

Miami-Dade judge says Privé development dispute will go to trial



An island in the Intracoastal in the Aventura area is the subject of a legal dispute between the island's owner, developer Gary Cohen, and nearby residents, who have sued Cohen after he said he was going to build two condo towers on the island, instead of his original plan to build single-family homes. CHARLES TRAINOR JR
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A Miami-Dade circuit court judge ruled Friday that a dispute between Aventura homeowners and developers over the construction of a multi-million dollar condominium on an island in the Dumfoundling Bay will have to be decided in trial.

While Circuit Judge Jerald Bagley found that the developers of Privé, a two-tower, 160-unit condominium project, had "vested rights" to build on the 8-acre lot on the north end of the island, he said there were "issues of concern" whether developer Gary Cohen violated zoning and public notice procedures when he changed the plan to include condominiums.

Originally, Cohen pushed for single-family homes, but in 2013, "Casas de Oro," a cluster of 17 single-family homes changed to the Privé high-rise project.

"The question still remains whether Cohen can build anything other than single-family homes," said Susan Raffanella, an attorney representing homeowners of Island Estates and Williams Island. She said Cohen promised single-family homes for the northern island since the project first broke ground in 1998. "They're going to have to convince the court to ignore the evidence of their own wrongful action over the last several years."

Lawyers representing Aventura residents pointed to a series of emails during Friday's hearing that they say show an "extremely disturbing settlement" between the city and developers. Raffanella said the judge's ruling on Friday -- not giving Privé the official green light -- was evidence that city officials and developers will have to show they gave notice to residents through the city commission and have been transparent throughout the project.

Matthew Mandel, a lawyer representing Aventura, said the city "has applied the law and has treated Mr. Cohen no differently than any other applicant."

Glen Walkman, an attorney representing Cohen, added that the 1998 vested rights agreement -- between the city and the developer -- allowed for the development of homes or condos under height certain restrictions. Since the judge ruled in May that developers have the right to build, Walkman said it shouldn't be an issue of what the project elects to construct as long as it follows code.

The dispute started earlier this year when developers applied for a city permit to build a sidewalk to deal with traffic. The roadway will help alleviate traffic from an estimated 600 cars that will move from Island Estates to Privé.

While the two sides wait to go to court on Nov 19, Cohen said construction of the two condo towers is already under way. Privé has relied on early deposits from buyers to start the project and is still moving forward.

"We have our construction loan," Cohen said.