

RESOLUTION NO. CZAB12-2-14

WHEREAS MG JEWELERS OF MIAMI, INC applied for the following:

- (1) USE-VARIANCE to permit a pawn broker use in the BU-1A zone, as would be permitted in the BU-3 zone, only upon approval after public hearing.
- (2) MODIFICATION of Condition #2 of Resolution CZAB12-4-11, passed and adopted by the Community Zoning Appeals Board #12, reading as follows:

FROM: "2. That the applicant provide the required amount of street trees along SW 88 Street (North Kendall Drive) and SW 89 Street rights-of-way at the time of permitting."

TO: "2. That the applicant provide 15 palm street trees along SW 88 street (North Kendall Drive) right-of-way at the time of permitting, and to allow (0) street trees along SW 89 Street."

The purpose of request #2 is to allow the applicant to amend the number of street trees required along SW 88 Street (North Kendall Drive) and to provide (0) street trees along SW 89 street.

- (3) NON-USE VARIANCE to permit 15 palm street trees (21 palm street trees required) along SW 88 Street (North Kendall Drive) right-of-way, and to permit (0) street trees (15 street trees required) along SW 89 Street right-of-way.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Existing Jewelry Shop Floor Plan" as prepared by Roger Perez consisting of 1 sheet, a plan entitled "MG Jewelers of Miami Proposed Pawn Shop" preparer unknown and consisting of 1 sheet, both dated stamped received 2/14/13. Landscape Plan prepared by M.L.A. Group, Inc., dated stamped received 11/21/13 and consisting of 2 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "B" of BERKELY PLAZA, Plat Book 120, Page 22; LESS: That parcel of land lying in the NE ¼ of Section 1, Township 55 South, Range 39 East, being the north 16.8' of Tract "B"; of BERKELY PLAZA, Plat Book 120, Page 22; and being more particularly described as follows: Begin at the northeast corner of said Tract "B"; thence run S85°40'16"W for a distance of 195.96' along the north boundary of said Tract "B" to a point on the W/ly boundary of said Tract "B" which is coincident with the most E/ly Limited Access Right of Way line of S. R. # 821, as shown on the Florida Department of Transportation Right of Way Map for Section # 87005-2307; thence S04°21'21"E for a distance of 16.8' along said Limited Access Right of Way line; thence N85°40'16"E for a distance of 195.96' along a line being 16.8' south of and parallel with the north boundary of said Tract "B", thence N04°22'08"W for a distance of 16.8' along the east boundary of said Tract "B" to the Point of Beginning.

TOGETHER WITH THE FOLLOWING: A part of the Limited Access Right of Way of the Homestead Extension to the Florida Turnpike (S.R. 821), in the SE ¼ quadrant of the intersection with North Kendall Drive (S.R. 94), said parcel lying and being in the NE ¼ of

Section 1, Township 55 South, Range 39 East, as shown on the Florida Department of Transportation Right of Way Map for Job No. 0705-2307 and being more particularly described as follows: Commence at the northeast corner of said Section 1, thence run N87°41'05"W 408.45' along the north boundary of Section 1 (also the centerline of North Kendall Drive) to a point; thence S02°18'55"E 55' to a point; thence S02°20'32"E 16.8' along the Limited Access Right of Way line of S.R.#821 to the Point of Beginning of the parcel hereinafter described; thence continue S02°20'32"E 55' along said Limited Access Right of Way line to a point; thence S85°12'14"W 306.1' along the existing Limited Access Right of Way line to a point; thence N02°18'55"W 19.05' to a point; thence N63°17'54"E 82.35' to a point; thence N83°55'00"E 231.29' to the Point of Beginning. Less all the rights of access, egress, ingress, light, air and view from the above described parcel, over and across the following described line: Commence at the northeast corner of the aforementioned Section 1; thence S87°41'05"W 408.45' along the north boundary of Section 1 (also the centerline of North Kendall Drive) to a point; thence S02°18'55"E 55' to the Point of beginning of the hereinafter described line; thence S02°20'32"E 16.8' to a point; thence S83°55'00"W 231.29' to a point; thence S63°17'54"W 82.35' to a point; thence S02°18'55"E 19.05' to a point on the existing Limited Access Right of Way line of the aforementioned S.R. #821 and the end of the line to be described.

LOCATION: 11760 SW 88 Street, MIAMI-DADE COUNTY, FLORIDA., and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 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 modification of Condition #2 of Resolution CZAB12-4-11, passed and adopted by the Community Zoning Appeals Board #12 (Item #2), and the requested non-use variance to permit 15 palm street trees along SW 88 Street (North Kendall Drive) right-of-way, and to permit (0) street trees along SW 89 Street right-of-way (Item #3) would be compatible with the area and its development and 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 the requested use-variance to permit a pawn broker use in the BU-1A zone, as would be permitted in the BU-3 zone, only upon approval after public hearing (Item #1) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to approve Item #2 under Section 33-311(A)(7) and Item #3 under Section 33-311(A)(4)(b) and to deny Item #1 without prejudice under Section 33-311(4)(a) was offered by Elliot N. Zack , seconded by Peggy Brodeur, and upon a poll of the members present, the vote was as follows:

Peggy Brodeur	aye	Alberto Santana	aye
Matthew Larsh	absent	Angela Vazquez	absent
		Jose I. Valdes	aye
		Elliot N. Zack	aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the requested modification of Condition #2 of Resolution CZAB12-4-11, passed and adopted by the Community Zoning Appeals Board #12 (Item #2) under Section 33-311(A)(7), and the requested non-use variance to permit 15 palm street trees along SW 88 Street (North Kendall Drive) right-of-way, and to permit (0) street trees along SW 89 Street right-of-way (Item #3) under 33-311(A)(4)(b) be and the same are hereby approved, subject to the following condition proffered by the applicant:

1. That a continuous 36 inch high hedge be planted on the subject property adjacent to SW 89 Street in the grass area lying between the driveway connections located on the east and west sides of the subject property.

BE IT FURTHER RESOLVED, that Item #1 be and the same is hereby denied without prejudice under section 33-311(4)(a).

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 7th day of January, 2014.

Hearing No. 13-11-CZ12-1
ej

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 13TH DAY OF JANUARY, 2014.

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 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-2-14 adopted by said Community Zoning Appeals Board at its meeting held on the 7th day of January 2014.

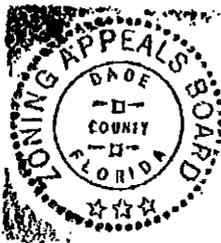
IN WITNESS WHEREOF, I have hereunto set my hand on this the 13th day of January, 2014.

Earl Jones

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

January 13, 2014

MG Jewelers of Miami, Inc.
co Juan J. Mayol, Esq.
701 Brickell Ave, Suite 3000
Miami, FL 33131

Re: Hearing No. 13-11-CZ12-1
Location: 11760 SW 88 Street, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB12-2-14 adopted by the by the Community Zoning Appeals Board 12, which approved Items #2 and #3 of your application and denied Item #1 without prejudice 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 County Commission. The transmittal date is **January 13, 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,

A handwritten signature in cursive script, appearing to read "Rosa Davis".

Rosa Davis
Zoning Junior Analyst

Enclosure