Sec.	Twp.	Range

RECEIVED
AUG 17 2005
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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2052251

ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING

LIST ALL FOLIO #S: 30-7814-000-0270 Date Received

1. NAME OF APPLICANT (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Emily Development LLC

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: See Contact Person

City: _____ State: _____ Zip: _____ Phone#: _____

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): See Contact Person

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone#: _____

4. CONTACT PERSON'S INFORMATION:

Name: Ben Fernandez Company: Bercow & Radell, P.A.

Mailing Address: 200 S. Biscayne Boulevard, Suite 850

City: Miami State: Florida Zip: 33131

Phone#: (305) 377-6235 Fax#: (305) 377-6222 E-mail: bfernandez@brzoninglaw.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION
(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

NW 1/4, SW 1/4, NE 1/4 OF 14-57-38
LESS N 25' + W 85'

6. **ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc.)

SE Corner of SW 192 Avenue and SW 316 Street

7. **SIZE OF PROPERTY** (in acres): 10 (divide total sq. ft. by 43,560 to obtain acreage)

8. **DATE** property ☑ acquired ☐ leased: 08/03 (month & year)

9. **Lease term**: _____ years

10. **IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S)**, provide complete legal description of said contiguous property.

N/A

11. **Is there an option** to purchase ☐ or lease ☐ the subject property or property contiguous thereto? ☑ no ☐ yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. **PRESENT ZONING CLASSIFICATION:** EU-M

13. **APPLICATION REQUESTS** (Check all that apply and describe nature of the request in space provided) (DBCs require special exception to permit site plan approval unless rezoning 3 acres or less to residential categories)

☑ District Boundary Changes (DBC) [Zone class requested]: RU-1MA

☐ Unusual Use: _____

☐ Use Variance: _____

☐ Alternative Site Development: _____

☐ Special Exception: _____

☐ Modification of previous resolution/plan: _____

☐ Modification of Declaration or Covenant: _____

14. **Has a public hearing been held on this property within the last year & a half?** ☑ no ☐ yes. If yes, provide applicant's name, and date, purpose, and results of hearing, and resolution number:

15. **Is this hearing is as a result of a violation notice?** ☑ no ☐ yes. If yes, give name to whom the violation notice was served: _____ and describe the violation:

16. **Describe structures on the property**: None

17. **Is there any existing use on the property?** ☑ no ☐ yes. If yes, what use and when established?

Use: _____ Year: _____

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (1)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

****

OWNER OR TENANT AFFIDAVIT

I,_____, being first duly sworn, depose and say that I am an owner of the property described and which is the subject matter of the proposed hearing.

_____ Signature

_____ Signature

Sworn to and subscribed to before me
this ____ day of, _____, _____.

Notary Public: _____
Commission Expires:

****

LIMITED LIABILITY COMPANY AFFIDAVIT

I, Juan Carlos Uribarri, being first duly sworn, depose and say that I am the Manager of Emily Development LLC, and as such, have been authorized by Emily Development LLC to file this application for public hearing; and that Emily Development LLC is the owner of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

_____
Authorized Signature
Manager
Office Held

(Corp. Seal)

BETTY LLERENA
MY COMMISSION # DD 095997
EXPIRES: February 27, 2006
1-800-3-NOTARY FL Notary Service & Bonding, Inc.

Sworn to and subscribed to before me
this 17 day of, August, 2005.

Notary Public: _____
Commission Expires:

****

PARTNERSHIP AFFIDAVIT

(I)(WE),_____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

_____
(Name of Partnership)

By _____ %
By _____ %

By _____ %
By _____ %

Sworn to and subscribed to before me
this ____ day of, _____, _____.

Notary Public: _____
Commission Expires:

****

ATTORNEY AFFIDAVIT

I, Ben Fernandez, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and Which is the subject matter of the proposed hearing.

_____
Signature

Sworn to and subscribed to before me
this ____ day of, _____, _____.

Notary Public: _____
Commission Expires:

RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Work conditions and advise this office in writing if my application will be withdrawn.

2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.

3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.

4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only e denied or deferred, but not approved.

5. In Miami-Dade County v. Omnipoint Holdings, Inc. Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Office is seeking further review. In the interim, the County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed..

6. Any covenant to be proffered must be submitted to the Department's Legal Counsel, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 wee of the hearing. And that Legal Counsel can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date. Legal Counsel may be reached at (305) 375-3075.

_____
(Applicant's Signature)

JUAN C. URIBARRI
_____
(Print Name)

Sworn to and subscribed before me this 17 day of Aug., 2005 Affiant is personally known to me or has produced FL D.L. as identification.

_____
(Notary Public)

My commission expires_____

BETTY LLERENA
MY COMMISSION # DD 095997
EXPIRES: February 27, 2006
1-800-3-NOTARY FL Notary Service & Bonding, Inc.

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Emily Development LLC

NAME AND ADDRESS	Percentage of Stock
Angel Menes, 47 SW 105 Place, Miami, FL 33174	33 %
Juan Carlos Uribarri, 16917 NW 83 Place, Miami Lakes, FL 33016	33.5 %
Marcelino Uribarri, 5333 Collins Avenue, # 1408, Miami Beach, Fl 33140	33.5 %

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percent of Ownership

If there is a **CONTRACT FOR PURCHASE** by a corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER:_____

NAME ADDRESS AND OFFICE (if applicable)	Percentage of Interest

Date of contract:_____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

_____

_____

_____

_____

_____

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in his application to the best of my knowledge and belief.

Signature:_____
(Applicant)

Sworn to and subscribed before me this day of 17, Aug. 2005 Affiant is personally known to me or has produced PL D.L. as identification.

_____
(Notary Public)

My commission expires_____

BETTY LLERENA
MY COMMISSION # DD 095997
EXPIRES: February 27, 2006
1-800-3-NOTARY FL Notary Service & Bonding, Inc.

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or a other country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five percent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership corporation or trust.

OWNERSHIP AFFIDAVIT
FOR CORPORATION

STATE OF FLORIDA **Public Hearing No.** _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Juan Carlos Uribarri, hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of Emily Development, LLC, with the following address: 5333 Collins Avenue, Suite 1408, Miami Beach, FL 33140.

2. The Corporation owns the property, which is the subject of the proposed hearing.

3. The subject property is legally described as: Exhibit A.

4. Affiant is legally authorized to file this application for public hearing.

5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Ana Hernandez
Print Name

Signature

Janet Godoy
Print Name

Affiant's signature

Juan Carlos Uribarri
Print Name

Sworn to and subscribed before me on the 19 day of May, 2006. The Affiant is personally known to me or has produced _____ as identification.

Notary Public Signature

Betty Llerena
Print Name

State of Florida

My Commission Expires: 3-5-10

Notary Public State of Florida
Betty Llerena
My Commission DD524988
Expires 03/05/2010

[f\:form\Affidavit Ownership Corporation.doc (5/15/06)]