we've  
8 provided.  
9 CHAIRMAN AIZENSTAT: But your square  
10 footage will not change because you're doing a  
11 site plan as per the approval.  
12 MS. RUSSO: Correct. What you have, this  
13 site plan is what is -- Correct, the 6200  
14 whatever, that's not going to --  
15 CHAIRMAN AIZENSTAT: Because if you're  
16 saying, "I'm going to have 150 seats inside" --  
17 MS. RUSSO: We have 119.  
18 CHAIRMAN AIZENSTAT: You've got 119 seats  
19 inside, and then you get to the plan process  
20 and they tell you, "Well, you can only have 67  
21 seats," and then you say, "Well, to get 119,  
22 now we've got to do the restaurant, you know,  
23 9,000 and change square feet."  
24 MS. RUSSO: We have to come back to you,  
25 so there's no -- so it's not something that

1 could happen without us --  
2 CHAIRMAN AIZENSTAT: It would be based on  
3 the site plan?  
4 MS. RUSSO: On the site plan, correct.  
5 MR. FLANAGAN: I'd like to --  
6 MS. RUSSO: Absolutely correct.  
7 MR. FLANAGAN: Can I --  
8 CHAIRMAN AIZENSTAT: Marshall, were you  
9 done?  
10 MR. BELLIN: Yeah.  
11 CHAIRMAN AIZENSTAT: Okay.  
12 MR. FLANAGAN: I've just got a follow-up on  
13 that, though, Charles. Then how is the parking  
14 ratio determined for this type of project?  
15 MR. WU: I'm looking at that now.  
16 MR. BELLIN: It's based on so many parking  
17 spaces per square feet.  
18 MS. RUSSO: Per square foot --  
19 MR. FLANAGAN: Per square foot of building  
20 or is it per seat in a restaurant?  
21 MR. BELLIN: Building.  
22 MS. RUSSO: Per square foot of building.  
23 MR. BELLIN: The seating area.  
24 MR. FLANAGAN: The seating area?  
25 CHAIRMAN AIZENSTAT: It's the seating area.

1 MR. FLANAGAN: Well, I'm waiting for this  
2 end -- for the --  
3 MR. WU: I want to clarify one thing about  
4 the 30 percent. The Code does say that 30  
5 percent of the outdoor seating area is based on  
6 the indoor seating area only.  
7 CHAIRMAN AIZENSTAT: Indoor seating --  
8 MR. WU: Area.  
9 MS. ALBERRO MENENDEZ: Right, so it can't  
10 include the bathrooms or the kitchen.  
11 CHAIRMAN AIZENSTAT: It doesn't include the  
12 kitchen.  
13 MS. RUSSO: That's correct.  
14 MR. WU: Correct. So we do not have that  
15 data to tell you whether they met 30 percent or  
16 not, so that's why we put the condition that  
17 they have to meet 30 percent, period.  
18 MS. RUSSO: We've shown it in our  
19 calculations, but, you know, Zoning has to go  
20 through it when you do your construction  
21 drawings, so it will be dictated by --  
22 CHAIRMAN AIZENSTAT: Is there a --  
23 Charles, would there be a possibility that,  
24 let's say, when they do their construction  
25 drawings, it ends up that they can only have --



1 I'm just saying 60 seats inside as an example,  
2 but -- because we're calculating by the floor  
3 area ratio of the restaurant, they can have  
4 outdoor 140 seats. I don't know, I'm just  
5 giving it a hypothetical. Could that happen,  
6 since it's not calculated based on a percentage  
7 of the seats?

8 MR. WU: Correct. If it's just based on  
9 the area, and I don't think we've run into that  
10 problem, per se, and until we run into that  
11 problem, we'll bring forth some Code changes to  
12 address it, but that's how the Code is written,  
13 and I understand it's been in force for a  
14 while. It's based on the square footage of the  
15 interior dining, because we felt, based on the  
16 ratio of the sitting area from the inside,  
17 likewise on the outside, we have a comfort  
18 level that 30 percent is the cutoff that you do  
19 not have to provide parking.

20 MR. LEEN: Yes, Mr. Chair, I think it's  
21 important to recognize that the different  
22 concerns that have been raised are each  
23 addressed in different ways, but there's no --  
24 There's nothing in the Code about the total  
25 limit of seats, which is what I think you're

1 saying. What it's talking about is, noise is  
2 regulated by the noise ordinance; square  
3 footage -- parking is regulated by square  
4 footage here.

5 Now, I mean, if what you're getting at is,  
6 are you able to place a condition limiting the  
7 amount of people or the amount of chairs or  
8 something like that, well, first I would see if  
9 they're willing to proffer that, but in  
10 addition, I do -- ultimately, if you think that  
11 there's an impact to the community, the  
12 surrounding community, because there's too many  
13 people at the site -- but you'd have to find  
14 that, and there would have to be some evidence  
15 of that, and you'd have to explain why you  
16 think there needs to be that limit, but there  
17 are a couple provisions that would relate to  
18 that, the desirability of the proposed PAD to  
19 physical development of the entire -- Pardon  
20 me. The compatibility of the proposed PAD with  
21 the adjacent properties and neighborhood, as  
22 well as the current neighborhood context,  
23 including current uses. So, if you had some  
24 specific concern about the amount of people or  
25 the amount of patrons of this restaurant,

1 there's probably something you could do about  
2 it, but first I would see if they're willing to  
3 proffer something, and then you should -- you  
4 know, you need to consider that, because you're  
5 also getting involved then with the amount  
6 of -- because the Code talks about square  
7 footage, but now you're saying, "Well, you can  
8 only have so many chairs within that square  
9 footage," and that would be -- We haven't done  
10 that before, at least since I've been here.

11 MS. ALBERRO MENENDEZ: I'm more concerned  
12 with the -- The number of patrons, I'm not  
13 ready to regulate that, but the number of  
14 parking spaces, to make sure that it doesn't  
15 overflow into the neighborhood. I live close  
16 to a commercial area, and I can tell you, we  
17 always have commercial parking in my  
18 neighborhood. So it's just really to protect  
19 the neighborhood. But, you know, if it meets  
20 zoning, I'm fine with it.

21 CHAIRMAN AIZENSTAT: But in this case,  
22 also, the neighborhood and the neighbors are  
23 part of the project.

24 MS. ALBERRO MENENDEZ: Right. Exactly.

25 CHAIRMAN AIZENSTAT: So it's a little

1 different.

2 MR. WU: Mr. Chair, just for full  
3 disclosure, the parking ratio for restaurant is  
4 based on square footage of the restaurant, 12  
5 spaces per thousand square feet.

6 CHAIRMAN AIZENSTAT: 12 per thousand?

7 MR. WU: Square feet, and the second part I  
8 would like to disclose is that as proposed  
9 today, they're short two parking spaces.

10 MR. FLANAGAN: Say it -- I'm sorry?

11 MR. WU: They're already short two parking  
12 spaces.

13 MR. FLANAGAN: They're short two parking  
14 spaces?

15 CHAIRMAN AIZENSTAT: They're short?  
16 Because it showed that they were in excess, no?

17 MR. WU: Well --

18 MS. ALBERRO MENENDEZ: I saw in the  
19 zoning --

20 MS. RUSSO: The shortage -- the shortage  
21 may be a result, and we're not sure, the  
22 calculations haven't all been done, but we may  
23 be short two based on changes requested by the  
24 Planning and Zoning Director, who's not here  
25 tonight, and members of the Board of

1 Architects. Ramon Trias and members of the  
2 Board of Architects wanted to move the trash  
3 room, which was situated in a way, and the  
4 original restaurant layout inside had rest  
5 rooms on -- I'm going to let Chris point out to  
6 you. So Ramon and members of the Board of  
7 Architects, it was a joint effort, decided they  
8 didn't like the rest rooms in that location,  
9 and they wanted the rest rooms to be moved and  
10 windows to be opened so that that intersection  
11 of Grand and U.S. 1 would be a dining area,  
12 where people could sit and look out to U.S. 1.  
13 So that's why we went to the Board so many  
14 times.

15 So, as a result of moving what were the  
16 restaurant's original proposed plans for their  
17 internal operations, based on the Board of  
18 Architects -- and I did make an argument that I  
19 didn't think it was appropriate to go indoors,  
20 but they felt that because of the indoors, it  
21 was impacting the physical aesthetic on the  
22 exterior, that they had the ability to make  
23 that. We had to change the interior function  
24 of the restaurant. So it's not matching the  
25 one in Fort Lauderdale, because the one in Fort

1 Lauderdale has the bathrooms in that location.  
2 So the bathrooms were moved over, messing up  
3 the kitchen that was planned. The kitchen had  
4 to be expanded.

5 And Ramon Trias and the members of the  
6 Board of Architects said, "Well, since you're  
7 doing a PAD, a PAD allows you some flexibility  
8 with your setbacks, so you're able to encroach  
9 a little bit more. If you're getting a better  
10 design and something that functions better  
11 internally, it all in all will be a better  
12 project."

13 So in order to accommodate the flip -- it  
14 wasn't that easy, the flipping of the  
15 bathrooms, and it also had to do with the  
16 aesthetic of the front entrance on U.S. 1,  
17 which we don't think will really be a super  
18 front entrance because you're going to, you  
19 know, probably be a hood ornament, crossing  
20 U.S. 1, but to give it the aesthetic, and  
21 that's why there was a request to remove the  
22 wall and add enhanced landscaping in the park.

23 So, as a result, which was last Thursday --  
24 but because of the grant and what Mr. Leen told  
25 you, we didn't have all the time in the world

1 to make those changes -- this revised package  
2 is going before the Board of Architects  
3 tomorrow at a time certain, so we can stay on  
4 our track. So we may be off by two parking  
5 spaces, but Ramon said the PAD could  
6 accommodate these -- these, you know,  
7 deviations from the Zoning Code in order to get  
8 a better project for the City and for the  
9 community.

10 MR. LEEN: And if I may, I share a similar  
11 view to the one expressed by Ms. Russo  
12 regarding Ramon's view here, because the PAD  
13 provisions do say that you apply the parking  
14 requirements of the zoning district, the  
15 underlying zoning district. It says that. The  
16 PAD requirements also say that you can deviate  
17 from the Zoning Code in the public interest, at  
18 least that provision I read to you before.

19 I think here, where the change was made by  
20 the Board of Architects, and it was not  
21 required by law, it was a design change, and  
22 that causes them not to have two parking  
23 spaces, I think it can be approved. I think  
24 ultimately the Commission can approve that  
25 without a variance.

1 CHAIRMAN AIZENSTAT: But what was presented  
2 to us, if I'm not mistaken, was that you had a  
3 surplus of two parking spaces.

4 MS. RUSSO: In the calculation. You  
5 have --

6 MS. ALBERRO MENENDEZ: The zoning analysis  
7 says that.

8 MS. RUSSO: And if you look at --

9 MS. ALBERRO MENENDEZ: And now it changed.

10 MS. RUSSO: It changed.

11 MS. ALBERRO MENENDEZ: Okay.

12 MR. FLANAGAN: And the problem is, like the  
13 project or not, we're being asked to make a  
14 decision based on competent, substantial  
15 evidence that's been presented before us, and  
16 it sounds like this is a moving target, and I  
17 don't feel that we have the whole picture  
18 before us. This cake is basically half-baked.  
19 And I understand why it's before us, and I can  
20 fully appreciate that and trying to fast-track  
21 it, but we keep getting conflicting  
22 information, which makes it very difficult --  
23 and I've said it in past meetings and you've  
24 probably heard me. When we're getting  
25 conflicting information, it makes it very

1 difficult for us, or at least for me, to make  
2 an informed decision, which is what is my  
3 responsibility.

4 But following up with that, Charles, can  
5 you discuss what the right-of-way  
6 improvements -- This kind of piggybacks onto  
7 parking. What are the right-of-way  
8 improvements that are talked about in the  
9 Staff Rec. that are going to need to be made,  
10 and what on-street parking is being lost and  
11 where, that they'll have to make a contribution  
12 for?

13 MR. WU: The numbers, I don't believe has  
14 been finalized, in terms of how many parking --  
15 on-street parking spaces have been lost,  
16 because that also needs to be reviewed by the  
17 County, because Grand is the jurisdiction of  
18 the County. The curb cut along Grand needs to  
19 be modified, if you can look at the graphic on  
20 4 of 7 in the handout you got today.

21 MR. FLANAGAN: I'm sorry, which --

22 CHAIRMAN AIZENSTAT: 4 of 7.

23 MR. WU: 4 of 7.

24 MR. FLANAGAN: Here, today?

25 MS. RUSSO: If I may, Mr. Flanagan, the

1 retrieve the kids.

2 MS. RUSSO: Right.

3 MR. FLANAGAN: All right. The  
4 intersection -- and I'm going to put this out  
5 there for the City. It's not for the  
6 applicant. Grand Avenue, heading eastbound at  
7 the intersection with U.S. 1, you have two  
8 lanes that go eastbound. Historically, there  
9 was striping so that the right lane was the  
10 through lane going east on Grand into the  
11 Grove, and the left lane was a left turn only,  
12 so you would have to go north on U.S. 1. That  
13 striping has been worn out for many, many  
14 moons. I have been the recipient of some  
15 not-so-polite drivers who don't realize that  
16 they're supposed to go left, and as they go  
17 through the intersection, trying to go  
18 straight, they try and merge to the right, and  
19 two cars colliding side by side, that hasn't  
20 happened yet, but we've come awfully close  
21 several times. So I've actually asked -- The  
22 City at one point followed up with FDOT, who I  
23 think is responsible for -- I don't know if it  
24 was FDOT or the County for maintaining and  
25 restriping, and I'm going to put it out there

1 curb cut that you're seeing on Grand Avenue has  
2 already been approved by Miami-Dade County, and  
3 my traffic engineer tells me that on this plan  
4 that's here, we have no loss of on-street  
5 parking. We are aware that if there were to  
6 be, based on calculations of, you know, moving  
7 trees, a loss of on-street parking, that there  
8 is a payment required for it.

9 MR. FLANAGAN: Okay, so you're talking, Ms.  
10 Russo, about the eastern curb cut that will  
11 allow you to make a left turn movement into the  
12 property?

13 MS. RUSSO: That is correct. That has  
14 already been approved by --

15 MR. FLANAGAN: Okay.

16 MS. RUSSO: -- Miami-Dade County.

17 MR. FLANAGAN: That's fine. So as now,  
18 you're saying no loss of on-street parking?

19 MS. RUSSO: That's correct.

20 MR. FLANAGAN: Okay, and I ask because, as  
21 most people know, Carver is very -- That area  
22 gets extremely crowded and congested during  
23 drop-off and pick-up for Carver, and I know a  
24 lot of the parents park on both sides, north  
25 and south of Grand, in order to drop off or

1 again, because there's been some fresh  
2 pavement, some fresh striping, but the left  
3 turn arrow is still missing.

4 MR. WU: Okay.

5 MR. FLANAGAN: So, if it's not going to be  
6 a left-turn lane, I think it becomes a much  
7 bigger discussion. Hopefully, you're going to  
8 have a lot more people going through that  
9 intersection to go to the restaurant, so  
10 something is going to have to be done on the  
11 other side of U.S. 1, to figure out what the  
12 proper turning movements are and how to  
13 accommodate two through lanes, if that in fact  
14 is going to remain the way it sits today.

15 So I put it out there for Staff, and you  
16 may want to take a look at it, because there  
17 are some conflicts created.

18 MS. RUSSO: Okay. I'll have our traffic  
19 engineer take a look at that and then discuss  
20 it with Public Works, as well as FDOT and the  
21 County.

22 MR. FLANAGAN: That's all I have.

23 CHAIRMAN AIZENSTAT: Marshall?

24 MR. BELLIN: Okay, I think that this boils  
25 down to, really, do we want this project or

1 don't we want this project, and the --  
 2 and there are a number of problems, but I think  
 3 that if we determine we want this project, then  
 4 we go ahead and vote for it. I see a lot of  
 5 problems with respect to the restaurant area.  
 6 Apparently, nobody's figured out what the  
 7 occupancy load allowed is, and all the other  
 8 things are based on that, the number of  
 9 bathrooms, the width of the exits, the number  
 10 of exits, and I -- I just don't understand at  
 11 this point, you know, how you came up with the  
 12 number. It seems like it was very arbitrary.

13 MR. LOPEZ: If I may, the number of seats,  
 14 like I said, has been determined, not by Code,  
 15 but by what we thought -- what the tenant is  
 16 anticipating as far as business.

17 MR. BELLIN: Yeah, but that's not how it  
 18 works.

19 MR. LOPEZ: Egress, number of bathrooms,  
 20 all of those things, all the life safety  
 21 issues, all the Code issues, all those things  
 22 have been addressed, and this does meet the  
 23 Code; the plan in front of you does.

24 MR. BELLIN: Okay.

25 CHAIRMAN AIZENSTAT: Marshall --

1 MS. RUSSO: And for your concern, I  
 2 understand your concern, and I will make  
 3 arrangements for the architect to meet with the  
 4 Fire Department, with Chief Lowman, if  
 5 necessary, in order to determine that --

6 MR. BELLIN: Sure.

7 MS. RUSSO: -- the proposed number, so I  
 8 will --

9 MR. BELLIN: I'm just trying to save --

10 MS. RUSSO: Right. No, no, no.

11 MR. BELLIN: -- a lot of heartache in the  
 12 future.

13 MR. LOPEZ: Sure. I appreciate it.

14 MS. RUSSO: I will try to get that -- in  
 15 fact, I'll try to make that appointment  
 16 tomorrow so that we have this before we go to  
 17 the Commission.

18 CHAIRMAN AIZENSTAT: Well, yeah, when they  
 19 go -- Assuming that it is approved and  
 20 everything is approved when they go ahead and  
 21 do their working drawings --

22 MS. RUSSO: Well, I understand, but  
 23 Marshall wants us to solve that problem way  
 24 ahead.

25 CHAIRMAN AIZENSTAT: I understand, but

1 you're going to hit a brick wall at that point.

2 MR. BELLIN: Yeah, but we want to avoid  
 3 that.

4 CHAIRMAN AIZENSTAT: I understand. I  
 5 understand.

6 He's just trying to be helpful.

7 MS. RUSSO: I thank you, and I will work on  
 8 that starting tomorrow morning.

9 MR. PEREZ: I just have one quick question.  
 10 Is it full liquor, a full liquor bar?

11 MS. RUSSO: Excuse me?

12 MR. PEREZ: Is there a full liquor bar?

13 MS. RUSSO: There is a full liquor bar.

14 MR. PEREZ: So just from a zoning  
 15 perspective, how does that play into the school  
 16 across the street?

17 MS. ALBERRO MENENDEZ: I asked that.

18 MS. RUSSO: Ms. Menendez asked the same  
 19 question. As long as you're not selling  
 20 packaged for consumption off the premises,  
 21 there is no special requirement. If this were  
 22 to be a liquor store, a package store, for  
 23 consumption, a 7-Eleven, or a convenience  
 24 store, or even a Walgreens or a CVS, you know  
 25 how they sell six-packs of beer, then you would

1 have to get approval from -- it used to be the  
 2 Board of Adjustment, you would need permission  
 3 if you had a school or a church within 500  
 4 linear feet, but because this is for  
 5 consumption on the premises, that does not  
 6 apply.

7 CHAIRMAN AIZENSTAT: Thank you.  
 8 Anybody else?

9 MR. WU: Mr. Chair, if I could add one  
 10 thing for consideration.

11 CHAIRMAN AIZENSTAT: Yes.

12 MR. WU: The applicant did put on the table  
 13 no live music, whether you want to put that as  
 14 a restriction.

15 CHAIRMAN AIZENSTAT: Well, that's what  
 16 we'll see as far as if there's a motion and so  
 17 forth. We'll --

18 MR. WU: And don't forget your script.

19 MR. FLANAGAN: I don't have a script.

20 CHAIRMAN AIZENSTAT: I don't have one.

21 MR. WU: It's the very last page of your  
 22 Staff Report.

23 CHAIRMAN AIZENSTAT: Very last page?

24 MS. ALBERRO MENENDEZ: What are the  
 25 scripts?

1 MR. FLANAGAN: You need to read that if you  
2 want to make a motion.

3 MS. ALBERRO MENENDEZ: No, I'm going to  
4 make a motion -- Are we ready to make a motion?

5 CHAIRMAN AIZENSTAT: If you'd like to make  
6 a motion --

7 MS. ALBERRO MENENDEZ: I'd like to make a  
8 motion that we recommend approval, subject to a  
9 condition that in the restricted covenant that  
10 I guess is being proffered, that will be signed  
11 by this -- or, you know, given to the City,  
12 that we make sure that we have the necessary  
13 conditions that will protect the neighborhood,  
14 such as the noise, make sure that they adhere  
15 to the noise ordinance, make sure that they  
16 have the services cut at a certain time. I  
17 heard 2:00 a.m., which is typical in the  
18 Gables. The overflow parking, no overflow  
19 parking in the residential neighborhoods, et  
20 cetera, et cetera, just so that there's no, you  
21 know, suffer quality of life issues as a result  
22 of the restaurant/bar.

23 CHAIRMAN AIZENSTAT: So, if I can clarify,  
24 you're adding no live music?

25 MS. ALBERRO MENENDEZ: No, I didn't say

1 that. I want them to adhere to the existing  
2 noise ordinance, which --

3 CHAIRMAN AIZENSTAT: And what about the  
4 hours of operation?

5 MS. ALBERRO MENENDEZ: I heard that the  
6 operations will be typical of restaurants in  
7 the Gables, which is 2:00 a.m. on the weekends?

8 MS. RUSSO: Friday and Saturday night.

9 MS. ALBERRO MENENDEZ: And Fridays and  
10 Saturdays at 12:00 -- I mean, I'm sorry,  
11 weekdays --

12 MS. RUSSO: Midnight.

13 MS. ALBERRO MENENDEZ: Midnight.

14 CHAIRMAN AIZENSTAT: Would you ask the  
15 applicant to proffer --

16 MS. RUSSO: We are proffering no live  
17 music, so that will be added to our restrictive  
18 covenant.

19 CHAIRMAN AIZENSTAT: So no live music, and  
20 the hours you're proffering --

21 MS. ALBERRO MENENDEZ: The hours is the  
22 ones that --

23 MS. RUSSO: 2:00 a.m.

24 MS. ALBERRO MENENDEZ: Yeah, they proffered  
25 it, so --

1 MS. RUSSO: Right, 2:00 a.m., on Fridays  
2 and Saturdays, and 12:00 midnight on the other  
3 days of the week, Sunday through Thursday.

4 MS. ALBERRO MENENDEZ: And the parking  
5 overflow.

6 MS. RUSSO: And the parking.

7 CHAIRMAN AIZENSTAT: And what about the  
8 hedges, the hedge?

9 MS. ALBERRO MENENDEZ: I think if the  
10 residents don't want a six-foot hedge, why  
11 would we require a six-foot hedge? You know,  
12 that's really for their protection. It's a  
13 buffer between commercial and residential. I  
14 mean, that could change. I mean, if it becomes  
15 a problem, I guess the City could revisit it  
16 and require the hedge, if they're willing to do  
17 that.

18 MS. RUSSO: I'm happy to put in that --

19 MS. ALBERRO MENENDEZ: I mean, a hedge is a  
20 hedge.

21 MS. RUSSO: -- with the neighbors'  
22 permission, that we go with a four-foot hedge,  
23 and if the neighbors have an issue, you will  
24 let us know and then --

25 MS. ALBERRO MENENDEZ: Right.

1 MS. RUSSO: -- we can make sure that the  
2 hedges grow up to six feet high.

3 CHAIRMAN AIZENSTAT: Okay, we have that  
4 motion.

5 MS. ALBERRO MENENDEZ: That's my motion.

6 CHAIRMAN AIZENSTAT: That way. Is there a  
7 second?

8 MR. PEREZ: I'll second.

9 MR. LEEN: So, just to clarify, the motion  
10 is as to the first one, the ordinance --

11 CHAIRMAN AIZENSTAT: Yes.

12 MR. LEEN: -- requesting review of the  
13 Planned Area Development, okay.

14 CHAIRMAN AIZENSTAT: Yes, let's do the  
15 first item.

16 MR. LEEN: Yes, okay.

17 CHAIRMAN AIZENSTAT: We have a first and  
18 second. Is there any discussion?

19 Having heard none, call the roll, please.

20 MS. MENENDEZ: Maria Menendez?

21 MS. ALBERRO MENENDEZ: Yes.

22 MS. MENENDEZ: Alberto Perez?

23 MR. PEREZ: Yes.

24 MS. MENENDEZ: Marshall Bellin?

25 MR. BELLIN: Yes.

1 MS. MENENDEZ: Anthony Bello?  
 2 MR. BELLO: Yes.  
 3 MS. MENENDEZ: Jeff Flanagan?  
 4 MR. FLANAGAN: Yes.  
 5 MS. MENENDEZ: Eibi Aizenstat?  
 6 CHAIRMAN AIZENSTAT: Yes.  
 7 As to the second item --  
 8 MS. ALBERRO MENENDEZ: I'd like to make the  
 9 same motion, unless somebody wants to add  
 10 something to it.  
 11 CHAIRMAN AIZENSTAT: Please continue.  
 12 MS. ALBERRO MENENDEZ: The motion is that  
 13 we recommend approval, subject to conditions  
 14 set forth in the restrictive covenant that  
 15 provides protection to the neighborhoods -- the  
 16 residential neighborhood.  
 17 CHAIRMAN AIZENSTAT: And with Staff's  
 18 recommendations?  
 19 MS. ALBERRO MENENDEZ: Oh, I didn't read  
 20 the recommendations. Let me read the  
 21 recommendations.  
 22 MR. LEEN: Ms. Russo, are you okay  
 23 proffering that? It is a rezoning.  
 24 MS. ALBERRO MENENDEZ: Is this the script?  
 25 MR. LEEN: Are you proffering those?

1 MS. RUSSO: In the rezoning? I think  
 2 Maria -- Ms. Menendez, I think in that, because  
 3 the second ordinance is for the rezoning --  
 4 MR. LEEN: It's just for rezoning.  
 5 MS. RUSSO: -- that we want the conditions  
 6 to be on the site plan, but on the change in  
 7 zoning, if you put the --  
 8 MS. ALBERRO MENENDEZ: Got it. You're  
 9 right. Yes.  
 10 MS. RUSSO: Okay, because --  
 11 MR. LEEN: It's only if they would proffer  
 12 it.  
 13 MS. ALBERRO MENENDEZ: Yes.  
 14 MR. LEEN: But you have already -- You're  
 15 proffering that as to the first one.  
 16 MS. RUSSO: I'm already proffering the  
 17 conditions for the site plan.  
 18 MS. ALBERRO MENENDEZ: Okay.  
 19 MS. RUSSO: On the change in zoning, we'd  
 20 like it to just be --  
 21 MS. ALBERRO MENENDEZ: Okay. So I  
 22 recommend that we recommend the change in  
 23 zoning.  
 24 CHAIRMAN AIZENSTAT: As was read into --  
 25 MS. ALBERRO MENENDEZ: The record.

1 CHAIRMAN AIZENSTAT: -- the record at the  
 2 beginning.  
 3 MS. ALBERRO MENENDEZ: Yes.  
 4 MR. PEREZ: Second.  
 5 MR. FLANAGAN: Second -- oops, sorry.  
 6 CHAIRMAN AIZENSTAT: Let it show that --  
 7 MR. PEREZ: I'll second.  
 8 CHAIRMAN AIZENSTAT: Alberto went ahead and  
 9 seconded. Any discussion?  
 10 Call the roll, please.  
 11 MS. MENENDEZ: Alberto Perez?  
 12 MR. PEREZ: Yes.  
 13 MS. MENENDEZ: Marshall Bellin?  
 14 MR. BELLIN: Yes.  
 15 MS. MENENDEZ: Anthony Bello?  
 16 MR. BELLO: Yes.  
 17 MS. MENENDEZ: Jeff Flanagan?  
 18 MR. FLANAGAN: Yes.  
 19 MS. MENENDEZ: Maria Menendez?  
 20 MS. ALBERRO MENENDEZ: Yes.  
 21 MS. MENENDEZ: Eibi Aizenstat?  
 22 CHAIRMAN AIZENSTAT: Yes.  
 23 MR. FLANAGAN: Okay, could I just suggest,  
 24 for your own protection, that the radius list  
 25 and everything be reviewed?

1 MS. RUSSO: I'm going to review it, and I'm  
 2 going to check it and make sure that all the  
 3 properties match, and I will report back to you  
 4 and to Staff.  
 5 MR. LEEN: And Mr. Chair, I would just like  
 6 to say, for purposes of the record, and Laura,  
 7 please provide this to the U.S. Government and  
 8 the County, but we would -- We're hopeful that  
 9 they will continue to support you with your  
 10 grant so that the City Commission can consider  
 11 this. This is a very important project for the  
 12 community and it should be able to be  
 13 considered by the City Commission.  
 14 MS. RUSSO: Thank you very much. Thank you  
 15 all very much, ladies and gentlemen.  
 16 CHAIRMAN AIZENSTAT: Thank you. Let's take  
 17 a five-minute recess and then we'll continue.  
 18 (Thereupon, a brief recess was taken.)  
 19 CHAIRMAN AIZENSTAT: Okay, moving forward,  
 20 the next item on the agenda is an Ordinance of  
 21 the City Commission of Coral Gables, Florida,  
 22 providing for text amendments to the City of  
 23 Coral Gables Official Zoning Code: Amending  
 24 Article 5, "Development Standards," Section  
 25 5-1408, "Common driveways and remote off-street