

Page 81

1 CHAIRMAN AIZENSTAT: No.
 2 With that, the motion carries. Thank you.
 3 Let's take two minutes until we clear out
 4 and then we'll resume with the next item.
 5 (Short recess taken.)
 6 CHAIRMAN AIZENSTAT: We are just waiting
 7 for our City Attorney to come back in to read
 8 that.
 9 Let's go ahead and resume the meeting.
 10 Craig, if you would read the next items. I
 11 think the next two items are related, E-2 and
 12 E-3.
 13 MR. COLLER: Yes. I'll read both items in.
 14 Public hearing item E-2, an Ordinance of
 15 the City Commission of Coral Gables, Florida
 16 amending the Future Land Use Map of the City of
 17 Coral Gables Comprehensive Plan pursuant to
 18 Zoning Code Article 3, "Development Review,"
 19 Division 15, "Comprehensive Plan Text and Map
 20 Amendments," and Small Scale amendment
 21 procedures from "Religious/Institutional" to
 22 "Commercial Low-Rise Intensity" for Lots 5-6,
 23 Block 1A, Macfarlane Homestead, Coral Gables,
 24 Florida; providing for a repealer provision,
 25 severability clause and providing for an

Page 83

1 Commercial Low Rise intensity is the same Land
 2 Use all along Grand Avenue and change the
 3 Zoning from Special Use to Commercial Limited,
 4 again, the same Zoning along that strip of
 5 land.
 6 So letters were sent to property owners
 7 along 1,500 feet of radius, which is required
 8 for Land Use changes. There was a legal ad, a
 9 notification, the items were posted on the
 10 website and also we posted the Staff Report,
 11 and the Staff Recommendation is approval, and
 12 it complies with the standards identified in
 13 the Zoning Code.
 14 In addition, the Staff has determined that
 15 the request is consistent with the Comp Plan's
 16 goals, objectives and policies. Now, the big
 17 picture here is that there's a historic
 18 building -- actually two historic buildings in
 19 the middle of the site that are going to be
 20 renovated. Our Historic Preservation Officer
 21 is here, so she would be able to answer any
 22 questions that you may have. And the idea was
 23 that the whole site certainly would be more
 24 appropriate, just in terms of the consistency
 25 with the neighborhood, as Commercial, rather

Page 82

1 effective date. LPA review.
 2 The second item is E-3, an Ordinance of the
 3 City Commission of Coral Gables, Florida
 4 amending the Zoning Map pursuant to Zoning Code
 5 Article 3, "Development Review," Division 14,
 6 "Zoning Code Text and Map Amendments," from
 7 "Special Use" to "Commercial Limited" for Lots
 8 5-6, Block 1A Macfarlane Homestead, Coral
 9 Gables, Florida; providing for a repealer
 10 provision, severability clause and providing
 11 for an effective date.
 12 Items E-2 and E-3 public hearing.
 13 MR. TRIAS: If I could have the PowerPoint,
 14 please.
 15 Mr. Chairman, this is a City initiated
 16 change of Land Use and change of Zoning.
 17 However, there's also a project that is being
 18 proposed separately that includes all of those
 19 parcels. The location is along Grand Avenue,
 20 and as you know, the uses there tend to be
 21 Commercial.
 22 So this particular location is
 23 Institutional in Land Use and Special Use. So
 24 the request to change the Land Use and change
 25 the Zoning from Religious/Institutional to

Page 84

1 than the current Zoning Code as a
 2 Religious/Institutional.
 3 So Staff is recommending approval. I don't
 4 know if the applicant is here, but certainly it
 5 is a Staff initiated request, but some other
 6 members of the Staff are here if you have any
 7 questions.
 8 CHAIRMAN AIZENSTAT: This was generated by
 9 the Staff?
 10 MR. TRIAS: Yes.
 11 MR. WITHERS: So it's not historic or it's
 12 not up for historic designation?
 13 MR. TRIAS: Yes. There are two historic
 14 buildings in the middle of the parcel.
 15 Dona is here.
 16 MS. SPAIN: So there are two historic wood
 17 frame buildings there. The one in the rear of
 18 the site is the last remaining two-story wood
 19 frame building in the historic district. The
 20 Macfarlane Homestead district is on the
 21 National Register. It is the only district we
 22 have on the National Register.
 23 So my only clarification, my question is to
 24 make sure that these buildings can remain as
 25 legally non-conforming, and particularly that

Page 85

1 back building, which is an apartment building,
 2 and I'd like to just make sure that that can
 3 remain legally non-conforming even though we're
 4 switching it back to what it was.
 5 It was originally Commercial, and these
 6 legally non-conforming buildings on them --
 7 MR. MURAI: I don't follow.
 8 MS. SPAIN: So there's an apartment
 9 building there.
 10 CHAIRMAN AIZENSTAT: Is there a slide or
 11 anything that you have with pictures?
 12 MR. TRIAS: I don't believe I do at that
 13 level of detail. Let me see. No, I don't.
 14 But the concern, if I understand the
 15 concern correctly, is that Residential use is
 16 not allowed in Commercial Limited.
 17 MS. SPAIN: That's right.
 18 MR. TRIAS: However, if it is an existing
 19 non-conforming, it can remain as such.
 20 MS. SPAIN: Okay. That's my view.
 21 MR. WITHERS: So it stays with its
 22 historical designation when it's switched back
 23 to Commercial?
 24 MS. SPAIN: Yes.
 25 MR. TORRE: How do you feel with the

Page 87

1 MS. SPAIN: I want to make sure that that's
 2 a possibility, that because it's an apartment
 3 building now, and even though they're returning
 4 it to the original, it's always been an
 5 apartment building there.
 6 MR. TORRE: When you mix the Residential
 7 with the Commercial, in terms of FAR and things
 8 like that, what happens?
 9 MS. SPAIN: That's handled by Zoning.
 10 MR. TORRE: That's not --
 11 MS. SPAIN: Why you're here today, I
 12 believe, this Board is not about the new
 13 development, it's only about the change in
 14 Zoning, because it's no longer a church.
 15 There's no longer a religious institution
 16 there, so Staff is asking that it be returned
 17 back to what it was before.
 18 MR. BEHAR: And you could do Residential in
 19 a Commercial designated area, right, because it
 20 will be a legally non-conforming.
 21 MS. SPAIN: Right.
 22 MR. TRIAS: In this case, you can.
 23 MS. SPAIN: Yes, there shouldn't be an
 24 issue with that.
 25 MR. BEHAR: It will no longer be a

Page 86

1 setbacks and other issues with the structure in
 2 the back?
 3 MS. SPAIN: Legally non-conforming.
 4 MR. TORRE: The new structure obviously
 5 will be under the new code, the new Zoning
 6 Guidelines, but the rear building --
 7 MR. COLLER: I think the court reporter
 8 couldn't hear you.
 9 MR. TORRE: That the new structure
 10 obviously is going to meet the new Code, the
 11 new Zoning guidelines, but the rear buildings
 12 will have to keep going with whatever they are,
 13 and separation from building to building, all
 14 of that will be reviewed --
 15 MR. TRIAS: They're non-conformities in
 16 terms of the setbacks and in terms of use and
 17 so on, and that is fine. The buildings are
 18 historically designated. There's an
 19 appropriate process of review that can take
 20 those issues and incorporate them into the
 21 larger Site Plan, which is something that will
 22 come separately, I believe, at some point, and
 23 it will be reviewed by the Historic Board.
 24 MR. TORRE: You want to keep them to be
 25 residential buildings?

Page 88

1 religious institution. That's the only reason
 2 we're here, to go back to Commercial. At one
 3 point in time, it was Commercial?
 4 MR. TRIAS: Yes.
 5 MR. BEHAR: It got changed to Religious?
 6 MS. SPAIN: Yes, because the church went in
 7 there.
 8 MR. BEHAR: Okay. Now there's no longer a
 9 church?
 10 MS. SPAIN: No longer a church.
 11 MR. BEHAR: So if they want to use the
 12 front half of that site, they can use it as a
 13 Commercial building?
 14 MR. TRIAS: And in terms of a building
 15 typology, it was a grocery store. That got
 16 changed into a church and then it became a
 17 building type of a church. So it remains the
 18 same building as it used to be.
 19 CHAIRMAN AIZENSTAT: What I'd like to ask
 20 is, there are some residents here. Do you have
 21 any input or any comment?
 22 UNIDENTIFIED FEMALE SPEAKER: Mr. Prime is
 23 coming up.
 24 CHAIRMAN AIZENSTAT: Thank you.
 25 Ramon, I'm sorry, I assumed you were done

1 with your presentation?
 2 MR. TRIAS: Yes, sir. I apologize.
 3 MR. COLLER: I just want to double-check
 4 that he has been sworn in.
 5 MR. PRIME: Yes, I have.
 6 MR. COLLER: Okay. Perfect.
 7 MR. PRIME: Carl Leon Prime, 209 Florida
 8 Avenue. I grew up in the neighborhood and I
 9 still reside there.
 10 Our concern is that the historic buildings
 11 be retained, because it's an integral part of
 12 the historic designation, and that any future
 13 use -- our concern is that changing the Zoning
 14 back will lead to further development that will
 15 erode the neighborhood.
 16 If it can be done without changing the
 17 Zoning, that would be fine, but if that's what
 18 is necessary, but we must preserve the historic
 19 aspects, and that's the main thing. The wood
 20 frame two-story apartment building, that's a
 21 place that I know quite well, and the building
 22 in the front, you know, has historical
 23 significance to everyone, because that's where
 24 we used to go to pick up our snacks in the
 25 evening.

1 Commercial designation?
 2 MS. SPAIN: That's correct.
 3 CHAIRMAN AIZENSTAT: Okay.
 4 MR. MURAI: But they can't do anything with
 5 the front building, because that's historically
 6 designated.
 7 MR. BEHAR: They cannot knock it down, but
 8 you could put another use that is consistent
 9 with it, but you can't knock the building down.
 10 MS. SPAIN: Yes, and all of that will be
 11 reviewed by the Board of Architects and also
 12 the Historic Preservation Board.
 13 CHAIRMAN AIZENSTAT: Dona, in South Beach,
 14 for example, when they have historic buildings,
 15 they go ahead and keep the facade somehow and
 16 they build whatever they -- can they do that
 17 with this property?
 18 MS. SPAIN: No. They need to keep the
 19 buildings. We need to keep the building as
 20 historic.
 21 CHAIRMAN AIZENSTAT: All right.
 22 MR. MURAI: I understood that we were
 23 dealing really, in essence, with -- there are
 24 three lots, right, 4, 5, 6?
 25 MS. SPAIN: Yes.

1 So, you know, as long as the buildings are
 2 renovated and not changed and we have that
 3 aspect --
 4 CHAIRMAN AIZENSTAT: You realize that by
 5 changing the designation, the front building is
 6 not historically designated, so they can --
 7 MS. SPAIN: There are two wood frame
 8 structures on the building (sic). The front
 9 one was altered to be a church, but that one is
 10 historically designated also.
 11 MR. BEHAR: The one in the back is also --
 12 MS. SPAIN: They're both historically
 13 designated.
 14 MR. BEHAR: So they cannot be knocked down.
 15 MS. SPAIN: They cannot be knocked down.
 16 They're legally non-conforming. The use was
 17 non-conforming.
 18 CHAIRMAN AIZENSTAT: So why are we -- just
 19 out of curiosity, why are we doing this?
 20 MS. SPAIN: Well, we're doing this because
 21 the only thing that can go in there now with
 22 the present Zoning is another church.
 23 MR. BEHAR: This case, they want to
 24 retrofit the front building and if they do
 25 something else, it would have to go to a

1 MR. MURAI: 5 has the two historically
 2 designated structures and 4 and 6 are now
 3 having religious --
 4 MS. SPAIN: That's right.
 5 MR. MURAI: But there's no reason for it,
 6 so it should go back to Commercial Low-Rise?
 7 MS. SPAIN: That's exactly right, because
 8 it was used for parking for the church. It's
 9 really simple, but we managed to complicate it
 10 for everybody.
 11 MR. TORRE: I'm sorry, but I'm trying to
 12 keep that area as historic as possible. The
 13 site is historic or just the two buildings?
 14 MS. SPAIN: The entire site. Anything
 15 going in there would be considered a
 16 non-contributing in a Historic District.
 17 MR. BEHAR: I'll make a motion for
 18 approval.
 19 MR. MURAI: I second the motion.
 20 CHAIRMAN AIZENSTAT: We have a second. Any
 21 other discussion or questions?
 22 MR. WITHERS: Who owns this property?
 23 MS. SPAIN: The gentleman's name that owns
 24 it are Luis Development -- the principle is
 25 Mike Luis. Mike Luis is the principal of the

1 corporation that owns it. He's owned it for a
 2 while.
 3 MR. WITHERS: So the church was leasing the
 4 space?
 5 MS. SPAIN: It's a little complicated.
 6 MR. WITHERS: Never mind. Don't worry
 7 about it.
 8 CHAIRMAN AIZENSTAT: We have a motion. We
 9 have a second. Any other discussion?
 10 MS. ANDERSON: No.
 11 CHAIRMAN AIZENSTAT: No? Call the roll,
 12 please.
 13 THE SECRETARY: Sorry, but we need two
 14 separate motions.
 15 MR. COLLER: The first one will be on Item
 16 E-2, that's on the Comprehensive Plan.
 17 CHAIRMAN AIZENSTAT: On the Comp Plan; is
 18 that correct, Robert?
 19 MR. BEHAR: Yes.
 20 CHAIRMAN AIZENSTAT: Okay. Call the roll
 21 please.
 22 THE SECRETARY: Chip Withers?
 23 MR. WITHERS: Yes.
 24 THE SECRETARY: Rhonda Anderson?
 25 MS. ANDERSON: Yes.

1 THE SECRETARY: Chip Withers?
 2 MR. WITHERS: Yes.
 3 THE SECRETARY: Eibi Aizenstat?
 4 CHAIRMAN AIZENSTAT: Yes.
 5 MR. COLLER: So before everyone adjourns, I
 6 want to correct something on a call I made
 7 earlier. I've had an opportunity to review it.
 8 Fortunately, it didn't make a change in the
 9 ultimate decision.
 10 There was a change in the Ordinance that
 11 when there's a three-three tie, the item goes
 12 to the Commission without a recommendation.
 13 It's not a deferral.
 14 What was strange about this motion, it
 15 wasn't a motion on the merits. It was a motion
 16 on a deferral. It is correct, and I actually
 17 amended this Code, that when we have a tie
 18 vote, that we give the Board an opportunity to
 19 work out the tie vote, which in this case is
 20 exactly what you did. So it went to the Board
 21 (sic) with the benefit of a recommendation,
 22 which indeed you did.
 23 So fortunately I wound up being right, but
 24 I just want to let you all know if in the
 25 future there is indeed a tie vote and we can't

1 THE SECRETARY: Robert Behar?
 2 MR. BEHAR: Yes.
 3 THE SECRETARY: Rene Murai?
 4 MR. MURAI: Yes.
 5 THE SECRETARY: Venny Torre?
 6 MR. TORRE: Yes.
 7 THE SECRETARY: Eibi Aizenstat?
 8 CHAIRMAN AIZENSTAT: Yes.
 9 And on the second item, is there a motion
 10 on that?
 11 MR. BEHAR: I'll make the motion.
 12 MR. MURAI: Second.
 13 CHAIRMAN AIZENSTAT: We have a motion and a
 14 second. Any discussion?
 15 MS. ANDERSON: No.
 16 CHAIRMAN AIZENSTAT: Having heard none,
 17 call the roll, please.
 18 THE SECRETARY: Rhonda Anderson?
 19 MS. ANDERSON: Yes.
 20 THE SECRETARY: Robert Behar?
 21 MR. BEHAR: Yes.
 22 THE SECRETARY: Rene Murai?
 23 MR. MURAI: Yes.
 24 THE SECRETARY: Venny Torre?
 25 MR. TORRE: Yes.

1 break it, it's not a deferral. It goes to the
 2 Board (sic). At one time it used to be a
 3 deferral to the next meeting.
 4 CHAIRMAN AIZENSTAT: But what if the motion
 5 itself is not a motion to approve or not
 6 approve, what if the motion is for a deferral
 7 to a time certain? If there's a tie, it's
 8 automatic that you can't defer it?
 9 MR. COLLER: Well, then I think the way you
 10 have to read it, it goes to the Commission,
 11 which would be an unfortunate result, and in
 12 this case, as it turns out, you all worked it
 13 out, which is the whole point of the --
 14 MR. MURAI: If all respects, if a motion
 15 for deferral fails, then you have to have a
 16 motion, yes or no, on the merit.
 17 MR. COLLER: Well, it may be of value to
 18 clarify that. I'm going to discuss that with
 19 the City Attorney, that where the motion in
 20 this case is really not on the merits -- this
 21 is envisioned on a tie vote on the merits. I'm
 22 going to suggest to the City Attorney we may
 23 want to amend the rules, of where there's a
 24 motion to defer and that motion is a tied vote,
 25 that the deferral be deemed denied.