

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

## FEBRUARY 4, 2014 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:**
  - Certificates of Appointment to Arts in Public Places Advisory Board
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:**
    - January 7, 2014 Commission Meeting
    - January 16, 2014 Workshop Meeting
  - B. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDED AND LETTING A BID/CONTRACT FOR BID NO. 13-11-22-2, CITY OF AVENTURA MAINTENANCE AND REPAIR FOR CITY ROADS, STREETS AND FACILITIES TO JVA ENGINEERING CONTRACTOR, INC., MAGNA CONSTRUCTION, INC., AND WEEKLEY ASPHALT PAVING, INC. AT THE INDIVIDUAL BID PRICES AS CONTAINED IN EXHIBIT "A" ATTACHED; AUTHORIZING THE CITY MANAGER TO EXECUTE ASSOCIATED CONTRACTS; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY AND EXPEDIENT ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR THE APPROPRIATION AND ALLOCATION OF FUNDS FOR SAID BID AWARD; AND PROVIDING FOR AN EFFECTIVE DATE.**

- C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA ADOPTING THE CITY OF AVENTURA 2014 LEGISLATIVE PROGRAM AND PRIORITIES ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**
- D. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ACCEPTING DONATION OF ART WORK TO THE CITY; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR EFFECTIVE DATE.**
- E. MOTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA TO ADOPT THE RECOMMENDATION OF THE CITY OF AVENTURA ARTS IN PUBLIC PLACES ADVISORY BOARD TO AUTHORIZE THE COMMISSION OF A PIECE OF ART TO BE SELECTED AS AN OPEN COMPETITION IN AN AMOUNT UP TO \$30,000 TO BE PLACED IN EITHER THE GOVERNMENT CENTER OR ARTS AND CULTURAL CENTER.**
- F. 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.**
- G. MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$14,300 FOR CRIME SCENE STORAGE AND NETWORK VIDEO RECORDER FROM THE POLICE FORFEITURE FUNDS IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM**
- H. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE EXTENSION OF THE GREEN MARKET HELD IN FOUNDERS PARK SOUTH TO MAY 31, 2014; AUTHORIZING THE CITY MANAGER TO ISSUE A SPECIAL EVENT PERMIT TO WHODUZ, INC., BASED ON THE CONDITIONS CONTAINED IN EXHIBIT "A" ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO**

**CARRY OUT THE AIMS OF THIS RESOLUTION; 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 MODIFICATION OF CONDITIONAL USE APPROVAL GRANTED THROUGH RESOLUTION NO. 2008-24 TO PERMIT THE SALES AND SERVICE OF WINE AND CHAMPAGNE AT THE CAVIAR & MORE KIOSK AND TABLE SEATING AREA IN THE AVENTURA MALL AT 19501 BISCAYNE BOULEVARD, CITY OF AVENTURA; MODIFYING CERTAIN CONDITIONS OF RESOLUTION NO. 2008-24; DELETING CERTAIN CONDITIONS OF RESOLUTION NO. 2008-24; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

**B. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING CONDITIONAL USE APPROVAL TO PERMIT THE SALE AND SERVICE OF BEER, WINE AND CHAMPAGNE AT THE PIACERE NEWS & CAFÉ KIOSK AND TABLE SEATING AREA IN THE AVENTURA MALL AT 19501 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

**7. ORDINANCES: FIRST READING–PUBLIC INPUT:**

**A. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 “BUSINESS ZONING DISTRICTS” OF THE CITY’S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(5)A., COMMUNITY BUSINESS (B2) DISTRICT TO ALLOW INCREASED LOT COVERAGE FOR SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES AND THAT PROVIDE A CENTRALIZED MULTI MODAL TRANSPORTATION FACILITY WHICH IS ENCLOSED WITHIN A PARKING STRUCTURE AND WHICH MAY BE USED BY CITY TRANSIT PROVIDERS, COUNTY**

**TRANSIT PROVIDERS, ANY OTHER GOVERNMENT ENTITIES REQUESTING USE OF THE FACILITY AND PRIVATE TRANSIT PROVIDERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

- B. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA; AMENDING CHAPTER 1 “GENERAL PROVISIONS” OF THE CITY CODE OF THE CITY OF AVENTURA BY CREATING SECTION 1-17, “RETAIL SALE OF DOGS AND CATS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR PENALTY; PROVIDING FOR EFFECTIVE DATE.**

**8. ORDINANCES – SECOND READING – PUBLIC HEARING:**

- A. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE COMPREHENSIVE MASTER PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR A 3.359 ACRE PARCEL OF LAND LOCATED ON NE 207 STREET AT NE 30 AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” TO THIS ORDINANCE, FROM MEDIUM HIGH DENSITY RESIDENTIAL TO TOWN CENTER; AND AMENDING THE COMPREHENSIVE MASTER PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION OF A 4.032 ACRE PARCEL OF LAND LOCATED ON NE 207 STREET AT NE 30 AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT “B” TO THIS ORDINANCE, FROM BUSINESS AND OFFICE TO TOWN CENTER; PROVIDING FOR TRANSMITTAL TO THE AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.**
- B. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AVENTURA BY AMENDING THE ZONING DESIGNATION FOR A 7.391 ACRE PARCEL OF LAND LOCATED ON NE 207 STREET AT NE 30 AVENUE AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, FROM B2, COMMUNITY BUSINESS DISTRICT TO TC3, TOWN CENTER NEIGHBORHOOD DISTRICT; 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**

<b>COMMISSION WORKSHOP</b>	<b>FEBRUARY 20, 2014</b>	<b>9 AM</b>	<b>EXEC. CONFERENCE RM</b>
<b>COMMISSION MEETING</b>	<b>MARCH 4, 2014</b>	<b>6 PM</b>	<b>COMMISSION CHAMBER</b>

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  
January 7, 2014 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 Vice Mayor Howard Weinberg at 6 p.m. Present were Commissioners Enbar Cohen, Teri Holzberg, Billy Joel, Michael Stern, Luz Weinberg (arrived after Item 5), Vice Mayor Howard Weinberg, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David Wolpin. Mayor Susan Gottlieb was absent due to illness. As a quorum was determined to be present, the meeting commenced.

**2. PLEDGE OF ALLEGIANCE:** Led by Police Chief Steven Steinberg

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

**4. SPECIAL PRESENTATIONS:** Mr. Soroka presented a Certificate of Appreciation to Police Officer John Campbell for ten years of service to the City.

**5. CONSENT AGENDA:** There were no requests from the public to address the Commission. A motion to approve the Consent Agenda was offered by Commissioner Joel, seconded by Commissioner Holzberg, passed unanimously by roll call vote and the following action was taken:

**A.** The following minutes were approved:

November 5, 2013 Commission Meeting  
November 14, 2013 Workshop Meeting

**B.** **Resolution No. 2014-01** 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.**

**C.** **Resolution No. 2014-02** 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 CHANGE ORDER FOR BID NO. 13-04-05-02, BY AND**

**BETWEEN THE CITY AND HORSEPOWER ELECTRIC, INC.;**  
**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 \$186,000**  
**FOR WEAPONS, FLEET EQUIPMENT AND SECURITY EQUIPMENT**  
**FROM THE POLICE FORFEITURE FUNDS IN ACCORDANCE WITH**  
**THE CITY MANAGER'S MEMORANDUM.**

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.

Mr. Wolpin reviewed the quasi-judicial procedures and read the following resolution by title:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA,**  
**FLORIDA GRANTING APPROVAL OF A VARIANCE FROM SECTION 31-**  
**143(f)(3)b. OF THE CITY CODE TO ALLOW A BUILDING THAT CREATES A**  
**SHADOW ON ADJACENT PROPERTY, AND VARIANCE FROM SECTION 31-**  
**172(c) OF THE CITY CODE TO ALLOW DRIVEWAY SEPARATIONS OF LESS**  
**THAN 150 FEET OF LANDSCAPED FRONTAGE, AND VARIANCE FROM**  
**SECTION 31-221(i)(2) OF THE CITY CODE TO ALLOW A 0' WIDE**  
**PERIMETER LANDSCAPE BUFFER ON THE NORTH PROPERTY LIMIT, AND**  
**GRANTING APPROVAL TO MODIFY THE DECLARATION OF**  
**RESTRICTIONS IN LIEU OF UNITY OF TITLE TO ALLOW A MAXIMUM**  
**BUILDING HEIGHT OF 24 STORIES OR 241 FEET 7 INCHES, ALL FOR A**  
**PROPOSED 205 UNIT CONDOMINIUM BUILDING AT THE NORTHWEST**  
**CORNER OF NE 28 COURT AND NE 185 STREET, CITY OF AVENTURA;**  
**PROVIDING FOR AN EFFECTIVE DATE.**

Mrs. Soroka administered the oath to all persons wishing to offer testimony in this matter. A motion for approval was offered by Commissioner Cohen, and seconded by Commissioner Joel. Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record.

Vice Mayor Weinberg opened the public hearing. The following individual(s) addressed the Commission: Jeffrey Bercow, Esq., 200 S. Biscayne Blvd., Architect Kobi Karp, Traffic Engineer Joaquin Vargas, all representing the applicant; Jonathan Evans, 7000 Island Blvd; Rob Kettles; William W. Riley, Esq., Gray Robinson, representing Miami Off Center Associates, LLP; Andrew Wilson, Aventi; Peter Murphy, Aventura Marina; and Mickey Marrero, Esq., 200 S. Biscayne Blvd. There being no further speakers, the public hearing was closed.

Commissioner Joel moved to amend the motion to provide that this approval is granted exclusively to Chateau Aventura LLC, unless subsequently modified by City Commission approval. Motion died for lack of second.

A motion was offered by Commissioner Luz Weinberg and seconded by Vice Mayor Weinberg (after passing gavel) to remove condition 4 from the original motion. The motion passed 4-2, with Commissioners, Holzberg, Stern, Luz Weinberg and Vice Mayor Weinberg voting yes, and Commissioners Cohen and Joel voting no.

A motion to reconsider the original motion was offered by Commissioner Joel, seconded by Commissioner Holzberg and unanimously approved.

A motion to approve the resolution as presented was offered by Commissioner Luz Weinberg and seconded by Commissioner Holzberg. The motion died 2-4, with Commissioner Weinberg and Vice Mayor Weinberg voting yes and Commissioners Cohen, Joel, Holzberg and Stern voting no.

A motion to reconsider the matter was offered by Commissioner Joel, seconded by Commissioner Holzberg and passed, 5-1, with Commissioner Stern voting no.

A motion to approve the request as presented was offered by Commissioner Joel and seconded by Commissioner Luz Weinberg. The motion failed 3-3, with Commissioners Joel, Luz Weinberg and Vice Mayor Weinberg voting yes, and Commissioners Cohen, Holzberg and Stern voting no.

A motion to defer this matter to the next meeting where all Commissioners are in attendance was offered by Commissioner Luz Weinberg and seconded. The motion died 3-3, with Commissioners Joel, Luz Weinberg and Vice Mayor Weinberg voting yes and Commissioners Cohen, Holzberg and Stern voting no.

- 7. ORDINANCES: FIRST READING – PUBLIC INPUT:** Mr. Wolpin advised the Commission that item 7-A is legislative and item 7-B is quasi-judicial. However, since both items concern the same property, they both will be addressed as quasi-

judicial, and he reiterated the quasi-judicial procedures as enacted in item 6 above. He then read the following ordinances by title:

- A. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE COMPREHENSIVE MASTER PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR A 3.359 ACRE PARCEL OF LAND LOCATED ON NE 207 STREET AT NE 30 AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" TO THIS ORDINANCE, FROM MEDIUM HIGH DENSITY RESIDENTIAL TO TOWN CENTER; AND AMENDING THE COMPREHENSIVE MASTER PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION OF A 4.032 ACRE PARCEL OF LAND LOCATED ON NE 207 STREET AT NE 30 AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "B" TO THIS ORDINANCE, FROM BUSINESS AND OFFICE TO TOWN CENTER; PROVIDING FOR TRANSMITTAL TO THE AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.**
  
- B. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AVENTURA BY AMENDING THE ZONING DESIGNATION FOR A 7.391 ACRE PARCEL OF LAND LOCATED ON NE 207 STREET AT NE 30 AVENUE AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, FROM B2, COMMUNITY BUSINESS DISTRICT TO TC3, TOWN CENTER NEIGHBORHOOD DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

A motion for approval of item 7-A, including the incorporation by reference into this hearing of all amendments and testimony, written and verbal, relative to this item given at the November 2013 Local Planning Agency meeting, was offered by Commissioner Holzberg and seconded by Commissioner Cohen. A motion for approval of item 7-B including the incorporation by reference into this hearing of all amendments and testimony, written and verbal, relative to this item given at the November 2013 Local Planning Agency meeting, was offered by Commissioner Luz Weinberg and seconded by Commissioner Cohen. Mrs. Soroka administered the oath to all parties interested in offering testimony relative to these matters. Mrs. Carr addressed the Commission and entered the staff reports into the record. Vice Mayor Weinberg opened the public hearing. The following individuals addressed the Commission: Jeffrey Bercow, Esq., Architect Bernard Zascovich, representing the applicant; Amy Huber, Esq., Shubin and Bass, representing the Aventura Turnberry Jewish Center; Anita Silver, 20341 NE 30 Avenue Villa Dorada; and Bob Burroughs.

There being no further speakers, the public hearing was closed. The motions for approval of items 7-A and 7-B passed unanimously by separate roll call votes.

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

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING ORDINANCE NO. 2012-13 WHICH ORDINANCE ADOPTED A BUDGET FOR THE 2012/2013 FISCAL YEAR BY REVISING THE 2012/2013 FISCAL YEAR OPERATING AND CAPITAL BUDGET AS OUTLINED IN EXHIBIT "A" ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.**

A motion for approval was offered by Commissioner Joel, and seconded by Commissioner Cohen. Vice Mayor Weinberg opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously and **Ordinance No. 2014-01** was enacted.

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

10. **REPORTS:** Jeffrey Bercow, Esq.

11. **PUBLIC COMMENTS:**

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 8:52 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.



**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, Michael Stern, Luz Urbaz Weinberg (participated by speakerphone), Vice Mayor Howard Weinberg, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka, and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.

1. **REQUEST TO SUPPORT SENATE BILL 412 REGARDING GUARDIANSHIP ABUSE:** Aventura resident Sam Sugar, 20808 NE 37 Avenue, requested Commission support of this issue as proposed in Senate Bill 412.  
**CITY MANAGER SUMMARY:** Consensus to take no action at this time until further information is received.
  
2. **LAND DEVELOPMENT REGULATIONS AMENDMENT TO PERMIT INCREASED LOT:** (City Manager) Community Development Department Director Joanne Carr addressed the Commission and explained the request of Turnberry Associates to expand the Aventura Mall, which would require an amendment to the B2, Community Business District, in the City's Land Development Regulations, to increase maximum lot coverage from 40% to 45%.  
**CITY MANAGER SUMMARY:** Consensus to proceed with appropriate legislation.
  
3. **LEGISLATIVE PROGRAM AND PRIORITIES:** (City Manager) Mr. Soroka distributed the proposed document.  
**CITY MANAGER SUMMARY:** Consensus to include recommendation of Vice Mayor Howard Weinberg and proceed with adoption via resolution at the February Commission meeting.
  
4. **UPDATE: ARTS IN PUBLIC PLACES ADVISORY BOARD:** (City Manager) Mr. Soroka advised the Commission of the Advisory Board's recommendations as set forth in the City Clerk's memorandum dated January 13, 2014.  
**CITY MANAGER SUMMARY:** It was the consensus of the Commission to accept and proceed with the Advisory Board's recommendations to accept the donation of the art sculpture entitled "American Spirit" and to commission a piece of art with clarification that the budget for the commissioned piece be **up to \$35,000**. To be addressed by resolution at the February Commission meeting.
  
5. **PROPOSED ORDINANCE REGULATING THE RETAIL SALE OF DOGS AND CATS:** (Commissioner Cohen) Commissioner Cohen recommended that the City establish legislation regulating the retail sale of dogs and cats in order to promote community awareness of animal welfare and to encourage pet consumers to adopt dogs and cats from shelters, thereby saving the animals' lives and reducing the cost to the public of sheltering animals. She then

introduced Hallandale Beach Commissioner Michelle Lazaro who has been promoting similar regulations to other municipalities in Broward and Miami-Dade counties.

**CITY MANAGER SUMMARY:** Consensus to proceed with consideration of appropriate legislation at the February commission meeting.

6. **MIAMI-DADE COUNTY LEAGUE OF CITIES INSTALLATION DINNER:** (City Manager) Mr. Soroka inquired as to who would be attending this dinner.

**CITY MANAGER SUMMARY** Vice Mayor Howard Weinberg and Commissioners Luz Weinberg, Teri Holzberg and Enbar Cohen expressed their desire to attend.

7. **ADJOURNMENT:** There being no further business to come before the Commission at this time, the meeting adjourned at 10:15 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

## COMMUNITY SERVICES DEPARTMENT

### MEMORANDUM

TO: City Commission

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

BY: Robert M. Sherman, Director of Community Services 

DATE: January 21, 2014

SUBJECT: **Bid No. 13-11-22-2 City of Aventura Maintenance and Repair for City Roads, Streets and Facilities**

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**February 4, 2014 City Commission Meeting Agenda Item 5B**

#### Recommendation

It is recommended that the City Commission adopt the attached Resolution awarding Bid No. 13-11-22-2 City of Aventura Maintenance and Repair for City Roads, Streets and Facilities to the lowest responsible and responsive bidders; JVA Engineering Contractor, Inc., Magna Construction, Inc., and Weekley Asphalt Paving, Inc. for the unit prices as contained in Exhibit "A" attached as per the City's Consulting Engineer's recommendation.

#### Background

In accordance with the City's Purchasing Ordinance, bids for this maintenance contract were solicited, advertised, and opened on November 22, 2013. Three qualified bids were received from JVA Engineering Contractor, Inc., Magna Construction, Inc., and Weekley Asphalt Paving, Inc.

This bid contains unit pricing for the following areas of public works that can be used by the City as a maintenance contract on an as-needed basis as determined by the City:

- Paving and Concrete
- Storm Drainage
- Pavement Markings and Signage
- Hourly Labor Charges

All three bidders submitted qualified bids, and all three bidders have received positive references in similar type work. Since some of the unit prices are lower than others, it is in the City's best interest to award this bid to multiple bidders to take advantage of the lowest pricing as submitted by each bidder.

January 21, 2014  
City Commission  
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The City can realize significant cost savings by using this contract for road and sidewalk repairs, stormwater projects, and pavement improvements, avoiding the start-up and administrative costs involved in advertising for bids for specific projects. All three bidders will be required to post the appropriate insurance that is acceptable to the City, and all work will be subject to the review and inspection of City staff and our consulting engineers. This contract is for a one year period, with a one year extension, at the City's sole discretion.

Please feel free to contact the City Manager if you need any additional information.

RMS/gf

Attachments

RMS14005

## MEMORANDUM

CRAVEN THOMPSON AND ASSOCIATES, INC.

Date: December 30, 2013

To: Robert Sherman, CPRP, Director  
Community Services Department

Copy: Alan Levine, Public Works Operations Manager

From: Adolfo A. González, PE, LEED AP, Consulting Engineer

Reference: Maintenance and Repair for City Roads, Streets and Facilities  
Bid Number 14-11-22-2

AA  
Digitally signed by AA  
DN: cn=AA, o=CRAVEN THOMPSON AND ASSOCIATES, INC., email=AA@CRAVEN-THOMPSON-AND-ASSOCIATES.COM, c=US

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At your request, we have reviewed the results for the above referenced request for bids. The following contractors submitted a bid:

- JVA Engineering Contractor, Inc.
- Magna Construction, Inc.
- Weekley Asphalt Paving, Inc.

Magna Construction, Inc. and Weekley Asphalt Paving, Inc. have successfully performed projects for the City under the previous maintenance and repair contract. JVA Engineering Contractor is pre-qualified with the Florida Department of Transportation for work associated with drainage, grading, flexible paving and roadway signing. In addition, we checked one of their references and the former client found their work to be satisfactory.

Enclosed is a bid tabulation spreadsheet showing all of the individual unit and extended prices. The low unit price for each line item is highlighted yellow.

It is our opinion that JVA Engineering Contractor, Inc., Magna Construction, Inc., and Weekley Asphalt Paving, Inc. are responsive and responsible contractors and recommend awarding the bid to all three contractors.

If you have any questions or require any additional information, please call.

Enclosure: Bid Tabulation

RESOLUTION NO. 2014-\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDED AND LETTING A BID/CONTRACT FOR BID NO. 13-11-22-2, CITY OF AVENTURA MAINTENANCE AND REPAIR FOR CITY ROADS, STREETS AND FACILITIES TO JVA ENGINEERING CONTRACTOR, INC., MAGNA CONSTRUCTION, INC., AND WEEKLEY ASPHALT PAVING, INC. AT THE INDIVIDUAL BID PRICES AS CONTAINED IN EXHIBIT "A" ATTACHED; AUTHORIZING THE CITY MANAGER TO EXECUTE ASSOCIATED CONTRACTS; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY AND EXPEDIENT ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR THE APPROPRIATION AND ALLOCATION OF FUNDS FOR SAID BID AWARD; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Manager of the City of Aventura, Florida, has, pursuant to the various laws of the State of Florida and the Code of the City of Aventura, properly solicited and accordingly accepted bids for BID NO. 13-11-22-2 CITY OF AVENTURA MAINTENANCE AND REPAIR FOR CITY ROADS, STREETS AND FACILITIES; and

**WHEREAS**, sealed bids have been submitted to and received by the City pursuant to the City's Invitation to Bid/Notice to Bidders, specifications, proposals, and requirements for the project/work as cited above; and

**WHEREAS**, staff has determined that JVA Engineering Contractor, Inc., Magna Construction, Inc. and Weekley Asphalt Paving, Inc., have submitted the lowest responsible and responsive bids for said project/work; and

**WHEREAS**, the City Commission, upon the recommendation of the City Manager, is therefore desirous of awarding said bid/contract to said lowest responsible and responsive bidders.

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

**Section 1:** That bid/contract for BID NO. 13-11-22-2, CITY OF AVENTURA MAINTENANCE AND REPAIR WORK FOR CITY ROADS, STREETS AND FACILITIES is hereby awarded to JVA Engineering Contractor, Inc., Magna Construction, Inc., and Weekley Asphalt Paving, Inc., at the bid prices as contained in

Exhibit "A", attached.

**Section 2:** The City Manager is hereby authorized to execute, on behalf of the City, a contract by and between the parties embodying the terms, conditions, specifications as set forth in the subject Invitation to Bid/Notice to Bidders, bid specifications, bid proposal and bid requirements, and said parties shall execute said prepared contracts on behalf of the City.

**Section 3:** That the City Manager is hereby authorized and requested to take all necessary and expedient action to carry out the aims of this Resolution in awarding this bid/contract.

**Section 4:** That the funds to be allocated and appropriated pursuant hereto and for the purpose of carrying out the tenets of this Resolution shall be from the Transportation and Street Maintenance Fund Line Item No. 120-5001-541-6305 and the Stormwater Utility Fund Line Item No. 410-5001-538-3460.

**Section 5:** This Resolution shall be 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 Michael Stern	_____
Commissioner Luz Urbáez-Weinberg	_____
Vice Mayor Howard Weinberg	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 4<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
SUSAN GOTTLIEB, MAYOR

ATTEST:

\_\_\_\_\_  
TERESA M. SOROKA, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
CITY ATTORNEY

CITY OF AVENTURA  
Maintenance and Repair for City Roads, Streets, and Facilities  
Bid Tabulation for Bid No. 13-11-22-2

EXHIBIT "A"

(lowest line item price is highlighted in yellow)

JVA Engineering  
Contractor, Inc.

Magna Construction, Inc.

Weekley Asphalt Paving,  
Inc.

Item	Estimated Quantity	Description	Unit	Percentage of Total Project	Percentage of Total Project	Percentage of Total Project
<b>GENERAL CONDITIONS AND MOBILIZATION</b>						
1	1	General Conditions and Mobilization Costs For Jobs Totalling \$2,499 or Less	LS	125%	50%	100%
2	1	General Conditions and Mobilization Costs For Jobs Ranging from \$2,500 - \$4,999	LS	100%	50%	50%
3	1	General Conditions and Mobilization Costs For Jobs Ranging from \$5,000 - \$24,999	LS	30%	30%	30%
4	1	General Conditions and Mobilization Costs For Jobs Totalling \$25,000 or More	LS	25%	15%	20%

Item	Estimated Quantity	Description	Unit	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
<b>MAINTENANCE OF TRAFFIC</b>									
5	1	Furnish and Install Steel Traffic Plates for 12-Foot Wide Traffic Lane - Daily Rate	EA	\$ 75.00	\$ 75.00	\$ 85.00	\$ 85.00	\$ 1,500.00	\$ 1,500.00
6	1	Furnish and Install Steel Traffic Plates for 12-Foot Wide Traffic Lane - Weekly Rate	EA	\$ 100.00	\$ 100.00	\$ 255.00	\$ 255.00	\$ 3,800.00	\$ 3,800.00
7	10	Type I Barricade per FDOT Standard Index No. 600 - Provide for Project Duration - Up to 14 Days	EA	\$ 0.50	\$ 5.00	\$ 65.00	\$ 650.00	\$ 10.00	\$ 100.00
8	10	Type I Barricade per FDOT Standard Index No. 600 - Provide for Project Duration - Up to 30 Days	EA	\$ 0.45	\$ 4.50	\$ 35.00	\$ 350.00	\$ 30.00	\$ 300.00
9	10	Type II Barricade per FDOT Standard Index No. 600 - Provide for Project Duration - Up to 14 Days	EA	\$ 0.50	\$ 5.00	\$ 65.00	\$ 650.00	\$ 10.00	\$ 100.00
10	10	Type II Barricade per FDOT Standard Index No. 600 - Provide for Project Duration - Up to 30 Days	EA	\$ 0.45	\$ 4.50	\$ 15.00	\$ 150.00	\$ 30.00	\$ 300.00
11	10	Type III Barricade per FDOT Standard Index No. 600 - Provide for Project Duration - Up to 14 Days	EA	\$ 0.50	\$ 5.00	\$ 15.00	\$ 150.00	\$ 20.00	\$ 200.00
12	10	Type III Barricade per FDOT Standard Index No. 600 - Provide for Project Duration - Up to 30 Days	EA	\$ 0.45	\$ 4.50	\$ 15.00	\$ 150.00	\$ 45.00	\$ 450.00
13	25	Furnish and Install Temporary Concrete Barrier Wall - Provide for Project Duration - Up to 14 Days	LF	\$ 30.00	\$ 750.00	\$ 25.00	\$ 625.00	\$ 30.00	\$ 750.00
14	25	Furnish and Install Temporary Concrete Barrier Wall - Provide for Project Duration - Up to 30 Days	LF	\$ 28.00	\$ 700.00	\$ 25.00	\$ 625.00	\$ 50.00	\$ 1,250.00
15	25	Furnish and Install Temporary Plastic (Water Filled) Barrier Wall, 42" High - Provide for Project Duration - Up to 14 Days	LF	\$ 25.00	\$ 625.00	\$ 20.00	\$ 500.00	\$ 30.00	\$ 750.00
16	25	Furnish and Install Temporary Plastic (Water Filled) Barrier Wall, 42" High - Provide for Project Duration - Up to 30 Days	LF	\$ 24.00	\$ 600.00	\$ 20.00	\$ 500.00	\$ 50.00	\$ 1,250.00
17	1	Portable 6 KW Tower Light (Including Power Source as required) - Daily Rate	EA	\$ 280.00	\$ 280.00	\$ 25.00	\$ 25.00	\$ 30.00	\$ 30.00
18	1	Portable 6 KW Tower Light (Including Power Source as required) - Weekly Rate	EA	\$ 850.00	\$ 850.00	\$ 150.00	\$ 150.00	\$ 200.00	\$ 200.00
19	1	Portable 6 KW Tower Light (Including Power Source as required) - Monthly Rate	EA	\$ 1,800.00	\$ 1,800.00	\$ 300.00	\$ 300.00	\$ 600.00	\$ 600.00
<b>STORM WATER POLLUTION PREVENTION</b>									
20	100	Furnish and Install Silt Fence	LF	\$ 5.50	\$ 550.00	\$ 5.00	\$ 500.00	\$ 2.50	\$ 250.00
21	5	Furnish and Install Inlet Sediment Control Device	EA	\$ 75.00	\$ 375.00	\$ 250.00	\$ 1,250.00	\$ 150.00	\$ 750.00
22	1	Furnish and Install Truck Gravel Construction Entrance (Min. Length=30')	EA	\$ 2,500.00	\$ 2,500.00	\$ 3,000.00	\$ 3,000.00	\$ 2,900.00	\$ 2,900.00
<b>EARTHWORK AND SITE RESTORATION</b>									
23	0.1	Clearing and Grubbing	AC	\$ 30,000.00	\$ 3,000.00	\$ 5,000.00	\$ 500.00	\$ 20,000.00	\$ 2,000.00
24	50	Remove and dispose of unsuitable material	CY	\$ 22.00	\$ 1,100.00	\$ 20.00	\$ 1,000.00	\$ 28.00	\$ 1,400.00
25	50	Import suitable fill material -in-place	CY	\$ 25.00	\$ 1,250.00	\$ 12.00	\$ 600.00	\$ 24.00	\$ 1,200.00
26	100	Furnish and install St. Augustine or like kind turf	SY	\$ 4.75	\$ 475.00	\$ 8.00	\$ 800.00	\$ 5.50	\$ 550.00
27	100	Furnish and install Bahia Sod	SY	\$ 4.50	\$ 450.00	\$ 8.00	\$ 800.00	\$ 4.50	\$ 450.00
28	100	Swale Restoration (Up to 12" deep with 1:4 slopes or flatter)	SY	\$ 16.00	\$ 1,600.00	\$ 8.00	\$ 800.00	\$ 9.00	\$ 900.00

CITY OF AVENTURA  
Maintenance and Repair for City Roads, Streets, and Facilities  
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(lowest line item price is highlighted in yellow)

JVA Engineering  
Contractor, Inc.

Magna Construction, Inc.

Weekley Asphalt Paving,  
Inc.

Item	Estimated Quantity	Description	Unit	Percentage of Total Project		Percentage of Total Project		Percentage of Total Project	
<b>PAVING AND CONCRETE</b>									
29	100	12" Stabilized Subgrade (min. LBR of 40)	SY	\$ 5.00	\$ 500.00	\$ 18.00	\$ 1,800.00	\$ 3.80	\$ 380.00
30	100	6" Limerock Base (min. LBR of 100), Including Prime Coat	SY	\$ 18.00	\$ 1,800.00	\$ 20.00	\$ 2,000.00	\$ 21.50	\$ 2,150.00
31	100	Each Additional 2" Limerock Base (min. LBR of 100), Including Prime Coat	SY	\$ 2.00	\$ 200.00	\$ 7.00	\$ 700.00	\$ 4.25	\$ 425.00
32	100	1" Asphalt Type SP-9.5, Including Tack Coat	SY	\$ 11.25	\$ 1,125.00	\$ 8.00	\$ 800.00	\$ 8.00	\$ 800.00
33	100	Each Additional 1/2" Asphalt Type SP-9.5, Including Tack Coat	SY	\$ 6.00	\$ 600.00	\$ 3.00	\$ 300.00	\$ 4.00	\$ 400.00
34	100	1 1/2" Asphalt Type SP-12.5, Including Tack Coat	SY	\$ 17.25	\$ 1,725.00	\$ 10.50	\$ 1,050.00	\$ 10.50	\$ 1,050.00
35	100	Each Additional 1/2" Asphalt Type SP-12.5, Including Tack Coat	SY	\$ 16.00	\$ 1,600.00	\$ 3.00	\$ 300.00	\$ 5.25	\$ 525.00
36	100	Mill Existing Pavement (1" Average Depth)	SY	\$ 5.00	\$ 500.00	\$ 3.00	\$ 300.00	\$ 5.50	\$ 550.00
37	1	Sealcoat (up to 5,000 SF)	SF	\$ 1.50	\$ 1.50	\$ 0.50	\$ 0.50	\$ 8.00	\$ 8.00
38	1	Sealcoat (5,000 SF - 10,000 SF)	SF	\$ 1.25	\$ 1.25	\$ 0.50	\$ 0.50	\$ 7.50	\$ 7.50
39	1	Sealcoat (10,000 SF - 20,000 SF)	SF	\$ 1.10	\$ 1.10	\$ 0.50	\$ 0.50	\$ 7.00	\$ 7.00
40	1	Sealcoat (20,000 SF - 50,000 SF)	SF	\$ 1.00	\$ 1.00	\$ 0.50	\$ 0.50	\$ 6.00	\$ 6.00
41	1	Sealcoat (50,000 SF or Greater)	SF	\$ 0.95	\$ 0.95	\$ 0.50	\$ 0.50	\$ 5.00	\$ 5.00
42	100	Remove and Dispose of Existing Asphalt Pavement (up to 4")	SY	\$ 14.00	\$ 1,400.00	\$ 20.00	\$ 2,000.00	\$ 5.75	\$ 575.00
43	100	Remove and Dispose of Existing Concrete (up to 6")	SY	\$ 16.00	\$ 1,600.00	\$ 15.00	\$ 1,500.00	\$ 28.00	\$ 2,800.00
44	100	Remove and Dispose of Existing Type "D" Concrete Curb	LF	\$ 10.00	\$ 1,000.00	\$ 3.00	\$ 300.00	\$ 8.50	\$ 850.00
45	100	Remove and Dispose of Existing Type "F" Concrete Curb and Gutter or Concrete Valley Gutter	LF	\$ 12.00	\$ 1,200.00	\$ 7.50	\$ 750.00	\$ 8.50	\$ 850.00
46	25	Pavement Restoration (up to 18" Limerock, 2" Asphalt)	SY	\$ 45.00	\$ 1,125.00	\$ 70.00	\$ 1,750.00	\$ 67.25	\$ 1,681.25
47	25	Type "F" Curb & Gutter, Including 4" Limerock Pad	LF	\$ 35.00	\$ 875.00	\$ 40.00	\$ 1,000.00	\$ 81.00	\$ 2,025.00
48	25	Type "D" Curb	LF	\$ 30.00	\$ 750.00	\$ 40.00	\$ 1,000.00	\$ 51.00	\$ 1,275.00
49	25	8' Wide Asphalt Exercise Path with 6" Limerock Base (min. LBR of 100)	LF	\$ 32.00	\$ 800.00	\$ 25.00	\$ 625.00	\$ 87.00	\$ 2,175.00
50	100	4" Concrete Sidewalk (min. 3,000 psi) with Compacted Subgrade	SY	\$ 49.50	\$ 4,950.00	\$ 45.00	\$ 4,500.00	\$ 38.00	\$ 3,800.00
51	100	6" Concrete Sidewalk (min. 3,000 psi) with Compacted Subgrade	SY	\$ 58.50	\$ 5,850.00	\$ 45.00	\$ 4,500.00	\$ 46.00	\$ 4,600.00
52	100	Remove and Replace Existing 6" Stamped Concrete (min. 3,000 psi) with Compacted Subgrade	SY	\$ 75.00	\$ 7,500.00	\$ 20.00	\$ 2,000.00	\$ 96.00	\$ 9,600.00
53	25	Bnck Pavers (min. 3 1/8" Thick) on 1/4" Sand Bed	SF	\$ 6.00	\$ 150.00	\$ 12.00	\$ 300.00	\$ 8.00	\$ 200.00
54	100	Remove and Replace Existing Bnck Pavers	SY	\$ 8.00	\$ 800.00	\$ 20.00	\$ 2,000.00	\$ 11.00	\$ 1,100.00
55	100	Remove and Replace Existing Header Curb (up to 12" x 12")	SY	\$ 75.00	\$ 7,500.00	\$ 30.00	\$ 3,000.00	\$ 288.00	\$ 28,800.00
56	100	Install New 8" x 12" Header Curb (min. 4,000 psi)	SY	\$ 70.00	\$ 7,000.00	\$ 25.00	\$ 2,500.00	\$ 288.00	\$ 28,800.00
57	1	Accessible Ramps (Concrete) with Embedded Detectable Warning Surface	EA	\$ 1,800.00	\$ 1,800.00	\$ 1,500.00	\$ 1,500.00	\$ 3,800.00	\$ 3,800.00
58	25	Furnish and Install Guardrail Per FDOT Standard Index No. 400	LF	\$ 45.00	\$ 1,125.00	\$ 30.00	\$ 750.00	\$ 26.00	\$ 650.00
59	2	Furnish and Install Guardrail End Anchorage Assembly per FDOT Standard Index No. 400	EA	\$ 750.00	\$ 1,500.00	\$ 2,500.00	\$ 5,000.00	\$ 2,550.00	\$ 5,100.00
60	25	Furnish and Install Pedestrian Handrail per FDOT Standard Index No. 870	LF	\$ 60.00	\$ 1,500.00	\$ 100.00	\$ 2,500.00	\$ 65.00	\$ 1,625.00
61	50	Furnish and Install 6' High Temporary Chain Link Fencing	LF	\$ 28.00	\$ 1,400.00	\$ 12.00	\$ 600.00	\$ 10.00	\$ 500.00
62	50	Furnish and Install 4' High Orange Construction Fence	LF	\$ 3.50	\$ 175.00	\$ 5.00	\$ 250.00	\$ 6.00	\$ 300.00
63	50	Flowable Fill	CY	\$ 150.00	\$ 7,500.00	\$ 125.00	\$ 6,250.00	\$ 160.00	\$ 8,000.00
64	1	Concrete Wheel Stops - Installed	EA	\$ 40.00	\$ 40.00	\$ 50.00	\$ 50.00	\$ 65.00	\$ 65.00

**CITY OF AVENTURA**  
**Maintenance and Repair for City Roads, Streets, and Facilities**  
**Bid Tabulation for Bid No. 13-11-22-2**

EXHIBIT "A"

(lowest line item price is highlighted in yellow)

**JVA Engineering**  
**Contractor, Inc.**

**Magna Construction, Inc.**

**Weekley Asphalt Paving,**  
**Inc.**

Item	Estimated Quantity	Description	Unit	Percentage of Total Project		Percentage of Total Project		Percentage of Total Project	
<b>STORM DRAINAGE</b>									
65	25	Pipe Culvert - 12" Diameter HDPE (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 53.00	\$ 1,325.00	\$ 55.00	\$ 1,375.00	\$ 60.00	\$ 1,500.00
66	25	Pipe Culvert - 15" Diameter HDPE (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 60.00	\$ 1,500.00	\$ 60.00	\$ 1,500.00	\$ 76.00	\$ 1,900.00
67	25	Pipe Culvert - 15" Diameter RCP (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 73.00	\$ 1,825.00	\$ 75.00	\$ 1,875.00	\$ 80.00	\$ 2,000.00
68	25	Pipe Culvert - 18" Diameter HDPE (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 65.00	\$ 1,625.00	\$ 65.00	\$ 1,625.00	\$ 90.00	\$ 2,250.00
69	25	Pipe Culvert - 18" Diameter RCP (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 78.00	\$ 1,950.00	\$ 80.00	\$ 2,000.00	\$ 98.00	\$ 2,450.00
70	25	Pipe Culvert - 24" Diameter HDPE (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 70.00	\$ 1,750.00	\$ 80.00	\$ 2,000.00	\$ 115.00	\$ 2,875.00
71	25	Pipe Culvert - 24" Diameter RCP (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 85.00	\$ 2,125.00	\$ 100.00	\$ 2,500.00	\$ 135.00	\$ 3,375.00
72	25	Pipe Culvert - 30" Diameter HDPE (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 78.00	\$ 1,950.00	\$ 60.00	\$ 1,500.00	\$ 170.00	\$ 4,250.00
73	25	Pipe Culvert - 30" Diameter RCP (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 90.00	\$ 2,250.00	\$ 70.00	\$ 1,750.00	\$ 180.00	\$ 4,500.00
74	25	Pipe Culvert - 36" Diameter HDPE (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 85.00	\$ 2,125.00	\$ 65.00	\$ 1,625.00	\$ 210.00	\$ 5,250.00
75	25	Pipe Culvert - 36" Diameter RCP (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 140.00	\$ 3,500.00	\$ 75.00	\$ 1,875.00	\$ 240.00	\$ 6,000.00
76	25	Pipe Culvert - 42" Diameter RCP (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 160.00	\$ 4,000.00	\$ 80.00	\$ 2,000.00	\$ 290.00	\$ 7,250.00
77	25	Pipe Culvert - 48" Diameter RCP (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 180.00	\$ 4,500.00	\$ 87.00	\$ 2,175.00	\$ 330.00	\$ 8,250.00
78	25	Pipe Culvert - 54" Diameter RCP (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 225.00	\$ 5,625.00	\$ 88.00	\$ 2,200.00	\$ 360.00	\$ 9,000.00
79	25	Pipe Culvert - 60" Diameter RCP (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 260.00	\$ 6,500.00	\$ 89.00	\$ 2,225.00	\$ 400.00	\$ 10,000.00
80	25	Pipe Culvert - 72" Diameter RCP (Installation Includes All Bedding, Shoring, etc. as necessary to provide work)	LF	\$ 350.00	\$ 8,750.00	\$ 90.00	\$ 2,250.00	\$ 900.00	\$ 22,500.00
81	1	Construct New Drainage Well (6'X12' Structure) (Box Only)	EA	\$ 20,000.00	\$ 20,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00
82	1	Drill Drainage Well (Up to 150' Depth) w/ 24" Steel Casing (Well Only)	EA	\$ 20,000.00	\$ 20,000.00	\$ 15,000.00	\$ 15,000.00	\$ 92,000.00	\$ 92,000.00
83	1	Re-Drill Existing Drainage Well (Up to 150' Depth)	EA	\$ 20,000.00	\$ 20,000.00	\$ 3,500.00	\$ 3,500.00	\$ 48,000.00	\$ 48,000.00
84	25	4' x 4' Exfiltration Trench with 15" Slotted RCP	LF	\$ 180.00	\$ 4,500.00	\$ 100.00	\$ 2,500.00	\$ 165.00	\$ 4,125.00
85	25	4' x 6' Exfiltration Trench with 15" Slotted RCP	LF	\$ 230.00	\$ 5,750.00	\$ 100.00	\$ 2,500.00	\$ 195.00	\$ 4,875.00
86	1	12" ADS Drain Basin	EA	\$ 1,600.00	\$ 1,600.00	\$ 550.00	\$ 550.00	\$ 700.00	\$ 700.00
87	1	15" ADS Drain Basin	EA	\$ 1,800.00	\$ 1,800.00	\$ 800.00	\$ 800.00	\$ 750.00	\$ 750.00
88	1	18" ADS Drain Basin	EA	\$ 2,000.00	\$ 2,000.00	\$ 800.00	\$ 800.00	\$ 800.00	\$ 800.00
89	1	24" ADS Drain Basin	EA	\$ 2,200.00	\$ 2,200.00	\$ 1,200.00	\$ 1,200.00	\$ 950.00	\$ 950.00
90	1	Drainage Inlet (Type C - 24" x 36")	EA	\$ 3,500.00	\$ 3,500.00	\$ 2,000.00	\$ 2,000.00	\$ 4,000.00	\$ 4,000.00
91	1	Drainage Inlet (Type C-4 - 48" Round)	EA	\$ 4,275.00	\$ 4,275.00	\$ 2,500.00	\$ 2,500.00	\$ 6,800.00	\$ 6,800.00
92	1	Drainage Inlet (Type C-5 - 60" Round)	EA	\$ 5,350.00	\$ 5,350.00	\$ 2,500.00	\$ 2,500.00	\$ 7,700.00	\$ 7,700.00
93	1	Drainage Inlet (Type C-6 - 72" Round)	EA	\$ 8,400.00	\$ 8,400.00	\$ 3,450.00	\$ 3,450.00	\$ 10,000.00	\$ 10,000.00
94	1	Storm Manhole (Type M-4 - 48" Round)	EA	\$ 4,625.00	\$ 4,625.00	\$ 3,000.00	\$ 3,000.00	\$ 5,000.00	\$ 5,000.00
95	1	Storm Manhole (Type M-5 - 60" Round)	EA	\$ 5,575.00	\$ 5,575.00	\$ 3,000.00	\$ 3,000.00	\$ 7,200.00	\$ 7,200.00
96	1	Storm Manhole (Type M-6 - 72" Round)	EA	\$ 8,615.00	\$ 8,615.00	\$ 3,450.00	\$ 3,450.00	\$ 8,300.00	\$ 8,300.00
97	1	Storm Manhole (Type M-8 - 96" Round)	EA	\$ 15,000.00	\$ 15,000.00	\$ 3,800.00	\$ 3,800.00	\$ 11,000.00	\$ 11,000.00
98	1	Storm Manhole (Type M-10 - 120" Round)	EA	\$ 22,500.00	\$ 22,500.00	\$ 4,000.00	\$ 4,000.00	\$ 19,000.00	\$ 19,000.00
99	25	15" Cast-In-Place Pipe Liner	LF	\$ 100.00	\$ 2,500.00	\$ 25.00	\$ 625.00	\$ 260.00	\$ 6,500.00
100	25	18" Cast-In-Place Pipe Liner	LF	\$ 125.00	\$ 3,125.00	\$ 25.00	\$ 625.00	\$ 280.00	\$ 7,000.00
101	25	24" Cast-In-Place Pipe Liner	LF	\$ 175.00	\$ 4,375.00	\$ 26.00	\$ 650.00	\$ 300.00	\$ 7,500.00
102	25	30" Cast-In-Place Pipe Liner	LF	\$ 225.00	\$ 5,625.00	\$ 27.00	\$ 675.00	\$ 370.00	\$ 9,250.00
103	25	36" Cast-In-Place Pipe Liner	LF	\$ 300.00	\$ 7,500.00	\$ 28.00	\$ 700.00	\$ 560.00	\$ 14,000.00
104	25	42" Cast-In-Place Pipe Liner	LF	\$ 350.00	\$ 8,750.00	\$ 29.00	\$ 725.00	\$ 600.00	\$ 15,000.00
105	25	48" Cast-In-Place Pipe Liner	LF	\$ 400.00	\$ 10,000.00	\$ 30.00	\$ 750.00	\$ 900.00	\$ 22,500.00
106	1	Core-Drill & Connect to Existing Drainage Structure	EA	\$ 1,200.00	\$ 1,200.00	\$ 800.00	\$ 800.00	\$ 600.00	\$ 600.00
107	100	Well Cleaning - 24" Well Casing up to 100 Feet, including Proper Disposal of All Material	LF	\$ 100.00	\$ 10,000.00	\$ 30.00	\$ 3,000.00	\$ 300.00	\$ 30,000.00
108	1	Basin Cleaning, Including Proper Disposal of All Material (Includes Installation of Plugs, Pumps, etc. as necessary to provide work)	EA	\$ 300.00	\$ 300.00	\$ 350.00	\$ 350.00	\$ 850.00	\$ 850.00
109	1	Manhole Cleaning, Including Proper Disposal of All Material (Includes Installation of Plugs, Pumps, etc. as necessary to provide work)	EA	\$ 500.00	\$ 500.00	\$ 350.00	\$ 350.00	\$ 950.00	\$ 950.00
110	50	CCTV Video Inspection of Existing Pipe/Culvert, Including Written Report (Includes Installation of Plugs, Pumps, etc. as necessary to provide work)	LF	\$ 100.00	\$ 5,000.00	\$ 4.00	\$ 200.00	\$ 7.50	\$ 375.00
111	1	Install 15" Plug - 24-Hour Rate, Includes Removal	EA	\$ 300.00	\$ 300.00	\$ 230.00	\$ 230.00	\$ 500.00	\$ 500.00
112	1	Install 18" Plug - 24-Hour Rate, Includes Removal	EA	\$ 500.00	\$ 500.00	\$ 230.00	\$ 230.00	\$ 650.00	\$ 650.00
113	1	Install 24" Plug - 24-Hour Rate, Includes Removal	EA	\$ 700.00	\$ 700.00	\$ 275.00	\$ 275.00	\$ 750.00	\$ 750.00
114	1	Install Plug Greater than 24" - 24-Hour Rate, Includes Removal	EA	\$ 800.00	\$ 800.00	\$ 350.00	\$ 350.00	\$ 900.00	\$ 900.00
115	50	Clean Existing 15" Culvert (Includes Proper Disposal of All Material, Plugs, Pumps, etc. as necessary to provide work)	EA	\$ 6.00	\$ 300.00	\$ 5.50	\$ 275.00	\$ 5.00	\$ 250.00

CITY OF AVENTURA  
Maintenance and Repair for City Roads, Streets, and Facilities  
Bid Tabulation for Bid No. 13-11-22-2

EXHIBIT "A"

(lowest line item price is highlighted in yellow)

JVA Engineering  
Contractor, Inc.

Magna Construction, Inc.

Weekley Asphalt Paving,  
Inc.

Item	Estimated Quantity	Description	Unit	Percentage of Total Project		Percentage of Total Project		Percentage of Total Project	
116	50	Clean Existing 18" Culvert (Includes Proper Disposal of All Material, Plugs, Pumps, etc. as necessary to provide work)	LF	\$ 8.00	\$ 400.00	\$ 5.50	\$ 275.00	\$ 6.00	\$ 300.00
117	50	Clean Existing 24" Culvert (Includes Proper Disposal of All Material, Plugs, Pumps, etc. as necessary to provide work)	LF	\$ 10.00	\$ 500.00	\$ 5.50	\$ 275.00	\$ 7.00	\$ 350.00
118	50	Clean Existing 30" Culvert (Includes Proper Disposal of All Material, Plugs, Pumps, etc. as necessary to provide work)	LF	\$ 12.00	\$ 600.00	\$ 5.50	\$ 275.00	\$ 9.00	\$ 450.00
119	50	Clean Existing 36" Culvert (Includes Proper Disposal of All Material, Plugs, Pumps, etc. as necessary to provide work)	LF	\$ 14.00	\$ 700.00	\$ 5.50	\$ 275.00	\$ 10.00	\$ 500.00
120	50	Clean Existing 42" Culvert (Includes Proper Disposal of All Material, Plugs, Pumps, etc. as necessary to provide work)	LF	\$ 16.00	\$ 800.00	\$ 7.50	\$ 375.00	\$ 12.00	\$ 600.00
121	50	Clean Existing 48" Culvert (Includes Proper Disposal of All Material, Plugs, Pumps, etc. as necessary to provide work)	LF	\$ 18.00	\$ 900.00	\$ 7.50	\$ 375.00	\$ 15.00	\$ 750.00
122	50	Clean Existing 54" Culvert (Includes Proper Disposal of All Material, Plugs, Pumps, etc. as necessary to provide work)	LF	\$ 20.00	\$ 1,000.00	\$ 7.50	\$ 375.00	\$ 18.00	\$ 900.00
123	50	Clean Existing 60" Culvert (Includes Proper Disposal of All Material, Plugs, Pumps, etc. as necessary to provide work)	LF	\$ 22.00	\$ 1,100.00	\$ 7.50	\$ 375.00	\$ 29.00	\$ 1,450.00
124	50	Clean Existing 72" Culvert (Includes Proper Disposal of All Material, Plugs, Pumps, etc. as necessary to provide work)	LF	\$ 24.00	\$ 1,200.00	\$ 7.50	\$ 375.00	\$ 31.00	\$ 1,550.00
125	1	Provide 2" Pump with Discharge Line - 24-Hour Rate	EA	\$ 250.00	\$ 250.00	\$ 235.00	\$ 235.00	\$ 200.00	\$ 200.00
126	1	Provide 2" Pump with Discharge Line - Weekly Rate	EA	\$ 2,800.00	\$ 2,800.00	\$ 235.00	\$ 235.00	\$ 1,000.00	\$ 1,000.00
127	1	Provide 2" Pump with Discharge Line - Monthly Rate	EA	\$ 12,000.00	\$ 12,000.00	\$ 235.00	\$ 235.00	\$ 3,500.00	\$ 3,500.00
128	1	Provide 4" Pump with Discharge Line - 24-Hour Rate	EA	\$ 400.00	\$ 400.00	\$ 500.00	\$ 500.00	\$ 270.00	\$ 270.00
129	1	Provide 4" Pump with Discharge Line - Weekly Rate	EA	\$ 3,800.00	\$ 3,800.00	\$ 500.00	\$ 500.00	\$ 1,350.00	\$ 1,350.00
130	1	Provide 4" Pump with Discharge Line - Monthly Rate	EA	\$ 16,000.00	\$ 16,000.00	\$ 500.00	\$ 500.00	\$ 4,900.00	\$ 4,900.00
131	1	Provide 6" Pump with Discharge Line - 24-Hour Rate	EA	\$ 600.00	\$ 600.00	\$ 500.00	\$ 500.00	\$ 320.00	\$ 320.00
132	1	Provide 6" Pump with Discharge Line - Weekly Rate	EA	\$ 4,500.00	\$ 4,500.00	\$ 500.00	\$ 500.00	\$ 1,600.00	\$ 1,600.00
133	1	Provide 6" Pump with Discharge Line - Monthly Rate	EA	\$ 18,000.00	\$ 18,000.00	\$ 500.00	\$ 500.00	\$ 5,600.00	\$ 5,600.00
<b>PAVEMENT MARKINGS AND SIGNAGE</b>									
134	1	Single Post Sign (up to 30" x 30")	EA	\$ 500.00	\$ 500.00	\$ 600.00	\$ 600.00	\$ 380.00	\$ 380.00
135	25	4" Solid Striping (Thermoplastic)	LF	\$ 1.06	\$ 26.50	\$ 1.00	\$ 25.00	\$ 3.00	\$ 75.00
136	25	6" Solid Striping (Thermoplastic)	LF	\$ 1.25	\$ 31.25	\$ 3.00	\$ 75.00	\$ 4.00	\$ 100.00
137	25	8" Solid Striping (Thermoplastic)	LF	\$ 1.56	\$ 39.00	\$ 3.25	\$ 81.25	\$ 4.50	\$ 112.50
138	25	12" Solid Striping (Thermoplastic)	LF	\$ 2.50	\$ 62.50	\$ 3.50	\$ 87.50	\$ 4.75	\$ 118.75
139	25	18" Solid Striping (Thermoplastic)	LF	\$ 4.06	\$ 101.50	\$ 3.50	\$ 87.50	\$ 5.50	\$ 137.50
140	25	24" Solid Striping (Thermoplastic)	LF	\$ 5.63	\$ 140.75	\$ 10.00	\$ 250.00	\$ 7.00	\$ 175.00
141	25	6" Skip Striping (Thermoplastic)	LF	\$ 1.56	\$ 39.00	\$ 4.00	\$ 100.00	\$ 4.00	\$ 100.00
142	25	4" Solid Striping (Paint)	LF	\$ 0.25	\$ 6.25	\$ 0.55	\$ 13.75	\$ 2.50	\$ 62.50
143	25	6" Solid Striping (Paint)	LF	\$ 0.63	\$ 15.75	\$ 1.50	\$ 37.50	\$ 2.90	\$ 72.50
144	25	8" Solid Striping (Paint)	LF	\$ 0.31	\$ 7.75	\$ 1.75	\$ 43.75	\$ 3.50	\$ 87.50
145	25	12" Solid Striping (Paint)	LF	\$ 1.25	\$ 31.25	\$ 1.75	\$ 43.75	\$ 4.00	\$ 100.00
146	25	18" Solid Striping (Paint)	LF	\$ 1.56	\$ 39.00	\$ 1.75	\$ 43.75	\$ 5.00	\$ 125.00
147	25	24" Solid Striping (Paint)	LF	\$ 2.19	\$ 54.75	\$ 5.00	\$ 125.00	\$ 6.00	\$ 150.00
148	25	6" Skip Striping (Paint)	LF	\$ 0.63	\$ 15.75	\$ 2.00	\$ 50.00	\$ 3.00	\$ 75.00
149	1	Arrow (Thermoplastic)	EA	\$ 93.75	\$ 93.75	\$ 175.00	\$ 175.00	\$ 140.00	\$ 140.00
150	1	Arrow (Paint)	EA	\$ 43.75	\$ 43.75	\$ 175.00	\$ 175.00	\$ 90.00	\$ 90.00
151	5	Lettering per Letter (Thermoplastic)	EA	\$ 125.00	\$ 625.00	\$ 15.00	\$ 75.00	\$ 80.00	\$ 400.00
152	1	Handicap Symbol (Thermoplastic)	EA	\$ 375.00	\$ 375.00	\$ 350.00	\$ 350.00	\$ 500.00	\$ 500.00
153	1	Handicap Symbol (Paint)	EA	\$ 187.50	\$ 187.50	\$ 350.00	\$ 350.00	\$ 375.00	\$ 375.00
154	10	Reflective Pavement Marker (RPM)	EA	\$ 7.50	\$ 75.00	\$ 10.00	\$ 100.00	\$ 7.00	\$ 70.00
155	10	Remove Existing Thermoplastic Pavement Markings (Hydroblast)	LF	\$ 2.50	\$ 25.00	\$ 50.00	\$ 500.00	\$ 16.00	\$ 160.00
156	1	Portable Stop Sign (30" x 30")	EA	\$ 312.50	\$ 312.50	\$ 100.00	\$ 100.00	\$ 150.00	\$ 150.00

Item	Category	Regular Rate	Overtime Rate	Regular Rate	Overtime Rate	Regular Rate	Overtime Rate
<b>HOURLY RATES</b>							
1	Laborer	\$ 40.00	\$ 60.00	\$ 20.00	\$ 30.00	\$ 24.00	\$ 38.50
2	Equipment Operator	\$ 60.00	\$ 90.00	\$ 38.00	\$ 57.00	\$ 29.00	\$ 46.40
3	Foreman	\$ 80.00	\$ 120.00	\$ 40.00	\$ 60.00	\$ 38.00	\$ 61.00
4	Superintendent	\$ 100.00	\$ 150.00	\$ 50.00	\$ 75.00	\$ 67.00	\$ 107.00
5	Provide 2" Pump with Discharge Line - Hourly Rate	\$ 250.00		\$ 50.00	\$ 75.00	\$ 30.00	\$ 45.00
6	Provide 4" Pump with Discharge Line - Hourly Rate	\$ 400.00		\$ 60.00	\$ 90.00	\$ 35.00	\$ 52.50
7	Provide 6" Pump with Discharge Line - Hourly Rate	\$ 600.00		\$ 70.00	\$ 105.00	\$ 40.00	\$ 60.00

**CITY OF AVENTURA**  
**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission

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

DATE: January 22, 2014

SUBJECT: **Resolution Approving Legislative Programs and Priorities for 2014**

---

**February 4, 2014 City Commission Meeting Agenda Item 5-c**

**RECOMMENDATION**

It is recommended that the City Commission approve the attached Resolution approving the Legislative Programs and Priorities for 2014. This item was reviewed at the January Workshop Meeting.

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

EMS/act

Attachment

CCO1831-14

RESOLUTION NO. 2014-\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA ADOPTING THE CITY OF AVENTURA 2014 LEGISLATIVE PROGRAM AND PRIORITIES ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**Section 1.** The City of Aventura 2014 Legislative Program and Priorities, attached hereto, is hereby adopted.

**Section 2.** The City Manager is authorized to take all action necessary to implement the purpose of this Resolution.

**Section 3.** This Resolution shall be effective immediately upon adoption hereof.

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 Michael Stern	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Howard Weinberg	_____
Mayor Susan Gottlieb	_____

**PASSED AND ADOPTED** this 4<sup>th</sup> of February, 2014.

\_\_\_\_\_  
SUSAN GOTTLIEB, MAYOR

ATTEST:

\_\_\_\_\_  
TERESA M. SOROKA, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
CITY ATTORNEY

**CITY OF AVENTURA  
LEGISLATIVE PROGRAM AND PRIORITIES**



**2014**

**Mayor Susan Gottlieb  
Commissioner Enbar Cohen  
Commissioner Teri Holzberg  
Commissioner Billy Joel  
Commissioner Michael Stern  
Commissioner Howard Weinberg  
Commissioner Luz Urbaez Weinberg  
City Manager Eric M. Soroka  
City Clerk Teresa M. Soroka  
City Attorney Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.**

**CITY OF AVENTURA  
LEGISLATIVE PROGRAMS AND PRIORITIES  
2014**

*This document is intended to provide direction to the City Manager, City Attorney and Legislative Lobbyist as to the official City position regarding issues and pending legislation which would affect the operation of local government. This document further provides priorities for the acquisition of supplemental funding (grants) for various programs.*

**The City of Aventura will endorse and support legislation that will:**

1. Provide a dedicated revenue source for Charter School capital improvements at the same levels provided to the local school boards.
2. Increase or maintain educational funding levels for Miami-Dade County public schools.
3. Amend State law allowing a more economical method of advertising for a public hearing relating to Comprehensive Plan adoption and/ or amendments.
4. Adopt the 2014 Policy Statement of the Florida League of Cities.
5. Enact a law enabling cities to prohibit smoking at city sponsored events or activities and/ or at city parks and facilities.
6. On a state-wide level, ban the use of handheld phones by persons operating motor vehicles, but allowing hands free phone devices.
7. Provide a dedicated revenue source to cities that are located within 1 mile of a facility that houses legalized gambling to offset police and road impact costs to the community.
8. Preserve municipal authority for red light camera safety programs.
9. Amend Safe Harbor provisions (Fla. Stat. 718.116(1)(b) condos and 720.3085(2)(c) HOAs) to increase the liability of qualified lending institutions to the lesser of twenty four months of past due assessments or two percent of the original mortgage in the event of a foreclosure.
10. Seek an amendment to Sec. 790.065, F.S., to enable municipal police departments to decline to release a firearm to a person who has been Baker Acted, in the absence of a court order entered in a replevin case. The law presently restricts firearms purchases and access to concealed weapons permits by certain Baker Acted persons, but does not bar their possession of firearms.
11. Seek an amendment to Sec. 718.116(1) (a) F.S. to protect condominium associations to add the underlined language as follows: "A parcel owner is jointly

and severally liable with the previous parcel owner for all unpaid assessments that came due up to the time of transfer of title. This liability is without prejudice to any right the present parcel owner may have to recover any amounts paid by the present owner from the previous owner. For the purposes of this paragraph, the term "previous owner" shall not include an association that acquires title to a delinquent property through foreclosure or by deed in lieu of foreclosure. The present parcel owner's liability for unpaid assessments is limited to any unpaid assessments that accrued before the association acquired title to the delinquent property through foreclosure or by deed in lieu of foreclosure."

**CITY OF AVENTURA**  
**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission

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

DATE: January 23, 2014

SUBJECT: **Resolution Accepting Art Work Entitled "American Spirit" Donated by Zammy Migdal**

---

**February 4, 2014 City Commission Meeting Agenda Item 5-D**

**BACKGROUND**

As discussed at the January 2014 Commission Workshop, the Arts in Public Places Advisory Board recommended that the City Commission accept the art work entitled "American Spirit" donated by Zammy Migdal.

The attached Resolution formerly accepts the art work on behalf of the City.

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

EMS/act

Attachment

CCO1832-14

RESOLUTION NO. 2014-\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, ACCEPTING DONATION OF ART WORK TO THE CITY; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR EFFECTIVE DATE.

**WHEREAS**, Zammy Migdal has offered to donate a significant work of art to the City (the "Art Donation"), entitled "American Spirit", which is described in Exhibit "A" attached hereto; and

**WHEREAS**, the Arts in Public Places Advisory Board recommends that the City Commission accept the Art Donation; and

**WHEREAS**, the City Commission wishes to accept the Art Donation; and

**WHEREAS**, the City Commission finds that acceptance of the Art Donation is in the best interest of the City.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** That the above stated recitals are hereby confirmed and adopted.

**Section 2. Donation Accepted.** That the City Manager is hereby authorized to accept the Art Donation on behalf of the City and do all things necessary to carry out the aims of this resolution.

**Section 3. Effective Date.** That this Resolution shall become effective immediately upon adoption hereof.

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 Michael Stern	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Howard Weinberg	_____
Mayor Susan Gottlieb	_____

**PASSED AND ADOPTED** this 4<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
Susan Gottlieb, Mayor

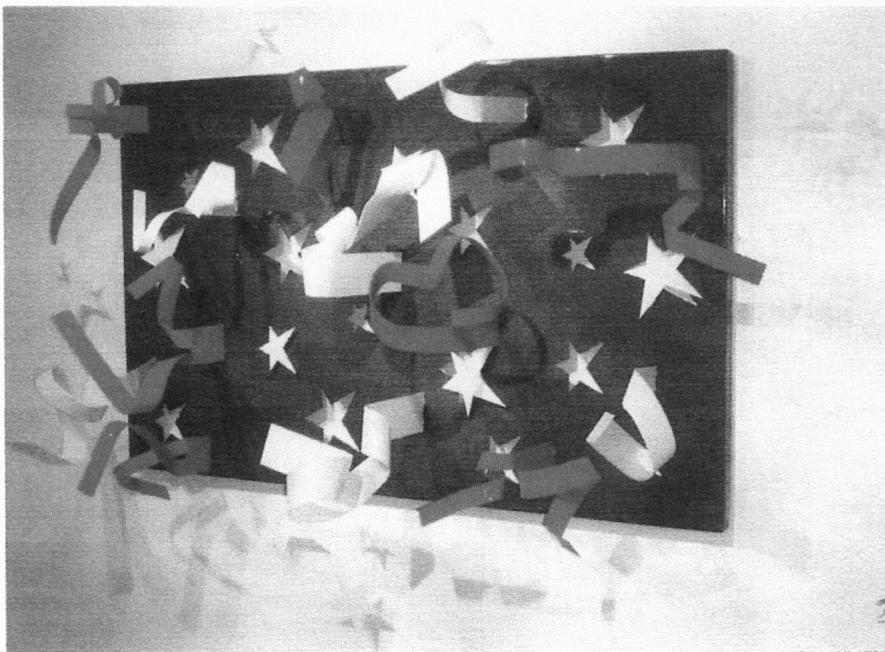
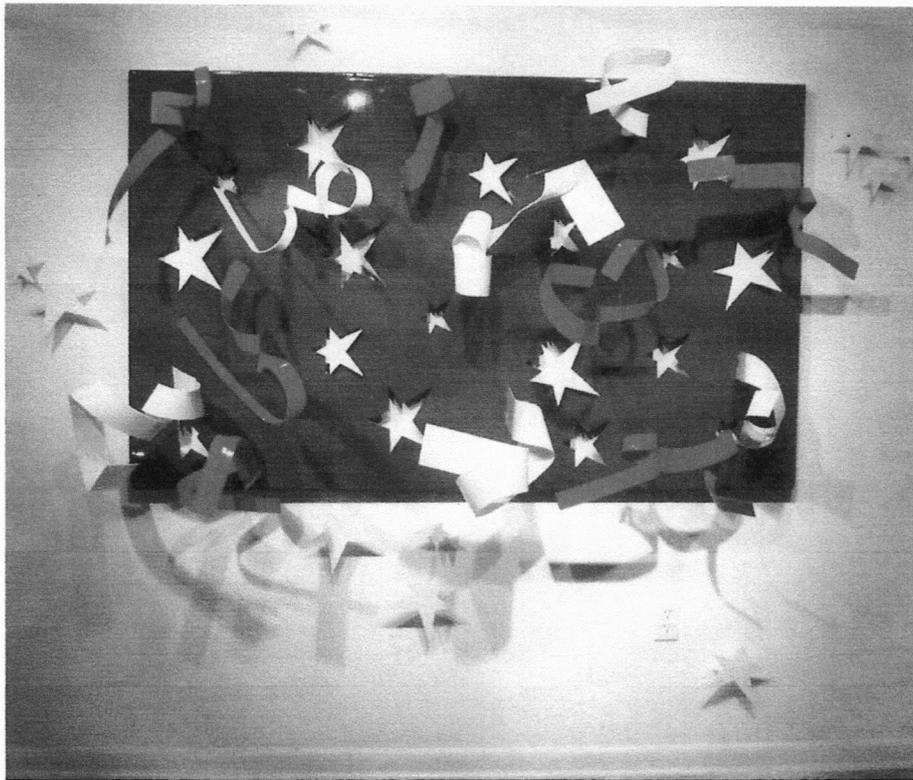
Attest:

\_\_\_\_\_  
Teresa M. Soroka, MMC  
City Clerk

Approved as to Form and Legal Sufficiency:

\_\_\_\_\_  
City Attorney

Zammy Migdal, *The American Spirit*, 42"x72"x22", steel & polyurethane



**CITY OF AVENTURA**  
**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission

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

DATE: January 24, 2014

SUBJECT: **Motion to Adopt Recommendation of the Arts in Public Places  
Advisory Board Regarding Public Art**

---

**February 4, 2014 City Commission Meeting Agenda Item 5 E**

The following Motion has been placed on the Commission Agenda as discussed at the January Workshop Meeting:

“Motion of the City Commission to adopt the recommendation of the Arts in Public Places Advisory Board to authorize the Commission of a piece of art to be selected as an open competition in an amount up to \$30,000 to be placed in either the Government Center or Arts and Cultural Center”.

EMS/act

CCO1833-14

**CITY OF AVENTURA**  
**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission

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

DATE: January 28, 2014

SUBJECT: **Resolution Declaring Equipment Surplus**



---

February 4, 2014 Commission Meeting Agenda Item 5-F

**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. 2014-\_\_

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 Michael Stern	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Howard Weinberg	_____
Mayor Susan Gottlieb	_____

**PASSED AND ADOPTED** this 4<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
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:** 28 January 2014  
**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:

2007 Crown Victoria VIN: 2FAFP71W67X136846

**CITY OF AVENTURA**  
**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission

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

DATE: January 28, 2014

SUBJECT: **Disbursement of Police Forfeiture Funds**

---

**February 4, 2014 City Commission Meeting Agenda Item 5-G**

**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 \$14,300 for crime scene storage and network video recorder 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

CCO1834-14

**CITY OF AVENTURA  
POLICE DEPARTMENT**

**INTER OFFICE MEMORANDUM**

**TO:** Eric M. Soroka, City Manager  
**FROM:** ~~Steven Steinberg, Chief of Police~~  
**DATE:** 28 January 2014  
**SUBJECT:** Use of Forfeiture Funds

---

The Federal Equitable Sharing Agreement (FESA), Section VIII allows for the use of federally forfeited funds for law enforcement. Section IX, A9 of the Federal Equitable Sharing agreement requires 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 the below items out of the Federal DOJ account:

Crime scene storage	\$12,000
Upgrade C/S and garage NVR hard drive	\$2,300
<b>Total Expenditure Request:</b>	<b>\$14,300</b>

**Summary**

**The below requests are a continuation of the secured parking facility project for police vehicles and equipment, and crime scene build out, as initially approved some months ago.**

**Crime Scene storage** – The new Property Room needs storage shelves and bins for item storage regarding securing property and evidence.

**Network Video Recorder** – The current secured police parking garage and new Property Room addition both have security cameras that will be recorded. The current bid already has a new network video recorder factored in to the cost; however, the hard drive needs to be upgraded from 12TB to 16TB to facilitate the recording and time specific storage of these recordings.

**CITY OF AVENTURA**

**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission

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

DATE: January 30, 2014

SUBJECT: **Extension of Green Market Special Event Permit**



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**February 4, 2014 City Commission Meeting Agenda Item 5-H**

**RECOMMENDATION**

It is recommended that the City Commission approve the attached Resolution authorizing the extension of the Green Market Special Events Permit to May 31, 2014 at Founders South.

**BACKGROUND**

At the November Workshop Meeting, the City Commission agreed to proceed with the Green Market concept and allowed a temporary Special Events Permit with Whoduz, Inc. beginning December 15, 2013 through February 4, 2014. The idea was that the Market would be reviewed at the end of January to determine if the permit should be extended to May 31, 2014.

Based on the success and the community support for the Market, at their last meeting the Community Services Advisory Board passed a motion recommending that the Market be allowed to continue.

Based on the foregoing, a Resolution has been placed on the Commission Meeting Agenda to authorize the extension of the Special Events Permit for the Green Market to May 31, 2014.

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

EMS/act

Attachment

CCO1835-14

Temporary Special Event Permit  
Green Farmers Market General Conditions

- The parties agree that **WHODUZ, INC.** shall conduct a Green Market to be held in the Southern portion of Founders Park located on NE 190<sup>th</sup> street. Said property is to be used for the sole purpose of conducting the Green Market and for no other purpose whatsoever without the written consent of CITY.
- **WHODUZ, INC.** is authorized to conduct the Green Market on the premises and the same may be open to the public on Sundays from 9 a.m. to 2:30 p.m. beginning December 15, 2013 thru May 31, 2014. The use of the premises shall only be effective beginning two (2) hours prior to the commencement of the event each designated Sunday and terminate two (2) hours after completion of the event. City staff will inspect grounds for any damages caused by Green Market with **WHODUZ, INC.** staff immediately after each use.
- Any change of dates or times must be approved by the City Manager or his designee. From time to time, the CITY may need to utilize the property for other activities; however, **WHODUZ, INC.** shall be provided at least fourteen (14) day notice should a conflict arise.
- The parties acknowledge and agree that the Green Market shall be owned and operated by **WHODUZ, INC.** **WHODUZ, INC.** shall provide on-site supervision and be on site during market set-up, operation, breakdown and cleanup. **WHODUZ, INC.** shall propose rules and regulations for the Green Market, with said rules and regulations being approved by City Manager. **WHODUZ, INC.** shall actively recruit to ensure a variety of products for sale.
- As consideration for the use and occupancy of the premises, **WHODUZ, INC.** shall pay the CITY one hundred dollars (\$100.00) per month for each month of operation to be paid on or before the 15<sup>th</sup> of the following month.
- CITY'S Police Department shall provide, at the sole expense of **WHODUZ, INC.**, off-duty police officers and/or traffic enforcement specialists, as deemed appropriate by the Police Department, for on-site and off-site security and traffic control at the event during all operating hours.
- The parties acknowledge and agree that the property and parking lot at Founders Park South, the Government Center parking lot and garage may be utilized by **WHODUZ, INC** solely for parking purposes only. All vendor vehicles shall be parked at the Government Center Garage. Founders Park North parking lot shall be available to City residents (with proper ID) who are visiting the Green Market.
- All signage shall be approved by the City Manager who shall coordinate timely review and processing of a permit for the installation of temporary signs in the park and adjacent rights-of-way.
- **WHODUZ, INC** may not charge an admission fee to the Green Market; however, this provision does not preclude charging vendors for the applicable space.
- **WHODUZ, INC** shall be responsible for all set up, maintenance and cleanup of event area and surrounding park and parking lot. All services, staffing, equipment, facilities, consumables, supplies and other items which are either necessary or incidental to the event and that are not expressly specified in this agreement shall be provided by or through **WHODUZ, INC.** at their sole expense. **WHODUZ,**

INC shall have the sole responsibility for any financial commitments or obligations arising out of this event. WHODUZ, INC. shall be held solely financially responsible for all damages to the park arising out or from the Green Market.

- **WHODUZ, INC** and its agents, employees and independent contractors shall, at all times, strictly comply with the trade and safety standards for the operation of attractions and temporary structures. **WHODUZ, INC** shall submit to CITY not later than two (2) calendar days prior to commencement of the event, all copies of operating permits and certificates issued by the State of Florida, Department of Agriculture and Consumer Services. **WHODUZ, INC** shall ensure that such operating permit is displayed at a conspicuous place. The Premises shall be maintained by **WHODUZ, INC** in the original condition except for normal wear and tear. Any damage to these areas shall be repaired by **WHODUZ, INC**. This includes, but is not limited to, asphalt and plant material.
- No flea market or carnival type vendors will be allowed, no sun glasses, or clothes. All crafts and or jewelry have to be art and be handmade and homemade. No used or refurbished clothing or products. Ninety percent of the vendors are to be food, healthy, related to a green market.
- **WHODUZ, INC** shall provide general liability insurance in the amount of \$2,000,000, workers compensation insurance and commercial automobile in a form acceptable to the City Attorney and City Manager. All liability insurance policies shall specifically provide that the CITY is additional named insured with respect to the required coverages and the operations of **WHODUZ, INC**.
- No animals shall be allowed on the premises of the park other than a service animal defined in Section 413.08 (1) (d), F.S.

Accepted:

A handwritten signature in black ink, appearing to read "Jason Hershin", is written over a horizontal line. To the right of the signature, the date "1-30-14" is handwritten.

Jason Hershin  
Green Market Events

Approved:

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Eric M. Soroka  
City Manager  
City of Aventura

RESOLUTION NO. 2014-\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE EXTENSION OF THE GREEN MARKET HELD IN FOUNDERS PARK SOUTH TO MAY 31, 2014; AUTHORIZING THE CITY MANAGER TO ISSUE A SPECIAL EVENT PERMIT TO WHODUZ, INC., BASED ON THE CONDITIONS CONTAINED IN EXHIBIT "A" ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1.** The City Commission wishes to extend the Green Market, which is currently being held each Sunday in Founders Park South, to May 31, 2014.

**Section 2.** The City Manager is authorized to issue a Special Event permit to Whoduz, Inc., based on the conditions contained in Exhibit "A" attached hereto.

**Section 3.** The City Manager is hereby authorized to do all things necessary to carry out the aims of this Resolution.

**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 Michael Stern	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Howard Weinberg	_____
Mayor Susan Gottlieb	_____

**PASSED AND ADOPTED** this 4<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
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: January 13, 2014

SUBJECT: Request to Modify Conditional Use Approval Resolution No. 2008-24 to permit service and sale of wine and champagne at table seating, to modify certain previous conditions of the Resolution and to delete certain previous conditions of the Resolution, all for the Caviar & More! kiosk in the Aventura Mall at 19501 Biscayne Boulevard, Aventura (04-CU-14)

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February 4, 2014 City Commission Meeting Agenda Item 6A

### RECOMMENDATION

It is recommended that the City Commission approve the request to modify Resolution No. 2008-24 to extend service and sale of wine and champagne to table seating at the Caviar & More kiosk in the Aventura Mall, 19501 Biscayne Boulevard, Aventura, to include the following modified conditions<sup>1</sup>:

- i) Wine and champagne may be sold and served to patrons seated at the kiosk counter and at tables in the patio area adjacent to the kiosk only in conjunction with service of food.
- iv) ~~Customers will not be permitted to consumer more than one (1) four (4) ounce glass of wine or champagne at the kiosk,~~ but may purchase sealed bottles for off-premises consumption pursuant to applicable State licenses.
- v) Customers will not be permitted to remove the glass of wine or champagne from the kiosk and/or table seating area.

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<sup>1</sup> Underlined text indicates addition to existing text. Strike-through text indicates deletion to existing text.

It is further recommended that the following conditions of Resolution No. 2008-24 be deleted in their entirety:

ii) Wine and champagne shall be served only to patrons seated at the kiosk. A maximum of six (6) seats will be provided at the kiosk and this number of seats shall not be expanded.

iii) Folding screens will be placed on both sides of the seating area to provide privacy for customers of the kiosk and to screen the view for pedestrians in the mall.

It is further recommended that the following conditions of Resolution No. 2008-24 remain in effect:

vi) This approval is granted exclusively to Caviar & More Miami, Inc. and may not be transferred to another owner and/or operator of the kiosk.

vii) The applicant's hours of operation shall coincide with the hours of operation of the Aventura Mall.

viii) The applicant shall obtain an alcoholic beverage license from the State of Florida and begin sales and service of wine and champagne 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.

ix) The applicant shall conduct Responsible Vendor Training pursuant to Florida Statutes to ensure no sales are made to underage customers or to customers who may have been over-served at other establishments.

x) The conditional use approval may be terminated in the event the City Manager determines that the approval has created and/or is creating a disturbance to the community or to Mall patrons. The applicant agrees to immediately discontinue sales and service of alcoholic beverages upon written notice to the applicant of such a determination.

xi) Any discontinuation of the sales and service of wine and champagne for a period of 180 consecutive days shall constitute abandonment and shall rescind this approval.

## **THE REQUEST**

The applicant, Caviar & More Miami Inc. is requesting modification of the conditional use approval granted in 2008 through Resolution No. 2008-24 to permit sales and services of wine and champagne at its kiosk on the ground floor of the Aventura Mall. The modification is to extend sale and service of wine and champagne to 5 tables with chairs in a patio area adjacent to its kiosk. The modification requests revision to one of the conditions of Resolution No. 2008-24 and deletion of one condition. (See Exhibit #1 for Letter of Intent and Exhibit #2 for Resolution No. 2008-24)

**BACKGROUND**

**OWNER OF PROPERTY** Aventura Mall Venture

**APPLICANT** Caviar & More Miami Inc.

**ADDRESS OF PROPERTY** 19501 Biscayne Boulevard, City of Aventura  
(See Exhibit #3 for Location Map)

**LEGAL DESCRIPTION** Tract R & Part of Tract Q, Aventura 6<sup>th</sup>  
Addition, according to the plat thereof recorded  
in Plat Book 120, Page 20 of the Public  
Records of Miami-Dade County, Florida  
(See Exhibit #4 for complete legal description)

**Zoning –**

Subject Property:	B2	Community Business District
Properties to the North:	B2	Community Business District, and
	CF	Community Facilities District
Properties to the South:	B2	Community Business District
Properties to the East:	B2	Community Business District
Properties to the West:	U	Utilities District

**Existing Land Use –**

Subject property:	Regional Mall
Properties to the North:	Library & Fire Station
Properties to the South:	Retail & Office
Properties to the East:	Retail, Office & Hotel
Properties to the West:	FEC Railway

**Future Land Use** - According to the City of Aventura Comprehensive Plan, the following properties are 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:	Business and Office
Property to the West:	Business and Office

**The Site** - The Caviar & More kiosk and table seating patio area is located in Space K1999 on the ground floor of the Aventura Mall as shown in Exhibit #5.

**The Project** - The applicant, Caviar & More Miami, Inc., is requesting modification of its conditional use approval granted in 2008 through Resolution No. 2008-24. The resolution permits the sale and service of wine and champagne to persons seated at

the kiosk counter, limits the number of seats and limits the number of glasses of wine and champagne. Sealed bottles of wine and champagne are permitted to be sold for off-premises consumption. Caviar & More has now expanded its seating area to include five tables with chairs in a patio area adjacent to the kiosk and wishes to sell and serve wine and champagne at the tables as well as at the kiosk counter. The kiosk and table seating area are located on the ground floor of the Aventura Mall at 19501 Biscayne Boulevard, Aventura. A photograph of the kiosk and table seating area is attached as Exhibit #6.

The applicant is also requesting the following:

- i) deletion of the condition of Resolution No. 2008-24 requiring folding screens at the kiosk counter
- ii) deletion of the condition limiting service of no more than one 4-ounce glass of wine or champagne, or modification of this condition limiting service to no more than three 4-ounce glasses of wine or champagne

### **History of the Application**

Caviar & More applied for conditional use approval for alcoholic beverage service and sale at this kiosk in April of 1999. A public hearing was held on May 4, 1999 to consider the application. City staff recommended approval with the conditions that the approval be granted exclusively to the applicant, that the service of alcoholic beverages be terminated if it created a disturbance to the community and that the hours of operation coincide with the hours of operation of the Aventura Mall. The City Commission did not pass the proposed resolution. The City Commission's concern was that this use could become a "bar" and that it was not appropriate that mall patrons walk past customers drinking at a kiosk in the middle of the mall aisle.

The applicant applied again in 2008 with a condition to address the 1999 concerns. It proposed that customers be limited to one (1) glass of wine or champagne and that folding screens be placed at the kiosk counter seating area.

The 2008 application was approved through Resolution No. 2008-24 with eleven conditions, those being:

- i) Wine and champagne only shall be sold and served at the kiosk only in conjunction with the service of food.
- ii) Wine and champagne shall be served only to patrons seated at the kiosk. A maximum of six (6) seats will be provided at the kiosk and this number of seats shall not be expanded.
- iii) Folding screens will be placed on both sides of the seating area to provide privacy for customers of the kiosk and to screen the view for pedestrians in the mall.

- iv) Customers will not be permitted to consume more than one (1) four (4) ounce glass of wine or champagne at the kiosk, but may purchase sealed bottles for off-premises consumption pursuant to applicable State licenses.
- v) Customers will not be permitted to remove the glass of wine or champagne from the kiosk.
- vi) This approval is granted exclusively to Caviar & More Miami Inc. and may not be transferred to another owner and/or operator of the kiosk.
- vii) The applicant's hours of operation shall coincide with the hours of operation of the Aventura Mall.
- viii) The applicant shall obtain an alcoholic beverage license from the State of Florida and begin sales and service of wine and champagne 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.
- ix) The applicant shall conduct Responsible Vendor Training pursuant to Florida Statutes to ensure no sales are made to underage customers or to customers who may have been over-served at other establishments.
- x) The conditional use approval may be terminated in the event the City Manager determines that the approval has created and/or is creating a disturbance to the community or to Mall patrons and/or that the applicant has violated any condition of this approval. The applicant agrees to immediately discontinue sales and service of alcoholic beverages upon written notice to the applicant of such a determination.
- xi) Any discontinuation of the sales and service of wine and champagne for a period of 180 consecutive days shall constitute abandonment and shall rescind this approval.

The service and sale of wine and champagne with food has taken place at this kiosk since 2008. Staff has received no concerns from the public or from the Aventura Police Department related to the prior sale and service of wine and champagne at this location. The five tables and chairs in the new patio area are within a 182 square foot area next to the kiosk. The condition that wine and champagne be served only in conjunction with food service is recommended to remain in effect. Staff does not recommend that the number of glasses served be limited to a specific number. The kiosk operator is required to conduct Responsible Vendor Training as a condition of approval.

## **ANALYSIS**

**Consistency with Comprehensive Master Plan** – The request is consistent with the City of Aventura's Comprehensive Plan. The future land use designation for the parcel is Business and Office.

**Citizen Comments** - The Community Development Department has received no written citizen comments as of the date of writing of this report.

**Community Development Department Analysis** – The applicant wishes to serve and sell wine and champagne at its kiosk and at tables in an adjacent patio area in the Aventura Mall. Section 4.2 of the City Code provides that:

*“(a) **Distance from other establishments.** Unless approved as a conditional use, no premises shall be used for the sale of any alcoholic beverages, as defined here, to be consumed on or off the premises where the structure or place of business intended for such use is located less than 1,500 feet from a place of business having an existing, unabandoned, legally established (and not one of the uses excepted from the spacing requirements hereinafter provided) alcoholic beverage use which permits consumption on or off the premises. The 1,500 feet distance requirements shall be measured by following a straight line from the nearest portion of the structure or place of business.*

*“(b) **Distance from religious facility or school.** Unless approved as a conditional use, no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use is located less than 2,500 feet from a religious facility or school ...”*

A liquor survey is required to show spacing and distance to other establishments with an alcoholic beverage use and to religious facilities and schools. The applicant has submitted the liquor survey attached as Exhibit #7. The survey reveals twenty four (24) establishments with an alcoholic beverage use within 1,500 feet and two religious facilities within 2,500 feet.

Subsection (e) of Section 4.2 provides for exceptions to spacing and distance requirements. Those exceptions are: private clubs, restaurants in the B1 and B2 zoning districts, cocktail lounges in restaurants, beer and wine sold as a grocery item, bowling alleys, hotels and motels, golf course clubhouses, tour boats, tennis clubs and not-for-profit theatres with live performances.

The applicant’s place of business does not meet the distance and spacing requirements and the use is not one of the exceptions in the subsection (e); therefore, conditional use approval is required to comply with Section 4.2(a) above.

### **Criteria**

The following is staff’s evaluation of the proposed use using the criteria for approval of conditional uses found in Section 31-73(c) of the City’s Land Development Regulations.

1. *The proposed use shall be consistent with the Comprehensive Plan.*

The request is consistent with the City of Aventura Comprehensive Plan. The future land use designation for this parcel is Business and Office.

- 2. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.*

The establishment, maintenance and operation of the proposed service and sale of wine and champagne will not be detrimental to or endanger the public health, safety or general welfare. The conditions that wine and champagne be served and sold, only in conjunction with food service, that the operator conduct Responsible Vendor Training, that customers not be permitted to remove the glass of wine or champagne from the kiosk or table seating area and that the use may be terminated by the City Manager if the use creates a disturbance to the community will provide safeguards to ensure that the use will not be detrimental.

- 3. The proposed use shall be consistent with the community character of the immediate neighborhood of the proposed use.*

The immediate neighborhood of the proposed use is comprised of retail, restaurant, office, hotel, commercial and medium and high density residential uses. The proposed use is consistent with the community character of the immediate neighborhood.

- 4. Utilities, roadway capacity, drainage and other necessary public facilities, including police, fire and emergency services shall exist at the City's adopted levels of service or will be available concurrent with demand as provided for in the requirement of these LDR's.*

The site is developed. The proposed use will not change the current levels of service required. Utilities, roadway capacity, drainage and other necessary public facilities, including police, fire and emergency services exist at the City's adopted levels of service or will be available concurrent with demand as provided for in the City's Land Development Regulations.

- 5. Adequate measures exist or shall be taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets.*

The site is developed. Adequate measures have been taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets. Ingress and egress to the Aventura Mall is existing on Biscayne Boulevard, Aventura Boulevard and West Country Club Drive.

- 6. The establishment of the conditional use shall not impede the development of surrounding properties for uses permitted in the zoning district.*

The establishment of this use will not impede the development of surrounding properties for uses permitted in the zoning district.

- 7. The design of the proposed use shall minimize adverse affects, including visual impacts of the proposed use on adjacent property through the use of building orientation, setbacks, buffers, landscaping and other design criteria.*

The proposed use is interior to the Aventura Mall and will have no visual or other adverse affects on adjacent property.



Caviar & More Miami, Inc.

November 11, 2013

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

**Exhibit #1**  
**04-CU-14**

Re: Letter of Intent

Caviar & More Miami, Inc. (applicant) is applying for Modification of Resolution No. 2008.24, dated May 6, 2008, which is applicable to the Conditional Use to permit for the sale and service of wine and champagne at applicant's existing Kiosk#1999 located at Aventura Mall. Applicant has been a valued employer and taxpayer at Aventura Mall since 1998.

During the intervening years, the applicant has enhanced its services to patrons with a diverse gourmet food menu and with full service restaurant capability.

As of November 20, 2012, applicant's landlord (Aventura Mall Venture) renewed, extended and amended the applicant's Lease Agreement to add an additional 182 square feet of Floor Area to the applicant's Kiosk #1999 to include five (5) tables and chairs in a patio area adjacent to Kiosk. The applicant has complied with all restrictions of the original approval as contained in Resolution 2008.24. Our request will be to allow tables and chairs as noted above and we would like to eliminate from Section 1 (iii) involving the folding screens and we would also like to eliminate (iv) related to customer consumption or in the alternative, amend that to not be able to consume more than 3 4-oz glasses of wine or champagne.

Accordingly the applicant is requesting that the City Commission extend the privilege of the Conditional Use cited in Resolution No. 2008-24 granted in 2008 to include the aforementioned tables in the patio area.

Thank you for your consideration.

Respectfully,

Caviar & More Miami, Inc.

Mark Zaslavsky, CEO

A handwritten signature in black ink, appearing to read "Mark Zaslavsky", is written over a faint, circular stamp or seal.

www.markys.com  
T 305.758.9288 F 305.758.0008  
687 NE 79th St Miami FL 33138 USA

**RESOLUTION NO. 2008-24**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING CONDITIONAL USE APPROVAL TO PERMIT THE SALES AND SERVICE OF WINE AND CHAMPAGNE AT THE CAVIAR & MORE! KIOSK IN THE AVENTURA MALL AT 19501 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the applicant, Caviar & More Miami, Inc., through Application No. 02-CU-08, is requesting Conditional Use approval to permit the service and sale of wine and champagne at the Caviar & More! Kiosk in the Aventura Mall; and

**WHEREAS**, the City Commission held a quasi-judicial public hearing as provided by law to review the application; 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.

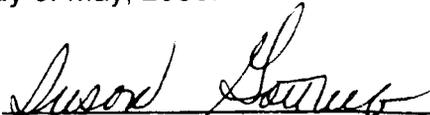
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:**

**Section 1.** Application for Conditional Use to permit the sale and service of wine and champagne at the Caviar & More! Kiosk in the Aventura Mall at 19501 Biscayne Boulevard and legally described as Part of Tract Q, Aventura 6<sup>th</sup> Addition more particularly described in Exhibit "A" is hereby granted subject to the following conditions:

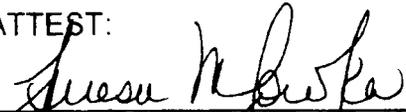
1. Prior to issuance of a certificate of occupancy or completion for the unit, the applicant shall record a covenant, in form satisfactory to the City Manager and the City Attorney, containing the following restrictions:
  - i) Wine and champagne only shall be sold and served at the kiosk only in conjunction with the service of food.
  - ii) Wine and champagne shall be served only to patrons seated at the kiosk. A maximum of six (6) seats will be provided at the kiosk and this number of seats shall not be expanded.

**Exhibit #2  
04-CU-14**

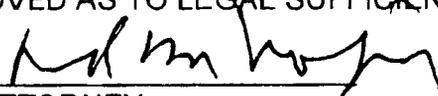
**PASSED AND ADOPTED** this 6<sup>th</sup> day of May, 2008.

  
\_\_\_\_\_  
Susan Gottlieb, Mayor

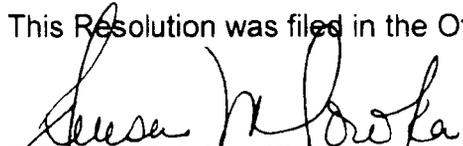
ATTEST:

  
\_\_\_\_\_  
TERESA M. SOROKA, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

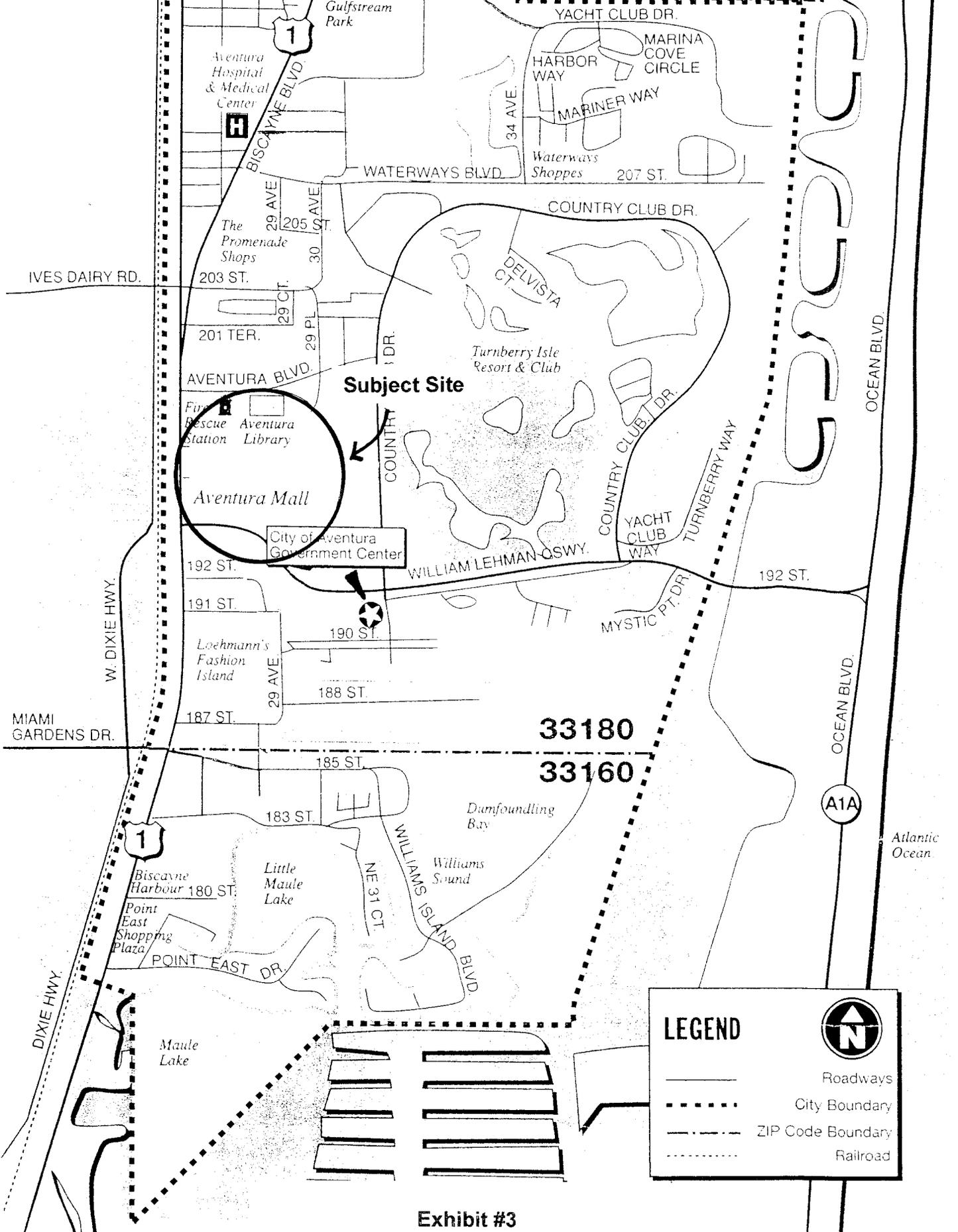
  
\_\_\_\_\_  
CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this 7 day of May, 2008.

  
\_\_\_\_\_  
CITY CLERK

BROWARD COUNTY

DADE COUNTY

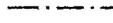


**Subject Site**

33180

33160

**LEGEND**

-  Roadways
-  City Boundary
-  ZIP Code Boundary
-  Railroad

**Exhibit #3**  
**04-CU-14**

**Exhibit #4  
04-CU-14**

**LEGAL DESCRIPTION**

**PARCEL 1:**

TRACT "R", OF "AVENTURA SIXTH ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**PARCEL 2:**

A PORTION OF TRACT "Q" OF "AVENTURA SIXTH ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA; THENCE NORTH 87 DEGREES 27'29" EAST, ALONG THE NORTH LINE OF SAID SECTION 3 FOR 875.83 FEET TO A POINT ON THE CENTERLINE OF AVENTURA BOULEVARD AS SHOWN ON SAID PLAT OF "AVENTURA SIXTH ADDITION"; THENCE SOUTH 02 DEGREES 32'31" EAST FOR 73.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "Q"; THENCE SOUTH 87 DEGREES 27'29" WEST, ALONG THE NORTH LINE OF SAID TRACT "Q" FOR 12.60 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 89 DEGREES 35'24" FOR AN ARC DISTANCE OF 78.18 FEET TO THE POINT OF TANGENCY BEING ON THE WESTERLY LINE OF TRACT "H" OF "AVENTURA FOURTH ADDITION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 116, PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 02 DEGREES 07'55" EAST ALONG THE WESTERLY LINE OF SAID TRACT "H" FOR 423.52 FEET; THENCE NORTH 87 DEGREES 52'05" EAST FOR 26.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED TRACT OF LAND; THENCE NORTH 87 DEGREES 52'05" EAST FOR 148.00 FEET; THENCE NORTH 42 DEGREES 52'05" EAST FOR 56.57 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 31.63 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 325.00 FEET AND A CENTRAL ANGLE OF 72 DEGREES 28'48.8" FOR AN ARC DISTANCE OF 411.13 FEET TO THE POINT OF TANGENCY; THENCE NORTH 70 DEGREES 20'53.8" EAST FOR 122.00 FEET; THENCE NORTH 25 DEGREES 20'53.8" EAST FOR 58.66 FEET; THENCE NORTH 25 DEGREES 53'40" WEST FOR 94.96 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "Q", SAID POINT ALSO BEING ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND BEARS SOUTH 21 DEGREES 19'21" EAST FROM THE CENTER OF SAID CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, AND ALONG THE NORTHERLY LINE OF SAID TRACT "Q", HAVING A RADIUS OF 1505.40 FEET AND A CENTRAL ANGLE OF 04 DEGREES 34'19" FOR AN ARC DISTANCE OF 120.12 FEET; THENCE SOUTH 25 DEGREES 53'40" EAST FOR 117.40 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST AND BEARS NORTH 46 DEGREES 09'58" WEST FROM THE CENTER OF SAID CURVE; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 65 DEGREES 24'26" FOR AN ARC DISTANCE OF 570.78 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 10'58" FOR AN ARC DISTANCE OF 50.58 FEET; THENCE SOUTH 13 DEGREES 08'55" EAST FOR 10.62 FEET; THENCE NORTH 76 DEGREES 51'05" EAST FOR 342.85 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 81 DEGREES 39'40" WEST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 810.00 FEET AND A CENTRAL ANGLE OF 04

DEGREES 48'35" FOR AN ARC DISTANCE OF 68.00 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 13 DEGREES 08'55" EAST FOR 469.40 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 111.00 FEET (THE LAST EIGHT (8) COURSES BEING ALONG THE BOUNDARY OF SAID TRACT "Q"); THENCE SOUTH 02 DEGREES 40'32" EAST FOR 42.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 123.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 20.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 74.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 639.08 FEET; THENCE NORTH 86 DEGREES 44'34" EAST FOR 42.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 116.48 FEET; THENCE NORTH 81 DEGREES 11'29" EAST FOR 294.34 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 81 DEGREES 11'29" WEST FOR THE CENTER OF SAID CURVE, SAID POINT ALSO BEING ON THE EAST LINE OF SAID TRACT "R", AS SHOWN ON SAID PLAT OF "AVENTURA SIXTH ADDITION"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT AND ALONG THE EAST LINE OF SAID TRACT "Q", HAVING FOR ITS ELEMENTS A RADIUS OF 4656.66 FEET AND A CENTRAL ANGLE OF 6 DEGREES 38'08" FOR 539.29 FEET; THENCE NORTH 69 DEGREES 17'55" WEST FOR 25.00 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARS SOUTH 69 DEGREES 18'08" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 64 DEGREES 25'24" FOR AN ARC DISTANCE OF 33.73 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 85 DEGREES 07'16" WEST FOR 87.61 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 92 DEGREES 56'22" FOR AN ARC DISTANCE OF 48.66 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 555.00 FEET AND A CENTRAL ANGLE OF 24 DEGREES 44'30" FOR AN ARC DISTANCE OF 239.66 FEET; THENCE SOUTH 60 DEGREES 00'00" WEST FOR 30.86 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARS SOUTH 79 DEGREES 11'39" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 135.00 FEET AND A CENTRAL ANGLE OF 48 DEGREES 00'00" FOR AN ARC DISTANCE OF 113.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 726.18 FEET AND A CENTRAL ANGLE OF 29 DEGREES 18'21" FOR AN ARC DISTANCE OF 371.43 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 29 DEGREES 30'00" WEST FOR 331.34 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 110.00 FEET AND A CENTRAL ANGLE OF 25 DEGREES 00'00" FOR AN ARC DISTANCE OF 48.00 FEET; THENCE SOUTH 35 DEGREES 30'00" EAST RADIAL TO THE LAST DESCRIBED CURVE FOR 31.98 FEET; THENCE SOUTH 29 DEGREES 58'54" WEST FOR 92.90 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARS SOUTH 07 DEGREES 29'11" WEST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 555.00 FEET AND A CENTRAL ANGLE OF 54 DEGREES 56'22" FOR AN ARC DISTANCE OF 532.17 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 84 DEGREES 24'26" FOR AN ARC DISTANCE OF 51.56 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 53 DEGREES 02'45" EAST FOR 0.31 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 522.50 FEET AND A CENTRAL ANGLE OF 27 DEGREES 32'27" FOR AN ARC DISTANCE OF 251.15 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5.00 FEET AND A CENTRAL ANGLE OF 125 DEGREES 32'55" FOR AN ARC DISTANCE OF 10.96 FEET; THENCE SOUTH 45 DEGREES 02'32" EAST FOR 25.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "Q", SAID POINT ALSO BEING ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTH AND BEARS SOUTH 11 DEGREES 34'12" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT AND ALONG THE SOUTH LINE

OF SAID TRACT "Q" HAVING A RADIUS OF 5594.58 FEET AND A CENTRAL ANGLE OF 04 DEGREES 13'04" FOR AN ARC DISTANCE OF 411.84 FEET; THENCE SOUTH 73 DEGREES 10'52" WEST ALONG THE SOUTH LINE OF SAID TRACT "Q" FOR 193.18 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCENTRIC WITH THE LAST DESCRIBED CURVE, SAID POINT BEARS SOUTH 05 DEGREES 24'45" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5629.58 FEET AND A CENTRAL ANGLE OF 01 DEGREES 01'21" FOR AN ARC DISTANCE OF 100.46 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 06 DEGREES 00'16" WEST FROM THE CENTER OF SAID CURVE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1070.17 FEET AND A CENTRAL ANGLE OF 27 DEGREES 09'18" FOR AN ARC DISTANCE OF 507.20 FEET TO THE POINT OF TANGENCY; THENCE NORTH 56 DEGREES 50'26" WEST FOR 488.24 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1221.67 FEET AND A CENTRAL ANGLE OF 23 DEGREES 12'04" FOR AN ARC DISTANCE OF 494.70 FEET; THENCE NORTH 11 DEGREES 19'21" WEST FOR 10.69 FEET; THENCE NORTH 09 DEGREES 46'52" EAST FOR 73.41 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 09 DEGREES 46'52" WEST FROM THE CENTER OF SAID CURVE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 275.00 FEET AND A CENTRAL ANGLE OF 78 DEGREES 05'13" FOR AN ARC DISTANCE OF 374.79 FEET TO THE POINT OF TANGENCY; THENCE NORTH 02 DEGREES 07'55" WEST FOR 200.00 FEET; THENCE NORTH 47 DEGREES 07'55" WEST FOR 56.57 FEET; THENCE SOUTH 87 DEGREES 52'05" WEST FOR 148.00 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 90.00 FEET ;THENCE NORTH 87 DEGREES 52'05" EAST FOR 148.00 FEET; THENCE NORTH 42 DEGREES 52'05" EAST FOR 56.57 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 283.37 FEET; THENCE NORTH 47 DEGREES 07'55" WEST FOR 56.57 FEET; THENCE SOUTH 87 DEGREES 52'05" WEST FOR 148.00 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 90.00 FEET TO THE POINT OF BEGINNING.

**LESS AND EXCEPT THE FOLLOWING PARCEL OF LAND:**

A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 87 DEGREES 27'29" EAST, ALONG THE NORTH LINE OF SAID SECTION 3 FOR 875.83 FEET TO A POINT ON THE CENTERLINE OF AVENTURA BOULEVARD; THENCE SOUTH 02 DEGREES 32'31" EAST FOR 73.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF AVENTURA BOULEVARD; THENCE SOUTH 87 DEGREES 27'29" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 12.60 FEET TO A POINT; THENCE 78.18 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND A CHORD OF 70.45 FEET BEARING SOUTH 42 DEGREES 39'47" WEST TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 5 (U.S. HIGHWAY NO. 1), AS SHOWN ON THE PLAT OF "AVENTURA FOURTH ADDITION", AS RECORDED IN PLAT BOOK 116, PAGE 34 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 02 DEGREES 07'55" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 1320.72 FEET TO A POINT; THENCE NORTH 87 DEGREES 52'05" EAST FOR A DISTANCE OF 435.30 FEET TO THE PRINCIPAL POINT AND PLACE OF BEGINNING OF THE FOLLOWING DESCRIPTION; THENCE NORTH 74 DEGREES 30'00" EAST FOR A DISTANCE OF 170.36 FEET TO A POINT; THENCE NORTH 15 DEGREES 30'00" WEST FOR A DISTANCE OF 18.00 FEET TO A POINT; THENCE NORTH 74 DEGREES 30'00" EAST FOR A DISTANCE OF 491.43 FEET TO A POINT; THENCE SOUTH 60 DEGREES 30'00" EAST FOR A DISTANCE OF 380.10 FEET TO A POINT; THENCE SOUTH 29 DEGREES 30'00" WEST FOR A DISTANCE OF 6.62 FEET TO A POINT; THENCE SOUTH 60 DEGREES 30'00" EAST FOR A DISTANCE OF 94.67 FEET TO A POINT; THENCE SOUTH 29 DEGREES 30'00" WEST FOR A DISTANCE OF 78.54 FEET TO A POINT; THENCE SOUTH 60 DEGREES 30'00" EAST FOR A DISTANCE OF 31.21 FEET TO A

POINT; THENCE SOUTH 15 DEGREES 30'00" EAST FOR A DISTANCE OF 510.00 FEET TO A POINT; THENCE SOUTH 74 DEGREES 30'00" WEST FOR A DISTANCE OF 64.02 FEET TO A POINT; THENCE SOUTH 25 DEGREES 00'00" WEST FOR A DISTANCE OF 85.78 FEET TO A POINT; THENCE NORTH 65 DEGREES 00'00" WEST FOR A DISTANCE OF 162.20 FEET TO A POINT; THENCE 320.42 FEET ALONG AN ARC TO THE RIGHT, HAVING A RADIUS OF 2250.00 FEET AND A CHORD OF 320.15 FEET AND BEARING NORTH 60 DEGREES 55'13" WEST TO A POINT; THENCE NORTH 56 DEGREES 50'26" WEST FOR A DISTANCE OF 325.26 FEET TO A POINT; THENCE NORTH 49 DEGREES 47'23.6" WEST FOR A DISTANCE OF 485.32 FEET TO THE PRINCIPAL POINT AND PLACE OF BEGINNING.

**FURTHER LESS & EXCEPTING** FROM PARCEL 2 THE FOLLOWING DESCRIBED LANDS CONVEYED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, BY SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 17502, PAGE 4216 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TO-WIT:

THOSE PORTIONS OF TRACT "Q", AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 120, PAGE 20, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, IN THE NORTHWEST ONE-QUARTER (N.W. ¼) OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT "Q"; THENCE ALONG THE WEST LINE OF SAID TRACT "Q", FOR THE FOLLOWING THREE (3) COURSES, (1) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 29.240 METERS (95.93 FEET); (2) THENCE NORTH 01 DEGREES 28'13" EAST, A DISTANCE OF 43.775 METERS (143.62 FEET); (3) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 82.872 METERS (271.89 FEET) TO REFERENCE POINT "A" AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE NORTH 87 DEGREES 53'07" EAST, A DISTANCE OF 0.457 METERS (1.50 FEET); THENCE SOUTH 02 DEGREES 07'21" EAST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE SOUTH 87 DEGREES 53'07" WEST, A DISTANCE OF 0.457 METERS (1.50 FEET) TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE AFOREMENTIONED REFERENCE POINT "A"; THENCE ALONG THE WEST LINE OF SAID TRACT "Q", FORTH FOLLOWING FIVE (5) COURSES, (1) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 27.432 METERS (90.00 FEET); (2) THENCE NORTH 14 DEGREES 48'10" WEST, A DISTANCE OF 12.497 METERS (41.00 FEET); (3) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 15.246 METERS (50.02 FEET); (4) THENCE NORTH 01 DEGREES 50'16" EAST, A DISTANCE OF 39.719 METERS (130.31 FEET); (5) THENCE NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 43.721 METERS (143.44 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE NORTH 87 DEGREES 53'01" EAST, A DISTANCE OF 0.457 METERS (1.50 FEET); THENCE SOUTH 02 DEGREES 07'21" EAST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE SOUTH 87 DEGREES 53'01" WEST, A DISTANCE OF 0.457 METERS (1.50 FEET) TO THE POINT OF BEGINNING.

**PARCEL 3:**

ALL THOSE CERTAIN PLOTS, PIECES OR PARCELS OF LAND, SITUATE, LYING AND BEING IN THE COUNTY OF MIAMI-DADE, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

### "QUADRANT D"

A PORTION OF TRACT "Q" OF "AVENTURA SIXTH ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF TRACT "R" OF SAID PLAT OF "AVENTURA SIXTH ADDITION", SAID POINT BEING ON A CURVE CONCAVE TO THE N.E.; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF WEST COUNTRY CLUB DRIVE FOR THE FOLLOWING THREE (3) COURSES; (1) THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 4656.66 FEET AND A CENTRAL ANGLE OF 6 DEGREES 38'08" FOR 539.29 FEET TO A POINT ON SAID CURVE AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; (2) THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 4656.66 FEET AND A CENTRAL ANGLE OF 2 DEGREES 49'41" FOR 229.85 FEET TO A POINT OF REVERSE CURVATURE; (3) THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1275.14 FEET AND A CENTRAL ANGLE OF 9 DEGREES 32'14" FOR 212.25 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 50.0 FEET AND A CENTRAL ANGLE OF 86 DEGREES 09'34" FOR 75.19 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5594 .58 FEET AND A CENTRAL ANGLE OF 1 DEGREES 00'20" FOR 98.19 FEET TO A POINT; THENCE N 45 DEGREES 02'32" W FOR 25.00 FEET TO A POINT ON A CURVE TO THE LEFT, SAID POINT BEARS S 45 DEGREES 02'32" E FROM THE CENTER OF SAID CURVE; THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 5.00 FEET AND A CENTRAL ANGLE OF 125 DEGREES 32'55" FOR 10.96 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 522.50 FEET AND A CENTRAL ANGLE OF 27 DEGREES 32'27" FOR 251.15 FEET TO A POINT OF TANGENCY; THENCE N 53 DEGREES 02'45" W FOR 0.31 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 84 DEGREES 24'26" FOR 51.56 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 555.0 FEET AND A CENTRAL ANGLE OF 54 DEGREES 56'22" FOR 532.17 FEET TO A POINT ON SAID CURVE, SAID POINT BEARS S 7 DEGREES 29'11" W FROM THE CENTER OF SAID CURVE; THENCE N 29 DEGREES 58'54" E FOR 92.90 FEET; THENCE N 35 DEGREES 30'00" W FOR 31.98 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 110.0 FEET AND A CENTRAL ANGLE OF 25 DEGREES 00'00" FOR 48.00 FEET TO A POINT OF TANGENCY; THENCE N 29 DEGREES 30'00" E FOR 331.34 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 726.18 FEET AND A CENTRAL ANGLE OF 29 DEGREES 18'21" FOR 371.43 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 135.0 FEET AND A CENTRAL ANGLE OF 48 DEGREES 00'00" FOR 113.10 FEET TO A POINT ON SAID CURVE; THENCE N 60 DEGREES 00'00" E FOR 30.86 FEET TO A POINT ON A CURVE TO THE RIGHT, SAID POINT BEARS N 63 DEGREES 19'08" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 555.0 FEET AND A CENTRAL ANGLE OF 24 DEGREES 44'30" FOR 239.66 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 30.0 FEET AND A CENTRAL ANGLE OF 92 DEGREES

56'22" FOR 48.66 FEET TO A POINT OF TANGENCY; THENCE N 85 DEGREES 07'16" E FOR 87.61 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 30.0 FEET AND A CENTRAL ANGLE OF 64 DEGREES 25'24" FOR 33.73 FEET TO A POINT ON SAID CURVE; THENCE S 69 DEGREES 17'55" E FOR 25.0 FEET TO THE POINT OF BEGINNING.

**PARCEL 4:**

A PORTION OF TRACT "Q" OF AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 120, PAGE 20, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT "R" OF SAID PLAT OF AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 120, PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 02 DEGREES 40' 32" WEST, ALONG THE WEST BOUNDARY LINE OF SAID TRACT "R" AND ALONG THE BOUNDARY LINE OF SAID TRACT "Q", FOR 116.48 FEET TO THE **POINT OF BEGINNING** OF THE HEREINAFTER DESCRIBED PROPERTY; THENCE CONTINUE NORTH 02 DEGREES 40' 32" WEST, ALONG THE PREVIOUSLY DESCRIBED LINE OF 700.65 FEET; THENCE SOUTH 87 DEGREES 19' 28" WEST, ALONG THE BOUNDARY LINE OF SAID TRACT "Q", FOR 239.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 42.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 123.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 20.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 74.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST, ALONG A LINE 42.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "R", FOR 639.08 FEET; THENCE NORTH 86 DEGREES 44'34" EAST FOR 42.00 FEET TO THE POINT OF BEGINNING.

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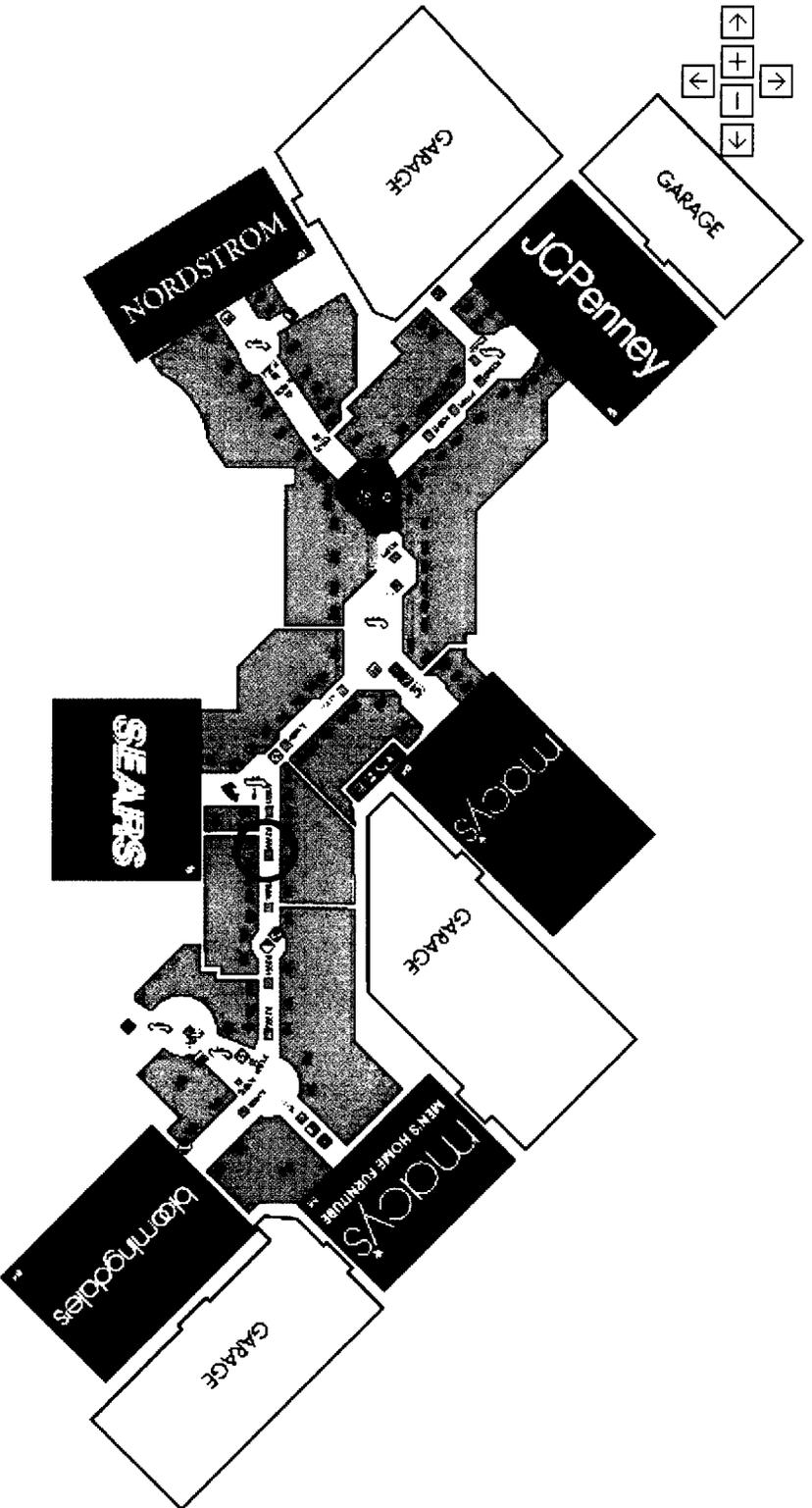
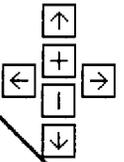


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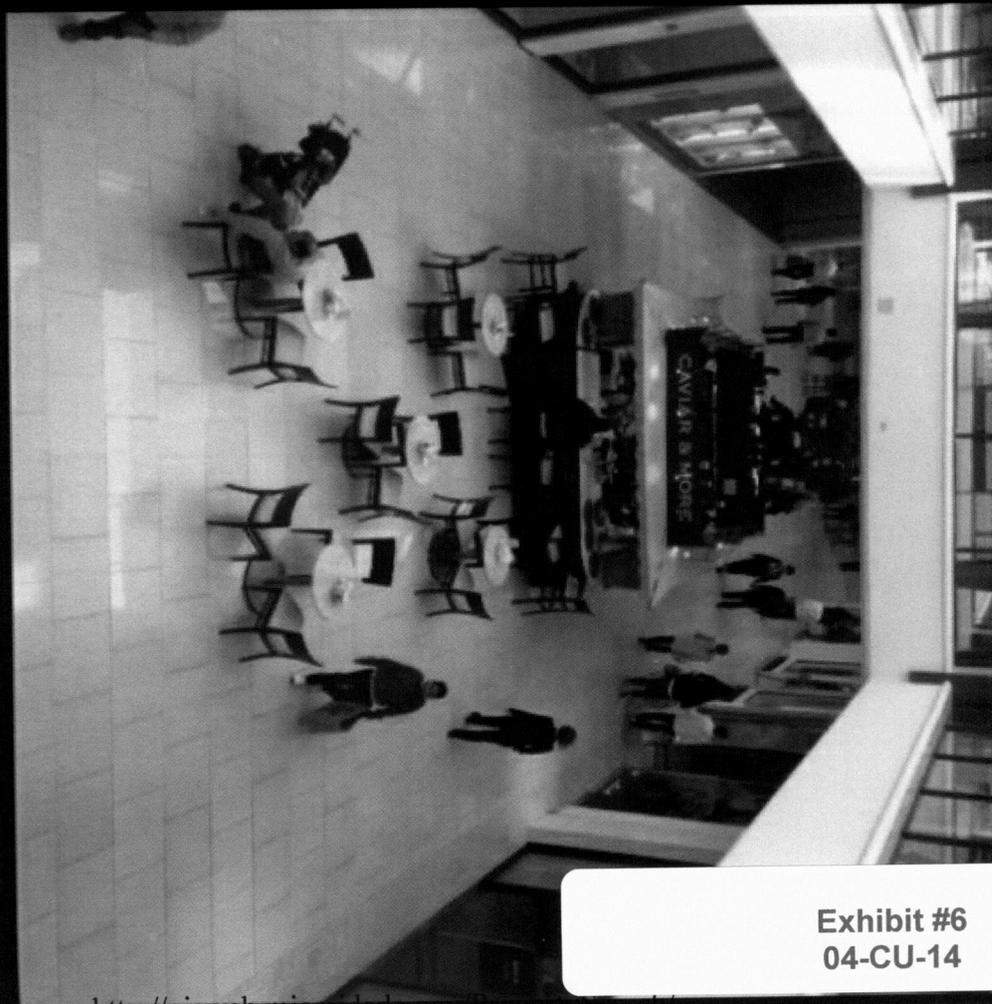
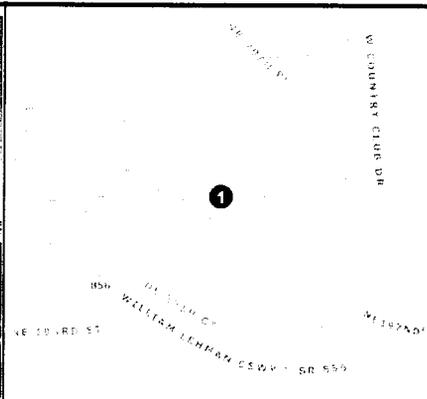


Exhibit #6  
04-CU-14



DATE : 01/21/2014 FILE NUMBER: CAM.ST.01-14

PROPERTY ADDRESS : 19575 BISCAYNE BOULEVARD UNIT K1999 AVENTURA, FL 33180

CERTIFICATIONS :

LEGAL DESCRIPTION :

COUNTY : MIAMI-DADE

STEPHEN CAMPOS / CAVIAR & MORE

A PORTION OF TRACT "O" OF AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 120, AT PAGE 20 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

FLOOD INFORMATION:

COMMUNITY NUMBER: 120676  
 PANEL NUMBER: 0134  
 DATE OF INDEX: 09-11-2009 SUFFIX: L  
 FLOOD ZONE: AE BASE FLOOD ELEV: 7.0



Exhibit #7  
04-CU-14

LEGEND & ABBREVIATIONS :

- |  |                                 |
|--|---------------------------------|
| A.C. .... AIR CONDITIONER                    | OVERHEAD CABLES(OH)             |
| BM ..... BENCHMARK                           | OH                              |
| (C)..... CALCULATED                          | POLYVINYL CHLORIDE FENCE (PVCF) |
| C.G. .... CONCRETE GUTTER OR VALLEYED GUTTER | — x — x —                       |
| C & G. .... CURB & GUTTER                    | WIRE OR CHAIN LINK FENCE (CLF)  |
| CH ..... CHORD                               | — x — x —                       |
| C.M.E. .... CANAL MAINTENANCE EASEMENT       | WOOD FENCE (WF)                 |
| CNA..... CORNER NOT ACCESSIBLE               | — # —                           |
| CONC..... CONCRETE                           | METAL FENCE (MF)                |
| D ..... DELTA (CENTRAL ANGLE)                | — # —                           |
| D.E. .... DRAINAGE EASEMENT                  | MASONRY OR CONCRETE BLOCK WALL  |
| E.O.P. .... EDGE OF PAVEMENT                 | — # —                           |
| FC ..... FENCE CORNER                        | CONCRETE                        |
| FDH..... FOUND DRILL HOLE                    | — # —                           |
| FE ..... FENCE ENDS                          | OVERHANG(O/H) OR ROOF           |
| F.F. .... FINISHED FLOOR                     | — # —                           |
| FIP/FIR..... FOUND IRON PIPE/ROD             | COMMUNICATIONS BOX              |
| FN ..... FOUND NAIL                          | CATCH BASIN                     |
| FN&D..... FOUND NAIL AND DISC                | SEWER MANHOLE                   |
| F.Pk.N ..... FOUND PARKER KALON NAIL         | UTILITY POLE (UP)               |
| I.D. .... SURVEYOR'S IDENTIFICATION          | LIGHT POLE (LP)                 |
| CHATT..... CHATTAHOOCHEE, EPOXY-STONE        | WATER METER (WM)                |
| L ..... LENGTH                               | UTILITY ANCHOR                  |
| L.A.E. .... LIMITED ACCESS EASEMENT          | FIRE HYDRANT (FH)               |
| L.M.E. .... LAKE MAINTENANCE EASEMENT        | CENTER LINE                     |
| (M)..... MEASURE                             | PROPERTY LINE                   |
| O/S..... OFFSET                              | WATER VALVE / CLEANOUT          |
| (P)..... PLAT                                | CABLE BOX (CA.TV.)              |
| P.C. .... POINT OF CURVATURE                 | ELEVATIC METER (EM)             |
| P.C.C..... POINT OF COMPOUND CURVATURE       | ELECTRIC BOX (FPL)              |
| PL ..... PLANTER                             | HANDICAP PARKING (HCP)          |
| P.O.B. .... POINT OF BEGINNING               | PLANTER OR PLANTED              |
| P.O.C. .... POINT OF COMMENCEMENT            | 0.00                            |
| P.R.C. .... POINT OF REVERSE CURVATURE       | ELEVATION MARKER                |
| P.R.M. .... PERMANENT REFERENCE MONUMENT     | TREE (SIZE/TYPE)                |
| P.T. .... POINT OF TANGENCY                  | TREE (SIZE/TYPE)                |
| R ..... RADIUS                               | TREE (SIZE/TYPE)                |
| (R)..... RECORD                              | TREE (SIZE/TYPE)                |
| RAW..... RIGHT-OF-WAY                        | TREE (SIZE/TYPE)                |
| SIR ..... SET 1/2" IRON ROD                  |                                 |
| SND..... SET NAIL AND DISC                   |                                 |
| (TYP.)..... TYPICAL                          |                                 |
| U.E. .... UTILITY EASEMENT                   |                                 |
| W.E. .... WATER'S EDGE                       |                                 |
- POINTS OF INTEREST  
 (A) SPECIFIES POINT OF INTEREST  
 (B) SPECIFIES POINT OF INTEREST



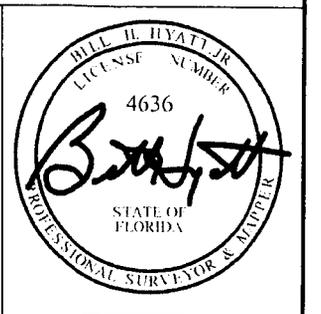
GENERAL NOTES:

THIS IS A COPYRIGHT DOCUMENT CONTAINING PROPRIETARY INFORMATION AND IS NOT WARRANTED BY ALLSTATE SURVEYING, LLC. OR THE SIGNING SURVEYOR WHEN COPIED BY OTHERS.  
**UNLESS OTHERWISE SHOWN HEREON, THE FOLLOWING NOTES APPLY:**  
 \* RECORD AND MEASURED CALLS ARE IN SUBSTANTIAL AGREEMENT AND POINTS ARE WITHIN 0.10' POSITIONAL TOLERANCE.  
 \* THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT AND THE SAME, IF ANY MAY NOT BE SHOWN ON THIS SKETCH.  
 \* UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.  
 \* ELEVATIONS ARE BASED ON NGVD 29 OR NAVD 88 AS NOTED ON SKETCH. (FLOOD ZONES: "B", "C", "D" & "X" ARE NOT IN DESIGNATED FLOOD HAZARD ZONE AREA.  
 \* FENCE TIES ARE TO THE CENTERLINE OF THE FENCE. FENCE OWNERSHIP NOT DETERMINED BY THIS OFFICE.  
 \* WALL TIES ARE TO THE FACE OF THE WALL.  
 \* BASIS OF BEARINGS, IF ANY, ARE ASSUMED PER PLAT AND/OR LEGAL DESCRIPTION.  
 \* THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE PURPOSE FOR USE AS AN AID IN OBTAINING TITLE INSURANCE ON THE HEREON DESCRIBED PROPERTY. NO ADDITIONAL WARRANTIES ARE HEREBY EXTENDED.  
 \* THIS SURVEY IS VALID IN ACCORDANCE WITH F.S. 627.7842 FOR A PERIOD OF 90 DAYS FROM THE DATE OF CERTIFICATION.

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE.  
 (c) 2013

*Bill H. Hyatt, Jr.*

BILL H. HYATT, JR  
 PROFESSIONAL LAND SURVEYOR  
 STATE OF FLORIDA LICENSE NUMBER: 4636



FIELD DATE: 01/16/2014  
 SIGNED DATE: 01/21/2014



Corporate Head Quarters: 1844 N Nob Hill Road #429, Sunrise, Florida 33351



COMMUNITY USES:

A	OJUS PARK	18995 W DIXIE HIGHWAY AVENTURA, FL 33180
B	FOUNDER'S PARK-	19200 W COUNTRY CLUB DRIVE AVENTURA, FL 33180
C	AVENTURA CITY OF EXCELLENCE SCHOOL	3333 NE 188TH STREET AVENTURA, FL 33180
D	CLASH CHURCH	19900 W COUNTRY CLUB DRIVE AVENTURA, FL 33180
E	WORD OF GOD MINISTRIES	19300 W DIXIE HIGHWAY AVENTURA, FL 33180

LIQUOR LICENSES:

1	BELLA LUNA	19575 BISCAYNE BOULEVARD #1097 AVENTURA, FL 33180	4COP
2	59TH & LEX RESTAURANT	19555 BISCAYNE BOULEVARD AVENTURA, FL 33180	2COP
3	CAVIAR & MORE	19501 BISCAYNE BOULEVARD #K1999 AVENTURA, FL 33180	2COP
4	CHE PASTA AT AVENTURA	19575 BISCAYNE BOULEVARD #1373 AVENTURA, FL 33180	2COP
5	CHEESECAKE FACTORY	19501 BISCAYNE BOULEVARD #791 AVENTURA, FL 33180	4COP
6	COURTYARD BY MARRIOTT	2825 NE 191ST STREET AVENTURA, FL 33180	4COP
7	CVS PHARMACY	2974 AVENTURA ROAD AVENTURA, FL 33180	2APS
8	FRESKO	19048 NE 29TH AVENUE AVENTURA, FL 33180	2COP
9	GRAND LUX CAFE	19575 BISCAYNE BOULEVARD AVENTURA, FL 33180	4COP
10	LUCA BELLA	19088 NE 29TH AVENUE AVENTURA, FL 33180	4COP
11	MAMA SBARRO PIZZA COMPANY	19575 BISCAYNE BOULEVARD #1455 AVENTURA, FL 33180	2COP
12	MARRIOTT RESIDENCE INN	19900 WEST COUNTRY CLUB DRIVE AVENTURA, FL 33180	4COP
13	NORDSTROM CAFE BISTRO	19507 BISCAYNE BOULEVARD AVENTURA, FL 33180	2COP
14	PIACERE NEWS & CAFE	19575 BISCAYNE BOULEVARD #K1992 AVENTURA, FL 33180	2COP
15	PIZZA ROMA	19090 NE 29TH AVENUE AVENTURA, FL 33180	2COP
16	SALSA GRILL RESTAURANT	19575 BISCAYNE BOULEVARD AVENTURA, FL 33180	2COP
17	SHRIMP MARKET	19575 BISCAYNE BOULEVARD #1429 AVENTURA, FL 33180	2COP
18	SUSHI SIAM	19575 BISCAYNE BOULEVARD #3206 AVENTURA, FL 33180	4COP
19	TANGO GRILL PARRILLADA	19575 BISCAYNE BOULEVARD #1425 AVENTURA, FL 33180	2COP
20	THE CHEESE COURSE	19575 BISCAYNE BOULEVARD #383 AVENTURA, FL 33180	2COP
21	THE GRILL ON THE ALLEY	19501 BISCAYNE BOULEVARD #783 AVENTURA, FL 33180	4COP
22	TRATTORIA ROSALIA	19501 BISCAYNE BOULEVARD AVENTURA, FL 33180	2COP
23	VI AT AVENTURA	19333 WEST COUNTY CLUB DRIVE AVENTURA, FL 33180	4COP
24	PARADISE CAFE	19575 BISCAYNE BOULEVARD #1417 AVENTURA, FL 33180	2COP



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 (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)
ALL STATE SURVEYING, LLC LIQUOR SURVEY
STEPHEN CAMPOS, CFO CAVIAR + MORE MIAMI, INC.
RONALD BOOK, P.A. ATTORNEY

(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 21 DAY OF January 2014

AUTHORIZED REPRESENTATIVE OF APPLICANT:

OWNER

By: [Signature]
Name: STEPHEN CAMPOS
Title: CFO

By: [Signature]
Name:
Title:

Address: 1000 NW 159TH DR
MIAMI GARDENS, FL

Address:

STATE OF FLORIDA )
COUNTY OF MIAMI-DADE)

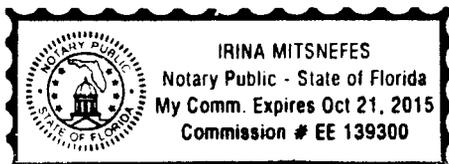
Before me the undersigned authority personally appeared STEPHEN CAMPOS as the authorized representative of the Applicant and/or the owner of the property subject to the application, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein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

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME this 21 day of January 2014

[Signature]

Notary Public State of Florida At Large
Printed Name of Notary Irina Mitsnefes
My commission expires: 10.21.2015





# 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 13 DAY OF JAN, 2014

APPLICANT:

By: \_\_\_\_\_ (Signature)  
Name: STEPHEN CAMPOS (Print)  
Title: CFO (Print)

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_

PROPERTY OWNER:

By: \_\_\_\_\_ (Signature)  
Name: \_\_\_\_\_ (Print)  
Title: \_\_\_\_\_ (Print)

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

## NOTARIZATION PROVISION

# BUSINESS RELATIONSHIP AFFIDAVIT, cont.

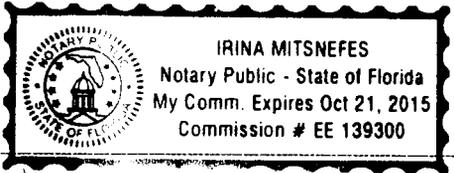
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

STEPHEN CAMPOS

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 STEPHEN CAMPOS

SWORN TO AND SUBSCRIBED before me this 13 day of JAN, 2014



[Signature]  
Notary Public State of Florida At Large  
Irina Mitsnefes  
Printed Name of Notary  
My commission expires: 10.21.2015

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: \_\_\_\_\_

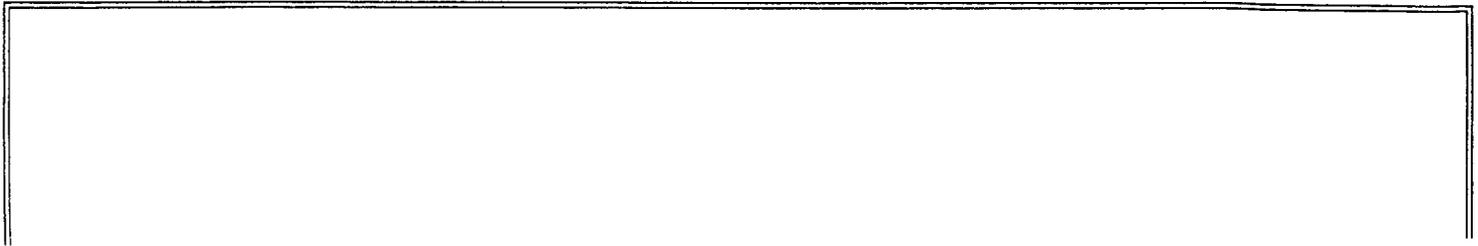
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

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: \_\_\_\_\_





# 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 with which Affiant or 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 10% 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 16 DAY OF JANUARY 2014

### APPLICANT

By: [Signature] (Signature)  
 Name: MIKE WOOD (Print)  
 Title: PRESIDENT (Print)  
ALLSTATE SURVEYING Co

WITNESS MY HAND THIS 16 DAY OF JANUARY 2014

### PROPERTY OWNER

By: \_\_\_\_\_ (Signature)  
 Name: \_\_\_\_\_ (Print)  
 Title: \_\_\_\_\_ (Print)

\*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2.395 of the Aventura City Code.

**NOTARIZATION PROVISION**

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared MILVE LIGON 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 16 day of January, 2011.



ELISA GONZALEZ  
MY COMMISSION # EE 098991  
EXPIRES: June 1, 2015  
Bonded Thru Budget Notary Services

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 \_\_\_\_\_, 20   .

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 \_\_\_\_\_, 20   .

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 \_\_\_\_\_, 20   .

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 22 DAY OF January, 20014

APPLICANT:

By: \_\_\_\_\_ (Signature)  
 Name: RONALD L. BOOK (Print)  
 Title: PRESIDENT & CEO (Print)

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_

PROPERTY OWNER

By: \_\_\_\_\_ (Signature)  
 Name: \_\_\_\_\_ (Print)  
 Title: \_\_\_\_\_ (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 \_\_\_\_\_, 200\_\_.

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (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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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.

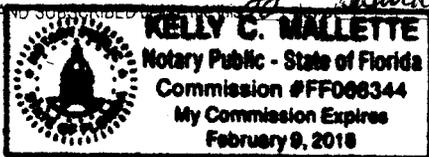
NOTARIZATION PROVISION

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Ronald L. Bari 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



Kelly C. Mallette  
Notary Public, State of Florida At Large

Printed Name of Notary  
My commission expires 02/09/2018

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. 2014-\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING MODIFICATION OF CONDITIONAL USE APPROVAL GRANTED THROUGH RESOLUTION NO. 2008-24 TO PERMIT THE SALES AND SERVICE OF WINE AND CHAMPAGNE AT THE CAVIAR & MORE KIOSK AND TABLE SEATING AREA IN THE AVENTURA MALL AT 19501 BISCAYNE BOULEVARD, CITY OF AVENTURA; MODIFYING CERTAIN CONDITIONS OF RESOLUTION NO. 2008-24; DELETING CERTAIN CONDITIONS OF RESOLUTION NO. 2008-24; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the applicant, Caviar & More Miami, Inc., through Application No. 04-CU-14, is requesting modification to the Conditional Use approval granted through Resolution No. 2008-24 to permit the service and sale of wine and champagne at the Caviar & More kiosk and table seating area in the Aventura Mall, to modify Conditions i), iv) and v) of the Resolution and to delete Conditions ii) and iii) of the Resolution; and

**WHEREAS**, the City Commission held a quasi-judicial public hearing as provided by law to review the application; 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.

**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 sale and service of wine and champagne at the Caviar & More kiosk and table seating area in the Aventura Mall at 19501 Biscayne Boulevard legally described as Tract R & Part of Tract Q, Aventura

6<sup>th</sup> Addition, more particularly described in Exhibit "A" is hereby granted subject to the conditions following in Section 5. of this Resolution.

**Section 2.** Conditions numbered i), iv) and v) of Resolution No. 2008-24 are hereby modified as follows<sup>1</sup>:

i) Wine and champagne may be sold and served to patrons seated at the kiosk counter and at tables in the patio area adjacent to the kiosk only in conjunction with service of food.

iv) ~~Customers will not be permitted to consumer more than one (1) four (4) ounce glass of wine or champagne at the kiosk,~~ but may purchase sealed bottles for off-premises consumption pursuant to applicable State licenses.

v) Customers will not be permitted to remove the glass of wine or champagne from the kiosk and/or table seating area.

**Section 3.** Conditions numbered ii) and iii) of Resolution No. 2008-24 are hereby deleted in their entirety.

**Section 4.** Conditions numbered vi), vii), viii), ix), x) and xi) of Resolution No. 2008-24 shall remain in full force and effect.

**Section 5.** Prior to City approval of a revision to the liquor license for the expanded area of alcoholic beverage sales and service, the applicant shall record a covenant, in form satisfactory to the City Manager and the City Attorney, containing the following restrictions:

- i) Wine and champagne may be sold and served to patrons seated at the kiosk counter and at tables in the patio area adjacent to the kiosk only in conjunction with the service of food.
- ii) Customers may purchase sealed bottles for off-premises consumption pursuant to applicable State licenses.
- iii) Customers will not be permitted to remove the glass of wine or champagne from the kiosk and/or table seating area.
- iv) This approval is granted exclusively to Caviar & More Miami, Inc. and may not be transferred to another owner and/or operator of the kiosk.
- v) The applicant's hours of operation shall coincide with the hours of operation of the Aventura Mall.
- vi) The applicant shall obtain an alcoholic beverage license from the State of Florida and begin sales and service of wine and champagne within twelve (12) months of the date of the Resolution or the approvals granted shall

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<sup>1</sup> Underlined text indicates addition to existing text. Strike-through text indicates deletion to existing text.

- be deemed null and void unless extended by a motion of the City Commission.
- vii) The applicant shall conduct Responsible Vendor Training pursuant to Florida Statutes to ensure no sales are made to underage customers or to customers who may have been over-served at other establishments.
  - viii) The conditional use approval may be terminated in the event the City Manager determines that the approval has created and/or is creating a disturbance to the community or to Mall patrons and/or that the applicant has violated any condition of this approval. The applicant agrees to immediately discontinue sales and service of alcoholic beverages upon written notice to the applicant of such a determination.
  - ix) Any discontinuation of the sales and service of wine and champagne for a period of 180 consecutive days shall constitute abandonment and shall rescind this approval.

**Section 6.** Issuance of this development order by the City of Aventura does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Aventura for issuance of the development order if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the development. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

**Section 7.** 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 Michael Stern	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Howard Weinberg	_____
Mayor Susan Gottlieb	_____

**PASSED AND ADOPTED** this 4<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
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 February, 2014.

\_\_\_\_\_  
CITY CLERK

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

#### **PARCEL 1:**

TRACT "R", OF "AVENTURA SIXTH ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

#### **PARCEL 2:**

A PORTION OF TRACT "Q" OF "AVENTURA SIXTH ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA; THENCE NORTH 87 DEGREES 27'29" EAST, ALONG THE NORTH LINE OF SAID SECTION 3 FOR 875.83 FEET TO A POINT ON THE CENTERLINE OF AVENTURA BOULEVARD AS SHOWN ON SAID PLAT OF "AVENTURA SIXTH ADDITION"; THENCE SOUTH 02 DEGREES 32'31" EAST FOR 73.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "Q"; THENCE SOUTH 87 DEGREES 27'29" WEST, ALONG THE NORTH LINE OF SAID TRACT "Q" FOR 12.60 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 89 DEGREES 35'24" FOR AN ARC DISTANCE OF 78.18 FEET TO THE POINT OF TANGENCY BEING ON THE WESTERLY LINE OF TRACT "H" OF "AVENTURA FOURTH ADDITION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 116, PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 02 DEGREES 07'55" EAST ALONG THE WESTERLY LINE OF SAID TRACT "H" FOR 423.52 FEET; THENCE NORTH 87 DEGREES 52'05" EAST FOR 26.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED TRACT OF LAND; THENCE NORTH 87 DEGREES 52'05" EAST FOR 148.00 FEET; THENCE NORTH 42 DEGREES 52'05" EAST FOR 56.57 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 31.63 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 325.00 FEET AND A CENTRAL ANGLE OF 72 DEGREES 28'48.8" FOR AN ARC DISTANCE OF 411.13 FEET TO THE POINT OF TANGENCY; THENCE NORTH 70 DEGREES 20'53.8" EAST FOR 122.00 FEET; THENCE NORTH 25 DEGREES 20'53.8" EAST FOR 58.66 FEET; THENCE NORTH 25 DEGREES 53'40" WEST FOR 94.96 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "Q", SAID POINT ALSO BEING ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND BEARS SOUTH 21 DEGREES 19'21" EAST FROM THE CENTER OF SAID CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, AND ALONG THE NORTHERLY LINE OF SAID TRACT "Q", HAVING A RADIUS OF 1505.40 FEET AND A CENTRAL ANGLE OF 04 DEGREES 34'19" FOR AN ARC DISTANCE OF 120.12 FEET; THENCE SOUTH 25 DEGREES 53'40" EAST FOR 117.40 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST AND BEARS NORTH 46 DEGREES 09'58" WEST FROM THE CENTER OF SAID CURVE; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 65 DEGREES 24'26" FOR AN ARC DISTANCE OF 570.78 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 10'58" FOR AN ARC DISTANCE OF 50.58 FEET; THENCE SOUTH 13 DEGREES 08'55" EAST FOR 10.62 FEET; THENCE NORTH 76 DEGREES 51'05" EAST FOR 342.85 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 81 DEGREES 39'40" WEST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 810.00 FEET AND A CENTRAL ANGLE OF 04

DEGREES 48'35" FOR AN ARC DISTANCE OF 68.00 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 13 DEGREES 08'55" EAST FOR 469.40 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 111.00 FEET (THE LAST EIGHT (8) COURSES BEING ALONG THE BOUNDARY OF SAID TRACT "Q"); THENCE SOUTH 02 DEGREES 40'32" EAST FOR 42.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 123.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 20.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 74.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 639.08 FEET; THENCE NORTH 86 DEGREES 44'34" EAST FOR 42.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 116.48 FEET; THENCE NORTH 81 DEGREES 11'29" EAST FOR 294.34 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 81 DEGREES 11'29" WEST FOR THE CENTER OF SAID CURVE, SAID POINT ALSO BEING ON THE EAST LINE OF SAID TRACT "R", AS SHOWN ON SAID PLAT OF "AVENTURA SIXTH ADDITION"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT AND ALONG THE EAST LINE OF SAID TRACT "Q", HAVING FOR ITS ELEMENTS A RADIUS OF 4656.66 FEET AND A CENTRAL ANGLE OF 6 DEGREES 38'08" FOR 539.29 FEET; THENCE NORTH 69 DEGREES 17'55" WEST FOR 25.00 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARS SOUTH 69 DEGREES 18'08" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 64 DEGREES 25'24" FOR AN ARC DISTANCE OF 33.73 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 85 DEGREES 07'16" WEST FOR 87.61 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 92 DEGREES 56'22" FOR AN ARC DISTANCE OF 48.66 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 555.00 FEET AND A CENTRAL ANGLE OF 24 DEGREES 44'30" FOR AN ARC DISTANCE OF 239.66 FEET; THENCE SOUTH 60 DEGREES 00'00" WEST FOR 30.86 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARS SOUTH 79 DEGREES 11'39" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 135.00 FEET AND A CENTRAL ANGLE OF 48 DEGREES 00'00" FOR AN ARC DISTANCE OF 113.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 726.18 FEET AND A CENTRAL ANGLE OF 29 DEGREES 18'21" FOR AN ARC DISTANCE OF 371.43 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 29 DEGREES 30'00" WEST FOR 331.34 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 110.00 FEET AND A CENTRAL ANGLE OF 25 DEGREES 00'00" FOR AN ARC DISTANCE OF 48.00 FEET; THENCE SOUTH 35 DEGREES 30'00" EAST RADIAL TO THE LAST DESCRIBED CURVE FOR 31.98 FEET; THENCE SOUTH 29 DEGREES 58'54" WEST FOR 92.90 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARS SOUTH 07 DEGREES 29'11" WEST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 555.00 FEET AND A CENTRAL ANGLE OF 54 DEGREES 56'22" FOR AN ARC DISTANCE OF 532.17 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 84 DEGREES 24'26" FOR AN ARC DISTANCE OF 51.56 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 53 DEGREES 02'45" EAST FOR 0.31 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 522.50 FEET AND A CENTRAL ANGLE OF 27 DEGREES 32'27" FOR AN ARC DISTANCE OF 251.15 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5.00 FEET AND A CENTRAL ANGLE OF 125 DEGREES 32'55" FOR AN ARC DISTANCE OF 10.96 FEET; THENCE SOUTH 45 DEGREES 02'32" EAST FOR 25.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "Q", SAID POINT ALSO BEING ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTH AND BEARS SOUTH 11 DEGREES 34'12" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT AND ALONG THE SOUTH LINE

OF SAID TRACT "Q" HAVING A RADIUS OF 5594.58 FEET AND A CENTRAL ANGLE OF 04 DEGREES 13'04" FOR AN ARC DISTANCE OF 411.84 FEET; THENCE SOUTH 73 DEGREES 10'52" WEST ALONG THE SOUTH LINE OF SAID TRACT "Q" FOR 193.18 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCENTRIC WITH THE LAST DESCRIBED CURVE, SAID POINT BEARS SOUTH 05 DEGREES 24'45" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5629.58 FEET AND A CENTRAL ANGLE OF 01 DEGREES 01'21" FOR AN ARC DISTANCE OF 100.46 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 06 DEGREES 00'16" WEST FROM THE CENTER OF SAID CURVE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1070.17 FEET AND A CENTRAL ANGLE OF 27 DEGREES 09'18" FOR AN ARC DISTANCE OF 507.20 FEET TO THE POINT OF TANGENCY; THENCE NORTH 56 DEGREES 50'26" WEST FOR 488.24 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1221.67 FEET AND A CENTRAL ANGLE OF 23 DEGREES 12'04" FOR AN ARC DISTANCE OF 494.70 FEET; THENCE NORTH 11 DEGREES 19'21" WEST FOR 10.69 FEET; THENCE NORTH 09 DEGREES 46'52" EAST FOR 73.41 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 09 DEGREES 46'52" WEST FROM THE CENTER OF SAID CURVE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 275.00 FEET AND A CENTRAL ANGLE OF 78 DEGREES 05'13" FOR AN ARC DISTANCE OF 374.79 FEET TO THE POINT OF TANGENCY; THENCE NORTH 02 DEGREES 07'55" WEST FOR 200.00 FEET; THENCE NORTH 47 DEGREES 07'55" WEST FOR 56.57 FEET; THENCE SOUTH 87 DEGREES 52'05" WEST FOR 148.00 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 90.00 FEET ;THENCE NORTH 87 DEGREES 52'05" EAST FOR 148.00 FEET; THENCE NORTH 42 DEGREES 52'05" EAST FOR 56.57 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 283.37 FEET; THENCE NORTH 47 DEGREES 07'55" WEST FOR 56.57 FEET; THENCE SOUTH 87 DEGREES 52'05" WEST FOR 148.00 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 90.00 FEET TO THE POINT OF BEGINNING.

**LESS AND EXCEPT THE FOLLOWING PARCEL OF LAND:**

A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 87 DEGREES 27'29" EAST, ALONG THE NORTH LINE OF SAID SECTION 3 FOR 875.83 FEET TO A POINT ON THE CENTERLINE OF AVENTURA BOULEVARD; THENCE SOUTH 02 DEGREES 32'31" EAST FOR 73.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF AVENTURA BOULEVARD; THENCE SOUTH 87 DEGREES 27'29" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 12.60 FEET TO A POINT; THENCE 78.18 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND A CHORD OF 70.45 FEET BEARING SOUTH 42 DEGREES 39'47" WEST TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 5 (U.S. HIGHWAY NO. 1), AS SHOWN ON THE PLAT OF "AVENTURA FOURTH ADDITION", AS RECORDED IN PLAT BOOK 116, PAGE 34 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 02 DEGREES 07'55" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 1320.72 FEET TO A POINT; THENCE NORTH 87 DEGREES 52'05" EAST FOR A DISTANCE OF 435.30 FEET TO THE PRINCIPAL POINT AND PLACE OF BEGINNING OF THE FOLLOWING DESCRIPTION; THENCE NORTH 74 DEGREES 30'00" EAST FOR A DISTANCE OF 170.36 FEET TO A POINT; THENCE NORTH 15 DEGREES 30'00" WEST FOR A DISTANCE OF 18.00 FEET TO A POINT; THENCE NORTH 74 DEGREES 30'00" EAST FOR A DISTANCE OF 491.43 FEET TO A POINT; THENCE SOUTH 60 DEGREES 30'00" EAST FOR A DISTANCE OF 380.10 FEET TO A POINT; THENCE SOUTH 29 DEGREES 30'00" WEST FOR A DISTANCE OF 6.62 FEET TO A POINT; THENCE SOUTH 60 DEGREES 30'00" EAST FOR A DISTANCE OF 94.67 FEET TO A POINT; THENCE SOUTH 29 DEGREES 30'00" WEST FOR A DISTANCE OF 78.54 FEET TO A POINT; THENCE SOUTH 60 DEGREES 30'00" EAST FOR A DISTANCE OF 31.21 FEET TO A

POINT; THENCE SOUTH 15 DEGREES 30'00" EAST FOR A DISTANCE OF 510.00 FEET TO A POINT; THENCE SOUTH 74 DEGREES 30'00" WEST FOR A DISTANCE OF 64.02 FEET TO A POINT; THENCE SOUTH 25 DEGREES 00'00" WEST FOR A DISTANCE OF 85.78 FEET TO A POINT; THENCE NORTH 65 DEGREES 00'00" WEST FOR A DISTANCE OF 162.20 FEET TO A POINT; THENCE 320.42 FEET ALONG AN ARC TO THE RIGHT, HAVING A RADIUS OF 2250.00 FEET AND A CHORD OF 320.15 FEET AND BEARING NORTH 60 DEGREES 55'13" WEST TO A POINT; THENCE NORTH 56 DEGREES 50'26" WEST FOR A DISTANCE OF 325.26 FEET TO A POINT; THENCE NORTH 49 DEGREES 47'23.6" WEST FOR A DISTANCE OF 485.32 FEET TO THE PRINCIPAL POINT AND PLACE OF BEGINNING.

**FURTHER LESS & EXCEPTING** FROM PARCEL 2 THE FOLLOWING DESCRIBED LANDS CONVEYED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, BY SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 17502, PAGE 4216 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TO-WIT:

THOSE PORTIONS OF TRACT "Q", AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 120, PAGE 20, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, IN THE NORTHWEST ONE-QUARTER (N.W. ¼) OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT "Q"; THENCE ALONG THE WEST LINE OF SAID TRACT "Q", FOR THE FOLLOWING THREE (3) COURSES, (1) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 29.240 METERS (95.93 FEET); (2) THENCE NORTH 01 DEGREES 28'13" EAST, A DISTANCE OF 43.775 METERS (143.62 FEET); (3) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 82.872 METERS (271.89 FEET) TO REFERENCE POINT "A" AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE NORTH 87 DEGREES 53'07" EAST, A DISTANCE OF 0.457 METERS (1.50 FEET); THENCE SOUTH 02 DEGREES 07'21" EAST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE SOUTH 87 DEGREES 53'07" WEST, A DISTANCE OF 0.457 METERS (1.50 FEET) TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE AFOREMENTIONED REFERENCE POINT "A"; THENCE ALONG THE WEST LINE OF SAID TRACT "Q", FORTH FOLLOWING FIVE (5) COURSES, (1) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 27.432 METERS (90.00 FEET); (2) THENCE NORTH 14 DEGREES 48'10" WEST, A DISTANCE OF 12.497 METERS (41.00 FEET); (3) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 15.246 METERS (50.02 FEET); (4) THENCE NORTH 01 DEGREES 50'16" EAST, A DISTANCE OF 39.719 METERS (130.31 FEET); (5) THENCE NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 43.721 METERS (143.44 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE NORTH 87 DEGREES 53'01" EAST, A DISTANCE OF 0.457 METERS (1.50 FEET); THENCE SOUTH 02 DEGREES 07'21" EAST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE SOUTH 87 DEGREES 53'01" WEST, A DISTANCE OF 0.457 METERS (1.50 FEET) TO THE POINT OF BEGINNING.

**PARCEL 3:**

ALL THOSE CERTAIN PLOTS, PIECES OR PARCELS OF LAND, SITUATE, LYING AND BEING IN THE COUNTY OF MIAMI-DADE, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

**"QUADRANT D"**

A PORTION OF TRACT "Q" OF "AVENTURA SIXTH ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF TRACT "R" OF SAID PLAT OF "AVENTURA SIXTH ADDITION", SAID POINT BEING ON A CURVE CONCAVE TO THE N.E.; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF WEST COUNTRY CLUB DRIVE FOR THE FOLLOWING THREE (3) COURSES; (1) THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 4656.66 FEET AND A CENTRAL ANGLE OF 6 DEGREES 38'08" FOR 539.29 FEET TO A POINT ON SAID CURVE AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; (2) THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 4656.66 FEET AND A CENTRAL ANGLE OF 2 DEGREES 49'41" FOR 229.85 FEET TO A POINT OF REVERSE CURVATURE; (3) THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1275.14 FEET AND A CENTRAL ANGLE OF 9 DEGREES 32'14" FOR 212.25 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 50.0 FEET AND A CENTRAL ANGLE OF 86 DEGREES 09'34" FOR 75.19 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5594 .58 FEET AND A CENTRAL ANGLE OF 1 DEGREES 00'20" FOR 98.19 FEET TO A POINT; THENCE N 45 DEGREES 02'32" W FOR 25.00 FEET TO A POINT ON A CURVE TO THE LEFT, SAID POINT BEARS S 45 DEGREES 02'32" E FROM THE CENTER OF SAID CURVE; THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 5.00 FEET AND A CENTRAL ANGLE OF 125 DEGREES 32'55" FOR 10.96 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 522.50 FEET AND A CENTRAL ANGLE OF 27 DEGREES 32'27" FOR 251.15 FEET TO A POINT OF TANGENCY; THENCE N 53 DEGREES 02'45" W FOR 0.31 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 84 DEGREES 24'26" FOR 51.56 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 555.0 FEET AND A CENTRAL ANGLE OF 54 DEGREES 56'22" FOR 532.17 FEET TO A POINT ON SAID CURVE, SAID POINT BEARS S 7 DEGREES 29'11" W FROM THE CENTER OF SAID CURVE; THENCE N 29 DEGREES 58'54" E FOR 92.90 FEET; THENCE N 35 DEGREES 30'00" W FOR 31.98 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 110.0 FEET AND A CENTRAL ANGLE OF 25 DEGREES 00'00" FOR 48.00 FEET TO A POINT OF TANGENCY; THENCE N 29 DEGREES 30'00" E FOR 331.34 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 726.18 FEET AND A CENTRAL ANGLE OF 29 DEGREES 18'21" FOR 371.43 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 135.0 FEET AND A CENTRAL ANGLE OF 48 DEGREES 00'00" FOR 113.10 FEET TO A POINT ON SAID CURVE; THENCE N 60 DEGREES 00'00" E FOR 30.86 FEET TO A POINT ON A CURVE TO THE RIGHT, SAID POINT BEARS N 63 DEGREES 19'08" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 555.0 FEET AND A CENTRAL ANGLE OF 24 DEGREES 44'30" FOR 239.66 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 30.0 FEET AND A CENTRAL ANGLE OF 92 DEGREES

56'22" FOR 48.66 FEET TO A POINT OF TANGENCY; THENCE N 85 DEGREES 07'16" E FOR 87.61 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 30.0 FEET AND A CENTRAL ANGLE OF 64 DEGREES 25'24" FOR 33.73 FEET TO A POINT ON SAID CURVE; THENCE S 69 DEGREES 17'55" E FOR 25.0 FEET TO THE POINT OF BEGINNING.

**PARCEL 4:**

A PORTION OF TRACT "Q" OF AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 120, PAGE 20, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

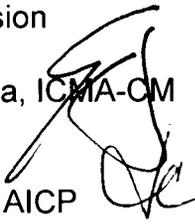
COMMENCE AT THE SOUTHWEST CORNER OF TRACT "R" OF SAID PLAT OF AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 120, PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 02 DEGREES 40' 32" WEST, ALONG THE WEST BOUNDARY LINE OF SAID TRACT "R" AND ALONG THE BOUNDARY LINE OF SAID TRACT "Q", FOR 116.48 FEET TO THE **POINT OF BEGINNING** OF THE HEREINAFTER DESCRIBED PROPERTY; THENCE CONTINUE NORTH 02 DEGREES 40' 32" WEST, ALONG THE PREVIOUSLY DESCRIBED LINE OF 700.65 FEET; THENCE SOUTH 87 DEGREES 19' 28" WEST, ALONG THE BOUNDARY LINE OF SAID TRACT "Q", FOR 239.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 42.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 123.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 20.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 74.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST, ALONG A LINE 42.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "R", FOR 639.08 FEET; THENCE NORTH 86 DEGREES 44'34" EAST FOR 42.00 FEET TO THE POINT OF BEGINNING.

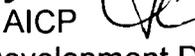
# CITY OF AVENTURA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

TO: City Commission

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

BY: Joanne Carr, AICP  
Community Development Director 

DATE: January 15, 2014

SUBJECT: Request for Conditional Use approval pursuant to Section 4-2(a) of the City Code to permit service and sale of beer, wine and champagne from the Piacere News & Café kiosk at the Aventura Mall at 19501 Biscayne Boulevard, Aventura (03-CU-14)

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February 4, 2014 City Commission Meeting Agenda Item 6B

### RECOMMENDATION

It is recommended that the City Commission approve the request for Conditional Use Approval to permit service and sale of beer, wine and champagne from the Piacere News & Café kiosk at the Aventura Mall, 19501 Biscayne Boulevard, Aventura, subject to the following conditions:

1. Beer, wine and champagne only shall be sold and served at the kiosk counter and seating area adjacent to the kiosk only in conjunction with service of food. .
2. Customers will not be permitted to remove the glass of beer, wine or champagne from the kiosk and/or seating area.
3. This approval is granted exclusively to Piacere News & Café, Corp., and may not be transferred to another owner and/or operator of the kiosk.
4. The applicant's hours of operation shall coincide with the hours of operation of the Aventura Mall.
5. The applicant shall obtain an alcoholic beverage license from the State of Florida and begin sales and service of beer, wine and champagne 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.
6. The applicant shall conduct Responsible Vendor Training pursuant to Florida Statutes to ensure no sales are made to underage customers or to customers who may have been over-served at other establishments

7. The conditional use approval may be terminated in the event the City Manager determines that the approval has created and/or is creating a disturbance to the community or to Mall patrons. The applicant agrees to immediately discontinue sales and service of alcoholic beverages upon written notice to the applicant of such a determination.
8. Any discontinuation of the sales and service of wine and champagne for a period of 180 consecutive days shall constitute abandonment and shall rescind this approval.

**THE REQUEST**

The applicant, Piacere News & Café, Corp., is requesting conditional use approval pursuant to Section 4-2(a) of the City Code to permit sales and service of beer, wine and champagne at its kiosk counter and adjacent seating area on the ground floor of the Aventura Mall at 19501 Biscayne Boulevard, Aventura. (See Exhibit #1 for Letter of Intent)

**BACKGROUND**

<b>OWNER OF PROPERTY</b>	Aventura Mall Venture
<b>APPLICANT</b>	Piacere News & Café Corp.
<b>ADDRESS OF PROPERTY</b>	19501 Biscayne Boulevard, City of Aventura (See Exhibit #2 for Location Map)
<b>LEGAL DESCRIPTION</b>	Tract R & Part of Tract Q, Aventura 6 <sup>th</sup> Addition, according to the plat thereof recorded in Plat Book 120, Page 20 of the Public Records of Miami-Dade County, Florida (See Exhibit #3 for complete legal description)
<b>Zoning –</b>	
Subject Property:	B2 Community Business District
Properties to the North:	B2 Community Business District, and CF Community Facilities District
Properties to the South:	B2 Community Business District
Properties to the East:	B2 Community Business District
Properties to the West:	U Utilities District

**Existing Land Use –**

Subject property:	Regional Mall
Properties to the North:	Library & Fire Station
Properties to the South:	Retail & Office
Properties to the East:	Retail, Office & Hotel
Properties to the West:	FEC Railway

**Future Land Use** - According to the City of Aventura Comprehensive Plan, the following properties are 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:	Business and Office
Property to the West:	Business and Office

**The Site** - The Piacere News & Café kiosk is located in Space K1992 on the ground floor of the Aventura Mall as shown in Exhibit #4.

**The Project** - The applicant is requesting conditional use approval pursuant to Section 4-2(a) of the City Code to permit sales and service of beer, wine and champagne at its kiosk on the ground floor of the Aventura Mall at 19501 Biscayne Boulevard, Aventura. Beer, wine and champagne is proposed to be served to customers in conjunction with food service. There are 16 seats at the kiosk counter and 23 tables with chairs in the adjacent patio area. The floor plan is attached as Exhibit #5. A photograph of the kiosk and patio area is attached as Exhibit #6.

### **History of the Application**

It recently came to staff's attention that beer, wine and champagne were being served at this location. The owner was advised that conditional use approval is required prior to such sale and service, in order to comply with Chapter 4 of the City Code. The owner advised that it obtained a 2COP retail beverage sales and service license from the State of Florida in January of 2010. Staff confirmed that the liquor license was issued and is current; however, the 2010 license application was approved by City staff in error. The owner has made this conditional use approval application to bring the use into compliance with City Code.

Staff has received no concerns from the public or from the Aventura Police Department related to the prior sale and service of beer, wine and champagne at this kiosk.

### **ANALYSIS**

**Consistency with Comprehensive Master Plan** – The request is consistent with the City of Aventura's Comprehensive Plan. The future land use designation for the parcel is Business and Office.

**Citizen Comments** - The Community Development Department has received no written citizen comments as of the date of writing of this report.

**Community Development Department Analysis** – The applicant wishes to serve and sell beer, wine and champagne at its kiosk and adjacent table seating area in the Aventura Mall. Section 4.2 of the City Code provides that:

*“(a) **Distance from other establishments.** Unless approved as a conditional use, no premises shall be used for the sale of any alcoholic beverages, as defined here, to be consumed on or off the premises where the structure or place of business intended for such use is located less than 1,500 feet from a place of business having an existing, unabandoned, legally established (and not one of the uses excepted from the spacing requirements hereinafter provided) alcoholic beverage use which permits consumption on or off the premises. The 1,500 feet distance requirements shall be measured by following a straight line from the nearest portion of the structure or place of business.*

*“(b) **Distance from religious facility or school.** Unless approved as a conditional use, no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use is located less than 2,500 feet from a religious facility or school ...”*

A liquor survey is required to show spacing and distance to other establishments with an alcoholic beverage use and to religious facilities and schools. The applicant has submitted the liquor survey attached as Exhibit #7. The survey reveals eighteen (18) establishments with an alcoholic beverage use within 1,500 feet and no religious facilities or schools within 2,500 feet.

Subsection (e) of Section 4.2 provides for exceptions to spacing and distance requirements. Those exceptions are: private clubs, restaurants in the B1 and B2 zoning districts, cocktail lounges in restaurants, beer and wine sold as a grocery item, bowling alleys, hotels and motels, golf course clubhouses, tour boats, tennis clubs and not-for-profit theatres with live performances.

The applicant's place of business does not meet the distance and spacing requirements and the use is not one of the exceptions in the subsection (e); therefore, conditional use approval is required to comply with Section 4.2(a) above.

### **Criteria**

The following is staff's evaluation of the proposed use using the criteria for approval of conditional uses found in Section 31-73(c) of the City's Land Development Regulations.

1. *The proposed use shall be consistent with the Comprehensive Plan.*

The request is consistent with the City of Aventura Comprehensive Plan. The future land use designation for this parcel is Business and Office.

2. *The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.*

The establishment, maintenance and operation of the proposed service and sale of wine and champagne will not be detrimental to or endanger the public health, safety or general welfare. The conditions that beer, wine and champagne be served and sold

only in conjunction with food service, that the operator conduct Responsible Vendor Training, that customers not be permitted to remove the beer, wine and/or champagne from the kiosk or seating area and that the use may be terminated by the City Manager if the use creates a disturbance to the community will provide safeguards to ensure that the use will not be detrimental.

3. *The proposed use shall be consistent with the community character of the immediate neighborhood of the proposed use.*

The immediate neighborhood of the proposed use is comprised of retail, restaurant, office, hotel, commercial and medium and high density residential uses. The proposed use is consistent with the community character of the immediate neighborhood.

4. *Utilities, roadway capacity, drainage and other necessary public facilities, including police, fire and emergency services shall exist at the City's adopted levels of service or will be available concurrent with demand as provided for in the requirement of these LDR's.*

The site is developed. The proposed use will not change the current levels of service required. Utilities, roadway capacity, drainage and other necessary public facilities, including police, fire and emergency services exist at the City's adopted levels of service or will be available concurrent with demand as provided for in the City's Land Development Regulations.

5. *Adequate measures exist or shall be taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets.*

The site is developed. Adequate measures have been taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets. Ingress and egress to the Aventura Mall is existing on Biscayne Boulevard, Aventura Boulevard and West Country Club Drive.

6. *The establishment of the conditional use shall not impede the development of surrounding properties for uses permitted in the zoning district.*

The establishment of this use will not impede the development of surrounding properties for uses permitted in the zoning district.

7. *The design of the proposed use shall minimize adverse affects, including visual impacts of the proposed use on adjacent property through the use of building orientation, setbacks, buffers, landscaping and other design criteria.*

The proposed use is interior to the Aventura Mall and will have no visual or other adverse affects on adjacent property.



## SCS USA Corp

dba Statewide Hotels & Restaurants Org

November 29, 2013

# COMPLIANCE Checkup

COMMUNITY DEVELOPMENT

**Exhibit #1  
03-CU-14**

City of Aventura  
19200 West Country Club Drive  
Aventura, Florida 33180  
Re: Piacere News & Café /Aventura Mall

Dear Sir / Madam:

The applicant, Piacere News & Café, Corp., is requesting conditional use approval pursuant to Section 4-2(a) of the City Code to permit sales and service of beer, wine and champagne at its Space K-1992 on the ground floor of the Aventura Mall at 19575 Biscayne Boulevard, Aventura to the customers who come to the business to eat some of the multiple menu offered.

My client, Piacere News & Café, Corp., which conducts business at the space K-1992 in the Aventura Mall is an experienced operator and have a permanent food license (SEA2334068). The business has 106 seats.

The business will be conducted with the following limitations:

- Piacere News & Cafe hours of operation coincide with the hours of operation of the Aventura Mall.
- Customers will not be permitted to remove glasses from the premises.
- My client will conduct Responsible Vendor Training pursuant to the Florida Responsible Vendor Act (FS561) to ensure no sales are made to underage customers or to customers who may have been over served at other establishments.

Very truly yours

Eduardo A. Burgos

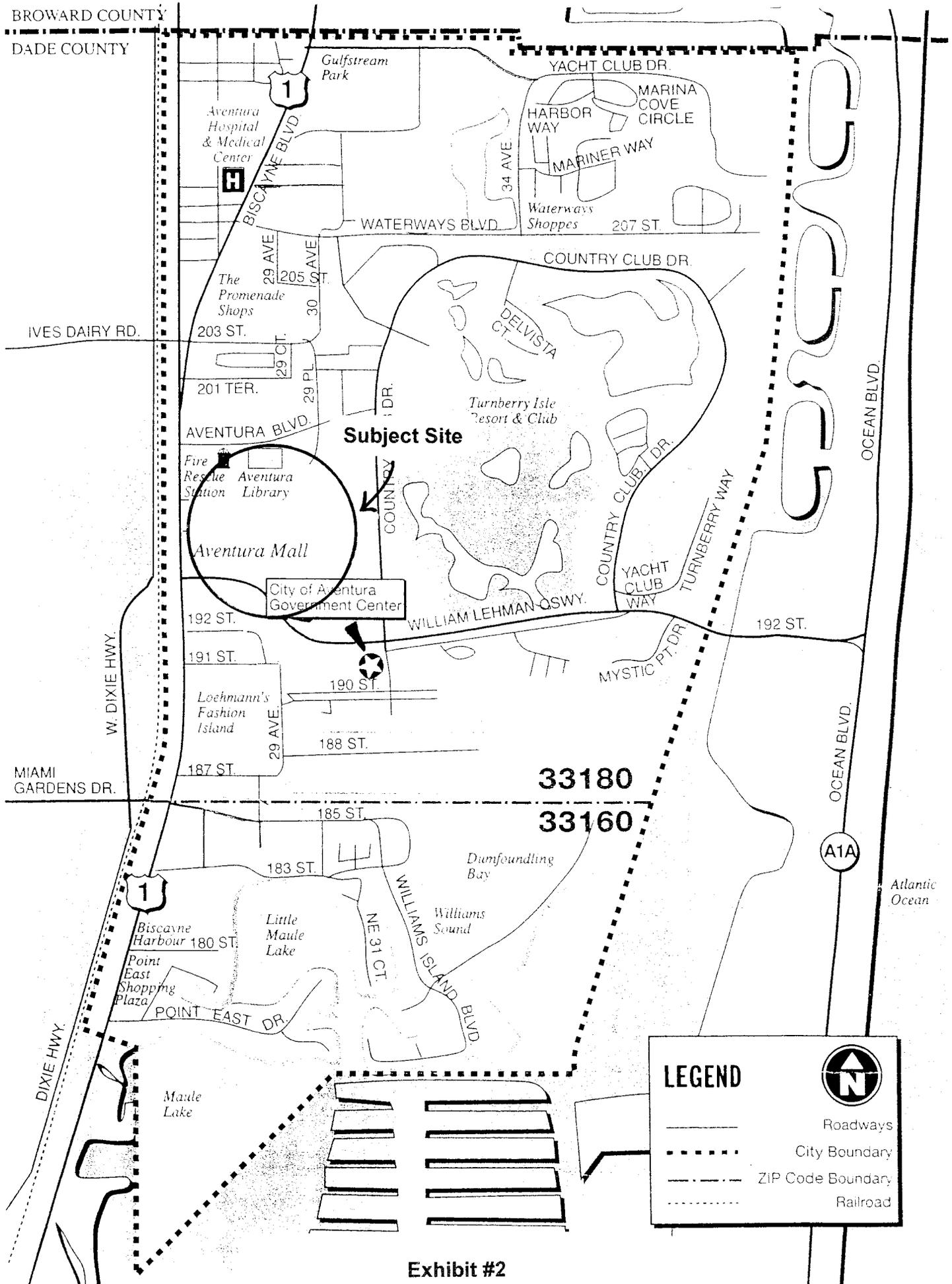
SCS USA Corp  
Dba: Statewide Hotels & Restaurants Org  
6303 Blue Lagoon Dr. Suite 400  
Miami, Fl. 33126  
Main: 888 658 5551  
Cell: 786 486 2139  
[www.statewidehotelsandrestaurants.org](http://www.statewidehotelsandrestaurants.org)

6303 Blue Lagoon Dr. Suite 400 Miami, Fl. 33126

[www.statewidehotelsandrestaurants.org](http://www.statewidehotelsandrestaurants.org)

BROWARD COUNTY

DADE COUNTY

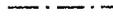


**Subject Site**

**33180**

**33160**

**LEGEND**

-  Roadways
-  City Boundary
-  ZIP Code Boundary
-  Railroad

**Exhibit #2**  
**03-CU-14**

**Exhibit # 3**  
**03-CU-14**

**LEGAL DESCRIPTION**

**PARCEL 1:**

TRACT "R", OF "AVENTURA SIXTH ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**PARCEL 2:**

A PORTION OF TRACT "Q" OF "AVENTURA SIXTH ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA; THENCE NORTH 87 DEGREES 27'29" EAST, ALONG THE NORTH LINE OF SAID SECTION 3 FOR 875.83 FEET TO A POINT ON THE CENTERLINE OF AVENTURA BOULEVARD AS SHOWN ON SAID PLAT OF "AVENTURA SIXTH ADDITION"; THENCE SOUTH 02 DEGREES 32'31" EAST FOR 73.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "Q"; THENCE SOUTH 87 DEGREES 27'29" WEST, ALONG THE NORTH LINE OF SAID TRACT "Q" FOR 12.60 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 89 DEGREES 35'24" FOR AN ARC DISTANCE OF 78.18 FEET TO THE POINT OF TANGENCY BEING ON THE WESTERLY LINE OF TRACT "H" OF "AVENTURA FOURTH ADDITION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 116, PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 02 DEGREES 07'55" EAST ALONG THE WESTERLY LINE OF SAID TRACT "H" FOR 423.52 FEET; THENCE NORTH 87 DEGREES 52'05" EAST FOR 26.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED TRACT OF LAND; THENCE NORTH 87 DEGREES 52'05" EAST FOR 148.00 FEET; THENCE NORTH 42 DEGREES 52'05" EAST FOR 56.57 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 31.63 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 325.00 FEET AND A CENTRAL ANGLE OF 72 DEGREES 28'48.8" FOR AN ARC DISTANCE OF 411.13 FEET TO THE POINT OF TANGENCY; THENCE NORTH 70 DEGREES 20'53.8" EAST FOR 122.00 FEET; THENCE NORTH 25 DEGREES 20'53.8" EAST FOR 58.66 FEET; THENCE NORTH 25 DEGREES 53'40" WEST FOR 94.96 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "Q", SAID POINT ALSO BEING ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND BEARS SOUTH 21 DEGREES 19'21" EAST FROM THE CENTER OF SAID CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, AND ALONG THE NORTHERLY LINE OF SAID TRACT "Q", HAVING A RADIUS OF 1505.40 FEET AND A CENTRAL ANGLE OF 04 DEGREES 34'19" FOR AN ARC DISTANCE OF 120.12 FEET; THENCE SOUTH 25 DEGREES 53'40" EAST FOR 117.40 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST AND BEARS NORTH 46 DEGREES 09'58" WEST FROM THE CENTER OF SAID CURVE; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 65 DEGREES 24'26" FOR AN ARC DISTANCE OF 570.78 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 10'58" FOR AN ARC DISTANCE OF 50.58 FEET; THENCE SOUTH 13 DEGREES 08'55" EAST FOR 10.62 FEET; THENCE NORTH 76 DEGREES 51'05" EAST FOR 342.85 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 81 DEGREES 39'40" WEST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 810.00 FEET AND A CENTRAL ANGLE OF 04

DEGREES 48'35" FOR AN ARC DISTANCE OF 68.00 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 13 DEGREES 08'55" EAST FOR 469.40 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 111.00 FEET (THE LAST EIGHT (8) COURSES BEING ALONG THE BOUNDARY OF SAID TRACT "Q"); THENCE SOUTH 02 DEGREES 40'32" EAST FOR 42.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 123.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 20.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 74.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 639.08 FEET; THENCE NORTH 86 DEGREES 44'34" EAST FOR 42.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 116.48 FEET; THENCE NORTH 81 DEGREES 11'29" EAST FOR 294.34 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 81 DEGREES 11'29" WEST FOR THE CENTER OF SAID CURVE, SAID POINT ALSO BEING ON THE EAST LINE OF SAID TRACT "R", AS SHOWN ON SAID PLAT OF "AVENTURA SIXTH ADDITION"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT AND ALONG THE EAST LINE OF SAID TRACT "Q", HAVING FOR ITS ELEMENTS A RADIUS OF 4656.66 FEET AND A CENTRAL ANGLE OF 6 DEGREES 38'08" FOR 539.29 FEET; THENCE NORTH 69 DEGREES 17'55" WEST FOR 25.00 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARS SOUTH 69 DEGREES 18'08" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 64 DEGREES 25'24" FOR AN ARC DISTANCE OF 33.73 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 85 DEGREES 07'16" WEST FOR 87.61 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 92 DEGREES 56'22" FOR AN ARC DISTANCE OF 48.66 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 555.00 FEET AND A CENTRAL ANGLE OF 24 DEGREES 44'30" FOR AN ARC DISTANCE OF 239.66 FEET; THENCE SOUTH 60 DEGREES 00'00" WEST FOR 30.86 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARS SOUTH 79 DEGREES 11'39" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 135.00 FEET AND A CENTRAL ANGLE OF 48 DEGREES 00'00" FOR AN ARC DISTANCE OF 113.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 726.18 FEET AND A CENTRAL ANGLE OF 29 DEGREES 18'21" FOR AN ARC DISTANCE OF 371.43 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 29 DEGREES 30'00" WEST FOR 331.34 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 110.00 FEET AND A CENTRAL ANGLE OF 25 DEGREES 00'00" FOR AN ARC DISTANCE OF 48.00 FEET; THENCE SOUTH 35 DEGREES 30'00" EAST RADIAL TO THE LAST DESCRIBED CURVE FOR 31.98 FEET; THENCE SOUTH 29 DEGREES 58'54" WEST FOR 92.90 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARS SOUTH 07 DEGREES 29'11" WEST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 555.00 FEET AND A CENTRAL ANGLE OF 54 DEGREES 56'22" FOR AN ARC DISTANCE OF 532.17 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 84 DEGREES 24'26" FOR AN ARC DISTANCE OF 51.56 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 53 DEGREES 02'45" EAST FOR 0.31 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 522.50 FEET AND A CENTRAL ANGLE OF 27 DEGREES 32'27" FOR AN ARC DISTANCE OF 251.15 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5.00 FEET AND A CENTRAL ANGLE OF 125 DEGREES 32'55" FOR AN ARC DISTANCE OF 10.96 FEET; THENCE SOUTH 45 DEGREES 02'32" EAST FOR 25.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "Q", SAID POINT ALSO BEING ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTH AND BEARS SOUTH 11 DEGREES 34'12" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT AND ALONG THE SOUTH LINE

OF SAID TRACT "Q" HAVING A RADIUS OF 5594.58 FEET AND A CENTRAL ANGLE OF 04 DEGREES 13'04" FOR AN ARC DISTANCE OF 411.84 FEET; THENCE SOUTH 73 DEGREES 10'52" WEST ALONG THE SOUTH LINE OF SAID TRACT "Q" FOR 193.18 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCENTRIC WITH THE LAST DESCRIBED CURVE, SAID POINT BEARS SOUTH 05 DEGREES 24'45" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5629.58 FEET AND A CENTRAL ANGLE OF 01 DEGREES 01'21" FOR AN ARC DISTANCE OF 100.46 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 06 DEGREES 00'16" WEST FROM THE CENTER OF SAID CURVE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1070.17 FEET AND A CENTRAL ANGLE OF 27 DEGREES 09'18" FOR AN ARC DISTANCE OF 507.20 FEET TO THE POINT OF TANGENCY; THENCE NORTH 56 DEGREES 50'26" WEST FOR 488.24 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1221.67 FEET AND A CENTRAL ANGLE OF 23 DEGREES 12'04" FOR AN ARC DISTANCE OF 494.70 FEET; THENCE NORTH 11 DEGREES 19'21" WEST FOR 10.69 FEET; THENCE NORTH 09 DEGREES 46'52" EAST FOR 73.41 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 09 DEGREES 46'52" WEST FROM THE CENTER OF SAID CURVE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 275.00 FEET AND A CENTRAL ANGLE OF 78 DEGREES 05'13" FOR AN ARC DISTANCE OF 374.79 FEET TO THE POINT OF TANGENCY; THENCE NORTH 02 DEGREES 07'55" WEST FOR 200.00 FEET; THENCE NORTH 47 DEGREES 07'55" WEST FOR 56.57 FEET; THENCE SOUTH 87 DEGREES 52'05" WEST FOR 148.00 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 90.00 FEET ;THENCE NORTH 87 DEGREES 52'05" EAST FOR 148.00 FEET; THENCE NORTH 42 DEGREES 52'05" EAST FOR 56.57 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 283.37 FEET; THENCE NORTH 47 DEGREES 07'55" WEST FOR 56.57 FEET; THENCE SOUTH 87 DEGREES 52'05" WEST FOR 148.00 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 90.00 FEET TO THE POINT OF BEGINNING.

**LESS AND EXCEPT THE FOLLOWING PARCEL OF LAND:**

A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 87 DEGREES 27'29" EAST, ALONG THE NORTH LINE OF SAID SECTION 3 FOR 875.83 FEET TO A POINT ON THE CENTERLINE OF AVENTURA BOULEVARD; THENCE SOUTH 02 DEGREES 32'31" EAST FOR 73.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF AVENTURA BOULEVARD; THENCE SOUTH 87 DEGREES 27'29" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 12.60 FEET TO A POINT; THENCE 78.18 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND A CHORD OF 70.45 FEET BEARING SOUTH 42 DEGREES 39'47" WEST TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 5 (U.S. HIGHWAY NO. 1), AS SHOWN ON THE PLAT OF "AVENTURA FOURTH ADDITION", AS RECORDED IN PLAT BOOK 116, PAGE 34 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 02 DEGREES 07'55" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 1320.72 FEET TO A POINT; THENCE NORTH 87 DEGREES 52'05" EAST FOR A DISTANCE OF 435.30 FEET TO THE PRINCIPAL POINT AND PLACE OF BEGINNING OF THE FOLLOWING DESCRIPTION; THENCE NORTH 74 DEGREES 30'00" EAST FOR A DISTANCE OF 170.36 FEET TO A POINT; THENCE NORTH 15 DEGREES 30'00" WEST FOR A DISTANCE OF 18.00 FEET TO A POINT; THENCE NORTH 74 DEGREES 30'00" EAST FOR A DISTANCE OF 491.43 FEET TO A POINT; THENCE SOUTH 60 DEGREES 30'00" EAST FOR A DISTANCE OF 380.10 FEET TO A POINT; THENCE SOUTH 29 DEGREES 30'00" WEST FOR A DISTANCE OF 6.62 FEET TO A POINT; THENCE SOUTH 60 DEGREES 30'00" EAST FOR A DISTANCE OF 94.67 FEET TO A POINT; THENCE SOUTH 29 DEGREES 30'00" WEST FOR A DISTANCE OF 78.54 FEET TO A POINT; THENCE SOUTH 60 DEGREES 30'00" EAST FOR A DISTANCE OF 31.21 FEET TO A

POINT; THENCE SOUTH 15 DEGREES 30'00" EAST FOR A DISTANCE OF 510.00 FEET TO A POINT; THENCE SOUTH 74 DEGREES 30'00" WEST FOR A DISTANCE OF 64.02 FEET TO A POINT; THENCE SOUTH 25 DEGREES 00'00" WEST FOR A DISTANCE OF 85.78 FEET TO A POINT; THENCE NORTH 65 DEGREES 00'00" WEST FOR A DISTANCE OF 162.20 FEET TO A POINT; THENCE 320.42 FEET ALONG AN ARC TO THE RIGHT, HAVING A RADIUS OF 2250.00 FEET AND A CHORD OF 320.15 FEET AND BEARING NORTH 60 DEGREES 55'13" WEST TO A POINT; THENCE NORTH 56 DEGREES 50'26" WEST FOR A DISTANCE OF 325.26 FEET TO A POINT; THENCE NORTH 49 DEGREES 47'23.6" WEST FOR A DISTANCE OF 485.32 FEET TO THE PRINCIPAL POINT AND PLACE OF BEGINNING.

**FURTHER LESS & EXCEPTING** FROM PARCEL 2 THE FOLLOWING DESCRIBED LANDS CONVEYED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, BY SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 17502, PAGE 4216 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TO-WIT:

THOSE PORTIONS OF TRACT "Q", AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 120, PAGE 20, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, IN THE NORTHWEST ONE-QUARTER (N.W. ¼) OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT "Q"; THENCE ALONG THE WEST LINE OF SAID TRACT "Q", FOR THE FOLLOWING THREE (3) COURSES, (1) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 29.240 METERS (95.93 FEET); (2) THENCE NORTH 01 DEGREES 28'13" EAST, A DISTANCE OF 43.775 METERS (143.62 FEET); (3) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 82.872 METERS (271.89 FEET) TO REFERENCE POINT "A" AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE NORTH 87 DEGREES 53'07" EAST, A DISTANCE OF 0.457 METERS (1.50 FEET); THENCE SOUTH 02 DEGREES 07'21" EAST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE SOUTH 87 DEGREES 53'07" WEST, A DISTANCE OF 0.457 METERS (1.50 FEET) TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE AFOREMENTIONED REFERENCE POINT "A"; THENCE ALONG THE WEST LINE OF SAID TRACT "Q", FORTH FOLLOWING FIVE (5) COURSES, (1) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 27.432 METERS (90.00 FEET); (2) THENCE NORTH 14 DEGREES 48'10" WEST, A DISTANCE OF 12.497 METERS (41.00 FEET); (3) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 15.246 METERS (50.02 FEET); (4) THENCE NORTH 01 DEGREES 50'16" EAST, A DISTANCE OF 39.719 METERS (130.31 FEET); (5) THENCE NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 43.721 METERS (143.44 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE NORTH 87 DEGREES 53'01" EAST, A DISTANCE OF 0.457 METERS (1.50 FEET); THENCE SOUTH 02 DEGREES 07'21" EAST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE SOUTH 87 DEGREES 53'01" WEST, A DISTANCE OF 0.457 METERS (1.50 FEET) TO THE POINT OF BEGINNING.

**PARCEL 3:**

ALL THOSE CERTAIN PLOTS, PIECES OR PARCELS OF LAND, SITUATE, LYING AND BEING IN THE COUNTY OF MIAMI-DADE, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

**"QUADRANT D"**

A PORTION OF TRACT "Q" OF "AVENTURA SIXTH ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF TRACT "R" OF SAID PLAT OF "AVENTURA SIXTH ADDITION", SAID POINT BEING ON A CURVE CONCAVE TO THE N.E.; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF WEST COUNTRY CLUB DRIVE FOR THE FOLLOWING THREE (3) COURSES; (1) THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 4656.66 FEET AND A CENTRAL ANGLE OF 6 DEGREES 38'08" FOR 539.29 FEET TO A POINT ON SAID CURVE AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; (2) THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 4656.66 FEET AND A CENTRAL ANGLE OF 2 DEGREES 49'41" FOR 229.85 FEET TO A POINT OF REVERSE CURVATURE; (3) THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1275.14 FEET AND A CENTRAL ANGLE OF 9 DEGREES 32'14" FOR 212.25 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 50.0 FEET AND A CENTRAL ANGLE OF 86 DEGREES 09'34" FOR 75.19 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5594 .58 FEET AND A CENTRAL ANGLE OF 1 DEGREES 00'20" FOR 98.19 FEET TO A POINT; THENCE N 45 DEGREES 02'32" W FOR 25.00 FEET TO A POINT ON A CURVE TO THE LEFT, SAID POINT BEARS S 45 DEGREES 02'32" E FROM THE CENTER OF SAID CURVE; THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 5.00 FEET AND A CENTRAL ANGLE OF 125 DEGREES 32'55" FOR 10.96 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 522.50 FEET AND A CENTRAL ANGLE OF 27 DEGREES 32'27" FOR 251.15 FEET TO A POINT OF TANGENCY; THENCE N 53 DEGREES 02'45" W FOR 0.31 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 84 DEGREES 24'26" FOR 51.56 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 555.0 FEET AND A CENTRAL ANGLE OF 54 DEGREES 56'22" FOR 532.17 FEET TO A POINT ON SAID CURVE, SAID POINT BEARS S 7 DEGREES 29'11" W FROM THE CENTER OF SAID CURVE; THENCE N 29 DEGREES 58'54" E FOR 92.90 FEET; THENCE N 35 DEGREES 30'00" W FOR 31.98 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 110.0 FEET AND A CENTRAL ANGLE OF 25 DEGREES 00'00" FOR 48.00 FEET TO A POINT OF TANGENCY; THENCE N 29 DEGREES 30'00" E FOR 331.34 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 726.18 FEET AND A CENTRAL ANGLE OF 29 DEGREES 18'21" FOR 371.43 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 135.0 FEET AND A CENTRAL ANGLE OF 48 DEGREES 00'00" FOR 113.10 FEET TO A POINT ON SAID CURVE; THENCE N 60 DEGREES 00'00" E FOR 30.86 FEET TO A POINT ON A CURVE TO THE RIGHT, SAID POINT BEARS N 63 DEGREES 19'08" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 555.0 FEET AND A CENTRAL ANGLE OF 24 DEGREES 44'30" FOR 239.66 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 30.0 FEET AND A CENTRAL ANGLE OF 92 DEGREES

56'22" FOR 48.66 FEET TO A POINT OF TANGENCY; THENCE N 85 DEGREES 07'16" E FOR 87.61 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 30.0 FEET AND A CENTRAL ANGLE OF 64 DEGREES 25'24" FOR 33.73 FEET TO A POINT ON SAID CURVE; THENCE S 69 DEGREES 17'55" E FOR 25.0 FEET TO THE POINT OF BEGINNING.

**PARCEL 4:**

A PORTION OF TRACT "Q" OF AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 120, PAGE 20, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT "R" OF SAID PLAT OF AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 120, PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 02 DEGREES 40' 32" WEST, ALONG THE WEST BOUNDARY LINE OF SAID TRACT "R" AND ALONG THE BOUNDARY LINE OF SAID TRACT "Q", FOR 116.48 FEET TO THE **POINT OF BEGINNING** OF THE HEREINAFTER DESCRIBED PROPERTY; THENCE CONTINUE NORTH 02 DEGREES 40' 32" WEST, ALONG THE PREVIOUSLY DESCRIBED LINE OF 700.65 FEET; THENCE SOUTH 87 DEGREES 19' 28" WEST, ALONG THE BOUNDARY LINE OF SAID TRACT "Q", FOR 239.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 42.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 123.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 20.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 74.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST, ALONG A LINE 42.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "R", FOR 639.08 FEET; THENCE NORTH 86 DEGREES 44'34" EAST FOR 42.00 FEET TO THE POINT OF BEGINNING.

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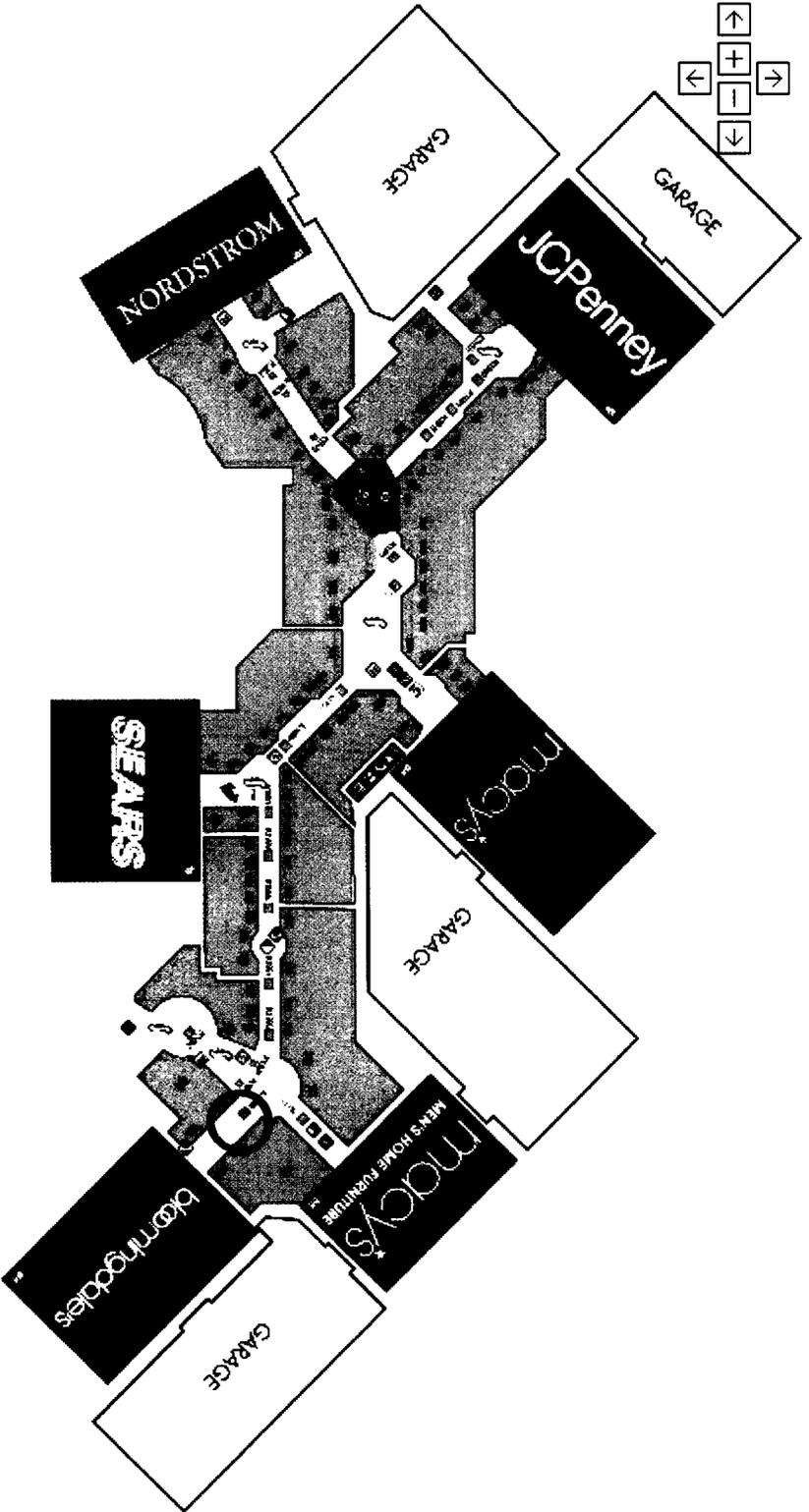
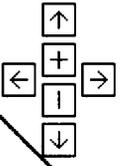
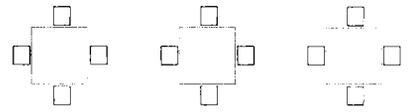
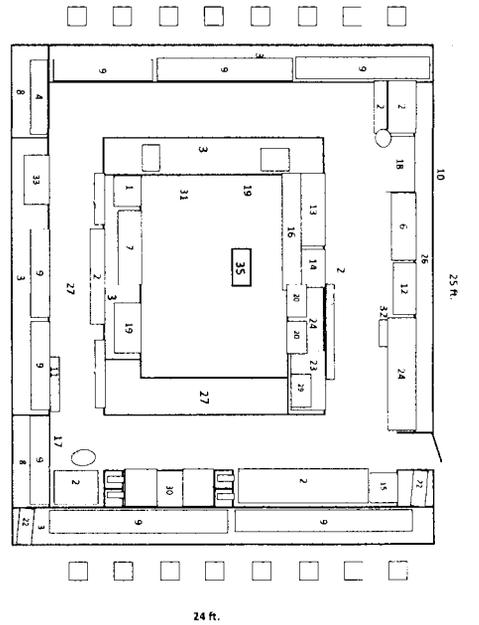


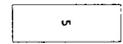
Exhibit # 4  
03-CU-14



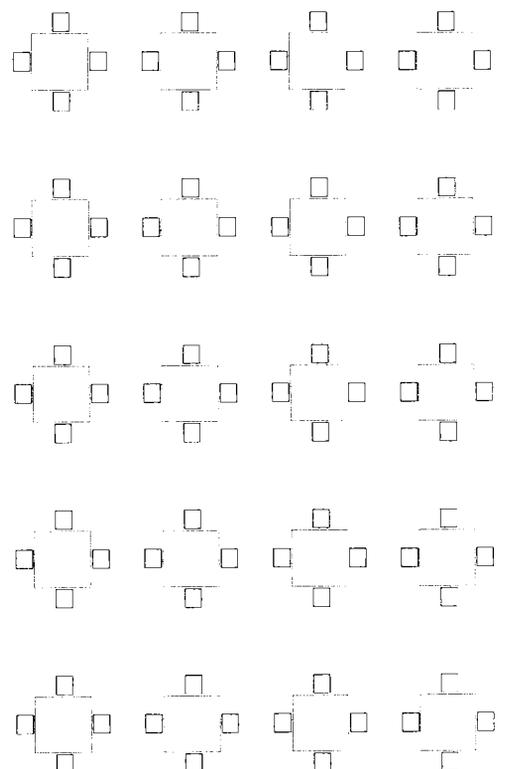
28 - SEATING AREA PIACERE NES & EXPRESSO



- PIACERE NEWS & EXPRESSO**  
**600 SQ FT**  
**AVENTURA MALL**
- 1 coffee machine
  - 2 cooler
  - 3 counter
  - 4 counter exhibit cooler
  - 5 hot station
  - 6 dishwasher / machine
  - 7 espresso machine
  - 8 exhibit cooler
  - 9 exhibit counter
  - 10 fire extinguisher ABC
  - 11 freezer
  - 12 fryer
  - 13 griddle
  - 14 grill
  - 15 hand washing sink
  - 16 hood
  - 17 ice container
  - 18 ice machine
  - 19 juice machine
  - 20 microwave
  - 21 mop sink (outside - mall)
  - 22 point of sale
  - 23 oven
  - 24 prep table
  - 25 seating area
  - 26 shelve magazine / news paper
  - 27 storage
  - 28 table w/ chairs
  - 29 toaster
  - 30 tri-compartment sink w/ drainboards
  - 31 smoothie machine
  - 32 water heater
  - 33 cash register
  - 34 dumpster (outside - mall)
  - 35 grease trap
  - 36 restroom (out side - mall)



28 - SEATING AREA PIACERE NEWS & EXPRESSO



employees sit  
 4 to 5 inside  
 11 per shift  
 9 weeks days  
 12 week ends

hand wash sink could be portable  
 move 2 and install above there

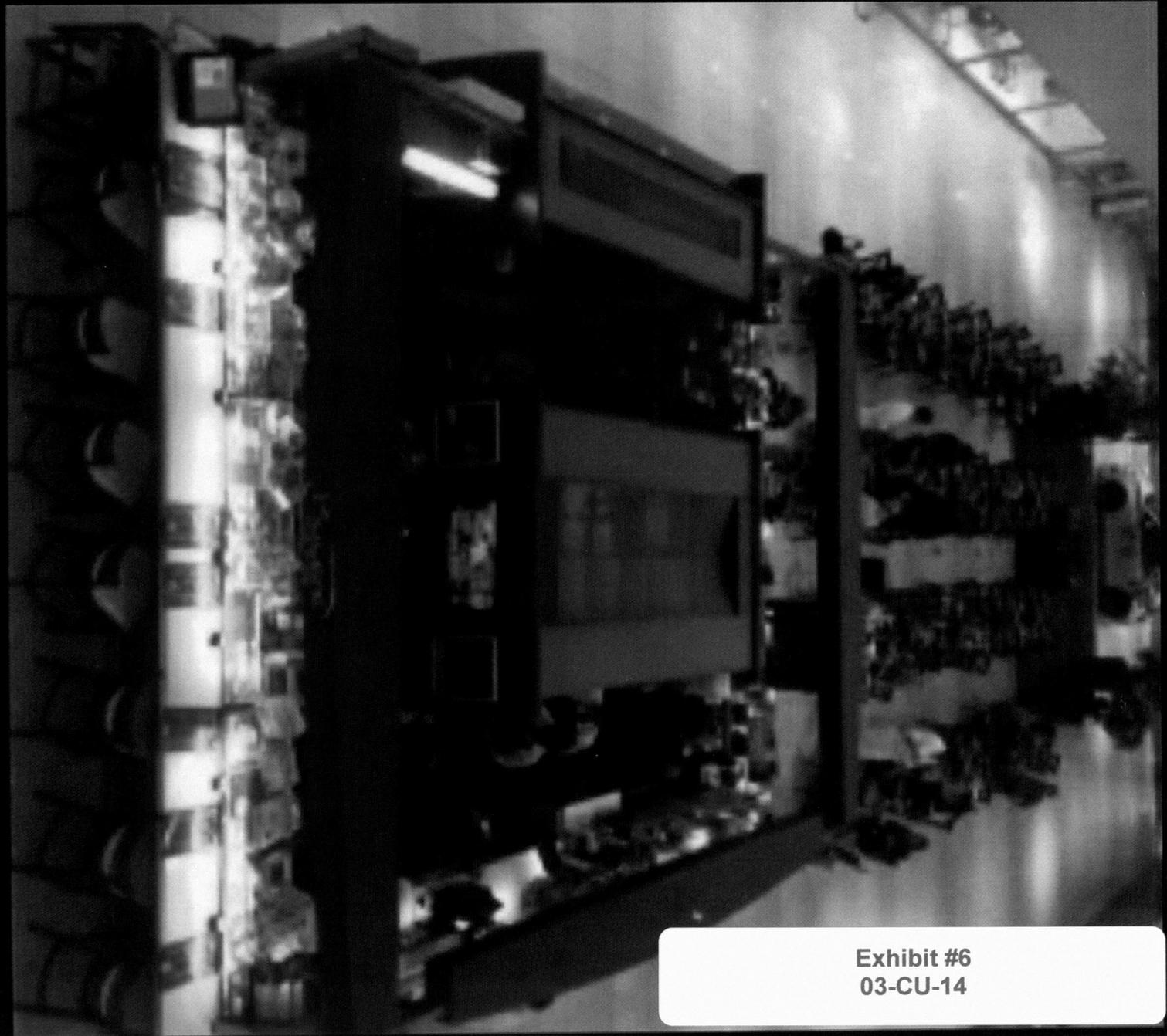
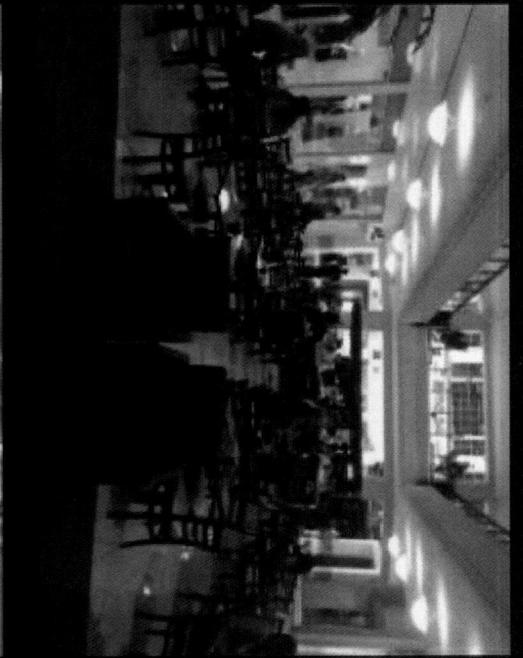
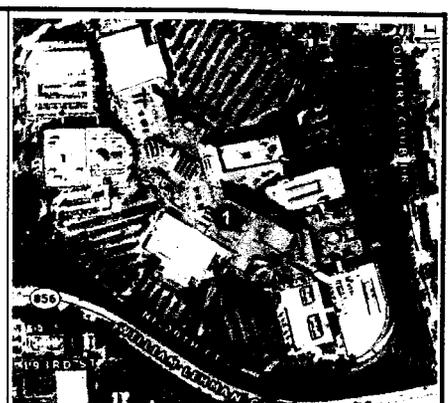
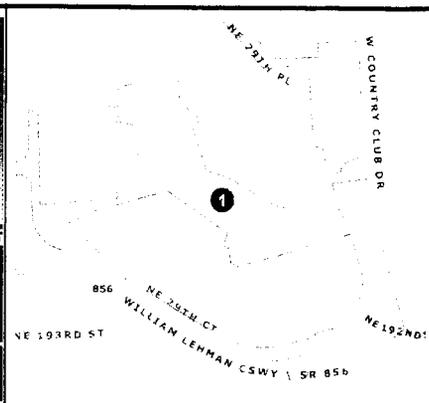


Exhibit #6  
03-CU-14



DATE : 12/17/13 FILE NUMBER: BUR.ED.11-13

PROPERTY ADDRESS : 19575 BISCAYNE BOULEVARD UNIT K1992 AVENTURA, FL 33180

CERTIFICATIONS : EDUARDO BURGOS / PIACERE NEWS & CAFE

LEGAL DESCRIPTION :

COUNTY : MIAMI-DADE

LEGAL DESCRIPTION : A PORTION OF TRACT "Q" OF AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 120, AT PAGE 20 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

FLOOD INFORMATION: COMMUNITY NUMBER: 120676 PANEL NUMBER: 0134 DATE OF INDEX: 09-11-2009 SUFFIX: L FLOOD ZONE: AE BASE FLOOD ELEV: 7.0



Exhibit #7 03-CU-14

LEGEND & ABBREVIATIONS :

GENERAL NOTES:

- A/C.....AIR CONDITIONER
  - BM.....BENCHMARK
  - (C).....CALCULATED
  - C.G.....CONCRETE GUTTER OR VALLEYED GUTTER
  - C & G.....CURB & GUTTER
  - CH.....CHORD
  - C.M.E.....CANAL MAINTENANCE EASEMENT
  - CNA.....CORNER NOT ACCESSIBLE
  - CONC.....CONCRETE
  - D.....DELTA (CENTRAL ANGLE)
  - D.E.....DRAINAGE EASEMENT
  - EOP.....EDGE OF PAVEMENT
  - FC.....FENCE CORNER
  - FDH.....FOUND DRILL HOLE
  - FE.....FENCE ENDS
  - F.F.....FINISHED FLOOR
  - FIP/FIR.....FOUND IRON PIPE/ROD
  - FN.....FOUND NAIL
  - FN&D.....FOUND NAIL AND DISC
  - F.P.K.N.....FOUND PARKER KALON NAIL
  - I.D.....SURVEYOR'S IDENTIFICATION
  - CHATT.....CHATT AHOOCHE, EPOXY-STONE
  - L.....LENGTH
  - L.A.E.....LIMITED ACCESS EASEMENT
  - L.M.E.....LAKE MAINTENANCE EASEMENT
  - (M).....MEASURE
  - O/S.....OFFSET
  - (P).....PLAT
  - P.C.....POINT OF CURVATURE
  - P.C.C.....POINT OF COMPOUND CURVATURE
  - PL.....PLANTER
  - P.O.B.....POINT OF BEGINNING
  - P.O.C.....POINT OF COMMENCEMENT
  - P.R.C.....POINT OF REVERSE CURVATURE
  - P.R.M.....PERMANENT REFERENCE MONJMENT
  - P.T.....POINT OF TANGENCY
  - R.....RADIUS
  - (R).....RECORD
  - R.W.....RIGHT-OF-WAY
  - SIR.....SET 1/2" IRON ROD
  - SND.....SET NAIL AND DISC
  - (TYP).....TYPICAL
  - U.E.....UTILITY EASEMENT
  - W.E.....WATER'S EDGE
  - POINTS OF INTEREST
  - (A) SPECIFIES POINT OF INTEREST
  - (B) SPECIFIES POINT OF INTEREST
- OVERHEAD CABLES(OH)
  - OH.....
  - POLYVINYLCHLORIDE FENCE (PVCF)
  - WIRE OR CHAIN LINK FENCE (CLF)
  - WOOD FENCE (WF)
  - METAL FENCE (MF)
  - MASONRY OR CONCRETE BLOCK WALL
  - CONCRETE
  - OVERHANG(O/H) OR ROOF
  - COMMUNICATIONS BOX
  - CATCH BASIN
  - SEWER MANHOLE
  - UTILITY POLE (UP)
  - LIGHT POLE (LP)
  - WATER METER (WM)
  - UTILITY ANCHOR
  - FIRE HYDRANT (FH)
  - CENTER LINE
  - PROPERTY LINE
  - WATER VALUE / CLEANOUT
  - CABLE BOX (CA.TV.)
  - ELEVATRIC METER (EM)
  - ELECTRIC BOX (FPL)
  - HANDICAP PARKING (HCP)
  - PLANTER OR PLANTED
  - ELEVATION MARKER
  - TREE (SIZE/TYPE)
  - TREE (SIZE/TYPE)
  - TREE (SIZE/TYPE)
  - TREE (SIZE/TYPE)

THIS IS A COPYRIGHT DOCUMENT CONTAINING PROPRIETARY INFORMATION AND IS NOT WARRANTED BY ALLSTATE SURVEYING, LLC. OR THE SIGNING SURVEYOR WHEN COPIED BY OTHERS.

**UNLESS OTHERWISE SHOWN HEREON, THE FOLLOWING NOTES APPLY:**

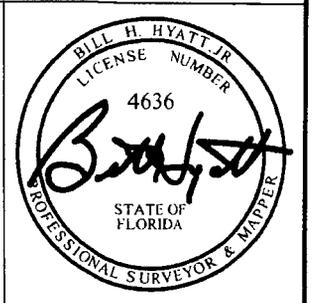
- \* RECORD AND MEASURED CALLS ARE IN SUBSTANTIAL AGREEMENT AND POINTS ARE WITHIN 0.10' POSITIONAL TOLERANCE.
- \* THE LANDS SHOWN WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT AND THE SAME, IF ANY MAY NOT BE SHOWN ON THIS SKETCH.
- \* UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- \* ELEVATIONS ARE BASED ON NGVD 29 OR NAVD 88 AS NOTED ON SKETCH. (FLOOD ZONES: "B", "C", "D" & "X" ARE NOT IN DESIGNATED FLOOD HAZARD ZONE AREA.
- \* FENCE TIES ARE TO THE CENTERLINE OF THE FENCE. FENCE OWNERSHIP NOT DETERMINED BY THIS OFFICE.
- \* WALL TIES ARE TO THE FACE OF THE WALL.
- \* BASIS OF BEARINGS, IF ANY, ARE ASSUMED PER PLAT AND/OR LEGAL DESCRIPTION.
- \* THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE PURPOSE FOR USE AS AN AID IN OBTAINING TITLE INSURANCE ON THE HEREON DESCRIBED PROPERTY. NO ADDITIONAL WARRANTIES ARE HEREBY EXTENDED.
- \* THIS SURVEY IS VALID IN ACCORDANCE WITH F.S. 627.7842 FOR A PERIOD OF 90 DAYS FROM THE DATE OF CERTIFICATION.

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE.

(c) 2013

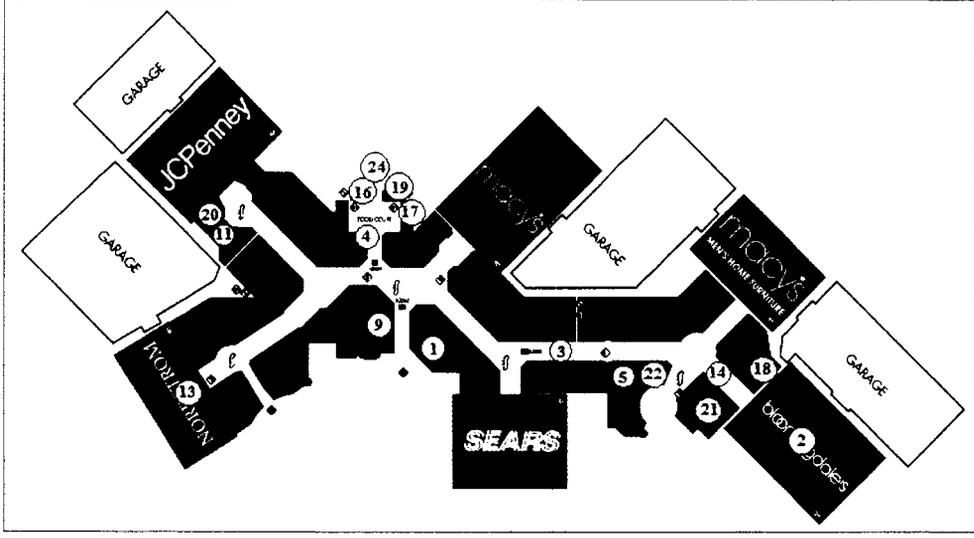
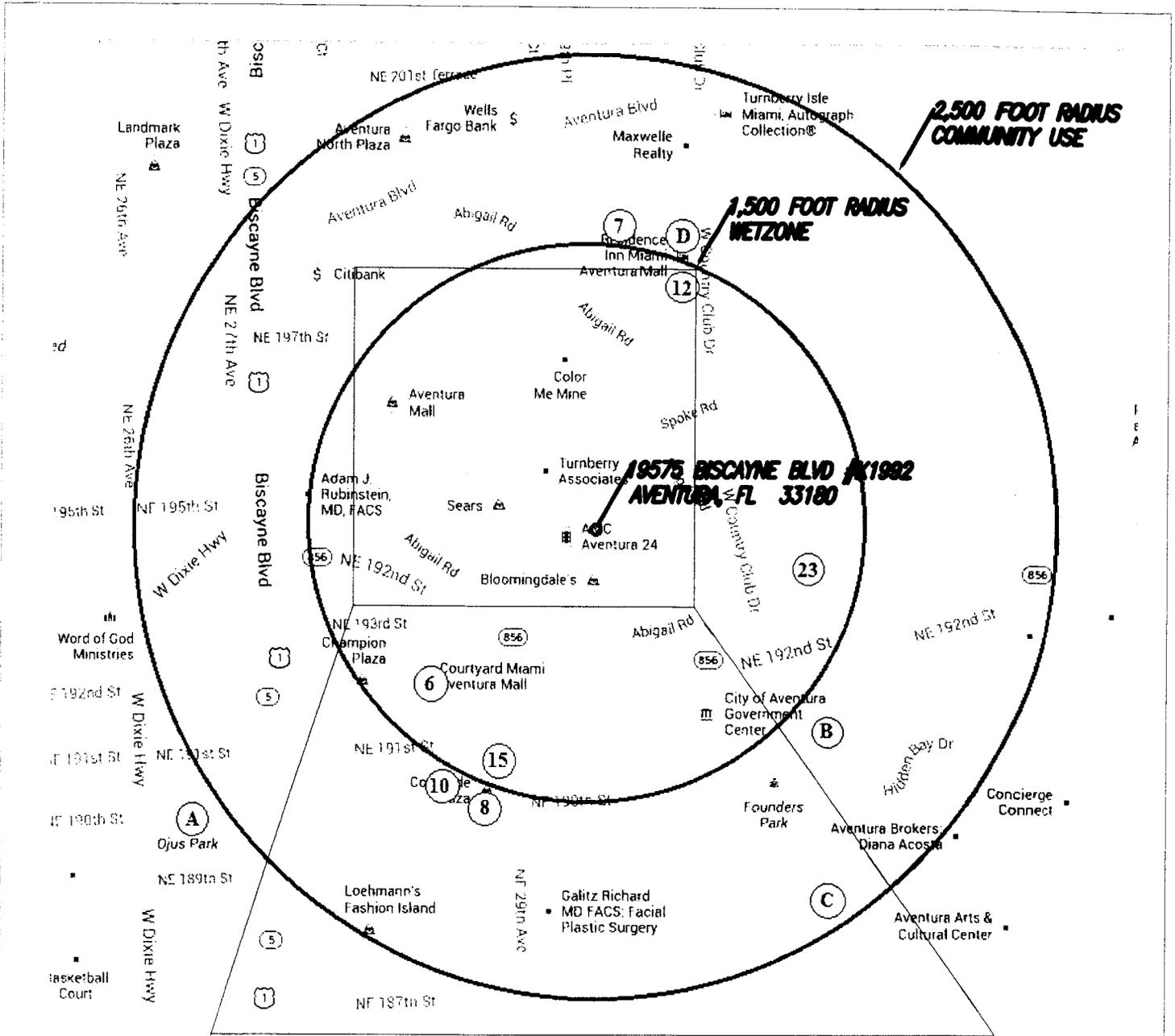
*Bill H. Hyatt, Jr.*

BILL H. HYATT, JR  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA LICENSE NUMBER: 4636



FIELD DATE: 12/15/13  
SIGNED DATE: 12/17/13





COMMUNITY USES:

A	OJUS PARK	18995 W DIXIE HIGHWAY AVENTURA, FL 33180
B	FOUNDER'S PARK-	19200 W COUNTRY CLUB DRIVE AVENTURA, FL 33180
C	AVENTURA CITY OF EXCELLENCE SCHOOL	3333 NE 188TH STREET AVENTURA, FL 33180
D	CLASH CHURCH	19900 W COUNTRY CLUB DRIVE AVENTURA, FL 33180

LIQUOR LICENSES:

1	BELLA LUNA	19575 BISCAYNE BOULEVARD #1097 AVENTURA, FL 33180	4COP
2	59TH & LEX RESTAURANT	19555 BISCAYNE BOULEVARD AVENTURA, FL 33180	2COP
3	CAVIAR & MORE	19501 BISCAYNE BOULEVARD #K1999 AVENTURA, FL 33180	2COP
4	CHE PASTA AT AVENTURA	19575 BISCAYNE BOULEVARD #1373 AVENTURA, FL 33180	2COP
5	CHEESECAKE FACTORY	19501 BISCAYNE BOULEVARD #791 AVENTURA, FL 33180	4COP
6	COURTYARD BY MARRIOTT	2825 NE 191ST STREET AVENTURA, FL 33180	4COP
7	CVS PHARMACY	2974 AVENTURA ROAD AVENTURA, FL 33180	2APS
8	FRESKO	19048 NE 29TH AVENUE AVENTURA, FL 33180	2COP
9	GRAND LUX CAFE	19575 BISCAYNE BOULEVARD AVENTURA, FL 33180	4COP
10	LUCA BELLA	19088 NE 29TH AVENUE AVENTURA, FL 33180	4COP
11	MAMA SBARRO PIZZA COMPANY	19575 BISCAYNE BOULEVARD #1455 AVENTURA, FL 33180	2COP
12	MARRIOTT RESIDENCE INN	19900 WEST COUNTRY CLUB DRIVE AVENTURA, FL 33180	4COP
13	NORDSTROM CAFE BISTRO	19507 BISCAYNE BOULEVARD AVENTURA, FL 33180	2COP
14	PIACERE NEWS & CAFE	19575 BISCAYNE BOULEVARD #K1992 AVENTURA, FL 33180	2COP
15	PIZZA ROMA	19090 NE 29TH AVENUE AVENTURA, FL 33180	2COP
16	SALSA GRILL RESTAURANT	19575 BISCAYNE BOULEVARD AVENTURA, FL 33180	2COP
17	SHRIMP MARKET	19575 BISCAYNE BOULEVARD #1429 AVENTURA, FL 33180	2COP
18	SUSHI SIAM	19575 BISCAYNE BOULEVARD #3206 AVENTURA, FL 33180	4COP
19	TANGO GRILL PARRILLADA	19575 BISCAYNE BOULEVARD #1425 AVENTURA, FL 33180	2COP
20	THE CHEESE COURSE	19575 BISCAYNE BOULEVARD #383 AVENTURA, FL 33180	2COP
21	THE GRILL ON THE ALLEY	19501 BISCAYNE BOULEVARD #783 AVENTURA, FL 33180	4COP
22	TRATTORIA ROSALIA	19501 BISCAYNE BOULEVARD AVENTURA, FL 33180	2COP
23	VI AT AVENTURA	19333 WEST COUNTY CLUB DRIVE AVENTURA, FL 33180	4COP
24	PARADISE CAFE	19575 BISCAYNE BOULEVARD #1417 AVENTURA, FL 33180	2COP



# 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 (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)
<u>Ray Hunt</u>	<u>SURVEYOR</u>
<u>Bill H. Hyatt</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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 200\_

AUTHORIZED REPRESENTATIVE OF APPLICANT

By: \_\_\_\_\_  
 (Signature)

Name: \_\_\_\_\_  
 (Print)

Title: \_\_\_\_\_

Address: \_\_\_\_\_

OWNER

By: \_\_\_\_\_  
 (Signature)

Name: Alejandro Scolnik  
 (Print)

Title: President

Address: 9700 Collins Ave # 243  
BAL Harbour, FL. 33154

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Alejandro Scolnik 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 16<sup>th</sup> day of JANUARY 2014

AFFIANT

\_\_\_\_\_  
 (Signature)

 **EDUARDO A. BURGOS**  
 NOTARY PUBLIC  
 STATE OF FLORIDA  
 Comm# FF074575  
 Expires 12/4/2017

Notary Public State of Florida At Large  
 Printed Name of Notary EDUARDO A. BURGOS  
 My commission expires: 12/04/2017



# 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 3 DAY OF December, 20013

APPLICANT:

By: \_\_\_\_\_ (Signature)  
 Name: Alejandro Sobolik (Print)  
 Title: PRESIDENT (Print)

WITNESS MY HAND THIS 8 DAY OF January, 20014

PROPERTY OWNER

By: Aventura Mall Venue (Signature)  
 Name: \_\_\_\_\_ (Print)  
 Title: Antonio Serrano (Print)

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

**NOTARIZATION PROVISION**

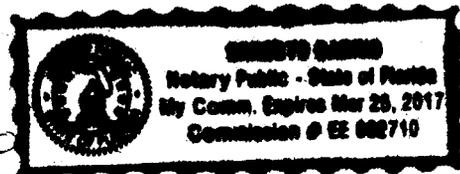
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Alexandro Scaini 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 3 day of December, 20013

[Signature]  
Notary Public State of Florida At Large  
Ernesto Barrio  
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: \_\_\_\_\_

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: \_\_\_\_\_



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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 15 DAY OF January, 20014

APPLICANT:

By: [Signature] (Signature)  
Name: Ray N. Hunt (Print)  
Title: President (Print)

FL Real Estate Decisions, Inc.

WITNESS MY HAND THIS 15 DAY OF JANUARY, 20014

PROPERTY OWNER:

By: \_\_\_\_\_ (Signature)  
Name: \_\_\_\_\_ (Print)  
Title: \_\_\_\_\_ (Print)

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

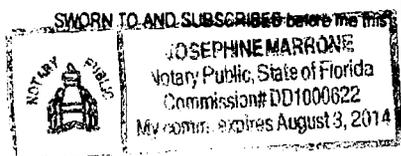
**NOTARIZATION PROVISION**

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared **Ray N. Hunt**  
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

*Ray N. Hunt*  
AFFIANT



15 day of January 2004

Notary Public State of Florida At Large  
*Josephine Marrone*  
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

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  
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

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

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



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- 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 16<sup>th</sup> DAY OF JANUARY 2014

APPLICANT:

By: [Signature] (Signature)  
 Name: Bill H. Hyatt Jr. (Print)  
 Title: MNR - AUSTATE SURVEYING LLC (Print)

WITNESS MY HAND THIS 16<sup>th</sup> DAY OF JANUARY 2014

PROPERTY OWNER

By: \_\_\_\_\_ (Signature)  
 Name: \_\_\_\_\_ (Print)  
 Title: \_\_\_\_\_ (Print)

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

**NOTARIZATION PROVISION**

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Bill H. Hyatt 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.

*Bill H. Hyatt Jr*  
AFFIANT

SWORN TO AND SUBSCRIBED before me this EDUARDO A. BURGOS 16<sup>th</sup> day of JANUARY 2014  
**NOTARY PUBLIC**  
**STATE OF FLORIDA**  
**Commission # PP074875**  
**Expires 12/04/2017**

*Eduardo A. Burgos*  
Notary Public State of Florida At Large  
**EDUARDO A. BURGOS**  
Printed Name of Notary  
My commission expires 12/04/2017

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. 2014-\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING CONDITIONAL USE APPROVAL TO PERMIT THE SALE AND SERVICE OF BEER, WINE AND CHAMPAGNE AT THE PIACERE NEWS & CAFÉ KIOSK AND TABLE SEATING AREA IN THE AVENTURA MALL AT 19501 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the applicant, Piacere News & Café, Corp., through Application No. 03-CU-14, is requesting Conditional Use approval to permit the sale and service of beer, wine and champagne at the Piacere News & Café kiosk and table seating area in the Aventura Mall; and

**WHEREAS**, the City Commission held a quasi-judicial public hearing as provided by law to review the application; 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.

**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 sale and service of beer, wine and champagne at the Piacere News & Café kiosk and table seating area in the Aventura Mall at 19501 Biscayne Boulevard and legally described as Tract R & Part of Tract Q, Aventura 6<sup>th</sup> Addition more particularly described in Exhibit "A" is hereby granted subject to the following conditions:

1. The applicant shall record a covenant, in form satisfactory to the City Manager and the City Attorney, containing the following restrictions:
  - i) Beer, wine and champagne only shall be sold and served at the kiosk counter and table seating area only in conjunction with the service of food.
  - ii) Customers will not be permitted to remove the glass of beer, wine or champagne from the kiosk and/or table seating area.
  - iii) This approval is granted exclusively to Piacere News & Café, Corp., and may not be transferred to another owner and/or operator of the kiosk.
  - iv) The applicant's hours of operation shall coincide with the hours of operation of the Aventura Mall.

- v) The applicant shall obtain an alcoholic beverage license from the State of Florida and begin sales and service of beer, wine and champagne 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.
- vi) The applicant shall conduct Responsible Vendor Training pursuant to Florida Statutes to ensure no sales are made to underage customers or to customers who may have been over-served at other establishments
- vii) The conditional use approval may be terminated in the event the City Manager determines that the approval has created and/or is creating a disturbance to the community or to Mall patrons and/or that the applicant has violated any condition of this approval. The applicant agrees to immediately discontinue sales and service of alcoholic beverages upon written notice to the applicant of such a determination.
- viii) Any discontinuation of the sales and service of wine and champagne for a period of 180 consecutive days shall constitute abandonment and shall rescind this approval.

**Section 2.** Issuance of this development order by the City of Aventura does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Aventura for issuance of the development order if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the development. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

**Section 3.** 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 Michael Stern	_____
Commissioner Luz Urbacz Weinberg	_____
Vice Mayor Howard Weinberg	_____
Mayor Susan Gottlieb	_____

**PASSED AND ADOPTED** this 4<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
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 4<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
CITY CLERK

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**PARCEL 1:**

TRACT "R", OF "AVENTURA SIXTH ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**PARCEL 2:**

A PORTION OF TRACT "Q" OF "AVENTURA SIXTH ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, DADE COUNTY, FLORIDA; THENCE NORTH 87 DEGREES 27'29" EAST, ALONG THE NORTH LINE OF SAID SECTION 3 FOR 875.83 FEET TO A POINT ON THE CENTERLINE OF AVENTURA BOULEVARD AS SHOWN ON SAID PLAT OF "AVENTURA SIXTH ADDITION"; THENCE SOUTH 02 DEGREES 32'31" EAST FOR 73.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "Q"; THENCE SOUTH 87 DEGREES 27'29" WEST, ALONG THE NORTH LINE OF SAID TRACT "Q" FOR 12.60 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 89 DEGREES 35'24" FOR AN ARC DISTANCE OF 78.18 FEET TO THE POINT OF TANGENCY BEING ON THE WESTERLY LINE OF TRACT "H" OF "AVENTURA FOURTH ADDITION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 116, PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 02 DEGREES 07'55" EAST ALONG THE WESTERLY LINE OF SAID TRACT "H" FOR 423.52 FEET; THENCE NORTH 87 DEGREES 52'05" EAST FOR 26.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED TRACT OF LAND; THENCE NORTH 87 DEGREES 52'05" EAST FOR 148.00 FEET; THENCE NORTH 42 DEGREES 52'05" EAST FOR 56.57 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 31.63 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 325.00 FEET AND A CENTRAL ANGLE OF 72 DEGREES 28'48.8" FOR AN ARC DISTANCE OF 411.13 FEET TO THE POINT OF TANGENCY; THENCE NORTH 70 DEGREES 20'53.8" EAST FOR 122.00 FEET; THENCE NORTH 25 DEGREES 20'53.8" EAST FOR 58.66 FEET; THENCE NORTH 25 DEGREES 53'40" WEST FOR 94.96 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "Q", SAID POINT ALSO BEING ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND BEARS SOUTH 21 DEGREES 19'21" EAST FROM THE CENTER OF SAID CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, AND ALONG THE NORTHERLY LINE OF SAID TRACT "Q", HAVING A RADIUS OF 1505.40 FEET AND A CENTRAL ANGLE OF 04 DEGREES 34'19" FOR AN ARC DISTANCE OF 120.12 FEET; THENCE SOUTH 25 DEGREES 53'40" EAST FOR 117.40 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST AND BEARS NORTH 46 DEGREES 09'58" WEST FROM THE CENTER OF SAID CURVE; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 65 DEGREES 24'26" FOR AN ARC DISTANCE OF 570.78 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 10'58" FOR AN ARC DISTANCE OF 50.58 FEET; THENCE SOUTH 13 DEGREES 08'55" EAST FOR 10.62 FEET; THENCE NORTH 76 DEGREES 51'05" EAST FOR 342.85 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 81 DEGREES 39'40" WEST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 810.00 FEET AND A CENTRAL ANGLE OF 04

DEGREES 48'35" FOR AN ARC DISTANCE OF 68.00 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 13 DEGREES 08'55" EAST FOR 469.40 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 111.00 FEET (THE LAST EIGHT (8) COURSES BEING ALONG THE BOUNDARY OF SAID TRACT "Q"); THENCE SOUTH 02 DEGREES 40'32" EAST FOR 42.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 123.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 20.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 74.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 639.08 FEET; THENCE NORTH 86 DEGREES 44'34" EAST FOR 42.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 116.48 FEET; THENCE NORTH 81 DEGREES 11'29" EAST FOR 294.34 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 81 DEGREES 11'29" WEST FOR THE CENTER OF SAID CURVE, SAID POINT ALSO BEING ON THE EAST LINE OF SAID TRACT "R", AS SHOWN ON SAID PLAT OF "AVENTURA SIXTH ADDITION"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT AND ALONG THE EAST LINE OF SAID TRACT "Q", HAVING FOR ITS ELEMENTS A RADIUS OF 4656.66 FEET AND A CENTRAL ANGLE OF 6 DEGREES 38'08" FOR 539.29 FEET; THENCE NORTH 69 DEGREES 17'55" WEST FOR 25.00 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARS SOUTH 69 DEGREES 18'08" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 64 DEGREES 25'24" FOR AN ARC DISTANCE OF 33.73 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 85 DEGREES 07'16" WEST FOR 87.61 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 92 DEGREES 56'22" FOR AN ARC DISTANCE OF 48.66 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 555.00 FEET AND A CENTRAL ANGLE OF 24 DEGREES 44'30" FOR AN ARC DISTANCE OF 239.66 FEET; THENCE SOUTH 60 DEGREES 00'00" WEST FOR 30.86 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARS SOUTH 79 DEGREES 11'39" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 135.00 FEET AND A CENTRAL ANGLE OF 48 DEGREES 00'00" FOR AN ARC DISTANCE OF 113.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 726.18 FEET AND A CENTRAL ANGLE OF 29 DEGREES 18'21" FOR AN ARC DISTANCE OF 371.43 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 29 DEGREES 30'00" WEST FOR 331.34 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 110.00 FEET AND A CENTRAL ANGLE OF 25 DEGREES 00'00" FOR AN ARC DISTANCE OF 48.00 FEET; THENCE SOUTH 35 DEGREES 30'00" EAST RADIAL TO THE LAST DESCRIBED CURVE FOR 31.98 FEET; THENCE SOUTH 29 DEGREES 58'54" WEST FOR 92.90 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARS SOUTH 07 DEGREES 29'11" WEST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 555.00 FEET AND A CENTRAL ANGLE OF 54 DEGREES 56'22" FOR AN ARC DISTANCE OF 532.17 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 84 DEGREES 24'26" FOR AN ARC DISTANCE OF 51.56 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 53 DEGREES 02'45" EAST FOR 0.31 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 522.50 FEET AND A CENTRAL ANGLE OF 27 DEGREES 32'27" FOR AN ARC DISTANCE OF 251.15 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5.00 FEET AND A CENTRAL ANGLE OF 125 DEGREES 32'55" FOR AN ARC DISTANCE OF 10.96 FEET; THENCE SOUTH 45 DEGREES 02'32" EAST FOR 25.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "Q", SAID POINT ALSO BEING ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTH AND BEARS SOUTH 11 DEGREES 34'12" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT AND ALONG THE SOUTH LINE

OF SAID TRACT "Q" HAVING A RADIUS OF 5594.58 FEET AND A CENTRAL ANGLE OF 04 DEGREES 13'04" FOR AN ARC DISTANCE OF 411.84 FEET; THENCE SOUTH 73 DEGREES 10'52" WEST ALONG THE SOUTH LINE OF SAID TRACT "Q" FOR 193.18 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCENTRIC WITH THE LAST DESCRIBED CURVE, SAID POINT BEARS SOUTH 05 DEGREES 24'45" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5629.58 FEET AND A CENTRAL ANGLE OF 01 DEGREES 01'21" FOR AN ARC DISTANCE OF 100.46 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 06 DEGREES 00'16" WEST FROM THE CENTER OF SAID CURVE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1070.17 FEET AND A CENTRAL ANGLE OF 27 DEGREES 09'18" FOR AN ARC DISTANCE OF 507.20 FEET TO THE POINT OF TANGENCY; THENCE NORTH 56 DEGREES 50'26" WEST FOR 488.24 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1221.67 FEET AND A CENTRAL ANGLE OF 23 DEGREES 12'04" FOR AN ARC DISTANCE OF 494.70 FEET; THENCE NORTH 11 DEGREES 19'21" WEST FOR 10.69 FEET; THENCE NORTH 09 DEGREES 46'52" EAST FOR 73.41 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, SAID POINT BEARS SOUTH 09 DEGREES 46'52" WEST FROM THE CENTER OF SAID CURVE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 275.00 FEET AND A CENTRAL ANGLE OF 78 DEGREES 05'13" FOR AN ARC DISTANCE OF 374.79 FEET TO THE POINT OF TANGENCY; THENCE NORTH 02 DEGREES 07'55" WEST FOR 200.00 FEET; THENCE NORTH 47 DEGREES 07'55" WEST FOR 56.57 FEET; THENCE SOUTH 87 DEGREES 52'05" WEST FOR 148.00 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 90.00 FEET ;THENCE NORTH 87 DEGREES 52'05" EAST FOR 148.00 FEET; THENCE NORTH 42 DEGREES 52'05" EAST FOR 56.57 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 283.37 FEET; THENCE NORTH 47 DEGREES 07'55" WEST FOR 56.57 FEET; THENCE SOUTH 87 DEGREES 52'05" WEST FOR 148.00 FEET; THENCE NORTH 02 DEGREES 07'55" WEST FOR 90.00 FEET TO THE POINT OF BEGINNING.

**LESS AND EXCEPT THE FOLLOWING PARCEL OF LAND:**

A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 87 DEGREES 27'29" EAST, ALONG THE NORTH LINE OF SAID SECTION 3 FOR 875.83 FEET TO A POINT ON THE CENTERLINE OF AVENTURA BOULEVARD; THENCE SOUTH 02 DEGREES 32'31" EAST FOR 73.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF AVENTURA BOULEVARD; THENCE SOUTH 87 DEGREES 27'29" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 12.60 FEET TO A POINT; THENCE 78.18 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND A CHORD OF 70.45 FEET BEARING SOUTH 42 DEGREES 39'47" WEST TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 5 (U.S. HIGHWAY NO. 1), AS SHOWN ON THE PLAT OF "AVENTURA FOURTH ADDITION", AS RECORDED IN PLAT BOOK 116, PAGE 34 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 02 DEGREES 07'55" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 1320.72 FEET TO A POINT; THENCE NORTH 87 DEGREES 52'05" EAST FOR A DISTANCE OF 435.30 FEET TO THE PRINCIPAL POINT AND PLACE OF BEGINNING OF THE FOLLOWING DESCRIPTION; THENCE NORTH 74 DEGREES 30'00" EAST FOR A DISTANCE OF 170.36 FEET TO A POINT; THENCE NORTH 15 DEGREES 30'00" WEST FOR A DISTANCE OF 18.00 FEET TO A POINT; THENCE NORTH 74 DEGREES 30'00" EAST FOR A DISTANCE OF 491.43 FEET TO A POINT; THENCE SOUTH 60 DEGREES 30'00" EAST FOR A DISTANCE OF 380.10 FEET TO A POINT; THENCE SOUTH 29 DEGREES 30'00" WEST FOR A DISTANCE OF 6.62 FEET TO A POINT; THENCE SOUTH 60 DEGREES 30'00" EAST FOR A DISTANCE OF 94.67 FEET TO A POINT; THENCE SOUTH 29 DEGREES 30'00" WEST FOR A DISTANCE OF 78.54 FEET TO A POINT; THENCE SOUTH 60 DEGREES 30'00" EAST FOR A DISTANCE OF 31.21 FEET TO A

POINT; THENCE SOUTH 15 DEGREES 30'00" EAST FOR A DISTANCE OF 510.00 FEET TO A POINT; THENCE SOUTH 74 DEGREES 30'00" WEST FOR A DISTANCE OF 64.02 FEET TO A POINT; THENCE SOUTH 25 DEGREES 00'00" WEST FOR A DISTANCE OF 85.78 FEET TO A POINT; THENCE NORTH 65 DEGREES 00'00" WEST FOR A DISTANCE OF 162.20 FEET TO A POINT; THENCE 320.42 FEET ALONG AN ARC TO THE RIGHT, HAVING A RADIUS OF 2250.00 FEET AND A CHORD OF 320.15 FEET AND BEARING NORTH 60 DEGREES 55'13" WEST TO A POINT; THENCE NORTH 56 DEGREES 50'26" WEST FOR A DISTANCE OF 325.26 FEET TO A POINT; THENCE NORTH 49 DEGREES 47'23.6" WEST FOR A DISTANCE OF 485.32 FEET TO THE PRINCIPAL POINT AND PLACE OF BEGINNING.

**FURTHER LESS & EXCEPTING** FROM PARCEL 2 THE FOLLOWING DESCRIBED LANDS CONVEYED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, BY SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 17502, PAGE 4216 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TO-WIT:

THOSE PORTIONS OF TRACT "Q", AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 120, PAGE 20, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, IN THE NORTHWEST ONE-QUARTER (N.W. ¼) OF SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT "Q"; THENCE ALONG THE WEST LINE OF SAID TRACT "Q", FOR THE FOLLOWING THREE (3) COURSES, (1) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 29.240 METERS (95.93 FEET); (2) THENCE NORTH 01 DEGREES 28'13" EAST, A DISTANCE OF 43.775 METERS (143.62 FEET); (3) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 82.872 METERS (271.89 FEET) TO REFERENCE POINT "A" AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE NORTH 87 DEGREES 53'07" EAST, A DISTANCE OF 0.457 METERS (1.50 FEET); THENCE SOUTH 02 DEGREES 07'21" EAST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE SOUTH 87 DEGREES 53'07" WEST, A DISTANCE OF 0.457 METERS (1.50 FEET) TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE AFOREMENTIONED REFERENCE POINT "A"; THENCE ALONG THE WEST LINE OF SAID TRACT "Q", FORTH FOLLOWING FIVE (5) COURSES, (1) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 27.432 METERS (90.00 FEET); (2) THENCE NORTH 14 DEGREES 48'10" WEST, A DISTANCE OF 12.497 METERS (41.00 FEET); (3) NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 15.246 METERS (50.02 FEET); (4) THENCE NORTH 01 DEGREES 50'16" EAST, A DISTANCE OF 39.719 METERS (130.31 FEET); (5) THENCE NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 43.721 METERS (143.44 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 02 DEGREES 07'21" WEST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE NORTH 87 DEGREES 53'01" EAST, A DISTANCE OF 0.457 METERS (1.50 FEET); THENCE SOUTH 02 DEGREES 07'21" EAST, A DISTANCE OF 27.432 METERS (90.00 FEET); THENCE SOUTH 87 DEGREES 53'01" WEST, A DISTANCE OF 0.457 METERS (1.50 FEET) TO THE POINT OF BEGINNING.

**PARCEL 3:**

ALL THOSE CERTAIN PLOTS, PIECES OR PARCELS OF LAND, SITUATE, LYING AND BEING IN THE COUNTY OF MIAMI-DADE, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

### "QUADRANT D"

A PORTION OF TRACT "Q" OF "AVENTURA SIXTH ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF TRACT "R" OF SAID PLAT OF "AVENTURA SIXTH ADDITION", SAID POINT BEING ON A CURVE CONCAVE TO THE N.E.; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF WEST COUNTRY CLUB DRIVE FOR THE FOLLOWING THREE (3) COURSES; (1) THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 4656.66 FEET AND A CENTRAL ANGLE OF 6 DEGREES 38'08" FOR 539.29 FEET TO A POINT ON SAID CURVE AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; (2) THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 4656.66 FEET AND A CENTRAL ANGLE OF 2 DEGREES 49'41" FOR 229.85 FEET TO A POINT OF REVERSE CURVATURE; (3) THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1275.14 FEET AND A CENTRAL ANGLE OF 9 DEGREES 32'14" FOR 212.25 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 50.0 FEET AND A CENTRAL ANGLE OF 86 DEGREES 09'34" FOR 75.19 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5594 .58 FEET AND A CENTRAL ANGLE OF 1 DEGREES 00'20" FOR 98.19 FEET TO A POINT; THENCE N 45 DEGREES 02'32" W FOR 25.00 FEET TO A POINT ON A CURVE TO THE LEFT, SAID POINT BEARS S 45 DEGREES 02'32" E FROM THE CENTER OF SAID CURVE; THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 5.00 FEET AND A CENTRAL ANGLE OF 125 DEGREES 32'55" FOR 10.96 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 522.50 FEET AND A CENTRAL ANGLE OF 27 DEGREES 32'27" FOR 251.15 FEET TO A POINT OF TANGENCY; THENCE N 53 DEGREES 02'45" W FOR 0.31 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 84 DEGREES 24'26" FOR 51.56 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 555.0 FEET AND A CENTRAL ANGLE OF 54 DEGREES 56'22" FOR 532.17 FEET TO A POINT ON SAID CURVE, SAID POINT BEARS S 7 DEGREES 29'11" W FROM THE CENTER OF SAID CURVE; THENCE N 29 DEGREES 58'54" E FOR 92.90 FEET; THENCE N 35 DEGREES 30'00" W FOR 31.98 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 110.0 FEET AND A CENTRAL ANGLE OF 25 DEGREES 00'00" FOR 48.00 FEET TO A POINT OF TANGENCY; THENCE N 29 DEGREES 30'00" E FOR 331.34 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 726.18 FEET AND A CENTRAL ANGLE OF 29 DEGREES 18'21" FOR 371.43 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 135.0 FEET AND A CENTRAL ANGLE OF 48 DEGREES 00'00" FOR 113.10 FEET TO A POINT ON SAID CURVE; THENCE N 60 DEGREES 00'00" E FOR 30.86 FEET TO A POINT ON A CURVE TO THE RIGHT, SAID POINT BEARS N 63 DEGREES 19'08" EAST FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 555.0 FEET AND A CENTRAL ANGLE OF 24 DEGREES 44'30" FOR 239.66 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 30.0 FEET AND A CENTRAL ANGLE OF 92 DEGREES

56'22" FOR 48.66 FEET TO A POINT OF TANGENCY; THENCE N 85 DEGREES 07'16" E FOR 87.61 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 30.0 FEET AND A CENTRAL ANGLE OF 64 DEGREES 25'24" FOR 33.73 FEET TO A POINT ON SAID CURVE; THENCE S 69 DEGREES 17'55" E FOR 25.0 FEET TO THE POINT OF BEGINNING.

**PARCEL 4:**

A PORTION OF TRACT "Q" OF AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 120, PAGE 20, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT "R" OF SAID PLAT OF AVENTURA SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 120, PAGE 20 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 02 DEGREES 40' 32" WEST, ALONG THE WEST BOUNDARY LINE OF SAID TRACT "R" AND ALONG THE BOUNDARY LINE OF SAID TRACT "Q", FOR 116.48 FEET TO THE **POINT OF BEGINNING** OF THE HEREINAFTER DESCRIBED PROPERTY; THENCE CONTINUE NORTH 02 DEGREES 40' 32" WEST, ALONG THE PREVIOUSLY DESCRIBED LINE OF 700.65 FEET; THENCE SOUTH 87 DEGREES 19' 28" WEST, ALONG THE BOUNDARY LINE OF SAID TRACT "Q", FOR 239.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 42.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 123.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST FOR 20.00 FEET; THENCE NORTH 87 DEGREES 19'28" EAST FOR 74.00 FEET; THENCE SOUTH 02 DEGREES 40'32" EAST, ALONG A LINE 42.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "R", FOR 639.08 FEET; THENCE NORTH 86 DEGREES 44'34" EAST FOR 42.00 FEET TO THE POINT OF BEGINNING.

**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: January 30, 2014

SUBJECT: Application to Amend Section 31-144(c)(5)a. of the Land Development Regulations to add a provision for increased lot coverage for specific uses (01-LDR-14)

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February 4, 2014                      Local Planning Agency Agenda Item 4  
February 4, 2014                      City Commission Meeting Agenda Item 7A  
March 4, 2014                         City Commission Meeting Agenda Item   

**RECOMMENDATION**

It is recommended that the City Commission approve the request for an amendment to Section 31-144, "Business Zoning Districts" of the Land Development Regulations to add to that section, a provision for a maximum lot coverage of 45% of the total lot area for parcels that include shopping centers, provided that the shopping center buildings contain more than 1,000,000 square feet of gross leasable area, and do not exceed five stories in height and provide a centralized multi-modal transportation facility which is enclosed with a parking structure.

**THE REQUEST**

The owner of the Aventura Mall is proposing an expansion consisting of a three-story, 288,250 square foot addition to the mall structure and a seven-level parking structure. The first level of the parking structure will contain a mass transit terminal which will accommodate City, County and other buses, taxis and other private transit vehicles. In order to build the expansion and parking structure and to accommodate future development on the Mall property, the owner is requesting an amendment to the site development criteria of the B2 zoning district to increase maximum lot coverage from 40% to 45%. (See Exhibit #1 for Letter of Intent)

## **BACKGROUND**

After construction of the last expansion of the Aventura Mall for the Nordstrom anchor and retail approach wing, the current lot coverage is 36% of the total lot area. The applicant advises that the current expansion proposal will increase lot coverage to 40.34%. The applicant further advises that other proposed future development may increase lot coverage up to a maximum of 45%.

The B2 zoning district allows a maximum height of 12 stories or 120 feet. Any expansion of the Aventura Mall could maintain the 40% lot coverage maximum by building vertically. The increased lot coverage is requested to keep the low profile of the shopping center buildings, which are currently four stories at the highest, and to allow for the construction of a new parking structure that will contain a multi-modal transportation facility.

Generally, lot coverage maximums are included in development codes to ensure that open space is provided and also to ensure that proper drainage is provided and maintained. Section 31-144(c) of the Code includes "all buildings on site" in lot coverage calculation. This includes the primary building and any accessory buildings, such as parking structures, but does not include surface parking areas.

In the case of an enclosed regional mall, traditional outdoor open space would not be used by the public in this type of commercial environment. What is desirable for public comfort in a regional mall are interior public plazas with seating areas to meet others or to rest, water features, pedestrian corridors that can also function as recreational walking areas and other public amenities such as art displays. This was recognized by the City Commission in 2005 through passage of Ordinance No. 2005-15, which allows a minimum of 15% open space for regional malls, where up to 40% was required by Code at that time, provided that the aforementioned public amenities are in place. The Aventura Mall is complying with this open space/amenity provision.

The consulting engineer for the Aventura Mall has confirmed that an increase of 5% in permitted lot coverage will not affect the ability to provide and maintain proper drainage. The drainage structures and retention ponds are currently functioning as intended. Any development application for expansion will be required to include drainage plans to upgrade and improve, as necessary, any components of the drainage system. Those drainage plans will be reviewed by the City's Consultants as part of the site plan review process.

## **DESCRIPTION OF THE PROPOSED AMENDMENT**

The proposed amendment to the Community Business (B2) District follows in underlined text:

"Section 31-144(c). Community Business (B2) District.

c) *Community Business (B2) District.* This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

...

(5) *Site development standards.*

a. *Floor area ratio and lot coverage and minimum landscaped open space requirements:*

1. For all buildings: Any structure 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.

2. The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area, except as provided in Subsection 4. below. The floor area ratio shall not exceed 2.0 for all buildings in this district in conformance with the comprehensive plan.

3. For shopping center buildings with ~~other~~ more than 1,000,000 square feet of gross leasable area that provide public amenities including, but not limited to, public plazas, fountains or other water features, seating areas and recreational walking areas and that do not exceed five stories in height, the minimum landscaped open space shall be 15 percent of the total lot area. Said open space shall be extensively landscaped with grass, trees and shrubbery in accordance with a landscape plan to be approved by the City Manager. The non-leasable areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display areas may be used as part of the required landscaped open space provided such areas do not exceed ten percent of the required landscaped open space.

4. For parcels that include one or more shopping center buildings, the maximum lot coverage shall not exceed 45% of the total lot area, provided that such shopping center buildings contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height and that the shopping center building provides a centralized multi-modal transportation facility which is enclosed

within a parking structure, and which may be used by: City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers.” ...

## **ANALYSIS**

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 business and office land use designation is described in the Future Land Use Element of the City's Comprehensive Plan. This category provides that "...the specific range and intensity of uses applicable in a particular Business and Office property is dependent upon the particular land use, design, urban services, transportation, environmental and social conditions on and around the subject property, including consideration of applicable goals, objectives and policies of the Plan. The Transportation Goal in the Transportation Element of the City's Comprehensive Plan includes the goal to provide a safe and efficient multimodal transportation system to serve the needs of the City. This proposed amendment is consistent with both the language of the Business and Office future land use category and with the Transportation Goal in that this particular property will be designed to provide a multimodal transit facility that will function as part of an overall safe and efficient transportation system within the City.

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 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 regulation and a process by which to approve development or redevelopment of a property within the Community Business District.



**BERCOW RADELL & FERNANDEZ**  
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: 305-377-6238  
E-MAIL: [mmarrero@brzoninglaw.com](mailto:mmarrero@brzoninglaw.com)

VIA HAND DELIVERY AND E-MAIL

January 16, 2014

**Exhibit #1**  
**01-LDR-14**

Ms. Joanne Carr  
Community Development Director  
City of Aventura  
19200 West Country Club Drive, 4<sup>th</sup> Floor  
Aventura, Florida 33180

Re: Land Development Code Amendment Regarding Lot Coverage in B2

Dear Joanne:

This law firm represents Aventura Mall Venture and Turnberry Associates, Inc. (the "Applicant"), with regard to an application to amend the City of Aventura Land Development Code to permit additional lot coverage in the B2 zoning district for shopping center buildings that provide a multi-modal transportation facility within their property.

Proposed Expansion. The Applicant is proposing to add additional floor area to the existing mall at the northeast corner of the structure. The proposal will add 288,249 SF of additional floor area comprised mostly of small retail shops. Additionally, there will be additional concourse and non-retail related areas. These improvements to the Property will continue to enhance the Aventura Mall and help continue making the City of Aventura one of the preeminent destinations in South Florida. It is important that the mall and its stores continue to stay current and vibrant, as the Mall hopes to continue its recent successes. The improvement will also include a multi-modal transportation facility.

The Applicant requests an amendment to Section 31-144(c) of the City Code in order to provide for additional allowable lot coverage, up to 45% for shopping center buildings with more than 1,000,000 square feet of gross leasable area, that also provide a centralized multi-modal transportation facility. Section

31-155(c) provides for the site development standards for properties in the B2 zoning district, and would thus be the appropriate place for the amendment.

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 Aventura Mall to continue to improve as envisioned pursuant to the submitted site plan application, 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 Business and Office designation.

**(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. The proposed amendment will permit the continued improvements to the Aventura Mall - one of the City's most important landmark properties and one of the most successful shopping centers in the country. Further, the amendment will permit the development of a multi-modal transportation facility within the mall property which will accommodate City, County and other public and private transportation. Understanding that the mall generates a great deal of visitors from outside of the City, this improvement hopes to encourage more users to use public transportation and alleviate traffic to the City. Additionally, the improvement will certainly centralize much of the public transportation and naturally provide traffic and

Ms. Joanne Carr  
January 16, 2014  
Page 3

**(5) The proposed amendment improves the administration or execution of the development process.**

This amendment itself does not have a direct effect on the administration of the City's development process.

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', written over a horizontal dotted line.

Michael J. Marrero



# 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 (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)
<u>Jeff Bercow</u>	<u>Attorney</u>
<u>Michael Marrero</u>	<u>Attorney</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 \_\_\_\_ DAY OF \_\_\_\_\_ 200\_\_

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By [Signature]  
 Name: Michael Marrero  
 Title: Attorney  
 Address: 200 S. Biscayne Blvd, #850  
Miami, FL 33131

OWNER

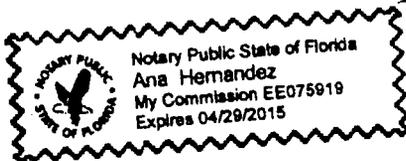
By [Signature]  
 Name: Jacquelyn Soffer  
 Title: Principal  
 Address: 14950 West Country Club Drive  
10th Floor, Aventura, FL 33180

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Michael Marrero 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 January 200\_\_

AFFIANT  
200\_\_



Notary Public State of Florida At Large  
Printed Name of Notary Ana Hernandez  
My commission expires: 4/29/2015



# 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 22 DAY OF January 2014

APPLICANT

By [Signature] (Signature)  
 Name Michael Marrero (Print)  
 Title Attorney (Print)

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_

PROPERTY OWNER

By [Signature] (Signature)  
 Name Jacquelyn Soffer (Print)  
 Title Principal (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 20<sup>th</sup> DAY OF January, 2011

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: Michael Morris (Print)

Title: Attorney (Print)

By: [Signature] (Signature)

Name: Jeffrey Boreas (Print)

Title: Attorney (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

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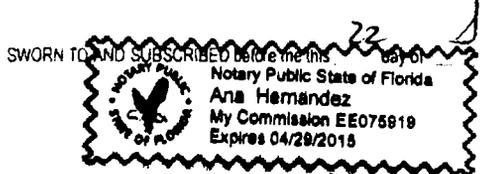
NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

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)

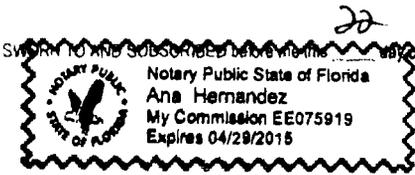
Before me, the undersigned authority, personally appeared Michael Mason the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.



AFFIANT  
[Signature]  
Notary Public State of Florida At Large  
Printed Name of Notary  
My commission expires 4/29/2015

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

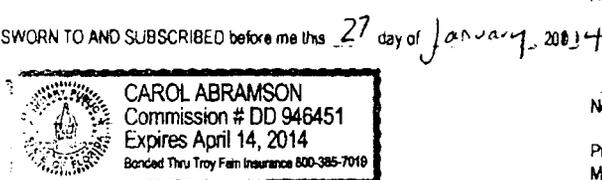
Before me, the undersigned authority, personally appeared Jeff Berrow the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.



AFFIANT  
[Signature]  
Notary Public State of Florida At Large  
Printed Name of Notary  
My commission expires 4/29/2015

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Jacquelyn Soffer 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  
[Signature]  
Notary Public State of Florida At Large  
Printed Name of Notary  
My commission expires 4/14/14

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.

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 \_\_\_\_\_

ORDINANCE NO. 2014-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(5)A., COMMUNITY BUSINESS (B2) DISTRICT TO ALLOW INCREASED LOT COVERAGE FOR SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES AND THAT PROVIDE A CENTRALIZED MULTI MODAL TRANSPORTATION FACILITY WHICH IS ENCLOSED WITHIN A PARKING STRUCTURE AND WHICH MAY BE USED BY CITY TRANSIT PROVIDERS, COUNTY TRANSIT PROVIDERS, ANY OTHER GOVERNMENT ENTITIES REQUESTING USE OF THE FACILITY AND PRIVATE TRANSIT PROVIDERS; 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 31-144 "Business Zoning Districts" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to include a provision for a maximum lot coverage of 45% for parcels that include one or more shopping center buildings with more than 1,000,000 square feet of leasable area and that do not exceed five stories in height and that provide a centralized multi-modal transportation facility which is enclosed within a parking structure and which may be used by City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers; and

**WHEREAS**, the Business and Office future land use category applicable to the proposed amendment provides that "...the specific range and intensity of uses applicable in a particular Business and Office property is dependent upon the particular land use, design, urban services, transportation, environmental and social conditions on and around the subject property, including consideration of applicable goals, objectives and policies of the Plan..."; and the Transportation Goal in the Transportation Element of the City's Comprehensive Plan is "...to provide a safe and efficient multimodal transportation system to serve the needs of the City..."; and

**WHEREAS**, the City Commission finds that the proposed amendment to Section 31-144 of the City Code to provide increased lot coverage for large-scale shopping center buildings which provide a centralized multi-modal transportation facility which is enclosed within a parking structure is consistent with the applicable goals, objectives and policies of the City's Comprehensive Plan; 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 31-144 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 31-144 "Business Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended to read as follows<sup>1</sup>:

\* \* \*

**Sec. 31-144. – Business Districts.**

...

*(c) Community Business (B2) District.* This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

...

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<sup>1</sup> Underlined provisions constitute proposed additions to existing text. Strikethrough provisions constitute proposed deletions to existing text.

*(5) Site development standards.*

a. *Floor area ratio and lot coverage and minimum landscaped open space requirements:*

1. For all buildings: Any structure 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.

2. The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area, except as provided in Subsection 4. below. The floor area ratio shall not exceed 2.0 for all buildings in this district in conformance with the comprehensive plan.

3. For shopping center buildings with ~~other~~ more than 1,000,000 square feet of gross leasable area that provide public amenities including, but not limited to, public plazas, fountains or other water features, seating areas and recreational walking areas and that do not exceed five stories in height, the minimum landscaped open space shall be 15 percent of the total lot area. Said open space shall be extensively landscaped with grass, trees and shrubbery in accordance with a landscape plan to be approved by the City Manager. The non-leasable areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display areas may be used as part of the required landscaped open space provided such areas do not exceed ten percent of the required landscaped open space.

4. For parcels that include one or more shopping center buildings, the maximum lot coverage shall not exceed 45% of the total lot area, provided that such shopping center buildings contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height, and that the shopping center building provides a centralized multi-modal transportation facility which is enclosed within a parking structure, and which may be used by City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers."

...

**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 \_\_\_\_\_, who moved its adoption on first 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 Michael Stern	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Howard Weinberg	_____
Mayor Susan Gottlieb	_____

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 Michael Stern	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Howard Weinberg	_____
Mayor Susan Gottlieb	_____

PASSED on first reading this 4<sup>th</sup> day of February, 2014.

PASSED AND ADOPTED on second reading this 4<sup>th</sup> day of March, 2014.

\_\_\_\_\_  
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 \_\_\_\_\_, 2014.

**CITY OF AVENTURA**

**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission

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

DATE: January 22, 2014

SUBJECT: **Ordinance Amending City Code to Regulate the Retail Sales of Dogs And Cats**

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1<sup>st</sup> Reading February 4, 2014 City Commission Meeting Agenda Item 1B  
2<sup>nd</sup> Reading March 4, 2014 City Commission Meeting Agenda Item \_\_\_\_\_

**BACKGROUND**

As per the direction of the City Commission at the January 2014 Workshop Meeting, attached is an Ordinance amending the City Code to regulate the retail sales of dogs and cats. The Ordinance was developed based on the Village of Pinecrest Ordinance.

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

EMS/act

Attachment

CCO1830-14

**CITY OF AVENTURA**

**OFFICE OF THE CITY COMMISSION**

**MEMORANDUM**

TO: City Commission  
FROM: Commissioner Enbar Cohen  
DATE: January 7, 2013  
SUBJECT: **Proposed Ordinance Regulating the Sale of Dogs and Cats**

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I would like to propose an Ordinance regulating the sale of dogs and cats in the City of Aventura in order to promote community awareness of animal welfare and to encourage pet consumers to adopt dogs and cats from shelters, thereby saving the animals' lives and reducing the cost to the public of sheltering animals. Attached is a sample Ordinance drafted by the City of Pinecrest.

Please place this item on the next Workshop Agenda.

Thank you.

EC/tms



**ORDINANCE NO. 2014-\_\_\_**

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA; AMENDING CHAPTER 1 “GENERAL PROVISIONS” OF THE CITY CODE OF THE CITY OF AVENTURA BY CREATING SECTION 1-17, “RETAIL SALE OF DOGS AND CATS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR PENALTY; PROVIDING FOR EFFECTIVE DATE.**

**WHEREAS**, existing state and federal laws regulate dog and cat breeders, as well as pet stores that sell dogs and cats including the Animal Welfare Act (“AWA”) (7 U.S.C. Section 2131 et seq.); and

**WHEREAS**, the Animal Welfare Act requires, among other things, the licensing of certain breeders of dogs and cats and that these breeders maintain minimum health, safety and welfare standards for animals in their care with enforcement of these requirements by the United States Department of Agriculture (“USDA”); and

**WHEREAS**, according to The Humane Society of the United States, American consumers purchase dogs and cats from pet stores that the consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases or genetic disorders that present immediately after sale or that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers; and

**WHEREAS**, according to The Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as “puppy mills” or “kitten factories,” that mass-produce animals for sale to the public; and many of these animals are sold at retail in pet stores; and

**WHEREAS**, according to USDA inspection reports, some additional documented problems found at puppy mills include: (1) sanitation problems leading to infectious disease; (2) large numbers of animals overcrowded in cages; (3) lack of proper veterinary care for severe illnesses and injuries; (4) lack of protection from harsh weather conditions; and (5) lack of adequate food and water; and

**WHEREAS**, while “puppy mill” puppies and “kitten factory” kittens are being sold in pet stores, many dogs and cats are euthanized by Miami-Dade County’s Animal Control Services; and

**WHEREAS**, across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats; many of these stores collaborate with local animal sheltering and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

**WHEREAS**, while the City Commission recognizes that not all dogs and cats retailed in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet stores as a “puppy mill” or “kitten factory,” it is the City Commission’s belief that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores; and

**WHEREAS**, the City Commission believes that eliminating the retail sale of dogs and cats in pet stores in the City will promote community awareness of animal welfare and, in turn, will foster a more humane environment as well as encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals’ lives and reducing the cost to the public of sheltering animals.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, AS FOLLOWS:**

**Section 1. Findings.** That the forgoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

**Section 2. City Code Amended.** That Chapter 1” General Provisions”, of the City’s Code of Ordinances is hereby amended by creating a new Section 1-17, to read , as follows<sup>1</sup>:

Section 1-17. Retail Sale of Dogs and Cats

(a) Definitions. For purposes of this Section, the following definitions shall apply:

- (1) “Animal shelter” means a public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals, and which does not breed animals.
- (2) “Cat” means an animal of the Felidae family of the order Carnivora.

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<sup>1</sup> Underlined text indicates proposed additions to the City Code; ~~stricken-through~~ text indicates proposed deletions from existing City Code text.

- (3) “Dog” means an animal of the Canidae family of the order Carnivora.
- (4) “Pet store” means a pet shop, dog beauty parlor, dog or pet hospital or other retail establishment open to the public and engaging in the business of selling pet supplies and/or services and/or offering for sale and/or selling animals at retail.
- (5) “Pet store operator” means a person who owns or operates a pet store, or both.
- (6) “Retail sale” includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer of any cat or dog.

(b) *Prohibition.* No pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City on or after the effective date of this Section.

(c) *Exemptions.* This Section shall not apply to:

- (1) A person or establishment that sells, delivers, offers for sale, barter, auctions, gives away, or otherwise transfers or disposes of only animals that were bred and reared on the premises of the person or establishment;
- (2) A publicly operated animal control facility or animal shelter;
- (3) A private, charitable, nonprofit humane society or animal rescue organization; or
- (4) A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

(d) *Adoption of Shelter and Rescue Animals.* Nothing in this Section shall prevent a pet store or its owner, operator or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet store for the purpose of adopting those animals to the public.

**Section 3. Severability.** That 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 with Cross Reference.** That it is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City Code of the City of Aventura, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, that the word Ordinance shall be changed to Section or other appropriate word and that a cross reference to Section 1-17 shall be added to Sections 31-144(c)(1)h. and 31-144(c)(1)t.

**Section 5. Penalty.** Any person who violates any provisions of this Ordinance shall, upon conviction, be punished by a fine not to exceed \$500.00 or imprisonment for a term not to exceed 60 days, or by both such fine and imprisonment. Each day any violation of any provision of this Ordinance shall continue shall constitute a separate offense. This Ordinance shall be subject to enforcement under the Local Government Code Enforcement Act, Chapter 162, F.S. as amended and Article V of Chapter 2 of the City Code, as amended. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction.

**Section 6. Effective Date.** That this Ordinance shall be effective upon passage by the City Commission on second reading.

The foregoing Ordinance was offered by \_\_\_\_\_, who moved its adoption on first reading. This motion was seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

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

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, the vote was as follows:

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

**PASSED** on first reading this 4<sup>th</sup> day of February, 2014.

**PASSED AND ADOPTED** on second reading this 4<sup>th</sup> day of March, 2014.

ATTEST:

\_\_\_\_\_  
Susan Gottlieb, Mayor

\_\_\_\_\_  
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: October 28, 2013

SUBJECT: Small scale amendment to the City's Comprehensive Plan to change the land use designation of the westerly portion of the land on NE 207 Street at the corner of NE 30 Avenue totaling 4.032 acres from Business and Office to Town Center and to change the land use designation of the easterly portion of the land on NE 207 Street at the corner of NE 30 Avenue totaling 3.359 acres from Medium High Density Residential to Town Center (01-CPA-14 - Small Scale Amendment)

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November 5, 2013 Local Planning Agency Agenda Item 4-A

January 7, 2014 City Commission Meeting Agenda Item 7-A

February 4, 2014 City Commission Meeting Agenda Item 8-A

### RECOMMENDATION

It is recommended that the City Commission:

1. Approve the small scale Comprehensive Plan amendment to change the land use designation of land on NE 207 Street at the corner of NE 30 Avenue totaling 4.032 acres from Business and Office to Town Center; and
2. Approve the small scale Comprehensive Plan amendment to change the land use designation of land on NE 207 Street at the corner of NE 30 Avenue totaling 3.359 acres from Medium-High Density Residential to Town Center; and

2. Approve the transmittal of the amendment to the Division of Community Planning of the Florida Department of Economic Opportunity pursuant to Chapter 163, Florida Statutes.

**THE REQUEST**

The applicant is requesting a small scale Comprehensive Plan amendment to change the land use designations of its landholdings on NE 207 Street at the corner of NE 30 Avenue to facilitate a rezoning of the parcel to Town Center Neighborhood (TC3) District. The current future land use designation westerly portion is Business and Office. The current future land use designation on the easterly portion is Medium High Density Residential (See Exhibit #1 for Letter of Intent)

**BACKGROUND**

<b>OWNER OF PROPERTY</b>	Aventura Land Ventures, LLC
<b>NAME OF APPLICANT</b>	Michael J. Marrero
<b>LOCATION OF PROPERTY</b>	NE 207 Street at NE 30 Avenue See Exhibit #2 for Location Map
<b>SIZE OF PROPERTY</b>	Approximately 3.359 acres subject of land use amendment request from Medium High Density Residential to Town Center  Approximately 4.032 acres subject of land use amendment request from Business and Office to Town Center  (total landholding is 7.391 acres including 1.459 acres of unopened rights of way abandoned by Resolution No. 2006-61)

**DESCRIPTION /BACKGROUND**

The site is vacant land owned by the applicant and is comprised of seventy-seven platted lots in Blocks 17 and 18 of the Hallandale Park No. 8 plat, Tract 1 on the plat of Lauranna and Tract 1 on a replat of Hallandale Park No. 8. The landholding referred to in this report also includes the unopened platted right of way of NE 206 Street, part of the unopened platted right of way of NE 207 Street and two 10 foot unopened platted alleyways.

On adoption of the City's Comprehensive Plan 1998 and the Land Development Regulations in 1999, this property was designated as Business and Office on the Future Land Use Map and was zoned Community Business (B2) District on the Zoning Map.

In 2006, the previous owner of the land applied to the City Commission for an amendment to the future land use map to change the easterly portion of the site comprising 3.359 acres from Business and Office to Medium High Density Residential. The amendment was approved by the City Commission through Ordinance No. 2006-14 . This future land use map change was requested to permit a proposed development of 36 townhomes and 68 loft style condominium units on this easterly portion. There was no change requested to the westerly portion of the property. It remained in the Business and Office land use designation. The 2006 development proposal for this westerly portion included a hotel, office, parking garage and retail uses.

The 2006 development did not proceed. The current owner wishes to develop a mixed-use project under the Town Center Neighborhood (TC3) district regulations. In order to do so, the owner has requested this amendment to the future land use map to designate the entire parcel as Town Center. This will facilitate a concurrent request for rezoning to Town Center Neighborhood (TC3) District.

Although no formal site plan has been submitted for review by the City, the applicant has presented its preliminary development proposal to the City Commission at the workshop meeting of May 16, 2013. The site plan application ultimately submitted must comply with the TC3 district zoning development criteria which includes provision of residential, non-residential, assisted living, hotel and indoor or outdoor recreational uses in the Town Center.

The current landholding of the applicant is 5.932 acres. The total development site area will be 7.391 acres once the applicant satisfies the conditions of Resolution No. 2006-61 which abandoned the unopened right of way of NE 206 Street, part of the unopened right of way of NE 207 Street and two 10 foot unopened alleyways reserved on the plat of Hallandale Park No. 8, consisting of a total of 1.459 acres of land.

## **ANALYSIS**

### **Future Land Use Designation**

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

### **Zoning**

Subject Property:	B2, Community Business District
Properties to the North:	OP, Office Park District
Properties to the South:	CF, Community Facilities District
Properties to the East:	RMF3, Multifamily Medium Density Residential District
Properties to the West:	B2, Community Business District

## Existing Land Use

Subject property:	vacant
Properties to the North:	office
Properties to the South:	religious facility and school
Properties to the East:	residential
Properties to the West:	retail plaza

**Access** – The parcel is bounded by NE 207 Street to the north, NE 30 Avenue to the east and NE 29 Avenue to the west.

**Conformity to City Comprehensive Plan** – The amendment is consistent with the goals, objectives and policies of the City's Comprehensive Plan. More specifically, the proposal is consistent with the following policies in the Future Land Use, Transportation, Parks and Recreation and Coastal and Conservation elements of the Plan:

### *Future Land Use Element*

*Policy 8.2 Applications to amend the City's Future Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:*

1. *Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the City;*

Recent census data shows that the City is continuing to grow, the median age is lower and the family size is larger. Demand for housing is therefore increasing. At the same time, there is an identified demand for senior living facilities in the City and an identified demand for recreational opportunities. The residential use, assisted living facility and recreational uses along with the non-residential uses required as a component of the development in the requested Town Center land use category will accommodate projected population and economic growth.

2. *Enhance or impede provision of services at adopted LOS Standards;*

*Traffic* - The traffic generation table provided later in this report shows an expected decrease in a.m. peak trips, an increase in p.m. peak trips and an overall increase in daily trips. Based on review of the applicant's traffic generation report by the City's Traffic Engineering Consultant, this increase in daily trips will not impede the provision of services at adopted LOS standards provided that the applicant submits, as part of the site plan review process, a detailed Traffic Study that proposes access, circulation, safety and transit improvements to mitigate the increased trips.

*Water* – The application will not impede provision of this service at adopted LOS standards.

*Sewer* – The application will not impede provision of this service at adopted LOS standards.

*Mass Transit* – A bus transit facility is located at Aventura Mall, approximately 1.5 miles from the subject properties. The proposed mixed-use development will be required to provide pedestrian linkage to County and City transit services that are safe and convenient to transit users.

*Parks and Recreation* – The City presently exceeds LOS standards for park space, therefore, provision of service at adopted level of service standard will not be impeded by this development.

*Stormwater Drainage* – The application will not impede provision of this service at adopted LOS standards.

*Solid Waste* – The application will not impede provision of this service at adopted LOS standards.

The applicant will be required, through the site plan review process, to provide evidence of compliance with all Level of Services Standards.

3. *Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and*

The proposed amendment is compatible with abutting and nearby land uses and will create a neighborhood town center easily accessible by existing adjacent residential and non-residential uses.

4. *Enhance or degrade environmental or historical resources, features or systems of significance.*

The proposed amendment will not degrade the environmental or historical resources, features or systems of significance.

*Policy 8.3 The City shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities.*

The proposed amendment will meet this policy by accommodating residential development in a location adjacent to existing residential uses. The mix of uses provides close proximity and accessibility to employment and commercial centers, avoidance of natural resource degradation and maintenance of quality of life and creation of amenities.

*Policy 10.1 Aventura shall facilitate redevelopment of substandard or underdeveloped areas, high intensity activity centers, mass transit supportive development and mixed use projects to promote energy conservation.*

The proposed amendment will facilitate redevelopment of an underdeveloped area with a mixed use project.

*Policy 12.1 All proposed Comprehensive Plan amendments that increase density (population) shall be required to submit, at the time of application, an analysis of the impacts of the proposed amendment upon the evacuation routes and evacuation times as included within the South Florida Regional Hurricane Evacuation Study, April, 1996, or as may be amended from time to time.*

*Policy 12.2 The City shall not approve any Comprehensive Plan amendment that increases density (population) and results in evacuation times exceeding 12 hours.*

<i>Property Location</i>	<i>Lot Size</i>	<i>Increase in Density</i>	<i>Population Factor</i>	<i>Overall Increase in Population</i>
NE 207 Street at NE 30 Avenue	7.391 ac	20 du/ac (density limited by zone)	1.99	294 persons

Based on the South Florida Regional Planning Council evacuation model, it is determined that the increase of a maximum of 147 dwelling units resulting from the proposed amendment will increase the clearance time by 3.30 minutes. That additional time increases the present evacuation time of 11.65 hours (11 hours and 39.46 minutes) to 11.71 hours (11 hours and 42.76 minutes).

#### *Transportation Element*

*Policy 1.5 The City will develop transportation management strategies, such as (but not limited to) traffic calming techniques and neighborhood design concepts to improve efficiency and enhance the safety of the pedestrian, bicycles and transit riders within the context of an integrated multi-modal transportation system.*

The proposed amendment and associated subsequent site development will be required to provide linkages and design concepts to improve efficiency and

enhance the safety of the pedestrian, bicycles and transit riders within the context of an integrated multi-modal transportation system.

*Policy 4.3 Transit service shall be linked to major trip attractors and generators and the transportation disadvantaged. Transit service shall be located such that they are safe and convenient to transit users.*

This mixed-use development will be required to provide pedestrian linkage to transit service facilities that are safe and convenient to transit users.

*Policy 4.7 Transit shelters, according to the City's approved design, shall be provided at the time of development by the property owner.*

Transit shelters, according to the City's approved design, will be required to be provided by the owner at the time of development.

#### *Parks and Recreation Element*

*Policy 4.1 The City adopts a level of service requiring 2.75 acres of net useable park land per 1,000 residents, implemented by the concurrency management system.*

The estimated current population for the City of Aventura is 37,725. 147 additional dwelling units results in a population increase of 294 people as shown in the table above. The amount of park and recreation land required by this park standard is 104.55 acres. The existing available park and recreation land, using the calculations provided in the Level of Service Standards, is 116.95 acres. Therefore, no deficiency exists and the proposed amendment will not create a deficiency in this standard.

#### *Conservation and Coastal Management Element*

*Policy 9.2 The City shall maintain the adopted levels of service on the local roadways based on the future land use plan to achieve a reasonable evacuation time.*

The traffic generation table provided later in this report shows an expected decrease in a.m. peak trips, an increase in p.m. peak trips and an overall increase in daily trips. Based on review of the applicant's traffic generation report by the City's Traffic Engineering Consultant, this increase in daily trips will not impede the provision of services at adopted LOS standards provided that the applicant submits, as part of the site plan review process, a detailed Traffic Study that proposes access, circulation, safety and transit improvements to achieve a reasonable evacuation time.

*Redevelopment Element*

*Policy 2.11 The location of parking, curb cuts, walkways, bike lanes, signage, lighting and landscape treatments shall be co-ordinated to provide maximum user safety, while improving the comprehensive aesthetic appearance of Aventura.*

The applicant will be required, through the site plan review process, to locate parking, curb cuts, walkways, bike lanes, signage, lighting and landscape treatments to maximize user safety and improve the aesthetics of the City.

*Education Element*

*Policy 1.4 Miami-Dade County Public Schools' comments shall be sought and considered on comprehensive plan amendments and other land use and zoning decisions which will increase residential density, in order to be consistent with the terms of the state mandated Interlocal Agreement pursuant to Sections 1013.33, 163.3174 and 163.31777, Florida Statutes.*

The application has been provided for comment to the Miami Dade County Public Schools in accordance with the Interlocal Agreement entered into between the City and the Board in February of 2003. Also in accordance with the Interlocal Agreement, the School Board has been invited as a non-voting member of the Local Planning Agency for this application.

The School's Preliminary Concurrency Analysis dated October 18, 2013 is attached as Exhibit #3. This analysis notes that, at this time, all three public school levels, that is, elementary, middle and senior high public schools, have sufficient capacity available for this proposal. Final determination of public school concurrency will be made by the School Board at the time of final site plan approval.

**Traffic Generation** – The applicant's traffic engineer has prepared traffic generation information relative to the previously approved development and the proposed amendment. The letter dated October 28, 2013 prepared by David Plummer & Associates is attached as Exhibit #4.

<b>Applications Area (7.391 acres)</b>	<b>Land Use Category</b>	<b>Daily Trips</b>	<b>AM Peak Hour Trips</b>	<b>PM Peak Hour Trips</b>
Previously Approved Development	Business & Office and Medium High Density Residential	5,878	528	536
Proposed Development	Town Center	7,336	465	625

As can be seen from the table above, the proposed town center land use designation generates decreased a.m. peak hour trips, increased pm peak hour trips and increased daily trips. The applicant will be required, through the site plan review process, to provide a detailed Traffic Study and to propose access, circulation, safety and transit improvements to accommodate the increased trips.

**Conformity to City Land Development Regulations** – The proposed amendment will facilitate a proposed rezoning from B2, Community Business District to TC3, Town Center Neighborhood District.

**Coastal High Hazard Location** – The location of this site is not in a designated coastal high hazard area.



# BERCOW RADELL & FERNANDEZ

ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: 305-377-6238  
E-MAIL: mmarrero@brzoninglaw.com

## VIA FACSIMILE AND E-MAIL

October 9, 2013

Ms. Joanne Carr  
Community Development Director  
City of Aventura  
19200 West Country Club Drive, 4<sup>th</sup> Floor  
Aventura, Florida 33180

Re: Amendment to the City's Future Land Use Map re Waterways Town Square

Dear Joanne:

This law firm represents Aventura Land Ventures, LLC (the "Applicant"), with regard to an application to amend the City of Aventura Zoning Map and Future Land Use Map for the assemblage of properties at the SW corner of NE 207 Street and 30<sup>th</sup> Avenue (the "Property") to be designated as Town Center in the Future Land Use Map and TC3 in the Zoning Map.

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 commercial recreation, as well as a hotel, retail, office and some residential units. On October 1, 2013, the City Commission adopted an amendment to its Land Development Regulations to create the TC3 zoning district, which the Applicant seeks to rezone to.

The City's Comprehensive Plan provides standards that staff and the City Commission shall consider when reviewing proposed amendments to City's Future Land Use Map. The Applicant's request addresses several of the standards as follows:

**Exhibit #1**  
**01-CPA-14**

- (1) **TOWN CENTER:** Town Centers are encouraged to become hubs for future urban development in Aventura, around which a more compact and efficient urban structure will evolve.

The Applicant seeks to develop a compact, efficient and urban project which will include a mix of uses that will have a natural synergy and promote pedestrian and walkable activities.

- (2) **TOWN CENTER:** Town Centers are intended to be design-unified areas, which will contain a mixture of different urban functions integrated both horizontally and vertically.

The Applicant hopes to achieve exactly this. Expected uses within the project include a retail entertainment component, traditional retail, ALF, residential, office and hotel. These uses are expected to function in an integrated fashion and serve each other. The aggregated land owned by the Applicant presents this unique opportunity.

- (3) **OBJECTIVE 3:** The Future Land Use Plan shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas.

The Property has been vacant for some time. The Applicant hopes to create a well-designed community with a variety of uses as contemplated by the comprehensive plan. There are not many suitable areas in the City to achieve this type of development.

- (4) **POLICY 9.2:** Applications to amend the City's Future Land Use Map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:

1. Satisfy a deficiency in the Plan map to accommodate projected population or economic growth in the City:

The approval of this application will address certain established demands of the City, including Assisted Living Facilities and Retail Entertainment uses. Additionally, some of the expected population growth will be addressed by the additional residential development within the project.

2. **Enhance or impede provision of services at the adopted LOS Standards:**

The approval of this application is not expected to impede the levels of service at the City and the Applicant will work to mitigate any impacts that are presented.

3. **Be compatible with abutting and nearby land uses and protect the character of established neighborhoods:**

The project is surrounded by commercial and residential development. Therefore a mixed use/town center project is ideal for this location, particularly because of the size of the site.

4. **Enhance or degrade environmental or historical resources, features or systems of significance:**

There are no significant environmental or historical resources or features expected to be impacted by the approval of this application.

5. **Impact the City's ability to maintain hurricane evacuation clearance times of 12 hours or less:**

Based on our calculations, the approval of this request will not increase

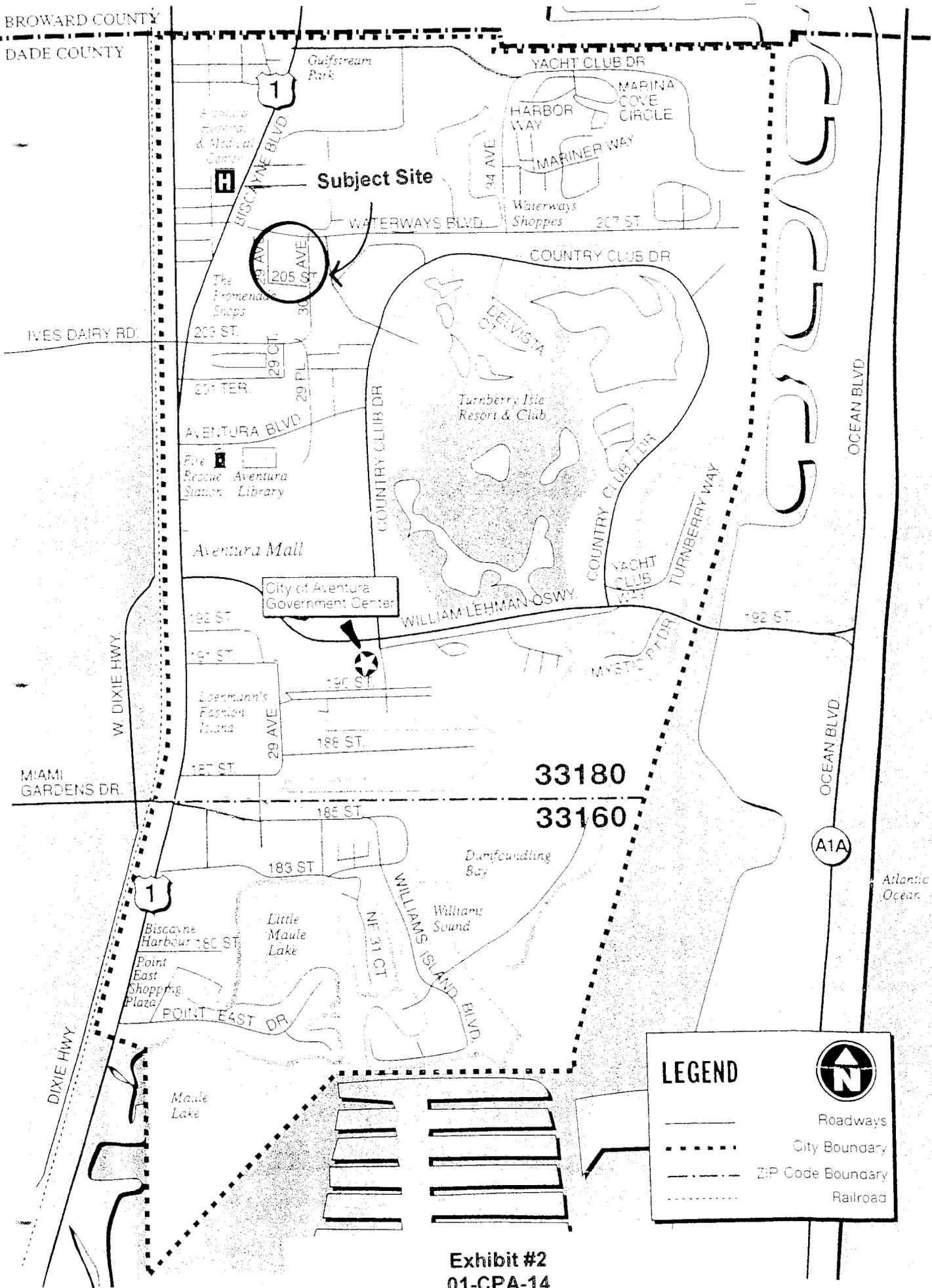
For all the foregoing reasons, the applicant respectfully requests your department's favorable review and recommendation of this application. Should you have any questions, comments, or require additional information, please do not hesitate to phone my direct line at (305) 377-6238.

Sincerely yours,



Michael J. Marrero

BROWARD COUNTY  
DADE COUNTY



**H**

**Subject Site**

205 ST

203 ST

201 TER

AVENTURA BLVD

Fire Rescue Aventura Station Library

Aventura Mall

City of Aventura Government Center

192 ST

191 ST

Loermann's Fashion Island

190 ST

188 ST

187 ST

MIAMI GARDENS DR

33180

33160

185 ST

183 ST

Biscayne Harbour 180 S

Little Maule Lake

Point East Shopping Plaza

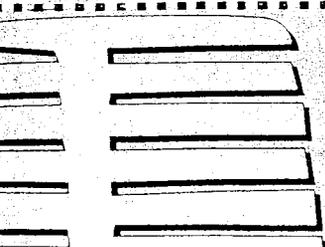
POINT EAST DR

Maule Lake

Dunfounding Bay

Williams Sound

WILLIAMS ISLAND BLVD



**Exhibit #2**  
**01-CPA-14**

**LEGEND**



- Roadways
- - - City Boundary
- · - · - ZIP Code Boundary
- · · · · Railroad

October 28, 2013

Mr. Victor Ballestas  
Integra Solutions  
150 NE 2<sup>nd</sup> Avenue, Suite 701  
Miami, FL 33133  
Phone: 305-774-0110  
Mobile: 305-773-5896  
E-mail: vb@integrafl.com

**RE: ParkSquare Aventura Traffic Engineering Services - #13114**

Dear Mr. Ballestas,

The ParkSquare Aventura project is located on the south side of Waterways Boulevard between NE 29<sup>th</sup> and NE 30<sup>th</sup> Avenues in Aventura, Florida. Exhibit 1 shows the approved development program. The purpose of this letter is to conduct a trip generation comparison between the previously approved project for the site and the new development program.

**Exhibit 1  
Approved Development Program**

<b>Land Use</b>	<b>Size</b>
Office	142,248 Square Feet
Bank	4,923 SF Square Feet
Specialty Retail	17,393 Square Feet
Hotel	198 Rooms
Coffee Shop	992 Square Feet
Bowling Alley	18 Lanes
Apartment	104 Dwelling Units

Currently, the applicant is seeking to change the development plan. The proposed development program is shown in Exhibit 2.

**Exhibit #3  
01-CPA-14**



**Exhibit 2  
Proposed Development Program**

Land Use	Size
Specialty Retail	34,429 Square Feet of Gross Floor Area
Quality Restaurant	21,516 SF GFA of Gross Floor Area
Office	151,601 Square Feet of Gross Floor Area
Hotel	230 Rooms
Apartment	145 Dwelling Units
Assisted Living Facility	199 Beds

A trip generation analysis was conducted to determine the trips generated by the previous development program compared to the proposed project. The trip generation analysis was based on rates and/or equations from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9<sup>th</sup> Edition, and obtained using the TripGen 2013 software. Worksheets are provided in *Attachment A*.

ITE recognizes that data obtained to establish trip generation rates and/or equations is collected at single-use, free-standing sites, and that mixed-use developments provide a potential for interaction of trips within the site, which must be accounted for separately. This will be a mixed-use project and the design will incorporate an internal road system to serve both automobiles and pedestrian and facilitate interaction of trips within the site, resulting in some satisfied on-site (*internal trips*). Internalization between the proposed uses was established based on the guidelines in ITE's *Trip Generation Manual User's Guide and Handbook*. Internalization worksheets are included in *Attachment A*.

Research shows that a percentage of retail trips to and from a site are "pass-by" trips. ITE describes *pass-by* as trips "attracted from traffic passing the site on an adjacent street". *Pass-by* trips are already using the existing roadway network. *Pass-by* trips were established based on the guidelines in the FDOT's *Site Impact Handbook*.

A review of transit availability in the vicinity of the project site indicates that several transit routes serve the area within 1 mile. A 5% deduction for mode split was used to consider other modes of transportation. Adjustments made to the trip generation estimates obtained using ITE trip generation rates



and/or equations are consistent with the adjustments used in the traffic study performed for the previously approved land uses. Exhibit 3 provides a summary the trip generation summary for the approved and proposed site plans. Trip generation/internalization worksheets are included in *Attachment A*.

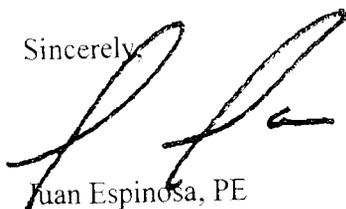
**Exhibit 3  
Project Trip Generation Summary**

Scenario	Weekday AM Peak Hour Vehicle Trips	Weekday PM Peak Hour Vehicle Trips
Approved Uses	528	536
Proposed Uses	465	625
Trip Difference	-63	89
<b>% Trips Reduction</b>	<b>-12%</b>	<b>16%</b>

The results of the trip generation analysis show decreases in net new external vehicular traffic for the AM peak hours from the previously approved land use plan. An increase is anticipated on a daily basis and PM peak hour. Based on this, it can be concluded that the proposed uses will have no additional impact to the adjacent roadway network than those in the approved traffic study.

We stand ready to provide any support needed for this project. Should you have any questions or comments, please call me at (305) 447-0900.

Sincerely,



Juan Espinosa, PE  
Vice-President – Transportation

**Attachments**

w:\13\13114\ngen oct 28 2013 parksquare aventura trip generation comparison letter\_october 28 2013.docx





# ATTACHMENT A

## Waterways Town Center Proposed Trip Generation Net New Trips

Approved Land Use	Number of Units	Daily	AM Peak			PM Peak		
			In	Out	Total	In	Out	Total
Retail (Land Use 826)	34,429 SF	1,526	0	0	0	41	52	93
Quality Restaurant (Land Use 931)	21,516 SF	1,935	0	0	0	108	53	161
Office (Land Use 710)	151,601 SF	1,801	235	32	267	42	206	248
Hotel (Land Use 310)	230 Rooms	1,879	71	51	122	71	67	138
Apartment (Land Use 220)	145 DUs	964	15	59	74	58	32	90
Assisted Living Facility (Land Use 254)	199 Beds	529	18	10	28	20	24	44
<b>ITE Trip Generation</b>		<b>8,634</b>	<b>339</b>	<b>152</b>	<b>491</b>	<b>340</b>	<b>434</b>	<b>774</b>
Internalization	Retail (Land Use 826)	-3			0			-8
	Quality Restaurant (Land Use 931)	-4			0			-13
	Office (Land Use 710)	-4			-1			-7
	Hotel (Land Use 310)	-4			-1			-10
	Apartment (Land Use 220)	-2			0			-7
	Assisted Living Facility (Land Use 254)	-1			0			-3
	-3%	-17	-1	-1	-2	-24	-24	-48
<b>External Trips</b>		<b>8,617</b>	<b>338</b>	<b>151</b>	<b>489</b>	<b>316</b>	<b>410</b>	<b>726</b>
Pass-by Trips (Restaurant) <sup>2</sup>	44%	-850	0	0	0	-28	37	-65
Transit/Pedestrian Trips	5%	-431	-17	-8	-24	-16	-21	-36
<b>Net New External Trips</b>		<b>7,336</b>	<b>321</b>	<b>144</b>	<b>465</b>	<b>272</b>	<b>353</b>	<b>625</b>

AM Internalization		Proposed Residential Land Use 220 / 310 / 254		Proposed Office Land Use 710		Proposed Retail Land Use 826 / 931	
		In	Out	In	Out	In	Out
31%	37	104	120	235	32	0	0
51%	14	0	0	0	0	0	0
		149	123	42	206	41	105

PM Internalization		Proposed Residential Land Use 220 / 310 / 254		Proposed Office Land Use 710		Proposed Retail Land Use 826 / 931	
		In	Out	In	Out	In	Out
31%	46	149	123	42	206	41	105
51%	15	0	0	0	0	0	0
		149	123	42	206	41	105

<sup>1</sup>The Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition.  
<sup>2</sup>ITE Specification Manual, User's Guide and Handbook, published by ITE.

Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Park Square Aventura - Approved Project

Open Date:  
Analysis Date:

Description:

ITE: Land Use	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
		Enter	Exit	Enter	Exit
710: General Office Building 142,248 Th.Sq.Ft. GFA [E]	1716	223	31	40	198
912: Drive-in Bank 4,923 Th.Sq.Ft. GFA [R]	729	34	25	60	60
826: Specialty Retail Center 17,393 Th.Sq.Ft. GFA [R]	771	0	0	21	26
310: Hotel 198 Rooms [R]	1618	61	44	61	58
937: Coffee/Donut Shop with Drive-Thru .992 Th.Sq.Ft. GFA [E]	812	51	49	21	21
437: Bowling Alley 18 Bowling Lanes [R]	600	34	22	17	10
220: Apartments 104 Dwelling Units [R]	692	10	43	42	22
<b>Total Driveway Volume</b>	<b>6928</b>	<b>413</b>	<b>214</b>	<b>262</b>	<b>395</b>
<b>Total Peak Hour Pass-By Trips</b>		<b>0</b>	<b>0</b>	<b>28</b>	<b>28</b>
<b>Total Peak Hour Vol. Added to Adjacent Streets</b>		<b>413</b>	<b>214</b>	<b>234</b>	<b>367</b>

Note: A zero indicates no data available.

Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Park Square Aventura - Proposed Project

Open Date:

Phase:

Analysis Date:

Description:

ITE: Land Use	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
		Enter	Exit	Enter	Exit
326: Specialty Retail Center 34.429 Th.Sq.Ft. GFA [R]	1526	0	0	41	52
331: Quality Restaurant 21.516 Th.Sq.Ft. GFA [R]	1935	0	0	108	53
710: General Office Building 151.601 Th.Sq.Ft. GFA [E]	1801	235	32	42	206
310: Hotel 230 Rooms [R]	1879	71	51	71	67
220: Apartments 145 Dwelling Units [R]	964	15	59	58	32
254: Assisted Living 199 Beds [R]	529	18	10	20	24
<b>Total Driveway Volume</b>	<b>8634</b>	<b>339</b>	<b>152</b>	<b>340</b>	<b>434</b>
<b>Total Peak Hour Pass-By Trips</b>		<b>0</b>	<b>0</b>	<b>48</b>	<b>23</b>
<b>Total Peak Hour Vol. Added to Adjacent Streets</b>		<b>339</b>	<b>152</b>	<b>292</b>	<b>411</b>

Note: A zero indicates no data available.

Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC



# Miami-Dade County Public Schools

*giving our students the world*

**Superintendent of Schools**  
Alberto M. Carvalho

**Miami-Dade County School Board**

*Perla Tabares Hantman, Chair*  
*Dr. Martin Karp, Vice Chair*  
*Dr. Dorothy Bendross-Mindingall*  
*Susie V. Castillo*  
*Carlos L. Curbelo*  
*Dr. Lawrence S. Feldman*  
*Dr. Wilbert "Tee" Holloway*  
*Dr. Marta Pérez*  
*Raquel A. Regalado*

October 18, 2013

**VIA ELECTRONIC MAIL**

Mr. Michael J. Marrero, Esquire  
Bercow Radell & Fernandez, P.A.  
200 South Biscayne Boulevard, Suite 850  
Miami, FL 33131

[mmarrero@brzoninglaw.com](mailto:mmarrero@brzoninglaw.com)

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS  
WATERWAYS TOWN CENTER – No. 01-CPA-14  
LOCATED AT NE 207 STREET AT NE 30 AVENUE, AVENTURA, FLORIDA  
PH2813100400889 – FOLIO No.: 2812340064610**

Dear Applicant:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, enclosed please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review) for informational purposes only.

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 147 multi-family units, which generate 26 students; 12 elementary, 7 middle and 7 senior high students. At this time, all three school levels have sufficient capacity available to serve the application. However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. As such, this analysis does not constitute a Public School Concurrency approval.

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,

Ivory M. Rodriguez, R.A.  
Director IIMR:ir

L-432

Enclosure

cc: Ms. Ana Rijo-Conde, AICP  
Ms. Vivian G. Villaamil  
City of Aventura  
School Concurrency Master File

**Exhibit #4  
01-CPA-14**

*Facilities Planning, Design and Sustainability*  
*Ana Rijo-Conde, AICP, Deputy Chief Facilities and Eco-Sustainability Officer*  
1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132  
305-995-7285 • 305-995-4760 (FAX) • [arijo@dadeschools.net](mailto:arijo@dadeschools.net)



### Miami-Dade County Public Schools

#### Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: PH2813100400889 Local Government (LG): Aventura  
 Date Application Received: 10/4/2013 3:27:27 PM LG Application Number: 01-CPA-14  
 Type of Application: Public Hearing Sub Type: Land Use

Applicant's Name: Waterways Town Center  
 Address/Location: NE 207 Street at NE 30 Avenue, Aventura  
 Master Folio Number: 2812340064610  
 Additional Folio Number(s):

PROPOSED # OF UNITS 147

SINGLE-FAMILY DETACHED UNITS: 0

SINGLE-FAMILY ATTACHED UNITS: 0

MULTIFAMILY UNITS: 147

#### CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
231	AVENTURA WATERWAYS K-8 CENTER (ELEM COMP)	-64	12	0	NO	Current CSA
231	AVENTURA WATERWAYS K-8 CENTER (ELEM COMP)	0	12	0	NO	Current CSA Five Year Plan
232	AVENTURA WATERWAYS K-8 CENTER (MID COMP)	-11	7	0	NO	Current CSA
232	AVENTURA WATERWAYS K-8 CENTER (MID COMP)	0	7	0	NO	Current CSA Five Year Plan
6241	HIGHLAND OAKS MIDDLE	-5	7	0	NO	Current CSA
6241	HIGHLAND OAKS MIDDLE	0	7	0	NO	Current CSA Five Year Plan
7141	DR MICHAEL M KROP SENIOR	-284	7	0	NO	Current CSA
7141	DR MICHAEL M KROP SENIOR	0	7	0	NO	Current CSA Five Year Plan

#### ADJACENT SERVICE AREA SCHOOLS

2441	VIRGINIA A BOONE HIGHLAND OAKS ELEMENTARY	35	12	12	YES	Adjacent CSA
6023	ANDOVER MIDDLE	140	7	7	YES	Adjacent CSA
7381	MIAMI NORLAND SENIOR	580	7	7	YES	Adjacent CSA

\*An Impact reduction of 19.5% included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7634 / 305-995-4760 fax / concurrency@dadeschools.net



# 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 (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)
Michael Marrero	Attorney
Jeff Berrow	Attorney
Dan Fortin, Jr.	Surveyor
Juan Espinosa	Traffic Engineer

(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 24<sup>th</sup> DAY OF October, 2013

AUTHORIZED REPRESENTATIVE OF APPLICANT.

(Signature) [Signature]  
 Name: Paulo Melo  
 (Print)  
 Title: Managing Member  
 Address: 150 SE 2nd Street, #800  
Miami, FL 33131

OWNER  
 By: [Signature]  
 Name: Paulo Melo  
 (Print)  
 Title: Managing Member  
 Address: 150 SE 2nd Street, #800  
Miami, FL 33131

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

Before me the undersigned authority personally appeared Paulo Melo 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 24<sup>th</sup> day of October, 2013 AFFIANT [Signature]

Notary Public State of Florida At Large  
Printed Name of Notary Joao Paulo de Miranda Leao  
My commission expires May 29, 2016





# BUSINESS RELATIONSHIP AFFIDAVIT\*

This Affidavit is made pursuant to Section 31-71(b)(2)(i) 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 24<sup>th</sup> DAY OF October 2013

APPLICANT:  
 By: \_\_\_\_\_ (Signature)  
 Name: Paulo Melo (Print)  
 Title: Mayor Member (Print)

Jeao Paulo de Miranda Leao  
 COMMISSION EXPIRES 12/31/16  
 WWW.FLORIDANOTARY.COM

WITNESS MY HAND THIS 24<sup>th</sup> DAY OF October 2013

PROPERTY OWNER  
 By: \_\_\_\_\_ (Signature)  
 Name: Paulo Melo (Print)  
 Title: Mayor Member (Print)

Jeao Paulo de Miranda Leao  
 COMMISSION EXPIRES 12/31/15  
 WWW.FLORIDANOTARY.COM

\*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 24 DAY OF October 2023

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name Michael Morris (Print)

Title Attorney (Print)

By: [Signature] (Signature)

Name Jeff Berlow (Print)

Title Attorney (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

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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.

WITNESS MY HAND THIS 24 DAY OF October 2013

REPRESENTATIVE (listed on Business Relationship Affidavit)

By [Signature] (Signature)  
Name Juan Espinosa (Print)  
Title V.P. (Print)

By \_\_\_\_\_ (Signature)  
Name: \_\_\_\_\_ (Print)  
Title: \_\_\_\_\_ (Print)

By \_\_\_\_\_ (Signature)  
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NOTARIZATION PROVISION

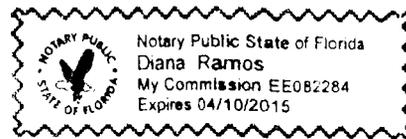
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Michael Morro 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 24 day of October, 2013

*[Signature]*  
Notary Public State of Florida At Large  
Diana Ramos  
Printed Name of Notary  
My commission expires \_\_\_\_\_



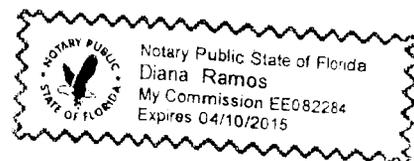
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Jeffrey Berroun 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 24 day of October, 2013

*[Signature]*  
Notary Public State of Florida At Large  
Diana Ramos  
Printed Name of Notary  
My commission expires \_\_\_\_\_



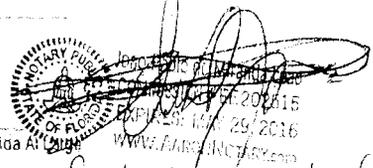
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Paulo Melo 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 24th day of October, 2013

*[Signature]*  
Notary Public State of Florida At Large  
Juan Pablo de Miranda Vas  
Printed Name of Notary  
My commission expires May 29th 2016



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

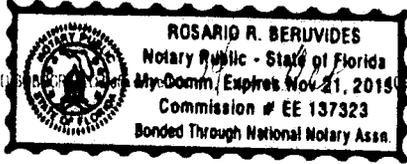
SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
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 Juan Espinosa 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 [Signature]

[Signature]  
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 )

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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



### 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)

- 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.
- 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:

- Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- 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.
- 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.
- A City Commissioner or Board member is a Client of the Applicant or Representative.
- 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.
- 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 24 DAY OF OCTOBER, 2013

APPLICANT  
 By [Signature] (Signature)  
 Name: DANFORN ST (Print)  
 Title: SURVEYOR (Print)

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_

PROPERTY OWNER:  
 By \_\_\_\_\_ (Signature)  
 Name: \_\_\_\_\_ (Print)  
 Title: \_\_\_\_\_ (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 24<sup>th</sup> DAY OF OCTOBER ~~200~~ 2013

REPRESENTATIVE (Used on Business Relationship Affidavit)

By [Signature] (Signature)  
Name DANIEL C. FORTIN, JR. (Print)  
Title VICE PRESIDENT (Print)  
FERDIN LEANY SKILLES

By \_\_\_\_\_ (Signature)  
Name \_\_\_\_\_ (Print)  
Title \_\_\_\_\_ (Print)

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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 \_\_\_\_\_  
executed this Affidavit for the purposes stated therein and that it is true and correct.

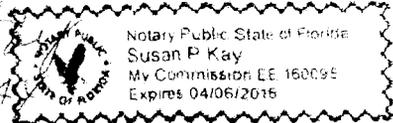
*Dan Fortin Jr*

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

AFFIANT

SWORN TO AND SUBSCRIBED before me this 24 day of October 2013

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



STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

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AFFIANT

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 200

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Printed Name of Notary  
My commission expires

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

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Printed Name of Notary  
My commission expires

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

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

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

ORDINANCE NO. 2014-\_\_

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE COMPREHENSIVE MASTER PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR A 3.359 ACRE PARCEL OF LAND LOCATED ON NE 207 STREET AT NE 30 AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" TO THIS ORDINANCE, FROM MEDIUM HIGH DENSITY RESIDENTIAL TO TOWN CENTER; AND AMENDING THE COMPREHENSIVE MASTER PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION OF A 4.032 ACRE PARCEL OF LAND LOCATED ON NE 207 STREET AT NE 30 AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "B" TO THIS ORDINANCE, FROM BUSINESS AND OFFICE TO TOWN CENTER; PROVIDING FOR TRANSMITTAL TO THE AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Division of Community Planning of the Florida Department of Economic Opportunity found in compliance the City of Aventura Comprehensive Plan (the "Plan") in March 2007; and

**WHEREAS**, the Future Land Use Map of the Plan designated the 3.359 acre parcel of land described in Exhibit "A" as Medium High Density Residential; and

**WHEREAS**, the Future Land Use Map of the Plan designated the 4.032 acre parcel of land described in Exhibit "B" as Business and Office; and

**WHEREAS**, the owner, through Application No. 01-CPA-14, has made application to the City to change the land use designation of the 3.359 acre parcel of land from Medium High Density Residential to Town Center and to change the land use designation of the 4.032 acre parcel of land from Business and Office to Town Center; and

**WHEREAS**, the Plan amendments will not result in impacts on any infrastructure system that will exceed established level of service standards and is otherwise consistent with the goals, objectives and policies of the Plan; and

**WHEREAS**, the City Commission believes that it is in the best interest of the public to amend the Future Land Use Map designations on the subject property from the Business and Office and Medium High Density Residential designations to the Town Center designation; and

**WHEREAS**, the proposed amendments to the Future Land Use Map designation were reviewed by the City Commission, sitting as the Local Planning Agency designated under Section 163.3174, Florida Statutes, following an advertised public hearing; and

**WHEREAS**, the City Commission finds that the amendments will maintain the unique aesthetic character of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing whereas clauses are hereby ratified and incorporated into this Ordinance.

**Section 2. Purpose.** This Ordinance is intended to preserve the unique aesthetic character of the City and ensure that adjacent land uses are compatible and to protect property values, create a better business climate, enhance the physical appearance of the community and preserve the natural beauty of the City.

**Section 3. Amendment of Future Land Use Map Designation.** The future land use map designation of the parcel of land situate on NE 207 Street at NE 30 Avenue more particularly described in Exhibit "A" to this ordinance, totaling 3.359 acres is hereby changed from Medium High Density Residential to Town Center.

**Section 4. Amendment of Future Land Use Map Designation.** The future land use map designation of the parcel of land situate on NE 207 Street at NE 30 Avenue more particularly described in Exhibit "B" to this ordinance, totaling 4.032 acres is hereby changed from Business and Office to Town Center.

**Section 5. 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 6. Inclusion in the Comprehensive Plan.** It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Comprehensive Plan of the City of Aventura and that the Future Land Use Map of the Comprehensive Plan shall be revised so as to accomplish such intentions.

**Section 7. Transmittal.** The City Clerk is directed to transmit the amendment to the Division of Community Planning of the Florida Department of Economic Opportunity as provided under Chapter 163, Part II of the Florida Statutes.

**Section 8. Effective Date.** This Ordinance shall be effective pursuant to Chapter 163 of the Florida Statutes.

The foregoing Ordinance was offered by Commissioner Holzberg, who moved its adoption on first reading. This motion was seconded by Commissioner Cohen, and upon being put to a vote, the vote was as follows:

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

The foregoing Ordinance was offered by Commissioner \_\_\_\_\_, who moved its adoption on second reading. This 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 Michael Stern	___
Commissioner Luz Urbáez Weinberg	___
Vice Mayor Howard Weinberg	___
Mayor Susan Gottlieb	___

**PASSED** on first reading this 7<sup>th</sup> day of January, 2014.

**PASSED AND ADOPTED** on second reading this 4<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
SUSAN GOTTLIEB, MAYOR

ATTEST:

\_\_\_\_\_  
TERESA M. SOROKA, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
CITY ATTORNEY

## LEGAL DESCRIPTION

All of Lots 15 through 32 and a portion of Lots 14 and 33, all in Block 18, HALLANDALE PARK NO. 8, including the ten (10) foot alleys adjacent to said lots, lying within said Block 18, as recorded in Plat Book 20 at Page 49. All of Lots 15 through 36 and a portion of Lots 14 and 37, all in Block 17, HALLANDALE PARK NO. 8, including the ten (10) foot alleys adjacent to said lots in Block 17, as recorded in Plat Book 20 at Page 49. That portion of the North One-half of N.E. 205<sup>th</sup> Street abandoned by Resolution No. 2000-11 recorded in O.R.B. 19247 at Page 4677. That portion of N.E. 206<sup>th</sup> Street bounded on the North by Block 18 and bounded on the South by Block 17 all being as shown on HALLANDALE PARK NO. 8, AS RECORDED IN Plat Book 20 at Page 49. A portion of land bounded by on the North by a line 81.00 feet South of and parallel or concentric with the North line of Waterways Boulevard as shown on AVENTURA CORPORATE CENTER, as recorded in Plat Book 158, Page 47, and bounded on the South by the North line of Block 18, HALLANDALE PARK NO. 8, as recorded in Plat Book 20 at Page 49, all the above plats being more particularly described as follows:

Commence at the intersection of the centerline of N.E. 205<sup>th</sup> Street and the centerline of N.E. 30<sup>th</sup> Avenue, both as shown on said PLAT OF HALLANDALE PARK NO. 8; thence North 89°53'41" West along said centerline of N.E. 205<sup>th</sup> Street for 296.98 feet to the Point of Beginning of the hereinafter described parcel of land; thence North 00°00'00" East for 422.33 feet; thence North 90°00'00" West for 119.97 feet; thence North 00°00'00" East for 135.92 feet; thence North 76°00'36" West along a line 81.00 feet South of and parallel with North right-of-way line of Waterways Boulevard for 204.27 feet to a point of curvature; thence Southwesterly along a 25.00 foot radius curve, leading to the left, through a central angle of 104°55'50" for an arc distance of 45.78 feet to a point of tangency; thence South 00°56'26" East along the West line of said Blocks 17 and 18 and the Northerly extension thereof for 533.59 feet to a point of curvature; thence Southeasterly along a 25.00 foot radius curve, leading to the left, through a central angle of 88°57'15" for an arc distance of 38.81 feet to a point of tangency; thence South 89°53'41" East along the South line of said Block 17 for 299.35 feet; thence South 00°56'20" East for 25.00 feet; thence South 89°53'41" East for 18.67 feet to the Point of Beginning.

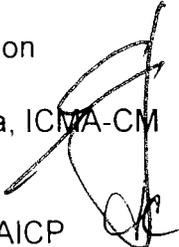
**Exhibit "B"**

**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: October 28, 2013

SUBJECT: Amendment of the Official Zoning Map of the City of Aventura by amending the zoning designation for a parcel of land on NE 207 Street at NE 30 Avenue totaling 7.391 acres from B2, Community Business District, to TC3, Town Center Neighborhood District (01-REZ-14)

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November 5, 2013 Local Planning Agency Agenda Item 4-B

January 7, 2014 City Commission Meeting Agenda Item 7-B

February 4, 2014 City Commission Meeting Agenda Item 8-B

**RECOMMENDATION**

It is recommended that the City Commission approve an amendment of the Official Zoning Map of the City of Aventura by amending the zoning designation for a parcel of land on NE 207 Street at NE 30 Avenue totaling 7.391 acres from B2, Community Business District to TC3, Town Center Neighborhood upon recordation of the applicant's proffered covenant to fulfill the conditions of Resolution No. 2006-61.

**THE REQUEST**

The applicant is requesting an amendment to the Official Zoning Map to change the zoning designation of a parcel of land on NE 207 Street at the corner of NE 30 Avenue totaling 7.391 acres from B2 (Community Business District) to TC3 (Town Center Neighborhood District). (See Exhibit #1 for Letter of Intent)

The current landholding of the applicant is 5.932 acres. The total development site

area will be 7.391 acres once the applicant fulfills the conditions of Resolution No. 2006-61 which abandons 1.459 acres of unopened right of way of NE 206 Street, part of the unopened right of way of NE 207 Street and two 10 foot unopened alleyways on the plats. A copy of Resolution No. 2006-61 is attached as Exhibit #2 to this report.

The TC3 zoning district is intended to provide suitable sites for the development of structures and sites with a minimum size of 5 acres, 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 is required to provide for indoor and/or outdoor commercial recreation uses, a minimum of 20,000 square feet of assisted living facility use and hotels as part of its commercial uses. Residential densities cannot exceed 20 dwelling units per acre and non-residential densities cannot exceed 2.0 floor area ratio.

The subject property meets the lot size and road frontage criteria of the TC3 zoning district. Future development will be required to comply with the site development criteria of the zoning district.

**BACKGROUND**

<b>OWNER OF PROPERTY</b>	Aventura Land Ventures, LLC
<b>NAME OF APPLICANT</b>	Aventura Land Ventures, LLC
<b>LOCATION OF PROPERTY</b>	NE 207 Street at NE 30 Avenue See Exhibit #3 for Location Map
<b>SIZE OF PROPERTY</b>	Approximately 7.391 acres subject of rezoning request (total landholding is 7.391 acres including 1.459 acres of unopened rights of way abandoned by Resolution No. 2006-61)

**DESCRIPTION /BACKGROUND**

The site is vacant land owned by the applicant and is comprised of seventy-seven platted lots in Blocks 17 and 18 of the Hallandale Park No. 8 plat, Tract 1 on the plat of Lauranna and Tract 1 on a replat of Hallandale Park No. 8. The landholding referred to in this report also includes the unopened platted right of way of NE 206 Street, part of the unopened platted right of way of NE 207 Street and two 10 foot unopened platted alleyways.

On adoption of the City's Comprehensive Plan in 1998 and the Land Development Regulations in 1999, this property was designated as Business and Office on the Future Land Use Map and was zoned Community Business (B2) District on the Zoning Map.

In 2006, the previous owner of the land applied to the City Commission for an amendment to the future land use map and for amendment to the Official Zoning Map to change the easterly portion of the site comprising 3.359 acres from Business and Office to Medium High Density Residential and from B2, Community Business District to RMF3A, Multifamily Medium Density Residential District. The future land use map amendment was approved by the City Commission through Ordinance No. 2006-14. The zoning amendment was approved by the City Commission through Ordinance No. 2006-15. This zoning amendment was approved on the condition that the owner record a covenant restricting the residential density to no more than 31 dwelling units per acre.

The 2006 development did not proceed. The covenant required by Ordinance No. 2006-15 was not recorded. Therefore, the RMF3A zoning did not become effective and the entire parcel remains as B2, Community Business District.

The current owner wishes to develop a mixed-use project under the TC3, Town Center Neighborhood district regulations. In order to do so, the owner has requested a concurrent amendment to the future land use map to designate the parcel as Town Center to facilitate this request for rezoning to Town Center Neighborhood (TC3) District.

Although no formal site plan has been submitted for review by the City, the applicant has presented its preliminary development proposal to the City Commission at the workshop meeting of May 16, 2013. The site plan application ultimately submitted must comply with the TC3 district zoning development criteria which includes provision of residential, non-residential, assisted living use, hotel and indoor or outdoor recreational uses in the Town Center.

## **ANALYSIS**

### **Future Land Use Designation**

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

### **Zoning**

Subject Property:	B2, Community Business District
Properties to the North:	OP, Office Park District
Properties to the South:	CF, Community Facilities District
Properties to the East:	RMF3, Multifamily Medium Density Residential District

Properties to the West: B2, Community Business District

### Existing Land Use

Subject property: vacant  
Properties to the North: office  
Properties to the South: religious facility and school  
Properties to the East: residential  
Properties to the West: retail plaza

**Access** – The parcel is bounded by NE 207 Street to the north, NE 30 Avenue to the east and NE 29 Avenue to the west.

**Conformity to City Comprehensive Plan** – The proposed zoning amendment will conform to the City Comprehensive Plan upon approval of the concurrent application to amend the future land use map designation on this parcel from Business and Office and Medium High Density Residential to Town Center.

**The standards for reviewing proposed amendments to the Official Zoning Map, found in Section 31-77 of the Land Development Regulations, are:**

1. *Whether or not the proposed amendment is consistent with goals, objectives and policies of the City's Comprehensive Plan.*

The proposed amendment will be consistent with goals, objectives and policies of the City's Comprehensive Plan provided the City Commission approves an amendment to the land use designation for this parcel from Business and Office and Medium High Density Residential to Town Center.

2. *Whether or not the proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.*

The proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses, which are residential to the east and non-residential to the north, south and west.

3. *Whether or not the subject property is physically suitable for the uses permitted in the proposed district.*

The subject property is physically suitable for the uses permitted in the proposed district. The location and size of the property meets the criteria for development of a TC3 zoning district development.

4. *Whether or not there are sites available in other areas currently zoned for such use.*

There are no other sites available in other areas currently zoned for such use. The TC3 zoning district was adopted by the City Commission on October 1, 2013.

5. *If applicable, whether or not the proposed change will contribute to redevelopment of an area in accordance with an approved redevelopment plan.*

This standard is not applicable to this proposed amendment.

6. *Whether or not the proposed change would adversely affect traffic patterns or congestion.*

The traffic generation table provided later in this report shows an expected decrease in a.m. peak trips, an increase in p.m. peak trips and an overall increase in daily trips. Based on review of the applicant's traffic generation report by the City's Traffic Engineering Consultant, this increase in daily trips will not adversely affect traffic patterns or congestion provided that the applicant submits, as part of the site plan review process, a detailed Traffic Study that proposes access, circulation, safety and transit improvements to mitigate the expected increased trips.

7. *Whether or not the proposed change would adversely impact population density such that the demand for water, sewers, streets, recreational areas and facilities, and other public facilities and services would be adversely affected.*

A calculation of the impact on population density is shown in the table below.

<i>Property Location</i>	<i>Lot Size</i>	<i>Increase in Density</i>	<i>Population Factor</i>	<i>Overall Increase in Population</i>
NE 207 Street at NE 30 Avenue	7.391 ac	20 du/ac (density limited by zone)	1.99	294 persons

- The proposed change would not adversely affect population density such that the demand for water, sewers, streets, and other public facilities and services would be adversely affected. The applicant will be required to demonstrate, as part of the site plan review process, that levels of service specified in the City's Land Development Regulations are met.

8. *Whether or not the proposed change would have an adverse environmental impact on the vicinity.*

The proposed change will not have an adverse environmental impact on the vicinity.

9. *Whether or not the proposed change would adversely affect the health, safety, and welfare of the neighborhood or the City as a whole.*

The proposed change will not adversely affect the health, safety, and welfare of the neighborhood or the City as a whole.

**Traffic Generation** – The applicant’s traffic engineer has prepared traffic generation information relative to the previously approved development and the proposed amendment. The letter dated October 28, 2013 prepared by David Plummer & Associates is attached as Exhibit #4.

<b>Applications Area (7.391 acres)</b>	<b>Land Use Category</b>	<b>Daily Trips</b>	<b>AM Peak Hour Trips</b>	<b>PM Peak Hour Trips</b>
Previously Approved Development	Business & Office and Medium High Density Residential	5,878	528	536
Proposed Development	Town Center	7,336	465	625

As can be seen from the table above, the proposed town center land use designation generates decreased a.m. peak hour trips, increased pm peak hour trips and increased daily trips. The applicant will be required, through the site plan review process, to provide a detailed Traffic Study and to propose access, circulation, safety and transit improvements to accommodate the increased trips.

**School Impacts** - The application has been provided for comment to the Miami Dade County Public Schools in accordance with the Interlocal Agreement entered into between the City and the Schools in February of 2003. Also in accordance with the Interlocal Agreement, the Public Schools has been invited as a non-voting member of the Local Planning Agency for this application.

The School’s Preliminary Concurrency Analysis dated October 18, 2013 is attached as Exhibit #5. This analysis notes that, at this time, all three public school levels, that is, elementary, middle and senior high public school, have sufficient capacity available for this proposal. Final determination of public school concurrency will be made by the School Board at the time of final site plan approval.



**BERCOW RADELL & FERNANDEZ**  
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: 305-377-6238  
E-MAIL: [mmarrero@brzoninglaw.com](mailto:mmarrero@brzoninglaw.com)

VIA FACSIMILE AND E-MAIL

October 9, 2013

Ms. Joanne Carr  
Community Development Director  
City of Aventura  
19200 West Country Club Drive, 4<sup>th</sup> Floor  
Aventura, Florida 33180

Re: Amendment to Official Zoning Map re Waterways Town Square

Dear Joanne:

This law firm represents Aventura Land Ventures, LLC (the "Applicant"), with regard to an application to amend the City of Aventura Zoning Map and Future Land Use Map for the assemblage of properties at the SW corner of NE 207 Street and 30<sup>th</sup> Avenue (the "Property") to be designated as Town Center in the Future Land Use Map and TC3 in the Zoning Map.

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 commercial recreation, as well as a hotel, retail, office and some residential units. On October 1, 2013, the City Commission adopted an amendment to its Land Development Regulations to create the TC3 zoning district, which the Applicant seeks to rezone to.

Section 33-77(f) of the City Code provides standards that staff and the City Commission shall consider when reviewing proposed amendments to City's Official Zoning Map. The Applicant's request addresses each of the standards as follows:

**Exhibit #1**  
**01-REZ-14**

- (1) **The proposed amendment is consistent with goals, objectives and policies of the City's Comprehensive Plan.**

Presently, the Property is designated as Business and Office and Medium-High Density Residential on the Future Land Use Map. Concurrent with the rezoning request, the Applicant also seeks a redesignation to Town Center in the Future Land Use Map. With that requested designation, the proposed amendment would be consistent with the City's Comprehensive Plan.

- (2) **The proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.**

The Property is generally surrounded by commercial uses to the south, north and west and with residential uses to the east. Therefore, a mixed use development would be compatible in the center of all of these uses.

- (3) **The subject property is physically suitable for the uses permitted in the proposed district.**

The location and size of the Property make it especially suitable for a mixed use development, such as is contemplated with the TC3 zoning district.

- (4) **There are sites available in other areas currently zoned for such use.**

The City does not really contain a current size with the available amount of aggregated parcels which would make a true mixed use development such as this feasible. More importantly, there are no areas in the City currently zoned for this use because the zoning district was just adopted on October 1, 2013.

- (5) **If applicable, the proposed change will contribute to redevelopment of an area in accordance with an approved redevelopment plan.**

Not applicable.

- (6) **The proposed change would adversely affect traffic patterns or congestion.**

Upon site plan approval, the Applicant will submit a traffic study, if required, to address any traffic impacts and would mitigate impacts as necessary.

- (7) **The proposed change would adversely impact population density such that the demand for water, sewers, streets, recreational areas and facilities, and other public facilities and services would be adversely affected.**

The Applicant does not anticipate any adverse impacts to the City's infrastructure as a result of its development of the Property. Nevertheless, these issues can be further reviewed upon site plan submittal.

- (8) **Whether the proposed change would have an adverse environmental impact on the vicinity.**

The Applicant does not anticipate any adverse environmental impact with the development of the Property. Further, the Applicant intends to incorporate some environmentally friendly elements to the project.

- (9) **Whether the proposed change would adversely affect the health, safety, and welfare of the neighborhood or the City as a whole.**

The development of this long-vacant parcel is only expected to enhance safety and welfare within the surrounding area.

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,



Michael J. Marrero

**RESOLUTION NO. 2006-61**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA ABANDONING THAT PORTION OF NE 206 STREET BETWEEN BLOCKS 17 AND 18 ON THE PLAT OF HALLANDALE PARK NO. 8, THE 10 FOOT WIDE ALLEYWAYS IN BLOCK 18 AND A PORTION OF THE 10 FOOT WIDE ALLEY ADJACENT TO LOTS 1 & 42 IN BLOCK 17 ON THE PLAT OF HALLANDALE PARK NO. 8 AND THAT PORTION OF NE 207 STREET LYING NORTH OF BLOCK 18 ON THE PLAT OF HALLANDALE PARK NO. 8 AND LYING 81 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF WATERWAYS BOULEVARD ON THE PLAT OF AVENTURA CORPORATE CENTER; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Applicant, Aventura Land Trust LLC and Aventura Land Trust 2 LLC, through Application No. 01-AR-06, has requested abandonment of that portion of NE 206 Street lying between Block 17 and 18 on the plat of Hallandale Park No. 8, the ten foot wide alley in Block 18 and adjacent to Lots 1 & 42 in Block 17 on the plat of Hallandale Park No. 8 and a portion of NE 207 Street lying north of Block 18 on the plat of Hallandale Park No. 8 and 81 feet south of and parallel with the north line of Waterways Boulevard on the plat of Aventura Corporate Center, containing a total of approximately 1.466 acres; and

**WHEREAS** the Applicant has proffered to the City the sum of \$750,000.00 as an impact offset to compensate the City for loss of potential landscape corridor resulting from the abandonment of such rights of way and alleyways and the City Commission has accepted such proffer; and

**Exhibit #2  
01-REZ-14**

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

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

**Section 1.** Application No. 01-AR-06 for abandonment of that portion of NE 206 Street lying between Block 17 and 18 on the plat of Hallandale Park No. 8, the ten foot wide alley in Block 18 and adjacent to Lots 1 & 42 in Block 17 on the plat of Hallandale Park No. 8 and a portion of NE 207 Street lying north of Block 18 on the plat of Hallandale Park No. 8 and 81 feet south of and parallel with the north line of Waterways Boulevard on the plat of Aventura Corporate Center, containing a total of approximately 1.466 acres legally described in Exhibits "A", "B", "C" and "D" respectively to this Resolution, is hereby granted as in the public interest, subject to the following conditions precedent:

1. That the applicant record a Unity of Title or Declaration of Restrictions in lieu of Unity of Title in form satisfactory to the City Attorney to join the abandoned rights of way and alleys with the abutting land owned by the applicant, or, in the alternative, apply for and obtain a replat which combines the property and the abandoned rights of way and alleys as one parcel.
  
2. That the applicant record a covenant, in form satisfactory to the City Attorney, that the abandoned portion of right of way of NE 207 Street and the abandoned portion of right of way lying south of Waterways Boulevard be preserved as landscaped open space and maintained as such for perpetuity by the owner and that the only structures permitted on this portion of abandoned right of way be

public amenities such as paved walkways, benches, fountains, lighting fixtures and trash receptacles.

3. That the applicant dedicate an easement to the agencies having jurisdiction over the existing water and sewer lines in the abandoned portion of NE 207 Street.

4. That the applicant provide to the City the proffered funds as described in the recitals of this Resolution.

**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.

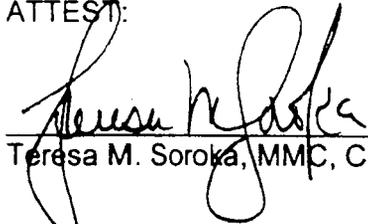
The foregoing Resolution was offered by Commissioner Joel, who moved its adoption. The motion was seconded by Vice Mayor Holzberg, and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach	yes
Commissioner Billy Joel	yes
Commissioner Bob Diamond	yes
Commissioner Michael Stern	yes
Commissioner Harry Holzberg	yes
Commissioner Luz Urbaz Weinberg	yes
Mayor Susan Gottlieb	yes

**PASSED AND ADOPTED** this 3<sup>rd</sup> day of October, 2006.

  
Susan M. Gottlieb, Mayor

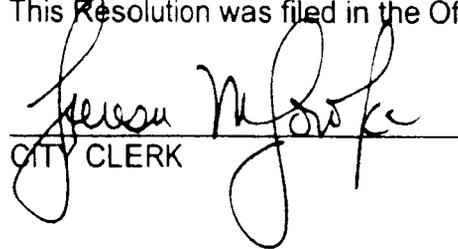
ATTEST:

  
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 4<sup>th</sup> day of October, 2006.

  
CITY CLERK

**Exhibit A**

**LEGAL DESCRIPTION:**

That portion of N.E. 206TH Street (Sunset Boulevard) being adjacent to Block 17 and Block 18 Hallandale Park No. 8 plat book 20, page 49 Public Records of Miami-Dade County, Florida, lying and being in Section 34, Township 51 South, Range 42 East City of Aventura, Miami-Dade County Florida and being more particularly described as follows:

Commence at the Southwest corner of Lot 26 of said Block 17; thence N00°56'26"W along the west line of said Block 17, also being the east right-of-way line of N.E. 29th Avenue (Harvard Avenue as shown on said plat book 20, page 49) for 76.88 feet to the POINT OF BEGINNING of the tract land hereinafter to be described; thence continue N00°56'26"W along said east right-of-way line of N.E. 29th Avenue (Harvard Avenue) for 100.02 feet to a point of cusp; the following three (3) courses being along the southerly line of said block 18, (1) thence southeasterly along a 25.00 foot radius curve leading to the left through a central angle of 88°55'37" for an arc of 38.83 feet to a point of tangency; (2) thence S89°52'03"E for 559.89 feet to a point of curvature; (3) thence northeasterly along a 25.00 foot radius curve leading to the left through a central angle of 91°00'27" for an arc of 39.71 feet to a point of cusp; thence S00°52'30"E along the southerly projection of the east line of said block 18, said line also being the west right-of-way of N.E. 30th Avenue (Dixie Highway as shown on said plat book 20, page 49) for 100.02 feet to a point of cusp; the following three (3) course leading along the northerly line of said block 18, (1) thence northwesterly along a 25.00 foot radius curve leading to the left through a central angle of 88°59'33" for an arc of 38.83 feet to a point of tangency; (2) thence N89°52'03"W for 559.77 feet to a point of curvature; (3) thence southwesterly along a 25.00 foot radius curve leading to the left through a central angle of 91°04'23" for an arc of 39.74 feet to the POINT OF BEGINNING.

**SURVEYOR'S NOTES:**

- This site lies in Section 34, Township 51 South, Range 42 East, City of Aventura, Miami-Dade County, Florida.
- Bearings hereon are referred to an assumed value of S89°52'03"E for the north line of said Block 17.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Lands shown hereon containing 31,029 square feet, or 0.712 acres, more or less.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, Sketch #297D-153-1.

**SURVEYOR'S CERTIFICATION:**

I hereby certify that this "Sketch of Description" was made under my responsible charge on February 24, 2004, and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

FORTIN, LEAVY, SKILES, INC., LB3653

By:   
Daniel C. Fortin, For The Firm  
Surveyor and Mapper, LS2853  
State of Florida.

Drawn By	DWF
Cad. No.	000600
Ref. Dwg.	297D-153-1
Plotted:	2/24/04

<b>DESCRIPTION, NOTES, &amp; CERTIFICATION</b>
<b>FORTIN, LEAVY, SKILES, INC.</b> CONSULTING ENGINEERS, SURVEYORS AND MAPPERS 180 Northeast 168th. Street / North Miami Beach, Florida 33162 Ph. 305-653-4493 / Fax 305-651-7152

Date	2/24/04
Scale	NOT TO SCALE
Job. No.	040342
Dwg. No.	1000A-035-C
Sheet	1 of 2

# EXHIBIT "A"

WATERWAYS BOULEVARD

NORTH LINE OF SOUTHWEST 1/4 OF SECTION 34-51-42  
**N.E. 207th STREET** CENTER OF OF SECTION 34-51-42

26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42

**B L O C K 18**

HALLANDALE PARK NO. 8  
 PLAT BOOK 20 PAGE 49

TRACT 1  
 LAURANNA  
 PLAT BOOK 76  
 PAGE 31

25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9

A=88°55'37"  
 R=25.00'  
 L=38.80'

S89°52'03"E  
 559.89

A=91°00'27"  
 R=25.00'  
 L=39.71'

NORTHERLY RIGHT-OF-WAY LINE OF N.E. 206TH STREET

**N.E. 206TH STREET (SUNSET BOULEVARD)**

N00°56'26"W  
 100.02

S00°52'30"E  
 100.02

SOUTHERLY RIGHT-OF-WAY LINE OF N.E. 206TH STREET

**B L O C K 17**

HALLANDALE PARK NO. 8  
 PLAT BOOK 20 PAGE 49

A=88°59'33"  
 R=25.00'  
 L=38.83'

N89°52'03"W  
 559.77

A=91°04'23"  
 R=25.00'  
 L=39.74'

26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42

POINT OF COMMENCEMENT

25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9

**N.E. 205TH STREET**

THE PROMENADE SHOPS  
 PLAT BOOK 133, PAGE 39

TRACT "B" - AVENTURA JEWISH  
 CENTER - PLAT BOOK 147 PAGE 63

GRAPHIC SCALE



( IN FEET )  
 1 inch = 100 ft.



THE PROMENADE SHOPS PER PLAT BOOK 133, PAGE 39  
**N.E. 29TH AVENUE** (HARVARD AVENUE) PLAT BOOK 20, PAGE 49  
 WESTERLY RIGHT-OF-WAY LINE OF N.E. 29TH AVENUE

EASTERLY RIGHT-OF-WAY LINE OF N.E. 30TH AVENUE  
**N.E. 30TH AVENUE** (DIXIE HIGHWAY) PLAT BOOK 20, PAGE 49  
 TRACT "S" - FOURTH ADDITION BISCAYNE YACHT AND COUNTRY CLUB PLAT BOOK 92, PAGE 86

Drawn By	DWF
Cad. No.	000600
Ref. Dwg.	297D-153-1
Plotted:	2/24/04

SKETCH OF DESCRIPTION

FORTIN, LEAVY, SKILES, INC.

CONSULTING ENGINEERS, SURVEYORS AND MAPPERS

180 Northeast 188th Street / North Miami Beach, Florida. 33162

Ph. 305-853-4493 / Fax 305-651-7152

Date	2/24/04
Scale	1"=100'
Job. No.	040342
Dwg. No.	1000A-035-C
Sheet	2 of 2

## Exhibit B

### LEGAL DESCRIPTION:

10 foot alley within Block 18, HALLANDALE PARK NO. 8, according to the plat thereof, as recorded in Plat Book 20 at Page 49 of the Public Records of Miami-Dade County, Florida, lying and being in the City of Aventura and being more particularly described as follows:

Begin at the Southwest corner of Lot 26 of said Block 18; thence South 89°51'13" East along the South line of Lots 26 through 42 of said Block 18 for 500.02 feet to the Southeast corner of said Lot 42, Block 18; thence North 00°52'30" West along the East line of said Lot 42 for 102.23 feet to the Northwest corner of said Lot 42; thence South 89°50'24" East along the South right-of-way line of N.E. 207th Street as shown on said Plat Book 20 at Page 49 for 10.00 feet; thence South 00°52'30" East along the Westerly line of Lots 7 and 8 of said Block 18 and also along the West line of Tract 1 of LAURANNA according to the plat thereof as recorded in Plat Book 76 at Page 31 of said Public Records of Miami-Dade County, Florida, for 204.46 feet to the Southwest corner of said Lot 8; thence North 89°52'03" West along the North right-of-way line of N.E. 206th Street as shown on said Plat Book 20 at Page 49 for 10.00 feet to the Southeast corner of Lot 9 of said Block 18; thence North 00°52'30" West along the East line of said Lot 9, Block 18 for 102.23 feet to the Northeast corner of said Lot 9; thence North 89°51'13" West along Lots 9 through 25 of said Block 18 for 500.01 feet to the Northwest corner of said Lot 25; thence North 00°56'26" West along the East right-of-way line of N.E. 29th Avenue as shown on said Plat Book 20 at Page 49 for 10.00 feet to the Point of Beginning.

### SURVEYOR'S NOTES:

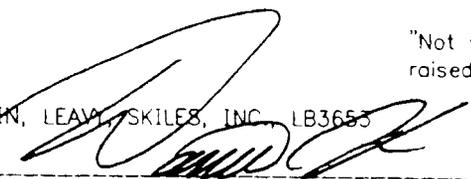
- This site lies in Section 34, Township 51 South, Range 42 East, City of Aventura, Miami-Dade County, Florida.
- Bearings hereon are referred to an assumed value of S89°52'03"E for the north right-of-way line of N.E. 206th Street.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Lands shown hereon containing 7,145 square feet, or 0.164 acres, more or less.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch # 297D-153.

### SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on March 29, 2004, and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC. LB3653

By: 

Daniel C. Fortin, For The Firm  
Surveyor and Mapper, LS2853  
State of Florida.

### DESCRIPTION, NOTES & CERTIFICATION

## FORTIN, LEAVY, SKILES, INC.

CONSULTING ENGINEERS, SURVEYORS & MAPPERS

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653

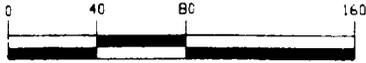
180 Northeast 168th Street / North Miami Beach, Florida. 33162

Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Drawn By	DWF
No.	040621
Dwg.	297D-153
Plotted:	9/14/06 10:50a

Date	3/29/04
Scale	NONE
Job No.	040621
Dwg. No.	1004-048
Sheet	1 of 3

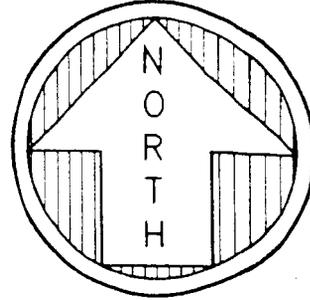
GRAPHIC SCALE



( IN FEET )

1 inch = 80 ft.

# EXHIBIT "A"



BISCAYNE WATERWAYS FIRST ADDITION  
PER PLAT BOOK 126, PAGE 18

WATERWAYS

BOULEVARD

NORTHERLY RIGHT-OF-WAY  
LINE OF NE 207th STREET

NORTH LINE OF SOUTHWEST 1/4  
OF SECTION 34-51-42

N.E. 207th STREET

SOUTH RIGHT-OF-WAY LINE OF  
N.E. 207TH STREET  
PLAT BOOK 20, PAGE 49

S89°50'24"E  
10.00'

18

POINT OF BEGINNING  
SOUTHWEST CORNER OF LOT 26

S89°51'13"E

500.02'

SOUTHEAST CORNER OF LOT 42

N 00°52'30" W  
102.23'

214.46'

TRACT 1  
LAURANNA  
PLAT BOOK 76,  
PAGE 31

UNIMPROVED

S89°51'13"E

500.01'

NORTHEAST CORNER OF LOT 5

N 00°52'30" W  
102.23'

S 00°52'30" E  
10' ALLEY PER  
P.B. 20, PG. 49

WEST LINE OF TRACT LAURANNA &  
WEST LINE OF LOTS 7 & 8 OF BLOCK 18

LOT 7  
LOT 8

N.E. 29th AVENUE

N00°56'26"W  
10.00'

SOUTHWEST CORNER OF LOT 26

N.E. 206th STREET

N89°52'03"W  
10.00'

NORTH RIGHT-OF-WAY LINE OF  
N.E. 206TH STREET  
PLAT BOOK 20, PAGE 49

18

26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42

*[Handwritten signature]*

P.B. 20, PG. 49

VERGROWN

Drawn By	DWF
Cad No.	040621
Ref Dwg	297D-153
Plotted	4/1/04

**SKETCH OF DESCRIPTION**

**FORTIN, LEAVY, SKILES, INC.**  
CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
180 Northeast 168th Street / North Miami Beach, Florida 33162  
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flsurvey.com

Date	3/29/04
Scale	1"=80'
Job No.	040621
Dwg No.	1004-048
Sheet	2 of 3

## Exhibit C

### LEGAL DESCRIPTION:

That portion of a 10 foot alley adjacent to Lot 1 & Lot 42, Block 17 Hallandale Park No. 8 plat book 20, page 49 Public Records of Miami-Dade County, Florida, lying and being in Section 34, Township 51 South, Range 42 East City of Aventura, Miami-Dade County Florida and being more particularly described as follows:

Begin at the northwest corner of said Lot 1; thence S00°52'30"E along the west line of said Lot 1 for 32.21 feet; thence N89°52'15"W along the westerly extension of the southerly line of said Lot 1 for 10.00 feet; thence N00°52'30"W along the easterly line of said Lot 42 for 32.22 feet to the northeast corner of said Lot 42; thence S89°52'03"E along the southerly right-of-way line of N.E. 206th street as shown on said plat of Hallandale Park No. 8 for 10.00 feet to the point of beginning.

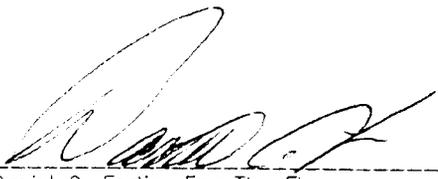
### SURVEYOR'S NOTES:

- This site lies in Section 34, Township 51 South, Range 42 East, City of Aventura, Miami-Dade County, Florida.
- Bearings hereon are referred to an assumed value of S89°52'03"E for the north line of Block 17.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Lands shown hereon containing 322 square feet, or 0.007 acres, more or less.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, Sketch #297D-153-1.

### SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on February 23, 2004, and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

FORTIN, LEAVY, SKILES, INC., LB3653

By:   
Daniel C. Fortin, For The Firm  
Surveyor and Mapper, LS2853  
State of Florida.

Drawn By	DWF
Cad. No.	000600
Ref. Dwg.	297D-153-1
Plotted:	2/23/04

### DESCRIPTION, NOTES, & CERTIFICATION

**FORTIN, LEAVY, SKILES, INC.**  
CONSULTING ENGINEERS, SURVEYORS AND MAPPERS  
180 Northeast 168th Street / North Miami Beach, Florida. 33162  
Ph 305-853-4493 / Fax 305-851-7152

Date	2/23/04
Scale	NOT TO SCALE
Job. No.	040319
Dwg. No.	1000A-035-B
Sheet	1 of 2

# EXHIBIT "A"

WATERWAYS  
BOULEVARD

NORTH LINE OF SOUTHWEST 1/4  
OF SECTION 34-51-42  
N.E. 207th STREET

CENTER OF OF  
SECTION 34-51-42

26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42

B L O C K 18

HALLANDALE PARK NO. 8  
PLAT BOOK 20 PAGE 49

TRACT 1  
LAURANNA  
PLAT BOOK 76  
PAGE 31

25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9

LOT 7  
LOT 8

N.E. 206TH STREET

S89°52'03"E  
10.00

SOUTHERLY RIGHT-OF-WAY LINE  
OF N.E. 206TH STREET

NORTHEAST CORNER OF LOT 42

POINT OF BEGINNING  
NORTHWEST CORNER OF LOT  
PLAT BOOK 20 AT PAGE 49

B L O C K 17

N00°52'30"W  
32.22

S00°52'30"E  
32.21

HALLANDALE PARK NO. 8  
PLAT BOOK 20 PAGE 49

EASTERLY LINE OF LOT 42

N89°52'27"W  
10.00

TRACT 1  
PLAT BOOK 40  
PAGE 97

26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42

WESTERLY EXTENSION OF THE  
SOUTHERLY LINE OF SAID LOT 1

25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9

WEST LINE OF LOT 1  
10' ALLEY PER PLAT BOOK 20 PAGE 49

N.E. 205TH STREET

THE PROMENADE SHOPS  
PER PLAT BOOK 133 PAGE 39

THE PROMENADE SHOPS  
PLAT BOOK 133, PAGE 39

TRACT "B" - AVENTURA JEWISH  
CENTER - PLAT BOOK 147 PAGE 63

TRACT "C"  
PLAT BOOK  
147 PAGE 63



GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

Drawn By	DWF
Cad. No.	000600
Ref. Dwg.	297D-153-1
Plotted:	2/23/04

## SKETCH OF DESCRIPTION

**FORTIN, LEAVY, SKILES, INC.**  
CONSULTING ENGINEERS, SURVEYORS AND MAPPERS  
180 Northeast 168th. Street / North Miami Beach, Florida. 33162  
Ph 305-653-4493 / Fax 305-651-7152

Date	2/23/04
Scale	1"=100'
Job. No.	040319
Dwg. No.	1000A-035-B
Sheet	2 of 2

## Exhibit D

### LEGAL DESCRIPTION:

A portion of land bounded by on the North by a line 81.00 feet South of and parallel or concentric with the North line of Waterways Boulevard as shown on AVENTURA CORPORATE CENTER, according to the plat thereof, as recorded in Plat Book 158, Page 47, and bounded on the South by the North line of Block 18, HALLANDALE PARK NO. 8, according to the plat thereof, as recorded in Plat Book 20 at Page 49, all being of the Public Records of Miami-Dade County, Florida, lying and being in the City of Aventura and being more particularly described as follows:

Commence at the Southwest corner of Lot 26, of said Block 18; thence N00°56'26"W along the East right of way line of N.E. 29th Avenue as shown on said Plat Book 20 at Page 49, also being the West line of said Block 18 for 76.87 feet to a point of curvature and the most Westerly Northwest corner of said Lot 26, also being the POINT OF BEGINNING of the hereinafter described parcel of land; thence Northeasterly along a 25.00 foot radius curve, leading to the right, through a central angle of 91°06'02" for an arc distance of 39.75 to a point of tangency; thence S 89°50'24" E along the North line of said Block 18 and the Easterly extension thereof for 474.99 feet to a point on a circular curve, concave to the Northeast and whose radius point bears N06°44'26"E, the following two courses being along a line 81.00 feet South of and parallel or concentric with said North line of Waterways Boulevard; (1) thence Northwesterly along a 1519.00 foot radius curve leading to the right, through a central angle of 07°14'58" for an arc distance of 192.20 feet to a point of tangency; (2) thence N76°00'36"W for 290.40 feet to a point of curvature, thence Southwesterly along a 25.00 foot radius curve, leading to the left, through a central angle of 104°55'50" for an arc distance 45.78 feet to a point of tangency; thence S00°56'26"E along the Northerly extension of the said East right of way line of N.E. 29th Avenue for 104.19 feet to the POINT OF BEGINNING

### SURVEYOR'S NOTES:

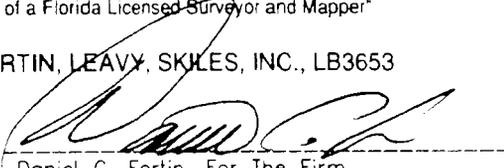
- This site lies in Section 34, Township 51 South, Range 42 East, City of Aventura, Miami-Dade County, Florida.
- Bearings hereon are referred to an assumed value of S89°50'24"E for the North line of said Block 18.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Lands shown hereon containing 25,382 square feet, or 0.583 acres, more or less.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch # 297D-153.

### SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on May 26, 2004, and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3653

By: 

Daniel C. Fortin, For The Firm  
Surveyor and Mapper, LS2853  
State of Florida.

### LEGAL DESCRIPTION

<b>Drawn By</b> ACS	<b>DESCRIPTION, NOTES, &amp; CERTIFICATION</b>	<b>Date</b> 5/26/04
<b>Cad. No.</b> 040621-1	<b>FORTIN, LEAVY, SKILES, INC.</b> CONSULTING ENGINEERS, SURVEYORS & MAPPERS FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653 180 Northeast 168th. Street / North Miami Beach, Florida. 33162 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com	<b>Scale</b> NO SCALE
<b>Ref. Dwg</b> 297D-153		<b>Job. No.</b> 040621
<b>Plotted</b> 6/8/04 3:58p		<b>Dwg. No.</b> 1004-069-1
		<b>Sheet</b> 1 of 2

EXHIBIT "A"

AVENTURA CORPORATE CENTER  
PLAT BOOK 158, PAGE 47

$A=104^{\circ}55'50''$   
 $R=25.00'$   
 $L=45.78'$

NORTHERLY  
EXTENSION OF THE  
EAST RIGHT OF  
WAY LINE OF N.E.  
29TH AVENUE

N.E. 207TH  
STREET

POINT OF  
BEGINNING  
JUST WESTERLY  
NORTHWEST CORNER OF  
LOT 26, BLOCK 18

EAST RIGHT OF  
WAY LINE OF  
N.E. 29TH AVENUE

N.E. 29TH AVENUE



GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

NORTH RIGHT OF WAY LINE  
OF WATERWAYS BOULEVARD

WATERWAYS BOULEVARD

$N 76^{\circ}00'36'' W 290.40'$

$S 00^{\circ}56'26'' E$   
104.19'

$A=7^{\circ}14'58''$   
 $R=1519.00'$   
 $L=192.20'$

$N 06^{\circ}44'26'' E$   
(RADIAL)

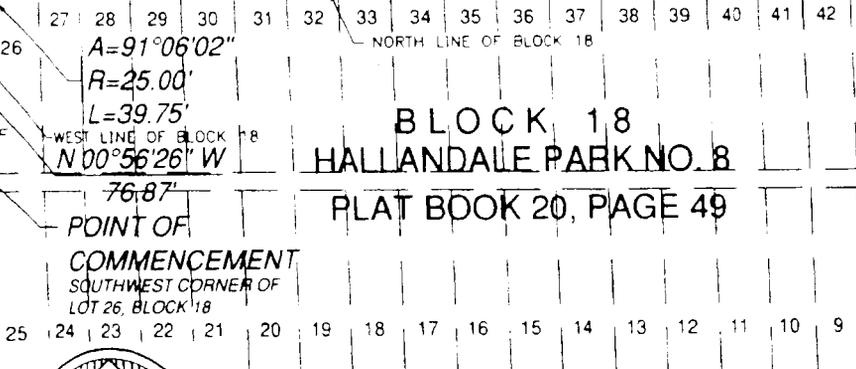
$N 89^{\circ}50'24'' W 474.99'$

NORTH LINE OF BLOCK 18

BLOCK 18  
HALLANDALE PARK NO. 8  
PLAT BOOK 20, PAGE 49

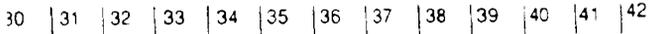
TRACT 1  
LAURANNA  
P.B. 76, PG. 31

POINT OF  
COMMENCEMENT  
SOUTHWEST CORNER OF  
LOT 26, BLOCK 18



N.E. 206TH STREET

BLOCK 17



N.E. 30TH AVENUE

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Drawn By	ACS
Cad. No.	040621-1
Ref. Dwg.	297-153
Plotted:	6/8/04 3:58p

**SKETCH OF DESCRIPTION**

**FORTIN, LEAVY, SKILES, INC.**  
CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
180 Northeast 168th. Street / North Miami Beach, Florida 33162  
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	5/26/04
Scale	1" = 100'
Job No.	040621
Dwg. No.	1004-069-1
Sheet	2 of 2

BROWARD COUNTY  
DADE COUNTY

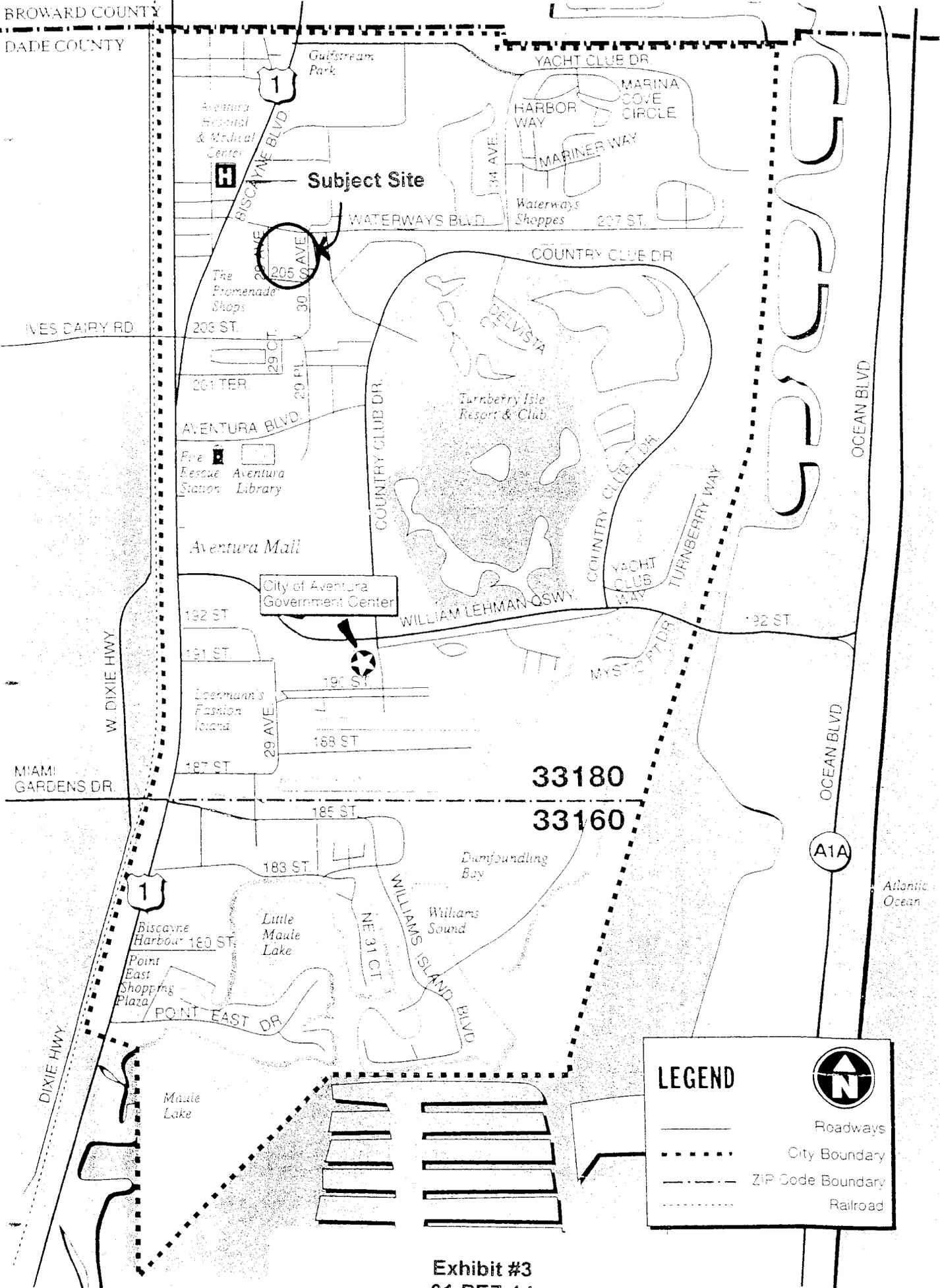


Exhibit #3  
01-REZ-14

October 28, 2013

Mr. Victor Ballestas  
Integra Solutions  
150 NE 2<sup>nd</sup> Avenue, Suite 701  
Miami, FL 33133  
Phone: 305-774-0110  
Mobile: 305-773-5896  
E-mail: vb@integrafl.com

**RE: ParkSquare Aventura Traffic Engineering Services - #13114**

Dear Mr. Ballestas,

The ParkSquare Aventura project is located on the south side of Waterways Boulevard between NE 29<sup>th</sup> and NE 30<sup>th</sup> Avenues in Aventura, Florida. Exhibit 1 shows the approved development program. The purpose of this letter is to conduct a trip generation comparison between the previously approved project for the site and the new development program.

**Exhibit 1  
Approved Development Program**

Land Use	Size
Office	142,248 Square Feet
Bank	4,923 SF Square Feet
Specialty Retail	17,393 Square Feet
Hotel	198 Rooms
Coffee Shop	992 Square Feet
Bowling Alley	18 Lanes
Apartment	104 Dwelling Units

Currently, the applicant is seeking to change the development plan. The proposed development program is shown in Exhibit 2.

**Exhibit #4  
01-REZ-14**



**Exhibit 2**  
**Proposed Development Program**

Land Use	Size
Specialty Retail	34,429 Square Feet of Gross Floor Area
Quality Restaurant	21,516 SF GFA of Gross Floor Area
Office	151,601 Square Feet of Gross Floor Area
Hotel	230 Rooms
Apartment	145 Dwelling Units
Assisted Living Facility	199 Beds

A trip generation analysis was conducted to determine the trips generated by the previous development program compared to the proposed project. The trip generation analysis was based on rates and/or equations from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> Edition, and obtained using the TripGen 2013 software. Worksheets are provided in **Attachment A**.

ITE recognizes that data obtained to establish trip generation rates and/or equations is collected at single-use, free-standing sites, and that mixed-use developments provide a potential for interaction of trips within the site, which must be accounted for separately. This will be a mixed-use project and the design will incorporate an internal road system to serve both automobiles and pedestrian and facilitate interaction of trips within the site, resulting in some satisfied on-site (*internal trips*). Internalization between the proposed uses was established based on the guidelines in ITE's Trip Generation Manual User's Guide and Handbook. Internalization worksheets are included in **Attachment A**.

Research shows that a percentage of retail trips to and from a site are "pass-by" trips. ITE describes *pass-by* as trips "attracted from traffic passing the site on an adjacent street". *Pass-by* trips are already using the existing roadway network. *Pass-by* trips were established based on the guidelines in the FDOT's Site Impact Handbook.

A review of transit availability in the vicinity of the project site indicates that several transit routes serve the area within 1 mile. A 5% deduction for mode split was used to consider other modes of transportation. Adjustments made to the trip generation estimates obtained using ITE trip generation rates

and or equations are consistent with the adjustments used in the traffic study performed for the previously approved land uses. Exhibit 3 provides a summary the trip generation summary for the approved and proposed site plans. Trip generation/internalization worksheets are included in *Attachment A*.

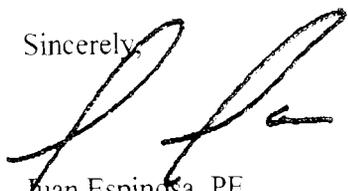
**Exhibit 3  
Project Trip Generation Summary**

<b>Scenario</b>	<b>Weekday AM Peak Hour Vehicle Trips</b>	<b>Weekday PM Peak Hour Vehicle Trips</b>
Approved Uses	528	536
Proposed Uses	465	625
Trip Difference	-63	89
<b>% Trips Reduction</b>	<b>-12%</b>	<b>16%</b>

The results of the trip generation analysis show decreases in net new external vehicular traffic for the AM peak hours from the previously approved land use plan. An increase is anticipated on a daily basis and PM peak hour. Based on this, it can be concluded that the proposed uses will have no additional impact to the adjacent roadway network than those in the approved traffic study.

We stand ready to provide any support needed for this project. Should you have any questions or comments, please call me at (305) 447-0900.

Sincerely,



Juan Espinosa, PE  
Vice-President – Transportation

**Attachments**

w:\13-13114\tgen oct 28 2013 parksquare aventura trip generation comparison letter\_october 28 2013.docx







Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Park Square Aventura - Approved Project  
e:

Open Date:  
Analysis Date:

Description:

ITE: Land Use	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
		Enter	Exit	Enter	Exit
710: General Office Building 142,248 Th.Sq.Ft. GFA [E]	1716	223	31	40	198
912: Drive-in Bank 4,923 Th.Sq.Ft. GFA [R]	729	34	25	60	60
826: Specialty Retail Center 17,393 Th.Sq.Ft. GFA [R]	771	0	0	21	26
310: Hotel 198 Rooms [R]	1618	61	44	61	58
937: Coffee/Donut Shop with Drive-Thru .992 Th.Sq.Ft. GFA [R]	812	51	49	21	21
437: Bowling Alley 18 Bowling Lanes [R]	600	34	22	17	10
220: Apartments 104 Dwelling Units [R]	692	10	43	42	22
<b>Total Driveway Volume</b>	<b>6938</b>	<b>413</b>	<b>214</b>	<b>262</b>	<b>395</b>
<b>Total Peak Hour Pass-By Trips</b>		<b>0</b>	<b>0</b>	<b>28</b>	<b>28</b>
<b>Total Peak Hour Vol. Added to Adjacent Streets</b>		<b>413</b>	<b>214</b>	<b>234</b>	<b>367</b>

Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Park Square Aventura - Proposed Project

Open Date:  
Analysis Date:

Description:

ITE: Land Use	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
		Enter	Exit	Enter	Exit
826: Specialty Retail Center 34,429 Th.Sq.Ft. GFA [R]	1526	0	0	41	52
931: Quality Restaurant 21,516 Th.Sq.Ft. GFA [R]	1935	0	0	108	53
710: General Office Building 151,601 Th.Sq.Ft. GFA [E]	1801	235	32	42	206
310: Hotel 230 Rooms [R]	1879	71	51	71	67
220: Apartments 145 Dwelling Units [R]	964	15	59	58	32
254: Assisted Living 199 Beds [R]	529	18	10	20	24
<b>Total Driveway Volume</b>	<b>8634</b>	<b>339</b>	<b>152</b>	<b>340</b>	<b>434</b>
<b>Total Peak Hour Pass-By Trips</b>		<b>0</b>	<b>0</b>	<b>48</b>	<b>23</b>
<b>Total Peak Hour Vol. Added to Adjacent Streets</b>		<b>339</b>	<b>152</b>	<b>292</b>	<b>411</b>

Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012



# Miami-Dade County Public Schools

*giving our students the world*

Superintendent of Schools  
Alberto M. Carvalho

Miami-Dade County School Board  
Perla Tabares Hantman, Chair  
Dr. Martin Karp, Vice Chair  
Dr. Dorothy Bendross-Mindingall  
Susie V. Castillo  
Carlos L. Curbelo  
Dr. Lawrence S. Feldman  
Dr. Wilbert "Tee" Holloway  
Dr. Marta Pérez  
Raquel A. Regalado

October 18, 2013

**VIA ELECTRONIC MAIL**

Mr. Michael J. Marrero, Esquire  
Bercow Radell & Fernandez, P.A.  
200 South Biscayne Boulevard, Suite 850  
Miami, FL 33131  
[mmarrero@brzoninglaw.com](mailto:mmarrero@brzoninglaw.com)

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS  
WATERWAYS TOWN CENTER – No. 01-CPA-14  
LOCATED AT NE 207 STREET AT NE 30 AVENUE, AVENTURA, FLORIDA  
PH2813100400889 – FOLIO No.: 2812340064610**

Dear Applicant:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, enclosed please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review) for informational purposes only.

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 147 multi-family units, which generate 26 students; 12 elementary, 7 middle and 7 senior high students. At this time, all three school levels have sufficient capacity available to serve the application. However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. As such, this analysis does not constitute a Public School Concurrency approval.

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,

Iván M. Rodríguez, R.A.  
Director IIMR:ir

L-432  
Enclosure

cc: Ms. Ana Rijo-Conde, AICP  
Ms. Vivian G. Villaamil  
City of Aventura  
School Concurrency Master File

**Exhibit #5  
01-REZ-14**

*Facilities Planning, Design and Sustainability*  
Ana Rijo-Conde, AICP, Deputy Chief Facilities and Eco-Sustainability Officer  
1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132  
305-995-7285 • 305-995-4760 (FAX) • [arijo@dadeschools.net](mailto:arijo@dadeschools.net)



## Miami-Dade County Public Schools

### Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: PH2813100400889 Local Government (LG): Aventura  
 Date Application Received: 10/4/2013 3:27:27 PM LG Application Number: 01-CPA-14  
 Type of Application: Public Hearing Sub Type: Land Use  
 Applicant's Name: Waterways Town Center  
 Address/Location: NE 207 Street at NE 30 Avenue, Aventura  
 Master Folio Number: 2812340064610  
 Additional Folio Number(s):

PROPOSED # OF UNITS 147  
 SINGLE-FAMILY DETACHED UNITS: 0  
 SINGLE-FAMILY ATTACHED UNITS: 0  
 MULTIFAMILY UNITS: 147

#### CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
231	AVENTURA WATERWAYS K-8 CENTER (ELEM COMP)	-64	12	0	NO	Current CSA
231	AVENTURA WATERWAYS K-8 CENTER (ELEM COMP)	0	12	0	NO	Current CSA Five Year Plan
232	AVENTURA WATERWAYS K-8 CENTER (MID COMP)	-11	7	0	NO	Current CSA
232	AVENTURA WATERWAYS K-8 CENTER (MID COMP)	0	7	0	NO	Current CSA Five Year Plan
6241	HIGHLAND OAKS MIDDLE	-5	7	0	NO	Current CSA
6241	HIGHLAND OAKS MIDDLE	0	7	0	NO	Current CSA Five Year Plan
7141	DR MICHAEL M KROP SENIOR	-284	7	0	NO	Current CSA
7141	DR MICHAEL M KROP SENIOR	0	7	0	NO	Current CSA Five Year Plan

#### ADJACENT SERVICE AREA SCHOOLS

2441	VIRGINIA A BOONE HIGHLAND OAKS ELEMENTARY	35	12	12	YES	Adjacent CSA
6023	ANDOVER MIDDLE	140	7	7	YES	Adjacent CSA
7381	MIAMI NORLAND SENIOR	580	7	7	YES	Adjacent CSA

\*An Impact reduction of 19.5% included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**



# 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 (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)
Michael Marrero	Attorney
Jeff Berrow	Attorney
Don Fortin, Jr.	Surveyor
Juan Espinosa	Traffic Engineer

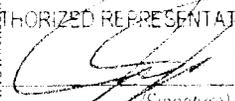
(Attach Additional Sheets if Necessary)

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.

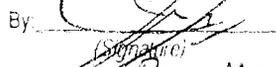
WITNESS MY HAND THIS 24<sup>th</sup> DAY OF October 2013


 Paulo Melo  
 Notary Public  
 State of Florida  
 Commission # EE 202515  
 Expires: May 29, 2016  
 www.AshsonNotary.com

AUTHORIZED REPRESENTATIVE OF APPLICANT

  
 (Signature)  
 Paulo Melo  
 (Print)  
 Managing Member  
 150 SE 2nd Street, #800  
 Miami, FL 33131

OWNER

  
 By:   
 (Signature)  
 Paulo Melo  
 (Print)  
 Title: Managing Member  
 Address: 150 SE 2nd Street, #800  
 Miami, FL 33131


 Paulo Melo  
 Notary Public  
 State of Florida  
 Commission # EE 202515  
 Expires: May 29, 2016  
 www.AshsonNotary.com

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE

Before me the undersigned authority personally appeared Paulo Melo 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 24<sup>th</sup> day of October 2013 AFFIANT

Notary Public State of Florida At Large  
 Printed Name of Notary Paulo Melo de Miranda G  
 My commission expires May 29, 2016  

 Paulo Melo de Miranda Leao  
 Commission # EE 202515  
 Expires: May 29, 2016  
 www.AshsonNotary.com



# 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 24<sup>th</sup> DAY OF October 2013

APPLICANT:

By: \_\_\_\_\_ (Signature)  
 Name: Paulo Melo (Print)  
 Title: Mayor's Member (Print)



WITNESS MY HAND THIS 24<sup>th</sup> DAY OF October 2013

PROPERTY OWNER:

By: \_\_\_\_\_ (Signature)  
 Name: Paulo Melo (Print)  
 Title: Mayor's Member (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 24 DAY OF October 2013

REPRESENTATIVE (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: Michael Marrero (Print)

Title: Attorney (Print)

By: [Signature] (Signature)

Name: Jeff Berlow (Print)

Title: Attorney (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

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Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

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By: \_\_\_\_\_ (Signature)

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Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (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

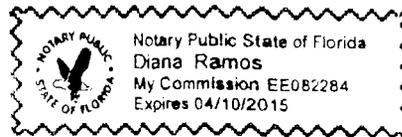
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Michael Morriso 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 24 day of October, 2013

Diana Ramos  
Notary Public State of Florida At Large  
Diana Ramos  
Printed Name of Notary  
My commission expires \_\_\_\_\_



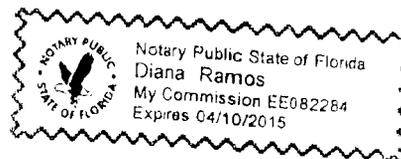
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Jeffrey Berroun 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 24 day of October, 2013

Diana Ramos  
Notary Public State of Florida At Large  
Diana Ramos  
Printed Name of Notary  
My commission expires \_\_\_\_\_



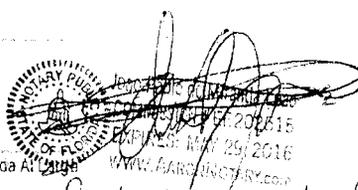
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Paulo Melo 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 24th day of October, 2013

Jose Luis de Miranda Gas  
Notary Public State of Florida At Large  
Jose Luis de Miranda Gas  
Printed Name of Notary  
My commission expires May 29th 2016



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 \_\_\_\_\_, 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)

- 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.
- 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:

- Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- 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;
- 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;
- A City Commissioner or Board member is a Client of the Applicant or Representative;
- 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;
- 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 24 DAY OF OCTOBER, 2013

APPLICANT  
 By [Signature] (Signature)  
 Name DAN FORTNA JR (Print)  
 Title SURVEYOR (Print)

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_

PROPERTY OWNER:

By \_\_\_\_\_ (Signature)  
 Name \_\_\_\_\_ (Print)  
 Title \_\_\_\_\_ (Print)

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

NOTARIZATION PROVISION

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Dan Forting 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.

*[Handwritten Signature]*  
AFFIANT

SWORN TO AND SUBSCRIBED before me this 24 day of October 2013

Susan P Kay  
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.

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

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.

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

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.

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

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 24<sup>th</sup> DAY OF October 2013

REPRESENTATIVE (Listed on Business Relationship Affidavit)

By [Signature] (Signature)

Name DANIEL C. FORAN, JR. (Print)

Title VICE PRESIDENT (Print)  
FORAN LEANY SKILES

By \_\_\_\_\_ (Signature)

Name \_\_\_\_\_ (Print)

Title \_\_\_\_\_ (Print)

By \_\_\_\_\_ (Signature)

Name \_\_\_\_\_ (Print)

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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.

WITNESS MY HAND THIS 24 DAY OF October 2013

REPRESENTATIVE (Listed on Business Relationship Affidavit)

By [Signature] (Signature)

Name Jan Espinosa (Print)

Title V.P. (Print)

By \_\_\_\_\_ (Signature)

Name \_\_\_\_\_ (Print)

Title \_\_\_\_\_ (Print)

By \_\_\_\_\_ (Signature)

Name \_\_\_\_\_ (Print)

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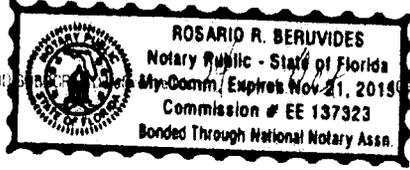
NOTE 1) Use duplicate sheets if disclosure information for Representative varies

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 Juan Espinosa 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  
*[Signature]*

*[Signature]*  
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.

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 \_\_\_\_\_ 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 \_\_\_\_\_, 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 \_\_\_\_\_ 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 \_\_\_\_\_, 200\_\_

AFFIANT

Notary Public State of Florida At Large

Printed Name of Notary  
My commission expires

ORDINANCE NO. 2014- \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AVENTURA BY AMENDING THE ZONING DESIGNATION FOR A 7.391 ACRE PARCEL OF LAND LOCATED ON NE 207 STREET AT NE 30 AVENUE AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, FROM B2, COMMUNITY BUSINESS DISTRICT TO TC3, TOWN CENTER NEIGHBORHOOD DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the applicant, Aventura Land Ventures, LLC, through Application No. 01-REZ-14, has applied to amend the Official Zoning Map of the City of Aventura by amending the zoning designation for a parcel of land (the "Property") on NE 207 Street at NE 30 Avenue, as legally described in Exhibit "A" attached hereto, from B2, Community Business District to TC3, Town Center Neighborhood District; and

**WHEREAS**, Ordinance No. 2006-15, adopted on October 3, 2006, had rezoned the easterly 3.359 acre portion of the parcel from B2, Community Business District to RMF3A, Multifamily Medium Density Residential District, with a condition precedent which was not fulfilled and therefore that rezoning was not effective; and

**WHEREAS**, due to the non-effectiveness of Ordinance No. 2006-15, the zoning designation of the entire parcel remains B2, Community Business District; and

**WHEREAS**, part of the 7.391 acre parcel subject to the rezoning request contains unopened public rights of way abandoned by Resolution No. 2006-61; and

**WHEREAS**, Resolution No. 2006-61 abandoning said unopened public rights of way was adopted with conditions precedent which have not been fulfilled to date; and

**WHEREAS**, the applicant has proffered to record a covenant acknowledging that it will fulfill the conditions of Resolution No. 2006-61; and

**WHEREAS**, the City Commission concurrently with this rezoning application has considered small scale Comprehensive Plan amendments to change the future land use designation of the easterly 3.359 acre portion of the Property from Medium High Density Residential to Town Center and to change the future land use designation of the westerly 4.032 acre portion of the Property from Business and Office to Town Center (01-CPA-14); and

**WHEREAS**, the City Commission has been designated as the local planning agency for the City pursuant to Section 163.3174, Florida Statutes, and as the local planning agency has determined that the rezoning is consistent with the applicable provisions of the City Comprehensive Plan as proposed to be amended; 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 application for rezoning and has considered the testimony of all interested parties at the public hearings, and has determined that the rezoning action set forth in this Ordinance is consistent with the Comprehensive Plan, as proposed to be amended, and furthers the health, safety and welfare of the City.

**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. Official Zoning Map Amended.** That the Official Zoning Map of the City of Aventura is hereby amended by amending the zoning designation for the 7.391 acre parcel of land located on NE 207 Street at NE 30 Avenue with legal description described in Exhibit "A" to this Ordinance, from B2, Community Business District, to TC3, Town Center Neighborhood District.

**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. Disclaimer and Condition.** Issuance of this development order by the City of Aventura does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Aventura for issuance of the development order if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the development. This condition is included pursuant to Section 166.033, Florida Statutes,

as amended.

**Section 5. Effective Date.** This Ordinance shall be effective immediately upon the completion of both of the following: (1) the effective date of the small scale amendments to the Comprehensive Plan (01-CPA-14) for the property subject to this application; and (2) upon recordation by the applicant of the proffered covenant regarding fulfillment of the conditions of Resolution No. 2006-61.

The foregoing Ordinance was offered by Commissioner Luz Weinberg, who moved its adoption on first reading. This motion was seconded by Commissioner Cohen and upon being put to a vote, the vote was as follows:

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

The foregoing Ordinance was offered by Commissioner \_\_\_\_\_, who moved its adoption on second reading. This 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 Michael Stern	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Howard Weinberg	_____
Mayor Susan Gottlieb	_____

**PASSED** on first reading this 7<sup>th</sup> day of January, 2014.

**PASSED AND ADOPTED** on second reading this 4<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
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 February, 2014.

\_\_\_\_\_  
CITY CLERK

## LEGAL DESCRIPTION:

Lots 7 through 42, Block 18, HALLANDALE PARK No. 8, including the ten (10) foot alleys that are South of a line 81.00 feet South of and parallel/concentric with the North right-of-way line of Waterways Boulevard, lying within said Block 18, according to the Plat thereof, as recorded in Plat Book 20 at Page 49 of the Public Records of Miami-Dade County, Florida.

AND

Tract 1, LAURANNA, according to the Plat thereof, as recorded in Plat Book 76 at Page 31 of the Public Records of Miami-Dade County, Florida.

AND

A portion of land bounded by on the North by a line 81.00 feet South of and parallel or concentric with the North line of Waterways Boulevard as shown on AVENTURA CORPORATE CENTER, according to the plat thereof, as recorded in Plat Book 158, Page 47, and bounded on the South by the North line of Block 18, HALLANDALE PARK NO. 8, according to the plat thereof, as recorded in Plat Book 20 at Page 49, all being of the Public Records of Miami-Dade County, Florida, lying and being in the City of Aventura and being more particularly described as follows:

Commence at the Southwest corner of Lot 26, of said Block 18; thence  $N00^{\circ}56'26''W$  along the East right of way line of N.E. 29th Avenue as shown on said Plat Book 20 at Page 49, also being the West line of said Block 18 for 76.87 feet to a point of curvature and the most Westerly Northwest corner of said Lot 26, also being the POINT OF BEGINNING of the hereinafter decribed parcel of land; thence Northeasterly along a 25.00 foot radius curve, leading to the right, through a central angle of  $91^{\circ}06'02''$  for an arc distance of 39.75 to a point of tangency; thence  $S 89^{\circ}50'24'' E$  along the North line of said Block 18 and the Easterly extension thereof for 474.99 feet to a point on a circular curve, concave to the Northeast and whose radius point bears  $N06^{\circ}44'26''E$ , the following two courses being along a line 81.00 feet South of and parallel or concentric with said North line of Waterways Boulevard; (1) thence Northwesterly along a 1519.00 foot radius curve leading to the right, through a central angle of  $07^{\circ}14'58''$  for an arc distance of 192.20 feet to a point of tangency; (2) thence  $N76^{\circ}00'36''W$  for 290.40 feet to a point of curvature; thence Southwesterly along a 25.00 foot radius curve, leading to the left, through a central angle of  $104^{\circ}55'50''$  for an arc distance 45.78 feet to a point of tangency; thence  $S00^{\circ}56'26''E$  along the Northerly extension of the said East right of way line of N.E. 29th Avenue for 104.19 feet to the POINT OF BEGINNING.

AND

That portion of N.E. 206th Street bounded on the North by Block 18 and bounded on the South by the center line of N.E. 206th Street and bounded on the East by the West right-of-way line of N.E. 30th Avenue (East Dixie Highway) and bounded on the West by the East right-of-way line of N.E. 29th Avenue (Harvard Avenue), all being as shown on HALLANDALE PARK No. 8, according to the Plat thereof, as recorded in Plat Book 20 at Page 49 of the Public Records of Miami-Dade County, Florida.

**Exhibit "A"**

**LEGAL DESCRIPTION (Continuation):**

Lots 1, 2, 6, 7, 8, 9, 11, 24, 25, 26 and 27, Block 17, HALLANDALE PARK No. 8, according to the Plat thereof, as recorded in Plat Book 20, Page 49, Public Records of Miami-Dade County, Florida.

TOGETHER WITH those portions of adjacent vacated alleys and NE 205th Street, to the centerlines thereof, vacated per Resolution recorded August 21, 2000 in Official Records Book 19247, Page 4677, Public Records of Miami-Dade County, Florida. ALSO TOGETHER WITH the South  $\frac{1}{2}$  of the adjacent portion of vacated N.E. 206th Street on North, and a portion of a 10.00 foot alley, as vacated and abandoned by that certain Resolution recorded November 14, 2006 in Official Records Book 25093, Page 478, Public Records Miami-Dade County, Florida.

AND

Tract 1, of Block 17, of REPLAT OF A PORTION OF HALLANDALE PARK No. 8, according to the Plat thereof, as recorded in Plat Book 40, Page 97, Public Records of Miami-Dade County, Florida. TOGETHER WITH adjacent portion of vacated ailey to the centerline thereof as vacated by Resolution recorded August 21, 2000 in Official Records Book 19247, Page 4677, Public Records of Miami-Dade County, Florida

AND

Lots 10, 12 through 23, inclusive, and Lots 28 through 42, inclusive, Block 17, HALLANDALE PARK No. 8, according to the Plat thereof, as recorded in Plat Book 20, Page 49, Public Records of Miami-Dade County, Florida.

TOGETHER WITH those portions of adjacent vacated alleys and NE 205th Street, to the centerlines thereof, vacated per resolution recorded August 21, 2000 in Official Records Book 19247, Page 4677, Public Records of Miami-Dade County, Florida. ALSO TOGETHER WITH the South  $\frac{1}{2}$  of the adjacent portion of vacated N.E. 206th Street on North, and a portion of a 10.00 foot alley, as vacated and abandoned by that certain Resolution recorded November 14, 2006 in Official Records Book 25093, Page 478, Public Records Miami-Dade County, Florida.