

**City of Coral Gables  
Planning and Zoning Board Meeting  
Wednesday, January 14, 2015  
Coral Gables City Commission Chambers  
405 Biltmore Way, Coral Gables, Florida**

MEMBERS	J14	F11	M11	A8	M13	J10	J8	A12	S9	O14	N11	D9	APPOINTMENT
	'15	'15	'15	'15	'15	'15	'15	'15	'15	'15	'15	'15	
<b>Eibi Aizenstat – Chair</b>	P												City Manager
<b>Marshall Bellin</b>	P												Commissioner Vince Lago
<b>Anthony Bello</b>	P												Board Appointee
<b>Jeffrey Flanagan – Vice Chair</b>	E												Commissioner Pat Keon
<b>Julio Grabiell</b>	P												Mayor Jim Cason
<b>Maria A. Menendez</b>	P												VM William H. Kerdyk, Jr.
<b>Alberto Perez</b>	E												Commissioner Frank C. Quesada

**P = Present**  
**E = Excused**  
**C = Meeting Cancelled**

**City Staff and Consultants:**

Charles Wu, Asst. Development Services Director  
Yaneris Figueroa, Asst. City Attorney  
Jane Tompkins, Development Services Director  
Scot Bolyard, Principal Planner  
Megan McLaughlin, City Planner  
Jill Menendez, Administrative Assistant

**Court Reporter:**  
Joan Bailey

**Attachments:**

- A. 01 14 15 Planning and Zoning Board Verbatim Minutes
- B. Various documents entered into the record by Melissa Tapanes Llahues, Esq.:
  - B1 Resolution No. 13947
  - B2 Boundary Survey (Tree Survey)
  - B3 10 14 13 Gables Estates Club Inc. Letter
  - B4 Florida Statutes, Chapter 689; Conveyances of Land and Declarations of Trust

1 CHAIRMAN AIZENSTAT: Good.  
 2 MR. WU: That is our goal.  
 3 CHAIRMAN AIZENSTAT: Because this -- you  
 4 know, we'd like to dedicate the time that this  
 5 merits --  
 6 MR. WU: Yes.  
 7 CHAIRMAN AIZENSTAT: -- and have it  
 8 possibly as the only item. Is everybody okay  
 9 with that?  
 10 MS. ALBERRO MENENDEZ: Absolutely.  
 11 MR. GRABIEL: Agreed.  
 12 MS. ALBERRO MENENDEZ: You know, it would  
 13 be useful, also, if you could give it to us  
 14 even earlier, if possible --  
 15 MR. WU: We will strive towards that.  
 16 MS. ALBERRO MENENDEZ: -- since it's a  
 17 large project, if that's possible.  
 18 CHAIRMAN AIZENSTAT: You usually give it to  
 19 us the Friday before --  
 20 MS. ALBERRO MENENDEZ: The Wednesday.  
 21 CHAIRMAN AIZENSTAT: -- the Wednesday.  
 22 MS. ALBERRO MENENDEZ: Right.  
 23 CHAIRMAN AIZENSTAT: As normal.  
 24 MR. WU: So how about the Monday before?  
 25 CHAIRMAN AIZENSTAT: That would be great.

1 MS. ALBERRO MENENDEZ: Sure.  
 2 MR. GRABIEL: Fantastic.  
 3 CHAIRMAN AIZENSTAT: If that's possible,  
 4 that would be great.  
 5 MS. ALBERRO MENENDEZ: Yeah, anything you  
 6 can add would be helpful.  
 7 CHAIRMAN AIZENSTAT: Okay, let's move on.  
 8 The next item on the agenda is an Ordinance  
 9 of the City Commission of Coral Gables,  
 10 Florida, requesting Conditional Use Review for  
 11 a building site determination pursuant to  
 12 Zoning Code Article 3, "Development Review,"  
 13 Section 3-206, "Building Site Determination,"  
 14 to create two separate single-family building  
 15 sites on property zoned Single-Family  
 16 Residential, SFR, District, one building site  
 17 on Lot 30 and one building site consisting of  
 18 Lot 31, on the property legally described as  
 19 Lots 30 and 31, Block A, Gables Estates Number  
 20 2, at 20 Casuarina Concourse, Coral Gables,  
 21 Florida; including required conditions;  
 22 providing for severability, repealer,  
 23 codification, and an effective date.  
 24 Would Staff like to go first or --  
 25 MR. WU: It's up to the Chair.

1 CHAIRMAN AIZENSTAT: It's -- It's a  
 2 simple -- If Staff would like to go first,  
 3 that's fine.  
 4 MR. BELLIN: I would prefer if Staff does  
 5 go first.  
 6 CHAIRMAN AIZENSTAT: Perfect.  
 7 MR. BOLYARD: Good evening, Chairperson,  
 8 Members of the Board. For the record, my name  
 9 is Scot Bolyard, Principal Planner, with the  
 10 City of Coral Gables.  
 11 Aaron, can you bring up the PowerPoint,  
 12 please?  
 13 The application before you tonight is for a  
 14 separation of a building site and conditional  
 15 use site plan review for the property at 20  
 16 Casuarina Concourse. The subject property is  
 17 located in the southern portion of the City, in  
 18 the area referred to as the Gables Estates.  
 19 The building site shown on the aerial here  
 20 has two fully platted lots. Each platted lot  
 21 is proposed as an individual building site.  
 22 The request is to separate the existing 2.59  
 23 acre building site, with 376 feet of street  
 24 frontage, into two building sites, which would  
 25 consist of Lot 30, which is 1.2 acres in size

1 and has a 200-foot street frontage, and the  
 2 second would be Lot 31, which is 1.39 acres in  
 3 size and has a 176-foot street frontage.  
 4 Application history. On June 25th, 2007,  
 5 the Historic Preservation Board passed a motion  
 6 not to designate the property as historic,  
 7 allowing for the demolition of the previously  
 8 existing three-story single-family residence,  
 9 referred to as the Wackenhut Castle. One  
 10 moment.  
 11 And then on September 26, 2014, the  
 12 application was presented to the Development  
 13 Review Committee. The applicant has  
 14 satisfactorily resolved all DRC comments  
 15 resulting from this meeting.  
 16 Here's an existing zoning map. It shows  
 17 the property is designated Single-Family  
 18 Residential, and the land use on the property  
 19 is designated Residential Single-Family Low  
 20 Density, the same as all the surrounding  
 21 properties.  
 22 Here you can see a survey of the property.  
 23 Located along the waterway is a wood deck, and  
 24 there's also a concrete dock located  
 25 approximately here. The survey also shows a

<p style="text-align: right;">Page 17</p> <p>1 few trees located along the right-of-way.  2 The next slide shows conceptual site plans  3 for both lots. The site plans shown here are  4 not tied to this application; they're just for  5 reference.  6 Here we have site plan information that  7 shows the existing building site compared with  8 the proposed building sites. You can see the  9 building site frontage and how it's divided  10 between the two proposed sites. There's also a  11 waterway frontage on the existing building  12 site. It's 510 feet. The proposed Lot 30  13 building site would have a 200-foot waterway  14 frontage, and the proposed Lot 31 would have a  15 310-foot waterway frontage. The building site  16 depth for the existing building site and  17 proposed sites is approximately 275 feet.  18 The total site area is shown here, as well,  19 and how it would be divided between the two  20 building sites, as well as the proposed floor  21 area that would be allowed. By separating the  22 sites, they would get about -- approximately an  23 extra 1,000 square feet of developable floor  24 area.  25 The building height permitted on the</p>	<p style="text-align: right;">Page 19</p> <p>1 residence, existing concrete dock and wood deck  2 would all become non-conforming if approved.  3 Four, no restrictive covenants or  4 encroachments exist, including demolished  5 buildings, that would prevent site separation.  6 There is a restrictive covenant that exists,  7 tying the lots together as one building site.  8 And the fifth one, the property was  9 purchased by the current owner prior to  10 September 17th, 1977. This property was  11 purchased by the current owner in 2010.  12 Based on this review criteria, Staff  13 recommends denial of the request, since it only  14 satisfies one of the six criteria.  15 Alternative recommendation conditions. If  16 the Planning and Zoning Board determines, based  17 upon additional information presented by the  18 applicant, that the application satisfies the  19 criteria and desires to recommend approval,  20 then Staff recommends the following conditions:  21 The new single-family residences constructed on  22 the two building sites shall meet all  23 applicable requirements of the Zoning Code, and  24 no variances shall be required or requested.  25 Two, a detailed tree disposition plan and</p>
<p style="text-align: right;">Page 18</p> <p>1 property is two stories, 39 feet above  2 established grade, and the setbacks on the  3 property would remain the same for the existing  4 and proposed, a minimum 50-foot front setback,  5 30-foot side setbacks, and a 50-foot rear  6 setback along the waterway.  7 The review of the Zoning Code criteria.  8 The Zoning Code requires that four out of the  9 six criteria must be satisfied for a building  10 site separation. Staff reviewed the  11 application, and based upon the six criteria,  12 determined that the proposal satisfies one of  13 the six criteria, which is neighborhood  14 compatibility. Staff found that the proposal  15 did not satisfy five of the six criteria.  16 One, has an unusual site configuration.  17 The property has a typical site configuration.  18 Two, has equal or larger building frontage  19 than the majority of the surrounding  20 properties. The proposed building site on Lot  21 31 would have a smaller frontage than most  22 surrounding properties.  23 The third, it would not result in  24 demolished or existing structures becoming  25 non-conforming. The previously demolished</p>	<p style="text-align: right;">Page 20</p> <p>1 landscape plan shall be prepared and provided  2 by the applicant, subject to review and  3 approval by the Directors of the Public Service  4 and the Planning and Zoning Division prior to  5 submittal to the Board of Architects for either  6 building site.  7 Three, prior to submittal to the Board of  8 Architects, the property owner, its successors  9 or assigns, shall file for release of the  10 restrictive covenant currently running with the  11 land.  12 And Staff also has a fourth condition that  13 we would like to add, and that is, within 60  14 days of approval, the property owner shall  15 remove the concrete dock, wood deck and any  16 non-conforming structures or encroachments.  17 And that concludes Staff's presentation.  18 CHAIRMAN AIZENSTAT: Thank you.  19 MR. BOLYARD: Thank you.  20 CHAIRMAN AIZENSTAT: If the applicant can  21 please come up.  22 MS. TAPANES LLAHUES: Good evening,  23 Mr. Chair, Honorable Members of this Board. My  24 name is Melissa Tapanes Llahues, with the law  25 firm of Berkow Radell &amp; Fernandez, Law Offices,</p>

<p style="text-align: right;">Page 21</p> <p>1 at 200 South Biscayne Boulevard, Miami.  2 I'm here this evening, representing  3 Mr. Benjamin Leon, as trustee, the owner of Lot  4 30 and 31, located at 20 Casuarina Concourse,  5 in Gables Estates. I'm joined here today by  6 Mr. Ben Leon, as well as Albert Maury and Ben  7 Leon, Jr., and Michael Shealy, with Leon  8 Medical Centers. I'm also joined by  9 co-counsel, Zeke Guilford.  10 The applicant is here, as Staff mentioned,  11 requesting conditional use approval to permit  12 two building site determinations, and we're  13 here respectfully requesting your  14 recommendation for approval.  15 To give you a little bit of background on  16 this site, I first show you the two sites. The  17 property consists of two platted parcels,  18 approximately 2.5 acres of vacant land in size.  19 It's located between the Casuarina Concourse  20 cul-de-sac and the Gables Estates Waterway.  21 While Lots 30 and 31 were originally master  22 planned and subdivided as two platted lots, the  23 property was developed in the late 1960s with  24 one 18,360-square-foot residence, known as the  25 Wackenhut Castle, a German-style, three-story</p>	<p style="text-align: right;">Page 23</p> <p>1 Zoning Code at the time. Mr. Leon purchased  2 the property in 2010. Today, the property is  3 vacant and unimproved, but well maintained and  4 sodded. No trees exist with the exception of a  5 few sea grapes along the seawall, and I'll also  6 submit into the record an updated tree survey.  7 Mr. Leon seeks to develop the property as  8 it was originally intended, with one  9 single-family residence located on each of the  10 platted parcels. This is consistent with the  11 SFR zoning district, as well as the Gables  12 Estates charter and by-laws on each of the two  13 platted lots. Lot 30 will consist of 1.2 acres  14 of land and Lot 31 will consist of 1.6 acres of  15 land. The Gables Estates Club Architectural  16 Review Board reviewed and unanimously approved  17 the proposal, concluding that the resulting  18 lots are compatible and comparable to the  19 surrounding homesteads.  20 In addition, after a publicly noticed board  21 meeting, the Gables Estates Club unanimously  22 approved the proposal and submitted a letter,  23 urging this Board to recommend approval to the  24 City Commission. I'll submit that letter into  25 the record, as well.</p>
<p style="text-align: right;">Page 22</p> <p>1 castle, known by many. As Staff mentioned, the  2 Commission did not choose to designate it as  3 historic back in the mid 2000s.  4 Also, notably, in 1968, the City Commission  5 adopted Resolution 13947, which I'll submit  6 into the record, granting certain variances to  7 the City Zoning Code in order to allow for the  8 Wackenhut Castle to be constructed. These  9 variances allowed the Wackenhut Castle to --  10 among other items, to have a total of four  11 kitchens, which, as you all know, under today's  12 Code, would equate to four units. I'll submit  13 that resolution into the record. I believe  14 this is additional information from what is in  15 the Staff recommendation.  16 Back in 2007, the then property owner  17 demolished the residence, at which time the  18 City apparently required the declaration of  19 restrictions found in Tab 5 of your binder.  20 You should note that, contrary to State law,  21 this covenant only has one witness. More on  22 this issue in a moment.  23 When the property was originally built in  24 the 1960s, a declaration tying the property as  25 a single site was not required in the City</p>	<p style="text-align: right;">Page 24</p> <p>1 So, as you know, as Staff mentioned,  2 Section 3-206(F) of the Code requires that the  3 proposal satisfy at least four of the six  4 criteria. It is our position that we arguably  5 meet five of the six criteria, and we'll  6 expound as to the reasons why.  7 The first criteria is that exceptional or  8 unusual circumstances exist that are  9 site-specific. Exceptional and unusual  10 site-specific circumstances do exist that  11 support Mr. Leon's request for site separation.  12 The original unification of Lots 30 and 31 were  13 to construct the Wackenhut Castle, back in the  14 1960s. This, again, was an 18,000-square-foot,  15 three-story castle, with four kitchens, and it  16 was certainly unusual to the City of Coral  17 Gables at the time, as well as at the time that  18 it was demolished, prior to -- or following the  19 review of the Historic Preservation Board of  20 the City.  21 The approval of the four kitchens via  22 variances by the City Commission in 1968 amount  23 to the approval of duplexes on each one of  24 these lots. Arguably, this proposal is a  25 reduction from the originally approved four</p>

<p style="text-align: right;">Page 25</p> <p>1 units, and ultimately, the approval of this  2 request will restore the property as it was  3 initially intended, as part of the Gables  4 Estates Master Plan, and which is consistent  5 with the surrounding area, as well as, will  6 bring the property to conformity with the  7 majority of the sites in Gables Estates.  8 The second criteria is that the building  9 sites created would be equal to or larger than  10 the majority of the existing building site  11 frontages of the same zoning designation within  12 a minimum of 1,000 feet. Let me -- I have a  13 couple slides to show you.  14 The presentation on the top is the lot  15 water frontage width, and on the bottom, you  16 have the lot frontage width on Casuarina  17 Concourse. The building site frontages -- and  18 that's what the Code says, building site  19 frontages -- have been determined by analysis  20 of the City Commission to not only include lot  21 frontage, but also water frontage. Lot 30's  22 proposed 200 feet of frontage is equal to  23 larger than 65 percent of the lots within the  24 1,000-foot radius. Its 200-foot water frontage  25 is equal to larger than 37.5 percent of the</p>	<p style="text-align: right;">Page 27</p> <p>1 applicable to all similarly situated properties  2 within Gables Estates.  3 Accordingly, we believe that we meet the  4 criteria of Number 2, because in Lot 30, we  5 satisfy the building site frontage on the lot  6 frontage on Casuarina Concourse, and for Lot  7 31, we satisfy the building site frontage on  8 the water, which, again, Zeke will talk about a  9 little later on, about how the City Commission  10 has reviewed this criteria in past  11 circumstances.  12 The third criteria is that the building  13 sites separated or established would not result  14 in any existing structures becoming  15 non-conforming as it relates to setbacks, lot  16 area, lot width and depth, ground coverage, and  17 other provisions of the Zoning Code. The  18 voluntary demolition of a building which  19 eliminates any of these conditions is not  20 allowed to be considered part of compliance.  21 So, in this case, while the property was  22 developed with one 18,000-square-foot residence  23 encroaching on lot lines, the Wackenhut Castle  24 was an architectural eyesore that negatively  25 impacted the privacy and visual appeal of the</p>
<p style="text-align: right;">Page 26</p> <p>1 lots within a 1,000-foot radius. That means  2 that Lot 30 satisfies this criteria as it  3 relates to lot frontage on the Casuarina  4 Concourse cul-de-sac.  5 Lot 31, as Staff mentioned, however, is on  6 a cul-de-sac, and similar to all the other  7 cul-de-sacs in Gables Estates, because of the  8 curvature of the cul-de-sac, it results in less  9 than the majority of the sites, so Lot  10 31 -- Let me just show that. So this is Lot  11 31, and as you can see, the curvature of the  12 cul-de-sac leads to not your typical linear  13 calculation of what is typical in Gables  14 Estates of 200 feet, but if you look at the  15 entire Gables Estates community, all those lots  16 ending on a cul-de-sac are less than the  17 regular.  18 What it turns out to equate into is a  19 larger lot water frontage for the lots on the  20 cul-de-sacs, which, in the case of Lot 31, it  21 provides for a 310-foot water frontage that is  22 equal to or larger than 70 percent of the lots  23 within the 1,000-foot radius. This  24 circumstance is lesser street frontage and  25 greater water frontage, and again, it's</p>	<p style="text-align: right;">Page 28</p> <p>1 Gables Estates community.  2 When Mr. Leon purchased this site, back in  3 2010, it was vacant and unimproved, and he was  4 not responsible for the voluntary demolition.  5 This proposal seeks to develop the property as  6 it was originally intended. Additionally, the  7 two proposed building sites would not create  8 any existing structures that would become  9 non-conforming on the site itself, on the  10 property itself. The home is no longer there.  11 The only issue that has been discussed in the  12 Staff recommendation is the issue of the actual  13 seawall and the building dock, which, again,  14 that's a permit through Miami-Dade County that  15 could easily be resolved through a condition,  16 as Staff recommended here, and would be the  17 case upon approval of the building site  18 determination. Separating these building sites  19 will also make the property more  20 environmentally efficient in regard to land  21 resources, water use, maintenance and upkeep.  22 The fourth criteria is that no restrictive  23 covenants, encroachments, easements or the like  24 exist which would prevent the separation of the  25 site. The voluntary demolition, again, that</p>

<p style="text-align: right;">Page 29</p> <p>1 would eliminate this condition shall not  2 consist -- constitute compliance with this  3 criterion. When the property was originally  4 developed, back in the late 1960s, it was prior  5 to this Code even being in effect. In 2010,  6 when Mr. Leon purchased the property, as a  7 vacant, unimproved site, he was not responsible  8 for this voluntary demolition. The Staff  9 recommendation mentions that the June 24th,  10 2013 letter of determination issued by the  11 Development Services Department, stated that  12 the building permit history identifies Lots 30  13 and 31 as one building site. However, based on  14 the resolution that we presented before you,  15 again, four kitchens existed on these two lots  16 at the time the Wackenhut Castle was approved.  17 So what the building permit history really  18 shows is that under today's Code, the former  19 Wackenhut Castle itself would have been  20 non-conforming, and the elimination of that  21 non-conforming structure, it would be akin to  22 those four units.  23 In addition, the 2007 covenant, we believe,  24 is void and unenforceable under State law, as  25 it was not properly executed by two witnesses.</p>	<p style="text-align: right;">Page 31</p> <p>1 which rendered their favorable support of this  2 application.  3 With that, I'd like Mr. Guilford to  4 conclude. Thank you.  5 MR. GUILFORD: Good evening, Mr. Chairman,  6 Members of the Board. For the record, Zeke  7 Guilford, at 400 University Drive. It gives me  8 great pleasure to be here, representing Mr.  9 Leon in this matter, as well as serving with my  10 colleague, Ms. Tapanes.  11 I'd like to just touch on a couple things  12 before I get into the conclusion. There were  13 four kitchens, but there were also four  14 separate buildings that made up the  15 Wackenhut -- I'm not even going to call it  16 Castle. It wasn't a single-family residence.  17 This was a compound. There was a service  18 quarters that had a kitchen. There was an  19 outparcel that had a kitchen. There was a  20 non-connected wing that had a kitchen. There  21 was the building in the center that had a  22 kitchen. It wasn't four kitchens in one  23 building. This was buildings all over the  24 property.  25 Also, let me talk about Criteria Number 1</p>
<p style="text-align: right;">Page 30</p> <p>1 I'll also submit into the record Section 689.01  2 of Florida Statutes, where it clearly provides  3 that any real estate conveyed or transferred  4 would have to be -- over one year would have to  5 be witnessed by two witnesses, and what is  6 before you, as you will see, the declaration of  7 restrictive covenant, is not. It is executed  8 by one witness, and most importantly, it was  9 done at the time of demolition, in 2007, most  10 likely in a rush, without proper -- or quite  11 vague terms within that covenant. So I'll  12 submit into the record this section of Florida  13 Statutes.  14 The fifth criteria, Staff mentions that we  15 do satisfy, and it is the compatibility  16 standard, that the building sites maintain and  17 preserve open space, promotes neighborhood  18 compatibility, preserves historic character,  19 and maintains property values and enhances  20 visual attractiveness of the area. We, of  21 course, agree with Staff's position that the  22 approval will improve the appearance of the  23 neighborhood by putting this site to use and  24 creating these two building sites as originally  25 envisioned by the Gables Estates community, and</p>	<p style="text-align: right;">Page 32</p> <p>1 and just kind of relate it. We're all pretty  2 well familiar -- many of you all were here when  3 I actually presented the application for 6801  4 Granada Boulevard, and at that time, it was  5 very similar to this application, in that it  6 went from street to waterway, and at that time,  7 there was much debate here, and you all  8 determined that we had -- a majority had  9 determined that we had met that criteria.  10 It then went to the Commission, and there  11 was probably more discussion regarding the  12 waterway frontage, because in that case, we had  13 had a smaller waterway frontage versus the  14 street frontage, and that the way the  15 Commission was looking at this application is  16 that the waterway was similar to a street. As  17 people went up and down and traversed it and  18 traveled it, they wanted to see similarity of  19 lots. So, if you look at it as a street, and  20 that's the way the Commission looked at that  21 application, then we meet this criteria,  22 because we are then considered a through lot,  23 and if you look at Staff's report, the Staff  24 Report also includes water frontages.  25 Therefore, we have two frontages on this piece</p>

<p style="text-align: right;">Page 33</p> <p>1 of property. And to be honest with you, the  2 City Commission has looked at it, and in the  3 6801, determined that it had two frontages.  4 And this application that's here before you  5 tonight is no different than that one. It goes  6 from street to water, and in fact, what's  7 interesting about this, the property line  8 between Lot 30 and 31 is 250 feet in width. A  9 City of Coral Gables block is only 200 feet in  10 width. If you add an alley, it's 220. What we  11 have here is a lot that has a greater width  12 than an entire City block of the City of Coral  13 Gables.</p> <p>14 Now, Mr. Chairman, Members of the Board,  15 this is a simple application, a very simple  16 application. All we are requesting of you  17 tonight is to allow us to develop this property  18 as it was originally intended by the plat that  19 was approved by this City Commission in 1956.</p> <p>20 Gables Estates have the largest lots of any  21 subdivision in the City of Coral Gables. Most,  22 if not all, are an acre or more. The people  23 who live in Gables Estates are probably, as we  24 all know, some of the most affluent people in  25 the City of Coral Gables. They are the titans</p>	<p style="text-align: right;">Page 35</p> <p>1 gone through the criteria and has told you how  2 we meet each one. We believe that we do meet  3 the criteria set forth in the Code. We believe  4 this application should be approved. We  5 believe this property should be developed in  6 accordance with the plat.</p> <p>7 Now, Mr. Chairman and Members of the Board,  8 we believe that you should recommend in favor  9 of this application and support Staff's  10 alternative recommendation with conditions.  11 That concludes our presentation. Mr. Potamkin  12 would like to say a couple words, but after he  13 gets through, if you have any questions of  14 myself, Ms. Tapanes or Mr. Leon, we are more  15 than happy to answer them at that time. Thank  16 you.</p> <p>17 CHAIRMAN AIZENSTAT: Thank you.  18 Before we do that, why don't we go ahead  19 and close the floor to the attorneys and open  20 it up to the public. That way Mr. Potamkin, at  21 that point, can make any comments, and anybody  22 else.</p> <p>23 MS. MENENDEZ: He's actually the first  24 speaker.</p> <p>25 MR. POTAMKIN: Thank you. I'm Alan</p>
<p style="text-align: right;">Page 34</p> <p>1 of industry. They are the leaders of our  2 community. If what we were doing here today  3 was harmful to their property values, to their  4 neighborhood, they would be here. You would  5 have every neighbor standing up, objecting to  6 this application. What we have here are  7 actually two neighbors. Ms. Ross has come out,  8 who's said she's not sure how she wants to look  9 at this application, she just wants to hear it  10 out. We have Mr. Potamkin back here, who's  11 actually one of the -- I'm going to say,  12 actually the most directly affected neighbor  13 regarding this application. His property looks  14 right onto this piece of property, and he is in  15 full support of this application.</p> <p>16 Now, what we also have is the Gables  17 Estates Neighborhood Homeowners' Association.  18 You know, in the old days, they used to say  19 that they did not object to an application.  20 What you have before you is a total, 100  21 percent support of the association for this  22 application.</p> <p>23 You've also heard from Ms. Tapanes. She's  24 nailed it. She has given you every reason why  25 this application should be approved. She has</p>	<p style="text-align: right;">Page 36</p> <p>1 Potamkin. I live and have for quite some time  2 lived at 11 Casuarina Concourse, directly  3 across the street from the property we're  4 speaking about. My driveway faces almost  5 exactly what the split would be between the  6 properties. I have absolutely no objection at  7 all to restoring the property to the way it was  8 originally, with two separate lots.</p> <p>9 Other than that, I agree fully what what  10 I've heard counsel for Mr. Leon say. Thank you  11 very much.</p> <p>12 CHAIRMAN AIZENSTAT: Thank you.</p> <p>13 MR. BELLO: I have a question,  14 Mr. Potamkin.</p> <p>15 MR. POTAMKIN: Yes, sir.</p> <p>16 MR. BELLO: Did you live there when the  17 Castle was there?</p> <p>18 MR. POTAMKIN: Pardon me?</p> <p>19 MR. BELLO: Did you live there when the  20 Castle was there?</p> <p>21 MR. POTAMKIN: Oh, yes, sir. Yes, sir.</p> <p>22 MR. BELLO: You lived before or after the  23 Castle was built?</p> <p>24 MR. POTAMKIN: I moved into the house --  25 The Castle was there at the time, for sure. I</p>

<p style="text-align: right;">Page 37</p> <p>1 moved in about 14 years ago, built my house  2 across the street. I was there when the famous  3 Mr. Stanford was standing outside, pointing at  4 it, saying that he was going to do this and do  5 that. So I've been there from the time that it  6 was -- Actually, when I first moved into Gables  7 Estates, I was interviewed by George Wackenhut  8 as a participant in the approval process.  9 MR. BELLO: Thank you.  10 MR. POTAMKIN: Thank you.  11 MR. WU: Mr. Chair, you have a latecomer in  12 the public meeting. I'd ask if he wants to to  13 make a public comment.  14 CHAIRMAN AIZENSTAT: Yeah. I don't see him  15 because of the boards.  16 MR. WU: Sir, would you like to make a  17 public comment?  18 MR. GUILFORD: He's our architect.  19 MS. TAPANES LLAHUES: Yes.  20 MR. GUILFORD: He supports it.  21 CHAIRMAN AIZENSTAT: Call the next person,  22 please.  23 MS. MENENDEZ: There are no more speakers.  24 CHAIRMAN AIZENSTAT: There are no more  25 speakers? Okay.</p>	<p style="text-align: right;">Page 39</p> <p>1 MS. ALBERRO MENENDEZ: Yeah. I have  2 questions.  3 MR. BELLO: With the conditions imposed by  4 the City.  5 MS. ALBERRO MENENDEZ: Well, the City is  6 recommending denial.  7 MR. BELLO: Yeah, but the City also has  8 provided some --  9 MS. ALBERRO MENENDEZ: An alternative,  10 okay.  11 MR. BELLO: -- alternatives. So my motion  12 is to approve with the conditions set by the  13 City.  14 MR. BELLIN: I have a question. I have a  15 couple questions.  16 CHAIRMAN AIZENSTAT: Is there a second to  17 his motion, before we continue?  18 Okay, let's continue, please. Marshall?  19 MR. BELLIN: Zeke, let me ask you a  20 question. When this -- When the Gables Estates  21 was originally developed, these two lots, and  22 at that time it was two lots, and then there  23 was a unity of title so you could build a house  24 on a larger lot -- At the time that it was  25 developed, these two lots were in conformance</p>
<p style="text-align: right;">Page 38</p> <p>1 Would the applicant like to say something  2 before we close?  3 MR. GUILFORD: We're just -- Again,  4 Mr. Chairman, Members of the Board, we're here  5 to answer any questions you may have regarding  6 our presentation or any questions you have  7 regarding the plans.  8 CHAIRMAN AIZENSTAT: Thank you.  9 At this point, let's go ahead and close it  10 to the floor, for discussion.  11 Julio?  12 MR. GRABIEL: Not yet.  13 CHAIRMAN AIZENSTAT: Not yet.  14 MR. BELLO: Mr. Chairman.  15 CHAIRMAN AIZENSTAT: Yes.  16 MR. BELLO: I think, obviously, this was  17 two lots initially. I think that the neighbors  18 are in favor of going back to two lots. So I  19 think I'm prepared to make a motion to approve.  20 CHAIRMAN AIZENSTAT: Is there a second or  21 any discussion?  22 MS. ALBERRO MENENDEZ: I think we need to  23 all have an opportunity to ask questions.  24 CHAIRMAN AIZENSTAT: Correct. He went  25 ahead and made a motion.</p>	<p style="text-align: right;">Page 40</p> <p>1 with whatever the requirements were for lots in  2 Gables Estates?  3 MR. GUILFORD: Oh, absolutely. You know,  4 the plat came before the City Commission and  5 they approved it with the property line along  6 the cul-de-sac. So what you have here is  7 exactly what was approved by the City.  8 MR. BELLIN: So, if it was in conformance  9 then, why is it not in conformance now?  10 MR. GUILFORD: It is in conformance with  11 the plat. When you're doing a building site  12 separation, one of the criteria is to look at  13 frontage, but what it doesn't have is a  14 criteria to look at a frontage on a cul-de-sac.  15 I mean -- and honestly, to be fair and  16 equitable, I would tell you to take the front  17 and the water frontage and combine them and  18 average them, because otherwise, if you're on a  19 cul-de-sac, you would never comply.  20 MR. BELLIN: I guess the point I'm making  21 is, if it was fine then, to me it's fine now.  22 MR. GUILFORD: It should be. I mean, we're  23 not asking anything more than what was  24 previously there, and I think that -- again, as  25 I stated in my closing, I think it's simple.</p>



<p style="text-align: right;">Page 41</p> <p>1 We're only asking for what was permitted.</p> <p>2 MS. ALBERRO MENENDEZ: Okay. You know, in</p> <p>3 our Zoning Code, we have specific criteria, as</p> <p>4 you all mentioned. You've stated the six of</p> <p>5 them. Staff has a different view. They have</p> <p>6 only compliance with one. I'm having a hard</p> <p>7 time understanding the relevance of the four</p> <p>8 kitchens, and what does that bring to this lot</p> <p>9 split, because the building is not there</p> <p>10 anymore.</p> <p>11 MR. GUILFORD: Well --</p> <p>12 MS. ALBERRO MENENDEZ: So I'm not sure what</p> <p>13 you what uniqueness that brings.</p> <p>14 MR. GUILFORD: The point is that -- What</p> <p>15 we're trying to say is, there was never one</p> <p>16 building on this, so to call it a single-family</p> <p>17 residence is absolutely a mistake. There were</p> <p>18 actually four buildings and four units. It</p> <p>19 would never comply today. It would actually be</p> <p>20 considered -- If it came before you today, it</p> <p>21 would be considered multi-family zoning and</p> <p>22 multi-family land use. So to say that there's</p> <p>23 one building, there wasn't one building. There</p> <p>24 were four independent -- This was a</p> <p>25 multi-family development. It was a compound.</p>	<p style="text-align: right;">Page 43</p> <p>1 MS. TAPANES LLAHUES: It's Criteria 3 and</p> <p>2 4.</p> <p>3 MS. ALBERRO MENENDEZ: Okay. All righty.</p> <p>4 Three makes reference to, would not result in</p> <p>5 any existing structures being non-conforming as</p> <p>6 it relates to setbacks, lot area, lot width.</p> <p>7 How does that connect to the four kitchens?</p> <p>8 MS. TAPANES LLAHUES: Well, the way that it</p> <p>9 relates to the four kitchens is because the</p> <p>10 last sentence requires -- it says that the</p> <p>11 voluntary demolition of a building which</p> <p>12 eliminates these conditions identified shall</p> <p>13 not constitute compliance.</p> <p>14 So, if we're looking at the lot as it is</p> <p>15 today, vacant, then we comply, or we should</p> <p>16 comply, arguably.</p> <p>17 MS. ALBERRO MENENDEZ: Right.</p> <p>18 MS. TAPANES LLAHUES: Because we have to</p> <p>19 look back at the Wackenhut Castle, then Staff</p> <p>20 says we don't comply, because the voluntary</p> <p>21 demolition doesn't count for us in this case.</p> <p>22 So that's why the four kitchens are important.</p> <p>23 MS. ALBERRO MENENDEZ: But weren't the four</p> <p>24 kitchens approved through a variance process?</p> <p>25 Wasn't it legalized through the process?</p>
<p style="text-align: right;">Page 42</p> <p>1 MS. ALBERRO MENENDEZ: Well, but I'm</p> <p>2 trying --</p> <p>3 MS. TAPANES LLAHUES: To answer your</p> <p>4 question directly, you mentioned why is it</p> <p>5 important. It's because --</p> <p>6 MS. ALBERRO MENENDEZ: No, it's not -- Not</p> <p>7 important, but I'm trying to connect the four</p> <p>8 kitchens to the Number 1 criteria, which is the</p> <p>9 exceptional and unique circumstances that</p> <p>10 exist, and the building is not there anymore,</p> <p>11 so --</p> <p>12 MS. TAPANES LLAHUES: There's two criterias</p> <p>13 that require you to count -- Because the</p> <p>14 building has been demolished, it cannot comply,</p> <p>15 so there's two criteria of the six that require</p> <p>16 us to look at the building as it was permitted</p> <p>17 by the City, and that's why the argument of the</p> <p>18 four kitchens and the fact that this was</p> <p>19 basically a multi-family residence in Gables</p> <p>20 Estates, why it matters, because there's two</p> <p>21 criteria that require us to look at what was</p> <p>22 there originally.</p> <p>23 MS. ALBERRO MENENDEZ: Okay. I just don't</p> <p>24 see the connection, still, but that's okay.</p> <p>25 Let me just go on with my questions.</p>	<p style="text-align: right;">Page 44</p> <p>1 MS. TAPANES LLAHUES: Correct, yes.</p> <p>2 MS. ALBERRO MENENDEZ: Okay.</p> <p>3 MS. TAPANES LLAHUES: Prior to the</p> <p>4 existence of this criteria. This criteria was</p> <p>5 adopted by the City Commission in 1989. That</p> <p>6 variance was approved in 1968.</p> <p>7 MS. ALBERRO MENENDEZ: Right.</p> <p>8 MS. TAPANES LLAHUES: What we're saying is</p> <p>9 that it's a non-conforming structure, what was</p> <p>10 there. It's no longer there. We just want to</p> <p>11 go back as to the way it was originally platted</p> <p>12 in the early 1960s.</p> <p>13 MS. ALBERRO MENENDEZ: Okay.</p> <p>14 The reference you made to the restrictive</p> <p>15 covenant, do you know when the Florida Statute</p> <p>16 was enacted, that particular sentence where it</p> <p>17 requires two witnesses? Because I see all</p> <p>18 these dates at the bottom --</p> <p>19 MS. TAPANES LLAHUES: Yes.</p> <p>20 MS. ALBERRO MENENDEZ: -- but unless you</p> <p>21 see each one of them, I really wouldn't know.</p> <p>22 MS. TAPANES LLAHUES: Yes, the history, the</p> <p>23 legislative history, is what is at the bottom,</p> <p>24 and the last amendment appears to be from 19--</p> <p>25 1950.</p>

<p style="text-align: right;">Page 45</p> <p>1 MS. ALBERRO MENENDEZ: You mean, the first 2 amendment. 3 MS. TAPANES LLAHUES: I'm sorry, 2008-35. 4 MS. ALBERRO MENENDEZ: 2008. 5 MS. TAPANES LLAHUES: That's the last one. 6 MS. ALBERRO MENENDEZ: Right. 7 MS. TAPANES LLAHUES: I don't have the 8 legislative history for this language. 9 MR. ALBERRO MENENDEZ: Okay. 10 MS. TAPANES LLAHUES: But again, we do know 11 that it has existed since. I mean, the history 12 goes back to November 15th, 1828, this section 13 of the Code. So it's a long-standing position, 14 this section of the Code, 15 MS. ALBERRO MENENDEZ: Right. The question 16 is, when was -- Was that ever amended into it, 17 or was that always like that? 18 MS. TAPANES LLAHUES: The issue of two 19 witnesses is long-standing, as part of real 20 estate law, contract law. It's -- 21 MS. ALBERRO MENENDEZ: But since when, is 22 my question. 23 MS. TAPANES LLAHUES: I graduated from law 24 school before 2007, and that was a requirement. 25 MS. ALBERRO MENENDEZ: It's still there,</p>	<p style="text-align: right;">Page 47</p> <p>1 frontage. So what we're saying is that Lot 30 2 complies with this section, based on its 3 frontage on Casuarina Concourse, and Lot 31 4 complies based on its water frontage on the 5 Gables Estates Waterway. 6 What Zeke is saying is that in the 6801 7 Granada Boulevard case, that the City 8 Commission looked at the waterway as another 9 through street. Same concept, it's the 10 building site frontage, you could look at it 11 either way, because a waterway is sort of a 12 through street, like an alley. Cars actually 13 traverse it. In this case, boats traverse it. 14 So it's part of the feeling of Gables Estates. 15 You don't just feel Gables Estates on the 16 street side. In fact, a much more beautiful 17 view of Gables Estates is by these waterways, 18 and they're through streets for boating, and 19 that's what we're saying. 20 In this case, we have a unique situation, 21 because we're on a cul-de-sac. It's unique to 22 this site. It's also similar to every other 23 cul-de-sac in Gables Estates, where you have 24 less of a frontage and a larger waterfront for 25 those cul-de-sacs.</p>
<p style="text-align: right;">Page 46</p> <p>1 okay. Okay. 2 MS. TAPANES LLAHUES: Two witnesses is 3 pretty standard. 4 MS. ALBERRO MENENDEZ: Let me ask you, as 5 it relates to the site frontage and the way -- 6 I imagine you all saw Staff's analysis. 7 MS. TAPANES LLAHUES: Correct. 8 MS. ALBERRO MENENDEZ: And Staff, on the 9 issue of the street frontage, basically is 10 saying that there's -- that you don't meet the 11 criteria. 12 MS. TAPANES LLAHUES: Uh-huh. 13 MS. ALBERRO MENENDEZ: And then in the 14 waterway frontage, again, they say you don't 15 meet the criteria, at least in one of the lots. 16 So I'm trying to connect what Mr. Guilford had 17 said in stating that, in fact, you do meet the 18 criteria at the waterfront footage, or at the 19 water side. 20 MS. TAPANES LLAHUES: To preamble what Zeke 21 will say, the Code provides the term "building 22 site frontages." It doesn't say lot frontage 23 on a street. 24 MS. ALBERRO MENENDEZ: Right. 25 MS. TAPANES LLAHUES: It doesn't say water</p>	<p style="text-align: right;">Page 48</p> <p>1 MS. ALBERRO MENENDEZ: So what you're 2 basically saying is that we should apply in 3 some cases the front and in some cases the 4 back, depending on the criteria? 5 MS. TAPANES LLAHUES: What I'm saying is, 6 we should apply both. What I'm saying is that 7 the language is building site frontages, and 8 what the City Commission has said is, both are 9 applicable, and that's why both are in your 10 Staff recommendation. What we're saying is, 11 both should apply. In this case, we meet the 12 building site frontage for one lot on the 13 street side and for the other lot on the water 14 side. 15 The most important bottom line, however, is 16 that this is what is compatible with the area. 17 It's consistent with the originally platted 18 lot. What was built in the Wackenhut Castle is 19 something that is inconsistent. It was 20 approved by variances. And that's why us going 21 back to what was originally approved is 22 something that merits your support this 23 evening. 24 MS. ALBERRO MENENDEZ: Okay, thank you. 25 CHAIRMAN AIZENSTAT: Julio?</p>

<p style="text-align: right;">Page 49</p> <p>1 MR. GRABIEL: Yeah. You know, there's</p> <p>2 patterns in suburban development which are</p> <p>3 fairly strong, and Gables Estates has one of</p> <p>4 lots of a certain size, which are repeated and</p> <p>5 repeated and repeated. All over Coral Gables,</p> <p>6 we have that. In the North Gables, we have</p> <p>7 50-foot lots. In Gables Estates, we have lots</p> <p>8 of an acre or an acre and a half.</p> <p>9 Originally, this was lotted (sic) as two</p> <p>10 separate building sites. I remember the</p> <p>11 Castle, the most horrific building ever built</p> <p>12 on Coral Gables soil, and so I was thrilled</p> <p>13 when it was torn down. I don't see any problem</p> <p>14 in going back to these two lots being</p> <p>15 subdivided and creating two building lots, as</p> <p>16 long as it complies with all the regulations of</p> <p>17 the City of Coral Gables.</p> <p>18 I have a question for Staff. Why are you</p> <p>19 requiring tearing down the concrete dock, as I</p> <p>20 understand it, and the wood dock?</p> <p>21 MR. WU: Because it crosses both</p> <p>22 properties.</p> <p>23 MS. ALBERRO MENENDEZ: It encroaches.</p> <p>24 MR. GRABIEL: Oh, it encroaches on both</p> <p>25 properties. So they would have to be separated</p>	<p style="text-align: right;">Page 51</p> <p>1 correct.</p> <p>2 CHAIRMAN AIZENSTAT: That is your position?</p> <p>3 MS. FIGUEROA: Yes.</p> <p>4 CHAIRMAN AIZENSTAT: For the City. Okay.</p> <p>5 Zeke --</p> <p>6 MR. WU: I apologize, Mr. Chair.</p> <p>7 CHAIRMAN AIZENSTAT: I'm sorry?</p> <p>8 MR. WU: I wanted to introduce Ms. Yanneris</p> <p>9 Figueroa. She's sitting in for Craig Leen.</p> <p>10 Thank you.</p> <p>11 CHAIRMAN AIZENSTAT: Thank you.</p> <p>12 Zeke --</p> <p>13 MR. GUILFORD: Yes?</p> <p>14 CHAIRMAN AIZENSTAT: Do you have the</p> <p>15 survey, when the property was with the Castle?</p> <p>16 MR. GUILFORD: Yes, it's part the -- Well,</p> <p>17 the site plan is in your package.</p> <p>18 CHAIRMAN AIZENSTAT: I didn't see that.</p> <p>19 MS. TAPANES LLAHUES: Correct.</p> <p>20 MR. GUILFORD: Do you have what tab it is?</p> <p>21 MS. TAPANES LLAHUES: Yes.</p> <p>22 CHAIRMAN AIZENSTAT: There was reference to</p> <p>23 Exhibit A, but I didn't --</p> <p>24 MR. GRABIEL: Tab 10.</p> <p>25 MS. TAPANES LLAHUES: It is Tab 10.</p>
<p style="text-align: right;">Page 50</p> <p>1 as two separate --</p> <p>2 MS. ALBERRO MENENDEZ: Yes.</p> <p>3 MR. GRABIEL: Okay.</p> <p>4 MS. TAPANES LLAHUES: What we would most</p> <p>5 likely do is modify what's existing.</p> <p>6 MR. GRABIEL: And you would comply with</p> <p>7 that? You have no problem complying with that?</p> <p>8 MS. TAPANES LLAHUES: We would modify it,</p> <p>9 absolutely.</p> <p>10 MR. GRABIEL: To comply?</p> <p>11 MS. TAPANES LLAHUES: To comply, correct.</p> <p>12 CHAIRMAN AIZENSTAT: I'd like to ask a</p> <p>13 question to the Assistant City Attorney, as far</p> <p>14 as the covenant. What's the City's position on</p> <p>15 that?</p> <p>16 MS. FIGUEROA: The City's position is that</p> <p>17 the notary would serve as the second witness.</p> <p>18 I did speak to Craig on this issue. He says</p> <p>19 that that is not something that he is opposed</p> <p>20 to, as long as one of the conditions is that</p> <p>21 the City Commission approves a release of the</p> <p>22 covenant.</p> <p>23 CHAIRMAN AIZENSTAT: But your position is</p> <p>24 that the covenant is legal and binding?</p> <p>25 MS. FIGUEROA: Is legal and binding,</p>	<p style="text-align: right;">Page 52</p> <p>1 MR. GRABIEL: Mr. Chairman, Tab 10.</p> <p>2 MR. GUILFORD: Mr. Chairman, I would just</p> <p>3 make one point while you're looking at the site</p> <p>4 plan --</p> <p>5 CHAIRMAN AIZENSTAT: Yes.</p> <p>6 MR. GUILFORD: -- is that actually, what</p> <p>7 the law says is that a notary can serve as the</p> <p>8 second witness. It doesn't -- In this case,</p> <p>9 the notary never witnessed the document. They</p> <p>10 only notarized it.</p> <p>11 CHAIRMAN AIZENSTAT: Because that may also</p> <p>12 be an issue that you can bring up with your</p> <p>13 title insurance. Was there an exception or</p> <p>14 anything made to the title on this property</p> <p>15 because of that covenant missing a witness?</p> <p>16 MS. TAPANES LLAHUES: I'm not certain. We</p> <p>17 have not reviewed title for this in some time,</p> <p>18 but we will.</p> <p>19 CHAIRMAN AIZENSTAT: Okay. You know, to</p> <p>20 me, it's interesting because the first question</p> <p>21 that comes to my mind is, when you have a</p> <p>22 property and you cross the property between</p> <p>23 lines, just because you knock it down doesn't</p> <p>24 release you from tying it together, to me. If</p> <p>25 not, if that would be the case, then everybody</p>

<p style="text-align: right;">Page 53</p> <p>1 would take a property, knock it down, and then  2 come before the Board and say nothing is  3 crossing between boundaries. In this case,  4 obviously, you're arguing the opposite.  5 To me, I feel that two properties, there's  6 not a problem with two properties, but if I  7 look at the way our Code reads, specifically,  8 what must be satisfied, I'm just not seeing you  9 satisfying four of the six. You're stretching  10 and trying to convince me that maybe you're  11 satisfying one more?  12 MS. ALBERRO MENENDEZ: Right.  13 CHAIRMAN AIZENSTAT: But just to me, I  14 don't see you satisfying four of the six. That  15 doesn't mean that I don't think it merits  16 having two properties. In that part, I do  17 agree. But according to what's presented to  18 me, I just don't see you satisfying the four.  19 Any other comments?  20 MS. ALBERRO MENENDEZ: No.  21 MR. BELLIN: I'd like to make a motion.  22 CHAIRMAN AIZENSTAT: Okay, go ahead.  23 MR. BELLO: There's a motion on the floor.  24 CHAIRMAN AIZENSTAT: There wasn't a second.  25 So would you like to make that motion again?</p>	<p style="text-align: right;">Page 55</p> <p>1 happens is, if it stays as one lot, the FAR is  2 calculated a certain way. If you split it, the  3 FAR is calculated individually, on both lots,  4 which is more FAR.  5 MR. WU: It's 34,000 --  6 CHAIRMAN AIZENSTAT: It's 34,974, if it's a  7 single, and then if they split it, one property  8 could be 16,901 and the second property 19,224,  9 which would render 36,124.  10 So, if I understand you correctly,  11 Marshall, you're saying that combined, those  12 two properties could not be more than 34,974?  13 MR. BELLIN: That's right.  14 CHAIRMAN AIZENSTAT: Thank you.  15 MR. WU: Mr. Chair, what the City Attorney  16 was alluding to is, have the maker of the  17 motion be clear on the record which four  18 criteria the application has met, so if you  19 could just go through and state for the record  20 your opinion which four criteria they meet.  21 MS. FIGUEROA: Correct.  22 CHAIRMAN AIZENSTAT: Well, should we --  23 That's during the vote, isn't it, as opposed to  24 the motion?  25 MR. WU: It's important for him to mention</p>
<p style="text-align: right;">Page 54</p> <p>1 We didn't get a second on that motion.  2 MR. BELLO: No, I'll let Marshall make the  3 motion.  4 MR. BELLIN: Yeah, I'd like to move for  5 approval, with the conditions that the Staff  6 has imposed on the approval, with one  7 additional condition, that the amount of square  8 footage allowed on both lots doesn't exceed  9 what would be allowed on one lot.  10 MS. TAPANES LLAHUES: Understood. Thank  11 you.  12 MR. BELLIN: And I don't know how --  13 CHAIRMAN AIZENSTAT: Before they discuss  14 that, is there a second?  15 MS. FIGUEROA: For purposes of the record,  16 can we just specify which four criteria that  17 motion is based on?  18 CHAIRMAN AIZENSTAT: I don't think it's  19 based on any of the criteria. I think it's  20 based upon the determination that Staff has  21 done as to what could be built as of right, if  22 I'm not mistaken, and what can be built if it's  23 split into two lots. There's a difference of  24 like 3,000 square feet, I think.  25 MR. BELLIN: It's not quite 3,000. What</p>	<p style="text-align: right;">Page 56</p> <p>1 into the motion which criteria they meet, so  2 the second of the motion can discuss, agree or  3 not.  4 MR. BELLO: Mr. Chairman?  5 CHAIRMAN AIZENSTAT: Yes.  6 MR. BELLO: Charles, I think he's referring  7 to the restrictions that you have recommended  8 in the event of approval.  9 MR. WU: Yes.  10 MR. BELLO: I don't know that he has to  11 identify what he thinks the four criteria that  12 are met.  13 MR. WU: He has not, but we're asking him  14 to clarify on the motion.  15 MR. BELLO: Well, what does that have to do  16 with the motion for approval?  17 MR. WU: Well, if you approve it with the  18 conditions, Staff needs to know and the  19 Commission needs to know your vote, which are  20 the four they meet, because the Commission will  21 also read the six criteria, and they want to  22 hear from you which of are four you think are  23 met.  24 MR. BELLIN: My opinion is that they don't  25 have to meet the four criteria.</p>

<p style="text-align: right;">Page 57</p> <p>1 MR. WU: The Code is very clear, they have</p> <p>2 to meet four or more.</p> <p>3 MS. ALBERRO MENENDEZ: That's correct.</p> <p>4 MR. WU: So we advise you to strongly make,</p> <p>5 into the record, which four.</p> <p>6 MS. FIGUEROA: I agree with --</p> <p>7 CHAIRMAN AIZENSTAT: Assistant City</p> <p>8 Attorney?</p> <p>9 MS. FIGUEROA: I agree with everything</p> <p>10 Charles just stated, and I also spoke with both</p> <p>11 Bridgette and Craig, and they stated the same,</p> <p>12 that we would need four on the record to move</p> <p>13 forward.</p> <p>14 MR. WU: Because it can be perceived as</p> <p>15 arbitrary and capricious.</p> <p>16 MS. FIGUEROA: Exactly.</p> <p>17 MR. WU: You need to be based on findings</p> <p>18 of fact, what are the findings that you meet</p> <p>19 the criteria?</p> <p>20 MS. FIGUEROA: Right.</p> <p>21 MR. WU: That's all. Just state into the</p> <p>22 record which four are met.</p> <p>23 MS. ALBERRO MENENDEZ: That's the biggest</p> <p>24 challenge with these lot splits, is that we are</p> <p>25 assigned the criteria, where we have to</p>	<p style="text-align: right;">Page 59</p> <p>1 they are saying modification.</p> <p>2 MR. WU: We're fine with modification, as</p> <p>3 long as the remedy meets the Code. It doesn't</p> <p>4 have to be total removal.</p> <p>5 I'm sorry, I'm wrong. It has to be</p> <p>6 removal, because it creates a non-conforming</p> <p>7 structure.</p> <p>8 CHAIRMAN AIZENSTAT: If it's not, it's</p> <p>9 tying both properties together.</p> <p>10 MR. BELLIN: If you remove the part that's</p> <p>11 encroaching --</p> <p>12 MR. BELLO: But that's what needs to be</p> <p>13 clear in their requirement, because at this</p> <p>14 point they're saying removal, and the applicant</p> <p>15 is saying they're willing to modify it.</p> <p>16 MR. WU: We'll clarify it by the</p> <p>17 Commission. We understand the intent.</p> <p>18 MS. TAPANES LLAHUES: Please.</p> <p>19 MR. GUILFORD: Yeah, we will do whatever is</p> <p>20 necessary in order to bring the dock into</p> <p>21 compliance, whether that's removal or</p> <p>22 modification.</p> <p>23 MS. TAPANES LLAHUES: We want to make sure</p> <p>24 that we comply with the County's regulations,</p> <p>25 as well.</p>
<p style="text-align: right;">Page 58</p> <p>1 evaluate the project based on.</p> <p>2 MS. TAPANES LLAHUES: Respectfully, we</p> <p>3 would proffer that we satisfy the first</p> <p>4 criteria, exceptional and unusual</p> <p>5 circumstances; the second criteria, building</p> <p>6 site frontages; as well as the third criteria,</p> <p>7 and the fifth criteria, which Staff agrees that</p> <p>8 we satisfy.</p> <p>9 MR. BELLIN: So 1, 2, 3 and 4?</p> <p>10 MS. TAPANES LLAHUES: 1, 2, 3 and 5.</p> <p>11 MR. GUILFORD: 1, 2, 3 and 5.</p> <p>12 MR. BELLIN: 1, 2, 3 and 5.</p> <p>13 Okay, 1, 2, 3 and 5.</p> <p>14 MS. TAPANES LLAHUES: Thank you.</p> <p>15 MS. FIGUEROA: Thank you.</p> <p>16 MR. BELLO: And the restrictions, I think</p> <p>17 Staff had other restrictions beyond --</p> <p>18 MR. WU: Yes.</p> <p>19 MR. BELLO: -- the ones that are on our</p> <p>20 agenda.</p> <p>21 MR. WU: We stated into the record the</p> <p>22 fourth one, about removing the encroachment.</p> <p>23 MR. BELLO: The dock?</p> <p>24 MR. WU: The dock.</p> <p>25 MR. BELLO: And you were saying removal and</p>	<p style="text-align: right;">Page 60</p> <p>1 CHAIRMAN AIZENSTAT: So --</p> <p>2 MR. BELLIN: Can we start over?</p> <p>3 CHAIRMAN AIZENSTAT: Please, just so we</p> <p>4 have it clear. I'm sorry.</p> <p>5 MR. BELLIN: All right. Motion for</p> <p>6 approval, with the conditions that Staff has</p> <p>7 placed on there.</p> <p>8 CHAIRMAN AIZENSTAT: Plus?</p> <p>9 MR. BELLIN: Plus the --</p> <p>10 CHAIRMAN AIZENSTAT: Square footage?</p> <p>11 MR. BELLIN: Well, the square footage.</p> <p>12 MS. TAPANES LLAHUES: Thank you.</p> <p>13 MR. BELLIN: Have you agreed on that?</p> <p>14 MR. GUILFORD: Right.</p> <p>15 MS. TAPANES LLAHUES: Yes.</p> <p>16 MR. GUILFORD: That's acceptable to us.</p> <p>17 MR. BELLIN: Okay.</p> <p>18 CHAIRMAN AIZENSTAT: And you're stating</p> <p>19 that the --</p> <p>20 MR. BELLIN: That 1, 2, 3 and 5 are met.</p> <p>21 CHAIRMAN AIZENSTAT: Are met. Is there a</p> <p>22 second?</p> <p>23 MR. BELLO: I second the motion.</p> <p>24 CHAIRMAN AIZENSTAT: A first and second.</p> <p>25 Any discussion?</p>

1 When you call the roll, if a person agrees,  
 2 that means they're agreeing that those, 1 --  
 3 those --  
 4 MS. ALBERRO MENENDEZ: Criterias.  
 5 CHAIRMAN AIZENSTAT: -- criterias are met,  
 6 correct?  
 7 MS. ALBERRO MENENDEZ: Yes.  
 8 MR. WU: Yes.  
 9 CHAIRMAN AIZENSTAT: Okay.  
 10 Call the roll, please.  
 11 MS. MENENDEZ: Maria Menendez?  
 12 MS. ALBERRO MENENDEZ: No.  
 13 MS. MENENDEZ: Marshall Bellin?  
 14 MR. BELLIN: Yes.  
 15 MS. MENENDEZ: Anthony Bello?  
 16 MR. BELLO: Yes.  
 17 MS. MENENDEZ: Julio Grabiell?  
 18 MR. GRABIEL: Yes.  
 19 MS. MENENDEZ: Eibi Aizenstat?  
 20 CHAIRMAN AIZENSTAT: No.  
 21 MR. GUILFORD: Thank you all very much. We  
 22 appreciate your time.  
 23 MS. TAPANES LLAHUES: Thank you.  
 24 Appreciate it.  
 25 MR. GUILFORD: Thank you.

1 CHAIRMAN AIZENSTAT: Let's just take a  
 2 couple of minutes so they clear out. Thank you  
 3 and good luck, and Happy New Year.  
 4 (Pause in proceedings)  
 5 CHAIRMAN AIZENSTAT: The item as far as the  
 6 election of the Chairperson and  
 7 Vice-Chairperson, you know, I think we -- from  
 8 what I understand and what we spoke at the  
 9 beginning, it's best that we defer it to the  
 10 next meeting so we have a full Board, because  
 11 we've always had a full Board, accordingly, and  
 12 at that point we can discuss it. I think  
 13 that's the simplest --  
 14 MR. WU: If that's your decision.  
 15 Remember, the next meeting is Mediterranean  
 16 Village.  
 17 CHAIRMAN AIZENSTAT: I understand that,  
 18 but --  
 19 MS. ALBERRO MENENDEZ: Well, I think that  
 20 our present Chairman should continue his role  
 21 until such time, of course, that we select  
 22 someone.  
 23 MR. BELLIN: I think we can --  
 24 MS. ALBERRO MENENDEZ: Who's our  
 25 Vice-Chair, by the way?

1 CHAIRMAN AIZENSTAT: Jeff.  
 2 MS. ALBERRO MENENDEZ: Jeff?  
 3 MR. BELLIN: I mean, I don't have any  
 4 objection to doing that right now.  
 5 CHAIRMAN AIZENSTAT: Well, in the past,  
 6 we've always had a full Board, and I just don't  
 7 know if it would be fair to those individuals.  
 8 MR. BELLIN: They should have shown up,  
 9 then.  
 10 CHAIRMAN AIZENSTAT: Well --  
 11 MR. BELLIN: They knew what was going on.  
 12 CHAIRMAN AIZENSTAT: I agree, but I think  
 13 Jeff had a conflict, that he's doing, actually,  
 14 a zoning presentation at a different --  
 15 MR. BELLIN: I was just joking.  
 16 MS. ALBERRO MENENDEZ: Whatever you decide,  
 17 but, you know, you'll continue it until such  
 18 time --  
 19 MR. GRABIEL: I like our Chair.  
 20 MS. ALBERRO MENENDEZ: Me, too.  
 21 MR. GRABIEL: I would vote on keeping the  
 22 Chair.  
 23 MS. ALBERRO MENENDEZ: I mean, for me, I'll  
 24 make a motion right now to keep our Chair.  
 25 MR. BELLIN: I'll second it.

1 MS. ALBERRO MENENDEZ: There you go.  
 2 MR. BELLIN: Now we do the Vice-Chair.  
 3 CHAIRMAN AIZENSTAT: I mean, I appreciate  
 4 it, but like I said, I mean, I would --  
 5 MR. BELLIN: We have a majority. Call the  
 6 roll.  
 7 MS. ALBERRO MENENDEZ: Call the roll.  
 8 Call the roll.  
 9 MS. MENENDEZ: Marshall Bellin?  
 10 Marshall Bellin?  
 11 MR. BELLIN: Yes.  
 12 MS. MENENDEZ: Anthony Bello?  
 13 MR. BELLO: Yes.  
 14 MS. MENENDEZ: Julio Grabiell?  
 15 MR. GRABIEL: Yes.  
 16 MS. MENENDEZ: Maria Menendez?  
 17 MS. ALBERRO MENENDEZ: Yes.  
 18 MR. BELLO: You're it.  
 19 MS. ALBERRO MENENDEZ: You're it. You  
 20 know, and I'm also all for allowing our  
 21 Vice-Chair to continue, as well, even if --  
 22 MR. BELLIN: Agreed.  
 23 MS. ALBERRO MENENDEZ: I'll make a motion,  
 24 then.  
 25 MR. BELLO: Second.



## RESOLUTION NO. 13947

A RESOLUTION AUTHORIZING EXCEPTIONS TO ORDINANCE NO. 1525, AS AMENDED, AND KNOWN AS THE "ZONING CODE".

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

That the following exceptions to the provisions of Ordinance No. 1525, as amended, and known as the "Zoning Code", having been recommended by the Planning and Zoning Board at its regular meeting of May 6, 1968, with the exception of Item No. 6 of said Item 3317-Z, be and the same hereby is approved, to-wit:

(3317-Z).

In connection with construction of a proposed single family residence building on subject property, permit the following as shown on submitted plans, to-wit:

Construction of a detached garage and suite closer to the street than the main residence and between the main residence and the street;

Installation of a kitchen unit in the suite;

Construction of a tennis court closer to the street than the main residence building;

Construction of a 12 ft. high green vinyl plastic covered chain link fence around the proposed tennis court;

Construction of a 6 ft. high wall around parking, pool and patio areas;

The south wing of the residence building not to be interconnected with the main building;

Construction of a 2-story detached recreation unit and guest suite;

Construction of a 10 feet x 18 feet detached boat equipment storage building;

Construction of a kitchen unit in the south wing of the main building;

Installation of a kitchen unit on the second floor of the detached recreation unit and guest suite;

A flat roof over recreation unit bay on front elevation;

Wood frame dormers with tile facing on main building;

all of the above located on Lots 32 and 31, Block "A", Coral Estates No. 2, the west side of Castania Concourse in the zero hundred block, Coral Gables, Florida.

Motion for its adoption was made by Commissioner Phillips, seconded by Commissioner

Kerdyk. Resolution was adopted by the following roll call: "Yeas" - Commissioners Kerdyk,

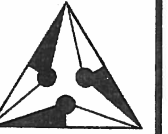
Murphy and Phillips. "Nays" - Mayor Drazel. "Abstention" - Commissioner Philbrick.

EXCERPTS FROM CITY COMMISSION MINUTES



of  
20 CASUARINA CONCOURSE, CORAL GABLES,  
MIAMI, MIAMI-DADE COUNTY, FLORIDA 33143  
for  
LEON MEDICAL CENTER

## Attachment B2



**J. Bonfill & Associates, Inc.**  
REGISTERED LAND SURVEYORS & MAPPERS  
Florida Certificate of Authorization LB3398  
7100 S.W. 99th Avenue Suite 104  
Miami, Florida 33173 (305) 598-8383

BOUNDARY SURVEY  
of  
20 CASUARINA CONOURSE, CORAL GABLES,  
MIAMI-DADE COUNTY, FLORIDA 33143  
for  
LEON MEDICAL CENTER

[illegible]

**SURVEYOR'S NOTES:**

1. MAP OF BOUNDARY SURVEY:

Field Survey was completed on: December 19th, 2014.

2. LEGAL DESCRIPTION:

Lots 30 and 31, Block A of GABLES ESTATES NUMBER 2, according to the plat thereof, as recorded in Plat Book 60, at Page 37, of the Public Records of Miami-Dade County, Florida.

Containing 112,747 Square Feet or 2.59 Acres more or less, by calculations.

The above captioned property was surveyed based on the above Legal Description furnished by the client.

### 3. SOURCES OF DATA:

AS TO VERTICAL CONTROL:

By scaled determination the subject property lies in Flood Zone AE, Base Flood Elev. 11 feet as per Federal Emergency Management Agency (FEMA) Community-Panel Number 120639, Map No. 12086C0459, Suffix L, Revised Date: 09-11-2009.

An accurate Zone determination should be made by the preparer of the map, the Federal Emergency Management Agency, or the Local Government Agency having jurisdiction over such matters prior to any judgments being made from the Zone as noted. The referenced Federal Emergency Management Agency Map states in the notes to the user that "this map is for insurance purposes only".

AS TO HORIZONTAL CONTROL:

North arrow and Bearings directions is based on assumed value of S15°30'00"W along the C/L of Casuarina Concourse, as per Plat of "GABLES ESTATES NUMBER 2", Plat Book 60, Page 37, Miami-Dade County, Florida.

4. ACCURACY:

The accuracy obtained by measurement and calculation of closed geometric figures was found to exceed this requirement.

5. LIMITATIONS:

Since no other information other than what is cited in the Sources of Data was furnished, the Client is hereby advised that there may be legal restrictions on the Subject Property that are not shown on the Survey Map or contained within this Report that may be found in the Public Records of Miami-Dade County, or the records of any other public and private entities as their jurisdictions may appear. The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual who may appear in public records. No excavation or determination was made as to how the Subject Property is served by utilities. No improvements were located, other than those shown. No underground foundations, improvements and/or utilities were located or shown hereon. This notice is required by the "Minimum Technical Standards for Land Surveying in the State of Florida," pursuant to Rule 5J-17 of the Florida Administrative Code.

Notice is hereby given that Sunshine State One Call of Florida, Inc., must be contacted at 1-800-432-4770 at least 48 hours in advance of any construction, excavation or demolition activity within, upon, abutting or adjacent to the Subject Property. This Notice is given in compliance with the "Underground Facility Damage Prevention and Safety Act," pursuant to Chapter 556.101-111 of the Florida Statutes.

CERTIFY TO:

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY: That the Boundary Survey of the above described property is true and correct to the best of my knowledge and belief as recently surveyed under my direction. Further, there are no above ground encroachments unless shown. This survey meets the minimum technical standards set forth by the Florida Board of Professional Surveyors and Mappers, in Chapter 5J-17, Florida Administrative Code, pursuant to section 472.027 Florida Statutes. Examination of the abstract of title will have to be made to determine recorded instruments, if any, affecting the property. Location and identification of utilities adjacent to the property were not secured as such information was not requested. Ownership is subject to opinion of title.

THIS SURVEY IS NOT INTENDED FOR CONSTRUCTION PURPOSES. FOR THOSE PURPOSES A TOPOGRAPHIC SURVEY IS REQUIRED.

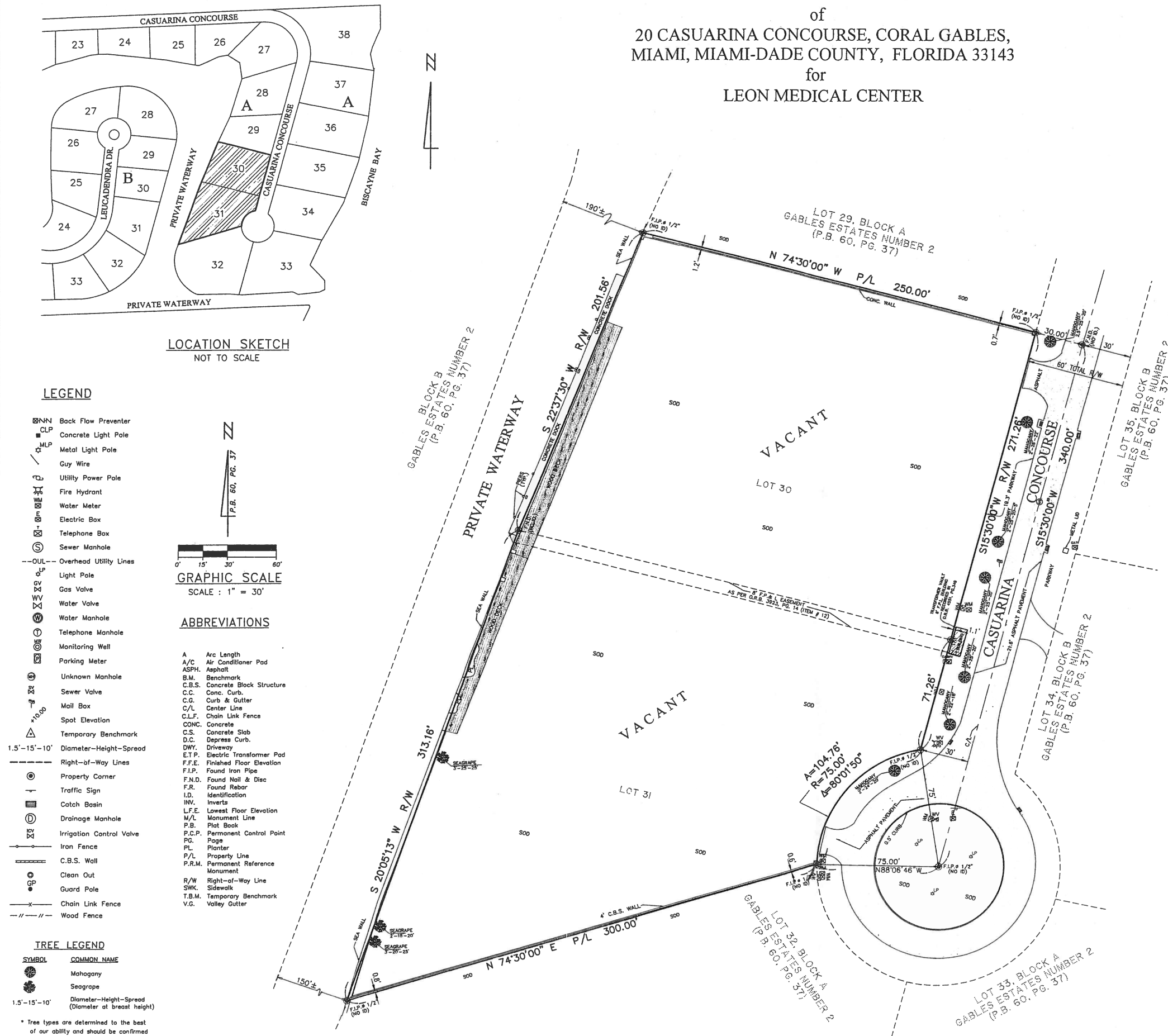
**J. Bonfill & Associates, Inc.**

Florida Certificate of Authorization Number LB 3398

By:

**Oria Jannet Suarez, P.S.M.**  
Professional Surveyor and Mapper Number No. LS 6781  
State of Florida

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps by other than the signing party are prohibited without the written consent of the signing party.





# *Gables Estates Club Inc.*

7550 S.W. 57 Avenue, Suite 204, South Miami, FL 33143

Office: 305-667-9031

Fax: 305-667-9032



October 14<sup>th</sup>, 2013

City of Coral Gables  
Planning and Zoning Division  
427 Biltmore Way, Suite 201  
Coral Gables, Florida 33134

Re: Separation/Establishment of a Building Site and Release of Unity of Title  
for 20 Casuarina Concourse, Coral Gables

Dear Members:

On behalf of Gables Estates Club, Inc. ("HOA"), I am hereby asking you to approve this request to support the release the Declaration of Restrictive Covenant, dated October 19, 2007, recorded at Official Record Book 26001 at Page 1248 of the Public Records of Miami-Dade County, Florida, in order to permit the separation of the building site located at 20 Casuarina Concourse and allow the establishment of two separate lots sites. Furthermore the request has been reviewed by our Architectural Review Board and it was approved unanimously.

We understand that the establishment of two separate building sites will allow the development of one single-family residence in full compliance with the City's Single Family Residential (SFR) zoning district and the HOA's Charter and Bylaws on each of the two platted parcels, legally described as Lot 30 and Lot 31 of Block A of Gables Estates No. 2, according to the plat thereof, as recorded in Plat Book 60 at Page 37 of the Public Records of Miami-Dade County, Florida.

We are confident that approval of this application will have beneficial effects and serve important public interests, while not having adverse effects on the environment, overburdening public services, or changing the desired character of the Gables Estates community. We urge the Planning and Zoning Division and Planning and Zoning Board to recommend in favor of the application, and implore the City Commission to approve the application.

Sincerely yours,

A handwritten signature in blue ink, which appears to read 'Rene Guerra', is written over the typed name.

Rene Guerra  
President

Select Year: 2014 ▼ Go

## The 2014 Florida Statutes

---

Title XL  
REAL AND PERSONAL  
PROPERTY

Chapter 689  
CONVEYANCES OF LAND AND DECLARATIONS  
OF TRUST

View Entire  
Chapter

**689.01**     **How real estate conveyed.**—No estate or interest of freehold, or for a term of more than 1 year, or any uncertain interest of, in or out of any messuages, lands, tenements or hereditaments shall be created, made, granted, transferred or released in any other manner than by instrument in writing, signed in the presence of two subscribing witnesses by the party creating, making, granting, conveying, transferring or releasing such estate, interest, or term of more than 1 year, or by the party's lawfully authorized agent, unless by will and testament, or other testamentary appointment, duly made according to law; and no estate or interest, either of freehold, or of term of more than 1 year, or any uncertain interest of, in, to, or out of any messuages, lands, tenements or hereditaments, shall be assigned or surrendered unless it be by instrument signed in the presence of two subscribing witnesses by the party so assigning or surrendering, or by the party's lawfully authorized agent, or by the act and operation of law. No seal shall be necessary to give validity to any instrument executed in conformity with this section. Corporations may execute any and all conveyances in accordance with the provisions of this section or ss. 692.01 and 692.02.

**History.**—s. 1, Nov. 15, 1828; RS 1950; GS 2448; RGS 3787; CGL 5660; s. 4, ch. 20954, 1941; s. 751, ch. 97-102; s. 2, ch. 2008-35.

Copyright © 1995-2015 The Florida Legislature • [Privacy Statement](#) • [Contact Us](#)