

# MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2<sup>ND</sup> FLOOR  
MIAMI BEACH, FLORIDA 33139, WWW.MIAMI BEACH.FL.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: 835-855 Alton Road, Miami Beach, FL

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

FOLIO NUMBER (S) 02-4203-014-0430

1. APPLICANT: ☒ OWNER OF THE SUBJECT PROPERTY ☐ TENANT ☐ ARCHITECT ☐ LANDSCAPE ARCHITECT  
☐ ENGINEER ☐ CONTRACTOR ☐ OTHER DIT Global, Inc

NAME DIT Global, Inc.  
 ADDRESS 11098 Biscayne Blvd, #401, Miami, FL, 33161  
 BUSINESS PHONE (305) 542-3564 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS dit305@gmail.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME Matthew Amster, Bercow Radell & Fernandez, PLLC  
 ADDRESS 200 S. Biscayne Blvd, Suite 850, Miami, FL 33181  
 BUSINESS PHONE (305) 374-5300 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS mamster@brzoninglaw.com

☒ AGENT:

NAME Christian Ballesteros, Crossbower Corp.  
 ADDRESS 3247 NE 168th Street, North Miami Beach, FL 33160  
 BUSINESS PHONE (786) 955-8504 CELL PHONE (786) 210-9849  
 E-MAIL ADDRESS crossbowercorp@gmail.com

☐ CONTACT:

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☒ ARCHITECT ☐ LANDSCAPE ARCHITECT ☐ ENGINEER ☐ CONTRACTOR ☐ OTHER: \_\_\_\_\_

NAME Christian Ballesteros, Crossbower Corp.  
 ADDRESS 3247 NE 168th Street, North Miami Beach, FL 33160  
 BUSINESS PHONE (786) 955-8504 CELL PHONE (786) 210-9849  
 E-MAIL ADDRESS crossbowercorp.com

FILE NO. \_\_\_\_\_

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

Adaptive reuse of existing buildings to convert from residential to restaurant use and  
Conditional Use Permit for Neighbor Impact Establishment with greater than 300  
occupants. See letter of intent 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) N/A SQ. FT.
- 4D. PROVIDE THE TOTAL GROSS FLOOR AREA OF THE NEW BUILDING (INCLUDING REQUIRED PARKING AND ALL  
 USEABLE FLOOR SPACE) N/A 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: Dimitry Trukhachev

FILE NO. \_\_\_\_\_



**OWNER AFFIDAVIT FOR INDIVIDUAL OWNER**

STATE OF  
COUNTY OF

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

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  
My Commission Expires: \_\_\_\_\_

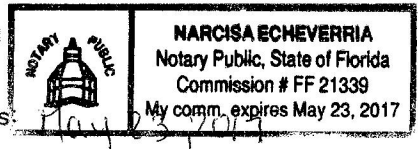
\_\_\_\_\_  
SIGNATURE  
\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
PRINT NAME

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

STATE OF Florida  
COUNTY OF Miami-Dade

I, Dimitry Trukhachev, being duly sworn, depose and certify as follows: (1) I am the President (print title) of DIT Global, Inc. (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.

Sworn to and subscribed before me this 26 day of May, 2016. The foregoing instrument was acknowledged before me by Dmitry Trukhachev, \_\_\_\_\_ 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: May 23, 2017

\_\_\_\_\_  
SIGNATURE  
\_\_\_\_\_  
NOTARY PUBLIC  
\_\_\_\_\_  
PRINT NAME

FILE NO. \_\_\_\_\_

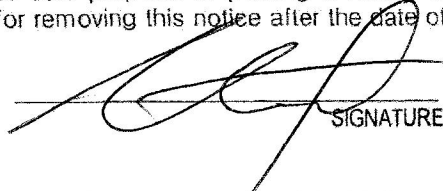
POWER OF ATTORNEY AFFIDAVIT

STATE OF **Florida**  
 COUNTY OF **Miami-Dade**

I, **Dimitry Trukhachev**, 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 **Matthew Amster, Bercow Radell & Fernandez, PLLC** to be my representative before the **PB** 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.

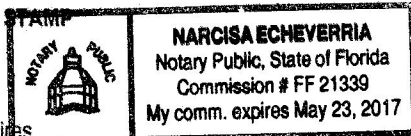
**Dimitry Trukhachev**

PRINT NAME (and Title, if applicable)

  
 SIGNATURE


Sworn to and subscribed before me this 26 day of May, 2016. The foregoing instrument was acknowledged before me by **Dimitry Trukhachev** of \_\_\_\_\_ who has produced as identification and/or is personally known to me and who did/did not take an oath. **DE FE**

NOTARY SEAL OR



My Commission Expires

May 23, 2016

  
 NOTARY PUBLIC

**Narcisa Echeverri**  
 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. \_\_\_\_\_

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida  
COUNTY OF Miami-Dade

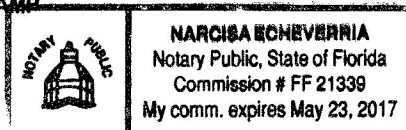
I, Dimitry Trukhachev, being duly sworn and deposed, certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Christian Ballesteros to be my representative before the PB Board. (3) I also hereby authorize 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.

Dimitry Trukhachev  
PRINT NAME (and Title, if applicable)

[Signature]  
SIGNATURE

Sworn to and subscribed before me this 26 day of May, 2016. The foregoing instrument was acknowledged before me by Dimitry Trukhachev of \_\_\_\_\_ who has produced as identification and/or is personally known to me and who did/did not take an oath. FSZ.

## NOTARY SEAL OR STAMP



My Commission Expires

May 23, 2016

Narcisa Echeverria  
NOTARY PUBLIC

Narcisa Echeverria  
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.\*

DIT Global, Inc.

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

DMITRY TRUKHACHEV  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

100%  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.\*

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.	<u>Christian Ballesteros</u>	<u>3247 NE 168th Street, North Miami Beach,</u>	<u>(786) 955-8504</u>
b.	<u>Matthew Amster</u>	<u>200 S. Biscayne Blvd, Suite 850, Miami</u>	<u>(305) 374-5300</u>
c.	_____	_____	_____

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

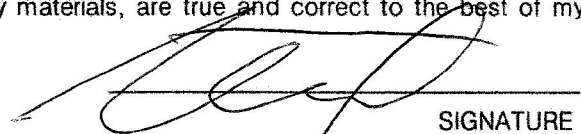
\*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity, consisting of more than 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**

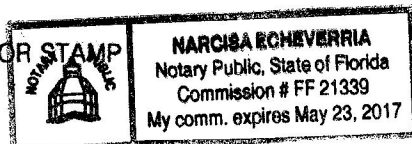
STATE OF **Florida**  
COUNTY OF **Miami-Dade**

I, DIT Global, Inc., 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 26 day of May, 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



My Commission Expires:

May 23, 2016

  
NOTARY PUBLIC

NARCISA ECHEVERRIA  
PRINT NAME

FILE NO. \_\_\_\_\_





# BERCOW RADELL & FERNANDEZ

ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6236  
E-Mail: [MAmster@BRZoningLaw.com](mailto:MAmster@BRZoningLaw.com)

## VIA HAND DELIVERY

April 18, 2016

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

Re: Request for Planning Board Approval of a Conditional Use Permit for the  
Properties located at 835 Alton Road, Miami Beach

Dear Tom:

This law firm represents DIT Global, LLC (the "Applicant") in its application concerning the property located at 835 Alton Road (the "Property") within the City of Miami Beach (the "City"). Please consider this letter the Applicant's letter of intent in support of a Conditional Use Permit related to operation of a Neighborhood Impact Establishment (NIE).

Property Description. The Property is approximately 21,864 square feet (0.50 acres) located on eastern side Alton Road between 8<sup>th</sup> and 9<sup>th</sup> Streets. Miami-Dade County's Office of the Property Appraiser identifies the Property by Folio Number 02-4203-014-0430. There are three (3) existing residential structures on the property: two (2) relatively narrow one-story structures aligned along the north and south sides of the property, and one (1) smaller, two-story structure located at the center of the rear of the property. Together, the structures encircle a beautiful courtyard in the interior of the property. Miami-Dade County records indicate that that structures were constructed in approximately 1940.

The Property is included in the City's Commercial, Medium Intensity ("CD-2") zoning district and the Flamingo Park Local Historic District. Although included in a local historic, the structures are not individually designated; instead the Property has been identified as "contributing" to the general character of the historic district. In April 2014, the City's Historic Preservation Board ("HPB") approved a Certificate of

Appropriateness for renovations and restoration of the structures (HPB Order No. 7423).

Proposed Development Program. The Applicant proposes an adaptive reuse of the existing historically contributing structures on the Property, and transition them from residential uses to restaurant uses. The interior of the structures will be used for kitchen, service area, and interior dining facilities, while the courtyard area will be used for a unique outdoor dining option.<sup>1</sup> There will not be any outdoor bar counter.

Conditional Use Request. The Applicant is seeking Conditional Use approval for a Neighborhood Impact Establishment ("NIE"), specifically for a restaurant with an occupant content of three hundred (300) or more persons pursuant to Section 142-303(a)(12) of the City Code ("Code"). In the interest of conserving and updating the historically contributing structures and their unique layout, the Applicant will be providing restaurant seating in both the interior and courtyard spaces. As previously indicated, the Property is included in the CD-2 zoning district, a district which permits NIEs as a conditional use. There will not be any outdoor bar counter.

General Guidelines for Conditional Uses. Pursuant to Code Section 118-191(a), review and approval of conditional uses includes evaluation of the proposed use in relation to the following guidelines:

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

Commercial establishments, and restaurants specifically, are consistent with the comprehensive plan and the CD-2 Zoning District. Alton Road in this area is characterized by numerous restaurants and commercial establishments. Additionally, the adaptive reuse of the existing structures on the Property is very much in line with the City's Comprehensive Plan and Flamingo Park Local Historic District designation. This is further demonstrated by the HPB's approval of the proposed design modifications associated with the conversion.

- (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.**

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<sup>1</sup> In the future, it is possible that different portions of the Property may be operated by different restaurant establishments. In that event, the then-operators will be obligated to modify and updated this Conditional Use approval, if granted.



The proposed restaurant will not result in an impact that will exceed the threshold levels of service for this commercial corridor. The Applicant is proposing amenities which will be a benefit to the community by providing an exciting dining concept in walkable proximity to the City's Flamingo Park and West Avenue area residents.

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

The existing structures, to be adaptively reused, and the proposed restaurant uses associated with the Applicant's request for a Conditional Use permit for an NIE are consistent with the City's land development regulations ("LDRs"). The project proposal does not require any variances of the LDRs. Instead the project will retain and update historically contributing structures and enhance the sense of community in this area by providing an attractive new gathering place.

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

The Applicant seeks to revitalize the existing structures and courtyard space and return to it the charm and ambiance that the City of Miami Beach is known for. The Applicant is proposing to limit music to ambient levels, played only during reasonable hours. The restaurant will be conscientious of its neighbors and, above all, respectful of its surroundings.

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

The property is centrally located and is within walking distance to area parking facilities. There is off-street parking in the surrounding area, including nearby parking lots and garages and metered on-street self-parking. Further, the Applicant anticipates that many patrons will arrive by foot or taxi.

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

The Applicant's staff will carefully control and monitor the music within the restaurant and courtyard areas. Further, the Applicant's staff will maintain patron areas and adjacent rights of way to protect the Property and the surrounding area.

**(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.**

The proposed establishment is unique in that its occupancy level is associated with the retention of older structures and their existing layout. There are no similar uses in the Property's immediately surrounding area, NIEs or otherwise. As such, there will not be any negative impact on the surrounding uses.

Supplemental Review Criteria for NIEs. Pursuant to Section 142-1362(a) of the Code, the Planning Board's review of an application for an NIE considers the following supplemental review guidelines:

- (1) An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.**

The Applicant has submitted a business operations plan with the applicant materials that describes the hours of operation, number of employees, security issues, and deliveries and collections.

- (2) A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, selfpark, shared parking, after-hour metered spaces and the manner in which it is to be managed.**

There are numerous nearby parking lots, garages, and metered self-parking on surrounding streets. The restaurant will avail itself of this existing parking. The Applicant further anticipates that many patrons will arrive by foot or taxi. The restaurant will also employ a valet service company utilizing a valet stand on 9th Street. It should also be noted that numerous bicycle racks, for both employees and patrons, are proposed.

- (3) An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises will be controlled.**

Pedestrians will access the Property through the entry gate, located directly on Alton Road, at the front of the property. No other entrances will be available for patron use: all three structures and the courtyard will be accessed through the main entry gate. Once through the main entry, patrons will approach the building or area of their choice. Employees will assist with the flow of patrons at the entry gate. Each building contains



interior waiting areas, so queuing will neither occur outside, nor on the public right of way.

**(4) A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.**

Security cameras will overlook the restaurant areas. Additionally, there will be security staff present during the hours of operation. Security staff will assist with the flow of guests into and out of the property. The number of staff and security personnel will depend on the day-to-day operations and needs of the Property

**(5) A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.**

The Applicant has submitted an operations and valet traffic analysis prepared by Adrian Dabkowski of Kimley Horn. This study is being reviewed and analyzed through the City's peer review process. The Applicant will continue to work with the City to address any traffic concerns through the peer review process.

**(6) A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.**

As detailed in the operations plan, waster will be maintained in the air-conditioned at the northeastern corner of the north building. Refuse collection will take place between 7:00 AM and 5:00 PM from the same location, which has been historically used by the residences. All refuse will be walked from the back of house areas, out the rear door on the north side of the property, to the street. A goods manager will oversee collections.

**(7) A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.**

While a portion of the restaurant establishment is outdoors, the outdoor area is enclosed on 3 sides by buildings and only background music will be played. No entertainment or live music will be played at any time. For these reasons, and in light of the facility's location on a main thoroughfare along a heavily trafficked commercial corridor, it is not anticipated that sound will be a nuisance to the neighborhood. City staff concurs with this conclusion, and accordingly has not required a sound study for this application.

**(8) Proximity of proposed establishment to residential uses.**

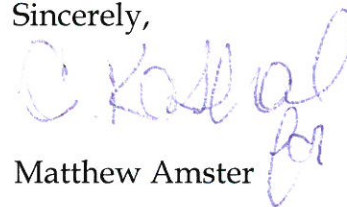
The Property is located in a commercial area that contains many restaurants and retail stores. There are residential uses to the east of the Property, however the outdoor area is enclosed on 3 sides by buildings and only background music will be played. Further, the proposed hours of operation are mindful of the surrounding area. Notwithstanding the measures taken by the Applicant, this facility is required to, and will, comply with the City's noise ordinance.

**(9) Cumulative effect of proposed establishment and adjacent pre-existing uses.**

The proposed establishments is entirely compatible with the commercial character and zoning of this area. The Applicant seeks to preserve existing structures and enhance the unique architectural character as well as this areas sense of community. As this the Property is located in a commercial area that contains many restaurants and retail stores; the proposed use will not be any negative impact on the surrounding area.

Conclusion. The Applicant seeks approval of a Condition Use Permit that will help create a unique, quality experience for both guests and the general public. The use will not have any adverse impact on the surrounding area. We respectfully request your recommendation of approval of the Applicant's request. Please contact me on my direct line at (305) 377-6236 should you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. K. Amster" or similar, with a stylized flourish at the end.

Matthew Amster

cc: Christian Ballesteros

Type of Payment

Cash: Credit Card: Cashiers' Check/Money Order:

Check: NOS. 7-1267

Date: 4/18/16 Amount: \$ 2,251<sup>00</sup>

Name: CROSSOVER CORPORATION

\$856<sup>00</sup>

Address: 3247 N.E. 168TH ST NORTH MIAMI BEACH FL 33160

Account Number: 011.8000.369.985 Amount Allocated to Account: \$ 2,251<sup>00</sup>

Account Number: N/A Amount Allocated to Account:

Property Address: 835-855 ALTON RD. -

Payment For: PB FIVE FILING FEE \$1,295<sup>00</sup>  
\$ 2332 7535 LABELS X \$1.60 EA = \$856<sup>00</sup>

Permit/Process Number: N/A Prepared By: ANTOINETTE

\$100<sup>00</sup> RECORDING FEE

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM

REGIONS BANK  
63-466/631

1266

CHECK ARMOR

CROSSBOWER CORPORATION

APRIL 18, 2016

PAY TO THE  
ORDER OF CITY OF MIAMI BEACH

\$ 1,395.00

ONE THOUSAND THREE HUNDRED AND NINETY FIVE

00/100 DOLLARS

835 ALTON RD - PLANNING BOARD APPLICATION



AUTHORIZED SIGNATURE

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM

CROSSBOWER CORPORATION

REGIONS BANK  
63-466/631

1267

CHECK ARMOR

APRIL 18, 2016

PAY TO THE  
ORDER OF CITY OF MIAMI BEACH

\$ 856.00

EIGHT HUNDRED AND FIFTY SIX

00/100 DOLLARS

835 ALTON RD - PLANNING BOARD APPLICATION



AUTHORIZED SIGNATURE

00001267 063104668 0195929479

MEMO

Details on Back

Security Features Included

Details on Back

Security Features Included