



## City of Coral Gables Planning and Zoning Staff Report

Applicant: Agave Ponce, LLC  
 Application: **Plaza Coral Gables - Subdivision Review for a Tentative Plat**  
 Property: 2801 -2901-3001 Ponce de Leon Blvd  
 Public Hearing: Planning and Zoning Board  
**Date & Time: June 13, 2018; 6:00 – 9:00 p.m.**  
 Location: City Commission Chambers, City Hall,  
 405 Biltmore Way, Coral Gables, Florida 33134

### 1. APPLICATION REQUEST

Request is for tentative plat review for the property located at, 2801 -2901-3001 Ponce de Leon Blvd as follows:

*“Resolution of the City Commission of Coral Gables, Florida approving the Final Plat entitled “Plaza Coral Gables” pursuant to Zoning Code Article 3, Division 9, “Platting/Subdivision,” being a re-plat of an approximately 6.731 acre property into seven (7) tracts of land on property assigned Commercial District (C) zoning, on the property legally described as all of blocks 20 and 30, and a portion of the platted alley lying within block 23, Coral Gables Crafts Section (2801, 2901, and 3001 Ponce de Leon Boulevard), Coral Gables, Florida; providing for an effective date.”*

The proposed tentative plat requires public hearing review by the Planning and Zoning Board, prior to the preparation of the Final Plat which requires City Commission review at one (1) public hearing (Resolution format).

### 2. APPLICATION SUMMARY

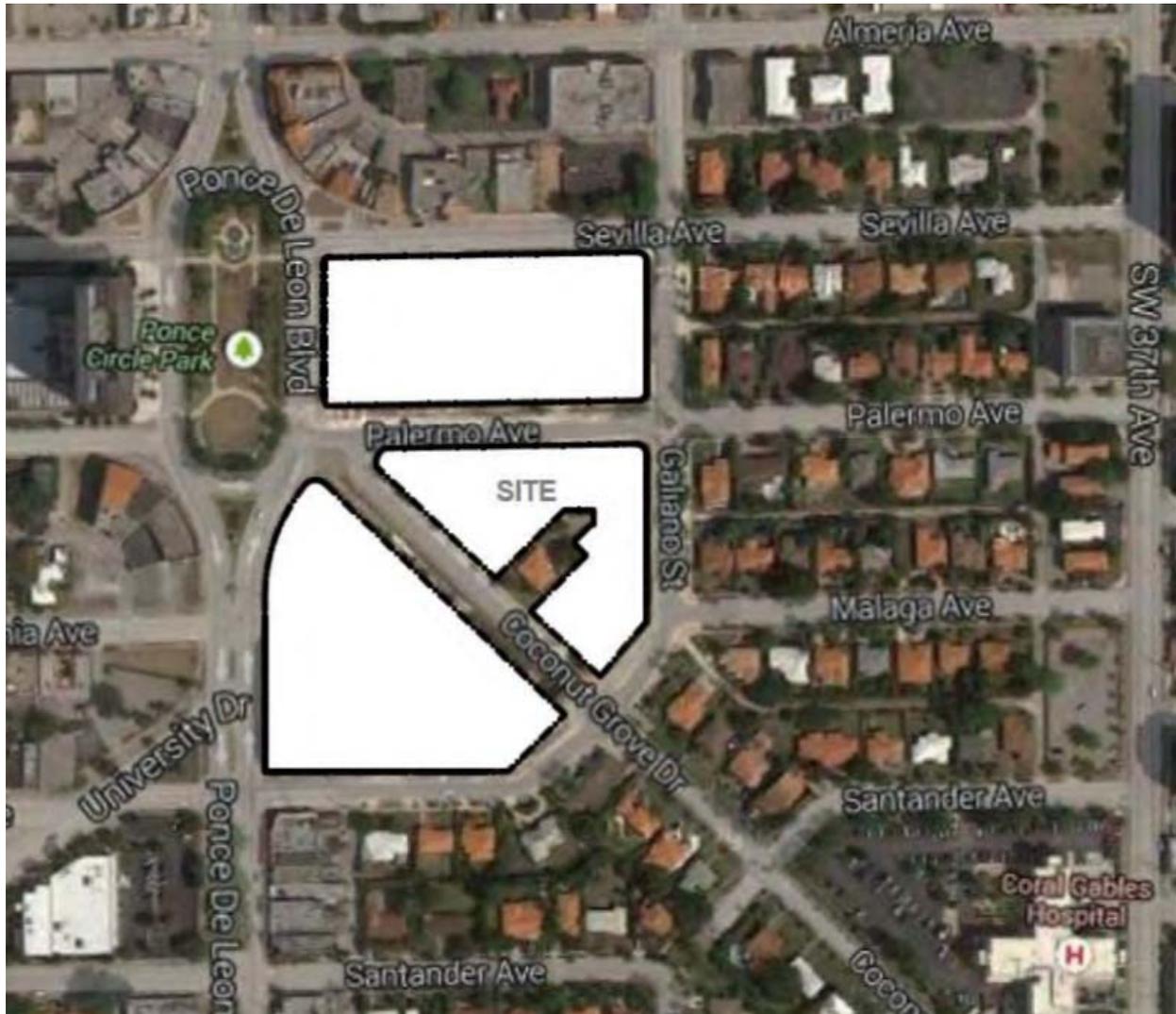
Agave Ponce, LLC (hereinafter referred to as “Applicant”), has submitted an application for Subdivision Review for a Tentative Plat (hereinafter referred to as the “Application”) for City of Coral Gables review and public hearing consideration. The application package submitted by the Applicant is provided as Attachment A.

The request is to re-plat a 765,659 sq. ft property located at 2801 -2901-3001 Ponce de Leon Blvd that is currently vacant. The purpose of the re-plat would be to allow the developer to create 7 plats, memorializing in public record, previously vacated alleys and extinguishing certain unused easements, replacing them with new easements appropriate for the project. The re-plat will facilitate efficient, adequate and economic connection of utilities and services to the approved Project developed in the replatted property.

The PAD for a mixed-use project with multiple buildings and public spaces was approved in June 2015, and modified in March 2017. The proposed plat implements the previously approved project.

The property faces west to Ponce de Leon Circle Park at Ponce de Leon Blvd, north to Sevilla Avenue, east to Galiano St and south to Malaga Street, as shown in the following location map:

**Location Map**



**Site Data and Surrounding Uses**

The following tables provide the subject property’s designations and surrounding land uses:

**Existing Property Designations**

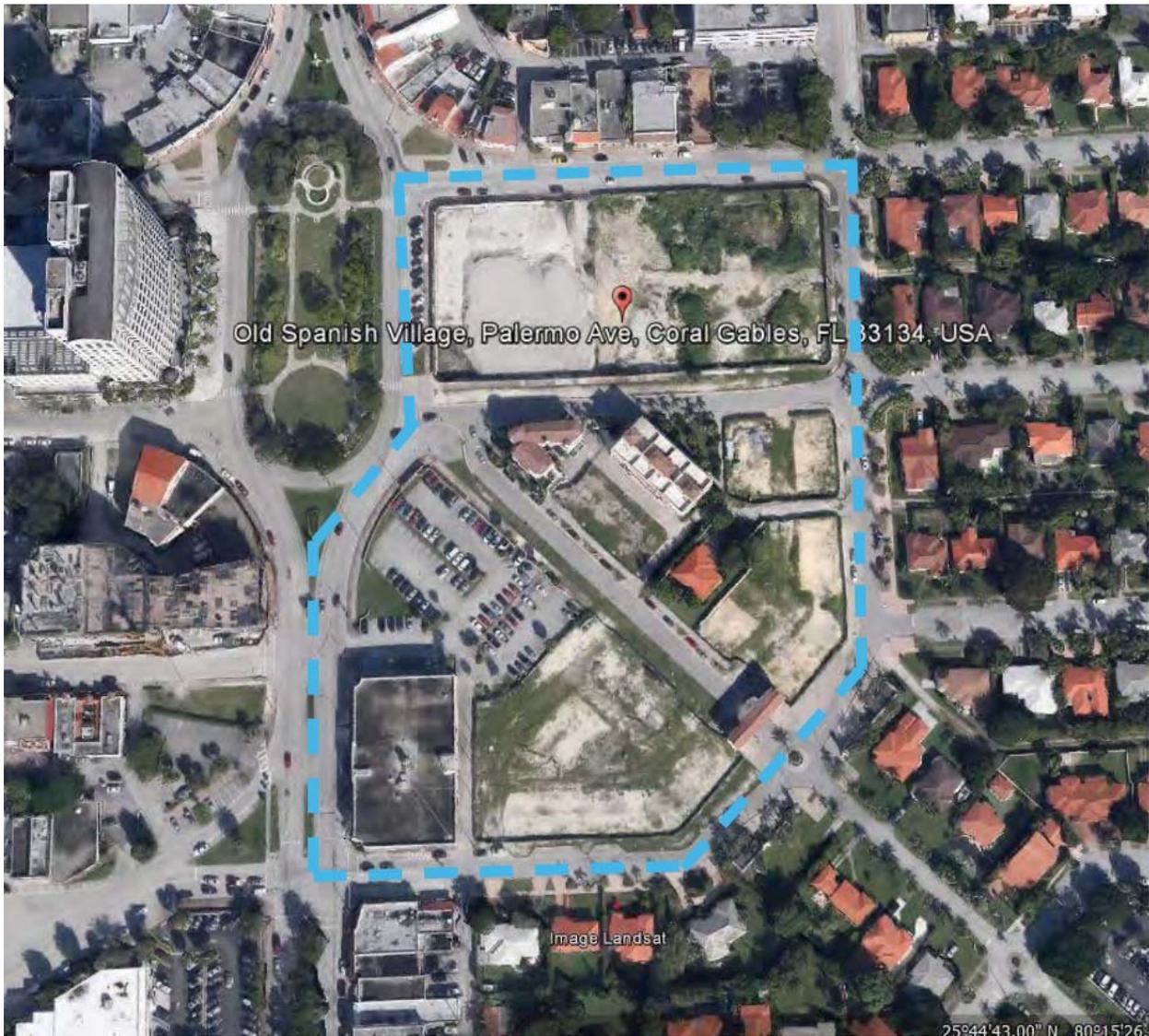
Future Land Use Map designation	Combination of Commercial High-Rise Intensity, Commercial Mid Rise Intensity, Commercial Low Rise Intensity and Residential Single Family Low Density.
Zoning Map designation	(C) Commercial District

**Surrounding Land Uses**

Location	Existing Land Uses	FLUM Designations	Zoning Designations
<b>North-</b> Sevilla Ave.	Two Story Commercial and Parking lots	Commercial Mid Rise Intensity, Commercial Low Rise and Residential Single Family High Density	Commercial , Commercial Limited and Single Family Residential
<b>South</b> Malaga Ave	Commercial and Residential Single Family	Commercial Low Rise and Residential Single Family low Density and Parks and Recreation	Commercial Limited, Single Family Residential and Special Use
<b>East</b> Galiano Court	Single Family Residential	Single Family low Density and Single Family High Density	Single Family Residential
<b>West</b> Ponce de Leon Circle	Commercial 4 story building, Commercial 1, 2 and 3 stories, Commercial High rise and Commercial 2 stories	Commercial Mid Rise Intensity, Commercial High-Rise Intensity and Commercial Low Rise	Commercial



**Aerial**

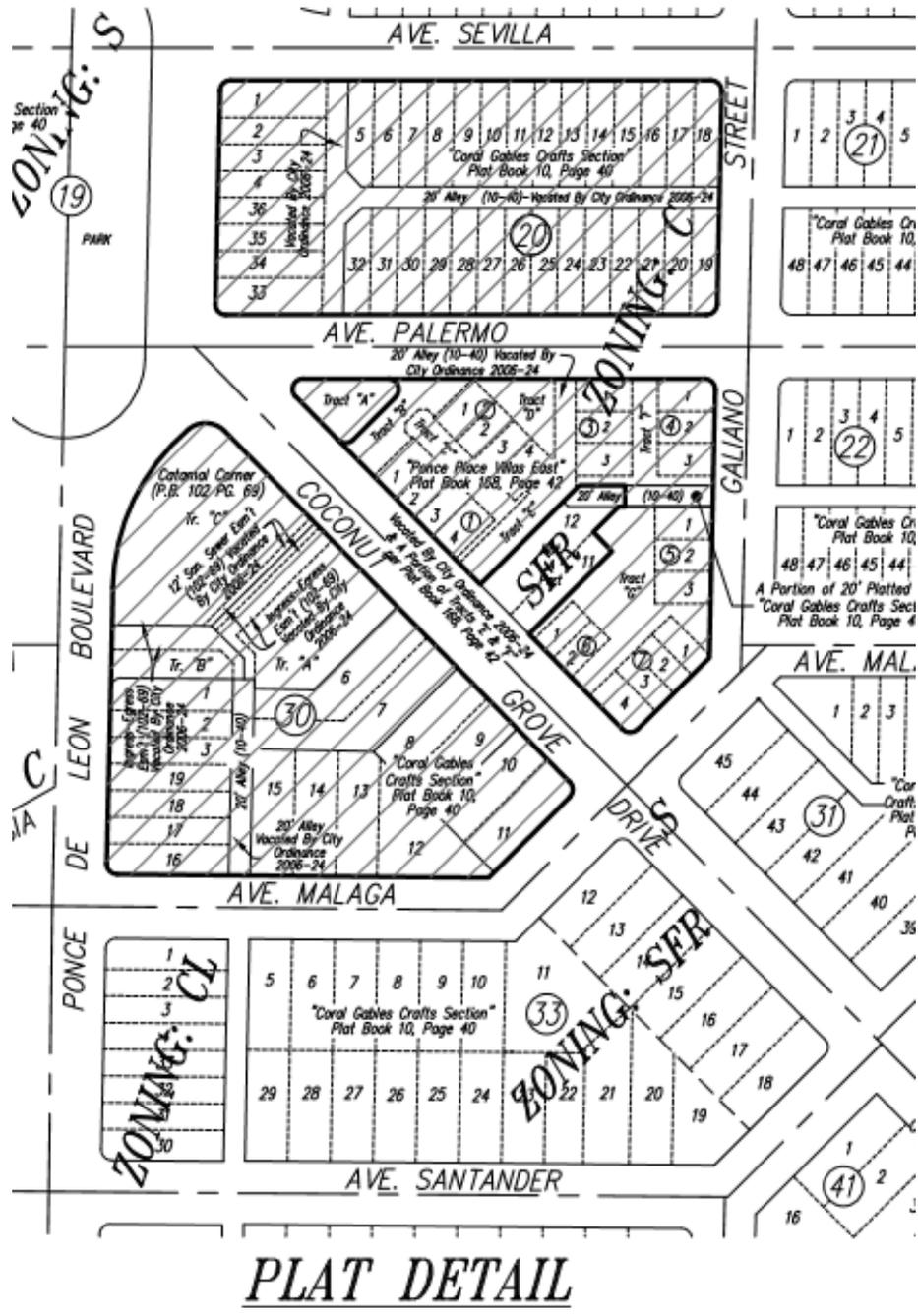


**City Review Timeline**

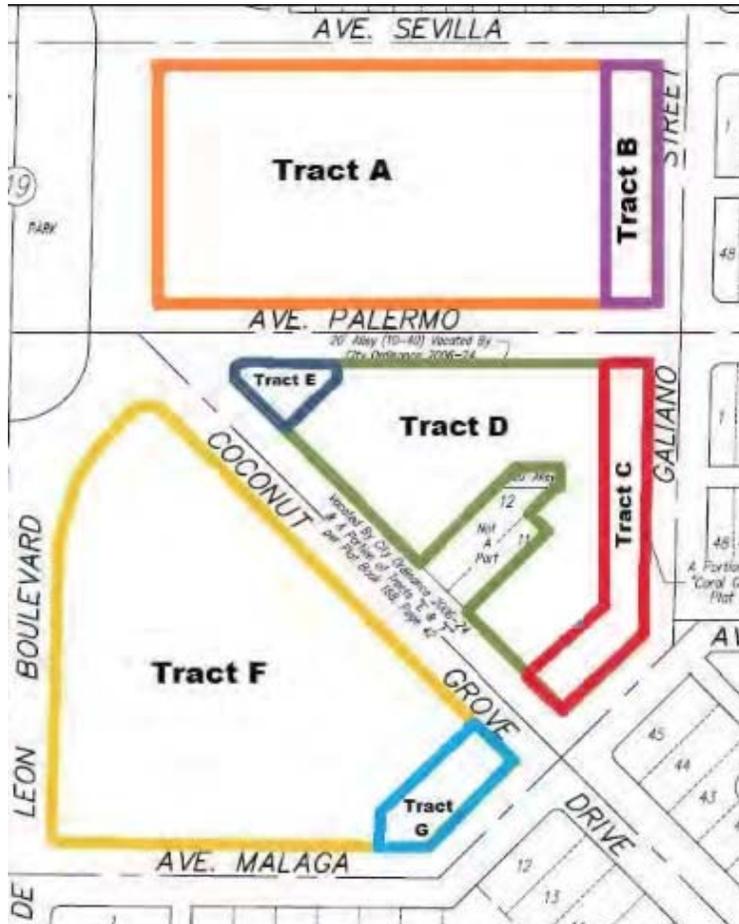
The submitted application has undergone the following City reviews:

Type of Review	Date
City Commission Approved Planned Area Development (Ordinance No. 2015-13)	06.10.15
City Commission Modification of site plan (resolution 2017-68)	03.28.17
Planning and Zoning Board	06.13.18
City Commission (Resolution)	TBD

**Existing Plat**



### Proposed Tentative Plat



**PROPOSED USE:**

TRACT "A": 56,500 SQ. FT. COMMERCIAL/RETAIL  
 328,000 SQ. FT. OFFICE  
 12,334 SQ. FT. RESTAURANT  
 205,727 SQ. FT. RESIDENTIAL (135 UNITS)

TRACT "B": 23,430 SQ. FT. APARTMENTS (11 UNITS)

TRACT "C": 32,349 SQ. FT. APARTMENTS (18 UNITS)

TRACT "D": 26,500 SQ. FT. COMMERCIAL/RETAIL  
 12,333 SQ. FT. RESTAURANT

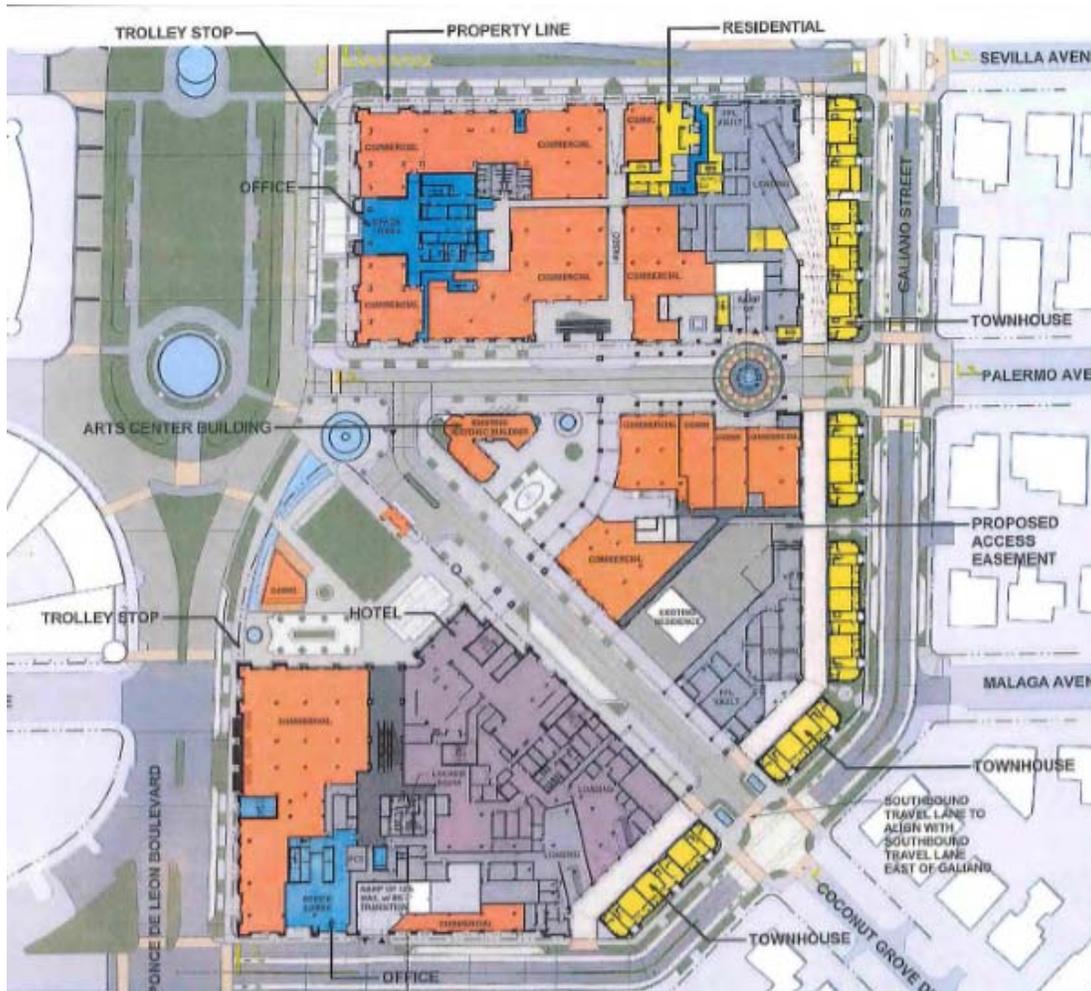
TRACT "E": EXISTING HISTORICAL BUILDING (TO REMAIN)

TRACT "F": 40,000 SQ. FT. COMMERCIAL/RETAIL  
 12,333 SQ. FT. RESTAURANT  
 172,000 SQ. FT. OFFICE  
 300,000 SQ. FT. HOTEL (242 ROOMS)  
 (NOT EXTENDED STAY)

TRACT "G": 13,855 SQ. FT. APARTMENTS (6 UNITS)

AREA TABULATION:		
TRACT "A"	94,459 SQ. FT.	2.168± ACRES
TRACT "B"	8,910 SQ. FT.	0.205± ACRES
TRACT "C"	11,779 SQ. FT.	0.270± ACRES
TRACT "D"	53,784 SQ. FT.	1.235± ACRES
TRACT "E"	3,828 SQ. FT.	0.088± ACRES
TRACT "F"	116,112 SQ. FT.	2.666± ACRES
TRACT "G"	4,333 SQ. FT.	0.099± ACRES
<b>TOTAL TRACT AREA</b>	<b>293,205 SQ. FT.</b>	<b>6.731± ACRES</b>

**Proposed Site Plan, approved in 2015 and modified in 2017**



**3. FINDINGS OF FACT**

This section of the report presents City Staff’s evaluation of the Application and Findings of Fact. The City’s responsibility is to review the Application for consistency with the City’s Comprehensive Plan (CP) Goals, Objectives and Policies, compliance with the Zoning Code and compliance with other applicable portions of the City Code.

**Findings of Fact - Tentative Plat Review**

The procedure for reviewing and recommending a tentative plat is contained in Sections 3-901 through 3-904 of the Zoning Code. The Planning and Zoning Board provides a recommendation on tentative plats to the City Commission. The final plat is prepared from the tentative plat, with a final review and approval in resolution form by the City Commission. Administrative review and approval of the final plat is required by the Miami-Dade County Subdivision Department prior to the City Commission hearing. The tentative plat is provided in the submitted Application (see Attachment A).

*Proposed Zoning Plan*

The tentative plat entitled “Plaza Coral Gables” proposes re-platting to seven (7) tracts to create combination of Commercial Retail, Apartments, Offices, Restaurant and Hotel for an existing Planned Area Development (PAD).

**Tract A :** 56,500 Sq. Ft Commercial Retail, 328,000 sq. ft Office, 12, 334 sq. ft. Restaurant, 205,727 sq. ft Residential (135 Units)

**Tract B:** 23,430 sq. ft. Apartments ( 11 Units)

**Tract C:** 32,349 sq. ft. Apartments (18 Units)

**Tract D:** 26,500 Sq. ft. Commercial/ Retail and 12.333 sq. ft Restaurant

**Tract E:** Existing Historical Building to remain.

**Tract F:** 40,000 sq. ft. Commercial Retail, 12,333 sq. ft Restaurant, 172,000 sq. ft. Office, 300,000 sq. ft. Hotel (242 rooms / not extended stay)

**Tract G:** 13,855 sq. ft. Apartments (6 Units)

*Other Reviews*

As required by Code, comments were solicited from affected utility companies regarding the tentative plat. No objections were received from Florida Power and Light Company, Miami-Dade Water and Sewer Department, AT&T, Florida City Gas, The City of Coral Gables Utilities Director, or Comcast concerning this re-plat. Copies of each of the utility companies’ review letters are included in the application package provided as Attachment A.

*City Staff Review*

The Zoning Code requires review and comments be provided by the Public Works Department with Staff’s report and recommendation. In a memorandum dated March 8, 2018, the Public Works Department stated the Department does not object to the proposed tentative plat and provides comments stating required letters have been received from utility companies and that review is required by the Public Works Department and Miami-Dade County prior to final plat consideration by the City Commission (see Attachment B).

**Consistency Evaluation of the Comprehensive Plan (CP) Goals, Objectives and Policies**

This section provides a detailed analysis of the CP providing a basis of consistency, and finds the following CP Goals, Objectives and Policies are applicable.

Consistent CP Goals & Objectives and Policies are as follows:

Ref. No.	CP Goal, Objective and Policy	Staff Review
1.	<b>Goal FLU-1.</b> Protect, strengthen, and enhance the City of Coral Gables as a vibrant community ensuring that its neighborhoods, business opportunities, shopping, employment centers, cultural activities, historic value, desirable housing, open spaces, and natural resources make the City a very desirable place to work, live and play.	Complies
2.	<b>Objective FLU-1.2.</b> Efforts shall continue to be made to control blighting influences,	Complies

Ref. No.	CP Goal, Objective and Policy	Staff Review
	and redevelopment shall continue to be encouraged in areas experiencing deterioration.	
3.	<b>Policy FLU-1.3.2.</b> All development applications in residential neighborhoods shall continue to be reviewed by applicable boards and committees to ensure the protection from intrusion by incompatible uses that would disrupt or degrade the health, safety, tranquility, aesthetics and welfare of the neighborhood by noise, light, glare, odor, vibration, dust, hazardous materials or traffic. The City will continue to enforce the adopted restrictive design standards; historic preservation policies and the applicable performance standards of the Commercial Limited designation in the Zoning Code.	Complies
4.	<b>Objective FLU-1.11.</b> Maintain a pattern of overall low density residential use with limited medium and high density residential uses in appropriate areas to preserve the low intensity and high quality character of the residential neighborhoods.	Complies
5.	<b>Policy FLU-1.11.1.</b> Maintain and enforce effective development and maintenance regulations through site plan review, code enforcement, and design review boards and committees.	Complies
6.	<b>Objective FLU-1.13.</b> The City shall enforce the recently adopted Zoning Code which creates, preserves and maintains scenic vistas in keeping with the classic traditions as embodied in the original city plan.	Complies
7.	<b>Objective FLU-1.14.</b> The City shall enforce Zoning Code provisions which continue to preserve and improve the character of neighborhoods.	Complies
8.	<b>Goal FLU-3.</b> 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
9.	<b>Objective FLU-3.1.</b> The City shall continue its efforts to notify stakeholders, residents, property owners and neighborhood associations of pending development reviews to provide transparency within the development process.	Complies
10.	<b>Objective DES-1.1.</b> Preserve and promote high quality, creative design and site planning that is compatible with the City’s architectural heritage, surrounding development, public spaces and open spaces.	Complies
11.	<b>Policy DES-1.1.1.</b> Promote and support George Merrick’s vision consistent with the established historic and cultural fabric of the City.	Complies
12.	<b>Policy DES-1.1.5.</b> Promote the development of property that achieves unified civic design and proper relationship between the uses of land both within zoning districts and surrounding districts, by regulating, limiting and determining the location, height, density, bulk and massing, access to light and air, area of yards, open space, vegetation and use of buildings, signs and other structures.	Complies

*Staff Comments:* The above evaluation indicates that this Application is “consistent” with the CP’s goals, objectives and policies.

#### 4. PUBLIC NOTIFICATION

The Zoning Code requires that a courtesy notification be provided to all property owners within 1,000 feet of the subject property. The notice lists the type of applications filed, proposed public hearing dates/time and location where the application files can be reviewed. The notice also provides for an opportunity to submit comments on pending applications. There were 495 notices mailed to surrounding property owners. A Copy of the legal advertisement and courtesy notice are provided as Attachments C and D.

The following has been completed to solicit input and provide notice of the Application:

##### Public Notice

Type	Date
Public information meeting held at 2901 Ponce de Leon	01.29.2018
Courtesy notification - 1,000 feet of the property	05.31.2018
Posting of property	06.01.2018
Legal advertisement	06.01.2018
Posted agenda on City web page/City Hall	06.01.2018
Posted Staff report on City web page	06.08.2018

#### 5. STAFF RECOMMENDATION

The Planning and Zoning Division based upon the complete Findings of Fact contained within this Report recommends approval.

#### 6. ATTACHMENTS

- A. Applicant's submittal package.
- B. 03.08.18 Memo Public Works Department Letter.
- C. 06.01.18 Legal advertisement published.
- D. 05.31.18 Courtesy notice mailed to all property owners within 1,000 feet.
- E. Neighbors Correspondence.

Please visit the City website at [www.coralgables.com](http://www.coralgables.com) to view all application materials. The complete application 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

**Mediterranean Village**  
Planning and Zoning Board  
December 21, 2017



**The Mediterranean Village**  
**Planning and Zoning Board**  
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# TAB 1



December 21, 2017

**VIA HAND DELIVERY**

Mr. Ramon Trias  
Planning and Zoning Director  
City of Coral Gables  
427 Biltmore Way, 2nd Floor  
Coral Gables, Florida 33134

**Re: Mediterranean Village / Planning and Zoning Board Tentative Plat Application / Statement of Use**

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Dear Mr. Trias:

On behalf Agave Ponce, LLC (the "Applicant"), we respectfully submit this application to the Planning and Zoning Board for a tentative plat for the property at 2801, 2901, and 3001 Ponce de Leon Boulevard, (the "Property"). The 765,659 square-foot Property is currently vacant. In June 2015, the Applicant obtained a Planned Area Development ("PAD") Approval pursuant to Ordinance No. 2015-13, for the construction of a project consisting of a mix of uses including office, retail, hotel and residential components (the "Project" or "Mediterranean Village"). In March of 2017, the Project's site plan was modified pursuant to Resolution 2017-68 of the City Commission and a subsequent administrative approval.

The proposed re-plat of the Property reflects the approved Mediterranean Village; further memorializes, in the public records, the vacation of alleys previously vacated; and extinguishes certain unused easements, replacing them with new easements appropriate for the Project. The proposed plat is in compliance with the platting standards in Division 15 of Article 5 of the City's Zoning Code as well as Chapter 28 of the Miami-Dade Code of Ordinances. This re-plat will facilitate the efficient, adequate and economic connection of utilities and services to the approved Project which will be developed on the re-platted Property. The Mediterranean Village promises to be a transformative project of great public benefit to the City and this is a further step in making it a reality.

December 21, 2017

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Thank you for your consideration of this application. We ask that you schedule it for the next available agenda of the Planning and Zoning Board. Please contact me if you have any questions or would like to discuss the foregoing.

Sincerely,



Mario J. Garcia-Serra

**TAB 2**



# City of Coral Gables Planning Division Application

305.460.5211

planning@coralgables.com

www.coralgables.com

## Application request

The undersigned applicant(s)/agent(s)/property owner(s) request City of Coral Gables consideration and review of the following application(s) (please check all that apply):

- Abandonment and Vacations
- Annexation
- Coral Gables Mediterranean Architectural Design Special Locational Site Plan
- Comprehensive Plan Map Amendment - Small Scale
- Comprehensive Plan Map Amendment - Large Scale
- Comprehensive Plan Text Amendment
- Conditional Use - Administrative Review
- Conditional Use without Site Plan
- Conditional Use with Site Plan
- Development Agreement
- Development of Regional Impact
- Development of Regional Impact - Notice of Proposed Change
- Mixed Use Site Plan
- Planned Area Development Designation and Site Plan
- Planned Area Development Major Amendment
- Restrictive Covenants and/or Easements
- Site Plan
- Separation/Establishment of a Building Site
- Subdivision Review for a Tentative Plat ~~and Variance~~
- Transfer of Development Rights Receiving Site Plan
- University Campus District Modification to the Adopted Campus Master Plan
- Zoning Code Map Amendment
- Zoning Code Text Amendment
- Other: \_\_\_\_\_

## General information

Street address of the subject property: 2801-2901-3001 Ponce de Leon Boulevard

Property/project name: The Plaza Coral Gables f/k/a Mediterranean Village

Legal description: Lot(s) See Attached Exhibit A

Block(s) \_\_\_\_\_ Section (s) \_\_\_\_\_

Property owner(s): Agave Ponce, LLC

Property owner(s) mailing address: 2601 S Bayshore Drive, Suite 1215, Miami, Florida 33133

Telephone: Business 305-857-0400 Fax 305-407-8128

Other \_\_\_\_\_ Email jap @ agaveholdingsllc.com



# City of Coral Gables Planning Division Application

Applicant(s)/agent(s): Mario Garcia-Serra, Esq.

Applicant(s)/agent(s) mailing address: Gunster, 600 Brickell Ave., Suite 3500, Miami, Florida 33131

Telephone: Business 305-376-6061 Fax 305-376-6010

Other \_\_\_\_\_ Email MGarcia-Serra @ gunster.com

## Property information

Current land use classification(s): Commercial Mid-Rise, Commercial Low-Rise, Commercial High-Rise

Current zoning classification(s): Commercial District (C)

Proposed land use classification(s) (if applicable): N/A

Proposed zoning classification(s) (if applicable): N/A

## Supporting information (to be completed by Planning Staff)

A Preapplication Conference is required with the Planning Division in advance of application submittal to determine the information necessary to be filed with the application(s). Please refer to the Planning Division Development Review Process Handbook, Section 3.0, for an explanation of each item. If necessary, attach additional sheets to application. The Planning Division reserves the right to request additional information as necessary throughout the entire review process.

- Aerial.
- Affidavit providing for property owner's authorization to process application.
- Annexation supporting materials.
- Application fees.
- Application representation and contact information.
- Appraisal.
- Architectural/building elevations.
- Building floor plans.
- Comprehensive Plan text amendment justification.
- Comprehensive Plan analysis.
- Concurrency impact statement.
- Encroachments plan.
- Environmental assessment.
- Historic contextual study and/or historical significance determination.
- Landscape plan.
- Lighting plan.
- Massing model and/or 3D computer model.
- City of Coral Gables Annual Registration Application and Issue Application Lobbyist forms.
- Ordinances, resolutions, covenants, development agreements, etc. previously granted for the property.
- Parking study.
- Photographs of property, adjacent uses and/or streetscape.
- Plat.
- Property survey and legal description.



# City of Coral Gables Planning Division Application

- Property owners list, notification radius map and two sets of labels.
- Public Realm Improvements Plan for mixed use projects.
- Public school preliminary concurrency analysis (residential land use/zoning applications only).
- Sign master plan.
- Site plan and supporting information.
- Statement of use and/or cover letter.
- Streetscape master plan.
- Traffic accumulation assessment.
- Traffic impact statement.
- Traffic impact study.
- Traffic stacking analysis.
- Utilities consent.
- Utilities location plan.
- Vegetation survey.
- Video of the subject property.
- Zoning Analysis ( Preliminary).
- Zoning Code text amendment justification.
- Warranty Deed.
- Other: \_\_\_\_\_

## Application submittal requirements

1. Hard copies. The number of application binders to be submitted shall be determined by Staff at the preapplication meeting. The application shall include all the items identified in the preapplication meeting.
2. Digital media copies. Two (2) compact discs (CD ROMs) of the entire application including all the items identified in the Preapplication Conference. Each document shall be separated into PDF files (i.e., application; site plan, landscape plan; etc.). Please include a "Table of Contents" identifying all PDF file name(s). Each PDF file size shall not exceed 10 Mb. All discs shall be labeled with the applicant(s) name, project name and date of submittal.

## Applicant/agent/property owner affirmation and consent

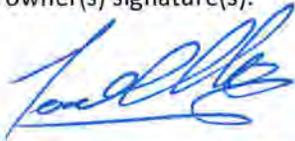
(I) (We) affirm and certify to all of the following:

1. Submission of the following:
  - a. Warranty deed/tax record as proof of ownership for all properties considered as a part of the application request; or
  - b. Authorized as the applicant(s)/agent(s) identified herein to file this application and act on behalf of all current property owner(s) and modify any valid City of Coral Gables entitlements in effect during the entire review process.
2. This request, application, application supporting materials and all future supporting materials complies with all provisions and regulations of the Zoning Code, Comprehensive Land Use Plan and Code of Ordinances of the City of Coral Gables unless identified and approved as a part of this application request or other previously approved applications. Applicant understands that any violation of these provisions renders the application invalid.
3. That all the information contained in this application and all documentation submitted herewith is true to the best of (my) (our) knowledge and belief.
4. Understand that the application, all attachments and fees become a part of the official records of the City of Coral Gables and are not returnable.



# City of Coral Gables Planning Division Application

5. Failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.
6. All representatives of the application have registered with and completed lobbyist forms for the City of Coral Gables City Clerk's office.
7. Understand that under Florida Law, all the information submitted as part of the application are public records.
8. Additional costs in addition to the application fees may be assessed associated with the review of applications by the City. These are costs that may be incurred by the applicant due to consultant fees paid by City to review the application. The types of reviews that could be conducted may include but are not limited to the following: property appraisals; traffic impact analyses; vegetation/environmental assessments; archeological/historic assessments; market studies; engineering studies or reports; and legal fees. Such fees will be assessed upon finalization of the City application review.

Property owner(s) signature(s): 	Property owner(s) print name: Jose Antonio Perez Helguera, as Managing Director of Agave Ponce, LLC
Property owner(s) signature(s):	Property owner(s) print name:
Property owner(s) signature(s):	Property owner(s) print name:

Address: 2601 S. Bayshore Drive, Suite 1215, Miami, Florida 33133

Telephone: 305-858 1890

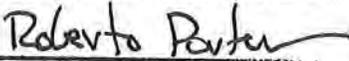
Fax:

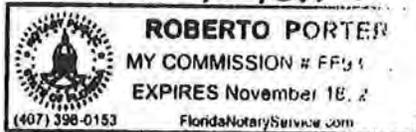
Email: jap@agaveholdingsllc.com

### NOTARIZATION

STATE OF FLORIDA/COUNTY OF

The foregoing instrument was acknowledged before me this 5 day of December by Jose Antonio Perez  
(Signature of Notary Public - State of Florida)





(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known OR  Produced Identification; Type of Identification Produced \_\_\_\_\_



# City of Coral Gables Planning Division Application

Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:
Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:

Address:

Telephone:	Fax:	Email:
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### NOTARIZATION

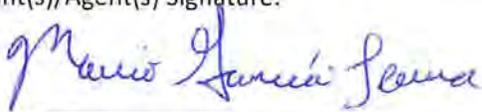
STATE OF FLORIDA/COUNTY OF

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(Signature of Notary Public - State of Florida)

(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known OR  Produced Identification; Type of Identification Produced \_\_\_\_\_

Applicant(s)/Agent(s) Signature: 	Applicant(s)/Agent(s) Print Name: Mario Garcia-Serra, Esq.
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Address: Gunster, 600 Brickell Avenue, Suite 3500, Miami, Florida 33131

Telephone: 305-376-6061	Fax: 305-376-6010	Email: MGarcia-Serra@gunster.com
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Proposed zoning classification(s) (if applicable): N/A

## Supporting information (to be completed by Planning Staff)

A Preapplication Conference is required with the Planning Division in advance of application submittal to determine the information necessary to be filed with the application(s). Please refer to the Planning Division Development Review Process Handbook, Section 3.0, for an explanation of each item. If necessary, attach additional sheets to application. The Planning Division reserves the right to request additional information as necessary throughout the entire review process.

- Aerial.
- Affidavit providing for property owner's authorization to process application.
- Annexation supporting materials.
- Application fees.
- Application representation and contact information.
- Appraisal.
- Architectural/building elevations.
- Building floor plans.
- Comprehensive Plan text amendment justification.
- Comprehensive Plan analysis.
- Concurrency impact statement.
- Encroachments plan.
- Environmental assessment.
- Historic contextual study and/or historical significance determination.
- Landscape plan.
- Lighting plan.
- Massing model and/or 3D computer model.
- City of Coral Gables Annual Registration Application and Issue Application Lobbyist forms.
- Ordinances, resolutions, covenants, development agreements, etc. previously granted for the property.
- Parking study.
- Photographs of property, adjacent uses and/or streetscape.
- Plat.
- Property survey and legal description.



# City of Coral Gables Planning Division Application

- Property owners list, notification radius map and two sets of labels.
- Public Realm Improvements Plan for mixed use projects.
- Public school preliminary concurrency analysis (residential land use/zoning applications only).
- Sign master plan.
- Site plan and supporting information.
- Statement of use and/or cover letter.
- Streetscape master plan.
- Traffic accumulation assessment.
- Traffic impact statement.
- Traffic impact study.
- Traffic stacking analysis.
- Utilities consent.
- Utilities location plan.
- Vegetation survey.
- Video of the subject property.
- Zoning Analysis ( Preliminary).
- Zoning Code text amendment justification.
- Warranty Deed.
- Other: \_\_\_\_\_

## Application submittal requirements

1. Hard copies. The number of application binders to be submitted shall be determined by Staff at the preapplication meeting. The application shall include all the items identified in the preapplication meeting.
2. Digital media copies. Two (2) compact discs (CD ROMs) of the entire application including all the items identified in the Preapplication Conference. Each document shall be separated into PDF files (i.e., application; site plan, landscape plan; etc.). Please include a "Table of Contents" identifying all PDF file name(s). Each PDF file size shall not exceed 10 Mb. All discs shall be labeled with the applicant(s) name, project name and date of submittal.

## Applicant/agent/property owner affirmation and consent

(I) (We) affirm and certify to all of the following:

1. Submission of the following:
  - a. Warranty deed/tax record as proof of ownership for all properties considered as a part of the application request; or
  - b. Authorized as the applicant(s)/agent(s) identified herein to file this application and act on behalf of all current property owner(s) and modify any valid City of Coral Gables entitlements in effect during the entire review process.
2. This request, application, application supporting materials and all future supporting materials complies with all provisions and regulations of the Zoning Code, Comprehensive Land Use Plan and Code of Ordinances of the City of Coral Gables unless identified and approved as a part of this application request or other previously approved applications. Applicant understands that any violation of these provisions renders the application invalid.
3. That all the information contained in this application and all documentation submitted herewith is true to the best of (my) (our) knowledge and belief.
4. Understand that the application, all attachments and fees become a part of the official records of the City of Coral Gables and are not returnable.



# City of Coral Gables Planning Division Application

- 5. Failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.
- 6. All representatives of the application have registered with and completed lobbyist forms for the City of Coral Gables City Clerk's office.
- 7. Understand that under Florida Law, all the information submitted as part of the application are public records.
- 8. Additional costs in addition to the application fees may be assessed associated with the review of applications by the City. These are costs that may be incurred by the applicant due to consultant fees paid by City to review the application. The types of reviews that could be conducted may include but are not limited to the following: property appraisals; traffic impact analyses; vegetation/environmental assessments; archeological/historic assessments; market studies; engineering studies or reports; and legal fees. Such fees will be assessed upon finalization of the City application review.

Property owner(s) signature(s): 	Property owner(s) print name: Jose Antonio Perez Helguera, as Managing Director of Agave Ponce, LLC
Property owner(s) signature(s):	Property owner(s) print name:
Property owner(s) signature(s):	Property owner(s) print name:

Address: 2601 S. Bayshore Drive, Suite 1215, Miami, Florida 33133

Telephone: 305-858 1890

Fax:

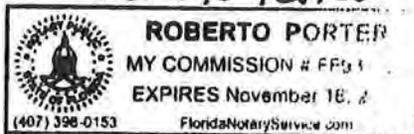
Email: jap@agaveholdingsllc.com

### NOTARIZATION

STATE OF FLORIDA/COUNTY OF

The foregoing instrument was acknowledged before me this 5 day of December by Jose Antonio Perez  
(Signature of Notary Public - State of Florida)





(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known OR  Produced Identification; Type of Identification Produced \_\_\_\_\_



# City of Coral Gables Planning Division Application

Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:
Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:

Address:

Telephone:	Fax:	Email:
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### NOTARIZATION

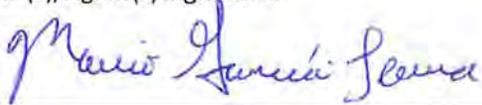
STATE OF FLORIDA/COUNTY OF

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_

(Signature of Notary Public - State of Florida)

(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known OR  Produced Identification; Type of Identification Produced \_\_\_\_\_

Applicant(s)/Agent(s) Signature: 	Applicant(s)/Agent(s) Print Name: Mario Garcia-Serra, Esq.
---	---

Address: Gunster, 600 Brickell Avenue, Suite 3500, Miami, Florida 33131

Telephone: 305-376-6061	Fax: 305-376-6010	Email: MGarcia-Serra@gunster.com
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### NOTARIZATION

STATE OF FLORIDA/COUNTY OF

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_

(Signature of Notary Public - State of Florida)

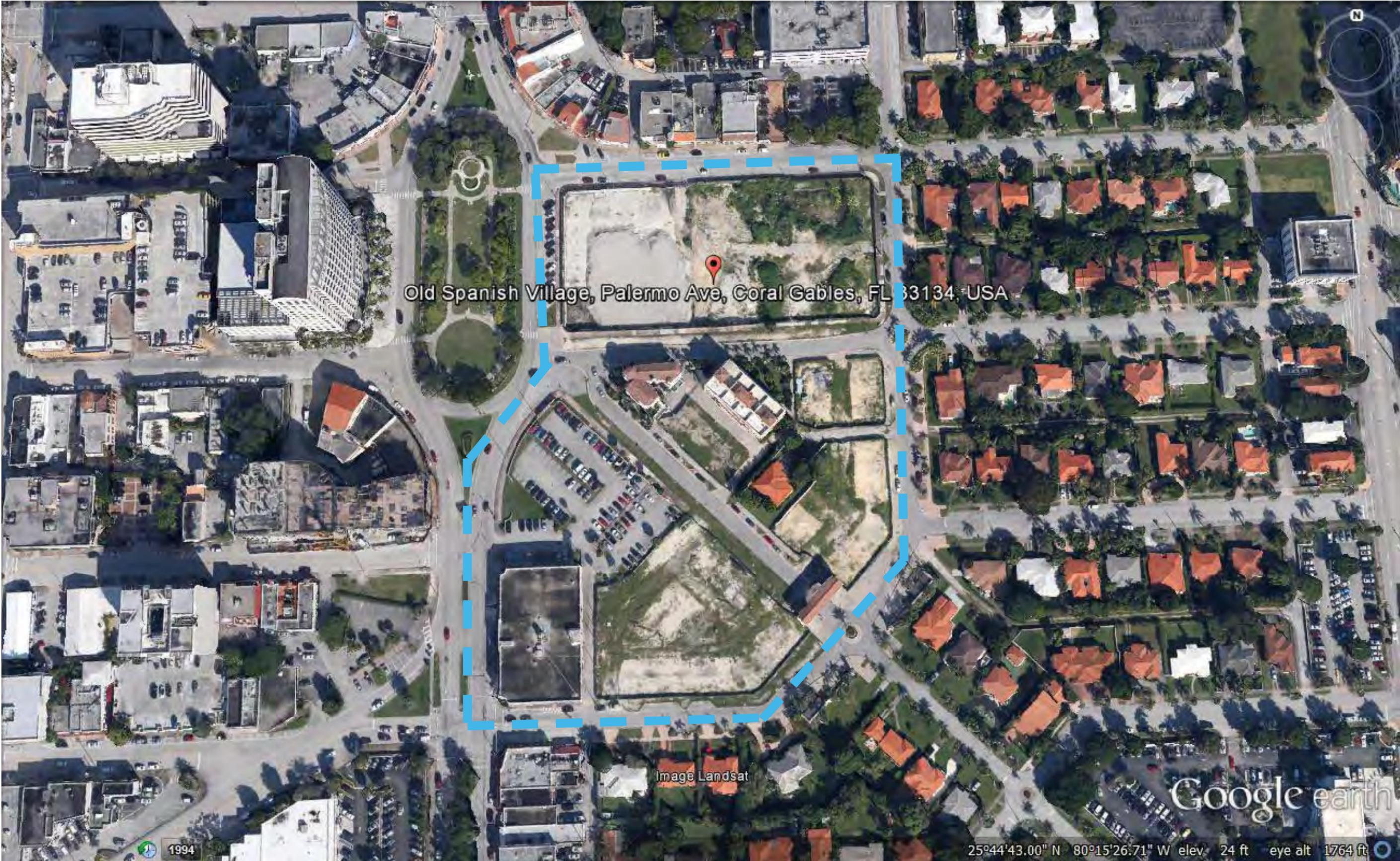
(Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known OR  Produced Identification; Type of Identification Produced \_\_\_\_\_

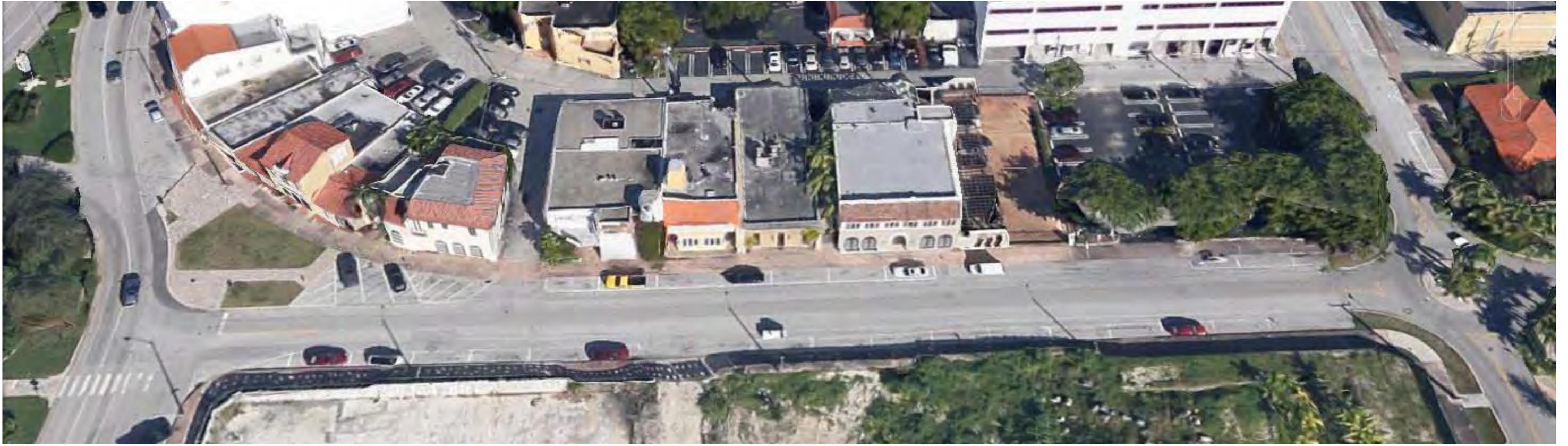
TAB 3



**TAB 4**



Sevilla Ave. Aerial



Galiano St. Aerial



Malaga Ave. Aerial



Ponce De Leon Blvd. Aerial



2901 Ponce De Leon Blvd.



Coral Gables, Florida

*MEDITERRANEAN VILLAGE at Ponce Circle*

2901 Ponce De Leon Blvd.

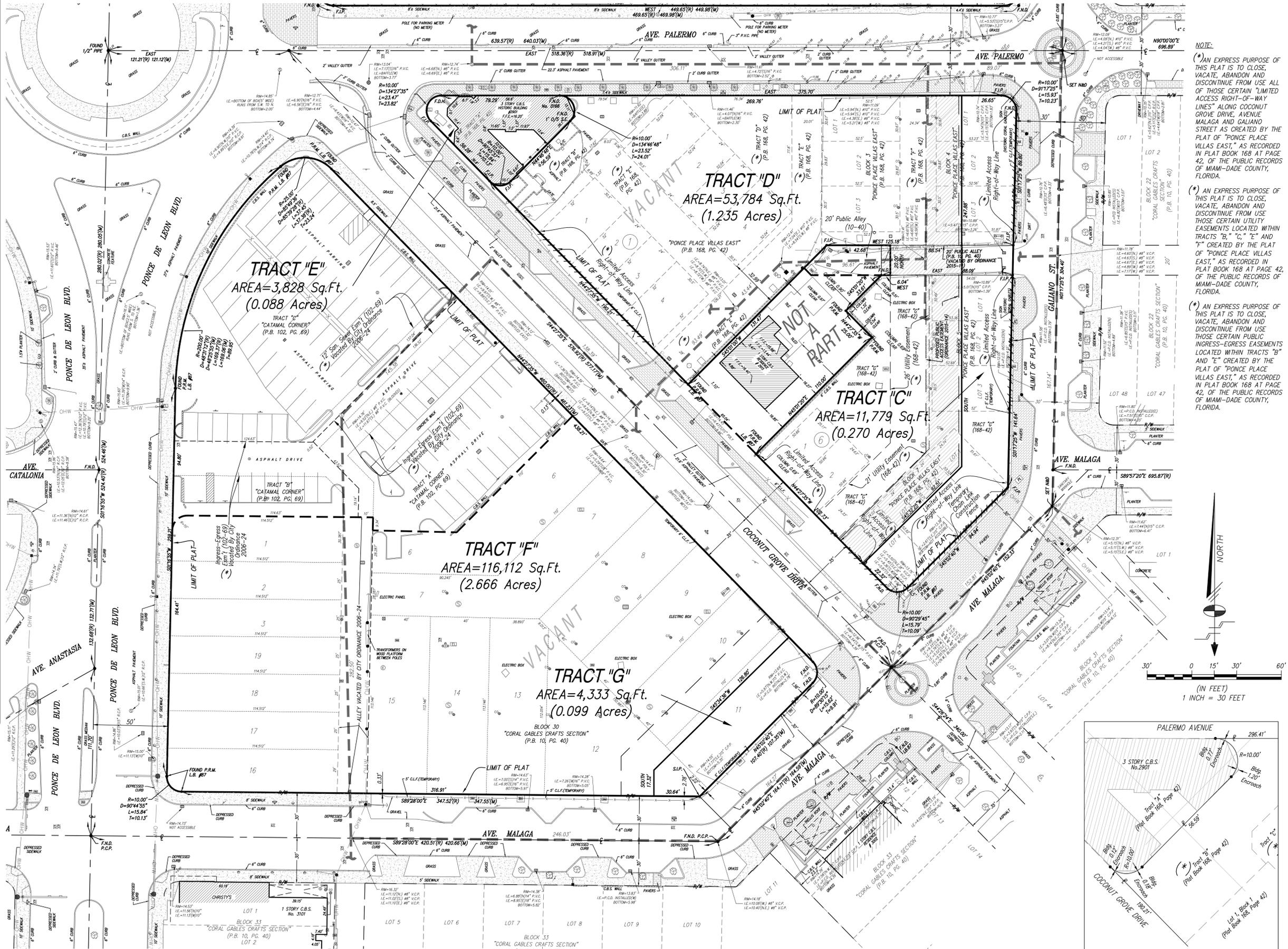


**TAB 5**



**TAB 6**

- GENERAL LEGEND:**
- AERIAL TARGET
  - ALUMINUM LIGHT POST (SINGLE)
  - ALUMINUM LIGHT POST (DOUBLE)
  - ALUMINUM LIGHT POST (TRIPLE)
  - ALUMINUM LIGHT POST (QUAD)
  - ANCHOR/DRY WIRE
  - BACKFLOW PREVENTER ASSEMBLY
  - CABLE TELEVISION BOX
  - CATCH BASIN
  - CENTERLINE
  - CHECK VALVE ASSEMBLY
  - CIRCULAR BRAM
  - COLUMN (CIRCULAR)
  - COLUMN (SQUARE)
  - CONCRETE LIGHT POLE (DOUBLE)
  - CONCRETE POWER POLE
  - CONTROL POINT
  - CURB INLET
  - ELECTRIC BOX
  - ELECTRIC HAND HOLE
  - ELEVATIONS (SEE NOTES FOR DATUM)
  - FLC HYDRANT
  - FLUORIDE
  - FLOW LINE
  - FORCE MAIN MANHOLE
  - FORCE MAIN VALVE
  - F.P.L. ELECTRIC MANHOLE
  - F.P.L. TRANSDUCER PAD
  - F.P.L. TRANSMISSION POLE
  - GAS MANHOLE
  - GAS METER
  - GAS VALVE
  - GREASE TRAP MANHOLE
  - GROUND LIGHTING
  - GUARD POST
  - IRRIGATION HAND HOLE
  - IRRIGATION VALVE
  - MAILBOX
  - MONITOR WELL
  - MONUMENT LINE
  - OVERHEAD WIRES (APPROXIMATE)
  - P-5 INLET
  - P-6 INLET
  - PARKING METER
  - PEDESTRIAN CROSSING SIGNAL
  - PERMANENT REFERENCE MONUMENT
  - POST INDICATOR VALVE
  - VACUUM BREAKER ASSEMBLY
  - PROPERTY LINE
  - SANITARY SEWER CLEANOUT
  - SANITARY SEWER MANHOLE
  - SIAMSE CONNECTION
  - SOIL POST
  - SPRINKLER PUMP
  - STANDPIPE
  - STORM SEWER MANHOLE
  - STREET LIGHT HAND HOLE
  - SWALE INLET
  - TELEPHONE BOX (SOUTHERN BELL)
  - TELEPHONE HAND HOLE
  - TELEPHONE MANHOLE (SO. BELL)
  - TELEPHONE PAYPHONE
  - TRAFFIC HAND HOLE
  - TRAFFIC UTILITY BOX
  - TRAFFIC SIGNAL POST
  - UNDERGROUND UTILITY MARKER
  - UNKNOWN UTILITY MANHOLE
  - UNKNOWN UTILITY HAND HOLE
  - WATER MANHOLE
  - WATER METER
  - WATER VALVE
  - WOOD LIGHT POLE
  - WOOD POWER POLE
  - HANDICAP PARKING
  - STROLLER PARKING
- ABBREVIATIONS:**
- R denotes RADIUS
  - L denotes DELTA ANGLE
  - D denotes ARC DISTANCE
  - T denotes TANGENT DISTANCE
  - PCP denotes PERMANENT CONTROL POINT
  - PRM denotes PERMANENT REFERENCE MONUMENT
  - PB denotes PLAT BOOK
  - POC denotes POINT OF COMMENCEMENT
  - POB denotes POINT OF BEGINNING
  - OTW denotes OVERHEAD UTILITY WIRES
  - ORR denotes OFFICIAL RECORDS BOOK
  - PC denotes POINT OF CURVATURE
  - CBS denotes CONCRETE BLOCK STRUCTURE
  - CONC denotes CONCRETE
  - CLF denotes CHAINLINK FENCE
  - WF denotes WOOD FENCE
  - F.I.P. denotes FOUND IRON PIPE
  - S.I.P. denotes SET IRON PIPE & LB-ST CAP
  - F.N.D. denotes FOUND NAIL & BRASS DISC
  - S.N.D. denotes SET LB-ST NAIL & BRASS DISC
  - CL denotes CLEAR
  - ENC denotes ENCROACHMENT
  - R/W denotes RIGHT-OF-WAY
  - (D) denotes DEED DISTANCE
  - (L) denotes DISTANCE BY LEGAL DESCRIPTION
  - (M) denotes MEASURED DISTANCE
  - (R) denotes RECORD OR PLATTED DISTANCE
- PAINTED UNDERGROUND UTILITIES (APPROXIMATE):**
- COMMUNICATION
  - ORANGE
  - FPL
  - ELECTRIC
  - FM
  - FORCE MAIN
  - IRRG
  - IRRIGATION
  - GAS
  - NATURAL GAS
  - SANITARY SEWER
  - WM
  - WATER
- V.C.P. denotes VITRIFIED CLAY PIPE  
P.V.C. denotes POLYVINYL CHLORIDE PIPE  
C.M.P. denotes CORRUGATED METAL PIPE  
CONC. denotes CONCRETE PIPE

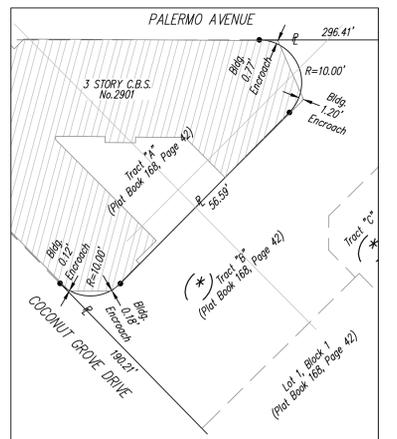


**NOTE:**

(\*) AN EXPRESS PURPOSE OF THIS PLAT IS TO CLOSE, VACATE, ABANDON AND DISCONTINUE FROM USE ALL OF THOSE CERTAIN LIMITED ACCESS RIGHT-OF-WAY LINES\* ALONG COCONUT GROVE DRIVE, AVENUE MALAGA AND GALIANO STREET AS CREATED BY THE PLAT OF "PONCE PLACE VILLAS EAST," AS RECORDED IN PLAT BOOK 168 AT PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

(\*) AN EXPRESS PURPOSE OF THIS PLAT IS TO CLOSE, VACATE, ABANDON AND DISCONTINUE FROM USE THOSE CERTAIN LIMITED ACCESS EASEMENTS LOCATED WITHIN TRACTS "B," "C," "E" AND "F" CREATED BY THE PLAT OF "PONCE PLACE VILLAS EAST," AS RECORDED IN PLAT BOOK 168 AT PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

(\*) AN EXPRESS PURPOSE OF THIS PLAT IS TO CLOSE, VACATE, ABANDON AND DISCONTINUE FROM USE THOSE CERTAIN PUBLIC INGRESS-EGRESS EASEMENTS LOCATED WITHIN TRACTS "B" AND "E" CREATED BY THE PLAT OF "PONCE PLACE VILLAS EAST," AS RECORDED IN PLAT BOOK 168 AT PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



Detail Scale: 1"=20'

**TENTATIVE PLAT**

**MEDITERRANEAN VILLAGE AT PONCE CIRCLE**

PREPARED FOR: AGAVE PONCE LLC

Section 17, Township 54 South, Range 41 East, City of Coral Gables, Miami-Dade County, Florida

**REVISIONS**

Date	By	For
12/22/2014	AS	INITIAL DESIGN
12/22/2014	AS	FINAL DESIGN
12/22/2014	AS	FINAL DESIGN
12/22/2014	AS	FINAL DESIGN
12/22/2014	AS	FINAL DESIGN
12/22/2014	AS	FINAL DESIGN
12/22/2014	AS	FINAL DESIGN
12/22/2014	AS	FINAL DESIGN
12/22/2014	AS	FINAL DESIGN
12/22/2014	AS	FINAL DESIGN

**CERTIFICATE OF AUTHORIZATION**  
No. LB-87

**SAHARIE-SHIBIN & ASSOCIATES, INC.**  
LAND PLANNERS & ENGINEERS  
3240 CORPORATE WAY, MIAMI, FLORIDA 33133  
Tel: (305) 435-7010 Fax: (305) 438-3888

Drawn By: L.E.G. Date: 02-24-16  
Checked By: M.S.A. Date: 03-18-14  
Scale: AS SHOWN  
Order No. 202525 F.B. No. Pg. 44  
File No. AJ-5165 TP Sheet 2 of 4

**NOTE:** This sketch is not valid unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper.

This is not a "Boundary Survey."

FILE NO. AJ-5165 TP

# MEDITERRANEAN VILLAGE AT PONCE CIRCLE

ALL OF BLOCKS 20 AND 30, AND A PORTION OF THE PLATTED ALLEY LYING WITHIN BLOCK 23, "CORAL GABLES CRAFTS SECTION," AS RECORDED IN PLAT BOOK 10, AT PAGE 40, AND BLOCKS 1, 2, 3, 4, 5, 6 AND 7, AND TRACTS "A," "B," "C," "D," "E," "F" AND "G," "PONCE PLACE VILLAS EAST," PLAT BOOK 168, PAGE 42, BOTH OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN SECTION 17, TOWNSHIP 54 SOUTH, RANGE 41 EAST, CITY OF CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA.

### LEGAL DESCRIPTION:

#### PARCEL ①:

LOTS 1 THROUGH 36, BLOCK 20, CRAFTS SECTION OF CORAL GABLES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, AT PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

#### PARCEL ②:

ALL OF THE NORTH-SOUTH ALLEY, WHICH EXTENDS FROM SEVILLA AVENUE TO PALERMO AVENUE, AND THE EAST-WEST ALLEY IN BLOCK 20, CRAFTS SECTION OF CORAL GABLES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, AT PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AS VACATED BY CITY OF CORAL GABLES ORDINANCE 2006-24.

#### PARCEL ③:

LOTS 1, 2, 3, 16, 17, 18 AND 19, BLOCK 30, OF CORAL GABLES CRAFTS SECTION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND TRACTS A, B AND C OF CATALAN CORNER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 102, PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND LOTS 6 AND 7, LESS THE NORTHEASTERLY 107.5 FT. THEREOF, BLOCK 30, OF CORAL GABLES CRAFTS SECTION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

#### PARCEL ④:

ALL THAT PORTION OF THE NORTH-SOUTH ALLEY IN BLOCK 30, CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WHICH LIES SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 1, BLOCK 30, CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AS VACATED BY CITY OF CORAL GABLES ORDINANCE 2006-24.

#### PARCEL ⑤:

LOTS 14 AND 15 AND THE WEST 10 FEET OF LOT 13, BLOCK 30, OF CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

#### PARCEL ⑥:

LOTS 12 AND 13, LESS THE WEST 10 FEET OF LOT 13, BLOCK 30, OF CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

#### PARCEL ⑦:

LOTS 10 AND 11, IN BLOCK 30, OF CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

#### PARCEL ⑧:

LOTS 8 AND 9, BLOCK 30, OF CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

#### PARCEL ⑨:

NORTHEASTERLY 107.5 FEET OF LOTS 6 AND 7, BLOCK 30, OF CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

#### PARCEL ⑩:

ALL OF THE LANDS AS CONTAINED IN THAT CERTAIN RECORD PLAT OF "PONCE PLACE VILLAS EAST," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 168 AT PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

#### PARCEL ⑪:

THAT PORTION OF ALLEY VACATED BY ORDINANCE NO. 2015-14 (AS AMENDED).

### NOTE:

AN EXPRESS PURPOSE OF THIS PLAT IS TO CLOSE, VACATE, ABANDON AND DISCONTINUE FROM USE ALL OF THOSE CERTAIN "LIMITED ACCESS RIGHT-OF-WAY LINES" ALONG COCONUT GROVE DRIVE, AVENUE MALAGA AND GALIANO STREET AS CREATED BY THE PLAT OF "PONCE PLACE VILLAS EAST," AS RECORDED IN PLAT BOOK 168 AT PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

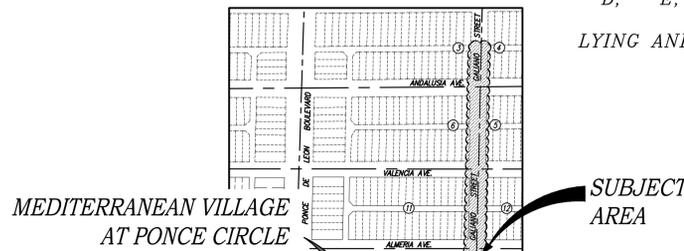
AN EXPRESS PURPOSE OF THIS PLAT IS TO CLOSE, VACATE, ABANDON AND DISCONTINUE FROM USE THOSE CERTAIN UTILITY EASEMENTS LOCATED WITHIN TRACTS "B," "C," "E" AND "F" CREATED BY THE PLAT OF "PONCE PLACE VILLAS EAST," AS RECORDED IN PLAT BOOK 168 AT PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AN EXPRESS PURPOSE OF THIS PLAT IS TO CLOSE, VACATE, ABANDON AND DISCONTINUE FROM USE THOSE CERTAIN PUBLIC INGRESS-EGRESS EASEMENTS LOCATED WITHIN TRACTS "B" AND "E" CREATED BY THE PLAT OF "PONCE PLACE VILLAS EAST," AS RECORDED IN PLAT BOOK 168 AT PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AN EXPRESS PURPOSE OF THIS PLAT IS TO CLOSE, VACATE, ABANDON AND DISCONTINUE FROM USE THE HISTORIC RESERVATIONS CALLING FOR FIVE FOOT REAR EASEMENTS AND THREE FOOT EASEMENTS ALONG SIDE LOT LINES "WHEN NECESSARY", WHILE ENCUMBERING THE UNDERLYING LANDS, HISTORICALLY THEY ARE GENERALLY NOT ENFORCED UNLESS THEY ARE ACCOMMODATING EXISTING FACILITIES. IT IS IMPORTANT TO NOTE THAT THE PARTICULAR LANDS INCLUDED IN THIS SURVEY HAVE COMPLETED A DEVELOPMENT REVIEW PROCESS WHICH THE CURRENT PROJECT IMPROVEMENTS ARE PART OF. ALTHOUGH INCOMPLETE, THE IMPROVEMENTS AND UTILITY SERVICES RELATED TO THEM HAVE BEEN COORDINATED AND APPROVED BY ALL PARTICIPATING UTILITY PROVIDERS WITHOUT THE RELIANCE ON ANY OF THESE HISTORIC EASEMENTS.

### SURVEYOR'S NOTES:

- THIS SKETCH REPRESENTS A "BOUNDARY SURVEY" WITH ELEVATIONS FOR A TENTATIVE PLAT.
- THERE ARE NO VISIBLE ENCROACHMENTS, OTHER THAN THOSE SHOWN HEREON.
- THE ELEVATIONS SHOWN HEREON RELATE TO NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D.) OF 1929.
- VISIBLE INDICATORS OF UTILITIES ARE SHOWN HEREON, HOWEVER, NO ATTEMPT WAS MADE TO LOCATE UNDERGROUND ITEMS.
- NO ATTEMPT WAS MADE BY THIS FIRM TO LOCATE WALL OR FENCE FOOTERS/FOUNDATIONS.
- THE DISTANCES SHOWN ALONG THE PROPERTY LINES HEREON ARE RECORD AND MEASURED, UNLESS NOTED OTHERWISE.
- THE PROPERTY SHOWN HEREON FALLS WITHIN FEDERAL FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP NO. 12086C0457L, COMMUNITY NO. 120639, PANEL NO. 0457, SUFFIX L, OF MAP DATED SEPTEMBER 11, 2009.
- THIS SKETCH HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITY (ENTITIES) NAMED HEREON. THE CERTIFICATION SHOWN HEREON DOES NOT EXTEND TO ANY UNNAMED PARTIES.
- BENCHMARK A: P.K. NAIL & BRASS WASHER ON TOP OF CURB AT FRONT OF SIDEWALK AT THE SOUTHWEST CORNER OF PONCE DE LEON BOULEVARD AND AVENUE ALMERIA. ELEVATION=10.81 N.G.V.D. (11.07 CITY OF MIAMI MEAN LOW WATER BAY DATUM).
- BENCHMARK B: 2" SQUARE ON TOP OF CURB AT THE NORTHWEST CORNER OF AVENUE MALAGA AND GALIANO STREET. ELEVATION=12.46 N.G.V.D. (12.72 CITY OF MIAMI MEAN LOW WATER BAY DATUM).
- THE UNDERGROUND WATER AND SEWER UTILITY ITEMS SHOWN HEREON REPRESENT AN APPROXIMATE LOCATION OF SAID UTILITIES AS SHOWN ON CERTAIN ATLAS SHEETS OBTAINED FROM MIAMI-DADE WATER & SEWER AUTHORITY AND AUGMENTED BY FIELD LOCATIONS BY THIS FIRM AND ARE SUBJECT TO THE ACCURACY OF THE INFORMATION PROVIDED.
- PORTIONS OF THE LANDS DESCRIBED HEREIN ARE SUBJECT TO UTILITY EASEMENTS PURSUANT TO DEED BOOK 1304, PAGE 9, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



### LOCATION MAP

A PORTION OF SECTION 17, TOWNSHIP 54 SOUTH, RANGE 41 EAST, CITY OF CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA. SCALE: 1"=300'



### PLAT DETAIL

SCALE: 1"=150'

### GENERAL LEGEND:

- AERIAL TARGET
- ALUMINUM LIGHT POST (SINGLE)
- ALUMINUM LIGHT POST (DOUBLE)
- ALUMINUM LIGHT POST (TRIPLE)
- ALUMINUM LIGHT POST (QUAD)
- ANCHOR/DIY WIRE
- BACKFLOW PREVENTER ASSEMBLY
- CABLE TELEVISION BOX
- CATCH BASIN
- CENTERLINE
- CHECK VALVE ASSEMBLY
- CIRCULAR BRAN
- COLUMN (CIRCULAR)
- COLUMN (SQUARE)
- CONCRETE LIGHT POLE
- CONCRETE LIGHT POLE (DOUBLE)
- CONCRETE POWER POLE
- CONTROL POINT
- CURB INLET
- ELECTRIC BOX
- ELECTRIC HAND HOLE
- ELEVATIONS (SEE NOTES FOR DATUM)
- FIRE HYDRANT
- FLAGPOLE
- FLOW LINE
- FORCE MAIN MANHOLE
- FORCE MAIN VALVE
- F.P.L. ELECTRIC MANHOLE
- F.P.L. TRANSFORMER PAD
- F.P.L. TRANSMISSION POLE
- GAS MANHOLE
- GAS METER
- GAS PUMP
- GAS VALVE
- GREASE TRAP MANHOLE
- GROUND LIGHTING
- GUARD POST
- IRRIGATION HAND HOLE
- IRRIGATION VALVE
- MALEBOY
- MONITOR WELL
- MONUMENT LINE
- OVERHEAD WIRES (APPROXIMATE)
- P-5 INLET
- P-6 INLET
- PARKING METER
- PEDESTRIAN CROSSING SIGNAL
- PERMANENT REFERENCE MONUMENT
- POST INDICATOR VALVE
- VACUUM BREAKER ASSEMBLY
- PROPERTY LINE
- SANITARY SEWER CLEANOUT
- SANITARY SEWER MANHOLE
- SIAMSE CONNECTION
- SIGN POST
- SPRINKLER PUMP
- STANDPIPE
- STORM SEWER MANHOLE
- STREET LIGHT HAND HOLE
- SWALE INLET
- TELEPHONE BOX (SOUTHERN BELL)
- TELEPHONE HAND HOLE
- TELEPHONE MANHOLE (SO. BELL)
- TELEPHONE PAYPHONE
- TRAFFIC HAND HOLE
- TRAFFIC UTILITY BOX
- TRAFFIC SIGNAL POST
- UNDERGROUND UTILITY MARKER
- UNKNOWN UTILITY MANHOLE
- UNKNOWN UTILITY HAND HOLE
- WATER MANHOLE
- WATER METER
- WATER VALVE
- WOOD LIGHT POLE
- WOOD POWER POLE
- HANDICAP PARKING
- STROLLER PARKING

V.C.P. denotes VITRIFIED CLAY PIPE  
P.V.C. denotes POLYVINYL CHLORIDE PIPE  
C.M.P. denotes CORRUGATED METAL PIPE  
CONC. denotes CONCRETE PIPE

### CERTIFIED TO:

AGAVE PONCE, LLC  
2901 PONCE, LLC  
FIRST AMERICAN TITLE INSURANCE COMPANY  
BILZIN SUMBERG BAENA PRICE & AXELROD, LLP

### SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS "TENTATIVE PLAT" OF THE PROPERTY DESCRIBED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED AND DRAWN UNDER MY SUPERVISION AND DIRECTION. THIS SURVEY COMPLIES WITH THE STANDARDS OF PRACTICE REQUIREMENTS ADOPTED BY THE FLORIDA STATE BOARD OF SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, AND CHAPTER 472.027, FLORIDA STATUTES.

Schwelke-Shiskin & Associates, Inc.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

MARK STEVEN JOHNSON, PRINCIPAL  
PROFESSIONAL LAND SURVEYOR No. 4775  
STATE OF FLORIDA.

### DEVELOPMENT INFORMATION

- OWNER: AGAVE PONCE, LLC  
396 ALHAMBRA CIRCLE, SUITE 201  
CORAL GABLES, FLORIDA 33134
- NUMBER OF TRACTS: 7  
(SEE "AREA TABULATION")
- NUMBER OF LOTS: 0
- UTILITY SERVICE:  
EXISTING WATER (MIAMI-DADE WATER & SEWER AUTHORITY)  
EXISTING SEWER (CITY OF CORAL GABLES)
- EXISTING ZONING: "P.A.D." (PLANNED AREA DEVELOPMENT)
- MIAMI-DADE COUNTY, FLORIDA, FLOOD CRITERIA:  
7.0 FEET N.G.V.D. 1929 (PER PLAT BOOK 120, PAGE 13, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA)
- PROPERTY SHOWN HEREON FALLS WITHIN FEDERAL FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP NUMBER 12086C0457L, COMMUNITY NO. 120639, PANEL NO. 0457, SUFFIX L, MAP AND INDEX MAP BOTH DATED 09-11-2009.
- MIAMI-DADE COUNTY, FLORIDA, PROPERTY APPRAISER  
TAX FOLIO NO.:  
03-4117-005-5390, 03-4117-005-5391,  
03-4117-005-5470, 03-4117-005-5480,  
03-4117-005-5510, 03-4117-005-5500,  
03-4117-069-0010, 03-4117-069-0020,  
03-4117-069-0030, 03-4117-069-0040,  
03-4117-069-0050, 03-4117-069-0060,  
03-4117-069-0070, 03-4117-069-0080,  
03-4117-069-0090, 03-4117-069-0100,  
03-4117-069-0110, 03-4117-069-0120,  
03-4117-069-0130, 03-4117-069-0140,  
03-4117-069-0150, 03-4117-069-0160,  
03-4117-069-0170, 03-4117-069-0180,  
03-4117-069-0190, 03-4117-069-0200,  
03-4117-069-0210, 03-4117-069-0220,  
03-4117-069-0230, 03-4117-069-0240,  
03-4117-069-0250, 03-4117-069-0260,  
03-4117-069-0270, 03-4117-069-0280,  
03-4117-069-0290, 03-4117-069-0300,  
03-4117-005-7320, 03-4117-005-7370,  
03-4117-005-7380, 03-4117-005-7390,  
03-4117-005-7400, 03-4117-005-7410

### PROPOSED USE:

- TRACT "A": 56,500 SQ. FT. COMMERCIAL/RETAIL  
328,000 SQ. FT. OFFICE  
12,334 SQ. FT. RESTAURANT  
205,727 SQ. FT. RESIDENTIAL (135 UNITS)
- TRACT "B": 23,430 SQ. FT. APARTMENTS (11 UNITS)
- TRACT "C": 32,349 SQ. FT. APARTMENTS (18 UNITS)
- TRACT "D": 26,500 SQ. FT. COMMERCIAL/RETAIL  
12,333 SQ. FT. RESTAURANT
- TRACT "E": EXISTING HISTORICAL BUILDING (TO REMAIN)
- TRACT "F": 40,000 SQ. FT. COMMERCIAL/RETAIL  
12,333 SQ. FT. RESTAURANT  
172,000 SQ. FT. OFFICE  
300,000 SQ. FT. HOTEL (242 ROOMS)  
(NOT EXTENDED STAY)
- TRACT "G": 13,855 SQ. FT. APARTMENTS (6 UNITS)

### AREA TABULATION:

TRACT	SQ. FT.	ACRES
TRACT "A"	94,459 SQ. FT.	2.168± ACRES
TRACT "B"	8,910 SQ. FT.	0.205± ACRES
TRACT "C"	11,779 SQ. FT.	0.270± ACRES
TRACT "D"	53,784 SQ. FT.	1.235± ACRES
TRACT "E"	3,828 SQ. FT.	0.088± ACRES
TRACT "F"	116,112 SQ. FT.	2.666± ACRES
TRACT "G"	4,333 SQ. FT.	0.099± ACRES
TOTAL TRACT AREA	293,205 SQ. FT.	6.731± ACRES

ZONING:  
SINGLE FAMILY ATTACHED UNITS: 0  
SINGLE FAMILY DETACHED UNITS: 0  
MULTI-FAMILY UNITS: 170  
TOTAL ACREAGE:  
GROSS AREA = 10.344± ACRES (450,570 SQ. FT.)  
NET AREA = 6.731± ACRES (293,205 SQ. FT.)

CERTIFICATE OF AUTHORIZATION No. LB-87

Surveyed By: M.S.A. Date: 03-18-14

Checked By: AS SHOWN Scale: AS SHOWN

Order No. 202522 F.B. No. Pg. 44

File No. AJ-5165 TP Sheet 1 of 4

Swelke-Shiskin & Associates, Inc. LAND PLANNERS & ENGINEERS

3240 CORPORATE WAY, AURORA, FLORIDA 32005 TEL: (904) 435-7010 FAX: (904) 438-3888

NOTE: This sketch is not valid unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper.

This is not a "Boundary Survey."

TENTATIVE PLAT

MEDITERRANEAN VILLAGE AT PONCE CIRCLE

PREPARED FOR: AGAVE PONCE LLC

Section 17, Township 54 South, Range 41 East, City of Coral Gables, Miami-Dade County, Florida

REVISIONS

No.	Date	By	Description
1	03/18/14	MSA	FINAL SURVEY
2	03/20/14	MSA	FINAL SURVEY
3	03/20/14	MSA	FINAL SURVEY
4	03/20/14	MSA	FINAL SURVEY
5	03/20/14	MSA	FINAL SURVEY
6	03/20/14	MSA	FINAL SURVEY
7	03/20/14	MSA	FINAL SURVEY
8	03/20/14	MSA	FINAL SURVEY
9	03/20/14	MSA	FINAL SURVEY
10	03/20/14	MSA	FINAL SURVEY

FILE NO. AJ-5165 TP

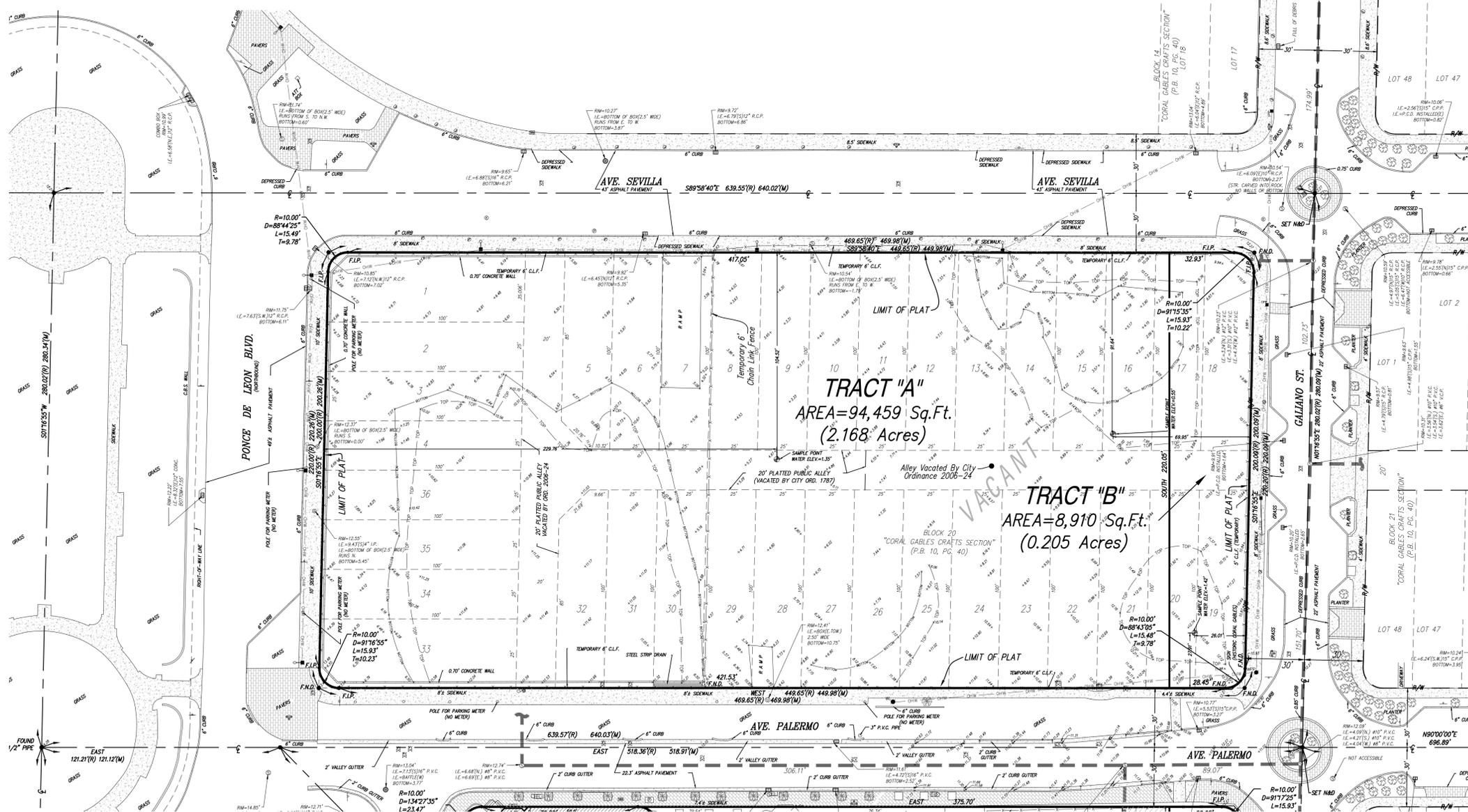
**GENERAL LEGEND:**

- AERIAL TARGET
- ALUMINUM LIGHT POST (SINGLE)
- ALUMINUM LIGHT POST (DOUBLE)
- ALUMINUM LIGHT POST (TRIPLE)
- ALUMINUM LIGHT POST (QUAD)
- ANCHOR/DRILL WIRE
- BACKFLOW PREVENTER ASSEMBLY
- CABLE TELEVISION BOX
- CATCH BASIN
- CENTERLINE
- CHECK VALVE ASSEMBLY
- CIRCULAR MANHOLE
- COLUMN (CIRCULAR)
- COLUMN (SQUARE)
- CONCRETE LIGHT POLE (DOUBLE)
- CONCRETE POWER POLE
- CONTROL POINT
- CURB INLET
- ELECTRIC BOX
- ELECTRIC HAND HOLE
- ELEVATIONS (SEE NOTES FOR DATUM)
- FIRE HYDRANT
- FLAGPOLE
- FLOW LINE
- FORCE MAIN MANHOLE
- FORCE MAIN VALVE
- F.P.L. ELECTRIC MANHOLE
- F.P.L. TRANSFORMER PAD
- F.P.L. TRANSMISSION POLE
- GAS MANHOLE
- GAS METER
- GAS PUMP
- GAS VALVE
- GREASE TRAP MANHOLE
- GROUND LIGHTING
- GUARD POST
- IRRIGATION HAND HOLE
- IRRIGATION VALVE
- MALSBOS
- MONITOR WELL
- MONUMENT LINE
- OVERHEAD WIRES (APPROXIMATE)
- P-5 INLET
- P-6 INLET
- PARKING METER
- PEDESTRIAN CROSSING SIGNAL
- PERMANENT REFERENCE MONUMENT
- POST INDICATOR VALVE
- VACUUM BREAKER ASSEMBLY
- PROPERTY LINE
- SANITARY SEWER CLEANOUT
- SANITARY SEWER MANHOLE
- SAMESE CONNECTION
- SIGN POST
- SPRINKLER PUMP
- STANDPIPE
- STORM SEWER MANHOLE
- STREET LIGHT HAND HOLE
- SWALE INLET
- TELEPHONE BOX (SOUTHERN BELL)
- TELEPHONE HAND HOLE
- TELEPHONE MANHOLE (S.O. BELL)
- TELEPHONE PAYPHONE
- TRAFFIC HAND HOLE
- TRAFFIC UTILITY BOX
- TRAFFIC SIGNAL POST
- UNDERGROUND UTILITY MARKER
- UNKNOWN UTILITY MANHOLE
- UNKNOWN UTILITY HAND HOLE
- WATER MANHOLE
- WATER METER
- WATER VALVE
- WOOD LIGHT POLE
- WOOD POWER POLE
- HANDICAP PARKING
- STROLLER PARKING

- ABBREVIATIONS:**
- R denotes RADIUS
  - L denotes ARC LENGTH
  - T denotes TANGENT DISTANCE
  - PCP denotes PERMANENT CONTROL POINT
  - PRM denotes PERMANENT REFERENCE MONUMENT
  - PLB denotes PLAT BOOK
  - PLC denotes PLAT CORRECTION
  - POC denotes POINT OF COMMENCEMENT
  - POB denotes POINT OF BEGINNING
  - OWB denotes OVERHEAD UTILITY WIRES
  - ORB denotes OFFICIAL RECORDS BOOK
  - PC denotes POINT OF CURVATURE
  - CBS denotes CONCRETE BLOCK STRUCTURE
  - CONC denotes CONCRETE
  - CLF denotes CHAINLINK FENCE
  - WDF denotes WOOD FENCE
  - F.I.P. denotes FOUND IRON PIPE
  - S.I.P. denotes SET IRON PIPE & LB-87 CAP
  - F.A.D. denotes FOUND NAIL & BRASS DISC
  - S.N.D. denotes SET LB-87 NAIL & BRASS DISC
  - END denotes CLEAR
  - ENC denotes ENCROACHMENT
  - CL denotes RIGHT-OF-WAY
  - (D) denotes DEED DISTANCE
  - (L) denotes DISTANCE BY LEGAL DESCRIPTION
  - (M) denotes MEASURED DISTANCE
  - (R) denotes RECORD OR PLATTED DISTANCE

- PAINTED UNDERGROUND UTILITIES (APPROXIMATE)**
- SEWER
  - COMMUNICATION
  - ELECTRIC
  - FORCE MAIN
  - IRRIGATION
  - NATURAL GAS
  - SANITARY SEWER
  - WATER

- V.C.P. denotes VITRIFIED CLAY PIPE  
 P.V.C. denotes POLYVINYL CHLORIDE PIPE  
 C.M.P. denotes CORRUGATED METAL PIPE  
 CONC. denotes CONCRETE PIPE



See Sheet 2 of 3

See Sheet 4 of 4

**TENTATIVE PLAT**

**MEDITERRANEAN VILLAGE AT PONCE CIRCLE**

PREPARED FOR: AGAVE PONCE LLC

Section 17, Township 54 South, Range 41 East, City of Coral Gables, Miami-Dade County, Florida

This is not a "Boundary Survey."

Scale: AS SHOWN

Date: 02-24-16

Checked By: M.S.J.

Surveyed: 03-13-14

F.B. No.: 20 517E

F.E. No.: Pg. 44

File No.: AJ-5165 TP

Sheet 3 of 4

(Sheet 3)

**REVISIONS**

No.	Date	Description
1	02/24/16	ISSUE SURVEY
2	03/13/14	FIELD SURVEY
3	03/13/14	FINAL PLAT
4	03/13/14	REVISIONS
5	03/13/14	REVISIONS
6	03/13/14	REVISIONS
7	03/13/14	REVISIONS
8	03/13/14	REVISIONS
9	03/13/14	REVISIONS
10	03/13/14	REVISIONS

AJ-5165 TP





**TAB 7**



TAB 8

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2015-10**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF CORAL GABLES COMPREHENSIVE PLAN PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW," DIVISION 15, "COMPREHENSIVE PLAN TEXT AND MAP AMENDMENTS", AND SMALL SCALE AMENDMENT PROCEDURES (SS.163.3187, FLORIDA STATUTES), CHANGING THE BOUNDARIES BETWEEN COMMERCIAL LOW-RISE INTENSITY, COMMERCIAL MID-RISE INTENSITY AND COMMERCIAL HIGH RISE INTENSITY LAND USE DESIGNATIONS ON PROPERTY GENERALLY BOUNDED BY SEVILLA AVENUE ON THE NORTH, MALAGA AVENUE ON THE SOUTH, PONCE DE LEON BOULEVARD ON THE WEST AND GALIANO STREET ON THE EAST, AND GENERALLY KNOWN AS 2801, 2901, AND 3001 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA AS SHOWN ON EXHIBIT "A" AND LEGALLY DESCRIBED ON EXHIBIT "B;" PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

**WHEREAS**, an application was submitted requesting a change of land use to change the boundaries between Commercial Low-Rise Intensity, Commercial Mid-Rise Intensity and Commercial High-Rise Intensity land use designations on property generally bounded by Sevilla Avenue on the North, Malaga Avenue on the South, Ponce de Leon Boulevard on the West and Galiano Street on the East, and generally known as 2801, 2901, and 3001 Ponce de Leon Boulevard, Coral Gables, Florida, as shown on Exhibit "A" and legally described on Exhibit "B"; and

**WHEREAS**, a project referred to as a "Mediterranean Village" consisting of a mix of uses including destination retail, entertainment, hotel, office, multi-family, and townhouse uses is proposed to be constructed on the subject property, and the project requires new land use classifications; and

**WHEREAS**, the Applicant has also submitted an application for Zoning Code text amendments which propose Section 3-510, "Mediterranean Village Form-Based Planned Area Development" and related supporting Comprehensive Plan text amendments which the applicant seeks to utilize in the design and development of the Mediterranean Village; and

**WHEREAS**, the Applicant has also submitted proposed applications including a proposed Planned Area Development Site Plan, Development Agreement, and Vacation of an Alleyway, which, consistent with the proposed Section 3-510 of the Zoning Code, are all necessary for the Mediterranean Village to be reviewed in its totality; and

**WHEREAS**, Staff finds that the procedures for reviewing and recommending a proposed change of land use are provided in Zoning Code Article 3, "Development Review," Division 15, "Comprehensive Plan Text and Map Amendments," and that the proposed land use map amendments have met those criteria and standards; and

**WHEREAS**, in advance of public hearing consideration, the City's staff analysis and recommendation are available for inspection at City of Coral Gables Planning Department and City Clerk's office and available on the City's Web page at [www.coralgables.com](http://www.coralgables.com) for easy retrieval; and

**WHEREAS**, after notice of public hearing duly published and notifications of all property owners of record within one thousand (1,000) feet, a public hearing was held before the Planning and Zoning Board/Local Planning Agency of the City of Coral Gables on December 10, 2014, and February 11, 2015 at which hearings all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the February 11, 2015 Planning and Zoning Board meeting, the Planning and Zoning Board/Local Planning Agency recommended Approval of the proposed land use plan map amendments (vote: 7-0); and

**WHEREAS**, the City Commission held a public hearing on March 25, 2015 at which hearing all interested persons were afforded an opportunity to be heard, and the item was continued to a special City Commission hearing on April 2, 2015 and this application for change of land use was approved on first reading (vote: 5-0); and

**WHEREAS**, after notice was duly published, a public hearing for Second Reading on the amendments to the Future Land Use Map of the Comprehensive Plan was held before the City Commission on May 26, 2015 and was continued to a special City Commission hearing on June 10, 2015, at which hearing all interested parties were afforded the opportunity to be heard, and the City Commission, after due consideration and discussion, passed and adopted the Comprehensive Plan Map Amendments on Second Reading (vote: 5-0); and

**WHEREAS**, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request to change the land use pursuant to Florida Statutes, 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, FLORIDA:**

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** The Applicant's request for Comprehensive Plan Map Amendments pursuant to Zoning Code Article 3, "Development Review," Division 15,

“Comprehensive Plan Text and Map Amendments,” changing the boundaries between Commercial Low-Rise Intensity, Commercial Mid-Rise Intensity and Commercial High-Rise Intensity land use designations on property generally bounded by Sevilla Avenue on the North, Malaga Avenue on the South, Ponce de Leon Boulevard on the West and Galiano Street on the East, as shown on Exhibit “A” and legally described on Exhibit “B,” both Exhibits as attached hereto and incorporated herein by this reference, are hereby approved.

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

**SECTION 4.** 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 5.** This Ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS TENTH DAY OF JUNE, A.D., 2015.

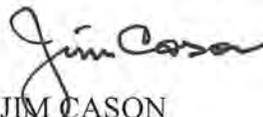
(Moved: Quesada / Seconded: Keon)

(Yeas: Lago, Quesada, Slesnick, Keon, Cason)

(Unanimous: 5-0 Vote)

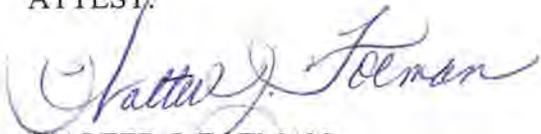
(Agenda Item: A-1)

APPROVED:



JIM CASON  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2015-11**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, REQUESTING AN AMENDMENT TO THE TEXT OF THE CITY OF CORAL GABLES COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT, POLICY FLU-1.1.3, "TABLE FLU-2. COMMERCIAL LAND USES", PURSUANT TO EXPEDITED STATE REVIEW PROCEDURES (S.163.3184, FLORIDA STATUTES) AND ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 15, "COMPREHENSIVE PLAN TEXT AND MAP AMENDMENTS;" AMENDING THE "COMMERCIAL HIGH-RISE INTENSITY," "COMMERCIAL MID-RISE INTENSITY," AND "COMMERCIAL LOW-RISE INTENSITY" LAND USE CLASSIFICATIONS TO PROVIDE THAT (A) RESIDENTIAL USE SHALL BE PERMITTED AND (B) INTENSITY SHALL BE CONTROLLED BY A PLANNED AREA DEVELOPMENT PLAN INSTEAD OF BY FLOOR AREA RATIO, IN A PROJECT DEVELOPED IN ACCORDANCE WITH THE MEDITERRANEAN VILLAGE FORM-BASED PLANNED AREA DEVELOPMENT; AND FURTHER AMENDING THE "COMMERCIAL HIGH-RISE INTENSITY" AND "COMMERCIAL MID-RISE INTENSITY" LAND USE CLASSIFICATIONS TO PROVIDE THAT, IN SUCH A MEDITERRANEAN VILLAGE PROJECT, ADDITIONAL HEIGHT MAY BE GRANTED FOR SPECIFIED USES OR ARCHITECTURAL EMBELLISHMENT; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

**WHEREAS**, an application has been received to amend the text of the Comprehensive Plan, Policy FLU-1.1.3; and

**WHEREAS**, the City of Coral Gables, pursuant to Florida Statutes and the City of Coral Gables Zoning Code, has designated the Planning and Zoning Board as the Local Planning Agency; and

**WHEREAS**, to promote public outreach and participation in the public hearing process, the City has provided the following notice: 1) required advertising per State Statutes and Department of Economic Opportunity guidelines; 2) City web page posting of the public hearing agendas; and 3) electronic mailing to interested parties; and

**WHEREAS**, to provide ample and effective opportunities for public participation in the City of Coral Gables governance and decision making process pursuant to the City's administrative procedures and Comprehensive Plan Goals, Objectives and Policies of the "Governance Element", the City requires the applicant to conduct a neighborhood meeting in advance of public hearings to disseminate information of the application and allow neighborhood and interested party input; and

**WHEREAS**, the applicant has provided courtesy notification mailing to all property owners of record within one thousand (1,000) feet of the property and conducted a neighborhood meeting on September 17, 2014 to disseminate information of the application and allow neighborhood and interested party input; and

**WHEREAS**, the application, legal description, ordinances, mapping, legal advertising, notices, public comments and all other supporting documentation were available for inspection and review at the City of Coral Gables Planning Department and City Clerk's office; and

**WHEREAS**, in advance of public hearing consideration, the City's staff analysis and recommendation are available for inspection at City of Coral Gables Planning Department and City Clerk's office and available on the City's Web page at [www.coralgables.com](http://www.coralgables.com) for easy retrieval; and

**WHEREAS**, the applicant, Agave Ponce, LLC, has proposed Comprehensive Plan text amendments and revised them following First Reading as follows:

**Amendment A.**

Policy FLU-1.1.3, "Table FLU-2. Commercial Land Uses," "Commercial High-Rise Intensity"

Within a Mediterranean Village development:

1. residential use shall be permitted, and
2. the intensity of the project shall be regulated by a maximum Floor Area Ratio ("F.A.R.") of four (4.0), and shall be controlled by an approved Mediterranean Village Planned Area Development ("PAD") Plan, and
3. additional height may be granted for specified uses or provide architectural embellishment

**Amendment B.**

Policy FLU-1.1.3, "Table FLU-2. Commercial land uses," "Commercial Mid-Rise Intensity" and "Commercial Low-Rise Intensity"

Within a Mediterranean Village development:

1. residential use shall be permitted, and
2. the intensity of the project shall be regulated by a maximum F.A.R. of four (4.0), and shall be controlled by an approved Mediterranean Village PAD Plan; and,

**WHEREAS**, a public hearing was held before the Local Planning Agency (Planning and Zoning Board) of the City of Coral Gables on December 10, 2014, and February 11, 2015 at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at a public hearing held on December 10, 2014, and February 11, 2015 the Local Planning Agency (Planning and Zoning Board) recommended approval (vote: 7 – 0), finding that the proposed amendments are in furtherance of the Comprehensive Plan (CP) Goals, Objectives and Policies and the Zoning Code provisions as subject to all plans, exhibits and descriptions submitted

by the applicant; and

**WHEREAS**, the City Commission held a public hearing on March 25, 2015 at which hearing all interested persons were afforded an opportunity to be heard, and the item was continued to a special City Commission hearing on April 2, 2015 and this application was approved on first reading (vote: 3 – 2); and

**WHEREAS**, amendments to the Comprehensive Plan Text are subject to Expedited State Review and are required to be transmitted to the Department of Economic Opportunity, South Florida Regional Planning Council and other review agencies for review prior to consideration by the City Commission on second reading; and

**WHEREAS**, after notice was duly published, a public hearing for Second Reading on the amendments to the Comprehensive Plan Text was held before the City Commission on May 26, 2015 and was continued to a special City Commission hearing on June 10, 2015, at which hearing all interested parties were afforded the opportunity to be heard, and the City Commission, after due consideration and discussion, passed and adopted the Comprehensive Plan Text Amendments on Second Reading (vote: 3-2 Majority);

**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 requested amendments to the City of Coral Gables Comprehensive Plan as provided below are hereby approved.<sup>1</sup>

**Policy FLU-1.1.3.**

**Table FLU-2. Commercial Land Uses**

<b>Classification</b>	<b>Description</b>	<b>Density/Intensity</b>	<b>Height</b>
<b>Commercial High-Rise Intensity.</b>	This category is oriented to the highest intensity commercial uses, including residential, retail, services, office, and mixed use.	<p>Maximum F.A.R. of 3.0, or 3.5 with architectural incentives. Up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs).</p> <p>Residential use shall only be permitted as part of a mixed-use development as provided herein, <u>or a Mediterranean Village.</u></p> <p><u>The density and intensity of a project located in a Mediterranean Village is controlled by an approved Mediterranean Village PAD Plan that cannot exceed a maximum F.A.R. of 4.0 and a maximum density of 125 units per acre.</u></p>	<p>Up to 150’ maximum (no limitation on floors), or 190.5’ maximum (with a maximum 3 additional floors) with architectural incentives per the Zoning Code.</p> <p><u>The heights of structures located in a project located in a Mediterranean Village may exceed the applicable maximum, to the extent approved by the City, for those areas containing only (a) architectural embellishment or (b) a top floor (one or two level) dining and entertainment destination use open to the public.</u></p>

1 Additions to Comprehensive Plan Text are shown in underline.

<p><b>Commercial Mid-Rise Intensity.</b></p>	<p>This category is oriented to medium intensity pedestrian and neighborhood commercial uses, including residential, retail, services, office, and mixed use.</p>	<p>Maximum F.A.R. of 3.0, or 3.5 with architectural incentives. Up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs).</p> <p>Residential use shall only be permitted as part of a mixed-use development as provided herein, <u>or a Mediterranean Village.</u></p> <p><u>The density and intensity of a project located in a Mediterranean Village is controlled by an approved Mediterranean Village PAD Plan that cannot exceed a maximum F.A.R. of 4.0 and a maximum density of 125 units per acre.</u></p>	<p>Up to 70' maximum (no limitation on floors), or 97' maximum (with a maximum 2 additional floors) with architectural incentives per the Zoning Code.</p>
<p><b>Commercial Low-Rise Intensity.</b></p>	<p>This category is oriented to low intensity pedestrian and neighborhood commercial uses, including residential, retail, services, office, and mixed use.</p>	<p>Maximum F.A.R. of 3.0, or 3.5 with architectural incentives. Up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs).</p> <p>Residential use shall only be permitted as part of a mixed-use development as provided herein, <u>or a Mediterranean Village.</u></p> <p><u>The density and intensity of a project located in a Mediterranean Village is controlled by an approved Mediterranean Village PAD Plan that cannot exceed a maximum F.A.R. of 4.0 and a maximum density of 125 units per acre.</u></p>	<p>Up to 50' maximum (no limitation on floors), or up to 77' maximum (with a maximum of 2 additional floors) with architectural incentives per the Zoning Code.</p>

**SECTION 3.** The City Commission, pursuant to First Reading approval of the Ordinance transmitted the request, as required by State Statutes, to the Department of Economic Opportunity, South Florida Regional Planning Council and other review agencies for review prior to consideration by the City Commission on second reading. No objections were received from the review agencies.

**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.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the City of Coral Gables, Florida, as amended.

**SECTION 7.** This Ordinance shall become effective 31 days after the Department of Economic Opportunity determines the amendment submittal package is complete and no petition is

filed by an affected party. If the Department of Economic Opportunity requests a hearing by the Division of Administrative Hearings, this Ordinance shall become effective upon the issuance of a final order by the Division of Administrative Hearings determining the amendment is in compliance.

PASSED AND ADOPTED THIS TENTH DAY OF JUNE, A.D., 2015.

(Moved: Quesada / Seconded: Lago)

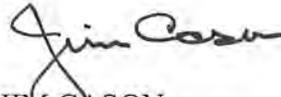
(Yeas: Keon, Quesada, Cason)

(Majority: (3-2) Vote)

(Nays: Slesnick, Lago)

(Agenda Item: A-2)

APPROVED:



JIM CASON  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2015-12**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, BY AMENDING ARTICLE 3, "DEVELOPMENT REVIEW," DIVISION 5, "PLANNED AREA DEVELOPMENT," TO CREATE SECTION 3-510 "MEDITERRANEAN VILLAGE FORM-BASED PLANNED AREA DEVELOPMENT," WITH FORM-BASED DEVELOPMENT STANDARDS THAT MODIFY AND SUPPLEMENT THE EXISTING PLANNED AREA DEVELOPMENT STANDARDS AND CRITERIA TO ALLOW APPROPRIATE INFILL AND REDEVELOPMENT IN URBANIZED AREAS IF CERTAIN MINIMUM REQUIREMENTS ARE MET; AND AMENDING APPENDIX A, "SITE SPECIFIC ZONING REGULATIONS," SECTION A-36 "CRAFTS SECTION," BY REMOVING SECTION A-36.B.5. REGARDING THE USE, DESIGN AND NUMBER OF STORIES FOR DEVELOPMENT IN BLOCK 20; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, an Application was submitted requesting approval of a Zoning Code text amendment to Article 3, "Development Review," Division 5, "Planned Area Development," ("PAD") to allow for Mediterranean Village Form-Based Planned Area Development standards for PADs in the City's urbanized areas where certain minimum criteria are met as provided in Exhibit "A," the Mediterranean Village Form-Based Planned Area Development attached hereto; and

**WHEREAS**, the Applicant is requesting a Zoning Code text amendment to remove Site Specific Regulations in Section A-36.B.5. which place use, design and height restrictions on Block 20, Crafts Section, that are inconsistent with the current vision for the area, as provided in Exhibit "B" attached hereto; and

**WHEREAS**, the existing Zoning Code provisions do not sufficiently address large-scale, urban place-making, innovative mixed-use development, and excellence in architectural design and materials; and

**WHEREAS**, in advance of public hearing consideration, the City's staff analysis and recommendation are available for inspection at City of Coral Gables Planning Department and City Clerk's office and available on the City's Web page at [www.coralgables.com](http://www.coralgables.com) for easy retrieval; and

**WHEREAS**, after notice duly published, a public hearing was held before the Local Planning Agency (Planning and Zoning Board) of the City of Coral Gables on December 10, 2014, and February 11, 2015 at which hearing all interested parties were afforded the opportunity to be heard; and

**WHEREAS**, the Local Planning Agency on December 10, 2014 and February 11, 2015 was presented with the text amendments to the Official Zoning Code, and after due consideration, recommended approval with conditions (vote: 7 – 0) of the text amendment; and

**WHEREAS**, after notice was duly published, a public hearing for First Reading was held before the City Commission on March 25, 2015, at which hearing all interested parties were afforded the opportunity to be heard, and the item was continued to a special City Commission hearing on April 2, 2015, where after due consideration and discussion, the City Commission approved with conditions the text amendment to the Zoning Code on First Reading (vote: 3 – 2); and

**WHEREAS**, after notice was duly published, a public hearing for Second Reading on the amendments to the Zoning Code Text was held before the City Commission on May 26, 2015, and was continued to a special City Commission hearing on June 10, 2015, at which hearing all interested parties were afforded the opportunity to be heard, where after due consideration and discussion, the City Commission unanimously approved the text amendments in concept (vote: 5 – 0), and approved the text amendment to the Zoning Code on Second Reading (vote: 3 – 2);

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**SECTION 1.** The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** The Official Zoning Code of the City of Coral Gables is hereby amended as shown in “Exhibit A,” the Mediterranean Village Form-Based Planned Area Development and “Exhibit B,” Site Specific Regulations modifications, which Exhibits are attached hereto and incorporated herein by this reference.

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

**SECTION 4.** 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 5.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the “Zoning Code” of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

**SECTION 6.** If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

**SECTION 7.** This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TENTH DAY OF JUNE, A.D., 2015.

(Moved: Quesada / Seconded: Lago)

(Yeas: Quesada, Keon, Cason)

(Majority: (3-2) Vote)

(Nays: Lago, Slesnick)

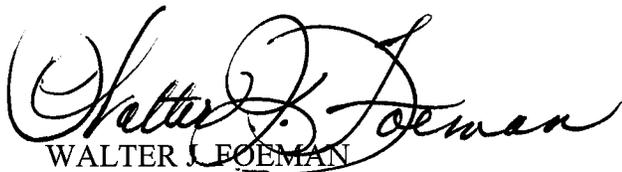
(Agenda Item: A-3)

APPROVED:



JIM CASON  
MAYOR

ATTEST:



WALTER J. JOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2015-13 (AS AMENDED)**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA GRANTING APPROVAL OF A PROPOSED PLANNED AREA DEVELOPMENT (PAD) APPROVAL REFERRED TO AS "MEDITERRANEAN VILLAGE" PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 5, "PLANNED AREA DEVELOPMENT (PAD)", FOR THE CONSTRUCTION OF A PROJECT CONSISTING OF A MIX OF USES INCLUDING OFFICE, COMMERCIAL, RETAIL, HOTEL AND RESIDENTIAL, CONSISTENT WITH THE SEPARATELY PROPOSED SECTION 3-510 "MEDITERRANEAN VILLAGE FORM-BASED PLANNED AREA DEVELOPMENT," ON THE PROPERTY LEGALLY DESCRIBED AS BLOCK 20, BLOCK 23 (LESS LOT 12 AND A PORTION OF LOT 11), AND BLOCK 30, CRAFTS SECTION, ALSO GENERALLY KNOWN AS 2801, 2901, AND 3001 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE. (LEGAL DESCRIPTION OF PROPERTY ON FILE AT THE CITY)

**WHEREAS**, an Application was submitted requesting approval of a proposed Planned Area Development (PAD) pursuant to Zoning Code Article 3, "Development Review," Division 5, "Planned Area Development," for the construction of a mixed-use project referred to as the "Mediterranean Village" (the Mediterranean Village PAD) on the property legally described as Block 20, Block 23 (Less Lot 12 and a portion of Lot 11), and Block 30, Crafts Section (generally known as 2801, 2901, and 3001 Ponce de Leon Boulevard) (the "Property"), Coral Gables, Florida; and

**WHEREAS**, the Applicant has submitted an application for Zoning Code text amendments which propose Section 3-510, "Mediterranean Village Form-Based Planned Area Development" and related supporting Comprehensive Plan text amendments which the applicant seeks to utilize in the design and development of the Mediterranean Village PAD; and

**WHEREAS**, the proposed Planned Area Development Site Plan has been submitted concurrently with proposed applications including Comprehensive Plan text amendments, Comprehensive Plan map amendments, Zoning Code text amendments, Development Agreement, and Vacation of an Alleyway, which consistent with the proposed Section 3-510 of the Zoning Code, are all necessary for the Mediterranean Village PAD to be reviewed in its totality; and

**WHEREAS**, after notice of public hearing was duly published and notification of all property owners of record within one thousand (1000) feet, a public hearing was held before

the Planning and Zoning Board of the City of Coral Gables on February 11, 2015, at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the February 11, 2015 Planning and Zoning Board meeting, the Board recommended approval with conditions (vote: 7 – 0) of the Mediterranean Village PAD on the Property; and

**WHEREAS**, after notice was duly published, a public hearing for First Reading on the Mediterranean Village PAD and related development agreement was held before the City Commission on March 25, 2015 at which hearing all interested parties were afforded the opportunity to be heard, and the item was continued to a special City Commission hearing on April 2, 2015 and the City Commission, after due consideration and discussion, approved with conditions the PAD on First Reading (vote: 3 – 2); and

**WHEREAS**, after notice was duly published, a public hearing for Second Reading on the Mediterranean Village PAD and related development agreement was held before the City Commission on May 26, 2015 and was continued to a special City Commission hearing on June 10, 2015, at which hearing all interested parties were afforded the opportunity to be heard, and the City Commission, after due consideration and discussion, approved the PAD on Second Reading (vote: 3-2);

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**SECTION 1.** That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** That the Applicant’s request for approval of the proposed Mediterranean Village PAD on the Property pursuant to Zoning Code Article 3, “Development Review,” Division 5, “Planned Area Development” is approved, subject to the following conditions, which must be satisfied by the Applicant or its successors or assigns:

1. **Application/supporting documentation.** Construction of the proposed Project shall be in substantial conformance with the following:
  - a. Applicant’s Submittal Package dated 06.02.2015 prepared by RTKL, including 11x17 summary package and complete binder.
  - b. Traffic Impact, Valet Operations, and Shared Parking Analyses updates prepared by Kimley-Horn and Associates, Inc. dated 05.28.2015.
  - c. The Development Agreement between Agave Ponce, LLC and City of Coral Gables, executed on May 25, 2016. Each requirement of the Development Agreement must be followed, regardless of whether it is specifically referenced in this PAD approval.
  - d. Initial Application submittal as amended by subsequent submittals via the City review process and all representations proffered by the Applicant’s representatives as a part

of the review of the Application at public hearings.

2. **Restrictive Covenant.** Within 30 days of execution, the Applicant shall submit a draft restrictive covenant for City Attorney review/approval outlining all conditions of approval as approved by the City Commission. Failure to submit the covenant within the specified time frame shall render the approval void unless said time frame for submittal of the covenant is extended by the City Attorney after a showing of good cause by the property owner as to why the time frame should be extended. It is recognized that the requirements contained in the restrictive covenant constitute regulatory conditions of approval and shall survive as regulatory conditions of approval even if the restrictive covenant is later found to be void or unenforceable.
3. **Development Agreement.** Within 30 days of execution, the Applicant shall record the Development Agreement in the Public Records of Miami-Dade County and shall submit a copy to the Development Review Official and the City Clerk's Office. Failure to submit the recorded Development Agreement within the specified time frame shall render the approval void unless said time frame for submittal of the recorded Development Agreement is extended by the City Attorney after a showing of good cause by the property owner as to why the time frame should be extended.
4. **Exclusive Parking:** Parking spaces may not be sold or rented to those who are not users, tenants or residents of the Mediterranean Village.
5. **Glass roofs.** Glass roofs shall not be permitted to completely cover public rights of way.
6. **Peer Reviews and Inspections.** Due to the large and complex scope of work, accelerated schedule and high cost of development, the Applicant shall reimburse the City for acquiring the services of an outside Peer Review Consultant (or Peer Reviewer). The Peer Reviewer shall ensure code compliance for all building, mechanical, electrical, plumbing and structural aspects of the Project. The Peer Reviewer shall be identified, hired and managed by the Building Division under the direct supervision of the City Building Official.
7. **Construction Staging.** In accordance with City Ordinance No. 3592 (dated 4/23/2002), the Applicant shall be required to provide a construction staging plan which provides information on how the construction activities will be managed to reduce negative off-site impacts on surrounding properties and rights-of-way. The Plan shall provide for maintenance of traffic (MOT), pedestrian and vehicular safety, use of right of way, material delivery and equipment, hours of operation, tree protection, worker parking, etc.
8. **Offsite Improvements.** Upon approval by applicable governmental authorities, the Applicant shall construct and install all offsite improvements pursuant to Exhibits B and H of the Development Agreement, at a schedule to be determined by the City Manager. (Sec. 2.13 of the Development Agreement).
9. **Prior to issuance of a Foundation Permit,** Applicant shall:

- a. **Zoning Review.** Provide measurable floor plans and elevations of the Project in a format determined by City Staff for verification of zoning requirements such as floor area ratio, setbacks, and height.
- b. **Additional Reviews.** Provide for additional review of each individual building by the Board of Architects (BOA), at which time the staff's and BOA's comments on the function and aesthetics of each building shall be addressed. Final approval of the Project by the BOA is required prior to issuance of any building permit.
- c. **Parking Garage Design.** Modify the parking garage to address the following items:
  - i. The parking garage cross connection on the Central Block (2901 Ponce de Leon Boulevard) shall be modified to have two-lane, two-way movement on all levels.
  - ii. The dead-end turnaround at the top level of the garage shall be redesigned to allow comfortable turning movement.
  - iii. All parking stalls shall set back at least one foot (1') from walls.
  - iv. All turning areas in the parking garage, particularly the entry and exit to both ramping systems, shall have a minimum fifteen foot (15') radius.
- d. **Mitigation of Loss of On-Street Parking.** Complete payment of \$420,000 to mitigate the loss of ten (10) on-street parking spaces at a rate of \$42,000 per parking space. (Section 2.14(iii) of the Development Agreement).
- e. **Traffic Signal Warrant Studies.** Submit traffic signal warrant studies for Ponce de Leon Boulevard/Sevilla Avenue, Ponce de Leon Boulevard/Palermo Avenue, and SW 37 Avenue/Almeria Avenue to the City and Miami-Dade County. Should Miami-Dade County not approve the traffic signal warrant studies at any of the above locations based on traffic projections, the Applicant shall submit new traffic signal warrant studies to the City and Miami-Dade County based on actual traffic counts within 90 days after the issuance of a Temporary Certificate of Occupancy for any phased portion of the Project, or as determined by the City. The Applicant shall install any traffic signals that are determined to be warranted within 90 days after Miami-Dade County's approval of the traffic signal warrant study.
- f. **Traffic Improvements.** Obtain conceptual approval of all traffic flow modifications including street design, width, sight triangles, cross walks, diverters, etc. by Miami-Dade County and the City. If any components of the proposed modifications are not approved, the traffic study shall be revised and additional community involvement may be required by the City.
- g. **Upfront Mobility Contribution.** Complete payment of its \$1.34 million mitigation contribution to address the Project's impact on public mobility. (Section 2.15(i) of the Development Agreement).
- h. **Encroachment Plan.** Obtain Commission approval by Resolution of an Encroachment Plan addressing special treatment sidewalks, decorative pavers, landscaping, irrigation, street lighting, landscaping lighting and any other

encroachments into, onto, under, and over the right of way as shown in the site plan and addressed in Article VIII of the Development Agreement.

- i. **Encroachment Agreement and Covenant.** Execute and record a restrictive covenant regarding encroachments and utilities in, below and above the public rights-of-way, in a form acceptable to the Public Works Director, the Risk Management Division, and the City Attorney, which shall include the precise locations and dimensions of the proposed areas of all encroachments. A Hold Harmless agreement shall be executed approving the encroachments. (Article VIII of the Development Agreement).
- j. **Security Bond to Restore Properties:** Provide to the City a surety bond, or other form of security deemed acceptable by the City for the following:
  - i. **The Arts Center Building, Residence at 2915 Coconut Grove Drive, and City Property and Infrastructure** covering the estimated maximum cost of restoration and replacement. (Section 11.21(i) of the Development Agreement).
  - ii. **Project Property** covering the estimated maximum cost of the full restoration of the Property, or in the case of a phased Project, that phased portion of the Project, including installation of sod and landscaping to City Code standards, and removal of all construction fencing. (Section 11.21(ii-iv) of the Development Agreement).
  - iii. **Offsite Improvements** covering 115% of the estimated total hard and soft cost of all Offsite Improvements. (Section 11.21(v) and Exhibit B of the Development Agreement).
- k. **Historic Arts Center Building:**
  - i. Provide a complete structural report by a City approved architect or engineer with knowledge about historic buildings, in particular focusing on the foundations (if any) of the historic building. The report and any implementing measures shall be done with all applicable permits and monitored by the Historic Preservation Officer and the Building Division.
  - ii. Submit a plan prepared by a City approved architect or engineer with knowledge about historic buildings, addressing the method of safeguarding the building during underground parking garage construction and other relevant construction activities, as determined and approved by the Historic Preservation Officer.
  - iii. Provide as-built drawings to the standard set by the Historical American Building Survey to the Planning and Zoning Division and the Historical Resources and Cultural Arts Department.
  - iv. Maintain the building in accordance with Section 3-1108 of the City's Zoning Code.

1. **Existing Single-family residence at 2915 Coconut Grove Drive:**

- i. Conduct and provide to the City a risk management assessment to determine possible impacts to the property and preventative measures to be taken, and submit a protection plan, subject to the review and approval of the City.
  - ii. Submit a construction staging plan indicating how the property owner will access the residence throughout construction of the below-grade and above-grade portions of the Project, and how continuous public services (such as but not limited to potable water, sewer, drainage, sanitation, mail, electric, cable and public safety services) will be provided throughout construction.
  - iii. Submit a plan by a City approved architect or engineer addressing the method of safeguarding the building during underground parking garage construction and other relevant construction activities, as determined by the Building Official.
- m. **Construction Notices.** Provide written notice to all properties within five hundred (500) feet of the Mediterranean Village (2801, 2901, and 3001 Ponce de Leon Boulevard) Project boundaries (“Affected Properties”) providing a specific liaison/contact person for the Project including the contact name, contact telephone number and email, to allow communication between adjacent neighbors or interested parties of construction activities, project status, potential concerns, etc. Provide a minimum of seventy-two (72) hour written notice to Affected Properties of any proposed partial street/alley closures as a result of the Project’s construction activity.

10. **Prior to issuance of the first Temporary Certificate of Occupancy, the Applicant shall:**

- a. **Art in Public Places.** Comply with all City requirements for Art in Public Places, which include having the proposed artist and concept for public art to be reviewed and approved by the Arts Advisory Panel, Cultural Development Board and Board of Architects before being submitted to the City Commission. The Applicant’s compliance with all requirements of the Art in Public Places program shall be coordinated by the Director of Historical Resources and Cultural Arts.
- b. **Additional Contribution.** In addition to the requirements of the City Code for Art in Public Places, contribute \$2.7 million which, at the discretion of the City Commission, may be used for public art or for public safety or both. (Section 2.11(ii) and Exhibit M of the Development Agreement).
- c. **Conceptual Employee Parking Plan.** Submit and obtain the approval by the City Parking Director a conceptual employee parking management plan for each and every Temporary Certificate of Occupancy to limit spillover parking impacts on residential streets. (Section 2.14 (iv) of the Development Agreement).
- d. **Annual Mobility Contribution.** Submit its first annual Mobility Contribution in the amount of \$626,000, and on every January 1<sup>st</sup> for the following calendar year until the conclusion of the 25<sup>th</sup> anniversary of the first Temporary Certificate of Occupancy. (Section 2.15(ii) of the Development Agreement).

- e. **Traffic improvements and study.** Complete all traffic improvements recommended by the Traffic Study prepared by Kimley Horn and Associates and dated 05.28.15 and satisfactorily resolve any outstanding Traffic Study issues as identified by the Public Works Department and City's traffic consultant, subject to review and approval by the Director of Public Works and Miami-Dade County. (Section 2.16 of the Development Agreement).
- f. **Malaga Avenue, University Drive and Ponce de Leon Boulevard Intersection.** Study the intersection of Malaga Avenue, University Drive, and Ponce de Leon Boulevard and obtain approval by the City and Miami-Dade County of all traffic flow modifications, which shall be constructed by the Applicant at its own expense.
- g. **Galiano Street, Malaga Avenue, and University Drive Bicycle Facilities.** Design a bicycle and pedestrian-friendly route, as recommended in the Coral Gables Bicycle / Pedestrian Plan dated April 2014 at the following location: the stretch of Galiano Street, Malaga Avenue, and University Drive between Sevilla Avenue and Le Jeune Road, and all intersections along this stretch. The Applicant shall construct all of the traffic improvements recommended and approved by the City and Miami-Dade County.
- h. **On-Site Bicycle Support Facilities.** For that portion of a phased Project that contains an on-site bicycle support facility, construct such facility to include amenities such as secured bicycle storage, showers, locker rooms, and optional retail uses such as bicycle repair, bicycle sales, or refreshment sales, consistent with the Applicant's submittal prepared by RTKL and dated June 2, 2015. The built-out of the Project shall include a total of two (2) such facilities.
- i. **Residential Parking Zones.** Fund and install decorative signs, approved by the Parking Director, related to developing and upgrading Residential Parking Zones in the neighborhood to the East of the Project as described in the Development Agreement.
- j. **Valet Operations Plan.** Whenever a valet parking operation is proposed related to a phased portion of the Project, submit a valet operations plan subject to the review and approval of the Parking Director. The plan shall ensure that queuing of vehicles for valet during large events or peak traffic hours will not block the flow of traffic on Ponce de Leon Boulevard and any adjacent rights-of-way and shall conform to Exhibit I of the Development Agreement.
- k. **Hotel Special Events Traffic Management.** For that phased portion of the Project that includes a hotel building, submit a conceptual plan for managing traffic related to special events at the hotel ballroom facilities for approval by the Public Works Director. (Section 2.5 of the Development Agreement).
- l. **Taxi Management Plan.** For that phased portion of the Project that includes a hotel building, submit and obtain the approval of the Parking Director, for final plans for

standing, loading, unloading and queuing of taxis, other kinds of vehicles for hire such as ride sharing. (Sec. 2.5 of the Development Agreement).

- m. **Right-of-way and Public Realm Improvements.** Install all right-of-way improvements, traffic flow modifications, landscaping, public realm and streetscape improvements outlined in the Mediterranean Village Traffic Impact Analysis and the Applicant's submittal dated May 28, 2015, subject to review and approval by the Directors of Public Works, Landscape Services, Planning and Zoning, and Parking. Any changes to and departures from the right-of-way and public realm improvements identified on the Applicant's approved plans and associated detail plans and specifications via the permitting process shall be subject to review and approval by Directors of Public Works, Landscape Services, Planning and Zoning, and Parking. (Sec. 2.13 of the Development Agreement).
  - n. **Undergrounding of Overhead Utilities.** Submit all necessary plans and documents, and complete the undergrounding of all overhead utilities along all public rights-of-way surrounding and abutting the Project boundary, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning.
  - o. **Utility Upgrades.** Upgrade all sanitary sewer gravity lines serving the Project to handle peak flows all downstream from the points of connection through the serving pump station.
  - p. **Publicly Accessible Open Spaces Easement.** Execute and record a Publicly Accessible Open Spaces Easement Agreement between the City and the Owner. (Sections 2.10 and 7.4 of the Development Agreement).
  - q. **LEED for Individual Buildings.** Post a bond, escrow or letter of credit based on three percent (3%) of the master building permit construction cost value of each building other than the Historic Arts Center Building pursuant to the requirements set forth in Sec. 5.3 of the Development Agreement.
  - r. **LEED-Neighborhood Development.** Post a bond, escrow or letter of credit in the amount of \$250,000, in addition to the bond referenced in subsection p. above. If within two (2) years of the final Temporary Certificate of Occupancy the Project has not qualified for a minimum of forth (40) points toward LEED-Neighborhood Development or equivalent, the City shall draw upon said bond, escrow or letter of credit. (Sec. 5.3 of the Development Agreement).
11. **Following issuance of the first Temporary Certificate of Occupancy,** the following conditions apply:
- a. **Neighborhood Traffic Calming.** At the Applicant's expense, the City shall perform traffic calming studies, one year from the issuance of the first Temporary Certificate of Occupancy and again every year until the final Temporary Certificate of Occupancy is obtained, at the following locations: (a) Sevilla Avenue, Palermo Avenue, Malaga Avenue, and Coconut Grove Drive between Galiano Street and SW

37 Avenue, (b) Malaga Avenue and Catalonia Avenue between SW 42 Avenue and Salzedo Street, and (c) Santander Avenue and San Sebastian Avenue between Ponce de Leon Boulevard and Douglas Road. If the Public Works Director determines that traffic calming is warranted on any of these roadways, the Applicant shall construct or pay for any physical traffic calming improvements required by these studies within one year of the completion of these studies, as approved by the Public Works Director.

- b. **Traffic Monitoring.** At the Applicant's expense, the City shall perform annual traffic monitoring for a period of five years commencing six months from the issuance of the first Temporary Certificate of Occupancy. The traffic monitoring shall include a study of the number of external vehicular trips generated by the Project during the morning and afternoon peak periods. Should the actual number of external vehicular trips during either of these periods result in a 10% increase in the number of external vehicular trips generated by the development above that which was projected during the original traffic impact analysis, the City will conduct traffic impact studies, at the Applicant's expense, to determine appropriate mitigation. The Applicant shall construct or pay for any improvements in the traffic impact studies within one year of completion of these studies. (Sec. 2.16 of the Development Agreement) In approving any extension to the Development Schedule (Exhibit B of the Development Agreement), the City Manager or City Commission, as may be applicable, shall determine whether this traffic monitoring period must also be extended concurrently.
- c. **Hotel Use, Design and Operation.** The Applicant shall not use the top two floors for a use other than a fine dining restaurant without first obtaining City Commission approval of the new use. The Hotel shall be designed and operated in a manner to conform to the standards of a four-diamond American Automobile Association-rated hotel, in the manner required by Sections 2.5 and 2.6 and Exhibit C of the Development Agreement.

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

**SECTION 4.** 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 5.** 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 6.** This Ordinance shall become effective upon the date that the related

comprehensive plan amendments (Ordinance Nos. 2015-10 and 2015-11) both become final (August 14, 2015).

PASSED AND ADOPTED THIS TENTH DAY OF JUNE, A.D., 2015.

(Moved: Quesada / Seconded: Lago)

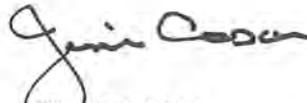
(Yeas: Keon, Quesada, Cason)

(Majority: (3-2)

(Nays: Lago, Slesnick)

(Agenda Item: A-4)

APPROVED:



JIM CASON  
MAYOR

APPROVED:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2015 14 (AS AMENDED)**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING PARTIAL ABANDONMENT AND VACATION OF A 20-FOOT WIDE PUBLIC ALLEYWAY GENERALLY RUNNING EAST-WEST APPROXIMATELY 85 FEET IN LENGTH, DIVIDING BLOCKS 3, 4 AND TRACT F FROM BLOCK 5 AND TRACT G OF PONCE PLACE VILLAS EAST PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 12, "ABANDONMENT AND VACATIONS" AND CITY CODE CHAPTER 62, ARTICLE 8, "VACATION, ABANDONMENT AND CLOSURE OF STREETS, EASEMENTS AND ALLEYS BY PRIVATE OWNERS AND THE CITY; APPLICATION PROCESS," AND THE DEDICATION OF A PUBLIC ACCESS EASEMENT GENERALLY RUNNING OVER AN INTERNAL DRIVEWAY FROM PALERMO AVENUE TO COCONUT GROVE DRIVE RELATED TO PROPOSED DEVELOPMENT CONSISTENT WITH THE SEPARATELY PROPOSED SECTION 3-510 "MEDITERRANEAN VILLAGE FORM-BASED PLANNED AREA DEVELOPMENT," ON THE PROPERTY GENERALLY KNOWN AS 2801, 2901, AND 3001 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR SEVERABILITY, REPEALER AND AN EFFECTIVE DATE. (LEGAL DESCRIPTION OF VACATION ON FILE AT THE CITY)

**WHEREAS**, an Application was submitted requesting the partial abandonment and vacation of a 20-foot wide public alleyway generally running East-West approximately 85 feet in length, dividing blocks 3, 4 and Tract F from Blocks 5 and Tract G of Ponce Place Villas East as legally described in Exhibit "A" attached hereto and incorporated herein (the "Vacation"), and

**WHEREAS**, in conjunction with the Vacation, the applicant proposes the dedication of a public access easement generally running over an internal driveway from Palermo Avenue to Coconut Grove Drive as legally described in Exhibit "B" attached hereto and incorporated herein (the "Easement"), and

**WHEREAS**, the Vacation and Easement are necessary for the construction of a mixed-use project referred to as the "Mediterranean Village" (the Mediterranean Village PAD) on the property generally known as 2801, 2901, and 3001 Ponce de Leon Boulevard, Coral Gables, Florida; and

**WHEREAS**, the Applicant has submitted an application for Zoning Code text amendments which propose Section 3-510, “Mediterranean Village Form-Based Planned Area Development” and related supporting Comprehensive Plan text amendments which the applicant seeks to utilize in the design and development of the Mediterranean Village PAD; and

**WHEREAS**, the Vacation has been submitted concurrently with proposed applications including Comprehensive Plan map amendments, a proposed Planned Area Development Site Plan, and Development Agreement, which consistent with the proposed Section 3-510 of the Zoning Code, are all necessary for the Mediterranean Village PAD to be reviewed in its totality; and

**WHEREAS**, the procedures and requirements for the Abandonment and Vacation of non-fee interests are provided in Zoning Code, Article 3, Division 12, entitled “Abandonment and Vacations,” and in City Code Chapter 62, Article 8, entitled “Vacation, Abandonment and closure of streets, easements and alleys by private owners and the city; Application process;” and

**WHEREAS**, in accordance with Section 62-262 of the City Code, property owners within 1,000 feet of the proposed alley to be vacated were notified by letter of the Development Review Committee public meeting on January 30, 2015, where the Agave Ponce LLC’s application was reviewed; and

**WHEREAS**, in accordance with Section 62-262 of the City Code, following publication of notice of public hearing and notification of all property owners of record within one thousand (1000) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on February 11, 2015, at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the February 11, 2015 Planning and Zoning Board meeting, the Board recommended approval with conditions (vote: 7 – 0) of the Vacation; and

**WHEREAS**, after notice was duly published, a public hearing for First Reading on the Vacation was held before the City Commission on March 25, 2015 at which hearing all interested parties were afforded the opportunity to be heard, and the item was continued to a special City Commission hearing on April 2, 2015 and the City Commission, after due consideration and discussion, approved with conditions the Vacation on First Reading (vote: 5 – 0); and

**WHEREAS**, in accordance with Section 62-262 of the City Code, following publication of notice of public hearing and notification by certified mail of all property owners of record within one thousand (1000) feet, a public hearing for Second Reading on the Vacation was held before the City Commission on May 26, 2015 and was continued to June 10, 2015 at which hearing all interested parties were afforded the opportunity to be heard, and the City Commission, after due consideration and discussion, approved with conditions the Vacation on Second Reading (vote: 5-0); and

**WHEREAS**, it is felt that the vacation of said alley and the provisions of the substitute easement are in the interest of public health, safety, order, convenience, comfort, prosperity and general welfare;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**SECTION 1.** That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** That the City Commission hereby finds:

1. The granting of the Vacation provides some benefit to the public health, safety, welfare, or convenience, but the overall benefit anticipated to result from the abandonment outweighs the specific benefit derived from the non-fee property interest, in that:
  - a. The Vacation or abandonment will not frustrate any comprehensive plan, special purpose plan, or capital improvement program of the City; and
  - b. The Vacation or abandonment will not interfere with any planning effort of the City that is underway at the time of the application but is not yet completed;
2. The Vacation or abandonment will provide a material public benefit in terms of promoting the desired development and improves the City’s long-term fiscal condition and the applicant provides beneficial mitigation in the form of a proffered mitigation plan which mitigates the loss of real property, the increase in the intensity of use and/or impacts on the public health, safety and welfare including increased parking and traffic;
3. The general public will be best served by the Vacation and proposed Easement together providing broader access to the city street system;
4. The Vacation is consistent with the city's comprehensive plan;
5. The Vacation and proposed Easement together provide a material public benefit to the public health, safety and welfare;
6. That sufficient alternative public access to the remaining alleyway has been provided by means of a proffered substitute access easement running over an internal driveway from Palermo Avenue to Coconut Grove Drive;
7. The effect of the proposed action will not have a negative impact upon the safety of pedestrians and vehicular traffic, because the Vacation involves an alleyway;
8. No evidence has been submitted to indicate that the Vacation will have an adverse or negative effect upon the provision of municipal services, including, but not limited to, emergency services and waste removal; and

9. The Vacation is part of a master development plan for this area of the community, and therefore, mitigation is a part of the development plan proposed by the applicant to offset any potential impacts.

**SECTION 3.** That a portion of the 20-foot wide public alleyway generally running East-West approximately 85 feet in length, dividing blocks 3, 4 and Tract F from Blocks 5 and Tract G of Ponce Place Villas East as legally described in Exhibit "A" attached hereto and incorporated herein, shall be and is hereby vacated, abandoned and discontinued for the purpose for which it was dedicated to public use subject to the following conditions of approval:

**Alley vacation and abandonment.** Prior to the issuance of a Temporary Certificate of Occupancy (TCO) for the Mediterranean Village PAD, and in accordance with Chapter 62, Article VIII, Sections 62-257 through 62-265 of the City Code, the Public Works Department recommendation of approval of the proposed alley vacation and abandonment is incorporated herein, and the Applicant, property owner(s), its successors or assigns shall address the following:

- a. The Owner of record, by proper instrument, shall grant an access and utility easement to the City of Coral Gables and any and all applicable utility companies to be used for utility purposes including storm and sanitary sewers and for use as a passageway for City vehicles and the general public. A legal description of said access and utility easement shall be provided to and approved by the City prior to issuance of the first Temporary Certificate of Occupancy.
- b. The easement described hereinabove shall be constructed in accordance with the specifications of the Public Works Department of the City and the plans for such construction shall be submitted to and shall be subject to approval by the Public Works Department. In addition, approval from Miami-Dade County Public Works and Waste Management Department is required where the public access easement intersects with public streets. The permits and inspections for such construction shall be handled in the same manner as the paving for streets and alleys.
- c. The City of Coral Gables shall have the right to exercise the same control over the easement described hereinabove as if the same were a dedicated alley and the acceptance and approval of such easements shall in no way relieve the applicant from complying with any and all regulations pertaining to alleys including but not limited to building, zoning and other applicable regulations.
- d. The easement described hereinabove shall at all times be kept free and clear of any and all encroachments and obstructions, including but not limited to, motor vehicles, trucks, trailers, debris, stoops, waste containers, and the like, and shall be maintained to a standard commensurate with City alleyways, and the City shall have the authority to monitor and enforce same.
- e. A vertical clearance of sixteen feet (16') minimum extending the full length and width of the easement shall be provided above the easements described hereinabove.
- f. The cost of removal and/or relocation of any and all utilities, including storm and sanitary sewers, installation of any required drainage facility, removal of curbs or abandoned concrete approaches and sidewalks and the paving and construction of the substitute easement hereinabove described, shall be borne by the applicant whose actions necessitate such expense.

- g. The use of the vacated property shall be limited to the same uses as to which the adjacent properties are zoned.
- h. The reversionary rights to the portion of the alley vacated shall revert to the owners abutting on each side of the vacated alley.

**SECTION 4.** In the event that the Applicant has not constructed the project within three (3) years of the issuance of a Building Permit for any portion of any property abutting and adjacent to the public right-of-way vacated, ownership of the Alley will revert to the City, unless such time period is extended in the discretion of the City Manager.

**SECTION 5.** All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

**SECTION 6.** 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 7.** 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 8.** This Ordinance shall become effective upon the date of its adoption; provided, that Section 3. of this Ordinance shall not become effective until this Ordinance is recorded in the Public Records of Miami-Dade County, Florida.

PASSED AND ADOPTED THIS TENTH DAY OF JUNE, A.D., 2015.

(Moved: Quesada / Seconded: Lago)

(Yeas: Lago, Quesada, Slesnick, Kerdyk, Cason)

(Unanimous: 5-0 Vote)

(Agenda Item: A-5)

APPROVED:



JIM CASON  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

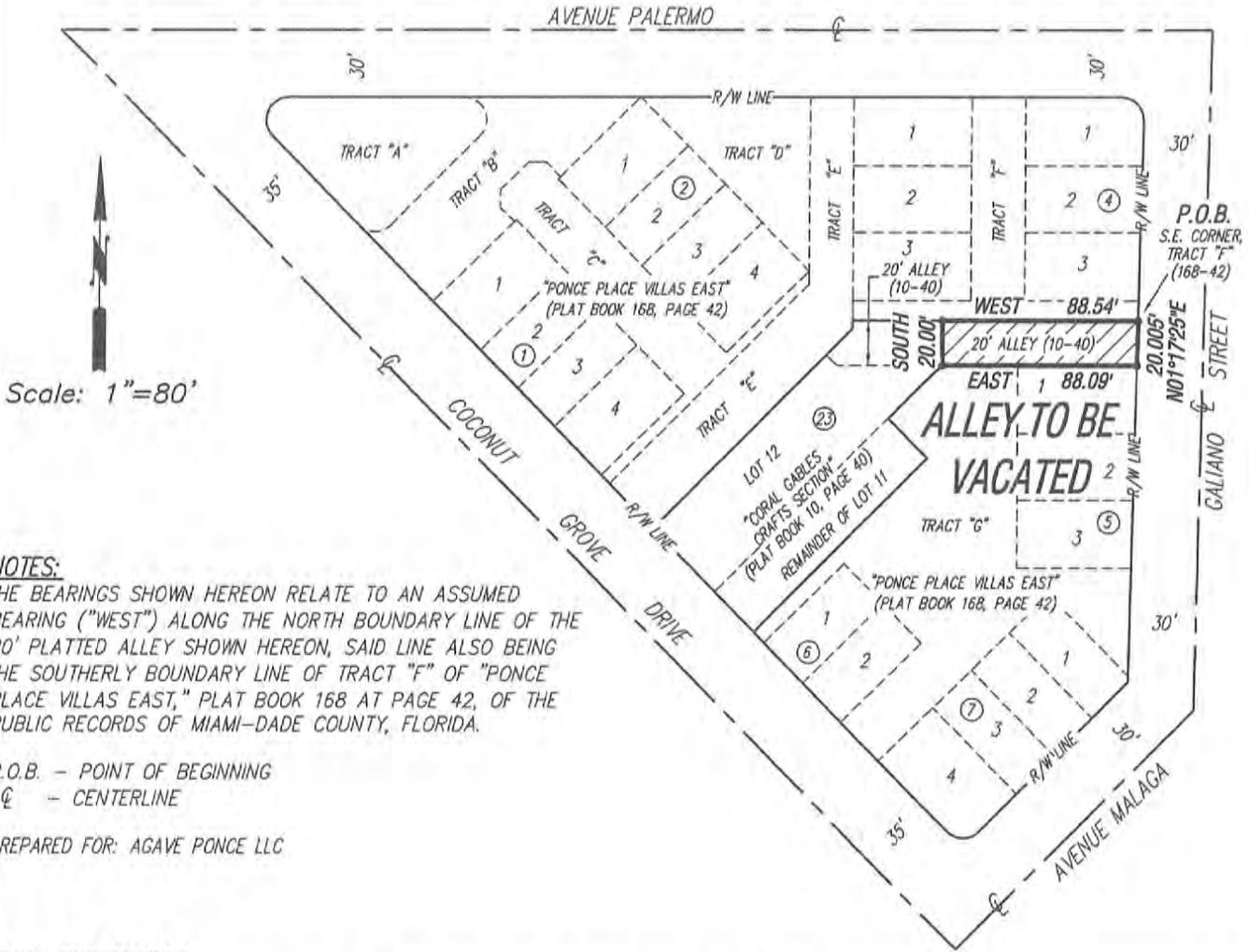
APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## - ALLEY TO BE VACATED -



**NOTES:**

THE BEARINGS SHOWN HEREON RELATE TO AN ASSUMED BEARING ("WEST") ALONG THE NORTH BOUNDARY LINE OF THE 20' PLATTED ALLEY SHOWN HEREON, SAID LINE ALSO BEING THE SOUTHERLY BOUNDARY LINE OF TRACT "F" OF "PONCE PLACE VILLAS EAST," PLAT BOOK 168 AT PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

P.O.B. - POINT OF BEGINNING  
 ☉ - CENTERLINE

PREPARED FOR: AGAVE PONCE LLC

**LEGAL DESCRIPTION:**

AN EASTERLY PORTION OF THAT CERTAIN 20.00 FOOT WIDE ALLEY LOCATED WITHIN BLOCK 23, "CORAL GABLES CRAFTS SECTION," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10 AT PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE SOUTHEAST CORNER OF TRACT "F," "PONCE PLACE VILLAS EAST," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 168 AT PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN DUE WEST, ALONG THE SOUTHERLY BOUNDARY LINE OF SAID TRACT "F," SAID LINE ALSO BEING THE NORTHERLY BOUNDARY LINE OF THE AFOREMENTIONED 20.00 FOOT WIDE ALLEY WITHIN BLOCK 23, FOR A DISTANCE OF 88.54 FEET TO A POINT; THENCE RUN DUE SOUTH, AT RIGHT ANGLES TO THE LAST AND NEXT DESCRIBED COURSES, FOR A DISTANCE OF 20.00 FEET TO A POINT; THENCE RUN DUE EAST, ALONG THE NORTHERLY BOUNDARY LINE OF TRACT "G" AND LOT 1, BLOCK 5, AS SHOWN ON THE AFOREMENTIONED PLAT OF "PONCE PLACE VILLAS EAST," SAID LINE ALSO BEING THE SOUTHERLY BOUNDARY LINE OF THE AFOREMENTIONED 20.00 FOOT WIDE ALLEY WITHIN BLOCK 23, FOR A DISTANCE OF 88.09 FEET TO A POINT; THENCE RUN NORTH 01 DEGREES 17 MINUTES 25 SECONDS EAST, ALONG A LINE COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF GALIANO STREET, FOR A DISTANCE OF 20.005 FEET TO THE SOUTHEASTERLY CORNER OF TRACT "F," "PONCE PLACE VILLAS EAST," AND THE POINT OF BEGINNING. SAID "ALLEY TO BE VACATED" LYING AND BEING IN THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 54 SOUTH, RANGE 41 EAST, CITY OF CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA.

SAID "ALLEY TO BE VACATED" CONTAINS 1,766± NET SQUARE FEET.

*Schwebke-Shiskin & Associates, Inc.*  
 LAND SURVEYORS • ENGINEERS • LAND PLANNERS

(LB-87)

3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025    DADE:(305) 652-7010    BROWARD:(954) 435-7010    FAX:(305) 652-8284

THIS IS NOT A "LAND SURVEY."

ORDER NO.: 203455

DATE: 11-20-2014

SHEET 1 OF 1 SHEET(S)

F.B.: N.A.

PREPARED UNDER MY SUPERVISION:

*(Signature)*

MARK STEVEN JOHNSON    SECRETARY/TREAS.  
 FLORIDA PROF. LAND SURVEYOR NO. 4775

**CITY OF CORAL GABLES, FLORIDA)**

**ORDINANCE NO. 2015-15 (AS AMENDED)**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA APPROVING A DEVELOPMENT AGREEMENT PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 20, ENTITLED "DEVELOPMENT AGREEMENTS," FOR A PROPOSED PLANNED AREA DEVELOPMENT REFERRED TO AS "MEDITERRANEAN VILLAGE" RELATED TO THE CONSTRUCTION OF A PROJECT CONSISTING OF A MIX OF USES INCLUDING OFFICE, COMMERCIAL, RETAIL, HOTEL AND RESIDENTIAL, CONSISTENT WITH THE SEPARATELY PROPOSED SECTION 3-510 "MEDITERRANEAN VILLAGE FORM-BASED PLANNED AREA DEVELOPMENT," ON THE PROPERTY LEGALLY DESCRIBED AS BLOCK 20, BLOCK 23 (LESS LOT 12 AND A PORTION OF LOT 11), AND BLOCK 30, CRAFTS SECTION, GENERALLY KNOWN AS 2801, 2901, AND 3001 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION OF PROPERTY ON FILE AT THE CITY)

**WHEREAS**, a Development Agreement has been submitted pursuant to Zoning Code Article 3, "Development Review", Division 20, "Development Agreements", related to the construction of a mixed-use project referred to as the "Mediterranean Village" (the Mediterranean Village PAD) on the property legally described as Block 20, Block 23 (Less Lot 12 and a portion of Lot 11), and Block 30, Crafts Section (generally known as 2801, 2901, and 3001 Ponce de Leon Boulevard) (the "Property"), Coral Gables, Florida; and

**WHEREAS**, the Applicant has submitted an application for Zoning Code text amendments which propose Section 3-510, "Mediterranean Village Form-Based Planned Area Development" and related supporting Comprehensive Plan text amendments which the applicant seeks to utilize in the design and development of the Mediterranean Village PAD; and

**WHEREAS**, the Development Agreement has been submitted concurrently with proposed applications including Comprehensive Plan map amendments, a proposed Planned Area Development Site Plan, and Vacation of an Alleyway, which consistent with the proposed Section 3-510 of the Zoning Code, are all necessary for the Mediterranean Village PAD to be reviewed in its totality; and

**WHEREAS**, after notice of public hearing was duly published and notification of all property owners of record within one thousand (1000) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on February 11, 2015, at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the February 11, 2015 Planning and Zoning Board meeting, the Board recommended approval with conditions (vote: 7 – 0) of the Development Agreement; and

**WHEREAS**, after notice was duly published, a public hearing for First Reading on the Development Agreement was held before the City Commission on March 25, 2015 at which hearing all interested parties were afforded the opportunity to be heard, and the item was continued to a special City Commission hearing on April 2, 2015 and the City Commission, after due consideration and discussion, approved with conditions the Development Agreement on First Reading (vote: 5 – 0); and

**WHEREAS**, after notice was duly published, a public hearing for Second Reading on the Development Agreement was held before the City Commission on May 26, 2015 and continued to a special City Commission meeting on June 10, 2015 at which hearing all interested parties were afforded the opportunity to be heard, and the City Commission, after due consideration and discussion, unanimously approved the Development Agreement in concept (vote: 5-0), and approved the attached Development Agreement, implementing the development of habitable square footage for a fine dining restaurant above 190.5 feet on Second Reading (vote: 3-2);

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**SECTION 1.** That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** That, pursuant to Zoning Code Article 3, “Development Review”, Division 20, “Development Agreements” the Applicant’s request for approval of the Development Agreement related to the construction of the Mediterranean Village PAD on the property legally described as Block 20, Block 23 (Less Lot 12 and a portion of Lot 11), and Block 30, Crafts Section (generally known as 2801, 2901, and 3001 Ponce de Leon Boulevard), Coral Gables, Florida, is approved.

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

**SECTION 4.** 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 5.** 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 6.** This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TENTH DAY OF JUNE, A.D. 2015.  
(Moved: Quesada / Seconded Lago)  
(Yeas: Keon, Quesada, Cason)  
(Majority: (3-2) Vote)  
(Nays: Slesnick, Lago)  
(Agenda Item: A-6)

APPROVED:



JIM CASON  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2017-68**

A RESOLUTION AUTHORIZING THE ADMINISTRATIVE APPROVAL OF CERTAIN MODIFICATIONS OF THE MEDITERRANEAN VILLAGE (N/K/A THE PLAZA CORAL GABLES) PLANNED AREA DEVELOPMENT FOR THE PROPERTY LOCATED AT 2801, 2901, AND 3001 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA 33134.

**WHEREAS**, Agave Ponce, 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 (hereinafter the “Property”), which is legally described on the attached **Exhibit “A”**; and

**WHEREAS**, the City Commission on June 10, 2015, approved a Planned Area Development (“PAD”) on the Property known as Mediterranean Village (the “Project”) pursuant to Ordinance No. 2015-13, attached as **Exhibit “B”**; and

**WHEREAS**, the Project, now known as “The Plaza Coral Gables,” has been further elaborated and certain modifications to the Project’s plans have been proposed in order to better ensure the preservation of historic structures and neighboring properties, and to provide for additional and larger open space areas, and to better ensure the Project’s economic viability; and

**WHEREAS**, pursuant to Zoning Code Section 3-2010, the City Manager has reviewed Owner’s Development Agreement dated August 14, 2015, recorded at Book 30093, Page 1483 in the Public Records of Miami-Dade County (the “Development Agreement”), and has determined that the Development Agreement needs to be modified in order to correct the Project’s non-compliance with the Development Agreement constructions schedule and to provide for a mix of uses and Developer’s contributions which will allow for an economically viable project; and

**WHEREAS**, in an effort to demonstrate good-faith compliance with the terms of the Development Agreement and after meeting with City Staff, Owner acknowledges and City staff agrees that certain modifications to the previously approved PAD and site plan as set forth on **Exhibit “C”**, have become necessary to further the purposes mentioned above and to meet the City’s high standards and to redevelop this vacant and underutilized Property which has been in a deteriorated condition for over ten years (the “Modifications”); and

**WHEREAS**, the Modifications which include, but are not limited to, reduction in maximum building height, reduction in Floor Area and a change to the mix of uses within the Project are all minor amendments and within the scope of changes contemplated and permitted to be approved administratively pursuant to Section 3-507(A) of the City's Zoning Code; and

**WHEREAS**, on March 14, 2017, the City Commission reviewed and expressed its support for the proposed Modifications and acknowledged that the Modifications are sufficiently limited in scope, are minor in nature and can be approved administratively; and

**WHEREAS**, the City finds that the administrative approvals of the Modifications are consistent and compatible with the City's Comprehensive Plan and Zoning Code;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and are hereby made a specific part of this Resolution upon adoption herein.

**SECTION 2.** The City hereby supports the Modifications to the PAD and conceptual site plan.

**SECTION 3.** Pursuant to Zoning Code Section 3-507(A) and the Mediterranean Village PAD regulations as set forth in Appendix C of the Zoning Code, the Modifications to amend the Owner's PAD plan are minor amendments, as they do not substantially alter the concept of the PAD.

**SECTION 4.** The Modifications shall be further reviewed and approved administratively by the Planning and Zoning Division. Prior to approval, the Planning and Zoning Division may request further analyses and studies as part of its administrative review, which may result in further refinements to the site plan.

**SECTION 5.** The administrative approval of the Modifications is consistent with the City's Comprehensive Plan and compliant with the Zoning Code.

**SECTION 6.** That this Resolution shall become effective upon the dated of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF MARCH, A.D.,  
2017.

(Moved: Keon / Seconded: Slesnick)  
(Yeas: Lago, Quesada, Slesnick, Keon, Cason)  
(Unanimous: 5-0 Vote)  
(Agenda Item: H-3)

APPROVED:  
 For.

JIM CASON  
MAYOR

ATTEST:  
  
WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
CRAIG E. LEEN  
CITY ATTORNEY

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**EXHIBIT "B"**

**APPROVED PAD ORDINANCE**

## EXHIBIT "C"

### MODIFICATIONS

- FAR: Total overall Project FAR decreases from 4.0 to 3.8
- Maximum Height: Maximum Habitable Height of the Project decreases from 218'6" to 190'-6"
- Elimination of Basement Parking Levels
- New Program: The maximum floor areas and uses for each particular permitted use is adjusted to be as follows:

<b>Use</b>	<b>Original Program</b>	<b>Modified Program</b>
Retail	265,000 square feet	137,000 square feet
Townhouse	15 units	15 units
Multi-Family Residential	214 units	136 units
Hotel	184 rooms	220 rooms
Office	317,000 square feet	474,000 square feet
Restaurant	29,000 square feet	40,000 square feet

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2017-69**

A RESOLUTION APPROVING MODIFICATIONS TO AN APPROVED DEVELOPMENT AGREEMENT FOR MEDITERRANEAN VILLAGE (N/K/A THE PLAZA CORAL GABLES) PLANNED AREA DEVELOPMENT FOR THE PROPERTY LOCATED AT 2801, 2901, AND 3001 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA 33134.

**WHEREAS**, Agave Ponce, 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 (hereinafter the “Property”), which is legally described on the attached **Exhibit “A”**; and

**WHEREAS**, the City Commission on June 10, 2015, approved a Planned Area Development (“PAD”) on the Property known as Mediterranean Village (the “Project”) pursuant to Ordinance No. 2015-13 along with several other land use, zoning and development approvals for the Project (the “Approvals”); and

**WHEREAS**, the Project, now known as “The Plaza Coral Gables” has been further elaborated and certain modifications have been proposed so as to better balance the Project’s multiple uses, preserve its historic structures and neighboring properties, to provide for additional and larger open space areas, and to better ensure the Project’s economic viability; and

**WHEREAS**, as part of the Approvals, 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”); and

**WHEREAS**, pursuant to Zoning Code Section 3-2010, the City Manager has reviewed the Development Agreement and has determined that the Development Agreement needs to be modified in order to correct the Project’s non-compliance with the Development Agreement construction schedule and to provide for a mix of uses and Developer’s contributions which will allow for an economically viable Project; and

**WHEREAS**, in an effort to demonstrate good-faith compliance with the terms of the Development Agreement and after meeting with City Staff, Owner and City Staff acknowledge that certain modifications to the previously approved PAD and site plan have become necessary to ensure the Project’s viability and to meet the City’s high standards and to update the Project’s construction timeline, and that, therefore, the approved Development Agreement must also be modified to be consistent with the modifications to the PAD site plan; and

**WHEREAS**, the proposed modifications to the Development Agreement (the “Agreement Modifications”) attached as Exhibit “B”, are the result of thoughtful

consideration by the Owner after consulting with both City Staff and outside experts to ensure that the Project will be both economically viable and a valued community asset; and

**WHEREAS**, on March 14, 2017, the City Commission reviewed and expressed its support for the proposed modifications to the approved PAD site plan; and

**WHEREAS**, pursuant to Zoning Code Section 3-2010, the City Commission is authorized to approve modifications to the Development Agreements; and

**WHEREAS**, the City finds that the Agreement Modifications are consistent and compatible with the City's Comprehensive Plan and Zoning Code;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and are hereby made a specific part of this Resolution upon adoption herein.

**SECTION 2.** The City finds the applicable provisions of the Zoning Code for amending development agreements have been satisfied.

**SECTION 3.** The City finds good-faith compliance with the Development Agreement and further finds that the proposed Agreement Modifications are necessary to fulfill the intent of the Development Agreement and hereby approves the amendments to the Development Agreement pursuant to the Agreement Modifications attached as **Exhibit "B"** and authorizes the City Manager to execute an Amendment to the Development agreement which is consistent with this Resolution

**SECTION 4.** The approval of the Agreement Modifications is consistent with the City's Comprehensive Plan and compliant with the Zoning Code.

**SECTION 5.** That this Resolution shall become effective upon the dated of its passage and adoption herein.

PASSED AND ADOPTED THIA TWENTY-EIGHTH DAY OF MARCH, A.D.,  
2017.

(Moved: Slesnick / Seconded: Keon)  
(Yeas: Quesada, Slesnick, Keon, Lago, Cason)  
(Unanimous: 5-0 Vote)  
(Agenda Item: H-4)

APPROVED:  
  
For:  
JIM CASON  
MAYOR

ATTEST:

  
WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
CRAIG E. LEEN  
CITY ATTORNEY

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**EXHIBIT "B"**

**AGREEMENT MODIFICATIONS**

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

LEGAL DESCRIPTION:

PARCEL ①:

LOTS 1 THROUGH 36, BLOCK 20, CRAFTS SECTION OF CORAL GABLES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, AT PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL ②:

ALL OF THE NORTH-SOUTH ALLEY, WHICH EXTENDS FROM SEVILLA AVENUE TO PALERMO AVENUE, AND THE EAST-WEST ALLEY IN BLOCK 20, CRAFTS SECTION OF CORAL GABLES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, AT PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AS VACATED BY CITY OF CORAL GABLES ORDINANCE 2006-24.

PARCEL ③:

LOTS 1, 2, 3, 16, 17, 18 AND 19, BLOCK 30, OF CORAL GABLES CRAFTS SECTION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND TRACTS A, B AND C OF CATAMAL CORNER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 102, PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND LOTS 6 AND 7, LESS THE NORTHEASTERLY 107.5 FT. THEREOF, BLOCK 30, OF CORAL GABLES CRAFTS SECTION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL ④:

ALL THAT PORTION OF THE NORTH-SOUTH ALLEY IN BLOCK 30, CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WHICH LIES SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 1, BLOCK 30, CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 40, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AS VACATED BY CITY OF CORAL GABLES ORDINANCE 2006-24.

PARCEL ⑤:

LOTS 14 AND 15 AND THE WEST 10 FEET OF LOT 13, BLOCK 30, OF CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL ⑥:

LOTS 12 AND 13, LESS THE WEST 10 FEET OF LOT 13, BLOCK 30, OF CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL ⑦:

LOTS 10 AND 11, IN BLOCK 30, OF CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL ⑧:

LOTS 8 AND 9, BLOCK 30, OF CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL ⑨:

NORTHEASTERLY 107.5 FEET OF LOTS 6 AND 7, BLOCK 30, OF CORAL GABLES CRAFTS SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL ⑩:

ALL OF THE LANDS AS CONTAINED IN THAT CERTAIN RECORD PLAT OF "PONCE PLACE VILLAS EAST," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 168 AT PAGE 42, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**EXHIBIT "B"**

**AGREEMENT MODIFICATIONS**

**THIS INSTRUMENT RETURN TO:**

Walter Foeman, City Clerk  
City of Coral Gables  
405 Biltmore Way, 1<sup>st</sup> Floor  
Coral Gables, FL 33134

**THIS INSTRUMENT PREPARED BY:**

Susan L. Trevarthen, Esq.  
Weiss Serota Helfman Cole & Bierman, P.L.  
2525 Ponce de Leon Boulevard, Suite 700  
Coral Gables, Florida 33134

Mario Garcia-Serra, Esq.  
Gunster, Yoakley & Stewart, P.A.  
600 Brickell Avenue, Suite 3500  
Miami, Florida 33131

**DEVELOPMENT AGREEMENT**

between

**AGAVE PONCE, LLC**, a  
Florida limited liability company

and

**CITY OF CORAL GABLES**, a  
Florida municipal corporation

EFFECTIVE DATE OF

August 14, 2015

**AMENDED DEVELOPMENT AGREEMENT**

THIS AMENDED DEVELOPMENT AGREEMENT ("Agreement" or "Amended Development Agreement") is executed this \_\_\_\_\_ day of April, 2016, 2017, by and between the CITY OF CORAL GABLES, a Florida municipal corporation ("City") and AGAVE PONCE, LLC, a Florida limited liability company ("Owner", as more specifically defined herein).

**RECITALS:**

A. Owner is the owner in fee simple of the property more particularly described in **Exhibit A** attached hereto (the "Property").

B. Owner has applied to the City Commission for approval of a Mediterranean Village Planned Area Development ("PAD") pursuant to Section 3-510 of the City's Zoning Code.

C. Section 3-510(F) of the City's Mediterranean Village PAD regulations requires a Development Agreement to be entered into with respect to the Property which grants certain assurances regarding the construction, operation and maintenance of the proposed PAD.

D. The City and Owner desire to enter into this Agreement amending the Development Agreement executed May 25, 2016 recorded at Book 30093, Page 1483 in the Miami-Dade Public Records for the purpose of providing the terms and conditions on which the Property is to be developed, and to reflect a decrease in the approximate Project construction costs from \$500 Million to \$400 Million. The City may require further amendment of this Agreement if there are substantial increases in the Project construction costs.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Owner hereby mutually covenant and agree as follows:

**ARTICLE I. EXHIBITS, DEFINITIONS, AND FURTHER ASSURANCES**

Section 1.1 Exhibits. Attached hereto and forming a part of this Agreement are the following Exhibits:

- Exhibit A      Legal Description of Property
- Exhibit B      Development Schedule
- Exhibit C      Hotel Standards of Operations
- Exhibit D      Reserved
- Exhibit E      Retail Standards of Operation

“Section”, “Subsection”, “Paragraph”, “Subparagraph”, “Clause”, or “Subclause” followed by a number or letter means the section, subsection, paragraph, subparagraph, clause, or subclause of this Agreement so designated.

Section 1.3 Terms from City Codes. Terms used in this Agreement which are defined in the City’s Code of Ordinances and Zoning Code will have the meaning set forth in the those codes.

Section 1.4 Approvals and Consents. Wherever in this Agreement the approval or consent of any party is required, it is understood and agreed that, except as otherwise specified, such approval or consent will not be unreasonably withheld or delayed.

ARTICLE II. PLANS, DEVELOPMENT AND OPERATING STANDARDS, PARKING, AND IMPROVEMENTS

Section 2.1 Development Plans. The Owner and the City acknowledge and agree that the Property shall be developed in *substantial* conformance with the architectural and landscaping plans and the Sign Package prepared by RTKL that are included in the packet for the June 10, 2015 City Commission Meeting and were approved by the City Commission, as the same may be amended from time to time after City approval (collectively, the “Approved PAD Plans”), and the terms and conditions of this Agreement; it being agreed that any amendments to the Approved PAD Plans shall comply with the City’s process for amending PADs as codified at Section 3-507 of the City’s Zoning Code. Owner acknowledges that any proposed change to the exterior façade of a building shall require review and approval of the Board of Architects, at the discretion of the Development Review Official.

Section 2.2 Uses. The following uses, together with all ancillary uses, shall be permitted on the Property (as such uses and ancillary uses are defined or described, as applicable, under the City’s Zoning Code):

- (i) Retail uses of approximately ~~265,000~~137,000 square feet (the “Retail Component”).
- (ii) Restaurant uses of approximately ~~29,000~~40,000 square feet (the “Restaurant Component”).
- (iii) Office uses of approximately ~~317,000~~474,000 square feet (the “Office Component”).
- (iv) Residential uses of approximately ~~214~~136 multi-family units and 15 townhomes.
- (v) Hotel uses of approximately ~~184~~220 rooms (the “Hotel”).
- (vi) Publicly Accessible Open Spaces as depicted on Exhibit L attached hereto.

Section 2.3 Changing of Uses. The shifting of floor area from one use to another is subject to the following:

operate at the Operating Standards required to qualify for at least a AAA four diamond rating or an equivalent standard will give the City the rights and remedies provided for in Exhibit C.

Section 2.7 Retail Component Operating Standards. The Retail Component shall be operated in accordance with the standards set forth on Exhibit E attached hereto.

Section 2.8 Restaurant Component Operating Standards. The Restaurant Component shall be operated in accordance with the standards set forth on Exhibit F attached hereto.

Section 2.9 Office Component Operating Standards. The Office Component shall be operated in accordance with the standards set forth on Exhibit G attached hereto.

Section 2.10 Publicly Accessible Open Spaces. All Publicly Accessible Open Spaces will be open to the public in perpetuity, subject to (a) closures required from time to time for replacement and repair, (b) closures for occasional scheduled events in accordance with Section 7.7 hereof, (c) reasonable limitations on hours of operation as established by the Owner from time to time, which at a minimum shall be no less than the regular City Park hours, unless other approved by the City Manager, and (d) closures once per year required to prevent dedication to the public. The Publicly Accessible Open Spaces will be maintained by the Owner at a level of quality equal to or higher than the City's actual maintenance standard for the public open spaces at the Biltmore Hotel, will meet the requirements of Article VII hereof, and will be placed and operated in conformance with the descriptions in Exhibit L attached hereto.

Section 2.11. Public Safety; Public Art; Ponce Circle Park.

(i) Satisfaction of Code requirements. The City's "Art in Public Places" Ordinance (the "Art Ordinance") requires 1% of the Aggregate Project Value to be spent on on-site public art installations or contributions to the City's "Art in Public Places" fund (the "Art Fund") or both. The Owner proposes to satisfy the Art Ordinance by providing on-site public art installations. The public art installations that will be proposed by the Owner from time to time will be reviewed and approved by the City under the Art Ordinance review process in effect on the date hereof, except that the time for payment or installation of such art may be extended from building permit to the date of the Project's first Temporary Certificate of Occupancy in the discretion of the City Manager. The maintenance of, and public access to, artwork will comply with requirements of the City's Art Ordinance.

(ii) Additional contribution. In addition to complying with the Art Ordinance and all other applicable fees and costs related to Governmental Requirements, the Owner hereby commits to contribute an additional \$2.7 million to the City no later than the first Temporary Certificate of Occupancy. This contribution is proffered by the Owner in relation to the Approved PAD Plans, to be used by the City for one or both of the two following purposes. The allocation of the contribution is in the sole discretion of the City Commission.

(a) Public Safety. All or part of the contribution may be used for the public safety needs specified in the Public Safety Memo attached as Exhibit M.

(b) Public Art. All or part of the contribution may be used for installation of publicly accessible artwork into the Project or in Ponce Circle Park, adjacent to the Project, or in both places, for the benefit of the Project and of the City. The artwork to be acquired shall be compatible with the Project design and aesthetics. The City Manager will inform the Owner of, and give the Owner an opportunity to comment on, the identity of the artist and the specific works of art that the City intends to purchase using this additional contribution. The exact placement of art purchased with this additional contribution shall be determined by the City Manager, after providing the Owner an opportunity to comment on the proposed location.

(iii) Additional Ponce Circle Park Contribution. The Owner shall, prior to the issuance of the first initial phase or master building permit for the Project, contribute \$2 Million to the City for improvements to Ponce Circle Park.

#### Section 2.12 Arts Center Building.

(i) Intent. Both Owner and the City acknowledge that the historic Arts Center Building located at 2901 Ponce de Leon Boulevard (the "Arts Center Building") is a focal point of the Project, and a building of great public importance. Its adaptive reuse is a critical component of the Project's overall success, but the reuse should not overly commercialize the historic values of the Arts Center Building and should be oriented towards and intended to activate pedestrian activity. Accordingly, Owner and City agree that any proposed use of the Arts Center Building should celebrate its important role in civic planning and architectural history and in the history of the City, and should increase the prestige of the overall Project. The building will be used and managed in accordance with the City Code governing Historic Resources. Examples of the kinds of uses that the Owner may propose, which are listed only to exemplify the parties' mutual intent and not to predetermine the acceptability of any particular use, include museums, art galleries or art schools; architectural colleges, design studios or research institutes; institutions of city planning education or research; and special events compatible with the building's historic nature. Limited ground floor retail or restaurant uses that are unique and further the intent of this section, such as a high quality café similar to Chocolate Fashion, Café Curuba or Café Demetrio, may also be proposed. Owner agrees to maintain the Arts Center Building in compliance with Section 3-1108 of the City Code at all times, and to provide reasonable access to City representatives upon request to assure such compliance.

(ii) Procedure. Owner will petition the City for approval of the initial and future proposed uses of and tenants for the Arts Center Building. Owner agrees not to propose uses that are prohibited or are not permitted by the Zoning Code, by the form-based planned area development criteria and other Project approvals, or by Section 5.1(i) – (xii) and (xiv) – (xv) of this Agreement. The City Manager will review the petition and the recommendation of the Historic Resources Officer, along with the applicable zoning provisions and Project approvals, and, in his or her sole discretion, will choose to either approve, deny or recommend modifications to the petition or make a written recommendation to the City Commission for its consideration and action on the petition. In making this decision, the City Manager will only consider high quality uses that respect the importance of the building, not only for its architecture but also for the defining role it played in shaping the beauty and vision of the City. The parties agree that disputes concerning the decisions to be made under this Section 2.12 shall be handled in accordance with Section 4.2 of this Agreement.

Section 2.13. Offsite Improvements. Subject to and conditioned upon the issuance of required building permits from the applicable Governmental Authorities, the Owner shall construct and install the improvements required by the traffic study meeting all City and other applicable Governmental Requirements described on, and in accordance with the time frames and procedures set forth on Exhibit B. Owner shall contribute the costs of Offsite Improvements to enhance surrounding neighborhoods such as those shown and in the locations described in Exhibit H (including, without limitation, the residential parking zones as shown in Attachment D to the April 2, 2015 City Commission agenda memo, typical street sections, and conceptual drawings) attached hereto. The design, planning and construction of the Exhibit H improvements shall follow a schedule to be determined by the City Manager, which shall include ample opportunities for the neighborhoods to provide design input and shall accomplish the construction as soon as practical, phasing the work as necessary to avoid conflicts with or damage resulting from the construction of the Project, but which shall provide that work in all areas identified in Exhibit H that will not interfere with or be affected by construction of the Project shall be commenced within six months of the execution of this Amended Development Agreement. The City Manager shall determine, in coordination with the Owner, which party will be responsible for each step of the planning, design and construction of the Offsite Improvements, as set forth in Exhibit H.

Section 2.14. Parking.

(i) Amount. Parking shall be provided for the Project pursuant to the Approved PAD Plans. The valet operating plan for the Project is set forth as Exhibit I attached hereto. The Project is availing itself of reduced parking requirements pursuant to the shared parking analysis and reduction permitted by the Mediterranean Village Planned Area Development regulations. No shared parking is proposed or will be allowed for residential uses. Parking for all other uses will not be reserved, except for (a) approved valet parking spaces, and (b) spaces for the office tower in the north block may be reserved from 8 am – 6 pm Monday through Friday.

(ii) Enforcement. Certain types of use assumptions have been made by the City in granting reductions in parking requirements pursuant to the shared parking analysis. The City has the right to enter upon the Property at any time to confirm that the type of use assumptions previously made continue to be accurate and, in the event that the City has any doubts as to the accurateness of these assumptions, it may request that Owner conduct further analysis so as to satisfy the City of the appropriateness of the parking provided for the Project. The City has the right to withhold permits for the Project until it is reasonably satisfied that the shared parking analysis provided is accurate and reliable.

(iii) Loss of Onstreet Parking Spaces. In accordance with the requirements of Chapter 74 Traffic and Vehicles, Article III. Stopping, Standing and Parking, Division 5. Parking Replacement Assessment of the City Code of Ordinances, the Owner agrees to mitigate for the loss of ten (10) on-street parking spaces attributable to the prior approved project on the Property, at the current City rate of \$42,000 per parking space lost. Payment shall be made prior to issuance of a foundation permit.

(iv) Employee Parking. Owner will submit a conceptual employee parking management plan to limit spillover parking impacts on residential streets, and obtain the approval of the plan by the City Parking Director, prior to issuance of a Temporary Certificate of Occupancy for any non-residential building.

Section 2.15. Mobility Improvements.

(i) Upfront Contribution. In order to mitigate the Project's impact on public mobility, the Owner shall pay to the City \$1,342,592 million (the "Upfront Contribution") prior to the issuance of the foundation permit, to be used by the City towards the purchase of up to four new trolley buses, construction of garage space attributable to up to four trolley buses, or equivalent capital and/or operational expenditures supporting mobility that provide comparable access to the Project and comparable circulation between the Project and the Central Business District. The amount of this Upfront Contribution shall be credited against any future fee on development for the same purposes that may be legislatively adopted by the City and enforced against the Project for five years from the date of this Amended Development Agreement. In the event that a list of the expenses and amounts for which the Upfront Contribution is spent is not available through a public records request to the City, then the City shall provide such a list to the Owner within a reasonable time after a written request.

~~(ii) Annual Mobility Contribution. Owner shall also pay \$626,000 per year (the "Mobility Contribution"), commencing prior to the issuance of the first Temporary Certificate of Occupancy for the Project, continuing on January 1 of each calendar year following the year of the initial payment date, and concluding the year of the 25th anniversary of the issuance of the first Temporary Certificate of Occupancy for the Project. The Mobility Contribution may be utilized for any desired enhancement, either capital or operational, of the City's trolley system including the improvements recommended by the Project's traffic consultants, which are summarized in the attached Exhibit J, or improvements to any future public transportation system or technology that may replace or accompany the trolley system. The amount of this Mobility Contribution shall be credited against any future fee on development for the same purposes that may be legislatively adopted by the City and enforced against the Project. Prior to using the Mobility Contribution for an expenditure that is not in Exhibit J, the City will obtain an opinion of a qualified transportation or mobility expert that the alternative expenditure provides equal or better access to the Project, and equal or better circulation between the Project and the Central Business District than the improvements specified in Exhibit J. In the event that a list of the expenses and amounts for which the Mobility Contribution is spent annually is not available through a public records request to the City, then the City shall provide such a list to the Owner within a reasonable time after a written request.~~

~~Failure to timely make the agreed upon annual payments of the Mobility Contribution may trigger liquidated damages for delay as follows, as determined by the City Manager:~~

~~(a) Payments that are 10 or fewer calendar days late: No liquidated damages;~~

~~(b) Payments that are 11—30 calendar days late: Shall be accompanied by liquidated damages of \$1,000 per day late, up to a maximum of \$30,000; and~~

~~(e) Payments that are more than 30 calendar days late: Shall be accompanied by liquidated damages of \$5,000 per day late, up to a maximum of \$250,000.~~

Section 2.16. Traffic Improvements. Prior to the issuance of the first Temporary Certificate of Occupancy for the Project, Owner shall complete all traffic improvements recommended by the Traffic Study prepared by Kimley Horn and Associates and dated May 18, 2015. City Commission Ordinance No. 15-3842 requires that certain follow up analyses take place after issuance of the first Temporary Certificate of Occupancy for the Project. Within one year of City receipt and approval of these follow up traffic analyses, the Owner shall complete the traffic improvements, if any, recommended by said follow up analyses.

### ARTICLE III. LAND USES, PROJECT QUALITY AND ASSURANCES

Section 3.1. Land Uses. The Owner and the City agree, during the term of this Agreement, to devote the Property and the Owner Improvements only to the uses specified in this Agreement and to be bound by and comply with all of the provisions and conditions of this Agreement. However, nothing contained herein shall be or be deemed to be any contract or agreement by the City, in its municipal capacity, to grant approvals for the Project or with respect to any zoning decisions affecting the Project. For additional consideration given, the sufficiency and nature all of which is hereby acknowledged, the Owner hereby agrees that this Agreement does not constitute contract zoning or contract planning prohibited by Florida law, and the Owner hereby waives any claim, pleading, or affirmative defense that this section or this Agreement constitutes prohibited contract zoning or contract planning.

Section 3.2 Character and Operation Standards of Property and Owner Improvements. The parties recognize and acknowledge that the manner in which the Project is developed, operated, and maintained is a matter of critical concern to the City. The Owner hereby agrees to develop, redevelop, operate, repair, rehabilitate, demolish, and maintain the Project and all other property, whether real or personal, and equipment located thereon which are owned, leased maintained, or subject to the control of or by the Owner in good order, condition, repair and appearance and in a manner consistent with (i) presently existing comparable projects (such as "The Village of Merrick Park" located in the City, "Mizner Park" located in Boca Raton, Florida, and "CityPlace" in West Palm Beach, Florida ); (ii) the operational standards set forth in the exhibits attached hereto, including but not limited to Exhibits C, E, F, G, I and L, (collectively the "Operational Standards"); and (iii) in compliance with all Governmental Requirements. To help accomplish this result, the Owner will establish reasonable rules and regulations incorporating the Operational Standards governing the use and operation of the Project in order to assure the level of quality and character of operation of the Project required herein, and Owner shall use all reasonable efforts to promptly and immediately enforce such rules and regulations.

### ARTICLE IV. AGREEMENT AS COVENANT; PERFORMANCE AND DEFAULT

Section 4.1. Agreement as Covenant or Equitable Servitude. Anything to the contrary herein notwithstanding and without limiting the generality (and subject to the limitations) hereof, it is the intention of the City and the Owner (as Owner of the Property and the Project) that the provisions of this Agreement shall constitute covenants running with the land and with title to the Property, or as equitable servitudes upon the land, as the case may be. If any covenant or

(ii) This Agreement and the provisions hereof shall run with and bind the Property, and shall inure to the benefit of and be enforceable by the City, the Owner, and the Owner of any part or portion of the Property subject to this Agreement, and their respective legal representatives, heirs, successors and assigns, for a term of thirty (30) years from the Effective Date, after which time said Agreement shall be automatically extended for successive periods of five (5) years each, unless an instrument signed by the City has been recorded, agreeing to revoke or terminate said Agreement in part or in whole.

Section 11.21 Security. ~~Prior to the issuance of the foundation permit for the Project,~~ ~~the~~The Owner shall provide to the City a surety bond or other form of security deemed acceptable by the City, in an amount determined acceptable by the Public Works Director, and in a form acceptable to the Building Official for the following purposes and amounts:

(i) Security for Restoration of Arts Center Building, Residence, and City Property. ~~The~~Prior to the issuance of the initial phase or master permit for the Project the Owner shall provide to the City a surety bond or other form of security deemed acceptable by the City, for the estimated maximum cost of restoration and replacement for: (1) any damage to the historic Arts Center Building located at 2901 Ponce de Leon Boulevard; and (2) any damage as a result of the negligent acts or omissions of Owner, its contractors or agents to (i) the residence located at 2915 Coconut Grove Drive or (ii) adjacent City property and infrastructure. Said surety bond or other form of security may be acted upon by the City Manager in the event of either (a) the damage described above to the Arts Center Building, residence or adjacent City property and infrastructure which is not repaired by Owner within 30 days of notice, or (b) a complete cessation of construction activities on the Property, as evidenced by the passing of more than 180 days without receiving approval of an inspection of construction work on the Property. Owner shall be granted such additional time as is reasonably required to repair such damage for which it is responsible under this Subsection 11.21(i) so long as Owner is diligently pursuing efforts to repair the damage, such as applying for building permits and other governmental permits and/or applying for insurance proceeds to fund such repairs or restoration.

(ii) Security for Restoration of Property if Project is Abandoned. ~~The~~Within 60 days of execution of this Amended Development Agreement, the Owner shall provide to the City a surety bond or other form of security deemed acceptable by the City for the estimated cost of the full restoration of the Property, including (1) filling any excavated areas, (2) installation of sod and landscaping to City Code standards, and (3) the removal, restoration, or completion of partially constructed buildings and structures as agreed upon by the City and Owner for the purposes of ensuring public safety and maintaining the appearance of the Property and (4) removal of all construction fencing. Said surety bond or other form of security may be acted upon in the event of a cessation of construction activities on the Property until completion of the subterranean and surface improvements. Said surety bond shall be returned once master permit is issued.

(iii) Terms. For purposes of Subsections 11.21(i) and (ii), the following definitions shall apply:

The phrase “completion of the subterranean and surface improvements” means that the parking garage has received a Temporary Certificate of Occupancy, the underground

utilities have been completed and accepted by the City or other agency responsible for the utility, and the pedestrian and vehicular rights-of-way are completed as proposed in the Project or completely restored, all as determined in the sole discretion of the City Manager or designee;

The phrase “cessation of construction activities on the Property” means (A) a failure to complete substantial work on the Project for a cumulative total of ninety (90) business days (excluding weekends and national holidays), or (B) progress in constructing the Project on the Property that is valued at less than five (5%) percent of the total value of the Project in any six-month period; and

The phrase “total value of the Project” means the estimated building permit valuation of the Project as determined by the Building Official pursuant to the Florida Building Code.

(iv) Bond Requirements. If the City in its discretion accepts a surety bond, the Owner and the surety shall be jointly and severally liable under the terms of the bond. The bond shall be issued by a surety having a minimum rating of A-1 in Best’s Key Rating Guide, Property/Casualty Edition; shall be subject to the approval of the City Attorney; and shall provide that: “This bond may not be canceled, or allowed to lapse, until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew.”

(v) Security for Construction of Offsite Improvements. ~~Prior to issuance of the foundation permit for the Project~~ Within 60 days of execution of this Amended Development Agreement, the Owner shall provide to the City a surety bond, or other form of security deemed acceptable by the City, in an amount that is one hundred fifteen (115%) percent of the estimated total hard and soft cost of all Offsite Improvements, to secure construction of such Offsite Improvements within the time periods established in Exhibit B and as otherwise required by this Agreement or in the event that the Project is abandoned.

(vi) Insufficiency of Security. If a bond or other security proves insufficient to complete the improvements or restoration covered, the City shall have the right to finish all work by creating a special assessment district, and assess the amount of the additional funds required against the Property after notice to Owner and expiration of the applicable grace period. Owner hereby expressly consents to the creation and imposition of a special assessment loan against the Property for this purpose.

(vii) Master Bond. Upon the authorization of the City, Owner may substitute a master surety bond or other form of security deemed acceptable by the City, which may include, in part, a general contractor’s completion bond, in lieu of the various separate bonds that secure the Owner’s various obligations required under this Agreement to be secured by a surety bond. With the approval of the City, the amount of the surety bond(s) may be reduced from time to time as the work or obligation secured by such bond is completed or the risk secured by such bond is eliminated or reduced.

(viii) Security for Temporary Safety Improvements. Within 60 days of execution of this Amended Development Agreement, temporary safety improvements for the rights of way

abutting the Property and the Property, as agreed to with the Public Works Department shall be completed. Owner shall provide to the City a surety bond, or other form of security deemed acceptable by the City, in an amount of the estimated costs of the agreed upon temporary safety improvements upon execution of this Development Agreement.

Section 11.22. Enforcement of Agreement. Except for claims of discrimination pursuant to Section 5.2, parties to this Agreement, and their successors and assigns, shall enforce this Agreement as provided in this Section 11.22. This section shall not be interpreted as a pledge of *ad valorem* tax or other revenues.

(i) Change of Laws. This Agreement is enforceable by any party to this Agreement as provided in the Community Planning Act, Part II, Chapter 163, Florida Statutes, despite a change in the applicable general or specific plans, comprehensive planning, zoning subdivision, building, or other land development regulations adopted by the City which alter or amend the rules, regulations or policies governing permitted uses of the land, density, intensity, or design.

(ii) Institution of Legal Action. In addition to any other rights or remedies, any party hereto, or their successors and assigns, may institute legal action to cure, correct or remedy any default, to enforce any covenants or agreements herein, or to enjoin any threatened or attempted violation thereof; to recover damages for any default; or to obtain any remedies consistent with the purpose of this Agreement, in accordance with Article IV. Enforcement of this Agreement may be by the Owner or the City, and may be accomplished by any proceeding at law or in equity against any Person or Persons violating or attempting to violate any provision hereof, either to restrain a violation, to seek specific performance, or to recover damages. However, neither Owner nor City will be permitted to obtain damages for, and the Owner and City hereby waive, all rights to claim punitive, incidental and consequential damages against the other. Failure to enforce any covenant or provision herein contained shall in no event be deemed a waiver of the right to do so thereafter. The City shall not be obligated or bound to enforce any of the covenants or provisions herein or be liable to or for any Person or Persons for non-enforcement.

(iii) Venue. Such legal actions must be instituted in the Circuit Court or County Court, as applicable, of the County of Miami-Dade, State of Florida, or in the Federal District Court in the Southern District of Florida.

Section 11.23. Interpretation. All of the parties hereto have had the opportunity to consult with legal counsel and to participate in the drafting of this Agreement. Consequently, this Agreement shall not be more strictly or more harshly construed against any party to this Agreement as the drafter hereof.

## ARTICLE XII. INDEMNIFICATION AND INSURANCE

### Section 12.1 Indemnification by Owner.

(i) To the fullest extent permitted by Governmental Requirements and subject to monetary limitation described below, the Owner hereby agrees to defend, indemnify and hold

## EXHIBIT "B"

### Development Schedule

All time periods provided below are measured from the date of final City Commission planning and zoning approval (August 14, 2015), and represent an enforceable commitment by the Owner to proceed expeditiously with the Project. The timeline below may not be enforced against the City. The City Manager is authorized by the City Commission's approval hereof to extend any time period listed below for good cause shown up to 6 months. Extension of a time period by more than 6 months requires City Commission approval. In approving any extension, the City Manager or City Commission, as may be applicable, shall determine whether the traffic monitoring period required by Condition 12.c. of the PAD Ordinance must also be extended concurrently, and may impose conditions on the approval of the extension.

Expiration of Appeal Period for Zoning Approvals	[30 <del>Days</del> <u>days</u> ]
Submittal of <del>Initial</del> <u>Phase</u> Foundation Building Permit Plans <u>2017</u>	[7 <del>Months</del> <u>December 31,</u>
Commencement of Construction (Foundation)	[within <u>24</u> Months of issuance of foundation permit]
Substantial Completion of Project Buildout, as measured by the issuance of the last	[46 Months] <del>from</del> <u>issuance of</u>
Temporary Certificate of Occupancy or Certificate of Completion, as applicable, for the Project	<u>foundation permit]</u>
Completion of improvements required by the traffic study, as measured by their acceptance by the Public Works Director	[Prior to issuance of first Temporary Certificate of Occupancy for the Project]

**EXHIBIT "H"**  
Offsite Improvements

**Mediterranean Village**  
**Summary of Off-Site Streetscape Improvements**

	<b>Proposed Improvement</b>	<b>Estimated Cost</b>	<b>Description</b>
1	Neighborhood Streetscape – East	\$2,000,000	Streetscape and landscape improvements similar to those indicated on the attached street sections. Installation of decorative signs for Residential Parking Zone indicated on the attached map.
2	Santander / San Sebastian Streetscape	\$200,000	Streetscape and landscape improvements similar to those indicated on the attached street sections. Installation of decorative signs for the Residential Parking Zone indicated on the attached map.
3	Neighborhood Streetscape – West	\$2,000,000	Streetscape and landscape improvements

			similar to those indicated on the attached street sections.
4	Ponce de Leon Streetscape – North	\$2,000,000	Streetscape, sidewalk, and landscape improvements which are similar to and continuous with the new proposed streetscape for Miracle Mile. Please see attached conceptual plan. Promptly after execution of the Development Agreement, Owner shall retain a landscape architect acceptable to the City and Owner to design the streetscape, sidewalk, and landscape improvements for the transition from the Miracle Mile project to the landscaping contemplated for the Project. The

		<p>design costs shall be deducted from the \$2,000,000 cost of the Ponce de Leon Streetscape — North. Owner's landscape architect will coordinate the design and construction of the Ponce de Leon Streetscape — North with the City's landscape architect. Owner will substantially complete construction of the streetscape, sidewalk, and landscape improvements to both the east and west sides of Ponce de Leon from Miracle Mile to Andalusia by December 31, <del>2016</del>2017 or such later date as is authorized for the completion of the segment of the Miracle</p>
--	--	--

			Mile Streetscape closest to this work. Owner will complete construction of the remaining portions of the streetscape, sidewalk, and landscape improvements of Ponce de Leon Streetscape – North prior to the issuance of a Temporary Certificate of Occupancy for the first building
5	University Drive Streetscape – South	\$125,000	Sidewalk and bike lane installation.

<u>6</u>	<u>Total Estimated Cost</u>	<u>\$6.325 Million</u>
<u>67</u>	Owner shall cover total costs of final design and construction drawings for the improvements listed in 1-5.5 as part of the total \$6.325 Million budget. Owner shall retain a landscape architect within 30 days following execution of this Agreement, who shall review and respond to the streetscape plans previously proposed and presented to the East Neighborhood and incorporated into the June 10, 2015, City Commission agenda item.	
<u>8</u>	<u>The total contribution amount of \$6.325 Million for all off-site improvements shall not be reduced but is still subject to further refinement among sub-areas based on refinement of plans and budget</u>	

# TAB 9

**Owner- Agave Ponce LLC.**  
2601 S. Bayshore Drive, Suite 1215 | Miami , FL 33133  
Eddie Avila  
eavila@thekeycorp.com  
305.857.0400

**Gunster, Yoakley, and Stewart**  
2 South Biscayne Blvd. 34th Floor | Miami, FL 33131  
Mario J. Garcia-Serra  
mgarcia-serra@gunster.com  
305.376.6000

**Architect- RTKL Associates Inc**  
396 Alhambra Circle, South Tower | Coral Gables, Florida 33134  
Daniel E. Freed AIA  
dfreed@rtkl.com  
786.268.3200

**Landscape Architect- Mahan Rykiel Associates, Inc.**  
800 Wyman Park Drive, Suite 100 | Baltimore, MD 21211  
Scott J. Rykiel FASLA  
srykiel@mahanrykiel.com  
410.235.6001

**Traffic Engineer- Kimley-Horn and Associates, Inc.**  
1221 Brickell Avenue, Suite 400 | Miami, FL 33131  
John McWilliams PE  
john.mcwilliams@kimley-horn.com  
305.673.2025

**Structural Engineer- Desimone**  
800 Brickell Ave. 6th Floor | Miami, FL 33131  
William R. O'Donnell PE  
william.odonnell@de-simone.com  
305.441.0755

**MEP Engineer- EXP**  
2601 Westhall Lane | Maitland, FL 32751  
William Weinaug, JR.  
bill.weinaug@exp.com  
407.660.0088

**Civil Engineer- Langan**  
15150 NW 79th Court, Suite 200 | Miami, FL 33016  
Leonardo Rodriguez PE  
lrodriguez@langan.com  
786.264.7223

**Construction Management- Coastal Construction Group**  
5959 Blude Lagoon Drive, Suite 200 | Miami, FL 33126  
Tom Murphy  
tcmurphy@coastalconstruction.com  
305.559.4900

**TAB 10**



AT&T Florida  
9101 SW 24 St  
Miami, FL 33165

T: 305-222-0941  
F: 305-552-5935  
Rj3704@att.com

November 18<sup>th</sup>, 2016

Mr. Eduardo Santamaria  
Public Works Director  
City of Coral Gables Public Work Department  
2800 Sw 72<sup>nd</sup> Ave, Miami, FL 33135

Re: MEDITERRANEAN VILLAGE AT PONCE CIRCLE

Location: Between Ponce De Leon Boulevard and Galiano Street and between Malaga Avenue and Sevilla Avenue

All of Blocks 20 and 30 and portion of the Platted alley lying within Block 23 "Coral Gables Crafts Section" as recorded in Plat Book 10 at Page 40 and Blocks 1-6 and 7 and Tracts A,B,CD,E,F and G Ponce Place Villas East" Plat Book 168 Page 42, both of the Public Records of Miami-Dade, County, Florida, lying and being in section 17, Township 54 south Range 41 East, City of Coral Gables, Miami-Dade County, Florida

Mr. Santamaria,

On behalf of BellSouth Telecommunications Inc, d/b/a AT&T Florida, this letter shall serve as notice of "**non Objection**" to the recording of the new reference **Tentative Plat**  
Any additional easement requirements for service provision by this utility shall be dedicated by separate instrument upon ultimate development planning for the properties  
AT & T does have service in the area to serve this location

This information is based on existing AT&T Florida records.

Sincerely,

Richard Johnson,  
Mgr OSP Planning/ & Engrg Design

attachment

cc: Rana Brown, AT&T FL  
cc: Mark Johnson, Principal



February 8, 2017

Mr. Eduardo Santamaria

Public Works Director  
City of Coral Gables Public Work Department  
2800 SW 72<sup>nd</sup>. Ave, Miami, FL 33135

**RE: LETTER OF NO OBJECTION FOR A NEW PLAT FOR MEDITERRANEAN VILLAGE AT PONCE CIRCLE**

**ALL OF BLOCKS 20 AND 30, AND A PORTION OF THE PLATTED ALLEY LYING WITHIN BLOCK 23, "CORAL GABLES CRAFTS SECTION," AS RECORDED IN PLAT BOOK 10, AT PAGE 40, AND BLOCKS 1, 2, 3, 4, 5, 6 AND 7, AND TRACTS "A," "B," "C," "D," "E," "F," AND "G," "PONCE PLACE VILLAS EAST," PLAT BOOK 168, PAGE 42, BOTH OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN SECTION 17, TOWNSHIP 54 SOUTH, RANGE 41 EAST, CITY OF CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA**

Dear Mr. Santamaria

On behalf of Miami-Dade Water and Sewer Department ("WASD") this letter shall serve as notice of "non-objection" to the recording of the Tentative Plat. Any easement requirements for services by WASD shall be dedicated by a separate instrument upon further development for the properties.

Should you have any questions regarding this matter, do not hesitate to contact me.

Sincerely,

**Guillermo Guerrero, PSM**  
**Right of Way Unit**  
**Miami Dade County Water and Sewer Department**  
☎: 786-268-5268

<b>QUALITY. VALUE. ECONOMIC GROWTH.</b>	
<a href="http://WWW.MIAMIDADE.GOV/WATER">WWW.MIAMIDADE.GOV/WATER</a>	



## The City of Coral Gables

Public Works Department  
2800 SW 72 Avenue  
Miami, FL 33155

August 25, 2017

Mark S. Johnson, P.L.S.  
President  
Schwebke-Shiskin & Associates, INC  
3240 Corporate Way, Miramar FL 331025

RE: TENTATIVE PLAT MEDITERRANEAN VILLAGE

Dear Mr. Johnson:

The City of Coral Gables owns and maintains sanitary sewer and storm drainage system within the referenced area. We consent to tentative plat if a relocation and/or easement is provided to maintain our utilities.

If you have any question, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "JORGE ACEVEDO".

Jorge E. Acevedo P.E., LEED Green Associate  
Utilities Director  
[Jacevedo2@coralgables.com](mailto:Jacevedo2@coralgables.com)

cc. Ed Santamaria, [esantamaria@coralgables.com](mailto:esantamaria@coralgables.com)  
Lina Hickman, [hickman@coralgables.com](mailto:hickman@coralgables.com)



**Engineering – Design Department**  
**2601 SW 145<sup>th</sup> Ave Miramar, FL 33027**

Tuesday, November 28, 2017

**Mark Steven Johnson, Principal**  
**Schwebke-Shiskin & Associates, Inc.**  
**3240 Corporate Way**  
**Miramar, FL 33025**

**Comcast No Objection / T-Plat AJ-5165**  
**Mediterranean Village at Ponce Circle**  
**Between Ponce De Leon Blvd and Galiano Street and between Ave**  
**Malaga and Ave Sevilla, in Coral Gables, FL**  
**[Comcast muid\\_9150\\_D](#)**

**Dear Mr. Johnson**

*Please Be Advised,*

...in reference to the proposed Plat Review at: **Mediterranean Village at Ponce Circle**

**in Coral Gables, FL, Comcast has no objection** and approves to the proposed Plat.

No additional easements are required at this time

Should it become necessary, Comcast will coordinate with the property owner to secure an easement by separate instrument, if needed for the provision of our services,

Should you have any further question, please feel free to call me at 1-954-447-8405 fax 1-954-447-8445 or e-mail at [Leonard\\_Maxwell-Newbold@cable.comcast.com](mailto:Leonard_Maxwell-Newbold@cable.comcast.com)

Sincerely,

**Leonard Maxwell-Newbold**  
**Regional Permit Administrator**  
**Comcast / Southern Division ( [RDC](#) )**  
5/25/2016 2:23 PM

cc: Coral Gables **Draw**  
File



# Florida City Gas®

4045 NW 97<sup>th</sup> Ave.  
Doral, FL 33178

305 838 3600 phone  
www.floridacitygas.com

November 18, 2016

Attn: Mark S. Johnson, P.L.S.  
Schwebke-Shiskin & Associates, Inc.  
Phone: (954) 435-7010

**RE: LETTER OF NO OBJECTION FOR A NEW PLAT FOR MEDITERRANEAN VILLAGE AT PONCE CIRCLE – ALL OF BLOCKS 20 AND 30, AND A PORTION OF THE PLATTED ALLEY LYING WITHIN BLOCK 23, “CORAL GABLES CRAFTS SECTION,” AS RECORDED IN PLAT BOOK 10, AT PAGE 40, AND BLOCKS 1, 2, 3, 4, 5, 6 AND 7, AND TRACTS “A,” “B,” “C,” “D,” “E,” “F,” AND “G,” “PONCE PLACE VILLAS EAST,” PLAT BOOK 168, PAGE 42, BOTH OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN SECTION 17, TOWNSHIP 54 SOUTH, RANGE 41 EAST, CITY OF CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA.**

Dear Mr. Johnson:

Florida City Gas (FCG) has received your request of a letter of no objection for a new plat for Mediterranean Village at Ponce Circle, as described previously. Based on a review of available records and/or field verification of existing FCG facilities, the following has been determined for the subject request:

**FCG does not have existing facilities within the identified limits of the aforementioned defined area. Therefore, FCG has no objections for the proposed new plat of the said locations.**

If you need additional information or should any questions, comments or concerns arise, Please do not hesitate to contact me.

Regards,

Oscar J. Rodriguez, MEM-EIT  
Engineer, Intermediate  
Engineering Design – FCG  
305-835-3650



November 19, 2017

Mark S. Johnson, P.L.S.  
Schwebke-Shishkin & Associates, Inc.  
3420 Corporate Way  
Miramar, Florida 33025

**Reference: Tentative Plat File No. AJ-5165**  
**Name: Mediterranean Village at Ponce Circle**  
**Location: Between Ponce De Leon Boulevard and Galiano Street and between Avenue Malaga and Avenue Sevilla**

Dear Mr. Johnson,

Please consider this letter as your notification that satisfactory arrangements for installations of underground electric service have been made in accordance with Ordinance 68-69.

As per our agreement with you, we would appreciate your making these satisfactory arrangements contingent on easement requirements as follows:

(X) Easements necessary for electrical facilities are marked on the attached copy of the subject tentative plat and a duplicate was sent to the owner. An easement by separate instrument will be granted by the customer for any future FPL facilities. Therefore, FPL has no objections to this T-Plat and the proposed street vacation depicted in the Plat.

( ) No additional easements are required at this time for electrical facilities.

( ) Easements have been assured verbally by the owner/developer and will be granted prior to completion of the building construction.

If there are any questions, or if you need any further information please call (305) 377-6082 for further assistance.

Sincerely,

Phillip Weiner  
Associate Engineer

**TAB 11**

THIS INSTRUMENT PREPARED BY:

Josias N. Dewey  
Holland & Knight LLP  
Suite 3000  
701 Brickell Avenue  
Miami, Florida 33131

Parcel Identification Numbers: 03-4117-005-5391; 03-4117-005-5470; 03-4117-005-5480; 03-4117-005-5500; 03-4117-005-5510; 03-4117-005-6170; 03-4117-005-6160; 03-4117-005-6240; 03-4117-005-6250; 03-4117-005-6210; 03-4117-005-6200; 03-4117-005-7650; 03-4117-005-6220; 03-4117-005-7930; 03-4117-005-6180; 03-4117-005-7320; 03-4117-005-7410; 03-4117-005-7400; 03-4117-005-7390; 03-4117-005-7370; 03-4117-005-7380

Space Above This Line For Recording Data

**SPECIAL WARRANTY DEED**

This Special Warranty Deed, is made the 30<sup>th</sup> day of June, 2011, by FIRSTBANK PUERTO RICO, a banking institution chartered under the laws of the Commonwealth of Puerto Rico, whose address is 701 Waterford Way, Suite 800, Miami, Florida 33126 ("**Grantor**"), in favor of AGAVE PONCE, LLC, a Florida limited liability company, whose address is 2601 S. Bayshore Drive, Suite 1215, Miami, Florida 33133 ("**Grantee**").

GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, has granted, bargained and sold to Grantee, and Grantee's successors and assigns forever, the land located in Miami-Dade County, Florida, as more particularly described in **Exhibit "A"** attached hereto and made a part hereof (the "**Property**").

TO HAVE AND TO HOLD the same, together with all and singular tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of the Grantor, either in law or in equity, to the use, benefit and behalf of the Grantee forever.

This conveyance is made subject to the following:

1. Taxes and assessments for the year 2011 and all subsequent years.
2. Zoning, building codes, and other governmental regulations.
3. All covenants, conditions, restrictions, easements, reservations, declarations, and limitations of record (none of which are intended to be reimposed by this conveyance).

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby specially warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through and under Grantor, but none others.



#10431437\_v2



**Exhibit "A"**

**LEGAL DESCRIPTION**

**Parcel 1:**

Lots 8 through 13, inclusive and Lots 26 through 29, inclusive, all in Block 20, CRAFTS SECTION OF CORAL GABLES, according to the plat thereof, recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

**Parcel 2:**

All of the North-South Alley, which extends from Sevilla Avenue to Palermo Avenue, in Block 20, CRAFTS SECTION OF CORAL GABLES, according to the plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

And

All that part of the East-West Alley in Block 20, CRAFTS SECTION OF CORAL GABLES, according to the plat thereof; as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida, which lies west of a line 20 feet West of and parallel to the East lines extended Lots 10 and 27, in Block 20, CRAFTS SECTION OF CORAL GABLES, according to the plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

LESS

That portion of the North-South alley and the portion of the East-West alley which lies West of the East property line of Lots 30 and 7 projected North and South respectively, Block 20, "CORAL GABLES CRAFTS SECTION", according to the Plat thereof, recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

**Parcel 3:**

Lots 14 through 25, inclusive, in Block 20, CRAFTS SECTION OF CORAL GABLES, according to the plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

**Parcel 4:**

Lots 4 and 5, and the East ½ of Lot 3, in Block 23, of CORAL GABLES CRAFTS SECTION, according to the Plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

**Parcel 5:**

Lots 1, 2, and the West ½ of Lot 3, in Block 23, of CORAL GABLES, CRAFTS SECTION,

according to the Plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

The northeasterly ½ of the vacated alley lying southwesterly of the property specifically described on the face of the Warranty Deed; and

Commence at the most northerly corner of Lot 14, Block 23, CORAL GABLES CRAFTS SECTION, according to the Plat thereof as recorded in Plat Book 10, at Page 40 of the Public Records of Miami-Dade County, Florida, thence N44° 59' 10"E along a line being continuation of the Northwesterly line of said Lot 14 a distance of 5.00 feet to the Point of beginning; thence continue N44°59'10"E along the aforementioned line a distance of 5.00 feet to a point, said point being on the centerline of that certain 20 foot alley as shown on the aforementioned Plat, thence S44°28'50"E along the centerline of said 20 foot alley a distance of 64.00 feet to a point, thence S44°59'10"W a distance of 10.00 feet to a point on the Southwesterly line of said 20 foot alley, thence N40°01'02"W a distance of 64.24 feet to the Point of Beginning, and

That portion of part of Avenue Catalonia vacated pursuant to City of Coral Gables Ordinance #2527, as recorded in Official Records Book 12344, at Page 1016, of the Public Records of Miami-Dade County, Florida, adjoining the property specifically described on the face of the Warranty Deed.

Parcel 6:

Lots 13 and 14, in Block 23, of CORAL GABLES CRAFTS SECTION, according to the Plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida, and that land from a Point of Beginning at the most northerly corner of Lot 14, Block 23, CORAL GABLES CRAFTS SECTION, according to the Plat thereof as recorded in Plat Book 10, Page 40, thence run North 44° 59' 10" East along a line being a continuation of the Northwesterly line of said Lot 14 a distance of 5.00 feet; thence run South 40° 01' 02" East for distance of 64.24 feet to a point on the Northeasterly line of said Lot 14, thence run 44° 28' 50" West along the Northeasterly line of said Lot 14 for a distance of 64.00 feet to the Point of Beginning being and lying in Miami-Dade County, Florida.

Parcel 7:

Lot 15, Block 23, of CORAL GABLES CRAFTS SECTION, according to the Plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

Parcel 8:

Southwesterly 110 feet of Lot 9, Less the Southeasterly 30 feet thereof, the Southwesterly 110 feet of Lot 10 and the Southwesterly 110 feet of Lot 11, Less the Northwesterly 25 feet, Block 23, Crafts Section of Coral Gables, according to the map or plat thereof as recorded in Plat Book 10, Page 40, of the Public Records of Miami-Dade County, Florida.

Parcel 9:

All of Lot 8, and that part of Lot 9, Block 23, CORAL GABLES CRAFT SECTION, according to the Plat thereof, as recorded in Plat Book 10, Page 40, of the Public Records of Miami-Dade County, Florida, described as follows: From a point of beginning at the southeast corner of Lot 9, said point also being the northeast corner of Lot 8, and being in the west right-of-way line of Galiano Street; run southwesterly in the southeasterly line of said Lot 9, a distance of 146.01 feet, more or less to the southwest corner of said Lot 9; thence run northwesterly along southwesterly line of said Lot 9, a distance of 30 feet to a point thence run northeasterly in a line parallel to southeasterly line of said Lot 9, a distance of 110 feet to a point; thence easterly a distance of 46.67 feet, more or less to the point of beginning.

Parcel 10:

Lot 45, Block 31, of CRAFTS SECTION OF CORAL GABLES, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

Parcel 11:

Lot 10, less the Southwesterly 110 feet thereof, Lot 11, less the Southwesterly 110 feet thereof, and all of Lot 9, Block 23, of CORAL GABLES CRAFTS SECTION, according to the Plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida, except that part of said Lot 9, described as follows: From a point of Beginning at the Southeast corner of said Lot 9, said point begin in the West Right of Way line of Galiano Street; run Southwesterly in Southeasterly line of said Lot 9, a distance of 146.01 feet, more or less to the Southwest corner of said Lot 9; thence run Northwesterly in Southeasterly line of said Lot 9, a distance of 40 feet, more or less to the Northwest corner of said Lot 9; thence run Northeasterly in the Northwesterly line of said Lot 9, a distance of 110 feet to a point; thence run Southeasterly in a line parallel to the Southwesterly line of said Lot 9, a distance of 10 feet to a point; thence run Easterly a distance of 46.67 feet, more or less, to the Point of Beginning.

Parcel 12:

Lots 12 and 13, in Block 33, of CORAL GABLES CRAFTS SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

Parcel 13:

Lots 6 and 7, in Block 23, of CORAL GABLES CRAFTS SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

Parcel 14:

Lots 1, 2, 3, 16, 17, 18 and 19, Block 30, of CORAL GABLES CRAFTS SECTION according to the plat thereof as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade

County, Florida; AND TRACTS A, B and C of CATAMAL CORNER, according to the plat thereof as recorded in Plat Book 102, Page 69 of the Public Records of Miami-Dade County, Florida; AND Lots 6 and 7, less the northeasterly 107.5 ft. thereof, Block 30, of CORAL GABLES CRAFTS SECTION according to the plat thereof as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida.

Parcel 15:

INTENTIONALLY DELETED (Partial Release recorded in O.R. Book 27291, Page 2036)

Parcel 16:

Lots 14 and 15 and the West 10 feet of Lot 13, Block 30, of CORAL GABLES CRAFTS SECTION, according to the plat thereof as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida.

Parcel 17:

Lots 12 and 13, less the West 10 feet of Lot 13, Block 30, of CORAL GABLES CRAFTS SECTION, according to the plat thereof as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida.

Parcel 18:

Lots 10 and 11, in Block 30, of CORAL GABLES CRAFTS SECTION, according to the plat thereof as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida.

Parcel 19:

Northeasterly 107.5 feet of Lots 6 and 7, Block 30, of CORAL GABLES CRAFTS SECTION, according to the plat thereof as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida.

Parcel 20:

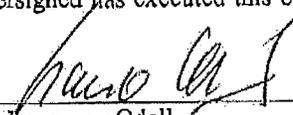
Lots 8 and 9, Block 30, of CORAL GABLES CRAFTS SECTION, according to the plat thereof as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida.

NOTE: Parcels 4 through 9, 11 and 13 being now known as PONCE PLACE VILLAS EAST, according to the Plat thereof recorded in Plat Book 168, page 42, of the Public Records of Miami-Dade County, Florida.

OFFICER CERTIFICATE

This Certificate is being delivered by Lawrence Odell, in his capacity as General Counsel of FirstBank Puerto Rico, a banking institution organized under the laws of the Commonwealth of Puerto Rico (the "Bank"). The undersigned represents, warrants and certifies, on behalf of the Bank, as of the date of this Certificate that attached hereto as Exhibit A is a true and complete copy of the resolution identified as BD11-13 adopted by the Board of Directors of the Bank at a regular meeting held on June 21, 2011; that such resolution has not been amended or rescinded; and that such resolution is in full force and effect on the date hereof.

IN WITNESS WHEREOF, the undersigned has executed this certificate this 29<sup>th</sup> day of June, 2011.

By:   
Lawrence Odell,  
General Counsel  
FirstBank Puerto Rico

(SEAL)

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Exhibit ARESOLUTION

WHEREAS, on June 17, 2011, FirstBank Puerto Rico, a banking institution organized under the laws of the Commonwealth of Puerto Rico (the "Bank"), as seller, and Agave Ponce, LLC, a Florida limited liability company (the "Purchaser"), as purchaser, entered into that certain Purchase and Sale Agreement (the "Contract"), for the purchase and sale of the property described on Exhibit "A" attached hereto and made a part hereof (the "Property");

NOW THEREFORE BE IT RESOLVED, that the Bank be, and hereby is, authorized, (i) to enter into and to execute, deliver and to perform its obligations under the Contract; and (ii) to do or cause to be done any and all such things and to adopt, execute, deliver, perform and file any and all other documents, papers, certificates, agreements, contracts, deeds, bills of sale, affidavits and any and all other instruments (including any amendments and/or restatements of any of the foregoing) in connection with or necessary, appropriate or desirable to effect, consummate or facilitate the sale of the Property (the documents described in (i) and (ii) above are referred to collectively as, the "Conveyance Documents");

FURTHER RESOLVED, that the officers of the Bank, Aurelio Aleman as President and Chief Executive Officer, Lawrence Odell as Executive Vice President and General Counsel, Orlando Berges as Chief Financial Officer, Calixto Garcia as Executive Vice President and Regional Executive, and Elsie Alvarez as Senior Vice President (each, an "Authorized Signatory"), be, and hereby are, authorized to execute and deliver (either alone or collectively), on behalf of the Bank, the Conveyance Documents, and any and all documents, instruments or agreements necessary, appropriate or desirable to consummate the transactions contemplated in connection therewith, and the execution of any such documents, instruments or agreements, or the taking of any action in connection with the foregoing matters, shall conclusively establish such Authorized Signatory's authority therefor from the Bank and the ratification and confirmation by the Bank of the documents, instruments or agreements so executed or the actions so taken;

FURTHER RESOLVED, that each Authorized Signatory (acting alone or collectively), on behalf of the Bank, be, and hereby is, authorized to do or cause to be done any and all such other acts and things and to execute and deliver any and all such documents, papers, certificates, agreements and instruments as they or any of them, with advice of counsel, may deem necessary or desirable in order to effectuate or carry out the purpose and intent of these resolutions; and

#10433736\_v2

FURTHER RESOLVED, that any and all such action heretofore taken by or on behalf of the Bank in respect of the matters described in these resolutions be, and hereby is, approved, ratified and confirmed by the Bank.

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Exhibit "A"

LEGAL DESCRIPTION

Parcel 1:

Lots 8 through 13, inclusive and Lots 26 through 29, inclusive, all in Block 20, CRAFTS SECTION OF CORAL GABLES, according to the plat thereof, recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

Parcel 2:

All of the North-South Alley, which extends from Sevilla Avenue to Palermo Avenue, in Block 20, CRAFTS SECTION OF CORAL GABLES, according to the plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

And

All that part of the East-West Alley in Block 20, CRAFTS SECTION OF CORAL GABLES, according to the plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida, which lies west of a line 20 feet West of and parallel to the East lines extended Lots 10 and 27, in Block 20, CRAFTS SECTION OF CORAL GABLES, according to the plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

LESS

That portion of the North-South alley and the portion of the East-West alley which lies West of the East property line of Lots 30 and 7 projected North and South respectively, Block 20, "CORAL GABLES CRAFTS SECTION", according to the Plat thereof, recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

Parcel 3:

Lots 14 through 25, inclusive, in Block 20, CRAFTS SECTION OF CORAL GABLES, according to the plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

Parcel 4:

Lots 4 and 5, and the East ½ of Lot 3, in Block 23, of CORAL GABLES CRAFTS SECTION, according to the Plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

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Parcel 5:

Lots 1, 2, and the West ½ of Lot 3, in Block 23, of CORAL GABLES, CRAFTS SECTION, according to the Plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

The northeasterly ½ of the vacated alley lying southwesterly of the property specifically described on the face of the Warranty Deed; and

Commence at the most northerly corner of Lot 14, Block 23, CORAL GABLES CRAFTS SECTION, according to the Plat thereof as recorded in Plat Book 10, at Page 40 of the Public Records of Miami-Dade County, Florida, thence N44° 59' 10"E along a line being continuation of the Northwesterly line of said Lot 14 a distance of 5.00 feet to the Point of beginning; thence continue N44°59'10"E along the aforementioned line a distance of 5.00 feet to a point, said point being on the centerline of that certain 20 foot alley as shown on the aforementioned Plat, thence S44°28'50"E along the centerline of said 20 foot alley a distance of 64.00 feet to a point, thence S44°59'10"W a distance of 10.00 feet to a point on the Southwesterly line of said 20 foot alley, thence N40°01'02"W a distance of 64.24 feet to the Point of Beginning, and

That portion of part of Avenue Catalonia vacated pursuant to City of Coral Gables Ordinance #2527, as recorded in Official Records Book 12344, at Page 1016, of the Public Records of Miami-Dade County, Florida, adjoining the property specifically described on the face of the Warranty Deed.

Parcel 6:

Lots 13 and 14, in Block 23, of CORAL GABLES CRAFTS SECTION, according to the Plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida, and that land from a Point of Beginning at the most northerly corner of Lot 14, Block 23, CORAL GABLES CRAFTS SECTION, according to the Plat thereof as recorded in Plat Book 10, Page 40, thence run North 44° 59' 10" East along a line being a continuation of the Northwesterly line of said Lot 14 a distance of 5.00 feet; thence run South 40° 01' 02" East for distance of 64.24 feet to a point on the Northeasterly line of said Lot 14, thence run 44° 28' 50" West along the Northeasterly line of said Lot 14 for a distance of 64.00 feet to the Point of Beginning being and lying in Miami-Dade County, Florida.

Parcel 7:

Lot 15, Block 23, of CORAL GABLES CRAFTS SECTION, according to the Plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade

#10433736\_v2

County, Florida.

Parcel 8:

Southwesterly 110 feet of Lot 9, Less the Southeasterly 30 feet thereof, the Southwesterly 110 feet of Lot 10 and the Southwesterly 110 feet of Lot 11, Less the Northwesterly 25 feet, Block 23, Crafts Section of Coral Gables, according to the map or plat thereof as recorded in Plat Book 10, Page 40, of the Public Records of Miami-Dade County, Florida.

Parcel 9:

All of Lot 8, and that part of Lot 9, Block 23, CORAL GABLES CRAFT SECTION, according to the Plat thereof, as recorded in Plat Book 10, Page 40, of the Public Records of Miami-Dade County, Florida, described as follows: From a point of beginning at the southeast corner of Lot 9, said point also being the northeast corner of Lot 8, and being in the west right-of-way line of Galiano Street; run southwesterly in the southeasterly line of said Lot 9, a distance of 146.01 feet, more or less to the southwest corner of said Lot 9; thence run northwesterly along southwesterly line of said Lot 9, a distance of 30 feet to a point thence run northeasterly in a line parallel to southeasterly line of said Lot 9, a distance of 110 feet to a point; thence easterly a distance of 46.67 feet, more or less to the point of beginning.

Parcel 10:

Lot 45, Block 31, of CRAFTS SECTION OF CORAL GABLES, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

Parcel 11:

Lot 10, less the Southwesterly 110 feet thereof, Lot 11, less the Southwesterly 110 feet thereof, and all of Lot 9, Block 23, of CORAL GABLES CRAFTS SECTION, according to the Plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida, except that part of said Lot 9, described as follows: From a point of Beginning at the Southeast corner of said Lot 9, said point begin in the West Right of Way line of Galiano Street; run Southwesterly in Southeasterly line of said Lot 9, a distance of 146.01 feet, more or less to the Southwest corner of said Lot 9; thence run Northwesterly in Southeasterly line of said Lot 9, a distance of 40 feet, more or less to the Northwest corner of said Lot 9; thence run Northeasterly in the Northwesterly line of said Lot 9, a distance of 110 feet to a point; thence run Southeasterly in a line parallel to the Southwesterly line of said Lot 9, a distance of 10 feet to a point; thence run Easterly a distance of 46.67 feet, more or less, to the Point of Beginning.

Parcel 12:

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Lots 12 and 13, in Block 33, of CORAL GABLES CRAFTS SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

Parcel 13:

Lots 6 and 7, in Block 23, of CORAL GABLES CRAFTS SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 10, at Page 40, of the Public Records of Miami-Dade County, Florida.

Parcel 14:

Lots 1, 2, 3, 16, 17, 18 and 19, Block 30, of CORAL GABLES CRAFTS SECTION according to the plat thereof as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida; AND TRACTS A, B and C of CATAMAL CORNER, according to the plat thereof as recorded in Plat Book 102, Page 69 of the Public Records of Miami-Dade County, Florida; AND Lots 6 and 7, less the northeasterly 107.5 ft. thereof, Block 30, of CORAL GABLES CRAFTS SECTION according to the plat thereof as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida.

Parcel 15:

INTENTIONALLY DELETED (Partial Release recorded in O.R. Book 27291, Page 2036)

Parcel 16:

Lots 14 and 15 and the West 10 feet of Lot 13, Block 30, of CORAL GABLES CRAFTS SECTION, according to the plat thereof as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida.

Parcel 17:

Lots 12 and 13, less the West 10 feet of Lot 13, Block 30, of CORAL GABLES CRAFTS SECTION, according to the plat thereof as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida.

Parcel 18:

Lots 10 and 11, in Block 30, of CORAL GABLES CRAFTS SECTION, according to the plat thereof as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade

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County, Florida.

Parcel 19:

Northeasterly 107.5 feet of Lots 6 and 7, Block 30, of CORAL GABLES CRAFTS SECTION, according to the plat thereof as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida.

Parcel 20:

Lots 8 and 9, Block 30, of CORAL GABLES CRAFTS SECTION, according to the plat thereof as recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida.

NOTE: Parcels 4 through 9, 11 and 13 being now known as PONCE PLACE VILLAS EAST, according to the Plat thereof recorded in Plat Book 168, page 42, of the Public Records of Miami-Dade County, Florida.

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TAB 12



CITY OF CORAL GABLES  
RECEIVED THE CLERK  
OFFICE

2017 JAN 12 AM 11: 25

**CITY OF CORAL GABLES  
LOBBYIST ANNUAL REGISTRATION APPLICATION  
FOR EACH PRINCIPAL REPRESENTED**

REGISTRATION #: \_\_\_\_\_

**HAVE YOU BEEN RETAINED TO LOBBY ANY OF THE FOLLOWING FOR THE STATED PURPOSE?**

**CITY OFFICIALS:** Mayor, City Commissioners, City Attorney, City Manager, City Clerk, Assistant City Manager, Special Assistant to City Manager, Heads or Directors of Departments, and their Assistant or Deputy, Police Major or Chief, Fire Major or Chief, Building and Zoning Inspectors Board, Committee Members, or any other City Official or staff.

**FOR THIS PURPOSE:** To encourage the approval, disapproval, adoption, repeal, passage, defeat or modification of any ordinance, resolution, action or decision of the City Commission; or any action, decision or recommendation of the City Commission, any Board, Committee or City Official.

**IF THE FOREGOING APPLIES TO YOU, YOU ARE REQUIRED TO REGISTER AS A LOBBYIST:**

Print Your Name Mario Garcia-Serra  
LOBBYIST

Print Your Business Name, if applicable Gunster, Yoakley & Stewart, P.A.

Business Telephone Number 305-376-6000

Business Address 600 Brickell Avenue, Suite 3500, Miami, Florida 33131  
ADDRESS CITY, STATE ZIP CODE

Federal ID#: 59-1450702

State the extent of any business or professional relationship you have with any current member of the City Commission.  
N/A

**PRINCIPAL REPRESENTED:**

NAME Agave Ponce, LLC COMPANY NAME, , IF APPLICABLE \_\_\_\_\_

BUSINESS ADDRESS 2601 S. Bayshore Drive, Suite 1215 TELEPHONE NO.: 404-923-5529  
Miami, Florida 33133

**ANNUAL REPORT:** On October 1st of each year, you are required to submit to the City Clerk a signed statement under oath listing all lobbying expenditures in excess of \$25.00 for the preceding calendar year. A statement is required to be filed even if there were no expenditures.

**LOBBYIST ISSUE APPLICATION:** Prior to lobbying for a specific issue, you are required to fill out a Lobbyist Issue Application form with the Office of the City Clerk; stating under oath, your name, business address, the name of each principal who employed you to lobby, and the specific issue on which you wish to lobby.

**NOTICE OF WITHDRAWAL:** If you discontinue representing a particular client, a notice of withdrawal is required to be filed with the City Clerk.

**ANNUAL LOBBYIST REGISTRATION FEE:** This Registration must be on file in the Office of the City Clerk prior to The filing of an Issue Application to lobby on a specific issue, and payment of a \$150.00 Lobbyist Registration Fee is required.

I Mario Garcia-Serra hereby swear or affirm under penalty of perjury that I have read the provisions of the City of Coral Gables Ordinance 2006-11, governing Lobbying and that all of the facts contained in this Registration Application are true and that I agree to pay the \$150.00 Annual Lobbyist Registration Fee.

  
Signature of Lobbyist

STATE OF FLORIDA     )  
  )  
COUNTY OF DADE     )

BEFORE ME personally appeared Mario Garcia-Serra to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he/she executed said instrument for the purposes therein expressed.

WITNESS my Hand and Official Seal this 6th day of January, 2017

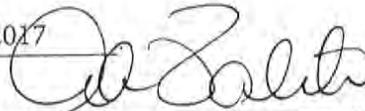
Personally Known

Produced ID

\$150.00 Fee Paid

Received By Marco Unguidi Date: 11/12/17

Fee Waived for Not-for-Profit Organizations (documentary proof attached.) \_\_\_\_\_

  
Notary Public  
State of Florida



**For Office Use Only**

Data Entry Date: \_\_\_\_\_, 20\_\_\_\_.

Entered By: \_\_\_\_\_



CITY OF CORAL GABLES  
REC'D  
OFFICE  
FILE  
11:51 AM

2017 JAN 12 AM 11: 25

**CITY OF CORAL GABLES  
LOBBYIST  
ISSUE APPLICATION**

REGISTRATION #: \_\_\_\_\_

**HAVE YOU BEEN RETAINED TO LOBBY ANY OF THE FOLLOWING FOR THE STATED PURPOSE?**

**CITY OFFICIALS:** Mayor, City Commissioners, City Attorney, City Manager, City Clerk, Assistant City Manager, Special Assistant to City Manager, Heads or Directors of Departments, and their Assistant or Deputy, Police Major or Chief, Fire Major or Chief, Building and Zoning Inspectors, Board, Committee Members, or any City Official or staff.

**FOR THIS PURPOSE:** To encourage the passage, defeat or modification of any ordinance, resolution, action or decision of the City Commission; or any action, decision or recommendation of any Board, Committee or City Official.

**IF THE FOREGOING APPLIES TO YOU, YOU ARE REQUIRED TO REGISTER AS A LOBBYIST AND TO FILE THE FOLLOWING INFORMATION, UNDER OATH, WITH THE CITY CLERK FOR EACH ISSUE ADDRESSED. ISSUE FEE: NO CHARGE, PROVIDING YOU HAVE A CURRENT ANNUAL LOBBYIST REGISTRATION DOCUMENT ON FILE.**

Print Your Name Mario Garcia-Serra  
LOBBYIST

Print Your Business Name Gunster, Yoakley & Stewart, P.A.

Business Telephone Number 305-376-6000

Business Address 600 Brickell Avenue, Suite 3500, Miami, Florida 33131  
ADDRESS CITY, STATE ZIP CODE

Corporation, Partnership, or Trust Represented: \_\_\_\_\_

Principal Name: Agave Ponce, LLC

Principal Address: 2601 S. Bayshore Drive, Suite 1215, Miami, FL 33133 Telephone Number: 305-858-1890

**ISSUE:** Describe in detail, including address, if applicable, of the specific issue on which you will lobby: **(Separate Application is required for each specific issue)**

Mediterranean Village, 2801- 2901 - 3001 Ponce de Leon Boulevard

I Mario Garcia-Serra hereby swear or affirm under penalty of per-  
Print Name of Lobbyist  
jury that all the facts contained in this Application are true and that I am aware  
that these requirements are in compliance with the provisions of the City of Coral  
Gables Ordinance No. 2006-11, governing Lobbying.

*Mario Garcia-Serra*  
Signature of Lobbyist

1/5/2017  
Date

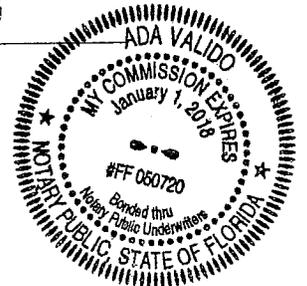
STATE OF FLORIDA     )  
                                  )  
COUNTY OF DADE     )

BEFORE ME personally appeared Mario Garcia-Serra to me well known and known to me to be the person  
described in and who executed the foregoing instrument, and acknowledged to and before me that he/she executed said in-  
strument for the purposes therein expressed.

WITNESS my Hand and Official Seal this 6th day of January, 2017.

Personally Known  
 Produced ID

*[Signature]*  
Notary Public  
State of Florida



**For Office Use Only**

Data Entry Date: \_\_\_\_\_, 20\_\_\_\_.

Entered By: \_\_\_\_\_

Annual Fees Waived for Not-for-Profit Organization. Please attach documentary proof.

**CITY OF CORAL GABLES**

**- MEMORANDUM -**

**TO:** JENNIFER GARCIA  
CITY PLANNER

**DATE:** MARCH 8, 2018

**FROM:** JUAN MARTINEZ, PSM  
CITY SURVEYOR

**SUBJECT:** TENTATIVE PLAT  
"THE PLAZA"



---

As per Zoning Code Article 3, "Development Review", Division 9, "Platting/Subdivision", requires review and comment by the Public Works Department on all proposed tentative plats as part of the review process. Public Works has reviewed this tentative plat with the re-plat requirements specified in Zone Code Article 5, "Development Standards", Division 15 "Platting Standards and have the following comments:

1. The City of Coral Gables Public Works Department does not object to the re-platting of the subject property. The submitted plans as well as the field work are according to the minimum technical standards set forth by the Florida Board of Land Surveyors.
2. Letters have been submitted from utility companies as required stating that the utility companies have no objection to the proposed tentative plat
3. The proposed tentative plat shall be required to be submitted to and reviewed by the Public Works Department and Miami-Dade County prior to consideration as final plat by the City Commission.

If you need further information, please contact me. Thank you.

cc: Ramon Trias, Planning and Zoning Director

Ed Santamaria, P.E., CGC, LEED, ENV SP, Public Works Director

Yamilet Senespleda, P.E., PTOE, City's Traffic Engineer

Jessica Keller, Public Works Assistant Director

Lina Hickman, Civil Engineer

**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 JOHANA OLIVA, who on oath says that he or she is the LEGAL CLERK, 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 - JUNE 13, 2018

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

06/01/2018

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.

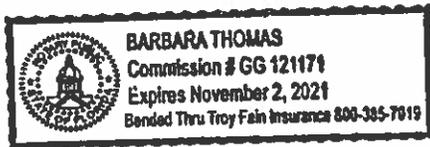
*Johana Oliva*

Sworn to and subscribed before me this  
 1 day of JUNE, A.D. 2018

*Barbara Thomas*

(SEAL)

JOHANA OLIVA personally known to me



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

City Public Hearing Dates/Times Local Planning Agency / Planning and Zoning Board  
 Wednesday, June 13, 2018, 6:00 - 9:00 p.m.

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

PUBLIC NOTICE is hereby given that the City of Coral Gables, Florida, Local Planning Agency (LPA) / Planning and Zoning Board (PZB) will conduct Public Hearings on the following:

1. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 3, "Development Review," Division 15, "Comprehensive Plan Text and Map Amendments," and Small Scale amendment procedures (ss. 163.3187, Florida Statutes), from "Multi-Family Medium Density" Land Use to "Mixed Use" Land Use and extending the "North Ponce de Leon Boulevard Mixed-Use Overlay District" for the property legally described as Lots 5 to 12, Block 12, Douglas Section (100, 114, and 126 Calabria Avenue and 912 and 918 East Ponce de Leon Boulevard), Coral Gables, Florida; providing for a repealer provision, providing for a severability clause, and providing for an effective date. (LPA review)
2. Ordinance of the City Commission of Coral Gables, Florida requesting a change of zoning pursuant to Zoning Code Article 3, "Development Review," Division 14, "Zoning Code Text and Map Amendments", from Multi-Family 2 District (MF2) to Commercial District (C) and extending the "North Ponce de Leon Boulevard Mixed-Use Overlay District" for the property legally described as Lots 5 to 12, Block 12, Douglas Section (100, 114, and 126 Calabria Avenue and 912 and 918 East Ponce de Leon Boulevard), Coral Gables, Florida; and providing for severability, repealer and an effective date.
3. An Ordinance of the City Commission of Coral Gables, Florida granting approval of a proposed Planned Area Development (PAD) approval referred to as "Regency on the Park" pursuant to Zoning Code Article 3, "Development Review," Division 5, "Planned Area Development (PAD)," for the construction of a project consisting of a mix of uses including office, live/work, and residential, on the property legally described as Lots 5 to 12, Block 12, Douglas Section (100, 114, and 126 Calabria Avenue and 912 and 918 East Ponce de Leon Boulevard), Coral Gables, Florida; including required conditions; providing for severability, repealer and an effective date.

4. A Resolution of the City Commission of Coral Gables, Florida requesting Mixed-Use Site Plan Review pursuant to Zoning Code Article 4, "Zoning Districts," Division 2, "Overlay and Special Purpose Districts," Section 4-201, "Mixed Use District (MXD)," for the proposed project referred to as "Regency on the Park" on the property legally described as Lots 5 to 12, Block 12, Douglas Section (100, 114, and 126 Calabria Avenue and 912 and 918 East Ponce de Leon Boulevard), Coral Gables, Florida; including required conditions; providing for a repealer provision, providing for a severability clause, and providing for an effective date.
5. An Ordinance of the City Commission of Coral Gables requesting vacation of a public alleyway pursuant to Zoning Code Article 3, Division 12, "Abandonment and Vacations" and City Code Chapter 62, Article 8, "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process," providing for the vacation of the twenty (20) foot wide alley which is two-hundred and seventy (270) feet in length lying between Lots 38-48, 1-10 and a portion of Lot 11, and the dedication of substitute perpetual access and utility easement on Lot 38 in Block 20, Coral Gables Section "K" (2151 Seizedo Avenue), Coral Gables, Florida; providing for an effective date.
6. A Resolution of the City Commission of Coral Gables, Florida approving the Final Plat entitled "Plaza Coral Gables" pursuant to Zoning Code Article 3, Division 9, "Platting/Subdivision," being a re-plat of an approximately 6.731 acre property into seven (7) tracts of land on property assigned Commercial District (C) zoning, on the property legally described as all of blocks 20 and 30, and a portion of the platted alley lying within block 23, Coral Gables Crafts Section (2801, 2901, and 3001 Ponce de Leon Boulevard), Coral Gables, Florida; providing for an effective date.
7. A Resolution of the City Commission of Coral Gables approving the Final Plat entitled "Riviera Deuce" pursuant to Zoning Code Article 3, Division 9, "Platting/Subdivision," being a re-plat of an approximately 0.29 acre property on two (2) platted lots for residential, multi-family use on property assigned Multi-Family 1 Duplex Residential (MF1) zoning, on the property legally described as Lots 26 and 27, Block 93, Riviera Section Part 2 Revised (Riviera Drive and Menendez Avenue), Coral Gables, Florida; providing for an effective date.

8. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, "Development Review," Division 10, "Transfer of Development Rights," providing a procedure to transfer development rights for open space, providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.
9. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, "Development Review," Division 10, "Transfer of Development Rights," expanding the receiver sites for the use of transfer development rights to include Blocks 1, 2, 3, 4, 6, 7, 8, and 10 in the Biltmore Section, providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

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](http://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](mailto: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 Elejabarieta (Email: [relejabarieta@coralgables.com](mailto:relejabarieta@coralgables.com)), Telephone: 305-722-8686, TTY/TDD: 305-442-1800, at least three (3) working days prior to the meeting. All meetings are telecast live on Coral Gables TV Channel 77.



**City of Coral Gables  
Courtesy Public  
Hearing Notice**

**May 31, 2018**



<b>Applicant:</b>	<b>Agave Ponce, LLC</b>
<b>Application:</b>	<b>Subdivision Review for a Tentative Plat</b>
<b>Property:</b>	<b>2801, 2901 and 3001 Ponce de Leon Blvd - The Plaza Coral Gables f/k/a Mediterranean Village</b>
<b>Public Hearing - Date/Time/ Location:</b>	<b>Planning and Zoning Board June 13, 2018, 6:00 – 9:00 p.m. City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida, 33134</b>

**PUBLIC NOTICE** is hereby given that the City of Coral Gables, Florida, Planning and Zoning Board (PZB) will conduct a Public Hearing on June 13, 2018 on the following applications at the Coral Gables City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida.

*“Resolution of the City Commission of Coral Gables, Florida approving the Final Plat entitled “Plaza Coral Gables” pursuant to Zoning Code Article 3, Division 9, “Platting/Subdivision,” being a re-plat of an approximately 6.731 acre property into seven (7) tracts of land on property assigned Commercial District (C) zoning, on the property legally described as all of blocks 20 and 30, and a portion of the platted alley lying within block 23, Coral Gables Crafts Section (2801, 2901, and 3001 Ponce de Leon Boulevard), Coral Gables, Florida; providing for an effective date.”*

This application has been submitted by Mario Garcia-Serra of Gunster on behalf of Agave Ponce, LLC to re-plat the property located at 2801, 2901 and 3001 Ponce de Leon Blvd. The property is currently vacant and the applicant is proposing to re-plat the property to reflect the approved project “The Plaza” (formerly known as Mediterranean Village).

All interested parties are invited to attend and participate. Please visit the City webpage at [www.coralgables.com](http://www.coralgables.com) 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](mailto:planning@coralgables.com), Fax: 305.460.5327 or Phone: 305.460.5211. Please forward to other interested parties.

Sincerely,

*City of Coral Gables, Florida*

## Attachment E

**From:** [Trias, Ramon](#)  
**To:** ["Orlando Capote"; Garcia, Jennifer](#)  
**Cc:** [Swanson-Rivenbark, Cathy](#); [Ramos, Miriam](#); [Silio, Antonio](#)  
**Subject:** RE: Orlando Capote Comments Plat Review 3-14-18  
**Date:** Tuesday, March 13, 2018 9:16:19 AM

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Dear Mr. Capote:

Thank you for your email. I will discuss your concerns with the Public Works Director, and forward your comments to the Planning and Zoning board members.

For your information, discussion on the request has been postponed and the item will not be considered on Wednesday's Planning and Zoning meeting.

Ramon Trias

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**From:** Orlando Capote [mailto:ocapote1@bellsouth.net]  
**Sent:** Monday, March 12, 2018 5:23 PM  
**To:** Trias, Ramon; Garcia, Jennifer  
**Cc:** Swanson-Rivenbark, Cathy; Ramos, Miriam; Silio, Antonio  
**Subject:** Orlando Capote Comments Plat Review 3-14-18

Ramon Trias  
Planning and Zoning Director  
City of Coral Gables

My name is Orlando Capote. Since 1989, my mother Lucia and I have been residents and property owners at 2915 Coconut Grove Drive, Coral Gables, Florida. We respectfully ask that the following comments be made part of the public record for the review of the Tentative Plat of the Plaza Coral Gables f/k/a Mediterranean Village at 2801, 2901 and 3001 block of Ponce De Leon Boulevard to be held on March 14, 2018.

We are opposed to the closing of the alley from Galiano Street that we use regularly to access our property and garage. It is part of our property rights for the alley to remain open as a public right of way access to the back of our property, as it has been since 1989. Florida Statutes Chapter 177-101-3 states that it must be shown by the governing body of the county that the vacation of the alley will not affect the ownership or right of convenient access of persons owning other parts of the subdivision. Any other way to access our property will be neither safe nor convenient. By vacating this public alley we are being deprived of the safe and convenient access to the back of your property.

If there is an intent to construct internal roads within Tract B, C and G, with driveways less than 100 feet from existing street intersections, as approved at the City of Coral Gables public hearings held in 2015, and the roads will be used by both the townhome residents and commercial vehicles servicing the 1.2 million square foot complex, then the resulting traffic counts could be sufficiently high to create unsafe traffic conditions for the area.

If there is an intent to install traffic restricting devices on Coconut Grove Drive, Malaga, Palermo and Sevilla, as approved by the City of Coral Gables public hearings held in 2015, it would impact traffic in the entire area.

One of the purposes of the Chapter 28, Miami-Dade County Code of Ordinances, which is enforceable on all incorporated and unincorporated areas of the County, is the prevention of traffic hazards and the provision of safe and convenient vehicular and pedestrian traffic circulation in land developments. The alley closure, combined with the traffic restricting devices, would force us to use the proposed new roads

that would also be used by commercial vehicles, with driveways located less than 100 feet from the nearest intersections, to access the garage at the back of our property. This would create unsafe and inconvenient access to our property.

Ordinance 2006-24 approved the vacation and dedication of alleys in blocks 20, 23 and 30. I believe one alley in block 20 was vacated and in exchange new alleys were dedicated in blocks 23 and 30. As part of this process, a 20 foot alley was built along the NW side of our property by the Old Spanish Village project. The NW alley connected to the existing alley at the back of our property and provided a continuous connection from Coconut Grove Drive to Galiano Street. The NW alley and townhomes were demolished by the Mediterranean Village project. The relocation of the alleys provided for in the previous ordinances need to be considered as part of the new plat.

Existing City zoning allows buildings up to 36.5 feet in height adjacent to residential single family home properties. The proposed site plan depicts 70 foot high buildings adjacent to our residential property. The required building height and setbacks from a residential zoned property need to be depicted on the plat.

One FPL vault is depicted within 100 feet of our property. A structure labeled "loading" is also depicted within 100 feet of our property. FPL vaults and commercial loading dock operations are a potential health, fire and explosion hazard and should not be placed within 100 feet of a single family residential zoned property.

For any additional information please feel free to contact me at [ocapote1@bellsouth.net](mailto:ocapote1@bellsouth.net) and by phone at 305-781-6119.

Thank you

Orlando Capote  
2915 Coconut Grove Drive  
Coral Gables Florida 33134