

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