

1 CITY OF CORAL GABLES  
2 PLANNING AND ZONING BOARD MEETING  
3 LOCAL PLANNING AGENCY MEETING  
4 VERBATIM TRANSCRIPT  
5 CORAL GABLES CITY HALL  
6 405 BILTMORE WAY, COMMISSION CHAMBERS  
7 CORAL GABLES, FLORIDA  
8 WEDNESDAY, JUNE 3, 2009, 6:03 P.M.

9 Board Members Present:

10 Tom Korge, Chairman  
11 Eibi Aizenstat, Vice-Chairman  
12 Jeffrey Flanagan  
13 Pat Keon  
14 Javier Salman

15 City Staff:

16 Eric Riel, Jr., Planning Director  
17 Walter Carlson, Assistant Planning Director  
18 Scot Bolyard, Planner  
19 Jill Menendez, Administrative Assistant  
20 Elizabeth M. Hernandez, City Attorney  
21 Edward Weller, Planning & Zoning Director  
22 Martha Salazar-Blanco, Zoning Official  
23 Kara Kautz, Historic Preservation Officer  
24 Jim Kay, Project Engineer, Public Works

25 Also Participating:

26 Laura Russo, Esq.,  
27 On behalf of St. Thomas Church & School  
28 Tucker Gibbs, Esq.  
29 Joel Arnold  
30 Roger Walker  
31 Gary Tarbe  
32 Chris Cobb  
33 Thomas Bales  
34 Vivian Cortinas  
35 Enia Rivero  
36 Constance Ryan  
37 Roger Tobin  
38 Derek McDowell  
39 Bill Parker  
40 Ofelia Chiavacci  
41 Bruce Brockhouse  
42 Debbie Augenstein  
43 Barbara Arnold



1           THEREUPON:

2                   The following proceedings were had:

3                   CHAIRMAN KORGE: I believe we have  
4                   a quorum, so let's get started. We'll  
5                   start by calling the roll, please.

6                   MS. MENENDEZ: Eibi Aizenstat?

7                   MR. AIZENSTAT: Here.

8                   MS. MENENDEZ: Robert Behar?

9                   Jack Coe?

10                  Jeff Flanagan?

11                  MR. FLANAGAN: Here.

12                  MS. MENENDEZ: Pat Keon?

13                  Javier Salman?

14                  MR. SALMAN: Here.

15                  MS. MENENDEZ: Tom Korge?

16                  CHAIRMAN KORGE: Here.

17                  MR. RIEL: Mr. Chair, just for the  
18                  record, Mr. Behar was unable to make a  
19                  flight this evening, and Mr. Coe did  
20                  contact me late this evening and  
21                  indicated that he was very ill and could  
22                  not make it this evening.

23                  CHAIRMAN KORGE: Thank you.

24                  And Pat will probably be here  
25                  shortly. I'm assuming she will be.

1 MR. RIEL: Pat indicated she was  
2 going to be here.

3 CHAIRMAN KORGE: Okay. I'll take a  
4 motion for approval of the minutes of  
5 the meeting of May 13th.

6 MR. SALMAN: So moved, Mr.  
7 Chairman.

8 MR. AIZENSTAT: I'll second it.

9 CHAIRMAN KORGE: Moved and  
10 seconded. Any discussion, corrections,  
11 anything like that?

12 Let's call the roll on the approval  
13 of minutes, please.

14 MS. MENENDEZ: Jeff Flanagan?

15 MR. FLANAGAN: Yes.

16 MS. MENENDEZ: Javier Salman?

17 MR. SALMAN: Yes.

18 MS. MENENDEZ: Eibi Aizenstat?

19 MR. AIZENSTAT: Yes.

20 MS. MENENDEZ: Tom Korge?

21 CHAIRMAN KORGE: Yes.

22 The next item on the agenda, Zoning  
23 Code text amendment concerning the  
24 Historic Preservation Board's quorum.

25 MS. KAUTZ: Good evening. Do you

1 want to -- Do you want to start or do  
2 you want me to --

3 MR. RIEL: No.

4 MS. KAUTZ: -- describe it?

5 MR. RIEL: It's your show.

6 MS. KAUTZ: All righty, then.

7 Essentially, this Zoning Code text  
8 amendment seeks to eliminate an  
9 inconsistency that currently exists in  
10 the Zoning Code. Under our section of  
11 the Code, a vote by the Historic  
12 Preservation Board that ends in a tie is  
13 automatically remanded back to the  
14 Historic Preservation Board at their  
15 next meeting. In cases where the  
16 non-majority vote happens, a quorum of  
17 our Board is five out of the nine, and  
18 five out of any number, so they have to  
19 achieve five, and if they don't achieve  
20 a quorum vote, it's treated as a failed  
21 vote and the applicant is just sort  
22 of -- they're not denied -- well, they  
23 are denied, they're not deferred, so  
24 they're not really given any direction  
25 in which to proceed. If they're

1           appealing to the City Commission, the  
2           Commission is left without a fair  
3           decision of what the Board wanted or was  
4           denying or approving.

5                     This seeks to eliminate that  
6           inconsistency and bring a non-quorum  
7           vote back to the Historic Board at their  
8           next meeting.

9                     MR. SALMAN:  So this would  
10          automatically defer the item if there's  
11          no clear majority, one way or the other.

12                    MR. RIEL:  It brings it back  
13          automatically.

14                    MR. SALMAN:  That brings this in  
15          parallel, then, to --

16                    MS. KAUTZ:  Yes.

17                    MR. SALMAN:  -- the way we do it  
18          here on this Board.

19                    MS. KAUTZ:  If there's -- And our  
20          vote, like right now, if it's a tie, it  
21          automatically comes back.  It doesn't  
22          automatically get appealed to the  
23          Commission, it comes back, and this  
24          would do the same thing.

25                    MR. AIZENSTAT:  And it doesn't

1           require any fees, additional fees, or  
2           anything that they have to --

3           MR. KAUTZ: We don't have a fee.

4           MR. AIZENSTAT: Okay.

5           CHAIRMAN KORGE: Well, in looking  
6           at the proposed changes, I didn't quite  
7           read it that way. The way I read it,  
8           maybe I misread it, is that if a motion  
9           lacks a majority vote, then there's an  
10          automatic continuance of the matter.

11          MS. KAUTZ: Right. So --

12          CHAIRMAN KORGE: Well, that means  
13          if a motion fails, then it continues  
14          indefinitely.

15          MS. KAUTZ: Well, the way it  
16          currently is, is a lack of a majority  
17          vote is considered a failed motion.  
18          This would bring it back to the Board at  
19          the next meeting for another vote.

20          CHAIRMAN KORGE: And if it keeps --  
21          at the next meeting, they get the same  
22          lack of a majority vote, meaning that a  
23          majority aren't voting in favor of it --

24          MS. KAUTZ: Right.

25          CHAIRMAN KORGE: -- it keeps coming

1 back until you get a majority? Is that  
2 what you're suggesting?

3 MS. KAUTZ: No. Well,  
4 theoretically, yes. If there's a  
5 non-majority vote, it means that members  
6 are missing or absent.

7 CHAIRMAN KORGE: But it doesn't say  
8 that.

9 MS. KAUTZ: But a tie vote  
10 indicates that same thing. The tie  
11 vote, it means there's a member absent.  
12 The tie --

13 (Thereupon, Ms. Keon arrived.)

14 CHAIRMAN KORGE: What I'm trying to  
15 say is that the sentence, the change in  
16 the sentence, a tie vote or the lack of  
17 a majority vote shall result in an  
18 automatic continuance of the matter, the  
19 way I understand that, if everybody  
20 voted against the motion --

21 MS. KAUTZ: Uh-huh, then that --

22 CHAIRMAN KORGE: -- it would still  
23 come back.

24 MS. KAUTZ: If everybody -- if they  
25 did not achieve a quorum vote.

1                   CHAIRMAN KORGE: It doesn't say if  
2                   there's not a quorum. That's what I'm  
3                   trying to say. It just says if there's  
4                   a lack of a majority vote.

5                   MS. KAUTZ: But a majority vote in  
6                   our case is five, which is a quorum.

7                   CHAIRMAN KORGE: How many on your  
8                   Board?

9                   MS. KAUTZ: Nine.

10                  CHAIRMAN KORGE: All nine members  
11                  show up.

12                  MS. KAUTZ: Uh-huh.

13                  CHAIRMAN KORGE: All nine members  
14                  vote against the motion.

15                  MS. KAUTZ: Uh-huh.

16                  CHAIRMAN KORGE: What happens to  
17                  the motion?

18                  MS. KAUTZ: It fails.

19                  CHAIRMAN KORGE: It doesn't say  
20                  that. That sentence, the way it's  
21                  changed, doesn't say that. As I read  
22                  it, it says a tie vote or the lack of a  
23                  majority vote shall result in an  
24                  automatic continuance of the matter to  
25                  the next meeting. So, if the vote is

1 zero to nine, that's a lack of a  
2 majority vote and it's continued. I  
3 think it needs to be rephrased, is all  
4 I'm saying.

5 MS. KAUTZ: That is a majority  
6 vote.

7 MS. HERNANDEZ: Yeah.

8 MS. KAUTZ: If it's nine-zero --

9 MS. HERNANDEZ: I'm sorry, we're not  
10 following you, Mr. Chairman.

11 CHAIRMAN KORGE: Oh, I see. You  
12 mean, the lack of a majority vote either  
13 way?

14 MS. HERNANDEZ: Yeah.

15 MR. SALMAN: Either way.

16 CHAIRMAN KORGE: Gotcha. Okay.

17 MS. KAUTZ: It gives them the  
18 opportunity to come back and achieve --

19 CHAIRMAN KORGE: I understand.  
20 Never mind. I got it. I understand.  
21 Thank you.

22 Any discussion? Questions?

23 MR. AIZENSTAT: Just out of  
24 curiosity, if I may, when motions like  
25 these are given to us or they're

1 written, who does them? Is it the legal  
2 department or the department head?

3 MS. HERNANDEZ: Motions or the  
4 ordinance amendments?

5 MR. AIZENSTAT: The ordinance, I  
6 apologize. The ordinance amendment.

7 MS. HERNANDEZ: Amendments to the  
8 ordinance, usually it is the department  
9 that is requesting the change or one of  
10 the administrators. From time to time,  
11 we'll do it, if it's a technical -- like  
12 a telecommunications ordinance or  
13 ordinances of that nature, where FCC  
14 rules are involved, then we get involved  
15 and do it.

16 MR. AIZENSTAT: Thank you.

17 CHAIRMAN KORGE: No further  
18 discussion? I'll take a motion to --

19 MR. AIZENSTAT: I'll make a motion.

20 CHAIRMAN KORGE: To approve it?

21 MR. AIZENSTAT: Yes.

22 MR. SALMAN: I'll second it.

23 CHAIRMAN KORGE: Moved and  
24 seconded.

25 Just for the record, Pat Keon has

1 arrived.

2 Let's call the roll, please.

3 MS. MENENDEZ: Javier Salman?

4 MR. SALMAN: Yes.

5 MS. MENENDEZ: Eibi Aizenstat?

6 MR. AIZENSTAT: Yes.

7 MS. MENENDEZ: Jeff Flanagan?

8 MR. FLANAGAN: Yes?

9 MS. MENENDEZ: Pat Keon?

10 MS. KEON: Yes.

11 MS. MENENDEZ: Tom Korge?

12 CHAIRMAN KORGE: Yes.

13 MS. KAUTZ: Thank you.

14 CHAIRMAN KORGE: Thank you.

15 The next item on our agenda is  
16 Application Number 05-09-086-P, a site  
17 plan review.

18 Oh, there you are.

19 MR. CARLSON: Good evening.

20 CHAIRMAN KORGE: Good evening.

21 MS. HERNANDEZ: Good evening.

22 MR. CARLSON: For the record,

23 Walter Carlson.

24 This is an application for site  
25 plan review which is being submitted by

1 the Montgomery Foundation. The  
2 Montgomery property is located in the  
3 southern part of the City, in the  
4 general area of the intersection of Old  
5 Cutler Road and Red Road.

6 The Montgomery Foundation conducts  
7 tropical research at that location, and  
8 they're proposing to construct a small  
9 office studio for visiting scientists on  
10 their property. Their property is 120  
11 acres in size, and this would be located  
12 generally in the center of the property.  
13 This is -- the proposed building is a  
14 small building. It would be one story  
15 in height, under 1,000 square feet in  
16 size, and could not be seen from the  
17 perimeter of the property by the public.

18 Staff found that this proposal is  
19 consistent with the Comprehensive Plan  
20 and it does meet all the requirements in  
21 the Zoning Code.

22 Again, this is a relatively small  
23 building, which is centrally located on  
24 the property and couldn't be seen.  
25 There are no variances being requested

1 or required for this project, and the  
2 proposal has been reviewed by City  
3 departments and there have been no  
4 objections to the project.

5 The Planning Department is  
6 recommending approval of this site plan.  
7 The applicant is here, if you should  
8 have some comments.

9 CHAIRMAN KORGE: Are there any  
10 conditions attached to your approval?

11 MR. CARLSON: There are no  
12 conditions attached to this.

13 MR. AIZENSTAT: And will the same  
14 ingress and egress be used?

15 MR. CARLSON: That is correct.  
16 There's no change in access to the site.

17 MR. SALMAN: Are there any  
18 improvements to the parking or any of  
19 the other issues surrounding the --

20 MR. CARLSON: No --

21 MR. SALMAN: It's just the building  
22 property?

23 MR. CARLSON: Building & Zoning has  
24 reviewed the parking situation. There's  
25 adequate parking available already on

1 the site to accommodate this.

2 CHAIRMAN KORGE: Is anybody from  
3 the audience here interested in this --  
4 talking on this particular -- or  
5 testifying on this particular proposal,  
6 application?

7 No? I don't know if we need the  
8 applicant to make a presentation.

9 MR. CARLSON: That's fine.

10 CHAIRMAN KORGE: If there's a  
11 motion -- I don't know, is there a  
12 motion?

13 MS. KEON: I'll move it.

14 CHAIRMAN KORGE: There's a motion  
15 to approve.

16 MR. SALMAN: I'll second.

17 CHAIRMAN KORGE: Seconded. Any  
18 discussion?

19 No discussion. Let's call the roll  
20 on that, please.

21 MS. MENENDEZ: Pat Keon?

22 MS. KEON: Yes.

23 MS. MENENDEZ: Javier Salman?

24 MR. SALMAN: Yes.

25 MS. MENENDEZ: Eibi Aizenstat?

1 MR. AIZENSTAT: Yes.

2 MS. MENENDEZ: Jeff Flanagan?

3 MR. FLANAGAN: Yes.

4 MS. MENENDEZ: Tom Korge?

5 CHAIRMAN KORGE: Yes.

6 MR. CARLSON: Thank you very much.

7 CHAIRMAN KORGE: Thank you.

8 The next item on our agenda,  
9 Application Number 02-07-456-P, Change  
10 of Land Use, Rezoning and Site Plan  
11 Review for St. Thomas Church and School.

12 MR. RIEL: Thank you, Mr. Chair,  
13 Members of the Board. Just for the  
14 record, I want to indicate that you have  
15 updated comment sheets that are shown in  
16 blue in front of you.

17 Basically, we've received three  
18 comments to date on the subject  
19 applications.

20 Jill has PowerPoints and all the  
21 other information up there. I have a  
22 brief PowerPoint, and I'll be happy to  
23 answer any questions.

24 Scot, if you could get the lights.

25 This is an application of

1 St. Thomas Church and School, proposed  
2 change in land use, rezoning and site  
3 plan approval. Basically, the request  
4 is to construct a student athletic field  
5 on a one-acre parcel located immediately  
6 east of the facility.

7 As the LPA, you're looking at a  
8 change in land use for that one-acre  
9 parcel. As the Planning and Zoning  
10 Board, you're looking at a change in  
11 zoning, and then site plan approval for  
12 the entire site.

13 To kind of orient you -- and again,  
14 it's probably better if you look at the  
15 PowerPoint, it might be a little bit  
16 tough for you to see this. This is the  
17 subject property, in entirety.

18 5690 and 5692, which is basically  
19 the existing school and church.

20 This is the one-acre parcel, which  
21 I'll refer to as 5450. Basically, a  
22 change in land use on this parcel,  
23 change the zoning on this parcel, and  
24 then, as I indicated, the site plan on  
25 the entire parcel.

1           No changes are being proposed to  
2           the church or school, no new buildings,  
3           no building renovations, no demolition  
4           of buildings.

5           Constructing an athletic field,  
6           reconfiguring the existing parking lot,  
7           providing additional landscaping,  
8           maintaining the maximum 425 students, no  
9           increase, and it's pre-kindergarten  
10          through fifth grade.

11          The property at the time of  
12          annexation had 115 existing spaces.  
13          It's determined to be legally non-  
14          conforming by the Building Department,  
15          Building & Zoning Department. They're  
16          proposing 123 spaces or adding eight  
17          additional spaces.

18          Since they do not exceed the  
19          minimum threshold, they're not required  
20          to provide the required parking if they  
21          were coming in as a new facility, and  
22          again, that was verified by the Building  
23          & Zoning.

24          The applicant's proposing 11  
25          changes to improving the existing

1 student pick-up and drop-off and the  
2 operations into the facility, and those  
3 are listed in your application,  
4 basically, a pick-up and drop-off  
5 evaluation.

6 They're proposing a buffer, 10-foot  
7 buffer, on 5450, which is that  
8 single-family lot, a six-foot-high  
9 masonry wall, a hedge, and canopy and  
10 shade trees, also including landscape  
11 materials along the north and south  
12 perimeter of the athletic field to  
13 provide further buffering.

14 They're also proposing various use  
15 and operational restrictions for the  
16 fields, as well as the entire facility.

17 It's a little difficult to read,  
18 but just basically, this is the Staff's  
19 analysis of the Comprehensive Plan.  
20 It's on Pages 13 -- 12 and 13 in your  
21 packet. We're required, as a part of  
22 the review of a land use change, to  
23 provide basis for consistency, basis for  
24 inconsistency, and then recommendations  
25 for consistency. Again, it's on Pages

1 13 and 14 in the Staff Report.

2 Basically, what I'm going to do is,  
3 I'm going to do an overview of the  
4 issues, and by doing that, I'm going to  
5 go through the Staff recommendations,  
6 because that really hits it to the  
7 point.

8 Staff's recommendations, based upon  
9 the Findings of Fact and the  
10 Comprehensive Plan Goals, Objectives and  
11 Policies, as well as the Zoning Code,  
12 we're recommending approval of the three  
13 applications.

14 Standard conditions of approval.  
15 Obviously, they have to construct it  
16 pursuant to the application before you.  
17 We're asking for a restrictive covenant  
18 within 30 days, a standard condition.  
19 We're asking for a unity of title, to  
20 adjoin all the properties, and then  
21 there's a limitation, a continued  
22 limitation, on the number of students.

23 What I'm going to do is go through  
24 each of the conditions as they relate to  
25 each specific parcel.

1           5450, shown in yellow, only  
2           students can use this field -- students,  
3           faculty, obviously churchgoers,  
4           obviously anybody that is at the  
5           facility, the intention is for it to be  
6           utilized for them, not to be rented out.

7           Play equipment will be soccer nets  
8           or other field apparatus, no bleachers  
9           or elevated seats. Limitation on hours  
10          of operation, no vehicle access off of  
11          Kendall or Banyan, and no vehicle  
12          parking. And again, I want to point out  
13          this is for this entire parcel here,  
14          which is the parcel facing or adjoining  
15          the single-family residence and Banyan  
16          Drive single-family residence, as well.

17          Further conditions on use and  
18          operation. No lighting. We're asking  
19          for a 10-foot easement along this entire  
20          property line, and I'll get into the  
21          materials that we'd like in that.  
22          Basically, it's a perpetual easement  
23          that be used for the landscaping only,  
24          no structures. We've done similar  
25          things on applications. It's basically

1 the landscape requirements you have  
2 between a commercial property and  
3 residential. The purpose is to provide  
4 a buffer.

5 The whole facility, 5690 and 5692.  
6 There's an athletic field right here.  
7 Again, only used by students, faculty,  
8 churchgoers, staff. No permanent soccer  
9 equipment, no bleachers, no elevated  
10 seating, the same conditions.

11 Hours of use limitations. Again,  
12 6:30 p.m. to 7:00 a.m. -- excuse me,  
13 7:00 a.m. to 6:30 p.m. No vehicle  
14 access from Banyan Drive. Vehicle  
15 parking is permitted, is permitted --  
16 not permitted (sic) -- is permitted, and  
17 lighting is prohibited.

18 Facility operations. We're asking  
19 that for the entire facility, that when  
20 they have special events over a certain  
21 threshold, they have to go to our  
22 Special Events Committee, and I can get  
23 into more detail if you have questions  
24 about that. We've done this on similar,  
25 other applications, churches and schools

1           throughout the City. It basically  
2           allows for when they exceed a certain  
3           capacity, that they have to go to  
4           Special Events and it's reviewed by the  
5           City, to ensure the impacts occur on the  
6           property.

7                     On-street parking. No vehicle  
8           parking, storage, temporary or  
9           permanent, on North Kendall Drive or  
10          Banyan Drive.

11                    Within 180 days, we're asking that  
12          all eleven recommendations be put in  
13          place, and also that they have traffic  
14          management regarding school operations,  
15          on and off-site.

16                    There's an existing caretaker  
17          residence. We're asking that no storage  
18          of vehicles behind the residence on  
19          Banyan Drive, and then also no lighting  
20          spillover from the entire property, not  
21          just the fields, the entire property.

22                    Landscaping, more detail. We're  
23          asking again for that 10-foot buffer, a  
24          six-foot wall, three-foot hedge, and 12  
25          to 14-foot trees, from North Kendall all

1 the way through to Banyan.

2 In terms of the front, we're asking  
3 for a three-foot hedge, shade trees  
4 along the front, as well, and then on  
5 the rear property, on Banyan Drive --  
6 and again, there's no access from this  
7 point except for the caretaker, no  
8 access to the site for students or  
9 anything.

10 We went out there and did an  
11 analysis. There's a couple holes that  
12 need to be filled in terms of  
13 landscaping to adequately buffer. We're  
14 asking that those be filled in.  
15 Obviously, we're asking for a landscape  
16 plan of the entire facility, subject to  
17 these conditions.

18 We're also asking for -- One thing  
19 we've done is asked for a point person  
20 at the school or church, that if persons  
21 have questions about this approval,  
22 future approvals, that that name be  
23 provided and sent out to the residents  
24 so there's an exchange between neighbors  
25 in terms of information, in terms of

1 future events, and again, this approval.  
2 We've done a similar thing on other  
3 churches and schools.

4 Findings of facts. It's consistent  
5 with the Comp Plan. It's consistent  
6 with the goals. We've identified those  
7 that are inconsistent and suggested or  
8 recommended recommendations to make it  
9 consistent. It satisfies the Zoning  
10 Code, providing for improvements,  
11 operational requirements, improvement of  
12 circulation, additional parking,  
13 prohibitions on use of the driveways,  
14 and then additional protection adjoining  
15 residential uses.

16 Basically, we're saying substantial  
17 competent evidence has been presented,  
18 this proposal is in compliance with the  
19 Comp Plan and the Zoning Code.  
20 Basically, what we're saying is, this  
21 was annexed in '96. At that time, very  
22 limited regulations. By going through  
23 this review process, it provides an  
24 opportunity for us to manage and operate  
25 the property in concert with the City

1 standards, as well as in concert with  
2 the adjoining properties.

3 Basically, right now, there's very  
4 limited provisions that regulate this  
5 property. There's no comprehensive  
6 regulations. There's been no  
7 comprehensive look. We feel that by  
8 going through this approval, it provides  
9 further protection to the adjoining  
10 residences and adjoining property owners  
11 and well manages the property, and as I  
12 indicated, there's safeguards, there's  
13 use operations for the school, as well  
14 as the use of the fields.

15 In terms of public notice, we did  
16 our standard notice, a thousand feet,  
17 web posting, and as I indicated, we  
18 received three comments.

19 That's basically my presentation.  
20 The applicant, obviously, is here to do  
21 a presentation. I'd be happy to answer  
22 questions. I'd suggest maybe let the  
23 applicant go through their presentation,  
24 and then I'd be happy to answer any  
25 questions.

1                   CHAIRMAN KORGE: Okay. Is the  
2                   applicant ready to -- Laura, are you  
3                   going to make the presentation?

4                   MS. RUSSO: Good evening, Mr.  
5                   Chairman, Members of the Board. For the  
6                   record, Laura Russo, with offices at  
7                   2655 -- excuse me -- 2655 LeJeune Road.

8                   I'm here this evening representing  
9                   St. Thomas Church and School, Episcopal  
10                  Church and School, and I'd like to take  
11                  a moment just to introduce a couple of  
12                  the representatives of St. Thomas.

13                  I'll start with Mr. -- Father  
14                  Tobin, the head of the church, with Kris  
15                  Charlton, who is the head of the school,  
16                  with Kitty Finneran, who's associate  
17                  head of the school, Tom Bales, who's  
18                  chairman of the board, and with Chris  
19                  Cobb and Bill Parker, who are on the  
20                  master plan committee.

21                  You have heard our application  
22                  request from Mr. Riel. I'd like to give  
23                  you a little background so that you  
24                  understand a little bit about the  
25                  application. This process started

1           about -- I want to say a little over  
2           three years ago, and the proposal you  
3           have in front of you is a proposal that  
4           has been massaged. It was not our  
5           original proposal. We started out with  
6           a meeting with the neighbors. We had --  
7           we heard their issues and concerns. We  
8           went back. We revised our application.  
9           We turned it in. We heard comments, not  
10          only from the Planning Department but  
11          from Public Works, from Public Service,  
12          and so we made changes to our  
13          application, always trying to be  
14          considerate, and I'll give you one  
15          example.

16                 Our initial proposal did not  
17                 include a wall. One of the neighbors,  
18                 in fact, the neighbor immediately east  
19                 of the subject property, was very  
20                 adamant. I met with her attorney, and  
21                 we were happy to say, "Yes, we'll come  
22                 back and give you a wall."

23                 Neighbors were concerned with the  
24                 lighting of the wall -- of the proposed  
25                 field. We agreed that there would be no

1           lighting of the field. There was an  
2           issue at the beginning; we had initially  
3           wanted to be able to park on the  
4           proposed field that is the subject of  
5           the change in land use and change in  
6           zoning. That request was withdrawn from  
7           the application.

8           So what you have before you here is  
9           what I would say is a work in progress.  
10          And what we're trying to accomplish  
11          here, and I think is what Mr. Riel has  
12          tried to accomplish with his list of  
13          conditions, is that in order for there  
14          to be a real neighborhood, you have to  
15          have certain institutions, like churches  
16          and schools and hospitals and parks that  
17          allow for the common weal. I mean, in  
18          essence, to have a neighborhood, you  
19          have to have these different elements to  
20          form a true society.

21          But what becomes important is the  
22          delicate balance of allowing the  
23          properties of the churches and the  
24          schools and the parks and the hospitals  
25          and the residential uses, and if you

1 will notice, within our City limits, the  
2 majority, if not all, of the churches  
3 and schools and parks are located in  
4 residential neighborhoods. So the idea  
5 that the uses are, per se, incompatible,  
6 I think, is not true. I think that they  
7 can be made to be compatible and to work  
8 together with certain guidelines,  
9 criteria and conditions of approval, as  
10 you've seen here.

11 We have carefully reviewed the  
12 Planning Department's conditions for  
13 approval, and what I'd like to do,  
14 there's a couple where I think we need  
15 some modifications or clarifications,  
16 and then there is a couple where we take  
17 issue with, only because we think they  
18 may be too onerous or burdensome in the  
19 normal routine of the way the  
20 institution operates.

21 So, with your permission, I would  
22 like to -- On the first condition where  
23 we would like some clarification, and I  
24 believe it was made by Mr. Riel during  
25 his presentation, is that users of the

1 existing field and the proposed field  
2 should be all the St. Thomas family, not  
3 just the school portion of the  
4 St. Thomas, but the church portion.

5 The second clarification that I  
6 would request, and it would become more  
7 apparent when the final landscaping  
8 plans are submitted, is, we have no  
9 problem with the 10-foot easement.  
10 We've proposed a wall, a six-foot wall.  
11 We've proposed some shade canopy trees  
12 and some shrubbery, but what we wanted  
13 to make sure is that, if we have the  
14 wall on the property line, and then we  
15 have trees and shrubs, or shrubs and  
16 trees, that whatever portion of the 10  
17 foot remains after that can be grass,  
18 can be green. And part of the reason  
19 is, you heard the reason for this field  
20 is to have a soccer playing field, and  
21 we want to have as much green as we can,  
22 because you need a certain width to have  
23 an appropriate soccer field, and so we  
24 are then providing another few feet  
25 surrounding the actual playing area of

1 the soccer field.

2 CHAIRMAN KORGE: Excuse me, is that  
3 easement inside the wall or outside the  
4 wall?

5 MS. RUSSO: The easement is inside  
6 the wall. The wall would be, as Staff  
7 has recommended, on the property -- in  
8 other words, on the property line, from  
9 the property line in toward our  
10 property, and then the question would be  
11 whether we have the trees first, the  
12 canopy trees, and then the shrubs, or  
13 the shrubs and then the canopy trees,  
14 but it would be -- the 10 feet is  
15 measured from our property line in.

16 CHAIRMAN KORGE: But there's no --  
17 there's no landscaping on the outside of  
18 the wall?

19 MS. RUSSO: Well, the outside of  
20 the wall would be the neighbor's  
21 property, so if the neighbor wished, but  
22 it's not part of the --

23 MR. AIZENSTAT: The wall would be  
24 on the boundary line?

25 MS. RUSSO: The wall would be on

1 the boundary line. We had initially  
2 proposed, and I believe what you may  
3 have is the wall three feet in from the  
4 property line, and then landscaping on  
5 the neighbor's side, but Staff felt it  
6 would be better to move it, and we've  
7 agreed with that condition.

8 The next condition is, the existing  
9 field use, we believe, should not be  
10 restricted. The existing field is the  
11 field that is on the south portion of  
12 the property.

13 MR. AIZENSTAT: When you say that,  
14 can you just -- Eric has gone ahead and  
15 labeled it by address or number. Are  
16 you talking now about the 5450?

17 MS. RUSSO: No, I am not talking  
18 about the 5450. I am talking about  
19 the --

20 MR. AIZENSTAT: What he calls 5690  
21 and 5692?

22 MS. RUSSO: Correct. Correct.

23 MR. RIEL: I think what Ms. Russo  
24 is talking about, if you look at Page 4  
25 in your Staff Report and go to -- I

1 believe I'm correct -- and Ms. Russo can  
2 correct me. It's Condition 2 --

3 MR. AIZENSTAT: Play equipment?

4 MR. RIEL: 2, c.

5 MR. AIZENSTAT: Hours of use?

6 MR. RIEL: Yes.

7 MR. AIZENSTAT: Okay. What are you  
8 proposing, to change the hours?

9 MS. RUSSO: If you look on your --  
10 Just to let you know where it is, if you  
11 look at L-3 of these sheets that you  
12 have, it's the proposed landscape and  
13 buffer plan. The field that I'm talking  
14 about now, the existing field, is  
15 labeled as grass, open lawn area, and  
16 that is the current existing field for  
17 the school and it's also overflow  
18 parking, and as you can see, if you look  
19 at -- it's L-3 in your submittal, and it  
20 accommodates up to approximately 92  
21 parking spaces. It currently is not  
22 restricted and it's used for overflow  
23 parking. It's actually used for a  
24 couple of the special events, but it  
25 really has no sort of structured

1 activities after hours, but, you know,  
2 sometimes when kids are leaving from a  
3 Cub Scout meeting or a youth group  
4 meeting, they may run around there for a  
5 couple of minutes.

6 So, right now, there's been no  
7 restriction on that lot. That lot does  
8 not abut, you know, single-family.  
9 There is swale and a right-of-way prior  
10 to the single-family to the south, on  
11 the other side of Banyan Street.

12 So what we're requesting is that  
13 the existing field be allowed to  
14 continue in its status quo use, the way  
15 it is currently used today.

16 MR. AIZENSTAT: Is it an athletic  
17 field today?

18 MS. RUSSO: It is an athletic  
19 field, but not wholly an athletic field.

20 Excuse me, there's no lip on this,  
21 so none of our papers can stay up here.  
22 I'm having problems controlling the  
23 paper.

24 It is currently an athletic field,  
25 but it is used for overflow parking,

1 almost on a daily basis.

2 MR. AIZENSTAT: With no hours, or  
3 any time is it okay?

4 MS. RUSSO: Correct.

5 The other condition which is also  
6 on the 55 -- what did you call it, 5590  
7 (sic), 5592 property?

8 MR. AIZENSTAT: Yes.

9 MS. RUSSO: Is the caretaker's  
10 residence. Our objection is, the gates  
11 are always closed. We would prefer to  
12 take out the word "locked." It's  
13 currently not used. We've agreed not to  
14 use it for storage.

15 CHAIRMAN KORGE: Where is that  
16 on our sheet?

17 MS. RUSSO: It is 3, a, 3, c.

18 CHAIRMAN KORGE: 3, a, and 3, c.

19 MS. RUSSO: 3, c.

20 CHAIRMAN KORGE: 3, c.

21 MR. RIEL: If you go on Page 5,  
22 just down Page 5 and look at c.

23 MR. AIZENSTAT: Existing old  
24 caretaker's residence.

25 MR. RIEL: Yes, the second line.



1           it's really clarification. The goal is  
2           to achieve a hundred percent opacity.  
3           We agree that is the goal. We just want  
4           that goal to be within the normal  
5           landscaping guidelines, so that it won't  
6           be a hundred percent opacity at time of  
7           planting. There's some holes in the  
8           landscaping on the southern portion of  
9           Banyan Drive, and we're going to be  
10          filling in --

11                   CHAIRMAN KORGE: Where on this  
12          sheet -- Where on recommendations --

13                   MR. RUSSO: 3, a, 4, c, 2.

14                   MR. RIEL: Page 6, top of Page 6,  
15          c, 2.

16                   MR. AIZENSTAT: You know, sometimes  
17          when trees are planted or have been  
18          planted for some time, trees tend to dry  
19          up and they tend to just get with less  
20          fullness. Things happen, also, with  
21          certain types of plants, like what's  
22          happening, I think, with the hibiscus or  
23          certain plants --

24                   MS. RUSSO: With ficus, too.

25                   MR. AIZENSTAT: With ficus.

1           I wonder, Eric, if your -- when you  
2           went to physically take a look at it, is  
3           it because you saw certain shrubs or  
4           hedges were not full and they weren't  
5           blocking or --

6           MR. RIEL: Well, it was actually --  
7           it was Mr. Keys and I, because the  
8           Public Service Director is ultimately in  
9           charge of the City's landscaping. There  
10          were some materials that obviously had  
11          expired.

12          MR. AIZENSTAT: Okay.

13          MR. RIEL: You know, it's a  
14          maintenance issue regarding --

15          Mr. AIZENSTAT: And you'd like for  
16          them to put back what has expired?

17          MR. RIEL: Basically, to provide  
18          opacity in terms of the vegetation, so  
19          you're not viewing through, obviously,  
20          and then you have the benefits, that  
21          noise --

22          CHAIRMAN KORGE: Would the word  
23          "reasonably" inserted there achieve the  
24          objective or address your concern?

25          MS. RUSSO: Well, and I think it

1           should be within normal landscape  
2           guidelines. In other words, it won't be  
3           at planting, but maybe within -- and I  
4           don't know, I think Mr. Riel had said  
5           guidelines say three to five years. We  
6           could agree 18 months --

7           MR. AIZENSTAT: What are you  
8           concerned about?

9           MS. RUSSO: Well, at --

10          MR. AIZENSTAT: At the expense  
11          of --

12          MS. RUSSO: To be able to do it at  
13          the actual -- at the initial, depending  
14          on the size of the holes, to get the  
15          size of understory shrubbery.

16          CHAIRMAN KORGE: Oh, I see. Your  
17          concern is that you might have to buy  
18          really large shrubbery --

19          MR. RIEL: Yes, I believe so.

20          CHAIRMAN KORGE: -- that is over  
21          expensive, when it would grow in in a  
22          year?

23          MS. RUSSO: Correct.

24          MR. AIZENSTAT: Well, sometimes it  
25          could take much longer. Isn't the idea,

1           also, to protect the neighbors that are  
2           there? Isn't that why maybe Mr. Keys  
3           asked for a full tree or full shrub to  
4           go in there?

5                     Eric?

6                     MR. RIEL: Yes. Well, there's  
7           obviously different types of materials.  
8           Typically, when materials are installed,  
9           when landscape plans are done, my  
10          experience has been that installation --  
11          the intent is to reach maturity in three  
12          to five years, in other words, where it  
13          will have an impact. So you don't have  
14          to, obviously, put in large material.  
15          You don't want to put something in that,  
16          you know, within a year, is going to be  
17          crowding one another. So it depends on  
18          the type of plant material, and that's  
19          where, you know, we want to work with  
20          the school and the church to determine  
21          what they have out there and at least  
22          have some flexibility.

23                     I don't have a problem with  
24          putting, you know, a hundred percent  
25          opacity within three to five years.

1           That's kind of the standard -- standard  
2           language.

3           MS. RUSSO: Right, right.

4           MR. AIZENSTAT: I just want to be  
5           clear on that.

6           MS. RUSSO: We just want it to be  
7           clear -- and our goal is to provide it.  
8           We just want it to be clear that it --

9           MR. AIZENSTAT: I just want to know  
10          what the City's intention is.

11          CHAIRMAN KORGE: Okay.

12          MS. RUSSO: And we've agreed the  
13          City will be approving that landscaping.

14          The last item that we have where we  
15          take exception, and this is where we do  
16          take exception, is with respect to the  
17          special event permits. The City has put  
18          as a condition that there be special  
19          events for when there are over 123 cars.  
20          We object, because this would really  
21          interfere with the way the school and  
22          church operate. That happens on a  
23          routine basis, at different times during  
24          the week, during school, during church.  
25          They get that kind of membership that

1 comes out for services on Sundays. At  
2 different times during the school day,  
3 you could have that. So it would be an  
4 incredible burden if you have to then  
5 say, almost every single day, you have  
6 to get a special event permit.

7 A lot of the traffic and  
8 circulation within has been dealt with  
9 in the report that you saw there by  
10 Mr. Tim Plummer, that he did with  
11 respect to drop-off and pick-up, and so  
12 that you know, all 11 recommendations  
13 have already been instituted by  
14 St. Thomas. But this special events  
15 would put an incredible burden on the  
16 way the church -- for example, funerals,  
17 there's no way to predict. Sometimes a  
18 funeral can bring a small number of  
19 cars; sometimes, depending on the --

20 CHAIRMAN KORGE: Do you have any --  
21 I get it. Is there any alternative you  
22 would suggest, just eliminating it  
23 completely or what are you asking for?

24 MR. AIZENSTAT: Well --

25 MS. RUSSO: Well, obviously, the

1 first choice would be to eliminate it  
2 completely, but --

3 MR. AIZENSAT: I wouldn't be in  
4 favor of eliminating it, myself,  
5 completely. I would look at it as  
6 special events being carnivals or --

7 MS. RUSSO: Maybe perhaps raising  
8 the threshold so that it really is a  
9 special event, say -- we know we can  
10 park almost 245 to 250 cars, so perhaps  
11 it should be any event where it is  
12 anticipated -- you know, anticipated  
13 that over 250 cars would be there.

14 CHAIRMAN KORGE: Maybe you should  
15 also exclude religious services,  
16 because --

17 MS. RUSSO: Religious services and  
18 maybe funerals, since you can't really,  
19 you know --

20 MR. AIZENSTAT: I mean, that  
21 would --

22 CHAIRMAN KORGE: I would consider  
23 that a religious service.

24 MR. SALMAN: I would consider that  
25 a religious service.

1 MS. RUSSO: Okay, and exclude  
2 religious services that are --

3 MR. AIZENSTAT: How do you keep  
4 track of -- if you say 123 cars or 250  
5 cars, does somebody go out there on any  
6 given date and count how many cars you  
7 have out there?

8 MS. RUSSO: I think, you know, that  
9 certain events, like carnival, gala, and  
10 if you said we exclude religious  
11 services, then we can exclude Christmas  
12 Day, but I think there is an anticipated  
13 number of participants or attendees at,  
14 for example, graduation or Grandparents'  
15 Day, so my goal would be, then, to put  
16 the threshold at such a number where the  
17 school isn't having to go every single  
18 day, but yet do it where perhaps the  
19 number of attendees, you know, would be  
20 far greater than the average.

21 MR. AIZENSTAT: Presently, you have  
22 zero limit on it?

23 MR. SALMAN: Correct.

24 MS. RUSSO: Yes, currently. As Mr.  
25 Riel explained, this property was

1 annexed by the City of Coral Gables, in  
2 1996 or '97, at the end of '96, '97, so  
3 while St. Thomas did have two ordinances  
4 affecting it for some minor building  
5 plans that were done in the City of  
6 Coral Gables, I think, in '97 and '98,  
7 there has been no other application  
8 before the City of Coral Gables, so in  
9 our -- you know, and that's one of the  
10 reasons why we're also doing, in  
11 addition to the change in land use and  
12 the change in zoning, the site plan  
13 approval, because what we are now  
14 putting on at least the City's  
15 records -- because remember, a lot of  
16 the County's records came over, but we  
17 had difficulties finding a lot of  
18 background documentation. We are  
19 basically putting and creating a record  
20 for sort of operations of the school and  
21 church that now become part of the  
22 City's record and will be part of the  
23 declaration of restrictive covenants  
24 that will be -- you know, that will be  
25 drafted.

1                   MR. AIZENSTAT: Eric, do you see  
2 something that --

3                   MR. RIEL: Yeah. My preference  
4 would be, Mr. Chair, is that we allow  
5 the applicant to complete their  
6 presentation. I'd be happy to go  
7 through each of the issues.

8                   MR. AIZENSTAT: Okay. I'm sorry.

9                   MR. RIEL: I think we should maybe  
10 hear from the public, and then I'll be  
11 able to respond accordingly to each one.

12                  CHAIRMAN KORGE: Yes.

13                  MS. RUSSO: In conclusion, what I'd  
14 just like to say is that what we have  
15 here is an institution that's been  
16 around since the early 1950s, that  
17 provides -- it's a resource for the  
18 community, not just in its providing  
19 education, its providing, you know,  
20 spiritual guidance, but it also has  
21 activities that are part of the  
22 community, Cub Scouts, it has recitals  
23 and concerts, that all are what make  
24 living in Coral Gables a very special  
25 place, and what we are attempting to do

1           here is allow the school to be able to  
2           compete with other schools in the area  
3           in terms of providing improved  
4           facilities, and at the same time try to  
5           provide safeguards for the surrounding  
6           residential community and to minimize  
7           the impact of our request as much as  
8           possible so that both the residential  
9           people can benefit from the presence of  
10          St. Thomas and vice-versa.

11                 We respectfully request your  
12           approval of our three applications, and  
13           we are happy to answer any questions  
14           that may come up, and as I explained to  
15           you before, I have different  
16           representatives from the school and the  
17           church here. So, depending on the  
18           question, I will have the appropriate  
19           representative answer.

20                         CHAIRMAN KORGE: Okay. Does  
21           anybody want to ask any questions at  
22           this time, or do you want to wait?

23                         MR. AIZENSTAT: I'll wait, as Eric  
24           suggested.

25                         MR. FLANAGAN: I'll wait.

1                   CHAIRMAN KORGE: Wait? Very well.

2                   MS. RUSSO: And I also at this time  
3 would like to present -- we have  
4 petitions that were signed by either  
5 church members or parents of the school  
6 that are in favor of these applications,  
7 so I'd like to present these to the  
8 Secretary of the Board.

9                   CHAIRMAN KORGE: Okay. We'll  
10 accept them in the record.

11                  MR. RIEL: Yes, we stamp them for  
12 the record.

13                  Mr. Chair, we have --

14                  Are you finished, Ms. Russo?

15                  MS. RUSSO: Yes.

16                  MR. RIEL: Also, Ms. Russo, my  
17 assumption is that you agree with all  
18 the other conditions? Could you state  
19 that on the record?

20                  MS. RUSSO: Yes, I will. I'm  
21 sorry, I did not state that on the  
22 record. With the exception of the  
23 clarifications and/or modifications that  
24 were requested, we accept the other  
25 conditions of Staff's Report, and if you

1 do not accept the waiver of the special  
2 events permit, we request that the  
3 threshold be 250 cars.

4 Thank you.

5 MR. RIEL: Mr. Chair, we have 23  
6 speakers that have signed up to speak.

7 CHAIRMAN KORGE: How many?

8 MR. RIEL: 23.

9 CHAIRMAN KORGE: Is this -- I see  
10 Mr. Gibbs here. Are you representing  
11 the neighbors generally?

12 MR. GIBBS: Yes.

13 CHAIRMAN KORGE: Well, why don't  
14 you come first?

15 MR. RIEL: We need to swear  
16 everybody in, Mr. Chair. We need to  
17 swear all of the -- everybody in.

18 CHAIRMAN KORGE: Do you want to  
19 swear them all in at the same time?

20 MR. RIEL: It would probably be  
21 easier than going through 23 --

22 MS. HERNANDEZ: Let's definitely do  
23 it.

24 CHAIRMAN KORGE: Okay, everybody,  
25 stand up and get sworn in.

1                   MR. AIZENSTAT: That's going to be  
2 speaking.

3                   CHAIRMAN KORGE: Anybody who's  
4 going to be speaking, or expects to  
5 speak.

6                   (Thereupon, all who were to speak  
7 were duly sworn by the court reporter.)

8                   CHAIRMAN KORGE: Tucker, you have  
9 the floor.

10                  MR. GIBBS: I think I'm going to  
11 have the same problem that Laura had  
12 with the lip on this thing. Everything  
13 is going to go flying in a second, I'm  
14 sure.

15                  Good evening, ladies and gentlemen.  
16 My name is Tucker Gibbs, and I represent  
17 the Banyan Drive Preservation  
18 Association, and also Ofe and Guillermo  
19 Fernandez, who are the actual neighbors  
20 of this project. They're all neighbors  
21 of the St. Thomas Church and School.

22                  Before I start, I'd like to, just  
23 for the record, object to the placement  
24 in the record of the petitions. This,  
25 at least in part, is a quasi-judicial

1 proceeding. The law is very clear that  
2 petitions and such are not to be  
3 considered in your decision-making. So,  
4 as a matter of form, I'd like to object  
5 to that.

6 But going forward, I wanted to let  
7 you all know that, as you can imagine,  
8 as neighbors of St. Thomas, my clients  
9 have had consistent concerns with the  
10 school and its physical expansion.  
11 Specifically, my clients object to the  
12 application that takes a single-family  
13 property, which is the 5450 property,  
14 which, until about six months ago or  
15 maybe even a year ago, had a house on  
16 it, a single-family house on it, and  
17 seeks to utilize that property for an  
18 athletic field for school use.

19 You've heard a lot about the  
20 athletic field, a lot of conditions  
21 relating to the athletic field, but the  
22 fact is, you're making three decisions  
23 tonight. You're making a decision to  
24 change the land use of the property,  
25 which will allow a school -- which will

1 allow a school to come in and ask you to  
2 do a rezoning to allow a physical  
3 building on that site, because the land  
4 use, as you all know as the Local  
5 Planning Agency, it allows that broad  
6 authority in the Comprehensive Plan.

7 So what St. Thomas has done is to  
8 buy this single-family house to expand  
9 its school into a stable single-family  
10 neighborhood. If you -- and the picture  
11 doesn't go all -- well, it does. If you  
12 look that the picture, you see 5450, and  
13 immediately to the east, you'll see my  
14 clients' property. Immediately to the  
15 east of that is a church-owned property,  
16 where I think Father Tobin lives, and  
17 immediately to the east of that is the  
18 last house on the block, which means  
19 there are only two non-church-owned  
20 properties on that block. That's a  
21 concern of my clients, because what my  
22 clients are seeing is the church, which  
23 has limited itself to, I think, 424  
24 students -- I may be --

25 MS. RUSSO: 425.

1           MR. GIBBS: 425 students, and they  
2           limited themselves to that number way  
3           back in the 1990s. The point is, when  
4           the County approved the expansion of the  
5           school, the County -- they had a plan,  
6           it was 425 students. They had a field.  
7           Everything was fine. The question we  
8           have is, why do they need a field now,  
9           with the same number of students?  
10          That's the concern.

11          My clients don't know what's going  
12          to happen in five, 10, 15 or 20 years,  
13          but the fear, the literal fear, in this  
14          neighborhood is that the church is going  
15          to continue to seek and pressure to  
16          buy -- continue to buy property on that  
17          block to eventually expand the school.  
18          That may not be your issue tonight, but  
19          that is the concern of my clients, and  
20          at least I need you to understand that  
21          as you review this application.

22          Finally, this application does not  
23          preserve and improve the character of  
24          the neighborhood. The reason why I use  
25          that term, preserve and improve the

1 character, that is one of the  
2 requirements in your Comprehensive Plan.  
3 That is Objective 1-1.14, which is cited  
4 by your Planning Department; I think  
5 it's also cited by the school.

6 Remember, they have to show you  
7 that the application is going to  
8 preserve and improve the character of  
9 the neighborhood. And the character of  
10 the neighborhood is a single-family  
11 neighborhood. Why? Because your Comp  
12 Plan defines the character of the  
13 neighborhood. Your Comprehensive Plan  
14 has a map, a Future Land Use Map, that  
15 shows that property at 5450 as a single-  
16 family, as low-density residential  
17 single-family. The character of the  
18 neighborhood has already been set, and  
19 that character is single-family. What  
20 this project -- what this proposal is  
21 doing is seeking to change the character  
22 and make it more institutional, by  
23 allowing the institutional use to  
24 expand. Even though it's, quote, just,  
25 unquote, an athletic field, it is still

1 part of that institutional use.

2 My clients' position is basic. The  
3 proposed change in the land use is  
4 contrary to specific goals, objectives  
5 and policies in the Comprehensive Plan  
6 and is inconsistent with that plan, and  
7 we'll get into that in a second.

8 Two, the proposed change, the  
9 proposed zoning change, is inconsistent  
10 with the Comprehensive Plan and fails to  
11 meet the standards that are set forth in  
12 Section 3-1404, A, for a rezoning.  
13 That's in your Land Development Code.  
14 It's also in the Staff's recommendation.

15 And finally, the proposed site plan  
16 is incompatible with the single-family  
17 residential character of the  
18 neighborhood.

19 So I wanted to look, first, at the  
20 Comprehensive Plan, and I can go through  
21 every single one of these. I am not  
22 going to do that, because I see  
23 Mr. Salman is already bored with my  
24 presentation, and I don't blame him, but  
25 I do need to get the record -- I do need

1 to get the record -- get this material  
2 on the record.

3 The applicant has said in their  
4 presentation -- in their presentation  
5 and in the report that they presented  
6 that's in your record, they specifically  
7 said that the Comprehensive Plan Map  
8 Amendment, the zoning change and the  
9 site plan is consistent and in  
10 furtherance with three Comprehensive  
11 Plan provisions, three or four, and they  
12 talk about Goal Number 1, which is to  
13 enhance the future land use, consistent  
14 with the needs of the community.

15 This is an expansion into a  
16 single-family residential neighborhood.  
17 It is not consistent with that  
18 single-family neighborhood. They say  
19 that it will enhance -- the school says  
20 it will enhance the social, cultural and  
21 economic conditions for Coral Gables  
22 residents. They say that, but the  
23 expansion of the school into a  
24 residential neighborhood does not  
25 enhance the social, cultural and

1 economic conditions of Coral Gables  
2 residents. This is a stable  
3 neighborhood.

4 No evidence has been presented. We  
5 don't know how many Coral Gables  
6 residents send their children to  
7 St. Thomas. We don't know how many  
8 residents of Coral Gables from within,  
9 let's say, two to five miles send their  
10 kids to this school. We don't know how  
11 many Coral Gables residents will  
12 actually use the facility. I know  
13 they're talking about the church being  
14 able to use the athletic field.

15 The bottom line, this is a private  
16 school that seeks to expand its use for  
17 its clients, its students. It's the  
18 people who use its facility, not for the  
19 improvement of the City of Coral Gables.

20 Their major issue, their major  
21 thing they talked about, was  
22 neighborhood character and Objective  
23 1-1.14, which I just cited, and it  
24 requires the City to adopt land  
25 development regulations which preserve

1           and improve the character of  
2           neighborhoods by January 1st, 2001.  
3           Technically, it doesn't even apply,  
4           because it's telling the City they need  
5           to create new laws that protect  
6           neighborhoods.

7           But, you know, if you all want to  
8           take it to mean that every development  
9           order, which is what this site plan  
10          would be, and which a small scale  
11          rezoning could be considered, then let's  
12          look at that.

13          The Comprehensive Plan, as I said,  
14          has already established what the  
15          neighborhood is, by its map. The school  
16          says the applications aren't going to  
17          alter the neighborhood because  
18          St. Thomas has been there since the  
19          mid-1950s, and this statement -- yeah,  
20          they have been there since 1950 -- the  
21          statement seems to make sense on its  
22          face, but if you look at what it really  
23          means is, is St. Thomas as it exists  
24          today the same St. Thomas that existed  
25          in 1955? Obviously not -- or '57. It

1 is clearly not. The 2009 St. Thomas is  
2 a school that's limited to 425 students  
3 but still seeking to physically expand  
4 into the residential neighborhood.  
5 That's the problem.

6 The real question is, how will the  
7 application preserve and improve the  
8 neighborhood, as is required in that  
9 section? All it's trying to do is  
10 redefine the neighborhood. This  
11 neighborhood will be redefined with this  
12 expansion, because I guarantee you, if  
13 you allow this church and school to  
14 expand into this piece of property,  
15 where does it end? They'll buy -- maybe  
16 they buy my clients' property, the  
17 Fernandezes' property, and they have all  
18 the way to Father Tobin's house. What  
19 happens then?

20 The idea of the Comprehensive Plan  
21 is that it's a plan. It's a plan for  
22 your future growth. When you adopted  
23 this plan, you did not include this  
24 piece of property for the future growth  
25 of an institution. That institution

1           said, back in the mid-'90s, they didn't  
2           need that property, because they had a  
3           plan, they had a number of students, the  
4           County approved it, and when the City  
5           annexed the property, the City approved  
6           it. Now they're saying, "Well, you  
7           know, our plan, 10 years old or 15 years  
8           old, we want to grow again," and that's  
9           the problem, and that's my clients'  
10          problem.

11                 The City claims that it's  
12           consistent with the Comprehensive Plan,  
13           and I want you to think about and when  
14           you read where the City -- the City's  
15           list of all the Comprehensive Plan  
16           provisions the City says this proposal  
17           meets, every single one of them doesn't  
18           say, "Comprehensive Plan met." It says,  
19           "We're going to buffer the property and  
20           all the conditions we've put on there  
21           make this okay."

22                 What does that mean? It means  
23           that, in reality, even your Planning  
24           Department acknowledges that this  
25           proposal is inconsistent with the

1           Comprehensive Plan, but your Planning  
2           Department has said, "But the problems  
3           can be ameliorated. It can be  
4           mitigated. It can be mitigated by the  
5           10-foot buffer. It can be mitigated by  
6           the six-foot wall. It can be mitigated  
7           by locking or closing a gate." That's  
8           what's being said here, but the reality  
9           is, even your professional Planning  
10          Department is saying they don't meet the  
11          plan.

12                 And for that, I'm not going to bore  
13          you by going through every single one of  
14          these proposals, but I will go through  
15          one of the ones that they do talk about.  
16          They talk about Housing Policy 3-1.2.6,  
17          which talks about compatibility of new  
18          development with adjacent established  
19          residential areas, and as I said before,  
20          the City admits the application is  
21          incompatible with the surrounding  
22          neighborhood because of the conditions,  
23          the conditions can mitigate this  
24          incompatibility, and they cite -- and  
25          this is important, and I need to say

1           this for the record -- they cite Policy  
2           1-3 -- 1-1.3.1, which is talking about  
3           avoiding encroachment into neighborhoods  
4           by incompatible uses. And by the way,  
5           that's the future land use element  
6           policy, 1-1.3.1, and it talks about  
7           residential neighborhoods should be  
8           protected from intrusion by incompatible  
9           uses that disrupt or degrade with noise  
10          and glare and light, and the next  
11          policy, 1-1.3.2, talks about application  
12          of buffering techniques, and it says  
13          those uses in the plan that cause all of  
14          this can be ameliorated -- or they say  
15          that you shall provide buffering when  
16          located adjacent to a single-family  
17          residence or any residential use, and  
18          you all see that in your Staff Report.  
19          That specifically applies to the land --  
20          the land use element.

21                 So, when you go to the housing  
22          element, which is cited here -- and the  
23          housing element talks about  
24          compatibility of new development with  
25          adjacent residential housing, and the

1 City says, "No problem. Yes, it's  
2 incompatible, but we put conditions,"  
3 and the conditions they cite are in that  
4 policy that talks about buffering, which  
5 deals with the future land use. It does  
6 not deal with housing. That housing  
7 provision -- that housing provision  
8 talks about compatibility of new  
9 development, Policy 3 dash -- housing  
10 policy -- housing element policy,  
11 3-1.2.6, that talks about compatibility  
12 of new development. "New development  
13 shall be compatible with adjacent  
14 established residential areas." You  
15 couldn't be clearer.

16 City Staff is saying, "Well, it  
17 really isn't compatible, but it is  
18 ameliorated based on these other issues  
19 that we talked about in the future land  
20 use element." Those don't deal with  
21 neighborhood compatibility issues. They  
22 deal with physical impacts of glare,  
23 noise, light and the like. They don't  
24 deal with general incompatibility of  
25 use, and this is what they're talking

1           about in this element, is the  
2           incompatibility of uses.

3           Therefore, the proposal is  
4           inconsistent -- We believe that the City  
5           Staff has not established that it is  
6           consistent with the Comprehensive Plan.  
7           But furthermore, and this is sort of  
8           toward the end of what we're trying to  
9           say, the proposal is -- we believe the  
10          proposal is inconsistent with specific  
11          provisions of the Comprehensive Plan, as  
12          it permits an encroachment into a  
13          neighborhood by an incompatible use, and  
14          the City admits that that is an  
15          incompatible use. The buffering is  
16          inadequate. You cannot say that an  
17          athletic field, that a land use change  
18          that could in the future allow them to  
19          put a school here, is ameliorated by a  
20          10-foot buffer and a six-foot wall, on  
21          one house. We're not talking about the  
22          people across Kendall. We're not  
23          talking about the people across Banyan  
24          Drive, and how this will impact, because  
25          the school has bought the property, and

1           that property, under your Land Use Code,  
2           they can come in tomorrow with a  
3           rezoning -- maybe not tomorrow. They  
4           can come in with a rezoning to allow for  
5           a building to be put there. Yes, you  
6           may not be here. There may be a Board  
7           here that says, "Build, baby, build."  
8           And they will. And that's the concern  
9           this neighborhood has.

10           If you say no to the land use  
11           change, no to the rezoning, no to the  
12           site plan, if you say no, that will not  
13           happen. That property can be used as a  
14           rectory. That property can be used as a  
15           single-family house where the minister  
16           will live. They can build a house on it  
17           right now, sell the other one, and  
18           everybody in this neighborhood will be  
19           happy.

20           Objective 1-1.11, which talks about  
21           the residential development pattern --  
22           and that specifically says that the City  
23           will "maintain a pattern of overall low  
24           density residential use with limited  
25           medium and high density residential uses

1 in selected areas to preserve the low  
2 intensity character of residential  
3 neighborhoods."

4 And that's a concern, because  
5 you're taking away single-family  
6 property. You're allowing an  
7 institutional use, by Comprehensive  
8 Plan, to be on this property. Yes, it's  
9 only an athletic field now. But what  
10 will it be in five, 10 or 15 years?

11 Policy 1-1.14.2, which deals with  
12 neighborhood preservation and  
13 improvement: Land development  
14 regulations establish the location and  
15 extent to residential land use  
16 consistent with the Future Land Use Map.

17 You already have this property.  
18 It's zoned residential single-family.  
19 It's land use for low-density  
20 residential. It should remain that.  
21 That's the neighborhood character. Your  
22 Comprehensive Plan has already  
23 established that.

24 And finally, as I said before,  
25 Housing Policy 3-1.2.6, new development

1           should be -- shall be compatible with  
2           adjacent residential areas, and are not.

3           Let me explain to you -- let me  
4           talk to you a little bit about the  
5           Zoning Code. The Zoning Code provision,  
6           to rezone a property, you have specific  
7           standards in your Comprehensive -- in  
8           your Zoning Code, and I'm going to refer  
9           you to the pages where -- or the page  
10          where it's actually discussed in your  
11          Staff Report, and you can follow along,  
12          because I think it's important -- if I  
13          can find it. I think it's important for  
14          you all to see it, as well as hear it.  
15          Well, I hope I can find it.

16          Ah, here it is. It's on Page --  
17          beginning on Page 10 and then finishing  
18          on Page 11. It says that the applicant  
19          must satisfy -- "An applicant-initiated  
20          district boundary change shall be  
21          approved if it is demonstrated that the  
22          application satisfies all of the  
23          following." There are three things "all  
24          of the following" encompasses.

25          Number 1, it must be -- I'm going

1 to give you what the three are, and then  
2 I'll go through. Number 1, it has to be  
3 consistent with the Comprehensive Plan.  
4 I think we've established it is not  
5 consistent with the Comprehensive Plan.  
6 And it says specifically in these  
7 findings that you must find it does  
8 not -- it must not conflict with any --  
9 any -- objective or policy within the  
10 Comprehensive Plan.

11 Number 2, it will provide -- and  
12 Number 2 is on Page 11, the top of Page  
13 11. Number 2, "It will provide a  
14 benefit to the City in that it will  
15 achieve two or more of the following  
16 objectives," and you see four  
17 objectives.

18 The first objective, to "Improve  
19 mobility by reducing vehicle miles  
20 traveled by residents within a half-mile  
21 radius." Nothing in this proposal has  
22 talked about reducing vehicle miles of  
23 anybody traveling within a half a mile.  
24 That doesn't apply.

25 And it also talks, within that

1 "a" -- it says it will reduce vehicle  
2 miles traveled by residents within a  
3 half-mile radius by balancing land uses  
4 to reduce trips. Well, it's one land  
5 use. It's one use. It's a school.  
6 That's what it is. That doesn't apply.  
7 It will create a mix of uses? It's not  
8 talking -- We're not talking about a mix  
9 of uses.

10 Number 3, it will increase the  
11 share of trips that use alternative  
12 modes of transportation. That has not  
13 been discussed here tonight and is not  
14 part of the presentation. Therefore,  
15 "a" does not apply.

16 "b," promote high-quality  
17 development in a declining area. I  
18 don't think anybody is claiming this  
19 area is a declining area.

20 "c," create affordable housing  
21 opportunities. This isn't about  
22 affordable housing.

23 And "d," implement specific  
24 objectives and policies of the  
25 Comprehensive Plan. Let's say I grant

1           them that it implements certain specific  
2           objectives and policies in the plan.  
3           I'm not conceding that, but let's say I  
4           do. That's only one of the -- one, two,  
5           three, four conditions under Number 2.  
6           It must meet two of those conditions.  
7           Therefore, Number 2 is not met.

8           So then we go to Number 3. It will  
9           not cause substantial diminution of  
10          property values of adjacent properties.  
11          We're not here and we're not presenting  
12          to you valuation issues. Maybe we  
13          could, but we're not doing that. It  
14          also says, "or materially diminishes the  
15          suitability of adjoining property for  
16          its existing or approved uses." My  
17          client hasn't tried to sell their  
18          property, but I've got a funny feeling,  
19          if they try to sell their property next  
20          door to a school, as opposed to, when  
21          they bought their property, which was  
22          next door to a single-family house, I  
23          don't think they're going to get the  
24          price that they wanted to get, because  
25          they're next door to a school.

1           But even if they get that, the fact  
2           is, the applicant must meet all three of  
3           those standards. It must be consistent  
4           with the plan, it must provide benefit  
5           to the City, and achieve two or more of  
6           the objectives, which it doesn't do, and  
7           Number 3, it has to not show a  
8           diminution in property value or diminish  
9           the suitability, the suitability of the  
10          property for its intended use.

11          Staff says the conditions are met  
12          because there's no increased density,  
13          there's no decline in level of service,  
14          because there's no building on that  
15          property, and because it's consistent  
16          with the Comprehensive Plan. Mobility  
17          is improved, but they don't go through  
18          the standards that are specific to this,  
19          and there's no proof that the proposal  
20          will diminish the market value of  
21          adjoining property. Of course, they  
22          don't discuss the suitability of the  
23          adjacent property for its existing or  
24          approved use.

25          The fact is, these standards for a

1 rezoning have not been met. This is a  
2 quasi -- this issue is a quasi-judicial  
3 proceeding. You need to have evidence  
4 in the record. There's no evidence in  
5 the record -- there's a lot of opinion  
6 out there -- but that each of these  
7 standards has been met.

8 Rezoning should be rejected,  
9 because there's no fact that any of  
10 these standards have been met.

11 The site plan should not be  
12 approved, quite simply, because it's  
13 inconsistent with the Comprehensive  
14 Plan. It's incompatible with the  
15 appropriate single-family use.

16 And in conclusion, I want to remind  
17 you that in the 1990s, the school asked  
18 for and received approvals that have  
19 been ratified by the City for its master  
20 plan, which included 425 students and  
21 the existing school property, without  
22 this single-family property. The number  
23 of students has not changed.

24 The number of students has not  
25 changed, therefore, there's no pressing

1           need, unless they're telling you that  
2           what they said back in the 1990s, that  
3           425 students in the 1990s needed less  
4           property to play in, to be in school in,  
5           than they do in 2009.

6                   And I also want to leave you with  
7           this. Look at this neighborhood. Look  
8           at this area. I'd like you to think  
9           about a mile, maybe two miles from  
10          St. Thomas Church and School, and I want  
11          you to count in your head the number of  
12          institutional uses and schools that are  
13          there. You have Gulliver School, what  
14          they call in South Miami the Mandelstam  
15          property, up on Red Road. You have  
16          Epiphany Church, Cathedral, however you  
17          want to describe it, and school. You  
18          have Lourdes School, 840 students just  
19          in Lourdes School alone. You have  
20          St. Thomas, with 425 students. You have  
21          Beth Am. I don't know how big Beth Am  
22          is, but I know it ain't small. And you  
23          can go down Red Road, probably -- maybe  
24          two miles, and you have the public  
25          elementary school.

1           I drive this area -- I used to, not  
2           starting in September, but for the past  
3           two years I have driven this area twice  
4           a day during school rush hour, and  
5           anybody who knows, knows this is a  
6           particular form -- I won't say -- it's  
7           Purgatory. It's never-ending. You  
8           can't get out of it. And that's the way  
9           it is in the afternoon and that's the  
10          way it is in the morning. That's the  
11          problem.

12          Expanding the school, yes, it  
13          doesn't expand the numbers, but what it  
14          does is, you are laying the foundation,  
15          and do not kid yourselves, for an  
16          expansion of this school down the road.  
17          There is no need for it, and the fact is  
18          that by doing this, not only are you  
19          making a problem, a future problem,  
20          creating a future problem or putting out  
21          the welcome mat for a future problem;  
22          you are creating a situation that is  
23          hurting a stable single-family  
24          neighborhood.

25          And I urge you, on behalf of my

1 clients, to please deny the land use  
2 change, deny the rezoning, and deny --  
3 recommend denying the land use change,  
4 recommend denying the rezoning, and  
5 recommend the denial of the site plan.

6 Thank you very much.

7 MR. AIZENSTAT: Mr. Gibbs, can you  
8 just point out to me which is your  
9 clients' home?

10 MR. GIBBS: Yes. Well, I represent  
11 the homeowners' association, but I also  
12 represent the Fernandezes, who have a  
13 letter to you.

14 MR. AIZENSTAT: Right. That's what  
15 I want. Okay. Thank you.

16 CHAIRMAN KORGE: Call the next  
17 witness, please.

18 MS. MENENDEZ: Joel Arnold.

19 MR. ARNOLD: Hello. My name is  
20 Joel Arnold. I live at 5520 Banyan  
21 Drive. If you look at that thing, my  
22 house is right here, right across the  
23 street, south of the boundary, right on  
24 Lot Number 33.

25 I was prepared to go into my

1 objections to the three applications,  
2 but Mr. Gibbs has done such a wonderful  
3 job that I'm not going to address that  
4 issue, I'm going to address another, but  
5 I want to call your attention to Zoning  
6 Code Section 3.1404, which Mr. Gibbs has  
7 gone through in great detail.

8 CHAIRMAN KORGE: I'm sorry, would  
9 you repeat that number?

10 MR. ARNOLD: 3-1404. And it  
11 requires that, "An applicant-initiated  
12 boundary change shall be approved if it  
13 is demonstrated that the application  
14 satisfies all of the following," and  
15 there are three items, 1, 2 and 3.  
16 Mr. Gibbs has gone through them, one by  
17 one. This application does not satisfy  
18 all of those requirements. And I want  
19 to reiterate everything that Mr. Gibbs  
20 was saying, but I want to go on to the  
21 second portion of what I would like to  
22 address the Board with.

23 In reading the conditions which the  
24 Planning and Zoning Department has put  
25 on this thing, I wanted to applaud them.

1 I thought they did a great job, and at  
2 least, if they were approving this other  
3 stuff, which I don't like, they're  
4 putting down restrictions which benefit  
5 the neighborhood and benefit the  
6 adjoining property owners, and  
7 particularly, their use of the word  
8 opacity -- which I think is a great  
9 word, I hadn't seen it in a long, long  
10 time -- describes exactly what we need  
11 here. So, on the eastern edge, they're  
12 putting up a six-foot wall. That  
13 creates opacity. But they're doing  
14 nothing along the southern edge, and  
15 that's where the big problem is.

16 And they come here and the  
17 applicant, despite everything that she  
18 said, the one thing that she objected  
19 to, she objected to some of the  
20 conditions which the Planning Board has  
21 attempted to put on this property, and I  
22 say no, the objection -- if you are  
23 going to approve these zoning changes,  
24 which I believe you should not, the  
25 conditions which the Planning Board had

1 put on here almost satisfy the aesthetic  
2 needs of the community. I mean, there  
3 are not holes in those boundaries, there  
4 are just no landscaping there. And if  
5 they're going to do opacity, they  
6 shouldn't wait three to five years.  
7 They have to do it now. Every morning,  
8 at 8:30 in the morning, the temporary  
9 parking lot fills up completely. It  
10 didn't used to do that. Now it does.  
11 There's got to be a reason for it. But  
12 there's no opacity. All you see is a  
13 field full of cars. And so that has to  
14 be addressed right away.

15 And the second thing that I want to  
16 point out is that they talk about a  
17 soccer field. That's what they want to  
18 build here, a soccer field. The only  
19 time a soccer field is used -- because  
20 the athletic field is used all the other  
21 times -- is when they have a visiting  
22 team coming in to play a game. Right  
23 now, they're doing it on the existing  
24 field. What is the importance of a  
25 soccer field when they have a large

1 athletic field?

2 MS. MENENDEZ: Roger Walker.

3 MR. WALKER: My name is Roger  
4 Walker. I live at 5420 Banyan Drive,  
5 and unlike the previous speakers, I am  
6 not an attorney. I live right here,  
7 across from the subject property. Over  
8 the 26 years I've lived there, the  
9 school and the church complex has  
10 increased by an enormous amount. When I  
11 moved there, it was a parish church with  
12 a parish school. Now it's a regional  
13 school with a parish church attached to  
14 it.

15 Also, for those of you who think  
16 green, there's been an enormous erosion  
17 of the green footprint here. It's been  
18 covered with asphalt. And you're going  
19 to be asked to, I think, permit more  
20 asphalt to be poured on this site. Now,  
21 then, what happens when the asphalt  
22 is -- first of all, it's a sink for  
23 heat, so that it makes the neighborhood  
24 hotter. And the other thing it does, it  
25 prevents the percolation of rain through

1           it.

2                   And Mr. Riel's beautiful  
3           demonstration with the PowerPoint,  
4           unfortunately, was only two dimensions,  
5           not three dimensions, so you can't see  
6           the fall-off and the run from this.

7                   Now, the runoff in this area is  
8           into the southeast corner of this here.  
9           A huge puddle forms there. In fact, the  
10          vicar, only on Monday -- we met on the  
11          street early in the morning. It had  
12          been raining, and the vicar, after we'd  
13          exchanged -- I won't say pleasantries,  
14          but we acknowledged one another's  
15          humanity, and he said, "Look, it's  
16          flooded again." So here is a flooding  
17          area, and nowhere, nowhere in this  
18          presentation, has the word "drain" been  
19          mentioned. And so I don't know.

20                   The other thing I don't know -- and  
21          I'll finish now -- is what the meaning  
22          of landscaping is. Is there some Coral  
23          Gables meaning for landscaping or do we  
24          take the dictionary or what do we do  
25          about landscaping?

1 Thank you very much.

2 CHAIRMAN KORGE: Thank you.

3 MS. MENENDEZ: Gary Tarbe.

4 MR. TARBE: Gary Tarbe. I reside  
5 in Pinecrest. I'm the Junior Warden at  
6 the St. Thomas Vestry, which is the  
7 board of the church. I just --  
8 Obviously, I just want to reiterate that  
9 we, over the last three years, as Laura  
10 indicated, have worked diligently to  
11 work this plan into conformance with the  
12 City's and the neighborhood's  
13 requirements and desires, and it has  
14 been a long and arduous process and  
15 we've made many, many revisions. We  
16 hope that this is the best that -- as  
17 recommended by Staff.

18 I just -- two issues that I'd like  
19 to address, essentially. The question  
20 has been asked why we're requesting a  
21 field. We're requesting a field because  
22 the existing field that we're using now,  
23 in order to get the cars off the street,  
24 off the side of the street, provide  
25 safely for the residents, improve

1 traffic and safety for our own students  
2 and parishioners, we are using the field  
3 for parking. That tears up the field,  
4 which then causes problems for our  
5 students to play on that field, with  
6 ruts and things of that nature, and it  
7 also causes us to -- we, every year,  
8 every summer for many, many years, have  
9 had to completely redo that field in  
10 order to keep it green and to keep it  
11 useful, as useful as a play field, and  
12 again the next term, school term, we  
13 again use it as off-site parking, and  
14 the process starts all over again.

15 This one, in conjunction with  
16 planning with the board, we're allowing  
17 the use of overflow parking. We can  
18 still use the field for lesser events,  
19 smaller exercise things, and we still  
20 have a good, proper field for the proper  
21 use of games, soccer and other field  
22 games that are used in a normal  
23 elementary school uses.

24 That's all. Thank you.

25 MS. MENENDEZ: Chris Cobb.

1 MS. COBB: Good afternoon. My name  
2 is Chris Cobb. I live at 5575 Kerwood  
3 Oaks Drive, which is down Banyan Drive  
4 and south a few blocks.

5 I have three children currently at  
6 St. Thomas, the fourth has already  
7 graduated, and I go to church there. So  
8 I am both a neighbor and a church user.  
9 I've been on the master planning  
10 committee -- I'm an architect and a  
11 contractor by profession -- for the  
12 entire five years that we've been  
13 working through the process with the  
14 City Staff and the neighbors.

15 I want to try to address a few of  
16 the issues that we've discussed. We've  
17 heard -- I think that most of the issues  
18 are all well on the table now, there's  
19 nothing new, but I'd like to address  
20 some of the ones that we've talked  
21 about.

22 First of all, the attorney for the  
23 neighbors had talked about the  
24 compatibility of existing uses, and he's  
25 implied -- he's going to have a great

1 career in the marketing business if he  
2 doesn't succeed at law, because he's got  
3 a good spin with the way that he tells  
4 his stories -- that many of his -- his  
5 explanations result in conclusions, that  
6 the Planning Department didn't think  
7 that we met the land use regulations,  
8 and I don't think they said that. I  
9 think they recommended approval because  
10 they think we do.

11 So that issue of compatibility of  
12 existing uses, the use of the  
13 neighborhood has been, for 50 years,  
14 residential homes and a church and  
15 school. So it is true that we are  
16 making the footprint of the church and  
17 school site larger, but that's  
18 compatible with the existing uses. It's  
19 always been a single-family neighborhood  
20 with a church and school.

21 And in fact, our family moved to  
22 the neighborhood to be close to the  
23 school, and I know that there are others  
24 who have done the same, so -- The second  
25 thing he talked about was to preserve

1           and improve. I think this does improve  
2           the neighborhood. The home that was  
3           torn down was not a particularly  
4           beautiful home, but the use of the field  
5           by our kids will do a lot to improve the  
6           school for all of the people that use  
7           the school, many of whom are obviously  
8           Coral Gables residents.

9                     One of the gentlemen that just  
10           spoke talked about paving and asphalt.  
11           We are adding three parking spaces, but  
12           we're also taking out, I think, six. So  
13           we might be net even on asphalt  
14           coverage. I'm not sure of that, but for  
15           sure, we removed the house and are  
16           replacing it with green, so I think  
17           we're going to be more pervious surface  
18           than impervious surface, and obviously  
19           the field, we would like to be as green  
20           as possible. There will be nice grass,  
21           and so we think we're adding green space  
22           to the neighborhood, not subtracting.

23                     I'd like to speak, also, to the  
24           issue of landscape. We want to  
25           landscape the property, both for our use

1           and for the benefit of our neighbors,  
2           because landscaping is an important part  
3           of our environment and aesthetically  
4           pleasing. So we don't -- we're not  
5           opposed to landscaping. We're fine with  
6           landscaping. I think the only problem  
7           we had with the word, a hundred percent  
8           opacity, was -- to my reading, that  
9           means -- I agree, a wall is a hundred  
10          percent in terms of opacity; you cannot  
11          see through it. But any time you drive  
12          down a road, like Banyan Drive, you can  
13          see through the hedge and you can see  
14          stuff, even if it's fully grown in, in a  
15          lot of cases. You'd need -- you know,  
16          you'd need a forest to block the light  
17          that can shine through. So I was the  
18          one that suggested we use the word, a  
19          goal of a hundred percent opacity, and I  
20          don't think we need to wait five years  
21          to get there. I mean, I think that --  
22          speaking for myself, that -- I think  
23          that our church team would be willing to  
24          put in, you know, hardy, healthy  
25          landscaping to achieve the goal of

1           opacity sooner, and, you know, we don't  
2           want to try to reach it immediately,  
3           because that's going to result in a  
4           problem of when those plant materials  
5           grow, they're going to -- it's just  
6           going to be overgrown.

7                     So, you know, I think that what I'm  
8           saying is, on the landscaping, we'd be  
9           willing to put in more landscape  
10          material to reach opacity, the goal of a  
11          hundred percent opacity, but a high  
12          block rate sooner, if that's what the  
13          neighbors would like.

14                    The only other thing I wanted to  
15          address, and I think that Gary just  
16          spoke to it well, but I want to clarify  
17          one issue I haven't heard said yet was,  
18          it's my understanding that in the 10  
19          years that preceded my involvement -- in  
20          the last couple years, my involvement,  
21          there was a parking problem on Kendall  
22          Drive. A lot of our parents would come,  
23          park on Kendall, because there was no  
24          --there's not parking -- there's not  
25          enough parking space, and we were trying

1 to keep the cars off of our playing  
2 field because it was the only playing  
3 field we had. In this process, we came  
4 to understand why that was a problem,  
5 the traffic and everything, so we began  
6 to make a concerted effort to make sure  
7 all the parents did not park on the  
8 swale on Kendall Drive, which meant we  
9 had to park on our playing field, and  
10 the playing field is -- you know,  
11 literally, every weekday, a bunch of  
12 cars drive in there. I don't know if  
13 it's 20, 30, 40. They pack down the  
14 dirt. They -- you know, it's rainy, it  
15 makes a mess, and so -- and then a lot  
16 of times some of the parents, some of  
17 the -- you know, more moms and dads,  
18 they'll be staying at something in  
19 school and it's time for PE to start, so  
20 then they had to start kind of keeping  
21 the cars to the side, because the kids  
22 are starting to do their PE and there's  
23 still a few cars and they've got to stop  
24 the kids so that one car can get out,  
25 and so our goal with the new field, part

1 of the reason we need more space, is  
2 that we want to have this new field to  
3 have good cushy grass and then we're  
4 going to use this other field for PE and  
5 other things, but also for parking. It  
6 is not just for soccer games. It would  
7 be for PE, it would be for flag  
8 football, it would be -- It's only  
9 sports, but we would get a lot of use  
10 out of that second field. We would  
11 continue to use our existing field, but  
12 be able to park on it and not have --  
13 not have it interrupt PE and other  
14 things.

15 And I think I addressed all my  
16 points, so I guess I'd just leave you  
17 with the fact that we don't -- we think  
18 that by taking a single-family home and  
19 removing it and increasing the size of  
20 our playing field area has a very slight  
21 impact on the neighborhood. We're  
22 willing to ameliorate those impacts with  
23 buffers and landscape material, and we  
24 think this totally in keeping and  
25 compatible with our neighborhood, where

1 I live, and we hope you recommend  
2 approval to the Commission.

3 Thank you very much.

4 MS. MENENDEZ: Thomas Bales.

5 MR. BALES: My name is Tom Bales.  
6 I live at 9151 Arvida Lane, in Coral  
7 Gables, and I'm on the School Board at  
8 St. Thomas.

9 When I moved to Coral Gables, I  
10 just wanted a nice house. I wanted a  
11 place where I could go inside and watch  
12 TV, do my hobbies, drive to work, come  
13 back home, and a place that's beautiful  
14 and peaceful. I didn't have any kids  
15 then. I've come to realize that it  
16 takes more than that to make a  
17 community. Maybe George Merrick saw  
18 that a long time ago, and I guess that's  
19 why Coral Gables isn't just houses.  
20 It's houses, it's business districts,  
21 it's churches and schools within the  
22 residential neighborhood.

23 I'm about a half-mile from  
24 St. Thomas and that's about the distance  
25 I have to drive to take my three

1 children, who have all gone to  
2 St. Thomas. By St. Thomas being there,  
3 Coral Gables has become a community for  
4 me. It would have just been a place I  
5 parked my car. But I'm part of a school  
6 community there. I'm part of a parish  
7 of people engaging in all sorts of  
8 missions to improve Coral Gables and our  
9 community.

10 I became a scoutmaster, and I'm  
11 there, chasing around that field in the  
12 evenings, at least one evening a week,  
13 helping to train young boys to be  
14 leaders and to learn about our  
15 community. One of our scouts is here  
16 tonight, working on his citizenship in  
17 the community badge, where you have to  
18 participate and see a community meeting.

19 So that's what Coral Gables has  
20 come to mean to me. I don't know about  
21 regulation one, stroke 6, 9B. I do know  
22 that St. Thomas being there makes Coral  
23 Gables better. It makes my life more  
24 complete. I'm glad it's there, and I'm  
25 trying to make it better.

1 Thank you.

2 MS. MENENDEZ: Linda Johnson?

3 Vivian Cortinas?

4 MS. CORTINAS: My name is Vivian  
5 More Cortinas. I live at 1109 Hardee  
6 Road, in Coral Gables. I have a  
7 seven-year-old son that goes to  
8 St. Thomas, and St. Thomas is my church,  
9 St. Thomas is the school where my  
10 children go, and St. Thomas is also my  
11 community.

12 I think the only issue that I would  
13 like to address is, as the president of  
14 the parents' association at St. Thomas,  
15 we welcome our parents to come to  
16 St. Thomas. We like to engage the  
17 parents. We like to put them to  
18 participate in all the committees that  
19 we have in the school, for them to  
20 volunteer for all the activities that we  
21 have, because that makes us a true  
22 community, and that is why we need to  
23 park in that additional field. That is  
24 why the parents come in the morning, and  
25 they don't just drop off and keep going.

1           It's because they love being there.  
2           They love being part of our community  
3           and participating in their children's  
4           lives, because by being involved in  
5           their children's lives, they're helping  
6           St. Thomas and they're helping their  
7           children, as well.

8           Thank you.

9           MS. MENENDEZ: Tim Birrittella?

10          JoAnn Titley?

11          Enia Rivero?

12          MS. RIVERO: Hello. My name is

13          Enia Rivero.

14          CHAIRMAN KORGE: Would you use the  
15          microphone?

16          MS. RIVERO: I live at 5450 Banyan  
17          Drive, which is Property Number 35 on  
18          your map.

19          When I purchased and I moved in, in  
20          1992 -- I am very strongly opposed to  
21          this rezoning. St. Thomas just keeps  
22          creeping further and further east.  
23          Since I moved in, St. Thomas has  
24          purchased two residential properties on  
25          this block, sandwiching in the Fernandez

1 property, and while the zoning may be  
2 beneficial to St. Thomas, it would be  
3 very detrimental to the neighborhood, in  
4 particular the Fernandezes. I mean,  
5 there is no doubt that their property  
6 value would most certainly decline if  
7 this change takes place.

8 I believe this zoning change would  
9 be carried out at the expense of all of  
10 the adjacent homeowners and, you know, I  
11 ask you, is an athletic field  
12 appropriate next to a residential  
13 property?

14 Thank you.

15 MS. MENENDEZ: Marisa?

16 Maxwell Bales?

17 Gregory Bales?

18 Constance Ryan?

19 MS. RYAN: Good evening. My name  
20 is Constance Ryan. My address is 9151  
21 Arvida Lane, in Coral Gables.

22 I am the mother of two St. Thomas  
23 graduates. I currently have Gregory,  
24 who is not speaking tonight, but he's  
25 just finished fourth grade at

1 St. Thomas. And I have to say that I  
2 think that St. Thomas is a wonderful  
3 place. It provides a sense of wonderful  
4 community, not just to the children, to  
5 all the families. It strives to teach  
6 the children appreciation of the  
7 outdoors, of nature, of physical  
8 fitness, and I've seen, now that I've  
9 been there for 13 continuous years, that  
10 there was a huge need for a field there.  
11 The field we currently have is not  
12 adequate. We try to have the children  
13 play soccer and different sports. I'm  
14 also a Cub Scout leader and a Boy Scout  
15 leader, and we need the field.

16 I think that we try very hard to be  
17 good neighbors. I'm sure there's  
18 tensions at times, but I think that the  
19 school tries very hard to impress upon  
20 the families to be good neighbors, to  
21 not park in the swale, and I hope that  
22 you will consider the variances that we  
23 need to allow the field. Thank you.

24 MS. MENENDEZ: Kitty Finneran?

25 Roger Tobin?

1                   MR. TOBIN: Good evening. My name  
2                   is Roger Tobin. I live at -- Where do I  
3                   live? What's the official address?

4                   On Banyan Drive, right here, the  
5                   property in between the Fernandezes and  
6                   the end property on Banyan Drive. I'm  
7                   the rector at St. Thomas, and I just,  
8                   obviously, stand to speak to all of you  
9                   this evening in favor of this proposal,  
10                  and I'll be very brief.

11                  First of all, let me just share  
12                  with you that when I became the rector  
13                  at St. Thomas, in 1986, we were in  
14                  Unincorporated Dade County, and you all  
15                  annexed us, and I've got to tell you,  
16                  that was one of the best days in the  
17                  history of St. Thomas. We love being  
18                  part of Coral Gables. We love the  
19                  services that are provided. We also  
20                  love being a member of this really  
21                  illustrious City and this community, and  
22                  we think we're really good neighbors.  
23                  We work hard at being good neighbors,  
24                  and since I live in this neighborhood, I  
25                  myself, personally, as a resident in

1           this community and on Banyan Drive, seek  
2           in my behavior, publicly as well as a  
3           member of the community, as well as the  
4           rector of the parish, to be a good  
5           quality member of our community.

6           That being said, a couple of things  
7           I would like to share, just in terms of  
8           information for your benefit this  
9           evening.  Someone asked, how many  
10          members of St. Thomas are residents of  
11          Coral Gables?  I can't give you the  
12          exact number -- those numbers obviously  
13          go up and down, depending on who joins  
14          the church, who joins the school, and it  
15          can go up by five or 10 percent on any  
16          given year.

17          Currently, we represent somewhere  
18          between five and six hundred families,  
19          between the church and school.  I would  
20          wager a guess right now -- I can get you  
21          accurate numbers -- that the number is  
22          somewhere between 50 and 60 percent of  
23          those people are actual residents of the  
24          City of Coral Gables.  I don't want to  
25          be held to that, and again, I will give

1           you accurate numbers, but I think that's  
2           a fairly accurate number. Those numbers  
3           can go up and down, as I said, each  
4           year, depending on how many people  
5           actually join the church and school.  
6           Those four or five hundred families, on  
7           any given year, represent about 1800  
8           people or 1900 people, and again, those  
9           numbers can go up or down. Depending on  
10          how many people are in a family unit,  
11          that kind of thing can change  
12          dramatically, but right now, I think  
13          those numbers are fairly close to  
14          accurate.

15                 Secondly, just as a point of  
16                 information, and I do this with some  
17                 humility because I'm just a simple  
18                 country priest, I'm not a big  
19                 intelligent lawyer and I haven't gone to  
20                 law school and I don't understand a lot  
21                 of the legalese in this room right now,  
22                 but you need to understand that legally,  
23                 we are not a school. This is not a  
24                 school request. This is a church  
25                 request. The school is part of the

1 church, not the other way around, and so  
2 it is the church that's making this  
3 request. The Diocese of Southeast  
4 Florida, St. Thomas Episcopal Church, is  
5 making this request, just so you  
6 understand that dynamic, because  
7 technically speaking, the school doesn't  
8 exist. It's part and parcel of the  
9 church itself. And we, as a church,  
10 exist only at the privilege and the  
11 benefit of the Diocese of Southeast  
12 Florida. Our property technically, if  
13 I'm correct on this, Chancellor, is  
14 owned by the diocese itself.

15 Is it not?

16 UNIDENTIFIED MAN: Controlled by  
17 the diocese.

18 MR. TOBIN: Controlled by the  
19 diocese itself. So this is a diocesan  
20 request and church request. It's not a  
21 request of the school, specifically, and  
22 I want you to be aware of that fact.

23 MS. MENENDEZ: Kris Charlton?

24 Charles Johnson?

25 Lana Stricker?



1                   CHAIRMAN KORGE: I think he meant  
2                   the drive during rush hour.

3                   MR. SALMAN: Is Purgatory.

4                   MR. McDOWELL: It's now a drive in  
5                   Purgatory.

6                   The comments I have is, one, that  
7                   it seems that the task put before the  
8                   Commission is, they're asking and  
9                   they're challenging us on a couple of  
10                  areas, the fear of what future needs and  
11                  plans might be relative to the idea of  
12                  putting in a simple play field today.

13                  Ideally, I think if we went through  
14                  the part and the planning of the folks  
15                  who are opposed to this, we should have  
16                  purchased this property 10 or 15 years  
17                  ago and incorporated it into the overall  
18                  master plan that we had at the time.  
19                  Obviously, we didn't have that luxury,  
20                  nor that availability. I don't think  
21                  the idea of having additional land and  
22                  using it to our best use is a means that  
23                  in any way indicates that we shouldn't  
24                  have it or that it's somehow a part of a  
25                  master plan. I think this is sort of a

1 Dan Brown-esque sort of paranoid view of  
2 the church marching its way down Banyan  
3 Drive.

4 The other comment, I think in  
5 keeping with the spirit of a residential  
6 community and being a part of the  
7 community, for some reason the fact that  
8 we have a residential house in which our  
9 priest lives and his family live -- it's  
10 a husband and wife and two children --  
11 is discounted and is not considered part  
12 of the community. So, as far as I can  
13 tell, we've become a bigger part of the  
14 community, but not in a way that altered  
15 the characteristics of it.

16 And the last part I'd just say is,  
17 I think as somebody who's coached sports  
18 at St. Thomas, the adding of an  
19 additional soccer or flag football or  
20 play space is something that certainly  
21 accentuates the mission of being low  
22 density, being green, and accommodating  
23 the development of our children and  
24 people in the community.

25 Thank you.

1 MS. MENENDEZ: Bill Parker?

2 MR. PARKER: Good evening. I'm  
3 Bill Parker. I live at 7240 Southwest  
4 127th Street, in Pinecrest, Florida.

5 I've been a member of St. Thomas  
6 Episcopal Parish since 1986. I met my  
7 wife there, had our three kids baptized  
8 there. Two have graduated now from the  
9 school, and our third will be  
10 attending -- is attending currently, has  
11 just graduated kindergarten and is  
12 moving into first grade next year.

13 In addition, I've been involved  
14 with coaching, along with Derek, have  
15 also been involved in the scouting  
16 program, along with Mr. Bales, and have  
17 been involved in numerous projects  
18 relative to St. Thomas Episcopal Parish  
19 over the last several years.

20 There's been a number of comments  
21 insinuating that the church has been  
22 creeping to the east, when in fact, I  
23 can tell you as a parishioner for this  
24 many years, and having been involved as  
25 intimately in the management of

1 St. Thomas as I have, the actual larger  
2 footprint of 5690 and 5692 hasn't  
3 changed in the time that I've been  
4 there.

5 Have there been things within that  
6 footprint that have changed? Yes, of  
7 course there have. We've made many  
8 improvements. But we haven't actually  
9 been moving to the east.

10 Echoing the comments of Derek, I  
11 think it's unfair to consider the new  
12 rectory where Father Tobin lives to be  
13 anything other than a residence, because  
14 that is, in fact, what it is.

15 And so the final point really  
16 relates to the field itself. Having  
17 been involved in the sports, having been  
18 involved in the scouting programs, and  
19 spent a long time on the field, it's a  
20 maintenance issue. In trying to be  
21 better neighbors, our attempts to  
22 enforce the parking and bring people  
23 into the field keeps it in a condition  
24 of ill repair that we have to address  
25 every year, at substantial expense to

1 us, and we do that for the protection of  
2 the kids. Having a dedicated area for  
3 our PE and sports programs will be a  
4 tremendous benefit for our kids.

5 And I haven't heard anybody say  
6 this, but I'm going to say it, because I  
7 know it was also an insinuation by the  
8 legal counsel. It is not our intent to  
9 construct anything on that property  
10 other than a field, so I want to go on  
11 record as saying that tonight, that this  
12 isn't some convoluted way of ultimately  
13 being able to build a middle school down  
14 the road.

15 So thank you very much for your  
16 time, and we appreciate your  
17 consideration.

18 MS. MENENDEZ: Ofe?

19 MS. CHIAVACCI: Hi. I'm Ofelia  
20 Chiavacci, and I live at 9055 Banyan  
21 Drive. I am a neighbor. Hi, everyone.  
22 I'm there. I also graduated three  
23 children from Ransom Everglades, and I  
24 bought after the school was there. I  
25 bought more than 10 years ago and built

1 a house and actually bought my property  
2 because it was located next to  
3 St. Thomas, and walked my three children  
4 to school every single day and also  
5 walked back to pick them up.

6 So here I am, as a neighbor, saying  
7 to you that having a field -- I also  
8 coached soccer, yes, in high heels  
9 sometimes, on that field for five years,  
10 and it would be great to have that extra  
11 space for those kids to play these  
12 sports, and I'm in the situation where I  
13 chose that neighborhood because the  
14 school was there, enjoyed the fruits of  
15 that school, love the fact that the  
16 school is now catering to all sorts of  
17 needs for the students, and my kids have  
18 gone on to higher education, very, very  
19 successfully, as a result of being at  
20 St. Thomas.

21 Thank you for your time, and I hope  
22 you will approve the zoning change.

23 MR. MENENDEZ: Bruce Brockhouse.

24 MR. BROCKHOUSE: Hi. Bruce

25 Brockhouse. I live at 8525 Southwest

1           96th Street. I was a long-term resident  
2           of Coral Gables and spent many years on  
3           the Architectural Board and am very  
4           interested in seeing the City of Coral  
5           Gables beautified, made more beautiful.

6           I've been a parent at St. Thomas.  
7           I no longer have children there. I  
8           graduated two. And I also coached  
9           soccer for a while, and I also have been  
10          involved in other school expansions, not  
11          personally, but in neighborhoods, and I  
12          notice that every school, virtually  
13          every elementary school, public or  
14          private, is always located in a  
15          residential neighborhood, as are most  
16          religious institutions, and in all cases  
17          there's going to be some disagreements,  
18          but I think what the Planning Board  
19          has done -- Planning Department has done  
20          very well, along with many of the people  
21          on the committee, is to come up with a  
22          very low impact plan and a great usage,  
23          because really, right now, the property  
24          that you're looking at, just underneath  
25          the 5690 and 5692, that playing field is

1 almost half dirt, so it's really not a  
2 playing field. It's not a usable,  
3 functioning playing field, whereas the  
4 parcel that is going to be proposed as  
5 one is -- and the way it's going to be  
6 landscaped is also going to be a very  
7 nice buffer for the neighbors, as well  
8 as a very usable and functional field,  
9 with no, you know, impact after hours  
10 with playing, because there's not going  
11 to be lighting, so it's just going to  
12 remain a residential use.

13 If you look at Sunrise Park or some  
14 of the other parks in the city, they're  
15 really abutting and across from  
16 residential neighborhoods. There's  
17 playing and activities. I don't really  
18 see that we're asking for anything  
19 that's different than that. And so I  
20 hope you'll consider the request, and  
21 thank you very much.

22 MS. MENENDEZ: Debbie Augenstein?

23 MS. AUGENSTEIN: Hi. I'm Debbie  
24 Augenstein. I live at 5690 Banyan  
25 Drive. I'd like to show you which --

1           where my house is. I'm right on the  
2           corner here. I don't have a number.

3                     But I also want to explain that I'm  
4           the last of Banyan proper, which means  
5           there are other neighbors with addresses  
6           that say Banyan Drive, but that was  
7           because when we were annexed by Coral  
8           Gables, they changed the streets that  
9           had numbers to Banyan Drive. So 56th  
10          Court or whatever it was is now Banyan  
11          Drive.

12                    To my knowledge, every house on the  
13          street, other than Father Tobin, on  
14          Banyan Drive, is opposed to this land  
15          use change, and I don't know how many of  
16          you are familiar with our neighborhood.  
17          Banyan Drive within Hammock Lakes is a  
18          very unusual place, and I know you on  
19          the Planning and Zoning Board will  
20          appreciate this. Our lot coverage in  
21          Coral Gables is 15 percent, and that's  
22          because we were annexed into the County  
23          (sic) with estate zoning. We abut  
24          Snapper Creek, so they have the same  
25          sort of lot coverage. We had a deal, I

1 thought, with Coral Gables when we were  
2 annexed that Coral Gables was going to  
3 uphold our estate zoning. And I don't  
4 believe that changing a residential  
5 property to church use is upholding our  
6 zoning. I think that's not what we came  
7 in here for. We were actually looking  
8 for the greater protection from Coral  
9 Gables, which is what we were always  
10 told, Coral Gables protects residential  
11 neighborhoods, and if you approve  
12 this -- and I'm very glad that everybody  
13 spoke before me, because they made my  
14 point, again and again and again. The  
15 athletic field, which is very large,  
16 that is used every day as a parking lot,  
17 not an athletic field, it is used  
18 briefly, some parts of the afternoon.  
19 The rest of it, they are parking, and  
20 they're parking right up to the edge of  
21 our street. So, when you're looking  
22 through very nice properties, we are  
23 looking at a parking lot, six days a  
24 week, Monday through Friday for school,  
25 and Sundays with church. The only day

1           that it's rarely used is Saturdays.

2           And what is just inconceivable to  
3           me is how they have a lot of land, they  
4           also have a big drive-through, but every  
5           day, for hours a day, there are cars  
6           parked right up to -- right up to the  
7           fence, which, by the way, the other  
8           problem is, as I think it's  
9           Mr. Aizenstat who said it properly -- I  
10          live right across from the pre-school,  
11          and there were Areca palms planted, I'm  
12          not sure when, maybe in the early '90s.  
13          Some of them are dead. Many of them  
14          have been cut up. They provide no  
15          barrier. There's no visual barrier,  
16          there's no sound barrier, and we are  
17          being flooded with all of these rains,  
18          because the church and school are built  
19          so high compared to the rest of our  
20          street, and we are in these low-lying  
21          areas and we get the church's runoff,  
22          every time it rains. It's not just the  
23          Fernandez property that is being  
24          flooded.

25                 And by putting a wall, as they have

1 described in their application, it only  
2 protects that side, going onto --  
3 the runoff going onto the Fernandez  
4 property. It comes right into our  
5 street on Banyan Drive and fills up all  
6 the low-lying areas, and that has been  
7 since I've lived here.

8 So, please, we ask you, because  
9 those of us who live on Banyan Drive, we  
10 bear the noise, we bear the traffic, we  
11 bear the flooding. We are unalterably  
12 opposed to this zoning change, other  
13 than the exclusion of Father Tobin's  
14 house.

15 CHAIRMAN KORGE: Let me ask you a  
16 quick question. Are you saying that the  
17 existing athletic field which is used  
18 for parking needs to be screened from  
19 the street?

20 MS. AUGENSTEIN: Yes, absolutely,  
21 and the pre-school, which is -- I will  
22 show you. It goes up to here, and this  
23 is where the Areca palms are. If  
24 anybody looks, there's nothing but  
25 holes, and -- and this whole section is



1 want to --

2 MS. RUSSO: Just a very short  
3 rebuttal.

4 I will start, with all due respect  
5 to my learned colleague, Mr. Tucker  
6 Gibbs, with the basic premise that his  
7 argument is flawed, because I do not see  
8 that a school and a church is  
9 incompatible with residential,  
10 single-family residential use, and I  
11 will submit to you the map that is  
12 standing there at the far back, which is  
13 the City's Comprehensive Future Land Use  
14 Map, which will show you that the Church  
15 of the Little Flower, Ponce de Leon  
16 Junior High School -- it will show you  
17 that St. Philip's, it will show you  
18 Sunrise Park, it will show you Jaycee  
19 Park, it will show you El Salvador  
20 Park -- it will show you that all these  
21 churches and schools, Temple Judea -- it  
22 will show you University Baptist Church,  
23 it will show you the church on Coral  
24 Way. It will show you all these  
25 churches and schools are all located in

1 yellow areas, yellow being the City's  
2 single-family land use, and so, I submit  
3 that they're not incompatible and that  
4 the reason for the "S" in the zoning is  
5 for the City, through its Planning  
6 Board, through its Zoning Department, to  
7 be able to regulate the balance that  
8 allows the uses that allow a  
9 neighborhood, that allow a city, that  
10 allow a civilized society.

11 So that's the reason for the zoning  
12 change. The "S" is to be able to allow  
13 restrictions so that the use is not  
14 24/7, but to allow for the other uses,  
15 the uses that feed the church and the  
16 school and the parks. The athletic  
17 field is no different than being next to  
18 a City park. I happen to live on  
19 Country Club Prado, and I have this huge  
20 Prado space, where people come and enjoy  
21 that space in all hours of the day and  
22 night, and there are no restrictions  
23 whether they can use it in the morning  
24 or night. If you live on the golf  
25 course, people will walk the golf

1 course.

2 So what we have here is the request  
3 for zoning, to specifically be able to  
4 have a balance of uses. And while  
5 Mr. Gibbs tells you that we currently  
6 have a restriction of students, I agree,  
7 we have a restriction, we haven't  
8 requested that that maximum capacity  
9 that was agreed to way back when be  
10 increased, and we are willing to put it  
11 of record again, and while Mr. Gibbs  
12 will tell you that it is of record and  
13 something the school has always promised  
14 to abide to, he's currently litigating  
15 that issue, and if we were not here  
16 before you, the question is whether or  
17 not the County's restriction would or  
18 would not be a restriction. We're  
19 showing our good faith. We proffered  
20 the restriction. We're keeping the  
21 maximum.

22 The idea here is that you have to  
23 improve the facilities of your  
24 education, of your church and your  
25 educational institutions. It's all a

1 part of a balance, and I think that with  
2 the conditions that we have proffered  
3 and the additional conditions that Staff  
4 has placed on the use of the athletic  
5 field, that we are doing what a good  
6 neighbor would do, that it allow both  
7 the residences to continue to be  
8 single-family, and as you can see, there  
9 are neighbors in the immediate vicinity  
10 that have chosen to come to this  
11 neighborhood, where this church has  
12 existed since early 1950s -- I want to  
13 say it's 1953 -- because  
14 there's something desirable about this  
15 neighborhood.

16 Once again, I respectfully request  
17 that our three applications for the  
18 change in land use, the change in  
19 zoning, and for the overall master plan  
20 be approved.

21 CHAIRMAN KORGE: Laura, let me ask  
22 you, quickly, our last witness, Debbie  
23 Augenstein, and I think some others  
24 mentioned their concerns about the  
25 landscaping buffer, and in particular,

1           the current field that is used as a  
2           parking lot. I don't have it -- I can't  
3           visualize that. And also the drainage  
4           issue. How will that be addressed, or  
5           is it being addressed?

6           MS. RUSSO: Well, let me start with  
7           the landscaping in front of the existing  
8           field. That is part of the supplemental  
9           understory that Mr. Riel requested as  
10          one of the additional conditions. There  
11          are holes. There currently is existing  
12          banyan trees. There are numerous banyan  
13          trees, hence, the name Banyan Drive.  
14          There's also Indian Hawthorn hedges that  
15          in areas are eight to 10 feet high,  
16          which are on the south side of the chain  
17          link fence. There are holes, just like  
18          you have issues with ficus hedges, and  
19          with the Arecas. Over the years, there  
20          have been some holes in the landscaping,  
21          and so part of the proposal is, in fact,  
22          to cover up these holes and to provide  
23          opacity on the entire southern boundary.

24          CHAIRMAN KORGE: And that would  
25          include the field on which the cars

1           currently park?

2           MS. RUSSO: Yes, exactly, exactly.  
3           It would include it. It's to provide --  
4           because there currently is a lot of  
5           green on the southern boundary. What  
6           we're proposing is to come in and clean  
7           up and block up the holes where you can  
8           see some of the -- some of the parking,  
9           but it's not like it's all open, but  
10          there are holes. And so we are  
11          proposing that, and it was made an  
12          additional condition.

13          With respect to the drainage,  
14          obviously, removal of the single-family  
15          house improved the pervious nature of  
16          the property. But there currently is  
17          regulations in the City Zoning Code and  
18          in the Building Code that does not allow  
19          you to drain your water off into the  
20          adjoining properties. So the wall will  
21          prevent some of the drainage, and when  
22          the plans are submitted for leveling the  
23          playing field, et cetera, it will be up  
24          to the Public Works Director to make  
25          sure that the drainage is addressed in

1 the permitting process for the actual  
2 laying of the field and the leveling of  
3 the field.

4 The problem that exists there is an  
5 overall neighborhood problem, with  
6 respect to flooding.

7 CHAIRMAN KORGE: Yeah, and one more  
8 question.

9 MS. RUSSO: Uh-huh.

10 CHAIRMAN KORGE: Do you have any  
11 response to Mr. Gibbs' arguments  
12 regarding the strict application of  
13 Zoning Code Section 3-1404?

14 MS. RUSSO: I do.

15 CHAIRMAN KORGE: He went through  
16 that, point by point.

17 MS. RUSSO: I believe we meet two  
18 of the objectives, perhaps three.

19 Where it says promote high-quality  
20 development, development doesn't always  
21 necessarily mean the erection of a  
22 structure, and I think by improving the  
23 overall campus of St. Thomas and  
24 providing additional green, that is  
25 high-quality development.

1           Now, is the area experiencing  
2           declining values? No. But there  
3           currently are flat property values. I  
4           mean, I think there are flat property  
5           values throughout the County and South  
6           Florida and nationwide. So this is  
7           high-quality development. This isn't  
8           going to be shoddy. It's going to be  
9           done in a first-class manner, and the  
10          additional landscaping that is being  
11          placed on the southern boundary that  
12          will clean up some of these holes and  
13          the fencing, et cetera, will create a  
14          higher class and higher quality  
15          surrounding campus.

16                 And I do believe that there are  
17                 specific objectives and policies of the  
18                 Comprehensive Land Use Plan. I think  
19                 that if you listen to Mr. Gibbs, what  
20                 happens is, he starts with a premise  
21                 that I disagree with, that in fact the  
22                 uses are incompatible. The uses are not  
23                 incompatible. I think the uses are very  
24                 compatible, which is why the City  
25                 founders and the City has continued over

1           the years to allow for schools, churches  
2           and parks to be in residential areas.  
3           And the majority of all the schools,  
4           both public and private, within the City  
5           boundaries, and its religious  
6           institutions, are all within the yellow  
7           section of the Zoning Code, which is the  
8           lowest density of single -- of  
9           residential uses in the City of Coral  
10          Gables, and there are particular --  
11          excuse me, there are particular  
12          objectives and policies, as Staff has  
13          laid out for you, and I think when you  
14          start with the fact that they are  
15          compatible and it's a question of just  
16          balancing the hours and the uses and the  
17          intensities, which Staff has ensured  
18          with its additional conditions, then you  
19          achieve that goal.

20                 And so with respect to the hours,  
21                 you're dealing with the noise. With  
22                 respect to glare, there is no glare.  
23                 So, I mean, some of the uses -- it's  
24                 almost as if you were trying to equate  
25                 the use of an athletic field with some

1           sort of manufacturing plant of, you  
2           know, Chinese drywall, where you're  
3           going to have all these -- you know,  
4           these negative impacts. I mean,  
5           understand that, you know, you have  
6           parks that are immediately across the  
7           street and adjacent to single-family  
8           homes, and so that's -- that's what  
9           we're asking for here. We're asking for  
10          a park to be next to a residential home,  
11          and we're asking -- and we're putting in  
12          restrictions that will buffer it from  
13          any obnoxious use like, you know, game  
14          playing at midnight.

15                 And we conceded that it was not to  
16          be a commercial venture early on, when  
17          the request was made. We had never  
18          intended it to be the case, but the  
19          request was made that this field not be  
20          then leased out to other institutions  
21          for tournament play, et cetera. It's  
22          meant to be for the St. Thomas family.

23                 Thank you very much for your  
24          consideration.

25                 MS. KEON: Can I ask a question?

1                   CHAIRMAN KORGE: Yes.

2                   Laura --

3                   MS. KEON: How would you equate the  
4                   existence of a public park in a  
5                   neighborhood that is open and available  
6                   for use by the public and the  
7                   residential community around it that it  
8                   served to an athletic field within a  
9                   private facility that is restricted to  
10                  the use of only those within that  
11                  facility? How do you equate that?

12                  MS. RUSSO: I think we're putting  
13                  it in terms of the type of use, whether  
14                  the people are coming -- I mean, while  
15                  it is a private church, it's open for  
16                  membership. So people can become  
17                  members of the church. The church  
18                  community isn't just the school and it  
19                  isn't just the church. The church  
20                  community provides things to the greater  
21                  neighborhood, with the Cub Scouts, it  
22                  has concerts, and has other activities  
23                  within its campus that go beyond, to  
24                  which the general public come out to  
25                  attend. So this isn't just something

1           that is meant to make additional money  
2           for the school. So I would equate it in  
3           terms of the types of use that would go  
4           on in the facility and the fact that it  
5           is, you know, open membership and that  
6           there are more restrictive hours in its  
7           use than you would probably have with a  
8           public facility that is open.

9           MS. KEON: Thank you.

10          CHAIRMAN KORGE: Do you have  
11          questions?

12          MR. AIZENSTAT: Laura, if I may ask  
13          a question.

14          MS. RUSSO: Uh-huh.

15          MR. AIZENSTAT: One of the big  
16          issues that I'm hearing is that the  
17          residents, or directly, the neighbor  
18          impacted by this property is concerned  
19          with the school building another school  
20          or the church building another facility.  
21          What are your comments on that?

22          MS. RUSSO: We've agreed, and in  
23          our submittal we said there will not be  
24          any buildings, and I can have whomever  
25          you would like from the church and/or

1 the school to come up here and tell you  
2 that it is not the intent. It is solely  
3 to be an athletic -- an athletic field,  
4 a playing field --

5 MR. AIZENSTAT: Right.

6 MS. RUSSO: -- and to be green, and  
7 there is --

8 MR. AIZENSTAT: Would the school  
9 be --

10 CHAIRMAN KORGE: Is that going to  
11 be in the covenant?

12 MR. AIZENSTAT: That was what I was  
13 going to ask. Would you do a covenant?

14 MS. RUSSO: Would we do a covenant  
15 not to build on the --

16 MR. AIZENSTAT: Not to build on  
17 that land?

18 MS. RUSSO: Yes, we would.

19 MR. AIZENSTAT: I mean, that  
20 would --

21 MR. SALMAN: Go a long way to  
22 meet --

23 MR. AIZENSTAT: -- really take care  
24 of a problem that I notice that the  
25 residents are having with that property.

1           I've got a couple of questions, if  
2           I may. One of the things that you had  
3           asked for was, regarding the property  
4           known as 5450, you had asked for, with  
5           the 10 feet, what is past the hedges, to  
6           be done as green. If you take into  
7           account what you need for a regulation  
8           soccer field -- I assume you're using it  
9           as a soccer field. Have you taken into  
10          account how much area you have left over  
11          to the buffer zone?

12           MS. RUSSO: Yes.

13           MR. AIZENSTAT: What do you have  
14          left over?

15           MS. RUSSO: We have an extra about  
16          five to eight feet before the actual  
17          playing field starts.

18           MR. AIZENSTAT: From the line,  
19          you'll only have five to eight feet  
20          after -- up to the 10 feet?

21           MS. RUSSO: After the 10 feet.  
22          After the 10 feet, that is correct.

23           MR. AIZENSTAT: Okay. I just  
24          wanted to know what was your reasoning  
25          behind that.

1 MS. RUSSO: Right. It's just to  
2 provide sort of a greater area.  
3 Remember, depending on the game, whether  
4 it's flag football or whether it's  
5 soccer, or depending on the sport that  
6 is actually played there, you have to  
7 leave room for the team, for the coaches  
8 and for those parents that like to come  
9 out and cheer on their kids during the  
10 event, so you need to leave some sort of  
11 area surrounding the field.

12 MR. AIZENSTAT: And then my other  
13 question is, the father went ahead and  
14 stated the percentages, that he thought  
15 it was about 50 or 60 percent of the  
16 people that attended the church, but if  
17 we actually take a look at, right now,  
18 just concentrating on your school, which  
19 would be about 425 or 426 members --

20 MS. RUSSO: Uh-huh.

21 MR. AIZENSTAT: -- do you know what  
22 percent of those are residents of Coral  
23 Gables?

24 MS. RUSSO: I do not know that, but  
25 I'll see --

1 MR. AIZENSTAT: Would the father --

2 MS. RUSSO: We have 310 families in  
3 the school.

4 MR. AIZENSTAT: Out of how many  
5 families in the school --

6 MR. TOBIN: The number I gave  
7 incorporated both church and school.

8 MR. AIZENSTAT: Right, but if I  
9 take a look at only the school --

10 MS. RUSSO: Component.

11 MR. AIZENSTAT: -- you have 310  
12 families. Out of those 310 families, do  
13 you know which are residents of Coral  
14 Gables, by any chance? Do you keep  
15 those numbers?

16 MS. CHARLTON: I could tell you  
17 tomorrow, but at least 50 percent.

18 MR. AIZENSTAT: At least 50  
19 percent?

20 MS. RUSSO: At least 50 percent is  
21 the answer that --

22 MR. AIZENSTAT: Okay, I just want  
23 to know what your breakdown was. Thank  
24 you.

25 MR. FLANAGAN: It seems as though

1 the new playing field is needed to  
2 accommodate the overflow parking. So it  
3 sounds like what you really need is a  
4 new parking lot. But I hear nothing  
5 about a parking lot, and I'm wondering,  
6 are you allowed -- it sounds like  
7 there's a lot of parking on a continuous  
8 basis on natural terrain. Is parking on  
9 natural terrain --

10 MS. RUSSO: That is correct.

11 MR. FLANAGAN: Is the parking on  
12 natural terrain allowed under the Gables  
13 Code?

14 MR. SALMAN: No.

15 MR. RIEL: I'd have to ask Zoning  
16 to comment on that one.

17 MR. SALMAN: Not on a permanent  
18 basis.

19 MS. RUSSO: This was a -- My  
20 understanding is that the overflow  
21 parking was part of the approval on the  
22 County and so it came in as legally  
23 non-conforming under the City. So it  
24 accommodates up to about 93, 95 parking  
25 spaces, and you're right. The reason is

1           to allow use of an athletic playing  
2           field that currently, you know, isn't --  
3           it can't be used a lot of times on days  
4           like today.  If there's rain and there's  
5           parking, it would be hard to use that  
6           field for tomorrow, and the goal, the  
7           reason why there is so much use of the  
8           overflow parking, is so that you keep  
9           the people from parking on the swale of  
10          Kendall and on Banyan.

11                 MR. FLANAGAN:  Right, and I  
12           understand that, and I think, like most  
13           educational and other institutional uses  
14           in this town and this county, parking is  
15           a very difficult problem, and I think  
16           where you're situated creates an even  
17           greater problem, in that you've got  
18           nowhere to expand.  It doesn't look like  
19           you really have anywhere to go, but I  
20           think even if you came under the  
21           County's regulations, I don't believe,  
22           and I don't have the County Code with me  
23           and I don't have it committed to memory,  
24           others may, but I don't know if you can  
25           park on natural terrain under the

1 County's provisions, either. Hence --

2 MR. RIEL: You can't. You cannot,  
3 and you can go for a variance.

4 MR. FLANAGAN: Right, so you'd have  
5 to go for a variance. So I guess, in my  
6 mind, you might be parking illegally  
7 under either Code, and that may need to  
8 be an issue that needs to be addressed  
9 at some point, and if somehow maybe that  
10 shouldn't be addressed as part of the  
11 entire package here.

12 I'm a firm believer of putting the  
13 community-serving uses next to the  
14 rooftops. I think it's very important.  
15 It allows to you walk wherever you're  
16 going. It keeps you out of your car. I  
17 heard the stories from some of the  
18 neighbors who have children at this  
19 school, and I fully appreciate that.

20 I am struggling significantly with  
21 the land use change. If there is a way  
22 to allow a playing field, a soccer  
23 field, under the existing zoning, I  
24 would be sitting here with, I think, a  
25 much easier decision in my mind. It's

1 the change of the land use that, really,  
2 I'm struggling with tonight, on how to  
3 decide on that one. So I think there's  
4 a couple issues in my mind that I need  
5 to flesh out.

6 MS. RUSSO: And that's why we  
7 agreed to the covenant that would say we  
8 would not build on that property. So  
9 there would be a covenant running with  
10 the land, that despite the land use, you  
11 would have a covenant that was, you  
12 know, proffered and agreed to by us,  
13 saying we would not build any school,  
14 facility, structure, on what we call the  
15 Larson property --

16 MR. FLANAGAN: Right.

17 MS. RUSSO: -- which is the 50 --  
18 what is it, 5450, and if I may, Mr. Bill  
19 Parker wants to address the parking on  
20 natural terrain.

21 MR. FLANAGAN: Okay, before we get  
22 to that, though, I mean, I'd like to  
23 hear from Mr. Gibbs, if he has any  
24 inclination as to how his clients may  
25 feel about a covenant that would

1 prohibit any building on the property  
2 and how that may be addressed, both  
3 tonight and how it may be addressed in  
4 five, 10, 20 years down the road. And I  
5 would recognize, through the Chair,  
6 Mr. Gibbs at some point, if he wants to  
7 comment on that, and I guess --

8 CHAIRMAN KORGE: That would be  
9 fine.

10 MR. FLANAGAN: -- maybe also hear  
11 from --

12 MS. RUSSO: Mr. Parker.

13 MR. FLANAGAN: -- Mr. Parker.

14 MS. RUSSO: On natural terrain  
15 parking.

16 MR. PARKER: On that point, I'd  
17 just like to go back to a time prior to  
18 our incorporation in the City of Coral  
19 Gables. When we built the school, we  
20 took down the old existing school and  
21 built the new school. At that time,  
22 Miami-Dade County gave us the  
23 authorization to utilize the field for  
24 dual purpose, both as the field and for  
25 the parking. So we did go through that

1 process, in fact, and it was part of the  
2 carry-over in City incorporation.

3 MR. FLANAGAN: So there's some  
4 variance or approval from the County  
5 that allows you to park on the field?

6 MR. PARKER: Yes.

7 MR. FLANAGAN: Okay.

8 MR. PARKER: Yes.

9 MR. FLANAGAN: Thank you.

10 MR. PARKER: Thanks.

11 MR. GIBBS: Good evening. Tucker  
12 Gibbs again. One of my clients is out  
13 of the country and it's Fernandez, and  
14 so I'm concerned to express any opinion  
15 about a covenant at this point. I'm  
16 perfectly willing to sit down with my  
17 clients and talk about a covenant, but I  
18 can't really say anything about that  
19 this evening, because they're all not  
20 here.

21 CHAIRMAN KORGE: Well, presumably,  
22 if we approve with the subject of the  
23 covenant, you would work with the City  
24 to protect --

25 MR. GIBBS: We always work with the

1 City, but we do have -- but as I said in  
2 my presentation, we have serious  
3 concerns just about the actual land use  
4 change and the zoning change, but it  
5 comes from that issue. But I'm happy to  
6 sit down with my clients and discuss  
7 this with them and report back, either  
8 to you all or to the City Commission.

9 MR. AIZENSTAT: Actually, the  
10 question is more -- There's been a lot  
11 of talk about the water retention within  
12 the property and the flooding.

13 I'd like to ask Public Works, is  
14 that a problem that comes because of the  
15 low-lying area on the street, or is that  
16 runoff from existing properties that's  
17 not taken care of properly?

18 MR. KAY: For the record, I'm Jim  
19 Kay, with the Public Works Department.

20 Typically, the runoff is -- by  
21 Code, is supposed to be retained on  
22 private property.

23 MR. AIZENSTAT: Correct.

24 MR. KAY: We recognize that in  
25 extreme events, sometimes it doesn't

1           happen, and there is runoff that will  
2           make its way to the streets. Hence, we  
3           have storm sewers and catch basins  
4           there, as well, to take care of the  
5           situation. I don't know the extent of  
6           the -- of the drainage system there. I  
7           have to recheck that and find out about  
8           that. But, you know, it would be, in  
9           my -- my observation that it is a low  
10          area there, and there is going to be,  
11          from time to time, problems with  
12          drainage due to an elevated water table  
13          because of lots of rain that can occur  
14          here in South Florida, and that's  
15          typically what happens. The groundwater  
16          rises, you have the canal in the back  
17          there, and it just doesn't make for a  
18          good situation.

19                 MR. AIZENSTAT: Do we know if the  
20                 properties that were built there, were  
21                 they built during the -- after the  
22                 annexation of Coral Gables or before the  
23                 buildings that are there, existing?  
24                 Maybe that would be the Building  
25                 Department that would be able to answer

1 that.

2 MS. KEON: The new school?

3 MR. AIZENSTAT: The --

4 MS. KEON: The new school?

5 MR. AIZENSTAT: The new school

6 that's there.

7 MS. KEON: Was built after the  
8 annexation, wasn't it?

9 MR. AIZENSTAT: So it's built by  
10 Coral Gables --

11 MS. KEON: The new school? All of  
12 those buildings?

13 MS. RUSSO: No. The school --  
14 (Simultaneous voices)

15 MR. RIEL: Whoa, whoa. One at a  
16 time, please.

17 MS. KEON: No, I'm asking you, were  
18 all of the buildings --

19 MS. RUSSO: All of the buildings.  
20 There was a slight addition -- I believe  
21 it was done in '97 or '98 -- of the  
22 second story of 1500 square feet, total  
23 addition to the school. All the school  
24 buildings were built in the '50s, '60s  
25 and '70s.

1 MR. ARNOLD: No, no, no.

2 MS. RUSSO: There's --

3 (Simultaneous voices)

4 MR. ARNOLD: No, no, no.

5 MS. HERNANDEZ: Wait. Raise your  
6 hands. Raise your hands.

7 MR. TOBIN: With all due respect,  
8 again, I'm not a lawyer, but I've been  
9 there for 22 years. Here's the drill.  
10 The current school facilities, just  
11 classroom facilities, were completed  
12 just before Hurricane Andrew. That's  
13 1992. The additional facility that we  
14 just completed, the new Rantz Hall  
15 project, was completed --

16 Kris?

17 MS. CHARLTON: 2003.

18 MR. TOBIN: 2003. Okay? So -- so  
19 the pre -- the school facilities, the  
20 classrooms, were built before we were  
21 annexed.

22 MS. CHARLTON: 2005. 2005.

23 MR. TOBIN: 2005. The parish hall  
24 was completed after we were annexed.  
25 Okay? Is that clear?

1                   MR. AIZENSTAT:  The parish  
2                   facility?

3                   MR. TOBIN:  The school facility  
4                   itself, classrooms, were before we were  
5                   annexed.  That was in 1992, it was  
6                   completed.

7                   MR. AIZENSTAT:  Was before?

8                   MR. TOBIN:  Unincorporated Dade did  
9                   that with us.

10                  MS. RUSSO:  The annexation was '96,  
11                  '97.

12                  MR. TOBIN:  Okay?

13                  MR. ARNOLD:  May I just point out  
14                  what the improvements have been since  
15                  annexation?  They've been substantial.

16                  CHAIRMAN KORGE:  Well, I appreciate  
17                  that, but let's try to move this on.

18                  Do you have some more questions?

19                  MR. AIZENSTAT:  Well, I just -- The  
20                  reason I'm asking is, I don't know how  
21                  the Building Department works or how it  
22                  proceeds, but when you go in to get  
23                  permits or to expand or so forth, I  
24                  would assume that they take a look at  
25                  the water retention issue and to retain

1           it within your property. So I have to  
2           assume that when any of these additions  
3           were done, that was looked at. Am I  
4           correct? Is there somebody here from  
5           the Building Department?

6           MR. KAY: That would be correct.  
7           The Code requires the first one inch of  
8           rainfall runoff be retained on private  
9           property.

10          MR. AIZENSTAT: Okay.

11          MR. KAY: And that's  
12          something that's a standard that's  
13          usually met without any problem. But  
14          it's just when you get extreme rain  
15          events that do happen from time to time  
16          here in South Florida that you get  
17          flooding that spills over into the  
18          right-of-way.

19          CHAIRMAN KORGE: And so it's fair  
20          to say that assuming this project were  
21          approved, you would look at that again  
22          in connection with the field?

23          MR. KAY: Yes, sure.

24          MR. AIZENSTAT: You would look at  
25          it only with the property marked at

1           5450, or would you look at it from 5690  
2           all the way to 5450?

3           MR. KAY: Well, the Public Works  
4           Department would look at all of Banyan  
5           Drive there and take all that in  
6           consideration.

7           MR. AIZENSTAT: So, at this point,  
8           or today, if there was not adequate  
9           retention of water, in other words, it  
10          would spill off, there would be an issue  
11          with that and they would have to remedy  
12          that?

13          MR. KAY: Well, if -- if it could  
14          be -- if it was determined that there  
15          was insufficient drainage on the private  
16          property, the Building & Zoning  
17          Department would have to take some sort  
18          of measures.

19          MR. AIZENSTAT: On the entire  
20          property, meaning the old section plus  
21          whatever the 5450 happens; is that  
22          correct?

23          MR. KAY: That is correct, yes.

24          CHAIRMAN KORGE: And if you  
25          determine that there's a drainage

1                   problem, but the school is not the  
2                   source of the problem, and presumably  
3                   it's a City problem, would you address  
4                   it at that point?

5                   MR. KAY:  If the flooding occurs in  
6                   the street right-of-way, the Public  
7                   Works Department will get involved in  
8                   that.

9                   MR. AIZENSTAT:  Okay.  That was my  
10                  question, just there's been a lot of  
11                  concern, what I've heard from the  
12                  residents that live there, over  
13                  flooding, and it's a shame if it's  
14                  something that can be remedied.

15                  MR. KAY:  Right.

16                  MR. AIZENSTAT:  Thank you.

17                  MR. KAY:  We will take a look at  
18                  it.

19                  MR. AIZENSTAT:  Thank you.

20                  CHAIRMAN KORGE:  Anything else?  
21                  Anybody, anything else?

22                  MS. AUGENSTEIN:  Oh, I'm sorry.  
23                  Yes, the drainage issue that --

24                  MR. RIEL:  Ma'am, you need to come  
25                  up and --

1 MS. AUGENSTEIN: Sorry.

2 MR. RIEL: Just state your name, if  
3 you could, again.

4 MS. AUGENSTEIN: Debbie Augenstein,  
5 5690 Banyan Drive. The drainage issue  
6 is -- it's the length of this, from all  
7 the way here through all the way here.  
8 There was some modification. I don't  
9 know if there was an application. I  
10 received no notice of it, and I'm within  
11 20 feet of the school. They resurfaced  
12 the pre-school outside with an outdoor  
13 carpet of some kind, and it has  
14 substantially increased more flooding  
15 since then, and that was in the last  
16 year or two.

17 When the County did do those  
18 buildings in the '90s, they also put in  
19 a storm sewer, right in the corner, but  
20 it is totally inadequate for the amount  
21 of runoff that we're getting,  
22 particularly with this new surfacing at  
23 the pre-school, and it goes the length  
24 of the building, so it's a large area.

25 MR. AIZENSTAT: Well, that's why

1 I'd like for that to be addressed.

2 MS. AUGENSTEIN: Thank you.

3 MR. AIZENSTAT: That's why I asked  
4 that question.

5 MS. AUGENSTEIN: Thank you.

6 CHAIRMAN KORGE: Any more questions  
7 from the Board?

8 Okay, this is the last. We're  
9 going to close it for testimony after  
10 this and move on to discussion, because  
11 we really shouldn't be taking a lot of  
12 repeat testimony.

13 Yes, sir.

14 MR. WALKER: Roger Walker, just  
15 speaking to Mr. Aizenstat's point.

16 The area here on 5450, the  
17 Fernandezes, is much lower than the  
18 road. It all drains down into that  
19 area. So, if this landscaping involves  
20 putting earth in there to level the  
21 field off, the field is sloping now,  
22 which will be difficult for kids to play  
23 decent soccer on it, unless you were the  
24 home team and always took the high side.  
25 But it drains down.

1                   Now, this is an extreme -- May I  
2                   approach? I'm not familiar. It's like  
3                   a big hole, the Fernandez, and 5450 is  
4                   right next door, and that's the problem  
5                   with it. They're going to be washed  
6                   out --

7                   CHAIRMAN KORGE: Right.

8                   MR. WALKER: -- if any fill is  
9                   brought in. It's --

10                  MS. KEON: How long does that  
11                  water --

12                  CHAIRMAN KORGE: If any fill is  
13                  brought in, what?

14                  MR. WALKER: It will all be washed  
15                  out.

16                  MS. KEON: Okay, but how long does  
17                  the water stand?

18                  MR. WALKER: It stands for two or  
19                  three days.

20                  MS. KEON: Oh, okay. Beyond 24  
21                  hours?

22                  MR. AIZENSTAT: Should we ask him  
23                  to go back to the --

24                  CHAIRMAN KORGE: You need to go  
25                  back to the podium.

1 MS. RUSSO: Excuse me, Mr.  
2 Chairman, as a point of record, can we  
3 have him use the portable microphone so  
4 that we can hear? Because we're not  
5 able to hear the exchange.

6 MRS. ARNOLD: I just want to say  
7 that you cannot convert that  
8 beautiful --

9 CHAIRMAN KORGE: I'm sorry, what's  
10 your name, again, please?

11 MRS. ARNOLD: I'm sorry. My name  
12 is Barbara Arnold, 5520 Banyan Drive. I  
13 live in the property designated 33, over  
14 there.

15 You cannot change a beautiful piece  
16 of residential property to -- and rezone  
17 it, without impacting every residential  
18 property in that area, because there is  
19 noise pollution that will be involved,  
20 and a six-foot wall is not going to do  
21 anything to mitigate the kind of noise  
22 that already is a problem from where I  
23 live, because everybody across this  
24 whole lake hears the noise that comes  
25 from this playing field every time there

1 is any kind of special assembly that  
2 they have, with electronic speaker  
3 systems that reverberate across the  
4 whole lake, and if you are thinking  
5 about changing that beautiful piece of  
6 residential property to a playing field,  
7 you cannot possibly compare it to a  
8 public park, because there's going to be  
9 noise that is nothing like a public  
10 park.

11 So you are going to be doing  
12 something that negatively impacts all of  
13 those nice residential properties all  
14 around there. So I'm really hoping that  
15 you're going to leave 5450 as a  
16 beautiful residential property, which  
17 it's always been and should be in the  
18 future and continue to be.

19 Thank you.

20 CHAIRMAN KORGE: Okay, we'll close  
21 the public portion of this hearing and  
22 open it for discussion.

23 Any discussion, a motion or --

24 MS. KEON: I would -- amongst  
25 ourselves, I, too, struggle with the

1 items here, this Number 2 on the  
2 standard of review. I have a hard time  
3 seeing where it meets any of those,  
4 those items, and it's not -- you know, I  
5 think schools belong in neighborhoods.  
6 Schools require facilities. They have  
7 to -- I mean, children need a place to  
8 play and all. I just -- you know, as  
9 a -- as a Zoning Board, I am struggling  
10 with that -- this second item there,  
11 that --

12 CHAIRMAN KORGE: That's on Page 11?

13 MS. KEON: That's on Page 11 of 16.  
14 "Provide a benefit to the City in that  
15 it will achieve two or more of the  
16 following objectives."

17 I -- objectively, I struggle with  
18 finding two of those objectives. So I'd  
19 like maybe some input from the rest of  
20 you to help me -- help me see where that  
21 is, because I'm having trouble seeing  
22 that.

23 MR. AIZENSTAT: Eric, let me ask  
24 you, how did you see that, when --

25 MR. RIEL: You're talking about

1 Item -- Page 11, Number 2?

2 MR. AIZENSTAT: What Pat commented  
3 on.

4 MS. KEON: Yeah.

5 MR. RIEL: I mean, obviously, when  
6 we evaluate, you know, an application,  
7 we look at the entire Zoning Code, as  
8 well as the Comp Plan. In terms of  
9 benefit to the City of two or more of  
10 the objectives, in terms of balancing  
11 the land uses, in terms of vehicle mile  
12 travel. I mean, Ms. Russo brought to  
13 your attention, which I agree, I mean,  
14 you'll see similar facilities, churches,  
15 schools, parks, you know, throughout the  
16 City. So that's a balancing of land  
17 uses. They need to co-exist.  
18 Therefore, it reduces the number of  
19 trips. The opportunity to, you know,  
20 walk to a school or a facility, which is  
21 something that's a daily need, as well  
22 as a church. Whether or not you drive  
23 five minutes, I mean, you want to have  
24 those uses in close proximity, just like  
25 you go to the grocery store. So, in my

1 opinion, there is a balance of uses.

2 In terms of, you know, creating a  
3 mix of uses, obviously, this is not a  
4 structure. It's a facility. It's an  
5 athletic field. So it's difficult to  
6 say it's a mix of uses. It's a church  
7 and a school right now. It is mixed  
8 uses, because it does operate as a  
9 church, which is typically, on weekends,  
10 more -- much more crowded, obviously,  
11 and then on -- during the weekdays, it's  
12 a school. So, in terms of the  
13 operations of the use, in terms of the  
14 sharing of the parking, that does occur,  
15 so those spaces are used simultaneously.  
16 So, in terms of mixing of uses, that  
17 does occur.

18 Increasing the share of trips,  
19 again, as I indicated, you know, there's  
20 an opportunity to walk, bicycle to the  
21 facilities.

22 MS. KEON: But that already exists.  
23 And I guess it's how are you taking that  
24 additional parcel and incorporating it  
25 into the existing use? How does

1           that --

2           MR. RIEL: Well, basically, what  
3           Staff's viewpoint is, it's an existing  
4           facility. It's an improvement on the  
5           facility. Therefore -- It's no increase  
6           in intensity, 425. It's basically, you  
7           know, utilizing properties or land in a  
8           more efficient manner. So that's how we  
9           see it. It's an expansion of an  
10          existing use, and from Staff's  
11          viewpoint, we look at it as, at this  
12          present time, there are no conditions  
13          governing this property.

14          MR. AIZENSTAT: Exactly.

15          MR. RIEL: There's nothing that  
16          manages the traffic. There's nothing  
17          that manages the use operations.  
18          There's nothing that manages. The  
19          school and church have taken upon  
20          themselves to manage traffic, and we've  
21          met with the Police Department and other  
22          departments and discussed all these  
23          issues. That's a part of the DRC  
24          process.

25          We look at this as an opportunity

1 to work closely with the property owner,  
2 as well as the neighbors, and where, you  
3 know, everyone benefits. The City  
4 benefits, the facility benefits, as well  
5 as adjoining neighbors.

6 So, I mean, it doesn't provide  
7 affordable housing, obviously. It's not  
8 a structure. And in terms of specific  
9 policies and objectives of the  
10 Comprehensive Plan, that's in the record  
11 where we indicate it's in compliance,  
12 and where we have identified  
13 inconsistencies, we've suggested  
14 mitigation, recommendations and  
15 conditions thereof.

16 CHAIRMAN KORGE: So you think it  
17 meets Paragraph 2, a, i --

18 MR. RIEL: Correct.

19 CHAIRMAN KORGE: -- and Paragraph  
20 2, d?

21 MR. RIEL: I would say a, ii, i,  
22 iii. There's a mixing of uses. I mean,  
23 it's -- you know, it's a joint --

24 MR. AIZENSTAT: And there was  
25 testimony -- I did hear testimony from

1 people that -- actually, residents that  
2 live right there, that have either moved  
3 to that area because of the church or  
4 school and people that actually walk  
5 their children back and forth from  
6 school. There was a lady who spoke to  
7 that fact.

8 MS. KEON: Uh-huh.

9 MR. SALMAN: I, too, struggle with  
10 the change of use, from residential to  
11 special use. That's my biggest  
12 stumbling block right now.

13 The fact that we're not increasing  
14 intensity, the fact that they are  
15 willing to stipulate that they're going  
16 to limit the size of the school, the  
17 fact that they're dealing with a lot of  
18 the neighborly issues of boundary and  
19 boundary definition and separation  
20 from -- in respect to the surrounding  
21 residences, all go towards having me be  
22 more receptive to a more expansive  
23 interpretation of some of these  
24 conditions. If we were to take it along  
25 the strict lines, I think that it would

1 probably fail, in many respects.

2 I have problems with d, in regard  
3 to the specific objectives and policies.  
4 I don't think that that's a specific  
5 objective. I think it's a general  
6 objective, and it harkens back,  
7 probably, to the balancing of land uses,  
8 where you distribute schools and  
9 facilities within the residential fabric  
10 to help limit some of those travel  
11 distances and promote a sense of  
12 community. But to give it double weight  
13 is where I'm struggling, and it's a  
14 really fine line, a really fine line.

15 If there were a way to do this  
16 through -- and again, I applaud the  
17 restrictive land use, that you're not  
18 going to develop that property, so it's  
19 a way of limiting that, and that's where  
20 the balance lies. It's giving you a  
21 conditional -- it's almost giving you a  
22 conditional use. We're changing the  
23 underlying zoning, but you're  
24 auto-imposing a conditional use that you  
25 will never build a structure on the

1 building -- on the site, and it's --  
2 it's what's going to make it probably  
3 palatable, to me, but otherwise it would  
4 be very difficult.

5 MR. AIZENSTAT: But I think, also,  
6 by allowing this and having some more  
7 control as to the activities and so  
8 forth, as Eric said, it might outweigh  
9 that, because you're creating a green  
10 space that is going to be there and not  
11 be built for anything else. You're  
12 going to get the landscaping that you  
13 need. You're going to get other  
14 benefits out of it.

15 MR. SALMAN: I think that there are  
16 other issues here that have been  
17 addressed, through a series of the  
18 conditions that have been included,  
19 together with a lot of the testimony  
20 that we've heard and some of the issues  
21 that have come up. I looked very  
22 carefully at Tim's report, and you're  
23 right there on the numbers, with regards  
24 to pick-up and drop-off. You have 157  
25 kindergarten students, on average.

1           You've got 125 spaces. I've had  
2           kindergarten students. You walk them,  
3           you don't drop them. And so you may be  
4           a little shy on your parking there. I  
5           think that by mitigating that, by moving  
6           the field to allow for -- and I think  
7           that this project would benefit from the  
8           development of some sort of an extended  
9           drop-off to help mediate -- you've got  
10          like five or 10 minutes where you're  
11          actually backing back up onto Kendall,  
12          not on a typical day, but often enough.  
13          That's what the report says. I'm not --  
14          I read it. You've got -- You're picking  
15          them up 10 students a minute. That's  
16          impressive, but the reality is that  
17          that -- you just don't have enough  
18          stacking distance to be able to hold the  
19          waiting, so it is backing up, but police  
20          help a lot.

21                 It's certainly a lot better than  
22          what you had before, but -- and it also  
23          brings back the drainage issue, because  
24          by compacting that field, you're  
25          affecting the drainage, and so that

1 water is also contributing to part of  
2 the run-off. And, yeah, the area, I'm  
3 familiar with it, I drove it, it does  
4 slope down towards the road and the  
5 lake, so it does have a general fall in  
6 that direction, and Jim Kay says that  
7 you're going to take into effect all the  
8 site with regards to the drainage in the  
9 development of that one parcel. I would  
10 stipulate that that would need to be one  
11 of the requirements.

12 MR. AIZENSTAT: I agree with that.

13 MR. SALMAN: And if you're okay  
14 with it, I think that that would make it  
15 more palatable, also, to the  
16 neighborhood.

17 CHAIRMAN KORGE: Do you want to  
18 frame that as a motion?

19 MR. SALMAN: Yeah, I'd like to make  
20 a motion to approve with regards to --

21 MS. KEON: May I ask one more  
22 question?

23 MR. SALMAN: Yes.

24 MS. KEON: Of Eric. Would you  
25 require that they -- there is a wall on

1 the east boundary, the eastern  
2 boundary --

3 MR. AIZENSTAT: You're talking  
4 about the entire length --

5 CHAIRMAN KORGE: With the chain  
6 link fence?

7 MR. AIZENSTAT: -- of the 5690 and  
8 the 5692?

9 MS. KEON: No, at 5450.

10 MR. SALMAN: That's one of the  
11 conditions.

12 MS. KEON: Right. Is that there --

13 MR. AIZENSTAT: That's one of the  
14 conditions that's there now.

15 MS. KEON: Is it -- Does the wall  
16 come back across onto Banyan Drive, or  
17 it's just between the residences?

18 MR. SALMAN: Between the  
19 residences.

20 MR. AIZENSTAT: Between the  
21 residences.

22 MR. RIEL: It's between the  
23 residences. The proposal is a masonry  
24 six-foot wall, overstory trees, as well  
25 as understory shrubs.

1 MR. AIZENSTAT: And --

2 MR. RIEL: Within a 10-foot  
3 landscape easement.

4 MS. KEON: Very well, and then you  
5 are further requiring that -- What are  
6 you doing about the Banyan Drive?

7 MR. RIEL: Banyan Drive, to  
8 supplement the -- basically, the holes  
9 in the landscaping --

10 MS. KEON: Right.

11 MR. RIEL: -- with other materials,  
12 to achieve 100 percent opacity.

13 MR. AIZENSTAT: I would -- I would  
14 be in favor of that if you could keep it  
15 as the Staff's recommendation, not  
16 change the hours, not change the use. I  
17 would keep it as Staff recommends, and I  
18 would second that.

19 MS. KEON: What would you keep as  
20 Staff recommends?

21 CHAIRMAN KORGE: Well, I didn't get  
22 a motion yet.

23 MR. AIZENSTAT: No, no, no, I  
24 was --

25 MR. SALMAN: I was in the middle, I

1 mean.

2 MS. KEON: No, I know, I just -- I  
3 wanted one more question. Okay. In the  
4 motion, you know, the other issues that  
5 they asked about were the special use  
6 permits and those types of things. Is  
7 that a -- Are we going to talk about  
8 that, or are you --

9 MR. RIEL: I'd be happy to go  
10 over and --

11 MS. KEON: Are you looking to --

12 MR. RIEL: -- provide you my  
13 position on each one of those, if you'd  
14 like.

15 MS. KEON: I would like to hear in  
16 response to the items that they raised,  
17 that they would like.

18 MR. AIZENSTAT: The item about  
19 blocking that fence, as far as taking  
20 out the word "lock," does make sense, so  
21 I don't see a -- to me, I don't see a  
22 problem with that. I actually see a  
23 benefit to it, you know, if they've got  
24 to keep it closed. But if they have an  
25 emergency or something, I understand

1           that. As long as -- as long as the  
2           Building Department, the Zoning  
3           Department, the Planning Department, as  
4           long as they agree with that, I'm fine  
5           with that.

6           MS. KEON: Can you address that?

7           MR. RIEL: I don't have a problem  
8           with the gate just being closed. That's  
9           fine.

10          MS. KEON: Okay.

11          MR. RIEL: Not a problem.

12          And, Mr. Chairman, when you do get  
13          to a motion, we are going to require  
14          three separate motions from the Board,  
15          one acting as a Local Planning Agency  
16          for the change in land use, and then the  
17          two other issues, the change in zoning,  
18          as well as the site plan.

19          CHAIRMAN KORGE: The first one is  
20          as a Local Planning Agency?

21          MR. RIEL: Acting as a -- The Board  
22          is acting as a Local Planning Agency,  
23          and it's the recommendation regarding  
24          the land use change. So we'll need  
25          three separate motions.

1 MS. KEON: And the special permit?

2 MR. AIZENSTAT: Can I just ask --  
3 I'm sorry.

4 CHAIRMAN KORGE: Go ahead, Eibi.

5 MR. AIZENSTAT: Just a question.  
6 If the church or the school wants to do  
7 a carnival, what are their requirements,  
8 today? What do they have to do? Let's  
9 say they want to go and on their field  
10 they want to do a fundraising benefit or  
11 so forth. How do they proceed?

12 MR. RIEL: Let me kind of give you  
13 a little overview of special permits.  
14 Obviously, if they do a carnival, I  
15 believe they have to go get a special  
16 permit, because it's a special activity.  
17 So the school, obviously, has gone  
18 through that process, as a part of that.  
19 I'm sure they have a number of carnivals  
20 a year or whatever they had in their  
21 history.

22 The reason we put the condition  
23 here is because we would like to have a  
24 threshold of 123 spaces. That doesn't  
25 mean that they can say, you know, every

1           time you have an event of 123 -- they  
2           can go to the Special Events Committee,  
3           and just say that when you get that  
4           event, if you have an event like that,  
5           you have to do A, B, C and D, and every  
6           time you exceed that threshold, the  
7           understanding is, that will be done. So  
8           they don't need to go to the Special  
9           Event Committee each time they have an  
10          event. It's kind of like when you  
11          exceed that threshold. That's why we're  
12          asking to go back on an annual basis,  
13          tell the committee what the events are;  
14          we'll tell you what are the thresholds,  
15          and then if you obviously do, you know,  
16          a special event like a carnival, you  
17          have to come back.

18                 It's similar to St. Philip's Church  
19                 and School. They're doing the same  
20                 thing. They provide the events yearly.  
21                 The committee looks at it. They make a  
22                 determination what's needed, based on  
23                 this threshold, and then if it's above  
24                 that threshold, they tell them, "Okay,  
25                 you have to come back for that event."

1           MR. AIZENSTAT: The reason I ask  
2           is, I would actually be concerned about  
3           holding that carnival on the 5450  
4           property, because it's directly next to  
5           a neighbor, a residential or a home.

6           MR. RIEL: Well, the way the  
7           condition reads, there's no activities  
8           other than for a playing field on that  
9           parcel.

10          MR. AIZENSTAT: So, if they want to  
11          get a special permit to hold a carnival  
12          on their playing field, they would not  
13          be able to?

14          MR. RIEL: Well, you can certainly  
15          clarify even further, saying that no  
16          special events -- and I think it's  
17          pretty clear that, you know, it's  
18          only -- the purpose of that thing is to  
19          be utilized for athletic activities, not  
20          for parking, you know, not for anything  
21          else. So I think, if you want to  
22          further clarify that with a condition,  
23          you can certainly do that.

24          MR. AIZENSTAT: I would like to,  
25          because of the fact that it is a

1 residential neighborhood and there is a  
2 house right next door to that.

3 MR. FLANAGAN: Mr. Riel, if this  
4 gets approved, can they not use the  
5 square footage of 5450 to apply to  
6 future development for allowable  
7 additional buildings on 5690 and 5692?

8 MR. RIEL: I believe the "S" use  
9 does not have a maximum intensity and  
10 density. Anything that's built, in  
11 terms of a structure, will need to come  
12 through a public hearing review. So, if  
13 they put anything over, you know, 36  
14 inches in height, a structure, they need  
15 to come back through this Board, as well  
16 as the Commission.

17 But I don't believe -- and Martha  
18 can correct me -- I don't believe  
19 there's intensity or density thresholds  
20 for special use properties.

21 MS. RUSSO: There's an FAR.

22 MR. RIEL: There's an FAR, yes, but  
23 I think that's the only threshold. It's  
24 obviously fairly low, because it's meant  
25 to be for special uses, like country

1 clubs, golf courses, you know, parks,  
2 playgrounds, schools.

3 CHAIRMAN KORGE: Just about  
4 anything they do, it has to come back  
5 for public hearing, is what you're  
6 saying?

7 MR. RIEL: Everything in an "S"  
8 use, absolutely.

9 CHAIRMAN KORGE: Right, so --

10 MR. RIEL: It doesn't matter  
11 whether it's a City facility, private  
12 facility. It has to. That's clear.

13 MR. FLANAGAN: But from a  
14 development standpoint, in the future,  
15 because there's no density limitations  
16 on an "S" use, this does not then confer  
17 any additional development rights on the  
18 balance, on 5690 and 5692; is that what  
19 I'm understanding clearly?

20 MR. RIEL: Yes.

21 MR. FLANAGAN: Okay. Thank you.

22 CHAIRMAN KORGE: That's a good  
23 question. It didn't occur to me to ask  
24 that.

25 MS. KEON: Yeah.

1                   CHAIRMAN KORGE:  Javier, do you  
2                   want to make your motion now?

3                   MR. SALMAN:  Well, we have to do  
4                   this three times.

5                   MR. RIEL:  Obviously -- well, the  
6                   change in land use is the first motion,  
7                   and the change in zoning and the change  
8                   in the site plan approval, that's where  
9                   the conditions come into play.  So the  
10                  change in land use is basically just a  
11                  change -- a recommendation for a change  
12                  in land use.

13                  MR. SALMAN:  In this particular  
14                  case, I'd like to do it in reverse.

15                  MR. AIZENSTAT:  Yeah, I was going  
16                  to ask the same thing.

17                  MR. SALMAN:  Yeah.

18                  MR. AIZENSTAT:  Because you pass  
19                  the two and then you don't --

20                  MR. SALMAN:  You can't, because  
21                  you've got to approve one to get the  
22                  other one.

23                  MR. AIZENSTAT:  I'd like to --

24                  MR. RIEL:  We've done that before.

25                  MR. SALMAN:  So, if anything

1 happens between one, two and three, then  
2 we've really got a problem.

3 All right, I'd like to make a  
4 motion to approve the change in land  
5 use.

6 CHAIRMAN KORGE: To --

7 MR. SALMAN: To the recommended --

8 MR. RIEL: Based upon Staff's  
9 recommendation?

10 MR. SALMAN: Based upon Staff's  
11 recommendation.

12 CHAIRMAN KORGE: Based on Staff's  
13 recommendation, okay. Is there a second  
14 for that motion?

15 MR. AIZENSTAT: I'll go ahead and  
16 second it.

17 CHAIRMAN KORGE: Moved and  
18 seconded. Any discussion on this  
19 motion?

20 No discussion. We'll call the roll  
21 on this, please.

22 MS. MENENDEZ: Javier Salman?

23 MR. SALMAN: Yes.

24 MS. MENENDEZ: Eibi Aizenstat?

25 MR. AIZENSTAT: Yes.

1 MS. MENENDEZ: Jeff Flanagan?

2 MR. FLANAGAN: Yes.

3 MS. MENENDEZ: Pat Keon?

4 MS. KEON: Yes.

5 MS. MENENDEZ: Tom Korge?

6 CHAIRMAN KORGE: Yes.

7 Javier, are you on a roll? Are you

8 going to do the second?

9 MR. SALMAN: Sure. The next one

10 is the -- first we did the land use.

11 The second is the --

12 MR. RIEL: The change of zoning.

13 MR. SALMAN: -- change in zoning.

14 All right, I'd like to make a

15 motion to change the zoning, as per the

16 Staff's recommendation.

17 MR. AIZENSTAT: Second.

18 CHAIRMAN KORGE: Seconded. Is

19 there any discussion on this?

20 MS. KEON: No.

21 CHAIRMAN KORGE: None?

22 Let's call the roll on this one,

23 please.

24 MS. MENENDEZ: Eibi Aizenstat?

25 MR. AIZENSTAT: Yes.

1 MS. MENENDEZ: Jeff Flanagan?

2 MR. FLANAGAN: Yes.

3 MS. MENENDEZ: Pat Keon?

4 MS. KEON: Yes.

5 MS. MENENDEZ: Javier Salman?

6 MR. SALMAN: Yes.

7 MS. MENENDEZ: Tom Korge?

8 CHAIRMAN KORGE: Yes.

9 Javier?

10 MR. SALMAN: And for our third,  
11 which is going to be the conditional --

12 MR. RIEL: The site plan approval.

13 MR. SALMAN: Site plan approval,  
14 thank you. I keep thinking conditional  
15 use, because that was my goal.

16 For the site plan approval, I make  
17 a motion to approve as per the Staff  
18 recommendation with regards to this  
19 application, with the following  
20 stipulations, that the applicant provide  
21 a covenant to ride with the land.

22 MR. AIZENSTAT: Provide what?

23 MR. SALMAN: A covenant riding with  
24 the land to limit development, to  
25 exclude any permanent structures.

1 MR. AIZENSTAT: Okay.

2 MR. RIEL: To limit or prohibit?

3 MR. AIZENSTAT: Prohibit.

4 MR. SALMAN: Prohibit.

5 MR. RIEL: Okay.

6 MR. SALMAN: Prohibit was the word.

7 And that would be the first.

8 MS. RUSSO: Except for the wall.

9 MR. AIZENSTAT: Except for --

10 MR. SALMAN: Except for the wall,

11 which is included in the --

12 MS. RUSSO: A permanent structure.

13 CHAIRMAN KORGE: Right.

14 MR. SALMAN: A permanent structure.

15 MR. RIEL: That's understood.

16 MR. SALMAN: Lawyers, what can you

17 do with them?

18 And the second stipulation is that

19 they include the entire site with

20 regards to analysis for drainage.

21 MS. RUSSO: Include the entire site

22 in the drainage analysis?

23 MR. SALMAN: Yes, in the drainage

24 analysis, for review and approval by the

25 City Public Works Department.



1 applicant to the problem.

2 CHAIRMAN KORGE: No, I agree with  
3 you. I agree with you.

4 MS. KEON: I guess what I'm asking  
5 you is, when you say part of your motion  
6 is a review, is that review and  
7 compliance?

8 MR. SALMAN: Correct, yes.

9 MS. KEON: Okay, so compliance  
10 is --

11 MR. SALMAN: That they meet the  
12 requirements of --

13 CHAIRMAN KORGE: They have to meet  
14 the Code.

15 MR. SALMAN: Requirements of the  
16 Code, exactly.

17 MS. KEON: Yes, okay.

18 MR. AIZENSTAT: Could I ask,  
19 also -- well, for the motion, as we  
20 discussed, for them not to be able to do  
21 any special activities on that  
22 particular field?

23 MS. KEON: It includes the  
24 recommendation of the Staff.

25 MR. RIEL: No, that's not --

1                   MR. SALMAN: That's included in the  
2 recommendation.

3                   CHAIRMAN KORGE: That's already in  
4 the recommendation.

5                   MS. KEON: That's in the  
6 recommendation?

7                   MR. AIZENSTAT: That they cannot  
8 get a special permit to do a carnival on  
9 that parcel?

10                  MR. SALMAN: You want to limit them  
11 to no carnivals, as well?

12                  MR. AIZENSTAT: Well, I'm just  
13 concerned, having a house next door,  
14 going into a residential area, going and  
15 having carnivals or so forth. I'd just  
16 like for the neighbors to have quiet  
17 enjoyment.

18                  CHAIRMAN KORGE: Eric, what is the  
19 Staff's recommendation?

20                  MS. RUSSO: In addition to the  
21 covenant?

22                  MR. SALMAN: In addition to the  
23 covenant, then, is that what you're  
24 suggesting?

25                  MR. RIEL: My suggestion, to be

1 clear, is, if that's what the intention  
2 of the Board is, to say that no special  
3 event activities may be on 5450. I  
4 mean, that way, it's clear.

5 MR. SALMAN: Okay.

6 CHAIRMAN KORGE: Okay.

7 MR. SALMAN: Well, that would ride,  
8 then, with the covenant.

9 MR. AIZENSTAT: I'm sorry?

10 MS. KEON: That would ride with the  
11 covenant.

12 MR. SALMAN: Ride with the  
13 covenant, no special activities.

14 MR. RIEL: And let me clarify, no  
15 special event activities and any  
16 accompanying impacts.

17 MR. SALMAN: Okay.

18 MR. AIZENSTAT: Correct.

19 MR. RIEL: I just want everybody to  
20 understand that.

21 CHAIRMAN KORGE: Okay.

22 MR. AIZENSTAT: And then -- but in  
23 the Staff's recommendation, you'll take  
24 out the word "locked"?

25 MS. KEON: Yes.

1           MR. RIEL:  If that's included  
2           within the motion.

3           MR. AIZENSTAT:  I'm sorry.

4           MR. SALMAN:  And to remove the  
5           requirement for lock of the gate that  
6           opens onto Banyan Court from the 5690  
7           and 5692 property.  Is that all?

8           CHAIRMAN KORGE:  Are those all the  
9           conditions?

10          MR. SALMAN:  In addition to the  
11          ones that Staff recommended.

12          CHAIRMAN KORGE:  In addition to the  
13          ones that Staff recommended.

14          Does the applicant accept those  
15          conditions?

16          MS. RUSSO:  We would respectfully  
17          request that the Board consider a higher  
18          threshold for the special events permit.  
19          We'll accept the condition of the  
20          special events permit, but a higher  
21          threshold than 123 cars, as we said,  
22          to -- you know, to --

23          MR. RIEL:  That is not -- That is  
24          not on the table.  That issue is not on  
25          the table.

1                   CHAIRMAN KORGE: I would like to  
2                   add that the special events restriction  
3                   does not apply to religious activities.  
4                   I mean, I can't imagine why we would be  
5                   able to restrict, much less want to  
6                   restrict, the number of cars of people  
7                   who attend Easter vigil mass or  
8                   whatever. It doesn't make sense.

9                   MR. AIZENSTAT: Aren't we talking  
10                  about 5450?

11                  MR. SALMAN: No. That will always  
12                  be used as a play field.

13                  MR. AIZENSTAT: Okay.

14                  MR. SALMAN: It's about limiting  
15                  the other property. And we're tying  
16                  them all together on this. We're doing  
17                  a unity of title, so it will be one  
18                  property all the time.

19                  MS. KEON: It would be hard for me  
20                  to understand how your ongoing services  
21                  that you would have on a regular basis,  
22                  that you would normally provide as a  
23                  church, such as Easter services or  
24                  funeral services or those sorts of  
25                  things, would ever be construed as a

1 special event. I mean, I don't see how  
2 that would be construed -- Would that  
3 not -- Would that be construed as a  
4 special event? Those are the activities  
5 of a church.

6 MR. AIZENSTAT: Have you had to go  
7 for a special permit or anything  
8 whenever you've had those events?

9 MS. RUSSO: Not to date.

10 MS. KEON: I would think it would  
11 be an event that is outside of --

12 MR. AIZENSTAT: I agree with that.

13 MS. KEON: -- the normal --

14 MR. SALMAN: The normal activities  
15 of a religious establishment.

16 MS. KEON: -- operations of a  
17 church or a school.

18 MS. RUSSO: So a carnival --

19 MR. AIZENSTAT: That's a special  
20 event, a carnival.

21 MS. KEON: A carnival would be a  
22 special event.

23 MR. AIZENSTAT: But if you have  
24 mass --

25 MS. KEON: No.

1 MR. AIZENSTAT: -- or a funeral --

2 MR. RIEL: The intent was, if you  
3 have an event on the facility that is  
4 over 123 spaces, that they come up with  
5 an operational parking management plan.

6 MS. HERNANDEZ: Right.

7 MR. RIEL: And that could be --

8 MS. HERNANDEZ: Because they had  
9 parking issues when they came before us.

10 MR. RIEL: Right, and that could  
11 be A, B and C --

12 MR. AIZENSTAT: Which makes sense.

13 MR. RIEL: -- and when you go over  
14 that threshold, that plan just is  
15 implemented. It's not necessarily  
16 event-based.

17 CHAIRMAN KORGE: Let's be real  
18 clear about this, then. The typical  
19 church activities that may draw more  
20 than 123 cars are not considered a  
21 special event that requires a special  
22 permit, and the typical school  
23 activities, that, you know, may be a  
24 school play in the evening that might  
25 draw more than 123 cars -- would not be

1           considered a special event, requiring a  
2           permit.

3           MR. RIEL: I mean, we kind of look  
4           at it not from an event -- we look at it  
5           from an event -- and maybe it's not the  
6           right -- special event. We look at it  
7           as, if you have, obviously, a funeral or  
8           something like that, where there's a  
9           potential of having 500 cars or  
10          vehicles, that a management plan be put  
11          into place to deal with that issue, in  
12          other words, whether that be, you know,  
13          police directing traffic and things of  
14          that sort.

15          MR. AIZENSTAT: Does that mean that  
16          the church has to come to the City for a  
17          permit at that point?

18          MR. RIEL: They would come for like  
19          a standard permit and they would  
20          initiate --

21          CHAIRMAN KORGE: To hold a funeral?

22          MR. AIZENSTAT: I mean, you might  
23          have somebody pass away and they'd have  
24          to do something in a day or two.

25          MR. SALMAN: I think what Eric is

1 saying is that they will file a plan for  
2 an event.

3 MS. KEON: They will file -- right,  
4 they will file a plan with the City.

5 MR. RIEL: And that could be for --  
6 you know, on certain events like -- you  
7 know, funerals aren't -- you know, I  
8 don't mean to go back to funerals, but  
9 if you have an event that exceeds that  
10 threshold, in other words, you have to  
11 get police officers out there to direct  
12 traffic. Valet parking needs to be  
13 accommodated. We're trying to minimize  
14 the impact --

15 MR. AIZENSTAT: On the  
16 neighborhood.

17 MR. RIEL: -- of an event that is  
18 over 123.

19 CHAIRMAN KORGE: We got that, but  
20 the question is, what constitutes an  
21 event? A funeral or mass is --

22 MR. RIEL: Anything over 123.

23 MS. KEON: Okay, I understand.

24 CHAIRMAN KORGE: Okay, so --

25 MR. SALMAN: Let's leave it the way

1           it is.

2           MS. KEON:   Okay.

3           MR. SALMAN:   What you're saying,  
4           leave the threshold where it is.  Have  
5           them file a plan for those events.

6           MR. RIEL:   Right.

7           MR. SALMAN:   And that's it.

8           MR. RIEL:   And that's it.  That's  
9           it.

10          MS. RUSSO:   Are we excluding  
11          religious events?

12          MS. KEON:   Well, but I don't think  
13          you're filing a plan for -- you're not  
14          coming back for permission for a  
15          specific event.  It is a management plan  
16          over the course of your year, when --

17          MS. RUSSO:   Okay.

18          MS. KEON:   -- things happen in your  
19          school.

20          MR. RIEL:   Yes.

21          MS. KEON:   Like a funeral -- Like I  
22          would think a school play is kind of a  
23          part of the normal operation of the  
24          school.

25          MR. SALMAN.  Parent night.

1 MS. KEON: Parent night,  
2 back-to-school night.

3 MR. SALMAN: That's crazy.

4 MS. KEON: It's just that when you  
5 know that you're going to have more than  
6 that, that there is a plan filed with  
7 the City that says how you intend to do  
8 it, and it may be that you have off-duty  
9 police officers or whatever, but you  
10 have to file a plan.

11 CHAIRMAN KORGE: Is that acceptable  
12 to the applicant?

13 MS. RUSSO: Yes.

14 MS. KEON: Okay.

15 MS. RUSSO: It is acceptable.

16 CHAIRMAN KORGE: Okay.

17 MR. RIEL: Could you make sure  
18 you get that on the record?

19 MS. KEON: Okay.

20 MR. SALMAN: Well, that's part of  
21 the conditions already.

22 MS. RUSSO: Yes, that is acceptable  
23 to the applicant.

24 CHAIRMAN KORGE: Thank you.

25 MS. KEON: That's what's included

1 in Staff's recommendation, yes.

2 CHAIRMAN KORGE: Anything else in  
3 the motion? No?

4 Any further discussion? Do we have  
5 a second on the motion?

6 MR. AIZENSTAT: Yes.

7 CHAIRMAN KORGE: We have a second.  
8 Moved and seconded. Any further  
9 discussion on this motion?

10 No discussion. We'll call the  
11 roll, please.

12 MS. MENENDEZ: Jeff Flanagan?

13 MR. FLANAGAN: Yes.

14 MS. MENENDEZ: Pat Keon?

15 MS. KEON: Yes.

16 MS. MENENDEZ: Javier Salman?

17 MR. SALMAN: Yes.

18 MS. MENENDEZ: Eibi Aizenstat?

19 MR. AIZENSTAT: Yes.

20 MS. MENENDEZ: Tom Korge?

21 CHAIRMAN KORGE: Yes. Let's take a  
22 five-minute break.

23 MR. SALMAN: It's -- I notice from  
24 the clock on the wall --

25 MS. RUSSO: Thank you very much for

1 your consideration.

2 MS. HERNANDEZ: Wait a minute.

3 It's almost nine o'clock. What's the  
4 will of the Board?

5 MR. AIZENSTAT: Let's not take a  
6 break.

7 (Simultaneous comments)

8 MS. HERNANDEZ: All right, we're  
9 going to start the next item and maybe  
10 we'll finish it in 10 minutes, okay?

11 Folks, if you could please keep it  
12 down, please. Thank you. We're trying  
13 to also finish up. Thank you. Please  
14 take it outside.

15 All right, Mr. Vice-Chair?

16 MR. AIZENSTAT: Okay, let's take it  
17 over to --

18 MS. HERNANDEZ: City of Coral  
19 Gables Comprehensive Land Use Plan.

20 Mr. Riel?

21 MR. AIZENSTAT: The next item, City  
22 of Coral Gables Comprehensive Land Use  
23 Plan and Map.

24 Eric?

25 MR. RIEL: At the last meeting, you

1 know, Staff did a presentation on this.  
2 We're obviously not going to go through  
3 that presentation.

4 MR. SALMAN: Bless your heart.

5 MR. RIEL: We had -- a couple Board  
6 members indicated they'd like the  
7 opportunity to have some additional time  
8 to look at the plan.

9 At this point, I'll turn it over to  
10 those members, if they would like to  
11 provide any comments, and then any other  
12 members that have any additions.

13 MS. HERNANDEZ: Right.

14 MR. RIEL: I would ask that when  
15 you do your Staff recommendation again,  
16 I need four separate motions on each of  
17 these items --

18 MS. HERNANDEZ: Right.

19 MR. RIEL: -- because they need to  
20 go in different directions, in terms of  
21 the Department of Community Affairs.

22 MS. HERNANDEZ: And for ease of  
23 reference, we were in the deliberations  
24 portion of it, so the public hearing was  
25 closed. So this is where we're at,

1           okay?

2           MR. RIEL:   And I'm sorry, Mr. Vice-  
3           Chair, I was just handed a letter  
4           from -- dated June 3rd, 2009, Riviera  
5           Neighborhood Association.

6           Unfortunately, I just was handed  
7           it, so I have not had a chance to read  
8           it.

9           MS. HERNANDEZ:   Can you read it  
10          into the record?

11          MR. SALMAN:   Do you want to read it  
12          in the record?

13          MR. RIEL:   It's about two pages  
14          long.

15          MS. HERNANDEZ:   Oh.

16          MS. KEON:   Should it be read into  
17          the record?

18          MR. FLANAGAN:   The public hearing  
19          session was closed?

20          MS. HERNANDEZ:   Yeah, it was  
21          closed.   The public hearing portion of  
22          this was closed at the last meeting.   So  
23          the Board will have to make a motion if  
24          they want to accept it and review it and  
25          consider it.

1 MR. AIZENSTAT: Do I hear anything?

2 MS. KEON: I wasn't here.

3 MR. AIZENSTAT: Any comments?

4 MR. FLANAGAN: Comments following  
5 from last week (sic)?

6 MR. AIZENSTAT: Well, about the  
7 letter. Let's take into account, do you  
8 want to accept it or --

9 MR. FLANAGAN: I mean, if it  
10 becomes a public document, I think Staff  
11 has it and I imagine they'll take it  
12 under consideration.

13 MS. HERNANDEZ: And it will be part  
14 of the record that goes to the  
15 Commission.

16 MR. AIZENSTAT: They had full  
17 representation the last time they were  
18 here, and we did close it.

19 MS. HERNANDEZ: I'll be right back.

20 MR. RIEL: We'll accept it and  
21 include it and provide it, obviously, to  
22 the Commission as a part of their  
23 record.

24 MR. AIZENSTAT: Okay.

25 MR. FLANAGAN: Thank you,

1 Mr. Vice-Chair.

2 At the last meeting, we continued,  
3 I think it was my request, so I could  
4 read through everything, and I actually  
5 did read through everything. I met with  
6 Mr. Riel. I gave him most of my package  
7 with a bunch of comments and just some  
8 thoughts, items I thought could be  
9 aggregated together, maybe some were  
10 duplications. So he has those, and I  
11 think he'll take those under  
12 consideration. I had three elements  
13 that I hadn't gotten through, that I did  
14 manage to get through since our meeting  
15 the other day.

16 One specific item that I feel is  
17 important to go on the record to read is  
18 in the new element of the City's which  
19 is the Green Element, and specifically,  
20 it's Policy GRN-1.8.1, which, as  
21 proposed, reads as follows: "Any  
22 Comprehensive Plan and Future Land Use  
23 Map Amendments must be supported by data  
24 and analysis to demonstrate how the  
25 amendment is based upon energy-efficient

1 land use patterns and greenhouse gas  
2 reduction strategies."

3 I mentioned that I had a problem  
4 with the word "must be supported by data  
5 analysis," and I suggested that the word  
6 should be "may," and so I would like to  
7 put on the record that that would be a  
8 change that I would like to see when  
9 we go ahead and --

10 MR. AIZENSTAT: Can I ask you what  
11 page that is of the --

12 MR. RIEL: Page 6 -- I'm sorry,  
13 Page 5 of the Green Element.

14 CHAIRMAN KORGE: 5 of the Green  
15 Element.

16 MR. RIEL: The Green Element is the  
17 last element in your package.

18 CHAIRMAN KORGE: Okay.

19 MS. KEON: What's the difference  
20 between -- well, I mean, but why would  
21 you say "may" as opposed to "should"?

22 MR. FLANAGAN: Oh, no, it says  
23 "must."

24 MR. RIEL: It says "must."

25 MS. KEON: But "may" is --

1           MR. SALMAN: Optional. "Must" is  
2           mandatory.

3           MS. KEON: No, but I think "should"  
4           is a better -- is a better --

5           MR. FLANAGAN: I can live with  
6           "should."

7           MR. SALMAN: I'll live with  
8           "should."

9           MR. FLANAGAN: I'll live with  
10          "should."

11          MS. KEON: "Should," I think, is  
12          better than "may."

13          MR. FLANAGAN: Okay.

14          MS. KEON: I mean, "should" (sic)  
15          is, "Well, if you want," where I think  
16          "should" says --

17          MR. SALMAN: "You should."

18          MS. KEON: -- "You ought to. You  
19          don't have to, but you ought to."

20          MR. SALMAN: It errs on the side of  
21          requirement.

22          MS. KEON: Right.

23          MR. AIZENSTAT: What number was  
24          that?

25          MR. FLANAGAN: That was GRN 1.8.1.

1           MR. RIEL: It's the second-to-last  
2 policy on Page 5, on the right-hand  
3 column.

4           MR. SALMAN: But again, there's no  
5 supporting requirement in the Code for  
6 us to --

7           MR. AIZENSTAT: Well, Eric, is  
8 there a reason that you wouldn't want  
9 "may" in there?

10          MR. RIEL: I have absolutely no  
11 problem with the --

12          MR. AIZENSTAT: Okay.

13          MR. RIEL: -- with the change.

14          MS. KEON: I think "should" is a  
15 better word than "may."

16          MR. RIEL: In fact, I thank the  
17 Board member for pointing that out.

18          MR. SALMAN: Is that it?

19          CHAIRMAN KORGE: I have a question.  
20 I have one concerning, education, Page 2  
21 of the education statement. Policy  
22 EDU-1.2.3, and it's a -- concerns the  
23 contribution of land, construction of --  
24 expansion or payment for land  
25 acquisition or construction of a

1 permanent public school facility as one  
2 way to mitigate or pay the impact fees,  
3 and I was wondering if that would  
4 include charter schools, so a  
5 contribution of land for a charter  
6 school, would that meet the obligation?

7 MR. RIEL: No. Charter school is  
8 not -- it does not include charter  
9 schools.

10 CHAIRMAN KORGE: Why not?

11 MR. RIEL: I don't believe it does.

12 MR. SALMAN: It should.

13 MS. KEON: I think it should. It's  
14 a public school.

15 MR. RIEL: I'm -- to be honest, I  
16 don't believe it does, but I obviously  
17 need to go back and check that. This  
18 was the element that was done two years  
19 ago, if you recall, and we basically  
20 didn't make any changes to this, and  
21 this went through the State for review,  
22 went through the County for review, and  
23 it was a State requirement, because the  
24 Legislature made changes to this, so  
25 whatever we have in here was found in

1 compliance, but --

2 CHAIRMAN KORGE: Well, that -- I'm  
3 sure that, you know, construction of a  
4 permanent public school facility would  
5 be in compliance, but the question is  
6 whether the construction of a permanent  
7 charter school facility would be in  
8 compliance.

9 MR. SALMAN: A charter school is,  
10 by definition, a public school.

11 CHAIRMAN KORGE: That's the  
12 question I have. I don't know. Are you  
13 sure about that?

14 MR. SALMAN: I'm pretty sure. They  
15 get their money from there.

16 MS. HERNANDEZ: What was your  
17 question, again?

18 CHAIRMAN KORGE: One of the ways to  
19 mitigate the impact of a lack of schools  
20 is to provide for the construction of a  
21 permanent public school facility --

22 MS. HERNANDEZ: Uh-huh.

23 CHAIRMAN KORGE: -- and my question  
24 was whether the construction of a  
25 permanent charter school facility would

1 also meet that obligation.

2 MS. HERNANDEZ: It -- yes, they  
3 would -- it would meet that obligation,  
4 because it is statutorily created and it  
5 has to be in compliance with the  
6 school concurrency requirements and the  
7 school elements --

8 CHAIRMAN KORGE: So couldn't we --

9 MS. HERNANDEZ: -- and they have to  
10 get approval from Dade County Public  
11 Schools.

12 MR. SALMAN: Dade County Public  
13 Schools.

14 CHAIRMAN KORGE: Could we not --

15 MR. SALMAN: They're chartered by  
16 the School Board.

17 MS. HERNANDEZ: Right.

18 CHAIRMAN KORGE: -- make it clear  
19 that charter schools would be -- in  
20 addition to the permanent public school  
21 facility, a permanent charter school  
22 facility would be included in that  
23 language, Eric?

24 MR. RIEL: Sure, if you'd like to.

25 I mean, obviously, there is a

1 definition of what is considered --

2 MS. KEON: I wouldn't --

3 CHAIRMAN KORGE: There's a  
4 conflict.

5 MR. RIEL: -- a public school.

6 MS. KEON: What is the conflict  
7 between the two?

8 CHAIRMAN KORGE: Public schools  
9 don't like charter schools.

10 MR. SALMAN: No, they don't.

11 CHAIRMAN KORGE: So, you know, I  
12 just want to make it --

13 MS. KEON: So what?

14 CHAIRMAN KORGE: No, my point is,  
15 I'd just like it to be clear that either  
16 type of school facility would be  
17 acceptable in mitigating the lack of  
18 school capacity.

19 MS. KEON: But if you were to  
20 change the statute that changed the role  
21 of charter schools under the public  
22 schools, then you would be allowing --  
23 you would be giving that right to a --  
24 what would then become a private school.  
25 I mean, right now, the charter school

1           legislation is included under the  
2           auspices of the public schools, now, the  
3           way that the law is written; isn't that  
4           right?

5           MS. HERNANDEZ: Yes.

6           MR. SALMAN: (Inaudible).

7           MS. KEON: It is now under the  
8           public schools. So to say --

9           CHAIRMAN KORGE: No, it isn't.  
10          It's treated like -- it's funded like a  
11          public school, but it's not a public  
12          school. It's not -- that is to say,  
13          it's not part of the public school  
14          system.

15          MS. KEON: I thought they --

16          CHAIRMAN KORGE: It's run --

17          MR. SALMAN: It's run privately.

18          CHAIRMAN KORGE: It's not run by  
19          the public school system. It's run by  
20          private enterprise.

21          MS. KEON: But isn't it under the  
22          supervision of the public schools?

23          MR. SALMAN: Yes, it is.

24          CHAIRMAN KORGE: All I'm saying  
25          is that it seems to me appropriate --

1 MR. SALMAN: They've got to meet  
2 all the requirements of a public school.

3 MS. KEON: I would like them to  
4 come back and clarify that issue of the  
5 charter school with respect to the  
6 public school, before you would change  
7 that language --

8 MS. HERNANDEZ: Okay.

9 MS. KEON: -- because I think that  
10 it's -- I think it does say what you're  
11 saying now by -- under the public  
12 schools.

13 MR. RIEL: But Board Members, we're  
14 looking for a recommendation from the  
15 Board this evening. We need to --

16 MS. HERNANDEZ: Right.

17 MR. AIZENSTAT: Mr. Chair, it's  
18 nine o'clock right now.

19 MS. HERNANDEZ: It's, yeah, 30  
20 seconds till nine o'clock. Is there a  
21 motion to extend this --

22 MR. FLANAGAN: I make a motion to  
23 extend this meeting --

24 MR. SALMAN: Second.

25 MR. FLANAGAN: -- to finish our

1 business.

2 MR. AIZENSTAT: Well --

3 MS. HERNANDEZ: Finish the business  
4 or for a period of time?

5 MR. SALMAN: No, no, for another 15  
6 minutes.

7 CHAIRMAN KORGE: Pick a few more  
8 minutes, and --

9 MR. AIZENSTAT: Fifteen minutes is  
10 good.

11 MR. FLANAGAN: Fifteen minutes.

12 MR. SALMAN: Second.

13 CHAIRMAN KORGE: Second. Any  
14 discussion?

15 Call the roll on the extension,  
16 please.

17 MS. MENENDEZ: Eibi Aizenstat?

18 MR. AIZENSTAT: Yes.

19 MS. MENENDEZ: Jeff Flanagan?

20 MR. FLANAGAN: Yes.

21 MS. MENENDEZ: Pat Keon?

22 MS. KEON: Yes.

23 MS. MENENDEZ: Javier Salman?

24 MR. SALMAN: Yes.

25 MS. MENENDEZ: Tom Korge?

1                   CHAIRMAN KORGE: Yes.

2                   MR. AIZENSTAT: Now you've got 14  
3 minutes.

4                   MS. HERNANDEZ: I miss Jack Coe.

5                   MR. RIEL: May I suggest this,  
6 Mr. Chair, that if the definition of the  
7 public school doesn't include a charter  
8 school, then we'll put it in there, and  
9 that if it is included, we'll --

10                  CHAIRMAN KORGE: That would be fine  
11 with me, but I don't know -- I'm not  
12 speaking for Pat. I mean, she may  
13 not --

14                  MR. RIEL: We need a recommendation  
15 from the Board on this so this can  
16 proceed to--

17                  CHAIRMAN KORGE: That would be my  
18 recommendation.

19                  MS. KEON: I don't know why you  
20 would give it to a charter school if it  
21 is not already included under the public  
22 school and not give to it a private  
23 school.

24                  CHAIRMAN KORGE: Because a charter  
25 school meets the -- mitigates the impact

1 of a lack of school facilities. A  
2 charter school is -- does not charge  
3 tuition, so it is a free school, and I  
4 mean, as far as I'm concerned, even in  
5 our neighborhoods, probably a parochial  
6 or private school that charges tuition  
7 would mitigate the impact, but in any  
8 event, certainly any free school that is  
9 in the neighborhood would meet --  
10 mitigate that impact.

11 So, to me, whether it's called a  
12 public school or a charter school,  
13 or even a private school, if it's not  
14 being charged tuition, then it  
15 mitigates.

16 MR. SALMAN: This is beyond our pay  
17 grade. Why don't we just take it the  
18 way it is and approve --

19 CHAIRMAN KORGE: Because it's  
20 really an important issue. I mean,  
21 charter schools happen to be a big  
22 issue --

23 MR. SALMAN: I know it is.

24 CHAIRMAN KORGE: -- in the  
25 community and in the State, so I think

1           that is -- I mean, that just kind of  
2           jumped out at me.

3           MR. AIZENSTAT:  Aren't the charter  
4           schools directed by the public schools  
5           and given their charter through the  
6           public school system?

7           MR. SALMAN:  Uh-huh.

8           CHAIRMAN KORGE:  Yeah, but they're  
9           not run by the public schools.  So I  
10          don't know that a "permanent public  
11          school facility" would include a charter  
12          school, even though it is open to the  
13          public and doesn't charge tuition.

14          MR. AIZENSTAT:  But if the funds go  
15          into the public school system and then a  
16          charter school opens up within that  
17          city, don't those funds come out of that  
18          public system?

19          MS. KEON:  Yes, and I think,  
20          though, the -- the approval to operate  
21          that charter school is approved by the  
22          public school system, and the public  
23          school system also has the right to  
24          withdraw that charter.

25          MR. AIZENSTAT:  Correct.

1 MS. HERNANDEZ: Right.

2 MS. KEON: So it is controlled by  
3 the public school system.

4 CHAIRMAN KORGE: Good, but  
5 that's --

6 MS. KEON: Where if you put it  
7 in --

8 MR. SALMAN: Yeah, but you know,  
9 Tom, they don't always own the land.

10 MS. KEON: Right.

11 MR. SALMAN: The School Board  
12 doesn't own the land.

13 CHAIRMAN KORGE: We're talking  
14 about a construction of a permanent  
15 school facility as mitigation, and in my  
16 judgment, at least, for what little it's  
17 worth, the charter school or public  
18 school equally satisfied that need, and  
19 so I just want it to be clear that under  
20 current law, the way charter schools  
21 operate, if a charter school were  
22 proposed to be constructed to meet that  
23 need, that would fall within our --  
24 our -- our CLUP language, and that's  
25 what I'm suggesting, Eric's approach to

1           it is acceptable to me, that he'll check  
2           it out, but I -- it doesn't -- it  
3           doesn't seem, to me, clear enough, the  
4           way it's written, to -- I mean, that was  
5           my concern --

6           MS. HERNANDEZ: Okay.

7           CHAIRMAN KORGE: -- the best I can  
8           say it, so, you know, if nobody wants  
9           to move for that, then, you know --

10          MR. AIZENSTAT: I would just be  
11          concerned that you're putting a  
12          different type of schooling system and  
13          then you're segregating or not doing a  
14          private school or a free funded school  
15          that's private or --

16          MR. SALMAN: Beyond our pay grade.

17          MR. AIZENSTAT: I don't know. To  
18          me, a charter school is derived from a  
19          public system. That's why -- That's  
20          why --

21          CHAIRMAN KORGE: So why would you  
22          object to putting it in there? I mean,  
23          if it meets all the criteria, I don't  
24          have a problem putting it in there. My  
25          concern, again, is that it's not clear,

1           when I read it, that it includes a  
2           charter school.

3           MS. KEON: Right, but I think that  
4           if you -- it may not be clear because  
5           you don't maybe have full knowledge of  
6           what is included in the public school.  
7           So, if we know and we have full  
8           knowledge that included in the public  
9           school would be a charter school, then  
10          it's already there.

11          I'm concerned that you're giving  
12          some right to a particular group that  
13          you're not giving to --

14          MR. AIZENSTAT: Another group.

15          MS. KEON: -- another group, I  
16          mean, or that you're -- you're  
17          identifying a particular group that is  
18          given some privilege or some right under  
19          your Code that isn't available to  
20          everyone under the Code.

21          CHAIRMAN KORGE: I don't know that  
22          it's about a right. It's about whether  
23          we're mitigating a particular impact.  
24          It's not about a right. It's mitigating  
25          an impact.

1           MR. SALMAN: I would proffer that,  
2           as long as the land were given to the  
3           public school board for use as either a  
4           public school or a charter school and  
5           the land went with the public school  
6           board, then I wouldn't have a problem  
7           with it.

8           But my problem is that I know the  
9           charter schools, often enough, own the  
10          land that they're sitting on. They're  
11          operated under a charter by the school  
12          board, they are paid for out of school  
13          board funds, and it's a gray area, and  
14          the intent here is that that land be  
15          held in public trust, and in the case of  
16          charter schools they're not necessarily.  
17          Sometimes they are, sometimes they're  
18          not, but they're not necessarily.

19          CHAIRMAN KORGE: You're suggesting  
20          that if we didn't change the language,  
21          charter school would not mitigate the  
22          impact?

23          MR. SALMAN: No, what I'm saying is  
24          that, as long as the land was given to a  
25          public entity such as the public school

1 board, for use as either a public school  
2 or a charter school, then the land --  
3 It's a land use issue. Comprehensive  
4 land use is what we're talking about.

5 CHAIRMAN KORGE: Even if it's  
6 permanently dedicated? Even if it's --

7 MR. SALMAN: It's about it being --  
8 It could be permanently dedicated, but  
9 at that point, it's the same thing as  
10 giving it to them.

11 CHAIRMAN KORGE: It says permanent.

12 MR. SALMAN: Okay.

13 CHAIRMAN KORGE: It says permanent.

14 MR. SALMAN: Okay.

15 CHAIRMAN KORGE: So it would have  
16 to be permanent. I didn't mean to  
17 suggest that the charter schools  
18 wouldn't have to be permanent. The way  
19 I see it is, permanent means permanent.  
20 It doesn't mean temporary for --

21 MR. SALMAN: I'm one of the biggest  
22 proponents for charter schools, believe  
23 me. I'm 110 percent behind you, as long  
24 as that land was tied to a public use,  
25 because that's the intent of the

1 mitigation, and that if it were -- as  
2 long as it were in perpetuity and tied  
3 to the school board for that use, then I  
4 have no problem.

5 CHAIRMAN KORGE: Well, but that's  
6 different.

7 MR. SALMAN: Well, that's the  
8 problem.

9 CHAIRMAN KORGE: No.

10 MR. SALMAN: It has to be to a  
11 public entity.

12 CHAIRMAN KORGE: Permanent use  
13 doesn't have to be owned by any  
14 particular public agency. Permanent use  
15 could include ownership by a nonprofit,  
16 in perpetuity, for that particular use.

17 (Thereupon, Mr. Aizenstat stepped  
18 out.)

19 CHAIRMAN KORGE: So I don't -- I  
20 mean, and by the way, the school board  
21 could, if it wanted to, sell the land --

22 MR. SALMAN: They buy and sell land  
23 all the time.

24 CHAIRMAN KORGE: They can sell  
25 their land.

1                   MR. SALMAN: They buy and sell land  
2 all the time.

3                   CHAIRMAN KORGE: So I don't even  
4 know if the permanent public school  
5 facility language there works, because  
6 how are we going to restrict the school  
7 board from disposing of any land it  
8 wants to dispose of?

9                   MR. SALMAN: But there's processes  
10 for the disposal, and they're public.

11                   CHAIRMAN KORGE: So you don't want  
12 to include public charter schools in  
13 the --

14                   MR. SALMAN: Just say public  
15 schools and leave it at that. Why kick  
16 over (inaudible) on this particular  
17 issue?

18                   CHAIRMAN KORGE: Did we lose Eibi?

19                   MS. HERNANDEZ: He went to the  
20 little boys' room. For a moment, we  
21 lost him.

22                   CHAIRMAN KORGE: Well, if there's  
23 no motion, then, you know, there's  
24 nothing I can do about it, but that's  
25 how I feel, so --

1           MR. SALMAN: I feel the same way,  
2           but it's expansive, and I'm not an  
3           attorney, nor do I play one on TV. But  
4           it's going to be a problem. I can see  
5           it. I can see it. If there were  
6           legislation that were properly done -- I  
7           just don't think -- then I would see it,  
8           but right now, there's a cleaved  
9           difference between public schools and  
10          charter schools, and a part of that  
11          difference is the ownership of the  
12          facility, in many cases, and when you're  
13          donating land to mitigate for a public  
14          good to a private institution, that's  
15          where you're going to have a problem.  
16          That's where it's going -- that's where  
17          it's going to fail the test, and again,  
18          I'm not a lawyer and I don't play one on  
19          TV, but I don't think it's going to meet  
20          the muster, until such time as the  
21          Legislature -- and then it survives  
22          attack in the court, because it's going  
23          to get it there -- makes that  
24          distinction more clear, we're -- You  
25          know, the whole point of the charter

1 schools, and we can have that discussion  
2 now that Eibi is not here, because it's  
3 totally off the record, right? No? Oh,  
4 okay. Well, we'll have the discussion,  
5 anyway. It was a way to cut the -- you  
6 know, get local control of the  
7 educational process, in a manner that  
8 was potentially more beneficial to the  
9 students, more cost-effective.

10 Now, the public schools actually  
11 get more money than the money that the  
12 public schools give to charter schools,  
13 so they actually have to operate more  
14 efficiently. The fact that they are,  
15 almost all of them, excellent schools  
16 is part of the challenge which was  
17 created in the previous administration  
18 to raise the bar for everybody, and  
19 that's how it was done.

20 How you -- the debate between  
21 public and private education is one that  
22 we're not going to solve today, and  
23 right now, the way it was cut was by  
24 creating this charter school. Okay, you  
25 have a private school, but it's going to

1 be funded and it's going to meet the  
2 requirements of the public school  
3 system, and it's going to operate under  
4 a direct charter of the public school  
5 system, but the facilities are not  
6 necessarily owned by the public school  
7 system. Sometimes they are, sometimes  
8 they're not. I know of cases both ways.

9 CHAIRMAN KORGE: It's irrelevant.

10 MR. SALMAN: Well, the relevance  
11 is -- the relevance is the donation of  
12 land to a public entity for a specific  
13 use, and so far as I can see, a charter  
14 school is not necessarily a public  
15 entity. It's operated as such, but it's  
16 not.

17 CHAIRMAN KORGE: I do believe in  
18 Unincorporated Dade, a charter school --  
19 maybe Jeff knows this -- a charter  
20 school would meet the impacts for new  
21 school construction in a development  
22 area.

23 MR. SALMAN: Would it, Jeff?

24 MR. FLANAGAN: I think it does.

25 CHAIRMAN KORGE: Yes, it does. I

1 know that for a fact.

2 MR. SALMAN: I don't know.

3 MR. FLANAGAN: But I think if -- I  
4 think -- and I would -- if I'm  
5 understanding what Tom is trying to get  
6 at, and I think I -- I agree with  
7 Javier's concern about basically the  
8 dedication of land to a private entity  
9 for private enterprise, which would  
10 fulfill -- rather than paying impact  
11 fees, that maybe if there was some way  
12 to couch the language that it was  
13 dedicated -- I think I like that -- to  
14 the school board, to remain public  
15 land --

16 MR. SALMAN: For disposal by the  
17 school board --

18 MR. FLANAGAN: And I know they  
19 could dispose it 20 years later --

20 MR. SALMAN: -- how they wish.

21 MR. FLANAGAN: But that the  
22 school -- the school use could be either  
23 a public school, one operated by the  
24 school board, or some other entity.

25 MR. SALMAN: Or operated under a

1 charter by a private institution.

2 MR. FLANAGAN: I understand Javier  
3 is basically saying it's the land, it's  
4 the dedication of the land to a public  
5 entity versus a private entity. If it  
6 goes to a public entity, and then  
7 however they choose to operate the  
8 school facility, then that's fine.

9 CHAIRMAN KORGE: Well, as I see it,  
10 the dedication of the land is in the use  
11 of the land. In other words, if the  
12 land is fixed for use as a school,  
13 that's the dedication of it, and it  
14 can't be changed. And it would be very  
15 difficult, for example, to change a  
16 public school -- a charter school,  
17 excuse me, that had been approved, I  
18 think it would be darn near impossible,  
19 that had been approved, in order to  
20 mitigate the impact of additional  
21 development. I don't see how you would  
22 ever be able to, unless that development  
23 disappeared, be able to --

24 MR. SALMAN: Which has happened.

25 MR. FLANAGAN: Yeah, some charter

1 schools have closed.

2 CHAIRMAN KORGE: -- end the charter  
3 school, but I will tell you that I know  
4 that it doesn't -- first doesn't have to  
5 be dedicated to the school system,  
6 number one, the land, and number two, it  
7 could be sold by the developer --

8 MR. SALMAN: Right.

9 CHAIRMAN KORGE: -- to the charter  
10 school system. So long as the charter  
11 school is actually built and meets the  
12 need, mitigates the impact, it  
13 qualifies, and so I just disagree with  
14 everybody's interpretation of what the  
15 rules are. That's not the rules in Dade  
16 County.

17 MR. SALMAN: The thing is that  
18 there are interpretations.

19 CHAIRMAN KORGE: No, this is what  
20 happens in Dade County. I know from  
21 experience.

22 MR. SALMAN: All right, then, fine.

23 CHAIRMAN KORGE: But if there's no  
24 motion, then --

25 MR. SALMAN: I'm going to vote

1                   against it, but there you go.

2                   CHAIRMAN KORGE: Well, there's got  
3                   to be a motion before you can vote.

4                   MR. SALMAN: Don't go there. We're  
5                   not going to get --

6                   CHAIRMAN KORGE: I'll open the --  
7                   I'm done with my discussion. I'll open  
8                   the floor for any motion, if there is  
9                   any.

10                  MR. SALMAN: We have to have one.  
11                  We're almost done. We've got two  
12                  minutes to do three things.

13                  CHAIRMAN KORGE: I'm going to waste  
14                  the two minutes. So there's no motion.  
15                  Is there anything else in this before  
16                  we take a motion to approve, I guess,  
17                  with the one change that we have?

18                  No? Anybody want to move to  
19                  approve with that one change?

20                  MR. SALMAN: I'll make a motion to  
21                  approve with Jeff's change with regards  
22                  to "should."

23                  MR. RIEL: If I may, if you'd like,  
24                  I'd like to read, very fast, the four  
25                  motions I need from the Board, okay?

1                   First, there's an Ordinance of the  
2                   City Commission of Coral Gables adopting  
3                   the annual update of the Capital  
4                   Improvements Elements within the City's  
5                   Comprehensive Plan.

6                   MR. SALMAN: I make a motion to  
7                   approve Staff's recommendation.

8                   MR. FLANAGAN: Second.

9                   CHAIRMAN KORGE: Any discussion?  
10                  Please call the roll.

11                  MS. MENENDEZ: Eibi Aizenstat?

12                  MR. AIZENSTAT: Yes.

13                  MS. MENENDEZ: Jeff Flanagan?

14                  MR. FLANAGAN: Yes.

15                  MS. MENENDEZ: Pat Keon?

16                  MS. KEON: If I wasn't here for  
17                  that discussion at the last meeting, can  
18                  I rightfully vote on it?

19                  MS. HERNANDEZ: Did you review the  
20                  minutes?

21                  MS. KEON: Yes. Okay, yes.

22                  MS. MENENDEZ: Javier Salman?

23                  MR. SALMAN: Yes.

24                  MS. MENENDEZ: Tom Korge?

25                  CHAIRMAN KORGE: Yes.

1 MR. RIEL: The next one is --

2 MR. AIZENSTAT: Wait, before we  
3 proceed, let's make a motion just to  
4 extend this for another five or 10  
5 minutes, so we'll be legal.

6 MR. SALMAN: So moved.

7 CHAIRMAN KORGE: Motion to extend  
8 for another five minutes. Is there a  
9 second on that?

10 MR. FLANAGAN: Second.

11 CHAIRMAN KORGE: Call the roll for  
12 the motion to extend, five minutes.

13 MS. MENENDEZ: Jeff Flanagan?

14 MR. FLANAGAN: Yes.

15 MS. MENENDEZ: Pat Keon?

16 MS. KEON: Yes.

17 MS. MENENDEZ: Javier Salman?

18 MR. SALMAN: Yes.

19 MS. MENENDEZ: Eibi Aizenstat?

20 MR. AIZENSTAT: Yes.

21 MS. MENENDEZ: Tom Korge?

22 CHAIRMAN KORGE: Yes.

23 MR. RIEL: The second motion: An  
24 Ordinance of the City Commission of  
25 Coral Gables adopting a 10-year water

1 supply facilities work plan and amending  
2 the Comprehensive Plan to promote and  
3 facilitate better coordination between  
4 water supply and local land use planning  
5 as required by law.

6 MR. FLANAGAN: So moved.

7 MR. SALMAN: Second.

8 CHAIRMAN KORGE: Any discussion?

9 No?

10 Call the roll, please.

11 MS. MENENDEZ: Jeff Flanagan?

12 MR. FLANAGAN: Yes.

13 MS. MENENDEZ: Pat Keon?

14 MS. KEON: Yes.

15 MS. MENENDEZ: Javier Salman?

16 MR. SALMAN: Yes.

17 MS. MENENDEZ: Eibi Aizenstat?

18 MR. AIZENSTAT: Yes.

19 MS. MENENDEZ: Tom Korge?

20 CHAIRMAN KORGE: Yes.

21 MR. RIEL: This next ordinance is

22 where you would put the appropriate  
23 change, as Mr. Flanagan had indicated.

24 An Ordinance of the City Commission  
25 of Coral Gables adopting the Evaluation

1           and Appraisal Report based amendments,  
2           various updates of the Goals,  
3           Objectives, and Policies, and providing  
4           for newly created elements,  
5           Administration, Design, Public Safety,  
6           and Green to the City of Coral Gables  
7           Comprehensive Plan.

8           CHAIRMAN KORGE: With what change?

9           MR. RIEL: With the change --

10          MR. FLANAGAN: From "must" to  
11          "should" in that Green Element.

12          MR. SALMAN: The Green Element,  
13          second to the last.

14          CHAIRMAN KORGE: Is that a motion?

15          MS. KEON: Yes.

16          MR. SALMAN: Yes.

17          CHAIRMAN KORGE: Yes. Second?

18          MR. FLANAGAN: Yes.

19          CHAIRMAN KORGE: Seconded. Any  
20          discussion?

21          No discussion. Let's call the  
22          roll, please.

23          MS. MENENDEZ: Pat Keon?

24          MS. KEON: Yes.

25          MS. MENENDEZ: Javier Salman?

1 MR. SALMAN: Yes.

2 MS. MENENDEZ: Eibi Aizenstat?

3 MR. AIZENSTAT: Yes.

4 MS. MENENDEZ: Jeff Flanagan?

5 MR. FLANAGAN: Yes.

6 MS. MENENDEZ: Tom Korge?

7 CHAIRMAN KORGE: Yes.

8 MR. RIEL: And the last is, an  
9 Ordinance of the City Commission of  
10 Coral Gables readopting the  
11 Comprehensive Land Use Plan Map in its  
12 entirety, and change in the Land Use Map  
13 designations for the purpose of  
14 correcting inconsistencies between the  
15 Comprehensive Land Use Plan and Zoning  
16 Map based upon the current use of the  
17 following City-owned properties:

18 Change from "Commercial, Low and  
19 Mid-Rise Intensity" to "Public Buildings  
20 and Grounds" for 285 Aragon Avenue,  
21 which is the Coral Gables Museum.

22 The second is change from "no  
23 designation" to Open Space" for the  
24 public open space located on all of  
25 Block 37, Country Club Section 3; and

1 the change from "Residential Single-  
2 Family Low Density" to "Public Buildings  
3 and Grounds" for the City Utility  
4 Station located on Tract A, Block 2,  
5 Hammock Oaks Harbor Section 2.

6 MR. SALMAN: So moved.

7 MR. FLANAGAN: Second.

8 CHAIRMAN KORGE: Seconded. Any  
9 discussion?

10 No discussion. Let's call the  
11 roll, please.

12 MS. MENENDEZ: Javier Salman?

13 MR. SALMAN: Yes.

14 MS. MENENDEZ: Eibi Aizenstat?

15 MR. AIZENSTAT: Yes.

16 MS. MENENDEZ: Jeff Flanagan?

17 MR. FLANAGAN: Yes.

18 MS. MENENDEZ: Pat Keon?

19 MS. KEON: Yes.

20 MS. MENENDEZ: Tom Korge?

21 CHAIRMAN KORGE: Yes.

22 MR. RIEL: One other very quick  
23 matter. You have in front of you the  
24 financial disclosure reporting  
25 requirements. I'm not sure if you got

1           it from the City Clerk's Office, but  
2           we've provided you a copy. It must be  
3           filed by July 1st, 2009.

4           MR. SALMAN: It's real easy this  
5           year. There are no financials.

6           MR. RIEL: I have nothing else,  
7           Mr. Chair.

8           CHAIRMAN KORGE: One other point I  
9           mentioned to you privately, but it would  
10          be good for the City to start looking  
11          at, in terms of the Green, the use of  
12          solar panels on houses, in terms of  
13          changing the zoning to accommodate  
14          those, in a way that fits within the  
15          City.

16          MR. RIEL: And just very briefly, I  
17          mean, that's one of the first steps, was  
18          the Green Element. What we'll do is,  
19          we'll go back into the LDRs, the Zoning  
20          Code, and do that. We can certainly  
21          accelerate and make that as a first  
22          priority.

23          CHAIRMAN KORGE: Right, and our  
24          next meeting?

25          MR. RIEL: The next meeting is July

1 7th.

2 CHAIRMAN KORGE: July 7th.

3 MS. HERNANDEZ: That's the same day  
4 as the City Commission meeting.

5 MR. RIEL: 8th? I'm sorry, July  
6 8th. I'm sorry.

7 MS. HERNANDEZ: I was about to say,  
8 I'm excused.

9 MR. RIEL: Sorry. July 8th, yes.

10 CHAIRMAN KORGE: I guess we're  
11 adjourned, then.

12 MR. RIEL: Yes.

13 CHAIRMAN KORGE: Anything else?

14 MR. RIEL: No, nothing else. If  
15 you do not want your Comp Plans, leave  
16 them here, but if you've written in  
17 them --

18 MR. SALMAN: I'm keeping mine.

19 MR. RIEL: -- you can keep them.

20 MR. SALMAN: I'm keeping it.

21 MS. KEON: You want these back?

22 MR. RIEL: Yes, please. Anything  
23 you give back, we'll recycle for the  
24 next meeting.

25 (Thereupon, the meeting was

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adjourned at 9:19 p.m.)

C E R T I F I C A T E

STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

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

I further certify that all witnesses  
were duly sworn by me.

DATED this 8th day of June, 2009.

\_\_\_\_\_  
JOAN L. BAILEY, RDR, FPR

Notary Commission Number DD 64037  
Expiration June 14, 2011.