

City of Coral Gables City Commission Meeting
Agenda Items E-1, E-2, E-3, E-5, E-6 and E-7 are related
May 21, 2024
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Rhonda Anderson

Commissioner Melissa Castro

Commissioner Ariel Fernandez

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

City Manager, Amos Rojas, Jr.

City Clerk, Billy Urquia

Public Speaker(s)

Javier Fernandez

Agenda Items E-1, E-2, E-3, E-5, E-7 and E-7 are related [12:27 p.m.]

E-1: An Ordinance of the City Commission amending the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 14, “Process,” Section 14-213, “Comprehensive Plan Text and Map Amendments,” and Small Scale amendment procedures (ss. 163.3187, Florida Statutes), from “Commercial Low-Rise Intensity” to “Commercial High-Rise Intensity” for Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29, (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) (LPA review) (12 13 2023 PZB recommended denial, Vote: 3-3) Lobbyist: Javier Fernandez

E-2: An Ordinance of the City Commission making zoning district boundary changes pursuant to Zoning Code Article 14, “Process,” Section 14-212, “Zoning Code Text and Map Amendments,” for Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section from Mixed-Use 1 (MX1) District to Mixed-Use 3 (MX3) District (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga); providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) (12 13 2013 PZB no recommendation, Vote: 3-3) Lobbyist: Javier Fernandez

E-3: An Ordinance of the City Commission approving the vacation of a public alleyway pursuant to Zoning Code Article 14, “Process,” Section 14-211, “Abandonment and Vacations” and City Code Chapter 62,

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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 approximately one hundred and fifty-five (155) feet in length lying between Lots 12 thru 18 and Lots 11 and 19 in Block 29, Crafts Section (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) (12 13 2023 PZB recommended approval, Vote: 4-2) Lobbyist: Javier Fernandez

E-5: A Resolution of the City Commission approving receipt of Transfer of Development Rights (TDRs) pursuant to Zoning Code Article 14, “Process,” Section 14-204.6, “Review and approval of use of TDRs on receiver sites,” for the receipt and use of TDRs for a Mixed-Use project referred to as “Ponce Park Residences” on the property legally described as Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29; (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) (12 13 2023 PZB recommended approval, Vote: 4-2) Lobbyist: Javier Fernandez

E-6: A Resolution of the City Commission approving Mixed-Use Site Plan and Encroachment review pursuant to Zoning Code Article 14, “Process” Section 14-203, “Conditional Uses,” for a proposed Mixed-Use project referred to as “Ponce Park Residences” on the property legally described as Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29; (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) (12 13 2023 PZB recommended approval with conditions, Vote: 4-2) Lobbyist: Javier Fernandez

E-7: A Resolution of the City Commission approving the Tentative Plat entitled “Ponce Park Residences” pursuant to Zoning Code Article 14, “Process,” Section 14-210, “Platting/Subdivision,” being a re-plat of 42,543 square feet (0.977 acres) into a single tract of land on the property legally described as Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29, together with a 1,318 square feet portion of University Drive that runs north of the Malaga Avenue right-of-way and west of the Ponce de Leon Boulevard right-of-way and dedication of 1,725 square feet; (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) (12 13 2023 PZB recommended approval, Vote: 4-2) Lobbyist: Javier Fernandez

Mayor Lago: So, we have a time certain item E-1, E-2, E-3, E-5, E-6 and E-7, which are time certain.

City Attorney Suarez: Mayor, if you’ll indulge me so I can read them into the record.

Mayor Lago: Of course.

City Attorney Suarez: And we can consolidate them for purposes of the public hearing. E-1 is an ordinance of the City Commission amending the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 14, “Process,” Section 14-213, “Comprehensive Plan Text and Map Amendments,” and Small Scale amendment procedures (ss. 163.3187, Florida Statutes), from “Commercial Low-Rise Intensity” to “Commercial High-Rise Intensity” for Lots 8 through 21, less
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the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29, (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. E-2 is an Ordinance of the City Commission making zoning district boundary changes pursuant to Zoning Code Article 14, “Process,” Section 14-212, “Zoning Code Text and Map Amendments,” for Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section from Mixed-Use 1 (MX1) District to Mixed-Use 3 (MX3) District (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga); providing for a repealer provision, severability clause, and providing for an effective date. E-3 is an Ordinance of the City Commission approving the vacation of a public alleyway pursuant to Zoning Code Article 14, “Process,” Section 14-211, “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 approximately one hundred and fifty-five (155) feet in length lying between Lots 12 thru 18 and Lots 11 and 19 in Block 29, Crafts Section (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. E-5 is a Resolution of the City Commission approving receipt of Transfer of Development Rights (TDRs) pursuant to Zoning Code Article 14, “Process,” Section 14-204.6, “Review and approval of use of TDRs on receiver sites,” for the receipt and use of TDRs for a Mixed-Use project referred to as “Ponce Park Residences” on the property legally described as Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29; (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. E-6 is a Resolution of the City Commission approving Mixed-Use Site Plan and Encroachment review pursuant to Zoning Code Article 14, “Process” Section 14-203, “Conditional Uses,” for a proposed Mixed-Use project referred to as “Ponce Park Residences” on the property legally described as Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29; (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. And E-7 is a Resolution of the City Commission approving the Tentative Plat entitled “Ponce Park Residences” pursuant to Zoning Code Article 14, “Process,” Section 14-210, “Platting/Subdivision,” being a re-plat of 42,543 square feet (0.977 acres) into a single tract of land on the property legally described as Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29, together with a 1,318 square feet portion of University Drive that runs north of the Malaga Avenue right-of-way and west of the Ponce de Leon Boulevard right-of-way and dedication of 1,725 square feet; (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. All individuals who will be testifying in these matters should be sworn in by the City Clerk.

City Clerk Urquia: Those who will be presenting this item, please rise and raise your right hand. Do you swear or affirm the testimony you’ll provide today will be the truth and nothing but the truth.

All: It is.

City Clerk Urquia: Thank you.

Mayor Lago: Mr. Clerk, do we have any public comment?

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City Clerk Urquia: No, Mr. Mayor.

Mayor Lago: I'd like to close the public hearing, if possible. Madam City Attorney, in regard to the matter, the vacation of the alley, can you provide some clarity on the record, because I had two residents that contacted me, asking me about in regard to the vacation. What was allowed by the law. Could we sell the alley to the applicant? And I wanted to put it on the record because this is not the first time that I have gotten this question and I think there is a little bit of confusion in regard to the law and also, what can we do in regard to a city when it comes to the vacation of an alley. What restrictions and what are we confined to in regard to the city and why is that reason?

City Attorney Suarez: So, Mayor, as we've discussed, the city does not own title and fee simple to alleys and other rights-of-way, that's why we go through the vacation and abandonment process for alleys or rights-of-way when there is a request. Alleys are dedicated for the public, so the city doesn't hold title to them, but we are the stewards of the rights-of-way, and so, pursuant to the process to request vacation or abandonment, staff reviews and if the right-of-way is no longer being used for public purposes or there is no need to continue to use it for public purpose or it hasn't been used for that public or intended purpose and if it meets the other standards of review, then staff would recommend approval, as I know staff has done in this case or supported approval, but again, we cannot demand a purchase price because we do not own title to the rights-of-way.

Mayor Lago: Okay. Good afternoon, sir.

Mr. Javier Fernandez: Mr. Mayor, Madam Vice Mayor, Commissioners, good afternoon, for the record Javier Fernandez here on behalf of RC Acquisitions, KP Ponce and J&P Design, excuse me, the owners of subject property. I will be brief today. You had a full presentation from us, if you have any questions, I'm happy to take them. There was one question that was posed to us, I think at the close of the last hearing, which related to possibly working with the Historical Preservation Association of Coral Gables. I'm happy to report that I've spoken to Karelia Carbonell. We've agreed to work on locating a historic marker somewhere in the right-of-way, near the project. What exactly we're going to recognize, maybe the history of the Craft Section or the historic Master Plan. That will be the subject for conversations. We'd like to proffer that as an additional condition. I guess it would be the resolution probably Exhibit E, related to the site plan and with that, I believe that addressed the one open comment, I think that we had for the last hearing. I want to thank all of you for your patients, for accommodating us last meeting at 6 o'clock, allowing the public to speak and I just want to share for the record, we are in agreement with all of the recommendations from staff and that we have worked very closely, and I want to thank the City Manager, Planning staff, the City Attorney and her staff as well, for the work we did on the conditions related to the park improvements that were proffered the last time. We are in agreement with all conditions that accompany the resolution in Exhibit E. So, with that, any questions, I'm happy to address them.

Mayor Lago: I just want to add one statement because you just covered at the end. I want to commend you and I want to commend Mr. Morris for your efforts. You got my vote because of the very simple fact that you committed to spending \$2 million dollars on the park and that through
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negotiations we were able to get a commitment from your client to ensure that any cost overruns in regard to the \$5.3 million dollar budget for the city, that you would address.

Mr. Javier Fernandez: That's correct.

Mayor Lago: As long as it's obviously within the confines of the design and we don't ask for anything over the top, but that to me, was pivotal in getting my vote, because it ensured to me your commitment. You brought the building down, but to me, investing in a city asset like the park, finally getting it done and ensuring that it gets done in the private sector for much cheaper, for much cheaper than I expected, is going to be something that again, is going to really be a driving force in our community, because its going to make an open space that for so long has been screaming for attention, and could be so sorely used by so many people in this community, sorely needed to be used by so many people in this community that your commitment to ensuring that anything, any cost overruns over the \$5.3 million and your \$2 million dollar commitment was basically the gamechanger and the deciding factor in me voting in favor of the project. So, I wanted to commend you because Javi, you made it happen. Thank you so much.

Mr. Javier Fernandez: Thank you, Mr. Mayor. Again, to be clear, we will be bringing back an agreement. These conditions kind of late, provide an outline for reimbursement agreements, so you all are clear, and we will be working with your City Attorney and staff to draft up a formal reimbursement agreement which you all will have a chance to review and approve at a subsequent meeting. But thank you for the compliment, sir.

Mayor Lago: Well done. If there's nothing else, I'll entertain a motion.

Commissioner Fernandez: Just once again, thank you for working with the Historic Preservation Association of Coral Gables. I think for them, the vacation of the alley was a matter of concern. I think this is a way to kind of pay homage to the vision George Merrick had and I'm glad that you were able to sit down with them. I know they are very happy that something will happen there that will pay homage to the original vision either the Craft Section or the entire Master Plan. So, I really appreciate that. Also, I want to echo the Mayor's comments. Ponce Circle Park has been something that has been needed for renovations in that area for many years, and every year we seem to be putting money in that bucket and that line keeps getting further away from us. This is an opportunity that we had as a city to make it happen sooner rather than later and really make our city Central Park what it should be and a place where people want to go out to. So, I appreciate the openness that your client had to do that and the process that was followed to get here, because I think a lot has to be said about the first iteration of this project and how the community was totally against it and the current iteration of the project where the community was entirely behind it. And I think that showed your client's desire to work with the community on something that they were happy with, that they were going to be living close to, and they could identify as a marker for what Coral Gables should look like, and we really appreciate that.

Mr. Javier Fernandez: Thank you, sir.

Commissioner Menendez: I just want to add that, echo my colleagues here. What stood out to me was watching the process. Obviously, the first time a project was brought forward. We all learned a lot in the process and the fact this Chamber was filled with residents who live right there, that live and breath that area, not just supportive of the project, demanding that we support the project, which is rear. I hope going forward in the future, every and all projects that come to the city, whoever is involved take a step back, look closely what you all did, how you learned from the obstacles and the issues that you faced and how you came and you got a 5-0 vote and you had overwhelming support, and it wasn't, how to describe it, it wasn't just sugar-coating or little bells and whistles. You really engaged the community. They were involved. They feel it's their project. So, I encourage all projects in the future, not only yours obviously, but others, take a look at what was done here and try to replicate that process, because going forward, I think that will make Coral Gables a much greater community, a much greater city, because we're all on the same page. So, thank you for being part of that.

Mr. Javier Fernandez: Thank you for your comments.

Vice Mayor Anderson: I'll just echo some of those comments, but add to it because two years ago, the folks that came in and supported were so against the project and the most important thing that happened was the developer listened. Instead of being development is bad for the area, it became development is great for the area, and it wasn't just a tweak of the project. You started completely over. You met first with the residents and then it came together from the ground up. So, that ability to turn and change the approach in a way that you addressed the residents and listening to what they want and bringing back something that they are not only happy about, but are excited, that is going to be coming into this community and improving the area, is just remarkable. And if there's no further comments, I'll be proud to move this forward, so I move it.

Commissioner Menendez: I'll second.

Mayor Lago: Mr. Clerk, we have a motion on E-1 and a second.

City Clerk Urquia: I'm sorry, who second it.

Commissioner Menendez: Me.

City Clerk Urquia: Thank you.

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: Moving onto E-2. May I have a motion.

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Commissioner Menendez: I'll move it.

Vice Mayor Anderson: We already have a motion.

Commissioner Menendez: E-2.

Vice Mayor Anderson: E-2 – did you move?

Commissioner Menendez: Yes.

Vice Mayor Anderson: Do we have a second yet? If not, I'll second. We can play pickleball. It's not ping pong anymore.

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Commissioner Fernandez: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: Moving onto E-3. Can I have a motion.

Vice Mayor Anderson: I'll move it.

Commissioner Menendez: Second.

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: Moving onto E-5.

Commissioner Menendez: I'll move it.

Vice Mayor Anderson: Second.

Commissioner Castro: Yes

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Mayor Lago: Yes

(Vote: 5-0)

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Mayor Lago: Moving onto E-6.

Vice Mayor Anderson: I'll move it.

Commissioner Menendez: Second.

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: Moving onto E-7.

Commissioner Menendez: I'll move it.

Vice Mayor Anderson: Second.

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Commissioner Fernandez: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mr. Javier Fernandez: Thank you very much. We look forward to getting started on this wonderful project with all of you. Have a good day.

Commissioner Fernandez: Thank you.

Vice Mayor Anderson: Thank you.

Mayor Lago: Thank you, sir. Congratulations.