

## **CITY OF CORAL GABLES, FLORIDA**

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

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES REQUESTING PLANNED AREA DEVELOPMENT (PAD) ASSIGNMENT AND SITE PLAN REVIEW FOR THE CONSTRUCTION OF ADDITIONS TO THE “SCIENCE VILLAGE” BUILDINGS ON THE SOUTHWEST CORNER OF THE PROPERTY COMMONLY REFERRED TO AS “FAIRCHILD TROPICAL GARDEN” (10901 OLD CUTLER ROAD), BEING AN APPROXIMATELY 82.5 ACRE PARCEL LEGALLY DESCRIBED AS ALL OF FAIRCHILD TROPICAL BOTANICAL GARDEN SECTION, INCLUDING TRACTS 9 AND 10, AVOCADO LAND COMPANY SUBDIVISION, CORAL GABLES, FLORIDA; AND INCLUDING REQUIRED CONDITIONS; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, Application No. 11-09-095-P was submitted requesting Planned Area Development (PAD) assignment and site plan review for the construction of additions to the “Science Village” buildings on the southwest corner of the property commonly referred to as “Fairchild Tropical Garden” (10901 Old Cutler Road), for a 82.5 acre parcel legally described as all of Fairchild Tropical Botanical Garden Section, including Tracts 9 and 10, Avocado Land Company Subdivision, Coral Gables, Florida (legal description and mapping on file in the Planning Department); and,

**WHEREAS**, the proposed amendment to the Master Site Plan was submitted in conjunction with the applicant’s request for a change of zoning, Zoning Code text amendment and an amendment to the Master Site Plan for Fairchild Tropical Garden; and,

**WHEREAS**, Fairchild Tropical Garden has worked with the Hammock Oaks Homeowner’s Association and have agreed to a Covenant that contain conditions regarding the proposed construction of additions to the “Science Village” buildings that would run with the land; and,

**WHEREAS**, after notice of public hearing duly published and notifications of all property owners of record within one thousand five hundred (1500) feet, public hearings were held before the Planning and Zoning Board of the City of Coral Gables on 07.14.10, at which hearings all interested persons were afforded the opportunity to be heard; and,

**WHEREAS**, at the Planning and Zoning Board’s 07.14.10 meeting, the Board recommended approval of the proposed Planned Area Development (PAD) assignment and site plan review (vote: 7-0) with conditions; and,

**WHEREAS**, the City Commission held a public hearing on 08.24.10 at which hearing all interested persons were afforded an opportunity to be heard and this application for the Planned Area Development (PAD) assignment and site plan review was approved on first reading (vote: 5-0) subject to the conditions referenced herein; and,

**WHEREAS**, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request for Planned Area Development (PAD) assignment and site plan review as required by the Zoning Code, and including careful consideration of written and oral comments by members of the public.

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 proposed Planned Area Development (PAD) assignment and site plan review for the construction of additions to the “Science Village” buildings on the southwest corner of the property commonly referred to as “Fairchild Tropical Garden” (10901 Old Cutler Road), for a 82.5 acre parcel legally described as all of Fairchild Tropical Botanical Garden Section, including Tracts 9 and 10, Avocado Land Company Subdivision, Coral Gables, Florida shall be and is hereby approved with the following conditions:

1. Application/supporting documentation. Construction of the project shall be in conformance with the following:
  - a. Master Plan, PAD site plan, landscape plan, building elevations and building program contained in application package prepared by Corwil Architects, Inc., dated 05.26.09.
  - b. Traffic Impact Study prepared by David Plummer and Assoc., dated 12.14.09 and updated 04.28.10.
  - c. Improvements and/or conditions contained herein, unless otherwise specified herein, shall be completed prior to receipt of final Certificate of Occupancy (CO).
  - d. All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package dated 07.07.10.
  - e. All representations proffered by the applicant’s representatives provided during public hearing review.
  - f. Changes to the plans required by the City Commission as part of the review of this application at public hearings.
2. General.
  - a. Restrictive Covenant. Within 30 days of approval and adoption of the ordinances, the property owner, its successors or assigns shall submit a Restrictive Covenant for City Attorney review and approval outlining all conditions of approval required by the City Commission. 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 by the City Attorney after good cause as to why the time frame should be extended.
  - b. Revisions to approved PAD site plan. Administrative approval of minor amendments to the approved PAD site plan as permitted in Zoning Code Section 3-508(A) shall only apply to changes less than twenty percent (20%) for floor area, lot coverage and the location of individual buildings. All other changes, including maximum height, minimum setbacks, total square footage and required on-site parking shall be considered major amendments an subject to review and consideration at public hearings in accordance with Section 3-508(B) of the Code.
  - c. Public information liaison/point of contact. A specific point of contact person shall be selected to serve as the single point of contact for the neighborhood, surrounding properties and public

inquiries. The purpose of the contact is to provide a vehicle for exchange of information between all parties. The point of contact persons names, email, mailing address and phone, and hours of availability shall be provided to all property owners within 1,000' of the property and the adjoining neighborhood association's point of contact. This notice shall be provided prior to the issuance of a building permit for the Science Village. Verification of the notification shall be provided to the Planning Department.

3. Prior to the issuance of a building permit, or as otherwise specified herein, the property owner, its successors or assigns, shall adhere or agree to the following conditions:
  - a. Emergency vehicle access. Use of the Campana Avenue gate shall be for City emergency vehicles only. The gate shall be closed and locked at all times, and shall include an approved Fire Department access control system.
  - b. Emergency vehicle gate. The vehicular gate onto Campana Avenue shall be 100% opaque. The vehicle approach between the gate and Campana Avenue shall consist of sod over a compacted surface and shall have a similar appearance to the swale area along this portion of the Campana Avenue right-of-way.
  - c. Pedestrian access. There shall be no pedestrian access from Campana Avenue onto the Fairchild Tropical Garden property, except as permitted under separate agreement for residents of Hammock Oaks Subdivision.
  - d. Outdoor events and dining. There shall be no outdoor activities, outdoor dining or vehicular service facilities permitted between the Science Village buildings and Campana Avenue property line.
  - e. Landscape plan along Campana roadway. Provide a landscape plan that shows all existing and proposed landscape screening materials and reconstructed coral rock wall for entire rear property line (Campana Avenue property line) from the proposed Campana Avenue gate to Old Cutler Road, as follows:
    - 1) Landscape screening. Provide landscaping plan and/or vegetation survey providing the following:
      - a) Location of existing under and over-story vegetation along roadway.
      - b) Provide overlay of existing trees on site plan.
      - c) Supplemental under-story (i.e. shrubs, hedges, etc) and over-story shade trees to achieve 80% to 100% opacity in direct proximity of all buildings backing upon Campana Avenue. Identify type and height at time of planting.
      - d) Maintenance of landscape buffering shall be required in perpetuity.
    - 2) Existing coral rock wall. Provide reconstruction plan for coral rock wall, to include as a minimum the following:
      - a) Survey showing location and condition of existing coral rock wall.
      - b) Plan showing portions of coral rock wall where reconstruction is required to a minimum height of four (4) feet.
      - c) Maintenance of reconstructed coral rock wall shall be required in perpetuity.
- f. Building architecture and signage. No building signage shall be permitted on any building elevation that faces onto the adjoining residential properties along Campana Avenue.
- g. Nighttime lighting.
  - 1) There shall be no nighttime lighting on any south building elevation or within the shade house that faces onto the adjoining residential properties along Campana Avenue. Required low level safety and/or emergency lighting shall be exempt from these provisions.
  - 2) There shall be no nighttime understory lighting of landscaping located between the Science Village buildings and Campana Avenue.

- h. Outdoor amplified music and paging systems. No amplified music or address/pager announcements shall be permitted outside the Science Village buildings or in the shade house at any time (day or night). No fixed amplified speaker/announcer equipment shall be permitted within 200' of Campana Avenue and/or the south property of Fairchild Gardens. Speakers providing amplified music at all special events on the property shall be faced away from adjacent residential properties.
  - i. Special events permits. All events held at the Science Village complex where 200 or more vehicles are anticipated shall secure a special events permit from the City's Special Events Committee. A tentative schedule of facility events shall be submitted to the City annually on or before January 1<sup>st</sup> of each year to determine which events are necessary to submit future applications to the Special Events Committee for review and approval. Those events requiring Committee review must be forwarded a minimum of 48 hours in advance of the event.
4. Vehicle access from Campana. No vehicular access shall be permitted from Campana Avenue.
  5. Drainage. Fairchild Tropical Garden shall prepare and implement a storm water management/drainage plan for the entire property pursuant to SFWMD requirements to ensure all storm water is retained on-site, and there is no drainage off-site. The plan shall be subject to Public Works Department review and final approval subject to all applicable city, local, state, etc. requirements.
  6. Construction staging. Construction vehicles shall be prohibited from using Campana Avenue for the construction of any portion of the proposed development. There shall be no construction vehicle access or parking permitted on the Campana Avenue and no storage of construction materials along the Campana Avenue right-of-way.
  7. Zoning Code Text Amendment. Provide for the following Zoning Code Text Amendment renumbered appropriately within the Special (S) Use provisions:

*“Botanical gardens with previously approved master plan. Allow for the placement of the following uses to solely serve the patrons of the botanical gardens:*

- a. Offices*
- b. Research and technology.*
- c. Retail sales and services.*
- d. Restaurant.*
- e. Educational facility.*
- f. Nighttime uses.*
- g. Outdoor recreation/entertainment.*
- h. Camps.*
- i. Other such uses as are customary for botanical gardens.”*

8. Speakers providing amplified music at all special events on the property shall be directed away from adjacent residential properties in order to minimize the impact on the surrounding residential community.
9. All special events on the property shall include the use of off-duty police officers.

**SECTION 3.** 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 4.** All ordinance or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

**SECTION 5.** If any section, part of session, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 6.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of the City of Coral Gables, Florida, as amended, which provisions may be renumbered or relettered and that the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

**SECTION 7.** This ordinance shall become effective \_\_\_\_\_, 2010.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2010.

APPROVED:

DONALD D. SLESNICK II  
MAYOR

ATTEST:

WALTER FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

ELIZABETH HERNANDEZ  
CITY ATTORNEY