

**City of Coral Gables
Local Planning Agency (LPA)/Planning and Zoning Board Meeting
Wednesday, October 19, 2011, 6:01 p.m.
Coral Gables City Commission Chambers
405 Biltmore Way, Coral Gables, Florida**

| MEMBERS | D9 | J12 | F9 | M9 | A27 | M11 | J8 | J22 | O12 | O19 | APPOINTMENT |
|--------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----------------------------------|
| | '10 | '11 | '11 | '11 | '11 | '11 | '11 | '11 | '11 | '11 | |
| Eibi Aizenstat - Chair | C | C | P | C | P | C | P | P | P | P | City Manager Patrick Salerno |
| Robert Behar | C | C | P | C | P | C | P | P | P | P | Commissioner Rafael Cabrera, Jr. |
| Jeffrey Flanagan - Vice Chair | C | C | P | C | P | C | P | P | P | E | Commissioner Maria Anderson |
| Julio Grabiell | - | - | - | - | - | C | P | P | P | P | Mayor Jim Cason |
| Pat Keon | C | C | P | C | P | C | P | P | E | P | Planning and Zoning Board |
| Vince Lago | - | - | - | - | - | - | - | - | P | P | Commissioner Frank C. Quesada |
| Javier Salman | C | C | P | C | P | C | P | P | P | E | Vice Mayor William H. Kerdyk, Jr. |

P = Present
E = Excused
C = Meeting Cancelled

City Staff and Consultants:

Eric Riel, Jr., Planning Director
 Scot Bolyard, Principal Planner
 Jill Menendez, Administrative Assistant
 Craig E. Leen, City Attorney
 Dona Spain, Historical Resources Director
 Cynthia Birdsill, Economic Sustainability Director
 Jane Tompkins, Development Services Director

Court Reporter:

Joan Bailey

Also present: Patrick G. Salerno, City Manager

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CITY OF CORAL GABLES
LOCAL PLANNING AGENCY (LPA) /
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
CORAL GABLES CITY HALL
405 BILTMORE WAY, COMMISSION CHAMBERS
CORAL GABLES, FLORIDA
WEDNESDAY, OCTOBER 19, 2011, COMMENCING AT 6:01 P.M.

Board Members Present:

- Eibi Aizenstat, Chairman
- Robert Behar
- Julio Grabiell
- Pat Keon
- Vincent Lago

City Staff and Consultants:

- Eric Riel, Jr., Planning Director
- Craig E. Leen, City Attorney
- Scot Bolyard, Planner
- Jill Menendez, Administrative Assistant
- Dona Spain, Historic Preservation Officer
- Cynthia Birdsill, Economic Sustainability Director
- Jane Tompkins, Development Services Director
- Patrick G. Salerno, City Manager

Also Present:

- Laura Russo, Esq.

Excerpts of Planning & Zoning Board
Meeting Minutes held on Oct. 19, 2011.

1 MS. KEON: Yes.
2 MS. MENENDEZ: Eibi Aizenstat?
3 CHAIRMAN AIZENSTAT: Yes.
4 The second item that we're going to -- on
5 the agenda is an Ordinance of the City
6 Commission of Coral Gables, Florida, providing
7 for a text amendment to the City of Coral
8 Gables Official Zoning Code, Article 3,
9 "Development Review," Division 10, "Transfer of
10 Development Rights," to update and clarify the
11 provisions; and providing for severability,
12 repealer, codification, and an effective date.
13 Eric, do you have a presentation?
14 MR. RIEL: Yeah, again, very brief. Let me
15 have the PowerPoint up.
16 Basically, what this is, is a Zoning Code
17 text amendment regarding a transfer of
18 development rights. As a part of the rewrite
19 of the Zoning Code, there were no really major
20 changes that were done to the TDR. Since we
21 are looking at the museum and the whole issue
22 of, you know, change in land use and zoning,
23 Historic Preservation and the Planning
24 Department worked closely on just clarifying
25 the TDR provisions. There's no change in terms

1 limitation on the ability to transfer those
2 development rights?
3 MR. RIEL: Yes. The transfer is granted by
4 the Historic Preservation --
5 MR. BEHAR: Correct.
6 MR. RIEL: -- Department, and there's a
7 two-year time frame from the date of the
8 issuance.
9 MS. SPAIN: That was my request. I
10 requested that because the transfer is linked
11 to a maintenance plan of a historic building,
12 and if it's indefinite, the building could be
13 deteriorating and then they can transfer them,
14 and the whole purpose is to maintain the
15 historic building.
16 MR. BEHAR: Okay.
17 MS. SPAIN: Okay?
18 CHAIRMAN AIZENSTAT: Makes sense.
19 MR. BEHAR: Makes sense. Okay.
20 CHAIRMAN AIZENSTAT: Any other comments?
21 MS. KEON: Can I -- Yeah. Are -- Are the
22 transfer of development rights transferable to
23 another party within those two years? If
24 somebody else buys a particular site, do you
25 have to start all over?

1 of the content of the provisions. The only
2 change that was made is to kind of -- and I put
3 up on the overhead, is to kind of outline the
4 process in a more clear fashion, so it's
5 hopefully easier to understand.
6 The only other change that was done was to
7 put a time limitation on when they're granted
8 and when the TDR receiving site receives a site
9 plan. There's a two-year time frame, which is
10 typical or standard for all development
11 approvals. So, if a TDR was granted, say, in
12 1985, it would still be valid today. So we're
13 just putting a time limitation, because
14 obviously, as things go through time, you know,
15 things change.
16 So that's basically the only change, just
17 clarification, and just, you know,
18 modifications to the format of the document.
19 CHAIRMAN AIZENSTAT: Okay. Seeing how
20 there's nobody here from the public, we'll go
21 ahead and close --
22 MR. BEHAR: Let me ask --
23 CHAIRMAN AIZENSTAT: -- to the public and
24 bring it for Board discussion.
25 MR. BEHAR: You're putting a time

1 MR. RIEL: The certificate, I would assume,
2 is granted to a specific individual or
3 property.
4 MS. KEON: Right.
5 MR. BEHAR: Property.
6 MR. RIEL: Right.
7 MS. KEON: To a property.
8 MR. BEHAR: Property.
9 MS. KEON: And if the property changes
10 hands, the development rights don't go with it,
11 or they do? That's what I'm asking.
12 CHAIRMAN AIZENSTAT: That's a good
13 question.
14 MS. SPAIN: They do.
15 This isn't tied to a specific owner. It is
16 tied to a receiving site, though.
17 MS. KEON: To a site?
18 MS. SPAIN: To a receiving site, not a
19 sending site.
20 MS. KEON: Right, no.
21 MS. SPAIN: So, if I own a historic
22 building --
23 MS. KEON: Right.
24 MS. SPAIN: -- and I get the ability to
25 transfer to some commercial property --

1 MS. KEON: Right, right.
 2 MS. SPAIN: -- and then I sell the
 3 building, it stays with the building. I mean,
 4 but if I sell the building, then the ability to
 5 transfer is still there with the building.
 6 MS. KEON: Okay, no, I understand that.
 7 MS. SPAIN: Right.
 8 MS. KEON: I'm talking about the receiving
 9 site, and --
 10 MS. SPAIN: It's tied to a receiving site.
 11 It's tied to a receiving site.
 12 MS. KEON: Right.
 13 MS. SPAIN: It's not necessarily tied to
 14 the owner of that receiving site.
 15 MS. KEON: Okay, so it could be
 16 transferred. I mean, they could -- they could
 17 go with the sale of the building?
 18 MS. SPAIN: Right.
 19 MS. KEON: They would go?
 20 MS. SPAIN: Yes, as long as it's the same
 21 design.
 22 MS. KEON: But they're still limited to the
 23 two years, anyway?
 24 MS. SPAIN: Right.
 25 MS. KEON: Is that right?

1 MS. SPAIN: That's right.
 2 CHAIRMAN AIZENSTAT: Can they come in and
 3 ask you for an extension? Let's say you're --
 4 MS. SPAIN: I don't know the answer to that
 5 question.
 6 MR. RIEL: No.
 7 MR. BEHAR: Should we consider putting a
 8 time to ask for an extension?
 9 MR. GRABIEL: It would give you the
 10 opportunity to review the building and see how
 11 it's doing, and at that time then either cut it
 12 off or allow them --
 13 MS. KEON: They could just reapply.
 14 MR. BEHAR: Maybe it's just one extension
 15 you get, but I'm thinking a two-year time
 16 frame --
 17 MS. SPAIN: I know it's difficult.
 18 MR. BEHAR: -- is very tight.
 19 MS. SPAIN: It is.
 20 MR. BEHAR: You know?
 21 MS. SPAIN: For the receiving site.
 22 MR. BEHAR: For the receiving site. So I
 23 think that, you know, the idea, like Julio
 24 said, is, you know, you do an inspection. If
 25 the building's still -- you could grant an

1 extension.
 2 MS. SPAIN: I don't have a problem with
 3 that.
 4 MR. BEHAR: Okay.
 5 MR. LEEN: May I ask a question? What
 6 would be the standard for whether the extension
 7 is granted?
 8 MR. GRABIEL: Standard?
 9 MR. LEEN: Well, how would you -- It's an
 10 automatic extension? I don't know what you're
 11 talking about.
 12 MR. GRABIEL: The Historic Department would
 13 have to review -- to give them the opportunity
 14 to review the donor site --
 15 MR. LEEN: Sure.
 16 MR. GRABIEL: -- and --
 17 CHAIRMAN AIZENSTAT: It would be up to the
 18 Historic Department.
 19 MR. GRABIEL: The Historic Department.
 20 MS. SPAIN: For the length, you mean, of
 21 the extension? Because you probably should put
 22 on what that extension would be, what time
 23 frame it would be for.
 24 MR. LEEN: There should be some
 25 limitation as to --

1 MS. SPAIN: Right.
 2 MR. LEEN: -- the time frame, and then
 3 there should probably be some standard, like
 4 if, after review, you see this, that it's
 5 substantially --
 6 MS. SPAIN: With the maintenance.
 7 MR. LEEN: Yeah.
 8 MS. KEON: Can you -- Is it possible to
 9 just, if the property that has received the --
 10 that has the right now --
 11 MS. SPAIN: Uh-huh.
 12 MS. KEON: -- that has been transferred to
 13 them --
 14 MS. SPAIN: Uh-huh.
 15 MS. KEON: If that property is sold, can
 16 they, you know, go through -- I'd like to see
 17 something that allows them, you know, to be
 18 able to -- to go through the process of
 19 recertifying that without, you know, a cost to
 20 them or --
 21 MS. SPAIN: As long as it's within the
 22 two-year time frame and the design hasn't
 23 changed, then that would still be valid.
 24 MR. BEHAR: But I could imagine -- I
 25 could -- you know, if there's a property that

1 you transfer to --
 2 MS. SPAIN: Uh-huh.
 3 MR. BEHAR: -- and I start, you know,
 4 designing on that property --
 5 MS. SPAIN: No, I know.
 6 MR. BEHAR: -- and I may not be able to
 7 even --
 8 MS. SPAIN: I know.
 9 MR. BEHAR: -- commence construction in
 10 that first two years, then I'm -- I'm --
 11 MS. SPAIN: You're out.
 12 MR. BEHAR: I'm out, and I already designed
 13 this project, and I can't go back to get it. I
 14 think that there has to be a provision that
 15 there is an extension, and let me give you an
 16 example. In the City of Miami, the major use
 17 special permits, after a time expires, you
 18 could ask for an extension to those, and you'll
 19 be granted. If you want to make a -- put a
 20 provision that you have to do something to make
 21 sure that it's still there --
 22 MS. SPAIN: Why don't you put a review of
 23 the maintenance plan, that the Historic
 24 Preservation Department reviews the maintenance
 25 plan?

1 MR. BEHAR: That would be fine.
 2 MS. SPAIN: I don't know, I mean, because
 3 that's the whole point.
 4 CHAIRMAN AIZENSTAT: That's the whole
 5 point, yeah.
 6 MS. KEON: Right.
 7 MS. SPAIN: Right.
 8 CHAIRMAN AIZENSTAT: What happens if the
 9 time expires? What's the procedure if -- Can
 10 they reapply again?
 11 MS. SPAIN: I would imagine. I don't think
 12 there's a prohibition on reapplication.
 13 MR. BEHAR: You don't want to go through
 14 the whole process again.
 15 MS. KEON: It's time consuming and
 16 everything.
 17 MS. SPAIN: We have people reapply for the
 18 significance letters in our department.
 19 MS. KEON: So you don't want to -- You
 20 don't want to force it on people if they --
 21 CHAIRMAN AIZENSTAT: But there's got to
 22 be a -- but that extension has to be tied to a
 23 specific period, and I think before you grant
 24 an extension, there may have to be certain
 25 criteria that's met, and that would be by the

1 maintenance plan.
 2 MR. BEHAR: Well, the maintenance plan, as
 3 she said, and --
 4 CHAIRMAN AIZENSTAT: Yeah, which is
 5 perfect.
 6 MR. BEHAR: Right, as long as you already
 7 commence doing the maintenance to the historic
 8 site, you're fine.
 9 CHAIRMAN AIZENSTAT: What's the time period
 10 that an extension would be granted for? It
 11 can't be indefinitely.
 12 MR. RIEL: Typically, in other provisions
 13 in the Code, we've done six-month time --
 14 administrative time extensions, subject to the
 15 Development Review Official, which in the case
 16 would be Dona.
 17 CHAIRMAN AIZENSTAT: Are you okay with that?
 18 MS. KEON: Is that part of the -- I'm
 19 sorry, is that part of an ordinance, or is that
 20 just part of the administrative?
 21 MR. RIEL: No, it's in actually --
 22 MS. KEON: Is that something --
 23 MR. RIEL: For the other time limitation
 24 and approvals --
 25 MS. KEON: It is? It's in the ordinance?

1 MR. RIEL: It's actually 18 months, and we
 2 go six months to two years. That's why we
 3 suggested two years on this.
 4 MS. KEON: Okay.
 5 MR. RIEL: My suggestion is, you know, one
 6 six-month extension.
 7 MS. SPAIN: If you ask for an extension on
 8 a building period, what's the time period on
 9 that?
 10 CHAIRMAN AIZENSTAT: It's 18?
 11 MS. SPAIN: The building --
 12 MR. RIEL: Well, it's -- once you get the
 13 permit, it's in six-month intervals. It's up
 14 to --
 15 MS. SPAIN: Is it?
 16 MR. RIEL: -- the Building Official, yeah.
 17 CHAIRMAN AIZENSTAT: Up to three six-month
 18 intervals, I think.
 19 MR. RIEL: It can -- I think it can be
 20 infinitely extended, subject to --
 21 MR. BEHAR: So maybe you do -- instead of
 22 three, you do to two extensions a year.
 23 MS. SPAIN: Six months.
 24 MR. BEHAR: You know.
 25 MS. SPAIN: So it gives them a year.

1 MR. BEHAR: Six months and no more than a
 2 two-extension limit.
 3 CHAIRMAN AIZENSTAT: What, you said per
 4 year?
 5 MR. BEHAR: No, no, two extensions.
 6 CHAIRMAN AIZENSTAT: Two six-month
 7 extensions?
 8 MR. BEHAR: Two six-month extensions.
 9 CHAIRMAN AIZENSTAT: But each six-month
 10 extension would have to go before a maintenance
 11 plan review?
 12 MR. BEHAR: Right. That's okay.
 13 CHAIRMAN AIZENSTAT: That's fine.
 14 MS. KEON: But it's by -- it's an
 15 administrative review.
 16 MS. SPAIN: That's fine.
 17 CHAIRMAN AIZENSTAT: Right, it would be
 18 by --
 19 MS. KEON: (Inaudible).
 20 MS. SPAIN: That's an easy thing to do.
 21 CHAIRMAN AIZENSTAT: It doesn't have to
 22 come back.
 23 MS. SPAIN: I think that's fair.
 24 MR. RIEL: Okay.
 25 MS. KEON: Can we -- We would add that,

1 then --
 2 MS. SPAIN: That's good.
 3 MS. KEON: -- pick up that language.
 4 CHAIRMAN AIZENSTAT: Any other comments
 5 from the Board?
 6 MS. KEON: No. Oh, I have one other
 7 question. It has to be within the CBD, but
 8 there isn't any -- You feel that the CBD is a
 9 compact enough area that the proximity of the
 10 sending and the receiving sites are not -- I
 11 mean, I understand that if it's within 500
 12 feet, for concern over the historical property,
 13 you want, you know, some review, but, you know,
 14 can it be -- There's no limitation on how
 15 close --
 16 MR. RIEL: No.
 17 MS. KEON: -- it is to -- that they are to
 18 one another or anything else? No?
 19 MR. RIEL: No, there's not.
 20 MS. KEON: It's a compact enough area
 21 that --
 22 MR. RIEL: Yes.
 23 MS. KEON: -- you think it would -- Okay.
 24 MR. RIEL: And understand that the last
 25 time we had a transfer request has probably

1 been seven or eight years.
 2 MS. KEON: Okay.
 3 MR. RIEL: It's been a while.
 4 MS. KEON: So there's not a lot of those
 5 properties, anyway?
 6 MR. RIEL: There's a list that's been
 7 developed that we have, that --
 8 MS. KEON: Right.
 9 MR. RIEL: -- that Dona has in Historic,
 10 that has the available TDRs, but there's not
 11 really -- I've spoken to some folks about
 12 transfers, but there hasn't been anything
 13 formally submitted --
 14 MS. KEON: Okay.
 15 MR. RIEL: -- in a number of years.
 16 MS. KEON: Okay, fine. That's all.
 17 CHAIRMAN AIZENSTAT: And right now, the
 18 transfers are limited only to specific areas,
 19 correct?
 20 MR. RIEL: The CBD.
 21 CHAIRMAN AIZENSTAT: The CBD?
 22 MR. RIEL: Only the CBD.
 23 MS. KEON: It's only in the CBD.
 24 CHAIRMAN AIZENSTAT: And what about the
 25 mixed use, that Robert went ahead and brought

1 up?
 2 MR. RIEL: There's not -- We haven't done
 3 that analysis or study, so this proposal --
 4 again, this is not to change the content. This
 5 was just to clarify and improve -- so that
 6 there's a better understanding of the
 7 ordinance.
 8 CHAIRMAN AIZENSTAT: Okay. Any other
 9 comments? Is there a motion?
 10 Robert?
 11 MR. BEHAR: I make a motion to approve with
 12 the conditions that we discussed.
 13 CHAIRMAN AIZENSTAT: Which are?
 14 MR. BEHAR: I don't remember.
 15 MR. LAGO: Two six-month terms?
 16 MR. BEHAR: There are too many.
 17 MR. GRABIEL: It's the six months.
 18 MR. LAGO: A six-month term.
 19 MS. KEON: How is it written in the other,
 20 that it's in the other Code --
 21 MR. RIEL: It's basically --
 22 MS. KEON: How is it stated?
 23 MR. RIEL: Well, we'll put -- There's other
 24 language. I'm not looking at the right
 25 section. We'll say two six-month extensions

1 may be granted by the Development Review
 2 Official, subject to a maintenance plan, and
 3 we'll work on the language --
 4 CHAIRMAN AIZENSTAT: Per review.
 5 MR. RIEL: Per review. I mean, we'll work
 6 on the language. If the Board's okay --
 7 CHAIRMAN AIZENSTAT: Yes.
 8 MR. RIEL: -- we'll put that language in
 9 and then it will just -- obviously, it will be
 10 part of the presentation to the Commission.
 11 MS. KEON: Yeah.
 12 CHAIRMAN AIZENSTAT: Yeah.
 13 MS. KEON: I'll second it.
 14 MR. RIEL: There's a second?
 15 MR. LAGO: Second.
 16 CHAIRMAN AIZENSTAT: Any further
 17 discussion?
 18 Call the roll, please.
 19 MS. MENENDEZ: Robert Behar?
 20 MR. BEHAR: Yes.
 21 MS. MENENDEZ: Julio Grabiell?
 22 MR. GRABIEL: Yes.
 23 MS. MENENDEZ: Pat Keon?
 24 MS. KEON: Yes.
 25 MS. MENENDEZ: Vince Lago?

1 MR. LAGO: Yes.
 2 MS. MENENDEZ: Eibi Aizenstat?
 3 CHAIRMAN AIZENSTAT: Yes.
 4 The next application request is an
 5 ordinance of the City of Coral -- is an
 6 Ordinance of the City of Coral Gables, Florida,
 7 providing for text amendments to the City of
 8 Coral Gables Official Zoning Code, Article 5,
 9 "Development Standards," Division 19, "Signs,"
 10 creating new sign code provisions allowing for
 11 "Signature event signs" and "Art in Public
 12 Place signs" and Article 8, "Definitions,"
 13 creating new definitions; and providing for
 14 severability, repealer, codification, and an
 15 effective date.
 16 Eric, is there a presentation?
 17 MR. RIEL: Yeah, just a very brief
 18 presentation. Scot, probably on this one, you
 19 might want to turn the lights off, because we
 20 have some illustrations that we want to show
 21 you.
 22 Basically, this is a request to create new
 23 sign code provisions for two types of signage,
 24 "Signature event signs" and "Art in Public
 25 Places signs." By -- we're also creating a new

1 definition.
 2 Basically, the "Signature event signs" are
 3 for -- allowing for, you know, banners or
 4 pennants for special events at the museum,
 5 one-screen cinemas and theatres. The other one
 6 is to allow signs at public art, pursuant to
 7 the City's current Art in Public Places
 8 Program.
 9 Basically, what we've done is -- and I'll
 10 show you the illustrations, and we also have
 11 them in the packet as Attachment B, I believe.
 12 We did some illustrations of each of the three
 13 buildings -- the first that you have on the
 14 screen there is the museum -- just some
 15 examples of what type of banners, and again,
 16 what you see up there is just examples. It's
 17 not the intent that this -- It's limited to a
 18 five percent maximum area of the building
 19 frontage, so it ends up being 350 square feet.
 20 All those signs that you see up there are just
 21 examples. That exceeds the 350; I want you to
 22 understand that.
 23 And this is just an example of an
 24 opportunity available on the other side, facing
 25 Aragon.

1 MR. BEHAR: And these will only be for the
 2 museum, the theatre --
 3 MR. RIEL: And the one-screen cinema,
 4 correct.
 5 MR. GRABIEL: Aren't we opening a Pandora's
 6 box? I mean, if we allow the publicly-held
 7 buildings to put these kinds of signs, why
 8 can't I, as a private owner, hang a banner on
 9 my door?
 10 MR. BEHAR: Very good point.
 11 MS. SPAIN: The -- okay, the intent here is
 12 to have it only City-owned, the reason being
 13 that right now, if you want to have a banner
 14 for an event, it's only allowed if it's part of
 15 a special event that impacts the right-of-way.
 16 So you go to a Special Events Committee, that's
 17 made up of City Staff, and banners and signs,
 18 signature signs, are allowed just for the
 19 length of that event and then they have to come
 20 down.
 21 Well, now the cultural venues in the
 22 downtown, they don't have the ability to have
 23 these signs for upcoming events, and since it's
 24 an internal event, they don't go to the Special
 25 Events Committee, unless it's impacting the