MIAMIBEACH

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

LAND USE BOARD HEARING APPLICATION

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

Application Information

FILE NUMBER PB23-0634

◯ **Board of Adjustment**	◯ **Design Review Board**
☐ Variance from a provision of the Land Development Regulations	☐ Design review approval
☐ Appeal of an administrative decision	☐ Variance
◉ **Planning Board**	◯ **Historic Preservation Board**
☐ Conditional use permit	☐ Certificate of Appropriateness for design
☐ Lot split approval	☐ Certificate of Appropriateness for demolition
■ Amendment to the Land Development Regulations or zoning map	☐ Historic district/site designation
☐ Amendment to the Comprehensive Plan or future land use map	☐ Variance

■ **Other:** Amendment to the Resiliency Code

Property Information – Please attach Legal Description as "Exhibit A"

ADDRESS OF PROPERTY
112 MacArthur Causeway

FOLIO NUMBER(S)
02-4204-000-0065

Property Owner Information

PROPERTY OWNER NAME
Fisher Island Community Association, Inc.

ADDRESS	CITY	STATE	ZIPCODE
1 Fisher Island Drive	Fisher Island	FL	33109

BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS
305-938-2949		rsosa@fisherislandfica.com

Applicant Information (if different than owner)

APPLICANT NAME

ADDRESS	CITY	STATE	ZIPCODE

BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS

Summary of Request

PROVIDE A BRIEF SCOPE OF REQUEST

Amendment to Resiliency Code to permit main use garages within the I-1 district on Terminal Island to have a height of 75 feet.

Project Information				
Is there an existing building(s) on the site?		■ Yes	☐ No	
Does the project include interior or exterior demolition?		☐ Yes	■ No	
Provide the total floor area of the new construction.				SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).				SQ. FT.
Party responsible for project design				
NAME N/A		☐ Architect ☐ Contractor ☐ Landscape Architect ☐ Engineer ☐ Tenant ☐ Other_____		
ADDRESS		CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS		
Authorized Representative(s) Information (if applicable)				
NAME Neisen Kasdin		■ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS 98 SE 7th St, Suite 1100		CITY Miami	STATE FL	ZIPCODE 33131
BUSINESS PHONE 305-982-5629	CELL PHONE	EMAIL ADDRESS neisen.kasdin@akerman.com		
NAME		☐ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS		CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS		
NAME		☐ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS		CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS		

Please note the following information:

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

Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".

- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.

- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.

- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the forgoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.

- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by: ☐ Owner of the subject property ■ Authorized representative

SIGNATURE

Neisen Kasdin

PRINT NAME

9/29/23

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF Florida

COUNTY OF Miami-Dade

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

SIGNATURE

Sworn to and subscribed before me this 29th day of September, 2023. The foregoing instrument was acknowledged before me by Roberto Sosa, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

ASHLEY IRIZARRY
Notary Public - State of Florida
Commission # HH 017621
My Comm. Expires Jul 5, 2024
Bonded through National Notary Assn.

NOTARY PUBLIC

My Commission Expires: _____

Ashley Irizarry

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

STATE OF Florida

COUNTY OF Miami-Dade

I, Roberto Sosa, being first duly sworn, depose and certify as follows: (1) I am the President (print title) of Fisher Island Community Association, 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 of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 29th day of September, 2023. The foregoing instrument was acknowledged before me by Roberto Sosa, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

ASHLEY IRIZARRY
Notary Public - State of Florida
Commission # HH 017621
My Comm. Expires Jul 5, 2024
Bonded through National Notary Assn.

NOTARY PUBLIC

My Commission Expires: _____

Ashley Irizarry

PRINT NAME

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida

COUNTY OF Miami-Dade

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

Roberto Sosa, President
PRINT NAME (and Title, if applicable)

SIGNATURE

Sworn to and subscribed before me this 29th day of September, 2023. The foregoing instrument was acknowledged before me by Roberto Sosa, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

ASHLEY IRIZARRY
Notary Public - State of Florida
Commission # HH 017621
My Comm. Expires Jul 5, 2024
Bonded through National Notary Assn.

My Commission Expires: _____

NOTARY PUBLIC

Ashley Irizarry
PRINT NAME

CONTRACT FOR PURCHASE

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

_____ _____

NAME **DATE OF CONTRACT**

NAME, ADDRESS AND OFFICE	% OF STOCK

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

DISCLOSURE OF INTEREST
CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

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

Fisher Island Community Association, Inc.

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
N/A (as a Community Association, there are no owners)	

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP

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

DISCLOSURE OF INTEREST
TRUSTEE

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

_____

TRUST NAME

NAME AND ADDRESS	% INTEREST

COMPENSATED LOBBYIST

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

NAME	ADDRESS	PHONE
Neisen Kasdin	98 SE 7th Street, Miami, FL 33131	305-982-5629
Christopher Penelas	98 SE 7th Street, Miami, FL 33131	305 982 5678

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

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

APPLICANT AFFIDAVIT

STATE OF Florida

COUNTY OF Miami-Dade

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

SIGNATURE

Sworn to and subscribed before me this 29th day of September, 2023. The foregoing instrument was acknowledged before me by Roberto Sosa, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

ASHLEY IRIZARRY
Notary Public - State of Florida
Commission # HH 017621
My Comm. Expires Jul 5, 2024
Bonded through National Notary Assn.

NOTARY PUBLIC

My Commission Expires: _____

Ashley Irizarry

PRINT NAME

EXHIBIT A

LEGAL DESCRIPTION:

PARCEL A:

COMMENCING AT A POINT 1580 FEET NORTH AND 2015 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 42 EAST, SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINE OF THE ROADWAY OF THE ORIGINAL MIAMI COUNTY CAUSEWAY VIADUCT AND THE FACE OF THE WEST BRIDGE ABUTMENT, RUN SOUTH 67°05'00" WEST, ALONG THE CENTERLINE OF SAID ROADWAY PRODUCED, A DISTANCE OF 58.70 FEET TO A POINT; THENCE RUN SOUTH 31°43'00" EAST A DISTANCE OF 64.75 FEET TO THE POINT OF BEGINNING OF THE PARCEL A OF LAND HEREIN DESCRIBED.

FROM SAID POINT OF BEGINNING RUN SOUTH 67°05'00" WEST, ALONG THE SOUTHERLY LINE OF THE MIAMI COUNTY CAUSEWAY, A DISTANCE OF 118.22 FEET; THENCE RUN SOUTH 31°42'49" EAST A DISTANCE OF 80.04 FEET TO A POINT ON A CIRCULAR CURVE NON TANGENT TO THE SOUTHEAST, SAID POINT BEARS N 46°11'21" W FROM THE CENTER OF SAID CURVE; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 64.20 FEET AND A CENTRAL ANGLE OF 49°25'41" FOR A DISTANCE OF 55.38 FEET TO A POINT, THENCE RUN SOUTH 57°00'39" WEST A DISTANCE OF 18.64 FEET , THENCE RUN SOUTH 31°45'50" EAST A DISTANCE OF 109.46 FEET; THENCE RUN SOUTH 31°52'45" EAST A DISTANCE OF 89.56 FEET; THENCE RUN SOUTH 31°46'34" EAST A DISTANCE OF 69.78 FEET; THENCE RUN SOUTH 32°00'10" EAST A DISTANCE OF 61.22 FEET, THENCE RUN SOUTH 32°27'12" EAST A DISTANCE OF 59.61 FEET; THENCE RUN NORTH 58°13'00" EAST A DISTANCE OF 175.58 FEET, THENCE RUN NORTH 31°43'00" WEST, ALONG A LINE PARALLEL TO THE EXISTING SEA WALL , A DISTANCE OF 485.71 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 1.88 ACRES MORE OR LESS.