in Staff's recommendation, yes.

CHAIRMAN KORGE: Anything else in the motion? No?

Any further discussion? Do we have a second on the motion?

MR. AIZENSTAT: Yes.

CHAIRMAN KORGE: We have a second. Moved and seconded. Any further discussion on this motion?

No discussion. We'll call the roll, please.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Pat Keon?

MS. KEON: Yes.

MS. MENENDEZ: Javier Salman?

MR. SALMAN: Yes.

MS. MENENDEZ: Eibi Aizenstat?

MR. AIZENSTAT: Yes.

MS. MENENDEZ: Tom Korge?

CHAIRMAN KORGE: Yes. Let's take a five-minute break.

MR. SALMAN: It's -- I notice from the clock on the wall --

MS. RUSSO: Thank you very much for

your consideration.

MS. HERNANDEZ: Wait a minute. It's almost nine o'clock. What's the will of the Board?

MR. AIZENSTAT: Let's not take a break.

(Simultaneous comments)

MS. HERNANDEZ: All right, we're going to start the next item and maybe we'll finish it in 10 minutes, okay?

Folks, if you could please keep it down, please. Thank you. We're trying to also finish up. Thank you. Please take it outside.

All right, Mr. Vice-Chair?

MR. AIZENSTAT: Okay, let's take it over to --

MS. HERNANDEZ: City of Coral Gables Comprehensive Land Use Plan.

Mr. Riel?

MR. AIZENSTAT: The next item, City of Coral Gables Comprehensive Land Use Plan and Map.

Eric?

MR. RIEL: At the last meeting, you

know, Staff did a presentation on this. We're obviously not going to go through that presentation.

MR. SALMAN: Bless your heart.

MR. RIEL: We had -- a couple Board members indicated they'd like the opportunity to have some additional time to look at the plan.

At this point, I'll turn it over to those members, if they would like to provide any comments, and then any other members that have any additions.

MS. HERNANDEZ: Right.

MR. RIEL: I would ask that when you do your Staff recommendation again, I need four separate motions on each of these items --

MS. HERNANDEZ: Right.

MR. RIEL: -- because they need to go in different directions, in terms of the Department of Community Affairs.

MS. HERNANDEZ: And for ease of reference, we were in the deliberations portion of it, so the public hearing was closed. So this is where we're at,

okay?

MR. RIEL: And I'm sorry, Mr. Vice-Chair, I was just handed a letter from -- dated June 3rd, 2009, Riviera Neighborhood Association.

Unfortunately, I just was handed it, so I have not had a chance to read it.

MS. HERNANDEZ: Can you read it into the record?

MR. SALMAN: Do you want to read it in the record?

MR. RIEL: It's about two pages long.

MS. HERNANDEZ: Oh.

MS. KEON: Should it be read into the record?

MR. FLANAGAN: The public hearing session was closed?

MS. HERNANDEZ: Yeah, it was closed. The public hearing portion of this was closed at the last meeting. So the Board will have to make a motion if they want to accept it and review it and consider it.

MR. AIZENSTAT: Do I hear anything?
MS. KEON: I wasn't here.
MR. AIZENSTAT: Any comments?
MR. FLANAGAN: Comments following from last week (sic)?
MR. AIZENSTAT: Well, about the letter. Let's take into account, do you want to accept it or --
MR. FLANAGAN: I mean, if it becomes a public document, I think Staff has it and I imagine they'll take it under consideration.
MS. HERNANDEZ: And it will be part of the record that goes to the Commission.
MR. AIZENSTAT: They had full representation the last time they were here, and we did close it.
MS. HERNANDEZ: I'll be right back.
MR. RIEL: We'll accept it and include it and provide it, obviously, to the Commission as a part of their record.
MR. AIZENSTAT: Okay.
MR. FLANAGAN: Thank you,

Mr. Vice-Chair.
At the last meeting, we continued, I think it was my request, so I could read through everything, and I actually did read through everything. I met with Mr. Riel. I gave him most of my package with a bunch of comments and just some thoughts, items I thought could be aggregated together, maybe some were duplications. So he has those, and I think he'll take those under consideration. I had three elements that I hadn't gotten through, that I did manage to get through since our meeting the other day.
One specific item that I feel is important to go on the record to read is in the new element of the City's which is the Green Element, and specifically, it's Policy GRN-1.8.1, which, as proposed, reads as follows: "Any Comprehensive Plan and Future Land Use Map Amendments must be supported by data and analysis to demonstrate how the amendment is based upon energy-efficient

land use patterns and greenhouse gas reduction strategies."
I mentioned that I had a problem with the word "must be supported by data analysis," and I suggested that the word should be "may," and so I would like to put on the record that that would be a change that I would like to see when we go ahead and --
MR. AIZENSTAT: Can I ask you what page that is of the --
MR. RIEL: Page 6 -- I'm sorry, Page 5 of the Green Element.
CHAIRMAN KORGE: 5 of the Green Element.
MR. RIEL: The Green Element is the last element in your package.
CHAIRMAN KORGE: Okay.
MS. KEON: What's the difference between -- well, I mean, but why would you say "may" as opposed to "should"?
MR. FLANAGAN: Oh, no, it says "must."
MR. RIEL: It says "must."
MS. KEON: But "may" is --

MR. SALMAN: Optional. "Must" is mandatory.
MS. KEON: No, but I think "should" is a better -- is a better --
MR. FLANAGAN: I can live with "should."
MR. SALMAN: I'll live with "should."
MR. FLANAGAN: I'll live with "should."
MS. KEON: "Should," I think, is better than "may."
MR. FLANAGAN: Okay.
MS. KEON: I mean, "should" (sic) is, "Well, if you want," where I think "should" says --
MR. SALMAN: "You should."
MS. KEON: -- "You ought to. You don't have to, but you ought to."
MR. SALMAN: It errs on the side of requirement.
MS. KEON: Right.
MR. AIZENSTAT: What number was that?
MR. FLANAGAN: That was GRN 1.8.1.

MR. RIEL: It's the second-to-last policy on Page 5, on the right-hand column.

MR. SALMAN: But again, there's no supporting requirement in the Code for us to --

MR. AIZENSTAT: Well, Eric, is there a reason that you wouldn't want "may" in there?

MR. RIEL: I have absolutely no problem with the --

MR. AIZENSTAT: Okay.

MR. RIEL: -- with the change.

MS. KEON: I think "should" is a better word than "may."

MR. RIEL: In fact, I thank the Board member for pointing that out.

MR. SALMAN: Is that it?

CHAIRMAN KORGE: I have a question. I have one concerning, education, Page 2 of the education statement. Policy EDU-1.2.3, and it's a -- concerns the contribution of land, construction of -- expansion or payment for land acquisition or construction of a

permanent public school facility as one way to mitigate or pay the impact fees, and I was wondering if that would include charter schools, so a contribution of land for a charter school, would that meet the obligation?

MR. RIEL: No. Charter school is not -- it does not include charter schools.

CHAIRMAN KORGE: Why not?

MR. RIEL: I don't believe it does.

MR. SALMAN: It should.

MS. KEON: I think it should. It's a public school.

MR. RIEL: I'm -- to be honest, I don't believe it does, but I obviously need to go back and check that. This was the element that was done two years ago, if you recall, and we basically didn't make any changes to this, and this went through the State for review, went through the County for review, and it was a State requirement, because the Legislature made changes to this, so whatever we have in here was found in

compliance, but --

CHAIRMAN KORGE: Well, that -- I'm sure that, you know, construction of a permanent public school facility would be in compliance, but the question is whether the construction of a permanent charter school facility would be in compliance.

MR. SALMAN: A charter school is, by definition, a public school.

CHAIRMAN KORGE: That's the question I have. I don't know. Are you sure about that?

MR. SALMAN: I'm pretty sure. They get their money from there.

MS. HERNANDEZ: What was your question, again?

CHAIRMAN KORGE: One of the ways to mitigate the impact of a lack of schools is to provide for the construction of a permanent public school facility --

MS. HERNANDEZ: Uh-huh.

CHAIRMAN KORGE: -- and my question was whether the construction of a permanent charter school facility would

also meet that obligation.

MS. HERNANDEZ: It -- yes, they would -- it would meet that obligation, because it is statutorily created and it has to be in compliance with the school concurrency requirements and the school elements --

CHAIRMAN KORGE: So couldn't we --

MS. HERNANDEZ: -- and they have to get approval from Dade County Public Schools.

MR. SALMAN: Dade County Public Schools.

CHAIRMAN KORGE: Could we not --

MR. SALMAN: They're chartered by the School Board.

MS. HERNANDEZ: Right.

CHAIRMAN KORGE: -- make it clear that charter schools would be -- in addition to the permanent public school facility, a permanent charter school facility would be included in that language, Eric?

MR. RIEL: Sure, if you'd like to. I mean, obviously, there is a

definition of what is considered --
MS. KEON: I wouldn't --
CHAIRMAN KORGE: There's a conflict.
MR. RIEL: -- a public school.
MS. KEON: What is the conflict between the two?
CHAIRMAN KORGE: Public schools don't like charter schools.
MR. SALMAN: No, they don't.
CHAIRMAN KORGE: So, you know, I just want to make it --
MS. KEON: So what?
CHAIRMAN KORGE: No, my point is, I'd just like it to be clear that either type of school facility would be acceptable in mitigating the lack of school capacity.
MS. KEON: But if you were to change the statute that changed the role of charter schools under the public schools, then you would be allowing -- you would be giving that right to a -- what would then become a private school. I mean, right now, the charter school

legislation is included under the auspices of the public schools, now, the way that the law is written; isn't that right?
MS. HERNANDEZ: Yes.
MR. SALMAN: (Inaudible).
MS. KEON: It is now under the public schools. So to say --
CHAIRMAN KORGE: No, it isn't. It's treated like -- it's funded like a public school, but it's not a public school. It's not -- that is to say, it's not part of the public school system.
MS. KEON: I thought they --
CHAIRMAN KORGE: It's run --
MR. SALMAN: It's run privately.
CHAIRMAN KORGE: It's not run by the public school system. It's run by private enterprise.
MS. KEON: But isn't it under the supervision of the public schools?
MR. SALMAN: Yes, it is.
CHAIRMAN KORGE: All I'm saying is that it seems to me appropriate --

MR. SALMAN: They've got to meet all the requirements of a public school.
MS. KEON: I would like them to come back and clarify that issue of the charter school with respect to the public school, before you would change that language --
MS. HERNANDEZ: Okay.
MS. KEON: -- because I think that it's -- I think it does say what you're saying now by -- under the public schools.
MR. RIEL: But Board Members, we're looking for a recommendation from the Board this evening. We need to --
MS. HERNANDEZ: Right.
MR. AIZENSTAT: Mr. Chair, it's nine o'clock right now.
MS. HERNANDEZ: It's, yeah, 30 seconds till nine o'clock. Is there a motion to extend this --
MR. FLANAGAN: I make a motion to extend this meeting --
MR. SALMAN: Second.
MR. FLANAGAN: -- to finish our

business.
MR. AIZENSTAT: Well --
MS. HERNANDEZ: Finish the business or for a period of time?
MR. SALMAN: No, no, for another 15 minutes.
CHAIRMAN KORGE: Pick a few more minutes, and --
MR. AIZENSTAT: Fifteen minutes is good.
MR. FLANAGAN: Fifteen minutes.
MR. SALMAN: Second.
CHAIRMAN KORGE: Second. Any discussion?
Call the roll on the extension, please.
MS. MENENDEZ: Eibi Aizenstat?
MR. AIZENSTAT: Yes.
MS. MENENDEZ: Jeff Flanagan?
MR. FLANAGAN: Yes.
MS. MENENDEZ: Pat Keon?
MS. KEON: Yes.
MS. MENENDEZ: Javier Salman?
MR. SALMAN: Yes.
MS. MENENDEZ: Tom Korge?

CHAIRMAN KORGE: Yes.

MR. AIZENSTAT: Now you've got 14 minutes.

MS. HERNANDEZ: I miss Jack Coe.

MR. RIEL: May I suggest this, Mr. Chair, that if the definition of the public school doesn't include a charter school, then we'll put it in there, and that if it is included, we'll --

CHAIRMAN KORGE: That would be fine with me, but I don't know -- I'm not speaking for Pat. I mean, she may not --

MR. RIEL: We need a recommendation from the Board on this so this can proceed to--

CHAIRMAN KORGE: That would be my recommendation.

MS. KEON: I don't know why you would give it to a charter school if it is not already included under the public school and not give to it a private school.

CHAIRMAN KORGE: Because a charter school meets the -- mitigates the impact

of a lack of school facilities. A charter school is -- does not charge tuition, so it is a free school, and I mean, as far as I'm concerned, even in our neighborhoods, probably a parochial or private school that charges tuition would mitigate the impact, but in any event, certainly any free school that is in the neighborhood would meet -- mitigate that impact.

So, to me, whether it's called a public school or a charter school, or even a private school, if it's not being charged tuition, then it mitigates.

MR. SALMAN: This is beyond our pay grade. Why don't we just take it the way it is and approve --

CHAIRMAN KORGE: Because it's really an important issue. I mean, charter schools happen to be a big issue --

MR. SALMAN: I know it is.

CHAIRMAN KORGE: -- in the community and in the State, so I think

that is -- I mean, that just kind of jumped out at me.

MR. AIZENSTAT: Aren't the charter schools directed by the public schools and given their charter through the public school system?

MR. SALMAN: Uh-huh.

CHAIRMAN KORGE: Yeah, but they're not run by the public schools. So I don't know that a "permanent public school facility" would include a charter school, even though it is open to the public and doesn't charge tuition.

MR. AIZENSTAT: But if the funds go into the public school system and then a charter school opens up within that city, don't those funds come out of that public system?

MS. KEON: Yes, and I think, though, the -- the approval to operate that charter school is approved by the public school system, and the public school system also has the right to withdraw that charter.

MR. AIZENSTAT: Correct.

MS. HERNANDEZ: Right.

MS. KEON: So it is controlled by the public school system.

CHAIRMAN KORGE: Good, but that's --

MS. KEON: Where if you put it in --

MR. SALMAN: Yeah, but you know, Tom, they don't always own the land.

MS. KEON: Right.

MR. SALMAN: The School Board doesn't own the land.

CHAIRMAN KORGE: We're talking about a construction of a permanent school facility as mitigation, and in my judgment, at least, for what little it's worth, the charter school or public school equally satisfied that need, and so I just want it to be clear that under current law, the way charter schools operate, if a charter school were proposed to be constructed to meet that need, that would fall within our -- our -- our CLUP language, and that's what I'm suggesting, Eric's approach to

it is acceptable to me, that he'll check it out, but I -- it doesn't -- it doesn't seem, to me, clear enough, the way it's written, to -- I mean, that was my concern --

MS. HERNANDEZ: Okay.

CHAIRMAN KORGE: -- the best I can say it, so, you know, if nobody wants to move for that, then, you know --

MR. AIZENSTAT: I would just be concerned that you're putting a different type of schooling system and then you're segregating or not doing a private school or a free funded school that's private or --

MR. SALMAN: Beyond our pay grade.

MR. AIZENSTAT: I don't know. To me, a charter school is derived from a public system. That's why -- That's why --

CHAIRMAN KORGE: So why would you object to putting it in there? I mean, if it meets all the criteria, I don't have a problem putting it in there. My concern, again, is that it's not clear,

when I read it, that it includes a charter school.

MS. KEON: Right, but I think that if you -- it may not be clear because you don't maybe have full knowledge of what is included in the public school. So, if we know and we have full knowledge that included in the public school would be a charter school, then it's already there.

I'm concerned that you're giving some right to a particular group that you're not giving to --

MR. AIZENSTAT: Another group.

MS. KEON: -- another group, I mean, or that you're -- you're identifying a particular group that is given some privilege or some right under your Code that isn't available to everyone under the Code.

CHAIRMAN KORGE: I don't know that it's about a right. It's about whether we're mitigating a particular impact. It's not about a right. It's mitigating an impact.

MR. SALMAN: I would proffer that, as long as the land were given to the public school board for use as either a public school or a charter school and the land went with the public school board, then I wouldn't have a problem with it.

But my problem is that I know the charter schools, often enough, own the land that they're sitting on. They're operated under a charter by the school board, they are paid for out of school board funds, and it's a gray area, and the intent here is that that land be held in public trust, and in the case of charter schools they're not necessarily. Sometimes they are, sometimes they're not, but they're not necessarily.

CHAIRMAN KORGE: You're suggesting that if we didn't change the language, charter school would not mitigate the impact?

MR. SALMAN: No, what I'm saying is that, as long as the land was given to a public entity such as the public school

board, for use as either a public school or a charter school, then the land -- It's a land use issue. Comprehensive land use is what we're talking about.

CHAIRMAN KORGE: Even if it's permanently dedicated? Even if it's --

MR. SALMAN: It's about it being -- It could be permanently dedicated, but at that point, it's the same thing as giving it to them.

CHAIRMAN KORGE: It says permanent.

MR. SALMAN: Okay.

CHAIRMAN KORGE: It says permanent.

MR. SALMAN: Okay.

CHAIRMAN KORGE: So it would have to be permanent. I didn't mean to suggest that the charter schools wouldn't have to be permanent. The way I see it is, permanent means permanent. It doesn't mean temporary for --

MR. SALMAN: I'm one of the biggest proponents for charter schools, believe me. I'm 110 percent behind you, as long as that land was tied to a public use, because that's the intent of the

mitigation, and that if it were -- as long as it were in perpetuity and tied to the school board for that use, then I have no problem.

CHAIRMAN KORGE: Well, but that's different.

MR. SALMAN: Well, that's the problem.

CHAIRMAN KORGE: No.

MR. SALMAN: It has to be to a public entity.

CHAIRMAN KORGE: Permanent use doesn't have to be owned by any particular public agency. Permanent use could include ownership by a nonprofit, in perpetuity, for that particular use.

(Thereupon, Mr. Aizenstat stepped out.)

CHAIRMAN KORGE: So I don't -- I mean, and by the way, the school board could, if it wanted to, sell the land --

MR. SALMAN: They buy and sell land all the time.

CHAIRMAN KORGE: They can sell their land.

MR. SALMAN: They buy and sell land all the time.

CHAIRMAN KORGE: So I don't even know if the permanent public school facility language there works, because how are we going to restrict the school board from disposing of any land it wants to dispose of?

MR. SALMAN: But there's processes for the disposal, and they're public.

CHAIRMAN KORGE: So you don't want to include public charter schools in the --

MR. SALMAN: Just say public schools and leave it at that. Why kick over (inaudible) on this particular issue?

CHAIRMAN KORGE: Did we lose Eibi?

MS. HERNANDEZ: He went to the little boys' room. For a moment, we lost him.

CHAIRMAN KORGE: Well, if there's no motion, then, you know, there's nothing I can do about it, but that's how I feel, so --

MR. SALMAN: I feel the same way, but it's expansive, and I'm not an attorney, nor do I play one on TV. But it's going to be a problem. I can see it. I can see it. If there were legislation that were properly done -- I just don't think -- then I would see it, but right now, there's a cleaved difference between public schools and charter schools, and a part of that difference is the ownership of the facility, in many cases, and when you're donating land to mitigate for a public good to a private institution, that's where you're going to have a problem. That's where it's going -- that's where it's going to fail the test, and again, I'm not a lawyer and I don't play one on TV, but I don't think it's going to meet the muster, until such time as the Legislature -- and then it survives attack in the court, because it's going to get it there -- makes that distinction more clear, we're -- You know, the whole point of the charter

schools, and we can have that discussion now that Eibi is not here, because it's totally off the record, right? No? Oh, okay. Well, we'll have the discussion, anyway. It was a way to cut the -- you know, get local control of the educational process, in a manner that was potentially more beneficial to the students, more cost-effective.

Now, the public schools actually get more money than the money that the public schools give to charter schools, so they actually have to operate more efficiently. The fact that they are, almost all of them, excellent schools is part of the challenge which was created in the previous administration to raise the bar for everybody, and that's how it was done.

How you -- the debate between public and private education is one that we're not going to solve today, and right now, the way it was cut was by creating this charter school. Okay, you have a private school, but it's going to

be funded and it's going to meet the requirements of the public school system, and it's going to operate under a direct charter of the public school system, but the facilities are not necessarily owned by the public school system. Sometimes they are, sometimes they're not. I know of cases both ways.

CHAIRMAN KORGE: It's irrelevant.

MR. SALMAN: Well, the relevance is -- the relevance is the donation of land to a public entity for a specific use, and so far as I can see, a charter school is not necessarily a public entity. It's operated as such, but it's not.

CHAIRMAN KORGE: I do believe in Unincorporated Dade, a charter school -- maybe Jeff knows this -- a charter school would meet the impacts for new school construction in a development area.

MR. SALMAN: Would it, Jeff?

MR. FLANAGAN: I think it does.

CHAIRMAN KORGE: Yes, it does. I

know that for a fact.

MR. SALMAN: I don't know.

MR. FLANAGAN: But I think if -- I think -- and I would -- if I'm understanding what Tom is trying to get at, and I think I -- I agree with Javier's concern about basically the dedication of land to a private entity for private enterprise, which would fulfill -- rather than paying impact fees, that maybe if there was some way to couch the language that it was dedicated -- I think I like that -- to the school board, to remain public land --

MR. SALMAN: For disposal by the school board --

MR. FLANAGAN: And I know they could dispose it 20 years later --

MR. SALMAN: -- how they wish.

MR. FLANAGAN: But that the school -- the school use could be either a public school, one operated by the school board, or some other entity.

MR. SALMAN: Or operated under a

charter by a private institution.

MR. FLANAGAN: I understand Javier is basically saying it's the land, it's the dedication of the land to a public entity versus a private entity. If it goes to a public entity, and then however they choose to operate the school facility, then that's fine.

CHAIRMAN KORGE: Well, as I see it, the dedication of the land is in the use of the land. In other words, if the land is fixed for use as a school, that's the dedication of it, and it can't be changed. And it would be very difficult, for example, to change a public school -- a charter school, excuse me, that had been approved, I think it would be darn near impossible, that had been approved, in order to mitigate the impact of additional development. I don't see how you would ever be able to, unless that development disappeared, be able to --

MR. SALMAN: Which has happened.

MR. FLANAGAN: Yeah, some charter

schools have closed.

CHAIRMAN KORGE: -- end the charter school, but I will tell you that I know that it doesn't -- first doesn't have to be dedicated to the school system, number one, the land, and number two, it could be sold by the developer --

MR. SALMAN: Right.

CHAIRMAN KORGE: -- to the charter school system. So long as the charter school is actually built and meets the need, mitigates the impact, it qualifies, and so I just disagree with everybody's interpretation of what the rules are. That's not the rules in Dade County.

MR. SALMAN: The thing is that there are interpretations.

CHAIRMAN KORGE: No, this is what happens in Dade County. I know from experience.

MR. SALMAN: All right, then, fine.

CHAIRMAN KORGE: But if there's no motion, then --

MR. SALMAN: I'm going to vote

against it, but there you go.

CHAIRMAN KORGE: Well, there's got to be a motion before you can vote.

MR. SALMAN: Don't go there. We're not going to get --

CHAIRMAN KORGE: I'll open the -- I'm done with my discussion. I'll open the floor for any motion, if there is any.

MR. SALMAN: We have to have one. We're almost done. We've got two minutes to do three things.

CHAIRMAN KORGE: I'm going to waste the two minutes. So there's no motion. Is there anything else in this before we take a motion to approve, I guess, with the one change that we have?

No? Anybody want to move to approve with that one change?

MR. SALMAN: I'll make a motion to approve with Jeff's change with regards to "should."

MR. RIEL: If I may, if you'd like, I'd like to read, very fast, the four motions I need from the Board, okay?

First, there's an Ordinance of the City Commission of Coral Gables adopting the annual update of the Capital Improvements Elements within the City's Comprehensive Plan.

MR. SALMAN: I make a motion to approve Staff's recommendation.

MR. FLANAGAN: Second.

CHAIRMAN KORGE: Any discussion?

Please call the roll.

MS. MENENDEZ: Eibi Aizenstat?

MR. AIZENSTAT: Yes.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Pat Keon?

MS. KEON: If I wasn't here for that discussion at the last meeting, can I rightfully vote on it?

MS. HERNANDEZ: Did you review the minutes?

MS. KEON: Yes. Okay, yes.

MS. MENENDEZ: Javier Salman?

MR. SALMAN: Yes.

MS. MENENDEZ: Tom Korge?

CHAIRMAN KORGE: Yes.

MR. RIEL: The next one is --

MR. AIZENSTAT: Wait, before we proceed, let's make a motion just to extend this for another five or 10 minutes, so we'll be legal.

MR. SALMAN: So moved.

CHAIRMAN KORGE: Motion to extend for another five minutes. Is there a second on that?

MR. FLANAGAN: Second.

CHAIRMAN KORGE: Call the roll for the motion to extend, five minutes.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Pat Keon?

MS. KEON: Yes.

MS. MENENDEZ: Javier Salman?

MR. SALMAN: Yes.

MS. MENENDEZ: Eibi Aizenstat?

MR. AIZENSTAT: Yes.

MS. MENENDEZ: Tom Korge?

CHAIRMAN KORGE: Yes.

MR. RIEL: The second motion: An Ordinance of the City Commission of Coral Gables adopting a 10-year water

supply facilities work plan and amending the Comprehensive Plan to promote and facilitate better coordination between water supply and local land use planning as required by law.

MR. FLANAGAN: So moved.

MR. SALMAN: Second.

CHAIRMAN KORGE: Any discussion?

No?

Call the roll, please.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Pat Keon?

MS. KEON: Yes.

MS. MENENDEZ: Javier Salman?

MR. SALMAN: Yes.

MS. MENENDEZ: Eibi Aizenstat?

MR. AIZENSTAT: Yes.

MS. MENENDEZ: Tom Korge?

CHAIRMAN KORGE: Yes.

MR. RIEL: This next ordinance is where you would put the appropriate change, as Mr. Flanagan had indicated.

An Ordinance of the City Commission of Coral Gables adopting the Evaluation

and Appraisal Report based amendments, various updates of the Goals, Objectives, and Policies, and providing for newly created elements, Administration, Design, Public Safety, and Green to the City of Coral Gables Comprehensive Plan.

CHAIRMAN KORGE: With what change?

MR. RIEL: With the change --

MR. FLANAGAN: From "must" to "should" in that Green Element.

MR. SALMAN: The Green Element, second to the last.

CHAIRMAN KORGE: Is that a motion?

MS. KEON: Yes.

MR. SALMAN: Yes.

CHAIRMAN KORGE: Yes. Second?

MR. FLANAGAN: Yes.

CHAIRMAN KORGE: Seconded. Any discussion?

No discussion. Let's call the roll, please.

MS. MENENDEZ: Pat Keon?

MS. KEON: Yes.

MS. MENENDEZ: Javier Salman?

MR. SALMAN: Yes.

MS. MENENDEZ: Eibi Aizenstat?

MR. AIZENSTAT: Yes.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Tom Korge?

CHAIRMAN KORGE: Yes.

MR. RIEL: And the last is, an Ordinance of the City Commission of Coral Gables readopting the Comprehensive Land Use Plan Map in its entirety, and change in the Land Use Map designations for the purpose of correcting inconsistencies between the Comprehensive Land Use Plan and Zoning Map based upon the current use of the following City-owned properties:

Change from "Commercial, Low and Mid-Rise Intensity" to "Public Buildings and Grounds" for 285 Aragon Avenue, which is the Coral Gables Museum.

The second is change from "no designation" to Open Space" for the public open space located on all of Block 37, Country Club Section 3; and

the change from "Residential Single-Family Low Density" to "Public Buildings and Grounds" for the City Utility Station located on Tract A, Block 2, Hammock Oaks Harbor Section 2.

MR. SALMAN: So moved.

MR. FLANAGAN: Second.

CHAIRMAN KORGE: Seconded. Any discussion?

No discussion. Let's call the roll, please.

MS. MENENDEZ: Javier Salman?

MR. SALMAN: Yes.

MS. MENENDEZ: Eibi Aizenstat?

MR. AIZENSTAT: Yes.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Pat Keon?

MS. KEON: Yes.

MS. MENENDEZ: Tom Korge?

CHAIRMAN KORGE: Yes.

MR. RIEL: One other very quick matter. You have in front of you the financial disclosure reporting requirements. I'm not sure if you got

it from the City Clerk's Office, but we've provided you a copy. It must be filed by July 1st, 2009.

MR. SALMAN: It's real easy this year. There are no financials.

MR. RIEL: I have nothing else, Mr. Chair.

CHAIRMAN KORGE: One other point I mentioned to you privately, but it would be good for the City to start looking at, in terms of the Green, the use of solar panels on houses, in terms of changing the zoning to accommodate those, in a way that fits within the City.

MR. RIEL: And just very briefly, I mean, that's one of the first steps, was the Green Element. What we'll do is, we'll go back into the LDRs, the Zoning Code, and do that. We can certainly accelerate and make that as a first priority.

CHAIRMAN KORGE: Right, and our next meeting?

MR. RIEL: The next meeting is July

7th.

CHAIRMAN KORGE: July 7th.

MS. HERNANDEZ: That's the same day as the City Commission meeting.

MR. RIEL: 8th? I'm sorry, July 8th. I'm sorry.

MS. HERNANDEZ: I was about to say, I'm excused.

MR. RIEL: Sorry. July 8th, yes.

CHAIRMAN KORGE: I guess we're adjourned, then.

MR. RIEL: Yes.

CHAIRMAN KORGE: Anything else?

MR. RIEL: No, nothing else. If you do not want your Comp Plans, leave them here, but if you've written in them --

MR. SALMAN: I'm keeping mine.

MR. RIEL: -- you can keep them.

MR. SALMAN: I'm keeping it.

MS. KEON: You want these back?

MR. RIEL: Yes, please. Anything you give back, we'll recycle for the next meeting.

(Thereupon, the meeting was

adjourned at 9:19 p.m.)

C E R T I F I C A T E

STATE OF FLORIDA:
SS.
COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomate Reporter, Florida Professional Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

I further certify that all witnesses were duly sworn by me.

DATED this 8th day of June, 2009.

JOAN L. BAILEY, RDR, FPR

Notary Commission Number DD 64037
Expiration June 14, 2011.

And the last item on our agenda is an update of the City's Comprehensive Land Use Plan and map.

Eric, are you going to lead us on this, please?

MR. RIEL: Yes, I am, Mr. Chair.

Good evening, Board Members and members of the public. I'm Eric Riel, Planning Director with the City.

What I'd like to do is, I'd like to go through a PowerPoint this evening. It's about 20 minutes in length, provide you an overview of the process, but before I start, I just want to indicate that the Staff Report and copies of the Comprehensive Plan are with Jill up there, so if anybody would like a copy. Also, we have -- as in the past, we put everything on the City's web page for easy downloading.

First off, let me introduce you to the team that was involved in this update of the Comprehensive Plan. The City hired a consultant, basically, the Corradino Group, and they're here this

evening, Joe Corradino, the president, Ms. Scarlet Tenen, the senior planner with the firm. They assisted us in the update of the Comprehensive Plan greatly, and we look forward -- we really enjoyed working with them.

All the City department directors worked closely with us. Every department director and members of the Staff assisted us. Specifically, Building & Zoning Department helped us, they're here this evening; Historic Preservation; the Parking Department; and Public Works; as well as the Planning Department; as well as the City Attorney. So this was basically a group effort, included a lot of input from all the departments, and with that, I'm going to present you the PowerPoint, and Walter, if you could turn down the lights.

CHAIRMAN KORGE: Do you want to hold all the questions till the end of the presentation?

MR. RIEL: Yes, thank you,

Mr. Chair. I'd ask that you go through -- I go through the entire PowerPoint. It hopefully will answer some of your questions. If you could jot those down, obviously, at the end of the presentation, we'd be happy to answer any questions you might have for any member of the team, if you have very, very specific questions regarding various elements of the Comprehensive Plan.

Basically, the Comprehensive Plan is divided into 14 different elements. What we did is, we created logos. We also created new names for the elements, and I'm going to go through those.

Basically, there's 14 different elements. The new elements are Administration, Design, Public Safety and then a Green Element.

Basically, the organization of the document is, in front of each element, there's an executive summary of what the changes are in each element. Obviously, the new name of the element. We have a

Vision Statement, which is new to the Comprehensive Plan. It's a two-column format. The first column is the current comprehensive language in strike-out and underlined format, that indicates the changes. The second column shows you a clean version.

You notice, as you go through the document, you see check marks at the end of each of the goals and objectives. Those are additions or deletions based upon the State's review of the element. There's numerous goals and objectives that were subject to evaluation, and those are noted, as I indicated, in the check. As I indicated, we created 14 element logos.

Basically, what is this agenda item about? You know, what is the Comprehensive Plan, what are the EAR-based amendments, what changes are proposed, what is the Planning Department's goals and the City's goals, and then what are the next steps?

Again, what is this item about?

Provide an overview of the EAR-based amendments, introduction of the Comp Plan, and we'd like to seek the Board and obviously the public's input.

What is the Comprehensive Plan? In 1985, the Growth Management Act was implemented, which requires all local governments to adopt a Comprehensive Plan to guide the future development of the City. It must contain certain elements that deal with future land use, transportation, and basically planning and growth issues. Each element has goals, objectives and policies, and many of those are required by the State. They're general in nature, and they're meant to implement the Zoning Code, the City Code and other regulatory documents.

I know this is kind of hard to read, but what this is, is, this is a preface of the Comp Plan. It kind of gives you an overview, and it's the first page in your document. I put this up here because I want to, you know,

note your attention to how we got to this point, and I'm going to go through in a little bit more detail.

You recall the Charrette. I'm certain you recall the update of the Zoning Code, the 50-plus meetings we had over the three-year span. That is the basis for these new goals and objectives.

You certainly remember the interim zoning regulations on the single-family residence, and you probably don't remember, but about 18 months ago, we went through the actual preparation of the EAR document or Evaluation Appraisal Report. That was back in 2006. 2007, I'm sorry.

Again, you remember that document, the Charrette. Many of you participated in that process, a very successful visioning process for the City.

The interim single-family zoning regulations, we did that in advance of the Zoning Code rewrite, what's known as the McMansion issue.

And obviously, the Zoning Code, a total rewrite, comprehensive rewrite of a 350-page document.

Again, the purpose of the Zoning Code and the purpose of the Comp Plan: Promote, protect historical architectural character of the City, improve the quality of life, preserve residential properties, stable and orderly development, preservation and protection, zoning districts which achieve civic design in relationship to one another, protect property values, minimize and reduce conflicts between various land uses. I just wanted to highlight, that's the purpose of a zoning code.

We completed an affordable housing study. That is also background information. That was done in 2006.

What is the Comprehensive Plan? The last major revision was done in '97. At -- the current plan has 10 elements. Nine of those are required by the State. The City, at that time, had an optional

historic preservation element, obviously giving the value that that has with the City.

Problems with the current Comp Plan is, obviously, it's out of compliance. '97 was some time ago. It's outdated. It's inconsistent with the Zoning Code. In my opinion, it's over-technical. It's not general in form. It needs to be less specific, because that's the function of the land development regulations, not a future plan of the City. And -- don't take this offense, City Attorney -- it has a lot of legal jargon in it --

MS. HERNANDEZ: Thank you.

MR. RIEL: -- that I don't think is necessary.

MS. HERNANDEZ: My pleasure.

MR. RIEL: And in some facets, I will say, it's outright boring.

EAR-based amendments, basically, these are required amendments pursuant to the previous document you saw in 2007. Every local government has to go

through this process every seven years. It's called the Evaluation Appraisal Report, or EAR for short.

As I said, we adopted it in April of 2006. It went to the State for review. They take about six months, and then it came back for final adoption in October of 2007.

We have to amend the Comprehensive Plan within 18 months of that 2007 date. That 18 months happened March -- a couple months ago. We're not the only ones behind. In fact, these are a listing of other local governments that have due dates that are exceeded by almost a year or 18 months later: North Miami Beach, Pinecrest, Pompano. Typically, local governments are behind in this process, because obviously, lately, the economy had issues, resources are issues, but I just kind of want to give you a framework. In terms of being late, we're only two or three months behind.

What happens if the City doesn't

adopt? We cannot process any more amendments. We cannot process any changes to the map or the text. And possibly the State could issue sanctions, stop State grants. My knowledge is that I don't think they've ever done that, but that's an option that's available. My experience being 10 years in Florida and 10 years prior to that, I don't think I've ever heard of a local government having sanctions because they didn't adopt a Comp Plan, but I'm just providing that for your information.

What changes are being proposed? The 2006 EAR recommendations, changes to the new growth management requirements. I'm sure you've read the paper, the Legislature is making numerous changes to the growth regulations. We're trying to -- the fact that we're amending it now, trying to include a lot of those recommendations that will be implemented in the coming months or the next legislative -- or next -- the 2010, so

we're trying to bring the plan in compliance, and not catch up, but trying to be a little bit more progressive and try to catch a lot of those things. Again, being consistent with the Zoning Code, changes to modernize, streamline and strengthen the plan. I would say that's probably the major portion of the changes. You'll see a change in terminology. There's a lot of outdated terms, because the original Comp Plan does date back until the late eighties, and there really hasn't been a look at the plan from the standpoint of rewriting or updating it.

How did we determine issues in 2006? Obviously, we held meetings, City Staff input, worked with local governments, the Charrette, the Zoning Code rewrite, housing study. We worked with the Regional Planning Council and the State, other agencies, FDOT.

Four issues were identified and approved by the State. One was revision to the Housing Element that deals with

workforce or affordable housing; maintenance of the single-family residential neighborhoods; and mitigation of adjoining commercial high-density and residential uses; mitigation of traffic impacts; and strengthening alternative modes of transportation; and then a revision to the -- how we determine a level of service for parks.

What are the Department's 10 goals? Obviously, meet the State requirements; implement the EAR recommendations consistent with the Zoning Code; broader general goals; streamline; user friendly; accessible and understandable by lay persons; relevancy.

What we're going to do when we get to the final document, we're going to include photographs in the final draft. It actually might be a document you might want to pick up and you might want to read, rather than it just sitting on a shelf. And then our intent is to also make it interactive and-web oriented, so

you can do search engines for specific goals, and that's why we did the icons. We're going to create a basically interactive computer-based system, where you can do a search on, you know, residential neighborhoods or traffic or mobility or trolley or any issue.

The new elements being proposed, as I -- again, the 14 elements, the same element names as the '97 plan, Future Land Use, Housing, Recreation and Open Space, Capital Improvements, and Historic Preservation. We integrated some of the old names and new elements. Intergovernmental Coordination is now Community Facilities -- Services and Facilities. Governance. Traffic Circulation was the old element, we're calling it Mobility. Conservation is now Natural Resources. Education, the Education name remains the same. And in fact, it was actually adopted about a year ago, if you remember. That was a State requirement.

The new elements: Administrative,

Design, Public Safety and a Green Element.

What I'd like to do now is give you just an overview of each element. The Administrative Element. This interprets or implements the guidelines of the goals and objectives. It has future funding and coordination efforts, procedures for monitoring and updating the Comp Plan.

Governance Element. This was known as the Intergovernmental Coordination. We have new policies which address public outreach, public participation between City boards and elected officials, and if I would describe it in one way, more transparency in government. Interdepartmental coordination efforts, and then obviously coordination of the issues that revolve around development.

Future Land Use. Basically, the largest change we did in here was, we put this in a table format. Previously, we had a narrative form. The land use

classifications, we moved them to the front of the document, because that's typically -- when someone looks at the document, that's what they're interested in, in terms of the intensity and density, excuse me, of development in the City. As you remember, in the Zoning Code rewrite, we told you we were going to remove the floors from the classifications. This is where we're doing that. We're transferring those to feet. And also, basically, there's protection of residential uses adjacent to non-residential uses. We've beefed up those.

This is the map change and how it looks in terms of the number of stories that are being removed and how they translate into feet, and that's with the large map on the side here. This is the only change we're making to the map designations themselves, with the -- with two or three other map changes that Scot is going to go over in a couple minutes.

Design Element. We have a Mediterranean Ordinance. We don't have a Comp Plan element that supports that. Basically, what we did is created goals to support that element, as well as neighborhood preservation.

Community Facilities. Changes -- These mainly are changes required by the State, have to do with sewer, level of service, solid waste, drainage and water.

Housing Element. We're going to update the land development regulations to provide for affordable housing, update the study, and hopefully come up with regulations in 2011. Again, just a copy of the study.

Education, as I indicated, was adopted last year. Really, no changes to this element, just some language updating.

Mobility. This was Traffic Circulation. We added a lot of stuff on multi-modal, bicycle, promoting walking, obviously the trolley.

Natural Resources, basically updating, pursuant to the State, preserving natural resources, regulating development to minimize impacts.

Recreation and Open Space. This is another change that was one the four issues. Basically, the ratios we had in the plan were dealt with on a resident population basis. What we did is, we updated it to include a radius. In other words, the intent was to have available to you parks and recreation facilities within a realistic quarter mile or five-minute walk, 10-minute walk, 15-minute drive, or a 30-minute drive. And those are, depending on the type of park facility, neighborhood parks or regional parks. We found that population standards where you need a tennis court every 5,000 was not realistic; it was more realistic to put the use in proximity to where it's actually used.

Historic Resources, we just updated the element to be consistent with

changes to the Zoning Code, TDR support, and enhancing, obviously, single-family and preservation.

The Coastal Management Element, updated emergency planning and public safety outreach efforts. Basically, what we created here was a public safety element. We actually have level of service for fire and police, which was not in the previous Comp Plan, and we worked closely with the Fire and Police Department. Again, this is a new element.

Capital Improvements. This basically deals with requirements that the State required us to do, to make sure that facilities are available when they're needed to be, obviously, tapped into, and it basically deals with level of service changes and facilities needs. This was probably one of the more stringent requirements that the State enacted in terms of the recent changes in the past couple years.

And then the Green Element, a new

element, and this is just to provide guidance for conservation of natural resources, incentives for green technology, increase in tree canopy, conservation of energy, energy-efficient land use patterns, partnering with other local governments, and that basically -- that's a new element that we actually had meetings with the State, and they were -- I think we're one of the few local governments, probably the only local government that is submitting a green element to the State for review, and it will form the basis for future development of land development regulations, possibly incentives. It deals with solar panels and all kinds of issues. If you know, that was brought up during the Zoning Code rewrite, and I mentioned to the Board that, you know, that's something we're going to look at, at a later date, but this kind of sets the basis.

Let me go ahead and turn it over to Scot, give me a break here for about two

minutes, and then I'll be right back up.

MR. BOLYARD: Good evening, Mr. Chairman, Members of the Board. For the record, Scot Bolyard from the Planning Department. What we're reviewing is the map inconsistencies. This was as a part of the EAR process. The Planning Department is required by State Statutes to correct inconsistencies between existing zoning map classifications and existing CLUP Map classifications.

If you recall, during the Zoning Code rewrite process, 18 inconsistent parcels were corrected. Planning Staff is recommending approval of the proposed changes of land use for the three City-owned properties, to provide consistency with the existing zoning designations and actual use of the properties.

The first one is the Coral Gables Museum. This is a change from Commercial, Low and Mid-Rise Intensities to Public Buildings and Grounds. The

existing zoning on this parcel is "S" Special Use, which is consistent with the use of Public Buildings and Grounds and the use of the property as a museum.

The second parcel is a public open space. This currently doesn't have a land use designation, so we're going to provide it with one of Open Space. Currently, there's just a banyan tree on the property and it's an open lot. This -- again, this property is also zoned "S" Special Use, which is consistent with its use as an open space, and there are no physical improvements to this -- being proposed to this property.

The last one, Parcel 3, 395 Campana Avenue, there's actually -- in the Attachment K in the Staff Report, there was an error. It showed the Fairchild Tropical Gardens as having "S" Special Use zoning, when it actually has "SFR," Single-Family Residential zoning. The correction is noted on one of the handouts, and then the correct

Attachment K is also provided. The existing zoning on this parcel is "S" Special Use, which is consistent and would only go to the change of land use. This is being changed from Residential Single-Family, Low Density, to Public Buildings and Grounds, which is consistent with the existing zoning on the parcel, which is "S" Special Use. This -- and which is also consistent with the actual use of the property as a pump station, and no physical improvements are being proposed for this property, either.

MR. RIEL: Let me just kind of give you just a couple slides and update, just an overview.

Basically, as you know, when we went through the Zoning Code rewrite, one of the main impetus was looking at commercial uses, how they interact with adjoining non-residential uses. The City is very unique, that we have in certain instances properties that are allowed to go eight, 16 stories,

adjacent to Single-Family zoning. So our Comp Plan is very -- has a lot of goals and objectives that support that. But we did add additional goals and objectives to further strengthen that, that process, you know, that we went through, you remember, when we went through the CL properties adjacent to the Single-Family.

So we did provide additional goals in the Governance Element, again, to promote transparency and encourage public outreach. We strengthened protection for neighborhoods, providing mitigation standards, and as you recall, I'm sure you do, the nighttime provisions, standard provisions that we enacted. We had a number of meetings on those issues. We added some GOPs to basically support that.

And if you look on Pages 10 and 11 in your Future Land Use Element, you'll see about 10 or 15 additional goals that deal with public outreach, preservation of residential areas, preservation of

neighborhoods.

As I indicated, we solidified the Mediterranean architecture, the new Design Element. We added within the current -- In the current Comp Plan, we have 22 goals that deal with protection of residential uses in neighborhoods. We added 15 additional, so there's a total of 37 goals and objectives that deal specifically with maintaining, mitigating impacts of, you know, regional traffic issues, mitigating architecture, design and whatnot.

We also added goals and objectives in the Housing Element, to maintain sound housing, and then, as I indicated, we updated the Mobility Element. The City is very progressive in terms of traffic calming. And then we tried to promote other means of mobility to lessen traffic, walking, biking and trolley.

Basically, 65 goals and objectives are directed toward providing protection to the City's residents and

neighborhoods.

What are the next steps? After the Planning and Zoning Board recommends approval, it goes to the Commission. If the Board recommends approval this evening, in all likelihood, we'll go to the June 2nd planning -- Commission meeting. They consider it on first reading. After that, it gets shipped up to the Department of Community Affairs. They review it. They will issue what's called an ORC, Objections, Recommendations and Comments, with any changes, and then it comes back for final approval at the Commission. Typically, between first and second reading, it's 90 to 120 days, so it won't be back to the City, probably, you know, till August, September or October, depending on the number of objections.

We did initially meet with the DCA, the Regional Planning Council, and did provide an overview, and based upon the consultant and our discussion with them, they were very, very supportive of the

efforts we were doing and they were, you know, appreciative of the additional elements, the Green Element and Design Element. So we got a really good feeling from them, and hopefully that transfers into when they actually look at the goals and objectives and provide us comments.

Basically, there's four recommendations for your consideration this evening. I won't go through those, but they're in the Staff Report. Basically, approval of the Capital Improvements Element. This is required by the State. We need a separate motion on this one.

The Ten Year Water Supply Facilities Work Plan, we need a separate motion on that, as well.

The Evaluation Appraisal Report, the amendments and update, which is basically what I just went through, we need a motion on that.

And then re-adoption of the entire Comprehensive Land Use Plan Map, and the

changes, those three changes that Scot went over.

Basically, that's Staff's presentation. However you would like to do it, Mr. Chair, we'd be happy to answer questions now --

MR. COE: Mr. Chairman, I have a question of the Director.

CHAIRMAN KORGE: Why don't we open for questions first by the Board, and then we'll have public input.

MR. COE: I have one quick question. If we only approve, say, three out of four, what does that do?

MR. RIEL: You need to approve all four at one time.

MR. COE: If they're not -- Well, that's my whole point. If they're not all approved, nothing goes up to the City?

MR. RIEL: Correct. We will not transmit until we have a recommendation from the Board on the four items.

MR. COE: So, if all four items are not approved, what happens?

MR. RIEL: Well, the Board can obviously -- you can approve, which is what we hope you will do, you can recommend approval with changes, or you can obviously recommend denial. But we need all four at one time, yes. One of them is not going to allow us to transmit. We need all four of those. They're a complete package to go forward.

MR. COE: I understand. So let me just ask one further question, and that will be it. So, if this Board should make approval conditioned on certain things, then Staff has to approve that tonight?

MR. RIEL: However you would like to do it. I mean, in the past, you've made changes, and they proceeded forward to the Commission.

MR. COE: I recall doing this many years ago, and I'm just trying to remember what we did, but I recall, many years ago, we didn't agree on certain things, Staff went back, we had another

meeting --

MR. RIEL: Sure.

MR. COE: -- and so forth. It never went up to the Commission. Is that still the same procedure?

MR. RIEL: However you would like. You've done it both ways. You've said, "Staff, we want you to amend this condition," or, "Proceed forward to the Commission," "We want you to come back -- "

CHAIRMAN KORGE: I think that depends on the nature and extent of the changes.

MR. COE: Right. Well, the concern I have, you've indicated, Mr. Riel, that we're already three months behind schedule, so -- and you're anticipating finalization -- since the City Commission only meets once a month in the summertime, we may not get this through the City Commission for finalization, perhaps, until September, assuming things go the way you've intended to go this evening. Is that

correct?

MR. RIEL: Certainly, I mean, if the Board desires to recommend approval, that's fine. I will tell you, the two or three months does not concern me. I'd rather get a recommendation from the Board and do it right and proceed forward. If it takes another two or three months, that's fine. I don't -- you know, we need to do this right, and, you know, it took three years of going through the Zoning Code. That doesn't concern me, the two-month delay.

CHAIRMAN KORGE: Okay. Does anybody have any questions at this time of Staff?

Well, shall we open it to the public comment? Do we have people signed up for this?

MS. MENENDEZ: We have 14 speakers.

MR. BEHAR: I want a clarification from Scot on the Parcel Number 3, at 395 Campana. There's an existing utility station there, correct? And we're changing from a Single-Family

designation to Special Use, but you're not -- This has nothing to do with the Fairchild Gardens whatsoever?

MR. BOLYARD: No, it's not associated in any way.

MR. RIEL: Let me -- Let me -- Yes, this is only a technical change, to make the land use consistent with the zoning.

As you know, when we went through the Zoning Code rewrite process, we changed all public properties to have consistent zoning.

MR. BEHAR: Right.

MR. RIEL: These are some remaining land use changes on publicly-owned properties, to make them consistent with zoning. This is a pump station. There's no intention -- This has nothing to do with expansion of the station, access through. It's only a technical map change.

MR. BEHAR: Okay. Thank you.

CHAIRMAN KORGE: Do you want to call the -- Well, first of all, we have the Riviera Neighborhood Association. I

promised you that I'd let you come first.

MR. ACOSTA: Thank you, Mr. Chairman. Is our president here? Josie, are you here?

MR. COE: How many speakers are they going to have?

CHAIRMAN KORGE: So you're going to speak on behalf of your association?

MR. ACOSTA: Yes.

CHAIRMAN KORGE: So all the members aren't going to come up and speak?

MR. ACOSTA: No.

CHAIRMAN KORGE: Very good. Very good.

MR. SALMAN: Thank you.

CHAIRMAN KORGE: Thank you.

MS. RAMIREZ: Good evening, Mr. Chair and the Board. No, we're not -- we're going to let you go home.

I'm the president, Josie Ramirez, but I'm going to defer to Al Acosta, who has been following this process since the beginning, but I did want to recognize many of our neighbors and

friends that came, to make sure that -- that you, you know, saw our views and our wishes were reflected in this document. Thank you very much.

MR. COE: A point of order, Mr. Chairman. Something has just arisen which I wasn't prepared for. Mrs. Ramirez did not advise me that she was going to be present tonight, and I do need to present this to the City Attorney and get a legal opinion from the City Attorney.

I represent Mrs. Ramirez's company, nothing to do with the Riviera Neighborhood Association, nothing to do with City business or anything else, but so I'm not criticized down the road, I do want to have that presented and have the City Attorney make a determination of whether or not I have a conflict this evening.

MS. HERNANDEZ: Okay, Mr. Coe, you advised me that you do not represent the association and you have not been retained on any matter with regard to

the issues before the Board this evening. On the basis of that, you have no conflict and you are required to participate and vote in the proceedings.

MR. COE: Thank you.

MR. ACOSTA: Good evening. My name is Amado Acosta, nickname Al, and I'm here with the Riviera Neighborhood Association. We appreciate, first of all, Mr. Chairman, and Members of the Board, this opportunity to be here and your deference in recognizing us for our comments.

As you can see, we have quite a few members here tonight. Could you briefly stand up, please?

Thank you. You can sit down.

We have been before this Board many times and before the Commission many times. We have worked with the City very proactively for a number of years on the Zoning Code rewrite, as well as other matters that have come up to the Board.

In 2005, our area, which, to

refresh the memories of all here, is mainly comprised by the area between U.S. 1 and Sunset Drive and between Maynada and Red Road -- and as you can see in the perimeter, particularly in the area close to U.S. 1 and Red Road and part of Sunset, there is commercial development which is there, and we know that it's going to continue developing, and we hope it does, because that's good news for the development of the City.

At the same time, we have that area close to the residential zone of our area, and so in the past, leadership had the vision of the need for a special study, which was conducted in 2005, under the auspices of the University of Miami School of Architecture and Urban Studies, which was presented to this Board, and most of you have copies of this visioning report. If you do not and you wish one, please let us know, through Mr. Riel. We'll make a copy available to you at no time at all.

Thanks to the leadership that we

had -- and we have here today our past president, Joyce Newman, and other members of the Board, a great deal of expenditure in money and energies were done in order to accomplish a study for our area. The study was presented to this Board. It was presented to the Commission on January the 9th, 2007, and the Commission accepted our report at that time and referred it to the Planning Department.

On behalf of the RNA, I want to commend extensively your Planning Department for the interactive work that they've done with RNA over the years. Many, many comments we see now reflected in the changes to the CLUP. We're highly encouraged by the fact that there are now 37 mentions and recognitions of neighborhood values and neighborhood character, as opposed to 22 that you had before. So that is a tremendous plus that we have in there.

We are proposing, since this is an open hearing, a little modification to

the Article 1 -- 3.3, your objective 3.3, under Future Land Use Element. We commend you for the language that you have there --

MS. HERNANDEZ: It would be at Page 11.

MR. ACOSTA: Page 11, and what we would like to propose is that you consider, and we know this is a recognition that you may or may not do, but that you consider strengthening that, with the language that I have provided copies of to you.

Jill, did you provide the copies to them now?

MS. MENENDEZ: Yes.

MR. RIEL: Yes.

MR. ACOSTA: Okay. This language has been developed through Attorney Tucker Gibbs, and he has been working closely with Mr. Riel and with Ms. Hernandez. Granted, there's probably more time that is needed on this. What we see and what we're proposing in here is the clear delineation of what the

vehicle will be once a plan for a neighborhood is accepted, in other words, what happens to that plan.

With this language, I think you will strengthen that. It will be clear to everybody. It will be in line with the transparency that you're seeking, and any new development that comes along and reads this knows exactly what to expect.

So that's the only consideration. We actually are here to commend your work and to just suggest tonight. Tucker Gibbs wished he could have been here, but he had other commitments, so I am here with what he is proposing.

If you have any questions, I will entertain the questions. Thank you.

MR. COE: I have a question of Mr. Riel. Has Staff had an opportunity to review the proposed change?

MR. RIEL: This language, no. It was provided late today, so I'm not able to comment on the specific language at this time.

MR. COE: Has the City Attorney had an opportunity to review the language?

MS. HERNANDEZ: Not necessarily. In discussions with Mr. Tucker earlier in the week, the concerns that we had raised to him and specifically I had raised to him was the issue of who defines a neighborhood, you know, who defines the commonality of the factors that create the boundaries in a neighborhood.

Some of the language here is appropriate for consideration on a visioning study, but just as a neighborhood organization would want a Commission to review it, there are fiscal analyses that need to be taken into consideration. Mr. Riel would have to comment on that. The development community would also wish to submit their plans, have an opportunity to participate. So there are concerns about these issues.

My understanding, in talking with Mr. Gibbs and talking with Mr. Riel, is

that many of the suggestions in the plan that was done by the RNA, which was a very good plan, were considered and incorporated in the general provisions of the Comprehensive Plan amendments that we have before us today, but they are general throughout the City, because they were good recommendations that should be implemented, not on a neighborhood scale, but rather City-wide.

So, knowing that we did accept many of the provisions provided, this is good starting language, but we have to work with it. You know, we just got it today.

CHAIRMAN KORGE: Well, I just read it. It seems to me like -- it sounds like what has already been done. In other words, it's just kind of reciting what, you know, was good practice, though I guess you really want to -- you're telling us you really want to review it and make sure that it doesn't --

MS. HERNANDEZ: Well, you don't want to tie the City Commission's hands. You don't want to obligate the City --

CHAIRMAN KORGE: Right.

MS. HERNANDEZ: -- to become involved in issues that they necessarily should not be involved in, because this is a Comprehensive Plan. This is not a, you know, site plan. This is not -- you know, this is a different document. This is the large Bible, versus the specific application. And so we need to be able to review it and look at what potential pitfalls, if any, occur. You can't do it in under 30 minutes, you know. It takes analysis.

CHAIRMAN KORGE: Right, so I guess are you suggesting, then, that you'd like to review it and then maybe, if you think this or some modification of this is appropriate, to recommend it to the Commission at that time?

MS. HERNANDEZ: Yes. At that time, yes.

CHAIRMAN KORGE: Yeah.

MR. COE: Mr. Acosta, do you have a problem with that?

MR. ACOSTA: No, absolutely not. I appreciate the questions and the answers. We see this as a starting point. We never intended for you to approve this language tonight. I'm glad to see that Ms. Hernandez sees this as a starting point. Is that correct?

MS. HERNANDEZ: Yes.

MR. ACOSTA: And there's apparently plenty of time between now and first reading to probably reach an agreement, together with Mr. Riel and Mr. Gibbs and perhaps with my little two cents contribution.

CHAIRMAN KORGE: Right.

MR. ACOSTA: Is that sufficient, then?

MS. HERNANDEZ: I --

CHAIRMAN KORGE: Yeah.

MS. HERNANDEZ: I can't, you know --

MR. BEHAR: But let me ask a question.

MS. HERNANDEZ: That's what we're going to aim for, but --

MR. BEHAR: Let me ask a question, because what I understand that Mr. Acosta is proposing with this language will require that the Planning Department reviews the neighborhood visioning plan.

MS. HERNANDEZ: Right.

MR. BEHAR: And then report. Is that going to be creating more work?

MS. HERNANDEZ: Yes.

MR. BEHAR: Is that what you intend to do or is that creating -- I mean, this could happen to 25 different neighborhood associations.

MS. HERNANDEZ: Right, depending who creates it, who creates the boundaries, what are the common elements of a boundary, is the visioning report consistent with directions and directives that the Planning Department may issue or that the City Commission may want to see?

You know, there's a lot of

questions that this opens up. You know, just -- you know, this happened to be a good report that the Planning Department received, reviewed and accepted many recommendations on a City-wide basis, but what you're doing is, you're being asked to consider a plan, City-wide, for neighborhood associations that would put together a visioning plan. You know, there's an issue there that we need to review and address and raise concerns that we may have.

MR. RIEL: And kind of the piggyback, I mean, it's a visioning plan. It's not land development regulations.

MS. HERANDEZ: Right.

MR. RIEL: We did the Charrette. That document was accepted by the Commission. It was not approved, but it was a basis for the development of the Zoning Code rewrite. The neighborhood plan they prepared, we did include a lot of the recommendations -- it was a great plan -- that were specific, but we

didn't, you know, provide it specifically for that neighborhood, for all residential neighborhoods within the City. So it wasn't just geared toward that particular neighborhood.

MR. BEHAR: Particular neighborhood.

MR. RIEL: It was meant to protect all residential neighborhoods from potential impact. So we looked at it from a more global scale than a site-specific.

MS. HERNANDEZ: Right.

CHAIRMAN KORGE: As you should, but, you know, like a particular organization covers a specific area, and so they look at it from their perspective in that area. Obviously, you did what you needed to do with that, to take and incorporate the changes that you thought were beneficial on a City-wide basis, and I think Al's acknowledged that it's pretty much --

MR. ACOSTA: Right, we do.

CHAIRMAN KORGE: You know, they're

happy with that.

MR. ACOSTA: Yeah.

CHAIRMAN KORGE: So this -- and again, I think you need to sit down with the City Attorney later and discuss this. This is what -- this language, we followed -- I understand the City followed in connection with your visioning plan. I think Liz is saying something a little different, that it's great for your visioning plan, but other visioning plans, you know, maybe we need to be a little more circumspect in the directions --

MR. ACOSTA: Right.

MR. BEHAR: And you guys prepared a great plan. It doesn't mean that another association can do a job like yours, and I don't want to create more work for the Planning Department than --

MR. ACOSTA: Actually, this language in here is general, not to our simple -- it's not for our organization. This is general.

MS. HERNANDEZ: Right.

MR. BEHAR: We're not saying that. In your particular case, you guys did an excellent job and we admire you for the job you guys did, and a lot of those recommendations were implemented.

MR. ACOSTA: Right.

MR. BEHAR: But it may come along a time where somebody else, another association, may submit and the work that is going to be imposed, from what I gather, to the Planning Department is going to be much greater, and I don't know if we should allow for that to happen.

CHAIRMAN KORGE: Well, to require it.

MR. BEHAR: To require it.

MR. SALMAN: Require, right, that's my problem.

MS. HERNANDEZ: One thing is to allow. The Commission at any time can direct --

CHAIRMAN KORGE: Right.

MS. HERNANDEZ: -- that a visioning

plan or Charrette in any area of the City occur. The question is, what are you doing in terms of the goals, objectives and policies and the tying the hands of a future City Commission, of a future Planning Department, with words that future potential neighborhoods -- who creates the boundaries, you know.

CHAIRMAN KORGE: So, you know, maybe Liz will want to tweak this language or revise it, or she may ultimately say, "I don't think we should make any changes," but that's --

MS. HERNANDEZ: Yes. We'll look at it. We'll meet with Mr. Acosta.

CHAIRMAN KORGE: -- some discussion you need to take outside of the Board, with Liz, yeah.

MR. ACOSTA: No, absolutely, outside of this Board.

MR. AIZENSTAT: And it should be City-wide, as opposed to --

MR. ACOSTA: Of course, of course.

MR. AIZENSTAT: -- specific to one

area.

MR. ACOSTA: We got the gist, once we went through, and we were really very impressed with the new revisions and the specific references to neighborhood and neighborhood character. That's a tremendous plus.

MS. HERNANDEZ: Right.

MR. ACOSTA: And we're very happy to have contributed our two cents to that.

MS. HERNANDEZ: You did.

MR. ACOSTA: This language is general and applies to anything. What it does provide is an avenue for any visioning plan that may be, may be, recommended by the Commission. It does say in here that the Commission would have the decision to make, whether to proceed to the next step or not. It doesn't even say "will." It says "may" in here. So, you know, it's quite open, and we recognize it only as a first step. We would appreciate it if we can proceed from here with perhaps Ms.

Hernandez and Mr. Riel getting back with Mr. Gibbs and taking it from there.

CHAIRMAN KORGE: Okay. Anything else?

MR. ACOSTA: Is that okay?

CHAIRMAN KORGE: That's great. I think that's the way to proceed.

MR. ACOSTA: Great.

CHAIRMAN KORGE: It will work a lot smoother that way.

MR. ACOSTA: Absolutely.

CHAIRMAN KORGE: Is there anything else that you wanted to mention at this time?

MR. ACOSTA: No. Again, if any member on this Board is new, haven't seen our visioning report, we'll be very glad to provide a copy, if you let Mr. Riel or Jill know, and we'll provide a copy for you.

CHAIRMAN KORGE: Okay.

MR. ACOSTA: Thank you very much.

CHAIRMAN KORGE: Thank you very much.

MR. ACOSTA: At this time, I'd request, then, that we can leave, and

let them continue their deliberations, unless you want to stay here. Thank you. Goodnight.

MS. HERNANDEZ: Thank you.

MR. SALMAN: Good night.

CHAIRMAN KORGE: Others who want to speak on the Comprehensive Plan?

MS. HERNANDEZ: Yes.

MS. MENENDEZ: Yes. Alan Savitz.

MS. HERNANDEZ: Can you say it again? I didn't hear you.

MS. MENENDEZ: Alan Savitz.

MS. HERNANDEZ: Oh, here he is.

MR. SAVITZ: I just want to wait to give these people the courtesy of leaving.

To The Honorable Members of the Planning and Zoning Board, my name is Alan Savitz, living at 11094 Paradela Street, in Hammock Oaks, Florida, Coral Gables.

In 1960, I graduated from the University of Miami in Coral Gables. I love the City Beautiful so much that my wife and I have been living -- my wife

is right over here. We've been living in the same house in Hammock Oaks for over 42 years. The last time I was here was for another good reason, and that was, there was a fire station that we needed on Old Cutler Road, and I was in support of that. So was my wife.

So I don't want you to think that we come here to bother everybody. What we're here today about is something very important. There was just one little point in the 14 different elements. Number 3, change from Residential, Single-Family, Low Density, to Public Buildings and Grounds for 495 Campana Avenue, City utility station located on Tract A, Block 2, Hammock Oaks Harbor.

Now, here's the problem with changing that. It is the only area in all of Campana Avenue, which is our main entrance in and out, that's a green-like park area. You could -- I would be willing to take all the members of the Board here to visit our area, and you'll see, it is the only area that everybody

driving in and out will see as a beautiful -- it's like a Coral Gables little park.

In the -- in the different elements that this gentleman over here -- you did a great job, a great presentation. You said preservation of neighborhoods. By taking that little piece of property away and making it into a public buildings area, it is violating preservation of neighborhoods. It's violating the protection of property values. People living on Campana Avenue, their values are going to drop, because instead of it being a nice, green, pretty area, it will probably be a road or something going through there.

The other thing is, we want to keep the Coral Gables green and parks and an element like that as it is. Now --

MR. BEHAR: Can I interrupt you for one second? Are we talking about the little parcel that the -- Mr. Riel discussed today?

MR. SAVITZ: Yes. It's just a

little tiny parcel. In fact, if Mr. Riel can knock that out, leave it the way it is -- because he mentioned that it's not going to affect the whole thing, it is just a little change that they're asking.

MR. BEHAR: Is that where there is an existing utility station at that -- That's what I asked before. There's a utility station right there; isn't that correct?

MR. SAVITZ: Yeah, but you see, over here, all this green area.

MS. HERNANDEZ: Right.

MR. SAVITZ: This is like a little park with that there. You have to come over and see it to really understand what I'm talking about.

MR. COE: Mr. Riel, do you understand what he's saying?

MR. SAVITZ: Mr. Riel, see, if you make that into public buildings and area, you're going to -- you'll knock that out forever.

CHAIRMAN KORGE: But it's

residential right now.

MR. COE: He's talking about that Triangle A, right?

MR. SAVITZ: Yes.

MR. COE: Is that what you mean, Triangle A?

MR. SAVITZ: Yes. And it has no effect over anything else. In fact, right now, if you say you're going to leave it as a residential area, we have no objection.

MR. BEHAR: But there's a -- What I understood from your presentation, there's a discrepancy between -- an inconsistency between a single-family lot and what is there now, which is a utility building, a City utility station.

MR. SAVITZ: Right, but if you leave it as a Single-Family Residential, nobody can come in there and put public buildings, public roads, public stuff on it, so why change it? It's easier just to leave it the same way.

Mr. Riel, if you leave it the same

way, there's no problem. Why change it?

MR. RIEL: Let me read you the definition of Public Buildings and Grounds.

Buildings and adjacent land areas used for local, state and federal government purposes for the public and semi-public services, including utilities.

We're assigning the land use pursuant to it being a pump station. In my opinion, it provides more protection than leaving it Single-Family.

MS. HERNANDEZ: Right.

MR. AIZENSTAT: I agree.

MR. BEHAR: That's why I'm questioning it, as well. I asked the question earlier, that it had no affiliation or no association with the Fairchild Gardens, that this was strictly a utility station, that with this change, will protect you even more.

MR. SAVITZ: No, it won't protect us, because I was at a meeting recently with the Fairchild people, and they

specifically earmarked that one piece of property to put a public road through there.

MR. BEHAR: No.

MR. COE: They can't.

MS. HERNANDEZ: They can't.

MR. SAVITZ: And, in order to do that, it has to be changed to a public parcel.

MR. COE: No, they can't do that. They can't put a road through there.

MR. BEHAR: No.

MR. COE: Impossible.

MR. BEHAR: Whatever they told you, I'm not the attorney --

MR. AIZENSTAT: I can't control what they tell you, but I don't see how they could do that.

MR. BEHAR: Absolutely not.

MR. SAVITZ: Because it will ruin the whole area, you know.

MR. COE: Sir, I think you're unduly alarmed about a nonexisting problem. I can tell you that they cannot put a road through there.

MR. SAVITZ: Can that be added to the wording?

MR. COE: I don't think we're concerned about a road going through there.

MR. SAVITZ: Mr. Riel, could you just add that little part in there, that there will be no roads or anything going through there? Do you just want to change the wording?

MR. RIEL: No, this is not the proper document to do that. This document is assigning a designation that's consistent with the zoning. It's owned by the City. So, obviously, anything that happens on it needs to go through a City review, if not also -- they obviously have to sign off on it.

CHAIRMAN KORGE: So what would have to happen in order for a road to be put on that property?

MR. RIEL: It would have to be basically -- They would have to come and get authorization to file an application, because the City owns it.

They would have to come through a development plan. That's not going to happen. It's a utility station.

MR. BEHAR: You cannot get rid of the utility station.

CHAIRMAN KORGE: Would the public have -- would the public have an opportunity to comment on that at that time?

MR. RIEL: Yes, absolutely.

CHAIRMAN KORGE: Would there be a public hearing on it?

MR. RIEL: Absolutely.

MR. COE: I'd also point out, if you really want to take this to an extreme and worry about a road going through, if it's zoned Single-Family, which I think it may be now --

MR. SAVITZ: Which it is now.

MR. COE: Yes. If it was zoned Single-Family and the State, the County, the City wanted to build a road, there's a process called eminent domain and they can take it. It's a lot more difficult if it's a pump station, trust me.

MR. SAVITZ: Well, the reason I'm bringing it up is because I saw that there were plans made, that I saw with my own eyes, and beautiful boards like this here, that they want to put a road --

MR. COE: Sir, if that contingency ever happened, you can come and raise the dickens. I assure you it's not going to happen.

MR. RIEL: Let me -- just a point of clarification, the property is zoned "S." Anything that's built on an "S" property is a conditional use. It has to come through this Board for review.

MR. COE: Right.

CHAIRMAN KORGE: So what that means is that in the event something else is going to go on there, whatever is -- it doesn't matter what, it's going to have to come to this Board, and before this Board approves it, there will be a public hearing, at which time you can come and object, and this really isn't going to affect that, because if, for

example -- I'm hypothesizing here -- we've made a change and then later, the County wanted to put a road there, they would have to come to this Board, and at that time we'd still have the power to provide for that, and so this -- this -- this conformity of existing use and zoning to the Comprehensive Plan really doesn't enable this to be changed without a formal public hearing where all the protections are provided. So it really isn't the concern that you think it should be, at this time.

MR. SAVITZ: There's a nice little pump station there, with beautiful green grass around it.

MR. BEHAR: That can't go away.

MR. COE: It will remain a pump station.

MR. BEHAR: That cannot go away.

CHAIRMAN KORGE: It will be a pump station forever.

MR. BEHAR: You know, by the time the City would implement a sewer system throughout the City, you know -- but

that's not going to happen.

MR. SAVITZ: Well, I'd better get off here and let somebody else have a chance. Thank you very much for your patience.

CHAIRMAN KORGE: Thank you.

MS. MENENDEZ: Mr. Brown?

MR. BROWN: Good evening. I'm Charles Brown, 451 Rovino Avenue.

I moved to Coral Gables about 10 years ago, and at the time I wanted to put a porte-cochere on the front of my house, and the architect told me I wouldn't live long enough to get a variance from Coral Gables to put that porte-cochere up. So I gave it up.

Then I come along and it would really be nice if I could have a carport, which would be -- it's on the west side. I had beautiful plans drawn up for that, and two years later, I was still waiting, because I couldn't get it through Coral Gables. Coral Gables does not give variances for anything.

Now, when we -- so I would expect

that Fairchild Gardens would be treated equally.

Another thing, Fairchild Gardens, regardless of what people think about Fairchild Gardens, they're not the greatest neighbor to live next to. I had to call the Mayor the next morning, after a party at Fairchild Gardens went until three and four o'clock in the morning. So I realize that, having lived in Bal Harbour, that there are ordinances that prevent that. We had -- we had -- you had to be out by eleven, I believe it was, during weekdays, and noon -- no, it was midnight during weekends.

So finally, Coral Gables came around and they put the clamps on the parties over there, the rock and roll over there, the -- you know, it's not a great joy.

Now, we were presented plans at another meeting by a gentleman who really didn't introduce himself, and he very arrogantly said, "Look, we're going

to build a building right there, and we're going to have a variance that's going to give us a road that goes into the park," that will be, as I recall it, an emergency exit or entrance in case of an emergency by some emergency vehicle.

Well, great, except that they have 8,000 acres there that they certainly could build a road. Why they have to plop everything right smack in our front door, I don't know. They -- We have one entrance and one exit only to Hammock Oaks. That exit is constantly blocked by Coca-Cola trucks, by Sysco trucks, by garbage trucks, right in front of houses, nice homes, that have to face this. They also have an entrance to the trash area which faces our road, which occasionally is open, other times it's closed. Many times the gates are all boarded up in there.

I mean, it's -- they're very inconsiderate, and we pay outrageous taxes to live in Coral Gables, and I think, since these people don't even pay

taxes, it would be nice that they would give us a little consideration.

I certainly hope you will refuse to give them any rights to that road. We only have one in and one out. I don't know why they need so much more space than they've already got.

CHAIRMAN KORGE: Well, there's no road --

MR. COE: No, there's no road.

CHAIRMAN KORGE: -- as part of this --

MR. BEHAR: There's not going to be a road there, and I have seen personally -- and you're right, I've seen a lot of trucks, delivery trucks, but that's something, perhaps, for -- you know, Code Enforcement has to get after them, because I have seen those delivery trucks parked on that street and it is a nuisance to your neighborhood.

MR. BROWN: Well, it really is a nuisance and, you know, it's dangerous, because we only -- it's a narrow road,

and we have to go around these trucks. Many times, I've had to slam on the brakes just to avoid hitting one of them.

MR. COE: Sir, your problem is not with this Board. You need to contact the Code Enforcement Board, the Code Enforcement officers, and have them go down there and conduct their investigation and have those people -- have them take --

MR. BROWN: Well, I've already talked to Maria Anderson, I've talked to the Mayor. Nobody -- you know, it falls on deaf ears, many, many times.

MR. COE: Fairchild Gardens can be ticketed like anybody else.

MR. BEHAR: And as far as the variances, we have not seen -- or at least personally, I have not seen anything come through this Board to that effect.

MR. BROWN: Well, we understand there's going to be a huge building. They have to have -- in order to build

this building, which is supposed to be a science center or something --

CHAIRMAN KORGE: Well, I don't mean to interrupt you, but we do have a time limit. However, if there is a huge building or even a small building, I believe that's going to come back to this Board, and there will be a public hearing, won't there?

MR. RIEL: Yes. If there's a building constructed on Fairchild, it would need to come to this Board, yes.

CHAIRMAN KORGE: Right. So that would be the appropriate time to come here and express your views on whatever they're proposing at that time. It's not before us now.

MR. BROWN: They've had meetings. They've had meetings over there and --

CHAIRMAN KORGE: But -- sir, it's not before us now. We're not considering that. It's not even an issue that we're considering to approve or disapprove at this time. So, although we appreciate your concerns and

understand them, there's nothing we can do about them right now.

MR. BROWN: Yeah. Well, you can deny the variance, can you not?

CHAIRMAN KORGE: Well, we don't have any variance before us.

MR. BEHAR: Nothing is before us.

CHAIRMAN KORGE: None of that is before us now.

MR. SALMAN: And that would be the Board of Adjustment that would give them a variance.

MR. AIZENSTAT: The variance goes before a different Board, if it is. There's nothing before us right now.

MR. BEHAR: If a project is, you know, to be considered, it will come through our Board. At that time, we'll look at it.

MR. RIEL: Let me just give you a really, really brief overview of what I understand Fairchild is doing.

We've had preliminary discussions with them about an expansion or an addition to their building. We have not

seen -- you know, the plans went through the DRC, the Development Review Committee, which is like a preliminary review committee. We have not received any application to the Department.

So, by me saying that any building that would be constructed on there, is not really correct. It's depending how big it is and what it is. I mean, it might go to the Board of Adjustment for a variance.

CHAIRMAN KORGE: But excuse me for interrupting. That would also be a public hearing.

MR. RIEL: Yes, that would be a public hearing, which notice would be provided within a thousand feet.

MR. BEHAR: And I cannot imagine, with that much land, you'd be asking for a variance.

MR. RIEL: And I just want to say that I don't want to mislead anyone -- I mean, we have not -- we don't have a formal application in, so I can't really say that, you know, it's going to come

to this Board. There's obviously certain thresholds in the Code that can go through without coming through this Board. So I don't want to be misinterpreted that way.

We do have follow-up meetings coming up, but there's nothing scheduled with the attorneys on Fairchild. It's just kind of -- we have a preliminary, you know, application. I do have it in the office, just like all the other City departments do, but there's nothing been formally filed with the City, with the Planning Department.

CHAIRMAN KORGE: Okay, but in any event, we can't deal with that in the Comprehensive Plan.

MR. RIEL: That's not issue that's before you this evening, no.

CHAIRMAN KORGE: Right.

MR. BROWN: Well, thank you, sir.

CHAIRMAN KORGE: You're welcome.

MS. MENENDEZ: Carolina Macias?

MS. MACIAS: Hello. My name is Carolina Macias. I'm a resident, at 475

Campana Avenue, and I think -- I mean, I wasn't sure what position I was going to speak, so I'll try to be brief, because I know it's a long night for you all, but you wonder why such a small parcel of land has caused so much commotion in our neighborhood, and I want to just give you like a little brief history. Ten days ago, the Planning Board posted a sign.

MR. COE: Ma'am, I don't want to cut you off. We have a very limited amount of time --

MS. MACIAS: Okay.

MR. COE: Any alleged road, anything to deal with that --

MS. MACIAS: Okay, I think --

MR. COE: -- has nothing to do with what we're doing.

MS. MACIAS: Thank you. I will stay to the tract of land.

CHAIRMAN KORGE: Okay.

MS. MACIAS: Ten days ago, the sign was posted in our neighborhood, and immediately the neighborhood was

alarmed. It was alarmed because of the issue of Fairchild Gardens, which I am not going to go into. We had had a meeting with Fairchild Gardens that did not go very well. We are hopeful that they have always been good neighbors and that we can work this issue out. As it stands right now, it doesn't look like we're going to be able to, right now, solve this issue. However, we are hopeful that it will.

So the reason we are alarmed with this small piece of parcel, I called and I have been speaking to both Mr. Riel and Mr. Bolyard, and they have sent me information regarding this tract of land. What one of the main -- the information that they sent me says, an Ordinance Number 1250 was done in 1961 that says that the Zoning Code, as amended, by establishing zoning, facing and setback requirements for lots shown on entitled Hammock Oaks Harbor Section 2 -- Section B of that, which pertains particularly to this piece of land,

says: The use of Tract A, Building -- Block 2, is limited and restricted to use as a compressor station site, to be used in conjunction with the sanitary sewer system.

To me, that is exactly what this property is, in addition to part of it, which is a beautiful landscaped area, which one of our residents spoke about. It is a small pump station that is there, and this ordinance that was done in 1961 states the land use and zoning use.

So I am not really sure why, at this particular point, when we are having our issues with Fairchild Gardens, why at this particular point the City, which I was told has 50 some odd inconsistencies in their plat books or zoning books or -- I'm not sure that I'm saying the right wording, but I was told there's 50 some odd inconsistencies in the City of Coral Gables, and those inconsistencies are being worked on one by one so that you have a comprehensive

map.

CHAIRMAN KORGE: Let me cut you off and ask you, so what you're suggesting is that actually there is no inconsistency right now, if it is zoned for a pump station and it is also planned for land use purposes as a pump station.

Is that right, Eric?

MR. RIEL: That's what I guess --

MR. COE: That's the whole problem.

MS. MACIAS: That's what it's --

MR. COE: Right now it's listed -- It's Single-Family housing.

MR. FLANAGAN: I'm sorry, can I just ask the speaker to read Subsection B again?

CHAIRMAN KORGE: Yeah.

MR. FLANAGAN: Can I -- Would you mind?

MS. MACIAS: Subsection B says that the use of Tract A, Block 2, is limited and restricted to use as a compressor station site, to be used in conjunction with a sanitary sewer system.

MR. FLANAGAN: So, at least the way I hear it, that is basically a zoning aspect. It's a use of the property, not -- not necessarily a land use designation.

MR. MACIAS: I think that is --

MR. FLANAGAN: And so it tells what happens on the property, but the land use designation, as it is right now, as Single-Family --

MR. COE: Which is wrong.

MR. FLANAGAN: -- is -- actually ends up being inconsistent with the zoning of Special Use.

MS. MACIAS: Correct.

MR. FLANAGAN: And I think the City -- I think all they're trying to do -- Anybody can go in, any -- as Judge Coe said earlier, any government entity can go in today, yesterday, and create a road there, if that's what anybody --

MS. MACIAS: Okay --

MR. FLANAGAN: -- wanted. However, the ordinance -- and I think that answers everybody's questions. What you

just -- That Subsection B answers it all for me, right there, that says it shall only be used for a compressor --

MS. MACIAS: Right, but --

MR. FLANAGAN: A compressor station, and that's exactly -- it's the lift station, and that's it.

MS. MACIAS: If you change the zoning or land use -- I believe what they want to do is change the land use, and the land use states Public Buildings and Grounds. Public Buildings and Grounds is something totally different to a pump use station that cannot be used -- that land cannot be used for anything else. If, on this particular property, you attach this, where it would only be used as a pump, I don't think we really have a problem. Where we have a problem is with our issue with Fairchild Gardens. This property abuts Fairchild Gardens. I think that the Planning Department has bigger issues than this small piece of land, because they --

CHAIRMAN KORGE: Well, excuse me for interrupting, but I guess what you're saying is, you'd prefer that the designation in the land use plan be pump station and grounds, not public facilities.

MS. MACIAS: Well, I think Public Buildings and Grounds gives them -- and I may be wrong, and that's why I just want to state what we feel. I think we want to make sure that it is only used for that, that in no future time by changing the zoning or the land use, Fairchild is given a possibility of putting a road through it, and I know that you've all kind of laughed at our suggestion, but I wish to show you a site plan of the Fairchild proposal which shows an entrance -- if it's not through the property, it is immediately adjacent, and since there is no actual survey of the property or actual survey of Fairchild Gardens, it does show the Fairchild Gardens, as they were saying, the entrance, the service entrance, or

the fire truck entrance to Fairchild Gardens, very close, if not through this particular piece of land.

MR. FLANAGAN: If I may --

MR. BEHAR: The problem is that it's zoned Single-Family.

MR. COE: That's not what we're doing.

MR. BEHAR: That's the problem. It's zoned Single-Family.

MR. RIEL: It's zoned "S" use. "S," Special Use.

CHAIRMAN KORGE: The problem is, it is listed in the Comprehensive Plan as Single-Family --

MR. RIEL: Correct.

CHAIRMAN KORGE: -- but it's zoned for "S" use. So --

MR. COE: So the designation is wrong from the zoning. That's what is being corrected.

MS. MACIAS: I think the only complaint here, really --

MR. COE: This is simply a corrective thing, ma'am. It has nothing

to do with what you're talking about.

MS. MACIAS: Well, that's -- I -- You know what? If it doesn't, we are very happy, I think, and maybe I'm speaking for others, other than myself.

MR. COE: Ma'am, so you understand, what issues you're bringing up --

MS. MACIAS: Uh-huh.

MR. COE: -- has nothing to do with what we're discussing tonight, has nothing to do with what's before us. We cannot even consider what you're bringing up. This is simply changing things to comport with the Comprehensive Plan.

MS. MACIAS: But --

MR. COE: It's a corrective measure. That's all we're talking about.

MS. MACIAS: I mean, maybe you need to --

MR. COE: No -- no, because --

MS. MACIAS: -- incorporate another section of your Code that states --

MR. COE: No, until Fairchild --

MS. MACIAS: -- pump stations.

MR. COE: Ma'am, ma'am, just listen. Until Fairchild Gardens, if that ever happens, presents a plan for development, it's never at issue in front of us.

MR. BEHAR: There's no other classification that could be applied to that.

MS. MACIAS: Exactly. So that's what worries us, you know, if there was --

MR. BEHAR: What they're doing -- what we're doing here is changing from Single-Family --

MS. MACIAS: Uh-huh.

MR. BEHAR: -- the classification, designation, to Public Buildings and Grounds.

MS. MACIAS: Are we sure it is Single-Family? Is there any -- I mean, I asked them to give me something that said it was Single-Family. See, the map that they do have before you, that they sent me first from the Planning

Department, showed Fairchild Gardens as Special Use District. Then another one was sent to me showing it as a park. And finally, a third one was sent to me, showing it as a Residential. I still believe that -- and you didn't want to talk about Fairchild Gardens, but I think I have to, because I think there's an inconsistency in what they show their zoning at. I don't think that the whole of Fairchild Gardens is zoned Residential. I believe it's only the front part.

(Simultaneous voices)

CHAIRMAN KORGE: Let me -- Let me just try to bring this to a head. The way it's zoned now, not the land use plan, but the way it's zoned now, according to the ordinance you read, it can only be used as a pump station.

MS. MACIAS: Correct.

CHAIRMAN KORGE: Changing the land use to conform to that doesn't allow the zoning to be any different than it is now, without going through a full public

hearing process, that you would go through to change the zoning in any event. In other words, if we don't change this at all in the land use plan, and Fairchild Gardens wants to put a road through there, the first thing they're going to have to do is get a zoning change for that parcel in order to put a road through there, which means they have to go through the public hearing process.

By contrast, if we go ahead and change, as recommended by the Planning Staff, the Comprehensive Land Use designation for that parcel, and the Fairchild Gardens wants to put a road through there, they're going to have to go through the exact same process and change the zoning by a public hearing process, in order to put the road through there. So the change in the designation is strictly a conforming change. It does not allow any other use than the use presently permitted by ordinance, which is the pump station

use.

MS. MACIAS: Okay, the zoning of --

CHAIRMAN KORGE: Is that correct, Liz?

MS. HERNANDEZ: That's correct.

MS. MACIAS: The zoning, according to this, is green, and green is a Special Use District.

CHAIRMAN KORGE: We're talking about Parcel A now.

MS. MACIAS: Parcel A.

CHAIRMAN KORGE: Right.

MS. MACIAS: Parcel A is green, and the zoning on Parcel A, green, is Special Use District, not Residential.

MR. FLANAGAN: Correct.

CHAIRMAN KORGE: That's correct.

MS. MACIAS: This is what I was given by the Planning Department.

MR. FLANAGAN: That is correct.

MR. BOLYARD: This is what I gave the members of the Board.

MS. MACIAS: Yes.

MR. BOLYARD: It shows that this was --

MS. MACIAS: Green. This little parcel, green.

MR. BOLYARD: And it shows that the "S" zoning on there, that that was incorrect, that it is actually --

MS. MACIAS: That's not what it says here.

MR. BOLYARD: See, that's why the X is there, and then this is the correct attachment A.

MS. MACIAS: Correct.

MR. BOLYARD: So this has been entered into the record --

MS. MACIAS: Existing zoning, green, for Parcel A. Parcel A, green.

MR. FLANAGAN: Correct, and we're not changing the zoning tonight. We're not modifying that ordinance that you read, that only allows a pump station and nothing else on the property. The only thing we're doing is, if you go to the two blocks above that, where it goes from yellow to green, is, we're changing the land use classification from Single-Family Residential, Low Density, to

Public Buildings and Grounds, which brings it into conformance with its use as a pump station, which is the only thing it can be used for.

MS. MACIAS: I agree, that's what this shows, but I was told originally that that little piece of land was zoned Residential zoning.

CHAIRMAN KORGE: It was. It wasn't zoned Residential, it was designated for land use purposes as Residential. It was zoned, according to the ordinance you read, as a pump station and only a pump station.

MS. MACIAS: Okay. I basically -- I think the concern, the concern is that they, you know -- that if by making it -- that it doesn't make it more restrictive -- you know, less restrictive than it is now.

MR. BEHAR: It will not.

CHAIRMAN KORGE: It will not.

MR. BEHAR: It will not.

MS. MACIAS: And I think that --

MR. BEHAR: It will not.

MS. MACIAS: -- if anybody else, you know, has something to say, they're --

CHAIRMAN KORGE: So anybody who signed up to speak on this issue, I think we've pretty much got it by now, and we don't need to keep repeating --

MR. BEHAR: There's somebody else in the corner.

MR. FLANAGAN: If there's something new to say.

CHAIRMAN KORGE: Pardon me?

MR. FLANAGAN: If there's something new to add.

CHAIRMAN KORGE: If there's something new. Well, why don't you go through the list of people who signed up, and if you feel like you've already, you know, gotten a full, fair hearing on this issue, you don't need come up and repeat it.

Go ahead.

MS. MENENDEZ: State your name, please.

MR. SEGALL: Sure. I'm Norman

Segall, and I reside at 495 Campana Avenue. I'm a past president of the Hammock Oaks Homeowners' Association.

Mr. Chairman, Members of the Board, Ms. Hernandez. I'm not going to repeat all of that. I understand the difference between a technical change and otherwise.

One of the things -- I'm going to suggest a technical change to your technical change, first, and that is that Item 3 proposes to change my house to a City utility station, at 495 Campana. It's not a good idea. This is next door to my house, and it's not there. So you might want to note that -- that, and I think on your slide presentation, you had 395 Campana --

MR. RIEL: That's correct.

MR. SEGALL: -- which is down the road the other way. So you might want to get yourself straightened out a little bit before --

MS. HERNANDEZ: Just a little.

MR. SEGALL: -- you do that.

I don't think that -- I don't think that there's much doubt that the homeowners, all of whom are concerned here over our little park space and whatever technical change that you have to do, if there is -- and I don't practice -- I'm a lawyer, but I don't practice planning and zoning, if you can make a reservation that preserves that property intact any more than the -- the current technical change that you're suggesting does, then that's what everybody is here about. Everybody wants that green space. That's what -- That's all that we want. We don't want roads going through it. We don't want anything -- The only thing that we might suggest, and since I live next door to it, I don't think that pump station has been a pump station for 15 years. I think it's just there, and I don't know whether Mr. Riel knows --

MR. COE: That does not make your argument, you know.

MR. SEGALL: No, it doesn't, but it

should be a -- it's a park area. That's all it is. They've -- they've put landscaping around it and it looks like a little park area, and that's all we want it -- that's all it is and that's all that we want it to be, and we'd appreciate whatever it is that you can do to that end.

MS. HERNANDEZ: Thank you.

CHAIRMAN KORGE: Thank you, sir.

MS. MENENDEZ: Joe Pallot.

Alan Sepe.

MR. SEPE: I am.

I'm Alan Sepe. I live at 11084 Monfero Street, and I just want to chime in on what Mr. Savitz said. One thing that's really important, he invited the Board to come out there, and one thing -- to come out there and see the parcel that we're talking about and come out there and touch it and feel it, and that's it, go see what we're talking about, and then make your decisions. Simple as that.

MR. AIZENSTAT: Thank you.

MS. MENENDEZ: Edward Lores?

Ileana Barbara?

Gerald Pinnas?

Amanda Quirke?

MS. QUIRKE: Amanda Quirke, with offices at 1441 Brickell, on behalf of Amace Properties. I'll be brief.

The first comment I'd just like to make is, as to the proposed revision by the Riviera Neighborhood Association, we think that it's inappropriate to incorporate that modification in the Comprehensive Plan. It's, you know, mandating review and incorporation of portions of a neighborhood plan. The City can do that at their own discretion, on a case-by-case basis.

The second point --

MS. HERNANDEZ: Ms. Quirke, we'll include you in whatever meetings we have with Mr. Gibbs and Mr. Acosta, so that that way we have both sides contributing to any discussion.

MS. QUIRKE: That would be very helpful. Thank you very much.

The second point is, on Mobility, 1.1.8, it's on Page 1 of the Mobility section, it says: Protect residential areas from parking impacts of nearby non-residential uses and businesses and discourage parking facilities that intrude, impact and increase traffic into adjacent residential areas.

For a point of clarification, for parking facilities, are you talking about --

MS. HERNANDEZ: Wait a minute, let us --

MR. RIEL: Give us a minute to go to the page.

MR. SALMAN: What page?

MR. RIEL: What page was that, again?

MS. QUIRKE: I was trying to speed it up.

MR. RIEL: Could you say it again?

MS. HERNANDEZ: Page 1 of the Mobility section.

MS. QUIRKE: Of the Mobility. It's Section 1.1.8.

CHAIRMAN KORGE: That's the orange one.

MR. SALMAN: Thank you.

MS. HERNANDEZ: 1.1.8, okay.

MS. QUIRKE: It's the third from the bottom, on the left.

MS. HERNANDEZ: Right here.

MR. RIEL: What page, I'm sorry?

MS. HERNANDEZ: Page 1 on Mobility.

MS. QUIRKE: It's Page 1 of Mobility.

CHAIRMAN KORGE: Page 1. It's the orange stuff.

MR. COE: Mobility?

MS. HERNANDEZ: Yeah, this one.

MR. SALMAN: Here it is.

(Simultaneous voices)

MS. HERNANDEZ: Here, I'll share with you. 1.1. --

MS. QUIRKE: 1.1.8.

MS. HERNANDEZ: Okay.

MS. QUIRKE: Protect residential areas from parking --

MR. AIZENSTAT: The right side. You said left.

MS. HERNANDEZ: It's on the right.

MS. QUIRKE: Yeah. Protect residential areas from parking impacts of nearby non-residential uses and businesses and discourage parking facilities that intrude, impact and increase traffic into residential areas.

For parking facilities, as Mr. Acosta recognized, there is a lot of commercial use along U.S. 1. It's immediately adjacent to residential neighborhoods. Are you referring specifically to off-street parking? Because all of those facilities are required to have certain parking requirements, some of them substantial, that could arguably -- you know, that could be used as a Comprehensive Plan change, maybe excessively.

MS. HERNANDEZ: Right, but if you look at the language --

MS. QUIRKE: Uh-huh.

MS. HERNANDEZ: -- it's protecting residential areas from parking impacts. So it imposes the burden to make sure

that whatever parking it's going to effect is not going to have a detrimental impact, and then discouraging parking facilities. So it's not an outright prohibition.

MR. RIEL: Right, it's not mandatory.

MS. HERNANDEZ: What suggested changes are you recommending?

MS. QUIRKE: I think my suggested change would be from "and discourage parking facilities," to delete it, because I think it's redundant and I think it can include parking garages or anything. I know that you don't want off-street parking spilling over into residential neighborhoods.

MS. HERNANDEZ: Right.

MS. QUIRKE: I think that that might be the intent, but some of these facilities on U.S. 1 have extensive parking requirements that -- so I would submit to you to just delete "and discourage," through the end of the sentence, because the first part of the

sentence speaks for itself.

In fact, there are three sections that are being added to the Mobility section that regard traffic intrusion into the residential neighborhoods. There's also 2.7.1 and Mobility 3.2.

MS. HERNANDEZ: Wait, wait. 2.7?

MR. COE: 2.7?

MS. QUIRKE: 2.7.1 is on Page 10.

MS. HERNANDEZ: Okay, and -- Right. What does that -- What is your objection to that one?

MS. QUIRKE: It's -- I don't have an objection to that one.

MS. HERNANDEZ: Oh.

MS. QUIRKE: I'm just saying that protecting from traffic intrusion is already in two other -- is proposed to be added in two other places, and so I think that that's addressed, for a point of clarification.

MS. HERNANDEZ: Thank you.

Mr. COE: Thanks very much.

MS. QUIRKE: Thank you.

MS. HERNANDEZ: Amanda, did you get

a copy of the proposed language, or not?

MS. QUIRKE: Yes, I did.

MS. HERNANDEZ: You did.

MR. COE: The next speaker?

MS. MENENDEZ: Chamorro?

Laudani?

That's all the speakers we have.

CHAIRMAN KORGE: That's everything? So we'll close the public portion of our meeting and --

MR. FLANAGAN: If I may --

CHAIRMAN KORGE: Yes.

MR. FLANAGAN: I've been back for two days, and there's a significant amount of information here.

CHAIRMAN KORGE: Where were you?

MR. FLANAGAN: In a place not so warm.

MS. HERNANDEZ: In a place not --

MR. FLANAGAN: Which was quite nice, anyway. No, I was just gone for a few days, but I've been back for two and I've been trying to get through some of this.

There is a significant amount of

information here that I think needs some intense review, that I haven't had the time to go over in the past two nights, not all of it, and so I'm just putting out there, I know nobody wants to come back and do this next time, but I'm not in a position to comment on or make suggestions to or vote on the significant changes to the elements that existed previously, together with, I think, the four new elements that are now in here.

CHAIRMAN KORGE: Right. Well, is there a motion? Is there any motion on the floor at this time?

MR. COE: Before we make a motion, I'd like Mr. Behar -- I think he's in the -- Here he comes now.

MS. HERNANDEZ: Welcome back.

Mr. COE: Well, for purposes of discussion, Mr. Chairman, for purposes of discussion, I will move Staff's recommendation to accept all of these changes as proposed, with the caveat that Staff will meet with Mr. Acosta and

the RNA people and counsel to discuss that proposed modification.

CHAIRMAN KORGE: Is there a second for that motion?

Hearing no second, I'll take -- open the floor to any other motion.

MR. FLANAGAN: I'll make a motion that we defer action on this item until our next motion.

CHAIRMAN KORGE: Is there a second for that one?

MR. BEHAR: I'll second that motion.

MR. COE: Mr. Chairman, before we go on to that --

Mr. Riel, on the June 3rd meeting, is there already agenda items set?

MR. RIEL: Yes.

MS. HERNANDEZ: And if I just may, for a point of clarification, while, you know, it's fine if you defer, the issue is, are there any questions that you would like Staff to research, because --

MR. RIEL: Right.

MS. HERNANDEZ: -- to make a motion

to defer, while we would accept it, obviously --

MR. RIEL: My preference is a motion to continue --

MS. HERNANDEZ: Okay.

MR. FLANAGAN: For a continuance.

MR. RIEL: -- rather than defer --

MS. HERNANDEZ: But if you have any specific issues --

MR. RIEL: I would offer that if any Board member, in advance of the next meeting -- we'd be happy to sit down and go through each of the elements and the issues, and welcome, you know, that, and we can kind of coordinate that review, so when we do come back on June 2nd --

MR. COE: June 3rd.

MR. RIEL: -- we can hopefully, you know --

MR. COE: June 3rd.

MR. RIEL: -- dispense with it very quickly, and then I would also ask -- I don't know, I just want to make sure the Board -- Will we be opening the public hearing again? I just, you know,

because that --

CHAIRMAN KORGE: Well --

MR. AIZENSTAT: That's the problem that I see.

MR. RIEL: And I'm just asking the question.

MR. COE: And we will --

CHAIRMAN KORGE: Wait, let's --

MS. HERNANDEZ: No, no, no, but --

(Simultaneous comments)

CHAIRMAN KORGE: I'm going to address that. Excuse me, I'm going to address that very clearly. We closed the public portion of the hearing --

MS. HERNANDEZ: Right.

CHAIRMAN KORGE: We are continuing this for purposes of discussion --

MR. RIEL: Discussion by the Board members.

CHAIRMAN KORGE: -- by the Board.

MS. HERNANDEZ: Right.

CHAIRMAN KORGE: And then a motion by the Board to approve any amendments.

Mr. COE: Hold on, hold on.

Mr. Chairman, hold on one second.

I want to get an opinion from the City Attorney on that.

If there's new elements that are being proposed for us to vote on, do we not have to reopen the public portion for comment?

MS. HERNANDEZ: Okay. I don't believe that Mr. Riel is going to be bringing back new changes to the Comp Plan. It's just this is being deferred specifically for the Board to study and pose questions to Staff, to come back at a public forum and answer and respond to. However, at any time, a majority of this Board can reopen the proceedings for public comment and input.

At this time, public comment has been closed, and the only thing presently before the Board is discussion by the Board and deliberation, but again, you're not tying your hands, okay? But it would have to be subject to a motion to reopen it.

MR. AIZENSTAT: I mean, if that's the case, wouldn't you at that point, if

you were going to meet with any association or look at anything -- isn't that the time when you're going to do it, between the City Attorney and the Planning Department?

MS. HERNANDEZ: Yes, we would be meeting with the Riviera representatives, as well as the representatives for any objecting party, in order to discuss if any language we would recommend. I'm not -- you know, I have concerns.

MR. AIZENSTAT: You see, I feel -- I feel comfortable with the City Attorney as far as the City Attorney's ability to review the document, the document that's before us. I'm not -- I'm speaking for myself. I'm not an attorney, to go ahead and look at this, but I'm familiar with a lot of the processes and a lot of what's in here.

If you'd like to take a look at it from a legality point of view, and any recommendations on it that way, I can understand that. But I don't know if

that's -- if that's something --

MS. HERNANDEZ: No, he wants to look at it as a Board member, to address any concerns.

MR. AIZENSTAT: My understanding was that you wanted to look at it on a legal --

MR. FLANAGAN: Oh, no, no. No, it's as a Board member.

MR. AIZENSTAT: I just want to be clear on that.

MR. FLANAGAN: With all of these new goals, you know, objectives and policies that are in here.

CHAIRMAN KORGE: He wants to read it.

MR. AIZENSTAT: Okay.

MR. SALMAN: He wants to know what he's voting on.

MR. AIZENSTAT: I understood it a different way.

MR. RIEL: Just for clarification of the record, could I have the motion restated as a continuance or --

MR. FLANAGAN: Yes, I will make a

motion that we continue this until our June 3rd -- whatever our next meeting is.

MR. RIEL: June 3rd.

MR. FLANAGAN: June 3rd meeting.

MR. BEHAR: And I'll second that motion again.

CHAIRMAN KORGE: There's a motion and a second. Any further discussion on this motion?

Let's call the question, please.

MS. MENENDEZ: Eibi Aizenstat?

MR. AIZENSTAT: Yes.

MS. MENENDEZ: Robert Behar?

MR. BEHAR: Yes.

MS. MENENDEZ: Jack Coe?

MR. COE: No.

MS. MENENDEZ: Jeff Flanagan?

MR. FLANAGAN: Yes.

MS. MENENDEZ: Javier Salman?

MR. SALMAN: Yes.

MS. MENENDEZ: Tom Korge?

CHAIRMAN KORGE: Yes.

MS. HERNANDEZ: Okay.

MR. COE: That's it.

Move adjournment.

MS. HERNANDEZ: Mr. Segall, if there's anybody from your organization that wishes to meet, as well, we're happy to meet and address any concerns that you may have at that time. You know my number, so feel free to call us, okay?

(Thereupon, the meeting was adjourned at 7:48 p.m.)

C E R T I F I C A T E

STATE OF FLORIDA:
SS.
COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomate Reporter, Florida Professional Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 19th day of May, 2009.

JOAN L. BAILEY, RDR, FPR

Notary Commission Number DD 64037
Expiration June 14, 2011.