

City of Coral Gables City Commission Meeting
Agenda Item E-5 and E-6 are related
January 10, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Planning and Zoning Director, Ramon Trias

Public Speaker(s)

Mario Garcia-Serra, Attorney Representing the Applicant
Rhonda Anderson, Coral Gables Resident

Agenda Item E-5 and E-6 are related [10:50:14 a.m.]

E-5: An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Zoning Code, Appendix A, "Site Specific Zoning Regulations," Section A-12, "Biltmore Section" adding site specific provisions increasing the maximum permitted floor ratio for the property legally described as Lots 24-38, Block 7, Biltmore Section; providing for a repealer provision, severability clause, codification, and providing for an effective date. (12-14-16 PZB recommended approval. Vote 6-0).

E-6: An Ordinance of the City Commission of Coral Gables, Florida requesting review of a Planned Area Development (PAD) pursuant to Zoning Code Article 3, "Development Review," Division 5, "Planned Area Development (PAD)," for the proposed project referred to as "515 Valencia," on the property legally described as Lots 24-38, Block 7, Biltmore Section (501 – 525 Valencia Avenue), Coral Gables, Florida; including required conditions; providing for a repealer

provision, severability clause, and providing for an effective date. (12-14-16 PZB recommended with conditions. Vote 6-0).

Mayor Cason: Now we'll move onto E-5 and E-6 were ordinances on First Reading.

City Attorney Leen: Thank you Mr. Mayor. Items E-5 and E-6 are related, I'll read them both into the record, they are being consolidated for purposes of the public hearing. It's an ordinance on First Reading, Zoning Code Text Amendment and Planned Area Development. 1) An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Zoning Code, Appendix A, "Site Specific Zoning Regulations," Section A-12, "Biltmore Section" adding site specific provisions increasing the maximum permitted floor ratio for the property legally described as Lots 24-38, Block 7, Biltmore Section; providing for a repealer provision, severability clause, codification, and providing for an effective date. In addition there is 2), An Ordinance of the City Commission of Coral Gables, Florida requesting review of a Planned Area Development (PAD) pursuant to Zoning Code Article 3, "Development Review," Division 5, "Planned Area Development (PAD)," for the proposed project referred to as "515 Valencia," on the property legally described as Lots 24-38, Block 7, Biltmore Section (501 – 525 Valencia Avenue), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. As this is this reviewable Planned Area Development this is a quasi-judicial item. Approval of the request will allow a 38-unit multi-family structure on 1.04 acres of land proposed with a floor area ratio of 3.0, within a 12-story building, with 89 parking spaces. The project is located at 501 to 525 Valencia Avenue that also includes approximately 10,954 square foot publicly accessible park that will be maintained by the applicant. This is obviously a public hearing item even though it's being consolidated; each item requires a separate vote on First Reading. Finally, before I turn it over to the Planning and Zoning Director, I would also like to add to the record, and I have a copy for each of you a letter provided by Paul Savage, Esq. as attorney for the Valencia Grand Condominium Association Incorporated, being placed in the record as a professional courtesy because Mr. Savage is not able to be here today because he has another professional commitment. It says, it's very short so I'll just read it into the record: Dear Honorable City Commissioners, please let this correspondence serve to memorialize Valencia Grand Condominium Association, Inc. support for the present version of the proposed development at the property referred to above, with the reduction of the total proposed units to 38, instead of over 100, we now support our neighbors successful redevelopment of this property. Signed Paul C. Savage, as attorney for the Valencia Grand Condominium Association, Inc. Mr. Mayor may I place this in the record?

Mayor Cason: Please. Ramon.

Planning and Zoning Director Trias: Thank you Mayor. Can I have the PowerPoint please? Mayor this project has been discussed for quite a long time, several years actually and it has several versions that have been reviewed by many of you and have been discussed. So I'm going to show you the latest version which I think that you would be most happiest with and the one that is for consideration today. The project is as you will know is most of the block that faces Valencia and Hernando, which is very close to City Hall as the aerial photo shows and has a variety of fairly large buildings next to it, 13 and 12-story buildings, but also one-story buildings immediately next to it, so the whole area is rather complex from a urban design point of view and sometime in the past it was zoned MFSA. MFSA is usually associated with townhomes, but it also allows for apartment buildings, so MFSA is the existing zoning and is not being changed, it remains. The only thing that is changing is that MFSA of 2.0 FAR and the applicant is requesting 3.0, and that is why you have the two items before you; one is the Zoning Code Text Amendment, which is simply the request for the 3.0 FAR; and the other one is the Planned Area Development, which allows for several of the beneficial features of the project including public space and enhanced sidewalks and enhanced landscape. The update to the site plan since the last time some of you may have seen this project is that now there is a 10,000 square foot open space at the corner of Hernando and Valencia. The number of units has been reduced from 103 to 38 and I think that's probably the biggest change. They are larger units than before but simply many, many less and it's within the currently allowed density. As such the parking garage has been reduced from 198 to 89 spaces, so the impact, the bulk of that section of the project is much less in the neighborhood; and finally, the actual design, the massing has been updated. Basically, if you look at the site plan in January, the building covers the whole site. If you look at the current site plan, if you look at the right area you can see the 10,000 foot open space plus an arcade that faces it and so a total redesign of that intersection. In terms of the volume of the building, this was the previous design, and the current design shows the park, and also at this point I want to take the opportunity to thank all of you for having participated in the discussions with the developer because that I believe is the reason why all of these enhancements have been achieved in the design.

Commissioner Slesnick: Ramon can you go back to the last slide.

Planning and Zoning Director Trias: Yes.

Commissioner Slesnick: OK. That's the previous one and then they've added the park at the end.

Planning and Zoning Director Trias: Yes. If you look at basically an area of the building this... right on the right side, that's where the park goes, and that is the intersection with Hernando. In terms of the review timeline, the process has been lengthy, as I said, but the latest iteration of this was DRC took place July 2014, Board of Architects in November 2016, the neighborhood

meeting was in November, and then the Planning and Zoning Board in December and here we are with the Commission meeting. Now in terms of staff review, all of the different departments got a chance to review this at least a couple of times, certainly DRC, and then during the two staff meetings that we scheduled with them they all had comments, and we were able to incorporate their ideas into the project. The property owners were notified within 1,000 feet as required by Code in writing and the public notifications included two mailings, three property postings, DRC, Board of Architects, and the December Planning and Zoning, four times on the website and one newspaper advertisement. The text to the Zoning Code Amendment is here. It has been reviewed for compliance with the Comp Plan and staff believes it complies, therefore we are recommending approval. The Planning and Zoning also recommended approval 6-0 in the December meeting. The Planned Area Development is the actual design and the applicant will describe in more detail and staff recommends approval with conditions which are in the staff report in great detail. The Planning and Zoning recommended approval; and the conditions of approval are fairly typical, but they also include that park area which will be managed and maintained by the developer but there will be an easement for public use, that's the biggest condition of approval I think in this process. Thank you very much. The applicant has a presentation and I'll be happy to answer any questions.

Mayor Cason: Mario.

Mr. Garcia-Serra: Good morning Mr. Mayor, Commissioners, Happy New Year to everyone, Mario Garcia-Serra representing Valencia 34 LLC, owner of the property located at 501 and 515 and 525 Valencia Avenue. I'm accompanied today by my client Matthew Peller, Ed Rodriguez our Project Architect, Jenny Rogers our landscape architect and Juan Espinosa our traffic engineer and Javier ___ my co-council. As Ramon was mentioning it has been a long and storied review process for this property. We initially started the process in the summer of 2012. We first appeared before the Planning and Zoning Board in September of 2015, and after some initial comments by the Planning and Zoning Board, we came back to the Planning and Zoning Board in 2016 and encountered objections from certain neighbors. We then tried to address those concerns and kept on continuing the application from month to month until June of 2016. When to the credit of both the Planning and Zoning Board and my client we decided to take a breather and take a step back to reevaluate this project and renew our discussions with our neighbors. Over the next six months we have gotten to know our neighbors very well and are literally on a first name basis with them. The revised project that is before you today is a product of considerable effort with those neighbors who had previously expressed objections, and I'm happy to report that at this point that all of those previous objectors are now supporters of this project, because we heard their concerns regarding density, traffic and lack of open space and responded to them. What was once a 104 rental unit development with no open space on the ground floor is now a 38-unit ultra-luxury condominium with a prominent corner park with over

10,000 square feet, which will be a public park for the use of every one? While the process has been longer than anyone anticipated and the project is very different from the original proposal, the project which we are very confident will work which will be welcomed by and for considerable benefit for the neighbors. I'll go over our presentation the beginning portion and then have Ahmed run through the plans to give you a better handle and impression of what the project is. Some of it is repetitive of Ramon's presentation, but still it shouldn't take too long. OK. First the site, by a little bit over an acre located on the northwest corner of Valencia and Hernando; immediately to the north you'll see the 550 Biltmore Way Office Building; to the east is Le Roc, and you'll also see City Hall there to the northeast. From this other vantage point looking north you'll see Le Roc to the east, the 550 Biltmore Way Office Building to the north and now also the Gables, excuse me, the Biltmore II Condominium to the west as well as Segovia Towers and the other larger buildings closer to the golf course. Here it gives you an idea of the other buildings in the area the Aloft Hotel, which is currently under construction; further east some other smaller apartment buildings that are located both on the north and south side of Valencia Avenue. There on the bottom right hand corner you see the Biltmore II, and on the top right picture you get a corner of the 550 Biltmore Way building, that building actually is one of the buildings that are on the site. Here we have more pictures of the building that are on the site, mostly late 40's early 50's construction. Smaller apartment buildings that certainly served a purpose for a good 50 years, but are now sort of now outliving their useful life, and not the sort of style or building or architecture for which we've become accustomed to or expect in the City of Coral Gables. Here we have a comparison of the previously proposed project on the left, and the current proposal on the right. The biggest difference of course is the significant reduction in density from 103 units to 38 units now; height stays more or less the same, other big difference you see highlighted in green on the right hand side the 10,000 foot park that would be a public park that's being proposed, as well as significant setback area and landscape area in front of the building. The FAR stays the same; we previously were proposing 3.0, we are still proposing 3.0, but what we are using that floor area for now is different. Before that floor area was going to be more density and more units, now the additional floor area is being used to sort the type of luxury unit that we hear what the neighbors wanted and which we think the market will support, and that is indeed units that average around the 3,000 square foot range as opposed to the 2,000 square foot range. So that's what the additional FAR would be utilized for. A big difference also, parking garage space is not calculated in FAR, so the overall mass of the building is still being reduced considerably. You can tell from the image on the bottom between the left and the right, the parking garage is about half the size of what it was before the previous proposal. So again, a considerably less massive building when you factor in the considerable amount of open space. Almost over 20 percent of the site, almost 25 percent of the site which would now be ground level landscape open space. When you take into consideration the 3.0 FAR that we are asking for and you look at the surrounding context in the surrounding area its within that context and compatible; you look to the north the 550 Biltmore Way Building that's about a 4.3 FAR; to the

west the Biltmore II at a 3.15, and to the west the David Williams at a 3.97. So a 3.0 FAR is within range of the other buildings that are in the area and a considerable benefit when you consider the larger units as a result and sort of almost having single homes in the sky is the way we like to refer to them.

Commissioner Keon: It's a 3.0 FAR.

Mr. Garcia-Serra: What we are proposing is 3.0 on our site, yes. You look around these are the sections we did – west, east, north and south from different points and the proposed building what you see there is the lighter color as opposed to the gray fits in well when you consider the other buildings in the area. With that said, I'll ask Ahmed to do a quick run-through of the plans and the elevation to get a better idea of the building.

Commissioner Slesnick: I have a question. You are reducing the units from 103 to 38 or 48?

Mr. Garcia-Serra: 38.

Commissioner Slesnick: OK. I think Ramon had mentioned 48. I wrote down the wrong number. That's quite a significant reduction and I applaud you for having the two and three bedroom units, because being in real estate there are many people that want to live near Miracle Mile now and get down to one car per family and have two or three bedrooms instead of the smaller units and I think you are going to be able to fill that up.

Mr. Garcia-Serra: That's exactly the market we are trying to address. And on the issue of density, it's important to point out too what's permitted today the Mediterranean bonus on that property is 50 units, so we are even below what is permitted as-of-right today as of the current existing zoning.

Mayor Cason: On the old project and the new one, what did you anticipate the number of actual people living in the building? Before it would be single, would it be one bedrooms?

Mr. Garcia-Serra: We could expect some of this even to be second homes, so the average population in the building, I would say Matthew, based on where would you put it?- somewhere around 60 persons in total, when you factor in domestic staff that's there during the day, not necessarily staying overnight. With that said, I'll ask Ahmed to go through the plans.

Commissioner Keon: I think originally what was proposed was also a rental building, it was a rental building and you've gone to a condo building.

Mr. Rodriguez: Good morning Mr. Mayor, Commissioners, thank you. My name is Ahmed Rodriguez, the architect for this project, with office at 3250 Mary Street, Coconut Grove. This go around we really wanted to push the building as far to the north to give a green belt along Valencia and of course as far to the west to create a big as possible park as we could and here we have 10,000 square feet of park alone not including the green belt, and in addition we also have a colonnade area here, shade area, for park users to enjoy. We are really proud of that, we enjoy that from a perspective of the building. The building is set back, we have a nice covered space secured parking, smaller parking as Mario mentioned, the parking garage is not calculated in FAR and yet its 50 percent less mass as the previous version. We have a nice lobby area here, grandiose, very luxurious. We are going to have amenities in areas, of course the back of house area is toward the alley, landscape even along the alley area; and as we move up the building we have three of the four quadrants focused toward the units with views to the east, and another unit here with views toward the south, and the parking garage repeats with similar units here, and in the back quadrant we are using it for multiple uses of the building, storage and whatnot; and as we move up to the tower element. Here we have a beautifully designed pool deck area, so other buildings looking down on this pool deck area is very pleasant to look at other than roofed areas; and then as we get to our typical core, what we did here was we created the maximize the amount of space that the units would have three bedrooms plus dens, four bedrooms plus dens, and the upper northeast corner there that's a five bedroom plus den. A den or a bedroom could be modified for particular uses, but the idea here, so we have on average two to three penthouses, but these two up here are 5,000 square feet, plus additional covered area, very luxury units, it's really having a large home up in the sky. Again lots of roof area, so we are really treating this as much as we can as a luxury home in itself. As you can see here we scouted everything to the west as much as possible to create a nice part we have articulation along that east façade so we break up and step the building back in every opportunity that we can. We have trellises along the garage area there and its lots of façade treatments and then step back to the sidewalk, more trellis areas for the public use and benefit. We are also showing those louver details here at the bottom because this is a louver design that we paid a lot of attention to so that lights and headlights in the parking garage will not be seen at night from the street. This would be the east elevation over here toward the right and on the west elevation on the left there. And then we focused the views, public views if you are having a get-together mostly to the east and to the west, the living rooms and dining rooms and that's really also, because we paid attention to our neighbors and we want to respect the amount of views and light coming back toward the south. So on the other elevations we have mostly bedrooms and things that are not going to draw too much attention, but we paid attention to every view taken and we'd hope that you'd feel the same way about the effort and time put into this design. And with that I'll give it back to Mario.

Commissioner Keon: That's pretty; you get to see sunrises and sunsets.

Mayor Cason: Can you tell us about the park, what are you going to have?- are you going to have benches and things in the park?- is it going to be green?- you all are going to maintain it, right?

Mr. Garcia-Serra: Correct. We are going to maintain it; the design of the park is still a bit of a work in progress – that’s what we have right now in the plans. In speaking with the neighbors the overall message has been keep it green, so it’s as green as possible, as much landscape, open space, it’s certainly something that everybody agrees with. The components of the park and how active it should be is something that’s still under discussion. You know you are going to hear some neighbors leaning toward the active side and some toward the more passive side. As part of the building review permit process, we are going to in conjunction with the City sort of as you would with your own parks have a sort of outreach process, have your town meetings, throw out some ideas, see what people have to say and reach a consensus.

Mayor Cason: What’s the nearest park, City Park to that?

Commissioner Keon: Salvadore Park is right near there. There are a number of little park area spaces.

Mr. Garcia-Serra: I’m trying to think of any significance – you have the golf course.

City Manager Swanson-Rivenbark: Merrick Park sir just in front of City Hall, but it’s a passive park.

Mayor Cason: So how far are you going to go when you consult with neighbors, because there may be people not just right around it, but farther out they would use that park.

Mr. Garcia-Serra: We are open to your suggestions. What I would think is the usual notice radius that we did for this project which is 1,000 feet.

Commissioner Keon: Well you know Salvadore Park is between Andalusia and Valencia, between not Granada, what...

Commissioner Slesnick: Columbus.

Commissioner Keon: And what’s the street after Granada, the cut through street?

City Manager Swanson-Rivenbark: It’s not Anderson Road.

Commissioner Keon: No, Anderson is the other side, but anyway it's within walking distance, I think its Salvadore Park which is the tennis courts and also a large active play area for families. There is also the open space park where the art piece, I think Vinny Torre was doing the...pardon me; Balboa Plaza is within just a few feet of it, a few blocks of it also. Where are we going to put the turtle, the turtle park, I think is not so far from there – Catalonia is quite close to there too, or park spaces or parkland.

Vice Mayor Quesada: The only thing I'd say about the park is just make sure you have seating areas in the shade, I think I see some there.

Mr. Garcia-Serra: That certainly was emphasized by the Board of Architects and that's why you see the benches where you see them and the palm trees, and I think that that's definitely going to remain.

Commissioner Keon: Will you be able to – most of our parks or playgrounds are open from dawn to dusk, so this would also be a dawn to dusk type area?

Mr. Garcia-Serra: That's the idea, just like every other City park hours of operation.

Commissioner Keon: So you would be able to close a gate or whatever else for the benefit of your residents at that point.

Mr. Garcia-Serra: Right now we have a system where there is no controlled access, there are gates but they are literally openings that you go through, there is the door to close there. It's something that we can continue as part of the discussion is controlled access.

Commissioner Keon: You'll continue that discussion.

Commissioner Lago: Mayor if I may, I just wanted to touch on a few points. Mario as you are aware we've met probably...

Mr. Garcia-Serra: Since almost the day you got elected.

Commissioner Lago: And I think we've met probably, I don't know a few dozen times in regards to this project, and I want to just take a few moments to commend you for your hard efforts and the developer for really meeting with the residents and massaging this project into what it is today, which is I think an incredible project which is going to offer great residence for people who want to come and enjoy our City. There are a few things that I want to make people understand, this is what we talk about so much on the Commission and we try to make people

understand that if you follow the Code to the “T” you are not going to get all these great public benefits, and you are not going to get a project which again, they could have built 50-plus units and they are building 38. So if you would have built 50-plus units, say residential rental units, you would have had a more transient population, number one; number two, you would have had a lot more cars, more congestion, you would have had a much bigger building in the massing in regards to the additional parking that was required. These are things that we need to make sure that we mention over and over again, because we talk about so much about development and we talk about people coming into the City. The developer could have built something as-of-right, which would not even come close to comparing to what’s being done today. We have a great piece of 10,000 square feet of open green space and we started talking about that in my office and we said how great it would be on Valencia to have a beautiful open piece of property. I don’t have any issues at all in reference to, I know Commissioner Keon wanted to make sure that the park remains the responsibility of the building and that they have some sort of control in the evenings. I don’t have an issue with that even though we know that City parks close at a certain time, but I want to make sure that its inviting and that the invitation is obvious for people to come and use that park. I do not want it to be known as a playground just for the residents who live or rent in that building. I want it to be for everybody who lives in that neighborhood to either walk their dog, like the Vice Mayor mentioned, sit under a tree, read a book that is where the City is moving. For many, many years the City did not purchase any land and make parks a priority. It was a priority last year and it will continue to be a priority this year as we deliver on more and more open space, so let’s do something where we get the input of the neighborhood residents and let’s make sure that that piece of property is inviting to all the residents in that neighborhood.

Mayor Cason: A suggestion you put in a dog pooh station too – walking dogs you might, it’s a place like we have along the golf course.

Commissioner Lago: Something that I mentioned that I brought up and that I’m waiting for staff, it’s an item that I’m going to bring up in my discussion points, one of several that I’m going to bring up is, we are revamping our open space policy and I have not heard from staff yet since I brought that up a few months ago. Right now I think some projects, maybe Ramon can stand up here and give us a little bit more of a detailed breakdown. What was your open space requirement for this project, as per the Code right now; this is why I want to make this example.

Mr. Garcia-Serra: As per the Code right now, we talked about this many times; we could have done a project property line to property line for open space. The open space requirement could have been met in elevated areas.

Commissioner Lago: What was the number, 10, 15 percent, what was it?

Mr. Garcia-Serra: If you do a PAD its 20 percent.

Commissioner Lago: 20 – OK. So right now you are talking about you have, the Code requires 20 and this is why I hope that residents and everyone really comes to an understanding why it's important that we revamp the Code especially on certain items, and that's it's OK to grant the bonus when you are getting benefits, for example in this project.

Mayor Cason: That's the advantage of the PAD's.

Commissioner Lago: Yes. So you have here right now 25 percent open green space on the first floor, that's spectacular, I mean ground floor, that is going to be spectacular. If I can get other projects and other developers to commit to this, it will increase property value, it will make our streets safer, it will be a more conducive place for people to come and live in our City, and I think that's the end goal of this Commission. So 25 percent open space on the ground floor is significant, probably when you add up all the other open spaces, you are probably close to 40 percent.

Mr. Garcia-Serra: Sure – when you factor in when you have in the setback areas. You know I think this is a testament also to just everybody exercising common sense – the developer, City, the neighbors. Everybody was sort of reasonable after perhaps the initial motion got out of the way; everybody sat down and talked, and we kept on talking, and we kept on talking, and we reached a point that everybody was satisfied and came up with a very good project. I have to give credit to my client Matthew, you know would have been very easy to tell us, hey, we've put so much money into this project already, come hell or high water, Mario, you go in there and do what you have to do to walk out with an approval if you have the whole City throwing tomatoes at you and he didn't do that. He said let's keep on talking to these guys and they are reasonable people and we are going to figure this out and we did.

Mayor Cason: One suggestion is that we want to make it inviting during the day but not at night, we don't want people sleeping on the benches.

Commissioner Keon: I think that's why if you are allowed to have a gate or something you can close the gate and...

Commissioner Lago: I was not open, and I'm sorry to interrupt Commissioner Keon, but this plays into her comments that she's been talking about since First Reading.

Commissioner Keon: From the beginning...

Commissioner Lago: It just makes sense, it makes sense. We have gates on all our other City parks; some of them even have security guards. I want to make sure that the residents here feel safe, but that the park during the day is inviting. There has to be some sort of signage, something very clean, well done.

Commissioner Keon: It can say public welcome or anything.

Commissioner Lago: Something that again, it doesn't just look like an enclave just for the...I'll leave that up to the Mayor.

City Attorney Leen: Mr. Mayor actually I read the letter from Mr. Savage, but there was something he wrote that I thought was very thoughtful that I wanted to read as well in his e-mail. He goes, *"I would appear in person this morning to express my appreciation and gratitude to the City's professional staff and the developer and his counsel for their work with neighbors such as my clients. There was a level of engagement and accommodation on this project that I just do not see in my other matters and other jurisdictions."*

Commissioner Lago: Who wrote that?

Commissioner Keon: Paul Savage the attorney.

Commissioner Lago: We received that around 8:45 this morning, I didn't have a chance to read it, but in the blurb on the e-mail it stated that all the residents in the neighborhood were in support of it. The change in attitude is refreshing in the sense of, sometimes you have one, two, ten residents that come out against, you can't do anything to appease them even if you offer them whatever they may want, they still ask for more and its OK, I understand, that's the way some people are, but in this project everybody is in support of this project. I haven't met one person who after the changes have been made have been against the project and they are all excited about the open space. By the way, the architect deserves a lot of credit because the building is a beautiful building; they are not skimping on the design and the actual façade of the building.

Commissioner Keon: I would like to reiterate what Commissioner Lago has said, because I remember you know, the first time you came – this is really for the public's benefit, is that the public has to understand that because someone presents a project or submits for a project doesn't mean that that's the project. It means that it's a starting point on a project, and you and Matthew I know went to every Commissioner's office and you sat down and said, this is what we want to do, and I know that we told you, can't support that, you know that is a single family residential neighborhood, we want to maintain the single family residential neighborhood and the aesthetics

of the neighborhood, it is a transition area, so it isn't a single-family home, but has to be something that transitions into the single-family neighborhood and doesn't harm the single family neighborhood. You agreed to go from a rental project to a condo project based on our dialogue with you, and then you agreed to make it a project that was, the units were in scale with the units, the homes within the neighborhood. So there is a lot of anti-development rhetoric in this City, we have a dozen e-mails today over another one, don't approve. You know what it is, we approve what we believe enhances the community and is good for the City, and it has been my experience in the four years that I've been here that we can talk with developers, we can talk with their attorneys, and we can reach an agreement as to what works in this City at that place, not every resident in the area may not agree with this, but in very good conscience when we sit here we approve what we believe works for this City in that place, and what may work in one place doesn't necessarily work in another, and because this City is sited in a single-family residential neighborhood or adjacent to is important that it reflect the same thing, and you have done that. You have been a pleasure to work with, I think it is a wonderful product that is coming to the City and I think it is very masterfully demonstrates the work that projects go through before they finally come for approval and I will support your project and hope that you have the support on this dais for this project, because I think you've done a great job. Thank you.

City Attorney Leen: Mr. Mayor I'd like to add something based on some comments that have been made. The City does allow discussions between the developer and staff, but only on the legislative components. I know each of you know that and so does Mr. Garcia-Serra, so any discussions were based on the legislative component, there is a legislative change here and that's perfectly appropriate.

Mr. Garcia-Serra: Correct – and to the previous project there was a bigger legislative component.

City Attorney Leen: Yes – and the other project which is mostly what you are talking about here, there was a larger legislative component, and by legislative component for the residents at home that means a change to the law, not a site plan approval, but a change to the law. Whenever there is a change to the law the developer is allowed to talk to Commissioners, so can residents or anyone else. So I just want to make that very clear. Also, my understanding is that when you did have these discussions you limited them to the record anyway that you were discussing things that were part of your application, but it was for the legislative component.

Mayor Cason: This is a public hearing, we have one speaker card and then we can come back and finish up any discussion if there is more, Rhonda Anderson again.

Ms. Anderson: Just a few points. I'm going to second the comments of Mr. Savage. It was a very emotional group in the neighborhood. I am within 1,000 feet of the project, being at 2715

Hernando, I can tell you my neighbors were highly opposed to the project at its first reading. We are very excited about the park, we are also are excited about the fact that the developer is willing to work with the neighbors and possibly include some micro dog park socialization areas in sections of it, because it is an area that is highly trafficked by pets. As a result, we have outflow in the residential neighborhood where those in the apartment buildings leave their dog remains on our swale areas and not picking it up. I think this will help address some of these issues. The other thing I wanted to bring to your point is, the developer is continuing to work with the neighbors in our expressed desire to look for a solution to the lack of a dedicated right hand turn lane on Hernando, and I've addressed some of these issues with a couple of you with regard to the right hand turn lane and also the lack of an easement that presently exist to get access to the public parking lot behind Aloft Hotel; and I would recommend that the Commission look into that issue and work with this developer to find a solution that is a win-win for both the City and the developer to solve an existing traffic issue on Hernando. Thank you.

Mayor Cason: Thank you very much.

Commissioner Lago: Thank you.

Commissioner Slesnick: Rhonda, I agree. I thank you very much for working with the developer, because I think with the neighbors and the suggestions you made and the suggestions the Commission made they have come to an ideal situation in going from rental apartments to condos which really cuts back on some of the traffic maybe because people are more committed to the neighborhood; and having that park there where there is so much pavement in that intersection coming around the corner, it just makes such a difference to have something like that and we are trying to buy open spaces for the City to have more parks and open spaces. I really applaud that part and the architect for coming up with that design.

Ms. Anderson: It's been a refreshing process with this developer. I've never had such a responsive developer to address it with before. I think the idea of a gate might also be helpful for children, if you have a four year old or younger, you don't run out into the street type issue that occur with those small children be able to play throw the ball kicking it around and not have to worry about your kid running out into the street. So it's been a refreshing experience and I commend the way this developer has handled it.

Commissioner Keon: And I think it's important that the public understands that the developer and the attorney know that until they reach that point they were not going to get approval, that this Commission would not approve this project until these things happened.

Ms. Anderson: I've seen other projects go through with not as much cooperation with the neighbors; the setbacks that we've got here, the open space that we've got here, the concrete jungle appearance not impacting the neighborhood, so it's been an excellent experience. Thank you.

Mayor Cason: Thank you. That closes the public hearing, anymore discussion? Let's start with E-5, do we have a motion?

Commissioner Keon: I'll make the motion.

Commissioner Slesnick: Second.

Mayor Cason: Commissioner Keon makes the motion, Commissioner Slesnick seconds.

Mr. Garcia-Serra: If you don't mind Commissioners, let me make sure that something got into the conditions of approval. The Planning and Zoning Board, one of the groups asked that we not have any short term rentals, I'm not sure that actually made it into the memo or not, but if it didn't it should be in there.

Commissioner Keon: You don't have an issue with term rentals.

Mr. Garcia-Serra: Right.

City Attorney Leen: Are you proffering that?

Commissioner Keon: Is that part of your condo docs?

Mr. Garcia-Serra: It will also be part of the condo docs.

City Attorney Leen: So just for purposes of the record that's been proffered, so there'll be a condition, it will be a condition on the Planned Area Development which is Item E-6, so this is now Item E-5.

Commissioner Slesnick: And short term rentals are under six months and a day?

Mr. Garcia-Serra: Correct.

Mayor Cason: No B and B (Bed and Breakfast) – City Clerk.

Commissioner Keon: Yes
Commissioner Lago: Yes
Vice Mayor Quesada: Yes
Commissioner Slesnick: Yes
Mayor Cason: Yes
(Vote: 5-0)

Mayor Cason: And on E-6.

Commissioner Slesnick: So moved.

Mayor Cason: Commissioner Slesnick makes the motion.

Commissioner Keon: Second it.

Mayor Cason: Commissioner Keon seconds it.

City Attorney Leen: Mr. Mayor that will add the proffered condition that has just been proffered.

Mayor Cason: Right – City Clerk.

Commissioner Lago: Yes
Vice Mayor Quesada: Yes
Commissioner Slesnick: Yes
Commissioner Keon: Yes
Mayor Cason: Yes
(Vote: 5-0)

Mr. Garcia-Serra: Thank you very much. Have a good day.

Mayor Cason: Thank you everybody, thank you very much.

Commissioner Keon: Thank you. And Rhonda to your discussion about the lot behind Aloft, we've had a discussion with the Manager and there is a plan to address some of the issues at that lot that will improve its availability and connectivity and everything else.

City Manager Swanson-Rivenbark: We have an agreement with the church that we may install a walkway to the west of the property connecting Andalusia, just as a walkway not as a car area, a

walkway to the parking lot up to Andalusia so that we can have connection around Biltmore Way for that parking lot.

Commissioner Keon: That parking lot employees some other things also. Thank you.

[End: 11:33:27 a.m.]