	Page 81		Page 82
1	CHAIRMAN AIZENSTAT: No.	1	effective date. LPA review.
2	With that, the motion carries. Thank you.	2	The second item is E-3, an Ordinance of the
3	Let's take two minutes until we clear out	3	City Commission of Coral Gables, Florida
4	and then we'll resume with the next item.	4	amending the Zoning Map pursuant to Zoning Code
5	(Short recess taken.)	5	Article 3, "Development Review," Division 14,
6	CHAIRMAN AIZENSTAT: We are just waiting	6	"Zoning Code Text and Map Amendments," from
7	for our City Attorney to come back in to read	7	"Special Use" to "Commercial Limited" for Lots
8	that.	8	5-6, Block 1A Macfarlane Homestead, Coral
9	Let's go ahead and resume the meeting.	9	Gables, Florida; providing for a repealer
10	Craig, if you would read the next items. I	10	provision, severability clause and providing
11	think the next two items are related, E-2 and	11	for an effective date.
12	E-3.	12	Items E-2 and E-3 public hearing.
13	MR. COLLER: Yes. I'll read both items in.	13	MR. TRIAS: If I could have the PowerPoint,
14	Public hearing item E-2, an Ordinance of	14	please.
15	the City Commission of Coral Gables, Florida	15	Mr. Chairman, this is a City initiated
16	amending the Future Land Use Map of the City of	16	change of Land Use and change of Zoning.
17	Coral Gables Comprehensive Plan pursuant to	17	However, there's also a project that is being
18	Zoning Code Article 3, "Development Review,"	18	proposed separately that includes all of those
19	Division 15, "Comprehensive Plan Text and Map	19	parcels. The location is along Grand Avenue,
20	Amendments," and Small Scale amendment	20	and as you know, the uses there tend to be
21	procedures from "Religious/Institutional" to	21	Commercial.
22	"Commercial Low-Rise Intensity" for Lots 5-6,	22	So this particular location is
23	Block 1A, Macfarlane Homestead, Coral Gables,	23	Institutional in Land Use and Special Use. So
24	Florida; providing for a repealer provision,	24	the request to change the Land Use and change
25	severability clause and providing for an	25	the Zoning from Religious/Institutional to
	D 03		
	Page 83		Page 84
1	Commercial Low Rise intensity is the same Land	1	Page 84 than the current Zoning Code as a
1 2		1 2	
	Commercial Low Rise intensity is the same Land		than the current Zoning Code as a
2	Commercial Low Rise intensity is the same Land Use all along Grand Avenue and change the	2	than the current Zoning Code as a Religious/Institutional.
2	Commercial Low Rise intensity is the same Land Use all along Grand Avenue and change the Zoning from Special Use to Commercial Limited,	2	than the current Zoning Code as a Religious/Institutional. So Staff is recommending approval. I don't
2 3 4	Commercial Low Rise intensity is the same Land Use all along Grand Avenue and change the Zoning from Special Use to Commercial Limited, again, the same Zoning along that strip of land. So letters were sent to property owners	2 3 4	than the current Zoning Code as a Religious/Institutional. So Staff is recommending approval. I don't know if the applicant is here, but certainly it is a Staff initiated request, but some other members of the Staff are here if you have any
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	Page 85		Page 86
1	back building, which is an apartment building,	1	setbacks and other issues with the structure in
2	and I'd like to just make sure that that can	2	the back?
3	remain legally non-conforming even though we're	3	MS. SPAIN: Legally non-conforming.
4	switching it back to what it was.	4	MR. TORRE: The new structure obviously
5	It was originally Commercial, and these	5	will be under the new code, the new Zoning
6	legally non-conforming buildings on them	6	Guidelines, but the rear building
7	MR. MURAI: I don't follow.	7	MR. COLLER: I think the court reporter
8	MS. SPAIN: So there's an apartment	8	-
9	building there.	9	couldn't hear you. MR. TORRE: That the new structure
10	CHAIRMAN AIZENSTAT: Is there a slide or	10	obviously is going to meet the new Code, the
11	anything that you have with pictures?	11	new Zoning guidelines, but the rear buildings
12	MR. TRIAS: I don't believe I do at that	12	will have to keep going with whatever they are,
13	level of detail. Let me see. No, I don't.	13	and separation from building to building, all
14	But the concern, if I understand the	14	of that will be reviewed
15	concern correctly, is that Residential use is	15	
	• 1	16	MR. TRIAS: They're non-conformities in
16 17	not allowed in Commercial Limited.		terms of the setbacks and in terms of use and
17 18	MS. SPAIN: That's right. MR. TRIAS: However, if it is an existing	17 18	so on, and that is fine. The buildings are
			historically designated. There's an
19	non-conforming, it can remain as such.	19	appropriate process of review that can take
20 21	MS. SPAIN: Okay. That's my view.	20	those issues and incorporate them into the
22	MR. WITHERS: So it stays with its	21	larger Site Plan, which is something that will
	historical designation when it's switched back		come separately, I believe, at some point, and
23 24	to Commercial?	23	it will be reviewed by the Historic Board.
25	MS. SPAIN: Yes.	24 25	MR. TORRE: You want to keep them to be
25	MR. TORRE: How do you feel with the	25	residential buildings?
	Page 87		Page 88
1	MS. SPAIN: I want to make sure that that's	1	religious institution. That's the only reason
2	a possibility, that because it's an apartment	2	we're here, to go back to Commercial. At one
3	building now, and even though they're returning	3	point in time, it was Commercial?
4	it to the original, it's always been an	4	MR. TRIAS: Yes.
5	apartment building there.	5	MR. BEHAR: It got changed to Religious?
6	MR. TORRE: When you mix the Residential	6	MS. SPAIN: Yes, because the church went in
7	with the Commercial, in terms of FAR and things	7	there.
8	like that, what happens?	8	MR. BEHAR: Okay. Now there's no longer a
9	MS. SPAIN: That's handled by Zoning.	9	church?
10	MR. TORRE: That's not	10	MS. SPAIN: No longer a church.
11	MS. SPAIN: Why you're here today, I	11	MR. BEHAR: So if they want to use the
12	believe, this Board is not about the new	12	front half of that site, they can use it as a
i		1	
13	development, it's only about the change in	13	Commercial building?
13 14	development, it's only about the change in Zoning, because it's no longer a church.	13 14	Commercial building? MR. TRIAS: And in terms of a building
	-		-
14	Zoning, because it's no longer a church.	14	MR. TRIAS: And in terms of a building
14 15	Zoning, because it's no longer a church. There's no longer a religious institution	14 15	MR. TRIAS: And in terms of a building typology, it was a grocery store. That got
14 15 16	Zoning, because it's no longer a church. There's no longer a religious institution there, so Staff is asking that it be returned	14 15 16	MR. TRIAS: And in terms of a building typology, it was a grocery store. That got changed into a church and then it became a
14 15 16 17	Zoning, because it's no longer a church. There's no longer a religious institution there, so Staff is asking that it be returned back to what it was before.	14 15 16 17	MR. TRIAS: And in terms of a building typology, it was a grocery store. That got changed into a church and then it became a building type of a church. So it remains the
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	Page 89		Page 90
1	with your presentation?	1	So, you know, as long as the buildings are
2	MR. TRIAS: Yes, sir. I apologize.	2	renovated and not changed and we have that
3	MR. COLLER: I just want to double-check	3	aspect
4	that he has been sworn in.	4	CHAIRMAN AIZENSTAT: You realize that by
5	MR. PRIME: Yes, I have.	5	changing the designation, the front building is
6	MR. COLLER: Okay. Perfect.	6	not historically designated, so they can
7	MR. PRIME: Carl Leon Prime, 209 Florida	7	MS. SPAIN: There are two wood frame
8	Avenue. I grew up in the neighborhood and I	8	structures on the building (sic). The front
9	still reside there.	9	one was altered to be a church, but that one is
10	Our concern is that the historic buildings	10	historically designated also.
11	be retained, because it's an integral part of	11	MR. BEHAR: The one in the back is also
12	the historic designation, and that any future	12	MS. SPAIN: They're both historically
13	use our concern is that changing the Zoning	13	designated.
14	back will lead to further development that will	14	MR. BEHAR: So they cannot be knocked down.
15	erode the neighborhood.	15	MS. SPAIN: They cannot be knocked down.
16	If it can be done without changing the	16	They're legally non-conforming. The use was
17	Zoning, that would be fine, but if that's what	17	non-conforming.
18	is necessary, but we must preserve the historic	18	CHAIRMAN AIZENSTAT: So why are we just
19	aspects, and that's the main thing. The wood	19	out of curiosity, why are we doing this?
20	frame two-story apartment building, that's a	20	MS. SPAIN: Well, we're doing this because
21	place that I know quite well, and the building	21	the only thing that can go in there now with
22	in the front, you know, has historical	22	the present Zoning is another church.
23	significance to everyone, because that's where	23	MR. BEHAR: This case, they want to
24	we used to go to pick up our snacks in the	24	retrofit the front building and if they do
25	evening.	25	something else, it would have to go to a
	Page 91		Page 92
1	Page 91 Commercial designation?	1	Page 92 MR. MURAI: 5 has the two historically
1 2	Commercial designation? MS. SPAIN: That's correct.	1 2	MR. MURAI: 5 has the two historically designated structures and 4 and 6 are now
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	Page 93		Page 94
1	corporation that owns it. He's owned it for a	1	THE SECRETARY: Robert Behar?
2	while.	2	MR. BEHAR: Yes.
3	MR. WITHERS: So the church was leasing the	3	THE SECRETARY: Rene Murai?
4	space?	4	MR. MURAI: Yes.
5	MS. SPAIN: It's a little complicated.	5	THE SECRETARY: Venny Torre?
6	MR. WITHERS: Never mind. Don't worry	6	MR. TORRE: Yes.
7	about it.	7	THE SECRETARY: Eibi Aizenstat?
8	CHAIRMAN AIZENSTAT: We have a motion. We	8	CHAIRMAN AIZENSTAT: Yes.
9	have a second. Any other discussion?	9	And on the second item, is there a motion
10	MS. ANDERSON: No.	10	on that?
11	CHAIRMAN AIZENSTAT: No? Call the roll,	11	MR. BEHAR: I'll make the motion.
12	please.	12	MR. MURAI: Second.
13	THE SECRETARY: Sorry, but we need two	13	CHAIRMAN AIZENSTAT: We have a motion and a
14	separate motions.	14	second. Any discussion?
15	MR. COLLER: The first one will be on Item	15	MS. ANDERSON: No.
16	E-2, that's on the Comprehensive Plan.	16	CHAIRMAN AIZENSTAT: Having heard none,
17	CHAIRMAN AIZENSTAT: On the Comp Plan; is	17	call the roll, please.
18	that correct, Robert?	18	THE SECRETARY: Rhonda Anderson?
19	MR. BEHAR: Yes.	19	MS. ANDERSON: Yes.
20	CHAIRMAN AIZENSTAT: Okay. Call the roll	20	THE SECRETARY: Robert Behar?
21	please.	21	MR. BEHAR: Yes.
22	THE SECRETARY: Chip Withers?	22	THE SECRETARY: Rene Murai?
23	MR. WITHERS: Yes.	23	MR. MURAI: Yes.
24	THE SECRETARY: Rhonda Anderson?	24	THE SECRETARY: Venny Torre?
25	MS. ANDERSON: Yes.	25	MR. TORRE: Yes.
	Page 95		Page 96
1	THE SECRETARY: Chip Withers?	1	break it, it's not a deferral. It goes to the
2	MR. WITHERS: Yes.	2	Board (sic). At one time it used to be a
3	THE SECRETARY: Eibi Aizenstat?	3	deferral to the next meeting.
4	CHAIRMAN AIZENSTAT: Yes.	4	CHAIRMAN AIZENSTAT: But what if the motion
5	MR. COLLER: So before everyone adjourns, I	5	itself is not a motion to approve or not
6	want to correct something on a call I made	6	approve, what if the motion is for a deferral
7	earlier. I've had an opportunity to review it.	7	to a time certain? If there's a tie, it's
8	Fortunately, it didn't make a change in the	8	automatic that you can't defer it?
9	ultimate decision.	9	MR. COLLER: Well, then I think the way you
10	There was a change in the Ordinance that	10	have to read it, it goes to the Commission,
11	when there's a three-three tie, the item goes	11	which would be an unfortunate result, and in
12	to the Commission without a recommendation.	12	this case, as it turns out, you all worked it
13	It's not a deferral.	13	out, which is the whole point of the
14		14	MR. MURAI: If all respects, if a motion
	What was strange about this motion, it		
15	wasn't a motion on the merits. It was a motion	15	for deferral fails, then you have to have a
16	wasn't a motion on the merits. It was a motion on a deferral. It is correct, and I actually	15 16	for deferral fails, then you have to have a motion, yes or no, on the merit.
16 17	wasn't a motion on the merits. It was a motion on a deferral. It is correct, and I actually amended this Code, that when we have a tie	15 16 17	for deferral fails, then you have to have a motion, yes or no, on the merit. MR. COLLER: Well, it may be of value to
16 17 18	wasn't a motion on the merits. It was a motion on a deferral. It is correct, and I actually amended this Code, that when we have a tie vote, that we give the Board an opportunity to	15 16 17 18	for deferral fails, then you have to have a motion, yes or no, on the merit. MR. COLLER: Well, it may be of value to clarify that. I'm going to discuss that with
16 17 18 19	wasn't a motion on the merits. It was a motion on a deferral. It is correct, and I actually amended this Code, that when we have a tie vote, that we give the Board an opportunity to work out the tie vote, which in this case is	15 16 17 18 19	for deferral fails, then you have to have a motion, yes or no, on the merit. MR. COLLER: Well, it may be of value to clarify that. I'm going to discuss that with the City Attorney, that where the motion in
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