

DRAFT COPY

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Planning and Zoning Board

**City of Coral Gables**  
**Planning and Zoning Board Meeting**  
**Tuesday, November 30, 2010, 6:00 p.m.**  
**Coral Gables City Commission Chambers**  
**405 Biltmore Way, Coral Gables**

----- 2010 -----

<b>Members:</b>	J13	F10	M10	A4	M12	J9	J24	Ju14	Ju21	A11	S15	O13	N3	N30	<b>Appointed by:</b>
Eibi Aizenstat	P	C	P	C	P	P	E	P	P	P	P	P	P	P	City Manager
Robert Behar	P	C	P	C	P	P	P	P	P	E	P	P	P	P	Commissioner Rafael "Ralph" Cabrera, Jr.
Jack M. Coe	P	C	P	C	P	P	P	P	P	P	P	E	P	P	Mayor Donald D. Slesnick, II
Jeffrey Flanagan	P	C	P	C	P	P	P	P	P	P	P	P	P	P	Commissioner Maria Anderson
Pat Keon	P	C	P	C	P	E	P	P	P	P	E	P	P	P	Planning & Zoning Board
Tom Korge	E	C	P	C	P	P	P	P	P	P	P	P	P	E	Commissioner Wayne "Chip" Withers
Javier Salman	P	C	P	C	P	P	P	P	E	P	E	P	P	P	Vice Mayor William H. Kerdyk Jr.

**P = Present**  
**E = Excused**  
**U = Unexcused**  
**C = Meeting Cancelled**

**City Staff:**

Eric Riel, Jr., Planning Director  
Jill Menendez, Administrative Assistant  
Glenn Kephart, Public Works Director

**Court Reporter:**

Joan Bailey

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(See attached Verbatim Transcript of Planning and Zoning Board Meeting  
prepared by Joan L. Bailey & Associates)

- A. 11.30.10 Sign In Sheet for PZB Meeting.
- B. 11.30.10 Planning and Zoning Board Meeting – Verbatim Minutes.

# Planning & Zoning Board Meeting Attendance/Speaker Sign In Sheet – November 30, 2010

	Name	Mailing Address	Phone	(If you wish to be a speaker, please check the appropriate box)
1.	WILLIAM J. HARINET	4850 CAMPUS AVENUE	305 666 5303	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
2.	C. P. W. R. F. L.	1595 W. W. W. T. O.	305 284 6728	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.				<input type="checkbox"/> YES <input type="checkbox"/> NO
4.				<input type="checkbox"/> YES <input type="checkbox"/> NO
5.				<input type="checkbox"/> YES <input type="checkbox"/> NO
6.				<input type="checkbox"/> YES <input type="checkbox"/> NO
7.				<input type="checkbox"/> YES <input type="checkbox"/> NO
8.				<input type="checkbox"/> YES <input type="checkbox"/> NO
9.				<input type="checkbox"/> YES <input type="checkbox"/> NO
10.				<input type="checkbox"/> YES <input type="checkbox"/> NO
11.				<input type="checkbox"/> YES <input type="checkbox"/> NO
12.				<input type="checkbox"/> YES <input type="checkbox"/> NO

Attachment

A

1 CITY OF CORAL GABLES  
 2 PLANNING AND ZONING BOARD MEETING  
 3 VERBATIM TRANSCRIPT  
 4 CORAL GABLES CITY COMMISSION CHAMBERS  
 5 405 BILTMORE WAY, CORAL GABLES, FLORIDA  
 6 TUESDAY, NOVEMBER 30, 2010, 6:10 P.M.

7 Board Members Present:  
 8 Eibi Aizenstat, Vice-Chairman  
 9 Jack Coe  
 10 Jeffrey Flanagan  
 11 Pat Keon  
 12 Javier Salman

13 City Staff:  
 14 Eric Riel, Jr., Planning Director  
 15 Jill Menendez, Administrative Assistant  
 16 Glenn Kephart, Public Works Director

17 Also Participating:  
 18 Janet Gavarrete, Associate Vice President of Campus  
 19 Planning and Development, University of Miami  
 20 Jeffrey S. Bass, Esq.,  
 21 Shubin & Bass  
 22 On behalf of the University of Miami.

23 William J. Hartnett  
 24 ---  
 25

1 THEREUPON:  
 2 The following proceedings were had:  
 3 VICE-CHAIRMAN AIZENSTAT: Will you call the  
 4 roll, please?  
 5 MS. MENENDEZ: Eibi Aizenstat?  
 6 VICE-CHAIRMAN AIZENSTAT: Here.  
 7 MS. MENENDEZ: Robert Behar?  
 8 Jack Coe?  
 9 MR. COE: Here.  
 10 MS. MENENDEZ: Jeff Flanagan?  
 11 MR. FLANAGAN: Here.  
 12 MS. MENENDEZ: Pat Keon?  
 13 MS. KEON: Here.  
 14 MS. MENENDEZ: Javier Salman?  
 15 MR. SALMAN: Here.  
 16 MS. MENENDEZ: Tom Korge?  
 17 VICE-CHAIRMAN AIZENSTAT: Thank you.  
 18 On approval of the minutes, Jack, it shows  
 19 that you were excused.  
 20 MR. COE: Except I was here.  
 21 VICE-CHAIRMAN AIZENSTAT: Okay.  
 22 MR. COE: That needs to be corrected, to  
 23 show that I was here and voted on the agenda  
 24 items. Other than that correction, I move --  
 25 MR. SALMAN: I'll second.

1 MR. COE: -- the minutes of the meeting,  
 2 VICE-CHAIRMAN AIZENSTAT: First and second.  
 3 Will you call the roll, please?  
 4 MS. MENENDEZ: Jack Coe?  
 5 MR. COE: Yes.  
 6 MS. MENENDEZ: Jeff Flanagan?  
 7 MR. FLANAGAN: Yes.  
 8 MS. MENENDEZ: Pat Keon?  
 9 MS. KEON: Yes.  
 10 MS. MENENDEZ: Javier Salman?  
 11 MR. SALMAN: Yes.  
 12 MS. MENENDEZ: Eibi Aizenstat?  
 13 VICE-CHAIRMAN AIZENSTAT: Yes.  
 14 Anybody that is going to be speaking  
 15 tonight, if they could please go up to the desk  
 16 and sign in. To my understanding, I think we  
 17 only have one speaker that is signed up right  
 18 now.  
 19 Is that correct?  
 20 MS. MENENDEZ: Yes.  
 21 VICE-CHAIRMAN AIZENSTAT: Okay.  
 22 We're going to hear now Application Number  
 23 09-10-120-P, which is the University of Miami,  
 24 Abandonment and Vacation of Non-interests -- of  
 25 Non-Fee Interests.

1 An ordinance of the City Commission of  
 2 Coral Gables, pursuant to Zoning Article 3,  
 3 Division 12, Abandonment and Vacations,  
 4 providing for the abandonment and vacation of  
 5 non-fee interests of the City for the following  
 6 public rights-of-way, which are identified as:  
 7 Theodore Dickinson Drive, William E. Walsh  
 8 Avenue, George E. Merrick Street, Henry King  
 9 Stanford Drive, Pavia Street, and Levante  
 10 Avenue, all within the University of Miami  
 11 Campus, Coral Gables, Florida, providing for  
 12 severability, repealer, codification, and an  
 13 effective date.  
 14 First we'll go ahead and have the City  
 15 presentation.  
 16 MR. RIEL: Thank you, Mr. Chair.  
 17 Just for a matter of record, this item was  
 18 continued from the November 3rd meeting.  
 19 The application before you this evening,  
 20 the abandonment and vacation, requires adoption  
 21 in ordinance form, which basically has to go on  
 22 a recommendation by the Planning Board and then  
 23 before the Commission at two public hearings.  
 24 Your evaluation this evening, as well as  
 25 Staff's, is pursuant to the Zoning Code, which

1 has very specific standards and criteria.  
 2 Review and recommendation is also required  
 3 by the Public Works Department, as well as the  
 4 Development Review Committee. The DRC, the  
 5 Development Review Committee, met on November  
 6 19th, and both the Public Works Department and  
 7 the DRC had no objections to the application.  
 8 There were conditions that were requested as a  
 9 part of the DRC, and those are included in  
 10 Staff's recommendation.  
 11 The Staff Report does include findings of  
 12 fact, where we evaluated the Zoning Code  
 13 criteria. We found that the request for  
 14 abandonment and vacation was in compliance.  
 15 You'll note those findings of fact noted at the  
 16 end of the Staff Report. And also, Staff did  
 17 send out notices within 1,500 feet of the  
 18 entire University property.  
 19 For a matter of record, the location map  
 20 indicating the rights-of-ways to be vacated is  
 21 included as Exhibit A in the applicant's  
 22 submittal package. The utility company letters  
 23 were also included, where they had raised no  
 24 objection. The Public Works Department and  
 25 Development Review Committee report and minutes

1 are included, as well as public comments.  
 2 That concludes Staff's presentation. If  
 3 you have any questions, I'd be happy to answer  
 4 those, or we can just go ahead and have the  
 5 applicant --  
 6 VICE-CHAIRMAN AIZENSTAT: Let's go ahead,  
 7 if it's okay with everybody, and hear the  
 8 applicant, unless anybody has any comments at  
 9 this time.  
 10 MR. SALMAN: Well, I just have one comment.  
 11 I noted that the Miami-Dade County Public --  
 12 Miami-Dade County Water and Sewer Department  
 13 requested that a permanent utility easement be  
 14 granted as a condition of their non-objection.  
 15 MR. RIEL: That's correct.  
 16 MR. SALMAN: Okay. Are there any other  
 17 conditions that we should know about?  
 18 MR. RIEL: Yes. Basically, the  
 19 recommendation -- Staff does recommend  
 20 approval, and if you look on Page 1 and 2 of  
 21 the Staff Report, there's eight conditions that  
 22 were provided by the departments as a part of  
 23 the DRC review, as well as Public Works, as  
 24 well as any -- the condition you mentioned from  
 25 the outside utilities.

1 VICE-CHAIRMAN AIZENSTAT: Thank you.  
 2 MR. SALMAN: All right, thank you.  
 3 VICE-CHAIRMAN AIZENSTAT: If we could hear  
 4 now from the applicant, please.  
 5 MS. GAVARRETE: Good evening. My name is  
 6 Janet Gavarrete. I'm with the University of  
 7 Miami, and there is really not very much more  
 8 that we can add to what the Planning Department  
 9 has reflected in their Staff Report to you. We  
 10 are in agreement with the conditions of  
 11 approval. We have granted easements to all of  
 12 the utility companies, and we will comply with  
 13 the conditions of approval in a timely fashion.  
 14 So we really don't have anything to say today.  
 15 VICE-CHAIRMAN AIZENSTAT: I think that's  
 16 the shortest presentation you make.  
 17 MS. GAVARRETE: I know. I know. I know.  
 18 But I'm happy to answer any questions.  
 19 VICE-CHAIRMAN AIZENSTAT: Any questions  
 20 from the Board --  
 21 MS. KEON: I have --  
 22 VICE-CHAIRMAN AIZENSTAT: -- to the  
 23 applicant?  
 24 MS. KEON: Oh. No, I have a question for  
 25 Staff.

1 VICE-CHAIRMAN AIZENSTAT: Why don't we go  
 2 ahead and maybe open it up -- If you're done,  
 3 let's open it up for public comment, and then  
 4 we can ask our questions.  
 5 Jill --  
 6 MR. COE: Eibi, is your microphone working?  
 7 VICE-CHAIRMAN AIZENSTAT: If mine is?  
 8 MR. COE: I don't think it's working -- oh,  
 9 now --  
 10 VICE-CHAIRMAN AIZENSTAT: Okay.  
 11 MR. COE: Now it's working.  
 12 VICE-CHAIRMAN AIZENSTAT: Okay.  
 13 Jill, if you could call the public  
 14 comments.  
 15 MS. MENENDEZ: William Hartnett.  
 16 MR. HARTNETT: Gentlemen, ladies, my name  
 17 is William Hartnett.  
 18 VICE-CHAIRMAN AIZENSTAT: Could you --  
 19 MR. HARTNETT: My name is William J.  
 20 Hartnett. I live at 4950 Campo Sano Court.  
 21 I object to this transfer, for the  
 22 following reasons. One, in 1955, the transfer  
 23 was made on what -- if you look on your Exhibit  
 24 A, part of Miller -- all of Miller Road from  
 25 the west side of the campus to Ponce de Leon

1 Boulevard, on the condition that the University  
 2 build an interior road. That's been 55 years  
 3 ago. There's been design and design programs  
 4 made by the University of Miami in 1975, and to  
 5 date, that road still has not been built. The  
 6 exits and entrances to the campus on Campo Sano  
 7 need to be closed, and would be closed if you  
 8 built the interior road, to the safety of the  
 9 students and the employees and the citizens of  
 10 Coral Gables.

11 The conditions should be added that this  
 12 property transfer should not take place until  
 13 such time as the interior road is completed,  
 14 and I believe there's a duplication of  
 15 transfer, because you're showing Stanford Drive  
 16 as being part of this dedication, and it was  
 17 previously dedicated in 1955, or abandoned by  
 18 the City of Coral Gables.

19 So I think there's a couple legal problems,  
 20 in addition to the -- They had previous legal  
 21 problems on Miller Road and they caved in  
 22 because the University built on the  
 23 right-of-way before it was dedicated. So I  
 24 would ask you to put as an additional condition  
 25 that the interior road be built that's been

1 promised and promised and promised, before any  
 2 transfer of this property occurs. Thank you.

3 VICE-CHAIRMAN AIZENSTAT: Can I ask you --  
 4 Sir, can I ask you a question? That public --  
 5 Sir --

6 MR. SALMAN: Bill, Bill -- Get back.

7 VICE-CHAIRMAN AIZENSTAT: That public road  
 8 that you're speaking about is supposed to be  
 9 from where to where?

10 MR. HARTNETT: Pardon?

11 MS. KEON: It's Miller.

12 MR. SALMAN: To Miller Road.

13 MS. KEON: It was the extension of Miller  
 14 Road.

15 MR. SALMAN: It was the extension of Miller  
 16 Drive through the University.

17 MS. KEON: Through the University to Ponce.

18 VICE-CHAIRMAN AIZENSTAT: Okay.

19 MR. SALMAN: And first of all, Bill, thank  
 20 you for your time. Certainly, you know very  
 21 well a lot of the issues having to do with the  
 22 University of Miami, and we will look into  
 23 those two issues. With regards to the loop  
 24 road, that's a question I wanted to ask the  
 25 University, when we get into the question and

1 answer period, and it's one that's important to  
 2 me as one the neighbors in the area.

3 Likewise, I was not aware that Stanford  
 4 Drive had already been transferred in 1955. So  
 5 we may have a legal issue. We don't have  
 6 benefit of legal counsel today. So thank you  
 7 very much for your participation here today.

8 MR. HARTNETT: You're welcome.

9 VICE-CHAIRMAN AIZENSTAT: Any other  
 10 speakers?

11 MS. MENENDEZ: No.

12 VICE-CHAIRMAN AIZENSTAT: None?

13 Okay, having no other speakers, let's go  
 14 ahead and close the public comments.

15 Discussion of the Board. Javier?

16 MR. SALMAN: I had a couple issues, some of  
 17 which have been addressed with the conditions,  
 18 when we came in here, but in addition to those  
 19 issues, I want to make sure that the final  
 20 package includes surveys and the legal  
 21 descriptions for each of these right-of-ways,  
 22 which I'm sure you have available, mainly  
 23 because there's a possible confusion, and I  
 24 want to make sure that everybody understands  
 25 that the Levante that we're talking about is

1 the Levante that is internally inside the  
 2 University Campus, not the Levante that  
 3 connects from Campo Sano -- or rather, San  
 4 Amaro to 57th Avenue, which is very highly  
 5 trafficked and very much a part of the public  
 6 streetscape.

7 You all know, as members of the Board, my  
 8 objections in the past to this issue, having to  
 9 do with connectivity in and through the  
 10 University. However, I understand that this is  
 11 also the continuation of a larger-scale  
 12 agreement that this Board also approved  
 13 previously, having to do with the creation of a  
 14 special zoning district for the University of  
 15 Miami, which encompassed all of the UMCAD  
 16 requirements.

17 However, Mr. Hartnett brings up a series of  
 18 issues which I think require resolution and  
 19 certainly being addressed by Staff prior to it  
 20 moving forward to the Commission, and as long  
 21 as those conditions are clarified with regards  
 22 to previous transfers, and finally the creation  
 23 of an internal circulation plan, even if it's  
 24 not the loop road, an internal circulation plan  
 25 should be -- should be part of this agreement,

1 I think, because it's only fair to the  
2 neighbors who have to live with the external  
3 circulation.

4 I want to say here for the record that the  
5 University of Miami actually paid for the  
6 improvements of San Amaro/Campo Sano Drive,  
7 around the University, I'm well aware of that,  
8 and did a nice job of it. But it doesn't  
9 replace the need for internal circulation  
10 within the University. And those are my  
11 comments.

12 VICE-CHAIRMAN AIZENSTAT: Thank you.  
13 Pat?

14 MS. KEON: I have a question with regard  
15 to -- all right, so, I mean, I'm sure Stanford  
16 Drive and those other roads are -- will be  
17 maintained as entrances and exits and whatever,  
18 so the City will no longer be responsible for  
19 any of the care, maintenance, paving or  
20 anything on any of these roads; is that right?

21 MR. RIEL: Correct.

22 MS. KEON: Okay. The issue with regard to  
23 the ring road, do you want to address that,  
24 Eric?

25 MR. RIEL: Well, the internal road and

1 was approved and then went to the Commission  
2 and was ratified, but it was in the prior  
3 agreement, and it's a shame that we -- we -- we  
4 didn't do that, because that internal road  
5 should have been constructed before development  
6 was allowed to progress. But it's my  
7 understanding that under the agreement that was  
8 approved by the Commission, that is not a  
9 requirement of development, and that's what  
10 we're subject to with regard to development; is  
11 that right?

12 MR. RIEL: Well, there's certain -- there's  
13 certain parameters. There's certain portions  
14 that need to be completed by a particular date,  
15 and then there's issuance of building permits  
16 in certain locations that trigger the Phase 1,  
17 and then there's an issuance of certain  
18 amendments, as well. So it's broken down into  
19 three different categories, whichever occurs  
20 first, for each of the Phase 1 and Phase 2 of  
21 the roadway. So that's basically the way it  
22 was approved.

23 MS. KEON: Thank you.

24 VICE-CHAIRMAN AIZENSTAT: Jeffrey, do you  
25 have a comment?

1 access, that was part of the development  
2 agreement, which this Board did review, and the  
3 Commission did review, as well, and that  
4 agreement was ratified and approved, or  
5 actually was ratified on September 28th.

6 MS. KEON: Right.

7 MR. RIEL: So that issue regarding the  
8 timing of that placement of the road was  
9 discussed at that time.

10 MR. SALMAN: Can you --

11 MS. KEON: We -- Let me -- you know, and I  
12 think -- I feel very badly about it, because at  
13 the meeting where that was discussed, we had  
14 said that part of the -- when the UMCAD was  
15 approved, when Cristina was on this Board, that  
16 was a condition of development. It was a  
17 condition of development. And when the new  
18 plan came forward, Mr. Siemon was here and  
19 presented the new development agreement, that  
20 was not part of the development agreement, and  
21 we had the discussion that night, that that was  
22 not part of the agreement, and it was part of a  
23 prior agreement, and it had been dropped, and  
24 at that time, we didn't address it. And so it  
25 was dropped in the development agreement that

1 MR. FLANAGAN: Other than what I read about  
2 maybe some safety concerns or security  
3 management purposes, what is the underlying  
4 genesis of vacating these streets?

5 MS. GAVARRETE: I would tend to say that it  
6 goes back to many, many, many years. There's  
7 been a gradual vacation of streets throughout  
8 time, of streets, specifically, that are within  
9 the campus boundaries, not others, and so those  
10 started many years ago, and this is the last  
11 portion of it. It's one contiguous piece of  
12 property, and the way that you access it and  
13 how you move around in it is really very much  
14 tied to the one parcel. There's no through  
15 traffic, no benefit to anyone else in terms of  
16 financial benefit for the City maintaining it.

17 So it's been happening for many years, you  
18 know. There were public streets through these  
19 tracts. So this is continued development of  
20 the University Campus, and so that's the answer  
21 to that.

22 I can clarify the issue on the internal  
23 road, if you wish. The internal road is  
24 required to be done by the University, and it  
25 is indeed -- continues to be tied to the

1 projects that were identified in 2006. So that  
 2 has not been changed. At that time, that was  
 3 before the economy tanked and everything else.  
 4 You know, everyone was happy to move along and  
 5 do all these projects, and so it was well  
 6 understood and agreed to that we would do the  
 7 road, because we were going to do the projects,  
 8 and obviously, that was a greater impact and so  
 9 on. But we didn't move forward with the  
 10 projects, and things have been rougher for a  
 11 lot more people, and so we asked that the  
 12 delivery dates for the road be extended into  
 13 the future, and so Phase 1 gets -- must be  
 14 completed now by 2015, and Phase 2 by 2017.  
 15 But should we move forward with any of the  
 16 projects that were tied to either phase, we  
 17 must have the road completed. So there's no  
 18 loss of the intent. There's a delay in terms  
 19 of timing, mostly due to the economy, really,  
 20 so --

21 MS. KEON: It's tied to permitting; is that  
 22 correct?

23 MS. GAVARRETE: It is.

24 MS. KEON: It's tied to permitting.

25 MS. GAVARRETE: Yes.

1 MR. SALMAN: So, basically, you're tied to  
 2 permitting for development, with a backstop of  
 3 a date certain.

4 MS. GAVARRETE: Exactly.

5 MR. SALMAN: Okay.

6 MS. GAVARRETE: You still maintain the date  
 7 certain. So you have certainty, and if we need  
 8 to move forward with a project, then -- you  
 9 know, then we need to move up the date of the  
 10 respective phase that's tied to it.

11 MR. SALMAN: And Ms. Gavarrete, just for  
 12 clarification, the Arboretum will not be  
 13 affected in any way with this ring road?

14 MS. GAVARRETE: Well, now --

15 VICE-CHAIRMAN AIZENSTAT: Excuse me?

16 MS. GAVARRETE: The Arboretum -- One of the  
 17 things that we want to do is, we want to use  
 18 this time that -- of delay, to work within our  
 19 own -- with our own constituency and with our  
 20 own delivery of a mobility plan, to address how  
 21 we're going to make that connection. That is  
 22 consistent with the mandate of the City.

23 MR. SALMAN: Okay.

24 MS. GAVARRETE: That's as best as I can put  
 25 it. We have to put a lot of things to work and

1 in motion, moving forward, and that's what  
 2 we'll be doing. We have met with all of the  
 3 Arboretum representatives just recently and  
 4 laid out a plan of action for the next -- first  
 5 quarter of the next year, to discuss with them  
 6 what their plans are, how and if and when the  
 7 road would impact them.

8 MR. SALMAN: That's one of your unique  
 9 attributes of your site.

10 MS. GAVARRETE: Right, but, you know, we  
 11 have two competing --

12 MR. SALMAN: And we have conflicting  
 13 interests here -- right.

14 MS. GAVARRETE: -- situations here. We  
 15 have one that says, "Leave those trees," and we  
 16 have one that says, "Make that connection."  
 17 So, you know, we've got to be really good, at  
 18 the next quarter, of engaging us in the most  
 19 positive way, and that's as honest as I can be.  
 20 I mean, that's where we are.

21 MR. COE: So the University -- so the  
 22 University is not clear --

23 MS. GAVARRETE: No, we're very clear.

24 MR. COE: -- what it's going to do?

25 MS. GAVARRETE: We're very clear about that

1 we're going to have a process to discuss how  
 2 best we can bring to fruition the mandates of  
 3 both, you know, keep an Arboretum and keep a  
 4 road.

5 MR. COE: So you're now saying it will have  
 6 no impact on the Arboretum? That's what you're  
 7 saying?

8 MS. GAVARRETE: I'm not saying that. I'm  
 9 saying, we are going to have a process to  
 10 dialogue and see how we're going to accommodate  
 11 both things, that -- how we can accommodate a  
 12 connection that still minimizes or does not  
 13 impact the Arboretum. There may be other  
 14 options. We don't -- We looked at them before.  
 15 We will share that information with the  
 16 Arboretum folks.

17 MR. COE: So, as you and your attorney  
 18 stand in front of this Board tonight, you don't  
 19 know the answer to that, then?

20 MR. BASS: Let me see if I may -- It's so  
 21 hard to be in front of you all and not say  
 22 anything.

23 Jeffrey Bass. 46 Southwest 1st Street is  
 24 my address. Let me see if I can clarify the  
 25 question, Your Honor.

1 As we sit here today, there is no change to  
 2 the obligation imposed upon us by the  
 3 development agreement, which is the obligation  
 4 that Ms. Gavarrete just testified. The  
 5 question from Mr. Salman about whether or not  
 6 we're going to impact the Arboretum, well,  
 7 regrettably, the scope of the road, as ordained  
 8 by the agreement, will impact the Arboretum.  
 9 That is the situation as we stand before you  
 10 today, and that was the situation as we stood  
 11 before you and the City Commission during the  
 12 approval process.

13 Now, we are at the horns of a dilemma,  
 14 which Ms. Gavarrete outlined, and I didn't do a  
 15 lot of physics, but I do recall that two  
 16 objects cannot occupy the same place at the  
 17 same time, and we have two opposing forces, two  
 18 very disparate constituencies who are arguing  
 19 two sides, with passion, of the issue of the  
 20 Arboretum versus the issue of the road. We  
 21 have the delay that we've asked for and  
 22 received due to the turn -- the unforeseeable  
 23 turn in the economy from the time when the  
 24 obligation to build the road was first imposed  
 25 to present, and we hope to use that time

1 productively to dialogue between these two  
 2 constituencies, to see if there is an  
 3 alternative that would be acceptable to the  
 4 pro-Arboretum people, the pro-road people, and  
 5 most importantly, to the City Commission, to  
 6 see if there's a way out of the box. We're  
 7 like the guy who's standing with the gun to our  
 8 head, pointed from both directions, but it's a  
 9 long way to answer your question, is, there is  
 10 no change right now that we're asking from you  
 11 in connection with this as relates to the scope  
 12 of the road for the Arboretum.

13 MR. SALMAN: That's it for me.  
 14 MR. FLANAGAN: Can I just --  
 15 VICE-CHAIRMAN AIZENSTAT: I'm sorry?  
 16 MR. FLANAGAN: Fundamentally, I don't have  
 17 a problem with the roads being vacated and  
 18 abandoned, but I continue to be hung up on  
 19 traffic concerns down in that area, and I know  
 20 that these serve internal circulation purposes,  
 21 but you have multiple access points on Ponce de  
 22 Leon which, from my -- in my amateur opinion, I  
 23 think is important, with the various activities  
 24 that occur on campus, and which at this point  
 25 will occur at some point in the future under

1 the revised Zoning Code, with all those uses  
 2 that are allowed now as a matter of right.

3 Are these going to be maintained for  
 4 vehicular movement in the campus? Are all  
 5 these access points planned to remain as is?

6 MS. GAVARRETE: At present, yes, and if  
 7 there are any changes, as with any change to a  
 8 Master Plan, there is a process for going  
 9 forward and having them assessed and approved  
 10 and, you know, with the appropriate  
 11 documentation and the regional traffic studies.  
 12 There's specific traffic studies. So the  
 13 responsibility is always there.

14 MR. RIEL: I think it's also important to  
 15 note that, you know, for the purposes of law  
 16 enforcement, fire and Life Safety Code, and  
 17 Code Enforcement, that, you know, that still  
 18 will remain, and that is a condition, is  
 19 actually in the development agreement, as well  
 20 as a condition in here, so I just want to make  
 21 sure the record reflects that.

22 MR. SALMAN: You know, we're treating this  
 23 almost as a planned unit development, and we  
 24 need to have all the life safety issues  
 25 addressed, as per their mobility plan, which

1 needs to be addressed, as well. But I guess  
 2 you need to solve that ring road situation  
 3 first.

4 VICE-CHAIRMAN AIZENSTAT: Eric, what  
 5 about -- Has the legal department for the City  
 6 gone ahead and taken a look at this and  
 7 commented on it?

8 MR. RIEL: In terms of what capacity?

9 VICE-CHAIRMAN AIZENSTAT: The vacating of  
 10 the roads, and actually, more specifically,  
 11 what was brought up with Mr. Harland (sic) from  
 12 1959 (sic).

13 MR. SALMAN: Hartnett.

14 VICE-CHAIRMAN AIZENSTAT: Hartnett.

15 MR. RIEL: I mean, in terms of -- I don't  
 16 know if that's appropriate for the legal  
 17 department. I mean, that, I'm assuming a title  
 18 search was done, in terms of who had actual  
 19 ownership of the property. We can certainly  
 20 reclarify that with the University between now  
 21 and when it goes to the Commission, but in  
 22 terms of the legal department --

23 VICE-CHAIRMAN AIZENSTAT: No? Is there  
 24 anything that this Board can do to make sure  
 25 that that's not bypassed or looked at and --

1 MR. SALMAN: You can put it as a condition  
2 of approval.  
3 MR. RIEL: I'm not sure. Let me ask -- Let  
4 me ask Glenn -- Glenn Kephart, our Public Works  
5 Director.  
6 As a part of the review, did you all  
7 look --  
8 VICE-CHAIRMAN AIZENSTAT: Can you come up  
9 here, please? Thank you.  
10 MR. RIEL: I don't know if you've all met.  
11 This is Glenn Kephart. He's the new Public  
12 Works Director. I don't know if he's new  
13 anymore. He's been here for a couple months.  
14 MR. SALMAN: He's our new old Public Works  
15 Director.  
16 MR. RIEL: New old Public Works Director.  
17 MR. KEPHART: Good evening.  
18 VICE-CHAIRMAN AIZENSTAT: Good evening.  
19 MR. RIEL: The question is, in terms of the  
20 actual ownership issue --  
21 MR. KEPHART: As far as I know, the  
22 ownership is correct, but certainly we're going  
23 to go back and we're going to check that again,  
24 as I'm certain the University is, and if there  
25 is a discrepancy, we will correct that prior to

1 going to the Commission.  
2 MS. KEON: Is there a motion?  
3 VICE-CHAIRMAN AIZENSTAT: Any other  
4 questions? Is there a motion?  
5 MS. KEON: I'll move it. I'll move to move  
6 the item with the conditions of approval as set  
7 forth by Staff.  
8 MR. SALMAN: Would you --  
9 MR. FLANAGAN: Second.  
10 MR. SALMAN: Would you accept a friendly  
11 amendment, and would the second accept a  
12 friendly amendment, that they do a title search  
13 and a Code -- and a Commission minute research  
14 for that period of time, in 1955?  
15 MS. KEON: I know that they're currently  
16 doing a title research on all of those pieces  
17 of property, because they can't turn them over  
18 until the title has been cleared up.  
19 MR. SALMAN: My concern is the following,  
20 is that that conveyance was probably done  
21 through a Commission item, and it just was not  
22 acted upon.  
23 MS. KEON: Okay. Yes, I will accept that  
24 amendment.  
25 MR. SALMAN: Okay.

1 VICE CHAIRMAN AIZENSTAT: Any other --  
2 MR. SALMAN: Does the second accept?  
3 MR. FLANAGAN: Yes.  
4 VICE-CHAIRMAN AIZENSTAT: Okay, let's call  
5 the roll, please.  
6 MS. MENENDEZ: Jeff Flanagan?  
7 MR. FLANAGAN: Yes.  
8 MS. MENENDEZ: Pat Keon?  
9 MS. KEON: Yes.  
10 MS. MENENDEZ: Javier Salman?  
11 MR. SALMAN: Yes.  
12 MS. MENENDEZ: Jack Coe?  
13 MR. COE: Yes.  
14 MS. MENENDEZ: Eibi Aizenstat?  
15 VICE-CHAIRMAN AIZENSTAT: Yes.  
16 MR. RIEL: And just for the record, this  
17 goes to the Commission on December 14th, for  
18 first reading, and second reading January 11th.  
19 MR. BASS: Thank you.  
20 MS. GAVARRETE: Thank you very much.  
21 VICE-CHAIRMAN AIZENSTAT: You're welcome.  
22 MR. COE: Are we adjourned, Mr. Chairman?  
23 VICE-CHAIRMAN AIZENSTAT: No, we have one  
24 more item.  
25 MS. KEON: No, we have another item.

1 MR. COE: What items do we have that I  
2 don't see on here?  
3 MR. FLANAGAN: I think the next item  
4 was deferred.  
5 MR. RIEL: No, Agenda Item 6 was --  
6 MR. COE: Deleted, correct?  
7 MR. RIEL: -- deferred. Right.  
8 MR. COE: Yeah.  
9 MS. KEON: Oh.  
10 MR. COE: That's it.  
11 VICE-CHAIRMAN AIZENSTAT: Oh, it was  
12 deferred. I didn't see that.  
13 MR. COE: There's no discussion items, are  
14 there?  
15 MS. KEON: No.  
16 MR. RIEL: No.  
17 MR. COE: Okay. That's it, then, right?  
18 VICE-CHAIRMAN AIZENSTAT: Any new business?  
19 MR. RIEL: Happy holidays.  
20 VICE-CHAIRMAN AIZENSTAT: Our next meeting  
21 is set for when?  
22 MR. RIEL: Our next meeting is January  
23 12th, I believe.  
24 MR. COE: It's the normal sequence, Mr.  
25 Riel?

1 MR. RIEL: The normal sequence, as of now,  
2 yes.

3 MR. COE: Good. Very good. Thank you.  
4 Happy holidays.

5 MR. RIEL: Thank you.

6 VICE-CHAIRMAN AIZENSTAT: This meeting is  
7 adjourned.

8 (Thereupon, the meeting was adjourned at  
9 6:37 p.m.)

1 CERTIFICATE

2  
3 STATE OF FLORIDA:  
4 SS.  
5 COUNTY OF MIAMI-DADE:

6  
7 I, JOAN L. BAILEY, Registered Diplomate  
8 Reporter, Florida Professional Reporter, and a Notary  
9 Public for the State of Florida at Large, do hereby  
10 certify that I was authorized to and did  
11 stenographically report the foregoing proceedings and  
12 that the transcript is a true and complete record of my  
13 stenographic notes.

14  
15 DATED this 2nd day of December, 2010.

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22 JOAN L. BAILEY, RDR, FPR

23 Notary Commission Number DD 64037  
24 Expiration June 14, 2011.  
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