

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-8-14

WHEREAS, CAROL JEWELERS applied to Community Zoning Appeals Board 10 for the following:

- (1) USE VARIANCE to permit a pawn shop use in the BU-1A zone, as would be permitted in the BU-3 zone, only upon approval after public hearing.
- (2) NON-USE VARIANCE to permit (0) street trees (5 street trees required).
- (3) NON-USE VARIANCE to permit a lot coverage of 44.3% (40% maximum permitted).
- (4) NON-USE VARIANCE to permit a metal shed setback 3.25' (20' required) from the rear (north) property line.
- (5) NON-USE VARIANCE to permit 26 parking spaces (28 spaces required).

Plans are on file and may be examined in the Department of Regulatory and Economic resources entitled "Site Plan" as prepared by Freedom of Land Corp., consisting of 1 sheet, dated stamped received 5/14/13 and a floor plan, preparer Unknown, consisting of 1 sheet, dated stamped received 1/22/13, for a total of 2 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 17, 17A, 18, 18A, 19 and 19A less the South 15 feet in Block F of Section No. 2 CORAL TERRACE, PB 14-58.

LOCATION: 7295 Coral Way, 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 pawnshop use in the BU-1A zone, as would be permitted in the BU-3 zone, only upon approval after public hearing (Item #1) 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 non-use variance to permit a lot coverage of 41.66% on a modified basis, in lieu of the requested lot coverage of 44.3% (Item #3), and the non-use variance of the required parking spaces (Item #5) 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 that the withdrawal of the requested non-use variance to permit (0) street trees (Item #2) and the withdrawal of the requested non-use variance to permit an open sided metal roof structure setback 3.25" from the rear (north) property line (Item #4) should be granted, and said application was approved by Resolution No. CZAB10-2-14, 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:

- (1) USE VARIANCE to permit a pawn shop use in the BU-1A zone, as would be permitted in the BU-3 zone, only upon approval after public hearing.
- (2) NON-USE VARIANCE to permit (0) street trees (5 street trees required).
- (3) NON-USE VARIANCE to permit a lot coverage of 44.3% (40% maximum permitted).
- (4) NON-USE VARIANCE to permit a metal shed setback 3.25" (20' required) from the rear (north) property line.
- (5) NON-USE VARIANCE to permit 26 parking spaces (28 spaces required).

Plans are on file and may be examined in the Department of Regulatory and Economic resources entitled "Site Plan" as prepared by Freedom of Land Corp., consisting of 1 sheet, dated stamped received 5/14/13 and a floor plan, preparer Unknown, consisting of 1 sheet, dated stamped received 1/22/13, for a total of 2 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 17, 17A, 18, 18A, 19 and 19A less the South 15 feet in Block F of Section No. 2 CORAL TERRACE, PB 14-58.

LOCATION: 7295 Coral Way, 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 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. CZAB10-2-14 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 pawnshop use in the BU-1A zone, as would be permitted in the BU-3 zone, only upon approval after public hearing (Item #1) 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 non-use variance to permit a lot coverage of 41.66% on a modified basis, in lieu of the requested lot coverage of 44.3% (Item #3), and the requested non-use variance of the required parking spaces (Item #5) 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 that the withdrawal of the requested non-use variance to permit (0) street trees (Item #2) and the

withdrawal of the requested non-use variance to permit an open sided metal roof structure setback 3.25" from the rear (north) property line (Item #4) should be granted, and

WHEREAS, a motion to deny the appeal and sustain the decision of Community Zoning Appeals Board 10 to approve Items #1 and #5, approve Item #3 on a modified basis, and withdraw Items #2 and #4 was offered by Commissioner Jose "Pepe" Diaz, seconded by Commissioner Audrey M. Edmonson, 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 pawnshop use in the BU-1A zone, as would be permitted in the BU-3 zone, only upon approval after public hearing (Item #1), and the non-use variance to permit a lot coverage of 41.66% on a modified basis, in lieu of the requested lot coverage of 44.3% (Item #3), and the non-use variance of the required parking spaces (Item #5) be and the same are hereby approved.

BE IT FURTHER RESOLVED that Resolution No. CZAB10-2-14 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 Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Site Plan" as prepared by Freedom of Land Corp., consisting of 1 sheet dated stamped received 5/14/13 and a floor plan prepared by unknown dated stamped received 1/22/13, for a total of 2 sheets, except as herein amended to show the removal of the open sided shed and to show the required street trees.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That the applicant installs the required street trees.
6. That the property be restricted to a pawnbroker use in connection with the existing jewelry store only and that said pawnbroker use shall be limited to the pawning of jewelry only.
7. That the pawnshop use 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.
8. That a Declaration of Restrictions in recordable form 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.
9. That the applicant obtain a Certificate of Use and Occupancy from and promptly renew same annually with the Miami-Dade County Department of Regulatory and Economic Resources, upon compliance with all the terms and conditions, the same subject to cancellation upon violation of any of the conditions.
10. That the operating hours for the pawnshop use not extend beyond those for the jewelry store.
11. That no stringer lights, pennants, mobile or 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 in any outdoor signs in any language.
12. That no off-site parking be allowed along Coral Way.
13. That the applicant applies for permits for any unpermitted structures from the Department of Regulatory and Economic Resources within 90 days of the expiration

of the final appeal period of this application, unless a time extension is granted by the Director of the Department for a good cause show.

BE IT FURTHER RESOLVED that the request to withdraw Items #2 and #4 be and the same are hereby granted and said Items are hereby withdrawn without prejudice.

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. 14-02-CZ10-1
rd

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

By CHRISTOPHER AGRIPPA
Deputy Clerk

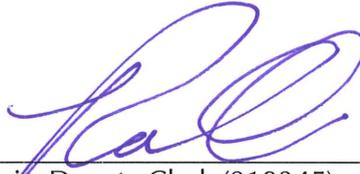
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 10TH DAY OF JUNE, 2014.

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-8-14 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

Carol Jewelers
c/o Nanette Levi
2114 Granada Blvd
Miami, FL 33134

Re: Hearing No. 14-2-CZ10-1
Location: 7295 Coral Way, Miami-Dade County, Florida.

Dear Applicant:

Enclosed herewith is Resolution No. Z-8-14, 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 Items #1 and #5, approve Item #3 on a modified basis, and withdraw Items #2 and #4 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 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