

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2012-01 (AS AMENDED)

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 TWO-HUNDRED-AND-SIXTY (260). 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.

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 Grace Academy 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, this Conditional Use request is being submitted in association with a proposed Change in Land Use and Site Plan review; 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 the Conditional Use application was unanimously approved on first reading (vote: 5-0) subject to conditions of approval referenced herein; and

WHEREAS, the City Commission on January 10, 2012, unanimously approved (vote: 5-0) the Applicant's request for a "continuance" of 2nd and Final Reading; and

WHEREAS, the City Commission on January 24, 2012, unanimously approved (vote: 5-0) on 2nd and Final Reading, the Applicant's Conditional Use and Site Plan request subject to the conditions of approval provided herein and amendments entered into the record at the public hearing; and

WHEREAS, the City Commission on January 24, 2012, denied (vote: 5-0) the Applicant's Change in Land Use request; and

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request for Change in Land Use, Conditional Use and Site Plan Review as required by the Zoning Code, and including careful consideration of written and oral comments by members of the public;

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. This 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 two-hundred-and-sixty (260) students is hereby approved. 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. The conditions of approval are as follows:

1. Application/supporting documentation. The approvals granted herein shall be subject to all of the following documents (as amended per January 24, 2012 City Commission approvals):

- a. Statement of Use dated 8.05.2011.
- b. Draft Proffered Declaration of Restrictive Covenant, with proffered conditions of approval, prepared by Laura L. Russo, Esq., dated 8.05.2011.
- c. Aerial Photograph, prepared by Civica, dated 10.05.2011.
- d. (Existing to Remain) Site Photographs, prepared by Civica, dated 10.05.2011.
- e. Map of Boundary Survey for University Baptist Church of Coral Gables, prepared by Hadonne, dated 03.23.2011.
- f. Existing South Elevation, prepared by Civica, dated 10.05.2011.
- g. Existing East and West Elevations prepared by Civica, dated 10.05.2011.
- h. Existing Site Plan and Zoning Data prepared by Civica, dated 10.05.2011.
- i. Proposed Site Plan - Traffic Scenario 'A' (Multi-Directional Distribution) prepared by Civica, dated 10.05.2011.
- j. Proposed Site Plan - Traffic Scenario 'B' (Unified Distribution) prepared by Civica, dated 10.05.2011.
- k. Proposed Parking Plan during School Use prepared by Civica, dated 10.05.2011.
- l. Proposed Pedestrian Plan prepared by Civica, dated 10.05.2011.
- m. Proposed On-site Traffic Signage & Existing Site Lighting prepared by Civica, dated 10.05.2011.
- n. UBC Existing Educational Facility: 1st Floor Plan prepared by Civica, dated 10.05.2011.
- o. UBC Existing Educational Facility: 2nd Floor Plan prepared by Civica, dated 10.05.2011.
- p. Proposed Landscaping Plan prepared by Civica, dated 10.05.2011.
- q. Planting Details Notes and Specs prepared by Civica, dated 10.05.2011.
- r. Traffic Operations Plan, dated 10.05.2011.
- s. Traffic Impact Study and Accumulation Assessment, prepared by Richard Garcia and Associates, Inc., dated 10.05.2011.
- t. School Speed Zone Signage prepared by Civica, dated 10.05.2011.
- u. No School Parking Zone Signage prepared by Civica, dated 10.05.2011.
- v. Proposed School Speed Zone Signage prepared by Civica, dated 10.05.2011.
- w. Parent & Student Handbook 2011 - 2012, prepared by Somerset Academy Gables.
- x. Parent Contract 2011 - 2012, prepared by Somerset Academy Gables.
- y. Attendance Contract 2011 - 2012, prepared by Somerset Academy Gables.
- z. Master Calendar with events for Somerset.
- aa. Master Calendar combined with events for UBC.
- bb. Charter School Contract between The School Board of Miami-Dade County, Florida and Somerset Academy, Inc. on behalf of Somerset Grace Academy, dated 07.15.2009.
- cc. Somerset Lease with UBC, First Amendment to Educational Facilities Lease Agreement dated 08.13.2010.
- dd. Planning Department Application submitted by Applicant/Agent Laura Russo, Esq., notarized 07.29.2010.
- ee. Reynolds, Smith and Hills, Inc., Somerset Coral Gables UBC Campus (PK-8), Traffic Review Report, dated November 2011.

2. Implementation and compliance of all conditions of approval.

- a. Unless specified otherwise herein, all the conditions of approval provided herein, as amended, shall be implemented by and the responsibility of the Applicant (Somerset Grace Academy Charter School) and shall be in effect at which time charter school student enrollment is increased beyond one-hundred-and-ten (110) students and the Applicant secures an approved

City of Coral Gables Certificate of Use. This does not relieve University Baptist Church of whatever obligation it may have as a property owner in the City. City of Coral Gables Ordinance No. 2252, passed and adopted June 28, 1977, is not inconsistent or in conflict with the provisions in this Ordinance, and is not repealed by the approval of this Ordinance.

- b. The conditions of approval requiring the City building permits, including but not limited to the fence surrounding the parking area and improvements to Anastasia Avenue shall be filed by the Applicant within sixty (60) days of City Commission approval. All improvements shall be completed by the start of the school year where the increase to two-hundred-and-sixty (260) students increase is implemented. An administrative extension of forty-five (45) days for completion may be granted by City administration subject to continual progress towards completion of construction.
3. Applicant's proffered conditions/limitations. The Applicant's proffered conditions, referenced as "Draft Proffered Declaration of Restrictive Covenant," prepared by Laura L. Russo, Esq., dated 8.05.2011" filed with the application shall be included as conditions of the approval (as modified by the City for clarity and pursuant to all conditions of approval granted herein):
- a. That in the event the charter school use ceases to exist for a period of thirty (30) or more calendar days during the established Miami-Dade County school calendar year, or if the charter school vacates the use of the property, the City shall process a City initiated Change in Land Use application reverting the approved City of Coral Gables, Comprehensive Plan, Future Land Use Designation land use designation "Community Facilities" to the City of Coral Gables, Comprehensive Plan, Future Land Use Designation "Religious/Institutional Land Use."
 - b. No increase in student enrollment beyond two-hundred-and-sixty (260) students shall occur notwithstanding that the "Charter" issued by the Miami-Dade County School Board is for a greater number, and notwithstanding any current or future State of Florida legislation that would allow for an increase in student enrollment, unless same is approved by the City of Coral Gables City Commission.
 - c. The charter school shall be for students from Pre K through 8th grade; and shall not request any change to allow a stand-alone middle school.
 - d. The charter school shall not file any request for the use of the City of Coral Gables War Memorial Youth Center for any physical education and/or scholastic activities.
 - e. The operation of a "summer school" or similar scholastic teaching outside of the established Miami-Dade County school calendar year by the charter school shall be prohibited.
- The above conditions shall be included in the restrictive covenant referenced and required herein.
4. Coordination and monitoring of Conditional Use and Site Plan Approval conditions. The following coordination and monitoring provisions shall be required by the charter school to ensure compliance with all conditions of approval granted herein:
- a. Annual City and charter school/church meeting. Annually, until such time as the student population achieves the maximum two-hundred-and-sixty (260) students, and two (2) school years thereafter, a minimum of fourteen (14) calendar days prior to the first day and last day of school and thirty (30) calendar days after the first day of school, representatives of the charter school and church shall meet with the City Departments (i.e., Public Works, Planning, Parking, Fire and Police) to discuss school operations (including but not limited to in relation to church operations) at the facility (i.e., traffic, circulation, safety, student drop-off/pick-up, parking, etc.). The intent is to provide a dialogue and exchange of information in advance of each school year and after the start of each of each school year and as necessary provide for the

administrative modifications to the submitted Traffic Operations Plan, dated 10.05.2011 and Traffic Impact Study and Accumulation Assessment, prepared by Richard Garcia and Associates, Inc., dated 10.05.2011 and Parent Handbook/Parent Contract related to traffic, traffic accumulation and traffic operational conditions.

- b. Charter school public information liaison/point of contact. The charter school shall select a specific point of contact person to serve as the single point of contact for the City, neighborhood, surrounding properties and public inquiries. The role of the contact person is to provide a conduit for exchange of information between all parties. The point of contact person name, email, mailing address and phone, and hours of availability shall be provided via written correspondence to all property owners and neighborhood associations within one-thousand (1,000) feet of the property. This written notice shall be provided on August 1st annually. Verification of the written notice shall be provided to the Planning Department on August 1st annually.
- c. Certificate of Use. The charter school shall per applicable Zoning Code provisions submit for a City of Coral Gables Certificate of Use prior to August 1st on an annual basis. The City shall evaluate compliance with all conditions of approval pursuant to the approved Restrictive Covenant and/or all conditions of approval granted by the City Commission and upon determination that all conditions are satisfied may issue the annual Certificate of Use.
- d. Restrictive covenant. Within thirty (30) calendar days of City Commission Approval, the Applicant shall submit a draft restrictive covenant for City Attorney review and approval outlining all conditions of approval. Failure to submit the draft restrictive covenant within the specified time frame shall render the City Commission Approval void unless said time frame for submittal of the draft Restrictive covenant is extended in writing by the City Attorney after good cause is shown as to why the time frame should be extended. Upon approval of the restrictive covenant by the City Attorney's Office, the restrictive covenant shall be recorded. All costs, fees, etc. associated with the recordation and City review shall be provided by the Applicant.
- e. Failure and noncompliance provisions. On an annual basis, no later than June 1st, the Applicant shall file a written report with the City providing a detailed description for either of the following:
 - 1) Strict compliance with all conditions of approval, or
 - 2) Failure to comply with some or all conditions of approval including the circumstances for noncompliance.

The City shall review the Applicant's written report in association with other available and applicable information including but not limited to the following: city records, complaints filed with the City; other governmental entity notices of violations or non-compliance; code enforcement violations; City studies, etc. If the City determines that there exists a reasonable basis to revoke, amend or conduct further review of the Conditional Use and Site Plan approvals granted in this application, in order to support or maintain compliance with the approvals granted herein, the City shall notify the Applicant and property owner in writing via certified mail within thirty (30) calendar days of the receipt of the Applicant's written report and shall place the Conditional Use and Site Plan Approval before the Planning and Zoning Board in as a public hearing in accordance with required applicable notice provisions. The Board shall review the findings of the City and the Applicant's submitted report and provide a recommendation to the City Commission for either of the available courses of action:

- 1) Revoke the Conditional Use and Site Plan Approval granted in these applications and revoke the issued Certificate of Use, or

- 2) Recommend additional conditions to the previously granted Conditional Use and Site Plan Approval to allow school operations to continue to exist.

The City Commission shall review the findings of the City and recommendation of the Planning and Zoning Board and provide a final determination as to the available courses of action referenced in above items 1 and 2. If the City Commission determines additional conditions are warranted, such conditions shall be included to ensure compliance with the previously granted Conditional Use and Site Plan Approval, and City Commission conditions of Approval and Zoning Code, Article 3 – Development Review, Division 4 - Conditional Uses, Section 3-408 - Standards for review. These provisions are supplemental to all of the enforcement provisions of the City Codes and all other legal remedies.

5. Charter school/church use and operations.

a. Use of the property and facility.

- 1) The use of the property and facility as a charter school shall be limited to Somerset Grace Academy Charter School of Coral Gables. The installation of another charter school operator shall require resubmittal of a City of Coral Gables Conditional Use and Site Plan review applications and any other applicable City of Coral Gables review processes.
- 2) The use of the property and facility as another school, preschool, daycare or other associated student learning is prohibited.
- 3) The use of the property and facility as a senior center per the previously granted City Commission Approval is exempt from the use prohibitions contained herein.
- 4) The use of the property and facilities by charter school affiliated outside vendors or for commercial purposes such as renting, leasing, or allowing third parties unaffiliated with the operations of the church and school is prohibited. This prohibition does not include charter school sponsored onsite special events such as Parent Teacher Associations meetings, bakes sales, etc.
- 5) The use of the facility for charter school activities and/or events is prohibited between the hours of 10:00 PM to 6:00 AM, seven (7) days a week.
- 6) The use of the property and facility as a religious institution for church related care, learning and activities is exempt from the use prohibitions contained herein.

b. Student mix and population.

- 1) Student mix. The charter school shall be limited to Pre-kindergarten through eighth (8th) grade students.
- 2) Maximum charter school student enrollment. This Approval provides for the conditional issuance of a City of Coral Gables 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 two-hundred-and-sixty (260) students.

c. Annual report on charter school student enrollment. On September 1st of each school year, the charter school shall submit to the City an executed affidavit attesting to the number of students enrolled for the academic school year in total and by grade.

d. Charter school special events.

- 1) Special event permit(s) required. All charter special school events where eight-nine (89) or more vehicles are anticipated shall secure a City of Coral Gables Special Events Permit from the City's Special Events Committee. A tentative schedule of charter school special events shall be submitted to the City on August 1st of each school year to determine which events necessitate future application submittal and review by the Special Events Committee. Within thirty (30) days of the City Commission Approval, the charter school

shall meet with the City to discuss and come to an agreement on the final “Charter School Events Traffic Management and Safety Plan” methodology and/or contents. Within ninety (90) calendar days of City Commission Approval, the charter school shall submit a “Charter School Events Traffic Management and Safety Plan” to the City’s Special Events Committee for review and approval.

- 2) Charter school special event parking. All visitors, parents and attendees of charter school special events shall be required to park in the parking lot or other location as approved by the City. Charter school special event parking shall be prohibited within the rights-of-way, swales, grass areas, and lawn areas.
- 3) Charter school special event signage. Temporary and/or permanent event signage is prohibited both on and offsite.
- 4) Simultaneous church and charter school special events. Simultaneous church and school special events shall not be permitted. Bereavement church services shall be exempt from these provisions.
- 5) The charter school shall not hold special events simultaneously with church special events.

6. Traffic and traffic circulation.

- a. No charter school associated vehicles shall backup or accumulate, or park on any surrounding rights-of-way/streets as a result of student arrivals/dismissals and/or any other school related operations, functions or activities. The parking, stopping, standing of buses/vans solely for student arrivals/dismissals on Anastasia Avenue as designated on the Applicant’s plans shall be exempt from these provisions.
- b. All street intersections analyzed as a part of the Applicant’s submitted Traffic Study, (referenced as the “Traffic Impact Study and Accumulation Assessment, prepared by Richard Garcia and Associates, Inc., dated 10.05.2011”) shall meet the respective levels of service as identified in the Report.
- c. The responsibility for compliance with all methodology, conditions, assumptions, etc. per the submitted Applicant’s Traffic Operations Plan, dated 10.05.2011, Traffic Impact Study and Accumulation Assessment, prepared by Richard Garcia and Associates, Inc., dated 10.05.2011 and other applicable application support materials rests exclusively with the charter school. If the City in its sole determination finds that the charter school does not strictly adhere to the Applicant’s methodology, conditions, assumptions as contained in the above referenced traffic documents and application support materials, the ability to maintain student enrollment shall be denied with specific emphasis on the following: 1) No charter school associated vehicles shall backup or accumulate, or park on any surrounding rights-of-way/streets as a result of student arrivals/dismissals and/or any other school related operations, functions or activities. The parking, stopping, standing of buses/vans solely for student arrivals/dismissals on Anastasia Avenue as designated on the Applicant’s plans shall be exempt from these provisions, and 2) All street intersections analyzed as a part of the Applicant’s submitted Traffic Study, (referenced as the “Traffic Impact Study and Accumulation Assessment, prepared by Richard Garcia and Associates, Inc., dated 10.05.2011”) shall meet the respective levels of service as identified in the Report. Furthermore, if the City in its sole determination, finds failure and noncompliance with these provisions, the City shall proceed with revocation of the Conditional Use and Site Plan Approval pursuant to the Failure and Noncompliance provisions provided herein
- d. Charter school student arrival/dismissal frequency refinement and traffic distribution review for two-hundred-and-sixty (260) students.

- 1) The charter school, per City Commission Approval may begin the operation of the 2012 school year with two (2) student arrivals/dismissals. The City shall select and engage an independent traffic consultant to perform a traffic operations analysis and review of the two (2) student arrivals/dismissals during various times/dates from the start of the school year to October 15, 2012 to evaluate the following:
 - i. If two (2) or three (3) student arrivals/dismissals is adequate to accommodate the two-hundred-and-sixty (260) students pursuant to all conditions of approved contained herein, and is consistent with the methodology and findings per the Applicant's submitted Traffic Operations Plan, dated 10.05.2011 and Traffic Impact Study and Accumulation Assessment, prepared by Richard Garcia and Associates, Inc., dated 10.05.2011. At a minimum the review shall include the following:
 - Record all vehicles entering and exiting the site (vehicle counts) from 7:00 AM – 9:00 AM and 1:30 PM – 4:00 PM in five (5), fifteen (15) and sixty (60) minute intervals.
 - Record vehicle accumulation data from 7:00 AM – 9:00 AM and 1:30 PM – 4:00 PM consistent with the methodology followed for the surrogate school, Doral Academy referenced in the Applicant's Traffic Impact Study and Accumulation Assessment dated October 15, 2011. This survey shall include recordation of all parked vehicles during this time to determine maximum accumulation for the arrival/dismissal shifts.
 - Record Levels of Service (LOS) at the intersection of Segovia Street and Anastasia Avenue from 7:00 AM to 9:00 AM. This data shall be utilized to conduct a LOS analysis for this intersection.
 - Observe and record traffic operations per the submitted Traffic Operating Plan with specific emphasis on the efficiency of the "platooning" for student arrival/dismissal shifts; and management of pedestrian activities.
 - Prepare a photographic and/or video log of all traffic operations.
 - Record frequency of use of the identified onsite traffic contingency plans for student arrivals/dismissals.
 - ii. Examine traffic distribution with the intent to direct, channel and/or minimize charter school arrival/dismissal traffic away from the adjoining residential neighborhoods, more specifically to channel vehicle arrivals as right-turn vehicle movements from Segovia Street via University Court/Riviera Drive and Cardena Street and channel vehicle dismissals as right-turn vehicle movements from Cardena Street to Anastasia Avenue and Segovia Street. The consultant shall recommend applicable traffic management methods (i.e., traffic management signs, directional devices, etc.) to accomplish the same.
- 2) The independent City traffic consultant shall provide a written analysis of above items (d) (1)(i) and (ii) to the City on or about October 15, 2012. The City shall have thirty (30) calendar days upon receipt of the written analysis to conclude its review. If the City determines two (2) arrivals/dismissals are adequate or three (3) arrivals/dismissals are necessary, and associated traffic distribution as specifically described in above item ii may be directed away from the adjoining residential neighborhoods, such approvals with or without conditions may be administratively approved by the City. The charter school upon City administrative review and approval shall initiate the above at the next calendar year (January 2013). The independent traffic consultant and/or City may request additional data

and analysis to supplement the previously completed methodology and findings of the Applicant's submitted Traffic Operations Plan, dated 10.05.2011 and Traffic Impact Study and Accumulation Assessment, prepared by Richard Garcia and Associates, Inc., dated 10.05.2011, to assist in its review.

- 3) All costs, fees, etc. associated with condition (6)(d) shall be the responsibility of the charter school including but not limited to consultant fees, permit fees, traffic management improvements, etc.
- e. Charter school dismissals/arrivals traffic management.
- 1) The charter school shall retain a minimum of one (1) police officer from seven (7) days, up to a maximum of thirty (30) days after the start of each school year to direct and assist in traffic management during arrivals/dismissals. The time period identified herein shall be subject to Police Department determination as to need for traffic management.
 - 2) All vehicles exiting during charter school arrivals/dismissals shall exit the property as right turn vehicular movements onto Cardena Street. To channel traffic, the charter school shall provide temporary traffic devices (i.e., traffic cones, etc.) on the property a minimum of thirty (30) minutes prior to and after each school arrival/dismissal.
 - 3) The charter school shall install right-turn only signs and/or no left turn only signs on both the rights-of-way and school property. All signs shall indicate the hours of vehicle turning enforcement which shall be thirty (30) minutes prior to and after each school arrival/dismissal. Placement of the signs, sign construction/composition, and placement/type of temporary traffic devices shall be subject to City of Coral Gables Public Works and Parking Department review and approval and applicable Miami-Dade County reviews and approvals. All costs and fees for the above shall be the responsibility of the charter school.

7. Parking and deliveries.

- a. The parking areas of the facility shall not be used for charter school related activities, physical education, student activities, playground, events, staging or storage area for any events or similar activities. The parking area shall function as a vehicular and pedestrian support service area to the school for the sole purpose of vehicle parking and associated vehicular circulation, deliveries and pedestrian circulation.
- b. Charter school vehicle parking prohibition within all rights-of way. All vehicles associated with the charter school functions and operations (i.e., parents; employees; teachers; administrators; delivery vehicles; etc.) shall be prohibited from parking or standing (temporary or permanent) all hours along all rights-of-way including adjacent and surrounding the charter school/church property including but not limited to the following rights-of-ways: Anastasia Avenue; Cardena Street; Riviera Avenue and Segovia Street. Where not currently posted, the appropriate City approved "No parking" signs shall be installed. The location and number of signs shall be subject to the Parking Director's approval. Where possible such signs should be co-located with other existing sign posts and/or required new Miami-Dade County school zone/circulation signage. The charter school shall be responsible for all costs associated with the installation of all signs.
- c. Coral Gables War Memorial Youth Center and Miami-Dade County/Coral Gables Library parking lots and open areas shall not be used for parking, stopping, standing, student pickup/drop-off by the charter school. This includes all users associated with the charter school including but not limited to the following: students; faculty; administrative staff; employees; parents; charter school support personnel; and deliveries.

- d. Coral Gables War Memorial Youth Center and Miami-Dade County/Coral Gables Library parking lots and open areas shall not be used for organized charter school related activities including but not limited to the following: physical education; student activities; scholastic activities; playground; events; staging or storage area for any events or similar activities.
- e. Charter school staging of delivery and service vehicles. No queuing or waiting of delivery and/or service vehicles shall occur at any time on or along any portion of all adjoining and surrounding rights-of-way including but not limited to the following rights-of-ways: Anastasia Avenue; Cardena Street; Riviera Avenue and Segovia Street. All staging of delivery and service vehicles shall be conducted entirely onsite within the parking lot.
- f. Charter school/vans buses including all types of “yellow” school buses or buses in excess of twenty-five (25) feet are prohibited from parking in the parking lot.
- g. The storage of equipment, materials, or other related items by the charter school is prohibited within all parking areas.
- h. Sanitation/recycling pickup shall be prohibited between the hours of 6:00 PM and 8:00 AM, seven days a week.

8. Signs.

- a. The placement of temporary and/or permanent freestanding charter school signs is prohibited on any portion of the property. Signs required pursuant to City approved life, safety or building code requirements or required per these conditions shall be exempt from this prohibition.
- b. The charter school may erect one (1), non-illuminated façade mounted design sign on the building fronting Segovia Avenue up to a total of seven-hundred-and-fifty (750) square inches with a maximum sign height of eighteen (18) inches. All other façade mounted signs are prohibited. Review and/or approval of the sign shall be pursuant to Zoning Code requirements.
- c. Prior to installation of all off-site charter school associated signs, representatives of the charter school in association with the City’s Public Works Department shall coordinate with Miami-Dade County Public Works to minimize the number of school zone/circulation signs to be installed on the surrounding streets/rights-of-way. Co-location of all signs (i.e., no parking signs, school zone signs, speed limit signs, etc.) shall be required to minimize the number of sign posts.

9. Landscaping.

- a. Anastasia Avenue rights-of-way landscaping.
 - 1) Additional parallel parking may be provided on Anastasia Avenue (church/school property line side) subject to Public Works and Public Service Department further review of the plan in association with the Applicant and property owner.
 - 2) Plant material installation protection measures shall be provided by the charter school, including but not limited to type of planting soil, root barriers, etc. on the Anastasia Avenue planters subject to review and approval of the Public Service Department.
- b. Maintenance. The charter school shall be responsible for the maintenance and upkeep of all landscaping (except trees) on the portions of the adjoining rights-of-way that abut the charter school property including Anastasia Avenue; Cardena Street; Riviera Avenue and Segovia Street. This shall include removal of trash and debris.

10. Other charter school requirements.

- a. Lighting. Additional exterior lighting for the purpose of lighting the parking areas and open areas shall be prohibited. Lighting required for safety and emergency purposes per applicable local and state requirements shall be exempt from these limitations.
- b. Amplified sound/speakers. The use and location of temporary and/or fixed outside amplified speaker/announcer equipment or similar audible enhancing equipment is prohibited on the exterior portions of the building or exterior of the site. Amplified sound from the buildings shall not be audible from the perimeter property line boundaries. Security alarms, fire alarm and other similar emergency notification/preparedness audible sounds shall be exempt from this provision.

11. Future building expansion for charter school use. Any future expansion of the existing building facilities shall not be used for charter school purposes.

12. Applicant and Biltmore Neighborhood Association Private Settlement Agreement. The Applicant and/or Biltmore Neighborhood Association shall provide to the City a final ratified copy of the Settlement Agreement for the public record.

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

PASSED AND ADOPTED THIS TWENTY-FOURTH DAY OF JANUARY, A.D.,
2012.


(Moved: Kerdyk / Seconded: Cabrera)
(Yeas: Quesada, Anderson, Cabrera, Kerdyk, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-2)

APPROVED:




JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY

Somerset Grace Academy of Coral Gables Charter School - Conditions of Approval Tracking Matrix

Ord. Cond. No.	Condition	Due date	Date of Status City Status
2(b)	The conditions of approval requiring the City building permits, including but not limited to the fence surrounding the parking area and improvements to Anastasia Avenue shall be filed by the Applicant within sixty (60) days of City Commission approval. All improvements shall be completed by the start of the school year where the increase to two-hundred-and-sixty (260) students increase is implemented.	03.24.12 - a 45 day extension may be requested (05.08.12)	
4(a)	Annual City and charter school/church meeting. Annually, until such time as, the student population achieves the maximum two-hundred-and-sixty (260) students, and two (2) school years thereafter, representatives of the charter school and church shall meet with the City Departments (i.e., Public Works, Planning, Parking, Fire and Police) to discuss school operations (including but not limited to in relation to church operations) at the facility (i.e., traffic, circulation, safety, student drop-off/pick-up, parking, etc.).	Annually - a minimum of fourteen (14) calendar days prior to the first day and last day of school and thirty (30) calendar days after the first day of school.	
4(b)	Charter school public information liaison/point of contact. The charter school shall select a specific point of contact person to serve as the single point of contact for the City, neighborhood, surrounding properties and public inquiries. The role of the contact person is to provide a conduit for exchange of information between all parties. The point of contact person name, email, mailing address and phone, and hours of availability shall be provided via written correspondence to all property owners and neighborhood associations within one-thousand (1,000) feet of the property. This written notice shall be provided on August 1 st annually.	Annually on August 1 st .	
4(c)	Certificate of Use. The charter school shall per applicable Zoning Code provisions submit for a City of Coral Gables Certificate of Use prior to August 1 st on an annual basis.	Annually on August 1 st .	
4(d)	Restrictive covenant. Within thirty (30) calendar days of City Commission Approval, the Applicant shall submit a draft restrictive covenant for City Attorney review and approval outlining all conditions of approval.	02.23.12	
4(e)	Failure and noncompliance provisions. On an annual basis, no later than June 1 st , the Applicant shall file a written report with the City providing a detailed description for either of the following: 1) Strict compliance with all conditions of approval, or 2) Failure to comply with some or all conditions of approval including	Annually on June 1 st .	

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	the circumstances for noncompliance.		
4(e)	If the City determines that there exists a reasonable basis to revoke, amend or conduct further review of the Conditional Use and Site Plan approvals granted in this application, in order to support or maintain compliance with the approvals granted herein, the City shall notify the Applicant and property owner in writing via certified mail within thirty (30) calendar days of the receipt of the Applicant's written report.	Within 30 days of receipt written report	
5(c)	Annual report on charter school student enrollment. On September 1 st of each school year, the charter school shall submit to the City an executed affidavit attesting to the number of students enrolled for the academic school year in total and by grade.	Annually on September 1 st .	
5(d)(1)	Special event permit(s) required. All charter special school events where eight-nine (89) or more vehicles are anticipated shall secure a City of Coral Gables Special Events Permit from the City's Special Events Committee. A tentative schedule of charter school special events shall be submitted to the City on August 1 st of each school year to determine which events necessitate future application submittal and review by the Special Events Committee.	Annually on August 1 st .	
5(d)(1)	Within thirty (30) days of the City Commission Approval, the charter school shall meet with the City to discuss and come to an agreement on the final "Charter School Events Traffic Management and Safety Plan" methodology and/or contents.	02.23.12	
5(d)(1)	Within ninety (90) calendar days of City Commission Approval, the charter school shall submit a "Charter School Events Traffic Management and Safety Plan" to the City's Special Events Committee for review and approval.	04.23.12	
6(c)	The responsibility for compliance with all methodology, conditions, assumptions, etc. per the submitted Applicant's Traffic Operations Plan, rests exclusively with the charter school. If the City in its sole determination finds that the charter school does not strictly adhere to the Applicant's methodology, conditions, assumptions as contained in the traffic documents and application support materials, the ability to maintain student enrollment shall be denied.	Ongoing review	
6(d)(1)	The charter school, per City Commission Approval may begin the	10.15.12	

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	operation of the 2012 school year with two (2) student arrivals/dismissals. The City shall select and engage an independent traffic consultant to perform a traffic operations analysis and review of the two (2) student arrivals/dismissals during various times/dates from the start of the school year to October 15, 2012.		
6(d)(2)	The independent City traffic consultant shall provide a written analysis of the traffic operations analysis and review to the City on or about October 15, 2012.	On or about 10.15.12	
6(d)(2)	The City shall have thirty (30) calendar days upon receipt of the written analysis to conclude its review.	Within 30 days of receipt written report	
6(d)(2)	If the City determines two (2) arrivals/dismissals are adequate or three (3) arrivals/dismissals are necessary, and associated traffic distribution as specifically described in above item ii may be directed away from the adjoining residential neighborhoods, such approvals with or without conditions may be administratively approved by the City. The charter school upon City administrative review and approval shall initiate the above at the next calendar year (January 2013).	01.01.13	
6(e)(1)	The charter school shall retain a minimum of one (1) police officer from seven (7) days, up to a maximum of thirty (30) days after the start of each school year to direct and assist in traffic management during arrivals/dismissals. The time period identified herein shall be subject to Police Department determination as to need for traffic management.	Annually- 7 to 30 days at start of school year.	
6(e)(2)	All vehicles exiting during charter school arrivals/dismissals shall exit the property as right turn vehicular movements onto Cardena Street. To channel traffic, the charter school shall provide temporary traffic devices (i.e., traffic cones, etc.) on the property a minimum of thirty (30) minutes prior to and after each school arrival/dismissal.	Daily – school days.	
6(e)(3)	The charter school shall install right-turn only signs and/or no left turn only signs on both the rights-of-way and school property. All signs shall indicate the hours of vehicle turning enforcement which shall be thirty (30) minutes prior to and after each school arrival/dismissal.	Daily – school days.	
8(c)	Prior to installation of all off-site charter school associated signs, representatives of the charter school in association with the City's Public Works Department shall coordinate with Miami-Dade County Public	Prior to installation of signs.	

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	Works to minimize the number of school zone/circulation signs to be installed on the surrounding streets/rights-of-way.		
12	Applicant and Biltmore Neighborhood Association Private Settlement Agreement. The Applicant and/or Biltmore Neighborhood Association shall provide to the City a final ratified copy of the Settlement Agreement for the public record.	Not specified.	01.30.2012 – Planning has requested copy.