

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-7-14

WHEREAS, TADPOLE INVESTMENTS, INC. applied to Community Zoning Appeals

Board 10 for the following:

USE VARIANCE to permit a pawnbroker 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 Southwest, 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 Southwest ¼ of said Section 10 for 98.12 feet; thence N01°56'04"W at right angles to the last described course for 50.00 feet 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 Southwesterly, Westerly and Northwesterly along a circular curve to the right, having a radius of 50.00 feet and a central angle of 89°10'10" for an arc distance of 77.82 feet to a point of reverse curvature); thence Northwesterly along a circular curve to the left, having a radius of 1950.86 feet and a central angle of N01°58'04" for an arc distance of 67.02 feet to a point of tangency; thence, N04°44'00"W for 150.00 feet to a point of curvature; thence Northwesterly along a circular curve to the right, having a radius of 1868.86 feet and a central angle of 03°00'01" seconds for an arc distance of 97.86 feet to a point of tangency; thence N01°43'59"W, along a line parallel with and 35.00 feet East of as measured at right angles to the West line of the Southwest ¼ of said Section 10 for 1215.00 feet; thence S01°43'56"E along a line parallel with the West line of the SW ¼ of said Section 10 for 735.00 feet; thence S88°03'56"W along a line parallel with and 50.00 feet North of as measured at right angles to the South line of the SW ¼ of said Section 10, for 408.25 feet; thence N01°43'59"W, along a line parallel with and 841.75 feet East of, as measured at right angles to the West line of the Southwest ¼ of said Section 10, for 200.00 feet; thence S88°03'56"W, along a line parallel with and 250.00 feet North of as measured at right angles to the South line of the Southwest ¼ of said Section 10, for 160.00 feet; thence S01°43'59"W along a line parallel with and 681.75 feet East of as measured at right

angles to the West line of the Southwest ¼ of said Section 10, for 200.00 feet; thence S88°03'56"W, along a line parallel with and 50.00 feet North of, as measured at right angles to the South line of the Southwest ¼ of said Section 10, for 583.78 feet to the Point of Beginning. Less and except the following described parcels thereof: PARCEL "A": The East 160.00 feet of the West 841.75 feet of the North 130.00 feet of the South 250.00 feet of the Southwest ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "B": The East 55.00 feet of the West 896.75 feet of the North 130.00 feet of the South 250.00 feet of the Southwest ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "C": The East 80.00 feet of the West 761.75 feet of the North 15.00 feet of the South 265.00 feet of the Southwest ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "D": The East 160.00 feet of the West 841.75 feet of the North 70.00 feet of the South 120.00 feet of the Southwest ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "E": The East 100.00 feet of the West 681.75 feet of the North 130 feet of the South 250.00 feet of the Southwest ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "F": The East 208.00 feet of the West 969.75 feet of the North 174.00 feet of the South 294.00 feet of the Southwest ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "G": The East 128.00 feet of the West 969.75 feet of the North 70.00 feet of the South 120.00 feet of the Southwest ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "H": PARCEL "X": The East 67.63 feet of the West 969.75 feet of the North 244.00 feet of the South 294.00 feet of the Southwest 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 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 upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 10 that the requested use variance to permit a pawnbroker 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 said application was approved by Resolution No. CZAB10-31-13, and

WHEREAS, the DIRECTOR OF THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES appealed the decision of Community Zoning Appeals Board 10

to the Board of County Commissioners for the following:

USE VARIANCE to permit a pawnbroker 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 Southwest, $\frac{1}{4}$ 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 $N88^{\circ}03'56''E$, along the South line of the Southwest $\frac{1}{4}$ of said Section 10 for 98.12 feet; thence $N01^{\circ}56'04''W$ at right angles to the last described course for 50.00 feet to the Point of Beginning of the following described parcel of land (said point being on a curve and bearing $S01^{\circ}56'04''E$ from the radius point of the next described curve); thence Southwesterly, Westerly and Northwesterly along a circular curve to the right, having a radius of 50.00 feet and a central angle of $89^{\circ}10'10''$ for an arc distance of 77.82 feet to a point of reverse curvature); thence Northwesterly along a circular curve to the left, having a radius of 1950.86 feet and a central angle of $N01^{\circ}58'04''$ for an arc distance of 67.02 feet to a point of tangency; thence, $N04^{\circ}44'00''W$ for 150.00 feet to a point of curvature; thence Northwesterly along a circular curve to the right, having a radius of 1868.86 feet and a central angle of $03^{\circ}00'01''$ seconds for an arc distance of 97.86 feet to a point of tangency; thence $N01^{\circ}43'59''W$, along a line parallel with and 35.00 feet East of as measured at right angles to the West line of the Southwest $\frac{1}{4}$ of said Section 10 for 1215.00 feet; thence $S01^{\circ}43'56''E$ along a line parallel with the West line of the SW $\frac{1}{4}$ of said Section 10 for 735.00 feet; thence $S88^{\circ}03'56''W$ along a line parallel with and 50.00 feet North of as measured at right angles to the South line of the SW $\frac{1}{4}$ of said Section 10, for 408.25 feet; thence $N01^{\circ}43'59''W$, along a line parallel with and 841.75 feet East of, as measured at right angles to the West line of the Southwest $\frac{1}{4}$ of said Section 10, for 200.00 feet; thence $S88^{\circ}03'56''W$, along a line parallel with and 250.00 feet North of as measured at right angles to the South line of the Southwest $\frac{1}{4}$ of said Section 10, for 160.00 feet; thence $S01^{\circ}43'59''W$ along a line parallel with and 681.75 feet East of as measured at right angles to the West line of the Southwest $\frac{1}{4}$ of said Section 10, for 200.00 feet; thence $S88^{\circ}03'56''W$, along a line parallel with and 50.00 feet North of, as measured at right angles to the South line of the Southwest $\frac{1}{4}$ of said Section 10, for 583.78 feet to the Point of Beginning. Less and except the following described parcels thereof: PARCEL "A": The East 160.00 feet of the West 841.75 feet of the North 130.00 feet of the South 250.00 feet of the Southwest $\frac{1}{4}$ of Section 10, Township 54 South, Range 40 East. PARCEL "B": The East 55.00 feet of the West 896.75 feet of the North 130.00 feet of the South 250.00 feet of the Southwest $\frac{1}{4}$ of Section 10, Township 54 South, Range 40 East. PARCEL "C": The East

80.00 feet of the West 761.75 feet of the North 15.00 feet of the South 265.00 feet of the Southwest ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "D": The East 160.00 feet of the West 841.75 feet of the North 70.00 feet of the South 120.00 feet of the Southwest ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "E": The East 100.00 feet of the West 681.75 feet of the North 130 feet of the South 250.00 feet of the Southwest ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "F": The East 208.00 feet of the West 969.75 feet of the North 174.00 feet of the South 294.00 feet of the Southwest ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "G": The East 128.00 feet of the West 969.75 feet of the North 70.00 feet of the South 120.00 feet of the Southwest ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "H": PARCEL "X": The East 67.63 feet of the West 969.75 feet of the North 244.00 feet of the South 294.00 feet of the Southwest 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 Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, 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, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 10 and after having given an opportunity for interested parties to be heard, it is the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB10-31-13 and that the appeal should be denied and the decision of Community Zoning Appeals Board 10 should be sustained, and that the requested use variance to permit a pawnbroker 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 deny the appeal and sustain the decision of Community Zoning Appeals Board 10, and approve the use variance was offered by Commissioner Javier D. Souto, seconded by Commissioner Jose "Pepe" Diaz, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Barbara J. Jordan	absent
Lynda Bell	aye	Jean Monestime	aye
Esteban Bovo, Jr.	aye	Dennis C. Moss	absent
Jose "Pepe" Diaz	aye	Sen. Javier D. Souto	aye
Audrey M. Edmonson	aye	Xavier L. Suarez	absent
Sally A. Heyman	absent	Juan C. Zapata	absent
	Rebecca Sosa	aye	

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby denied and the decision of Community Zoning Appeals Board 10 is sustained.

BE IT FURTHER RESOLVED that the requested use variance to permit a pawnbroker 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.

BE IT FURTHER RESOLVED that Resolution No. CZAB10-31-13 remains in full force and effect and that the conditions of said resolution shall be as follows:

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.

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.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 22ND day of May, 2014, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 13-12-CZ10-1
rd

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By CHRISTOPHER AGRIPPA
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 10TH DAY OF JUNE, 2014.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Rosa Davis 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 Regulatory and Economic Resources and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-7-14 adopted by said Board of County Commissioners at its meeting held on the 22nd day of May, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 10th day of June, 2014.



Rosa Davis, Deputy Clerk (218345)
Miami-Dade County 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

June 10, 2014

Tadpole Investments, Inc.
c/o Jose Felix Diaz
One Southeast Third Avenue, Suite 2500
Miami, FL 33131

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

Dear Applicant:

Enclosed herewith is Resolution No. Z-7-14, adopted by the by the Board of County Commissioners which **denied the appeal and sustain the decision of Community Zoning Appeals Board 10 to approve 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 certifies 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 certifies(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 may be subject to annual renewal by this Department. Application for required permits and/of 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 Count Commission. The transmittal date is **June 10, 2014**. 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,

Rosa Davis,
Deputy Clerk

Enclosure