

City of Coral Gables City Commission Meeting

Agenda Items E-1 and E-2 are related

October 12, 2010

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II

Vice Mayor William H. Kerdyk, Jr.

Commissioner Maria Anderson

Commissioner Rafael “Ralph” Cabrera, Jr.

Commissioner Wayne “Chip” Withers

City Staff

City Manager, Patrick Salerno

City Attorney, Elizabeth Hernandez

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Planning Director, Eric Riel

Public Speaker(s)

Charles Siemon, Special Counsel for the City

Jeffrey Bass, Representing the University of Miami

Joe Natoli, University of Miami

Donna Shalala, President, University of Miami

Woody Weiser, Trustee, University of Miami

Joe Bared, University of Miami

Dennis Mele, Baptist Health Systems

Phillis Oeters, Baptist Health Systems

E-1 and E-2 [10:33:32 a.m.]

Mayor Slesnick: We have our Assistant City Attorney, Lourdes, will you please read E-1 and E-2 into the record.

Assistant City Attorney Alfonsin: E-1 -

Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables for an amendment to the Zoning Code, Article 4, Division 2, Section 4-202, University of Miami Campus Area Development (UMCAD), by creating new use and development provisions for the University to be referenced as “University Campus District (UCD)”, providing for repeal in entirety of the existing UMCAD provisions and an amendment to Article 8, Definitions, providing for new definitions; and providing for severability, repealer,

codification, and an effective date. (PZB recommended approval, Vote: 5-1) (Passed on First Reading September 28, 2010).

E-2

Change of Zoning Map. An Ordinance of the City Commission of Coral Gables requesting a change of zoning for the University of Miami, City of Coral Gables Campus owned properties including the following:

1. Commercial Limited (CL) District to University Campus District (UCD) for properties legally described as follows:
 - a) Lots 8-10, Block 192, Riviera Section Part 14 (5809 Ponce de Leon Blvd. – McKnight Building), Coral Gables, Florida;
 - b) Lots 6 and 7, Block 192, Riviera Section Part 14 (No address – McKnight Building parking lot), Coral Gables, Florida; and,
 - c) Lots 1, 2 and SW ½ of Lot 3, Block 192, Riviera Section Part 14 (1540 Levante Avenue – Rainbow Building), Coral Gables, Florida; and,
2. University of Miami Campus Area Development (UMCAD) to University Campus District (UCD) for all University of Miami owned properties generally bounded by Ponce de Leon Boulevard, Levante Avenue, Red Road (SW 57th Avenue), Mataro Avenue, San Amaro Drive, Campo Sano Drive, Pisano Avenue and Carillo Street, Coral Gables, Florida; and providing for severability, repealer, codification, and an effective date. (PZB recommended approval, Vote: 6-0) (Passed on First Reading September 28, 2010).

Mayor Slesnick: Thank you very much Lourdes. Now do you have a seat out there, did somebody save you a seat? We need to find our Assistant City Attorney a seat up front somewhere. She cannot come to the dais; we need her...thank you Ed. Thank you. We are going back...this is two items, they both deal with the University of Miami's Master Plan and Zoning, underlining the Master Plan, and the proposed and now adopted Development Agreement between the University of Miami and the City of Coral Gables. We have a number of...this is now the fifth or so session on this before this Commission, including an additional two sessions before the Planning and Zoning Board. What I'm going to do is in order to expedite this, I am going to read into the record those people who are here who do not wish to speak, but who are here and filed cards, and so we will get those into the record first, and then we are going to move to ask...does Charlie want...?- actually, we'll do that first. We'll go to the City Manager, we'll get our City on the record and its position on these items, then we'll move to the applicant and then we'll move to the public input at which time I'll first read those who are here who do not wish to speak, and their positions and then we'll go to the speakers. Mr. Manager.

City Manager Salerno: Thank you Mayor. I'd like to call Eric Riel, Planning Director up just for a brief introduction of some procedural matters, and followed by Charlie Siemon who will make staff and the City's presentation.

Mr. Riel: Good morning again. What you have for consideration are two ordinances; one is creating a new University Campus District, basically replacing the previously University of

Miami Campus Area Development District, that is basically a change to the Zoning Code provisions also providing for definitions. Charlie went over the presentation in detail. For the most part, a large part of the current UMCAD Zoning provisions are being carried forward; the second ordinance up here for consideration is the actual assignment of the UCD to the campus. It includes the entire campus as well as three properties adjoining the campus. The Planning and Zoning Board did recommend approval of both of the applications for consideration today on Second Reading. I would note that in terms of...Mr. Siemon is going to through the detailed PowerPoint, I would know in terms of notice that was provided. We did provide courtesy notification to all properties within 1,500 feet of the university campus, the entire campus boundary. Typically we only do 1,000 feet, but on applications that we try to solicit additional public input, we do 1,500. It was about 1,700 notices. Mr. Mayor, you indicated that there have been about five public hearings regarding this; on each one of those applications we actually mailed out that type of a notice. In addition, we also had the property posted, approximately 30-35 signs, numerous legal ads have gone into the paper, and if I were to look at the number of ads that's probably with the five items, probably about 5-8 different legal notices that went in. We typically only advertise Second Reading what's required by statutes, but on these applications we put in mapping and text titles for both First and Second Readings.

Commissioner Cabrera: How come you are telling us all this?

Mr. Riel: Just basically to go over, just basically in terms of the notice, procedural requirements.

Commissioner Cabrera: Oh, OK.

Mr. Riel: That's all I have in terms of presentation.

Mayor Slesnick: Thank you Eric. Mr. Siemon.

Commissioner Cabrera: [Inaudible]

Mayor Slesnick: Well why don't we say it? Well, let's be on the record; let's get to the chase here. I think that Mr. Riel is asked to come here to tell us about notice requirements because there could be and has been some implication that there was not adequate notice given, and we'll hear those arguments later, but I presume Mr. Manager, that's why we were presented with that information to put on the record the notice that was given.

City Manager Salerno: That's correct Mayor.

Commissioner Cabrera: Just a...action that was unnecessary.

Mayor Slesnick: OK. Mr. Siemon.

Mr. Siemon: Charles Siemon, Siemon Larson, Special Counsel to the City of Coral Gables in this matter. I want to first take you through the district, I'm going to do it, we've done it before, I'm

going to do it to make sure that the basic concepts are presented and then go through it in serial fashion from front to back, and then be available for any questions you have. The first slide – the basic elements here is described as basic concepts. One, instead of treating the campus as a single entity we've proposed in this ordinance to divide it into regulatory categories, and then to apply different, both procedures and substance to those different categories to give more predictability about where uses will be permitted with a particular focus on protecting the residential neighborhoods to the north of the campus. Implicit in that is to focus the regulatory attention on those areas where there are potential conflicts with those residential neighborhoods and to provide the university with greater flexibility in those areas which are not adjacent. The ordinance that is before you has two components; one is Article 4, the new University Campus District, and the second are the definitions. When we did the comprehensive rewrite of the Code, we recommended to you and you approved a place with all the definitions in a separate article, so that you wouldn't find a definition scattered in the district, and we carried forward with that in this amendment. The subcategories are first the buffer area; along the boundary of the residential neighborhoods, along San Amaro and Campo Sano is a 75-foot buffer where there are very limited activities which are permitted. The second is, behind that is a 225-foot transition area where there are significant limitations on uses, and public hearings are required for most changes in that area, because that's where there is some potential for conflicts with the neighborhood; and then there are separate substantive regulations that apply in both the transition and buffer areas as compared to the rest of the...and then what that leaves is the core area, which is the area where modifications to the Campus Master Plan provide, these provisions provide greater flexibility in terms of relocating buildings. There has always been a minor amendment process, but it has a quantitative measure of what's acceptable and this is an effort to, as the Master Plan is being implemented adjustments, moving the building 50-feet, or reorienting the building, or modifying the character, which would be an administrative process under this Code; and lastly, the university multi-use area, it used to be called the north-south district; the north-south district was something that was contained in the prior UMCAD approval, it wasn't in the plan or regulations. This is now a map area in the Zoning Code, which defines certain uses which are permitted only in that area. The University Campus District recognizes the prior UMCAD approvals as the Campus Master Plan under the new district. So, all the rights and entitlements that previously existed, all the obligations and conditions of approval carry forward, they will be presumably modified by both administrative and conditional use approvals in the future, but that is the legal status. Most uses and modifications within the core are administrative matters; the adjacent neighbors the rest of the university, in most cases, or they are non residential uses. Most uses, modifications in the buffer and transition areas are either prohibited or are conditional uses. The first section is a purpose clause, it describes what the purpose of this district is; the second is the campus sub areas, the actual definitions are contained in the definition section, but they are called out to identify them and obviously they are a map commodity. The Campus Master Plan components is the next section – a site plan, a development chart, a design manual, a mobility plan, a traffic impact study and justification why a study is necessary. Most of these provisions currently exist, though they are anticipated, for example, the design manual has been undergoing a mandatory process at the university for some time, and it is expected to be amended at some time. The one element which is new is the mobility plan, and the mobility plan is an element that goes hand-in-hand with the designation allowing this to be, including the campus and the Gables

GRID, and the mobility plan as staff requires the establishment of mitigation strategies, programs to limit trips, to internalize trips, and requires measureable objectives, and a period review, an annual review that demonstrates compliance and progress in implementing the mobility plan. There is an explicit provision for the legal status for the Campus Master Plan in the district and provisions for the modifications; and those modifications vary from sub area to sub area. So they are for one use, may be a permitted use is a matter of right in the campus core, and may be prohibited in the buffer area, and a conditional use in the transition area; and it varies by use to use. There are required findings for approval of modification to the Campus Master Plan, most of those findings were in the prior UMCAD, they have been rewritten to eliminate some inconsistencies to make them more clear. There is a building permit process; that is the principal way that the Campus Master Plan is implemented, and then there is a conditional use and permitted uses measures. This slide shows that there are, each of the sub areas are shown across the top, and then for each use you can see the "X" is prohibited, the "P" is its permitted as of right, that means it would be an administrative approval, or "C" which is a conditional use, which requires a public hearing before the Planning and Zoning Board and approval by this Commission in order for that to proceed. There are performance standards for a variety of subjects; heights and setbacks are varied according to what we call UCD frontage. Each road in the existing UMCAD has a map that shows a profile of what the setbacks and heights that are permitted are. We translated that in regulatory language and they are set out. I want to make sure everyone understands that with no exception there are no changes that result from this UCD; the height and the setbacks that are permitted are exactly the heights and setbacks that are permitted under the existing UMCAD District, and the 2006 UMCAD approval. There is a provision notwithstanding the floor area ratio that's permitted in this of a maximum of 6.8 million square feet, that is the unique character of the university and the unique use of square footage, there is an absolute cap which is described in the district itself and in order to change that there has to be an amendment to the Code. There are no lot coverage frontages for a number of buildings or site prescriptions because most of the activity, after you get away from the setbacks and heights of the periphery of the campus are internal matters of design. There are performance standards for design, the spacing between buildings, etc., but they are not traditional lot coverage front requirements. There is a minimum of 20 percent landscape open space in the UCD that is in existence and is continued and the university multi-use area does permit as a conditional use retail that serves both the university and the public; however, that is limited to 15 percent of the floor area in the university multi-use area, and again, requires a conditional use approval comes before the Planning and Zoning Board and this City Commission for approval. I previously described the mobility plan requirements, and the off-street parking requirements; this Code does not change those requirements for off-street parking, it simply recodifies them we think, in a more user-friendly basis. There are performance standards for vehicle access and circulation, those are basically what are already in the UMCAD that is reformatted and clarified, and in many ways as I've said before, this is exactly what we did with the rest of the Code, we've just finally gotten to the UMCAD in the context of this process. There are design standards both for architecture, external relationships in the land uses, internal relationships and the arrangement of uses, signs and lighting, landscaping, and even though the process I've described to you is an administrative approval or modifications within the core and for other permitting activities, the Board of Architects continues to be an active part of evaluating the design of all structures that

this does nothing to set aside or modify that existing approval process it goes on with Building and Zoning and the Board of Architects. Parking garages has been a subject of particular issue; there are standards which are specifically called out for garages which are located either in toward the neighborhoods or are visible from the neighborhoods, or along Pisano and those standards vary according to whether it's a geographic site line matter, or if its along Pisano, the regulations require screened from view either with a liner building or some other activity building structure that screens it from view, from the single family residential district and within 300-feet of San Amaro and Campo Sano, along...and the structures, no garage structure, that is the structure of a garage can be seen from any residential lot fronting on Campo Sano and San Amaro. So we've overlaid three different performance standards to ensure, we believe, there is no loop hole. There is one requirement along Pisano outside the transition and buffer area across from Doctor's Hospital, there are performance standards for the design of those structures even though they don't have to be screened on the northeast and southwest, westerly façade, they have to have architectural treatments that mask the character of a parking garage as a parking garage. The provisions for the installation of utilities, pedestrian amenities, and refuse and service areas, those three are all existing standards, again, they've just been clarified and any inconsistencies resolved. The final element of this district are required reports; there is an annual report that is required while the university has greater flexibility in the core, they have an annual reporting requirement to say everything they've done, so that at the end of the year everything is up to date as to where they stand. There is a parking capacity monitoring requirement. There is an annual mobility report as I said earlier, how the implementation is going. There is a traffic analysis which has been in the existing UMCAD, which is every five years. There is a tiered transportation management program here; you have the mobility plan which sets a strategy etc., for reducing trips and internalizing trips and a whole variety of matters. There is a five year analysis of the overall development plan and what its impacts are, and then when an individual use comes in, there is a traffic impact study to assure that there are no unmitigated impacts. So the traffic management, transportation and traffic management under this Code is really very extensive; and finally a utility report every five years, where the City stands with the balance of the utilities that are being served, what the demand that's coming from the university. Those are the basic provisions of this Code, and I think with its adoption it would bring a final end to the Code rewrite that we started many years ago, and I'd be glad to answer any questions.

Mayor Slesnick: Why don't we hear from the applicant before we get to questions? We have Jeff – thank you Charlie. We have Jeff Bass, 46 S.W. 1st Street, who is the attorney representing the University of Miami, has been with us before on these hearings – Jeff welcome back, good to see you, and I understand as part of the university's presentation it will be you, Mr. Natoli, and President Shalala.

Mr. Bass: Correct, I believe there may be a Trustee or two who might...

Mayor Slesnick: No, no, I have their cards, but somehow I was given that as like the official overview.

Mr. Bass: The overview – yes. Mr. Mayor, members of the Commission in keeping with my tradition of having the ever-shrinking presentation, I will not make one today, because we've made it over, and over, and over again. I will be here to answer questions. I do just on a housekeeping item want to be sure that the record of this proceeding includes the entirety of the record developed for the P&Z Board, as well of the record developed before this Commission including the PowerPoint presentations that were presented, including the speaker cards that were filled out and presented, so that this record represents the entirety of the City's.

Mayor Slesnick: I believe that to be true, no matter what, but without objection all of those things will be made part of the official record of this Second Hearing of these two items, E-1 and E-2.

Mr. Bass: Thank you very much Mr. Mayor. With that I'm going to turn it over to President Shalala. I would like to reserve a brief rebuttal time should that be necessary.

Mayor Slesnick: You don't need to reserve it; we will try to give it to you anyways.

Mr. Bass: Thank you.

Mr. Natoli: Joe Natoli, 60 Edgewater Drive, Coral Gables; and I'm actually going to defer to my President, so here's President Shalala who will be followed by Mr. Woody Weiser and Mr. Joe Bared.

Mayor Slesnick: Madam President.

President Shalala: Thank you very much. Donna Shalala, 8565 Old Cutler Road, Coral Gables. Thank you Mr. Mayor, Mr. Vice Mayor, Commissioners for your support of the university. This is actually my sixth appearance both at the Commission as well as at the Planning and Zoning meetings. We are at the end of a very long public journey that Jeff Bass accurately has described before as a renewal of our wedding vows. Today's final approval of the updated campus zoning is the final step as we head off on our "honeymoon". I want to reiterate again how important this process is to the university and to my tenure as President, it is absolutely critical to our future, and we are deeply appreciative of all those that participated in the various public meetings and processes as we moved along, and I want to thank all of you for your support and for your thoughtful comments over the number of months that we have worked together. Thank you.

Mayor Slesnick: Well, thank you Madam President. Mr. Weiser welcome back.

Mr. Weiser: Thank you Mr. Mayor, my third appearance, which I'm sure that you all have known and recognized, hopefully my last.

Mayor Slesnick: We have your card, but let it be known that Mr. Weiser is of 10 Edgewater Drive.

Mr. Weiser: Thank you Mr. Mayor. I'll make it very brief; I want to reiterate what President Shalala said, this is enormously important not only to the university but to our City of Coral Gables. We have come a long ways; it has been a tedious and difficult and yet a very thoughtful process, and what I'm here for of course is to encourage you to support the final hearing which is today, and urge you to vote in favor of the amendment. Thank you.

Mayor Slesnick: Thank you. Joe Bared, 9025 Arvida Parkway.

Mr. Bared: Thank you. Good morning Mr. Mayor, Mr. Vice Mayor, Commissioner, and members of the staff. I too have been here several times over the last few months including public meetings. Your vote today concludes a long and thoughtful process, which as a Trustee of the University of Miami, I am pleased to see come to a successful conclusion. I wasn't sure we'd get here, but we did, and I thank you and your staff for your diligence throughout the process and once again I ask for your support. Thank you.

Mayor Slesnick: Thank you very much. We have two more speakers; we have Dennis Mele, 200 East Broward Boulevard, Ft. Lauderdale, representing Baptist Health Systems.

Mr. Mele: Good morning.

Mayor Slesnick: Good morning and welcome.

Mr. Mele: Mr. Mayor we are speaking both about E-1 and E-2, correct?

Mayor Slesnick: That's correct; we'll vote separately but we're combining the records on both.

Mr. Mele: Thank you. Dennis Mele representing Baptist Health Systems, we are not here today to object to the development at the University of Miami Campus, what we are here to talk about is we are concerned about the structure of the ordinances in E-1 and E-2. When this matter was before your Planning and Zoning Board at their September 15th meeting, Planning and Zoning Board unanimously recommended that the uses shown on page 5 of 11, in the university's sub multi-use zone called, overnight accommodations, conference centers, governmental public sector uses, research office, medical health care, and uses for the benefit of the university and the public be conditional uses rather than permitted uses. There was one "no" vote on that motion, but that was simply because the person who voted in descent wanted additional uses to be conditional use besides the ones that I just read. So we would urge you to make those uses conditional rather than permitted. As Mr. Siemon said when he was before you a few minutes ago, uses that are permitted uses designated by a "P" in that table, are uses that only have administrative review. Uses that are conditional uses pursuant to Section 3-402 of your Code have that administrative review, have a review by a Board of Architects, but also have a review by your Planning and Zoning Board and your City Commission, and the reason for that is that certain uses that are labeled conditional have to be looked at and how they fit on a particular piece of property, and how they affect the properties around them, and your Code gives those criteria in Section 3-408; you are looking at consistency with the Comprehensive Plan,

appropriateness of the use to the property that its located on, the property around it, and whether it will have an adverse effect on other properties in the area, whether it conflicts with the needs and character of the neighborhood in the City, and it looks at a variety of other things such as the impact on traffic, public facilities, and your concurrency items. Although there is a mobility study included in the ordinance, the mobility study only receives an administrative review; there is no public hearing, there is no oversight, there is no opportunity for members of the public to have input into that process. The size and scope of these uses that I was referring to are very large and could have a very significant impact on traffic flow in the area, and we think that they should be conditional. Again, your Planning and Zoning Board unanimously recommended that be done. I also want to point out that the representatives of the University of Miami who appeared at the hearing did not object to that motion, did not say, "*Don't make it conditional, keep it permitted*". I was reviewing the minutes earlier, those minutes were verbatim, they were done by a court reporter, and that was the way the motion was passed. If not making them conditional, we would ask that you defer the item, this is not a Comprehensive Plan Amendment, it is not affected by Amendment 4, I heard a discussion about Amendment 4 earlier today, it only affects Comprehensive Plan Amendments, not changes to the code or rezoning. If you have any questions, I'd be happy to answer them. Thank you very much.

Mayor Slesnick: Well, I do have a couple questions.

Mr. Mele: Sure.

Mayor Slesnick: One is you said unanimously adopted, but I thought you said there was one "no" vote, but you distinguished the "no" vote.

Mr. Mele: The "no" vote actually asked for additional....

Mayor Slesnick: I know, but it was a "no" vote.

Mr. Mele: Yes, but....

Mayor Slesnick: I know, but it wasn't unanimously adopted.

Mr. Mele: You are correct Mayor, that's why I made the distinction.

Mayor Slesnick: OK. Secondly, this Commission considered the opinion of the Planning and Zoning Board and rejected it in its first vote on this.

Mr. Mele: I understand.

Mayor Slesnick: Now, let me ask you, we need to get down to it; I think Commissioner Cabrera said when our Planning and Zoning Director got up and talked about our notice, let's get to the heart of the matter. So let me get to the heart of the matter. You are representing Baptist Health System...

Mr. Mele: That's correct.

Mayor Slesnick: Is Baptist Health Systems concerned about all the various issues on this land?- or are they concerned about something specific. I think we need to put on the record what is...what are you here to object to, and what is it you think we should be considering other than just...You've eloquently stated, and I appreciate it and you've done it in a very lawyerly manner, and I appreciate that very much, you've given a good presentation, but you've given us an overview of what we should think about zoning issues and so forth, is Baptist Health Systems here to object to a specific piece of that.

Mr. Mele: We are not here to object to a specific piece, but we are here to ask that these large scale developments go through a public hearing review, so that when we see how it's going to be built, and how it's going to affect property we own, we have an opportunity to participate in that process.

Mayor Slesnick: OK. That's fair enough.

Commissioner Cabrera: And I appreciate your candor because I'm going to try to drill down a little further, so if I put you on the spot it's not my intent.

Mr. Mele: No problem.

Commissioner Cabrera: What property specifically are you concerned?- Doctors Hospital?

Mr. Mele: We are concerned about the impact on Doctors Hospital, yes, and the other properties we own that are adjacent to the hospital.

Commissioner Cabrera: Do you have any concerns with any properties that you are about to develop?- for example, I'm sorry, I don't have a filter.

Mr. Mele: That's OK.

Commissioner Cabrera: I apologize.

Mr. Mele: No problem.

Commissioner Cabrera: Are you concerned about the properties that you may develop across from the university on South Dixie Highway?

Mr. Mele: I know that there was something was reported in the newspaper this morning about that, that's not why I'm here.

Commissioner Cabrera: OK. So you are telling me you're not concerned about potential properties that you may be developing in the future?

Mr. Mele: Well, I can't comment on that not knowing what those might be, but there is no specific property that I am referring to other than Doctors Hospital.

Commissioner Cabrera: What I have come to learn is that there may be some plans for an urgent care facility.

Mr. Mele: That's correct.

Commissioner Cabrera: Oh, OK.

Mr. Mele: There are plans, yes.

Commissioner Cabrera: Alright – you know I'm very unsettled about this because UM has brought everybody out, President Obama was not available this morning (laughter), but notwithstanding, if Donna Shalala could get him here he would be here.

Mr. Mele: I understand.

Commissioner Cabrera: This has been a fairly lengthy process; they have gone back and forth, you know, we hired consultants, and we've had bickering back and forth, all this stuff has gone on, where was Baptist in all of this? This has been in the papers; we've been on TV, any thoughts on that?

Mr. Mele: I don't have an answer to that question.

Commissioner Cabrera: I know I'm putting you on the spot.

Mr. Mele: If I had an answer I'd be happy to provide an answer.

Commissioner Cabrera: I know. It's a very uncomfortable situation because I have my own reservations about some of these things, but overall, you know on a scale of 1 to 10, 10 being the highest, I'd give it in the higher percentile, in the 7-8 or 9 as far as how this process went around. So I'm just curious....

Mr. Mele: Perhaps Baptist not fully understanding the zoning process assumed, perhaps incorrectly, that once that recommendation for conditional use was made that it would be carried forward. Obviously that's not a correct assumption...

Commissioner Cabrera: Yes.

Mr. Mele: Because the City Commission makes the final decision.

Commissioner Cabrera: You know what's a shame is, and I'm saying this for the benefit for all in the audience, not just for you, that you have these two very, very important citizens in Coral Gables, the University of Miami, which is the tradition with the university in the City goes from the beginning of our City's founder's time, and then you have Baptist Health Systems that we value so much, to have them here in Coral Gables, and Doctors Hospital being one of those that we value so much. So it's a very important relationship that we must nurture between the City and the university and Baptist, I would hate for this to become a public disagreement that creates animosities between all three parties.

Mr. Mele: We feel the same way. Before the meeting I was talking to a number of people out in the lobby about the fact that it was unfortunate that there wasn't an opportunity for more discussion, and the question was who should reach out to whom?- and I know that when it's a residential community the applicant most of the time, when I appear before governmental agencies, I'm in Mr. Bass's position not the position I'm in today, and so when we are in those positions we always reach out to our residential neighbors, sometimes we don't reach out to our non residential neighbors, whether that happened or not in this case, I don't know.

Commissioner Cabrera: Yes.

Mr. Mele: And whose responsibility it is to call whom?- I don't know how to answer that question.

Commissioner Cabrera: In a perfect world if you had control over five people, and you were obviously making your presentation, I got the part about conditional versus permitted, I got that, but what other goal do you have in mind this morning?- to have some sort of a deferral so that you can be given some more time to study what the university is trying to do?

Mr. Mele: That would certainly be an option that would work, maybe once we understand it better; maybe we wouldn't come back again.

Commissioner Cabrera: And what kind of a timeframe would you be asking for?

Mr. Mele: A month.

Commissioner Cabrera: You realize it's difficult for us...

Mr. Mele: I understand with all the hearings that you've had, with every speaker that got up, they said we've been here five times, we've been here six times, I understand that. Coming here today I knew that would be one of the things that I would hear, why are we here at the last minute?

Commissioner Cabrera: Listen, the only indigestion that I've had with this process was a meeting that was called very quickly and I wasn't able to attend, in addition to that the other problem I had, I've never seen the City Manager's office advocate on behalf of an applicant before the

Planning and Zoning Board, but I think that's more style than anything else. So, outside of that I think that they've done a fairly good job. I mean it's hard.

Mayor Slesnick: We have any other questions?

Commissioner Withers: Don, let me just remark one thing about the administrative process because I think that's one of your major concerns, is that the conditional use application you are OK with....

Mr. Mele: Yes.

Commissioner Withers:....it's the administrative approval where you don't think you're getting public input and a fair opportunity for you to express your position; is that...?

Mr. Mele: Well it's actually two parts. First of all let me make it very clear that I am not in any way criticizing the City's administration, I'm sure they will do an excellent job, but when something as a use permitted as-of-right versus a conditional use, when it's a use permitted as-of-right, your review process has a staff review to make sure that it complies with the Code; the suffix are right, the heights are right, the open space is right, I'm sure there are a variety of other issues, I don't mean to leave anything out; and then it goes to the Board of Architects who review the aesthetics of the building. When it's a conditional use, there is an examination of how does this use fit on this property?- and how does it affect the properties around it? When something is a very large use, that to my mind, would make it conditional because you need to look at how does that use on that property affect the properties around it. Mr. Siemon mentioned in his presentation that many of the uses in this district are conditional. We think this one category that I read off on page 5 of 11 should be in that category as well, because the magnitude and the size of these properties would dictate that additional review.

Commissioner Withers: I understood your position. For any consolations I know this City, I know that the administrative review will be more than just a cursory review, I know that it will probably be looked at from Police and Fire all the way through to Planning and Zoning, I just know how the City is set up. Just personally, one of the feelings that gave me peace of mind, so you know where I'm coming from on the administrative review side, was that the Commissioners and the City Manager have always had an open door expression of policy, meaning if a Commissioner has an issue with something the City Manager is usually who the Commissioner approaches; and I'm assuming if there is any kind of issues that something might come up as a result of some of these uses that might come into play, which we don't even know what's going to happen there at this point, we have a general list of uses; but I would think that a Commissioner could very easily get the ear of the City Manager and say, this issue is causing me some problems, I need a little more clarification on it, and I don't know how the City Manager feels about that, but that's just how things have worked and its usually respected by the City Manager that he's hired by or she's hired by the five Commissioners. So I don't see just a steamrolling effect of administrative reviews and approvals going through this process over the next decade or however long it takes. I would be very, very surprised if that even came to the

surface. So that's just my perspective on it as far as the relationship the Commission has with the City Manager's office.

Mr. Mele: I understand your point; it's very well taken, if I could just very briefly. You may have noticed when the Mayor read my address, I'm from Broward County...

Commissioner Withers: Yes, East Broward Boulevard.

Mr. Mele: I know Mr. Salerno, I've worked in his previous community, and I know the fine job that he does and the good staff did there, and I'm sure your staff does here. I also used to be a City Manager myself many, many years ago; the problem is once something is a permitted use there is a different legal standard for how its approved, and while I agree that in practice you will have the types of discussions that you just described, it's an entirely different standard of review if there are concerns about the project; whereas the conditional use proceeding gives you the ability to examine that specific use on that specific property. As you mentioned, we have a general list of things that the university has in mind, but we don't know exactly how they are going to be done until a plan is presented. When I was sitting in the audience for one of your earlier items, I don't know anything about it other than the gentleman was presenting a land use plan amendment, and you were talking about the level of detail you get when you get a site plan versus the level of detail you get when you get a land use amendment. Well, when someone brings in that site plan and it's a conditional use, that's when the rubber hits the road, that's when you really see what you're getting; where are the driveways?- how is the traffic circulating?- all of those things that were addressed in that Code section about conditional uses that I mentioned, and is something is a very small use in an area that doesn't have much traffic or doesn't have much of these other issues that are covered in those criteria, there is no reason for it to be a conditional use, but when something is as broad stroke as this is, and is unknown as this is, as to exactly how it will be done, then I think conditional use is warranted; and I know it's an overly legal point, and I know we are here at the very last meeting in a very long process, and I apologize for that, but I still think it's a very valid point. I know you discussed it at the First Reading as the Mayor said, I wish I had been here then. I don't know if it would have made a difference, but I would at least not been at the last meeting.

Commissioner Cabrera: Good point.

Commissioner Anderson: Chime in a few things, and thank you for your presentation and certainly Baptist Health has been a strong partner with us because we actually took a vote to form a health authority many years ago, and help them borrow money through a vehicle to improve their facilities in our City and other places to benefit the whole community. So I still remember that and I'm glad we did, and the university is also a tremendous partner. I think what's happened too here throughout this whole process, this is one of the lynch-pin issues of this agreement, and at the last hour to begin to change that agreement threatens an agreement that's been in the making for many, many years and represents a long, long time, and a variety of details that for myself I'm not comfortable changing at this point, but you certainly raise good points, and we actually discussed that a bit last Commission meeting, and there was assurance

that the process that we are going through will have a lot of eyes that are not the City Manager's; and I know you've got experience, so I don't have to tell you anything about that. It would be my hope that I put my trust that, that is going to happen, but the overarching here, the overarching concern for me leads me to vote today is that this agreement is really important and it has been in the works for a long time and I appreciate you coming out.

Mr. Mele: Thank you.

Mayor Slesnick: We have another speaker, Ms. Phillis Oeters, 6812 San Vicente on behalf of Baptist Health Systems; Phillis welcome to the City Commission.

Ms. Oeters: Thank you. I am Vice President of Community Government Relations for Baptist Health. You know us, you know me, you know us all well. We are the largest employer here; we give in excess of \$200 million worth of charity care in Dade County. We have Doctors Hospital which last year celebrated its 60th anniversary here, and you were so gracious to give us a proclamation for that. But with all this I would ask for a pause; a pause to stop and think about this, because this day hospital is 200 square feet, 200,000 square feet. Never in our conversations until it was posted did we realize the magnitude of this, and just to put this in a frame of reference, this is almost as large as Doctors Hospital. Any building that would go up in Coral Gables with this size would have more thoughtful conversation. I also was part of the Florida Hospital Association and its team when we appealed the certificate of need. One of the reasons and one of the arguments that we used in appealing the certificate of need was that we didn't feel that Tallahassee should be having all of the conversations about health care, the innuendoes, the Department of Health, the delivery of health care, that it is best served in Tallahassee, but better in their own communities and that hasn't happened in this process, there has not been any conversations about that, there has not been any conversations about how do ambulances get down Ponce with all of the traffic. There also hasn't been a conversation to the fact that Doctors Hospital is really...we are not just in Coral Gables, we are adjacent to the University of Miami. So I think that probably your Zoning Board when all these issues came up and they decided that it should be under conditional use were thinking of all these things, unfortunately I wasn't there to ask them, but I think there has been so much that has not been discussed, so much that has not been said, and plus we are looking at one of the most omnipotent health care bills that have ever been passed in the U.S. How does all of this fit in?- how is it going to help the seniors in Coral Gables?- how is it going to affect all of this?- a 200,000 square foot building? So with this today delivering, which we really don't know because there are not really specific plans of all of it, we ask for the delay and for the consideration of the conditional use. Are there any questions?

Mayor Slesnick: Thank you Phillis, appreciate it.

Commissioner Anderson: Thank you very much.

Mayor Slesnick: OK. We have – before we get to any rebuttal, we have the following cards of people that are here who wish to voice their opinions and came here today to file cards, but said they did not care to speak. We have Ed Williamson of 5501 Oak Lane, who is a proponent of the

University of Miami proposal. We have Christina Farmer, 1527 Albenga Avenue, who is a proponent, and she in fact as we know is the President of the Student Body. We have Maria Graha, am I getting that right?- 1225 Memorial who is a proponent. We have Rhonda DuBord of 1241 Dickinson Drive a proponent. We have Jennie Block of 1143 Campo Sano Avenue, who is a proponent; she says that she would like to support the university's plan. Gilbert Arias, 520 Luenga Avenue, who is a proponent. We have Emilio and Lucila Mascaro, proponents of 1015 Almeria Avenue. Yvette Speziani of 431 Bianca Avenue, proponent. We have Mr. and Mrs. Oscar Corral of 2618 San Domingo, proponents. In actuality we have a few here that say they cannot attend, its improper to turn in cards for people who are not here, and if I can distinguish those I will not read those into the record, and I will appreciate in the future that people turning in cards either be here or not turn in cards for them. In fact I'm going to give these back to the University of Miami and have them distinguish who is here before I read any more. We also received an e-mail during the hearing from a resident, Alex Adams, who lives next to the university who submitted a full e-mail to the Commission during the hearing suggesting his support for the University of Miami's plan. We'll come back to the rest of those when those are distinguished as to who is here and who is not. Mr. Bass.

Mr. Bass: Mr. Mayor, if I may, by way of brief rebuttal to some of the points raised by Ms. Oeters and Mr. Mele. Mr. Mele talked about the requirements for a conditional use, it's important to see how the proposed square footage fit in a given location. Let me address that and let me remind you and perhaps advise our neighbor that since 1992, since 1992 a million square feet have been shown in this area. So the question is, how does 200,000 square feet fit within a million square feet?- the answer is easy. You reviewed that development intensity repeatedly before you adopted the plan in 1992, you've reaffirmed it at every occasion since then, it fits, it's not an issue. Cutting through the chase, as we learned by Ms. Oeters, the only issue that they are concerned with is the health care use, and the only reason that they are concerned about it is because of competition, that's it. Let's just drill down to the bottom of this eleventh hour attempt to derail this; it's for anti-competitive purposes, which are not a legitimate use of the zoning process. The health care – let's talk about the health care use by the numbers. By the numbers the Doctors Hospital facility is 445,000 square feet, OK. So, to suggest that the facility that we've been talking about at 200,000 or 225,000 square feet is the size of Doctors Hospital is to miss the mark greatly. Let's talk about what other facilities are being...[inaudible]....by Baptist in the immediate area, not coincidentally health care facilities, not coincidentally health care facilities for which our health care facility would be a direct competition. They are building right now across the street from Bagel Emporium in the University Shopping Center; it's our understanding, that they are building a Sports Medicine and Urgent Care Center at the approximate size of 15,000 square feet. They are adding 337,000 square feet in Kendall, they are adding 100,000 square feet and ten operating rooms in South Miami and the property known as 55 Merrick, on Douglas, they are adding 15,000 square feet. They are in the building business, they are in the health care business, they dominate the health care business and they are trying to keep out competition. To the conversation that was attempted to be made about the concerns of ambulances on Ponce, need I remind the Commission that Baptist Hospital has a million square feet located on Kendall Drive; Kendall Drive from a traffic perspective has never been confused for tumble weed alley, it is a highly congested area, they have no trouble getting their

ambulances there, and might I suggest there will be no trouble getting ambulances here. And lastly, because the vocabulary is so important, to suggest that this is a day hospital is to misapprehend what a hospital is and what a hospital is not. This is going to be a health care facility; this is where we will take care of all of our employees and all of our students who we have an absolute right to take care of; and we have an absolute right to take care of them ourselves and we have a hope and a dream that we will be able to take care of them in Coral Gables where we should. This is simply too little too late, there is no substantive objection that is being launched, it's simply an anti-competitive effort, let's just call it what it is, we've been here, we've been through this on the merits Commissioner Anderson, on the merits of this Zoning Ordinance. It should be approved because it's the right thing to do, the development has already been approved and reviewed, there is nothing new or novel about it. Please let's begin our new day, vote to adopt this amendment and let's be done with this. Thank you.

Mayor Slesnick: Mr. Bass, Mr. Bass you are not suggesting that there will not be people taken care of outside of the university community, are you?

Mr. Bass: Oh, no, no. Let me state in the affirmative, we will take care of people in the Coral Gables community and we will take care of the university community, it will not be limited.

Mayor Slesnick: We want to make sure because the way you said it sounded like it was totally focused on the university staff and students.

Mr. Bass: No, absolutely not, it will be open to all in need. Thank you.

Commissioner Cabrera: I'd like to get you back for a second Mr. Bass. Just like you to comment for a minute or two about the issue of conditional versus permitted because Mr. Mele in his presentation did give us the impression that when this was before the Planning Board the university showed no reservations with conditional versus permitted. Can you articulate on that for me? - or can you give me the university's position on that matter?

Mr. Bass: We object to it being conditional use. We have categorically and consistently throughout this process said, it must be a permitted use in this location and that is a vitally important element of this district.

Commissioner Cabrera: And you did this from the very beginning?

Mr. Bass: From the very beginning, there have been no secrets about it whatsoever, and there really hasn't been a negotiating point. It has been an ultimate – ultimate substantive point from which we have not waffled throughout this process.

Commissioner Cabrera: Thank you Mr. Bass.

Mayor Slesnick: We will continue now with people who have filed cards who are here. I have asked the Clerk to please hold back and separate the cards of people who are not here. We are

going to keep them because they were submitted as part of the public record, but they will not be counted as testimony and support of this application.

Mr. Bass: Mr. Mayor, I did want to add, we did mail notice to Baptist; Baptist received, they were within the envelope of notice for all those notices that were discussed, we mailed notice to them, it's not as if we only mailed to our residential neighbors, it was a point that I overlooked and I wanted to stress that; and on that point I wanted to highlight that the Holiday Inn, one of our commercial neighbors, came to our meetings, they reached out and talked to us; they didn't just show up out of the blue and attack. They engaged, they attended the meetings, we had a conversation, you don't see anybody from the Holiday Inn here, that's the way a process should work and the fact that it didn't work for Baptist that way, I'm sorry for them, but that is not a reason in any way for you to hesitate today and conclude a process that has been run open and in the "Sunshine" and in accordance with all of the notice requirements imposed by law and imposed by your ordinance.

Commissioner Cabrera: When did you in fact communicate with Baptist?- at what point?

Mr. Bass: We mailed the notices every single time starting in June.

Commissioner Cabrera: That's what I wanted to know, when did you do it?

Mr. Bass: Starting in June.

Mayor Slesnick: OK, we have Rudy Fernandez at 1516 Zoreda Avenue who supports UM's position. We have Sarah Ritcheson, 7420 S.W. 107th Avenue, she is representing the graduate students at the University of Miami, and she is a proponent. We have Emilio and Leanne Mascaro of 1526 Sopera. Are these people here? It says right here on the card, "I cannot attend but support the university". Oh, OK. Well let's strike we cannot attend because we are going to take those cards out too, OK. Stewart Seruya, hi Stewart, 1410 Trillo Avenue is a proponent. Lamar Noriega, 1001 Hardee Road, who is a proponent. Alan Rose, 1241 Dickinson Drive is a proponent. Patricia Swift 1241 Dickinson Drive is a proponent. John Tallon, 1241 Dickinson Drive is a proponent. Mr. and Mrs. Max Bunster from 1547 Corniche Avenue are proponents. Juan Rodriguez of 520 Luenga Avenue proponent. Patricia Whitely, hello Pat, 1225 Memorial Drive is a proponent. George Baixauli of 1036 Milan Avenue is a proponent. Jacquelyn Menendez from 1320 South Dixie Highway, #950 says, I support UM. JC del Valle says, I'm supportive of this issue. Those are the people that are here, we'll add those to the record, and now we have had a response from the university. I'm willing to give...Baptist is a fine citizen of this city, and a good citizen, I'm willing to give them, if they'd like to say anything more, don't worry Jeff you'll always get the last word, you're the proponent, but Phyllis anything else to say?- anything else to add?- anything else to add by your attorney?- No. OK. Then we will close the public hearing and if we have any other questions from the Commission to our staff or to the...OK, I will accept a motion on E-1.

Commissioner Anderson: I'll move it.

Mayor Slesnick: Been moved by Mrs. Anderson, seconded by Mr. Withers. Before we vote let me just say this, first of all as President Shalala and other people in the community, and everybody knows I've taken every opportunity to highlight my joy in the fact that we have come to an end of a very long process of really bringing the university and the City closer together than they have ever been before through this Development Agreement, and through giving the university some satisfaction of knowing where they are headed over the next 20 years, and for the citizens of Coral Gables to be pleased with the support that the University of Miami is giving in return to the citizens of Coral Gables, as they have always done in part, but now in a more formal manner. I am very deeply disturbed at the last minute by Baptist Health System's concern; I don't mind saying this because I think it's true of most people who are sitting in front of me, Phillis Oeters is one of the most respected government representatives in town of any major corporation. She is a great citizen of Coral Gables and a good friend of this Commission, as is other people, Brian Keeley, the President of Baptist Health Systems is a person who has always been supportive of our City, Baptist Health System is headquartered here. For those who don't know that, the headquarters is here as well as Doctors Hospital, and their welfare and well being is of great concern to us. As I look at all the University of Miami people here, I know that they feel the same way about Baptist Health System, Brian Keeley and Phillis Oeters. I know that this is tough, but Phillis you're still here, and by the way we appreciate the presentation of your attorney; but I have to tell you that I feel at this moment we've considered the issues for a long time, and we have gone through these things, and we have publicly and I'm proud of how much publicly we've talked and debated these issues and the newspaper articles and the TV programs and the notices and whatever else. It is with great sadness I myself am saying that I'm not going to accept your suggestion for either postponement or changing it to a conditional use, but that's all it is. Any other comments?

Mr. Clerk

Commissioner Withers: Yes

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Mayor Slesnick: Yes

(Vote: 5-0)

Mayor Slesnick: Have a motion on E-2.

Commissioner Anderson: I'll move it.

Vice Mayor Kerdyk: I'll second it.

Mayor Slesnick: Mrs. Anderson moves, Mr. Kerdyk seconds. Any further comments or discussion?

Mr. Clerk

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Mayor Slesnick: Yes

(Vote: 5-0)

Mayor Slesnick: We appreciate it, and all I can say is this, to the University of Miami we are delighted to be your partners, we look forward to a great continuing relationship, and Madam President I would ask, and I'll let you say something too, but I would ask and I hope that between the university and Baptist Health System there are going to be further conversations in this entire matter.

President Shalala: I appreciate that Mr. Mayor and I wanted to say that I feel badly about this last minute dust up. As our lawyer indicated, we did do the notifications, but we obviously have been good partners of Baptist as well in Coral Gables, they are good friends of ours, we will have conversations with them as we move on with the process. Brian has been a good friend for a long time. I was frankly surprised that over the last few months they didn't seem to have any concerns at all. So we will definitely reach out to them, but we are deeply appreciative to the Commission, this is a giant step forward for the university, for the City of Coral Gables, and for our ongoing efforts to be world class. Thank you very much.

Mayor Slesnick: Thank you. Thank you all and thank you to our good corporate citizens too.

[End: 11:37:10 a.m.]