



MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Board of County Commissioners Zoning Board

Board of County Commissioners

Stephen P. Clark Government Center
Commission Chamber
111 NW 1st Street
Miami, Florida 33128

June 5, 2008
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Judy Marsh, Commission Reporter
(305) 375-1967



**CLERK'S SUMMARY AND OFFICIAL MINUTES
MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
ZONING HEARING
JUNE 5, 2008**

The Board of County Commissioners met in regular session in the County Commission Chambers on the Second Floor of the Stephen P. Clark Government Center, 111 NW First Street, Miami, Florida at 9:30 a.m., June 5, 2008, there being present upon roll call, Chairman Bruno A. Barreiro and Commissioners Jose "Pepe" Diaz, Audrey M. Edmonson, Barbara J. Jordan, Dorrin D. Rolle, Katy Sorenson, Rebeca Sosa and Javier D. Souto; (Commissioners Carlos A. Gimenez, Sally A. Heyman, Joe A. Martinez, Dennis C. Moss and Natacha Seijas were absent); Assistant County Attorneys Joni Armstrong-Coffey and Craig Collier; Department of Planning and Zoning Interim Director Subrata Basu; Supervisor Lynne Talleda, Department of Planning and Zoning; and Deputy Clerks Kay Sullivan and Judy Marsh.

Chairman Barreiro called the meeting to order at 9:57 a.m. and asked that a moment of silence be observed followed by the Pledge of Allegiance.

**ALL WITNESSES AND THE INTERPRETER(S) WERE SWORN IN BY THE
CLERK BEFORE PRESENTING TESTIMONY BEFORE THE BOARD**

Department of Planning and Zoning Interim Director Subrata Basu announced, in accordance with the Code of Miami-Dade County, all items on today's zoning agenda were legally advertised in the newspaper, notices were mailed, and the properties were posted within prescribed timeframes. He noted additional copies of the agenda were available in the Chambers and presented the procedures to be followed during today's proceedings.

Chairman Barreiro asked for any deferrals or withdrawals of zoning applications from today's agenda.

Mr. Basu presented the following appeal:

A. DREAM OF FIELDS GROUP, INC. (08-4-CC-1/07-339)

Mr. Basu noted no protests or waivers were filed regarding the foregoing appeal.

Chairman Barreiro opened the public hearing on the foregoing appeal, and the following persons appeared before the County Commission.

Mr. Richard Cole, Cole, Scott & Kissane, attorney representing Dream of Fields Group, Inc., an adjacent property owner to the subject facility, Florida Gymnastics Training Center, located at 13115 SW 89 Avenue, appeared before the County Commission in

support of the foregoing appeal. He noted the applicant, Dream of Fields, was appealing an Administrative Decision alleging that the Director erred in the issuance of Building Permit #2008042872 by not restricting the development of the site to a plan submitted in conjunction with zoning hearing application #Z1998000337. Mr. Cole submitted the original site plan into the record which indicated 15 parking spaces and 21 students. He expressed concern that parking related to the subject facility was being abused, including on his client's property. Mr. Cole asked that the number of students attending the subject facility be limited to 21 as indicated on the original site plan.

Mr. Guillermo Olmedillo, 1450 Magruda Avenue, appeared before the Board, in support of the foregoing appeal. He stated the original applicant approached the Department approximately ten years ago regarding a gymnastic school on the subject property and was informed that since the impacts of a gymnastic school were similar to those of a karate or dance studio, a certain number of parking spaces were required for the number of students and the number of square footage. Mr. Olmedillo noted the applicant subsequently filed an appeal of an Administrative Decision which was approved by the Community Zoning Appeals Board (CZAB) which required parking for the facility as a school. He stated the school requirements were different as they were based on staff members. Mr. Olmedillo noted prior to the public hearing, the original applicant had filed a number of applications and plans were submitted for 21 students. He stated the applicant had operated without a Certificate of Use for almost ten years and had evaded the parking issue.

Mr. Frank Montoto, 13780 SW 56 Street, appeared before the Board. He noted pursuant to the request by Dream of Fields, he independently observed the parking situation at the subject facility (Florida Gymnastics Training Center) on June 4, 2007. Mr. Montoto stated approximately 35 cars were parking in the area and he observed approximately 40 students inside the facility. He noted vehicles were parking in the facility, across the street and on the grass swale.

Mr. Cole submitted a courtesy notice of code violation for unauthorized birthday parties and an advertisement from the subject facility relative to summer camp which he noted was also not permitted by the zoning.

Mr. Robert Eber, 10761 SW 104 Street, attorney representing K&B Investments, owner of the subject property, appeared before the Board. He noted the conversation regarding parking was irrelevant to the nature of the appeal. Mr. Eber stated the language of the appeal was an attempt to limit the number of students to 21, and the matters presented in the appeal did not state any objection to the car parking facility. He noted the property owner had resurfaced and reformatted the parking area pursuant to the instructions of the Building Department. Mr. Eber said the applicant, Dream of Fields, leased the property across the street once they became aware that Florida Gymnastics was going to occupy the subject facility. He noted the Dream of Fields property was not located within any cone of influence of the parking and this property was never occupied. Mr. Eber pointed out the Dream of Fields Group also owned South Miami Gymnastics and this was an

attempt to stop the competition. He referenced a letter which indicated that Mr. Rodney Mandelstam, the principal of South Miami Gymnastics, was the person who was funding all the activities that were being brought before the County Commission.

Mr. Eber concluded his presentation by stating that the appeal before the County Commission was based on whether the site plan was part of the CZAB's decision in 1999 and indicated that it was not. He referenced Mr. Basu's recommendation that development of the subject property was not bound to the previously submitted site plan nor was development of the site limited to 21 students; therefore, the Appeal of the Administrative Decision should be denied without prejudice. Mr. Eber asked the Commission to deny the petition, based on the information presented.

Ms. Arebys Sellek, 13115 SW 89 Avenue, owner, Florida Gymnastics Training Center (FGTC), appeared before the County Commission. She noted she and her husband purchased the Training Center in April 2007 and after receiving complaints in May, it was discovered that the former owners of FGTC had operated the school for 15 years without a Certificate of Use. Ms. Sellek said they subsequently applied for a Certificate of Use. She pointed out the plans the attorney representing Dream of Fields referenced were not submitted by her but by the previous owner. Ms. Sellek noted other area businesses had stated they were not affected by the parking, and she felt the Dream of Fields Group's complaint was unfair as they were operating without a Certificate of Use. She stated FGTC students had many regional champions and offered classes to autistic children. Concerning Mr. Montoto's observations of the parking situation, Ms. Sellek noted FGTC closed at 8:30 p.m.; therefore, parents would be picking up their children at that time.

Mr. Daniel Rodriguez, 10220 Coral Creek Road, appeared before the Board in support of FGTC. He noted he felt the gym was doing an incredible job for the community.

Mr. Cole reappeared before the Board in rebuttal. He stated it was unquestionable that the number of students and the number of parking spaces on the subject facility should be tied to the site plan submitted in conjunction with the 1999 zoning hearing application. Mr. Cole noted the County indicated the subject facility would be required to have 15 parking spaces and the Dream of Fields Group would not be able to operate its business if the County's rules and regulations were not enforced.

There being no other persons to appear before the County Commission in connection with this matter, the public hearing was closed.

In response to Commissioner Sorenson's inquiry regarding the issues before the County Commission, Assistant County Attorney Joni Armstrong-Coffey advised the issue was whether a mistake was made in issuing a Building Permit that was not tied to a site plan that required fewer parking spaces than the Building Code required.

Mr. Basu stated the parking space requirement for schools was based on the number of staff in the school and the Department had applied the junior high school standard of 1.25 spaces for staff. He noted the Department was advised of six staff members for FGTC; therefore, eight parking spaces would be required. He noted other on-street parking was available; however, based on the Zoning Code, staff could not apply the on-street parking.

Commissioner Sorenson noted she felt staff needed to look at reducing the number of parking lots across the County.

In response to Commissioner Sorenson's inquiry, Mr. Cole stated he was not aware of the business activities of Dream of Fields.

Commissioner Sorenson pointed out Mr. Cole was representing a client whose complaint related to excessive parking that infringed on their business, yet Mr. Cole was not aware of his client's business operations or where they might be impacted.

Commissioner Sorenson presented and moved a resolution which denied the appeal of the Administrative Decision without prejudice and upheld the Director's decision in the application of Dream of Fields Group, Inc. This motion was seconded by Commissioner Diaz.

Commissioner Sosa noted complete information regarding zoning issues must be presented to the County Commission and she would be willing to sponsor legislation to this effect. She asked Mr. Basu to follow up on the Certificate of Use from the Dream of Fields Group.

Commissioner Diaz asked Mr. Basu to determine why the Dream of Fields Group was operating without the proper licenses.

In response to Chairman Barreiro's inquiry, Mr. Cole stated he was hired by Mr. Rodney Mandelstam.

Commissioner Sosa asked that legal staff provide her with a report indicating where it was reflected in the Code that a birthday party could not be celebrated in a school, and that copies of this report be provided to all members of the County Commission.

The County Commission then voted on the motion made by Commissioner Sorenson and seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 8-0, (Commissioners Gimenez, Heyman, Martinez, Moss and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #Z-15-08.

Mr. Basu presented the following application:

1. **CUSTOM BUILDERS OF MIAMI LLC (08-6-CC-1/07-413)**

Mr. Basu noted no protests or waivers were filed regarding the foregoing application.

Chairman Barreiro opened the public hearing on the foregoing application, and there being no persons to appear before the County Commission in connection with this matter, the public hearing was closed.

Commissioner Sorenson asked Mr. Basu to provide her with the number of Community Urban Centers that were outstanding.

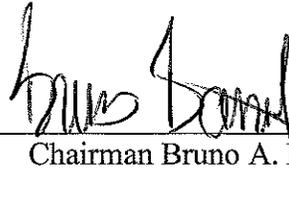
Commissioner Sorenson presented and moved a resolution which approved the appeal of the covenants per the Director's recommendations in the application of Custom Builders of Miami LLC. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 7-0, (Commissioners Gimenez, Heyman, Martinez, Moss, Seijas and Souto were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #Z-16-08.

All deferral dates on applications considered during the day's meeting were publicly announced.

All exhibits submitted for the record at the day's meeting were transferred to the care, custody and control of the Department of Planning and Zoning.

There being no further business to come before the Board, upon motion duly made, seconded and carried, the zoning meeting was adjourned at 10:42 a.m.



Chairman Bruno A. Barreiro

ATTEST: HARVEY RUVIN, Clerk

By: 

Kay Sullivan
Deputy Clerk



MIAMI-DADE BOARD OF COUNTY COMMISSIONERS

ORDER OF THE DAY

THURSDAY, JUNE 5, 2008

9:30 A.M. ZONING HEARING

CALL TO ORDER

ROLL CALL

MOMENT OF SILENT MEDITATION

PLEDGE OF ALLEGIANCE

SWEARING IN OF
ATTORNEY/WITNESSES

SWEARING IN OF TRANSLATOR

ADJOURNMENT

Exhibit
Zoning - 6/5/08

KITS

4-30-2008 Version # 1



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS**

**COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK
CENTER - 2ND FLOOR**

111 NW 1 Street, Miami

Thursday, June 5, 2008 at 9:30 a.m.

PREVIOUSLY DEFERRED

DISTRICT

A. 08-4-CC-1	DREAM OF FIELDS GROUP, INC.	07-339	16-55-40	N	8
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CURRENT

DISTRICT

1. 08-6-CC-1	CUSTOM BUILDERS OF MIAMI, LLC	07-413	27-56-39	N	8
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*Exhibit
Zoning - 6-5-08*



Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, JUNE 5, 2008

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

1 Exhibit
Zoning - 6-5-08

A. DREAM OF FIELDS GROUP, INC. (08-4-CC-1/07-339)

**16-55-40
BCC/District 8**

Applicant is appealing the Administrative Decision alleging that the Director erred in issuance of Building Permit No. 2008042872 by not restricting the development of the site to a plan submitted in conjunction with Zoning Hearing Application Z1998000337.

The purpose of the request is to require the development of the subject property in accordance with the plan submitted in conjunction with the aforementioned Zoning Hearing Application and limiting the number of students to 21 as shown on the said site plan.

LOCATION: 13115 S.W. 89 Avenue, F/K/A: 13111 S.W. 89 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.53 Acre

Department of Planning and
Zoning Recommendation:

Denial without prejudice.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 4/24/08

1. CUSTOM BUILDERS OF MIAMI LLC (08-6-CC-1/07-413)

**27-56-39
BCC/District 8**

DELETION of a Declaration of Restrictions recorded in Official Records Book 22176, Pages 2674-2678.

The purpose of the request is to allow the applicant to delete an agreement tying the site to plans for a townhouse development and to allow the applicant to develop the site in accordance with the Naranja Community Urban Center District zoning regulations.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants after Public Hearing).

LOCATION: Lying on the Northwest corner of S.W. 260 Street and S.W. 137 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.5 Acres

Department of Planning and
Zoning Recommendation:

Approval under Section 33-311 (A)(7)
(generalized modification standards) and
denial without prejudice under Section 33-
311(A)(17) (modification or elimination of
conditions and covenants after public
hearing).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.



MEMORANDUM
BOARD OF COUNTY COMMISSIONERS
COMMISSIONER SALLY A. HEYMAN

DISTRICT 4

CLERK OF THE BOARD
2008 JUN 4 PM 3:52
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1

TO: The Honorable Bruno A. Barreiro,
Chairman and Members of the
Board of County Commissioners

DATE: June 4, 2008

FROM: Sally A. Heyman
Commissioner
District 4

SUBJECT: Absence from Zoning Meeting,
Thursday, June 5, 2008

Please be advised that I will be at the 2008 NACo LUCC Fly-In and will be unable to attend the Zoning meeting scheduled for Thursday, June 5, 2008.

Thank you for your attention in this matter.

Cc: George Burgess, County Manager
R.A. Cuevas, County Attorney
Kay Sullivan, Clerk of the Board
Subrata Basu, Director of Planning and Zoning

Exhibit
Zoning - 6-5-08



ZONING MEETING
Board of County Commissioners
June 5, 2008

Prepared by: Nelson Diaz

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	6/5/2008	A-1	<u>DREAM OF FIELDS GROUP, INC (08-4-CC-1/07-339)</u> -Letter address to Richard P. Cole, Esq. from Subrata Basu –Interim Director of Miami-Dade County Department of Planning and Zoning regarding zoning violation by Florida Gymnastic Training Center.
2	6/5/2008	A-2	-Letter address to Richard P. Cole, Esq. from Subrata Basu –Interim Director of Miami-Dade County Department of Planning and Zoning regarding zoning violation by Florida Gymnastic Training Center.
3	6/5/2008	A-3	-Copy of the Miami-Dade County Zoning Code Chapter 33-151.11 with highlighted portions.
4	6/5/2008	A-4	-Letter address to Richard P. Cole, Esq. from Sam Walthour- Director of Miami-Dade County Team Metro.
5	6/5/2008	A-5	-Amnesty Permit & Related Improvements map.
6	6/5/2008	A-6	-Floor plan site map.
7	6/5/2008	A-7	-Binder booklet titled <u>Public Hearing Dream of Fields Group, Inc. Hearing No.07-339.</u>
8	6/5/2008	A-8	-Flyer titled <u>FGTC Florida Gymnastics Training Center.</u>
9	6/5/2008	A-9	-Copy of Courtesy Warning Notice of Code Violation.
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The foregoing exhibits were submitted for the record on June 5, 2008 and transferred to the care, custody, and control of the Department of Planning & Zoning on June 12, 2008.

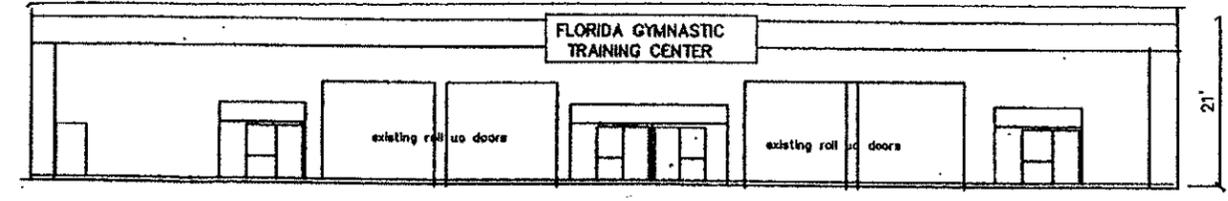
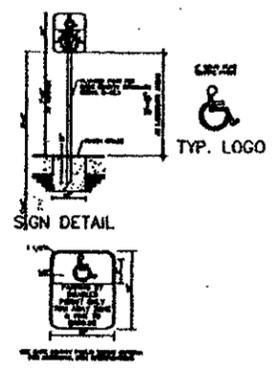
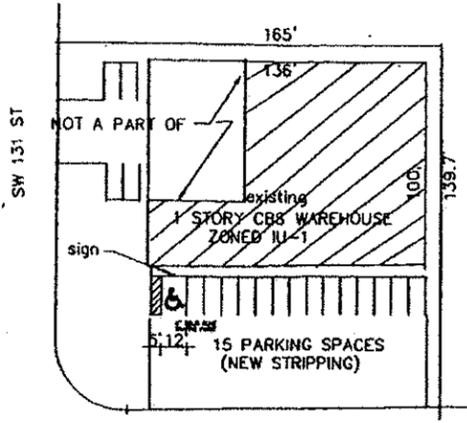
ATTEST:



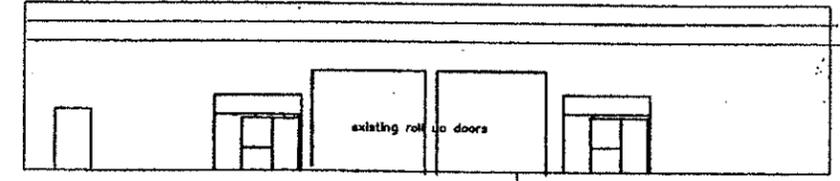
HARVEY RUVIN, Clerk
Clerk of Circuit and County Courts
Miami-Dade County, Florida

Deputy Clerk

RECEIVED BY: Earl Jones Earl Jones 6/12/08
(SIGN) (PRINT) (DATE)



FRONT ELEVATION
scale 1/8" = 1'-0"



SIDE ELEVATION
scale 1/8" = 1'-0"

SITE INFORMATION
PARKING REQUIREMENTS =

CLASSES	ZERO	TOTAL
INSTRUCTORS	3	15 CARS
ADMINISTRATOR	1	
MISC	6	
HANDICAPPED	1	
TRANSITORY	4	
TOTAL	15 CARS	

EQUIPMENT SQUARE FOOTAGES

FLR EX	1681 SF
PEE BARS	352 SF
TRAMPOLINES	500 SF
BEAMS	930 SF
VAULT	672 SF
UNEVEN BARS	1400 SF
TRAMPOLINES	500 SF
HIGH BAR	350 SF
TOTAL	8193 SF

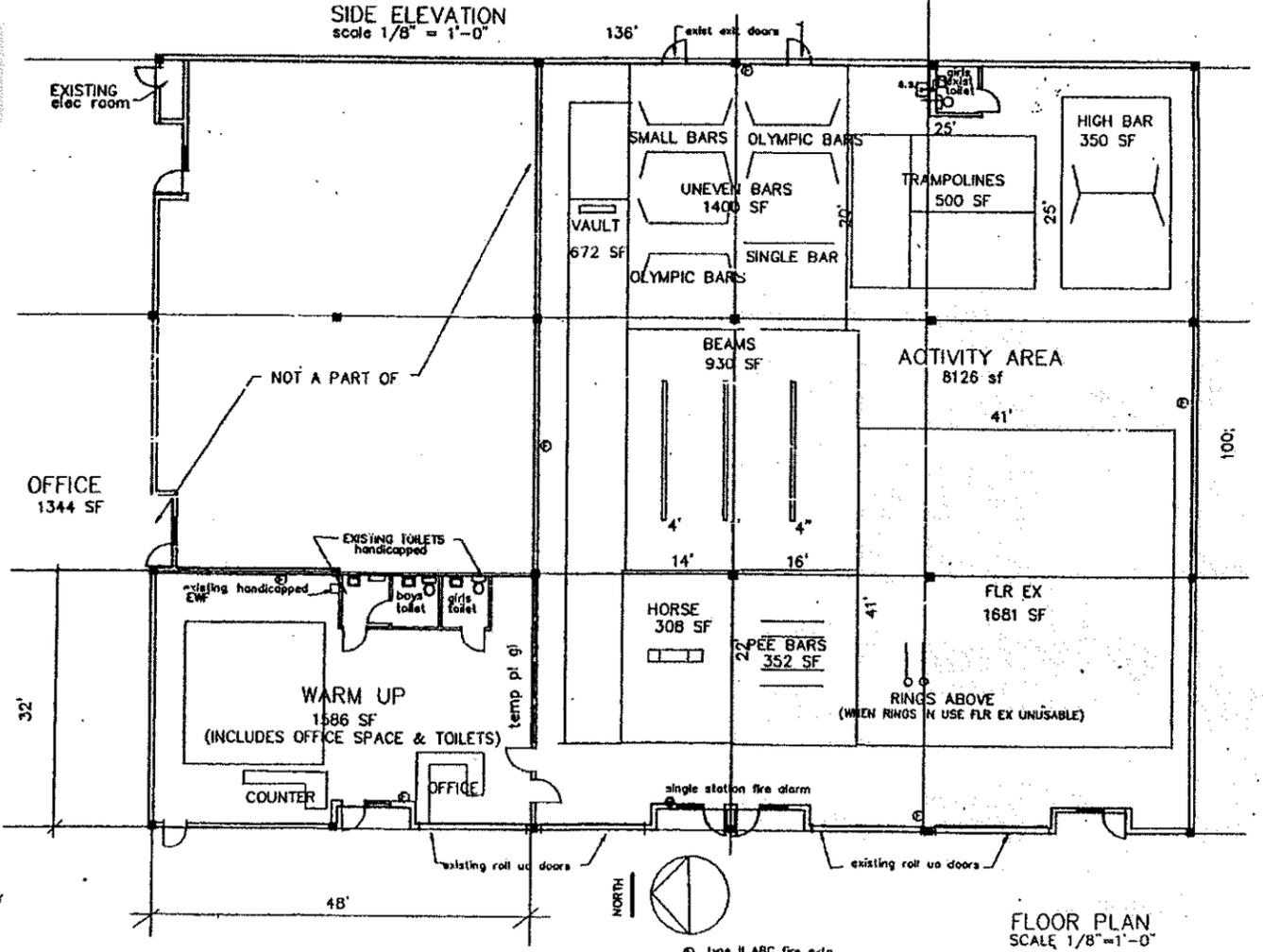
CIRCULATION ETC

CIRCULATION ETC	1953 SF
TOTAL RM SF	8126 SF
WARMUP AREA	1586 SF
TOTAL SPACE	10,112 SF

THIS SPACE'S TOTAL OCCUPANCY IS FIGURED AS FOLLOWS:

CLASSES	21
CLASSES	21
INSTRUCTORS	3
ADMINISTRATOR	1
MISC	6 (INCLUDES MISC PARENT)
TOTAL	31 OCCUPANTS

THE CLASS AGE LEVEL IS BETWEEN 4 YEARS OF AGE TO 15 YEARS OF AGE, AND THE TIME OF OCCUPANCY IS FROM 3:30 PM TO 8:30 PM MONDAY THRU FRIDAY



FLOOR PLAN
SCALE 1/8" = 1'-0"

william hamilton arthur architect inc.
800 Douglas entrance
Suite 303
8950 Collins
Suite 3134
135 SW 89 AVE
MIAMI FLA 33134
Tel: 305 441 7960
Fax: 305 441 7960
Licence number 2282

PROJECT FILE:
FLORIDA GYMNASI-
TRAINING CENTER
13115 SW 89 AVE
MIAMI FLA PH - 251-4414

REVISION DATE(S)
DATE: 5/20/08
SHEET NO.:
A-1

DRAWN BY: WA
SEAL:
FLOOR PLAN SITE PLAN-ELEVATION
TENANT DRAWING ONLY

CERTIFIED TRUE COPY OF THE ORIGINAL
DOCUMENT ON FILE WITH THE MIAMI-DADE
COUNTY BUILDING DEPARTMENT.
RECORDS CUSTODIAN
5/20/08

Exhibit
Zoning - 6/5/08, Item A

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COMMUNITY ZONING APPEALS BOARD - AREA 12

GLADES MIDDLE SCHOOL - AUDITORIUM

9461 SW 64 STREET - MIAMI

July 28, 1999

7:00 p.m.

ITEM NO:

**FLORIDA GYMNASTICS TRAINING CENTER
98-337**

BOARD MEMBERS

Present:

Sanford Youkilis, Chairman
Maytee Armesto
Peggy Brodeur
Gregory Bush
Lorraine Grigsby
Maureen O'Donnell

STAFF PRESENT:

Mario Cepero
Maria Teresa Fojo
Damon Holness
Thomas Logue, Assistant County Attorney

*Exhibit
Zoning - 6-5-08 Item A*

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I N D E X

<u>BOARD MEMBERS</u>	<u>PAGE NO.</u>
CHAIRMAN YOUKILIS:	4,5,6,11,12,13,14,16,17,18,21,24,26,28,29,30,31,33,34,36,37,38,39,40,41,42,43,44,46,47,48,49,50,51
BOARD MEMBER ARMESTO:	51
BOARD MEMBER BRODEUR:	14,15,37,42,44,46,47,48,51
BOARD MEMBER BUSH:	49,51
BOARD MEMBER GRIGSBY:	12,27,28,29,30,38,39
BOARD MEMBER O'DONNELL:	29,34,35,36,37,42,43,45,47,48,49,50

STAFF

MR. CEPERO:	3,4,49,51
MS. FOJO:	5,30,36,37,38,47
MR. LOGUE:	12,13,31,32,33,34,35,39,44,48,49,50

APPLICANT

MS. DOMINGUEZ-FRICK:	5,6-18,22,24,26,29,37,38
MR. ARTHUR:	18-21
MR. ARTHUR:	24-26,27,33,39
MR. HERTACH:	21-22
MR. DAVIS:	22-24
MR. GONZALEZ:	40
MR. HAN:	41
MS. GUTIERREZ:	41

1 County Attorney's Office.

2 All exhibits used in presentation before the
3 Board becomes part of the public record and will
4 not be returned unless an identical letter-size
5 copy is submitted for the file.

6 Any persons making impertinent or slanderous
7 remarks, or who become boisterous while addressing
8 the Community Zoning Appeals Board, shall be
9 barred from further audience before the Board
10 by the presiding officer, unless permission to
11 continue or again address the Board be granted by
12 the majority vote of the Board Members present.

13 The number of filed protests and waivers on
14 each application will be read into the record at
15 the time of hearing as each application is called.

16 Those items not heard prior to the ending
17 time for this meeting will be deferred to the next
18 available zoning hearing meeting date for this
19 Board.

20 * * * * *

21 CHAIRMAN MR. YOUKILIS: Thank you very much.
22 We are ready to proceed on Item No. 1.

23 Item No. 1 is called Florida Gymnastics
24 Training Center. It is located at 13111 Southwest
25 89th Avenue. The staff will read into the record

1 the case.

2 MS. FOJO: Item No. 1, Florida Gymnastics
3 Training Center, 99-7-CZ12-1, and there are no
4 protests on file.

5 CHAIRMAN MR. YOUKILIS: How many protests?

6 MS. FOJO: Zero.

7 CHAIRMAN MR. YOUKILIS: Okay.

8 Is there someone here representing the --

9 MS. DOMINGUEZ-FRICK: Yes, I am. If you can
10 hear me.

11 CHAIRMAN MR. YOUKILIS: Okay, proceed. Your
12 name and address for the record.

13 MS. DOMINGUEZ-FRICK: I'm Carmen
14 Dominguez-Frick and I'm the attorney for Florida
15 Gymnastics.

16 CHAIRMAN MR. YOUKILIS: I didn't hear it, did
17 you hear it?

18 Please. There is a lot of blue uniforms out
19 there.

20 MS. DOMINGUEZ-FRICK: They are with me.

21 CHAIRMAN MR. YOUKILIS: What is your name?

22 MS. DOMINGUEZ-FRICK: Can you hear me? Is
23 this working?

24 CHAIRMAN MR. YOUKILIS: You have to speak a
25 little slower, it is real dull.

1 MS. DOMINGUEZ-FRICK: I'm Carmen
2 Dominguez-Frick, and I'm the attorney representing
3 the Florida Gymnastics Training Center, as well as
4 the parent of one of those kids in blue out there.

5 CHAIRMAN MR. YOUKILIS: They are going to
6 need your address actually.

7 MS. DOMINGUEZ-FRICK: 5711 Southwest 83rd
8 Street, South Miami, Florida.

9 CHAIRMAN MR. YOUKILIS: Thank you.

10 MS. DOMINGUEZ-FRICK: Mr. Chairman and
11 Members of the Board, we are here appealing the
12 Director's decision to require one parking space
13 for each 100 square feet of area, based on our
14 position that the Code does not address the
15 specific situation of a childrens' gymnastics
16 training facility, which is what the Florida
17 Gymnastics Training Center is. And I'm going to
18 be brief, but I would like to give you a short
19 history of this facility.

20 This facility was located on 124th and U.S. 1
21 and had approximately 4,500 square feet. And for
22 many years they operated with tremendous space and
23 ceiling limitations. They needed approximately
24 10,000 square feet, and they spent several years
25 looking for a facility that would accommodate

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their equipment and their space requirements.

They found a facility that is at issue today, and before moving in did a tremendous amount of research and investigated the zoning associated with this property in order to make sure that before they invested tremendous amount of money into it, they were going to be okay with the zoning.

The property is zoned under IU-1. And if you look under the IU-1 in 33-259(3) the definition of school specifically included gymnastics.

So based on the definition out of the IU-1 section that defined them as a school, they proceeded and operated under the assumption that with that definition the Article VII, Off-street Parking, would require that they then have one parking space per staff member.

Now, they don't have any more than maybe six to seven staff members at one time.

So, the Florida Gymnastics Training Center moved into this property, did invest tremendous amounts of money, and then suddenly found themselves cited for a lack of parking. They were told they needed 102 parking spaces, when originally they were operating under the

1 assumption that they were going to need 15. And
2 so this appeal has ensued and here we are today.

3 I would like to just briefly go over three
4 provisions of the Code. The first one is the one
5 that I just mentioned, which is IU-1 zoning,
6 33-259(63) which defines a school as technical
7 trade school, such as, but not limited to,
8 aviation, electronic, mechanics. Also physical
9 training schools such as, but not limited to,
10 gymnastics and karate.

11 Based on that, the definition in the
12 Off-street Parking Section, which is Article VII,
13 talked about schools.

14 And based on their reliance on the fact that
15 they were a school said total parking spaces shall
16 equal the combined total of personnel and
17 transportation vehicles. They have no
18 transportation vehicles, so it would be the total
19 number of personnel, which is approximately six to
20 eight staff members at one time.

21 However, the Director, in his opinion, which
22 is at issue here tonight, choose to apply the
23 definition in Article VII, Off-street Parking,
24 which is subparagraph K, subparagraph 4, under
25 recreational and entertainment use, and defined

1 the Florida Gymnastics Training Center equally
2 with dance, karate and aerobics schools. And
3 health and exercise studios. And these kind of
4 facilities require one space per one hundred
5 square feet.

6 . And since we've got 10,000 square feet, we
7 would need approximately 100 to 102 parking
8 spaces.

9 Now, the Director and the Staff at the Zoning
10 Department applied that definition and issued its
11 decision.

12 However, even in his letter he did suggest
13 that we consider going to a public hearing. We
14 believe that the Director and his Staff, in good
15 faith, interpreted the Code pursuant to the way
16 that the Code stands.

17 However, we believe that the Code does not
18 properly address the kind of facility that we are.
19 We are not a karate school, we are not a dance
20 studio, we are not aerobics, we are a training
21 facility strictly for children who are from the
22 ages of three to approximately fifteen who get
23 dropped of by their parents and picked up
24 afterwards.

25 If you talk about aerobic places, dance

1 studios, you have got people coming in who would
2 park, who would need a lot more parking than what
3 we would require.

4 We are asking that you recognize that the
5 Code does not address a childrens gymnastic
6 training facility and that the parking requirement
7 should be adjusted accordingly.

8 I'm going to call a few persons to speak to
9 you tonight, and they will be brief also, and they
10 are going to try to give you a thorough and
11 complete picture of what a childrens gymnastics
12 facility exactly is.

13 I would like to call -- I'm going to call
14 David Arthur, who is the owner of the facility. I
15 will then call Jeff Hertach, who is the parent of
16 one of the team members.

17 You will also hear from Bruce Davis, who is a
18 retired professor of Physical Education from
19 Miami-Dade Community College, as well as the owner
20 of the first gymnastics facility in all of Dade
21 County. And he is going to tell you, and his
22 testimony is going to be very critical to our
23 position, what a gymnastics facility consists of.

24 If you have ever watched gymnastics on T.V,
25 you know that the floor exercise, for example,

1 requires a tremendous amount of space and there is
2 one child doing the floor exercise and occupying
3 that space. The beam, the vault requires a
4 tremendous amount of area to run to. And only one
5 child operates the vault at one time. The same
6 with the balance beam.

7 He will describe to you the nature of the
8 equipment, the nature of the space requirements,
9 the dangers associated with gymnastics and why we
10 have a minimal amount of students per class and on
11 the equipment at one time.

12 CHAIRMAN MR. YOUKILIS: Counselor?

13 MS. DOMINGUEZ-FRICK: Yes?

14 CHAIRMAN MR. YOUKILIS: I'm going to ask a
15 question.

16 MS. DOMINGUEZ-FRICK: Sure.

17 CHAIRMAN MR. YOUKILIS: This may help your
18 presentation.

19 MS. DOMINGUEZ-FRICK: Okay.

20 CHAIRMAN MR. YOUKILIS: And your case.

21 The Staff recommended that you have how many
22 spaces based on one hundred foot per --

23 MS. DOMINGUEZ-FRICK: Well, it would be one
24 per one hundred square foot. And we are
25 approximately 10,100, I believe, which would be

1 102 spaces.

2 CHAIRMAN MR. YOUKILIS: 102 spaces.

3 And the existing spaces that are there now
4 are how many?

5 MS. DOMINGUEZ-FRICK: Approximately fifteen.

6 CHAIRMAN MR. YOUKILIS: Okay.

7 BOARD MEMBER MS. GRIGSBY: Fifteen or fifty?

8 MS. DOMINGUEZ-FRICK: One-five, fifteen.

9 CHAIRMAN MR. YOUKILIS: And your
10 contention -- your contention is that there should
11 be really, under the gymnastics, that is what I've
12 got to ask the Staff.

13 She made the statement that gymnastics is
14 listed as a use under industrial use gymnastics.

15 We just need to clarify these things because
16 I think we are all getting a little lost here.

17 You made a statement that gymnastics is
18 allowed use in an IU District. Does it
19 specifically say that?

20 MS. DOMINGUEZ-FRICK: Yes, it does.

21 It is the -- it is Section -- it is Section
22 33-259(63). I've got it right here.

23 CHAIRMAN MR. YOUKILIS: I'm going to ask the
24 attorney a question.

25 MR. LOGUE: Mr. Chairman, the definition of

1 uses for IU-1 includes schools, so schools can be
2 included in IU-1 zoning. Gymnasiums is mentioned
3 as a school, but that provision does condition it
4 on all school uses, shall be subject to compliance
5 with Off-street Parking requirements.

6 You then have to turn to the Code section
7 dealing with Off-street Parking requirements.

8 In other words, this is definitely a
9 permissible use within IU-1, no one is disputing
10 that.

11 CHAIRMAN MR. YOUKILIS: The Director is
12 saying that this is really a school.

13 MS. DOMINGUEZ-FRICK: No.

14 CHAIRMAN MR. YOUKILIS: It is a health or
15 exercise facility. And you're saying that it
16 is --

17 MS. DOMINGUEZ-FRICK: -- a gymnastics
18 training facility.

19 Our position really is that the Code does not
20 address that a gymnastics training facility is a
21 very unique kind of facility, that is really not
22 comparable to karate, dance and aerobics.

23 Karate, dance and aerobics do not have any
24 equipment associated with it, such as the kind of
25 equipment that is included in a gymnastics

1 facility.

2 I would also like to point out that in the
3 packet you have in front of you on page four, in
4 the Miami-Department of Planning and Zoning, the
5 county departments that were questioned, who were
6 asked for their opinion, did not object except
7 for the Public Works Department. And the Public
8 Works Department submitted -- and it is not part
9 of your packet, so I'm not sure if you are aware
10 of it. And I would like to --

11 CHAIRMAN MR. YOUKILIS: We have it as page 8
12 in our packet.

13 MS. DOMINGUEZ-FRICK: You have the Public
14 Works Department --

15 CHAIRMAN MR. YOUKILIS: The Department
16 objects to the appeal of administrative decision.

17 MS. DOMINGUEZ-FRICK: Right. And if you read
18 unless the approval is conditioned that the
19 gymnastics facility is to be used only as a
20 training facility, not as a spectator facility,
21 which does not require many parking spaces. And I
22 would like to just point out that we are in no way
23 a spectator type of facility.

24 BOARD MEMBER MS. BRODEUR: Don't you have
25 meets?

1 MS. DOMINGUEZ-FRICK: No, we do not have
2 meets.

3 BOARD MEMBER MS. BRODEUR: And you have no
4 parents weekend or the children performing in
5 front of the parents?

6 MS. DOMINGUEZ-FRICK: No, we don't. When we
7 compete, we've competed -- in fact, there is the
8 team and they are all wearing their medals. We've
9 competed throughout --

10 BOARD MEMBER MS. BRODEUR: What are your
11 hours of operation?

12 MS. DOMINGUEZ-FRICK: The hours of operation,
13 I believe, are over the summer it is from
14 approximately 9:00 o'clock until about 7:30.

15 BOARD MEMBER MS. BRODEUR: During the school
16 year?

17 MS. DOMINGUEZ-FRICK: I believe that it
18 operates from 9:00 o'clock, 10:00 o'clock giving
19 some three year old classes that takes place
20 during the day. And then from approximately
21 9:00 o'clock until about again 8:00, 8:30 at
22 night.

23 CHAIRMAN MR. YOUKILIS: You put up a chart?

24 MS. DOMINGUEZ-FRICK: Right.

25 CHAIRMAN MR. YOUKILIS: I think the

1 microphone comes out, it slips out of that thing.

2 MS. DOMINGUEZ-FRICK: This is the IU
3 definition of school, which includes also physical
4 training schools, such as but not limited to
5 gymnastics.

6 And based on this that I know is part of the
7 zoning section, IU. But we relied on the
8 definition of school, and then went over to the
9 Off-street Parking Section. And schools require,
10 you know, one parking space per staff person,
11 which is why they went ahead and moved in and
12 invested the money and have done a tremendous
13 amount of renovation to this facility.

14 And then this is strictly just for your
15 benefit. The age level of our children are 4 to
16 15. There's approximately 40 children there at
17 one time and we have 15 spaces currently.

18 CHAIRMAN MR. YOUKILIS: The hours of
19 operation?

20 MS. DOMINGUEZ-FRICK: And the hours of
21 operation are from about 9:00 o'clock to 8:00
22 o'clock at night.

23 The team practices because they teach classes
24 to children that are not necessarily on the team.
25 And then the team comes in after school and

1 practices.

2 In brief, I'm going to ask that you listen to
3 our speakers and to try to understand the
4 distinctions between a childrens gymnastics
5 training facility and the other places referred to
6 in the Code, the dance studio, aerobics and
7 karate. And we are going to ask for your
8 favorable review, and that your recognize that the
9 Code does not specifically address a gymnastics
10 training facility in this type of situation, and
11 that you readjust the parking requirements on our
12 behalf.

13 I would also like to just submit this
14 quickly, and we only have one original, but we did
15 go out and get 100 percent of our neighbors
16 approval who have all specified that we've been
17 there for two years, and there has not been any
18 parking problems, as well as 120 parents
19 signatures. And we have a lot more parents. But
20 because it is summer, there aren't as many but
21 they are all saying they drop their child off for
22 training and return to retrieve the child and they
23 have found no parking problems.

24 CHAIRMAN MR. YOUKILIS: If you can turn that
25 in. That's your only copy?

1 MS. DOMINGUEZ-FRICK: This is our only copy.

2 CHAIRMAN MR. YOUKILIS: If you turn it in,
3 you have to keep it; don't you?

4 We'll believe you. I know you're in an
5 industrial zone.

6 MS. DOMINGUEZ-FRICK: And then I would like
7 to call as our first speaker, and an we will be
8 brief, David Arthur.

9 MR. ARTHUR: David Arthur, I reside at 7850
10 Southwest 128 Street in Pinecrest.

11 I just want to quickly go over a few things
12 about our company, and about the sport of
13 gymnastics, in hopes of giving you a bigger
14 picture of our situation.

15 CHAIRMAN MR. YOUKILIS: Just for -- do you
16 know how long you will be? We have to set a limit
17 on time.

18 MR. ARTHUR: Less than three minutes.

19 CHAIRMAN MR. YOUKILIS: Fine, go ahead.

20 MR. ARTHUR: Our corporation name is Davalco
21 Company, Inc. and it was derived from a
22 combination of my name and my wife, Valerie's,
23 name. We established it in 1985 for a d/b/a
24 called Florida Gymnastics Training Center.

25 Now, as Florida Gymnastics Training Center,

1 we provide gymnastics instructions to boys and
2 girl three to fifteen years of age. And the
3 reason we limit ourselves to that age group, it is
4 not because of a parking problem, but we found
5 that there was no market for that age group. Ten
6 years ago, when we started, we opened a class for
7 ten kids over that age group and found like in a
8 week or two there was only two or three left, and
9 that is because they don't have the proper
10 strength-to-weight ratio to do gymnastics; so they
11 tend to drop out quickly.

12 We also found out it was just financially
13 impractical to accommodate that age group.

14 I want to say a little bit about the virtues
15 of gymnastics. I've been told that our business
16 is more than a business, it is a service to the
17 community. And over the years numerous times
18 we've had parents come up to us and tell us how
19 much our program has done for their child, be it
20 improving their scholastic grades or their
21 discipline, or they've become more focused. And
22 the reason they've become more focused in
23 discipline is because in gymnastics, especially as
24 a competitive gymnast, you to analyze your skills.
25 Let's say if you fall off a piece of equipment,

1 you have to analyze what you did wrong and what
2 you can do to improve that. And this transfers
3 over to their academics in school. In fact USGF
4 several years ago did a study.

5 Before we moved in there there was an auto
6 repair and a transmission repair. The building
7 was very delapidated, there was a quarter inch of
8 grease and guck all over the floor. They had
9 contaminated the ground soil, which they repaired,
10 and they paid a fee to DERM for that. The parking
11 was atrocious. There were cars triple-parked
12 everywhere. There were junkers on blocks, they
13 were parking across the street on County easement
14 for 24 hours with junked cars waiting to be
15 repaired.

16 We came in there, we fixed the place up, we
17 did a little landscaping. And in contrast, our
18 parking is actually basically empty for the most
19 part 22 hours out of the 24 hour day. And that is
20 because we are a drop-off/pick-up facility and we
21 also parallel to the school system. Actually
22 Carmen made an error. We are parallel to the
23 school system. We open when school gets out; our
24 first class starts at 3:30. They are rather light
25 because we don't have a big draw for younger kids.

1 We are more 9:00 to 11:00, in there. And our main
2 classes are from about 4:30 and 5:30.

3 In closing I would just like to say that we
4 are a clean business. We've contributed to the
5 area, we are a service to the community and I hope
6 that you'll consider that in your decision
7 tonight. Thank you.

8 CHAIRMAN MR. YOUKILIS: Thank you.

9 MR. ARTHUR: Also, we have a gentleman here
10 whose the father of one of our gymnast on our
11 gymnastics team. He recognizes the virtues of the
12 sport, and he is also a Metro Dade police officer,
13 which we consider to be somewhat of an expert in
14 traffic situations, and he is at the gym quite
15 frequently. He would like to say something on our
16 behalf.

17 CHAIRMAN MR. YOUKILIS: Your name and
18 address.

19 MR. HERTACH: Good evening.

20 My name is Jeff Hertach, 15541 Southwest 168
21 Terrace. Like David said, my name is Jeff
22 Hertach, I'm employed with Miami-Dade Police
23 Department for approximately about five years now.
24 I'm a parent of Lauren Hertach who is a nine year
25 old gymnast who has been a member of Club

1 Gymnastics for about three years now.

2 Due to my experience in traffic and traffic
3 enforcement and traffic violations, I'm here to
4 testify that given the drop-off and pick-up
5 methods practiced by the parents of gymnastics, I
6 see no evidence of overcrowding or inaccessibility
7 to the facility. I appreciate your time. Thank
8 you.

9 MS. DOMINGUEZ-FRICK: Our next speaker is the
10 retired Miami-Dade Community College professor and
11 the one who owned the first gymnastics gym in Dade
12 County.

13 CHAIRMAN MR. YOUKILIS: Once again, if you
14 don't mind, if you'll give your name and address.
15 We will limit you to three minutes.

16 MR. DAVIS: Okay. My name is Bruce Davis, my
17 address is 1016 Sonato Lane, Apollo Beach,
18 Florida. I've just left Miami-Dade County. I
19 came down here when I was 21 years of age, and in
20 1966 started coaching for the College. In 1969
21 November, I opened Gym Miami, Incorporated at 374
22 Northwest 171 Street. And later on moved over to
23 Opalocka Airport Hanger 1, and that was the first
24 private gymnastics school in Dade County.

25 My sister, Mariel Grossfeld, is a three time

1 Olympian for the United States, and two times
2 Olympic Coach. She opened the first private
3 gymnastics school operation in America in 1967, in
4 New Haven, Connecticut.

5 What I've seen is that there is a distinct
6 difference -- and, by the way, because I'm a
7 physical educator, I've got a strong background in
8 dance. I took ballet, I took karate, I've taught
9 aerobic dance and I've been in a lot of wellness
10 centers. But I see the gymnastic operation as
11 being distinctly different from any of those
12 sports because gymnastics requires a lot of small
13 group instruction and individualized instruction
14 on large equipment.

15 As I said, the area of the floor exercise is
16 40 by 40 feet, runway for vaulting is 30 meters,
17 one balance beam is 16 1/2 feet long and has
18 landing protection mats at both ends, which are at
19 least 12 feet long. So all of this makes for a
20 very, very large warehouse area with a high
21 ceiling in order to be able to work safely in that
22 type of environment. When you are in advance
23 class or karate class, or you're in a ballet
24 class, generally all the participants are bunched
25 closer together, they have no special equipment,

1 and they are doing a redundant activity where they
2 are all doing the same thing.

3 The people in gymnastics are very concerned
4 about safety. We are all professional members of
5 USA Gymnastics, which is the ruling body for the
6 sport out of Indianapolis, Indiana. And we
7 believe we've had a tremendous safety record. All
8 of our coaches have to be safety certified and
9 renew themselves every four years. And we stand
10 behind a lot of important safety information to
11 make it safe for all the kids that are in this
12 sport.

13 So, I hope from that you can see some of the
14 differences between ballet school or karate
15 operation versus a gymnastics facility where we
16 have to have a big space, a lot of individualized
17 instruction and a lot of safety. Thank you.

18 CHAIRMAN MR. YOUKILIS: Thank you, sir.

19 MS. DOMINGUEZ-FRICK: Last we have our
20 architect, Mr. William Arthur, will just briefly
21 go over some of the portions of the Code.

22 CHAIRMAN MR. YOUKILIS: If you will give your
23 name, address.

24 MR. ARTHUR: William Hamilton Arthur,
25 architect. I have offices in the historic Douglas

1 Entrance building in Coral Gables, Florida. I
2 have been a practicing architect for, I hate to
3 tell you, 43 years.

4 The chart that I put up there, I'll come
5 around so you can see it a little better, the
6 chart I put up here for 10,000 square foot
7 gymnastic facility, if we were to develop it by
8 Code, we would have to provide space for 673
9 students. If we provided parking for that 10,000
10 square foot facility, we would have to park 102
11 cars.

12 Now, understand that we have 40 pupils ages 4
13 to 15, who hardly drive, and if you take the
14 ratio, it is about 2 1/2 cars per student.

15 Well, I've driven a car for sixty years, I
16 guess, 50 years, and I still can't drive 2 1/2
17 cars at one time, so I don't see quite how they
18 could divide these cars.

19 If we went by the Code, we would have to pay
20 an impact fee of \$19,285. We would have to
21 provide sanitary requirements, costing \$144,000.
22 And there is no land available in the area to park
23 102 cars, which would cost, if available, would
24 cost over half a million dollars. This would put
25 us out of business.

1 So, we are -- I have to put on my glasses
2 here -- we recognize that it's very difficult to
3 override your professional Staff. But on the
4 other hand, we are not asking you to override the
5 professional Staff. What we are saying, the Code
6 does not apply to a specialized gymnastic training
7 facility. And what we are requesting is a
8 qualified request; age level 4 to 15, 40 students
9 maximum per session. We request the parking for
10 15 cars, three for personnel, one for handicap and
11 eleven for parent drop-off.

12 Your consideration will be greatly
13 appreciated. Thank you.

14 CHAIRMAN MR. YOUKILIS: Thank you,
15 Mr. Arthur.

16 MS. DOMINGUEZ-FRICK: Just very briefly, we
17 ask that based on what you have heard, that you
18 recognize the distinction between gymnastics and
19 dance, karate and aerobics and that you give us
20 your favorable review and readjust the parking
21 requirements for the Florida Gymnastics Training
22 Center. That's it.

23 CHAIRMAN MR. YOUKILIS: Okay. Thank you. If
24 you will just stand near there, there may be some
25 questions.

1 The first step will be, any questions of the
2 applicant or the applicant's representative.

3 Let's start. Do you want to go first?

4 BOARD MEMBER MS. GRIGSBY: Sure.

5 How long have you been in business at this
6 location?

7 MS. DOMINGUEZ-FRICK: At this location, I
8 believe two years, approximately two years.

9 BOARD MEMBER MS. GRIGSBY: And when -- was
10 there some reason that this parking issue came to
11 notice? Were there neighborhood complaints, or
12 how was it that this parking issue became to the
13 notice of the County?

14 MR. ARTHUR: Would you repeat your question?

15 BOARD MEMBER MS. GRIGSBY: How was it that
16 this issue of parking, not having sufficient
17 parking spaces, how did it come to light, to the
18 County, such that they would say that you don't
19 have sufficient parking?

20 MR. ARTHUR: Well, let me give you a little
21 history, I guess.

22 After they checked the Code and moved over to
23 this location, and started doing some repair work
24 on the building, which they thought was general
25 maintenance, painting, fixing some light fixtures

1 and refurbishing the air conditioning, a
2 competitor, who I won't mention, reported them
3 to the Building Department saying that they didn't
4 have a building permit. The enforcement section
5 came out and gave them a citation for no building
6 permit.

7 Then they contacted me to see if I could give
8 them a building permit.

9 And when I went to the County, I went with
10 the understanding that we were a school, we
11 qualified as a school, and that we didn't have to
12 provide any other parking, because of what it said
13 in the Code for the school.

14 But there was a rude awakening. When we got
15 there we found out that the County was not
16 counting parking for schools, they were counting
17 parking for recreation and entertainment. And we
18 don't think -- we don't think that this is
19 recreation nor entertainment. It is hard work for
20 these kids, it is training. And that is how it
21 came about.

22 CHAIRMAN MR. YOUKILIS: Okay.

23 Any other question?

24 BOARD MEMBER MS. GRIGSBY: No, not right at
25 the moment.

1 BOARD MEMBER MS. O'DONNELL: One question of
2 the applicant.

3 When a child is dropped off at the facility,
4 what is the average amount of time that they stay
5 at the facility for training?

6 MS. DOMINGUEZ-FRICK: If the child is taking
7 just a gymnastics class without being on the team,
8 usually it is maybe an hour, hour and a half.

9 The team members practice for approximately
10 three and a half hours. So, they get dropped off,
11 you know, during the school year they get dropped
12 off at about 5:00 o'clock, 5:15, and get picked up
13 at 8:45 at night.

14 BOARD MEMBER MS. O'DONNELL: So, the parents
15 aren't going to wait around for three hours
16 usually.

17 Okay, I have a question.

18 CHAIRMAN MR. YOUKILIS: Another question?

19 We'll come back.

20 Any other questions of the applicant or of
21 the applicant's representative?

22 Okay, any questions of Staff?

23 BOARD MEMBER MS. GRIGSBY: I have one
24 inquiry. Procedurally, in our analysis I'm
25 wondering why we weren't given the actual

1 ordinances that were quoted, because we are
2 reading partials, and I very much dislike reading
3 just excerpts out of an ordinance. So, if in the
4 future you could, when there is such a technical
5 issue as this involved in reading the ordinance,
6 if we could be provided with it. I would very
7 much appreciate that.

8 And then I just wanted to inquire, to make
9 sure that I've understood and that is the County's
10 understanding also that one of the ordinances with
11 IU-1 does describe a gymnastics facility as a
12 school.

13 I don't have that specifically. Is that
14 true? And if so, if you could read it. I think
15 you had read part of that before.

16 CHAIRMAN MR. YOUKILIS: What they are reading
17 out of is a big thick book, it used to be called
18 Zoning Code. I guess now they call it Land
19 Development Code; right?

20 MS. FOJO: It's still the Zoning Code.

21 If I could read that section that they cited
22 to you. It looks like there are three code
23 sections that you want to focus in on.

24 And the first one they ask you to focus in on
25 is the definition of permitted uses within IU

1 districts. And subsection 63 says
2 schools-technical trade schools such as, but not
3 including -- excuse me, let me start again.

4 School: Technical trade schools such as, but
5 not limited to, aviation, electronics, mechanics.
6 Also physical training schools such as, but not
7 him limited to, gymnastics and karate. All school
8 uses shall be subject to compliance with
9 off-street parking requirements.

10 CHAIRMAN MR. YOUKILIS: Okay.

11 MR. LOGUE: So, may I take a moment to try to
12 frame the issue for you?

13 This case -- this matter comes up to you in a
14 particular posture. I think you ought to keep
15 that in mind. The Director has said that a
16 particular code section governs. They are
17 appealing that decision.

18 The Director has said, apart from my
19 decision, you can come to this Board for a
20 variance. But they have not done that as of yet.
21 So, obviously, you want to -- I think you need to
22 separate those two issues.

23 There is a technical legal issue, and then
24 there is a separate equity issue of farness in the
25 variance, which is not technically before you

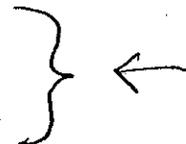
1 today.

2 So, this one section they cite to you
 3 establishes clearly that this type of use is
 4 allowed in IU-1. But then you have to look at the
 5 parking requirements for IU-1. And this is really
 6 where the heart of the dispute is. Because the
 7 school is suggesting that they should be -- they
 8 are raising the issue of, "Gee, we don't see
 9 exactly where the parking requirements of RU-1
 10 addresses our circumstances." So they say they
 11 should be treated as -- and they've cited the
 12 sections up there -- either a day nursery,
 13 kindergarten, elementary school, or as a junior
 14 high school.

15 So, if you would agree with them, you would
 16 have to find that this gymnasium is the equivalent
 17 to a day nursery, kindergarten and elementary
 18 school, or a junior high school.

19 What the Director has said is, he feels that
 20 category -- those categories are not appropriate,
 21 but that another category is more appropriate.
 22 And that category is dance, karate and aerobics
 23 school and health/exercise studios.

24 So, the technical issue before you is, did
 25 the Director abuse his discretion when he said



1 that the proper category for gymnasium is the
2 category that includes "dance, karate and aerobic
3 schools and health/exercise studios".

4 Or should he have said that a gymnasium is
5 the same as day nursery, kindergarten, elementary
6 school or a junior high school.

7 CHAIRMAN MR. YOUKILIS: What they have up
8 there says school. It doesn't say day nursery or
9 anything. Did they cut out some of the wording
10 that you just quoted?

11 MR. LOGUE: Well, I think they -- if you
12 would like, I can walk over and pick that up and
13 bring it before you.

14 MR. ARTHUR: While he is doing that, can I
15 say something?

16 CHAIRMAN MR. YOUKILIS: Not at this time, no.
17 It is between us. There will be a rebuttal,
18 because we are going to ask for opposition to
19 speak.

20 MR. ARTHUR: I just wanted to differentiate
21 between karate and gymnastics.

22 CHAIRMAN MR. YOUKILIS: Not at this time.

23 The attorney has a copy of what --

24 MR. LOGUE: They believe that the gymnasium
25 is either of these two categories.

1 CHAIRMAN MR. YOUKILIS: I see.

2 MR. LOGUE: They accurately said it, Mr.
3 Chair. It is either a day nursery, kindergarten,
4 elementary school or a junior high school. They
5 are -- there are various categories covering what
6 type of parking that is.

7 What the Director had indicated was, he
8 thinks that an alternative category that would be
9 more appropriate; dance, karate and aerobics
10 school, health/exercise studios. So, that is your
11 --- that is the narrow issue before you is which
12 of those categories is appropriate.

13 BOARD MEMBER MS. O'DONNELL: Just for
14 clarification, we are limited to deciding which of
15 the categories are more appropriate here?

16 MR. LOGUE: Since they have not yet applied
17 for a variance, that is the narrow issue before
18 you.

19 BOARD MEMBER MS. O'DONNELL: That is my point
20 here. This is an appeal, it is not a variance.
21 We are used to dealing with variances. We can
22 say, "Well, it is okay to do that." And I just
23 want to clarify for the Board that this is an
24 appeal, it is whether the Director, like he said,
25 abused his discretion. And we have to choose

1 which of two categories the school belongs in.

2 I don't think it belongs in either but, you
3 know, we have -- that is the choice we are limited
4 to.

5 Had they filed for variance, we could say,
6 "We agree that they should only have to have 15
7 parking spaces because of the nature of the
8 school." It is a different -- it is a different
9 standard that we have to apply, just so everybody
10 understands what we are dealing with.

11 MR. LOGUE: Mr. Chairman, if I could
12 interrupt your discussions just two more points.

13 Please keep in mind that in this capacity
14 your acting, as always, in a quasi judicial
15 aspect, capacity. So your governed by the same
16 rules that govern judges. One of the rules that
17 governs judges in this type of situation is that
18 they will defer to the interpretation of Staff if
19 it is a reading that is reasonable.

20 In other words, if there are alternative
21 readings of a Code or Ordinance in the
22 administrators who normally enforce that Ordinance
23 interpret it in a certain way, the Courts will
24 defer to that if it's a reasonable interpretation.
25 That is because the Courts recognize that

1 administrators build up a certain expertise and
2 have to deal with issues of consistencies when
3 they interpret these things.

4 Along those lines, please keep in mind that
5 if you were to determine that the proper category
6 for this type of gymnasium is, what counsel is
7 suggesting, that would be a rule that would govern
8 across the County. In other words, you are now
9 telling the Director that his interpretation is
10 wrong across the County, it wouldn't be just for
11 this one facility, it would be, you know, in the
12 future he would have to address it that way.

13 BOARD MEMBER MS. O'DONNELL: Question for
14 Staff. If we have a situation here where we have
15 to agree with what the recommendation of the
16 Director was, how soon could the applicant apply
17 for a variance on this issue?

18 CHAIRMAN MR. YOUKILIS: Assuming we would
19 overturn the Director's decision without
20 prejudice.

21 MS. FOJO: The Board could waive the
22 requirement of applying again. You could waive
23 the requirement, you know, so that -- because they
24 would be required -- you could waive --

25 BOARD MEMBER MS. O'DONNELL: They can

1 immediately apply for a variance instead of what
2 they've done.

3 MS. FOJO: That's correct.

4 CHAIRMAN MR. YOUKILIS: I wanted to ask a
5 question of the applicant, because we are still in
6 that mode.

7 Did you make -- why did you decide to --
8 could they have applied for an appeal? I mean,
9 for a variance instead of appealing the
10 administrative decision of the Director?

11 MS. FOJO: That's correct. They could have
12 applied for a variance, they choose not to go this
13 route.

14 MS. DOMINGUEZ-FRICK: The question is why
15 didn't we? Because this is a business that has
16 operated from the heart, and not from the pocket.
17 And, to be honest, it cost \$5,000 to apply for a
18 variance and this company did not have \$5,000.

19 So we choose to go the administrative appeal
20 route, as suggested by the Director.

21 CHAIRMAN MR. YOUKILIS: Is her statement
22 correct?

23 BOARD MEMBER MS. BRODEUR: There's a \$5,000
24 fee for a variance?

25 CHAIRMAN MR. YOUKILIS: Well, that is why I

1 wanted to -- let Staff answer.

2 MS. FOJO: It is only \$500. The zoning
3 hearing will be more money. I could not tell you
4 the exact amount, but it may be \$5,000.

5 CHAIRMAN MR. YOUKILIS: It could be.

6 MS. FOJO: It could be.

7 MS. DOMINGUEZ-FRICK: As well as the total
8 cost could be \$20,000 when they have to retain
9 actual zoning counsel, as opposed to the parent of
10 a team member, and hire an architect and all that.
11 The cost is really prohibitive for this facility
12 to apply for a variance.

13 CHAIRMAN MR. YOUKILIS: Additional questions?

14 No additional questions? Okay. I'll call
15 for persons --

16 BOARD MEMBER MS. GRIGSBY: I do have one
17 additional question and this will be directed at
18 Staff.

19 The definition that is not clear which I
20 believe is the same one that you listed stated
21 that a school -- down about halfway down where it
22 said karate or gymnastics, describes a certain
23 kind of school; doesn't it? In the very top;
24 doesn't it? Limited to gymnastics and -- at the
25 very top. Definition of school. I thought it --

1 CHAIRMAN MR. YOUKILIS: That is in the uses
2 allowed.

3 BOARD MEMBER MS. GRIGSBY: But they grouped
4 gymnastics and karate together, I thought. And
5 then when you get down to the description of the
6 parking, which accommodates either schools or
7 health and exercise, health and exercise is split
8 into karate, and gymnastics is left out; is that
9 correct? Is that correct?

10 MR. ARTHUR: Can I say something?

11 CHAIRMAN MR. YOUKILIS: Not at this time.

12 MR. LOGUE: Yes, ma'am.

13 CHAIRMAN MR. YOUKILIS: Okay.

14 Any additional questions for the applicant,
15 the applicant's representative?

16 BOARD MEMBER MS. BRODEUR: I just want for
17 the benefit of the committee to say something.

18 CHAIRMAN MR. YOUKILIS: We are only in the
19 stage where we are asking questions of the
20 applicants or of the Staff. We'll get back to --
21 okay.

22 What we are going today, you'll have a chance
23 for rebuttal because we are going to now ask for
24 anybody in opposition.

25 Are there anybody in opposition? Any

1 additional persons in support?

2 Okay. Do you want -- anybody want to speak?
3 Do you want to have them stand up, if you want to
4 do that? Go ahead, your name.

5 MR. GONZALEZ: My name is Eduardo Gonzalez,
6 12055 Southwest 120 Terrace. I think the point he
7 has is the difference between the school and the
8 gymnastics. The school you don't want to park and
9 go inside, you drop your kid. This is the same
10 situation. Our kids they don't -- you have them
11 for one hour, you hang around the mall, shopping
12 center. My kids are there 3:00, 3:30, we don't
13 pick them up until 7:30. And then you drop your
14 kid and you pick them up. The ballet and karate,
15 you only have one hour. In one hour you don't
16 have time to get in the middle, to be over there
17 and come back. I mean, I go and drop her off, and
18 then I come back and pick her up. And that is not
19 a regular school. Thank you.

20 CHAIRMAN MR. YOUKILIS: Thank you.

21 Anyone else in favor, if you just want to
22 stand up so we can see. Those in favor? Okay,
23 thank you.

24 Are there any speakers in support? Okay,
25 sir. You can all sit down. Thank you.

1 MR. HAN: My name is Tomas Han. My daughter
2 is a gymnast and I pick her up basically and I'm a
3 professional engineer registered in Florida.
4 Thank you.

5 CHAIRMAN MR. YOUKILIS: Thank you very much.
6 Yes, ma'am, your name and address.

7 MS. GUTIERREZ: My name is Jackie Gutierrez,
8 my address is 20108 Southwest 117 Drive.

9 My daughter has been a gymnast and she has
10 gone to this gym, and we do drop our children off.
11 It is a school, it is a training center. And the
12 parents aren't there, one or two might stay and
13 watch the child, because the children like to be
14 watched when they accomplishing something new, but
15 as a general rule we do, all of us, drop our
16 children off and leave them there for the time
17 that they are being trained, come back and pick
18 them up and go home. So it is a school. And I
19 don't understand why -- I can't even imagine how
20 they are debating about this. It is a school.

21 CHAIRMAN MR. YOUKILIS: Okay.

22 Thank you very much. Any additional
23 speakers? Okay, I'm going to close the public
24 hearing.

25 You could rebuttal, if there is opposition.

1 There is no opposition.

2 I wouldn't. I know that. That's in the
3 record. But generally we advise people, if there
4 is no opposition, you know -- I didn't hear any
5 opposition.

6 We can't proceed any further.

7 Okay, now what we're doing, we are limited --
8 we are going to have discussion among the Board
9 Members here.

10 BOARD MEMBER MS. BRODEUR: From what I saw
11 the other day in the Budget, the Budget book, the
12 Zoning Director is going to rewrite some of the
13 Code. So I just thought that I would mention
14 that. That some of this is going to be rewritten.

15 CHAIRMAN MR. YOUKILIS: Okay.

16 Additional comments?

17 Maureen?

18 BOARD MEMBER MS. O'DONNELL: I think if we
19 are dealing with a an issue of a variance I would
20 have absolutely no problem approving this because
21 I don't believe that this is the same as a dance
22 studio or exercise facility. I don't believe that
23 102 parking spots are anywhere near necessary, and
24 I think 15 are sufficient.

25 However, we are here on a legal issue of an

1 appeal. The standard is completely different, and
2 we have a choice of whether this is a school,
3 under the Code, or whether this comes under the
4 other section of the Code.

5 Keep in mind that as County Attorney pointed
6 out to us, if we were to overrule the Director's
7 decision, we are setting precedent in the County.
8 So anybody else who has a facility that is not a
9 dance studio, or not a karate studio, can come in
10 and get -- and automatically only have to have a
11 few parking spaces, even if they have meets or
12 whatever.

13 This could be a problem. And I don't know
14 that this Board wants to set a precedent such as
15 that.

16 I'm very concerned about this issue because
17 we are stuck dealing with a very, very narrow
18 issue here. And as I said, as a variance, you
19 know, if this came up as a variance, I think it is
20 an absolute, it would not even be an issue, we
21 would have already said yes and moved on. But you
22 just need to keep in mind, unfortunately that we
23 are here on an appeal and we need to look at the
24 legal issue involved.

25 CHAIRMAN MR. YOUKILIS: Additional comments?

1 I have some comments.

2 BOARD MEMBER MS. BRODEUR: Go ahead.

3 CHAIRMAN MR. YOUKILIS: I think it is a case
4 where the interpretation is not correct by the
5 Director. There is that school is listed, if
6 that's correct, that is IU-1, that is the zoning
7 district they are in, and clearly it has the word
8 gymnastics in it. It is a gymnastics school.

9 And so I think, you know, this is a case
10 where the interpretation is just to be very
11 strict, they have used the interpretation of, you
12 know, being -- I don't know what -- how did he get
13 to 102? It's one per one hundred feet because
14 that is for a school -- that is for dance, karate
15 and what else aerobic?

16 If that --

17 MR. LOGUE: A health and exercise studio.

18 CHAIRMAN MR. YOUKILIS: If the word
19 gymnastics did not appear there, then I would kind
20 of -- I would go along with you. But this is
21 clearly, you know, the word gymnastics and clearly
22 they have -- they should use -- he should have
23 used the school definition.

24 And in this case, I think the Director's
25 decision should be overturned by this Board. And

1 I think we are creating a hardship on what appears
2 to be a very nice, I think, use in that
3 neighborhood. That is an industrial neighborhood.
4 It is not the most pleasant place to go -- to be
5 in. They have done a real nice job of renovating
6 and having a very facade and very clean.

7 So, I think it is creating a hardship, it is
8 unnecessary. And I think this Board should
9 overturn the decision.

10 BOARD MEMBER MS. O'DONNELL: Again, I would
11 agree with you if we were here on the issue of
12 variance.

13 Just understand that the definition of
14 gymnastics is in the IU-1 definition, but there
15 are -- in the parking area, if you look in the
16 bottom, there are one or two specific issues.

17 Yes, this is -- this is in a not-so-great
18 neighborhood, but what if we have, down the road,
19 if we set a precedent, there is a facility that is
20 in a -- closer to a residential area, and then you
21 have people parking on people's lawns because they
22 are allowed to piggy-back on to this decision.
23 That is the only concern I have. You know, I
24 agree that this is not fair. I mean, these people
25 shouldn't even have to be here. This is something

1 that is, you know, a slam-dunk, it's no brainer.

2 But unfortunately we are dealing with a Code.

3 CHAIRMAN MR. YOUKILIS: I think Peggy made
4 the comment that there has to be -- there is
5 usually amendments to these zoning codes done
6 every year. And maybe this is one wording that
7 should be looked at. And sometimes a decision by
8 one of the Community Zoning Boards will trigger a
9 review of a certain section of a Zoning Code, and
10 this may do that.

11 Any other comments?

12 BOARD MEMBER MS. BRODEUR: Well, one other
13 thing.

14 Remember all the different cases we've had at
15 these nurseries? And they've had like ten spaces,
16 some of these nurseries and schools that you've
17 brought before us, Mr. Price. And we've had all
18 these different things, these places never have
19 more than eight to ten spaces, these nurseries
20 that we've been dealing with and things like that.

21 All of a sudden we are confounded with an
22 overwhelming amount of requirement, that we've
23 never had a requirement before, and they've had
24 more than 40 children at these other things. How
25 come they've had 70 children to 125 at these

1 places and they didn't need 102 spaces at these
2 nursery schools, and these other schools that
3 we've had in front of us on Sunset and on 112th
4 and all these other schools?

5 Why is the Code so -- because that is -- and
6 these facilities were in residential. This isn't
7 residential. This is what I don't understand the
8 inconsistency here.

9 BOARD MEMBER MS. O'DONNELL: Because those
10 schools applied for a variance, they did not
11 appeal a decision of the Director. That is the
12 only difference. It is the procedural mechanism
13 that they used to get here. That is the only
14 difference.

15 MS. FOJO: Mr. Chairman?

16 CHAIRMAN MR. YOUKILIS: Yes.

17 MS. FOJO: Day nursery, the requirement for
18 the day nursery are, according to the staff. So
19 if they have three staff persons, that is the
20 requirement that they will have. They will only
21 need three parking spaces.

22 CHAIRMAN MR. YOUKILIS: Okay.

23 Can I hear a motion?

24 BOARD MEMBER MS. BRODEUR: I think the whole
25 thing is incongruous, and I agree with you, Sandy.

1 The whole thing is mind-boggling. And I think we
2 are going too far on something that ought to be
3 handled in a simple manner. And I would propose
4 that we vote that the Director erred in his
5 interpretation.

6 CHAIRMAN MR. YOUKILIS: What is the proper
7 wording? Whatever the word is.

8 MR. LOGUE: I thought it would be motion to
9 approve the application.

10 CHAIRMAN MR. YOUKILIS: To approve the
11 application, overturning the Director's decision.

12 BOARD MEMBER MS. O'DONNELL: It's not an
13 application.

14 CHAIRMAN MR. YOUKILIS: Well, it is an appeal
15 of administrative decision. Well, it is to
16 approve the appeal.

17 MR. LOGUE: Well, I guess it would be -- we
18 could just put it this way. It is a motion to
19 overturn the Administrator's decision and to allow
20 the parking subject to the conditions in the
21 appeal, in the application.

22 CHAIRMAN MR. YOUKILIS: Okay.

23 That was your motion?

24 BOARD MEMBER MS. BRODEUR: Yes.

25 CHAIRMAN MR. YOUKILIS: That is the motion,

1 just as the attorney worded it.

2 Is there a second to that?

3 BOARD MEMBER MR. BUSH: I'll second it.

4 CHAIRMAN MR. YOUKILIS: Second by Mr. Bush.

5 Any discussion directly on the motion?

6 Okay. You know, we can call the question.

7 And Staff will read the motion. And then call the
8 question.

9 MR. CEPERO: Motion to approve the appeal; is
10 that correct?

11 MR. LOGUE: Yes.

12 BOARD MEMBER MS. O'DONNELL: No, no.

13 MR. LOGUE: It would be approve the appeal,
14 overturn the Administrator's interpretation of the
15 Code to allow the parking as requested in the
16 application subject to the conditions in the
17 application. Are those conditions spelled out?

18 BOARD MEMBER MS. O'DONNELL: No, there are no
19 conditions.

20 CHAIRMAN MR. YOUKILIS: There are no
21 conditions. Because he just said deny.

22 BOARD MEMBER MS. BRODEUR: No, it is only
23 about erring, that's all. There is no conditions,
24 as far as I can see.

25 MR. LOGUE: I mean, there was discussion of

1 40 students.

2 CHAIRMAN MR. YOUKILIS: Okay, subject --

3 MR. LOGUE: Well --

4 BOARD MEMBER MS. O'DONNELL: I think if you
5 look at the analysis that is in our packet, it
6 said that we would have to impose any conditions
7 that we wanted to impose because -- because we are
8 here on an appellate issue there are no
9 conditions. Look at the analysis. I think that
10 is what I read. It is on the second page.

11 But if we -- we would have the option of
12 imposing conditions -- if they are granted a
13 variance.

14 CHAIRMAN MR. YOUKILIS: No, in this case we
15 just overturn the Director's decision, and it is
16 now going to be interpreted as this being a
17 school. And they will apply the conditions,
18 whatever. And probably you are going to meet it.
19 I'm not sure, but with the parking that you have
20 now you are probably going to meet the
21 requirements of a school.

22 Okay, all right.

23 MR. LOGUE: Better said, Mr. Chairman.

24 CHAIRMAN MR. YOUKILIS: Okay.

25 You can call the roll.

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MR. CEPERO: Ms. Armesto?

BOARD MEMBER MS. ARMESTO: Yes.

MR. CEPERO: Ms. Brodeur?

BOARD MEMBER MS. BRODEUR: Yes.

MR. CEPERO: Mr. Bush?

BOARD MEMBER MR. BUSH: Yes.

MR. CEPERO: Ms. Grigsby?

BOARD MEMBER MS. GRIGSBY: Yes.

MR. CEPERO: Ms. O'Donnell?

BOARD MEMBER MS. O'DONNELL: No.

MR. CEPERO: Mr. Youkilis?

CHAIRMAN MR. YOUKILIS: Yes.

MR. CEPERO: Motion carries 5-1.

CHAIRMAN MR. YOUKILIS: Okay, thank you very
much.

MS. DOMINGUEZ-FRICK: Thank you very much.

(Thereupon, the hearing was concluded.)

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF DADE

I, Janice Aguirre, Registered Professional Reporter, Notary Public, State of Florida, certify that the witnesses personally appeared before me on July 28, 1999 and were duly sworn.

WITNESS my hand and official seal this 19th day of October, 2007.



JANICE AGUIRRE

Registered Professional Reporter

Notary Public, State of Florida



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CERTIFICATE OF REPORTER

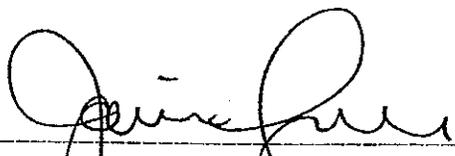
STATE OF FLORIDA)

COUNTY OF DADE)

I, JANICE AGUIRRE, Registered Professional Reporter, do hereby certify that I was authorized to and did stenographically report the CZAB PROCEEDINGS of July 28, 1999; that a review of the transcript WAS requested; and that the foregoing transcript, pages 1 through 58, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel of any of the parties; nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 8th day of July, 2007 at Miami, Dade County, Florida.



JANICE AGUIRRE,
Registered Professional Reporter

STEPHEN CLARKE BUILDING GOVERNMENT CENTER
MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
111 NW FIRST STREET, COMMISSION CHAMBERS
Thursday, June 5, 2008

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ITEM

**DREAM OF FIELDS
(07-339)**

Board of County Commissioners
(Present)

Bruno A. Barreiro, Chairman
Barbara Jordan, Vice Chairwoman
Katy Sorenson
Rebeca Sosa
Audrey Edmonson
Dorrin D. Rolle
Senator Javier Souto
Jose "Pepe" Diaz

County Attorney's Office

Joni Armstrong-Coffey
& Craig Collier
Assistant County Attorneys

Staff

Subrata Basu, Interim Director
Maria Teresa Fojo, Assistant Director

I N D E X

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CHAIRMAN BARREIRO: 3, 5, 9, 14, 22-23, 26,
28-30, 32-33, 38, 40-42.

COMMISSIONER SORENSON: 30, 33-36.

COMMISSIONER SOSA: 38-40, 42.

COMMISSIONER DIAZ: 38, 40-41.

S T A F F

MR. BASU: 4, 34, 35, 36, 39, 41.

MS. COFFEY-ARMSTRONG: 33-34.

ON BEHALF OF THE APPLICANT

MR. COLE: 5-11, 15-17, 25, 29, 37, 40, 42.

MR. OLMEDILLO: 11-15.

MR. MONTORO: 15-16.

OBJECTORS

MR. EBER: 17-23, 28.

MS. SELLEK: 23-29.

MR. RODRIGUEZ: 30-32.

1 THE CLERK: A quorum is present.

2 CHAIRMAN BARREIRO: All right. If we
3 could please rise for a moment of silence,
4 followed by the Pledge of Allegiance.

5 (Pledge of Allegiance).

6 CHAIRMAN BARREIRO: Madam Clerk, can
7 you please swear in the witnesses and
8 attorneys.

9 THE CLERK: If you're testifying
10 today, please stand and raise your right
11 hand. Do you solemnly swear that the
12 testimony you are about to give is the
13 truth, the whole truth and nothing but the
14 truth so help you God.

15 COLLECTIVELY: I do.

16 THE CLERK: You may be seated.

17 CHAIRMAN BARREIRO: All right,
18 translators. Swear in the translators.

19 THE CLERK: Raise your right hand,
20 please. Do you swear or affirm that you
21 will make a true interpretation of the
22 questions asked and the testimony given.

23 THE INTERPRETERS: I do.

24 THE CLERK: Thank you.

25 CHAIRMAN BARREIRO: All right, first

1 Madam Attorney or Mr. Director.

2 INTERIM DIRECTOR BASU: Let me just
3 read into the record.

4 "In accordance with the Code of
5 Miami-Dade County, all items to be heard
6 today have been legally advertised in the
7 newspapers, notices have been mailed and
8 the properties have been posted.
9 Additional copies of the agenda are
10 available here in the chamber. Items will
11 be called up to be heard by agenda number
12 and the name of applicant or appellant.

13 The record of the hearing on each
14 application will include the records of
15 the Planning & Zoning Department. And
16 where there is an appeal from the
17 Community Zoning Appeals Board, the
18 transcript of the CZAB hearing.

19 All these items are physically
20 present today, available to all interested
21 parties and available to the Members of
22 the Board of County Commission, who
23 examine items from the record during the
24 hearing.

25 Parties have the right to

1 cross-examination.

2 "This statement, along with the fact
3 that all witnesses have been sworn should
4 be included in the transcript of all or
5 any part of the proceedings. In addition,
6 there's official translators present in
7 the chambers for those individuals
8 requiring such assistance."

9 First item is Dream of Fields Group,
10 Inc., Application 07-339. There's no
11 protests. There's no waivers.

12 CHAIRMAN BARREIRO: All right, we
13 have the first item up. Is there
14 attorneys?

15 MR. COLE: Yes, sir.

16 CHAIRMAN BARREIRO: All right,
17 there's no protesters and nobody against,
18 is my understanding, from the public.

19 MR. COLE: Well, we actually have --
20 it's our petition to -- we're objecting to
21 the permit that has been granted.

22 CHAIRMAN BARREIRO: Go ahead.

23 MR. COLE: My name is Richard Cole.
24 I'm with the law firm of Cole, Scott &
25 Kissane. I represent an adjacent property

1 owner, Dream of Fields.

2 I have put up here a diagram to show
3 you the subject property and where my
4 property or my client's property is
5 located.

6 The Building and Zoning department
7 has granted a building permit for this
8 facility, which is in clearly a warehouse
9 district, and they have granted it back in
10 about 1998 or nine to have a school.

11 The problem that we have,
12 Commissioners, is the amount of parking
13 for the number of students, instructors
14 and the like.

15 If I could give to the clerk some
16 documents which are all, I think, of
17 public record, the first of which is the
18 original site plan that was -- was
19 proposed. When you get that, you will see
20 that the number of parking spots -- you
21 will see that the number of parking spots,
22 and we've highlighted it for this, is
23 supposed to be 15 spots. They also said
24 at the same time that they were gonna have
25 21 students. This, while we don't believe

1 it complied with the number of parking
2 spots that they should have had for the
3 10,000-square foot building, at least if
4 you limit it to 21 students and 15 spots,
5 they probably could work with the area.

6 The problem has become, from the very
7 beginning, and this has had a Certificate
8 of Use up until very recently of an auto
9 repair shop, not even a dance studio or a
10 school, although they got the approval to
11 have it as a school. The Certificate of
12 Use was never properly done until more
13 recently when they've just now made it a,
14 quote, dance studio, which actually, under
15 the code, they're in violation of Article
16 X, Section 33.151.11, and sub sections.
17 And I'll pass those out, if I could, or
18 ask that my colleague to pass those out.
19 We believe that they are in violation of
20 that as well.

21 Now, what has happened in this thing,
22 we are an adjacent property owner and we
23 have been complaining about the parking
24 and the cars that are everywhere. And so
25 one of the things that has occurred May

1 31, 2007, Metro sent out people. And the
2 first thing that I've got is a requirement
3 -- I'm sorry -- oh, this one. I may need
4 that in a minute. One of them they have
5 required is 15 parking spots. Grant,
6 please pass this out and I have a blowup
7 of that. There is a second on June the
8 25, 2007, where Metro-Dade County, Mr.
9 Basu, who we have the ultimate respect
10 for, also said, again, they need to have
11 15 parking spots. And the number of
12 students presumably has been limited,
13 because you're going to have cars
14 everywhere, which is what's happened.

15 And, unfortunately, then on June
16 27th, Team Metro, because we were
17 complaining, sent somebody out and found
18 out on that day alone, and we have an
19 investigator who went out and found out
20 similar things in earlier June that can
21 testify, that they had 78 students present
22 and they said 19 parking spots.

23 Now, let me show you what the problem
24 is going to be, and I'll pass these out as
25 well. What they're going to find now is

1 that they have submitted yet another
2 permit plan. This one requires eight
3 parking spots, although they claim there
4 are 12. And I'll show you where the eight
5 and the 12 are. Because of having to do
6 changes to -- sorry.

7 CHAIRMAN BARREIRO: Can you please
8 get the mike.

9 MR. COLE: Because they have to --
10 because they have to do some rearranging
11 of the property where the parking would
12 exist, they can get two handicap spot and
13 a regular spot here, three spots here and
14 three spots here. That's a total of
15 eight. They then over here say that they
16 are going to gain four more spots. The
17 problem is there are two other businesses
18 that are operating out of that building.
19 There's a hurricane impact glass, and
20 there's also a lawn mower repair shop.
21 And it's right in front of -- those spots
22 is right in front of the -- let me show
23 you this, too. This is harder to see,
24 unfortunately. We'll see on this picture
25 there are the four spots, four other

1 businesses. Had they wanted to
2 cross-designate, there are ways of
3 cross-designating. This was not ever
4 sought. I don't think it would ever be
5 approved either. But in the end, what
6 you're talking about, is having number of
7 students. And I'm all for the students
8 being able to do things. This is not
9 about them. I see there's a bunch of them
10 here, which just demonstrates, quite
11 frankly, the sense of how large of mass of
12 people this is with absolutely inadequate
13 parking.

14 And what we have asked that the
15 County simply enforce the rules that it
16 has, that it tie the thing to the 1999,
17 when they said they were going to have 21
18 students and they said they were going to
19 have 15 spots. When they wrote us two
20 letters saying they were going to require
21 that the people have 15 spots, now they're
22 coming forward and saying, all right,
23 well, maybe we'll have 12, which is really
24 only eight. And the evidence is clear
25 that parking is being abused everywhere,

1 including on my client's property.

2 I do have here this morning the
3 former director of building and planning.
4 I think most of you know Mr. Ordomeello
5 (sic), which is prepared to testify.
6 Sorry for butchering your name. Guillermo
7 is here and prepared to testify if you all
8 would like to hear from him. Would that
9 be all right?

10 CHAIRMAN BARREIRO: If you want to
11 recognize him.

12 MR. COLE: Yes, can you come up.

13 MR. OLMEDILLO: Thank you. Good
14 morning, Chairman, Members of the Board,
15 Guillermo Olmedillo, 1450 Madruga Avenue,
16 Suite 203, Coral Gables, Florida.

17 I will just tell you what happened
18 from the very beginning and that will
19 assist you in clearing up and assist you
20 in the conclusions of your decisions
21 today.

22 About 10 years ago, the original
23 applicant approached the department. They
24 said we're going to have a gymnastics
25 school. And we said fine, here is where

1 you fit in the Zoning Code. Zoning Code
2 says karate studios, dance studios. You
3 are -- your impacts are similar to those
4 of a karate studio or a dance studio,
5 therefore, you should have so many parking
6 spaces for the number of people that
7 you're going to have, the number of square
8 footage that you're going to use. The
9 applicant, not being satisfied with that,
10 came back and tried to negotiate, saying,
11 well, how about if we maintain only 40
12 students. We did the math again. We said
13 sorry, you don't have sufficient parking
14 for that.

15 At the time the original applicant
16 then filed an appeal of the administrative
17 decision that we had made that stated that
18 they were like a karate or a dance studio,
19 therefore, they had to meet the parking
20 requirements of a dance studio or a karate
21 studio and they went in front of the
22 Community Zoning Appeals Board and they
23 were successful. They were successful,
24 because the Community Zoning Appeals Board
25 said, fine, we will require parking for

1 your facility as a school. The school
2 requirements are very different. They go
3 by staff members. They said, well, fine,
4 so we're going to provide so many parking
5 spaces.

6 At the public hearing, and previous
7 to the public hearing, they had filed a
8 number of applications and a number of
9 plans. And on the file -- on the public
10 file, there were plans submitted with 21
11 students. That was the limitation that
12 they had imposed in the plan.

13 Obviously, you know the purpose of
14 the public hearing. The purpose of the
15 public hearing is fundamentally to show
16 the public at-large what it is that is
17 being requested, debated publicly, make
18 the arguments and come to a conclusion.
19 That file has been in the public records
20 from the very beginning. That's when they
21 said they were going to have 21 students.

22 Well, unfortunately, what happened
23 was what I feared originally 10 years ago,
24 which was these things behave like a dance
25 studio or behave like a karate studio,

1 therefore, they generate more parking
2 needs than what they show there. Through
3 the process, they have -- unfortunately,
4 they have operated without a Certificate
5 of Use for the last almost 10 years. And,
6 in a way, they have evaded the parking
7 issue because they have filed for
8 different applications. And if you look
9 at the record, there are a number of plans
10 that have been filed and always addressing
11 the parking issue. And they go from
12 providing 12, providing eight, providing
13 15 under different circumstances. Also,
14 limiting the number of students to a
15 number of students. In one of the plans
16 they talked about averages, an average of
17 30 students. Unfortunately, the Zoning
18 Code, we have a prescriptive Zoning Code,
19 which doesn't talk about averages. It
20 talks about maximum and minimum.

21 CHAIRMAN BARREIRO: If you could
22 please start wrapping it up.

23 MR. OLMEDILLO: In conclusion, we
24 have a 10-year history with this facility.
25 From the beginning, they were ruled to be

1 like a dance studio or karate studio
2 because of the parking impact. They were
3 granted relief through the Community
4 Zoning Appeals Board and they have been
5 under no Certificate of Use or a misguided
6 Certificate of Use, because it was under a
7 different type of business for the last
8 nine years or so, almost 10 years. And
9 now they come in with a different
10 application, with a different number of
11 parking spaces and the parking issue has
12 not been resolved.

13 That's my statement. If you need any
14 clarifications, if you need any questions,
15 obviously I'm available.

16 CHAIRMAN BARREIRO: All right.

17 MR. COLE: I also have another
18 witness that will take two minutes, which
19 is Mr. Frank Montado (phonetic).

20 Frank, could you come up.

21 MR. MONTORO: Good morning.

22 MR. COLE: Would you just state your
23 name and your address, for the record.

24 MR. MONTORO: Frank Montoro, 13780
25 Southwest 56 Street, Suite 210.

1 MR. COLE: Did you at our request go
2 out on June the 4, 2007 to independently
3 see what kind of crowd there was at the
4 facility and the parking situation?

5 MR. MONTORO: Yes, I did.

6 MR. COLE: What did you find?

7 MR. MONTORO: At the time I arrived
8 around 8:20, there were -- between 8:20
9 and about 10:00 o'clock, there were on
10 average of 30 to 35 cars that were parking
11 in the area bringing in children. I
12 observed at least inside about 40
13 students. They would come and drop the
14 kids and leave, some of them would stay.
15 The parking was everywhere, in the
16 facility, on the both sides, on the grass
17 swells and across the street and so forth.

18 MR. COLE: Thank you very much.

19 I also have two other documents I'd
20 like to just give to the Commission if I
21 could. One is a courtesy notice of code
22 violation for unauthorized birthday
23 parties. The second is an advertisement
24 from this facility relative to summer
25 camp, which is also not permitted by the

1 zoning. The purpose of these is to simply
2 show what it is that this facility
3 continues to do in violation of the
4 various acts that the Commission itself
5 and the Dade County citizens have enacted
6 through their code.

7 With that, I think we presented
8 substantial competent evidence as to why
9 we believe that the permit should not be
10 granted.

11 CHAIRMAN BARREIRO: Thank you.

12 MR. COLE: Yes, sir.

13 CHAIRMAN BARREIRO: Anybody else?
14 From the public? Of him? All right.
15 Anybody else? Objectors?

16 Yes.

17 MR. EBER: My name is Robert Eber.
18 I'm an attorney representing K & B
19 Investments, the owner of the property.
20 My address is one 10761 Southwest 104
21 Street, in Miami.

22 First of all, all the conversation
23 about parking is really irrelevant to the
24 nature of the appeal. If the Commission
25 remembers, this was originally deferred

1 from approximately three weeks ago to give
2 the objector an opportunity to restate
3 their appeal. Based on the attorney's
4 opinion, that was necessary to appeal the
5 issuance of the building permit.

6 The language of the appeal is simply
7 an attempt to limit the number of students
8 to 21. The matters presented in the
9 appeal, upon its reading, do not state any
10 objection to the current parking facility.
11 Under the plans that were approved by the
12 Building Department, the owner has, in
13 fact, resurfaced and redone the parking
14 facilities in accordance with the
15 instructions and demands of the Building
16 Department.

17 In essence what we have here, we have
18 a shell game. The applicant, once they
19 became aware that Florida Gymnastics was
20 going to occupy the premises, leased the
21 property down the street, which is across
22 the street.

23 CHAIRMAN BARREIRO: If you please use
24 the mike.

25 MR. EBER: And if you'll notice, the

1 property, Florida Gymnastics, is over in
2 this location here. The Field of Dreams
3 (sic) property is over here on a dog leg
4 to the left out of any cone of influence
5 of the parking here.

6 But, more importantly, the Commission
7 should be aware that Global Body Fitness
8 Center opened in November of this year
9 directly next door and no objection of any
10 sort was made to their application and
11 also Global Body Fitness Center has
12 another facility up here on the street.
13 Again, these have been unopposed.

14 But, importantly, is the field of --
15 Dream of Fields Group leasing this
16 property has never occupied the property,
17 ever. This is a ruse, because the people
18 behind the Dream of Fields Group are the
19 people that own South Miami Gymnastics,
20 which is located on 57 Avenue, in their
21 attempt to stop the competition. This is
22 a photograph of the warehouse space, which
23 as of yesterday, Abby Sellek will testify,
24 as of yesterday, this still remained
25 vacant 10 months after they began the

1 process of attempting to subvert Field of
2 Dreams (sic) occupancy of the property.

3 We have here a letter, which, again,
4 is addressed to the attorneys, indicating
5 that Mr. Mandelstam, who is a principal in
6 South Miami Gymnastics, is the person
7 who's funding all of the activities that
8 are coming in front of the Commission.
9 The appeal itself does not challenge the
10 right of Florida Gymnastics to operate a
11 gymnastics training center. As I said
12 before, it was specifically an attempt to
13 limit the number of students to 21. And
14 what they attempted to do was claim back
15 in 1999 a site plan that was filed by the
16 predecessor, Florida Gymnastics, the same
17 name business operation, stated they were
18 going to have 21 students. This site plan
19 was for informational purposes. It was
20 never made part of any formal application.

21 And in 1999, when zoning -- the
22 community zoning board 12 dealt with the
23 issue as to parking, the decision was made
24 that Florida Gymnastics Training Center
25 would be classified as a private school

1 facility, which calculates parking in a
2 different fashion. And there were two
3 instances in the transcript, which I'm
4 sure you're familiar with. But at page
5 32, it is specifically referred to the
6 fact that, one, that you'll have to find a
7 gymnasium is the equivalent of a day,
8 nursery, elementary school or junior high
9 school. And that's on Page 32, and
10 reiterated on Page 33. And, again, by
11 reclassifying it, then the Director could
12 make a decision as to the parking
13 requirements, which he has done, which my
14 client has fulfilled as the owner by
15 resurfacing and reformatting the parking
16 area.

17 On page 49 and 50 of the transcript
18 of the hearing that was held back in 1999,
19 there was a question by the Chairman as to
20 whether or not the adoption of the
21 resolution that was being sought by
22 Florida Gymnastics had any conditions
23 attached to it, and that is by way of
24 limitations on the number of students.
25 And on page 49, Chairman Yukelis said, no,

1 in this case, we just overturned the
2 director's decision and it's going to be
3 interpreted as being a school. They will
4 apply the conditions, whatever, referring
5 to the Director. You probably are going
6 to need it. I'm not sure with the parking
7 that you have. You're probably going to
8 meet the requirements of the school.

9 CHAIRMAN BARREIRO: Will you please
10 wrap it up.

11 MR. EBER: Yes. And then on --
12 again, the Board stated on page 49, there
13 are no conditions. So as a consequence,
14 what we have here is, there is no issue
15 with parking that was presented to this
16 Commission. There is no reason or legal
17 basis for the Commission to take any
18 action based on parking, because their
19 appeal specifically was limited to the
20 number of students based on a site plan
21 which your legal department and all of the
22 departments across the board have said do
23 not affect the operation of this business.

24 I have one witness testify, this is
25 Abby Sellek (phonetic), who runs the

1 Florida Gymnastics Training facility.

2 MS. SELLEK: Hello, my name is Arebys
3 Sellek.

4 Do I need to give you my address?

5 CHAIRMAN BARREIRO: Yes.

6 MS. SELLEK: The work address is
7 13115 Southwest 89 Avenue. I am the owner
8 of -- my husband, Norlan and I are the
9 owner of Florida Gymnastics Training
10 Center. We purchased Florida Gymnastics
11 Training Center in April 2007. Before
12 that I was a teacher for 10 years. I
13 taught at Sweetwater Elementary for six of
14 those years. I was a teacher. My son did
15 gymnastics at South Miami Gymnastics. The
16 owners of Florida Gymnastics, their son,
17 did gymnastics at South Miami Gymnastics
18 under Norlan Perez, who was the coach. We
19 were informed that they were selling
20 Florida Gymnastics Training Center, and we
21 thought it would be a great idea to have
22 our own business. Shortly after we
23 purchased Florida Gymnastics in April and
24 Norlan Perez came in as co-owner of
25 Florida Gymnastics. A lot of children

1 followed their coach, and many children
2 left South Miami Gymnastics.

3 In May, we started getting
4 complaints, and that's when I discovered
5 that there was no Certificate of Use. The
6 former owners of the gymnastics training
7 center were operating it for 15 years at
8 that place without a Certificate of Use.
9 And that's when we hired attorneys, and
10 applied for the Certificate of Use and
11 started to do everything so we can take
12 our business legally. We had never been
13 business owners before, and we learned the
14 hard way, how to function business
15 legally.

16 Shortly after that, and you see in
17 the packets that I give you, that the
18 corporation, Dream of Fields Group, was
19 established in May of 2007. And I have
20 many times knocked on the door to see why
21 they're complaining about me, and nobody
22 has ever answered. And, consequently, one
23 day, I was driving to work and the bay
24 doors were open, and that's when I took
25 those pictures. My son took them from his

1 cellphone, those pictures.

2 I called a private investigator,
3 because I wanted to find out who this
4 Michael Fields from Dream of Fields Group
5 was, because I didn't know who they were.
6 And I called -- he had searched and found
7 out that the man did not live in Miami.
8 His address is in North Port, Florida. So
9 that day that I took those pictures, I
10 called him, I said please hurry, that the
11 bay doors are open. So by the time he got
12 there, the bay doors were closed, but he
13 saw an envelope on the floor, took
14 pictures, gave me a report, gave me the
15 pictures. And at that time was when I
16 discovered that Rod Mandelstam, the owner
17 of South Miami Gymnastics, his name was on
18 the envelope.

19 And if I may ask the attorney who's
20 representing Dream of Fields if you -- is
21 Ron Mandelstam is your client?

22 MR. COLE: Dream of Fields is my
23 client.

24 MS. SELLEK: And Ron Mandelstam is
25 addressed in that letter.

1 CHAIRMAN BARREIRO: Sir, I believe
2 you can --

3 MS. SELLEK: Okay. And then -- I
4 don't know. I'm sorry. Then Ron
5 Mandelstam's name is on there, which is
6 the owner of South Miami Gymnastics.

7 We have submitted everything legally.
8 And the plans that they're referring to
9 are not the plans that I submitted. They
10 were the plans that were submitted by the
11 previous owner. Many of our -- I went by
12 -- on the second page of the packet, you
13 will see that every single person, every
14 single business that's right there, right
15 next to Global Fitness, Artist by the
16 Falls, Ace Flooring and every business in
17 that area, they signed that my parking is
18 not affecting them in any way. And many
19 of them even -- Dos Palmas even wanted to
20 come out today, but unfortunately I didn't
21 tell them until yesterday. So but they
22 were all -- they all wanted to help me,
23 because there is no one there operating.

24 And on top of everything, Dream of
25 Fields Group does not have a Certificate

1 of Use, so they're operating without a
2 Certificate of Use and yet are complaining
3 about me. And I feel that it's very
4 unfair.

5 We have children -- we sent more
6 children to regional championships than
7 any gym in the State of Florida. We have
8 -- all of our children, girls and boys,
9 scored in the top 10 positions at state
10 championships and we have many regional
11 champions. And I have a letter from the
12 Chairman of Florida in Gymnastics that is
13 asking to please help us in this, because
14 we are trying to do a good. We also offer
15 classes to autistic children where they
16 need help. I was a learning disability
17 teacher and I'm trying to bring that into
18 my program. I'm trying to do a good for
19 this County, to help children with autism,
20 to help children with epilepsy in my
21 program that I have, that I'm implementing
22 now. And I'm trying to do good for the
23 County, not harm.

24 And if any way possible, if you could
25 understand that we're trying to do things

1 legally, we got everything approved and
2 we're trying to function. It's not my
3 fault that the previous owners were the
4 ones that had committed -- you know,
5 functioning the business illegally.

6 MR. EBER: In conclusion, again, on
7 the narrow grounds that this appeal was
8 brought to the Commission on, it is based
9 on simply whether the site plan was part
10 of the Community Appeals Board decision
11 back in 1999. It wasn't -- the Interim
12 Director, in his conclusion says, as such,
13 the development of the property is not
14 bound to the previously submitted plan,
15 nor is the development of the site limited
16 to 21 students, therefore, the staff
17 recommends that the approval of the
18 administration decision be denied without
19 prejudice. And I submit to you that based
20 on what's before you today, the petition
21 has to be denied. Thank you.

22 CHAIRMAN BARREIRO: Thank you.

23 MS. SELLEK: Can I say one more
24 thing? When Mr. Frank -- I'm sorry, I
25 forgot his name. Yeah, I'm sorry. When

1 he went to our business, he went between
2 8:20 and 10:00 o'clock. We close the gym
3 at 8:30. So at that time there are many
4 people picking up their children. Like at
5 a school when you dismiss the children,
6 the parents are coming to pick up. We
7 close at 8:30 at night, so at that time
8 there is the parents coming in and picking
9 up the children and the children being
10 dismissed.

11 CHAIRMAN BARREIRO: All right, thank
12 you.

13 All right, rebuttal.

14 MR. COLE: Yes, just very briefly.

15 CHAIRMAN BARREIRO: Yes, go ahead.

16 MR. COLE: Just very briefly, I think
17 it's unquestionable that this site plan
18 was tied in the initial hearing to the
19 fact that there would be this limitation
20 on the number of students and parking.
21 Mr. Basu himself has written two letters,
22 two letters to us, since this has all come
23 up saying there's going to be 15 parking
24 spots. If you look at the plan, they're
25 going to have eight parking spots, which

1 is grossly inadequate. The four that
2 they're claiming are in front of two other
3 businesses, and they have no legal right
4 to use those spaces and they're not --
5 should not be counted in. And we really
6 are not in a position to be able to have
7 our businesses run if they -- if you do
8 not enforce your own rules and
9 regulations. Thank you.

10 CHAIRMAN BARREIRO: Commissioner
11 Sorenson.

12 COMMISSIONER SORENSON: Thank you.
13 Is the public hearing closed?

14 MR. RODRIGUEZ: As a witness on
15 behalf of the --

16 CHAIRMAN BARREIRO: Sir, you're
17 recognized, come up.

18 MR. RODRIGUEZ: My name is Daniel
19 Rodriguez. I live at 10220 Coral Creek
20 Road in Coral Gables, Florida. I have
21 three students at Gulliver, two are
22 students also at Florida Gymnastics
23 training. I found out about that very
24 recently. I have no financial interest in
25 this gym at all, but I came here because I

1 think what's occurring right now is really
2 unfortunate. I think this Field of Dreams
3 (sic) business is operating in a place yet
4 -- and they're complaining about this
5 business, yet directly next door they have
6 an art school in addition to the gym.
7 Within 200 yards of that same business,
8 there's two baseball training facilities
9 and warehouses very similar to the
10 warehouse that houses the FGTC center. No
11 complaints with those people, yet it's
12 very peculiar -- I mean, I'm very curious
13 as to why -- and in addition to that, this
14 Fields of Dreams (sic) supposed business
15 has no operations. Why is it -- I think
16 they're using this public venue as a
17 personal vendetta against the owners and
18 the coach of this place. I understand
19 that now.

20 One other thing I'd like to talk
21 about is a little bit about this gym.
22 They started one year ago. Within one
23 year, they were able to get the men's
24 gymnastics state championship hosted.
25 They hosted it. They brought in over

1 6,000 athletes, coaches and family members
2 from around the state to Miami-Dade County
3 in March for four days. In addition to
4 that, like Abby was saying a couple of
5 seconds ago, they produced more state and
6 regional champions than any other school
7 in this state. In this audience, with
8 these kids here, there's four state
9 champions, three regionals and two
10 national champions. This year there's two
11 graduating seniors. One graduating senior
12 happens to be also the valedictorian from
13 Gulliver, is going on a gymnastics
14 scholarship to Stanford. He was coached
15 by Coach Norlan her for the last couple of
16 years.

17 I think this gym is doing an
18 incredible job in the community. It's
19 keeping kids out of trouble. And I really
20 -- it would be unfortunate if they would
21 limit it to the point where it would
22 effect their business very negatively.

23 CHAIRMAN BARREIRO: Anybody else from
24 the public? Seeing none, public hearing
25 is closed.

1 Commissioner Sorenson.

2 COMMISSIONER SORENSON: Thank you,
3 Mr. Chair.

4 I want to just -- Madam Attorney,
5 there are lots of pieces of information
6 here. What is the issue before us today?

7 MS. ARMSTRONG-COFFEY: Just briefly,
8 to put it in context, in 1999 there was a
9 director's determination that this use was
10 more similar to a dance studio,
11 gymnastics-type dance studio than a
12 school. A dance studio would require more
13 parking spaces than a school. That
14 decision was appealed. The Community
15 Council said it's more like a school, and
16 therefore fewer parking spaces were
17 required. Your staff has indicated that
18 no condition was attached to that
19 determination by the Community Council
20 tying it to a site plan. And so when some
21 years later this applicant came in to
22 obtain a Certificate of Use and building
23 permit, there was no zoning condition that
24 would tie them to the site plan, so says
25 your staff, that has a specific number of

1 parking spaces on it.

2 COMMISSIONER SORENSON: Okay.

3 MS. ARMSTRONG-COFFEY: So the issue
4 is whether there's a mistake in issuing a
5 building permit that is not tied to a site
6 plan that requires fewer parking spaces
7 than your building code requires.

8 COMMISSIONER SORENSON: Okay. So
9 right now there are no parking space
10 requirements?

11 MS. ARMSTRONG-COFFEY: Well, the code
12 requirements.

13 COMMISSIONER SORENSON: Okay.

14 And, Mr. Director, could you just
15 chime in.

16 INTERIM DIRECTOR BASU: There is
17 parking space requirement. It's
18 different than a dance studio.

19 COMMISSIONER SORENSON: The
20 requirement is what?

21 INTERIM DIRECTOR BASU: For school.
22 For school, the parking requirements is
23 based on the staff -- number of staff they
24 have in the school. What we have applied
25 here is the junior high standard, which is

1 1.25 spaces per staff. And they have
2 advised us that they have six staff, and
3 that will be eight parking spaces required
4 for the school.

5 COMMISSIONER SORENSON: Okay.

6 INTERIM DIRECTOR BASU: It does not
7 count how many students they have. It's
8 only based on number of staff they have.

9 COMMISSIONER SORENSON: All right.
10 And many of these children, I assume, are
11 not of driving age, so --

12 INTERIM DIRECTOR BASU: No. That's
13 why junior high has a slightly higher
14 proportion than elementary level school,
15 which would be one per child.

16 COMMISSIONER SORENSON: And this is a
17 warehouse district. There is quite a bit
18 of on-street parking around that area,
19 isn't there? There's lots of lots of
20 on-street parking from -- as far as I can
21 tell. Would you agree to that, Mr.
22 Director?

23 INTERIM DIRECTOR BASU: I think there
24 are other parking available on street, but
25 from a Zoning Code point of view, we

1 cannot apply the on-street parking
2 requirement.

3 COMMISSIONER SORENSON: Okay. And
4 that's something I think that needs to be
5 looked at, by the way, because as gas
6 prices increase, and people do more car
7 pooling and use mass transit more, perhaps
8 we don't need the kinds of seas of parking
9 lots that we have right now. We should
10 take a look at that, you know, all across
11 the board.

12 But for the purposes today, it seems
13 to me that the determination was made.
14 The parking has been -- everybody can sit
15 down. You may sit down. You're showing
16 us that you -- that you can't drive or
17 what? Okay.

18 UNIDENTIFIED SPEAKER: They're not
19 big enough to put the foot in the pedal.

20 COMMISSIONER SORENSON: Thank you.
21 And, also, is there a prohibition
22 right now on the number of students that
23 they can have?

24 INTERIM DIRECTOR BASU: No, it's
25 based on the capacity of the facility.

1 COMMISSIONER SORENSON: Okay. And --
2 all right. And for the person who is --
3 who has filed this application, what is
4 your client's use, sir, the attorney who--

5 MR. COLE: I frankly don't know what
6 they do in their business. I've not been
7 to their business.

8 COMMISSIONER SORENSON: Okay. Sir,
9 you are under oath as you know.

10 MR. COLE: No, I don't know what they
11 do in their business. I don't.

12 COMMISSIONER SORENSON: So you're
13 representing a client --

14 MR. COLE: Yes.

15 COMMISSIONER SORENSON: -- who is
16 complaining about too much parking that
17 infringes on their business.

18 MR. COLE: Yes.

19 COMMISSIONER SORENSON: But you don't
20 know what their business is or that it
21 might have impact?

22 MR. COLE: I don't know what their
23 business is, that's correct.

24 COMMISSIONER SORENSON: All right.
25 Well, this seems pretty cut and dry to me.

1 So, you know, I would move to deny
2 the appeal.

3 COMMISSIONER DIAZ: Second.

4 COMMISSIONER SORENSON: And uphold
5 the Director's decision.

6 COMMISSIONER SOSA: Second.

7 CHAIRMAN BARREIRO: Motion and
8 second.

9 All right, Commissioner Sosa.

10 COMMISSIONER SOSA: I have a comment,
11 Mr. Chairman, if I may.

12 I don't know what the law requires,
13 but if we don't have a rule for something
14 like this, I think that I will be more
15 than glad to sponsor that. If someone is
16 complaining about a use of another entity,
17 and they come in front of this Commission
18 for a zoning issue and they don't even
19 know what the business of the person they
20 represent is, I have a problem with.
21 Because then I don't have a complete --

22 CHAIRMAN BARREIRO: No clapping. No
23 clapping.

24 COMMISSIONER SOSA: I don't have a
25 complete information that can help me

1 assess the decision that I make in this
2 table. And since this is a quasi-judicial
3 form of issue, in order for me to make the
4 proper decision, I need to have all the
5 information. So if we don't require that,
6 I think it's gonna be something we
7 require.

8 There was also a question about
9 Certificate of Use not being given to the
10 place that I hope we follow-up on that.
11 And if we have a Certificate of Use from
12 the Dream of Fields Group, then it must
13 say what it is, so we can put it for the
14 record.

15 Do we have one, through the Chair?

16 INTERIM DIRECTOR BASU: There's no
17 Certificate of Use for Dream of Fields.

18 COMMISSIONER SOSA: There's no
19 Certificate of Use, but they are there.
20 They exist. They hire an attorney. So I
21 think that is something that we need to
22 follow-up on.

23 And then on the other side, I wish we
24 could have more FGTCs in Miami-Dade County
25 so they can keep the children after school

1 doing what we will love every youngster to
2 be engaged in, which is gymnastics,
3 sports. And I commend you, Commissioner,
4 and I support you 100 percent. And
5 especially when you have a teacher guiding
6 you through the pathway.

7 CHAIRMAN BARREIRO: Commissioner
8 Diaz.

9 COMMISSIONER DIAZ: Spoken like a
10 true teacher.

11 Sir, could you come up to the podium
12 again. Do you have -- you're representing
13 an entity?

14 MR. COLE: Yes, sir.

15 COMMISSIONER DIAZ: Who's the owner
16 of that entity?

17 MR. COLE: Michael Fields

18 COMMISSIONER DIAZ: Who's the owner
19 of Michael Fields?

20 MR. COLE: That is a person.

21 COMMISSIONER DIAZ: That is a person?

22 MR. COLE: Michael Fields is a
23 person, to my understanding.

24 COMMISSIONER DIAZ: Staff, do we have
25 do we have a name to this entity besides

1 Mr. Michael Fields?

2 INTERIM DIRECTOR BASU: It says
3 Michael Fields is 50 percent of stock
4 owner and Diane Fields is the other
5 50 percent.

6 COMMISSIONER DIAZ: And that's under
7 the Florida registry?

8 INTERIM DIRECTOR BASU: That's what
9 they submitted in our application -- in
10 their appeal application.

11 COMMISSIONER DIAZ: Okay, I would
12 like to follow-up on what Commissioner
13 Sosa said. You know, what's good for the
14 goose is good for the gander. Please find
15 out why this business is operating without
16 the proper licenses.

17 INTERIM DIRECTOR BASU: Okay.

18 COMMISSIONER DIAZ: Please.

19 Thank you, sir.

20 CHAIRMAN BARREIRO: I have one
21 question. I have just one question, sir.

22 MR. COLE: Yes, sir.

23 CHAIRMAN BARREIRO: When Dream of
24 Fields hired you, who physically called
25 you and hired you?

1 MR. COLE: Ron Mandelstam.

2 CHAIRMAN BARREIRO: Right. Thank
3 you.

4 COMMISSIONER SOSA: Who was that?

5 CHAIRMAN BARREIRO: That's what we
6 were trying to get.

7 There's a motion. There's a second.

8 Does anybody wish to vote against?

9 Hearing none, seeing none, the motion is
10 approved.

11 COMMISSIONER SOSA: Mr. Chairman, one
12 thing.

13 CHAIRMAN BARREIRO: Commissioner
14 Sosa.

15 COMMISSIONER SOSA: I saw as part of
16 what was presented a courtesy warning
17 notice, code of violation for celebrating
18 a birthday party of a child. I would like
19 for the legal department to submit to my
20 office and copies to my colleagues, where
21 in our code it says that a school cannot
22 celebrate a birthday party in the facility
23 for the child, because that is a big
24 concern that I have.

25 CHAIRMAN BARREIRO: All right, thank

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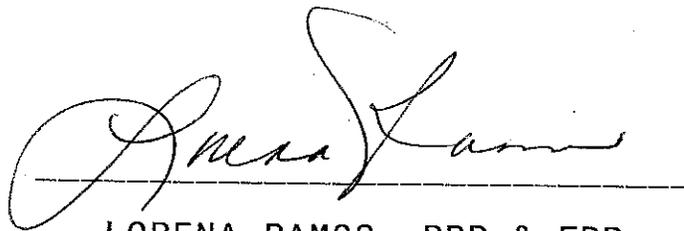
you.

(Thereupon, the hearing on Dream of
Fields, Hearing No. 07-339, was
concluded).

1
2 CERTIFICATE OF REPORTER
3
4

5 I, Lorena Ramos, Registered Professional
6 Reporter and Florida Professional Reporter, do
7 hereby certify that I was authorized to and did
8 transcribe the foregoing proceedings, and that
9 the transcript, pages 1 through 43, is a true
10 and correct record of the videotaped
11 proceedings, to the best of my ability.
12

13 DATED this 25th day of November 2008 at
14 Miami-Dade County, Florida.
15

16
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19 

20 LORENA RAMOS, RPR & FPR

21 COURT REPORTER
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23
24
25