Sec. Twp. Range

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

RECEIVED
214-087
AUG 06 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By

LIST ALL FOLIO #s: ~~30-5914-080-0050~~/0060/0070

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).

AB at Hidden Lake LTD (LLLP)

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 13780 SW 26 Street, #108

City: Miami State: FL Zip: 33175 Phone#: (305) 485-5501

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

Owner's Name (Provide name of ALL owners): AB at Hidden Lake LTD (LLLP)

Mailing Address: 13780 SW 26 Street, #108

City: Miami State: FL Zip: 33175 Phone#: (305) 485-5501

4. CONTACT PERSON'S INFORMATION:

Name: Javier L. Vazquez Company: Berger Singerman, LLP

Mailing Address: 1450 Brickell Avenue, Suite 1900

City: Miami State: FL Zip: 33131

Phone# (305) 714-4378 Fax# (305) 714-4340 E-mail: jvazquez@bergersingerman.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 attached Exhibit "A"

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

NW corner of SW 127 Avenue and SW 132 Sreet

7. **SIZE OF PROPERTY** _____ ft x _____ ft (in acres): 7.7 acres
(divide total sq. ft. by 43,560 to obtain acreage)

8. **DATE** property ☒ acquired ☐ leased: February 2006 (month & year)

9. **Lease term:** _____ years

10. **IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)?**
no☐ yes☒ If yes, provide complete legal description of said contiguous property.
See attached Exhibit "B"

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:** IU-C

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

☒ District Boundary(zone) Changes [Zone(s) requested]: RU-3M
(Provide a separate legal description for each zone requested)

☐ Unusual Use: _____

☐ Use Variance: _____

☐ Non-Use Variance: _____

☐ Alternative Site Development: Option: _____

☐ Special Exception: _____

☐ Modification of Previous Resolution/Plan: _____

☐ Modification of Declaration or Covenant: _____

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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:
Land use amendment - October 2012 cycle

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:** None

17. **Is there any existing use on the property?** no ☒ yes ☐. If yes, what use and when established?
Use: _____ Year: _____

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.

EXHIBIT "A"
TO ZONING HEARING APPLICATION

FOLIO NO.: 30-5914-080-0050

Lot 5. Block 1 Battah Lake Office Park, according to the Plat thereof, as recorded in Plat Book 159, Page 47, of the Public Records of Miami-Dade County, Florida.

FOLIO NO.: 30-5914-080-0060

Lot 6. Block 1 Battah Lake Office Park, according to the Plat thereof, as recorded in Plat Book 159, Page 47, of the Public Records of Miami-Dade County, Florida.

FOLIO NO.: 30-5914-080-0070

Lot 7. Block 1 Battah Lake Office Park, according to the Plat thereof, as recorded in Plat Book 159, Page 47, of the Public Records of Miami-Dade County, Florida.

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EXHIBIT "B"
TO ZONING HEARING APPLICATION

FOLIO NO.: 30-5914-080-0040

Lot 4. Block 1 Battah Lake Office Park, according to the Plat thereof, as recorded in Plat Book 159, Page 47, of the Public Records of Miami-Dade County, Florida.

FOLIO NO.: 30-5914-080-0030

Lot 3. Block 1 Battah Lake Office Park, according to the Plat thereof, as recorded in Plat Book 159, Page 47, of the Public Records of Miami-Dade County, Florida.

Folio NO: 30-5914-080-0050
lot 5 Block 1 Battah Lake Office Park pb 159-47

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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), _____, 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 _____ day of _____, _____.

Notary Public: _____
Commission Expires:

****

CORPORATION AFFIDAVIT

(I)(WE), Alvaro Adrian, 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: _____

_____ Authorized Signature

_____ Office Held

(Corp. Seal)

Sworn to and subscribed to before me this 8 day of July, 2014.

JUAN C. TELLEZ
Commission # EE 127645
Expires November 15, 2015
Bonded Thru Troy Fain Insurance 800-385-7019

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.

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MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By _____

_____ (Name of Partnership)

By _____ % By _____ %

By _____ % By _____ %

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

Notary Public: _____
Commission Expires:

****

ATTORNEY AFFIDAVIT

I, Javier L. Vazquez, 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

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

(Applicant's Signature)

Alvaro Adrian
(Print Name of Applicant)

Sworn to and subscribed before me on the

8 Day of July, 2014.

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

(Notary Public's Signature)

Juan C. Tellez
Print Name

My commission expires _____

State of: _____

JUAN C. TELLEZ
Commission # EE 127645
Expires November 15, 2015
Bonded Thru Troy Fain Insurance 800-385-7019

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MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By _____

8/3/12 rcc

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

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MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By

STATE OF Florida **Public Hearing No.**

COUNTY OF Dade

Before me, the undersigned authority, personally appeared Alvaro Adrian 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 the Corporation, with the following address: 13780 SW 26 Street, #108, Miami, FL 33175
2. The Corporation owns the property which is the subject of the proposed hearing.
3. The subject property is legally described as: See attached 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

Esther Burgos
Print Name

Signature

Micherle De Tirado
Print Name

Affiant's signature

Alvaro Adrian
Print Name

Sworn to and subscribed before me on the 8 day of July 20 14.

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

Notary

(Stamp/Seal)

Commission Expires:

JUAN C. TELLEZ
Commission # EE 127645
Expires November 15, 2015
Bonded Thru Troy Fain Insurance 800-385-7019

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

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: AB at Hidden Lake LTD (LLLP)

NAME AND ADDRESS	Percentage of Stock
See Attached	

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 _____

NAME AND ADDRESS	Percentage of Interest

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By AB

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: _____

NAME AND ADDRESS	Percentage 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 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.

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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: _____
(Applicant)

Sworn to and subscribed before me this 8 day of July, 20 14. Affiant is personally know to me or has produced _____ as identification.

_____
(Notary Public)

My commission expires: _____

JUAN C. TELLEZ
Commission # EE 127645
Expires November 15, 2015
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*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.

EXHIBIT
PARTNERS & PERCENTAGES OF INTEREST

1. AB at Hidden Lake, LTD. (LLLP)

   (a) Pedro Adrian & Adria Adrian – 66.50%

   (b) Alvaro L. Adrian & Vivian A. Adrian – 28.50%

   (c) AB At Hidden Lake, Inc. – 5%

      (i) Alvaro L. Adrian & Vivian A. Adrian – 100%

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