

City of Coral Gables City Commission Meeting
Agenda Item E-1
March 8, 2011
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael “Ralph” Cabrera, Jr.
Commissioner Wayne “Chip” Withers

City Staff

City Manager, Patrick Salerno
Interim City Attorney, Lourdes Alfonsin
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Planning Director, Eric Riel

Public Speaker(s)

Laura Russo, Co-Counsel for Gulliver School
Tucker Gibbs, Co-Counsel for Gulliver School

E-1 [Start: 10:37:37 a.m.]

Planned Area Development, Site Plan, Encroachment, and Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida, requesting the following for Gulliver Academy, located on Tract No. 7, Avocado Land Company Subdivision (12595 Red Road), Coral Gables, Florida:

- 1) Planned Area Development (PAD) assignment, pursuant to Zoning Code Article 3, Division 5;
- 2) Site plan review and an amendment to the previously approved Gulliver Academy Master Campus Site Plan to allow for new classrooms, pavilion building, gymnasium, baseball field house, natatorium and other miscellaneous improvements;
- 3) Encroachment into the Campamento Drive, Old Cutler Road and Red Road rights-of-ways; and,

- 4) Zoning Code Text Amendment to the Official Zoning Code, Appendix A, Site Specific Zoning Regulations;
Providing for severability, repealer, codification, and an effective date. (PZB recommended approval, Vote: 6-0) (Passed on First Reading November 9, 2010) (Deferred from the January 25 and February 8, 2011 Meetings)

Mayor Slesnick: We have public hearings and we do have speaker cards outside for those who wish to speak. We have two items on second reading; Madam City Attorney, E-1 please.

Interim City Attorney Alfonsin: [Note: The above title was read into the record].

Mayor Slesnick: OK. We are here on Second Reading. Do I have a motion on Second Reading? Moved by Mr. Withers. Do I have a second? I will second it.

Mr. Riel: Good morning. I'd like to give you a brief overview of the history up until this point. As you know this item was deferred several times. What you have before you is a Planned Area Development assignment, a site plan to amend the Master Plan, request for encroachments and a Zoning Code Text Amendment. As in any process, this application went to the Board of Architects, in fact two or three times, went to the Development Review Committee two or three times, has gone through a long, very long process with a lot of input. The Planning and Zoning Board had three meetings on July 14th, the 21st, and September 15th. The first and second hearing had significant input; at the inclusion of the second meeting there were several issues that were brought to light in terms of the public input as well as by adjacent homeowners association. The Planning Board asked that the applicant meet with the neighbors, and the result of that was a settlement agreement that was presented to the Planning Board at the third meeting. At that time the Planning Board recommended approval unanimously 6-0, that settlement agreement is in your packet. When it came to the City Commission on November 9th, the application was recommended for approval for First Reading. The Commission did request modification regarding supplemental traffic management or basically one additional officer. The applicant agreed to that and staff also agreed to that based upon the need. On December 14th, the Second Reading consideration, the issue of the gate on Campamento Avenue was raised by parents residing in Gables by the Sea. This was discussed at length as part of the settlement agreement, was one of the major issues that were agreed upon for the removal of that gate. The item was deferred on December 14th, to allow Gulliver to again meet with the neighbors as well as the parents. On January 6th, a meeting was organized by Gulliver held with the HOA (Homeowners Association) as well as the parents. I attended that meeting as well just to observe basically what had happened at the

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meetings. Subsequent to that meeting Gulliver had two or three additional meetings with the parents and the neighbors, and I'm sure several one-on-one meetings. The end result was that the Gulliver families who had students will accommodate their own transportation in the gate for the purpose of access per the settlement agreement would be removed. Again, that was in the settlement agreement, a copy of the conditions of approval, the ordinance are attached in Exhibit "A", the settlement agreement is attached; and we also did receive some additional comments which were actually comments that were actually provided by the Commission, the City Clerk's has those. That concludes my presentation. I'd be happy to answer any questions. The applicant would like to make some brief remarks or presentation.

Mayor Slesnick: And by the way, we are including in the record five (5) pieces of correspondence that were provided to the City Clerk.

Ms. Russo: Could I have a copy? I've only received three copies of correspondence.

Mayor Slesnick: Sure.

Ms. Russo: Good morning Mr. Mayor, members of the Commission, for the record my name is Laura Russo with offices at 2655 LeJeune Road. I am here this morning representing Gulliver Schools along with my co-counsel Tucker Gibbs. On behalf of Gulliver we have Mr. John Krutulis, Mr. Jamie Prosper, and our Traffic Engineer Mr. Tim Plummer. We also have representatives from the parent association who are here in support, and I believe Mr. Carlos Santero is here, President of the Homeowners Association of Gables by the Sea. As Mr. Riel explained to you, this has been a long and arduous process; and revising the Master Plan from 1997 Master Plan to today to make provisions for the future of Gulliver School and for its children; and to keep up with the changes in the educational system, technology, electronics, different curricula, and different methods of teaching. We started the process a few years ago internally, brought it to the City a couple of years, and as you've heard been involved in the public process since at least a year ago. We've had numerous meetings with the Homeowners Association with representatives of the neighborhood, both with counsel present, with counsel not present, numerous site visits that have been held with attorneys from the opposition in order to be able to see on site what the issues were, and to be able to come up with a plan that best protects the interests of the children, the interests of the school, and the interests of the neighborhood. It's been a long and difficult journey, but I think we've arrived at a place where everyone is OK with what we are proposing, and the conditions that we have put into effect. I'm happy to answer any questions; the Master Plan is something that that will take us through at least ten or fifteen years, not all of the

construction will be done all at once. There is some construction that will be started immediately; some additional classroom space to accommodate the closing of the South Miami Campus, but these are all changes that are being viewed upon in order to provide the best education for students in the South Florida community, including a majority of whom are Gables residents. So this has been a long thought out process, and we respectfully request that you approve our revisions to the Master Plan.

Mayor Slesnick: Thank you. Any questions for Ms. Russo? Alright. Mr. Gibbs, you have anything further? No? We have no cards for speakers so we will close the public hearing.

Commissioner Cabrera: Let me ask a question.

Ms. Russo: I think there may be some parents who would wish to put their support on record.

Mayor Slesnick: That's fine....some of you want to show support.

Unknown Speaker: Yes.

Mayor Slesnick: OK. They will be included on the record.

Unknown Speaker: All these parents....

Mayor Slesnick: Well let me ask you this for the Commission's sake, since you took the time and effort. Of all the parents that here that support this would you please rise and be seen by the Commission that you are here, and if you wish to file cards saying that you were here and support this application please do so and the Clerk will take them. Thank you. Mr. Cabrera.

Commissioner Cabrera: Ms. Russo just for the sake of summarizing what's been going on for a couple of months now, right?- would you give us just a – I mean, I read the package, I know what has been done and I commend everyone involved for their efforts, but for the sake of the viewers would you quickly summarize what the outcome has been with regards to the issue of the gate?

Ms. Russo: As you know, the issue of the Campamento access or the denial of access to the Campamento gate was problematic for some of the families who were also Gables by the Sea residents and Gulliver parents. Meetings were held by the school, meetings were then held with the homeowners association to look at different proposals. Afterwards,

there were more meetings held with the Gulliver parents and the school, and then there were numerous communications with the Homeowners Association; and a policy has been implemented by the Gulliver Schools Board that Campamento Avenue access, effective August 2011 will no longer be allowed as a school policy. That's the conclusion.

Commissioner Cabrera: Thanks.

Ms. Russo: You're very welcome.

Commissioner Anderson: Was there ever a discussion had to have a small, I'm not talking about the Campamento gate, a small opening toward the end of Campamento near the school where some children could walk through, instead of having to go through Old Cutler Road?- was that ever had?

Ms. Russo: I think its part of the entire discussion. There was discussion of the gate and the moving of the gate....

Commissioner Anderson: I'm not talking about the gate; I'm just talking about an opening, just an opening so people can walk.

Ms. Russo: An opening – are you talking about an opening...

Commissioner Anderson:.....posted a no parking you could even put a guard and you could close the gate when it wasn't opened – nothing like that was ever discussed?

Ms. Russo: I think it all was discussed, so it was all different options were discussed at our January meeting and post the January meeting.

Mayor Slesnick: Any other questions?- comments?

Mr. Clerk

Commissioner Withers: Yes

Commissioner Anderson: No

Mayor Slesnick: Yes

Commissioner Cabrera: No

(Vote: 2-2)

Vice Mayor Kerdyk: Absent

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Ms. Russo: Thank you very much.

Mr. Gibbs: Mr. Mayor may I ask on behalf of the school if we could have a reconsideration of the vote in order to allow us to at least address what the concerns may be. It's a 2-2 vote which is under Robert's Rules of Order a denial, but if you all reconsider it to allow us to go back and find out if we can find a solution that may help salvage this whole issue. I would hate to see that this effort which has gone on for almost two years would fall on a 2-2 vote. You can't have any other vote, I know.

Commissioner Anderson: It is a shame.

Commissioner Cabrera: But what did you expect?- you expected a positive vote today?

Mr. Gibbs: Well, I'm not presumptuous enough to expect anything. I would hope to have a positive vote because what our clients did was do just what this Commission asked them to do, which was to meet with the neighbors; and I was at those meetings, but furthermore, and I want to make this really clear, you all always say, go the Planning Board, and we had three meetings at the Planning Board; and at those three meetings the Planning Board's focus when it really came down to it was the impact of this proposal on the neighborhood, that impact they determined was focused at the gate at Campamento, and they told us resolve it with the neighborhood. The neighborhood had an association, and I had been in front of this Commission enough to know that getting neighborhood approval is critical in zoning issues, because you want to make sure the impacts are limited; and we did, we went to the neighborhood, not only did we go to the neighborhood association which is the entity that has represented this neighborhood, we also sent notices out to our parents. Many notices about each of those meetings to come to those meetings, and I'm a Gulliver parent, my child goes to the other school, she got notices as well. The point is, we listened to the Planning Board, your Planning Board, and we did what they told us to do, we entered into an agreement with the neighborhood. So all I'm saying is if you all at the last meeting said to us, go back to the neighborhood, and Commissioner Anderson, if we didn't do what you thought what we should do, at least give us the opportunity to do that.

Commissioner Anderson: Well let me just say that when we talked about going back to the neighborhood, I would hope that there would be something that could be a compromise solution. I wasn't even talking about the big gate. I agreed that that big gate would be fine closed, I was just saying, find a solution that allows people to access, that

you can post somebody there that doesn't park, so that it honors the agreement, but nothing happened from my case, I mean, as far as I'm concerned....

Mr. Gibbs: But Commissioner, I was at the meetings and that issue was discussed.

Commissioner Anderson: Right and see, if something like that doesn't happen, then I can't support something...

Mr. Gibbs: In terms of the standards of review...

Commissioner Anderson: But I could support, if you came back with a solution that something similar, that we could do that, that would honor people not parking or stacking, which I don't agree with, but that opens....we opened up a gate on Snapper Creek to much disgust by some of the neighbors and nothing happened. We allowed a small few openings and nothing of whatever people said was going to happen, happened; and in fact it allowed another community to go across and to cross safely and nothing happened. I drive by there very often. All I'm asking for is consideration, that would be mine, I cannot speak for anybody else, all I'd ask for is some type of safe access that's guarded, that's protected, that honors the agreement, but other than that....

Mr. Gibbs: But Commissioner, and this is the issue that I have as an attorney, I was asked, and I drafted that agreement, Ms. Russo and I drafted that agreement, we made an agreement because the Planning and Zoning Board said, you need to have a deal; we made an agreement, that agreement says this is what we have to do. So, I'm caught because right now we have an agreement that says you close Campamento, there's no access off of Campamento period. I don't know where we go from here, that's the concern I have.

Commissioner Anderson: It's called compromise.

Mr. Gibbs: We made this agreement – but legally what do we do with that agreement when the association...?

Commissioner Anderson: I don't know, I frankly don't care for that agreement; the Planning Board makes agreements, but I may not necessarily agree with them.

Mr. Gibbs: They didn't make the agreement, they asked us to make the agreement as a condition for their basic approval.

Commissioner Cabrera: But at the end of the day I think that my colleague and I recognize that we are the final decision-makers, and you know, forgive me for speaking for you, OK, the problem that I think we have is that I know that she went out there to see Campamento and to see Old Cutler, I went out there, I know that Mr. Withers has been out there. I think for the most part all of us have seen what happens and we see what goes on after school, and we see the amount of traffic, and we see the concerns about walking on Old Cutler and having to cross Old Cutler twice, once to get on the walkway and the other to then back into the school crossing area; and this is all about life safety; and I'm delighted that these parents are here this morning, and you know what?- if it were their kids, and if they knew their kids might be in a very dangerous position, maybe they'd feel a little different about the way we feel about this gate issue.

Mr. Gibbs: And I understand that, but my question to you then is, how does denying this application improve life safety?- because it doesn't.

Commissioner Cabrera: I'm going to move to reconsider this.

Mr. Gibbs: Thank you.

Commissioner Cabrera: I'm going to do that, but Mr. Gibbs and Ms. Russo whom I respect you both very, very much, I really do, I'm delighted to have your kind of legal representation in front of us. If you don't come back with a compromise I'm going to vote exactly the same way, and you can send all the parents you want to call me, to e-mail me, to blog me, to do whatever they want in front of my house, I'm not going to change Mr. Gibbs, I'm not going to change my position on this matter, and so I'm serious, this is about life safety. The worse thing that could happen to me in my life is that we approve this project as it is, and I don't mean to be threatening, and I don't mean to be dramatic about it, but if a kid gets killed on Old Cutler because they were crossing it, and some speeding car came by and hit him, then I'm going to have to live with that for the rest of my life and I don't want to do that. So that's the problem that I have.

Mr. Gibbs: I respect that, I understand that, and all I was asking for is what your motion was, was to ask for reconsideration, so we can live for another day and try to resolve this.

Commissioner Cabrera: And incidentally the most dangerous street, the most dangerous road we have in our City is called Old Cutler, that's the one that gets people killed, and if you don't believe me, go find out, go look at the statistics about the fatalities.

Mr. Gibbs: I don't doubt you at all; I do not doubt you at all.

Commissioner Cabrera: We are talking about people getting killed on the bicycle lane and some of us even know someone that was killed on that roadway, and it happens all the time. So that's my concern here Mr. Gibbs. I think Gulliver is a wonderful institution, I had the pleasure to go to high school with John Krutulis, I know his family, I know the kind of people that they are. Mrs. Krutulis is an icon in this community and for this matter in the state, and I applaud the efforts of Gulliver, and so it pains me to have to do this, but I see no other way to go about it. So at this time I'm going to move to reconsider.

Mayor Slesnick: Mr. Cabrera moves to reconsider, do I have a second?

Commissioner Anderson: I'll second that.

Mayor Slesnick: It's been moved and seconded to reconsider. All those in favor please say aye.

All: Aye.

Mayor Slesnick: Opposed like sign; it passes. We will reconsider this and schedule for the next Commission meeting.

Mr. Gibbs: Thank you very much, and we will do everything we can to affect a compromise that you all want.

Commissioner Anderson: Thank you.

Mayor Slesnick: Thank you all.

Commissioner Withers: Don is it out of order if I ask Maria a question?

Mayor Slesnick: Go ahead.

Commissioner Anderson: Sure.

Commissioner Withers: So I know where you are coming from. What I hear you're saying Maria is that you would have liked to see the pedestrian gate stay open with some kind of mitigation of the traffic on....

Commissioner Anderson: No, what I'm talking about, what I envisioned – no, not the big gate, no...

Commissioner Withers: The pedestrian gate on the....

Commissioner Anderson: If we could open or have an opening there between the neighborhood and to the school that would be fine. What I'm asking for is a three foot gate or a three foot opening, if you want to put a lock on it when it's not school time that's fine, and we put signs up. I'm not trying to thwart the intent of the school, I'm not trying to thwart the intent of the homeowners, I know – by queuing is a real pain. I understand that. I think we can find some innovative solution that's what I was looking for that would honor both and then we could move on, so we could approve this very good project.

Commissioner Withers: So to keep the gate open, but some way to mitigate the queuing, is that what the compromise you're going toward?

Commissioner Anderson: No, no, no.

Mayor Slesnick: She is actually talking about moving and opening down toward the end of the street.

Commissioner Anderson: On a small one kind of what we did on Old Cutler with....

Commissioner Withers: Those gates are along Old Cutler.

Commissioner Anderson: Yes, it's a small opening, it's not a big thing and there could be a guard there during the times or it could be closed at other times, but during school hours and during the peak and comings and goings it should be open, and should be available; but not the big gate, I'm not talking about the big gate, I'm not talking about allowing queuing, not at all because I respect that. I just think there is an opportunity there to allow people who are in the neighborhood that actually might want to walk to school instead of drive would take advantage. That's all I want.

Commissioner Withers: What I understand is there is no one that is against the pedestrian gate, neither side is against the pedestrian gate.

Commissioner Anderson: No, I think the homeowners, I'm not sure, but I think the homeowners...

Commissioner Withers: Well I think they are against it because of the impact the traffic has when dropping off kids and picking up kids especially is where the issue is, and I think that's the compromise.

Commissioner Anderson: And there is always a guard to enforce that.

Mayor Slesnick: OK. We have moved to reconsider, its back on the table for Second Reading at our next meeting.

Mr. Gibbs: Thank you all very much, appreciate it.

[End: 10:00:23 a.m.]