

01 | 55 | 39

Sec. Twp. Range

ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

RECEIVED
ZB-003
JAN 08 2013

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

LIST ALL FOLIO #s: 30-5901-029-0020 & 30-5901-029-0010 Date Received _____

1. NAME OF APPLICANT (Owner(s) of record of the property or lessee. 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).

MG Jewelers of Miami, Inc., a Florida corporation

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 11760 SW 88 St.
City: Miami State: FL Zip: 33186 Phone#: 305-271-4077

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

Owner's Name (Provide name of ALL owners): FGHP 117 LTD. PARTNERSHIP
Mailing Address: 1401 Brickell Avenue, Suite 700
City: Miami State: FL Zip: 33131 Phone#: 561-394-6433

4. CONTACT PERSON'S INFORMATION:

Name: Juan J. Mayoc, Esq Company: Holland & Knight
Mailing Address: 701 Becken Ave -
City: Miami, FL State: _____ Zip: 33131
Phone# 305-789-7787 Fax# _____ E-mail: Juan.Mayoc@HKLAW.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, and range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on diskette or compact disc in Microsoft Word or compatible software.)

SEE Exhibit "A" attached.

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

11760 SW 88 Street

7. SIZE OF PROPERTY 1,400 sq. ft. x _____ ft (in acres): 2.19
(divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: August 17, 2009 (month & year)

9. Lease term: 7 years

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)?

no yes If yes, provide complete legal description of said contiguous property.



ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

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: BU-1A

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

District Boundary(zone) Changes [Zone(s) requested]: _____

(Provide a separate legal description for each zone requested)

Unusual Use: _____

Use Variance: to permit a pawn shop

Non-Use Variance: _____

Alternative Site Development: Option: _____

Special Exception: to permit a pawn shop

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, date, purpose and result of hearing, and resolution number:

15. Is this application 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: shopping center

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

Use: Shopping Center / Commercial Year: 1983

18. Do you require a translator for the actual hearing? Yes No

If yes: Spanish Haitian Creole Other (Please specify which language)

19. If you would like a preliminary courtesy review of your application by the technical staff of the Developmental Impact Committee, please check Yes

If yes, the application will be placed on the next available Developmental Impact Committee agenda. There is no additional charge for this service.

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), JORGE L CARVAJAL, 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

X [Signature]
Signature

[Signature]
Signature

Sworn to and subscribed to before me this 18th day of December, 2012

Notary Public
Commission Expires



CORPORATION AFFIDAVIT

(I)(WE), JORGE L CARVAJAL, President of MG Jewelers of Miami, Inc, being first duly sworn, depose and say that (I am)(we are) the President Vice-President 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 _____

X [Signature]
Authorized Signature
President
Office Held



Sworn to and subscribed to before me this 18th day of December, 2012

Notary Public
Commission Expires

[Signature]

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, _____, 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

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

Notary Public
Commission Expires

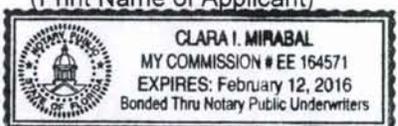


ACKNOWLEDGEMENT BY APPLICANT

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional 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 and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. 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. Refunds must be requested in writing.
3. Applicable Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) 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) should not be approved by a zoning board and the recommendation will be for denial or deferral. 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. I also understand that I will not be reimbursed any fees paid unless I withdraw within 60 days of filing and then I will receive a 50% refund.
5. Any covenant to be proffered must be submitted to the Department's Legal Advisor, 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. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075

X *Jorge L. Carvajal*
(Applicant's Signature)

JORGE L. CARVAJAL
(Print Name of Applicant)



My commission expires _____
State of: Florida

Sworn to and subscribed before me on the
18th Day of December, 2012
Affiant is personally known to me or has produced _____
as identification.

Clara I. Mirabal
(Notary Public's Signature)

Clara I. Mirabal
Print Name

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713-003
JAN 08 2013

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *[Signature]*

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF FLORIDA Public Hearing No. _____
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared JORGE L. CARVAJAL
_____ hereinafter the Affiant(s), who being first duly
sworn by me, on oath, deposes and says:

- Affiant is the president, vice-president or CEO of the Corporation, with the following address:
13804 SW 152nd Street, Miami, FL 33177
- The Corporation owns the property which is the subject of the proposed hearing.
- The subject property is legally described as:
Exhibit "A"

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

Print Name

Signature

Print Name

x Jorge Carvajal
Affiant's signature

JORGE L. CARVAJAL

Print Name

Sworn to and subscribed before me on the 18th day of December 20 12.

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

Notary

(Stamp/Seal)

Commission Expires



[L:forms/afficorp sam (1/04)]

8/3/12 rrc

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25-003
JAN 08 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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 any 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 this application to the best of my knowledge and belief.

Signature: X [Signature]
(Applicant)

Sworn to and subscribed before me this 18th day of December 20 12. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)



My commission expires: _____

Seal

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY [Signature]

*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 another 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 per cent (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.

FGHP CAPITAL LIMITED PARTNERSHIP

FGHP CAPITAL LIMITED PARTNERSHIP * FGHP 117 LIMITED PARTNERSHIP * FGHP GUNN LIMITED PARTNERSHIP
FGHP FUNDING WEST LIMITED PARTNERSHIP * FGHP KISSIMMEE LIMITED PARTNERSHIP
FGHP PROPERTIES LIMITED PARTNERSHIP * FGHP PHASE III LIMITED PARTNERSHIP

August 25, 2011

Miami-Dade County Building Department

Re: Manager authorized to sign on behalf of Landlord
Lacarreta Plaza, Miami, Florida

To Whom it May Concern:

Please accept this letter as authorization for our managing agent, Urban Retail Properties, LLC to sign on our behalf in order to apply for and pull building permits for LaCarreta Plaza located at 11740-11780 SW 88th Street, Miami, Florida.

Specifically, the individuals shown below are permitted to sign for Build Permits applications and Notices of Commencement and to pull these permits as approved by Miami-Dade County.

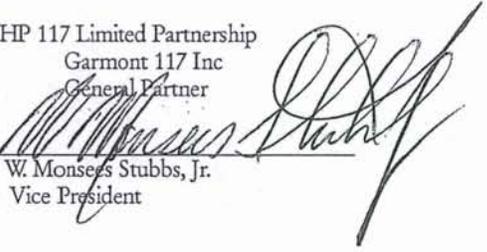
1. Jeff Ross
2. Cathy Hosn
3. Paul Motta

Sincerely,

FGHP 117 Limited Partnership

By: Garmont 117 Inc

Its: General Partner

By: 
W. Monsees Stubbs, Jr.

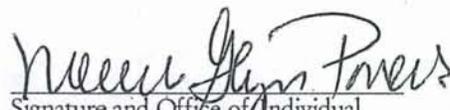
Its: Vice President

State of New York)

County of New York)

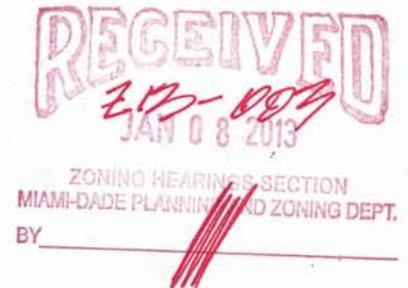
ss

On the 30th day of August in the year 2011 before me, the undersigned, a Notary Public in and for said State, personally appeared W. Monsees Stubbs, Jr. personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity; and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Signature and Office of Individual
Taking acknowledgement

(Seal)

MAUREEN GLYNN POWERS
Notary Public, State of New York
No. 02PO6115472
Qualified in Westchester County
Commission expires Sept. 7, 2008-12



P.H. # _____

**Owner's Sworn-to-Consent
Permitting Tenant to File for a Hearing
(Limited Partnership with Corporate General Partner)**

I, _____, being first duly sworn, do say that I am the President of _____ which is the owner of the property legally described below and which is the subject of the proposed hearing do here by grant consent to MG Jewelers Of Miami, Inc. as Tenant, to file this application for a public hearing.

Legal Description:

Tract B, of BERKLEY PLAZA, according to the Plat thereof, recorded in Book 120, at Page 22, of the Public Records of Dade County, Florida.

WITNESSES:

Janine M. Carpinello
Signature

Janine M. Carpinello
Print Name

R E B
Signature

Russell E. Boyle
Print Name

STATE OF New York
COUNTY OF Westchester

FGHP 117 Limited Partnership
Name of Limited Partnership
By: Garmont 117, Inc.

Name of Corporate General Partner
W. MONSEES STUBBS JR.
By: Its General Partner, Vice President or CEO

W Monsees Stubbs Jr
Signature

Address 116 Elm Place Suite 211
Eye NY, 10580

Date: 12/6/12

The foregoing instrument was acknowledged before me by WM STUBBS JR the VICE PRESIDENT of the Corporate General of GARMONT 117, INC., a limited partnership on behalf of the partnership. He/She is personally know to me or has produced DRIVERS LICENSE as identification.

Witness my signature and official seal this 6th day of December, 2012 in the County and State aforesaid.

Janine M. Carpinello
Notary Public-State of _____
Commission Number: _____



JANINE M. CAPPINELLO
Notary Public, State of New York
No. 01CA6059735
Qualified in Westchester County
Commission Expires June 4, 2015

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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 other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
_____	_____
_____	_____
_____	_____
_____	_____

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the 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 _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: FGHP 117, a limited partnership

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
c/o Pembroke Capital Corp., 645 Fifth Avenue, Suite 705, New York, NY 10022	
See Attached Exhibit "B" for Percentage of Ownership	
_____	_____
_____	_____
_____	_____

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213-009
JAN 08 2013

ZONING HEARING SECTION
MIAMI DADE PLANNING AND ZONING DEPT.
BY _____

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 other similar entities, further disclosure shall be made to identify natural persons having the 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 any 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 this application to the best of my knowledge and belief.
By: Garmont 117, Inc., a _____ corporation as general partner of FGHP 117, a Limited partnership

Signature: [Handwritten Signature]
(Applicant)

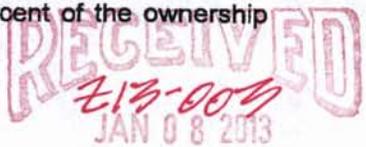
Sworn to and subscribed before me this 18 day of December, 2012. Affiant is personally know to me or has produced _____ as identification.

[Handwritten Signature]
(Notary Public)



My commission expires: 12/26/14

*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 another 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 per cent (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.



PRINCIPALS FGHP 117 LIMITED PARTNERSHIP

GARY FELSHER	21.59686%
MONTE STUBBS	21.42960%
MICHAEL FELSHER	9.70196%
IVOR BRAKA	10.89258%
DENISE RICH	6.80786%
ELIEZER PELEG	1.36157%
MELISSA FELSHER	1.70196%
PIA FELSHER	1.70196%
JENNIFER FELSHER	1.70196%
GARY S. FRAGIN	2.72318%
JEFFREY I SUSSMAN	0.27234%
JOEL PEARLBERG	0.06809%
JOHN FRIEDMAN	0.09531%
LAURA SLOATE	2.04236%
MARK FINE	1.36157%
MICHAEL J. LINN	0.06809%
MICHAEL STEINHARDT	8.16942%
NEIL WEISMAN	2.72313%
ROBERT I COHEN	0.68080%
ROBERT WALSTON	0.06809%
SHIMON TOPOR	1.36157%
STEPHEN H. SWIRE	0.06809%
BEATRICE F. LEVINSON	2.04236%
MR & MRS HERMAN FELSHER	0.54462%
DEBORAH BELL	0.06809%
EMILY C. STUBBS	0.40052%
SARAH A. STUBBS	0.34605%
	100.00000%

BY *[Signature]*
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 PLANNING AND ZONING DEPT.
 JUL 07 2009

RECEIVED
 216-095
 JUL 07 2009

RECEIVED
 SEP 2 2009
 ZONING HEARING SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

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 216-095
 JAN 18 2013
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF _____ Public Hearing No. _____
COUNTY OF _____

Before me, the undersigned authority, personally appeared Cathy Hosn
hereinafter the Affiant(s), who being first duly
sworn by me, on oath, deposes and says: he/she is the Agent for Owner of Garmott 117, Inc., a
_____ corporation and the general partner of FGHP 117 Limited Partnership

1. Affiant is the president, vice-president or CEO of the Corporation, with the following address:
c/o Pembroke Capital Corp., 645 Fifth Avenue, Suite 705, New York, NY 10022
2. The Corporation owns the property which is the subject of the proposed hearing.
3. The subject property is legally described as:

See Exhibit "A" Attached Hereto

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]
Signature

FGHP 117, A Limited partnership
By: [Signature]
Affiant's signature
In his/her capacity as Agent for Owner
of Garmott 117, Inc., a _____
corporation
C. Hosn
Print Name

Tracey DeFrances
Print Name

[Signature]
Signature

Francie Connelly
Print Name

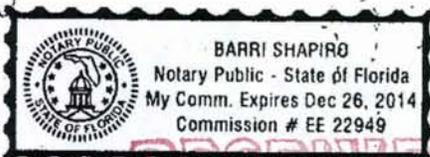
Sworn to and subscribed before me on the 20 day of December 20 12.

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

Notary [Signature]

(Stamp/Seal)

Commission Expires: 12/26/14



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213-003
JAN 08 2013

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: [Signature]