



**City of Coral Gables  
CITY COMMISSION MEETING  
December 11, 2018**

**ITEM TITLE:**

**Ordinance on Second Reading.** An Ordinance of the City Commission of Coral Gables, Florida approving a Second Amended Development Agreement for The Plaza Coral Gables Planned Area Development for the Property located at 2801, 2901, and 3001 Ponce de Leon Boulevard, Coral Gables, Florida 33134; and providing for a repealer provision, severability clause, and providing for an effective date. (Legal description of Property on file at the City).

**BRIEF HISTORY:**

Agave Plaza Trustee, LLC (“Owner”) holds the fee simple title to the land at 2801, 2901, and 3001 Ponce de Leon Boulevard in the City of Coral Gables, Florida (the “Property”).

Pursuant to Ordinance No. 2015-13 (As Amended), the City Commission on June 10, 2015 approved a Planned Area Development (“PAD”) on the Property known as The Plaza Coral Gables (f/k/a Mediterranean Village) (the “Project”), along with several other land use, zoning, and development approvals for the Project (the “Approvals”). As part of the Approvals and pursuant to Ordinance No. 2015-15 (As Amended), the Owner and City entered into that certain Development Agreement dated August 14, 2015, recorded at Book 30093, Page 1483 in the Public Records of Miami-Dade County (the “Development Agreement”), which was amended by the Amended Development Agreement executed March 28, 2017 and recorded at Book 30537, Page 2536 in the Public Records of Miami-Dade County, Florida (the “Amended DA”) which was approved by the City Commission on March 28, 2017 pursuant to Resolution No. 2017-69.

The Project is a mixed use project with office, retail, hotel, and residential components and construction of the Project has commenced.

Owner has requested that the City enter into a Second Amended Development Agreement (“Second Amended DA”) to reflect minor amendments to the Project programs which have been administratively approved by the Planning & Zoning Division, as well as opportunities to increase funding for offsite improvements and to align these offsite improvements with current City goals and priorities.

The key modifications to the proposed Second Amended DA include:

- the possibility of a Joint Participation Agreement between Miami-Dade County, the City, and the Developer to increase the amount of County roadway impact fee monies which could be dedicated to improvements in this area of the City including, in part, for some of the Project’s required offsite improvements (Section 2.13);
- designation of the use of the \$2.592 million Mobility Contribution for “capacity improvements” to the City’s mobility and transit system (Section 2.15(i)). The existing language leaves open the possibility of the Mobility Contribution being utilized to finance existing operations;
- Agave’s payment for costs of electricity for decorative street lights on the Project’s side of the roadway and the City’s payment of costs of electricity for decorative street lights which do not abut the project site (Section 8.5); and
- inclusion of a conceptual plan for particular structures and uses in the plaza’s publicly accessible open space (Section 7.6 and Exhibit L-1).

There are no changes to the proposed ordinance from first reading. However, during the Commission's consideration of the proposed Ordinance on first reading, the Commission discussed whether an additional contribution by Agave of \$2.7 million as set forth in Section 2.11 should be allocated toward public safety or public art. The Second Amended Development Agreement provides that the allocation of the contribution is in the sole discretion of the City Commission for either of the two purposes. The Commission may decide to make an additional change to the Second Amended Development Agreement, but Staff does not recommend such a change.

Additionally, based on Commission discussion during first reading, the City Attorney's Office reviewed the Second Amended Development once again and confirmed it does not provide for the development of a police substation within the Project. Counsel for Agave also confirmed there is no such requirement and that the Project plans do not include a police substation.

**ATTACHMENT(S):**

1. Draft Ordinance
2. November 7, 2018 Letter from Mario Garcia-Serra, Esq. on behalf of the Owner
3. Proposed Second Amended Development Agreement in "redline" format