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Sec. Twp. Range

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



Date Received FOR DAH

LIST ALL FOLIO #s: 30-5002-080-0010

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).

RTG Furniture Corp c/o Inés Marrero-Priegues, Holland & Knight

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

Mailing Address: 701 Brickell Avenue, Suite 3000

City: Miami State: Florida Zip: 33131 Phone #: c/o Inés Marrero-Priegues., Esq., 305-789- 7776

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

Owner's Name (Provide name of ALL owners): RTG Furniture Corp

Mailing Address: 11540 Highway 92 East,

City: Seffner State: Florida Zip: 33584 Phone #: c/o Inés Marrero-Priegues., Esq., 305-789-7776

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

Name: Inés Marrero-Priegues Company: Holland & Knight LLP

Mailing Address: 701 Brickell Avenue, Suite 3000

City: Miami State: Florida Zip: 33131

Phone#: 305-789-7776 Fax#: 305-789-7799 E-mail: ines.marrero@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.)

All of Tract A, Fairfield at Dadeland, according to the plat thereof as recorded in Plat Book 160, Page 99, of the Public Records of Miami-Dade County, Florida.

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

7360 North Kendall Drive, Miami-Dade County, Florida.

7. **SIZE OF PROPERTY** _____ ft x _____ ft (in acres): ±2.6 net acres.

8. DATE property acquired leased: December 2005 (month & year)

9. Lease term: N/A 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: Downtown Kendall Urban Center (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: Zoning regulations - Sec. 33-284.63 (B) (2)(b) -Signs in DKUCD
- Alternative Site Development: Option: _____
- Special Exception: _____
- Modification of Previous Resolution/Plan: _____
- Modification of Declaration or Covenant: _____
- Other: _____

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: _____

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

Use: Retail Year: 2006.

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), _____, 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
Sworn to and subscribed to before me this ____ day of _____, _____.
Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

I, Jeffrey Finkel, being first duly sworn, depose and say that I am the President Vice-President Manager Secretary Asst. Secretary of RTG Furniture Corp, 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: [Signature]

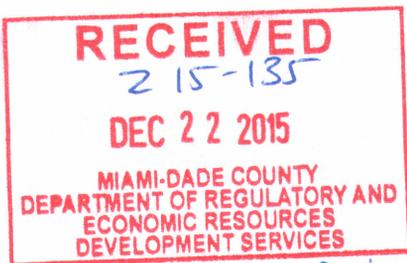
Authorized Signature
vice president
Office Held



Sworn to and subscribed to before me this 7th day of December, _____.
Notary Public: [Signature]
Commission Expires: 6/12/19

PARTNERSHIP AFFIDAVIT

WE, _____ being first duly sworn, depose and say that 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: _____

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

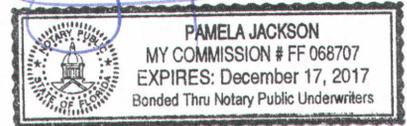
ATTORNEY AFFIDAVIT

I, Inés Marrero-Prigues, 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]

Signature
Notary Public: [Signature]
Commission Expires: _____

Sworn to and subscribed to before me this 9 day of Dec, 2015.



OWNERSHIP AFFIDAVIT
FOR
CORPORATION



STATE OF Georgia
COUNTY OF Dekalb

Public Hearing No. _____

FOR OAH

Before me, the undersigned authority, personally appeared Jeffrey H. Finkel, 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 RTG Furniture Corp Corporation, with the following address: 11540 Hwy 92 EAST, Seffner, FL 33584
- The Corporation owns the property, which is the subject of the proposed hearing.
- The subject property is legally described as: See attached 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:

Barbara A. Jolly
Signature

BARBARA A. JOLLY
Print Name

Terri Thiro
Signature

Terri Thiro
Print Name

Jeffrey H. Finkel
Affiant's signature

Jeffrey H. Finkel, V. P.
Print Name / Title

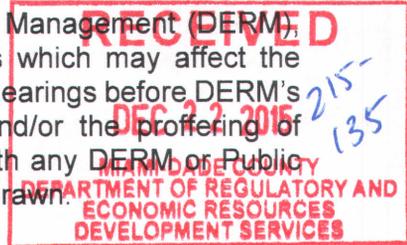
Sworn to and subscribed before me on the 7th day of December 2015.

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

Notary Jeanne A. Mizek



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

FOR DAH

Jeffrey H. Finkel U.P.
(Applicant's Signature)

Jeffrey H. Finkel U.P.
(Print name of Applicant)

Sworn to and subscribed before me on the

17th Day of December, 2015.

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

Jeanne A. Mizek
(Notary Public's Signature)

My commission expires: 6/18/19

State of: Georgia



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

CORPORATION NAME: R.T.G. Furniture Corp.

| NAME AND ADDRESS: | Percentage of Stock |
|--|---------------------|
| <u>Jeffrey Seaman</u> | <u>100%</u> |
| <u>11540 US HWY 92 EAST, Seffner, FL 33584</u> | |
| | |
| | |

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 | 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



FOR DAH

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 AND ADDRESS (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.

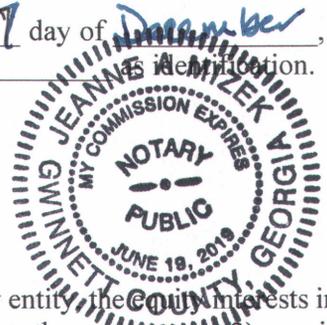
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: *Jeffrey H. Finkel*

Print Name: JEFFREY H. FINKEL Title: U. P.

Sworn to and subscribed before me this 7 day of December, 2015. Affiant is personally known to me or has produced _____ identification.

Jeannette Zyzanski
(Notary Public)



My commission expires 6/19/19

*Disclosure shall not be required of: 1) any entity the ownership 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.



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