



Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: January 2, 2024

TO: Yocelyn Galiano, ICMA
Village Manager

FROM: Stephen R. Olmsted, AICP
Planning Director

RE: Off-Site Parking Agreement
Agreement between Piphty Three Holdings LLC/Pinecrest Physical Therapy and
Echo Eight LLC/Damiani

PETITION REQUEST

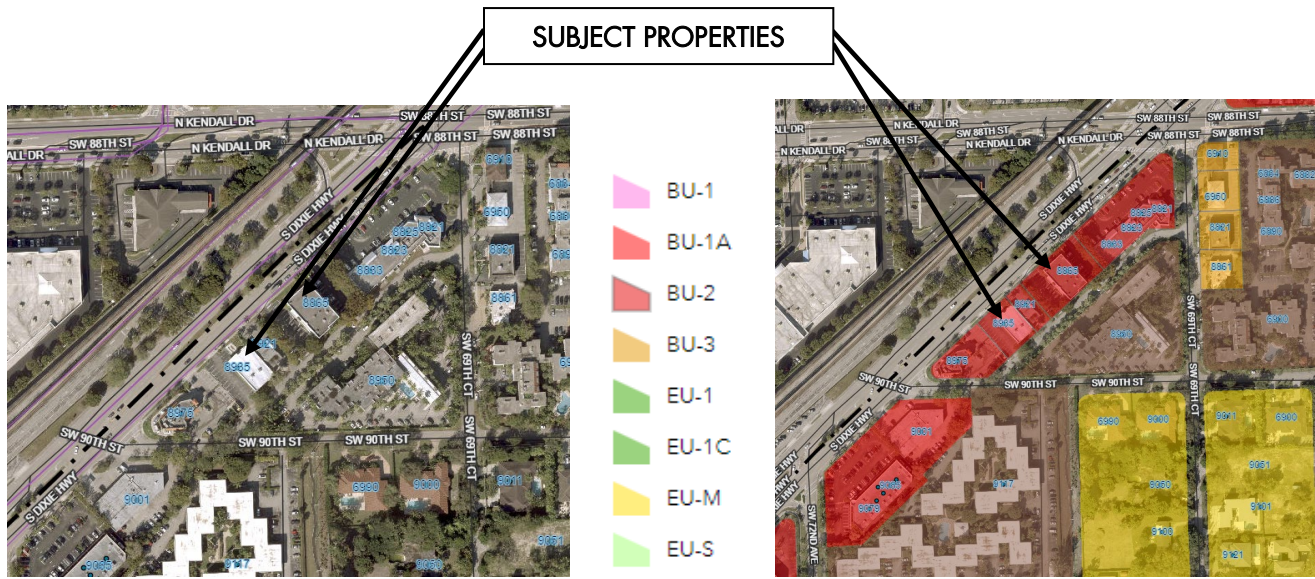
Pinecrest Physical Therapy is in the process of moving from their office located at 9619 Pinecrest Parkway to a new location at 8935 Pinecrest Parkway. Piphty Three Holdings LLC/"Pinecrest Physical Therapy" and Echo Eight LLC/"Damiani" are now requesting approval of an Off-Site Parking Agreement pursuant to the requirements of Division 5.22 (b) 3. of the Village's Land Development Regulations to allow for the allocation of five (5) excess parking spaces located at Damiani to be used to satisfy the Village's minimum parking requirements at Pinecrest Physical Therapy.

A copy of the application, lease agreement, opinions of title and other application materials are attached.

SITE LOCATION

The subject properties are located at 8935 Pinecrest Parkway (Pinecrest Physical Therapy) and 8865 Pinecrest Parkway (Damiani) in the Village of Pinecrest within the BU-2, Special Business Development zoning district - Folio # 20-5002-005-0100 (Pinecrest Physical Therapy), and Folio # 20-5002-005-0080 (Damiani).





OWNERS/APPLICANTS

Pinecrest Physical Therapy: Piphty Three Holdings LLC (Owner) and Pinecrest Physical Therapy, LLC (Applicant)

Damiani: Echo Eight LLC (Owner) and Damiani (Applicant)

PUBLIC COMMENT

The Building and Planning Department has not received any letters in support or in opposition to the request for approval of an Off-Site Parking Agreement.

LAND DEVELOPMENT REGULATIONS

The subject properties are zoned BU-2, Special Business Development. Criteria for approval of an Off-Site Parking Agreement are provided in Division 5.22 of the Village’s Land Development Regulations. Off-site parking may be allowed in the BU and RU-5 zoning districts after a public hearing is convened by the village council, provided the following conditions are met.

- a. *The off-site parking facility is located within 100 yards of the main parcel for which permission for off-site parking is being sought.*

The Damiani parking lot is located less than 300 feet to the north of Pinecrest Physical Therapy property.

- b. *An application has been filed with and accepted by the administrative official as being in compliance with the requirements set forth herein.*

An application has been submitted by both Pinecrest Physical Therapy and Damiani. A copy of the applications is attached.

- c. *The application is in the name or names of the owner of the real property seeking permission to utilize an off-site parking facility, the name of any tenant or business on such real property seeking permission to utilize an off-site parking facility, and in the name of the owner of the real property proposed for use as an off-site parking facility.*

The applications are signed by the property owners of both properties.

- d. *The applicants provide to the village an ownership and encumbrance report or policy of title insurance, acceptable to the administrative official, showing the ownership of both parcels to be listed in the names of the applicants as of the date of any action by the village council on the application.*

Opinions of Title have been provided by the owners and mortgagors of both Pinecrest Physical Therapy and Damiani properties. The Village Attorney has indicated that Joinder of the Mortgagees of both properties will be required.

- e. *The property proposed to be utilized as an off-site parking facility is not currently required parking for any other use granted by the village or has sufficient unallocated parking available.*

Pinecrest Physical Therapy proposes to utilize five (5) parking spaces at Damiani and the available spaces are excess spaces, not needed to satisfy Damiani's minimum retail parking requirements.

- f. *The application reflects that all parties acknowledge that the off-site parking facility is to be used only for off-site parking as required by the proposed business, and that such off-site parking facility shall not be available for any other use.*

Paragraph 3. of the attached lease agreement, stipulates that the five (5) designated parking spaces at Damiani are dedicated for exclusive use by Pinecrest Physical Therapy.

- g. *The applicants acknowledge that no grandfathered status shall attach to the business use, structure or real property having such off-site parking, and in the event such business or use shall lose its authority or permission to utilize such off-site parking, that*

use shall immediately cease. The agreement provided to the village shall be properly witnessed and notarized, shall be recorded in the official records of the county, and shall be binding upon the heirs, assigns and devisees of the parties to the agreement.

The submitted lease agreement between Pinecrest Physical Therapy and Damiani includes a clause acknowledging that no grandfathered status shall be attached to the property or use and that once sufficient parking is no longer available to the Pinecrest Physical Therapy property, such use shall cease. The development order and agreement, if approved, will be recorded in the Miami-Dade County public records for both properties.

- h. Any cost to the village for recording of such agreement or attorney's fees in the preparation, review or filing of such agreement shall be prepaid by the applicant prior to any village council action on the application.*

The applicant has provided an initial deposit of funds for recording of the off-site parking agreement, if approved, and for the Village Attorney's review fees.

- i. Any parking provided on any such off-site parking facility shall be upgraded to meet current village regulations for required parking (including required landscaping).*

The parking spaces and parking lot landscaping at the Damiani off-site parking lot are in compliance with Village requirements.

- j. The agreement shall specify that the business for which off-site parking is being sought shall have all owners, employees or agents of such business park on such off-site facility, and not park on the real estate for which permission for off-site parking is being sought and any violation of such parking restriction shall cause off-site parking approval to be revoked by action of the village council.*

The submitted lease agreement between Pinecrest Physical Therapy and Damiani includes a clause requiring employees of Pinecrest Physical Therapy to park on the off-site Damiani parking lot. A clause to this effect is also included as a recommended condition of approval and, if approved, can be included in the subsequent development order.

- k. The agreement provided to the village, or any approval for use of off-site parking facilities, shall not be assignable by the applicants. And any approval for the use of off-site parking facilities shall be subject to being revoked by the village council in the event that any of the applicants shall sell or convey the facility for which permission for utilization of off-site parking is being sought, the off-site parking facility, or the business*

seeking permission for utilization of an off-site parking facility. Any certificate of occupancy or occupational license issued concerning the property for which off-site is being sought shall be issued conditioned upon the owner or holder of any such license maintaining the exclusive right to use such off-site parking facility.

A clause to this effect is included as a recommended condition of approval and, if approved, can be included in the subsequent development order.

RECOMMENDATION

The Building and Planning Department recommends that the Off-Site Parking Agreement be approved, subject to the following conditions of approval:

1. The Applicants shall obtain Joinder of all Mortgagees.
2. The off-site parking facility, consisting of 5 parking spaces located at 8865 Pinecrest Parkway is to be used only for off-site parking as required by Pinecrest Physical Therapy, located at 8935 Pinecrest Parkway, and the off-site parking facility shall not be available for any other use during the hours that Pinecrest Physical Therapy is operating and open for business.
3. Pinecrest Physical Therapy shall post a sign in the Pinecrest Physical Therapy parking lot advising employees to park in the reserved parking spaces at Damiani; and Damiani shall post a sign in the Damiani Parking lot reserving the five (5) parking spaces for Pinecrest Physical Therapy employees. Proposed signage shall be reviewed and approved by the Village Manager before posting.
4. No grandfathered status shall attach to the business use, structure or real property having such off-site parking, and in the event such business or use shall lose its authority or permission to utilize such off-site parking, that use shall immediately cease.
5. All owners, employees or agents of Pinecrest Physical Therapy shall park on the approved off-site parking facility, and shall not park on the real estate for which permission for off-site parking is approved. Any violation of this parking restriction shall cause the off-site parking approval to be revoked by action of the village council.
6. The off-site parking agreement and lease for use of off-site parking facilities, shall not be assignable by the applicants. The approval for the use of the off-site parking facility shall be subject to being revoked by the village council in the event that any of the applicants sell or convey the facility for which permission for utilization of off-site

parking is being sought, the off-site parking facility, or the business seeking permission for utilization of an off-site parking facility.

7. Any certificate of occupancy or Local Business Tax Receipt issued or renewed concerning the Pinecrest Physical Therapy property located at 8935 Pinecrest Parkway for which off-site parking is being sought shall be issued conditioned upon the owner or holder of any such certificate of occupancy or local business tax receipt maintaining the exclusive right to use such off-site parking facility.
8. On or before expiration of the lease agreement on December 15, 2024, the owner of Pinecrest Physical Therapy shall provide the Village of Pinecrest a copy of a new lease agreement authorizing continued use of the off-site parking facility, and shall otherwise immediately notify the Village Manager when an effective lease agreement authorizing use of the off-site parking facility is terminated.
9. Pinecrest Physical Therapy shall maintain compliance with all off-site parking facility requirements of Division 5.22 (b) 3. of the Village's Land Development Regulations.
10. The Village Attorney shall review and approve the Off-site Parking Agreement as to form and sufficiency prior to recording.
11. The development order and agreement shall be recorded in the official records of Miami-Dade County, and shall be binding upon the heirs, assigns and devisees of the parties to the agreement.



PINECPEST

Physical Therapy

December 1, 2023

Village of Pinecrest

Building & Planning Department

12645 Pinecrest Pkwy, Pinecrest, FL 33156

Re: Letter of Intent for Off-site Parking Public Hearing

To Whom It May Concern,

Pinecrest Physical Therapy provides a critical service that is used by many of the Village's residents. The opening of this business, in this location will greatly enhance the Pinecrest Physical Therapy's ability to provide better service to the residents. This letter of intent serves to allow for Pinecrest Physical Therapy to seek approval for its future site located at 8935 S Dixie Hwy Pinecrest, FL 33156, to comply with the Village's Parking requirements by utilizing five (5) off-site spaces at Damiani, located at 8865 S Dixie Hwy Pinecrest, FL 33156.

Cordially,

Ronald Yacoub

Owner, Pinecrest Physical Therapy

Parking Space Lease Agreement

This Parking Space Lease Agreement ("Agreement") is entered into on this 1st day of January, 2024, (the "Effective Date"), by and between:

Damiani, a corporation, with its principal place of business located at 8865 S Dixie Hwy Pinecrest FL 33156 (hereinafter referred to as the "Landlord"), and

Pinecrest Physical Therapy, LLC, a corporation, with its principal place of business located at 8935 South Dixie Highway, Pinecrest, FL 33156 (hereinafter referred to as the "Tenant").

1. PARKING SPACES. Landlord hereby leases to Tenant and Tenant hereby leases from Landlord, for the term and subject to the conditions set forth herein, the following described parking spaces (the "Parking Spaces"):

- a. Parking Space #1: [As Shown in attached Exhibit A]
- b. Parking Space #2: [As Shown in attached Exhibit A]
- c. Parking Space #3: [As Shown in attached Exhibit A]
- d. Parking Space #4: [As Shown in attached Exhibit A]
- e. Parking Space #5: [As Shown in attached Exhibit A]

2. TERM. The term of this Agreement shall commence on the Effective Date and shall continue for a period of ~~Ten (10)~~ ^{One (1)} years, unless terminated earlier as provided herein (the "Term").

3. USE. The Parking Spaces are dedicated for exclusive use by Pinecrest Physical Therapy during its normal business hours while it is open and operating. Tenant agrees to use the Parking Spaces in a manner consistent with all applicable laws and regulations and in a manner that does not interfere with the use and enjoyment of other tenants or occupants of the property.

4. RENT. Tenant shall pay Landlord a monthly rent of ~~\$500~~ ^{\$1,250} for the use of the Parking Spaces. Rent payments shall be due on the first day of each month and shall be payable to Landlord at the following address 886 S Dixie Hwy Pinecrest, FL 33156

5. MAINTENANCE & REPAIRS. Tenant shall be responsible for the maintenance and repair of the Parking Spaces during the Term of this Agreement, including keeping the spaces clean and free from debris.

6. TERMINATION. Either party may terminate this Agreement with written notice of 120 Days to the other party.

7. GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the [insert governing jurisdiction].

8. ENTIRE AGREEMENT. This Agreement contains the entire understanding between the parties and supersedes all prior agreements and understandings, whether written or oral.

9. This agreement contains the following clause: "no grandfathered status shall attach to the Pinecrest Physical Therapy and in the event Pinecrest Physical Therapy loses its authority or permission to utilize such off-site parking, and it is determined at the time that Pinecrest Physical Therapy does not otherwise satisfy parking requirements of the Village of Pinecrest, Pinecrest Physical Therapy shall "immediately cease".

10. The business for which off-site parking is being sought shall have all owners, employees or agents of such business park on such off-site facility, and not park on the real estate for which permission for off-site parking is being sought and any violation of such parking restriction shall cause off-site parking approval to be revoked by action of the village council.

IN WITNESS WHEREOF, the parties hereto have executed this Parking Space Lease Agreement as of the Effective Date.

Landlord: [Signature]
Signature: [Signature]
Printed Name: Evelin Estrella
Date: 12/15/23

Tenant: [Signature]
Signature: [Signature]
Printed Name: RON YACOVG
Date: 12/15/23

Witness Name: Benjamin Meza
Witness Signature: [Signature]

Witness Name: Gabriel Pardo
Witness Signature: [Signature]

Notarized: Brittany Murray Altieri
Brittany Murray Altieri



OPINION OF TITLE

To: Miami-Dade County

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of Declaration of Restrictions pursuant to a CDMP Public Hearing No. _____, it is hereby certified that I have examined *a complete Abstract of Title* covering the period from the beginning to the 14th day of November, 2023, at the hour of 11:00 PM, inclusive, of the property described on **Exhibit A** hereto. All title instruments, policies, and documents referenced above are collectively referred to as the "Title Evidence". I know of no reason that this Title Evidence is inaccurate or incomplete.

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

Piphty-Three Holdings, LLC, a Florida limited liability company, (the "Company"), of which Company Ronald Yacoub is the Manager authorized to execute documents on behalf of the Company.

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

1. **RECORDED MORTGAGES:**

- A. Mortgage from Piphty-Three Holdings, LLC to Apollo Bank recorded on November 8, 2021, at Official Records Book 32837 at Page 1019 in the public records of Miami Dade County, Florida.

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

None.

3. **GENERAL EXCEPTIONS:**

- a. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Commitment Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
- b. General or special taxes and assessments required to be paid in the year **2023** and subsequent years.
- c. Rights or claims of parties in possession not recorded in the Public Records.
- d. Any encroachment, encumbrance, violation, variation or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
- e. Easements or claims of easements not recorded in the Public Records.

- f. Any lien, or right to a lien, for services, labor or material furnished, imposed by law and not recorded in the Public Records.

4. **SPECIAL EXCEPTIONS**

- a. Rights of any lessees under unrecorded leases.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the Declaration of Restrictions.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the Declaration of Restrictions a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
Apollo Bank	Recorded Mortgage as specified under Section 1 above.	None.

The following is a description of the aforementioned abstract and its continuations:

<u>Number</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
	Old Republic National Title		Beginning of time to 11/14/2023

[Space intentionally left blank]

I *HEREBY CERTIFY* that the legal description contained under Exhibit "A" to this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 6th day of December, 2023.

Meghhaa

Meghhaa Kumaarr, Esq.
Florida Bar No. 91831
3162 Commodore Plaza, Suite 3E
Miami, Florida 33133

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization me this 6th day of December, 2023, by Meghhaa Kumaarr, who is personally known to me or has produced _____, as identification.

Loures Martinez

Notary Public
Loures Martinez

Print Name

My Commission Expires:

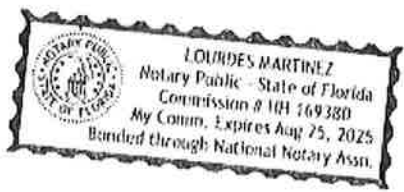


EXHIBIT "A"

Property Folio:

20-5002-909-0100

Legal Description:

Lots 11 and 12, Block 2, North Kendall, according to the plat thereof as recorded in Plat Book 44, Page 93, Public Records of Miami-Dade County, Florida.

Property Address:

8935 S Dixie Hwy
Miami, Florida 33156

OPINION OF TITLE

To: Miami-Dade County

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of Declaration of Restrictions pursuant to a CDMP Public Hearing No. _____, it is hereby certified that I have examined *a complete Abstract of Title* covering the period from the beginning to the 14th day of November, 2023, at the hour of 11:00 PM, inclusive, of the property described on **Exhibit A** hereto. All title instruments, policies, and documents referenced above are collectively referred to as the "Title Evidence". I know of no reason that this Title Evidence is inaccurate or incomplete.

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

Echo Eight LLC, a Florida limited liability company (the "Company"), of which Company Victoria Esteban Estrada Sierra is the Manager and is authorized to execute documents on behalf of the Company.

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

1. RECORDED MORTGAGES:

- A. Mortgage from Echo Eight LLC to 2EE LLC recorded on October 19, 2021, at Official Records Book 32800 at Page 2224 in the public records of Miami Dade County, Florida.
- B. Second Mortgage, Assignment of Rents and Security Agreement from Echo Eight LLC to B.M.B.M. Productions Corp., a Florida corporation recorded on March 24, 2023, at Official Records Book 33637 at Page 1061 in the public records of Miami Dade County, Florida.

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

None.

3. GENERAL EXCEPTIONS:

- a. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Commitment Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.

- b. General or special taxes and assessments required to be paid in the year 2023 and subsequent years.
- c. Rights or claims of parties in possession not recorded in the Public Records.
- d. Any encroachment, encumbrance, violation, variation or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
- e. Easements or claims of easements not recorded in the Public Records.
- f. Any lien, or right to a lien, for services, labor or material furnished, imposed by law and not recorded in the Public Records.

4. **SPECIAL EXCEPTIONS**

- a. Agreement for Water and Sanitary Sewer Facilities between Miami-Dade County and Napoli Investments, Ltd. recorded on July 29, 2002, at Official Records Book 20557 at Page 0755 in the public records of Miami Dade County, Florida.
- b. Rights of any lessees under unrecorded leases.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the Declaration of Restrictions.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the Declaration of Restrictions a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
2EE LLC	Recorded Mortgage as specified under Section 1 above.	None.
B.M.B.M. Productions Corp. LASI Holdings LLC	Recorded Second Mortgage as specified under Section 1 above.	None.

The following is a description of the aforementioned abstract and its continuations:

<u>Number</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
	Old Republic National Title		Beginning of time to 11/14/2023

[Space intentionally left blank]

I *HEREBY CERTIFY* that the legal description contained under Exhibit "A" to this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 6th day of December, 2023.

Meghhaa

Meghhaa Kumaarr, Esq.
Florida Bar No. 91831
3162 Commodore Plaza, Suite 3E
Miami, Florida 33133

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization me this 6th day of December, 2023, by Meghhaa Kumaarr, who is personally known to me or has produced _____, as identification.

Loures Martinez

Notary Public
Loures Martinez

Print Name

My Commission Expires:

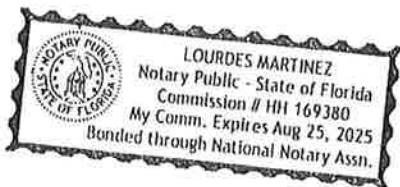


EXHIBIT "A"

Property Folio:

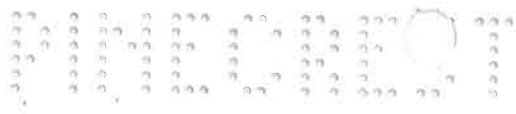
20-5002-005-0080

Legal Description:

Lots 6,7, 8 and 9, Block 2, North Kendall, according to the map or plat thereof as recorded in Plat Book 44, Page 93, Public Records of Miami-Dade County, Florida.

Property Address:

8865 S Dixie Hwy
Miami, Florida 33156



Pinecrest Physical Therapy

VILLAGE OF PINECREST
Building & Planning Department

PUBLIC HEARING APPLICATION

Administrative Review Application

- Please check one:
- VILLAGE COUNCIL
 - PLANNING BOARD
 - ADMINISTRATIVE REVIEW

OFFICIAL USE ONLY		
Application No.	C02312-0001	
Date Received:	12	7 23

INSTRUCTIONS

This application, with all supplemental data and information, must be completed in accordance with the specific instructions in this application. Applications and all supplemental information must be filed no later than 60 days prior to the regular public hearing date.

APPLICATION

Please indicate which type of application you are submitting by checking one category below:

- | | |
|--|--|
| <input type="checkbox"/> Change in Zoning District | <input type="checkbox"/> Plat |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Entry Feature |
| <input type="checkbox"/> Appeal of Decision | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Conditional Use | <input checked="" type="checkbox"/> Other <u>offsite parking</u> |

IMPORTANT: THE APPLICANT, OR REPRESENTATIVE, MUST BE PRESENT AT THE HEARING TO PRESENT THE PROPOSAL.

Please print or type



Name of Applicant, agent or tenant (with owner's affidavit) <u>Pinity - Three Holdings, LLC</u>		
Mailing Address <u>PO BOX 331911</u>	City, State, Zip <u>Miami, FL 33233</u>	Telephone <u>305-302-1828</u> Email <u>ron@pinecrestpt.com</u>
Name of Owner <u>Ronald Yacoub</u>		
Mailing Address <u>PO BOX 331911</u>	City, State, Zip <u>Miami, FL 33233</u>	Telephone <u>305-302-1828</u> Email <u>ron@pinecrestpt.com</u>

PROPERTY INFORMATION

A. LEGAL DESCRIPTION. (If subdivided – lot, block, complete name of subdivision, plat book and page numbers).
If metes and bounds description – Complete description, including section, township and range).

Folio Number 20-5002-005-0100

Address 8935 S DIXIE HWY

Lot(s) 11 & 12 Block 2 Section _____ Plat Book No. 44 Page No. 930

FINISHED FLOOR ELEVATION (If applicable): _____ FLOOD _____ ZONE _____

Revised 8/2016

B. ADDRESS (If number has been assigned) 0935 S DIXIE HWY MIAMI, FL 33156

C. SIZE OF PROPERTY _____ ft. X _____ ft. = _____ sq. ft.; 0.29 acre(s)
Width Depth

D. Provide legal description or address of any property held by the owner which is contiguous to that which is the subject matter of this application.

NORTH Kendall PB 44-93 LOTS 11 & 12 BLK 2
OR 13277-2302 0587 1
F/A/U 30-5002-005-0100
OR 18001-2832 0498 1

E. DATE SUBJECT PROPERTY WAS ACQUIRED 10/06/2021

APPLICANT'S PROPOSAL

Specify in full the request. (Use a separate sheet of paper if necessary.)

The applicant seeks approval to comply with the Villages parking requirements by utilizing five (5) off site spaces at Damiani.

INTENT

Explain purpose of application, benefit(s) in the change and reasons why this application should be approved. Specify the exact nature of the use or operation applied for, together with any pertinent technical data, which will clarify the proposal. (Use a separate sheet of paper if necessary.)

The applicant provides a critical service that is used by many of the Village's residents. The opening of this business, in this location will greatly enhance the applicant's ability to provide better service to the residents.

Is this application the result of a Notice of Violation or deviation from approved plans? Yes No

Are there any existing structures on the property? Yes No

If so, what type? (CBS, Frame, Frame-Stucco, Wood, Other) CBS building

Any applications (except plat applications) which involve new building construction or exterior improvements to an existing building must submit the plans with this application. Plans that are not filed with this application will not be considered by the Village of Pinecrest.

All data and exhibits submitted in connection with this application become a PERMANENT PART OF THE PUBLIC RECORDS OF THE VILLAGE OF PINECREST.

The following enclosures where applicable MUST BE ATTACHED to complete the application:

- A. **SURVEY OF PROPERTY:** For vacant or improved property. Must be no more than five years old and sealed by a registered land surveyor. The Building and Planning Department may require a more recent survey if a site visit indicates any discrepancies. Survey must include, where applicable, lot lines, all structures, walls, fences, landscaping, and all physical improvements.
- B. **SITE DEVELOPMENT PLAN:** Where applicable, plans shall show location and elevations of existing and proposed buildings, proposed additions, alterations and use of each; all dimensions of buildings and space between buildings; setbacks from property lines; proposed and existing off-street parking showing lined spaces, driveways, handicap spaces, compact spaces; a landscape plan that complies with Village of Pinecrest Landscape Ordinance showing location of existing and proposed vegetation, landscaping (i.e. trees and hedges), number, height and species type. The plan shall also show wall and fence height, location and material.
- C. **LETTER OF INTENT:** A letter of intent must be filed explaining in detail the extent of the development. Signature and address must be shown.
- D. **OTHER GOVERNMENTS/AGENCIES ENDORSEMENTS:** All applicable DERM, Miami-Dade Fire Department, or the Miami-Dade Water and Sewer Department's endorsement must be submitted.
- E. **OWNER'S AFFIDAVIT:** Owner's affidavit allowing the filing of an application is required on all applications where the applicant is not the owner of the property under consideration; same form allows posting of property.
- F. **TRAFFIC STUDY:** A detailed traffic analysis considering the impacts of the proposed development on current level-of-service (LOS) standards in abutting (or nearby) roads and intersections.

NOTE: SURVEYS, SITE DEVELOPMENT PLANS, LANDSCAPE PLANS MUST BE SUBMITTED AT STANDARD PLAN SIZE AND DRAWN TO AN ENGINEERING OR ARCHITECTURAL SCALE (STRUCTURES ONLY). AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNLESS 10 COPIES OF THE APPLICATION AND SUPPORTING DOCUMENTATION (FRONT AND BACK), APPROPRIATE PLAN DRAWINGS AND SURVEYS ARE SUBMITTED. **UNLESS DETERMINED OTHERWISE BY THE PLANNING DIRECTOR, ALL PRESENTATION GRAPHICS MUST BE IN POWERPOINT OR OTHER DIGITAL FORMAT.**

In support of this request, I submit the following additional items, which are attached hereto and made a part of this application:

- 35 MM Photo(s) (Mounted 8 1/2 x 11)
- Letters from Area Residents
- Other _____

Please check only one of the following options:

FOR VILLAGE COUNCIL PURPOSES

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as the applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal to the Circuit Court within 30 days of the meeting.

FOR ZONING BOARD PURPOSES

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal with the Village Clerk within 14 days of the decision.

9/18/23 _____, RONALD YACOUB
 Date Applicant's Signature Print Name

9/18/23 _____, DANIELLA ESTRELLA
 Date Applicant's Signature (if more than one) Print Name

I/We Ronald Yacoub as Owner(s) of Lot(s) 11 & 12

Block 2 Section _____ PB/PG 44/930

of property, which is located at 8935 S Dixie Hwy Miami, FL 33156 desire to file an application for a public hearing before the Village Council Planning Board Administrative Review, and I/We do understand and agree as follows:

1. That the application for a variance will not be heard unless the applicant is present at the hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing, at which time the Village staff will remove the sign.
3. That the requirements of the zoning code, Miami-Dade County Ordinances, the Florida Building Code, and other government agencies may affect the scheduling and ability to obtain/issue a permit for the proposal.
4. That the only exceptions to the zoning code are those that have been specified in the written application and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the Village of Pinecrest or Miami-Dade County ordinances.
5. That the applicant will be responsible for complying with all the conditions and restrictions imposed by the Village Council or Zoning Board in connection with the request and will take the necessary steps to make the request effective if approved by the Village Council or Zoning Board.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Village Council or Zoning Board to hear the applicant's request.
7. That the applicant is responsible for timely submission and accuracy of all items requested on the application.
8. That the applicant is responsible for an additional fee for mailing notice to surrounding property owners and recording of the Development Order as specified by the LDRs.

I/We as the owners of the subject property (check one):

- do hereby authorize _____ to act on my/our behalf as the applicant.
- will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing before the Village Council or Zoning Board.

Owner's Name Ronald Yacoub Signature [Signature] Date 12/1/23

Owner's Name _____ Signature _____ Date _____

Notary to Owner:

Applicant's Name RONALD YACOUB Signature [Signature] Date 12/1/23

Notary to Applicant:



Brittany Murray Altieri
Brittany Murray Altieri

PUBLIC HEARING APPLICATION SUPPLEMENT

However, applicants are encouraged to contact neighbors regarding application.

_____ has applied to the Village of Pinecrest for a variance,
 _____ Name of Applicant
 which will affect the property located at _____ as follows:
 _____ Property Address

To permit _____

The Village Council Zoning Board will hold a public hearing on this request. I have read the above requested variance, the applicable plans and understand that I am waiving any objection to the proposed variance and related construction as described above. By subscribing my name below, I hereby certify that I have done so freely and without any duress or misrepresentation on the part of the applicant.

Parcel 1 _____ Owner Name _____ Address _____ Signature _____ Date _____	Parcel 2 _____ Owner Name _____ Address _____ Signature _____ Date _____	Parcel 3 _____ Owner Name _____ Address _____ Signature _____ Date _____
Parcel 4 _____ Owner Name _____ Address _____ Signature _____ Date _____	SUBJECT PROPERTY Please indicate the NORTH direction. (Circle one) ← ↑ ↓ →	Parcel 5 _____ Owner Name _____ Address _____ Signature _____ Date _____
STREET / AVENUE / TERRACE / ROAD / COURT		
Parcel 6 _____ Owner Name _____ Address _____ Signature _____ Date _____	Parcel 7 _____ Owner Name _____ Address _____ Signature _____ Date _____	Parcel 8 _____ Owner Name _____ Address _____ Signature _____ Date _____



Damiani

VILLAGE OF PINECREST
Building & Planning Department

PUBLIC HEARING APPLICATION Administrative Review Application

- Please check one:
- VILLAGE COUNCIL
 - PLANNING BOARD
 - ADMINISTRATIVE REVIEW

OFFICIAL USE ONLY	
Application No.	_____
Date Received:	_____

INSTRUCTIONS

This application, with all supplemental data and information, must be completed in accordance with the specific instructions in this application. Applications and all supplemental information must be filed no later than 60 days prior to the regular public hearing date.

APPLICATION

Please indicate which type of application you are submitting by checking one category below:

- | | |
|--|---|
| <input type="checkbox"/> Change in Zoning District | <input type="checkbox"/> Plat |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Entry Feature |
| <input type="checkbox"/> Appeal of Decision | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Conditional Use | <input checked="" type="checkbox"/> Other <u>off-site parking</u> |

IMPORTANT: THE APPLICANT, OR REPRESENTATIVE, MUST BE PRESENT AT THE HEARING TO PRESENT THE PROPOSAL.

Please print or type

Name of Applicant, agent or tenant (with owner's affidavit) <u>Damiani EVNICA INC.</u>		
Mailing Address <u>8865 S. DIXIE HWY</u>	City, State, Zip <u>Pinecrest, FL 33156</u>	Telephone Email <u>destrella@damianistores.com</u>
Name of Owner <u>ECHO EIGHT LLC</u>		
Mailing Address <u>7800 S. RED ROAD #302</u>	City, State, Zip <u>Miami, FL 33143</u>	Telephone Email <u>estebanestrada@b@gmail.com</u>

PROPERTY INFORMATION

A. LEGAL DESCRIPTION. (If subdivided – lot, block, complete name of subdivision, plat book and page numbers).
If metes and bounds description – Complete description, including section, township and range).

Folio Number 20-5002-005-0080

Address 8865 S. DIXIE HWY

Lot(s) 6 to 9 Block 2 Section _____ Plat Book No. _____ Page No. _____

FINISHED FLOOR ELEVATION (If applicable): _____ FLOOD _____ ZONE _____

Revised 8/2016

B. ADDRESS (If number has been assigned) _____

C. SIZE OF PROPERTY _____ ft. X _____ ft. = _____ sq. ft.; .60 acre(s)
Width Depth

D. Provide legal description or address of any property held by the owner which is contiguous to that which is the subject matter of this application.

North Kendall PB 44-93
LOTS 6 TO 9 INC BLK 2
F/A/U 30-5002-005-0080
OR 19672-0062 0501 1

E. DATE SUBJECT PROPERTY WAS ACQUIRED 10/07/2021

APPLICANT'S PROPOSAL

Specify in full the request. (Use a separate sheet of paper if necessary.)

see other application

INTENT

Explain purpose of application, benefit(s) in the change and reasons why this application should be approved. Specify the exact nature of the use or operation applied for, together with any pertinent technical data, which will clarify the proposal. (Use a separate sheet of paper if necessary.)

See other application.

Is this application the result of a Notice of Violation or deviation from approved plans? Yes No

Are there any existing structures on the property? Yes No

If so, what type? (CBS, Frame, Frame-Stucco, Wood, Other) _____

Any applications (except plat applications) which involve new building construction or exterior improvements to an existing building must submit the plans with this application. Plans that are not filed with this application will not be considered by the Village of Pinecrest.

All data and exhibits submitted in connection with this application become a PERMANENT PART OF THE PUBLIC RECORDS OF THE VILLAGE OF PINECREST.

The following enclosures where applicable MUST BE ATTACHED to complete the application:

- A. **SURVEY OF PROPERTY:** For vacant or improved property. Must be no more than five years old and sealed by a registered land surveyor. The Building and Planning Department may require a more recent survey if a site visit indicates any discrepancies. Survey must include, where applicable, lot lines, all structures, walls, fences, landscaping, and all physical improvements.
- B. **SITE DEVELOPMENT PLAN:** Where applicable, plans shall show location and elevations of existing and proposed buildings, proposed additions, alterations and use of each; all dimensions of buildings and space between buildings; setbacks from property lines; proposed and existing off-street parking showing lined spaces, driveways, handicap spaces, compact spaces; a landscape plan that complies with Village of Pinecrest Landscape Ordinance showing location of existing and proposed vegetation, landscaping (i.e. trees and hedges), number, height and species type. The plan shall also show wall and fence height, location and material.
- C. **LETTER OF INTENT:** A letter of intent must be filed explaining in detail the extent of the development. Signature and address must be shown.
- D. **OTHER GOVERNMENTS/AGENCIES ENDORSEMENTS:** All applicable DERM, Miami-Dade Fire Department, or the Miami-Dade Water and Sewer Department's endorsement must be submitted.
- E. **OWNER'S AFFIDAVIT:** Owner's affidavit allowing the filing of an application is required on all applications where the applicant is not the owner of the property under consideration; same form allows posting of property.
- F. **TRAFFIC STUDY:** A detailed traffic analysis considering the impacts of the proposed development on current level-of-service (LOS) standards in abutting (or nearby) roads and intersections.

NOTE: SURVEYS, SITE DEVELOPMENT PLANS, LANDSCAPE PLANS MUST BE SUBMITTED AT STANDARD PLAN SIZE AND DRAWN TO AN ENGINEERING OR ARCHITECTURAL SCALE (STRUCTURES ONLY). AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNLESS 10 COPIES OF THE APPLICATION AND SUPPORTING DOCUMENTATION (FRONT AND BACK), APPROPRIATE PLAN DRAWINGS AND SURVEYS ARE SUBMITTED. **UNLESS DETERMINED OTHERWISE BY THE PLANNING DIRECTOR, ALL PRESENTATION GRAPHICS MUST BE IN POWERPOINT OR OTHER DIGITAL FORMAT.**

In support of this request, I submit the following additional items, which are attached hereto and made a part of this application:

- 35 MM Photo(s) (Mounted 8 1/2 x 11)
- Letters from Area Residents
- Other _____

Please check only one of the following options:

FOR VILLAGE COUNCIL PURPOSES

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as the applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal to the Circuit Court within 30 days of the meeting.

FOR ZONING BOARD PURPOSES

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal with the Village Clerk within 14 days of the decision.

_____ / _____
 Date Applicant's Signature Print Name

_____ / _____
 Date Applicant's Signature (if more than one) Print Name

PUBLIC HEARING APPLICATION SUPPLEMENT

OPTIONAL

However, applicants are encouraged to contact neighbors regarding application.

_____ has applied to the Village of Pinecrest for a variance,
 Name of Applicant

which will affect the property located at _____ as follows:
 Property Address

To permit _____

The Village Council Zoning Board will hold a public hearing on this request. I have read the above requested variance, the applicable plans and understand that I am waiving any objection to the proposed variance and related construction as described above. By subscribing my name below, I hereby certify that I have done so freely and without any duress or misrepresentation on the part of the applicant.

Parcel 1 _____ Owner Name _____ Address _____ Signature _____ Date	Parcel 2 _____ Owner Name _____ Address _____ Signature _____ Date	Parcel 3 _____ Owner Name _____ Address _____ Signature _____ Date
Parcel 4 _____ Owner Name _____ Address _____ Signature _____ Date	SUBJECT PROPERTY Please indicate the NORTH direction. (Circle one) ← ↑ ↓ →	Parcel 5 _____ Owner Name _____ Address _____ Signature _____ Date
STREET / AVENUE / TERRACE / ROAD / COURT		
Parcel 6 _____ Owner Name _____ Address _____ Signature _____ Date	Parcel 7 _____ Owner Name _____ Address _____ Signature _____ Date	Parcel 8 _____ Owner Name _____ Address _____ Signature _____ Date

I/We Echo Eight LLC as Owner(s) of Lot(s) 6 to 9

Block 2 Section _____ PB/PG 44-93

of property which is located at 8865 S. DIXIE HWY desire to file an application for a public hearing before the Village Council Planning Board Administrative Review, and I/We do understand and agree as follows:

1. That the application for a variance will not be heard unless the applicant is present at the hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing, at which time the Village staff will remove the sign.
3. That the requirements of the zoning code, Miami-Dade County Ordinances, the Florida Building Code, and other government agencies may affect the scheduling and ability to obtain/issue a permit for the proposal.
4. That the only exceptions to the zoning code are those that have been specified in the written application and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the Village of Pinecrest or Miami-Dade County ordinances.
5. That the applicant will be responsible for complying with all the conditions and restrictions imposed by the Village Council or Zoning Board in connection with the request and will take the necessary steps to make the request effective if approved by the Village Council or Zoning Board.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Village Council or Zoning Board to hear the applicant's request.
7. That the applicant is responsible for timely submission and accuracy of all items requested on the application.
8. That the applicant is responsible for an additional fee for mailing notice to surrounding property owners and recording of the Development Order as specified by the LDRs.

I/We as the owners of the subject property (check one):

do hereby authorize Carlos J. Garcia to act on my/our behalf as the applicant.

will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing before the Village Council or Zoning Board.

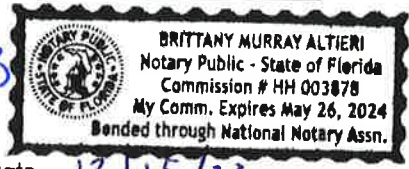
Owner's Name *[Signature]* VICTOR E. ESTRADA Signature *[Signature]* Date 12/15/2023

Owner's Name _____ Signature _____ Date _____

Notary to Owner: Brittany Murray Altieri 12/15/2023
Brittany Murray Altieri

Applicant's Name Evolio A. Estrada Signature *[Signature]* Date 12/15/23

Notary to Applicant:



PUBLIC HEARING NOTICE



PUBLIC HEARING NOTICE

Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

On **Tuesday, January 9, 2024 at 7:00 p.m.**, the Pinecrest Village Council will conduct a public hearing at the Pinecrest Municipal Center, Council Chamber, 12645 Pinecrest Parkway, Pinecrest, Florida to consider the following:

OWNERS/APPLICANT(S): Pipthy Three Holdings LLC (Owner) and Pinecrest Physical Therapy, LLC (applicant).

ITEM Hearing #2024-0109-1: Approval of an Off-Site Parking Agreement with Echo Eight LLC and Damiani pursuant to the requirements of Division 5.22 (b) 3. of the Village’s Land Development Regulations to allow for the allocation of five (5) excess parking spaces at Damiani to be used to satisfy the Village’s minimum parking requirements at Pinecrest Physical Therapy.

LOCATION: The subject properties are located at 8935 Pinecrest Parkway (Pinecrest Physical Therapy) and 8865 Pinecrest Parkway (Damiani) in the Village of Pinecrest within the BU-2, Special Business Development zoning district - Folio # 20-5002-005-0100 (Pinecrest Physical Therapy), and Folio # 20-5002-005-0080 (Damiani).

REQUEST: The Owner and Applicant are requesting approval for the allocation of five (5) excess parking spaces at Damiani to be used to satisfy the Village’s minimum parking requirements at Pinecrest Physical Therapy.

SUBJECT PROPERTIES



- BU-1
- BU-1A
- BU-2
- BU-3
- EU-1
- EU-1C
- EU-M
- EU-S



All interested parties are urged to participate. Live streaming video of the meeting will be available at www.pinecrest-fl.gov/live. If you do not wish to attend the in-person meeting, public comments may be submitted in writing prior to the hearing via e-mail to planning@pinecrest-fl.gov or on ZOOM during the meeting by sending a request to clerk@pinecrest-fl.gov prior to 4:30 p.m. on Monday, January 8, 2024.

OVER



OVER

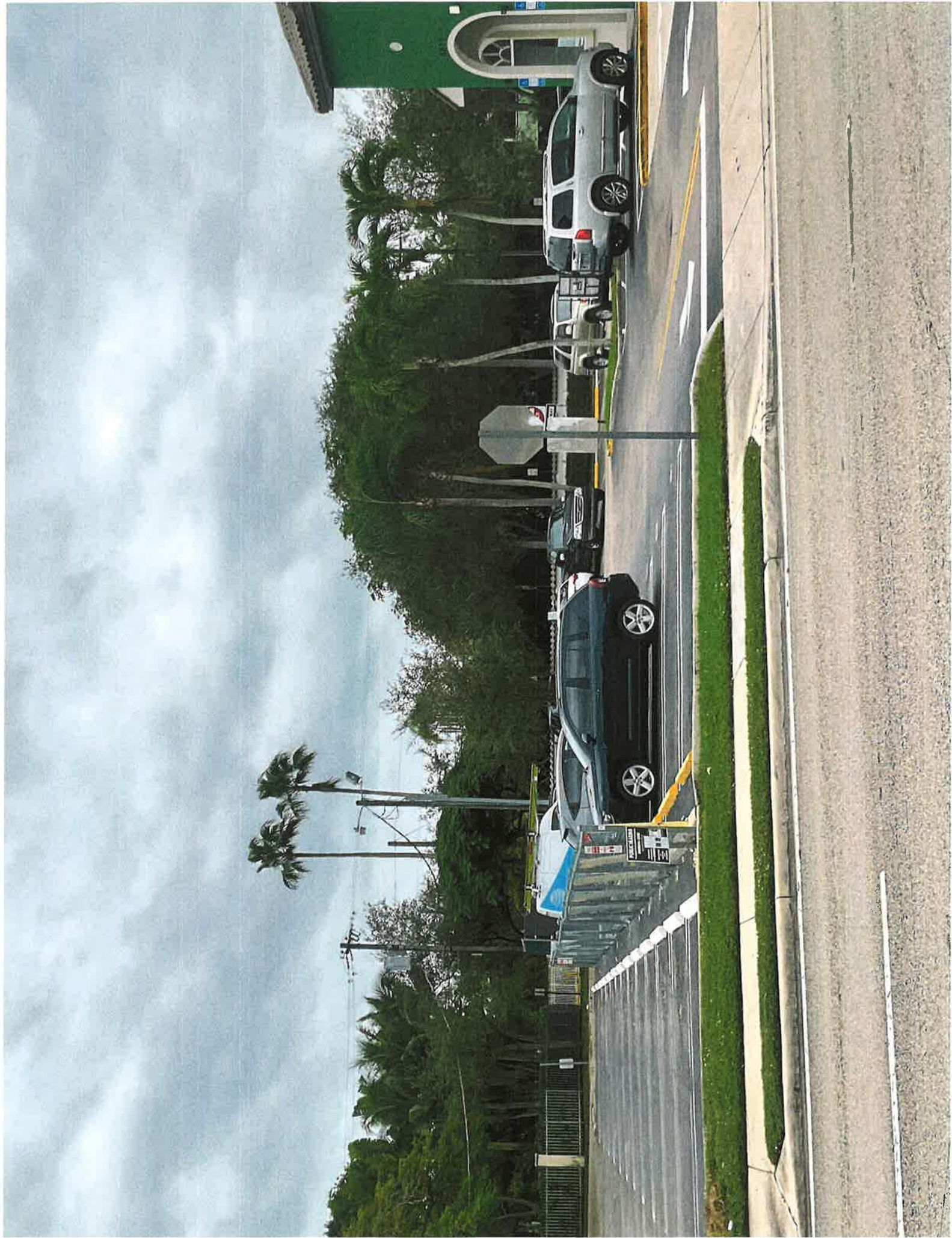




PHOTO ENFORCED

PUBLIC WORKERS

MATTRESS FIRM

SALE



STOP

RENTAL

DAMIANT



PUBLIC HEARING
DATE: 11/11/2023
TIME: 6:00 PM

8934