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CITY OF CORAL GABLES COMMISSION MEETING

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IN RE: DYL MERRICK MXD

5

Tuesday, January 13, 2009
11:00 - 3:30 p.m.

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405 Biltmore Way
Coral Gables, Florida 33134

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Reported By:

Rick Levy

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CITY OF CORAL GABLES
OFFICE OF THE CITY CLERK
2009 MAR - 3 AM 10:54

1 APPEARANCES:

2 On behalf of the Developer:

3 CLIFFORD SCHULMAN, ESQUIRE
4 MARIO GARCIA-SERRA, ESQUIRE
5 GREENBERG, TRAURIG
6 1221 Brickell Avenue
7 Suite 2200
8 Miami, Florida 33131

9 ALSO PRESENT:

10 MAYOR SELESNICK
11 Commissioner Maria Anderson
12 Commissioner Ralph Cabrera
13 Commissioner William Kerdyk
14 Commissioner Chip Withers
15 Maria Alberio Jimenez
16 Elizabeth Hernandez, Esquire
17 Donna Lubin
18 Eric Riel
19 Vince Damian, Esquire

PROCEEDING

— — —

MAYOR SELESNICK: If you are not associated with E7, E8 or E17 then we will come back to the other parts of the agenda around 1:30 and of course if persons are not here we will take up other items to make sure everybody gets back here. We always have city manager items that we can take up.

CITY MANAGER JIMENEZ: An ordinance of the City Commission of Coral Gables, Florida approving the exchange of property located at the southwest corner of the intersection of Greco and Granello Avenues, Coral Gables, Florida, the legal description of which is set forth as follows; a portion of Tract "B" and Tract "C" replat of a portion of Block 16 of the revised plat of Coral Gables Industrial Section, according to the plat thereof, recorded in Plat Book 43, page 50, of the public records of Miami-Dade County, Florida, more fully described as follows: Commencing at the southwest corner of said Tract "C" thence north 50 degrees 19 minutes 17 seconds east on the southerly line of said Tract "C" and north

1 right-of-way line of said Grenello Avenue, a
2 distance of 87.91 feet to the point of
3 beginning; thence north 39 degrees, 40
4 minutes, 43 seconds west, a distance of
5 136.86 feet; thence north 83 degrees, 21
6 minutes, 37 seconds east, on the northerly
7 line of said Tract "B" and Tract "C" and south
8 right-of-way line of said Greco Avenue, a
9 distance of 183.59 feet to a point of
10 curvature of a tangent curve concave to the
11 southeast; thence southerly along said curve,
12 to the right, having a central angle of
13 146 degrees, 57 minutes, 40 seconds and a
14 radius of 20 feet for an arc distance of
15 51.30 feet to a point of tangency; thence
16 south 50 degrees, 19 minutes, 17 seconds west,
17 of the east line of said Tract "C" a distance
18 of 143 feet to the point of beginning; said
19 land containing approximately 13,564 square
20 feet; in exchange for the conveyance of City
21 of Coral Gables Parking Lot 31 located at the
22 southeast corner of LeJeune Road and Greco
23 Avenue, Coral Gables, Florida, the legal
24 description and folio number are set forth as
25 follows; folio number 03-4120-017-2240. Lots

1 8, 9, 10, 11 and 12, Block 16 of revised plat
2 of Coral Gables Industrial Section, according
3 to the plat thereof, as recorded in Plat Book
4 28, at page 22 of the public records of
5 Miami-Dade County, Florida, said land
6 containing approximately 13,551 square feet;
7 further providing for a waiver of certain
8 provisions of Article VIII of City of Coral
9 Gables City Code by a 4/5 vote in accordance
10 with City Code Section 2-2011 including the
11 requirement of an advertised public bidding
12 process; providing for repealer provision, a
13 savings clause and a severability clause and
14 providing for an effective date. On
15 January 8, 2008 --

16 MAYOR SELESNICK: Wait. Read E8 and E17
17 since we put them all on the table. Just to
18 explain to everybody we're going to put all
19 three items on the table. We will vote on
20 them separately however so you understand
21 that.

22 CITY MANAGER JIMENEZ: An ordinance of
23 the City Commission of Coral Gables, Florida
24 approving vacation of a public alleyway
25 pursuant to Zoning Code Article 3, Division 12

1 "Abandonments and Vacations" for the proposed
2 mixed use project referred to as "DYL Merrick
3 MXD" on the property legally described as all
4 of Block 16, Industrial Section (4601 LeJeune
5 Road) Coral Gables, Florida providing for a
6 repealer provision, a savings clause and a
7 severability clause and providing for an
8 effective date.

9 MAYOR SELESNICK: E17.

10 CITY MANAGER JIMENEZ: E17. For
11 discussion purposes only. Adoption of
12 Resolution will occur at Second Reading of
13 related Ordinance. This is a resolution of
14 the City Commission of Coral Gables approving
15 a mixed use site plan for the proposed mixed
16 use project referred to as "DYL Merrick MXD"
17 located on property legally described as all
18 of Block 16, Industrial Section (4601 LeJeune
19 Road) Coral Gables, Florida as set forth in
20 application No. 06-08-070-P, subject to
21 certain conditions.

22 MAYOR SELESNICK: In order to keep our
23 discussion going as we had before in plain
24 English we have three items before us. They
25 all deal with the proposed development project

1 along LeJeune Road just north of US1. One
2 item is a land swap between the city and the
3 developer. One item is abandonment of an
4 alley and substitution of another proposed
5 alley and the third item then is the entire
6 project site proposal. Those are the three
7 items we will address as an entire issue and
8 then we will vote separately on each item.

9 CITY MANAGER JIMENEZ: Thank you
10 Mr. Mayor. On January 8, 2008 the City
11 Commission authorized the city manager
12 pursuant to requirements of the City's
13 Procurement Code to negotiate with DYL Merrick
14 Park Development, LLC for the exchange of the
15 city owned parking lot located at the
16 southeast corner of LeJeune Road and Greco
17 Avenue for a parcel of land located west of
18 the intersection of Greco and Grenello
19 Avenues.

20 The developer at his own risk proceeded
21 with city's procurement process and you
22 described today Mr. Mayor we will have three
23 items to consider at the end of today's
24 presentations.

25 Following the applicant's presentation I

1 would ask Donna Lubin, our assistant city
2 manager, to present the process undertaken by
3 the developer involved in the various boards
4 and committee as well as city staff and the
5 proposed ordinance related to land exchange
6 all in accordance with our city procurement
7 process.

8 Then I will ask Mr. Eric Riel the
9 Planning Director to present the ordinance
10 related to proposed alley vacation as well as
11 the resolution outlining the proposed mixed
12 use project along with the conditions. The
13 applicant?

14 MR. SCHULMAN: Mr. Mayor, members of the
15 commission, my name is Cliff Schulman, I am an
16 attorney with offices at 1221 Brickell Avenue,
17 Miami, Florida and I have the pleasure of
18 representing today DYL Merrick Park
19 Development, LLC and I wish you all a happy
20 and healthy new year.

21 Mr. Mayor, with me today as part of the
22 project team is the principal of DYL John
23 Yanopoulos and -- of DYL. Can you hear me now
24 in the back of the room?

25 Also with me is Jose Gilbert Navia, our

1 project architect and Ryan Stallings from
2 Perkins & Will as well as Richard Garcia our
3 traffic engineer, Andy Filpart our economic
4 consultant and my very qualified and highly
5 respected legal colleagues Laura Rousso and
6 Mario Garcia-Serra. The application before
7 you today is really the culmination of over a
8 year of intensive study by the city staff as
9 well as a myriad of city boards and other
10 committees.

11 In point of fact these items in one form
12 or another have been reviewed over this past
13 year by no less than eight boards and
14 committees of the City. That includes your
15 Economic Development Board, your Budget
16 Advisory Board, your Property Advisory Board,
17 your Parks and Recreation Advisory Board, your
18 Parking Advisory Board, your Design Review
19 Board, Board of Architects and Planning and
20 Zoning Board. That was a lot of review by
21 those various boards and agencies which
22 resulted in what we believe is a favorable
23 staff recommendation which is before you.

24 And for purposes of the record right up
25 front we want to thank staff both the City

1 Manager's Office as well as planning and
2 zoning staff for the extensive role and work
3 they've done on this project. I would say
4 this is probably one of the most complex
5 projects that has gone through this myriad of
6 various boards and agency review.

7 As you indicated Mr. Mayor really three
8 items before you. One is the swap of a piece
9 of city property for another piece of
10 property. Second is an alley closure but
11 truly a relocation of the alley and third the
12 site planning additional use approval. But
13 let me tell you first and I generally don't
14 like to do this but let me tell you what this
15 matter is not about because there's been some
16 misconceptions --

17 MAYOR SELESNICK: Cliff, one second and
18 this doesn't necessarily apply to the
19 attorneys just going to ask everyone including
20 the attorneys to make it -- city clerk and
21 city attorney have informed me we will swear
22 in the people that speak today so if everyone
23 who is going to speak on this matter please
24 stand and raise your right hand and take the
25 oath from the city clerk I would appreciate

1 it. Just do it to everybody.

2 THE CLERK: Do you solemnly swear and
3 affirm the testimony you will present here
4 today will be the truth, nothing but the
5 truth?

6 MAYOR SELESNICK: Thank you. Sorry.

7 MR. SCHULMAN: No problem. Always kind
8 of weird when you ask an attorney to swear to
9 tell the truth, the whole truth and nothing
10 but the truth. Sort of uncomfortable.

11 MAYOR SELESNICK: Just makes it clean
12 that everyone is sworn in.

13 MR. SCHULMAN: Now you got me. Now I
14 have to get the truth requirements so it will
15 be a lot shorter presentation. Let me tell
16 you what the application is not even though
17 there's a misconception and I think
18 inadvertent at least I hope inadvertent on
19 certain people's behalf.

20 Number one, this is not an application
21 to make a comprehensive plan. Particularly
22 project that's involved here has been
23 identified since the early 1990s in an area
24 that is suitable within your comprehensive
25 plan and is totally consistent as staff will

1 tell you with your comp plan.

2 Second, this is not an application to
3 rezone this property. This property is
4 already zoned properly for the uses that we
5 are asking you for as part of this particular
6 project.

7 Third, we are not asking you to put a
8 mixed use overlay on this property. Point of
9 fact it's been a mixed use overlay since about
10 2004 and 2005 so we're not asking you for
11 that. We're not asking you for any variances.

12 There are no -- point of fact, the intensity
13 of this development that you will see today as
14 Jose will describe to you in greater detail is
15 less intense from a floor area ratio and
16 density point of view than what is presently
17 allowed with the underlying zoning. No
18 variances being requested of you today.

19 You will also here and it is not true we
20 are not asking for any additional density or
21 intensity for this particular project. In
22 fact it is below those standards of your code.

23 And we are not asking for any higher
24 development in height than is already
25 permitted pursuant to the underlying zoning

1 category for the site and we are not asking
2 for any liberalization of the setbacks. Point
3 of fact this project exceeds setbacks of the
4 code. What are we here today to do? This as
5 you know this lot between Grenello and Greco
6 is unusually shaped lot and I'm stating
7 something which is really an understatement.
8 It has been a challenge and the challenge is
9 even more applicable, will you put up the
10 slide, it will be a lot?

11 As you know the lot has the city parking
12 lot at the corner as well as a north/south
13 alley which bisects it and separates the
14 parcel from the industrial zone parcel which
15 is on the remainder of the tract.

16 So as you can basically see the blue is
17 the city parking lot directly on LeJeune Road
18 and directly to the east of that is the
19 north/south alley that we're talking about.

20 So therefore the development of this
21 otherwise triangular piece of property is not
22 really a triangle, it's somewhat bisected and
23 it would be a challenge to come up with a
24 reasonable development scheme without the
25 approvals that we are seeking from you today.

1 We believe that we have come up with an
2 exceedingly good scheme to effectuate your
3 comprehensive plan as well as make sure that
4 the property is going to be used
5 appropriately.

6 But another thing should be kept in
7 mind. What is before you today is the
8 approval of what's called conditional use.

9 Let me explain what conditionable use is. As
10 opposed to a new use that is not otherwise
11 permitted in zoning district certain uses are
12 allowed and are permitted uses in a zoning
13 district subject to certain review and
14 conditions.

15 So unlike trying to establish a totally
16 new zoning district to oppose a totally new
17 use in an area that didn't have it before this
18 use, a mixed use project, including a
19 residential component is a permitted use in
20 this zoning district.

21 The only thing we're doing here today is
22 finding reasonable conditions when we get to
23 the site plan at the next meeting so that use
24 can basically be compatible with the area and
25 beneficial to the city as a whole.

1 Now, some believe that this is a project
2 that is an isolation being dropped in the
3 middle of a neighborhood where a project like
4 this don't exist. You know the city better
5 than I do that's for sure but the exhibit you
6 have here shows you the various projects that
7 have been approved that are similar to both
8 the size, intensity and density of use to the
9 project that's before you today so this
10 project is even newer and innovative when we
11 think about the Village of Merrick Park, The
12 Collection Auto Dealership and office building
13 shown there, One Village Place which has been
14 approved and built. The Villa Laguna which
15 was approved, a 10 story mixed use
16 development, 4311 Ponce which has been
17 approved, Merrick View approved and built,
18 Gables Gateway approved, 4325 Gables Ponce,
19 Gables Station and US1 office building on the
20 other side of US1 but some would make it
21 appear like this project is coming out of
22 nowhere and being dropped in an area where
23 projects like it don't exist and the plain
24 facts of the matter are this project is
25 perhaps totally consistent if not better

designed than some of those other projects which did not go through the level of scrutiny that this project has gone through as it was reviewed by eight various boards and agencies.

And by the way some of those meetings of those eight boards and committees wasn't just one meeting. I know you're going to be stunned by this but sometimes the matters were continued to another meeting and so when we say eight boards and committees there were numerous meetings of those committees.

Let me deal first in general terms and then we'll get to specifics on the land swap. Simply stated you have 13,500 square foot surface parking lot with 34 city spaces on it at the corner as I showed you on Greco.

What we are suggesting is in order to round off the lot and make it totally and efficiently usable that we would swap that piece of property with the city for a parcel of property located on the eastern boundary of our site of approximately equivalent, in fact a little bit more square footage than your property.

There has been criticism of the park

1 plan because it's not specific enough at this
2 point in the process but in all candor it is
3 clearly specific enough in order for you to
4 move forward.

5 What we do know about this park at this
6 particular point in time? Well, we know the
7 size. We know it's 13,500 feet for
8 approximately 13,500 feet. We know the park's
9 location. Some have said well, this park
10 could be a half a mile away. We know on the
11 site plan it's directly adjacent and
12 contiguous on the east to our project. So
13 there's no mystery there.

14 What else do we know about the park? We
15 know the type of park it's going to be, the
16 amenities that are going to be in it are
17 totally outside the developer's control.

18 They're totally in the city's hands.
19 You will tell us what you want in your various
20 boards and agencies whether it be Parks and
21 Recreation Advisory Board or others what you
22 want in that park. And we have to build it
23 and they will come and we will build it. But
24 in point of fact not only will we build it we
25 will pay up to \$35,000 worth of design costs

1 and a million dollars worth of construction
2 costs in order to build you a park for the
3 public of which there are no private amenities
4 planed or shown on the site plan within that
5 park area and those matters will be determined
6 subsequently through your parks and advisory
7 board and whatever other boards and agencies
8 that you want to review how that park should
9 work and how it should be and how it should
10 function. It will not be our decision.

11 Totally yours. And then when I say to add
12 insult to injury not only will we build it we
13 will maintain it for you in perpetuity at an
14 approximate cost in today's dollars the city
15 anticipates will be approximately \$180,000 per
16 year.

17 So do we know enough about the park to
18 go forward? The only thing we know about the
19 park is the following; no park, no swap, no
20 project.

21 COMMISSIONER KERDYK: How much are you
22 giving us for the park or renovating the park?
23 How many dollars are you giving us, I just
24 want to make sure you understand?

25 MR. SCHULMAN: \$1 million.

1 COMMISSIONER KERDYK: If we put a piece
2 of green space there you're giving us a
3 million dollars; correct?

4 MR. SCHULMAN: No, we're giving you the
5 cost of the park up to a million dollars.

6 COMMISSIONER KERDYK: If we build --
7 listen to me, I'm asking the questions. We
8 build the park for \$100,000 what happens to
9 the other \$900,000?

10 MR. SCHULMAN: You made a real big
11 mistake, you should have spent more money
12 there. We guaranteed the cost of the park up
13 to a million dollars, whatever is necessary.

14 COMMISSIONER KERDYK: That's what you're
15 proffering. We haven't made any mistake, we
16 haven't voted on anything.

17 MR. SCHULMAN: That decision is not in
18 our hands. That decision is totally in your
19 hands.

20 COMMISSIONER KERDYK: I mean let me tell
21 you, if you're going to spend a million
22 dollars what's the difference between giving
23 us a million dollars make a decision we want
24 to utilize that for something else. You
25 already allocated that in your mind

1 \$1 million.

2 MR. SCHULMAN: Again the way it
3 presently has been negotiated is we would give
4 you up to a million dollars.

5 COMMISSIONER KERDYK: That's why I asked
6 the question.

7 COMMISSIONER CABRERA: He brings up a
8 very interesting point you say at this point
9 what's been negotiated. Well, we're the final
10 decision maker so you can negotiate all you
11 want. Would you be willing to restructure
12 that negotiation so that it becomes in fact a
13 million dollars?

14 MR. SCHULMAN: The bottom line.

15 COMMISSIONER CABRERA: One second.

16 MR. SCHULMAN: I'm agreeing with you.
17 If you don't spend \$1 million and you only
18 choose to spend \$100,000 we'll give you the
19 difference.

20 COMMISSIONER CABRERA: Ok, you're like
21 Monty Hall.

22 MR. SCHULMAN: Door number one or door
23 number two?

24 COMMISSIONER CABRERA: I'm serious, I
25 had a flashback to Monty Hall. Remember the

1 days I would faking being sick.

2 MR. SCHULMAN: Vanna White will be out
3 with a vowel in a moment. I hate to give away
4 client's money but in any case here it is. So
5 those are the things we know about the park as
6 it's been subsequently amended and what you
7 will be getting for that particular park and
8 the other issue that's -- what happens with
9 those 34 parking spaces that are on the
10 surface lot at the present time. We agreed to
11 basically take those 34 spaces which are open
12 to the air, surface park and open to the
13 elements and whatever whether they be good or
14 bad and basically we have designed our project
15 with 34 available public parking spaces that
16 will basically make up for that approximate
17 cost of \$30,000 per space for structured
18 parking as opposed to surface parking.

19 So that parking will be available. Now,
20 there's been another misconception again I
21 think it's inadvertent those spaces would be
22 made available to the public at hourly rate
23 retail rate like we will be charging our
24 customers.

25 Point of fact those spaces will be

1 available for the public at the same rate that
2 the city charges for its particular parking in
3 any other parking area in the city. So again
4 that's been a misconception we want to
5 clarify.

6 What other public benefits have we come
7 forth with? In addition to and again just
8 putting aside for the moment the ability to
9 develop \$130 million project plus or minus a
10 couple million dollars within the city and the
11 ad valorem tax base that would come along with
12 that. Put that aside for a moment.

13 We already discussed the city parking
14 lot and the swap on that and we did have
15 appraisals done of the value of our lot and
16 the value of the city lot both taken in
17 isolation, meaning as separate lots, but also
18 when aggregated together, stuck together, with
19 the parcels that they're next to and we
20 submitted that to the city but of course the
21 city doesn't accept developer's appraisals per
22 se so the city hired their own appraiser Mark
23 Quinlevin to basically take a look at that
24 appraisal and do his own appraisal and
25 basically both appraisers agreed that the

1 parcels are equivalent value plus or minus.

2 We talked about the 34 parking spaces at
3 a cost of approximately \$30,000 worth of
4 space. That's \$1,020,000 again plus or minus.

5 But \$35,000 to the parking site and the
6 million dollars giving that away Mr. Kerdyk
7 and Commissioner Cabrera. Million dollars for
8 the park that's out there. In addition we
9 agreed for \$225,000 to reconfigure Grenello
10 and Greco intersection. We maintain the cost
11 of the park at \$180,000 and \$750,000 for
12 streetscape improvements along Greco not to
13 the end of our property, not just to the end
14 of our property but all the way to Ponce.

15 The city didn't want half of a job done,
16 city staff. So even though most developers
17 are only required to deal with roadways
18 adjacent and abutting to the property line.

19 MAYOR SELESNICK: They were showing your
20 points you were talking about. They stopped
21 so can we go back to that last shot, please?
22 Thank you. Keep it there while he finishes.

23 MR. SCHULMAN: Thank you. In addition
24 our streetscape improvements for the repaving
25 of Greco \$450,000 for the streetscape

1 improvements. \$325,000 for the construction
2 of approximately 13 additional street parking
3 space on the West side of LeJeune in the
4 vicinity of the Havana Harry's. A \$10,000
5 construction of additional parking space along
6 Greco increase to amount of spaces from about
7 17 to 34 during the point of time of
8 construction and \$100,000 being donated to
9 city for the city's affordable house endeavor
10 plus or minus give or take we're talking
11 \$3.9 million worth of public benefit being
12 given to the city from this project without
13 even considering the recurring \$180,000
14 maintenance cost in whatever perpetuity
15 remains and how you present day value that.
16 Nonetheless approximately \$4 million of public
17 benefit as well as a public park in an area of
18 the city that doesn't have a public park.

19 Where there is now residential
20 development instead of industrial development
21 that was originally scheduled for this area.
22 Now you've got people instead of warehouses.
23 And now people require parks and this park
24 will be there for you.

25 The alleyway. The alleyway location

1 again misconstrued. Some said the alley
2 doesn't go through, the proposed new alley
3 doesn't go through but as you will see in my
4 presentation the new alley does go through
5 right there. You see the north/south
6 configuration in yellow as the alley exists
7 today and you will see a north/south
8 configuration of you alley as it would exist
9 but there's a difference, a very important
10 difference between the new alley and the old
11 alley. It's twice the size of the existing
12 alley. The existing alley plus or minus 6,000
13 square feet. The new alley is plus or minus
14 12,000 square feet. Why, because it had to be
15 wide enough and high enough to take care of
16 garbage, to take care of fire, to take care of
17 large delivery vans and the second thing that
18 is most important that this alley is
19 significantly different from the existing
20 alley is the service vehicles cannot be seen
21 by anybody. They are hidden. Just like 55
22 Merrick, again not new nor innovative this is
23 a hidden alley with a public easement to be
24 open 24/7 not that members of the public are
25 using the alley. Generally to service the

1 property on either side and that is what this
2 alley will do but also be wide enough and
3 available to the public on a 24/7 basis.

4 So while legally we have to call this an
5 alley abandonment because that's legally as
6 the city attorney will tell you what you're
7 going, what you're really doing is
8 substituting an alley twice the size covered
9 from the elements and hidden so that service
10 vehicles and that are not necessarily the most
11 esthetic that the garbage trucks do make a
12 little bit of noise every once in a while and
13 if they're on the outside that affects the
14 neighborhood we have internalized that which
15 we believe is consistent with the
16 comprehensive plan and the plan for the city.
17 The side plan approval. Your own staff has
18 indicated in staff report what is permitted to
19 be done on this site. Now under the existing
20 industrial or residential zoning I would refer
21 your attention to page 5 of 22 of the report
22 dated 10/8/2008 and you will see a chart as to
23 what is permitted under the existing zoning.

24 What is permitted under the existing
25 zoning is the floor area ratio of 3.5. Our

1 floor area ratio is 3.35 which is less than
2 what is permitted under the existing zoning.

3 The heights which are permitted in both
4 the commercial and industrial district are the
5 same heights that we are suggesting as part of
6 our application today.

7 So the only thing that really has
8 changed between what we have suggested and
9 what is allowed under the existing zoning as a
10 matter of rights is that we are building less
11 square footage than we could otherwise do
12 under the existing zoning as a matter of
13 right.

14 Your code as you're probably aware gives
15 us a choice. Our choice is either to go under
16 the existing zoning, the underlying zoning or
17 to opt into the mixed use and the only thing
18 that we are really requesting as part of mixed
19 use that is not otherwise permitted under the
20 existing zoning is residential, 42 luxury
21 residential condominium units that are not a
22 charade, they take out the top three floors of
23 the building. They are substantial units of a
24 high end that we are bringing into this mixed
25 use development.

1 So in point of fact this is not a
2 question of whether or not which side will be
3 developed as that will be shown by Jose in his
4 presentation, it's just a matter of what you
5 like to see in this site because same heights
6 and the same intensities are permitted under
7 the existing zoning.

8 Now, after we went to the Planning and
9 Zoning board give us some comments and as your
10 record reflects did not make a recommendation,
11 they basically were a 3-3 vote but we listened
12 to what they said and so we made some project
13 revisions that are presently still being
14 reviewed by the Building and Zoning Staff
15 which we understand will be available to you
16 their comments by the time we get to the
17 second reading on this next month.

18 The revisions were relatively simple, we
19 set the building back more from LeJeune
20 approximately eight feet so now we have a
21 13-foot landscape buffer from LeJeune and also
22 we have a very, very beautiful portico that
23 comes over that particular area that makes it
24 very, very pleasant for walking.

25 The other change that we made is again

1 we believe a non-minor change, we cut out
2 6,000 square feet of our square footage in
3 other words we went from 328,000 square feet
4 that we had been previously asking and we
5 reduced that to approximately 322,000 square
6 feet so the magnitude of the project went down
7 even further from that which is permitted
8 under the existing zoning.

9 Also those revisions have already been
10 approved on December 23rd 2008 by the Board of
11 Architects and those revisions are now being
12 reviewed by the city zoning staff.

13 All in all we have a project that is
14 permissible in this zoning district,
15 permissible in fact encouraged by the
16 comprehensive plan and could be the spark that
17 again lights this area to become a true total
18 mixed use district.

19 Now some have questioned this is really
20 not a mixed use building; that there's no
21 synergy, that there is no other buildings
22 around. The bottom line is under your code
23 this is a mixed use building. It is
24 residential, commercial as well as office uses
25 in this particular area and clearly qualifies

1 and is approximately 2.3 acres, so it is not a
2 small little 50 X 100 lot this is a you know a
3 substantial lot whereby you have the
4 integration of those uses and
5 interrelationship between the residents the
6 office as well as the restaurants and retail.

7 Jose will now run you through the detail
8 of this development so Jose if you come up
9 here and we would like to reserve some time.
10 We do accept staff revisions for purposes of
11 the record. Like to reserve time for
12 rebuttal.

13 COMMISSIONER KERDYK: Let me ask you a
14 question. You said 2.3 acres, that's
15 inclusive of our piece of property on --

16 MR. SCHULMAN: I don't believe it is.
17 Is that correct sir?

18 COMMISSIONER KERDYK: I have two
19 questions.

20 MR. SCHULMAN: Does include that.

21 COMMISSIONER KERDYK: Taking the other
22 one away. How many square feet of land I have
23 talked to you about this before do you have on
24 the one side of the alleyway?

25 MR. GARCIA-SERRA: For the record Mario

1 Garcia-Serra offices at 1221 Brickell Avenue,
2 part of the legal team here for the project.
3 Commissioner, you're asking west of the
4 alleyway how much do we own right now in that
5 parcel which is south of the city parking lot?
6 Approximately 18,200 square feet.

7 COMMISSIONER KERDYK: Here is how I see
8 it. I looked at my plat book today. It looks
9 like you have our lot is about 13,500 square
10 feet. The lot that's to the south of that is
11 probably 18,700 square feet which is the 4633
12 LeJeune Road site and then the four folio
13 numbers which include 0010, 0020, 0030 and
14 0040 comes to about 73,000 square feet which
15 is less than two acres. An acre is 43,560,
16 would be 87,000 so a little bit less than
17 that.

18 What I was trying to do if you built as
19 of right not touching our alleyway, not
20 building over our alleyway how many FAR square
21 foot could you get you would get the 3.5
22 multiple on 73,179 which is 256,000 square
23 feet. How big is your project you're
24 proposing right now?

25 MR. SCHULMAN: 323,000 square feet total

1 for both sites. Also have to figure 3.5 FAR
2 on the 18,000.

3 COMMISSIONER KERDYK: I understand.

4 Thank you very much.

5 COMMISSIONER CABRERA: One quick comment
6 and Mr. Schulman you said something very
7 interesting when you were discussing the park
8 you said you will have a park, a public park
9 where we never had one before and I take your
10 comment to heart but what's ironic is that
11 just down the street you got a shopping center
12 supposed to be a park that's called the
13 Village of Merrick Park and I just thought I
14 got a kick out of it I remember early on when
15 we were looking at that project I wasn't a
16 member of the city commission it was a massive
17 park I failed to see the park space today.

18 Kind of interesting comment to reflect on that
19 as we look at that project so I sincerely hope
20 that yours turns out to be if we should
21 approve it a real live working park.

22 MR. SCHULMAN: As I said your only
23 guarantee is no park, no swap, no project. So
24 sort of goes hand in hand.

25 COMMISSIONER CABRERA: I hear you.

1 MR. SCHULMAN: Thank you.

2 MAYOR SELESNICK: Jose, how long is your
3 presentation?

4 MR. NAVIA: No more than 15 minutes.

5 MAYOR SELESNICK: Mr. Schulman reserved
6 some time but I don't know what time he's
7 reserving. We will let you come back and do
8 some rebuttal but okay, 15 minutes, let's try
9 the stick to that.

10 MR. NAVIA: My name is Jose Helebert
11 Navia with the firm of Perkins and Will.
12 Besides that I've been a resident of Coral
13 Gables for 28 years now and I've also been
14 teaching at University of Miami for 28 years
15 so my whole life revolves around Coral Gables
16 and I live six blocks away from where this
17 project is.

18 So when I come to you today and present
19 this project I don't come to you as an
20 outsider that is carpet bagging this project
21 and is going to run away and not live in this
22 community. I live in this community and this
23 affects me as much as it does a lot of folks
24 that are here today so I take this
25 presentation and this project very much to

1 heart.

2 As some of you know in my other life
3 when I'm not practicing architecture I teach
4 architecture and one of the things I teach is
5 about the whole history of Mediterranean
6 architecture and one of the things that we did
7 when we started this project like Cliff said
8 very difficult site is really look for the
9 heritage of Coral Gables and precedence we
10 might be able to utilize.

11 We looked even though again we don't
12 associate Coral Gables with buildings of a
13 certain density there are buildings of a
14 certain density like Biltmore Hotel and
15 actually to a great extent the model that we
16 have used for a lot of things in our project
17 is building that's not too far from our
18 project the Segovia park a little bit further
19 up LeJeune. Actually a lot of details that we
20 put into the design of the project are drawn
21 and inspired both by the Segovia apartments
22 and by the Toledo apartments across from my
23 house.

24 So a lot of these things are very, very
25 close to home. One of the other things that

1 Cliff said is that this is a mixed use project
2 and again some of who have followed these
3 various presentations over the last year have
4 heard me say this thing before but it is every
5 architect's dream whenever you propose an
6 urban design project that you actually have a
7 mixed use project.

8 You don't want a project that is only
9 used for certain hours of the day. You would
10 love a project that is used around the clock.
11 Unfortunately in this town we don't have too
12 many precedents so mixed use project. Retail
13 center even our initial ideas of Merrick Park
14 was to have a mix use within the building. We
15 were able to accomplish it on the residential
16 but most of the other buildings retail is
17 retail, office is office.

18 In this project the owner frankly to our
19 gratification when he first came to us I want
20 this thing to be a mixed use project. This is
21 what the district wants MXD district I want
22 retail and I want residential and I want
23 offices. So we went and began looking at this
24 project and again it is a challenging site. I
25 would never have admit to them when they first

1 came to our office because I wanted to do this
2 project but the site looked frankly
3 impossible.

4 It is a triangular site very difficult
5 and what makes it very difficult is that they
6 did not have the whole lot. So we began to
7 look at alternatives and frankly we did
8 consider building as of right. If we had
9 built as of right as Cliff said we would have
10 only have had to have gone to the Board of
11 Architects and well, probably have cut easily
12 ten months out of this project. We wouldn't
13 be here today. But we did some analysis of
14 the property and there is one major drawback.

15 If we were to build as of right and
16 you'll see how it translates into the building
17 and that is the surface parking lot that is
18 over in the corner which again in our meetings
19 with the city the city has said that this is
20 an underutilized lot; that frankly there was
21 other alternatives and again we don't mean to
22 replace -- to do away with the parking, we're
23 going to replace the parking but if the lot
24 were to remain and we were to build as of
25 right you would have the condition not unlike

1 like what you have with the old Charades
2 restaurant used to be where you would have a
3 blank wall next to it or actually not to go
4 even further we would have potentially the
5 disaster that you have to the entry of Miracle
6 Mile where because some of the property owners
7 were not willing to sell to the developer
8 which would have conceivably enhanced the
9 project what you have right now is you have a
10 Denny's, you have a chicken place and you have
11 a humongous wall completely encircling the
12 property.

13 This is the scenario of what we would
14 have had were we able to build -- if we had
15 chosen to build as of right. It is not our
16 choice to put a blank wall off of the alley or
17 a blank wall on the southern side of the city
18 owned parking lot. We would have to do that
19 by code. The fire code requires that we do
20 that.

21 So again we could walk away from this
22 meeting today and the owner could conceivably
23 tell to us you know what, let's do it, just
24 build as of right but I wanted to show you
25 this certainly is something that I would have

1 to deal with as an architect and I don't know
2 frankly at this point whether I can solve that
3 in terms of I don't know how many plants you
4 can put and how much ivy you can put on the
5 side of the building to make this thing
6 attractive.

7 Instead what we are trying to present to
8 you today this is critical part of the land
9 swap is we feel we have something which is a
10 win win situation for the city. I'll explain
11 the whole project but the corner you're seeing
12 there now is the corner of LeJeune and Greco
13 of how it would look under our project as
14 opposed of how it would look under the as of
15 right alternative.

16 Again you know the site pretty well. It
17 is to the south of Village of Merrick Park and
18 again probably dates me actually was surprised
19 that was the last project I did in Coral
20 Gables before this one we were involved in the
21 whole planning of Village of Merrick Park and
22 our firm was responsible for the residential
23 portion and the office portion. So we were
24 very conscious and as I think most of you know
25 this property that we're dealing with right

1 now once belonged to Ralph's because Ralph's
2 always saw this was an extension of the
3 development of Village of Merrick Park. It
4 changed hands a number of times but again it
5 was a property that was always seen as a
6 extension of development that started already
7 and as Cliff mentioned before it is part of a
8 property that is also surrounded by an MXD
9 district in which a number of projects have
10 already been approved.

11 Again Cliff mentioned this before the
12 Gables Gateway project which is in here and in
13 here has already been approved. It's ready to
14 go. As you know the land has already been
15 cleared under this zoning. We don't show it
16 in here but the Berkowitz project has also
17 been approved by the Board of Architects and
18 all of this area where we are proposing the
19 project again went through an extensive public
20 review process and we have followed to the
21 letter the MXD zoning that you all approved.

22 COMMISSIONER CABRERA: Incidentally the
23 two projects that you just named they did not
24 come before the City Commission because they
25 were believe done as of right.

1 MR. NAVIA: Right. The reason we are
2 here is because of the land swap.

3 COMMISSIONER CABRERA: I know. I wanted
4 the public to understand -- I'm not familiar
5 with either project because I never saw it.
6 So sometimes the public just simply doesn't
7 understand that we don't get to approve every
8 single project they see as they drive by.
9 Just taking the opportunity to do that.

10 That's all.

11 MR. NAVIA: Cliff mentioned a bit about
12 the way we designed the project and again we
13 are fortunate that the owner's representative
14 in this project happens to be an architect so
15 some of the things we were saying she was
16 sensitive to.

17 One of the things we wanted to avoid
18 from the beginning was to have a pancake
19 parking and have our building sit on top of
20 it.

21 If you want to see how those buildings
22 look all you need to do is drive down Ponce
23 every single building that has been finished
24 recently has a pancake of parking and on top
25 of that pancake you have the building.

1 So to the people in the community the
2 people that walk by all they see is maybe some
3 token retail on the ground floor and then a
4 number of stories of parking and way up is
5 where you have the apartments or the offices.

6 What we did in this project was surround
7 the building with a real liner of retail.
8 There is no parking on the ground floor.

9 As Cliff mentioned we internalized all
10 of the surface. The new alley comes over in
11 here, exits the other side of the property so
12 that all the services including FP&L, garbage
13 pick up, everything is being done inside of
14 the building so the neighbors will not have
15 the trucks servicing even not to go any
16 further across the street, every morning I
17 drive next to Publix and all the service
18 trucks from Publix are right there on the
19 landscape. This project would not have that.

20 The other thing that we have done is the
21 retail we made it as wide as possible so it's
22 successful. One of the cardinal rules of
23 retail is that you have and Commissioner
24 Kerdyk will know this you have to have at
25 least 45 feet, part of the thing that we

1 Village of Merrick Park I wish we would have
2 done differently but we were constrained is
3 make it deeper in some of the areas. In here
4 the owner has stayed from the beginning and we
5 work with them all of this facing LeJeune
6 facing Greco would be retail. There is the
7 opportunity best of worlds we can get say a
8 place like Whole Foods that would come in here
9 facing Grenello and we have designed the areas
10 that are next to the future park who hold one,
11 maybe two restaurants.

12 Now, it's difficult to imagine all of
13 this and some people have said business will
14 fail because there's nothing around it.
15 There's nothing around it now but when Gables
16 Gateway gets underway across the street you
17 will have a lot of residential. There is also
18 a project that because of the economy has
19 slowed down for an office building. There
20 will be great deal of activity. Otherwise our
21 client would not be going further with this.

22 So the expectation is certainly that
23 there is a lot of activity on the street.

24 Again Cliff went through this. We are
25 building less than we actually can build in

1 the project. But I wanted to go through again
2 Cliff mentioned that we have been through
3 eight different boards and we have been
4 through the Planning Board and again we
5 listened to what the Planning Board's concerns
6 were. Like Cliff said we were there a few
7 times, three times in fact.

8 And frankly we listened also to the
9 neighbors most of which are here who were
10 primarily concerned with what is this
11 elevation going to look like from LeJeune Road
12 which is frankly the one that they face. What
13 is this going to be like? This diagram you
14 see there is the diagram all the areas that we
15 address as part of a redesign of the project.

16 Now I'll show you how it looks the final
17 thing in a minute. The whole building both
18 the neighbors and the Planning Board wanted
19 the building moved back and again as of right
20 we could build to the property line. That's
21 what the Mediterranean code is. That's what I
22 actually wrote god knows how many years ago
23 1984 but also the planning department said
24 could you set the building back. Initially we
25 resisted it because the building is extremely

1 tight but finally we said okay we will work
2 with it. We moved the building back. The
3 other element that we were asked to do
4 actually by the Planning Board was we went to
5 them and we went to the Board of Architects
6 and we said do you want the building set back
7 or do you want the arcade and actually the
8 Board of Architect and Don Sackman is here who
9 is from the Board of Architect said no, we
10 want both. We said we can't give you both
11 because if we set it back we don't have
12 enough.

13 Well, again after we went to the
14 Planning Board meeting the owner said to us
15 Jose, you figure it out. But I want them to
16 have the arcade and I want them to have the
17 setback as well.

18 There was also a concern about the mass
19 and again we -- everything that you see here
20 we began to chop off the building so that we
21 would reduce the massing over on -- what you
22 see in these renderings we just did
23 specifically for this presentation shows you
24 the way that it would look from Greco and from
25 LeJeune. You see the arcade again still

1 there, moved back. We also included which
2 again you haven't seen the Gables Gateway
3 project which is what you see in here which in
4 fact is taller than our project. And we also
5 did again the rendering from the other end in
6 which you can see again all the elements that
7 have been chopped out of the building. The
8 arcade, the building that has been set back
9 and again what you see if here is the Gables
10 Gateway project. That project as you see the
11 land is clear, ready to go. This in here is
12 actually taller.

13 COMMISSIONER ANDERSON: What you're
14 showing here is the diagonal?

15 MR. NAVIA: Thing is Grenello is
16 diagonal. The site is a triangle on this
17 site.

18 COMMISSIONER CABRERA: Can you go back?
19 Right there. What is this on the right? What
20 is that?

21 MR. NAVIA: This is again something
22 which I know the neighbors were not completely
23 aware of. The property on the west side of
24 LeJeune is not zoned for single family
25 commercial. You know most of the neighbors

1 think that Havana Harry's represents zoning
2 there. Well, it doesn't. The area to the
3 west side of LeJeune is zoned for a four story
4 building. If you want to know what the west
5 side of LeJeune could like, what could look
6 like all you need to do is go to the corner on
7 LeJeune and Ponce the law office that's there
8 that is what the code allows. So when we did
9 this rendering Commissioner Cabrera we wanted
10 to show on this side what --

11 COMMISSIONER CABRERA: It looks like a
12 dam.

13 MR. NAVIA: The thing is what you will
14 have up until 47 feet that you can build on
15 that side. The last image, I'm kind of done.
16 I wanted to show you is what we see with the
17 park on the other side. Again like Cliff said
18 that design for the park is a place holder.
19 Where again the landscape architect would work
20 with the city staff so that we would achieve a
21 park that's what the city would like but the
22 idea of the park is that again all of the area
23 it's a pocket park you see in Paris. All the
24 buildings which again these building are the
25 same size and I know I mentioned this before

1 somebody said "this is not Paris" well, at
2 least we would like it to be. The buildings
3 that you see here again is what I'm saying
4 about it being a true mixed use. Ground floor
5 is retail. The next four floors are offices
6 and the last three floors are residential.
7 What we conceive is something which you can
8 live and work in your same building and go
9 downstairs to eat if you want. That's it.

10 COMMISSIONER KERDYK: Can I ask you a
11 question. Let me understand this because this
12 is sort of unusual. The fact is that you go
13 through all the boards, Planning Board two or
14 three times they have no recommendation, 3-3
15 however they make certain -- they qualify
16 their opinion so then you take it to the Board
17 of Adjustment make alterations -- Board of
18 Architects and then you make those changes or
19 you make some changes that came up in that
20 meeting and never go back to the Planning
21 Board you come straight to the commission
22 then; right?

23 MR. NAVIA: Yes. What happened is when
24 we went as part of very long discussion with
25 the Planning Board there was a concern because

1 we obviously after our third meeting we knew
2 what some of the concerns were we said we're
3 going to do this and do that and do this. So
4 they said well, you need to go back to the
5 Board of Architects.

6 COMMISSIONER KERDYK: Who said that?

7 MR. NAVIA: The Planning Board. One of
8 the members of the Planning Board said we are
9 not architects. So these recommendations
10 would this be approved by the Board of
11 Architects that's why on the 23rd of December
12 we resubmitted and made all the changes and
13 then we brought it back to the Board of
14 Architects.

15 Now to be clear in terms of what we
16 presented everything we've done like Cliff
17 said we have taken square footage away. So we
18 took close to 6,000 actually for two reasons
19 we took 6,000 away not only because it
20 represented the shaving of that side, the
21 stepping of the building back but also because
22 and we're coming to you here we are to be also
23 very clear we're not using a single square
24 inch of FAR of the alley of the FAR of our
25 building. We didn't even want that to be

1 there. Someone could argue well, the city is
2 giving you the alley use it as additional
3 square footage or not. We're building now --

4 COMMISSIONER KERDYK: Do you have a
5 facade view of what you presented to the
6 Planning Board and then again that last one so
7 you can show us both of us?

8 COMMISSIONER WITHERS: You mean the
9 changes? Planning and Zoning Board?

10 COMMISSIONER KERDYK: So we can
11 visualize.

12 COMMISSIONER WITHERS: I think the
13 LeJeune facade is what three or four of the
14 Planning --

15 COMMISSIONER ANDERSON: Actually I think
16 Chip your board appointment is on the fence.
17 It was the arcade and at the end indicating --

18 COMMISSIONER WITHERS: This is the last
19 one; right?

20 MR. NAVIA: That's the one that was
21 presented without the changes.

22 MAYOR SELESNICK: Do you have a picture
23 like that without the changes?

24 MR. NAVIA: So this what you see there
25 is what was presented and I have two diagrams

1 that might be able to explain that better.

2 MAYOR SELESNICK: What about this
3 picture right here what is this?

4 COMMISSIONER ANDERSON: This is a new --

5 MAYOR SELESNICK: What he's asking for
6 is that exact picture after you made the
7 changes. That's what the Board of Architects.
8 Did you say this was the Board of Architects.

9 COMMISSIONER WITHERS: This is
10 10/1/2008. This is the one that went to the
11 Board of Zoning.

12 MAYOR SELESNICK: What is that?

13 MR. NAVIA: After the Planning Board.

14 MAYOR SELESNICK: That's this. Can you
15 bring that up close?

16 COMMISSIONER KERDYK: Elevations are
17 different.

18 MS. HERNANDEZ: Can you put the camera
19 on it so the public can see it?

20 MAYOR SELESNICK: Right now the
21 commission just needs to see this for the
22 moment.

23 COMMISSIONER WITHERS: The one that was
24 redone for the Board of Architects.

25 COMMISSIONER KERDYK: I want to see what

1 went to the Planning Board and what went to
2 the --

MR. NAVIA: The one there is the one that went initially to the Planning Board. Then this that you're seeing here.

MR. SCHULMAN: Go to the rendering of that.

COMMISSIONER ANDERSON: They want the rendering. That's just showing changes.

MAYOR SELESNICK: What does it look like now?

MR. NAVIA: This is what it looks like now.

MAYOR SELESNICK: The one the Planning Board saw.

MR. NAVIA: Here is LeJeune Road. This is LeJeune Road. This is what went to the Planning Board. This is what -- that went to the Planning Board. This area of LeJeune has always been lower. But we had the same height that went the whole length.

MAYOR SELESNICK: Is there any possibility to get the cameras on that? If there is --

COMMISSIONER WITHERS: These are all

1 townhouses.

2 MR. NAVIA: Still are. Took the rim
3 off. They're still there but there is
4 110 feet back already. The one that went to
5 the Planning Board had continuous height in
6 here. The original arcade.

7 MAYOR SELESNICK: One second. For those
8 watching we now have it on camera so you're
9 now looking at what we're looking at. Go
10 ahead Jose.

11 MR. NAVIA: Continuous height in LeJeune
12 Road. Very important the arcade went all the
13 way to the property line. The revised version
14 there is a cutout. The corner in here was cut
15 out. Then this area in here was cut out to be
16 made set back. The last floor of the offices
17 the original one that you see here had these
18 small windows, we made the windows in here
19 larger which is something we did in the
20 Village of Merrick Park office building which
21 also raised the scale of the last floor and
22 perhaps most important we moved the whole
23 arcade eight feet back which adds eight feet
24 of landscaping all through LeJeune and again
25 the owner said besides that they want the

1 arcade so give them the eight feet and give
2 them the arcade which is what is shown on this
3 diagram here. This again what was -- this is
4 was what was originally approved.

5 MAYOR SELESNICK: The orange represents
6 the massing originally, right?

7 MR. NAVIA: The original massing and
8 then the whole thing is pushed back and then
9 the arcade is cut from the retail. There was
10 whole swap of retail lost. There was a whole
11 swap of offices lost and then there were all
12 the cutouts from the corner of the building as
13 well.

14 COMMISSIONER WITHERS: So it went from
15 35 feet to 45 feet. Not talking about the
16 setbacks.

17 MR. NAVIA: It went from zero to
18 eight feet plus the arcade.

19 COMMISSIONER KERDYK: They had the
20 arcade before but went eight feet.

21 MAYOR SELESNICK: Thank you.

22 MR. NAVIA: Maybe this is the easiest
23 way to understand the scale of the building on
24 LeJeune Road it's the same height as the
25 office building in Village of Merrick Park.

1 It's the same height as the office
2 building in the Village of Merrick Park except
3 I shouldn't criticize my own building but the
4 building Village of Merrick Park does not have
5 an arcade. This building does have an arcade
6 but the massing of it is about that.

7 MAYOR SELESNICK: Thank you.

8 COMMISSIONER CABRERA: It has a logia
9 though; right?

10 MR. NAVIA: Yes, you can go around the
11 whole building.

12 COMMISSIONER CABRERA: Then the arcade
13 is actually in the center -- I'm not an
14 architect so the arcade is -- what's the
15 difference between a logia and an arcade?

16 MR. NAVIA: It's the same thing.

17 COMMISSIONER CABRERA: It is?

18 MR. NAVIA: Yes.

19 COMMISSIONER ANDERSON: Fancier name.

20 COMMISSIONER CABRERA: Now I'm more
21 clear with that then. Thank you.

22 MR. NAVIA: As you go through LeJeune
23 just -- I mean sections are always a little
24 more difficult to understand but what you
25 would have is you would have and again we've

1 been talking to DOT and DOT is again
2 willing -- we have to finalize the negotiation
3 with them but to landscape all the area that
4 is next to LeJeune. Then you would have eight
5 more feet of more landscaping. Then you would
6 have the covered arcade.

7 COMMISSIONER CABRERA: I'm not trying to
8 buy this project but in essence what you're
9 doing is by taking it back you're also
10 improving visibility at the intersection of
11 Greco and LeJeune Road?

12 MR. NAVIA: Actually the building is cut
13 out on both corners. Not only because we
14 wanted to do it but because we had to do it.
15 Precisely because of that to improve the
16 visibility there has to be visibility.

17 COMMISSIONER CABRERA: I wish we would
18 have done that on the building you know what
19 I'm talking about Bacardi building. I wish we
20 would have done that.

21 COMMISSIONER WITHERS: Maybe I didn't
22 ask you correctly before you're reducing the
23 retail space. That's the how many square
24 feet? Is that the 6,000 square feet?

25 MR. NAVIA: No, the 6,000 combines the

1 retail that we're reducing from the ground
2 floor.

3 COMMISSIONER WITHERS: Which is going to
4 go from 37 to 45?

5 MR. NAVIA: Originally we wanted to have
6 45 feet of retail there. We shrunk it to 40
7 because now we are breaking from the service
8 in the back five feet more so we have 40-foot
9 swath of retail but we are streaming retail,
10 we are shrinking -- cutting offices on top.

11 The only thing we're not taking away because
12 of the setback is the residential.

13 COMMISSIONER WITHERS: So 6,000 feet is
14 the combination of the office space lost and
15 the retail space?

16 MR. NAVIA: Yes. The building too and
17 again this is I think an important
18 consideration you were asking the four
19 commissioners about the full height of the
20 building. What we are looking at is not a ten
21 story building in here, we're looking at a six
22 story building.

23 COMMISSIONER KERDYK: Six story building
24 where, up front?

25 MR. NAVIA: LeJeune. Again when the

1 Zoning Board, I don't know, I haven't asked
2 Eric whether that was the intention but it is
3 intended to be six or the equivalent of
4 77 feet on LeJeune to the eastern part of
5 LeJeune, you have LeJeune and then you have
6 the western part of LeJeune which is 47 feet
7 or four stories and then you have the single
8 family residential which I think right now the
9 main height is 27 or 29 feet. That is
10 allowed.

11 MAYOR SELESNICK: Thank you. Was there
12 another piece of the presentation by the
13 developers?

14 MR. SCHULMAN: That concludes our
15 initial presentation. We're here to answer
16 any questions and a short rebuttal you'll give
17 us later.

18 MAYOR SELESNICK: Going to do the staff
19 next and then we'll -- then we will ask
20 Mr. Damian who I believe represents some of
21 the objectors to make a presentation. In fact
22 may give Mr. Damian his choice. Do you wish
23 to go before staff or after staff?

24 COMMISSIONER CABRERA: When we're done
25 with this and we get to deliberate on it I'm

1 assuming we are going to take the land swap as
2 the first item of discussion because
3 everything else becomes a moot point.

4 MAYOR SELESNICK: We'll take the land
5 swap and alleyway vacation and then the site
6 plan.

7 COMMISSIONER CABRERA: That works gets
8 us out earlier, maybe midnight.

9 MAYOR SELESNICK: Ms. Lubin?

10 MS. LUBIN: Land swap requires 4/5ths
11 vote. Article VIII, Section 2-2016 is the
12 portion of the City Code that describes the
13 analysis for the purchase, sale or lease of
14 city property.

15 Therefore this land exchange proposal
16 has been reviewed by the following boards and
17 committees; the Budget Advisory Board reviewed
18 it on August 7th and September 11th, the
19 Economic Development Board on July 2nd and
20 September 9th. The Property Advisory Board on
21 July 9th and August 20th.

22 The minutes of these boards are in your
23 packet and these are the three boards that are
24 required by the procurement code. All three
25 boards recommended in favor of the land

1 exchange. The procurement code also provides
2 that the Finance, Economic Development,
3 Parking, Public Works, Planning and Historic
4 Preservation Departments review the proposal
5 with an analysis from the Parking Advisory
6 Board and Historic Preservation Board when
7 applicable.

8 Because this project involves a park,
9 the Parks and Recreation Director and the
10 Parks and Recreation Advisory Board also
11 reviewed the land exchange proposal.

12 I just wanted to mention for the people
13 viewing this on television, the entire packet
14 you can access it by the city web site at
15 www.coralgables.com and it's under the City
16 Commission agenda.

17 I would like to briefly go through the
18 recommendations of each of the entities. The
19 Parks and Recreation Boards supports the idea
20 of a park if the exchange takes place. The
21 Parks and Recreation Director recommends that
22 number one, the park cannot be constructed to
23 appear as an extension of the building and
24 must have separation in the form of natural
25 and constructed barriers in order for the

1 public to easily identify the area as a city
2 park.

3 Number two, the park should only have
4 signage for the park name and designation as a
5 city park open to the public and should not
6 have any signage pertaining to the building.

7 Number three, the park location is a
8 setting that would be an ideal place for a
9 park with urban water feature and there are
10 actual photographs of examples in your packet
11 as provided by the board.

12 The Finance Director noted that the city
13 should receive an increase in the recurring
14 annual property tax revenue of \$605,325 from
15 the estimated taxable value of the proposed
16 mixed use project and would receive additional
17 income from building permit fees, impact fees,
18 sanitary sewer fees, utility taxes, franchise
19 fees and property tax revenue from the new
20 retail businesses.

21 These are further broken down in a
22 letter dated July 30th 2008 from Miami
23 Economic Associates, Inc. that contains a
24 Fiscal and Economic Impact Analysis of the
25 proposed development and again this letter is

1 in your packet.

2 The Economic Development Director felt
3 that it is important that the park design be
4 done independent of the adjacent development
5 so it communicates and operates as a "stand
6 alone" park and not as a side plaza to the
7 adjacent development. That's a recurring
8 theme.

9 Also, because the existing parking lot
10 is underutilized, the loss of parking is
11 minimized, the value of the land swap is
12 comparable and the new land is viewed as a
13 viable park location by Parks and Recreation
14 Department, public benefit would be realized
15 through the land swap.

16 The Parking Advisory Board and Parking
17 Director recommended that if the exchange is
18 approved, the developer be required to pay at
19 a minimum of \$25,000 per space lost in Lot 31
20 which would be equivalent to \$850,000 into a
21 trust fund dedicated to the development of
22 additional parking supply within the public
23 parking system. The manager's office is not
24 recommending.

25 The Public Works director noted that the

1 project would have a positive impact on the
2 surrounding boundaries and that the traffic
3 report also included in packet shows the
4 project are not decrease the level of service
5 of the streets surrounding the project.

6 There is a lengthy memo from the
7 Planning Director, typical, in your packet and
8 he indicates that the proposed land exchange
9 would promote the vision for the MDX South
10 Industrial District including the promotion of
11 mixed uses, pedestrian friendly design and
12 public open space.

13 He also noted that the proposed land
14 exchange would allow for a more cohesive and
15 efficient design of a planned mixed use
16 project and the enhancement of the District's
17 open space needs via a pedestrian friendly
18 public park.

19 Appraisals of both properties were
20 completed by the City and by the applicant.
21 The City appraisal for the parking lot site as
22 an independent site is \$3,390,000. As
23 assembled with abutting sites the appraised
24 value of the parking lot site is \$3,708,000.
25 The City appraisal of the proposed park site

1 on the corner of Granello and Greco is
2 \$3,391,000.

3 The appraisal done for the applicant is
4 \$3,390,000 for the parking lot site and
5 \$3,390,000 for proposed park parcel.

6 Also included in your packet is a
7 Traffic Impact Study that concluded that the
8 level of service conditions are within the
9 City's and Miami-Dade County's acceptable
10 limits and as such the project meets the
11 concurrency and does not create a negative
12 impact on traffic.

13 DYL intends to build a mixed use project
14 along LeJeune Road and there is a letter of
15 intent dated January 5, 2009 from Laura Russo
16 that is included in the packet.

17 Mr. Schulman has already gone over what
18 they would proffer for that so I am not going
19 to go repeat that.

20 In summary the City Manager's Office
21 recommends approval of the land exchange,
22 subject to the following conditions that
23 should form part of the minimum requirements
24 in consideration of the exchange.

25 The park land, that the developer/owner

1 should pay for the program and design of the
2 park. That said programming and design be
3 established and managed by the City. That
4 said design clearly distinguishes the public
5 park from the proposed development. That the
6 developer or owner pay for the construction of
7 the park as programmed and designed by the
8 City and that the configuration of Grenello
9 and Greco to expand the park be incorporated
10 by design. That the park be maintained by the
11 developer and established for by the City.
12 This requirement will be executed through a
13 legal document almost to show compliance.

14 As far as parking goes. The proposed
15 parking garage incorporate as a minimum 34
16 public parking spaces and that the rate for
17 public parking be consistent with City rates.
18 That the developer construct, at their cost
19 and at the direction of the City, public
20 parking west of LeJeune Road in the commercial
21 area.

22 In addition that the Developer
23 incorporate Greco Avenue into the Landscape
24 Master Plan and that the developer agrees to
25 contribute \$100,000 towards the City's

1 Affordable Housing Study.

2 These suggested conditions are in
3 addition to any and all regulatory
4 requirements, as set forth in the plan review
5 and permitting process of development. I need
6 the also add --

7 MAYOR SELESNICK: It's my understanding
8 the developer has agreed to those numbers? I
9 would like to see the developer agree to
10 those.

11 MR. SCHULMAN: Yes.

12 MAYOR SELESNICK: Representatives of the
13 developer. Thank you.

14 COMMISSIONER CABRERA: Just be a little
15 more specific for me on the -- you made a
16 comment about the parking rates would be
17 consistent with City rates, does that mean it
18 would be equal to City rates?

19 MS. LUBIN: Yes, sir. I need to also
20 mention that section --

21 MAYOR SELESNICK: Change the word from
22 consistent to equal.

23 COMMISSIONER CABRERA: It would be
24 helpful.

25 MS. LUBIN: Section 2-2011 procurement

1 code states that whenever the city proposes to
2 purchase, sell or lease public lands or
3 buildings that the provisions apply unless the
4 City Commission upon a 4/5ths vote find the
5 public interest will be served by waiving the
6 provisions.

7 We're recommending that section 2-2013
8 of the code that requires advertisement of
9 soliciting proposals for any sale or prior
10 consideration by the City Commission the code
11 requires an advertised public bidding process
12 and because this is for land exchange by the
13 only adjacent property owner we believe that
14 it's appropriate and that requires a 4/5ths
15 vote.

16 MAYOR SELESNICK: So requires the same
17 vote as the swap.

18 COMMISSIONER ANDERSON: Let me ask a
19 question. There was something you mentioned
20 about fees and something I actually asked
21 about during our preagenda.

22 There was a concern raised by residents
23 about development, about increasing the cost
24 for infrastructure, water sewers and it would
25 impact their property taxes; things like that.

1 We enacted an impact fee ordinance and
2 correct me if I'm wrong and I want for the
3 residents to know is it last year or the year
4 before we had enacted an impact fee, last
5 year, and actually the cost of infrastructure
6 that's created by development that goes to for
7 police, fire, parks and any other
8 infrastructure is actually borne by the
9 developers so anything that impacts actually
10 is borne -- ordinarily before the impact taxes
11 it would have come probably would have come
12 now actually borne by the development
13 community and not by the residents so that's a
14 difference from what it was prior to impact
15 fees which were enacted last year and I wanted
16 to clarify because it's a good point but also
17 misconception.

18 CITY MANAGER JIMENEZ: If I may add the
19 impact fees and permit fees are estimated
20 \$1.4 million. That's not a reoccurring it's
21 one time.

22 COMMISSIONER ANDERSON: Let's say
23 before -- certain things that would have to be
24 paid but a lot of stuff would go to Miami Dade
25 County and however there were some things but

1 the impact fee ordinance we enacted recouped
2 things we needed to do city wide.

3 MS. LUBIN: That was the independent.

4 CITY MANAGER JIMENEZ: Also make a
5 statement related to the comments made or the
6 request made by the Parking Advisory Board and
7 our parking director as it relates to the 34
8 spaces and their recommendation for receiving,
9 the City receiving \$25,000 per space which is
10 about an \$850,000.

11 In speaking to staff and putting some
12 thought into this their recommendation would
13 be to put that in some trust fund for city
14 wide parking garages. We wanted to keep the
15 money in the area. We felt that through
16 additional landscaping, through providing
17 parking on perhaps some spaces on the west
18 side and the temporary parking during
19 construction that the area itself would
20 benefit from it.

21 So that's why we basically have put that
22 as conditions of our recommendation but not
23 necessarily agreeing with those proffered by
24 our planning -- I'm sorry, parking department.

25 COMMISSIONER ANDERSON: It's actually the

1 monies goes to help the affected area.

2 COMMISSIONER KERDYK: Since we're
3 talking about that I want to bring it up. 34
4 spaces going into the proposed project there.

5 CITY MANAGER JIMENEZ: As a minimum.

6 COMMISSIONER KERDYK: Let me just finish
7 off. We have problems people parking -- we
8 have parking spaces in other municipal
9 garages. Let me back backtrack. We have
10 parking spaces in other private developments
11 that municipal -- that we own ourselves and
12 that residents or business owners park in. We
13 always have problems allocating and getting
14 these people to park in their space. How do
15 you suspect these 34 spaces will be utilized
16 when we're always having so much problems --
17 actually personally I see that as a throw away
18 of 34 spaces, that's how I see it.

19 CITY MANAGER JIMENEZ: The challenge
20 with parking garages is always the signage.
21 In reality the existing city parking lot is
22 under-utilized. If you were to ask our
23 parking director he'll tell you we have an
24 average of 18 percent utilization in that lot.
25 It is under-utilized.

1 COMMISSIONER KERDYK: Which one?

2 CITY MANAGER JIMENEZ: One being
3 proffered today for the exchange. So I'm not
4 sure if the need is there.

5 COMMISSIONER KERDYK: Not so sure the 34
6 spaces. I don't see the 34 spaces -- I would
7 rather take the money. That's my personal
8 feeling.

9 COMMISSIONER CABRERA: Are you saying
10 that because we're not going to be able to do
11 a good job of communicating that there's
12 available parking?

13 COMMISSIONER KERDYK: It's a combination
14 of two things, the Raps project of 400 parking
15 spaces. 180 across the street and 220 across
16 the street on Ponce. Those are not not fully
17 utilized but there's a tremendous amount of
18 them.

19 COMMISSIONER CABRERA: Very expensive.

20 COMMISSIONER KERDYK: A lot of synergy
21 to push them in parking garages. But 34
22 parking spaces in a private garage to me I
23 think is just a waste of -- I think it sounds
24 good but I don't know how realistic it is.

25 COMMISSIONER CABRERA: What if those

1 spaces were as we said earlier equal to
2 municipal parking rates, it wouldn't take long
3 for people to understand that. I don't go to
4 the parking garages that you're talking about
5 because they're so expensive. I don't use
6 them.

7 COMMISSIONER KERDYK: Big trouble.
8 Going to have trouble getting people to
9 utilize those spaces.

10 COMMISSIONER CABRERA: For instance if
11 you made it known those parking spaces were
12 available I'm sure that the restaurant might
13 capitalize on that and in fact.

14 MS. LUBIN: The discussion with
15 restaurant office that was --

16 COMMISSIONER CABRERA: That was the
17 intent of keeping them because -- not only the
18 restaurant but the law firm and then the
19 little strip shopping center that has little
20 restaurants in it. Sorry, sir.

21 COMMISSIONER WITHERS: We talked about
22 improving or putting some parking on those
23 streets.

24 MS. LUBIN: They will. The applicant
25 has to build parking spaces, correct me if I'm

1 wrong, and I believe there are 13 parking
2 spaces. I was out with there with Kevin
3 Kinney, the parking director and we paced them
4 out and we believe there are 13 parking spaces
5 and they will pay for them.

6 COMMISSIONER CABRERA: On the west side?

7 COMMISSIONER WITHERS: I'm assuming
8 those are angled park between the law offices
9 and Havana Harry's and the strip shop so
10 they're going to be permanent spaces. So the
11 net loss is down to 29 from the 34 or whatever
12 that number is?

13 MS. LUBIN: The intent now is to build
14 the 34 spaces in addition to those.

15 COMMISSIONER WITHERS: One last question
16 Donna, are they burying utilities all the way
17 down Greco?

18 MS. LUBIN: I believe so. Is that
19 right?

20 MR. SCHULMAN: Yes.

21 COMMISSIONER KERDYK: One last question,
22 the appraisal, do you want to deal with that
23 now or later?

24 COMMISSIONER CABRERA: You're
25 Mr. Appraisal.

1 COMMISSIONER KERDYK: Tell me how the
2 appraisers come back with the same exact
3 numbers, looking at a pie shaped piece of
4 property on a sub street that is -- and one
5 that it fronts on LeJeune Road that has
6 105 feet of frontage, how does that work out?

7 MS. LUBIN: \$250 per square foot. Part
8 of the -- I called an appraiser and asked him
9 and I am not an expert.

10 COMMISSIONER KERDYK: Go ahead. I am.
11 Because they call me for these appraisals. Go
12 ahead.

13 MS. LUBIN: If it was part of the
14 project that's more expensive.

15 COMMISSIONER KERDYK: That's not right.
16 Stand alone. Looking at stand alone. Well,
17 let me tell you I think it's at least 25 to
18 35 percent inferior site plus not putting any
19 additional money for assemblage purposes.

20 Usually another additional amount. Personally
21 I think this is key of the overall project.
22 Jose did a great job with the project itself.
23 The whole issue is are we going to swap in my
24 opinion swap our land for this land for the
25 land over there. And the appraisals to me are

1 concerning. We can discuss that later on.

2 COMMISSIONER WITHERS: How much
3 difference is there?

4 COMMISSIONER KERDYK: 30 percent of
5 \$3 million is a million bucks. Again we're
6 not getting anything I know you can't ask for
7 it but building over the alleyway. There's
8 other issues involved other than that. If
9 it's strictly one on one might say that but
10 there are other issues involved in that.

11 MAYOR SELESNICK: Do we have another
12 part of staff presentation?

13 CITY MANAGER JIMENEZ: It would be the
14 planning department. Thank you Donna.

15 MR. CARROL: Good afternoon, Walter
16 Carrol.

17 MAYOR SELESNICK: How long is this one?

18 MR. CARROL: Presentation Zoning Board
19 is reiterating a lot of the information you
20 already heard.

21 MAYOR SELESNICK: Good, we won't do
22 that.

23 MR. CARROL: I think most of it --

24 MAYOR SELESNICK: Thank you very much.
25 We appreciate it. You're here to call on if

1 we need you. You're here to call on if we
2 need you.

3 Wally, before you sit down I don't want
4 to make light of the work you've done is there
5 anything that wasn't covered? Is there some
6 point if you think of it now or later you can
7 certainly bring it to our attention.

8 MR. CARROL: I believe it's all been
9 covered. Our conditions of approval and staff
10 report.

11 MAYOR SELESNICK: Were your
12 recommendations the same as the city manager's
13 or the city manager's on top of your
14 recommendations?

15 MR. CARROL: On top.

16 MAYOR SELESNICK: Does the developer
17 agree the recommendations of the planning
18 staff? Both sets of recommendations? Thank
19 you.

20 MR. CARROL: Thank you.

21 MAYOR SELESNICK: We're going to go to
22 one is citizens who object and citizens who
23 support or whatever going to give Mr. Gains
24 I've been told four minutes I believe he is
25 retained for purposes of speaking for citizens

1 who object. The right to make a full
2 presentation as he sees fit.

3 Gave the developer certainly all the
4 ample time they needed and then we will move
5 to public comments and we would ask you to
6 respect the fact that we ask public comments
7 to be held about three minutes per person and
8 we have a thick set of cards to go through so
9 Mr. Damian.

10 MR. DAMIAN: Vince Damian, attorney at
11 law, resident of Coral Gables, 80 Southwest
12 8th Street. Thank you for this opportunity to
13 speak. I would like to start by saying I was
14 struck as Commissioner Kerdyk by the
15 similarity of the two appraisals how close
16 these appraisals stand alone before we get
17 into the adjacent being the alley which is
18 being vacated I was struck how these two
19 appraisals came in at almost the exact same
20 price when you have with a square piece of
21 property on LeJeune Road and you have a
22 triangular irregular shape property way west
23 facing an industrial area.

24 There is just no chance that that -- I'm
25 involved in real estate appraisals for 40

1 years, not a chance and makes me suspicious of
2 the initiation of process and staff almost a
3 year ago.

4 I'm concerned that staff has from the
5 beginning been not looking at this in a
6 dispassionate way on behalf of the City of
7 Coral Gables and on behalf of citizens of
8 Coral Gables but I do see and you have to be
9 struck that the staff advocate of this project
10 all the way down the line when questions are
11 asked staff answer is not this is what was
12 recommended or this is what we recommend you
13 get an advocate's position I'm concerned with
14 that. That's not what staff is supposed to
15 do.

16 I say that because we all know that
17 appraisals are subject of determination and
18 not entirely objective and when an owner hires
19 an appraiser he sits down with him and tells
20 him what he intends to do and gives him an
21 indication of idea of what he wants and what
22 the appraisal is going to come out not to say
23 the appraisal is going to go all the way one
24 way or another. Certainly open to suggestion
25 and that suggestion we here where the owner

1 City of Coral Gables hired this appraiser
2 somehow or other this appraiser ends up giving
3 us a lowball number here. Way lowball. Stand
4 by itself I would agree with the Commissioner
5 Kerdyk at least 30 to 40 percent. No feasible
6 man, nobody a willing buyer would pay \$3.2
7 million for the property on LeJeune Road and
8 then say yes, I will also buy that property
9 that's 50 feet west facing the industrial
10 section for the same price. Mind boggling.
11 Totally wrong.

12 The property on LeJeune Road is at least
13 30 to 40 percent more valuable, I would think
14 a million and a half dollars more valuable.

15 The other criteria given to the
16 appraisal for the City was look at it not just
17 as a stand alone but look at it because
18 presently is adjacent to this alley we are
19 abandoning so we have to look at it as two
20 pieces put together. We are giving that in
21 effect to the developer as well.

22 Now he gets not just that piece but he
23 gets the piece plus the alley. We ask you to
24 appraise that. Another \$700,000 for that. So
25 even with the appraisal that we have there are

1 about \$650,000 difference between the two
2 appraisals not taking into account but the
3 true number really is in the \$2 million or
4 excess amount.

5 As I said that number one becomes unfair
6 and wrong and when we get to the vote when you
7 get to the vote the first vote is going to be
8 on the property swap and based upon that
9 information alone, just that, you have to vote
10 no.

11 The ordinance on the property swap which
12 is section division 12 purchase and sell or
13 lease of public property finds it extremely
14 important when properties are worth more than
15 \$1 million that it go through a big, long
16 process of appraisals with bidding et cetera
17 et cetera.

18 That process can be waived if the
19 commission feels that's in the best public
20 interest of the City of Coral Gables and the
21 citizens of Coral Gables it should be waived
22 by the super majority of four to one majority.

23 I think if you look at that criteria
24 alone this swap is not fair to the City of
25 Coral Gables, doesn't even come close. This

1 project must be turned down purely on this
2 basis and land swap must be turned down on
3 that basis alone.

4 On that basis alone the developer told
5 us doesn't have the land swap the project is
6 moot.

7 In addition to division 12 purchase and
8 sale of the property staff has pointed out to
9 you in the planning department staff report on
10 page ten the Zoning Code requires Planning and
11 Zoning Board review and recommendations this
12 is on street and alley vindication
13 requirement.

14 The zoning code section 312.04 requires
15 Planning and Zoning Board review and
16 recommendation on all proposed vacations,
17 abandonment or closure of public streets and
18 alleyways.

19 In other words, not that they reviewed
20 but it get reviewed and recommended.

21 Planning -- this is staff report page ten.
22 They themselves -- this was prepared prior to
23 presentation Planning and Zoning Board.

24 That's what they plan went to Planning and
25 Zoning Board for. The recommendation of the

1 Planning and Zoning by the way if you look at
2 page 124 of the transcript then we have quote
3 a no recommendation unquote. That's what we
4 get from Planning and Zoning a no
5 recommendation on the total project.

6 While we're talking about it staff
7 starts talking about the fact that there were
8 conversations at Planning and Zoning level as
9 to what different members of the Planning and
10 Zoning board felt about this project. And
11 that some of them for example commissioner --
12 excuse me Board Member Salman who is an
13 architect wanted the setbacks. And one of
14 other commissioners -- one of the other board
15 members Flanahan wanted something else. Those
16 are two of the three board members who voted
17 against the project. The three -- voted for
18 the project. They were the ones that wanted
19 changes made before they were even comfortable
20 with that.

21 The three that voted against it Korge,
22 Keon and the third one I forgot. Eisenstadt.
23 The three that voted against it were against
24 it as board member said can't get over the
25 massiveness of this and he said that several

1 times. He says I see all the things you've
2 done and appreciate all the things you've done
3 and I can't get over the massiveness of this
4 and even with the arcade being changed. He
5 says we're not looking at six stories on
6 LeJeune Road, it might be the first tier.
7 We're looking at 10 stories, we're looking at
8 110 feet.

9 That's what after Planning and Zoning
10 board meetings there were two of them there
11 were a huge number of residents there and that
12 was it. Their purpose. He said look you may
13 look at this think that's really pretty I'm
14 not an architect, that's a pretty I'm not an
15 architect. If you go look across the street
16 from this and you look at a ten story one full
17 block building across from you they don't like
18 that.

19 These were not people with pitch forks
20 and torches but as close to it as you can get.
21 They felt this was a huge imposition on them.
22 They felt that this developer was coming in
23 there building a project by it stand alone
24 project across from them and the city staff
25 was bending over backwards to accommodate them

1 to their detriment and we get that here.

2 Continue to see what happens.

3 They say forget about the \$3 million
4 differential on the land swap that has been
5 defeated but the developer comes in and says
6 we'll build the park a give you X number of
7 dollars. Take away the parking spaces and
8 give you X numbers of dollars and give
9 \$100,000 for further study of affordable
10 housing for the City and maybe they're giving
11 \$2 million extra something like that not
12 taking into account the \$3 million
13 differential in the land swap.

14 The residents many of whom have left
15 because they have to work but were at both
16 Planning and Zoning meetings and came here and
17 said to me "couldn't we get a time certain, I
18 have to go to work. I thought this was going
19 to come up at 10:00."

20 Anyway some of them are here but a lot
21 have left. The residents say giving a million
22 dollars to the City, giving a million and a
23 half dollars to the City for whatever purposes
24 the City is going to use it for what are they
25 talking about, my property value is going to

1 go down. There's 200 of us. How many
2 millions of dollars are we going to lose. Who
3 is taking that into account? Who is looking
4 out for us?

5 I thought the persons that look out for
6 the residents the people who live there the
7 last result ultimately are you, you're elected
8 officials ones who answer to people ones
9 elected to protect people I didn't know when I
10 was listening to comments and tremendous
11 beautiful presentation made by DYL and by
12 their attorneys and by their architects and by
13 other attorneys and sub architects and by the
14 sub-attorneys, fabulous presentation and by
15 staff I never ever felt that Planning and
16 Zoning would be the ones to stand up and say
17 this just doesn't go. There's something wrong
18 here let it go but they did.

19 I really truly thought while I was
20 listening at 11:00 in the evening on two
21 different occasions that okay, we're going to
22 lose over here because these are architects on
23 this board. We have one of the architects who
24 designed the project next door who said he
25 didn't have a conflict of interest. I thought

1 this was a loser and I thought I would be here
2 today saying to you overturn the
3 recommendation of Planning and Zoning please
4 and protect the citizens but I am not here
5 today to do that. I'm here today to say to
6 you Planning and Zoning has already done their
7 job. They looked at this project. They're
8 the citizens appointed board to look at the
9 total project and they looked at it and said
10 no.

11 Staff again did you hear staff come up
12 here and say the boards of the city looked at
13 this project and Planning and Zoning rejected
14 it. You did not hear them say that. What
15 they came up here and said was parks said they
16 sort of like having a park yes, do this, this,
17 this and this. Parking department said yes,
18 parking has got to be addressed do this, this,
19 this and this.

20 These boards are approval boards. Those
21 are boards that look and say this is not going
22 to, as far as we can tell, increase traffic so
23 yes, it's okay.

24 Those boards don't look at the total
25 project. But staff didn't tell you about

1 that. The ones that looked at the total
2 project and said no. So all the other they're
3 not approvals, they're non-objections. What
4 they're saying fire department is not going to
5 be impeded by this, this is not going to put
6 so much traffic on LeJeune Road it will be
7 total disastrous. Each one of those said we
8 don't see tremendous objections on that basis
9 alone. But one board looked at the total
10 project and said no. So I remind you of that
11 again and that board is not only an advisory
12 board in this case but as staff points out in
13 their recommendation and their review on page
14 eight you must in fact recommendation of
15 planning and zoning. You must. I thought I
16 put this on airplane mode. So you must have
17 Planning and Zoning approval according to
18 staff.

19 Let's talk about the park. I'll talk
20 about it in connection with mixed use
21 development and by the way staff itself if you
22 look at what follows page 23 which is the end
23 of staff report to Planning and Zoning staff
24 analyzes what the present zoning uses are,
25 what's allowed.

1 They keep saying we have right to do
2 this. They can't. Staff itself says they can
3 only go seven stories and be industrial.
4 Staff itself says they can only go 40 some odd
5 feet in the commercial. That's what staff
6 says. They don't of right have a right to do
7 this. The zoning they have now is industrial
8 and commercial with the DYL -- the mixed use,
9 MXD overlay meaning get mixed use overlay is
10 very conditional. What it says we will allow
11 certain projects and we will allow them to go
12 to 110 feet and allow them to be massive,
13 allow this and allow that if Planning and
14 Zoning approves it and this commission
15 approves it and it serves certain public
16 purposes which I will get into.

17 In other words it's not a right. The
18 mixed use development is very, very clear, it
19 has to serve the public purpose, it must serve
20 a specific purpose, must improve the city, not
21 just be acceptable.

22 One of the things that we have to do is
23 we have to put a park there. It has to
24 promote open space and has to promote play and
25 recreation areas.

1 So they're talking about putting in a
2 park because they're taking in land and
3 putting on an equal size piece of property and
4 they're putting this park in a triangular
5 piece on Rendella and Greco facing an
6 industrial area and the park according to the
7 mixed use requirements must not be for the
8 benefit of or be connected with the project.

9 So then I say -- my client says here who
10 is that park for, who is the park for? Take a
11 look, walk down that street down there there's
12 no children running around down there that
13 needs that park. That park can only be used
14 for and only utilized for and only connected
15 with this project. It's only being done by
16 the way by the developer because they want
17 that valuable piece of land on LeJeune.

18 That park serves no purpose whatsoever.
19 And Ms. Coral Gables residents with her
20 two-and-a-half children that pulls up in her
21 van to go to that park doesn't have a parking
22 space. This isn't like the community center.
23 This isn't like the youth center, you park on
24 the street and walk in. Where does Mrs. Coral
25 Gables resident with her two-and-a-half

1 children park her van? She has to go look at
2 this which to me looks like \$15 an hour,
3 maximum 32 and as you pointed out she's not
4 going in there. She can't afford it and not
5 worth it driving two miles to go that park
6 that's in the industrial section to park her
7 van and go into that building and find those
8 32 hidden spaces. That ain't going to work.
9 This park is useless. It's there solely to
10 get this piece of property that's very
11 valuable.

12 A lot of things were said I was writing
13 notes down the gist of it is what I just
14 talked about, the blank wall, that's why we
15 have a Board of Architects. Nobody is going
16 to go in this area on a commercial/industrial
17 site and do a project presentation where this
18 is not allowed and go to a Board of Architects
19 and say we're going to build a blank wall, not
20 going to happen. That's why we have the Board
21 of Architects. That's why the Coral Gables is
22 The City Beautiful. We don't allow that kind
23 of stuff to happen. How it happened on
24 Miracle Mile is a long historical story and
25 we're all familiar with it and that was one of

1 the things we recall falling through the
2 cracks, that we should have got it and we will
3 have it here and I think fixed a lot of things
4 in that area. Not going to have any blank
5 walls and I don't think we should be putting
6 industrial when you're threatened with that.

7 The other thing I started to point out
8 was that in order to have the mixed use
9 development which allows a developer to go
10 more dense, higher and more utilization of the
11 existing space in the code that created mixed
12 use development they have criteria. And one
13 of them is provide residential uses at higher
14 densities in exchange for public realm
15 improvements.

16 The only public realm improvement I see
17 here is that useless park which they're
18 getting that \$5 million piece of property in
19 exchange for a \$3 million piece of property.
20 That is not a public realm improvement. That
21 does not benefit the City of Coral Gables.

22 These come right from the code on mixed
23 use development as to when you the commission
24 should approve mixed use development and I'm
25 reading from page eight of the staff report,

1 item number five, "create a diversity of uses
2 within walking distance including but not
3 limited to residential offices, workplaces,
4 neighborhoods of commerce and public open
5 spaces."

6 We don't get that diversity that we
7 expect. Really what they're looking for is
8 village concept we talk about in mixed use
9 concept. Merrick Village is mixed use
10 development. It is a village concept.
11 Unfortunately no park there. We should. I
12 think it is the thing looking for mixed use
13 development. You have big retail, you have
14 commercial and you have residential and it was
15 built next to The Collection and you have that
16 kind of stuff going on. This is a mixed use
17 development and that's what you're looking
18 for.

19 One of the other things you want to
20 foster by mixed use development is item number
21 six on page eight of staff report by
22 organizing appropriate building densities so
23 that public transit will be further
24 strengthened as an alternative to the use of
25 private vehicles.

1 Does anybody really think that the
2 residents of this building are going to be
3 using public transit and do you think that the
4 City of Coral Gables or the Dade County should
5 invest in providing public transit to this
6 building so that the people there could use
7 public transit and leave their Mercedes and
8 their Porsches in the parking area and take
9 the bus, not going to happen. This is not an
10 area that would promote public transit.

11 We went through as I say the totality of
12 the project at Planning and Zoning. It was
13 turned down. There is no need for me after
14 two-and-a-half hours of you sitting here for
15 two-and-a-half hours of listening for me to go
16 through all this. I think hit on to the basic
17 objections the main one -- turned down by
18 Planning and Zoning and the code requires
19 Planning and Zoning recommendation for the
20 alley vacation.

21 The swap of the land is just totally out
22 of the question. The density and immensity of
23 this project is not acceptable to the
24 neighborhood and the fact that they went back
25 to architect and changed some of the concepts

1 according to some of the comments made by
2 individuals on Planning and Zoning and it did
3 not go back to Planning and Zoning that
4 doesn't cut it. All those taken together
5 number one this is a land swap issue come up
6 there is no way for you to protect the
7 property and City of Coral Gables and the
8 money that the City of Coral Gables can get
9 from that.

10 One last thing I did point out it is the
11 policy of City of Coral Gables and we don't
12 lose any more parking spaces. That is
13 announced policy. We will be losing as Chip
14 said a negative 29. Might be 32 but it's
15 really a negative 29 as there are three more
16 left outside. You have to turn this down.
17 Have to turn it down on the swap and have to
18 turn it down on the project as being in the
19 best interest of Coral Gables. In accordance
20 with mixed use development. We have to turn
21 it down for the protection of citizens of
22 Coral Gables. Thank you.

23 MAYOR SELESNICK: We're going to go to
24 the public hearing and as I said we've asked
25 the presenters to please take no more than

1 three minutes. Charles Girtman?

2 MR. GIRTMAN: 744 Tibidabo. Whenever
3 anybody comes up to you with a set of plans in
4 their hands and looks you in the eye will tell
5 you what they're going to do always saying
6 three words, take an hour, four hours as much
7 time as you'll give them only saying three
8 words to you. "Give me money. Give me
9 money."

10 Every time somebody wants to make some
11 deviation from our code they're only saying
12 "give me money." I listened to this
13 Commissioner Kerdyk said exactly what I felt
14 that little triangle piece of land is no way
15 equal to the square on LeJeune Road. Only
16 thing I'll speak to is the land swap. The
17 folks are coming in here \$130 million project.
18 Do the right thing, give us \$7 million for the
19 piece on LeJeune Road, we'll keep it on the
20 tax roll and everything will be fine.

21 I remind you on the alleys Publix on
22 Manza and the discussion we had on the alley
23 and the eventually turned it you down the
24 arguments are the same. The parking, surface
25 parking, is not compatible with office stack

1 parking. Everybody likes to get out of their
2 car, walk to what they want to do and come
3 back as opposed to having to go through the
4 valet system. Lighting the alleyway for
5 garbage trucks, whose garbage trucks? There
6 wasn't any need for the garbage trucks until
7 this project was proposed and I'm not against
8 the project one way or another, I am against
9 the land swap without proper compensation.

10 Across the street is the little row of
11 businesses. The one that stands out is that
12 neat little place to eat called Havana
13 Harry's, you're going to put them out of
14 business probably. How are you going to walk
15 across the street with all the traffic there?
16 Put another light in. \$1.4 million impact
17 fee, was that correct.

18 CITY MANAGER JIMENEZ: Permit fees and
19 impact fees.

20 MR. GIRTMAN: That will pay for how many
21 police for two years, three?

22 CITY MANAGER JIMENEZ: It's for capital
23 costs.

24 MR. GIRTMAN: I understand that. All
25 I'm saying is one of the rules of city

1 planning is density is expensive. Mayberry
2 RFD had one cop, didn't even carry a gun.
3 When you make it five stories in Mayberry RFD
4 not going to have five cops, you're going to
5 have 50 cops. Density is expensive. The only
6 thing I say when the guy walks up nice folks,
7 smart folks, smarter than I and waives some
8 plans and tell us what a good deal they're
9 going to do for us all they're saying is give
10 me the money. Give me the money. Give the
11 citizens of Coral Gables the money. Charge
12 them plenty. Charge them the right amount if
13 you're going to do it. Thank you very much.

14 MAYOR SELESNICK: Israel Alfonso? Ian
15 Martinez?

16 MR. MARTINEZ: Good afternoon Mr. Mayor,
17 Commissioners, I live at 418 Vilabella which
18 is right behind Havana Harry's. I am actually
19 in support of the project let me articulate
20 why. Number one the park. If you are aware
21 there are no public parks in the area so the
22 addition of a public park with someone with a
23 young family is a great bonus to us.

24 Number two, I don't know how many of you
25 are aware of this and I don't know if it's

1 still there but there is a rehab facility
2 currently in that strip mall so for my safety
3 of my young family anything other than a rehab
4 facility would greatly improve the
5 neighborhood and number three the increase in
6 the tax revenue that redeveloping the property
7 would bring. Currently we all know we're
8 facing the strict budget financial situation I
9 think if the city can get extra money from the
10 projected it would enhance the bottom line and
11 I think it would be a better use than what we
12 have there now just an industrial land use and
13 the rehab facility which I don't know if the
14 owner of the property is here the rehab
15 facility is still there but right is my
16 primary concern right now with the use that we
17 have.

18 Finally I think I've seen the
19 transformation of the area and actually think
20 it's going well and I actually think with the
21 addition of Merrick Place and now this it
22 completes the puzzle of how it would look for
23 a resident. It provides plenty of walking
24 spaces for the residents. I go across the
25 street a lot to Merrick Place and I just think

1 this would enhance and fill in that void we
2 currently have there. As a resident I look
3 across the parking space it's empty most of
4 the time Mr. Commissioner. With the exception
5 of Havana Harry's which I'm a great fan of
6 obviously the parking lot is mostly empty. I
7 mean I have spoken to people at Havana Harry's
8 about the project and I do share their
9 concerns but nonetheless the project is an
10 overall enhancement to the area and as a
11 resident I support it.

12 MAYOR SELESNICK: Robert Roark? Lisa
13 Maroon?

14 MS. MAROON: Good afternoon Mayor,
15 Commissioners, my name is Lisa Maroon, I live
16 at 608 Cadagua Avenue, I live within 1,500
17 feet of this proposed DYL Merrick Park mixed
18 use development building project and I am very
19 much against this project being put up so
20 close to my residential neighborhood.

21 At least 300 of my neighbors are against
22 this building project and have showed their
23 disapproval by signing a petition in objection
24 to this oversized, massive and out of place
25 building. I as a citizen of Coral Gables

1 along with 300 of my neighbors object to this
2 project for the following reasons; public land
3 giveaway, vacating of right of way of alley,
4 massive height structure, infrastructure,
5 water and sewers, traffic encroachment on our
6 neighborhood, overcrowding of our schools,
7 raising property taxes and insurance and
8 adversely diminishing quality of life in our
9 neighborhood. From the hundred of people that
10 I have spoken with in my neighborhood it is
11 the consensus that this building does not fit
12 for our area. I have lived in this
13 neighborhood since 1973 and I know that this
14 land has been zoned low density since the
15 early 1960s.

16 It just does not seem right to come in
17 and change the use and density of this area as
18 a mixed use to density three. In addition the
19 fact that the city's Planning and Zoning board
20 gave this project a no recommendation for its
21 massive size and out of place appearance
22 should be a clear indication to all that it
23 should not be approved by the commission.

24 I would hope to you commission will take
25 into consideration the concern and I all the

1 other residents in my neighborhood have this
2 massive project forever the beauty charm
3 character and quality of life in my
4 neighborhood. Thank you.

5 MAYOR SELESNICK: Thank you. Shirley
6 Maroon?

7 MS. S. MAROON: Good morning or good
8 afternoon, I don't know what it is. Good
9 afternoon Mr. Mayor and Commissioners. As
10 Lisa Maroon, my daughter, said we did collect
11 300 signatures in our neighborhood and I know
12 you have it in your packet correct, but for
13 the record I would just like to enter once
14 again the 300 signatures.

15 We did -- my daughter Lisa and I and a
16 few neighbors here and handful of people went
17 out in the heat of the summer and I want to
18 tell you it was very hot going door to door,
19 knocking on people's doors, talking to them,
20 having them sign because they didn't even know
21 most of these people didn't know. I live on
22 Cadagua. We went all the way east, west,
23 south to Bird, down to the Ponce, all the way
24 over to every street. These people were
25 livid. The 300 signatures prove that.

1 When we talk about this development and
2 we talk about that particular area yes, people
3 can sit here and say well, there's nothing
4 there and it's a sad site blah, blah, blah.

5 Well, what we have proposed and what we
6 feel the people wanted to do it should be
7 something conducive to the neighborhood. Like
8 it was said back in the 1960s this property
9 was zoned by our forefathers for low density
10 to protect the neighborhoods and that's what
11 we're here to talk about. This high density
12 development which overpowers this area of very
13 fine homes and very nice people trying to
14 preserve the quality of life.

15 When we talk about this building we say
16 wow, it's a beautiful building in essence in
17 concept we look at it. Does it really belong
18 there across the street 1,500 feet from my
19 neighborhood and maybe 500 feet right on
20 LeJeune Road across to the west of those
21 people at the 400 block? Does that really
22 fit, no, it doesn't fit because it's massive.

23 You talk about these residential areas
24 there up on the top these -- those beautiful
25 luxury condominiums and people are up there on

1 the tenth floor they're going to be looking
2 down in our neighborhood, down into my pool,
3 my neighbor's patios, we don't feel safe.

4 This is people looking down. It's just too
5 close and very, very massive.

6 We can talk about the traffic. It's
7 true there is going to be traffic and going to
8 be an impact. Taxes are going to rise.

9 Everything that was said is absolutely true.

10 Now we want to talk about the boundaries.

11 When you talk about that area is it an
12 industrial area right now it is.

13 Like Mr. Damian said it has to have the
14 approval of this commission for the density
15 overlay. I understand that you people here
16 have a job to develop this city and you wanted
17 to do it in a way to the north area, the
18 boundaries to the north of the MXD boundary is
19 something that makes sense. The Village of
20 Merrick Park is beautiful. We know certain
21 people who fought that. I didn't fight it
22 because I thought it was going to be very
23 going for nice beautiful shopping center
24 beautiful open space. I go there all the
25 time, walk around it's a beautiful place and

1 it has open space and I feel that the MXD
2 which you people seem to be talking so much
3 about and want to develop MXD it's fine but
4 you keep it open to the north. Not right
5 bring the MXD overlay over to the southern
6 border which overlaps over into our
7 neighborhood which is 1,500 feet or less and
8 this is our problem.

9 This is what we have to talk about here.
10 The park, the park like Mr. Damian said you
11 want to go to a beautiful park go to Merry
12 Christmas Park right down a few blocks off of
13 LeJeune. I went there my whole life with my
14 kids growing up. I took them there. That's
15 what you vision as a park.

16 As Vince Damian said nobody is going to
17 have access to this park and no one will go
18 into the parking lot to get there. The
19 residential units in this building let's face
20 it like Vince Damian said again my great
21 attorney and I have to reiterate the people
22 that buy luxurious apartments and penthouses
23 are not going to be riding on this Metrorail
24 so what is the advantage to put this? I don't
25 see an advantage because not going to use the

1 Metrorail which is part of the whole plan. I
2 also wanted to bring up about why is it I
3 wanted to ask a question why is it that these
4 people are contributing money for affordable
5 housing? What does it have to do with this
6 project is what I don't understand? How does
7 that tie in?

8 COMMISSIONER ANDERSON: Actually a state
9 requirement.

10 MS. S. MAROON: Why, how does it tie
11 into this?

12 COMMISSIONER WITHERS: Cities are
13 required at some in the future they require a
14 certain amount of affordable housing units.
15 City of Coral Gables not sure of the exact
16 number 975 to 1,000.

17 MS. S. MAROON: They said 400 affordable
18 housing in the next ten years.

19 COMMISSIONER WITHERS: And I thought --
20 are you sure, I think it's more than that
21 Shirley but it doesn't matter but at the end
22 of the day the way that's financed is not
23 through your tax dollars but by fees placed on
24 developers.

25 MS. S. MAROON: Why are they giving for

1 this?

2 COMMISSIONER WITHERS: Because they want
3 to do a development and that's a requirement
4 they would have to do in order to build their
5 project. We're required.

6 MS. S. MAROON: Because the Gables
7 Gateway was advertised as affordable housing
8 and that project which I could understand but
9 I still don't understand how they tie it in
10 with this?

11 COMMISSIONER ANDERSON: Because we have
12 to have certain units and every time there's a
13 development we take an opportunity to add to
14 that so that we can fulfill the state
15 requirements.

16 We required whatever number of units so
17 the development comes along we ask the
18 developer via our process to either contribute
19 moneys or contribute units within the
20 development in order to satisfy.

21 MS. S. MAROON: Are they contributing
22 units that's another thing? I heard they were
23 going to. That's the question. Very
24 disturbing because if you have affordable
25 housing next door to Gables Gateway which was

1 already brought out what is to guarantee us
2 that they're not going to change their plan?

3 COMMISSIONER ANDERSON: For the record I
4 haven't said that.

5 MAYOR SELESNICK: Go ahead. Are you
6 done?

7 MS. S. MAROON: I can go on and on and
8 on. You people up there are my friends and my
9 dear friends back there Roxcy Bolton, and my
10 other friend Vince Damian what year was it
11 2001 where we elected all of you my dear
12 friend Mr. Mayor and we asked and we requested
13 for you people and begged for you to protect
14 our neighborhoods and that's why I took this
15 on as my project. I've been at this since
16 last April. I have papers like this.

17 It consumed me because the people that
18 are up here are the people that we voted in to
19 protect our neighborhoods and then when I see
20 something like this come along it was
21 unbelievable for me to think that this city
22 would approve a project so huge, so massive.
23 Take the project somewhere else. Why does it
24 have to be there in that area? That's what
25 people don't understand. Why does it have to

1 be there?

2 Another thing that concerns me is the
3 economy. I sent e-mails to everyone here and
4 I don't understand how this community this
5 city can continue to put projects and build
6 projects when we have things that are so sad
7 that's going on. Bankruptcy filings over a
8 million this year. We have 70 of the largest
9 companies in Florida already that are in
10 trouble 64 of these companies have lost half
11 of all of their stock revenue. It's sad and
12 the park value we have our own Village of
13 Merrick Park in trouble. We know because of
14 the people that put that together General
15 Growth, the big developers which own the
16 Village of Merrick Park are now in trouble and
17 they can't even pay hopefully they can pay the
18 \$900 million they owe so I don't understand
19 how the people here in this community can
20 continue our own Miracle Mile is down how much
21 percent, over 20 percent we have 26 stores
22 vacancies.

23 We are in a recession and we have to
24 realize that we need to cut back. People can
25 not get mortgages and they cannot continue.

1 It's overdevelopment. I just hope that you
2 people will realize that you wouldn't want
3 this in your neighborhood. It's a beautiful
4 project. I just doesn't fit. I would hope
5 that you would take that southern border there
6 on the southern boarder of that MXD overlay
7 and put the something that is conducive to
8 this neighborhood and to the people and good
9 luck and I wish you all the best.

10 MAYOR SELESNICK: Thank you. Hazel
11 Harrison?

12 MS. HARRISON: Hazel Yvonne Harrison and
13 I have lived in Coral Gables since 1926 and my
14 father was a contractor here and built a lot
15 of the houses. He showed me one the other day
16 he said that cost \$15,000 I thought gee
17 couldn't even build an outhouse for that now.

18 My main objection to this project is I
19 live just west of the Gables High School and
20 the traffic is tremendous. I mean it's just
21 impossible in the afternoon and in the morning
22 at 7:30 when you try to get on to LeJeune Road
23 to try to get on Bird Road there's no traffic
24 light there, you have to sit and wait and
25 wait. Same thing in going toward US1 you

1 can't get on to US1 from LeJeune Road because
2 of traffic. Sit there for three lights before
3 you get on to US1. And if you had another
4 massive project there with people trying to
5 get out of their homes and out of their
6 businesses the traffic jam is just
7 unbelievable around Ponce and LeJeune in Coral
8 Gables.

9 So anyway I just hope Coral Gables is
10 built as a residential city and not as a
11 commercial city and I hope you seriously
12 consider the right of the people rather than a
13 company from some out of town -- somewhere
14 else that wants to promote -- tell us what we
15 need when we know what we want, peace and
16 quiet.

17 MAYOR SELESNICK: Thank you very much.
18 Zeke Guilford.

19 MR. GUILFORD: Good morning Mayor and
20 Commissioners, for the record Zeke Guilford
21 representing Havana Harry's. I have with me
22 is Arthur Cohen who after I finish just like
23 to say a couple words but let me just tell you
24 as you all know Havana Harry's is a
25 non-conforming property as it relates to

1 parking.

2 So the parking in the parking lot across
3 the street is critical to the success of the
4 restaurant.

5 Matter of fact I don't know who did the
6 parking study where it said 80 percent
7 utilization but I can assure at night it's
8 significantly higher than that and without
9 parking we would not be able to be successful
10 and we would in fact as Mr. Birken said go out
11 of business. With that in mind we've had
12 several meetings with the developer, the
13 developer's representatives, Ms. Russo,
14 Mr. Garcia-Serra.

15 Because of that we have entered into an
16 agreement to ensure parking not only the 34
17 spaces after construction but also parking
18 spaces during construction and because of the
19 consideration that the developer has given us
20 to ensure the parking is taken care of for
21 Havana Harry's and the other shops, really
22 pretty much Havana Harry's that we are now in
23 favor and support the applications that are
24 before you. Arthur?

25 MR. COHEN: Hi, how are you? I have

1 some prepared comments, I didn't bring my
2 reading glasses, please bare with me. Dear
3 Commission members, I come before you as a 20
4 year resident of Coral Gables and a business
5 owner that has owned Havana Harry's in Coral
6 Gables for the last 15 years.

7 My wife Nieves and I are the single most
8 affected people by this project since we are
9 located directly across the street and this
10 project would have a direct impact on our
11 business.

12 Initially my wife and I had concerns
13 concerning this project. During the past year
14 I have met and spoke to almost all the
15 business owners along the LeJeune corridor,
16 numerous people that frequent the restaurant
17 and residents that oppose the project and the
18 developers and representatives of DYL.

19 We're convinced this project should go
20 forward and will have a positive impact on the
21 immediate neighborhood and the commercial
22 business of LeJeune Road.

23 The developers have met with us and
24 worked with us during the last several months
25 to mitigate and find solutions so that the

1 construction will have a minimal impact on
2 businesses along LeJeune Road. They've agreed
3 to add parking along LeJuene Road to
4 compensate the businesses that will lose
5 parking during the construction. The biggest
6 benefit this project has for the businesses
7 and residents of Coral Gables will be
8 additional added on public parking of several
9 hundred spaces to be located in their
10 development.

11 The parking situation in our area is
12 dying. We currently have 34 public parking
13 spaces that for years have not been able to
14 adequately service our area and has grown
15 exponentially with the addition of Merrick
16 Park and the dramatic changes that have
17 occurred in this section of Coral Gables.

18 The block across the street from our
19 restaurant as it stands now is beyond an eye
20 sore and has been for many years. It has
21 brought crime to the area and attracts many
22 unsavory people they find loitering in the
23 abandoned properties. The police have
24 directly attributed several crimes at our
25 restaurant to the individuals that congregate

1 across the street.

2 Customers on many occasions have raised
3 concerns for their safety when they must park
4 across on the side street. The situation has
5 negatively impacted our business for the last
6 several years.

7 My concern after meeting with the people
8 opposed to the development is that they oppose
9 this project not because the project itself
10 but because of overdevelopment that they feel
11 has occurred in other parts of Coral Gables
12 and that's not a good reason.

13 We can't afford to see the project not
14 built and passed on to the next fourth or
15 fifth developer. This area which has such
16 great potential stands in limbo for the next
17 ten years.

18 The alternative in this case is much
19 worse so urge you pass this project so you can
20 move forward with approving Coral Gables and
21 the area that I have our business in. Thank
22 you.

23 MAYOR SELESNICK: Richard Namon?

24 MR. NAMON: Richard Namon, 5555 Oakwood
25 Lane, Coral Gables. The reason why we're here

1 today is that the developer bought a piece of
2 property for 24 and a half million dollars a
3 couple years ago and then they looked at how
4 they were going to develop it and said oh, my
5 god we bought a piece of property almost
6 impossible develop, got a triangle in it, very
7 expensive to build on, difficult to rent.
8 Very much of a problem. So what can we do and
9 what can we do is swap some land that we
10 really don't want to build on anyway.

11 My biggest objection is twofold one is I
12 think the residents' viewpoint really do count
13 a great deal. And secondly the inequality of
14 the swap. There was no way on this earth that
15 if you look at this proposal that you can go
16 through step A without having egg on your
17 face.

18 There is no way the City of Coral Gables
19 will benefit. They will lose in the swap
20 itself. All the other things that are
21 promises that have no legal substance. In the
22 end the first thing you're going to do is make
23 a swap that is totally unequal and it only
24 profits one person, the developer. It does
25 not do anything for the City of Coral Gables.

1 It is an unequal swap. It's the kind that I
2 as a swapper would love to make with the City.
3 I think that Commissioner Kerdyk looks and
4 says yes, I would love to make that kind of
5 swap too but I don't think it's in his
6 conscious and certainly isn't in mine all the
7 things proposed that this one is just totally
8 unfair to the citizens of Coral Gables. Get
9 the first step right, the swap, before you go
10 any step further. The swap is not equal, it's
11 not fair. It should not be done. Thank you.

12 MAYOR SELESNICK: Roxcy Bolton?

13 MS. BOLTON: Good afternoon general
14 persons my name is Roxcy Bolton, I live at 124
15 Kanim Avenue. Time to talk about the land
16 swap. Who did we get the property from
17 Mr. Mayor?

18 MAYOR SELESNICK: I don't have any idea
19 what you're talking about. Where did we get
20 what property from?

21 MS. BOLTON: The land we are swapping to
22 DYL, where did we get that city owned
23 property?

24 MAYOR SELESNICK: City owned property.

25 MS. BOLTON: Where did we get it from?

1 CITY MANAGER JIMENEZ: We've had it for
2 a number of years.

3 MS. BOLTON: I don't care how many years
4 we had it, who did we get it from?

5 CITY MANAGER JIMENEZ: I can't answer
6 that, ma'am.

7 MS. BOLTON: That's puzzling. Did you
8 get it from Live Gables?

9 CITY MANAGER JIMENEZ: I have no idea
10 Ms. Bolton but I would be glad to research
11 that and inform you.

12 MAYOR SELESNICK: The answer is we don't
13 know.

14 MS. BOLTON: She said she can get it for
15 me by tomorrow.

16 MAYOR SELESNICK: She said she would
17 research it, you said by tomorrow.

18 MS. BOLTON: She said yes. How much did
19 we pay for it when we bought it from somebody?

20 MAYOR SELESNICK: That's not necessarily
21 true Ms. Bolton, we could have had it since
22 the time that Merrick owned the land. Could
23 have been part of the original holding.

24 MS. BOLTON: I believe that information
25 should have been available.

1 MAYOR SELESNICK: We'll find out for
2 you.

3 MS. BOLTON: No one has talked about the
4 sewers. Can the sewers handle this?

5 CITY MANAGER JIMENEZ: That's what
6 impact fees are for. Forced mains on Ponce
7 and my understanding is the connection to
8 connect to the forced mains. Public Works
9 Department has been involved in that.

10 MAYOR SELESNICK: The answer is yes.

11 MS. BOLTON: That project, our sewers
12 can handle that project?

13 MAYOR SELESNICK: Yes. That's part of
14 the analyzation. That's part of the analysis,
15 is it not? Albert, you don't need to come up
16 here.

17 MR. DELGADO: Station five that was
18 created --

19 COMMISIONER ANDERSON: I think it's
20 important if you put it there on the
21 microphone. The upgrade was paid for by the
22 developer of Merrick Park?

23 MR. DELGADO: That area is served by
24 station five which is the one next to the
25 license and that station was upgraded by

Village of Merrick Park, by the developer and also the forced main that connects that station five with the rest of the system on Ponce de Leon which they have by the Village of Merrick Park.

MAYOR SELESNICK: Is it capable of handling this project?

MR. DELGADO: Yes. It's capable of handling this area. There is an existing sewer demand there and this additional would be handled by this.

COMMISIONER ANDERSON: Let me ask the question of staff. The impact fees that we're collecting from this project would they go if they needed to be upgraded as part of our infrastructure?

MR. DELGADO: Those are not for the sewage.

CITY MANAGER JIMENEZ: As part of the regulatory process they would be required to upgrade it.

MR. DELGADO: Other impact fees is for traffic.

MS. BOLTON: Mr. Mayor, may I speak about the park? How could rescue get in, I

1 don't understand? I've never seen a drawing
2 of exactly what it's like. Most projects
3 that's big and powerful and financially
4 responsible this is supposed to be -- will
5 give you a drawing, a hallway come in city
6 hall or Miami or Miami Beach but there's never
7 been a drawing more sophisticated word than
8 that but not sophisticated about what the name
9 of it is but big drawing and it shows
10 everything. How would rescue get into the
11 park, please?

12 MAYOR SELESNICK: Get into the park?

13 MS. BOLTON: Rescue a child if it's
14 hurt.

15 MAYOR SELESNICK: Street all around.

16 MS. BOLTON: Ponce and Alhambra Circle
17 I'm talking about access to the park itself.

18 MAYOR SELESNICK: The park is on the
19 street.

20 COMMISSIONER CABRERA: Maybe I can help
21 you. Ms. Manager, has the fire department
22 reviewed the project and egress and ingress
23 issues affecting the ability of fire rescue
24 services and what was the determination?

25 CITY MANAGER JIMENEZ: The streets are

1 capable of handling our fire rescue and any
2 fire that may occur. The streets are there.

3 COMMISSIONER ANDERSON: Assuming this
4 goes forward today.

5 MS. BOLTON: Access, sir.

6 CITY MANAGER JIMENEZ: Open park at this
7 time we have to design it.

8 MS. BOLTON: I want a copy of whatever
9 the fire department reviewed the park I want a
10 copy of that.

11 MAYOR SELESNICK: Ms. Bolton, just make
12 those requests of the city manager's office
13 but you complete your comments.

14 MS. BOLTON: The alley, I cannot mention
15 this city giving up that alley. Do you
16 remember what Woody Godfrey said "this land is
17 your land." You said the nicest thing about
18 me one time and I must remind you a different
19 one but this one is my favorite the Merrick
20 Park across the street Mayor Selesnick said
21 "Roxcy loves to play" and you were so right.
22 I'm a dirt farmer's daughter from Mississippi.
23 This is fifth generation we know all land is
24 good land. I can't imagine this group giving
25 up that alley. There's enough land in that

1 alley to build a small house. How can you
2 give up your own property, each one of you own
3 a part of that alley.

4 I would encourage you and urge you
5 please don't give away our land. Please
6 don't. Thank you.

7 MAYOR SELESNICK: Thank you. Elizabeth
8 Stone.

9 MS. STONE: My name is Eli Stone, I live
10 at 425 Cadagua Avenue. I'm one of the 300
11 residents that signed the petition. I guess
12 we've been sleeping, we weren't aware of the
13 city's comprehensive plan to build huge high
14 rise development in our neighborhood.

15 Low rise commercial when we bought our
16 property. We sought to live in Coral Gables
17 for that single family resident feel, go to
18 the south youth center high school is 2, 3
19 blocks away. This is what we chose we
20 thought. Now it's changed.

21 I think that despite what the traffic
22 officials say I don't know how that study were
23 determined I don't know they took Gables
24 Station plan into effect and the Gateway I
25 really feel like I know this traffic pattern

1 well, I live there. I've gone to Carver
2 Middle, my kids went to that school, Carver
3 Elementary and the high school and I know
4 there's increase in traffic when people come
5 to the shops.

6 I just think that the whole intensity
7 and massive construction is just too much for
8 that area. I think we looked at I was waiting
9 outside for this meeting and I saw these flags
10 and sister cities and stuff and I'm thinking
11 they're not building concrete jungles like
12 this in sister cities like that.

13 I think that if you were offering your
14 zoning and planning there. I can appreciate
15 the change that architects have gone through
16 and stuff at trying to make the LeJeune Road
17 little bit less in height I fill feel like --
18 see the other floors on top and I think it's
19 in Dadeland area. This is not what we wanted
20 and I think that you need to really listen to
21 those people who aren't here, that's who I'm
22 trying to speak for now.

23 MAYOR SELESNICK: Thank you very much
24 Jane Reynolds? Juan Garcia?

25 MR. GARCIA: I just want to say that I

1 don't see with the economy the way it is how
2 all the retail spaces will be occupied.
3 Actually people signed up if they don't just
4 one big empty building. Like they said before
5 we've got Merrick Park struggling and some of
6 those business aren't doing too well. So I
7 don't think we really need another mall or
8 whatever they want to call it.

9 MAYOR SELESNICK: Rebecca Connor? We're
10 closing the public hearing. Cliff, you have
11 five minutes if you need five.

12 MR. SCHULMAN: Normally takes five
13 minutes to introduce myself. Let me go
14 through a couple things. Number one, I don't
15 know about anybody else but I don't like being
16 accused or my client being accused of some
17 sort of disreputable, dishonest, somehow or
18 another we got the appraisers together because
19 how can appraisers ever agree.

20 I mean there's got to be something
21 suspicious about that and of course staff is
22 totally prejudiced. They're in on it too
23 because they don't agree with Mr. Damian. If
24 you don't agree with Mr. Damian then it's
25 suspicious. There's some coercion, there's a

1 conspiracy going on like yesterday, your
2 Economic Development Board, your Budget
3 Advisory Board, your Property Advisory Board,
4 your Parks and Recreation Advisory Board, your
5 Parking Advisory Board, Design Board they're
6 all in on this. They're all in on this.

7 Now, you know what makes me suspicious,
8 when a lawyer, inadvertently I'm sure,
9 misrepresents the facts because Mr. Damian got
10 up in front of you and said "the staff
11 indicated the Planning Board recommended no on
12 this project. Recommended no."

13 What he didn't do is read the whole
14 paragraph. I guess he missed it. What the
15 paragraph says was the Planning and Zoning
16 Board on such and such a date made a motion to
17 approve the above application, the result of
18 the vote was a 3 to 3 vote. A 3 to 3 vote is
19 considered quote "no recommendation" quote not
20 a no recommendation, no recommendation.

21 Then he failed to read you this; "a
22 minimum of four votes are necessary as a
23 majority vote to pass a motion. Therefore the
24 board provided no recommendation with the 3 to
25 3 vote." Not a no recommendation. But no

1 recommendation.

2 I guess he must have forgotten to read
3 the rest of the paragraph and perhaps he also
4 forgot to read when he told you that this is a
5 ten story project. The staff report on page
6 five which says it is an eight story and a six
7 story project, but no, I'm suspicious. He
8 told you it's a ten story project. Again not
9 a fact.

10 So when we get accused of being
11 dishonest I am offended. I have dealt with
12 your staff for the better part of my career in
13 one form or another and I have never found
14 them to be quote "developer friendly" or
15 prejudiced in favor of development.

16 The only prejudice that your staff has
17 ever had is the prejudice for the benefit of
18 the citizens of the City of Coral Gables,
19 that's it and normally they rape me over the
20 coals and they've done a pretty good job here
21 because the lack of public benefit again
22 alleged by counsel what is the public benefit
23 that was shown? Somehow or another he forgot
24 the \$4 million.

25 Remember that chart I showed you in the

1 staff report. I guess that didn't exist. I
2 guess if you close your eyes you don't see the
3 facts then you can basically not represent
4 them as they really are.

5 He then tells you staff said there is no
6 as of right project here that could be the
7 same or similar size. I guess he also didn't
8 read the staff report where they basically on
9 page five told you what the as of right is.
10 And that's your staff but I guess they're
11 prejudiced and they're biased and maybe
12 they're not doing their job. If that be the
13 case then maybe they shouldn't be here.
14 They've done their job.

15 I wanted to clarify Mr. Kerdyk when you
16 were doing your calculations, we went back on
17 the survey on that lot just so we get the
18 correct figures. The site without the parking
19 lot and without the alley is 92,000 square
20 feet.

21 COMMISSIONER KERDYK: Let's qualify
22 this, without the alley which is about
23 5,600 square feet.

24 MR. SCHULMAN: Without the parking lot
25 is 92,000 square feet at 3.5 FAR comes out to

1 322,000 square feet. You can do the math.

2 COMMISSIONER KERDYK: I can do the math
3 probably better than you can. Let me tell you
4 this, what I was asking was east of the
5 alleyway, the property east of the alleyway,
6 which you're including is the overall site?

7 MR. SCHULMAN: That's correct.

8 COMMISSIONER KERDYK: So what I was
9 asking you, let me finish mine, you said it
10 was 92,000 square feet, right, so you take out
11 the 5,600 for the land and you take off the
12 18,000 square feet for the other piece of
13 property, you add the two together is 23,000
14 square feet, you subtract the 92,000 get about
15 70,000 square feet, 70,000 times 3.5 is
16 235,000 or 240,000 square feet. We're just
17 talking about semantics here.

18 MR. SCHULMAN: 3.5 FAR for 92,000 square
19 feet is 320,000.

20 COMMISSIONER KERDYK: You answered that
21 on the second question I asked.

22 MR. SCHULMAN: The second thing I wanted
23 to do and I am not an appraiser so I won't
24 give an opinion as counsel did as to value
25 differences. I do know one significant

1 difference normally an appraiser would
2 consider if I was appraising the city parking
3 lot and I knew that the zoning on that parking
4 lot allowed a 3.5 FAR but a maximum of 77 feet
5 in height and then I was appraising a piece of
6 property you're buying 50 feet away that was
7 the same square footage but allowed 99 feet in
8 height i.e., conceivably three more floors or
9 30 more feet that there will be a difference
10 in the value between the two conceivably that
11 could make up for the difference that you're
12 concerned about. Again two qualified MAI
13 appraisals.

14 COMMISSIONER KERDYK: Do you want me to
15 answer that for you?

16 COMMISSIONER CABRERA: Well, answer for
17 me, this is very interesting.

18 COMMISSIONER KERDYK: First of all you
19 only have 13,000 square feet you cannot build
20 ten stories, seven stories, five stories
21 basically you cannot build that type of square
22 footage on that piece of property because
23 you're looking at stand alone.

24 So what we're looking at here, we're
25 looking at property that is on LeJeune Road

1 that's basically a rectangular piece of
2 property as opposed to an intersite that's a
3 triangular piece of property on 15,000 square
4 feet not buildable, stand alone. If you add
5 it along with the site then it comes to
6 something different but talking about stand
7 alone versus stand alone. Totally incredible
8 on your argument there. Totally off base.

9 MR. SCHULMAN: Wasn't our argument. It
10 was your city appraiser that you paid that
11 basically did the evaluation.

12 Lastly of course I think a lot of the
13 argument that you've heard today doesn't have
14 to do with our project. Again there is an as
15 of right project here. A lot of the argument
16 that you heard today is against this area
17 having been designated 2004, 2005 as to what
18 is designated for and that is mixed use
19 district that allowed this particular type of
20 usage.

21 However I think what's missing here is
22 understanding is that under the industrial and
23 under the commercial zoning that exists this
24 size matching the development could be there
25 anyway just won't be as pretty.

1 The Board of Adjustment did approve
2 those developments of blank walls and we all
3 know when you have a wall on a property line
4 there cannot be any penetration from the fire
5 code point of view, it must be a four hour
6 fire rated wall. You cannot have a
7 penetration of a four hour fire rated wall.
8 Has to basically be flat. And you cannot have
9 windows or any other penetrations so those
10 building were built according to fire code
11 according to the Building Code we would be
12 required to do same thing with the project
13 other than this one.

14 We respectfully request your favorable
15 action on the items that are before you today.

16 MAYOR SELESNICK: Very good. We're
17 closing this hearing.

18 MR. DAMIAN: Excuse me, I'm compelled to
19 respond. My name was kicked and dragged
20 through the mud here.

21 MAYOR SELESNICK: It was not.

22 MR. DAMIAN: Yes, it was. I'm
23 requesting two minutes of response here.

24 MAYOR SELESNICK: I'll give you the two
25 minutes you just requested. If you hit on

1 anything substantive I'll give --

2 MR. DAMIAN: Number one I'm going to
3 defend my reputation.

4 MAYOR SELESNICK: Two minutes.

5 MR. DAMIAN: Never before before the
6 City Commission of this city has anybody
7 accused and a name and pointed I don't know
8 what your name is or where you came from but I
9 don't lie and I don't get accuse of it here.
10 I'll give you one thing I pointed out that
11 staff said that the three to three vote was no
12 recommendation.

13 I said to the city attorney I said make
14 that correction and I pointed out to you.

15 Page 122 of the transcript of the hearing
16 before Planning and Zoning Mr. Rio just as a
17 matter of record vote is three to two -- three
18 to three that's considered a quote no
19 recommendation unquote. That's what he said.

20 That's what I quoted in the saying.

21 That's what this man accused me of lying
22 about. I don't know what your name is and I
23 hope I never see you here in Coral Gables
24 again.

25 MAYOR SELESNICK: Okay, closing this

1 hearing. If it makes anyone feel any better I
2 sat here through the whole argument and I took
3 it as spirited debate over issues and
4 interpretation of issues, not on personal
5 reputations so that's how I heard it.

6 We have closed the presentations and
7 Commissioner Kerdyk, Vice Mayor Kerdyk has
8 asked for a five minute stretch break before
9 we start our final debate.

10 However I would advise that all
11 applicants and opposition please kindly it
12 would be inappropriate to talk to the
13 commissioners at this time so not appropriate
14 to corner people about to consider voting.

15 (Thereupon, a brief recess was taken.)

16 MAYOR SELESNICK: We are back and have
17 concluded the presentation of public hearing.
18 We are now considering the agenda items E7, E8
19 and E17. What we will do is first we'll open
20 it to just general discussion if the
21 Commission has general discussion and then
22 we'll accept motions and what we'll focus on
23 first is there are two elements that will come
24 before the general site plan, that's the land
25 swap and the alleyway vacation.

1 The land swap there will be two motions
2 that we'll need to waive the provisions of the
3 procurement code and vote on the land swap.

4 COMMISSIONER ANDERSON: General
5 comments?

6 MAYOR SELESNICK: Absolutely.

7 COMMISSIONER ANDERSON: I'm kind of --
8 what I would like to do however this shakes
9 out and I'm not actually talking about a
10 specific item, I want to share with you how I
11 go about my thought process and I used two
12 things; I used my head and my heart.

13 And zoning decisions are all about the
14 head and all about legalistic terms but really
15 zoning is about people and about it's their
16 feelings and their fears about their
17 neighbors. I get that. I totally get that
18 and when it gets to specific terms and
19 descriptions it's kind of scary and there's a
20 lot of misinformation and I get that as well
21 and for that matter I watched all of the
22 Planning and Zoning Board meetings, on DVD,
23 completely well informed as to what the issues
24 concern and have been by the neighbors and the
25 arguments that have been presented but I

1 decided to do something different this time
2 because I wanted to remember since I am a
3 resident I wanted to kind of share with you my
4 perspective of development.

5 I think of all the five of us I live in
6 the area most flux in development and I wanted
7 to share that walk with you and I took it on
8 Sunday morning and I have just a few slides
9 trip down memory lane whatever happens and
10 shake out it's how I think. I think you as
11 constituents really need to know how I put it
12 together.

13 If you can go ahead and put that up give
14 me maybe the slide. Cue it up. I'm going to
15 take you on a very quick trip down my
16 neighborhood. Share with you a very personal
17 slide. That's me in 1962 in my backyard. I
18 lived here in the Gables since 1960. If you
19 look toward the east of the back of me is east
20 and you don't see anything. You don't see,
21 don't see anything at all. However what's not
22 shown is the other side buildings had already
23 been built.

24 Next slide. So as a long time Gables
25 resident I know what it's like to see the

1 change. At times it's been scary if I had my
2 druthers I wish the city was a certain height
3 but it isn't so we live with what we have. My
4 backyard new French Village to the left.
5 Biltmore done in the '70s. Others in the back
6 and right behind me I have some beautiful
7 townhomes that are being built that are
8 beautiful, they replaced the dilapidated
9 little garden become the haven for really bad
10 people.

11 Next slide. That's the dark view but
12 that's a view from my house looking back and I
13 have a nice tall building. That's been there
14 forever. Now here is the most -- I wanted to
15 give you context if you go to the next slide.
16 This is Segovia on a Sunday morning, I
17 literally walked on to the street.

18 Next slide. This is me walking down my
19 street and there's kind of a catch to it at
20 the end which I'll leave for surprise. Next
21 slide. Mostly what you see is trees. See the
22 street? There is a few more slides I promise
23 still walking down my street going east
24 towards LeJeune Road.

25 Keep going. Next slide. Next slide.

1 Next slide. This is what you see at the very
2 end of the street 12 story building. That
3 came to -- that's the Bacardi building and
4 keep going one more slide. That's when you
5 get to LeJeune and Almeria that's what you see
6 on the south.

7 Back the other way. Next slide. To the
8 north. Behind that buffer area there's a 12
9 story building there. So how I view -- how
10 that project came about how that was
11 negotiated for the neighbors I don't know if
12 you all know this the two neighbors in that
13 area negotiated with the developer and they
14 got all the traffic paid for that in that area
15 and paid for the traffic median. I'm not
16 saying that pro or con or anything I just
17 think there are ways to find a balance of
18 things.

19 I always believe that there is --
20 development is going to happen because people
21 buy land. We have no control, Commission has
22 no control over who buys the land. What
23 government tries to do is put laws in there to
24 mold better development and helps protect the
25 people and believe it or not the MSD region in

1 the south done in 2004 was actually done to
2 concentrate development only on one side.

3 Just recently for your information one
4 more slide this is on the way back, beautiful
5 light quality on the way back, no shadows
6 along the trees. Keep rolling it. This is
7 Valencia on the right-hand side. That whole
8 area is going to be redeveloped. That's right
9 half a block from my backyard. That's my
10 backyard.

11 The MSD region was for a reason. Just
12 recently two blocks from the house where I
13 live there was a project actually Ms. Russo
14 you were here and representing the developer
15 commercial project that had crossed over
16 LeJeune Road and there was a unanimous
17 decision to reject it. We always are trying
18 to look out for the best interest of the
19 residents. Sometimes, sometimes you have to
20 strike a balance.

21 I don't know what's going to happen here
22 because I don't have the magic crystal ball
23 but we'll find out but I just wanted to share
24 with you that I lived with development every
25 day and beyond the trees you don't see it and

1 actually interestingly enough I drove around
2 all the neighborhoods yesterday just to check
3 it out to see the tree canopy. And I probably
4 swear but probably won't be able to see that
5 development because it's a lot shorter than
6 the one I have and I can't see the 12 story
7 one.

8 Thank you. I just wanted to share with
9 you how I think and put that on the record.

10 Thank you.

11 MAYOR SELESNICK: Thank you. I'm at
12 your disposal if you would like to move
13 forward without lights we're on the air.

14 MS. LUBIN: As far as being televised we
15 are.

16 COMMISSIONER ANDERSON: The audio
17 worked.

18 MAYOR SELESNICK: That's fine. We can
19 keep moving. What are we waiting for,
20 generator?

21 CITY MANAGER JIMENEZ: That's my
22 understanding and FP&L has been contacted.
23 Let's give it a couple minutes so we want to
24 make sure everyone feels they have gotten a
25 full consideration. I want to make sure no

1 one was slighted or their opinions were
2 slighted because of the inconvenience.

3 MR. DAMIAN: Donna says the generator is
4 on.

5 MAYOR SELESNICK: We are going to stand
6 in adjournment for temporary adjournment for a
7 few minutes to try to get this straight.

8 First time in seven and three quarters years
9 we've had electricity go out in my experience.

10 We are challenged a little bit here but
11 our intention is to move forward if we can put
12 a couple things in place.

13 We have a court reporter in the room so
14 that we can have a verbatim record of the
15 discussion and we have the clerk keeping the
16 action of the commission. Liz, is that
17 sufficient?

18 MS. HERNANDEZ: I think it is
19 sufficient.

20 MAYOR SELESNICK: We'll find
21 Commissioner Cabrera here. We're going to go
22 forward to deliberate and vote on this. By
23 the way for the interest of those of you
24 sitting with us FP&L confirmed there are two
25 feeders that have gone down from the Douglas

1 station. So Roxcy for people in your area you
2 may be out of power.

3 MS. BOLTON: I have kerosene, don't
4 worry about me.

5 MAYOR SELESNICK: We have a court
6 reporter in place. Mr. Clerk, are you ready?

7 MR. RIEL: Yes Mr. Mayor.

8 MAYOR SELESNICK: So anyway. We were at
9 the conclusion. Ms. Anderson, had you
10 concluded your remarks?

11 COMMISSIONER ANDERSON: Absolutely. I'm
12 done. Thank you.

13 MAYOR SELESNICK: Do we have any other
14 general remarks from any of the commissioners?

15 COMMISSIONER KERDYK: Let me make an
16 effort. The issue I have -- let me just go
17 ahead and start off. We talked a little bit
18 about the project. We talked about several
19 things, the alley vacation. The issue I have
20 is the appraisals as I pointed out before.
21 I'm not going to be able to support the land
22 swap unless there is some more remuneration
23 given from the applicant and I'm not going to
24 turn this into an auction or anything but I
25 just want to make that statement because I

1 just do not feel comfortable.

2 I think our property is superior --
3 substantially superior and I don't think we're
4 adequately given the amount of money that we
5 should for the differences.

6 COMMISSIONER CABRERA: Given the fact
7 that you have real estate experience and to a
8 very great extent you seem to be -- you don't
9 seem to be, you are a resident expert on this
10 commission when it comes to real estate rather
11 than to make a final decision like that I am
12 actually more interested in learning how these
13 two appraisals came about and the reality is
14 that to a great extent I see the value of the
15 parking lot on Greco and LeJeune to be greater
16 than the one that's further into the
17 industrial section so I see a bit of that but
18 again I'm not a real estate expert.

19 I don't even claim to have any knowledge
20 of real estate transactions but it would be
21 helpful if somehow some way we can get and
22 Madam City Manager I'm not criticizing the
23 work that's already been done but I would feel
24 more comfortable if I can get further
25 substantiation to the two appraisals that were

1 adopted so that I have a greater sense of
2 comfort and greater knowledge in order to make
3 a decision.

4 CITY MANAGER JIMENEZ: Would you like us
5 to go through that now of how it came about?

6 COMMISSIONER CABRERA: If you're able to
7 do so that will be helpful.

8 CITY MANAGER JIMENEZ: I can share with
9 you that as part of the procurement code there
10 is a requirement for two appraisals, one from
11 the person, interested party, and one to be
12 performed by the city.

13 I believe my office had requested our
14 development director who typically works with
15 these appraisal firms to provide an appraisal
16 on the properties. Perhaps Cathy can provide
17 us that information.

18 MS. SWANSON: Thank you city manager.

19 We ordered the appraisal from McLevin. We
20 used him in the past very well qualified. We
21 ordered it not having received any appraisal
22 from the other side. We said we want him to
23 appraise it based upon vacant but best value
24 as to what could be built. We asked him to
25 separate out the issue of the alley so the

1 alley is not included in that appraisal
2 dollar.

3 Could you say that it should be worth
4 more because LeJeune fronted? I went back to
5 the comparables. Clearly there's great access
6 involved here. I did go back to the
7 comparables that he provided again these
8 appraisals are a year old of he provided 4201
9 at \$297.47, 4601 at \$253.67, 4585 LeJeune at
10 \$199.48 so there was a spread there.

11 When we calculated the assemblage value
12 because he did add additional monies for if it
13 would be assembled we got \$278 per square foot
14 cost so while we didn't feel that it was
15 absolute written in stone we felt that it was
16 clearly a ballpark for discussion.

17 So when we looked at it and just in your
18 role as landlord what else were you getting in
19 addition to that as a part of the swap.

20 That's when we took into consideration not the
21 intersection, not the on-street improvements
22 because quite honestly you would have
23 extrapolated that for development to occur but
24 what was that dollar value associated with the
25 potential park improvements and could that

1 elevate to the point where there was a
2 discussion as to what the value should be.

3 But there was some mention that perhaps
4 the two appraisers had talked to each other.
5 That absolutely didn't occur because we
6 controlled the appraisal from the city side.

7 COMMISSIONER KERDYK: Who says that
8 that's the flawed appraisal though?

9 MS. SWANSON: I'm suggesting that our
10 appraiser did not look at the other appraisal
11 in determining his value.

12 COMMISSIONER CABRERA: The bottom line
13 is I've heard this day that the two came in
14 almost equal.

15 COMMISSIONER KERDYK: Came in exactly
16 equal.

17 MS. SWANSON: They looked at per square
18 foot.

19 COMMISSIONER CABRERA: Equal. As a
20 layperson because I sit here and look at the
21 two parcels of land which I'm relatively
22 familiar with especially the one on Greco and
23 LeJeune I just have a difficult time seeing
24 that they would both be of equal value.

25 MS. SWANSON: I appreciate what you're

1 saying. I had that follow up conversation
2 with Mark Milevin as a result of board
3 consideration. They weren't looking at site
4 plan and neighborhood but just a reasonable
5 swap. And the land he reminded me that the
6 land use designation for LeJeune Road is four
7 stories, six stories of Mediterranean and
8 triangle site even though triangle site has a
9 higher -- it can go up to 99 feet. That's the
10 information that --

11 COMMISSIONER CABRERA: Stop right there
12 because that's very important. I appreciate
13 you bringing that up. Vice Mayor Kerdyk says
14 there's no way you can build.

15 COMMISSIONER KERDYK: Ask Mr. McLevin
16 what you can build on that site.

17 COMMISSIONER CABRERA: Come on. I have
18 the floor. I'm trying to rely on you for your
19 knowledge. I'm trying to have you help me
20 understand this better. Basically you know
21 that that site can only be developed "X"
22 amount; right?

23 COMMISSIONER KERDYK: The fact is that
24 you have a rectangular piece of property on
25 LeJeune Road that has whatever designation on

1 it. You can never build to the maximum
2 because I have to provide parking on that site
3 line but it's a lot more feasible site to
4 build something because it's rectangular.

5 The triangular piece of property at the
6 end of Greco is functionally obsolescent beams
7 of property because it's triangular and by set
8 backs and several else you cannot build and
9 again just looking at the site specific.

10 Certainly you can build something on it when
11 you include it as part of a bigger development
12 similar to how Gables Estate Engineering has a
13 peculiar piece of property that's okay in that
14 state but as stand alone site which is what
15 we're say praising stand alone site versus
16 stand alone site there is a problem as far as
17 that goes.

18 So I don't care if it's zoned for 30
19 story building or five story building as a
20 stand alone site not going to be able to build
21 either of those two sites able to build much
22 more on a much better site on LeJeune Road.

23 That's why I find it hard to believe both are
24 equal value.

25 COMMISSIONER CABRERA: I don't mean --

1 how do we give us a sense of comfort in that
2 rendering a final decision is based on best
3 information that staff and consultant can
4 provide.

5 COMMISSIONER KERDYK: From my
6 perspective I think the developer has to come
7 up with some more funds to offset the
8 mitigation.

9 COMMISSIONER CABRERA: How much is that?

10 COMMISSIONER KERDYK: Staff has to -- I
11 don't know if I'm ready to try to negotiate
12 that.

13 COMMISSIONER CABRERA: I understand.
14 Conceptualizing. In all fairness.

15 COMMISSIONER WITHERS: This all fairness
16 to developer.

17 COMMISSIONER CABRERA: How do we do that
18 in all fairness to them come up with a number?
19 Bring up the best point of all. Where do we
20 come up with that number?

21 COMMISSIONER KERDYK: Maybe staff needs
22 to talk to them outside this.

23 COMMISSIONER CABRERA: I agree.

24 COMMISSIONER WITHERS: We know that the
25 value of that parcel is worth more to them to

1 develop the project the value that -- there's
2 no doubt about that.

3 MS. SWANSON: We asked our appraiser to
4 value that difference. What is the value of
5 that appraisal. It's whatever you zone the
6 site. What is the value of our city parking
7 lot as it is. Not as a parking lot but as
8 land. Then what's it worth to the adjacent
9 developer if they were to -- able to acquire
10 it so there was additional.

11 COMMISSIONER WITHERS: What was that
12 number.

13 MS. SWANSON: \$3,780,000.

14 COMMISSIONER WITHERS: That was based on
15 what?

16 MS. SWANSON: Land value with the site.

17 COMMISSIONER WITHERS: Income trailer
18 approach how was that ascertained?

19 MS. SWANSON: Appraisal goes through
20 three different methodologies -- the
21 comparable sale, income stream and we told
22 them -- let me pull that. It's a traditional
23 land value there's a comp -- there's income
24 stream.

25 COMMISSIONER KERDYK: On land value

1 95 percent of the time comparable sales can't
2 use replacement costs.

3 MS. SWANSON: That was the driver of the
4 term.

5 COMMISSIONER WITHERS: While
6 understanding Cathy the value of that piece of
7 property is worth more than comparable land
8 sales and replacement value. At least I would
9 think that not a developer but my limited
10 knowledge of developing that's key to the
11 project.

12 MS. SWANSON: I was not involved in the
13 negotiating but I have from a different set of
14 eyes looked at what are the concessions that
15 are germane to this transaction and does it
16 make for a reasonable swap for this city.

17 COMMISSIONER WITHERS: Let me throw a
18 few more observations I think that parking lot
19 generates \$20,000 a year for us.

20 CITY MANAGER JIMENEZ: My understanding.

21 COMMISSIONER WITHERS: That was the
22 number I was given.

23 MR. NELSON: \$600 per space is beer
24 swear and that's \$20,000.

25 COMMISSIONER WITHERS: Probably costs us

1 that much to maintain it, collect the money or
2 whatever so we kind of have a nonperforming
3 asset. My feeling is we can figure out a way
4 to maximize that asset.

5 COMMISSIONER CABRERA: You think it
6 costs us 20 grand to upkeep that lot?

7 COMMISSIONER WITHERS: I'm saying when
8 you look -- took the overall parking expenses,
9 directors costs, meters running all around,
10 collecting the money, fixing the meters.

11 COMMISSIONER CABRERA: For that lot?

12 COMMISSIONER WITHERS: For the whole
13 enterprise. A lot of that space by the number
14 of spaces.

15 MAYOR SELESNICK: How did you get the
16 income. \$600 per space?

17 MR. NELSON: I asked him on a break.

18 MAYOR SELESNICK: Are you multiplying --
19 is that the amount of income or is that some
20 protection to all 34 spaces were used.

21 Curious about that tie to actual income
22 received. Typical year is \$20,000 for that
23 lot. Typical expense system wide.

24 COMMISSIONER WITHERS: My only point is
25 this an opportunity for us now to take a

1 \$20,000 asset that earn us \$20,000 a year and
2 pay for us to maximize -- that's figuring.

3 COMMISSIONER CABRERA: We don't know.

4 COMMISSIONER WITHERS: What are our
5 options with that lot? What are our options
6 as a city?

7 COMMISSIONER CABRERA: We can turn it
8 into a park. We can turn it into a park. A
9 nice little park.

10 COMMISSIONER WITHERS: All fairness I
11 would rather have a passive park off LeJeune.

12 COMMISSIONER CABRERA: He asked.

13 COMMISSIONER WITHERS: Talking about
14 revenuing enterprise.

15 COMMISSIONER CABRERA: It could become
16 the next trolley garage. I don't know. We're
17 just talking out loud. If we had the money --
18 if we didn't have to put \$20 million into the
19 pension we can do a lot of different things.

20 COMMISSIONER WITHERS: My point is I
21 don't know there's a tremendous amount of
22 upside to that service parking lot for the
23 city. Unless Bill help me out with his
24 expertise what we can do with it. From a
25 revenue perspective.

1 COMMISSIONER CABRERA: Sell it.

2 COMMISSIONER KERDYK: Possibility of
3 office building.

4 COMMISSIONER WITHERS: Sell it for \$3.5
5 million, \$3.7 million.

6 COMMISSIONER KERDYK: That's what
7 they're saying.

8 COMMISSIONER ANDERSON: Isn't the big
9 picture one of the things that -- I was just
10 thinking when we enacted the MXB South Park or
11 North Park what we were trying to do there is
12 create an area economically viable so economic
13 engineer versus city containing the
14 development in that particular area.

15 So it almost begs to look at the bigger
16 picture piece of a bigger picture which is
17 kind of economic management so talking about a
18 small little parcel talking larger area I'm
19 looking at that and that's -- I don't know if
20 I'm making myself clear. That's why the
21 zoning was put in place to make it a more
22 desirable area to concentrate.

23 COMMISSIONER WITHERS: The city decided
24 to move forward with that equipment yard.

25 That was the envision of the commission back

1 then there was going to be straightening of
2 tax base and generate additional -- the whole
3 argument even though Bill and I voted against
4 the lease agreement the City had with Merrick
5 Park the only positive it was going to
6 generate \$1.8 million additional tax revenue
7 each year back then which I think is in that
8 whole area.

9 This is something else that keeps that
10 area going then -- I think even though we're
11 taking these separately I feel more
12 comfortable if we kind of everyone express
13 their responsibility allocation and the park
14 and the parking and all that because even
15 though we might feel that we accept the land
16 swap dollar for dollar maybe there's other
17 parts to the puzzle that -- just let me say
18 one thing to Shirley.

19 I would tell you that I would have
20 signed that petition the way it was written
21 and I'm not going to -- but really it said it
22 was going to overcrowd our schools and overtax
23 our school system it's going to reduce our
24 property values and I really honestly don't
25 think a lot of people would sign that petition

1 really -- I don't think it's going to
2 overcrowd our schools and I don't think it's
3 going to tax our sewer system.

4 MS. S. MAROON: We saw pictures of the
5 development.

6 COMMISSIONER WITHERS: The people that
7 signed the petition that read the petition I
8 would have signed it and I would said it was
9 going to decrease my property values. I don't
10 know. Curious to see. I would be real
11 curious to see something five or six times
12 bigger than that project if it increases the
13 property tax on Riviera Drive.

14 MS. S. MAROON: Because it's not 1,500
15 feet from the homes, it's set back. The
16 projects that you're talking about north in
17 the north area is set back from the home.
18 This is right here. 1,500 feet on LeJeune
19 across the street from residents. Southern
20 part of the MSD is what you're talking about
21 here.

22 COMMISSIONER WITHERS: I mean the
23 project has LeJeune Road it has the strip
24 stores which probably makes it go three or
25 four stories and has the neighborhood. That's

1 the closest residential neighborhood I think,
2 isn't it?

3 MS. S. MAROON: Yes, it is. Would you
4 like to live within 1,500 feet, see a concrete
5 jungle?

6 COMMISSIONER CABRERA: Mr. Mayor, it's
7 not appropriate.

8 COMMISSIONER WITHERS: Just I want to
9 make sure that I understand. The actual
10 height and density of the development is going
11 to be exactly what they do now.

12 CITY MANAGER JIMENEZ: That's my
13 understanding, yes. It's less actually.
14 They're permitted -- why don't you come up
15 here and explain the planning stuff Eric?

16 MR. RIEL: Currently they can do the
17 comprehensive plan and the zoning code allows
18 for six stories and 77 feet along LeJeune
19 Road. Portion of the property which is
20 designated of commercial lower intensity.
21 Remainder of the site is designated for
22 industrial use which allows for eight stories
23 and 99 feet.

24 That is the height of the project which
25 is being proposed. The FAR maximum FAR which

1 is permitted is 3.5. Then they are proposing
2 3.35 which is less than the maximum which
3 is --

4 COMMISSIONER WITHERS: As far as a
5 height requirement they're within the height
6 requirement. As far as the amount of concrete
7 they can put on the site they're putting less
8 than what they can do.

9 MR. RIEL: Volume.

10 COMMISSIONER WITHERS: Now the alley. A
11 lot of things about giving away the alley.
12 Are we giving away the alley?

13 MR. RIEL: That's what --

14 COMMISSIONER WITHERS: I'm asking
15 they're saying the people up here saying we
16 don't want you to give away our public land.
17 Ms. Bolton referred to Mr. Godfrey, one of my
18 favorite artists, my understanding is there is
19 still going to be an alley and form of
20 easement going to be used like an alley would
21 be used for delivery, emergency purposes and
22 things like that.

23 MR. RIEL: There is an internal service
24 alleyway within the project.

25 COMMISSIONER WITHERS: From what I'm

1 understanding they're not building on any part
2 of that alley but building over the alley.

3 MR. RIEL: They are building over it.
4 Internal to the project.

5 COMMISSIONER ANDERSON: Yes.

6 COMMISSIONER KERDYK: Reconfigured.
7 Even larger.

8 COMMISSIONER CABRERA: Can I piggy back
9 on your comment? Is the alley because I have
10 this from their presentation it says here to
11 existing alley is 6,248 square feet and that
12 the new proposed alley which is a relocation
13 in my opinion based upon what I see in the
14 drawing is 12,126 square feet.

15 MR. RIEL: I believe that's the
16 applicant's presentation.

17 COMMISSIONER CABRERA: Yes, I wanted to
18 know from your department if you in fact can
19 you confirm this? Is this in fact accurate?

20 MR. RIEL: We haven't determined what
21 the actual proposed alleyway the size of the
22 proposed actual alleyway is.

23 COMMISSIONER CABRERA: Because this is a
24 fairly expensive drawing showing existing
25 alley and then proposed alley and then

1 obviously taking their time to give us square
2 footage information and I was just -- I mean
3 not trying to be critical but hope maybe staff
4 can maybe confirm this for us I think it has a
5 lot of bearing. This is giving me double the
6 land.

7 MR. RIEL: We haven't calculated the
8 actual square footage.

9 COMMISSIONER WITHERS: Also another
10 comment made by someone there is absolutely no
11 public domain improvement. During the
12 presentation there was a presentation made
13 that there is actually along Greco streetscape
14 and sidewalks.

15 MR. RIEL: Either side of Greco and
16 Granello on either side there is lighting
17 landscaping street repaving. Going to be
18 underground of utilities. That is all going
19 to be included so there is public.

20 COMMISSIONER WITHERS: There is public
21 domain.

22 MAN VOICE: Normally the property in
23 front of project and move across the street
24 surrounding the entire project and this is
25 Granello all the way down Ponce -- Greco I'm

1 sorry, as well as putting underground line as
2 well as improvements to increase the size of
3 the park. Those basically well beyond --

4 COMMISSIONER WITHERS: Throw this out
5 there. I have no problem approving the
6 project. I feel -- I would like to see in
7 lieu of parking in lieu of the three parking
8 spaces the developer can keep them. Try to
9 make three new spaces in a garage is very
10 difficult. Maybe there's income over the next
11 20 years market rates that we take the land
12 swap that we double the amount they're willing
13 to contribute to the park. North of
14 \$2 million that also requires them to put
15 street improvement I would like to see a
16 circle. I don't know how the rest of you
17 feel. I think the intersection gets a lot of
18 traffic a circle or round about.

19 MAYOR SELESNICK: Chip, on the part --

20 COMMISSIONER WITHERS: Just throwing
21 that out.

22 MAYOR SELESNICK: One I don't think
23 we're going to manage the spaces. Going to be
24 managed by the met rate equivalent to public
25 parking so I don't think we should consider

1 the space. They're going to have them open to
2 the public but here is my point though.

3 I believe that one of the adjoining
4 properties came here in support of the project
5 with specifics they were going to be able to
6 have those parking spaces available to them.

7 Now, if that was still able to be done
8 in another way. If that doesn't depend on
9 us --

10 COMMISSIONER WITHERS: Let me back up.
11 The reason I proposed that is number one is we
12 just heard that we're getting \$20,000 a year
13 from our expenses. Those 32 spaces generate
14 us \$25,000 a year. I would rather have a
15 million bucks sit in the bank generating
16 two-and-a-half, three percent interest at
17 minimum without even having to worry about
18 that. Those parking spaces I'm sure the
19 developer is going to build and still used as
20 a park. Assume they would want to charge for
21 them. You know what I'm saying?

22 MAYOR SELESNICK: Listen, you're getting
23 me into territory I'm assuming the owner of
24 the restaurants want to know they have access
25 to the spaces and secondly at the right price.

1 Assuming that --

2 COMMISSIONER WITHERS: Can we designate
3 as public parking? I'm trying -- Bill and
4 Ralph have a little bit of an issue. Bill and
5 Ralph's have the city's best interest in mind
6 to get more money if we can for the lot, I
7 kind of agree with that.

8 COMMISSIONER CABRERA: I don't know. I
9 really don't know. I would feel more
10 comfortable -- again this is not a criticism
11 of the work that staff has done but I don't
12 have enough information in front of me to feel
13 comfortable with the current swap as it exists
14 today.

15 In addition to that and again this is no
16 criticism of staff I've got a presentation
17 from developer here that's telling me they're
18 going to relocate an alleyway and give us
19 double what the alleyway size was before and I
20 have no way to confirm that.

21 MAYOR SELESNICK: I find that very
22 troubling that our staff can't confirm the
23 dimensions of the alleyway. Very important
24 piece of what we're supposed to vote on the
25 swap. If you can't confirm the details --

1 CITY MANAGER JIMENEZ: I understand
2 Mr. Mayor. Keep in mind this is an issue
3 they're really providing us. I don't think
4 the intent is to give it to the City.

5 MAYOR SELESNICK: Doesn't matter. The
6 fact is they are suggesting it's going to be a
7 public access easement for an alleyway to
8 service the building, public access and I see
9 where Mr. Cabrera is going. If they are
10 providing public easement access all this
11 stuff is kind of out there in space somewhere.

12 Trading this number of square feet
13 Mr. Kerdyk square feet here is worth more than
14 square feet there and somebody says give up an
15 alleyway and not get it back.

16 So it doesn't really matter that it's a
17 little bit different. This would be
18 interesting to know are their figures correct
19 and are we getting access to this building
20 public access, fire access and police access
21 that is double the amount that we have here
22 because you know what alleyway is built for
23 one reason the service those properties.

24 The Commission has had a long history if
25 we want to go back to the Merrick and everyone

1 else of giving up alleyways people on both
2 sides of the property it was this Commission
3 that varied from that long tradition and we
4 stopped doing that.

5 COMMISSIONER CABRERA: I guess the most
6 popular -- the greatest celebrity alleyway
7 issue we've dealt with in the last seven and
8 three quarter years has been the public which
9 is nothing like this property. Can't even
10 come close except there was asphalt on both of
11 them.

12 MAYOR SELESNICK: Absolutely.

13 COMMISSIONER CABRERA: Ingress and
14 egress issues totally different but get
15 back -- this is kind of a minor issue but you
16 brought it up and a good one. The round about
17 idea is exceptional but then we have to rely
18 on the county to see if it warrants a device
19 like that because I can tell you volume it's
20 not going to have the volume to warrant a
21 round about so we have to rely on Public Works
22 Department for the county to tell us that.

23 You're right that whole area all
24 concrete is awful. It's an excellent idea.

25 Given the fact that I'm listening to the real

1 estate expert to my left and he's got real
2 indigestion with the issue of equal value and
3 then now I come to find out that we can't
4 confirm the alley or the service road or
5 whatever you want to call it the tunnel
6 whatever it is you know I would refer to defer
7 this and get more information before entering
8 a final decision.

9 Who knows if there are other issues
10 having to do with a land swap let's talk about
11 it now.

12 COMMISSIONER WITHERS: How about send it
13 back to Planning and Zoning Board because they
14 did make changes and recommendation?

15 COMMISSIONER CABRERA: Be a heck of a
16 punishment.

17 COMMISSIONER WITHERS: I don't know.

18 COMMISSIONER ANDERSON: You think they
19 might be able to do it past 9:00?

20 MAYOR SELESNICK: For everyone's sake
21 for the applicant and objectors. Let me
22 suggest this Ralph. We can continue to
23 converse as you've suggested to get anything
24 on the table. We can continue this. We do
25 not close this item and defer it. Continue it

1 until our next meeting. That way we pick it
2 up right where we left it. Public session is
3 closed, presentations are closed. We've had
4 all the evidence.

5 All we ask is that staff do any one of a
6 number of things and we can list those
7 specifically before we leave here and we come
8 back to staff's report on their interim
9 investigation.

10 COMMISSIONER ANDERSON: One of the
11 things I would love if you defer.

12 MAYOR SELESNICK: Continue.

13 COMMISSIONER ANDERSON: We get -- do
14 something like what I did you can actually do
15 computer model of the background and look
16 through those streets. It can be done. I
17 want to give these folks, residents, a sense
18 of what the scale of the project is in
19 relation to their homes because I think it's
20 really important for them.

21 I walked my neighborhood and once you
22 walk through can we bluster something like
23 that up, put the park in the background?

24 MS. S. MAROON: I want across the
25 street.

1 COMMISSIONER ANDERSON: The project I
2 live here near is closer to the other one.
3 I'm trying to give you more information to
4 make a -- all of us to make a better decision.
5 What I'm trying to do is get --

6 MAYOR SELESNICK: This is our first.

7 COMMISSIONER ANDERSON: Not being
8 adversarial to you for sure, just trying to
9 get more information.

10 MAYOR SELESNICK: This is our first big
11 land use hearing in a little while and I want
12 to get it straight and all of us do. Anything
13 we're doing here is just to make sure that
14 whatever decision we make it is thoughtful and
15 well informed.

16 COMMISSIONER CABRERA: It's good for
17 both sides. Just as a minor point maybe when
18 we come back we make it time certain for
19 everyone to know.

20 MAYOR SELESNICK: It will not be a
21 public hearing. It will be but it will be a
22 continuation. Public hearing is closed.
23 Presentations are closed. No new
24 presentation. Only thing we'll accept is
25 staff updates on items that we were talking

1 about and Commission discussion and a vote.

2 COMMISSIONER CABRERA: I'll remember
3 that.

4 COMMISSIONER ANDERSON: Is there any way
5 to get what I asked for?

6 COMMISSIONER WITHERS: We have a 3D
7 model.

8 MAN VOICE: The only resource is the
9 model.

10 COMMISSIONER ANDERSON: I'll be glad to
11 do the photography. Very simple thing. You
12 look down some of the streets.

13 MAN VOICE: We can certainly do the
14 photography.

15 COMMISSIONER ANDERSON: Is there a way
16 to superimpose the project in the background?
17 If you can do that it is so --

18 MAN VOICE: We don't have the software.

19 COMMISSIONER ANDERSON: When I walk my
20 neighborhood -- we have 10, 12 story buildings
21 you can't see. But you all don't believe me.
22 I'm trying to get a visual so pictures are
23 worth more than anything.

24 MAN VOICE: Human scale model.

25 COMMISSIONER ANDERSON: When you see the

1 canopy similar to ours.

2 COMMISSIONER WITHERS: Again.

3 MAYOR SELESNICK: Appreciate that.

4 COMMISSIONER WITHERS: It's really
5 important that the neighbors understand that
6 someone can build a seven story building on
7 LeJeune Road. They can do that now. Six
8 stories 77 feet right now and they can build
9 100 feet. They can do that.

10 MAN VOICE: Front of the property is
11 commercial and remainder of the property is
12 industrial. So if you look at the type of
13 uses are allowed in the industrial auto body
14 repair shop. That is the most intensive use
15 that is available in the city in that
16 geographic area. By going to the NXT we
17 actually reduce the impact of those uses by
18 residential and office. That was actually in
19 the comp plan in the early '90s to do a study
20 by the year 2000 complete study until 2002 we
21 actually did the north half of the NXT and saw
22 that one and do the south end. My opinion by
23 us doing the NXT provided less of an impact on
24 the area.

25 COMMISSIONER WITHERS: My point is when

1 we're doing this for Maria we should also
2 provide -- do it by right also.

3 COMMISSIONER CABRERA: Excellent point.

4 To confirm with the applicant one of
5 Mr. Damian's most compelling arguments was the
6 fact that this idea of the blank walls
7 that's -- to paraphrase Mr. Damian that's why
8 we have a Board of Architects and then I heard
9 the applicant say wait a minute, this is not
10 about a Board of Architects, it's about fire
11 codes that we must build per -- firewall I
12 would like staff to take on that project and
13 either confirm for either side where are we
14 with this because realistically when we look
15 at the project -- by the way they presented
16 the project in a very ugly manner when they
17 were showing us what they can do as a right.

18 The beautiful building was the one that
19 gets the site and I hate that. I hate when
20 people do that and I'm a marketing person and
21 I know how to do that stuff and that's not
22 good.

23 Seriously staff can take a crack at that
24 and give us an unadulterated look at it
25 without bells and whistles making it look ugly

1 and using gray colors instead of four colors.
2 Make it look like a drive-in movie screen that
3 would be helpful.

4 COMMISSIONER ANDERSON: If you can look
5 at the trees on the street I drove on the
6 street. Beautiful street, canopies on the
7 street Granello. I looked back and drove
8 around. Similar to what I saw.

9 MAYOR SELESNICK: Let's try to -- let me
10 see. Maria, we need number one we need
11 further review of the appraisals and some
12 explanation from our appraisers as to how they
13 got to where they got and why they got to
14 where they got and see if there's any further
15 information that you can clarify with
16 Commission what the appraisals are about.

17 I mean secondly you've heard Mr. Kerdyk
18 say basically he's not interested in so much
19 explanation of appraisal but at least for one
20 commissioner he already said he is interested
21 in the staff speaking with the developer and
22 determining how they might reengineer the
23 monetary piece to profit the city more based
24 on that swap which in his mind is never going
25 to be equal and that's important to him.

1 Ms. Anderson is concerned about the
2 being able to conceive visually what the
3 project looked like on the street and the
4 alternate project and Mr. Cabrera also wanted
5 to see very much visually what by right
6 construction would be. And Mr. Withers was
7 concerned about the parking deal whether or
8 not it should be parking spaces or money and
9 the best use and I think involved in that
10 you've got to include in your investigation
11 conversations with the developer and neighbor
12 of the restaurant neighbor as to how can
13 Mr. Withers' concerns be addressed and the
14 rest be addressed. Is there anything else?
15 And the square footage of the alleys to
16 confirm whether or not the estimations of
17 square footage by the developer is in fact
18 accurate which Mr. Cabrera rightfully pointed
19 out is very important piece of our
20 consideration of what are we getting apples
21 for apples and orange for oranges. Is that
22 it? I would like a motion to continue to our
23 next meeting.

24 COMMISSIONER CABRERA: So moved.

25 COMMISSIONER ANDERSON: Second.

1 MAYOR SELESNICK: So moved by
2 Mr. Cabrera. And continue this hearing on
3 items E7, E8 and E17, is that correct? Yes.
4 E7, E8, E17 those items all concern the DYL
5 all those in favor say eye. Oppose? Now,
6 before we move --

7 MAN VOICE: Point of clarification the
8 department's not going to be sending out
9 notices. Continued?

10 MAYOR SELESNICK: That's right. We are
11 right where we are. Pick up where we are when
12 we come back here. Clerk, just to make sure I
13 guess we -- first of all, before you take your
14 reporter can we hire you to stay and work for
15 us? We have to keep a record if we go forward
16 on any other item. So do we have a reporter
17 on the phone somebody or can we? Also we need
18 to make sure that we work out you will supply
19 us with -- pay you for the piece of record
20 that we need which was from our last break
21 until now to this part.

22 We have now moved to continue so this is
23 continued and we just need to know whether we
24 need to find a reporter or whether you can
25 stay.

1 (The hearing was concluded.)
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2 C E R T I F I C A T E

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4 THE STATE OF FLORIDA

5 COUNTY OF DADE

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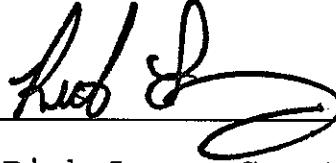
8 I, Rick Levy, Registered Professional
9 Reporter, State of Florida at large, certify that
10 I was authorized to and did stenographically
11 report the foregoing proceedings and that the
12 transcript is a true and complete record of my
13 stenographic notes.

14 Dated this 28th day of February, 2009.

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Rick Levy, Court Reporter

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