

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2009-33

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES APPROVING A CHANGE OF LAND USE FROM "RESIDENTIAL USE (SINGLE FAMILY) LOW DENSITY" TO "RELIGIOUS/INSTITUTIONAL USE" FOR A 1.0 ACRE PARCEL PROPOSED FOR USE AS AN ATHLETIC FIELD FOR THE ST. THOMAS CHURCH/SCHOOL, LOCATED ON PORTIONS OF LOT 2, AVOCADO LAND COMPANY'S SUBDIVISION (5450 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 a change of land use from "Residential Use (Single Family) Low Density" to "Religious/Institutional" for a 1.0 acre parcel proposed for use as an athletic field for the St. Thomas Church/School, located on portions of Lot 2, Avocado Land Company's Subdivision (5450 North Kendall Drive), Coral Gables, Florida; 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, the proposed change of land use has been submitted concurrently with a request for rezoning that is required to be consistent with the property's proposed land use designation, and as a prerequisite to the applicant's request for site plan review at public hearings; and

WHEREAS, the City of Coral Gables, pursuant to Florida Statutes and the City of Coral Gables Zoning Code, has designated the Planning and Zoning Board as the Local Planning Agency; 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 Local Planning Agency (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 a public hearing held on June 3, 2009, the Local Planning Agency (Planning and Zoning Board) recommended approval of the change of land use (vote: 5-0); and

WHEREAS, pursuant to the provisions of Chapter 163.3187 Florida Statutes, 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: 5-0); and

WHEREAS, this request is considered a small scale amendment, and would not require review by the Department of Community Affairs;

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. That the request for a land use amendment to the "City of Coral Gables Comprehensive Plan," and in particular that portion of the Future Land Use Element, known as the Future Land Use Map of Coral Gables, shall be and it is hereby amended to show henceforth a change in the Future Land Use by changing the "Land Use Category" from "Residential Use (Single Family) Low Density" to "Religious/Institutional" as a prerequisite for rezoning and site plan review for a 1.0 acre parcel proposed for use as an athletic field for the St. Thomas Church/School, located on portions of Lot 2, Avocado Land Company's Subdivision (5450 North Kendall Drive), Coral Gables, Florida.

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 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)
(Yeas: Cabrera, Kerdyk, Withers, Slesnick)
(Majority (4-1) Vote)
(Nays: Anderson)
(Agenda Item: E-3)

APPROVED:



~~DONALD D. SLESNICK II~~
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH HERNANDEZ
CITY ATTORNEY