

City of Coral Gables City Commission Meeting
Agenda Item H-2
December 11, 2007
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Slesnick Donald D. Slesnick, II
Vice Mayor Maria Anderson
Commissioner Rafael “Ralph” Cabrera, Jr.
Commissioner William H. Kerdyk, Jr.
Commissioner Wayne “Chip” Withers

City Staff

City Manager, David Brown
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
City Clerk Staff, Billy Urquia

Public Speaker(s)

Simon Fero, Attorney Representing Ponce Medical Plaza, LLC
Robert Behar, Attorney

H-2 [Start: 12:10 p.m.]

Resolution of the Coral Gables City Commission, with attachments, authorizing City Manager to execute an Interlocal Agreement between the City of Coral Gables and the City of Miami to allow the combined properties which make up Ponce Medical Plaza, LLC, which is located in both City of Coral Gables at 114 Ponce de Leon Blvd and the City of Miami at 3690 West Flagler Street, to be developed as one integrated development over the municipal boundaries of both cities. (Deferred from the November 13, 2007 City Commission Meeting).

City Manger Brown: Mr. Fero represents the developer, Pete Hernandez and I both have been working personally together to develop this agreement in order to allow for the development to occur, and for the property taxes to be divided equally based on the FAR (Floor Area Ratio) that was granted by both properties – Mr. Fero.

Mr. Fero: Thank you very much, Mr. Mayor, members of the Board, Simon Fero, 1221 Brickell; I represent Ponce Medical Plaza, LLC. Personally I do want to say thank you very much to staff and to David, this has been a cooperative effort between the City of Miami and the City of Coral Gables. This property, I’m sure, one, you are aware and told David at the south east corner of the intersection of Flagler and on the west side you have thirty seventh Avenue/Douglas Road, and Ponce de Leon Boulevard comes down here and meets up with Flagler. This is basically an island onto itself, and its one of these quirks, I guess, in the City of Miami and the Coral Gables property lines where it’s a one point eight acre parcel of land, and City of Miami has the corner

piece, which is about half an acre which is within their jurisdiction, and the rest which wraps around is Coral Gables. So it's a very interesting and challenging piece of property to develop because you've got two cities abutting each other, and you have the City of Miami with a very small piece with a gas station there in the corner; and finally my client has purchased the whole property; one person wants to have it well integrated, well designed development, and the purpose of the interlocal, and this is the first time I've done – I've learned a lot going through this process; I think most intact is how do we marry both cities – interest of both cities under the assumption that there is added value to having one integrated development as opposed to having a free-standing building on the City of Miami site and then a free-standing building on the Coral Gables site that have no relationship to each other. I wanted to say first of all that this interlocal agreement is a framework under which to do that; you are not approving anything; you are not approving any site plan, or any specific plan by doing this. We do make reference to a site plan because that's the one we have, and the one that actually both cities have reviewed at their levels. Neither city is giving up anything; you are not giving up any rights to permit the property, to approve the site plan, in fact both cities are going to approve the same site plan in accordance with your own and in particular Zoning Code, so you are not giving anything up. The one thing that we are doing, results are very interesting, is the City of Miami which has – which permits a higher, has no height restrictions. It's allowing us to transfer a portion of the unused FAR in Coral Gables unto the City of Miami site, and that is actually going to make for a much better integrated development. What we've done, and we've had numerous meetings with your staff, not only David, but also Fire, Police, its incredible how many things overlap when you do something like this; who is going to be the first responder?- what Fire Department is going to respond?- how are we going to do permitting?- we are basically going to be going up the same time on both sides, how can we coordinate permitting so that there is no obstructions?- And finally, one of the most interesting is how are we going to provide the tax revenue?- the property tax revenue. We met with the property appraiser and they can't – he said, well we can't merge you, we've got to issue one for the City of Coral Gables and one for the City of Miami. So, then after that we have to do an evaluation of what the actual value of the building is; and then we have to determine based on what will we divide up the tax revenues, and we looked at both FAR; and also what is really bottom line is gross construction square feet, because as you know FAR you can have a hundred square feet of FAR, and have points for being gross construction square footage. So luckily and coincidentally, at least on the site and the plan, we have the exact same, on paper the exact same differential and percentages that FAR have on [inaudible] filled communities, and as an example, because in the interlocal we have the ability to come in and actually modify plans as long as it meets with your criteria; we can't do anything that doesn't go through both cities, but again we are using this one because we feel this is the one we are going to go with; and on this plan we have a gross building area of four hundred thirty one thousand square feet; that's the whole thing, but we only have a hundred and seventy three thousand square feet of FAR. So, based on the gross building area, Coral Gables is going to contain two hundred twenty four thousand square feet, and Miami is going to contain two hundred and six thousand square feet. So that's basically a fifty-two – forty-eight (52/48) split. The FAR – when you calculate the FAR, we based it on what the allowable in the City of Coral Gables and what is allowable in the City of Miami with a [inaudible] approval, which we will waive as relatively – it has no public hearing, but would be reasonable to get; they came up with the same thing fifty-two – forty-eight (52/48). So as it stands – and that is basically its formula, again even if we don't use this particular site plan that formula will stand, and therefore based on this site plan and

based on this interlocal agreement, Coral Gables will receive fifty-two (52%) percent of the tax revenues, of total combined cities, and Miami will receive forty-eight (48%). So there is a formula here which says, if for some reason when the two tax bills are received Miami has more than forty-eight percent of the combined revenues, then they are going to give you money. If it's the other way around, it's just the other way around. In a nutshell that's basically the interlocal agreement. It's just a framework within which both cities will cooperate and will permit the development of a much better site plan, than if you had to do both things separately. So again, if you have any questions, I'll be happy to answer them, and Carlos the architect is here.

Vice Mayor Kerdyk: I have two questions – first of all the City of Miami's property and the City of Coral Gables' property is contiguous; there are no alleyways or anything like that, is that correct?

Mr. Fero: No alley-ways, it's contiguous.

Vice Mayor Kerdyk: Then one other question just for my own knowledge, the methodology of determining FAR on both sites as you very well know, the Coral Gables when you determine FAR it is encapsulated inside the – you take it from the measurements of the landside, whereas in the City of Miami you measure to the middle of the street. How did you determine the FAR on their whole site? Did you take the one methodology from Miami and apply it there, and apply the City, or did you use all the City of Coral Gables; how did you determine the size of the property?

Mr. Behar: Mr. Kerdyk, for the record, Robert Behar, Behar, Font and Partners, 4533 Ponce de Leon Boulevard; you're right for the City of Miami we went to the City to the curb line of the street; for the City of Coral Gables we went through the net lot area.

Vice Mayor Kerdyk: Net lot area, so basically – alright.

Mr. Behar: Correct. We complied with every single requirement, Code requirement, Zoning requirement of each City, and we've been able to merge it into one development.

Vice Mayor Kerdyk: Alright. I ask the first question with regards to is there a street or alleyway based on the fact that we might face at a later development date a property that is where Gables Lincoln-Mercury sits that also we have to deal with the City of Miami because there has been several proposed developments which would take into account not only City of Coral Gables property, but also City of Miami property, and have to deal with a public roadway at that time; that's a whole different issue, but I just bring it to your attention.

Mr. Behar: You are absolutely right; that has a public right-of-way dividing two properties; this is contiguous and abutting each other.

Vice Mayor Kerdyk: Contiguous – alright.

Mr. Behar: This should have been either all Coral Gables or all City of Miami...

Mayor Slesnick: That actually lays the groundwork for the kinds of things this Commission has labored over, the fact that Miami does things without us, abuts our property and this may lay the groundwork for better working relationship. I take it that you all are working for the City of Miami too, I mean that's the underlying assumption here that...

Mr. Fero: Mr. Mayor, this goes to the City of Miami Commission Thursday.

Mayor Slesnick: One thing that you might put a word in since this is next year property, almost, is that just south of you is a church, and just south of that is a car lot with billboards – full size billboards on a City street in the middle of what is commercial to the north, residential to the east and south, and residential directly west to the City of Coral Gables; I just find it very offensive, and I just can't imagine why the City of Miami allows billboards in that location. So you may raise that issue.

Mr. Fero: This is on our property on the City of Miami property?

Mayor Slesnick: Not on your property...

Commissioner Withers: On Ponce and Douglas right there on the corner.

Mayor Slesnick: Just as a friend of the court, you might offer your observation that it's offensive to you as a property owner; we are looking forward to working closely with the City of Miami, but they could do that to help us.

Mr. Fero: As long as I don't have to file a lobbyist registration form for you there....

LAUGHTER

City Attorney Hernandez: We just want to know that you are actually going to communicate that.

Mr. Fero: We'll be happy to do that.

Mayor Slesnick: Thank you. Any other questions, any other comments? Mr. Withers?- no.

Commissioner Withers: No, I'm fine.

Mayor Slesnick: I have a motion?

Vice Mayor Kerdyk: I'll make the motion.

Commissioner Anderson: Second.

Mayor Slesnick: Moved by Mr. Kerdyk, second by Ms. Anderson. Anybody here for public input?

Mr. Clerk.

Commissioner Withers: Yes
Commissioner Anderson: Yes
Vice Mayor Kerdyk: Yes
Mayor Slesnick: Yes
(Cabrera: Absent)
(Vote 4-0)

Mr. Fero: Happy Holidays to you, thank you very much.

Commissioner Anderson: Likewise.

Mayor Slesnick: Simon, thank you both for a very specific and good presentation that prevented us from having too many questions.

Mr. Fero: Thank you. We appreciate that; thank you Mr. Manager for all your help.

Mayor Slesnick: When do you see the site plan coming to the point of actually starting the process?

Mr. Fero: After this goes Thursday...

Mayor Slesnick: I guess, my question is when do you see this project going on line? I mean, if it were successful, is it a two-year?

Mr. Fero: [Inaudible – off mike].

Mayor Slesnick: OK – great.

Commissioner Anderson: Best of luck. Thank you.

[End: 12:22 p.m.]