



**City of Coral Gables
CITY COMMISSION MEETING
December 13, 2011**

E-8, E-9 & E-10

ITEM TITLE:

Ordinances on First 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; and, 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 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.
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.

(The above Ordinance titles reflect Applications filed by Somerset Academy Grace Charter School at Coral Gables, Academica and University Baptist Church hereinafter referred to as "Applicant").

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).

The additional conditions, which have been agreed to by the Applicant, are as follows:

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.
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.
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.

The above additional conditions, as modified by City Staff for clarity, have been included in ~~strikeout~~/underline format at the end of the "Brief History" section of this cover memo as "Revised Staff Recommendation".

BRIEF HISTORY:

Initial Application Submittal and City Review

The Applicant, on 07.29.2010, filed three (3) applications, to the City of Coral Gables to permit a student enrollment increase of an existing charter school currently operating at the University Baptist Church (624 Anastasia Avenue) from one-hundred-and-ten (110) students to seven-hundred-and-thirty-five (735) students. The charter school is currently operating with an enrollment of one-hundred-and-ten (110) students within the existing Church's educational buildings. The existing student enrollment is based upon a previous 1977 City Commission approval. The Building and Zoning Department issued a Certificate of Use in 2010 to operate as a charter school consistent with the 1977 City Commission approval. The three (3) applications underwent comprehensive City Department review, Development Review Committee review and Board of Architects review. City staff recommended approval of the Change in Land Use and denial of the Conditional Use and Site Plan to allow seven-hundred-and-thirty-five (735) students.

Planning and Zoning Board/Local Planning Agency Public Hearing Reviews

These Applications were considered by the Planning and Zoning Board/LPA at three (3) public hearings on 04.27.2011, 06.08.2011 and 06.22.2011. At the 06.22.2011 hearing, approximately ninety (90) interested parties provided input and testimony. Upon conclusion of the hearings, the Board recommended (6-0 vote) a continuance of all three (3) applications, with the agreement of the Applicant, in order to allow the Applicant to complete the following:

1. 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.
2. 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

The Applicant submitted revised Applications on 08.05.2011 providing for an increase from one-hundred-and-ten (110) students to four-hundred-and-thirty-six (436) students (Pre-K - Grade 8) with the Applicant proffering a "School Phasing Strategy" which included two-hundred-and-sixty (260) students in year one, three-hundred-and-forty-eight (348) students in year two, and four-hundred-and-thirty-six (436) students in year three. In summary, no exterior building additions or modifications are requested to the existing structures. Proposed onsite improvements will include traffic management pavement markings, traffic and pedestrian management signage, landscaping and a fence around perimeter of parking lot to restrict the off-site drop-off of students. Offsite improvements will include a designated bus/van drop-off and on-street parking improvements along the entire south side of Anastasia Avenue as well as pedestrian cross-walks surrounding the property.

The revised applications underwent comprehensive City Department reviews, Development Review Committee review and Board of Architects review. City Staff has recommended approval of the Change in Land Use Application and approval of the Conditional Use and Site Plan Applications to permit an increase in charter school student enrollment from one-hundred-and-ten (110) students up to a maximum of three-hundred-and-fifty (350) students subject to numerous stringent conditions of approval. Refer to the Planning Division Staff Recommendation (Staff Report) attached as Exhibit A for a detailed summary of the Application, review process, and Staff's Findings of Fact. A complete copy of the Applicants submittal is provided with this cover memo (large brown accordion folder)

Planning and Zoning Board/Local Planning Agency Public Hearing Review

On 11.30.2011, the Planning and Zoning Board/LPA conducted a public hearing and solicited public input and testimony from approximately eighteen (18) interested parties. The Board, as noted above, provided "No Recommendation" on the Change in Land Use Application and recommended approval of the Conditional Use and Site Plan Applications with additional/modified conditions. The Applicant stated on the record, they agreed to all of Staff's Recommended Conditions of Approval and the Planning and Zoning Boards additional conditions.

Revised Staff Recommendation

Staff supports the Planning and Zoning Board/ (LPA) additional and/or modified conditions. The Revised Staff Recommendation with the Planning and Zoning Board/LPA additional/modified conditions is shown in underline/~~strikeout~~ format:

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

- 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.*

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.

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:*

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.

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:*

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

a. *Statement of Use dated 8.05.2011*

b. *Draft Proffered Declaration of Restrictive Covenant, with proffered conditions of approval, prepared by Laura L. Russo, Esq., dated 8.05.2011*

c. *Aerial Photograph, prepared by Civica, dated 10.05.2011.*

d. *(Existing to Remain) Site Photographs, prepared by Civica, dated 10.05.2011.*

e. *Map of Boundary Survey for University Baptist Church of Coral Gables, prepared by Hadonne, dated 03.23.2011.*

f. *Existing South Elevation, prepared by Civica, dated 10.05.2011.*

g. *Existing East and West Elevations prepared by Civica, dated 10.05.2011.*

h. *Existing Site Plan and Zoning Data prepared by Civica, dated 10.05.2011.*

- i. *Proposed Site Plan - Traffic Scenario 'A' (Multi-Directional Distribution) prepared by Civica, dated 10.05.2011.*
 - j. *Proposed Site Plan - Traffic Scenario 'B' (Unified Distribution) prepared by Civica, dated 10.05.2011.*
 - k. *Proposed Parking Plan during School Use prepared by Civica, dated 10.05.2011.*
 - l. *Proposed Pedestrian Plan prepared by Civica, dated 10.05.2011.*
 - m. *Proposed On-site Traffic Signage & Existing Site Lighting prepared by Civica, dated 10.05.2011.*
 - n. *UBC Existing Educational Facility: 1st Floor Plan prepared by Civica, dated 10.05.2011.*
 - o. *UBC Existing Educational Facility: 2nd Floor Plan prepared by Civica, dated 10.05.2011.*
 - p. *Proposed Landscaping Plan prepared by Civica, dated 10.05.2011.*
 - q. *Planting Details Notes and Specs prepared by Civica, dated 10.05.2011.*
 - r. *Traffic Operations Plan, dated 10.05.2011.*
 - s. *Traffic Impact Study and Accumulation Assessment, prepared by Richard Garcia and Associates, Inc., dated 10.05.2011.*
 - t. *School Speed Zone Signage prepared by Civica, dated 10.05.2011.*
 - u. *No School Parking Zone Signage prepared by Civica, dated 10.05.2011.*
 - v. *Proposed School Speed Zone Signage prepared by Civica, dated 10.05.2011.*
 - w. *Parent & Student Handbook 2011 - 2012, prepared by Somerset Academy Gables.*
 - x. *Parent Contract 2011 - 2012, prepared by Somerset Academy Gables.*
 - y. *Attendance Contract 2011 - 2012, prepared by Somerset Academy Gables.*
 - z. *Master Calendar with events for Somerset.*
 - aa. *Master Calendar combined with events for UBC.*
 - bb. *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.*
 - cc. *Somerset Lease with UBC, First Amendment to Educational Facilities Lease Agreement dated 08.13.2010.*
 - dd. *Planning Department Application submitted by Applicant/Agent Laura Russo, Esq., notarized 07.29.2010.*
 - ee. *Reynolds, Smith and Hills, Inc., Somerset Coral Gables UBC Campus (PK-8), Traffic Review Report, dated November 2011.*
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 one-hundred-and-ten (110) students.*
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."*
 - 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 City of Coral Gables War Memorial Youth Center for any physical education and/or scholastic activities.

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

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.*
- 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.*
- 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.*
- 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.*
- 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.

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:

- 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.

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.*
- 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.*

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.

c. 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. 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.

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.

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.

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.*
- 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.*
- 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 issue 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: 1) 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 2) 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.

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.*

- 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.
- 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.

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.*
- 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.*
- 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.*
- 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.*

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.*

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.*

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.*

City Staff Review Supporting Information

The Planning Division Staff Recommendation attached as Exhibit A provides a detailed summary of the Applications, review process and Findings of Fact. In addition, the following additional background information is provided:

- B. Draft Ordinance – Change of Land Use.
- C. Draft Ordinance – Conditional Use Review.
- D. Draft Ordinance – Site Plan Review.
- E. 11.10.11 revised Preliminary Zoning Analysis prepared by Building and Zoning Department. 10.19.11 Staff report with attachments.
- F. Reynolds, Smith and Hills, Inc., Somerset Coral Gables UBC Campus (PK-8), Traffic Review Report, November 2011.
- G. 11.14.2011 Police Department Memorandum.
- H. Legal notices published (2 legal ads).
- I. 11.04.2011 Copy of courtesy notice mailed to all property owners within 2,000 feet.
- J. CD with all Public comments received.
- K. 11.30.11 Planning and Zoning Board Verbatim Minutes with speaker cards and attendance sign-in sheets.
- L. 12.13.2011 City Staff PowerPoint Presentation.

A complete copy of the Applicants submittal is provided with this cover memo (large brown accordion folder) and a DVD of the 11.30.2011 Planning and Zoning Board Public Hearing proceedings.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
N/A		

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 on City web page/City Hall/Youth Center (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 on City web page/City Hall for revised Application (for 11.30.11 PZB meeting).
12.05.11	Legal advertisement (for 12.13.11 CC meeting).

APPROVED BY:

Department Director	City Attorney (If Applicable)	City Manager
		

EXHIBIT(S):

- A. 11.30.11 Planning Division Staff Report.
- B. Draft Ordinance – Change of Land Use.
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