

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2011-06

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES REQUESTING THE FOLLOWING FOR GULLIVER ACADEMY, LOCATED ON TRACT NO. 7, AVOCADO LAND COMPANY SUBDIVISION (12595 RED ROAD), CORAL GABLES, FLORIDA:

- 1) PLANNED AREA DEVELOPMENT (PAD) ASSIGNMENT, PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 5;
- 2) SITE PLAN REVIEW AND AN AMENDMENT TO THE PREVIOUSLY APPROVED GULLIVER ACADEMY MASTER CAMPUS SITE PLAN TO ALLOW FOR NEW CLASSROOMS, PAVILION BUILDING, GYMNASIUM, BASEBALL FIELD HOUSE, NATATORIUM AND OTHER MISCELLANEOUS IMPROVEMENTS;
- 3) ENCROACHMENT INTO THE CAMPAMENTO DRIVE, OLD CUTLER ROAD AND RED ROAD RIGHTS-OF-WAYS; AND,
- 4) ZONING CODE TEXT AMENDMENT TO THE OFFICIAL ZONING CODE, APPENDIX A, SITE SPECIFIC ZONING REGULATIONS;

PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Application No. 09-09-092-P was submitted requesting PAD assignment pursuant to Zoning Code Article 3, Division 5, site plan review and an amendment to the previously approved Gulliver Academy Master Campus Site Plan on the property located on Tract No. 7, Avocado land Company Subdivision (12595 Red Road), Coral Gables, Florida; and

WHEREAS, this request is being submitted to allow for the construction of new classrooms, pavilion building, gymnasium, baseball field house, natatorium and other miscellaneous improvements within the confines of the existing property; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one thousand five hundred (1500) feet, public hearings were held before the Planning and Zoning Board of the City of Coral Gables on 07.14.10, 07.21.10 and 09.15.10 at which hearings all interested persons were afforded the opportunity to be heard; and

WHEREAS, the Planning and Zoning Board heard and continued this item at public hearings held on 07.14.2010 and 07.21.2010.; and

WHEREAS, at the Planning and Zoning Board 09.15.10 meeting, a Settlement Agreement between the applicant and Gables by the Sea Homeowner's Association was presented and the Board recommended approval (vote: 6-0) with conditions; and

WHEREAS, City Staff advised the Planning and Zoning Board's that pursuant to the Settlement Agreement, the Staff recommendation and conditions of approval would be modified to reflect the details of the Settlement Agreement between Gulliver Academy and the Gables by the Sea Homeowner's Association, subject to final City Department review and approval; and

WHEREAS, after the 09.15.2010 meeting, the applicant modified the application providing revised site plans, landscape plans, elevations, etc., and submitted a request to encroach into the adjacent right-of-ways and submitted a text amendment to the Zoning Code to allow for reduced setbacks for the gymnasium and natatorium; and

WHEREAS, City Staff forwarded an additional courtesy notice to all property owners of record within one thousand five hundred (1500) feet advising of the 11.09.10 public hearing before the City Commission, at which all interested persons were afforded the opportunity to be heard; and

WHEREAS, the City Commission held a public hearing on 11.09.10 at which hearing all interested persons were afforded an opportunity to be heard and the application was approved on First Reading (vote: 3-1) subject to the conditions referenced herein; and

WHEREAS, on 12.14.2010, the City Commission recommended deferral (vote: 4-0) of 2nd Reading to the 01.25.2011 meeting and at the 01.25.2011 and 02.08.2011 meetings the item was again deferred. The deferral allowed Gulliver Academy to further discuss possible solutions of student access to the school for families residing within Gables-by-the-Sea neighborhood; and

WHEREAS, on 03.08.11, the City Commission made a motion for 2nd Reading approval and the resulting vote was 2-2, which is considered a "denial." The applicant requested reconsideration of the motion to allow additional time to pursue other student access alternatives and the Commission rescheduled consideration for the 03.22.11 meeting; and

WHEREAS, the City Commission held a public hearing on 03.22.11 at which hearing all interested persons were afforded an opportunity to be heard and the application was passed and adopted on Second Reading (vote: Majority: 4-0);

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That the City Commission does hereby authorize the City Manager to grant the application of Gulliver Academy located on Tract No. 7, Avocado Land Company subdivision 12595 Red Road, Coral Gables, Florida providing for the following:

1. Planned Area Development (PAD) assignment, pursuant to Zoning Code Article 3, Division 5.
2. Site Plan and/or amendment to the previously approved Gulliver Academy Master Campus Site Plan to allow for new classrooms, pavilion building, gymnasium, baseball field house and other miscellaneous improvements subject to conditions of approval referenced and provided herein.
3. Encroachments for the following:
 - a. Campamento Drive. Up to a maximum of eight (8) feet into the right-of-way for paving to accommodate the proposed private drive as referenced on the site plan.
 - b. Old Cutler Road and Red Road rights-of-ways. Miscellaneous curbing, paving, landscaping,

etc as referenced on the site plan

Subject to submission of all necessary documentation to provide for applicable easements subject to City Attorney review and approval. All costs associated with the encroachments shall be borne by the applicant.

4. Zoning Code text amendment to Appendix A – Site Specific Zoning Regulations, Section A-6, Avocado Land Company Subdivision – Tract 7 as follows:
 - a. Minimum 75'-0" side setback along the south property line (Campamento Drive) for the proposed natatorium. All other proposed future structures along the south property line shall adhere to the required 80"-0" setback.
 - b. Minimum 40'-0" setback along the north property line for the proposed gymnasium and baseball field house. All other proposed future structures along the north property line shall adhere to the required 100"-0" setback.

Is hereby approved subject to all of the following conditions of approval:

1. Application/supporting documentation. Construction of the shall be in conformance with the following:
 - a. Application package on file in the Planning Department and submitted to the City Commission - "Date stamped 12.07.2010- Planning Department".
 - b. All representations proffered and accepted by the applicant's representatives provided during public hearing reviews.
2. Implementation of all conditions of approval. All conditions of approval indicated by **shaded text** shall be in effect or implemented at the commencement of the Gulliver Academy 2011-2012 school year.
3. General.
 - a. Restrictive covenant. Within 30 days of City Commission approval, the property owner, its successors or assigns shall submit a Restrictive Covenant for City Attorney review and approval outlining all conditions of approval required by the City Commission. Failure to submit the draft Restrictive Covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft Restrictive Covenant is extended by the City Attorney after good cause as to why the time frame should be extended.
 - b. Revisions to approved PAD site plan. Administrative approval of minor amendments to the approved PAD site plan as permitted in Zoning Code Section 3-508(A) shall only apply to changes less than twenty percent (20%) for lot coverage and change in location of individual buildings. All other changes, including changes in floor area, maximum height, minimum setbacks, total campus square footage, required on-site parking and maximum student enrollment shall be considered major amendments and subject to review and consideration at public hearings in accordance with Section 3-508(B) of the Code.
 - c. 04.28.1995 Gables-by-the-Sea Road Closing Agreement. The applicant shall complete the necessary changes and secure all applicable agency approvals to modify the existing 04.28.1995 Gables-by-the-Sea Road Closing Agreement pursuant to the conditions of approval referenced and contained herein.
4. School use and operations.
 - a. General.
 - 1) Future Board of Architects review. Plans for each individual building and/or additions shall be submitted to the Board of Architects for architectural and design review prior to issuance of any building permit.
 - 2) Shared use. Shared use of all on-campus facilities shall only be permitted with students and scholastic activities from other Gulliver affiliated campuses. The use of any school facilities by outside vendors or for commercial purposes such as renting, leasing, or

allowing third parties unaffiliated with the operations of the school is prohibited.

- 3) School public information liaison/point of contact. A specific point of contact person of Gulliver Academy shall be selected to serve as the single point of contact for the neighborhood, surrounding properties and public inquiries. The purpose of the contact is to provide a vehicle for exchange of information between all parties. The Gulliver Academy point of contact name(s), email(s), mailing address(es) phone, and hours of availability shall be provided to all City of Coral Gables property owners, City of Coral Gables neighborhood association(s) and Village of Pinecrest neighborhood association(s) point of contact(s) within 1,000' of the property. This notice shall be provided prior to the date the City issues the final certificate of completion for the improvements provided for herein and thereafter on an annual basis prior to the start of each school year. Verification of the notification shall be provided to the Planning Department within the time frame required herein and on an annual basis.
- 4) Construction programming. No construction access or vehicles shall be permitted at any time along any portion of Campamento Avenue or Bernal Street rights-of-ways. There shall be no construction staging or storage of construction materials within 100' of Campamento Avenue or 475' feet of Bernal Street right-of-ways. All construction shall observe City Code allowable hours of construction per City Code Sec. 105-26, as amended (M – F, 7:30 a.m. to 6:00 p.m.) with no construction permitted on Saturdays. Per City procedures, a plan for specific construction and materials staging procedures shall be submitted to the Building Department for review and approval.

b. Student mix and population.

- 1) Student mix. Gulliver Academy shall be operated as a Pre-kindergarten through eighth grade school.
- 2) Maximum student enrollment. Maximum student capacity shall remain at 1,162 students.
- 3) Annual report on student enrollment. Gulliver Academy shall submit to the City an executed affidavit each year within 30 days after the first day of the school year, identifying and attesting to the number of students enrolled for the academic school year in total and by grade.

c. Use of facilities.

- 1) Athletic fields. There shall be no activities, events or any other use of the athletic fields between sunset and sunrise.
- 2) Tennis courts. There shall be no use of the tennis courts between sunset and sunrise.
- 3) Athletic equipment. Only athletic equipment associated with the specific athletic event shall be permitted on the athletic fields. The storage of equipment, machinery or other non-athletic related items on the athletic fields in open view shall not be permitted.
- 4) After school hours activities. The use of the athletic facilities between the hours of 6:00 p.m. and 8:00 a.m. for uses other than for school sponsored events shall be prohibited.

d. Special events and athletic events.

- 1) Event permit(s) required. All school events where 216 or more vehicles are anticipated shall secure a special events permit from the City's Special Events Committee. A tentative schedule of school events shall be submitted to the City 30 days prior to each school year to determine which events necessitate future application and review by the Special Events Committee.
- 2) Event parking. All parking for events shall be entirely accommodated on campus and shall not be permitted off-site. The "F" lot (south parking lot along Campamento Avenue) shall not be utilized by patrons attending events. This parking area shall only be utilized for parking by school administrators, employees, athletic support staff. The area shall not be utilized as a staging or storage area for any events. The intent use of this parking area shall remain as vehicle storage/parking.

- 3) Event traffic management plan. Gulliver Academy shall be required to implement the recommended traffic management requirements for each event type identified in the "Gulliver Academy Special Events Traffic Management Plan", prepared by David Plummer and Associates, and dated 05.18.10.
- 4) Event signage. Temporary directional signage may only be posted the day of the special event, and must be taken down within twenty-four (24) hours after the end of the event.

5. Traffic and traffic circulation.

- a. Student drop-off and pick-up. The existing student drop-off and pick-up operations shall incorporate the following changes as recommended in the "Gulliver Academy Traffic Study" prepared by David Plummer and Associates, dated May 2010:
 - 1) Supervisors assisting with drop-off and pickup shall wear a safety vest.
 - 2) Off-campus parking and walk-ups along Old Cutler Road shall be prohibited. Traffic modifications. As recommended in the "Gulliver Academy Traffic Study" prepared by David Plummer and Associates, dated May 2010, Gulliver Academy shall initiate and work with Miami-Dade County to study and implement signal timing adjustments required at the intersection of Old Cutler Road / SW 120 Street to alleviate eastbound left turn morning delay.
- b. Supplemental traffic and pedestrian management. The applicant shall provide one (1) additional police officer for traffic management during the morning (approximately 7:30 - 8:30 a.m.) and afternoon hours (approximately 3:00 – 4:00 p.m.) at the intersection of Old Cutler and S.W. 128th Avenue intersection.

6. Parking.

- a. Faculty and staff. Only school faculty and staff shall be permitted to park in the "F" (South) Parking Lot. Parking shall be prohibited to all visitors, parents and attendees of special events or athletic events.
- b. Visitors. All visitors, parents and attendees of special events or athletic events shall be required to park in the parking lots located on the north side of the campus.
- c. Vehicle access. Vehicular curb cuts, access or other means of vehicular access from Campamento Avenue and Bernal Street right-of-ways shall be prohibited.
- d. Campamento Avenue and Bernal Street right-of-ways. No Gulliver Academy vehicle parking, storage or standing (temporary or permanent) shall be permitted along any portion of the Campamento Avenue or Bernal Street right-of-ways. Where not currently posted, the appropriate City "No parking" signage shall be installed as required and determined by the Parking Director. Gulliver Academy shall be responsible for all costs associated with the installation of all signage.

7. On and off-site improvements. Gulliver Academy shall be responsible for the installation and all costs and permitting from all applicable agencies (i.e., City, Miami-Dade County) associated with the installation of the following improvements.

- a. Old Cutler Road right-of-way-northern triangle. In addition to the improvements as shown on the site plan, Gulliver Academy shall complete the following improvements within the existing large triangle of Old Cutler Road:
 - 1) Remove the landscaping and irrigation currently installed within this area.
 - 2) Install non-mountable curbing around the entire perimeter of the triangle.
 - 3) Sod the entire area.
 - 4) Install no parking signs within the sodded area. Location and number of signs shall be subject the Parking Director approval.
8. Landscaping and landscape maintenance. All landscaping as referenced on landscape plan shall be installed within 30 days of issuance of the Certificate of Use for the proposed private access drive. The applicant shall be responsible in perpetuity for all maintenance and upkeep of all landscaping and grassed areas on the Red Road (adjacent to the front entrance), north side of Campamento

Avenue, and west side of Bernal Avenue right-of-ways in perpetuity. This shall include removal of trash and debris. The existing and proposed hedges along the Campamento Avenue right-of-ways from Red Road to the existing western edge of the existing playfields shall be maintained and permitted to mature to a minimum height of twelve (12) feet.

9. Campamento Avenue right-of-way and Lot "F" (South) parking area.

a. Access. Prior to the commencement of the Gulliver Academy 2011-2012 school year the following shall be completed:

- 1) The existing vehicular access point on Campamento Avenue shall be closed.
- 2) The gate shall be removed.
- 3) All driveway pavement from the existing Campamento Avenue roadway paving edge to the Gulliver Academy property shall be removed.
- 4) The construction of an private access drive from Red Road to the south side of the property shall be completed, operational and approved by the City to allow for the emergency access, delivery of goods and services, teacher and administration parking to the south side of the property. In association with the submittal of the Restrictive Covenant required herein, the applicant shall submit the necessary easements or other documentation to the City Attorney for review and approval providing for the access drive.
- 5) The Red Road gate shall include a "knox box" mechanism or other mechanism to allow for emergency access. The type of mechanism, location, etc. is subject to Fire Department review and approval.
- 6) Installation of a six (6) foot gate (with lock) east of the proposed natatorium and west of Bernal Avenue right-of-way (adjacent to the baseball fields) that provides access to/from the Campamento Avenue right-of-way for maintenance equipment to maintain the adjoining right-of-ways. This gate shall remain closed and locked at all times except during maintenance.

b. Student drop-off and pick-up. Student drop-off and pick-up shall be prohibited from Campamento Avenue and Bernal Street right-of-ways onto any portion of the property.

c. Staging of delivery and service vehicles. No queuing, waiting of delivery/service vehicles or delivery of goods and services for Gulliver Academy shall occur at any time on or along the Campamento Avenue and Bernal Avenue right-of-ways.

d. Trash facilities. All trash facilities (i.e. dumpsters) shall be contained within perimeter opaque fencing and gate a minimum around the entire dumpster. The fencing and gate shall be a minimum of one foot above the height of the dumpster facility. The dumpster facility gate shall be closed at all times except during pickup.

e. Outdoor storage.

1) Storage of material, kitchen support material, etc are permitted within the storage area however shall be maintained in a neat and orderly manner.

2) No storage or material or other items shall be permitted within the parking lot. The use of the lot shall be for the purposes of storing vehicles.

10. Drainage. Prior to the issuance of a Certificate of Occupancy for either the gymnasium or natatorium, Gulliver Academy shall prepare and implement a storm water management/drainage plan for the entire property pursuant to SFWMD requirements to ensure all storm water is retained on-site, and there is no drainage off-site. The plan shall be subject to Public Works Department review and final approval subject to all applicable city, local, state, etc. requirements.

11. Other requirements.

a. Lighting.

1) Lighting of the athletic fields, open areas, parking areas shall be prohibited.

2) Off-site lighting saturation and/or dispersion shall be prohibited from any portion of the facility property onto neighboring properties. Lighting standards for parking lots and within the core of the campus shall require review and approval by the Board of

Architects. Required low level safety and/or emergency lighting shall be exempt from these provisions.

b. Amplified speakers. No fixed outside amplified speaker/announcer equipment shall be permitted within 100 feet of Campamento Avenue or 275 feet of Bernal Street.

SECTION 3. All rights, actions, proceedings and Contracts of the City, including the City Commissioners, the City Manager, or any of its departments, boards or officers undertaken pursuant to the existing code provisions, shall be enforced, continued, or completed, in all respects, as though begun or executed hereunder.

SECTION 4. All ordinance or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 5. If any section, part of session, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of the City of Coral Gables, Florida, as amended, which provisions may be renumbered or relettered and that the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 7. That this ordinance shall become effective within ten (10) days following the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SECOND DAY OF MARCH, A.D., 2011.

(Moved: Cabrera / Seconded: Withers)

(Yes: Withers, Anderson, Cabrera, Slesnick)

(Majority: (4-0) Vote)

(Absent: Kerdyk)

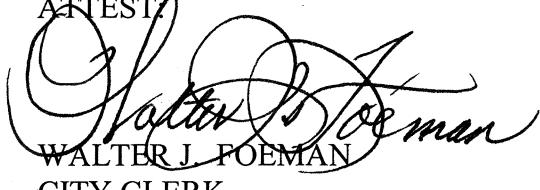
(Agenda Item: E-1)

APPROVED:



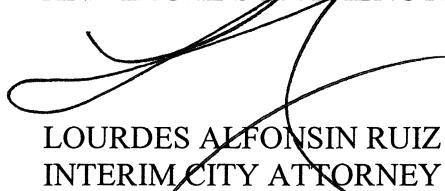
DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



LOURDES ALFONSIN RUIZ
INTERIM CITY ATTORNEY