

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, REQUESTING CONDITIONAL USE REVIEW PURSUANT TO ZONING CODE ARTICLE 3, DEVELOPMENT REVIEW, DIVISION 4, CONDITIONAL USES, TO PERMIT THE ISSUANCE OF A CITY OF CORAL GABLES CERTIFICATE OF USE (HEREINAFTER REFERENCED AS A "CERTIFICATE OF USE") FOR A STUDENT INCREASE OF THE EXISTING SOMERSET GRACE ACADEMY CHARTER SCHOOL OF CORAL GABLES FROM ONE-HUNDRED-AND-TEN (110) STUDENTS UP TO A MAXIMUM OF THREE-HUNDRED-AND-FIFTY (350) STUDENTS; THE INCREASE IN STUDENT POPULATION SHALL BE PHASED AS FOLLOWS:

A. 2012-2014 SCHOOL YEARS: UP TO TWO-HUNDRED-AND-SIXTY (260) STUDENTS.

B. 2014-2015 SCHOOL YEAR: UP TO THE MAXIMUM THREE-HUNDRED-AND-FIFTY (350) STUDENTS.

THE ISSUANCE OF AN ANNUAL CERTIFICATE OF USE SHALL BE SUBJECT TO COMPLIANCE WITH ALL OF THE CONDITIONS CONTAINED AND REFERENCED HEREIN ON PROPERTY DESIGNATED "SPECIAL USE (S)" ZONING DISTRICT, LEGALLY DESCRIBED AS ALL OF BLOCK 116, CORAL GABLES COUNTRY CLUB SECTION PART 6 (624 ANASTASIA AVENUE), CORAL GABLES, FLORIDA; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Application No. 07-10-113-P is an application for a Conditional Use review to permit a student increase for the charter school referred to as "Somerset Academy Grace Charter School at Coral Gables" on all of Block 116, Coral Gables Country Club Section Part 6 (624 Anastasia Avenue), Coral Gables, Florida; and,

WHEREAS, Conditional Use review is required for schools on property zoned Special Use (S) District and when an increase in permitted enrollment is proposed; and,

WHEREAS, the Conditional Use proposed is being submitted in association with a proposed Change in Land Use and Site Plan review for the charter school referred to as "Somerset Academy Grace Charter School at Coral Gables"; and,

WHEREAS, after notice of public hearing duly published and notification of all property owners of record within two thousand (2000) feet of the property, public hearings were held before the Planning and Zoning Board of the City of Coral Gables on April 27, 2011, June 8, 2011,

June 22, 2011 and November 30, 2011, at which hearings all interested persons were afforded the opportunity to be heard; and,

WHEREAS, at the June 22, 2011 hearing, before the Planning and Zoning Board, approximately ninety (90) interested parties provided input and testimony. Upon conclusion of the hearings, the Board recommended (6-0 vote) a continuance of all three (3) applications, with the agreement of the Applicant, in order to allow the applicant to complete the following:

1. Supplement and amend application regarding the proposed maximum student enrollment, traffic and circulation, student drop-off and pick-up procedures, and other issues identified during the public hearings.
2. Meet with neighbors and the neighbor's representative to attempt to resolve outstanding issues prior to returning before the Board.

WHEREAS, at a public hearing held on November 30, 2011, the Planning and Zoning Board recommended approval of the Conditional Use Application subject to Staff's Recommendation including all conditions of approval with additional conditions (4-1 vote), and,

WHEREAS, the City Commission held a public hearing on December 13, 2011, at which hearing all interested persons were afforded an opportunity to be heard and this application was (approval/denial) on first reading (vote: __-__) in accordance with the conditions of approval required for the site plan review as provided in the accompanying ordinance.

NOW, THEREFORE, BE IT ORDAINED 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. The application for Conditional Use for the charter school referred to as "Somerset Academy Grace Charter School at Coral Gables" on all of Block 116, Coral Gables Country Club Section Part 6 (624 Anastasia Avenue), Coral Gables, Florida, shall be and is hereby (approved/denied) in accordance with the conditions of approval required for the site plan review as provided in the accompanying ordinance.

(Insert conditions of approval at 2nd Reading)

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 ordinances 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 re-lettered and that the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 7. This ordinance shall become effective _____, 2012.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2012.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG LEEN
CITY ATTORNEY