

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2019-94**

A RESOLUTION UPHOLDING THE APPROVAL OF THE DESIGN AGREED TO PURSUANT TO THE BOARD OF ARCHITECTS APPEAL SETTLEMENT AGREEMENT RATIFIED BY THE BOARD OF ARCHITECTS SPECIAL MASTER ON FEBRUARY 11, 2019, AS IT RELATES TO THE ENTRANCE FEATURES, IN THE CITY'S RIGHT-OF-WAY, AT CARTAGENA CIRCLE.

**WHEREAS**, on January 22, 2013, the City Commission approved encroachments consisting of new stone signs replacing the existing wood signs, within the public right-of-way, in Resolution 2013-06; and

**WHEREAS**, on August 16, 2018, the Islands of Cocoplum Homeowner's Association (Cocoplum 2) ("the Applicant") presented plans to the City's Board of Architects (BOA) for improvements to the existing signage approved by Resolution 2013-06 and the BOA deferred their decision and provided comments; and

**WHEREAS**, on January 10, 2019, the Applicant presented new plans to the BOA for improvements in the City's right-of-way, at the entrance of Cartagena Circle and at Cocoplum Road and Los Pinos Boulevard, and the BOA denied the Applicant's proposed plans; and

**WHEREAS**, on January 18, 2019, Applicant filed an Application for Appeal of the BOA's decision in accordance with section 2-303(D) and 3-606 of the City of Coral Gables Zoning Code; and

**WHEREAS**, on February 6, 2019, a Conflict Resolution Meeting was held, in accordance with section 2-303(D) of the City of Coral Gables Zoning Code, and the Applicant presented updated plans addressing all the comments and suggestions made by the BOA at the January 10<sup>th</sup> meeting, which resulted in a Settlement Agreement being entered into by the Applicant and the City (attached hereto as Exhibit A) which was then ratified by the BOA Special Master; and

**WHEREAS**, on February 19, 2019, the Cocoplum Civic Association, Inc. (Cocoplum 1) ("the Appellant") appealed the Settlement Agreement; and

**WHEREAS**, on March 12, 2019, the City Commission held a public hearing on the Applicant's request for approval of encroachments on the right-of-way, during which the Applicant, Appellant, and the public had ample opportunity to be heard; and

**WHEREAS**, after the public hearing, pursuant to Resolution 2019-83, the City Commission approved the request for new signage, in the City's right-of-way, at the Cartagena Circle entrance consisting of two stone monuments – one reading "Cocoplum" and one reading "The Islands of Cocoplum" and re-approved the existing encroachment, as originally approved in Resolution No. 2013-06; in the alternative, and subject to removal of the existing encroachments, the City Commission approved the proposed encroachment (monument sign, installation of wing walls, and pavers) at the base of the Cocoplum Road Bridge at the intersection of Cocoplum Road and Vera Court, in the City right-of-way; and

**WHEREAS**, on March 14, 2019, the Applicant withdrew the portion of the application relating to proposed improvements in the City's right-of-way at Cocoplum Road, abutting Los Pinos Boulevard, and limited the scope of the application to the replacement of the two currently-existing signs, on the City's right-of-way, at Cartagena Circle with the design approved as part of the Settlement Agreement; and

**WHEREAS**, on March 25, 2019, a second Conflict Resolution meeting was held that included the Applicant, the Appellant, and City staff but did not result in a revised Settlement Agreement; and

**WHEREAS**, in accordance with the Zoning Code, the BOA Rules of Procedure, and CAO 2019-008, Appellant's appeal was heard before the City Commission on March 26, 2019, as part of a quasi-judicial hearing;

**NOW, THEREFORE, BE IT RESOLVED 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 are hereby made a specific part of this Resolution upon adoption hereof.

**SECTION 2.** The City Commission upholds the design agreed to in the Settlement Agreement (attached hereto as Exhibit A) for the BOA appeal regarding the entrance features, ratified by the BOA Special Master on February 11, 2019, as it relates to the design of the entrance features, in the City's right-of-way, at Cartagena Circle.

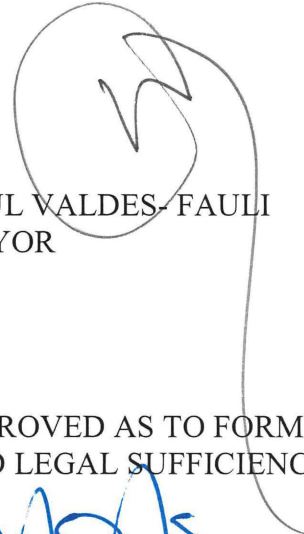
**SECTION 3.** In the alternative, and provided that the Appellant advises the City Attorney's Office by 2 p.m. on March 27, 2019 of its desire to fully and finally resolve this matter, the City Commission ratifies and approves a settlement agreement that includes the following terms:

- a. The proposed design on the plans will be flipped so the North Sign will read "Islands of Cocoplum" and the South Sign will read "Cocoplum."
- b. The "Islands of Cocoplum" sign on the North will NOT include the crest and will only contain the words "Islands of Cocoplum."
- c. The two structures will be identical in all other aspects, including but not limited to size, shape, and material of structure, as well as font style and font size.
- d. Applicant and Appellant fully and finally release the City of Coral Gables and each other from any and all claims relating to the approval of the encroachments in the City's right-of-way at Cartagena Circle, as approved in Resolution No. 2019-83, and relating to the approval of the design and aesthetics of the entrance features, as approved in this Resolution.

**SECTION 4.** That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY SIXTH DAY OF MARCH, A.D., 2019.  
(Moved: Quesada / Seconded: Valdes-Fauli)  
(Yeas: Lago, Mena, Quesada, Valdes-Fauli)  
(Majority: (4-0) Vote)  
(Absent: Keon)  
(Agenda Item: F-1)

APPROVED:



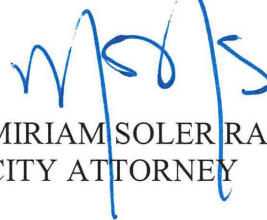
RAUL VALDES- FAULI  
MAYOR

ATTEST:



BILLY Y. URQUIA  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS  
CITY ATTORNEY

# EXHIBIT A

## **SETTLEMENT AGREEMENT FOR** **Board of Architects Appeal** **Cocoplum Entrance Features**

**This Agreement** is made and entered into this 6<sup>th</sup> day of February, 2019 (hereinafter referred to as the Effective Date) by and between the City of Coral Gables (hereinafter referred to as the "CITY"), a Florida municipal corporation, and Cocoplum Homeowners Association, Inc. (hereinafter referred to as "Applicant").

**WHEREAS**, on January 10<sup>th</sup>, 2019, the Board of Architects (hereinafter referred to as "BOA") denied Applicant's plans as presented (BOA No. AB-18-04-3802), attached hereto as Exhibit "1", for the replacement of the southernmost entrance feature at the main community entrance located on Cartagena Plaza, and the addition of faux metal gates and updated signage on the existing pillars on the median and swales of Cocoplum Road, south east of the intersection of Los Pinos Boulevard; and

**WHEREAS**, on January 18<sup>th</sup>, 2019, Applicant filed an Application for Appeal in accordance with sections 2-303(D) and 3-606 of the City of Coral Gables Zoning Code; and

**WHEREAS**, on February 6<sup>th</sup>, 2019, a Conflict Resolution Meeting was held, in accordance with section 2-303(D) of the City of Coral Gables Zoning Code, and the Applicant presented updated plans, attached hereto as Exhibit "2", addressing all the comments and suggestions made by the BOA at the January 10<sup>th</sup> meeting, and said updated plans were subsequently approved by the City Architect and the Planning and Zoning Director.

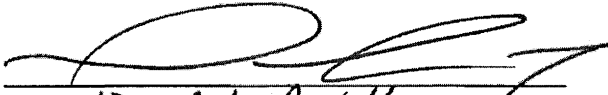
**NOW THEREFORE**, in accordance with section 2-303(D) of the City of Coral Gables Code:

In consideration for the full and final resolution of the pending Appeal, Applicant agrees that:

1. The attached plans identified as Exhibit "2" are approved subject to the City Commission approving the required encroachment agreement(s).
2. **APPELLANT AGREES THAT THIS SETTLEMENT AGREEMENT FULLY AND FINALLY RESOLVES THIS MATTER.**
3. **THE PARTIES WAIVE TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM BROUGHT BY EITHER OF THE PARTIES HERETO AGAINST THE OTHER ON ANY MATTERS ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS AGREEMENT.**

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the day and the year first written above.

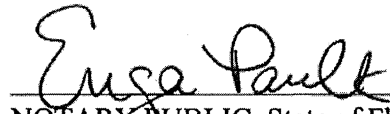
**APPLICANT:**

  
Miguel Diaz de la Portilla  
ATTORNEY FOR APPLICANT

State of Florida  
County of Miami-Dade

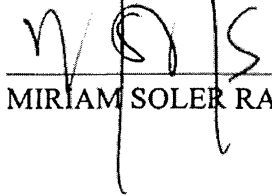
The foregoing instrument was acknowledge before me this 11 day of February, in the year, 2019, by Miguel Diaz de la Portilla of \_\_\_\_\_, who is personally known to me or has produced FL Driver's License as identification.




  
NOTARY PUBLIC, State of Florida

**AS TO THE CITY OF CORAL GABLES:**

**CITY ATTORNEY:**

  
MIRIAM SOLER RAMOS

**IN ACCORDANCE WITH SECTION 2-303(D) OF THE CORAL GABLES ZONING CODE, APPROVED BY BOA SPECIAL MASTER:**

  
ARAMIS ALVAREZ . FEB 11/2019

# Exhibit 1

**GENERAL NOTES**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC) AND THE INTERNATIONAL PLUMBING CODES (IPC).

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTIONS.

3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.

4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

5. ALL UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO ANY EXCAVATION WORK.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.

7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

8. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.

9. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.

11. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE SPECIFICATIONS AND DRAWINGS.

12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL JURISDICTIONS.

13. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

14. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.

15. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.

16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL JURISDICTIONS.

17. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

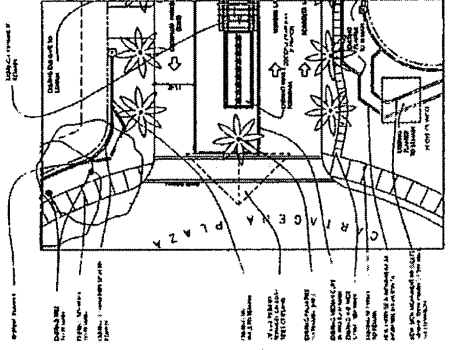
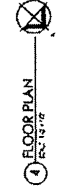
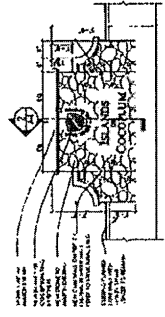
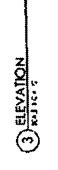
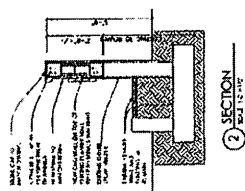
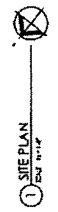
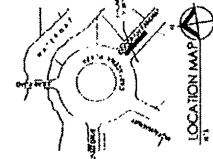
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19. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.

20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL JURISDICTIONS.

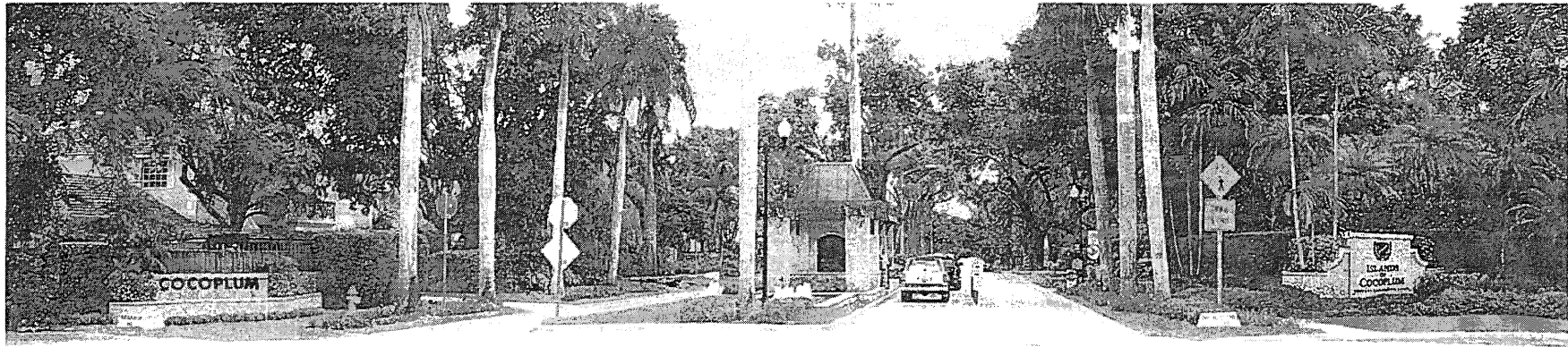
PROJECT NO. 1000000000  
 SHEET NO. A-1  
 DATE 10/10/2024

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5	MECHANICAL
6	ELECTRICAL
7	PLUMBING
8	PAINT
9	FINISHES
10	LANDSCAPE

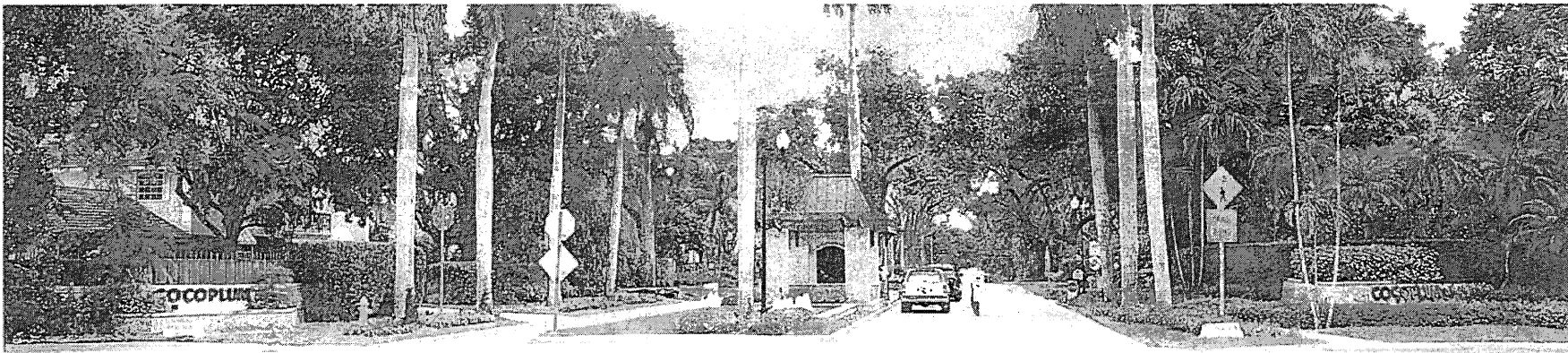


**PACHECO-MARTINE & ASSOCIATES LLC**  
 ARCHITECTS  
 1000 W. 20th Ave. Suite 100, Fort Lauderdale, FL 33304  
 TEL: 954.444.1234 FAX: 954.444.5678

**COCOPUM ENTRY MONUMENT**



PROPOSED

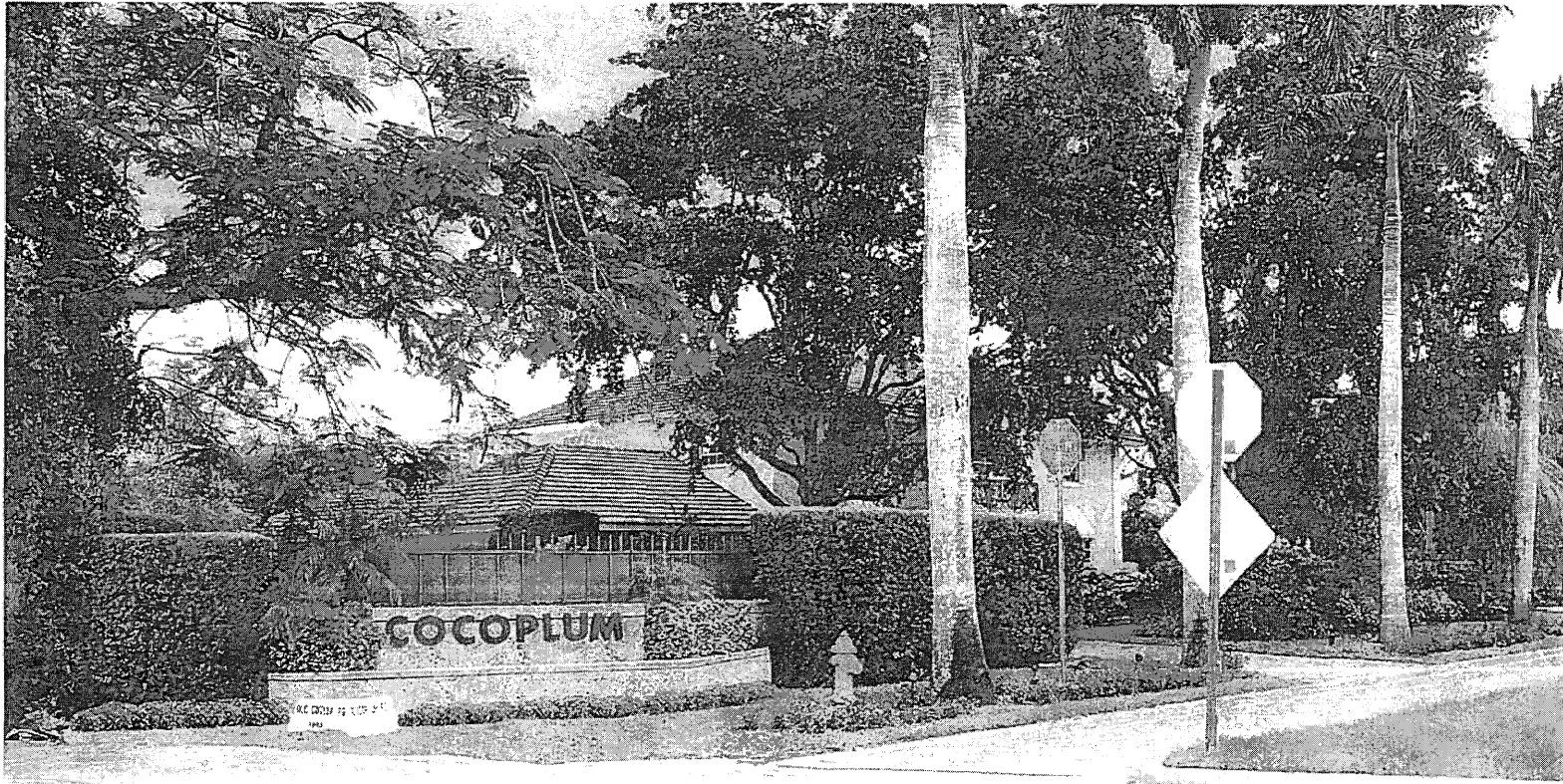


EXISTING



PACHECO-MARTINEZ  
& ASSOCIATES LLC.

COCOPLUM AND  
ISLANDS OF COCOPLUM  
ENTRANCE FIXTURES



PACHECO-MARTINEZ  
& ASSOCIATES LLC

LEFT SIDE

ISLANDS OF COCOPLUM SIGNAGE  
AT CARTAGENA PLAZA



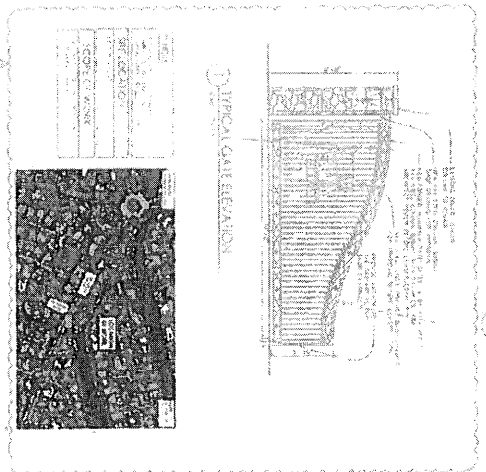
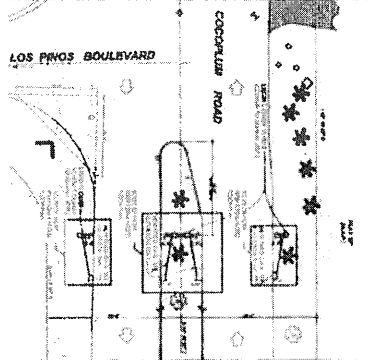
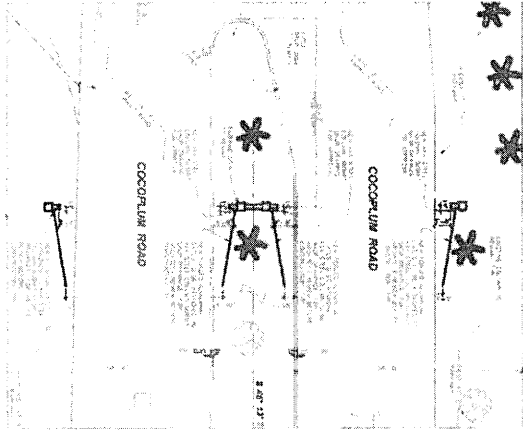
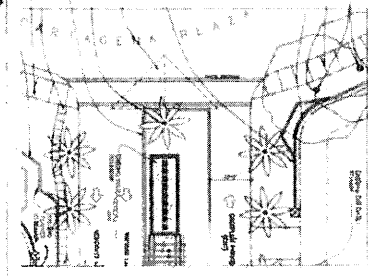


PACHECO-MARTINEZ  
& ASSOCIATES LLC.

RIGHT SIDE

ISLANDS OF COCOPLUM SIGNAGE  
AT CARTAGENA PLAZA

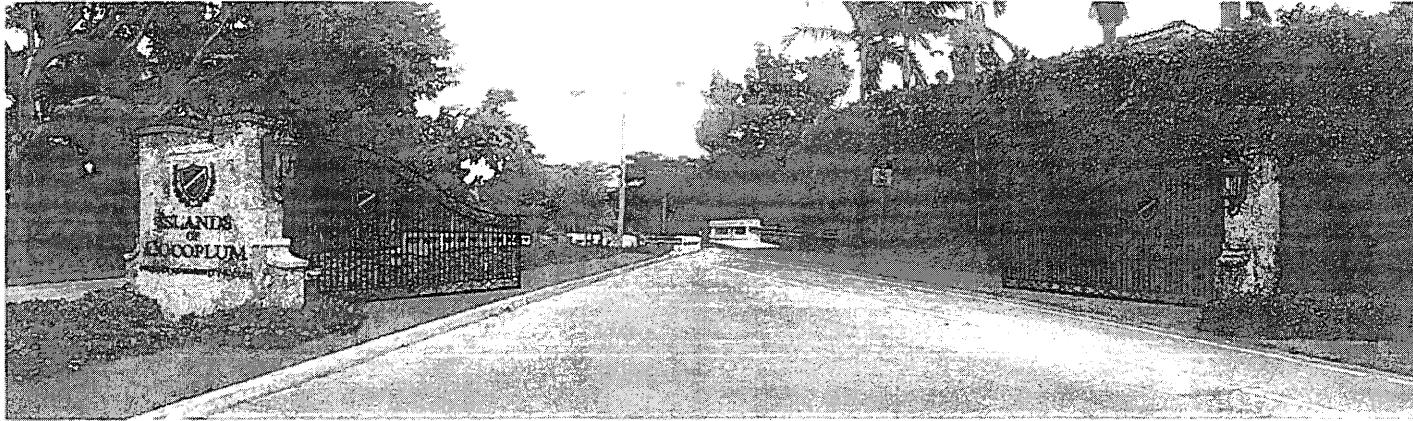
COCOPLUM ENTRY FIXTURE  
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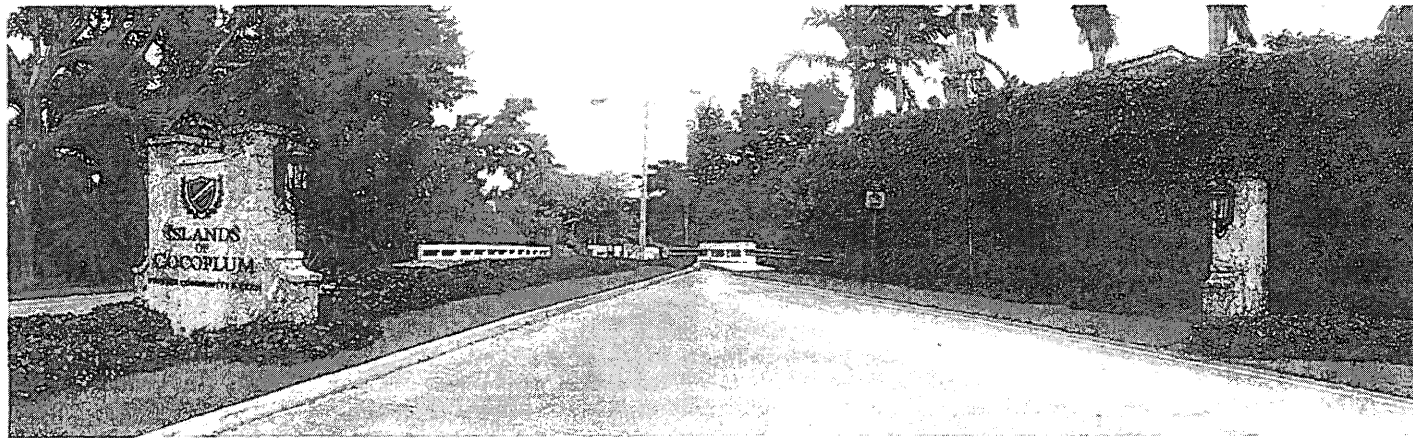
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002	ISSUED FOR CONSTRUCTION	10/15/11
003	ISSUED FOR AS-BUILT	10/15/11
004	ISSUED FOR RECORD	10/15/11

**COCOPLUM ENTRY FIXTURE**

**P1** PACHECO-MARTINE  
 ARCHITECTS & ASSOCIATES, LLC  
 11000 E. 12th Ave, Suite 100, Aurora, CO 80012  
 (303) 681-1111

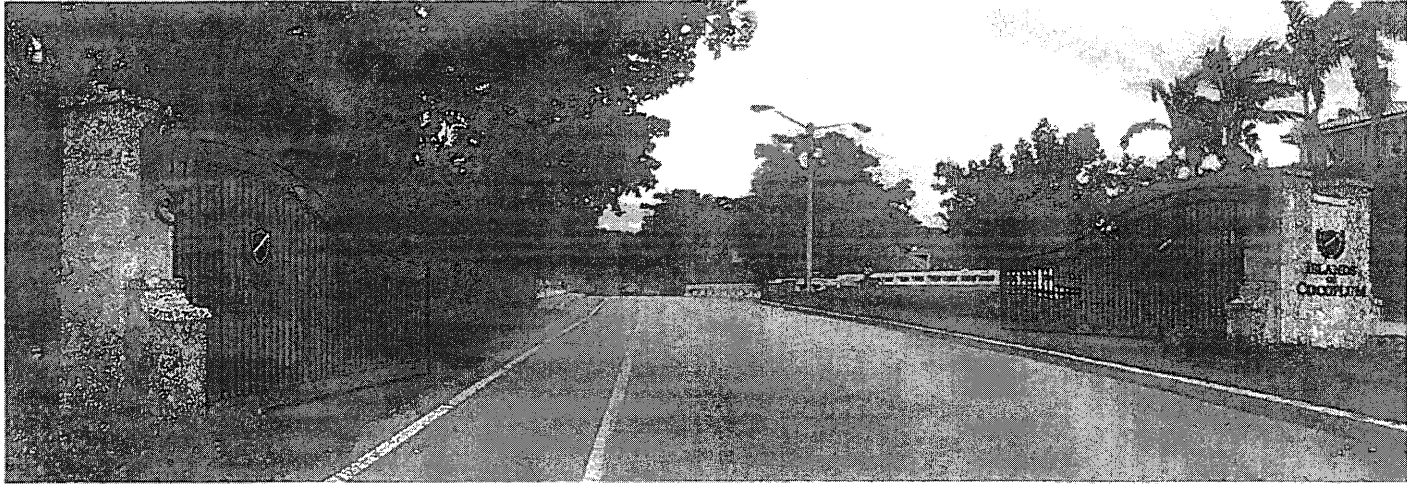


PROPOSED RIGHT SIDE

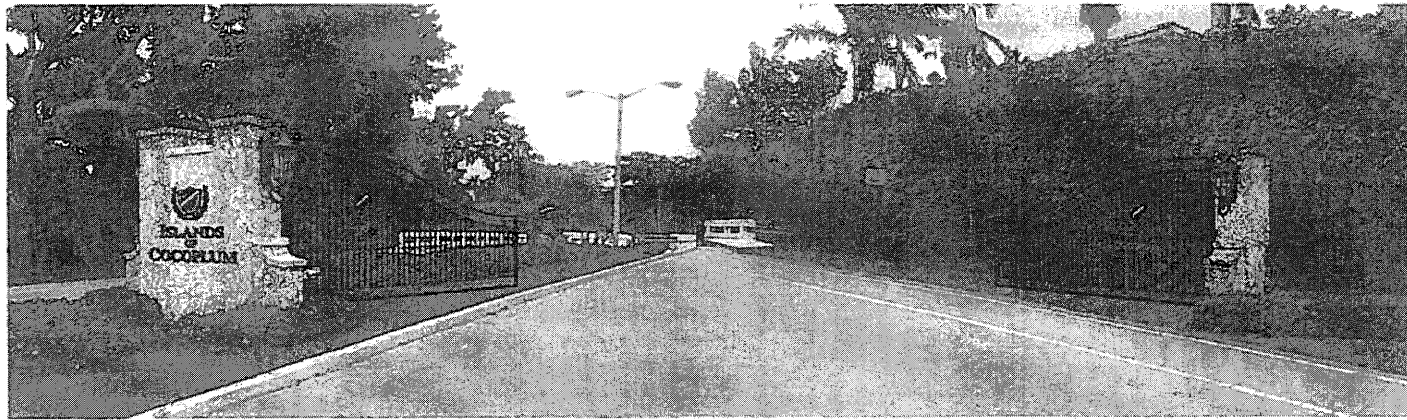


EXISTING RIGHT SIDE

# ISLANDS OF COCOPLUM ENTRANCE GATES



LEFT SIDE

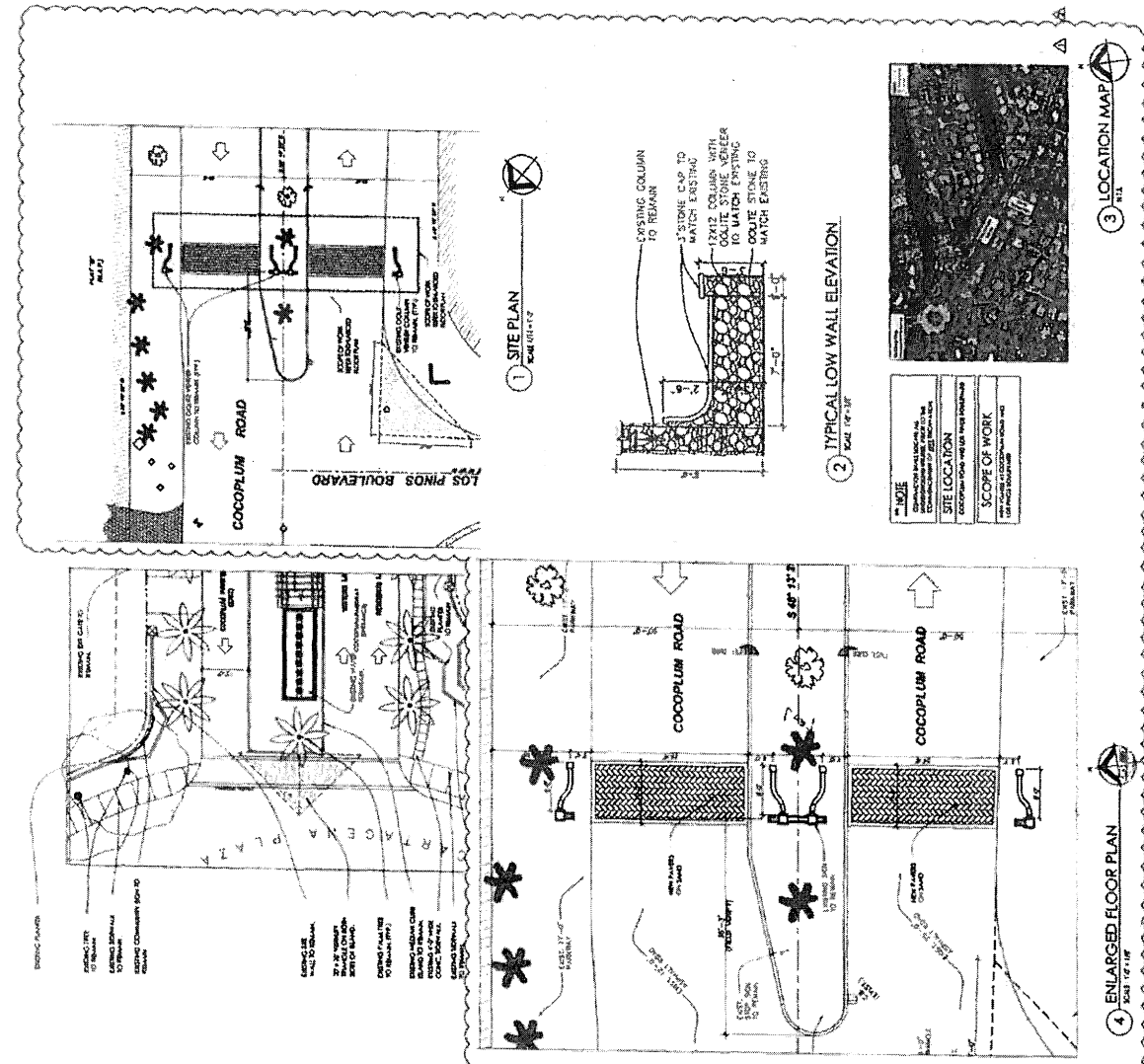


RIGHT SIDE

## ISLANDS OF COCOPLUM ENTRANCE GATES

# Exhibit 2

- GENERAL NOTES**
1. REFER TO ALL DRAWINGS FOR DIMENSIONS AND NOTES. DIMENSIONS SHALL BE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
  2. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
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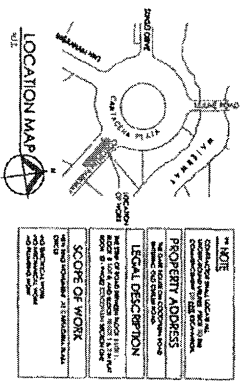
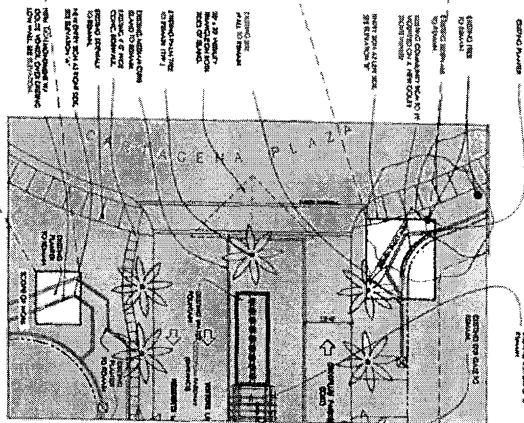


DATE: 08/14/2018  
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 CHECKED BY: JLM  
 DRAWN BY: JLM  
 REVISIONS: 01  
 PROJECT TITLE: COCOPLUM ENTRY FEATURE

PACHECO-MARTINEZ & ASSOCIATES LLC  
 4990 SW 72nd AVE, SUITE 101, MIAMI, FL 33155  
 (305) 666-2070 | (305) 666-2071

**GENERAL NOTES**

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES.
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**NOTE**

CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES.

**PROPERTY ADDRESS**

**LEGAL DESCRIPTION**

**SCORE OF WORK**

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

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

CHECKED BY: \_\_\_\_\_

PROJECT NO. \_\_\_\_\_

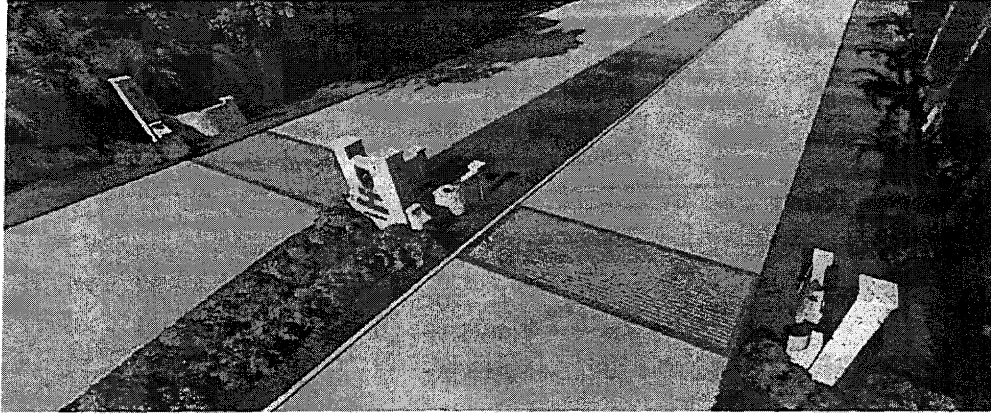
REWORKING:

**COCOPLUM ENTRY FEATURE**

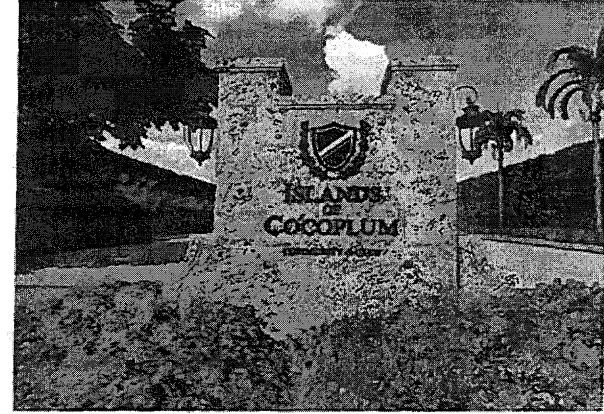
CORAL GABLES  
FLORIDA

**PACHECO-MARTINEZ & ASSOCIATES LLC.**

AA-20022619 | AR-6412 | AR-3373  
4990 SW 72nd AVE, SUITE 101, MIAMI, FL, 33155  
T (305) 446-2573 | F (305) 446-3387



BIRD VIEW



SIGN ELEVATION



ENTRANCE ELEVATION



PACHECO-MARTINEZ  
& ASSOCIATES LLC.

ISLANDS OF COCOPLUM  
COCOPLUM ROAD APPROACH



PACHECO-MARTINEZ  
& ASSOCIATES LLC.

RIGHT SIDE

ISLANDS OF COCOPLUM SIGNAGE  
AT CARTAGENA PLAZA





PACHECO-MARTINEZ  
& ASSOCIATES LLC.

LEFT SIDE

ISLANDS OF COCOPLUM SIGNAGE  
AT CARTAGENA PLAZA