

City Commission
Susan Gottlieb, Mayor

Enbar Cohen
Teri Holzberg
Billy Joel
Michael Stern
Howard Weinberg
Luz Urbáez Weinberg

The City of Aventura



City Manager
Eric M. Soroka, ICMA-CM

City Clerk
Teresa M. Soroka, MMC

City Attorney
Weiss Serota Helfman
Pastoriza Cole & Boniske

OCTOBER 1, 2013 6 PM

Government Center
19200 West Country Club Drive
Aventura, Florida 33180

1. **CALL TO ORDER/ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **AGENDA:** Request for Deletions/Emergency Additions
4. **SPECIAL PRESENTATIONS:** Employee Service Awards
5. **CONSENT AGENDA:** Matters included under the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and considered separately. If the public wishes to speak on a matter on the consent agenda they must inform the City Clerk prior to the start of the meeting. They will be recognized to speak prior to the approval of the consent agenda.
 - A. **APPROVAL OF MINUTES:**
September 3, 2013 Commission Meeting
September 9, 2013 Commission Meeting – 1st Budget Hearing
September 18, 2013 Commission Meeting – 2nd Budget Hearing
September 19, 2013 Workshop Meeting
 - B. **MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$54,500 FOR CONSTRUCTION OF RADIO SYSTEM ROOM, CRIME PREVENTION PROGRAMS, EQUIPMENT AND CRIME PREVENTION SCHOLARSHIP FROM THE POLICE FORFEITURE FUNDS IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM.**
 - C. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA DECLARING CERTAIN PROPERTY LISTED UNDER THE ASSETS OF THE CITY AS SURPLUS TO THE NEEDS OF THE CITY; DESCRIBING THE MANNER OF DISPOSAL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

- D. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING THE APPOINTMENT OF MEMBERS TO THE CITY OF AVENTURA ARTS AND CULTURAL CENTER ADVISORY BOARD FOR A TWO-YEAR TERM; AND PROVIDING AN EFFECTIVE DATE.**
- E. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, COMMEMORATING THE 50TH ANNIVERSARY OF THE VIETNAM WAR; EXPRESSING SUPPORT FOR THE NOVEMBER 8, 2013 PARADE SPONSORED BY THE MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD WELCOMING HOME AND REMEMBERING VIETNAM VETERANS; AND PROVIDING AN EFFECTIVE DATE.**

6. ZONING HEARINGS: QUASI-JUDICIAL PUBLIC HEARINGS — Please be advised that the following items on the Commission's agenda are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Mayor when she requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further details of the quasi-judicial procedures may be obtained from the Clerk

- A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING APPROVAL OF A VARIANCE FROM SECTION 31-171(b) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW ELEVEN (11) PARKING SPACES, WHERE A MINIMUM OF EIGHTEEN (18) PARKING SPACES ARE REQUIRED BY CODE; AND VARIANCE FROM SECTION 31-221(i)(2) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW A TWO (2) FOOT WIDE PERIMETER BUFFER STRIP ALONG THE WEST LIMIT OF THE VEHICULAR USE AREA, WHERE A MINIMUM SEVEN (7) FOOT WIDE PERIMETER BUFFER STRIP IS REQUIRED BY CODE; AND VARIANCE FROM SECTION 31-221(i)(2) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW A ZERO (0) FOOT WIDE PERIMETER BUFFER STRIP ALONG THE NORTH LIMIT OF THE VEHICULAR USE AREA, WHERE A MINIMUM SEVEN (7) FOOT WIDE PERIMETER BUFFER STRIP IS REQUIRED BY CODE; AND RELEASE OF PREVIOUSLY APPROVED RESOLUTIONS NOS. 98-50 AND 2000-25; ALL FOR A PROPOSED 4400 SQUARE FOOT, ONE-STORY RETAIL BUILDING AT 17800 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.**

B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING APPROVAL OF A VARIANCE FROM SECTION 31-171(b) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW FORTY-SIX (46) PARKING SPACES, WHERE A MINIMUM OF EIGHTY-SEVEN (87) PARKING SPACES ARE REQUIRED BY CODE; AND MODIFICATION TO CITY OF AVENTURA RESOLUTION NO. 2011-47 TO EXTEND THE TIME FOR USE OF THE TEMPORARY STRUCTURE ON SITE TO DECEMBER 26, 2014 AND TO MODIFY CONDITION NO. 8 OF SECTION 2. OF THE RESOLUTION; AND MODIFICATION TO THE "DECLARATION OF RESTRICTIONS REGARDING TEMPORARY STRUCTURE" TO EXTEND THE TIME TO USE OF THE TEMPORARY STRUCTURE TO DECEMBER 26, 2014; ALL FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NE 185 STREET AND NE 28 COURT, MUNICIPAL ADDRESS 18449 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

7. ORDINANCES: FIRST READING–PUBLIC INPUT: None.

8. ORDINANCES – SECOND READING – PUBLIC HEARING:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-145 "TOWN CENTER ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY ADDING "TOWN CENTER NEIGHBORHOOD (TC3) DISTRICT" TO THE SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

9. RESOLUTIONS – PUBLIC HEARING: None.

10. REPORTS

11. PUBLIC COMMENTS

12. OTHER BUSINESS: None.

13. ADJOURNMENT

FUTURE MEETINGS

COMMISSION MEETING	NOVEMBER 5, 2013	6 PM	COMMISSION CHAMBER
COMMISSION WORKSHOP	NOVEMBER 14, 2013	9 AM	EXEC. CONFERENCE RM

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 305-466-8901, not later than two days prior to such proceeding. One or more members of the City of Aventura Advisory Boards may be in attendance and may participate at the meeting. Anyone wishing to appeal any decision made by the Aventura City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed at the Office of the City Clerk, City of Aventura Government Center, 19200 W. Country Club Drive, Aventura, Florida, 33180. Anyone wishing to obtain a copy of any agenda item should contact the City Clerk at 305-466-8901.



**MINUTES
CITY COMMISSION MEETING
SEPTEMBER 3, 2013 6 p.m.**

Aventura Government Center
19200 W. Country Club Drive
Aventura, Florida 33180

1. CALL TO ORDER/ROLL CALL: The meeting was called to order by Mayor Susan Gottlieb at 6 p.m. Present were Commissioners Enbar Cohen, Billy Joel, Howard Weinberg, Luz Weinberg, Vice Mayor Michael Stern, Mayor Susan Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David Wolpin. Commissioner Teri Holzberg was absent due to illness. As a quorum was determined to be present, the meeting commenced.

2. PLEDGE OF ALLEGIANCE: Led by Representatives of the Aventura Turnberry Jewish Center.

3. AGENDA: REQUESTS FOR DELETIONS/EMERGENCY ADDITIONS: None.

4. SPECIAL PRESENTATIONS: Mr. Soroka presented Certificates of Appreciation to the following employees for 15 years of service: Antonio Tomei, Elricco Barnes (not in attendance), Glenn Kitchen (not in attendance), and Thomas Labombarda.

5. CONSENT AGENDA: A motion to approve the Consent Agenda was offered by Commissioner Joel, seconded by Commissioner Luz Weinberg, passed unanimously by roll call vote and the following action was taken:

A. The following minutes were approved:

July 9, 2013 Commission Meeting
July 17, 2013 Commission Meeting
July 17, 2013 Workshop Meeting

B. **Resolution No. 2013-36** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED TRAFFIC CONTROL JURISDICTION AGREEMENT BETWEEN TURNBERRY VILLAGE AND THE CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

C. **Resolution No. 2013-37** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA DECLARING CERTAIN PROPERTY LISTED

UNDER THE ASSETS OF THE CITY AS SURPLUS TO THE NEEDS OF THE CITY; DESCRIBING THE MANNER OF DISPOSAL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

- D. The following motion was approved:

MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$40,000 FOR BALLISTIC VESTS AND SHIELDS FROM THE POLICE FORFEITURE FUNDS IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM.

- E. The following motion was approved:

MOTION TO RATIFY THE CITY MANAGER'S APPOINTMENT OF HONORABLE JUDGE SHELDON SCHWARTZ, (RET.) AS SPECIAL MASTER FOR THE CITY OF AVENTURA CODE ENFORCEMENT PROCESS

- F. **Resolution No. 2013-38** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING RESOLUTION NO. 96-18, WHICH ESTABLISHED COMPREHENSIVE COMMISSION MEETING AND AGENDA PROCEDURES, AS AMENDED BY RESOLUTION NO. 2000-36, RESOLUTION NO. 2001-26, AND RESOLUTION NO. 2005-15; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- G. **CITY COMMISSION, ACTING IN ITS CAPACITY AS THE GOVERNING BOARD FOR THE CITY OF AVENTURA CITY OF EXCELLENCE SCHOOL, approved the following motion:**

MOTION TO ACCEPT FOR FILING THE SPECIAL PURPOSE FINANCIAL REPORT FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL FOR THE FISCAL YEAR ENDED JUNE 30, 2013 AND TO ACCEPT FOR FILING THAT LETTER DATED AUGUST 19, 2013 ATTACHED AS ATTACHMENT 1

- H. **CITY COMMISSION, ACTING IN ITS CAPACITY AS THE GOVERNING BOARD FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL, approved the following motion:**

**MOTION TO ACCEPT AVENTURA CITY OF EXCELLENCE SCHOOL
OUT-OF-FIELD WAIVERS AS OUTLINED IN THE CITY MANAGER'S
MEMORANDUM DATED AUGUST 13, 2013**

- I. **CITY COMMISSION, ACTING IN ITS CAPACITY AS THE GOVERNING BOARD FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL, approved the following motion:**

MOTION TO APPROVE DISTRIBUTION PLAN FOR STATE BUDGET ALLOCATED SALARY INCREASES FOR ACES INSTRUCTIONAL STAFF AS CONTAINED IN THE CITY MANAGER'S MEMORANDUM DATED AUGUST 14, 2013

- J. **Resolution No. 2013-39 was adopted as follows:**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED AGREEMENT BY AND BETWEEN THE CITY OF AVENTURA AND CORONADO CONDOMINIUM ASSOCIATION, INC. FOR THE INSTALLATION OF POLICE RADIO FACILITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

- K. **Resolution No. 2013-40 was adopted as follows:**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO TAKE ACTION TO CONVERT NE 29TH PLACE TO A PUBLIC STREET AND PREPARE THE NECESSARY PLANS TO IMPLEMENT SAFETY, LIGHTING AND LANDSCAPE IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

- L. **Resolution No. 2013-41 was adopted as follows:**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE ATTACHED WORK AUTHORIZATION NO. 01-0103-171 FOR PROFESSIONAL DESIGN SERVICES FOR THE COUNTRY CLUB DRIVES (SOUTHBOUND) RESURFACING IMPROVEMENTS PROJECT

BY AND BETWEEN THE CITY OF AVENTURA AND CRAVEN THOMPSON AND ASSOCIATES, INC.; AND PROVIDING AN EFFECTIVE DATE.

M. Resolution No. 2013-42 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE ATTACHED WORK AUTHORIZATION NO. 01-0103-172 FOR PROFESSIONAL DESIGN SERVICES FOR NE 29th PLACE SAFETY IMPROVEMENTS PROJECT BY AND BETWEEN THE CITY OF AVENTURA AND CRAVEN THOMPSON AND ASSOCIATES, INC.; AND PROVIDING AN EFFECTIVE DATE.

6. ZONING HEARINGS: QUASI-JUDICIAL PUBLIC HEARINGS – Please be advised that the following items on the Commission's agenda are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Mayor when she requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further details of the quasi-judicial procedures may be obtained from the Clerk.

None.

7. ORDINANCES: FIRST READING – PUBLIC INPUT:

A. Mr. Wolpin read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA AMENDING PROVISIONS OF THE POLICE OFFICERS' RETIREMENT PLAN; PROVIDING FOR COMPLIANCE WITH THE INTERNAL REVENUE CODE; PROVIDING FOR AN AMENDMENT TO THE DEFINITION OF "ACTUARIAL EQUIVALENT"; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Enbar Cohen and seconded by Commissioner Howard Weinberg. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote.

B. Mr. Wolpin read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING DIVISION 5 "ARTS AND CULTURAL CENTER ADVISORY BOARD" OF ARTICLE III "ADVISORY BOARDS" OF CHAPTER 2

"ADMINISTRATION" OF THE CITY CODE, BY AMENDING SECTION 2-194 "RULES OF PROCEDURE; QUORUM"; BY REVISING THE NUMBER OF MEMBERS REQUIRED FOR A QUORUM AND FOR OFFICIAL ACTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE

A motion for approval was offered by Vice Mayor Stern and seconded by Commissioner Joel. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote.

- 8. ORDINANCES: SECOND READING/PUBLIC HEARING:** Mr. Wolpin read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-145 "TOWN CENTER ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY ADDING "TOWN CENTER NEIGHBORHOOD (TC3) DISTRICT" TO THE SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Luz Weinberg and seconded by Commissioner Enbar Cohen. Mayor Gottlieb opened the public hearing. The following individual(s) addressed the Commission: Marcy Resnick and Bill Landa, representing the Aventura Turnberry Jewish Center; Mickey Marrero, Esq., and Victor Vallescas, representing the applicant. There being no further speakers, the public hearing was closed. A motion to defer this matter to the October 1, 2013 meeting was offered by Commissioner Joel, seconded by Vice Mayor Stern and unanimously passed.

- 9. RESOLUTIONS – PUBLIC HEARING:** None.

- 10. REPORTS:** As presented.

11. PUBLIC COMMENTS: Trevor Raness, representative of Dr. Michael Krop Senior High School; Peter Murphy, Aventura Marina; Ron Kettles, 7000 Island Blvd.; Steven Bachenheimer, the Peninsula; Arthur Shankar, 4000 Bldg.; Dr. Joseph Zavin, 6000 Bldg.; Paul Ober, 7000 Island Blvd.

- 12. OTHER BUSINESS:** None.

- 13. ADJOURNMENT:** There being no further business to come before the Commission

at this time, after motion made, seconded and unanimously passed, the meeting adjourned at 7:45 p.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

Anyone wishing to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



**MINUTES
CITY COMMISSION MEETING
SEPTEMBER 9, 2013 6 p.m.**

Aventura Government Center
19200 W. Country Club Drive
Aventura, Florida 33180

1. CALL TO ORDER/ROLL CALL: The meeting was called to order by Mayor Susan Gottlieb at 6 p.m. Present were Commissioners Teri Holzberg, Billy Joel, Howard Weinberg, Luz Weinberg, Vice Mayor Michael Stern, Mayor Susan Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David Wolpin. Commissioner Enbar Cohen was absent. As a quorum was determined to be present, the meeting commenced.

2. PLEDGE OF ALLEGIANCE: Led by Finance Director Brian Raducci.

3. PUBLIC HEARINGS: ORDINANCES: FIRST READING - 2013/2014 BUDGET

A. Mr. Wolpin read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING AND ADOPTING THE CITY OF AVENTURA AD VALOREM TAX OPERATING MILLAGE LEVY RATE AT 1.7261 MILS PER THOUSAND DOLLARS OF TAXABLE ASSESSED PROPERTY VALUE, WHICH IS 7.24% ABOVE THE ROLLED BACK RATE COMPUTED PURSUANT TO STATE LAW, FOR THE 2013 TAX YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Joel and seconded by Commissioner Holzberg. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote.

B. Mr. Wolpin read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED TENTATIVE OPERATING AND CAPITAL BUDGET, AS REVIEWED AND APPROVED BY CITY COMMISSION AT THE REVIEW MEETING HELD ON JULY 17, 2013, AS THE CITY OF AVENTURA FINAL BUDGET FOR THE 2013/2014 FISCAL YEAR, PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND GRANTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR PROCEDURES REGARDING ENCUMBRANCES AND THE RE-

**APPROPRIATION OF UNEXPENDED CAPITAL APPROPRIATIONS;
ESTABLISHING THE COMMITTED FUND BALANCE FOR CAPITAL
RESERVE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR
AN EFFECTIVE DATE.**

A motion for approval was offered by Vice Mayor Stern and seconded by Commissioner Luz Weinberg. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote.

4. Mayor Gottlieb read the following motion:

**CITY COMMISSION, ACTING IN ITS CAPACITY AS THE GOVERNING
BOARD FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL**

**MOTION TO APPROVE THE AVENTURA CITY OF EXCELLENCE (“ACES”)
SCHOOL IMPROVEMENT PLAN FOR 2013/2014**

A motion for approval was offered by Commissioner Howard Weinberg and seconded by Commissioner Joel. Principal Julie Alm reviewed a powerpoint presentation outlining this improvement plan. The motion for approval passed unanimously.

Mayor Gottlieb announced the second reading of the budget ordinances as September 18, 2013 at 6 p.m.

5. **ADJOURNMENT:** There being no further business to come before the Commission at this time, after motion made, seconded and unanimously passed, the meeting adjourned at 6:25 p.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

Anyone wishing to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



**MINUTES
CITY COMMISSION MEETING
SEPTEMBER 18, 2013 6 p.m.**

Aventura Government Center
19200 W. Country Club Drive
Aventura, Florida 33180

1. CALL TO ORDER/ROLL CALL: The meeting was called to order by Mayor Susan Gottlieb at 6 p.m. Present were Commissioners Enbar Cohen, Billy Joel, Howard Weinberg, Luz Weinberg, Vice Mayor Michael Stern, Mayor Susan Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney Matthew J. Pearl. Commissioner Teri Holzberg was absent. As a quorum was determined to be present, the meeting commenced.

2. PLEDGE OF ALLEGIANCE: Led by Sandra Kaplan.

3. PUBLIC HEARINGS: ORDINANCES: SECOND READING - 2013/2014 BUDGET

A. Mr. Pearl read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING AND ADOPTING THE CITY OF AVENTURA AD VALOREM TAX OPERATING MILLAGE LEVY RATE AT 1.7261 MILS PER THOUSAND DOLLARS OF TAXABLE ASSESSED PROPERTY VALUE, WHICH IS 7.24% ABOVE THE ROLLED BACK RATE COMPUTED PURSUANT TO STATE LAW, FOR THE 2013 TAX YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Joel and seconded by Vice Mayor Stern. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote and **Ordinance No. 2013-08** was enacted. Mr. Soroka announced that for the 18th year in a row, there was no tax increase by the City.

B. Mr. Pearl read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED TENTATIVE OPERATING AND CAPITAL BUDGET, AS REVIEWED AND APPROVED BY CITY COMMISSION AT THE REVIEW MEETING HELD ON JULY 17, 2013, AS THE CITY OF AVENTURA FINAL BUDGET FOR THE 2013/2014 FISCAL YEAR, PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND

GRANTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR PROCEDURES REGARDING ENCUMBRANCES AND THE RE-APPROPRIATION OF UNEXPENDED CAPITAL APPROPRIATIONS; ESTABLISHING THE COMMITTED FUND BALANCE FOR CAPITAL RESERVE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Howard Weinberg and seconded by Commissioner Enbar Cohen. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote and **Ordinance No. 2013-09** was enacted.

C. Mr. Pearl read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA AMENDING PROVISIONS OF THE POLICE OFFICERS' RETIREMENT PLAN; PROVIDING FOR COMPLIANCE WITH THE INTERNAL REVENUE CODE; PROVIDING FOR AN AMENDMENT TO THE DEFINITION OF "ACTUARIAL EQUIVALENT"; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Luz Weinberg and seconded by Commissioner Joel. Mayor Gottlieb opened the public hearing. Kathy Lepri, 1118 N. 46 Terrace, Hollywood, FL, addressed the Commission. There being no further speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote and **Ordinance No. 2013-10** was enacted.

D. Mr. Pearl read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING DIVISION 5 "ARTS AND CULTURAL CENTER ADVISORY BOARD" OF ARTICLE III "ADVISORY BOARDS" OF CHAPTER 2 "ADMINISTRATION" OF THE CITY CODE, BY AMENDING SECTION 2-194 "RULES OF PROCEDURE; QUORUM"; BY REVISING THE NUMBER OF MEMBERS REQUIRED FOR A QUORUM AND FOR OFFICIAL ACTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

A motion for approval was offered by Vice Mayor Stern and seconded by Commissioner Luz Weinberg. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for

approval passed unanimously by roll call vote and **Ordinance No. 2013-11** was enacted.

4. **ADJOURNMENT:** There being no further business to come before the Commission at this time, after motion made, seconded and unanimously passed, the meeting adjourned at 6:15 p.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

Anyone wishing to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



**MINUTES
CITY COMMISSION
WORKSHOP MEETING
September 19, 2013 9am**

Aventura Government Center
19200 W. Country Club Drive
Aventura, Florida 33180

CALL TO ORDER/ROLL CALL: The meeting was called to order at 9 a.m. by Mayor Susan Gottlieb. Present were Commissioners Enbar Cohen, Teri Holzberg, Billy Joel, Howard Weinberg, Luz Urbaz Weinberg, Vice Mayor Michael Stern, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk M. Teresa Soroka and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.

- ARTS & CULTURAL ADVISORY BOARD:** (City Manager) Mr. Soroka updated the Commission on the status of the membership/participation on this Board and recommended that the six current members outlined in his memo of September 11, 2013, be reappointed as they have expressed a desire to continue service on this Board, and advertise in the October newsletter for interested residents to apply to be selected to fill the vacant position.
CITY MANAGER SUMMARY: Consensus to proceed with City Manager's recommendation. Resolution reappointing six members to be addressed at October meeting.
- KROP HIGH SCHOOL SCHOLARSHIP PROGRAM:** (Commissioner Cohen) Commissioner Cohen discussed the possibility of opening up this scholarship award to students who attend other public and private high schools in the area. Mayor Gottlieb made clarification as to why this scholarship is limited to students attending Krop Senior High School only.
CITY MANAGER SUMMARY: No changes made.
- REQUEST FOR RESOLUTION SUPPORTING THE COUNTY'S PARADE MARKING THE 50TH ANNIVERSARY OF THE VIETNAM WAR:** (Mayor Gottlieb) Mayor Gottlieb discussed this request received from the County.
CITY MANAGER SUMMARY: Consensus to proceed and place on October meeting agenda.
- FOUNDERS DAY UPDATE:** (City Manager) Mr. Soroka updated the Commission on the events for Founders Day, including the use of Instagram for the first time.
CITY MANAGER SUMMARY: No action necessary
- ADJOURNMENT:** There being no further business to come before the Commission at this time, the meeting adjourned at 9:25 a.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

Anyone wishing to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: September 6, 2013

SUBJECT: **Disbursement of Police Forfeiture Funds**

October 1, 2013 City Commission Meeting Agenda Item 5-B

RECOMMENDATION

It is recommended that the City Commission adopt the following Motion to expend funds from the Police Forfeiture Fund:

“Motion authorizing the appropriation of up to \$54,500 for construction of radio system room, crime prevention programs, equipment and crime prevention scholarship from the Police Forfeiture Funds in accordance with the City Manager’s memorandum.”

If you have any questions, please feel free to contact me.

EMS/act

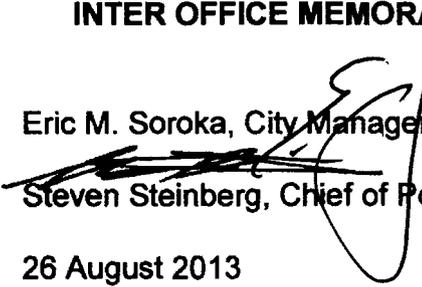
Attachment

CCO1816-13

CITY OF AVENTURA

POLICE DEPARTMENT

INTER OFFICE MEMORANDUM

TO: Eric M. Soroka, City Manager
FROM: 
Steven Steinberg, Chief of Police
DATE: 26 August 2013
SUBJECT: Use of Forfeiture Funds

Florida State Statute 932.704 requires that money resulting from forfeitures be maintained in a special law enforcement trust fund, and that the funds be expended only upon request of the Chief of Police to the governing body of the municipality and approval of the governing body.

I am requesting City Commission approval for the expenditure of:

Crime Prevention	\$7,000
Construction for new radio room	\$40,000
Crime Prevention Scholarship	\$7,500
Total Expenditure Request:	\$54,500

I certify that this requested expenditure complies with Florida State Statute 932.704 in that:

1. Funds will be used for an appropriate law enforcement purpose.
2. Funds are not being used as a normal source of revenue for the Police Department.
3. Funds were not considered in the adoption and approval of the budget of the Police Department.

Summary

Crime Prevention - This is a request to spend up to \$7,000 of forfeiture funds to fund our departmental Crime Prevention unit. Funds will be used for crime prevention programs, equipment and training for the upcoming FY 2013-2014. All expenses for FY 2013 – 2014 for the Crime Prevention unit will come out of these approved funds in lieu of the Operating budget or CIP budget.

Construction for new radio room – Requesting to spend up to \$40,000 for the addition of a stair system and man door as required by code to access the new radio room which is located within the elevator room of a condo. Code requires that the rooms be separated and have a separate entrance; adding the stairs and man door will fulfill this requirement.

Crime Prevention Scholarship: A donation in the amount of \$7,500 to the Florida International University - First Generation Scholarship Fund specifically for Aventura residents. This combined with matching funds from the state will provide scholarships to FIU students who are Aventura residents and will be the first generation in a family to attain a college degree. This program will serve to enhance crime prevention by facilitating educational and employment opportunities that would otherwise not exist, by providing tuition assistance to students with limited financial means who come from families with no prior benefit of higher education.

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: September 10, 2013

SUBJECT: **Resolution Declaring Equipment Surplus**

October 1, 2013 Commission Meeting Agenda Item 5C

RECOMMENDATION

It is recommended that the City Commission adopt the attached Resolution declaring certain equipment as surplus to the needs of the City.

BACKGROUND

Section 2-258 of the City Code of Ordinances provides that any property owned by the City which has become obsolete or which has outlived its usefulness may be disposed of in accordance with procedures established by the City Manager, so long as the property has been declared surplus by a resolution of the City Commission.

If you have any questions, please feel free to contact me.

EMS/act

Attachment

RESOLUTION NO. 2013-___

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA DECLARING CERTAIN PROPERTY LISTED UNDER THE ASSETS OF THE CITY AS SURPLUS TO THE NEEDS OF THE CITY; DESCRIBING THE MANNER OF DISPOSAL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Manager desires to declare certain property as surplus to the needs of the City; and

WHEREAS, Ordinance No. 2000-09 provides that all City-owned property that has been declared surplus cannot be disposed of prior to the preparation and formal approval of a resolution by the City Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. **Recitals Adopted.** The above recitals are hereby confirmed and adopted herein.

Section 2. The property listed on Exhibit "A" has been declared surplus and is hereby approved for disposal.

Section 3. The City Manager is authorized to dispose of the property listed on Exhibit "A" through a public auction, sale, trade-in, transfer to other governmental agency or, if of no value, discarded.

Section 4. The City Manager is hereby authorized to do all things necessary to carry out the aims of this Resolution.

Section 5. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner ____, who moved its adoption. The motion was seconded by Commissioner ____, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 1st day of October, 2013.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

**CITY OF AVENTURA
POLICE DEPARTMENT
INTER OFFICE MEMORANDUM**

TO: Eric M. Soroka, City Manager
FROM: ~~Steven Steinberg, Chief of Police~~
DATE: 10 September 2013
SUBJECT: Surplus Property

I would like to have the attached listed items, owned by the City of Aventura, declared Surplus Property as per City of Aventura APDP, Chapter 6, Subsection 5, Page 1, as these items have become inadequate for public purposes:

2006	3GNGC26G46G226401	Chevy Suburban
2007	2FAFP71W07X136843	Ford Crown Victoria

CITY OF AVENTURA

INFORMATION TECHNOLOGY DEPARTMENT

MEMORANDUM

TO: Eric M. Soroka, City Manager
FROM: Karen J. Lanke, Information Technology Director
DATE: September 18, 2013
SUBJECT: Surplus Computer Equipment

I am requesting that the computer equipment listed on the attached spreadsheet be declared surplus property as the equipment no longer meets the needs of the City.

Please let me know if you have any questions regarding this request.

Attachment

City of Aventura
Computer Equipment Inventory

Exhibit A

Asset Tag	Brand	Model	Qty	Serial Number	Type
	3Com	Hub	1	7YAF000982	Hub
	APC	Back-UPS 500	1	NBC043322398	UPS
	APC	Back-UPS 800	1	5B0738U23307	UPS
	APC	Back-UPS 800	1	3B0928X28432	UPS
	APC	Back-UPS 800	1	5B0731U17722	UPS
	Avaya	9650C	1	09N548208341	Phone
	Dell	1707FPt	1	CN-0CC280-71618-682-BSL8	Monitor
	Dell	1707FPt	1	CN-0CC280-71618-672-BE2Z	Monitor
	Dell	All-In-One Stands	11		All-In-One Stands
2799	Dell	GX620	1	F3X5WB1	Desktop
2602	Dell	GX620	1	6CCS591	Desktop
	Dell	GX620	1	5WHKW1	Desktop
	Dell	Latitude E6410	1	4WP4SM1	Laptop
	Dell	Latitude E6410	1	9XP4SM1	Laptop
	Dell	Latitude E6410	1	47R4SM1	Laptop
	Dell	Latitude E6410	1	6ZP4SM1	Laptop
	Dell	Latitude ED630	1	6HZ82D1	Laptop
	Dell	Optiplex 745	1	HHF8QB1	Desktop
	Dell	Optiplex 745	1	J8QKRD1	Desktop
	Dell	Optiplex 745	1	D9QKRD1	Desktop
	Dell	Optiplex 745	1	C9QKRD1	Desktop
	Dell	Optiplex 745	1	99QKRD1	Desktop
	Dell	Optiplex 745	1	BVF8QB1	Desktop
	Dell	Optiplex 745	1	6DF8Q31	Desktop
	Dell	Optiplex 745	1	B9QKRD1	Desktop
	Dell	Optiplex 745	1	39QKRD1	Desktop
	Dell	Optiplex 745	1	GVF8DB1	Desktop
	Dell	Optiplex 745	1	G8QKRD1	Desktop
	Dell	Optiplex 745	1	JDF8QB1	Desktop
	Dell	Optiplex 745	1	7HF8QB1	Desktop
	Dell	Optiplex 745	1	F9QKRD1	Desktop
	Dell	Optiplex 745	1	59QKRD1	Desktop
	Dell	Optiplex 745	1	4WF8QB1	Desktop
	Dell	Optiplex 745	1	79QKRD1	Desktop
	Dell	Optiplex 745	1	2VF8QB1	Desktop
	Dell	Optiplex 745	1	7VF8QB1	Desktop
	Dell	Optiplex 755	1	1T4PYH1	Desktop
	Dell	Optiplex 755	1	4NNQGH1	Desktop
	Dell	Optiplex 760	1	GTH5WK1	Desktop
	Dell	Poweredge	1	91KLWB1	Server
	HP	Laserjet 1320	1	CNL1K02356	Printer
	HP	Officejet 6000	1	MY97H2J0GG	Printer
	IBM	AS400	1	10-D227F	Midrange System
	Motorola	V860	1	J686NS6VF3	Cell Phone
	Motorola	V860	1	J686NU245M	Cell Phone
	Zebra	RW420	1	XXRCJ104301088	Printer
	Zebra	RW420	1	XXRCJ104300717	Printer
	Miscellaneous	Computer Peripherals	2 Boxes	n/a	Keyboards, Mice, Power Adapters, etc.
		Drafting Table	1		Drafting Table
		Heater	1		Portable Heater

CITY OF AVENTURA

INFORMATION TECHNOLOGY DEPARTMENT

MEMORANDUM

TO: Eric M. Soroka, City Manager
FROM: Karen J. Lanke, Information Technology Director
DATE: September 18, 2013
SUBJECT: Surplus Computer Equipment - ACES

I am requesting that the computer equipment listed on the attached list be declared surplus property as the equipment no longer meets the needs of the Aventura City of Excellence School.

The list includes:

Qty	Equipment
2	PA Systems
11	Boxes of miscellaneous computing equipment
1	UPS
49	Monitors
34	Computers
3	Projectors
1	Portable touch screen

Please let me know if you have any questions regarding this request.

Attachment

cc: Julie Alm, Principal

PROPERTY ROOM.COM

Date SEPT 18, 2013

Name of Department: City of Aventura
 Pickup Address: 19200 W. Country Club Drive
 Aventura, FL 33180

1			DUKANE	PA SYSTEM	VA10061B96Z	PA System
2	2890		DUKANE	P.A SYSTEM	VA10061B96Z	PA System
3	Box		PA SYSTEM		Power Blocks	
4	Box				Power Cords	
5	Box				CPU COVERS	
6	Box				CPU COVERS	
7	Box				KEYBOARDS	
8	Box				CPU COVERS	
9	Box				CPU COVERS	
10	Box				Power Cords	
11	Box		Dell		NONE	MOUSE
12	Box		Dell		Power Blocks	
13	Box		Dell		Keyboards	PA SYSTEM
14			SANITARY UPS	1000	A503713069Z	Blay Backup
15						

City of Adventura
19200 W. Country Club Drive
Adventura, FL 33180

Name of Department:
Pickup Address:

Date

16	Dell	1707FPT	95K ARZS	Monitor
17	Dell	1707FPT	850-ABFZ	Monitor
18	Dell	1707FPT	76A-BALX	Monitor
19	Dell	1708FPT	76A-BAMZ	Monitor
20	Dell	745	192GCDI	Desktop
21	Dell	745	17NFCDI	Desktop
22	Dell	745	F62GCDI	Desktop
23	Dell	745	D8NFCDI	Desktop
24	Dell	1707FPT	76A-BARJ	Monitor
25	Dell	1708FPT	76A-BAN9	Monitor
26	Dell	1708FPT	55M AGUH	Monitor
27	Dell	1707FPT	850 ABF3	Monitor
28	Dell	1707FPT	850 AAXJ	Monitor
29	Dell	1708FPT	55M AA2Y	Monitor
30				

Name or Department: City of Aventura
Pickup Address: 19200 W. Country Club Drive
Aventura, FL 33180

Date

31	Dell	745	HW16CDI	Desktop
32	Dell	745	802GCDI	Desktop
33	Dell	745	HP2GCDI	"
34	Dell	745	6B2GCDI	"
35	Dell	745	D72GCDI	"
36	Dell	745	872GCDI	"
37	Dell	745	J92GCDI	"
38	Dell	745	83MFCDI	"
39	Dell	745	D62GCDI	"
40	Dell	745	2X1GCDI	"
41	Dell	745	992GCDI	"
42	Dell	745	282GCDI	"
43	Dell	745	G02GCDI	"
44	Dell	745	G8MFCDI	"
45	Dell	745	HCNFCDI	"

Name or Department:
Pickup Address:

City of Aventura
19200 W. Country Club Drive
Aventura, FL 33180

PROPERTY ROOM.COM

4

Date

46	Dell	1707FPT	CNOCK 945-761876A	BANK Monitor
47	Dell	1707FPT	850-7618768 B768	Monitor
48	Dell	1707FPT	850-ABJB	Monitor
49	Dell	1707FPT	55M-AFTM	Monitor
50	Dell	1707FPT	55M-A330	Monitor
51	Dell	1707FPT	55M-A327	Monitor
52	Dell	1707FPT	761 B561	Monitor
53	Dell	1707FPT	55M-A999	Monitor
54	Dell	1707FPT	55M-A633	Monitor
55	Dell	1707FPT	850-ABNX	Monitor
56	Dell	1708FPT	963-B7AS	Monitor
57	Dell	1708FPT	55M-A686	Monitor
58	Dell	1707FPT	764-BALZ	Monitor
59	Dell	1708FPT	95K-A535	Monitor
60	Dell	1707FPT	65C-ACSX	Monitor

5

Name or Department:
 City of Aventura
 19200 W. Country Club Drive
 Aventura, FL 33180

Date

61	Dell	1707FP+	CN-OFK945-71618-76A-BANZ	Monitor						
62	Dell	1706FPV+	CN-OHC317-71618-55M-A697	Monitor						
63	Dell	1708FP+	CN-OU1855-7445-95K-A665	Monitor						
64	Dell	1706FPV+	CN-OHC317-71618-55M-A42T	Monitor						
65	Dell	Complex 745	BVLFCD1	Desktop						
66	Dell	1707FP+	CN-OYGH3-71618-65C-AC58	Monitor						
67	Dell	Complex 745	35MFCD1	Desktop						
68	Dell	1707FP+	CN-OYGG3-71618-65C-AC5F	Monitor						
69	Dell	Complex 745	74MFCD1	Desktop						
70	Dell	1707FP+	CN-OFK945-71618-76A-BANZ	Monitor						
71	Dell	Complex 745	4226CD1	Desktop						
72	Dell	1706FPV+	CN-OHC317-71618-55M-AFTD	Monitor						
73	Dell	Complex 745	35MFCD1	Desktop						
74	Dell	1706FPV+	CN-OHC317-71618-55M-AFT7	Monitor						
75	Dell	Complex GX620	65159B1	Desktop						

Name or Department: City of Aventura
 Pickup Address: 19200 W. Country Club Drive
 Aventura, FL 33180

Date

91		Dell	GX620	HYIGCD1	Desktop
92		Dell	OPTIPLEX	DW1GCD1	Desktop
93		Dell	1708FPT	CW-OGT780-71618-856-AB56	Monitor
94		Dell	1708FPT	CW-OGT780-71618-856-AB55	Monitor
95		Dell	1708FPT	CW-OGT780-71618-856-AART	Monitor
96		Dell	1708FPT	CW-OGT780-71618-856-APRU	Monitor
97		Dell	1708FPT	CW-OGT780-71618-856-ABDZ	Monitor
98		Dell	1707PPT	CW-OFK945-71618-76A-BANC	Monitor
99		Dell	1707FPT	CW-OFK945-71618-76D-B573	Monitor
100		NEC	UT695	8601545FK	Projector
101		NEC	UT595	7201857EJ	Projector
102		NEC	UT695	8601771FK	Projector
103	2678	Smart	Touch board	NONE	PORTABLE SCREEN
104	16EA	Dell		LOGSE MONITOR STANDS	MONITOR STANDS
105					

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: September 24, 2013

SUBJECT: **Arts & Cultural Center Advisory Board**

October 1, 2013 City Commission Meeting Agenda Item 5D

Based on the direction of the City Commission at the September Workshop Meeting, it is recommended that the City Commission reappoint the following members to the Arts & Cultural Center Advisory Board with the understanding that if a member is not excused by the Board and fails to attend a meeting they will be removed:

Gloria Muroff
Lenore Toby-Simmons
Dr. Jules Oaklander
Gladys Mezrahi
Amit Bloom
Amy Pinzar

In addition, we will be advertising in our October Newsletter for interested residents that want to be appointed to the Board. Based on this process, the remaining vacancy will be filled and alternate members will be created that can be appointed in the event a vacancy occurs.

If you have any questions, please feel free to contact me.

EMS/act

CCO1817-13

RESOLUTION NO. 2013-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING THE APPOINTMENT OF MEMBERS TO THE CITY OF AVENTURA ARTS AND CULTURAL CENTER ADVISORY BOARD FOR A TWO-YEAR TERM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2008-17 enacted on November 6, 2008 provides for the creation of the Arts and Cultural Center Advisory Board; and

WHEREAS, in accordance with the provisions of Section 3.11 of the Aventura City Charter, the City Commission wishes to provide for approval of the Mayor's appointment of members to the Arts and Cultural Center Advisory Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. The City Commission hereby approves the appointment by the Mayor of the following individuals to serve as members of the Arts and Cultural Center Advisory Board for a term of two years:

Amit Bloom
Gladys Mezrahi
Gloria Muroff
Dr. Jules Oaklander
Amy Pinzar
Lenore Toby-Simmons

Section 2. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner ____, who moved its adoption. The motion was seconded by Commissioner ____, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 1st day of October, 2013.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

RESOLUTION NO. 2013-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, COMMEMORATING THE 50TH ANNIVERSARY OF THE VIETNAM WAR; EXPRESSING SUPPORT FOR THE NOVEMBER 8, 2013 PARADE SPONSORED BY THE MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD WELCOMING HOME AND REMEMBERING VIETNAM VETERANS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on Memorial Day 2012, the Federal government initiated a partnership with local governments, private organizations and communities across America to participate in the commemoration of the 50th anniversary of the Vietnam War; and

WHEREAS, this commemoration is to honor and thank the generation of proud Americans who served our country during one of the most challenging missions ever faced by our nation; and

WHEREAS, the Miami-Dade County Military Affairs Board is sponsoring a parade on November 8, 2013 commemorating the 50th anniversary of the Vietnam War and welcoming home and remembering our Vietnam veterans.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. The City Commission hereby joins the Miami-Dade County Military Affairs Board in the commemoration of the 50th anniversary of the Vietnam War and urges all citizens to participate in the November 8, 2013 parade honoring the more than three million servicemen and women who bravely served, the 58,000 patriots who sacrificed their lives, and those who were wounded and still carry the scars of this war.

Section 2. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner ____, who moved its adoption. The motion was seconded by Commissioner ____, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 1st day of October, 2013.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

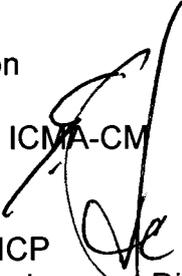
CITY ATTORNEY

CITY OF AVENTURA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM
City Manager 

BY: Joanne Carr, AICP
Community Development Director 

DATE: September 18, 2013

SUBJECT: Request of Mazal 18 Development, LLC, for (1) Variance from Section 31-171(b) of the City's Land Development Regulations to allow eleven (11) parking spaces where a minimum of eighteen (18) parking spaces are required by Code; and (2) Variance from Section 31-221(i)(2) of the City's Land Development Regulations to allow a two (2) foot wide perimeter buffer strip along the west limit of the vehicular use area, where a minimum seven (7) foot wide perimeter buffer strip is required by Code; and (3) Variance from Sec. 31-221(i)(2) to allow a 0 foot wide perimeter buffer strip along the north side of the vehicular use area, where a minimum 7 foot wide perimeter buffer strip is required by Code; and (4) Release of previously approved City of Aventura Resolutions Nos. 98-50 and 2000-25; all for a proposed 4400 square foot, one-story retail building at 17800 Biscayne Boulevard, City of Aventura (01-VAR-13)

October 1, 2013 City Commission Meeting Agenda Item 6-A

RECOMMENDATION

It is recommended that the City Commission take the following actions:

1. Approve the request for variance to allow eleven (11) parking spaces, where a minimum of eighteen (18) parking spaces are required by Code; and
2. Approve the request for variance to allow a two (2) foot wide perimeter buffer strip along the west limit of the vehicular use area, where a minimum seven (7) foot wide perimeter buffer strip is required by Code; and

3. Approve the request for variance to allow a zero (0) foot wide perimeter buffer strip along the north limit of the vehicular use area, where a minimum seven (7) foot wide perimeter buffer strip is required by Code; and
4. Approve the release of Resolutions Nos. 98-50 and 2000-25,

subject to the following conditions:

1. Plans shall substantially comply with those submitted as follows:

- “Aventura Retail” Cover Sheet, Sheet A0.0, prepared by SKLARcitecture, dated 07/08/13, signed and sealed 8/20/13.
- “Aventura Retail” Existing/Demo Site Plan, Sheet A1.1, prepared by SKLARcitecture, dated 05/13/13, signed and sealed.
- “Aventura Retail” Site Plan, Sheet A1.2, prepared by SKLARcitecture, dated 07/08/13, signed and sealed 8/20/13.
- “Aventura Retail” Proposed Floor Plan, Sheet A2.1, prepared by SKLARcitecture, dated 05/13/13, signed and sealed.
- “Aventura Retail” Roof Plan, Sheet A3.1, prepared by SKLARcitecture, dated 05/13/13, signed and sealed.
- “Aventura Retail” Elevations, Sheet A5.1, prepared by SKLARcitecture, dated 05/13/13, signed and sealed.
- “Aventura Retail” Elevations, Sheet A5.2, prepared by SKLARcitecture, dated 05/13/13, signed and sealed.
- “Aventura Retail” Sections, Sheet A6.1, prepared by SKLARcitecture, dated 05/13/13, signed and sealed.
- “Aventura Retail” Elevations, Sheet PH1, prepared by SKLARcitecture, dated 05/13/13, signed and sealed.
- “17800 Biscayne Blvd.” Tree Disposition, Sheet L-1, prepared by Lushlife Exterior Decorators, dated 12/5/12, signed and sealed 8/19/13.
- “17800 Biscayne Blvd.” Landscape Plan, Sheet L-2, prepared by Lushlife Exterior Decorators, dated 12/5/12, signed and sealed 8/19/13.
- “17800 Biscayne Blvd.” Landscape Details, Sheet L-3, prepared by Lushlife Exterior Decorators, dated 12/5/12, signed and sealed 8/19/13.
- “Aventura Retail” Paving, Grading and Drainage Plan, Sheet C100, prepared by Ocean Engineering, Inc., dated 11/28/12, signed and sealed 7/8/13.
- “Aventura Retail” Paving, Grading and Drainage Plan, Sheet C200, prepared by Ocean Engineering, Inc., dated 11/28/12, signed and sealed 7/8/13.
- “Aventura Retail” Drainage Details, Sheet C400, prepared by Ocean Engineering, Inc., dated 11/28/12, signed and sealed 7/8/13.
- “17800 Biscayne Blvd.” Sketch of Survey, Sheet 1 of 1, prepared by Cousins Surveyors & Assoc., Inc., dated 11/12/12, signed and sealed.

2. Permits shall be obtained within twelve (12) months of the date of the Resolution or the approvals granted shall be deemed null and void unless extended by a motion of the City Commission.

3. Prior to issuance of a building permit, the applicant shall provide to the City:

(i) A copy of this resolution as recorded in the Public Records of Miami-Dade County. All expenses of such recordation shall be borne by the applicant, and

(ii) A copy of the Operation and Perpetual Easement Agreement regarding the four parking spaces and dumpster enclosure on the adjacent parcel, as recorded in the Public Records of Miami-Dade County. All expenses of such recordation shall be borne by the applicant, and

(iii) All necessary permits from the Florida Department of Transportation, Miami Dade Water and Sewer Department and any other agencies having jurisdiction for the proposed development, and

(iv) A copy of the license agreement with the Florida East Coast Railway for the proposed parking area and landscaped area to the west of the parcel; such license agreement to be continued on an annual basis. The applicant shall provide a copy of the annual renewal to the City.

THE REQUESTS

The applicant, Mazal 18 Development LLC, is requesting the following (See Exhibit #1 for Letter of Intent):

1. Variance from Section 31-171(b) of the City's Land Development Regulations to allow eleven (11) parking spaces where a minimum of eighteen (18) parking spaces are required by Code; and
2. Variance from Section 31-221(i)(2) of the City's Land Development Regulations to allow a two (2) foot wide perimeter buffer strip along the west limit of the vehicular use area, where a minimum seven (7) foot wide perimeter buffer strip is required by Code; and
3. Variance from Sec. 31-221(i)(2) to allow a 0 foot wide perimeter buffer strip along the north side of the vehicular use area, where a minimum 7 foot wide perimeter buffer strip is required by Code; and
4. Release of previously approved City of Aventura Resolutions Nos. 98-50 and 2000-25.

all for a proposed 4400 square foot, one-story retail building at 17800 Biscayne Boulevard, City of Aventura

BACKGROUND

OWNER OF PROPERTY Mazal 18 Development LLC
APPLICANT Albert Benalloun
ADDRESS OF PROPERTY 17800 Biscayne Boulevard
(See Exhibit #2 for Location Plan)

SIZE OF PROPERTY Approximately 0.312 acres
(13,598 square feet)

LEGAL DESCRIPTION Lots 11 and 12, less the east 33.75 feet thereof, of Maule Federal Highway Industrial Sites, according to the plat thereof as recorded in Plat Book 46, Page 55 of the Public Records of Miami-Dade County, Florida

Zoning

Subject Property:	B2, Community Business District
Properties to the North:	B2, Community Business District
Properties to the South:	B2, Community Business District
Properties to the East:	RMF3A, Multifamily Medium Density Residential District
Properties to the West:	U, Utilities District (FEC Railway)

Existing Land Use -

Subject property:	Car Rental Facility
Properties to the North:	Commercial
Properties to the South:	Commercial
Properties to the East:	Residential Condominium
Properties to the West:	FEC Railway

Future Land Use - According to the City of Aventura Comprehensive Plan, the following properties are currently designated as follows:

Subject property:	Business and Office
Property to the North:	Business and Office
Property to the South:	Business and Office
Property to the East:	Medium High Density Residential
Property to the West:	FEC Railway

The Site – The subject site is located on the west side of Biscayne Boulevard in the southerly portion of the City, with municipal address 17800 Biscayne Boulevard.

History -- The current use is a Thrifty's Car Rental facility, which has been operating on this site prior to adoption of the City's Land Development Regulations. The site now

contains a one-story, 800 square foot building, fourteen (14) parking spaces within the parcel, one (1) parking space on the adjacent lot to the north and fourteen (14) parking spaces on a paved, 25 foot wide portion of the FEC Railway land. A concrete wall encloses the south and east limits of the site. A wall, fence and bollards, located on the lot to the north, enclose the north limit. A fence and bollards on the FEC right of way enclose the west limit.

A former owner made application to the City in 1998 for approval of the car rental use under the provisions of Miami-Dade County Code in effect at that time. The use request, along with two non-use variances and a sign variance were approved through City of Aventura Resolution No. 98-50, attached as Exhibit #3 to this report.

In 1999, the owner made a further application for unusual use approval to permit a parking area for employees and storage of rental vehicles in the FEC Railway right of way. This application was approved through Resolution No. 2000-25, attached as Exhibit #4 to this report.

The current owner is requesting release of these two resolutions granted under County zoning, as they no longer apply to the present retail development proposal. A car rental use is not a permitted use in this B2 zoned property according to the City's Land Development Regulations.

The Project – The owner has made application to the City for administrative site plan approval to demolish the existing car rental facility and to construct a 4,400 square foot, one-story retail building in the south portion of the parcel, with parking area to the north of the building. The proposed site plan is attached as Exhibit #5 to this report. Eighteen (18) parking spaces are required by Code for a 4,400 square foot retail use. Eleven (11) parking spaces are proposed within the parcel boundaries. Four (4) tandem parking spaces are proposed within an area to the west licensed for this use by FEC Railway. Another four (4) parking spaces are proposed on the parcel adjacent to the north by way of a shared access drive. The dumpster enclosure for this site is also located on the parcel adjacent to the north. The owner has entered into an Operation and Perpetual Easement Agreement with the owner to the north to allow for use and maintenance of the four parking spaces and dumpster enclosure. This agreement is attached as Exhibit #6 to this report.

ANALYSIS

Consistency with Comprehensive Master Plan - The request is consistent with the City of Aventura Comprehensive Plan. The future land use designation of the parcel is Business and Office. A retail building is a use contemplated by this future land use category.

Citizen Comments – As of the date of writing of this report, no written comments from citizens have been received.

Community Development Department Analysis – Following review of the site plan by City staff, the applicant was advised that three (3) site development criteria of the City Code have not been met, those being; the minimum number of on-site parking spaces required, the minimum landscaped buffer at the perimeter of the west limit of the parking area and the minimum landscaped buffer at the perimeter of the north limit of the parking area. The applicant has requested approval of variances to these three criteria.

Criteria - The standards of review for variance requests are found in Section 31-76(e)(1) through (5) inclusive of the City's Land Development Regulations. The Code states that "*a variance shall be granted only where competent and substantial evidence presented in the particular case shows that all of the following [standards of review] are met...*" Each variance request is evaluated below using those standards of review.

Request #1: Variance from Section 31.171(b) of the City's Land Development Regulations to allow eleven (11) parking spaces where a minimum of eighteen (18) parking spaces are required by Code.

Although there are 11 spaces provided on site, the owner has entered into a license agreement with FEC for construction and installation of four (4) tandem parking spaces within its right of way immediately to the west of the site and has also entered into an Operation and Perpetual Easement Agreement with the owner of the property to the north to locate another four (4) parking spaces on that parcel. The total of the on-site and off-site parking spaces is nineteen (19) or one (1) space more than required by the City Code. As part of the Operational and Perpetual Easement Agreement, the two owners have agreed to open access through their parking areas to each other's site. This is a benefit to customers and a general benefit to all drivers in the City with a reduced number of vehicles entering and exiting Biscayne Boulevard when visiting these two adjacent sites.

The following is an analysis of Section 31-76(e) of the City Code as it relates to this request.

- (1) *The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the regulations were carried out literally.*

The applicant advises that the hardship at this location is caused by particular physical condition of this property. The original width of this lot was narrowed by the widening of Biscayne Boulevard many years ago.

- (2) *The conditions upon which the request for a variance is based are unique to the parcel and would not be generally applicable to other property within the vicinity.*

The conditions upon which the request for variance is based are unique to the parcel and would not be generally applicable to other property within the vicinity.

- (3) *The alleged difficulty or hardship is not economic and has not been deliberately created to establish a use or structure, which is not otherwise consistent with the LDR.*

The alleged difficulty or hardship is not economic and has not been deliberately created to establish a use or structure which is not otherwise consistent with the LDR.

- (4) *The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.*

The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity. The deficient number of spaces will be provided on adjacent parcels to the west and to the north.

- (5) *The proposed variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the vicinity.*

The proposed variance will not substantially increase traffic congestion or increase the danger of fire or endanger the public safety or substantially diminish or impair property values.

Request #2: Variance from Section 31.221(i)(2) of the City's Land Development Regulations to allow a two (2) foot wide perimeter buffer strip along the west side of the parking area, where a minimum 7 foot wide landscaped buffer is required by Code.

The reduced landscaped buffer strip occurs at the west limit of the property. The applicant has obtained a license from the FEC Railway immediately adjacent to the west limit to construct four (4) tandem parking spaces. These parking spaces will occupy approximately 92 feet by 18 feet of the 200 foot by 25 foot area of the FEC right of way. The balance of the FEC right of way will be landscaped by the applicant. While the two foot wide buffer strip is the actual distance to the property line; visually, there will be a 5 foot wide landscaped strip between the site parking area and the off-site FEC parking area and a 25 foot wide landscaped area on the balance of the FEC right of way.

The following is an analysis of Section 31-76(e) of the City as it relates to this request.

- (1) *The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the regulations were carried out literally.*

The applicant advises that the hardship at this location is caused by particular physical condition of this property, that being, the narrow width of the lot created by the widening of Biscayne Boulevard.

- (2) *The conditions upon which the request for a variance is based are unique to the parcel and would not be generally applicable to other property within the vicinity.*

The conditions upon which the request for variance is based are unique to the parcel and would not be generally applicable to other property within the vicinity.

- (3) *The alleged difficulty or hardship is not economic and has not been deliberately created to establish a use or structure, which is not otherwise consistent with the LDR.*

The applicant's difficulty is not economic in nature and the difficulty was not deliberately created by the applicant. The variance is requested because of the physical size and shape of the property.

- (4) *The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.*

The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.

- (5) *The proposed variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the vicinity.*

The proposed variance will not substantially increase traffic congestion or increase the danger of fire or endanger the public safety or substantially diminish or impair property values.

Request #3: Variance from Section 31.221(i)(2) of the City's Land Development Regulations to allow a zero (0) foot wide perimeter buffer strip along the north side of the parking area, where a minimum 7 foot wide landscaped buffer is required by Code.

The reduced landscaped buffer strip occurs at the north limit of the property. The applicant is proposing to locate four (4) parking spaces on the lot adjacent to the north and has entered into an agreement to do so. As part of that agreement, the two owners agree that shared access will be established and maintained between the two parking lots for ease to customers and traffic. These four (4) parking spaces are immediately adjacent to the north property line; therefore, there is no opportunity to provide a landscaped buffer strip.

The following is an analysis of Section 31-76(e) of the City as it relates to this request.

- (6) *The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the regulations were carried out literally.*

The applicant advises that the hardship at this location is caused by particular physical surroundings of this property, that being, the desire to locate off-site parking immediately adjacent to the site and shared access for the two properties.

- (7) *The conditions upon which the request for a variance is based are unique to the parcel and would not be generally applicable to other property within the vicinity.*

The conditions upon which the request for variance is based are unique to the parcel and would not be generally applicable to other property within the vicinity.

- (8) *The alleged difficulty or hardship is not economic and has not been deliberately created to establish a use or structure, which is not otherwise consistent with the LDR.*

The applicant's difficulty is not economic in nature and the difficulty was not deliberately created by the applicant. The variance is requested because of the physical location of the off-site parking and shared access.

- (9) *The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.*

The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.

- (10) *The proposed variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the vicinity.*

The proposed variance will not substantially increase traffic congestion or increase the danger of fire or endanger the public safety or substantially diminish or impair property values. The shared access drive between this property and the property to the north will improve traffic flow between the properties.

MAZAL 18 DEVELOPMENT, LLC

777 W. 41st Street, 2nd Floor

Miami Beach, Fl 33140

Tel: 305-673-4999 Fax: 786-513-6455

September 18, 2013

City of Aventura
Community Development
19200 West Country Club Drive
Aventura, FL 33180

Variance request Commission Meeting October 1 2013

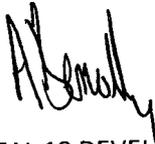
REF: **Aventura Retail – 17800 Biscayne Blvd.**

TO WHOM IT MAY CONCERN:

This Letter of Intent is to request variances for 11 parking spaces provided on site and 8 parking spaces provided off site for the above mentioned project. We would also like to request a 2' buffer on the west side of the parking lot, a 0' buffer on the north side of the parking lot and finally, the release of the Resolutions Nos. 98-50 and 2000-25. All for the above mentioned project.

Thank you for your assistance in this matter.

Sincerely,



MAZAL 18 DEVELOPMENT, LLC

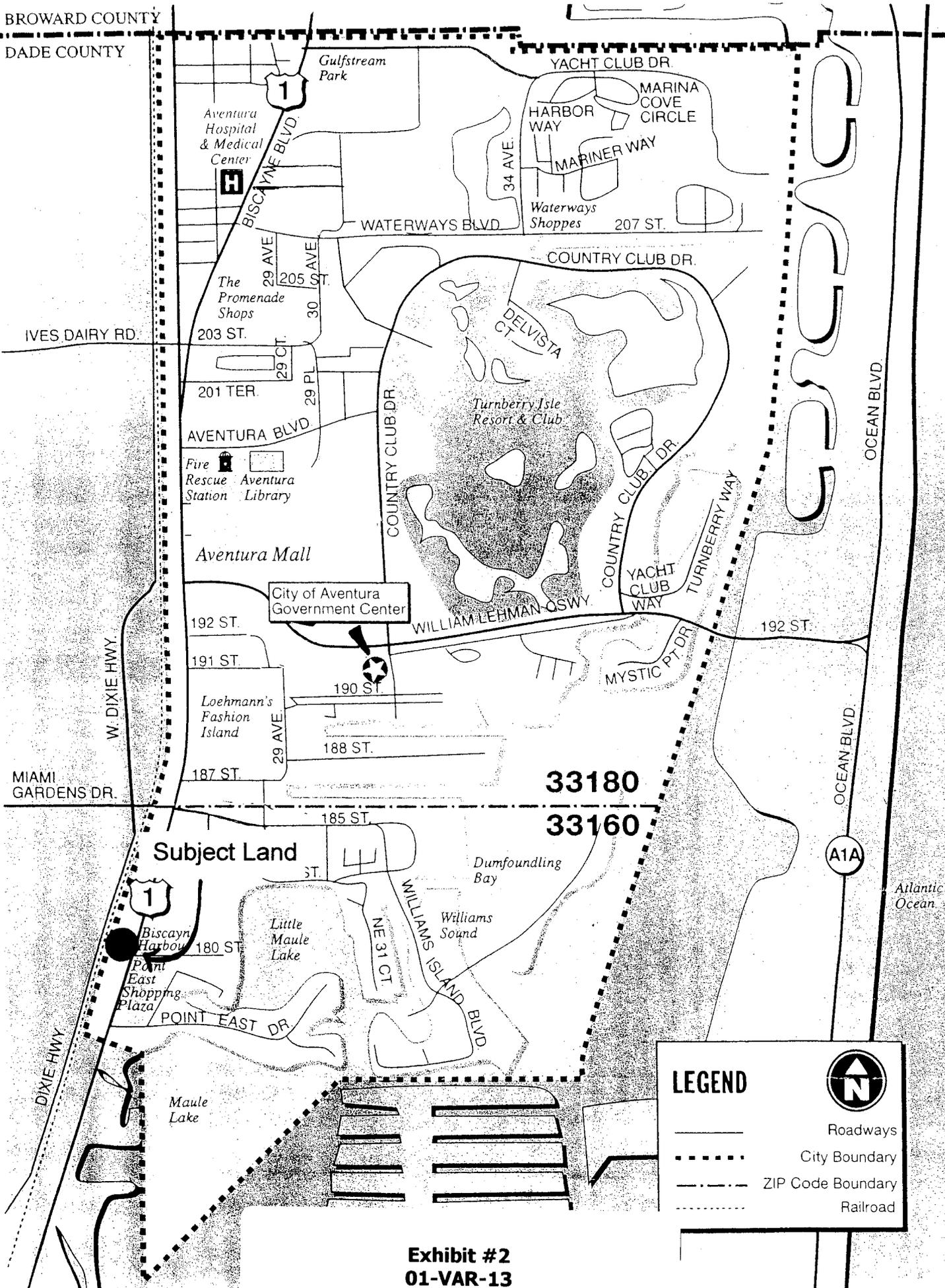
Albert Benalloun

777 41Street 2nd floor

Miami beach Florida 33140

**Exhibit #1
01-VAR-13**

BROWARD COUNTY
DADE COUNTY



City of Aventura
Government Center

Subject Land

33180
33160

LEGEND

- Roadways
- City Boundary
- ZIP Code Boundary
- Railroad

Exhibit #2
01-VAR-13

RESOLUTION NO. 98-50

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA APPROVING THE RELEASE OF PREVIOUSLY APPROVED RESOLUTION NO. 4-ZAB-134-79; APPROVING THE AUTOMOBILE AND LIGHT TRUCK, NEW SALES AGENCY OR RENTAL USE AS REQUIRED PURSUANT TO SECTION 33-247 OF THE MIAMI-DADE COUNTY CODE; APPROVING THE REQUESTED NON-USE VARIANCE FROM CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE REQUIRING A DECORATIVE MASONRY WALL AT LEAST FIVE FEET IN HEIGHT TO ENCLOSE THE VEHICLE STORAGE AREA WHERE A PROVISION OF A PARTIAL MASONRY WALL TO THE FRONT OF THE PROPERTY ONLY IS PROPOSED; APPROVING THE REQUESTED NON-USE VARIANCE FROM CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE REQUIRING A CONTINUOUS, DENSELY PLANTED GREENBELT OF NOT LESS THAN FIFTEEN FEET IN WIDTH WHERE A PROVISION OF A NINE (9) FOOT WIDE INTERRUPTED GREENBELT IS PROPOSED; APPROVING A VARIANCE FROM CITY ORDINANCE NO. 97-17 ALLOWING TWO (2) SIGNS ON A MASONRY WALL IN LIEU OF ONE (1) FREESTANDING MONUMENT SIGN, ALL WITH CONDITIONS AS OUTLINED HEREIN FOR PROPERTY LOCATED AT 17800 BISCAYNE BOULEVARD; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned BU-2, Special Business District; and

WHEREAS, the Applicant, Drew Wolf, through Application No. 03-MA-97, has applied for the following:

1. Release of previously approved Resolution No. 4-ZAB-134-79; and
2. Public hearing approval for automobile and light truck, new sales agency or rental as required pursuant to Section 33-247 of the Miami-Dade County code; and

3. Variance from Chapter 33 of the Miami-Dade County Code requiring a decorative masonry wall at least five (5) feet in height to enclose the vehicle storage area. (Provision of a partial masonry wall to the front of the property only is proposed); and
4. Variance from Chapter 33 of the Miami-Dade County Code requiring a continuous, densely planted greenbelt of not less than fifteen (15) feet in width. (Provision of nine (9) foot wide interrupted greenbelt is proposed); and
5. Variance from City Ordinance No. 97-17 allowing two (2) signs on a masonry wall in lieu of one (1) freestanding Monument Sign

on that certain property legally described as:

Lots 11 and 12, of "Maule Federal Highway Industrial Sites", according to the Plat thereof recorded in Plat Book 46 at Page 55 of the Public Records of Dade County, Florida; less the east 33.75 feet thereof

aka

17800 Biscayne Boulevard in Aventura, Florida

WHEREAS, the Community Development Department recommends approval of these requests subject to conditions; and

WHEREAS, following proper notice, the City Commission has held a public hearing as provided by law; and

WHEREAS, the City Commission finds that the Application meets the criteria of the applicable codes and ordinances, to the extent the Application is granted herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. Release of previously approved Resolution No. 4-ZAB-134-79 is hereby granted.

Section 2. Public hearing approval for automobile and light truck, new sales agency or rental as required pursuant to Section 33-247 of the Miami-Dade County code is hereby granted.

Section 3. Variance from Chapter 33 of the Miami-Dade County Code requiring a decorative masonry wall at least five (5) feet in height to enclose the vehicle storage area where provision of a partial masonry wall to the front of the property only is proposed is hereby granted.

Section 4. Variance from Chapter 33 of the Miami-Dade County Code requiring a continuous, densely planted greenbelt of not less than fifteen (15) feet in width where provision of a nine (9) foot wide interrupted greenbelt is proposed is hereby granted.

Section 5. Variance from City Ordinance No. 97-17 allowing two (2) signs on a masonry wall in lieu of one (1) freestanding Monument Sign is hereby granted, all subject to each of the following conditions:

STANDARD CONDITIONS

1. Plans shall substantially comply with those submitted as follows:
 - Site Plan, Sheet SP-1, prepared by Arc-Tech Associates Incorporated, signed and sealed dated 5/15/98;

- Elevations and Details, Sheet SP-2, prepared by Arc-Tech Associates Incorporated, signed and sealed dated 5/15/98;
 - Planting Plan, Sheet LA-1, prepared by Arc-Tech Associates Incorporated, revised dated 5/14/98;
 - Landscape Specifications and Plant List, Sheet LA-2, prepared by Arc-Tech Associates Incorporated, revised dated 5/14/98.
2. Applicant shall obtain building permits within 12 months of the date of this Resolution or the approvals granted shall be deemed null and void and the applicant shall be required to reinstate the approval process unless the term is extended by the City Commission prior to its expiration.

PROJECT SPECIFIC CONDITIONS

3. The existing billboard located on the west side of Biscayne Boulevard, south of the subject property, shall be completely removed from the property prior to June 1, 1999. If said billboard is not removed within this time frame, the approvals and variances granted shall be deemed null and void and the applicant shall be required to reinstate the approval process unless the term is extended by the City Commission prior to its expiration. A removal bond in a form approved by the City Attorney is required in an amount equal to the cost of removal of the billboard. Such bond is required to be posted by Applicant prior to issuance of a Certificate of Occupancy for the property. Additionally, the Applicant shall provide a recordable covenant (in a form approved by the City Attorney) binding itself and its successors and assigns, (1) consenting to the denial or revocation of building permits or

- certificate of occupancy for the development of the property; (2) relinquishing any claim against the City; and (3) covenanting not to sue the City, concerning such denial, revocation or the removal of the billboard.
4. A recorded agreement to allow parking on the adjacent property shall be submitted to the City prior to issuance of building permits. Such agreement shall be approved by the City Attorney prior to recordation in the public records of Miami-Dade County, all recording costs to be borne by the applicant.
 5. The applicant shall relinquish all rights to any other signs permitted by Ordinance 97-17.
 6. The signage on the masonry wall shall be rounded at the top corners so as to be more aesthetically pleasing.
 7. The signage on the wall shall not exceed an overall height of eight (8) feet, nor shall each of the two (2) signs, including framing, exceed a maximum size of 24 square feet.
 8. All outdoor paging or speaker systems are expressly prohibited.
 9. No repair work of any type will be permitted on premises.
 10. Rental of automobiles and sport utility vehicles only will be allowed. No trucks shall be rented, no accessory or other sales of vehicles will be allowed.
 11. Applicant is required to coordinate site requirements consistent with the proposed City improvements in the FEC right-of-way. City staff will make every attempt to recognize applicant's business needs while preparing improvement plans.

Section 6. The City Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein provided and to indicate such approvals and conditions upon the records of the City.

Section 7. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Vice Mayor Cohen, who moved its adoption. The motion was seconded by Commissioner Holzberg, and upon being put to a vote, the vote was as follows:

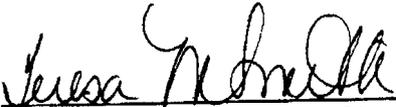
Commissioner Arthur Berger	yes
Commissioner Jay R. Beskin	yes
Commissioner Harry Holzberg	yes
Commissioner Jeffrey M. Perlow	absent
Commissioner Patricia Rogers-Libert	absent
Vice Mayor Ken Cohen	yes
Mayor Arthur I. Snyder	yes

PASSED AND ADOPTED this 9th day of June, 1998.



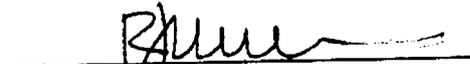
Arthur I. Snyder, Mayor

ATTEST:



Teresa M. Smith, CMC, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this 10 day of June, 1998.

Susan Abbott
CITY CLERK

RESOLUTION NO. 2000-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, GRANTING A REQUEST FOR UNUSUAL USE APPROVAL TO PERMIT A PARKING AREA FOR EMPLOYEES AND THE STORAGE OF RENTAL VEHICLES IN A ZONE MORE RESTRICTIVE THAN THAT IN WHICH THE USE IT SERVES IS LOCATED FOR THAT PROPERTY LOCATED AT 17800 BISCAYNE BOULEVARD; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicant, Drew Wolf, through Application No. 03-UU-99, requests Unusual Use approval pursuant to Miami-Dade County Code to permit a parking area for employees and the storage of rental vehicles in a zone more restrictive than that in which the use it serves is located. The applicant proposes to locate a 25-foot by 225-foot parking lot within the right-of-way of the Florida East Coast Railroad south of the existing business located at 17800 Biscayne Boulevard, in Aventura, Florida; and

WHEREAS, following proper notice, the City Commission has held a public hearing as provided by law; and

WHEREAS, the City Commission finds that the Application meets the criteria of the applicable codes and ordinances to the extent the application is granted herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

**Exhibit #4
01-VAR-13**

Section 1. Application No. 03-UU-99 for Unusual Use approval pursuant to Miami-Dade County Code to permit a parking area for employees and the storage of rental vehicles in a zone more restrictive than that in which the use it serves is located, for that property located at 17800 Biscayne Boulevard, and more legally described as:

A portion of the East ½ of Section 9, Township 52 South, Range 42 East, Miami-Dade County, Florida, more particularly described as follows:

A tract of land 25.00 feet in width within the Florida East Coast Railroad right-of-way lying westerly of, and adjacent to, Lots 13 and 14 and the north 25' of Lot 15 of MAULE FEDERAL HIGHWAY INDUSTRIAL SITES as recorded in Plat Book 46 at Page 55 of the Public Records of Miami-Dade County.

is hereby granted subject to the following conditions:

STANDARD CONDITIONS

1. Plans shall substantially comply with those submitted as follows:
 - "Sketch and Description," prepared by Manuel G. Vera and Associates. One page, unpaginated, dated 02/02/00.
 - "Existing InterAmerican Car Leasing Site and F.E.C. Leased Land Parcels "C" and "D" Plus Adjacent Parcel "E" Proposed Use—Variance," prepared by Arc-Tech Associates. One page numbered SP-1 dated 01/26/99, revised 12/22/99.

PROJECT SPECIFIC CONDITIONS

1. The proposed parking lot shall be installed with a hard surface such as concrete or asphalt, and shall be provided with a stormwater system connected to an approved central stormwater system and installed with an approved oil/sand separator. Applicant shall submit written evidence that such improvements have been submitted to, and meet the approval of, the landowner and other regulatory agencies prior to the issuance of building permits.
2. Applicant shall remit to the City of Aventura the sum of \$3,955.00 to reimburse the City for a portion of the expense of installing landscaping as part of the Biscayne IV

project that is to be used by the applicant to visually screen the proposed parking lot.

Section 2. The City Manager is authorized to indicate such approvals and conditions upon the records of the City.

Section 3. This Resolution shall be recorded in the Public Records of Miami-Dade County, Florida, with the petitioner to pay the costs thereof.

Section 4. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner Cohen, who moved its adoption. The motion was seconded by Commissioner Rogers-Libert, and upon being put to a vote, the vote was as follows:

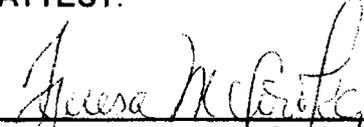
Commissioner Arthur Berger	<u>no</u>
Commissioner Jay R. Beskin	<u>yes</u>
Commissioner Ken Cohen	<u>yes</u>
Commissioner Harry Holzberg	<u>yes</u>
Commissioner Patricia Rogers-Libert	<u>yes</u>
Vice Mayor Jeffrey M. Perlow	<u>absent from the room</u>
Mayor Arthur I. Snyder	<u>absent from the room</u>

PASSED AND ADOPTED this 2nd day of May, 2000.



Arthur I. Snyder, Mayor

ATTEST:



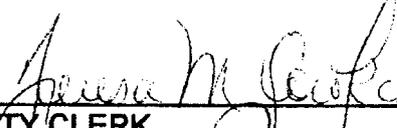
Teresa M. Soroka, CMC, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:



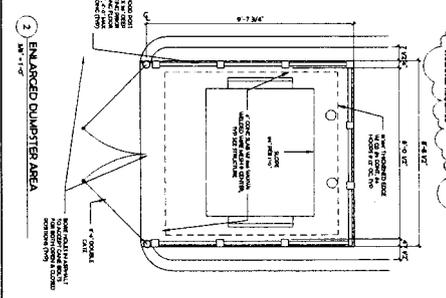
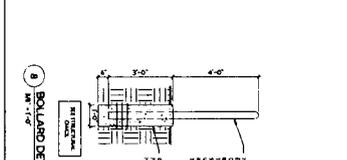
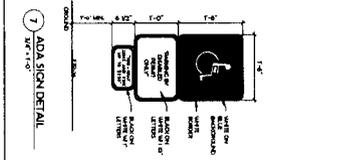
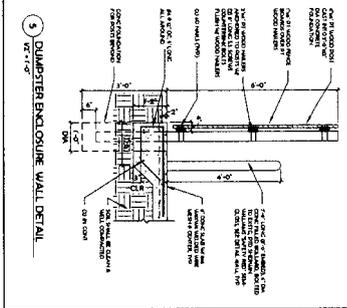
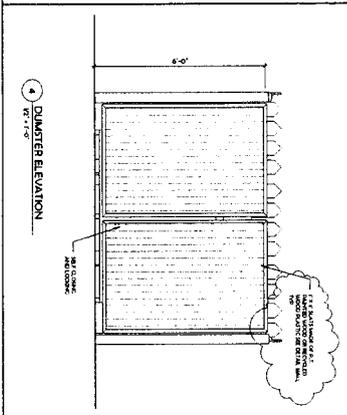
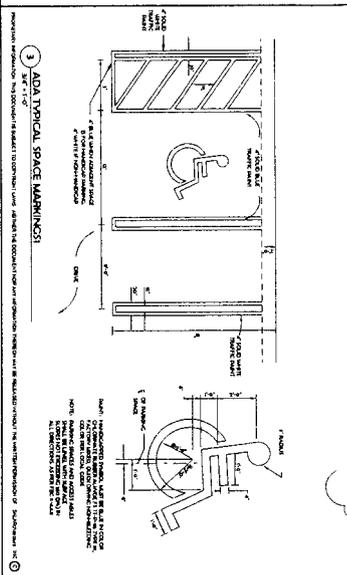
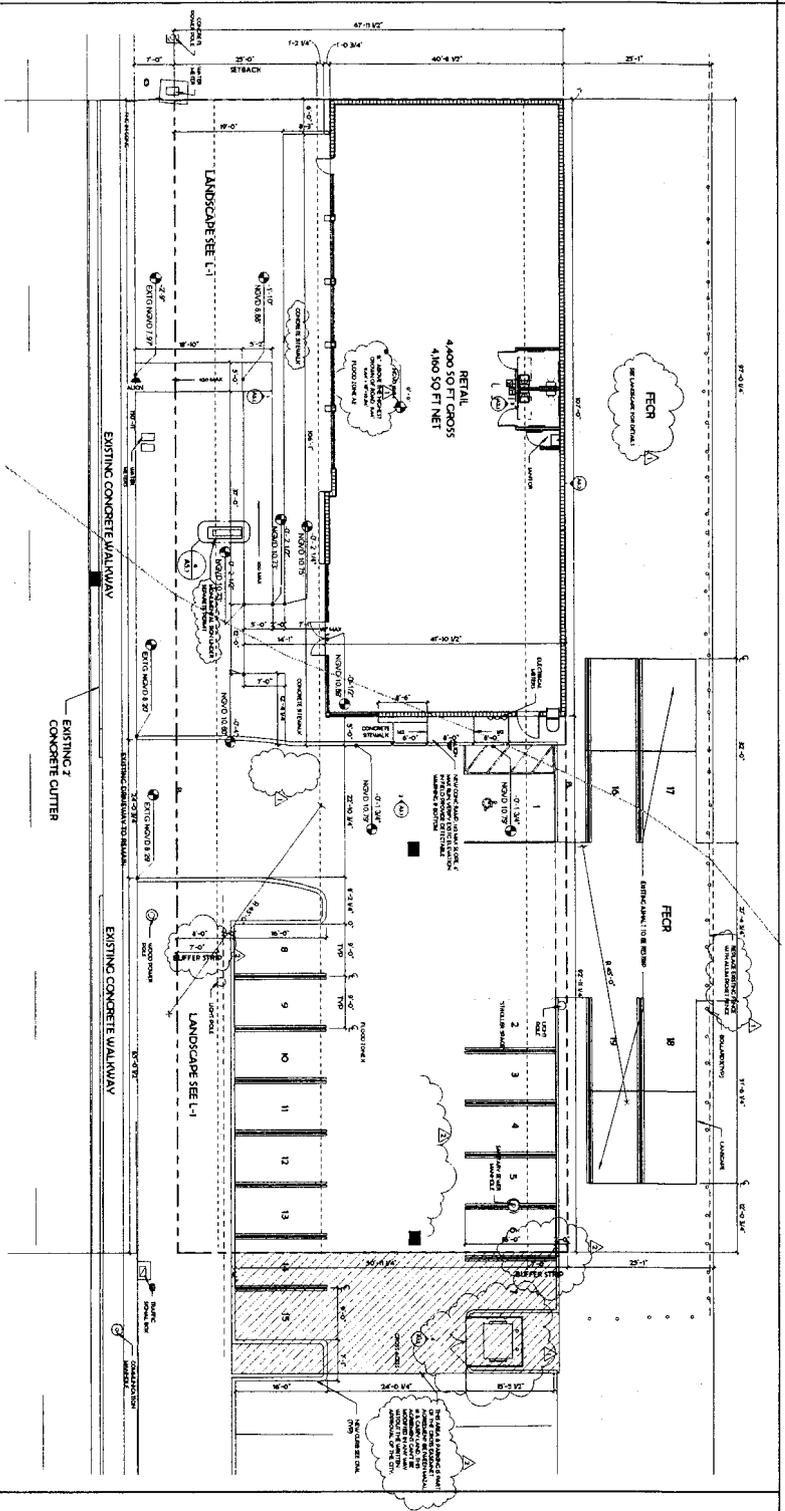
CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this 4 day of May, 2000.



CITY CLERK

Exhibit #5
01-VAR-13



ECONOMIC LEGEND / PROJECT DATA

CONTRACT	DESCRIPTION	STATUS
1	CONTRACTOR	PROPOSED
2	LANDSCAPE	PROPOSED
3	CONCRETE	PROPOSED
4	ASPHALT	PROPOSED
5	PAVEMENT	PROPOSED
6	LANDSCAPE	PROPOSED
7	CONCRETE	PROPOSED
8	ASPHALT	PROPOSED
9	PAVEMENT	PROPOSED
10	LANDSCAPE	PROPOSED
11	CONCRETE	PROPOSED
12	ASPHALT	PROPOSED
13	PAVEMENT	PROPOSED
14	LANDSCAPE	PROPOSED
15	CONCRETE	PROPOSED
16	ASPHALT	PROPOSED
17	PAVEMENT	PROPOSED
18	LANDSCAPE	PROPOSED
19	CONCRETE	PROPOSED
20	ASPHALT	PROPOSED
21	PAVEMENT	PROPOSED
22	LANDSCAPE	PROPOSED
23	CONCRETE	PROPOSED
24	ASPHALT	PROPOSED
25	PAVEMENT	PROPOSED
26	LANDSCAPE	PROPOSED
27	CONCRETE	PROPOSED
28	ASPHALT	PROPOSED
29	PAVEMENT	PROPOSED
30	LANDSCAPE	PROPOSED
31	CONCRETE	PROPOSED
32	ASPHALT	PROPOSED
33	PAVEMENT	PROPOSED
34	LANDSCAPE	PROPOSED
35	CONCRETE	PROPOSED
36	ASPHALT	PROPOSED
37	PAVEMENT	PROPOSED
38	LANDSCAPE	PROPOSED
39	CONCRETE	PROPOSED
40	ASPHALT	PROPOSED
41	PAVEMENT	PROPOSED
42	LANDSCAPE	PROPOSED
43	CONCRETE	PROPOSED
44	ASPHALT	PROPOSED
45	PAVEMENT	PROPOSED
46	LANDSCAPE	PROPOSED
47	CONCRETE	PROPOSED
48	ASPHALT	PROPOSED
49	PAVEMENT	PROPOSED
50	LANDSCAPE	PROPOSED

PLAN LEGEND

1	EXISTING CONCRETE WALKWAY
2	EXISTING ASPHALT PAVEMENT
3	EXISTING CONCRETE WALKWAY
4	EXISTING ASPHALT PAVEMENT
5	EXISTING CONCRETE WALKWAY
6	EXISTING ASPHALT PAVEMENT
7	EXISTING CONCRETE WALKWAY
8	EXISTING ASPHALT PAVEMENT
9	EXISTING CONCRETE WALKWAY
10	EXISTING ASPHALT PAVEMENT
11	EXISTING CONCRETE WALKWAY
12	EXISTING ASPHALT PAVEMENT
13	EXISTING CONCRETE WALKWAY
14	EXISTING ASPHALT PAVEMENT
15	EXISTING CONCRETE WALKWAY
16	EXISTING ASPHALT PAVEMENT
17	EXISTING CONCRETE WALKWAY
18	EXISTING ASPHALT PAVEMENT
19	EXISTING CONCRETE WALKWAY
20	EXISTING ASPHALT PAVEMENT
21	EXISTING CONCRETE WALKWAY
22	EXISTING ASPHALT PAVEMENT
23	EXISTING CONCRETE WALKWAY
24	EXISTING ASPHALT PAVEMENT
25	EXISTING CONCRETE WALKWAY
26	EXISTING ASPHALT PAVEMENT
27	EXISTING CONCRETE WALKWAY
28	EXISTING ASPHALT PAVEMENT
29	EXISTING CONCRETE WALKWAY
30	EXISTING ASPHALT PAVEMENT
31	EXISTING CONCRETE WALKWAY
32	EXISTING ASPHALT PAVEMENT
33	EXISTING CONCRETE WALKWAY
34	EXISTING ASPHALT PAVEMENT
35	EXISTING CONCRETE WALKWAY
36	EXISTING ASPHALT PAVEMENT
37	EXISTING CONCRETE WALKWAY
38	EXISTING ASPHALT PAVEMENT
39	EXISTING CONCRETE WALKWAY
40	EXISTING ASPHALT PAVEMENT
41	EXISTING CONCRETE WALKWAY
42	EXISTING ASPHALT PAVEMENT
43	EXISTING CONCRETE WALKWAY
44	EXISTING ASPHALT PAVEMENT
45	EXISTING CONCRETE WALKWAY
46	EXISTING ASPHALT PAVEMENT
47	EXISTING CONCRETE WALKWAY
48	EXISTING ASPHALT PAVEMENT
49	EXISTING CONCRETE WALKWAY
50	EXISTING ASPHALT PAVEMENT

SKLAR Architecture
101 N. MILAN AVE. SUITE 100
MIAMI, FL 33136
TEL: 305.371.1111
WWW.SKLARARCHITECTURE.COM

PROJECT # 13-004
A1.2
DATE: 07-08-13

NEW METAL BUILDING
AVENTURA RETAIL
3000 BISCAYNE BLVD
AVENTURA, FL 33180

REVISIONS:
NO. DATE BY DESCRIPTION

APPROVED:
DATE: 07-08-13

DESIGNED BY:
DATE: 07-08-13

DRAWN BY:
DATE: 07-08-13

CHECKED BY:
DATE: 07-08-13

SCALE:
DATE: 07-08-13

PROJECT # 13-004
A1.2
DATE: 07-08-13

This Instrument Was Prepared By,
Record and Return To:

Mark C. Alhadeff, Esq.
The Alhadeff Law Group, P.L.
767 Arthur Godfrey Road
Miami Beach, Florida 33140

OPERATION AND PERPETUAL EASEMENT AGREEMENT

(Miami-Dade County, Florida)

THIS OPERATION AND PERPETUAL EASEMENT AGREEMENT ("OEA") is executed as of the ___ day of _____, 2013, by *Casey Development Group, LLC, a Florida limited liability company* (the "Grantor"), and *Mazal 18 Development, LLC, a Florida limited liability company* (the "Grantee")(Grantor and Grantee are sometimes collectively referred to herein as the "Parties" and singularly as "Party").

W I T N E S S E T H

WHEREAS, Grantor is the owner of the land described in **Exhibit "A"** attached hereto and identified as "Casey Land";

WHEREAS, Grantee is the owner the land described in **Exhibit "B"** attached hereto and identified as "Mazal 18 Land," the Casey Land and the Mazal 18 Land are sometimes collectively referred to herein as the "Property," and

WHEREAS, the Casey Land and the Mazal 18 Land are contiguous and adjacent to each other as shown on the site plan attached hereto as **Exhibit "C"**(the "Site Plan"); and

WHEREAS, the City of Aventura (the "City") requires a certain minimum number of parking spaces and a cross access easement over and across the Mazal 18 Land and Casey Land for the proposed development on the Mazal 18 Land (the "Mazal 18 Development"); and

WHEREAS, the Parties wish to assure the City that the Mazal 18 Development will be built in accordance with the Site Plan and be consistent with the City's Code of Ordinances ("City Code"); and

WHEREAS, Grantor has agreed to provide the required number of parking spaces to Grantee so that the Mazal 18 Development meets the minimum number of parking spaces required by City Code; and

WHEREAS,the Parties have mutually agreed to provide a cross access easement over and across the Mazal 18 Land and Casey Land, as more particularly described in **Exhibit “D”** attached hereto with accompanying sketch of survey (the “Cross Easement Area”), as hereinafter set forth.

NOW, THEREFORE, in consideration of the premises, the covenants and agreements hereinafter set forth, \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties, subject to the terms, conditions and provisions herein contained, hereby agree as follows:

1. The Parties acknowledge and agree that the foregoing recitals are true and correct and are hereby incorporated by reference into this OEA as if fully set forth herein.
2. This OEA by and between the Parties, and its easements, covenants and other provisions, shall constitute a covenant running with the land and be binding upon the Mazal 18 Land and Casey Land and will be recorded, at the Parties’ expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and shall inure to the benefit of and be binding upon the heirs, successors and assigns of the respective Parties hereto, until such time as the same is released in writing as hereinafter provided.
3. The Grantor does hereby grant, bargain, sell, and convey unto Grantee, its successors and assigns a perpetual non-exclusive and irrevocable right and easement for the use of four (4) parking spaces and a dumpster enclosure on the Casey Land as designated in the Site Plan (the “Parking Easement Area”), which Site Plan shall not be amended and/or modified in any way without the prior written approval of the City.
4. Subject to the terms, provisions and conditions herein set forth, Grantor and Grantee grant each other a perpetual non-exclusive and irrevocable right and easement for the pedestrian and vehicular ingress to, egress from and access over and across the Cross Easement Area as shown in **Exhibit “D”** attached hereto by the Permitted Users. For purposes hereof, the term “Permitted Users” shall mean the Grantor and Grantee and their respective tenants, agents, contractors, employees, patrons, guests and invitees.
5. Each Party shall be responsible for any and all costs related to any construction, alteration, repair and/or maintenance on that part of the Parking Easement Area and Cross Easement Area lying on its property. The Parties shall have the right to create a temporary staging and/or storage area on the Cross Easement Area so long as reasonable access is otherwise available over the Cross Easement Area for ingress and access to and from the Mazal 18 Land and the Casey Land by the Permitted Users as provided in this OEA.
6. All construction, alteration, repair and/or maintenance work to any portion of the Cross Easement Area and/or Parking Easement Area shall be accomplished in a

continuous, diligent and expeditious manner (subject to matters of force majeure), in compliance with all laws, rules, regulations, orders, permits, approvals and licenses of governmental authorities having jurisdiction over the Property and otherwise as provided elsewhere herein. Either Party, in undertaking such construction, alteration, repair and/or maintenance work, shall take all reasonably necessary measures to minimize any disruption or inconvenience caused by such work to the other Party and its Permitted Users, and except in case of emergency, shall give the other Party prior written notice at least seventy-two (72) hours prior to commencing such work.

7. Except as otherwise expressly provided herein, no hedge, fence, wall or other barrier may be placed, installed or constructed on or near the Cross Easement Area or the Parking Easement Area if such barrier would block or otherwise materially interfere with or materially impede or alter access, traffic flow and/or access to the dumpster enclosure intended to be available under this OEA between the Mazal 18 Land and the Casey Land.
8. The terms, conditions and provisions of this OEA: (i) are made for the direct benefit of the Mazal 18 Land and the Casey Land; (ii) shall constitute covenants running with the land binding upon each of the Mazal 18 Land and the Casey Land; and (iii) shall inure to the benefit of and be binding upon the current owners of the Mazal 18 Land and the Casey Land, and any person or entity subsequently acquiring any fee, leasehold or other interest in the Property or any part thereof.
9. In this OEA whenever the context permits or requires, the singular shall include the plural, and vice versa, and the masculine shall include the feminine and neuter genders, and vice versa.
10. This OEA, and any amendments thereto, may be executed in several counterparts, each of which shall be deemed an original, but all such counterparts taken together shall constitute one complete document. The signatures to this OEA may be executed and notarized on separate pages, and when attached to this OEA shall constitute one complete document.
11. None of the terms or provisions of this OEA shall be deemed to create a partnership between or among the Grantor or Grantee, nor shall it cause them to be considered joint venturers or members of any joint enterprise. Each party hereto shall be considered a separate owner, and no Party shall have the right to act as an agent for the other Party, unless expressly authorized to do so herein or by separate written instrument signed by the Party to be charged.
12. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Parking Easement Area or Cross Easement Area or portions thereof to the general public, or for any public use or purpose whatsoever. Except as herein specifically provided, no right, privileges or immunities hereto shall inure to the

general public, or for any public use or purpose whatsoever. Except as herein specifically provided, no right, privileges or immunities hereto shall inure to the benefit of any third-party person or entity, nor shall any third party person or entity be deemed to be a beneficiary of any of the provisions contained herein.

13. Invalidation of any of the provisions contained in this OEA, or of the application thereof to any person or entity by judgment or court order shall in no way affect any of the other provisions hereof or the application thereof to any other person or entity.
14. This OEA may be amended or modified by, and only by, a written agreement signed by all of the then current owners of the Mazal 18 Land and the Casey Land, provided that the same is also approved in writing by the City Manager of the City of Aventura.
15. Nothing herein shall prohibit either the Mazal 18 Land or the Casey Land from being further encumbered or sold, demised or transferred separately or together at any time in the future, subject to, however, all the terms, provisions and conditions of this OEA.
16. This OEA shall become effective upon its recordation in the public records of Miami-Dade County, Florida, and shall continue in effect for a period of thirty (30) years after the date of such recordation, after which time it shall be extended automatically for successive periods of ten (10) years each, unless released in writing by the then owners of the Property or portion of the Property for which the release is sought, and provided the same is approved by the City Manager of the City of Aventura upon the demonstration that the same is no longer necessary to preserve and protect the Property for the purposes herein intended.

[signatures appear on the next page]

IN WITNESS WHEREOF, the parties have caused this OEA to be executed effective as of the date and year first above written.

Witness: [Signature]
Print Name: Katuska Del Rio

MAZAL 18 DEVELOPMENT, LLC, a Florida limited liability company

Witness: [Signature]
Print Name: Weber Gowin

By: [Signature]
Name: ALBERT BEHALLOUP
Title: PRESIDENT

Witness: [Signature]
Print Name: LISBETT ROVIRA

CASEY DEVELOPMENT GROUP, LLC, a Florida limited liability company

Witness: [Signature]
Print Name: CESAR DIAZ

By: [Signature]
Name: ALBERT BEHALLOUP
Title: PRESIDENT

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 18 day of July, 2013, by Albert Behalloup as President of MAZAL 18 DEVELOPMENT, LLC, a limited liability company, on behalf of the company. He/she is personally known to me or has produced a Florida driver's license as identification and did (did not) take an oath.

 JACKELINE TORRES
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE118657
Expires 8/3/2015

[Signature]
Notary Public, State of Florida
Print Name: Jackeline Torres

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 18 day of July, 2013, by Albert Behalloup, as President of CASEY DEVELOPMENT GROUP, LLC, a limited liability company, on behalf of the company. He/she is personally known to me or has produced a Florida driver's license as identification and did (did not) take an oath.

 JACKELINE TORRES
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE118657
Expires 8/3/2015

[Signature]
Notary Public, State of Florida
Print Name: Jackeline Torres

**CONSENT AND JOINDER
OF
BAC FLORIDA BANK**

BAC Florida Bank, a Florida chartered bank, the undersigned mortgagee, is the owner and holder of a mortgage on the Mazal 18 Land described herein in **Exhibit "B"** attached hereto, recorded on May 18, 2005 in Official Records Book 23382 at Page 2817, as modified by a continuation recorded on March 15, 2011 in Official Records Book 27617 at Page 3087; as further modified by that certain Second Modification of Mortgage Agreement recorded September 6, 2012 in Official Records Book 28259 at Page 3695, all of the Public Records of Miami-Dade County, Florida, and hereby consents to and joins in and agrees that the undersigned and its successors and assigns shall be subject to and be bound by the above Operation and Easement Agreement.

Witness: [Signature]
Print Name: Myriam Gonzalez

Witness: [Signature]
Print Name: Roberto Ahlers

BAC FLORIDA BANK, a Florida chartered bank

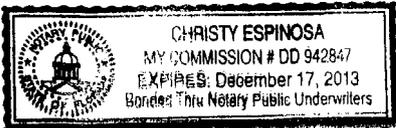
By: [Signature]
Name: SCOTT L HODSON
Title: Branch Manager

*VP Commercial and Estate Services
& CREO Management*

STATE OF FLORIDA)
) SS:
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me by Scott Hodson as VP Commercial Real Estate of BAC Florida Bank, a Florida chartered bank, on behalf of the said Bank, who is personally known to me or has produced _____ as identification.

Witness my signature and official seal this 18 day of July 2013, in the County and State aforesaid.



[Signature]
Notary Public State of _____
Print Name: Christy Espinosa

My Commission Expires:

EXHIBIT "A"

CASEY LAND - LEGAL DESCRIPTION

LOTS 9 AND 10, LESS THE EAST 33.75 FEET OF SAID LOTS, OF MAULE FEDERAL HIGHWAY INDUSTRIAL SITE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGE 55, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

EXHIBIT "B"

MAZAL 18 LAND - LEGAL DESCRIPTION

Lots 11 and 12, LESS AND EXCEPT the East 33.75 feet thereof, of "MAULE FEDERAL HIGHWAY INDUSTRIAL SITES", according to the Plat thereof, as recorded in Plat Book 46 Page 55 of the Public Records of Miami-Dade County, Florida

EXHIBIT "C"

SITE PLAN

COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011
 DAVIE, FLORIDA 33314
 CERTIFICATE OF AUTHORIZATION : LB # 6448
 PHONE (954) 689-7766 FAX (954) 689-7799

PROJECT NUMBER : 6905-12

CLIENT :
 SKLARCHITECTURE

LAND DESCRIPTION AND SKETCH

COMMUNITY DEVELOPMENT
 A

LAND DESCRIPTION :

THE SOUTH 21.00 FEET LESS THE EAST 43.08 FEET AND LESS THE WEST 1.59 FEET OF LOT 10, OF "MAULE FEDERAL HIGHWAY INDUSTRIAL SITES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGE 55 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. DATA SHOWN HEREON DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. BEARINGS SHOWN HEREON ARE ASSUMED.

I HEREBY CERTIFY THAT THE ATTACHED "LAND DESCRIPTION AND SKETCH" IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION IN JULY, 2013. I FURTHER CERTIFY THAT THIS "LAND DESCRIPTION AND SKETCH" MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: _____

Richard E. Cousins

RICHARD E. COUSINS
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA REGISTRATION NO. 4188

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	07/10/13	----	AM	REC

LAND DESCRIPTION
 & SKETCH FOR
 CROSS ACCESS
 EASEMENT

PROPERTY ADDRESS :
 17800 BISCAYNE BLVD

SCALE: N/A

SHEET 1 OF 2

COUSINS SURVEYORS & ASSOCIATES, INC.



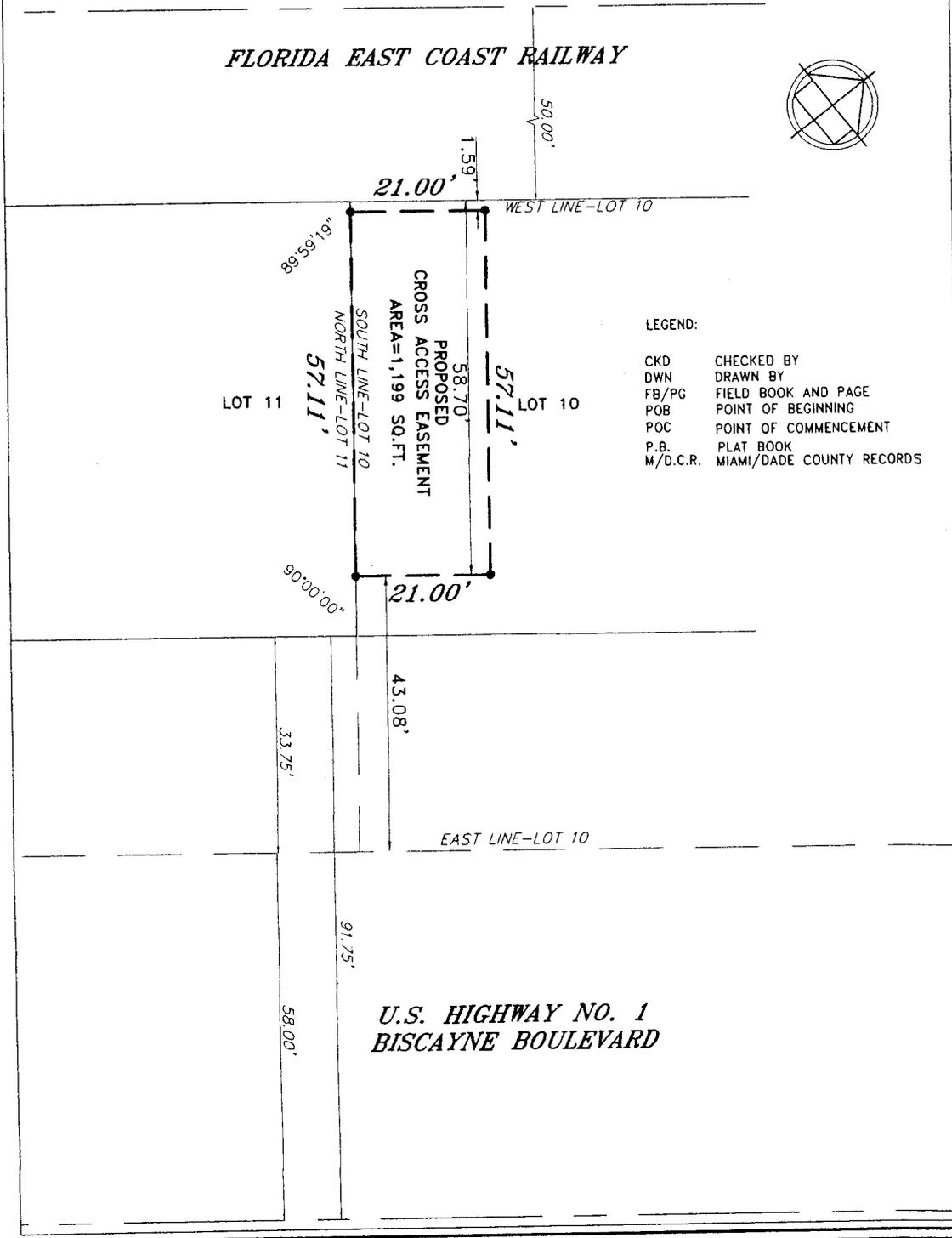
3921 SW 47TH AVENUE, SUITE 1011
 DAVIE, FLORIDA 33314
 CERTIFICATE OF AUTHORIZATION : LB # 6448
 PHONE (954) 689-7766 FAX (954) 689-7799

PROJECT NUMBER : 6905-12

CLIENT :

SKLARCHITECTURE

LAND DESCRIPTION AND SKETCH



REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION & SKETCH	07/10/13	----	AM	REC

LAND DESCRIPTION
 & SKETCH FOR
 CROSS ACCESS
 EASEMENT

PROPERTY ADDRESS :
 17800 BISCAYNE BLVD

SCALE: 1" = 20'

SHEET 2 OF 2

EXHIBIT "D"

CROSS EASEMENT AREA – LEGAL DESCRIPTION

THE SOUTH 21.00 FEET LESS THE EAST 43.08 FEET AND LESS THE WEST 1.59 FEET OF LOT 10, OF "MAULE FEDERAL HIGHWAY INDUSTRIAL SITES". ACCORDING TO THE PLAT THEREOF. AS RECORDED IN PLAT BOOK 46, PAGE 55 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

(Attach Sketch of Survey prepared by a Florida licensed Surveyor, depicting the Cross Easement Area over and across the Mazal 18 Land and Casey Land)



APPLICANT REPRESENTATIVE AFFIDAVIT

Pursuant to Section 31-71(b)(2)(i) of the City of Aventura Land Development Code, this Applicant Representative Affidavit is hereby made and submitted. The undersigned authorized representative of the individual or entity applying for the Development Permit, which is identified in the accompanying application, and the owner of the property subject to the application (if different) hereby lists and identifies all persons representing the individual or entity applying for the Development Permit in connection with the application, as follows:

Name	Relationship <small>(i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)</small>
<u>Ani L. Sklar</u>	<u>Architect</u>
<u>Maureen Smith</u>	<u>Landscape Architect</u>
<u>Walter Lugo</u>	<u>Civil Engineer</u>
<u>Richard E Cousins</u>	<u>Surveyor</u>
<u>Mark Alhadef</u>	<u>Lawyer</u>

(Attach Additional Sheets If Necessary)

NOTICE: ANY STATEMENT OR REPRESENTATION MADE BY ANY PERSON LISTED ON THE APPLICANT REPRESENTATIVE AFFIDAVIT SHALL BE BINDING UPON THE INDIVIDUAL OR ENTITY APPLYING FOR THE DEVELOPMENT PERMIT AND THE OWNER OF THE SUBJECT PROPERTY. APPLICANTS AND AFFIANTS ARE ADVISED TO TIMELY SUPPLEMENT THIS AFFIDAVIT PURSUANT TO SEC. 31-71(B)(2)(IV) OF THE CITY'S LAND DEVELOPMENT REGULATIONS IN THE CITY CODE, IN THE EVENT THAT PRIOR TO CONSIDERATION OF THE APPLICATION BY THE CITY BOARD OR COMMISSION, THE INFORMATION PROVIDED IN THE AFFIDAVIT BECOMES INCORRECT OR INCOMPLETE.

WITNESS MY HAND THIS 22 DAY OF MAY, 2013

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By: _____
(Signature)

Name: _____
(Print)

Title: _____

Address: _____

OWNER

By: Albert Benalloun
(Signature)

Name: Albert Benalloun
(Print)

Title: PRESIDENT

Address: 777 41ST 2ND FL
MIAMI BEACH FL 33140

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

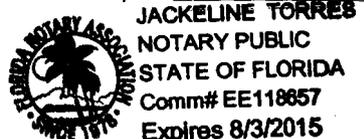
Before me the undersigned authority personally appeared Albert Benalloun as the authorized representative of the Applicant and/or the owner of the property subject to the application, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME this 22 day of May, 2013

AFFIANT
2013

Jackeline Torres
Notary Public State of Florida At Large
Printed Name of Notary

My commission expires: _____





BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
 _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS _____ DAY OF _____, 200__.

APPLICANT:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

WITNESS MY HAND THIS 22 DAY OF MAY, 20013

PROPERTY OWNER:

By: [Signature] (Signature)
 Name: ALBERT BENALLON (Print)
 Title: RESIDENT (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS 8 DAY OF MAY 2013

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: WALTER LUGO (Print)

Title: CIVIL ENGINEER (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

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Name: _____ (Print)

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Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Walter Lugo the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]

AFFIANT

SWORN TO AND SUBSCRIBED before me this 26th day of June, 200 .

[Signature]
Notary Public State of Florida At Large



Crista Stefanick
COMMISSION # DD957797
EXPIRES: FEB. 13, 2014
WWW.AARONNOTARY.COM

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200 .

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200 .

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200 .

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: _____

WITNESS MY HAND THIS 22 DAY OF May 2013

REPRESENTATIVE (Listed on Business Relationship Affidavit)

By _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By Richard E. Cousins (Signature)

Name RICHARD E. COUSINS (Print)

Title PRESIDENT (Print)
COUSINS SURVEYORS & ASSOC.

By _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By _____ (Signature)

Name _____ (Print)

Title: _____ (Print)

By _____ (Signature)

Name _____ (Print)

Title: _____ (Print)

By _____ (Signature)

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NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiliants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

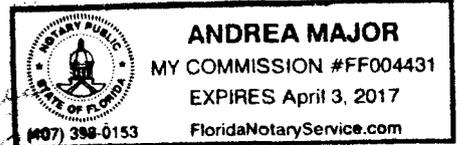
Before me, the undersigned authority, personally appeared
executed this Affidavit for the purposes stated therein and that it is true and correct.

Richard E. Cousins

the Affiant, who being first by me duly sworn, did swear or affirm that he/she

SWORN TO AND SUBSCRIBED before me this *8th* day of *July*, 2013

AFFIANT



Alvin Steyer
Notary Public State of Florida At Large
Andrea Major
Printed Name of Notary
My commission expires *4/3/2017*

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared
executed this Affidavit for the purposes stated therein and that it is true and correct.

the Affiant, who being first by me duly sworn, did swear or affirm that he/she

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

AFFIANT

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared
executed this Affidavit for the purposes stated therein and that it is true and correct.

the Affiant, who being first by me duly sworn, did swear or affirm that he/she

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

AFFIANT

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared
executed this Affidavit for the purposes stated therein and that it is true and correct.

the Affiant, who being first by me duly sworn, did swear or affirm that he/she

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

AFFIANT

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires _____

WITNESS MY HAND THIS 22 DAY OF May, 20013

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: _____ (Signature)

Name: DR. L. SKRUP (Print)

Title: PRESIDENT (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

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NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Ari Sklar the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 10 day of July 2013

 JACKELINE TORRES
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE118657
Expires 8/3/2015

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Albert Basallo the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 10 day of July 2013

[Signature]
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires:



JACKELINE TORRES
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE118657
Expires 8/3/2015

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ___ day of ___ 200__

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires:

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ___ day of ___ 200__

Notary Public State of Florida At Large
Printed Name of Notary
My commission expires:

WITNESS MY HAND THIS ² 18 DAY OF August, 2013

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

By: _____ (Signature)

Name: MAUREEN R. SMITH (Print)

Name: _____ (Print)

Title: LANDSCAPE ARCHITECT (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

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NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared MAURICIO SMITH the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of August, 2013

[Signature]
Notary Public State of Florida At Large
Jackeline Torres
Printed Name of Notary
My commission expires: _____



JACKELINE TORRES
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE118657
Expires 8/3/2015

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

RESOLUTION NO. 2013-___

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING APPROVAL OF A VARIANCE FROM SECTION 31-171(b) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW ELEVEN (11) PARKING SPACES, WHERE A MINIMUM OF EIGHTEEN (18) PARKING SPACES ARE REQUIRED BY CODE; AND VARIANCE FROM SECTION 31-221(i)(2) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW A TWO (2) FOOT WIDE PERIMETER BUFFER STRIP ALONG THE WEST LIMIT OF THE VEHICULAR USE AREA, WHERE A MINIMUM SEVEN (7) FOOT WIDE PERIMETER BUFFER STRIP IS REQUIRED BY CODE; AND VARIANCE FROM SECTION 31-221(i)(2) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW A ZERO (0) FOOT WIDE PERIMETER BUFFER STRIP ALONG THE NORTH LIMIT OF THE VEHICULAR USE AREA, WHERE A MINIMUM SEVEN (7) FOOT WIDE PERIMETER BUFFER STRIP IS REQUIRED BY CODE; AND RELEASE OF PREVIOUSLY APPROVED RESOLUTIONS NOS. 98-50 AND 2000-25; ALL FOR A PROPOSED 4400 SQUARE FOOT, ONE-STORY RETAIL BUILDING AT 17800 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned B2, Community Business District; and

WHEREAS, the applicant, Mazal 18 Development LLC, is requesting Variance from Section 31-171(b) of the City's Land Development Regulations to allow eleven (11) parking spaces where a minimum of eighteen (18) parking spaces are required by Code; and Variance from Section 31-221(i)(2) of the City's Land Development Regulations to allow a two (2) foot wide perimeter buffer strip along the west limit of the vehicular use area, where a minimum seven (7) foot wide perimeter buffer strip is required by Code; and Variance from Sec. 31-221(i)(2) to allow a 0 foot wide perimeter buffer strip along the north side of the vehicular use area, where a minimum 7 foot wide perimeter buffer strip is required by Code; and Release of previously approved City of Aventura Resolutions Nos. 98-50 and 2000-25; all for a proposed 4400 square foot, one-story retail building at 17800 Biscayne Boulevard, City of Aventura; and

WHEREAS, following proper notice, the City Commission has held a public hearing as provided by law; and

WHEREAS, the City Commission finds that the Variance Application meets the criteria of the applicable codes and ordinances, to the extent the Variance Application is granted herein; and

WHEREAS, the City Commission finds that the previously approved Resolutions Nos. 98-50 and 2000-25 may be released as no longer applicable to the subject property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. Application for a Variance from Section 31-171(b) of the City's Land Development Regulations to allow eleven (11) parking spaces where a minimum of eighteen (18) parking spaces are required by Code; and Variance from Section 31-221(i)(2) of the City's Land Development Regulations to allow a two (2) foot wide perimeter buffer strip along the west limit of the vehicular use area, where a minimum seven (7) foot wide perimeter buffer strip is required by Code; and Variance from Sec. 31-221(i)(2) to allow a 0 foot wide perimeter buffer strip along the north side of the vehicular use area, where a minimum 7 foot wide perimeter buffer strip is required by Code; all for a proposed 4400 square foot, one-story retail building at 17800 Biscayne Boulevard, City of Aventura, on property legally described as follows:

Lots 11 and 12, less the east 33.75 feet thereof, of Maule Federal Highway Industrial Sites, according to the plat thereof as recorded in Plat Book 46, Page 55 of the Public Records of Miami-Dade County, Florida, City of Aventura

is hereby granted, subject to the following conditions:

1. Plans shall substantially comply with those submitted as follows:
 - "Aventura Retail" Cover Sheet, Sheet A0.0, prepared by SKLARcitecture, dated 07/08/13, signed and sealed 8/20/13.
 - "Aventura Retail" Existing/Demo Site Plan, Sheet A1.1, prepared by SKLARcitecture, dated 05/13/13, signed and sealed.
 - "Aventura Retail" Site Plan, Sheet A1.2, prepared by SKLARcitecture, dated

- 07/08/13, signed and sealed 8/20/13.
 - “Aventura Retail” Proposed Floor Plan, Sheet A2.1, prepared by SKLARcitechture, dated 05/13/13, signed and sealed.
 - “Aventura Retail” Roof Plan, Sheet A3.1, prepared by SKLARcitechture, dated 05/13/13, signed and sealed.
 - “Aventura Retail” Elevations, Sheet A5.1, prepared by SKLARcitechture, dated 05/13/13, signed and sealed.
 - “Aventura Retail” Elevations, Sheet A5.2, prepared by SKLARcitechture, dated 05/13/13, signed and sealed.
 - “Aventura Retail” Sections, Sheet A6.1, prepared by SKLARcitechture, dated 05/13/13, signed and sealed.
 - “Aventura Retail” Elevations, Sheet PH1, prepared by SKLARcitechture, dated 05/13/13, signed and sealed.
 - “17800 Biscayne Blvd.” Tree Disposition, Sheet L-1, prepared by Lushlife Exterior Decorators, dated 12/5/12, signed and sealed 8/19/13.
 - “17800 Biscayne Blvd.” Landscape Plan, Sheet L-2, prepared by Lushlife Exterior Decorators, dated 12/5/12, signed and sealed 8/19/13.
 - “17800 Biscayne Blvd.” Landscape Details, Sheet L-3, prepared by Lushlife Exterior Decorators, dated 12/5/12, signed and sealed 8/19/13.
 - “Aventura Retail” Paving, Grading and Drainage Plan, Sheet C100, prepared by Ocean Engineering, Inc., dated 11/28/12, signed and sealed 7/8/13.
 - “Aventura Retail” Paving, Grading and Drainage Plan, Sheet C200, prepared by Ocean Engineering, Inc., dated 11/28/12, signed and sealed 7/8/13.
 - “Aventura Retail” Drainage Details, Sheet C400, prepared by Ocean Engineering, Inc., dated 11/28/12, signed and sealed 7/8/13.
 - “17800 Biscayne Blvd.” Sketch of Survey, Sheet 1 of 1, prepared by Cousins Surveyors & Assoc., Inc., dated 11/12/12, signed and sealed.
2. Permits shall be obtained within twelve (12) months of the date of the Resolution or the approvals granted shall be deemed null and void unless extended by a motion of the City Commission.
3. Prior to issuance of a building permit, the applicant shall provide to the City:
- (i) A copy of this resolution as recorded in the Public Records of Miami-Dade County. All expenses of such recordation shall be borne by the applicant, and
 - (ii) A copy of the Operation and Perpetual Easement Agreement regarding the four parking spaces and dumpster enclosure on the adjacent parcel, as recorded in the Public Records of Miami-Dade County. All expenses of such recordation shall be borne by the applicant, and

(iii) All necessary permits from the Florida Department of Transportation, Miami Dade Water and Sewer Department and any other agencies having jurisdiction for the proposed development, and

(iv) A copy of the license agreement with the Florida East Coast Railway for the proposed parking area and landscaped area to the west of the parcel; such license agreement to continue on an annual basis. The applicant shall provide a copy of the annual renewal to the City.

Section 2. Release of Resolutions Nos. 98-50 and 2000-25 is hereby granted.

Section 3. The City Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein provided and to indicate such approvals and conditions upon the records of the City.

Section 4. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 1st day of October, 2013.

Susan Gottlieb, Mayor

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

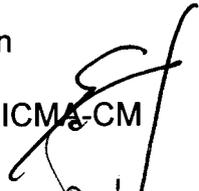
This Resolution was filed in the Office of the City Clerk this 1st day of October, 2013.

CITY CLERK

**CITY OF AVENTURA
COMMUNITY DEVELOPMENT DEPARTMENT**

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM
City Manager 

BY: Joanne Carr, AICP
Community Development Director 

DATE: September 19, 2013

SUBJECT: Request of Lubavitch Center Aventura South Inc. for (1) Variance to allow 46 parking spaces, where 87 parking spaces are required by Code for the permanent religious use facility; and (2) Modification to City of Aventura Resolution No. 2011-47 to extend the time for use of the temporary structure on site to December 26, 2014 and to delete Condition No. 8 of Section 2. Of the Resolution; and (3) Modification of the "Declaration of Restrictions Regarding Temporary Structure" dated July 25, 2011 to extend the time for use of the temporary structure to December 26, 2014; all for property located at the southeast corner of NE 185 Street and NE 28 Court, municipal address 18449 Biscayne Boulevard, City of Aventura (06-VAR-13)

October 1, 2013 City Commission Meeting Agenda Item 6B

RECOMMENDATION

It is recommended that the City Commission:

1. Approve the request for variance to allow 46 parking spaces for the permanent religious facility, where 87 parking spaces are required by Code, subject to the following conditions:

(i) Permits shall be obtained within twelve (12) months of the date of the Resolution or the approvals granted shall be deemed null and void unless extended by a motion of the City Commission.

(ii) Prior to issuance of a building permit, the applicant shall record this resolution in the Public Records of Miami-Dade County. All expenses of such recordation shall be borne by the applicant.

(iii) As proffered by the applicant, the reduced parking will be evaluated by the City Manager one year after commencement of operation of the facility. The City Manager will determine whether the reduced parking is creating a situation that warrants further parking being provided on site. If the City Manager determines that additional parking is required, the applicant agrees to install the required parking lifts in the garage. The applicant has proffered to install the electrical service needed to power the lifts during initial construction of the facility, in the event that the lifts are determined to be required after the one year evaluation. The City Manager's determination will be issued by written notice to the applicant.

(iv) The applicant shall record, at its expense, in the Public Records of Miami-Dade County, Florida, a Covenant agreeing to install the lifts if so required by written notice pursuant to Condition (iii) above.

2. Approve the request for modification to Resolution No. 2011-47 to extend the time for use of the temporary structure on site to December 26, 2014, and

3. Deny the request to delete Condition No. 8 of Section 2. of Resolution No. 2011-47, which bars requests for extension of the time period for the temporary use, but modify said condition in order to allow the temporary use extension described in (2) immediately above; and

4. Approve the request for modification to the "Declaration of Restrictions Regarding Temporary Structure" dated July 25, 2014, to extend the time for use of the temporary structure to December 26, 2014.

THE REQUEST

The applicant, Lubavitch Center Aventura South, Inc., is requesting variance approval for a reduced number of parking spaces for the permanent religious facility under construction on site. It is further requesting modification of Resolution No. 2011-47 to extend the time for use of the temporary structure on site to December 26, 2014 and modification to the "Declaration of Restrictions Regarding Temporary Structure", again to extend the time for use of the temporary structure. The applicant's letter of intent is attached as Exhibit #1 to this report.

BACKGROUND

OWNER OF PROPERTY Lubavitch Center Aventura South, Inc.

APPLICANT Lubavitch Center Aventura South, Inc.

ADDRESS OF PROPERTY southeast corner of NE 185 Street and NE 28 Court
18449 NE 28 Court, City of Aventura
(Exhibit #2 for Location Map)

LEGAL DESCRIPTION All of Tract F, Merco at Aventura, according to the plat thereof recorded in the Plat Book 166, Page 58 of the Public Records of Miami-Dade County, Florida

SIZE OF PROPERTY 1.682 acres

Zoning –

Subject Property: RMF4, Multifamily High Density Residential District
Properties to the North: RMF3, Multifamily Medium Density Residential District
Properties to the South: RMF4, Multifamily High Density Residential District
Properties to the East: U, Utilities District
Properties to the West: RMF4, Multifamily High Density Residential District

Existing Land Use –

Subject property: Temporary Religious Facility and Permanent Religious Facility under Construction
Properties to the North: Residential Condominium (Aventi)
Properties to the South: Residential Condominium (Admirals Port)
Properties to the East: FPL Substation
Properties to the West: Residential Townhomes

Future Land Use - According to the City of Aventura Comprehensive Plan, the following properties are designated as follows:

Subject property: Medium-High Density Residential
Property to the North: Medium-High Density Residential
Property to the South: Medium-High Density Residential
Property to the East: Medium-High Density Residential
Property to the West: Medium-High Density Residential

The Site - The site is a 1.682 acre parcel of land at the southeast corner of NE 185 Street and NE 28 Court. The parcel was subdivided as a separate tract in 2007 as part of the Merco at Aventura plat, subsequently known as Terzetto. The Terzetto townhome parcel lies to the west and the FPL substation lies to the east.

History of the Site – This site was part of the original Aventura Landings (Terzetto) development. The development approval in 2004 included construction by the developer of the extension of NE 185 Street (Miami Gardens Drive) from NE 27 Avenue to NE 28 Court. Three separate development types were approved; those being, a residential condominium tower on the northwest corner, a townhome development at the southwest corner and residential loft condominium at the southeast corner. The townhome development was completed. The residential condominium tower parcel is presently vacant.

The property subject of this application is the residential loft condominium parcel. The applicant requested and received conditional use approval to construct both a temporary religious use facility and a permanent religious use facility through

Resolution No. 2011-47 passed in July of 2011, a copy of which is attached as Exhibit #3. Administrative Site Plan Approval was issued on July 19, 2011 for the one-story, 3,500 square foot temporary structure. Administrative Site Plan Approval was issued on May 25, 2012 for a two-story, 50.5 foot high, 25,760 square foot synagogue with 348 seats in the main sanctuary and 87 parking spaces. The approved site plans for the temporary structure and for the permanent structure are attached as Exhibit #4 and Exhibit #5.

The Project – The development proposal is the synagogue in the southern portion of the site and a residential building in the northern portion. The synagogue is now under construction as the first phase, with the residential building to follow as Phase 2 under separate application and approval. The approved temporary structure has been erected and is in use.

The applicant is requesting variance approval to reduce the number of parking spaces on the approved plan for the permanent structure from 87 spaces to 46 spaces. All other site conditions will remain the same. The proposed revision to the approved site plan is attached as Exhibit #6. The applicant is further requesting extension of the approved time for use of the temporary structure while construction of the permanent structure is completed.

ANALYSIS

Consistency with Comprehensive Master Plan - The request is consistent with the City of Aventura Comprehensive Plan. The future land use designation of the parcel is Medium High Density Residential. A religious facility is permitted in this future land use category following conditional use approval.

Citizen Comments – As of the date of writing of this report, no written comments from citizens have been received.

Request #1: Variance from Section 31.171(b) of the City's Land Development Regulations to allow 46 parking spaces where a minimum of 87 parking spaces are required by Code.

The site plan approved in May of 2012 includes 87 parking spaces on site, with 4 parking spaces on grade and the remaining 83 spaces in a subgrade garage that has 42 spaces on the ground. Forty-one of those 42 spaces have parking lifts and therefore count as 2 spaces each.

The applicant wishes to eliminate the 41 parking lifts, which will reduce the overall parking space count from 87 to 46. Four spaces will remain on grade and the 42 ground spaces will remain in the parking garage. The request for variance is to allow this reduced number of parking spaces.

The applicant has proffered a condition that, if approved, the reduced parking be evaluated by the City after one year of operation of the synagogue. If the reduced

parking is found to cause a disturbance or nuisance to the community, the applicant will install parking lifts. The applicant has further proffered to install the electrical service needed to operate the lifts during the initial construction period, so that if it is determined in one year that additional parking is needed, the lifts can be installed without disruption to the building.

The applicant has further advised that it has arranged with other nearby properties to accommodate increased parking demand during holidays and events.

Criteria - The standards of review for variance requests are found in Section 31-76(e)(1) through (5) inclusive of the City's Land Development Regulations. The Code states that "*a variance shall be granted only where competent and substantial evidence presented in the particular case shows that all of the following [standards of review] are met...*"

The following is an analysis of Section 31-76(e) of the City Code as it relates to this request.

- (1) *The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the regulations were carried out literally.*

The applicant advises that the particular physical surroundings, shape, topographical condition or other physical or environmental condition of the specific property involved that would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the regulations were carried out literally.

- (2) *The conditions upon which the request for a variance is based are unique to the parcel and would not be generally applicable to other property within the vicinity.*

The conditions upon which the request for variance is based are unique to the parcel and would not be generally applicable to other property within the vicinity.

- (3) *The alleged difficulty or hardship is not economic and has not been deliberately created to establish a use or structure, which is not otherwise consistent with the LDR.*

The alleged difficulty or hardship is not economic and has not been deliberately created to establish a use or structure which is not otherwise consistent with the LDR.

- (4) *The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.*

The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity. The one year monitoring condition

proffered by the applicant will provide for evaluation of the reduced number of parking spaces and will provide that additional parking will be installed if determined to be needed.

- (5) *The proposed variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the vicinity.*

The proposed variance will not substantially increase traffic congestion or increase the danger of fire or endanger the public safety or substantially diminish or impair property values.

Request #2: Modification to Resolution No. 2011-47, Conditions Numbers 1 and 8.

The conditional use approvals granted in 2011 were subject to certain conditions. The following is a list of those conditions and their status:

1. That the temporary structure will be removed from the property within twenty-eight (28) months from the date of final approval of the conditional use application.

Status: The 28 month term expires on December 20, 2013. The applicant is requesting an extension of this term to December 26, 2014 to complete construction of the permanent facility. The applicant has submitted a construction schedule that shows final inspections expected in October, 2014, with temporary certificate of occupancy anticipated on October 27, 2014 and final certificate of occupancy on December 26, 2014. The temporary structure can begin to be removed following temporary certificate of occupancy.

2. The temporary structure will be in substantial compliance with the plans entitled "Lubavitch Aventura South" prepared by Schapiro Architects and Fortin Leavy Skiles, Inc. dated June 27, 2011.

Status: The temporary structure is in substantial compliance with those plans.

3. The owner will submit an application for site plan approval to the City for the permanent structures within two (2) months of final approval of the conditional use application.

Status: The application for site plan approval was received on October 12, 2011 which was within 2 months of the date of final approval of the conditional use application.

4. The owner will submit an application for building permit for the permanent facility within four (4) months of the date of final administrative site plan approval.

Status: The application for building permit for the permanent facility was submitted on March 14, 2012, which is seven (7) months after the date of final administrative site plan approval.

5. The owner will commence construction of the permanent synagogue structure within thirteen (13) months of the date of final conditional use approval.

Status: The construction of the permanent synagogue structure commenced on September 11, 2012, which is 13 months from the date of final conditional use approval.

6. The owner will post a Removal Bond or Letter of Credit with the City in the amount of \$28,500 to guarantee removal of the temporary structure within twenty-eight (28) months of the date of final approval of the conditional use application. If not removed within that time limit, the City may draw upon the bond and have the structure removed. The City shall be entitled to an administrative fee of \$5,000 for the removal process.

Status: The applicant submitted the Letter of Credit in the amount of \$28,500.00. This Letter of Credit currently expires on August 11, 2014.

7. Prior to issuance of a building permit for the temporary structure, the applicant shall record a Restrictive Covenant on title, containing all the conditions above, and shall provide the Removal Bond or Letter of Credit to the City, both in form approved by the City Manager and City Attorney.

Status: The Declaration of Restrictions Regarding Temporary Structure was recorded on August 1, 2011.

8. The owner will make no request for extension of the twenty-eight (28) month time limit for the temporary use.

Status: The owner is requesting deletion of this condition. Staff does not recommend deletion of this provision, but instead recommends that the condition be modified to read that the owner will make no request for extension for the removal of the temporary use past December 26, 2014.

Request #3: Modification to Declaration of Restrictions Regarding Temporary Structure.

The conditions of Resolution No. 2011-47 were embodied in the recorded "Declaration of Restrictions Regarding Temporary Structure" recorded in the Public Records of Miami-Dade County. The recorded Declaration is attached as Exhibit #7 to this report.

The applicant is requesting modification to this Declaration to coincide with the requests for modification to Resolution No. 2011-47. This will necessitate revision to Paragraph (1)(b) and to Paragraph (1)(e) of the Declaration to permit the temporary structure to remain in place until December 26, 2014.

COMMUNITY DEVELOPMENT
CITY OF AVENTURA

Stanley B. Price, Esq.
Tel 305-350-2374
Fax 305-351-2204
sprice@bilzin.com

SEP 23 2013

September 11, 2013

INITIAL _____

Joanne Carr, Community Development Director
City of Aventura
19200 W. Country Club Drive, 4th Floor
Aventura, Florida 33180

Re: *Lubavitch Center Aventura South, Inc.*
Folio No. 28-2203-082-0670
Property Located at 18449 N.E. 28 Court, Aventura, FL (the "Property")

Dear Ms. Carr:

APPLICATION FOR PARKING VARIANCE AND
MODIFICATION OF CONDITIONAL USE APPROVAL
LETTER OF INTENT

This firm represents Lubavitch Center Aventura South, Inc. as the owner of the Property. Please consider this our formal letter of intent in connection with an Application for a variance for reduced Parking. In conjunction with the variance, the Applicant is also requesting a modification of the Conditions of Use as it relates to Conditional Use Approval for a religious facility on the above Property.

A. The Property

The Property is located at the southeast corner of N.E. 185th Street and N.E. 28th Court and consists of approximately 1.682± acres. The Property was platted as a separately platted tract in 2007 through the Merco at Aventura plat recorded in Plat Book 166 at Page 58 of the Public Records of Miami-Dade County, Florida. The Property fronts on two municipal roads and is located immediately to the west of the Florida Power & Light substation. The Property currently contains a modular structure which functions as a temporary use religious facility on one portion of the Property while the permanent structure is being developed on the other.

B. Zoning and Land Use

The Property is zoned RMF-4, multi-family high density residential district. The property is designated as Medium High Density Residential on the City of Aventura Future Land Use Plan.

Exhibit #1
06-VAR-13

MIAMI 3851556.3 79445/37084

The RMF-4 districts permits as conditional uses all uses in the CF, community facilities zoning district. See section 31-143(f)(2a)(a). Section 31-147(A)(1)(d) details that "churches or synagogues and other houses of worship" are permitted uses in the CF district. Therefore, the use is a conditional use under the RMF-4 district and was approved through City Resolution 2011-47.

C. Proposed Development

Our client obtained approval for a two-phase development plan. The first phase, which included a temporary phase, was for approval to operate an orthodox religious facility in a modular structure. The modular structure has afforded our client the ability to serve the members of the Lubavitch Community during construction of the permanent facility. Therefore, the first phase included approval of a temporary modular structure while our client constructs the permanent facility on the remainder of the site.

D. Variance

Our client obtained City of Aventura, Administrative Site Plan Approval 01-SP-12. As noted in our original letter of intent accompanying the conditional use approval (described under Section E below), which is incorporated herein by reference, the use meets the requirements of conditional use approval and has been designed to minimize any potential adverse effects, including any visual and traffic impacts. The use meets the criteria set forth under Section 31-79(g) in that the use is consistent with the City's comprehensive plan, the use is consistent with the approved and accepted architectural and engineering design concepts of the city, and the use is consistent with the aesthetic character of the City as noted in our conditional use letter of intent. Since the approval, the plans have been modified as it relates to the parking on site.

The original approved site plan contained 87 parking spaces by utilizing electric automated parking lifts, and requiring a valet parking agreement. Our client has made arrangements with other nearby properties to utilize those properties for special events, such as the High Holy Holidays or other events that would require additional parking. Because a high percentage of the congregation walks to the synagogue, especially on the High Holy Days, the technical need for the parking generally required by code is alleviated. Therefore, our client is requesting a modification of the prior approvals to incorporate a variance to allow for 46 parking spaces where 87 is otherwise required. Our client understands that this request will be valid for one year with reduced parking, after which time, the City Manager will evaluate as to whether the reduced parking is creating a situation that warrants further parking being provided on site. In the event the parking is ultimately determined to be required by the City, the additional parking lifts will be installed. Our client understands that electric must be in place for the lifts so that if they need to be installed in the future, the site can be retrofitted to accommodate the parking lifts. In the event after the one year evaluation is conducted it is determined that additional parking will not be required, then the variance will become final.

MIAMI 3851556.3 79445/37084



Therefore, please consider this our request for a variance pursuant to City of Aventura Code Section 31-76. In support of the variance, the applicant notes that due to the fact it is a religious institution and its congregation generally walks to the facility, the need to provide the otherwise required standard number of parking is alleviated. Further, based on the Property being located on the intersection of two roads, and the required roadway improvements adjacent to the Property, on-street parking is not feasible on this particular lot. In order to ensure that the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity, the variance is being requested on a one-year basis in order to be monitored to determine whether the decreased parking impacts the community. In the event that after one year it is determined that the parking does not impact the community, the variance will become permanent. This is also to ensure that the variance will not substantially increase the congestion in the public streets or increase the danger of fire or endanger the public safety, or substantially diminish or impair property values within the vicinity.

E. Modification of Conditional Use Approval Request

Our client obtained conditional use approval through City of Aventura Resolution 2011-47 (the "Conditional Use Resolution") to allow for the religious facility on the Property, with temporary approval to allow the facility to locate in a modular structure until the permanent facility is constructed, and to allow the use on a permanent basis once the second phase of development is approved. The Conditional Use Resolution afforded 28 months within which the modular structure must be removed. However, due to the plans being modified related to parking and other delays sometimes inherent in a construction project, the permanent facility will not be complete prior to the expiration of the 28 month period. Therefore, we respectfully request the following modifications to the Conditional Use Resolution. Please consider this our request to modify Resolution 2011-47, Section 2, paragraphs 1 and 7, and to delete Section 2, Condition 8. The proposed modifications to paragraphs 1 and 7 are as follows:

- FROM:** 1. The temporary structure will be removed from the property within twenty-eight (28) months from the date of final approval of the conditional use application.
- TO:** 1. The temporary structure will be removed from the property by December 26, 2014.
- FROM:** 7. The owner will post a Removal Bond or Letter of Credit with the City, in the amount of \$28,500 to guarantee removal of the temporary structure within 28 months of the date of final approval of the conditional use application, or, immediately upon revocation of the temporary use approval by the City for non-compliance with the time frames listed in subsections (c), (d) and (e) above. If not removed from that time limit, the City may draw upon the bond and have the structure removed. The City



shall be entitled to an administrative fee of \$5,000 for the removal process.

TO: 7. The owner will post a Removal Bond or Letter of Credit with the City, in the amount of \$28,500 to guarantee removal of the temporary structure by December 26, 2014, or, immediately upon revocation of the temporary use approval by the City for non-compliance with the time frames listed in subsections (c), (d) and (e) above. If not removed from that time limit, the City may draw upon the bond and have the structure removed. The City shall be entitled to an administrative fee of \$5,000 for the removal process.

F. Recorded Instruments

As part of the previous approvals, our client submitted a Declaration of Restrictions Regarding Temporary Structure. Please consider this our formal request for approval of modification of the declaration to coincide with this request.

G. Summary

The proposed modification to the conditional use approval, along with the parking variance is consistent with the City's zoning and comprehensive plan designations. Further, the site plan has been designed in a manner compatible with the surrounding community. As detailed above, the development will not negatively impact the surrounding area and extending the use of the temporary structure, based on the existing installed landscaping and maintenance of the structure, will have minimal, if any, impact on the remaining properties.

Our client is proceeding diligently with proceeding with construction of the permanent facility, and has expended in excess of \$3 million toward the development of the project.

Based on the foregoing, we respectfully request the City grant our client's request for a modification of the conditional use approval along with a parking variance.

Thank you for your review of the foregoing. Should you have any questions or wish to discuss the above, please do not hesitate to contact me at 305-350-2351.

Sincerely,



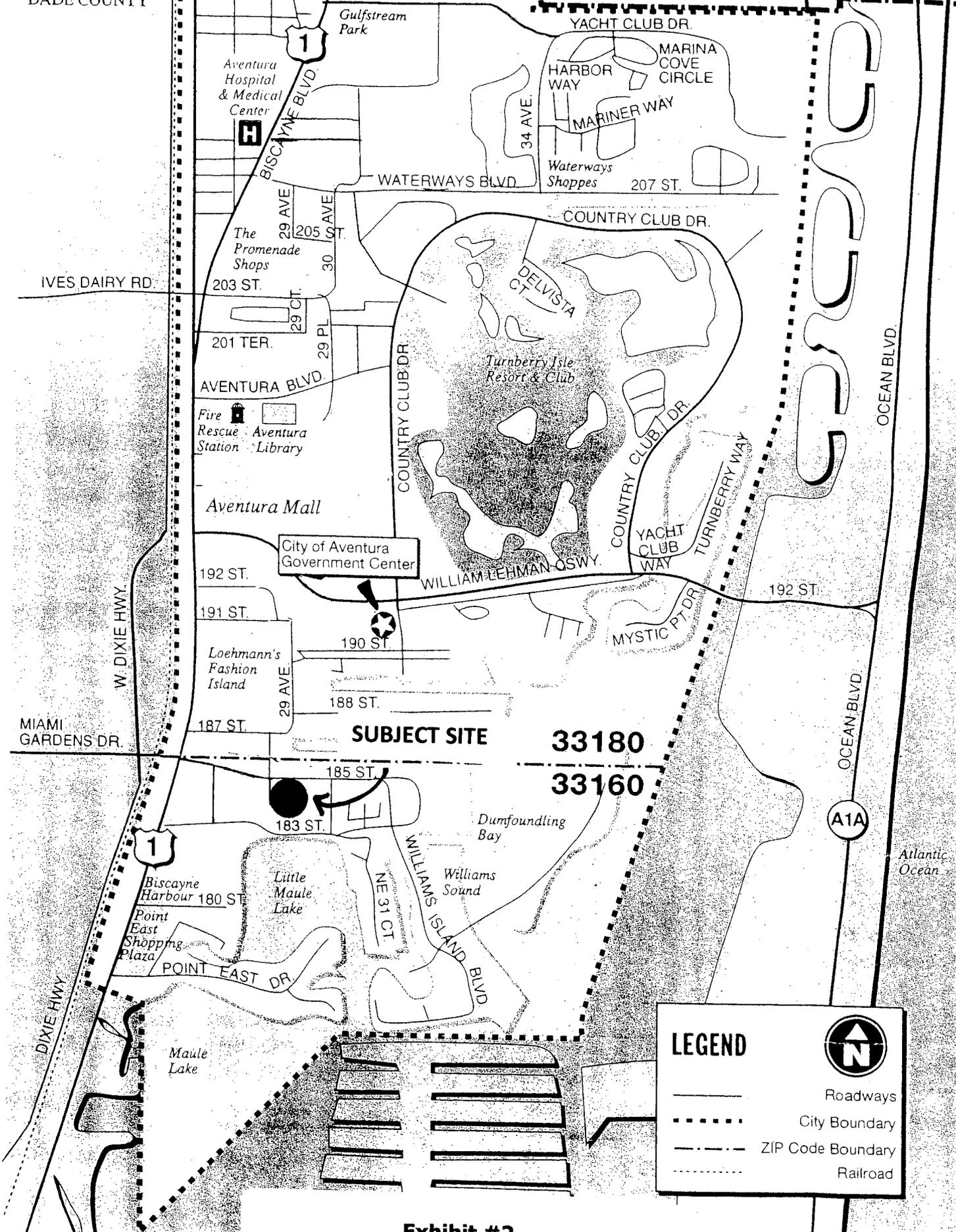
Stanley B. Price

SBP/BSA/mp
Attachments

MIAMI 3851556.3 79445/37084



BROWARD COUNTY
DADE COUNTY



LEGEND

- Roadways
- City Boundary
- ZIP Code Boundary
- Railroad

**Exhibit #2
06-VAR-13**

RESOLUTION NO. 2011-47

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING CONDITIONAL USE APPROVAL TO PERMIT A SYNAGOGUE ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NE 185 STREET AND NE 28 COURT, CITY OF AVENTURA AND LEGALLY DESCRIBED AS TRACT "F", MERCO AT AVENTURA, PLAT BOOK 166, PAGE 58, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned RMF4, Multifamily High Density Residential District; and

WHEREAS, the applicant, Lubavitch Center Aventura South Inc., through Application No. 03-CU-11 is requesting conditional use approval to permit the establishment of a synagogue on its property located at the southeast corner of NE 185 Street and NE 28 Court, City of Aventura in the Multifamily High Density Residential (RMF4) District; and

WHEREAS, following proper notice, the City Commission has held a public hearing as provided by law; and

WHEREAS, the City Commission finds that the Application meets the criteria of the applicable codes and ordinances, to the extent the Application is granted herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. Application for Conditional Use to permit the establishment of a synagogue in the RMF4, Multifamily High Density Residential District, is hereby granted to the Applicant, on property legally described as Tract F of Merco at Aventura,

**Exhibit #3
06-VAR-13**

according to the plat thereof recorded in Plat Book 166, Page 58 of the Public Records of Miami-Dade County, City of Aventura, Florida.

Section 2. Approval of the use of a temporary modular structure for twenty-eight months from the date of final approval of the conditional use application to house the synagogue while construction of the permanent structure is underway, is hereby granted, subject to the following conditions:

1. The temporary structure will be removed from the property within twenty-eight (28) months from the date of final approval of the conditional use application;
2. The temporary structure will be constructed in substantial compliance with the plans entitled "Lubavitch Aventura South" prepared by Schapiro Architects and Fortin Leavy Skiles Inc. dated June 27, 2011;
3. The owner will submit an application for site plan approval to the City for the permanent structures within two (2) months of final approval of the conditional use application;
4. The owner will submit an application for building permit for the permanent facility within four (4) months of the date of final administrative site plan approval;
5. The owner will commence construction of the permanent synagogue structure within thirteen (13) months of the date of final conditional use approval;
6. The temporary use approval will be revoked by the City for non-compliance with any of the time frames for submission of the site plan application, for submission of the building permit application and/or for commencement of construction;
7. The owner will post a Removal Bond or Letter of Credit with the City, in the amount of \$28,500 to guarantee removal of the temporary structure within 28 months of the date of final approval of the conditional use application, or, immediately upon revocation of the temporary use approval by the City for non-compliance with the time frames listed in subsections (3), (4) and (5) above. If not removed within that time limit, the City may draw upon the bond and have the structure removed. The City shall be entitled to an administrative fee of \$5,000 for the removal process;

8. The owner will make no request for extension of the twenty-eight (28) month time limit for the temporary use;
9. The owner will contract with the Aventura Police Department, at its expense, for pedestrian and vehicular control during the high holy days. The dates and times for use of the Aventura Police Department for this purpose shall be provided to the City Manager;
10. Prior to issuance of a building permit for the temporary structure, the applicant shall record a Restrictive Covenant on title, containing all the conditions above, and shall provide the Removal Bond or Letter of Credit to the City, both in form approved by the City Manager and City Attorney.

Section 3. Any discontinuation of the approved conditional use for a period of one hundred and eighty (180) consecutive days shall constitute abandonment and shall rescind this approval.

Section 4. The City Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein provided and to indicate such approvals and conditions upon the records of the City.

Section 5. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner Diamond, who moved its adoption. The motion was seconded by Commissioner Weinberg, and upon being put to a vote, the vote was as follows:

Commissioner Bob Diamond	yes
Commissioner Teri Holzberg	yes
Commissioner Billy Joel	yes
Commissioner Michael Stern	yes
Commissioner Luz Urbaez Weinberg	yes
Vice Mayor Zev Auerbach	yes
Mayor Susan Gottlieb	yes

PASSED AND ADOPTED this 12th day of July, 2011.



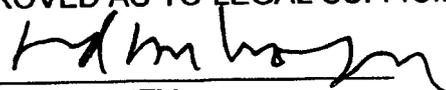
SUSAN GOTTLIEB, Mayor

ATTEST:



TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this 21 day of July, 2011



CITY CLERK

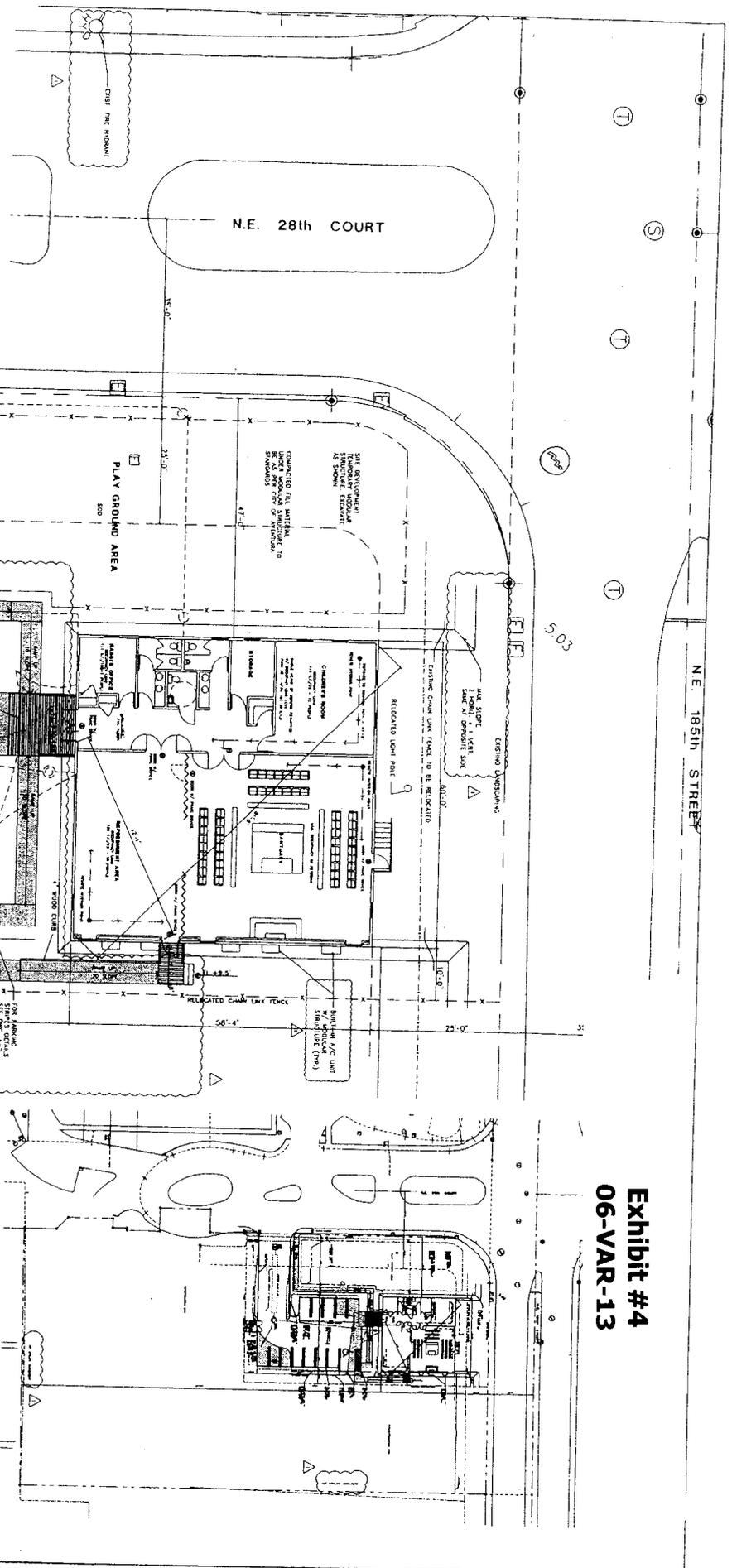
Exhibit #4
06-VAR-13

SCHWAB ASSOCIATES
INC. 00153

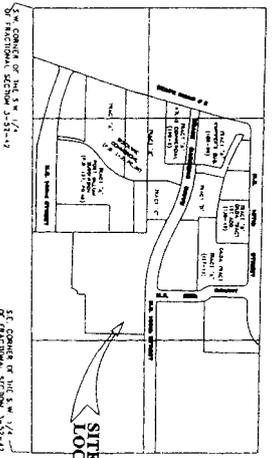
CONTRACT NO. 06-00153
DATE: 06/20/11
PROJECT: 06-VAR-13
SHEET NO. 13 OF 15

LUBAVITCH AVENTURA SOUTH

SOUTHEAST CORNER OF N.E. 185th ST. & N.E. 28th CT.
AVENTURA, FLOR.



GENERAL SITE PLAN



LOCATION MAP

3/4" = 1' OF RACIOMAL SECTION 3, TOWNSHIP 33 SOUTH, RANGE 42 EAST

LEGAL DESCRIPTION:
TRACTS T. 33 SOUTH, R. 42 EAST, PLATS BOOK 165, PAGE 58 OF PLAT-CODE COUNTY FLORIDA.

ZONING DATA:
ZONING DISTRICT: RMF - MULTIFAMILY HIGH DENSITY RESIDENTIAL
LOT AREA: 11,250 SQ. FT.
BUILDING AREA: 4,350 SQ. FT.
F.A.R. 1 STORY D.C. - PROVIDED = 0.048
EASEMENTS AS SHOWN ON SURVEY

HEIGHT:
MAX. HEIGHT FOR HIGH RISE = 250' - - PROVIDED = 18.75'

PARKING REQUIRED: - FOR 50 PERSONS = 12.5 SPACES

PARKING PROVIDED: - 13 SPACES

SETBACKS:

FRONT	REQUIRED	PROPOSED
REAR	25'	23'-11"
SIDE	20'	93'-5"
SIDE STREET	20'	47'

NOTES:
1- ADJUTING PLAN FOR PARKING TO BE SUBMITTED FOR REVISION TO THE CITY OF AVENTURA
2- CODE OF ORDINANCES, PARAGRAPHS AND WATER MAINS SHALL BE ADDRESSED AT TIME OF BUILDING PERMIT SUBMITTAL
3- RETENTION RESULTING FROM THE PROPOSED PLAN SHALL BE RETAINED ON SITE

SITE PLAN

JUN 20 2011

SP-13
SITE PLAN

LEGAL DESCRIPTION:
TRACIS "F" SUBDIVISION MERCO AT AVENTURA, PLAT BOOK 186, PAGE 58 OF MIAMI-DADE COUNTY FLORIDA

PROJECT DATA:
PROPOSED NAME: LUBAVITCH AVENTURA SOUTH
LOCATION: AVENTURA, FLORIDA
ARCHITECT: SCHAPIRO ASSOCIATES

ZONING DATA:
ZONING DISTRICT: RUP4 MULTIFAMILY HIGH DENSITY RESIDENTIAL
LOT AREA: 3,350 S.F.
EASEMENTS AS SHOWN ON SURVEY

HEIGHT:
MAX HEIGHT FOR HIGH RISE = 206'-10" PROVIDED = 13 STORIES
MAXIMUM FLOOR AREA RATIO (F.A.R.) ALLOWED RECORDED
MAXIMUM FLOOR AREA RATIO (F.A.R.) GRANDFATHERED 213,967 S.F. = 175,350 S.F.

MAXIMUM NUMBER OF UNITS: GRANDFATHERED 138 RECORDED 138
MAXIMUM LOT COVERAGE: (29,300 S.F.) = 40% RECORDED 33.3%
MINIMUM OPEN SPACE: 40% RECORDED 40%

SETPACKS:
FRONT 25' PROPOSED 25' FUTURE RESIDENTIAL BUILDING
REAR 25' PROPOSED 25'
SIDE 25' PROPOSED 25'
SIDE STREET 25' PROPOSED 25'

APARTMENT AREAS
EFFICIENCY 800 S.F.
ONE BEDROOM UNIT 900 S.F.
TWO BEDROOM UNIT 1,050 S.F.

PARKING REQUIREMENTS FOR FUTURE RESIDENTIAL BUILDING:
FOR A/F 0.5 PARKING SPACE PER BED = 156 BEDS X 0.5 = 78 SPACES
ONE SPACE FOR EMPLOYEE = 20 EMPLOYEES = 20 SPACES
TOTAL REQUIRED = 98 SPACES

PARKING REQUIREMENTS FOR SYMAGOGUE:
PARKING REQUIRED: SANCTUARY - ONE PER 4 SEATS = 348 SEATS / 4 = 87 SPACES
SOCIAL & SUPPORTING AREA TOTAL REQUIRED = 82 SPACES
TOTAL REQUIRED = 169 SPACES

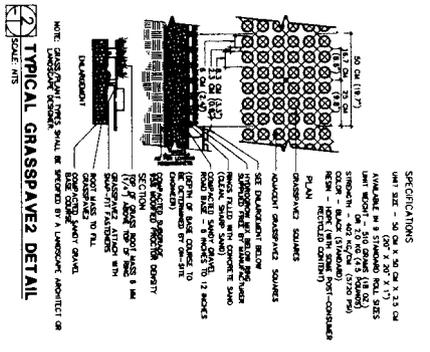
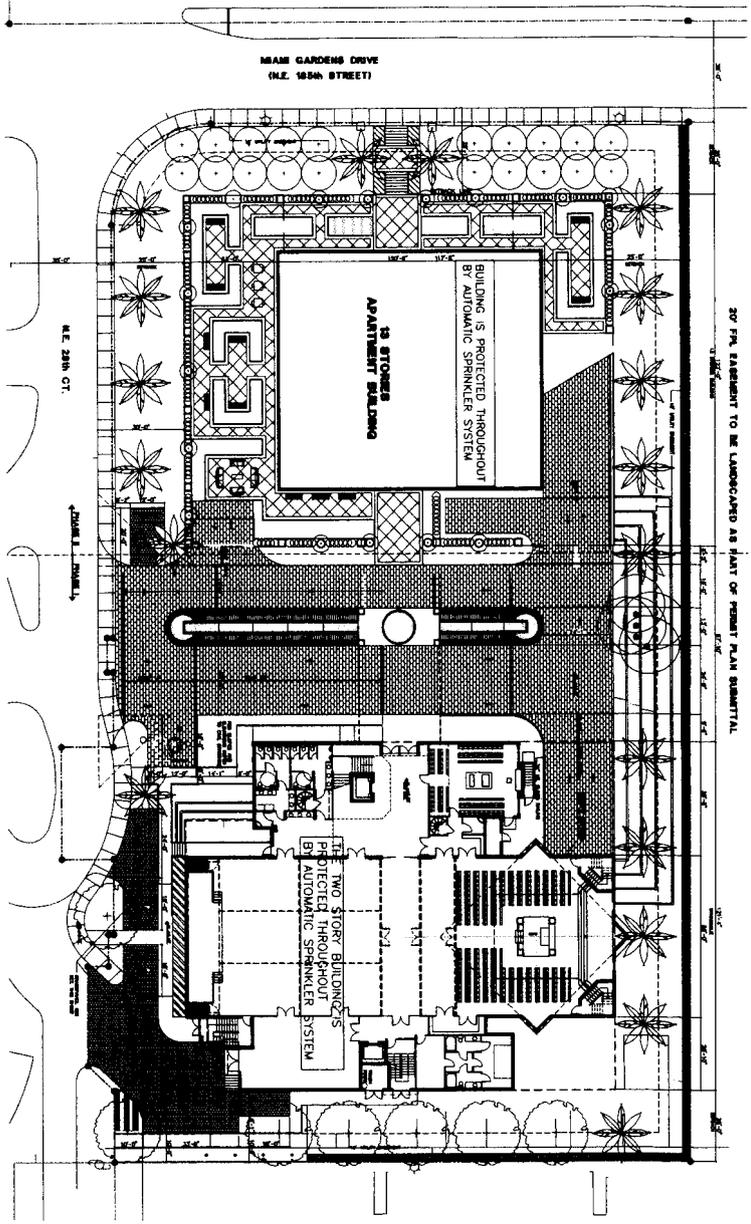
PARKING PROVIDED: 42 CARS (NO CAR LIFTS) + 4 ON SITE = 46
PROPOSED 42 CARS (NO CAR LIFTS) + 4 ON SITE = 46
RECORDED 42 CARS (NO CAR LIFTS) + 4 ON SITE = 46
MINIMUM FINISH FLOOR ELEVATION.

18' ABOVE HIGHEST GROUND OF ADJACENT ROAD OR 12' ABOVE BASE FLOOD ELEVATION.
ALL ELECTRICAL EQUIPMENT TO BE ABOVE FLOOD CRITERIA.

F.A.R. AREAS:
SUBTERRANEAN SYMAGOGUE PARKING 0 S.F.
SECOND GENERAL FACILITIES AND RAMP 9,790 S.F.
SECOND, THIRD AND FOURTH PARKING DECK 0 S.F.
FIFTH FLOOR - 12 UNITS + RECREATIONAL & POOL 15,000 S.F.
SIXTH TO 12TH FLOOR 15,800 S.F. (7 = 109,200 S.F.
(16 UNITS PER FL. - 4 TWO BEDROOM, 8 ONE BEDROOM & 4 EFFICIENCIES)
PENTHOUSE - 12 TWO BEDROOM UNITS 15,800 S.F.
TOTAL A L F F.A.R. 149,590 S.F.

SYMAGOGUE:
GROUND FLOOR 14,119 S.F.
FIRST FLOOR 2,121 S.F.
SECOND FLOOR 9,520 S.F.
TOTAL SYMAGOGUE F.A.R. 25,760 S.F.
TOTAL F.A.R. 175,350 S.F.

BUILDING IS PROTECTED THROUGHOUT BY AUTOMATIC SPRINKLER SYSTEM



SITE PLAN
SCALE: 1" = 20'-0"

NOTES: THIS CONCEPTUAL SITE PLAN SHOWS AN A L F FACILITY THAT MIGHT CHANGE IF A MULTIFAMILY RESIDENTIAL BUILDING IS PROPOSED. ADJUSTMENTS ARE GOING TO BE DONE ON THE DENSITY AND PARKING.
NO RESIDENT, GUEST, PATRON OR CUSTOMER OF THE BUILDING SHALL BE ALLOWED TO ENTER THE PARKING AREA TO PROHIBIT ACCESS TO THE PARKING LIFT AREA BY RESIDENT, GUEST, PATRON OR CUSTOMER OF THE BUILDING.
BASED UPON LOCATION AND CONSTRUCTION DESIGN, IT IS RECOMMENDED THAT THE CONTRACTOR INCLUDE A ONE INCH CONDUIT THAT IS ACCESSIBLE ON EACH LEVEL OF THE BUILDING FROM THE GROUND LEVEL TO ANY ROOF TOP STRUCTURE. THE CONDUIT SHALL BE INSTALLED IN THE PARKING AREA TO THE BUILDING. INSIDE OF THE BUILDING IS REQUIRED AFTER THE BUILDING COMPLETION. IN ADDITION TO THE CONDUIT PIPING, THE ROOF TOP STRUCTURE SHOULD HAVE ACCESSIBILITY TO 110V AC POWER. THIS POWER SOURCE SHOULD BE INCORPORATED INTO BUILDING EMERGENCY BACK UP POWER SYSTEM.

SITE PLAN
LUBAVITCH AVENTURA SOUTH
1840 N.E. 28TH CT.
AVENTURA, FLORIDA 33160

SCHAPIRO ASSOCIATES
ARCHITECTS
1840 N.E. 28TH CT.
AVENTURA, FLORIDA 33160
TEL: 305-443-1212
FAX: 305-443-1213
WWW.SCHAPIROASSOCIATES.COM

SITE PLAN
DATE: 11-13-13
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SCALE: 1" = 20'-0"
A-1



CFN 2011R0507139
DR Bk 27775 Pgs 0468 - 4731 (6pgs)
RECORDED 08/01/2011 10:36:33
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:
Brian S. Adler, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
1450 Brickell Avenue, Suite 2300
Miami, Florida 33131

(Reserved for Clerk)

**DECLARATION OF RESTRICTIONS
REGARDING TEMPORARY STRUCTURE**

THIS DECLARATION OF RESTRICTIONS REGARDING TEMPORARY STRUCTURE ("Declaration") is made this 25 day of July, 2011, by Lubavitch Center Aventura South, Inc., a Florida non-for-profit corporation ("Owner").

WHEREAS, Owner holds the fee simple title to the land in the City of Aventura, Florida ("City") described in attached Exhibit "A", and hereinafter called the ("Property").

IN ORDER TO ASSURE the City that the representations made by the Owner during consideration of Application No. 03-CU-11 ("Application") will be abided by the Owner freely, voluntarily and without duress, Owner submits this Declaration covering and running with the Property:

(1) **Specific Restriction Related to Temporary Structure.**

- (a) As part of the Application, Owner is requesting temporary approval to occupy a modular structure ("Temporary Structure") on the Property for religious purposes while Owner proceeds with approval and construction of the permanent facilities.
- (b) In consideration of the approval allowing the use of the temporary structure, the Owner covenants and agrees that the Temporary Structure shall be removed from the Property within 28 months from the date of final approval of the Application.
- (c) The Temporary Structure shall be in substantial compliance with the plans entitled "Lubavitch Aventura South Site Plan for Proposed Modular Building" prepared by Schapiro Associates, consisting of 4 sheets, dated June 27, 2011, and plans entitled "Lubavitch Aventura South" prepared by Fortin, Leavy, Skiles, Inc. consisting of 2 sheets dated June 27, 2011.
- (d) Owner shall submit an application to the City for administrative site plan approval within two (2) months of final City Commission approval of the Application, and shall submit an application for building permit for the permanent religious facility within four (4) months from final administrative site plan approval. Owner shall commence construction of the permanent religious facility within thirteen (13) months of the date of final conditional use approval.
- (e) In order to assure the City that the Temporary Structure will be removed from the Property within 28 months from final approval, Owner will post a removal bond or a letter of

credit (collectively or singularly referred to as "Removal Bond") to the City in the amount of \$28,500.00 to guarantee removal of the Temporary Structure and as provided in the conditions of approval included within the City Resolution No. 2011-47 which approved the Application. The Owner shall be entitled to 15 days written notice from the City that the expiration of the 28 month period has expired or that Owner is in non-compliance with the conditions of Resolution No. 2011-47, which approves the Application, and of the City's intent to remove the Temporary Structure. Owner will not apply for an extension of the 28 month time limit. In the event the Temporary Structure is not removed within the 15 days, the City shall be entitled to draw on the Removal Bond to cover the costs of relocating and removing the Temporary Structure. Additionally, aside from the cost of the removal and relocation of the Temporary Structure, the City shall be entitled to an administrative fee of \$5,000.00 for the removal process. The Removal Bond shall be required to be in place prior to the issuance of a building permit for the placement of the Temporary Structure on the Property.

- (f) Owner will contract with the City of Aventura Police Department, at Owner's expense, for pedestrian and vehicular control during the "High Holy Days". The time and dates for the provision of services by the Aventura Police Department shall be provided to the City Manager.
- (g) Notwithstanding the provisions of subsection (1)(e) above, the Temporary Structure shall be removed immediately upon written notice by the City Manager if it is found by the City Manager to be a nuisance, to endanger the public health or, to violate any condition of approval of the Application, and the Removal Bond shall be drawn upon for said purpose.
- (2) **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the benefit of the City and the public welfare.
- (3) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under them for a period of time which commences upon the final adoption of Resolution No. 2011-47 approving the Temporary Structure and terminates upon the removal of the Temporary Structure from the Property in accordance with this Declaration and said Resolution, unless this Declaration is modified or amended in accordance with paragraph 4. Notwithstanding the foregoing, in the event the Temporary Structure is removed from the Property, this Declaration shall be released at Owner's request by a Release of Declaration of Restrictions Regarding Temporary Structure, signed by the City Manager and recorded in the Public Records, and the above Removal Bond shall be released by the City and returned to the Owner.

- (4) **Modification, Amendment, Release.** This Declaration may be modified or amended as to the land herein described, or any portion thereof, by a written instrument executed by the then Owner or Owners of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved in writing by the City Commission after public hearing. For purposes of modification or amendment of this Declaration, if a condominium or other homeowners' or property owners' association ("**Association**") is (are) created for portions of the Property, the Association may execute the modification or amendment on behalf of the then Owners of the portion of the Property encompassed by the Association so long as the Association demonstrates that it has obtained the requisite vote required under the Association bylaws or other governing documents to execute such amendment or modification.

Should this Declaration be so modified or amended, the City Manager or his designee, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment.

- (5) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants herein. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.
- (6) **Authorization for City to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the City is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.
- (7) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- (8) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the City, and inspections made and approval of occupancy given by the City, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- (9) **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect.

- (10) **Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the adoption of a final resolution of the City Commission of the City of Aventura approving the Application.
- (11) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

EXHIBIT "A"

DESCRIPTION OF PROPERTY

Tract F of Merco at Aventura, according to the plat thereof, as recorded in Plat Book 166, Page 58, in the Public Records of Miami-Dade County, Florida.



APPLICANT REPRESENTATIVE AFFIDAVIT

Pursuant to Section 31-71(b)(2)(i) of the City of Aventura Land Development Code, this Applicant Representative Affidavit is hereby made and submitted. The undersigned authorized representative of the individual or entity applying for the Development Permit, which is identified in the accompanying application, and the owner of the property subject to the application (if different) hereby lists and identifies all persons representing the individual or entity applying for the Development Permit in connection with the application, as follows:

<u>Name</u>	<u>Relationship (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)</u>
<u>Stanley B. Price, Esq.</u>	<u>Attorney</u>
<u>Brian S. Adler, Esq.</u>	<u>Attorney</u>
<u>Rabbi Menachem Rosenfeld</u>	<u>Owner Representative, President</u>
<u>Morris Kaplan</u>	<u>Consultant</u>
<u>Jaime Schapiro</u>	<u>Architect</u>
<u>Michael A. Vazquez, P.E</u>	<u>Civil Engineer</u>
<u>Daniel Fortin, Jr.</u>	<u>Surveyor</u>

(Attach Additional Sheets If Necessary)

NOTICE: ANY STATEMENT OR REPRESENTATION MADE BY ANY PERSON LISTED ON THE APPLICANT REPRESENTATIVE AFFIDAVIT SHALL BE BINDING UPON THE INDIVIDUAL OR ENTITY APPLYING FOR THE DEVELOPMENT PERMIT AND THE OWNER OF THE SUBJECT PROPERTY. APPLICANTS AND AFFIANTS ARE ADVISED TO TIMELY SUPPLEMENT THIS AFFIDAVIT PURSUANT TO SEC. 31-71(B)(2)(IV) OF THE CITY'S LAND DEVELOPMENT REGULATIONS IN THE CITY CODE, IN THE EVENT THAT PRIOR TO CONSIDERATION OF THE APPLICATION BY THE CITY BOARD OR COMMISSION, THE INFORMATION PROVIDED IN THE AFFIDAVIT BECOMES INCORRECT OR INCOMPLETE.

WITNESS MY HAND THIS 26 DAY OF August, 2013.

OWNER

By: [Signature]

Rabbi Menachem Rosenfeld

Title: President

Address: 2941 N.E. 185 Street, #1301 (18460 NE 30th Ct)
Aventura, FL 33100 - 33160

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared **Rabbi Menachem Rosenfeld** as the owner, authorized representative and President of the Applicant of the property subject to the application, who being first by me duly sworn, did swear or affirm that they executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME this 26 day of August, 2013.

Jennifer Zuniga
Notary Public State of Florida At Large
Printed Name of Notary Jennifer Zuniga

My commission expires: Nov. 8, 2016





BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
 _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 18th DAY OF July, 2013.

APPLICANT REPRESENTATIVE:

By: [Signature] (Signature)
 Name: Stanley B. Price (Print)
 Title: Attorney (Print)

By: [Signature] (Signature)
 Name: Brian S. Adler (Print)
 Title: Attorney (Print)

By: _____ (Signature)
 Name: Jaime Schapiro (Print)
 Title: Architect (Print)

By: _____ (Signature)
 Name: Morris Kaplan (Print)
 Title: Consultant (Print)

By: _____ (Signature)
 Name: Daniel Fortin, Jr. (Print)
 Title: _____ (Print)

By: _____ (Signature)
 Name: Michael Vazquez (Print)
 Title: Engineer (Print)

WITNESS MY HAND THIS ____ DAY OF _____, 2013.

PROPERTY OWNER:

By: _____ (Signature)
 Name: Rabbi Menachem Rosenfeld (Print)
 Title: Owner Representative, President (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

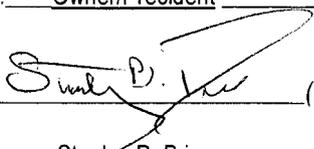
WITNESS MY HAND THIS _____ DAY OF _____, 2013

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: _____ (Signature)

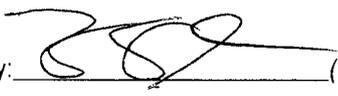
Name: Rabbi Menachem Rosenfeld (Print)

Title: Owner/President (Print)

By:  (Signature)

Name: Stanley B. Price (Print)

Title: Attorney (Print)

By:  (Signature)

Name: Brian S. Adler (Print)

Title: Attorney (Print)

By: _____ (Signature)

Name: Daniel Fortin, Jr. (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: Morris Kaplan (Print)

Title: Consultant (Print)

By: _____ (Signature)

Name: Jaime Schapiro (Print)

Title: Architect (Print)

By: _____ (Signature)

Name: Michael Vazquez (Print)

Title: Engineer (Print)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared **Rabbi Menachem Rosenfeld**, the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2013.

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared **Stanley B. Price**, the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

Stanley B. Price

SWORN TO AND SUBSCRIBED before me this 18 day of July, 2013.



Mercedes Padron

Notary Public State of Florida At Large
Mercedes Padron

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared **Brian S. Adler**, Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

Brian S. Adler

AFFIANT

SWORN TO AND SUBSCRIBED before me this 18 day of July, 2013.



Mercedes Padron

Notary Public State of Florida At Large
Mercedes Padron

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared **Morris Kaplan**, the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2013.

Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.

2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
_____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 18th DAY OF July, 2013.

APPLICANT REPRESENTATIVE:

By: [Signature] (Signature)
 Name: Stanley B. Price (Print)
 Title: Attorney (Print)

By: [Signature] (Signature)
 Name: Brian S. Adler (Print)
 Title: Attorney (Print)

By: _____ (Signature)
 Name: Jaime Schapiro (Print)
 Title: Architect (Print)

By: _____ (Signature)
 Name: Morris Kaplan (Print)
 Title: Consultant (Print)

By: _____ (Signature)
 Name: Daniel Fortin, Jr. (Print)
 Title: _____ (Print)

By: _____ (Signature)
 Name: Michael Vazquez (Print)
 Title: Engineer (Print)

WITNESS MY HAND THIS 26 DAY OF August, 2013.

PROPERTY OWNER:

By: [Signature] (Signature)
 Name: Rabbi Menachem Rosenfeld (Print)
 Title: Owner Representative, President (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS _____ DAY OF _____, 2013

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)
Name: Rabbi Menachem Rosenfeld (Print)
Title: Owner/President (Print)

By: _____ (Signature)
Name: Morris Kaplan (Print)
Title: Consultant (Print)

By: [Signature] (Signature)
Name: Stanley B. Price (Print)
Title: Attorney (Print)

By: _____ (Signature)
Name: Jaime Schapiro (Print)
Title: Architect (Print)

By: [Signature] (Signature)
Name: Brian S. Adler (Print)
Title: Attorney (Print)

By: _____ (Signature)
Name: Michael Vazquez (Print)
Title: Engineer (Print)

By: _____ (Signature)
Name: Daniel Fortin, Jr. (Print)
Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)
Title: _____ (Print)
Title: _____ (Print)

By: _____ (Signature)
Title: _____ (Print)
Title: _____ (Print)

By: _____ (Signature)
Title: _____ (Print)
Title: _____ (Print)

By: _____ (Signature)
Title: _____ (Print)
Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Rabbi Menachem Rosenfeld, the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 26 day of August, 2013.



Jennifer Zuniga
Notary Public State of Florida At Large
Jennifer Zuniga
Printed Name of Notary
My commission expires: NOV. 8, 2016

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Stanley B. Price, the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]

SWORN TO AND SUBSCRIBED before me this 18 day of July, 2013.



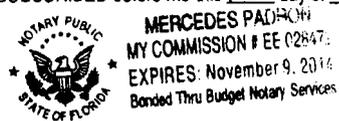
[Signature]
Notary Public State of Florida At Large
Mercedes Padron
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Brian S. Adler, Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 18 day of July, 2013.



[Signature]
Notary Public State of Florida At Large
Mercedes Padron
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Morris Kaplan, the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 2013.

Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

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- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
 _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

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- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 18th DAY OF July, 2013.

APPLICANT REPRESENTATIVE:

By: [Signature] (Signature)
 Name: Stanley B. Price (Print)
 Title: Attorney (Print)

By: [Signature] (Signature)
 Name: Brian S. Adler (Print)
 Title: Attorney (Print)

By: _____ (Signature)
 Name: Jaime Schapiro (Print)
 Title: Architect (Print)

By: _____ (Signature)
 Name: Morris Kaplan (Print)
 Title: Consultant (Print)

By: [Signature] (Signature)
 Name: Daniel Fortin, Jr. (Print)
 Title: VICE PRESIDENT (Print)

By: [Signature] (Signature)
 Name: Michael Vazquez (Print)
 Title: Engineer, VICE PRES. (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 2013.

PROPERTY OWNER:

By: _____ (Signature)
 Name: Rabbi Menachem Rosenfeld (Print)
 Title: Owner Representative, President (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS _____ DAY OF _____, 2013

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: _____ (Signature)

Name: Rabbi Menachem Rosenfeld (Print)

Title: Owner/President (Print)

By: [Signature] (Signature)

Name: Stanley B. Price (Print)

Title: Attorney (Print)

By: [Signature] (Signature)

Name: Brian S. Adler (Print)

Title: Attorney (Print)

By: [Signature] (Signature)

Name: Daniel Fortin, Jr. (Print)

Title: Vice Pres. (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: Morris Kaplan (Print)

Title: Consultant (Print)

By: _____ (Signature)

Name: Jaime Schapiro (Print)

Title: Architect (Print)

By: [Signature] (Signature)

Name: Michael Vazquez (Print)

Title: Engineer (Print)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Jaime Schapiro, the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2013.

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Michael Vazquez, the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

Michael Vazquez

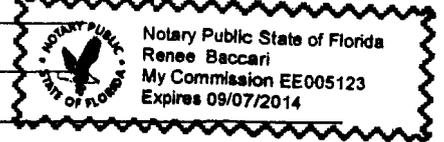
AFFIANT

SWORN TO AND SUBSCRIBED before me this 18 day of July, 2013.

Renee Baccari

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____



STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Daniel Fortin, Jr., the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

Daniel Fortin, Jr.

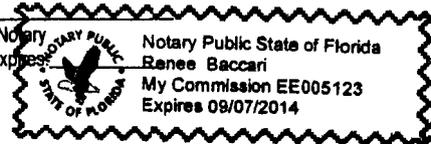
AFFIANT

SWORN TO AND SUBSCRIBED before me this 18 day of July, 2013.

Renee Baccari

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____



NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Rabbi Menachem Rosenfeld, the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2013.

Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Stanley B. Price, the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED before me this 18 day of July, 2013.



MERCEDES PADRON
MY COMMISSION # EE 028472
EXPIRES: November 9, 2014
Bonded Thru Budget Notary Services

Notary Public State of Florida At Large

Mercedes Padron
Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Brian S. Adler, Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED before me this 18 day of July, 2013.



MERCEDES PADRON
MY COMMISSION # EE 028472
EXPIRES: November 9, 2014
Bonded Thru Budget Notary Services

AFFIANT

Notary Public State of Florida At Large

Mercedes Padron
Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Morris Kaplan, the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED before me this 29 day of August, 2013.

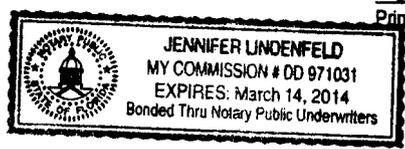
AFFIANT

Notary Public State of Florida At Large

JENNIFER LINDENFELD
Notary Public State of Florida At Large

Printed Name of Notary

My commission expires: 3/14/14



MIAMI 3772351.1 79445/37084

WITNESS MY HAND THIS _____ DAY OF _____, 2013

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: _____ (Signature)

Name: Rabbi Menachem Rosenfeld (Print)

Title: Owner/President (Print)

By: [Signature] (Signature)

Name: Stanley B. Price (Print)

Title: Attorney (Print)

By: [Signature] (Signature)

Name: Brian S. Adler (Print)

Title: Attorney (Print)

By: _____ (Signature)

Name: Daniel Fortin, Jr. (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: [Signature] (Signature)

Name: Morris Kaplan (Print)

Title: Consultant (Print)

By: _____ (Signature)

Name: Jaime Schapiro (Print)

Title: Architect (Print)

By: _____ (Signature)

Name: Michael Vazquez (Print)

Title: Engineer (Print)

By: _____ (Signature)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.



BUSINESS RELATIONSHIP AFFIDAVIT*

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- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
 _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS _____ DAY OF _____, 2013.

APPLICANT REPRESENTATIVE:

By: _____ (Signature)
 Name: Stanley B. Price (Print)
 Title: Attorney (Print)

By: _____ (Signature)
 Name: Jayne Schapiro (Print)
 Title: Architect (Print)

By: _____ (Signature)
 Name: Brian S. Adler (Print)
 Title: Attorney (Print)

By: _____ (Signature)
 Name: Morris Kaplan (Print)
 Title: Consultant (Print)

By: _____ (Signature)
 Name: Daniel Fortin, Jr. (Print)
 Title: _____ (Print)

By: _____ (Signature)
 Name: Michael Vazquez (Print)
 Title: Engineer (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 2013.

PROPERTY OWNER:

By: _____ (Signature)
 Name: Rabbi Menachem Rosenfeld (Print)
 Title: Owner Representative, President (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS _____ DAY OF _____, 2013

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: _____ (Signature)
Name: Rabbi Menachem Rosenfeld (Print)
Title: Owner/President (Print)

By: _____ (Signature)
Name: Morris Kaplan (Print)
Title: Consultant (Print)

By: _____ (Signature)
Name: Stanley B. Price (Print)
Title: Attorney (Print)

By: _____ (Signature)
Name: Jaime Schapiro (Print)
Title: Architect (Print)

By: _____ (Signature)
Name: Brian S. Adler (Print)
Title: Attorney (Print)

By: _____ (Signature)
Name: Michael Vazquez (Print)
Title: Engineer (Print)

By: _____ (Signature)
Name: Daniel Fortin, Jr. (Print)
Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)
Title: _____ (Print)
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By: _____ (Signature)
Title: _____ (Print)
Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

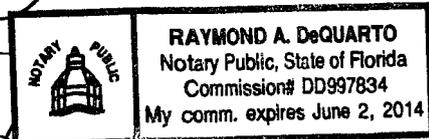
2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Jaime Schapiro, the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED before me this 18th day of September, 2013.

[Handwritten signature]
AFFIANT



[Handwritten signature]
Notary Public State of Florida At Large
Raymond A. DeQuarto
Printed Name of Notary
My commission expires: June 2 2014

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Michael Vazquez, the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2013.

AFFIANT

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Daniel Fortin, Jr., the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2013.

AFFIANT

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

RESOLUTION NO. 2013-47

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING APPROVAL OF A VARIANCE FROM SECTION 31-171(b) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW FORTY-SIX (46) PARKING SPACES, WHERE A MINIMUM OF EIGHTY-SEVEN (87) PARKING SPACES ARE REQUIRED BY CODE; AND MODIFICATION TO CITY OF AVENTURA RESOLUTION NO. 2011-47 TO EXTEND THE TIME FOR USE OF THE TEMPORARY STRUCTURE ON SITE TO DECEMBER 26, 2014 AND TO MODIFY CONDITION NO. 8 OF SECTION 2. OF THE RESOLUTION; AND MODIFICATION TO THE "DECLARATION OF RESTRICTIONS REGARDING TEMPORARY STRUCTURE" TO EXTEND THE TIME TO USE OF THE TEMPORARY STRUCTURE TO DECEMBER 26, 2014; ALL FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NE 185 STREET AND NE 28 COURT, MUNICIPAL ADDRESS 18449 NE 28 COURT, CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned RMF4, Multifamily High Density Residential District; and

WHEREAS, the applicant, Lubavitch Center Aventura South Inc., through Application No. 06-VAR-13, is requesting Variance from Section 31-171(b) of the City's Land Development Regulations to allow forty-six (46) parking spaces where a minimum of eighty-seven (87) parking spaces are required by Code; and Modification to City of Aventura Resolution No. 2011-47 to extend the time for use of the temporary structure on site to December 26, 2014 and to delete Condition No. 8 of Section 2. of the Resolution; and Modification of the "Declaration of Restrictions Regarding Temporary Structure" dated July 25, 2011 to extend the time for use of the temporary structure to December 26, 2014; all for property located at the southeast corner of NE 185 Street and NE 28 Court, municipal address 18449 NE 28 Court, City of Aventura; and

WHEREAS, following proper notice, the City Commission has held a public hearing as provided by law; and

WHEREAS, the City Commission finds that the Variance Application meets the criteria of the applicable codes and ordinances, to the extent the Variance Application is granted herein; and

WHEREAS, the City Commission finds that it is in the best interests of the City to modify Resolution No. 2011-47 to extend the time for use of the temporary structure on site to December 26, 2014; and

WHEREAS, the City Commission finds that it is not in the best interests of the City to delete Condition No. 8 of Section 2. of Resolution No. 2011-47; and

WHEREAS, the City Commission finds that it is in the best interests of the City to modify the "Declaration of Restrictions Regarding Temporary Structure" dated July 25, 2011 to extend the time of use of the temporary structure to December 26, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. Application for a Variance from Section 31-171(b) of the City's Land Development Regulations to allow forty-six (46) parking spaces where a minimum of eighty-seven (87) parking spaces are required by Code for the permanent synagogue at 18449 NE 28 Court, City of Aventura, on property legally described as follows:

Tract F, Merco at Aventura, according to the plat thereof recorded in Plat Book 166, Page 58 of the Public Records of Miami-Dade County, Florida, City of Aventura

is hereby granted, subject to the following conditions:

(i) Permits shall be obtained within twelve (12) months of the date of the Resolution or the approvals granted shall be deemed null and void unless extended by a motion of the City Commission.

(ii) Prior to issuance of a building permit, the applicant shall record this resolution in the Public Records of Miami-Dade County. All expenses of such recordation shall be borne by the applicant.

(iii) As proffered by the applicant, the reduced parking will be evaluated by the City Manager one year after commencement of operation of the facility. The City Manager will determine whether the reduced parking is creating a situation that warrants further parking being provided on site. If the City Manager determines that additional parking is required, the applicant agrees to install the required parking lifts in the garage. The applicant has proffered to install the electrical service needed to power the lifts during initial construction of the facility, in the event that the lifts are determined to be required after the one year evaluation. The City Manager's determination will be issued by written notice to the applicant.

(iv) The applicant shall record, at its expense, in the Public Records of Miami-Dade County, Florida, in form satisfactory to the City Manager and City Attorney, a Covenant agreeing to install the lifts if so required by written notice pursuant to Condition (iii) above. The Covenant shall stipulate that if such written notice is issued by the City Manager, the applicant will immediately order the lift mechanisms, shall apply to the City for the necessary installation permits within sixty (60) days of the date of such notice and shall complete installation within five (5) months of the date of the written notice.

Section 2. Resolution No. 2011-47 is hereby modified to extend the time for use of the temporary use structure to December 26, 2014.

Section 3. Condition No. 8 of Section 2. of Resolution No. 2011-47 is hereby modified to provide that owner will make no request for extension for the removal of the temporary use past December 26, 2014.

Section 4. The "Declaration of Restrictions Regarding Temporary Structure" dated July 25, 2011 is hereby modified to extend the time for use of the temporary structure to December 26, 2014.

Section 5. The City Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein provided and to indicate such approvals and conditions upon the records of the City.

Section 6. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbaz Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 1st day of October, 2013.

Susan Gottlieb, Mayor

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this ____ day of October, 2013.

CITY CLERK

CITY OF AVENTURA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM
City Manager 

BY: Joanne Carr, AICP 
Community Development Director 

DATE: June 24, 2013

SUBJECT: Application to Amend Section 31-145 (b) of the Land Development Regulations to add Town Center Neighborhood (TC3) District (01-LDR-13)

July 9, 2013 Local Planning Agency Agenda Item 4
July 9, 2013 City Commission Meeting Agenda Item 7
October 1, 2013 City Commission Meeting Agenda Item 2

RECOMMENDATION

It is recommended that the City Commission approve the request for an amendment to Section 31-145, "Town Center Zoning Districts" of the Land Development Regulations to add regulations for a new mixed-use district, the Town Center Neighborhood (TC3) District, to the section.

THE REQUEST

The owner of property on NE 207 Street at NE 30 Avenue is proposing a mixed-use development proposal on its parcel. The west half of the property is designated as Business & Office future land use category and is zoned B2, Community Business District on the City Zoning Map. The east half of the property is designated as Medium-High Density Residential and is zoned RMF3A, Multifamily Medium Density Residential District. The development proposal contains structures with a mix of commercial and residential uses. Those mixed-use structures are not permitted in either the B2 or RMF3A zoning districts. The request is to add a new mixed-use district to the City Code to facilitate the current and any future similar development proposals. (See Exhibit #1 for Letter of Intent)

BACKGROUND

The City's Land Development Regulations currently contain a Town Center (TC1) District which was included in the original 1999 Code to guide mixed-use development of a main town center in the City. This district allows residential and non-residential mixed-use development that generally complies with the RMF3 and B1 zoning districts and also allows a lifestyle center that includes some B2 zoning district uses.

The Land Development Regulations also currently contain a Town Center Marine (TC2) District, again included in the original 1999 Code, to guide mixed-use development in what was then the marine industry area on and around NE 188 Street. This district allows residential and non-residential mixed-use development that generally complies with the RMF3 and B1 zoning district, but also recognizes the marine industry uses as permitted uses.

DESCRIPTION OF THE PROPOSED AMENDMENT

The proposed text of the Town Center Neighborhood (TC3) District follows in underlined text.

Sec. 31-145. - Town Center Zoning Districts.

...

(c) Town Center Neighborhood (TC3) District. The following regulations shall apply to all TC3 Districts:

(1) Purpose. This district is intended to provide suitable sites for the development of structures and sites combining residential and commercial uses in a well-planned and compatible manner in existing neighborhoods on property that provides lot frontage on at least three public streets and does not front upon or access Biscayne Boulevard. Development in this district shall provide for indoor and/or outdoor commercial recreation uses and shall provide a minimum of 20,000 square feet per gross acre of assisted living facility use as part of its commercial uses. Residential densities shall not exceed 20 dwelling units per gross acre and non-residential intensity shall not exceed a floor area ratio of 2.0.

(2) Uses Permitted. No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than a combination of all of the following specific uses, provided the requirements set forth elsewhere in this section are satisfied:

a. Mixed-use structures. For the purposes of this subsection, mixed-use buildings or structures are those combining residential dwelling units conforming generally with the intent of the RMF3, Multifamily Medium Density Residential District, with office and/or retail

commercial uses allowed in the B1, Neighborhood Business District, where the ratio of total square feet dedicated to residential and non-residential uses is between 3.5:1 and 1:3.5.

b. Assisted living facilities with a minimum of 20,000 square feet per gross acre and with a minimum gross floor area of 600 square feet per unit.

c. Indoor and outdoor commercial recreational uses with a maximum of 2,500 square feet of total floor area per establishment.

d. Hotels, with a minimum of 180 rooms and with a minimum gross floor area of a rental sleeping room of 400 square feet.

(3) Accessory uses permitted. Permitted incidental and accessory uses shall include:

a. Those uses allowed as accessory uses in the RMF3 Multi-Family Medium Density Residential District, except for uses which, by their nature, would inhibit the establishment of permitted commercial activities or restrict the acceptable mixing of residential and non-residential uses.

b. Outdoor dining as an accessory use to a permitted restaurant or retail use.

(4) Conditional uses permitted. The following uses may be established if first approved as a conditional use:

a. Those uses permitted in the B1 District with increased floor area.

b. Uses that exceed the height limitations of Section 31-145(c)(6), including parking structures.

c. Indoor and outdoor commercial recreation uses with more than 2,500 square feet per establishment.

d. Aboveground storage tanks. Aboveground storage tanks (AST) only as an accessory use and only for the purpose of storing fuel for emergency generators. ASTs must conform to the following requirements:

1. Be of 550 gallons capacity or less.

2. Be installed and operated under a valid permit from the Miami-Dade County Department of Environmental Resources Management.

3. Be fully screened by a masonry or concrete wall with a self-closing and locking metal door or gate. Such wall shall be landscaped in accordance with the City's Landscape Code.

4. Be located in a manner consistent with the site development standards of the TC1 zoning district.

5. Installation of any AST shall require a building permit from the City. Application for building permit shall be accompanied by a site plan indicating the location of the AST relative to property lines, the primary structure served by the AST, any other structures within 300 feet as well as a landscape plan prepared by a Florida licensed architect or landscape architect and other supporting documentation as deemed necessary by the City Manager or designee.

e. Floor areas that are less than the minimum floor areas required by the provisions of Section 31-145(c)(6)(g) hereof.

f. Allocations of interior spaces for mixed-use structures other than as set forth in Section 31-145(c)(8) hereof.

g. Structured parking that is not incorporated into the building envelope of a primary use structure, as required by Section 31-145(c)(9) hereof.

h. Structured parking that can be seen from a primary use building and that does not have the area of the top level landscaped and/or decoratively paved in order to provide amenity areas for building occupants, as required by Section 31-238 of this Code.

i. Driveways with a separation of less than 150 feet of landscaped frontage as long as it is determined, as part of site plan review that:

1. Landscaping for the total project site exceeds the minimum requirements of this Code, and;

2. Traffic studies indicate that a lesser distance between driveways does not constitute a safety hazard to either vehicular or pedestrian traffic.

j. Off-street parking that does not meet the requirements of Section 31-171(b) or (d) of this Code.

k. All uses permitted in the CF District.

l. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI of Chapter 14 of the City Code, increased lot coverage, provided that a

green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants, and; that increased Florida-Friendly tree canopy and Florida-Friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

m. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI of Chapter 14 of the City Code, increased floor area ratio, not to exceed a floor area ratio of 2.0.

(5) Uses prohibited. Except as specifically permitted in this subsection (b), the following uses are expressly prohibited as either principal or accessory uses:

a. Any use not specifically permitted.

b. Adult entertainment establishments.

c. Sale of goods to other than the ultimate consumer.

d. Sales, purchase, display or storage of used merchandise other than antiques.

e. Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

f. Any drive-through service facility.

(6) Site development standards.

a. Minimum lot size: 5 gross acres.

b. Minimum lot width: 100 feet.

c. Maximum lot coverage: 45 percent of total lot area, provided that if eighty (80%) percent or more of the required parking spaces is provided in a parking structure, lot coverage may be increased to a maximum of 55 percent of the total lot area.

d. Maximum floor density:

1. Residential component: 20 dwelling units per gross acre.

2. Nonresidential component: 2.0 floor area ratio.

e. Maximum height: Four stories or 50 feet, including parking structures.

f. Setbacks:

1. Front: 25 feet.

2. Side: There is no side yard setback required for a lot that is not adjacent to a street or alley, unless such setback is necessary to provide light and air to residential units. In such cases a side yard setback of 20 feet in depth is required.

3. Street Side: 20 feet.

4. Rear: There is no rear yard setback required for a plot not adjacent to a street or alley, or where such setback is necessary to provide light and air to residential units. In such cases a rear yard setback of 20 feet in depth is required.

5. Rear Street: 20 feet.

6. Between buildings: No minimum building separation distance is normally required, except where necessary to provide light and air to residential units. In such cases, buildings may be no closer than 25 feet.

g. Minimum floor areas: The minimum floor area not including garage or unairconditioned areas shall be as follows, except that conditional use approval may be granted to authorize a reduction in the following minimum floor areas in accordance with Section 31-145(c)(4)(d):

Multiple-family dwelling unit:

Efficiency unit: 800 square feet.

One bedroom unit: 900 square feet.

Two bedroom unit: 1050 square feet.

For each additional bedroom in excess of two add 150 square feet.

Efficiency units shall not exceed 40 percent of the total number of residential units within a building.

h. Required open space: A minimum of 35 percent of the total lot area of the site shall be provided as common open space available for use by all residents or consumers; of this common open space a minimum of one-half shall be unencumbered with any structure (except for play equipment for children and associated mounting, fencing and furniture) and shall be landscaped with grass and vegetation approved in a landscape plan. The remaining one-half may be used for non-commercial recreational facilities, amenities, pedestrian walks, entrance landscaping and features (not including gatehouses and associated vehicle waiting areas), or maintenance facilities.

(7) Accessibility for Mixed-Use Structures. All residential units shall be accessible to the outside via an entry lobby that does not require residents to pass through a leasable commercial space.

(8) Allocation of interior space for Mixed-Use Structures. Retail stores, personal services, banks and financial services, indoor commercial recreation uses, restaurants and coffee houses, schools, nursery schools and child care centers are allowed only on the ground floor of mixed-use buildings. Offices and medical offices are allowed only on the ground and second floors. Residential uses are allowed only on the second or higher floors. In accordance with Section 31-145(c)(4)(e), conditional use approval may be

granted to authorize a waiver from such requirements for allocations of interior space in mixed-use structures.

(9) Performance Standards. Any structured parking serving the primary use on the site shall be incorporated into the building envelope and shall be compatibly designed. Such parking structure shall comply with all minimum setback and buffer yard requirements. Parking structure ceiling heights shall be seven feet six inches except where greater heights may be required by other regulatory agencies. Pipes, ducts and mechanical equipment installed below the ceiling shall not be lower than seven feet zero inches above finished floor. In accordance with Section 31-145(c)(4)(f), conditional use approval may be granted to authorize a waiver from the requirements that structured parking be incorporated into the building envelope of a primary use structure and that such structured parking conform to Section 31-238.

(10) Design Standards. All development in the TC3 Zoning District shall be compatible with existing adjacent development. Specifically, when greater heights are immediately adjacent to existing development, such height shall be graduated by steps so that the part of the structure within fifty (50) feet of the property boundary is the same or lower height as existing adjacent residential development. Development in the TC3 district shall substantially comply with the applicable "Town Center Design Guidelines", as provided by the City Manager and adopted through Ordinance No. 2006-02 on February 7, 2006.

ANALYSIS

The proposed Town Center Neighborhood (TC3) District, detailed above, has been drafted using the same format as the TC1 and TC2 districts but is distinct from the TC1 and TC2 zones in that it is intended to guide mixed-use development in existing neighborhoods in the City. It proposes a specific mix of residential and non-residential development that generally complies with the RMF3 and B1 zoning districts, similar to the TC1 and TC2 districts, but without the lifestyle center use permitted in the TC1 district and without the more expansive marine industry uses in the TC2 district.

The TC3 district adds assisted living facility, indoor and outdoor commercial recreation and hotel to the required mix of non-residential uses, reduces maximum residential density from 25 dwelling units per acre as permitted in the TC1 and TC2 district to 20 dwelling units per acre and contains the same conditional and prohibited uses as the TC1 district. The site development standards are similar to the TC1 district, with the exception of the minimum lot area which is increased from 16,000 square feet to 5 gross acres to be consistent with the corresponding lot size requirement in the Town Center future land use category in the City's Comprehensive Plan and with the exception for increased lot coverage from 45 percent to 55 percent if more than 80 percent of required parking spaces is provided in a parking structure.

There is one amendment proposed to the zoning category subsequent to the City staff presentation at the May, 2013 workshop meeting. As presented, the zone requires a mix of residential and non-residential uses at a ratio between 3:1 and 1:3. The applicant has requested that this ratio be changed to 3.5:1 to 1:3.5, due to the decrease in maximum number of residential dwelling units. The existing TC1 and TC2 zoning categories allow a maximum of 25 dwelling units per acre. This proposed TC3 district allows a maximum of 20 dwelling units per acre. By reducing the maximum number of dwelling units per acre, and thus square footage of the residential portion of the mix, the ratio causes a corresponding decrease in the non-residential portion of the development. The ratio between 3.5:1 to 1:3.5 will provide an equilibrium between the desired reduction in residential units and development of non-residential uses.

Any proposal to develop in accordance with the TC3 district will require an underlying future land use designation of Town Center as described in the City's Comprehensive Plan. The Town Center future land use category encourages hubs for future urban development intended to serve the City's existing and future residents and businesses with design-unified development providing direct accessibility by mass transit service and high quality urban design. It provides for a design that encourages convenient, internal pedestrian circulation and is intended to create identifiable centers of activity with a distinctive sense of place. The proposed Town Center Neighborhood use regulations are compatible with this future land use category language.

Staff provides the following analysis of the request using the standards for reviewing proposed amendments to the text of the Land Development Regulations contained in Section 31-77 of the City Code.

1. *The proposed amendment is legally required.*

The proposed amendment is legally required to implement the requested revision to the Code.

2. *The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.*

The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan. The intent of the Town Center land use designation is described in the Future Land Use Element of the City's Comprehensive Plan. This category encourages hubs for future urban development intended to serve the City's existing and future residents and businesses with design-unified development providing direct accessibility by mass transit service and high quality urban design. It provides for a design that encourages convenient, internal pedestrian circulation and to create identifiable centers of activity with a distinctive sense of place. The proposed Town Center Neighborhood district regulations are compatible with this future land use language.

3. *The proposed amendment is consistent with the authority and purpose of the LDRs.*

The proposed amendment is consistent with the authority and purpose of the Land Development Regulations. "The purpose of the LDRs is to implement further the Comprehensive Plan of the City by establishing regulations, procedures and standards for review and approval of all development and uses of land and water in the City. Further, the LDRs are adopted in order to foster and preserve public health, safety and welfare and to aid in the harmonious, orderly and progressive development and redevelopment of the City..." The proposed amendment is consistent with this purpose. The proposed amendment and its accompanying design guidelines along with the site development standards of the district will aid in the harmonious, orderly and progressive redevelopment of the City.

4. *The proposed amendment furthers the orderly development of the City.*

The proposed amendment furthers the orderly development of the City, for the reasons provided in Paragraph 3 above.

5. *The proposed amendment improves the administration or execution of the development process.*

The proposed amendment improves the administration or execution of the development process in that it provides for regulations and a process by which to approve development or redevelopment of a property within a Town Center Neighborhood District in the City.



BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: 305-377-6238
E-MAIL: mmarrero@brzoninglaw.com

VIA FACSIMILE AND E-MAIL

June 27, 2013

Ms. Joanne Carr
Community Development Director
City of Aventura
19200 West Country Club Drive, 4th Floor
Aventura, Florida 33180

Re: Land Development Code Amendment Regarding TC3 Zoning District

Dear Joanne:

This law firm represents Integra Investments, LLC (the "Applicant"), with regard to an application to amend the City of Aventura Land Development Code to provide for an additional Town Center (Mixed Use) Zoning District – TC3. The Applicant seeks to develop the assemblage of properties at the SW corner of NE 207 Street and 30th Avenue (the "Property")

The Applicant recently acquired the Property, which was the subject of prior approvals for City Place at Aventura. The prior project included a mix of residential and commercial uses and remains zoned B2 and RMF3A. The Applicants seeks to develop a true mixed use project, with a focus on some uses that have been identified as desirable uses by the Aventura community. These include a high quality Assisted Living Facility and a retail entertainment area, as well as a hotel, other retail uses and some residential units.

Presently, the Applicant has been working with staff to craft a language that will allow such uses, in addition to being consistent with the objectives of the Town Center. While these uses have been identified as a need in the community, the existing Town Center districts would not allow them as currently drafted.

EXHIBIT #1
01-LDR-13

Section 33-77(g) of the City Code provides standards that staff and the City Commission shall consider when reviewing proposed amendments to the text of the City's Land Development Regulations (the "LDRs"). The Applicant's request addresses each of the standards as follows:

- (1) **The proposed amendment is legally required.**

In order for the Property to be developed as discussed with staff and the City Commission, the proposed amendment to the LDRs must be approved and is thus required.

- (2) **The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.**

The proposed changes are consistent with the goals and objectives of the Comprehensive Plan, specifically the Town Center designation. The Applicant's property is currently not designated as a Town Center on the Comprehensive Plan Future Land Use Map. However, the Applicant will be seeking such an amendment upon approval of this request.

- (3) **The proposed amendment is consistent with the authority and purpose of the LDR.**

The proposed amendment is consistent with the authority and purpose of the LDRs, as described in Section 31-2 of the City Code.

- (4) **The proposed amendment furthers the orderly development of the City.**

The proposed amendment certainly furthers the orderly development of the City. Currently, the Property remains undeveloped and the Applicant is proposing several uses which will fill a need within the Aventura community.

- (5) **The proposed amendment improves the administration or execution of the development process.**

Since the uses being proposed are consistent with the goals and objectives of the Town Center, the approval of the amendment will improve the administration or execution of the development process.

Ms. Joanne Carr
June 27, 2013
Page 3

For all the foregoing reasons, the applicant respectfully requests your department's favorable review and recommendation of this application. Should you have any questions, comments, or require additional information, please do not hesitate to phone my direct line at (305) 377-6238.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'MJM', with a long horizontal stroke extending to the right.

Michael J. Marrero

ORDINANCE NO. 2013-_____

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-145 "TOWN CENTER ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY ADDING "TOWN CENTER NEIGHBORHOOD (TC3) DISTRICT" TO THE SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Aventura ("City Commission") is desirous of amending Section 31-145 "Town Center Zoning Districts" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to provide for a Town Center Neighborhood (TC3) District consisting of a mix of residential and commercial uses and providing for indoor and/or outdoor commercial recreation uses, assisted living facilities and hotels; and

WHEREAS, the Town Center future land use category applicable to the Town Center Neighborhood (TC3) zoning district encourages hubs for future urban development intended to serve the City's existing and future residents and businesses with design-unified development providing direct accessibility by mass transit service, and high-quality urban design, and the City Commission finds that the inclusion of a Town Center Neighborhood District is consistent with the applicable Town Center future land use category; and

WHEREAS, the City Commission has been designated as the Local Planning Agency for the City pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, the Local Planning Agency has reviewed the proposed amendment during the required public hearing and has recommended approval to the City Commission; and

WHEREAS, the City Commission has reviewed the proposed amendment, and finds that it is in the best interests of the public to amend Section 31-145 of Chapter 31 "Land Development Regulations," as set forth in this Ordinance; and

WHEREAS, the City Commission has held the required public hearings, duly noticed in accordance with law; and

WHEREAS, the City Commission has reviewed the action set forth in the Ordinance and has determined that such action is consistent with the Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and incorporated within this Ordinance.

Section 2. City Code Amended. That Section 31-145 "Town Center Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended to read as follows¹:

* * *

Sec. 31-145. - Town Center Zoning Districts.

...

(d) Town Center Neighborhood (TC3) District. The following regulations shall apply to all TC3 Districts:

(1) Purpose. This district is intended to provide suitable sites for the development of structures and sites combining residential and commercial uses in a well-planned and compatible manner in existing neighborhoods on property that provides lot frontage on at least three public streets and does not front upon or access Biscayne Boulevard. Development in this district shall provide for indoor and/or outdoor commercial recreation uses and shall provide a minimum of 20,000 square feet per gross acre of assisted living facility use as part of its commercial uses. Residential densities shall not exceed 20 dwelling units per gross acre and non-residential intensity shall not exceed a floor area ratio of 2.0.

(2) Uses Permitted. No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than a combination of all of the following specific uses, provided the requirements set forth elsewhere in this Section are satisfied:

a. Mixed-use structures. For the purposes of this subsection, mixed-use buildings or structures are those combining residential dwelling units conforming generally with the intent of the RMF3, Multifamily Medium Density Residential District, with office and/or retail commercial uses allowed in the B1, Neighborhood Business District, where the ratio of total square feet dedicated to residential and non-residential uses is between 3.5:1 and 1:3.5.

¹ Underlined provisions constitute proposed additions to existing text.

b. Assisted living facilities with a minimum of 20,000 square feet per gross acre and with a minimum gross floor area of 600 square feet per unit.

c. Indoor and outdoor commercial recreational uses with a maximum of 2,500 square feet of total floor area per establishment.

d. Hotels, with a minimum of 180 rooms and with a minimum gross floor area of a rental sleeping room of 400 square feet.

(3) Accessory uses permitted. Permitted incidental and accessory uses shall include:

a. Those uses allowed as accessory uses in the RMF3 Multi-Family Medium Density Residential District, except for uses which, by their nature, would inhibit the establishment of permitted commercial activities or restrict the acceptable mixing of residential and non-residential uses.

b. Outdoor dining as an accessory use to a permitted restaurant or retail use.

(4) Conditional uses permitted. The following uses may be established if first approved as a conditional use:

a. Those uses permitted in the B1 District with increased floor area.

b. Uses that exceed the height limitations of Section 31-145(d)(6), including parking structures.

c. Indoor and outdoor commercial recreation uses with more than 2,500 square feet per establishment.

d. Aboveground storage tanks. Aboveground storage tanks (AST) only as an accessory use and only for the purpose of storing fuel for emergency generators. ASTs must conform to the following requirements:

1. Be of 550 gallons capacity or less.

2. Be installed and operated under a valid permit from the Miami-Dade County Department of Environmental Resources Management.

3. Be fully screened by a masonry or concrete wall with a self-closing and locking metal door or gate. Such wall shall be landscaped in accordance with the City's Landscape Code.

4. Be located in a manner consistent with the site development standards of the TC1 zoning district.

5. Installation of any AST shall require a building permit from the City. Application for building permit shall be accompanied by a site plan indicating the location of the AST relative to property lines, the primary structure served by the AST, any other structures within 300 feet as well as a landscape plan prepared by a Florida licensed architect or landscape architect and other supporting documentation as deemed necessary by the City Manager or designee.

e. Floor areas that are less than the minimum floor areas required by the provisions of Section 31-145(d)(6)(g) hereof.

f. Allocations of interior spaces for mixed-use structures other than as set forth in Section 31-145(d)(8) hereof.

g. Structured parking that is not incorporated into the building envelope of a primary use structure, as required by Section 31-145(d)(9) hereof.

h. Structured parking that can be seen from a primary use building and that does not have the area of the top level landscaped and/or decoratively paved in order to provide amenity areas for building occupants, as required by Section 31-238 of this Code.

i. Driveways with a separation of less than 150 feet of landscaped frontage as long as it is determined, as part of site plan review that:

1. Landscaping for the total project site exceeds the minimum requirements of this Code, and;

2. Traffic studies indicate that a lesser distance between driveways does not constitute a safety hazard to either vehicular or pedestrian traffic.

j. Off-street parking that does not meet the requirements of Section 31-171(b) or (d) of this Code.

k. All uses permitted in the CF District.

l. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-Friendly tree canopy and Florida-Friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

m. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI of Chapter 14 of the City Code, increased floor area ratio, not to exceed a floor area ratio of 2.0.

(5) *Uses prohibited.* Except as specifically permitted in this subsection (b), the following uses are expressly prohibited as either principal or accessory uses:

a. Any use not specifically permitted.

b. Adult entertainment establishments.

c. Sale of goods to other than the ultimate consumer.

d. Sales, purchase, display or storage of used merchandise other than antiques.

e. Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

f. Any drive-through service facility.

(6) *Site development standards.*

a. Minimum lot size: 5 gross acres.

b. Minimum lot width: 100 feet.

c. Maximum lot coverage: 45 percent of total lot area, provided that if eighty (80%) percent or more of the required parking spaces is provided in a parking structure, lot coverage may be increased to a maximum of 55 percent of the total lot area.

d. Maximum floor density:

1. Residential component: 20 dwelling units per gross acre.

2. Nonresidential component: 2.0 floor area ratio.

e. Maximum height: Four stories or 50 feet, including parking structures.

f. Setbacks:

1. Front: 25 feet.

2. Side: There is no side yard setback required for a lot that is not adjacent to a street or alley, unless such setback is necessary to provide light and air to residential units. In such cases a side yard setback of 20 feet in depth is required.

3. Street Side: 20 feet.

4. Rear: There is no rear yard setback required for a plot not adjacent to a street or alley, unless such setback is necessary to provide

light and air to residential units. In such cases a rear yard setback of 20 feet in depth is required.

5. Rear Street: 20 feet.

6. Between buildings: No minimum building separation distance is normally required, except where necessary to provide light and air to residential units. In such cases, buildings may be no closer than 25 feet.

g. Minimum floor areas: The minimum floor area not including garage or unairconditioned areas shall be as follows, except that conditional use approval may be granted to authorize a reduction in the following minimum floor areas in accordance with Section 31-145(d)(4)(d):

Multiple-family dwelling unit:

Efficiency unit: 800 square feet.

One bedroom unit: 900 square feet.

Two bedroom unit: 1050 square feet.

For each additional bedroom in excess of two add 150 square feet.

Efficiency units shall not exceed 40 percent of the total number of residential units within a building.

h. Required open space: A minimum of 35 percent of the total lot area of the site shall be provided as common open space available for use by all residents or consumers; of this common open space a minimum of one-half shall be unencumbered with any structure (except for play equipment for children and associated mounting, fencing and furniture) and shall be landscaped with grass and vegetation approved in a landscape plan. The remaining one-half may be used for non-commercial recreational facilities, amenities, pedestrian walks, entrance landscaping and features (not including gatehouses and associated vehicle waiting areas), or maintenance facilities.

(7) Accessibility for Mixed-Use Structures. All residential units shall be accessible to the outside via an entry lobby that does not require residents to pass through a leasable commercial space.

(8) Allocation of interior space for Mixed-Use Structures. Retail stores, personal services, banks and financial services, indoor commercial recreation uses, restaurants and coffee houses, schools, nursery schools and child care centers are allowed only on the ground floor of mixed-use buildings. Offices and medical offices are allowed only on the ground and second floors. Residential uses are allowed only on the second or higher floors. In accordance with Section 31-145(d)(4)(e), conditional use approval may

be granted to authorize a waiver from such requirements for allocations of interior space in mixed-use structures.

(9) Performance Standards. Any structured parking serving the primary use on the site shall be incorporated into the building envelope and shall be compatibly designed. Such parking structure shall comply with all minimum setback and buffer yard requirements. Parking structure ceiling heights shall be seven feet six inches except where greater heights may be required by other regulatory agencies. Pipes, ducts and mechanical equipment installed below the ceiling shall not be lower than seven feet zero inches above finished floor. In accordance with Section 31-145(d)(4)(f), conditional use approval may be granted to authorize a waiver from the requirements that structured parking be incorporated into the building envelope of a primary use structure and that such structured parking conform to Section 31-238.

(10) Design Standards. All development in the TC3 Zoning District shall be compatible with existing adjacent development. Specifically, when greater heights are immediately adjacent to existing development, such height shall be graduated by steps so that the part of the structure within fifty (50) feet of the property boundary is the same or lower height as existing adjacent residential development. Development in the TC3 district shall substantially comply with the applicable "Town Center Design Guidelines", as provided by the City Manager and adopted through Ordinance No. 2006-02 on February 7, 2006.

...

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner Joel, who moved its adoption on first reading. This motion was seconded by Commissioner Luz Weinberg, and upon being put to a vote was as follows:

Commissioner Enbar Cohen	yes
Commissioner Teri Holzberg	absent
Commissioner Billy Joel	yes
Commissioner Howard Weinberg	yes
Commissioner Luz Urbáez Weinberg	yes
Vice Mayor Michael Stern	yes
Mayor Susan Gottlieb	yes

The foregoing Ordinance was offered by _____, who moved its adoption on second reading. This motion was seconded by _____, and upon being put to a vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED on first reading this 9th day of July, 2013.

PASSED AND ADOPTED on second reading this 1st day of October, 2013.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk this ____ day of October, 2013.