

1 CITY OF CORAL GABLES  
 2 PLANNING AND ZONING BOARD MEETING  
 3 VERBATIM TRANSCRIPT  
 4 CORAL GABLES CITY HALL  
 5 405 BILTMORE WAY, COMMISSION CHAMBERS  
 6 CORAL GABLES, FLORIDA  
 7 WEDNESDAY, JANUARY 14, 2009, 6:10 P.M.

## 8 Board Members Present:

9 Tom Korge, Chairman  
 10 Eibi Aizenstat, Vice-Chairman  
 11 Robert Behar  
 12 Jack Coe  
 13 Jeffrey Flanagan  
 14 Pat Keon  
 15 Javier Salman

## 16 City Staff:

17 Eric Riel, Jr., Planning Director  
 18 Walter Carlson, Assistant Planning Director  
 19 Jill Menendez, Administrative Assistant  
 20 Lourdes Alfonsin Ruiz, Assistant City Attorney  
 21 Martha Salazar-Blanco, Zoning Official  
 22 Ricardo Herran, Zoning Technician  
 23 Elizabeth Gonzalez, Zoning Technician  
 24 Carlos Mindreau, City Architect  
 25 Kara Kautz, Historic Preservation Officer

## 26 Also Participating:

27 Zeke Guilford, Esq.

## 1 THEREUPON:

2 (The following proceedings were had.)

3 THE CHAIRMAN: Shall we get started?

4 Would you call the roll, please?

5 MS. MENENDEZ: Eibi Aizenstat?

6 MR. AIZENSTAT: Here

7 MS. MENENDEZ: Robert Behar?

8 MR. BEHAR: Here.

9 MS. MENENDEZ: Jack Coe?

10 MR. COE: Here.

11 MS. MENENDEZ: Jeff Flanagan?

12 MR. FLANAGAN: Here.

13 MS. MENENDEZ: Javier Salman?

14 Pat Keon?

15 Tom Korge?

16 THE CHAIRMAN: Here.

17 First item on the agenda is the approval  
 18 of the --

19 MR. BEHAR: Motion to approve.

20 THE CHAIRMAN: -- minutes -- minutes from  
 21 December 10th.

22 MR. BEHAR: Motion to approve.

23 THE CHAIRMAN: Motion. Is there a second?

24 MR. AIZENSTAT: Second.

25 THE CHAIRMAN: Any changes or discussion?

1 Hearing none, we'll call the roll.

2 MS. MENENDEZ: Robert Behar?

3 MR. BEHAR: Yes.

4 MS. MENENDEZ: Jack Coe?

5 MR. COE: Not here.

6 MS. MENENDEZ: Jeff Flanagan?

7 MR. FLANAGAN: Yes.

8 MS. MENENDEZ: Eibi Aizenstat?

9 MR. AIZENSTAT: Yes.

10 MS. MENENDEZ: Tom Korge?

11 THE CHAIRMAN: Yes.

12 So I guess the motion passes. We have a  
 13 majority, right?

14 MR. AIZENSTAT: Two, three, four, right.

15 THE CHAIRMAN: Yeah, okay. The next item  
 16 on the agenda is Application Number 07-08-072-P,  
 17 Building Site Separation and Tentative Plat  
 18 Review, 1800 LeJeune Road.

19 MR. CARLSON: Good evening, and Happy New  
 20 Year to all.

21 The application is with -- regarding the  
 22 property located at 1800 LeJeune Road, and you  
 23 have before you two -- two items. One is a copy  
 24 of the PowerPoint presentation which I'm about  
 25 to give you -- you can follow along if you'd

1 like -- and the second is the updated list of  
 2 comments which the City received regarding  
 3 this -- this application, and that is on the  
 4 blue sheets.

5 If the people upstairs would, please, bring  
 6 up my PowerPoint presentation.

7 Thank you very much.

8 Again, this application is regarding the  
 9 property at 1800 LeJeune Road. The applicant is  
 10 making two requests this evening. The first is  
 11 a separation of the property into three building  
 12 sites, that would create two new building sites  
 13 for single-family homes and one building site  
 14 for the existing duplex.

15 The second request, which is before you, is  
 16 a re-plat of the property into three plated  
 17 lots, and each of the plated lots would be a  
 18 separate building site, one for each of the  
 19 new -- new homes and one for the existing  
 20 duplex.

21 The property currently consists of eight  
 22 plated lots and is -- is about 7/10th of an acre  
 23 in size. The property has both, single-family  
 24 and duplex land use and zoning designations.  
 25 The existing historic duplex, which is what's

1 currently on the property, was constructed in  
2 1924 and -- and is -- occupies the east portion  
3 of the property. An existing coral rock wall  
4 and swimming pool occupies the west portion of  
5 the property.

6 The entire property has been designated  
7 historic by the Historic Preservation Board. At  
8 the request of the City Commission, the Historic  
9 Presentation Board reviewed the request for the  
10 building site separation, which is similar to  
11 what is before you tonight. The Historic  
12 Preservation Board recommended the separation of  
13 the property into three building sites, as is  
14 being proposed by the applicant.

15 Any construction on the property would  
16 require review and approval by the Historic  
17 Preservation Board.

18 There are six review criteria, which are  
19 contained in the Zoning Code, of which a minimum  
20 of four criteria must be met for satisfaction --  
21 for Staff's recommendation of approval.

22 (Thereupon, Ms. Pat Keon entered the  
23 meeting room.)

24 MR. CARLSON: Staff has reviewed each of  
25 the criteria and has determined the following:

1 First --  
2 THE CHAIRMAN: Excuse me for interrupting.  
3 Let me just note, for the record, that Pat Keon  
4 has arrived.

5 Thank you. Go ahead.

6 MR. CARLSON: The first criteria is that  
7 exceptional or unusual circumstances exist.

8 This proposal satisfies this criteria. The  
9 property has two different land use and zoning  
10 designations, those being single-family  
11 residential and duplex, and this proposal is in  
12 accordance with those designations.

13 That the building sites created would be  
14 equal to or larger than the majority of  
15 surrounding building site frontages of the same  
16 zoning designation.

17 This proposal satisfies this criteria. The  
18 frontages of the proposed building sites would  
19 be equal to or greater than the existing  
20 surrounding single-family residences and duplex  
21 building sites.

22 That the building site separation would not  
23 result in any existing structures becoming  
24 non-conforming.

25 This proposal satisfies this criteria. The

1 existing historic residence would remain and  
2 each of the new single-family homes would occupy  
3 a separate plated lot, as a result of the  
4 proposed re-plat of the property which is before  
5 you this evening.

6 That no Restrictive Covenants,  
7 encroachments, easements or the like exist.

8 This proposal does not satisfy this  
9 criteria. An existing coral rock wall and  
10 swimming pool currently ties the entire site  
11 together as a single building site.

12 That this proposal maintains and preserves  
13 open space, historic character, property values  
14 and visual attractiveness and promotes  
15 neighborhood compatibility.

16 This proposal does not satisfy this  
17 criteria. Construction of the two new  
18 single-family homes on this property would  
19 result in the loss of existing open space.

20 The final review criteria is that the  
21 property was purchased by the current owner  
22 prior to September of 1977.

23 And the property -- this proposal satisfies  
24 this criteria, as the property was purchased in  
25 1963.

1 Therefore, Staff is recommending approval  
2 of this building site separation and the  
3 tentative re-plat based on the following  
4 findings of fact:

5 First, the applicant satisfies four of the  
6 six criteria for review contained in the Zoning  
7 Code for a building site separation.

8 There are no changes requested to the  
9 property's existing land use or zoning  
10 designations.

11 The Historic Preservation Board recommended  
12 the proposed building site separation as  
13 proposed by the applicant.

14 Any proposed plans for the property would  
15 require review and approval by the Historic  
16 Preservation Board.

17 And the tentative plat has been reviewed by  
18 City Staff and the affected utility companies,  
19 and no objections have been made.

20 The Planning Department recommends  
21 approval, with one -- with one condition.

22 And that condition being, all proposed  
23 plans for construction on the property,  
24 including any modifications to the existing  
25 historically designated duplex and the two new

9

1 single-family homes, shall require review and  
 2 approval by the Historic Preservation Board  
 3 prior to the issuance of a building permit.

4 THE CHAIRMAN: Can I ask you a quick  
 5 question about that?

6 When you say, "Approval of the Board for  
 7 the property -- construction on the property,"  
 8 does that mean after the property is separated,  
 9 it would include all three sites?

10 MR. CARLSON: That is correct.

11 THE CHAIRMAN: Thank you.

12 MR. CARLSON: That concludes Staff's  
 13 presentation. If you have any questions, the  
 14 applicant is here.

15 MR. COE: Yes, Mr. Carlson, I have a couple  
 16 of questions.

17 The existing duplex, how many lots does  
 18 that comprise?

19 MR. CARLSON: Eight.

20 MR. COE: No, the existing structure  
 21 itself, how is it going to be divided up?  
 22 You're going to have two new building sites,  
 23 which lots are they going to comprise, and  
 24 what's left of the old site?

25 MR. GUILFORD: I can answer that.

10

1 MR. CARLSON: I believe --  
 2 MR. COE: I think maybe -- maybe Zeke wants  
 3 to chime in.

4 MR. CARLSON: Sure.

5 MR. GUILFORD: Good evening.

6 MR. COE: How is the property being divided  
 7 up with these three building sites?

8 MR. GUILFORD: The property actually  
 9 consists of --

10 MR. COE: Right.

11 MR. GUILFORD: -- of eight lots, five  
 12 across LeJeune and then three single-family  
 13 lots.

14 THE CHAIRMAN: Would you state your name  
 15 and address, for the record, Mr. Guilford?

16 MR. GUILFORD: I'm sorry. Zeke Guilford,  
 17 offices at 2222 Ponce de Leon Boulevard,  
 18 representing James and Shockey Pilafian.

19 Mr. Coe, the way it's being divided up is,  
 20 the house and the apartment -- the house itself  
 21 sits on the duplex zoned lots.

22 The -- actually, the garage apartment,  
 23 actually straddles the duplex and the -- and the  
 24 single-family.

25 So what we're doing is, the

11

1 single-family -- the current single-family house  
 2 that's existing today sits on the duplex lots.  
 3 The garage apartment, which will become part of  
 4 that, would be basically non-conforming, because  
 5 it would straddle those two zoning districts and  
 6 land use designations, and then we'll have the  
 7 two single-family lots, where the three lots  
 8 were, more or less, give or take.

9 MR. COE: Thank you.

10 (Thereupon, JAVIER SALMAN entered the  
 11 meeting room.

12 THE CHAIRMAN: For the record, Javier  
 13 Salman has arrived.

14 Mr. Guilford, did you have any presentation  
 15 you wanted to make?

16 MR. GUILFORD: Mr. Chairman, just real  
 17 quickly, to go over what Mr. Coe just said, the  
 18 existing house and the -- the two-story building  
 19 sits on the duplex lot.

20 MR. COE: Zeke -- Zeke -- I don't mean to  
 21 interrupt you, but we can't see it over here.

22 (Simultaneous speaking.)

23 MR. GUILFORD: I should go to this one  
 24 first. This is just the survey of the property.  
 25 Where -- where the duplex lot sits, there's

12

1 five feet -- 25 feet across along LeJeune Road,  
 2 and it goes right to about the corner of -- of  
 3 this section here, a little over a hundred feet,  
 4 and then we have three, essentially, 50-foot  
 5 lots.

6 What the Historic Preservation Board  
 7 recommended was to create this as one building  
 8 site and then have two 60-foot lots behind it.

9 When we did the analysis, that still came  
 10 out to -- to meet the requirements that set  
 11 forth one of the criteria of the six.

12 Now, Mr. Chairman and Members of the Board,  
 13 I'm going to keep this extremely short, because,  
 14 I think, in 19 years of doing this and  
 15 presenting multiple building site separations, I  
 16 think this is the first time Staff has ever  
 17 recommended approval, and I should -- should  
 18 really just shut up and sit down.

19 THE CHAIRMAN: Yeah. Yeah, you could.

20 MR. GUILFORD: You know, I could argue -- I  
 21 could argue with Staff about one condition. I'm  
 22 not going to. However, if there's any question  
 23 regarding this property, this has been -- I  
 24 looked back, when I originally intended to file  
 25 this application, was actually February 2005, so

13

1       this has been beating around between us and  
2       Historic and all over the place. We're really  
3       happy to get it here before you all.

4       MR. COE: Does the applicant accept the  
5       condition?

6       MR. GUILFORD: Yes, absolutely. As a  
7       matter of fact, Judge, we actually have -- what  
8       happened, and a little bit of the history, when  
9       we originally started to file with Planning, we  
10      got the letter from Historic that -- that --  
11      that they -- that it met the criteria for  
12      Historic significance. We appealed that.

13      It bounced back to Historic for  
14      designation. We appealed that.

15      It went to the Commission. The Commission  
16      sent it back to Historic, to ask -- to say, "See  
17      if you can come up with some -- some type of  
18      compromise."

19      This is the compromise that was recommended  
20      by Historic, and -- and obviously, here --  
21      here -- here it comes back.

22      So we do accept that. As a matter of fact,  
23      any historic property must go to the Historic  
24      Preservation Board, no matter what you do.

25      So, clearly, even if we didn't accept the

14

1       condition, it's a requirement of the City.  
2       THE CHAIRMAN: Any more questions of the  
3       applicant?

4       MS. KEON: I have one.

5       THE CHAIRMAN: Uh -- go ahead, yes.

6       MS. KEON: The remaining lots, then are --  
7       they're designated as single-family, right?

8       MR. GUILFORD: Yes. What you're -- yes,  
9       that's exactly what they're doing.

10      MS. KEON: They are? I just want to  
11      confirm that they're single-family, they're not  
12      duplex?

13      MR. GUILFORD: They're not duplex. I  
14      understand that a couple of the comments --

15      MS. KEON: Yeah.

16      MR. GUILFORD: -- did not understand, they  
17      thought we were creating a duplex lot, but it's  
18      already zoned, and it's not duplex, yes, ma'am.

19      MS. KEON: Okay.

20      MR. AIZENSTAT: And if I see it correctly,  
21      your garages are actually facing inward toward  
22      each other, as opposed to the street?

23      MR. GUILFORD: That's correct.

24      MR. AIZENSTAT: Nice design.

25      MR. GUILFORD: Yeah.

15

1       THE CHAIRMAN: Is there anybody from the  
2       public who wishes to speak about this particular  
3       application?

4       No?

5       Then I'll -- I'll open it for a motion and  
6       discussion.

7       MR. COE: I'll move Staff's approval.

8       MR. BEHAR: I'll second it.

9       THE CHAIRMAN: There's a motion and a  
10      second for Staff's approval. Is there any  
11      discussion on the motion?

12      There's no discussion. Then I'll call --

13      MR. RIEL: Mr. Chair, I just want to note,  
14      as a part, when you recommend approval, it also  
15      includes the Zoning Code amendment, where we  
16      amend the site specific standards to indicate  
17      these are each separate building sites, just as  
18      a matter of clarification.

19      THE CHAIRMAN: Okay.

20      Mr. Guilford --

21      MR. COE: I'll amend -- I'll amend my  
22      motion to conform with Mr. Riel's explanation,  
23      unless you're objecting to that.

24      MR. GUILFORD: That's fine. We accept  
25      that. No, we're not objecting to that.

16

1       MR. COE: Okay. So I'm amending, in  
2       accordance with what the Director suggested.

3       THE CHAIRMAN: Then I assume that the  
4       second accepts that as a friendly amendment?

5       MR. BEHAR: I accept it, as well.

6       THE CHAIRMAN: And is there any discussion  
7       on the motion as so amended?

8       No discussion? We'll call the roll.

9       MS. MENENDEZ: Jack Coe?

10      MR. COE: Yes.

11      MS. MENENDEZ: Jeff Flanagan?

12      MR. FLANAGAN: Yes.

13      MS. MENENDEZ: Pat Keon?

14      MR. KEON: Yes.

15      MS. MENENDEZ: Javier Salman?

16      MR. SALMAN: Yes.

17      MS. MENENDEZ: Eibi Aizenstat?

18      MR. AIZENSTAT: Yes.

19      MS. MENENDEZ: Robert Behar?

20      MR. BEHAR: Yes.

21      MS. MENENDEZ: Tom Korge?

22      THE CHAIRMAN: Yes.

23      MR. GUILFORD: Thank you very much.

24      MR. AIZENSTAT: Happy New Year, Zeke.

25      MR. GUILFORD: Thank you. Likewise.