

MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2ND FLOOR
MIAMI BEACH, FLORIDA 33139, WWW.MIAMIBEACHFL.GOV
305-673-7550

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.

- ☐ BOARD OF ADJUSTMENT
 - ☐ VARIANCE FROM A PROVISION OF THE LAND DEVELOPMENT REGULATIONS
 - ☐ APPEAL OF AN ADMINISTRATIVE DECISION
- ☐ DESIGN REVIEW BOARD
 - ☐ DESIGN REVIEW APPROVAL
 - ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY DRB.
- ☐ HISTORIC PRESERVATION BOARD
 - ☐ CERTIFICATE OF APPROPRIATENESS FOR DESIGN
 - ☐ CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
 - ☐ HISTORIC DISTRICT / SITE DESIGNATION
 - ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY HPB.
- ☒ PLANNING BOARD
 - ☒ CONDITIONAL USE PERMIT
 - ☐ LOT SPLIT APPROVAL
 - ☐ AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
 - ☐ AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP
- ☐ FLOOD PLAIN MANAGEMENT BOARD
 - ☐ FLOOD PLAIN WAIVER
- ☐ OTHER _____

SUBJECT PROPERTY ADDRESS: 1904 Marseille Drive; 7100 Rue Granville; and 1915 Normandy Drive

LEGAL DESCRIPTION: PLEASE ATTACH LEGAL DESCRIPTION AS "EXHIBIT A"

FOLIO NUMBER (S) 02-3210-011-0270; 02-3210-011-0280; 02-3210-011-0290

1. APPLICANT: ☐ OWNER OF THE SUBJECT PROPERTY ☐ TENANT ☐ ARCHITECT ☐ LANDSCAPE ARCHITECT
☐ ENGINEER ☐ CONTRACTOR ☒ OTHER Contract Purchaser/Future Operator

NAME Normandy Living, LLC
 ADDRESS 101 20th Street, Suite 2706, Miami, FL 33139
 BUSINESS PHONE (310) 867-0321 CELL PHONE _____
 E-MAIL ADDRESS _____

OWNER IF DIFFERENT THAN APPLICANT: 1904 Marseille Drive & 7100 Rue Granville

NAME Better Living Investment, LLC
 ADDRESS 3325 S. University Drive #202, Fort Lauderdale, FL 33328
 BUSINESS PHONE _____ CELL PHONE _____
 E-MAIL ADDRESS _____

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME Michael W. Larkin & Matthew Amster, Bercow Radell & Fernandez, PLLC
 ADDRESS 200 S. Biscayne Blvd, Suite 850, Miami, FL 33131
 BUSINESS PHONE (305) 374-5300 CELL PHONE _____
 E-MAIL ADDRESS mlarkin@brzoninglaw.com & jkarr@brzoninglaw.com

☐ ~~AGENT~~: OWNER IF DIFFERENT FROM APPLICATION: 1915 Normandy Drive.

NAME Kyrah N. Rodriguez
 ADDRESS 1915 Normandy Drive, Miami Beach, FL 33141
 BUSINESS PHONE _____ CELL PHONE _____
 E-MAIL ADDRESS _____

☐ CONTACT:

NAME _____
 ADDRESS _____
 BUSINESS PHONE _____ CELL PHONE _____
 E-MAIL ADDRESS _____

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☐ ARCHITECT ☐ LANDSCAPE ARCHITECT ☐ ENGINEER ☐ CONTRACTOR ☐ OTHER: _____

NAME Jose Gomez, Beilinson & Gomez Architects
 ADDRESS 8101 Biscayne Blvd, Suite 309, Miami, FL 33138
 BUSINESS PHONE _____ CELL PHONE (786) 507-1937
 E-MAIL ADDRESS jg@beilinsonarchitectspa.com

FILE NO. _____

4. SUMMARY OF APPLICATION – PROVIDE BRIEF SCOPE OF PROJECT:

Amendment of a conditional use permit to change owner and operator to Normandy Living, LLC and to increase the permitted number of beds at the ACLF. See letter of intent and operations plans for more details.

- 4A. IS THERE AN EXISTING BUILDING(S) ON THE SITE ☒ YES ☐ NO
- 4B. DOES THE PROJECT INCLUDE INTERIOR OR EXTERIOR DEMOLITION ☒ YES ☐ NO
- 4C. PROVIDE THE TOTAL FLOOR AREA OF THE NEW BUILDING (IF APPLICABLE) _____ SQ. FT.
- 4D. PROVIDE THE TOTAL GROSS FLOOR AREA OF THE NEW BUILDING (INCLUDING REQUIRED PARKING AND ALL USEABLE FLOOR SPACE). _____ SQ. FT.

5. APPLICATION FEE (TO BE COMPLETED BY PLANNING STAFF) \$ _____

- 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 FEE. 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 A PROJECT 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, LANDSCAPE ARCHITECTS, ENGINEERS, 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.

FILE NO. _____

- IN ACCORDANCE WITH SEC 118-31. - DISCLOSURE REQUIREMENT EACH PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION FROM THE PLANNING BOARD, DESIGN REVIEW BOARD, HISTORIC PRESERVATION BOARD (INCLUDING THE JOINT 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 SERVICES 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 FOREGOING 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 FROM 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 AFORESAID IS ACKNOWLEDGED BY: ☒ OWNER OF THE SUBJECT PROPERTY
 AUTHORIZED REPRESENTATIVE

SIGNATURE

PRINT NAME

Gary Alvarez

FILE NO. _____

- IN ACCORDANCE WITH SEC.118-31. - DISCLOSURE REQUIREMENT. EACH PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION FROM THE PLANNING BOARD, DESIGN REVIEW BOARD, HISTORIC PRESERVATION BOARD (INCLUDING THE JOINT 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 SERVICES 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 FOREGOING 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 FROM 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 - 1915 Normandy Dr.
☐ AUTHORIZED REPRESENTATIVE

SIGNATURE: 

PRINT NAME: Kyrah N. Rodriguez

FILE NO. _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF
COUNTY OF

I, N/A, 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 removing 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
(Circle one)

STATE OF Florida

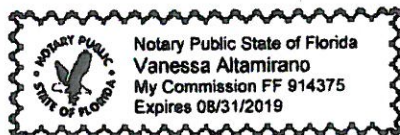
COUNTY OF

I, Gary John Alvarez, being duly sworn, depose and certify as follows: (1) I am the Owner (print title) of Better Living Investment, LLC (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 or tenant 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 the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (7) I am responsible for removing this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 30 day of March, 2016. The foregoing instrument was acknowledged before me by Gary John Alvarez of _____, on behalf of such entity, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:



My Commission Expires:

NOTARY PUBLIC

Vanessa Altamirano

PRINT NAME

FILE NO. _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

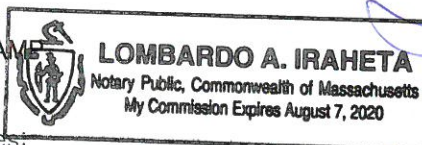
STATE OF Massachusetts
 COUNTY OF Suffolk

I, Kyrah N. Rodriguez, 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 removing this notice after the date of the hearing.

Sworn to and subscribed before me this 27th day of April, 2016. The foregoing instrument was acknowledged before me by Kyrah N. Rodriguez who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

SIGNATURE

NOTARY SEAL OR STAMP



My Commission Expires:

NOTARY PUBLIC

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR
 CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY
 (Circle one)

STATE OF Florida
 COUNTY OF _____

I, _____, being duly sworn, depose and certify as follows: (1) I am the _____ (print title) of _____ (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 or tenant 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 the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (7) I am responsible for removing 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 _____ of _____, on behalf of such entity, 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

FILE NO. _____

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida

COUNTY OF

I, Gary J. Alvarez, being duly sworn and deposed, 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 Michael W. Larkin & Justin Karr, BRF to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

Gary John Alvarez
PRINT NAME (and Title, if applicable)

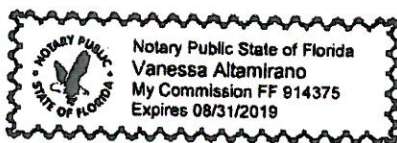
X [Signature]

SIGNATURE

Sworn to and subscribed before me this 30 day of March, 2016. The foregoing instrument was acknowledged before me by Gary John Alvarez of _____ who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires



[Signature]

NOTARY PUBLIC

Vanessa Altamirano
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 contract purchasers are corporations, partnerships, limited liability companies, trusts, 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. 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 is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

FILE NO. _____

STATE OF ~~Florida~~ Massachusetts **POWER OF ATTORNEY AFFIDAVIT**
 COUNTY OF SUMMIT

I, Kyrah Rodriguez, being duly sworn and deposed, 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 Michael W. Larkin & Matthew Amster, BRF to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

Kyrah N. Rodriguez
 PRINT NAME (and Title, if applicable)

Kyrah
 SIGNATURE

Sworn to and subscribed before me this 27 day of April, 2016. The foregoing instrument was acknowledged before me by Kyrah N. Rodriguez of Miami Beach who has produced as identification and/or is personally known to me and did did not take an oath.

NOTARY SEAL OR STAMP



[Signature]
 NOTARY PUBLIC
R. Cooper
 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 contract purchasers are corporations, partnerships, limited liability companies, trusts, 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. 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.*

Normandy Living, LLC
 NAME

March 2016
 DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

Rick Yune & Christopher Cuomo
101 20th Street, Suite 2706
Miami, FL 33139

% OF STOCK

50%/50%

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

FILE NO. _____

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida
COUNTY OF

I, Richard Yune, being duly sworn and deposed, 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 Michael W. Larkin & Justin Karr, BRF to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

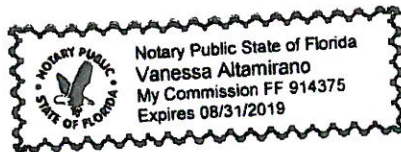
Richard Yune
PRINT NAME (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me this 13 day of April, 2016. The foregoing instrument was acknowledged before me by Richard Yune of _____ who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires



[Signature]
NOTARY PUBLIC

Vanessa Altamirano
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 contract purchasers are corporations, partnerships, limited liability companies, trusts, 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. 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 is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

FILE NO. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

1. 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.*

Better Living Investment, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

See Exhibit B

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

Normandy Living, LLC

See Exhibit B

IF THERE ARE ADDITIONAL CORPORATE OWNERS, LIST ALL SUCH OWNERS, INCLUDING CORPORATE NAMES AND THE NAME, ADDRESS, AND PERCENTAGE OF OWNERSHIP OF EACH ADDITIONAL OWNER, ON A SEPARATE PAGE.

NOTE: Notarized signature required on page 9

FILE NO. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION
DISCLOSURE OF INTEREST

2. TRUSTEE

If the property that is the subject of this 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.*

N/A

TRUST NAME

NAME AND ADDRESS

% INTEREST

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: Notarized signature required on page 9

FILE NO. _____

3. 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 #
a.	Michael W. Larkin	200 S. Biscayne Blvd, Suite 850, Miami, FL	(305) 374-5300
b.	Justin Karr + Matthew Amster	200 S. Biscayne Blvd, Suite 850, Miami, FL	(305) 374-5300
c.	Jose Gomez	8101 Biscayne Blvd, Suite 309, Miami, FL	(786) 507-1937

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

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity, consisting of more than 5,000 separate interests, where no one person or entity holds more than a total of 5% of the ownership interests in the entity.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) ANY 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

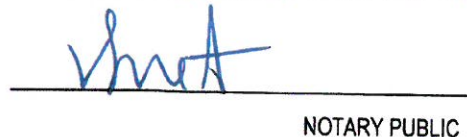
COUNTY OF

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


SIGNATURE

Sworn to and subscribed before me this 13 day of April, 2016. 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:

Janessa Altamirano
PRINT NAME

FILE NO. _____

EXHIBIT A

LEGAL DESCRIPTIONS

1904 MARSEILLE DRIVE / 02-3210-011-0270

Lot 12, Block 35, MIAMI VIEW SECTION THREE, ISLE OF NORMANDY, according to the Plat thereof, as recorded in Plat Book 40, Page 33 of the Public Records of Miami-Dade County Florida

7100 RUE GRANVILLE / 02-3210-011-0280

Lot 13, Block 35, MIAMI VIEW SECTION PART 3 ISLES OF NORMANDY, according to the Plat thereof, as recorded in Plat Book 40, at Page 33 of the Public Record of Miami-Dade County, Florida.

1915 NORMANDY DRIVE / 02-3210-011-0290

Lot 14, Block 35, of MIAMI VIEW SECTION, PART THREE, CITY OF MIAMI BEACH, according to the Plat thereof, as recorded in Plat Book 40, at Page 33, of the Public Records of Miami-Dade County, Florida.

Subject to easements, restrictions and reservations of record and to taxes for the year 1999 and thereafter.

EXHIBIT B

Normandy Living, LLC

101 20th Street
Suite 2706
Miami, FL 33139

Richard Yune	80%
Mark Epley	10%
Christopher Cuomo	10%

Better Living Investments, LLC

3420 NE 164th Street
North Miami Beach, FL 33160

Stanley Gary	25%
Gary John Alvarez	75%



DIRECT LINE: (305) 377-6231
E-Mail: MLarkin@BRZoningLaw.com

VIA HAND DELIVERY

May 4, 2016

Thomas Mooney, Planning Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Request for Modification of Conditional Use Permit Approval for the Properties
located at 1904 Marseille Drive, 7100 Rue Granville, and 1915 Normandy Drive

Dear Tom:

This firm represents Normandy Living, LLC (the "Applicant"), the contract-purchaser of the properties located at 1904 Marseille Drive, 7100 Rue Granville, and 1915 Normandy Drive (collectively, the "Property"). Please consider this the Applicant's letter of intent in support of a request to amend an existing Conditional Use Permit ("CUP") for an Adult Congregate Living Facility ("ACLF"), in order to change the owner/operator to Normandy Living, LLC and to increase the total permitted beds.

Description of the Property. The Property is located on the west side of Rue Granville between Marseille Drive in the north and Normandy Drive in the south. 1904 Marseille Drive at the north of the Property contains a 1-story, multifamily residential building with four apartment units. 7100 Rue Granville, immediately to the south, has operated as an ACLF since 1982. It currently operates as Better Living Investment, LLC (a.k.a. Normandy Estates), a 12-bed ACLF licensed and in operation for many years.¹ 1915 Normandy Drive located to the west contains a small, 1-story single-family home.

The Property is zoned Residential Multifamily, Low Density (RM-1) under the City's land development regulations. Pursuant to Section 142-153(a), the RM-1 zoning district permits ACLFs and nursing homes as conditional uses.

¹ Previously licensed as Douglas Gardens Community Mental Health Center.

Development Approval History. City records indicate that multiple operators have operated various formats of ACLFs at 7100 Rue Granville since at least 1982. Board of Adjustment File No. 1524 approved a parking variance for that parcel and further indicates that the City Commission granted approval for ACLF operation in 1982 (pursuant to City Commission Memo 537-82 dated August 18, 1982). See attached Final Order for Board of Adjustment File No. 1524 dated September 23, 1986.

In 2013, the current owner of 7100 Rue Granville and 1904 Marseille Drive, Gary Alvarez/Better Living Investment, LLC, obtained a CUP to expand the existing 12-bed facility at 7100 Rue Granville onto the adjacent property to the north at 1904 Marseille Drive. See attached Final Order for Planning Board File No. 2141 dated November 13, 2013. The plans approved with the 2013 CUP contemplated the conversion of the existing 4-unit multifamily building on Marseille Drive into an ACLF with 21 beds that would operate in the same fashion as the facility at 7100 Rue Granville. The plans proposed connecting the building at 1904 Marseille Drive to the 7100 Rue Granville facility through a raised wooden deck with a canopy cover. The 12 beds were to remain at the 7100 Rue Granville building.

The current owner did not obtain a building permit within the allotted time limitation on the order and subsequently reapplied for the CUP. In October 2015, the Planning Board re-approved the expired CUP for the expansion of the existing use onto the Marseille Drive property. See attached Final Order for Planning Board File No. 2281 dated October 9, 2015. The plans approved with the application depicted only 19 beds rather than the 21 beds initially approved with the 2013 CUP. The approved plans retained the existing 12 beds at 7100 Rue Granville.

Under both CUPs obtained by the current operator in 2013 and 2015, the proposed expansion on Marseille Drive would be contained within the shell of the existing 1-story multifamily structure and involved only nonstructural interior demolition. Therefore, any requirement for off-street parking triggered by the increase in intensity could be satisfied through a fee in lieu of providing on-site parking.

Description of Proposed Development. The Applicant will become the new owner/operator of the facility. The Applicant has reevaluated the previous site plan for expansion onto 1904 Marseille Drive and proposes a second floor addition above the existing multifamily structure to increase from the approved 19 to 44 beds; each floor will contain 22 beds. The 7100 Rue Granville facility will continue to operate as it does today with 12 beds. The Applicant will submit an application for design review approval of the proposed building addition to the Design Review Board in the near future.

The expansion onto 1904 Marseille Drive proposes an addition atop the existing structure with 22 beds. Therefore, the additional floor area triggers an off-street parking requirement of 11 spaces that cannot be satisfied through the fee-in-lieu program. In order to provide this parking, the Applicant is acquiring the 1915 Normandy Drive property for conversion into an open-air, surface parking lot with 11 parking spaces. The secured parking lot will serve only employees and guests of the residents of the facility and may not be used by the public. Residents at the facility will not be driving vehicles and will not utilize this parking area.

Conditional Use Criteria. Every conditional use application requires the Planning Board to determine an application's consistency with seven (7) criteria. Those criteria, codified in Section 118-192(a), follow below, accompanied with a description of the application's consistency with each.

(1) The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

The project is consistent with the Comprehensive Plan, as the use is permissible within the Low Density Multifamily Residential Category (RM-1) Future Land Use designation as a Conditional Use. The project is also consistent with Housing Element Objective 4 which encourages that there be adequate sites for group homes, at approximately 20% of the City's land area.

(2) The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

The proposed project is not anticipated to exceed the Level of Service (LOS) for the surrounding area. Despite the increase in intensity, the facility will be self-contained with 11 parking spaces where none existed before, and will not impose great impact on traffic, infrastructure, or services.

(3) Structures and uses associated with the request are consistent with these land development regulations.

The proposed use is an Adult Congregate Living Facility, as defined by Section 114-1 of the City Code, which is allowed in the underlying zoning district as a conditional use. The use has existed at this location for decades and any physical improvements must undergo the design review approval process pursuant to the Code.

(4) The public health, safety, morals, and general welfare will not be adversely affected.

The proposed facility will have no impact on the public's health, safety, or welfare. The current facility and prior operations have operated at 7100 Rue Granville for over three decades. The Applicant's proposal responds to a large, underserved demand for such services citywide.

(5) Adequate off-street parking facilities will be provided.

The development plan proposes to construct sufficient parking to adequately serve the expanded use of the building. Notwithstanding satisfaction of parking requirements, it is important to note that residents of the facility will not be driving vehicles and the facility will have a transportation vehicle to transport residents to off-site appointments.

(6) Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Thoughtful management and operation by the Applicant's licensed and experienced staff will help ensure a quality facility providing important services needed in the City. With proper controls and safeguards, this use will not have any detrimental impact on the surrounding properties or neighborhood values. Notably, only limited medical services, such as monitoring of vitals and administering medications, will occur at the facility. These services are akin to those provided at assisted living facilities (ALF) and nursing homes, and are already provided by the existing ALF at the Property.

(7) The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

There exist no other ACLFs in the immediate vicinity. The Applicant merely seeks to expand an approved facility. The staff recommendation less than a year ago for the October 2015 CUP noted that the existing facility is run professionally, enjoys a favorable reputation in the community, and received no complaints from neighbors. Not only has the use existed at this location over 30 years, but demand has grown in the community.

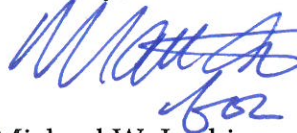
Thomas Mooney, Planning Director

May 4, 2016

Page 5

Conclusion. The Applicant proposes a thoughtful expansion of an already approved ACLF. We look forward to your favorable recommendation on our application. If you have any questions or comments, please call me at 305-377-6231.

Sincerely,



Michael W. Larkin

Attachments

cc: Rick Yune
Matthew Amster, Esq.

1986 OCT 14 AM 10:25

86R352063

REC: 1304861660

BEFORE THE ZONING BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA

IN RE: The application of
JAY AND JACQUELINE WELLS

CASE NO: 1772

O R D E R

On the 4th day of September, 1986, the applicant, JAY AND JACQUELINE WELLS filed an application with the Director of the Development Services Division for an appeal from an administrative decision that the subject property does not qualify as a non-conforming 16 bed A.C.L.F. facility. Said Building obtained a conditional use approval from the City Commission on August 18, 1982 for a maximum of 12 beds; and also, a variance was granted on November 5, 1982 under File #1524 for the operation of said facility with 12 residents.

Lot 13, Block 35
Isle of Normandy
Miami View Section Part 3
recorded in Plat Book 40
at Page 33 of the Public Records
of Dade County, Florida.

Notice of the request for appeal was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made. The Board finds that the property in question is located in the RS-4 Zoning District. The Board further finds:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district, to wit:

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

OFF. REC. 1304861661 :

IT IS THEREFORE ORDERED, by the Board, that a variance(s) as requested and set forth above be granted subject to:

RELIEF REQUESTED IS GRANTED. APPLICANT HAS A
NON-CONFORMING ADULT CONGREGATE LIVING
FACILITY WITH 16 BEDS UNDER THE CONDITION THAT
APPLICANT COMPLY WITH ALL OTHER APPLICABLE
CODES.

PROVIDED, the applicant shall take all necessary steps to have permit issued by the Director of the Development Services Division within a period of two (2) years from the date hereof, otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal to the appropriate court. This Order does not constitute a permit, but upon presentation of this Order to the Director of the Development Services Department, a permit shall be issued in accordance and pursuant to the ordinances of the City of Miami Beach.

Dated this 23rd day of September, 1986.

ZONING BOARD OF ADJUSTMENT OF
THE CITY OF MIAMI BEACH,
FLORIDA

BY: Russell Galbut

RUSSELL GALBUT
CHAIRMAN

STATE OF FLORIDA)
)SS
COUNTY OF DADE)

BEFORE ME personally appeared RUSSELL GALBUT to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purpose therein expressed.

WITNESS my hand and official seal, this 23rd day of

September A.D. 1986.

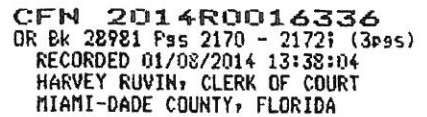
Auth. M. Gush
NOTARY PUBLIC

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. FEB. 5, 1990
BONDED THRU GENERAL INS. UND.
STATE OF FLORIDA

My commission expires

Frank Aymonin, Public Works Director (J)
Jud Kurlancheek, Planning Director (K)

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA.
RECORD # 111111
RICHARD F. PRINCE
CLERK, DADE COUNTY



and the staff report and analysis, which is adopted herein, including staff recommendations, as modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed:

1. This Conditional Use Permit is issued to Gary John Alvarez/Better Living Investment, LLC, for the expansion of the existing Assisted Living Facility. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest or the equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein and to obtain a Modification to this Conditional Use Permit.
2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
3. The applicant shall receive all necessary approvals and licenses from all pertinent local, regional and state government agencies for this facility prior to the issuance of a Certificate of Occupancy or Certificate of Use/Business Tax Receipt, whichever may occur first.
4. The applicant shall pay to the City a yearly fee-in-lieu of providing parking of \$2,800.00. The first payment shall be due before the issuance of the Certificate of Use or Business Tax Receipt, whichever comes first.
5. The applicant shall provide to staff either a Unity of Title or a Covenant in Lieu of Unity of Title before the issuance of a TCO or CO in order to be able to connect the two properties through a hallway, as proposed.
6. A fence shall be required on the North side of the property and plans for it shall be submitted to staff for review and approval prior to the issuance of a building permit.
7. The hours of operation of the ALF shall be as requested by the applicant, 24 hours a day, seven days a week.
8. The number of beds in the expanded facility shall not exceed 21.
9. Any exterior business identification signs shall be submitted to staff for review and approval prior to approval of a building permit.
10. ALF staff shall ensure that patient behavior (noise or loitering) does not become a nuisance to surrounding property owners or tenants.
11. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalk and all the areas adjacent to and around the property, in a clean manner and clear of trash.
12. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Certificate of Use/Business Tax Receipt.
13. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.

14. Within a reasonable time after applicant's receipt of this Conditional Use Permit as signed and issued by the Planning Director, applicant shall record it in the Public Records of Miami-Dade County applicant's expense and then return the recorded instrument to the Planning Department. No building permit, certificate of use, certificate of occupancy, certificate of completion or business tax receipt shall be issued until this requirement has been satisfied.
15. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
16. The establishment and operation of this modified Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
17. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

Dated this 18th day of December, 2013

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
Richard G. Lorber, AICP, LEED AP
Acting Planning Director
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 18th day of December, 2013, by Richard G. Lorber, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]



TERESA MARIA
MY COMMISSION # FF 042188
EXPIRES: December 2, 2017
Bonded Thru Budget Notary Services

Notary: [Signature]
Print Name: Teresa Maria
Notary Public, State of Florida
My Commission Expires: 12-2-17
Commission Number: FF 042188

Approved As To Form:
Legal Department (9/12/12-18-13)

Filed with the Clerk of the Planning Board on (12/19/13) [Signature]

F:\PLAN\PLB\2013\11-19-13\2141 - 1904 Marseille Dr\2141 - CUP.docx

PB 2141 - 1904 Marseille Drive
November 19, 2013

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 1904 Marseille Drive
FILE NO. 2281
IN RE: The request for a Conditional Use Permit for the expansion of an existing Assisted Living Facility located at 7100 Rue Granville, pursuant to Section 142, Article V.
LEGAL DESCRIPTION: Lot 12 Block 35 Isle of Normandy Miami View Section Part 3, according to the plat thereof, recorded in Plat Book 40 Page 33 of the public records of Miami Dade-County Florida.

MEETING DATE: October 9, 2015

CONDITIONAL USE PERMIT

The applicant, Better Living Investments LLC, requested a Conditional Use Permit for the expansion of an existing Assisted Living Facility located at 7100 Rue Granville, pursuant to Section 142, Article V.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

That the property in question is located in the RM-1, Residential Multifamily Low Intensity Zoning District;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and uses associated with the request are consistent with the Land Development Regulations;

✓ That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, that the Conditional Use Permit be GRANTED, as provided below:

1. This Conditional Use Permit is issued to Better Living Investment, LLC, for the expansion of an existing Assisted Living Facility. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein and to obtain a Modification to this Conditional Use Permit.

MB

2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
3. The applicant shall receive all necessary approvals and licenses from all pertinent local, regional and state government agencies for this facility prior to the issuance of a Certificate of Occupancy or Certificate of Use/Business Tax Receipt, whichever may occur first.
4. The applicant shall pay to the City the applicable yearly fee-in-lieu of providing parking. The first payment shall be due before the issuance of the Certificate of Use or Business Tax Receipt, whichever comes first.
5. The applicant shall pay to the City all applicable Concurrency Mitigation Fees prior to obtaining a Building Permit or the issuance of the Certificate of Use or Business Tax Receipt, whichever comes first.
6. The applicant shall provide either a Unity of Title or a Covenant in Lieu of Unity of Title before the issuance of a TCO or CO in order to be able to connect the two properties through a hallway, as proposed.
7. The hours of operation of the ALF shall be as requested by the applicant, 24 hours a day, seven days a week.
8. The maximum number of beds in the expanded facility shall be limited to 19, as proposed by the applicant.
9. Any exterior business identification signs shall be submitted to staff for review and approval prior to approval of a Building Permit.
10. ALF staff shall ensure that patient behavior (noise or loitering) does not become a nuisance to surrounding property owners or tenants.
11. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalk and all the areas adjacent to and around the property, in a clean manner and clear of trash.
12. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Certificate of Use/Business Tax Receipt.
13. This Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida at the expense of the applicant.
14. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

15. The establishment and operation of this modified Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
16. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

Dated this 20th day of APRIL, 2016.

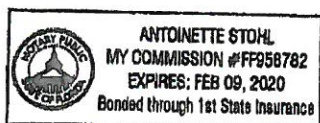
PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush

Michael Belush, Planning and Zoning Manager
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 20th day of APRIL, 2016, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Notary: Antoinette Stohl
Print Name ANTOINETTE STOHL
Notary Public, State of Florida
My Commission Expires:
Commission Number:

{NOTARIAL SEAL}

Approved As To Form:
Legal Department

for M. Belush