

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2023-342

A RESOLUTION OF THE CITY COMMISSION GRANTING CONDITIONAL USE APPROVAL PURSUANT TO ZONING CODE ARTICLE 14, "PROCESS," SECTION 14-203, "CONDITIONAL USES" FOR A SCHOOL ON A PROPERTY ZONED AS MIXED-USE-1 (MX1) LOCATED AT 141 GRAND AVENUE, CORAL GABLES, FLORIDA; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the request is for conditional use review of a proposed school called "Sparked Learning" in a Mixed-Use 1 district located at 141 Grand Avenue, Coral Gables, Florida; and

WHEREAS, after notice of a public hearing being duly published and a courtesy public notice was mailed to all property owners of record within a one thousand (1,000) foot radius from said property, a public hearing was held before the Planning and Zoning Board on October 11, 2023, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the October 11, 2023 Planning and Zoning Board meeting, the Board recommended approval (vote: 7-0) of the Application with additional conditions; and

WHEREAS, at the October 11, 2023 Planning and Zoning Board meeting the Board, as part of its recommendation of approval of the Application, found that the Application satisfied the criteria as required to recommend approval pursuant to Section 14-203 of the Zoning Code; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand (1,000) feet from the subject property, a public hearing was held before the City Commission on November 14, 2023 at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with the conditional use site plan application, and after due consideration and discussion made findings of fact and found that the Application satisfied the criteria as required pursuant to Section 14-203 of the Zoning Code to approve with conditions;

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

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

SECTION 2. The Applicant’s request for conditional use review of a proposed school called “Sparked Learning” in a Mixed-Use 1 district located at 141 Grand Avenue, Coral Gables, Florida shall be and is hereby approved subject to all of the following conditions:

1. **Student enrollment.** Student enrollment at Spark Learning shall be limited to a maximum of 35 students from grades 3 through 8.
2. **Hours of Operation.** Classes shall only be held on Monday through Friday, between 8:00 a.m. and 3:00 p.m. No other school classes or additional students shall be permitted during those days and times.
3. **Site Plan.** The site plan submitted as part of the conditional use application shall be made part of the approval with any instructions or exceptions provided by the City Commission. Any changes to the plans after City Commission approval are subject to Sec. 14-203.10 of the Zoning Code.
4. **Restrictive covenant.** Within thirty (30) days of City Commission approval of the Application, the Applicant, property owner(s), its successors or assigns shall submit a restrictive covenant for City Attorney review and approval outlining all conditions of approval as approved 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. It is recognized that the requirements contained in the restrictive covenant constitute regulatory conditions of approval and shall survive as regulatory conditions of approval even if the restrictive covenant is later found to be void or unenforceable.
5. **Drop Off and Pick Up Operation.** Spark Learning shall implement all drop off and pick up requirements for students specified in the Trip Generation Statement and Analysis prepared by Vala Group, Inc. dated September 7, 2023, including the following:
 - a. Drop off shall only be held Monday through Friday between 7:00 a.m. to 9:00 a.m. Pick up shall only be held Monday through Friday between 3:00 p.m. and 5:00 p.m, subject to Miami-Dade County approval.
 - b. Limit student drop off/pick up to on-site and Off-site B location, located at 127 Grand Avenue that is east of the property and accessed from Grand Avenue.
 - c. At the expense of the Applicant, a police officer shall be stationed on Grand Avenue to facilitate and enforce the drop off/pick up of students on all days and times students are scheduled to be dropped off/picked up for the entire first school year. The following school years shall require the police officer to enforce drop off/ pick up operations for the first three (3) months following the start of every school year, after which the Applicant may petition to remove the requirement, with the approval of the Public Works and Police departments. Upon Applicant’s request, Public Works and Police may elect to reduce such three (3) month review period for subsequent school years, provided that Applicant provides sufficient evidence substantiating the effectiveness of its internal traffic monitoring procedures.
6. **Off-site Parking.** Off-site parking shall be operated as follows:
 - a. Off-site Parking A is west of the school and will only be used for faculty and employee parking. Student drop off/pick up shall not occur at Offsite Parking A.
 - b. Off-site Parking B is east of the school and will only be used for student drop off/pick up parking. Parents who use Off-site Parking B shall always walk their children between this area and the school.
 - c. Parking Agreements shall remain active between Spark Learning, Inc., DBA Spark Learning XIV and Baruch Properties, LLC (127 Grand Ave) and between Spark Learning, Inc., DBA Spark Learning XIV and Algimabe LLC (213 and 215 Grand Ave). The applicant shall submit the parking agreements annually prior to the renewal of the Certificate of Use. If the parking agreement cannot be renewed with either of the off-site

parking locations, the Applicant shall submit a revised traffic and parking operations plan to be reviewed and approved by the directors of Public Works, Parking, and Planning & Zoning.

- d. If there are any gates at the parking lot drop off/pick up entry and exist points, the gates shall be opened a minimum of 30 minutes prior to the dismissal of school to avoid queuing on Grand Avenue.
 - e. Entry and exit driveways must comply with clear sight visibility requirements for both pedestrians and vehicular traffic.
7. **On-site Parking.** On-site parking shall only be used for drop off/pick up operations.
 8. **Public Realm Improvements.** All proposed landscaping and traffic flow modifications, including circular driveway on Jefferson, crosswalk on Grand Avenue, and installation of pavement marking and ground mounted traffic control devices to extend the existing school zone on Grand Avenue, shall require approval of Miami-Dade County and the City. The school speed zone times shall be coordinated with the existing G W Carver Elementary School speed zone times. Installation of all public realm improvements shall be completed prior to the issuance of the Certificate of Use.
 9. **Traffic Calming.** At the Applicant's expense, the applicant shall work with Public Works and Miami-Dade County to install the three (3) traffic calming speed tables on Oak, Frow, and Florida Avenues as identified in Zone 4 of the Citywide Traffic Calming within two (2) years of adoption of this Resolution.
 10. **Safety.**
 - a. Consistent with the County's conditions of approval, students are not permitted to walk or ride bicycle to and from school without parent/guardian supervision. This shall be enforced by Spark Learning. Students will be accompanied by the parent, educator or aide if a student needs to leave the building.
 - b. Prior to the issuance of the Certificate of Use, the Applicant shall submit plans to secure the doors facing Grand Avenue using commercially reasonable measures during hours of operation to be reviewed and approved by the Building Division.


SECTION 3. That the Applicant shall further be required to comply with all applicable zoning regulations and any changes to the application herein granted shall be in conformance with the requirements of Zoning Code Section 3-410, "Changes to conditional use approvals."

SECTION 4. This Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF NOVEMBER, A.D.,
2023.

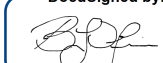
(Moved: Menendez / Seconded: Anderson)
(Yeas: Fernandez, Menendez, Anderson, Castro, Lago)
(Unanimous: 5-0 Vote)
(Agenda Item: E-3)

APPROVED:

DocuSigned by:

53B880AB93824A5...

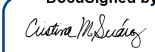
VINCE LAGO
MAYOR

ATTEST:

DocuSigned by:

358417D2FA884FF...

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

9A595ED64D304E8...

CRISTINA M. SUÁREZ
CITY ATTORNEY