



City of Coral Gables

Implementing Order of the City Manager

Implementing Order No.: 2021-01 **Title:** Expanded notice requirements to MDCPS

Ordered: October 27, 2020 Effective: December 8, 2020

AUTHORITY: Resolution Nos. 2020-245, 2020-265

PURPOSE

The purpose of this Implementing Order is to establish a process for providing expanded notification to MDCPS as per Resolution Nos. 2020-245 and 2020-265.

APPLICABILITY

This Order applies only to zoning applications that otherwise require mailed notice to be sent to the Miami-Dade County Public School District (MDCPS) pursuant to the Zoning Code.

ADVISEMENT TO ZONING CONSULTANTS

City staff shall send an informational correspondence to the zoning consultants who regularly provide radius maps and mailed notice service within the City of Coral Gables. The correspondence should explain the requirements of Resolution Nos. 2020-245 and 2020-265 and provide the contact information of a staff member should the recipient require further information. A list of commonly used zoning consultants can be found at www.coralgables.com/pzb and www.coralgables.com/ba.

INTERNAL PROCESS WHEN CITY IS THE APPLICANT

For city-initiated zoning applications that require mailed notification, Zoning or Historical Resources staff, as the case may be, will request a list of all public schools within the mailing radius at the same time that it requests the addresses for the mailing labels from the Information Technology Department. For any public school within the mailing radius, City staff will mail notice of the zoning application to the Office of the Superintendent, the principal of the affected school, the District Six School Board Member and the Office of the Chair and Vice Chair of the Miami-Dade County School Board. City staff will also provide notice and a copy of the zoning application to the Board Liaison and Board Secretary of the School Community Relations Committee ("SCRC"), who will place the item on the SCRC agenda for the board's information.

INTERNAL PROCESS FOR OUTSIDE APPLICANT

Outside applicants will be responsible for sending notices to the additional MDCPS recipients as required by Resolution Nos. 2020-245 and 2020-265. An affidavit that specifies the expanded notice requirements for MDCPS has been added to the list of materials required to be completed for the Planning & Zoning Board, Historic Preservation Board and Board of Adjustment applications. Outside applicants will be required to sign and submit the affidavit with other required materials prior to their submittal to the

boards. For outside applications, Planning staff or Historical Resources staff will alert the SCRC Board Liaison and Board Secretary of any zoning applications that trigger expanded notice prior to the application being heard at the Planning and Zoning Board, Board of Adjustment, or any public hearing requiring mailed notice. The SCRC Board Secretary will include the application for notification purposes to the school community in an upcoming SCRC meeting agenda.

APPROVED BY:

A handwritten signature in blue ink, appearing to read 'P. Iglesias', written over a horizontal line.

Peter J. Iglesias, P.E.

City Manager

A handwritten date '3/15/21' in blue ink, written over a horizontal line.

Date

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2020-245

A RESOLUTION OF THE CITY COMMISSION DIRECTING THAT WHEN THE CORAL GABLES ZONING CODE REQUIRES THAT NOTIFICATION BE PROVIDED TO MIAMI-DADE COUNTY PUBLIC SCHOOLS, SUCH NOTIFICATION SHOULD BE SENT THROUGH THE OFFICE OF THE SUPERINTENDENT, AND FURTHER DIRECTING THAT IN SUCH CASES, COURTESY NOTICE BE PROVIDED TO THE PRINCIPAL OF THE SCHOOL SITE PHYSICALLY LOCATED WITHIN THE NOTICE AREA AND TO THE CORAL GABLES SCHOOL COMMUNITY RELATIONS COMMITTEE, FOR THE PURPOSE OF FACILITATING NOTIFICATION TO THE SCHOOL COMMUNITY.

WHEREAS, on October 16, 2020 the Coral Gables School Community Relations Committee (“SCRC”) discussed the upcoming construction of a Wawa Convenience Store located at 280 South Dixie Highway, Coral Gables, Florida 33133; and

WHEREAS, the history and approval process of the Wawa, including highlights of the settlement agreement that resolved litigation between Miami-Dade County, Bahamian Village, LLC., the Lola B. Walker Homeowners Foundation of Coral Gables, Inc., and the City of Coral Gables, is set forth in City Attorney Opinion 2020-003; and

WHEREAS, there is no requirement that City Attorney Opinions be mailed, however, on January 30, 2020, the developer mailed City Attorney Opinion No. 2020-03 to property owners within 1000 feet of the proposed Wawa site, including to Miami-Dade County Public Schools (MDCPS), the property owner of record of George Washington Carver Elementary School and George Washington Carver Middle School; and

WHEREAS, aggrieved parties may appeal a City Attorney Opinion by filing such appeal with the Circuit Court within thirty days, in accordance with Section 2-702 of the Zoning Code; and

WHEREAS, in this instance, no such appeal was filed, and the Wawa project is moving forward; and

WHEREAS, despite the efforts to ensure affected property owners in the area were apprised of the incoming development, representatives from MDCPS have stated that MDCPS did not receive the City Attorney Opinion, were unaware the Wawa was approved, and expressed disappointment that the City did not communicate directly with the Superintendent’s Office or the

school sites located within 1000 feet of the site, though in this case such communication was not required; and

WHEREAS, the City Commission believes that when notice is otherwise required to be mailed by the Zoning Code, and a school is one of the properties within the required notice area, that notice should be mailed to MDCPS through the Office of the Superintendent specifically; and

WHEREAS, the City acknowledges that in most cases, notice is provided by the property owner/applicant of a project as opposed to the City; in such cases, the property owner/applicant should ensure notice is mailed to MDCPS through the Office of the Superintendent, where such notice is otherwise required; and

WHEREAS, to facilitate the expanded notification intended by this resolution, City staff will contact the most commonly utilized zoning consultants in the City, who are in the business of providing radius maps and certified lists of property owners to property owners/applicants and developers, to advise them of this resolution and to request that the “Office of the Superintendent” be added to the listed address for MDCPS; and

WHEREAS, on October 16, 2020, the SCRC passed a resolution urging the City Commission to notify the SCRC of development projects that affect Coral Gables schools for the purpose of facilitating notification of such projects to the parents of children who attend the affected school/s; and

WHEREAS, Resolution No. 2015-87 revised the scope and purpose of the SCRC, and states that the Committee shall provide an opportunity for dialogue and collaboration between the schools under its purview (including George Washington Carver Elementary and Middle Schools) and their neighbors, including the City of Coral Gables; and

WHEREAS, the City Commission finds that members of the SCRC, and all City boards both advisory and quasi-judicial, have a duty to be factual, accurate, and truthful when sharing information in their capacity as board members and while acting as liaisons between residents, community stakeholders, City Staff and elected and appointed officials; and

WHEREAS, in addition to sending notice to MDCPS through the Office of the Superintendent, courtesy notice should also be provided to the principal of the school site physically located within the notice area and to the School Community Relations Committee, for the purpose of facilitating notification to the school community;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. The Commission hereby directs that when notice is otherwise required to be mailed by the Zoning Code; and a Miami-Dade County public school is one of the properties within the required notice area, that notice should be mailed to Miami-Dade County Public Schools through the Office of the Superintendent.

SECTION 3. The Commission hereby directs that in addition to sending notice to Miami-Dade County Public Schools through the Office of the Superintendent, courtesy notice should be provided to the principal of the school site physically located within the notice area and to the School Community Relations Committee, for the purpose of facilitating notification of the school community.

SECTION 4. The Commission hereby directs staff to contact the most commonly utilized zoning consultants in the City, who are in the business of providing radius maps and certified lists of property owners to property owners/applicants and developers, to advise them of this resolution and its requirements.

SECTION 5. The Commission finds that members of the School Community Relations Committee, and all City boards, have a duty to be factual, accurate, and truthful when sharing information in their capacity as board members and while acting as liaisons between residents, community stakeholders, City Staff and elected and appointed officials, and directs that they proceed accordingly.

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

PASSED AND ADOPTED ON THIS TWENTY-SEVENTH DAY OF OCTOBER,
A.D., 2020.

(Moved: Lago/ Seconded: Mena)

(Yeas: Keon, Lago, Mena, Fors, Jr., Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: 2-3)



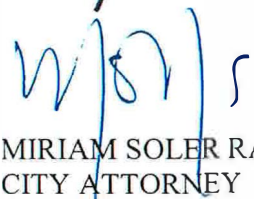
RAUL VALDES-FAULI
MAYOR

ATTEST:



BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS
CITY ATTORNEY

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2020-265

A RESOLUTION OF THE CITY COMMISSION AMENDING RESOLUTION NO. 2020-245 TO ADD THE DISTRICT SIX SCHOOL BOARD MEMBER TO THE PARTIES THAT SHOULD RECEIVE A COURTESY NOTICE WHEN THE CORAL GABLES ZONING CODE REQUIRES THAT NOTIFICATION BE PROVIDED TO MIAMI-DADE COUNTY PUBLIC SCHOOLS.

WHEREAS, on October 27, 2020, the City Commission passed Resolution No. 2020-245, requiring that when the Zoning Code requires notice to be mailed to Miami-Dade County Public Schools (MDCPS) that notice should be mailed through the Office of the Superintendent, specifically, and a courtesy notice should be provided to the principal of the school site located within the notice area, and to the Coral Gables School Community Relations Committee (SCRC); and

WHEREAS, at its meeting on October 30, 2020, the SCRC passed a resolution urging that the City Commission take further action in regards to noticing MDCPS, including adding the District Six School Board Member to the list of recipients who should receive courtesy notice when the Zoning Code requires notification be provided to MDCPS; and

WHEREAS, the City Commission declined to adopt the SCRC's resolution in full but did agree to extend the courtesy notifications contemplated in Resolution No. 2020-245 to the District Six School Board Member; and

WHEREAS, the City continues to acknowledge that in most cases, notice is provided by the property owner/applicant of a project as opposed to the City; in such cases, the property owner/applicant should ensure the notice and courtesy notice requirements of all applicable state and local laws and resolutions are complied with;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. The Commission hereby amends Resolution No. 2020-245 to add the District 6 School Board Member to the parties that should receive a courtesy notice when the Coral Gables Zoning Code requires that notification be provided to Miami-Dade County Public Schools.

SECTION 3. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS EIGHTH DAY OF DECEMBER, A.D., 2020.

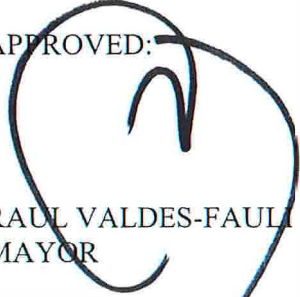
(Moved: Mena / Seconded: Keon)

(Yeas: Lago, Mena, Fors, Jr., Keon, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: 2-2)

APPROVED:



RAUL VALDES-FAULI
MAYOR

ATTEST:



BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS
CITY ATTORNEY



City of Coral Gables
Development Services Department

Affidavit Attesting to Public Notice of Zoning Application

Property Owner or Authorized Representative:

Property Address and Folio Number(s):

I, as property owner or Authorized Representative of the above described property attest that on (date) _____, I sent by U.S. Mail to each person on the list of names and addresses attached a true copy of the attached notice letter.

I further attest that I have complied with the requirements of Resolution No. 2020-245 and Resolution No. 2020-265 (requiring additional notice to Miami-Dade County Public Schools "MDCPS") as indicated below:

____ This application required notice to be sent to MDCPS and I have complied with the additional notice requirements in Resolutions No. 2020-245 and 2020-265.

____ This application did not require notice to be sent to MDCPS.

I HEREBY CERTIFY that all information contained in this Affidavit is true and accurate. Under penalty of perjury, I declare that I have read the foregoing document and that the facts stated in it are true. Further, I acknowledge that I am subject to the City's False Claims Ordinance (Ch. 39, City of Coral Gables Code).

Affiant's Printed Name: _____

Affiant's Signature.: _____ Date: _____

Notary Public Affirmation

SWORN AND SUBSCRIBED before me, this _____ day of _____, 20 _____, personally appeared _____, being personally known to me () or having produced as identification _____, and who being fully sworn and cautioned, states that the foregoing is true and correct to the best of his/her knowledge and belief.

Signature of Notary: _____

Print Name: _____

Notary Public Stamp:

My Commission Expires: