

MIAMI BEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

Application Information			
FILE NUMBER ZBA19-0095			
<input checked="" type="radio"/> Board of Adjustment <input checked="" type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision		<input type="radio"/> Design Review Board <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance	
<input type="radio"/> Planning Board <input type="checkbox"/> Conditional use permit <input type="checkbox"/> Lot split approval <input type="checkbox"/> Amendment to the Land Development Regulations or zoning map <input type="checkbox"/> Amendment to the Comprehensive Plan or future land use map		<input type="radio"/> Historic Preservation Board <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic district/site designation <input type="checkbox"/> Variance	
<input type="checkbox"/> Other:			
Property Information – Please attach Legal Description as “Exhibit A”			
ADDRESS OF PROPERTY 607 5TH STREET, MIAMI BEACH, FL 33139			
FOLIO NUMBER(S) 0242030080010			
Property Owner Information			
PROPERTY OWNER NAME 615-5TH STREET, CORP			
ADDRESS 1200 BRICKELL AVE, SUITE 1470		CITY MIAMI	STATE FL
ZIP CODE 33131			
BUSINESS PHONE 305.373.2010	CELL PHONE 305.924.9988	EMAIL ADDRESS DANIELE223@GMAIL.COM	
Applicant Information (if different than owner)			
APPLICANT NAME PLANTS OF RUSKIN, LLC			
ADDRESS 305 N US HWY 41		CITY RUSKIN	STATE FL
ZIP CODE 33570			
BUSINESS PHONE 813.645.3211	CELL PHONE 813.695.5171	EMAIL ADDRESS JOHN.TIPTON@ALTMED.CO	
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST REQUIRE APPROVAL TO OPERATE A MEDICAL CANNABIS DISPENSARY AT LOCATION INDICATED.			

Project Information			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Provide the total floor area of the new construction.		2,363 SQ. FT.	
Provide the gross floor area of the new construction (including required parking and all usable area).		3,641 SQ. FT.	
Party responsible for project design			
NAME PATRICK M. PILLOT		<input checked="" type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other_____	
ADDRESS 1267 2ND STREET		CITY SARASOTA	STATE FL ZIPCODE 34236
BUSINESS PHONE 941.955.7375	CELL PHONE	EMAIL ADDRESS PAT@PILLOTARCH.COM	
Authorized Representative(s) Information (if applicable)			
NAME JOHN TIPTON		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Other <u>CEO OF PLANTS OF R</u>	
ADDRESS 305 N US HWY 41		CITY RUSKIN	STATE FL ZIPCODE 33570
BUSINESS PHONE 813.645.3211	CELL PHONE 813.695.5171	EMAIL ADDRESS JOHN.TIPTON@ALTMED.COM	
NAME JUAN CARLOS PLANAS		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other_____	
ADDRESS 2332 GALIANO STREET, 2ND FLOOR		CITY CORAL GABLES	STATE FL ZIPCODE 33134
BUSINESS PHONE 850.980.6542	CELL PHONE 850.980.6542	EMAIL ADDRESS JCPLANAS@PLANASLAWFIRM.COM	
NAME ROSIE GIL		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other_____	
ADDRESS 2332 GALIANO STREET, 2ND FLOOR		CITY CORAL GABLES	STATE FL ZIPCODE 33134
BUSINESS PHONE 786.286.6228	CELL PHONE 786.286.6228	EMAIL ADDRESS RGIL@PLANASLAWFIRM.COM	

Please note the following information:

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the forgoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

Owner of the subject property

Authorized representative



SIGNATURE

Daniel Stone

PRINT NAME

February 6, 2020

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: _____

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

STATE OF FLORIDA

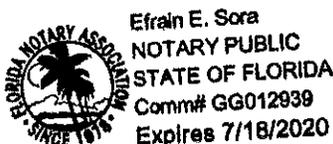
COUNTY OF MIAMI-DADE

I, DANIEL E. STONE, being first duly sworn, depose and certify as follows: (1) I am the OWNER (print title) of 615-5TH STREET, CORP. (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 6TH day of FEBRUARY, 2020. The foregoing instrument was acknowledged before me by DANIEL STONE, who has produced DRIVERS LICENSE as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



NOTARY PUBLIC

My Commission Expires: 7/18/2020

PRINT NAME

POWER OF ATTORNEY AFFIDAVIT

STATE OF FLORIDA

COUNTY OF Miami-Dade

I, DANIEL E. STONE, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize PLANTS OF RUSKIN, LLC. to be my representative before the ADJUSTMENT Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

Daniel Stone, as Secretary

PRINT NAME (and Title, if applicable)

[Signature]

SIGNATURE

Sworn to and subscribed before me this 6th day of FEBRUARY, 2020. The foregoing instrument was acknowledged before me by DANIEL STONE, who has produced DAVERS LICENSE as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires: 07/18/2020



Efrain E. Sora
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG012939
Expires 7/18/2020

[Signature]

NOTARY PUBLIC

EFRAIN E. SORA

PRINT NAME

CONTRACT FOR PURCHASE

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contact purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.

NAME

DATE OF CONTRACT

NAME, ADDRESS AND OFFICE

% OF STOCK

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application if filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

**DISCLOSURE OF INTEREST
CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**

If the property that is the subject of the application is owned or leased by a corporation, partnership or limited liability company, list ALL of the owners, shareholders, partners, managers and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

615TH-5TH STREET CORP.

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

[PLEASE SEE ATTACHED DISCLOSURE]

PLANTS OF RUSKIN, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

[PLEASE SEE ATTACHED DISCLOSURE]

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

DISCLOSURE OF INTEREST
TRUSTEE

If the property that is the subject of the application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

TRUST NAME	
NAME AND ADDRESS	% INTEREST
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

COMPENSATED LOBBYIST

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

NAME	ADDRESS	PHONE
_____	_____	_____
_____	_____	_____
_____	_____	_____

Additional names can be placed on a separate page attached to this application.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE AND FEDERAL LAWS.

APPLICANT AFFIDAVIT

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, JOHN A. TIPTON, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

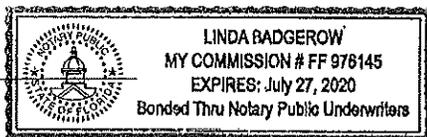
John A. Tipton
SIGNATURE

Sworn to and subscribed before me this 28 day of January, 2020. The foregoing instrument was acknowledged before me by JOHN A. TIPTON, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

Linda Badgerow
NOTARY PUBLIC

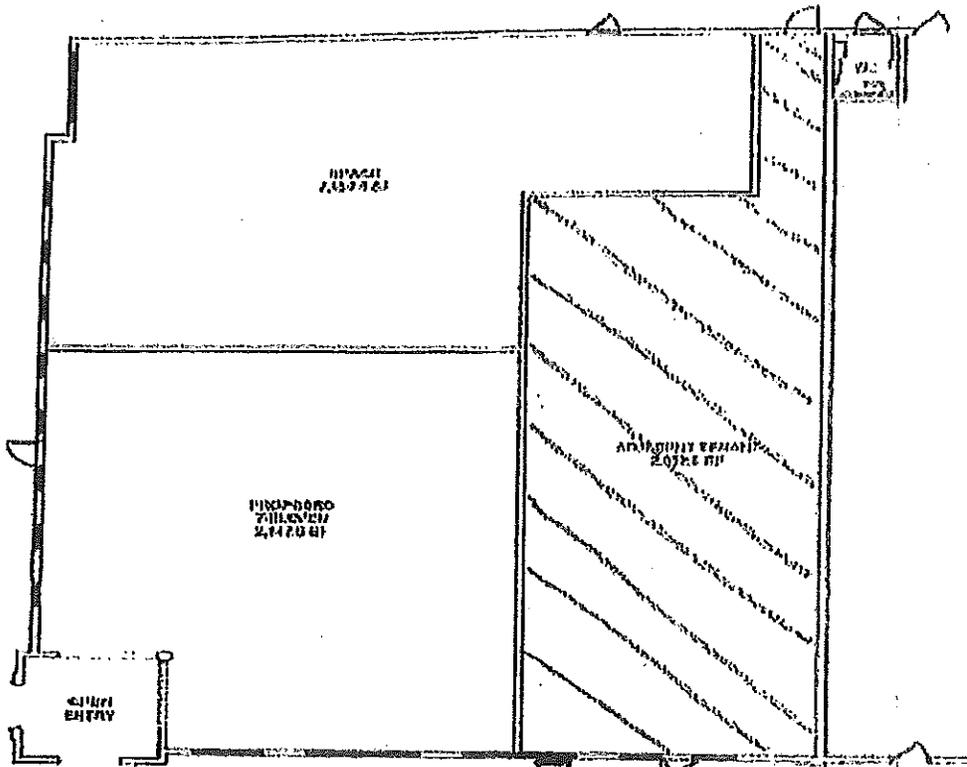
My Commission Expires: _____



LINDA BADGEROW
PRINT NAME

EXHIBIT "A-1"

SITE PLAN



TOTAL AREA OF OFFICE = 9,284 SQ. FT.
TOTAL AREA OF OFFICE = 9,284 SQ. FT.

LEASE EXHIBIT 2
SCALE: 1/8" = 1'-0"

 Approximate location and dimensions
of Demised Premises



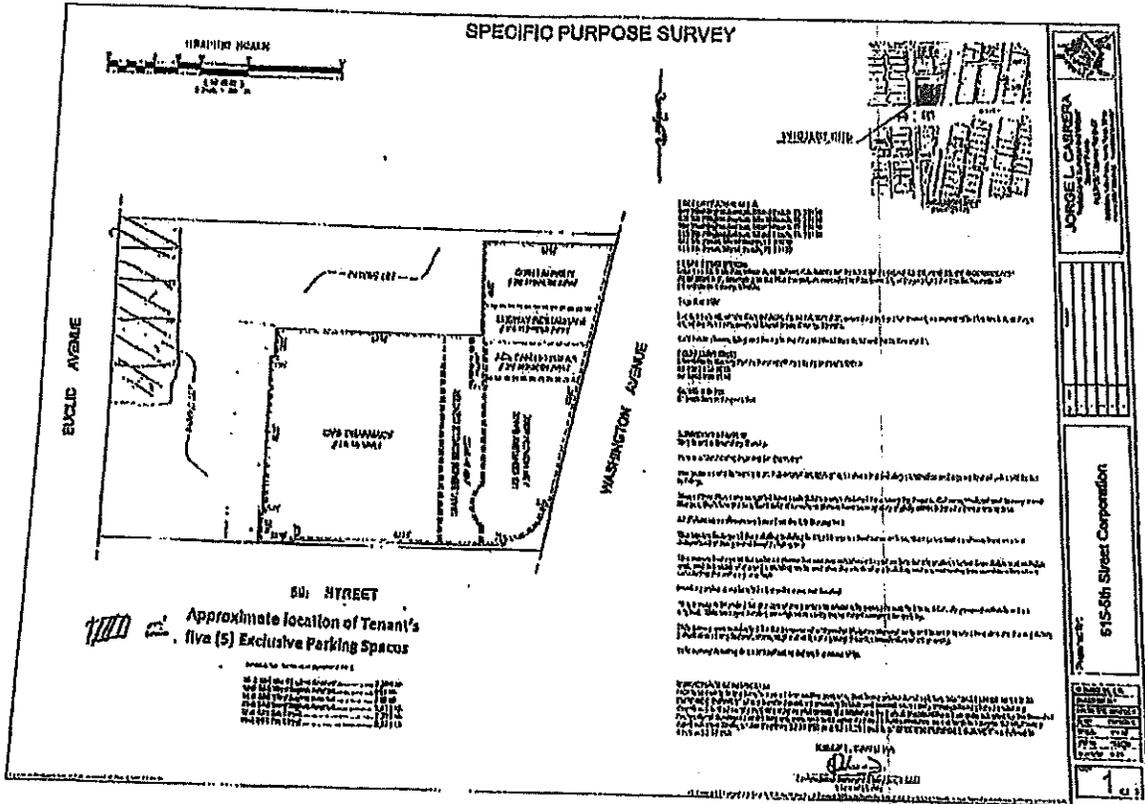
A-1

078

J.F.

EXHIBIT "A-2"

SITE PLAN



JL

J.P.

EXHIBIT "B"

LEGAL DESCRIPTION OF THE SHOPPING CENTER

Lots 1 to 11, inclusive, of Block "A" of TATUM'S RESUBDIVISION of Lots 7 and 8 in Block 48 of OCEAN BEACH ADDITION, NO. 3, according to the Plat thereof, recorded in Plat Book 2, at Page 81, of Florida; said Resubdivision being recorded in Plat Book 21, at Page 26, of the Public Records of Dade County, Florida; together with 3.08 foot easement lying South of lots 3 and 4 and North of Lots 5 to 11, Block "A" of TATUM'S RESUBDIVISION of Lots 7 and 8 in Block 48 of OCEAN BEACH ADDITION NO. 3, Plat Book 21, at Page 26, of the Public Records of Dade County, Florida.

Lot 6, in Block 48, OCEAN BEACH ADDITION NO. THREE, according to the Plat thereof, as recorded in Plat book 2, at Page 81 of the Public Records of Dade County, Florida.

B-1

JS *J-7*

615-5TH STREET CORP DISCLOSURES OF INTEREST

615-5TH STREET, CORP.	Ownership %
DAVID E. STONE REVOCABLE TRUST	40.00%
TRUSTEE: DAVID STONE – 0%	
BENEFICIARY: DAVID STONE – 100% (Entire 40.00%)	
DANIEL STONE	20.00%
ALLISON STONE	20.00%
RACHEL LICHTENSTEIN	18.00%
GREGG LICHTENSTEIN	2.00%
TOTAL:	100.00%

PLANTS OF RUSKIN DISCLOSURE

PLANTS OF RUSKIN, LLC	Ownership %
POR HOLDINGS, LLC (Please see further disclosure on attached table)	50.00002%
ALTMED, LLC (Please see further disclosure on attached table)	40.99998%
SOUTSHORE MEDVEST, LLC OWNER: JAMES SCAROLA – 100%	2.00000%
BAY FLOWER, LLC OWNER: CHERYL CURRIE KILCOYNE – 100%	1.00000%
MICHAEL W. HOWARD	1.00000%
BRIAN SPICHER	0.60000%
JAIMEVAN, L.L.C. DEFINED BENEFIT PLAN OWNER: JAMES GENTILE – 100%	0.60000%
ZEAD, LLC OWNER: GINA SHANNON – 100%	0.30000%
BE-MAC ASSET MANAGEMENT OWNER: BRUCE MCCLENDON – 100%	0.20000%
PTK CAN, LLC OWNER: PETER KIRK WOOD – 100%	0.20000%
SNELL FAMILY TRUST OWNER: RICHARD SNELL – 100%	0.20000%
CONCEPT DEVELOPMENT GROUP, LLC OWNER: JAMES CANNON – 100%	0.15000%
TODD CIELO AND YOLANDA CIELO, AS TENANTS BY THE ENTIRETIES	0.15000%
RALPH J. LAZAR	0.10000%
ELISABETH A. COLLIER	0.10000%
CRAIG E. BEHRENFELD	0.10000%
LINDA BADGEROW	0.10000%
JOSEPH MOBLEY	0.20000%
KENNETH LEE	0.50000%
C&C INVESTMENTS OF FLORIDA, LLC OWNER: KATHY CABLISH – 100%	0.40000%
MCC INVESTMENTS OF FLORIDA, LLC OWNER: DERIC CABLISH – 100%	0.40000%
JOSEPH SHEEHAN AND FAITH SHEEHAN, AS TENANTS BY THE ENTIRETIES	0.10000%
MICHAEL MARCONI	0.05000%
MICHELLE MAHER	0.05000%
ROBERT MARGOLIS AND LORELLA MARGOLIS, AS TENANTS BY THE ENTIRETIES	0.10000%
PETER CUPPS	0.20000%

SEAN POWELL AND KATHLEEN MAHER, AS TENANTS BY THE ENTIRETIES	0.10000%
VICKY ELSBERRY AND ROSS ELSBERRY, AS TENANTS BY THE ENTIRETIES	0.10000%
TOTAL:	100.000000%

DISCLOSURES OF INTEREST (CONT.)

POR HOLDINGS, LLC	Ownership %
EDWARD L. DICKMAN, TRUSTEE OF THE EDWARD L. DICKMAN REVOCABLE TRUST AGREEMENT OF 2000	33.50%
TRUSTEES: GLENN K. DICKMAN AND JOHN TIPTON – 0%	
BENEFICIARY: EDWARD L. DICKMAN – 100% (Entire 33.50%)	
EDWARD L. DICKMAN TRUST F/B/O DIERDRE L-M DICKMAN	4.00%
EDWARD L. DICKMAN TRUST F/B/O WENDY Y. DICKMAN	4.00%
GLENN K. DICKMAN, TRUSTEE OF THE GLENN K. DICKMAN REVOCABLE TRUST AGREEMENT OF 2000	41.50%
TRUSTEES: JOHN TIPTON AND EDWARD DICKMAN – 0%	
BENEFICIARY: GLENN K. DICKMAN – 100% (Entire 41.50%)	
JOHN TIPTON	14.60%
BEVERLY LYONS	0.20%
MICHAEL MARCONI	0.20%
MICHELE MARCONI	0.20%
JANET MORRIS	0.20%
JACLYN R. TIPTON	0.40%
JOHN M. TIPTON	0.40%
MIRANDA R. TIPTON	0.40%
PATRICIA TIPTON	0.20%
RONALD TIPTON	0.20%
TOTAL:	100.00%

DISCLOSURES OF INTEREST (CONT.)

ALTERNATIVE MEDICAL ENTERPRISES, LLC	Ownership %
WILLIAM BORIS PETRON	12.240%
R. MICHAEL SMULLEN	6.973%
RAJU LAKHWANI	0.934%
VALERIE RIDDLE, M.D.	1.370%
RON WATSON	0.486%
TODD MARCOTTE	1.214%
JOHN CANNON	3.093%
MICHAEL SCHWARTZ	3.093%
R. DAVID PROFFITT	0.316%

TRACI SMULLEN	0.079%
PAUL FELDMAN	0.581%
INGA H. NICHOLAS	0.994%
MARK & HOLLY PASCARELLA	1.885%
RICHARD HERMAN	1.736%
AUSTIN SMULLEN	0.422%
COLIN TRETHERWEY	0.474%
FRANK AND KATHLEEN CZWORKA	0.316%
IGOR GIMELSHTAIN	5.131%
THOMAS AND SUSAN JACKSON	0.909%
BRUCE AND SANDRA CHAPNICK	0.019%
KIM AND SUZANNE LELLI	0.455%
SEAN AND CORY DUGUAY	0.182%
MARK MILLER	4.203%
GARY MERLINO AND DANIEL RAYMOND	27.585%
JOSEPH STROUD	0.860%
CHRISTOPHER WITOWSKI	0.524%
TODD BECKWITH	0.178%
PATRICK SMULLEN	0.118%
ASHLEY VOGEL	0.079%
KAREN QUICK	0.183%
ERIC BAIRD	5.721%
PETER PINTO	0.465%
TOM AND JANE SULLIVAN	0.368%
DAVID BASS	0.400%
JOHN LACIVITA	0.273%
AARON & ANDREA RUTSKY	0.451%
WENDY R. HOWARD IRREVOCABLE TRUST	0.902%
REGINALD CANDELARIA	0.902%
AIMEE C. HERMANN IRA	0.203%
MATTHEW DUFFY	0.316%
WILLIAM JULA	0.066%
JANIS KRUMS	0.197%
DAVID CLAPPER & WILLIAM LINEMAN	13.108%
TOTAL	100.00%