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CITY OF CORAL GABLES
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT
CORAL GABLES CITY HALL
405 BILTMORE WAY, COMMISSION CHAMBERS
CORAL GABLES, FLORIDA
WEDNESDAY, APRIL 9, 2008, 6:05 P.M.

Board Members Present:

Tom Korge, Chairman
Eibi Aizenstat, Vice-Chairman
Jack Coe
Pat Keon
Javier Salman

City Staff:

Eric Riel, Jr., Planning Director
Walter Carlson, Assistant Planning Director
Lourdes Alfonsin Ruiz, Assistant City Attorney
Scot Bolyard, Planner
Jill Menendez, Administrative Assistant

Also Participating:

F.W. Zeke Guilford, Esq.,
Guilford & Associates

- - -

1 THEREUPON:

2 The following proceedings were had:

3 MR. AIZENSTAT: Okay, since we do
4 have four people here, let's get
5 started. Would you call the roll,
6 please.

7 MS. MENENDEZ: Eibi Aizenstat?

8 MR. AIZENSTAT: Here.

9 MS. MENENDEZ: Robert Behar?

10 Jack Coe?

11 MR. COE: Here.

12 MS. MENENDEZ: Pat Keon?

13 MS. KEON: Here.

14 MS. MENENDEZ: Cristina Moreno?

15 Javier Salman?

16 MR. SALMAN: Here.

17 MS. MENENDEZ: Tom Korge?

18 MR. AIZENSTAT: What we'll do is --

19 We're expecting, actually, more people
20 to come.

21 MR. COE: Mr. Chairman, I recommend
22 that we withhold voting on the minutes
23 and call the first item, the 056-P case.

24 MR. AIZENSTAT: Okay. Is that okay
25 with everybody?

1 MR. SALMAN: I agree.

2 MR. AIZENSTAT: Let's wait till
3 they come? Okay, sounds good.

4 Okay, the first item that we have
5 on the agenda -- Eric, do you want --

6 MR. COE: This is Application
7 04-08-056-P, correct?

8 MR. CARLSON: That's correct.

9 MR. AIZENSTAT: That's right. Do
10 you want to read it into the record?

11 MR. CARLSON: Good evening. The
12 first item before you this evening comes
13 to you from the City Commission. The
14 Commission is asking for the Board's
15 recommendation on this item.

16 The applicant is requesting to
17 amend one of the conditions for the
18 previously approved building site
19 separation located at 5705 Riviera
20 Drive. The condition proposed to be
21 amended is the requirement that all four
22 of the abutting property owners join in
23 the restrictive covenant which is
24 required to be submitted by the
25 applicant.

1 All of the required conditions are
2 presented in the adopting ordinance
3 which is Ordinance Number 2007-16, which
4 has been included in your package.

5 The only -- the only -- again,
6 they're all in there, and all of those
7 would remain in effect. All of those
8 would remain in effect other than the
9 one that is proposed to be amended.

10 The abutting property owners were
11 notified of this proposal by a certified
12 letter, and all properties within a
13 thousand feet were mailed a public
14 notification of this item. The City
15 Attorney's Office has been working with
16 the applicant on the proposed amendment
17 which is before you here this evening.

18 The applicant is here to provide
19 further explanation on this proposed
20 amendment, but before I turn the floor
21 over to Zeke, I have one thing I would
22 like to point out, that there have been
23 a number of comments which were
24 submitted to -- with regard to this
25 application, and they are provided to

1 you on the green application -- on the
2 green paper which is before you. I
3 would just like to point out that a
4 number of these are in reference to the
5 actual building site separation
6 application itself, and I'd like just to
7 point out --

8 (Thereupon, Chairman Tom Korge
9 arrived.)

10 MR. CARLSON: -- that the public
11 hearing courtesy notification that went
12 out clearly noted that it wasn't with
13 regards to the separation application,
14 but it was for the amendment of one of
15 the conditions from the adopting
16 resolution, and if I could, for the
17 record, I'd like to read in what was --
18 what was sent out, for the public
19 hearing notification.

20 It reads: Consideration of a
21 resolution amending previously approved
22 Resolution Number 2007-16 of the City
23 Commission of Coral Gables which granted
24 approval of a separation of a building
25 site pursuant to Zoning Code Section

1 12-5, for Lots 17 through 19 and Lots 40
2 through 42, Block 127, Riviera Section
3 Part 10, 5705 Riviera Drive, Coral
4 Gables, Florida. The applicant desires
5 to amend the condition requiring a
6 restrictive covenant from the four
7 adjoining property owners. The approval
8 and all other conditions of approval
9 contained in Resolution 2007-16 shall
10 remain in effect.

11 And I hope that would answer any
12 questions for any of the public who are
13 watching this broadcast this evening.

14 MR. COE: Let the record reflect
15 that our chairman is now present.

16 CHAIRMAN KORGE: Thank you.

17 MR. CARLSON: And that concludes
18 Staff's presentation. The applicant is
19 here to speak to the actual proposed
20 amendment itself.

21 CHAIRMAN KORGE: Mr. Guilford?

22 MR. GUILFORD: Mr. Chairman,
23 Members of the Board, for the record, my
24 name is Zeke Guilford, with offices at
25 2222 Ponce de Leon Boulevard.

1 I'm here today representing Connie
2 and Guillermo Huergo, the owners of
3 property at 5705 Riviera Drive. This
4 has been kind of a long journey for all
5 of us, but to kind of give you some
6 background, in July of 2006, we came
7 before you for a building site
8 separation. At that time, we had stated
9 that we would give, actually, two
10 covenants.

11 Actually, on Page 92 of the
12 transcript basically repeating myself,
13 it states, "Obviously, there's going to
14 be a restrictive covenant with the City
15 and then one with the four neighbors."

16 Also, at that time, I had prepared
17 and in your package was a draft
18 restrictive covenant, and that covenant
19 basically listed the four property
20 owners, and in the back, it was only to
21 be signed by my client, and that was
22 part of your package, back a couple
23 years ago.

24 Unfortunately, what actually got
25 written into the resolution was that --

1 actually, I'll read the actual language.
2 It was that the restrictive covenant
3 would be proffered by the applicant,
4 which is true, to all adjoining property
5 owners to join and become a party to the
6 agreement.

7 Well, in my mind, basically, and in
8 light of the covenant that was already
9 proffered to the Board, to me that meant
10 that basically their properties in
11 there, they become -- they have joined
12 into the restrictive covenant, and
13 basically, I cannot do anything without
14 those four neighbors signing off on
15 anything, any changes we do.

16 However, at that time, Staff had
17 basically felt that we needed all four
18 neighbors to sign off on the covenant.
19 We went, we tried to get the neighbors
20 to sign off, the one that really
21 wouldn't sign off to begin with,
22 couldn't get it. We basically came
23 back, started working with the Assistant
24 City Attorney. We one time came to your
25 Board. It was deferred. We worked a

1 little bit more on this covenant,
2 tightened it up a little bit, and we
3 went to the Commission last month. The
4 Commission, basically, just made a
5 policy decision now on the item before
6 you today, and the next one, that if it
7 went to the Planning Board, any item is
8 going to come back before you for any
9 changes.

10 So, Mr. Chairman, Members of the
11 Board, this does not change any of the
12 conditions, any of the restrictions. As
13 a matter of fact, my client has already
14 gone, removed all the encroachments and
15 everything she was supposed to do. So
16 all those restrictions have already been
17 complied with. The only thing we're
18 really talking about at this point is
19 the language for the restrictive
20 covenant, and I just want this Board to
21 fully understand that anything we do
22 will need the approval of the four
23 neighbors. So, by us saying that only
24 my clients are going to sign, changes
25 nothing. Legally, it is binding on my

1 client. Technically, the only person
2 who needs to sign a restrictive covenant
3 is the person whose property is being
4 bound.

5 Staff has recommended approval of
6 this, when it went -- when it was
7 supposed to go to the Commission last
8 month, the City Manager's Office has
9 recommended approval of this, and I've
10 worked very diligently with Ms. Alfonsin
11 Ruiz to work this covenant so that it's
12 agreeable to everybody.

13 If you have any questions, we'll be
14 more than happy to answer them at this
15 time.

16 CHAIRMAN KORGE: Anybody have any
17 questions for the applicant?

18 MR. AIZENSTAT: If I may, just a
19 couple. You're going under the new
20 Zoning Code, or are you under the old
21 Zoning Code?

22 MR. GUILFORD: Under the new Zoning
23 Code for the house that is to be built,
24 and that's what the site plan showed.
25 It showed, actually, those setbacks, et

1 cetera, so it was tied to the site plan,
2 which was under those codes, so that we
3 comply with the new regulations.

4 CHAIRMAN KORGE: Any other
5 questions? Is there anybody from the
6 public who wishes to speak on this
7 application?

8 MR. COE: Call the question,
9 Mr. Chairman.

10 CHAIRMAN KORGE: No further
11 discussion?

12 Let's call the roll, please.

13 MR. RIEL: You need a motion.

14 MR. COE: Well, I guess I've got to
15 make a motion first.

16 MR. RIEL: You need a motion.

17 MR. SALMAN: A motion to approve.

18 CHAIRMAN KORGE: Oh, sorry.

19 MR. COE: I move Staff's
20 recommendation, Mr. Chairman.

21 MR. AIZENSTAT: I'll second. Staff
22 does recommend approval?

23 MR. COE: Yes.

24 CHAIRMAN KORGE: Moved and
25 seconded. Sorry about that.

1 MR. COE: Now I call the question,
2 Mr. Chairman.

3 CHAIRMAN KORGE: Now he calls the
4 question. Now we call the roll. Thank
5 you.

6 MS. MENENDEZ: Jack Coe?

7 MR. COE: Yes.

8 MS. MENENDEZ: Pat Keon?

9 MS. KEON: Yes.

10 MS. MENENDEZ: Javier Salman?

11 MR. SALMAN: Yes.

12 MS. MENENDEZ: Eibi Aizenstat?

13 MR. AIZENSTAT: Yes.

14 MS. MENENDEZ: Tom Korge?

15 CHAIRMAN KORGE: Yes.

16 MR. GUILFORD: Thank you very much.

17 CHAIRMAN KORGE: Before we take the
18 next application, I believe we need --

19 MR. COE: The minutes.

20 CHAIRMAN KORGE: -- to approve the
21 minutes from the last meeting of -- the
22 meeting of -- What's the date of the
23 meeting?

24 MR. COE: So moved, Mr. Chairman.

25 CHAIRMAN KORGE: The meeting of

1 March 12th, 2008. There's a motion to
2 approve the minutes. Is there a second?

3 MR. SALMAN: (Indicates).

4 CHAIRMAN KORGE: There's a second.

5 Any discussion? No discussion?

6 Let's call the roll on the minutes,
7 please.

8 MS. MENENDEZ: Pat Keon?

9 MS. KEON: I wasn't here.

10 MS. MENENDEZ: Javier Salman?

11 MR. SALMAN: Yes.

12 MS. MENENDEZ: Eibi Aizenstat?

13 MR. AIZENSTAT: Yes.

14 MS. MENENDEZ: Jack Coe?

15 MR. COE: Yes.

16 MS. MENENDEZ: Tom Korge?

17 CHAIRMAN KORGE: Yes.

18 The last application for today is
19 Application Number 03-08-058-P,
20 Amendments to Conditions of Approval
21 regarding the Gables Rental Apartment
22 Hotel, St. George?

23 MR. BOLYARD: Yes. It changed
24 names.

25 Good evening, Mr. Chairman, Members

1 of the Board. You have before you a
2 mixed-use project which is now known as
3 St. George. It was formerly known as
4 the Gables Rental Apartment Hotel.

5 This project consists of 10
6 stories. It's 97 feet in height, has 99
7 rental residential units, 123 unit
8 extended stay hotel, and a restaurant on
9 the ground floor, which right now --
10 right now it's a restaurant, at 3,481
11 square feet.

12 This received approval for changes
13 in land use and zoning and a mixed-use
14 site plan review by Planning and Zoning
15 Board and City Commission back in 2002.

16 The size and the massing of this
17 building and the total number in mixed
18 units are remaining the same as what was
19 previously approved, and all the
20 previously required conditions of
21 approval with the exception of following
22 requests and modifications are going to
23 remain in effect. They're requesting to
24 remove provisions restricting the
25 maximum length of the stay for the

1 hotel. This was a self-imposed
2 restriction from the previous owner, and
3 they are modifying the site plan to
4 provide for commercial use in the place
5 of the restaurant on the ground floor.
6 Restaurants require more parking than
7 commercial use. Therefore, this
8 won't -- therefore, this will reduce the
9 amount of required parking.

10 The applicable notification, we
11 mailed courtesy notices to all property
12 owners within a thousand feet, posted
13 the property and published the ad, and
14 posted the Staff Report on line, and we
15 only received two comments. Both were
16 for no objections, with no comment.

17 And I turn it over to the
18 applicant.

19 MR. COE: Mr. Chairman -- Are you
20 finished? I'm sorry.

21 MR. BOLYARD: Yes.

22 CHAIRMAN KORGE: Staff recommends
23 approval?

24 MR. BOLYARD: Yes, Staff recommends
25 approval.

1 CHAIRMAN KORGE: Thank you.

2 MR. COE: I just have a couple of
3 questions. How many parking spaces are
4 you recommending that this plan be
5 reduced by?

6 Oh, you're involved in this, too,
7 Zeke?

8 MR. GUILFORD: I'm sorry.

9 CHAIRMAN KORGE: Why don't we let
10 the applicant make his presentation
11 first?

12 MR. GUILFORD: Mr. Chairman,
13 Members of the Board, again, Zeke
14 Guilford, with offices at 2222 Ponce de
15 Ponce Boulevard.

16 To answer Judge Coe's question, we
17 are not reducing the parking. Actually,
18 what this is, is a flexibility issue.
19 For whatever reason, when they actually
20 described the property, not even in a
21 condition, it's actually in the whereas
22 clause, it talks about what the -- that
23 it's going to be X number of apartments,
24 X number of extended stay, and X square
25 feet of restaurant. What we wanted was

1 just the flexibility, if we don't have a
2 restaurant, to put commercial in, but
3 we're not changing the parking
4 requirements, so in fact a restaurant
5 can still go in there. The only thing
6 we're looking for is that flexibility,
7 because we need that flexibility for a
8 mixed use of -- at the time, 25/75.

9 So this basically would still
10 comply with the mixed use. So the only
11 thing we're saying is, you know, if we
12 can't get a restaurant, it's going to be
13 a commercial use, a retail use.

14 CHAIRMAN KORGE: But you're going
15 to build the same number of parking
16 spaces for the building?

17 MR. GUILFORD: The same number of
18 parking spaces, exactly.

19 MR. COE: I'm just looking at the
20 Staff's report. This change has no
21 effect on the project other than
22 reducing the required number of parking.

23 MR. GUILFORD: No, basically, what
24 we have --

25 MR. COE: That's not accurate?

1 MR. GUILFORD: That's not accurate.

2 MR. COE: Okay.

3 MR. GUILFORD: Basically, what
4 would happen is, is that potentially, by
5 going from restaurant to retail, it
6 reduces the parking.

7 MR. COE: Of course.

8 MR. GUILFORD: But we are not
9 reducing the parking.

10 MR. COE: Okay, that's all I wanted
11 to know. Other than that, you know, I
12 have no objection to it.

13 MR. SALMAN: It reduces the
14 required parking, so they'll have a
15 greater excess of parking.

16 MR. GUILFORD: Exactly.

17 The other change, basically, that
18 we're requesting is the removal of the
19 time period for the extended stay. It's
20 been removed in the new Code. In fact,
21 what we looked at is a report called the
22 2007 Corporate Housing Industry, and
23 what it says is that people stay more
24 than 60 days. So, based upon that, as
25 well as the removal from the new Zoning

1 Code, we're asking for removal of that
2 condition, as well.

3 CHAIRMAN KORGE: So, as amended,
4 the extended stay would be the same as
5 under the current Code?

6 MR. GUILFORD: Correct.

7 MR. AIZENSTAT: Now, let me ask you
8 a question, though. You're asking --
9 The new Zoning Code provides for that,
10 but are you -- your application is under
11 the old Zoning Code?

12 MR. GUILFORD: Correct.

13 MR. AIZENSTAT: Are you bringing
14 everything up to date to the new Zoning
15 Code, also?

16 MR. GUILFORD: No, actually, we
17 have already started construction under
18 the old Zoning Code, out there on the
19 site. So we're just asking this one
20 provision. When we actually looked at
21 it, and when Staff actually reviewed it
22 under the new Code, we actually couldn't
23 understand why that restriction was even
24 in there in the first place.

25 So, basically, what it says is that

1 we would comply with 3-6 of the Code.

2 Well, that section is now gone.

3 MR. COE: Right.

4 MR. GUILFORD: So, anyway, that's
5 kind of where we are.

6 MR. AIZENSTAT: And so that also
7 means that now you can put a thousand
8 square foot restaurant, and the rest
9 commercial.

10 MR. GUILFORD: And the rest
11 commercial.

12 MR. AIZENSTAT: You're just giving
13 yourself the flexibility --

14 MR. GUILFORD: Yes, absolutely.

15 MR. AIZENSTAT: -- to do what you'd
16 like to do.

17 MR. GUILFORD: Absolutely.

18 MR. SALMAN: Question.

19 MR. GUILFORD: Yes, sir.

20 MR. SALMAN: The length of stay
21 that you want relief from --

22 MR. GUILFORD: Yes.

23 MR. SALMAN: What was the length of
24 stay that you wanted the relief from?

25 MR. GUILFORD: It's actually -- in

1 the restrictive covenant, it is actually
2 60 days.

3 MR. SALMAN: 60 days?

4 MR. GUILFORD: We really -- to be
5 honest with you, we can't -- we don't
6 know where that came from, because
7 actually, under the planning review, it
8 actually said pursuant to, I think, 3G
9 of the Zoning Code, or whatever the
10 actual provision was. So we don't know
11 if it was the owner. I don't recall if
12 the owner said, "I want to put that on
13 myself, so I don't -- you know, know
14 when it's coming around," or what the
15 issue is, but it was something that was
16 not a requirement under the Planning
17 Board Staff recommendation.

18 MR. SALMAN: Could it have --

19 MR. COE: It's a self-imposed --

20 MR. GUILFORD: It was a
21 self-imposed --

22 MR. COE: -- restriction.

23 MR. SALMAN: Self --

24 MR. GUILFORD: Exactly.

25 MR. COE: Yeah.

1 MR. SALMAN: Do you anticipate
2 having hotel visitors for more than 60
3 days?

4 MR. GUILFORD: Potentially,
5 according to the corporate report, they
6 do stay more than 60 days. So a
7 corporate could potentially rent it
8 for -- I'm going to just -- six months,
9 and just come and go and use it versus
10 a -- a place to stay versus a hotel.

11 MR. SALMAN: But it will be full
12 hotel function?

13 MR. GUILFORD: It will be full
14 hotel function.

15 MR. SALMAN: Okay. But my point is
16 the following. Hotel rooms tend not to
17 be living units, they're hotel units.

18 MR. GUILFORD: Correct.

19 MR. SALMAN: The size requirements
20 are totally different.

21 MR. GUILFORD: Right.

22 MR. SALMAN: The self-imposition
23 may have come as a result of limiting
24 the use to hotel use, as opposed to
25 being apartments, because that was --

1 MR. GUILFORD: No, actually --

2 MR. SALMAN: That was a way that
3 people got through that, before --

4 MR. GUILFORD: Okay, what happened
5 is, here, actually, when we actually
6 went forward in the original
7 application, half of this property was
8 commercial and half of it was
9 residential. In order to make it a
10 mixed use, we actually changed the
11 residential portion to commercial, and
12 that's the reason, if you look at the
13 site plan, you have the actual
14 condominiums on the residential side and
15 the hotel on the commercial side, and
16 then you actually have the provisions
17 which are specifically for extended
18 stay. So we comply with the specific
19 provisions for the extended stay.

20 MR. SALMAN: Okay.

21 MR. GUILFORD: -- size-wise,
22 kitchenettes -- you know, I think
23 there's no hoods and different types of
24 restrictions on that.

25 MR. RIEL: And just for the record,

1 we actually -- we had extended stay
2 provisions in the old Zoning Code. They
3 were removed as a part of the rewrite.
4 I don't know if you recall that
5 discussion. So there are no provisions.
6 That's why Staff didn't have a problem
7 with the removal of this.

8 MR. SALMAN: Okay.

9 CHAIRMAN KORGE: Any more questions
10 for the applicant?

11 Is there anybody from the public
12 who wishes to speak at this time?
13 Nobody?

14 MR. COE: Move Staff's
15 recommendation, Mr. Chairman.

16 CHAIRMAN KORGE: Motion for
17 approval.

18 MR. SALMAN: Second.

19 MS. KEON: Second.

20 CHAIRMAN KORGE: Second, two
21 seconds, Pat and Javier. Any
22 discussion?

23 MR. COE: Call the question.

24 CHAIRMAN KORGE: No discussion.

25 Let's call the vote, please.

1 MS. MENENDEZ: Javier Salman?
2 MR. SALMAN: Yes.
3 MS. MENENDEZ: Eibi Aizenstat?
4 MR. AIZENSTAT: Yes.
5 MS. MENENDEZ: Jack Coe?
6 MR. COE: Yes.
7 MS. MENENDEZ: Pat Keon?
8 MS. KEON: Yes.
9 MS. MENENDEZ: Tom Korge?
10 CHAIRMAN KORGE: Yes.
11 MR. GUILFORD: Thank you very much.
12 MR. COE: Do we have the Planning
13 Director --
14 CHAIRMAN KORGE: That was quick.
15 MR. COE: Anything from the
16 Planning Director?
17 CHAIRMAN KORGE: Anything else?
18 MR. AIZENSTAT: Any comments?
19 MR. RIEL: May 14th.
20 CHAIRMAN KORGE: May 14th is the
21 next meeting.
22 MR. COE: May 14th. That's the
23 Planning Director's comments?
24 CHAIRMAN KORGE: The meeting is
25 adjourned.

1 MR. AIZENSTAT: No comments,
2 nothing?

3 MR. COE: It says Items From the --
4 You have no items today? It says Number
5 7, items from you. You have no items?

6 MR. RIEL: We have no items today.

7 MR. COE: Okay. 23 minutes.

8 (Thereupon, the meeting was
9 adjourned at 6:23 p.m.)

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C E R T I F I C A T E

STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomat
Reporter, Florida Professional Reporter, and a
Notary Public for the State of Florida at Large,
do hereby certify that I was authorized to and
did stenographically report the foregoing
proceedings and that the transcript is a true and
complete record of my stenographic notes.

DATED this 14th day of April, 2008.

JOAN L. BAILEY, RDR, FPR