

RESOLUTION NO. CZAB10-31-13

WHEREAS, TADPOLE INVESTMENTS, INC. applied for the following:

USE VARIANCE to permit a pawn broker use in the BU-2 zone as would be permitted in the BU-3 zone, only upon approval after public hearing.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Westchester Shopping Center" as prepared by Zamora & Associates, Inc., dated stamped received 7/26/13, consisting of 2 sheets and a plan entitled "Marquise Jewelers-Westchester Shopping Center" as prepared by F. Galarza, dated stamped received 2/17/10, consisting of 1 sheet for a total of 3 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of the SW ¼ of Section 10, Township 54 South, Range 40 East, being more particularly described as follows: Commence at the southwest corner of said Section 10 and run N88°03'56"E, along the south line of the SW ¼ of said Section 10 for 98.12'; thence N01°56'04"W at right angles to the last described course for 50' to the Point of beginning of the following described parcel of land (said point being on a curve and bearing S01°56'04"E from the radius point of the next described curve) thence SW/ly, W/ly and NW/ly along a circular curve to the right, having a radius of 50' and a central angle of 89°10'10" for an arc distance of 77.82' to a Point of reverse curvature); thence NW/ly along a circular curve to the left, having a radius of 1,950.86' and a central angle of N01°58'04" for an arc distance of 67.02' to a Point of tangency; thence, N04°44'00"W for 150' to a Point of curvature; thence NW/ly along a circular curve to the right, having a radius of 1,868.86' and a central angle of 03°00'01" for an arc distance of 97.86' to a Point of tangency; thence N01°43'59"W, along a line parallel with and 35' east of as measured at right angles to the west line of the SW ¼ of said Section 10 for 1,215'; thence S01°43'56"E along a line parallel with the west line of the SW ¼ of said Section 10 for 735'; thence S88°03'56"W along a line parallel with and 50' north of, as measured at right angles to the south line of the SW ¼ of said Section 10, for 408.25'; thence N01°43'59"W, along a line parallel with and 841.75' east of, as measured at right angles to the west line of the SW ¼ of said Section 10, for 200'; thence S88°03'56"W, along a line parallel with and 250' north of, as measured at right angles to the south line of the SW ¼ of said Section 10, for 160'; thence S01°43'59"E along a line parallel with and 681.75' east of as measured at right angles to the west line of the SW ¼ of said Section 10, for 200'; thence S88°03'56"W, along a line parallel with and 50' north of, as measured at right angles to the south line of the SW ¼ of said Section 10, for 583.78' to the Point of beginning. LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS THEREOF: PARCEL "A": The east 160' of the west 841.75' of the north 130' of the south 250' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "B": The east 55' of the west 896.75' of the north 130' of the south 250' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "C": The east 80' of the west 761.75' of the north 15' of the south 265' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "D": The east 160' of the west 841.75' of the north 70' of the south 120' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "E": The east 100' of the west 681.75' of the north 130' of the south 250.00 feet of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "F": The east 208' of the west 969.75' of the north 174' of the south 294' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "G": The east 128' of the west 969.75' of the north 70' of the south 120' of the SW ¼ of Section 10, Township 54 South, Range 40 East.

AND: PARCEL II: PARCEL "X": The east 67.63' of the west 969.75' of the north 244' of the south 294' of the SW ¼ of Section 10, Township 54 south, Range 40 East.

LOCATION: 2275 S.W. 87 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested use variance to permit a pawn broker use in the BU-2 zone as would be permitted in the BU-3 zone, only upon approval after public hearing would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and

WHEREAS, a motion to approve the application was offered by Julio R. Caceres, seconded by Miriam Planas, and upon a poll of the members present, the vote was as follows:

Julio R. Caceres	aye	Gerardo Rodriguez	absent
Miriam Planas	aye	Toufic Zakharia	aye
Robert Suarez	aye	Manuel Valdes	absent
	Richard M. Gomez	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 10 that the requested use variance to permit a pawn broker use in the BU-2 zone as would be permitted in the BU-3 zone, only upon approval after public hearing be and the same is hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Westchester Shopping Center" as prepared by Zamora & Associates, Inc., dated stamped received 7/26/13, consisting of 2 sheets and a plan entitled "Marquise Jewelers – Westchester Shopping Center", as prepared by F. Galarza, dated stamped received 02/17/10, consisting of 1 sheet for a total of 3 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That a Declaration of Restrictions be submitted to and meet the approval of the Director within 30 days of the final approval restricting the use to the effect that the pawn shop use shall be limited to jewelry only.
5. That no stringer lights, pennants, mobile stationary visual devices, except as permitted under point of sale sign regulations, shall be used or displayed. In addition, the terms pawn, pawning or pawnshop shall not be used on any outdoor signs in any language.
6. That the applicant obtains a Certificate of Use from and promptly renew the same annually with the Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
7. That the pawnshop use shall be operated solely as an accessory use in connection with the jewelry store, and if the jewelry store use is terminated the pawnshop use will automatically expire and shall be discontinued.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Regulatory and Economic Resources and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 11th day of December, 2013.

Hearing No. 13-12-CZ10-1
ej

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY
COMMISSIONERS ON THE 19TH DAY OF DECEMBER, 2013.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

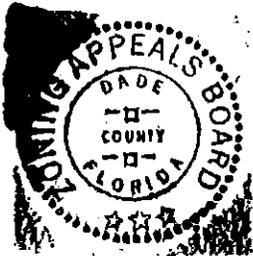
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 10, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB10-31-13 adopted by said Community Zoning Appeals Board at its meeting held on the 11th day of December, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 19th day of December, 2013.



Earl Jones, Deputy Clerk (3230)
Miami-Dade Department of Department of Regulatory
and Economic Resources

SEAL





Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

December 19, 2013

Tadpole Investments, Inc.
c/o Augusto Maswell
One SE Third Avenue, 28th Floor
MIAMI, FL 331131-1714

Re: Hearing No. 13-12-CZ10-1
Location: 2275 S.W. 87 Avenue, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB10-31-12, adopted by the by the Community Zoning Appeals Board 10, which approved your application on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificates(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department as appropriate. At time of permit application you must provide a copy of this resolution.

If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, in as much as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **December 19, 2013**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

R. A. Cuevas, Jr.,
County Attorney
111 N.W. 1st Street, Suite 2811
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure