RESOLUTION NO. CZAB12-3-16

WHEREAS, EARL'S RESTAURANT (DADELAND) INC. applied for the following:

(1) NON USE VARIANCE to permit an existing restaurant to have sales of alcoholic beverages on Sunday between the hours of 11 a.m. to 2 a.m. the following day (1 p.m. to 1 a.m. the following day permitted).

(2) NON USE VARIANCE to permit the existing restaurant to have sales of alcoholic beverages Monday through Saturday between the hours of 8 a.m. to 2 a.m. the following day (8 a.m. to 1 a.m. the following day permitted).

SUBJECT PROPERTY: Commence at the Southwest corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence N4°5'28''W, along the west line of the SW ¼ *of* the ·said Section 35, for a distance of 1,228.46' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence N85°36'42"E, along the s/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for a distance of 257.63'; to a point on the E/ly right-of-way line of Limited Access highway, Florida State Road 826, the Northwest comer of Tract "8" of PALMETIO-KENDALL HEIGHTS, Plat book 70, Page 47 and the Point of beginning of the tract of land herein described; thence continue N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and along the north boundary of the said Tract "8", for a distance of 1,373.98'; thence S4°32'13"E for a distance of 574.19'; thence N85°27'47"E for a distance of 9.8'; thence S4°32'13"E for a distance of 75'; thence N85°27'47"E for a distance of 13'; thence S4°32'13"E for a distance of 12.5'; thence N85°27'47"E for a distance of 99.05'; thence S4°32'13"E for a distance of 27.5'; thence N85°27'47"E for a distance of 262'; thence N4°32'13''W for a distance of 154'; thence N85°27'47"E for a distance of 172'; thence N4°32'13'W for a distance of 504.66' to· a point on the S/ly right-of-way line of Canal C-2 · (Snapper Creek Canal) and a point on the N/ly boundary *qf* the said Tract "B"; thence S86°3'14"E, along the S/ly right-of-way line of Canal C-2 and along the N/ly boundary of the said Tract "B" for a distance of 495.15' to a point which is located 35' west of, as measured at right angles to, the east line of the SW ¼ of the said Section 35 and a point on the west right-of-way line of S.W. 72nd Avenue; thence S4°5'53"E parallel to the east line of the SW ¼ of the said Section 35 and along the west right-of-way line of S.W. 72nd Avenue, for a distance of 1,042.83' to the beginning of a tangential circular curve; thence SW/ly along the said circular curve to the right having a radius of 25' through a central angle of 89°33'40" for an arc distance of 39.08' to a point which is located 53' north of, as measured at right angles to the south line of the SW ·1/4 of the said Section 35 and a point on the north right-of-way line of North Kendall Drive (S.W. 88th Street); thence S85°27'47''W, parallel to the south line of the SW ¼ of the said Section 35 and along the north right-of-way line of S.W. 88th Street for a distance of 2,017.21' to its intersection with the NE/ly right-of-way line of Limited Access Highway, Florida State Road No. 826 and a point on the SW/ly boundary of the said Tract "B"· thence 87°15'14"W, along the NE/ly right-of-way line of the said State Road 826 and along the SW/ly boundary of the said Tract "B", for a distance of 161.56'; thence N41°41'11"W, along the Elly right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "8" for a distance of 125.48'; thence N14°9'22''W, along the E/y right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "B", for a distance of 700'; thence

N7°6'0'"W, along the E/ly right-of-way of the said State· Road No. 826 and along the W/ly boundary of the said Tract '.'B" for a distance of 364.47' to the Point of beginning. AND:

Commence at the Southwest comer of the SE ¼ of Section 35, Township 54 South, Range 40 East; thence N4°5'53'W, along the west line of the SE ¼ of the said Section 35 for a distance of 1,115.43' to the intersection thereof with the S/ly right-of-way line of Canal C-2 {Snapper Creek Canal); thence S86°3'14"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for a distance of 35.35' to a point which is located 35' east of as measured at right angles to, the west line of the SE ¼ of the said Section 35, a point on the N/ly line of Tract "D" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47 and the Point of beginning of the tract of land herein described; thence continue S86°3'14"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and along the N/ly boundary of the said Tract "D", for a distance ·of 645.93' to its intersection thereof with the N/ly right-of-way line of the Florida East Coast Railway, a point on a circular curve whose center bears N71°30'47'W from said point and the most E/ly corner of the said Tract "D"; thence SW/ly along the NE/ly right-of-way line of the Florida East Coast Railway; along the SE/ly boundary of the said Tract "D" and along a circular curve having a radius of 2,814.93' through a central angle of 21°41'9" for an arc distance of 1,065.42' to a Point of tangency; thence S40°10'22'W, along the NW/ly right-of-way line of Florida East Coast Railway, tangent to the last described curve and along the SE/ly boundary of the said Tract "D" for a distance of 79.7'; thence S44°13'23"E. along the boundary of the said Tract "D", for a distance of 14.59'; thence S45°46'37'W, along the NW/ly right-of-way line of the Florida East Coast Railway and along the SE/ly boundary of the said Tract "D", for a distance of 13.05' to the point on the east right-of-way line of S.W. 72nd Avenue and a point which is located 35' east of, as measured at right angles to, the west line of the SE ¼ of the said Section 35; thence N4°5'53'W, along the east right-of-way line of S.W. 72nd Avenue, for a distance of 1,050.89' to the Point of beginning.

All that certain parcel of land being a part of Section 35, Township 54 South, Range 40 East, bounded and described as follows: PARCEL 1: Commence at the Southeast corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence S85°27'47'W along the south line of the SW ¼ of said Section 35 for a distance of 760' to a point; then ~ N4°32'13'W at right angles to the south line of the SW ¼ of said Section 35 for a distance of 575' to the Point of beginning of the tract of land herein described; thence S85°27'47'W along a line parallel with the south line of the SW ¼ of said Section 35 for a distance of '302.2• to a point; thence N4°32'13'W for a distance of 75' to a point; thence S85°27'47'W for a distance of 9.8' to a point; thence N4°32'13'W for a distance of 245'; thence N85°27'47"E along a line parallel with 'the south line of the SW ¼ of said Section 35 for a distance of 312' to a point; thence S4°32'13"E for a distance of 320' to the Point of beginning. AND

Commence at the Southeast comer of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence run S85°27'47'W along the south line of the SW ¼ of said Section 35 and also being along the ·centerline of North Kendall Drive (S.W. 88th Street) for a distance of 760' to a point; thence run N4°32'13'W along a line for a distance of 535' to the Point of beginning of the parcel of land herein described; thence run N85°27'47"E along a line for a distance of 71.85' to a point; thence run N4°32'13'W along a line for a distance of 154' to a point; thence run N85°27'47"E along a line for a distance of 172' to a point; thence run N4°32'13'W along a line for a distance of 504.66' to a point on the N/ly line of Tract "B" of

PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47, the same being a point on the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) as shown on· the said plat of PALMETTO-KENDALL HEIGHTS; thence run N86°3'14'W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 155.15' to a point; thence run N4°5'42'W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 6.6' to a point; thence run S85°36'42'W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 402.45' to a point; thence run S4°32'13"E along a line for a distance of 329.19' to the Northwest corner· of the Federated Department Stores, Inc. Tract as the same is described in that certain deed dated May 24, 1960, filed for record May 25, 1960, in the office of the Clerk of the Circuit Court for Dade County, Florida, under Clerk's File No. 60R94108; thence run N85°27'47"E along the north line of the said Federated Department Stores, Inc. Tract for a distance of 312' to the Northeast corner thereof; thence run S4°32'13"E along the east line of the said Federated Department Stores, Inc. Tract for a distance of 320' to the Southeast corner thereof; thence run S85°27'47'W along the south line of the said Federated Department Stores, Inc. Tract for a distance of 289.2' to a point; thence run S4°32'13"E along a line for a distance of 12.5' to a point; thence run N85°27'47"E along a line for a distance of 99.05'; thence S4°32'1 3"E for a distance of 27.5'; thence N85°27'47"E for a distance of 190.15' to the Point of beginning.

LOCATION: 7535 North Kendall Drive, Unit: 2510, MIAMI-DADE COUNTY, FLORIDA, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

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

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested NON USE VARIANCE to permit an existing restaurant to have sales of alcoholic beverages on Sunday between the hours of 11 a.m. to 2 a.m. the following day (Item #1) and the NON USE VARIANCE to permit the existing restaurant to have sales of alcoholic beverages Monday through Saturday between the hours of 8 a.m. to 2 a.m. the following day (Item #2) 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 (Items #1 and #2) was offered by Jose I. Valdes, seconded by Elliot N. Zack, and upon a poll of the members present, the vote was as follows:

Peggy Brodeur	nay	Alberto Santana	aye
Javier Gonzalez-Abreu	aye	Jose I. Valdes	aye
Anthony F. Pestico	aye	Elliot N. Zack	aye

Angela Vazquez aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the requested NON USE VARIANCE to permit an existing restaurant to have sales of alcoholic beverages on Sunday between the hours of 11 a.m. to 2 a.m. the following day (Item #1) and the NON USE VARIANCE to permit the existing restaurant to have sales of alcoholic beverages Monday through Saturday between the hours of 8 a.m. to 2 a.m. the following day (Item #2) be and the same are hereby approved, subject to the following condition:

> That the sale of alcoholic beverages for the restaurant be limited to 11:00 a.m. to 2:00 a.m. on Sundays, and from 8:00 a.m. to 2:00 a.m. Monday through Saturday.

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 2nd day of February, 2016.

Hearing No. 16-2-CZ12-1
rd

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 25TH DAY OF FEBRUARY, 2016.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Rosa Davis, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-3-16 adopted by said Community Zoning Appeals Board at its meeting held on the 2nd day of February, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 25th day of February, 2016.

Rosa Davis, Deputy Clerk (218345)
Miami-Dade Department of Department of Regulatory and Economic Resources

SEAL

ZONING APPEALS BOARD
DADE COUNTY FLORIDA

Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

February 25, 2016

EARL'S RESTAURANT (DADELAND) INC.
Kimberly Ransnake-Bringuez
600 Brickell Ave, Suite 1613
Miami, FL 33131

Re: Hearing No. 16-2-CZ12-1 (15-107)
Location: 7535 NORTH KENDALL DR, UNIT #2510, MIAMI-DADE COUNTY, FLORIDA.

Dear Applicant:

Enclosed herewith is **Resolution No. CZAB12-3-16**, adopted by the by the Community Zoning Appeals Board 12, **which approved your application (Items #1 and #2) 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 certificates(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 **February 25, 2016**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

R. A. Cuevas, Jr.,
County Attorney
111 N.W. 1st Street, Suite 2811
Miami, Florida 33128-1993

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

Sincerely,

Rosa Davis
Deputy Clerk

Enclosure