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COMMUNITY ZONING APPEALS BOARD - AREA 10

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 AVENUE, MIAMI

wednesday, February 12, 2014

6:30 p.m.

ITEM NO:

CAROL JEWELERS

13-6

BOARD MEMBERS

Present:

Richard M. Gomez, Chairman  
Julio Caceres  
Miriam Planas  
Gerardo Rodriguez  
Robert J. Suarez  
Manuel Valdes

STAFF PRESENT:

Rosa Davis  
Earl Jones  
David Hope, Assistant County Attorney

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1 \* \* \* \* \*

2 THE COURT REPORTER: Do you swear the  
3 testimony you're about to give is the truth, the  
4 whole truth, and nothing but the truth, so help  
5 you, God?

6 ALL WITNESSES: I do.

7 \* \* \* \* \*

8 MS. DAVIS: In accordance with the Code of  
9 Miami-Dade County, all items to be heard this  
10 evening have been legally advertised in the  
11 newspaper, notices have been mailed and the  
12 properties have been posted. Additional copies of  
13 the agenda are available here at the meeting.  
14 Items will be called up to be heard by agenda  
15 number and name of applicant. The record of the  
16 hearing on each application will include the  
17 records of the Department of Regulatory and  
18 Economic Resources. All these items are  
19 physically present this evening, available to all  
20 interested parties and available to the members of  
21 the Board who examine items from the record during  
22 the hearing. Parties have the right to  
23 Cross-Examination. This statement, along with the  
24 fact that all witnesses have been sworn, should be  
25 included in any transcript of all or any part of

1 these proceedings. In addition, the following  
2 departments have representatives present here at  
3 the meeting to address any questions: The Zoning  
4 Evaluation and Platting and Review Section of the  
5 Department of Regulatory and Economic Resources,  
6 and the County Attorney's Office.

7 All exhibits used in presentation before the  
8 Board becomes part of the public record and will  
9 not be returned unless an identical letter-size  
10 copy is submitted for the file.

11 Any person making impertinent or slanderous  
12 remarks or who becomes boisterous while addressing  
13 the Community Council Zoning Appeals Board shall  
14 be barred from further audience before the  
15 Community Zoning Appeals Board by the presiding  
16 officer, unless permission to continue or again  
17 address the Board be granted by the majority vote  
18 of the Board Members present.

19 The number of filed protests and waivers on  
20 each application will be read into the record at  
21 the time of the hearing as each application is  
22 read. Those items not heard prior to the ending  
23 time for this meeting will be deferred to the next  
24 available zoning hearing meeting date for this  
25 Board.

1           CHAIRMAN GOMEZ: Thank you. Please call the  
2 first item.

3           MS. DAVIS: Carol Jewelers, 14-2-CZ10-1.

4           CHAIRMAN GOMEZ: State your name and address  
5 for the record.

6           MR. FRESEN: Thank you very much, Mr. Chair,  
7 Vice Chair, Members. My name is Erik Fresen,  
8 address at 8323 Northwest 12th Street, Doral,  
9 Florida. I'm here on behalf of Carol Jewelers. I  
10 didn't realize until this morning, actually, that  
11 we were the only item up, so I apologize for  
12 making you guys come out here only for one item.  
13 I was hoping there would be more activity here.

14           Very simply put, the change that is before  
15 you is not similar to other requests that have  
16 been made of you. Carol Jewelers is a  
17 family-owned operation that has been on the site  
18 at 7295 Coral way for over ten years. I'm joined  
19 by the family that owns it, Alexander and Carol  
20 Suarez, who, obviously, the store is named after.

21           The request before you -- the main use  
22 variance, obviously, that is before you is to  
23 permit very limited -- what is technically known  
24 as pawn activity within the jewelry world. Now,  
25 just to put it in perspective, because the

1 recommendation by the department for denial, based  
2 on the pawning activity, I want to put that into a  
3 context of that zoning -- of that zoning decision.

4 First of all, the application and the zoning  
5 request is consistent with the CDMP, and  
6 consistent with the pertinent land use policy  
7 objective that underlies it. Where it is not  
8 consistent is with the specific zoning. And there  
9 is a policy reason behind it, which I would  
10 actually agree with, and I know what its  
11 legislative intent and purpose was. Conventional  
12 pawn shops, where you see as pawn shops, where you  
13 can take anything from a bicycle to a guitar, to a  
14 radio set, to whatever it may be, is a very, very  
15 specific type of business. When it comes to not  
16 only a zoning, but as a type of business that is  
17 completely regulated, even under its own code, by  
18 the state of Florida and any state where pawning  
19 activity occurs.

20 The type of limited pawn activity that is  
21 being requested by this applicant is absolutely in  
22 line with the specific business that they've had  
23 as a family business in that neighborhood for over  
24 ten years. They have had a family business in my  
25 community for much longer than that. So, the

1 conventional concept of what pawning is, is not  
2 what this request is.

3 The jewelry business, like many other  
4 businesses, evolve throughout time, and evolve  
5 throughout markets. There is a limitation. I  
6 would say that the hardship of anything in this  
7 application isn't necessarily a property hardship,  
8 but it is the hardship of allowing the business to  
9 flow with the market.

10 The way that a lot of my client's business  
11 works nowadays is really kind of a direct result  
12 of the economic wave that we've been going  
13 through, where you finally see, as you all know  
14 now, the housing market is picking up again. A  
15 lot of the clients that my client has are clients  
16 that have been coming in and come to the store  
17 over time for more than ten years, at this time,  
18 so they are repeat clients, customers that live in  
19 the surrounding community.

20 What is happening a lot now, and I'm sure you  
21 have heard it from other applicants with similar  
22 requests, is that people, rather than,  
23 essentially, trading in for other jewelry,  
24 upgrading, or downgrading different types of  
25 jewelry, which was what was customary in my

1 client's operation, there are now a lot more  
2 people, for example, who, when they were riding  
3 the good times, prior to the bubble bursting,  
4 perhaps had a lot of jewelry and now that they are  
5 coming back into a housing market, rather than  
6 trying to either exchange up for another piece of  
7 jewelry, they actually want to utilize that as a  
8 portion of a down payment for a property or a  
9 portion for down payment for a car.

10 So, the image that one thinks of, that  
11 conjures in one's mind, when you think of a pawn  
12 shop, and, again, I would agree with the zoning  
13 department's reasoning for allowing conventional  
14 pawn shops only in high intensity commercial  
15 areas, because the purpose for that, really, is to  
16 distance the pawn shops, the types of places that  
17 are incredibly highly regulated for many years in  
18 the state of Florida until tighter regulation came  
19 in, were, basically, the breeding ground for fraud  
20 and for theft circulation. The purpose of the  
21 zoning intent behind separating it into high  
22 intense commercial uses was, essentially, to  
23 separate it from residences.

24 So, I would state, on the record, that I  
25 actually agree with the fact that that

1 conventional pawn shops are only limited to high  
2 intense commercial areas. But, I would, then,  
3 also argue that what is being requested here, and  
4 what our client has submitted to the department,  
5 and to the County, vis-à-vis a covenant, is, even  
6 though definition is called pawning, it's limited  
7 only to the very jewelry that the client has been  
8 selling for over ten years, and the same type of  
9 operation.

10 So, it is not going to convert overnight by  
11 covenant into a conventional pawn shop where all  
12 of a sudden everything, again, from a radio  
13 player, to a guitar, to a bicycle, will be pawned.  
14 It's just a matter of allowing a family-owned  
15 business that has existed in the community for  
16 over ten years, to adapt to the changing requests  
17 and the demand of the marketplace that is,  
18 essentially, the same marketplace that they've  
19 been catering to for ten plus years.

20 So, again, as I stated through the covenant  
21 that we submitted, we, absolutely, handcuffed  
22 ourselves to only that pawning activity which I  
23 would, again, say is a loose definition of pawning  
24 for what we normally consider to be pawn shops,  
25 and I would further add that the owner --

1 remember, my client leases in the strip mall.  
2 There are other businesses in that strip mall that  
3 have been there for longer than my client. Not a  
4 single one of those businesses is opposing this  
5 application because they know the reputation of  
6 Carol's Jewelers. They know that this is not  
7 going to become some sort of a conventional pawn  
8 shop that could have an adverse effect, perhaps,  
9 on the pharmacy that is next door, that could have  
10 an adverse effect on what was a dance studio and  
11 now is another use on the auto accessory store, on  
12 the cell phone store. All the uses in that strip  
13 mall, right now, are, essentially, family consumer  
14 businesses that people go to, including from the  
15 pharmacy, the sale of Medicare equipment, Medicare  
16 medical equipment.

17 So, everything that -- so, the owner alone,  
18 who stands the most to lose from an adverse effect  
19 of one of the many businesses that are in the  
20 center, signed on to the application, knows the  
21 applicant, has been there for more than ten years,  
22 knows that there is absolutely no intent to go  
23 beyond the scope of the trade-in, for lack of a  
24 better term, of jewelry at the store, knows that  
25 it will not have an adverse effect to the other

1 owners, to the other renters that have been at  
2 this property, that have been there as long or  
3 longer than the client. None of those people are  
4 here to oppose the application, and that is the  
5 central theme of this request.

6 The other request that you see being made,  
7 basically, were requests asked for by the  
8 department, because the property, as it stands  
9 right now, was not in -- was not in conformity  
10 with what is required.

11 So, the landscape element, for example, is  
12 not that we are requesting to knock down five  
13 trees where five trees exist, the property has  
14 never had them. But since we went to go make a  
15 request, all things that are not in compliance  
16 are, basically, mentioned. There was a request  
17 for that non-use variance. But, again, it  
18 wouldn't change a condition that has already been  
19 there for 25 years.

20 The same with the lot coverage, number four,  
21 was withdrawn and the parking spaces. Again,  
22 nothing in this application is going to reduce the  
23 number of parking spaces that are on the property  
24 right now and have been on the property for X  
25 number of years. There is currently 25. The Code

1 now requires 33. So, there is a variance for  
2 that.

3 For those variance requests outside of the  
4 pawn definition, the department has conditional  
5 recommendations for approval on those. Number  
6 four is withdrawn, we no longer need it. All we  
7 are, basically, talking about, at this point, is  
8 request number one, which I laid out before you in  
9 my opening. And, Mr. Chair, Madam Vice Chair,  
10 that is the item.

11 CHAIRMAN GOMEZ: Thank you.

12 COUNCILWOMAN PLANAS: Thank you.

13 CHAIRMAN GOMEZ: Is there anyone here that  
14 wishes to speak against this application? Please  
15 come forward, state your name and address for the  
16 record.

17 MS. QUIGLEY: My name is Eleanor Quigley. I  
18 live at 3470 Southwest 75th Avenue, Miami,  
19 Florida, and I'm the president of the Waterway  
20 Neighborhood Association, which borders,  
21 basically, from 67th Avenue to the Palmetto and  
22 Coral Way to Bird Road.

23 And, is it my understanding that a jewelry  
24 shop cannot exchange jewelry or pay people for  
25 jewelry if they don't have this license?

1           CHAIRMAN GOMEZ: I don't know the answer to  
2           that. That's a question for Staff.

3           MS. QUIGLEY: Because I would object to  
4           anything that said pawn on the signage. I don't  
5           think the pawnshop has the -- it brings in a bad  
6           element. There is another pawnshop already on  
7           67th Avenue. There is an elementary school right  
8           there behind the mall.

9           MR. JONES: Through the Chair --

10          CHAIRMAN GOMEZ: Go ahead.

11          MR. JONES: For exchange, you can do that,  
12          but pawn is a different matter.

13          MS. QUIGLEY: So, I'm objecting to the pawn.

14          CHAIRMAN GOMEZ: We can ask them once. We  
15          close the public hearing.

16          MS. QUIGLEY: And, then, as far as the  
17          landscape, if they could do landscaping, that  
18          would be great. I mean, I know we have rules set  
19          in place to beautify Miami, and new building codes  
20          try to enforce that. And if we let everybody not  
21          do what we are trying to accomplish, I don't know  
22          why we are trying to accomplish things.

23                 And, the metal roof structure, I don't -- I  
24          haven't seen any plans --

25          CHAIRMAN GOMEZ: That was withdrawn from the

1 application.

2 MS. QUIGLEY: It was withdrawn, okay, all  
3 right.

4 And I don't really have a problem with the  
5 other two items.

6 CHAIRMAN GOMEZ: Okay. That's it?

7 MS. QUIGLEY: Yes.

8 CHAIRMAN GOMEZ: Thank you. You have an  
9 opportunity for rebuttal.

10 MR. HOPE: You have to ask if there is anyone  
11 else who wants to speak against.

12 CHAIRMAN GOMEZ: I'm sorry. Is there anyone  
13 else that wishes to speak against this  
14 application?

15 For the record, no one else came forward.  
16 I'm allowing the applicant for rebuttal.

17 MR. HOPE: If there is anyone else that wants  
18 to speak in favor.

19 CHAIRMAN GOMEZ: Sorry. Is there anyone that  
20 wishes to speak in favor of the application?

21 Again, for the record, no one else came forward.

22 Now I would like to open it up for --

23 MS. DAVIS: Through the Chair, I would like  
24 to state that --

25 CHAIRMAN GOMEZ: He can't sit in.

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Go ahead.

MR. FRESEN: Thank you, Mr. Chair. And, it's not so much that I want to object, but I do want to address -- most of her concerns were brought up in the form of a question. So, just so that the Board understands, and so that the Council understands, what is being requested here doesn't -- if this variance were to be granted, it wouldn't, then, propel my client to obtain a license that my client does not already currently hold. He currently holds the type of license that would allow the very type of limited activity that is being requested in this use.

what he is not entitled to is to actually do it because of the fact that the use is not allowed on the zoning category. So, this wouldn't, in any way, trigger a new license, or the granting of a new license that the client already has right now under his current operation. He is simply not allowed to exercise the use of that license on the property for that limited type of -- again, it is almost a misnomer to call it a pawning activity, since this is a zoning hearing. That request for that word to be used, we'll continue to use it, which is, essentially, the exchange that is

1 currently allowed to happen, and it happens all  
2 the time. That is the example where somebody  
3 comes in, they have a watch, they would like to --  
4 they don't want that watch anymore, they want a  
5 watch that is at the store, they apply that watch  
6 for credit, and, then, you know, purchase the  
7 other watch or whatever it may be. That is  
8 different from the actual cash exchange for  
9 existing merchandise.

10 Again, the nature of the merchandise is  
11 absolutely no different, after this application  
12 were to be granted, than the nature of the  
13 merchandise next door right now. It is limited,  
14 not only in the request, but it is also limited in  
15 the covenant that is before you that states that  
16 no other type of existing merchandise will ever be  
17 on that site as a result of this application.

18 As far as the trees, we did request it  
19 because, again, the department asked us to put it  
20 into compliance through other variance requests,  
21 those things that were not in current present day  
22 compliance with what is required by the Code. I  
23 just asked my client, it didn't seem that  
24 harmless. I wanted to make sure there was space  
25 to plant the five trees. My client is absolutely

1 willing to condition and to add to the covenant  
2 and/or the request personally planting the five  
3 trees and paying for that. I just wanted to make  
4 sure there was actually space to do so on the  
5 property, and he told me that there is. I wanted  
6 to put that on the record. That addresses the  
7 second concern or request made by the association.

8 CHAIRMAN GOMEZ: Thank you.

9 MR. JONES: Through the Chair --

10 MR. HOPE: Before you do that, close the  
11 public hearing first.

12 CHAIRMAN GOMEZ: With that, I'm going to  
13 close the public hearing and open it up to the  
14 Council for some questions. State has a  
15 statement.

16 MR. HOPE: Mr. Chair, staff is going to get  
17 into the whole issue, right now, as to whether or  
18 not what they really want to do is pawning  
19 activity, and do they need these two variances for  
20 a pawnshop. But, given there was an objector,  
21 given the standard line, which I always do, which  
22 the applicant has, through his testimony, shown  
23 that this does not qualify and meet the legal  
24 definition of the use variance, because a use  
25 variance is required if there is little or no

1 economic hardship. And what he was talking about,  
2 in terms of the market changing, and, therefore,  
3 being able to do activities that work with the  
4 change in market, and change in clientele is,  
5 specifically, not a hardship. So, I just wanted  
6 to say that.

7 CHAIRMAN GOMEZ: Okay.

8 MR. JONES: For the certificate of use, there  
9 is a certificate of use for the jewelry store.  
10 But, for the pawn, that is a different certificate  
11 of use, and that is why the applicant is here.

12 MR. HOPE: But that is not the question. The  
13 real question, and what the objector brought up  
14 was, what was explained was, a quintessential  
15 pawnshop, someone can come in, they might sell  
16 something, they might borrow against it, and it  
17 might be held unless somebody comes back. And,  
18 then, once they raise enough money, they can come  
19 back and buy back their property. That is not  
20 what the applicant has explained.

21 what the applicant has explained is,  
22 basically, using that, let's say, as a down  
23 payment on something else, but that is something  
24 else that is being sold to them. And, staff  
25 said -- staff intimated that what they're

1 currently doing, they could continue to do without  
2 where we are today. So, that is what the Board  
3 needs to hear, in terms of, if that is the case,  
4 what is needed, if anything, to get the applicant  
5 to where the applicant needs to be, as opposed to  
6 this vehicle.

7 MR. HARRISON: Through the Chair, if I might  
8 just try to assist in this one. The application  
9 that is before you is for a use variance for a  
10 pawnshop. That application, and what Staff has  
11 reviewed in their analysis, is based on the  
12 applicant's Letter of Intent for a pawnshop,  
13 specifically. And, as to the fact as to whether  
14 this is for the exchange of jewelry, the fact that  
15 you have applied for a pawnshop use means that, in  
16 Staff's opinion, that once you are approved for a  
17 pawnshop use for jewelry, then you can carry out  
18 all the pawning activities that are allowed.

19 Just as the attorney explained to you, in  
20 that particular case the person would be able to,  
21 for no better words than saying it, take a loan on  
22 the jewelry that they have left at the pawnshop,  
23 or left at the jewelry store.

24 In that case, the definition of that activity  
25 is a pawn, is pawning of jewelry. Therefore, the

1 application that you have before you, in Staff's  
2 opinion, and based on the applicant's Letter of  
3 Intent, which we have here in the file, is for a  
4 pawnshop use for jewelry, and that is why it,  
5 specifically, requires that it be reviewed as a  
6 use variance in this particular case, because it  
7 is not allowed in that specific zoning district.

8 MR. FRESEN: If I can add to that --

9 MR. JONES: Through the Chair, I would like  
10 to acknowledge that Councilman Zacharia is now  
11 present at 6:50.

12 CHAIRMAN GOMEZ: He can't sit in.

13 MR. HOPE: He can't vote.

14 CHAIRMAN GOMEZ: Thank you.

15 I would like to open it up to some questions.  
16 Councilman Caceres?

17 COUNCILMAN CACERES: Thank you very much.  
18 Hi, Eric, how are you?

19 MR. FRESEN: Hey, how are you?

20 COUNCILMAN CACERES: Good, good. A couple of  
21 questions, and Ms. Quigley, I want you to hear  
22 these, because I value you coming here very much,  
23 so I want you to hear these questions. Some of  
24 these I know the answers to, but I want you to  
25 hear them, and I want the Court Reporter to take

1 this down.

2 Right now, can Carol Jewelers buy used  
3 jewelry, as a matter of right?

4 MR. FRESEN: Yes.

5 COUNCILMAN CACERES: Okay.

6 MR. FRESEN: I just wanted to confirm with my  
7 client.

8 COUNCILMAN CACERES: I appreciate that. As a  
9 matter of right, can he sell second-hand jewelry,  
10 used jewelry?

11 MR. FRESEN: Yes.

12 COUNCILMAN CACERES: Okay. So, right now,  
13 what this is about is about them being able to  
14 make a loan on jewelry; is that right? Being able  
15 to hold somebody's jewelry for a period of time,  
16 right?

17 MR. FRESEN: Correct.

18 COUNCILMAN CACERES: That is what this is  
19 about?

20 MR. FRESEN: Correct, and only jewelry.

21 COUNCILMAN CACERES: All right. And now I  
22 have a question -- if you want to bring your  
23 client up, or if you want to --

24 MR. FRESEN: If it gets hyper-technical on  
25 the business, I'll ask him to come up, yes.

1           COUNCILMAN CACERES: what is the process by  
2           which the applicant can buy a watch, today? what  
3           would -- come on up. I know that you were sworn  
4           in. I saw you raise your hand. State your name  
5           and address for the record.

6           MR. SUAREZ: Alexander Suarez, 4514 Alhambra.

7           COUNCILMAN CACERES: Mr. Suarez, if you could  
8           tell us how -- what you have to do to buy a watch.

9           MR. SUAREZ: The client comes in, and we get  
10          a form from Miami-Dade Police Department, here in  
11          Doral. You fill out the entire form. It has a  
12          signature on the bottom. It's actually a pawn  
13          broker's -- pawn broker's secondhand dealer's  
14          form. That is supplied by the state. You have to  
15          buy the form. It's a DC form that you fill out.  
16          You fill out all the information. You put serial  
17          numbers if they have serial numbers. They sign  
18          the sheet, they put a fingerprint, and they  
19          receive is the money. That sheet you must hold  
20          for 30 days, and one of the copies goes to the  
21          property detective here in Doral.

22          COUNCILMAN CACERES: Okay.

23          MR. SUAREZ: You hold the property for 30  
24          days. After 30 days, you can sell it.

25          COUNCILMAN CACERES: what is the process by

1 which you would pawn? Do you know what that is?

2 MR. SUAREZ: Exactly the same thing, it would  
3 just be the form has three different checks on  
4 top; one is pawn, one is purchase, and I forget  
5 what the third one is. But there are different  
6 checks. It's the same exact form. Instead of  
7 just buying outright, the jewelry, you would  
8 literally hold it for the 60 days until the person  
9 comes back, retrieves it, or makes the interest  
10 payment, but it's the same exact formality, and it  
11 would be exactly the same type of merchandise  
12 coming in and out.

13 COUNCILMAN CACERES: So, Mr. Suarez, to buy  
14 jewelry, if I came to sell my watch, would you ask  
15 me for an ID?

16 MR. SUAREZ: Absolutely.

17 COUNCILMAN CACERES: And would you ask for an  
18 ID to pawn jewelry, to make a loan on that same  
19 watch?

20 MR. SUAREZ: Yes.

21 COUNCILMAN CACERES: Okay.

22 Thank you very much, Mr. Suarez. I'm not  
23 done, Mr. Chair, just starting to have some fun  
24 here.

25 Carl, you said that when the applicant made

1 this request, that it stands to reason that if  
2 they are going to use the jewelry for pawning,  
3 they are asking for the pawnbroker, that variance,  
4 right, that use variance, that once they are doing  
5 jewelry, they can do other things. You said  
6 something along those lines; is that correct?  
7 That they could pawn -- conceivably they could  
8 pawn a lawnmower?

9 MR. HARRISON: No. Through the Chair, let me  
10 clarify.

11 COUNCILMAN CACERES: Please do. I want Ms.  
12 Quigley to be really clear on this.

13 MR. HARRISON: what we are referring to here,  
14 in this case, is the pawning of jewelry, only.  
15 And I might just add that the applicant had  
16 actually offered a condition, in case it was  
17 approved by the Board, that the pawn use be  
18 restricted to jewelry only.

19 So, what we have -- what we are looking at,  
20 from the department's point of view, is the  
21 pawning of jewelry, nothing else.

22 COUNCILMAN CACERES: Okay. So, you said,  
23 condition, but we have a Declaration of  
24 Restrictions. So, there is a covenant that says,  
25 specifically, "That the property be restricted to

1 a pawnbroker use in connection with the existing  
2 jewelry store, provided that said pawnbroker use  
3 shall be limited solely to the pawning of  
4 jewelry."

5 So, for Ms. Quigley's benefit, if this was  
6 approved today, can Mr. Suarez -- can Coral  
7 Jewelers pawn a lawnmower, can they make a loan on  
8 a lawnmower, based on this?

9 MR. HARRISON: Through the Chair, let me just  
10 clarify one thing. What you have before you is a  
11 draft covenant. That is not a covenant that has  
12 been properly reviewed by Staff; however, I must  
13 point out to you, which you may already know, if  
14 you chose to approve it, and accept the covenant,  
15 then we would also ask for a specific condition  
16 for a certain amount of time that we would review  
17 it. And, in that case, if that covenant is with  
18 that statement that you made, is accepted by you,  
19 with your approval, then the applicant would be  
20 restricted only to the pawning of jewelry.

21 COUNCILMAN CACERES: Okay, okay. You got  
22 that, Ms. Quigley?

23 MS. QUIGLEY: Yes.

24 COUNCILMAN CACERES: Mr. Suarez, come on up,  
25 just in case you want to answer so she can get

1 everything.

2 You said that you're okay -- you said,  
3 through your attorney, that you're okay with  
4 putting these five trees?

5 MR. SUAREZ: Yes.

6 COUNCILMAN CACERES: Okay. Let me ask you a  
7 question. She doesn't want -- Ms. Quigley, your  
8 neighbor, doesn't want a big pawn sign. We can  
9 condition things here, right, because it is not  
10 zoning, it is a use variance, so we can make  
11 conditions. Would you -- would you agree to a  
12 condition that says that you will not put any sign  
13 that says pawn, P-A-W-N --

14 MR. SUAREZ: Absolutely.

15 COUNCILMAN CACERES: -- on the property, on  
16 your window, no lighted signs?

17 MR. SUAREZ: Yes.

18 COUNCILMAN CACERES: Okay. Thank you very  
19 much, sir. Thank you.

20 Ms. Quigley, come on up for a second.

21 MR. JONES: Through the Chair, I don't mean  
22 to interrupt. For request number five, Staff did  
23 further research and --

24 COUNCILMAN CACERES: Mr. Hope is on fire  
25 today, guys.

1           Ms. Quigley, we've got -- right now he can  
2           buy jewelry, and he can sell jewelry, used and  
3           new. What he can't do is make a loan on jewelry,  
4           okay?

5           So, what we have -- my experience is, and I  
6           would encourage you to speak, we have a police  
7           officer here, people who steal things don't pawn  
8           them, they sell them on the street, they are not  
9           going to be giving a driver's license to get  
10          money. So, we have only jewelry, only used  
11          jewelry. We have no sign that says pawn anywhere  
12          on the property. We have five street trees that  
13          we don't have now. Are we okay?

14          MS. QUIGLEY: Yes.

15          COUNCILMAN CACERES: If we were to move  
16          forward with an approval, and, obviously, there  
17          are a lot of other people here that have to ask,  
18          but if we made an approval and those conditions  
19          were met, would you withdraw your objections?

20          MS. QUIGLEY: Yes.

21          COUNCILMAN CACERES: Okay. Thank you very,  
22          very, very much, ma'am. Thank you.

23          Now I have a couple of questions for Staff.  
24          Just on curiosity, while we wait for the County  
25          Attorney.

1           Mr. Hope, is it pertinent at all what  
2           interest rate they charge for the loan? Is that  
3           pertinent? For this application, is it pertinent?

4           MR. HOPE: To your approval process, no, but  
5           they would have to charge an interest rate that is  
6           permissible, based on Florida law.

7           COUNCILMAN CACERES: But for our approval,  
8           that is irrelevant, right? That's what I thought.  
9           I knew the answer to that one, I just wanted to  
10          make that clear.

11          I have a question on Staff's recommendations.  
12          Who can answer? Carl, will that be you?

13          MR. HARRISON: You can ask me.

14          COUNCILMAN CACERES: Carl, I saw that on  
15          handwritten page three, in the middle paragraph  
16          where it says, "Denial," it says that, "County  
17          staff is recommending denial. Staff is of the  
18          opinion that the approval of the use variance  
19          request will not be in harmony with the general  
20          purpose and intent of the regulation, and that the  
21          applicant has not demonstrated a loss of all  
22          reasonable use." So, we have "and". We have two  
23          issues. We have the applicant hasn't demonstrated  
24          a loss of all reasonable use, and we have harmony.  
25          Harmony according to who? Whose opinion, because

1 harmony is -- whose, in particular? It is your  
2 opinion, Carl, that pawning -- that making a loan  
3 on used jewelry would not be in harmony? It is  
4 okay if it is, or is this through the director's  
5 office? I'm just wondering. Because harmony is  
6 open for interpretation. Something that is not  
7 harmonious to some may be very harmonious to  
8 others. You come to my house at dinnertime and  
9 there is absolutely no harmony, and for us it is  
10 calm and peaceful. Tell me about that.

11 MR. HARRISON: Through the Chair, Staff has  
12 consistently used this type of terminology, and  
13 this terminology is pulled from the specific  
14 section of the Code where the use variance --  
15 depending on whatever statute -- not statute,  
16 whatever section of the Code we are reviewing an  
17 application under. In this particular case, what  
18 we look at is, a use variance is a use that is  
19 more, or outside of the normal uses that are  
20 allowed in that specific zoning district. In this  
21 particular case, the property is a BU-1(A).  
22 Normally, a pawnshop use, or a pawn use is only  
23 allowed in a BU-3, and a more intensive use, after  
24 a public hearing.

25 Therefore, Staff's review of this particular

1 case, when we use the term, harmony, it's almost  
2 similar to how we would look at compatibility.  
3 So, how we are viewing it is -- it is not  
4 harmonious to the other uses that are allowed in  
5 the BU-1(A) district.

6 COUNCILMAN CACERES: Okay. When Staff --  
7 when Staff made this recommendation, when this  
8 recommendation was written, you said that the  
9 only -- it was the pawning of jewelry was the only  
10 thing that was considered. So, even -- can you  
11 give your opinion, Carl? Can we ask for Carl's  
12 opinion of Staff?

13 MR. HOPE: No.

14 COUNCILMAN CACERES: So, whose opinion is  
15 this? I want a name behind --

16 MR. HOPE: You're not entitled to a name,  
17 with all due respect. Ultimately, just like this  
18 Board's vote, when the Board votes, and, let's  
19 say, one, two, three, four, five, six, let's say  
20 you have all seven members, let's say your vote  
21 came down four to three, yes, you all get an  
22 individual vote. But, ultimately, whatever side  
23 carries, that is the vote of the Board. The Board  
24 does not speak as an individual, it speaks as one  
25 entity. That is the same thing of Staff. So,

1 with all due respect, it is irrelevant what Carl  
2 or any individual member of Planning and Zoning's  
3 opinion is. Ultimately, when it refers to Staff,  
4 it speaks through the Director.

5 COUNCILMAN CACERES: Harmony and  
6 compatibility, Mr. Hope, are vague -- they are  
7 vague.

8 MR. HOPE: Well, we can't say it's vague. It  
9 is in the Code.

10 COUNCILMAN CACERES: You can't say vague.  
11 The Code asks wrong. We know that. We've seen  
12 that happen a number of times.

13 MR. HOPE: I can't agree with that.

14 COUNCILMAN CACERES: That's fine. I  
15 understand.

16 Carl, do you know of any instance where the  
17 County has recommended approval, in the past, for  
18 applications for this request number one? Have  
19 you ever heard of that happening?

20 MR. HARRISON: Through the Chair, when Staff  
21 does research on this, Staff normally looks back  
22 in this area, if there were similar approvals.  
23 However, in this particular case, with regards to  
24 use variances, within the past -- in my knowledge,  
25 within the past, at least six years and more,

1 Staff has not recommended -- Staff has  
2 consistently recommended denial, and we found that  
3 before, at least 20 years ago, Staff used to  
4 recommend approval of use variances, not  
5 necessarily for jewelry stores, but use variances,  
6 period. But we were advised by the County  
7 Attorney's Office, and based on other case law  
8 that has gone before the Court, that we have to  
9 stick strictly to the standards that are in the  
10 use variance section of the Code, specifically,  
11 the unnecessary hardship.

12 COUNCILMAN CACERES: David, he threw you  
13 under the bus on that one.

14 MR. HOPE: Let me just say one other thing.  
15 Even where you look, historically, at whether it  
16 is this Board, or any other Board, what they have  
17 done, or haven't done, especially with regards to  
18 use variances, because that is where this argument  
19 always comes up, usually it is the applicant that  
20 will say, "well, this property has a use variance,  
21 that property has a use variance, that property  
22 has a use variance." And because -- that is not  
23 what you are saying, but because you've granted  
24 them in the past, I'm entitled to one, also. And  
25 that is not the proper standard.

1           Each application has to stand on its own.  
2           Each application this Board has to look at. And,  
3           irrespective of what might have been done in the  
4           past, there has to be competent substantial  
5           evidence in order for this Board to make its  
6           determination, because if it's not, it is going to  
7           be, if appealed, overturned in court. That is the  
8           legal standard.

9           So, a historical context, that is all well  
10          and good. But, ultimately, what matters is the  
11          evidence that has been presented to you by this  
12          applicant, and where the Board draws the line in  
13          terms of understanding and feeling that there is  
14          enough competent substantial evidence to either  
15          grant or deny what the applicant is requesting.

16          COUNCILMAN CACERES: Okay. Today I called  
17          and I spoke with Mr. Gutierrez, and I told him  
18          that I was going to be asking a question here, you  
19          know, that I was going to be asking a question in  
20          the public record about the specific hardship.  
21          And I just wanted whoever was going to answer it,  
22          to be ready. And Franklyn thought maybe you,  
23          maybe David. I do know of a number of  
24          applications, of requests, that have been  
25          approved. And, if I could get behind a computer

1 and go to Miami-Dade dot gov, I could find a  
2 couple of them. I think we know that they are all  
3 there.

4 Eric, do you know of any of those? Do you  
5 have any of those?

6 MR. FRESEN: Through the Chair --

7 CHAIRMAN GOMEZ: Go for it.

8 MR. FRESEN: -- yes.

9 COUNCILMAN CACERES: If we needed to, can we  
10 accept that that has happened? Loany Jewelers,  
11 because I want to know -- my question to Franklyn  
12 was, what has changed, other than the County  
13 Attorney, right, that is what Carl said, the  
14 County Attorney said, no, you can't -- we can  
15 throw you under the bus, you're small enough, we  
16 can say that -- what I heard you say is, we used  
17 to recommend approval for use variances, but the  
18 County Attorney has told us not to, because we  
19 need to stick strictly to the standard.

20 MR. HARRISON: And, the County Attorney, to  
21 my knowledge, this was based on case law, based on  
22 actual case law, and they now recommended that we  
23 review these applications strictly on the criteria  
24 listed in this section of the Code, that they have  
25 to provide, like the County Attorney here said to

1           you, to show that there is a hardship, and that  
2           the property cannot be used for any other use  
3           within that zoning district then being requested.

4           COUNCILMAN CACERES: Okay. Bear with me  
5           folks, sorry, I'm sorry.

6           Mr. Hope, you told us that every application  
7           has to be viewed individually, and I understand,  
8           and I agree with you 100 percent. Have you seen  
9           applications, before, that say that the County  
10          recommends -- County's recommendation is based on  
11          fear of establishing a precedent, or not to  
12          establish a precedent? "Approval in this case may  
13          establish a precedent for similar approvals in the  
14          area." Have you heard that?

15          MR. HOPE: At times I have seen applications  
16          where something along that line was stated as part  
17          of Staff's recommendation for approval or denial.

18          COUNCILMAN CACERES: I've seen it a lot. So,  
19          the County has considered precedent a lot. I've  
20          seen it a lot. I've been up here long enough,  
21          I've read enough applications where we have seen  
22          it, and I think even my peers that haven't been on  
23          the Board that long probably have seen it.

24          Mr. Fresen, have you seen that before?

25          MR. FRESEN: Through the Chair?

1 CHAIRMAN GOMEZ: Yes, sir, go for it.

2 MR. FRESEN: Yes, sir.

3 COUNCILMAN CACERES: Thank you very much,  
4 Mr. Chair. I'm ready for a motion. This is  
5 really simple. So, when you're done, when  
6 everyone else is done, this is really, really  
7 simple for me. Thank you, sir.

8 CHAIRMAN GOMEZ: Thank you.

9 Councilwoman Planas?

10 COUNCILWOMAN PLANAS: I don't know if I have  
11 anymore questions. You know, I've seen similar  
12 applications like this. And, I understand what  
13 Mr. Hope is saying. I do have a question for you,  
14 though, if it's okay, to Staff, anybody over  
15 there.

16 My question is: when you guys say, hardship,  
17 what do you mean by that? Like, is it hardship in  
18 the way of, "Oh, my God they are going to lose  
19 their business?"

20 Or, is it, "Oh, my God, they are going to  
21 lose their house?"

22 MR. HOPE: This is really simple. When it  
23 comes to a use variance, it is very simple. Yes,  
24 there are different types of hardships. When it  
25 comes to a use variance, there is -- when people

1 talk about hardships, there is either an economic  
2 hardship where people talk about dollars and  
3 cents. They have a business, but if you don't  
4 allow this additional use that this property isn't  
5 zoned for, they might lose money.

6 A literal hardship, which is what is required  
7 for a use variance is, if you don't allow this use  
8 that this property is not zoned for, we won't have  
9 any use of this property.

10 So, for example, the example that you gave,  
11 are they going to lose their house?

12 Well, in this situation, it would be, "If you  
13 don't allow Carol Jewelers to have the expanded  
14 use of pawning, they won't have a jewelry business  
15 because they won't be able to do anything at all  
16 on the property."

17 Now, we know that is not the case. They have  
18 an operating jewelry business which has been  
19 operating for a while, and that is the distinction  
20 with use variances.

21 And, to Councilman Caceres' point, he knows  
22 me as long as I've been on this Board,  
23 irrespective of what the County Attorney may have  
24 said at one point, may not have said, I have  
25 always said, as long as I've been on this Board,

1 this is the standard for a use variance. This  
2 application does or does not meet that standard,  
3 and that has never changed, irrespective of what  
4 staff's recommendation might have been.

5 Now, that being said, that is the distinction  
6 here, and that's what councils always have to  
7 wrestle with when use variances come up, because,  
8 invariably, usually the applicant will focus on  
9 the economics, because that is what they are in  
10 business to do. They focus on that. And they're  
11 entitled to. But the legal standard for use  
12 variance is very strict and very narrow, and it is  
13 very simple to explain.

14 COUNCILWOMAN PLANAS: Thank you very much.  
15 Thank you very much.

16 You know, I don't -- I really don't see the  
17 horror of this application. I don't. Some  
18 variances just don't make sense, you know, some  
19 rules just don't make sense, some laws, because it  
20 is a rule, or a thing, that it doesn't make sense,  
21 we have to follow it anyways because that is the  
22 law? You know, I can't make complete sense out of  
23 this. You know, they've conformed with, you know,  
24 Ms. Quigley's concerns. And, you know, thank you  
25 for being here. I don't like these big pawn signs

1           either. It is my neighborhood. I would hate to  
2           see that, too. And they've addressed all the  
3           issues.

4           I mean, I had a few questions, but he asked  
5           them all, and I really don't have any further  
6           questions.

7           CHAIRMAN GOMEZ: Thank you.  
8           Councilman?

9           COUNCILMAN RODRIGUEZ: I have no other  
10          questions.

11          CHAIRMAN GOMEZ: Councilman Valdes?

12          COUNCILMAN VALDES: No questions, at this  
13          point.

14          CHAIRMAN GOMEZ: Councilman Suarez?

15          COUNCILMAN SUAREZ: I have several.

16          Before I start asking questions, I think it  
17          is our responsibility, as the Board, to make sense  
18          and interpret whatever ordinances and laws there  
19          are. If there absurd, hey, that is why we get  
20          elected to this position here.

21          And, you know, if it's legal, if it's a  
22          hardship, we are the ones that make that decision.  
23          And if you don't agree with it, or either side  
24          they can appeal it to the Board of County  
25          Commissioners who approve and enact these

1           ordinances. So, thank God that that is why we are  
2           here and we have community councils so we can make  
3           common sense decisions, even though a law or  
4           ordinance exists. That is my statement.

5                     Now, first question: Will that shed in the  
6           back, even though it has nothing to do with  
7           Carol's Jeweler, you said that you are going to  
8           withdraw. Does that mean they will demolish that  
9           shed? My question, first.

10                    MR. JONES: The shed has already been  
11           demolished.

12                    MR. FRESEN: It's gone.

13                    COUNCILMAN SUAREZ: We are all under oath  
14           here, correct?

15                    MR. JONES: Yes.

16                    COUNCILMAN SUAREZ: That shed exists as of  
17           right now, just so you know. I was there this  
18           afternoon. That shed exists, as of right now, as  
19           of five o'clock.

20                    MR. SUAREZ: There is tarp they put up.

21                    MR. HOPE: You have to come up.

22                    MR. SUAREZ: The business that is on the west  
23           side had a metal-type of -- I don't know if it is  
24           a roof, or a shed, or what it was. But they have  
25           now a tarp that they put up. And I don't know how

1 they put it up.

2 COUNCILMAN SUAREZ: That is one of my  
3 questions. That has nothing to do with your  
4 request --

5 MR. SUAREZ: Exactly.

6 COUNCILMAN SUAREZ: -- for a pawn.

7 MR. SUAREZ: Exactly.

8 COUNCILMAN SUAREZ: Because that metal shed  
9 has nothing to do with the pawn, but it is part  
10 of -- and I just want to clarify.

11 MR. FRESEN: And I would address it, for the  
12 record, as such. I think the reason why Staff  
13 removed it is because that request would be made  
14 because the specific material of what that -- of  
15 what that shed was, which was originally described  
16 as being an open-sided metal roof structure. My  
17 understanding, based on his explanation, is that  
18 the material itself is gone and has been, I guess,  
19 substituted with a canvass material, for lack of a  
20 better term.

21 If, for whatever reason, and I will state  
22 this on the record, if that still triggers an  
23 inconsistency with the variance, I will absolutely  
24 condition, you know, removing that, as well, or  
25 maybe consider the variance under a different

1 light where it is no longer a metal roof, which is  
2 what triggered it in the first place, and it's now  
3 another material.

4 I'm going to defer to Staff's expertise,  
5 their opinion, and their analysis, as to why they  
6 removed it, given the way that it was -- that it  
7 was transferred. Maybe Staff can explain it.

8 MR. HARRISON: Through the Chair. I don't  
9 want the Board Member to think that Staff is  
10 trying to lead you along the wrong path --

11 COUNCILMAN SUAREZ: No, no, no, no, that was  
12 not my --

13 MR. HARRISON: -- and why I took the  
14 microphone back from Earl. To explain it, I did  
15 research on it, and I found that they actually  
16 obtained a demolition permit for that shed, and it  
17 was approved that day, it had been removed. So,  
18 when you told us that, I'm a bit surprised that  
19 they have actually put some sort of roof  
20 structure, regardless of what it is there.

21 In my opinion, right now, without properly  
22 reviewing the code on that specific item, I don't  
23 think that is a permitted covered structure. And  
24 if that is the case, Staff may have to refer --  
25 take further action on that, if there's a

1 structure there.

2 But, we maintain that we are recommending  
3 withdrawal of the request for the metal roof  
4 structure that was there.

5 However, and the applicant is aware, or the  
6 owner of the property is aware, he should be aware  
7 that if there is a structure there that is not  
8 permitted, it is likely that he could be held to  
9 enforcement action.

10 COUNCILMAN SUAREZ: That was my next  
11 question. Are there any existing code violations  
12 in the shopping center? Because usually in our  
13 little folder there's a sheet that says, from code  
14 enforcement, any outstanding violations, any  
15 current violations. I didn't see that.

16 And I try to make my way, before every  
17 meeting, before every meeting, I try to go to each  
18 subject property and, you know, do my homework  
19 before I make a decision.

20 CHAIRMAN GOMEZ: Page 16.

21 COUNCILMAN SUAREZ: So that I could make an  
22 educated decision. There you go, okay. There are  
23 no current open regulation cases.

24 Staff, if they have removed the metal shed,  
25 but they have another covering on that, does

1           that -- that wouldn't --

2           MR. HOPE: Removing the covering is not  
3 removing the metal shed. It says, specifically,  
4 to permit an open-sided metal-roof structure.  
5 structure is the entire structure. Removing the  
6 top of it, which happened to be comprised of  
7 metal, that doesn't -- that doesn't constitute  
8 removing a structure. And that is what this  
9 request talks about, and that's where Staff was  
10 coming from, in terms of seeking a demolition  
11 permit, and assuming that it had been demolished  
12 and removed.

13           Staff's position would be the entire  
14 structure, not just the top of it, has to be  
15 removed.

16           COUNCILMAN SUAREZ: And how about the use  
17 of -- Staff, is there -- can they use that back  
18 for work? Say, maybe, working on cars --

19           MR. HARRISON: Through the Chair, no.

20           COUNCILMAN SUAREZ: No.

21           MR. FRESEN: Councilman Suarez, can I just  
22 address that real quick, just in case, because I  
23 want to make sure that the record is accurate as  
24 far as our purpose here, and I can't speak on  
25 behalf of the owner. But what was considered to

1 have been there before, which is what they  
2 received the demolition permit for, and they  
3 demolished that structure was the entirety of the  
4 metal structure. What exists now, in its place,  
5 and I'm not sure, and I'll defer to Staff, again,  
6 is, basically, a canvass, and I'll explain to you  
7 what they use it for, because I just understood.  
8 After they tint windows, they can't be in the  
9 direct exposure of sun. So, before they used  
10 to have this entire metal structure, which is  
11 considered more of an affixed structure to the  
12 property, that then triggers the lot coverage.

13 I'm not sure, maybe Staff will tell me this,  
14 whether or not an umbrella canvas material, simply  
15 overhanging as an awning, so that they can park  
16 the car and prevent sun from coming from it,  
17 triggers it and, perhaps, that is why there is not  
18 an open violation right now. The demo permit was  
19 actually issued, they demoed it, and they replaced  
20 it with what I'm assuming that the owner knew to  
21 be a permissible material in lieu of the metal  
22 structure.

23 But, again, I'll defer to Staff. My  
24 understanding is that that would not trigger the  
25 quote/unquote lot coverage, because canvas, an

1 awning, does not trigger a lot coverage, which the  
2 metal structure, prior to that did.

3 Mr. Hope, those variance requests came at the  
4 request of the County. Nowhere in my Letter of  
5 Intent did -- I want to make that clear. All the  
6 other variances were triggered by Staff.

7 So, like I mentioned, the variance for the  
8 trees, triggered by Staff. The variance for the  
9 lot coverage, triggered by Staff. The variance  
10 for the parking spaces, triggered by Staff. We  
11 had full intent to bring the property into full  
12 compliance based on those comments. Staff removed  
13 number four. And, again, my interpretation of the  
14 reasoning, especially after knowing that the demo  
15 permit was obtained, and, naturally, utilized, was  
16 that the trigger must have been the type of  
17 structure that was there before that would trigger  
18 a lot coverage, thus, hence, into a variance. I  
19 believe that the canvas that is there right now,  
20 Staff, again, correct me if I'm wrong, does not  
21 trigger lot coverage.

22 MR. HARRISON: Through the Chair, Staff is  
23 not willing to state here, on the record, without  
24 having proper knowledge of what is there, it was  
25 not something that Staff reviewed, and we would

1 need to be clear on this before I actually make a  
2 statement, on the record, to say whether that that  
3 is an acceptable structure.

4 Staff stands by our recommendation that we  
5 recommend withdrawal of the metal-roof structure,  
6 which was demolished, which there are records in  
7 Staff's offices that this was demolished.

8 Anything else out there, the only thing that  
9 we could do, based on information provided by the  
10 Board Member, is refer it to the proper section of  
11 the department, to have them review this, and we  
12 can't say whether they will, at this point,  
13 whether there will be enforcement action, or  
14 whether it is needed or not. I would have to  
15 defer to that section of the department.

16 MR. FRESEN: That would be a code violation.

17 MR. HOPE: I got this.

18 Instead of having -- I mean, that is all well  
19 and good, meaning, I hear you. But all the  
20 applicant has to do, and it sounds like the  
21 applicant is willing to do this, because the  
22 applicant wants to do everything that is needed to  
23 do, such that they can do jewelry and pawn, is  
24 also you have a Declaration of Restrictions, agree  
25 in your Deceleration of Restrictions, whether you

1 have it there, or another condition, that the only  
2 uses on the property will be those uses that are  
3 incidental to a jewelry and pawn business. So,  
4 for example --

5 MR. FRESEN: I just can't speak to the whole  
6 property. You have to understand, this is a  
7 shopping center. We are only one bay of it.

8 MR. HOPE: Right. And that is why I was  
9 asking the question, in terms of why has this come  
10 up for your client's application, if this isn't  
11 part of your client's leasehold.

12 MR. FRESEN: And it's not, and it's not.

13 MR. HOPE: So, all you can be responsible for  
14 is your lease.

15 MR. FRESEN: Is our bay, correct.

16 MR. HOPE: So, I don't know where this came  
17 from, or why, but --

18 MR. FRESEN: I can tell you, it came from the  
19 department. We just went ahead and requested it.

20 MR. HARRISON: Through the Chair, I fully  
21 understand where the County Attorney is coming  
22 from on this, and what has to happen, because, for  
23 the applicant to meet this application to you, he  
24 has to have -- he got the authority of the  
25 property owner to meet this application.

1 MR. FRESEN: Correct.

2 MR. HARRISON: And, at that point in time,  
3 the property owner will assume any responsibility,  
4 in my mind, based on what Staff recommends,  
5 because he now has the authority.

6 MR. FRESEN: Yes.

7 MR. HARRISON: So, as suggested by the County  
8 Attorney, a possible solution to this is as an  
9 additional condition, if you chose to, that the  
10 applicant agrees to ensure that all structures on  
11 the property are properly permitted.

12 MR. FRESEN: Yes.

13 MR. HARRISON: Are legal and properly  
14 permitted.

15 MR. FRESEN: And, as a citizen, I would  
16 recommend that you do that with every application,  
17 to make sure that everybody requesting something  
18 is up-to-date and has no code violations, and  
19 nothing on the property.

20 So, I mean, but, again, I did want the  
21 Council to understand that nothing beyond number  
22 one was triggered by or asked for by the -- by my  
23 client, or the applicant. It was something that  
24 was recommended by Staff, that we kind of go  
25 through the process of, and that is why we are

1 kind of dealing with some of those issues now.

2 COUNCILMAN SUAREZ: And that is why I had so  
3 many questions, because when I drove by today, and  
4 I'm trying to figure out why, if they are only  
5 15-foot wide by 57, why are they responsible if  
6 they are not the owners for the property?

7 MR. FRESEN: Because the applicant is the  
8 entire owner of the entire strip center.

9 COUNCILMAN SUAREZ: I know it doesn't have  
10 anything to do --

11 MR. FRESEN: If I could just do his bay for  
12 the zoning purposes, I would have.

13 COUNCILMAN SUAREZ: I don't have a problem  
14 with their request for a pawn.

15 And here is my question leading to that. Ms.  
16 Quigley doesn't want to see the word pawn. Ms.  
17 Quigley, do you know what the word in Spanish for  
18 pawn is?

19 MS. QUIGLEY: No.

20 COUNCILMAN SUAREZ: So, if they had that word  
21 up on there, would you have any objection?

22 MS. QUIGLEY: In Spanish?

23 COUNCILMAN SUAREZ: Yes. If you didn't know  
24 what that word meant?

25 MS. QUIGLEY: Yes, I would.

1 COUNCILMAN SUAREZ: You would?

2 MS. QUIGLEY: Yes, not in any language.

3 MR. HOPE: You can't have that conversation.

4 MR. FRESEN: We'll commit to both, not pawn  
5 and not empenar.

6 COUNCILMAN SUAREZ: If she comes up here, I  
7 can ask her that question.

8 MR. HOPE: It needs to be transcribed.

9 COUNCILMAN SUAREZ: Ms. Quigley, can you come  
10 up here so you can answer that question, please?

11 I just want to clarify it because Mr. Caceres  
12 asked that if they did not use the word pawn, but  
13 if they use the word in Spanish, which is the same  
14 thing, and it exists there right now, I don't want  
15 there to be any -- the word in Spanish, pawn, and  
16 empeno, exists there right now. See, that is the  
17 thing about going there and looking at the  
18 property yourself, you see all these things.

19 on the record, I do not have a problem with  
20 them having a pawnshop there, Ms. Quigley,  
21 personally. We've approved it a mile and a half  
22 down the road from Coral Way, from where they are  
23 at.

24 So, I know that that is outside of your  
25 boundary, because you only go up to the Palmetto,

1 but we've approved, you know, pawnshop,  
2 exclusively, to pawn jewelry. And that is one of  
3 the conditions and limitations that they are using  
4 here. I don't have a problem.

5 I just want to clarify. If they -- because  
6 somebody else brought it up. If they use the  
7 word, empeno, which means pawn, you said you  
8 didn't have a problem if they use the word pawn --  
9 I'm getting into semantics here.

10 MS. QUIGLEY: In any language, I would not  
11 like them to use that word.

12 COUNCILMAN SUAREZ: On the record, in any  
13 language? Put that on the record.

14 MS. QUIGLEY: Thank you for asking.

15 COUNCILMAN SUAREZ: I'm going to vote yes for  
16 the pawnshop.

17 MS. QUIGLEY: Could we get that?

18 COUNCILMAN CACERES: I already wrote, in any  
19 language.

20 COUNCILMAN SUAREZ: All right.

21 Another question here. How long have they  
22 been using it as a pawnshop, or have they been  
23 pawning jewelry?

24 MR. FRESEN: And I wanted to address that  
25 point because it addresses a lot of the other

1 points brought up by the County Attorney. The  
2 reason why, in the Letter of Intent, we ask for  
3 pawn is because I, purposely, have to request  
4 something within the definition of structure  
5 created by the County and by its own ordinance.

6 Now, like many things in life, definitions  
7 are very broad, okay? So, to the average person,  
8 the concept of being able to go to that store,  
9 give their Rolex, go through the entire process  
10 and get some money back, you ask the average  
11 "viejito", and they are going to tell you, "Eso es  
12 un empeno," right?

13 what we are talking about now are the subtle  
14 distinctions within the wide canopy that is the  
15 definition called pawning. So, right now what  
16 they are doing is everything permissible by law,  
17 which Mr. Suarez already explained are, basically,  
18 filling out the forms and being able to actually  
19 exchange either cash and/or other property for the  
20 same thing.

21 what we are trying to do is that third aspect  
22 of it, which Mr. Caceres explained in detail,  
23 which is the concept of the loan element within  
24 the broad umbrella of what is the definition of  
25 pawning.

1           So, we could -- I could answer that question  
2           by telling you the two -- the first two elements,  
3           which he is already legally allowed to do under  
4           the existing zoning can, in the industry, be  
5           considered pawning. So, what we are talking about  
6           now is just what Mr. Caceres talked about which is  
7           the element of loaning against property. It is  
8           just, again, one of those distinctions without a  
9           difference for most of us, but, legally, and  
10          obviously, according to the Code, there is a  
11          difference.

12          So, that is why my request makes it,  
13          unfortunately I have to corner myself into  
14          acknowledging a major change of current business  
15          practices where, in fact, it is just a subtle  
16          difference with the market. That is really all it  
17          is.

18          COUNCILMAN SUAREZ: The rest -- all that is  
19          semantics if you exchange, if you -- I'm not -- I  
20          don't care about that. The reason of my  
21          questioning is, I just wanted to know, if there  
22          are no existing code violations, and they are  
23          asking permission to pawn only jewelry, I know  
24          this is an enforcement issue, how can they  
25          currently have the words, empeno, pawn, on the

1 storefront, if, legally, they are not supposed to?  
2 He has the license from either Dade County, the  
3 Certificate of License, that doesn't mean that he  
4 can have a pawnshop, zoning wise.

5 MR. FRESEN: Right.

6 COUNCILMAN SUAREZ: Do you see where this is  
7 the distinction?

8 MR. FRESEN: Correct.

9 COUNCILMAN SUAREZ: He can have a license to  
10 have a pawnshop, but if the zoning doesn't allow  
11 for that, so that was just -- and I know that is  
12 enforcement. I just want to make the record -- on  
13 the record that the words, empeno and pawn, exist  
14 right now on the storefront.

15 MR. FRESEN: Right.

16 COUNCILMAN SUAREZ: So --

17 MR. FRESEN: And, again, through the Chair,  
18 if I may, I think it is why -- and to go back to  
19 the broader point that Vice Chair Planas was  
20 bringing up, as well as Councilman Rodriguez, or  
21 Valdes, rather, and yourself, really, is that --  
22 and I'm very sensitive to Staff's position on  
23 these things, because I understand, if the  
24 direction comes from above to, essentially, take  
25 the most conservative myopic view of an

1 application, it's akin to, basically, somebody who  
2 has the flu, okay, being told, if you take  
3 hardship, if you take the narrowest definition and  
4 the most conservative definition of hardship that  
5 the County Attorney mentioned, it would be akin to  
6 hardship in another example, being someone who has  
7 the flu, but who is not allowed to take medicine  
8 unless he is about to die, right?

9 So, that is why the check and balance exists.  
10 But for that, there would be no need for Community  
11 Council. It would be a Staff, Staff would look at  
12 the application, if it doesn't meet the letter of  
13 the law, as prescribed from above, then that's it,  
14 they just issue the statement and it is done.

15 The reason why Councils exist, and the reason  
16 why other bodies exist is the check and balance  
17 and an entire system of this, is so that the Staff  
18 analysis, which may be absolutely accurate, as the  
19 County Attorney said, as prescribed by whatever  
20 motion was given within the building for that  
21 recommendation, there is a reason why you all  
22 exist, and it is to, basically, when it comes to  
23 those much more vague terms, such as harmony and,  
24 you know, disconnect with the neighborhood, it is  
25 up for the citizens' representatives to determine

1           whether, in fact, Staff's recommendation is true,  
2           not only to the letter of the law, but to the  
3           actual spirit of the condition of the use being  
4           made, and the variance request, or not.

5           In this case, I would, again, respectfully  
6           disagree, while agreeing with, potentially, their  
7           charge to have to do it this way. We are talking  
8           about a business that has been there for ten  
9           years.

10           Like you said, again, I understand the  
11           legislative intent behind whatever it was that the  
12           department created, the separate unique distinct  
13           category for pawnshops, because pawning, under the  
14           conventional definition of pawnshops, is a  
15           completely different regulated system in the state  
16           of Florida, and that is why those things, a  
17           pawnshop where you take in, again, a bicycle,  
18           skateboard, whatever it may be, those are  
19           restricted to certain neighborhoods.

20           what we are talking about here, in my  
21           opinion, but we still have to go through this  
22           process, is a distinction without a difference,  
23           because the concept of empeno, or pawn, again,  
24           while the law may have three or four different  
25           tiers of that, to the average consumer, it is the

1 same concept.

2 what my client is doing, I believe, to answer  
3 the question in good faith, is that if my client  
4 wanted to be in the shadows, we never would have  
5 submitted this application. He would have  
6 continued doing pawning, as allowed by license,  
7 while not allowed by zoning. He's never done that  
8 type of loan kind of concept before. The market  
9 now kind of demands it for him, in order for him  
10 to stay competitive, but, basically, doing the  
11 same activity.

12 My client, at his own volition, "I want to do  
13 this legally, like I have done everything legally  
14 in that store for the last ten years." Thus, the  
15 reason why this application is before you.

16 It is really the antithesis of doing  
17 something in the shadows, but on the contrary,  
18 saying, "I would like today this, but I'll wait  
19 around six months to make sure that I'm in  
20 compliance with every single Code."

21 COUNCILMAN SUAREZ: I appreciate him doing  
22 everything to legalize his business. Let me  
23 rephrase that. His business is legal. He wants  
24 to come and fill all the requirements, I'm glad  
25 that he is here, and he's requested, and it's cost

1 him some money to get to this point, to legally  
2 use the words pawn and empeno, and to actually do  
3 the business.

4 MR. FRESEN: Right. And it is the doing of  
5 the business that he has never done before, that  
6 specific element of the business that Mr. Caceres  
7 talked about that we are requesting.

8 So, again, the Code doesn't say that you  
9 can't use the word -- the word pawn, and empeno,  
10 like I'm exhausting it already, is very broad.  
11 But the specific action, or the type of exchange  
12 that Mr. Caceres talked about, which is what we  
13 are requesting to do here, to be able to do, is  
14 what, then, triggers the definition to the County,  
15 the change in use, because, then, that, the  
16 ability to be able to do an exchange that, then,  
17 takes a loan on it, is different than what is  
18 happening right now. That is just a new layer of  
19 his business; however, that specific type of  
20 pawning triggers a zoning change, which is what we  
21 are here requesting, so that he can do it. He has  
22 never done it before, has never had a violation of  
23 having done that before.

24 As he mentioned already, the jewelry store in  
25 particular, and any exchange, this I can tell you,

1 is an incredibly highly regulated business within  
2 the state of Florida. And every single one of  
3 those things, again, it includes getting licenses,  
4 sending it through, it includes local law  
5 enforcement. It includes state law enforcement,  
6 there is a huge regulatory system already existing  
7 for jewelry, as a whole, and those kind of  
8 exchanges of jewelry for cash and so forth.

9 There is a third element, which is what we  
10 talked about now, which is the loaning on that  
11 property, which is what we are -- which is what my  
12 client would like to, also, offer to his clients.  
13 He can't today because of the zoning limitation  
14 for what is, in practical terms, his business.

15 COUNCILMAN SUAREZ: So, Staff, if they  
16 were -- if they were to use another word in  
17 Webster's Dictionary that meant the same thing as  
18 pawn broking, or pawn, or empeno, would that  
19 violate the intent? Because, I mean, we are  
20 getting down to nitpicking here.

21 MR. HOPE: Through the Chair, this has  
22 nothing to do with Staff. You got an objection  
23 from a resident which triggered an agreement of  
24 the applicant not to have signage that advertises  
25 the pawn use. The objector then said, whatever

1 language, she objects. That is what -- that is  
2 where this came from. Staff did not bring this  
3 up. So, you are directing it to the wrong party.

4 COUNCILMAN SUAREZ: What I'm trying to get at  
5 is, the word empeno means -- let me finish -- the  
6 word empeno means pawn in Spanish.

7 MR. HOPE: I know what the word means. But  
8 the issue is --

9 COUNCILMAN SUAREZ: You can technically  
10 use --

11 MR. HOPE: -- the signage which markets it.

12 COUNCILMAN SUAREZ: Jewelry exchange for a  
13 dollar sign. Pawn, empeno is not in there. You  
14 see what --

15 MR. FRESEN: I understand what we are trying  
16 to do.

17 COUNCILMAN SUAREZ: It's absurd, and still  
18 the bottom line is, you would still be doing the  
19 same business.

20 Ms. Quigley, you know, I had to ask all these  
21 questions because you always go to the business,  
22 and, you know, I saw pawn, empeno on the front.

23 MR. FRESEN: The only reason -- I want to be  
24 sensitive --

25 COUNCILMAN SUAREZ: Let me finish my

1 statement. I went there and I saw the words,  
2 empeno, pawn. I took pictures of it, it exists  
3 there now.

4 So, I was just a little confused. If he  
5 hasn't been doing it, if he hasn't been doing that  
6 business, why does the storefront have that? So,  
7 he is, technically, been doing it, but that's  
8 fine. I don't have a problem with that, because I  
9 will vote, my opinion, I will vote to have it,  
10 because I don't think, personally, that it's, you  
11 know, it contraindicates the intent of the  
12 neighborhood, and I don't think it is going to --  
13 especially where the limitation of use says that  
14 only the pawn or exchanging of jewelry. I don't  
15 want lawnmowers, cars, guns, and I appreciate and  
16 I agree with you. But, to have him not put the  
17 word pawn, empeno, anything on there, I think it  
18 is going to defeat the purpose of him having that  
19 business there.

20 So, that's just my opinion. And with that  
21 said, I've asked all the questions that I had  
22 written here. So, thank you for answering them.  
23 I yield to the Chairman.

24 CHAIRMAN GOMEZ: Thank you, sir. I think  
25 we've beaten the horse dead. So, I think

1 Mr. Caceres had a motion.

2 COUNCILMAN CACERES: I have a quick question.

3 Mr. Hope, in the past you have told us, we  
4 need to defer this because, legally, you cannot  
5 approve this item. You have told us, in the years  
6 that I've had you as our attorney on the Board,  
7 you have told us, you can't legally approve this,  
8 this is not right, we need to defer this item. Do  
9 you recall?

10 MR. HOPE: There might have been a time when  
11 I have said -- I know there is another Board where  
12 I, specifically, made that statement. There might  
13 have been a time when I did make that statement.  
14 I don't think that you can say, blanketedly, that  
15 I made that statement. But what I will say is,  
16 what I've universally always said on use variances  
17 is what I've said tonight.

18 COUNCILMAN CACERES: That's fine. But,  
19 legally, the Code being what it is, legally, we  
20 can approve this if the Board -- if that was the  
21 Board's wish?

22 MR. HOPE: The Board, as long as -- as I  
23 stated earlier, as long as the Board has competent  
24 substantial evidence, the Board can approve this  
25 application, and, then, it will be up to whether

1 or not there is an objector that, therefore, then,  
2 objects, and then the BCC, or a court says that  
3 there was not sufficient competent substantial  
4 evidence to substantiate the Board's approval.

5 COUNCILMAN CACERES: Right. Competent  
6 substantial, harmony, those are -- those are same,  
7 empeno.

8 MR. HOPE: That doesn't work with me. Don't  
9 do that.

10 COUNCILMAN CACERES: I just wanted to say,  
11 Mr. Suarez, I really appreciate your comments.  
12 When you started speaking, I had just written a  
13 note that the County applies the law/code, right,  
14 and they do that, and they do that very well. We  
15 apply common sense to the process. That is what  
16 Eric said, that is why we exist. You know, if it  
17 was a matter of the code, we wouldn't exist, they  
18 would just apply the code. It is simple, there is  
19 no ambiguity.

20 Mr. Chair, I'm ready for that motion.

21 CHAIRMAN GOMEZ: Go for it.

22 COUNCILMAN CACERES: I'm going to motion to  
23 approve this application as requested with a few  
24 added conditions.

25 obviously, we are removing -- let's go

1 through that, Earl, right?

2 MR. JONES: Yes.

3 COUNCILMAN CACERES: Approval of request  
4 number one.

5 MR. JONES: Correct.

6 COUNCILMAN CACERES: Withdrawal of request  
7 number two; is that correct?

8 MR. JONES: That's correct.

9 COUNCILMAN CACERES: All right.

10 MR. FRESEN: We are withdrawing the request  
11 in lieu of actually planting the trees and  
12 bringing it into compliance.

13 COUNCILMAN CACERES: They are saying they are  
14 not asking for that anymore.

15 MR. JONES: Right, so he is withdrawing it.

16 COUNCILMAN CACERES: The non-use variance to  
17 permit a lot coverage of 44.3, 40 percent maximum.  
18 Where do we stand on that?

19 MR. JONES: Since they moved the metal shed,  
20 it is going to be on a modified basis, to allow  
21 41.66 percent lot coverage.

22 COUNCILMAN CACERES: 41.66.

23 And the parking spaces, where are we on that  
24 one? We are also removing -- item number four has  
25 been withdrawn, right?

1 MR. JONES: That's correct.

2 COUNCILMAN CACERES: Number five, where is  
3 the parking spaces situation?

4 MR. JONES: They are not withdrawing it.  
5 That is going to be for approval.

6 COUNCILMAN CACERES: So, those are the  
7 requests that I'm motioning to approve, with the  
8 conditions that were already set forth by Staff's  
9 recommendations.

10 Since we are approving some items that the  
11 County had recommended denial, I would add  
12 whatever standard conditions the County would have  
13 for those approval.

14 MR. JONES: I have them right here. I can  
15 read them on the record.

16 COUNCILMAN CACERES: Do you want to hear them  
17 on the record?

18 MR. FRESEN: Sure.

19 COUNCILMAN CACERES: Go ahead.

20 MR. JONES: Didn't you also want to add the  
21 language?

22 COUNCILMAN CACERES: I have those.

23 COUNCILWOMAN PLANAS: what about the legally  
24 and properly permitted signage?

25 COUNCILMAN CACERES: I was going to include

1 that, limit pawn business to jewelry only, right.  
2 The applicant agrees that all structures on the  
3 property are legal and permitted, right? That was  
4 a way around whatever that shed is. You can  
5 condition that?

6 MR. JONES: Yes.

7 COUNCILMAN CACERES: And that the word pawn  
8 cannot appear in Mandarin -- no, that the word  
9 pawn cannot appear in any language; is that right?

10 MR. JONES: In any language, that's correct.

11 COUNCILMAN CACERES: Is that acceptable to  
12 your client?

13 MR. FRESEN: It is. If it has a stigma, it  
14 is absolutely acceptable.

15 COUNCILMAN CACERES: Okay. So, now, do you  
16 want to clarify the standard conditions?

17 MR. JONES: Yes. So, the first three are the  
18 standard conditions with regard to the site plan,  
19 that a site plan be permitted to and meet with the  
20 approval of the Director of the Department of  
21 Regulatory and Economic Resources.

22 Upon the submittal of application for  
23 building permit, and/or Certificate of Use, said  
24 plan must include, among other things, but not  
25 limited to, location of structure, or structure

1 exits and entrances, drainage, wall, fences,  
2 landscaping and other requirements.

3 (2). That in the approval of the plan, the  
4 same be substantially in accordance with that  
5 submitted for the hearing entitled Site Plan as  
6 Prepared by Freedom Of Land, Corp., consisting of  
7 one sheet dated stamp received 5/13/14, and a  
8 floor plan prepared by unknown dated stamp  
9 received 1/22/13, for a total of two sheets.

10 (3). That the applicant submit to -- accept  
11 as herein amended, to show the removal of the  
12 open-sided shed and to show the required street  
13 trees.

14 (3). That the applicant submit to the  
15 Department of Regulatory and Economic Resources,  
16 for its review and approval, a landscaping plan  
17 which indicates the type and size of plant  
18 material, prior to the issuance of a building  
19 permit, and to be installed prior to the issuance  
20 of a Certificate of Use.

21 (4). That the applicant obtain a Certificate  
22 of Use and Occupancy from, and promptly renew same  
23 and annually with the Miami-Dade County Department  
24 of Regulatory and Economic Resources, upon  
25 compliance of all terms and conditions, the same

1 subject to cancelation upon violation of any of  
2 the conditions.

3 (5). That the use be established and  
4 maintained in accordance with the approved plan.

5 (6). That the property be restricted to a  
6 pawnbroker use in connection with existing jewelry  
7 store only, and that said pawnbroker use shall be  
8 limited to the pawning of jewelry only.

9 (7). That the pawnshop use be operated  
10 solely as an accessory use in connection with the  
11 jewelry store, and that if the jewelry store use  
12 is terminated, the pawnshop use will automatically  
13 expire and shall be discontinued.

14 (8). That the operating hours of the  
15 pawnshop use not exceed beyond those for the  
16 jewelry store.

17 (9). That no stringer lights, pennants,  
18 mobile or stationary visual devices, except  
19 permitted under the Point of Sale Sign  
20 Regulations, shall be used or displayed. In  
21 addition, the terms pawn, pawning, or pawnshop  
22 should not be used in any outdoor signs in any  
23 language.

24 (10). That no off-street parking be allowed  
25 along Coral Way.

1           (11). That the applicant will install the  
2 required street trees.

3           (12). That the applicant applies for permits  
4 for any un-permitted structures within 90 days  
5 after final appeal period, unless a time extension  
6 is granted by the Director.

7           (13). That a Declaration of Restrictions be  
8 submitted in recordable form to the Department  
9 within 30 days.

10           COUNCILMAN CACERES: Based on substantial and  
11 competent evidence, that is my motion.

12           COUNCILMAN RODRIGUEZ: I second it.

13           COUNCILMAN CACERES: We have a motion and a  
14 second.

15           COUNCILMAN SUAREZ: Mr. Chair?

16           MR. JONES: Who made the second?

17           COUNCILMAN CACERES: Councilman Rodriguez.

18           COUNCILMAN SUAREZ: Can I say something  
19 before we vote?

20           CHAIRMAN GOMEZ: We have a motion and second,  
21 but go ahead.

22           MR. HOPE: Actually, you have a motion,  
23 you have a second, you're supposed to vote.

24           MS. DAVIS: So, there is a motion by  
25 Councilman Caceres, seconded by Councilman

1 Rodriguez, to approve the application as requested  
2 with conditions, approval of number one,  
3 withdrawal of number two, with approval of number  
4 three, withdrawal of number four, and approval of  
5 number five, as was read into the record  
6 previously.

7 Do you want me to proceed with the roll call?  
8 Councilman Caceres?

9 COUNCILMAN CACERES: Yes.

10 MS. DAVIS: Councilwoman Planas.

11 COUNCILWOMAN PLANAS: Yes.

12 MS. DAVIS: Councilman Rodriguez?

13 COUNCILMAN RODRIGUEZ: Yes.

14 MS. DAVIS: Councilman Suarez?

15 Councilman Valdes?

16 COUNCILMAN VALDES: Yes.

17 MS. DAVIS: Councilman Gomez?

18 CHAIRMAN GOMEZ: Yes.

19 MS. DAVIS: Motion passes five to zero.

20 COUNCILMAN SUAREZ: I didn't say anything.

21 COUNCILMAN CACERES: You can abstain.

22 COUNCILMAN SUAREZ: Right. It doesn't make a  
23 difference now, so I'll say yes.

24 COUNCILMAN CACERES: Being on the prevailing  
25 side of the vote, I would like to motion to recall

1 this item. Do I have a second?

2 COUNCILMAN RODRIGUEZ: Second.

3 COUNCILMAN CACERES: Thank you very much.

4 Mr. Suarez, what do you have to tell us?

5 MR. HOPE: You didn't have to do that. You  
6 could have just talked about it.

7 COUNCILMAN CACERES: Right, I know, but if  
8 Mr. Suarez had something that he wants to tell us  
9 that could impact and share some of it, I want to  
10 hear it now.

11 MR. HOPE: But you do know that once you have  
12 recalled it, you need another vote.

13 COUNCILMAN CACERES: That's fine with me. It  
14 is important enough for me to hear what he has to  
15 say. So, go ahead, sir.

16 COUNCILMAN SUAREZ: Thank you, because this  
17 really bothered me.

18 Number nine, of the statements that you read,  
19 bring it out, is going to -- contradicts  
20 completely number six. How in the world, and we  
21 are here to use common sense, how can we prevent  
22 him from using the word pawn, empeno, in number  
23 nine, when number six says that he is getting a  
24 license for pawning. I can't, in all good, you  
25 know --

1 MR. HOPE: I'm sorry.

2 COUNCILMAN SUAREZ: Bring out your paperwork  
3 and read --

4 MR. HOPE: No, no, that's not where I'm  
5 coming from. I don't want to interrupt you. I  
6 want you to finish first, because I'm going to  
7 say, their license is a license up in the window  
8 up for customers to see?

9 MR. FRESEN: Yes.

10 MR. HOPE: In the window?

11 MR. FRESEN: It is in the store.

12 MR. HOPE: It is not up in the window. It is  
13 not outside on the monument sign, it is not out on  
14 the flag pole. Let's not --

15 MR. FRESEN: No. There's a difference  
16 between the license that we are asking for.

17 MR. HOPE: Absolutely. Since we are focusing  
18 on common sense, let's continue to focus on it.  
19 There is a difference between having a license,  
20 which you have to display somewhere on the  
21 premises, which says you have the ability to do  
22 something, and putting up a sign or something.  
23 That was my understanding of the intent here,  
24 putting up something that outwardly markets and  
25 advertises the ability to pawn. That is what

1 these conditions were limiting.

2 COUNCILMAN SUAREZ: Now, bring out your  
3 sheet, and can you please read, for the record,  
4 number six again. Go ahead.

5 MR. JONES: That the property be restricted  
6 to a pawnbroker use in connection with the  
7 existing jewelry store, and that said pawnbroker  
8 use shall be limited to the pawning of jewelry  
9 only.

10 COUNCILMAN SUAREZ: Okay. Now, read number  
11 nine.

12 MR. JONES: That no stringer lights,  
13 pennants, mobile or stationary visual devices,  
14 except as permitted on the Point of Sale Sign  
15 Regulations, shall be used or displayed. In  
16 addition, the terms, pawn, pawning or pawnshop,  
17 shall not be used in any outdoor signs in any  
18 language.

19 COUNCILMAN SUAREZ: Now, you tell me, when  
20 you go to a car dealership, used cars, that the  
21 words, used cars, is not on the sign.

22 MR. HOPE: We are not talking about used  
23 cars.

24 COUNCILMAN SUAREZ: David, David, I  
25 understand exactly what you are saying about, and

1 I know the difference between the occupational  
2 license has to be inside the business. How can we  
3 require this gentleman to have a business, who is  
4 allowed to pawn jewelry only and not advertise? I  
5 have a problem with that.

6 CHAIRMAN GOMEZ: If I may, we had a resident  
7 come and ask that that be removed, and the  
8 applicant agreed to it. So, it is not --

9 COUNCILMAN SUAREZ: So, when we take the vote  
10 over, I will vote a different way, because I just  
11 cannot see -- I cannot see -- we've allowed, a  
12 mile down the road, on Coral way, another jewelry  
13 store, two months ago, to allow that company to  
14 pawn and to empeno, and we've allowed that  
15 exterior sign.

16 CHAIRMAN GOMEZ: If I may, and I agree with  
17 you, but in this instance, we had a request from a  
18 resident, we didn't force it upon the applicant,  
19 and the applicant accepted the request from the  
20 resident. It is his business decision. It is  
21 not -- we are not making the decision for him. We  
22 are not saying -- we didn't say we were going to  
23 vote one way or another on it. The resident made  
24 the request, the applicant accepted it, and that's  
25 their business decision.

1 COUNCILMAN SUAREZ: All right. Mr. Caceres,  
2 thank you. Thanks a lot for giving me --

3 COUNCILMAN CACERES: I can appreciate your  
4 input.

5 CHAIRMAN GOMEZ: Thanks for teaching me that  
6 that can be done.

7 COUNCILMAN CACERES: If you're the prevailing  
8 side of the vote, you can motion to recall, you  
9 get a second one, the item is back on.

10 Mr. Chair, if I may, I would like to make the  
11 exact same motion, again, for approval, with all  
12 the same conditions that Earl read on the record  
13 earlier.

14 COUNCILMAN RODRIGUEZ: And I will second it  
15 again.

16 MS. DAVIS: So, there is a motion to approve  
17 the item as requested with conditions.

18 Councilman Caceres?

19 COUNCILMAN CACERES: Yes.

20 MS. DAVIS: I was going to say, the motion  
21 was made by Councilman Caceres, seconded by  
22 Councilman Rodriguez.

23 Councilman Caceres?

24 COUNCILMAN CACERES: Yes.

25 MS. DAVIS: Vice Chairwoman Planas?

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COUNCILWOMAN PLANAS: Yes.

MS. DAVIS: Councilman Rodriguez?

COUNCILMAN RODRIGUEZ: Yes.

MS. DAVIS: Councilman Suarez?

COUNCILMAN SUAREZ: Yes.

MS. DAVIS: Councilman Valdes?

COUNCILMAN VALDES: Yes.

MS. DAVIS: Councilman Gomez?

CHAIRMAN GOMEZ: Yes.

MS. DAVIS: Motion passes -- carries six to  
zero.

MR. FRESEN: Thank you so much, Mr. Chair.

CHAIRMAN GOMEZ: Meeting is adjourned.

(Meeting adjourned at 7:58 p.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF DADE

I, Janice Aguirre, Registered Professional Reporter, Notary Public, State of Florida, certify that the following witnesses personally appeared before me on February 12, 2014 and were duly sworn.

WITNESS my hand and official seal this 15th day of March, 2014.



JANICE AGUIRRE

Registered Professional Reporter  
Notary Public, State of Florida



## 1 CERTIFICATE OF REPORTER

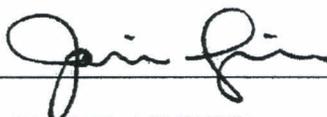
2 STATE OF FLORIDA)

3 COUNTY OF DADE)

4  
5 I, JANICE AGUIRRE, Registered Professional  
6 Reporter, do hereby certify that I was authorized to  
7 and did stenographically report the CZAB BOARD 10  
8 MEETING of February 12, 2014; that a review of the  
9 transcript WAS requested; and that the foregoing  
10 transcript, pages 1 through 77, is a true record of my  
11 stenographic notes.

12 I FURTHER CERTIFY that I am not a relative,  
13 employee, or attorney, or counsel of any of the  
14 parties; nor am I a relative or employee of any of the  
15 parties' attorney or counsel connected with the action,  
16 nor am I financially interested in the action.

17 DATED this 15th day of March, 2014 at Miami,  
18 Dade County, Florida.

19  
20 

21 JANICE AGUIRRE,  
22 Registered Professional Reporter  
23  
24  
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