

City of Coral Gables City Commission Meeting
Agenda Item E-2
April 28, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Assistant Director Development Services, Charles Wu

Public Speaker(s)

Melissa Tapanes-Liahues, Representing the Applicant
Zeke Guilford, Co-Counsel for the Applicant

Agenda Item E-2 [10:15:00 a.m.]

Conditional Use Review for a Building Site Determination. An Ordinance of the City Commission of Coral Gables, Florida requesting Conditional Use Review for a Building Site Determination pursuant to Zoning Code Article 3, "Development Review," Section 3-206, "Building Site Determination" to create two (2) separate single-family building sites on property zoned Single-Family Residential (SFR) District; one (1) building site on Lot 30 and one (1) building site consisting of Lot 31 on the property legally described as Lots 30 and 31, Block A, Gables Estates No. 2 (20 Casuarina Concourse), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, codification and providing for an effective date (PZB) Vote 3-2, No Recommendation). (First Reading Continued from the March 10, 2015 Meeting).

Mayor Cason: Agenda Item E-2 is also an Ordinance on First Reading. It's an Ordinance of the City Commission of Coral Gables, Florida requesting Conditional Use Review for a Building Site Determination pursuant to Zoning Code Article 3, "Development Review," Section 3-206, "Building Site Determination." Madam City Manager.

City Manager Swanson-Rivenbark: And we'll ask staff to come forward for this presentation, Charles Wu from Development Services.

City Attorney Leen: Madam City Manager, I will read it on your behalf into the record. It's a conditional use review for a building site determination An Ordinance of the City Commission of Coral Gables, Florida requesting Conditional Use Review for a Building Site Determination pursuant to Zoning Code Article 3, "Development Review," Section 3-206, "Building Site Determination" to create two (2) separate single-family building sites on property zoned Single-Family Residential (SFR) District; one (1) building site on Lot 30 and one (1) building site consisting of Lot 31 on the property legally described as Lots 30 and 31, Block A, Gables Estates No. 2 (20 Casuarina Concourse), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, codification and providing for an effective date. The Planning and Zoning Board voted 3-2, which because the Planning and Zoning Board requires four votes to pass any motion; it comes to you with no recommendation. The First Reading was continued from the March 10, 2015 Meeting. I believe it was continued twice actually to come here today. And with that I will turn it over to staff. I do have two items to put into the record. The first item is – staff was asked for a list of the approved lot splits from 2008 to 2015 and to provide a history of lot splits by Commissioner Slesnick. I'm putting in the record a list of those lot splits that have been approved. I know that Charles Wu is prepared to speak on these matters; and then secondly, I have a letter or an e-mail that was provided to me from the applicant's counsel. It actually comes from Tony Argiz, the Chairman and CEO of NBAF, and he is also a resident of Gables Estates, and he is on the Board, and what he says, I'll just read it into the record to the City Commission: "As a resident of Gables Estate, I have reviewed Benjamin Leon's petition for a lot split located at 20 Casuarina Concourse. I understand this petition is to revert back to the developer's original plan. I fully support it and encourage the Commission to approve it. My residence is located at 395 Casuarina Concourse and I can be contacted at 305-373-5500 for any further comment." And with that I'll put that in the record.

Mr. Wu: Thank you Madam Manager. For the record, Charles Wu, Assistant Development Services Director. If you can pull up the slides, thank you. We have a handful of slides to introduce the project to you. This is the general location of where the property is. For the public's information, this is a building site separation and a conditional use site plan review for 20 Casuarina Concourse. On the slide highlighted in yellow is where the property is, it's at the terminus of the Casuarina Concourse cul-de-sac. This is a more detailed area of the property, its

highlighted in yellow as you can see, it's clear as of today, and what the applicant would like to propose is to separate this entire parcel in yellow into two platted lots. Lots 30, which is the northern lot, it supposed to be 1.2 acres, with a 200 foot street frontage, as well as 200 foot water frontage. The southern lot will be Lot 31, it's going to be a separate building site, proposed at 1.39 acres, with 176 feet street frontage and 310 waterfront frontage; and from Commissioner Slesnick's information, last year when we entertained a similar lot waterfront lot split, the Commission requested not only street frontage analysis, but also waterfront frontage analysis as well. So we'll give that reference for you. In the past years we have only used the street front frontage analysis and based on the Granada case, we are not providing the waterfront analysis for your information. A brief history on the project. In 2007, the Historic Preservation Board declined to designate the property at the time called the Wackenhut Castle to be historic. Since it's not historic, it was allowed to be demolished. September last year, the Development Review Committee reviewed the application and the applicant's satisfactory...met, the technical requirements of the application. Regarding the zoning, the property is generally single family, as you can see in yellow surrounding it, the....single family estate homes, as well as the land use also single family. This is a survey of the property – again lot 30 is the northern parcel, lot 31 is the southern parcel, there is wooden deck that exist today along the waterfront, as well as a concrete deck, at one point it was for a dock. Those encroaches play into one of the criterion for the site determination, while you cannot have any encroachments existing on the lots. The property has been cleared of the structure, as I mentioned to you. There are some seagrape trees on the waterfront side and some mahogany trees existing on the street front side within the property and it doesn't appear to exist any significant specimen trees other than the seagrape trees today. For your information, as is required by the Code the applicant is required to submit conceptual plans as how if this were separated how the plans, how the process can be developed. Again, considering the other parcel has a home and the southern parcel has a new home. The Sunset...is required to be 50 feet, as well as rear setback that is the site specific requirement, which would be as state homes, sizes of waterfront configuration, and the side setback is required to be 30 feet. And this layout generally meets the Code requirements today. Again, this is for reference purposes only. It is not a proposal to develop a project at this time.

Commissioner Lago: Charles can you go back one second.

Mr. Wu: Yes sir.

Commissioner Lago: In reference to the properties, can you give me an idea what the proposed conceptual square footage of each of those properties is?

Mr. Wu: Square footage of the parcel or the homes?

Commissioner Lago: The homes. And while you are at it too, if you can give me an idea of what the previous square footage was of the Wackenhut Castle?

Mr. Wu: I do not have that information today, but for these homes...

Commissioner Lago: Does the applicant have that information?

Melissa Tapanes-Liahues: The City's microfilm record show that the Wackenhut Castle was approximately 18,362 square feet, divided in four structures with each structure having...

City Clerk Foeman: Excuse me, could you put your name into the record please.

Melissa Tapanes-Liahues: Yes. My name is Melissa Tapanes-Liahues; I represent the applicant, with the law firm of Bercow Radell and Fernandez.

Commissioner Lago: Do you have the square footage of the two properties right now.

Mr. Wu: Yes – and we do have a slide coming up actually, two slides after this. This is the lot configuration, today the building site frontage is 376 feet, upon separation the northern lot will have 200-foot building site, and 176 foot waterfront site. I'm sorry, 200 foot – for Lot 30, it will have 200 foot on the street side and 200 foot on the waterfront side. For Lot 31, it will have 176 feet on the street side, and 310 feet on the waterfront side; and obviously because of the pie shape situation on the cul-de-sac, they have a smaller street front and a larger waterfront configuration.

Commissioner Lago: Charles let's talk about water frontage. Give me an example of the adjacent properties in reference to what their water frontage was. I remember this was an issue that Vice Mayor Kerdyk had brought up at one point, probably about six months ago, which is in reference to the lot split on Granada. I just want to get an idea of what are the comparables for the other properties adjacent to this proposed?- you said about 200 and 310, which obviously equals 510, but what are we looking at for the other adjacent pieces?

Mr. Wu: We do have that slide coming up.

Commissioner Lago: I'm getting ahead of myself, sorry.

Mr. Wu: This is the day that you requested – so the total site is 112,000 square foot plus, for Lot 30, upon separation will be 52,502 square feet of property, and Lot 31 will be 60,245 square feet, and that corresponds to the maximum allowable of building site allows for the house. For Lot 30

with that separation it will be 16,901 square feet and for Lot 31, it will be 19,224 square feet. However, if the home, if it were one parcel as the Wackenhut parcel, it will be allowed only 34,974 square feet. This is important information because as you may recall in the Granada case, upon your approval you did include a condition that a combination of both lots upon development cannot exceed the square footage of the lot if it were not separated.

Mayor Cason: So if they were to build on the one lot they could build up to 34,900 square feet?

Mr. Wu: Correct.

Mayor Cason: And the previous building was 18,362.

Mr. Wu: According to the applicant. For your information...

Commissioner Lago: Can I ask you a quick question in regards to that. Was there a change in the Code that was just in preference to the owner?- what was the reasoning behind it being 18,000, when you can basically build almost double that?

Mr. Wu: Repeat the question again.

Commissioner Lago: OK. The previous existing building which was demolished was 18,362 square feet.

Mr. Wu: Yes.

Commissioner Lago: When you have close to a three-acre parcel of land was that as of the choice of the owner?- was that due to an existing Code?- what was the reasoning behind them basically building half of what their potential was?

Mr. Wu: I can't explain because – typically in large lots you do have estate homes, older estate homes have a smaller footprint generally. Today what we are seeing as a pattern is these larger estate homes are coming in to be subdivided and having as well as large estate homes coming onto the property, we've seen that throughout the City. The teardowns – we have teardowns of smaller homes coming in with larger homes and you do need the setback requirements. So that's part of the redevelopment trend.

City Manager Swanson-Rivenbark: Commissioner Lago, recalling what the Wackenhut Castle looked like previously, they also had a large series of tennis courts, and so that could possibly be why the square footage was not maximized.

Commissioner Lago: And I also remember, correct me if I'm wrong, it's been some time, I was a little younger back then, but it was a one-story structure, correct?- one or two?

City Manager Swanson-Rivenbark: I'm just going by memory, I believe it was two-story. It was a Tudor design, it was an unusual design, but a large amount of the property was actually tennis courts.

Mayor Cason: Why was it demolished?- was it required to be demolished?- did they decide they wanted to demolish?

Mr. Wu: It's my understanding there were some Code issues and they decided to demolish it and it remained vacant. It was demolished in '07 and it remained vacant ever since.

City Manager Swanson-Rivenbark: And it could be more what I was hearing, but I believe it was very difficult to sell the property given its unusual design, and so the applicant may have more information.

Mr. Zeke Guilford: Madam City Manager, Mr. Mayor, Commissioners, for the record, my name is Zeke Guilford; I'm co-counsel on this with Melissa Tapanes, representing the owner of the property, Mr. Leon. The reason it was torn down, it was sold to a gentleman which we may remember his name, Allan Stanford. Mr. Stanford wanted to build basically a huge mansion with other people's money, and he lost his property and is now sitting in the "Big House," as they say, so that's the reason it got demolished. It was bought and he was going to build an extremely large house on the property.

Commissioner Lago: Thank you for your insight as always.

Mr. Wu: Moving on to the PowerPoint. At this time, I'd like to explain some of the criteria required for your consideration for a building site determination, Section 3-206 (F) of the City Zoning Code required that you have to meet four of the six criteria listed below upon your consideration, to approve a building site determination. Again, at least four of the following six criteria. The first one is whether there are exceptional or unusual circumstances exist?- and generally the Code does provide some guidance. What does that mean?- whether the property crosses multiple zoning districts, multiple land use designations, whether it is a true block, meaning there are streets on the front and the back, whether multiple frontages impose a hardship, generally something unique to the property that is not common elsewhere in the City. We find there are no exceptional circumstances for the property; the site configuration is very typical of waterfront lots, particularly on cul-de-sacs, it does have two fully platted lots, we

understand that; and the entire property is in single-family residential zoning, single-family land use. Staff concludes the application does not satisfy this criteria. Second criteria, whether the building sites create are equal to a larger than the majority of the building sites within a 1,000 foot radius?- and this warrants some detailed discussion. Again, going back to the criteria of why we explain, we have used street frontage as part of the analysis, so let's focus on that first. Lot 30 street frontage will become 400 foot, and based on our analysis that exceeds 65 percent of the lots within 1,000 feet for the entire area. Lot 31, due to its unique being on a cul-de-sac, has the smaller street frontage, only 176 feet. However, only meets 30 percent of the area lots within 1,000 feet. For your information, and we do have the waterfront analysis as well, as Commissioner Lago had requested. Lot 31 again is, will propose to have 200 foot waterfront access and that will only meet 37.5 percent of the area lots within 1,000 feet. Lot 31, because of its pie shaped configuration has a larger waterfront frontage, is proposed at 310 foot water frontage, and exceeds 70 percent of the area. So it became reverse from the street front analysis, the waterfront analysis. And if you want to drill down deeper, we do have a separate analysis to show only interior lots 1,000 foot and only cul-de-sac lots within 1,000 feet. So we do have that for your information. If you request it, it's at the very end of the PowerPoint, but we thought it was information overload, since you've asked building site determination, we had the Granada case, requesting only street front, but also waterfront, we have that information before you today. So our conclusion is the application does not satisfy this criteria, because of the street frontage side and one lot reset the other lot does not, and even the waterfront analysis, it's the reverse. Any questions on this? I know it's a lot of data to talk about.

Commissioner Quesada:...Last time we asked the Granada item, as Commissioner Lago mentioned earlier. I thought we had asked at that time we made a motion to incorporate it into this analysis, so that there would be six criteria. I don't see that this time around. Now, I guess I will defer to the City Clerk and the City Attorney, if we incorporated that into the Code, I think the answer is no, because I don't see it as part of this analysis. I know you've told us it, but again, it's not in the actual Code as it should have been revised. I guess Zoning Code Section 3-206 (F) should have been revised so that there are now seven criteria rather than six.

Mr. Wu: We have a draft proposal for consideration goes through the public hearing process; it's coming up in the next couple of months.

Commissioner Quesada: Got it.

City Attorney Leen: Mr. Vice Mayor, it does take some time to come through because it needs to go through Planning and Zoning and then the Commission, but the instructions that have been given based on this Commission's direction is that it's a factor, that in considering that factor

you can also consider the waterfront in the direction of how the Commission will interpret that and it's been included.

Commissioner Quesada: I just want to make sure that our vote is being carried out.

City Attorney Leen: Yes sir.

Mr. Wu: The third criterion is whether the lot separation resulted in any existing or previously demolished structure becoming non-conforming? As I mentioned to you, the property was – the structure was demolished in 2007, and the Code does say just because you demolished it earlier doesn't make it that you meet this criteria. Also the existing concrete dock and wooden deck on the property, which crosses both properties that does become a non-conforming situation if the lots were split because it crosses both properties as an encroachment situation. So staff concludes this applicant does not satisfy these criteria.

Mayor Cason: Can I ask you on that. Was the intent of that item that somebody demolished a house and then come back and asked for?

Mr. Wu: Correct.

Mayor Cason: What if it was demolished on that lot in 1930 and 60 years later somebody comes?

Mr. Wu: The Code does not give us that judgment call.

Mayor Cason: There is no discretion?

Mr. Wu: Mr. Mayor, it just means you do not meet these criteria, you can meet other criteria, that's all, you have to meet four out of the six.

City Attorney Leen: Mr. Mayor, I just want to give you my view of that. I do think that the Commission can look at that. Remember staff is acting from a directive that has existed for many years that this Commission has generally...disfavorable for lot splits, so the policy has been interpreted narrowly. I've always given the opinion though that on that particular issue the Commission can look at it and determine whether that's a voluntary demolition to get around the requirements of the lot split ordinance or not. For example, you have testimony in the record, a statement from the counsel that it was not that when it was demolished, the prior house, it was not in order to do a lot split and create two different houses. You can consider that and in my opinion you could grant relief under that provision.

Commissioner Quesada: I'm here to tell you, this item, this criteria I think it's inapplicable to the current proposal, but I'll let you finish, I guess I'll bring that up with the applicant.

Mayor Cason: I missed your point.

Commissioner Quesada: I just think it's inapplicable for this situation, but I'll let you finish your presentation.

Mr. Wu:...is whether there are any restrictive covenants exist for the property as well as encroachments, easements that would prevent a separation of the parcel. We talked about there was a home that was demolished across both properties, we talked about the wooden deck, so there does exist a restrictive covenant that the applicant will raise to your attention that does exist that tie the properties as one, and that was recorded in October of 2007, around the time when the property was – when the structure was demolished. So staff concludes the applicant does not satisfy this criterion. Number five – staff does believe the application reached this criterion is whether the proposed building site maintains or preserves open space. Our analysis is based on conceptual site plan provided to you that it doesn't meet the Code requirements in terms of setbacks and open space, even though it's provided for reference only. And the last criteria is....prior to September 17, 1977, and this part...2010, so it does not satisfy this criterion. Recommendation: We did receive a letter of support from the Gables Estate Club, dated October 14, 2013. We did get someone who showed up at the P&Z (Planning and Zoning) meeting from 11 Casuarina, which is directly across the street, expressing his support. As well as the e-mail received from 395 Casuarina, of two residences letters of support. Staff recommends denial since it does not meet – since it only meets one of the six and the Code requires you to find at least four out of the six criteria; and as the City Attorney mentioned at his January meeting, the P&Z motion to approve failed on the 3-2 vote. However, if so chose to approve this application, we do suggest five conditions as part of your approval. Number one, and this is very typical for you site determinations in the past that both buildings meet the Zoning Code requirement and there shall be no variances requested. Number two, a tree disposition plan, I'm asking a plan be submitted and approved by staff prior to the Board of Architects submittal. Number three, within 30 days to release the current restrictive covenant. Number four, within 60 days of approval to remove the concrete dock and double deck, and any other encroachments exist on the property. Number five, to carry forward on the Granada case, that the total square footage of both residences shall not exceed 34,974 square feet, which is the square footage maximum allowed if it were developed on the one building site. That concludes staff's presentation and I'm here to see if you would like the further analysis on the...lots and the cul-de-sac lots.

Mayor Cason: The applicant.

City Manager Swanson-Rivenbark: Mr. Mayor, as the applicant comes forward, Charles can you clarify Planning and Zoning Board vote was 3-2, which showed no recommendation.

Mr. Wu: Correct.

City Manager Swanson-Rivenbark: Can you help us understand what that meant?

Mr. Wu: The Code requires that you need an affirmative vote of 4 votes to carry the motion, so they were not able to obtain a 4-vote on the motion to approve, so it came before you without a recommendation.

City Manager Swanson-Rivenbark: Thank you.

Melissa Tapanes-Liahues: Good morning again, for the record, my name is Melissa Tapanes-Liahues, offices at 200 South Biscayne Boulevard, Miami. I'm here and I have the pleasure to represent Ben Leon as Trustee and the owner of Lot 30 and Lot 31, located at 20 Casuarina Concourse in the Gables Estate Club. I'm joined here by the applicant, Ben Leon, my co-counsel Zeke Guilford, and also joining are members of the Leon family, Albert Murray, as well as our colleague Michael Schelig. The applicant is here requesting a conditional use approval to permit the re-establishment of these two platted parcels. We are here respectfully requesting your approval consistent with the motion that was considered by the Planning and Zoning Board, it was not a full Board and we were not able to achieve the four votes necessary, but those conditions were that we satisfy conditions one, two, three, and five of the City Code, and on the condition that the dock be modified to conform with the City Code as well as the FAR (Floor Area Ratio) for each individual lots will not exceed the FAR if there was one lot, the square footage mentioned before, 34,974 square feet. As mentioned by Mr. Wu, we have the full support of the Gables Estates Club that acts as our homeowners association. We received the unanimous approval from their Board of Architects as well, and I'd like to submit those letters for the record.

Commissioner Quesada: Quick question for you, don't mean to interrupt your presentation, but I guess I will anyways. Let's talk about frontage, street frontage; one of the sites is on a cul-de-sac.

Melissa Tapanes-Liahues: I'm sorry?

Commissioner Quesada: One of the sites, the frontage sort of eats into a cul-de-sac.

Melissa Tapanes-Liahues: Correct.

Commissioner Quesada: How was that calculation done?

Commissioner Keon: Is it a straight line or does it follow the cul-de-sac?

Melissa Tapanes-Liahues: It follows the curvature of the cul-de-sac, so that is what leads to the 176 feet and leads to the pie condition of the significant waterfront frontage. I'll mention that in your Code it provides for building site frontage, which has a little bit of leeway that's why you've also considered in the past waterfront. I'll mention the one analysis that is in the last page, the second to last page of the City's presentation to you, provides that the Lot 31 with the 176 feet of street frontage is equal or larger than 50 percent of all the cul-de-sac lots within the 1,000 feet. So if you are comparing "apples to apples," this is very much consistent with how Gables Estates was master planned, how it was platted and what the residents of the neighborhoods have expected through their purchases there for decades.

Commissioner Quesada: I thought I read somewhere there were four units at one point there, is that correct?- or four homes prior to the Wackenhut Castle, am I correct?

Melissa Tapanes-Liahues: No, actually the Wackenhut Castle back in 1968 and I have the variance approved by the City Commission at that time to submit into the record.

City Attorney Leen: For everything in the record, Mr. Mayor, I assume that it's permitted; you are OK with everything going into the record?

Mayor Cason: Yes.

Melissa Tapanes-Liahues: And I made copies for all. Back in 1968, the City Commission approved variances to allow the Wackenhut Castle and it was a compilation of four different structures that each had their own individual kitchens. So what we mentioned in the Planning and Zoning Board presentation is that this would be equivalent to a four-family multi-family residential in today's Code.

Mayor Cason: Were those buildings connected in any way?- or were they actually separate?

Melissa Tapanes-Liahues: My understanding, the microfilm records, which are submitted as part of our application are old, obviously. It appears that they were connected by walkways and such.

Commissioner Quesada: But they were four independent buildings, like a compound style of development, correct?

Melissa Tapanes-Liahues: That's what it appears to be.

Mayor Cason:...walkways or anything just pathways going to them, but separate.

Commissioner Keon: I think they were covered.

Mr. Guilford: Zeke Guilford again. There were actually open covers, so they had the roof over it, but they were open and that was actually the purpose of the variances because in order to connect it as one house the walkway had to be enclosed. This was also used on this compound, actually they had security and workers staff there 24/7 living there, so not only were they living there, staff was living there.

Mayor Cason: So four kitchens in like four dwellings.

Melissa Tapanes-Liahues: Correct. That possibility definitely does exist. Mr. Leon purchased the property back in 2007, I'm sorry in 2010 after the 2007 unity of title was recorded. What's important and strange in the record is that there is only one witness to that declaration of restrictions that forms the unity of title. You can imagine the end of rush to get the demolition permit and how that was done, but that is part of the record as well. The City Code criteria that you are evaluating this application came into effect back in 1989, so the building was constructed, the variance approved in 1968, the Code criteria came into effect in 1989, and again Mr. Leon purchased the property in 2010. Since the property was demolished in 2007, it has been vacant and unimproved, but well-kept and maintained. So again, what we are here to request is for each of the lots to be developed as single building sites, as they were originally intended, with one single family residence with full compliance with the City of Coral Gables Code; Lot 30 will consist of over 1.2 acres and Lot 31 will consist of over 1.6 acres, which is what is consistent and compatible with the area of Gables Estates. Again, I should mention and I want to submit into the record copies of the letters from the Gables Estates Club where they again after a publicly noticed board meeting, they unanimously approved this before you and submitted and prepared this letter for you.

Mayor Cason: Do you know of any other cases where the Gables Estates has approved something like this?- is this unusual?- is this normal thing?

Melissa Tapanes-Liahues: They do review; their Board of Architects reviews all development that occurs in Gables Estates. I've not heard of this unanimous approval for development, that is something that is required by Gables Estates; and again, the Board of Architects did review this as well and gave their unanimous approval as well. I should also mention that at the Planning and Zoning Board, Mr. Allan Potamkin who is our neighbor on Casuarina Concourse also attended

and spoke in favor of the application. His testimony is in the record. We tried to have him here again. He's been away on business and rather than defer once again, we decided to move forward, but he is available and again, his testimony is in the record. So I'd like to discuss the criteria of Section 3-206 (F). The Planning and Zoning Board, the majority of the Board present did believe that we met four of the six criteria. The first criteria is that exceptional and unusual circumstances exist, that are site specific, and site specific I think is important. Exceptional and unusual site specific circumstances are in this case. Again, the original unification of Lots 30 and 31 was to construct the Wackenhut Castle in the late 1960's. This was a very unique residence; it was one that the Commission and the Historic Preservation Board back in 2007 reviewed heavily prior to deeming it not historically significant. Many folks believe that it was an eyesore to the community, so its demolition was something that was welcomed by many and today what we are hoping to do is just re-establish the originally platted and master planned lots, and we would submit to you that that is in fact unique and unusual to have these sets of circumstances along with residents that one, it was demolished was for all intents and purposes a multi-family residential configuration within these two very large lots. The second condition is that we believe that we met is that the building sites created would be equal to or larger than the majority of the existing building site frontages. So if discussed by staff because of the cul-de-sac scenario in Lot 31, it is inversed with one another, so we do meet for Lot 30 over 50 percent of – and actually it's over 65 percent of the lots within 1,000 foot radius, we satisfy that street frontage, and for Lot 31 we comply with 70 percent on the water frontage as well. So when looked at “apples to apples,” and in your presentation Lot 31 does meet for over 50 percent of all other cul-de-sac properties within Gables Estates. So we believe that we do satisfy that criteria. The third criteria that we believe we comply with is that the building site separated or established would not result in any existing structures becoming non-conforming as it relates to setbacks, law area, etc. I think it's very important what the City Attorney mentioned; this is not a situation where the owner has demolished the structures to somehow circumvent the Code, this was – the narrative is one of history, which the City has been a participant back in 2007, in 2010 with the unity of title. We believe that the City Commission wanted us to appear before you with a type of proposal like the one we have today for your approval. So the goal would be to again make the property the one issue that is non-conforming would be the dock area, our goal would be to modify it and that is what is consistent with the Planning Board's, the majority's opinion that we just modified that dock to make it conform rather than demolish it altogether, and that is something that we would like to do and we would ask for your consideration in that condition. The fifth criteria is that the building sites maintains or preserves open space, promotes neighborhood compatibility, preserves historic character, and maintains property values and enhances visual attractiveness. We wholeheartedly agree with the City's position on this point, we believe that it would be an improvement to the appearance of the neighborhood by constructing residences that are consistent with their neighboring residences. We believe that we will maintain and preserve the

open space as well as make the size and style consistent with Gables Estates. I'd like to close and invite Zeke to conclude. Thank you.

Mr. Guilford: I think really a lot of you have already touched on it. What I'd like to. What I'd like to do is just kind of put this in a little perspective of a couple of criteria number one and criteria number two, as it related to discussions we've had with the Granada case. The depth of this lot between 31 and 32 is 275 feet, that is wider than a city block, and when we have the discussion – a city block is either 200 or 220, depending on whether it has an alley or not. When we did the Granada case and they came up that basically a waterway is very similar to a street, people go up and down it, so it should be treated as such. So as to condition number one, that would make it a through block property. Doing so we then meet criteria one, to say otherwise then I would have to ask, then who is our rear neighbor?- there isn't one. So we are going wider than a block and we do have a means of transportation, the waterway that is behind us. I would also like to talk about the frontages, and I think Melissa did an excellent job with this, but I think it's important to pull Gables Estates by itself. This was not platted, this was not platted by Mr. Merrick, this was platted in 1956, some 31 years after the founding of the City of Coral Gables. These are the largest lots in the City; the ones on Old Cutler are four acres in size, the ones inside the main gate are mostly, if not all over an acre. In this case we have 1.2 and 1.3 acres for these two lots. What's interesting is what they say with the frontage of the smaller lot, it's actually the bigger lot in size. It was intended with Gables Estates in the plat because they were an acre, that you would build a house on each lot, and this is...letter to you all, there are only six double lots in Gables Estates, that's right about five percent of the lot. So this is not something that happens. It was intended to build a house on each lot. All we are asking today is to allow us to go back the way the property was originally intended and originally platted. Now let me talk to you again Gables Estates and neighbors; Gables Estates is probably the most affluent neighborhood in our City. We have been approved by the association and there was only one neighbor that showed up at the Planning and Zoning Board and that was Mr. Potamkin. He is the most directly affected neighbor, his front door faces this property and he supported this application. Now I would believe that with the affluent neighborhood, if people were opposed to this application, they would be here or their representatives would be here. No one came to the meeting except those who were in favor, and I believe your record will show that nobody has objected to this application. For that being said, Mr. Mayor, Commissioners we have the recommendation of the homeowners association, we have the approval of the most directly affected neighbor, we actually have the majority of those present at the Planning and Zoning Board, and we also have an alternative recommendation from staff that we would accept and we would ask that you please grant this building site separation. Thank you.

Commissioner Lago: Thank you Zeke.

Mayor Cason: Madam City Manager do we have a time certain at 11:00?

City Manager Swanson-Rivenbark: It is the cake-cutting, so if you wish to....

Mayor Cason: Do we have public comment?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: If not, we'll close the public hearing part then.

Commissioner Quesada: I have a few thoughts.

Commissioner Lago: You want to have it after 11?- or do you...

Commissioner Quesada: We have some time, see if we can work it out.

Mayor Cason: Five minutes of thoughts.

Commissioner Quesada: I don't know. Do you have any thoughts?

Commissioner Keon: I want to hear what you have to say – yes.

Commissioner Quesada: Thank you Commissioner. So, I'm going through the different criteria and obviously number six doesn't satisfy, there is no question as to that. Number five, I think staff had said they do satisfy. I'm jumping around here, so number six – the building site has created an approach as a separate building by the current owner prior to 1977. So no, clearly do not satisfy. Number five is that the proposed building site maintains and preserves open space, promotes neighborhood compatibility, preserves historic character, maintains property values, enhances visual attractiveness of the area, and our staff has said that, that is satisfied. Let me jump around in my thoughts and what I've read, what I've heard, where I'm leaning. Let me jump to number two, I think is an easier one. I'm looking at the Planning and Zoning Board minutes hearing what the applicant had to say, their representatives. One of the lots, which I believe is Lot 30, which has 65 percent of lot frontage than the others. When you look at Lot 31, the cul-de-sac for me is a big determining factor, as counsel said; it's an "apples to apples" comparison. So when I look at it from that regard I think it satisfies, so from my eyes it's a yes on number two, a yes on number five. When you look at number three and four, the building site separated or established would not result in any existing structures becoming non-conforming as it relates to setbacks --- and number four, that no restrictive covenants, encroachments, or easements or the like exist, which would prevent the separation of the site. Now the reason earlier I said I thought that was inapplicable, I don't think we should base our decision based on a deck, a dock. In my eyes that's....I think that these provisions were created when there were

major restrictive covenants and encroachments or major existing structures. Maybe if the Wackenhut Castle was still there, I think it would be applicable in such a circumstance, but we are talking about a dock. I mean a dock I think – maybe I’m speaking out of line here, I think a dock is relatively easy to correct, an item that can easily be overcome. So that’s where I’m leaning, so when you look at it, in my eyes I think two, three, four and five are in compliance and then the last one – number one, the exceptional or unusual circumstances haven’t made up my mind on that one yet. So I wanted to hear a little bit more from you guys, but that’s where I’m leaning as far as the six criteria.

Commissioner Keon: I think the dock is a significant element in there, because I think traditionally we have held that even a fence, a wall, anything that unifies these parcels is significant, so it’s not that you may meet other ones, but I wouldn’t discredit the fact that there is something built that stretches across the two lots. I’m sure maybe when the purchaser, Mr. Stanford, purchased it I’m sure he intended to build one house on that parcel and probably didn’t affect the dock because he was going to use it in some way or whatever, but I think for the interpretation of our Code and the provision about elements that unify lots, I think are really important, so I think it probably meets four of the criteria, but that one is – that’s not one I would...

Commissioner Quesada: So you are saying number – what I’m understanding is, you are saying number one or number three?

Commissioner Keon: Well, I think the neighborhood compatibility one is fine.

Commissioner Quesada: Because of the dock. You know something, I think there is a distinction when you look at a dock compared to a wall or a fence that’s separating two lots, because again, I think as Mr. Guilford put it, there is no backdoor neighbor, that’s the water, as the previous Vice Mayor mentioned and it’s an important consideration. I just think it’s a little bit different here just because the dock is such a changing piece of a property. Every owner that comes in is going to rearrange the dock depending on what their activities are, whether it’s kayaking or whether its big boats or small boats, so it’s something that every owner – it’s a very changeable item.

Melissa Tapanes-Liahues: If I may Vice Mayor, today because there is no principle use of the property the dock is non-conforming, simply.

Commissioner Quesada: Yes. That’s true, that’s a good point as well.

Melissa Tapanes-Liahues: It’s a non-conforming use.

Commissioner Quesada: As opposed to a fence or a wall separating two properties which would be, because its separating is a property line, so it makes it a little bit different.

Commissioner Lago: I think we've pretty much summed up the finer points. My concern was more what Commissioner Keon mentioned in reference to the dock and also obviously the issue of 1977, they are never going to be able to conform to that.

Commissioner Quesada: You know something and this was a major consideration for us in the Granada lot split. The original plat, 1960 here, I believe...

Commissioner Lago: Separate properties.

Commissioner Quesada: Yes. The original plot in the Granada property, I think it was 6901 Granada was the address we were dealing with, I think the original plat we were looking at was 1954 that actually created a marina in that area, which we didn't go back to that, but it had separate units. The biggest consideration that we always discuss here is how is it going to affect the neighbors?- how is it going to affect the community?- and that fact that we have all the neighbors and the association, which is notorious for being incredibly difficult, I mean in the best possible way, preserving the neighborhood. They do a great job in preserving the neighborhood.

Mayor Cason: My assumption is that the reason that the neighbors wanted to support this because they don't want to have a huge 34,000 house that may or may not look like the Wackenhut Castle, but they would prefer to have two smaller homes.

Commissioner Keon: I think that's an assumption that we can't make, because if you look at the homes that are on the waterway that are on the bay front opposite them on Arvida Drive and also along Casaurina Concourse, those are huge lots, I mean those are very big lots with very big homes on them.

Mayor Cason: Do you have any information as to why they made that decision?- what was the thinking?

Melissa Tapanes-Liahues: I believe that that decision was made back in 2007 when the neighbors were all considering the fate of the Wackenhut Castle. So that was something that was at the Commission level, so we believed that once that took place they wanted it to go back to how it was originally master planned.

Commissioner Keon: Well, I think that's an assumption. I don't know that they wanted it to go back to the way it was originally. I mean I do think that they probably wanted a structure that didn't resemble the Wackenhut Castle, or that type of building on that lot. I'm not going to assume that nobody wanted...

Melissa Tapanes-Liahues: Well, I can tell you what Mr. Potamkin said on the record, which is...

Commissioner Keon: Whether it was one lot, two lots or whatever, as long as it's a beautiful home, I don't think they would have moved it that way. Is the letter that you have that's in your packet from the association is dated 2013, do you have updated letters from them?

Melissa Tapanes-Liahues: We have Mr. Argiz on behalf of the Board, he e-mailed yesterday.

City Attorney Leen: It's read in the record, its right at the beginning. Who is it from?

Melissa Tapanes-Liahues: From Tony Argiz.

City Attorney Leen: Yes.

Melissa Tapanes-Liahues: He is the treasurer of the association.

Commissioner Keon: But I'm asking is the letter that actually is from Gables Estates Club, Inc. is dated 2013....

Melissa Tapanes-Liahues: That's when we began this process.

Commissioner Keon: Right – but you didn't get an updated one, it's a year-and-a-half ago.

Melissa Tapanes-Liahues: No.

Mayor Cason: They haven't changed their mind?

Melissa Tapanes-Liahues: They haven't changed their mind and Tony Argiz e-mailed yesterday. He had intended to be here, but he e-mailed yesterday.

City Attorney Leen: Mr. Mayor one point. With the dock the Commission can always order its demolition as a condition, you are allowed to do that. That's not a voluntary demolition – you don't have to.

Commissioner Quesada: I think the better approach is ensure that they keep staff informed throughout the entire process, to make sure that it conforms with whatever regulations they need to comply with.

City Attorney Leen: The other think, one of the conditions puts a limitation on the square footage. You have discretion there as well.

Commissioner Keon: I have concerns about the square footage on the smaller of the lots. It still would meet the same; I think it's a 50-foot setback on these homes, so you still would have a 50-foot setback.

Commissioner Quesada: Does the rest of the neighborhood have 50-foot setbacks?

Commissioner Keon: Yes, I think so. I think in Gables Estates it's all 50-foot. I think its 30 feet on the sides and 50 feet front and back, is that what Gables Estates is?

Commissioner Lago: They meet the 30 on the sides.

Commissioner Keon: Right. But I think that's what it is, yes – 30 on the sides.

Commissioner Quesada: But remember what they submitted is meeting the requirement for this process; it doesn't require them to...

Commissioner Lago: But what they are showing here in reference to the service they provided are Lots 30 and 31, they are showing that they meet the 50-foot setback on the rear and on the water, and then 30-foot setback.

Melissa Tapanes-Liahues: The cul-de-sac lot, I want to repeat is not the smaller lot, it's actually 1.68 acres.

Commissioner Keon: And the setback follows the cul-de-sac, so it...I do think there are exceptional circumstances here, I mean I think that the home was demolished by an owner who lost it or sold it, whatever, I don't know what the disposition of how that happened, a lot of his assets were seized, this one was also, I don't know how it came to be, but he demolished it with the intent. So when it was purchased it was purchased as an empty lot, nobody voluntarily or nobody demolished a home with the intent of getting around that particular provision in our Code. So I think that that is an unusual circumstance.

Commissioner Quesada: Unless there is any additional comment...

Commissioner Slesnick: Just a comment. You will find that I'm a very conservative person especially when it comes to lot splits, and those north of Bird Road or the northern part of Coral Gables. I did talk to Trish Val, I had communication with Trish Val this morning, she was Chairman of the homeowners association there and she was in favor of it and I know Mr. Argiz and I've talked to several other people in the area, and I believe that these lots should be divided again, and go back to the way they were, because it's really compatible with the neighborhood and I do like that the cul-de-sac gives you the increased street frontage that you need and also the waterfront lots that have waterfront or golf course access really need to be considered for their availability as far as building. So, I'm in favor of this lot split, which is rare, it's going to be rare. So if you come with more Zeke....

Mayor Cason: Vice Mayor you have a motion?

Vice Mayor Quesada: Yes. I'll make a motion to approve the lot split as the applicant satisfies at a minimum the criteria two, three, four, and five, and maybe...

Mayor Cason: I think one as well.

Vice Mayor Quesada: Well because we don't have consensus on that, I'm not going to add number one – they meet four of six.

Commissioner Keon: But it meets at least four...

Commissioner Quesada: It meets at least four.

Commissioner Keon:...on lot splits also is really not a matter of whether the neighbors like it or the neighbors don't like it, it's really whether it actually meets the criteria set forth in our Code as we would chose to interpret it and I think that in this instance it does. I think it meets four of the criteria, which is what we are being asked to look at. So I'm comfortable...

Commissioner Quesada: Just for clarity for the record. Pursuant to Zoning Code Section 3-206(F) the applicant meets at a minimum criterion two, three, four, and five and therefore I make a motion to approve a lot split.

Commissioner Lago: Can I also interject to your motion. Let's also include staff's recommendations.

Commissioner Quesada: Of course.

Melissa Tapanes-Liahues: The only consideration is the one condition about the dock, we would like the liberty to modify it and not demolish it altogether.

Commissioner Quesada: I'll modify my motion so that you have to work with staff to ensure that whatever dock is constructed there or modified there is in compliance with our Code, and in conjunction with staff's recommendations.

Melissa Tapanes-Liahues: Thank you.

City Attorney Leen: Are you allowing the non-conforming dock though?- they need to know that.

Commissioner Lago: No.

Commissioner Quesada: Well hold on a second. What are you asking for...

Mr. Guilford: To modify it to allow it to meet to not encroach on each of the lots, so basically to bring it into conformance with the Code for docks. You actually have a condition that staff put in; we have 60 days to remove it.

Commissioner Quesada: But hold on a second. So you are asking for us to – so you want to split the docks as of two separate homes that are going to be built there.

Commissioner Keon: I don't have a problem with that because you are going to have to go back and do the pilings and everything else.

Commissioner Lago: I just want to make sure you've done it in the appropriate time, that it's just not lingering out there. This property has been sitting vacant for almost close to 10 years.

Commissioner Quesada: That's fine but they also have...they have to deal with Miami-Dade County when it comes to docks because they have other....

Commissioner Lago: It's a long process, that's a long process, trust me. I've been involved in design and construction of docks before, but the issue is just it needs to be – I want to make sure it gets done.

Commissioner Keon: Rather than demolish, we can allow them to separate the docks and assign them to the individual building sites.

Commissioner Quesada: So that's my motion.

Mayor Cason: Do we have a second? Commissioner Lago seconds.

City Attorney Leen: Mr. Vice Mayor, Mr. Mayor, so just for the record. So you are voting to approve the lot split, you found at least four and you notified them – you are accepting all the conditions, except for the dock, which is modified as you just stated?

Vice Mayor Quesada: Correct. Correct.

City Attorney Leen: Understand.

Mayor Cason: City Clerk

Commissioner Keon: Yes

Commissioner Lago: Yes

Commissioner Quesada: Yes

Commissioner Slesnick: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mr. Guilford: Thank you all very much.

[End: 11:11:10 a.m.]