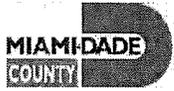


FINAL AGENDA

12-12-2014 Version # 1



COMMUNITY ZONING APPEALS BOARD 2
HIGHLAND OAKS PARK
20300 NE 24 Avenue, Miami
Wednesday, January 21, 2015 at 7:00 p.m.

PREVIOUSLY DEFERRED

A. 14-10-CZ2-1 THE DIRECTOR OF THE DEPARTMENT
OF REGULATORY AND ECONOMIC
RESOURCES

14-93

34-51-42



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 2

MEETING OF WEDNESDAY, JANUARY 21, 2015

HIGHLAND OAKS PARK

20300 NE 24 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMUNITY ZONING APPEALS BOARD SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMUNITY ZONING APPEALS BOARD BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE BOARD BE GRANTED BY THE MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE MEETING ROOM. PERSONS EXITING THE MEETING ROOM SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

I. Approval of Sunset Review
II. Selection of Chair and Vice Chair

A. THE DIRECTOR OF THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES. 14-10-CZ2-1(14-093)

34-51-42
Area 2/District 04

DELETION of a Declaration of Restrictions recorded in Official Records Book 24650, Pages 1768 - 1774.

The purpose of the request is to delete the existing covenant in order to allow the applicant to develop the property in accordance with the Ojus Urban Area District regulations (OUAD).

LOCATION: Lying east of NE 26 Avenue, West of West Dixie Highway and South of NE 202 Street, A/K/A 20000 West Dixie Highway, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 16.35 Acres +/-

Department of Regulatory and
Economic Resources

Recommendation:

Approval.

Protests: _____ 5 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred to December 10, 2014

NOTICE

THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Regulatory and Economic Resources (RER), or its successor Department, within 14 days after RER has posted a short,

concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (RER's posting will be made on a bulletin board located in the office of RER.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.



**Miami-Dade County Regulatory and Economic Resources Department
Staff Report to Community Council No. 2**

PH: Z14-093 (14-10-CZ2-1)

January 21, 2015

Item No. A

Recommendation Summary	
Commission District	4
Applicant	The Director of the Department of Regulatory and Economic Resources
Summary of Requests	The applicant seeks a deletion of an agreement that restricts the development of the property to a previously approved residential development in order to allow the applicant to build in compliance with the Ojus Urban Area District (OUAD).
Location	Lying east of NE 26 Avenue, west of West Dixie Highway and south of NW 202 Street, AKA 20000 West Dixie Highway, Miami-Dade County, Florida.
Property Size	16.35 +/- Acres
Existing Zoning	OUAD, Ojus Urban Area District
Existing Land Use	Vacant
2020-2030 CDMP Land Use Designation	Community Urban Center <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(7) Generalized Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval

The application was deferred from the October 22, 2014 hearing of Community Zoning Appeals Board (CZAB) #2 due to a lack of a quorum, the application was deferred from the November 12, 2014 hearing to allow the applicant to submit a traffic study and Declaration of Restrictions in order to address the Board's concerns on traffic in the area and also the entrances/exits to the subject site, and subsequently, the application was deferred from the December 10, 2014 hearing due to a lack of a quorum.

REQUEST:

DELETION of a Declaration of Restrictions recorded in Official Records Book 24650, Pages 1768 - 1774.

The purpose of the request is to delete the existing covenant in order to allow the applicant to develop the property in accordance with the Ojus Urban Area District (OUAD) regulations.

PROJECT DESCRIPTION AND HISTORY:

The subject property has been the subject of several zoning approvals from 1954 to 2013. In April 2006, pursuant to Resolution #CZAB2-2-06, the subject property was approved for a district boundary change from BU-1, Neighborhood Business District, and RU-3M, Minimum Apartment House District to RU-4M, Modified Apartment District, along with other ancillary variances. At the time of approval, the applicant(s) proffered a covenant that restricted the development of the property to a 408 residence townhouse development.

In March 2007, pursuant to Resolution Z-3-07, the subject property was part of a Director’s application for a larger tract of land that was approved for a district boundary change from multiple zoning districts to OUAD.

Subsequently, in December 2013, pursuant to Administrative Site Plan Review (ASPR) #A2013000013, the property was approved to allow the applicant to develop a 400 unit multi-family mixed use development, including 4,006 sq. ft of retail area. Said approval is within the density threshold allowed under the OUAD Regulations.

The applicant now seeks the approval of a request to delete the prior Declaration of Restrictions in order to allow the applicant to develop the 16.35 +/- Acre property in accordance with OUAD regulations. The applicant is not seeking a variance of OUAD regulations or any other zoning regulations applicable to the property.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	OUAD; vacant land	Community Urban Center
North	OUAD; vacant land, office building and duplex residences	Community Urban Center
South	OUAD; vacant parcels, trailer park, apartment residences and warehouse building	Community Urban Center
East	City of Aventura (apartments and commercial retail)	Business and Office
West	OUAD; single-family residences	Community Urban Center

NEIGHBORHOOD CHARACTER:

The property is located in the Ojus Urban Area District (OUAD). The subject property is surrounded to the north, south and west by apartments, duplex residences, an office building, single-family residences, a vacant parcel of land and a warehouse building also located in the OUAD. To the East of the subject property are apartments and commercial uses located in the City of Aventura.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to develop the subject property in accordance with the regulations of the Ojus Urban Area District (OUAD). Staff opines that the approval of the application would be consistent with the traffic impacts previously analyzed at the time of the rezoning to OUAD and that no new traffic impacts are anticipated.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

In March 2007, pursuant to Resolution Z-3-07, the subject property was a part of a larger tract of land that was rezoned to the **Ojus Urban Area District (OUAD)**. The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property as lying within the **OUAD**. Urban Centers are identified as hubs for future development intensification in Miami-Dade

County, around which a more compact and efficient urban structure will evolve and are intended to be moderate-to-high-intensity design-unified areas that will contain a concentration of different urban functions such as residential uses integrated both horizontally and vertically. Emphasis in design and development of these centers and all of their individual components have been created to promote active pedestrian environments through high-quality design of public spaces as well as private buildings; human scaled appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. All of the parcels within the boundaries of the approved OUAD described in Ordinance #06-68, are regulated by plans and descriptive standards which are consistent with the CDMP Land Use Element interpretative text for Urban Centers.

The purpose of the this application is to allow the applicant to delete a Declaration of Restrictions which restricted the development of the property to a previously approved site plan for a 408 unit townhouse development in order to develop the property in accordance with OUAD.

As such, staff opines that the application is **compatible** with commercial and residential mixed uses allowed in the OUAD and therefore **consistent** with the CDMP LUP map Urban Center designation and the Land Use Element interpretative text for Urban Centers.

ZONING ANALYSIS:

When the application to delete a prior Declaration of Restrictions, is analyzed under Section 33-311(A)(7), Generalized Modification Standards, staff opines that approval of the application would not create a negative impact on the surrounding area. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), the Division of Environmental Resources Management of (RER) and the Miami-Dade Fire and Rescue Department (MDFRD) have no objections to the application, and have indicated in their memoranda that approval of the application will not impact traffic or services in the area.

Further, staff notes that the subject property, a vacant parcel of land, is within the Core, Center and Edge Sub-Districts and is designated MC, Mixed Use Corridor and R, Residential on the regulating plans for the Ojus Urban Area District (OUAD) that were approved in March 2007. The R, designation permits a residential density of 6-13 units per net acre, and the MC, designation district permits a residential density of 52 units per net acre. Staff opines that the approval of the application will allow the development of the property within the guidelines of the aforementioned ASPR, which is within the density threshold allowed and implements the design standards of the OUAD, and therefore, would be **compatible** with the surrounding area.

Therefore, staff recommends approval of the application under Section 33-311 (A)(7), Generalized Modification Standards.

ACCESS, CIRCULATION AND PARKING: NA.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Approval.

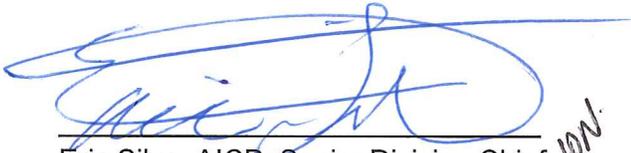
The Director of the Department of Regulatory and Economic Resources

Z14-093

Page | 4

CONDITIONS: None

ES:MW:NN:CH:EJ



Eric Silva, AICP, Senior Division Chief *NDW.*
Development Services Division
Miami-Dade County
Regulatory and Economic Resources Department

12/11/14

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ZONING RECOMMENDATION ADDENDUM

The Director of the Department of Regulatory and Economic Resources
Z14-093

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No comment
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p>Urban Centers (Pg. I-45-48)</p>	<p><i>Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility.</i></p> <p><i>The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.</i></p> <p><i>The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour.</i></p> <p><i>Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time.</i></p>
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ZONING RECOMMENDATION ADDENDUM

The Director of the Department of Regulatory and Economic Resources
Z14-093

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-311(A)(7) Generalized Modification Standards</p>	<p><i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i></p>
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**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 2
MOTION SLIP**

#A

APPLICANT'S NAME: THE DIRECTOR OF THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

REPRESENTATIVE: Augusto Maxwell

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
14-10-CZ2-1 (14-093)	December 10, 2014	CZAB2	14

REC: Approval

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>1/25/15</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	<u>Deferred due to lack of quorum.</u>	

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Neosha D. JONES			X
COUNCILMAN		Kenneth FRIEDMAN			X
COUNCILMAN		Ryan H. SHERMAN			X
COUNCIL WOMAN		Peggy A. STROKER			X
CHAIRWOMAN		Adrienne F. PROMOFF	X		

VOTE:

EXHIBITS: YES NO

COUNTY ATTORNEY: Cynji Lee

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 2
MOTION SLIP

#A

APPLICANT'S NAME: THE DIRECTOR OF THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
14-10-CZ2-1 (14-93)	November 12, 2014	CZAB2	14

REC: Approval

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>12/10/14</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> NOTE: Defer item to 12/10/14 with a condition to provide public notice and re-advertise at applicant's expense.		

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	S	Kenneth FRIEDMAN	X		
COUNCIL WOMAN		Neosha D. JONES	X		
COUNCILMAN		Ryan H. SHERMAN	X		
COUNCIL WOMAN	M	Peggy A. STROKER	X		
CHAIRWOMAN		Adrienne F. PROMOFF	X		
VOTE:			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: Cynjii Lee

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MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 2
MOTION SLIP

#1

APPLICANT'S NAME: THE DIRECTOR OF THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
14-10-CZ2-1 (14-93)	October 22, 2014	CZAB2	14

REC: Approval

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: Nov 12 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.

WITH CONDITIONS

Defer item to Nov 12 due to lack of quorum. No re-advertisement.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Kenneth FRIEDMAN			
COUNCILMAN		Neosha D. JONES			
COUNCILMAN		Ryan H. SHERMAN			X
COUNCIL WOMAN		Peggy A. STROKER			X
CHAIRWOMAN		Adrienne F. PROMOFF			X

VOTE:

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EXHIBITS: YES NO

COUNTY ATTORNEY: Cynji Lee

**A. THE DIRECTOR OF THE DEPARTMENT OF
REGULATORY AND ECONOMIC RESOURCES**
(Applicant)

14-10-CZ2-1(14-093)
Area 02/District 04
Hearing Date: 01/21/15

Property Owner (if different from applicant) Same.

Is there an option to purchase /lease the property predicated on the approval of the zoning request? Yes No

If so, who are the interested parties?

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
2006	Aventura Crossings Joint Venture	- Zone change from BU-1 & RU-3M to RU-4M.	C02	Approved with Condition(s)

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

Memorandum



Date: August 20, 2014

To: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: C-02 #Z2014000093
The Department of Regulatory and Economic Resources
20000 West Dixie Hwy, Miami-Dade County, Florida
Modification of a previous Resolution/Agreement
(RU-4M) (16.3 Acres)
34-51-42

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

DERM has no pertinent comments regarding this application since the request does not entail any environmental concern.

Concurrency Review Summary

A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: August 26, 2014

To: Eric Silva, Development Coordinator
Department of Regulatory and Economic Resources

From:  Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2014000093
Name: The Director of the Department of Regulatory and Economic Resources
Location: 2000 West Dixie Highway
Section 34 Township 51 South Range 42 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application objects for the following reasons:

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Tract A of Plat Book 168, Page 21.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Memorandum



Date: August 28, 2014

To: Eric Silva, Development Coordinator
Regulatory and Economic Resources Department

From: 
Paul Mauriello, Deputy Director, Waste Operations
Public Works and Waste Management Department

Subject: Department of Regulatory and Economic Resources (DIC #14_092)

The Department's review of the above-referenced item is provided below. Additional comments will be provided as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager, Fiscal Management and Planning Division, at 305-514-6661. **The PWWM has no objections to the proposed application.**

Application: *The Miami-Dade County Department of Regulatory and Economic Resources (RER)* is requesting to delete Declaration of Restrictions recorded in the Public Records of Miami-Dade County, at Plat Book 24650 Pages 1768-1774. The deletion will allow for development of the site in accordance to the Ojus Urban Area District (OUAD), which allows for multi-family residential with options for mixed uses of retail, business and office.

Size: The subject property is approximately 0.67 acres.

Location: The subject property is approximately located at 20000 West Dixie Highway, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 25, 2013, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Regulatory and Economic Resources Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the proposed development of multi-family units will meet the definition of multi-family residential establishments, while options for the development retail, business and office uses will meet the County Code definition of commercial establishments.

Per the Code, the following is required of multi-family residential and commercial establishments located in unincorporated Miami-Dade County:

"Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service.

3. Recycling: Multi-family Residential Establishments

Regarding multi-family units, **Section 15-2.2a** of the Code requires "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below."

- 1) Newspaper
- 2) Glass (flint, emerald, amber)
- 3) Aluminum cans
- 4) Steel cans
- 5) Plastics (PETE, HDPE-natural, HDPE-colored)

Section 15-2.2b of the Code states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

Applicants are **strongly** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305 514-6666.

4. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** of the Code requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- | | |
|----------------------------------|--|
| 1) High grade office paper | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles |
| 5) Aluminum (cans, scrap) | 10) Wood |

Section 15-2.3 of the Code states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

5. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

6. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection.

Memorandum



Date: 10-SEP-14
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2014000093

Fire Prevention Unit:

Zoning hearing documents contain no plans for review. Letter of intent appears to be Not Applicable to Fire review.

Service Impact/Demand

Development for the above Z2014000093 located at Lying east of NE 26 Avenue, west of West Dixie Highway and south of NW 202 Street, AKA 20000 WEST DIXIE HWY, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 0398 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: ___ minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 20 - North Miami E. - 13000 NE 16 Avenue
Rescue, ALS Engine, Battalion 3.

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
N/A

Fire Planning Additional Comments

N/A

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

THE DIRECTOR OF THE
DEPARTMENT OF REGULATORY
AND ECONOMIC RESOURCES

Lying east of NE 26 Avenue, west of
West Dixie Highway and south of NW
202 Street, AKA 20000 WEST DIXIE
HWY, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2014000093

HEARING NUMBER

HISTORY:

NC OPEN:

CASE #201406004744, WAS OPENED ON SEPTEMBER 19, 2014, FOR FAILURE TO MAINTAIN AND OR REMOVE SOLID WASTE, JUNK, TRASH, AND/DEBRIS AS STATED IN 19-13 (A)(1) AND 19-13 (A) (2) [OVERGROWTH WITH JUNK AND TRASH]. CITATION #T049060, WAS ISSUED ON THE SAME DAY. THE CASE REMAINS OPEN PENDING THE RESULTS OF THE COMPLIANCE INSPECTION, WHICH IS SCHEDULED FOR OCTOBER 24, 2014.

NC CLOSED: THERE ARE NO OPEN OR CLOSED NEIGHBORHOOD REGULATION CASES

BLDG OPEN:

THERE ARE NO OPEN BUILDING SUPPORT CASES REGULATION CASES

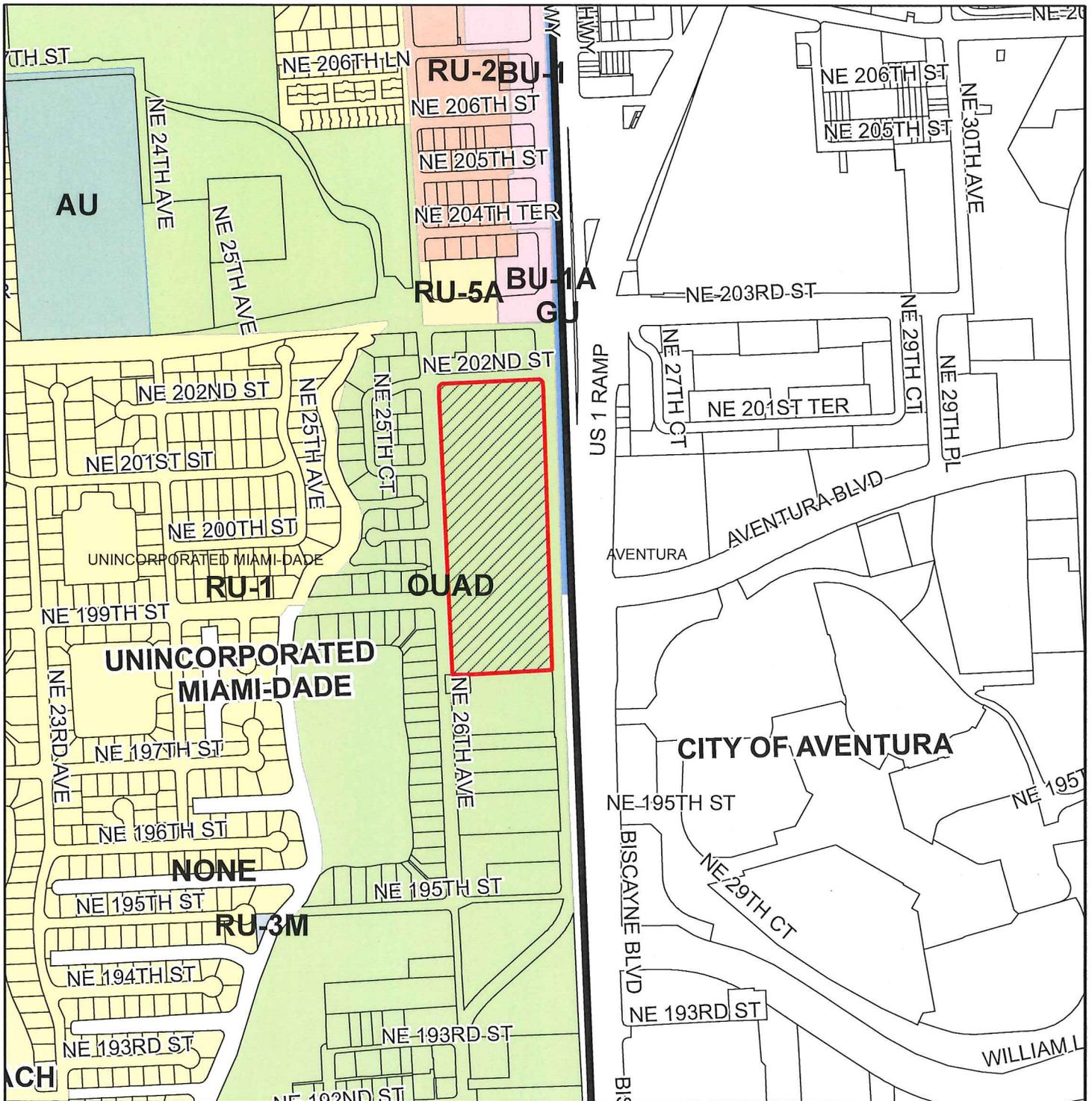
BLDG CLOSED:

BSS CASE #A2012001963-X, WAS OPENED ON MARCH 11, 2012, FOR FAILURE TO RENEW EXPIRED PERMIT #2008049217. A NOTICE OF VIOLATION WAS ISSUED THE SAME DAY. CIVIL VIOLATION NOTICE #P009046, WAS ISSUED ON September 14, 2012 FOR NON-COMPLIANCE. THE CIVIL VIOLATION NOTICE WAS PAID ON NOVEMBER 27, 2012. A FINAL NOTICE OF INTENT TO LIEN/DEMAND FOR PAYMENT WAS ISSUED ON DECEMBER 13, 2012. THE CASE WAS SETTLED ON 10/1/13 AND CLOSED ON JANUARY 14, 2014.

THE DIRECTOR OF THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:



MIAMI-DADE COUNTY

HEARING MAP

Section: 03 Township: 52 Range: 42

Section: 34 Township: 51 Range: 42

Applicant: THE DIRECTOR OF THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

Zoning Board: C2

Commission District: 4

Drafter ID: GGARCIA

Scale: NTS

Process Number

Z2014000093

Legend



Subject Property Case



Zoning



SKETCH CREATED ON: Thursday, November 13, 2014

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY

AERIAL YEAR 2014

Section: 03 Township: 52 Range: 42

Section: 34 Township: 51 Range: 42

Applicant: THE DIRECTOR OF THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

Zoning Board: C2

Commission District: 4

Drafter ID: GGARCIA

Scale: NTS

Process Number

Z2014000093

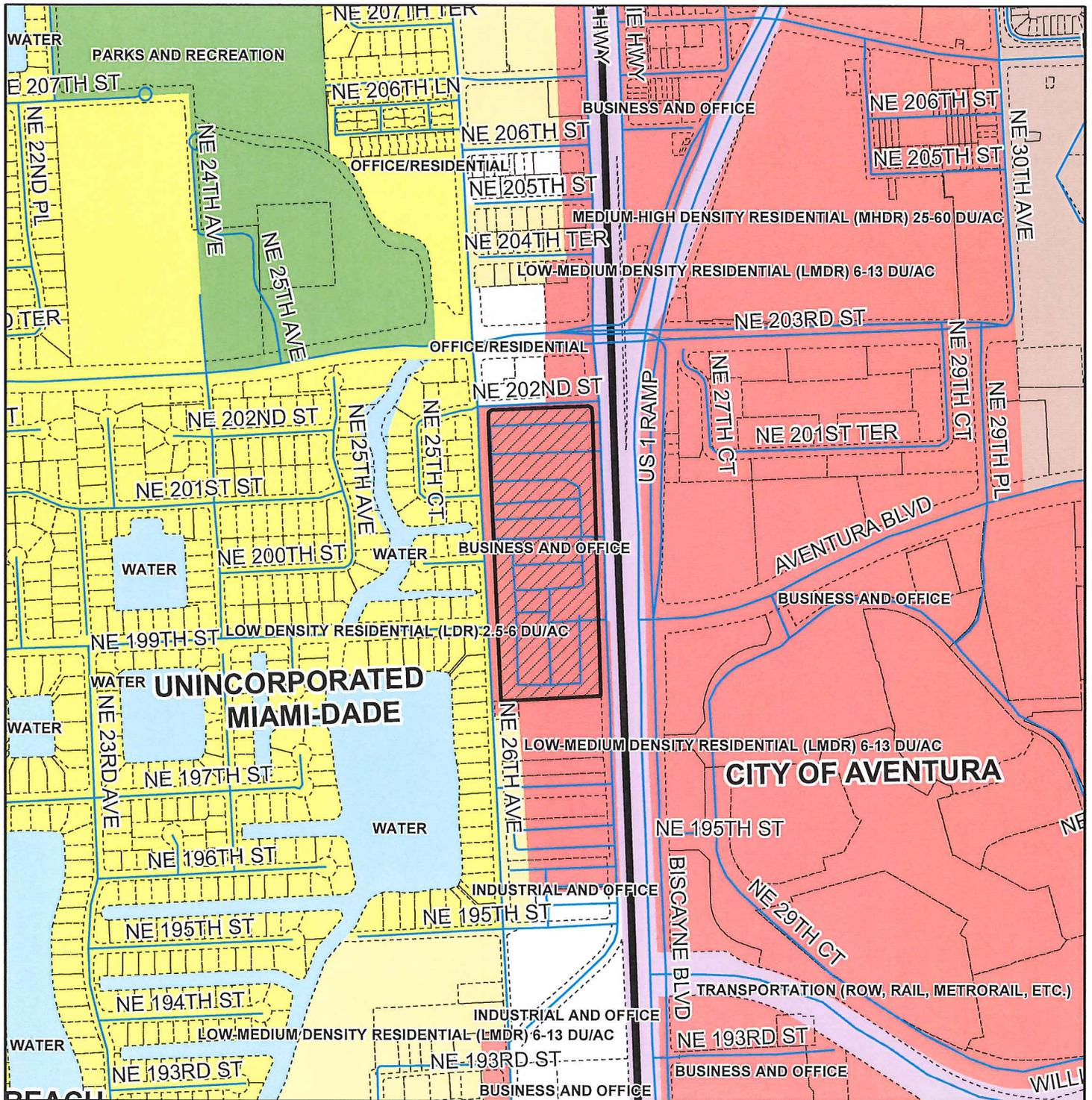
Legend

-  Zoning
-  Subject Property



SKETCH CREATED ON: Thursday, November 13, 2014

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY

Process Number

CDMP MAP

Z2014000093

Section: 03 Township: 52 Range: 42

Section: 34 Township: 51 Range: 42

Applicant: THE DIRECTOR OF THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

Zoning Board: C2

Commission District: 4

Drafter ID: GGARCIA

Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Thursday, November 13, 2014

REVISION	DATE	BY

Director of RER
CZAB 2
Z14-093
1/21/15

This instrument was prepared by:

Augusto E. Maxwell, Esq.
Akerman LLP
One Southeast Third Avenue
25th Floor | Miami, Florida 33131

PLANNING AND ZONING
AGENDA OFFICE
2015 JAN 21 A 10:21

PLANNING AND ZONING
AGENDA OFFICE
2015 JAN 21 A 10:21

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, LG Aventura LLC, a Florida limited liability company, holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No. Z-14-93 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) That said Property shall be developed substantially in accordance with the plans previously approved by an Administrative Site Plan on December 9, 2013 (ASPR # 2013000013) entitled "Gables Aventura Apartment Community", as prepared by Paquale Kuritzky Architecture, Inc. consisting of forty two (42) sheets dated/stamped/received November 4, 2013; five (5) sheets dated/stamped/received November 19, 2013; and Landscape plans as prepared by Witkin Huits Design Group consisting of five (5) sheets dated/stamped/received November 4, 2013, and five (5) sheets dated/stamped/received November 19, 2013; for a total of fifty seven (57) sheets (collectively, the "ASPR Plan"), as modified by plans entitled " Gables Aventura", as prepared by Paquale Kuritzky Architecture, Inc. consisting of five (5) sheets dated/stamped/received December 4, 2014 as may be modified at the public hearing on the Application, said Plan being on file with the Miami-Dade County Department of Planning and Zoning, and by referenced made a part of this agreement.

PLANNING AND ZONING
AGENDA OFFICE
2015 JAN 21 A 10:21

[L:\forms\Declaration of Restrictions-Public Hearing Revised 8-12-14
Section-Township-Range: 34-51S-42E
Section-Township-Range: 3-52S-42E
Folio number : 30-1234-082-0010

(Public Hearing) 14-93

CC

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by LG Aventura LLC, owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

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

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Regulatory and Economic Resources Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

PLANNING AND ZONING
AGENDA OFFICE

2015 JAN 21 A 10:27

(Space reserved for Clerk).

**ACKNOWLEDGEMENT
LIMITED LIABILITY COMPANY**

Signed, witnessed, executed and acknowledged on this 19th day of JANUARY, 2015.

IN WITNESS WHEREOF, LG AVENTURA LLC, a Florida limited liability company, has caused these presents to be signed in its name by its proper officials.

Witnesses:

LG AVENTURA LLC, a Florida limited liability company

Judith Nieves

Signature

Judith Nieves

Print Name

Wanna Thomas

Signature

Wanna Thomas

Print Name

By: LION GABLES REALTY LIMITED PARTNERSHIP, a Delaware limited partnership, its sole member

By: Gables GP, Inc., a Texas corporation, its general partner

By: Joseph G. Wilber
Joseph G. Wilber, Senior Vice President

STATE OF Georgia

COUNTY OF Cobb

The foregoing instrument was acknowledged before me by Joseph G. Wilber, as the Senior Vice President of Gables GP, Inc., a Texas corporation, as the general partner of Lion Gables Realty Limited Partnership, a Delaware limited partnership, as the sole member of LG Aventura LLC, a Florida limited liability company (the "LLC") on behalf of the LLC. He is personally known to me or has produced personally as identification.

Witness my signature and official seal this 20th day of January, 2015 in the County and State aforesaid.

Mildred C. Cason

Signature

Notary Public, State of Georgia

Mildred C. Cason
Print Name

My Commission expires:

June 18, 2016

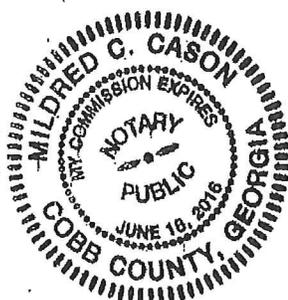


EXHIBIT "A"
Legal Description

Tract A, of GA CROSSINGS, according to the plat thereof, as recorded in Plat Book 168, at Page 21,
of the Public Records of Miami-Dade County, Florida.

PLANNING AND ZONING
AGENDA OFFICE
2015 JAN 21 A 10:21

[L:\forms\Declaration of Restrictions-Public Hearing Revised 8-12-14

Section-Township-Range: 34-51S-42E

Section-Township-Range: 3-52S-42E

Folio number : 30-1234-082-0010

(Public Hearing) 14-93

{29915913;3}

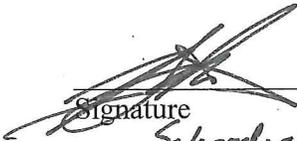
(Space reserved for Clerk)

JOINDER BY MORTGAGEE

The undersigned, **Wells Fargo Bank, National Association**, as Substitute Administrative Agent, and mortgagee under that certain Mortgage, Security Agreement, Assignment of Leases and Rents and Fixture Filing executed by LG Aventura LLC, a Florida limited liability company, to Lehman Commercial Paper Inc., as Administrative Agent, now ING Real Estate Finance (USA) LLC, as Administrative Agent, dated January 3, 2008, recorded January 11, 2008, in Official Records Book 26157, at Page 523, as modified by Amendment No. 1 to Mortgage, Security Agreement, Assignment of Leases and Rents and Fixture Filing, recorded October 3, 2008, in Official Records Book 26595, at Page 2941, and assigned by Assignment of and Amendment to Mortgages, Security Agreement, Assignments of Leases and Rents, and Fixtures Filings recorded on October 5, 2011, in Book 27848, Page 4727, all in the Public Records of Miami-Dade County, Florida, securing the original principal amount of \$22,000,000, covering all or a portion of the property described in the foregoing agreement, does hereby consent to acknowledge that the terms of the agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 24th day of November, 2014.

WITNESSES

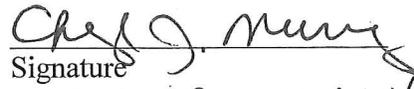


Signature
Schrader Voyles
Printed Name

WELLS FARGO BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT

By: 

Signature
Andrew W. Hussion / Director
Printed Name / Title



Signature
CHERYL J. MURNY
Printed Name

ADDRESS:
2859 Paces Ferry Rd., Suite 1200
Atlanta, GA 30339

2015 JAN 21 A 10:21
PLANNING AND ZONING
AGENDA OFFICE

{29891803;1}

STATE OF Georgia

COUNTY OF Cobb

The foregoing instrument was acknowledged before me this 24th day of November, 2014 by Andrew W. Hussion, on behalf of Wells Fargo Bank, National Association. He/She is personally known to me or has produced _____ as identification.

Witness my signature and official seal this 24th day of November, 2014, in the County and State aforesaid.

My Commission Expires:

Tami Ford
Notary Public State of Georgia
Tami Ford
Printed Name



PLANNING AND ZONING
AGENDA OFFICE
2015 JAN 21 A 10:27

{29891803;1}



CFN 2006R0674111
 DR Bk 24650 Pgs 1768 - 1774; (7pgs)
 RECORDED 06/20/2006 15:27:57
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:
 Name: Michael J. Snyder & Associates, P.A.
 Address: 2775 Sunny Isles Boulevard, Suite 100
 Sunny Isles, Florida 33160



(A/11)

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No 2000000059 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by MSA Architects, entitled "Aventura Crossings for Fairfield Residential, LLC," dated March 1, 2005, and revised on May 20, 2005; revised on September 13, 2005; revised on October 17, 2005; revised on October 28, 2005; revised on November 14, 2005; last revised and date stamped received on January 9, 2006; consisting of 46 pages including the landscape plans consisting of 3 pages prepared by The Witkin Design Group (collectively, the "Plan"), as may be modified at the public hearing on the Application, said Plan being on file with the Miami-Dade County Department of Planning and Zoning, and by referenced made a part of this agreement.

(2) That the Owner shall comply with all applicable conditions, requirements, recommendations, requests and other provisions of the various County Departments as stated in their recommendations and comments, as of February 8th, 2006 (the date of the DIC Meeting) provided the property can be developed substantially with the "Plan" referred to above, with the exception of those conditions contained in the Memorandum dated July 11, 2005, and entitled "Memorandum from Randy Koper, Property Management Section, Planning and Research Division, Park and Recreation Department, to Nicholas D. Nitti, DIC Coordinator, Department of Planning and Zoning and the comments of the Planning and Zoning Department not in accordance with the Plan submitted.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

(A/11)

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

(Space reserved for Clerk)

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

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

Declaration of Restrictions
Page 3

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

(Space reserved for Clerk)

ACKNOWLEDGMENT LIMITED PARTNERSHIP

Signed, witnessed, executed and acknowledged on this 30th day of MAY, 2006.

WITNESSES:

[Signature]
Signature
YITRA GARCIA
Print Name
[Signature]
Signature
Jorge Amador
Print Name

Ives Dairy Crossings Limited Partnership, a Florida Limited Partnership

By: _____
General Partner

Print Name: JACQUELYN SOFFER

Address: 19501 BISCAYNE BLVD #400
AVENUE, FL 33186

State of FLORIDA

County of MIAMI-DADE

The forgoing instrument was acknowledged before me by JACQUELYN SOFFER, as General Partner on behalf of Ives Dairy Crossings Limited Partnership, a limited partnership.

He/She is personally known to me or has produced _____ as identification.

Witness my signature and official seal this 30th day of May, 2006, in the County and State aforesaid.

SEAL

[Signature]
Signature
Notary Public-State of FLORIDA
RONA F. ASMAN
Print Name

My Commission Expires: _____

 Rona F Asman
My Commission DD200007
Expires May 28, 2008

(Space reserved for Clerk)

Declaration of Restrictions
Page 5

Signed, witnessed, executed and acknowledged on this 31st day of MAY, 2006.

Arapahoe Crossings Limited Partnership, a Florida limited partnership d/b/a/ Aventura Crossings Joint venture, a Florida general partnership

Witnesses:
[Signature]
Signature
MARILYN GADINSKY
Print Name
[Signature]
Signature
BARBARA WALCOTT
Print Name

[Signature]
Name of Limited Partnership
By: [Signature]
General Partner
Print Name: EDWARD GADINSKY
Address:
325 S. BISCAYNE BLVD
MIAMI FL 33121
SUITE 1724
County of MIAMI-DADE

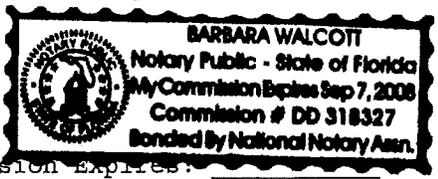
State of Florida

The forgoing instrument was acknowledged before me by Edward Gadinsky as General Partner on behalf of Arapahoe Crossings Limited Partnership, a Florida limited partnership d/b/a/ Aventura Crossings Joint venture, a Florida general partnership, a limited partnership.

He/She is personally known to me or has produced _____ as identification.

Witness my signature and official seal this 31st day of May, 2006, in the County and State aforesaid.

SEAL



My Commission Expires: _____

[Signature]
Signature
Notary Public-State of FL.
BARBARA WALCOTT
Print Name

(Space reserved for Clerk)

ACKNOWLEDGMENT CORPORATION

Signed, witnessed, executed and acknowledged on this 8th day of June, 2006.

IN WITNESS WHEREOF Great Florida Bank (Corporate name) has caused these presents to be signed in its name by its proper officials.

WITNESSES:

Loures Alfonso
Signature
LOURDES ALFONSO
Print Name
Marlene E. Sanchez
Signature
MARLENE E. SANCHEZ
Print Name

Great Florida Bank
Address 15050 NW 79 Ct
SUITE 200
MIAMI LAKES, FL 33016
By: [Signature]
(President, Vice-President or CEO)

Print Name: DOROTHY McCARRON
[*Note: All others require attachment of original corporate resolution of authorization]

State of FLORIDA

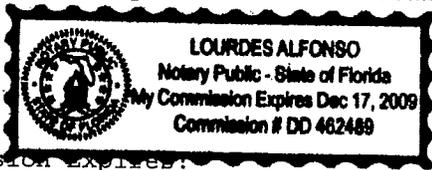
County of MIAMI-DADE

The forgoing instrument was acknowledged before me by Dorothy M. Carron, the Senior V.P. of Great Florida Bank, corporation, on behalf of the corporation.

He/She is personally known to me or has produced _____ as identification.

Witness my signature and official seal this 8th day of June, 2006, in the County and State aforesaid.

SEAL



My Commission Expires: _____

Loures Alfonso
Signature
Notary Public - State of FLORIDA
LOURDES ALFONSO
Print Name

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the
original as filed on _____ day of _____
A. D. 20____

Clerk of the County Courts,
D.C.

EXHIBIT "A"

(LEGAL DESCRIPTION)

PARCEL 1:

Tracts "A", "B" and "C", of "WEST DIXIE HEIGHTS" according to the Plat thereof as recorded in Plat Book 42, Page 66, of the Public Records of Miami-Dade County, Florida, LESS that portion thereof lying within 40.00 feet of the West line of Section 34, Township 51 South, Range 42 East.

PARCEL 2:

TOGETHER WITH Banyan St. and Florida Ave. as shown on said Plat of "WEST DIXIE HEIGHTS" LESS THEREFROM that portion lying within 40.00 feet of the West line of said Section 34.

PARCEL 3:

TOGETHER WITH Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 in Block 4 of "HALLANDALE PARK NO. 10" according to the Plat thereof as recorded in Plat Book 29, Page 16, of the Public Records of Miami-Dade County, Florida, LESS THEREFROM that portion of Lots 9 and 10 described in a right-of-way deed to County of Dade, recorded in Official Records Book 5431, Page 560, of the Public Records of Miami-Dade County, Florida.

PARCEL 4:

TOGETHER WITH that portion of the South 132 feet of the East one-half (E 1/2) of Lot 3, lying West of the West right-of-way of West Dixie Highway, in Block 13, in Section 34, Township 51 South, Range 42 East, of "HALLANDALE" according to the Plat thereof as recorded in Plat Book "B", Page 13, of the Public Records of Miami-Dade County, Florida.

PARCEL 5:

TOGETHER WITH that portion of the North one-half (N 1/2) of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of Section 3, Township 52 South, Range 42 East lying West of the West right-of-way of West Dixie Highway, LESS THEREFROM that portion lying within 40.00 feet of the West line of Section 3, Township 52 South, Range 42 East.

All of the above described lands situate, lying and being in Miami-Dade County, Florida.

REAL PROPERTY TAX FOLIO NOS.:

**30-1234-001-0440; 30-1234-002-0010; 30-1234-002-0020;
and 30-1234-012-0630**

METROPOLITAN MIAMI-DADE COUNTY

OPINION OF TITLE

TO: MIAMI-DADE COUNTY, a political subdivision of the State of Florida.

With the understanding that this Opinion of Title is furnished to MIAMI-DADE COUNTY, FLORIDA, as an inducement for acceptance of a Declaration of Restrictions covering the real property hereinafter described, it is hereby certified that I, based upon Chicago Title Insurance Company Loan Policy of Title Insurance No. 72002-4131 dated November 22, 2004 at 2:21 p.m. updated through November 30, 2005, at 11:00 p.m., supplemented by a search of the Public Records filed with the Clerk of the Circuit Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida, from November 30, 2005 through May 2, 2006, at 4:00 p.m. have examined title to the below described property covering the period from the BEGINNING to May 2, 2006, at 4:00 p.m., inclusive, of the following described real property:

(FOR LEGAL DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY SPECIFIC REFERENCE)

Basing my opinion on my title examination covering said period, I am of the opinion that on the last mentioned date the fee simple title to the above described real property was vested in:

Ives Dairy Crossings Limited Partnership, a Florida limited partnership, and Arapahoe Crossings Limited Partnership, a Florida limited partnership d/b/a Aventura Crossings Joint Venture, a Florida general partnership

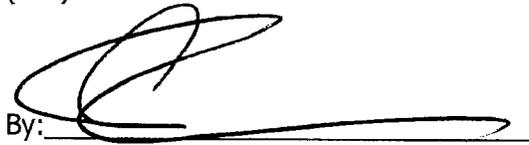
Subject to the following liens, encumbrances, and other exceptions:

1. RECORDED MORTGAGES:
SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF
2. RECORDED MECHANIC'S LIENS, CONTRACT LIENS & JUDGMENTS:
NONE
3. GENERAL EXCEPTIONS:
SEE EXHIBIT "C" ATTACHED HERETO AND MADE A PART HEREOF
4. SPECIAL EXCEPTIONS:
SEE EXHIBIT "D" ATTACHED HERETO AND MADE A PART HEREOF

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida, and am a member in good standing of the Florida Bar.

Respectfully submitted, this 11th day of May, 2006.

BUCHANAN INGERSOLL, P.C.
19495 Biscayne Boulevard, Suite 606
Aventura, Florida 33180
(305)933-5600

By: 

Richard N. Schermer
Florida Bar No. 651796

The foregoing instrument was acknowledged before me this 11th day of May, 2006, by Richard N. Schermer, who is personally known to me.



Notary Public, State of Florida

Name of Notary - Please Print

My Commission Expires:



BLANCHE GITNICK
MY COMMISSION # DD 117292
EXPIRES: July 30, 2006
Bonded Thru Budget Notary Services

EXHIBIT "B"

(MORTGAGE RECORDING INFORMATION)

Mortgage and Security Agreement executed on behalf of Aventura Crossings Joint Venture, a Florida general partnership in favor of Comerica Bank dated October 28, 2002, filed for record October 31, 2002, in Official Records Book 20764, at Page 336, securing a Promissory Note in the original principal amount of \$10,000,000.00, as modified by Mortgage and Assignment of Leases, Rents, and Profits Modification Agreement recorded in Official Records Book 22020, at Page 4850, as subsequently assigned to Great Florida Bank pursuant to Assignment of Note, Mortgage and Loan Documents filed for record November 22, 2004, in Official Records Book 22843, at Page 4734, and as amended by Amended and Restated Mortgage, Assignment of Rents and Security Agreement dated as of November 18, 2004, executed on behalf of Aventura Crossings Joint Venture, a Florida general partnership in favor of Great Florida Bank, a Florida banking corporation filed for record November 22, 2004, in Official Records Book 22843, at Page 4736, securing an Amended and Restated Promissory Note in the original principal amount of \$11,000,000.00, all of the Public Records of Miami-Dade County, Florida and UCC-1 Financing Statement wherein Aventura Crossings Joint Venture is the Debtor and Great Florida Bank is the Secured Party filed for record November 22, 2004, in Official Records Book 22843, at Page 4775, of the Public Records of Miami-Dade County, Florida.

EXHIBIT "C"

(GENERAL EXCEPTIONS)

1. All taxes for the year in which this opinion is rendered, unless noted below that such taxes have been paid.
2. Rights of person other than the above owners who are in possession.
3. Facts that would be disclosed upon accurate survey.
4. Any unrecorded labor, mechanics' or materialmens' liens.
5. Zoning and other restrictions imposed by governmental authority.
6. Rights or claims of parties in possession not shown by the public records.
7. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
8. Easements or claims of easements not shown by the public records.
9. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
10. Taxes or special assessments which are not shown as existing liens by the public records.
11. Any adverse claim to any portion of said land which has been created by artificial means or has accreted to any such portion so created and riparian rights, if any.

EXHIBIT "D"

(SPECIAL EXCEPTIONS)

1. Agreement between Peoples Gas System, Inc., a Florida Corporation and Bernard Steinbein and Silvia Steinbein recorded in Official Records Book 4989, Page 453, of the Public Records of Miami - Dade County, Florida.
2. Gas Main Easement(s) granted to Peoples Gas System, recorded in Official Records Book 5094, Page 53, of the Public Records of Miami-Dade County, Florida.
3. Easement(s) granted to Southern Bell Telephone and Telegraph Company, recorded in Official Records Book 10671, Page 1805, of the Public Records of Miami-Dade County, Florida.
4. Easement(s) granted to Storer Cable TV of Florida, Inc., d/b/a Storer Cable Communications, recorded in Official Records Book 11641, Page 1083, of the Public Records of Miami-Dade County, Florida.
5. Ordinance No. 80-67 establishing "Highland Oaks Elementary School Crossing Monitor Municipal Service Taxing Unit" recorded in Official Records Book 11241, Page 2370, of the Public Records of Miami - Dade County, Florida.
6. Affidavit and Agreement Covenant Running With The Land and easement in favor of Metropolitan Dade County recorded in Official Records Book 12850, Page 6, of the Public Records of Miami - Dade County, Florida.

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