

City Commission
Susan Gottlieb, Mayor

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

The City of Aventura



City Manager
Eric M. Soroka, ICMA-CM

City Clerk
Teresa M. Soroka, MMC

City Attorney
Weiss Scrota Helfman
Pastoriza Cole & Boniske

JUNE 3, 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:** Employee Service Awards
Certificates of Completion – 101 Academy
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:**
May 6, 2014 Commission Meeting
May 13, 2014 Workshop Meeting
 - B. **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, BISCAYNE BOULEVARD STREET LIGHTING IMPROVEMENTS PHASE 3 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.**
 - C. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE EXTENSION OF THE GREEN MARKET HELD IN FOUNDERS PARK SOUTH FROM JUNE 1, 2014 TO SEPTEMBER 14, 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 CONDITIONAL USE APPROVAL TO ALLOW THE SALE AND SERVICE OF WINE, BEER AND LIQUOR AT A COCKTAIL LOUNGE WITHIN THE COUNTER CUSTOM BUILT BURGERS RESTAURANT LOCATED AT 18717 BISCAYNE BOULEVARD, CITY OF AVENTURA; 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 AND WINE AT CAFÉ CITA IN THE AVENTURA TOWN CENTER AT 18719 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**
- C. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING SIGN VARIANCE FOR MOUNT SINAI MEDICAL CENTER OF FLORIDA, INC. ON PROPERTY LOCATED AT 2845 AVENTURA BOULEVARD, CITY OF AVENTURA; PROVIDING AN EFFECTIVE DATE.**
- D. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA MODIFYING THE APPROVALS GRANTED THROUGH RESOLUTION NO. 2003-52 ADOPTED JULY 1, 2003 TO REVISE THE PARKING SPACE VARIANCE AND TO REVISE CONDITION #5 OF THE RESOLUTION, FOR PROPERTY LOCATED AT 17900 BISCAYNE BOULEVARD; CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.**

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

8. ORDINANCES – SECOND READING – PUBLIC HEARING: None

9. RESOLUTIONS – PUBLIC HEARING: None.

10. REPORTS

11. PUBLIC COMMENTS

12. OTHER BUSINESS: None.

13. ADJOURNMENT

FUTURE MEETINGS

COMMISSION WORKSHOP	JUNE 19, 2014	9 AM	EXEC. CONFERENCE RM
COMMISSION MEETING	JULY 8, 2014	6 PM	COMMISSION CHAMBER

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
May 6, 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 Mayor Susan Gottlieb at 6 p.m. Present were Commissioners Enbar Cohen, Teri Holzberg, Michael Stern, Howard Weinberg, Vice Mayor Billy Joel, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David Wolpin. Commissioner Luz Urbaz Weinberg was absent. As a quorum was determined to be present, the meeting commenced.

2. PLEDGE OF ALLEGIANCE: Led by Denise Landman.

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

4. SPECIAL PRESENTATIONS: Certificates of Appreciation were presented by Mr. Soroka to Kenneth Sealy and Katina Rodriguez for ten and fifteen years respectively of service to the City of Aventura.

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

A. The following minutes were approved:

April 1, 2014 Commission Meeting
April 17, 2014 Commission Meeting
April 17, 2014 Workshop Meeting

B. **Resolution No. 2014-22** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA IN SUPPORT OF BI-PARTISAN LEGISLATION TO MODERNIZE THE VOTING RIGHTS ACT; 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. 2014-23** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA DECLARING CERTAIN PROPERTY LISTED UNDER THE ASSETS OF THE CITY AS SURPLUS TO THE NEEDS OF THE CITY; DESCRIBING THE MANNER OF DISPOSAL; AUTHORIZING

THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE

D. The following motion was approved:

MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$58,000 FOR SPECIAL TACTICAL VEHICLE AND PRISONER RESTRAINT EQUIPMENT FROM THE FEDERAL POLICE FORFEITURE FUNDS IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM.

E. Resolution No. 2014-24 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDED AND LETTING A BID/CONTRACT FOR BID NO. 14-04-18-2, ELECTRICAL MAINTENANCE SERVICES TO UNIVERSAL ELECTRIC OF FLORIDA, INC. AND O AND J ELECTRIC AT THE INDIVIDUAL BID PRICES 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.

F. Resolution No. 2014-25 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THAT CERTAIN INTERGOVERNMENTAL AGENCY AGREEMENT, ATTACHED HERETO, BY AND BETWEEN THE CITY OF AVENTURA AND MIAMI-DADE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, TO PERFORM TRAFFIC ENGINEERING FUNCTIONS SPECIFICALLY RELATING TO THE INSTALLATION OF PEDESTRIAN CROSSING SIGNS ON COUNTRY CLUB DRIVE; 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.

None.

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

8. ORDINANCES: SECOND READING/PUBLIC HEARING: CITY COMMISSION, IN ITS CAPACITY AS THE AVENTURA CITY OF EXCELLENCE SCHOOL BOARD OF DIRECTORS:

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

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED CHARTER SCHOOL OPERATING AND CAPITAL BUDGET FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL FOR FISCAL YEAR 2014/15 (JULY 1 – JUNE 30), PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND GRANTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR ENCUMBRANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Cohen and seconded by Commissioner Holzberg. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote and **Ordinance No. 2014-07** was enacted.

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING ORDINANCE NO. 2013-05, WHICH ORDINANCE ADOPTED A CHARTER SCHOOL OPERATING AND CAPITAL BUDGET FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL FOR FISCAL YEAR 2013/2014 (JULY 1 – JUNE 30) BY REVISING THE 2013/2014 FISCAL YEAR BUDGET DOCUMENT 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 Stern and seconded by Commissioner Howard Weinberg. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote and **Ordinance No. 2014-08** was enacted.

9. RESOLUTIONS – PUBLIC HEARING: None.

10. REPORTS: As presented.

11. PUBLIC COMMENTS: None.

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 6:17 p.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on June 3, 2014.

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



**MINUTES
CITY COMMISSION
WORKSHOP MEETING
May 13, 2014 9 A.M.**

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

CALL TO ORDER/ROLL CALL: The meeting was called to order by Mayor Susan Gottlieb at 9:00 a.m. Present were Commissioners Enbar Cohen, Teri Holzberg, Billy Joel, Michael Stern, Howard Weinberg, Vice Mayor Billy Joel, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David Wolpin. Commissioner Luz Urbaz Weinberg was absent. As a quorum was determined to be present, the meeting commenced.

- 1. PUERTO AVENTURA RESIDENCES REQUEST TO AMEND DECLARATION OF RESTRICTIONS:** Applicant requested deferral.
CITY MANAGER SUMMARY: Deferred at request of applicant.
- 2. GREEN MARKET UPDATE (City Manager):** Mr. Soroka informed the Commission that the Green Market has submitted a proposal to extend the Aventura Green Market at Fouders Park South for the summer.
CIY MANAGER SUMMARY: Consensus to extend this project for next 3 months.
- 3. ADJOURNMENT:** There being no further business to come before the Commission at this time, the meeting adjourned at 10:26 a.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

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

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

BY: Antonio F. Tomei, Capital Projects Manager 

DATE: May 8, 2014

SUBJECT: **Bid No: 13-04-05-02 – Biscayne Boulevard
Street Lighting Improvements Phase 3 - Change Order**

June 3, 2014 City Commission Meeting Agenda Item 5-B

Recommendation

It is recommended that the City Commission adopt the attached Resolution approving a Change Order for the Biscayne Boulevard Street Lighting Improvements Phase III project to Horsepower Electric, Inc. for the price of \$67,878. This change order will be funded by Budget Line Item Number 001-8050-541-6307 (\$1,400,391).

Background

During exploratory work by the contractor, it was discovered that installation of 14 of the 38 standard cylindrical light pole bases would be in conflict with existing underground utilities. To avoid the conflicts, a proposal to fabricate the 14 shallow spread footers was provided by the contractor. In addition, the contractor requested an additional sixty (60) calendar days to the contract construction time frame to allow sufficient time to complete.

Recommendation correspondence from the City's Engineering Consultant is attached.

If you have any questions or need any additional information, please feel free to contact me.

April 29, 2014

Mr. Antonio F. Tomei
Capital Projects Manager
City of Aventura
19200 West Country Club Drive
Aventura, Florida 33180

RE: **BISCAYNE BOULEVARD DECORATIVE LIGHTING PHASE IV**
CT&A PROJECT NO. 01-0103.164

Dear Mr. Tomei:

We are in receipt of Horsepower Electric, Inc. request for change order on the above referenced project. Originally Horsepower requested thirty-one (31) spread footings for Phase IV. After numerous onsite meetings and investigation we have been able to reduce the number to fourteen (14) foundations. Based on the reduction their total request is for \$67,878.00 which is for the installation of fourteen (14) poured in place spread footings in lieu of the conventional pole foundations. Due to no easements and conflicts with the water main, FPL underground transmission lines and AT&T fiber optics there is no location that the pole foundations can be placed in the ROW. Also included is the design fees for the spread footings.

Based on the above we would recommend approval in the amount of \$67,878.00 to the above referenced contract.

Should you have any questions or need additional information please let me know.

Sincerely,

CRAVEN THOMPSON & ASSOCIATES, INC.



Don A. Shaver
Director of Construction Management

DAS/wg
Enclosures

Cc; Adolfo Gonzalez, P.E., CTA

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CRAVEN THOMPSON



& ASSOCIATES INC.

Engineers
Planners
Surveyors
Landscape Architects

3563 N.W. 53rd Street
Fort Lauderdale, FL 33309-6311
(954)739-6400
Fax (954) 739-6409

HORSEPOWER ELECTRIC, INC.

8105 West 20th Avenue, Hialeah, Florida 33014-3231
TEL (305) 819-4060 FAX (305) 819-4222

April 28, 2014

Mr. Antonio F. Tomei
Capital Projects Manager
City of Aventura
19200 West Country Club Drive
Aventura FL 33180

RE: Biscayne Blvd Street Lighting Phase IV Project

Mr. Tomei,

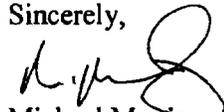
Our company is experiencing unforeseen utility conflicts affecting 14 pole locations on Phase IV. We have exhausted everything we can do; from meeting with the utility companies to performing soft digs, to physically locating these underground facilities. There are 14 poles in Phase IV in conflict with AT&T and a water main. Due to the utility conflicts, there is no space free of utilities to install these 14 poles as per the foundation details on plan sheets E19 and E20. These poles will require a special shallow spread footer type foundation. There is a substantial cost difference between the standard foundation detailed on the plans and the special spread footer type foundation. The costs are as follows:

Construction & Engineering Costs:

- Spread Footer-type foundation \$ 5,467.00/ea.
- Credit for Standard foundation (\$940.00)/ea.
- Difference per foundation \$ 4,527.00/ea.
- Construction Total amount will be $14 \times \$4,527.00 = \$63,378.00$
- Engineering Fees \$4,500.00
- Total Change Order request \$67,878.00

We are requesting compensation for the difference between the standard foundation and the special spread footer type foundation due to the unforeseen conditions. We will also need an additional 60 calendar days added to the contract for the additional work. Should you have any questions, please feel free to contact me.

Sincerely,



Michael Martinez
President

"PRIDE IN QUALITY"



**CITY OF AVENTURA
CHANGE ORDER FORM
CHANGE ORDER NO. 3**

CONTRACT NUMBER: 13-04-05-02

DATE: 04/29/2014

PROJECT TITLE: BISCAYNE BOULEVARD DECORATIVE LIGHTING UPGRADES PHASE IV

PROJECT CONTRACTOR: HORSEPOWER ELECTRIC, INC.

COST: \$67,878.00

BUDGET LINE ITEM: 001-8050-541-6307

DESCRIPTION OF CHANGES: Due to limited Right-of-Way, no easements and unforeseen utility conflicts with the water main and AT&T Fiber Optics fourteen (14) pole foundations will need to be changed from conventional precast footing to poured in place spread footings within the Phase 4 limits.

Original Contract:	<u>\$ 489,489.00</u>
Total Previous Change Orders:	<u>\$ 929,516.75</u>
This Change Order:	<u>\$ 67,878.00</u>
Revised Contract Amount:	\$1,486,883.75

Total Change Orders to Date: 3	
Contract Amount Before This Change:	\$1,419,005.75

Total Change in Contract Period:	60 Calendar Days
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The sum of \$67,878.00 is hereby added to the Contract price, and the total adjusted Contract price to date thereby is \$1,486,883.75. The time provided for completion of the Contract will be increased by 60 calendar days. This document shall become an amendment to the Contract and all provisions of the Contract will apply thereto.

Recommended by D. AS -
Consultant – Craven Thompson & Associates

5/8/14
Date

Recommended by Antonio F. Jonei
Capital Projects Manager

5-8-14
Date

Recommended for Budgetary Purposes:

Finance Support Services Director

Date

Approved by _____
City Manager

Date

Accepted by _____
Contractor – Horsepower Electric, Inc.

Date

RESOLUTION NO. 2014- ____

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, BISCAYNE BOULEVARD STREET LIGHTING IMPROVEMENTS PHASE 3 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.

WHEREAS, design of the Biscayne Boulevard Decorative Street Lighting Improvements project requires light pole bases to be installed at the back of sidewalk on the east Right-of-Way line; and

WHEREAS, use of the standard cylindrical light pole bases are in direct conflict with existing underground utilities located on the east Right-of Way line; and

WHEREAS, staff has determined that use of shallow spread footers in lieu of standard cylindrical light pole bases will avoid the conflicts; and

WHEREAS, the City Commission, upon recommendation of the City Manager, is therefore desirous of approving said change order to said Phase III contractor.

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

Section 1: That the City Manager is hereby authorized to execute and otherwise enter into the Change Order for Bid No. 13-04-05-02, Biscayne Boulevard Decorative Street Lighting Improvements Phase III, by and between the City and Horsepower Electric, Inc., attached hereto and incorporated herein as specifically as if set forth at length herein. Said Change Order amount is \$67,878.

Section 2: That the City Manager is hereby authorized to do all things necessary to carry out the aims of this Resolution.

Section 3: That 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 Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Billy Joel	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 3rd day of June, 2014.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: May 13, 2014 

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

June 3, 2014 City Commission Meeting Agenda Item 5-C

RECOMMENDATION

It is recommended that the City Commission approve the attached Resolution authorizing the extension of the Green Market Special Events Permit from June 1, 2014 to September 14, 2014 at Founders South.

BACKGROUND

At the May Workshop Meeting, the City Commission agreed to extend the Green Market into the summer months.

Based on the success and the community support for the Market, at the 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 September 14, 2014.

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

EMS/act

Attachment

CCO1845-14

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 FROM JUNE 1, 2014 TO SEPTEMBER 14, 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, from June 1, 2014 to September 14, 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 Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Billy Joel	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 3rd day of June, 2014.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

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 190th 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 1:00 p.m. beginning June 1, 2014 thru September 14, 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 15th 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:

Jason Hershin
Green Market Events

Approved:

Eric M. Soroka
City Manager
City of Aventura

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: May 16, 2014

SUBJECT: Request of TCB Aventura LLC, doing business as The Counter Custom Built Burgers, for Conditional Use Approval to allow the sale and service of beer, wine and liquor at a cocktail lounge within The Counter Burger restaurant located at 18717 Biscayne Boulevard, City of Aventura (01-CU-14)

June 3, 2014 City Commission Meeting Agenda Item 6-A

RECOMMENDATION

It is recommended that the City Commission approve the conditional use application to allow sale and service of beer, wine and liquor at a cocktail bar within The Counter Custom Built Burgers restaurant at 18717 Biscayne Boulevard, Aventura, subject to the following conditions:

1. This approval shall be granted exclusively to TCB Aventura LLC, doing business as The Counter Custom Built Burgers restaurant.
2. Beer, wine and liquor shall be sold and served only in conjunction with service of food.
3. Customers will not be permitted to remove the beer, wine or liquor from the premises.
4. The applicant shall obtain an alcoholic beverage license from the State of Florida and begin sales and service of beer, wine and liquor 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 at the written request of the applicant, provided that the applicant has filed the request for extension within the twelve (12) month period prior to expiration.
5. The applicant shall comply with the hours of operation allowed to bars and cocktail lounges for sale of alcoholic beverages for consumption on the premises pursuant

to Section 4-3(d) of the City Code, which permits sales of wine, beer and liquor for consumption on the premises between the hours of 8:00 a.m. and 1:00 a.m. the following day.

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. 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 beer, wine and liquor for a period of 180 consecutive days shall constitute abandonment and shall rescind this approval.

THE REQUEST

The applicant, Andres Layrisse, as agent for TCB Aventura LLC, is requesting conditional use approval to sell and serve beer, wine and liquor in the cocktail bar area within The Counter Custom Built Burgers restaurant in the Aventura Town Center at 18717 Biscayne Boulevard, notwithstanding the spacing and distance requirements for the sale and service of alcoholic beverages of Section 4-2 (a) and (b) of the City Code. (See Exhibit #1 for Letter of Intent)

BACKGROUND

OWNER OF PROPERTY	Aventura Fashion Island LP
APPLICANT	Andres Layrisse, Agent for TCB Aventura LLC, doing business as The Counter Custom Built Burgers
ADDRESS OF PROPERTY	18717 Biscayne Boulevard, City of Aventura (See Exhibit #2 for Location Map)
LEGAL DESCRIPTION	Portion of Tracts A & B, Regina Square Subdivision, according to the plat thereof recorded in Plat Book 113, Page 27, of the Public Records of Miami-Dade County, Florida (See Exhibit #3 for complete legal description)
Zoning –	
Subject Property:	TC1 Town Center District
Properties to the North:	B2 Community Business District and TC1 Town Center District
Properties to the South:	B2 Community Business District
Properties to the East:	RMF3 Multifamily Medium Density Residential District TC1 Town Center District
Properties to the West:	TC2 Town Center Marine District B2 Community Business District

B3 Heavy Business District

Existing Land Use –

Subject property:	Town Center
Properties to the North:	Commercial Plaza, Hotel, Office Building
Properties to the South:	Commercial Plaza
Properties to the East:	Residential, Office Building, Marina
Properties to the West:	Commercial Plaza

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

Subject property:	Town Center
Property to the North:	Town Center and Business and Office
Property to the South:	Business and Office
Property to the East:	Town Center
Property to the West:	Town Center

The Site - The Counter Custom Built Burgers is located in a tenant space in the southwest corner of the Aventura Town Center buildings, with one exterior wall facing south on NE 187 Street and one exterior wall facing west to Biscayne Boulevard.

The Project - The Counter Custom Built Burgers has opened in a restaurant in the Aventura Town Center. It has 2850 square feet of floor area, with 110 seats at tables indoor, 20 seats at tables on the outdoor patio, 12 proposed seats in an indoor cocktail lounge and 8 proposed seats in an outdoor cocktail lounge area. The restaurant and the lounge are permitted uses in the zoning district, which is TC1, Town Center District. The restaurant is currently licensed to sell and serve beer and wine to patrons seated at tables. It now proposes to sell and serve beer, wine and liquor in the cocktail lounge area as well as in the dining areas. Photographs of the exterior and interior of the restaurant, along with a floor plan showing the location of the cocktail lounge area highlighted in yellow, are attached as Exhibits #4 and #5.

ANALYSIS

Consistency with Comprehensive Master Plan – The request is consistent with the City of Aventura Comprehensive Plan. This establishment is located within property with a Town Center land use designation which permits a full range of sales and service activities.

Citizen Comments – As of the date of writing of this report, the Community Development Department has received no written citizen comments.

Community Development Department Analysis - The applicant is requesting conditional use approval for the sale and service of beer, wine and liquor at a cocktail lounge within a restaurant.

Section 4 of the City Code regulates the sale and service of alcoholic beverages. Sections 4-2 (a) and (b) establish certain spacing and location requirements applicable to businesses selling alcoholic beverages. The Code provides that no premises shall be used for the sale of alcoholic beverages to be consumed on or off premises unless it is located at least 1,500 feet from a place of business having an existing liquor license (and not one of the uses excepted from the spacing requirements) and 2,500 feet from a religious facility or school, unless approved as a conditional use. The Code allows certain exceptions from this conditional use requirement, as detailed in Section 4-2(e) of the Code. Dining rooms in restaurants that serve cooked, full course meals, prepared daily on the premises, are one of the exceptions provided by this Code section. Cocktail lounges in restaurants are also authorized as an exception to this conditional use approval requirement, provided that the restaurant has 200 or more seats at tables, including bars or counters at which full course meals are available and provided that the restaurant has more than 4000 square feet of floor space.

Sale and service of alcoholic beverages, including wine, beer and liquor, in the dining room of the applicant's restaurant is exempt from the distance and spacing requirements of the City Code, however, sale and service in the lounge area is not exempt because the applicant's tenant space does not meet the minimum number of seats (200 or more required and 150 existing/proposed) or the minimum floor area requirement (more than 4000 square feet required and 2580 square feet existing) to qualify for an exception to Section 4-2 of the Code. Therefore, conditional use approval is required to authorize the sale of wine, beer and liquor within the lounge area. If the conditional use approval is granted, the applicant will be permitted sell and serve the wine, beer and liquor in both the cocktail lounge area and in the dining room, subject to obtaining a liquor license from the State of Florida.

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 #6. The survey reveals twenty-three (23) establishments with an alcoholic beverage use within 1,500 feet and three (3) schools and five (5) religious facilities or schools within 2,500 feet.

Criteria

According to Section 31-73(c) of the City Code, a conditional use approval application is evaluated using the following criteria:

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

The request is consistent with the Comprehensive Plan. The establishment is to be located on a parcel with Town Center land use designation which permits the proposed use.

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 request for sale and service of wine, beer and liquor at the cocktail lounge area in the restaurant will not be detrimental to or endanger the public health, safety or general welfare. The restaurant is now permitted to sell and serve wine and beer to its patrons seated at tables in the dining area. If approved, this will expand the area of alcoholic beverage sale and service to patrons seated at stools at the cocktail lounge area inside and outside the restaurant. The conditions that beer, wine and liquor 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 alcoholic beverage from the premises 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 request for sale and service of wine, beer and liquor at the cocktail lounge area is consistent with the business community character of the immediate neighborhood. The lounge and restaurant are located in a Town Center plaza with other restaurants and retail stores.

- 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 cocktail lounge is located in a restaurant already in operation. All utilities are connected to the establishment. Roadway capacity, drainage and other necessary public facilities exist at the City's adopted levels of service or will be available concurrent with demand as provided for in the 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 cocktail lounge is located in an existing restaurant in a Town Center plaza within existing ingress and egress from Biscayne Boulevard, NE 187 Street, NE 191 Street and NE 29 Avenue. Adequate measures therefore exist to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets.

- 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. The tenant space is located

in an existing Town Center plaza. No expansion or alteration of the exterior of the building is proposed.

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

The design of the proposed cocktail lounge will minimize adverse effects, including visual impacts on adjacent property through its 260 foot setback from Biscayne Boulevard and 170 foot setback from NE 187 Street.



May 12, 2014

TCB AVENTURA LLC
18717 Biscayne Boulevard # 305
Aventura, FL 33180

Letter of Intent for Conditional Use Application

TCB Aventura, LLC (Petitioner) is currently operating a restaurant, The Counter Burger within the Aventura Town Center plaza at 2711 NE 187 Street, City of Aventura.

The Counter Burger provides a wide selection of burgers and combinations using the finest and freshest ingredients at a reasonable price. The tenant space is 2850 square feet. There are 110 Seats at tables inside and 20 seats at tables outside in the patio area. We propose 12 seats indoors at the bar area and 8 seats outside. In conjunction with food sales, the Petitioner also serves beer and wine to guests at tables to enjoy with their meals. Petitioner wishes to serve beer, wine and liquor to guests at tables and at the bar area. In accordance with Section 4.2 of the City Code, the sale and service of beer, wine and liquor to patrons seated at tables is permitted by right, but sale and service of these alcoholic beverages at the bar area must first be approved as a conditional use. Considering the foregoing, Petitioner respectfully requests the following conditional approval

Conditional use to serve beer, wine and liquor at the bar area at the Counter Burger Restaurant located at 18717 Biscayne Boulevard, # 305, Aventura, Florida, 33180.

**Exhibit #1
01-CU-14**

In accordance with Section 31-73(c) of the City's Land Development Regulations, Petitioner will demonstrate that: (1) the project is consistent with the comprehensive plan; (2) the establishment, maintenance and operation of the project will not be detrimental to or endanger the public health, safety or general welfare; and (3) the project shall be consistent with the community character of the immediate neighborhood of the proposed use.

We would like to thank you in advance for your consideration of my Petition.

Thank you,



Andres Layrisse

STATE OF FLORIDA
COUNTY OF Dade

The foregoing instrument was acknowledged before me this 12 day of May, 2014,
by Andres layrise (name of person acknowledging).



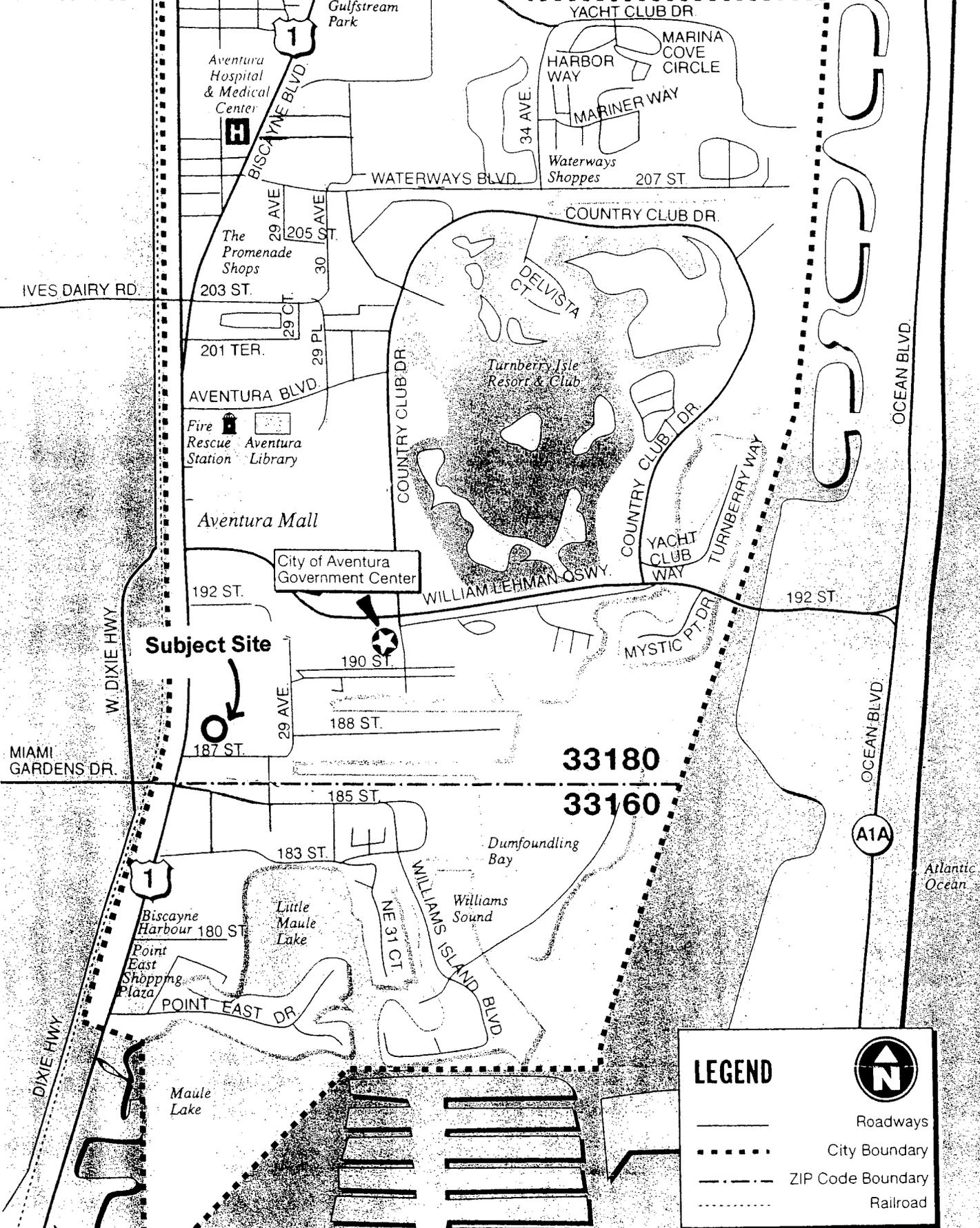
(Signature or Notary)
Zila Santana
(Name of Notary Typed, Printed, or Stamped)



Personally Known OR Produced Identification _____

Type of Identification Produced P.I.C

BROWARD COUNTY
DADE COUNTY



Subject Site

33180

33160

LEGEND

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



**Exhibit #2
01-CU-14**

**Exhibit #3
01-CU-14**

Legal Description of Property

A portion of Tracts A & B, REGINA SQUARE SUBDIVISION, according to the Plat thereof as recorded in Plat Book 113 at Page 27, of the Public Records of Miami-Dade County, Florida, being more particularly described as:

Commence at the Northwest corner of said Tract "A"; thence South 89°49'44" East. along the North Line of said Tract "A" for 223.65 feet to the Point of Beginning of the hereinafter described parcel of land; thence continue South 89°49'44" East along the North line of said Tract "A" for 53.00 feet; thence South 00°45'38" East for 198.74 feet; thence South 89°56'45" East for 283.39 feet; thence South 00°03'15" West for 149.50 feet to a point on the South line of said Tract "A"; thence South 89°56'45" East, along the South line of said Tract "A" also being the North line of said Tract "B" for 361.66 feet to the Northeast corner of said Tract "B"; thence South 00°38'10" East along the East line of said Tract "B" for 496.76 feet; thence North S89°56'4" West along the Northerly boundary of the Venture At Aventura, a Condominium for 616.05 feet; thence South 00°03'15" West along the West line of said The Venture At Aventura, a Condominium for 443.27 feet; thence North 89°56'45" West along the South line of said Tract "B" for 632.79 feet to a point of curvature; the following three (3) courses being along the Easterly right-of-way line of Biscayne Boulevard, U.S. Highway No. 1 per O.R.B. 17360, Page 3655 of said Public Records of Miami-Dade County, Florida. (1) thence Northwesterly and Northeasterly along a 26.25 foot radius curve leading to the right through a central angle of 98°46'49" for an arc of 45.26 feet to a point of reverse curvature; (2) thence Northeasterly along a 4709.83 foot radius curve leading to the left through a central angle of 3°17'00" for an arc of 269.90 feet to a point of compound curvature; (3) thence Northeasterly along a 5828.53 foot radius curve leading to the left through a central angle of 2°42'02" for an arc of 274.72 feet; the following three (3) courses being along the Southerly, Easterly and Northerly boundary of The Jaffe Building Inc. property as described in ORB 19137, at Page 2349 of the Public Records of Miami-Dade County, Florida. (1) thence South 89°5'45" East for 178.24 feet; (2) thence North 00°03'15" East for 228.32 feet; (3) thence North 89°52'41" West for 171.56 feet to a point on a circular curve concave to the West and whose radius bears North 89°23'49" West; the following two (2) courses being along the said Easterly right of way line of Biscayne Boulevard, U.S. Highway No. 1 (1) thence Northeasterly along a 5828.53 foot radius curve leading to the left through

a central angle of $00^{\circ}08'14''$ for an arc of 13.96 feet to a point of tangency; (2) thence North $00^{\circ}27'57''$ East for 47.78 feet; the following three (3) courses being along the Northerly and Westerly boundary of said Tract "B"; (1) thence South $S89^{\circ}52'41''$ East for 439.96 feet; (2) thence North $00^{\circ}45'38''$ West for 78.26 feet; (3) thence South $89^{\circ}56'45''$ East for 73.50 feet; thence North $00^{\circ}45'38''$ West for 348.36 feet to the Point of Beginning.

LESS AND EXCEPT therefrom those lands conveyed to Miami-Dade County by Warranty Deed recorded in Official Records Book 24625, Page 468 and Official Records Book 25690, Page 3708, Public Records of Miami-Dade County, Florida, and being described as follows:

A portion of Tract B, REGINA SQUARE SUBDIVISION, according to the Plat thereof as recorded in Plat Book 113, Page 27, of the Public Records of Miami-Dade County, Florida, lying in the SW 1/4 of Section 3, Township 52 South, Range 42 East, City of Aventura, Miami-Dade County, Florida and being more particularly described as follows:

Commence at the Northeast corner of Tract "C" of said REGINA SQUARE SUBDIVISION, according to the Plat thereof as recorded in that Plat Book 113, Page 27 said corner being a point on the West right of way line of N.E. 29th Avenue; thence $N00^{\circ}38'10''W$ along said West right of way line and the East line of said Tract "B" for 98.01 feet to the POINT OF BEGINNING of hereinafter described Parcel of Land; thence continue $N00^{\circ}38'10''W$ along said West right of way line and said East Tract line for 12.00 feet, the following seven (7) courses being perpendicular to or parallel with the preceded course; (1) thence $S89^{\circ}21'50''W$ for 10.00 feet; (2) thence $N00^{\circ}38'10''W$ for 22.67 feet; (3) thence $S89^{\circ}21'50''W$ for 50.00 feet; (4) thence $S00^{\circ}38'10''E$ for 55.00 feet; (5) thence $N89^{\circ}21'50''E$ for 50.00 feet; (6) thence $N00^{\circ}38'10''W$ for 20.33 feet; (7) thence $N89^{\circ}21'50''E$ for 10.00 feet to the POINT OF BEGINNING.

THE COUNTER
CUSTOM BUILT BURGERS

100
101

FIRELINE



ES **WELCOME AVENTURA** 
REG. Pils ALE
FLURIDA IPA
KEY WEST
WINDWAKER
PUMPS BREWERY

 **SI**
BYOB

ase
ALL
RE





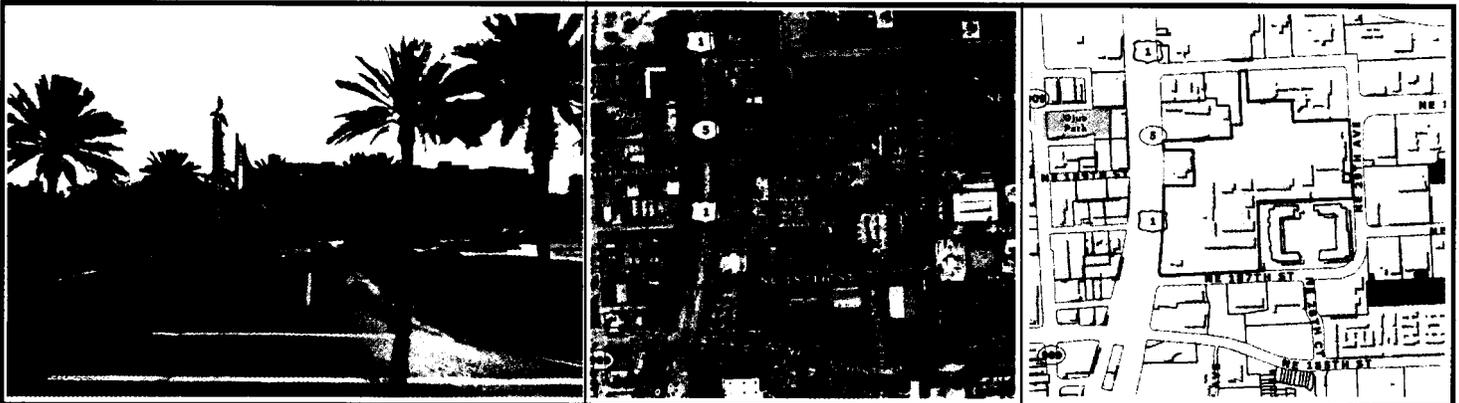


THE COUNTER
CUSTOM BUILT BURGERS

THE COUNTER
CUSTOM BUILT BURGERS

Cafe

BUFFALO WINGS



DATE : 05/14/2014 FILE NUMBER: MAS.F.05-14 PROPERTY ADDRESS : 18717 BISCAYNE BOULEVARD, AVENTURA, FL 33180

CERTIFICATIONS : LEGAL DESCRIPTION : COUNTY : MIAMI-DADE

FRITZ MASSON
 A PORTION OF TRACTS A & B, REGINA SQUARE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 113, AT PAGE 27, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FLOOD INFORMATION:
 COMMUNITY NUMBER: 120676
 PANEL NUMBER: 12086C0134
 DATE OF INDEX: 09/11/2009 SUFFIX: L
 FLOOD ZONE: AE BASE FLOOD ELEV: 7.0



Exhibit #6
 01-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.....CHATTahoochie, EPOXY-STONE
 - L.....LENGTH
 - L.A.E.....LIMITED ACCESS EASEMENT
 - L.M.E.....LAKE MAINTENANCE EASEMENT
 - (M).....MEASURE
 - OS.....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 MONUMENT
 - 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 VALVE / 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)

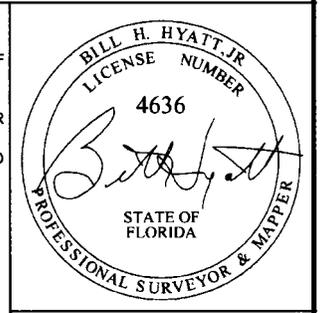
THIS IS A COPYRIGHT DOCUMENT CONTAINING PROPRIETARY INFORMATION AND IS NOT WARRANTED BY ALLSTATE SURVEYING, LLC. OR THE SIGNING SURVEYOR WHEN COPIED BY OTHERS.
UNLESS OTHERWISE SHOWN HEREON, THE FOLLOWING NOTES APPLY:

- * RECORD AND MEASURED CALLS ARE IN SUBSTANTIAL AGREEMENT AND POINTS ARE WITHIN 0.10' POSITIONAL TOLERANCE.
- * THE LANDS SHOWN 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) 2014

Bill H. Hyatt Jr.

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



FIELD DATE: 05/12/2014
 SIGNED DATE: 05/14/2014



AllState Surveying
 State of the Art Land Surveying & Mapping

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

COMMUNITY USES:

A	OJUS PARK: 18995 W DIXIE HIGHWAY AVENTURA, FL 33180	I	METROPOLITAN COMM SYNAGOGUE: 19099 W DIXIE HWY AVENTURA, FL
B	FOUNDER'S PARK: 9200 W COUNTRY CLUB DRIVE AVENTURA, FL 33180	J	EXPLOLEARN: 2570 MIAMI GARDENS DR AVENTURA, FL 33180
C	THE BISCAYNE INSTITUTES OF HEALTH: 2785 NE 183RD ST AVENTURA, FL 33160	K	SCHECK HILLEL COMM. SCHOOL: 19000 NE 25TH AVE AVENTURA, FL 33180
D	ALPHA COMPUTER REPAIRS & TRAINING: 18437 W DIXIE HWY AVENTURA, FL 33180	L	KESHER: 18900 NE 25TH AVE AVENTURA, FL 33180
E	OJUS ELEMENTARY SCHOOL: 18600 W DIXIE HWY AVENTURA, FL 33180	M	HEBREW LEARNING CENTER: 19210 W DIXIE HWY AVENTURA, FL 33180
F	SPIRIT OF CHRIST ACADEMY: 18801 W DIXIE HWY AVENTURA, FL 33180	N	TALK SCHOOL OF LANGUAGE: 19032 NE 29TH AVE AVENTURA, FL 33180
G	SPIRIT OF CHRIST CHURCH: 18801 W DIXIE HWY AVENTURA, FL 33180	O	WORD OF GOD MINISTRIES: 19300 W DIXIE HWY AVENTURA, FL 33180
H	LEVITT & WEINSTEIN MEMORIAL CHAPEL: 18840 W DIXIE HWY AVENTURA, FL 33180		

LIQUOR LICENSES:

1	CHEESECAKE FACTORY	19501 BISCAYNE BOULEVARD #791 AVENTURA, FL 33180	4COP
2	TRATTORIA ROSALIA	19501 BISCAYNE BOULEVARD AVENTURA, FL 33180	2COP
3	PIACERE NEWS & CAFE	19575 BISCAYNE BOULEVARD #K1992 AVENTURA, FL 33180	2COP
4	THE GRILL ON THE ALLEY	19501 BISCAYNE BOULEVARD #783 AVENTURA, FL 33180	4COP
5	SUSHI SIAM	19575 BISCAYNE BOULEVARD #3206 AVENTURA, FL 33180	4COP
6	59TH & LEX RESTAURANT	19555 BISCAYNE BOULEVARD AVENTURA, FL 33180	2COP
7	COURTYARD BY MARRIOTT	2825 NE 191ST STREET AVENTURA, FL 33180	4COP
8	PIZZA ROMA	19090 NE 29TH AVENUE AVENTURA, FL 33180	2COP
9	FRESKO	19048 NE 29TH AVENUE AVENTURA, FL 33180	2COP
10	LUCA BELLA	19088 NE 29TH AVENUE AVENTURA, FL 33180	4COP
11	NOVECENTO	18831 BISCAYNE BOULEVARD #220 AVENTURA, FL 33180	4COP
12	SALSA FIESTA	18167 BISCAYNE BOULEVARD AVENTURA, FL 33160	2COP
13	BUFFALO WILD WINGS GRILL & BAR	18721 BISCAYNE BOULEVARD #320 AVENTURA, FL 33180	4COP
14	BURGERFI	18139-18141 BISCAYNE BOULEVARD AVENTURA, FL 33160	2COP
15	CHIPOTLE MEXICAN GRILL	18815 BISCAYNE BOULEVARD AVENTURA, FL 33180	2COP
16	FUJI HANA RESTAURANT	2775 NE 187TH STREET #1 AVENTURA, FL 33180	2COP
17	THE FRESH MARKET	18299 BISCAYNE BOULEVARD AVENTURA, FL 33180	2APS
18	HI-LIFT MARINA	2890 NE 187TH STREET AVENTURA, FL 33180	1APS
19	SOHO ASIAN BAR & GRILL	19004 NE 29TH AVENUE AVENTURA, FL 33180	4COP
20	LA MONTANARA	18851 NE 29TH AVENUE #102 AVENTURA, FL 33180	4COP
21	MOBIL MART	19055 BISCAYNE BOULEVARD AVENTURA, FL 33180	2APS
22	MOE'S BAGELS	2770-2780 NE 187TH STREET AVENTURA, FL 33180	2COP
23	MR. CHEF'S	18800 NE 29TH AVENUE AVENTURA, FL 33180	2COP
24	PAUSE CAFE	18800 NE 29TH AVENUE #9 AVENTURA, FL 33180	2COP
25	PEEK-A-BOO CAFE	18821 NE 29TH AVENUE AVENTURA, FL 33180	2COP
26	PEI WEI ASIAN DINER	18801 BISCAYNE BOULEVARD SUITE B AVENTURA, FL 33180	2COP
27	PIZZA ROMA	19090 NE 29TH AVENUE AVENTURA, FL 33180	2COP
28	PUBLIX #454	18905 BISCAYNE BOULEVARD AVENTURA, FL 33180	2APS
29	PITA HUT	18450 W DIXIE HIGHWAY NORTH MIAMI BEACH, FL 33160	2COP
30	SHALOM HAIFA RESTAURANT	18533 W DIXIE HIGHWAY NORTH MIAMI BEACH, FL 33180	2COP
31	TRATTORIA IL MIGLIORE OF AVENTURA	2576-2578 MIAMI GARDENS DRIVE NORTH MIAMI BEACH, FL 33180	2COP
32	TANIA'S TABLE	18685 W DIXIE HIGHWAY AVENTURA, FL 33180	2COP
33	FARM STORE	2540 NE 186TH STREET NORTH MIAMI BEACH, FL 33180	2APS
34	FOOD SPOT INC.	18615 W DIXIE HIGHWAY AVENTURA, FL 33180	2 APS
35	AVENTURA FOOD MART	19190 W DIXIE HIGHWAY AVENTURA, FL 33180	2APS
36	SHELL STATION	2590 NE MIAMI GARDENS DRIVE AVENTURA, FL 33180	2APS



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>BILL HYATT JR.</u>	<u>SURVEYOR.</u>
<u>FRITZ MASSON.</u>	<u>PERMIT EXPEDITOR.</u>
<u>RAY HUNT</u>	<u>REAL ESTATE RESEARCH.</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 14 DAY OF MAY, 2011.

AUTHORIZED REPRESENTATIVE OF APPLICANT:

OWNER

By: [Signature]
 (Signature)
 Name: ANDRES LAYRISSE.
 (Print)
 Title: OWNER'S AGENT.
 Address: _____

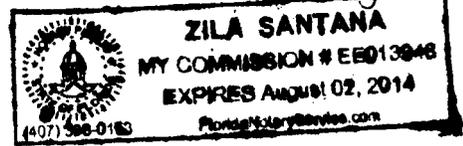
By: _____
 (Signature)
 Name: _____
 (Print)
 Title: _____
 Address: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared ANDRES LAYRISSE. 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 14 day of MAY, 2011.

[Signature]
 AFFIANT
 2011.
[Signature]
 Notary Public State of Florida At Large
 Printed Name of Notary Zila Santana.
 My commission expires: Aug. 02, 2014.





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 14 DAY OF MAY, 2014.

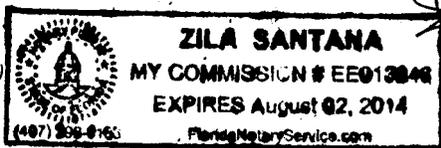
APPLICANT:

By: _____ (Signature)
 Name: ANDRES LAYRISSE (Print)
 Title: OWNER'S AGENT (Print)

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

PROPERTY OWNER:

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



[Signature]
 May. 14, 2014

*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 MAY, 2004

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature) ←

Name: BILL HYATT JR (Print)

Title: SURVEYOR (Print)

BILL HYATT JR SIGNS HERE

(Signature)
(Print)
(Print)

By: [Signature] (Signature)

Name: FRITZ MASSON (Print)

Title: PERMIT EXPEDITOR (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: [Signature] (Signature)

Name: RAY HUNT (Print)

Title: REAL ESTATE RES (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

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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.

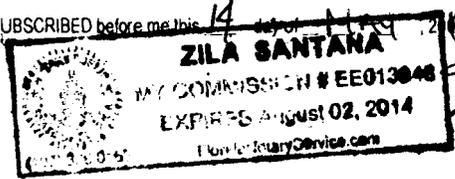
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared ANDRES LAYRISSE 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 14 day of MAY, 2014.



[Signature]
Notary Public State of Florida At Large
Zila Santana
Printed Name of Notary
My commission expires: Aug. 02, 2014

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared BILL HYATLER 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 ____ day of MAY, 2014

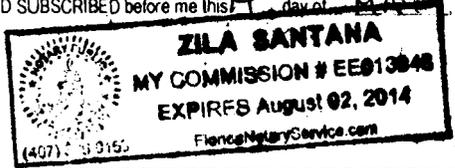
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: ____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared FRITZ MASSON 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 14 day of MAY, 2014.



[Signature]
Notary Public State of Florida At Large
Zila Santana
Printed Name of Notary
My commission expires: Aug. 02, 2014

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared RAY HOLT 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 14 day of MAY, 2014.



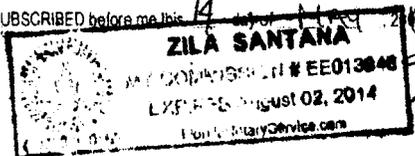
[Signature]
Notary Public State of Florida At Large
Zila Santana
Printed Name of Notary
My commission expires: Aug. 02, 2014

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared ANDRES LARRISSE 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 14 day of MAY, 2014.



[Signature]
AFFIANT
[Signature]
Notary Public State of Florida At Large
Zila Santana
Printed Name of Notary
My commission expires Aug. 02, 2014

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

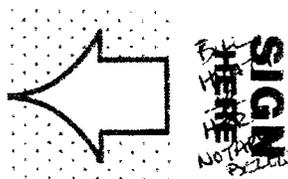
Before me, the undersigned authority, personally appeared BILL HYATT JR the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED before me this 15 day of MAY, 2014.



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

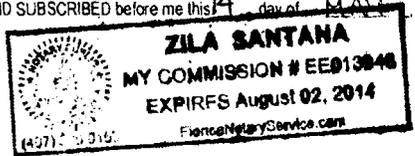
[Signature]
AFFIANT
[Signature]
Notary Public State of Florida At Large
Zila Santana
Printed Name of Notary
My commission expires: _____



STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared FRITZ MASSO 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 14 day of MAY, 2014.



[Signature]
AFFIANT
[Signature]
Notary Public State of Florida At Large
Zila Santana
Printed Name of Notary
My commission expires: Aug. 02, 2014

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared RAY HUST 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 14 day of MAY, 2014.



[Signature]
AFFIANT
[Signature]
Notary Public State of Florida At Large
Zila Santana
Printed Name of Notary
My commission expires: Aug. 02, 2014

RESOLUTION NO. 2014-___

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING CONDITIONAL USE APPROVAL TO ALLOW THE SALE AND SERVICE OF WINE, BEER AND LIQUOR AT A COCKTAIL LOUNGE WITHIN THE COUNTER CUSTOM BUILT BURGERS RESTAURANT LOCATED AT 18717 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned TC1, Town Center District;
and

WHEREAS, the applicant, Andres Layrisse as agent for TCB Aventura LLC, doing business as The Counter Custom Built Burgers, through Application No. 01-CU-14, is requesting Conditional Use approval to permit the sale and service of beer, wine and liquor at a cocktail lounge within The Counter Custom Built Burgers restaurant in the Aventura Town Center; 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 01-CU-14 for Conditional Use to allow the sale and service of wine, beer and liquor at a cocktail lounge within The Counter Custom Built Burgers restaurant in the TC1, Town Center zoning district is hereby granted exclusively to the Applicant, subject to the conditions set out in this Resolution, on property legally described in Exhibit "A" to this Resolution.

Section 2. Approval of the request above is subject to the following conditions:

1. This approval shall be granted exclusively to TCB Aventura LLC, doing business as The Counter Custom Built Burgers restaurant.
2. Beer, wine and liquor shall be sold and served only in conjunction with service of food.
3. Customers will not be permitted to remove the beer, wine or liquor from the premises.
4. The applicant shall obtain an alcoholic beverage license from the State of Florida and begin sales and service of beer, wine and liquor 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 at the written request of the applicant, provided that the applicant has filed the request for extension within the twelve (12) month period prior to expiration.

- 5. The applicant shall comply with the hours of operation allowed to bars and cocktail lounges for sale and service of alcoholic beverages for consumption on the premises pursuant to Section 4-3(d) of the City Code, which permits sales of wine, beer and liquor for consumption on the premises between the hours of 8:00 a.m. and 1:00 a.m. the following day.
- 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. 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 beer, wine and liquor for a period of 180 consecutive days shall constitute abandonment and shall rescind this approval.

Section 3. 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 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 Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Billy Joel	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 3rd day of June, 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 _____, 2014.

CITY CLERK

EXHIBIT "A"

Legal Description of Property

A portion of Tracts A & B, REGINA SQUARE SUBDIVISION, according to the Plat thereof as recorded in Plat Book 113 at Page 27, of the Public Records of Miami-Dade County, Florida, being more particularly described as:

Commence at the Northwest corner of said Tract "A"; thence South $89^{\circ}49'44''$ East, along the North Line of said Tract "A" for 223.65 feet to the Point of Beginning of the hereinafter described parcel of land; thence continue South $89^{\circ}49'44''$ East along the North line of said Tract "A" for 53.00 feet; thence South $00^{\circ}45'38''$ East for 198.74 feet; thence South $89^{\circ}56'45''$ East for 283.39 feet; thence South $00^{\circ}03'15''$ West for 149.50 feet to a point on the South line of said Tract "A"; thence South $89^{\circ}56'45''$ East, along the South line of said Tract "A" also being the North line of said Tract "B" for 361.66 feet to the Northeast corner of said Tract "B"; thence South $00^{\circ}38'10''$ East along the East line of said Tract "B" for 496.76 feet; thence North $S89^{\circ}56'4''$ West along the Northerly boundary of the Venture At Aventura, a Condominium for 616.05 feet; thence South $00^{\circ}03'15''$ West along the West line of said The Venture At Aventura, a Condominium for 443.27 feet; thence North $89^{\circ}56'45''$ West along the South line of said Tract "B" for 632.79 feet to a point of curvature; the following three (3) courses being along the Easterly right-of-way line of Biscayne Boulevard, U.S. Highway No. 1 per O.R.B. 17360, Page 3655 of said Public Records of Miami-Dade County, Florida. (1) thence Northwesterly and Northeasterly along a 26.25 foot radius curve leading to the right through a central angle of $98^{\circ}46'49''$ for an arc of 45.26 feet to a point of reverse curvature; (2) thence Northeasterly along a 4709.83 foot radius curve leading to the left through a central angle of $3^{\circ}17'00''$ for an arc of 269.90 feet to a point of compound curvature; (3) thence Northeasterly along a 5828.53 foot radius curve leading to the left through a central angle of $2^{\circ}42'02''$ for an arc of 274.72 feet; the following three (3) courses being along the Southerly, Easterly and Northerly boundary of The Jaffe Building Inc. property as described in ORB 19137, at Page 2349 of the Public Records of Miami-Dade County, Florida. (1) thence South $89^{\circ}5'45''$ East for 178.24 feet; (2) thence North $00^{\circ}03'15''$ East for 228.32 feet; (3) thence North $89^{\circ}52'41''$ West for 171.56 feet to a point on a circular curve concave to the West and whose radius bears North $89^{\circ}23'49''$ West; the following two (2) courses being along the said Easterly right of way line of Biscayne Boulevard, U.S. Highway No. 1 (1) thence Northeasterly along a 5828.53 foot radius curve leading to the left through a central angle of $00^{\circ}08'14''$ for an arc of 13.96 feet to a point of tangency; (2) thence North $00^{\circ}27'57''$ East for 47.78 feet; the following three (3) courses

being along the Northerly and Westerly boundary of said Tract "B"; (1) thence South S89°52'41" East for 439.96 feet; (2) thence North 00°45'38" West for 78.26 feet; (3) thence South 89°56'45" East for 73.50 feet; thence North 00°45'38" West for 348.36 feet to the Point of Beginning.

LESS AND EXCEPT therefrom those lands conveyed to Miami-Dade County by Warranty Deed recorded in Official Records Book 24625, Page 468 and Official Records Book 25690, Page 3708, Public Records of Miami-Dade County, Florida, and being described as follows:

A portion of Tract B, REGINA SQUARE SUBDIVISION, according to the Plat thereof as recorded in Plat Book 113, Page 27, of the Public Records of Miami-Dade County, Florida, lying in the SW 1/4 of Section 3, Township 52 South, Range 42 East, City of Aventura, Miami-Dade County, Florida and being more particularly described as follows:

Commence at the Northeast corner of Tract "C" of said REGINA SQUARE SUBDIVISION, according to the Plat thereof as recorded in that Plat Book 113, Page 27 said corner being a point on the West right of way line of N.E. 29th Avenue; thence N00°38'10"W along said West right of way line and the East line of said Tract "B" for 98.01 feet to the POINT OF BEGINNING of hereinafter described Parcel of Land; thence continue N00°38'10"W along said West right of way line and said East Tract line for 12.00 feet, the following seven (7) courses being perpendicular to or parallel with the preceded course; (1) thence S89°21'50"W for 10.00 feet; (2) thence N00°38'10"W for 22.67 feet; (3) thence S89°21'50"W for 50.00 feet; (4) thence S00°38'10"E for 55.00 feet; (5) thence N89°21'50"E for 50.00 feet; (6) thence N00°38'10"W for 20.33 feet; (7) thence N89°21'50"E for 10.00 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: May 7, 2014

SUBJECT: Request for Conditional Use approval pursuant to Section 4-2(a) of the City Code to permit service and sale of beer and wine at Café Cita in the Aventura Town Plaza at 18719 Biscayne Boulevard, Aventura (06-CU-14)

June 3, 2014 City Commission Meeting Agenda Item 6-B

RECOMMENDATION

It is recommended that the City Commission approve the request for Conditional Use Approval to permit service and sale of beer and wine at Café Cita in the Aventura Town Plaza at 18719 Biscayne Boulevard, Aventura, subject to the following conditions:

1. Beer and wine only shall be sold and served only in conjunction with service of food.
2. Customers will not be permitted to remove the glass of beer and/or wine from the premises.
3. This approval is granted exclusively to YC Group #1, doing business as Café Cita, and may not be transferred to another owner and/or operator of the café.
4. The applicant shall obtain an alcoholic beverage license from the State of Florida and begin sales and service of beer and wine 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.
5. 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
6. 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. The applicant agrees to immediately discontinue sales and service

of alcoholic beverages upon written notice to the applicant of such a determination.

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

THE REQUEST

The applicant, YC Group #1, doing business as Café Cita, is requesting conditional use approval pursuant to Section 4-2(a) of the City Code to permit sales and service of beer and wine at its café located in the Aventura Town Center at 18719 Biscayne Boulevard. The café includes indoor and outdoor seating areas. (See Exhibit #1 for Letter of Intent)

BACKGROUND

OWNER OF PROPERTY

Aventura Fashion Island L.P.

APPLICANT

YC Group #1 Inc., dba Café Cita

ADDRESS OF PROPERTY

18719 Biscayne Boulevard, City of Aventura
(See Exhibit #2 for Location Map)

LEGAL DESCRIPTION

Portion of Tracts A & B, Regina Square Subdivision, according to the plat thereof recorded in Plat Book 113, Page 27, of the Public Records of Miami-Dade County, Florida
(See Exhibit #3 for complete legal description)

Zoning –

Subject Property:	TC1	Town Center District
Properties to the North:	B2	Community Business District and
	TC1	Town Center District
Properties to the South:	B2	Community Business District
Properties to the East:	RMF3	Multifamily Medium Density Residential District
	TC1	Town Center District
	TC2	Town Center Marine District
Properties to the West:	B2	Community Business District
	B3	Heavy Business District

Existing Land Use –

Subject property:	Town Center
Properties to the North:	Commercial Plaza, Hotel, Office Building
Properties to the South:	Commercial Plaza
Properties to the East:	Residential, Office Building, Marina
Properties to the West:	Commercial Plaza

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

Subject property:	Town Center
Property to the North:	Town Center and Business and Office
Property to the South:	Business and Office
Property to the East:	Town Center
Property to the West:	Town Center

The Site - Café Cita is located in a tenant space in the southwest corner of the Aventura Town Center buildings, with one exterior wall facing south on NE 187 Street and one exterior wall facing the interior courtyard of the Town Center.

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 and wine at the indoor and outdoor seating areas of its café. There are 23 indoor seats and 40 outdoor seats. The outdoor seats are in the interior courtyard of the Town Center. Photographs of the exterior and interior of the café are attached as Exhibit #4.

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 and wine at its café in the Aventura Town Center. 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 #5. The survey reveals twenty-four (24)

establishments with an alcoholic beverage use within 1,500 feet and three (3) schools and five (5) 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 that serve cooked, full course meals daily prepared on premises, cocktail lounges in restaurants that have more than 4,000 square feet of floor area and 200 or more seats, 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 café 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 Town Center.

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 beer and wine will not be detrimental to or endanger the public health, safety or general welfare. The conditions that beer and wine 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 and wine from the premises 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 Town Center is existing on Biscayne Boulevard, NE 187 Street, NE 191 Street and NE 29 Avenue.

- 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 within the Aventura Town Center and will have no visual or other adverse affects on adjacent property. The outside seating area faces existing restaurant and retail uses.

City of Aventura

19200 West Country Club Drive

Aventura, Fl 33180

Re: Café-Cita Request for Beer and Wine License

April 21, 2014

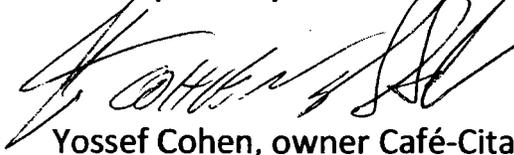
Café-Cita is requesting a beer and wine license for the premises located at 18719 Biscayne Blvd in the Town Center of Aventura.

As other establishments such as Starbucks, Panther Coffee and local coffee houses now offer beer and wine, we are requesting that the City of Aventura grant us permission to offer the same to our customers.

Café-Cita's menu will be expanding to include light appetizers as well as cheese plates. The ensuing license will be an enticement for more traffic to Café-Cita and to the Town Center and can only bode well for all involved.

As Café-Cita now has live music several times a week, and presenting "Pop Up" art markets, book launchings, readings and coffee cuppings, the beer and wine license will be an added benefit to our patrons. Presently, when our customers come for the live music, they are turning to neighboring restaurants to buy their beer and wine, and then drink their purchases at our establishment.....we would like to offer them the opportunity to purchase their drinks from Café-Cita.

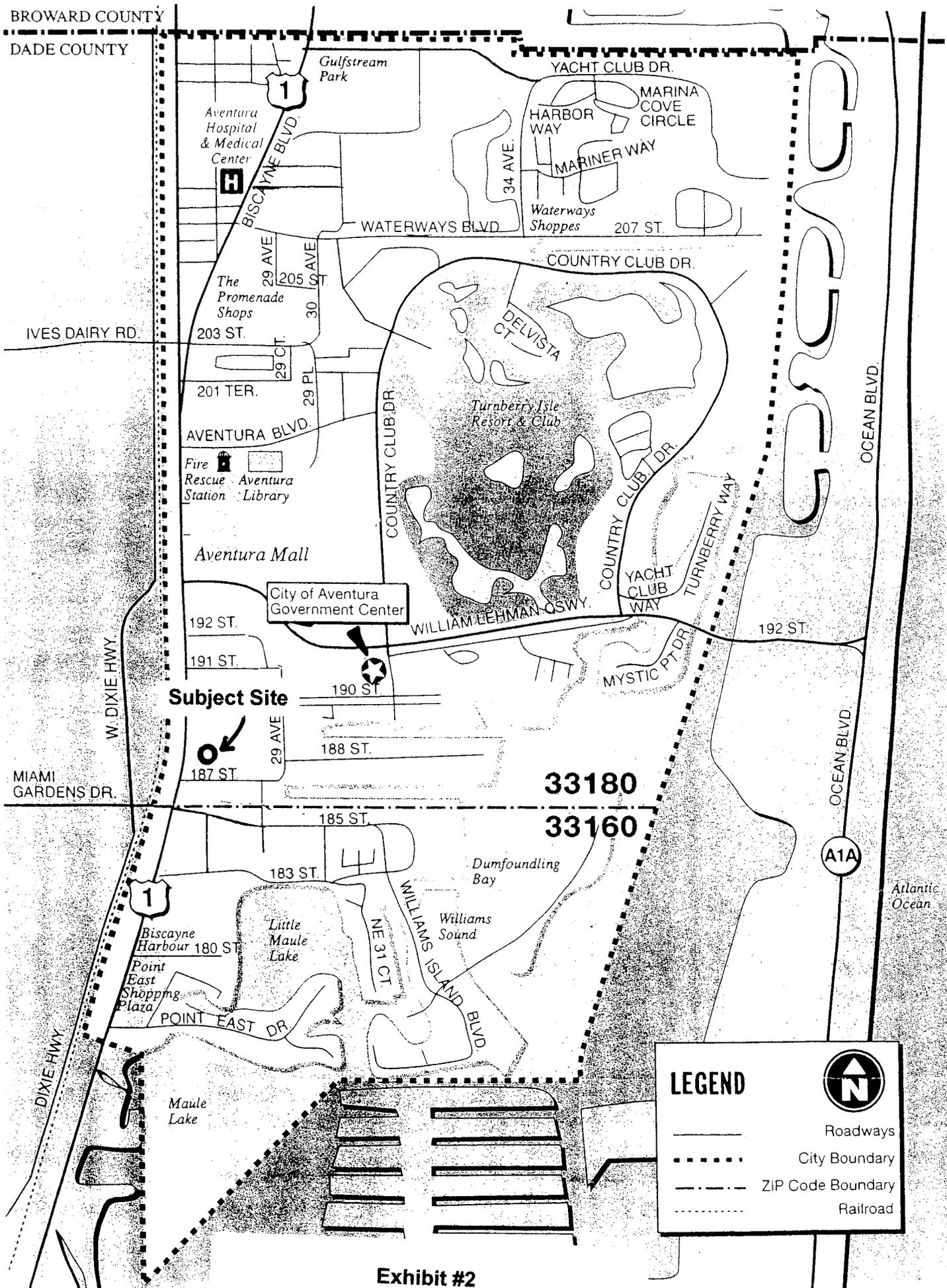
Thank you for your consideration.



Yossef Cohen, owner Café-Cita

Exhibit #1
06-CU-14

BROWARD COUNTY
DADE COUNTY



Subject Site

33180
33160

LEGEND

- Roadways
- City Boundary
- ZIP Code Boundary
- Railroad

A1A

Atlantic Ocean

Exhibit #2
06-CU-14

Exhibit #3
06-CU-14

Legal Description of Property

A portion of Tracts A & B, REGINA SQUARE SUBDIVISION, according to the Plat thereof as recorded in Plat Book 113 at Page 27, of the Public Records of Miami-Dade County, Florida, being more particularly described as:

Commence at the Northwest corner of said Tract "A"; thence South 89°49'44" East. along the North Line of said Tract "A" for 223.65 feet to the Point of Beginning of the hereinafter described parcel of land; thence continue South 89°49'44" East along the North line of said Tract "A" for 53.00 feet; thence South 00°45'38" East for 198.74 feet; thence South 89°56'45" East for 283.39 feet; thence South 00°03'15" West for 149.50 feet to a point on the South line of said Tract "A"; thence South 89°56'45" East, along the South line of said Tract "A" also being the North line of said Tract "B" for 361.66 feet to the Northeast corner of said Tract "B"; thence South 00°38'10" East along the East line of said Tract "B" for 496.76 feet; thence North S89°56'4" West along the Northerly boundary of the Venture At Aventura, a Condominium for 616.05 feet; thence South 00°03'15" West along the West line of said The Venture At Aventura, a Condominium for 443.27 feet; thence North 89°56'45" West along the South line of said Tract "B" for 632.79 feet to a point of curvature; the following three (3) courses being along the Easterly right-of-way line of Biscayne Boulevard, U.S. Highway No. 1 per O.R.B. 17360, Page 3655 of said Public Records of Miami-Dade County, Florida. (1) thence Northwesterly and Northeasterly along a 26.25 foot radius curve leading to the right through a central angle of 98°46'49" for an arc of 45.26 feet to a point of reverse curvature; (2) thence Northeasterly along a 4709.83 foot radius curve leading to the left through a central angle of 3°17'00" for an arc of 269.90 feet to a point of compound curvature; (3) thence Northeasterly along a 5828.53 foot radius curve leading to the left through a central angle of 2°42'02" for an arc of 274.72 feet; the following three (3) courses being along the Southerly, Easterly and Northerly boundary of The Jaffe Building Inc. property as described in ORB 19137, at Page 2349 of the Public Records of Miami-Dade County, Florida. (1) thence South 89°5'45" East for 178.24 feet; (2) thence North 00°03'15" East for 228.32 feet; (3) thence North 89°52'41" West for 171.56 feet to a point on a circular curve concave to the West and whose radius bears North 89°23'49" West; the following two (2) courses being along the said Easterly right of way line of Biscayne Boulevard, U.S. Highway No. 1 (1) thence Northeasterly along a 5828.53 foot radius curve

leading to the left through a central angle of $00^{\circ}08'14''$ for an arc of 13.96 feet to a point of tangency; (2) thence North $00^{\circ}27'57''$ East for 47.78 feet; the following three (3) courses being along the Northerly and Westerly boundary of said Tract "B"; (1) thence South $S89^{\circ}52'41''$ East for 439.96 feet; (2) thence North $00^{\circ}45'38''$ West for 78.26 feet; (3) thence South $89^{\circ}56'45''$ East for 73.50 feet; thence North $00^{\circ}45'38''$ West for 348.36 feet to the Point of Beginning.

LESS AND EXCEPT therefrom those lands conveyed to Miami-Dade County by Warranty Deed recorded in Official Records Book 24625, Page 468 and Official Records Book 25690, Page 3708, Public Records of Miami-Dade County, Florida, and being described as follows:

A portion of Tract B, REGINA SQUARE SUBDIVISION, according to the Plat thereof as recorded in Plat Book 113, Page 27, of the Public Records of Miami-Dade County, Florida, lying in the SW 1/4 of Section 3, Township 52 South, Range 42 East, City of Aventura, Miami-Dade County, Florida and being more particularly described as follows:

Commence at the Northeast corner of Tract "C" of said REGINA SQUARE SUBDIVISION, according to the Plat thereof as recorded in that Plat Book 113, Page 27 said corner being a point on the West right of way line of N.E. 29th Avenue; thence $N00^{\circ}38'10''W$ along said West right of way line and the East line of said Tract "B" for 98.01 feet to the POINT OF BEGINNING of hereinafter described Parcel of Land; thence continue $N00^{\circ}38'10''W$ along said West right of way line and said East Tract line for 12.00 feet, the following seven (7) courses being perpendicular to or parallel with the preceded course; (1) thence $S89^{\circ}21'50''W$ for 10.00 feet; (2) thence $N00^{\circ}38'10''W$ for 22.67 feet; (3) thence $S89^{\circ}21'50''W$ for 50.00 feet; (4) thence $S00^{\circ}38'10''E$ for 55.00 feet; (5) thence $N89^{\circ}21'50''E$ for 50.00 feet; (6) thence $N00^{\circ}38'10''W$ for 20.33 feet; (7) thence $N89^{\circ}21'50''E$ for 10.00 feet to the POINT OF BEGINNING.

CaféCita

CaféCita

CAPPUCCINO FRAPPECITA MACCHIATO ESPRESSO LATTE CAPPUCCINO FRAPPECITA MACCHIATO

ESPRESSO LATTE CAPPUCCINO FRAPPECITA MACCHIATO ESPRESSO LATTE CAPPUCCINO FRAPPECITA MACCHIATO

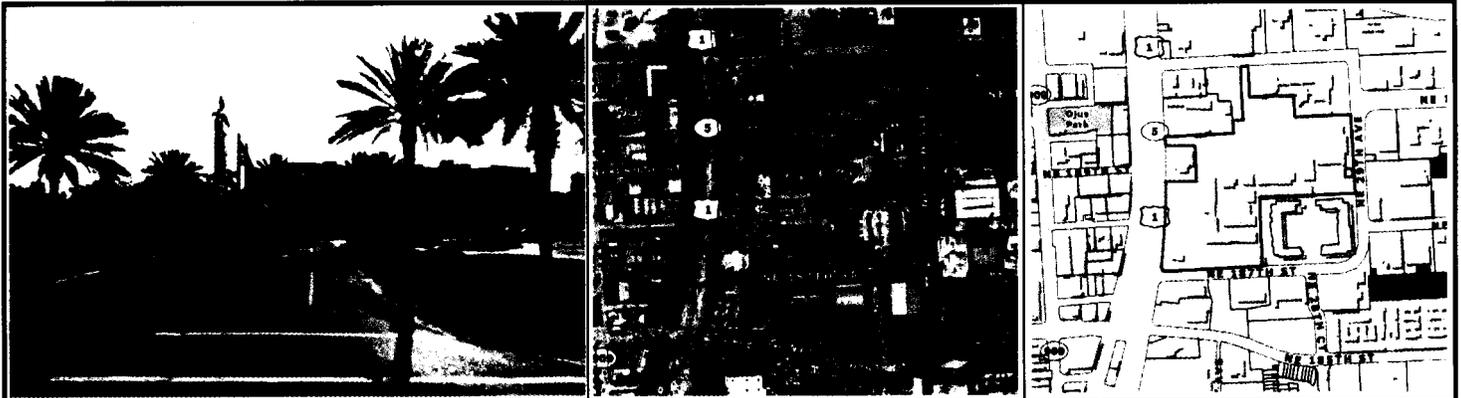
18715

18719

18719







DATE : 04/17/2014 FILE NUMBER: PUM.CA.04-14 PROPERTY ADDRESS : 18719 BISCAYNE BOULEVARD, AVENTURA, FL 33180

CERTIFICATIONS : LEGAL DESCRIPTION : COUNTY : MIAMI-DADE

CAROLE PUMPIAN A PORTION OF TRACTS A & B, REGINA SQUARE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 113, AT PAGE 27, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FLOOD INFORMATION: COMMUNITY NUMBER: 120676 PANEL NUMBER: 12086C0134 DATE OF INDEX: 09/11/2009 SUFFIX: L FLOOD ZONE: AE BASE FLOOD ELEV: 7.0

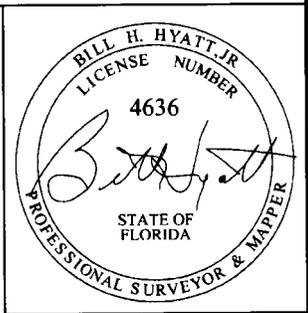
Exhibit #5
06-CU-14

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.Pk.N.....FOUND PARKER KALON NAIL
 - I.D.....SURVEYOR'S IDENTIFICATION
 - CHATT.....CHATTahoochie, 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 MONUMENT
 - P.T.....POINT OF TANGENCY
 - R.....RADIUS
 - (R).....RECORD
 - RAW.....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)
 - 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 VALVE / 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 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) 2014

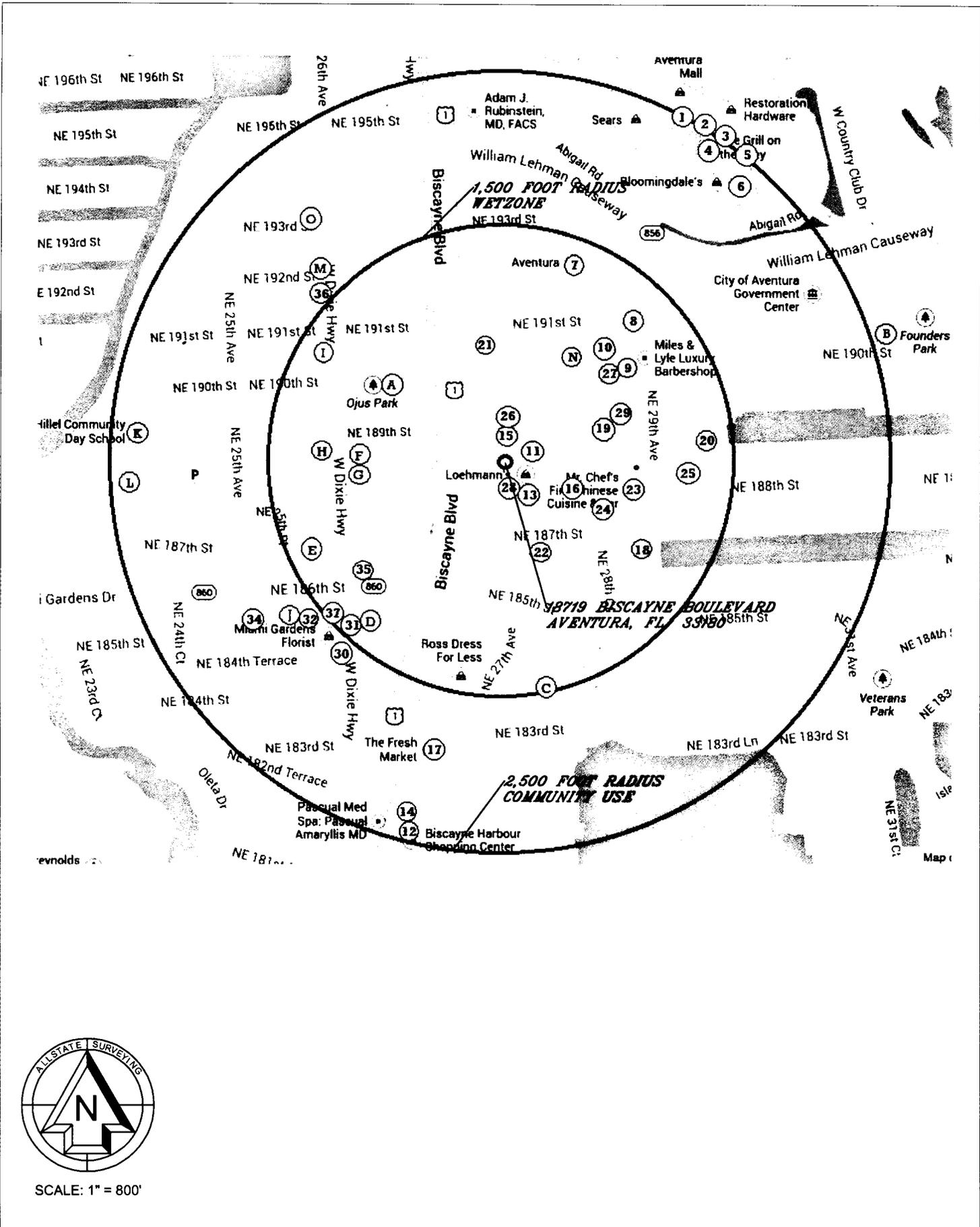


BILL H HYATT JR
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA LICENSE NUMBER: 4636

FIELD DATE: 04/15/2014
SIGNED DATE: 04/17/2014



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





APPLICANT REPRESENTATIVE AFFIDAVIT

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

Name	Relationship <small>(i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)</small>
<u>YOSSEF COHEN</u>	<u>OWNER CAFE-CITA</u>
<u>BILL HATT JR.</u>	<u>SURVEYOR</u>
<u>CAROLE PUMPIAN</u>	<u>CONSULTANT</u>
<u>RAY HUNT</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 _____, 2014.

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By: _____
(Signature)

Name: _____
(Print)

Title: _____

Address: _____

OWNER

By: [Signature]
(Signature)

Name: YOSSEF COHEN
(Print)

Title: OWNER- YEGEDOP#1 DBA CAFE-CITA

Address: 2751 S. OCEAN DR. #1107D.
HOLLYWOOD, FL 33019

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared YOSSEF COHEN 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 30 day of April, 2014



RACHEL LEVY
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF016484
Expires 9/1/2017

[Signature]
AFFIANT

[Signature]
Notary Public State of Florida-At Large
Printed Name of Notary Rachel Levy
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 21 DAY OF APRIL, 2006.

APPLICANT:

By: [Signature] (Signature)
 Name: YOSSEF COHEN (Print)
 Title: OWNER - YCGROUP #1 DBA (Print)
CAFECITA.

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 YUSSEF COHEN 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 21 day of APRIL, 2014



ALEXANDER ARRIETA
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF011725
Expires 7/18/2017

Notary Public State of Florida At Large
Alexander Arrieta
Printed Name of Notary
My commission expires: 7/18/17

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared BILL 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.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2014

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 CAROLE POMPANO 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 _____, 2014

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) 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 29 DAY OF APRIL, 2014

APPLICANT:

By: [Signature] (Signature)
 Name: BILL HYATT JR (Print)
 Title: SURVEYOR (Print)

WITNESS MY HAND THIS 29 DAY OF APRIL, 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 BILLY HATZEL 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.

Billy Hatzel
AFFIANT

SWORN TO AND SUBSCRIBED before me this 29 day of April, 2014

Elisa Gonzalez
Notary Public State of Florida At Large
ELISA GONZALEZ
Printed Name of Notary
My commission expires: _____



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

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)

- 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 30 DAY OF APRIL, 2014

APPLICANT:

By: Carole Pimpian (Signature)
 Name: CAROLE PIMPIAN (Print)
 Title: CONSULTANT (Print)

WITNESS MY HAND THIS 30th DAY OF April, 2014

PROPERTY OWNER:

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



Rachel Levy
 RACHEL LEVY
 NOTARY PUBLIC
 STATE OF FLORIDA
 Comm# FF016484
 Expires 9/1/2017

*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 CAROLE PUMPAIN 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 30 day of APRIL, 200 .

Carole Pumpain

Carole Pumpain
AFFIANT

Rachel Levy
Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____



RACHEL LEVY
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF016484
Expires 9/1/2017

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.

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: _____



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

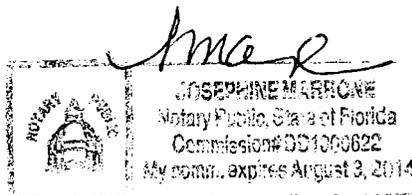
WITNESS MY HAND THIS 28 DAY OF April, 20014

APPLICANT

By: Ray M. Hunt (Signature)
Name: Ray M. Hunt (Print)
Title: President (Print)

FL Real Estate Decisions, Inc.

WITNESS MY HAND THIS 28 DAY OF April, 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

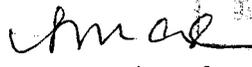
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

SWORN TO AND SUBSCRIBED before me this April day of 2004

AFFIANT



JOSEPHINE MARRONE
Notary Public, State of Florida
Commission# DD111682
My comm. expires August 3, 2006

Notary Public State of Florida At Large

Printed Name of Notary J. marrone
My commission expires:

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

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

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

AFFIANT

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires:

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

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

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

AFFIANT

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires:

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

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

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

AFFIANT

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires:

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 AND WINE AT CAFÉ CITA IN THE AVENTURA TOWN CENTER AT 18719 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property described herein is zoned TC1, Town Center District;
and

WHEREAS, the applicant, YC Group #1, Inc., doing business as Café Cita, through Application No. 06-CU-14, is requesting Conditional Use approval to permit the sale and service of beer and wine at its café in the Aventura Town Center; 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 and wine at Café Cita at 18719 Biscayne Boulevard, legally described in Exhibit "A" to this Resolution, is hereby granted subject to the following conditions:

1. Beer and wine shall be sold and served only in conjunction with the service of food.
2. Customers will not be permitted to remove the glass of beer and/or wine from the premises.
3. This approval is granted exclusively to YC Group #1 Inc., doing business as Café Cita, and may not be transferred to another owner and/or operator of the café.

4. The applicant shall obtain an alcoholic beverage license from the State of Florida and begin sales and service of beer and wine 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.
5. 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.
6. 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. The applicant agrees to immediately discontinue sales and service of alcoholic beverages upon written notice to the applicant of such a determination.
7. Any discontinuation of the sales and service of beer and wine 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 Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbaz Weinberg	_____
Vice Mayor Billy Joel	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 3rd day of June, 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 _____, 2014.

CITY CLERK

EXHIBIT "A"

Legal Description of Property

A portion of Tracts A & B, REGINA SQUARE SUBDIVISION, according to the Plat thereof as recorded in Plat Book 113 at Page 27, of the Public Records of Miami-Dade County, Florida, being more particularly described as:

Commence at the Northwest corner of said Tract "A"; thence South 89°49'44" East. along the North Line of said Tract "A" for 223.65 feet to the Point of Beginning of the hereinafter described parcel of land; thence continue South 89°49'44" East along the North line of said Tract "A" for 53.00 feet; thence South 00°45'38" East for 198.74 feet; thence South 89°56'45" East for 283.39 feet; thence South 00°03'15" West for 149.50 feet to a point on the South line of said Tract "A"; thence South 89°56'45" East, along the South line of said Tract "A" also being the North line of said Tract "B" for 361.66 feet to the Northeast corner of said Tract "B"; thence South 00°38'10" East along the East line of said Tract "B" for 496.76 feet; thence North S89°56'4" West along the Northerly boundary of the Venture At Aventura, a Condominium for 616.05 feet; thence South 00°03'15" West along the West line of said The Venture At Aventura, a Condominium for 443.27 feet; thence North 89'56'45" West along the South line of said Tract "B" for 632.79 feet to a point of curvature; the following three (3) courses being along the Easterly right-of-way line of Biscayne Boulevard, U.S. Highway No. 1 per O.R.B. 17360, Page 3655 of said Public Records of Miami-Dade County, Florida. (1) thence Northwesterly and Northeasterly along a 26.25 foot radius curve leading to the right through a central angle of 98°46'49" for an arc of 45.26 feet to a point of reverse curvature; (2) thence Northeasterly along a 4709.83 foot radius curve leading to the left through a central angle of 3°17'00" for an arc of 269.90 feet to a point of compound curvature; (3) thence Northeasterly along a 5828.53 foot radius curve leading to the left through a central angle of 2°42'02" for an arc of 274.72 feet; the following three (3) courses being along the Southerly, Easterly and Northerly boundary of The Jaffe Building Inc. property as described in ORB 19137, at Page 2349 of the Public Records of Miami-Dade County, Florida. (1) thence South 89°5'45" East for 178.24 feet; (2) thence North 00°03'15" East for 228.32 feet; (3) thence North 89°52'41" West for 171.56 feet to a point on a circular curve concave to the West and whose radius bears North 89°23'49" West; the following two (2) courses being along the said Easterly right of way line of Biscayne Boulevard, U.S. Highway No. 1 (1) thence Northeasterly along a 5828.53 foot radius curve leading to the left through

a central angle of $00^{\circ}08'14''$ for an arc of 13.96 feet to a point of tangency; (2) thence North $00^{\circ}27'57''$ East for 47.78 feet; the following three (3) courses being along the Northerly and Westerly boundary of said Tract "B"; (1) thence South $S89^{\circ}52'41''$ East for 439.96 feet; (2) thence North $00^{\circ}45'38''$ West for 78.26 feet; (3) thence South $89^{\circ}56'45''$ East for 73.50 feet; thence North $00^{\circ}45'38''$ West for 348.36 feet to the Point of Beginning.

LESS AND EXCEPT therefrom those lands conveyed to Miami-Dade County by Warranty Deed recorded in Official Records Book 24625, Page 468 and Official Records Book 25690, Page 3708, Public Records of Miami-Dade County, Florida, and being described as follows:

A portion of Tract B, REGINA SQUARE SUBDIVISION, according to the Plat thereof as recorded in Plat Book 113, Page 27, of the Public Records of Miami-Dade County, Florida, lying in the SW 1/4 of Section 3, Township 52 South, Range 42 East, City of Aventura, Miami-Dade County, Florida and being more particularly described as follows:

Commence at the Northeast corner of Tract "C" of said REGINA SQUARE SUBDIVISION, according to the Plat thereof as recorded in that Plat Book 113, Page 27 said corner being a point on the West right of way line of N.E. 29th Avenue; thence $N00^{\circ}38'10''W$ along said West right of way line and the East line of said Tract "B" for 98.01 feet to the POINT OF BEGINNING of hereinafter described Parcel of Land; thence continue $N00^{\circ}38'10''W$ along said West right of way line and said East Tract line for 12.00 feet, the following seven (7) courses being perpendicular to or parallel with the preceded course; (1) thence $S89^{\circ}21'50''W$ for 10.00 feet; (2) thence $N00^{\circ}38'10''W$ for 22.67 feet; (3) thence $S89^{\circ}21'50''W$ for 50.00 feet; (4) thence $S00^{\circ}38'10''E$ for 55.00 feet; (5) thence $N89^{\circ}21'50''E$ for 50.00 feet; (6) thence $N00^{\circ}38'10''W$ for 20.33 feet; (7) thence $N89^{\circ}21'50''E$ for 10.00 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: May 16, 2014

SUBJECT: Request for Sign Variance
Mount Sinai Medical Center of Florida, Inc.
2845 Aventura Boulevard, City of Aventura
(02-SV-14)

June 3, 2014 City Commission Meeting Agenda Item 6-C

RECOMMENDATION

It is recommended that the City Commission approve the request for a fourth wall sign, measuring 130 square feet, to be located on the south elevation of the Mount Sinai Aventura building at 2845 Aventura Boulevard, City of Aventura, where one wall sign is permitted by Code, with the following conditions:

1. That the sign substantially complies with the plan submitted with the application, prepared by USA Signs Inc., dated May 14, 2014.
2. That the applicant agrees not to erect any further signs on the exterior of the Mount Sinai Aventura property, including, but not limited to, any further wall signs, directional signs and/or monument signs.
3. That, prior to issuance of a building permit for the sign subject of this approval, the applicant will record the resolution on title and provide the City with a copy of the recorded document.
4. That all conditions of Resolution No. 2007-50 shall remain the same and in full force and effect.

THE REQUEST

The applicant, Mount Sinai Medical Center of Florida, Inc., is requesting variance from Section 31-191(j)(2)b. to permit a fourth wall sign measuring 130 square feet on the south elevation of the two story medical/office building located at 2845 Aventura Boulevard, where one wall sign is permitted by Code. (See Exhibit #1 for Letter of Intent)

BACKGROUND

OWNER OF PROPERTY Mount Sinai Medical Center of Florida Inc.

LOCATION OF PROPERTY 2845 Aventura Boulevard
(See Exhibit #2 for Location Map)

LEGAL DESCRIPTION Part of Tract "L", Third Addition Biscayne Yacht and Country Club according to the plat thereof as recorded in Plat Book 92, Page 84 of the Public Records of Miami-Dade County, Florida, City of Aventura (See Exhibit #3 for complete legal description)

ZONING
Subject property: B2, Community Business District
Property to the North: RMF3, Multifamily Medium Density Residential
Property to the South: B2, Community Business District
Property to the East: B2, Community Business District
Property to the West: B2, Community Business District

EXISTING LAND USE
Subject property: Medical Office Building
Property to the North: Multifamily Residential Condominium
Property to the South: Aventura Mall
Property to the East: Office Building
Property to the West: Retail Plaza

FUTURE LAND USE – According to the City of Aventura Comprehensive Plan, the following properties are currently designated as follows:

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

The Site - The subject site is the two story Mount Sinai medical office building on Aventura Boulevard.

The Project – The applicant is proposing a fourth wall sign on this building for identification of the Donald Soffer Family Health Care Center” located in the building. This is a fourth wall sign, where one wall sign is permitted by Code. The proposed sign measures 130 square feet and is shown in the sign drawing attached as Exhibit #4 to this report.

History - This building has 418.25 feet of lineal frontage on Aventura Boulevard. One wall sign measuring 418.25 square feet is permitted by Code.

By Resolution No. 2007-50 passed on November 6, 2007, the City Commission granted sign variance approval for three wall signs for identification of the newly constructed emergency care center. The wall signs approved in 2007 are:

- One “Emergency Mount Sinai” wall sign, measuring 167 square feet, on the south building face;
- One “Emergency Mount Sinai” wall sign, measuring 100 square feet, on the southwesterly building face; and
- One “Ambulance” wall sign, measuring 9 square feet, on the north building face.

Those signs were approved with the conditions that all emergency vehicle sirens be turned off once the vehicle has entered the property, so as not to create a noise disturbance to adjacent residents, that the sign on the north elevation be a reverse channel letter sign to minimize illumination onto the adjacent residential property, that the applicant submit a landscape improvement plan for the property and that the existing wall sign reading “Mount Sinai Aventura” be removed from the south building elevation. The applicant has complied with these conditions to date.

Citizen Comments – As of the date of writing of this report, the Community Development Department has not received any written or verbal citizen comments.

ANALYSIS

Section 31-191(j)(2)b. of the City Code regulates wall signs on office buildings with signs located one to five stories high. One wall sign per building is permitted. The maximum size of the sign is one square foot for each one lineal foot of building frontage. This building has a frontage of 418.25 lineal feet; therefore, one wall sign at 418.25 square feet is permitted by Code.

The applicant requests approval to install a fourth wall sign on the south building elevation, measuring 130 square feet. There are three existing wall signs, approved as a sign variance through Resolution No. 2007-50. The total square footage of the three existing wall signs is 271 square feet. The existing sign on the south elevation, approved in 2007 at 167 square feet, was installed at 162 square feet.

The additional proposed fourth wall sign, at 130 square feet, will result in a total square footage of 401 square feet. While the number of signs exceeds that permitted by Code, the total square footage of all four wall signs at 401 square feet is less than the 418.25 square feet that would be allowed by Code for one wall sign.

The criteria for approval of sign variances are set out in Section 31-191(m)(8) of the City of Aventura Land Development Regulations, as follows:

The Sign Variance maintains the basic intent and purpose of these regulations; particularly as it affects the stability and appearance of the City and provided that the variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

These requests do preserve the unique character of the City and are not in conflict with the basic intent and purpose of the sign code. The signs are compatible with surrounding land uses, will not be detrimental to the community and will provide identification for the family health care center located in the building.

01-SV-14

Our Client Number: 38014.00001
Writer's Direct Dial: (305) 376-6061
Writer's E-Mail Address: MGarcia-Serra@gunster.com

Via Hand Delivery

May 7, 2014

Ms. Joanne Carr, Community Development Director
City of Aventura
19200 West Country Club Drive, 4th Floor
Aventura, FL 33180

COMMUNITY DEVELOPMENT
MAY 8 2014

MAY - 8 2014
Mussac

Re: Mount Sinai Medical Center of Florida, Inc. / 2845 Aventura Boulevard
Application for Sign Variance – Letter of Intent

Dear Ms. Carr:

This constitutes the Letter of Intent for Mount Sinai Medical Center of Florida, Inc's., (the "Applicant"), application requesting an additional sign for their facility at 2845 Aventura Boulevard.

As you may recall, this applicant requested sign variances in 2007 (Application No. 02-58-07) which were approved pursuant to Resolution No. 2007-50. Resolution No. 2007-50 granted approval for a second wall sign on the southwest building elevation where one sign is permitted by code, and also permitted a third wall sign on the north building elevation. This current variance request is a modification to the 2007 variance approval because it requests an additional sign on the southeast façade of the existing building.

The purpose of this variance is to request an additional sign for building identification purposes on the southeast side of the medical center. Mount Sinai would like to honor one of its most generous patrons by adding the words "Donald Soffer Family Health Care Center" to the existing signs on the south side of the building. Honoring important donors is a legitimate and necessary part of fundraising in today's business environment for privately supported non-profit facilities. Honoring the Soffer family, which is also a key family in the history of the City of Aventura, would help Mount Sinai in its ongoing fundraising efforts.

The City of Aventura Sign Code (Sec. 31-191(j)(2)b.) provides for the calculation of wall signage for buildings of this size and nature to be calculated on the basis of linear building frontage, with 1 square foot of signage being allowed for each linear foot of frontage. This particular building has 418 linear feet of frontage and hence could have up to 418 square feet of wall signage. The new sign which is being requested will total 130 square feet. The wall signs which have already been constructed on this property

Exhibit #1
02-SV-14

in connection with the previous approvals total 276 square feet. Thus even with the addition of the proposed new sign, the total wall signage on this building will be 406 square feet, which is less than the 418 square feet allowed by code.

Section 31-191(j)(2)b. also limits the total number of wall signs to one per building. As noted previously, this building has three existing wall signs, consisting of one "Mount Sinai/Emergency" sign on the southeast façade, another "Mount Sinai/Emergency" sign on the southwest façade, and a small "Ambulance" sign on the north façade. The addition of the sign requested by this variance would bring the total number to four. Accordingly, a variance is being requested so as to have four (4) wall signs where one (1) is permitted.

The City Sign Code provides special criteria for the consideration of sign variances in Code Section 31-191(m)(7) and (8). Number 8 indicates the following:

"Criteria. A variance may be granted upon a showing by the applicant that the sign variance maintains the basic intent and purpose of these regulations, particularly as it affects the stability and appearance of the City and provided that the variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required".

The special nature of this building is that it is a medical center which also contains an emergency function in addition to medical offices. Thus the sign program for this facility needs to be especially sensitive to identification of the building's uses and its emergency functions. That is why the existing signage program which was approved in connection with the previous approvals contained a carefully designed set of ground signs including directional signs in addition to its wall signs. The addition of the sign proposed by this variance request will further the intent of the City's sign regulations by providing additional identification of the function of the building ("Health Care Center") and by encouraging funding of Mount Sinai's mission which is so critical to the community.

This request should also be reviewed within the context of the overall wall signage on this entire project. As noted previously, there is 418 linear feet of building frontage on this structure, which is a considerable amount of frontage. This reflects the fact that the building is large and has an articulated façade design with several street exposures and planes, but is only two stories. Even with the addition of the proposed sign this building will have less total wall sign area than would be allowed by code. The wall signage on this project may be looked at as taking the area of wall signs which would theoretically be allowed in one large sign and distributing it around the building in several small signs.

Ms. Joanne Carr, Community Development Director

May 7, 2014

Page 3

On behalf of our client, we respectfully request your favorable consideration of this variance request.

Please feel free to call me with any questions regarding this matter at (305) 376-6061.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Mario Garcia-Serra".

Mario Garcia-Serra

Shareholder

MG/op

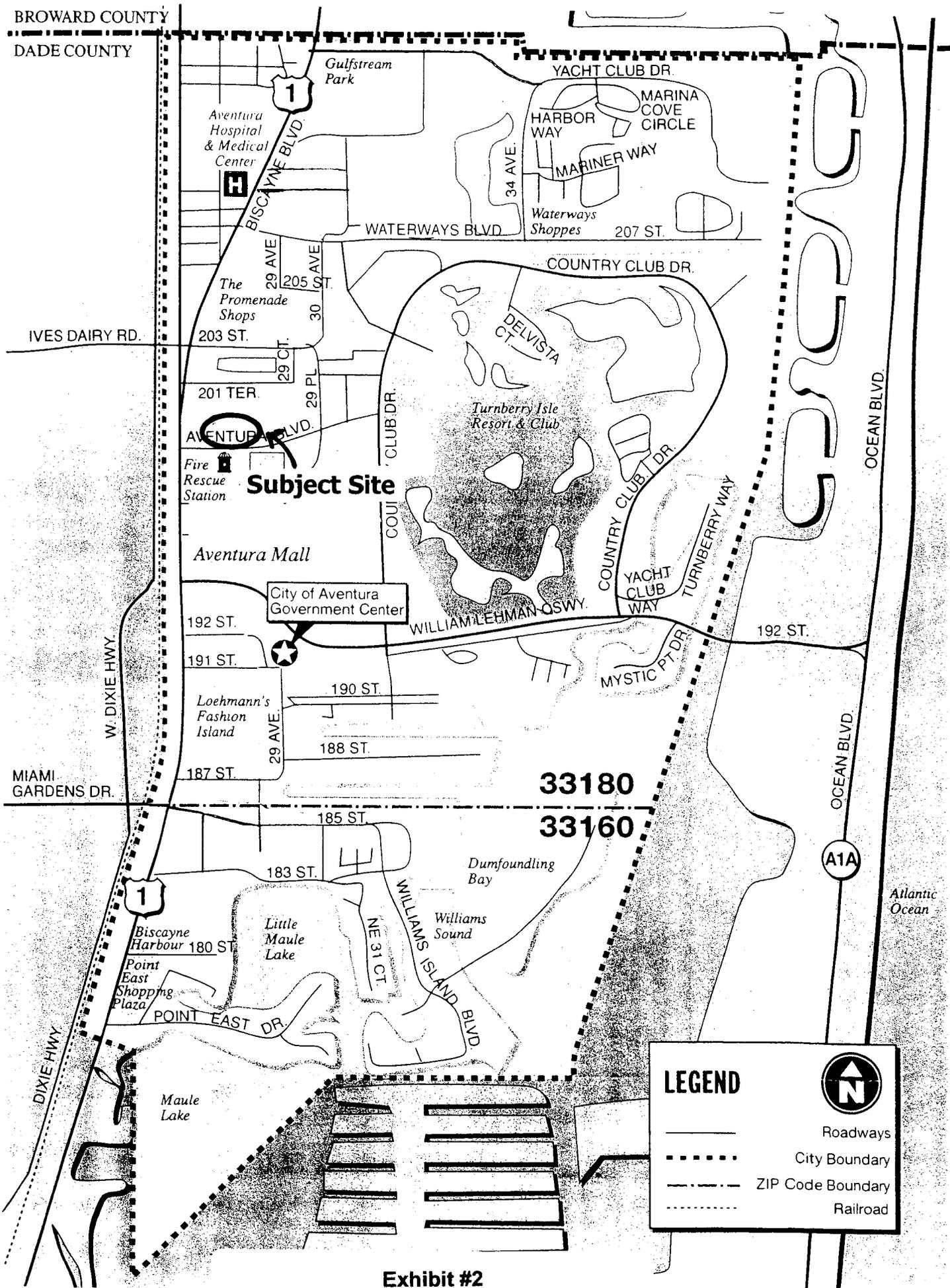
Enclosures

cc: Arnold Jaffe, Esq.
Michael Milberg
Charlene Welker

MIA_ACTIVE 4175863.2

BROWARD COUNTY

DADE COUNTY



Subject Site

City of Aventura
Government Center

33180

33160

LEGEND

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



Exhibit #2
02-SV-14

Exhibit #3
02-SV-14

LEGAL DESCRIPTION OF PROPERTY

A portion of Tract "L", Third Addition Biscayne Yacht and Country Club, according to the plat thereof as recorded in Plat Book 92 at Page 84 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Begin at the northwest corner of said Tract "L";

Thence N 87°31'53" E along the north line of said Tract "L" for 381.69 feet;

Thence S 21°58'08" E for 314.66 feet to a point on a circular curve concave to the southeast which bears N 25°05'20" W from the center point of said curve;

Thence southwesterly along the southerly line of said Tract "L" and along a circular curve to the left having a radius of 3892.72 feet and a central angle of 4°52'27" for an arc distance of 331.16 feet to a point of reverse curvature;

Thence southwesterly along a circular curve to the right having a radius of 1359.40 feet and a central angle of 8°12'17" for an arc distance of 194.67 feet to the southwest corner of said Tract "L";

Thence N 03°23'45" W along the west line of said Tract "L" for 514.10 feet to the point of beginning.



40'-0"

**Exhibit #4
02-SV-14**

LED ILLUMINATED CHANNEL LETTERS @ WALL

EXISTING SIGN

EMERGENCY

DONALD SOFFER FAMILY HEALTH CARE CENTER

BRAND NEW SIGN

7'-3" 3'-4"

48'-7"

65'-8"

FONT: OPTIMA

EXISTING SIGN AREA: 161.94 SF

PROPOSED SIGN AREA: 130 SF

- *Existing "Emergency Mount Sinai" sign area on Southwest Elevation: 160,4167 sq. ft.
- *Existing "Emergency" sign area on North Elevation: 9 sq. ft.

NOTE: 130 S.F. SIGN TO MOUNT ON 418'-3" LINEAL BUILDING FASCIA

CUSTOMER INFORMATION

OUNT SINAI AVENTURA
206 AVENTURA BLVD
AVENTURA, FL

SIGN PROJECT

NAME: MOUNT SINAI AVENTURA
ILLUMINATED FACELT CHANNEL
LETTERS @ WALL

DESIGN

ESTIMATE/CONTRACT # 02-837
LAYOUT # 02-837
DATE: 05/14/2014

APPROVED BY:



DESIGN, FABRICATION &
INSTALLATION ACCORDING TO ALL
RELEVANT CODES & REGULATIONS
FAC 3910

THE SIGNAGE CONTRACTOR SHALL MAINTAIN INSURANCE
COVERING THE WORK AND SHALL BE RESPONSIBLE FOR
OBTAINING ALL NECESSARY PERMITS AND APPROVALS
FROM THE CITY OF AVENTURA, FL. THE CONTRACTOR SHALL
BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS
AND APPROVALS FROM THE CITY OF AVENTURA, FL.
11/19/13 (S) 11/13/13 (S) 11/13/13 (S) 11/13/13 (S)



7210 NW 40th St, Miami, FL 33166
Office: 305.470.2333 - 305.458.5844
Fax: 305.470.2320 - 305.458.5843

DESIGNED & PRODUCED BY



APPLICANT REPRESENTATIVE AFFIDAVIT

NAME RELATIONSHIP (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)

Charlene Welker Sr. Vice President of Network Development

Mario Garcia-Serra Attorney

Katia Caceres Sign Designer

(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)(1V) 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 28 DAY OF APRIL, 2014

AUTHORIZED REPRESENTATIVE OF APPLICANT:

OWNER
Mount Sinai Medical Center, Inc.

By: _____
(Signature)

By: Steven Fine X
(Signature)

Name: _____
(Print)

Name: Steven Fine
(Print)

Title: _____

Title: Vice President

Address: _____

Address: 4300 Alton Road

Miami Beach, FL 33140

STATE OF FLORIDA)

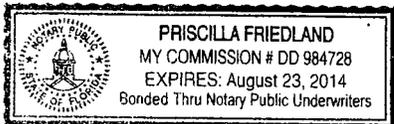
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Steven Fine 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.

X Steven Fine
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME this 28th day of April, 2014

Priscilla Friedland
Notary Public State of Florida At Large
Printed Name of Notary Priscilla Friedland
My commission expires: 08/23/2014





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)

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

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

_____ (List name of Commissioner or Advisory Board Member) who serves on the _____ (List City Commission or City Advisory Board upon which member serves). The nature of the Business Relationship is as follows:

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

WITNESS MY HAND THIS ____ DAY OF _____, 20__

APPLICANT

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

WITNESS MY HAND THIS 28 DAY OF APRIL 2014

PROPERTY OWNER

X By: [Signature] (Signature)

Name: Steven Fine (Print)

Title: Vice President (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

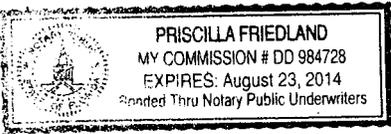
STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Steven Fine 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.

X Steven Fine
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME this 28th day of April, 2014



Priscilla Friedland
Notary Public State of Florida At Large
Printed Name of Notary Priscilla Friedland
My commission expires: 08/23/2014

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: _____

WITNESS MY HAND THIS 25th DAY OF April, 2014

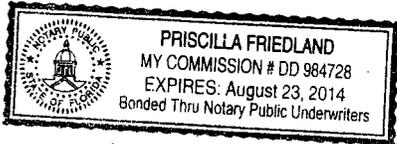
REPRESENTATIVE: (Listed on Business Relationship Affidavit)

X By: [Signature] (Signature) By: _____ (Signature)
Name: Charlene Welker (Print) Name: _____ (Print)
Title: Sr. Vice President of Network Development (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.

Priscilla Friedland



NOTARIZATION PROVISION

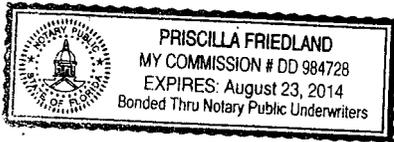
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

Charlene Welker
Affiant

X *Priscilla Friedland*
AFFIANT

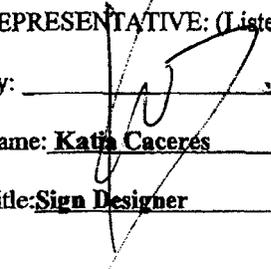
SWORN TO AND SUBSCRIBED BEFORE ME this 25th day of April, 2014.



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

WITNESS MY HAND THIS SUNDAY OF May, 2014

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

X 

By: _____ (Signature)

By: _____ (Signature)

Name: Kathia Caceres (Print)

Name: _____ (Print)

Title: Sign Designer (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)

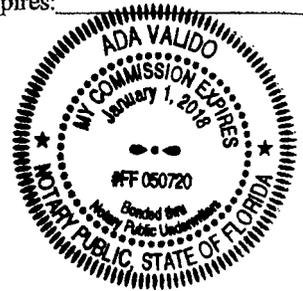
COUNTY OF MIAMI-DADE)

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

X _____
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME this 15th day of May, 2014.

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



WITNESS MY HAND THIS 8th DAY OF May, 2014

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: Mario Garcia Serra (Signature)

By: _____ (Signature)

Name: Mario Garcia-Serra (Print)

Name: _____ (Print)

Title: Attorney (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 Mario Garcia-Serra the Affiant, who being first by me duly sworn, did swear or affirm that he executed this Affidavit for the purposes stated therein and that it is true and correct.

Mario Garcia-Serra

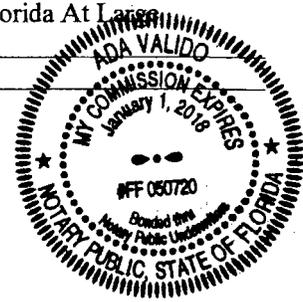
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME this 27th day of May, 2014.

[Signature]
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, APPROVING SIGN VARIANCE FOR MOUNT SINAI MEDICAL CENTER OF FLORIDA, INC. ON PROPERTY LOCATED AT 2845 AVENTURA BOULEVARD, CITY OF AVENTURA; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Applicant, Mount Sinai Medical Center of Florida, Inc., through Application No. 02-SV-14, has requested a variance from Section 31-191(j)(2)b. of the City Code to permit a fourth wall sign measuring 130 square feet on the south elevation of a two-story medical office building at 2845 Aventura Boulevard, where one wall sign is permitted by Code; and

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

WHEREAS, the City Commission finds that the application for the fourth wall sign meets the criteria of the applicable codes and ordinances to the extent the application is granted herein; and

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

Section 1. Application No. 02-SV-14 for Sign Variance to permit a fourth wall sign measuring 130 square feet on the south elevation of the two-story medical office building at 2845 Aventura, City of Aventura, legally described as Part of Tract L, Third Addition Biscayne Yacht and County Club, according to the plat thereof as recorded in Plat Book 92, Page 84 of the Public Records of Miami-Dade County, Florida, and more particularly described in Exhibit "A" to this Resolution, is hereby granted exclusively to Mount Sinai Medical Center of Florida, Inc., subject to the following conditions:

1. That the sign substantially complies with the plan submitted with the application, prepared by USA Signs Inc., dated May 14, 2014.
2. That the applicant agrees that it will not erect any further signs on the exterior of the Mount Sinai Aventura property, including, but not limited to, any further wall signs, directional signs or monument signs.

3. That, prior to issuance of a building permit for the sign subject of this approval, the applicant will record the resolution on title and provide the City with a copy of the recorded document.

4. That all conditions of Resolution No. 2007-50 shall remain the same and in full force and effect.

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

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

PASSED AND ADOPTED this 3rd day of June, 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 June, 2014.

CITY CLERK

Exhibit "A"

Legal Description of Property

A portion of Tract "L", Third Addition Biscayne Yacht and Country Club, according to the plat thereof as recorded in Plat Book 92 at Page 84 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Begin at the northwest corner of said Tract "L";

Thence N 87°31'53" E along the north line of said Tract "L" for 381.69 feet;

Thence S 21°58'08" E for 314.66 feet to a point on a circular curve concave to the southeast which bears N 25°05'20" W from the center point of said curve;

Thence southwesterly along the southerly line of said Tract "L" and along a circular curve to the left having a radius of 3892.72 feet and a central angle of 4°52'27" for an arc distance of 331.16 feet to a point of reverse curvature;

Thence southwesterly along a circular curve to the right having a radius of 1359.40 feet and a central angle of 8°12'17" for an arc distance of 194.67 feet to the southwest corner of said Tract "L";

Thence N 03°23'45" W along the west line of said Tract "L" for 514.10 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: May 19, 2014

SUBJECT: Request for Revision to Variance Approval granted through
Resolution No. 2003-52
Ocean Two LLC, 17900 Biscayne Boulevard, City of Aventura
(06-VAR-03 Revision)

June 3, 2014 City Commission Meeting Agenda Item 6-D

RECOMMENDATION

It is recommended that the City Commission approve the following revisions to the variance approval previously granted in 2003 through Resolution No. 2003-52:

1. Modify the variance from Section 31-171(b) of the City's Land Development Regulations to allow 5 parking spaces where 16 parking spaces are required by Code, where Resolution No. 2003-52 approved a variance allowing 5 parking spaces where 13 parking spaces were required by Code, and

2. Modify Condition #5 of Resolution No. 2003-52 to allow modification of the recorded Restrictive Covenant to restrict uses on this site to those requiring a parking ratio of not more than 1 space for each 200 square feet of building area, where the Resolution requires the Restrictive Covenant to restrict uses on this site to those requiring a parking ratio of not more than 1 space for each 250 square feet of building area

to allow operation of a bank use in the 3,292 square foot, one-story commercial building at 17900 Biscayne Boulevard, City of Aventura, subject to the following conditions:

- (i) That the applicant submit a landscape improvement plan to the City for review by the City's Landscape Architectural Consultant, obtain a permit and install such improvements prior to occupancy by the Bank tenant;
- (ii) That the building façade be painted and cleaned prior to occupancy by the Bank tenant;
- (iii) That bank employees use the off-site parking spaces constructed on the west side of the FEC Railway right of way;
- (iv) That the applicant record, at its own expense, a modification to the Restrictive Covenant, in a form satisfactory to the City Manager and City Attorney, restricting uses on the site to those requiring not more than 1 space for each 200 square feet of building area;
- (v) That all other conditions of 2003-52 shall remain the same and in full force and effect; and
- (vi) In the event that the City Manager determines that this modification to the parking variance approval has created or is creating a nuisance to the community, the applicant will be required to lease additional lands from the FEC Railway and construct additional parking spaces in an amount to be determined by the City Manager.

THE REQUEST

The applicant, Ocean Two, LLC, is requesting:

- 1) Modification to Section 1. of Resolution 2003-52 (approving a 2003 parking variance among other variances) to approve a variance from Section 31-171(b) of the City's Land Development Regulations to allow for 5 on-site parking spaces where 16 are now required.

Resolution No. 2003-52 passed by the City Commission on July 1, 2003 granted a variance to allow 5 on-site parking spaces where 13 were required. Due to the applicant's proposed change of use, 16 parking spaces are now required.

- 2) Modification to Condition #5 of Section 1. of Resolution 2003-52 to require amendment of the recorded Restrictive Covenant to restrict uses on this site to those requiring a parking ratio of not more than 1 space for each 200 square feet of building area.

The recorded Restrictive Covenant restricts uses on the site to those requiring not more than 1 parking space for each 250 square feet of building area as required by Resolution No. 2003-52. The City Code parking requirement for the applicant's proposed use is 1 parking space for each 200 square feet of building area requiring an amendment to the Restrictive Covenant in order to allow the new use.

See Exhibit #1 for Letter of Intent, Exhibit #2 for Location Plan, Exhibit #3 for Resolution No. 2003-52 and Exhibit #4 for recorded Covenant Running with the Land.

BACKGROUND

The building on the subject property was abandoned under the City Code and did not meet a number of site development requirements. In 2003, the owner of the building applied for a number of variance approvals to allow re-occupancy of the existing structure which, as an abandoned building, had lost its legal non-conforming status. The requested variances included reduced front yard and street side yard setbacks, reduced buffer strips, reduced open space, reduced parking pavement setback and reduced number of parking spaces. The variances were approved through Resolution No. 2003-52 passed on July 1, 2003.

The 2003 parking variance approved through Resolution No. 2003-52 allowed 5 on-site parking spaces where 13 on-site parking spaces were required by Code. That variance was approved with the condition that the owner construct off-site parking spaces in the FEC Railway right of way adjacent to the property. The variance also required recordation of a restrictive covenant limiting the uses in the building to those that require no more than 1 parking space for each 250 square feet of building area. The 1:250 parking ratio would allow office and retail uses.

After the 2003 variance approval was granted, the applicant renovated the existing one-story 3,292 square foot building fronting on Biscayne Boulevard and constructed on-site parking spaces to the north and west of the building. The on-site parking area has 5 parking spaces, landscaping and islands. The off-site parking spaces required as a condition of the variance approval were constructed in the FEC Railway right of way and the Restrictive Covenant was recorded.

A 3,292 square foot building in retail use requires 13 parking spaces, at 1 space for each 250 square feet of floor area (City Code Section 31-171(b)). To compensate for the reduced parking on site, and as a condition of the 2003 variance approval, eight additional parking spaces were to be located off-site in the FEC right of way immediately abutting the west property line. A total of nine parking spaces, that is, one more than required, were constructed and remain in place. A further seven parking spaces were constructed by the owner on FEC right of way on West Dixie Highway, west of the site, for employee parking. The applicant entered in to a lease agreement with FEC Railway for these off-site spaces and that lease has been continued on an annual basis. There are a total of 21 parking spaces on-site and off-site.

CURRENT STATUS OF EXISTING APPROVALS

The current status of the conditions of Resolution No. 2003-52 are detailed in the following table.

Resolution Condition	Current Status
Obtain building permits within 12 months of date of resolution	Permits were obtained within 12 months of the date of the Resolution.

Provide a signed Lease with FEC Railway for the installation of 8 parking spaces and landscaping to the west of the property limit; such lease to be continued on annual basis	Lease received. Nine (9) parking spaces constructed. Lease has been continued on an annual basis.
Provide a signed Lease with FEC Railway for construction of additional parking spaces to the west of the railway tracks to accommodate employee parking; such lease to be continued on an annual basis	Lease received. Parking area constructed. Lease has been continued on an annual basis.
Record a covenant restricting uses to those requiring not more than 1 space for each 250 square feet of building area	Covenant recorded September 26, 2003 ORB 21685, Page 2982
Record Resolution No. 2003-52 in the Public Records of Miami Dade County	Resolution recorded September 30, 2003 ORB 21700, Page 2907

ANALYSIS

The original site plan was approved based on the parking variance granted by Resolution No. 2003-52. Following and directly resulting from that approval, five parking spaces were constructed on site, nine parking spaces were constructed immediately adjacent to the west in the FEC Railway right of way and seven additional parking spaces for employee parking were to be constructed in the FEC Railway right of way on the west side of the railway tracks, on West Dixie Highway. All parking spaces remain as constructed.

The applicant now wishes to lease the building to a bank tenant. This use has a greater parking standard than the previous uses - 1 parking space for each 200 square feet of building area, or 16 parking spaces. This proposed use will require approval of a modification to the parking variance approval and modification of the recorded Restrictive Covenant.

The parking variance was approved with the condition that no uses would be permitted that required more than 1 space for each 250 square feet of building area. The condition was included due to the reduced number of on-site spaces. Since the approval in 2003, there have been two retail tenants in the building, those being, Diamond City jewelry store and Aspa Clarica Judaica. City staff has not received any complaints from customers, tenants or the general public based on the reduced number of spaces. The employee parking on the west side of West Dixie Highway and the nine additional spaces in the FEC Railway right of way immediately adjacent to the west of the site have worked well to provide adequate parking spaces. The applicant advises that the proposed bank use will be a neighborhood bank, with no drive through facilities and a maximum of six employees. Employees will continue to use the off-site parking,

on the FEC Railway right of way on West Dixie Highway, west of the site, leaving 14 spaces (5 on-site and 9 in the FEC right of way) accessible for customers. Staff recommendation for approval includes a condition that, in the event the reduced number of parking spaces is creating a disturbance to the community as determined by the City Manager, the applicant will be required to lease additional lands in the FEC Railway right of way and construct additional parking spaces.

As proffered by the applicant, the approval also contains a condition that the applicant improve the landscaping and clean and paint the building façade prior to occupancy by the bank tenant.



ROSENTHAL • ROSENTHAL
RASCO • KAPLAN, LLC

April 17, 2014

COMMUNITY DEVELOPMENT
APR 24 2014

Ms. Joanne Carr
Planning and Zoning Director
CITY OF AVENTURA
19200 West Country Club Drive
Aventura, Florida 33180

Exhibit #1
06-VAR-03 Rev

Re: Ocean Two, LLC (Walter DeFortuna)
17900 Biscayne Boulevard, Aventura, FL 33180
Modification of Restrictive Covenant and Resolution

Dear Ms. Carr:

In connection with the captioned, please be advised that this office represents Ocean Two, LLC (Walter DeFortuna), the owner of the captioned property and the Applicant ("Applicant"), who seeks to modify Resolution Number 2003-52 ("Resolution") and the Covenant Running With The Land ("Covenant") executed in conjunction therewith, recorded in Official Record Book 21685, at Page 2982-2984, recorded September 26, 2003 in the Public Records of Miami-Dade County, Florida, copies of which are attached hereto and made a part hereof. The Resolution and the Covenant presently provides for the use of the subject property if the parking ratio for such use is not more than one parking space for each 250 square feet of building area, as provided for in the Code Ordinances of the City of Aventura.

The Applicant, seeks to modify both the Resolution and the Covenant to allow for the operation of a bank at the subject property. The Aventura City Code provides that banks require a ratio of one space for each 200 square feet of building, which will increase the required spaces for the operation of a bank at the subject property by three spaces. Accordingly Applicant requests that the Resolution and Covenant be modified to allow five (5) spaces where sixteen (16) spaces are required in lieu of the existing language, which allows five (5) spaces where thirteen (13) spaces are required, and to change the parking ratio required from one space for each 250 square feet to one space for each 200 square feet at the subject property.

The Applicant, as required by the Resolution and the Covenant, has in the past, and will continue to lease and maintain the parking spaces leased from the Florida East Coast Railway at two locations, a copy of the paid invoice for the Leases for December, 2013 to December, 2014 is attached hereto and made a part hereof. One of the Florida East Coast Leases provides nine parking spaces immediately adjacent to the property on the east side of the railroad tracks. The Resolution provides that eight parking spaces will be developed on the east side of the railroad tracks on the Florida East Coast Lease. (There are actually nine angled spaces in existence.)

The other Lease provides for an additional seven spaces leased from the Florida East Coast Railway on the west side of the railroad tracks, which was previously used for employee parking, and would be used by the bank for employee parking as well.

The proposed bank that Applicant has entered into a Letter of Intent with, and is currently working on executing a lease for the subject property, is Banco do Brasil Americas, a subsidiary of Banco do Brasil, SA, an entity controlled by the Brazilian Government, and is the largest Brazilian and Latin American bank by assets. It is, as well, one of the oldest financial institutions in the world! Banco do Brasil, SA currently has more than fifty million customers, with more than 5,000 bank branches. Banco do Brasil Americas currently has branches on Brickell Avenue in Miami, Pompano Beach and Boca Raton. Its expansion plan includes about twenty branches in the United States in the next five years, which after careful consideration includes opening this branch in the City of Aventura. The proposed Aventura branch would not afford drive-through facilities or safe deposit box facilities, and would in essence be a neighborhood bank providing banking services to the Aventura community, as well as Brazilian citizens living in the Aventura area.

To the best of my knowledge and belief the prior uses at the subject property, including the judaica store currently operating, and the original jewelry store, have never had a parking shortage, nor have Code Enforcement or the City of Aventura ever been contacted in that regard. It is respectfully suggested that the use of this facility as a bank would use no more parking than the current use, or the use initially contemplated when the Application was filed.

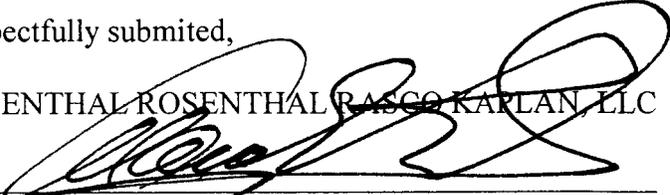
The bank, in conjunction with this Application, has agreed that prior to its opening it will pressure clean and repaint the building a color that would be acceptable to the City of Aventura (taking into consideration the bank's color scheme), and in addition thereto will re-landscape those portions of the property that require re-landscaping.

Based upon the foregoing it is respectfully requested that this Council approve the Applicant's request to change the required parking ratio from one space for every 250 square to one space for every 200 square feet and modify the Resolution and the Covenant to allow five spaces where sixteen spaces are required in lieu of five spaces where thirteen spaces are required thereby allowing a banking institution to operate at the subject location.

Respectfully submitted,

ROSENTHAL ROSENTHAL RASCO KAPLAN, LLC

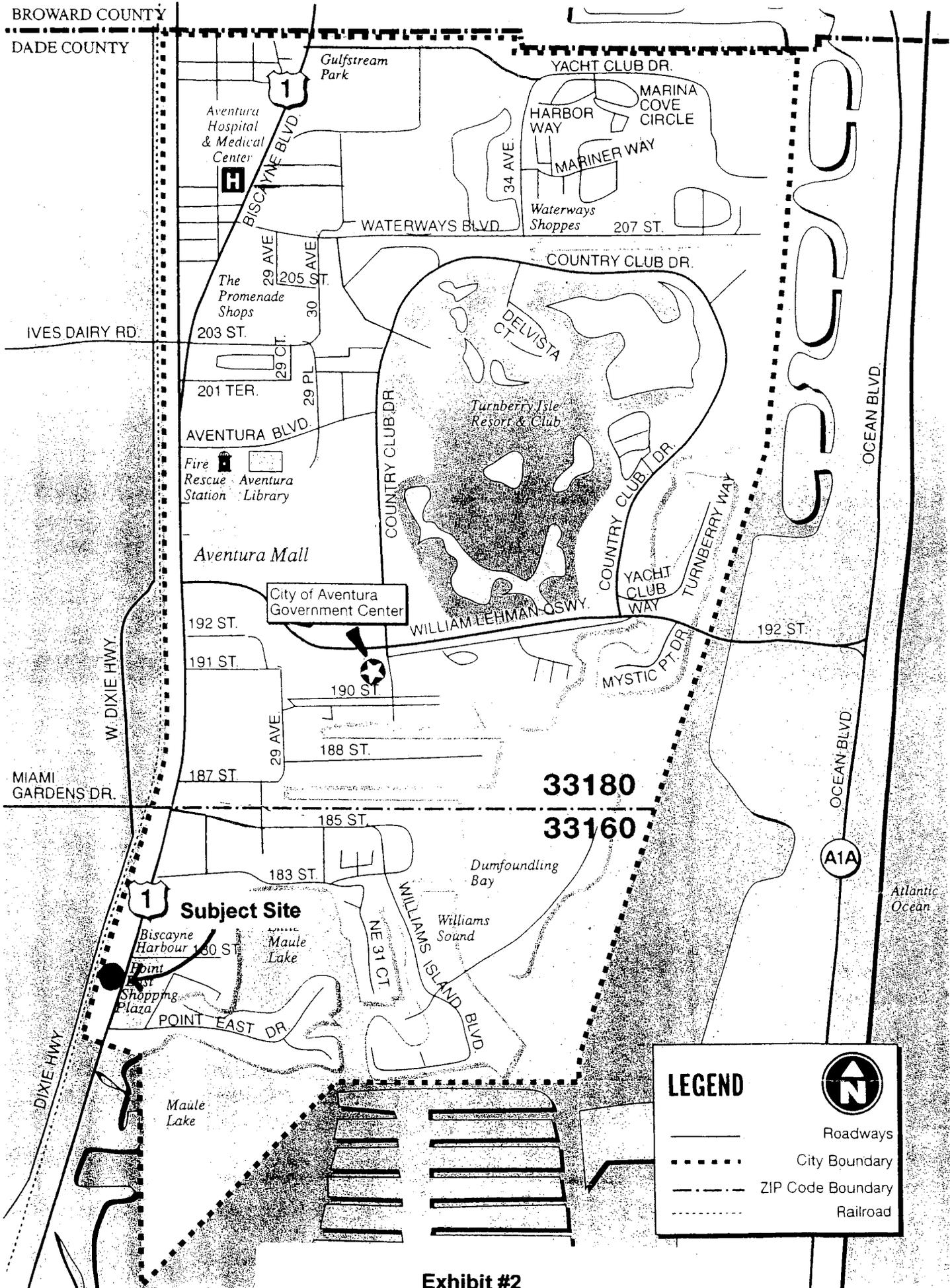
BY


Alan S. Rosenthal

ASR:cw

BROWARD COUNTY

DADE COUNTY



LEGEND

-  Roadways
-  City Boundary
-  ZIP Code Boundary
-  Railroad



Exhibit #2
06-VAR-03 Rev

RESOLUTION NO. 2003-52

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING APPROVAL OF A VARIANCE FROM SECTION 31-144(c)(5)(d) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW A FRONT YARD SETBACK OF 0', WHERE A 25' SETBACK IS REQUIRED BY CODE; GRANTING APPROVAL OF A VARIANCE FROM SECTION 31-144(c)(5)(d) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW A STREET SIDE YARD SETBACK OF 12'9", WHERE A 20' SETBACK IS REQUIRED BY CODE; GRANTING APPROVAL OF A VARIANCE FROM SECTION 31-221(l)(2) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW BUFFER STRIPS LESS THAN 7' IN WIDTH ADJACENT TO THE NORTH AND WEST LIMITS OF THE BUILDING, WHERE A MINIMUM OF 7' IS REQUIRED BY CODE; GRANTING APPROVAL OF A VARIANCE FROM SECTION 31-144(c)(5)(a) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW A LANDSCAPED OPEN SPACE OF 16%, WHERE A MINIMUM 33% IS REQUIRED BY CODE; GRANTING APPROVAL OF A VARIANCE FROM SECTION 31-171(a)(7) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW A PARKING PAVEMENT SETBACK OF 2.5', WHERE A MINIMUM OF 10' SETBACK IS REQUIRED BY CODE; AND GRANTING APPROVAL OF A VARIANCE FROM SECTION 31-171(b) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW 5 PARKING SPACES, WHERE 13 PARKING SPACES ARE REQUIRED BY CODE FOR PROPERTY LOCATED AT 17900 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the applicant, Alan S. Rosenthal c/o Y & A Investments, Inc., through Application No. 06-VAR-03, is requesting a variance from Section 31-144(c)(5)(d) of the City's Land Development Regulations to allow a front yard setback of 0', where a 25' setback is required by Code; a variance from Section 31-144(c)(5)(d) of the City's Land Development Regulations to allow a street side yard setback of 12'9",

**Exhibit #3
06-VAR-03 Rev**

where a 20' setback is required by Code; a variance from Section 31-221(i)(2) of the City's Land Development Regulations to allow buffer strips less than 7' in width adjacent to the north and west limits of the building, where a minimum of 7' is required by Code; a variance from Section 31-144(c)(5)(a) of the City's Land Development Regulations to allow a landscaped open space of 16%, where a minimum of 33% is required by Code; a variance from Section 31-171(a)(7) of the City's Land Development Regulations to allow a parking pavement setback of 2.5', where a minimum of 10' setback is required by Code; and a variance from Section 31-171(b) of the City's Land Development Regulations to allow 5 parking spaces, where 13 parking spaces are required by Code.

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

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

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

Section 1. Application for a variance from Section 31-144(c)(5)(d) of the City's Land Development Regulations to allow a front yard setback of 0', where a 25' setback is required by Code; a variance from Section 31-144(c)(5)(d) of the City's Land Development Regulations to allow a street side yard setback of 12'9", where a 20' setback is required by Code; a variance from Section 31-221(i)(2) of the City's Land Development Regulations to allow buffer strips less than 7' in width adjacent to the north and west limits of the building, where a minimum of 7' is required by Code; a variance from Section 31-144(c)(5)(a) of the City's Land Development Regulations to allow a landscaped open space of 16%, where a minimum of 33% is required by Code; a variance from Section 31-171(a)(7) of the City's Land Development Regulations to allow a parking pavement setback of 2.5', where a minimum of 10' setback is required by Code; and a variance from Section 31-171(b) of the City's Land Development

Regulations to allow 5 parking spaces, where 13 parking spaces are required by Code, on property legally described as follows:

Part of Fractional Section 3, Township 52 South, Range 42 East, less a strip of land 30.75 feet wide parallel to State Road No. 5, more particularly described in Exhibit "A".

is hereby granted, subject to the following conditions:

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

- "Proposed Diamond City Store", Site Plan, Sheet A-1, prepared by Kobi Karp, dated 4/7/03, last revised 6/20/03, signed and sealed.
- "Proposed Diamond City Store", Proposed Floor Plan, Sheet A-2, prepared by Kobi Karp, dated 4/7/03, last revised 5/8/03, signed and sealed.
- "Proposed Diamond City Store", Proposed Showroom Fixture Layout Plan, Sheet A-3, prepared by Kobi Karp, dated 4/7/03, signed and sealed
- "Proposed Diamond City Store", Proposed Elevations, Sheet A-4, prepared by Kobi Karp, dated 4/7/03, last revised 5/8/03, signed and sealed.
- "Proposed Diamond City Store", Proposed Elevations, Sheet A-5, prepared by Kobi Karp, dated 4/7/03, signed and sealed.
- "Proposed Diamond Jewelry Store", Geometry, Striping, Signage and Drainage Plan, Sheet C-1, prepared by Gold Coast Engineering Consultants, Inc., dated 5/25/00, last revised 6/19/03, signed and sealed.
- "Proposed Diamond Jewelry Store", Detail Sheet, Sheet C-2, prepared by Gold Coast Engineering Consultants, Inc., dated 5/25/00, last revised 6/19/03, signed and sealed.
- "Proposed Diamond Jewelry Store", Electrical Plan, Sheet E-1, prepared by Gold Coast Engineering Consultants, Inc., dated 5/25/00, last revised 6/19/03, signed and sealed.
- "Proposed Diamond City Store", Planting Plan, prepared by Rosenberg Gardener Design, dated 4/5/03, last revised 6/20/03, signed and sealed.

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

3) Prior to issuance of a building permit, the applicant shall provide a signed Lease with FEC Railway for the installation of eight (8) proposed parking spaces and landscaping to the west of the property limit; such lease to be continued on an

annual basis. The applicant shall provide a copy of the annual renewal of lease to the City.

- 4) Prior to the issuance of a building permit, the applicant shall provide a signed Lease with FEC Railway for the construction of additional parking spaces to the west of the railway tracks to accommodate employee parking; such lease to be continued on an annual basis. The applicant shall provide a copy of the annual renewal of lease to the City.
- 5) Prior to the issuance of a building permit, the applicant shall prepare and record a covenant restricting uses on this site to those requiring a parking ratio of not more than 1 space for each 250 square feet of building area.
- 6) Prior to issuance of a building permit, the applicant shall record this resolution in the Public Records of Miami-Dade County. All expenses of such recordation shall be borne by the applicant.

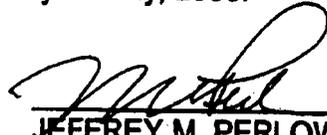
Section 2. The City Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein provided and to indicate such approvals and conditions upon the records of the City.

Section 3. This Resolution shall become effective immediately upon its adoption.

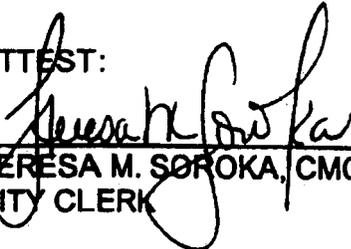
The foregoing Resolution was offered by Commissioner Cohen who moved its adoption. The motion was seconded by Commissioner Holzberg, and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach	yes
Commissioner Jay Beskin	yes
Commissioner Ken Cohen	yes
Commissioner Bob Diamond	yes
Commissioner Harry Holzberg	yes
Vice Mayor Manny Grossman	yes
Mayor Jeffrey M. Perlow	yes

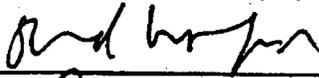
PASSED AND ADOPTED this 1st day of July, 2003.


JEFFREY M. PERLOW, MAYOR

ATTEST:


TERESA M. SOROKA, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:


CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this 10 day of July, 2003.

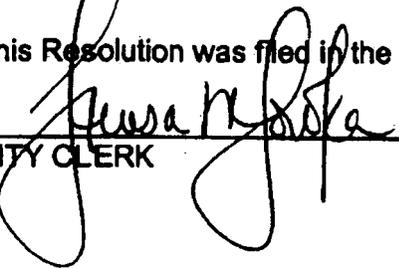

CITY CLERK

Exhibit A to Resolution No. 2003-52

LEGAL DESCRIPTION

Commence at the S.W. corner of fractional Section 3, Township 52 South, Range 42 East, Miami-Dade County, Florida, thence South 89 Degrees, 32 Minutes, 25 Seconds East along the South Boundary line of said fractional Section 3, for a distance of 209.14 feet to a point on the Northwesterly right of way line of Florida State Road No. 4 as shown on plat thereof recorded in Plat Book 34 at Page 53, of the Public Records of Miami-Dade County, Florida; and which said Florida State Road No. 4 is known also as United States Highway No. 1; run thence South 18 Degrees, 36 Minutes, 35 Seconds West along the Northwesterly right of way line of the aforesaid Florida State Road No. 4 for a distance of 1105.64 feet to the Point of Beginning of the Parcel of land herein described; thence run North 71 Degrees, 23 Minutes, 25 Seconds West for a distance of 101.80 feet to a point on the Southeasterly right of way line of the Florida East Coast Railway; thence South 18 Degrees 31 Minutes, 38 Seconds West along the Southeasterly right of way line of the Florida East Coast Railway for a distance of 125.0 feet to a point; thence South 71 Degrees, 23 Minutes, 25 Seconds East for a distance of 101.62 feet to a point on the Northwesterly right of way line of the aforesaid Florida States Road No. 4; thence North 18 Degrees 36 Minutes, 35 Seconds East along the Northwesterly right of way line of the aforesaid Florida State Road No. 4 for a distance of 125 feet to the Point of Beginning of the parcel of land herein described.

LESS:

A strip of land 30.75 ft in width lying in the Northeast $\frac{1}{2}$ of Section 9, Township 52 South, Range 42 East, Miami-Dade County, Florida, being more particularly described as being bounded on the North by the Southerly line of Lot 8 of MAULE FEDERAL HIGHWAY INDUSTRIAL SITES according to the Plat thereof, as recorded in Plat Book 46, at Page 55, of the Public Records of Miami-Dade County, Florida; bounded on the East by the Southerly prolongation of the Easterly line of said Lot 8, said prolongation is coincident with the Westerly right of way line of State Road No. 5 (labeled as Road 4) as shown on Florida State Road Department Right of Way Map, Project No. 41 now known as Section 87030-2201, as recorded on Road Map Book 34, at Page 52, of the Public Records of Miami-Dade County, Florida; bounded on the South by a line 125.00 feet Southerly of and parallel with the Southerly line of said Lot 8 and bounded on the West by a line 30.75 feet Westerly of and parallel with said Westerly right of way of State Road No. 5



CFN 2003R0718292
OR Bk 21685 Pgs 2982 - 2984 (3pgs)
RECORDED 09/26/2003 09:41:22
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Prepared by:
Alan S. Rosenthal, Esquire
Rosenthal Rosenthal Rasco
2875 NE 191 Street
Suite 500
Aventura, Florida 33180

COVENANT RUNNING WITH THE LAND

WHEREAS, Y & A INVESTMENTS, INC., a Florida corporation (hereinafter "Owner"), is the fee simple owner of the property legally described in Exhibit "A" attached hereto and made a part hereof (the "Property"); and

WHEREAS, the City Commission of the CITY OF AVENTURA passed Resolution Number 2003-52 restricting uses on the subject Property to those requiring a parking ratio of not more than one (1) space for each 250 square feet of building area and requiring that a Covenant Running With The Land be recorded in the Public Records of Miami-Dade County, Florida evidencing such restriction; and

WHEREAS, the Owner desires to record such Covenant Running With The Land in the Public Records of Miami-Dade County, Florida in order to comply with said Resolution;

NOW, THEREFORE, in consideration of the City Commission of the City of Aventura having passed Resolution Number 2003-52 and to comply with the requirements therein contained, together with other good and valuable consideration, and intending to be legally bound hereby, the Owner imposes the following covenant and restriction on the land described in Exhibit "A" attached hereto and made a part hereof, to-wit:

1. That the uses allowed on the Property shall be restricted to those uses requiring a parking ratio of not more than one (1) space for each 250 square feet of building area as provided for in the Code of Ordinances of the City of Aventura.

2. The provisions of this instrument shall become effective upon their recordation in the Public Records of Miami-Dade County, Florida, and shall continue in effect for a period of thirty (30) years after the date of such recordation, after which time they shall be extended automatically for successive periods of ten (10) years each, unless released in writing by the then owners of the Property, as to their affected property and the City Manager acting for and on behalf of the City of Aventura, Florida, upon the demonstration and affirmative finding that the same is no longer necessary to preserve and protect such property for the purposes herein intended.

3. Enforcement shall be by action against any parties or persons violating or attempting to violate any covenants contained herein. The prevailing party to any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable attorneys' fees. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

4. Invalidation of any of these covenants by judgment of Court shall not affect any of the other provisions, which shall remain in full force and effect.

5. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Exhibit #4
06-VAR-03 Rev

6. In the event of a violation of this Declaration, in addition to any other remedies available, the City of Aventura is hereby authorized to withhold any future permits, and refuse to make any inspections or grant any approval, until such time as this Declaration is complied with.

7. This Declaration shall be recorded in the Public Records of Miami-Dade County at the Owners' expense.

IN WITNESS WHEREOF, the Owner has hereunto caused this covenant to be made and executed this 28th day of August, 2003.

WITNESSES:

Y & A INVESTMENTS, INC.

Raquel Wells
Michelle Puy

BY A. Hanimov
Albert Hanimov, President



STATE OF FLORIDA)
 : ss.
COUNTY OF MIAMI-DADE)

Sworn to and subscribed before me this 28th day of August, by ALBERT HANIMOV as President of Y & A INVESTMENTS, INC., a Florida corporation.

Raquel Wells
NOTARY PUBLIC



Raquel Wells
My Commission DD171939
Expires January 20, 2007

My Commission Expires:
PERSONALLY KNOWN _____ OR PRODUCED IDENTIFICATION _____
TYPE OF IDENTIFICATION PRODUCED:

LEGAL DESCRIPTION

Commence at the S.W. corner of fractional Section 3, Township 52 South, Range 42 East, Miami-Dade County, Florida, thence South 89 Degrees, 32 Minutes, 25 Seconds East along the South Boundary line of said fractional Section 3, for a distance of 209.14 feet to a point on the Northwesterly right of way line of Florida State Road No. 4 as shown on plat thereof recorded in Plat Book 34 at Page 53, of the Public Records of Miami-Dade County, Florida; and which said Florida State Road No. 4 is known also as United States Highway No. 1; run thence South 18 Degrees, 36 Minutes, 35 Seconds West along the Northwesterly right of way line of the aforesaid Florida State Road No. 4 for a distance of 1105.64 feet to the Point of Beginning of the Parcel of land herein described; thence run North 71 Degrees, 23 Minutes, 25 Seconds West for a distance of 101.80 feet to a point on the Southeasterly right of way line of the Florida East Coast Railway; thence South 18 Degrees 31 Minutes, 38 Seconds West along the Southeasterly right of way line of the Florida East Coast Railway for a distance of 125.0 feet to a point; thence South 71 Degrees, 23 Minutes, 25 Seconds East for a distance of 101.62 feet to a point on the Northwesterly right of way line of the aforesaid Florida States Road No. 4; thence North 18 Degrees 36 Minutes, 35 Seconds East along the Northwesterly right of way line of the aforesaid Florida State Road No. 4 for a distance of 125 feet to the Point of Beginning of the parcel of land herein described.

LESS:

A strip of land 30.75 ft in width lying in the Northeast ½ of Section 9, Township 52 South, Range 42 East, Miami-Dade County, Florida, being more particularly described as being bounded on the North by the Southerly line of Lot 8 of MAULE FEDERAL HIGHWAY INDUSTRIAL SITES according to the Plat thereof, as recorded in Plat Book 46, at Page 55, of the Public Records of Miami-Dade County, Florida; bounded on the East by the Southerly prolongation of the Easterly line of said Lot 8, said prolongation is coincident with the Westerly right of way line of State Road No. 5 (labeled as Road 4) as shown on Florida State Road Department Right of Way Map, Project No. 41 now known as Section 87030-2201, as recorded on Road Map Book 34, at Page 52, of the Public Records of Miami-Dade County, Florida; bounded on the South by a line 125.00 feet Southerly of and parallel with the Southerly line of said Lot 8 and bounded on the West by a line 30.75 feet Westerly of and parallel with said Westerly right of way of State Road No. 5

EXHIBIT "A"



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:

<i>Name</i>	<i>Relationship (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)</i>
Alan S. Rosenthal	Attorney for Applicant
_____	_____
_____	_____
_____	_____

(Attach Additional Sheets If Necessary)

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

WITNESS MY HAND THIS 22 DAY OF April, 2014 ~~XXX~~

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By: [Signature]
 (Signature)
 Name: Alan S. Rosenthal
 (Print)
 Title: Attorney for Applicant
20900 NE 30 Avenue
 Address: Suite 600
Aventura, FL 33180

OWNER

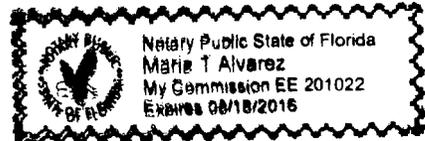
By: [Signature]
 (Signature)
 Name: Walter DeFortuna
 (Print)
 Title: Managing Member Ocean Two, LLC
 Address: 2666 Brickell Avenue
Miami, FL 33129

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Alan S. Rosenthal 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 April, 2014 200 Alan S. Rosenthal

[Signature]
 Attorney for Applicant
[Signature]
 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 April, 2014, ~~200~~.

APPLICANT: Ocean Two, LLC

By: [Signature] (Signature)
 Name: Walter DeFortuna (Print)
 Title: Managing Member (Print)

WITNESS MY HAND THIS - DAY OF April, 2014, ~~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

WITNESS MY HAND THIS 22nd DAY OF April, 2014, ~~200~~

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

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

By:  (Signature)
Name: Alan S. Rosenthal (Print)
Title: Attorney (Print)

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

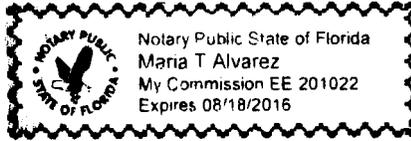
2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Walter DeFortuna 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 Walter DeFortuna, Managing Member Ocean Two, LLC

SWORN TO AND SUBSCRIBED before me this 22 day of April, ~~201~~ 2014



[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 Alan S. Rosenthal 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 Alan S. Rosenthal

SWORN TO AND SUBSCRIBED before me this 22 day of April, ~~201~~ 2014



RAQUEL WELLS
MY COMMISSION # EE 045725
EXPIRES: January 25, 2015
Bonded Thru Budget Notary Services

[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)

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 MODIFYING THE APPROVALS GRANTED THROUGH RESOLUTION NO. 2003-52 ADOPTED JULY 1, 2003 TO REVISE THE PARKING SPACE VARIANCE AND TO REVISE CONDITION #5 OF THE RESOLUTION, FOR PROPERTY LOCATED AT 17900 BISCAYNE BOULEVARD; CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, Ocean Two LLC, was granted miscellaneous approvals, including a variance from the parking space requirements of Section 31-171(b) of the City Code, by Resolution No. 2003-52 adopted by the City Commission of the City of Aventura on July 1, 2003; and

WHEREAS, Condition #5 of the Resolution required that the applicant record a covenant restricting uses to those requiring not more than 1 space for each 250 square feet of building area; and

WHEREAS, the applicant has requested, through Application No. 06-VAR-03 (Revision), that the variance for the number of parking spaces and Condition #5 of Resolution No. 2003-52 be revised to allow use of the building by a bank tenant which as a parking requirement of 1 space for each 200 square feet of building area; and

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

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

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

Section 1. The applicant's request to:

1. Modify Section 1. of Resolution No. 2003-52 to approve a variance from Section 31-171(b) of the City's Land Development Regulations to allow 5 parking spaces where 16 parking spaces are required by Code, where the Resolution allows 5 parking spaces where 13 parking spaces are required by Code, and

2. Modify Condition #5 of Section 1. of Resolution No. 2003-52 to require amendment of the recorded Restrictive Covenant to restrict uses on this site to those requiring a parking ratio of not more than 1 space for each 200 square feet of building area, where the Resolution restricts uses on this site to those requiring a parking ratio of not more than 1 space for each 250 square feet of building area

to allow operation of a bank use in the 3,292 square foot, one-story commercial building at 17900 Biscayne Boulevard, City of Aventura, on property legally described in Exhibit "A" to this Resolution, are hereby approved, subject to the following conditions:

(i) That the applicant submit a landscape improvement plan to the City for review by the City's Landscape Architectural Consultant, obtain a permit and install such improvements prior to occupancy by the Bank tenant, and

(ii) That the building façade be painted and cleaned prior to occupancy by the Bank tenant, and

(iii) That bank employees use the off-site parking spaces constructed on the west side of the FEC Railway right of way, and

(iv) That the applicant record, at its own expense, a modification to the Restrictive Covenant, in a form satisfactory to the City Manager and City Attorney, restricting uses on the site to those requiring not more than 1 space for each 200 square feet of building area, and

(v) That all other conditions of 2003-52 shall remain the same and in full force and effect, and

(vi) In the event that the City Manager determines that this modification to the parking variance approval has created or is creating a nuisance to the community, the applicant will be required to lease additional lands from the FEC Railway and construct additional parking spaces in an amount to be determined by the City Manager.

Section 2. The City Manager is authorized to cause the issuance of permits in accordance with the approvals and conditions herein provided and to indicate such approvals and conditions upon the records of the City.

Section 3. 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 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 Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Billy Joel	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 3rd day of June, 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 _____, 2014.

CITY CLERK

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

Commence at the S.W. comer of Fractional Section 3, Township 52 South, Range 42 East, Miami-Dade County, Florida, Thence South 89 Degrees, 32 Minutes, 25 Seconds East along the South Boundary line of said Fractional Section 3, for a distance of 209.14 feet to a point on the Northwesterly right of way line of Florida State Road. No.4 as shown on plat thereof recorded in Plat Book 34 at Page 53, of the Public Records of Miami-Dade County, Florida; and which said Florida State Road No.4 is known also as United States Highway No. 1; run thence South 18 degrees, 36 Minutes, 35 Seconds West along the Northwesterly right of way line of the aforesaid Florida Stale Road No. 4 for a distance of 1105.64 feet to the Point of Beginning of the parcel of land herein described; thence run North 71 Degrees, 23 Minutes, 2S Seconds West for a distance of 101.80 feet to a point on the Southeasterly right of way line of the Florida East Coast Railway; thence South 18 Degrees 31 Minutes, 38 Seconds West along the Southeasterly right of way line of the Florida East Coast Railway for a distance of 125.0 feet to a point; thence South 71 Degrees, 23 Minutes, 2S Seconds East for a distance of 101.62 feet to a point on the Northwesterly right of way line of the aforesaid Florida States Road No.4; thence North 18 Degrees 36 Minutes, 35 Seconds East along the Northwesterly right of way line of the aforesaid Florida State Road No.4 for a distance of 125 feet to the Point of Beginning of the parcel of land herein described.

LESS:

A strip of land 30.75 feet in width lying in the Northeast 1/2 of Section 9, Township 52 Sou.th, Range 42 East. Miami-Dade County, Florida, being more particularly described as being bounded on the North by the Southerly line of Lot 8 of MAULE FEDERAL HIGHWAY INDUSTRIAL SITES according to the Plat thereof, as recorded in Plat Book 46, at Page 55 of the Public Records of Miami-Dade County, Florida; bounded on the East by the Southerly prolongation of the Easterly line of said Lot, 8, said prolongation is coincident with the Westerly right of way line of State Road No.5 (labeled as Road 4) as shown on Florida State Road Department Right of Way Map, Project No. 41 now known as Section 87030-2201, as recorded on Road Map Book 34, at Pap 52, of the Public Records of Miami-Dade County, Florida; bounded on the South by a line 125.00 feet Southerly of and parallel with the Southerly line of said Lot 8 and bounded on the West by a line 30.75 feet Westerly of and parallel with said Westerly right of way of State Road No. 5.