

City of Coral Gables City Commission Meeting
Agenda Item E-2 through E-4 are related
July 7, 2009
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
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Planning Director, Eric Riel
Building and Zoning Director, Ed Weller
Building and Zoning Administrator, Martha Salazar

Public Speaker(s)

Laura Russo, Attorney Representing St. Thomas Episcopal Church and School
Tucker Gibbs, Representing Opposing Residents
Enia Rivero, Banyan Drive
Bill Fernandez, Banyan Drive
Ofi Fernandez, Banyan Drive
Barbara Arnold, Banyan Drive
Joel Arnold, Banyan Drive
Roger Walker, Banyan Drive
James Grippando, North Kendall Drive
Vivian More Cortinas, Hardee Road
Bill Parker, S.W. 127th Street
Debbie Augenstein, Banyan Drive
Richard Namon, Oakwood Lane
Chris Cobb, Kerwood Oaks
Marisa Ysasi, Hammock Drive
Rev. Roger Tobin, Banyan Drive
Michael Maguire, Toledo Street
Thomas Bales, Arivda Lane
Bailey Parker, S.W. 127th Street
Charles Johnson, Sunset Drive
Thomas Carlo, Edgewater Drive

E-2 thru E-4 [Start: 10:04:29 a.m.]

E-2 – An ordinance of the City Commission of Coral Gables approving a change of land use from “Residential Use (Single Family) Low Density” to “Religious / Institutional Use” for a 1.0 acre parcel proposed for use as an athletic field for the St. Thomas Church/School, located on portions of Lot 2, Avocado Land Company’s Subdivision (5450 North Kendall Drive), Coral Gables, Florida (legal description on file); providing for a repealer provision, a savings clause, a severability clause, and providing for an effective date (PZB recommended approval 5-0 vote).

E-3 – An ordinance of the City Commission of Coral Gables approving a change of zoning from Single-Family Residential (SFR) to Special Use District (S) for a 1.0 acre parcel proposed for use as an athletic field for the St. Thomas Church/School, located on portions of Lot 2, Avocado Land Company’s Subdivision (5450 North Kendall Drive), Coral Gables, Florida (legal description on file); providing for a repealer provision, a savings clause, a severability clause, and providing for an effective date. (PZB recommended approval 5-0 vote).

E-4 – An ordinance of the City Commission of Coral Gables granting site plan approval for the new St. Thomas Church/School athletic field and modifications to the existing parking lots, located on portions of Lot 2, Avocado Land Company’s Subdivision (5450, 5690 and 5692 North Kendall Drive), Coral Gables, Florida (legal description on file); providing for a repealer provision, a savings clause, and providing for an effective date. (PZB recommended approval 5-0 vote).

Mayor Slesnick: We have time certain set now for E-2 through E-4. Mr. Riel.

Mr. Riel: Good morning. First off I’d like to hand out additional comments we received since you received your packet on Thursday. Also, I’d like to note for the record, I believe the City Clerk has received additional comments and has provided those for your attention as well. My presentation today deals with three agenda items, E-2, E-3, and E-4. I have a PowerPoint that I’d like to go through fairly briefly, about a ten or fifteen minute presentation, to kind of give you an overview of the issues and staff’s recommendations, and the Planning and Zoning Board. So if I could have perhaps Dona turn the lights down, easier to see the illustrations. Essentially, what this is, it’s a request for a change in land use, change in zoning, and site plan review. The requestor proposed to construct on a 1.0 acre parcel on an athletic field, no new building renovations proposed; the parcel has single family zoning and land use, therefore to accommodate a field, the change is necessary. No change is proposed for the existing church or school, no modifications other than the existing parking lot and the capacity of students remain the same as 425, which is up to fifth grade students. Change in land use from residential single family to religious/institutional, change in zoning from single family to special use, and site plan approval for the entire parcel. This is an illustration of the actual site, as you can see, and I’m going to reference specific addresses; 5450, 5690 and 5692 throughout my presentation. Parking Requirements: At the time of annexation there was existing one hundred and fifteen (115)

spaces, they are considered legally non conforming spaces. The proposal is to construct one hundred and twenty-three (123) spaces, or eight additional. It does not exceed the threshold, therefore it does not, in terms of the expansion because it's only an athletic field, therefore it does not require to come in compliance with the parking requirements of the City. Traffic Circulation: There are eleven recommendations for improving the traffic in the area, which are included as a condition of approval. Landscaping and Buffering: There is a minimum of a ten foot wide buffer, with a perpetual landscape easement, continuous six foot masonry wall, continuous row of canopy trees, and other operational and use restrictions, which I will go into a little bit more detail related to each of the properties, a kind of overview of the general issues. We evaluated pursuant to the Comp Plan, which is obviously required as a part of the change in land use; those are provided on pages 12 and 13 in your packet, of the various specific recommendations, how its found to be in compliance, and those found to not be in compliance, we suggested conditions of approval to achieve compliance, those are on pages 13 and 14. Staff does recommend approval based upon compliance with the Zoning Code and the land use plan. It's based on findings of fact, and basically the City adopted the County plan when it was annexed in 1996. The County requirements at that time are not consistent with the City's Zoning Code; in fact there were only one or two conditions that dealt with buffering and the maximum capacity of students.

Commissioner Anderson: Eric, can I have a quick question? There is Master Plan in 1996, is there an updated Master Plan to date on the school?

Mr. Riel: Not to my knowledge, no. This site plan is...there was an expansion done I believe in 1998, but this is for site plan approval, which is essentially kind of like a master, master site plan, and I'll go into that.

Commissioner Anderson: OK.

Mr. Riel: Again, basis for approval – basically there is no specific regulation, which govern the operations of the property ensuring surrounding properties are not negatively impacted. The approval of proposal sets conditions in place with compliance for operation and use restrictions, which in staff's opinion are in concert with the surrounding properties. These safeguards are present and as I indicated they are not present now with the County's previous approval, and these are identical to other conditions that we placed on other similar churches and school facilities within single family areas. If you recall the St. Phillips, where that church and school came through, basically a lot of the conditions, if not a hundred percent of the conditions, you'll find in place on this property as well. Findings of fact is consistent with the Comp Plan, consistent with the City, excuse me, Zoning Code. We are asking for improvements in landscaping and operational requirements. Asking for improvements to existing traffic; eight additional parking spaces, prohibitions on the use of the property facing Banyan. We are of the opinion that additional protection is provided to both the neighboring properties regarding the approval of the site plan. So therefore, staff does recommend approval of the change in land use, and basically the change in zoning, and the site plan approval. We'd like to briefly go through the conditions. Typical conditions – restrictive covenant, unity of title, capacity is at 425 students. On 5450 only for students and faculty, no play equipment; hours of use restriction in terms of hours 6:30 to 7:30 a.m.

Commissioner Withers: Is it days of the week?

Mr. Riel: Its Sunday through Saturday.

Commissioner Withers: Sunday through Saturday.

Mr. Riel: Everyday, everyday.

Commissioner Anderson: Seven days a week.

Mr. Riel: Seven days a week. No vehicle access and no vehicle parking. Again, this is 5450, that's the portion, the addition which they are asking for the change in zoning. Lighting shall be prohibited, and we are asking for a perpetual landscape easement on the property adjoining the single family, which basically has a ten foot landscape easement with a wall and shrubbery. Basically the same requirements you would have for a commercial development adjacent to a single family home, although this is not a commercial development, this is a special use church and school adjacent to a single family home. On 5690 and 5692, again the athletic field only by students and faculty, no play equipment; hours of use limitations again; no vehicle access; vehicle parking is permitted and lighting shall be prohibited. Now basically the operation of the facilities 5450, 5690 and 5692, we are asking for when you have special events that you go through basically a special events committee review by the City, similar to what St. Phillips is doing. What they do, they submit for special events on a yearly basis, the committee goes through evaluates those and tells basically the church and school what operational issues they have and what they can do to mitigate those. No vehicle parking or storage on the street. Within one hundred and eighty days (180) of Commission approval, if granted obviously, the letter of recommendations shall be implemented. Traffic management basically an off duty Police Officer provided during peak, morning and afternoon periods. The existing Rectory no access, I mean, it has access, but those gates need to remain locked, and no spill over of lighting. Again, standard conditions that we place on other similar facilities. Landscaping in the public rights-of-ways, landscape buffer on 5450 in front, and a hedge as well as....and then on the rear of the property, along the front property line we ask for a 3 foot hedge, and 12-14 foot trees, and on the rear of the property, which is basically Banyan Drive, what we ask to do is supplement the existing landscaping. Public Service and I went out, there are some areas where there are some holes, and there are some areas where there some large landscaping, we are asking that they provide us a plan, we'll evaluate it, and that's a condition of approval. One of the other things that we are asking for is the facility, a public information point of contact; this is basically to work with the neighbors, to have a point of contact in the church or school, if there are issues, and also to let them know when construction is occurring or special events. This is something we've been putting in as a condition of approval on similar facilities to try to forge a good relationship with the adjoining neighbors. Notification – we did the standard thousand foot notice; we also did advertise on first reading on both the map as well as the title, which is not required, obviously the property is posted. I gave you the updated listing, and then a petition was also presented at the Planning and Zoning Board meeting, that's in your packet as well. The Board did approve the request by a (5-0 vote), subject to staff's conditions of approval; they did make some minor modifications, those are noted in the underline and strike-out format. Largely – one condition

was added regarding drainage to ensure all drainage is on site, and then there was some other minor conditions affect basic conditions to clarify basically the use of the property and operations.

Mayor Slesnick: And the Planning Board's conditions are part of the package we are considering today?

Mr. Riel: Yes, yes. Your Commission cover memo is what the Planning Board recommended as amended. That concludes my presentation.

Commissioner Withers: Can you go back to the aerial for a second, I'm sorry.

Mr. Riel: Could we get that PowerPoint back up.

Commissioner Withers: While that is going back up, was there any discussion on the parking in the swale on Banyan?

Mr. Riel: At the Planning Board meeting?- no, nothing came up regarding parking. The issue of parking on neither of the streets came up.

Commissioner Withers: If we could restrict the parking on the swale on Banyan; I could just see different sport events and whatever, people parking on Banyan and that would really irk me.

Commissioner Anderson: Yeah, for sure at least a minimum for that.

Commissioner Withers: You know what I'm talking about Eric?

Mr. Riel: Yes. There is no access allowed but that, in terms of protection that...

Commissioner Withers: I'm sorry.

Mr. Riel: There is no access that's permitted from the rear of the property, this is a chain link fence, landscaping is kind of heavy here, there are a lot holes in this end, but that's certainly something that could be added.

Commissioner Withers: Now the homes to the right here, I see 5450, who owns those two homes?

Mr. Riel: I'm not sure of the owners.

Commissioner Withers: I know Gene Prescott owns the one on the corner. So there is going to be next to 5450, there is a wall...

Mr. Riel: There is going to be a six foot masonry wall, 12-14 foot trees, and then a hedge, and then a 10 foot landscape easement.

Commissioner Withers: Do they plan on having events on Sunday?- I mean, I can see overflow parking, I guess, but is there a reason they are having events on Sunday?

Mr. Riel: You are going to probably have to ask the applicant that, but this is the way the conditions are, they can't park, they can't utilize this except between the hours indicated, no structures; basically this is only used for an athletic field, no lights, no nothing, those are the conditions we placed on it. They actually – it came up as part of the Planning Board; they can't even use this toward FAR, if they decide to do an expansion.

Commissioner Withers: Well, if they have their church fair there, what would be the issue of having a church fair there on a Saturday? I'm just throwing that out, I mean, I don't know how the neighbors feel, but I mean...

Mr. Riel: That's one of the reasons that we put the condition on the special events, is that when they do have those events where they increase capacity and they need the parking that they go to our special events committee, and that the Police and Fire, and obviously all the departments are involved, similar to what they would do on any other event, would have the opportunity to make sure there is no impact on the property. St. Phillips does the identical thing, they submit a list on a yearly basis where they exceed a certain threshold, there are certain things that kick in, and when they don't obviously, they just operate as normal.

Commissioner Withers: And the last question is, on the FAR on the whole property, would they be allowed to put buildings there as opposed to playing fields, if they wanted to develop that for classroom space?

Mr. Riel: I haven't done the evaluation in terms of if they got additional FAR available, but it's indicated that they could not use that 5450 parcel, but this is (S) property, so any change would need to come through the Planning Board and the Commission for review.

Commissioner Withers: So what's your answer?

Mr. Riel: I don't know the answer to that; I don't know if they are at their maximum FAR, perhaps the applicant...

Ms. Russo: [Inaudible – off mike]

Mayor Slesnick: Wait, wait, wait, excuse me, Laura if you are going to answer you need to come up.

Commissioner Withers: I'll ask the question.

Mayor Slesnick: Thank you Eric, we'll get back to you. I would like to hear from the applicant.

Ms. Russo: Good morning Mr. Mayor, members of the Commission, for the record once again Laura Russo, with offices at 2655 LeJeune Road, I am here this morning representing St. Thomas Episcopal Church and School, I'd like to take a moment to just introduce a couple of the

key players; we have here this morning, the Reverend Roger Tobin, we were going to have Ms. Chris Charlton who is head of the school, unfortunately she had a family emergency with her 90 year old mother last night and is unable to be here this morning; we have Kitty Finneran, who is the Associate Head of School, we have Mr. Tom Bales who is on the Church Board, and we have Mr. Chris Cobb, Gary Tarbe, and Mr. Bill Parker who is standing next to me, who are on the Church's Master Plan Committee. I'd like to give you just a little history; St. Thomas has been around in the community since the very early 1950's; we are not here just on a whim; this application, this proposal actually has been in the process for a little over three years. From the very beginning one of the first things that we did is the Church – we had a neighbor's meetings to invite the neighbors within a thousand linear feet, explain to them what we wanted to do. The application that you have before you, the plans that you have before you are plans that have evolved from what was the original proposal to what you see today based on issues that were brought up by neighbors, the neighbor next door, the neighbors across the street, as well as issues that were brought up by different members of the City's staff. I can tell you that at the beginning we did want to use the property for parking, we did want to use the property for the carnival, we didn't have a wall proposed, so we agreed to no vehicle access, we agreed to no parking, we've agreed to place a wall, so what you have is an application that has tried to address as much as possible the concept that a church and school and single family are compatible uses; and I'd like to point out to the City's map, the Master Plan, the future land use map to show you that if you take a look at all the different schools that exist in the City of Coral Gables, churches and schools, you will see that the majority of them are located in single family districts, not just residential, but single family; St. Phillips, St. Teresa Church of the Little Flower, Granada Presbyterian, the Congregational Church, the First United Methodist Church, the one here on Coral Way and the one down south, the Lutheran Church, Gulliver, Temple Judea, the French-American School, Ponce Junior High School, Sunset Elementary, Coral Gables Elementary, the University of Miami. So the concept and what you are going to hear from Mr. Tucker Gibbs representing the opposition, is that in fact these are incompatible uses, and I tell you that is not correct; that in fact since the days of our founding father George Merrick, in order to have a social fabric, you need churches and schools, they are the center of what forms society, and what we have to do is create the proper balance and uses and respect for the different uses, which is why the City and the Zoning Code has special uses, which means any time there is any change to a special use property, it has to be brought to a public forum, this is to ensure that both uses are allowed to exist, but respect each other, and do so. So we wanted to make that clear. As you know, we appeared before the Planning and Zoning Board; we agree with all of the staff conditions as modified by the Planning and Zoning Board, with the exception of one, and we'd like to just raise that one issue. Since we've agreed to restrict the use of the proposed athletic field, and the whole purpose behind this to give you a little background, is there is an existing field...

Mayor Slesnick: Ms. Russo, I'm sorry, but Mr. Clerk, will we be swearing in everybody for this testimony?- that will include the presenters too. So if anyone who is here to give testimony in this cause and has filed a card, and if you have not filed a card you will not be called on, but if you have filed a card, I will ask you to please stand and raise your right hand to be sworn in by the City Clerk, and I'm going to ask the attorneys to do so also, I am going to ask you as people presenting and presenting facts to us.

Mr. Clerk: Do you solemnly swear or affirm that the testimony you will offer today will be the truth and nothing but the truth?

All: Yes.

Commissioner Withers: Do you want Laura to start all over again, Don?

Mayor Slesnick: No.

Commissioner Anderson: Do we need to take a motion on that one and start all over?

Mayor Slesnick: Please continue.

Ms. Russo: As I was saying, the underlying reason for the proposal is that there is an existing field on St. Thomas that is located on the southern portion, and that existing field is used as temporary overflow parking. The field can park approximately 93 cars and it is used primarily in the mornings, but it's also used when there are other events, church sponsored events, in the evenings. Sometimes due to the rain or due other conditions, the field is not available for the children to use as an athletic or a P.E. field, so that's the underlying reason. Some of you may or may not have noted that in your packets, since I said to you this application comes from way beyond, Tim Plummer was hired to do a sort of traffic management of the traffic flow within the school. One of the concerns of the neighbors being the issue in terms of traffic drop-off, and Tim Plummer did a report, visited the school with both enrichment classes and non enrichment days and came up with eleven recommendations. The school to show its good faith prior to even coming before any Board, implemented Tim Plummer's eleven recommendations to improve the process of drop-off and pick-up at the school. What we are trying to show here is that the school is trying to be a good neighbor, the school has done incredible things, including this year calling the Police to come give tickets to people who have been parking illegally despite being requested not to do so on the swale, and as you know once the ticket is given, it tends to have a sort of discouraging effect. Now for the condition – of all the conditions, we agreed to all the conditions; there won't be any structure built on there; we've agreed to put in a restrictive covenant to say that there won't be any structures that will be built on the proposed athletic field; we won't have any special events there; there won't be no parking there; but that's why its important that the existing field hours not be restricted to 6:30 p.m., but rather be allowed to go to 9:00 p.m., the exception of course being when the existing field will be used for the special events – gala night, and we have a list, and we have agreed to submit a list annually of the sort of special events and the parking management plan that in fact St. Thomas has been working on, so that like other institutions its reviewed on an annual basis and there are in place different criteria for how to address the different events and the different sizes of crowds. What I'd like to do is ask you to please approve our request, and with all the conditions as modified by the Planning and Zoning Board, with the one change that the existing field hours be extended to 9 p.m.; and what I'd like to do is reserve time for rebuttal at the end of the public comment.

Mayor Slesnick: You'll have that.

Commissioner Withers: So you are saying blanket extension of hours to 9 p.m., or only on special events?

Ms. Russo: No, no, no, blanket and then special events the hours are different, it depends on the actual special event, so this would be just blanket; right now the existing field doesn't have any hours, but there are nights when there are Cub Scouts, what we don't want to do is say there won't be a couple of 15 year olds or 10 year olds running through the existing field, and then have it be a violation of use...

Commissioner Withers: If it's not lit, I mean, in the winter months it seems to get dark at 5:30 or 6:00 p.m., so that would...

Ms. Russo: Correct – in the winter months it's not a problem, it's the summer months.

Commissioner Withers: And what's the need for the Sunday programming?- why the field...

Ms. Russo: It's an athletic field, it's meant for games in which the St. Thomas family members... for use of the field. If there were to be a game of flag football, soccer, but there is no planned event, you know, for example you mentioned a carnival, that...

Commissioner Withers: So it would be open to all the public on Sundays?-our Youth Center is closed basically on Sunday, but the field is open for non organized events.

Ms. Russo: The use of the field is only for the St. Thomas family. We agreed early on and that was one of the neighbor's concern was that it not be rented and not be used for AU teams and travel teams and things like that; and that was a real concern of the neighbors, and we explained that from the "get-go" that it was not the intent of St. Thomas to use its field to rent it out for other programs to use, so any use on Sunday as well as Saturday would be strictly for the St. Thomas family, for the church and school.

Commissioner Withers: But not for organized school events.

Ms. Russo: When you say not for school events, I mean not for carnival, I mean it might be...

Commissioner Withers: I'm talking like a flag football invitation, for sport teams to come in an organized event on a Sunday afternoon.

Ms. Russo: I don't know that they have any organized...

Commissioner Withers: I'm not saying they have that now Laura.

Ms. Russo: Let me allow Mr. Parker can answer that question better than I can.

Mr. Parker: For the record, I'm Bill Parker, 7240 S.W. 127th Street, Pinecrest. I'm a member of St. Thomas Episcopal Church and have children in the school, and I'd like to answer your question directly. The organized sport events that we would have on the new field that would be

contemplated would be on Saturdays. There are currently no official or unofficial sporting events that take place on Sundays that we would contemplate for the new field. The existing field however, is one that's used by our youth group, happens to meet on Sundays and Wednesdays, so they would want the ability to be able to use the field, our scouting programs both cubs and Boy Scouts and Girl Scouts for that matter, all use the existing field. So that's part of the reason for the concern over the restriction of the existing field, because those groups do meet later in the afternoon, and particularly the Boy Scouts, do use the field from time to time in the evening, those meetings generally wrap up between 8:30 and 8:45 p.m., that's why we picked 9:00 p.m.

Commissioner Withers: Would you see the scouts having a jamboree type of event on Sunday where they invite other troops in to do scouting activities on Sunday?- or is that not what you consider an organized activity?

Mr. Parker: That's not something we've ever done in the past, I don't want to say we would never consider it, but it's not something that we've ever done nor talked about.

Commissioner Withers: I assume that would fall under the special events category that the City Manager's office would review.

Mr. Parker: Right.

Ms. Russo: And to just conclude, St. Thomas is a Gables institution, both the church and school have approximately two-thirds of the St. Thomas family or Coral Gables residents, despite the fact that it was previously not part of Coral Gables and not annexed until 1996. It does serve as a Gables institution and is very important for what it does in terms of its religious educational and community contributions. I thank you for allowing me.

Mayor Slesnick: Thank you very much, and you'll be available for questions.

Ms. Russo: Absolutely.

Mayor Slesnick: What we are going to do is since we happen to know that Mr. Tucker Gibbs has been retained by some opponents of the proposal, we are going to give him the courtesy to go next in response, and then we will turn to public comment. Mr. Gibbs.

Mr. Gibbs: Thank you very much Mr. Mayor, let me just get set up here. Good morning my name is Tucker Gibbs, I represent the Banyan Drive Preservation Association and Ofi and Bill Fernandez who are actually the next door neighbors immediately to the east of this property, but my clients are all neighbors of St. Thomas Church and School. My clients urge you to reject this application; it's an unwarranted intrusion of an institutional use, into a well established single family neighborhood. Contrary to the City's Comprehensive Plan, this proposal to change the land use and zoning, and to approve the site plan of the single family property to an institutional use, which is that's what this is, its an institutional designation, does nothing to preserve or improve the character of this well established residential neighborhood. You've heard from your Planning Department and from the applicant that the church and school has agreed to pages of conditions that will ensure the protection of the neighborhood. So why are we here? We are here

because we disagree that these conditions are sufficient to protect this neighborhood. The conditions are inadequate. To make them adequate and acceptable to the neighborhood, we suggest the following: We would suggest that you require the school to limit the proportion of students below first grade to the existing proportion; why?- because those are the students that create the biggest traffic problem, because children of that age have to be walked to class, you cannot just drive in, drop them off and move on, you must park, you must walk with the child and generally walk into the classroom and maybe stay ten minutes, forty-five minutes; therefore those students create the biggest traffic problem and that is why we are asking if you do approve this, and we are not asking you to approve it, but if you are talking about adequately protecting the neighborhood...

Mayor Slesnick: How does that relate to this piece of property?

Mr. Gibbs: Because what the City has done as Mr. Riel has explained, the City has taken this opportunity to put conditions on the entire property, and the conditions that he has put up there, and the conditions in his memo, and the conditions that has been set forth in the PowerPoint presentation are conditions of the whole property, not just the single property. You just heard a discussion about the existing ball field; they talked about traffic, and you talk about the additional parking; all that and what we are talking about this issue deals with parking with traffic, which is one of the issues in front of you today. In addition to the proportion issue, we would ask that you require the hours of operation of the school to remain as promised by the school in 1989, when it achieved its recommendation and approval from Miami-Dade County, and I want to show you that. What I am going to have passed out is the County resolution that allowed St. Thomas to do its initial expansion back in 1989, and one of those conditions was limitation of students, which they have agreed to here. In addition, in 1999 when this property was brought into the City of Coral Gables when it was annexed, the City Commission also made certain approvals, and this is a memo from the attorney from St. Thomas Episcopal Church and Parish School dated April 20, 1999 to the Planning Department, that confirms the limitation of the number of students, and the limitation of hours of operation, which is approved by Miami-Dade County in 1989. What we would like and what we think would assist in protecting this neighborhood is leaving it the way the school had originally agreed to in 1989, confirmed in 1999, and which frankly the school is not abiding by in 2009; three, build a six foot wall with landscaping along Banyan Drive. They talk about a six foot wall between the Fernandez house, which is on the east and the field, but one of the issues, and you'll hear about this from the neighbors, is the neighbors along Banyan Drive have a real issue from the noise from the school and the expansion of the school eastward; as it expands eastward up Banyan Drive it has created a problem for those neighbors, and I'll let those neighbors speak for themselves, but that six foot wall would physically separate this school and that wall would delineate where the school is going to stay, the church and school excuse me, because I will be corrected, it's a church with a school, the church and the school will be separated from the neighborhood, there will be a line of demarcation marked out by that wall; and finally provide that adjoining property owners have the right to go into court and enforce the covenant that we've been hearing so much about with prevailing party to get their attorneys fees. We are not asking to become a party, and I want to make that very clear for the City Attorney; I do not see this as a settlement agreement where there are three parties, this is covenant that Ms. Russo has said is going to be proffered by the school and church and all we want, and we would like you all to request that this happen, is that

the adjoining property owners, those property owners directly across the street in Coral Gables and adjacent have the right to enforce the provisions of the covenant that has been described to you. In many ways that's good for you all because it takes you off the hook and puts the neighbors on the hook; the neighbors would be the one to have to enforce this covenant.

Mayor Slesnick: How would they enforce it?

Mr. Gibbs: How would they enforce it? If the language of the covenant allows them to enforce it, they may enforce it, that's what I'm asking you to do. If the covenant is a requirement...

Mayor Slesnick: Through court action or through vigilante action, what are you saying?

Mr. Gibbs: No, what we are saying is, if the covenant for example says you cannot have parking on that parcel, if the covenant says that, and there is parking on that and the City does not enforce it, they have the right to go into court and seek enforcement.

Mayor Slesnick: Go into court.

Mr. Gibbs: That's what I said, I said go into court, not be a party to the covenant, but to go into court.

Mayor Slesnick: Who asked to be a party to the covenant?

Mr. Gibbs: I'm asking, I'm asking that they be...

Mayor Slesnick: You mentioned a settlement agreement.

Mr. Gibbs: No, I said it's not a settlement agreement.

Mayor Slesnick: I know that, but who said that?

Mr. Gibbs: Pardon me?

Mayor Slesnick: I didn't know that was a question here.

Mr. Gibbs: No, the issue is Ms. Russo talked about a proffering of a covenant, OK, and we said, and one of the things we would like to protect the neighborhood is to allow the neighbors to be able to enforce the covenant, which means the terms of the covenant would have to say that, that's all.

Commissioner Anderson: Would there be in that particular covenant that you are proposing...

Mr. Gibbs: No, we are not proposing it's already...

Commissioner Anderson: I hear you, I got you, I'm not going to put words in your mouth; would there be steps that would be taken before it got to court?-I mean, there would be court...

Mr. Gibbs: Clearly I don't think anybody wants to spend money on an attorney...

Commissioner Anderson: I just want to make sure if that's acceptable and there are certain guidelines that are followed administratively and then procedurally.

Mr. Gibbs: If there is language in the covenant that says the neighbors have the right to enforce, only after filing a complaint with the City...

Commissioner Anderson: That's all I wanted to know.

Mr. Gibbs: I don't think my clients have any objections to that.

Commissioner Anderson: That's fair, that's all I wanted to know.

Mr. Gibbs: Those are four items; those are four safeguards that my clients believe that this would help this application; with those four safeguards in place, I believe that my client's interests and the interest of the neighborhood would be protected. Unfortunately, those aren't included in anything here and that's why we are here, because the neighbors and my clients believe that this proposal, even with the conditions that Mr. Riel explained, that this proposal is not enough to protect the neighborhood. So here we are opposing this application, and here is why we are opposing these applications, and I'm going to take them one at a time; the proposed land use; the proposed rezoning; and the proposed site plan. The proposed change in land use failed to comport with the specific goals, objectives and policies of your Comprehensive Plan; the proposed zoning is inconsistent with the Comprehensive Plan and importantly fails to meet the standards for rezoning that are in your Zoning Code; and the proposed site plan is incompatible with the single family character of the neighborhood. Looking first at the Comprehensive Plan: the applicant has been before you and said that the Comprehensive Plan amendments, zoning change and the site plan are consistent with in furtherance of the Comprehensive Plan, specifically Goal 1-1. This is a presentation made not only at the Planning and Zoning Board, and you've seen the transcripts of that, it's also a position of your Planning Department. Future land use Goal 1-1 specifically talks about future land uses are consistent with the needs of the community and the resources. The school says the requested action will quote, "enhance the social cultural and economic conditions of Coral Gables residences"; this is an expansion of a school into what has been for many, many years has always been a single family piece of property. Now the school has told you that I am going to get up here and say the school use is incompatible with residential, no I'm not; I'm not going to tell you that a neighborhood school is incompatible with a single family neighborhood in which it exists, but what I will tell you is that this school, this school which may be two-thirds Coral Gables residences, but I will guarantee you that it is not two-thirds of the people who live within a mile or two miles of this school, and that makes this large school that takes most of its students coming in by car, that makes it incompatible with a single family neighborhood. Now, I know Ms. Russo said at the last meeting at the Planning and Zoning Board, and I want to "nip this one in the bud," she said she talked about all the schools that are in single family neighborhoods, and she talked about her neighborhood that she lives on Country Club Prado and right in front of her house is a wide parkway the public enjoys, and that's what makes Coral Gables great, and that's what makes

Coral Gables beautiful, and we have no disagreement; but when Ms. Russo moved into her house she knew, when she was moving into that house, that she was living across the street from a public area. When my clients moved here some of them, yes, lived across the street from a church and a small school, they did not move in across the street from a school that is 425 students plus a church. When my clients the Fernandez moved in, they moved in next door to a single family house with somebody living there, and the church and school decided they were going to buy that property, demolish the house, and try to put an athletic field in there. That's not neighborly, that's not being a good neighbor and that's not preserving the single family character of a neighborhood, and that's the problem here. You are hearing all about being a good neighbor; my clients with their eyes open bought in a single family neighborhood, with single family houses on either side, now...

Mayor Slesnick: Are you suggesting that we stop buying parks in the City?

Mr. Gibbs: I do not. What I'm saying this is not a public park.

Mayor Slesnick: Mr. Kerdyk just brought that up; we buy parks right in the middle of single family homes and create parks.

Mr. Gibbs: That's right, and you know what, that's a public park, that's not a private school, that's not...

Mayor Slesnick: The impact is the same isn't it?

Mr. Gibbs: No, it's not the same, and you know what the issue....

Mayor Slesnick: I thought your clients were very concerned about allowing outsiders to use this park land because they didn't want external people.

Mr. Gibbs: No, and what you are trying to do is to argue....

Mayor Slesnick: I'm just asking....

Mr. Gibbs: Mr. Mayor, Mr. Mayor, Mr. Mayor, I appreciate your argument...

Mayor Slesnick: Mr. Gibbs, you made these arguments to the Planning and Zoning Board, they voted 5-0 against you in each case, and I'm trying my best to determine why I should go a different direction the Planning and Zoning Board did.

Mr. Gibbs: And I'm trying to explain...

Mayor Slesnick: I know you are a good lawyer and you'll keep up with me on this.

Commissioner Anderson: Actually Planning and Zoning had some trepidation, they voted 5-0; but I watched that Planning Board meeting and they were really kind of stretched as to the policy implementation, so I kind of want to throw that in there.

Mr. Gibbs: Mr. Mayor, I'm trying to make a presentation and I appreciate the questions, I would love to be able to add...

Mayor Slesnick: How much longer is your presentation?

Mr. Gibbs: Well if I'm not...

Mayor Slesnick: OK, if I don't interrupt you, if I don't interrupt you, how much longer is your presentation?

Commissioner Withers: Well you set yourself up for that one, Don.

Mr. Gibbs: I would...

Mayor Slesnick: Mr. Gibbs you must not like arguing before the District Court of Appeals.

Mr. Gibbs: Oh no, I enjoy arguing before the District Court of Appeals, but most of the time they don't interrupt me, they ask me a question and let me answer it, and then I answer it.

Mayor Slesnick: That is very unusual, they must really like you.

Mr. Gibbs: Even the Fourth District does that.

Mayor Slesnick: What is your time?

Mr. Gibbs: I figure ten to fifteen maximum, the whole presentation.

Mayor Slesnick: Ten minutes. I won't say another word, ten minutes.

Commissioner Cabrera: I'm going to watch it for you.

Mr. Gibbs: I bet you will, too. The issue here is not about park land, the issue here is about whether or not the expansion of a school into a residential neighborhood enhances the conditions of Coral Gables residences, and that's the issue. The bottom line is whether a private school seeks to expand for its clients, its students and not for the people of the City of Coral Gables, is that really appropriate under the Comprehensive Plan. The school also spoke about neighborhood character and the Neighborhood Character Objective 1-1.14, requires the City to adopt land development regulations that preserve and improve the character of the neighborhoods by January 1, 2001. So by January 1, 2001 according to your Comprehensive Plan those neighborhoods were established, the map was written; you have LDR's and you have maps that have already established what your neighborhoods are; and the Comprehensive Plan Future Land Use Map shows this school not including this piece of property, that established this neighborhood, that map your future land use map established the neighborhood, and that map did not include this piece of property. The school says the application won't alter the neighborhood because St. Thomas has been there since the 1950's, but the St. Thomas of the 1950's is vastly

different of the St. Thomas of 2009, that St. Thomas is expanding. So the fundamental issue remains unanswered by the applicant and the Planning Department. How does this land use change preserve and improve this single family neighborhood? These actions themselves seek to redefine the neighborhood. The Planning Department claims the application is consistent with the Comp Plan, and they talk about the same future land use policy to avoid encroachment to a neighborhood by incompatible uses. The problem is, is this a compatible use?- is the size of this property, is the size of the school and church an incompatible with a single family neighborhood? The Planning Department admits this proposal is inconsistent, and why?-because it requires mitigation, it requires approximately three pages that were in that report, three pages of conditions, buffering and all kinds of conditions they are saying, and they are saying that makes it compatible. Now, I've never seen a project in the City of Coral Gables with so many conditions, and my clients are happy those conditions are on there, the problem is there are conditions that do not go far enough to protect this neighborhood, and we have four conditions that we would like you to add if you are looking at protecting this neighborhood. The addition of a ten foot landscape buffer and the limitation on the use do not eliminate the fact that it's still an encroachment; it still encroaches no matter how many buffers you have. The City cites to a housing policy that says new development shall be compatible with the adjacent residential areas, says shall, it doesn't say you can mitigate that, it says if has to be compatible, and the question is if you have all these conditions, is it compatible? By the fact that they have to mitigate it, the fact that they have to put buffers in, the fact that they have to say that they are only going to use this as an athletic field, all those facts show you that this is not consistent with this neighborhood. The proposal is also inconsistent with the Comprehensive Plan because to avoid encroachment to the residential neighborhood by incompatible use, the applicant wants you to permit such an encroachment. I want you to think about the logic of that. Your Comprehensive Plan says avoid encroachment, and they are saying we are going to encroach, but we are going to put up landscaping and we are going to keep a chain link fence, last time I looked, I didn't think chain link fences were legal in the City of Coral Gables, but I guess they are in this situation, but the fact is, is that the landscaping as you've heard is inadequate, they've done nothing about the landscaping. My clients want protection, and you can talk to them and they will come up and tell you the problems they've had with the church and school in terms of buffering, the noise, the traffic, the parking, and the rest of it, and that's why we are here, we're not here because my clients just want to object, my clients would like to come to an agreement with the church and the school, but the fact is, is that this isn't happening, and it isn't happening and my clients are the ones that are going to have to pay for it, and they have been paying for it, and you will hear about that. If you want to know what will protect them, again, look at the four conditions I've talked to you before, a six foot wall running the length of Banyan with landscaping in front of it, yes will go a long way to protecting that neighborhood. If you look at the rezoning issue; in Zoning Code Section 3-1404, and those of you who read the transcript you saw...I'm going to do the same thing I did there, because I want you all to understand something; I want you all to understand that this proposal does not meet your standards to get a rezoning, it doesn't meet the Section of 3-1404. It says in that section, the applicant must satisfy all of the following: number one, it must be consistent with the Comprehensive Plan; anybody who litigates comprehensive planning, will tell you that the Florida Statute requires consistency in every development order with your Comprehensive Plan, that doesn't mean consistency with one provision of the Comprehensive Plan, it means consistency with the entire Comprehensive Plan, that is every goal objective and policy. I've already explained to you why it's inconsistent

with goals, objectives and policies. Number two requirement, it will provide a benefit to the City in that it will achieve two or more of the following objectives: first set of objectives, it will improve mobility by reducing vehicle miles travelled by residents within a one-half mile radius by balancing land use to reduce trips to create a mix of uses, which it doesn't do; and three, increase the share of trips that use alternative modes of transportation. There have been no facts, and the Mayor will tell you, and you all know this that in a quasi-judicial proceeding you must base your decision on one thing, and one thing only, and that's competent and substantial evidence. I defy you to find one scintilla of competent and substantial evidence, or any other evidence that addresses these issues or says that these objectives have been met; b) promote high quality development in a declining area. Clearly this is not a declining area. Ms. Russo spoke at the last meeting about it being flat sales; this is not a declining area. I defy anybody in Coral Gables to claim it is; number letter c) create affordable housing opportunities doesn't apply; d) implement specific objectives and policies of the Comprehensive Plan; I will grant them that, yes, maybe it does, but it has to meet two or more of the following objectives, it may meet one; 3) it will not cause substantial diminution of property values of adjacent properties or materially diminish the suitability of adjacent properties for existing or approved use. It hasn't been addressed, that issue hasn't been addressed and no evidence has been presented to you on that issue. Staff says that the conditions are met because there is no increase density, no decline at the level of service because there is no new building, its consistent with the Comprehensive Plan, it improves mobility, but they have presented no facts just opinions that say that, and no proof that the proposal will diminish the market value of the adjoining properties. There is no evidence for you to base your opinion on, if you approve this application; the law is clear unless you have competent and substantial evidence, you cannot approve a rezoning, you cannot approve a quasi-judicial application and there are none. When they spoke about those items, one of those items dealt with one of the conditions and that was the Comprehensive Plan issue. The site plan should be rejected for the same reason, inconsistent with the plan, incompatible with the neighborhood. So what will protect the neighborhood?- very simple: require the school to maintain its current ratio of pre-first grade students to one to five students; 2) require the hours of operation to remain as they were agreed to by the school in 1989 and 1999; 3) require the school to build the six foot wall with landscaping on Banyan Drive along the church and school frontage; 4) provide that the required covenant be enforceable by the adjoining neighbors. Without these safeguards the neighbors have no choice but to object to the proposed land use change, rezoning and site plan. I'd like you all to remember something, look at this location, you all know where it is, its right there at the corner of Red Road and Kendall Drive, its less than a mile from Betham, Lourdes, Epiphany, Gulliver, its right down the corner from Pinecrest Elementary. What you have here is a conglomeration of schools, and with that conglomeration comes traffic; yes, they are not increasing the number of students now, but this does not mean that they will not seek to increase the number of students. What we want to make sure is that the number of students they have now is managed as best as possible so it has least impact on this neighborhood, and the fact is that the conditions that have been put on this by the Planning Department, and my hat goes off to your Planning Department, they've made a great effort, it is a little short. What we are saying is we've asked you all to please recommend – to deny these applications and think about the neighborhood. Thank you.

Mayor Slesnick: Thank you.

Mr. Gibbs: And I am available for questions if you'd like to ask.

Mayor Slesnick: I've asked all the questions I needed. What we are going to do is take a ten minute break, and we are going to keep it to ten, I will call this meeting back to order in ten minutes, and then we are going to go to public comment. Now, if you read the back of the cards that you filled out, we limit our public comments to three minutes per person. You've already had no matter which side of this you are on, you've had proponent and opponent have spoken through their attorneys, so what has been said has been said, and I would ask that repeating what has been said will not necessarily help or may hurt the case, but you certainly have your right to speak; you've signed up and you will be called on; I'd ask you to limit your remarks to three minutes, and we'll be back here in ten minutes.

BREAK

Mayor Slesnick: Can I have your attention please; we are going to move forward here, the first speaker is Enia Rivero, 5450 Banyan Drive.

Ms. Rivero: Good morning, my name is Enia Rivero, I live at 5450 Banyan Drive, I've been living there since 1992. I moved in when St. Thomas was a church with a small school, since then, St. Thomas has become a regional school with a church and has purchased two residential properties, which now involve 5441 Banyan Drive, where my neighbors live. A change from residential to institutional use at 5450 Kendall Drive will only encourage further expansion into our neighborhood, and I find this alarming. I fear the day that 5441 Banyan Drive goes on the market, St. Thomas will also purchase this property and continue their expansion. I find all this discussion of covenants and restrictions to allow this zoning and land use change does nothing to protect me as a resident of Coral Gables. There is nothing written in stone and absolutely anything can be amended in the future. I ask you to protect my interest as a resident of the City and to reject this change. Thank you.

Commissioner Withers: Can you show me on that map over there where you live please?

Ms. Rivero: This is my house.

Commissioner Withers: Is that what number 34 or 35.

Ms. Rivero: 35.

Commissioner Withers: OK.

Ms. Rivero: 35; and I was referring to these two properties which now St. Thomas owns. I was referring to these two residential properties that St. Thomas now owns, and I am very concerned that in the future when this is 5441 Banyan Drive, when this goes on the market St. Thomas will most likely also purchase this and continue their expansion east. Thank you.

Mayor Slesnick: Thank you. Bill Fernandez, 5441 Banyan Drive.

Mr. Fernandez: Good morning Mr. Mayor, Vice Mayor, and Commissioners. My name is Bill Fernandez and I live at 5441 Banyan Drive. This lot is directly east of the proposed athletic play field. Our home is now sandwiched in between two church/school old properties. On my east is one acre residence where the St. Thomas Pastor now lives, and on my west is a one acre residential parcel that they purchased in 2002 and then proceed to demolish the house. Before you today is a St. Thomas application to turn this one acre residential site known as 5450 to institutional use and to build an athletic field. I am vehemently opposed to this since this would cause harm to our community and irrevocably damage the character of our neighborhood. My wife and I bought our home twenty years ago, and moved in with our three children. At that time there were three residences between us and the school. One residence was ploughed and turned into an asphalt parking lot. The second one is the house where the caretaker currently lives, for how long, we'll see; and the third house which is on an acre of land was bulldozed to make way for this proposed field. I submit to you that it is very different to move next door to a school or an existing school that have one, purchased parcels of residential zoned land and expand toward your home and sandwich you in and disrupt your quiet enjoyment of your home and community. The year that we moved into our home was 1989, and St. Thomas School had 279 students, now they have grown to 425 and as you can image the traffic congestion, noise as well as flooding has increased dramatically. I have some flood pictures of my home and the surrounding homes. I don't know if it's appropriate to...

Mayor Slesnick: Sure.

Commissioner Cabrera: I'm not sure Mr. Fernandez; I'm not trying to be argumentative, but I am not sure the flooding affect, how does going from a higher student body affect flooding.

Mr. Fernandez: Paved parking lot for example, you know...

Commissioner Cabrera: It doesn't have the proper drainage.

Mr. Fernandez: It has no drainage, it runs into the street and it finds the low lying areas, which my house is in a low lying area.

Commissioner Anderson: Is this your backyard?

Mr. Fernandez: That's my front yard, that's the front yard facing Banyan Drive; and this is constantly happening. To this concern the neighborhood – I lost my place – but by granting this proposed change in land use, you will irrevocably harm our neighborhood and increase their institutional land by another twenty percent (20%), which will surely open doors for further expansion in the future. To this concern the neighborhood is asking St. Thomas to consult and get approval from the adjoining residents for any future land changes in land use, development, etc. and we were flatly rejected. Where is the concern for the neighbors?- where is the concern for the neighborhood? Of course the most affected neighbors are the homes adjoining St. Thomas across the street from Banyan Drive as well as those on Kendall Drive, which may soon be annexed to Coral Gables, but lets not forget the hundreds of cars who must also travel by St. Thomas on Red Road and Kendall get caught in the nightmare traffic; this traffic situation is worsened by the school's insistence on parents parking and getting down for certain morning

activities with the children. They are not implementing the recommendations of the Plummer traffic study of two years ago.

Mayor Slesnick: Does your wife plan to speak separately?

Mr. Fernandez: Yes, she is speaking separately.

Mayor Slesnick: She can give you her time.

Mr. Fernandez: Pardon?

Mayor Slesnick: She can give you her time.

Mr. Fernandez: No. St. Thomas has not complied with the past covenant and zoning conditions imposed by the County and now by the City. They have condoned illegal parking in the 5450 lot, as well as areas of Banyan Drive and Kendall Drive. I have more pictures here of cars parking in the residential lot which is now being considered. I don't know if you want to pass this along? They have not conformed to any of the covenants for many years. Why are we to believe that if you approve the application in front of you today that things will change? Next you are going to have some people speaking on behalf, most surely they will be parents of students of St. Thomas, but please remember none of live adjoining the school. We voted to join Coral Gables instead of Pinecrest because we thought we would be protected. So I respectfully ask you to deny their application, keep the land use as residential, and preserve the character of the community. Thank you very much.

Commissioner Cabrera: Mr. Fernandez, regardless of what happens with this vote today, I'd like staff to take a look at these pictures of the flooding that's going on in your immediate area, and particularly in front of your house, and see how we can help you address some of these flooding issues. Have you come to our City, or have you reached out to our City for assistance with these issues?

Mr. Fernandez: Not in a few years, no.

Commissioner Cabrera: I don't know how you can live in this...

Mr. Fernandez: A few years ago the City of Coral Gables did put some drainage on Banyan Drive side but it was not sufficient.

Commissioner Cabrera: I mean this is, the rest of the audience can't see these pictures, but from what I see exactly what my colleagues say, very impressive in terms of...you've got a lake in front of your house. I'm sorry, but you are not going to be able to convince me that it's all St. Thomas' fault, that's why I believe that we need to as a City respond to this issue and try to address it. I'm just telling you how I feel; I don't want you to take offense to it.

Mr. Fernandez: That's partially correct.

Commissioner Cabrera: So with your permission...

Mr. Fernandez: You can keep them, sure.

Commissioner Cabrera: We are going to see if staff can do something about this and review them, Mr. Delgado, the Public Works Director sitting in the audience, and I'll make sure he gets a copy of these, he gets these.

Commissioner Anderson: Is this Banyan Drive?

Mr. Fernandez: This is the lot, the 5450 lot.

Commissioner Anderson: OK.

Mr. Fernandez: Where they were parking their cars there and we kept complaining to the school, the City, etc., etc., etc., and frankly it's been in the last year or so they put a chain across the front, but for a long time they were parking their.

Commissioner Anderson: That entry was from Kendall Drive.

Mr. Fernandez: You can keep the pictures also.

Commissioner Anderson: Thank you.

Mr. Fernandez: Any other questions?

Commissioner Withers: I have a question. Has the school or the church approached you to buy your home?

Mr. Fernandez: No, they have not. Thank you very much.

Mayor Slesnick: If I'm looking at these pictures correctly, the street is dry; it's just your property.

Mr. Fernandez: Pardon.

Mayor Slesnick: The street is dry, in this picture is...

Mr. Fernandez: Because Banyan Drive is higher than my lot, which is north of Banyan and all the way to Kendall.

Mayor Slesnick: OK. Thank you. Ofi Fernandez 5441 Banyan Drive.

Ms. Fernandez: Good morning, good morning Mr. Mayor, Mr. Vice Mayor, and Commissioners. My name is Ofi Fernandez and my husband and children have lived at 5441 Banyan Drive since 1989. We are the neighbors most impacted by the proposed change in land use because our

house is the property, is the house that is directly to the east of the subject property. We adamantly oppose this change in land use. We believe that changing the land use of this property will irrevocably harm the character of our neighborhood. There are many reasons why we don't want this change in land use approved, but I'm only going to mention our major concerns: First, hours of operation; the school has been subject to Dade County Zoning Appeal Board Resolution No. 4-ZAB42789, which Mr. Gibbs gave each one of you a copy today, stating that school hours of operation shall be between 7:45 a.m. and 5:00 p.m. since 1989. This limitation was a condition in exchange for increasing the number of students from 279 to 425. The school has not maintained this schedule for years exhibiting complete and willful disregard for zoning restrictions; for example, in this application the school displayed willful disregard by stating that school hours are from 7:00 a.m. when faculty arrives until 5:30 p.m., when after school programs end. Now they want to increase the hours of operation on the field until 6:30 p.m.; where does this end?- if they don't abide by what's already established, what makes us think they are going to end at 6:30 p.m.? Second, proportionality: If the proportion of students in the pre-school to kindergarten grades increases, traffic in the neighborhood will come to an absolute stand-still. Over the past few years the school eliminated the sixth grade and added more students in the 3-5 age group. This change caused a noticeable increase in traffic on Kendall Drive and Red Road; any further increase in the school population of those grades would cause traffic to again increase dramatically along Kendall Drive and Red Road. Third, morning drop-off: Part of the package that the school submitted to you included a traffic study signed by Timothy Plummer. One of the recommendations in this study is that parents should be encouraged to use the drop-off area in the morning since it is under utilized. The same study states that the school encourages parents of all the children to park, one the children into the classroom, and stay for flag ceremony every day of the week. If this plan is approved the school will have a total of 123 parking spaces, considering that the school needs at least 83 spaces as stated in the traffic study just to accommodate teachers and staff, how can it expect the parents of 425 children to park in the remaining forty or so spaces? We respectfully ask the Commission to decline this application because in the two years since the traffic study was done, the school has yet to implement the study's operational goals and has no intention of doing so. The school's policy of encouraging parents to park and walk their children into the school has created an impossible parking and traffic situation for the neighborhood. I have witnessed, I have personally witnessed parents finding no space inside the St. Thomas lot will park in the small lot at Dante Fascell Park, cross Red Road and Kendall Drive at 8:00 a.m., when St. Thomas Epiphany, Lourdes, and Gulliver are all arriving at school. The traffic is a nightmare, cross Red Road and Kendall Drive in extremely busy traffic with young children and strollers in tow, this is a tragedy waiting to happen. There is going to be a death at that corner. I'm almost finished. Fourth, uncontrolled growth by St. Thomas: Over the past ten years St. Thomas has purchased two acres of land on Banyan Drive; one is the parcel before you today, and the other is the parcel currently used by the Pastor. If you approve this change of land use, you are paving the way for St. Thomas to own all of the parcels of land on the north side of Banyan Drive. This will not only change the character of this residential neighborhood, it will wipe it out. The school has never presented the neighbors a master plan, instead it simply buys parcels of land and applies for building permits on an almost annual basis, then they come before the Commission to approve whatever they wish for and agree to covenants and conditions they never plan to keep. Is the City of Coral Gables willing to have St. Thomas occupying one hundred percent of the land from Red Road to Banyan Drive? When Hammock Lakes was incorporated into Coral Gables through Ordinance No. 3247 in

1997, the residents were promised that the City would maintain, quote “character unique to the neighborhood and in harmony with the landscape environment, that includes a change in topography, rich native vegetation, two lakes, and homes designed in a classical and contemporary style,” end quote. St. Thomas over the past seventeen years has not only purchased land, they have also built numerous buildings, including but not limited to, a new classroom building in 1992, a new media center and expanded sanctuary in 1997, new arts and education building in 2004, Rentz Hall, a kitchen, a stage, the....the ECW rooms, the columbarium, and additional offices in 2005. Now the school claims it needs to turn a residential parcel into a new athletic field. Commissioners, this is a story of a rapidly expanding school obliterating a quiet neighborhood. St. Thomas has grown from a 3 acre neighborhood to a regional school on a 7.3 acre campus, if you count the Pastor’s house, and on its way to 9.3 acres, since there will only be two other lots remaining if this is done. The development of this school will not maintain the unique character of the neighborhood as we were promised by the City. There is not one adjoining neighbor that even mildly supports this change other than the Pastor. Fifth, the school...

Mayor Slesnick: Ms. Fernandez, Ms. Fernandez, we’ve been twenty minutes now you and your husband, Ms. Fernandez we have said three minutes per person, if everyone in the room does this we can’t finish this Commission meeting.

Ms. Fernandez: I understand, but...

Mayor Slesnick: If you’d like to submit your comments in writing I see they are typed, we’d take them and pass them out.

Ms. Fernandez: Mr. Slesnick please give me one more minute; I only have...

Mayor Slesnick: Ms. Fernandez I’ll give you one more minute; I’ve given you ten minutes now and if I give everyone else ten minutes you won’t want to hear their comments.

Ms. Fernandez: There are five of us and there are fifteen of them, so...

Mayor Slesnick: Ms. Fernandez we try to be very appreciative, we’ll...

Ms. Russo: In the spirit of cooperation Roger Tobin has offered one of his minutes to allow Ms. Fernandez to finish her presentation.

Mayor Slesnick: Fine, that’s fine. Please proceed Ms. Fernandez.

Ms. Fernandez: Thank you. The school has not built a wall along Banyan Drive; there is an issue concerning the safety of the children along Banyan Drive. As neighbors we see cars speeding down there everyday. There is a curve on the road at the pre-school playground that is so dangerous that one of our neighbors installed a mirror there at his own expense, so that drivers could see oncoming traffic. We have already seen a car stolen from the Prescott property and plough into the picnic tables behind the school. We would be remiss if we did not assert that there is a huge safety concern for the pre-schoolers back there. A wall along Banyan Drive is a

crucial safety measure preventing children from running into the path of an oncoming car, or a car from ploughing into the playground or field, yet the school has not provided an adequate plan to deal with this safety issue. Through the years the school has shown that it is not concerned with our neighborhood; they have violated zoning restrictions, tied up traffic, not maintained landscaping as required, and the neighbors have not had any real recourse. This school has a long history of broken promises to the neighbors, what will make them keep the promises they make to us today? In conclusion, I implore that you turn down this application and preserve the unique character of our neighborhood and Hammock Lakes. Thank you very much.

Mayor Slesnick: Ladies and gentlemen let me apologize that unfortunately the Mayor's position includes chairing the meetings and trying to keep the meetings moving in an efficient order on behalf of my fellow Commissioners and we are going to try to do that, as I will point out again we will be here all day, and we ask you all to comply with the three minute...

Commissioner Cabrera: You know, I appreciate you doing that, but you don't need to apologize.

Mayor Slesnick: It falls upon me to...

Commissioner Cabrera: You are a lot gentler and kinder than I am.

Mayor Slesnick: Barbara Arnold, 5520 Banyan Drive.

Ms. Arnold: Good morning everyone; my name is Barbara Arnold; I live at 5520 Banyan Drive. I object to the change of land use, rezoning and site plan approval for 5450 Banyan Drive, and I object to the City's Planning Department advocating for the applicant with their recommendations when the application clearly does not satisfy the three standards of zoning of Section 3-1404 (Zoning Code). I really feel at this point that the homeowners of Coral Gables and us in particular that there is no advocate in the City of Coral Gables for the homeowners. At the Planning and Zoning meeting of June 3, 2009, Eric Riel said, and I quote, "we look at this as an opportunity to work closely with the property owner as well as the neighbors, and where you know, everyone benefits, the City benefits, the facility benefits, as well as adjoining neighbors". I don't see any benefit to the City and I don't see any benefit to the neighbors involved here. Neither Mr. Riel nor any person from the Planning Department of Coral Gables has discussed this with the impacted homeowners. Nobody from the City has attempted any input from the nine people who live on the south side of Banyan Drive. Most importantly, the standards identified in Section 3-1404 for the proposed zoning district boundary changes are not satisfied. On item two, which has already been discussed, will provide the benefits to the City and that will achieve two or more of the following objectives a), b), c), and d) not one of those objectives is fulfilled, not one. Item 3: will not cause a substantial diminution of the market value of the adjacent property or materially diminish the suitability of adjacent property for its existing or approved use. It does not meet that requirement either. These standards have not been satisfied. Nine lake front homeowners, Augenstein, Arnold, Cisnero, Rivero, Walker, Zangle, Jordy, Rothman and Behonda, will have their market value significantly affected by a zoning change that adds twenty percent (20%) more land to the church usage. I am very troubled that there is no master plan in place, and that the church has not put forth any master plan after ten years of both the City and

the neighbors requesting one. It is clear that you will be laying the groundwork for further expansion all along Banyan Drive. Please reject this application.

Mayor Slesnick: Thank you Ms. Arnold. Mr. Joel Arnold same address.

Mr. Arnold: Gentlemen, most of what I'm going to say my wife did very adequately, so I'm not going to take up too much of your time; she did a great job, but a few a things I want to point out...

Mayor Slesnick: She did a very nice job.

Mr. Arnold: I would like to point out very specifically that this is the third time that we've been before this Commission and on each and every occasion it was with respect to the St. Thomas application, and you Mr. Mayor, and other members of the Commission at that time, asked for and almost insisted upon a master plan, and we've never seen a master plan, and had a master plan been delivered when you asked for it. Perhaps we wouldn't be here today, and they keep resisting the master plan, and its not right, it puts all of us into a problem. Now, I also want to point out, and again I was going to talk at great length about the fact that Section 3.1404 of the Zoning Code had not been adhered to, but I'm going to do it much more dramatically. At one point earlier today, you guys talked about the fact that there was a unanimous approval by the Planning and Zoning Board; I want to call your attention that at that hearing on June 3rd, Mr. Aizenstat, Mr. Keon, and Mr. Salman, each individually voiced great concern about whether or not this complied with 3.1404, and at the conclusion or toward the conclusion of the hearing, three of them asked Mr. Riel for his explanation how he felt that it was compliant. Mr. Keon said, and I'm reading now from the transcript page 149: *Mr. Keon: "Page 11 of 16 "Provide a benefit to the City in that it will achieve two or more of the following objectives";* then he talks, and Mr. Riel then responded, or Mr. Aizenstat then repeated he wanted to hear the same thing. On page 150 of the transcript, I'm going to read Mr. Riel's response with respect to Planning Board agreeing that all this has been complied with - *Mr. Riel: "I mean, obviously, when we evaluate, you know, an application, we look at the entire Zoning Code, as well as the Comp Plan. In terms of benefit to the City of two or more of the objectives, in terms of balancing the land uses, in terms of vehicle mile travel. I mean, Ms. Russo brought to your attention, which I agree, I mean, you'll see similar facilities, churches, schools, parks, you know, throughout the City. So that's a balancing of land uses. They need to co-exist. Therefore, it reduces the number of trips. The opportunity to, you know, walk to school or a facility, which is something that's a daily need, as well as a church. Whether or not you drive five minutes, I mean, you want to have those uses in close proximity, just like you go to the grocery store. So, in my opinion, there is a balance of uses. In terms of, of know, creating a mix of uses, obviously, this is not a structure. It's a facility. It's an athletic field. So it's difficult to say it's a mix of uses. It's a church and a school right now. It is mixed uses, because it does operate as a church, which is typically on weekends, more – much more crowded, obviously, and then on – during the weekdays, it's a school. So, in terms of the operations of the use, in terms of the sharing of the parking, that does occur, so those spaces are used simultaneously. So, in terms of mixing of uses that does occur. Increasing the share of trips, again, as I indicated, you know, there's an opportunity to walk, bicycle to the facilities".* I've read this six times and I don't understand what he's saying, he has

not answered the question, and I say he doesn't answer the question because the question cannot be answered in the positive. Thank you.

Mayor Slesnick: Thank you. Is it Rosa Walker, I can't...Roger Walker.

Commissioner Cabrera: Are you a doctor sir?

Mr. Walker: Not any more.

Commissioner Cabrera: That explains it, that's we couldn't understand your writing.

Mayor Slesnick: I even asked for help interpreting this – 5420 Banyan Drive.

Mr. Walker: That's correct; Roger Walker, 5420 Banyan Drive. They've said all the details. I would just like to comment on the park; we've got a park, Banyan Park, and that's fine, its nice not too many people use it, wants going to go next to the Fernandez house is not a park Mr. Mayor, its going to be high activity, very noisy, playground and perhaps an occasional parking lot. When I moved in there in '83, there were seven houses down the road, two were removed under the auspices of the County, and now one under Coral Gables. This has impacted our good friends the Fernandez', and just let me say a couple of words about a single family, which our neighborhood is made of. The Fernandez came here as children, their parents worked in menial jobs, they worked and established their own business which now employs forty people, always gone through their sweat and intelligence. They had three children and they have diplomas of their children on the wall from Harvard, Harvard Law, Boston College and now Wharton School. This is a family to be respected and their home that they have put an enormous amount of effort into it is just beautiful, and the value of this is going to be severely diminished by the rezoning of this property next. Thank you.

Mayor Slesnick: Thank you. Mr. James Grippando, 4800 N. Kendall Drive. James good morning.

Mr. Grippando: Thank you Mr. Mayor, Vice Mayor and Commission. I live at 4800 North Kendall Drive, my name is James Grippando, and my wife and I live there with our three children. We moved in 1997, I have just a couple points to make, one is it is a neighborhood school, it is a neighborhood school; we moved to this neighborhood because of this church and school; we wanted our children to attend this school; we wanted to part of the church community. So the idea that it's somehow a regional school, a commuting school for people who don't live in the neighborhood, I think is completely off the mark. In some ways, I'm looking through this list of restrictions and I don't mean this to make light of the concerns that the immediate neighbors have, but I'm almost envious in a sense that the amount of restrictions that have been put on the use of this property; I live next door to a neighbor who I now get along with, but they had teenage boys who were in a rock band, and till 11:00 p.m. at night every night, they would practice their rock music. So I think what the sort of unrealistic expectations in a sense that they think they should be living next to a nature reserve or something that is that quiet. Living next to a neighbor you have to make compromises. I worked it out with my neighbor; his sons now only practice till on certain nights of the week. I think that this proposal represents

neighbors working it out, that is my sense. There are great restrictions put on the use, the time of use, the special use that they have to come before this Commission, permits to get, and I think it is a purpose that will serve the community, and hope that you will pass it. Thank you much. I have one more point to add about the flooding. I know you were very concerned about that. My wife's grandparents actually moved onto Schoolhouse Road years and years ago, before we bought in this neighborhood, they told us it's pretty well known if you buy west of Schoolhouse Road, you are kind of in a low flooding area. So I think that has nothing to do with St. Thomas, that's my own impression, it's been known for years that west of Schoolhouse Road is a low flooding area. Thank you.

Mayor Slesnick: Gary Tarbe, 7100 S.W. 108 Terrace.

Ms. Russo: He had to leave.

Mayor Slesnick: Vivian More Cortinas, 1109 Hardee Road.

Ms. Cortinas: Good morning Mayor, Vice Mayor, I had to step away, and Commission. My name is Vivian More Cortinas, I live at 1109 Hardee Road, Coral Gables, I've been a resident for eleven years now, and I also have served on the Communications Committee for the last six years. When I moved to the City Beautiful, I looked in the yellow pages because I wanted to find a school and a church, and I found St. Thomas, and I made St. Thomas my home church and school. I have a son that's seven years old, and he attends St. Thomas, he is going to be a second grader next year, and I'm here to support St. Thomas and to ask you to approve this petition. Since my son was in kindergarten he joined all the sports enrichment activities, and he is on the soccer team, and on the flag football team at St. Thomas, and we have never been able to play at St. Thomas. We have to drive our children – when he was in kindergarten he was five years old, and we have to drive him to Alexander Montessori, we have to go to Palmer Trinity, we have to go to Miami-Dade Community College, because we can never have a game in our own school. I am a working parent, I'm a professional, and sometimes those games are in the middle of the afternoon and I have to get out of work to go pick up my son at St. Thomas and drive him to another location. If we were able to have some of those games at St. Thomas, I could be at my office knowing that my child is secure at the school and that he is well taken care of, and that he could be practicing his soccer and his flag football at the school. St. Thomas is a vibrant part of the Coral Gables community and I'm very, very proud to be part of that community. I'm the incoming President of the Parent Association and I really ask you to please approve this petition. Thank you.

Mayor Slesnick: Thank you very much. Bill Parker, 7240 S.W. 127 Street.

Mr. Parker: Thank you Mr. Mayor, Vice Mayor, Commission members; Bill Parker for the record again 7240 S.W. 127th Street in Pinecrest. I've been a member of St. Thomas community since 1986, joined the church when I moved to Miami in 1986; met my wife there, have three kids all baptized at the church, all have attended or attending St. Thomas, got one left that's going into first grade. I've been actively involved in the sports programs at St. Thomas for many years with my children as a coach, I'm also an assistant Scout Master of the Scout Troop, Troop 336 there at St. Thomas as well, and the reason that I mention these things is because I'm very

familiar with the needs of the St. Thomas community and the limitations that we have with the current existing field. The field use has overflow parking, becomes problematic for us because on days when it rains, and as we've seen lately it rains fairly frequently, and we are forced to use the overflow parking the fields become rutted, the grass burns off, and they are somewhat unsafe for the kids frankly, and we go through a laborious process each year to resod the fields, to rest them, to a condition of playability in September of the new school year, but in spite of those things they become worn as the school year progresses. I'd like to address a couple of the items that have been discussed here; the existing footprint of what is currently the special use of St. Thomas has remained unchanged since 1989 and that is the footprint that is outlined there. You've heard conversations about houses being torn down, and this is true, we did have another residential building there, but it actually was special use, it was used as part of the church administration, it was not a residence, it had a parking lot around it, so it wasn't as if a residence an active residence was taken down and replaced by something that was considerably different than it is today. The existing old rectory, what we call the old rectory on the southeast portion of the property, again has been in use as a different aspect for – we have a caretaker that resides there, we also use it for sports programs, we currently don't have any other area to house our sporting goods, balls, things like that, as well as some of the coaches have their offices in there. So substantially the property has remained unchanged, we do have a second residential property, which you've heard mentioned a couple of times, it is a residential property, we don't have any intention of filing for any change of use for that property, it houses our Rector, and we hope he remains with us for many more years, but if there ever comes a day when he leaves our intention would be to use that property as an asset to attract any future Rector into the parish. So we have no intention of filing for a change of use there. In conclusion, and I'd also like to mention I think Ms. Cortinas did a very good job of...this that the new field allows us considerable flexibility, and I believe puts us in compliance with 3.1404, if I'm citing that correctly, I'm not an attorney, but one of the issues that we have is that our members have to travel for soccer games, and by having the field there on site it allows our community members who are in the area, and even if they are slightly outside of the immediate area, a much shorter travel distance to be able to participate in the events that make up the St. Thomas community. We've gone to, I think, very extraordinary lengths to be cooperative with the neighbors, you know, everything in life is about perspective, and we feel like we are doing many things to try to accommodate them. We realize that we have to co-exist; I'm sorry that some of them don't feel that we've made as many efforts as we should have, but I believe that the project is a good project, I think it will end up complementing the neighborhood substantially to their benefit, and that's a good....

Mayor Slesnick: Mrs. Debbie Augenstein, 5690 Banyan Drive.

Mrs. Augenstein: As you said Debbie Augenstein, 5690 Banyan Drive, I live right across from 5690 Kendall Drive, that portion of the school for the past fifteen years, and I oppose the land use change, the zoning change, the site plan, and the reason is I don't think it conforms to our neighborhood in terms of, this is a very special neighborhood as some of you know; we not only are a residential single family community, we have a state zoning, and site specific zoning, and none of those other schools that Laura Russo talked about have that in their neighborhoods, and I know you know because we came as a group before Planning and Zoning when you, Mr. Mayor, were on the Planning and Zoning Board, and the two Commissioners that were on the Commission prior to annexation and asked, are you going to uphold our zoning and you assured

us that you would, and so we consider down-zoning from single home residential to church use, not maintaining our zoning, number one; number two, the reason we are very concerned is because we now since '89 when these covenants were put in place, these Baker and McKenzie that you have, have been violated every single day, every single day, and its now twenty years of this; and I can tell you because I live right across from the pre-school, and I'm going to show you some pictures where this is what is considered the buffer, it's a chain link fence with very inadequate and bad landscaping, as you will see. I wouldn't call it holes in the landscape, I would call it completely inadequate, and when you even have a construction site, the commercial areas in Coral Gables, you make businesses cover up their chain link fence, that's across the street from my house it fronts on Banyan Drive, it's the rear of the school, it's the front of Banyan Drive. The other thing that they violate, they violate two things everyday one is the operation hours; it says they stop at 5:00 p.m. that's not true. There are certainly pre-schoolers there past 6:00 p.m. many, many times, they are there occasionally on Sundays not such a big deal. The other problem that has not been addressed, and I know I have spoken before, the City Attorney may remember this, when Joel Arnold and I went before Planning and Zoning, I think it was back in '97, that they were still violating the pick-up and drop-off on Banyan Drive, which I think Commissioner Withers asked about; while there is not supposed to be access on Banyan Drive, this is violated every single day; and one of the people that I think will speak when he gets up is Chris Cobb and he is a very nice neighbor; and he is a nice guy and I believe he will be very truthful, ask him are his kids driven to the school everyday, dropped off, picked up on Banyan Drive and they are; and you know its him, you know its his kids because they drive in an electric cart, its very noticeable. There are other people who say they walk and they do walk sometimes....she also drove her cars and trucks; her SUV was parked right in the back right where the City Attorney years ago suggested at a Planning and Zoning meeting that Mayor Slesnick attended to help us with this problem of the parking and people coming in and accessing the school from Banyan Drive. She suggested putting up no parking signs, which you will see all along that way, and people still park right underneath the no parking signs. The other problem is as Ofi Fernandez said, is this is a very dangerous corner, which is one of the problems you were trying to address way back then. We had a number of crashes, the City has been looking at that I think since Maria Jimenez came out way back in '96 at annexation, and it wasn't really the problem of head-on collisions that the City was trying to avoid, its because we have a lot of teenagers who drive crazy and they are single car crashes and one of them as they described to you, I think it was Ofi Fernandez, this was Bob and Cynthia Trescott daughter's car and crashed, took out our guard rail, drove over my property, and landed in the chain link fence in the picnic tables at the school. So this is dangerous, it's dangerous for the children as well. The other problem that nobody has mentioned, and I know because I'm the one who sees it, is the "icky-creepy" stuff that happens in the school and that's because it's so visible. If you look at the pictures you will see, that pre-school is extremely visible and today when they keep talking about proportionality, out of 425 students, 157 are now 3, 4, and 5 year olds; and they are out there and they are very, very visible, and there was an incident, two police incidents where there was a very strange man hiding under his car, under the steering wheel, parked right outside across from my street; I thought it was a neighbor because I didn't see a person in there, well my husband and I investigated with a flashlight because it started to get dark, he popped out, drove away and then try to actually run us over. It was really awful. I called Chris Charlton the next day to tell her there is something weird going on and we do try to be good neighbors, and I warned Chris and spoken with Chris and Kitty Finneran to let them know that there is something untoward

going on in the back of the school that they may not be aware, this is what's happened; there have been other police incidents as well that I think may, I'm not sure, may have resulted in an arrest, so it's a problem. The asking for the addition of the wall, it's not just for us; we would benefit absolutely. I think the school should absolutely contain the pre-schoolers, particularly they are at risk. There were also reports of, I don't know if they were parents, I know was a nanny hanging out outside. OK. Well the only other thing I would like to say is that I hope when you consider this you are going to look at the number of pre-schoolers, that was not the way the school was in '89 nor '94 when I lived there, it was reasonable; they now make up over thirty-seven (37%) of that school, and that's a highly unusual statistic.

Mayor Slesnick: Mayor Slesnick: Richard Namon, 5555 Oakwood Lane.

Mr. Namon: Good afternoon Mayor and Commissioners. I am Richard Namon; I live at 5555 Oakwood Lane, Coral Gables. There is one question that I would like to take off of my time, and that is the word of the people a thousand feet north of Kendall Drive noticed, because I don't see anybody here from the other side of the highway that is immediately affected; and I think that's important from a technical standpoint. Most of the points have already been made, but this is a Coral Gables heart issue; heart issue meaning this is a residential City, the most important thing to residents is that we don't get a gas station on our corner, that was one of the arguments I gave my father when I bought a property here in Coral Gables many years ago; and the zoning protection, this is a single family residential area, and there must be very good cause before any change is made because this is what Coral Gables is, a residential area; every single lot that disappears will never reappear again; we are a built out City. There are two conditions that I would like to add, if you were to proceed with this because my major concern is traffic and more use – more heavy use of this property; and the question is, of course the athletic field moving is the same size athletic field, they could just as well have other events there as they will in the future, excepting that this will now give them overflow parking, for the athletic events. So that this does not become a major issue that intrudes into the night, separate from the field because they do have night things where the families get together, activities, and they are somewhat limited now, but they would be much less limited if that were turned what is now the athletic field, were turned into a paved lighted parking lot; and I would like to see a restriction, if you are going to go forward with this, and I recommend against it, is that the athletic field cannot be paved over or become a lighted parking area, either of those two conditions; two, there will be no further zoning change requests by St. Thomas for their properties for at least ten years into the future. If either one of those are not met then revert the zoning of the property back to single family residential and let them come forward with a plan to redo it all, but this will eliminate the real concern of further growth encroachment into the area, it would keep the open field as a temporary emergency parking area, not make it into a regular parking lot which would then increase the use at night of the church facilities, which are part school. Thank you.

Mayor Slesnick: Thank you. Mr. Chris Cobb, 5575 Kerwood Oaks Drive. OK, Chris before you start, just go ahead and fess up now, get this off the plate right now. (Laughter)

Mr. Cobb: It is true. We bought our home next to St. Thomas Church and School because we have four kids and they've all gone to school there, and we think it's a great addition to our community, and we moved into that neighborhood to be there. I did try to drive my automobile a

few times, but once you get out to Kendall there is quite a bit of traffic in the morning, so we began riding our bicycles to school as the kids were old enough, when they were little they were in the little trailer type configuration on my bike, then they wanted to ride their own bikes, and then there got to be four of them and I had trouble keeping them all together, so I bought a used electric golf cart. Might have come from the club here, its got the same green color, and we now regularly take the kids to school on the golf cart, which we don't park in the swale, we park in the little – you see that large green area there on the left, you can get in that grassy area and we take the kids to school by golf cart, which I think sort of in the spirit of things here because you are trying to limit trips. The kids all play in sports and we much prefer to have them stay in school to play sports at the school, as opposed having them to go elsewhere. We currently have our games at Miami-Dade, so we have to get up and drive down there, but if we could have the games at the school that would be a preferred solution for us. I would like just to paint a little bit of a picture of my perception of what happens on Banyan Drive, I think that the neighbors might be giving a different perception. I drive up and down Banyan Drive twice a day, coming and going from my home, which is about a half a mile down Banyan. All of the activities of the school really enters on Kendall; Kendall is crowded certainly in the morning, the intersection with Red and Kendall; a lot of cars trying to get through there because it's the only bridge over Snapper Creek canal. On Banyan Drive side, the homes are all facing the south, so there is a much more residential feel. Its true periodically that I see vehicles parked on the swale on the Banyan Drive side, since I've been involved with this process for about three years on the committee, I know the parents shouldn't be there, I don't know who they are, but I guess my point is its pretty rare, I would say less than once a week do I see I vehicles there. So it's not like people are lining up and down the swale to drop the kids off there. One of the other parents are not here tonight, walks her kids and also moved to the neighborhood to be close to the school. So two other things I want to address here, is this concept of compatible use; I think that today we have single family neighborhoods with church and school in it. I think that's compatible, I think that's one of the things that makes Coral Gables great, and increasing the school size and putting a playing field is going to continue to be a compatible use. It is consistent with what's there now and its going to be the same going forward. The issue of flooding – the school did remove the one single family home that was there, so its now entirely a green area, that's pervious surface, I don't see how that can be contributed to flooding; I think the removal of the house has improved the flooding situation, and I don't disagree that there is a flooding problems along Banyan Drive, I think it's a problem in the City drive way, not caused by the school. In conclusion, I'd just say I think that the request of the school is a reasonable one, we are not asking to put more buildings on this property, we are agreeing not to, we are agreeing to put playing fields only; we have tried very hard to work with the neighbors and find compromise, although they are not quite as willing to compromise as I think we have been. So we would ask you to please approve the rezoning for St. Thomas school.

Commissioner Cabrera: Mr. Cobb, I have a question for you. You live there in the area and you made that very clear. Some of the neighbors have alleged that the school has made no attempt to reach out to them on this project, what's your take on that?

Mr. Cobb: Well, I've personally have been in two or three meetings with the neighbors over the years, I've been on this committee since '05, so...

Commissioner Cabrera: Your committee is...?

Mr. Cobb: My committee is the Master Plan Rezoning Committee.

Commissioner Cabrera: OK.

Mr. Cobb: I never knew that there was a request for the school to have a master plan per say, but our committee is a master plan facility committee. We started the rezoning process, went through the steps through the City to get to you folks. We had a number of meetings with the residents, with the neighbors, so I think we have tried to reach out to them and in the very recent times between the Planning and Zoning hearing and now, we've have interaction with their attorney, our attorney trying to reach compromise, but some of the requests that they have are things we can't agree to. So I think we are trying to agree to many of the things they want that we can, but some of them we can't agree to.

Commissioner Cabrera: Thank you.

Mr. Cobb: Thank you very much.

Mayor Slesnick: Marisa Ysasi, how do you say you last name?

Ms. Ysasi: Marisa Ysasi, 5500 Hammock Drive. I moved to...I live right in front of St. Thomas, we moved to the area, we moved to the neighborhood because my three children went to St. Thomas, they graduated from St. Thomas, and they now go to three schools in the area, so I am very aware of the traffic, but I think that its not only St. Thomas that contributes to the traffic, I think that St. Thomas has really tried to work with the City and the traffic engineer to improve the traffic in the area, it's a number of different schools and you can't control everybody around us, but the situation has improved considerably since we tried all of that. We like the environment, the community, all the people around it, that's why we moved there; and I do think that not only one of the issues that was addressed, that is part of the community is they do have a walker program where the older children walk the younger children into class, and that also helps the traffic in the morning, the parents are encouraged to drop the children off and not to park. One other thing that I wanted to say is, I know this is a very personal take on the situation, but....or something that is not maintained properly, if you promote this as a playing field it will be maintained properly and I just think there is nothing better than the laughter of children and children playing instead of having...its not going to be paved, its only going to be a playing field, and I think this would actually enhance the neighborhood in the area. I approve of everything that we have been doing for the project and I hope that you approve the project.

Mayor Slesnick: Thank you. Is your house up there on the map?

Ms. Ysasi: I am. (Ms. Ysasi pointed to her house on the map).

Mayor Slesnick: Reverend Roger Tobin, 5401 Banyan Drive.

Rev. Tobin: Good morning Mayor, Commissioners, my name is Roger Tobin, I live at 5401 Banyan Drive, I've got two minutes left, I'll take one. I just want to say two things; number one, in terms of the plotting, I moved to what was then unincorporated Dade, it was 5475 Banyan Drive, the old Rectory, moved into that building in 1986, and we had flooding then, massive flooding, just about every time there was any kind of significant rain at all, and its been that way since 1986, that's before we've done any of our development, before any of the construction projects that have been referenced occurred. So that flooding problem is indigenous to that area, its just absolutely there; and the place where I live right now, 5401 Banyan Drive right next to the Fernandez', to the east of the Fernandez' gets a lot more flooding than the Fernandez' does. So it is an issue and We hope that the City would address that in some fashion because this is an ongoing concern that we at St. Thomas are doing everything we can to address, but we would love your help and assistance in that as well. One thing I want you to be – you've got all the information you need to make a good decision, an informed decision, you don't need to hear the facts from me. I want to make one point, churches and schools, as Director of the Parish, I'm head of both technically of the church and school. Churches and schools should not be seen as buildings, they are made up of people and as such they are living entities, and as all living entities exist by growth and change so churches and schools go through growth and change, that's a fact; people move in next door to churches and schools know that there is going to be growth and change, that's a fact too, that's not going to change. The church has been changing for two thousand years; it will continue to change, as do schools because education needs change. What we can say is, we at St. Thomas are reasonable and responsible people. I'm a good neighbor; I live in that neighborhood and I intend to continue to be a good neighbor, I will continue to be open to any conversation that the neighborhood wants to have with us about whatever changes and growth we need to make, but we are a living entity; things are not the same back in 1989 when we finished our first construction project, things are not the same after 2001, 9/11, things change. So we as an institution a living entity need to make adjustments and changes to address a changing and living world because we are a changing and living entity. I obviously support this project. Thank you for your time.

Mayor Slesnick: Thank you. Michael Maguire, 4305 Toledo.

Mr. Maguire: I wasn't really planning on speaking. I just support the project.

Mayor Slesnick: OK. Mr. Maguire is a proponent. We have Thomas Bales, 9151 Arvida Lane.

Mr. Bales: Good morning Mr. Mayor, Vice Mayor, Commissioners, Tom Bales, 9151 Arvida Lane, about a mile east of St. Thomas Episcopal Parish. My family moved to Coral Gables because it was the best place to be. We chose to send our three sons to St. Thomas because it was the best school in the area; our boys are still involved in Boy Scouts there and one's still in school because it's the finest place to be, they will learn those things that you need to learn, grow up to be a good citizen. I ask you to support this application. Thank you.

Mayor Slesnick: Thank you. Bailey Parker, 7240 S.W. 127th Street.

Ms. Parker: Hi, my name is Bailey Parker; I live at 7240 S. W. 127th Street in Pinecrest Florida. I've been a member of St. Thomas Episcopal Parish since I was born over eleven years ago and I

have attended the school since junior pre-school for eight years and I just graduated this past May. Over my years at St. Thomas I have played many sports including soccer and flag football. The program for the sports were fantastic, but I really can't say the same thing for the field; because of the overflow parking they have ditches and mud, which made it hard and not as much fun to play on. I've also participated in the other things we do, like the field day events and the National and Presidential fitness test. I would have loved having a better field to play on, but unfortunately I didn't. I would have thought that a field dedicated to completely sports would have been great and I know, like my little sister, who also attends and any other student at the school would love to have a field completely dedicated to sports. Thanks.

Mayor Slesnick: Thank you Bailey. Charlie Johnson, 6495 Sunset Drive.

Mr. Johnson: Good afternoon Mayor, Vice Mayor, and Commissioners, Charles Johnson, after being a forty-two on and off years citizen of Coral Gables, I now have moved just outside 6495 Sunset Drive. I rise in support of this application, I'm part of this committee that's been part of – have been working on this for 3-4 years, and I'm a member of the church and the wife works for the school. Just one point I want to make with respect to the access to the property from Banyan Drive, we've agreed with what you have before you that we are going to prohibit that, and so the gate that I understand that Chris has used is going to be locked at a minimum, and that will take care of that. So we are undertaking that, it's in the documents before you, it will be part of the declaration and so I just want to make that point. Again, I support the application. Thank you.

Mayor Slesnick: This is a Cobb block out (laughter). Tom Carlo, 90 Edgewater Drive.

Mr. Carlo: Tom Carlo, 90 Edgewater Drive. I'm here in my capacity as a resident of Coral Gables, and the grandparent of a child who attended St. Thomas for seven years. The experience has been one of great enlightenment since I have become a member of that parish; my grandson participates in the Scout program there, and of course in all the enrichment programs including...piano and other activities there. When I responded in writing, I indicated what was great about Coral Gables was community, and that all of these participation, these activities that we have that's what I live in Coral Gables for, that without Doctor's Hospital, without University of Miami, without the Youth Center, all of these facilities create community, should we in any way diminish the ability of these facilities to provide community would be a tragic result. Most of you know me as a zoning attorney, but I've surrounded my license, you won't be plagued with any zoning issues, but I do have one concern and that was in which the declaration of restriction, which has conditions in it, which gives Coral Gables and its officials the ability to enforce those conditions should be usurped by another form of enforcement, which is that of litigious and sometimes pernicious type of activity, and can only result in a lawyers relief act, and I would urge you on that particular issue to negate it and not accept it. I appreciate the time and I urge you to support the application of St. Thomas.

Mayor Slesnick: Thank you Tom. Tom when I see you I think back of Mayor Steve Clark, you and I in the click lounge and the bar-be-ques. Jo Ellen Stirrup, 5105 Hammock Park Drive.

Ms. Stirrup: Hi, good morning; my family and I have lived on Hammock Park Drive for twelve years. We decided to purchase our house there in 1998 to be a lot closer to St. Thomas where we

were long time church parishioners. At that time we only had a little baby, he was two years old, and we were hoping that he would eventually attend the school. We now have three children and that two year old has already finished with St. Thomas and moved on to middle school and we have a fifth grader right here, Natasha, and we also have a pre-schooler, Gerogia, who is four years old. It is an amazing community that church and school St. Thomas, and it is a pleasure to live close to it, I would actually love to live closer on Banyan Drive because we quite frequently enjoy walking or riding our bikes to school. We would just like to say that there are many neighbors that we have around us that also do support this and a lot of the neighbors do have children at the school. The school does have a lot of respect for the neighbors and as part of a community, and they do quite frequently try to encourage parents to actually use the drop off at the school versus the parking to lessen the burden on Kendall Drive and on the neighbors; in fact they have a lovely program where the fifth graders actually are in a circle around the drop off and they actually take the 3, the 4, the 5, 6, 7, all the children directly to the classes, so the parents don't actually have to get out of the car, and this program is promoted very strongly through our Thursday notices quite frequently. We also really care about the neighbors; in fact you can talk to our President of our Parent Association, Vivian Cortinas, who spoke earlier. The Parent Association asked for a fundraiser and donated some money to the school for some future landscaping. So this is something of course as you know that takes time, and plans, and permits, and these things all take time, but it is in the plan to add some very nice landscaping. The field would only just be better to contribute to the community as these are not rowdy loud teenagers, these are little pre-school kids that are out there playing sports, and when the games come – my kids have always played sports. We go to a basketball game, you've got twelve kids from another side and twelve from our school, and its small, its not a big huge thing with stadium, and lighting and all that, its just a small little church community school, and we support it. Thank you.

Mayor Slesnick: Thank you very much. We now close the public hearing. We are going to give both attorneys a couple minutes to close, if you want Mr. Gibbs you have two minutes to close, and you'll get the final word as proponent.

Mr. Gibbs: The goal I really have to tell you all is the neighbors are concerned. What the neighbors are looking for are some assurances. I understand that the school thinks they have given those assurances, but they haven't. We've asked and we've asked the neighbors and we are asking you for just those four conditions; those four conditions are important to my clients; they are important because with those four conditions my clients will feel more comfortable living in their houses; they will feel comfortable living in their neighborhoods, and when we met during the break, the one thing my clients said, and I think they told you this, they chose to be annexed in to the City of Coral Gables, they met with the City of Coral Gables, and the City of Coral Gables assured them that their neighborhood was going to be protected, that's all they are asking for. Thank you.

Mayor Slesnick: Thank you. Ms. Russo.

Ms. Russo: I'm going to try to cover as much ground as I can in two minutes Mr. Mayor. One of the things I want to address are some of the legal issues that were raised by Mr. Gibbs. To start by saying that your staff report is substantial competent evidence; you hire professionals in order

to give you opinions, Mr. Eric Riel is a professional planner and so his staff report is substantial competent evidence. I also want to say that we do believe we meet the requirements to change zoning and that we do meet the requirements for a change in land use. You have to start with the premise that a school and a church are not incompatible uses in a residential neighborhood, and as I said to you we've seen that and it has been evidenced in a way that the City has been developed originally by George Merrick over the years by those of us that live in here; and when they talk about the section, I think its 1-4, I want to be able to focus on some of the others, 3-1404, we don't meet two of the following, we in fact do provide a benefit to the City by meeting two or more of the following objectives; balancing land uses – you have the single family residential land use and you have the religious/educational land use, and you have heard testimony here today that it does reduce vehicle miles traveled. You've heard from at least three different families that purposely moved that live within half a mile of the school that use alternate methods of transportation; they use their bikes, they walk, and so I think we have met two of that also. Promoting high quality development; development isn't always the erection of structures, in fact sometimes development is not erection of structures, in here we've agreed and we've agreed from the get-go that this change is a change to provide a better facility, and we've agreed to put it in a restrictive covenant that we will not put any structures, any buildings on the new lot; and I also think we are implementing specific objectives of the Comprehensive Plan with regard to traffic, and with regard to traffic in more than one way; traffic that enhances the neighborhood, compliments, we've agreed to no access on Banyan. For this particular lot in question there originally had been vehicle access off of Kendall, we took that access off. With respect to the traffic plan that goes beyond just the particular application for this lot, but to the whole master plan; and I think what's being lost here is this review has been kind of a master plan review, and Mr. Riel can tell you the reason its taken two and-a-half-three years to get here is because every time there is a concern we go back and try to address it, whether it be the drainage, the landscaping, etc.; and with respect to the drainage we agreed it was a condition that was placed by the Planning and Zoning Board, and we have already hired an engineer, Mr. Jerry Zamora, who has worked with Public Works in order to analyze the existing drainage problem of the entire St. Thomas School and Church. If in fact St. Thomas contributes to it, St. Thomas will alleviate its contribution to the flooding problem. If it does not we are going to make all the findings available to the City of Coral Gables and work with the City in trying to alleviate it, but if its our responsibility we've owned up to it and said we will address it. The proposed wall on the eastern portion immediately in the eastern most boundary is going to make a difference in terms of lighting onto the immediate neighbor's wall. I want to take just a minute to talk about the conditions, the additional conditions. Starting with the request that we restrict the proportion; I think you need to know that there are 425 students, 310 families, that indicates to you there are a lot of siblings, and when you start doing things, what I call micromanaging, the operation of a school you don't allow the school to be responsive; they need to be responsive to changes in the educational community at large; one of the reasons why there is no longer a sixth grade were changes that were made with Ransom Everglades and with Belin Preparatory School. If you say to a school you can't change how you operate in response to what goes on around you, you are handcuffing the institution to respond to the needs of the community. What we are willing to do is compromise on the hours of operation for the school. I've been advised that the enrichment programs, and I think it's important to note that these enrichment programs provided on campus after school; school is 8:15 a.m. to 3:15 p.m. There is early drop off and those children that are dropped off can be as early as 7:30 a.m. are lead to the library where there is study hall, and early

morning care; enrichment classes end at 5:15 p.m., pick-up is at 5:30 p.m. and sports are part of the enrichment program. So we are willing to reduce our request from hours of operation to 5:30 p.m. instead of the 6:30 p.m. that we had put in, to show that we are really trying to be good neighbors, but it's important to note that the enrichment classes that go to 5:15 p.m. also keep the kids from being picked up and travelled, whether it be to the Youth Center or to other private institutions that provide a lot of the enrichment classes that aren't given at St. Thomas. With respect to adding the neighbors as enforcers of the covenant, we believe the City can do a job and we believe that a lot of the restrictions that you see in the staff report have been worked on were originally proffered by this applicant, trying to be as neighborly and as considerate as possible understanding that both are entitled to the use of the property and both contribute to a social fabric that makes Coral Gables what it is today. We respectfully request that you grant our application with the modification requested earlier. Thank you.

Vice Mayor Kerdyk: Laura did you talk about the wall?

Ms. Russo: Excuse me?

Vice Mayor Kerdyk: The wall, the wall.

Ms. Russo: The wall – it would be a cost that would be onerous. There is an existing chain link fence and we have proposed incredibly extensive landscaping, even beyond the landscaping that's been shown in the proposed plan so that Banyan Drive, the entire length of Banyan Drive would have a hundred percent capacity. There are some big holes right now and we've acknowledged, we started to think about trying to fill in the holes, but it's easier to do it as a comprehensive landscape plan with you know, tiered layers and filling in, than it is to try to just fill it in and not have it there. There is extensive landscaping there now, but some of it has got old, some of it has been sickly. So we have agreed to more extensive landscaping even than proposed on the Banyan side.

Vice Mayor Kerdyk: Are you responsible for maintaining that landscaping?

Ms. Russo: Yes, we would be responsible for maintaining the landscaping.

Vice Mayor Kerdyk: Have you been responsible for maintaining...

Ms. Russo: I think different things...I think there has been and what's happened and since the process started is there has been a portion of the group that's wanted to go in there and just fill in the holes and do what they can, and the other one says you are going to spend money and then you are going to have to come in and rip it all out, because if you are doing something comprehensive we are talking about, as you know from projects, you submit the types of shrubs, the size of the shrubs, the number of the shrubs, and the location; so to spend money to them have to spend money to take it out didn't seem to make sense, and we apologize that it has taken us this long to get to that, but we have promised to be much better.

Vice Mayor Kerdyk: So the answer to my question is, yes you are responsible, you have been responsible for maintaining it and it has not been maintained as well...

Ms. Russo: That's correct.

Vice Mayor Kerdyk: That's the overall answer to my question.

Ms. Russo: Yes, that is correct.

Mayor Slesnick: Thank you. We'll close this hearing and now open to the Commission discussion.

Commissioner Withers: Yes, I have a couple; maybe Tucker and Laura, if you both want to come. I'm trying to get a handle on this memorandum from Baker and McKenzie was the memorandum after the first reading; the actual resolution is different.

Ms. Russo: I don't have a copy of that.

Commissioner Withers: It looks like and I could be wrong, which Commissioner Kerdyk reminds me often that I am. I don't see the same breakdown of diversity of ages in the actual resolution, and I'm trying to figure out where that breakout came from, what document did that break out of K through or pre-K through sixth come out?-because the request for the variance in the resolution it drops the entire pre-school through sixth grade from the resolution.

Mr. Gibbs: That resolution was in effect, and it's still in effect unless it's been counter mended by the City, and it hasn't been. All the Baker McKenzie memo was an outline presented to the Planning Department of that resolution.

Commissioner Withers: But it's incorrect.

Mr. Gibbs: I understand that, I understand that; and I was citing it mostly for those two positions, but the issue of the proportionality is one that's critical for us.

Commissioner Withers: But where did that come from?-where did that originate?

Mr. Gibbs: Our issue was it came from us in terms of our discussion...

Commissioner Withers: Us?

Mr. Gibbs: Us being the Banyan Drive Preservation Association, my clients, and that had been an issue we talked about with the school and church keeping it where it is today. The numbers that have been cited by my clients were numbers that were based on the traffic study that accompanied the application...

Commissioner Withers: The Plummer study.

Mr. Gibbs: Exactly, the Plummer study talked about the number of students and that's how we got the number of students, and those are 2007 numbers, so we don't know what the numbers are today, but those were the ones we assumed are pretty close to what's today.

Commissioner Withers: Laura, can we validate that the 424 students, is that the general breakdown?- I understand your dropping the sixth grade, with Ransom and Belin going from sixth through twelve.

Ms. Russo:...but more or less you are talking about approximately a third, I want to say maybe thirty-seven percent of...

Mr. Gibbs: We said thirty-five.

Ms. Russo:...[inaudible – off mike]...thirty-seven percent of 2007-2008, 2008-2009 were under...[inaudible]

Commissioner Withers: But the 424 is what everybody is living with at this point.

Mr. Gibbs: Well that's the requirement.

Commissioner Withers: That's the requirement, OK.

Ms. Russo: They are talking about specific breakdowns within each grade.

Commissioner Withers: Now let me also understand the timeframes of the fields – the old field or the new field?- because I asked Eric during the break and he told me that the 9:00 p.m. extension time was to be applicable to the old field only, and the new field is still at 6:30 p.m.? - or does that roll back to 5:30 p.m. now?

Ms. Russo: We meet during the break and hearing the conditions we agreed that the new field we would restrict the hours to 5:30 p.m. also.

Commissioner Withers: Also – so that field is shut down at 5:30 p.m.....

Ms. Russo: Correct.

Commissioner Withers: Quarter to six, whatever; I'm going to get to the days in a second – and the old field is up through 9:00 p.m. to support three through six...

Mr. Gibbs: 9:00 p.m. – and I know my clients are very concerned about the evening use of that field because that's the field that's obviously closer to them on Banyan, and that is a concern.

Commissioner Withers: We are going to get to that with Kerdyk's wall question in a second.

Mr. Gibbs: OK.

Commissioner Withers: Right now the proposed wall is six feet only on the Fernandez' side, there is nothing on Kendall and nothing along Banyan for the new field wall.

Ms. Russo: That is correct.

Commissioner Withers: And the last thing is on Saturdays and Sundays, are you saying you still want to go to 6:30 p.m. on Saturdays and Sundays, or just 6:30 p.m. on week days and not play on Saturdays and Sundays?

Ms. Russo: OK, repeat the question again.

Commissioner Withers: On the new field; on the existing field I'm assuming you want Saturdays and Sundays?

Ms. Russo: Correct.

Commissioner Withers: On the new field you also want Saturdays and Sundays but they only go to 5:30 p.m. are you rolling back your request for Saturday and Sunday on the new field also?

Ms. Russo: We are rolling back the time request to 5:30 on the new field...

Commissioner Withers: Not the days of the week.

Ms. Russo:...But not the days, that is correct.

Commissioner Withers: OK. That's all the questions I have.

Vice Mayor Kerdyk: By the way, since we are talking about the new field, do you need Sundays on the new field?

Ms. Russo: Yes.

Vice Mayor Kerdyk: You are going to be playing sport events on Sundays there?

Ms. Russo: I won't be, but...

Vice Mayor Kerdyk: No, I know you are not...in a Christian kind of way.

Mr. Gibbs: Commissioner Withers asked a question, I don't know if it was Commissioner Kerdyk who asked a question.

Commissioner Withers: Your four conditions, I think I understand them; if you want to reiterate those.

Mr. Gibbs: No, no, I want to clarify something, it was the issue of the seven days a week use of that particular field, because there is a concern about Saturday use and Sunday use, because those are obviously the times that people are outside, that's their concern, and I haven't talked to my clients about Saturday versus Sunday, and if Saturday is better they will live with Saturday not Sunday, I hadn't had the opportunity to talk to them about that, but that is a concern.

Vice Mayor Kerdyk: I'm just trying to figure out Sunday the Christian type of way there. I'm Christian and I want to hear what type of way is.

Rev. Tobin: We have youth activities and on occasion they will be outside, they can use the old field for that matter.

Vice Mayor Kerdyk: But right now you put them on the old field.

Rev. Tobin: On the big field outside, the current old field.

Vice Mayor Kerdyk: The current old field, OK, thank you.

Commissioner Withers: What time do they usually go to, those youth activities.

Rev. Tobin: Between 4:00 and 5:00 p.m.

Commissioner Anderson: I'm curious, I want to ask you all a question, how do you feel about the conditions? Anybody wants to proffer what their thoughts are?-because I'm happy to...

Commissioner Withers: I will support the application, but I have probably a little more restrictive conditions than what are being proffered by the staff right now.

Commissioner Anderson: I totally agree with you; anybody wants to share?

Commissioner Cabrera: Well given the fact that you both have concerns about the conditions and I probably share some of those concerns, and I hear Bill with some concerns about what kind of activities go on Sundays, Don probably has the same; we could probably make a decision on this on first reading and give staff the opportunity to improve the conditions between first and second reading, that's what I would recommend. We could give them direction now or we could give them direction later.

Commissioner Anderson: No, I think it's important to give direction during first reading to get information you may need.

Mayor Slesnick: I think Ralph brings up a very good point, as long as we can give them direction now, but if we have some direction, so I think the time has come to let's get going...

Commissioner Anderson: I'm happy to get going, but it's based on conditions.

Commissioner Cabrera: No, no, I think he is talking about conditions, voting on the conditions.

Mayor Slesnick: That's what I'm saying, conditions, OK, so we'll start...

Commissioner Cabrera: But I will go one step further, I would then say to the neighborhood, the affected neighborhood to reach out, or for the school to reach out, the committee to reach out to

the neighborhood, and have a real legitimate meeting, you know, I heard Mr. Cobb and he was very kind and he says we've talked to them....

Mr. Gibbs: Absolutely, we've been talking regularly.

Ms. Russo: We've been talking; we are willing to keep doing it.

Commissioner Cabrera: I know but you are lawyers; OK well I would like to see more of that between first and second reading, so that we can appeal to some of the concerns the neighbors have raised.

Mr. Gibbs: Not a problem.

Commissioner Cabrera: And we may not have an agreement at the end of the day between first and second reading, but at least we keep the doors wide open and dialog continues.

Mr. Gibbs: May I make one suggestion now that the City Attorney is here. I know that the church and school are anxious to get this decided on second reading; I'm concerned and the City Attorney should probably answer this, if you all make suggestions and this is negotiated, the question then becomes do you have to go back to first reading?

Mayor Slesnick: We did not say it is negotiated.

Mr. Gibbs: No, I'm sorry not negotiated, if you all put conditions on today you ask staff to clarify those, will it have to go back to first reading as a substantial change in...

City Attorney Hernandez: It depends, I mean, if you guys negotiate a zoo, yes.

Mr. Gibbs: I just want to be sure.

Mayor Slesnick: Liz, Liz, Liz, wait, excuse me, before we use that word again, speaking for several of us I have not heard the word negotiation except for Mr. Gibbs, we are not talking about sending it back for negotiation, we are talking about putting conditions on now and asking staff to...

Mr. Gibbs: I understand. I stand corrected.

Commissioner Cabrera: Clarifying and/or expanding conditions.

Mr. Gibbs: Thank you, OK.

Mayor Slesnick: And the one thing Maria before you start though, I would take a firm position that I would certainly oppose as one individual would be the enforcement of this...giving away our enforcement powers to other people, that's something I would not consider.

Commissioner Withers: Liz, can I ask you, right now there is not a cap on the enrollment...

City Attorney Hernandez: Right.

Commissioner Withers: ...that I see one, unless I see one, but I don't see it memorialized in the City document.

Ms. Russo: We've acknowledged there is a cap...

Commissioner Withers: But I don't see it memorialized in the City document.

Ms. Russo: Its in there, its in one of the conditions, the cap, it's in the beginning. We proffered it; it was a proffer we made...

Mr. Gibbs: It was also part of the resolution back in 1989 which is still in effect, the County resolution approving it.

Ms. Russo: But we proffered it and we made sure from the very beginning...

City Attorney Hernandez: We can make sure that its part of any restrictive covenant requirement.

Ms. Russo: In the City documents it's in there, we proffered it, we made sure it was part of our original application.

Commissioner Withers: Hours of operation and use aren't considered substantive changes, I would assume not; additional landscaping or buffering requirements wouldn't be substantive.

City Attorney Hernandez: I mean, I used the term a zoo, a petting zoo, because that's so significantly different, that's what would require us to go back to first reading.

Commissioner Anderson: Chip, are you also taking about proportional changes?

Commissioner Withers: I'll throw it out there because I think....

Commissioner Anderson: Because I have some concerns about the proportions as they exist right now.

Commissioner Withers: OK, go ahead.

Commissioner Anderson: No, no, I'd like to hear your thoughts, I already shared it, share yours.

Commissioner Withers: I think the change of hours are fine, I would like to maybe roll Sunday back a little bit.

Commissioner Cabrera: We do that in our parks...

Commissioner Withers: That's what I'm saying.

Commissioner Cabrera: So its consistent....I was going to ask the question, what do we do with other private schools throughout this City of Coral Gables?-what kind of hours do we allow them to use their fields?- we've got private schools.

Commissioner Withers: Like St. Phillips...

Ms. Russo: St. Teresa...

Commissioner Cabrera: Riviera Day School, oh no, Riviera Day School doesn't have a field, that's right I forgot. (Laughter)

Ms. Russo: Let's save that for another day.

Commissioner Withers: Talk to Tucker about it.

Commissioner Cabrera: No, I can't Tucker doesn't represent them any more, he's seen the way.

Ms. Russo: I know but I represent Riviera, so I need to...

Mayor Slesnick: But that's a good point though, and we may not find out right this minute, but if there are other restrictions on other playgrounds and so forth, for other schools we should know that before we set the time.

Commissioner Cabrera: Well I think it would be helpful.

Mayor Slesnick: Helpful but if you are OK – are you OK with 5:30 p.m. for weekdays?

Mr. Gibbs: Yes.

Mayor Slesnick: And what time for Sundays?

Commissioner Withers: I was thinking mid or early afternoon, 4:00 p.m. in that neighborhood of time.

Commissioner Cabrera: Especially in that neighborhood, no later; and I would really look for some feedback from the affected property owners.

Commissioner Withers: But I know this isn't going to be popular with some folks, but I think that there should be a wall...

Commissioner Anderson: Absolutely.

Commissioner Withers: Maybe not a six foot wall, maybe a four foot wall along Banyan.

Commissioner Anderson: I think there has to be a wall.

Commissioner Cabrera: There are some life safety issues that a wall would address.

Commissioner Withers: I know it's an expense, but I think that...and I also think that this might be kind of whacky; the neighbors should have the, say especially the most affected neighbor on the six foot wall, what color wall he wants to have painted on his side of the property.

Mr. Gibbs: Thank you, and the school has basically agreed to that.

Commissioner Anderson: My feeling is the same way. I don't think there should be a battle about schools and churches and neighbors, I think we should be able to co-exist, and obviously some neighbors have some concerns which I think are reasonable; the wall is a reasonable thing for me to help them co-exist better; mine would be a six foot wall would be better for me, but if there is a wall you begin to make progress, I'd like that. My concern is too, the school did change its composition, and I understand that, I was on the Board of Trustees at St. Phillips way back when, when we discussed dropping the six grade, I think they still have it, I'm not sure, my son graduated from there, but the proportion of the pre-school has a greater impact on traffic, and that's really something if we can put a maximum cap on what exist, I think that would be much more comfortable because you've got more children, you've more faculty that has to take care of those smaller children, I'd feel more comfortable with a cap on the pre-school percentages. I also believe that a master plan should be forth coming with any application; I don't see where this is a master plan. Right now, I just see an expansion of a field, and I see another single family, I see the Rector's residence, and I see another single family. I'm actually troubled in general by the change of land use and the zoning, but I know that in a real practical pragmatic world we've got to figure out how to co-exist. I don't know if there is a political will to turn this down; I obviously would like it to, but I realize if we can make a compromise it's a good thing because schools and neighborhoods should be able to co-exist, but I thinks some of these conditions that Mr. Gibbs proffered are very reasonable, and I would be supportive of all of the conditions.

Mr. Gibbs: Madam Commissioner, Mr. Mayor, can I add one thing? Just so you all understand the rationale behind the numbers, and I'm not telling tales at a school; when we first went to the school about the issue of this proportion, we talked about keeping the proportion within each grade, and we discussed that and then we came back to the school and said what about the proportion of, pardon my language, the little ones, the under first grade ones, and that's why we use that group, those children under first grade, because those are the ones that are usually brought in. So there is a way the school can work with those numbers within that, and then the numbers of the elementary school students, which is another number; and that was what our goal was, we were trying to give the school some flexibility, but also give us some comfort level.

Commissioner Withers: Let me ask maybe just a stupid operational question, is there a way to stagger the hours a half an hour between the first thirty percent of the kids and the remaining sixty-five percent of the kids?- I mean, I don't know.

Mr. Gibbs: That's an idea I can take to my clients...

Commissioner Withers: That would certainly relieve your drive through, and your dropping off, and your walking in of your students, I mean, I don't know if that's practical or possible, but that would seem to be the easiest solution to me.

Mr. Gibbs: It sounds like a good idea and I can talk to my clients about it and we can discuss it between now and second reading with Eric and also with the school.

Commissioner Cabrera: But conceptually you all concur with the fact that between first and second reading you all can come back after we've given our recommended conditions and have dialog between both parties.

Mr. Gibbs: Absolutely.

Ms. Russo: Absolutely promise dialog, and we've had dialog technically for two years...

Mr. Gibbs:...For two years.

Ms. Russo:...and just recently we had extensive dialog.

Commissioner Anderson: Here's my problem within the dialog, the school is only willing to give one little bit away, I mean, I think there has to be more as far as I'm concerned, there has to be more to strike that balance, because the neighbors moved into a school, and I know about that, I lived...my son went to a neighborhood school, and I believe in them; and I think it is growing and the people are worried, and I think the more assurances we can give the more things we can go to the old adage given by Robert Frost, "*good fences make good neighbors*", and I think in this case a wall and other protections would go a long way to buffer or ameliorate the conditions, I mean, I would hate to be the Fernandez family right now, I would hope that you would all work in the spirit of compassion. The Rector talked about living entities, those are living entities as well that have to live next to sometimes noisy conditions. So I think something reasonable, I think the school has to give a little more.

Commissioner Cabrera: Just piggybacking on what Ms. Anderson just said, can you take that landscape plan, and I think I heard you say that one of the plans that was underway was to do an extensive review of the landscape plan, can that be expedited between first and second reading, so that we have a flavor or an understand of what that landscaping plan is going to look like? Because you know in all fairness, if you are going to do this, and if you are going to get the approval to move forward with this, that landscaping plan's got to be in place very quickly, I would suspect given the time of the year.

Ms. Russo: Well it's always going to be subject of course to the review by the City professionals in terms of the appropriate usage.

Commissioner Cabrera: Sure as long as you don't let structural see it we'll be fine.

Vice Mayor Kerdyk: It's also going to be different if there is a wall that's now sitting where landscaping is.

Commissioner Cabrera: That will be looked at by structural, so that will take a couple of years.

Mr. Gibbs: Mr. Mayor, if I might?

Mayor Slesnick: One last thing.

Mr. Gibbs: One of the issues with the wall and I don't know how the school will feel about this, but if you have a four foot wall, they now have I think a four or five foot fence...

Ms. Russo: I think it's a four foot chain link fence.

Mr. Gibbs: In terms of security and what it may do in terms of landscaping, if you put metal pickets that will extend up to six, you have a four foot wall with metal pickets, you then put confederate jasmine or whatever else, and you have literally created very quickly an opaque hedge and also can be something...

Ms. Russo: Confederate jasmine.

Mr. Gibbs: Confederate jasmine.

Ms. Russo: OK, I'm writing it down.

Commissioner Anderson: Are you a certified arborist?

Ms. Russo: Not blooming jasmine, confederate jasmine.

Mr. Gibbs: No, but it still smells good.

Mayor Slesnick: OK, OK, you all are having fun; we have a couple more hours to go here. Mr. Kerdyk did you have anything?

Vice Mayor Kerdyk: I think pretty much everything is addressed; I just would probably say that the school since they have extended a hand out to the neighbors and probably negotiated as Mr. Cobb has said. My two issues were the one being a wall on the backside, I thought that was important and furthermore, I personally thought that maybe Sunday the athletic field would be left as an open space and the athletic events would be in the inner field where they are held right now.

Mayor Slesnick: You can make that motion. Mr. Riel we are about to have a motion on E-2 which is the ordinance of the City of Coral Gables approving the land change from residential to low density, we have been having an extensive discussion about the various restrictions we would like to place on the property, what I want from you is to tell me exactly do we go with each and every one of E-2, E-3, E-4, where do we put these in, if there are people who are going to move for further restrictions, at which stage do we do that?

Mr. Riel: The restrictions are under E-4, which is the site plan.

Mayor Slesnick: OK. So the site plan is where we would add the restrictions that we've been talking about.

Mr. Riel: Correct, correct.

Mayor Slesnick: So, can I have a motion on E-2?

Commissioner Withers: I'll move it.

Commissioner Anderson: Second.

Mayor Slesnick: Mr. Withers has moved it, Ms. Anderson has seconded it; do we have any further discussion on the first reading of E-2?

Commissioner Anderson: What are the conditions that we are....

Mayor Slesnick: That's going to go on E-4.

Commissioner Anderson: Thank you.

Mayor Slesnick: OK. Mr. Clerk

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Commissioner Anderson: Yes, and hopefully the conditions will be if not in the second reading it will be a no...

Mayor Slesnick: We are going to get to the conditions.

Commissioner Anderson: But this will all hinge together.

Mayor Slesnick: Yes

(Vote: 5-0)

Mayor Slesnick: E-3 – do I have a motion? Moved by Mr. Withers second by Mr. Kerdyk on E-3, this is an ordinance on first reading of change of zoning; any further discussion?

Mr. Clerk

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Mayor Slesnick: Yes
(Vote: 5-0)

Mayor Slesnick: And E-4, this is an ordinance on first reading granting site plan approval for the new St. Thomas Church/School athletic field, etc., etc., etc.

Commissioner Anderson: I'll move it.

Vice Mayor Kerdyk: Second.

Mayor Slesnick: It's been moved by Ms. Anderson seconded by Mr. Kerdyk. Now, Mr. Withers, this is and by the way let it be clear, everyone should be clear, that when we are moving these, these include all the conditions that were placed on it by staff and by the Planning and Zoning Board, so we are adopting all those conditions as part of our motions, this is not just on the old proposal as it stood before it went to Planning and Zoning, this is what the entire staff report included. Now, Mr. Withers for further conditions.

Commissioner Withers: I need to ask Eric one last question. Eric, what is your understanding on the use of the new field for overflow parking?

Mr. Riel: New field will not be permitted for any overflow parking, no parking at all.

Commissioner Withers: I just want to make sure.

Mayor Slesnick: Is that part of it, the conditions?

Mr. Riel: Yes, its part of the conditions.

Mayor Slesnick: So it is specifically stated there will be no overflow parking next to the Fernandez' house.

Mr. Riel: Yes.

Mayor Slesnick: Even though it may occur now.

Mr. Riel: Correct.

Mayor Slesnick: I think we saw pictures of it occurring now.

Commissioner Withers: So the staff's recommendation for hours of operation is 6:30 p.m.?

Mr. Riel: That's what's recommended here, and there's been a suggestion to reduce that to 5:30 p.m.

Commissioner Withers: OK, that's one change.

Mr. Riel: For the entire facility, just a point of clarification.

Mayor Slesnick: OK we'll make this an omnibus amendment. So one will be 5:30 p.m. as a change to closing, you wanted to address Sundays.

Commissioner Withers: Sundays 4:00 p.m. I don't know how the rest of the Commission feels.

Vice Mayor Kerdyk: I don't think it should be used on Sundays, but that's something they can discuss.

Mayor Slesnick: But we should make it as clear for first reading.

Commissioner Withers: Well it's not for public use it's just for their occasional use from what I understand.

Commissioner Cabrera: Can we go with – your suggestion of 4:00 p.m. is fine with me, but then I would allow the neighbors to chime in and give us their input.

Commissioner Anderson: That's fine.

Mayor Slesnick: OK, so we have 5:30 for the other days and 4:00 p.m. for Sunday; your next suggestion.

Commissioner Withers: Four foot solid wall on Banyan, now it only goes to the end of the, I don't know how you feel, but only to the end of the existing field, now does it go all the way to the turn and around, the whole length of the canal.

Commissioner Anderson: You are talking about the whole...

Commissioner Withers: I'm not talking about from the canal where the main building is, I'm only talking about where it picks up.

Mr. Riel: Can you show us on the map so it's clear?

Commissioner Withers: I can't even see that from here.

Commissioner Anderson: Does it encompass the pre-school area to protect the pre-school.

Commissioner Withers: Because through there own admission the parking lot is a mud field sometimes and I think there is some relief for the neighbors in order there.

[Mr. Riel pointed to the map]

Commissioner Withers: That's how I feel; I don't know how the rest of the Commission feels.

Mayor Slesnick: That detail of how long the wall is can be worked on.

Commissioner Withers: That's just my feeling.

Mayor Slesnick: Since it came up, show me where pre-K is.

Unidentified Speaker: This is the pre-school right here (pointing to the map).

Commissioner Anderson: So basically it goes all the way down.

Audience Member: (Inaudible - off microphone) because it's raised up high should really be six feet...

Commissioner Withers: Again, the wall to me is more aesthetic to protect the view of the neighbors looking into the...

Mayor Slesnick: I think we were thinking of the playing fields, not the...

Unidentified Speaker: (Inaudible – off microphone)

Mayor Slesnick: Now let me say this, is there a requirement for the chain link fence, or is it just there.

Mr. Riel: It is considered a non conforming use, its just there.

Mr. Russo: It's for the protection of the children, so they don't run off the campus.

Mayor Slesnick: I know that, you don't need to defend it, I am...

Ms. Russo: It's a school requirement to have a fence there.

Commissioner Withers: How about a picket fence for that portion of it?

Mayor Slesnick: Wait, wait, wait, my question is, is it permitted by the City or is it just there?-I don't care what the school requires, I don't care what School Board...

Mr. Riel: I don't think chain link fences are permitted by the City.

Mayor Slesnick: OK, have we ever addressed the issue?

City Attorney Hernandez: No.

Mayor Slesnick: My suggestion is going to be, this is not like revolutionary or anything, it's just that while we are working on this wall, let's work on the entire thing and decide how it is that this entire property will address a neighborhood and protect the children. As far as we're concerned, I don't care about the School Board or the Episcopal School, I'm talking about the City of Coral Gables. Let's decide how its going to be, and if its going to be chain link with

camouflage with shrubbery, that's one thing, if it's going to be....I think that Commissioner Withers proposed a change to the ordinance only starts with the fields and works its way down, that does not mean we are not concerned about pre-K at this time, it just means that that's the proposal on the table at this time.

Mr. Riel: And it's a four foot wall?

Commissioner Withers: If you want to go further with a concrete wall, I'm certainly amenable.

Commissioner Anderson: I think the pre-school is important for it to be enclosed as well, I mean, there was an accident...

Commissioner Withers: With a wall or with like a picket fence?

Commissioner Anderson: I think a wall, I think if we are going to impose conditions that...if we are going to build a wall way over there, let's complete the wall, finish it off, its going to be a six foot wall between the affected neighbor and the rest, let's just match it somehow, I mean all the way through.

Mayor Slesnick: This is a major expense – over a period of time.

Commissioner Anderson: I agree, but I think there is an issue of protection as well.

Mayor Slesnick: Will there be a period of time?- the wall is replacing something that's already there.

Commissioner Anderson: What do you consider a period of time?

Mayor Slesnick: I haven't thought about it because I didn't suggest it.

Commissioner Anderson: All within a twelve month period or something like that?

Mayor Slesnick: Within a twelve month period following...

Commissioner Withers: Yeah, but again Maria, my whole issue on the wall was more of an aesthetic, keeping the neighbors from looking through a dilapidated chain link fence and poorly maintained landscape buffer on the parking lots and hopefully mitigate some of the eye soreness that they feel when they drive out of their driveways everyday. The most western part from looking at the map, is the bend on the road and a lot of that is off the park and not really directly adjacent to a neighbor's eyesight. I'm concerned about not being in compliance with a chain link fence, so if we want to mandate a different kind of fencing that's not solid, but at least in compliance with the Code, I'm certainly in favor of that, but I don't know if I want to go full concrete all the way to the canal.

Mr. Gibbs: Mr. Mayor, there are neighbors who are across from the area that you are talking about who are pretty insistent, it's the same issue for them, and as a matter of fact a lot of the

kids are back behind that building, that's what they are worried about is looking in, it's also a safety issue for them. So that's what they are talking about, Ms. Augenstein for example, her house is right across the street and that's what she was talking about.

Commissioner Anderson: One of my concerns was, and if there is a timeframe that we can get to something more solid, that would be fine, I can understand that; in '04 there was that accident that hit the guardrail, isn't that the one that hit the pre-school? I don't know if that's the one or not. I'm concerned for the pre-school.

Mayor Slesnick: I'm concerned too Maria, but I'm kind of getting confused here if we are talking about a playing field on the far eastern edge of the property or a problem that was never – we are now addressing a problem that isn't part of that issue.

Commissioner Anderson: OK.

Mayor Slesnick: I don't mind if that's your desire to address it, but it seems like we are getting afield here. Also, let me ask you this, is a four foot wall really accomplishing what Mr. Withers wants?

Mr. Gibbs: That's why I mentioned the pickets; we would prefer and as a matter of fact, one of the things the school can do, this is an issue as Ms. Russo said about the expense to the school and church, there are wall systems that are less expensive than the CBS on a footing, there are the FDOT walls which you can have as low as six feet; many schools are utilizing them right now because they do buffer sound, they are less expensive, and they allow for drainage, in other words you don't have serious footings, I think that's where the expense is.

Commissioner Anderson: And that's something you can all negotiate, I mean, that's something you can talk about between first and second reading, I don't have a problem with that.

Mayor Slesnick: Do we allow such walls in Coral Gables?

Mr. Gibbs: That's the question...

Mayor Slesnick: Mr. Weller.

Mr. Riel: If I may, we can certainly, we understand the Commission's intention and we can certainly come back.

Mr. Weller: Eight inches.

Mayor Slesnick: Well let me say this, if in fact there was another type of construction that was being used brought to us, could we approve it specifically on a site plan as if it was a variance?

Ms. Salazar: If you are talking about chain link fences, chain link fences are no...

Mr. Gibbs: Like an FDOT wall slides in.

Mr. Riel: Could be a panel fence, panel wall.

Commissioner Withers: It does have footings on it; you know it has columns...

Commissioner Anderson: It's less expensive.

Mayor Slesnick: If we considered it in a public hearing as part of the site plan, that would be equivalent to a variance?

Ms. Salazar: No because we allow walls...

Mayor Slesnick: Oh, we allow it.

Ms. Salazar: We allow walls, we allow the four foot...the only thing that we don't allow are the six feet high walls, but again that was something that went through the Planning and Zoning Board that was approved, but the maximum height is four feet high in wall.

Mayor Slesnick: The question is rather than building a regular cement block wall with a footing using this new construction technique that DOT is using on the sides of expressways, I guess that's what you are talking about, have you encountered that at all?

Mr. Riel: They are called panel walls.

Ms. Salazar: It's what we call pre-cast panels and that's one of the approved materials that is allowed.

Commissioner Anderson: That's something that can minimize the cost and achieve the result.

Ms. Salazar: Yes, yes.

Mayor Slesnick: That's a possibility. There you go.

Commissioner Anderson: There you go; life is good.

Mayor Slesnick: Chip, are you going to stay with four feet or six feet? It seems to me that if you are going to do four feet, you are not really accomplishing what you want to accomplish.

Commissioner Withers: Well, I just don't want it to look like a...

Mayor Slesnick: A prison.

Commissioner Withers:...I don't want to say it, but I just don't want it to look, you know...

Mayor Slesnick: I understand.

Commissioner Withers:...If we can do four feet with landscaping, I mean, that works, but if we can go six feet, I think once you get into that pre-cast stuff the six feet to four feet is not nearly the difference in cost as a concrete block wall between four feet and six feet.

Mr. Gibbs: And the six feet could be literally covered the same way as...

Commissioner Withers: The same cost almost.

Mayor Slesnick: OK, OK, we have a motion on the floor by Commissioner Withers to amend E-4 to include the change of the times for the playing field on Monday through Saturday to 5:30 p.m., and on Sunday to 4:00 p.m.; he further amends the motion to include a wall which stretches the length at this time from the end of the church building at the west end of the property line eastward along the entire property line to be four foot high and landscaped.

Commissioner Anderson: Actually I think I was the maker of the motion, but that's OK.

Mayor Slesnick: Oh.

Commissioner Withers: I was the amender of it.

Commissioner Anderson: Oh OK, you usurp me.

Mayor Slesnick: He's...this is going to be a separate...

Commissioner Anderson: Got you.

Commissioner Withers: But let me just say Don, if the church and school and neighbors get together and they can say we want to extend it another fifteen or twenty feet for goodwill purposes, and we want to go six foot panels, I'll leave that up to you, hopefully that might we some ways to mend some...

Mayor Slesnick: Do we have a second to Commissioner Withers amendment?

Commissioner Anderson: Sure, I'll second.

Mayor Slesnick: OK, Ms. Anderson seconds your amendment, she is seconding the amendment. We are voting on the amendment. Mr. Clerk

Mr. Gibbs: Just his amendment?- are there going to be other amendments?

Commissioner Anderson: I would like to make sure.

Mayor Slesnick: We may.

Commissioner Anderson: I definitely have some more.

Mayor Slesnick: OK, we are voting on Commissioner Withers amendment.

Mr. Clerk

Commissioner Withers: Yes

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Mayor Slesnick: Yes

(Vote: 5-0)

Mayor Slesnick: Ms. Anderson.

Commissioner Anderson: I would like to as part of the approval process look at the issue of the proportionality of the student population, I think the pre-school issue is an important one, I would like to make that as a condition as well and a master plan.

Mayor Slesnick: Do you move that?

Commissioner Anderson: Yes, I'll move it.

Mayor Slesnick: Do I have a second?

Commissioner Withers: Proportionality of students.

Commissioner Anderson: Yes, as far as the proportion of capping some type of the pre-school proportion, because I think that creates a larger problem in the equation as far as traffic.

Commissioner Withers: What is the correct; I don't mind looking at it, what is the correct proportionality?

Commissioner Anderson: I don't know, but I know when you drop a sixth grade it throws the proportion off and you have three levels of pre-school, thirty seven percent of the school is 3, 4, and 5 year olds.

Commissioner Withers: Is that because you want to know what group is being dropped off and what group is being walked to the classrooms?

Commissioner Anderson: I think it creates an added traffic burden, I mean a drop off burden.

Commissioner Withers: I think the argument I heard was that pre-K, K and 1 have to be walked into the classroom, and 2 through 5 they kind of push them on their way.

Commissioner Anderson: Well, I'll like to make sure that...I mean, the number is a fluid number what stops them from changing the composition more, I'm just trying to put some boundaries on

that to get that, if this is going to become an all pre-K at one point, it's not going to do that obviously.

Mayor Slesnick: OK, do we have a second? Motion dies for lack of a second. Do you have another suggestion?

Commissioner Anderson: Not anything you'd like to hear. (Laughter). I'd like to lower the school population by the percentage, no just kidding. I'm trying to look through here, require the limit of population, that obviously is out...

Commissioner Withers: Maria, the reason I didn't second your motion is I don't know what we are trying to strive for.

Commissioner Anderson: When the school got to 425 it was pre-K to six, and that's a balanced proportion. I understand the removal of the sixth grade because of the feeder patterns, but that increases a population that is more traffic intensive or walking intensive and faculty intensive, I think there are probably more people, I'm not sure, I can find out between first and second reading, there is more intensive requirements.

Commissioner Withers: I understand that. My point is do we control that through other means as opposed to controlling...

Commissioner Anderson: Well, I'd like to figure it out, I'd like for us to figure that out because I think that's a concern for the neighbor and I think that's a valid concern to figure out the proportion because you can always add; if you have a drop in fifth grade they add another pre-K, and it's a matter of economics, for them it's a matter of economics also as well; if they are having a slow fifth grade, you know, they could add another pre-school or something like that in order to make up the difference, because I know I sat on the Board of St. Phillips and that was talked about, I don't think it ever happened when I was there, but it's a reality and its not either a negative or a positive from a judgment perspective on my part, I just feel it adds intensity to the use. So I don't have the magic bullet other than just to limit it, give it a maximum what it has now, its thirty-seven percent (37%) of the school population right now, and that was my concern.

Mayor Slesnick: You have any other suggestions.

Commissioner Anderson: The other condition I'd like to, I don't think it's going to pass, but anybody has any right for the covenant for the neighbors to have some say in what happens to their zoning if there is some type of zoning issue that comes up, there should be some type of approval.

Mr. Gibbs: May I make my comment about that?- I can tell you we are not seeking to be...

Mayor Slesnick: No, no, we are through.

Commissioner Anderson: I'd like to add that, I'm going to try to bat a thousand here, but...

Mayor Slesnick: Do you want to move it.

Commissioner Anderson: Yes, I'll move it...It hasn't stop me from trying before.

Mayor Slesnick: OK, is there a second to that? Do you have another?

Commissioner Anderson: No. I know when to quit when I'm ahead.

Mayor Slesnick: We now have the vote on E-4 as amended.

Mr. Clerk

Commissioner Anderson: No

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Mayor Slesnick: Yes

(Vote: 4-1)

Mayor Slesnick: Thank you all, thank everybody for participating. We will be back here for second reading at some time, at which time the amendments will be incorporated into the proposal, and we have asked that the neighbors and the church continue to talk about these items.

Mr. Riel: It will be July 29th, second reading.

Mayor Slesnick: July 29th, which is a Wednesday by the way, which is confusing because we don't normally meet on Wednesdays.

[End: 1:18:00 p.m.]