



**City of Coral Gables
CITY COMMISSION MEETING
September 14, 2010**

ITEM TITLE:

- 1. University of Miami Development Order.** An Ordinance of the City Commission of Coral Gables granting approval of a Development Order for the University of Miami pursuant to Zoning Code Article 3, Division 19, entitled "Development Agreements," for the University of Miami, City of Coral Gables Campus, for the area bounded by Ponce de Leon Boulevard, Red Road (SW 57th Avenue), Mataro Avenue, San Amaro Drive, Campo Sano Drive, Pisano Avenue and Carillo Street, Coral Gables, Florida; providing for incorporation of Ordinance No. 2946 through UMCAD approvals up and including Ordinance 2007-16, an amendment to Resolution No. 2003-7, an amendment to certain provisions of Ordinance No. 2007-16 with respect to the timing of certain obligations and modifications of Declaration of Covenants recorded on October 3, 2007, at OR Book 25968, Pages 4593-4609; and providing for severability, repealer, codification, and an effective date.
- 2. Zoning Code Text Amendment - Article 3, Division 19, "Development Agreements".** An Ordinance of the City Commission of Coral Gables granting approval of an amendment to Zoning Code Article 3, Division 19, entitled "Development Agreements", Section 3-1907, entitled "Contents of development agreement/recording", by increasing the duration of a development agreement from not to exceed ten (10) years to not to exceed twenty (20) years; and providing for severability, repealer, codification, and an effective date.

DEPARTMENT HEAD RECOMMENDATION:

The Planning Department recommends approval of the following:

1. Ordinance of the City Commission of Coral Gables granting approval of a Development Order for the University of Miami pursuant to Zoning Code Article 3, Division 19, entitled "Development Agreements," for the University of Miami, City of Coral Gables Campus, for the area bounded by Ponce de Leon Boulevard, Red Road (SW 57th Avenue), Mataro Avenue, San Amaro Drive, Campo Sano Drive, Pisano Avenue and Carillo Street, Coral Gables, Florida; providing for incorporation of Ordinance No. 2946 through UMCAD approvals up and including Ordinance 2007-16, an amendment to Resolution No. 2003-7, an amendment to certain provisions of Ordinance No. 2007-16 with respect to the timing of certain obligations and modifications of Declaration of Covenants recorded on October 3, 2007, at OR Book 25968, Pages 4593-4609; and providing for severability, repealer, codification, and an effective date. (see Exhibit A)
2. An Ordinance of the City Commission of Coral Gables granting approval of an amendment to Zoning Code Article 3, Division 19, entitled "Development Agreements", Section 3-1907, entitled "Contents of development agreement/recording", by increasing the duration of a development agreement from not to exceed ten (10) years to not to exceed twenty (20) years; and providing for severability, repealer, codification, and an effective date. (see Exhibit B)

See Exhibit C for the Planning Department Staff report.

PLANNING AND ZONING BOARD RECOMMENDATION:

On 08.11.2010, the Planning and Zoning recommended unanimous approval (6-0 vote) of the Development Order with modifications and the Zoning Code text amendment. See Exhibit D for verbatim Board minutes.

BRIEF HISTORY:

The University of Miami Development Agreement and the Zoning Code text amendments are associated with amendments to the Comprehensive Plan (CP) text and map which were recommended for “Transmittal” and approval by the Planning and Zoning Board on 06.24.2010 and transmittal by the City Commission on 06.30.2010.

The Planning Department transmitted the CP amendment to the DCA on 07.01.2010. The CP amendments are considered “large scale” amendments according to the Florida Statutes thresholds, therefore these amendments require outside agencies review which includes South Florida Regional Planning Council (SFRPC), Department of Environmental Protection, Department of Transportation, Department of State, South Florida Water Management District and Miami-Dade County. The SFRPC on 08.02.2010 found the request “to be generally consistent with the Strategic Regional Policy Plan for South Florida”. Second reading of the Development Agreement and Zoning Code text amendment will be considered when the DCA concludes its review of the Comprehensive Plan map and text amendment.

Development Agreement

Pursuant to Chapter 163, Florida Statutes, local governments may enter into development agreements to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development. This DA provides such commitments.

The DA and all exhibits is provided within the large white binder. The DA includes the following Terms and Conditions:

- A Statement of Intent.
- Definitions.
- Required University and City Annual Meeting.
- A series of UM-City community enrichment and benefit programs (estimated by the University to have a value of \$6.5 million).
- Financial participation in Ponce de Leon Boulevard beautification improvements.
- Hurricane Athletic Ticket Programs providing for “buy one, get three” tickets for “Coral Gables Day” and free tickets to home games of men’s and women’s basketball and men’s baseball teams.
- Student Enrollment management system.
- The use, intensity of uses previously authorized for the UM Campus consistent with previous UMCAD approvals.
- Comprehensive Plan and Future Land Use Map Amendments.
- Proposed new University Campus District (UCD) zoning district to replace the current UMCAD Zoning District regulations. Assignment of the new UCD to the University campus. These items are scheduled for Planning and Zoning Board consideration on 09.15.2010.
- Bank United Center seating expansion to 9,830 seats (actual installation of seats subject to approval of a Parking and Traffic Management Program – including event management and security plans).
- Amendment to UMCAD approval for Bank United Center to allow the sale of alcoholic beverages (beer and wine) and free ticket program (at least \$20,000 per year) for residents.
- Limitations on Miscellaneous uses and Temporary Occupancies.
- Amendments to existing UMCAD 2006 providing for time extensions for the construction of the internal road and access points so long as buildings linked to the road are not constructed.
- Preparation and implementation of a Mobility Plan.

- Conveyance of internal streets and internal waterways to the UM.
- Re-conveyance of fire station property to UM.
- Payment of consideration and mitigation by UM (\$22 million in cash payments over 20 years).
- Provision preserving City's authority to collect impact fees, special assessment and other municipal fees.
- Preserving all Existing UMCAD obligations, except as expressly modified in DA.
- Default, enforcement and other legal provisions.

A comprehensive presentation of the DA and associated exhibits will be presented at the meeting. This will include a PowerPoint presentation.

Zoning Code Text Amendment

An amendment to the Zoning Code text is necessary to accommodate the twenty (20) term of the DA. State law was amended after the Zoning Code updated to extend the permitted term of development agreements from 10 to 20 years. Therefore, Staff Zoning Code, Section 3-1907, entitled "Contents of development agreement/recording", has been increased from the current ten (10) year term to twenty (20) years to ensure the enforceability of the UM payment schedule.

Updated public comments are attached as Exhibit E.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
N/A		

OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
08.11.10	Planning and Zoning Board	Unanimously recommended approval of the Development Order and Zoning Code text amendment with modifications (vote: 6-0)

PUBLIC NOTIFICATION(S):

Date	Form of Notification
Courtesy notification of all property owners within 1,500 feet of the subject property (in excess of required 1000 feet)	07.23.10
Newspaper ad w/ map published	07.28.10 and 09.04.10
Posted courtesy notice on City web page	07.26.10
Posted ad on City web page	07.26.10
Posted property (30+ signs)	07.26.10
Posted agenda on City web page/City Hall	07.26.10
University per the request of Planning Staff conducted a neighborhood meeting	08.04.10
Posted Staff report, Development Agreement, application and all exhibits on City web page	08.06.10
Newspaper ad with Ordinance titles published	09.03.10
Newspaper ad w/ map published	09.07.10
Posted Staff report, Development Agreement, application and all exhibits on City web page	09.10.10

APPROVED BY:

Department Director	City Attorney (If Applicable)	City Manager

EXHIBIT(S):

- A. Ordinance – University of Miami Development Order
- B. Ordinance – Zoning Code Text Amendment
- C. 08.11.2010 Planning Department Staff Report
- D. 08.11.2010 Planning and Zoning Board Verbatim Minutes
- E. Updated Public Comments