




To: Laura Russo, Esquire
Cristina Suarez, Assistant City Attorney for the City of Coral Gables

From: Craig E. Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding Bahamian Village

Date: April 3, 2017

This resolution is remedial in nature and grants the City Manager and City Attorney all administrative and legal authority necessary to resolve the matter. In my opinion, this includes modification of the site plan administratively. Peter Iglesias is the City Manager's designee as ACM/Building Official, and I am proceeding as City Attorney.

The exercise of this authority is also consistent with the authority exercised in CAO 2016-075, available at <http://www.coralgables.com/modules/showdocument.aspx?documentid=18018>, as well as the opinion in the attached email.

I would also note that the matter involves pending litigation, which also invokes my authority to resolve litigation under section 2-201(e)(6) of the City Code.

This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: Bahamian Village
Date: Monday, April 03, 2017 1:35:56 PM
Attachments: [Resolution of the Coral Gables City Commission Regarding the Bahamian Vi....pdf](#)
[image002.png](#)
[image001.png](#)
[Re Bahamian Village.msg](#)
Importance: High

Please publish.

Craig E. Leen, City Attorney

*Board Certified by the Florida Bar in
City, County and Local Government Law*
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com



Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Monday, April 03, 2017 1:36 PM
To: 'Russo Laura' <laura@laurarussolaw.com>; Suarez, Cristina <csuarez@coralgables.com>
Cc: Kolsky Debra Sinkle <dsk@redevco.org>
Subject: RE: Bahamian Village
Importance: High

Good afternoon. Yes, this resolution is remedial in nature and grants the City Manager and City Attorney all administrative and legal authority necessary to resolve the matter. In my opinion, this includes modification of the site plan administratively. Peter Iglesias is the City Manager's designee as ACM/Building Official, and I am proceeding as City Attorney.

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Craig E. Leen, City Attorney

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From: Russo Laura [<mailto:laura@laurarussolaw.com>]
Sent: Monday, April 03, 2017 1:02 PM
To: Suarez, Cristina <csuarez@coralgables.com>
Cc: Russo Laura Esq <laura@laurarussolaw.com>; Kolsky Debra Sinkle <dsk@redevco.org>; Leen, Craig <cleen@coralgables.com>
Subject: Bahamian Village

Good afternoon Cristina,

I am attaching Resolution 2015-303 that deals with the Lola B. Walker HOA and litigation with the County. Please meet with Craig and confirm in writing (email sufficient) that

Section 2 allows modification of the site plan administratively by Craig Leen and Peter Iglesias.

We need this question and the platting issue confirmed in writing to move forward with the proposed tenant and be able to settle the litigation.

Thank you for your assistance on this.

Best regards,

Laura

Laura L. Russo, Esq.
2655 LeJeune Road, PH 1F
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CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2015-303

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA URGING MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE COUNTY MAYOR AND BOARD OF COUNTY COMMISSIONERS, TO RESOLVE THE DISPUTE WITH THE LOLA B. WALKER HOMEOWNERS FOUNDATION REGARDING THE BAHAMIAN VILLAGE PROJECT, AND GRANTING THE CITY MANAGER AND CITY ATTORNEY FULL AUTHORITY TO TAKE ANY NECESSARY ACTION TO FACILITATE RESOLUTION OF THE MATTER, INCLUDING DIRECTING THE CITY ATTORNEY TO SEEK TO APPEAR IN THE LITIGATION AS AMICUS CURIAE.

WHEREAS, the Lola B. Walker Homeowners Association represents the residents of the MacFarlane Homestead and Golden Gate neighborhoods of Coral Gables, which includes the MacFarlane Homestead Historic District, which is on the national register of historic places; and

WHEREAS, this geographic area of Coral Gables has an extraordinarily rich and important history, as it was built by the Bahamian settlers who worked with George Merrick to build the original homes throughout Coral Gables, and whose children and grandchildren continue to live there today; and

WHEREAS, the Lola B. Walker Homeowners Association represents a number of Coral Gables families with lower incomes, and received a land grant through the related Lola B. Walker Homeowners Foundation that includes a duty to build a community center at the corner of US-1 and Grand Avenue; and

WHEREAS, the Lola B. Walker Homeowners Association, the County, and the City wish to see a community center built at this location; and

WHEREAS, there have been delays related to development of the property over the past decade that have caused concern by all stakeholders; although it should also be noted that a significant economic recession occurred during this time; and

WHEREAS, the City has approved the site plan for the community center and recently approved a regulatory covenant regarding the community center that will allow it to proceed once a permit is issued; and

WHEREAS, litigation is occurring involving the owner/developer of the property and the County that could impede or delay the ability to complete the community center; and

WHEREAS, the County named the Lola B. Walker Homeowners Foundation in the litigation, and is taking a position that could effectively divest the Lola B. Walker Homeowners Foundation of its entire interest in the property; and

WHEREAS, the City is significantly concerned with the impact the litigation may pose to the community center and the surrounding neighborhood; and

WHEREAS, the City wishes to urge Miami-Dade County, through the Board of County Commissioners and the Mayor, to reach a settlement with the parties to the litigation and allow them to proceed to complete the community center project;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the City Commission does hereby authorize the City Manager and City Attorney to take any and all actions necessary to facilitate resolution of the dispute between Miami-Dade County and the Lola B. Walker Homeowners Foundation, including invocation of dispute resolution processes, and through expediting any further reviews of the project.

SECTION 3. That the City Attorney is directed to seek to appear in the litigation as amicus curiae.

SECTION 4. That the City Clerk is directed to provide a copy of this resolution to the Mayor of Miami-Dade County, along with the Chair and each member of the Board of County Commissioners.

SECTION 5. That the City respectfully requests a personal appearance before the Board of County Commissioners to present the City's position.

SECTION 6. That said Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS EIGHTH DAY OF DECEMBER, A.D., 2015.

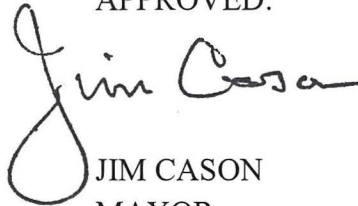
(Moved: Lago / Seconded: Keon)

(Yeas: Keon, Lago, Quesada, Slesnick, Cason)

(Unanimous: 5-0 Vote)

(Agenda Item: F-3)

APPROVED:

A handwritten signature in black ink that reads "Jim Cason". The signature is written in a cursive style with a large, looping initial "J".

JIM CASON
MAYOR

ATTEST:

A handwritten signature in blue ink that reads "Walter J. Foeman". The signature is written in a cursive style with a large, looping initial "W".

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

A handwritten signature in blue ink that reads "Craig E. Leen". The signature is written in a cursive style with a large, looping initial "C".

CRAIG E. LEEN
CITY ATTORNEY

From: [Leen, Craig](#)
To: [Mindreau, Carlos A.](#)
Cc: [Spain, Dona](#); [Burton Hersh](#); [Russo Laura](#); [Trias, Ramon](#); [Iglesias, Peter](#); [Kolsky Debra Sinkle](#); [Gonzalez, Elizabeth](#)
Subject: Re: Bahamian Village
Date: Tuesday, October 25, 2016 1:18:52 AM

Good evening. The Commission's remedial/settlement resolution grants substantial administrative authority to review and resolve this matter. You and Dona have the authority to review and handle administratively.

Craig E. Leen
City Attorney

Sent from my iPhone

> On Oct 24, 2016, at 8:16 AM, Mindreau, Carlos A. <cmindreau@coralgables.com> wrote:

>

> Craig,

>

> Thank you for your clarification. It is not the metal roof that is in question, rather the type of metal roof. The original permit application had a "standing seam metal roof" approved; at some time later, Revision #6, the specification for the roof was changed to "V Crimp metal roof" (I'm not sure that this is what commission had seen). That's why, procedurally, the roof permit is a "separate application"; the applicant does not provide samples of the proposed roof at the time that a revision is requested in order to be able to ascertain that the proposed revision complies with Coral Gables standards (the roof permit application requires a sample of the product).

>

> Please advise,

>

>

> Carlos Anthony Mindreau / City Architect

> City of Coral Gables

> 427 Biltmore Way

> Coral Gables Florida

> 786.255.9610

> cmindreau@coralgables.com

>

>

>

>

>

>

>

> -----Original Message-----

> From: Leen, Craig

> Sent: Friday, October 21, 2016 8:17 PM

> To: Spain, Dona

> Cc: Burton Hersh; Russo Laura; Mindreau, Carlos A.; Trias, Ramon; Iglesias, Peter; Kolsky Debra Sinkle

> Subject: Re: Bahamian Village

>

> Good evening. A metal roof may be used here for a number of reasons. As an initial matter, it is my understanding a metal roof was approved as part of the site plan by the Commission, which expresses the Commission's will and is dispositive on this issue. Dona, as the City's Historic Preservation Officer has also indicated a metal roof is appropriate based on the location, which is proximate to the historic district. In addition, it is my understanding that the metal roof is also consistent with the architectural style being used for the Bahamian Village development.

>

> I would also note that this is a unique situation that is already subject to a Commission remedial and settlement resolution where the City, County, and neighborhood (through the Lola B. Walker Homeowners Foundation and its

interest in the Bahamian Village) are seeking to expedite and facilitate completion of the development, which serves a public purpose. I would also note that this site is subject to a planned area development and regulatory covenant. In these circumstances, the building may lawfully proceed with a metal roof consistent with the Commission's prior approval.

>

> This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

>

> Craig E. Leen

> City Attorney

>

> Sent from my iPhone

>

>> On Oct 21, 2016, at 6:05 PM, Spain, Dona <dspain@coralgables.com> wrote:

>>

>> I believe that a metal roof should be allowed in this location.

>>

>> Sent from my iPhone

>>

>>> On Oct 21, 2016, at 4:43 PM, Burton Hersh <BHersh@burtonhersh.com> wrote:

>>>

>>> Hi Carlos,

>>>

>>> Attached please find a photo of the material. While it is not as nice as a standing seam system I think it has good visual quality. The Community was able to upgrade from a standard 26 gauge system to a 24 gauge system.

>>>

>>> If you would like the physical sample I can bring it by.

>>>

>>> Regards,

>>> Burton

>>> Burton H. Hersh, AIA

>>> bhersh@burtonhersh.com<<mailto:bhersh@burtonhersh.com>>

>>> burtonhersh

>>> 130 Miracle Mile Suite 200

>>> Coral Gables, Florida 33134

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>>> www.burtonhersh.com<<http://www.burtonhersh.com/>>

>>>

>>> From: Russo Laura [<mailto:laura@laurarussolaw.com>]

>>> Sent: Friday, October 21, 2016 3:53 PM

>>> To: Carlos A. Mindreau <cmindreau@coralgables.com>

>>> Cc: Russo Laura Esq <laura@laurarussolaw.com>; Ramon Trias <rtrias@coralgables.com>; Leen Craig <cleen@coralgables.com>; Iglesias, Peter <piglesias@coralgables.com>; Burton Hersh <BHersh@burtonhersh.com>; Kolsky Debra Sinkle <dsk@redevco.org>; Spain Dona <dspain@coralgables.com>

>>> Subject: Bahamian Village

>>> Importance: High

>>>

>>> Good afternoon Carlos,

>>>

>>> I spoke with Burton Hersh who said that the original plans showing a standing metal seam were revised and approved by the Board of Architects on June 23rd. The plans - a copy of the elevation is attached, show 5-V crimp. No finish is stated but Burton said it would be Galve-Alum finish.

>>>

>>> Please let me know if this information allows you to sign off on the plans so the roof permit can be obtained.

>>>

>>> Also - to all who are copied here - I want to make sure that there isn't an issue with the Zoning Approval.

Carlos says that the subject property is not in Historic MacFarlane District and so can not have a metal roof. This

issue came up in 2007 and again in 2015 when we had this last site plan approved. The metal roof was approved by the City Commission as part of the site plan. The metal roof and the Bahamian style were to honor the adjacent MacFarlane Historic District.

>>>

>>> Craig - this should not be an issue - especially at this stage of the game.

>>>

>>> Best regards,

>>>

>>> Laura

>>>

>>> Laura L. Russo, Esq.

>>> 2655 LeJeune Road, PH 1F

>>> Coral Gables, Florida 33134

>>> Tel: 305-476-8300

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>>> laura@laurarussolaw.com<<mailto:laura@laurarussolaw.com>>

>>>

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>>> <IMG_3252.JPG>