

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING THE CITY OF CORAL GABLES AND UNIVERSITY OF MIAMI DEVELOPMENT AGREEMENT, ADOPTED BY ORDINANCE NO. 2010-31 ON 09.28.10, PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 19, ENTITLED “DEVELOPMENT AGREEMENTS”, FOR THE UNIVERSITY OF MIAMI, CITY OF CORAL GABLES CAMPUS, AMENDING PARAGRAPH 19 OF THE DEVELOPMENT AGREEMENT (“INTERNAL ROAD AND ACCESS“) THAT GOVERNS INTERNAL CIRCULATION ON THE CORAL GABLES CAMPUS, MODIFYING THE SCOPE AND SCHEDULE OF PHASE II OF THE INTERNAL ROAD, PROVIDING FOR CONDITIONS OF APPROVAL, PROVIDING FOR ENFORCEMENT, PROVIDING FOR A REPEALER PROVISION, PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE)

**WHEREAS**, an application was submitted requesting an amendment to the City of Coral Gables and University of Miami Development Agreement, adopted by Ordinance No. 2010-31 on September 28, 2010, pursuant to Zoning Code Article 3, Division 19, entitled “Development Agreements”, for the University of Miami, City of Coral Gables Campus, amending Paragraph 19 of the Development Agreement that governs internal circulation on the Coral Gables campus, to modify Phase II of the Internal Road; and,

**WHEREAS**, the University explained and justified the modifications to Phase II of the Internal Road in the Phase II Internal Road Modification Justification Report (“Justification Report”) prepared by the professional engineering firm of Keith and Schnars, revised January 29, 2016;

**WHEREAS**, the modification to Phase II of the Internal Road is justified to reflect the University’s substantial progress in reducing traffic in the portion of the campus perimeter north of Lake Osceola through its use of integrated mobility strategies described in the Justification Report;

**WHEREAS**, after notice of public hearing duly published and notification of all property owners of record within one thousand (1000) feet of the property, a public hearing was held before the Planning and Zoning Board on December 9, 2015, at which hearings all interested persons were afforded the opportunity to be heard; and,

**WHEREAS**, at a public hearing held on December 9, 2015, the Planning and Zoning Board recommended approval of the amendment to the University of Miami Development Agreement with conditions (vote: 6-0); and,

**WHEREAS**, the City Commission held a public hearing on April 12, 2016 at which hearing all interested persons were afforded an opportunity to be heard and this application for an

amendment to the Development Agreement was approved on first reading (vote: 5-0); and,

**WHEREAS**, the City Commission held a public hearing on November 15, 2016 at which hearing all interested persons were afforded an opportunity to be heard and this application for an amendment to the Development Agreement was (approved/denied) on second reading (vote: \_\_-\_\_); and,

NOW, THEREFORE, BE IT ORDAINED 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 hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** The City finds that the amendment to the development agreement is justified by the Justification Report, consistent with the City’s comprehensive plan, and furthers the health, safety, and welfare of the City of Coral Gables.

**SECTION 3.** The University shall construct Phase II of the Internal Road as follows:

3.1 The route for Phase II shall be constructed in accordance with the document titled “Revised Approach to Phase II of the Internal Road” attached hereto as Exhibit A which expressly supersedes and repeals any prior iteration of an internal circulation plan referred to as the Internal Road.

3.2 The scope of work for Phase II connecting the parking lots shall be constructed in accordance with the plan entitled “Figure 9 Proposed Modification to Phase II Internal Road” prepared by Keith and Schnars, dated January 29, 2016, attached hereto as Exhibit B.

3.3 The University shall prepare and submit construction documents for improvements to install sidewalk, trees, and lamppost lighting along the western side of the public right-of-way on Pisano Avenue from Campo Sano to University Drive; no changes to the sidewalk shall be included along Campo Sano by the University nor the intersections of Pisano Avenue and Campo Sano, nor Pisano Avenue and University Drive.

3.4 Any and all prior conditions of approval attached to the University’s obligation to construct the Internal Road are hereby rescinded except as set forth herein.

**SECTION 4.** The City of Coral Gables and University of Miami Development Agreement, adopted by Ordinance No. 2010-31 on September 28, 2010 is hereby amended as follows (changes in ~~strike-through~~ / underline format):

## **19. Internal Road and Access.**

- a. Ordinance #2007-16, passed and adopted March 27, 2007 ~~previously recorded on October 3, 2007 in the public records at OR Book 25968, Pages 4593-4609 (UMCAD 2006), and the concurrent declaration of Covenants and Restrictions, recorded on October 3, 2007 in the public records at OR Book 25968, Pages 4593-4609,~~ are hereby amended as follows:

- i. for submitting construction plans for the entire Internal Road to:
    - a. December 31, 2015~~6~~, or
    - b. The issuance of a building permit for any 2006 UMCAD amendments located north of Lake Osceola, or
    - c. the issuance of a building permit for UMCAD 2006 Amendment H4, ~~whichever occurs first; or~~
    - d. the issuance of a building permit for UMCAD 2006 Amendment H22, whichever occurs first.
  
  - ii. for the completion of the construction of the closure/relocation/consolidation of access drives and the realignment of the existing Miller Road to south of the arboretum to:
    - a. December 31, 2015~~6~~, or
    - b. City approval/acceptance of a certificate of occupancy for 2006 UMCAD Amendment H21, whichever occurs first;
  
  - iii. for the completion of the Internal Road to:
    - a. December 31, 2017, or
    - b. City approval/acceptance of a certificate of occupancy for 2006 UMCAD Amendment H4, ~~whichever occurs first; or~~
    - c. City approval/acceptance of a certificate of occupancy for 2006 UMCAD Amendment H22, whichever occurs first.
  
  - iv. Any surface parking spaces displaced or affected by the construction of the modified Internal Road shall be replaced one-for-one anywhere on campus.
- b. Construction of the Internal Road is subject to the following conditions:
- i. The University of Miami Campus Master Plan should be amended to include provisions to remove parking lot 102 and replace it with an expansion of Gifford Arboretum at a future date.
  - ii. The construction documents for the improvements in the campus and in the right of way area of Pisano Avenue shall be submitted for review and approval pursuant to applicable city regulations. Submittal of construction plans for these improvements and completion of these improvements shall follow the Internal Road deadlines outlined in Section 19 of the Development Agreement dated September 28, 2010 between the City of Coral Gables and the University of Miami, and as modified by this Development Agreement Amendment request.
  - iii. The University shall fund construction costs for specific public realm improvements to be designed and constructed by the City based upon input from City Staff, the surrounding residential community and the University up to \$250,000 (“Public Realm Improvements”).

- a. The Public Realm Improvements shall be designed and constructed by the City to benefit the surrounding residential community at locations adjacent to the University's campus.
  - b. The University shall tender payment to fund the Public Realm Improvements when presented by the City with written request for payment with the appropriate contract/work order for the construction of the Public Realm Improvements.
  - c. This condition – and the University's obligation to fund the Public Realm Improvements – shall expire within ten (10) years of the date of the date of the adoption of this Ordinance ( \_\_\_\_\_ ) unless extended in writing by the mutual consent of the parties.
  - d. Based upon public input received during the public outreach process, no changes to the existing sidewalk and lighting shall occur on San Amaro Drive from Memorial Drive to Campo Sano Avenue west of the Gifford Arboretum.
- iv. The University will identify pedestrian/bicycle pathway connections internally on campus comprised of both current and new segments as needed to provide connectivity from Memorial Drive to University Drive including Brunson Drive.
  - v. The University will install signage, wayfinding, maps, and labels of the Gifford Arboretum's unique plant species. Installation of these features shall follow the Internal Road deadlines outlined in Section 19 of the Development Agreement dated September 28, 2010 between the City of Coral Gables and the University of Miami, and as modified by the Development Agreement Amendment request.
  - vi. Commission approval is required for a special treatment sidewalk, decorative pavers, landscaping, irrigation, street lighting, landscaping lighting, and any other encroachments into, onto, under and over the right of way. The above encroachments shall be approved by City resolution and a Hold Harmless agreement shall be executed.
  - vii. Incorporate Silva cell planters or structural soil into the landscape plans for all trees planted within the public right-of-way.
  - viii. The University shall maintain the existing bridge crossing from University Drive south over the canal to accommodate pedestrian connectivity as well as emergency police vehicles.
  - ix. The University shall construct a service road connecting Phase I and Phase II of the Internal Road along the north side of the Knight Physics Building and south of the Gifford Arboretum in a manner that does not impact the existing Arboretum. Construction of this service road connection shall follow the Internal Road deadlines outlined in Section 19 of the Development Agreement dated September 28, 2010

between the City of Coral Gables and the University of Miami, and as modified by the Development Agreement Amendment request.

- x. The University shall expand the Arboretum to include a portion of that land previously occupied by the University's wood art studio. Expansion of the Arboretum shall follow the Internal Road deadlines outlined in Section 19 of the Development Agreement dated September 28, 2010 between the City of Coral Gables and the University of Miami, and as modified by the Development Agreement Amendment request.

**SECTION 5.** All rights, actions, proceedings and contracts of the City, including the City Commissioners, the City Manager, or any of its departments, boards or officers undertaken pursuant to the existing code provisions, shall be enforced, continued, or completed, in all respects, as though begun or executed hereunder.

**SECTION 6.** All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

**SECTION 7.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 8.** This development permit by the City of Coral Gables does not in any way create any right on the part of an applicant to obtain a permit from a county, state or federal agency. Likewise, this development permit does not create any liability on the part of the City of Coral Gables for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency, or if the applicant undertakes actions that result in a violation of county, state or federal law. In addition, as a condition of this approval, all county, state and federal permits must be obtained before commencement of the development.

**SECTION 9.** This ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2016.

APPROVED:

JIM CASON  
MAYOR

ATTEST:

WALTER FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN  
CITY ATTORNEY