

1 CITY OF CORAL GABLES
 2 LOCAL PLANNING AGENCY (LPA)/
 3 PLANNING AND ZONING BOARD MEETING
 4 VERBATIM TRANSCRIPT
 5 CORAL GABLES CITY HALL
 6 405 BILTMORE WAY, COMMISSION CHAMBERS
 7 CORAL GABLES, FLORIDA
 8 WEDNESDAY, SEPTEMBER 14, 2016, COMMENCING AT 6:04 P.M.
 9
 10 Board Members Present:
 11 Jeffrey Flanagan, Chairman
 12 Maria Alberro Menendez
 13 Marshall Bellin
 14 Julio Grabiell
 15 Robert Behar
 16 Frank Rodriguez
 17
 18 City Staff and Consultants:
 19 Ramon Trias, Planning Director
 20 Charles Wu, Assistant Director Development Services
 21 Craig Coller, Special Counsel
 22 Megan McLaughlin, City Planner
 23 Craig E. Leen, City Attorney
 24 Scot Bolyard, Principal Planner, Acting Secretary
 25 Cristina Suarez, Assistant City Attorney
 26
 27 Public Speakers:
 28 Zeke Guilford, Esq.
 29 Dr. Joseph Briggie
 30 Eddie Lamas, Architect
 31 Jordi Cruixent, Architect
 32
 33
 34
 35

1 (The following proceedings were held.)
 2 CHAIRMAN FLANAGAN: We'll call the meeting
 3 to order.
 4 Charles, do you want to read the
 5 introductory statements, please? I don't have
 6 my sheet tonight.
 7 MR. WU: Good evening. The Board is
 8 comprised of seven members. Four Members of
 9 the Board shall constitute a quorum. And the
 10 affirmative vote of four Members of the Board
 11 present shall be necessary for the adoption of
 12 any motion. A tie vote shall result in the
 13 automatic continuance of the matter to the next
 14 meeting, which shall be continued unless the
 15 applicant requests to be heard before the City
 16 Commission.
 17 If only four Members of the Board are
 18 present, an applicant shall be entitled to a
 19 postponement to the next regularly scheduled
 20 Board Meeting.
 21 Any person who acts as a lobbyist pursuant
 22 to the City of Coral Gables Ordinance 2006-11
 23 must register with the City Clerk prior to
 24 engaging in lobbying activities or
 25 presentations before City Staff, Boards,

1 Committees and/or the City Commission. A copy
 2 of the Ordinance is available in the Office of
 3 the City Clerk. Failure to register and
 4 provide proof of registration shall prohibit
 5 your ability to present to the Board.
 6 Reflect the call of the meeting.
 7 CHAIRMAN FLANAGAN: We'll call the Planning
 8 and Zoning Board meeting of September 14th,
 9 2016 to order. The time is 6:04 p.m.
 10 MR. WU: Roll call.
 11 THE SECRETARY: Robert Behar?
 12 MR. BEHAR: Here.
 13 THE SECRETARY: Marshall Bellin?
 14 MR. BELLIN: Here.
 15 THE SECRETARY: Julio Grabiell?
 16 MR. GRABIEL: Here.
 17 THE SECRETARY: Maria Menendez?
 18 MS. MENENDEZ: Here.
 19 THE SECRETARY: Alberto Perez?
 20 Frank Rodriguez?
 21 MR. RODRIGUEZ: Here.
 22 THE SECRETARY: Jeffrey Flanagan?
 23 CHAIRMAN FLANAGAN: Here.
 24 Thank you.
 25 Next item on the agenda is the approval of

1 the minutes from our August --
 2 MR. WU: I have one more statement.
 3 CHAIRMAN FLANAGAN: Okay.
 4 MR. WU: Please be advised that this Board
 5 is a quasi-judicial board and the items on the
 6 agenda are quasi-judicial in nature, which
 7 requires Board Members to disclose all ex parte
 8 communication, site visits.
 9 For the record, does a Board Member have
 10 any ex parte communication for any cases today?
 11 Let the record show there's --
 12 MR. BEHAR: No.
 13 MR. WU: Let the record show there's none.
 14 Swearing in. Anyone who will speak today
 15 shall complete the roster on the podium. We'd
 16 ask you to print clearly, so the official
 17 records of your name and address will be
 18 correct.
 19 Now, with the exception of attorneys, all
 20 persons who wish to speak on the agenda before
 21 us today, please rise to be sworn in.
 22 (Thereupon, all of the participants were
 23 sworn.)
 24 MR. WU: In deference to those present, we
 25 ask that all cell phones, pagers and other

1 electronic devices be turned off at this time.
 2 Now we will proceed with the agenda.
 3 CHAIRMAN FLANAGAN: Thank you, Charles.
 4 Next item on the agenda is the approval of
 5 the minutes from our August 10th, 2016 meeting.
 6 MR. BELLIN: The next item, I'm going to
 7 have to recuse myself.
 8 MR. BEHAR: Well, before you recuse --
 9 CHAIRMAN FLANAGAN: Hold on. Sorry. One
 10 item at a time.
 11 MR. BEHAR: I'll make a motion for approval
 12 of the minutes.
 13 CHAIRMAN FLANAGAN: Thank you.
 14 Do we have a second?
 15 MR. GRABIEL: Second.
 16 CHAIRMAN FLANAGAN: We have a motion and a
 17 second. Any comments or changes to the
 18 minutes?
 19 MR. BEHAR: I --
 20 CHAIRMAN FLANAGAN: Robert.
 21 MR. BEHAR: I know that I have to recuse
 22 myself for Item Number 8. I want to see if
 23 it's possible that we could move 9 and 10 up,
 24 to take that, which are the two City --
 25 CHAIRMAN FLANAGAN: Okay. Sorry. Robert,

1 hold on.
 2 We have a motion and a second on the
 3 minutes. Anybody have any comments on the
 4 minutes?
 5 MR. BEHAR: Oh, I'm sorry.
 6 CHAIRMAN FLANAGAN: No? Seeing none, all
 7 those in favor, say aye.
 8 MR. BEHAR: Aye.
 9 CHAIRMAN FLANAGAN: Anybody opposed?
 10 Hearing none. Thank you.
 11 Next item will be the deferrals, changes or
 12 additions to the agenda. We know -- I'll start
 13 with Robert. Board Member Behar needs to
 14 recuse himself for -- Robert, is it 5, 6 and 7?
 15 MR. BEHAR: No. For me, it would be --
 16 MR. TRIAS: It will be Number 8.
 17 MR. BEHAR: 8 only.
 18 CHAIRMAN FLANAGAN: Number 8.
 19 MR. BELLIN: I have to recuse myself for 5,
 20 6 and 7.
 21 CHAIRMAN FLANAGAN: Marshall needs to
 22 recuse for 5, 6 and 7.
 23 Okay. Let's go put that off to the side
 24 for one moment. Do we have any deferrals,
 25 Ramon?

1 MR. TRIAS: Mr. Chairman, the applicant has
 2 requested to defer 5, 6 and 7, which are the
 3 items related to 33 Alhambra, to October. They
 4 were not ready. They did not provide the
 5 drawings that needed to be provided to revise
 6 the project.
 7 CHAIRMAN FLANAGAN: Okay.
 8 MR. TRIAS: So that is a request of the
 9 applicant.
 10 CHAIRMAN FLANAGAN: That's a request from
 11 the applicant?
 12 MR. TRIAS: Yeah, and Staff recommends that
 13 you defer.
 14 CHAIRMAN FLANAGAN: Okay. Is the applicant
 15 here to confirm that?
 16 MR. GUILFORD: Good evening, Mr. Chairman,
 17 Members of the Board. For the record, Zeke
 18 Guilford, with offices at 400 University Drive.
 19 Yes, we are requesting a continuance to the
 20 October meeting.
 21 CHAIRMAN FLANAGAN: Okay.
 22 MR. COLLER: I have a question,
 23 Mr. Chairman.
 24 Charles, is this being re-advertised or do
 25 we announce the date of the meeting?

1 MR. WU: We will re-advertise it, but it
 2 doesn't hurt to give the date, if someone's
 3 listening. It's --
 4 MR. COLLER: Okay.
 5 CHAIRMAN FLANAGAN: It should be October
 6 12th.
 7 MR. GUILFORD: No, it's actually October
 8 19th, because of Yom Kippur.
 9 MR. TRIAS: Mr. Chairman, I did send a
 10 e-mail saying we would send notice again to the
 11 neighbors, because I believe that they need to
 12 be noticed and they need to be aware of what's
 13 going on. So that will be a request.
 14 CHAIRMAN FLANAGAN: Okay. So if everybody
 15 will bear with me for a second. Let's table
 16 that -- how do we do this?
 17 Our meeting right now is October 12th.
 18 Mr. Guilford, there's a discussion item on the
 19 agenda to move it to the 19th.
 20 MR. GUILFORD: Oh, I'm sorry. Excuse me.
 21 CHAIRMAN FLANAGAN: No. No. I forgot
 22 about that until you said that.
 23 MR. TRIAS: Would you like to have that
 24 discussion now?
 25 CHAIRMAN FLANAGAN: I think we should.

1 MR. TRIAS: Yeah.
 2 MR. COLLER: Yeah. I think probably it
 3 would be worthwhile.
 4 CHAIRMAN FLANAGAN: Let's jump, if
 5 everybody can keep track of where we're going,
 6 on the agenda, we're going to jump to Item
 7 Number 14. It's a discussion item to
 8 reschedule the October 12th meeting, in
 9 observation of Yom Kippur, to the Wednesday
 10 following, which is October 19.
 11 Anybody have any objection or comment on
 12 that?
 13 MR. GRABIEL: My only comment is that I'm
 14 going to be out of the country through the
 15 month of October.
 16 CHAIRMAN FLANAGAN: So you would have
 17 missed it --
 18 MR. GRABIEL: So I would have missed both
 19 of them.
 20 CHAIRMAN FLANAGAN: You would have missed
 21 both, okay.
 22 MR. GRABIEL: Yes.
 23 CHAIRMAN FLANAGAN: Anybody else?
 24 There's a consensus to move it to the 19th?
 25 MR. BEHAR: I'm okay with it.

1 CHAIRMAN FLANAGAN: Okay.
 2 MR. TRIAS: Okay. Well, thank you very
 3 much. Do we need to take a vote on this or --
 4 MR. WU: We recommend a vote.
 5 MR. TRIAS: Why don't we do that?
 6 CHAIRMAN FLANAGAN: You recommend a vote?
 7 MR. TRIAS: Yeah.
 8 CHAIRMAN FLANAGAN: Somebody want to
 9 move --
 10 MR. RODRIGUEZ: I so move.
 11 CHAIRMAN FLANAGAN: We have a motion.
 12 Anybody second it?
 13 MR. BEHAR: I'll second it.
 14 CHAIRMAN FLANAGAN: We have a motion and a
 15 second to move it from the 12th to the 19th of
 16 October.
 17 Scot, if you'll call the roll, please.
 18 THE SECRETARY: Julio Grabiell?
 19 MR. GRABIEL: Yes.
 20 THE SECRETARY: Frank Rodriguez?
 21 MR. RODRIGUEZ: Yes.
 22 THE SECRETARY: Robert Behar?
 23 MR. BEHAR: Yes.
 24 THE SECRETARY: Marshall Bellin?
 25 MR. WU: Out of the room.

1 THE SECRETARY: Maria Menendez?
 2 MS. MENENDEZ: Yes.
 3 THE SECRETARY: Jeffrey Flanagan?
 4 CHAIRMAN FLANAGAN: Yes.
 5 All right. Thank you.
 6 So let's go back now to the deferral
 7 request for Items 5, 6 and 7. That would be to
 8 October 19th.
 9 Okay.
 10 MS. MENENDEZ: I have a question. The
 11 City, at the last meeting or the meeting
 12 before --
 13 MR. WU: Ms. Menendez, can you speak into
 14 the mike?
 15 MS. MENENDEZ: You were concerned that we
 16 were deferring it to this date. And what
 17 changed, because now we're deferring it one
 18 more month, at your request?
 19 MR. GUILFORD: Right. Sure.
 20 What happened is, the architects are trying
 21 to re-design to meet some of the conditions of
 22 Staff, and, unfortunately, there was a death in
 23 one of the architects' family, so it got put
 24 off. So we're asking for this deferral.
 25 MS. MENENDEZ: I understand.

1 CHAIRMAN FLANAGAN: Okay. We'll open up
 2 the public hearing. Is there anybody here
 3 tonight that objects to the deferral to the
 4 October 19th meeting?
 5 Seeing none, we'll close the public
 6 hearing.
 7 Anybody have any further discussion on it?
 8 Seeing none, Scot, can you call the roll,
 9 please?
 10 THE SECRETARY: Frank Rodriguez?
 11 MR. RODRIGUEZ: Yes.
 12 THE SECRETARY: Robert Behar?
 13 MR. BEHAR: Yes.
 14 THE SECRETARY: Julio Grabiell?
 15 MR. GRABIEL: Yes.
 16 THE SECRETARY: Maria Menendez?
 17 MS. MENENDEZ: Yes.
 18 THE SECRETARY: Jeffrey Flanagan?
 19 CHAIRMAN FLANAGAN: Yes.
 20 MR. GUILFORD: Thank you.
 21 CHAIRMAN FLANAGAN: Thank you.
 22 Okay. Marshall, if you're listening, you
 23 can come back.
 24 We'll keep going. We still have a quorum,
 25 so we'll keep going.

1 If nobody has an objection, since Board
2 Member Behar is here, he can sit for the
3 balance of the items. He will have to recuse
4 himself for Number 8, so if we can move that to
5 the end of the agenda?

6 Any objection to doing that? Okay. So
7 we'll move Item 8 to the end of the agenda.
8 That means our next item, at this point, is
9 Item Number 9. I'll read it into the record.

10 It's an Ordinance of the City Commission of
11 Coral Gables, Florida requesting an amendment
12 to the Future Land Use Map of the City of Coral
13 Gables Comprehensive Plan pursuant to Zoning
14 Code Article 3, "Development Review", Division
15 15, "Comprehensive Plan Text and Map
16 Amendments", and Small Scale amendment
17 procedures, Section 163.3187, Florida Statutes,
18 from "Public Buildings and Grounds" to
19 "Commercial High-Rise Intensity" for the
20 property legally described as Lots 1-12 and
21 27-38, Block 18, Coral Gables Crafts Section,
22 known as 2801 Salzedo Street, Coral Gables,
23 Florida; providing for severability, repealer
24 and an effective date.

25 Mr. Trias.

1 MR. TRIAS: Mr. Chairman, Items 9 and 10
2 are related, so my presentation will deal with
3 both, and you will deal with them separately in
4 your vote. So if I could have the PowerPoint
5 for the Public Safety Building.

6 CHAIRMAN FLANAGAN: Ramon, I'm sorry to
7 interrupt. Let me just read in Number 10. I
8 should have done that.

9 MR. TRIAS: Yes.

10 CHAIRMAN FLANAGAN: Item Number 10 is an
11 Ordinance of the City Commission of Coral
12 Gables, Florida requesting a change of zoning
13 pursuant to Zoning Code Article 3, "Development
14 Review", Division 14, "Zoning Code Text and Map
15 Amendments", from Special Use District (S) to
16 Commercial District (C) for the property
17 legally described as Lots 1-12 and 27-38, Block
18 18, Coral Gables Crafts Section, known as 2801
19 Salzedo Street, Coral Gables, Florida; and
20 providing for severability, repealer and an
21 effective date.

22 MR. TRIAS: Thank you. The request is to
23 change the Land Use and change Zoning for a
24 City owned parcel where the Public Safety
25 Building is located today.

1 The parcel, as you can see, is bound by
2 Sevilla in the north, Palermo in the south, and
3 Salzedo in the east. The request is both, Land
4 Use and Zoning changes. If you look at the
5 existing Land Use Map, you will see that
6 currently it is green, which is the Land Use
7 for the public facilities, and we are proposing
8 that it will change to high-rise, which is
9 consistent with the general area. Around it,
10 as you can see, it's mostly red, in the same
11 way.

12 Zoning is the same situation. Zoning right
13 now is green, also, which is the Special Use
14 District, and we have recommended that it
15 should be red, which is Commercial. Those are
16 the two requests.

17 The property owners were notified, with a
18 radius of 1,500 feet, which is the new standard
19 for changes of Land Use, and this map shows you
20 the area that surrounds the parcel within 1,500
21 feet.

22 And, as always, we had a chance to have
23 multiple ways to public -- to notify the public
24 of the request. The property was posted in
25 August. There was a legal advertisement in

1 September. There was a courtesy notification,
2 which is the mailing that I just showed, also
3 in September. And the property was posted on
4 the agenda on City Hall and on the web page
5 September 9th, and the Staff Report was also
6 posted on the City web page.

7 Staff recommends approval, in that the
8 Staff Report details the standards of review
9 which have been reviewed by Staff, and we
10 believe they have been satisfied. And Staff's
11 determination is that the proposed changes are
12 consistent with the Comprehensive Plan's goals,
13 objectives and policies.

14 If you have any questions, I'll be happy to
15 answer you. Thank you.

16 MR. RODRIGUEZ: Is this where the Fire
17 Department and the police station is?

18 MR. TRIAS: Yes.

19 CHAIRMAN FLANAGAN: Okay. We'll open up
20 the public hearing. We'll open up the public
21 hearing.

22 Scot, do we have any cards for speakers?

23 THE SECRETARY: No.

24 CHAIRMAN FLANAGAN: Okay. Anybody present
25 who wishes to speak on this item?

1 Dr. Briggie.
 2 DR. BRIGGLE: Good evening, Mr. Chairman,
 3 Members of the Board. My name is Dr. Joseph
 4 Briggie. I am a resident, as well as a
 5 commercial owner. My building is at 368
 6 Sevilla Avenue, Coral Gables, Florida, and I
 7 live at 1430 Siena Avenue.
 8 I'm here today not really against building,
 9 but my concern is strictly parking. My
 10 building is directly across the street from
 11 what used to be considered the Burger King
 12 project, which is the Bacardi building now.
 13 And, at the time, I happened to be the Vice
 14 Chair of the Board of Adjustments, so the
 15 Burger King folks were in front of us or the
 16 contractors were in front of us for many
 17 variances and so forth, which we worked out.
 18 So I saw those plans ahead of time on that
 19 commercial building, and I saw where they were
 20 going to have a lot of street parking, and
 21 obviously we were going to lose some of the
 22 street parking, because of entrances and exits
 23 to the, at the time, Burger King building and
 24 the City National Bank that was coming across
 25 next door to us.

1 But, in reality, when the building was over
 2 with, we lost 19 street parking spots from the
 3 two sides of Sevilla, north and south, from Le
 4 Jeune, halfway up to the Mercedes Benz
 5 property, the south side of Almeria and the
 6 north side of Palermo. We lost 19 street
 7 spots, mostly for entrances and exits, but some
 8 because of trees. Because of the Charrette,
 9 they had to put a tree every so often.
 10 Well, the problem is, I'm a small business
 11 owner, single building. My patients have a
 12 real challenge with parking, and I'm sure many
 13 of your customers and clients do, as well.
 14 So my problem is not really with the Police
 15 and Fire Station changing. The challenge is,
 16 there is parking there now. They have permit
 17 parking at that building. And you and I all
 18 know that when this is granted and it goes to a
 19 commercial property, the City of Coral Gables
 20 is likely to sell the property, because it is
 21 valuable, and the new -- whoever purchases that
 22 property, and builds on it, which I certainly
 23 have no problem with, but they're not going to
 24 be thinking of parking. They're going to be
 25 basically dealing with the minimum requirement

1 of parking for that particular structure.
 2 And, again, once again, we lose more street
 3 parking. And I know it's beyond your control,
 4 and I spoke to the City Commission four or five
 5 years ago about this, but you guys -- you guys
 6 -- this building is killing street parking for
 7 the small business, and that is my only
 8 concern, because I'm losing patients from not
 9 wanting to come in, drive in traffic in Coral
 10 Gables -- we've got to live with that -- but
 11 more, importantly, having a difficult time
 12 parking.
 13 So, you know, this may not be the forum for
 14 me to vent, but I'm going to vent all of the
 15 way up, to make people aware that it's a bigger
 16 issue than you might think.
 17 So that would be the only reason that I am
 18 against converting this property, because right
 19 now it has existing parking in that building,
 20 and I'm all for that.
 21 Thank you very much. If anyone has any
 22 questions, I'm happy to entertain. Thank you
 23 very much.
 24 CHAIRMAN FLANAGAN: Thank you, Dr. Briggie.
 25 Anybody else?

1 All right. Close the public hearing.
 2 Open it up for discussion, comments from
 3 Board Members.
 4 MS. MENENDEZ: Well, I have -- I understand
 5 why the City is doing this, but my concern is
 6 the impact of what could go there to the
 7 neighborhood, to the area.
 8 MR. TRIAS: Yeah.
 9 MS. MENENDEZ: Salzedo is a street that's
 10 two lanes, one each way, and it's very, very
 11 heavy as it is right now. It's very heavily
 12 trafficked. There's a lot of traffic on it.
 13 And so I have no problem with what's being
 14 proposed, outside of I would like it to go
 15 through a public process, and my concern is, if
 16 you give it the highest intensity of
 17 Commercial, as it's proposed, it's as of right,
 18 and we would -- it would not go through a
 19 public process.
 20 I'm not necessarily advocating that it
 21 comes through us, but at least, at a minimum,
 22 at the Commission level, that it does go
 23 through a public process, primarily because of
 24 the impact.
 25 The Agave project is probably going to

Page 21

1 start soon. Then you have this building. So
 2 that would be my suggestion or my comments
 3 related to the application.
 4 CHAIRMAN FLANAGAN: Anybody else?
 5 I have a question to Craig. Do we create a
 6 non-conforming use at this point by doing this?
 7 MR. COLLER: I'm not sure. Why do you feel
 8 that you would be creating a non-conforming
 9 use? You're changing the Master Plan to it --
 10 MS. MENENDEZ: You're changing everything.
 11 CHAIRMAN FLANAGAN: Changing of the Master
 12 Plan and the Zoning, and I haven't gone back to
 13 look if the proposed --
 14 MR. COLLER: Right, but I don't know if
 15 this building would be viewed as being
 16 inconsistent with the Master Plan. I think
 17 it's not sure, and I don't know how the
 18 Department views the structure currently.
 19 MR. TRIAS: My opinion is that it's an
 20 office building, it's consistent with the
 21 request, so I don't think it would be
 22 non-conforming.
 23 CHAIRMAN FLANAGAN: So both, the building
 24 and the uses, would remain conforming?
 25 MR. TRIAS: Yeah. Yeah. I mean, the use

Page 22

1 is parking and an office. There's nothing
 2 unusual about that.
 3 MS. MENENDEZ: But I think it's not a high
 4 commercial use. It's probably mid commercial
 5 use.
 6 MR. TRIAS: Right. Right. You could do a
 7 larger building on the site.
 8 MS. MENENDEZ: If you go to -- what you're
 9 proposing, they can go to the highest.
 10 MR. TRIAS: That is correct.
 11 MR. BEHAR: You know, I look at it, and I
 12 see that everything to the west has the same
 13 Zoning designation they're seeking, at least
 14 from the color that I can see.
 15 So I see this, that it almost will give a
 16 definition, where Palermo becomes the boundary.
 17 To the left, to the west, you have it. To the
 18 east, you already have it. I wish I could see
 19 a little bit more -- to the east, you have Old
 20 Spanish Village.
 21 So, I think -- you know, we know the reason
 22 this is happening. You know, the Public Safety
 23 Building is going to move to a different
 24 location, where they're looking at it, and
 25 this, in the future, become a marketable site,

Page 23

1 but I think it's consistent at least to what
 2 the current Zoning to the east -- immediately
 3 to the east and to the west.
 4 So, I mean, I'm okay with it.
 5 CHAIRMAN FLANAGAN: When is the public
 6 safety -- when are all of those services moving
 7 to a new location?
 8 MR. TRIAS: I don't think anybody knows
 9 that answer at this point.
 10 CHAIRMAN FLANAGAN: Then why are we doing
 11 this now?
 12 MR. TRIAS: It's part of the planning
 13 process and I don't think it's a long-term
 14 planning process, but certainly it's going to
 15 take maybe a year or two years to finalize all
 16 of the plans. So one of the steps was to make
 17 sure that the existing land had Zoning and Land
 18 Use that was consistent with the area and the
 19 type of development.
 20 I mean, right now, the only thing you can
 21 do there, with the Land Use and the Zoning, is
 22 a public building. And one has to wonder, you
 23 know, how is that really controlled beyond the
 24 fact that it goes through site plan approval
 25 and then goes to the Commission?

Page 24

1 So, in a way, I think that the proposed
 2 Land Use and Zoning actually provides better
 3 tools to regulate development.
 4 MS. MENENDEZ: But doesn't, by giving them
 5 the proposed Land Use and Zoning, they can
 6 build as of right? If they do a strictly
 7 commercial or office with parking, it never
 8 comes through any review, they just build?
 9 MR. TRIAS: Yes. If it were to be an
 10 office building, you're correct. If it's a
 11 mixed-use building, then it's different. So
 12 those are the options, yeah.
 13 MS. MENENDEZ: Right. But we don't know --
 14 I mean, primarily, in that area, it's office.
 15 You have the bank east of it, which is purely
 16 office. So, I mean, the area with the Agave
 17 project and other proposed developments that
 18 are being proposed as of right, at this
 19 point -- not the Agave project, but the other
 20 ones, I would love to see some type of public
 21 review. Again, not necessarily through this
 22 Board, but at a level of perhaps the Commission
 23 or some other Board.
 24 MR. TRIAS: I think the fact that the land
 25 is owned by the City basically guarantees that

1 there's going to be some public review, because
 2 the City --
 3 MS. MENENDEZ: Not -- they're going to sell
 4 it. It's not going to be the City's anymore.
 5 MR. WU: If I can offer a suggestion. That
 6 we can share your comments to the City
 7 Commission. As the property owner, the
 8 Commission will stipulate whatever process the
 9 future buyer goes through as part of the sale.
 10 So we'll share that with the Commission, that
 11 it's something for their consideration.
 12 MS. MENENDEZ: Well, what I'm trying to do
 13 is advocate for my fellow members to support me
 14 in providing a condition to approving the
 15 proposed Land Use that's being proposed by the
 16 City, with a condition that it does go through
 17 a site approval, primarily because all of the
 18 impact that all of the developments in the area
 19 is having to some of the streets there.
 20 The streets there, outside of Ponce and Le
 21 Jeune, are very narrow streets, and the impact
 22 of a very intense development would have an
 23 adverse impact to the area.
 24 CHAIRMAN FLANAGAN: I'm going to ask the
 25 City Attorney, Mr. Coller, I don't think --

1 MR. COLLER: Yeah, I think it's problematic
 2 to put a condition on the straight Zoning and
 3 Land Use, but following up with what Charles
 4 mentioned, this is sort of a unique property,
 5 in that it's a municipally owned property.
 6 So any sale of that property by the City
 7 can have conditions of the sale. So one of the
 8 conditions of the sale can be that the City is
 9 required to review any site plan. That could
 10 be a condition of the sale. I'm not saying the
 11 City would do that.
 12 I'm just saying, you have a little bit more
 13 say on this building, this property, than you
 14 do on other types of properties, because
 15 they're private property. Right now this is a
 16 public property. So that might be a reasonable
 17 way to get at what you're trying to do without
 18 conditioning, you know, a Master --
 19 MR. BEHAR: I mean, could it be like a
 20 recommendation to the Commission from us?
 21 Because I'm in support, but I like Maria's
 22 suggestion. How we can do something that it
 23 may not be, you know, imposing on the sale, but
 24 it's a recommendation for the Commission. Once
 25 that happens, that they go through this

1 process.
 2 MS. MENENDEZ: I don't think that the City
 3 wants to be in a position to sell this property
 4 at the highest and best use, and then turn
 5 around and have an adverse effect to the area.
 6 So I'm trying to strike a balance, where --
 7 because, you know, we just heard from one of
 8 the property owners. We have several property
 9 owners, even residential properties, nearby,
 10 that are going to be impacted.
 11 So, I mean, I'm trying to find a way of not
 12 necessarily, you know, affecting what's being
 13 proposed, but to consider -- I mean, review of
 14 site plan doesn't necessarily mean they're
 15 going to approve it or reject it, but it will
 16 go through a process and allow people to speak
 17 their concerns.
 18 MR. COLLER: Well, I think the Board could,
 19 in approving this, make a recommendation that
 20 the City Commission review a site plan for this
 21 property, and how -- you can leave it to the
 22 City Commission as to how they want to
 23 implement that.
 24 They may choose to do it as a condition of
 25 the sale of the property. There may be another

1 way to impose it. I think it's problematic to
 2 condition a straight Zone change --
 3 MS. MENENDEZ: But we just recommend. We
 4 don't --
 5 MR. COLLER: Right.
 6 MS. MENENDEZ: So --
 7 MR. COLLER: Well, you can recommend it.
 8 MS. MENENDEZ: We're just a recommending
 9 body.
 10 MR. COLLER: That's true.
 11 MS. MENENDEZ: We're not approving it.
 12 MR. COLLER: Right. You can recommend it,
 13 but that typically would not necessarily be the
 14 way to do it.
 15 So if you wanted a way to do it, that's why
 16 I was suggesting maybe recommending, as one of
 17 the conditions for sale of the property, a
 18 review of the site plan, which may be another
 19 way to get at it, but you're welcome to
 20 recommend that they condition it to a site
 21 plan. It just may be problematic to do it that
 22 way.
 23 MR. BEHAR: Well, if they go through a
 24 mixed-use project, they're going to have to
 25 come over here no matter what.

1 MR. COLLER: Yes.
 2 MR. TRIAS: Yes.
 3 MS. MENENDEZ: Right. Yeah.
 4 MR. BEHAR: If they go for an office
 5 development, you know, what you're saying is
 6 that you don't necessarily have to come before
 7 us.
 8 MS. MENENDEZ: Right.
 9 MR. TRIAS: Right, but that doesn't mean
 10 nobody reviews the project. The project goes
 11 through Board of Architects always, and
 12 certainly the Staff review takes into account
 13 any issues that affect it.
 14 MS. MENENDEZ: Do you address, when it's an
 15 as of right project, to require a traffic
 16 study?
 17 MR. TRIAS: Oh, yeah. Absolutely.
 18 MS. MENENDEZ: Is it part of the policy of
 19 the administration to require it, once it
 20 reaches a certain threshold?
 21 MR. TRIAS: Absolutely. And then that's on
 22 the recommendation of Staff. And, in addition,
 23 the on street parking, that's reviewed one
 24 parking space at a time by the Parking Director
 25 and the Planning Staff and so on.

1 So all of those issues are reviewed by
 2 Staff in all projects.
 3 MS. MENENDEZ: Okay.
 4 MR. WU: And can you elaborate on the DRC
 5 process, as well?
 6 MR. TRIAS: Yeah. And, also, the DRC is
 7 the first process -- the first step in the
 8 process, the Development Review Committee.
 9 All of the Staff, from the different
 10 departments, provide comments, in writing, most
 11 of the time, in great detail, that deal with
 12 all kinds of issues. Traffic is one of the
 13 issues that is always discussed. So all of
 14 that takes place.
 15 Now, the only difference is that there's no
 16 formal public hearing at this level and at the
 17 level of the Commission. That doesn't take
 18 place when the project is, quote/unquote, by
 19 right. But, as I've said to my Staff, the
 20 word, by right, doesn't really exist in Coral
 21 Gables. There's all kinds of review that takes
 22 place, for all projects, beginning with the
 23 Board of Architects.
 24 So I understand your concern, and I'll
 25 forward that to the Commission, but my

1 perspective on this is that that is one of the
 2 weaknesses of the Zoning Code, the fact that
 3 some very large projects, like you're
 4 describing, can be approved, without review by
 5 the Planning and Zoning and the Commission.
 6 And in the next year or so, we're going to
 7 try to impose the Zoning Code. We have that
 8 opportunity. So that's coming up. So that's
 9 one of the issues that I would like to raise to
 10 you as ways to make things better, because you
 11 can do a project that is 190 feet tall by
 12 right.
 13 MS. MENENDEZ: That's my point.
 14 MR. TRIAS: Exactly. That's what the Code
 15 says. And I think that that's an issue that we
 16 need to discuss further. I mean, that would be
 17 my recommendation.
 18 MR. RODRIGUEZ: I have a question, Ramon.
 19 I'm looking at the existing Future Land Use
 20 Map, and if you can explain to me the rhyme and
 21 reason how this came to be, if you know, where
 22 right across -- west of the public building is
 23 zoned Commercial high-rise, right across the
 24 street, on, I guess, the north side, it's
 25 Commercial high-rise, and then afterwards it

1 seems -- I mean, this is a little bit
 2 confusing, because of the shades, but as I'm
 3 reading it, it looks like right next to it,
 4 north, is Commercial mid-rise.
 5 You know, how did that come -- is there --
 6 MR. TRIAS: I can't explain it, but usually
 7 what I hear -- I cannot explain it in detail,
 8 but, in general, what has happened is that many
 9 of those parcels were changed on a case by case
 10 basis, and that has happened. And I think that
 11 that's another one of the issues that we may
 12 want to review as we look at the Zoning Code.
 13 MR. RODRIGUEZ: It changed from mid-rise to
 14 high-rise?
 15 MR. TRIAS: At some point.
 16 MR. RODRIGUEZ: I don't see how it would
 17 change from high-rise to mid-rise.
 18 MR. TRIAS: No. No. No. Certainly.
 19 MR. RODRIGUEZ: Okay.
 20 CHAIRMAN FLANAGAN: And I would support
 21 Maria's thought process, because, from a
 22 general parking standpoint, I think we're
 23 making it harder and harder. I agree with Dr.
 24 Briggie. He happens to be my dentist. I see
 25 him twice a year at 8:00 a.m.

1 MR. BEHAR: Torture him.
 2 CHAIRMAN FLANAGAN: Oh, they do, don't
 3 worry.
 4 I go at 8:00 a.m., because it's very easy
 5 to find a parking space out front and you don't
 6 have to pay the meter. Although we're losing
 7 meters, and we are going to this centralized
 8 payment system, which makes it very difficult
 9 to park in front of the business, drop a
 10 quarter in, run in, go pick something up, and
 11 run back out, because now you have to walk
 12 halfway down a block, go pay the machine, get
 13 your ticket, walk back to your car, and then go
 14 visit the business.
 15 I think, whatever we're doing, I understand
 16 there's economic efficiencies for the City, it
 17 reduces maintenance costs, we get rid of labor,
 18 but I think, from the ability to patronize
 19 businesses, and I know this is not before us
 20 tonight, but obviously I'm taking the
 21 opportunity, I think we are doing a disservice
 22 to the businesses and to the patrons, who like
 23 to pull up real quick, two minutes, ten
 24 minutes, run in, do their business, and come
 25 back out, and we are also putting up resident

1 only parking signs in areas, in some very, very
 2 unique places, that seem, I'll say,
 3 circumspect, as to why we would need them,
 4 which then further reduces the ability to park
 5 on the street.
 6 So for whatever those comments are worth,
 7 for the record of whoever reads them, I put
 8 those out there, because I think we need to
 9 look at the big picture. We do these
 10 landscaped island bulb-outs on some of these
 11 projects that really -- while we may add some
 12 of the tree canopy, we take away some of the
 13 parking spaces, which continues to exacerbate
 14 the problem. So that's my two cents on this.
 15 Anybody else?
 16 All right. Hearing none, anybody want to
 17 make a motion?
 18 MS. MENENDEZ: I'd like to make a motion to
 19 accept the proposed Land Use and Zoning change,
 20 subject to -- or a strong recommendation that
 21 upon the acceptance or upon the selling of the
 22 property and proposed development being
 23 proposed to the City, that it goes through some
 24 site plan review process.
 25 MR. WU: Can we have two separate motions,

1 please?
 2 MR. COLLER: Yeah. On which item? We've
 3 got two different motions.
 4 MR. TRIAS: Yeah, we need a motion for Land
 5 Use and one for Zoning.
 6 MR. WU: We have two ordinances before you.
 7 MS. MENENDEZ: So Item 9.
 8 CHAIRMAN FLANAGAN: Item 9, which is the
 9 Land Use Amendment.
 10 MS. MENENDEZ: Right.
 11 MR. BEHAR: I'll second it.
 12 CHAIRMAN FLANAGAN: That's straight on
 13 Staff's recommendation, Item Number 9?
 14 MS. MENENDEZ: Right. Subject or -- I'm
 15 not sure if it's subject to, but that we
 16 strongly recommend that they, in fact, have a
 17 site plan approval process prior to approving
 18 the development that goes into that parcel.
 19 MR. COLLER: I think that would be more on
 20 10, would it not?
 21 CHAIRMAN FLANAGAN: 10, yeah.
 22 MS. MENENDEZ: Well, I think it's both,
 23 because they're both asking for approval to
 24 increase -- for example, Number 9 is from
 25 public building grounds to Commercial high-rise

1 intensity. So they both have a similar
 2 condition.
 3 MR. COLLER: You can make it to both, if
 4 you'd like.
 5 MS. MENENDEZ: Yes. That's my motion.
 6 MR. TRIAS: Thank you.
 7 MR. BEHAR: I second that.
 8 CHAIRMAN FLANAGAN: Okay. Motion and a
 9 second.
 10 Frank, did you have a discussion?
 11 MR. RODRIGUEZ: Yeah. I just want to make
 12 a point that's been kind of bothering me, as
 13 I've been sitting here listening, and I'm just,
 14 you know, speaking as I'm thinking through
 15 this.
 16 I just have a problem with this, because,
 17 on the one hand, you know, I certainly want to
 18 do whatever I think is in the City's best
 19 interest, which, I think, is my role here, and
 20 what's in the best interest of the citizens of
 21 the City of Coral Gables, but a lot of times
 22 developers come in here with very attractive
 23 projects, and they've spent a lot of money, and
 24 they have their renderings and everything and I
 25 -- I mean, I take very seriously, if somebody

1 wants to have a Zoning change, I think there
 2 has to be some very good reasons for that
 3 change.
 4 And, you know, this is the City. And what
 5 kind of example is the City setting if -- I
 6 mean, if I'm going to take a hard line, and I
 7 intend to -- I mean, if people come in here
 8 wanting a Zoning change and they bought a piece
 9 of property when it was zoned a certain way,
 10 and now they want to change the Zoning, I think
 11 it's incumbent upon me, in my role on this
 12 Board, to ask questions as to why -- you know,
 13 why should I approve it, and what are the
 14 reasons, and how does it benefit the City.
 15 And, you know, I feel, if I'm going to do
 16 that when a developer comes in here, if the
 17 City is asking now for something that would
 18 give, then, the ensuing buyer of the property
 19 essentially Cart Blanche to do something that
 20 they -- I'm uncomfortable with it, and I may --
 21 and I just want to give my reasons ahead of
 22 time, why I may very well vote no.
 23 CHAIRMAN FLANAGAN: Anybody else?
 24 All right. We have a motion and a second.
 25 With no further discussion, Scot call the roll,

1 please.
 2 THE SECRETARY: Julio Grabiell?
 3 MR. GRABIEL: Yes.
 4 THE SECRETARY: Maria Menendez?
 5 MS. MENENDEZ: Yes.
 6 THE SECRETARY: Frank Rodriguez?
 7 MR. RODRIGUEZ: No.
 8 THE SECRETARY: Robert Behar?
 9 MR. BEHAR: Yes.
 10 THE SECRETARY: Marshall Bellin?
 11 MR. BELLIN: Yes.
 12 THE SECRETARY: Jeff Flanagan?
 13 CHAIRMAN FLANAGAN: Yes.
 14 Okay. So we'll now need a motion for Item
 15 Number 10, which is the rezoning.
 16 MR. BELLIN: I'll make a motion to approve
 17 or to recommend approval.
 18 CHAIRMAN FLANAGAN: Okay. Motion to
 19 recommend approval.
 20 MS. MENENDEZ: Can I request a friendly
 21 amendment, and add the provision for strongly
 22 recommend that it go through a site plan
 23 approval, whether it's at the Board level or at
 24 the Commission level?
 25 MR. BELLIN: I think that that process

1 happens now. When you develop a project,
 2 you've got to go to various departments, Public
 3 Works, Zoning, everybody else.
 4 The Commission, unless it's a mixed-use
 5 will never see this project.
 6 MS. MENENDEZ: I know. But I want to
 7 have --
 8 MR. BELLIN: But the problem is, they never
 9 see half of the projects that are being built,
 10 because there is no reason to see them. And I
 11 think that that needs to be changed. The
 12 Commission needs to see every project of this
 13 scope to understand what is going on in the
 14 City.
 15 So I don't think having a condition put on,
 16 like I think you want to put on, really
 17 accomplishes anything.
 18 MS. MENENDEZ: I think it gives the -- if
 19 they were to approve it or if they were to
 20 consider it and adopt it as it's being
 21 recommended, I think it gives the public an
 22 opportunity to look at the project, and to
 23 basically speak on it, to give them their input
 24 to the process.
 25 For example, the doctor would be able to

1 come up and say, "Do we have enough parking?
 2 Can we make sure we have enough parking?" And
 3 look at the project.
 4 If we don't have some type of public review
 5 process, then the project is built without any
 6 review.
 7 I'm talking public. I know that the City
 8 goes through an extensive review. And given
 9 that this is a City project or City land that's
 10 being sold, most likely, I would like to
 11 have -- at least give that opportunity.
 12 MR. BELLIN: I mean, I don't know how you
 13 really enforce it. For sure the City is going
 14 to sell it. That's the purpose for changing
 15 the Zoning.
 16 MS. MENENDEZ: Right. Okay. That's fine,
 17 if you want to present it that way.
 18 CHAIRMAN FLANAGAN: But let me just add,
 19 Marshall, but you think the City Commission
 20 should be looking at these projects?
 21 MR. BELLIN: I think so. I think they
 22 should be looking at every project for
 23 themselves.
 24 CHAIRMAN FLANAGAN: All right. So the
 25 language Maria is, I think, asking --

1 MS. MENENDEZ: Right.
 2 CHAIRMAN FLANAGAN: -- which is the same as
 3 we just recommended approval on, it just helps
 4 to enforce that thought process.
 5 MR. BEHAR: It's exactly the same thing.
 6 You know, it would -- if they accept our
 7 recommendation, it would go through Commission
 8 at some point.
 9 MS. MENENDEZ: Right.
 10 MR. BEHAR: So, you know, exactly what
 11 you're suggesting, which I tend to agree, that
 12 will facilitate that process. Otherwise, they
 13 will never see it, no matter what.
 14 MR. BELLIN: No, they won't.
 15 MR. BEHAR: So if we accept the
 16 recommendation, at least they get to see it.
 17 We get to see it and they get to see it.
 18 MS. MENENDEZ: Maybe we won't get to see
 19 it. Maybe the decision will be made that it's
 20 at the Commission level. It really doesn't
 21 bother me if we don't see it, from my
 22 perspective. Maybe you all think different.
 23 But at least some public process. Some
 24 opportunity for the residents or the business
 25 owners of the area to be able to view the

1 development and provide their input.
 2 MR. BEHAR: And that will be the only
 3 opportunity for a check and balance on a
 4 project of that magnitude.
 5 MR. TRIAS: Yeah. And right now the only
 6 time that that happens would be at the Board of
 7 Architects, where the property is posted, and
 8 we have all of the documents in the web --
 9 MS. MENENDEZ: But you don't allow input at
 10 the Board of Architects from the public.
 11 MR. TRIAS: Sometimes. It depends. It's
 12 up to the Chairman. But also at the DRC. So
 13 those are the only two times when all of the
 14 information is actually posted on the web and
 15 somebody, who is aware of what's going on, can
 16 see what the project is.
 17 MS. MENENDEZ: No. I'm talking about a
 18 notice, and I'm talking about some process
 19 that, people that would be impacted by whatever
 20 development goes in, have an opportunity to
 21 speak on the development.
 22 MR. BELLIN: Okay. I'll amend my --
 23 MS. MENENDEZ: I appreciate that.
 24 MR. BELLIN: To include what you're
 25 suggesting.

1 MS. MENENDEZ: And then I'll second it.
 2 CHAIRMAN FLANAGAN: Motion and a second.
 3 Any further discussion?
 4 Hearing none, Scot, call the roll please.
 5 THE SECRETARY: Frank Rodriguez?
 6 MR. RODRIGUEZ: No.
 7 THE SECRETARY: Marshal Bellin?
 8 MR. BELLIN: Yes.
 9 THE SECRETARY: Julio Grabiell?
 10 MR. GRABIEL: Yes.
 11 THE SECRETARY: Robert Behar?
 12 MR. BEHAR: Yes.
 13 THE SECRETARY: Maria Menendez?
 14 MS. MENENDEZ: Yes.
 15 THE SECRETARY: Jeffrey Flanagan?
 16 CHAIRMAN FLANAGAN: Yes.
 17 All right. Thank you.
 18 Next Item on the agenda is Item Number 11.
 19 It's an Ordinance of the City Commission of
 20 Coral Gables, Florida providing for text
 21 amendments to the City of Coral Gables Official
 22 Zoning Code, Article 3, "Development Review,"
 23 Division 3, "Uniform Notice and Procedures for
 24 Public Hearing," Section 3-302, "Notice"
 25 amending the public hearing notification

1 requirements for Zoning Code Text Amendments
 2 that change the actual list of permitted,
 3 conditional, or prohibited uses within a zoning
 4 category; providing for repealer provision,
 5 severability clause, codification, and
 6 providing for an effective date."
 7 Mr. Trias.
 8 MR. TRIAS: Mr. Chairman, the request is to
 9 remove the mail notice when a change -- when a
 10 use is added or changed in a Zoning
 11 designation, and the reason is that, for
 12 example, if you have C Zoning, which affects a
 13 very large area of the City, all we're doing is
 14 making one minor change in the designation.
 15 The mail notice becomes very difficult to
 16 provide, in terms of the staffing that it takes
 17 and so on.
 18 So, from our perspective, we believed that
 19 there was enough notice already with the other
 20 ways that we notice the public, in that the
 21 actual mail notice, for this -- only for this
 22 particular case, for this particular request,
 23 was not necessarily. So that's the request
 24 before you.
 25 CHAIRMAN FLANAGAN: Ramon, am I reading

Page 45

1 this that it's only for amendments greater than
 2 ten acres?
 3 MR. TRIAS: Well, it affects areas that are
 4 bigger than ten acres, because the Zoning
 5 designation affects a great portion of the
 6 City.
 7 CHAIRMAN FLANAGAN: Got it. Okay.
 8 All right. Any comment? Questions?
 9 Anybody in the audience?
 10 Seeing none.
 11 MR. BELLIN: I'll make a motion for
 12 approval.
 13 CHAIRMAN FLANAGAN: We have a motion to
 14 approve.
 15 MR. GRABIEL: Second.
 16 CHAIRMAN FLANAGAN: And a second.
 17 Any discussion from the Board?
 18 Hearing none, Scot, can you call the roll,
 19 please?
 20 THE SECRETARY: Marshall Bellin?
 21 MR. BELLIN: Yes.
 22 THE SECRETARY: Julio Grabiél?
 23 MR. GRABIEL: Yes.
 24 THE SECRETARY: Maria Menendez?
 25 MS. MENENDEZ: Yes.

Page 46

1 THE SECRETARY: Robert Behar?
 2 MR. BEHAR: Yes.
 3 THE SECRETARY: Frank Rodriguez?
 4 MR. RODRIGUEZ: Yes.
 5 THE SECRETARY: Jeffrey Flanagan?
 6 CHAIRMAN FLANAGAN: Yes.
 7 All right. Thank you.
 8 We have two discussion items. How do we
 9 want to handle it? Do you want to have
 10 discussion items so that Robert can be here for
 11 that, and then we'll go to Item 8, or do we
 12 want to continue with the public hearing and go
 13 straight into Item 8?
 14 MR. TRIAS: Why don't we deal with the
 15 discussion items? I think that they should be
 16 relatively brief.
 17 MR. BEHAR: I would like to be able to hear
 18 those.
 19 CHAIRMAN FLANAGAN: Perfect. Okay. So
 20 we'll move right into Item Number 12, which is
 21 Zoning Code Amendments for Open Space on
 22 development parcels.
 23 MR. TRIAS: Mr. Chairman, there has been
 24 some concern about the way that open space, as
 25 defined in the Code currently, doesn't really

Page 47

1 mean, let's say, grassy areas or trees. Open
 2 space, as you know, includes many things, many
 3 things that may not be seen as landscape, such
 4 as arcades.
 5 So very good things, things that really
 6 enhance the public space, but they're not
 7 actually landscaped. So there has been an
 8 interest in trying to define that better, and
 9 trying to make some more clear requirements
 10 about the actual landscape component.
 11 So it's up to you, for discussion. If you
 12 have any thoughts, Staff will prepare some
 13 Zoning language in the next month or two and
 14 bring it back to you, based on your ideas and
 15 your priorities and hopefully we'll go through
 16 the Commission.
 17 CHAIRMAN FLANAGAN: Anybody have any
 18 thoughts?
 19 MR. BEHAR: Let me ask you a question. The
 20 open space on development parcels, give me an
 21 example, you know, of one particular
 22 development parcel that this will be effected
 23 on?
 24 MR. TRIAS: Well, for example, let's say,
 25 The Henry. Well, maybe I shouldn't discuss

Page 48

1 that one because --
 2 MR. BEHAR: Yeah, that's not a good example
 3 to use.
 4 MR. TRIAS: Any mixed-use project that gets
 5 Med bonus, as you know, the setbacks are
 6 usually waived, and then there are no setbacks,
 7 most of the time, in the projects.
 8 So what happens is that the whole parcel is
 9 developed. Generally you end up with an arcade
 10 around the ground level, which is very nice and
 11 works very well, and it's a very desirable
 12 feature; however, if that is the only open
 13 space that is being provided, in terms of the
 14 ground level, sometimes that's not sufficient,
 15 from the point of view of the City.
 16 As you know, the City of Coral Gables was
 17 designed by Frank Button, who was a landscape
 18 architect, and landscape is one of the main
 19 features of the City. And we're thinking that
 20 perhaps there's an opportunity to have some
 21 additional open space requirements or some more
 22 definition, in terms of requiring some of the
 23 open space to be green.
 24 Right now, Staff does the best job we can,
 25 through the design process, working with the

1 applicants, to come up with a design that fits
2 the City, fits the context and creates a higher
3 quality development. And usually that works
4 very well. But I think that some Commissioners
5 and some citizens believe that there's an
6 opportunity to have some more clarity in the
7 Zoning language.

8 MR. WU: Mr. Chair, Gables Station is the
9 project that this concept was discussed by the
10 Commission. So I think that might be a project
11 you might think in the context of where this
12 also came from. Also, Paseo might be a good
13 example to think about how this would be
14 implemented.

15 MR. TRIAS: And those two examples are
16 examples of very successful design that was
17 achieved through conversation and discussion
18 and debate, and, yet, it is because the
19 applicant was working very hard at trying to
20 come up with a good balance between the
21 hardscape and the building features, such as
22 the arcades and the open space and the more
23 park like features.

24 MR. BEHAR: And if you do that, what
25 implication that could have on a development?

1 MR. TRIAS: Obviously it's up to the
2 Commission ultimately, but perhaps there could
3 be more open space, perhaps, at the ground
4 level. That could be one of the outcomes.

5 MR. GRABIEL: Is the interest of the City
6 to create more green space or just space that
7 is accessible to the public within private
8 property?

9 MR. TRIAS: I think there's an interest in
10 more accessible green space at the ground
11 level.

12 MS. MENENDEZ: And are we looking at
13 covered green space or are we looking at open,
14 as it should be open?

15 MR. BEHAR: Open to the sky.

16 MR. TRIAS: Open, I believe. I believe
17 that's the priority.

18 MR. BEHAR: And one example I could think
19 of, of a project that I guess came to us, and
20 we -- back here, I forget the street,
21 Valencia -- no, the one that we requested we'd
22 be asked to have a park --

23 MS. MENENDEZ: We haven't finished with
24 that item. I don't know if you can discuss it.
25 But I know which one you're talking about.

1 MR. BEHAR: Okay. All right. Then I --

2 MR. TRIAS: But that's -- actually, as a
3 result of that --

4 MR. BEHAR: You know, a project that we
5 would ask for open space, but then we would
6 have to then give them whatever development
7 right they will have for that somewhere else,
8 because you're taking -- if that happens -- the
9 point I'm trying to make, if that happens, you
10 may take away some potential development that
11 they otherwise would have. Where would they
12 put it?

13 MS. MENENDEZ: Well, but when I look at
14 these development projects, and they're asking
15 for change of Zoning and change of Comp, there
16 has to be a give and take.

17 MR. BEHAR: You're right, but if they're
18 not asking for a change of Zoning or a change
19 of Comp --

20 MS. MENENDEZ: We wouldn't see it, unless
21 it's a mixed-use.

22 MR. BEHAR: You would see it.

23 MS. MENENDEZ: Unless it's a mixed-use.

24 MR. BEHAR: And something to think about,
25 and I like the idea, but we need to really

1 analyze all of the implications that this could
2 potentially have on a site.

3 MR. TRIAS: Okay. So what we can do is
4 bring back some analysis of the implication and
5 then some general ideas of things that we could
6 do maybe for next month.

7 MR. GRABIEL: One of my concerns, Ramon,
8 is, at one time the City had a requirement for
9 green space on the buildings. And the
10 Colonnade is a good example. The only way that
11 that building was able to achieve the amount of
12 green space that they wanted is by putting
13 planters between columns, separating the
14 sidewalk from the covered walk, killing the use
15 of the covered walk and not giving the
16 residents and users a really good green space.

17 MR. TRIAS: Yeah.

18 MR. GRABIEL: So we have to be careful that
19 we don't fall in the trap of playing the
20 numbers, and then ending up with stuff that
21 is really worse -- it was a worse solution than
22 was required.

23 MS. MENENDEZ: What if we were to
24 consider -- because I understand what you're
25 saying, it's a great point, but what if we were

Page 53

1 to consider in projects, like the urban
 2 projects, that seem to run into those issues,
 3 in some way contributing to a nearby green area
 4 or green space that could then accommodate
 5 those -- what we're trying to create? Do you
 6 see what I'm saying?
 7 So it doesn't necessarily have to be
 8 perhaps on the site, but some opportunity to --
 9 maybe if it's across the street, to create that
 10 open space.
 11 MR. TRIAS: That has been done on a case by
 12 case basis already as conditions of approval.
 13 For example, contributions to the Underline and
 14 things like that.
 15 MS. MENENDEZ: Right.
 16 MR. TRIAS: So what we're thinking is,
 17 let's try to formalize this a little bit more,
 18 to give more predictability in the Code, and if
 19 you're okay with that, we can come back --
 20 MS. MENENDEZ: I think that sometimes the
 21 open space areas really provide an opportunity
 22 to break up the massing, also, of these
 23 buildings, because some of them might be --
 24 well, at least -- not necessarily to the
 25 developer, but to the area, might help with

Page 54

1 that massing of the project.
 2 MR. TRIAS: Absolutely.
 3 CHAIRMAN FLANAGAN: Anybody else?
 4 MR. BELLIN: Yeah. Ramon, I think what we
 5 really need is a clear definition of what you
 6 mean by open space. And, for argument sake,
 7 you can use balconies -- if you put planters on
 8 the balconies, you can use that as open space.
 9 MR. TRIAS: Or the pool deck.
 10 MR. BELLIN: Or a pool deck.
 11 MR. TRIAS: Yeah.
 12 MR. BELLIN: And are those really the open
 13 spaces that we're looking for?
 14 MR. TRIAS: Right. And that's the point.
 15 The point is, let's try to -- my recommendation
 16 is, we need to focus on the pedestrian level,
 17 and make sure that we have some very clear
 18 direction on what happens on the public spaces
 19 of the City.
 20 Now, we may continue to have some other
 21 issues and so on, but let's improve what
 22 happens at the ground level. And my intent is
 23 to bring back some ideas for you to review and
 24 then take it to the Commission.
 25 MR. BELLIN: I'd like to make a motion that

Page 55

1 the Planning Department studies and comes back
 2 with a proposal to give us a clear
 3 understanding of what we want to achieve.
 4 CHAIRMAN FLANAGAN: Okay. Anybody else?
 5 It's a discussion item, so there's no --
 6 MR. BELLIN: Oh, okay. There's no motion.
 7 CHAIRMAN FLANAGAN: But he heard you.
 8 MR. BELLIN: Okay. We discussed it.
 9 CHAIRMAN FLANAGAN: We discussed it.
 10 All right.
 11 MR. TRIAS: Thank you. Thank you.
 12 CHAIRMAN FLANAGAN: Next item, Number 13 on
 13 the agenda, Zoning Code Amendments to allow
 14 Transfer of Development Rights for Open Space.
 15 MR. TRIAS: This is a related issue, and
 16 maybe it's related to some of the comments from
 17 Mr. Behar, which deal with, how do you create
 18 value out of this open space? And, right now,
 19 as you know, we have a TDR, Transfer of
 20 Development Rights program, only for Historic
 21 Preservation. One of the ideas was, perhaps
 22 that could be expanded for open space.
 23 So I'm not a hundred percent sure on how to
 24 make this happen yet, but we're working on it,
 25 and we're thinking about it, and we would like

Page 56

1 your input. And, then, again, in the future,
 2 come back with some recommendations.
 3 MS. MENENDEZ: For me, this open space and
 4 having the opportunity to transfer development
 5 rights would be for those open spaces that are
 6 zoned a certain way, where there is a benefit
 7 to transfer the development rights. But if
 8 right now, based on our previous item, if we
 9 were to create these open spaces, I'm not sure
 10 if I would then turn around -- because then
 11 there's a benefit, and then turn around and
 12 then sell the development rights of that open
 13 space.
 14 I don't know. There seems to be like a
 15 little conflict there, that I'm not too clear
 16 on.
 17 MR. TRIAS: Well, if you look at the TDR
 18 program that we have for Historic Preservation,
 19 part of the requirement is that in perpetuity
 20 that historic building needs to be preserved
 21 and maintained, and so on.
 22 So those kinds of rules can be written in
 23 such a way that public space remains in
 24 perpetuity public, as a park or in the way that
 25 it is designed.

1 MS. MENENDEZ: Right, but what I'm saying
 2 is that in our previous item, if we were to
 3 tell a developer, "If you're developing this or
 4 doing this, we want an open space for the
 5 benefit of the area, for the benefit of the
 6 residents in the area or the businesses," and
 7 then we're going to turn around and allow them
 8 to sell the TDRs of that open space -- I don't
 9 know. I'm just not clear. It might be okay,
 10 but I'm just not clear how that would work.
 11 MR. BEHAR: And when I made the comment, it
 12 was not to sell it, Maria. It was to use it on
 13 your own site somewhere, somehow, that you
 14 don't lose that portion of the development
 15 rights. Not to sell it --
 16 MS. MENENDEZ: So you're saying that you
 17 would tie it to the actual development, not to
 18 turn around in the future and then sell it to a
 19 development that might be a block away or
 20 something?
 21 MR. BEHAR: Correct.
 22 MR. WU: Well, I have to clarify. It
 23 should include both options, that on the
 24 development, it could be a corner, to be a park
 25 or it could be someone else buy a piece of

1 MR. TRIAS: Right. And typically you're
 2 very aware of the limits, 3.5 FAR, 190 feet or
 3 whatever the maximum height is. And within
 4 those limits, you move development the best you
 5 can. Typically, we haven't seen any issues
 6 with being able to maximize the development,
 7 and at the same time do high quality public
 8 space at the ground level.
 9 All we're saying is, let's try to define
 10 that a little better, and let's have some
 11 additional tools that may allow for some land
 12 to remain green with TDRs.
 13 MR. BEHAR: I would be a hundred percent in
 14 support of a case like that, where somebody
 15 buys a property, creates a park, you know,
 16 gives it to the City, and then they could sell
 17 the TDRs on that parcel, because you're
 18 creating a public space.
 19 MS. MENENDEZ: Right. I mean, my objection
 20 to any of that would be -- you know, they're
 21 now creating these open spaces on roofs --
 22 MR. TRIAS: Yes.
 23 MS. MENENDEZ: That I'm not --
 24 MR. TRIAS: That's a real challenge.
 25 MS. MENENDEZ: Right. So -- you know.

1 property, dedicate it to the City and turn
 2 around and sell that development rights to
 3 someone in the open market. So that is also
 4 part of this consideration.
 5 MS. MENENDEZ: Well, that's a different --
 6 MR. BEHAR: Yeah.
 7 MS. MENENDEZ: That's not what he's totally
 8 saying.
 9 MR. BEHAR: I understand what you're
 10 saying. That would be great, if somebody buys
 11 a piece of property, creates a park, and then
 12 he could sell those --
 13 MR. WU: Yes. And that is a TDR program by
 14 itself.
 15 MR. BEHAR: Okay.
 16 MR. WU: What you're saying is, a site plan
 17 mechanism like what Gables Station did. They
 18 have this extensive open space and they moved
 19 some of the development onto the towers.
 20 MR. BEHAR: Right, exactly. That's a
 21 perfect example. They created the open space,
 22 but they moved that development up higher, to
 23 make the space more attractive.
 24 MR. WU: Or Mediterranean Village.
 25 MR. BEHAR: Yeah.

1 MR. TRIAS: Okay.
 2 MR. BEHAR: It has to be on the ground
 3 level.
 4 MS. MENENDEZ: It has to be on the ground,
 5 for public use, for public access.
 6 MR. BEHAR: Yeah, a public benefit.
 7 MS. MENENDEZ: A public benefit.
 8 MR. TRIAS: Absolutely.
 9 MR. BELLIN: Ramon, why would anybody not
 10 utilize his development rights? You create an
 11 open space, and you're going to sell TDRs,
 12 which diminishes what you can do on your
 13 property? And in the TDRs, what you sell them
 14 for, really, to me, makes no sense, because the
 15 FAR is much more valuable than the TDRs that
 16 you're going to sell.
 17 MR. TRIAS: Well, in Downtown, I would
 18 agree with you, but there may be some areas,
 19 that are, let's say, further south in the City,
 20 that are residentially zoned, that are
 21 environmentally sensitive, for example, that
 22 maybe this could be a good process for them.
 23 So it really depends.
 24 I think the way I would look at this is,
 25 it's just one more tool. You have many tools,

1 and you may not use all of the tools, but this
2 is one additional tool.

3 MS. MENENDEZ: And I think it's tied to the
4 first item, whereas you're basically telling
5 the developer, look, we're going to require
6 some open space for your project, but, in turn,
7 you can do this.

8 MR. BELLIN: But you utilize your TDRs. If
9 you want to create your open space, you create
10 it. I just don't understand the concept, where
11 you're going to sell TDRs and not use them to
12 develop your project.

13 MR. BEHAR: No, Marshall, because today, if
14 you were to do a park -- somebody buys a
15 property and wants to create an open space, you
16 cannot -- there's no value.

17 You know, at least this mechanism would
18 give them something. You know, the FAR is more
19 costly than what you could buy the TDRs for.

20 MR. BELLIN: It's worth -- why would
21 somebody buy a piece of property to create a
22 park and then sell its development rights for
23 less than he paid for the property?

24 MR. BEHAR: We have some nice people in the
25 City of Coral Gables.

1 CHAIRMAN FLANAGAN: I think it would help
2 if we had something, Ramon, from the
3 Department, even if it's a summary of ideas or
4 some outline of the thought process.

5 MS. MENENDEZ: To see. Right.

6 MR. TRIAS: Absolutely. That's coming.
7 Thank you very much for your input, and we'll
8 follow up.

9 CHAIRMAN FLANAGAN: Okay. All right.
10 Thank you.

11 MR. BEHAR: Now it's time for me to --

12 MS. MENENDEZ: Bye.

13 CHAIRMAN FLANAGAN: Yes, sir.

14 MR. BEHAR: Hasta la vista. Thank you.

15 MR. BELLIN: There's another item that you
16 may be interested in. It's 12 -- I mean, 14.

17 MR. GRABIEL: We voted on it.

18 MS. MENENDEZ: We already did that.

19 MR. BEHAR: It was already voted.

20 MR. TRIAS: It was done first. Mr. Bellin,
21 that was already done.

22 MR. BELLIN: 14 was done?

23 MR. COLLER: Yes. You had stepped out of
24 the room --

25 CHAIRMAN FLANAGAN: You had stepped out,

1 because --

2 MR. BELLIN: I stepped out because of
3 the --

4 CHAIRMAN FLANAGAN: For 5, 6 and 7, which
5 wanted to get deferred to the October 19th
6 agenda, so we had to jump to the deferral in
7 order to accomplish that, to defer the other
8 three.

9 MR. BELLIN: All right. Well, I would like
10 to know who is not going to be here on the
11 19th, because I think what's going to come
12 before the Board is very, very important
13 issues.

14 CHAIRMAN FLANAGAN: Well, they're all
15 important that come before us, no matter what
16 the item is.

17 MR. BELLIN: But there are some more
18 important than others.

19 CHAIRMAN FLANAGAN: I disagree. Everything
20 that we do is important. And the only Board
21 Member that won't be here at this point is
22 Mr. Grabiell, who is going to be gone for the
23 month of October.

24 MR. BELLIN: And I think Maria will also be
25 gone.

1 MS. MENENDEZ: You know, I may or may not.
2 I'm just trying to wonder how everybody finds
3 out when I'm going to be here or when I'm not,
4 because I haven't publicized it.

5 MR. BELLIN: But apparently when you were
6 asked the question by the Planning
7 Department --

8 MS. MENENDEZ: Well, but that was just to
9 her. I mean, I'm not sure what's going on, but
10 at the end of the day, I'm not sure. I would
11 have preferred to have left it on the 12th, but
12 I understand that there's religious
13 observations. So I'm going to try to
14 accommodate the Board meeting. And, if not, I
15 won't be here if -- or I'll be here.

16 CHAIRMAN FLANAGAN: So we took it. We did
17 it. It's the 19th.

18 MS. MENENDEZ: So if you were counting on
19 me not being here, I might be here.

20 MR. BELLIN: No, I'd prefer that everybody
21 was here.

22 MS. MENENDEZ: Oh, okay.

23 MR. BELLIN: And I think that we ought to
24 move it to a date where everybody is here.

25 CHAIRMAN FLANAGAN: Marshall, sorry, but as

1 of now we agreed we're going to meet on the
 2 19th.
 3 MS. MENENDEZ: I thought we were going to
 4 hear it today, so --
 5 CHAIRMAN FLANAGAN: And the applicant asked
 6 that it be continued to the 19th.
 7 MS. MENENDEZ: Right.
 8 MR. BELLIN: Okay.
 9 CHAIRMAN FLANAGAN: Item Number 8 is a
 10 Resolution of the City Commission of Coral
 11 Gables, Florida requesting mixed use site plan
 12 conditional use review pursuant to Zoning Code
 13 Article 4, "Zoning Districts", Division 2,
 14 "Overlay and Special Purpose Districts",
 15 Section 4-201, "Mixed Use District (MXD)", for
 16 the mixed use project referred to as "The
 17 Henry" on the property legally described as
 18 Lots 22-38, Block 2, Industrial Section, known
 19 as 4105 - 4131 Laguna Street, Coral Gables,
 20 Florida; including required conditions and
 21 providing for an effective date.
 22 Is the applicant --
 23 MR. TRIAS: Mr. Chairman, if I could have
 24 the PowerPoint for --
 25 CHAIRMAN FLANAGAN: Oh, Staff is going

1 first?
 2 MR. TRIAS: -- The Henry. Yeah. I'll go
 3 first.
 4 CHAIRMAN FLANAGAN: I thought we were doing
 5 applicant first these days.
 6 MR. TRIAS: Oh, okay.
 7 CHAIRMAN FLANAGAN: No, you're there. Go
 8 ahead.
 9 MR. TRIAS: Yeah, let them go first.
 10 CHAIRMAN FLANAGAN: Okay.
 11 MR. GUILFORD: Good evening, Mr. Chairman,
 12 Members of the Board. For the record, again,
 13 Zeke Guilford, with offices at 400 University
 14 Drive.
 15 It gives me great pleasure to be here this
 16 evening to represent Terrace Mountain
 17 Investors, the owner of the property at 4015 to
 18 4131 Laguna Street. Here with me is Frank and
 19 Collen Trabold, who are the developers of the
 20 project.
 21 This actually came before this Board and
 22 the City Commission in like 2007, 2008, for a
 23 mixed use-site plan project that was actually
 24 never built because of the recession.
 25 So Terrace Mountain has purchased the

1 property from the prior owner and intends to
 2 develop the property as a mixed-use project,
 3 which is why it's before you today.
 4 The project will consist of 122 residential
 5 units, 2,572 square feet of office, and 10,014
 6 feet of retail. This is consistent with the
 7 requirements of the mixed-use regulations.
 8 At this time, I'm either going to turn it
 9 over to Jordi or Eddie to actually walk you
 10 through the project. They're the architects
 11 for the project.
 12 MR. LAMAS: Good evening, Board Members.
 13 My name is Eddie Lamas. I'm an architect with
 14 Behar Font, and with me is Jordi Cruxent.
 15 We're happy to present this very exciting
 16 project for you.
 17 Let me just start. We have made the
 18 boards, so that I can show you the context of
 19 the project.
 20 MR. COLLER: I don't recall. Did he
 21 indicate where his offices were, your address
 22 of your office?
 23 MR. CRUXENT: 4533 Ponce de Leon Boulevard.
 24 CHAIRMAN FLANAGAN: You need to talk into a
 25 microphone.

1 MR. LAMAS: Okay. Thank you.
 2 The project, which you have in your
 3 package, and I wanted to show you, the very
 4 first thing on the design concept is to be
 5 aware of the public realm. And by that I mean,
 6 the paseos that are immediately to the east of
 7 the project, and the ones that are to the west
 8 of the project. So we have a continuous paseo,
 9 that connects all of those three projects
 10 together, that you can walk over to Le Jeune.
 11 The project is situated that -- it's split
 12 into two parts. It's articulated, because the
 13 building is very long, and we were able to get
 14 some relief by articulating. Flanked at either
 15 side, it has office or retail, with an arcade
 16 on Laguna, to enhance the pedestrian activity.
 17 On Altara, we have the setback of 15 feet,
 18 that even sets back further from above, where
 19 the residential portion of the project is.
 20 So what we have is a ground floor that has
 21 a paseo over 60 feet wide. Part of it is for
 22 vehicles, like the project on the east side
 23 has, and the other ones are pedestrian paseos
 24 on both sides that come out.
 25 Okay. The entrance to the garage is from

Page 69

1 Laguna, and then we have three floors of
 2 parking. So the total base of the project is
 3 four stories, and then the residential six
 4 floors set back further from both streets.
 5 As you know, it's very constraining, in
 6 talking about parking, that Gables lots are
 7 only a hundred feet. So parking becomes a
 8 challenge, since you really need like 120 to
 9 make it even more efficient.
 10 Is it working? Hello? Yes.
 11 Again, this is a blow up of the ground
 12 floor. As I was saying, this is Laguna. So
 13 the project has an arcade on Laguna, flanked by
 14 retail. What you see in this color is a paseo
 15 that connects to the paseo that is in the
 16 building to the east and connects to the new
 17 building that is coming to the west.
 18 So it's a visual connection, and it's also
 19 for a pedestrian, that can go all of the way
 20 from there to Le Jeune.
 21 Merrick Shops are to the south, just one
 22 block away, and we have Altara, and at Altara,
 23 we're setting the building -- the building sets
 24 back 15 feet, again, at the base. So it's a
 25 very comfortable base, in that the building

Page 70

1 tapers off when the residential units come
 2 above the fourth level.
 3 Right at the fourth level, the dark shade
 4 is the garage building. As you can see, the
 5 building takes a bite, almost at the middle, to
 6 split the length of that building. At the same
 7 time, then the residential sets back even
 8 further, to make -- after the base, so you have
 9 the middle, and then we have the top. And we
 10 keep articulating it back from Altara. So,
 11 actually, from the property line, to the face
 12 of the building, to open up Altara, we have
 13 almost 70 feet. So we opened up that space.
 14 To the north, we have the 7-Eleven here.
 15 So we're way back from Bird Road.
 16 So the building is massed so that where it
 17 faces the street, it steps back, it creates an
 18 open space, and it opens up the street.
 19 The building, this is a view from the
 20 corner of Laguna and Altara, that you look how
 21 we were able to create a base and break up --
 22 at the center, this is the main entrance for
 23 the residential lobby, and the paseo is right
 24 next to it. So we tried to assemble a
 25 combination of, could be two or three

Page 71

1 buildings, and try to articulate them. It's
 2 six stories on top of the fourth, so we have a
 3 total of ten floors, and then the building is
 4 further set back from Altara, again, to open up
 5 this corridor, so it becomes not too tight
 6 where you see that.
 7 The building will also introduce the retail
 8 and the arcade, and I agree with Julio, I don't
 9 want to green between the columns. So that's
 10 what we're trying to accomplish on the
 11 streetscape.
 12 The view looking the other way, from Bird,
 13 on Laguna, the 7-Eleven is about here. So
 14 we're far from Bird Road. You will see, then,
 15 this building is pushed back even further back,
 16 so it's a nice, open wide space. And at the
 17 corner is Altara. And we have some very nice
 18 amenities, not only on the ground floor, but
 19 how we treat the pool and recreation decks.
 20 So it's very green, very nice, very simple,
 21 elegant, you know, building, that I think will
 22 enhance and complement that area.
 23 I'm done, if you have any questions.
 24 CHAIRMAN FLANAGAN: Anybody have any
 25 questions for the applicant at this time?

Page 72

1 MR. GUILFORD: Mr. Chairman, Members of the
 2 Board, Staff has recommended approval with
 3 conditions. We accept those conditions. And,
 4 again, if you have any questions, we're here to
 5 answer them. We also have our traffic
 6 engineer, should you have any questions
 7 regarding that, as well.
 8 CHAIRMAN FLANAGAN: Thank you.
 9 MR. GUILFORD: Thank you.
 10 MR. TRIAS: Okay, Mr. Chairman. If I could
 11 have my PowerPoint, please. Thank you very
 12 much.
 13 The Henry is requesting only one thing,
 14 only the mixed-use site plan. It's properly
 15 zoned and the proper Land Use is in place. The
 16 location, as the applicant explained, is right
 17 along Laguna and right north of Altara. That
 18 area, as you can see, has developed with
 19 mixed-use projects all around, so that's the
 20 way that that whole area of the City is
 21 becoming.
 22 Now, the Land Use is industrial, and the
 23 Zoning is also industrial, which, in this area,
 24 as you well know, typically means mixed-use,
 25 and that is because of the overlays and the

1 other requirements that we have. So,
2 therefore, there's no request to change the
3 Zoning or Land Use at this point.

4 In terms of traffic, this area is within
5 the GRID. As you know, the GRID is an area of
6 the City where traffic counts and traffic
7 volumes are not considered during the review
8 process or the approval process; however, you
9 can ask question about that and you can
10 certainly make recommendations about traffic
11 operations.

12 The project, as the applicant explained,
13 is -- basically has an arcade, then parking,
14 and then a pool deck, and residential units on
15 top.

16 There has been a real careful effort to
17 coordinate the ground level, lining up the
18 different paseos, et cetera, and also to
19 coordinate the massing and the overall
20 development of that area. And that's an image
21 that shows you several projects that are
22 approved and not built, like Merrick Manor, for
23 example, and then the actual -- The Henry, and
24 the way that the area is going to be in the
25 near future.

1 1,500 feet, and the public notification
2 included at least two mailings, three times was
3 the property posted, and three times we had a
4 posting on the website, and we had one
5 newspaper advertisement.

6 The project, as you can see, includes a
7 parking garage in the center of the building,
8 residential units upstairs, an arcade -- a
9 continuous arcade along Laguna and also Altara
10 and retail at the ground level.

11 This gives you a good sense of the way that
12 the retail works, and the way that the public
13 spaces are designed towards the City.

14 The site plan information, as you can see,
15 the proposed FAR and height and the general
16 dimensions of the site is what's allowed. As
17 you may recall, some time ago, the Planning and
18 Zoning Board and the Commission allowed 120
19 feet in this area, it used to be 100, as long
20 as the stories remain at a maximum of ten, and
21 that is what's provided in this project.

22 The unit mix includes studios, two
23 bedrooms, three or more bedroom units, and
24 there are 229 parking spaces provided, when 223
25 are required. So, as you can see, it's a

1 The ground level has been an interesting --
2 well, actually, the request, as I said, is
3 mixed-use site plan, and, the ground level,
4 some of the issues about open space could be
5 illustrated in this project. Most of the open
6 space is the paseo in the center, plus the
7 arcade all along. The applicant is planting
8 the bulb-outs and doing some trees along
9 Altara; however, as you can see, this is mostly
10 an urban concept, in terms of the ground level.

11 The elevations have been explained. The
12 review time line, as always, we had the DRC,
13 the Development Review Committee, in February,
14 then the Board of Architects in May, the
15 required neighborhood meeting in June, and now
16 we're at the Planning and Zoning Board meeting.

17 As I like to remind everyone, we have great
18 assistance from the rest of the staff of the
19 City. All of the different departments have
20 looked at this project, mostly twice -- at
21 least twice, at DRC and then at the Staff
22 meeting that we always have prior to scheduling
23 this Planning and Zoning hearing, and they
24 provided comments.

25 Letters to property owners were sent within

1 project that matches what's allowed.

2 The setbacks have been reduced through the
3 mixed -- through the Mediterranean Bonus
4 process, and the open space, which was one of
5 the issues that we have discussed today, is
6 6,400 square feet, but, as I said before, it's
7 mostly urban features, such as arcades and
8 building features.

9 The Mixed-Use Site Plan request has been
10 reviewed by Staff, and Staff has made the
11 findings of fact that the standards, the
12 different standards of review, have been
13 complied with, including the fact that the
14 project -- it is compatible with adjacent uses,
15 and it's consistent with the Comprehensive
16 Plan.

17 Staff's recommendation is approval, with
18 conditions, and the standards identified in
19 Section 3-408 for the proposed Conditional Use
20 Site Plan have been satisfied, subject to the
21 conditions.

22 In addition, Staff has determined that the
23 project is consistent with the Comprehensive
24 Plan.

25 Now, the Conditions of Approval are

Page 77

1 detailed in the Staff report. Many of the
2 conditions are fairly typical, such as the
3 restrictive covenant required, and, then, in
4 addition, we have certain conditions that need
5 to be complied with, prior to the first
6 building permit, such as the Art in Public
7 Places contribution, the loss of on-street
8 parking pavement, additional reviews, signage
9 plan, the parking garage design issues, and a
10 variety of other things that are well-known and
11 deal with the requirements of the Zoning Code.
12 Prior to the first Certificate of
13 Occupancy, the utilities must be undergrounded,
14 the upgrade on all of the utility services
15 needs to be completed, and the Art in Public
16 Places requirement must be completed, and all
17 of the traffic studies that -- I'm sorry, all
18 of the traffic improvements recommended by a
19 traffic study and the review of that study by
20 Staff needs to be complied with. In addition,
21 the bicycle and pedestrian master plan needs to
22 be complied with. And the right-of-way, which
23 is the sidewalks, with the bulb-outs and so on,
24 need to be built.
25 As you know, in addition, the building

Page 78

1 needs to obtain certification within two years,
2 and all of the traffic signal and signage
3 recommendations need to be paid for or
4 provided.
5 That is the Staff report. If you have any
6 questions, I'll be happy to answer them.
7 CHAIRMAN FLANAGAN: Thank you, Ramon.
8 This is a public hearing item, so we'll
9 open up the public hearing.
10 Scot, do we have any speaker cards?
11 THE SECRETARY: No, Mr. Chair.
12 CHAIRMAN FLANAGAN: No?
13 Anybody in the audience wish to speak on
14 this matter?
15 Seeing none, we'll close the public hearing
16 and open it up for discussion or comments from
17 Board Members.
18 MS. MENENDEZ: I have a question. May I
19 go?
20 CHAIRMAN FLANAGAN: Of course.
21 MS. MENENDEZ: The open space -- how do you
22 calculate the open space? What's calculated in
23 the open space? Is it the paseo? Is it open
24 or is it just -- tell me what --
25 MR. TRIAS: All of those things, the paseo,

Page 79

1 the arcade, some of the pool deck, landscape,
2 and so on.
3 MS. MENENDEZ: So the pool deck. So not
4 necessarily public access, it's just everything
5 that has a surface and not a building on it?
6 MR. TRIAS: Absolutely.
7 Now, a majority is public access. A
8 majority of the different things or the
9 different elements that one can count as open
10 space.
11 MS. MENENDEZ: Is the paseo an open space
12 -- I mean, a public space?
13 MR. TRIAS: Yes, but it's not open to the
14 sky.
15 MS. MENENDEZ: Right, but I'm saying, does
16 the public have the ability to walk through the
17 paseo?
18 MR. TRIAS: Yes. Yes. And there are
19 several paseos that line up in different
20 buildings in that area and that has been part
21 of the design review that has taken place.
22 MS. MENENDEZ: And so it says like, open to
23 public access, or it's just whoever goes
24 through is not going to be asked to leave?
25 MR. TRIAS: And those are conditions that

Page 80

1 you may want to make very clear, also, that if
2 you want to have additional conditions --
3 MS. MENENDEZ: I'm just trying to
4 understand how our City calculates open space,
5 when the open space is not necessarily -- it's
6 not tied to public use necessarily, is what
7 you're saying, it's really just open -- not a
8 building on it?
9 MR. TRIAS: That is one of the weaknesses
10 of the Code. Absolutely. You're correct.
11 MS. MENENDEZ: Okay. Just trying to
12 understand it.
13 MR. TRIAS: Now, having said all of that,
14 the majority of the features at the ground
15 level, like the arcade, the paseo, are bona
16 fide open space by any definition.
17 MR. GRABIEL: The paseo, is that open year
18 round for the public?
19 MR. TRIAS: Yes, but, in addition, if you
20 want, you can make it a Condition of Approval,
21 and make it very specific.
22 MS. MENENDEZ: How big is the entrance of
23 the paseo? How wide is the entrance of the
24 paseo, on one side and the other side?
25 MR. CRUXENT: On the north side, it's

1 nineteen feet eight inches. Then we have the
2 drive, which is 22 feet. And on the south
3 side, it's about fourteen feet.

4 So we have two flanking at either side. It
5 will be open at all times. It works like the
6 building right to its immediate east, and
7 that's the intent, that it is -- even the open
8 space, even the Miracle Mile shops, you go from
9 the parking on Andalucia, through Miracle Mile,
10 and it's covered. It's open space, but it's
11 covered.

12 MS. MENENDEZ: Right.

13 My only concern is that in the future, if
14 there's not like a requirement to allow it to
15 be open, they can close it, and we would never
16 know about it.

17 MR. CRESCENT: That's not our intention.
18 The intention of the owner is to keep it open.
19 There's nothing -- there's not going to be
20 gates or walls, it's going to be really open.

21 MR. GRABIEL: We can make it a condition.

22 MS. MENENDEZ: Okay.

23 MR. TRIAS: Ms. Menendez, in the past,
24 we've had Conditions of Approval that specified
25 that it has to be open, if you choose to do

1 landscaping, we just added it to shade some of
2 the area, but we can make as most of it green,
3 but we'd like to make it as an urban setting,
4 so people are walking to the shops and they're
5 going to Le Jeune, and that's the reason for
6 that.

7 MS. MENENDEZ: Got it. Thank you.

8 CHAIRMAN FLANAGAN: Anybody else?

9 No other comments? If somebody wants to
10 make a motion.

11 MR. GRABIEL: I would like to make a motion
12 for approval, with the condition that all of
13 the open spaces, the paseo and the arcades, are
14 permanently accessible to the public 24/7, 12
15 months of the year.

16 MS. MENENDEZ: I'll second that.

17 MR. TRIAS: And the additional Conditions
18 of Approval by Staff?

19 MS. MENENDEZ: Yes. That's a given.

20 MR. COLLER: Could we get an indication
21 from the applicant that they find that
22 acceptable, if we could?

23 MR. GUILFORD: That's acceptable to us. As
24 a matter of fact, I believe, by the Code, you
25 have to have a paseo every so many feet when

1 that.

2 MS. MENENDEZ: Right, but it's not like an
3 easement.

4 CHAIRMAN FLANAGAN: There is.

5 MS. MENENDEZ: Is it an easement to the
6 City?

7 MR. TRIAS: No.

8 MS. MENENDEZ: No. It's just a -- we would
9 have to make a condition, a recommendation for
10 a condition.

11 CHAIRMAN FLANAGAN: But one of Staff's
12 conditions is to execute and record a publicly
13 accessible open spaces easement. I took that
14 to mean that this would be open to the public.

15 MR. TRIAS: It is. It is. That's already
16 in the conditions, yes.

17 MS. MENENDEZ: Okay.

18 MR. LAMAS: It will always be open. Just
19 like I want to point out that the arcade is
20 only on Laguna. On Altara, the setback, 15
21 feet, that's all open to the sky, space. It's
22 not covered. And, again, it's a condition.
23 You walk -- you walk with your mother, you walk
24 with your girlfriend and two people need to
25 stand there. So, again, if we put more

1 you have a development so long. So that's
2 already there, but we definitely don't mind
3 that as a Condition of Approval, as well.
4 Thank you.

5 MR. BELLIN: I have a question. The deck,
6 is that a public space?

7 MS. MENENDEZ: The pool deck?

8 MR. BELLIN: Yeah.

9 MR. LAMAS: No, that's for the residents.

10 MR. CRUXENT: It's private for the residents.

11 MR. TRIAS: Right. It's not public
12 accessible open space, no.

13 MR. BELLIN: Okay. But the recommendation
14 that was just given is the -- that's considered
15 open space, and that goes towards the required
16 open space.

17 MR. TRIAS: In terms of the Zoning
18 calculation, yes, but the issue that we're
19 dealing with is the accessible ground level
20 pedestrian areas, and around I think that the
21 condition that has been proposed is very
22 effective at making sure that everything is
23 accessible.

24 The design has been done to maximize that
25 ability to access the ground level and so on.

1 MR. BELLIN: But one of the conditions that
 2 was put on it, to my way of thinking, if you
 3 accept that, then that pool deck, because it's
 4 considered the --
 5 MS. MENENDEZ: No, I don't think that was
 6 the intent.
 7 MR. GRABIEL: My intention was ground
 8 floor --
 9 MS. MENENDEZ: Ground floor. I mean, I
 10 seconded it in that condition.
 11 MR. BELLIN: Okay.
 12 MR. TRIAS: I think it's clear. I think
 13 the record is clear.
 14 MR. BELLIN: Okay.
 15 MS. MENENDEZ: If not, you'd have a lot of
 16 pool people there.
 17 MR. LAMAS: Yes.
 18 CHAIRMAN FLANAGAN: All right. Everybody
 19 is clear?
 20 All right. Scot, can you call the roll,
 21 please?
 22 THE SECRETARY: Marshal Bellin?
 23 MR. BELLIN: Yes.
 24 THE SECRETARY: Julio Grabiell?
 25 MR. GRABIEL: Yes.

1 THE SECRETARY: Frank Rodriguez?
 2 MR. RODRIGUEZ: Yes.
 3 THE SECRETARY: Maria Menendez?
 4 MS. MENENDEZ: Yes.
 5 THE SECRETARY: Jeffrey Flanagan?
 6 CHAIRMAN FLANAGAN: Yes.
 7 Thank you.
 8 MR. GUILFORD: Thank you all very much. I
 9 appreciate it.
 10 CHAIRMAN FLANAGAN: That was the last item
 11 on our agenda. Anybody have anything else for
 12 discussion?
 13 Move to adjourn.
 14 MS. MENENDEZ: I move.
 15 MR. GRABIEL: Second.
 16 CHAIRMAN FLANAGAN: Anybody opposed?
 17 All right. Thank you all. We'll see you
 18 in October.
 19 (Thereupon, the meeting was concluded at
 20 7:30 p.m.)
 21
 22
 23
 24
 25

1 CERTIFICATE
 2
 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
 6
 7
 8
 9 I, NIEVES SANCHEZ, Court Reporter, and a Notary
 10 Public for the State of Florida at Large, do hereby
 11 certify that I was authorized to and did
 12 stenographically report the foregoing proceedings and
 13 that the transcript is a true and complete record of my
 14 stenographic notes.
 15
 16 DATED this 28th day of September, 2016.
 17
 18
 19 SIGNATURE ON FILE
 20 _____
 21 NIEVES SANCHEZ
 22
 23
 24
 25