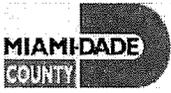


FINAL AGENDA

3-24-2015 Version # 1



**COMMUNITY ZONING APPEALS BOARD 8
HENRY REEVES ELEMENTARY SCHOOL
2005 NW 111 Street, Miami
Thursday, April 30, 2015 at 7:00 p.m.**

CURRENT

- | | | | | |
|---------------|---|-------|----------|---|
| 1. 15-4-CZ8-1 | <u>MNK HOSPITALITY LLC AND MNK INVESTMENTS. LLC</u> | 14-40 | 12-53-41 | N |
|---------------|---|-------|----------|---|



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF THURSDAY, APRIL 30, 2015

HENRY REEVES ELEMENTARY SCHOOL

2005 NW 111 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMUNITY ZONING APPEALS BOARD SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMUNITY ZONING APPEALS BOARD BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE BOARD BE GRANTED BY THE MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE MEETING ROOM. PERSONS EXITING THE MEETING ROOM SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

1. MNK HOSPITALITY, LLC and MNK INVESTMENTS, LLC. (15-4-CZ8-1/14-040) 12-53-41
Area 08/District 02

Amendment to a Declaration of Restriction, recorded in Official Record Book 26758, Pages 2889 thru 2897, reading as follows:

“8. Notwithstanding the foregoing, the Owner may be permitted to operate and renovate the existing hotel on the property, including internal and external modification otherwise permitted under the North Central Urban Area District, commonly referred to and NCUAD, and continue to operate the hotel as it phases in the improvements detailed in the site plan referenced in Paragraph 1, with the requirement that any future external building modifications be subject to administrative site plan review.”

The purpose of the request is to upgrade the existing hotel on the property, including adding a drop-off area or porte-cochere through the permitting process and other improvements permitted under the NCUAD, while maintaining the ability to develop the property in accordance with the previously approved site plan.

LOCATION: 7927 NW 7 Avenue, MIAMI-DADE COUNTY, FLORIDA

SIZE OF PROPERTY: 1.84 Acres

Department of Regulatory and
Economic Resources
Recommendation:

**Modified approval with conditions,
subject to the acceptance of the
amended Declaration of Restrictions.**

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Regulatory and Economic Resources (RER), or its successor Department, within 14 days after RER has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (RER's posting will be made on a bulletin board located in the office of RER.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

**Miami-Dade County Regulatory and Economic Resources Department
Staff Report to Community Council No. 8**

PH: Z14-040 (15-4-CZ8-1)

April 30, 2015

Item No. 1

Recommendation Summary	
Commission District	2
Applicants	MNK Hospitality, LLC and MNK Investments, LLC
Summary of Request	The applicants are seeking to amend a prior Declaration of Restrictions, in order to permit the upgrade and continued operation of the existing hotel facility based on the previously approved plans under the NCUAD regulations and through the Administrative Site Plan Review process.
Location	7927 NW 7 Avenue, Miami-Dade County, Florida.
Property Size	1.84 acres
Existing Zoning	NCUAD, North Central Urban Center District
Existing Land Use	Hotel
2020-2030 CDMP Land Use Designation	Community Urban Center <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 (A)(7) General Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Modified approval with conditions, subject to the acceptance of the amended Declaration of Restrictions.

REQUEST:

Amendment to a Declaration of Restrictions, recorded in Official Record Book 26758 Pages 2889 thru 2897, reading as follows:

- "8. Notwithstanding the foregoing, the OWNER may be permitted to operate and renovate the existing hotel on the Property, including internal and external modification otherwise permitted under the North Central Urban Area District, commonly referred to as NCUAD, and to continue to operate the hotel as it phases in the improvements detailed in the site plan referenced in Paragraph 1, with the requirement that any future external modification be subject to administrative site plan review."

The purpose of the request is to upgrade the existing hotel on the property, including adding a drop-off area or porte-cochere through the permitting process, and other improvements permitted under the NCUAD, while maintaining the ability to develop the property in accordance with the previously approved site plan.

PROJECT DESCRIPTION AND PROJECT HISTORY:

The subject property has been the subject of numerous zoning approvals from as far back as 1963. Among the prior approvals was the approval to permit a motel on the site pursuant to Resolution #4-ZAB-81-69, which has existed on the site in some form or other since that time. However, pursuant to Resolution #CZAB8-25-08, the subject property was approved, subject to the acceptance of a Declaration of Restrictions, to permit a multi-family residential development with ancillary non-use variances under the BU-2, Special Business District regulations. Said

resolution and declaration of restriction among other things, restricted the development to a site plan and permitted a maximum of 336 residential units.

Subsequently, pursuant to Resolution #Z-14-12, the subject property was a part of a larger area that was rezoned to the North Central Urban Center Area District to NCUAD. This application now seeks to amend the previously recorded declaration of restrictions in order to allow upgrades to the existing building permitted under the guidelines of the NCUAD, while maintaining the right to future development of the site based on the previously approved plans and the maximum density allowed pursuant to the 2008 resolution.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	NCUAD: hotel, garage	Community Urban Center
North	NCUAD; auto dealership lot	Community Urban Center
South	City of Miami; multi-family apartment building	Business and Office
East	GU: I-95 Expressway	Transportation
West	NCUAD: offices, retail car lot, restaurant	Community Urban Center

NEIGHBORHOOD COMPATIBILITY:

The subject property is an existing hotel that is located within the NCUAD. Staff notes that the subject property abuts properties to the north, east and west that are also located within the NCUAD and contain ongoing commercial and office uses. The property to the south is located within the City of Miami and contains an existing multi-family apartment building.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicants to upgrade the existing hotel building within the guidelines of the NCUAD standards. Since it is existing, and also, based on comments in the memoranda from County Staff, staff opines that approval will not result in any new visual or traffic impacts on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

In July 2012, pursuant to Resolution #Z-14-12, the subject parcel was a part of a larger tract of land that was rezoned to the **North Central Urban Area District (NCUAD)**.

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property as lying within the **NCUAD**. Urban Centers are identified as hubs for future development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve and are intended to be moderate-to-high-intensity design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically.

The purpose of the application is to allow the applicants to maintain the existing hotel and maintain the flexibility to upgrade the aforementioned hotel within the guidelines of the NCUAD, through the Administrative Site Plan Review process. Staff notes that the subject property is located within the Edge Sub-District and is designated MM, Mixed-Use Main Street corridor on

the regulating plans for the NCUAD that were approved in July 2012 pursuant to Resolution #Z-14-12. Said designation allows the property to be developed with multi-family apartments and civic uses, among other things. Approval of the zone change will allow the applicants to maintain the existing hotel use while upgrading the buildings in conformity with the NCUAD regulations.

As such, approval of the requested amendment to the declaration of restrictions that pertain to the subject property within the area designated as MM in the NCUAD is **compatible** with the commercial and residential uses allowed therefore **consistent** with the CDMP LUP map Urban Center designation and the Land Use Element interpretative text for Urban Centers.

ZONING ANALYSIS:

Staff notes that pursuant to Resolution #Z-14-12, adopted by the Board of County Commissioners (BCC) in July 2012, the subject property was a part of a larger tract of land that was rezoned to NCUAD.

The application seeks to amend the Declaration of Restrictions proffered with the prior 2008 resolution, which permitted the subject property to be developed with a multi-family residential development for a maximum of 336 residential units, with ancillary non-use variances under Section 33-311(A)(7) Generalized Modification Standards. Approval of the application will allow the applicants to upgrade the existing hotel facility to the extent permitted by the NCUAD regulations. Staff opines that approval with conditions of same would be **compatible** with the area concerned, when considering the necessity and reasonableness of the modifications in relation to the present and future development of the area concerned.

Staff opines that approval of the this request would not have an unfavorable impact on the environmental resources in this area, or impact traffic on the abutting roadways, based on memoranda from County Staff that have reviewed the application. Further, staff notes that in the proposed amendment of the Declaration of Restrictions, the applicants have proffered that upgrades to the existing building will be subject to review through the Administrative Site Plan Review Process. As such, subject to the acceptance of the amended declaration of restrictions, staff opines that the proposed building upgrades will not detract from the vision of the BCC and would bring the hotel parcel closer to conformity with the intent of the BCC for development of this urban corridor as expressed by Resolution #Z-14-12. Staff notes that the hotel site has a legal use with a non-conforming structure that was previously approved. However, because a separate site plan included another parcel, to prevent the merging of the two approvals, staff is recommending modified approval of this application. **Therefore, staff recommends modified approval with conditions, subject to the acceptance of the Amended Declaration of Restrictions under Section 33-311(A)(7), Generalized Modification Standards.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

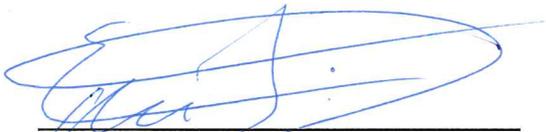
Modified approval with conditions, subject to the acceptance of the Amended Declaration of Restrictions reading as follows:

"8. Notwithstanding the foregoing, the OWNER may be permitted to operate and renovate the existing hotel on the Property, including internal and external modification otherwise permitted under the North Central Urban Area District, commonly referred to as NCUAD, and continue to operate the hotel. Operation of the hotel will not preclude development of the parking garage on the northeast portion of the Property plan referenced in Paragraph 1 on the portion of the Property described on Exhibit "B".

CONDITIONS FOR APPROVAL:

1. That all the paragraphs of the amended Declarations of Restrictions, recorded in Official Record Book 26758 Pages 2889 thru 2897, remain in full force and effect except as herein amended.
2. That the amended Declarations of Restrictions shall also require that any future modifications of the existing hotel buildings that are within the limits of the modifications allowed under the NCUAD regulations, shall be approved through the Administrative Site Plan Review process.

ES:MW:NN:JV:CH



Eric Silva, AICP, Senior Division Chief
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

MNK Hospitality, LLC & MNK Investments, LLC
Z14-040

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No comment
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p>Urban Centers (Pg. I-45-48)</p>	<p><i>Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility.</i></p> <p><i>The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.</i></p> <p><i>The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour.</i></p> <p><i>Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall, at a minimum, be developed in accordance with the Community Center</i></p>
---	--

ZONING RECOMMENDATION ADDENDUM

*MNK Hospitality, LLC & MNK Investments, LLC
Z14-040*

policies established below.

Following are policies for development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform to the guidelines provided below.

Uses and Activities. *Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while **Community-scale Urban Centers** will be planned and designed to serve a more localized community. Uses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces. Incorporation of residential uses is encouraged, and may be approved, in all centers, except where incompatible with airport or heavy industrial activities. Residential uses may be required in areas of the County and along rapid transit lines where there exists much more commercial development than residential development, and creation of employment opportunities will be emphasized in areas of the County and along rapid transit lines where there is much more residential development than employment opportunity. Emphasis in design and development of all centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Existing public water bodies shall also be incorporated by design into the public spaces within the center.*

Streets and Public Spaces. *Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. The street system should have frequent connections with surrounding streets and create blocks sized and shaped to facilitate incremental building over time, buildings fronting on streets and pedestrian pathways, and squares, parks and plazas defined by the buildings around them. The street system shall be planned and designed to create public space that knits the site into the surrounding urban fabric, connecting streets and creating rational, efficient pedestrian linkages. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The size of blocks and network of streets and pedestrian access ways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. Emphasis shall be placed on sidewalks, with width and street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixtures and bus shelters. Open spaces such as public squares and greens shall be established in urban centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens and pedestrian promenades, shall be a minimum of 15 percent of gross development area. This public area provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space may be provided off-site but elsewhere within the subject urban center to the extent that it would better serve the quality and functionality of the center.*

Buildings. *Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings,*

ZONING RECOMMENDATION ADDENDUM

*MNK Hospitality, LLC & MNK Investments, LLC
Z14-040*

<i>canopies, arcades and colonnades.</i>
--

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(7) Generalized Modification Standards.	<i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i>
---	---

**1. MNK HOSPITALITY, LLC AND
MNK INVESTMENTS, LLC**
(Applicant)

15-4-CZ8-1(14-040)
Area 08/District 02
Hearing Date: 04/30/15

Property Owner (if different from applicant) Same.

Is there an option to purchase /lease the property predicated on the approval of the zoning request? Yes No

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1961	Quain Grossman & Plissner	- Zone change.	BCC	Approved with Condition(s)
1961	Quain Grossman & Plissner	- Zone change from RU-2 to BU-1A.	BCC	Approved
1961	Quain Grossman & Plissner	- Zone change from RU-2 to BU-1A.	ZAB	Approved
1963	Strauss-Duparquet Inc.	- Non-Use Variance for Setback.	ZAB	Approved with Condition(s)
1963	Director, Dade County Building & Zoning	- Zone change from BU-1A, AU, RU-2, BU-3 to BU-2.	BCC	Approved with Condition(s)
1963	Department of Building & Zoning	- Zone change from BU-1 to BU-2.	ZAB	Approved with Condition(s)
1965	Andrew and Irene Algizakis	- Zone change from RU-2 to BU-2.	BCC	Approved with Condition(s)
1965	Andrew and Irene Algizakis	- Zone change from 472 to BU-2.	ZAB	Approved with Condition(s)
1969	Mid-State Development Corp.	- Special Exception to permit a proposed Motel with total height of 112 feet.	ZAB	Approved with Condition(s)
1970	Dade Inns, Inc.	- Special Exception to permit a penthouse apartment a top a Holiday Inn.	ZAB	Modified Approval with Condition(s)

1994	Lazaro O. Valdez	- Use Variance for mechanic shop & used auto sale in BU-2. - Non-Use Variance of landscaped requirement for 4% (18% required).	ZAB	Modified Approval with Condition(s)
1998	Omnipoint Communications Operations, Inc.	- Roof Top Cell Facility.	C08	Denied with Prejudice
2000	Omnipoint Communications Operations, Inc.	- Unusual Use for Roof Top Multiple Panel Antenna.	C08	Modified Approval with Condition(s)
2008	Malibu Lodging Investment, LLC	- Special Exception for Multi-Family apartment in BU-2 permit mix uses FAR, Lot Coverage and Landscape Variance.	C08	Approved with Condition(s)

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

Memorandum



Date: May 9, 2014

To: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: C-08 #Z2014000040
MNK Hospitality LLC and MNK Investments LLC
7927 NW 7th Avenue, Miami, Florida 33150
8028 NW 6th Court, Miami, Florida 33150
660 NW 81st Street, Miami, Florida 33150
Delete a Declaration of Restriction
(NCUC) (1.84 Acres)
12-53-41

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

DERM has no pertinent comments regarding this application since the request does not entail any environmental concern.

Concurrency Review Summary

A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

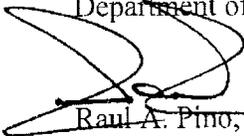
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: July 10, 2014

To: Eric Silva, Development Coordinator
Department of Regulatory and Economic Resources

From:  Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2014000040
Name: MNK Hospitality LLC and MNK Investment, LLC
Location: 7927 NW 7 Avenue
Section 12 Township 53 South Range 41 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Tract A, Plat Book 85, Page 37 and Lots 39 thru 41, Plat Book 13, Page 77.

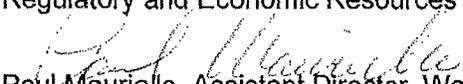
This project meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply.

Memorandum



Date: May 13, 2014

To: Eric Silva, Assistant Director
Regulatory and Economic Resources Department

From: 
Paul Mauriello, Assistant Director, Waste Operations
Public Works and Waste Management Department

Subject: MNK Hospitality LLC and MNK Investments LLC (#14_040)

The Department's review of the above-referenced item is provided below. Additional comments will be provided as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager of the Fiscal Management and Planning Division, at 305-514-6661. **The PWWM has no objections to the proposed application.**

Application: *MNK Hospitality LLC and MNK Investments LLC* is requesting the deletion of the Declaration of Restrictions affecting the subject properties recorded at Official Records Book 26758 Pages 2889-2897. The properties are currently zoned in the Naranja Urban Center (NCUC) district, containing a closed hotel and closed automotive repair facility.

Size: The combined properties are approximately 1.84 acres.

Location: The subject properties are located at 7927 NW 7th Avenue, 8028 NW 6th Court and 660 NW 81st Street, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 25, 2013, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Regulatory and Economic Resources Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the hotel and automotive repair facility on the properties will be considered

commercial establishments. Per the Code the following is required of commercial establishments located in unincorporated Miami-Dade County:

"Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service, once the building is developed.

3. Recycling

The following language from **Section 15-2.3a** of the Code requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- | | |
|----------------------------------|--|
| 1) High grade office paper | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles |
| 5) Aluminum (cans, scrap) | 10) Wood |

Section 15-2.3 of the Code states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection.

Memorandum



Date: May 16, 2014

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief *M-I*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2014000040: MNK HOSPITALITY LLC AND MNK INVESTMENTS, LLC

Application Name: MNK HOSPITALITY LLC AND MNK INVESTMENTS, LLC

Project Location: The site is located at 7927 NW 7 AVE, Miami-Dade County.

Proposed Development: The request is for deletion of a previous covenant.

Impact and demand: This application is to recognize the NCUAD zoning of the property to be developed under the regulations and standards of that district. Future development will be reviewed during the ASPR process and, if proposed, any new residential population applicable to CDMP Open Space Spatial Standards can be determined at that time.

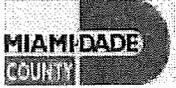
Recommendation: PROS has no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion. Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION**

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: 18-JUN-14
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2014000040

Fire Prevention Unit:

No site plan to be reviewed.

Service Impact/Demand

Development for the above Z2014000040
 located at 7927 NW 7 AVE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0798 is proposed as the following:

<u>N/A</u>	dwelling units	<u>N/A</u>	square feet
residential		industrial	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
Office		institutional	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 6:18 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 30 - Miami Shores - 9500 NE 2 Avenue
Rescue, ALS Engine.

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments

Not applicable.

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

MNK HOSPITALITY LLC AND MNK INVESTMENTS LLC 7927 NW 7 AVE,
MIAMI-DADE COUNTY, FLORIDA

APPLICANT

ADDRESS

04/30/15

Z2014000040

DATE

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

NEIGHBORHOOD REGULATIONS:

FOLIO'S: 30-3112-0910-0010 and 30-3112-091-0012

There are no current open/closed cases

FOLIO: 30-2112-020-0190

Case #201406002564, was opened on May 2, 2014, for Failure to Perform Lot Maintenance and Remove Solid Waste , junk, Trash, and/or Debris in a non-residential District as stated in 19-14[A][1]&[A][2]; Overgrowth , trash, and debris. A warning letter was issued on June 17, 2014. Civil Violation Notice #T048101, was issued on July 31, 2014, for non-compliance. The property was cleared and the Citation was paid. The case has been closed.

BUILDING SUPPORT REGULATIONS:

FOLIO NUMBER: 3031120200190- There are no Building Support cases open/closed.

FOLIO NUMBER: 3031120910012- There are no Building Support cases open/closed.

FOLIO NUMBER: 3031120910010

BSS case 20080119071 opened 2/28/08. Notice of Violation issued for Failure to obtain required building permit(s) prior to commencing work on: Remodeling, altering and repairing to include stairwells, boiler room and elevator room wall penetrations; fire envelope and critical path means of egress concerns; room 906 renovation; elevator shaft in penthouse; accessibility including rails, door hardware and signs; balcony wooden fence; rails missing in stairwell leading to pool and pool balcony;

pool backfilled; three containers on pool; concealed work of washer, dryers and penthouse A/H unit; elevator room air conditioning system and violation of fire rated wall, boilers flue stack and roof cap; holes in the walls and dryers exhaust in laundry room; existing A/H by laundry room with added duct through wall; sinks inside and outside laundry room; area used a church; cooling tower by parking lot; gas meter in parking lot protection; proper capping of gas and drains; floor drains and roof drains to be functional; three sides with advertising banners that span the entire face of the building with large spotlights around the perimeter of the building to light the banners; CC TV; broken exit, emergency, hallway and stairwell lights; open junction boxes. Case remains open, no outstanding fines.

Case 20080122880-U opened on 6/23/08. Notice of Violation issued for Structure "A" is a 98,340 sq ft 200 unit 12 story Commercial Structure with numerous safety violations and Structure "B" is a 1000 sq ft Commercial swimming pool that was filled in without permits. This swimming pool has 2 storage containers that are installed on the deck without required Tie Down permits. Board hearing held on 2/24/10, board decision: "A & B" 90/120; Said structures "A & B" must be repaired or completed with Engineer's Certification and Architect/Engineer's sealed plans. A Building permit must be obtained within "90" days, by 5/25/10 and repairs to be completed within "120" days after obtaining the permits. Final non-compliance issued on 12/7/12. Internal Agreement between County and property owner executed on 2/26/14. Permits to be obtained within 120 days from 2/26/14. Repairs to be completed within 180 days from the date the building permits are obtained. Amended agreement providing extension on 7/14/14 Permits to be obtained within 120 days from 7/9/14. Repairs to be completed within 180 days from the date the building permits are obtained. New Internal Agreement executed on 12/1/14, Permits to be obtained 120 days from 12/1/2014. Repairs to be completed 270 days from the date the building permit is obtained. Agreement was modified on 3/25/15, permits to be obtained 90 days from 3/25/15. Case remains open.

Case 20130161119-X opened on 8/7/13. Notice of Violation issued for expired permit 2006111290. Civil Violation Notice P016150 for \$510.00 issued for non-compliance. Citation was paid on 2/11/15. Case remains open as permit remains expired, no other outstanding fines.

Case F2009108886-U opened on 8/18/09. Notice of Violation issued for failure to obtain 40-year recertification. Recertification requirements are being addressed under case 20080122880-U. Unsafe Structure Board issued the following order on 2/17/2010 - Board approved Agreement with property owner - permits for required fascia repairs are to be applied for within 90 days from today and all work is to be completed within 120 days after permit issuance. In addition required recertification reports are to be submitted within 60 days after work is completed on 2/2/10. An Extension of time approved by Ricardo Roig, Division Director. An extension of 120 days for permits to be obtained and 180 days to complete repairs was given on 6/18/14. The case remains open.

VIOLATOR:

MNK HOSPITALITY LLC AND MNK INVESTMENTS LLC

OUTSTANDING LIENS:

THERE ARE NO ACTIVE OR PENDING FEES, FINES, OR LIENS.

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: MNK Investments LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Massimo Nicastro, 8301 NW 197th St, Miami, FL 33015</u>	<u>49.5%</u>
<u>Neil Rukreja, 8301 NW 197th St, Miami, FL 33015</u>	<u>49.5%</u>
<u>Nicola Wolff, 8301 NW 197th St, Miami, FL 33015</u>	<u>1%</u>

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature Renzo Nicastro (Applicant) MASSIMO NICAstro (Print Applicant name)

Sworn to and subscribed before me this 16th day of April, 20 14. Affiant is personally know to me or has produced _____ as identification.

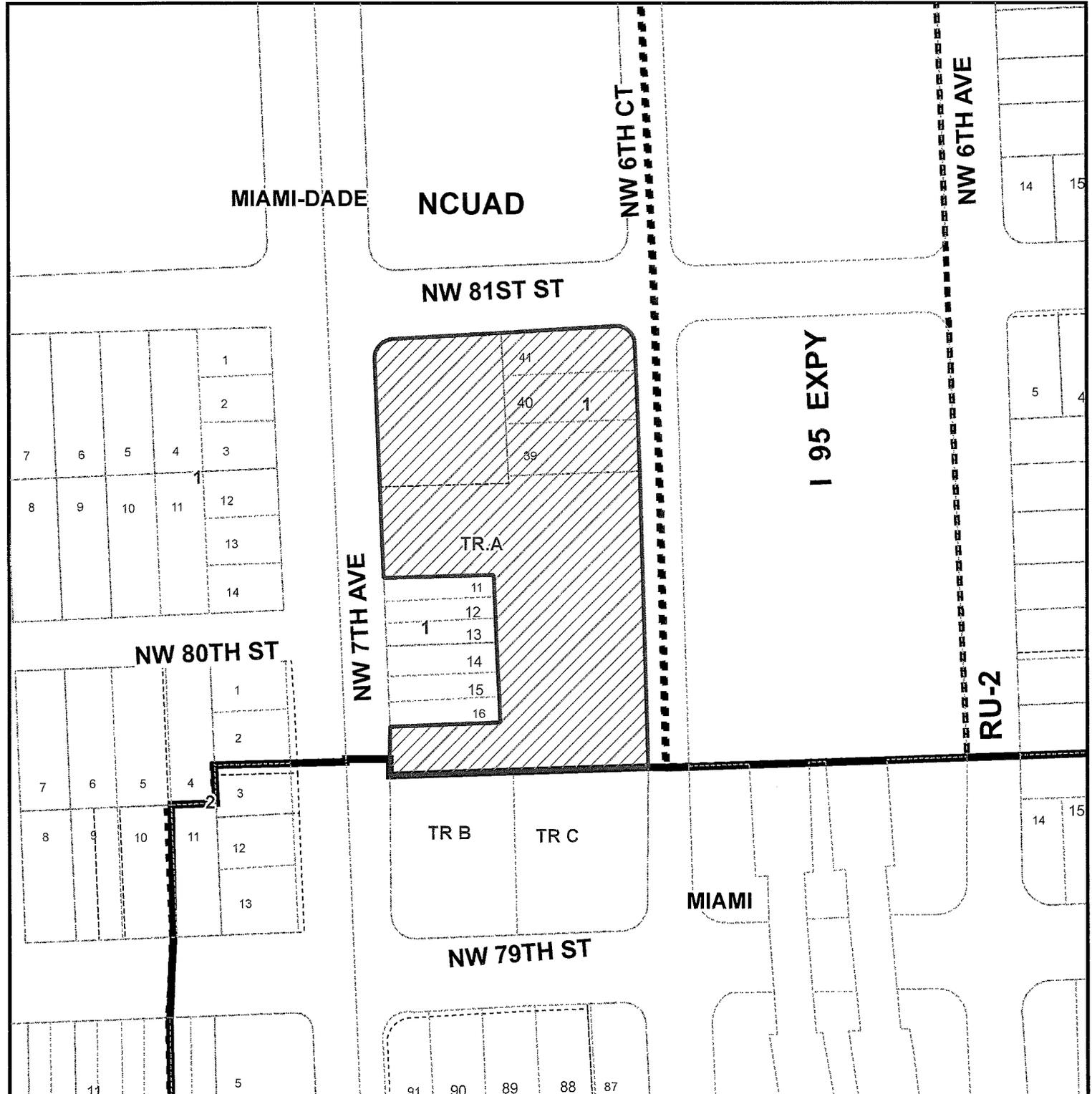
[Signature]
(Notary Public)



My commission expires: 02-18-2017

Seal

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.



MIAMI-DADE COUNTY
HEARING MAP

Process Number

Z2014000040



Section: 12 Township: 53 Range: 41
 Applicant: MNK HOSPITALITY LLC AND MNK INVESTMENTS. LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

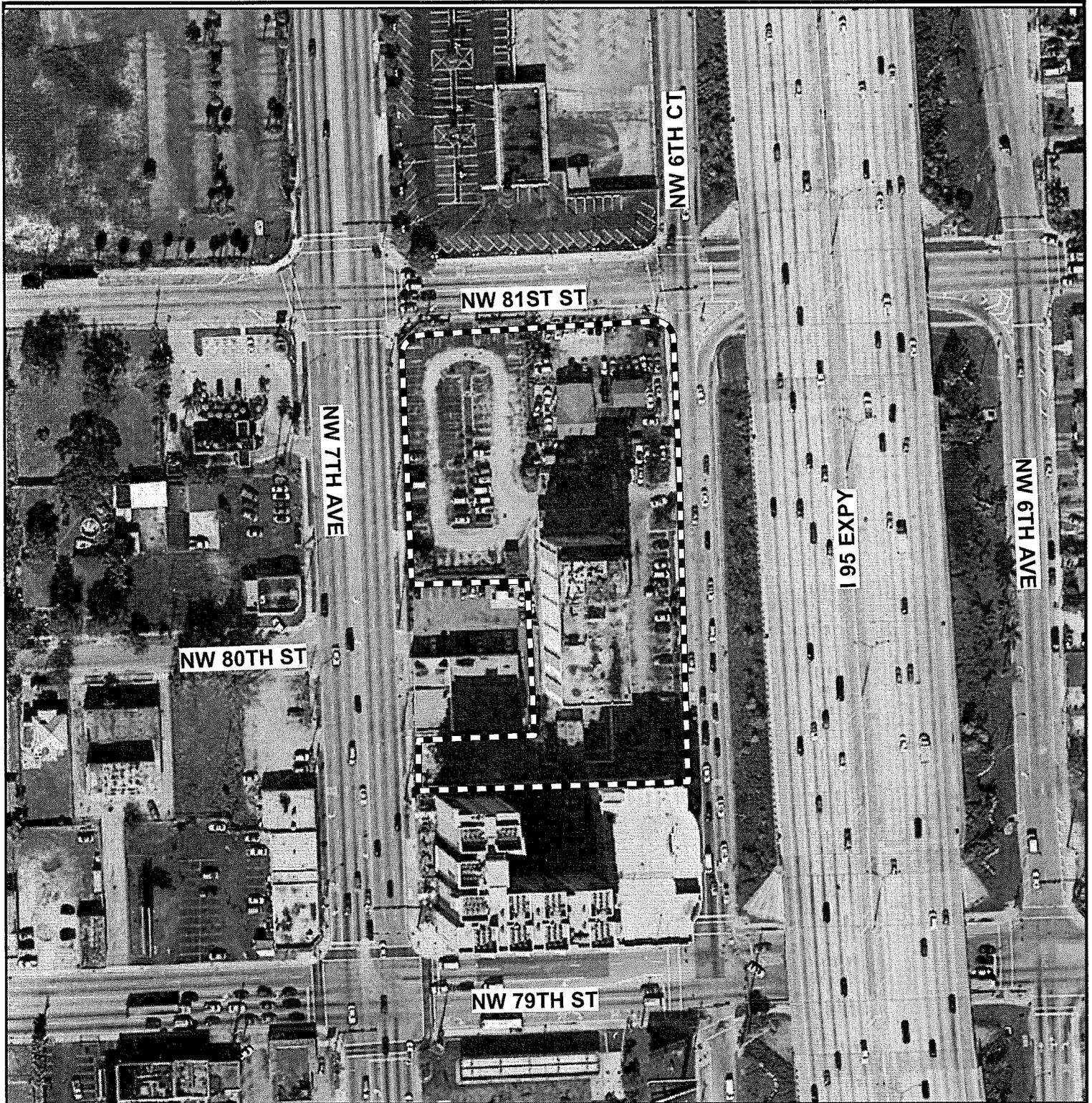
Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, May 8, 2014

REVISION	DATE	BY
		21



MIAMI-DADE COUNTY
AERIAL YEAR 2013

Process Number
Z2014000040



Section: 12 Township: 53 Range: 41
 Applicant: MNK HOSPITALITY LLC AND MNK INVESTMENTS. LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

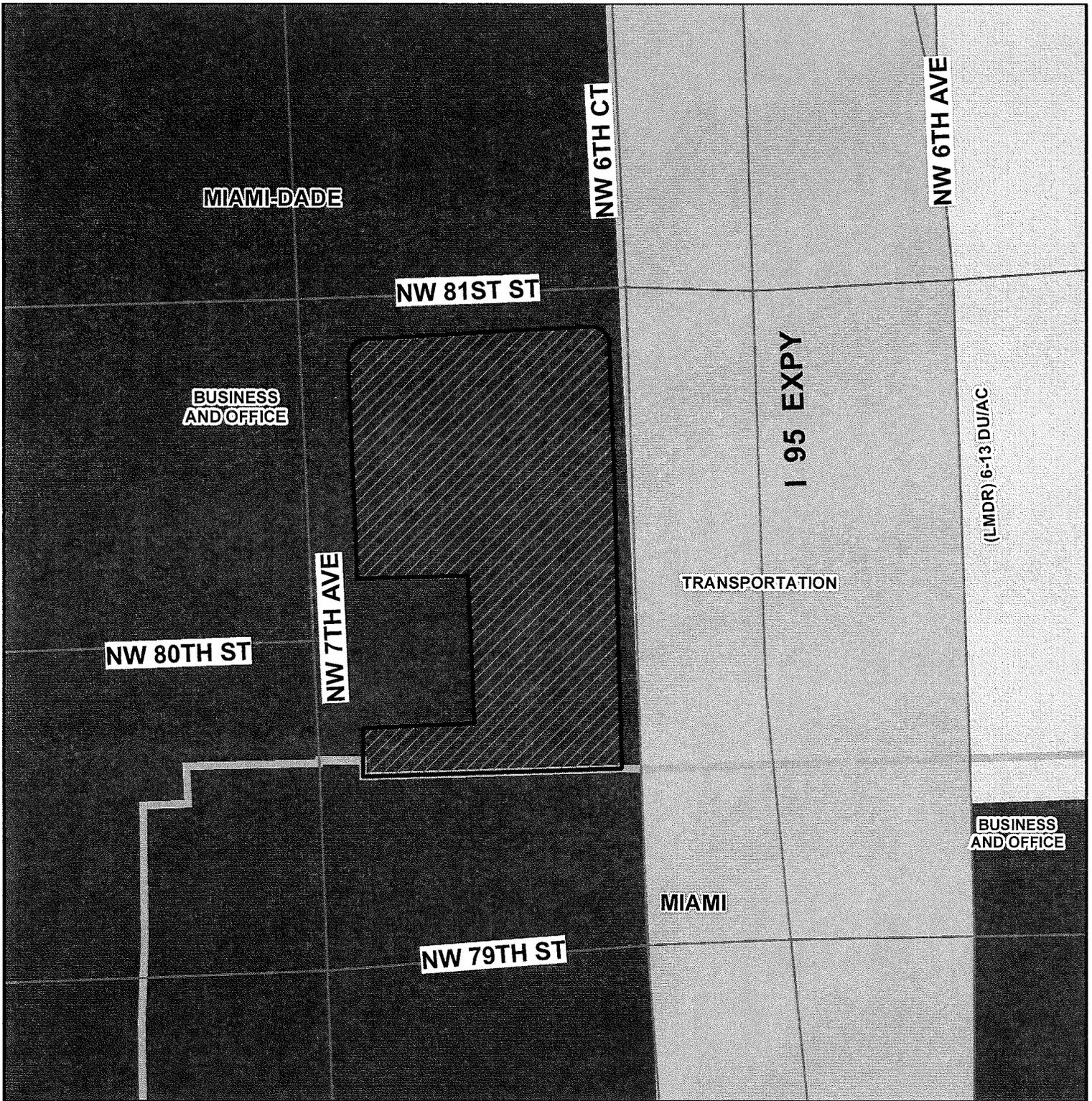
Legend

 Subject Property



SKETCH CREATED ON: Thursday, May 8, 2014

REVISION	DATE	BY
		22



MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2014000040



Section: 12 Township: 53 Range: 41
 Applicant: MNK HOSPITALITY LLC AND MNK INVESTMENTS. LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, May 8, 2014

REVISION	DATE	BY

MNK Hospitality and
MNK Investments LLC
CZAB 8 4/28/15
14-040 v.1 3/28/15

This instrument prepared by
Brian S. Adler, Esquire
Bilzin Sumberg Baena Price & Axelrod LLP
1450 Brickell Avenue
Suite 2300
Miami, Florida 33131-3456

DRAFT

(Space Above For Recorder's Use Only)

FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS

THIS FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS ("Amendment") is made this _____ day of _____, 2015, by the undersigned owners (collectively, "**Owner**").

- A. Owner owns the fee simple title to the property described on Exhibit "A" lying, being and situated in Miami-Dade County, Florida (the "**Property**").
- B. As part of a prior zoning application, the then owner of the Property proffered a Declaration of Restrictions in favor of Miami-Dade County (the "**County**") which was recorded on the Property on February 19, 2009, in Official Records Book 26758 at Pages 2889-2897 of the Public Records of Miami-Dade County, Florida ("**Declaration**").
- C. Paragraph 1 of the Declaration tied the Property to the newly approved site plan, however, Owner may wish to operate the Property with the existing improvements prior to building the site plan referenced in the Declaration.
- D. The Owner of the Property applied to the County under Miami-Dade County Public Hearing Application No. Z14-040 (the "**Application**") to modify the prior zoning approval on the Property, including a modification to the Declaration.

NOW, THEREFORE, in consideration of the foregoing premises and in order to assure the County that the representation made by Owner during consideration of the Application will be abided by the Owner freely, voluntarily and without duress, Owner submits this Amendment covering and running with the Property.

(1) **Amendment.** A new Paragraph 8 to the Declaration shall be added as follows:

- 8. Notwithstanding the foregoing, the OWNER may be permitted to operate and renovate the existing hotel on the Property, including internal and external modifications otherwise permitted under the North Central Urban Area District, commonly referred to as NCUAD, and continue to

operate the hotel as it phases in the improvements detailed in the site plan referenced in Paragraph 1, with the requirement that any future external building modifications be subject to administrative site plan review.

- (2) **Remaining Provisions Still in Effect.** All other provisions of the Declaration not hereby amended shall remain in full force and effect.
- (3) **Recording.** This Amendment shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Amendment shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Amendment shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Regulatory and Economic Resources Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Amendment is null and void and of no further effect.
- (4) **Acceptance of Amendment.** Acceptance of this Amendment does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.
- (5) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Signature Pages Follow]

IN WITNESS WHEREOF, the undersigned has caused this Amendment to be executed
this _____ day of _____, 2015.

Witnesses:

MNK HOSPITALITY LLC
a Florida limited liability company

Print Name: _____

By: _____
Name: Massimo Nicastro, Manager
Address: 8301 NW 197th Street
Miami, FL 33015

Print Name: _____

MNK INVESTMENTS LLC
a Florida limited liability company

By: _____
Name: Massimo Nicastro, Manager
Address: 8301 NW 197th Street
Miami, FL 33015

STATE OF FLORIDA }
) SS
COUNTY OF MIAMI-DADE }

The foregoing instrument was acknowledged before me this _____ day of
_____, 2015 by Massimo Nicastro, as Manager of each of MNK Hospitality LLC and
MNK Investments LLC, each a Florida limited liability company, who is personally known to
me or produced a valid driver's license as identification.

Notary Public
Sign Name: _____
Print Name: _____

My Commission Expires:

Serial No. (None, if blank): _____
(NOTARIAL SEAL)

First Amendment to Declaration of Restrictions
Page 4

Approved as to form and legal sufficiency this _____ day of _____, 2015.

Miami-Dade County

By: _____

Title: _____

**JOINDER BY MORTGAGEE
CORPORATION**

The undersigned, URBAN DEVELOPMENT FUND XXVII, LLC, a Delaware limited liability company, the Mortgagee described below, covering all or a portion of the property described in the foregoing First Amendment to Declaration of Restrictions in favor of Miami-Dade County ("Amendment"), does hereby acknowledge that the terms of the Amendment shall be binding upon the undersigned and its successors in title.

Mortgage, Assignment of Rents and Leases, Security Agreement and Fixture Filing in favor of URBAN DEVELOPMENT FUND XXVII, LLC, a Delaware limited liability company, recorded in Official Records Book ("ORB") 28790 at Pages 3602-3615 of the Public Records of Miami-Dade County, Florida.

IN WITNESS WHEREOF, these presents have been executed this ____ day of _____, 2015.

Witnesses:

URBAN DEVELOPMENT FUND XXVII, LLC

Signature

By:

Print Name

Title:

Address:

Signature

Print Name

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me by _____, as _____ of Urban Development Fund XXVII, LLC, on behalf of the Mortgagee. He/she is personally known to me or has produced _____, as identification.

Witness my signature and official seal this ____ day of _____, 2015, in the County and State aforesaid.

Notary Public-State of _____

Print Name

My Commission Expires:

Exhibit A

SUBJECT PROPERTY: Tract "A" of FRANCINE HEIGHTS, Plat book 85, Page 37. AND: Lot 39, Block 1, LITTLE RIVER HIGHLANDS, Plat book 13, Page 77, more particularly described as follows:

Begin at the Northeast corner of Lot 39; thence run south along the east line of Lot 39 for 50' to a point; thence run $S89^{\circ}49'00''W$ along the south line of Lot 39 for 135.12' to the southwest corner of Lot 39; thence run north along the west line of Lot 39 for 50' to the northwest corner of Lot 39; thence run $N89^{\circ}49'00''E$ along the north line of Lot 39 for 135.12' to the Point of beginning. AND: Lots 40 and 41 in Block 1 of LITTLE RIVER HIGHLANDS, Plat book 13, Page 77, less the north 5' of Lot 41 for street purposes, described as follows:

Begin at the southeast corner of Lot 40 in Block 1 of said LITTLE RIVER HIGHLANDS; thence run $S89^{\circ}49'00''W$ along the south line of Lot 40 for 135.12' to the Southwest corner of Lot 40; thence run north along the west line of Lots 40 and 41 for 95' to a point 5' south of the northwest corner of Lot 41; thence run $N89^{\circ}49'00''E$ parallel to and 5' south of the north line of Lot 41 for 125.06' to a Point of intersection with a circular curve concave to the southwest, having a radius of 25' and a central angle of $53^{\circ}18'48''$; thence run SE/ly along the arc of said curve for a distance of 23.26' to a Point of tangency; thence run south along the east line of Lots 41 and 40 for a distance of 74.92' to the Point of beginning.

•
•
•