

**City of Coral Gables  
 Planning and Zoning Board Meeting Minutes  
 December 3, 2003  
 Coral Gables City Commission Chambers  
 405 Biltmore Way, Coral Gables**

<b>Members:</b>	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>	<b>J</b>	<b>A<sub>25</sub></b>	<b>A<sub>27</sub></b>	<b>O</b>	<b>N<sub>12</sub></b>	<b>N<sub>19</sub></b>	<b>D</b>	<b>Appointed by:</b>
Tony Gonzalez	*	*	*	*	*	*	*	*	*	P	P	P	P	Planning & Zoning Board Members
Manny Kadre	E	P	P	E	P	X	P	P	P	E	P	P	P	City Manager
Tom Korge	*	*	*	P	P	X	P	P	P	P	P	P	P	Vice Mayor Wayne "Chip" Withers
Bill Mayville	*	*	*	*	*	X	P	P	P	P	P	P	E	Commissioner William H. Kerdyk Jr.
Cristina Moreno	P	P	P	P	P	X	P	P	P	P	P	P	P	Commissioner Maria Anderson
Felix Pardo	P	P	P	P	P	X	P	P	P	P	P	P	P	Mayor Donald D. Slesnick, II
F. Michael Steffens	P	P	P	P	P	X	P	E	P	P	P	E	P	Commissioner Rafael "Ralph" Cabrera, Jr.

**A = Absent**  
**P = Present**  
**E = Excused**  
**\* = Not Appointed**

**City Staff:**  
 Eric Riel, Jr., Planning Director  
 Walter Carlson, Assistant Planning Director  
 Scot Bolyard, Planner  
 Dennis Smith, Asst. Building & Zoning Director  
 Tom Springer, Public Works Engineering Supervisor  
 Elizabeth Hernandez, City Attorney

**Transcriber:**  
 Carol Marcus

Acting Chairperson Michael Steffens called the meeting to order at 6:00 p.m. Roll was called and it was concluded that a quorum was present.

**I. APPROVAL OF OCTOBER 29, 2003 TRI-BOARD MEETING MINUTES**

Acting Chairperson Steffens indicated that the first issue before the Board was the approval of the October 29, 2003 Tri-Board Meeting Minutes. Tony Gonzalez made a motion to approve the Minutes, which motion was seconded by Felix Pardo, and approved as follows:

Roll Call: Tony Gonzalez, Tom Korge, Felix Pardo, Michael Steffens (*all yeas*)

**II. APPROVAL OF THE NOVEMBER 12, 2003 PLANNING AND ZONING BOARD MEETING MINUTES**

Acting Chairperson Steffens indicated that the next issue before the Board was the approval of the November 12, 2003 Planning and Zoning Board Meeting Minutes. Tom Korge indicated that on Page 9, in the paragraph beginning "Addressing the City Attorney, Tom Korge . . .", the words 'Tom Korge' should be replaced with 'Michael Steffens' in both places in the paragraph. Felix Pardo made a motion to approve the Minutes, which motion was seconded by Tony Gonzalez, and approved as follows:

Roll Call: Tony Gonzalez, Tom Korge, Felix Pardo, Michael Steffens, Cristina Moreno (*all yeas*)

**III. CHANGES TO THE AGENDA**

Chairperson Cristina Moreno asked whether there were any changes to the Agenda. Mr. Riel indicated that Planning Staff wished to defer Item #10 regarding the Zoning Code Text Amendments related to the Mediterranean Architectural Regulations, because the Mediterranean Ordinance Review Committee convened a meeting on Monday but could not secure a quorum. Mr. Riel stated that he believed that if a quorum were present, their recommendations would proceed forward. Planning Staff intends to schedule this item for the January 13<sup>th</sup> meeting.

**SWEARING IN OF INTERESTED PARTIES**

Chairperson Cristina Moreno then directed that all interested parties who wished to address the Board be sworn in. Whereupon, the Scot Bolyard, Acting Recording Secretary attended to swearing in all such interested parties.

**IV. THE PLAZA AT CORAL GABLES: APPROVAL OF APPLICATION NO. 02-03-095-P-CHANGE OF LAND USE**

Whereupon, Chairperson Cristina Moreno invited Walter Carlson to address the Board. Mr. Carlson explained certain corrections in the Board's materials and referred the Board to a letter dated December 3, 2003, from Vincent E. Damian that was received via fax and other written comments that were submitted.

Mr. Carlson began his PowerPoint presentation, a copy of which is attached hereto as Attachment A. He stated that the applicant is making the following three requests:

- (1) Change of land use from "Residential Use (Multi-Family) Medium Density" to "Commercial Use, Mid-Rise Intensity";
- (2) Re-zone of the property from "XCB", Commercial and "XA-13", Apartment to "CB", Commercial; and
- (3) Site plan review of proposed mixed-use project consisting of a 13 and 8-story building containing ground floor retail, 166 residential units and a 317-space parking garage.

He explained that the first request is addressed to the Board in its capacity as the Local Planning Agency, and the other 2 requests are addressed to the Board in its capacity as the Planning & Zoning Board.

He explained that the property is located on the east site of Ponce de Leon Boulevard, four blocks north of Coral Gables Elementary School. The property's four platted lots facing Ponce De Leon Boulevard have the appropriate "Commercial High-Rise" land use designation; and the 7 platted lots facing Mendoza and Menores Avenues require a change of land use to "Commercial, Mid-Rise" and a re-zoning to "CB", Commercial. He stated that the existing "X" designation allows for off-street parking for the property's former car dealership. Chairperson Moreno asked about the height requirement on "XA". Mr. Carlson responded that the height requirement on the front of the property facing Ponce is 13 stories without Mediterranean bonuses, 16 stories with Mediterranean bonuses; on the rear, the height is 6 stories without Mediterranean bonuses, 8 stories with Mediterranean bonuses. He stated that the applicant is requesting Mediterranean bonuses, and the project requires variances for building setbacks and the residential/commercial mixed-use ratio.

Chairperson Cristina Moreno asked whether the applicant was requesting reduced parking. Mr. Carlson responded that they were not.

Mr. Carlson indicated that the Preliminary Review Committee reviewed the project on April 11, 2003. The Board of Architects preliminarily approved the project for Mediterranean bonuses on November 6, 2003. The Board of Adjustment granted variances for building setbacks and residential/commercial mixed-use ratio on October 8, 2003. Chairperson Cristina Moreno asked what the variance was for residential/commercial mixed-use ratio. Mr. Carlson responded that the Code requires a minimum of 25% for the commercial component on a mixed-use project and a maximum 75% for the residential. He stated that it has been determined that the project meets that requirement because they have been awarded credit for some of the commercial parking towards the 25% minimum requirement. Chairperson Moreno asked whether the variance granted was consistent with Planning Staff's future objectives. Mr. Riel responded that the Planning Staff's future objectives include reducing the amount of the percentage to 8% - 9% for commercial mixed-use projects.

Mr. Carlson stated that Planning Staff determined that the project is consistent with the goals, objectives and policies of the City's Comprehensive Plan and that it fulfills the recommendations of the Charrette Report. Additionally, he indicated that the project is providing all required on-site parking and is not requesting a parking reduction bonus. The applicant is requesting less numbers of floors than allowed for a Mediterranean-designed high-rise building: they are asking for 13 floors, and the Code allows 16 floors. Two-story residential town homes will face Mendoza and Menores Avenues, and the rear of the building will be scaled down from 8 stories to 4 stories. Furthermore, Mr. Carlson stated that the applicant has

agreed to provide additional off-site landscaping for the improvement of Ponce De Leon Boulevard to offset the impact of the project.

Mr. Carlson indicated that the Planning Department recommends approval of the applicant's requests with the following conditions:

1. Conformance with the site plan, landscaping plan and all representations submitted by the applicant;
2. All conditions of approval shall be included within a restrictive covenant that shall be approved by the City Attorney;
3. Approval of a construction parking and traffic management plan;
4. \$75,000 contributed towards the beautification of Ponce De Leon Boulevard;
5. Provide landscaping improvements on the east and west sides of Ponce De Leon Boulevard between Mendoza and Menores Avenues;
6. Screen ground floor parking garage openings along the east property line;
7. Approval by the City Commission of proposed encroachments into the public right-of-way;
8. The deficiency in available infrastructure which was identified by the Concurrency Impact Statement shall be approved by the City prior to the issuance of a building permit.

Finally, Mr. Carlson stated that the application has been tentatively scheduled to be heard by the City Commission on January 13, 2004; with the second reading scheduled for February 10, 2004.

Chairperson Cristina Moreno asked whether, in determining concurrency when putting residential units on Ponce De Leon Boulevard, Planning Staffing is looking at the parks requirement or whether the properties are exempt from providing parks. Mr. Riel stated that that issue would be resolved prior to the issuance of the building permit. Chairperson Moreno indicated that she was concerned that commercial properties are being converted into residential, the children will need parks and she wished to know where the parks will be located and when they will be built. Mr. Riel stated that he did not know where the parks would be located. Whereupon, coming before the Board was Dennis Smith of the Building and Zoning Department, who stated that the deficiency is in play areas and not parks. Mr. Smith stated that the infrastructure must be in place at the time that the impact occurs (when the project is occupied). They can provide funding that would provide the City with the deficiency with a guaranty to fund and construct the park prior to the completion of the project. Additionally, if there is an identified project in the capital improvement budget that will cure the deficiency prior to completion of the project, that will make the project consistent with

concurrency. Mr. Smith indicated that, in this case, the Building and Zoning Department would identify a site through the Parks & Recreation Department that needs an equipped play area, and then the applicant will be required to contribute to the construction of that play area prior to the completion of the project. Chairperson Moreno asked whether the play area must be located within the vicinity of the project. Mr. Smith responded that that will be determined by the Parks & Recreation Department and, therefore, could be located in an area other than the area in which the impact occurs.

Tom Korge stated that the Parks & Recreation Department should address the issue of constructing parks within the impact area because, although constructing parks east of the highway may benefit his neighborhood, the need is within the area that is becoming an urban type of residential neighborhood.

Elizabeth Hernandez stated that, just as the Board does the mitigation program for off-street improvements for the beautification of Ponce De Leon Boulevard, the Board can require Planning Staff to meet with the applicant to discuss a program in that area and can also require Planning Staff to look to an open-lands program in that area to address these concerns.

Chairperson Cristina Moreno stated that she was not willing to recommend changes in land use and zoning until there is a park system in place for that area. Mr. Riel stated that this is the first application before the Board that is requesting a change in land use; all of the other applications concerned mixed-site plan review. Mr. Riel stated that he would schedule a meeting with the Parks & Recreation Department to discuss the parks master plan. Chairperson Moreno indicated that, instead of the applicant contributing to the beautification of Ponce De Leon Boulevard, she would prefer to see monies allocated to parks if residential units will be constructed. Mr. Riel stated that he would work towards arranging a presentation concerning the parks master plan.

Addressing Mr. Smith, Chairperson Moreno indicated that the applicant requested a variance concerning commercial/residential use. Mr. Smith stated that it was not a variance, but an interpretation. The Board of Adjustment can construe the provision of the Zoning Code and grant variances and refer matters to this Board as it deems appropriate. Michael Steffens asked Mr. Smith whether he considered parking as part of the FAR of the non-commercial portion. Mr. Smith indicated that parking is not considered in the FAR in any scenario; and that there are separate calculations. There was general discussion concerning the parking attributable to residential and commercial uses.

Laura Russo appeared before the Board and stated that her business address is Russo & Baker, with offices at 2655 LeJuene Road, Coral Gables. Ms. Russo stated that she represents the developer, Fairfield Residential, LLC. She introduced Scott Schlosser, Aris Garcia of Wolfberg Alvarez-architects, and Sonia Scheffler Bogart of David Plummer & Associates-traffic engineer. Ms. Russo stated that she began working with Mr. Riel and Dennis Smith in June 2002. She

indicated that the property has two zoning classifications and two land uses. The developer's initial intent was to incorporate some of the elements of the Charrette Report and to build a residential building. She discussed the zoning history and the development of the project. She indicated that the project encompasses primarily residential use and retail meant to attract pedestrians and the residents of the project.

Tom Korge asked what if the Board does not accept the interpretation that the use of parking spaces be allowed for purposes at arriving at the minimum required 25% commercial use. Ms. Russo responded that the project would not go forward because the project would not meet the 25% requirement. Chairperson Cristina Moreno stated that the Board could advise that the applicant ask the Board of Adjustment for a variance. Felix Pardo stated that, since the hardship is self-imposed, it is unlikely that the applicant would receive a variance from the Board of Adjustment. Mr. Pardo suggested that the applicant change the percentage in the Zoning Code. Ms. Russo stated that, since June 2002, she had been working with Mr. Riel and with Dennis Smith and considered changing the Mixed-Use 1 & 2. She explained that the rear of the property is Mixed-Use 2, the front is Mixed-Use 1 so building different and adjacent mixed-use buildings made no sense. Additionally, she explained that the applicant could construct a 13 to 16-story office building with or without retail on the ground floor; and build a 6 to 8-story apartment building in the rear. However, the applicant prefers to use the entire site for primarily residential with retail only to accommodate the site.

Chairperson Moreno asked what percent of the 25% received by the applicant is designated for residential parking. Ms. Russo responded that the residential parking for a 1 and 2 bedroom is the same: 1½ parking space, and then 2 parking spaces per bedroom thereafter. She stated that the retail parking is one space per 300 square feet.

Mr. Riel stated that the reduction in the minimum percentage of retail was included as a part of the Mediterranean Ordinance Review (Agenda Item 10 – which was deferred). Planning Staff has been working with the property owner approximately three years on different development scenarios. This application is one of the first applications before the Board that has requested a change of land use to increase the depth. The developer has included many of the policies of the Charrette Report. To satisfy the minimum 25%, one the applicant's proposals included commercial use on the side street; however, Planning Staff did not feel that was appropriate because of the surrounding residential use. This is the reason for the reduction of the mixed use and Planning Staff suggested the town homes to accommodate the residential element and step the building back. Mr. Riel stated that Planning Staff has received four different development proposals, not from the applicant, but from the property owner over the past three or four years.

Chairperson Cristina Moreno asked whether this was consistent with the provisions of the Mediterranean Ordinance. Mr. Riel responded that the percentage is lower and that 8% is what is proposed; and that is to the benefit of the neighborhood because it permits town homes on

Menores and Mendoza avenues. Mr. Riel indicated that he was comfortable with a 5% or 6%, rather than requiring the 8%. There was general discussion on the methodology and on setting a precedence with Planning Staff's recommendation. Chairperson Moreno stated that, if the project is approved, she would like to see the Mediterranean Ordinance provisions reflect that parking does not count towards either the required commercial or residential use.

There was general discussion amongst the applicant, the Board and Mr. Carlson concerning the applicant's request for change of zoning and land use. Felix Pardo stated that he was concerned that the applicant is setting precedence in that no residential area in the community will be safe from commercial encroachment. Ms. Russo stated that developers would construct commercial projects with 13 stories without Mediterranean bonuses, 16 stories with the Mediterranean bonuses. She stated that the proposed project would have a lower zoning use and traffic intensity and that it is unfair for the Board not to recognize the applicant's efforts in working with Planning Staff, conducting traffic studies, submitting site plans and architectural meetings. It is unfair to be told now that that work is not any good because the Board does not like the methodology. Mr. Felix stated that she was correct, that she did not create the problem, and that it is the City's fault; however, two wrongs do not make it right.

Coming before the Board was Scott Schlosser of Fairfield Residential LLC, who discussed some of the projects in Florida in which his company is involved. He stated that it is impossible to get a 25% retail component without putting it back into the neighborhood, at which the neighbors would not be pleased. Chairperson Cristina Moreno asked whether he would be amenable to a restrictive covenant that requires that the project will remain leased apartments for a certain period. Ms. Moreno asked what type of recreational facilities the project will have. Mr. Schlosser explained that there is a pool deck above the parking area. He also stated that \$100,000 has been budgeted for impact fees associated with parks and that he was willing to work on the issue.

Coming before the Board was Aris Garcia with Wolfberg Alvarez & Partners who explained the architectural details of the project, such as ground floor uses, parking access and setbacks.

Chairperson Cristina Moreno asked whether there was anyone from the public who wished to speak on the project. There being none, Ms. Moreno closed the public commentary portion and opened discussion from the Board. Ms. Moreno stated that she was inclined to support the project with the following modifications:

- (1) a restrictive covenant that limits the use to residential apartments on a leasing basis for ten years;
- (2) a restrictive covenant indicating that the project will permanently remain a mixed-use primarily residential project, despite the commercial zoning; and

- (3) a commitment from the applicant to address the parks issue before the building permit is issued.

Although Chairperson Cristina Moreno closed the public commentary section, she agreed to hear testimony from Joseph Fidel, who stated that he resided at 101 Alhambra Circle, Apt #407.

Mr. Fidel stated that he agreed with the comments of Felix Pardo. He believed that the area is being radically transformed and the character of the neighborhood is being affected.

Chairperson Moreno stated that if the underlying zoning permits the building, the Board could not prohibit it. Mr. Fidel indicated that he would like to see a 3-D animation of what the area would look like if it is built up to the existing zoning and land use. Ms. Moreno stated that the Planning Department is challenged to find ways to bring down that zoning. Felix Pardo stated that he disagreed with Ms. Moreno in that the applicant has a right to build a commercial building, with or without Mediterranean bonuses. Mr. Pardo asked Mr. Fidel to state how long he has lived in the area and to explain how the area has changed over the years. Mr. Fidel states that 1 and 2-story buildings are being demolished and replaced with 6 to 8-story condominium buildings that are not moderately priced as recommended by the Charrette Report. He also stated that the traffic is gradually getting worse.

Addressing Mr. Riel, Manny Kadre stated that, at a previous meeting, he expressed concern regarding the area and was told that there were no more projects. Mr. Riel responded that this application was scheduled on that same meeting; however, the applicant was required to go to the Board of Adjustment. Planning Staff has no new applications to come to this Board concerning mixed-use.

Chairperson Cristina Moreno thanked Mr. Fidel for his input.

Michael Steffens asked whether the change in zoning and the change of land use goes with the project, to which Mr. Riel responded in the affirmative. Elizabeth Hernandez stated that a future owner would have to seek release from the restrictive covenant if they wished to use the property inconsistent with the conditions of the covenant.

Felix Pardo made a motion to defer the application in that he was concerned about establishing a precedence concerning commercial encroaching into the residential area.

There was general discussion amongst Michael Steffens and Dennis Smith concerning what could currently be built on the property.

Chairperson Cristina Moreno asked whether there was a second to Mr. Pardo's motion to defer. There was none. **Michael Steffens made a motion to approve the project based on Planning Staff's comments and Chairperson Moreno's three comments, which motion was seconded by Tom Korge, and voted on as follows:**

Roll Call: Tony Gonzalez (*yea*), Manny Kadre (*yea*), Tom Korge (*yea*)<sup>1</sup>, Felix Pardo (*nay*), Michael Steffens (*yea*)<sup>2</sup>, Christina Moreno (*yea*)<sup>3</sup>

Ms. Hernandez asked whether there was a motion to adopt the testimony and the evidence presented in Application No. 02-03-095-P-Change of Land Use. Michael Steffens made the motion, which was seconded by Tom Korge, and voted on as follows:

Roll Call: Tony Gonzalez (*yea*), Manny Kadre (*yea*), Tom Korge (*yea*), Felix Pardo (*nay*), Michael Steffens (*yea*)<sup>4</sup>, Christina Moreno (*yea*)

**V. THE PLAZA AT CORAL GABLES: APPROVAL OF APPLICATION NO. 02-03-095-P-CHANGE OF ZONING AND MIXED USE SITE PLAN REVIEW**

Ms. Hernandez asked whether there was anyone in the audience who did not testify during the Change of Land Use application and who wished to testify on the Change of Zoning application. There being none, Ms. Hernandez asked for a motion to approve based on the prior conditions previously adopted during the Change of Land Use.

Coming before the Board was Barbara Phillip, who stated that she represents the bankruptcy trustee of the subject property. Ms. Phillip asked whether JM Properties or Fairfield Residential LLC is the owner of this property. Laura Russo responded that the property is owned by JM Properties Inc. and that Fairfield Residential LLC is the contract purchaser. Ms. Phillip stated that the bankruptcy trustee has an objection and will assert an interest in this property. Michael Steffens stated that Ms. Phillip was his sister-in-law, and asked Ms. Hernandez whether there was a conflict. Ms. Hernandez responded that there is no conflict and thanked Mr. Steffens for placing the fact on the record.

**Whereupon, Tom Korge made a motion to approve the motion previously raised by Ms. Hernandez, which motion was seconded by Michael Steffens, and voted on as follows:**

Roll Call: Tony Gonzalez (*yea*), Manny Kadre (*yea*), Tom Korge (*yea*), Felix Pardo (*nay*), Michael Steffens (*yea*)<sup>5</sup>, Christina Moreno (*yea*)

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<sup>1</sup> With comments: In light of all of the statements made, Mr. Korge stated that he is overlooking his reservations concerning the methodology of the percentages.

<sup>2</sup> Approved, but adopting Tom Korge's comments.

<sup>3</sup> Approved, but adopting Tom Korge's comments.

<sup>4</sup> Approved, but adopting Tom Korge's comments.

<sup>5</sup> Approved, but adopting Tom Korge's comments.

*{Christina Moreno leaves, but before leaving stated that she needs to recuse herself from the University of Miami applications. Ms. Hernandez stated that, at the next meeting, she will provide a copy of the Ethics Commission Opinion to the Board for the inclusion of the minutes. Ms. Moreno's firm has done business for the University of Miami and the Ethics Commission has ruled that that is a conflict.}*

*{Break}*

The following two agenda items were transcribed by Metro Dade Court Reporters, Inc. and are hereby attached and part of these minutes (see Attachment B).

**VI. UNIVERSITY OF MIAMI CAMPUS AREA DEVELOPMENT (UMCAD): APPLICATION NO. 06-02-058-P, UMCAD 2002 AMENDMENTS**

**VII. UNIVERSITY OF MIAMI CAMPUS AREA DEVELOPMENT (UMCAD): APPLICATION NO. 07-03-108-P, UMCAD 2003 AMENDMENTS**

There being no further issues or comments coming before the Board, the meeting was adjourned at 10:45 p.m.

The City of Coral Gables  
Planning and Zoning Board

Reviewed as to form and sufficiency

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Walter Carlson  
Assistant Planning Director

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Eric Riel, Jr.,  
Planning Director &  
Secretary to the Planning and Zoning Board

**Attachments:**

- A. PowerPoint Presentation – The Plaza at Coral Gables
- B. Verbatim Minutes – UMCAD 2002 and UMCAD 2003 Amendments
- C. PowerPoint Presentations for UMCAD 2002 and UMCAD 2003 Amendments