



City of Coral Gables Planning Division Staff Recommendation

Applicant:	Somerset Grace Charter School of Coral Gables
Revised Applications:	Change in Land Use, Conditional Use and Site Plan Review Applications (#07-10-113-P)
Property:	624 Anastasia Avenue (University Baptist Church)
Public Hearings	Planning and Zoning Board November 30, 2011 City Commission Meeting – 1st Reading December 13, 2011

All documents are available online

<http://www.coralgables.com>

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Planning Department
Award Winning Department (click for more info)

Planning and Zoning Board Meetings
(Agenda items are posted the Friday prior to the meeting)

Public Hearing Schedule (6:00 p.m. - 9:00 p.m.)

January 12, 2011
- Meeting Cancelled

February 9, 2011
- Agenda
- Staff Report - Zoning Code Text Amendments
- Attachment A: "City of Coral Gables Zoning Code Text Amendments - 2011" Chart
- Attachment B: Draft Ordinance
- Minutes

March 23, 2011
- Meeting Cancelled - Agenda item will be scheduled for April 27, 2011 meeting
- Agenda
- Somerset Grace Charter School legal advertisement

April 27, 2011 (meeting will be held at the War Memorial Youth Center Auditorium, 405 University Drive)
- Agenda
- Staff Report - Somerset Grace Charter School - Application #07-10-113-P. Change in Land Use, Conditional Use and Site Plan Review
- Attachment A: 03.08.11 Preliminary Zoning Analysis prepared by Building and Zoning Department
- Attachment B: City Traffic Consultant Traffic Review Report, April 2011
- Attachment C: 04.12.11 Police Department Memorandum
- Attachment D: 03.09.11 Legal notice published
- Attachment E: 03.07.11 Courtesy notice mailed to all property owners within 2,000 feet
- Attachment F: 04.13.11 2nd Legal notice published
- Attachment G: 03.24.11 2nd Courtesy notice mailed to all property owners within 2,000 feet
- Attachment H: Synopsis of comments received from property owners within 2,000 feet
- Part 1
- Part 2
- Part 3
- Part 4

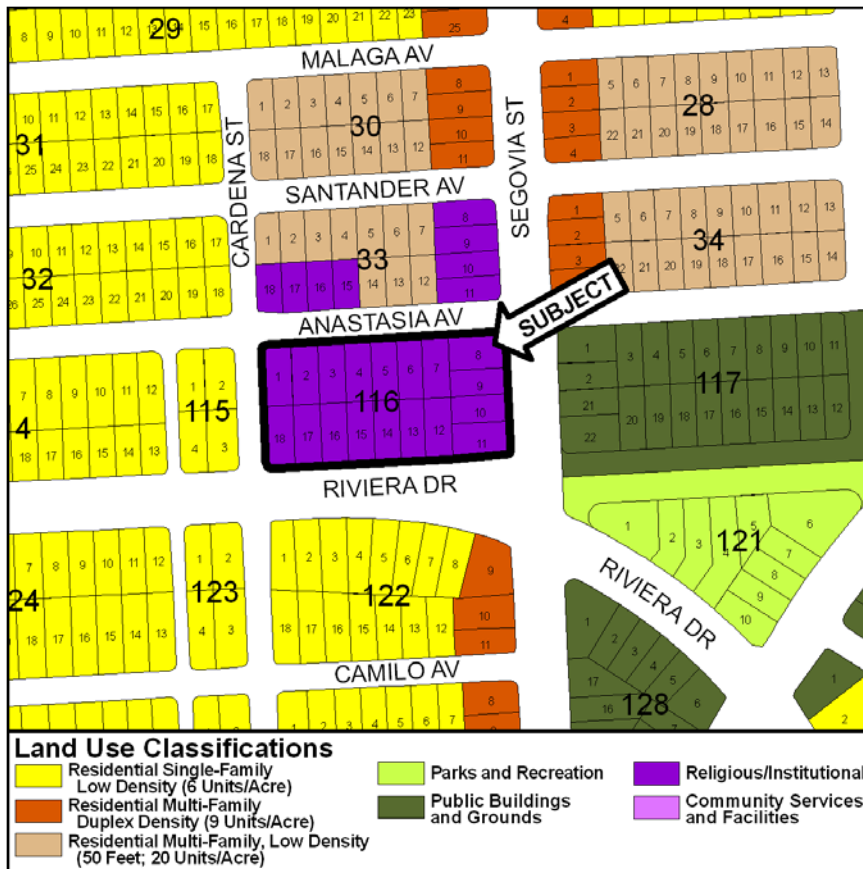
- Applicant's Somerset Academy Grace Charter School Application (04.27.11)
- Table of Contents
1. Application
2. Statement of Use
3. Existing Land Use and Zoning Maps
4. Certificate of Use
5. Adopted Ordinances
6. Comprehensive Plan Analysis
7. Charter School Contract between the School Board of Miami-Dade County and Somerset Academy, Inc.
8. Somerset Academy Grace Charter School of Coral Gables Parent Handbook and Contract
9. Neighborhood Meeting Notice, Sign-In Sheet and Speaker Cards
10. Traffic Documents:
a. Somerset Coral Gables UBC Campus (PK-8) Traffic Impact Study (06.03.10)
b. Accumulation Assessment Somerset UBC School (03.25.10)
c. Additional Analysis for Somerset Coral Gables UBC Campus Traffic Study (06.07.10)
d. Response to Comments (06.17.10, 06.18.10, and 10.19.10)
e. Additional School Data and Analysis for Somerset Coral Gables UBC Campus Traffic Study (10.20.10)
f. Comparative School Data for Somerset Coral Gables UBC Campus (10.19.10)

Applicant's Proposal – Change in Land Use

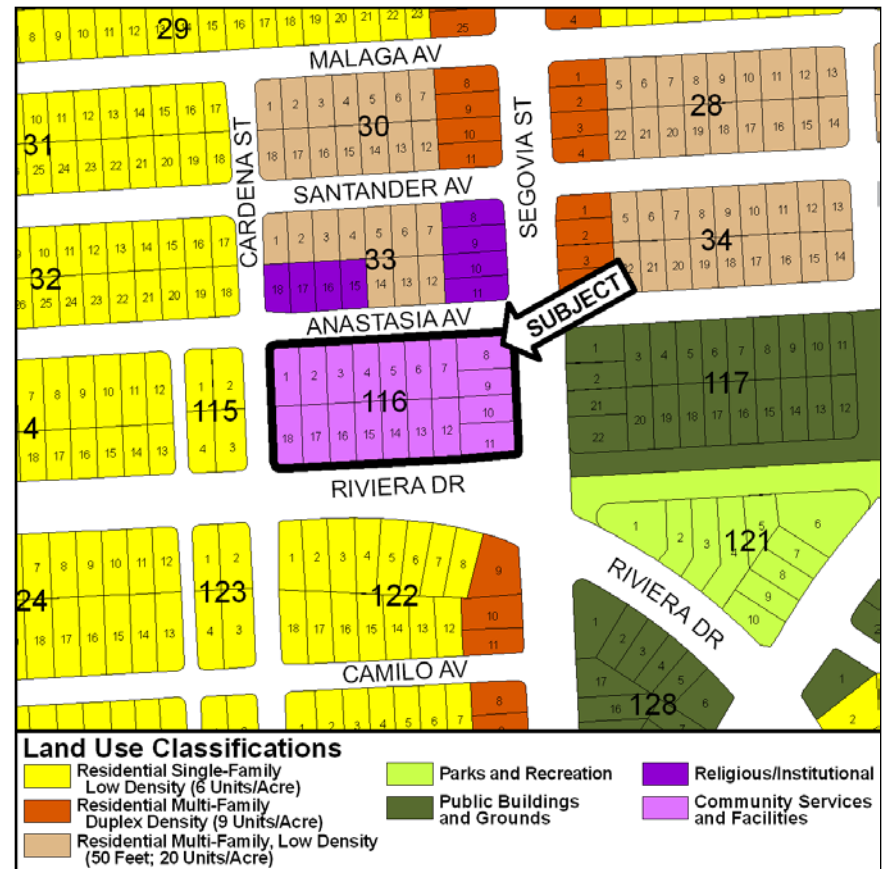
1. An Ordinance of the City Commission of Coral Gables, Florida, requesting an **amendment to the Future Land Use Map** of the City of Coral Gables Comprehensive Plan pursuant to Small Scale amendment procedures (ss. 163.3187, Florida Statutes), **from “Religious/ Institutional” to “Community Services and Facilities”** for a 2.6 acre parcel of land commonly known as the “University Baptist Church”, legally described as all of Block 116, Coral Gables Country Club Section Part 6 (624 Anastasia Avenue), Coral Gables, Florida; and, providing for severability, repealer, codification and an effective date.

Applicant's Proposal – Change in Land Use

Existing Future Land Use Map



Applicants Request - Future Land Use Map



Applicant's Proposal – Conditional Use

2. 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 a student increase of an existing Charter School from 110 students to a maximum 436 students** 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.

Applicant's Proposal – Site Plan

3. An Ordinance of the City Commission of Coral Gables, Florida, requesting site plan review to permit miscellaneous **site improvements and a student increase of an existing Charter School from 110 students to a maximum 436 students** 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.

City Reviews Required

1. City Department Application Review Process
2. Development Review Committee (DRC)
3. Board of Architects Recommendation
4. Planning and Zoning Board Recommendation
5. City Commission Decision

City Review Timeline

Types of Review	Date(s)
Development Review Committee	05.07.10, 06.16.10 and 09.16.11
Board of Architects – Site Plan	Approved - 04.07.11 (original) Approved – 09.01.11 (revised)
Board of Architects – Conditional Use	Approved - 04.07.11(original) Approved – 09.01.11 (revised)
Board of Adjustment	N/A
Historic Preservation Board	N/A
Landscape Advisory Board	N/A
Local Planning Agency	04.27.11, 06.08.11, 06.22.11 and 11.30.11
Planning and Zoning Board	04.27.11, 06.08.11, 06.22.11 and 11.30.11
Street and Alley Vacation Committee	N/A
City Commission, 1 st reading	12.13.2011
City Commission, 2 nd reading	TBD

Applicant's Proposal – Conditional Use and Site Plan Applications

Parking Spaces

Campus Parking Lot	Existing	Proposed	Zoning Code requirements	Additional parking
On-site parking	89	89	56	33

Applicant's Proposal – Conditional Use and Site Plan Applications

Existing/Proposed Student Enrollment (Applicants proffered “School Phasing Strategy”)*

Grades PreK – 8 th Grade	2008-09 (PreK only)	2009-10 (PreK only)	2010-11	Phase 1 2011-12	Phase 2 2012-13	Phase 3 2013-14
Total	110	95	110	260	348	436

* The current approved Certificate of Use limits school enrollment to a maximum of 110 students

Applicant's Proposal – Conditional Use and Site Plan Applications

Site Plan Analysis

Type	Permitted/Required	Proposed
Total site area	114,282 sq. ft. (2.6 acres)	114,282 sq. ft. (2.6 acres)
Floor area ratio (FAR)	0.35 FAR	0.53 FAR**
FAR x total site area =	38,500 sq. ft.	---
Adjusted sq. ft. of buildings (church & residential)*	---	60,652 sq. ft.
Building heights:	45'-0"	Complies
Landscaping	35%	Complies

* Source: Miami Dade County Property Data and Information File

**Property is an existing Non-conforming Use and no expansion of the structures is proposed.

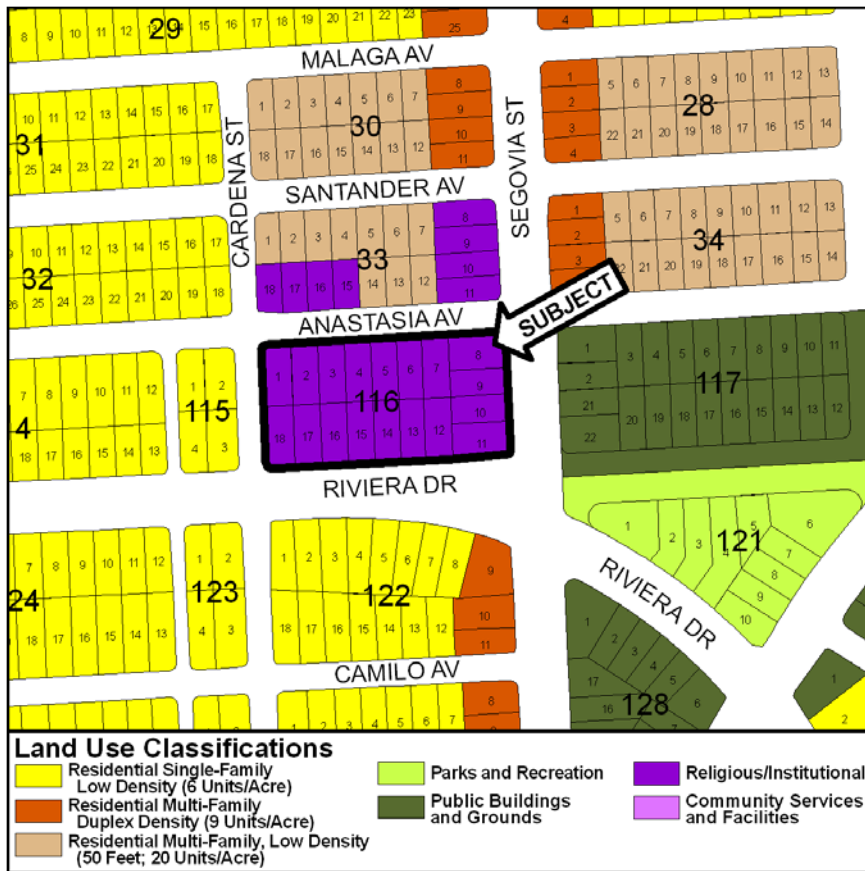
Applicant's Proposal – Conditional Use and Site Plan Applications

Applicant's Traffic Information

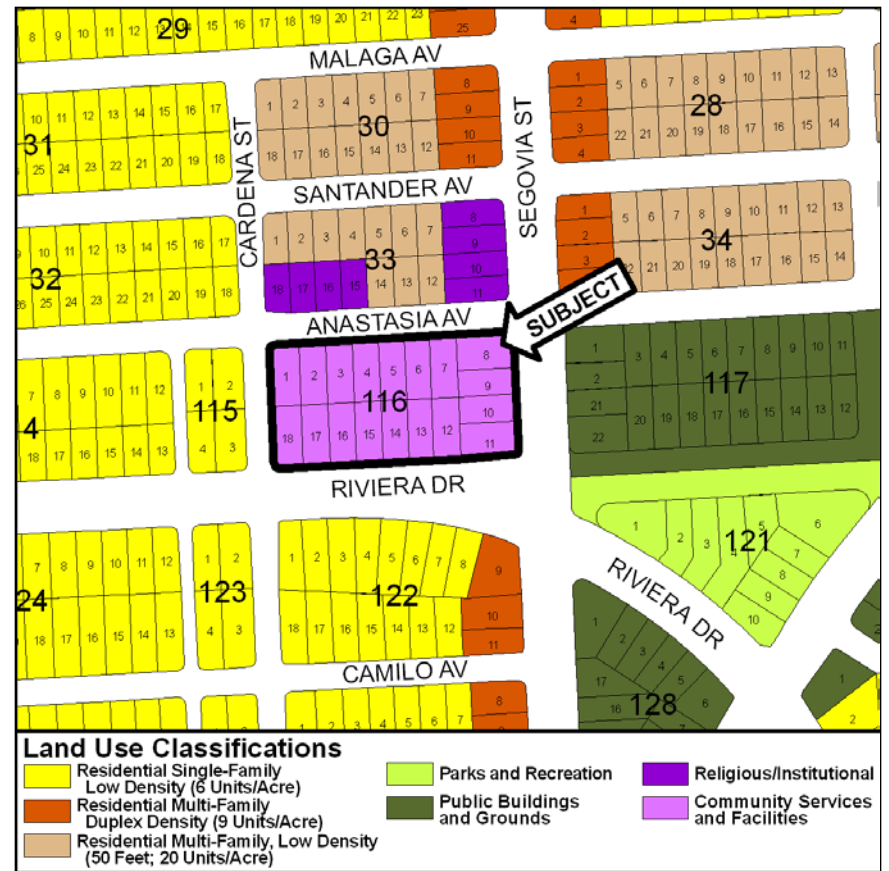
1. Traffic Operations Plan.
2. Traffic Impact Study and Accumulation Assessment.
3. School Speed Zone Signage.
4. No School Parking Zone Signage.
5. Proposed School Speed Zone Signage.
6. Draft Proffered Declaration of Restrictive Covenant with proffered conditions of approval.

Findings of Fact- Change in Land Use Application

Existing Future Land Use Map



Applicants Request - Future Land Use Map



Consistency Evaluation of the Comprehensive Plan Goals, Objectives and Policies

- The Community Services/Facilities Land Use designation is included and intended **to allow for the joint use of facilities for community uses necessary to support, protect, strengthen and enhance the City as a vibrant residential community.**
- City Staff finds this **Application is “Consistent” with the Community Services and Facilities Land Use** designation as both schools and churches are identified as permitted uses for joint use within a facility.

Consistency Evaluation of the Comprehensive Plan Goals, Objectives and Policies

Staff's evaluation and Findings of Facts of the Applicant's Change in Land Use finds, **with conditions**, that the City's Comprehensive Plan Goals, Objectives and Policies (GOPs) to further strengthen the City commitment to preservation of residential to assure that future development will be in conformity with the foregoing distinctive character, with respect to type, intensity, design and appearance is "**Consistent**"

(See pages 27 – 31 and 39 – 69 of Staff Report)

Findings of Fact – Conditional Use and Site Plan Review Applications

- Proposed expansion of student population to a maximum 436 students is considered a “Conditional Use” and therefore requires review and evaluation pursuant to various sections of the City’s Zoning Code.
- More specifically, Article 3, Division 4, “Conditional Uses,” Section 3-408., “Standards for review.”

Conditional Use Review Criteria

- A. The proposed conditional use is **consistent with and furthers the goals, policies and objectives of the Comprehensive Plan** and furthers the purposes of these regulations and other City ordinances and actions designed to implement the Plan.
- B. The available use to which the property may be put is **appropriate to the property** that is subject to the proposed conditional use and compatible with existing and planned uses in the area.
- C. The proposed conditional use **does not conflict with the needs and character of the neighborhood** and the City.
- D. The proposed conditional use **will not adversely or unreasonably affect the use of other property** in the area.
- E. The proposed use is **compatible with the nature, condition and development of adjacent uses, buildings and structures and will not adversely affect the adjacent uses, buildings or structures.**

Conditional Use Review Criteria

- F. The parcel proposed for **development is adequate in size** and shape to accommodate all development features.
- G. The nature of the proposed development **is not detrimental to the health, safety and general welfare** of the community.
- H. The design of the **proposed driveways, circulation patterns and parking is well defined to promote vehicular and pedestrian circulation.**
- I. The proposed conditional **use satisfies the concurrency standards** of Article 3, Division 13 and will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonable or disproportionate manner.

Conditional Use Review Criteria- Staff's Conclusion

Staff has recommended numerous “stringent” conditions of approval to ensure the following:

- ✓ Bring the inconsistent Comprehensive Plan Goals, Objective and Policies into compliance.
- ✓ Ensure the use does not conflict with the neighborhood.
- ✓ The increased demand does not place an inordinate burden on the site's capacity.
- ✓ Quality of life of the surrounding residential neighborhood is maintained.

Conditional Use Review Criteria- Staff's Conclusion

Staff has recommended numerous “stringent” conditions of approval to ensure the following:

- ✓ Use is not detrimental to the health, safety and general welfare.
- ✓ Minimal increase in vehicular congestion of roads and intersections surrounding the school.
- ✓ Found that adequate infrastructure capacity is available.

“The conditions of approval placed on the applications adequately address and satisfy the conditional use criteria requirements”

City Analysis of Applicant's Traffic Report

- City retained Reynolds, Smith and Hills, Inc. to review of traffic, traffic circulation, pedestrian circulation, vehicular accumulation, etc.
- Traffic Consultant reviewed all of the Applicant's traffic information and plan documents.

City Analysis of Applicant's Traffic Report

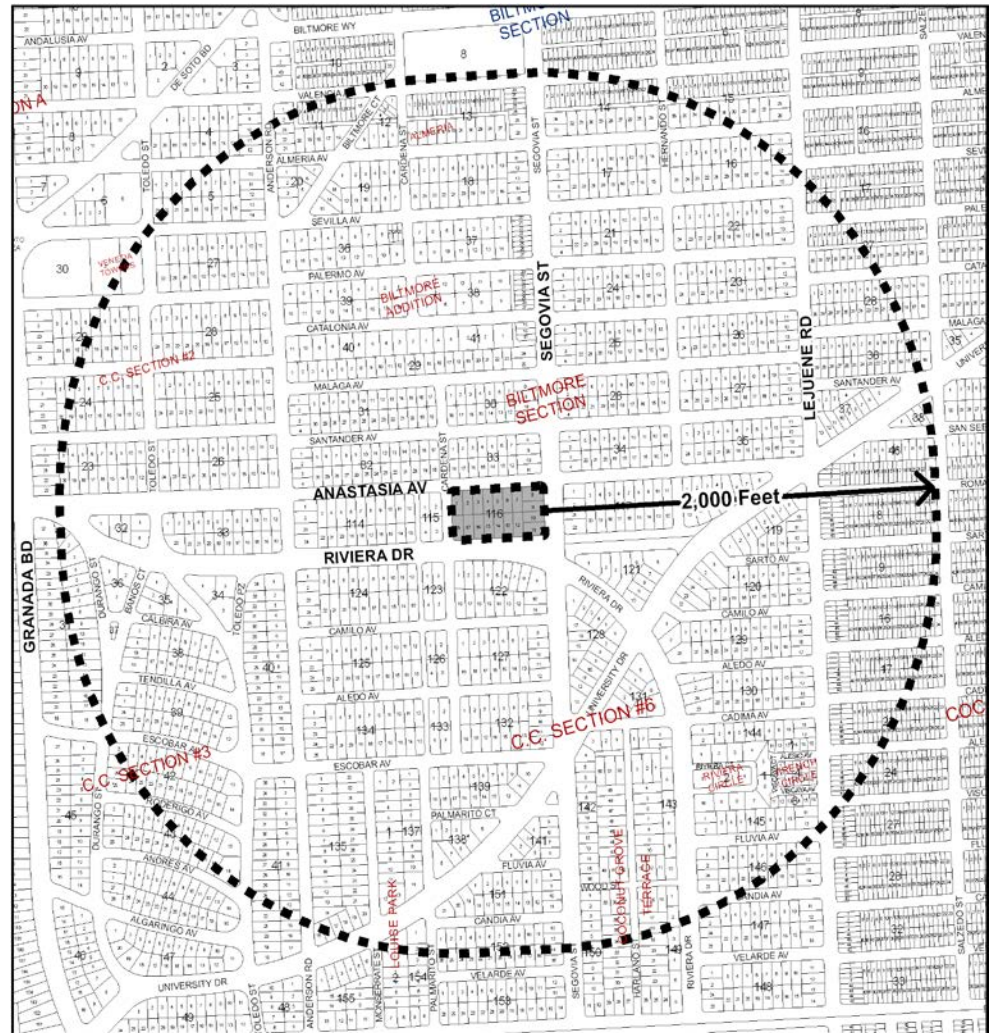
City's Traffic Consultant
Reynolds, Smith and Hills, Inc.
Jeff Easley, P.E.

Public Notifications and Comments

- Courtesy Public Hearing Notices provided for all Planning and Zoning Board public hearings.
- Legal ads (additional ads provided).
- Property posted with numerous signs.
- Twice the minimum notice requirements for a 2,000 foot notification radius.
- Approximately 942 notices were mailed.

Public Notifications and Comments

Courtesy Notification Radius Map



Public Notifications and Comments

Public Notice

Type	Date
Applicant's neighborhood meeting	02.03.11
Courtesy notification - 2,000 feet of the property	03.07.11
Posting of property	03.11.11
Legal advertisement	03.09.11
Posted agenda on City web page/City Hall	03.07.11
2 nd Posting of the property (for 04.27.11 meeting)	03.21.11
2 nd Courtesy notification - 2,000 feet of the property (for 04.27.11 meeting)	03.24.11
2 nd Agenda posted on City web page/City Hall/Youth Center (for 04.27.11 meeting)	03.24.11
2nd Legal advertisement (for 04.27.11 meeting)	04.13.11
Posted Staff report on City web page (for 04.27.11 meeting)	04.22.11
Courtesy notification for revised Application - 2,000 feet of the property (for 11.30.11 meeting)	11.04.11
Posting of property for revised Application (for 11.30.11 meeting)	11.09.11
Legal advertisement for revised Application (for 11.30.11 meeting)	11.09.11
Posted agenda on City web page/City Hall for revised Application (11.30.11 meeting)	11.04.11
Legal advertisement (for 12.13.11 CC meeting)	12.05.2011

Planning and Zoning Board/LPA – Public Hearings

- Applications were considered by Planning and Zoning Board/LPA at 3 public hearings on 04.27.2011, 06.08.2011 and 06.22.2011.
- 06.22.2011 hearing
 - Approximately 90 interested parties provided input/testimony
 - Board recommended (6-0 vote) a continuance of the 3 applications to allow the applicant to:
 - 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.
 - Meet with neighbors and the neighbor's representative to attempt to resolve outstanding issues prior to returning before the Board.

Revised Application Submittal and City Review

- Applicant submitted revised Applications on 08.05.2011 providing for an increase from 110 to 436 students with a proffered “School Phasing Strategy” which included 260 students in year one, 348 students in year two, and 436 students in year three.
- Revised applications underwent City Department reviews, Development Review Committee review and Board of Architects review.

Planning and Zoning Board/LPA – Public Hearing Recommendation

1. Change in Land Use Application - **No recommendation (5-0 vote)**. Initially, a motion was made for “Denial” and the vote failed with a 3-2 vote – (minimum of 4 votes is necessary for a recommendation).
2. Conditional Use Application - **Approval** of Staff’s Recommendation including all conditions of approval with additional conditions **(4-1 vote)**.
3. Site Plan Application - **Approval** of Staff’s Recommendation including all conditions of approval with additional conditions **(4-1 vote)**.

Planning and Zoning Board/LPA – Public Hearing Recommendation

Additional Board conditions:

1. The charter school increase in student population shall be revised and 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.**

As identified in City Staff's condition 6 (c), the student increase is subject to the City selecting and engaging an **independent traffic consultant to perform a traffic operations review** during various dates/times in order to evaluate the traffic operating conditions prior to any increase in students.

Planning and Zoning Board/LPA – Public Hearing Recommendation

Additional Board conditions:

2. Additional charter school dismissal/arrivals traffic management procedures shall be provided to include **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 offsite traffic management and **all vehicles shall exit during charter school arrivals/dismissals as right turn vehicular movements onto Cardena Street**. This shall include traffic channelization (i.e., traffic cones) and signage.

Planning and Zoning Board/LPA – Public Hearing Recommendation

Additional Board conditions:

- 3. Sanitation/recycling pick-up shall not occur prior to 8 AM.**
- 4. Annual City, charter school and church meeting as provided in City Staff's condition 4 (a) shall be convened at the beginning and end of each school year.**

Revised Staff Recommendation

- **Applicant** stated on the record, they **agreed to all of Staff's Recommended Conditions of Approval and the Board additional conditions.**
- **Staff supports the Board additional and/or modified conditions.**
- Revised Staff Recommendation with Board additional/modified conditions is shown in **underline/~~strikeout~~ format:**

Revised Staff Recommendation

Planning Division based upon the complete Findings of Fact contained within this Report recommends **approval**:

1. An Ordinance of the City Commission of Coral Gables, Florida, requesting an amendment to the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Small Scale amendment procedures (ss. 163.3187, Florida Statutes), **from “Religious/Institutional” to “Community Services and Facilities”** for a 2.6 acre parcel of land commonly known as the “University Baptist Church”, legally described as all of Block 116, Coral Gables Country Club Section Part 6 (624 Anastasia Avenue), Coral Gables, Florida; and, providing for severability, repealer, codification and an effective date.

Revised Staff Recommendation

2. 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**. ~~pursuant to the Applicant’s proffered “School Phasing Strategy” which included two-hundred-and-sixty (260) students in year one.~~ **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.

Revised Staff Recommendation

3. An Ordinance of the City Commission of Coral Gables, Florida, requesting site plan review to permit miscellaneous site improvements and 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.** ~~pursuant to the Applicant's proffered "School Phasing Strategy" which included two-hundred-and-sixty (260) students in year one.~~ **The increase in student population shall be phased as follows:**
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 - 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.

Revised Staff Recommendation

Staff Recommended Conditions of Approval for the Granting of the Conditional Use and Site Plan Application

In furtherance of the Comprehensive Plan's Goals, Objectives and Policies, Zoning Code and other applicable City provisions, the recommendation for **approval of the Conditional Use and Site Plan is subject to all of the following conditions of approval:**

Revised Staff Recommendation- Condition # 1

Application/supporting documentation. The approvals granted herein shall be in conformance with all of the following documents (as amended per City Commission approval):

1. Statement of Use dated 8.05.2011
2. Draft Proffered Declaration of Restrictive Covenant, with proffered conditions of approval, prepared by Laura L. Russo, Esq., dated 8.05.2011
3. Aerial Photograph, prepared by Civica, dated 10.05.2011.
4. (Existing to Remain) Site Photographs, prepared by Civica, dated 10.05.2011.
5. Map of Boundary Survey for University Baptist Church of Coral Gables, prepared by Hadonne, dated 03.23.2011.
6. Existing South Elevation, prepared by Civica, dated 10.05.2011.
7. Existing East and West Elevations prepared by Civica, dated 10.05.2011.
8. Existing Site Plan and Zoning Data prepared by Civica, dated 10.05.2011.

Revised Staff Recommendation- Condition # 1 (cont.)

Application/supporting documentation. The approvals granted herein shall be in conformance with all of the following documents (continued):

9. Proposed Site Plan - Traffic Scenario 'A' (Multi-Directional Distribution) prepared by Civica, dated 10.05.2011.
10. Proposed Site Plan - Traffic Scenario 'B' (Unified Distribution) prepared by Civica, dated 10.05.2011.
11. Proposed Parking Plan during School Use prepared by Civica, dated 10.05.2011.
12. Proposed Pedestrian Plan prepared by Civica, dated 10.05.2011.
13. Proposed On-site Traffic Signage & Existing Site Lighting prepared by Civica, dated 10.05.2011.
14. UBC Existing Educational Facility: 1st Floor Plan prepared by Civica, dated 10.05.2011.
15. UBC Existing Educational Facility: 2nd Floor Plan prepared by Civica, dated 10.05.2011.
16. Proposed Landscaping Plan prepared by Civica, dated 10.05.2011.

Revised Staff Recommendation– Condition # 1 (cont.)

Application/supporting documentation. The approvals granted herein shall be in conformance with all of the following documents (continued):

17. Planting Details Notes and Specs prepared by Civica, dated 10.05.2011.
18. Traffic Operations Plan, dated 10.05.2011.
19. Traffic Impact Study and Accumulation Assessment, prepared by Richard Garcia and Associates, Inc., dated 10.05.2011.
20. School Speed Zone Signage prepared by Civica, dated 10.05.2011.
21. No School Parking Zone Signage prepared by Civica, dated 10.05.2011.
22. Proposed School Speed Zone Signage prepared by Civica, dated 10.05.2011.
23. Parent & Student Handbook 2011 - 2012, prepared by Somerset Academy Gables.
24. Parent Contract 2011 - 2012, prepared by Somerset Academy Gables.

Revised Staff Recommendation– Condition # 1 (cont.)

Application/supporting documentation. The approvals granted herein shall be in conformance with all of the following documents (continued):

25. Attendance Contract 2011 - 2012, prepared by Somerset Academy Gables.
26. Master Calendar with events for Somerset.
27. Master Calendar combined with events for UBC.
28. 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.
29. Somerset Lease with UBC, First Amendment to Educational Facilities Lease Agreement dated 08.13.2010.
30. Planning Department Application submitted by Applicant/Agent Laura Russo, Esq., notarized 07.29.2010.
31. Reynolds, Smith and Hills, Inc., Somerset Coral Gables UBC Campus (PK-8), Traffic Review Report, dated November 2011.

Revised Staff Recommendation- Condition # 2

Implementation and compliance of all conditions of approval. Unless specified otherwise herein, **all the conditions of approval provided herein shall be in effect at which time charter school student enrollment is increased beyond 110 students.**

Revised Staff Recommendation- Condition # 3

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 school year, or the charter school vacates 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" ~~shall automatically revert~~ to the City of Coral Gables, Comprehensive Plan, Future Land Use Designation "Religious/Institutional Land Use."

Revised Staff Recommendation- Condition # 3 (cont.)

- b. **No increase in student enrollment beyond three-hundred-and-fifty (350) 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 that it shall not request any change to allow a stand-alone middle school.
- d. The charter **school shall not file any request for the use the Youth Center for any physical education and/or scholastic activities.**

The above conditions shall be included in the restrictive covenant referenced and required herein.

Revised Staff Recommendation-

Condition # 4

Coordination and monitoring of conditional use and site plan approval. The following coordination and monitoring provisions shall be required 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 three-hundred-and-fifty (350) 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 and church operations at the facility** (i.e., traffic, circulations, 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 opening of school 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 as related to traffic, traffic accumulation and traffic operational conditions per this approval.

Revised Staff Recommendation- Condition # 4 (cont.)

- 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 to all property owners and neighborhood associations within one-thousand (1,000) feet of the property. This notice shall be provided on August 1st annually. Verification of the notice shall be provided to the Planning Department on August 1st annually.

Revised Staff Recommendation- Condition # 4 (cont.)

- c. Certificate of Use. The charter school shall per applicable Zoning Code provisions **submit for a 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.

Revised Staff Recommendation- Condition # 4 (cont.)

d. **Restrictive covenant.** Within thirty (30) calendar days of approval, the Applicant and property owner, its successors or assigns 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 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.

Revised Staff Recommendation- Condition # 4 (cont.)

- 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.**

Revised Staff Recommendation- Condition # 4 (cont.)

The City shall review the **Applicant's verified 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 application 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:**

Revised Staff Recommendation- Condition # 4 (cont.)

- 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 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.

Revised Staff Recommendation- Condition # 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 Charter School of Coral Gables**. The installation of another charter school operator shall require resubmittal of a 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**.

Revised Staff Recommendation- Condition # 5 (cont.)

- a. Use of the property and facility (continued).
 - 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.**

Revised Staff Recommendation- Condition # 5 (cont.)

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 (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 the first school year, and issuance of a Certificate of Use subject to specific prerequisites for a student increase up to a maximum three-hundred-and-fifty (350) students. the second school year and annually thereafter.~~ The increase in student population shall be phased as follows:
 - i. **2012-2014 School Years: Up to two-hundred-and-sixty (260) students.**
 - ii. **2014-2015 School Year: Up to the maximum three-hundred-and-fifty (350) students.**

Revised Staff Recommendation- Condition # 5 (cont.)

b. Student mix and population (continued).

3) 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.

Revised Staff Recommendation- Condition # 5 (cont.)

c. Charter school special events.

- 1) Event permit(s) required. **All charter 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 events shall be submitted to the City 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.**

Revised Staff Recommendation- Condition # 5 (cont.)

c. Charter school special events. (continued)

- 2) Charter school 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 event parking **shall be prohibited within the rights-of-way, swales, grass areas, and lawn areas.**
- 3) Charter school event signage. **Temporary and/or permanent event signage is prohibited** both on and offsite.
- 4) Simultaneous church and charter school events. **Simultaneous church and school events shall not be permitted.** Bereavement church services shall be exempt from these provisions.

Revised Staff Recommendation-

Condition # 6

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.**

Revised Staff Recommendation- Condition # 6 (cont.)

- c. At which time the charter school increases student enrollment above one-hundred-and-ten (110) students and each year through and including the school year the school reaches up to the maximum three-hundred-and-fifty (350) students, and two (2) school years thereafter, the City shall select and engage an independent traffic consultant to perform a traffic operations review during various dates/times in order to evaluate the traffic operating conditions. The traffic operations review will be 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:
- 1) Record all vehicles entering and exiting the site during school days for the following time periods: 7:00 AM – 9:00 AM and 1:30 PM – 4:00 PM. The data will be summarized in 5, 15 and 60-minute intervals.

Revised Staff Recommendation- Condition # 6 (cont.)

- 2) On the same days and times as the vehicle counts in #1, record vehicle accumulation data 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 and dismissal shifts.**
- 3) **Record turning movement volumes at the intersection of Segovia Street and Anastasia Avenue** from 7:00 AM to 9:00 AM during the same days as #1 and #2. Use this data to conduct a level of service (LOS) analysis for this intersection.
- 4) **Observe and record the Traffic Operating Plan for the school including the efficiency of the "platooning" for student arrival/dismissal shifts; and management of pedestrian activities.**
- 5) Prepare a **photographic and/or video log of the traffic operations.**

Revised Staff Recommendation- Condition # 6 (cont.)

- 6) Frequency of use of the identified onsite traffic contingency plans for student arrivals/dismissals.

The **consultant shall provide a written analysis to the City on or about January 1st of the next calendar year.** The City shall have forty-five (45) calendar days upon receipt of the study to conclude its review of the study and **present its final findings to the charter school to determine its ability to increase or maintain student enrollment and issuance of a Certificate of Use.** 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 increase or the ability to maintain student enrollment shall be denied** with specific emphasis on the following:

Revised Staff Recommendation- Condition # 6 (cont.)

- **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
- **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.** ~~the increase in student enrollment shall be denied.~~ 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. All costs, fees, etc. associated with the study or studies referenced herein shall be the responsibility of the charter school operator identified with the submitted application on file with the City and referenced herein.

Revised Staff Recommendation- Condition # 6 (cont.)

d. Charter school dismissal/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.

Revised Staff Recommendation- Condition # 6 (cont.)

d. Charter school dismissal/arrivals 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.

Revised Staff Recommendation- Condition # 6 (cont.)

d. Charter school dismissal/arrivals traffic management.

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.** The 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 for the above shall be the responsibility of the charter school.

Revised Staff Recommendation- Condition # 7

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 and church for the sole purpose of vehicle parking and associated vehicular circulation, deliveries and pedestrian circulation.

Revised Staff Recommendation- Condition # 7 (cont.)

- 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.

Revised Staff Recommendation-

Condition # 7 (cont.)

- 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.

Revised Staff Recommendation- Condition # 7 (cont.)

- e. Charter school staging of delivery and service vehicles. **No queuing or waiting of delivery 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 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 and church 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.

Staff Recommendation- Condition # 8

8. Signs.

- a. The placement of temporary and/or permanent freestanding charter school signs is prohibited on any portion of the property.
- 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. 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.

Revised Staff Recommendation- Condition # 9

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, 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 and the property owner shall be responsible for the maintenance and upkeep of all landscaping** (except trees) on the adjoining rights-of-way of Anastasia Avenue; Cardena Street; Riviera Avenue and Segovia Street in perpetuity. This shall include removal of trash and debris.

Revised Staff Recommendation- Condition # 10

10. Other 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.

The End