

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2009-35 (As Amended)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES GRANTING SITE PLAN APPROVAL FOR THE NEW ST. THOMAS CHURCH/SCHOOL ATHLETIC FIELD AND MODIFICATIONS TO THE EXISTING PARKING LOTS, LOCATED ON PORTIONS OF LOT 2, AVOCADO LAND COMPANY'S SUBDIVISION (5450, 5690 AND 5692 NORTH KENDALL DRIVE), CORAL GABLES, FLORIDA (LEGAL DESCRIPTION ON FILE); PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Application No. 02-07-456-P was submitted requesting site plan review for a proposed athletic field for the St. Thomas Church/School, located on portions of Lot 2, Avocado Land Company's Subdivision (5450, 5690 and 5692 North Kendall Drive), Coral Gables, Florida (legal description on file); and

WHEREAS, St. Thomas Church/School proposes construction of an athletic field on property immediately east of existing campus and modifications to the existing parking lots necessary to accommodate the new athletic field; and

WHEREAS, this request is being submitted in conjunction with requests for a change of land use and rezoning required to permit the use of the property located at 5450 North Kendall Drive as an athletic field by St. Thomas Church/School; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one thousand (1000) feet, public hearings were held before the Planning and Zoning Board of the City of Coral Gables on June 3, 2009, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's June 3, 2009 meeting, the Board recommended approval of the proposed PAD site plan (vote: 5-0) with conditions; and

WHEREAS, the City Commission held a public hearing on July 7, 2009 at which hearing all interested persons were afforded an opportunity to be heard and this application was approved on first reading (vote: 4-1);

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 proposed new St. Thomas Church/School athletic field and modifications to the existing parking lots, located on portions of Lot 2, Avocado Land Company's Subdivision (5450, 5690 and 5692 North Kendall Drive - See attached exhibit for address identification), Coral Gables, Florida (legal description on file), shall be and is hereby approved with the following conditions:

1. Application/supporting documentation. Construction of the project shall be in conformance with the following as amended pursuant to changes noted herein:
 - a. Site plan prepared by Witkin Hults Design Group, dated 03.03.08.
 - b. Landscape plan prepared by Witkins Hults Design Group, dated 03.19.08.
 - c. Traffic circulation study prepared by David Plummer & Associates, dated 01.25.07.
 - d. Improvements and/or conditions contained herein, unless otherwise specified herein, shall be completed prior to receipt of final Certificate of Occupancy (CO).
 - e. All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package dated 06.03.09.
 - f. All representations proffered by the applicant's representatives provided during public hearing review.
 - g. Changes to the plans required by the City Commission as part of the review of this application at public hearings.
2. General.
 - a. Restrictive Covenant. Within 30 days of City Commission approval, the property owner, its successors or assigns shall submit to the City Attorney for review and approval a Restrictive Covenant outlining all conditions of approval required by the City Commission. Failure to submit the draft Restrictive Covenant within the specified time frame shall render all approvals void.
 - b. Unity of Title. If not already completed, the property owner shall apply for a Unity of Title tying all parcels (5450, 5690 and 5692 North Kendall Drive) together within 90 days of approval.
 - c. Maximum school capacity. Maximum student capacity shall remain 425 students (pre-kindergarten through fifth grade).
 - d. New construction. Any construction of new buildings, additions to existing buildings or changes to the approved landscape and site plans unless specified and referenced herein shall require Planning and Zoning Board and City Commission review and approval.
 - e. The applicant shall provide an easement or dedication of the necessary property from 5450 North Kendall Drive to realign the rights-of-way of North Kendall Drive and Banyan Drive. The form of transference shall be subject to City Attorney review and approval.
 - f. School hours of operation. School hours of operation shall be limited to Monday – Friday from 7:30 a.m. to 5:30 p.m.
 - g. After school care hours of operation. After school care hours shall be limited to Monday-Friday and shall end at 6:00 p.m.

3. Prior to the issuance of a certificate of completion or the use of any portion of 5450 North Kendall Drive, all of the following conditions shall be adhered to and/or implemented:
 - a. Use and operation restrictions.
 1. Athletic field - 5450 North Kendall Drive.
 - a. Users of athletic field. The athletic field shall only be used by students, faculty, church patrons, and support staff of the facility (including opposing teams, squads, players, etc). The use of the field by any outside groups or organizations not associated with the facility is prohibited.
 - b. Play equipment. Permanent soccer nets or other permanent field apparatus related to the use of the field shall be permitted. Portable/temporary equipment associated with open field recreation shall be permitted. Bleachers or other elevated seating shall be prohibited on athletic field.
 - c. Hours of use. Activities, events or any other use of the athletic field shall only be permitted from Mondays– Saturdays, between the hours of 8:30 a.m. - 5:30 p.m. and Sundays from 10:00 a.m- 4:00 p.m. The field on Mondays - Saturdays may be prepped for activities prior to 8:30 a.m.
 - d. Vehicle access. Vehicular curb cuts, access or other means of vehicular access from North Kendall Drive and Banyan Drive shall be prohibited.
 - e. Vehicle parking. Temporary and/or permanent parking shall not be permitted at any time on any portion of this property.
 - f. Lighting. Lighting, lighting fixtures/standards or light poles, etc. shall be prohibited on this property. Required low level safety and/or emergency lighting shall be exempt from these provisions.
 - g. Landscape easement. A perpetual ten (10) foot wide landscape easement shall be provided on the entire eastern length of the property from North Kendall Drive to Banyan Drive for the purpose of installing the wall and landscaping identified herein. No physical improvements other than the wall and landscaping shall be permitted with this easement. The expressed purpose of the easement is to provide a buffer.
 - h. Prohibition of future buildings/structures. As proffered by the applicant, future buildings, structures or other similar structures shall be prohibited on the subject property. This prohibition shall be included within the Restrictive Covenant referenced herein.
 - i. Prior to issuance of a building permit, the applicant shall allow the residential property owner of 5441 Banyan Drive to select the exterior wall color that faces the residence.
 2. Athletic field - 5690 and 5692 North Kendall Drive.
 - a. Users of athletic field. The athletic field shall only be used by students, faculty, church patrons, and support staff of the facility (including opposing teams, squads, players, etc). The use of the field by any outside groups or organizations not associated with the facility is prohibited.
 - b. Play equipment. Permanent soccer nets or other permanent field apparatus related to the use of the field shall be permitted. Portable/temporary equipment associated with open field recreation shall be permitted. Bleachers or other elevated seating shall be prohibited on athletic field.
 - c. Hours of use for school activities. Activities, events or any other use of the athletic field shall only be permitted from 7:30 a.m. – Sundown/dusk.
 - d. Hours of use for church activities. Activities, events or any other use of the athletic field shall only be permitted from 7:30 a.m. - 9:00 p.m.

- e. Vehicle access. Vehicular curb cuts, access or other means of vehicular access from Banyan Drive shall be prohibited.
- f. Vehicle parking. Temporary, overflow and permanent parking shall be permitted on the athletic field with no restrictions on hours of use.
- g. Lighting. Lighting, lighting fixtures/standards or light poles, etc. shall be prohibited. Required low level safety and/or emergency lighting shall be exempt from these provisions.
- h. Field surface. The athletic field shall remain in its natural state as a grassed area and shall not be paved or covered with any similar impervious surface.

3. Facility (school and church) operations – 5450, 5690 and 5692 North Kendall Drive.

- a. On and off-site Parking/Traffic Management Plan. Within 180 days of City Commission approval, the applicant shall prepare a parking/traffic management plan when 123 or more vehicles are anticipated on the entire site. This plan shall include provisions as applicable to provide and insure all parking is maintained on site and provide for traffic management which may include any of the following management techniques: valet parking, on and off site traffic management, on-site drop off, etc. The plan shall initially be submitted to the City for review and approval by the Departments of Public Works, Police, Building and Zoning and Planning. The City upon initial approval may request an update to the Plan at anytime in the future as determined. Updates shall only require City Administration review and approval.
- b. Special events permits. All facility (church and school) special events where 123 or more vehicles are anticipated shall secure a special events permit from the City's Special Events Committee. A tentative schedule of facility events shall be submitted to the City a minimum of one month prior to each school year to determine which events are necessary to submit future applications to the Special Events Committee for review and approval. Those events requiring Committee review must be forwarded a minimum of 48 hours in advance of the event.
- c. On-street parking. No vehicle parking, storage or standing (temporary or permanent) shall be permitted along any portion of North Kendall Drive or Banyan Drive rights-of-way. Where not currently posted, the appropriate City signage shall be installed as required and determined by the Public Works and Parking Director. The applicant shall be responsible for all costs associated with the installation of the signage.
- d. Traffic circulation improvements for school operations. As proffered by the applicant, within 180 days of City Commission approval, the below listed eleven (11) recommendations for improving the pick-up/drop-off operations for the school as concluded and listed in the "St. Thomas Episcopal Parish School Pick-up/Drop-off Evaluation", prepared by David Plummer & Associates, dated 01.25.07 shall be implemented:
 - Do not allow off-campus parking/walking, especially on the swale area of North Kendall Drive.
 - Require all pick-up/drop-off to occur on the passenger side only.
 - Do not allow parents to leave their vehicles unattended while in the pick-up/drop-off area. Parents who need to go on campus must park at designated areas.
 - Allow only loading/unloading by "platoons" of vehicles in a single lane. Prohibit individual vehicles from exiting until the entire platoon is ready to exit. Control at the entry and exit points of the single lane loading areas is required.
 - Do not allow children to exit or enter their vehicle from queue area.

- If a student (or all students for multi-student vehicles) are not present for loading when the student's vehicle reaches the loading point, the vehicle is required to exit the loading zone and rejoin the queue.
- Supervisors assisting with pick-up/drop-off operations should wear a safety vest.
- Parents should be encouraged to use the drop-off area in the mornings.
- Consideration shall be given to modifying pick-up times to separate vehicle arrivals.
- If dismissal times are altered, color coded student identification cards shall be required.
- Any new pick-up/drop-off plan shall be implemented at the start of the new school year on the first day of school. A meeting with the parents at the end of the school year, prior to the implementing a new pick-up/drop-off plan is required.

e. Traffic management for school operations. An off-duty police officer shall be provided during peak morning and afternoon periods to direct traffic on and off of campus, subject to review and approval by Chief of Police or designated representative.

f. Existing old rectory/caretakers residence. The existing old rectory/caretakers driveway which is presently gated shall remain gated and closed at all times. The driveway, including the portion of driveway between Banyan Drive and gate shall not be used at any time for vehicle parking or storage. Student drop off, deliveries of any other similar functions shall be prohibited from accessing or utilizing this driveway.

g. Lighting. Off site lighting saturation and/or dispersion shall be prohibited from any portion of the facility property onto neighboring properties. Required low level safety and/or emergency lighting shall be exempt from these provisions.

h. No parking signs. The applicant shall be responsible for the costs of City approved "No Parking" signs the entire length of the rear property line (swale area within rights-of-way) of Banyan Drive. The placement and type of sign shall be subject to Parking Director and Public Works Director review and approval.

4. Landscape and right-of-way improvement plans. Prior to the issuance of a building permit for any improvements identified herein, the applicant, its successor or assigns shall submit the following:

a. Landscape buffer plan for the ten (10) foot easement on the entire eastern property line of the athletic field from North Kendall Drive to Banyan Drive to include as a minimum the following improvements:

1. Continuous six (6) foot high masonry wall on the property line; and,
2. Continuous three (3) foot hedge/understory plant materials in front of the wall facing the athletic field; and,
3. Continuous row of twelve (12) to fourteen (14) foot Green Buttonwood overstory shade trees at an average of fifteen (15) feet on center facing the athletic field; and;
4. Irrigation.

b. Landscape plan for front property line of 5450 North Kendall Drive to include as a minimum the following improvements:

1. Continuous three (3) foot hedge/understory plant materials the entire length of the front property line; and,
2. Continuous row of twelve (12) to fourteen (14) foot Green Buttonwood overstory shade trees at an average of fifteen (15) feet on center; and;
3. Irrigation.

c. Landscape plan for rear (Banyan Drive) property line of the facility 5450, 5690 and 5692 North Kendall Drive to include as a minimum the following:

1. Location of existing under and overstory vegetation; and,

2. Installation of a 6'-0" (measured from the existing grade of the Banyan Drive property line) masonry or concrete panel wall along the rear property line of 5450, 5690 and 5692 North Kendall Drive from the eastern property line of 5450 North Kendall Drive along the Banyan Drive rights-of-way to start of the curve of the Banyan Drive rights-of-way. The exact location/length of the wall as agreed upon by the applicant and "Adjoining neighbors" via signatory approval is provided and attached hereto as an exhibit to this Ordinance. Existing hedges/landscaping damaged as a result of the installation/construction of the wall shall be supplemented with hedge material the entire length of the wall. The wall may have openings (with appropriate gates, closure mechanisms, etc) for the expressed purpose of providing required local government emergency access (i.e. police, fire, etc.) and/or as required for the School to retain its accreditation.

All of the above referenced plans shall be subject to review and final approval by the City's Public Service, Public Works and Planning Directors. The above walls shall include architectural details, columns, and column caps to break up the extended length of the walls. In addition, the proposed walls, as approved by the City Commission shall only require City Administrative (City Architect) final design review and approval. The City shall provide the approved landscape plan for the rear (Banyan Drive) property line to the adjoining neighbor's legal counsel for review. "Adjoining neighbors" referenced herein is defined as the "Banyan Drive Preservation Association and Neighbors."

5. Facility (church and school) public information liaison/point of contact. A specific point of contact person of the facility 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 point of contact persons names, email, mailing address and phone, and hours of availability shall be provided to all property owners and neighborhood associations point of contacts within 1,000 feet of the facility. 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.
6. Onsite drainage of 5450, 5690 and 5692 North Kendall Drive. Prior to the issuance of a certificate for completion of any improvements to any portion of the property, the applicant shall prepare and implement improvements pursuant to a stormwater management/drainage plan for the entire property. The plan shall be subject to City Public Works Department review and final approval subject to all applicable city, local, state, etc. requirements.

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. This ordinance shall become effective ten days upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-NINTH DAY OF JULY, A.D., 2009.

(Moved: Kerdyk / Seconded: Withers)
(Yea: Withers, Cabrera, Kerdyk, Slesnick)
(Majority (4-1) Vote)
(Nays: Anderson)
(Agenda Item: E-5)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:

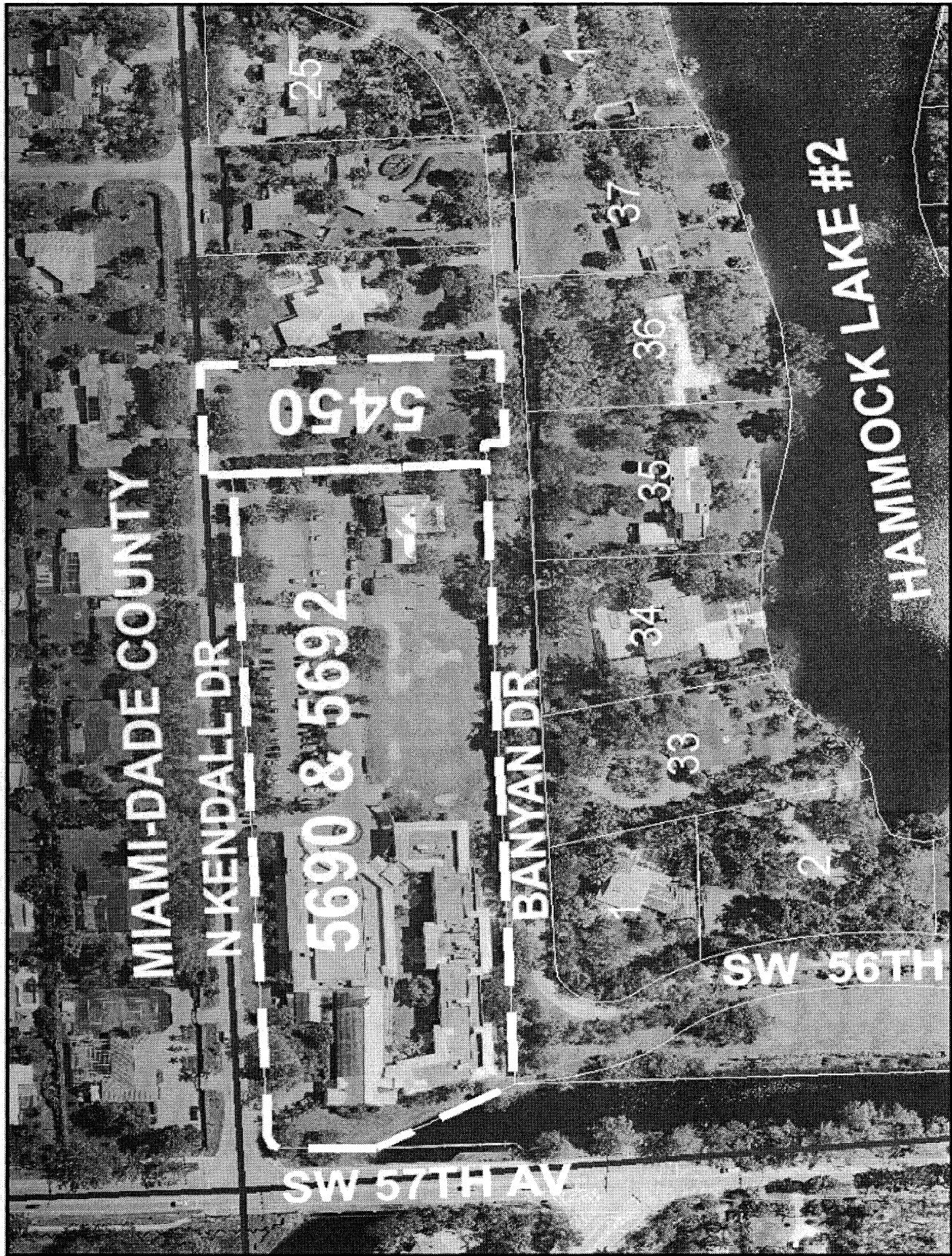


WALTER L. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH HERNANDEZ
CITY ATTORNEY



PRC

