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

RECEIVED
20637
FEB 6 / 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY (S)

LIST ALL FOLIO #S: 30-7906-004-0010
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).

Julio C. Molina

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 29100 Southwest 172nd Avenue

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

Owner's Name (Provide name of ALL owners): Julio C. Molina
Mailing Address: 29100 Southwest 172nd Avenue
City: Miami State: FL Zip: 33030 Phone#: 33030

4. CONTACT PERSON'S INFORMATION:

Name: Simon Ferro Company: Greenberg Traurig
Mailing Address: 1221 Brickell Avenue
City: Miami State: FL Zip: 33131
Phone #: (305)579-0644 Fax#: (305)961-5644 E-mail: ferros@gtlaw.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 sheet(s), as needed).

See attached Exhibit "A"

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

29100 Southwest 172nd Avenue

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

8. DATE property X acquired [] leased: December 1984 (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.

None

11. Is there an option to purchase [] or lease [] the subject property or property contiguous thereto? X No [] Yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: EU-1 and AU

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

- X District Boundary Changes (DBC) [Zone class requested]: To rezone property to EU-1
[] 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? X no [] yes. If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

15. Is this hearing as a result of a violation notice? X no [] yes. If yes, give name to whom the violation notice was served: _____, and describe the violation:

16. Describe structures on the property: 1 story CBS building

17. Is there any existing use on the property? [] no X yes. If yes, what use and when established?

Use: Assisted Adult Living Facility Year: 1954

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. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(We), Julio C. Molina being first duly sworn, depose and say that (I am)(we are) the owner tenant of the property described and which is the subject matter of the proposed hearing.

Signature

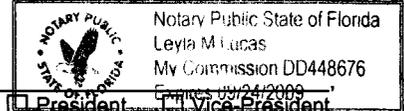
Signature

Sworn to and subscribed to before me this 8 day of February, 2006

Notary Public: Commission Expires

Handwritten signatures of Julio C. Molina and Notary Public Leyla M. Lucas.

CORPORATION AFFIDAVIT



(I)(WE), being first duly sworn, depose and say that (I am)(we are) the Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest:

Authorized Signature

(Corp. Seal)

Office Held

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

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 and 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, 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 mater of the proposed hearing.

Signature

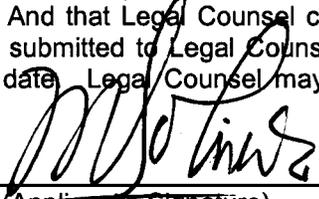
Sworn to and subscribed to before me this ___ day of _____, ____.

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 Works 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 be denied or deferred, but not approved.
5. In Miami-Dade County v. Ompoint 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 week 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.

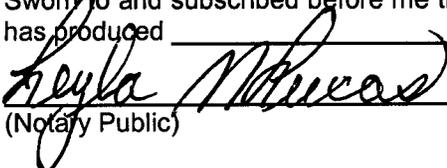


(Applicant's Signature)

Julio C. Molina

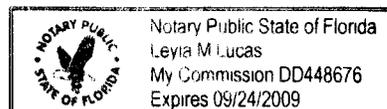
(Print Name)

Sworn to and subscribed before me this 8 day of February, 2006. Affiant is personally known to me or
has produced _____ as identification



(Notary Public)

My Commission Expires: _____



(Space reserved for Clerk)

OWNERSHIP AFFIDAVIT FOR INDIVIDUAL

STATE OF FLORIDA

Public Hearing No. _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Julio C. Molina, hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property, which is the subject of the proposed hearing.

2. The subject property is legally described as:

See attached Exhibit "A"

3. 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.

(Space reserved for Clerk)

Witnesses:

Signature

Print Name

Signature

Print Name

Affiant's signature

Print Name

Sworn to and subscribed before me on the 8th day of February, 2006.

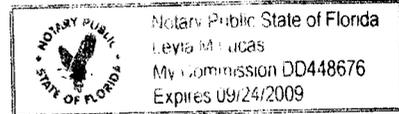
Affiant is personally known to me or has produced _____ as identification.

Reyla M. Lucas
Notary Public Signature

Print Name

State of FLORIDA

My Commission Expires: _____



RECEIVED
 206-37
 FEB 6 / 2006

EXHIBIT "A"

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT
 BY _____

ENTIRE PARCEL

PB 43 PG 17

LEGAL DESCRIPTION:

THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NE 1/4 OF THE SW 1/4 OF SECTION 6, TOWNSHIP 57 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI - DADE COUNTY, FLORIDA.

ALSO KNOWN AS:

TRACT "A", LESS THAN THE SOUTH 1/2 OF PORVENIR NO. 4, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 43, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI COUNTY, FLORIDA.

PORTION OF PARCEL ALREADY ZONED EU1

LEGAL DESCRIPTION:

THE EAST 330.00 FEET OF TRACT "A" OF "THE SECOND AMENDED PLAT OF A PORTION OF PORVENIR No.4", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 43, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 1/2 OF SAID TRACT "A".

PORTION OF PARCEL TO BE ZONED EU1

LEGAL DESCRIPTION:

TRACT "A" OF "THE SECOND AMENDED PLAT OF A PORTION OF PORVENIR No.4", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 43, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 1/2 OF SAID TRACT "A" AND LESS THE EAST 330.00 FEET THEREOF.

SURVEYOR'S REPORT:

LEGAL DESCRIPTION OF ENTIRE PARCEL, AS SHOWN HEREON, WAS FURNISHED BY THE CLIENT, AND WAS TAKEN FROM WARRANTY DEED RECORDED IN O.R.B.21323 PG.2650. THIS SITE PLAN WAS PREPARED FROM INFORMATION FURNISHED BY THE CLIENT.

LOT 14, BLK.41 OF P.B.25 PG.26 IS NOT A PART OF SAI TRACT "A" (P.B.43 PG.17). IT WAS INCLUDED IN THE SOUTH 1/2 OF SAID TRACT "A" TO AGREE WITH THE DESCRIPTION SUBMITTED BY THE CLIENT AND EXISTING OCCUPATION.

DEVELOPMENT INFORMATION SHOWN HEREON WAS FURNISHED BY THE CLIENT.

EXISTING ZONING = AU & EU1
 PROPOSED ZONING = EU1 (SUR)

TOTAL NUMBER OF SITES:

1 TRACT AND 8 LOTS

 = DENOTES PORTION OF THE PROPERTY ALREADY ZONED EU1 (PROPOSED TRACT "A")

 = DENOTES PORTION OF PROPERTY TO BE ZONED EU1 (SUR)(PROPOSED LOTS 1 THRU 8)

ABBREVI.

- ENCRO.
- ESMT.
- R/W
- SWK
- M.H.
- PKY
- PVMT
- C.B.
- O.W
- W.M.
- W.V.
- S.S.M.H.
- C.L
- T.B.M.
- SQ. FT.

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REVISION
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