

Sec.	Twp.	Range

Pre-Application No.:  
Pre-Application Meeting Date:



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

LIST ALL FOLIO #s: 30-4035-021-0020

Date Received for SPE

**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).  
Earl's Restaurant (Dadeland) Inc.

**2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER, E-MAIL:**

Mailing Address: 425 Carrall Street, Ste. 200  
City: Vancouver State: BC Zip: V6B 6E3  
Phone# 604-646-3817 Fax# 604-689-7135 E-mail: chumphrey@earls.ca

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

Owner's Name (Provide name of ALL owners): SDG Dadeland Associates, Inc.  
Mailing Address: 225 West Washington Street  
City: Indianapolis State: IN Zip: 46204

**4. CONTACT PERSON'S INFORMATION:**

Name: Marbet Lewis, Esq. Company: Greenspoon Marder  
Mailing Address: 600 Brickell Avenue, Ste. 1613  
City: Miami State: FL Zip: 33131  
Phone# 786-292-1529 Fax# \_\_\_\_\_ E-mail: marbet.lewis@gmlaw.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 CD in Microsoft Word.)

35 54 40 39.352 AC PALMETTO-KENDAL HGTS PB 70-41 TR B LESS E3.5 FT OF N456.4FT OF  
S609.4FT & LESS BEG NW COR OF TR B E550.78FT S651.36FT W120.66FT S522FT W51.82FT TH  
ALG ELY R/W/L OF PALMETTO EXPR NWLY161.56FT NWLY125.48 FT NW700FT NLY364.47FT  
TO POB LESS BEG 760FTW & 535FTN

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

7535 North Kendall Drive, #2510, Miami, FL 33156

7. SIZE OF PROPERTY \_\_\_\_\_ ft x \_\_\_\_\_ ft (in acres): 71.2 acres  
(divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property  acquired  leased: February 2013 (month & year)

9. Lease term: 15 years



10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)?  
no  yes  If yes, provide complete legal description of said contiguous property.

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: DKUC

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: \_\_\_\_\_
- Non-Use Variance: Extended operating hours for alcoholic beverages from 1am to 2am during the week and Extended Sunday sale hours from 11am to 1am
- Alternative Site Development: Option: \_\_\_\_\_
- 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, 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: Retail Shopping Center/Restaurants Year: \_\_\_\_\_

18. Do you require a translator for the actual hearing? Yes  No   
If yes: Spanish  Haitian Creole  Other  (Please specify which language)

**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), Catherine Humphrey, 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: \_\_\_\_\_

(Corp. Seal)

[Signature]  
Authorized Signature  
Secretary  
Office Held  
**REG K. CHOW, NOTARY PUBLIC**  
**1 E. Pender St.**  
**Vancouver, B.C. V6A 1S9**  
**Tel: (604) 669-1777**  
Notary Public  
Commission Expires: permanently

Sworn to and subscribed to before me this 26 day of MAY, 2015

PARTNERSHIP AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am)(we are) partners of the aforesaid 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.

\_\_\_\_\_  
Signature

Sworn to and subscribed to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. Notary Public: \_\_\_\_\_ Commission Expires: \_\_\_\_\_



for SDE

**ACKNOWLEDGEMENT BY APPLICANT**

1. RER Platting and Traffic Review Section, RER Division 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 Platting and Traffic 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 on County forms, 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 the Department must carry a cover letter indicating subject matter, application number and hearing date.

*Catherine Humphrey*  
 (Applicant's Signature)  
Catherine Humphrey  
 (Print Name of Applicant)

Sworn to and subscribed before me on the  
26 Day of MAY, 2015.

Affiant is personally known to me or has produced  
Catherine Humphrey as identification.  
Driver's License

*Reg K. Chow*  
 (Notary Public's Signature)

My commission expires PERMANENT  
 State of: PROVINCE OF BC

REG K. CHOW, NOTARY PUBLIC  
 Print Name  
1 E. Pender St.  
Vancouver, B.C. V6A 1S9  
Tel: (604) 669-7777



for SDE

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: Earl's Restaurant (Dadeland) Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Earl's Restaurants USA, Inc. - 425 Carrall Street, Ste. 200, Vancouver, BC V6B 6E3</u>	<u>100%</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </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>
<u> </u>	<u> </u>

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Z15-107  
OCT 06 2015  
MIAMI-DADE COUNTY  
DEPARTMENT OF REGULATORY AND  
ECONOMIC RESOURCES  
DEVELOPMENT SERVICES

*for SPE*

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:  

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<u> </u>	<u> </u>

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) \_\_\_\_\_

for SDE

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.

Signature \_\_\_\_\_ (Applicant) Catherine Murphy (Print Applicant name)

Sworn to and subscribed before me this 26 day of MAY, 2015. Affiant is personally know to me or has produced BC Drivers license as identification.

[Signature]  
(Notary Public)  
My commission expires: permanant

REG K. CHOW, NOTARY PUBLIC  
1 E. Pender St.  
Vancouver, B.C. V6A 1S9  
Tel: (604) 669-7777

Seal

\*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.

OWNERSHIP AFFIDAVIT  
FOR  
CORPORATION

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715-107  
OCT 06 2015  
MIAMI-DADE COUNTY  
DEPARTMENT OF REGULATORY AND  
ECONOMIC RESOURCES  
DEVELOPMENT SERVICES

STATE OF INDIANA  
COUNTY OF MARION

Public Hearing No. \_\_\_\_\_

for SDE

Before me, the undersigned authority, personally appeared John Rulli  
\_\_\_\_\_ 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 hereinafter named SDG Dadeland Associates, Inc. \_\_\_\_\_, with the following address:  
225 W. Washington Street, Indianapolis, IN 46204
- The Corporation owns the property which is the subject of the proposed hearing.
- The subject property is legally described as:  
Dadeland Mall, legal description attached hereto 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:**

James C. Owen  
Signature

James C. Owen  
Print Name

Steven Nelson  
Signature

Steven Nelson  
Print Name

John Rulli  
Affiant's Signature

John Rulli  
Print Affiant's Name

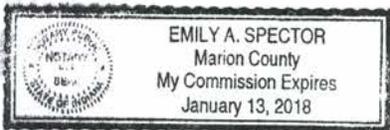
\_\_\_\_\_  
Affiant's Signature

\_\_\_\_\_  
Print Affiant's Name

Sworn to and subscribed before me on the 17<sup>th</sup> day of September 20 15.

Affiant is personally known to me or has produced \_\_\_\_\_ as identification

Notary Emily A. Spector



(Stamp/Seal)

Commission Expires: January 13, 2018

P.H. # \_\_\_\_\_

**Owner's Sworn-to-Consent  
Permitting Tenant to File for a Hearing  
(Corporation)**

On behalf of SDG Dadeland Associates, Inc. \_\_\_\_\_, a Delaware (state) corporation, John Rulli \_\_\_\_\_ being first duly sworn, deposes and says that as the President Vice-President or CEO (circle one) of the aforesaid Corporation, which is the Owner of the property legally described below and which is the subject property of the proposed hearing, does hereby grant consent to Earl's Restaurants, Ltd., \_\_\_\_\_ as Tenant to file this application for a public hearing.

Legal Description:  
Dadeland Mall, Space 2510



**Witnesses:**

SDG Dadeland Associates, Inc.

James C. Owen  
Signature  
James C. Owen  
Print Name  
Steven Nelson  
Signature  
Steven Nelson  
Print Name

\_\_\_\_\_  
**Name of Corporation**  
Address:  
225 W. Washington Street  
Indianapolis, IN 46204  
John Rulli  
By [Signature]  
President Vice-President or CEO\* (circle one)

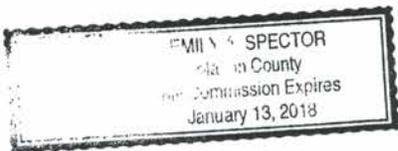
**[\*Note: All others require attachment of original corporate resolution of authorization]**

**STATE OF INDIANA**

**COUNTY OF MARION**

The foregoing instrument was acknowledged before me by John Rulli, of SDG Dadeland Associates, Inc. corporation, on behalf of the corporation. He is personally known to me.

Witness \_\_\_\_\_ my signature and \_\_\_\_\_ official seal this 17<sup>th</sup> day of 2015, 2015, in the County and State aforesaid.



My Commission Expires: January 13, 2018

\_\_\_\_\_  
Notary Public-State

Indiana  
\_\_\_\_\_  
Emily A. Spector  
Print Name

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: SDG Dadeland Associates, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Simon Property Group, Inc., 225 W. Washington St. Indianapolis, IN 46204	100%

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: Trust Number 8

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
SD Dadeland Limited Partnership, 225 W. Washington St. Indianapolis, IN 46204	50%
PPF RTL 7535 Dadeland Mall, LLC 3424 Peachtree Road, Suite 900 Atlanta, GA 30326	50%



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: \_\_\_\_\_

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

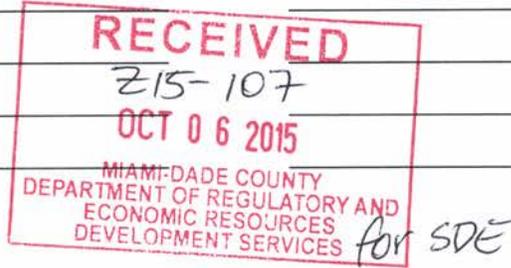
If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or 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.

Signature

*[Handwritten Signature]*

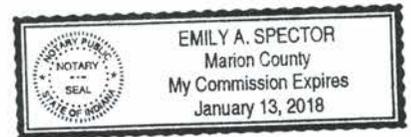
(Applicant) (Owner)

John Rulli for SDG Dadeland Associates, Inc.

(Print Applicant name) (Owner Name)

Sworn to and subscribed before me this 17<sup>th</sup> day of September, 2015. Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

*[Handwritten Signature]*  
(Notary Public)



My commission expires: January 13, 2018

Seal

\*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.