

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: 1575 Alton Road, Miami Beach, Florida 33139

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

FOLIO NUMBER (s) 02-3234-018-0410

1. APPLICANT: ☒ OWNER OF THE SUBJECT PROPERTY ☐ TENANT ☐ ARCHITECT ☐ LANDSCAPE ARCHITECT
☐ ENGINEER ☐ CONTRACTOR ☐ OTHER _____

NAME ARRP Miami IV, LLC

ADDRESS 2200 Biscayne Boulevard, Miami, Florida 33137

BUSINESS PHONE 305-374-5700

CELL PHONE N/A

E-MAIL ADDRESS jgalbut@meninhospitality.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME _____

ADDRESS _____

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME James E. Rauh, Esq., Greenspoon Marder, P.A.

ADDRESS 1601 Washington Avenue, Suite 300, Miami Beach, Florida 33139

BUSINESS PHONE 305-789-2732

CELL PHONE 305-510-4077

E-MAIL ADDRESS james.rauh@gmlaw.com

☐ AGENT:

NAME _____

ADDRESS _____

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 Doug Preston, Norberto Rosenstein Architect

ADDRESS 126 South Federal Highway #202, Dania Beach, Florida 33004

BUSINESS PHONE 954-922-6551

CELL PHONE N/A

E-MAIL ADDRESS dpreston@rosensteinarchitect.com

FILE NO. _____

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

Request for Design Review Approval for the modifications to the design for the existing structure located
at 1575 Alton Road and variances for signage.

- 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 AFOREMENTIONED IS ACKNOWLEDGED BY: ☒ OWNER OF THE SUBJECT PROPERTY

☐ AUTHORIZED REPRESENTATIVE

SIGNATURE: _____

PRINT NAME: David B. Smith, Manager of ARRP Miami IV, LLC

FILE NO. _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____
COUNTY OF _____

I, Not Applicable, 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.

Not Applicable
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.

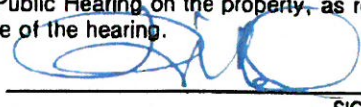
NOTARY SEAL OR STAMP Not Applicable
NOTARY PUBLIC

My Commission Expires: _____ Not Applicable
PRINT NAME

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

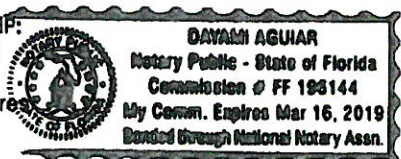
STATE OF Florida
COUNTY OF Miami Dade

I, David B. Smith, being duly sworn, depose and certify as follows: (1) I am the Manager (print title) of ARRP Miami IV, 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.

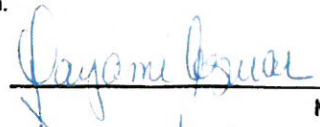

David B. Smith, Manager of ARRP Miami IV, LLC
SIGNATURE

Sworn to and subscribed before me this 35 day of May, 20 16. The foregoing instrument was acknowledged before me by David B. Smith, Manager of ARRP Miami IV, LLC, 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:


Dayami Aguilar
NOTARY PUBLIC
PRINT NAME

FILE NO. _____

POWER OF ATTORNEY AFFIDAVITSTATE OF Florida
COUNTY OF Miami Dade

I, David B. Smith, Manager of ARRP Miami IV, LLC 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 James E. Rauh, Esq. and Greenspoon Marder, P.A. to be my representative before the Design Review 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.

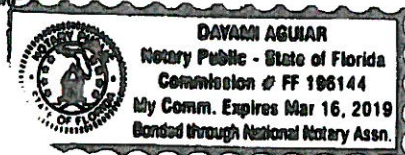
David B. Smith, Manager of ARRP Miami IV, LLC

PRINT NAME (and Title, if applicable)

SIGNATURE

Sworn to and subscribed before me this 25 day of May, 2016. The foregoing instrument was acknowledged before me by David B. Smith, Manager of ARRP Miami IV, LLC 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

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.*

Not Applicable

Not Applicable

NAME

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

Not Applicable

Not Applicable

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.*

ARRP Miami IV, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

See Exhibit "B"

Not Applicable

% OF OWNERSHIP

See Exhibit "B"

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

Not Applicable

% OF OWNERSHIP

Not Applicable

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.*

Not Applicable

TRUST NAME

NAME AND ADDRESS	% INTEREST
<u>Not Applicable</u>	<u>Not Applicable</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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.	James F. Ruah, Esq., Greenspoon Marder, P.A.	1601 Washington Avenue, Suite 300	305-789-2732
b.		Miami Beach, Florida 33139	
c.			

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 Florida
COUNTY OF Miami-Dade

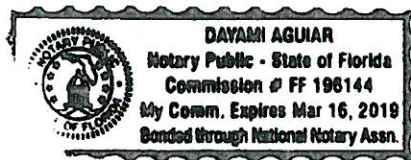
I, David B. Smith, Manager of
ARRP Miami IV, LLC, being first duly sworn, depose and certify as follows: (1) I am the applicant, or the representative of the applicant. (2) This application and all information submitted in support of this application, including disclosures, sketches, data, and other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

[Signature]
SIGNATURE
David B. Smith, Manager of ARRP Miami IV, LLC

Sworn to and subscribed before me this 25 day of May, 20 16. 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

My Commission Expires:



[Signature]
NOTARY PUBLIC
Dayami Aguiar
PRINT NAME

FILE NO. _____

EXHIBIT "A"

LEGAL DESCRIPTION

LOTS 11 AND 12, BLOCK 65, COMMERCIAL SUBDIVISION, ACCORDING TO THE
PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 5, OF THE PUBLIC RECORDS OF
MIAMI-DADE COUNTY, FLORIDA

EXHIBIT "B"

DISCLOSURE OF INTEREST

1. CORPORATION

If the property which is the subject of the application is owned or leased by a CORPORATION, list ALL of the stockholders, and the percentage of stock owned by each. Where the stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

ARRP Miami IV, LLC

CORPORATION NAME

NAME AND ADDRESS

% OF STOCK

ARRP Miami IV, LLC

KGM Equities 2, LLC
2200 Biscayne Boulevard
Miami, Florida 33137

97.5%

Beach R Holdings, LLC
655 W Irving Park Road
Suite 208
Chicago, IL 60613

2.5%

KGM Equities 2, LLC

Bruce A. Menin 2004 Irrevocable Trust
2200 Biscayne Boulevard
Miami, FL 33137

10%

Russell W. Galbut 2004 Irrevocable Trust
2200 Biscayne Boulevard
Miami, FL 33137

45%

Sonny Kahn 2004 Irrevocable Trust
2200 Biscayne Boulevard
Miami, FL 33137

45%

Beach R Holdings, LLC

Tomer Bitton
655 West Irving Park Road, Suite 208
Chicago, IL 60613

100%

26418304v1

26562847v1

Bruce A. Menin 2004 Irrevocable Trust

Maxwell Logan Menin	33.33333333333333%
71 Town Line Road	
Wainscott, New York 11975	

Mason Brice Menin	33.33333333333333%
71 Town Line Road	
Wainscott, New York 11975	

Lucas Andrew Menin	33.33333333333333%
71 Town Line Road	
Wainscott, New York 11975	

Russell W. Galbut 2004 Irrevocable Trust

Marisa Anne Galbut	50%
5225 Collins Ave, PH8	
Miami Beach, FL 33140	

Jenna Beth Galbut	50%
5225 Collins Ave, PH8	
Miami Beach, FL 33140	

Sonny Kahn 2004 Irrevocable Trust

Elliott E. Kahn	20%
5940 N. Bay Road	
Miami Beach, FL 33140	

Joshua E. Kahn	20%
5940 N. Bay Road	
Miami Beach, FL 33140	

Naomi R. Kahn	20%
5940 N. Bay Road	
Miami Beach, FL 33140	

Rachel H. Kahn	20%
5940 N. Bay Road	
Miami Beach, FL 33140	

Avigail Kahn	20%
5940 N. Bay Road	
Miami Beach, FL 33140	

GreenspoonMarder

From the desk of:
James E. Rauh, Esq.
1601 Washington Avenue, Suite 300
Miami Beach, Florida 33139
Phone: 305.602.8245
Fax: 305.448.5566
Direct Phone: 305.789.2732
Direct Fax: 305.537.3928
Email: james.rauh@gmlaw.com

June 3, 2016

Via Hand Delivery

Chair and Board Members, Design Review Board
City of Miami Beach, Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

**Re: Letter of Intent for Design Review Approval and Variances for Signage for the
Property Located at 1575 Alton Road**

Dear Chair and Board Members:

Our Law Firm represents ARRP IV, LLC (the "Applicant"), the owner of the property located at 1575 Alton Road (the "Property"). Please allow this correspondence to serve as the Applicant's Letter of Intent in support of the enclosed application seeking design review approval and certain variances for signage from the Design Review Board ("DRB").

The Property is located at the corner of 16th Street and Alton Road and is identified by Miami-Dade County Folio No. 02-3234-018-0410. According to the Building Card on file with the City, the Firestone Tire & Rubber Company improved the Property with a structure to serve as a filling station in 1939. The existing structure located on the Property has served as a Firestone Complete Auto Care for many years. The Applicant recently purchased the Property and the existing use remains Automobile / Truck: Body Shop, Garage, Storage and Merchant Sales, as recited in the current Business Tax Receipt & Certificate of Use issued by the City.

The subject Property is located within the CD-2 (Commercial, Medium Intensity) zoning district, which provides for commercial activities, services, offices and related activities which serve the entire City. *Sec. 142-301, City Code*. The main permitted uses in this zoning district are "commercial uses, apartments, apartment/hotels, religious institutions ... and alcoholic beverage establishments" *Sec. 142-302, City Code*. The Property is completely surrounded by, and adjacent to, commercial zoning districts on all sides: the adjacent zoning districts to the north, south and west are CD-2; the zoning district to the east is CD-1.

The Applicant intends to adaptively reuse the existing structure to accommodate four (4) separate commercial tenancies, which will include a restaurant/diner, cocktail bar/lounge, and two

retail spaces, each a separate and distinct leased/licensed premises,¹ and each with separate ingress/egress for life-safety purposes (the "Project"). The Project is consistent with the main permitted uses allowed within the CD-2 zoning district and will not alter the footprint of the structure containing the previous/existing use.²

The design of this Project as shown in the enclosed architectural plans will serve to improve the highly visible Alton Road and 16th Street intersection and meets all of the design review criteria under the City Code. As such, we respectfully request the Design Review Board's favorable review and approval of the Project.

The Applicant is also seeking certain variances for the signage shown on the enclosed architectural plans.

A. Variance Review Criteria

The City's Zoning Code establishes seven (7) criteria by which requests for variances are evaluated. In addition, the City Charter establishes a "practical difficulty" standard for the granting of variances. These criteria are listed below in bold text, with our response following each criteria in plain text. We believe our responses below will show that there are practical difficulties and unnecessary hardships associated with the request sufficient to grant the necessary variances.

(1) Special conditions and circumstances exist which are peculiar to land, structures, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district:

The businesses within the Project, and therefore the Applicant's Property, differ from other businesses in the CD-2 zoning district as there are four (4) proposed separate business operations with different uses that will occupy the Property. Due to this fact, the total signage permitted by the City's Code will not allow for each business to have a sign that will be able to be viewed by patrons from a distance. Furthermore, due to the high visibility area, it is crucial for each of the business operations to be identified from the street to attract potential patrons. The proposed signage for this Property is consistent with the overall design as demonstrated by the enclosed architectural plans.

(2) The special conditions and circumstances do not result from the action of the applicant:

The Applicant did not construct the Property, but rather recently took title, and is merely seeking to adaptively reuse the existing structure.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district:

¹ The ultimate lessor for the Property will maintain dominion and control over the common area corridor wherein the bathroom facilities are located, a configuration similar to those used within other commercial properties in Miami Beach with multiple tenancies.

² The proposed retail space at the northeast corner of the Property will be enclosed with a block wall within the area currently covered by a canopy.

Throughout the City of Miami Beach, several variances have been granted to exceed maximum size allotted for signage on structures.

(4) Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant:

A literal interpretation of the land development regulations would place an undue hardship on the Applicant. By complying with the strict requirements of the code, the proposed businesses within the Project will be severally hindered as potential patrons may not be able to view the signs for the different businesses due to the City Code's size restrictions for signage.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure:

The Applicant is merely seeking to promote the businesses proposed within the Project to the surrounding community as it has been previously been known as an automotive repair shop for many years.

(6) The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will be injurious to the area involved or otherwise detrimental to the public welfare:

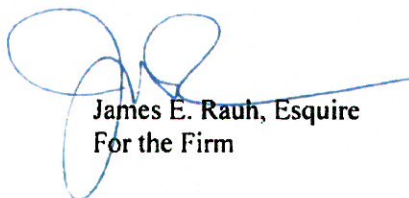
Approval of the variances will not be injurious or detrimental to the area or public welfare.

(7) The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan:

Granting these variances accomplishes the goal of encouraging the adaptive reuse of existing structures and does not affect or reduce levels of service as set forth in the comprehensive plan. Therefore, the granting of these variances will be in harmony with the general intent and purpose of the land development regulations and such variances will not be injurious to the area involved or otherwise detrimental to public welfare.

In light of the foregoing, and the application materials submitted herewith, we respectfully request the Design Review Board favorable review and approve the variances.

Very Respectfully Submitted,



James E. Rauh, Esquire
For the Firm

enclosures

CITY OF MIAMI BEACH
CERTIFICATE OF USE, ANNUAL FIRE FEE, AND BUSINESS TAX RECEIPT

1700 Convention Center Drive
Miami Beach, Florida 33139-1819

TRADE NAME: BRIDGESTONE RETAIL OPERATIONS, LLC D/B/A FIRESTONE COMPLET
IN CARE OF: ROBERT GUARAZ
ADDRESS: 3901 SW 68TH AVE
MIAMI, FL 33155

RECEIPT NUMBER: RL-87034732
Beginning: 10/01/2013
Expires: 09/30/2014
Parcel No: 0232340180410

A penalty is imposed for failure to keep this Business Tax Receipt exhibited conspicuously at your place of business.

A certificate of Use / Business Tax Receipt issued under this article does not waive or supersede other City laws, does not constitute City approval of a particular business activity and does not excuse the licensee from all other laws applicable to the licensee's business.

This Receipt may be transferred.

A. Within 30 days of a bonafide sale, otherwise a complete annual payment is due.

B. To another location within the City if proper approvals and the Receipt are obtained prior to the opening of the new location.

Additional Information

Storage Locations

TRADE ADDRESS: 1575 ALTON RD

Code	Certificate of Use/Occupation
008302 012065	AUTOMOBILE/TRUCK BODY SHOP, GARAGE, STORAGE MERCHANTS SALES

CERTIFICATE OF USE	300
RETAIL INVENTORY	\$ 56000
PREVIOUS BALANCE	\$ 0.00
C_U # OF UNITS	1
Auto_Truck_shop FF	Y

FROM: CITY OF MIAMI BEACH
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FL 33139-1819

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
MIAMI BEACH, FL
PERMIT No 1525

FIRESTONE STORES
PO BOX 81070
CLEVELAND, OH 44181-0070



**CITY OF MIAMI BEACH
BUSINESS TAX RECEIPT**

1700 Convention Center Drive
Miami Beach, Florida 33139-1819

TRADE NAME: MJJK HOLDINGS , LLC
IN CARE OF:
ADDRESS: 1575 Alton Rd
MIAMI BEACH, FL 33139-3301

LICENSE NUMBER: RL-10008582
Beginning: 10/01/2015
Expires: 09/30/2016
Parcel No: 0232340180410

TRADE ADDRESS: 1575 Alton Rd

A penalty is imposed for failure to keep this Business Tax Receipt exhibited conspicuously at your place of business.

A Business Tax Receipt issued under this article does not waive or supersede other City laws, does not constitute City approval of a particular business activity and does not excuse the licensee from all other laws applicable to the licensee's business.

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Additional Information

Storage Locations

Code	Business Type
95012065	MERCHANTS SALES
95008302	AUTOMOBILE/TRUCK: BODY SHOP, GARAGE, STORAGE

FROM: CITY OF MIAMI BEACH
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FL 33139-1819

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MIAMI BEACH, FL
PERMIT No 1525

MJJK HOLDINGS , LLC
1575 Alton Rd
MIAMI BEACH, FL 33139-3301



MIAMI BEACH

Page 1 of 3

Planning Department, 1700 Convention Center Drive
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

Address: Firestone

File Number: Next Available Agenda August 2016

Date: 05/12/16

BOARD APPLICATION CHECK LIST

A pre-application meeting must be scheduled with Board staff to review all submittals. Pre-application meetings are scheduled on a first come first serve basis and must occur no later than five (5) business days PRIOR to the First Submittal deadline. Incomplete or submittals found to be insufficient will not be placed on a Board agenda.

ITEM FIRST SUBMITTAL CHECK LIST		Required	Provided
#	ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE		
1	Make an appointment with Board Liaison at least 2 days in advance of the submittal deadline	X	
2	Completed Board Application, Affidavits & Disclosures of Interest (original signatures)	X	
3	Copies of all current or previously active Business Tax Receipts		
4	Letter of Intent with details of application request, hardship, etc.	X	
5	Application Fee	X	
6	Mailing Labels - 2 sets and a CD including: Property owner's list and Original certified letter from provider.		X
7	School Concurrency Application, for projects with a net increase in residential units (no SFH)		
8	Provide four (4), 11"x17" collated sets, two (1) of which are signed & sealed, to include the following:		X
9	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date	X	
10	All Applicable Zoning Information (see Zoning Data requirements)	X	
11	Location Plan, Min 4"x 6" Aerial 1/2 mile radius, colored with streets and project site identified	X	
12	Survey (original signed & sealed) dated less than 6 months old at the time of application (lot area shall be provided by surveyor), identifying grade (if no sidewalk, provide a letter from Public Works, establishing grade), spot elevations and Elevation Certificate		X
13	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams)	X	
14	Proposed FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams)	X	
15	Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths)	X	
15a	Indicate any backflow preventer and FPL vault if applicable	X	
16	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	X	
17	Current, dated color photographs, min 4"x6" of interior space (no Google images)		
18	Current color photographs, dated, Min 4"x 6" of context, corner to corner, across the street and surrounding properties with a key directional plan (no Google images)		X
19	Existing Conditions Drawings (Floor Plans & Elevations with dimensions)		
20	Demolition Plans (Floor Plans & Elevations with dimensions)	X	
21	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks	X	
22	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable)	X	
23	Proposed Section Drawings	X	
24	Landscape Plan - street and onsite - identifying existing, proposed landscape material, lighting, irrigation, raised curbs, tree survey and tree disposition plan, as well as underground and overhead utilities when street trees are required.		X
25	Hardscape Plan, i.e. paving materials, pattern, etc.	X	
26	Color Renderings (elevations and three dimensional perspective drawings)	X	

Super Graphic details → separate application w/ variances w/ diagrams for signage

artist bio

Initials: LC

Indicate N/A If Not Applicable

MIAMI BEACH

Planning Department, 1700 Convention Center Drive
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

Address:

File Number:

ITEM #	FIRST SUBMITTAL ADDITIONAL INFORMATION AS MAY BE REQUIRED AT THE PRE APPLICATION MEETING	Required	Provided
27	Vacant or Unoccupied structures or sites shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign from the City's Police Department		
28	Copy of original Building Permit Card, & Microfilm, if available	X	
29	Historic Resources Report (This report shall include, but shall not be limited to, copy of the original Building Permit Card and any subsequent evolution, Microfilm, existing condition analysis, photographic and written description of the history and evolution of the original building on the site, all available historic data including original plans, historic photographs and permit history of the structure)		
30	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated)	X	
31	Line of Sight studies		
32	Structural Analysis of existing building including methodology for shoring and bracing		
33	Proposed exterior and interior lighting plan, including photometric calculations → canopy	X	
34	Exploded Axonometric Diagram (showing second floor in relationship to first floor)		
35	Neighborhood Context Study	X	
36	Open Space calculations and shaded diagrams		
37	Proposed Operational Plan		
38	Traffic Study (Hard copy), Site plan(s) and AutoCAD in 3 CDs, including calculations for peer review. Send digital version as an attachment via e mail to: Xfalconi@miamibeachfl.gov		
39	Sound Study report (Hard copy) with 1 CD		
40	Set of plans 24"x 36" (when requested by staff)		
41	Copies of previous Recorded Final Orders		
42	Location Plan, Aerial or survey indicating width of canals (Dimension shall be certified by a surveyor)		
43	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation)		
44	Site Plan (Identify streets and alleys)	X	
a	Identify: setbacks _____ Height _____ Drive aisle widths _____ Streets and sidewalks widths _____	X	
b	# parking spaces & dimensions _____ Loading spaces locations & dimensions _____	X	
c	# of bicycle parking spaces _____	X	
d	Interior and loading area location & dimensions _____	X	
e	Street level trash room location and dimensions _____	X	
f	Delivery route _____ Sanitation operation _____ Valet drop-off & pick-up _____ Valet route in and out _____	X	
g	Valet route to and from _____ auto-turn analysis for delivery and sanitation vehicles _____	X	
	Street sections showing grade changes	X	
45	Floor Plan (dimensioned)	X	
a	Total floor area	X	
a	Identify # seats indoors _____ outdoors _____ seating in public right of way _____ Total _____	X	
b	Occupancy load indoors and outdoors per venue _____ Total when applicable _____	X	

Indicate N/A If Not Applicable

Initials: LC

MIAMI BEACH

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Address:

File Number:

46	In the Letter of Intent for Planning Board include and respond to all review guidelines in the code as follows:	
47	For Conditional Use -Section 118-192 (a)(1)-(7) + (b)(1)-(11)	
48	CU -Entertainment Establishments - Section 142-1362 (a)(1)-(9)	
49	CU - Mechanical Parking - Section 130-38 (3)(c)(i)(1)-(2) & (4)(a)-(k)	
50	CU - Structures over 50,000 SQ.FT. - Section 118-192(b) (1)-(11)	
51	CU - Religious Institutions - Section 118-192 (c) (1)-(11)	
52	For Lot Splits - Section 118-321 (B) (1)-(6). Also see application instructions	

Notes: The applicant is responsible for checking above referenced sections of the Code. If not applicable write N/A

ITEM #	FINAL SUBMITTAL CHECK LIST:	Required	Provided
53	One (1) signed and sealed 11"X17" bound collated set of all the required documents, as revised and/or supplemented to address Staff comments. Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date. With a CD of this document 11"X17" as a PDF compatible with Adobe 8.0 or higher at 300 DPI resolution.	X	
54	14 collated copies of all the above documents	X	
55	One (1) CD/DVD with electronic copy of entire final application package	X	

NOTES:

- A. Other information/documentation required for first submittal will be identified during pre-application meeting.
- B. Is the responsibility of the applicant to make sure that the sets, 14 copies and electronic version on CD are consistent.
- C. Plan revisions and supplemental documentation will not be accepted after the Final Submittal deadline
- D. ALL DOCUMENTS ARE TO BE PDF'D ON TO A MASTER DISK, WHICH DISK SHALL BE CONSIDERED THE OFFICIAL FILE COPY TO BE USED AT HEARING. ALL MODIFICATIONS, CORRECTIONS, OR ALTERATIONS MUST BE REFLECTED ON THE MASTER DISK. APPLICANT CERTIFIES COMPLIANCE WITH THE FOREGOING. FAILURE TO COMPLY MAY RESULT IN A REHEARING BEFORE THE APPLICABLE BOARD
- E. Please note that the applicant will be required to submit revised plans pursuant to applicable Board Conditions no later than 60 days after Board Approval, as applicable.


APPLICANT'S OR DESIGNEE'S SIGNATURE

5-12-2016
Date