



**City of Coral Gables
CITY COMMISSION MEETING
January 24, 2012**

AGENDA ITEM NO. _____

ITEM TITLE:

Ordinances on Second Reading. Change of Land Use, Conditional Use and Site Plan Review.

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; providing for severability, repealer, codification and an effective date.
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 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 date.
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 two-hundred-and-sixty (260) 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.

DEPARTMENT HEAD RECOMMENDATION:

Approval.

PLANNING AND ZONING BOARD RECOMMENDATION:

On 11.30.2011, the Planning and Zoning Board/Local Planning Agency (LPA) made the following recommendations:

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. A minimum of four (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).

BRIEF HISTORY:

The City Commission at the 12.13.2011 unanimously recommended First Reading approval (vote: 5-0) of the Change of Land Use, Conditional Use and Site Plan Review Applications. On 01.10.2012, the City Commission recommended a “continuance” of the three (3) Applications to allow the Applicant and the neighbors to continue their negotiations with reference to a private settlement agreement. The neighbors and Applicant have met on several occasions and as of this date are in the process of finalizing the settlement agreement. They expect to have the final agreement completed prior to the public hearing. Upon City Commission approval, the intent of the charter school is to proceed with its increase in students to the maximum two-hundred-and sixty (260) students in August 2012 (beginning of Miami-Dade County School year).

As a part of the negotiations, both the Biltmore Neighborhood Association (referenced as “Neighbors”) and Applicant have requested the City reexamine two (2) traffic issues after which time the charter school increases its enrollment to two-hundred-and-sixty (260) students. In summary, the requests are as follows:

- 1) Examine the traffic circulation with the intent to direct and/or minimize charter school arrival/dismissal traffic away from the adjoining residential uses.
- 2) Determine if the frequency of student arrivals/dismissals can be reduced from three (3) to two (2) time intervals.

A letter from the Neighbors’ summarizing the above request is attached as Exhibit A. The Applicant has agreed with the letter as referenced therein.

City Staff review of the requests notes the Neighbors additional conditions are very specific in nature and the City recommends a more comprehensive evaluation of the two (2) issues to allow for the formulation of conclusions/recommendations based upon advanced on-and-off-site traffic analysis. Therefore, City Staff recommends a condition be provided whereas the City shall select an independent traffic consultant to conduct a written analysis of the charter school traffic operations at the beginning of the 2012 school year through October 15, 2012 to examine the above two (2) issues. The written analysis would be provided to the City to determine if the above requests can be accommodated. If attainable, the requests would be administratively approved by City Staff and implemented in January 2013 (midyear of the Miami-Dade County School year). This analysis would result in specific data and analysis of actual on-and-off site conditions and therefore be more reflective of specific site generated traffic conditions. City Staff recommends the following new condition:

“d. Charter school student arrival/dismissal frequency refinement and traffic distribution review for two-hundred-and-sixty (260) students.”

- 1) Upon City Commission approval, the City shall select and engage an independent traffic consultant to perform a traffic operations analysis and review of charter school arrivals/dismissals during various times/dates from the start of the school year to October 15, 2012 to evaluate the following:

- a. Determine if the frequency of student arrivals/dismissals can be reduced from three (3) to two (2) time intervals. The traffic operations review shall 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:

- 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.
- b. 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 from Segovia Street via University Court/Riviera Drive and Cardena Street and channel vehicle dismissals from Cardena Street to Anastasia Avenue and Segovia Street. If attainable, 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 and associated traffic distribution may be directed away from the adjoining residential neighborhoods, such approval with or without conditions may be administratively approved by the City. The charter school upon City administrative review and approval may 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.

In addition to the above referenced conditions, since the 12.13.2011 meeting, City staff has made modifications to the conditions to clarify various conditions and changes requested by University Baptist Church representatives that were entered into the record on First Reading. The Church requested these modifications to clarify that Somerset Academy is the primary entity benefitting from the approval and thus is obligated to adhere to the conditions of approval. This does not release the Church of the ultimate obligation which is required of any other property owner in the City. The City Attorney also has

reviewed the proposed modifications and approved as to form and legal sufficiency.

The above recommended additional condition and other modifications from First Reading are identified in underline and ~~strikeout~~ format in the Ordinances attached hereto as:

Exhibit B: Change in Land Use

Exhibit C: Conditional Use (Conditions of Approval identified herein)

Exhibit D: Site Plan (Conditions of Approval identified herein)

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
12.13.11	Ordinance	Unanimous approval of all three (3) applications on First Reading (vote: 5-0).
01.10.12	Ordinance	Approved continuance of all three (3) applications to 01.24.12 Commission meeting (vote: 5-0)

OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
11.30.11	Planning and Zoning Board/ LPA	<ol style="list-style-type: none"> 1. Change in Land Use Application - “No recommendation” (5-0 vote). 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).

PUBLIC NOTIFICATION(S):

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

12.05.11	Legal advertisement (for 12.13.11 CC meeting).
12.27.11	Legal advertisement (for 01.10.12 CC meeting).
01.10.12	Legal advertisement (for 01.24.12 CC meeting).

APPROVED BY:

Department Director	City Attorney (If Applicable)	City Manager

EXHIBIT(S):

- A. 01.18.2012 Letter from Neighbors.
- B. Ordinance – Change of Land Use.
- C. Ordinance – Conditional Use Review.
- D. Ordinance – Site Plan Review.