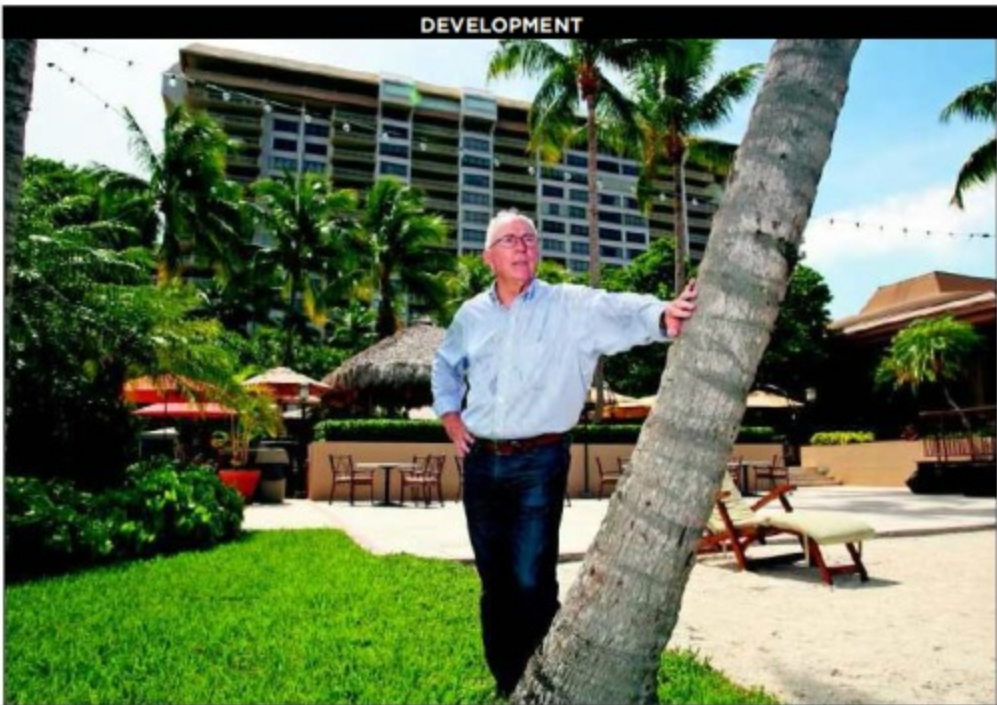


DEVELOPMENT



**TAKING A STAND:** Grove Isle association president Timothy Moore, above, shows the area that Miami veteran developer Eduardo Avila wants to replace with a new condo development.

## PLANS ROIL GROVE ISLE TRANQUILITY

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Residents score victories in standoff with a developer who bought the club facilities.



COURTESY OF GROVE ISLE ASSOCIATES

**THE FUTURE?** A rendering showing the new U-shaped condo and club complex.

Grove Isle, the gated island enclave just off Coconut Grove prized by residents for its tranquility and panoramic bay views, has been less than tranquil lately.

The close-knit, well-to-do high-rise community, which boasts some of Miami's leading lights among its members, has been roiled by a developer's plans to demolish the island's upscale, if dated, club and hotel facilities and replace them with even more luxurious condominiums and amenities — a project that residents say would disrupt those cherished water vistas and their low-key version of paradise.

The storyline is not by itself unusual as developers scour every last bit of Miami's waterfront for opportunities to build amid an overheated

luxury condo market, sometimes bringing them into conflict with residents of long-established neighborhoods. What is uncommon is that Grove Isle's affluent residents appear able and willing to take a deep-pocketed developer, with millions of

dollars on the line, to the mat.

But there's also a unique twist because of the island's history: Its three 18-story towers and club were built in the late 1970s under a landmark legal settlement, reached after a lawsuit, protests and road-blocking demonstrations by Groveites and environmentalists, in which Grove Isle's original developer, builder and art collector Martin Margulies, agreed to drastically scale back the project. The resulting covenant, still in vigor, also gives its residents some unusual leverage, and many of

them say they would like to keep Grove Isle pretty much as it is, thank you very much.

"It's a really nice place to live, and I hope it will continue to be," said Ja-

•TURN TO GROVE ISLE, 2A

## Developer: 'They declared war'

•GROVE ISLE, FROM 1A

net McAliley, a former Miami-Dade school board member who was among the picketers fighting construction of four proposed 40-story towers at Grove Isle years before moving to the island in 1997. "They told me nothing would ever be built in front of me, and that I would always have an open view of the bay."

That assumption, to the consternation of many Grove Isle residents, turned out to be wrong.

Seven of the island's 20 acres, including the club and hotel, are owned privately. Veteran Miami developer Eduardo Avila and a group of investors bought the property in 2013, and shortly afterward announced plans to redevelop it — first with an 18-story tower and, after that plan ran into stiff opposition and potential zoning issues, with a 90-foot tall, horseshoe-shaped 65-unit condo and club complex curving around the oval island's north-facing shoreline.

The island's association and an activist resident group that was formed in response to the development plans, whose leaders say they represent a solid majority of Grove Isle owners, have since managed to stymie Avila at every turn.

"They declared war on the project," a frustrated Avila said.

When Avila sought to restrict residents' use of two club parking lots, citing liability and maintenance concerns and threatening to have their cars towed if they didn't comply, their representatives went to court on a weekend and managed to win an emergency injunction barring the tow trucks from the island. Avila, who some residents claim was just trying to get back at them for blocking his plans, eventually relented.

### APPLICATION ON HOLD

Miami building officials have sat on Avila's demolition application for months, awaiting resolution of a lawsuit by residents over the club facilities, and prompting a pending lawsuit against the city by the devel-

oper. The developer's plans, meanwhile, have become an issue in city elections to replace term-limited Mayor Tomás Regalado and district commissioner Marc Sarnoff, whose wife is running for his seat and is trying to shore up support among Groveites. She was pointedly criticized by some residents for missing a town hall meeting at Grove Isle on the proposed development.

Just last week, the island association and Preserve Grove Isle, the activist group, won a legal victory when a judge ruled in their suit that Avila must provide residents a club, a pool and at least eight tennis courts, whether in the existing facilities or as part of new construction. Miami-Dade Circuit Judge Bronwyn Miller's order also requires that the existing facilities, which Avila intended to shut down and demolish this summer, must stay open at least until he's ready to build, and then must be replaced with temporary amenities of commensurate quality while construction, which will take two years, proceeds.

The order cites the 1977 covenant in concluding the club and its amenities are an integral part of the development. Moreover, she wrote, because Grove Isle residents are required to join the club and 32 residents bought lifetime memberships, an entitlement offered when the condos first went on sale, there needs to be a club for them to be members of and to pay required dues to.

Avila and his attorney, John Shubin, say the developer always intended to provide existing residents with a new club and amenities. They have not decided whether to appeal Miller's ruling, but say they want to work out an agreement with residents for continued club operations.

Avila, who had briefly closed the club and its popular Gibraltar restaurant, which is open to the general public, agreed to reopen the facility while the suit was still pending, although the hotel, which is not part of the case, remains shuttered and the developer says he's undecided whether to reo-

pen it.

In a waterfront city with few waterfront dining options, Gibraltar has drawn a loyal clientele from outside Grove Isle. When Avila shut it down, Miami hip-hop star Pitbull, a habitue, tweeted out a photo of himself sitting at a bayside table at Gibraltar to his 21 million followers in support of Preserve Grove Isle: "Can't believe my favorite place Grove Isle is closing down."

What Miller's order doesn't do is resolve the question of what Avila can build.

The island association's attorney, Joe Serota, concedes the order doesn't stop Avila from building condos, and that he likely has a right to do so if city planning and zoning officials approve his plans. But Miller's detailed order might well complicate those plans because Avila must find a way to provide high-quality temporary club services and amenities even as he builds new structures that would take up much of the available land, then transition to permanent facilities with minimal interruption.

In addition, Preserve Grove Island founder Alan Goldfarb notes, Avila's blueprint would put the new club on the island's backside, facing the Grove mainland, when the covenant explicitly requires that it face Biscayne Bay.

Miller retained jurisdiction over the case to ensure Avila complies, and residents and their attorneys say they will be back in court if he doesn't.

"They're going to have to really rejigger their plans," said Preserve Grove Isle's attorney, Glen Waldman. "They can build, but they can't build what's on the table."

Avila and Shubin beg to differ. They say the developer, who's working on construction documents, can start as soon as he obtains building permits, a matter of months, because his plans meet zoning rules without the need for any exceptions. They say temporary club facilities could be offered in air-conditioned tents.

They also contend "a vocal minority" of residents is

simply bent on doing all they can to frustrate Avila's progress in the hope that he'll give up. Though Avila says he has been flexible and available to discuss his plans with residents, he claims he has been rebuffed. A mediation session failed to resolve the issue.

"In my opinion, this is about a community that is very fearful of change and has instructed its professional representatives to do everything humanly possible to prevent that change," Shubin said.

Shubin notes Avila and his investors have patience and staying power as well. Avila and some of the same investors in the Grove Isle project waited three years to obtain approval of a massive Mediterranean Village development in downtown Coral Gables as planners, elected officials and residents picked apart their plans.

Goldfarb and association president Tim Moore insist there's no vendetta against Avila.

### NO RESIDENTS' INPUT

But they say the developer alienated residents by failing to seek their input before unveiling his plans and closing the club, and they're just trying to protect the rights of Grove Isle owners. Though they say most residents' preference is for the developer to refurbish existing club facilities and expand or replace the hotel, they might grudgingly accept something entirely new — though not the current design, which would completely wall off views of the water to the north for many on the island.

"I love getting up early in the morning and watching the sun rise over the bay," said McAliley, whose condo would face the proposed new building. "A solid wall would take that all away."

Avila said he remains willing to talk to residents, but plans to get on with building his project.

"We intend to live with the court decision and look, finally, after two years, to do what we do," he said. "We're in the development business, not the litigation business."