



To: Ramon Trias

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in black ink, appearing to be "CL", is written over the "From:" line.

RE: Legal Opinion Regarding St. Augustus Church Bookstore

Date: April 14, 2015

It is my understanding that the religious bookstore will only be open to members of the church as part of its ministry, and less than 200 square feet in size. After consultation with special counsel, and consistent with the aforementioned facts, it is my office's opinion that the bookstore should be allowed as an accommodation and accessory use to the primary religious use under the First Amendment, RLUIPA, and other applicable law, and can be approved administratively (it need not go through conditional use review). This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

Herbello, Stephanie

From: Leen, Craig
Sent: Tuesday, April 14, 2015 6:01 PM
To: Herbello, Stephanie
Subject: FW: FW: ST. AUGUSTINE CHURCH - Status.

Importance: High

Please place in the opinion folder.

Craig E. Leen, City Attorney
*Board Certified by the Florida Bar in
City, County and Local Government Law*
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com

From: Leen, Craig
Sent: Tuesday, April 14, 2015 5:22 PM
To: Trias, Ramon
Cc: Ramos, Miriam
Subject: RE: FW: ST. AUGUSTINE CHURCH - Status.
Importance: High

Ramon,

Please see below. It is my understanding that the religious bookstore will only be open to members of the church as part of its ministry, and less than 200 square feet in size. After consultation with special counsel, and consistent with the aforementioned facts, it is my office's opinion that the bookstore should be allowed as an accommodation and accessory use to the primary religious use under the First Amendment, RLUIPA, and other applicable law, and can be approved administratively (it need not go through conditional use review). This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

Craig E. Leen, City Attorney
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405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com

From: Ramos, Miriam
Sent: Tuesday, April 14, 2015 2:18 PM

To: Leen, Craig
Subject: FW: FW: ST. AUGUSTINE CHURCH - Status.

Craig,

I spoke to the attorney representing St. Augustine yesterday. They are not opposed to applying for a permit if we waive the fee, which you and I are willing to do. It seems, however, that there is a zoning issue (see below). Please let me know your thoughts as to how best we can accommodate. Abby agrees that accommodations are proper in light of first amendment issues that may arise.

Miriam S. Ramos, Esq.
Deputy City Attorney
City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
(305) 460-5218
(305) 460-5084 direct dial

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From: Rodriguez, Steven
Sent: Tuesday, April 14, 2015 9:01 AM
To: Ramos, Miriam
Subject: RE: FW: ST. AUGUSTINE CHURCH - Status.

Dear Miriam,
Good Morning.

Please note that permit application BL-15-02-1288, has been fully reviewed and is currently in the Building Department, Rejection Shelf awaiting pick up from the architect, Anne Jackaway, to make the required corrections and/or to submit additional information.



Home Citizen

▲ Permits and Ins



Type INT / EXT A

Permit Description

**INTERIOR AND EXTI
(ST AUGUSTINE CA
\$25,000**

Viewing Permit

Sub Permit #

AB-15-02-0706

EL-15-02-1350

ME-15-02-1401

Details

- DATE CREATED/S
- LOCAT
- DATE OF LAST
- BUILDING
- CONCURRENC
- ELECTRICA
- FIR
- HISTORICA
- IN
- MECHANICA
- PLUMBING
- PUBLIC WORKS
- STRUCTURA
- ZONING
- COMMERCIAL/RES
- OWNED BY CITY (
- INTER ALTER, PO

The pending comments are:

Concurrency Div.:

THE PROPOSED RETAIL STORE IS A CHANGE OF USE AND REQUIRES REVIEW BY THE DEVELOPMENT REVIEW COMMITTEE. CONTACT SCOT BOLYARD AT THE PLANNING & ZONING DEPARTMENT - (305) 460-5212. THIS PROPERTY IS IN THE "S" SPECIAL USE DISTRICT AND RETAIL SALES & SERVICES IS NOT A PERMITTED USE IN "S" USE DISTRICT. CONTACT CONCURRENCY ADMINISTRATOR. CONDITIONAL USE APPROVAL IS REQUIRED FOR THE RETAIL STORE IF THE USE IS PERMISSIBLE. DO NOT PROCEED WITH THE COMMENTS BELOW UNTIL THE APPLICANT MEETS WITH STAFF. SUBMIT A DERM SEWER CAPACITY CERTIFICATION APPLICATION TO THE CITY OF CORAL GABLES PUBLIC WORKS DEPARTMENT, SANITARY SEWER DIVISION, LOCATED AT 2800 S.W. 72ND AVENUE - (305) 460-5002. MUST TAKE PLANS TO MIAMI-DADE DERM PLAN REVIEW SECTION, LOCATED AT 11805 CORAL WAY, MIAMI, FL. - (786) 315-2800) OR 701 NW 1ST COURT - (305) 372-6789. OBTAIN AN ALLOCATION LETTER FROM MIAMI-DADE SANITARY SEWER DIVISION, LOCATED AT 11805 CORAL WAY AND 3575 S. LE JEUNE ROAD - (305) 669-7701. PROVIDE A COPY OF THE SERVICE AGREEMENT OR BILLING RECEIPT FROM MIAMI-DADE WATER & SEWER DEPT., LOCATED AT 11805 CORAL WAY AND 3575 LE JEUNE ROAD. (ATTACH DOCUMENTS TO THE CERTIFICATE OF USE APPLICATION) TAKE PLANS TO THE MIAMI-DADE ROAD IMPACT FEE OFFICE FOR PAYMENT OF ROAD IMPACT FEES, LOCATED AT 11805 CORAL WAY. THE APPLICANT MUST OBTAIN A CERTIFICATE OF USE IF THE BOOK STORE IS A SEPARATE OPERATOR FROM THE CHURCH - PROCESSING FEE \$114.19. (NOTE: AFTER A BUILDING PERMIT HAS BEEN ISSUED, MUST TAKE CU APPLICATION TO (DERM) FOR APPROVAL. (CONTACT CONCURRENCY ADMINISTRATOR WHEN READY TO PROCEED WITH THIS PROCESS). APPLY FOR A CONCURRENCY IMPACT STATEMENT - CONTACT CONCURRENCY ADMINISTRATOR WHEN READY TO PROCEED WITH THIS PROCESS. PROCESSING FEE - \$190.31. CONCURRENCY FEES ARE APPLICABLE AT \$0.15 CENTS PER GROSS SQUARE FOOT FOR A CHANGE OF USE (RETAIL STORE). (NOTE: FEES ARE DUE AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT). FURTHER REVIEW REQUIRED.

And

Zoning Div.:

1. PAGE A-1, PROVIDE ZONING LEGEND WITH THE TOTAL SQUARE FOOTAGE OF THE RETAIL SPACE AND THE APPLICABLE OFF STREET PARKING.
2. PROVIDE A COPY OF THE DEVELOPMENT REVIEW COMMITTEE APPROVAL LETTER FOR THE CHANGE OF USE FROM BACK OF HOUSE TO RETAIL (BOOK STORE).
3. PROVIDE A CURRENT SIGNED AND SEALED SURVEY.
4. FURTHER REVIEW REQUIRED.

Regards,
Steven Rodriguez
Zoning Tech.
T: 305-476-7216

From: Ramos, Miriam
Sent: Monday, April 13, 2015 4:20 PM
To: Rodriguez, Steven
Subject: FW: FW: ST. AUGUSTINE CHURCH - ZONING COMMENTS

Good afternoon Steven,

I look forward to meeting you, in person, soon. Please see below and let me know if there is a zoning issue pending with the small book store St. Augustine would like to have on their property.

Thank you,

Miriam S. Ramos, Esq.

Deputy City Attorney
City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
(305) 460-5218
(305) 460-5084 direct dial

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From: Thomas H. Courtney [<mailto:thc@jpfitzlaw.com>]
Sent: Monday, April 13, 2015 4:09 PM
To: Ramos, Miriam
Subject: FW: FW: ST. AUGUSTINE CHURCH - ZONING COMMENTS

Miriam,

Thank you for taking the time to speak with me today regarding this issue. I believe that a good resolution would be to have my client apply for a permit if the fee is waived. However, I am concerned that the City is also raising a zoning issue which I believe is legally improper. As I mentioned, operating a small bookstore (less than 200 square feet) is within the traditional mission of the Church and a common element in many parishes. It is possible that I am misconstruing the requirements of the City which are identified below in the chart. So, I appreciate your guidance and I look forward to discussing the issue again.

Tom

Thomas H. Courtney, Esq.
J. Patrick Fitzgerald & Associates, P.A.
110 Merrick Way, Suite 3-B
Coral Gables, FL 33134
305-443-9162 ext. 15
305-443-6613 telefax
thc@jpfitzlaw.com

----- Forwarded message -----

From: Anne Jackaway <ajackaway@jackawayarchitects.com>
Date: Fri, Mar 20, 2015 at 5:44 PM

Subject: FW: ST. AUGUSTINE CHURCH - ZONING COMMENTS

To: "Toni Pallatto (tjpallatto@saintaugustinechurch.org)" <tjpallatto@saintaugustinechurch.org>

Toni...we need to call the bookstore something else...Zoning is turning this into a big deal, which it shouldn't be....we need to talk about this...see below.

Anne Jackaway, AIA, President

Anne Jackaway Architecture, Inc.

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2630 Southwest 28th Street, Suite 62, Coconut Grove, Florida, 33133 U S A

Ph. 305-858-0990 Office cell; 305-381-5811 Office; 305-297-0220 Direct

www.JackawayArchitects.com

From: harry3k@gmail.com [mailto:harry3k@gmail.com] **On Behalf Of** Harry Sanchez

Sent: Friday, March 20, 2015 10:25 AM

To: Anne Jackaway

Subject: ST. AUGUSTINE CHURCH - ZONING COMMENTS

ZONING PLAN REVIEW	przoning - ZONING PLAN REVIEW	srodriguez	03/09/2015	03/17/2015	DEFERRED	ZONING COMMENT #1 1. PAGE A-1, PROVIDE ZONING LEGEND WITH THE TOTAL SQUARE FOOTAGE OF THE RETAIL SPACE AND THE APPLICABLE OFF STREET PARKING. 2. PROVIDE A COPY OF THE DEVELOPMENT REVIEW COMMITTEE APPROVAL LETTER FOR THE CHANGE OF USE FROM BACK OF HOUSE TO RETAIL (BOOK STORE). 3. PROVIDE A CURRENT SIGNED AND SEALED SURVEY. 4. FURTHER REVIEW REQUIRED. REVIEW BY: STEVEN RODRIGUEZ ZONING TECH. EMAIL: srodriguez@coralgables.com CITY WEB SITE: www.coralgables.com
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Toni J. Pallatto
Director of Development and Student Center
St Augustine Catholic Church & Student Center

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