

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2009-261**

A RESOLUTION OF THE CITY COMMISSION INITIATING CONFLICT RESOLUTION PROCEDURES PROVIDED BY CHAPTER 164, F.S., IN CONNECTION WITH THE DEVELOPMENT ORDER APPROVED BY MIAMI-DADE COUNTY ZONING APPEALS BOARD 12 ("CZAB 12"), RESOLUTION CSAB12-11-09, IN THE PROPOSED EPIPHANY CHURCH/OUR LADY OF LOURDES ACADEMY ("LOURDES ACADEMY") EXPANSION PROJECT.

**WHEREAS**, Lourdes Academy is located at 5525 S.W. 84<sup>th</sup> Street, in unincorporated Miami-Dade County, in an area presently under an annexation petition to the City of Coral Gables;

**WHEREAS**, on May 26, 2009, the City of Coral Gables adopted Resolution 2009-131, thereby proffering its concern regarding the proposed Lourdes Academy project to increase the size of the school and the potential impacts on the surrounding residential neighborhood;

**WHEREAS**, on June 2, 2009, CSAB 12 adopted Resolution CZAB12-11-09, thereby approving the following:

- a. expansion of Lourdes Academy to its West, a modification of the school's original 1964 site plan, and
- b. four non-use variances allowing increased lot coverage, and
- c. decreased open recreational space, and parking and driveways that intrude into the 25-foot setbacks from the decision of CSAB-12, (*Robert Frost HOA, et al, v. Miami-Dade County, et al*, Case No. 09-394, which is a Petition for Writ of Certiorari; and *Robert Frost HOA, et al. v. Miami-Dade County, et al.* Case No. 09-055601 CA 05 (F.S. 163.3215); and

**WHEREAS**, the City Attorney, prior to filing an action to intervene shall initiate the conflict resolution procedures found in Chapter 164, Florida Statutes, via letter requesting either that the conflict be amicably resolved without invoking Chapter 164, or that the County waive the provisions of Chapter 164; and

**WHEREAS**, the City Attorney, prior to filing an action to intervene, shall initiate the conflict resolution procedures found in Chapter 164, Florida Statutes via a letter requesting either that the conflict be amicably resolved without invoking Chapter 164, or that the County waive the provisions of Florida Statute 164;

**NOW, THEREFORE, BE IT RESOLVED 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.** That the City Commission does hereby instruct the City Attorney to send written correspondence to the County Attorney initiating the conflict resolution procedures pursuant to Chapter 164, F.S., prior to initiating court proceedings, or requesting that the County waive same.

**SECTION 3.** Pursuant to Section 163.3215, F.S., the City of Coral Gables is an interested or affected party, as stated herein:

“An aggrieved party “may maintain a *de novo* action for declaratory, injunctive or other relief against any local government to challenge any decision of such local government granting or denying an application for, or to prevent such local government from taking any action on a development order... which materially alters the use or density or intensity of use on a particular piece of property which is not consistent with the comprehensive plan....”

**SECTION 4.** Pursuant to the Section 163.3215(2), F.S., the City of Coral Gables considers itself an “aggrieved party”, which is defined as “any person or **local government** that will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons.”

**SECTION 5.** The issues of conflict also include:

- a. the City of Coral Gables Code and Zoning Code requires the maintenance of the residential character of the area;
- b. the City’s interest in maintaining the neighborhood character is also set forth in the CDMP;
- c. the approval of the school’s zoning application is not consistent with the CDMP, Florida Statutes and the Miami-Dade County Zoning Code;

- d. The aforementioned property is in an area that is being considered for annexation, thereby requiring the County cooperate with the City to insure that the general interest in community good is shared by all persons.

**SECTION 6.** That this Resolution shall become effective upon the date of the passage and adoption herein.

PASSED AND ADOPTED THIS EIGHTH DAY OF SEPTEMBER, A.D., 2009.

(Moved: Withers / Seconded: Kerdyk)

(Yeas: Kerdyk, Withers, Slesnick)

(Nays: Anderson, Cabrera)

(Majority: (3-2) Vote)

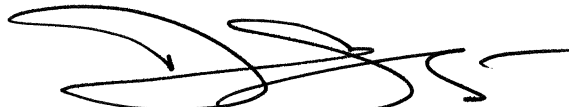
(Non-Agenda Item)

APPROVED:

ATTEST:

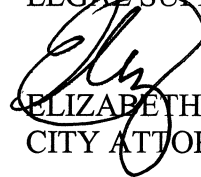


WALTER J. FOEMAN  
CITY CLERK



DONALD D. SLESNICK II  
MAYOR

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ  
CITY ATTORNEY