

City Commission
Susan Gottlieb, Mayor

Zev Auerbach
Bob Diamond
Teri Holzberg
Billy Joel
Michael Stern
Luz Urbáez Weinberg

The City of Aventura



City Manager
Eric M. Soroka, ICMA-CM

City Clerk
Teresa M. Soroka, MMC

City Attorney
Weiss Serota Helfman
Pastoriza Cole & Boniske

OCTOBER 4, 2011 6 p.m.

Government Center
19200 West Country Club Drive
Aventura, Florida 33180

1. **CALL TO ORDER/ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **AGENDA:** Request for Deletions/Emergency Additions
4. **SPECIAL PRESENTATIONS:** Employee Service Awards
5. **CONSENT AGENDA:** Matters included under the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and considered separately.
 - A. **APPROVAL OF MINUTES:**
September 6, 2011 Commission Meeting
September 13, 2011 Commission Meeting
September 21, 2011 Commission Meeting
 - B. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE ATTACHED WORK AUTHORIZATION NO. 01-0103-151 FOR PROFESSIONAL DESIGN SERVICES FOR THE NE 191 STREET, NE 188 STREET, NE 185 STREET AND NE 31 AVENUE ROAD RESURFACING IMPROVEMENTS PROJECTS BY AND BETWEEN THE CITY OF AVENTURA AND CRAVEN THOMPSON AND ASSOCIATES, INC.; AND PROVIDING AN EFFECTIVE DATE.**
6. **ZONING HEARINGS: QUASI-JUDICIAL PUBLIC HEARINGS** – Please be advised that the following items on the Commission's agenda are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Mayor when she requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further details of the quasi-judicial procedures may be obtained from the Clerk.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING APPROVAL OF VARIANCE FROM SECTION 31-143(f)(3)d. OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW A REDUCED FRONT YARD SETBACK AND TO ALLOW A REDUCED STREET SIDE YARD SETBACK FOR THE WILLIAMS ISLAND SPA AND FITNESS CENTER LOCATED AT 5300 ISLAND BOULEVARD, CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

- 7. **ORDINANCES: FIRST READING–PUBLIC INPUT:** None.
- 8. **ORDINANCE – SECOND READING – PUBLIC HEARING:** None.
- 9. **RESOLUTIONS – PUBLIC HEARING:** None.
- 10. **REPORTS**
- 11. **PUBLIC COMMENTS**
- 12. **OTHER BUSINESS:** None.
- 13. **ADJOURNMENT**

SCHEDULE OF FUTURE MEETINGS/EVENTS

| | | | |
|-------------------------|-------------------------|------------|----------------------------------------|
| WORKSHOP MEETING | OCTOBER 13, 2011 | 9AM | 5th FL. EX.CONF.ROOM |
| COMMISSION MTG | NOVEMBER 1, 2011 | 6PM | 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 MEETING
SEPTEMBER 6, 2011 6 PM**

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 Bob Diamond, Teri Holzberg, Billy Joel, Michael Stern, Luz Urbaz Weinberg (arrived during item 4), Vice Mayor Zev Auerbach, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David Wolpin. As a quorum was determined to be present, the meeting commenced.

2. PLEDGE OF ALLEGIANCE: Led by William Landa.

3. AGENDA: REQUESTS FOR DELETIONS/EMERGENCY ADDITIONS: Mr. Soroka noted a change of wording in the Easement of item 5B.

4. SPECIAL PRESENTATIONS: City Clerk Teresa M. Soroka was honored by Mayor Gottlieb and the City Commission for 15 years of service as the City's first and only City Clerk.

5. CONSENT AGENDA: A motion to approve the Consent Agenda was offered by Commissioner Joel, seconded by Vice Mayor Auerbach, passed unanimously and the following action was taken:

- A.** The following minutes were approved:
 - July 12, 2011 Commission Meeting
 - July 21, 2011 Commission Meeting and Budget Review
 - July 21, 2011 Workshop Meeting

- B.** **Resolution No. 2011-50** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA PROVIDING FOR ACCEPTANCE OF EASEMENT DEDICATION OF PRIVATE PROPERTY FOR THE CITY OF AVENTURA GOVERNMENT INSTRUCTIONAL SIGN AT AVENTURA MALL PROJECT: AUTHORIZING THE CITY MANAGER TO OBTAIN AND EXECUTE INSTRUMENTS CONCERNING DEDICATION; AUTHORIZING ACCEPTANCE OF DEDICATION; PROVIDING FOR EFFECTIVE DATE.

- C.** **Resolution No. 2011-51** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON

BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE TOWN OF MEDLEY FOR LAW ENFORCEMENT ACTIVITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. Resolution No. 2011-52 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

- E. The following motion was approved:

MOTION AUTHORIZING THE APPROPRIATION OF UP TO \$15,500 TO FUND CRIME PREVENTION PROGRAMS AND LEGAL FEES RELATING TO FORFEITURE CASE FROM THE POLICE FEDERAL FORFEITURE FUND IN ACCORDANCE WITH THE CITY MANAGER'S MEMORANDUM.

- F. The following motion was approved:

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

MOTION TO ACCEPT FOR FILING THE SPECIAL PURPOSE FINANCIAL REPORT FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL FOR THE FISCAL YEAR ENDED JUNE 30, 2011 AND TO ACCEPT FOR FILING THAT LETTER DATED AUGUST 26, 2011 ATTACHED AS ATTACHMENT 1

- G. The following motion was approved:

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

MOTION TO ACCEPT AVENTURA CITY OF EXCELLENCE SCHOOL OUT-OF-FIELD WAIVERS AS OUTLINED IN THE CITY MANAGER'S MEMORANDUM DATED AUGUST 26, 2011

H. **Resolution No. 2011-53** was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, SELECTING THE FIRM OF PEAR PROGRAMS, LLC TO PERFORM RECREATION PROGRAMS, ACTIVITIES, EVENTS, CLASSES AND ATHLETIC LEAGUE MANAGEMENT SERVICES RELATIVE TO RFP NO. 11-8-8-2; AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE TERMS AND FEES FOR SAID SERVICES; AUTHORIZING NEGOTIATIONS WITH AN ALTERNATE FIRM TO PERFORM THE REQUIRED SERVICES SHOULD NEGOTIATIONS WITH SELECTED FIRM BE UNSUCCESSFUL; 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.

All persons giving testimony were sworn in by the City Clerk. Ex parte communications, if any were disclosed in accordance with the quasi-judicial procedures.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, APPROVING A SIGN VARIANCE FOR PUBLIC STORAGE AT 2940 NE 188 STREET, CITY OF AVENTURA; PROVIDING AN EFFECTIVE DATE.

Mayor Gottlieb opened the public hearing. Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record. There being no speakers, the public hearing was closed. A motion for approval was offered by Commissioner Weinberg, and seconded by Commissioner Joel. The motion for approval passed unanimously and **Resolution No. 2011-54** was adopted.

Commissioner Joel left the room at this time.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA APPROVING A SIGN VARIANCE FOR AVENTURA TURNBERRY JEWISH CENTER AT 20400 NE 30 AVENUE, CITY OF AVENTURA; PROVIDING AN EFFECTIVE DATE.

A motion for approval was offered by Vice Mayor Auerbach, and seconded by Commissioner Stern. Mayor Gottlieb opened the public hearing. Mrs. Carr addressed the Commission and entered the staff report into the record. The following individuals addressed the Commission: Seymour Silver, 20341 NE 30th Avenue; Anita Silver, 20341 NE 30th Avenue; Bob Burroughs, 2754 Bayshore Drive, Miami, 33133; Howard Weinberg, Parc Central East; and William Landa, 19955 NE 29th Court. There being no further speakers, the public hearing was closed. The motion passed unanimously (6-0 with Commissioner Joel absent from the room) and **Resolution No. 2011-55** was adopted.

Commissioner Joel returned to the meeting at this time.

7. **ORDINANCES: FIRST READING/PUBLIC INPUT:** Mr. Wolpin read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA FLORIDA AMENDING THE CITY CODE BY AMENDING CHAPTER 2 "ADMINISTRATION," AND CHAPTER 30 "ENVIRONMENT," TO ADDRESS FIREARM REGULATIONS PREEMPTED BY STATE LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Joel, and seconded by Commissioner Holzberg. Mr. Wolpin explained the need for this ordinance to conform with recent legislative changes. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion passed unanimously.

8. **ORDINANCES: SECOND READING/PUBLIC HEARING:** None.

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

10. **REPORTS:** As presented.

11. **PUBLIC COMMENTS:** Raya Elias-Pushett, 20224 Harbor Way; and Michelle Reese, 3131 NE 188th Street.

12. **OTHER BUSINESS:** 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 7:05 p.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

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



**MINUTES
CITY COMMISSION MEETING
SEPTEMBER 13, 2011 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 at 6:00 p.m. by Mayor Susan Gottlieb. Present were Commissioners Bob Diamond, Teri Holzberg, Billy Joel, Michael Stern, Luz Urbáez Weinberg, Vice Mayor Zev Auerbach, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.
2. **PLEDGE OF ALLEGIANCE:** Led by Commissioners Joel and Weinberg.
3. **PUBLIC HEARINGS: ORDINANCES: FIRST READING/PUBLIC INPUT - 2011/2012 BUDGET**

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

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING AND ADOPTING THE CITY OF AVENTURA AD VALOREM TAX OPERATING MILLAGE LEVY RATE AT 1.7261 MILS PER THOUSAND DOLLARS OF TAXABLE ASSESSED PROPERTY VALUE, WHICH IS 5.92% ABOVE THE ROLLED BACK RATE COMPUTED PURSUANT TO STATE LAW, FOR THE 2011 TAX YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Joel and seconded by Vice Mayor Auerbach. Mr. Soroka noted that this is the same tax rate as last year and the City once again will have the lowest tax rate in Miami-Dade County. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote.

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

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED TENTATIVE OPERATING AND CAPITAL BUDGET, AS REVIEWED AND APPROVED BY CITY COMMISSION AT THE REVIEW MEETING HELD ON JULY 21, 2011, AS THE CITY OF AVENTURA FINAL BUDGET FOR THE 2011/2012 FISCAL YEAR, PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND GRANTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR

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

A motion for approval was offered by Commissioner Holzberg and seconded by Commissioner Stern. Mr. Soroka noted that this total budget proposed is \$49.9 million and the overall operating increase was limited to 1.1%. No City services are being reduced and no employees are being laid off. 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.

Mrs. Soroka announced that the second budget public hearing is scheduled for September 21, 2011 at 6 p.m.

4. ADJOURNMENT: There being no further business to come before the Commission at this time, after motion made, seconded and unanimously passed, the meeting adjourned at 6:07 p.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

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



**MINUTES
CITY COMMISSION MEETING
SEPTEMBER 21, 2011 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 at 6:00 p.m. by Mayor Susan Gottlieb. Present were Commissioners Bob Diamond, Teri Holzberg, Billy Joel, Michael Stern, Luz Urbáez Weinberg, Vice Mayor Zev Auerbach arrived during item 4), Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.
2. **PLEDGE OF ALLEGIANCE:** Led by Finance Department Director Brian Raducci.
3. **PUBLIC HEARINGS: ORDINANCES: SECOND READING/PUBLIC HEARING:
2011/2012 BUDGET**

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

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING AND ADOPTING THE CITY OF AVENTURA AD VALOREM TAX OPERATING MILLAGE LEVY RATE AT 1.7261 MILS PER THOUSAND DOLLARS OF TAXABLE ASSESSED PROPERTY VALUE, WHICH IS 5.92% ABOVE THE ROLLED BACK RATE COMPUTED PURSUANT TO STATE LAW, FOR THE 2011 TAX YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

A motion for approval was offered by Commissioner Diamond 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. 2011- 07** was enacted.

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

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED TENTATIVE OPERATING AND CAPITAL BUDGET, AS REVIEWED AND APPROVED BY CITY COMMISSION AT THE REVIEW MEETING HELD ON JULY 21, 2011, AS THE CITY OF AVENTURA FINAL BUDGET FOR THE 2011/2012 FISCAL YEAR, PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND GRANTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR PROCEDURES REGARDING ENCUMBRANCES AND THE RE-

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

A motion for approval was offered by Commissioner Joel, and seconded by Commissioner Holzberg. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote and **Ordinance No. 2011- 08** was enacted.

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

**AN ORDINANCE OF THE CITY OF AVENTURA FLORIDA AMENDING
THE CITY CODE BY AMENDING CHAPTER 2 "ADMINISTRATION,"
AND CHAPTER 30 "ENVIRONMENT," TO ADDRESS FIREARM
REGULATIONS PREEMPTED BY STATE LAW; PROVIDING FOR
CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR
INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE
DATE.**

A motion for approval was offered by Commissioner Stern and seconded by Commissioner 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. 2011- 09** was enacted.

4. **RESOLUTIONS:** Mr. Wolpin read the following resolution by title:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA,
FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE
ATTACHED AGREEMENT BETWEEN THE CITY OF AVENTURA AND PEAR
PROGRAMS, LLC TO PERFORM RECREATION PROGRAMS, ACTIVITIES,
EVENTS, CLASSES AND ATHLETIC LEAGUE MANAGEMENT SERVICES AS
SET FORTH IN RFP 11-8-8-2; AUTHORIZING THE CITY MANAGER TO DO
ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS
RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

A motion for approval was offered by Commissioner Weinberg, and seconded by Commissioner Stern. The motion for approval passed unanimously and **Resolution No. 2011- 56** was adopted.

5. **ADJOURNMENT:** There being no further business to come before the Commission at this time, after motion made, seconded and unanimously passed, the meeting adjourned at 6: 14 p.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on _____.

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

CITY OF AVENTURA
CITY MANAGER'S OFFICE

MEMORANDUM

TO: City Commission

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

BY: Antonio F. Tomei, Capital Projects Manager *ATJ*

DATE: September 8, 2011

SUBJECT: **Recommendation – Work Authorization No. 01-0103-151
Professional Design Services for Road Resurfacing Improvements
NE 191st Street/NE 188th Street/NE 185th Street/NE 31st Avenue
Craven Thompson & Associates, Inc.**

October 4, 2011, City Commission Meeting Agenda Item 5-B

Recommendation

It is recommended that the City Commission adopt the attached Resolution awarding Work Authorization No. 01-0103-151 to Craven Thompson and Associates, Inc. for Professional Design Services for Road Resurfacing Improvements to NE 191st Street, NE 188th Street, NE 185th Street and NE 31st Avenue for an amount of \$80,100. This project is included in the Capital Improvements Program for the 2011/12 fiscal year.

Background

The project is to be designed in accordance with the City's Capital Improvement Program approved by the City Commission. In particular, design plans will address milling and resurfacing improvements to NE 191st Street, NE 188th Street, NE 185th Street from NE 28th CT to NE 31st Avenue and NE 31st Avenue from NE 185th Street to NE 183rd Street. The cost includes services pertaining to civil design, permitting, bidding, surveying and construction services. The proposed budget is \$608,000 and will be funded by Budget Line Item #120-5001-541-6305.

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE ATTACHED WORK AUTHORIZATION NO. 01-0103-151 FOR PROFESSIONAL DESIGN SERVICES FOR THE NE 191 STREET, NE 188 STREET, NE 185 STREET AND NE 31 AVENUE ROAD RESURFACING IMPROVEMENTS PROJECTS BY AND BETWEEN THE CITY OF AVENTURA AND CRAVEN THOMPSON AND ASSOCIATES, INC.; 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 Manager is hereby authorized to execute attached Work Authorization No. 01-0103-151 (\$80,100) for professional design services for the NE 191 Street, NE 188 Street, NE 185 Street and NE 31 Avenue Road Resurfacing Improvements projects by and between the City and Craven Thompson and Associates, Inc.

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

Section 3 That the funds to be allocated and appropriated pursuant hereto and for the purposes of carrying out the tenets of this Resolution shall be from Budget Line Item Number 120-5001-541-6305.

Section 4 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 Bob Diamond | _____ |
| Commissioner Teri Holzberg | _____ |
| Commissioner Billy Joel | _____ |
| Commissioner Michael Stern | _____ |
| Commissioner Luz Urbáez Weinberg | _____ |
| Vice Mayor Zev Auerbach | _____ |
| Mayor Susan Gottlieb | _____ |

PASSED AND ADOPTED this 4th day of October, 2011.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

WORK AUTHORIZATION NO. 01-0103-151

The City of Aventura has requested Work Authorization No. 01-0103-151 as provided for in the Agreement between the City of Aventura and Craven Thompson and Associates, Inc. and approved by the City Commission on July 3, 2001.

This Work Authorization No 01-0103-151 provides for technical services in accordance with Articles 3, 4, 6, 7 and 8 of the Agreement as further detailed in the scope of services in Exhibit A.

Payment for such services shall be in accordance with Article 5 of the Agreement.

Design Phase

| | |
|-----------------------------------------------|--------------------|
| Survey (Task No. 11050)..... | \$23,800.00 |
| Prepare Design Drawings (Task No. 34040)..... | \$35,500.00 |
| Permitting (Task No. 31080)..... | \$1,500.00 |
| Project Management (Task No. 34040)..... | \$3,000.00 |
| Total Design Phase | \$63,800.00 |

Bidding Phase

| | |
|---------------------------------------------|-------------------|
| Prepare Bid Documents (Task No. 34060)..... | \$2,450.00 |
| Total Bidding Phase..... | \$2,450.00 |

Construction Phase

| | |
|-----------------------------------------------------------------|--------------------|
| Daily Site Visits (based on 90 day const) (Task No. 34070)..... | \$12,000.00 |
| Project Closeout Documentation (Task No. 34070)..... | \$750.00 |
| Total Construction Phase | \$12,750.00 |

Reimbursable Expenses

| | |
|----------------------------------------------------------|-------------------|
| Printing, Graphics, Communications (Task No. 34100)..... | \$800.00 |
| Couriers, Express Mail, Etc (Task No. 34100)..... | \$300.00 |
| Total Reimbursable Expenses..... | \$1,100.00 |

| | |
|-------------------------------------------------|-------------|
| Total Estimated Labor Expenses are..... | \$79,000.00 |
| Total Estimated Reimbursable Expenses are | \$1,100.00 |

The time period for this work authorization will be:

| | |
|---------------------------------------------|---------|
| Design Phase..... | 90 Days |
| Permitting Phase | 30 Days |
| Bidding Phase | 75 Days |
| Construction Services Phase (estimate)..... | 90 Days |

CITY:

CITY OF AVENTURA, FLORIDA
through its City Manager

BY _____
City Manager

Eric M. Soroka, ICMA-CM

_____ day of _____, 2011

Notice to Proceed ___ Yes ___ No

Project Initiation Date _____

RECOMMENDED through its
Capital Projects Manager

BY Antonio F. Tomei
Capital Projects Manager

Antonio F. Tomei

8 day of SEP., 2011

Exhibit A

Consultant shall prepare roadway milling, resurfacing and pavement marking drawings for the following area:

NE 191st Street

NE 191st Street from the east end of the turn lane at Biscayne Boulevard to the point of curvature for NE 29th Avenue. This work encompasses approximately 700 LF of roadway. The construction limit will match the end of the construction limits for the milling and resurfacing previously completed on NE 29th Avenue. Attached is an exhibit showing the limits of work.

NE 188th Street

NE 188th Street from NE 29th Avenue east until the end of the roadway. This work encompasses approximately 2,600 LF of roadway. The construction limit will match the end of the construction limits for the milling and resurfacing previously completed on NE 29th Avenue. Attached is an exhibit showing the limits of work.

NE 185th Street & NE 31st Avenue

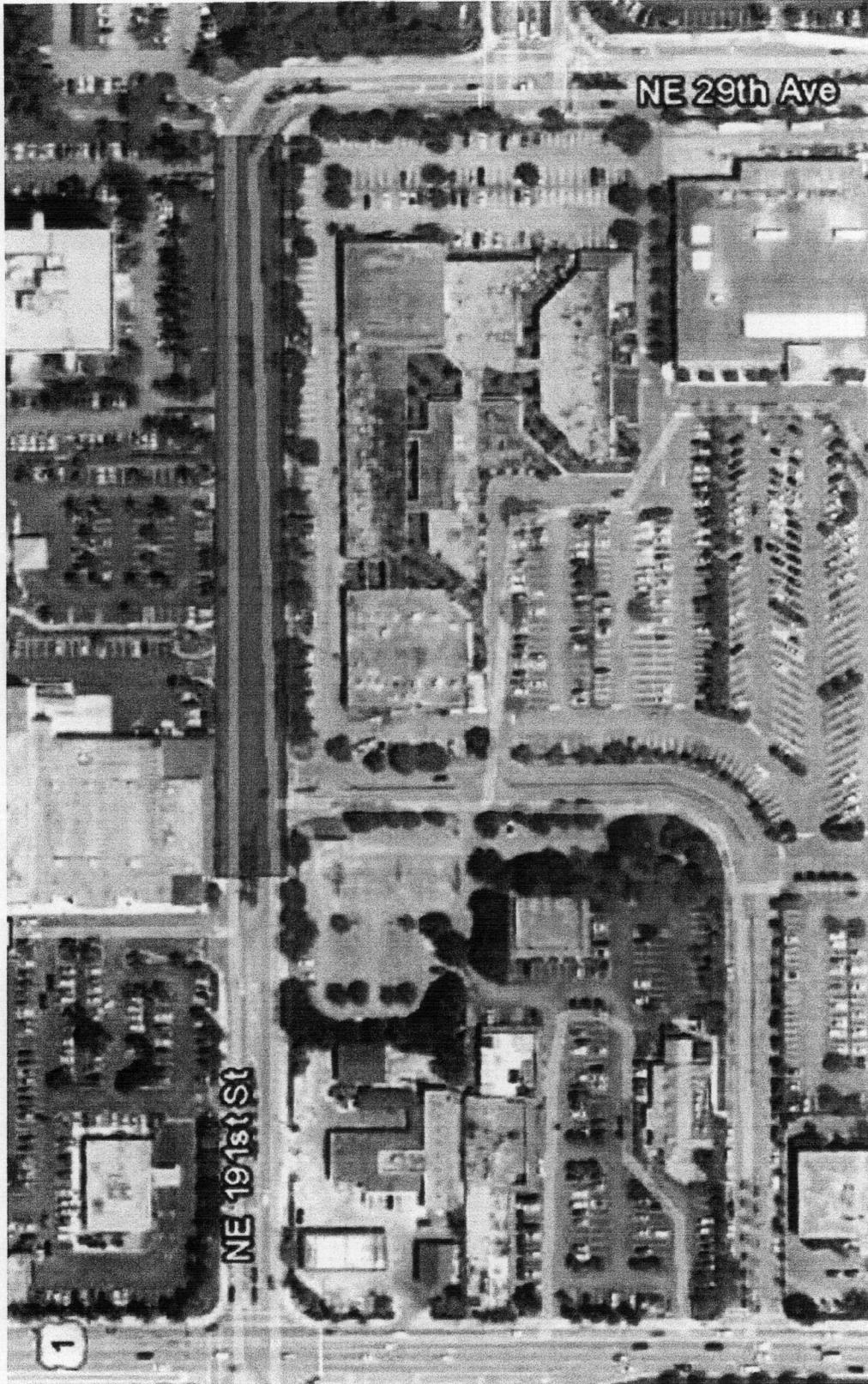
NE 185th Street and NE 31st Avenue starting at Williams Island Boulevard and ending at the intersection of NE 185th Street and NE 28th Ct. This work encompasses approximately 2,300 LF of roadway. Attached is an exhibit of the work limits.

Our scope of service shall include surveying, engineering design and construction services. Consultant will more specifically perform the following:

- Prepare design survey.
- Prepare roadway resurfacing and pavement marking plans.
- Prepare Engineers' Cost Estimate for the proposed improvements.
- Prepare technical specification for the inclusion into the City's Bid package.
- Prepare Bid package and assist City in bidding the project.
- Miscellaneous coordination with agencies, franchise utilities, and/or City.
- Construction services, including periodic observation of the work to assure conformance with specifications and drawings.



NE 191st Street



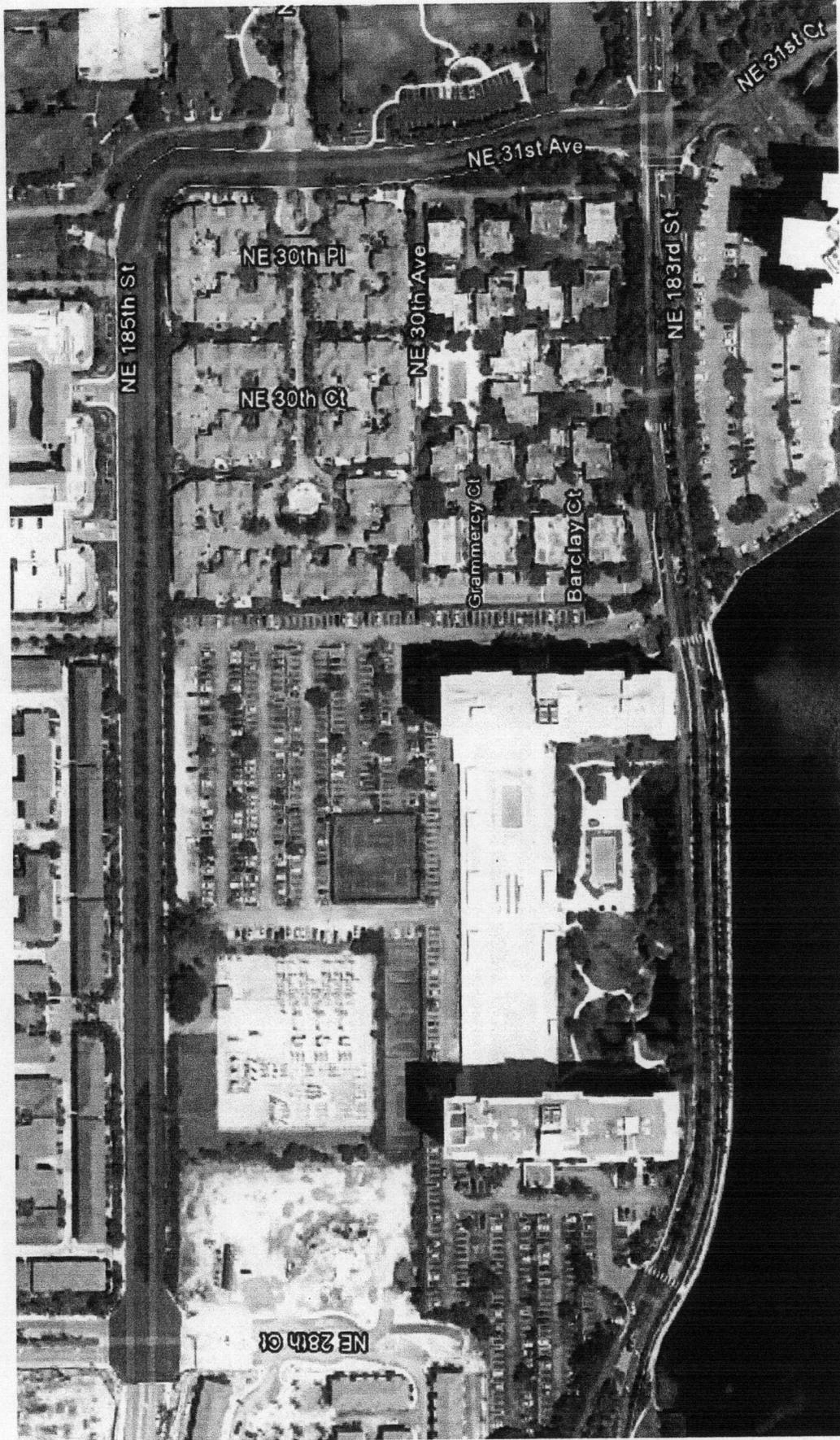
Craven Thompson & Associates, Inc.
3563 NW 53 Street, Ft. Lauderdale, FL 33309
T: 954-739-6400 F: 954-739-6409
RD Pryce 1/24/2011

NE 188th Street



Craven Thompson & Associates, Inc.
3563 NW 53 Street, Ft. Lauderdale, FL 33309
T: 954-739-6400 F: 954-739-6409
RD Pryce 9-1-2011

NE 185th Street and NE 31st Avenue



CRAVEN THOMPSON & ASSOCIATES, INC.
3563 NW 53 Street, Ft. Lauderdale, FL 33309
T: 954-739-6400 F: 954-739-6409
RD Pryce 1/24/2011

CITY OF AVENTURA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: City Commission

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

BY: Joanne Carr, AICP
Community Development Director

DATE: September 6, 2011

SUBJECT: Request of Williams Island Property Owners' Association, Inc. for Variance from Section 31-143(f)(3)d. of the City Code to allow reduced front and street side yard setbacks for the Spa and Fitness Center at 5300 Island Boulevard, City of Aventura (02-VAR-11)

October 4, 2011 City Commission Meeting Agenda Item 6

RECOMMENDATION

It is recommended that the City Commission approve the request for variance to permit:

1. A reduced front yard setback of 5.92 feet, where a front yard setback of 25 feet is required by Code in the RMF4, Multifamily High Density Residential District; and
2. A reduced street side yard setback of 5.90 feet, where a street side yard setback of 20 feet is required by Code in the RMF4, Multifamily High Density Residential District,

for the existing Williams Island spa and fitness center, with the following conditions:

1. Plans shall substantially comply with those submitted as follows:
 - "Williams Island Spa and Fitness Center", Site Plan, Sheet A-1, prepared by Forbes Architects, dated 7/20/11, revised 8/31/11, signed and sealed.
 - "Williams Island Spa and Fitness Center", Lower Level Proposed Floor Plan, Sheet A-2, prepared by Forbes Architects, dated 7/20/11, signed and sealed.
 - "Williams Island Spa and Fitness Center", Upper Level Proposed Floor Plan, Sheet A-3, prepared by Forbes Architects, dated 7/20/11, signed and sealed.

- “Williams Island Spa and Fitness Center”, South and West Elevation Plan, Sheet A-5, prepared by Forbes Architects, dated 7/20/11, signed and sealed.
- “Williams Island Spa and Fitness Center”, North and East Elevation Plan, Sheet A-6, prepared by Forbes Architects, dated 7/20/11, signed and sealed.
- “Williams Island Spa and Fitness Center”, Landscape Plan, Sheet L-1, prepared by Witkin Hults Design Group, dated 7/20/11, revised 8/29/11, signed and sealed 9.1.11.

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.

THE REQUEST

The applicant, Williams Island Property Owners’ Association Inc., is requesting Variance from Section 31-143(f)(3)d. of the City’s Land Development Regulations to allow reduced front yard and street side yard setbacks for the existing spa and fitness center on Williams Island. (See Exhibit #1 for Letter of Intent)

BACKGROUND

OWNER OF PROPERTY Williams Island Property Owners’ Association, Inc.

APPLICANT John Forbes, Forbes Architects

ADDRESS OF PROPERTY 5300 Island Boulevard
(See Exhibit #2 for Location Plan)

SIZE OF PROPERTY Approximately 4.53 acres

LEGAL DESCRIPTION Part Tract A, Williams Island Amended, according to the plat thereof recorded in Plat Book 126, Page 49, of the Public Records of Miami-Dade County
(See Exhibit #3 for complete Legal Description)

Zoning-

| | |
|--------------------------|-----------------------------------------------------|
| Subject Property: | RMF4, Multifamily High Density Residential District |
| Properties to the North: | RMF4, Multifamily High Density Residential District |
| Properties to the South: | RMF4, Multifamily High Density Residential District |
| Properties to the East: | RMF4, Multifamily High Density Residential District |
| Properties to the West: | RMF4, Multifamily High Density Residential District |

Existing Land Use -

| | |
|--------------------------|------------------------------------------------------------------|
| Subject property: | Williams Island Spa & Fitness Center, Tennis Club and Restaurant |
| Properties to the North: | Residential Condominium |
| Properties to the South: | Residential Condominium |

Properties to the East: Residential Condominium
Properties to the West: Residential Condominium

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

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

The Site – The subject site is located on the east side of Island Boulevard with municipal address of 5300 Island Boulevard, City of Aventura. The overall site contains the Williams Island Spa and Fitness Center, the Tennis Club and Restaurant.

The Project – The current facility is 23,404 square feet consisting of a ground level floor with 13,467 square feet and second level floor with 9,937 square feet. The applicant proposes to enclose two second level open air patios on the east elevation of the building to add 892 square feet to the existing spa and fitness center. The enclosed areas will be used for part of the weight training room and for new administrative offices.

The additional square footage necessitates three (3) new parking spaces for the facility. Four (4) new parking spaces are proposed to the southwest of the spa building, as shown on the plans submitted with the application.

ANALYSIS

Consistency with Comprehensive Master Plan - The request is consistent with the City of Aventura Comprehensive Plan. The future land use designation of the parcel is Medium-High Density Residential. This spa and fitness center is an amenity accessory to the adjacent residential buildings.

Citizen Comments – No written complaints from citizens have been received as of the date of writing of this report.

Community Development Department Analysis – The applicant proposes to enclose two existing open-air patios of an accessory spa and fitness center. Part of the enclosed area will be added to the weight training room and part will house new administrative offices for the center.

The City's Land Development Regulations provide that any expansion of an existing use must be evaluated using the current Code criteria. The property owner has submitted its application for administrative site plan approval. Staff has reviewed the application and finds that variance approval for these two setbacks is required prior to administrative approval of the site plan.

The RMF4 zoning district requires a minimum 25 foot front yard setback and a minimum 20 foot street side yard setback. The spa and fitness center was built in 1985, prior to the incorporation of the City and prior to the enactment of the City's Land Development Regulations. The plans submitted for site plan approval show that the existing front yard setback is 5.92 feet, and that the existing street side yard setback is 5.90 feet.

All other site development criteria of the RMF4 zoning district are met. No expansion will occur on the ground level, therefore, there will be no impact to lot coverage and open space. The improvement will occur on the second level to enclose existing open air patios. Any landscaping damaged during construction will be replaced with like species and size or better. The existing on-site landscaping has been detailed on the landscape plan submitted as part of this application.

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

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

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

The hardship at this location is caused by particular physical condition of this property. The existing spa and fitness center was built in 1985, prior to the incorporation of the City and prior to the enactment of the City's Land Development Regulations. It would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, to demolish and reconstruct the building to comply with current Code front and street side yard setbacks.

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

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

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

The applicant's difficulty is not economic in nature and the difficulty was not deliberately created by the applicant. The building was constructed prior to incorporation of the City and prior to the enactment of the City's Land Development Regulations.

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

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

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

The variance will not substantially increase traffic congestion or increase the danger of fire or endanger the public safety or substantially diminish or impair property values. There is no change proposed to the existing ground level of the building and no change in vehicular or pedestrian access to the building. New parking spaces required for the additional enclosed space are being provided in a new parking area to the southwest of the center.

F O R B E S A R C H I T E C T S

August 31, 2011

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



Re: Williams Island Spa and Fitness Center Improvements
Letter of Intent - Public Hearing Application for Variance

To Whom It May Concern:

We are pleased to submit the attached application for the Williams Island Spa and Fitness's proposed renovation to the interior of the facility, with minor improvements to the exterior.

The current facility is 23,404sf, comprised of a lower floor of 13,467sf and an upper floor of 9,937sf. Included in the proposed improvements is enclosing two open terraces at the upper floor of the facility. This enclosure would add 892sf to the structure to bring the total square footage of the facility to 24,296sf. The new roof and exterior walls of the addition are designed to maintain the aesthetic and character of the existing structure.

The variance is being requested as the building's front and street side yard setbacks do not meet current zoning regulations. The RMF4 zoning district requires a 25' front yard setback, where a 5.92' setback is existing, and a 20' street side yard setback, where a 5.90' setback is existing. The front and street side yard setbacks of the existing building do not meet current required setbacks. The building was constructed prior to enactment of the City's Land Development Regulations

The proposed enclosure of the existing terraces is a minor improvement that will not further affect this condition and will maintain the current design aesthetic of the building.

In addition, please review the responses below to Aventura's Land Development Regulations (LDR) Standards for Review as it relates to a variance request:

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

Response: The building is existing. The minor expansion requested cannot be accomplished per the current zoning setback requirements.

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

Response: This condition is unique to this site and the existing placement of the building.

Williams Island Spa and Fitness Center Improvements
Letter of Intent - Public Hearing Application for Variance
August 31, 2011
Page 2

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

Response: The request is no economic and is not deliberate. The building is existing.

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

Response: If approved, the minor enclosure of the existing terraces will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.

5. LDR: The proposed variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property value within the vicinity.

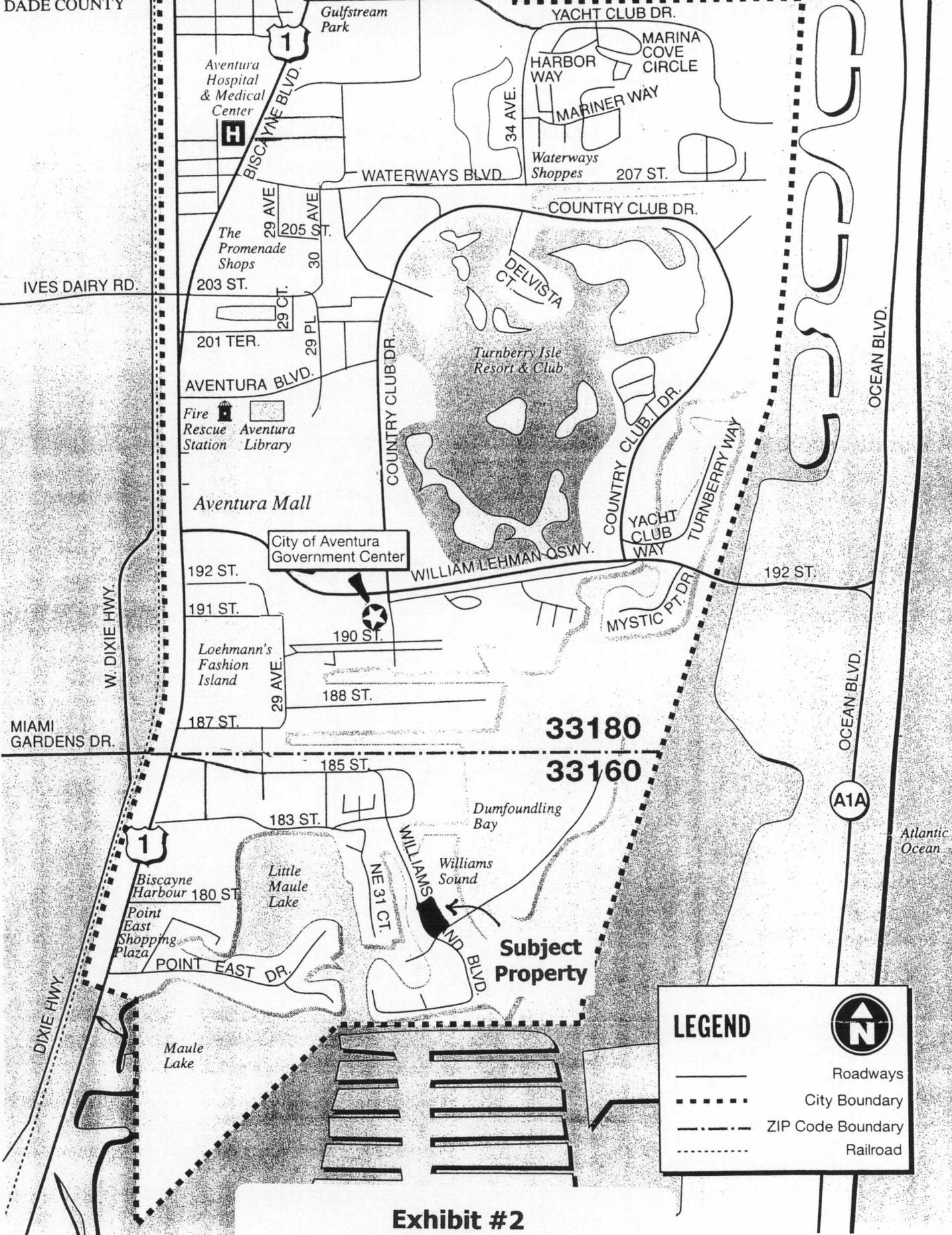
Response: approved, the minor enclosure of the existing terraces will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property value within the vicinity

Please review the attached documents and let us know if you have any questions or concerns with the proposed submittal.

Sincerely yours,

John R. Forbes, AIA
President

BROWARD COUNTY
DADE COUNTY



LEGEND

-  Roadways
-  City Boundary
-  ZIP Code Boundary
-  Railroad



Exhibit #2
02-VAR-11

EXHIBIT A
Legal Description

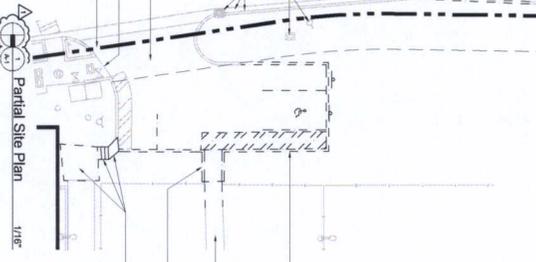
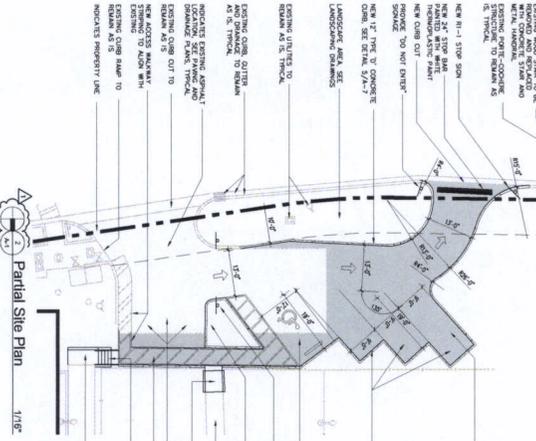
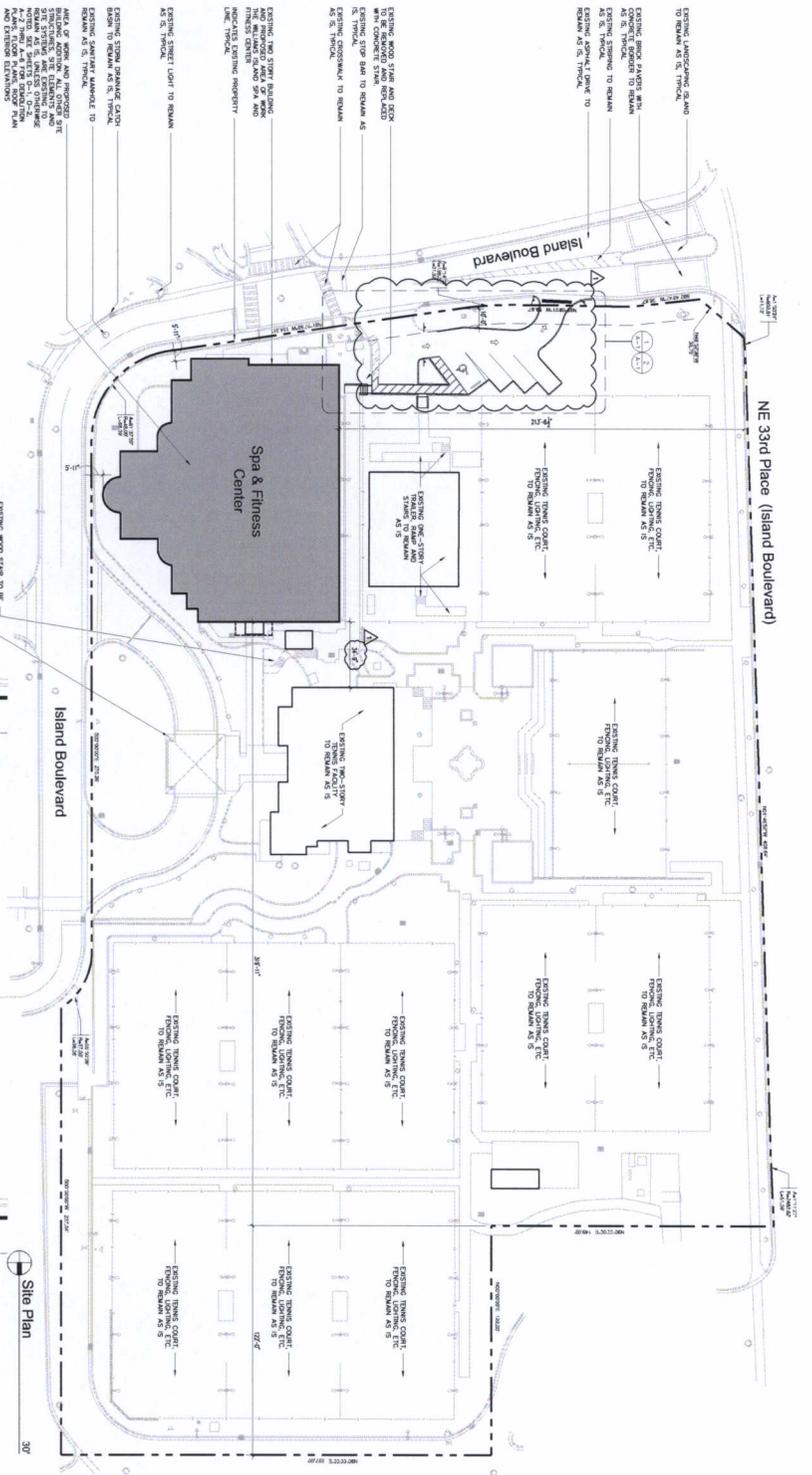
LEGAL:

A portion of Tract "A" of WILLIAMS ISLAND AMENDED, according to the plat thereof, as Recorded in Plat Book 126, at page 49 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner (NW) of the Northeast one-quarter (NE 1/4) of Section 10, Township 52 South, Range 42 East; thence North 89 degrees 57'15" East, along the North line of said Section 10, a distance of 1,472.63 feet; thence South 00 degrees 00'00" East, a distance of 405.81 feet to the POINT OF BEGINNING; thence South 00 degrees 00'00" West, a distance of 237.34 feet to a point on a circular curve, concave to the Southeast, said curve having a radius of 37.00 feet and a radial bearing of North 34 degrees 09'22" West; thence Southerly through a central angle of 55 degrees 50'38", on arc distance of 36.06 feet to a point of tangency; thence South 00 degree 00'00" East, a distance of 270.26 feet to the point of curvature curve, concave to the Northwest, said curve having a radius of 48.00 feet; thence Southwesterly through a central angle of 81 degrees 37'50", on arc distance of 68.39 feet to a point of tangency; thence South 81 degrees 37'50' West, a distance of 154.31 feet to the point of curvature of a circular curve concave to the North, said curve having a radius of 198.00 feet; thence Westerly through a central angle of 09 degrees 14'09" on arc distance of 31.92 feet to a point of tangency; thence North 89 degrees 08'01" West, a distance of 58.87 feet; thence South 83 degrees 48'47" West, a distance of 36.87 feet; thence North 48 degrees 52'36" West, a distance of 30.79 feet to a point on a circular curve concave to the East, said curve having a radius of 632.81 feet and a radial bearing of South 85 degrees 34' 26" West; thence Northerly through a central angle of 01 degrees 00'24", an arc distance of 11.12 feet to a point; thence North 01 degrees 46'52" West, a distance of 408.64 feet to the point of curvature of a circular curve concave to the West, said curve having a radius of 2,482.62 feet; thence Northerly through a central angle of 01 degrees 11'27", on arc distance of 51.59 feet to a point; thence North 90 degrees 00'00" East, a distance of 149.02 feet; thence North 00 degrees 00'00" East, a distance of 122.00 feet; thence North 90 degrees 00'00" East, a distance of 227.00 feet to the POINT OF BEGINNING.

Exhibit #3
02-VAR-11

NE 33rd Place (Island Boulevard)

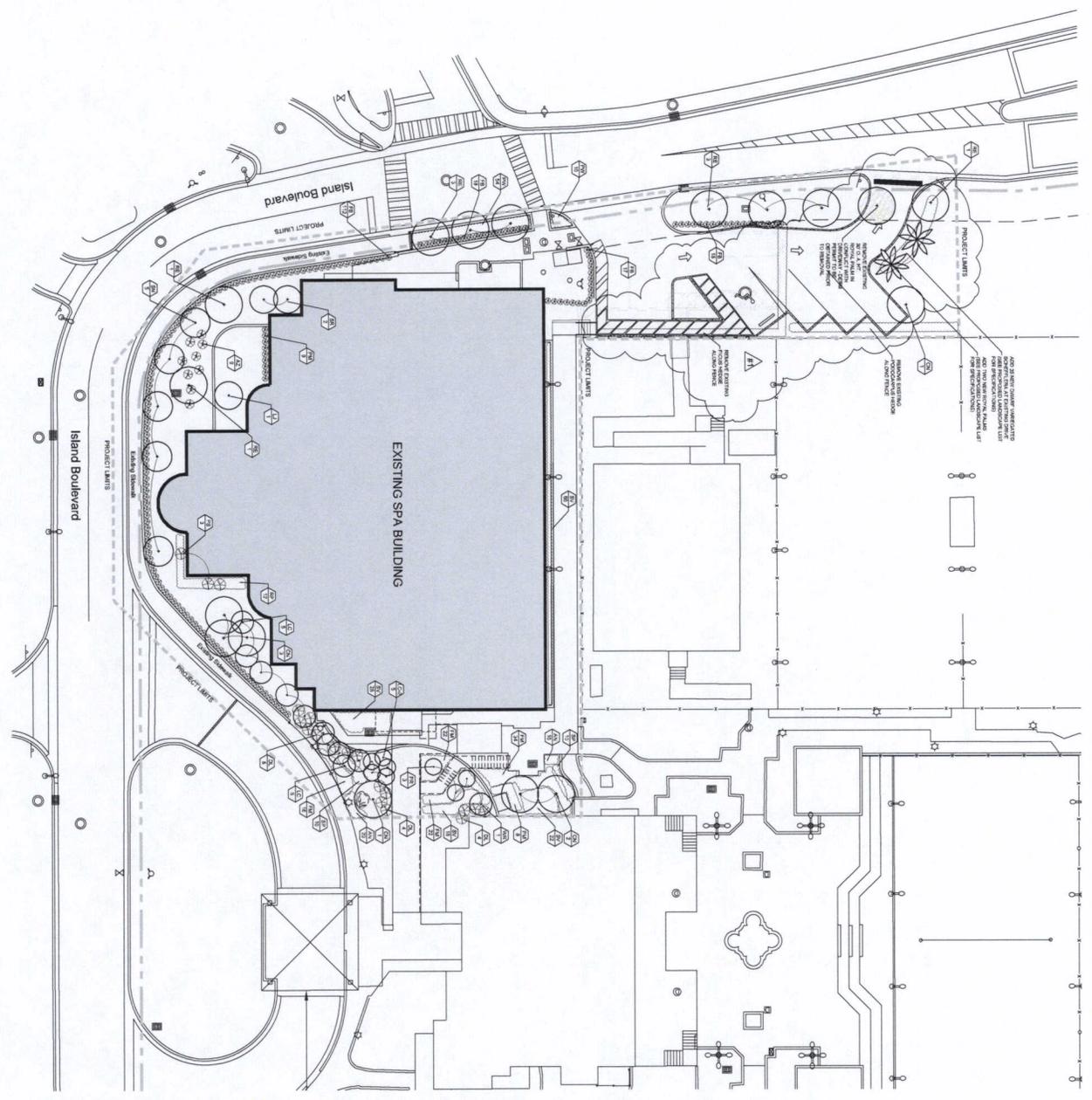


Zoning Summary

APPLICABLE CODES: FLORIDA BUILDING CODE 2007
 FLORIDA LAND USE CODE 2008
 CITY OF MIAMI CODE OF ORDINANCES 2010

| PROPOSED | PERMITTED |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| BUILDING AREA COVERAGE 1.5% MIN. TO 15% MAX. | 24.0% TO 25.0% TO 30.0% TO 35.0% TO 40.0% TO 45.0% TO 50.0% TO 55.0% TO 60.0% TO 65.0% TO 70.0% TO 75.0% TO 80.0% TO 85.0% TO 90.0% TO 95.0% TO 100.0% |
| BUILDING HEIGHT 35'-0" MAX. | 35'-0" MAX. |
| USE COMMERCIAL | COMMERCIAL |
| SETBACKS FRONT: 10'-0" MIN. SIDE: 5'-0" MIN. REAR: 5'-0" MIN. | FRONT: 10'-0" MIN. SIDE: 5'-0" MIN. REAR: 5'-0" MIN. |
| OPEN GREEN SPACE 1.0% MIN. (MAX. 1.0%) | 1.0% MIN. (MAX. 1.0%) |
| PERMITTED SIGNAGE SIGNAGE TYPE: SIGN ON BUILDING SIGNAGE SIZE: 2'-0" TO 4'-0" (MAX. 4'-0") SIGNAGE LOCATION: FRONT, SIDE, REAR | FRONT: 2'-0" TO 4'-0" (MAX. 4'-0") SIDE: 2'-0" TO 4'-0" (MAX. 4'-0") REAR: 2'-0" TO 4'-0" (MAX. 4'-0") |
| PERMITTED DISTANCE BETWEEN BUILDINGS 10'-0" MIN. | 10'-0" MIN. |

PROJECT SUMMARY: FOR THE EXISTING SITE, THE ARCHITECTS AND ENGINEERS HAVE CONDUCTED A PRELIMINARY ANALYSIS AND DETERMINED THAT THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE ZONING REGULATIONS. THE PROPOSED DEVELOPMENT IS A COMMERCIAL BUILDING WITH A TOTAL AREA OF 882,977 SQ. FT. AND A TOTAL FLOOR AREA OF 1,111,111 SQ. FT. THE PROPOSED DEVELOPMENT IS A COMMERCIAL BUILDING WITH A TOTAL AREA OF 882,977 SQ. FT. AND A TOTAL FLOOR AREA OF 1,111,111 SQ. FT.



EXISTING LANDSCAPE MATERIAL LIST

| KEY | SYMBOL | DESCRIPTION | QUANTITY | REMARKS |
|-------|--------|--------------------|---------------------|---------|
| AN | 30 | BRONZE ANTIK | 17' 0" x 12' 0" 30" | |
| AZ | 9 | BRONZE ANTIK | 20' 0" x 12' 0" 30" | |
| CN | 7 | CONCRETE CURB | 10' 0" x 12' 0" 30" | |
| DL | 16 | DRIVE LANE | 10' 0" x 12' 0" 30" | |
| FM | 145 | FRONT YARD | 10' 0" x 12' 0" 30" | |
| LC-2 | 5 | LANDSCAPE CURB | 10' 0" x 12' 0" 30" | |
| LJ | 1 | LANDSCAPE JUNCTION | 10' 0" x 12' 0" 30" | |
| PN | 17 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-1 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-2 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-3 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-4 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-5 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-6 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-7 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-8 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-9 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-10 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-11 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-12 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-13 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-14 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-15 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-16 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-17 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-18 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-19 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-20 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-21 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-22 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-23 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-24 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-25 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-26 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-27 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-28 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-29 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-30 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-31 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-32 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-33 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-34 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-35 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-36 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-37 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-38 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-39 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-40 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-41 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-42 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-43 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-44 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-45 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-46 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-47 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-48 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-49 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |
| PN-50 | 1 | PROPOSED PAVEMENT | 10' 0" x 12' 0" 30" | |

NOTE:
ALL PLANT MATERIAL THAT IS DAMAGED OR DESTROYED BY THE CONSTRUCTION SHALL BE REPLACED WITH LIKE SPECIES AND SIZE AND SHALL BE RATED FLORIDA 4 OR BETTER.

PROPOSED LANDSCAPE MATERIAL LIST

| KEY | SYMBOL | DESCRIPTION | QUANTITY | REMARKS |
|------|--------|--------------------------|---------------------|---------|
| RE-1 | 1 | REMOVE EXISTING PAVEMENT | 10' 0" x 12' 0" 30" | |
| RE-2 | 1 | REMOVE EXISTING CURB | 10' 0" x 12' 0" 30" | |
| SV | 30 | STREET VALVE | 10' 0" x 12' 0" 30" | |



WITKIN HULST DESIGN GROUP
 2007 South 11th Avenue, Hollywood, Florida
 Phone: 954-323-9991, Fax: 954-323-9992
 www.witkinhulst.com



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

Table with 2 columns: Name, Relationship. Rows include John Forbes, AIA (Architect), Erik Myers, AIA (Architect), Andrew Witkin (Landscape Architect, President), Kelly Ann Hults (Landscape Architect, Principal), and Daniel Fortin Jr. (Surveyor).

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 25 DAY OF August 2011

AUTHORIZED REPRESENTATIVE OF APPLICANT

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

OWNER

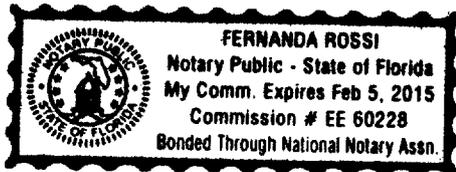
* By: Janette Giddings (Signature)
Name: Janette Giddings (Print)
Title: Property Manager
Address: 5300 Island Blvd Aventura, FL 33160

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Janette Giddings 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 25 day of August

* Janette Giddings (Signature)
AFFIANT 2011



Notary Public State of Florida At Large
Printed Name of Notary Fernanda Rossi
My commission expires 02/05/15



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>EDGAR LEWIS</u> | <u>ATTORNEY</u> |
| | |
| | |
| | |

(Attach Additional Sheets If Necessary)

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

WITNESS MY HAND THIS 25 DAY OF AUGUST 2011

AUTHORIZED REPRESENTATIVE OF APPLICANT:

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

OWNER

* By: Janette Giddings
 (Signature)
 Name: Janette Giddings
 (Print)
 Title: Property Manager
 Address: 5300 Island Blvd
Aventura, FL 33160

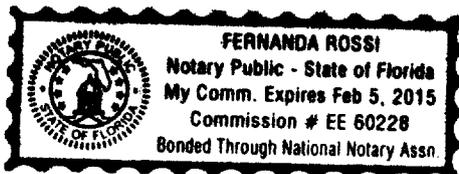
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Janette Giddings 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 25 day of August 2011

* Janette Giddings
 AFFIANT
 2011

Notary Public State of Florida At Large
 Printed Name of Notary Fernanda Rossi
 My commission expires: 02/05/15





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 25 DAY OF AUGUST, 2011

APPLICANT:

By: [Signature] (Signature)
Name: JOHN FORRES, AIA (Print)
Title: PRESIDENT (Print)

WITNESS MY HAND THIS 25 DAY OF AUGUST, 2011

PROPERTY OWNER

* By: [Signature] (Signature)
Name: Janette Giddings (Print)
Title: Property Manager (Print)

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

WITNESS MY HAND THIS 25 DAY OF AUGUST 2011

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

* By: [Signature] (Signature)
Name: Janette Giddens (Print)
Title: Property Manager (Print)

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

By: [Signature] (Signature)
Name: ERIK MYERS (Print)
Title: PROJECT MANAGER (Print)

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

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

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

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

WITNESS MY HAND THIS 26 DAY OF August, 2001.

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: Andrew Withkin (Print)

Title: President (Print)

By: [Signature] (Signature)

Name: Kelly Hults (Print)

Title: Principal (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

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By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

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

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

WITNESS MY HAND THIS 26TH DAY OF AUGUST, 2001 2011

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

By: _____ (Signature)

Name: DANIEL C FORTIN J.C. (Print)

Name: _____ (Print)

Title: VICE-PRESIDENT (Print)
FORTIN, LEBNYS SILVER INC

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

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Title: _____ (Print)

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

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

WITNESS MY HAND THIS 26 DAY OF AUGUST, 2011.

REPRESENTATIVE: (Listed on Business Relationship Affidavit)
Gunster Yoakley & Stewart, P.A.

By: [Signature] (Signature)

By: _____ (Signature)

Name: Edgar Lewis (Print)

Name: _____ (Print)

Title: Attorney (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

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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)

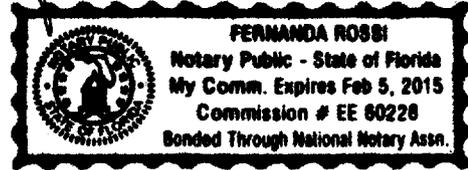
Janette Giddings

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.

* Janette Giddings
AFFIANT

SWORN TO AND SUBSCRIBED before me this 25 day of August, 2011

Notary Public State of Florida At Large
Fernanda Rossi
Printed Name of Notary
My commission expires: 02/05/15



STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

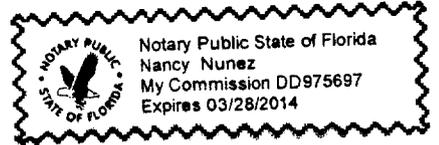
John Forbes

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 25 day of August, 2011

Nancy Nunez
Notary Public State of Florida At Large
NANCY NUNEZ
Printed Name of Notary
My commission expires: _____



STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

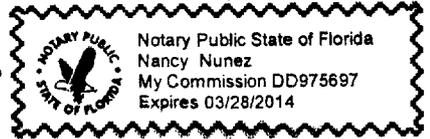
ERIK MEERS

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 25 day of August, 2011

Nancy Nunez
Notary Public State of Florida At Large
NANCY NUNEZ
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: _____

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 26 day of August, 2011



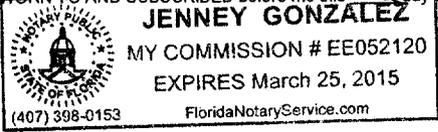
[Signature]
Notary Public State of Florida At Large
Jenney Gonzalez
Printed Name of Notary
My commission expires: 3/25/15

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 26 day of August, 2011



[Signature]
Notary Public State of Florida At Large
Jenney Gonzalez
Printed Name of Notary
My commission expires: 3/25/15

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: _____

NOTARIZATION PROVISION

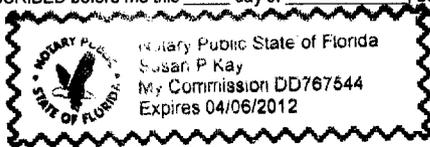
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared TRINEL FERNANDEZ 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 20TH day of AUGUST, 2008 → 2011



[Signature]

Notary Public State of Florida At Large
SUSAN P. KAY
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

AFFIANT

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

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

AFFIANT

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

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

AFFIANT

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

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

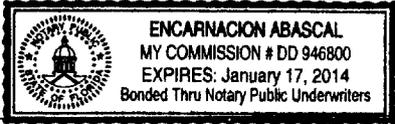
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Edgar Lewis 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.

Edgar Lewis
AFFIANT

SWORN TO AND SUBSCRIBED before me this 26 day of August, 2011.



Encarnacion Abascal
Notary Public State of Florida At Large
Printed Name of Notary Encarnacion Abascal
My commission expires: 01-17-2014

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 _____, 200__.

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

AFFIANT

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

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

AFFIANT

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

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

RESOLUTION NO. 2011-___

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING APPROVAL OF VARIANCE FROM SECTION 31-143(f)(3)d. OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW A REDUCED FRONT YARD SETBACK AND TO ALLOW A REDUCED STREET SIDE YARD SETBACK FOR THE WILLIAMS ISLAND SPA AND FITNESS CENTER LOCATED AT 5300 ISLAND BOULEVARD, CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the applicant, Williams Island Property Owners' Association Inc., through Application No. 02-VAR-11, is requesting variance from Section 31-143(f)(3)d. of the City's Land Development Regulations to allow a front yard setback of 5.92 feet, where a minimum 25 foot front yard setback is required by Code; and to allow a street side yard setback of 5.90 feet, where a minimum 20 foot street side yard setback is required by Code for the Williams Island Spa and Fitness Center located at 5300 Island Boulevard, City of Aventura; and

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

WHEREAS, the City Commission finds that the 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 variance from Section 31-143(f)(3)d. of the City's Land Development Regulations to allow a front yard setback of 5.92 feet, where a minimum 25 foot front yard setback is required by Code; and to allow a street side yard setback of 5.90 feet, where a minimum 20 foot street side yard setback is required by Code for the Williams Island Spa and Fitness Center located at 5300 Island Boulevard, City of Aventura, legally described in Exhibit "A" to this Resolution, is hereby granted, subject to the following conditions:

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

- “Williams Island Spa and Fitness Center”, Site Plan, Sheet A-1, prepared by Forbes Architects, dated 7/20/11, revised 8/31/11, signed and sealed.
- “Williams Island Spa and Fitness Center”, Lower Level Proposed Floor Plan, Sheet A-2, prepared by Forbes Architects, dated 7/20/11, signed and sealed.
- “Williams Island Spa and Fitness Center”, Upper Level Proposed Floor Plan, Sheet A-3, prepared by Forbes Architects, dated 7/20/11, signed and sealed.
- “Williams Island Spa and Fitness Center”, South and West Elevation Plan, Sheet A-5, prepared by Forbes Architects, dated 7/20/11, signed and sealed.
- “Williams Island Spa and Fitness Center”, North and East Elevation Plan, Sheet A-6, prepared by Forbes Architects, dated 7/20/11, signed and sealed.
- “Williams Island Spa and Fitness Center”, Landscape Plan, Sheet L-1, prepared by Witkin Hults Design Group, dated 7/20/11, revised 8/29/11, signed and sealed 9.1.11.

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.

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

| | |
|----------------------------------|-------|
| Commissioner Bob Diamond | _____ |
| Commissioner Teri Holzberg | _____ |
| Commissioner Billy Joel | _____ |
| Commissioner Michael Stern | _____ |
| Commissioner Luz Urbáez-Weinberg | _____ |
| Vice Mayor Zev Auerbach | _____ |
| Mayor Susan Gottlieb | _____ |

PASSED AND ADOPTED this 4th day of October, 2011.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this ____ day of October, 2011.

CITY CLERK

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

A portion of Tract "A" of WILLIAMS ISLAND AMENDED, according to the plat thereof, as Recorded in Plat Book 126, at page 49 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner (NW) of the Northeast one-quarter (NE 1/4) of Section 10, Township 52 South, Range 42 East; thence North 89 degrees 57'15" East, along the North line of said Section 10, a distance of 1,472.63 feet; thence South 00 degrees 00'00" East, a distance of 405.81 feet to the POINT OF BEGINNING; thence South 00 degrees 00'00" West, a distance of 237.34 feet to a point on a circular curve, concave to the Southeast, said curve having a radius of 37.00 feet and a radial bearing of North 34 degrees 09'22" West; thence Southerly through a central angle of 55 degrees 50'38", on arc distance of 36.06 feet to a point of tangency; thence South 00 degree 00'00" East, a distance of 270.26 feet to the point of curvature curve, concave to the Northwest, said curve having a radius of 48.00 feet; thence Southwesterly through a central angle of 81 degrees 37'50", on arc distance of 68.39 feet to a point of tangency; thence South 81 degrees 37'50" West, a distance of 154.31 feet to the point of curvature of a circular curve concave to the North, said curve having a radius of 198.00 feet; thence Westerly through a central angle of 09 degrees 14'09" on arc distance of 31.92 feet to a point of tangency; thence North 89 degrees 08'01" West, a distance of 58.87 feet; thence South 83 degrees 48'47" West, a distance of 36.87 feet; thence North 48 degrees 52'36" West, a distance of 30.79 feet to a point on a circular curve concave to the East, said curve having a radius of 632.81 feet and a radial bearing of South 85 degrees 34' 26" West; thence Northerly through a central angle of 01 degrees 00'24", an arc distance of 11.12 feet to a point; thence North 01 degrees 46'52" West, a distance of 408.64 feet to the point of curvature of a circular curve concave to the West, said curve having a radius of 2,482.62 feet; thence Northerly through a central angle of 01 degrees 11 '27", on arc distance of 51.59 feet to a point; thence North 90 degrees 00'00" East, a distance of 149.02 feet; thence North 00 degrees 00'00" East, a distance of 122.00 feet; thence North 90 degrees 00'00" East, a distance of 227.00 feet to the POINT OF BEGINNING.

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF AVENTURA - PUBLIC HEARING - OCTOBER 4, 2011
WILLIAMS ISLAND PROPERTY OWNERS' ASSOC. INC. 02-VAR-11

in the XXXX Court,
was published in said newspaper in the issues of

09/20/2011

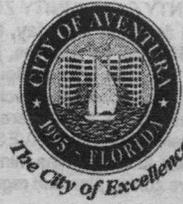
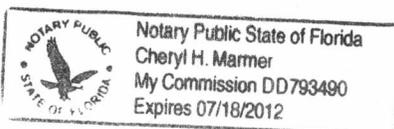
Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this

20 day of SEPTEMBER, A.D. 2011

(SEAL)

MARIA MESA personally known to me



CITY OF AVENTURA NOTICE OF PUBLIC HEARING

Date and Time of Public Hearing: Tuesday, October 4, 2011
6:00 p.m.

Applicant Name/Number: Williams Island Property Owners'
Association Inc. 02-VAR-11

Applicant Request: Variance from Section 31-143(f)(3)d. of the City Code to allow a front yard setback of 5.92 feet, where a minimum 25 foot front yard setback is required by Code; and, to allow a street side yard setback of 5.90 feet, where a minimum 20 foot street side yard setback is required by Code.

Location of Subject Property: Williams Island Spa & Fitness Center
5300 Island Boulevard, City of Aventura

Legal Description: A portion of Tract "A", Williams Island Amended, according to the plat thereof as recorded in Plat Book 126, Page 49 of the Public Records of Miami-Dade County, City of Aventura, Florida (complete legal description available at the Community Development Department)

Plans are on file and may be examined during regular business hours at the City of Aventura Government Center, Community Development Department, 19200 West Country Club Drive, Aventura, Florida, 33180. Plans may be modified at or before the Public Hearing. The application may change during the hearing process.

The Public Hearing will be held in the City Commission Chamber at City of Aventura Government Center at the address above. Your comments may be made in person at the hearing or filed in writing prior to the hearing date. Refer to applicant/property on correspondence and mail same to City of Aventura Government Center, Community Development Department at the address above. For further information, please call (305) 466-8940.

In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the City Clerk, (305) 466-8901, not later than two business days prior to such proceedings.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing, that person 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.

Teresa M. Soroka, MMC, City Clerk

9/20

11-3-130/1757640M