

**RESOLUTION NO. CZAB11-9-13**

*WHEREAS*, FIVE STAR JEWELERS, INC. applied for the following:

USE VARIANCE to permit a pawnbroker use in the BU-1A, as would be permitted in the BU-3 zone, only upon approval after public hearing.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "New Shopping Center Plaza" as prepared by Octavio A. Santurio A.I.A dated stamped received 5/22/13 and consisting of 2 sheets and a plan entitled "Five Star Jewelers" as prepared by Roger Perez, dated stamped received 6/25/13, consisting of 1 sheet for a total of 3 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract A, less the East 245' of South 205' of WEST KENDALL BEST, PB 143-35.

LOCATION: 16205 SW 88 Street, MIAMI-DADE COUNTY, FLORIDA, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 11 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant had proffered the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of Regulatory and Economic Resources, upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, location of structures or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Shopping Plaza," as prepared by Octavio A. Santurio, A.I.A., consisting of two (2) sheets dated stamped received May 22, 2013, and entitled "Existing Jewelry Store Floor Plan," as prepared by Roger Perez, consisting of one (1) sheet dated stamped received June 25, 2013.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a Certificate of Use and Occupancy from and promptly renew the same annually with the Miami-Dade County Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
5. 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.

6. That a Declaration of Use be submitted to and meet the approval of the Director; said Declaration of Use to be to the effect that the pawn shop activities shall be limited to 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 discounted.
8. That the operating hours for the pawn shop use not extend beyond those for the jewelry store.

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

*WHEREAS*, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested use variance to permit a pawnbroker use in the BU-1A, as would be permitted in the BU-3 zone, only upon approval after public hearing would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and

*WHEREAS*, a motion to approve the application was offered by Socrates De Jesus, seconded by Beatrice Suarez, and upon a poll of the members present, the vote was as follows:

Carolina Blanco	aye	Miguel A. Diaz	absent
Socrates De Jesus	aye	Jay Reichbaum	absent
		Beatrice Suarez	aye
		Patricia G. Davis	aye

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 11 that the application be and the same is hereby approved, subject to the following conditions:

CONDITIONS PROFFERED BY THE APPLICANT:

1. That a site plan be submitted to and meet with the approval of the Director of Regulatory and Economic Resources, upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, location of structures or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Shopping Plaza," as prepared by Octavio A. Santurio, A.I.A., consisting of two (2) sheets dated stamped received May 22, 2013, and entitled "Existing Jewelry Store Floor Plan," as prepared by Roger Perez, consisting of one (1) sheet dated stamped received June 25, 2013.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a Certificate of Use and Occupancy from and promptly renew the same annually with the Miami-Dade County Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
5. 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.
6. That a Declaration of Use be submitted to and meet the approval of the Director; said Declaration of Use to be to the effect that the pawn shop activities shall be limited to 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 discounted.
8. That the operating hours for the pawn shop use not extend beyond those for the jewelry store.

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

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

*PASSED AND ADOPTED* this 10<sup>th</sup> day of December, 2013.

Hearing No. 13-11-CZ11-1  
ej

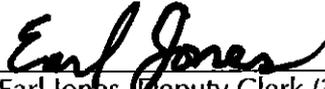
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 19<sup>TH</sup> DAY OF DECEMBER, 2013.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 11, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB11-9-13 adopted by said Community Zoning Appeals Board at its meeting held on the 10<sup>th</sup> day of December, 2013.

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



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

SEAL





miamidade.gov

Department of Regulatory and Economic Resources

Development Services Division
111 NW 1st Street Suite 1110
Miami, Florida 33138-1902
T 305-375-2640
www.miamidade.gov/economy

December 19, 2013

Five Star Jewelers, Inc.
c/o Juan Mayol
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

Re: Hearing No. 13-11-CZ11-1
Location: 16205 SW 88 Street, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB11-9-13, adopted by the by the Community Zoning Appeals Board 11 which approved your application on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

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

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

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

R. A. Cuevas, Jr.,
County Attorney
111 N.W. 1st Street, Suite 2811
Miami, Florida 33138-1993

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

Sincerely,
Earl Jones
Earl Jones
Deputy Clerk

Enclosure

Delivering Excellence Every Day