

**City Commission**

Enid Weisman, Mayor  
Denise Landman, Vice Mayor  
Teri Holzberg, Commissioner  
Dr. Linda Marks, Commissioner  
Marc Narotsky, Commissioner  
Robert Shelley, Commissioner  
Howard Weinberg, Commissioner



**City Manager**

Eric M. Soroka, ICMA-CM

**City Clerk**

Ellisa L. Horvath, MMC

**City Attorney**

Weiss Serota Helfman  
Cole & Bierman

**LOCAL PLANNING AGENCY  
MEETING AGENDA  
OCTOBER 6, 2016  
6:00 PM**

**Aventura Government Center  
19200 West Country Club Drive  
Aventura, Florida 33180**

1. **CALL TO ORDER/ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES: September 6, 2016**
4. **PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:**

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(5)A., COMMUNITY BUSINESS (B2) DISTRICT TO ALLOW INCREASED LOT COVERAGE FOR SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES AND THAT ENTER INTO AN AGREEMENT WITH THE CITY TO PROVIDE MAJOR TRANSPORTATION IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

5. **ADJOURNMENT**

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  
LOCAL PLANNING AGENCY  
MEETING  
SEPTEMBER 6, 2016 AT 6 PM**

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

1. **CALL TO ORDER/ROLL CALL:** The meeting was called to order by Mayor Enid Weisman at 6:00 p.m. Present were the following: Mayor Enid Weisman, Vice Mayor Denise Landman, Commissioner Teri Holzberg, Commissioner Marc Narotsky, Commissioner Robert Shelley, Commissioner Howard Weinberg, City Manager Eric M. Soroka, City Clerk Ellisa L. Horvath, and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.
2. **PLEDGE OF ALLEGIANCE:** The Pledge was previously done at the First Budget Hearing.
3. **APPROVAL OF MINUTES:** A motion to approve the minutes of the July 12, 2016 minutes was offered by Commissioner Holzberg, seconded by Commissioner Narotsky, and unanimously passed by roll call vote.
4. **PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:** Mr. Wolpin read the following ordinance by title:

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(c)(2) AND SECTION 31-144(c)(5)b., COMMUNITY BUSINESS (B2) DISTRICT, TO ADD A CONDITIONAL USE FOR AUTOMOBILE PARKING GARAGES IN THE COMMUNITY BUSINESS (B2) DISTRICT WHEN LOCATED DIRECTLY ADJACENT TO AN AUTOMOBILE PARKING GARAGE LOCATED IN A MULTIFAMILY RESIDENTIAL ZONING DISTRICT AND TO CLARIFY THE HEIGHT RESTRICTION IN THE B2 DISTRICT SITE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Wolpin noted that the staff report and any comments provided would be included in the record for the same item on the regular Commission Meeting Agenda.

A motion to recommend adoption of the Ordinance was offered by Commissioner Narotsky and seconded by Commissioner Holzberg.

Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record, which recommended approval, pursuant to Section 2 of the Ordinance.

The following addressed the Commission representing the Applicant: Stanley Price, Esq. – Bilzin Sumberg Baena Price & Axelrod LLP (1450 Brickell Avenue, Suite 2300, Miami).

Mayor Weisman opened the public hearing. There being no speakers, the public hearing was closed.

Commissioner Shelley disclosed that Bilzin Sumberg Baena Price & Axelrod LLP represents him privately on certain business matters.

The motion to recommend adoption of the Ordinance was unanimously passed, by roll call vote.

5. **ADJOURNMENT:** There being no further business to come before the Local Planning Agency, a motion to adjourn was offered by Commissioner Narotsky, seconded by Commissioner Holzberg and unanimously passed; thereby, adjourning the meeting at 6:11 p.m.

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Ellisa L. Horvath, MMC, City Clerk

Approved by the Local Planning Agency on October 6, 2016.

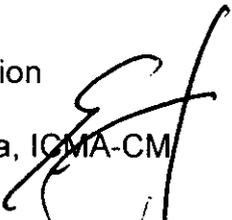
CANCELLED

**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 15, 2016

SUBJECT: Application to Amend Section 31-144(c)(5)a.4 of the Land Development Regulations to add a provision for increased lot coverage for specific uses (05-LDR-16)

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October 6, 2016                      Local Planning Agency Agenda Item 4  
October 6, 2016                      City Commission Meeting Agenda Item 1  
November 1, 2016                      City Commission Meeting Agenda Item   

**RECOMMENDATION**

It is recommended that the City Commission approve the request for an amendment to Section 31-144(c)(5)a.4 of the Community Business (B2) District of the Land Development Regulations to add to that section, a provision for an increase in lot coverage by an amount up to 3 percent, to a maximum of 48% of the total lot area, for parcels that include one or more shopping center buildings that contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height, if the parcel owner(s) enter into an agreement with the City to provide major transportation improvements that are recommended by the City Manager and that may include linkage to railway passenger service and/or other linkage to a regional transportation facility.

**THE REQUEST**

The requested increase in lot coverage results from a dispute between the two owners of the Aventura Mall parcel. Each owner is asserting development rights to its individual parcel. As a resolution to that dispute, City staff is recommending approval of an ordinance to allow a lot coverage increase from 45%, up to a maximum of 48% for parcels that include one or more shopping center buildings containing more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height with the

condition that the owners enter into an agreement with the City to provide major transportation improvements that are recommended by the City Manager. The improvements may consist of a link to railway passenger service and/or other linkage to a regional transportation facility. The agreement must be in a form satisfactory to the City Manager and City Attorney and will not be effective unless approved by motion or resolution of the City Commission.

This matter was discussed at the September 15, 2016 City Commission workshop.

## **BACKGROUND**

The overall Aventura Mall site consists of approximately 97.96 acres. Approximately 85.66 acres is owned by Aventura Mall Venture and the remaining 12.30 acres is owned by Seritage Growth Properties (formerly Sears). The Aventura Mall Venture expansion is currently under construction. Seritage has applied for administrative site plan approval to redevelop its site. The two plans combined propose an overall lot coverage of 48%. Maximum lot coverage currently allowed by Section 31-144(c)(5)a.4 of the City Code is 45%.

## **DESCRIPTION OF THE PROPOSED AMENDMENT**

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

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

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

(5) *Site development standards.*

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

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

within a parking structure, and which may be used by: City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers. The maximum lot coverage may be increased by an amount up to 3 percent, to a total not exceeding 48% of the total lot area, if the parcel owner(s) enter into an agreement with the City to provide major transportation improvements that are recommended by the City Manager and that may include linkage to railway passenger service and/or other linkage to a regional transportation facility. Such agreement shall allocate the additional lot coverage obtained under this section, shall be in a form satisfactory to the City Manager and City Attorney, and shall not be effective unless approved by motion or resolution of the City Commission.

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## **ANALYSIS**

Staff provides the following analysis of the request using the standards for reviewing proposed amendments to the text of the Land Development Regulations contained in Section 31-77 of the City Code.

1. *The proposed amendment is legally required.*

The proposed amendment is legally required to implement the requested revision to the Code.

2. *The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.*

The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan. The business and office land use designation is described in the Future Land Use Element of the City's Comprehensive Plan. This category provides that "...the specific range and intensity of uses applicable in a particular Business and Office property is dependent upon the particular land use, design, urban services, transportation, environmental and social conditions on and around the subject property, including consideration of applicable goals, objectives and policies of the Plan. The Transportation Goal in the Transportation Element of the City's Comprehensive Plan includes the goal to provide a safe and efficient multimodal transportation system to serve the needs of the City. This proposed amendment is consistent with both the language of the Business and Office future land use category and with the Transportation Goal in that the amendment requires that the parcel owner(s) enter into an agreement with the City to provide major transportation improvements that will enhance a safe and efficient transportation system within the City.

3. *The proposed amendment is consistent with the authority and purpose of the LDRs.*

The proposed amendment is consistent with the authority and purpose of the Land Development Regulations. The purpose of the LDRs is to implement further the Comprehensive Plan of the City by establishing regulations, procedures and standards for review and approval of all development and uses of land and water in the City. Further, the LDRs are adopted in order to foster and preserve public health, safety and welfare and to aid in the harmonious, orderly and progressive development and redevelopment of the City. The proposed amendment is consistent with this purpose. The proposed amendment will aid in the harmonious, orderly and progressive redevelopment of the City.

4. *The proposed amendment furthers the orderly development of the City.*

The proposed amendment furthers the orderly development of the City, for the reasons provided in Paragraph 3 above.

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

The proposed amendment improves the administration or execution of the development process in that it provides for regulation and a process by which to approve development or redevelopment of a property within the Community Business District.

CANCELLED

ORDINANCE NO. 2016-\_\_\_\_

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(5)A., COMMUNITY BUSINESS (B2) DISTRICT TO ALLOW INCREASED LOT COVERAGE FOR SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES AND THAT ENTER INTO AN AGREEMENT WITH THE CITY TO PROVIDE MAJOR TRANSPORTATION IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Aventura ("City Commission") is desirous of amending Section 31-144 "Business Zoning Districts" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to provide that lot coverage may be increased by an amount up to 3%, to a total of 48% of the total lot area, for parcels that include one or more shopping center buildings with more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height, if the parcel owner(s) enter into an agreement with the City to provide major transportation improvements in the City; and

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

**WHEREAS**, the City Commission finds that the proposed amendment to Section 31-144 of the City Code to provide increased lot coverage for large-scale shopping

center parcels that provide major transportation improvements is consistent with the applicable goals, objectives and policies of the City's Comprehensive Plan; and

**WHEREAS**, the City Commission has been designated as the Local Planning Agency for the City pursuant to Section 163.3174, Florida Statutes; and

**WHEREAS**, the Local Planning Agency has reviewed the proposed amendment during the required public hearing and has recommended approval to the City Commission; and

**WHEREAS**, the City Commission has reviewed the proposed amendment, and finds that it is in the best interests of the public to amend Section 31-144 of Chapter 31 "Land Development Regulations," as set forth in this Ordinance; and

**WHEREAS**, the City Commission has held the required public hearings, duly noticed in accordance with law; and

**WHEREAS**, the City Commission has reviewed the action set forth in the Ordinance and has determined that such action is consistent with the Comprehensive Plan.

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

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

**Section 2. City Code Amended.** That Section 31-144 "Business Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended to read as follows<sup>1</sup>:

\* \* \*

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

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

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(5) *Site development standards.*

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

1. For all buildings: Any structure parking serving the primary use on the site shall be incorporated into the building envelope and shall be compatibly designed. Such parking structure shall comply with all minimum setback and buffer yard requirements.

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

3. For shopping center buildings with more than 1,000,000 square feet of gross leasable area that provide public amenities including, but not limited to, public plazas, fountains or other water features, seating areas and recreational walking areas and that do not exceed five stories in height, the minimum landscaped open space shall be 15 percent of the total lot area. Said open space shall be extensively landscaped with grass, trees and shrubbery in accordance with a landscape plan to be approved by the City Manager. The non-leasable

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

areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display areas may be used as part of the required landscaped open space provided such areas do not exceed ten percent of the required landscaped open space.

4. For parcels that include one or more shopping center buildings, the maximum lot coverage shall not exceed 45% of the total lot area, provided that such shopping center buildings contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height, and that the shopping center building provides a centralized multi-modal transportation facility which is enclosed within a parking structure, and which may be used by City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers. The maximum lot coverage may be increased by an amount up to 3 percent, to a total not exceeding 48% of the total lot area, if the parcel owner(s) enter into an agreement with the City to provide major transportation improvements that are recommended by the City Manager and that may include linkage to railway passenger service and/or other linkage to a regional transportation facility. Such agreement shall allocate the additional lot coverage obtained under this section, shall be in a form satisfactory to the City Manager and City Attorney, and shall not be effective unless approved by motion or resolution of the City Commission.

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**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion in the Code.** It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

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

- Commissioner Teri Holzberg \_\_\_\_\_
- Commissioner Dr. Linda Marks \_\_\_\_\_
- Commissioner Marc Narotsky \_\_\_\_\_
- Commissioner Robert Shelley \_\_\_\_\_
- Commissioner Howard Weinberg \_\_\_\_\_
- Vice Mayor Denise Landman \_\_\_\_\_
- Mayor Enid Weisman \_\_\_\_\_

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

- Commissioner Teri Holzberg \_\_\_\_\_
- Commissioner Dr. Linda Marks \_\_\_\_\_
- Commissioner Marc Narotsky \_\_\_\_\_
- Commissioner Robert Shelley \_\_\_\_\_
- Commissioner Howard Weinberg \_\_\_\_\_
- Vice Mayor Denise Landman \_\_\_\_\_
- Mayor Enid Weisman \_\_\_\_\_

PASSED on first reading this 6<sup>th</sup> day of October, 2016.

PASSED AND ADOPTED on second reading this 1<sup>st</sup> day of November, 2016.

\_\_\_\_\_  
ENID WEISMAN, MAYOR

ATTEST:

\_\_\_\_\_  
ELLISA L. HORVATH, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

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

This Ordinance was filed in the Office of the City Clerk this \_\_\_\_ day of \_\_\_\_\_, 2016.

CANCELLED