

# **APPLICATION**

SHORES AT PALMETTO BAY, LLC.

VPB-11-001

# C I V I C A

September 15, 2011

To: Mr. Darby Delsalle  
Director  
Planning & Zoning Department  
Village of Palmetto Bay  
8950 SW 152 Street  
Palmetto Bay, FL 33157

Re: **Parkside at Palmetto Bay RE-SUBMITTAL**  
*Residences, Retail and Public Charter School*  
*Located on the east side of Franjo Road (SW 97<sup>th</sup> Avenue), and north of 180<sup>th</sup> Street.*

Dear Mr. Delsalle:

The attached is our re-submittal of the Parkside at Palmetto Bay project for your review. This re-submittal represents our revision to the original application dated December 2010. As you know, Parkside at Palmetto Bay (Parkside) is an approximately 5-acre mixed-use development located adjacent to Palmetto Bay Park, along its western boundary, and east of 97<sup>th</sup> Ave, just north of SW 180<sup>th</sup> St.

## **Retail & Residences**

The design of Parkside includes a mix of programmatic components consistent with the intent of the Franjo Triangle and the US 1 Island District (FT&I) – retail, residential, parking and educational. The townhouse and retail components are aligned along Franjo Road and are housed in a five story building. The building is designed to reflect and support the pro-urban and pedestrian-friendly character intended by the FT&I guidelines. The project includes 33 residential units and 6,535 square feet of ground level retail.

## **Parking**

The required parking for the mixed-use project is housed in a four level structure located along the property's southern edge. The garage's placement on the site also reinforces the definition of the project's interior courtyard and its aesthetics are designed to be consistent with the architecture of the remainder of the project's buildings. The garage has a total number of 268 parking spaces, which includes the required parking for the school (129), retail (26), and residential (50), leaving a surplus of 57 spaces, which includes 6 on-street spaces.

8323 NW 12<sup>th</sup> St / Suite 106 / Doral, FL 33126

v.305.593.9099 / f.305.5939855

[www.civicagroup.com](http://www.civicagroup.com)

# C I V I C A

## **Public Charter School**

The Parkside project also includes a public charter school designed to accommodate 1,400 student-stations in grades pre-K through the 12<sup>th</sup>. The design of the school is composed of a three-story classroom building, a two-story multi-purpose building with cafeteria, library and labs, and a regulation-sized, indoor gymnasium. The school is arranged around an internal, multi-purpose courtyard that also serves as the primary arrival and dismissal area for students. The proposed site plan provides for an internal queuing lane approximately 1,672 feet in length. As per the Florida Building Code's Public School parking standards (FBC Sect. 423.10.2.8), the parking requirements for a school of this type are 129 spaces. The proposed design accommodates the required 129 spaces, which includes 14 visitor spaces (required), plus a surplus of 48 additional spaces (including 4 ADA accessible spaces).

The school's unique location adjacent to Palmetto Bay Park will provide students with safe and secure passage to the park and its many amenities. The architectural design of the school is also intended to be consistent with the character of the FT&I, promoting open loggias and courtyards, natural light, an abundant amount of landscaping. Additional information regarding the project can be found in the attached outline that addresses **Division 30-120 / Public Charter School Facilities** of the Village of Palmetto Bay Code of Ordinances.

We believe that the Parkside project embodies the principles proposed for the Franjo Triangle and US 1 Island District – a unique mixed-use urban environment that brings together shopping, residential, office, civic, and recreational uses. Please let us know the date of the next available public hearing regarding our application. We thank you in advance for your review, and we look forward to your input as the project progresses.

Sincerely,

CIVICA LLC



Rolando Llares, R.A.  
President

8323 NW 12<sup>th</sup> St / Suite 106 / Doral, Fl 33126

v.305.593.9099 / f.305.5939855

[www.civicagroup.com](http://www.civicagroup.com)



RECEIVED  
Zoning Department

January 18, 2011

**ZONING HEARING (ZH) APPLICATION**  
Village of Palmetto Bay, Department of Planning and Zoning Village of Palmetto Bay  
Building & Zoning Department

LIST ALL FOLIO #S: 33-5033-000-0860 Date Received \_\_\_\_\_ By: Jian

**1. NAME OF APPLICANT** (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

SHORES at PALMETTO BAY, LLC

**2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 13 SW 7<sup>th</sup> Street  
City: Miami State: FL Zip: 33130 Phone#: (305) 372-1266

**3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): Shores at Palmetto Bay, LLC  
13 SW 7<sup>th</sup> Street  
City: Miami State: FL Zip: 33130 Phone#: (305) 372-1266

**4. CONTACT PERSON'S INFORMATION:**

Name: Company: Michael Latterner, Manager-Shores@Palmetto Bay, LLC  
City: Miami State: FL Zip: 33130 Cell Phone#: (305) 796-9814  
Phone#: (305) 372-1266 Fax#: (305) 372-0907 E-mail: mlatterner@aol.com

**5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on diskette or compact disc in Microsoft Word or compatible software.)

The North one-half of the southwest one-quarter of the Northwest one-quarter of the southwest one-quarter of section 33, Township 55 South, Range 40 East, lying and being in Miami-Dade County, FL, less the West 40 feet thereof for road right-of-way.

**6. ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc.)

SW 97<sup>th</sup> Ave. & 179<sup>th</sup> St. (VACANT LOT)

**7. SIZE OF PROPERTY** (in acres): 5.01 (divide total sq. ft. by 43,560 to obtain acreage)

**8. DATE** property  acquired  leased: 11/05 **9. Lease term:** \_\_\_\_\_ years  
(month & year)

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)? yes   
no  If yes, provide complete legal description of said contiguous property.

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

11. Is there an option to purchase  or lease  the subject property or property contiguous thereto? no  yes  (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: MM and MN

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

District Boundary(zone) Changes [Zone(s) requested]: \_\_\_\_\_  
(Provide a separate legal description for each zone requested)

Unusual Use: \_\_\_\_\_

Use Variance: \_\_\_\_\_

Non-Use Variance: \_\_\_\_\_

Alternative Site Development: Option: \_\_\_\_\_

Special Exception: \_\_\_\_\_

Modification of previous resolution/plan: \_\_\_\_\_

Modification of Declaration or Covenant: \_\_\_\_\_

14. Has a public hearing been held on this property within the eighteen (18) months?  no  yes. If yes, provide applicant's name, date, purpose and result of hearing, and resolution number: \_\_\_\_\_

15. Is this application a result of a violation notice?  no  yes. If yes, give name to whom the violation notice was served: and describe the violation: \_\_\_\_\_

16. Describe structures on the property: vacant land

17. Is there any existing use on the property?  no  yes. If yes, what use and when established?  
Use: \_\_\_\_\_ Year: \_\_\_\_\_

*Planning Staff Use Only*



**APPLICANT'S AFFIDAVIT**

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

\*\*\*\*\*  
**OWNER OR TENANT AFFIDAVIT**

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am) (we are)  owner  tenant of the property described and which is the subject matter of the proposed hearing.

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Sworn to and subscribed to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

\*\*\*\*\*  
**CORPORATION AFFIDAVIT**

(I) (WE), Michael Latimer, being first duly sworn, depose and say that (I am) (we are) the  President  Vice-President  Secretary  Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the  owner  tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: \_\_\_\_\_

*[Signature]*  
Authorized Signature

(Corp. Seal)



Manager  
Office Held

Sworn to and subscribed to before me  
This 21<sup>st</sup> day of Dec, 2010

Notary Public: C. Vargas  
Commission Expires: 5/18/11

\*\*\*\*\*  
**PARTNERSHIP AFFIDAVIT**

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am) (we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the  owner  tenant of the property described herein which is the subject matter of the proposed hearing.

By \_\_\_\_\_ %

By \_\_\_\_\_ %

By \_\_\_\_\_ %

By \_\_\_\_\_ %

Sworn to and subscribed to before me  
This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

\*\*\*\*\*  
**ATTORNEY AFFIDAVIT**

I, \_\_\_\_\_, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature \_\_\_\_\_

Sworn to and subscribed to before me  
This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

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Signature \_\_\_\_\_

Signature \_\_\_\_\_

Sworn to and subscribed to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

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Attest: \_\_\_\_\_

*[Handwritten Signature]*  
Authorized Signature

(Corp. Seal)



Manager

Sworn to and subscribed to before me This 21st day of Dec, 2010

Notary Public: C. VARGAS  
Commission Expires: 5/18/11

\*\*\*\*\*

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By \_\_\_\_\_ %

By \_\_\_\_\_ %

By \_\_\_\_\_ %

By \_\_\_\_\_ %

Sworn to and subscribed to before me This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

\*\*\*\*\*

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I, \_\_\_\_\_, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature \_\_\_\_\_

Sworn to and subscribed to before me This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

## RESPONSIBILITIES OF THE APPLICANT AFFIDAVIT

### I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. The Florida Building code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3<sup>rd</sup> District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Plan (CP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. Any covenant to be proffered must be submitted to the Village Attorney, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Village Attorney can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Village Attorney must carry a cover letter indicating subject matter, application number and hearing date. Village Attorney may be reached at (305) 854-5252.

  
(Applicant's Signature)

Michael Latimer  
(Print Name)

Sworn to and subscribed before me this 21<sup>st</sup> day of December 2010 Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

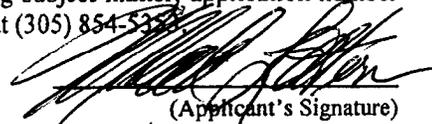
(Notary Public) C. VARGAS  
My commission expires 5/18/11



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(Applicant's Signature)

Michael Latner  
(Print Name)

Sworn to and subscribed before me this 21<sup>st</sup> day of Dec, 2010 Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

(Notary Public) C. Vargas  
My commission expires 5/18/11



OWNERSHIP AFFIDAVIT  
FOR  
CORPORATION

STATE OF Florida  
COUNTY OF Miami-Dade

Public Hearing No. \_\_\_\_\_

Before me, the undersigned authority, personally appeared Michael Lattimer  
hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes  
and says:

1. Affiant is the ~~president, vice-president or CEO~~ <sup>Manager</sup> of the Corporation, with the following address:  
1350 NW Street, Miami, FL 33130
2. The Corporation owns the property which is the subject of the proposed hearing.
3. The subject property is legally described as:  
\_\_\_\_\_  
\_\_\_\_\_
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

**Witnesses:**

C. Vargas  
Signature

[Signature]  
Affiant's signature

C. Vargas  
Print Name

Michael Lattimer  
Print Name

[Signature]  
Signature

Annette Anderson  
Print Name

Sworn to and subscribed before me on the 21<sup>st</sup> day of Dec 2010.

Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Notary C. Vargas

(Stamp/Seal)  
Commission Expires



OWNERSHIP AFFIDAVIT  
FOR  
CORPORATION

STATE OF Florida  
COUNTY OF Miami-Dade

Public Hearing No. \_\_\_\_\_

Before me, the undersigned authority, personally appeared Michael Latimer  
hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes  
and says:

1. Affiant is the ~~president, vice-president or CEO~~ <sup>manager</sup> of the Corporation, with the following address:  
13 SW 7th Street Miami FL 33130
2. The Corporation owns the property which is the subject of the proposed hearing.
3. The subject property is legally described as:  
\_\_\_\_\_  
\_\_\_\_\_
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

**Witnesses:**

C. Vargas  
Signature

C. Vargas  
Print Name

Annette Anderson  
Signature

Annette Anderson  
Print Name

Michael Latimer  
Affiant's signature

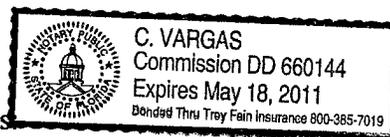
Michael Latimer  
Print Name

Sworn to and subscribed before me on the 21st day of Dec 2010.

Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Notary C. Vargas

(Stamp/Seal)  
Commission Expires



**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: Shops at Palmetto Bay, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Michael Lattener</u>	<u>50%</u>
<u>Wayne Rosen</u>	<u>50%</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 Interest</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.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

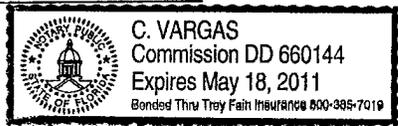
**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Handwritten Signature]  
(Applicant)

Sworn to and subscribed before me this 21<sup>st</sup> day of Dec, 2010 Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

[Handwritten Signature]  
(Notary Public)



My commission expires:

\*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 on (1) person or entity holds more than a total of five percent (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.

**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: Shores at Palmetto Bay, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Michael Yaberner</u>	<u>50%</u>
<u>Wayne Rosen</u>	<u>50%</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 Interest</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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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Signature: \_\_\_\_\_

(Applicant)

Sworn to and subscribed before me this 21<sup>st</sup> day of Dec, 2010 Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

C. Vargas  
(Notary Public)



My commission expires:

\*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 on (1) person or entity holds more than a total of five percent (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.

