



City of Coral Gables Planning and Zoning Staff Report

Property: 1320 South Dixie Highway (Watsco Center)

Applicant: University of Miami

Application: **Amendment to the University of Miami Development Agreement – Sale of Alcoholic Beverages**

Public Hearing: Planning and Zoning Board

Date & Time: June 12, 2019; 6:00 – 9:00 p.m.

Location: City Commission Chambers, City Hall,
405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

The University of Miami (hereinafter referred to as “University”) is requesting an amendment to their Development Agreement. Approval of an amendment to a Development Agreement requires review by the Planning and Zoning Board and City Commission review and approval at two (2) public hearings (via Ordinance). The proposed Ordinance title is as follows:

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 SEPTEMBER 28, 2010, PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 20, ENTITLED “DEVELOPMENT AGREEMENTS,” FOR THE UNIVERSITY OF MIAMI, CITY OF CORAL GABLES CAMPUS, AMENDING SECTION 17 “BANK UNITED CENTER” TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES; AND PROVIDING FOR SEVERABILITY, REPEALER AND AN EFFECTIVE DATE.

2. BACKGROUND INFORMATION

The University of Miami is requesting an amendment to Section 3, *Defined Terms* and Section 17, *Bank United Center*, of the Development Agreement between the City and the University, to allow the sale of alcoholic beverages at the Convocation Center, also known as the Watsco Center, during athletic and academic events. The application package submitted by the Applicant is provided as Attachment A.

Currently, the University may only sell alcoholic beverages within the Hurricane 100 facilities and suites at the Convocation Center during specific programs. The proposed amendment will allow the sale of alcoholic beverages within all indoor public spaces at the Convocation Center (Watsco Center). The amendment also updates language regarding the current name of the Convocation Center and definitions.

The proposed amendment has been requested pursuant to Resolution 2019-82 adopted by the City Commission on March 12, 2019, included in the Applicant’s Submittal, Exhibit A.

3. PROPOSED AMENDMENT TO THE DEVELOPMENT AGREEMENT

The proposed text amendment is provided in the Applicant’s Submittal, Attachment A, Exhibit C, in ~~strikethrough~~/underline format.

4. CONSISTENCY EVALUATION OF THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES

Zoning Code Section 3-2006 provides the standards for review of a development agreement, as follows:

“In reaching a decision as to whether or not the development agreement should be approved, approved with changes, approved with conditions, or disapproved, the City Commission and the Planning and Zoning Board shall determine whether the development agreement is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan.”

The Applicant is proposing to amend the Development Agreement to allow the sale of alcoholic beverages within the Convocation Center during programs and events. The proposed amendment is provided in the Applicant’s submittal as Exhibit C.

This section provides a detailed analysis of the Comprehensive Plan providing a basis of consistency, and finds the following CP Goals, Objectives and Policies are applicable and are as follows:

Ref. No.	Comprehensive Plan Goals, Objectives and Policies	Staff Review
1.	Policy GOV-1.1.1. Strengthen strategies and processes to promote effective opportunities for public participation at all levels of City governance and decision-making.	Complies
2.	Policy GOV-1.1.4. Encourage the formation of neighborhood and civic organizations to facilitate effective participation in the community; build relationships between City staff and organizations to enhance communication between the parties with the intent of providing an additional opportunity to communicate with City staff, applicable boards/committees, and the City Commission.	Complies
3.	Policy FLU-1.11.1. Maintain and enforce effective development and maintenance regulations through site plan review, code enforcement, and design review boards and committees.	Complies
4.	Goal FLU-3. The City as a part of its development review process shall engage public/community participation and collaboration to provide for a transparent development review process.	Complies

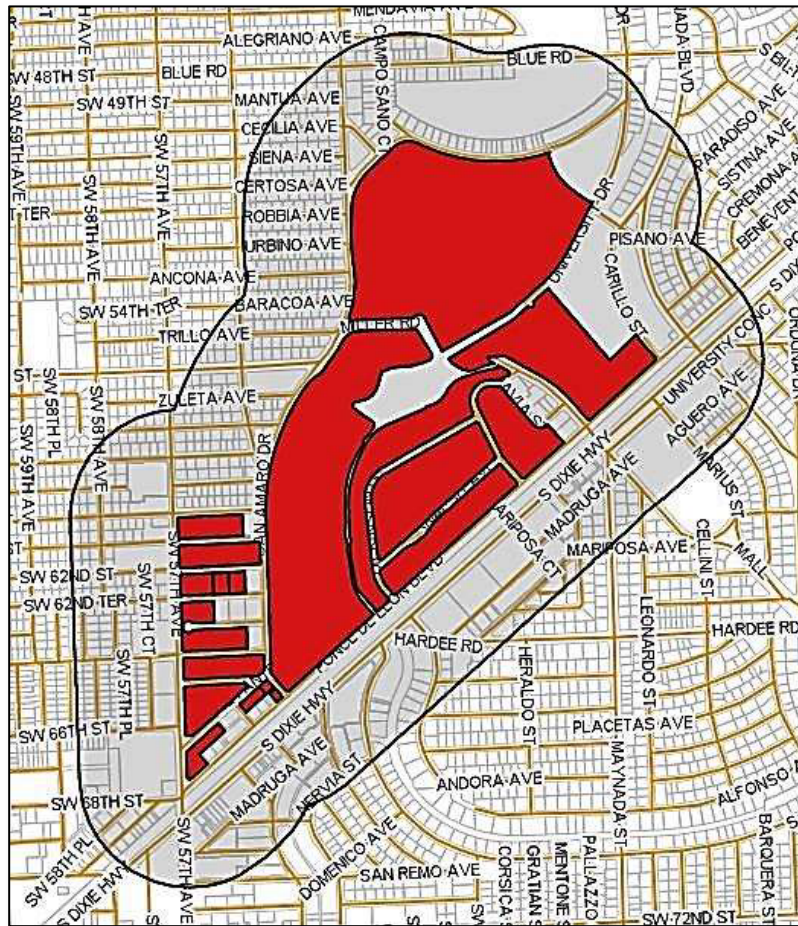
Staff comments: The standards identified in Section 3-2006 for the proposed Zoning Code text amendment are **satisfied**. The proposed amendment to the Development Agreement is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan as have been specified and identified in this section of the report. The proposed amendment to the Development Agreement will allow the sale of alcoholic beverages within the Convocation Center.

5. PUBLIC NOTIFICATIONS

In advance of the Planning and Zoning Board meeting, a courtesy notice was sent to all property owners within 1,000 feet of the property boundary that identifies the application filed, proposed public hearing dates/times, opportunity to submit comments and location where the application file can be reviewed. A total of 1,081 notices were mailed.

A legal advertisement was published in the newspaper on May 29, 2019, included as Attachment C.

Courtesy Notification Radius Map



The following has been completed to provide notice of the request:

Type	Date
Applicant neighborhood meeting	05.22.19
Legal advertisement	05.31.19
Courtesy notification	05.29.19
Sign posting at property	05.31.19
Posted agenda on City Hall	05.31.19
Posted Staff report on City web page	06.07.19

6. STAFF RECOMMENDATION

The proposed amendment to the Development Agreement is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan as have been specified and identified in the following section of this report. The Planning and Zoning Division recommends **approval with conditions, as follows**:

1. Section 17 (b) of the proposed amendment shall read: *Alcoholic beverages may be sold at the Convocation Center at programs and events in indoor public spaces (including the concourse, floor, and event levels, suites and the Hurricane 100 facilities as well in temporary seating areas).*

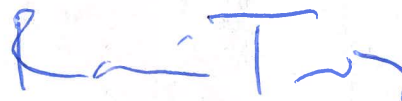
7. ATTACHMENTS

The following attachments are included as background information:

- A. Applicant's submittal package.
- B. Draft Ordinance - Development Agreement Amendment.
- D. 05.31.19 Legal notice published.
- C. 05.29.19 Courtesy notice mailed to all property owners within 1,000 feet.

Please visit the City's webpage at www.coralgables.com to view all Application plans and materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida 33134.

Respectfully submitted,



Ramon Trias
Assistant Director of Development Services
for Planning and Zoning
City of Coral Gables, Florida

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 SEPTEMBER 28, 2010, PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 20, ENTITLED “DEVELOPMENT AGREEMENTS,” FOR THE UNIVERSITY OF MIAMI, CITY OF CORAL GABLES CAMPUS, AMENDING SECTION 17 “BANK UNITED CENTER” TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES; AND PROVIDING FOR SEVERABILITY, REPEALER AND 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 20, entitled “Development Agreements,” for the University of Miami, City of Coral Gables Campus, amending Section 17 “Bank United Center” to allow for the sale of alcoholic beverages; and

WHEREAS, the purpose of the modification to Section 17 “Bank United Center” and its reference to Exhibit A, that contains the description of the facility is to allow certain uses; and

WHEREAS, the City Commission approved Resolution No. 2019-82 on March 12, 2019, to allow the sale of alcoholic beverages throughout the University of Miami’s Watsco Center; and

WHEREAS, after notice of public hearing duly published and notification of all property owners of record within one thousand (1,000) feet of the property, a public hearing was held before the Planning and Zoning Board on June 12, 2019, at which hearings all interested persons were afforded the opportunity to be heard; and

WHEREAS, at a public hearing held on June 12, 2019, the Planning and Zoning Board recommended (approval / denial) of the amendment to the University of Miami Development Agreement with conditions (vote: _ - _); and

WHEREAS, the City Commission held a public hearing on (month) (day), 2019 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 first reading (vote: _ - _); and

WHEREAS, after notice of public hearing duly published and notification of all property owners of record within one thousand (1,000) feet of the property, a public hearing was held before the City Commission on (month) (day), 2019, at which hearings all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the public hearing held on (month) (day), 2019, before the City Commission, 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 of Coral Gables and University of Miami Development Agreement, adopted by Ordinance No. 2010-31 on September 28, 2010 is hereby amended as shown in Exhibit “A,” attached hereto and incorporated herein by this reference.

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 ordinances 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 section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. 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 7. This ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2019

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY

Exhibit "A"

City of Coral Gables and University of Miami Development Agreement

* * *

~~Bank United Center~~ **Convocation Center**. The Convocation Center, also known as the ~~Bank United Center~~ Watsco Center and the Basketball Arena, located in the Coral Gables Campus of the University of Miami

* * *

17. ~~Bank United Center~~ **Convocation Center**

* * *

(b) Alcoholic beverages may be sold at the ~~Bank United Center~~ Convocation Center

- i) ~~At University Athletic and Academic Programs only in and restricted to the Hurricane 100 facilities and suites. For the purposes of this paragraph, "University Athletic and Academic Programs" means programs, events and extra-curricular activities commonly associated with a college education, including commencement ceremonies, student orientation, student activities, student banquets, instructional lectures, symposia, intercollegiate basketball, volleyball, and other intercollegiate sports, high school sports, practices, coaching clinics, and sports.~~
- ii) ~~A~~ at programs and events which are not University athletic and academic programs and events, in indoor public spaces (including the concourse, floor, and event levels, suites and the Hurricane 100 facilities as well as in temporary seating ~~in such~~ areas).

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NOTICE OF PUBLIC HEARING
CITY OF CORAL GABLES - LOCAL PLANNING AGENCY /
PLANNING AND ZONING BOARD - JUN. 12, 2019

in the XXXX Court,
was published in said newspaper in the issues of

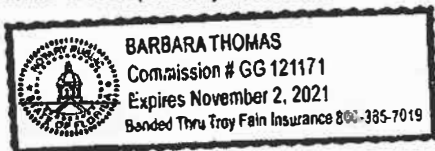
05/31/2019

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this
31 day of MAY, A.D. 2019

(SEAL)

GUILLERMO GARCIA personally known to me



**CITY OF CORAL GABLES, FLORIDA
NOTICE OF PUBLIC HEARING**

City Public Hearing Dates/Times Location	Local Planning Agency / Planning and Zoning Board Wednesday, June 12, 2019, 6:00 - 9:00 p.m. City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida, 33134
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PUBLIC NOTICE is hereby given that the City of Coral Gables, Florida, Local Planning Agency (LPA) Planning and Zoning Board (PZB) will conduct Public Hearing on the following:

1. An Ordinance of the City Commission of Coral Gables, Florida amending 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 20, entitled "Development Agreements," for the University of Miami, City of Coral Gables Campus, amending Article 17, "Bank United Center" to allow for the sale of alcoholic beverages, and providing for a severability, repealer, codification, and effective date. (*UM Development Agreement - Amendment*)



All interested parties are invited to attend and participate. Upon recommendation by the Board, the applications will be scheduled for City Commission consideration. Please visit the City webpage at www.coralgables.com to view information concerning the applications. The complete applications are on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134. Questions and written comments can be directed to the Planning and Zoning Division at planning@coralgables.com (FAX: 305.460.5327) or 305.460.5211.

Ramon Trias
Director of Planning and Zoning
Planning & Zoning Division
City of Coral Gables, Florida

Any person, who acts as a lobbyist pursuant to the City of Coral Gables Ordinance No. 2006-11, as amended, must register with the City Clerk prior to engaging in lobbying activities before City Staff, Boards, Committees or City Commission. A copy of the Ordinance is available in the Office of the City Clerk, City Hall. If a person decides to appeal any decision made by a Board, Committee or City Commission with respect to any matter considered at a meeting or hearing, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). Any meeting may be opened and continued and, under certain circumstances, additional legal notice will not be provided. Any person requiring special accommodations in order to attend or participate in the meeting should contact the City's ADA Coordinator, Raquel Elejabarrieta (Email: relejabarrieta@coralgables.com), Telephone: 305-722-8686, TTY/TDD: 305-442-1600, at least three (3) working days prior to the meeting. All meetings are telecast live on Coral Gables TV Channel 77.

5/31

19-110/0000403789M

	<p>City of Coral Gables Courtesy Public Hearing Notice</p> <p>May 29, 2019</p>	
Applicant:	University of Miami	
Application:	Amendment to the University of Miami Development Agreement – To allow the sale of Alcoholic Beverages	
Property:	University of Miami - Coral Gables, Florida Campus	
Public Hearing - Date/Time/ Location:	Planning & Zoning Board June 12, 2019, 6:00 p.m. - 9:00 p.m. City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida, 33134	

PUBLIC NOTICE is hereby given that the City of Coral Gables, Florida, the Planning & Zoning Board will conduct a Public Hearing on June 12, 2019 on the following requests at the Coral Gables City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida.

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 SEPTEMBER 28, 2010, PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 20, ENTITLED "DEVELOPMENT AGREEMENTS," FOR THE UNIVERSITY OF MIAMI, CITY OF CORAL GABLES CAMPUS, AMENDING SECTION 17 "BANK UNITED CENTER" TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES; AND PROVIDING FOR SEVERABILITY, REPEALER AND AN EFFECTIVE DATE

This application for a Development Agreement Amendment has been submitted by the University of Miami, to allow the sale of alcoholic beverages at The Convocation Center, also known as the *Watsco Center* and the Basketball Arena, during athletic and academic events. The University of Miami is requesting an amendment to Section 3, *Defined Terms* and Section 17, *Bank United Center*, of the Development Agreement between the City and the University.

All interested parties are invited to attend and participate. Please visit the City webpage at www.coralgables.com/pzb to view information concerning the application. The complete application is on file and available for examination during business hours at the Planning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134. Questions and written comments regarding the application can be directed to the Planning and Zoning Division at planning@coralgables.com, Fax: 305.460.5327 or Phone: 305.460.5211. Please forward to other interested parties.

Sincerely,

City of Coral Gables, Florida