

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2015-16 (AS AMENDED)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REGARDING THE PLANNED AREA DEVELOPMENT (PAD) MIXED USE SITE PLAN FOR THE PROPOSED PROJECT REFERRED TO AS “OLD SPANISH VILLAGE”, GENERALLY DESCRIBED AS 2801, 2901, AND 3001 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA, AND APPROVED BY ORDINANCE NO. 2006-23 AND AMENDED BY ORDINANCE NO. 2007-27.1; REVOKING THE PAD APPROVALS FOR FAILURE TO PROCEED IN ACCORDANCE WITH THE APPROVED DEVELOPMENT PHASING PURSUANT TO ZONING CODE SECTION 3-509; PROVIDING FINDINGS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 2006-23, adopted by the City of Coral Gables (“City”) City Commission (“Commission”) on August 22, 2006, approved an application for a Planned Area Development (PAD) mixed-use site plan for a proposed project referred to as “Old Spanish Village PAD”, generally known as 2801, 2901, and 3001 Ponce de Leon Boulevard in the area generally bounded by Sevilla Avenue to the north, Malaga Avenue to the south, Galiano Street to the east, and Ponce de Leon Boulevard to the west, and

WHEREAS, the Old Spanish Village PAD included a mixed-use project consisting of office, retail, townhouse, and multi-family residential uses to be built in phases over time, with specific timelines and construction deadlines for continued development, and

WHEREAS, on September 25, 2007, the City Commission adopted Ordinance 2007-27.1 amending the Old Spanish Village PAD, and

WHEREAS, construction of some portions of the Old Spanish Village PAD was commenced, several phases never commenced, and at this time all of the completion dates in the phasing schedule have passed, and the majority were not met, and

WHEREAS, Section 3-509 of the City Zoning Code provides that the City Manager will periodically monitor the construction and development phasing of a PAD, and that if she finds that the “developer is not proceeding in accordance with the approved Development Phasing with respect to timing of construction of an approved mix of project elements, he shall report to the City Commission, and the City Commission shall review the Planned Area Development”, and

WHEREAS, the Zoning Code provides in relevant part that, upon review, “the City Commission . . . may extend the . . . length of time to complete a phase, revoke approval of the Planned Area Development or recommend that the developer amend the Development Plan”, and

WHEREAS, the current owner of the property subject to the Old Spanish Village PAD, Agave Ponce, LLC (“Agave”), purchased the property after the Old Spanish Village PAD had failed to meet deadlines, and

WHEREAS, Agave has submitted plans for a new Planned Area Development 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 Code” (“Mediterranean Village PAD”), and

WHEREAS, the new proposed Mediterranean Village PAD includes development, design features, offsite improvements and other public benefits which are significantly different than the original Old Spanish Village PAD, and

WHEREAS, City staff recommends that, because of the significant differences between the two proposed plans, it is preferable to revoke the prior Old Spanish Village PAD and proceed with the new Mediterranean Village PAD, and

WHEREAS, Agave agrees with the proposed process and the staff recommendation to revoke the Old Spanish Village PAD, 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 and the City Commission, after due consideration and discussion, approved the revocation of the Old Spanish Village PAD (vote: 5 – 0); and

WHEREAS, after notice was duly published, a public hearing for Second Reading was held before the City Commission on May 26, 2015 and 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 revocation of the Old Spanish Village PAD on Second Reading (vote: 5-0);

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. Pursuant to Section 3-509, the City Commission hereby finds that the original developer has not pursued construction, and the proposed Old Spanish Village PAD program improvements have not proceeded in accordance with the approved Development Phasing with respect to timing of construction of an approved mix of project elements.

SECTION 3. The Old Spanish Village PAD, as approved in Ordinance 2006-23, on August 22, 2006, and amended by Ordinance 2007-27.1 on September 25, 2007, is hereby REVOKED.

SECTION 4. All ordinances or parts of ordinances and resolutions and parts of resolutions that are inconsistent or in conflict with the provisions of this Ordinance, specifically including Ordinance No. 2006-23 and Ordinance No. 2007-27.1, 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. 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, Lago, Quesada, Slesnick, Cason)

(Unanimous; 5-0 Vote)

(Agenda Item: A-7)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY