MIAMI-DADE COUNTY

PLACE OF MEETING: COUNTY COMMISSIONERS CHAMBERS
OF THE STEPHEN P. CLARK CENTER – 2ND FLOOR
111 NW 1 STREET, MIAMI

TIME OF MEETING 9:30 AM

PREVIOUSLY DEFERRED:

		HEARING #	DISTRICT(S)
A.	**TADPOLE INVESTMENTS, INC.**	**10-016**	**10**

Request(s): - The Director of the Department of Regulatory and Economic Resources is appealing the decision of Community Zoning Appeals Board #10 on Tadpole Investments Inc., which approved the following:

The applicant is seeking a Use Variance to allow a pawnbroker use for secondhand jewelry only in a more restrictive zoning district.

Location: 2275 SW 87th Avenue, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)

B.	**FERRO DEVELOPMENT, LLC**	**12-128**	**11**

Request(s): - The applicant seeks to permit a charter school K-12 for 3,000 students.

Location: South Side of SW of SW 8th Street & Between SW 152nd Avenue and SW 153rd Place, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)

C. **FIVE STAR JEWELERS, INC.** **13-053** **11**

Request(s): - The Director of the Department of Regulatory and Economic Resources is appealing the decision of Community Zoning Appeals Board #11 on Five Star Jewelers, Inc., which approved the following:

The applicant is seeking a Use Variance to allow a pawnbroker use for secondhand jewelry only in a more restrictive zoning district.

Location:

16205 SW 88th Street, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)

APPEAL(S): **HEARING #** **DISTRICT(S)**

1. **CAROL JEWELERS** **13-006** **06**

Request(s): - The Director of the Department of Regulatory and Economic Resources is appealing the decision of Community Zoning Appeals Board #10 which approved the following:

The applicant is seeking a Use Variance to allow a pawnbroker use in a more restrictive zoning district and ancillary non-use variances of lot coverage and parking requirements.

Location: 7295 Coral Way, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, MAY 22, 2014

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESS

A. TADPOLE INVESTMENTS, INC (13-12-CZ10-1 (10-016) **10-54-40**
BCC/Dist. 10

THE DIRECTORY OF THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES is appealing the decision of Community Zoning Appeals Board #10 on TADPOLE INVESTMENTS INC., which approved the following:

USE VARIANCE to permit a pawn broker use in the BU-2 zone 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 "Westchester Shopping Center" as prepared by Zamora & Associates, Inc., dated stamped received 7/26/13, consisting of 2 sheets and a plan entitled "Marquise Jewelers-Westchester Shopping Center" as prepared by F. Galarza, dated stamped received 2/17/10, consisting of 1 sheet for a total of 3 sheets. Plans may be modified at public hearing.

LOCATION: 2275 S.W. 87 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 18.95 Acres

Department of Regulatory and
Economic Resources
Recommendation: Denial without prejudice.

Protests: 2 Waivers: 0

DENIAL OF APPEAL (SUSTAIN C.Z.AB.): _____

APPROVAL OF APPEAL (OVERRULE C.Z.A.B.): _____

DEFERRED: _____

Deferred from April 24th, 2014

B. FERRO DEVELOPMENT, LLC (14-4-CC-2 (12-128) **04-54-39**
BCC/Dist. 11

(1) SPECIAL EXCEPTION to permit a charter school.

(2) SPECIAL EXCEPTION to waive the spacing requirements for new charter school facilities from the Urban Development Boundary (UDB) to permit:

A senior high school within 1 mile of the UDB.

A middle school within ½ mile of the UDB.

A kindergarten and elementary school within a ¼ mile of the UDB.

(3) DELETION of a Declaration of Restrictions, recorded in Official Record Book 26712, Pages 0892-900.

The purpose of Request #3 is to delete a declaration of restriction requiring a landscape buffer and permit the applicant to submit a new site plan for a proposed charter school.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Pinecrest Academy" as prepared by CIVICA, dated stamped received 9/12/13 and consisting of 14 sheets. Plans may be modified at public hearing.

LOCATION: Lying on the South side of SW 8 Street and between SW 152 Avenue and SW 153 Place, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 8.97 Acres

Development Impact Committee Recommendation: Approval with conditions, as set forth in the Department of Regulatory and Economics' recommendation.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

DEFERRED: _____

Deferred from April 24th, 2014

C. FIVE STAR JEWELERS, INC. 13-11-CZ11-1 (13-053) **32-54-39**
BCC/Dist. 11

THE DIRECTOR OF THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES is appealing the decision of Community zoning Appeals Board #11 on FIVE STAR JEWELERS, INC., which approved 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.

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

SIZE OF PROPERTY: 7.53 Acres

Department of Regulatory and Economic Resources Recommendation: Denial without prejudice.

Protests: 0 Waivers: 151

DENIAL OF APPEAL (SUSTAIN C.Z.AB.): _____

APPROVAL OF APPEAL (OVERRULE C.Z.A.B.): _____

DEFERRED: _____

Deferred from April 24th, 2014

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1. CAROL JEWELERS 14-2-CZ-10-1 (13-06) **11-54-40**
BCC/Dist. 6

THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES is appealing the decision of Community Zoning Appeals Board #10, which approved the following requests 1, 3 and 5:

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

(2) NON-USE VARIANCE to permit (0) street trees (5 street trees required).

(3) NON-USE VARIANCE to permit a lot coverage of 44.3% (40% maximum permitted).

(4) NON-USE VARIANCE to permit a metal shed setback 3.25" (20' required) from the rear (north) property line.

(5) NON-USE VARIANCE to permit 26 parking spaces (28 spaces required).

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

LOCATION: 7295 Coral Way, Miami-Dade County, Florida.

SIZE OF PROPERTY: 22,500 sq. ft.

Department of Regulatory and Economic Resources Recommendation: Denial without prejudice of requests #1 and #2, withdrawal without prejudice of request #4; modified approval with conditions of request #3, and approval with conditions of request #5.

Protests: 0 Waivers: 0

DENIAL OF APPEAL (SUSTAIN C.Z.AB.): _____

APPROVAL OF APPEAL (OVERRULE C.Z.A.B.): _____

DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Regulatory and Economic Resources (RER), within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Zoning Hearings Section for the Department of Regulatory and Economic Resources (RER), at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners

PH: Z10-016 (13-12-CZ10-1) **May 22, 2014**
Item No. A

Recommendation Summary	
Commission District	10
Applicant	Tadpole Investments, Inc.
Summary of Requests	The applicant is seeking a Use Variance to allow a pawnbroker use for secondhand jewelry only in a more restrictive zoning district.
Location	2275 SW 87 Avenue, Miami-Dade County, Florida.
Property Size	18.95 acres
Existing Zoning	BU-2; Special Business District
Existing Land Use	Shopping Center
2015-2025 CDMP Land Use Designation	Business and Office (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(a), **Use Variance** from other than Airport Regulations
Recommendation	**Denial without prejudice.**

This item was deferred from the April 24, 2014 meeting of the Board of County Commissioners (BCC) as requested by the applicant.

On December 11, 2013, the Community Zoning Appeals Board (CZAB) #10, approved the application for a use variance to permit a pawn shop use in the BU-2 zone as would be permitted in the BU-3 zone with conditions, contrary to staff's recommendation.

On December 16, 2013, the appellant, the Department of Regulatory and Economic Resources appealed the CZAB–10 decision to the Board of County Commissioners (BCC).

For the reasons outlined below in the CDMP and Zoning analysis of the requests, staff opines that the BCC should reverse the CZAB 10 decision, thus denying the use variance as recommended by the Department.

REQUEST:

USE VARIANCE to permit a pawn broker use in the BU-2 zone 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, "Westchester Shopping Center" as prepared by Zamora & Associates, Inc., dated stamped received 07/26/13, consisting of 2 sheets and a plan entitled "Marquise Jewelers - Westchester Shopping Center, as prepared by F. Galarza, dated stamped received 02/17/10, consisting of 1 sheet for a total of 3 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND PROJECT HISTORY:

The site has been the subject of several zoning actions from 1961 to 1999, for a special permit for shopping center promotional installation, special exception to permit the expansion of an

existing shopping center, modifications to prior site plans, and variances from the zoning regulations. The applicant seeks a pawn broker use for the pawning of jewelry only in the BU-2 zone, as would be permitted in the BU-3 zone only after public hearing. The site plan submitted by the applicant depicts an existing 1,249.24 sq. ft. jewelry store within a 229,178 sq. ft. shopping center.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	BU-2; shopping center	Business and Office
North	RU-1; single-family residences	Low Density Residential
South	BU-2; shopping center, office building	Business and Office
East	BU-2; medical center RU-1; single-family residences	Business and Office Low Density Residential
West	BU-2; service station and shopping center RU-1; single-family residence	Business and Office Low Density Residential

NEIGHBORHOOD COMPATIBILITY:

The subject property is located within a shopping center located at 2275 SW 87 Avenue. The area surrounding the subject property is characterized by residential and commercial uses.

SUMMARY OF THE IMPACTS:

The approval of this application will provide an additional service for the surrounding community. However, approval of the request to allow a pawnbroker use which is typically located in a zoning district that allows more intensive commercial uses only upon approval after public hearing, could have a negative impact on the abutting residential properties. Furthermore, approval of the same could result in an increase in the intensity and types of uses that would be allowed in this area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property for ***Business and Office*** use. *This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.* As such, the existing jewelry store use and requested pawnbroker use are **consistent** with the CDMP Land Use Element interpretative text for the Business and Office designation.

The CDMP Land Use Element **Objective LU-4** states that *Miami-Dade County shall continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.* The **Land Use Element Policy LU-4A** of said interpretive text provides that *when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.* Staff notes that the existing jewelry store is located within a shopping center that consists of various commercial

uses such as a cash advance store, dry cleaners, supermarket, bank, restaurants, and a gasoline station, among other uses. Staff notes that the jewelry store is a compatible retail use within a retail shopping center.

In staff's opinion, the requested pawnbroker use for jewelry only is an accessory use to the existing jewelry store and therefore, would be **consistent** with the Business and Office designation on the CDMP Land Use Plan map and **consistent** with **Objective LU-4** based on the criteria outlined in **Land Use Element Policy LU-4A.**

ZONING ANALYSIS:

The applicant seeks approval of a use variance, under Section 33-311(A)(4)(a) to permit a pawnbroker use in the BU-2, Special Business District. The pawnbroker use is not permitted in the BU-2 district and is permitted in the BU-3, Liberal Business District only upon approval after public hearing. The letter of intent indicates that the applicant intends to limit the pawnbroker use solely for jewelry and will not permit the pawning of other merchandise.

The existing jewelry store is located within a shopping center that is within the BU-2 zoning district, surrounded by commercially and residentially zoned properties and provides the residential properties with access to neighborhood services. However, the proposed pawnbroker use is only permitted in the BU-3 zoning district upon approval after public hearing. Staff notes that the applicant is requesting this use variance in order to establish a pawnbroker, which is not permitted in the existing BU-2 zoning district. Although the BU-3 district provides for a host of uses that are significantly more intense than those allowed in the BU-2 district, such as gun shops; secondhand stores for the disposal of furniture, fixtures and tools; locksmith shops, sharpening and grinding shops; garage and mechanical services; commercial chicken hatcheries; and pawnbrokers; the applicant has indicated that the pawn broker use would be limited to the pawning of secondhand jewelry only in conjunction with the existing jewelry store.

When the subject request, to permit a pawnbroker use in the BU-2 zone, as would be permitted in the BU-3 zone only upon approval after public hearing, is analyzed under Section 33-311(A)(4)(a), Use Variance Standards, staff opines that the request is not consistent with the general purpose and intent of the zoning regulations. Section 33-311(A)(4)(a) provides that a **use variance** permits a use of land other than that which is prescribed by the zoning regulations. The standard stipulates that *the Board shall hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest where, owing to special conditions,* ***a literal enforcement of the provisions thereof will result in unnecessary hardship****, and so the spirit of the regulations shall be observed and substantial justice done; and further provided that the use variance will be in harmony with the general purpose and intent of the regulations.* **To prove an unnecessary hardship the applicant must demonstrate that without the requested use variance, the applicant, under the existing zoning, has lost all reasonable use of the property.**

Based on the information provided by the applicant, staff opines that the applicant has not demonstrated any special conditions related to the subject site where the literal enforcement of applicable zoning district provisions would result in an unnecessary hardship. As previously discussed, the subject property is currently in use and operating as a jewelry store; as such, provides the applicant with economic use and benefit. Furthermore, Section 33-253 of the Code lists ten (10) permitted uses in addition to the 84 uses permitted in BU-1 (Neighborhood Business) district and BU-1A (Limited Business) district as permitted uses in the BU-2 zoning district, which allow for the reasonable use and benefit of the subject property. Staff is of the

opinion that the approval of the use variance request will not be in harmony with the general purpose and intent of the regulation, and that the applicant has not demonstrated a loss of all reasonable use of the property under the existing zoning. **As such, staff recommends denial without prejudice of the request for the proposed pawnbroker use under the Use Variance Section 33-311(A)(4)(a).**

CIRCULATION AND PARKING:

The subject property has ingress and egress points along SW 24 Street (Coral Way) and SW 87 Avenue.

ENVIRONMENTAL REVIEW: Not applicable.

OTHER: Not applicable.

RECOMMENDATION: **Denial without prejudice.**

CONDITIONS FOR APPROVAL: **None.**

ES:MW:NN:AN:EJ

Eric Silva, AICP, Development Coordinator NDN
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Tadpole Investments, Inc.
Z10-016

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Regulatory and Economic Resources (Environmental Division)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No comments
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Business and Office (Pg. I-41)	*This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.*
Land Use Objective 4 (Pg. I-11)	*Miami-Dade County shall, shall continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.*
Policy LU-4A (Page I-11)	*When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(4)(a) Use Variances From Other Than Airport Regulations.	*The Board shall hear and grant applications for **use variances** from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in **unnecessary hardship**, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.*
Section 33-311(A)(3) Special Exception, Unusual and New Uses.	***Special exceptions** (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.*

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY _____ AMOUNT OF FEE _____

RECEIPT # _____

DATE HEARD: 12/11/13

BY CZAB # 10

RECEIVED
Z10-016
DEC 16 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

DATE RECEIVED STAMP

****

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z2010000016 (13-12-CZ10-1)

Filed in the name of (APPLICANT)

Name of Appellant, if other than applicant: Director of the Department of Regulatory and Economic Resources

Address/Location of APPELLANT: 111 NW 1 Street, 11th Floor, Miami, FL 33128

Application, or part of Application being Appealed (Explanation):

ENTIRE APPLICATION

Appellant (name): Director of the Department of Regulatory and Economic Resources

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

1. The applicant has not demonstrated any special conditions related to the subject site where the literal enforcement of applicable zoning district provisions could constitute a practical difficulty or would result in unnecessary hardship.

2. The approval of the use variance request will not be in harmony with the general purpose and intent of the regulation, and that the applicant has not demonstrated a loss of all reasonable use of the property under the existing zoning.

APPELLANT MUST SIGN THIS PAGE

Date: 16 day of December, year: 2013

Signed _____

Jack Osterholt
Print Name

111 NW 1st Street, 11th Floor, Miami, FL 33128
Mailing Address

(305) 375-2842 Phone
(305) 372-6096 Fax

REPRESENTATIVE'S AFFIDAVIT
If you are filing as representative of an association or other entity, so indicate:

Representing

_____
Signature

_____
Print Name

_____
Address

_____ _____ _____
City State Zip

_____
Telephone Number

Subscribed and Sworn to before me on the 16 day of December, year 2013

Migdalia Cabrera
Notary Public

(stamp/seal)

Commission expires:

MIGDALIA CABRERA
Notary Public, State of Florida
My comm. expires Oct. 24, 2014
No. EE 29812
Bonded thru Ashton Agency, Inc. (800)451-4954

ZONING ACTION

MEMORANDUM

Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

DATE: APRIL 24, 2014 **#Z-**

ITEM: 2.

APPLICANT: TADPOLE INVESTMENTS, INC. (13-12 –CZ10-1 (10-016)

MOTION: To defer the appeal to May 22, 2014.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Bovo	S	X		
Diaz		X		
Edmonson				X
Heyman				X
Jordan				X
Monestime		X		
Moss	M	X		
Souto		X		
Suarez		X		
Zapata		X		
Vice Chair Bell				X
Chairwoman Sosa		X		
TOTAL		8	0	5

A. TADPOLE INVESTMENTS, INC
(Applicant)

13-12-CZ10-1(10-016)
BCC/District 10
Hearing Date: 05/22/14

Property Owner (if different from applicant) **Columbia BBB Westchester Shopping**

Is there an option to purchase ☐/lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1960	Westchester Inc.	- Special Exception for special permit for promotional installation.	BCC	Approved with Condition(s)
1979	Lionel Leisure Inc.	- Special Exception to permit expansion of existing shopping center.	ZAB	Approved with Condition(s)
1983	Arthur Fastenberg ET AL	- Modification condition of resolution. - Special Exception to permit expansion of existing shopping center. - Non-Use Variances of zoning regulation as applied to signs and of landscaping requirements.	ZAB	Approved with Condition(s)
1983	Arthur Fastenberg ET AL	- Modification of condition of resolution.	BCC	Approved with Condition(s)
1989	Salsa Westchester Inc.	- Special Exception to permit expansion of existing shopping center. - Non-Use Variance of landscaping requirements.	ZAB	Approved with Condition(s)
1990	Columbia – BBB Westchester Shopping Cent.	- Modification of condition of resolution.	ZAB	Approved with Condition(s)
1991	Columbia Westchester Shopping Center Associates	- Non-Use Variances of zoning regulation as applied to signs.	ZAB	Approved with Condition(s)
1999	Sprint Pcs.	- Non-Use Variance of setback requirement of landscaping.	C10	Approved with Condition(s)

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

Memorandum

MIAMI-DADE COUNTY

Date: November 2, 2012

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: C-10 #Z2010000016-1st Revision
Tadpole Investments, Inc.
2275 S.W. 87th Avenue
Special Exception to Permit a Pawn Shop
(BU-2) (18.95 Acres)
10-54-40

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by the Department for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

According to the information found on this project, the proposed change will not affect the existing stormwater management system.

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
According to the site plan submitted with this zoning application, the proposal to permit a pawn shop will not impact tree resources. Be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History
The subject property has two (2) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary
A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Eric Silva, Department of Regulatory and Economic Resources

PH# Z2010000016
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: TADPOLE INVESTMENTS, INC

This Department has no objections to this application.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This meets the traffic concurrency criteria set for an Initial Development Order.

Raul A Pino, P.L.S.
12-APR-10

Memorandum

MIAMI-DADE COUNTY

Date: September 21, 2013

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Jack Kardys
Director, Parks, Recreation and Open Spaces Department

Subject: Blanket Concurrency Approval for Recreation and Open Space

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This memorandum updates the blanket concurrency approval memo of September 26, 2012. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until September 30, 2014. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

JK: jb

c: Helen Brown, Metropolitan Planning, RER
Maria I. Nardi, Chief, Planning and Research Division, MDPROS

G:\ADMINISTRATION\PLAN_DIV\PROPMGR\CONCURR\2013-2014

Miami-Dade County
Park and Recreation Department
LOS-2013

Report # 4 Table 34
Local Recreation Open Space Level of Service

PBD	Estimated 2013 UMSA Population	Standard @ 2.75 Acres Per 1000 People (Acres)	Public Local Park Acres	Concurrency* Acres	Total Local Park acres	School Acres	Private Open Space Acres	Total Recreation Open Space Acreage	Surplus (Deficient) Acres	Percentage of Standard %
1	377,389	1,037.82	347.46	291.00	638.46	299.82	267	1205.28	167.46	1.16
2	596,796	1,641.19	721.61	595.00	1316.61	356.3	473	2145.91	504.72	1.31
3	156,544	430.50	231.06	232.93	463.99	96.62	89	649.61	219.11	1.51
Total	1,130,729	3,109.50	1300.13	1118.93	2419.06	752.74	829	4000.80	891.30	1.29

Note:
Public Local Park Acres is Miami-Dade Parks Only
Private Recreation Open Space Updated 1/9/09
*Concurrency Acres are District park Acres utilized for local Recreation

Memorandum

MIAMI-DADE COUNTY

Date: September 25, 2013

To: Mark R. Woener, AICP, Assistant Director for Planning
Department of Regulatory and Economic Resources

From: Paul Mauriello, Assistant Director, Waste Operations
Public Works and Waste Management Department

Subject: Solid Waste Disposal Concurrency Determination

The Public Works and Waste Management Department determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed or subject to a binding executed contract for construction are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Service Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of nineteen (19) years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste to the System through interlocal agreements or long-term contracts and anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS through Fiscal Year 2031-32 or fourteen (14) years beyond the minimum five (5) year standard. This determination is contingent upon the continued ability of the County and its disposal service contract provider to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to issue development orders. This determination shall remain in effect for a period of one (1) fiscal year (ending September 30, 2014), at which time a new determination will be issued. If, however, a significant event occurs that substantially alters the projection, the Department will issue an updated determination.

Attachment

c: Aneisha Daniel, Assistant Director, Administration
Asok Ganguli, Assistant Director, Technical Services
Michael Moore, Assistant Director, Disposal Operations
Deborah Silver, Division Director, Fiscal Management & Planning

Public Works and Waste Management Department (PWWM)
Solid Waste Management Disposal Facility Available Capacity
From Fiscal Year 2013-14 Through Fiscal Year 2031-32

FISCAL YEAR PERIOD	WASTE PROJECTION NET TONS DISPOSED	RESOURCES RECOVERY ASHFILL *			SOUTH DADE LANDFILL **			NORTH DADE LANDFILL ***			WMI ****	TOTAL TO BE LANDFILLED	TO BE INCINERATED AND RECYCLED
		Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	CONTRACT DISPOSAL		
OCT. 1, 2013 TO SEPT. 30, 2014	1,543,000	2,873,330	127,900	2,745,430	6,122,095	301,000	5,821,095	1,735,051	111,400	1,623,651	250,000	790,300	752,700
OCT. 1, 2014 TO SEPT. 30, 2015	1,543,000	2,745,430	127,900	2,617,530	5,821,095	301,000	5,520,095	1,623,651	111,400	1,512,251	250,000	790,300	752,700
OCT. 1, 2015 TO SEPT. 30, 2016	1,543,000	2,617,530	127,900	2,489,630	5,520,095	301,000	5,219,095	1,512,251	111,400	1,400,851	250,000	790,300	752,700
OCT. 1, 2016 TO SEPT. 30, 2017	1,543,000	2,489,630	127,900	2,361,730	5,219,095	301,000	4,918,095	1,400,851	111,400	1,289,451	250,000	790,300	752,700
OCT. 1, 2017 TO SEPT. 30, 2018	1,543,000	2,361,730	127,900	2,233,830	4,918,095	301,000	4,617,095	1,289,451	111,400	1,178,051	250,000	790,300	752,700
OCT. 1, 2018 TO SEPT. 30, 2019	1,543,000	2,233,830	127,900	2,105,930	4,617,095	301,000	4,316,095	1,178,051	111,400	1,066,651	250,000	790,300	752,700
OCT. 1, 2019 TO SEPT. 30, 2020	1,543,000	2,105,930	127,900	1,978,030	4,316,095	301,000	4,015,095	1,066,651	111,400	955,251	250,000	790,300	752,700
OCT. 1, 2020 TO SEPT. 30, 2021	1,543,000	1,978,030	127,900	1,850,130	4,015,095	301,000	3,714,095	955,251	111,400	843,851	250,000	790,300	752,700
OCT. 1, 2021 TO SEPT. 30, 2022	1,543,000	1,850,130	127,900	1,722,230	3,714,095	301,000	3,413,095	843,851	111,400	732,451	250,000	790,300	752,700
OCT. 1, 2022 TO SEPT. 30, 2023	1,543,000	1,722,230	127,900	1,594,330	3,413,095	301,000	3,112,095	732,451	111,400	621,051	250,000	790,300	752,700
OCT. 1, 2023 TO SEPT. 30, 2024	1,543,000	1,594,330	127,900	1,466,430	3,112,095	301,000	2,811,095	621,051	111,400	509,651	250,000	790,300	752,700
OCT. 1, 2024 TO SEPT. 30, 2025	1,543,000	1,466,430	127,900	1,338,530	2,811,095	301,000	2,510,095	509,651	111,400	398,251	250,000	790,300	752,700
OCT. 1, 2025 TO SEPT. 30, 2026	1,543,000	1,338,530	127,900	1,210,630	2,510,095	301,000	2,209,095	398,251	111,400	286,851	250,000	790,300	752,700
OCT. 1, 2026 TO SEPT. 30, 2027	1,543,000	1,210,630	127,900	1,082,730	2,209,095	301,000	1,908,095	286,851	111,400	175,451	250,000	790,300	752,700
OCT. 1, 2027 TO SEPT. 30, 2028	1,543,000	1,082,730	127,900	954,830	1,908,095	301,000	1,607,095	175,451	111,400	64,051	250,000	790,300	752,700
OCT. 1, 2028 TO SEPT. 30, 2029	1,543,000	954,830	127,900	826,930	1,607,095	348,349	1,258,746	64,051	64,051	0	250,000	790,300	752,700
OCT. 1, 2029 TO SEPT. 30, 2030	1,543,000	826,930	127,900	699,030	1,258,746	412,400	846,346	0	0	0	250,000	790,300	752,700
OCT. 1, 2030 TO SEPT. 30, 2031	1,543,000	699,030	127,900	571,130	846,346	412,400	433,946	0	0	0	250,000	790,300	752,700
OCT. 1, 2031 TO SEPT. 30, 2032	1,543,000	571,130	127,900	443,230	433,946	412,400	21,546	0	0	0	250,000	790,300	752,700
REMAINING YEARS				19			19			15		19	

ANNUAL DISPOSAL RATE (in tons)	
RESOURCES RECOVERY ASHFILL	127,900
SOUTH DADE LANDFILL	301,000
NORTH DADE LANDFILL	111,400
WMI CONTRACT	250,000
TOTAL TO BE LANDFILLED	790,300

* Ashfill capacity is for Cell 20.
** South Dade includes Cells 4 and 5. Assumes unders from Resources Recovery consumes capacity whether or not it is used as cover.
*** North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted, trash goes to South Dade Landfill and WMI.
**** Maximum Contractual Tonnage per year to WMI is 500,000 tons, 250,000 tons to the Medley Landfill and 250,000 tons to the Pompano Landfill in Broward County. The initial term of the WMI disposal contract ends September 30, 2015 and the contract contains two 5-year renewal terms. The Department anticipates contract renewal in 2015.
***** All beginning capacity figures are derived from the Capacity of Miami-Dade County Landfills draft report prepared by the Malcolm Pirnie based on the actual July, 2013, survey with actual tons from July 2013, through August 2013, and projected tons for September 2013.

Memorandum

MIAMI-DADE COUNTY

Date: October 1, 2013

To: Jack Osterholt, Director/Deputy Mayor
Department of Regulatory and Economic Resources

2013 SEP -6 P 4:41

From: Ysela Llort, Director
Miami-Dade Transit

METROPOLITAN PLANNING SECT

Subject: FY14 Blanket Concurrency Approval for Transit

Miami-Dade Transit (MDT) has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your department's Research Division, and a review of the June 2013 Metrobus/Metrorail service area we find that MDT meets or exceeds the Level-of-Service Standards (LOS) for mass transit established in Policy MT-1A of the County's Comprehensive Development Master Plan for Miami-Dade County.

With this memo we re-authorize your Department to review and approve concurrency applications in all areas of unincorporated Miami-Dade County.

This authorization is intended to continue the arrangement between our respective Departments, and is effective for the period October 1, 2013 to September 30, 2014, or until canceled by written notice from my office.

Should your staff need further assistance with mass transit concurrency information, they may contact Nilia Cartaya, Principal Planner, in our Department. Thank you for your continued cooperation on these important matters.

c: Albert A. Hernandez, P.E., MDT
Monica D. Cejas, P.E., MDT
Gerald E. Bryan, MDT
Eric Zahn, MDT
Nilia Cartaya, MDT
Douglas K. Robinson, MDT
Mark R. Woerner, RER
Helen A. Brown, RER

Memorandum

MIAMI-DADE COUNTY

Date: April 21, 2005

To: Alberto J. Torres, Assistant Director for Zoning
Department of Planning and Zoning

From: Manuel C. Mena, Chief
MDFR Fire Prevention Division

Subject: Concurrency Approval

Subject to compliance with Article XIV a, "Water Supply for Fire Suppression" of the Miami-Dade County Code, blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami-Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2, Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied

MCM:skr

c: Control File

Received by
Zoning Agenda Coordinator
JUL 2 7 2010

05 MCM 12 CONCURRENCY APPROVAL.DOC

18

Memorandum

MIAMI-DADE COUNTY

Date: September 5, 2012

To: Jack Kardys, Director
Park and Recreation Department

From: Mark R. Woerner, AICP, Assistant Director for Planning
Department of Regulatory and Economic Resources

Subject: Blanket Concurrency Approval for Recreation and Open Space

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The blanket level of service/concurrency authorization for recreation and open space issued by your department last year will expire on September 30, 2012. This authorization must be re-issued prior to September 30, 2012, so that the Department of Regulatory and Economic Resources (DRER) may continue reviewing concurrency applications for recreation and open space concurrency requirements on your behalf. If such authorization is not received, DRER will have to refer all zoning and permit applications to your department for concurrency review.

Park and Recreation's re-authorization for blanket concurrency authorization should be effective for a one-year period beginning on October 1, 2012 and should be based on sufficient surplus capacity to sustain projected development for one year. If there is not sufficient surplus capacity for one year, please advise this department immediately.

If you or any member of your staff needs further information on this request, please contact Helen A. Brown, Concurrency Administrator at (305) 375-2835. Thank you for your attentions to this matter.

MRW:NS:hab

cc: James Byers, Zoning Division Chief, West Dade Office, DRER
Ronald Connally, Supervisor, Zoning Hearings/Administrative Review Section, DRER
Nick Nitti, Supervisor, Zoning Evaluation Section, DRER
Helen A. Brown, Concurrency Administrator, DRER

RESOLUTION NO. CZAB10-31-13

WHEREAS, TADPOLE INVESTMENTS, INC. applied for the following:

USE VARIANCE to permit a pawn broker use in the BU-2 zone 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 "Westchester Shopping Center" as prepared by Zamora & Associates, Inc., dated stamped received 7/26/13, consisting of 2 sheets and a plan entitled "Marquise Jewelers-Westchester Shopping Center" as prepared by F. Galarza, dated stamped received 2/17/10, consisting of 1 sheet for a total of 3 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of the SW ¼ of Section 10, Township 54 South, Range 40 East, being more particularly described as follows: Commence at the southwest corner of said Section 10 and run N88°03'56"E, along the south line of the SW ¼ of said Section 10 for 98.12'; thence N01°56'04"W at right angles to the last described course for 50' to the Point of beginning of the following described parcel of land (said point being on a curve and bearing S01°56'04É from the radius point of the next described curve) thence SW/ly, W/ly and NW/ly along a circular curve to the right, having a radius of 50' and a central angle of 89°10'10" for an arc distance of 77.82' to a Point of reverse curvature); thence NW/ly along a circular curve to the left, having a radius of 1,950.86' and a central angle of N01°58'04" for an arc distance of 67.02' to a Point of tangency; thence, N04°44'00"w for 150' to a Point of curvature; thence NW/ly along a circular curve to the right, having a radius of 1,868.86' and a central angle of 03°00'01" for an arc distance of 97.86' to a Point of tangency; thence N01°43'59"w, along a line parallel with and 35' east of as measured at right angles to the west line of the SW ¼ of said Section 10 for 1,215'; thence S01°43'56"E along a line parallel with the west line of the SW ¼ of said Section 10 for 735'; thence S88°03'56"W along a line parallel with and 50' north of, as measured at right angles to the south line of the SW ¼ of said Section 10, for 408.25'; thence N01°43'59"W, along a line parallel with and 841.75' east of, as measured at right angles to the west line of the SW ¼ of said Section 10, for 200'; thence S88°03'56"W, along a line parallel with and 250' north of, as measured at right angles to the south line of the SW ¼ of said Section 10, for 160'; thence S01°43'59"E along a line parallel with and 681.75' east of as measured at right angles to the west line of the SW ¼ of said Section 10, for 200'; thence S88°03'56"W, along a line parallel with and 50' north of, as measured at right angles to the south line of the SW ¼ of said Section 10, for 583.78' to the Point of beginning. LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS THEREOF: PARCEL "A": The east 160' of the west 841.75' of the north 130' of the south 250' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "B": The east 55' of the west 896.75' of the north 130' of the south 250' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "C": The east 80' of the west 761.75' of the north 15' of the south 265' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "D": The east 160' of the west 841.75' of the north 70' of the south 120' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "E": The east 100' of the west 681.75' of the north 130' of the south 250.00 feet of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "F": The east 208' of the west 969.75' of the north 174' of the south 294' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL "G": The east 128' of the west 969.75' of the north 70' of the south 120' of the SW ¼ of Section 10, Township 54 South, Range 40 East.

AND: PARCEL II: PARCEL "X": The east 67.63′ of the west 969.75′ of the north 244′ of the south 294′ of the SW ¼ of Section 10, Township 54 south, Range 40 East.

LOCATION: 2275 S.W. 87 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

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 pawn broker use in the BU-2 zone 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 Julio R. Caceres, seconded by Miriam Planas, and upon a poll of the members present, the vote was as follows:

Julio R. Caceres	aye	Gerardo Rodriguez	absent
Miriam Planas	aye	Toufic Zakharia	aye
Robert Suarez	aye	Manuel Valdes	absent

Richard M. Gomez aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 10 that the requested use variance to permit a pawn broker use in the BU-2 zone as would be permitted in the BU-3 zone, only upon approval after public hearing be and the same is hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate; said plan must include among other things but not be limited to, location of structure or structures, 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 "Westchester Shopping Center" as prepared by Zamora & Associates, Inc., dated stamped received 7/26/13, consisting of 2 sheets and a plan entitled "Marquise Jewelers – Westchester Shopping Center", as prepared by F. Galarza, dated stamped received 02/17/10, consisting of 1 sheet for a total of 3 sheets.

3. That the use be established and maintained in accordance with the approved plan.

4. That a Declaration of Restrictions be submitted to and meet the approval of the Director within 30 days of the final approval restricting the use to the effect that the pawn shop use shall be limited to jewelry only.

5. That no stringer lights, pennants, mobile 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 on any outdoor signs in any language.

6. That the applicant obtains a Certificate of Use from and promptly renew the same annually with the 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.

7. That the pawnshop use shall be operated solely as an accessary use in connection with the jewelry store, and if the jewelry store use is terminated the pawnshop use will automatically expire and shall be discontinued.

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 11th day of December, 2013.

Hearing No. 13-12-CZ10-1
ej

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

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

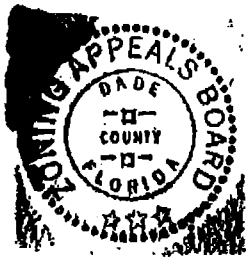
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 10, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB10-31-13 adopted by said Community Zoning Appeals Board at its meeting held on the 11th day of December, 2013.

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

Earl Jones

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

SEAL



Memorandum

MIAMI-DADE COUNTY

Date: October 19, 2012

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief M. N.
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2010000016: TADPOLE INVESTMENTS, INC
Includes Revised Plans Dated stamped received 9/28/12

Application Name: TADPOLE INVESTMENTS, INC

Project Location: The site is located at 2275 SW 87 AVENUE, Miami-Dade County.

Proposed Development: The applicant is requesting a use variance and special exception to permit a pawn broker. Includes Revised Plans Dated stamped received 9/28/12.

Impact and demand: This application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb
Cc: John M. Bowers, Parks Property Management Supervisor

REVISION 1

Memorandum

Date: 20-NOV-12

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department

Subject: Z2010000016

Fire Prevention Unit:

No objection via Case # Z2010000016.

Service Impact/Demand

Development for the above Z2010000016
located at 2275 SW 87 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1440 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:46 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 47 - Westchester - 9361 Coral Way
Rescue, ALS Engine

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments

Not applicable to service impact analysis.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 31-MAR-14

REVISION 2

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

TADPOLE INVESTMENTS, INC

APPLICANT

2275 SW 87 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2010000016

HEARING NUMBER

HISTORY:

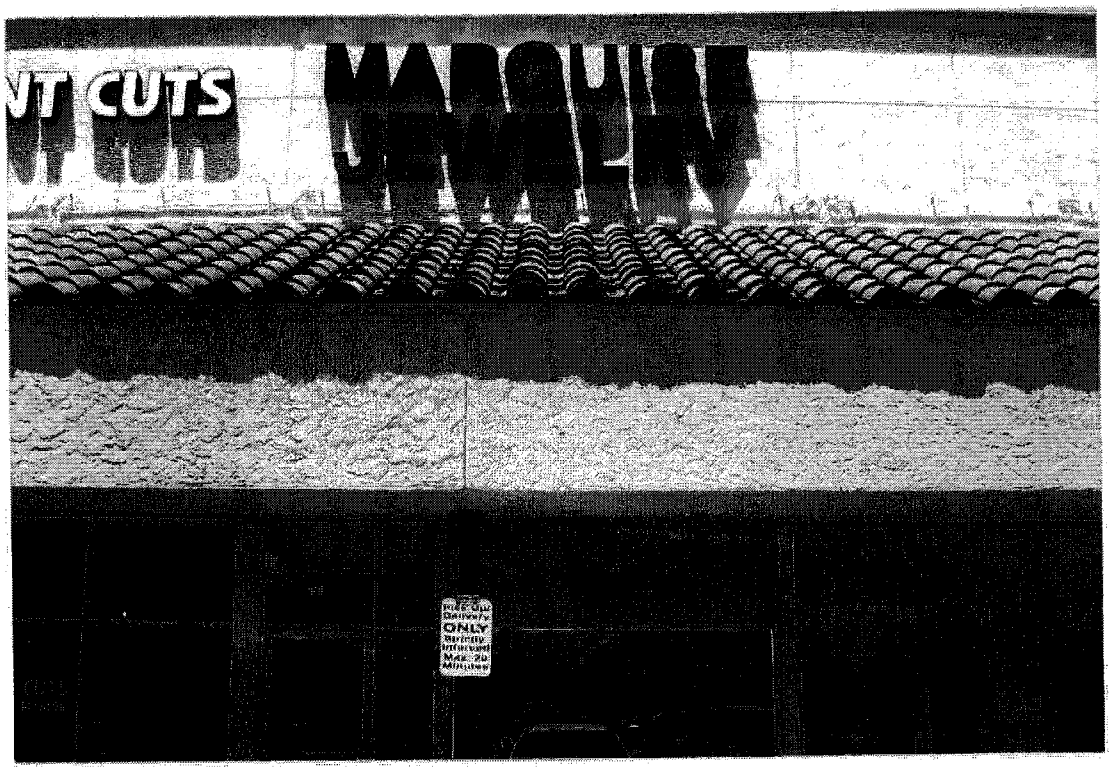
ENFORCEMENT HISTORY: NC: No open cases. Prior case 201303006069 was opened on July 9, 2013 for Failure to obtain permit. No violation observed on November 11, 2013 and case closed. BNC: fOLIO 3040100000020: BSS case A2009001270-X 8571 SW 24 Street opened on December 12, 2008. Notice of Violation issued for expired permit 2008034805. Civil Violation notice B086304 issued on September 21, 2009 for non-compliance. Final Notice of Intent to lien/demand for payment issued on October 19, 2010. Lien was recorded on August 29, 2011, ticket paid on October 5, 2011. Case remains open. BSS case A2010001484-X 2275 SW 87 Avenue opened on February 12, 2010. Notice of Violation issued for expired permit 2009030976. Civil Violation Notice P004558 issued on July 29, 2011 for non-compliance. Final Notice of Intent to lien/demand for payment issued on April 10, 2012. Lien was recorded on July 9, 2012. Ticket was paid on July 23, 2012, case remains open. BSS case A2012003331-X 8679 SW 24 Street was opened on July 11, 2012. Civil Violation Notice #650322 issued to contractor for expired permit 2011057586. Ticket was paid on November 25, 2013. Case remains open. All other folios do not have any open/closed cases.

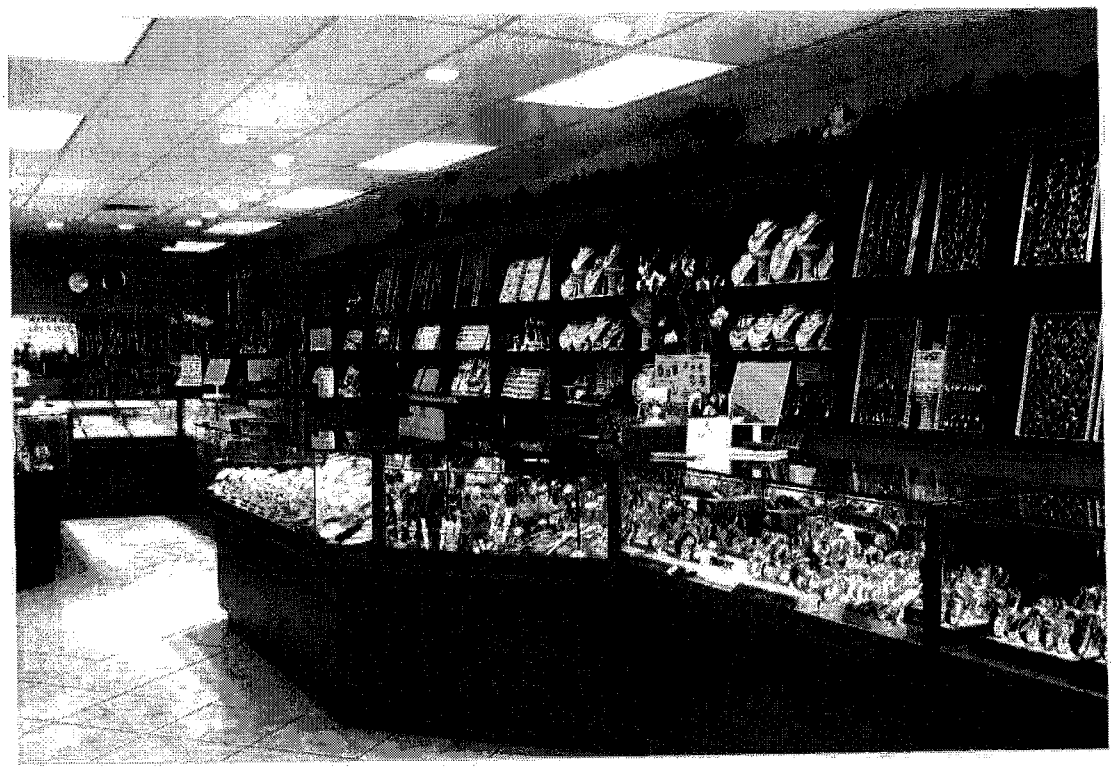
Tadpole Investments, Inc

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

Tadpole Investments, Inc.'s Variance Application
Pictures of Property





DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list the principals, including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s), or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest.]

PARTNERSHIP NAME: Tadpole Investments, Inc.		
NAME AND ADDRESS		Percentage of Stock
Lino Alvarado, 8561 Coral Way, Miami, FL 33155		50%
Maria Alvarado, 8561 Coral Way, Miami, FL 33155		50%

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: Lino Alvarado

Print Name: Lino Alvarado

Title: Sec.

Tadpole Investments, Inc.

Sworn to and subscribed before me this 17 day of February, 2010. Affiant is personally known to me or has produced F4/7-A416-530-60-041-0 as identification.

(Notary Public)

My commission expires 11/21/2010

JAVIER PIÑA
MY COMMISSION EXPIRES
November 21, 2010
#DD 576479
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

* Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five percent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

210-010
FEB 17 2010
BY

{M2832902;1}

DISCLOSURE OF INTEREST*

If a **PARTNERSHIP** owns or leases the subject property, list the principals, including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s), or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest.]

PARTNERSHIP NAME: Columbia – BBB Westchester Shopping Center Associates		
NAME AND ADDRESS		Percentage of Stock
Columbia – BBB Westchester Shopping Center Associates		100%

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____
By: B.B.B. West, Inc., Its partner
Print Name: Gary A. Brown
Title: President

Columbia – BBB Westchester Shopping Center Associates, a Florida General Partnership

Sworn to and subscribed before me this 14th day of August, 2009. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

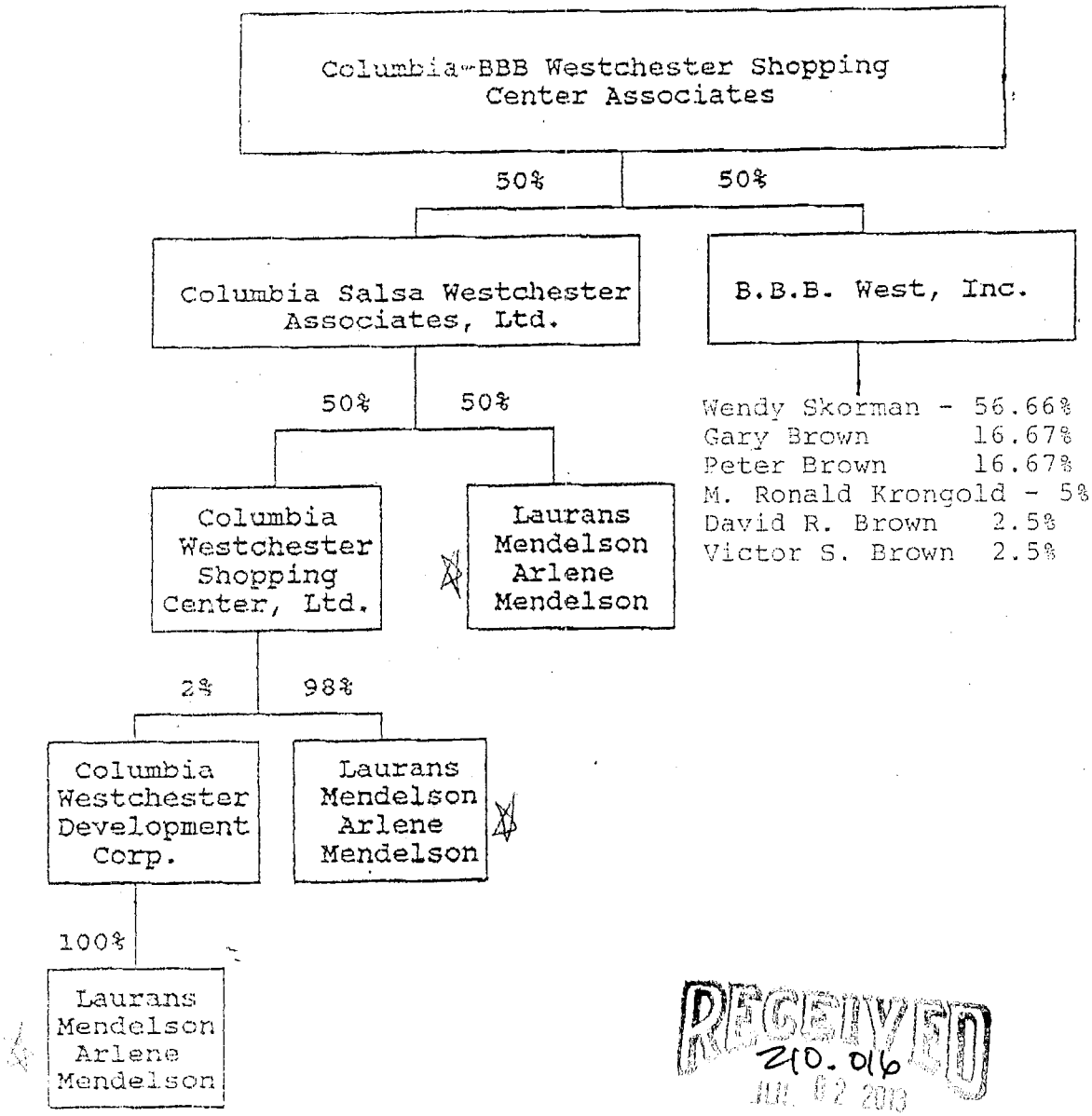
My commission expires _____

PATRICIA J. WYNN
Commission # DD 853388
Expires January 21, 2013
Bonded Thru Troy Fain Insurance 800-385-7019

* Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five percent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

210-016
FEB 17 2010
ZONING HEARING SECTION
MIAMI-DADE PLANNING & ZONING DEPT
BY

{M2832902;1}



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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

* Laurans Mendelson & Arlene Mendelson each have a 50% share of the listed interest

32

MASTER SITE PLAN
WESTCHESTER SHOPPING CENTER

SITE DATA:

ZONING: BU-2
LAND USE: SPECIAL BUSINESS

PARKING SPACES:

Total Building Area	229,178 square feet
Total Retail Building Existing (old code)	194,220 square feet
Total Retail Building Area (current code)	12,200 square feet
Total Restaurant Patron Areas (15,354 sq. ft.)	7,677 square feet
Gym / Health Club	4,200 square feet
Day Care	3,204 square feet

Parking Spaces Required

Retail Area (Constructed under old code):
1 space per 300 Sq. Ft. of Building Area
194,220 / 300 = 647.4 ✓

Retail Area (Constructed under current code):
1 space per 250 Sq. Ft. of Building Area
12,200 / 250 = 48.8 spaces ✓

Patron Areas:
1 space per 50 Sq. Ft. of Patron Area
7,677 / 50 = 153.5 spaces ✓

Gym / Health Club (Existing):
1 space per ~~250~~ 200 Sq. Ft. of Building Area
~~1004,200~~ / ~~300~~ 200 = ~~14~~ 21 spaces

Day Care:
1 space per staff (Total staff = 8)
8 spaces

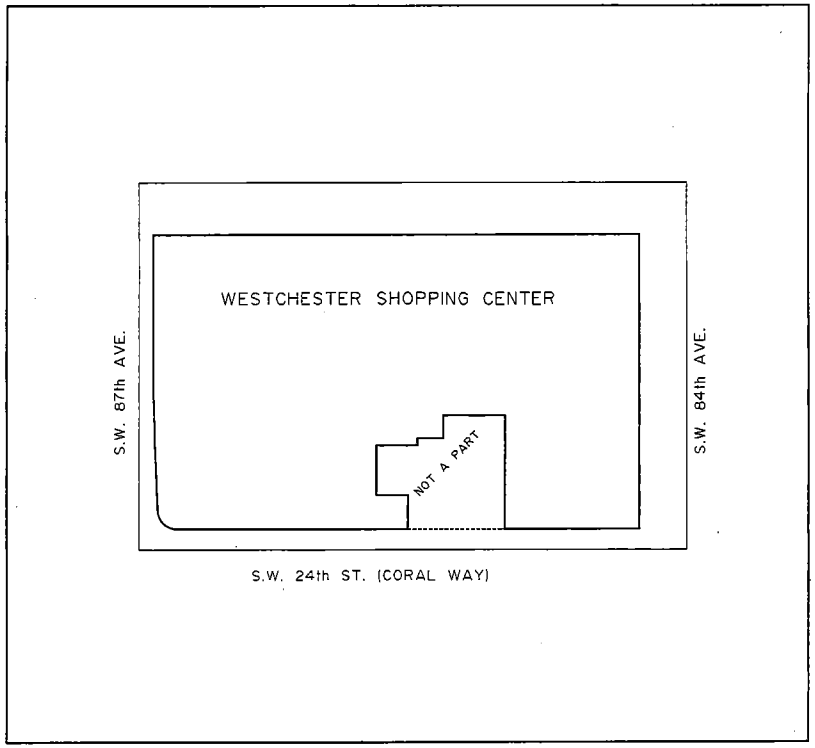
Total Required Spaces = ~~872~~ 878 Spaces

Parking Spaces Provided

Standard	557
Compact	359
Handicap	25
Stroller	3
Total	944 ✓

NOTES:

1. BACKGROUND INFORMATION OBTAINED FROM SKETCH OF SURVEY SURVEY PREPARED BY SCHWEBKE - SHISKIN & ASSOCIATES DATED 4-16-97
2. BEARING SHOWN HEREON ARE BASED ON AN ASSUMED BEARING (N88°03'56"E) ALONG S.W. 24th STREET.
3. THE LANDS SHOWN HEREON HAVE NOT BEEN ABSTRACTED BY THIS FIRM AND/OR SURVEYOR REGARDING MATTERS OF INTEREST BY OTHER PARTIES. SUCH AS EASEMENTS, RIGHT-OF-WAYS, RESERVATIONS, ETC.
4. THE LEGAL DESCRIPTION THAT THE PROPERTY WAS SURVEYED FROM, WAS PROVIDED BY THE CLIENT.
5. THE PROPERTY LEGALLY DESCRIBED ON THIS SKETCH AND THE PROPERTY DESCRIBED AS PARCEL "X" ARE CONTIGUOUS WITHOUT GAPS, GORES OR HIATUSES.



LOCATION MAP

LEGAL DESCRIPTION:

A portion of the Southwest 1/4 of Section 10, Township 54 South, range 40 East, Dade County, florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 10 and run North 88°03'56" East, along the South line of the Southwest 1/4 of said Section 10 for 98.12 feet; thence North 01°56'04" west at right angles to the last described course for 50.00 feet to the Point of Beginning of the following described parcel of land (said point being on a curve and bearing South 01°56'04" East from the radius point of the next described curve) ; thence Southwesterly, Westerly and Northwesterly along a circular curve to the right, having a radius of 50.00 feet and a central angle of 89°10'10" for an arc distance of 77.82 feet to a Point of Reverse Curvature) , thence Northwesterly along a circular curve to the left, having a radius of 1950.85 feet and a central angle of 01°58'08" for an arc distance of 67.02 feet to a point of Tangency; thence North 04°44'00" West for 150.00 feet to a point of Curvature; thence Northwesterly along a circular curve to the right, having a radius of 1868.86 feet and a central angle of 03°00'01 for an arc distance of 97.86 feet to a point of Tangency; thence North 01°43'09" West, along a line parallel with and 35.00 feet east of as measured at right angles to the West line parallel with 785.00 feet North of , as measured at right angles to, the South line of the Southwest 1/4 of said Section 10 for 1215.00 feet ; thence South 01°43'59" east along a line parallel with the West line of the Southwest 1/4 of said Section 10 for 735.00 feet; thence South 88°03'56" West along a line parallel with and 50.00 feet North of, as measured at right angles to the South line of the Southwest 1/4 of said Section 10 for 408.25 feet; thence North 01°53'49" West, along a line parallel with and 841.75 feet East of, as measured at right angles to the West line of Southwest 1/4 of said Section 10, for 200.00 feet; 250.00 feet North of, as measured at right angles to the South line of the Southwest 1/4 of said Section 10, for 150.00 feet thence South 01°43'59" East along a line parallel with the 681.75 feet East of as measured at right angles to the West line of Southwest 1/4 of said Section 10, for 200.00 feet; thence South 88°03'56" West, along a line parallel with and 50.00 feet North of, as measured at the right angles to the South line of the Southwest 1/4 of said Section 10, for 583.70 feet to the Point of Beginning.

Less and except the following described parcels thereof:

Parcel "A":
The East 160.00 feet of the West 841.75 feet of the North 130.00 feet of the South 250.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida

Parcel "B":
The East 85.00 feet of the West 896.75 feet of the North 130.00 feet of the South 250.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida

Parcel "C":
The East 80.00 feet of the West 761.75 feet of the North 15.00 feet of the South 265.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida

Parcel "D":
The East 160.00 feet of the West 841.75 feet of the North 70.00 feet of the South 120.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida

Parcel "E":
The East 100.00 feet of the West 681.75 feet of the North 130.00 feet of the South 250.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida

Parcel "F":
The East 208.00 feet of the West 969.75 feet of the North 174.00 feet of the South 250.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida

Parcel "G":
The East 128.00 feet of the West 969.75 feet of the North 70.00 feet of the South 120.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida

Also

Parcel II
The East 67.63 feet of the West 969.75 feet of the North 244.00 feet of the South 294.00 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

REVISIONS:
1. 7/22/13 PARKING DATA

ZAMORA & ASSOCIATES, INC.
ENGINEERING LAND PLANNING
#410 N. KENDALL DRIVE SUITE 302 MIAMI, FLORIDA 33176
(305) 273-7801 FAX (305) 273-9514

PROJECT: WESTCHESTER SHOPPING CENTER
CORAL WAY & GALLOWAY RD
MIAMI, FLORIDA

OWNER: THE FLORIDA COMMERCIAL GROUP
5901 S.W. 74th STREET, SUITE 407
SOUTH MIAMI FLORIDA, 33143

MASTER SITE PLAN

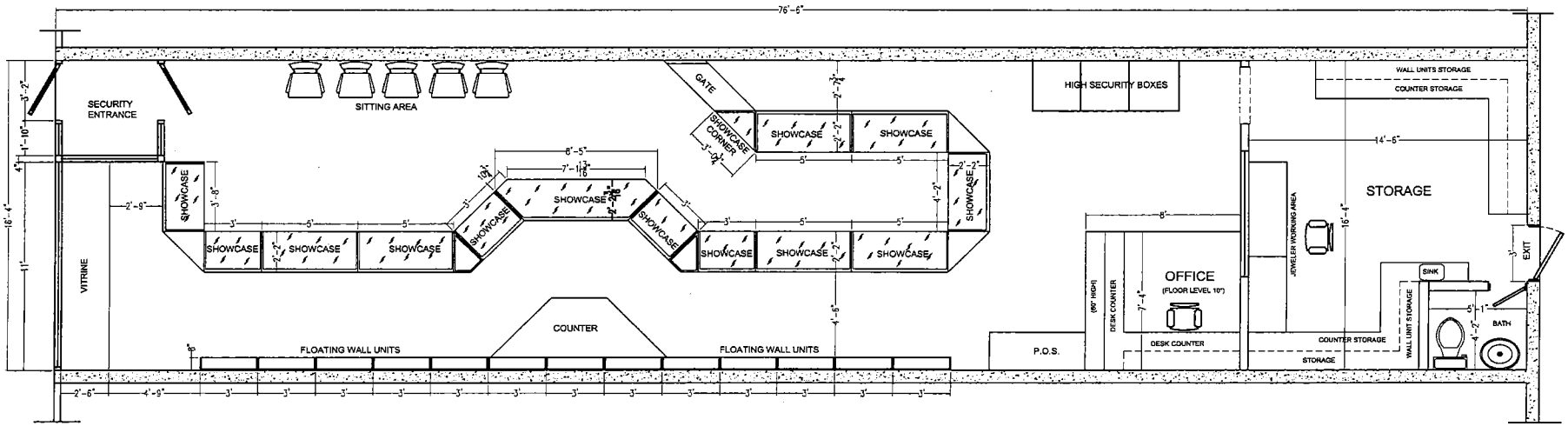
SEAL: 7.23.13

P.E. No. 44207
E.B. 0006791
STATE OF FLORIDA

SCALE:	1" =40'
DATE:	8/20/2012
DRAWN BY:	G.Z.
CHECKED BY:	G.Z.
PROJECT No.	2012-39
SHEET No.	C-1

33

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z10-016
DATE: FEB 17 2010
BY: SDE



PLAN LAYOUT

SCALE 3/16"=1'-0"

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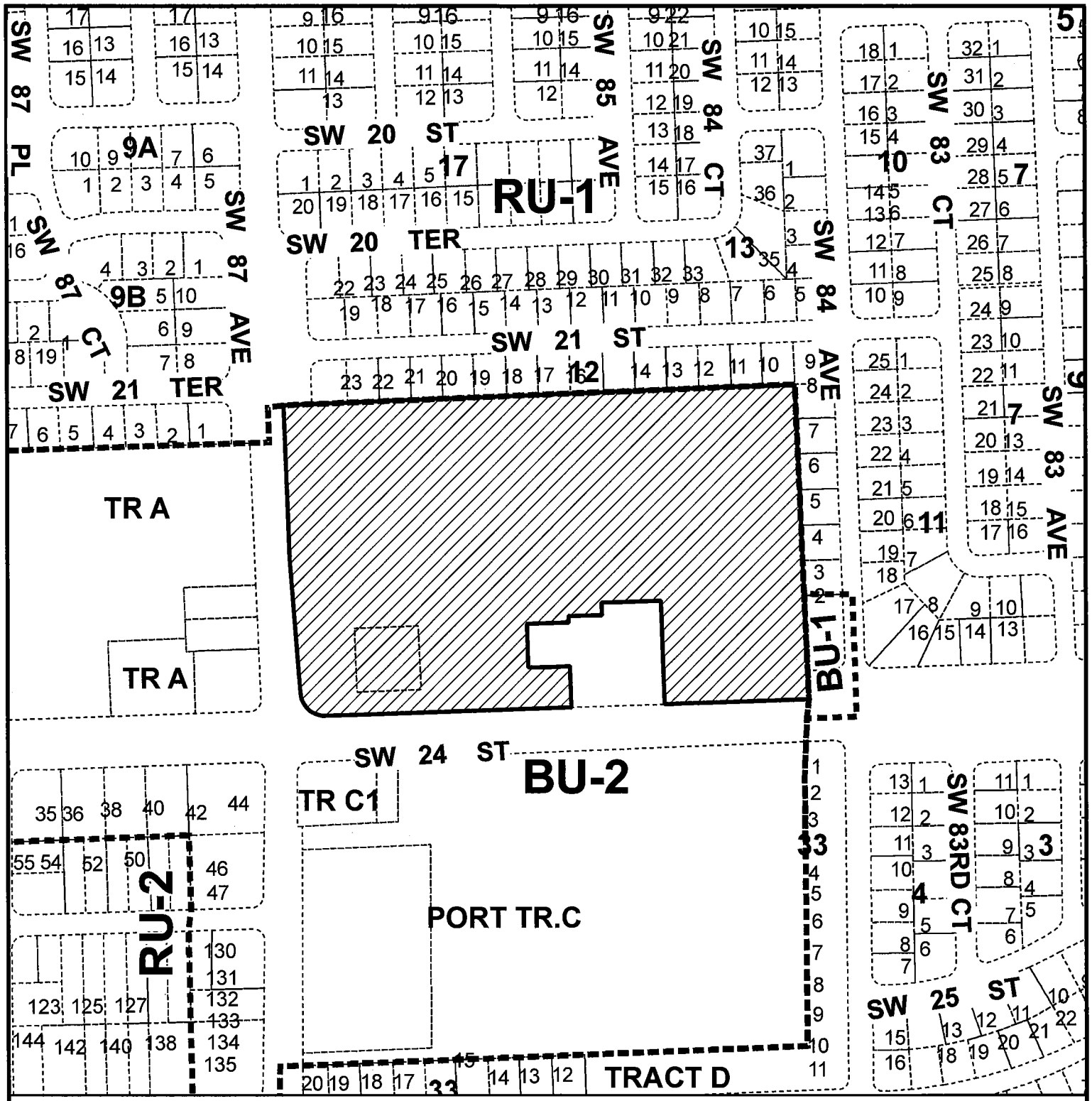
Z10-016
FEB 17 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

REF:	ADDRESS	SHEET TITLE PLAN LAYOUT	
PROJECT NO: 09-27-09	8561 Coral Way (Westchester Shopping Center) Miami, Florida 33155		
DATE: 9/27/2009			
CAD DWG FILE: MARQUISE JEWELERS PLAN LAYOUT.DWG		PROJECT Marquise Jewelers - Westchester Shopping Center	DRAWING 1/1
DRAWN BY: F. GALARZA			
CHK'D BY:			



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2010000016

Section: 10 Township: 54 Range: 40
Applicant: TADPOLE INVESTMENTS, INC
Zoning Board: C10
Commission District: 10
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Friday, March 12, 2010

REVISION	DATE	BY
		34

MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2010000016

Section: 10 Township: 54 Range: 40
Applicant: TADPOLE INVESTMENTS, INC
Zoning Board: C10
Commission District: 10
Drafter ID: JEFFER GURDIAN
Scale: NTS

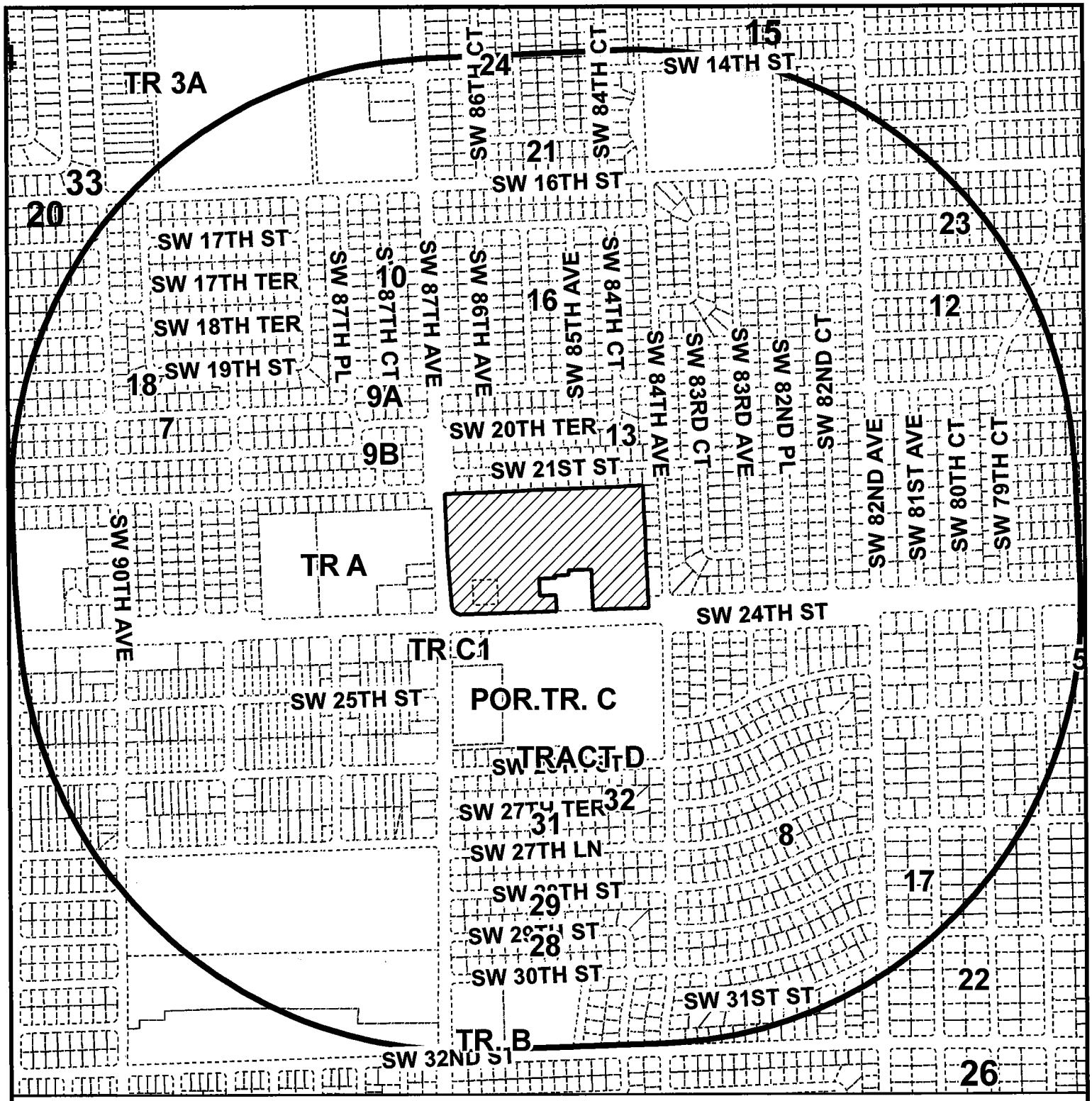
N W E S

Legend
Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Friday, March 12, 2010

REVISION	DATE	BY
		35



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2010000016

RADIUS: 2640

Section: 10 Township: 54 Range: 40
Applicant: TADPOLE INVESTMENTS, INC
Zoning Board: C10
Commission District: 10
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

Subject Property

Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, March 11, 2010

REVISION	DATE	BY

1 COMMUNITY ZONING APPEALS BOARD - AREA 10

2 RUBEN DARIO MIDDLE SCHOOL

3 350 NW 97 AVENUE, MIAMI

4 Wednesday, December 11, 2013

5 6:30 p.m.

6

7

8 ITEM NO:

9 TADPOLE INVESTMENTS, INC.
10-16

10

11

12

13 BOARD MEMBERS

14 Present:

15 Richard M. Gomez, Chairman
Julio Caceres
16 Robert J. Suarez
Miriam "Mimi" Planas
17 Toufic Zakharia

18

19

20 STAFF PRESENT:

21

Carl Harris
22 Jorge Ubieta
David Hope, Assistant County Attorney

23

24

25

1 I N D E X

2 BOARD MEMBERS PAGE NO.

3 Chairman Gomez 5,7,10,13,14,15,17, 18,19,20

4 Councilman Caceres 10,11,15,16,17,18,19,20

5 Councilman Suarez 12,13,20

6 Councilwoman Planas 10,11,12,18,20

7 Councilman Zakharia 13,20

8 STAFF

9 Mr. Harris 3-5,14,18,19,20

10 Mr. Hope 13,14,16,17,18

11

12

13 APPLICANT

14 Mr. Diaz 5-10,11,12,13,14,15 16,17,18,19,20

15

16 OPPOSERS

17 (None)

18

19

20

21

22

23

24

25

1 * * * * *

2 THE COURT REPORTER: Do you swear the
3 testimony you're about to give is the truth,
4 the whole truth, and nothing but the truth, so
5 help you, God?
6 ALL WITNESSES: I do.
7 * * * * *
8 MR. HARRIS: In accordance with the Code
9 of Miami-Dade County, all items to be heard
10 this evening have been legally advertised in
11 the newspaper, notices have been mailed and the
12 properties have been posted. Additional copies
13 of the agenda are available here at the
14 meeting. Items will be called up to be heard
15 by agenda number and name of applicant. The
16 record of the hearing on each application will
17 include the records of the Department of
18 Regulatory and Economic Resources. All these
19 items are physically present this evening
20 available to all interested parties and
21 available to the members of the Board who
22 examine items from the record during the
23 hearing. The parties have the right of
24 Cross-Examination.
25 This statement, along with the fact that

all witnesses have been sworn, should be included in any transcript of all or any part of these proceedings.

In addition, the following departments have representatives present here at the meeting to address any questions: Zoning Evaluation and Planning and Traffic Review Sections of the Department of Regulatory and Economic Resources, the Department of Public Works and Waste Management, and the County Attorney's Office.

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

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

The number of filed protests and waivers

on each application will be read into the record at the time of hearing as application is read. Those items not heard prior to the ending time for this meeting will be deferred to the next available zoning hearing meeting date for this Board.

* * * *

MR. HARRIS: Next item on the agenda, Item No. 1, 13-12-CZAB10, Tadpole Investments, Inc. application No. 10-016, zero protests, zero waivers.

MR. DIAZ: Thank you for your time. My name is Jose Diaz. I'm with the law firm of Akerman, LLP, and I'm here on behalf of the Alvarado family which owns Tadpole Investments, also known as Marquis Jewelry.

To put this --

CHAIRMAN GOMEZ: Your address, for the record.

MR. DIAZ: My address is One Southeast Third Avenue, 25th Floor, Miami, Florida 33131. That is my work address.

To put this in context, you have driven by this property many times. The Marquis Jewelry Shop is right in the Westchester Shopping

1 Center where Ross is, Taco Bell, on 87th Avenue
2 and Coral Way. The Alvarado family has owned
3 this jewelry shop for the last 19 years. It is
4 a family-run business owned by husband and
5 wife, Lino and Maria. Their daughter, Jayline,
6 has been working there since she was 16. It is
7 a small business. It has integrated as part of
8 the community. They have been very involved
9 with law enforcement throughout their career.
10 They've helped law enforcement catch people
11 that have broken into homes and tried to sell
12 them things. And, throughout this business
13 endeavor, like every other business, there are
14 ups and downs. And, they've, historically,
15 have had a pawn license. They've paid for a
16 pawn license with the state for over 15 years.
17 They've paid the local business tax receipt at
18 that property since 2008, for a pawn use. And,
19 in 2010, what could only be assumed was a
20 competing business, called the County and said
21 that they were operating a pawn use, something
22 that they did not understand was a BU-3 use,
23 and they are in a BU-2 zone.
24 In the infinite wisdom of the County code,
25 the pawn use is a BU-3 use, which is an

1 auxiliary use for a jewelry shop, while things,
2 like, big markets are considered BU-2 uses.
3 This is really, at the end of the day, an
4 after-the-fact variance because they have been
5 operating that pawn use for many years, and
6 they've had a great relationship with the
7 community, without ever causing harm.
8 I think it needs to be pointed out --
9 first of all, I would like to pass out some
10 pictures of their shop, and some surrounding
11 shops, if that's okay with the Chair.
12 CHAIRMAN GOMEZ: Go ahead.
13 MR. DIAZ: There is enough copies for
14 everybody.
15 CHAIRMAN GOMEZ: You'll need to give one
16 to Staff.
17 MR. DIAZ: You'll notice, there are two
18 stark differences in the stacks of pictures.
19 What I did is, with my iPhone, I just went
20 around, on Monday, and, one, I took pictures of
21 Marquis Jewelry so that you could see it is a
22 classy establishment. They are not gaudy in
23 their pronouncement of them pawning. As a
24 matter of fact, if you compare them to other
25 jewelry shops that are up and down the Coral

1 Way corridor, from 107th Avenue to 67th Avenue,
2 you'll see that they are very, very restricted
3 in their advertisement. It is an organic part
4 of the mall. It doesn't look like it doesn't
5 work there.
6 In our research, we discovered, within
7 three miles north, south, east and west, over
8 25 shops that are advertising pawn and a
9 jewelry use. The record reflects that there
10 are 11 approved BU-3 uses in the BU-2 zone,
11 from 57th Avenue to 107th Avenue, from 8th
12 Street to Bird; ten of them have been approved
13 unanimously, and there has never been, in the
14 history of this area, at least that I could
15 tell, one pawn shop that has applied for -- one
16 jewelry shop that has applied for a pawn use
17 that has been rejected.
18 The reason why -- this is a minimal
19 increase in the workload. As a matter of fact,
20 I have been working with them for the last
21 three years, and I've gone to that shop once or
22 twice a week because I happen to have a UPS box
23 next to them, and I get to say hi to them all
24 the time, and it is never full. I mean,
25 because business has been tough, because the

1 market has been tough, if they have one or two
2 customers when I'm there, it's a lot. And I
3 think that it needs to be described, because,
4 you know, one of the standards is a hardship.
5 And, because gold prices have gone up so high
6 since 2008, when they started paying the County
7 for a pawn use, that is really what has kept a
8 lot of these stores alive. If you drive
9 anywhere in Westchester, anywhere on 8th
10 Street, anywhere on Bird, you can't go more
11 than a block without finding a jewelry shop.
12 And what keeps these jewelry shops in business
13 is the fact that they are lending to the
14 community. If a BU-3 use is what is required
15 there, and what they are really doing is
16 lending to the community at five percent, which
17 is low a rate as there is in the County, then
18 it strikes me that in the same shopping center
19 there are check advancing places, across the
20 street there are check advancing places, across
21 the street there are two jewelry shops with
22 pawn uses right on 87th Avenue and Coral Way
23 that are both approved by this Council.
24 With that, I just wanted to let you know
25 that our request is simple. It is a non-use

1 variance. It is limited to jewelry pawn, which
2 is a steep departure of what a BU-3 allows,
3 which is full pawn. And, I wanted it to be on
4 the record that what we are asking for is an
5 ancillary use that extinguishes, should the
6 jewelry shop ever cease to exist.
7 Again, they have been there for 19 years.
8 They are going to be around for a long time.
9 But, if they are gone, it is up to whoever
10 comes next, if that use does extinguish, to
11 reapply. Those are my comments.
12 CHAIRMAN GOMEZ: Thank you.
13 Is there anyone here that wishes to speak
14 against this application?
15 Is there anyone here that wishes to speak
16 for this application?
17 None? For the record, no one came
18 forward. With that, I'll close the public
19 hearing and open it up to the Council for
20 questions.
21 Councilman Caceres?
22 COUNCILMAN CACERES: If you could come
23 back to me.
24 CHAIRMAN GOMEZ: Councilwoman Planas?
25 COUNCILWOMAN PLANAS: You know, I just

1 want -- for full disclosure, I just want to say
2 that I know Jose Felix Diaz, Mr. Diaz. We have
3 been friendly in the past. It should not
4 affect my judgment. So, full disclosure.
5 COUNCILMAN CACERES: I have a friend
6 called Jose Diaz. It is not this Jose Diaz,
7 but it's Jose Diaz. Just kidding.
8 MR. DIAZ: There is a few of us, I
9 promise.
10 COUNCILWOMAN PLANAS: You know, just out
11 of -- you said -- you had mentioned that they
12 have already been in the pawn business for a
13 couple of years already, they just realized
14 they needed this switch, right?
15 MR. DIAZ: Correct.
16 COUNCILWOMAN PLANAS: I, actually,
17 frequent that shopping center all the time.
18 This jewelry shop has fixed my watch, you know.
19 So, I know this jewelry shop. I know what it
20 looks like on the outside. I know that they
21 are classy because I go by there all the time.
22 I don't have any insecurities that it is going
23 to turn into some sleezy pawn shop because --
24 well, there is a bunch of them in the
25 neighborhood. I have seen those. But, I have

1 seen the signage. And, you know, it doesn't
2 get packed with people.
3 And, you know, I think, as well, that this
4 is going to help their business. And, the way
5 things are today, we need all the help we can
6 get. I mean, I'm not seeing any problem with
7 this application. I know that there have been
8 other applications that have been approved for
9 BU-3 use in a BU-2, so I know that part. And I
10 know it is up to our judgment. So, you know, I
11 really don't have any questions, other than
12 that one.
13 So, that's it. Thank you.
14 COUNCILMAN SUAREZ: I do want to disclose
15 that I played ball with his dad when we were
16 young.
17 I have no questions. I just want to make
18 sure that you are limiting the pawn to jewelry.
19 MR. DIAZ: And, it is in the record. It
20 is in the record. We, specifically, sent out a
21 letter to limit it because we didn't want it to
22 be an expansive pawn use. This is a simple
23 family-run business. If somebody comes in
24 because they have gold, they need some pay
25 advance, they come to them and they are honest

1 brokers. I mean, they have become, like,
2 family for me. I've really grown to appreciate
3 them, and they are kind-hearted people. They
4 are not going to take advantage of that.
5 COUNCILMAN SUAREZ: That would be the only
6 condition that I would accept, was that they
7 limit it, solely, to jewelry.
8 MR. DIAZ: Absolutely.
9 COUNCILMAN SUAREZ: So, if that is in
10 there, I don't have any other concerns or
11 questions.
12 CHAIRMAN GOMEZ: Vice Chair Zakharia?
13 COUNCILMAN ZAKHARIA: No questions, thank
14 you.
15 CHAIRMAN GOMEZ: I just have a couple of
16 quick questions for Staff. That limitation
17 that he is talking about, that was one of my
18 concerns, too. That is a viable limitation
19 that it is only -- I'm not familiar with --
20 MR. HOPE: What limitation?
21 CHAIRMAN GOMEZ: That it is only jewelry
22 pawn.
23 MR. HOPE: I'm confused.
24 CHAIRMAN GOMEZ: He is limiting the pawn
25 for jewelry only. If we approve this, it is

1 not -- it is not something that is not
2 enforceable, is what I'm asking.
3 MR. HOPE: Where are you saying, in the
4 request?
5 MR. HARRIS: No, he is saying -- through
6 the Chair, I think you're saying that if you
7 were to approve it, you would want to limit it
8 to jewelry only.
9 CHAIRMAN GOMEZ: It says right here, under
10 the project description and project history,
11 "The applicant seeks a pawn broker for the
12 pawning of jewelry only."
13 MR. HARRIS: Okay.
14 MR. DIAZ: Mr. Chairman, there are
15 numerous examples, in the binder I have, where
16 the other pawn shops that have had BU-3 uses,
17 have limited their uses, as well. And Staff
18 had, actually, asked us, specifically, if that
19 was our request, which we complied with.
20 CHAIRMAN GOMEZ: I just want to make sure
21 that that is something that is enforceable.
22 MR. HOPE: We can get there. Let me say
23 this, we'll get wherever you need to be, based
24 upon the vote.
25 CHAIRMAN GOMEZ: And, then, if you can

1 just explain the last part, you said if they
2 move out of there --
3 MR. DIAZ: Again, that is a prerequisite
4 that I saw in the other Development Orders, or
5 the other Orders that were granted. Like any
6 use, there is grandfathering in, if somebody
7 acquires the property as is. But, if they sell
8 it and it becomes a Dunkin Donuts, somebody
9 wants to come in and take advantage of the pawn
10 use, they can't because that use has expired
11 after six months of non use.
12 CHAIRMAN GOMEZ: Okay.
13 MR. DIAZ: So, most of these have said
14 that, specifically.
15 I'm sorry, I jumped ahead of you and I
16 forgot to bring it back to you.
17 COUNCILMAN CACERES: That's okay.
18 I have a quick question. Is there going
19 to be a signage change?
20 MR. DIAZ: No, they have a small --
21 COUNCILMAN CACERES: I know they have a
22 sign there. We saw the pictures. And I also
23 bought a watch from Mr. Alvarado a few years
24 back, so I know the business very well, as
25 well.

1 But there is not going to be any signage
2 change, like, empeño, five percent?
3 MR. DIAZ: To the best of my knowledge,
4 no. And, if they did, they would have to get
5 approval from the County anyhow.
6 COUNCILMAN CACERES: Okay.
7 So we can move forward today, would your
8 client be okay with the condition, because we
9 can condition it, because it is a variance. It
10 is not a zone change, it is a use variance,
11 with putting a condition to the approval that
12 the pawn business will be limited to jewelry?
13 MR. DIAZ: Yes, absolutely.
14 MR. HOPE: Mr. Chair, if I may. What I
15 would prefer is a Declaration of Restrictions,
16 because since -- since they are asking for a
17 use variance for a BU-3 use, I would want it to
18 be limited, specifically, in the Declaration of
19 Restrictions to that specific BU-3 use, so
20 there is no question of any other BU-3 use.
21 And, that is what we've done in a lot of other
22 instances, we'll, specifically, limit it to a
23 Declaration of Restrictions which attaches
24 to the property. And, that is the only BU-3
25 use that could go on there. And that would be

1 tied to the jewelry shop/pawn.
2 COUNCILMAN CACERES: Mr. Hope, would we be
3 able to put that as a condition, that within 30
4 days he submit this Declaration?
5 MR. HOPE: Yes, yes.
6 COUNCILMAN CACERES: Mr. Diaz, how does
7 that sound?
8 MR. DIAZ: That's fine. We already
9 submitted a letter, per the County's request.
10 But if we have to submit a Declaration to
11 formalize it, we will. And you can put that as
12 a condition.
13 I'm looking at another resolution in 94,
14 condition six was, "That the applicant submit a
15 Declaration of Use meeting with approval of the
16 Zoning Director, that the pawn shop activities
17 be limited to the sale of used jewelry and
18 jewelry only."
19 COUNCILMAN CACERES: My last question is,
20 does Mr. Alvarado have a barbecue at the
21 jewelry store? Just kidding.
22 MR. DIAZ: Not this weekend. But on
23 Sunday, at the Dolphins game, my dad does a
24 caja china, which he does every year. So, if
25 you are at the Dolphin's game, you can get free

1 lechon.
2 COUNCILWOMAN PLANAS: I can pawn --
3 MR. DIAZ: You can pawn stuff and then buy
4 a Dolphins ticket.
5 COUNCILMAN CACERES: Mr. Chair, I'm ready
6 for a motion whenever you are, sir.
7 CHAIRMAN GOMEZ: Go ahead.
8 COUNCILMAN CACERES: I'm going to make the
9 motion to approve this application, as
10 requested, with the condition that the
11 applicant submit a Restrictive Covenant
12 limiting the pawn use of this property to
13 jewelry only, and has 30 days to do that; is
14 that right? Does it sound good?
15 COUNCILWOMAN PLANAS: I second that
16 motion.
17 MR. DIAZ: It's a Declaration of Use, not
18 a Restrictive Covenant.
19 MR. HARRIS: Declaration of Restrictions.
20 MR. DIAZ: That is what you want, that is
21 what you'll get.
22 MR. HARRIS: Declaration of Restrictions.
23 MR. HOPE: Right, limiting the only BU-3
24 use to jewelry pawn.
25 MR. DIAZ: Understood, perfect.

1 MR. HARRIS: Through the Chair, if I might
2 just ask Mr. Caceres. If you would also add
3 conditions to this, and some of the suggested
4 conditions, apart from the standard conditions
5 that I was just looking at, is that you obtain
6 a renewable -- annual renewable Certificate of
7 Use for the pawning of jewelry only, for this
8 store, okay? And that you could also add the
9 condition which would be in the Declaration of
10 Restrictions that only jewelry will be pawned,
11 and that if the jewelry store goes away, that
12 the pawn use will also go away, at that point
13 in time.
14 COUNCILMAN CACERES: Carl reads my mind
15 every minute. That sounds good, Mr. Diaz?
16 MR. DIAZ: Yes. And, they, again, have
17 been getting the state approval for pawn for
18 the last 15 years. They have been applying for
19 the Certificate of Occupancy with the County
20 for that already.
21 CHAIRMAN GOMEZ: Okay?
22 MR. HARRIS: There's a motion on the floor
23 to approve the application, as requested, with
24 conditions. And, specifically, with an
25 additional condition that the applicant submit

1 a Declaration of Use within 30 days to the
2 department, restricting the use of the
3 property, or the store, to the pawning of
4 jewelry only.
5 This motion was moved by Councilman
6 Caceres, seconded by Councilwoman Planas.
7 Councilman Caceres?
8 COUNCILMAN CACERES: Yes.
9 MR. HARRIS: Councilwoman Planas?
10 COUNCILWOMAN PLANAS: Yes.
11 MR. HARRIS: Councilman Suarez?
12 COUNCILMAN SUAREZ: Yes.
13 MR. HARRIS: Vice Chair Zakharia?
14 COUNCILMAN ZAKHARIA: Yes.
15 MR. HARRIS: Chairman Gomez?
16 CHAIRMAN GOMEZ: Yes.
17 MR. HARRIS: Motion passes five to zero.
18 MR. DIAZ: Thank you and happy holidays.
19 (Item was concluded.)
20
21
22
23
24
25

1 CERTIFICATE OF OATH

2 STATE OF FLORIDA

3 COUNTY OF DADE

4

5 I, Janice Aguirre, Registered Professional

6 Reporter, Notary Public, State of Florida, certify

7 that the following witnesses personally appeared

8 before me on December 11, 2013 and were duly sworn.

9 WITNESS my hand and official seal this 7th

10 day of January, 2014.

11

12

13

14

15 JANICE AGUIRRE

16 Registered Professional Reporter

17 Notary Public, State of Florida

18

19

20 JANICE AGUIRRE
MY COMMISSION # DD 945053
EXPIRES: December 8, 2013
Bonded Thru Notary Public Underwriters

21

22

23

24

25

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

8 10 MEETING of December 11, 2013; that a review of the

9 transcript WAS requested; and that the foregoing

10 transcript, pages 1 through 20, 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

15 the parties' attorney or counsel connected with the

16 action, nor am I financially interested in the action.

17 DATED this 7th day of December, 2014

18 at Miami, Dade County, Florida.

19

20

21 JANICE AGUIRRE,
Registered Professional Reporter

22

23

24

25

1
STEPHEN CLARK CENTER
2 MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
111 NW FIRST STREET, COMMISSION CHAMBERS
3 Miami, Florida 33128
Thursday, April 24, 2014
4
5
6
7 ITEM
8 FIVE STAR JEWELERS, INC.
(13-053)
9
10
11
12 Board of County Commissioners
(Present)
13
14 Rebeca Sosa, Chairwoman
Jean Monestime
15 Juan C. Zapata
Esteban Bovo, Jr.
16 Dennis C. Moss
Jose "Pepe" Diaz
17 Javier Souto
Audrey Edmonson
18
19
County Attorney's Office
20
Craig Coller
21 Assistant County Attorney
22
23
24
25

1 COMMISSIONERS

2 CHAIRWOMAN SOSA: 3-4, 6-8, 13, 23-35, 37-38,
40-42, 47, 50-51, 54, 56-58, 61, 63, 65, 68,
3 72-73, 75-80, 82, 88-0, 92-100, 103-105.

4 COMMISSIONER ZAPATA: 42-47, 67-68, 74, 82-88,
90-93, 95-96, 98-99, 104.
5
COMMISSIONER DIAZ: 47-53, 56, 79-82, 87-90,
6 93-101.

7 COMMISSIONER MONESTIME: 47, 58-61, 76-78.

8 COMMISSIONER MOSS: 65-72, 86, 96, 100-102,
105.
9
COMMISSIONER SOUTO: 61-65, 105.
10
COMMISSIONER BOVO: 5, 26-27, 57-58, 103-104.
11
COMMISSIONER EDMONSON: 27, 54-57, 66, 74, 92.
12

13 STAFF
14
MR. SILVA: 4-7, 38-40, 58-61, 63, 66, 73-74,
15 83, 87, 105.

16 MR. COLLER: 7-8, 26, 30, 37, 41, 48, 51-56,
62-63, 74-75, 81, 84, 88-90, 93-103, 105.
17
SGT. HERNANDEZ: 64.
18

19 SPEAKERS

20 OBJECTORS

21
MR. CARVAJAL:
22 MS. VALENTI: 24-25.
MS. CASTILLO: 28.
23 MR. MARTIN: 28.
MS. LEGRA: 29-30.
24 MS. PEREZ: 30-31.
MS. MORALES: 32.
25 MS. ZUNIGA: 32-33.
MS. GUTIERREZ: 33-34.
MS. CARVAJAL: 34.
MS. MIRABEL: 35.

1 CHAIRWOMAN SOSA: We have a quorum.
2 Please join us in a moment of
3 silence, then the Pledge of Allegiance.
4 (Pledge of Allegiance).
5 CHAIRWOMAN SOSA: Good morning, and
6 welcome to our zoning meeting. Thank you
7 for the patience to all of you, and thank
8 you to all the Commissioners who are here
9 today.
10 Mr. Clerk, can we swear the witnesses
11 and translators at this point?
12 THE CLERK: Yes.
13 Witnesses, please rise and raise your
14 right hand. Please rise and raise your
15 right hand.
16 Do you solemnly swear that the
17 testimony you're about to give will be the
18 truth, the whole truth and nothing but the
19 truth, so help you God?
20 THE WITNESSES: I do.
21 THE CLERK: Thank you. You may be
22 seated.
23 Do you swear or affirm you will make
24 a true interpretation of the questions
25 asked and the testimony given?

1 THE INTERPRETERS: I do.
2 THE CLERK: Thank you. Be seated.
3 CHAIRWOMAN SOSA: Thank you, Mr.
4 Clerk.
5 (Thereupon, other items were heard by
6 the Board, whereupon the aforesaid item
7 continued as follows:)
8 MR. SILVA: "In accordance with the
9 Code of Miami-Dade County, all items to be
10 heard today have been legally advertised
11 in the newspaper, notices have been mailed
12 and the properties have been posted.
13 Additional copies of the agenda are
14 available here in the chambers. Item will
15 be called up by agenda number and name of
16 applicant.
17 The record on file for the hearing on
18 each application will include documents
19 from the public, agencies, the Department
20 of Economic and Regulatory Services. And,
21 and where there is an appeal from
22 Community Zoning Appeals Board, you also
23 have the transcript from those hearings.
24 All documents are physically present
25 today, available to all interested parties

1 and available to the members of the Board
2 of County Commissioners, who may examine
3 these items from the record during the
4 hearing. Parties have the right to
5 cross-examination.
6 This statement, along with the fact
7 that all witnesses have been sworn, should
8 be included in any transcript of these
9 proceedings. In addition, there's an
10 official translator present in the
11 chambers for those individuals requiring
12 such assistance.
13 The first item on today's agenda is
14 Five Star Jewelers, Incorporated, Hearing
15 No. 13-053. This application is an appeal
16 by the Department of Regulatory and
17 Environment -- Regulatory and Economic
18 Resources.
19 COMMISSIONER BOVO: Say that five
20 times, please.
21 MR. SILVA: I got my E's confused,
22 environment and economics.
23 On your agenda today, it lists 151
24 protests. And I just wanted to clarify,
25 those are 151 petitions in support of the

application that were submitted prior to the Community Council meeting. So now it's an appeal by the Department of that approval, so these are protests to the appeal at this point.

CHAIRWOMAN SOSA: So on this first item, the Department is really the one that's appealing the decision.

MR. SILVA: Yes, we're appealing the decision of the Community Zoning Appeals Board. The Community Zoning Appeals Board approved a jewelry pawn use. And the Department is appealing it, because the requirements in the Code require a hardship.

So what that means, basically, is, the applicant has to demonstrate that there's no reasonable use of the current zoning district, which is BU-1A. And under that zoning district, as noted in the staff report, there are 84 permitted uses that can go into that shopping plaza.

So our staff has recommended denial based on the hardship. There's no hardship demonstrated. The board, the

1 Community Zoning Appeals Board approved
2 it, and we are continuing to uphold our
3 recommendation. And that's why I brought
4 it to the Board today.
5 You might remember we had application
6 similar to this last March called Lady
7 Cash, and it was just south on 104 Street
8 and 147 Avenue Southwest. It was for the
9 same exact use, a jewelry pawn use in an
10 existing shopping plaza that had an
11 existing jewelry store. And those are the
12 reasons why we appealed this application.
13 CHAIRWOMAN SOSA: Do you need more
14 time for any explanation or can I just
15 open for the public?
16 MR. SILVA: I'd just like to mention
17 that we also have two other similar
18 applications, same thing, jewelry pawn
19 use, that will be on the agenda in May,
20 okay?
21 CHAIRWOMAN SOSA: Thank you very
22 much. We'll come back to you.
23 Mr. Attorney, now it's proper for the
24 public to speak?
25 MR. COLLER: That would be correct,

1 the applicant at this point is essentially
2 the appellee.
3 CHAIRWOMAN SOSA: Okay. Anyone who
4 wants to do a presentation on behalf of
5 the applicant before I call those who have
6 signed to speak on the item?
7 Please, when you come, state your
8 name, your address, who you represent.
9 And how much time do you need?
10 MR. CARVAJAL: I believe 15 to
11 20 minutes, depending how nervous I get.
12 CHAIRWOMAN SOSA: So you're asking
13 for 20 minutes?
14 MR. CARVAJAL: Yes, ma'am.
15 CHAIRWOMAN SOSA: Maybe it can be
16 done in less time. Okay, you got the
17 20 minutes. The clock is ticking.
18 MR. CARVAJAL: Good morning, Madam
19 Chair and Commissioners, my name is Jorge
20 Carvajal and my family owns Five Star
21 Jewelers. The store address is 16271
22 Southwest 88 Street, Miami, Florida,
23 33196. I also live in Kendall off of 122
24 Avenue.
25 I opened and have owned this business

for the past 14 years. And have managed the business, along with my family and employees. This has been a great experience, as we have served and supported our community as well as offered jobs and made many friends along the way.

I stand before you this morning as a confused small business owner. I'm confused, because I have already done this. I have already had a public hearing, a public hearing with overwhelming support and no objections, a public hearing where evidence was provided, showing countless similar applications that have been recommended for approval and been approved and others that were recommended for denial and still been approved just as mine was, yet were not appealed. Not one that I was aware of.

These are copies of those prior presentations. Just six months prior to our previous hearing, Community Council 15 approved a similar application, yet it was not appealed. I wonder if there's a

1 double standard from one community to
2 another.
3 After receiving hundreds of requests
4 over the years from customers for a loan
5 service at this location, I went about the
6 process in place with the County that
7 would give me the opportunity to achieve
8 the license needed to provide this service
9 to our customers.
10 After a very lengthy and costly
11 process, we had well-respected attorney
12 Juan Mayol make an exceptionally detailed
13 presentation to Community Council 11,
14 detailing our intent, as well as
15 presenting our self-imposed conditions,
16 which we believed would make our
17 application a positive one to our
18 community. These conditions are more
19 restrictive than any of the previously
20 approved and not appealed applications.
21 On the night of the hearing, we left
22 with what we believed was a positive
23 result, after receiving a majority passing
24 vote from our Community Council. The
25 approval was given by active, involved

1 Community Council members that have
2 dedicated their time to serve and have a
3 vote on what the community approves and
4 disapproves it, to protect and promote the
5 local neighborhoods and do exactly what
6 they were elected to do. I value and
7 appreciate their service to the community.
8 The approval was given by our
9 community, after understanding that we did
10 not have any opponents, but presented
11 hundreds of supporting petitions as well
12 as having over 160 neighbors, customers,
13 and employees present in support of this
14 application. There was absolutely nothing
15 negative about that evening. And it was
16 very humbling, to see the support that our
17 small business received.
18 I believe respect and appreciation is
19 not something someone could by. Respect
20 and appreciation is something that is
21 earned by one's actions.
22 Unfortunately, over a week later, we
23 were notified that the assistant director
24 of zoning had appealed our application.
25 It was explained to me that most appeals

1 are filed by unhappy neighbors who object,
2 and that the County rarely files an
3 appeal. With no neighbor objectors, and
4 the fact that the County had never
5 appealed an approval of a similar
6 application, I was shocked.
7 I was faced with the fact that I
8 would, once again, have to defend our
9 application, my employees, our company to
10 another Board in order to achieve a
11 business license. I have to admit, I felt
12 defeated and frustrated, because I cannot
13 comprehend why the County would make it so
14 difficult for a small business to obtain a
15 license, if we have done everything asked
16 by law and only do things by the book.
17 Nevertheless, I recognize that as a
18 leader of this organization, I have a
19 responsibility to my employees, my
20 customers and my family to continue to
21 pursue what we all have worked so hard for
22 over the years.
23 As you might have guessed, I'm not an
24 attorney or a public speaker. Believe me,
25 I wish I could have afforded Juan Mayol to

1 be here making this presentation for me.
2 I'm simply an honest, small business owner
3 wanting to get licensed to offer another
4 service to our community. I am asking for
5 the support of our Commissioners.
6 I would like to explain what I'm
7 requesting from the County. First, I will
8 show you what my store looks like. I have
9 some booklets that I'd like to -- for each
10 of you to receive, so you could follow.
11 CHAIRWOMAN SOSA: To the clerk.
12 MR. CARVAJAL: Thank you.
13 We're a small neighborhood jewelry
14 store within a big shopping strip, as
15 shown in the aerial view, first page of
16 your packets. All our stores are similar
17 with the same design and colors as we
18 attempt to build a brand. This can be
19 seen on the second page of your pamphlets
20 and the second board -- I'm sorry, our
21 first board here. I apologize. That's
22 this board here.
23 We're security conscious. We have
24 camera systems of over 30 cameras on each
25 of our stores. We have an audio alarm

1 system, including safety glass. And our
2 stores are setup as jewelry stores. And
3 they don't even allow the space to store
4 anything else besides jewelry.
5 Now, I will talk about our
6 application. I filed an application
7 seeking a pawn license, because I have to.
8 I have to make it really clear that I do
9 not intend to run a pawn shop. I simply
10 want to offer my retail jewelry store
11 customers the opportunity to borrow money
12 in time of need using their jewelry as
13 collateral. The only items that we would
14 lend on would be jewelry items. I show
15 that on the next board, and the next page
16 of your booklets.
17 We offered a self-imposed condition
18 that was recorded at our hearing, which
19 would make it illegal for us to lend on
20 anything besides jewelry. We also agree
21 to offer the lending service in addition
22 to our jewelry store service as shown next
23 on the next page and our next board.
24 If at anytime we're not operating our
25 business as a retail jewelry store, we

1 would not be allowed to conduct known
2 transactions. We offered to not use the
3 word "pawn" in any of our signage. We
4 really wanted the County and the neighbors
5 to know our intent was to be a jewelry
6 store. We offered all of this, again,
7 with no objections, only because we felt
8 it was the right thing to do.
9 Let me be clear that we're not
10 requesting a license for the stereotypical
11 pawn shop. Instead, we're operating a
12 local, small, family-owned jewelry store
13 that offers loans to its customers in need
14 of fast, short-term loans.
15 You might ask yourself why, and who
16 would need the service. Even regular pawn
17 shops aren't what most people think they
18 are.
19 Here's some published reported facts.
20 The average loan transaction is $115.
21 Over 80% of loans are reclaimed. 40% of
22 United States population has no
23 relationship with a banking institution.
24 The pawn business is an $8 billion
25 industry. And less than 1/10 of 1%, less

1 than 1/10 of 1% of pawn transactions deal
2 with stolen property.
3 I share these facts with you to help
4 explain the need and clarify some ideas
5 that you may have of the business. For
6 many years, Five Star Jewelers has been a
7 licensed secondhand dealer by the state
8 and the County to purchase any jewelry
9 items that customers bring into our
10 stores. Our secondhand dealer license has
11 always allowed me to purchase any jewelry
12 offered by a customer in our store.
13 Again, I can buy it now. I just
14 can't offer a loan on the jewelry. That
15 forces many customers to sell personal,
16 family, sentimental items in a time of
17 need when they would prefer not to.
18 In order to purchase jewelry, we must
19 fill out a detailed application, which
20 describes the items as well as collecting
21 the customer's names, address, phone
22 number, driver's license, signature and
23 even their fingerprint. This is shown on
24 the next board on the next page of your
25 booklet.

1 This information is filed for five
2 years. And also sent to our local police
3 department on a weekly basis as well as
4 inspected by the state on a regular basis.
5 And I must add that the police department
6 have no objection to our application.
7 We're in very good standing with the
8 police department as we have always
9 assisted them whenever there has been an
10 issue.
11 After purchasing these items we're
12 legally bound to hold them for 15 days
13 before we decided we would sell them to a
14 refinery, polish and resell them or do
15 with them as we like. What I can't do is
16 give our customers the legal right to
17 reclaim their items.
18 The approval on December 10, 2013, by
19 Community Council 11, would actually make
20 restrictions more stringent, offering even
21 more protection to our neighbors. We
22 would now hold items 60 days, rather than
23 15, while still taking all other
24 precautionary measures. More importantly,
25 it would give our customers the legal

1 right to reclaim their personal jewelry.
2 As we walked our neighborhoods and
3 talked to our community, I understood a
4 few concerns about bringing a pawn shop to
5 our neighborhood. Once our community
6 understood that we're not bringing the
7 perceived pawn shop, but instead offer a
8 loan service for jewelry only and that, in
9 fact, it was Five Star Jewelers requesting
10 the license, not only did they approve,
11 but they signed the petitions and over 160
12 of them came out to our hearing in our
13 neighborhood to voice their support. I
14 would like that attendance to be very
15 strongly noted.
16 To be quite honest, I was embarrassed
17 to ask our supporters to take a morning
18 off from work and drive to downtown to be
19 here today when they were all scratching
20 their heads after hearing the news of the
21 appeal. They also wondered what went
22 wrong in our system.
23 The only objection our application
24 had was one department. And to my
25 understanding, their explanation for the

appeal was that we did not show a hardship. I have to share what I believe is a hardship.

I believe that approximately $20,000 in processing fees I have paid the County, only to get my application approved, then appealed by someone who is not even present at our hearing and failed to listen to the complete presentation is a big hardship.

I believe having to close a business of 14 years and laying off employees because we can't offer our community additional services that would generate much needed revenue to the business is a hardship.

For the record, as of December, I had to build -- I had built my business to three stores in Kendall. The original flagship is in the Country Walk area, and was one of those approvals in this book for this license over 17 years ago at that location. I have never had a single complaint in all of these years. Not one. Some of my support came from neighbors of

1 this location, who believed we're an
2 appropriate and honorable business and in
3 this community.
4 I was very proud to have a letter and
5 the support of Ms. Ory Dawes and the
6 Country Walk Association proving that we
7 are a good business neighbor.
8 The second location is the store
9 we're here about today. I opened the
10 store 14 years ago with my father, who's
11 here, to try and grow our family business.
12 The third location was next to the La
13 Carreta on Kendall and 117 Avenue. We
14 were trying to get approval for both of
15 these locations. Again, we have no
16 objections.
17 The second council, second community
18 council, heard about the appeals, and I
19 believe were inclined to deny it based on
20 that issue. The point of this exhibit is
21 to explain my opinion of hardship.
22 My original location has been funding
23 these two stores to keep it afloat. They
24 have not been profitable for years. The
25 only hope to keep them open was to add the

1 service. The denial of the license by
2 Community Council 12 forced me to close
3 the store on 117 Avenue after four years
4 of hard work. I had to let go of three
5 people. I was heart broken. But I simply
6 cannot afford to lose money at these
7 stores.
8 If you approve this appeal, therefore
9 denying the license, then I will be forced
10 to close this store as well, which means
11 that at least 2 to 3 more of these
12 employees that are here with me today will
13 be let go as well. If that is not a
14 hardship, then what is? Please explain
15 that to them and their families. If you
16 say no to me today, I will have to close
17 that store within a week. It's that
18 simple. We have tried to run a successful
19 business, but the changing economy and
20 financial hard times has affected
21 everyone.
22 The reality is that I cannot continue
23 to operate this business with losses month
24 after month unless there's a light at the
25 end of the tunnel. Unless I can offer

more services and cover expenses, we simply cannot stay in business.

In closing, I will state that my family and I have been part of this community for over 35 years. My kids, who also attend today, have been raised in this community. And my wife and I have been involved, and invested years and money to the same community that the County has to protect. It would not make sense for us to want to bring anything to the community that would lower the standard or quality of life to the place where we have chosen to raise our family.

Commissioners, I value your service. And understand you have to make tough decisions at times, but this particular decision should be an easy one. And I respectfully request your support for our application and request denial of this appeal, therefore, granting us the approval, which we were granted by our community.

I plead that if there are any questions you may have about my

1 presentation or my application, you ask,
2 but please do not leave any stone
3 unturned.
4 This has been a 17-month project for
5 our Five Star family. We are eager to
6 stay in business and get back to work and
7 continue to serve our community.
8 Thank you for your time. And I would
9 like to request time for rebuttal.
10 Thank you very much.
11 CHAIRWOMAN SOSA: Always. Thank you.
12 Okay. I'm going to start calling
13 everyone who have signed to speak. You
14 have two minutes. The clock is there.
15 I'm going to try to be fair with everyone.
16 Please, when the two minutes are
17 over, it's over, because if I give more
18 time to one and less time to the other
19 than someone is going to feel bad.
20 Let me start by calling Amarilys
21 Castillo.
22 MR. CARVAJAL: Madam Chair.
23 Yes, sir.
24 I'm sorry to interrupt. I have one
25 person who's here to speak on our behalf

1 and she actually has to drive three hours
2 for a meeting. Would it possible to bring
3 her up --
4 CHAIRWOMAN SOSA: Same amount of
5 time.
6 MR. CARVAJAL: Would it be possible
7 to bring her up first, because she has to
8 be in Cape Coral today.
9 CHAIRWOMAN SOSA: Do you mind Ms.
10 Castillo if I bring her up.
11 MR. CARVAJAL: Thank you.
12 CHAIRWOMAN SOSA: Welcome. Please
13 state your name, your last name, your
14 address for the record. And you have two
15 minutes.
16 MS. VALENTI: Hi, my name is Eliza
17 Valenti. My address is 5915 Southwest 108
18 Place.
19 First of all, I'm totally overwhelmed
20 just listening to him. And how he has
21 been so humbled to have poured his soul
22 out here and to see such a big man, you
23 know, really pour his soul out and work so
24 hard. And he -- he spoke from his heart.
25 And I happen to be somebody who is a

1 recipient from the benefit of what he's
2 trying to offer at this other store. And
3 I think from all of you sitting here, at
4 one point or another in your lives or have
5 family members who at one point have
6 needed that loan that he's willing to
7 offer.
8 I was a recipient. I almost lost my
9 house, not once, but a couple of times.
10 And I was able to benefit from that
11 service that he provided. And I'm here
12 only representing many other people that
13 are not present here that were present at
14 that other meeting that he's talking
15 about.
16 So I truly ask you to reconsider this
17 appeal and allow this man, who truly, him
18 and his family and his employees are
19 trying to do what is expected of him in
20 compliance with the regulations, that as
21 he spoke, he's been in compliance with all
22 the steps and even surpassed the standards
23 that were expected by the community.
24 Thank you for the time.
25 CHAIRWOMAN SOSA: Thank you for

1 coming.
2 Ms. Amarilys Castillo, then Jorge
3 Luis Carvajal, then Filiberto Martin, then
4 Alicia Legra. If you can be ready, one in
5 one podium, one in the other podium, so we
6 can expedite the meeting, please.
7 Go ahead, please state your name and
8 your address for the record. Welcome.
9 MS. CASTILLO: My name is Amarilys
10 Castillo.
11 COMMISSIONER BOVO: Madam Chair, just
12 a question. Is there anybody that has
13 filled out a card to speak against?
14 CHAIRWOMAN SOSA: I don't have
15 anyone. No card to speak against.
16 Is there any opposition in the
17 audience to this item?
18 MR. COLLER: Madam Chairwoman, there
19 might be some confusion in the way you've
20 asked the question, because the
21 applicant -- the Petitioner in this case
22 is the Department.
23 So the question is, is there anyone
24 in opposition to the application for the
25 pawn shop use for jewelry only.

1 CHAIRWOMAN SOSA: Anyone who opposes
2 allowing the jewelry store over there, the
3 application for the pawn shop?
4 Nope, I don't have anyone.
5 Can those who are here in favor
6 stand, in favor of the pawn shop, right?
7 Okay.
8 Does that answer your question?
9 COMMISSIONER BOVO: Just for the sake
10 of time, Madam Chair, if everyone here is
11 in favor, I think they're all going to
12 basically say the same thing. And I think
13 we got it.
14 COMMISSIONER EDMONSON: Uh-huh.
15 CHAIRWOMAN SOSA: The problem I have,
16 and I want to be very, very fair with
17 everyone, we don't have any intention to
18 take away your right to speak. If you
19 still want to say something, if you still
20 want to speak, you're more than welcome.
21 What the Commissioner is saying is,
22 to hear from the commissioner of the
23 district and from everyone, is up to you.
24 If you just want to say your name,
25 your address for the record and say I am

in favor of the pawn shop, and then sit down, that will expedite. If you just don't want to speak because you already stood up and show everyone that you're in favor, it's up to you.

What I don't want is anyone leaving this room today thinking that we don't want to let you talk. Is that fair enough? Okay.

Ms. Castillo.

MS. CASTILLO: My name is Amarilys Castillo. My address is 989 Southwest 129 Lane and I'm representing Horizon Properties of Miami. I represent the landlord of the shopping center.

I was at the first hearing. And I am in favor of these services.

CHAIRWOMAN SOSA: Thank you.

MS. CASTILLO: Thank you.

MR. MARTIN: Good morning. My name is Filiberto Martin and my address is 15315 Southwest 76 Terrace, Miami, Florida 33193.

And I approve the petition.

CHAIRWOMAN SOSA: The pawn shop.

1 Thank you.
2 Next.
3 MS. LEGRA: Good morning. My name is
4 Alicia Legra, 13721 Southwest 173 Terrace,
5 Miami, Florida 33177.
6 I approve this application, because I
7 believe the -- it's going to be a good
8 opportunity, not only for the owner, it's
9 going to be a good opportunity for the
10 community, it's going to be a good
11 opportunity for more than five employees,
12 for more than five families and more than
13 a lot of families believe along the
14 community.
15 I just want to share one experience
16 that I have in one of the stores. I
17 remember one day that a woman walks into
18 the store, and she was asking to get a
19 loan from the jewelry that she got from
20 her husband that pass away. And
21 unfortunately we couldn't help her. So I
22 just want to share with you to let you
23 know that like her, there is a lot more
24 people that are in her situation, that
25 doesn't have job, that doesn't have the

1 opportunity to get a loan or a credit card
2 and a banking card.
3 So we can offer that opportunity. So
4 please give us the opportunity to do that.
5 Thank you.
6 CHAIRWOMAN SOSA: Thank you.
7 Anyone else?
8 I have Rosalia Perez, Olga Morales.
9 Remember when you come, if you just want
10 to state your name, your address and say I
11 am in favor of the pawn shop, or I am in
12 favor of the Department's appeal, you can
13 do either.
14 Am I right saying that, Mr. Attorney?
15 MR. COLLER: You are correct.
16 CHAIRWOMAN SOSA: Thank you.
17 Go ahead.
18 MS. PEREZ: Good morning,
19 Commissioners, my name is Rosalie Perez
20 (phonetic), and my address is 21368
21 Southwest 112 Avenue, Miami, Florida
22 33189.
23 I have been working for Five Star
24 Jewelers for almost five years and I have
25 the pleasure of seeing Jorge's success all

1 along the way.
2 This is a company that cares about
3 not only the community, but for the
4 employees, too. I have been able to grow
5 with this company not only professionally,
6 but personally. They even taught me how
7 to speak English and write professional
8 e-mails.
9 I am working in the store where we
10 have the license to loan money for jewelry
11 and it is amazing to see how many benefits
12 this service offer. I have seen people
13 being able to fix their car, feed their
14 children, pay their school loans just
15 because they go to a store and they feel
16 they're part of the family. And we're
17 here to help when no one else can.
18 If their license doesn't get approved
19 a lot of employees, including myself, are
20 going to lose a job causing an impact, not
21 only in the family, but economy in
22 general.
23 I really hope today, can walk out of
24 this room with satisfaction of being able
25 to offer another great service to our

1 community.
2 Thank you.
3 CHAIRWOMAN SOSA: Thank you.
4 MS. MORALES: Good morning, Chairman
5 and Commissioners. My name is Olga
6 Morales. And my address s 16663 Southwest
7 91 Lane. I'm literally two blocks away
8 from the store. I'm in Zapata's district.
9 I know that you're for small
10 businesses, so I urge you to please let
11 this go through. Thank you.
12 CHAIRWOMAN SOSA: Thank you.
13 Eliza Valenti, Madeline Zuniga,
14 Dailin Gutierrez, Venessa Carvajal, and
15 Jorge Luis Carvajal. That's all I have.
16 MS. ZUNIGA: Good morning, my name is
17 Madeline Zuniga. I live at 401 Northwest
18 39 Avenue. I do work -- I haven't worked
19 long for Mr. Carvajal, but I do work at
20 the store that we are petitioning the pawn
21 license. I have been there, and I see
22 personally the people that go there for a
23 loan. I have to turn them down, because I
24 cannot give it to them.
25 Please not only are you going to help

1 the community, they're going to get money
2 for the jewelry, which they're going to
3 get back. You're going to be saving my
4 job, my mortgage and my kids' college.
5 Thank you.
6 MS. GUTIERREZ: Good morning,
7 Commissioners, my name is Dailin
8 Gutierrez, and I live in -- my address is
9 19219 Southwest 128 Avenue, Miami, Florida
10 33177.
11 It's been two years tomorrow since I
12 started working for this company. It's
13 been an honor and a pleasure to be part of
14 this family, because that's what Five Star
15 Jewelers means to me. This is my family
16 in this country. I personally work
17 directly with the customers. And I've
18 been a witness of how much we help them.
19 Actually, last week, I had an old
20 customer -- I'm sorry, an old customer who
21 came to increase the loan he already has
22 in our store to take their children -- I
23 mean, his grandchildren to Disney World.
24 So that's only one of the few examples I
25 can give of how many customers we have and

1 how much we help them.
2 Everyday at Five Star jewelers
3 represents satisfaction to help a customer
4 and realize how much they trust on us and
5 how important our company and services to
6 them.
7 I strongly hope this store gets the
8 license. It would allow a lot of people
9 to be helped and also the opportunity of
10 many of our employees to keep their jobs.
11 Thank you very much.
12 CHAIRWOMAN SOSA: Thank you.
13 Welcome.
14 MS. CARVAJAL: Good morning. My name
15 is Vanessa Carvajal. I'm sorry.
16 CHAIRWOMAN SOSA: We have been there
17 many times. Before we were here, we were
18 there. So go ahead, Vanessa, try your
19 address now.
20 MS. CARVAJAL: I live at 11921
21 Southwest 126 Terrace.
22 I'm sorry, it's personal.
23 CHAIRWOMAN SOSA: I understand.
24 MS. CARVAJAL: I just ask that you
25 please pass this. It's a big --

1 CHAIRWOMAN SOSA: You're in favor of
2 the petition for the pawn shop?
3 MS. CARVAJAL: I am.
4 CHAIRWOMAN SOSA: Thank you.
5 MS. CARVAJAL: Thank you.
6 CHAIRWOMAN SOSA: Feel better?
7 MS. CARVAJAL: Yes.
8 CHAIRWOMAN SOSA: Thank you.
9 Next.
10 MS. MIRABEL: Good morning, my name
11 is Clara Mirabel (phonetic) and I live at
12 11267 Southwest 33 Street. I'm employed
13 by Five Star Jewelers, but I've only been
14 employed for five years. I know Mr.
15 Carvajal's family for 25.
16 I was born in this country, and I
17 love my country. What I love about it is
18 the most is that we do have rules,
19 regulations. We do have laws to keep the
20 peace and to keep order.
21 What I love is community service.
22 What I love is what the Commissioners and
23 what you all bring to us. My parents came
24 here 60 years ago, 65 years ago, actually.
25 So they have seen, we have seen and we're

1 so thankful to them and to you.
2 With that I'm saying, because what I
3 have seen in this jewelry store and in
4 this organization, and this business, is
5 nothing like what the ordinance realize.
6 This is not a pawn shop. We are not pawn
7 brokers. We are simply a family that
8 loans money on jewelry to people that are
9 here for the same reasons we are. They're
10 trying to pay their bills. They're trying
11 to buy medication. They're trying to
12 survive.
13 I have been in the situation myself
14 many years ago, and heaven's knows if I
15 will be again. What we need to take into
16 consideration, is that with the laws and
17 the decisions that are made, we need to
18 modify. These are people that need
19 businesses, and family members,
20 family-owned businesses like Five Star
21 Jewelers to be compassionate, that when
22 they come, they understand what it is to
23 be sick, what it is to turn over a piece
24 from, let's say, my father, my
25 grandparents. This is what we have left.

1 This family, this business, the way
2 they deal with their business is with
3 compassion. That's what we need to give
4 -- what we need to give our community,
5 which is what I have always felt our
6 community and have served everyone that
7 gives service is that compassion, the
8 compassion to be understanding and
9 compassion to be humble, the compassion
10 not to insult, and to be, you know, just
11 as compassionate as possible to those who
12 come with a need. I ask you today to
13 please take this into consideration.
14 CHAIRWOMAN SOSA: Thank you very
15 much.
16 MS. MIRABEL: Thank you very much.
17 CHAIRWOMAN SOSA: Anyone else who
18 wishes to speak at this point?
19 I called all the cards that I have.
20 Mr. Attorney.
21 MR. COLLER: Yes, ma'am.
22 I believe technically the Department
23 has the rebuttal, so...
24 CHAIRWOMAN SOSA: Yes. Okay. We go
25 to the Department and then we afford the

1 opportunity.
2 Go ahead, Mr. Silva.
3 MR. SILVA: Thank you.
4 I just wanted to mention something
5 about the request. The use variance
6 request for the jewelry pawn, it's a trend
7 that we've seen five times in the last
8 year and a half. The first time was Lady
9 Cash that was before this Board last
10 March, and that jewelry pawn use was
11 denied by the Board.
12 And then we had another application
13 that went to CZAB 15, as mentioned by the
14 jewelry store owner, in the Naranja area.
15 That application was basically the same
16 request, the jewelry -- it was actually a
17 pawn shop, a full pawn shop, that was a
18 use variance for a pawn shop. And in that
19 case, in Naranja, staff did recommend
20 denial, but it was for an existing pawn
21 shop. It had been there 16 years. And
22 what was happening with that pawn shop was
23 FDOT was widening Dixie Highway, so he
24 was -- he was losing his parking. It was
25 existing use that was there for 16 years.

1 He was losing his parking, so he was going
2 to move down the street.
3 So we actually, staff, were kind of
4 leaning towards, you know, approval of the
5 application, but based on the code, we
6 still had to recommend denial of that
7 application, but we did not appeal it,
8 considering the circumstances with FDOT.
9 That's why we did not appeal that
10 application.
11 The other three, the one before you
12 today and as I mentioned earlier, those
13 other two will be on hearing for next
14 month.
15 And it's really, the way the Code is
16 written now, the use variance requires a
17 hardship for this site. You know, it's
18 not a compatibility analysis. It's just a
19 hardship of the site. In all those
20 instances, the three appeals that will be
21 before you, is an existing shopping plaza
22 that has a store that's asking for the
23 jewelry pawn use. So it's very, very
24 difficult to prove a hardship of this
25 site.

1 Craig just reminded me, when the last
2 application was here in March, we did talk
3 about one option was a code amendment and
4 staff, you know, has discussed that. And
5 we do have some ideas, if anybody wants to
6 discuss.
7 CHAIRWOMAN SOSA: I'm pretty sure
8 you're going to have someone discussing
9 that with you soon, to make sure we do
10 things right and we appreciate that
11 coming.
12 Do you need time for any rebuttal
13 from what Mr. Silva just responded?
14 MR. CARVAJAL: Thank you.
15 I guess the only thing that I can say
16 is that, yes, it is difficult to show a
17 hardship for the location, but the fact is
18 that there are hundreds of other jewelry
19 stores throughout Miami-Dade County
20 offering the same service that we're
21 asking to be licensed to do, and --
22 including one being ours and we're not an
23 issue.
24 So I understand that the book is the
25 book and that's what's written, but I

1 believe that the reason why this system is
2 put in place, the community council, the
3 government, the commissioners, I believe
4 that the reason is for common sense to be
5 put in.
6 CHAIRWOMAN SOSA: The law.
7 MR. CARVAJAL: And, you know, take
8 everything in consideration.
9 So, listen, I go to the County and I
10 say this is what I want to do. What do I
11 need to do? They say fill out all these
12 applications, these are our fees and this
13 is the process that you have to go
14 through. Great. I didn't have an option.
15 If there would have been a license
16 that I could have applied for that would
17 have been a jewelry store offering loans
18 on jewelry, that's what I would have done.
19 So isn't that a hardship, the fact that I
20 didn't have an option?
21 Thank you very much.
22 CHAIRWOMAN SOSA: Thank you.
23 Okay. Now, it's proper for me to
24 close and then come back to the table.
25 MR. COLLER: Yes.

1 CHAIRWOMAN SOSA: Commissioner
2 Zapata, this is your district.
3 COMMISSIONER ZAPATA: Thank you,
4 Madam Chair.
5 And, you know, these zoning meetings
6 are always tough. And, you know, Mr.
7 Carvajal, you've made an excellent
8 presentation. And I wish I could base it,
9 my decision and my position on this, based
10 on, I guess, the content of your
11 character.
12 I think you, today, and your family
13 here have shown that you guys are
14 upstanding folks, but the reality is that
15 when we make these decisions, we can't go
16 by our emotions, although many times we
17 do. But what I've tried to do since I've
18 been here is I try to be consistent.
19 We had an application come up in
20 March last year. Pretty much the same
21 thing. The owners were before us. They
22 seem like great people too and we turned
23 them down, because the code is very clear.
24 It states that there has to be that
25 hardship.

1 And I agree with staff. I mean, the
2 property is still intact. There hasn't
3 been anything that has happened there that
4 has impacted your ability to do what
5 you're doing now or, as staff mentioned, I
6 believe 84 other uses that you could have
7 in that property.
8 So I'm going to be supportive of
9 staff's recommendation.
10 But let me share with my colleagues
11 something, the last time we did this in
12 March, I thought -- this is tough. This
13 is not easy. There's a lot of social
14 issues that come into play.
15 And we talked with staff about how we
16 can maybe create a change in the code so
17 that we can allow for some flexibility in
18 the process. So we started this. And I
19 believe we started with Mr. Silva six
20 months back and forth trying to find
21 something.
22 And the problem we found is state
23 law. State law in a way forces you to put
24 the word pawn in that business. I know
25 it's -- unfortunately, it's state law.

1 So, you know, you can't tailor these
2 things. And, you know, so say we would
3 approve this, then somebody else is going
4 to come up. And then we start going down
5 in a different direction, where the Code
6 doesn't have meaning, because we've
7 already approved so many people come
8 before. And then everybody comes to
9 modify to their convenience.
10 There is a proven fact that pawn
11 shops attract a certain element. Now,
12 we're not saying you're going to do a pawn
13 shop. And I believe you. The thing is
14 that what we're actually allowing for is a
15 pawn shop. I understand and I see you
16 nodding your head. And I understand that.
17 But once you approve that, you can't deny
18 the next guy, and you can't deny the next
19 guy.
20 And there's actually two pawn shops
21 within a mile and a half of your property,
22 I believe, on 152 and Sunset.
23 And I've had conversations with the
24 police department, and I've had neighbors
25 approach me, not on this specific item,

1 but just in general terms, and expressed
2 concern, that it is a concern, a
3 legitimate concern.
4 Again, this is not a judgment of you.
5 We're talking here in the way I make my
6 decisions.
7 You know, we approve you, we approve
8 three other people. Then guess what,
9 you're all doing the business. So then
10 your business starts to have some
11 competitive pressures. So now, instead of
12 just doing jewelry, you have to come back
13 and do something else. And over time, and
14 over time, this is the way these things
15 happen.
16 And I've been involved in zoning and
17 know about zoning for many years. And
18 this is what bothers me, you know, we'll
19 do something with good intentions, 'cause
20 we hope for the best. And we look at this
21 presentation, it's an excellent
22 presentation. From what I know, you're
23 great. My office is nearby and you run a
24 good business. And you're upstanding
25 citizens in the community.

1 But we say yes to you, then we've got
2 to say yes to other folks and then that's
3 where we go down the slippery slope.
4 And there was a reason why this Code
5 was created and why we have this the way
6 it is, because we help create rules to
7 protect the people who we represent. And
8 as much as I would like to help all of
9 you, I have a district that I have to look
10 out for. And, you know, every decision
11 has an impact. And we establish a
12 precedent. And we have already, at least
13 in my district, with these kinds of
14 applications, we've established a
15 precedent.
16 When that application came back in
17 May of last year, March, May, March of
18 last year, there was a similar request.
19 And, you know, we -- you know, I made a
20 position to support staff in their
21 recommendation to deny or to appeal the
22 application.
23 And, Madam Chair, if a motion is
24 appropriate at this time, I'll make that
25 motion to accept staff's recommendation to

1 deny without prejudice this application.
2 CHAIRWOMAN SOSA: It was moved.
3 Do I hear a second?
4 MR. CARVAJAL: Madam Chair, I'm sorry
5 to interrupt.
6 CHAIRWOMAN SOSA: I'm sorry, but we
7 have a rule. And I will always be
8 flexible, but now this Board is talking.
9 Thank you. You had your opportunity.
10 MR. CARVAJAL: Understood.
11 CHAIRWOMAN SOSA: You may sit down.
12 Thank you, sir.
13 There is a motion. Do I hear a
14 second?
15 COMMISSIONER MONESTIME: Second.
16 CHAIRWOMAN SOSA: Second for
17 discussion by Commissioner Monestime, then
18 I have Commissioner Diaz, Commissioner
19 Edmonson.
20 Go ahead, Commissioner Diaz.
21 COMMISSIONER DIAZ: Thank you, Madam
22 Chair.
23 Mr. Attorney, why is the reason that
24 if anything gets appealed or brought up in
25 zoning that it comes before this body?

1 Isn't it for the discretion of this body
2 to take a case to case base and decide at
3 that point what they feel is proper, yes
4 or no?
5 MR. COLLER: That's a hard yes or no.
6 COMMISSIONER DIAZ: I know. That's
7 why I'm asking you.
8 MR. COLLER: I would say, yes, it's
9 the Board's discretion based upon the law
10 that you have before you.
11 COMMISSIONER DIAZ: And based upon
12 the law, the law is actually giving us
13 that discretion, so it's a Catch 22. We
14 interpret the law as we feel fit, based on
15 the issue. And Commissioner Zapata has
16 basically said that.
17 The issue that we have is, that we
18 don't want to be narrowed so much to a
19 point where we don't have that
20 flexibility. I always felt that I had
21 that flexibility up here. And for the
22 last 12 years, I and I know my colleagues
23 that have been here, and before that when
24 I was in another elected capacity, I did
25 the same thing, I went with my best

1 feelings based on what's before me.
2 Not every case is the same. Not
3 everybody is forced to be done in a
4 certain way. Just because you live
5 two blocks one way or two blocks the
6 other, could be thrown into a different
7 situation.
8 So there's a lot of variables that --
9 Silva is a great person that does the job
10 the way is told has to be done by the
11 variables in front of him, but those
12 variables are up to us, because at the end
13 of the day, we could change those
14 variables as needed. And maybe some of
15 them need to be changed.
16 And I think the Chairwoman was wise
17 when she looked at me, knew that I'm going
18 to be speaking on this later on, because
19 this are the kind of things that are truly
20 hardship.
21 And, by the way, those are the same
22 people that pay everybody's salary here.
23 (Applause).
24 COMMISSIONER DIAZ: No, no, no, no,
25 please.

1 CHAIRWOMAN SOSA: Like this
2 (indicating) only.
3 COMMISSIONER DIAZ: And that is what
4 we have to look at.
5 Because I understand what the
6 Commissioner said. He's right, he doesn't
7 want to create something that's going to
8 continue on. I've done that in my
9 district and I've had those issues, too,
10 but also we have to take the leniency of
11 looking at this.
12 I know Commissioner Edmonson had an
13 issue in her district. It was not easy.
14 And there was a lot of people that came.
15 She took the side of the people. And all
16 of us here have been in the same position,
17 but in the end of the day, I have to feel
18 what is right.
19 The argument that you said, sir, was
20 100%. This is what this country is based
21 upon. This is what we are all about. And
22 this is not a speech to just look good or
23 anything else. It's just honestly, to me,
24 it's the right thing to do.
25 So I will, in my vote, I'm going to

be going against the recommendation or the appeal of staff in favor -- and, by the way, can somebody explain to me, because it's a zoning matter, 'cause it's a couple of blocks, but why is it that it doesn't have a secondhand license, and now he has to get a pawn shop license? Is it because where he's at?

CHAIRWOMAN SOSA: State law.

COMMISSIONER DIAZ: I hear state law. Explain to me what triggers that state law.

MR. COLLER: With respect to where he's at, he's in a BU-1A zoning. Under BU-1A, a pawn shop -- and they don't make a distinction between the different types of pawn under our code. BU-1A, pawn shops are not permitted.

In BU-3, it's a special exception, which under -- in BU-3, it's really just a compatibility analysis. Had the code read differently, and this was BU-1A, but pawn, jewelry pawn specifically -- had the code read jewelry pawn is a special exception in the BU-1A zone, then we wouldn't be

1 looking at it under the legal zoning
2 hardship standard. We'd be looking at it
3 at the compatibility standard. And the
4 compatibility standard is much easier.
5 The reason why is, because a use
6 variance is a use that's not permitted in
7 the Code. So obviously the standard for
8 approval is going to be much more
9 difficult than approval -- a special
10 exception, which is approval after public
11 hearing, like what we do with schools and
12 churches and other types of uses.
13 COMMISSIONER DIAZ: Mr. Attorney, but
14 you just told me that this is the Code. I
15 didn't hear you say any state law.
16 MR. COLLER: No, the issue that we
17 have here I believe is a Code issue. It's
18 not a state law issue. It's our code.
19 COMMISSIONER DIAZ: I thought so. I
20 just wanted to hear you say it.
21 MR. COLLER: It's the way our Code is
22 currently drafted. It's not -- it's a use
23 variance. It's not a special exception,
24 so the standard is different. And the
25 showing that an applicant must make is

much greater than if it were a special exception.

COMMISSIONER DIAZ: Okay. So if I were to say in the next meeting that now BU-1A -- that's the proper term.

MR. COLLER: Right.

COMMISSIONER DIAZ: Has a special exception for this.

MR. COLLER: You couldn't just say it.

COMMISSIONER DIAZ: No, you know what I mean. Yeah, let's go technical, Mr. Attorney, you're absolutely correct.

The body of this Commission says it is based on this, or we could say that due to the Code, we want to have a difference in the types of pawn shop or we want to have a variance to be put in for jewelry stores that loan and have that as a special exception, we could also do that. Am I correct?

MR. COLLER: You are correct.

COMMISSIONER DIAZ: Thank you. We will be talking about this later on. Okay.

1 CHAIRWOMAN SOSA: Thank you.
2 Commissioner Edmonson.
3 COMMISSIONER EDMONSON: Thank you.
4 And I think Commissioner Diaz covered just
5 about everything I wanted to cover, but
6 when a variance comes before this Board,
7 we do have the law that allows us to make
8 subjective type decisions, correct?
9 Meaning, we do not have to abide
10 completely by what the Code is saying.
11 MR. COLLER: No.
12 COMMISSIONER EDMONSON: That's the
13 purpose of --
14 MR. COLLER: I wouldn't -- I wouldn't
15 want it to say it that way. I would say
16 it this way.
17 The Commission decides the facts of
18 the case. The law is what's in the Code.
19 It's your job to apply the Code to a
20 unique set of facts that you hear.
21 It would not be a subjective
22 decision, because subjective would mean
23 that you're not guided by anything.
24 You are guided by the standards in
25 the Code, but it's the Board's decision to

1 assess the facts and to apply the Code as
2 it's written.
3 COMMISSIONER EDMONSON: So if this
4 Board sees that there is a hardship --
5 because I see a hardship here, especially
6 when it comes down to jobs and people
7 losing their jobs. If we decide that
8 there is a hardship, then we can vote in
9 favor of the store or vote to deny the
10 appeal.
11 MR. COLLER: You have the ability to
12 do that.
13 I do want to clarify something on
14 hardship, because the Third District Court
15 of Appeal in decisions 1992 and 1993
16 reaffirmed that a hardship has to be
17 related to the land. And so they were
18 pretty tough with the issue of hardship,
19 that it has to be that you've lost all
20 reasonable use of your property.
21 So I would be concerned -- I would
22 not want to lead the Board astray that's
23 simply --
24 COMMISSIONER EDMONSON: You just want
25 to cut down everything I say, Mr.

1 Attorney.
2 MR. COLLER: No, I just know that
3 there are other cases --
4 COMMISSIONER EDMONSON: So it's still
5 a hardship on the land, because he would
6 have to close down.
7 MR. COLLER: It's your judgment as to
8 whether he meets that hardship. I'm just
9 going to tell you what the law is. That's
10 all my -- it's you all decide if there is
11 a hardship in that particular case.
12 COMMISSIONER EDMONSON: Okay, you've
13 just proven to me there is a hardship,
14 because he would have to close down on the
15 land. How's that?
16 COMMISSIONER DIAZ: That's good.
17 COMMISSIONER EDMONSON: No, don't
18 answer.
19 Normally, I would go along with the
20 district commissioner, Commissioner
21 Zapata, but I can't do that at this time.
22 I'm going to have to vote to deny the
23 appeal. So I'll be voting against your
24 motion.
25 CHAIRWOMAN SOSA: Any other

1 Commissioner who wishes to speak?
2 Commissioner Bovo.
3 COMMISSIONER BOVO: I thought I seen
4 a second for --
5 CHAIRWOMAN SOSA: He second for
6 discussion, but he hasn't requested the
7 floor.
8 COMMISSIONER EDMONSON: He has no
9 discussion?
10 CHAIRWOMAN SOSA: He hasn't requested
11 the floor yet.
12 COMMISSIONER BOVO: Yeah, I just, you
13 know, am conflicted with this concept of
14 hardship and further conflicted that
15 lawyers are the ones that decide what
16 hardships are and whatnot and usually
17 lawyers don't run any businesses.
18 So the way -- you know, the way I see
19 this, is that this is a very limited use
20 of what they're asking. I think we, as
21 government, are the ones that impose the
22 hardships in many cases. That's not to
23 say that places should run amuck.
24 But I, like Commissioner Edmonson, I
25 like to normally side with the

1 Commissioner of the district, but on this
2 one, I'm going to have to go the other way
3 and I'm going to be supportive of the
4 store also.
5 CHAIRWOMAN SOSA: Do you want to
6 speak, Commissioner Monestime?
7 COMMISSIONER MONESTIME: Mr.
8 Director, I've been places, many places,
9 where I see similar stores. What's the
10 difference -- before I ask you this
11 question, let me preface by asking you,
12 what's the difference between a pawn shop
13 and a used jewelry shop? Because the
14 gentleman, the owner, clearly stated that
15 he's not running a pawn shop. He's
16 running --
17 CHAIRWOMAN SOSA: Limited use.
18 COMMISSIONER MONESTIME: Limited use
19 jewelry shop. What's the difference?
20 MR. SILVA: That's correct, BU-1
21 currently allows buying and selling of
22 used jewelry. That was amended in 1997 to
23 add that to BU-1A. The pawn use is, you
24 bring in your watch, you get a loan, you
25 payoff a loan in a couple of weeks, a

1 month or so, and pay the interest and you
2 get your watch back. So the difference is
3 the loan aspect. The loan aspect is not
4 allowed now by the BU-1A.
5 COMMISSIONER MONESTIME: But did he
6 have to request an amendment in order to
7 do the loan aspect?
8 MR. SILVA: The loan aspect he needed
9 to request a use variance, but the buying
10 and selling of used jewelry, he didn't
11 request anything from us. It was
12 already permitted by the Code.
13 COMMISSIONER MONESTIME: So you're
14 appealing the entire application or you're
15 just appealing the portion that he
16 requested the variance on, which would
17 require -- which would allow him to offer
18 loans to his customers. Which one was it?
19 MR. SILVA: We're appealing the
20 request -- we're appealing the request for
21 a use variance, which allows him to offer
22 the loans. We don't have anything to do
23 with the buying and selling of used
24 jewelry. That's already a permitted use.
25 He can do that now. Nothing to do with

1 that.
2 COMMISSIONER MONESTIME: He could do
3 that without offering the loan?
4 MR. SILVA: Correct.
5 COMMISSIONER MONESTIME: So the only
6 thing that the Department is uncomfortable
7 with is the portion that, you know, of the
8 loan that his companies wants to offer?
9 MR. SILVA: We're uncomfortable with
10 the request for the use variance. That's
11 what we're uncomfortable with.
12 COMMISSIONER MONESTIME: Which would
13 qualify him to do loans.
14 MR. SILVA: Exactly.
15 COMMISSIONER MONESTIME: So the issue
16 here is the Department agrees that it's
17 not a pawn shop. If it were that he was
18 asking to simply buy and sell the jewelry,
19 that would be acceptable.
20 MR. SILVA: Correct, that's already
21 permitted by the Code.
22 COMMISSIONER MONESTIME: And so
23 monies would be exchanged there
24 regardless.
25 So the only difference is that in

1 buying and selling something, the person
2 gets the materials. One party -- in that
3 case, he's going to have to issue papers,
4 probably notes, promissory notes, to the,
5 you know, folks. So that's the only
6 difference?
7 MR. SILVA: That's the only
8 difference, the loan use. That's the only
9 difference.
10 COMMISSIONER MONESTIME: Yeah, this
11 is kind of, like -- I don't know. This is
12 a tough one, but, you know, I know some of
13 my other colleagues have not spoken. Let
14 me hear them, but thanks for answering my
15 questions.
16 CHAIRWOMAN SOSA: Senator Souto and
17 then Commissioner Moss.
18 COMMISSIONER SOUTO: A question, a
19 question to the attorney.
20 I have to believe that, correct me if
21 I'm wrong, all these activities, all these
22 activities, all the activities involving
23 the jewelry and back and forth, they're
24 apparently controlled by the state, I
25 guess, and is also observed closely by our

1 police. And I hope it is. And if it is
2 not, then I want to do something about
3 that in the future, but I think it is.
4 For any merchant in Miami-Dade County
5 today applying for anything that person be
6 immediately under the microscope. I mean,
7 this is no secret. It's a way of
8 business. It's another -- it's a way of
9 obtaining money, if you have -- if you
10 have to -- if you need some money. And
11 it's a legal activity. Banks are not the
12 only way. We know that.
13 This is also, as I said before,
14 observed by all the police agencies that
15 you can imagine. I guess local police,
16 FBI, DEA, et cetera, et cetera, et cetera.
17 So I have no doubt in my mind that all
18 this is -- is that the case, Mr. Attorney?
19 MR. COLLER: I believe that there are
20 statutory requirements for -- and I
21 believe the applicant mentioned certain
22 requirements that he was under as far as
23 operating a jewelry pawn business, so
24 there are regulations related to that.
25 And I don't have specific knowledge,

1 but maybe the Department has more
2 knowledge about the police oversight, but
3 I believe that we've seen in other cases
4 come up where there is police oversight.
5 COMMISSIONER SOUTO: Is anybody here
6 from the police that can shed some light
7 on this regarding activities of Miami-Dade
8 Police involving pawn shops and all that
9 and jewelry. I think that they have
10 quite, quite a bit of control over all
11 that. Anybody here? We have sergeants.
12 We have other people here.
13 Madam Chairwoman.
14 MR. SILVA: Senator Souto, I'm not
15 with the police department, but at the
16 CZAB meeting, the community council
17 meeting, the applicant did mention that
18 they do file a form with the police
19 department when they're pawning items
20 that is required.
21 CHAIRWOMAN SOSA: Senator, we have
22 our sergeant, lead sergeant-at-arms here.
23 COMMISSIONER SOUTO: Maybe the
24 sergeant can shed some light on this.
25 He's a capable person with a lot of

1 experience.
2 MR. HERNANDEZ: Paul Hernandez, 111
3 Northwest 1 Street, sergeant-at-arms.
4 Back then, when I was on the road and
5 actually worked in investigations, our
6 police department did have what we called
7 the pawn detective. And one of the things
8 that they did was, they had a relationship
9 with all the pawn owners and they would
10 actually go in and check the merchandise,
11 compare the merchandise that were actually
12 in the pawn to whatever property loss
13 reports that we've had to try to match
14 some of that to some stolen items. And
15 that's one of the things that we did on a
16 regular basis.
17 COMMISSIONER SOUTO: Thank you.
18 Well, that I think that suffices my
19 questions of the attorney.
20 It's clear to me that the law
21 agencies are pretty much active on all
22 these matters. This is an activity, in my
23 understanding, legal activity, under the
24 microscope all the time. It's another
25 way, another avenue, another way of

1 financing. There's many ways of working
2 with finance as long as it's legal, and
3 honest and under the law, it's fine with
4 me.
5 Thank you.
6 CHAIRWOMAN SOSA: Thank you, Senator.
7 Commissioner Moss.
8 COMMISSIONER MOSS: Thank you, Madam
9 Chair.
10 To staff, the definition of pawn is
11 anytime someone basically brings an item
12 in, they receive money in exchange, and
13 they're able to come back and reclaim the
14 item. That's the definition of pawn.
15 And I'm asking that question, because
16 can something of this nature be termed
17 differently, or, you know, identified
18 differently, defined differently than a
19 typical pawn.
20 Because when I think of a typical
21 pawn shop, I think of, you know, guitars,
22 and bongos, and jewelry, and, you know,
23 musical instruments, my TV that might
24 have, you know, creeped out of my house.
25 You know, I think about those kinds of

1 things, so --
2 COMMISSIONER EDMONSON: Creeped out.
3 COMMISSIONER MOSS: So what I'm
4 trying to understand is that in what
5 Commissioner Diaz is saying, I guess he's
6 going to be getting with you in reference
7 to looking at the Code. You know, is
8 there a way that it could be defined
9 differently, so you specifically, you
10 know, homing in on this particular
11 situation as opposed to what the general
12 perception is of a pawn shop.
13 MR. SILVA: Commissioner, we were
14 thinking exactly the same thing, because
15 the Code now -- just as a pawn shop in
16 BU-3, so the ordinance that we've been
17 working on states a jewelry loan center is
18 the way it's phrase and it could be after
19 a special exception under certain
20 conditions. Special exception would still
21 require to go to public hearing and just
22 have a compatibility analysis.
23 COMMISSIONER MOSS: And, you know,
24 I've been in the store there in Country
25 Walk. And they do run a very nice

1 operation. I think I bought a watchband.
2 It's a very nice situation. This is a
3 tough, tough issue, but I understand the
4 Commissioner of the district is saying, he
5 doesn't want some precedence started,
6 because you've had two, two up now, and
7 some others probably in the pipeline.
8 And, again, I don't have a concern
9 with the well-run establishments, you
10 know, like this. I have a concern about
11 the proliferation of pawn shops.
12 COMMISSIONER ZAPATA: Uh-hum.
13 COMMISSIONER MOSS: You know,
14 because -- for example, in my district,
15 they tend to be located, you know, near
16 some of the most disadvantaged
17 neighborhoods in the community, and other
18 things kind of happen. And I'm not so
19 sure that, you know, the kind of police
20 checking that goes on, you know, maybe at
21 this shop here necessarily happens all the
22 time at these other shops. And, you know,
23 it becomes a magnet for, unfortunately,
24 you know, some unscrupulous, you know,
25 individuals in the community. So that's a

1 concern that I have in reference to the
2 issue.
3 Mr. Carvajal, could you come to the
4 mike for a minute?
5 You've talked about, you have to --
6 when someone comes in and, you know, they
7 basically I guess the one store you can do
8 the loans? In one of your stores now?
9 MR. CARVAJAL: I'm sorry. Do I have
10 to go through the Chair or directly?
11 CHAIRWOMAN SOSA: No, directly.
12 COMMISSIONER MOSS: That was back in
13 time.
14 COMMISSIONER ZAPATA: Through the
15 former Chair.
16 CHAIRWOMAN SOSA: Respond to the
17 question.
18 MR. CARVAJAL: I'm sorry, the
19 question once again.
20 COMMISSIONER MOSS: When someone
21 comes -- does one of your store now allow
22 you to basically do the loans?
23 MR. CARVAJAL: Yes, sir, for the past
24 17 years, the store in Country Walk has
25 done jewelry loan transactions, pawns.

1 COMMISSIONER MOSS: And I've never
2 really seen anything, and I'm in that area
3 all the time.
4 But when someone brings in a piece of
5 jewelry, for example, how long do you have
6 to hold that jewelry? I think you --
7 MR. CARVAJAL: Okay. So in the store
8 that we're speaking about today, I'm
9 licensed as a secondhand dealer. Somebody
10 brings in an item, I buy it from them and
11 we fill out the same application, the same
12 form that we give to the police
13 department, we file one and we give one to
14 the customer, today, we only hold it
15 15 days, because we're licensed as
16 secondhand dealers.
17 With the new license that I'm hoping
18 for, now we would have to hold the items
19 by state law 60 days. So if there was an
20 issue, in reality, the item will be held
21 in our store for a longer period of time.
22 If that's the concern for some of you, the
23 items would actually sit in our store a
24 longer period of time, giving the police
25 or anybody that wants to -- you know, has

1 an issue with it, and wants to come and
2 inspect it, it's actually going to be
3 there 45 more days.
4 COMMISSIONER MOSS: Let me ask this
5 question. So are you required to send
6 something into the police department?
7 In other words, when someone comes
8 in, you've got to take a picture of it,
9 you've got to send it? How does that
10 whole process work?
11 MR. CARVAJAL: We have a computer
12 program. Not a picture, but a detailed
13 description of the item, 14-karat yellow
14 gold, men's bracelet, with three stones,
15 red color, fully described, the weight.
16 And on that form, before we get to
17 the description of the items, we have to
18 fully describe the customer: Name,
19 address, phone number, place of
20 employment, driver's license, signature,
21 fingerprint. So it is very, very
22 well-documented. And overlooked, not just
23 by local city police, but by Tallahassee.
24 COMMISSIONER MOSS: Okay, continue to
25 walk me through the process. Okay, so you

1 fill out this form. Where does the form
2 go from there?
3 MR. CARVAJAL: So we give one copy to
4 the customer. We keep a file. We keep on
5 file. We have to keep it for five years
6 and one goes to the police Department. So
7 once to twice a week, we deliver those
8 application, you know, those forms,
9 however many we've gathered during the
10 week to the police department, if they
11 don't visit us, but usually they visit us
12 every two weeks or so.
13 So we actually have a nice
14 relationship with the local police
15 department.
16 And, you know, again, they weren't
17 opposed to what we're requesting.
18 COMMISSIONER MOSS: All right. Thank
19 you very much.
20 MR. CARVAJAL: Thank you.
21 COMMISSIONER MOSS: Yeah, this is a
22 difficult one, but I understand the
23 Commissioner of the district want it to
24 not be overrun.
25 And I've got a similar concern. You

1 know, I don't want to have a whole bunch
2 of pawn shops in my district, because,
3 like I say, typically, you know, the kind
4 that I've seen, are the kind, in my
5 opinion, that attracts trouble.
6 And it's not in the case of this,
7 because, like I said, I've been in your
8 store, been by your store many times. You
9 run a top notch quality business there.
10 Thank you, Madam Chair.
11 CHAIRWOMAN SOSA: Thank you.
12 I don't have any other commissioner.
13 Can I ask a few questions before I go back
14 to the commissioner of the district.
15 If I can ask you one question. How
16 much time do owners have today, in the
17 ones you have to reclaim the merchandise?
18 MR. CARVAJAL: So the contract that
19 we fill out, the note, as somebody
20 referred to it, it's a 30-day agreement,
21 but by law, I have to hold it another
22 30 days, a 30-day grace period.
23 Now, if in that time, they can't
24 reclaim it, they come in and they pay us a
25 service fee and then we hold it another 30

days.

CHAIRWOMAN SOSA: If this is approved, and this will give you the ability to hold the item 60 days?

MR. CARVAJAL: We would be -- yes, yes.

CHAIRWOMAN SOSA: Will that also be to hold the items for the owners to reclaim?

Mr. Attorney, can we establish a number of days for the owners to reclaim items or we cannot?

MS. ATTORNEY: Madam Chair, I'm not sure, but I believe that's set for state law, and this is a state process, that a pawn shop or secondhand dealer is subject to.

CHAIRWOMAN SOSA: Thank you. Thank you, sir.

Mr. Silva, or Mr. Attorney, is this request for variance consistent with the CDMP?

MR. SILVA: The use is consistent, yes.

CHAIRWOMAN SOSA: It's consistent.

1 Is this use consistent with the
2 criteria for land use element policy
3 LU-4A?
4 MR. SILVA: Yes, it is consistent.
5 CHAIRWOMAN SOSA: So the only part
6 that is in question here is the
7 subjectivity of who determines the
8 hardship.
9 MR. SILVA: That's the question, the
10 hardship, yes.
11 CHAIRWOMAN SOSA: And this is limited
12 use, what they've requested, it's not a
13 full blast.
14 The desire will be for those with
15 limited use not to have to write pawn shop
16 in the front, but the state law requires
17 to do that. That's something we can start
18 working on, because you don't want
19 proliferation of pawn shops full blast.
20 COMMISSIONER ZAPATA: They're not.
21 COMMISSIONER EDMONSON: They're not
22 required.
23 CHAIRWOMAN SOSA: They are not
24 required?
25 MR. COLLER: The issue with the use

1 of the word pawn, and there's a condition
2 in this application, the problem is we
3 can't pass content-based sign regulations,
4 dictate what somebody is going to put on a
5 sign. I don't think they're necessarily
6 required to put a pawn on the site. If
7 the applicant proffered a voluntary
8 covenant saying they're not going to put a
9 pawn on there.
10 CHAIRWOMAN SOSA: Thank you for the
11 clarification. And, of course, no one
12 wants proliferation of anything in our
13 district, but I always say that I prefer a
14 well-run establishment by family that
15 works together with the local police
16 department.
17 I remember that when they broke into
18 my house and took everything, the
19 communication between the police
20 department and my city and the pawn shop,
21 they were able to go immediately, take the
22 pictures, tell them -- they broke into
23 three houses it was at that point. And
24 sometimes you can identify those items.
25 So I think that the correlation between

1 the police department working with the
2 pawn shops is very good for us.
3 I also believe that holding an item
4 60 days is fair. And holding items for
5 the owners to reclaim is better. I prefer
6 people who have been working on this
7 without problems for a longer time, but I
8 also have into consideration the binding
9 situation of the district commissioner
10 that we always look for. And we, in this
11 table, knows what each commissioner, more
12 or less, we know our district. And I feel
13 an incredible respect when the
14 commissioner expresses, because you tend
15 to favor that commissioner that knows the
16 needs of the district.
17 But I think that what we're seeing
18 here today, there's a little bit of
19 flexibility. It's consistent with the
20 CDMP. It's consistent with the land use.
21 And the hardship is very subjective. It's
22 not a full blast. It's a limited use.
23 And I'm going to let the Commissioner
24 close, but I think --
25 COMMISSIONER MONESTIME: Madam Chair,

1 before you close --
2 CHAIRWOMAN SOSA: Of course.
3 COMMISSIONER MONESTIME: -- with the
4 district commissioner.
5 CHAIRWOMAN SOSA: Of course. Go
6 ahead, Commissioner.
7 COMMISSIONER MONESTIME: I just want
8 to comment to the Department. Again, when
9 it comes to pawn shop, I don't think -- if
10 you hear the comments here, I don't think
11 anybody is a huge fan of pawn shops.
12 There are differences, as many people have
13 stated here, but the rules are to be
14 applied across the Board. Because
15 sometime last year, there was a pawn shop,
16 which requested a variance in my district,
17 and which I find out later, after the pawn
18 shop opens, well, how did that open here?
19 Well, it was -- everything went through
20 administratively, and that wasn't
21 appealed. And I've spoken to people after
22 that who thought that could have been
23 appealed by the administration, because
24 those of us who want to promote our
25 district, wants to promote economic

1 development, who wants to promote changing
2 the image of our district, like
3 Commissioner Moss just said, some of the
4 times, some of these shops, they don't
5 help the quality of life in our district.
6 I'm not talking in regard to this
7 particular shop.
8 And that's exactly why Commissioner
9 Zapata insists that, you know, he
10 understands what's happening. These
11 things can get out of hand. Sometimes
12 staff gets these done and we don't know
13 about it, because we're not supposed to
14 discuss them with people until they get
15 there. And we just see them taking over
16 our district, and we don't know why that
17 happened. So I just want to put that
18 remark on the record.
19 CHAIRWOMAN SOSA: Thank you,
20 Commissioner.
21 And I assure you that the Code will
22 be looked at and we will have this
23 discussion, but it's like everything, pawn
24 shops are legal, they are authorized to
25 exist, and we are the ones who have to set

1 the rules around them, that if they are
2 not performing the way they should, then
3 we can interfere. It's like when you talk
4 about halfway houses, you talk about
5 senior centers in residential areas. We
6 talk about ideal, we talk about respect
7 residential, but we also have to look at
8 the law. And we are here to determine
9 based on the terms of the law who has the
10 right to do it and what we expect for them
11 to do it right, because we prefer to have
12 someone who has a track record --
13 COMMISSIONER DIAZ: Absolutely.
14 CHAIRWOMAN SOSA: -- that proves a
15 hardship. And for me a big hardship, it
16 have to be attached to the land. If you
17 close a business today, it's going to hurt
18 the land. It's not going to have people
19 to operate. We talk about jobs, jobs,
20 jobs. And we're going to have a lot of
21 people without a job tomorrow. The market
22 is not easy yet.
23 And I think that what we need to work
24 on is some regulations for these pawn
25 shops to be looked at by the police and to

1 work closely with the police.
2 With that, I go to Commissioner Diaz
3 and then allow Commissioner Zapata to
4 close.
5 COMMISSIONER DIAZ: Thank you, Madam
6 Chair.
7 I just want to be clear on the facts
8 as we've heard them here, and as we
9 deliberate and the Commissioner is going
10 to close.
11 I understand the Commissioner's
12 position wholeheartedly, as all of us have
13 said, and we have respect to each other
14 commissioner's district.
15 The issue here is, this is a very
16 unique situation. And that already
17 have -- you already have an e-mail from my
18 staff, from myself already addressing this
19 and setting up a meeting to address this
20 particular situation.
21 He is forced into this position,
22 which I see as a hardship because of our
23 Code, and because of the way we put it.
24 So I see a hardship. And most of us
25 from what I understand or all of us

basically understand that.

As to the sign, I understand what my colleague, Commissioner Moss, is saying wholeheartedly. We do not want maybe -- and we'll look at this again, as the Chairwoman just said, we don't want this proliferation of pawn shops, especially in the areas to prey on certain groups of people, which I concur exactly what the Commissioner is saying.

So in this case, I don't think that they're going to put pawn shop out there. I believe I saw their logo and it says jewelry store with this. They're not required to have pawn shop put on there. Am I correct? I think the Chair was asking that earlier.

MR. COLLER: That's correct.

COMMISSIONER DIAZ: Okay. So based on that -- and may I ask if -- can you come back up here a second, sir?

I think everybody here is pretty clear you run a very good family business and one that we are all proud to have in our community.

1 MR. CARVAJAL: Thank you.
2 COMMISSIONER DIAZ: The issue is that
3 -- I understand my colleagues with the
4 issue of pawn shops. And, again, we'll
5 address this down the road, but right now
6 this is what's in hand.
7 Are you going to put that in a sign
8 outside that says pawn shop or you're
9 going to keep it as Five Star Jewelers?
10 MR. CARVAJAL: Not only am I not
11 going to put it, but we voluntarily
12 offered it as a condition of our
13 application.
14 COMMISSIONER DIAZ: Okay. Thank you.
15 MR. CARVAJAL: Thank you.
16 COMMISSIONER DIAZ: And I wanted to
17 be clear, Madam Commission, because as a
18 Commissioner, I do not like to also go
19 against any commissioners in any district,
20 but in the wisdom of this is the
21 difference, Commissioner.
22 CHAIRWOMAN SOSA: Let's hear from the
23 Commissioner.
24 COMMISSIONER ZAPATA: Commissioner
25 Diaz, and I would respectfully strongly

1 disagree with that statement.
2 Let me just -- 'cause I think it was
3 interesting, and I thank Commissioner
4 Monestime for seconding it to allow
5 discussion.
6 Let's be clear, we're allowing for a
7 pawn shop. It's a pawn shop. We
8 basically have a code. And there's a
9 reason for that Code.
10 And, Madam Chair, yes, it may be with
11 the CDMP, and the land use, whatnot, but
12 there was a reason why we kept pawn shops
13 in BU-13 (sic).
14 MR. SILVA: BU-3.
15 COMMISSIONER ZAPATA: BU-3. BU-3.
16 There's a reason why we have them there.
17 These BU-1 tend to be near neighborhoods,
18 tend to be near parks.
19 I think we all understand that pawn
20 shops don't bring an attractive component
21 to your community, to your neighborhood.
22 It's not something that helps you sell
23 your community.
24 Fortunately, my job, as compared to
25 some other of my colleagues, I have to

1 just maintain, because it's a community
2 now, but I cannot allow potential threats.
3 This man has a constitutional right
4 to put pawn on his store. And Mr.
5 Attorney, I mean, am I incorrect, he has a
6 constitutional right to put that? Would
7 that be --
8 MR. COLLER: The way I would answer
9 it is, we cannot restrict what somebody
10 places on a sign, and that's a
11 content-based regulation.
12 COMMISSIONER ZAPATA: Correct. So,
13 you know, and this is a good example of
14 what we probably would want to have.
15 So what I would suggest, and what
16 I've tried to do is, let's work on the
17 Code. And, Commissioner Diaz, you want to
18 work on the Code, let's work on the Code,
19 but what we're doing here is establishing
20 a very dangerous precedent.
21 And understand that what we do for
22 this gentleman, when other folks come
23 around -- and I understand hardship.
24 Trust me, I'm sure there's plenty of
25 people who have a piece of land that is

1 under water, but if we all of a sudden
2 turn it from residential to high-rise,
3 that hardship that they have now would be
4 gone away. That's not the standard that
5 we should have. That is not a good, clear
6 standard. That's not the way you do
7 proper planning or proper zoning.
8 My fear is, we allow this to happen,
9 we allow other folks to happen. This
10 gentleman becomes -- is successful, will
11 continue to be successful and he decides
12 to sell his business. Will the same owner
13 -- how about if a chain -- by the way,
14 there's a lot of consolidation in the pawn
15 shop industry. You know, how do we know
16 that some corporate folks aren't going to
17 come in here and do something else
18 contrary to what this gentleman has done?
19 That is my fear. It is the fear of the
20 unknown, of what will happen after him, or
21 who is the next Mr. Carvajal. Maybe not
22 to the standard of Mr. Carvajal.
23 So it's easy to say, listen, I
24 sympathize with you, 'cause I do. I mean,
25 if it was based on what my heart tells me

1 to do, I'd say I'm with you.
2 You know, the other thing is, he has
3 another shop. Is it in my district or is
4 it across the street?
5 COMMISSIONER MOSS: It's in your
6 district.
7 COMMISSIONER ZAPATA: It's in my
8 district, in Country Walk, the Country
9 Walk side.
10 COMMISSIONER MOSS: It's your
11 district.
12 COMMISSIONER ZAPATA: So it's --
13 yeah, it was. I have a hard time keeping
14 track of all the businesses, because we're
15 like right there, in that intersection
16 there. He gets three quarters of that
17 intersection. I get a quarter.
18 So he can send his clients now to
19 that Country Walk store. It's not far.
20 It's 10-minute drive, down 157. It's a
21 pretty simple drive.
22 You know, Commissioners, we all have
23 challenges in our districts, and we manage
24 them, they're all different, they're not
25 easy, you know, but to do these

1 exceptions, we go down a very slippery
2 slope.
3 I want to help this guy, and I
4 actually made an effort to.
5 Commissioner Diaz, if you want to
6 take on this issue. Where I got stuck was
7 in this simple matter. And the attorney,
8 Craig, and Eric will tell you, that at the
9 end of the day, we couldn't prevent them
10 from putting the word pawn on their
11 stores. That was kind of -- that was what
12 got me stuck, because this guy is not
13 running a pawn shop or doesn't want to run
14 a pawn shop, but he's doing it.
15 What was the name you used, Eric,
16 jewelry --
17 MR. SILVA: We called it a jewelry
18 loan center.
19 COMMISSIONER ZAPATA: A jewelry loan
20 center. I could live with that. I could
21 live with that, but the pawn shop issue
22 was something that kept coming back up.
23 COMMISSIONER DIAZ: Commissioner
24 Zapata, can you yield for a second?
25 COMMISSIONER ZAPATA: I'll yield for

1 a second.
2 COMMISSIONER DIAZ: Mr. Attorney, if
3 they put that in a covenant, make is
4 strong within the covenant -- because I
5 understand Commissioner Zapata, he's right
6 on key with basically everything that's
7 said, but if he puts that in a covenant,
8 that takes away that issue of a pawn shop
9 being named there and so on. So could
10 that be done?
11 MR. COLLER: Yes.
12 CHAIRWOMAN SOSA: Wait, wait,
13 Commissioner Diaz, besides the conditions
14 proffered already by the applicant, that
15 reads as follows: In addition, the terms
16 pawn, pawning and pawn shop shall not be
17 used in any outdoor signs.
18 COMMISSIONER DIAZ: Correct.
19 MR. COLLER: If the applicant
20 voluntarily covenants to not use the word,
21 that they've essentially waived whatever
22 constitutional right they have.
23 What we couldn't do in this ordinance
24 is to require somebody to voluntarily
25 covenant.

1 COMMISSIONER DIAZ: We understand.
2 And that's what I'm asking you.
3 MR. COLLER: That's correct.
4 COMMISSIONER DIAZ: You legally
5 voluntarily can do it?
6 MR. COLLER: Absolutely.
7 CHAIRWOMAN SOSA: So if he comes in
8 front of us today and he says that he
9 volunteers to abide by that and offer a
10 covenant, then if he uses the word, he
11 will be violating this approval, if it's
12 approved?
13 MR. COLLER: If he's coming today and
14 saying I'm going to proffer a covenant
15 saying that I will not use the word pawn
16 in any sign, either outside or inside this
17 store, then he is bound by his voluntary
18 covenant.
19 COMMISSIONER DIAZ: And to add one
20 more point.
21 CHAIRWOMAN SOSA: Wait.
22 COMMISSIONER DIAZ: Any ownership
23 change.
24 CHAIRWOMAN SOSA: He has the floor.
25 COMMISSIONER DIAZ: I'm sorry, I

1 thought Zapata --
2 CHAIRWOMAN SOSA: Ownership change.
3 COMMISSIONER ZAPATA: Commissioner
4 Diaz --
5 MR. COLLER: If the covenant is
6 recorded -- am I hearing my voice?
7 Well, it's red. Let me just say
8 that.
9 If the covenant is recorded, and
10 there's a provision in voluntary covenants
11 that they run with the land, that's a
12 provision that's in the covenants, then it
13 runs with the land. Anybody buys it, it
14 would be under the same restriction.
15 CHAIRWOMAN SOSA: That makes sense.
16 COMMISSIONER ZAPATA: Listen, and
17 that's something that I would like, but we
18 go back to the problem, that the problem
19 is the way the Code is written.
20 And I would -- but this is the thing.
21 We're going to create an exception to the
22 current Code, then we can maybe change the
23 Code. So then we create -- listen, it
24 becomes tough. And we don't set a
25 standard. And I think we should be -- and

1 I understand that. And if we want to go
2 and take a crack at changing the Code, I'm
3 for it. I'm not against this business,
4 but the Code doesn't allow for this and us
5 deviating for that opens up a slippery
6 slope. That is my point.
7 That this gentleman is willing to
8 proffer, that is, again, a testament to
9 the man's character, okay, which I think
10 is what compels people to do -- to help
11 him, to do what we want to do, which is
12 help him out.
13 But, again, you know, what do we do
14 for the next cases that come before us,
15 and how can we then sit here and say,
16 well, you know what, you know, it's --
17 we're going to kind of case-by-case basis.
18 When it comes to something that could
19 have potential detrimental effect to a
20 community, I don't think that's the
21 standard we should apply.
22 So, look, you know, I would love to
23 see a covenant there. It would make me
24 happy, but it's not going to get me to
25 support this, because I think we need to

1 change it.
2 CHAIRWOMAN SOSA: You have heard the
3 comments of this table. That have to be
4 coming from you. We cannot tell you to do
5 it.
6 COMMISSIONER EDMONSON: Or ask you.
7 CHAIRWOMAN SOSA: Or require you or
8 ask you to do it, but there are two items
9 that have been here, one, that covenant to
10 run with the land, if this is approved, to
11 give you that authority. If you want to
12 sell tomorrow, then it stops right there.
13 And the use of the word pawn inside or
14 outside.
15 So state your name.
16 MR. CARVAJAL: My name is Jorge
17 Carvajal, owner of Five Star Jewelers.
18 And I agree with providing a
19 covenant--
20 CHAIRWOMAN SOSA: No, you volunteer.
21 MR. CARVAJAL: I volunteer, I
22 volunteer. I volunteer a covenant that
23 would restrict me from using the word pawn
24 in any signage.
25 CHAIRWOMAN SOSA: Inside or out.

1 MR. CARVAJAL: Inside or out of our
2 store as well --
3 CHAIRWOMAN SOSA: Mr. Attorney.
4 MR. CARVAJAL: -- as it carrying over
5 if I were to some day sell the business.
6 CHAIRWOMAN SOSA: Mr. Attorney.
7 MR. COLLER: Well, obviously, we
8 would get the covenant and hopefully the
9 joinder from who owns the property. And,
10 you know, that's certainly an appropriate
11 thing that somebody can volunteer to do.
12 CHAIRWOMAN SOSA: Perfect.
13 COMMISSIONER ZAPATA: Madam Chair,
14 can we defer this item until we get a
15 legal document, a covenant?
16 I'll make a motion.
17 CHAIRWOMAN SOSA: That I respect you,
18 because you're the district commissioner
19 and I think --
20 COMMISSIONER DIAZ: Could I -- and on
21 the deferral --
22 CHAIRWOMAN SOSA: Wait, Mr. Diaz, I
23 will go to you, but the district
24 commissioner first.
25 The district commissioner have come.

1 The owner is offering something that
2 apparently is suitable to make everyone
3 feel better. Not only that, to work on
4 the Code, to be approved.
5 What I recommend is two things. We
6 can do two things. Defer the item until
7 the next meeting, that is going to be like
8 a month, or to approve with the condition
9 that they sign the covenant and the
10 attorneys provide a memorandum with a copy
11 of the covenant signed to all the members
12 of the Commission so we can approve with
13 the condition of that promise that was
14 voluntarily made.
15 Is that something -- Mr. Attorney,
16 guide us properly, because that we have
17 done before.
18 COMMISSIONER DIAZ: I agree with you.
19 MR. COLLER: I think what we can do,
20 in this unusual circumstance, if you want
21 to say that since he's voluntarily
22 proffered the covenant that he provide the
23 voluntary proffered covenant within
24 30 days. We can include that in the
25 motion to --

1 CHAIRWOMAN SOSA: That is condition
2 to the signature of the voluntary covenant
3 offered by the owner. We have done that
4 before.
5 COMMISSIONER DIAZ: Yes.
6 MR. COLLER: We have.
7 CHAIRWOMAN SOSA: Commissioner
8 Zapata, this is your district.
9 COMMISSIONER ZAPATA: Madam Chair, I
10 would just say, you know, I'm willing --
11 and just hearing everybody out and
12 understanding that maybe this kind of
13 opens the door to try to find a compromise
14 for future folks in this position, I'm
15 willing to do it, but I want to see the
16 covenant and I want to see what other
17 covenants he's willing to put forth.
18 I know some of these things have some
19 conditions and all that stuff, those are
20 okay, but I'd like to see the applicant,
21 you know, thinks about maybe adding some
22 more covenants that maybe -- help me out
23 here, Craig, that don't -- you know, that
24 kind of give this a little bit more legal
25 standing as this moves forward. So that,

1 you know, we can be clearly protected when
2 other applications come forth. We're not
3 kind of like on shaky ground.
4 So, Madam Chair, you know, it's not
5 an issue of trust. I just like to see the
6 document. And I think --
7 CHAIRWOMAN SOSA: And your motion is?
8 COMMISSIONER ZAPATA: The motion
9 would be to defer to the next meeting, at
10 which time, you know, the applicant would
11 submit covenants.
12 CHAIRWOMAN SOSA: Do I hear a second
13 for that motion?
14 COMMISSIONER MOSS: I'll second it.
15 COMMISSIONER DIAZ: On the deferral,
16 Madam Chair.
17 CHAIRWOMAN SOSA: By Commissioner
18 Moss.
19 On the deferral.
20 COMMISSIONER DIAZ: Thank you.
21 We've heard this for two-and-a-half
22 hours, okay?
23 With all due respect to everybody, I
24 think what you're proffering, Madam Chair,
25 is more than sufficient. Our attorneys

1 are extremely efficient in creating, and
2 looking at documents and making sure that
3 is exactly the way it is stated by this
4 Board's wishes.
5 CHAIRWOMAN SOSA: Which we've done
6 before.
7 COMMISSIONER DIAZ: Which we've done
8 several times before.
9 So I personally, with all due
10 respect, you're great people, awesome, but
11 I really don't want to hear you again.
12 And I don't think the commissioner of the
13 district either. And I understand what
14 he's looking for.
15 But I really strongly suggest that we
16 do not defer this item again, because it
17 is a hardship on the people at this point.
18 It has been and it will continue to be.
19 So to the member of the --
20 CHAIRWOMAN SOSA: Let me call the
21 vote on the deferral, because if not,
22 we're going to be here 10 more hours.
23 COMMISSIONER DIAZ: Yes, ma'am.
24 CHAIRWOMAN SOSA: If we approve the
25 deferral, then they will come back and

1 speak at the next commission and present a
2 covenant.
3 MR. COLLER: Madam Chairperson,
4 you've closed the public hearing, so you
5 do not have to reopen the public hearing.
6 CHAIRWOMAN SOSA: But it's up to me.
7 MR. COLLER: But it's up to the
8 Chair.
9 CHAIRWOMAN SOSA: Thank you.
10 If the deferral is not approved, then
11 we can hear another motion to solve the
12 problem.
13 So on the deferral, if you are in
14 favor of deferring this item, please raise
15 your hand.
16 (Hands raised).
17 CHAIRWOMAN SOSA: Three votes.
18 Do we hear an alternative motion?
19 Because that motion fails.
20 COMMISSIONER DIAZ: I make a motion
21 to accept what you stated, Madam Chair.
22 CHAIRWOMAN SOSA: Out of respect.
23 COMMISSIONER DIAZ: Oh, absolutely.
24 I agree.
25 COMMISSIONER ZAPATA: I won't be

1 making that motion.
2 CHAIRWOMAN SOSA: You won't be making
3 that motion.
4 So then you have the right --
5 COMMISSIONER DIAZ: Based on what the
6 Chair --
7 CHAIRWOMAN SOSA: Get the mike.
8 COMMISSIONER DIAZ: Can you repeat
9 what the Chair said before, Mr. Attorney?
10 Save the time.
11 CHAIRWOMAN SOSA: That this is a
12 tentative approval.
13 MR. COLLER: It's approval of the --
14 CHAIRWOMAN SOSA: With the condition.
15 MR. COLLER: Of the appeal.
16 Oh, excuse me. Well, there's two
17 ways to do this. We can do denial of the
18 appeal on -- and the approval of the
19 application on the condition that the
20 applicant submit within 30 days his
21 voluntary proffered covenant indicating it
22 will not put a pawn sign either inside or
23 outside, I assume in any language, be it
24 English, or Spanish, any sign
25 indicating --

1 CHAIRWOMAN SOSA: Or Creole.
2 MR. COLLER: -- that it's a pawn
3 shop, which covenant will run with the
4 land, which will be approved by our
5 office.
6 COMMISSIONER DIAZ: Or could you add
7 any advertisement, too, because I
8 understand that could be an issue, and I
9 know they won't do it.
10 MR. COLLER: The applicant --
11 COMMISSIONER DIAZ: I'm sorry, I
12 apologize, I did not say that.
13 MR. COLLER: The applicant apparently
14 has indicated by nodding his head that he
15 would agree to any advertisement or sign
16 indicating that this is a pawn shop.
17 CHAIRWOMAN SOSA: Commissioner Moss.
18 COMMISSIONER MOSS: Question, to the
19 attorneys, I thought that we had
20 difficulties conditioning zoning
21 application. And, in the past, what we've
22 said is, Counselor, you know, we're going
23 to trust that you're going to do these
24 things, because, if not, you're going to
25 come before us again and we're going to

1 remember that you reneged on what you
2 said. So could you clarify that?
3 MR. COLLER: And that would be true.
4 And that's my only concern about this,
5 like -- this is not a rezoning. So we
6 have a little bit more flexibility, but
7 typically in a rezoning, we would want
8 that covenant up front.
9 COMMISSIONER DIAZ: Absolutely.
10 MR. COLLER: And once in a while,
11 when a regular attorney comes up here, we
12 have said, listen, we're going to let this
13 -- we're going to do this condition,
14 provide the covenant in 30 days, but it's
15 obviously better to have a covenant up
16 front in a rezoning.
17 This is not a rezoning, but, still,
18 obviously the covenant in hand is better,
19 but this is a reasonable alternative.
20 COMMISSIONER MOSS: One other
21 question. In terms of having a covenant
22 running with the land, wouldn't you have
23 to be the land owner to sign off on that
24 in order to run with the land?
25 MR. COLLER: Yes.

1 COMMISSIONER MOSS: Or does it run
2 with the application? How does that work?
3 MR. COLLER: Yes. In this case, in
4 this case, we had a representative, I
5 believe, of the shopping center come up.
6 The covenant is going to require an
7 opinion of title. Every covenant that we
8 accept has an opinion of title. The
9 opinion of title shows who owns the
10 property. So if he's merely the lessee,
11 in order for it to be a valid covenant, it
12 would have to be joined by the owner and
13 any mortgagees. If there's a mortgagee on
14 the property, if a bank --
15 COMMISSIONER MOSS: But we don't have
16 those individuals before us?
17 MR. COLLER: We don't.
18 COMMISSIONER MOSS: The kind lady was
19 here, but she represents, I guess, the
20 leasing company. And I don't see --
21 MR. COLLER: Right. And this could
22 get to be problematic, if they're not able
23 to produce the proper joinders. And so
24 that is why the preference really is to
25 have the covenant up front.

1 In this case, I think we're saying
2 that you don't get it within 30 days, and
3 they fail to provide it, they're not in
4 compliance with their zoning and they will
5 not be able to get the C.U., as I've been
6 advised by the Department, to add this
7 use.
8 So we do have that to hold over them,
9 if they fail to provide the covenant.
10 That's a little different than the
11 rezoning issue. And that's why we're
12 pretty strict on the rezoning's.
13 CHAIRWOMAN SOSA: We have one more
14 item after this one, so I'm asking you, we
15 don't have enough quorum, Commissioner
16 Bovo.
17 COMMISSIONER BOVO: Madam Chair, I
18 was originally not contemplating deferring
19 the item, but I think the attorney brings
20 a whole series of issues.
21 If they do not have to speak before
22 us again, and this is just a matter now of
23 them getting all their paperwork in order,
24 I see no problem in deferring.
25 I think the Commissioner from the

1 district has come a long way from where we
2 started this meeting. And all we're
3 talking about now is just coming back to
4 us with --
5 CHAIRWOMAN SOSA: With the papers.
6 COMMISSIONER BOVO: The paperworks,
7 everybody that needs to sign off that
8 needs to sign off. I think a month is
9 what we're talking about. That's plenty
10 of time.
11 CHAIRWOMAN SOSA: So you're moving to
12 reconsider?
13 COMMISSIONER BOVO: Yes, reconsider.
14 CHAIRWOMAN SOSA: Because you're on
15 the prevailing side, and I will gladly
16 second that.
17 COMMISSIONER BOVO: You're very
18 welcome.
19 CHAIRWOMAN SOSA: Anybody wishes to
20 be considered no on the reconsideration?
21 Then the item is back on the item.
22 And Commissioner Zapata --
23 COMMISSIONER ZAPATA: I make a
24 motion.
25 CHAIRWOMAN SOSA: Based on the new

1 regulations and concerns from the
2 attorney, you are moving to defer the item
3 based on --
4 MR. COLLER: Defer the item, but we
5 need to get the specific date, because
6 there will be no more notices sent out,
7 because the notice that we're giving now
8 is the notice of the next hearing, so can
9 you give us the date.
10 CHAIRWOMAN SOSA: That will be May
11 the 22nd.
12 MR. SILVA: Correct, May 22nd.
13 MR. COLLER: At 9:30.
14 CHAIRWOMAN SOSA: At 9:30.
15 That's the motion, seconded by
16 Commissioner Moss.
17 COMMISSIONER MOSS: Second.
18 CHAIRWOMAN SOSA: Anyone wishes to be
19 recorded no? Then that item is deferred
20 pending that.
21 You don't have to come and speak.
22 Only present the papers. And that will
23 make life easier for everyone.
24 (Thereupon, the hearing was continued
25 until May 22, 2014, at 9:30 a.m.)

1
2 CERTIFICATE OF REPORTER
3
4
5 I, Lorena Ramos, National Registered
6 Professional Reporter and Florida Professional
7 Reporter, do hereby certify that I was
8 authorized to and did report the foregoing
9 proceeding, Five Star Jewelers, Inc., 13-053,
10 heard by the Board of County Commissioners on
11 the 24th day of April 2014; and that the
12 transcript, pages 1 through 105, is a true and
13 correct record of my stenographic notes.
14
15 DATED this 11th day of May 2014, at
16 Miami-Dade County, Florida.
17
18
19
20 Lorena Ramos
21 _____
22 LORENA RAMOS, RPR & FPR
23 COURT REPORTER
24
25

Memorandum

MIAMI-DADE COUNTY

Date: May 22, 2014

To: The Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: Ferro Development, LLC (Z12-128)

SUMMARY OF REQUESTS:

The applicant seeks to permit a charter school grades K-12 for 3,000 students.

LOCATION: Lying south of SW 8 Street and between SW 152 Avenue and SW 153 Place, Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because the applicant is requesting approval for a charter school. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

Charter schools are educational institutions which are authorized and maintained in accord with the provisions of Chapter 1002 and Chapter 1013.35, Florida Statutes, as same may be amended from time to time. All such public charter schools shall be additionally authorized locally by the Miami-Dade County School Board through a process established by that entity for the approval of the charter. Miami-Dade Land Use regulations relating to public charter school facilities are set forth in Sections 33-152 through 162 of the Code of Miami-Dade County which was established in 2004 pursuant to Ordinance 04-108. The purpose of this Section and relevant provisions of the CDMP are to provide standards for land use approval of public charter school facilities pursuant to said Ordinance. In addition, an Interlocal Agreement with the School Board of Miami-Dade County was also established pertaining to the siting of such facilities and is applicable in the unincorporated area.

The meeting of the DIC Executive Council was held on March 21, 2014 and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

Approval with conditions, as set forth in the Department of Regulatory and Economic Resources' recommendation.

The Executive Council is of the opinion that this application will be in keeping with the Comprehensive Development Master Plan designation for the subject property. In addition, the Council found that the approval of this application with conditions will not be contrary to

the public interest, is in keeping with the spirit of the regulations, and will permit the reasonable use of the premises. As such, the Executive Council finds that approval of this application will be **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z12-128
FERRO DEVELOPMENT,LLC

Respectfully Submited,

DIC Executive Council
March 21, 2014

Eric Silva, AICP
Sustainability, Planning and Economic Enhancement Department — AYE

Antonio Cotarelo, Assistant Director
Public Works Department — AYE

Jose Gonzalez, P.E., Assistant Director
Department of Environmental Resources Mgmt — AYE

Bertha M. Goldenberg, Assistant Director
Miami-Dade Water and Sewer Department — AYE

David Henderson, Bicycle/Pedestrian Specialist
Metropolitan Planning Organization — AYE

John Bowers, Parks Property Management Supervisor
Parks, Recreation and Open Spaces — AYE

ZONING ACTION

MEMORANDUM

Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

DATE: APRIL 24, 2014 **#Z-**

ITEM: 4.

APPLICANT: FERRO DEVELOPMENT, LLC 14-4-CC-2 (12-128)

MOTION: To defer the application to May 22, 2014.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Bovo	S	X		
Diaz		X		
Edmonson				X
Heyman				X
Jordan				X
Monestime		X		
Moss	M	X		
Souto		X		
Suarez		X		
Zapata		X		
Vice Chair Bell				X
Chairwoman Sosa		X		
TOTAL		8	0	5

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Development Impact Committee

PH: Z12-128 **DIC Date: March 21, 2014**

Recommendation Summary	
Commission District	11
Applicant	Ferro Development, LLC
Summary of Requests	The applicant seeks to permit a charter school for 3,000 students.
Location	Lying south of SW 8 Street and between SW 152 Avenue and SW 153 Place, Miami-Dade County, Florida.
Property Size	8.97 acres
Existing Zoning	BU-1A, Limited Business District
Existing Land Use	Vacant
2020-2030 CDMP Land Use Designation	Business and Office *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-303.1(D)(7) Developmental Impact Committee, Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(7) Generalized Modification Standards *(see attached Zoning Recommendation Addendum)*
Recommendation	**Approval with conditions**

REQUESTS:

1. SPECIAL EXCEPTION to permit a charter school.

2. SPECIAL EXCEPTION to waive the spacing requirement for new charter school facilities from the Urban Development Boundary (UDB) to permit:

    - A senior high school within 1 mile of the UDB.
    - A middle school within ½ mile of the UDB.
    - A kindergarten, elementary school within a ¼ mile of the UDB.

3. DELETION of Declaration of Restrictions, recorded in Official Record Book 26712, Pages 0892 – 900.

The purpose of request #3 is to delete a declaration of restriction requiring a landscape buffer and permit the applicant submit a new site plan for a proposed charter school..

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Pinecrest Academy" as prepared by CIVICA, dated stamped received 9/12/13 and consisting of 14 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND PROJECT HISTORY:

Pursuant to Resolution # CZAB10-41-08, the subject property was approved to permit a district boundary change from RU-3M, Minimum Apartment House District to BU-1A, Limited Business District. The applicant at that time proffered a Declaration of Restrictions which among other things required that a 15' wide landscape buffer be provided along the southern and western

perimeters of the subject property which should include tress from a variety of categories. The applicant now seeks approval of a charter school for 3,000 students from kindergarten to 12th grade in place of the previously approved commercial development.

The submitted plans depict the proposed kindergarten through 12th grade charter school for up to 3,000 students on the 8.97-acre subject property abutting SW 8 Street (Tamiami Trail) located to the north. In addition, staff notes that Tamiami Trail abuts a portion of the Urban Development Boundary (UDB) which runs east/west and parallel to this roadway in this area of the County.

The plans indicate the phased development of the proposed school comprised of four (4) buildings partially arranged around and buffering the playground areas from the Tamiami Trail to the north. Three (3) of the buildings will be three (3)–stories high at a maximum height of 50' and the gym to be located in the southwest corner of the parcel will be only one-story. The phased development of the site will comprise Phase 1, a 3-story, 67,800 sq. ft. classroom building fronting onto SW 152 Avenue; Phase 2, consists of a 42,000 sq. ft., 3-story classroom building; Phase 3, is a 3-story, 46,800 sq. ft. classroom building along with a 14,000 sq. ft., 2-story cafeteria annex and Phase 4 is the 8,800 sq. ft. one-story gym to be located in the southwest corner of the site abutting SW 153 Place. The plans indicate that the buildings will be interconnected by a covered walkway that also encircles the main playfield area located central to the site that will be buffered from the surrounding roadways, Tamiami Trail, SW 152 Avenue and SW 153 Place by the proposed buildings. Said plans also indicate that combined with a continuous row of trees, the walkway will also visually buffer the playfield area from the residential development located to the south.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	BU-1A; vacant land	Business and Office
North	GU; vacant land	Open Land
South	RU-3M; townhomes	Low-Medium Density Residential (6-13 dua)
East	RU-3M; townhouses	Low-Medium Density Residential (6-13 dua)
West	RU-3M; townhouses	Low-Medium Density Residential (6-13 dua)

NEIGHBORHOOD COMPATIBILITY:

The 8.97-acre subject property is a vacant parcel surrounded by residential uses to the east, south and west. The properties to the north are vacant and are located outside the UDB.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community with additional education services for up to 3,000 students. However, since the site is vacant the proposed development of the vacant site could have visual, aural and traffic impacts on the surrounding residential developments in this area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The CDMP Land Use Plan (LUP) map designates the 8.97-acre subject property that is located within the Urban Development Boundary (UDB), south of SW 8 Street and between SW 152 Avenue and SW 153 Place for **Business and Office** use. The UDB is located approximately 0.31 miles to the west of the subject parcel and runs along the north side of SW 8 Street which abuts the subject property to the north. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic.*

Additionally, the CDMP Land Use Element interpretative text for Institutions, Utilities and Communications states that *neighborhood or community-serving institutional uses, cell towers and utilities including* ***schools****, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas.* For the reasons that will be further explained below, staff opines that the proposed charter school meets the criteria for compatibility outlined in that **Land Use Element Policy LU-4A.**

The CDMP Land Use Element **Objective LU-4** requires the County to *reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and the interpretative text, or with the character of the surrounding community.* Staff notes that **Land Use Element Policy LU-4A** sets forth the criteria to determine compatibility and states that *when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.* The proposed charter school abuts residential developments to the south, east and west. Additionally, staff notes that the submitted plans for this application depict the proposed phased development of the charter school with adequate landscaping and buffering elements to mitigate any visual or aural impact on the abutting residences to the south, east and west. The submitted plans indicate that the proposed school buildings will setback at least 40' from the rear (south) property line abutting the closest residential development to the site and will be adequately buffered by a minimum 10' wide landscape buffer consisting of a row of trees, 12' high at the time of planting and a continuous hedge along said property line. In addition, the play area that is also located central to the site will be surrounded by the buildings on all sides except the south side, which will abut a covered walkway that abuts a separate row of trees along the south side of the walkway. Therefore, staff opines that any visual or aural impact of the play areas on the residences to the south will be adequately mitigated by the covered

walkway and the dual row of trees between the play area and the rear (south) property line abutting the residences.

Staff notes that to mitigate any potential traffic impact the charter school will be required to comply with the Traffic Operations Plan (TOP) and have three (3) staggered arrival and dismissal times separated by a minimum of twenty (20) minutes. The applicant has submitted a TOP indicating a thirty (30) minute separation between the arrival and dismissal times for the proposed charter school for 3,000 students. However, based on the comments outlined in the Public Works and Waste Management's (PWWM), Traffic Engineering Division memorandum dated April 1, 2014, staff opines that the approval of the charter school to accommodate 3,000 students would be too intensive and would be incompatible with the surrounding area based on the criteria outlined in the CDMP **Land Use Element Policy LU-4A.** Said memorandum recommended approval of the application, subject to the fulfillment of requirements outlined in its memorandum; and that prior to the expansion of the school above 2,100 students, the applicant must obtain a conditional release memorandum authorizing the expansion from both the PWWM and the Department of Regulatory and Economic Resources (RER) as contained in said memorandum. Said memorandum also requires the applicant to provide a revised TOP for 2,100 students based on the conditions outlined for a phased expansion of the charter school. As such, staff opines that with these and other conditions that will be outlined, approval with conditions of the proposed charter school would be **compatible** with the surrounding area based on the **Land Use Element Policy LU-4A** compatibility criteria.

The applicant is also requesting to permit a kindergarten through high school charter school within a 1/4 mile of the Urban Development Boundary (UDB). The CDMP **Educational Element Policy EDU-3A** states that new elementary schools should be located at least 1/4 mile inside the UDB; middle schools should be located at least 1/2 mile inside the UDB and new senior high schools should be located at least one (1) mile inside the UDB. Further, said Policy states that in substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB.

The proposed charter school comprised of grades K through 12 does not meet the criteria of **Educational Element Policy EDU-3A**, because the charter school will be located less than a quarter-mile from and inside the UDB which runs parallel to the abutting roadway located to the north of the subject property. However, staff notes that the applicant has submitted documentation regarding the proximity of the charter school to the UDB, which is located to the north of the subject site. The applicant indicates that the majority of the parcels located within a mile of the subject site are developed or approved for development and that no other site located at least one (1) mile from the UDB that would be suitable for the proposed charter school comprised of elementary, middle and high school use. The site plan submitted in conjunction with this application depicts a U-shaped building with the main entrances to the school located on the east and west elevations away from the UDB. Staff opines that the design of the building and location of the entrances away from the UDB is consistent with **Educational Element Policy EDU-3A** which states that *the principal school buildings and entrances should be placed as far as functionally possible from the UDB.*

Based on the foregoing analysis, staff opines that the approval with conditions of the application which would allow the development of the charter school for elementary, middle and high school

students less than required from the UDB would be **compatible** with the area based on the criteria outlined in CDMP Land Use Element **Objective LU-4** and would be **consistent** with the CDMP **Educational Element Policy EDU-3A** and therefore **consistent** with the CDMP Land Use Plan map **Business and Office** designation for the subject property.

ZONING ANALYSIS:

When analyzing request #1 to permit a charter school and request #2, to waive the space requirement for new charter school facilities from the Urban Development Boundary (UDB) in order to permit the facility containing grades from kindergarten to 12th grade under Section 33-311(A)(3) **Special Exceptions**, Unusual Uses and New Uses, based on the foregoing analysis, staff is of the opinion that the approval of the requests with conditions would be **compatible** with the surrounding area. Further, staff opines that based on the memoranda submitted by the departments reviewing the application, approval of the requests would not have an unfavorable effect on the economy of Miami-Dade County, will not tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people. The Division of Environmental Resources Management of the Department of Regulatory and Economic Resources memorandum indicates that approval will not result in a reduction in the LOS standards for potable water service, wastewater disposal, or stormwater management. Additionally the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the expansion will have a negative impact on fire rescue services in the area. Staff notes that the memoranda submitted by the Departments of Park, Recreation and Open Spaces, Water and Sewer, and Transit indicate no objection to the application. Based on the aforementioned department memoranda, staff opines that the requests will not result in, among other things, excessive noise or cause undue or excessive burden on public facilities.

As part of this application, the applicant submitted a Technical Memorandum, Traffic Impact Study, Site plans and a School Traffic Operations Plan for the Traffic Engineering Division (TED) of the Public Works and Waste Management (PWWM) to review. The applicants have indicated that the proposed 400 students will be distributed in the following manner: grades Kindergarten – 5th = 1,200 students, grades 6th – 8th = 200 students and grades 9th – 12th = 1,200 students. The submitted Traffic Impact Study indicates that the applicants will utilize a staggered start in order to accommodate the increase in student count. Staff opines that the proposed three (3) staggered arrival and dismissal times separated by thirty (30) minutes will help to alleviate any potential increase in traffic in the surrounding area. The submitted study details how the arrival and dismissal times will function. The applicant's Trip Generation Study indicates that the proposed charter school will generate 5,702 less daily trips during an average weekday condition than the shopping center that was previously approved on the parcel pursuant to Resolution #CZAB10-41-08. According to the study, the shopping center would have generated between 11,791 and 13,142 daily trips, between 265 and 290 AM peak hour trips and between 1,024 and 1,083 PM peak hour trips.

The PWWM has indicated in its memorandum dated April 1, 2014, that the TOP submitted by the applicant on March 13, 2014 must be revised to reflect the conditionally allowed student enrollment of 2,100 to arrive and dismiss within the three (3) proposed shifts. Further, its memorandum states that the application will generate 510 PM Peak Hour trips based on the Institute of Traffic Engineering (ITE) standards and will not exceed the Level of Service (LOS) on the surrounding roadways which currently range between LOS "C" and LOS "D". Therefore, its memorandum indicated that the application meets the Traffic Concurrency criteria. However, said Department indicated in its memorandum certain requirements that need to be met by the

applicant among which are that a declaration of restrictions in favor of Miami-Dade County Public Works and Waste Management Department must be recorded in the official records of Miami-Dade County prior to the date of the school opening; roadway shall be constructed prior to the school opening, the school must operate a minimum of 12 bus trips to fulfill the 20% student body bussing stated within the traffic study and police control at the intersection of SW 10 Street and SW 153 Place and at the site driveway #2 is required in addition to SW 8 Street access.

Additionally, the PWWM expressed some concerns with the site plans including the proposed right-turn bay in Driveway 1 and the two-lane, one-way cross section for by-pass operations adjacent to the passenger loading zone area. Based on the information and conditions outlined in its memorandum, the PWWM recommended approval of the application, subject to the fulfillment of requirements outlined in its memorandum; and that prior to the expansion of the school above 2,100 students, the applicant must obtain a conditional release memorandum authorizing the expansion from both the PWWM and the Department of Regulatory and Economic Resources (RER) as contained in said memorandum. Therefore, based on the aforementioned analysis, staff opines approval with conditions of the application would not have a negative impact on traffic on the abutting roadways and would be **compatible** with the surrounding area.

The applicant's request to waive the spacing requirement for new charter school facilities from the Urban Development Boundary (UDB) (request #2) must also be analyzed under the Limitations on the Siting of Public Charter School Facilities, Section 33-154(c), of the Code. Said regulations require the applicant to demonstrate that within a half-mile radius of the outer boundaries of the proposed new school or expansion that: (1) the majority of the lots lying within the radius are developed or are approved for development, and (2) there are no other lots within the radius that are available for development that meet the requirements of a minimum distance of one mile from the UDB.

Additionally, Section 33-154(c) requires that the majority of the site, the proposed buildings' ground floor square footage and the building and entrances into the buildings are required to be located as far as practicably possible from the UDB. As previously noted, the submitted plans depict the U-shaped building with the main entrances to the school located on the east and west elevations away from the UDB. Staff opines that in addition to satisfying the CDMP Educational Policy requirement, the siting of the entrances to the school as far away as physically possible from the UDB also meets the requirement of Section 33-154(c) of the Code.

Staff notes also that the applicant has submitted documentation regarding the proximity of the charter school to the UDB, which runs parallel to the roadway abutting the north property line of the subject site. The applicant indicated that the majority of the parcels located within a half-mile of the subject site are developed or approved for development and that there is no other site located at least one (1) mile from the UDB that would be suitable for the expansion of the existing charter school use. **As such, staff opines that the request #2 to permit a charter high school within one-mile of the UDB; to permit a charter middle school within a ½ mile of the UDB and to permit an elementary charter school within a ¼ mile of the UDB, meets the requirements of Section 33-154(c) and recommends approval with conditions.**

Therefore, when considering the necessity for and reasonableness of the applied for use in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development, staff opines that the proposed charter school is

compatible with the same based on the reasons stated above. **As such, staff recommends approval with conditions of request #1 and #2 under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses.**

The applicant also seeks approval to delete a previously recorded declaration of restrictions (request #3) in order to remove a requirement for a 15' wide landscape buffer along the south and western property lines. This would allow the applicant to submit plans for the charter school showing a 10' wide landscape buffer along the rear (south) property line for the proposed charter school. When this request is analyzed under Section 33-311(A)(7), Generalized Modification Standards staff opines that for the reasons previously stated, approval would be **compatible** with the residential uses in the surrounding area. Further, based on the memoranda from the Departments reviewing the application including the Miami-Dade Fire Rescue and other departments, approval of the application will not generate excessive noise, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned. **Based on the aforementioned, staff recommends approval with conditions of request #3 under Section 33-311(A)(7) Generalized Modification Standards.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate three (3) ingress/egress drives along the western property line abutting SW 153 Court and one (1) emergency vehicle ingress/egress gate along the eastern property line abutting SW 152 Avenue. The applicant has provided 9 more parking spaces than the required 274 parking spaces for the 3,000 students and staff of the proposed charter school. Additionally, the submitted plans indicate 98 stacking spaces for the drop off and pick-up of students within the subject property which staff opines is adequate to accommodate the number of students and staff.

NEIGHBORHOOD SERVICES PROVIDER REVIEW:

Aviation
The Miami-Dade County Aviation Department (MDAD) has no objections to this application.

Division of Environmental Resources Management (Department of Regulatory and Economic Resources)
The Division of Environmental Resource Management (DERM) does not object to this application subject to conditions after a review for compliance with the requirements of Chapter 24 of the Code of Miami-Dade County.

The DERM memorandum states that a concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein. Its memorandum indicates that the property is located within the Miami-Dade Water and Sewer Department's water and sewer franchised service areas. The DERM memorandum indicates that the subject property is located within the Bird Drive Wetland Basin and is a wetland as defined in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will be required before any work can be done on the subject property. Said memorandum also states that a Berm with the minimum elevation of

+8.60 feet NGVD along the property lines with equivalent grading to match the required berm elevation at all roadway entrances shall be provided. Its memorandum further indicates that the applicant is required to comply with the tree permitting requirements and must meet the standards of Section 24.49.9 of the Code that includes the submittal of a tree survey.

Miami-Dade Fire Rescue
The Miami-Dade Fire Rescue Department (MDFRD) does not object to this application.

Its memorandum indicates that the proposed development could generate approximately 117 fire and rescue calls annually. The department states that the estimated number of alarms would result in a moderate impact to the existing fire and rescue service and current stations serving the area will be able to handle the additional number of alarms. The average travel time to the vicinity of the proposed development is 4:54 minutes (based on 2012 data). Travel time to the vicinity of the proposed development complies with the national performance objective.

Miami-Dade Police Department
The Miami-Dade Police Department (MDPD) does not object to this application. Its memorandum indicated that based on data pertaining to the charter school, it cannot be projected as to any increase in calls for service. However, the MDPD memorandum indicates that experience lends itself to anticipate that when additional citizens are present in the area, traffic increases, truants may be present and calls for service may rise. The MDPD memorandum also stated that current staffing should accommodate any slight increase in the volume of calls for service. Its memorandum also encouraged the applicant and developers to work with police during any future application, design or construction changes to determine the best possible solutions or security options.

Miami-Dade Transit
The Miami-Dade Transit Department (MDT) has no objections to this application.

Its memorandum indicates that the proposed development meets the mass transit Level-Of-Service standards established for Miami-Dade County. The MDT indicates in its memorandum that there is no direct transit service currently serving this site. However, its memorandum indicates that the planned transit improvements as identified in the 2023 Recommended Service Plan will accommodate the transit demand generated by the proposed development.

Parks, Recreation and Open Spaces
The Miami-Dade Parks, Recreation and Open Spaces Department (MDPROS) does not object to this application.

The MDPROS indicates in its memorandum that the application does not generate any residential population applicable to CDMP Open Space Spatial Standards; therefore, the Department has no pertinent comments concerning impact or demand on existing County parks.

Public Works and Waste Management Department (Traffic Engineering Division):
The Public Works and Waste Management Department (Traffic Engineering Division) recommends approval of the application, subject to the fulfillment of requirements outlined in its memorandum; and that prior to the expansion of the school above 2,100 students, the applicant must obtain a conditional release memorandum authorizing the expansion from both the PWWM and the Department of Regulatory and Economic Resources (RER) as contained in its memorandum dated April 1, 2014. Said memorandum also requires the applicant to

provide a revised TOP for 2,100 students based on the conditions outlined for a phased expansion of the charter school.

Its memorandum indicates that the anticipated trip generation based on ITE is 510 PM Peak Hour trips generated by this development; however, the traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways. According to the CDMP the peak period means the average of the two (2) average consecutive hours of traffic volume during the weekday, which is the PM peak hour.

- SW 8 Street east of Krome Avenue will remain at LOS "C".
- SW 8 Street east of SW 147 Avenue will remain at LOS "D".
- SW 152 Avenue south of SW 8 Street will remain at LOS "C".
- SW 72 Street west of SW 157 Avenue will remain at LOS "D".
- SW 157 Avenue north of Kendall Drive will remain at LOS "C".

Its memorandum further states that the subject property will require platting in accordance with Chapter 28 of the Miami-Dade County Code.

As a condition for approval also, the PWWM requires that prior to expanding above 2,100 students, the applicant must obtain a conditional release memo authorizing the expansion from both PWWM and RER as contained in the PWWM memorandum dated April 1, 2014. The purpose of this memorandum is to confirm that all roadways, intersections and side streets that may be blocked by a queue are operating at acceptable school's AM and PM Levels of Service. The PWWM has indicated in its memorandum dated April 1, 2014, that the applicant must provide a revised TOP for 2,100 students based on the conditions outlined for a phased expansion of the charter school. However, said Department indicated in its memorandum that a declaration of restrictions in favor of Miami-Dade County PWWM Department must be recorded in the official records of Miami-Dade County prior to the date of the school opening; off-site improvements shall be constructed prior to the school opening, the school must operate a minimum of 12 bus trips to fulfill the 20% student body bussing stated within the traffic study, and police control at the intersection of SW 10 Street and SW 153 Place and at the site driveway #2 is required in addition to SW 8 Street access.

Additionally, the PWWM expressed some concerns with the site plans including the proposed right-turn bay in Driveway 1 and the two-lane, one-way cross section for by-pass operations adjacent to the passenger loading zone area.

Public Works and Waste Management Department (Fiscal, Planning and Performance Management Division)
The Public Works and Waste Management Department, Fiscal, Planning and Performance Management Division does not object to this application.

Its memorandum indicates that the school will likely be considered a commercial establishment per Chapter 15 of the County Code. The PWWM memorandum indicates that the Department does not actively compete for commercial waste collection service at this time and that waste collection services may be provided by a private hauler, therefore, this application will have no impact or any associated costs.

Water and Sewer Department
The Miami-Dade County Water and Sewer Department (MDWASD), has no objections to this application subject to the conditions outlined in its memorandum dated September 26, 2013. Its memorandum indicates that the subject property is located within the MDWASD service area for water and sewer services within the Urban Development Boundary (UDB).

Miami-Dade County Public Schools
The Miami-Dade County Public Schools does not object to this application.

Its memorandum indicates that the contract status for the charter school has been approved and is awaiting final execution. .

OTHER: Not applicable.

RECOMMENDATION:
Approval with conditions.

CONDITIONS FOR APPROVAL :

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Pinecrest Academy" as prepared by CIVICA, dated stamped received 9/12/13 and consisting of 14 sheets.

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant submits to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Occupancy.

5. That the applicant shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Public Works and Waste Management Department as may be contained in its memorandum dated, 04/01/14.

6. That prior to expanding above 2,100 students, the applicant must obtain a conditional release memo authorizing the expansion from both PWWM and RER as contained in the PWWM memorandum dated April 1, 2014. The purpose of this memorandum is to confirm that all roadways, intersections and side streets that may be blocked by a queue are operating at acceptable school's AM and PM Levels of Service.

7. That the Traffic Operation Plan (TOP) dated March 13, 2014, must be revised to reflect the conditionally allowable (K-12th) student enrollment of 2,100 to arrive and dismiss within the three (3) proposed shifts.

8. That the applicant shall provide an annual traffic report, to be submitted to, and reviewed by PWWM and RER prior to the issuance of the annual Certificate of Use that verifies compliance with the approved TOP.

9. That the applicant comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resources of the Department of Regulatory and Economic Resources as contained in its memorandum dated February 28, 2014.

10. That the applicant comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade Police Department as contained in its memorandum dated November 21, 2012.

11. That the landscaping and wall abutting the residential uses located to the south be installed prior to the issuance of a Certificate of Use for the building completed in phase 1 of the development.

12. That the school gates be opened at least 45 minutes prior to the arrival and dismissal times.

13. That the northbound left turn lane improvements along the portion of SW 152 Avenue abutting the school property be installed prior to the issuance of a Certificate of Use for the building completed in phase 1 of the development.

14. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 3,000 students.

15. That there will be staggered shifts at arrival/dismissal times for students at the charter school, separated by a minimum of 30 minutes. The arrival and dismissal times shall be as follows:

Arrival Times	**Departure Times**	
7:30 a.m. to 8:00 a.m.	2:30 p.m. to 3:00 p.m.	Grades 9-12
8:00 a.m. to 8:30 a.m.	3:30 p.m. to 4:00 p.m.	Grades 6-8
8:30 a.m. to 9:00 a.m.	3:00 p.m. to 3:30 p.m.	Grades K-5

16. That the owner shall have trained personnel on site to manage the traffic operations during the arrival and dismissal period.

17. That in coordination with the MDPD, the owner shall provide school crossing guards on the appropriate streets surrounding the school as necessary during start and dismissal times.

18. That police control at the intersection of SW 10 Street and SW 153 Place and at the site driveway number 2 is required.

19. That a minimum of 20% of all students attending the school be required to be bussed to and from the school.

20. That at time of yearly renewal of Certificate of Use, the applicant shall submit to the Department of Regulatory and Economic Resources a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.

21. That the applicant shall provide an annual traffic report to be submitted and reviewed by the Public Works and Waste Management Department and the Department of Regulatory and Economic Resources prior to the issuance of the annual Certificate of Use, that verifies compliance with the approved TOP.

22. That at the time of Certificate of Use renewal and with each subsequent renewal, the owner shall submit to the Department of Regulatory and Economic Resources a letter or approved form from the Public Works and Waste Management Department showing that the school facility is in compliance with the traffic impact study and the Traffic Operations Plan (TOP) that was submitted as part of the hearing application.

23. That no outside speakers other than in connection with emergency systems shall be permitted on the property.

24. That the waste pick-up for the charter school shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during arrival and dismissal times.

25. That night activities and/or special events shall be limited to twelve (12) events per year and shall end no later than 10:00 PM.

26. That the outside lighting shall be permitted with the proper shielding according to Miami-Dade County Code.

27. That if the charter school fails after establishment, the owner, within thirty-six months of the charter school's closure shall:

    a) Cause the charter school to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school.

    b) Transfer the opinion of the charter school to another charter school operator or to the Miami-Dade County School Board after securing the necessary approvals from the Miami-Dade School Board; or

    c) Convert the charter school to a permitted use within the zoning district applicable to the property, provided said use has first been authorized through the issuance of the appropriate permits from the Department; or

d) Secure necessary public hearing approvals to convert the charter school to a use not otherwise permitted within the zoning district applicable to the property.

ES:MW:NN:JV:CH

Eric Silva, AICP, Development Coordinator
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Ferro Development, LLC
Z12-128

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection
Public Works and Waste Management (Traffic Engineering Division)	Pending
Public Works and Waste Management (Waste Operations)	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Aviation	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Business and Office (Page I-41)	*This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.*
Institutions, Utilities and Communications (Pg. I-53)	*Neighborhood or community-serving institutional uses, cell towers and utilities including* ***schools****, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.*

ZONING RECOMMENDATION ADDENDUM

Ferro Development, LLC
Z12-128

Educational Element Policy EDU-3A (Pg. X-5)	*It is the policy of Miami-Dade County that the Miami-Dade County Public Schools shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least 1/4 mile inside the UDB; new middle schools should be located at least 1/2 mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools.*
Land Use Policy LU-4A (Page I-11)	*When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(3) Special Exception, Unusual and New Uses	*Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.*
Non-Use Variances From Other Than Airport Regulations. Section 33-311(A)(4)(b	*Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.*
Section 33-311(A)(7) Generalized Modification Standards	*The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.*

ZONING RECOMMENDATION ADDENDUM

Ferro Development, LLC
Z12-128

33-153 Public hearing required in all districts	*The establishment, expansion or modification of a charter school facility is permitted in any zoning district after public hearing upon demonstration that the standards established in this article have been met. Any existing covenant or declaration of restrictions relating to an existing charter school facility shall be modified or deleted only in accordance with the provisions of Article XXXVI of this code.*
33-154 Limitations on the siting of public charter school facilities	*a) New kindergarten, elementary, middle and senior high charter school facilities as well as the expansion of existing charter school facilities shall be prohibited on sites located outside the Urban Development Boundary (UDB), as established in the Comprehensive Development Master Plan.* *(b) Except as provided in subsection (c) below, the following new charter school facilities and the expansion of such facilities shall be located inside the UDB and spaced from the UDB as follows:* *(1) Kindergarten, Elementary school: at least ¼ mile inside the UDB* *(2) Middle school: at least ½ mile inside the UDB* *(3) Senior high school: at least one mile inside the UDB.* *(c) A proposed new kindergarten, elementary, middle, or senior high charter school facility, or the expansion of an existing charter school site, inside but closer to the UDB than indicated in (b) above, may be approved at public hearing, when it is demonstrated that within a one-half mile radius of the outer boundaries of the proposed new charter school or charter school expansion site:* *(1) that the majority of the lots, parcels or tracts lying within the radius are developed or approved for development; and* *(2) there are no other lots, parcels or tracts within the radius that are available for development that meet the requirements of subsection (b) above and that meet all the requirements of this article.* *Approval of such a site shall require that the majority of the subject site and the proposed buildings' ground floor square footage be located in accordance with (b) above, and that the principal buildings and entrances be placed as far from the UDB as possible.* *(d) For purposes of establishing the distances provided by this section, the applicant shall furnish a certified survey from a registered surveyor, as well as a proposed site plan, which shall indicate that the distance requirements of this section have been met.*
33-314(C)(11) Direct applications to the County Commission	*(C) The County Commission shall have jurisdiction to directly hear other applications as follows:* *(11) Hear application for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and Section 33-311(A)(3) of this code.*

ZONING RECOMMENDATION ADDENDUM

Ferro Development, LLC
Z12-128

33-314(C)(12) Direct applications to the County Commission	*C) The County Commission shall have jurisdiction to directly hear other applications as follows:* *(12) Applications for public charter school facilities and expansions or modifications to existing public charter school facilities.*
33-303.1(D)(19) Developmental Impact Committee	*Review and make recommendations to the Board of County Commissioners on all applications for public charter school facilities and all applications for expansions or modifications to existing public charter school facilities.*

B. FERRO DEVELOPMENT, LLC.
(Applicant)

14-4-CC-1 (12-128)
BCC/District 11
Hearing Date: 05/22/14

Property Owner (if different from applicant) **School Delv. HC, LLC.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
2002	Ferro Development	- Zone change from EU-1 to BU-1A.	C10	Approved with condition(s)
2007	Ferro Development L.L.C.	- Zone change from BU-1A to RU-3M.	C10	Approved with condition(s)
2008	Ferro Development, LLC	- Zone change from RU-3M to BU-1A. - Deletion of Declaration Of Restrictions (DOR) recorded in official record book 20979 pages 0997 last modify by DOR recorded in the new official record book 22176 pages 2700 – 2704. - Deletion of the Covenant provision, accepted pursuant to the Resolution CZAB-10-13-07. The purpose of requests #2 and #3 is to delete covenants requiring the owner to apply for an Administrative Site Plan Review and comply with the Development Impact Committee requirements.	C10	Approved with condition(s)

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

Memorandum

MIAMI-DADE COUNTY

Date: April 1, 2014 (March 21, 2014 memo revised based on comments at DIC meeting)

To: Eric Silva
Development Coordinator
Regulatory and Economic Resource Department

From: Antonio Cotarelo, P.E.
County Engineer
Public Works and Waste Management Department

Subject: DIC 12-128
Name: Ferro Development, LLC
Section 04 Township 54 South Range 39 East

I. PROJECT LOCATION:

SW 8 Street and SW 152 Avenue

II. APPLICATION REQUEST:

This application is seeking a request for a special exception to permit a public charter school facility including, kindergarten through 12th grade.

III. RECOMMENDATION:

Miami-Dade County Public Works and Waste Management Department (PWWM) has reviewed this project based on phasing the student population as proposed by the applicant (1,100 students in Phase I; 2,100 student in Phase II; 3,000 students in Phase III) and is in favor of the site plan but cautions that the intensity of use must not exceed beyond 2,100 students without further assessment. The school's management of the proposed queues within the roadway network and their impacts to existing driveways and side streets should be well documented before operating the school above 2,100 students.

Therefore, PWWM recommends approval of this application under the conditions that the project comments and requirements stated within this memo be fulfilled by the applicant; and that prior to expanding above 2,100 students, the applicant must obtain a conditional release memo authorizing the expansion from both PWWM and Regulatory and Economic Resources (RER) as contained in this PWWM memorandum. The purpose of this conditional release memorandum is to confirm that all roadways, intersections and side streets that may be blocked by a queue are operating at acceptable Levels of Service during the school's AM and PM peak hour. PWWM will require a traffic study that assesses the school's proposed traffic impacts at full capacity (3000 students) to be submitted as a prerequisite for obtaining a conditional release memo. This conditional approval provides the applicant an opportunity to demonstrate the ability to operationally manage the school's traffic impacts beyond 2,100 students.

IV. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

Access to the site is available from the North and the South from SW 152 Avenue and SW 153 Place and access to the site from the East and the West from SW 8 Street (Tamiami Trail) and SW 10 Street.

V. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

A. Trip Generation (Based on Institute of Transportation Engineers)

1,458 AM Peak Hour Trips generated by this development

510 PM Peak Hour trips are generated by this development.

7,440 Daily Trips generated by this development

B. Cardinal Distribution

North	11%	East	52%
South	36%	West	1%

VI. IMPACT ON EXISTING ROADWAYS:

A. CONCURRENCY:

According to the CDMP the peak period means the average of the two (2) average consecutive hours of traffic volume during the weekday, which is the PM peak hour.

Station F-377 located on SW 8 Street east of Krome Avenue, has a maximum LOS **"C"** of **1510** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **1336** vehicles and **0** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-377** with its PHP and assigned vehicles is at LOS **"C"**. The **6** vehicle trips generated by this development when combined with the **1336** and those previously approved through Development Orders, **0**, equal **1342** and will cause this segment to remain at LOS **"C"** where the range of LOS **"C"** is from 1 to 1510 vehicles.

Station F-266 located on SW 8 Street east of SW 147 Avenue, has a maximum LOS **"D"** of **4680** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **3866** vehicles and additional **247** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-266** with its PHP and assigned vehicles is at LOS **"D"**. The **175** vehicle trips generated by this development when combined with the **3866** and those previously approved through Development Orders, **247**, equal **4288** and will cause this segment to remain at LOS **"D"** where the range of LOS **"D"** is from 3830 to 4680 vehicles.

Station 9810 located on SW 152 Avenue south of SW 8 Street, has a maximum LOS **"C"** of **1150** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **751** vehicles and **0** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9810** with its PHP and assigned vehicles is at LOS **"C"**. The **242** vehicle trips generated by this development when combined with the **751** and those previously approved through Development Orders, **0**, equal **993** and will cause this segment to remain at LOS **"C"** where the range of LOS **"C"** is from 1 to 1420 vehicles.

Station 9665 located on SW 72 Street west of SW 157 Avenue, has a maximum LOS **"EE"** of **2388** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **851** vehicles and additional **38** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9665** with its PHP and assigned vehicles is at LOS **"D"**. The **50** vehicle trips generated by this development when combined with the **851** and those previously approved through Development Orders, **38**, equal **939** and will cause this segment to remain at LOS **"D"** where the range of LOS **"D"** is from 1 to 1800 vehicles.

Station 9856 located on SW 157 Avenue north of Kendall Drive, has a maximum LOS **"EE"** of **4068** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **1331** vehicles and additional **28** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9856** with its PHP and assigned vehicles is at LOS **"C"**. The **37** vehicle trips generated by this development when combined with the **1331** and those previously approved through Development Orders, **28**, equal **1396** and will cause this segment to remain at LOS **"C"** where the range of LOS **"C"** is from 1 to 2630 vehicles.

VII. Site Plan Comments:

- This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications and/or improvements required will be accomplished thru the recording of a plat.
- R7-4C signs ("No Stopping or Standing Tow-away Zone") must be posted along the school's SW 152 Avenue frontage.
- A two-lane one-way cross section for by-pass operations may not be proposed when adjacent to the passenger loading zone area. The furthest southern by-pass lane running the length of the passenger loading zone area must be eliminated so to maintain a single by-pass lane aligned with the driveway lanes further to the west.
- The proposed right-turn bay into Driveway 1 is sub-standard and must be revised to meet typical turn lane standards.

VIII. Traffic Study Comments:

The site's allowable access connections and surrounding roadway network have influenced the school's access route to require 99% of the school's generated trips to arrive via SW 10 Street. The expected 95th percentile queues along the school's primary access route, which were reported in the submitted traffic study that analyzed the school's operation at 3,000

students, are expected to affect the operations of the residential side streets and driveways along the route. These queues are listed by intersections below.

i. SW 10 Street with SW 153 Place
This intersection is proposed to operate as a traffic signal under police control. The queue lengths for these movements are dependent on management by the assigned police officer.
   a) The reported eastbound lane queue of 371 feet or longer is expected to impact operations at SW 153 Path and SW 154 Avenue that connect to SW 10 Street at approximately 160 feet and 340 feet respectively from the intersection.
   b) The reported southbound lane queue of 351 feet or longer may impact operations at a side street connecting to SW 153 Court that connects to SW 153 Place at approximately 450 feet from the intersection.
   c) The reported westbound lane queue of 39 feet or longer may potentially impact operations at SW 153 Court and SW 153 Avenue that connect to SW 10 Street at approximately 110 feet and 310 feet respectively from the intersection.

ii. SW 10 Street with SW 152 Avenue
   a) The reported eastbound lane queue of 387 feet or longer will impact operations at SW 152 Court that connects to SW 10 Street at approximately 170 feet from the intersection.
   b) The reported northbound left turn lane queue of 130 feet or longer will impact operations of the SW 152 Avenue through lane because the queue will exceed the 65 foot storage lane.

iii. SW 8 Street with SW 153 Place
   a) The reported northbound lane queue of 232 feet or longer may impact operations at Driveway #1 that connects to SW 153 Place approximately 250 feet from the intersection.

iv. Driveway # 2 with SW 153 Place
This intersection is proposed to operate as a traffic signal under police control. The queue lengths for these movements are dependent on management by the assigned police officer.
   a) The reported northbound lane queue of 598 feet or longer will impact operations at a side street connecting to SW 153 Court that connects to SW 153 Place at approximately 590 feet from the intersection.

v. SW 8 Street with SW 152 Avenue
   a) The reported eastbound lane group queue of 859 feet or longer may potentially impact operations at SW 153 Place that connects to SW 8 Street at approximately 910 feet from the intersection. This potential impact further emphasizes the need of an acceleration lane along SW 8 Street to act as a storage lane when queues reach these projected lengths.

Upon the schools request for expansion beyond the 2,100 students the applicant must examine, within the required traffic study, alternative access routes from SW 8 Street to the

school site that could potentially divert trips generated from east and northeast of this site (approximately 33% of the school trips).

IX. Traffic Operations Plan (TOP) Comments:

The Traffic Operation Plan dated March 13, 2014 must be revised to reflect the conditionally allowable (K-12th) student enrollment of 2,100 to arrive and dismiss within the three (3) proposed shifts.

- Project Requirements:

1. All off-site improvements shall be constructed prior to the school opening.
2. The existing "valley" gutter on both the east and west side of SW 153 Place must be replaced with curb and gutter between SW 8 Street and the Sausalito Bay main entrance driveway.
3. Police control at the intersection of SW 10 Street with SW 153 Place and at the site driveway number 2 is required.
4. A northbound right-turn acceleration lane at the intersection of SW 8 Street and SW 153 Place for vehicles turning right onto SW 8 Street must be constructed subject to Florida Department of Transportation (FDOT) approval.
5. The northbound left turn lane queue at the intersection of SW 10 Street with SW 152 Avenue must be assessed two months after the completion of Phase I and Phase II through a traffic study (to be reviewed and approved by PWWM) to evaluate deficiencies in the left turn storage lane. The applicant will be responsible to remedy any deficiencies found within the study by implementing improvements in the field.
6. The school must operate a minimum of 12 bus trips to fulfill the 20% student body busing commitment stated within the traffic study.
7. All project documents revised to incorporate any comments within this memo, including the Traffic Study and Traffic Operation Plan, must be submitted and filed within the zoning records of this project.
8. A School Speed Zone composed of signs (fluorescent yellow-green material must be used where applicable), pavement markings, and flashing beacons, is required to be installed along the school's frontage roads (SW 152 Avenue, SW 153 Place and SW 8 Street). The installation of a speed zone along SW 8 Street may be postponed at this time until PWWM determines the need for this portion of the speed zone and the installation is approved by FDOT.
9. A "Declaration of Restrictions" in favor of PWWM must be recorded in the Official Records of Miami-Dade County, Florida prior to the date of the school opening. The "Declaration of Restrictions" shall include a TOP narrative and plan that has been found acceptable by PWWM.
10. The applicant will provide an annual traffic report, to be submitted and reviewed by PWWM and RER prior to the issuance of the annual Certificate of Use, that verifies compliance with the approved TOP.

- Standard Comments:

1. Public sidewalks are required to extend across all school driveways around the site. This will include pedestrian (ADA) ramps where applicable. All pedestrian crosswalks around the school must have zebra pavement markings.
2. Safe sight distance clearance is required at all driveways; therefore, no trees shall remain or be planted in any clear zones. No tree foliage or branches shall descend below 7 feet within the public right-of-way. All tree placements in sight triangles shall meet or exceed FDOT Index 546. Any proposed planting, relocation or removal of trees and other foliage including any installation of irrigation systems in the public right-of-way must be approved by the R.A.A.M. Division of the Parks Recreation and Open Spaces Department. Also, any relocation or removal of trees must be approved by RER. These approvals should be applied for, and received, prior to DIC Executive Council approval of this project. A "Covenant for Maintenance" agreement, recorded in the public records, must be provided prior to permitting any of these types of installations within the public right-of-way.
3. Plans submitted for Permit shall conform to MUTCD, PWWM and other appropriate standards for engineering design in the public right-of-way. Prior to formal submittal of plans for approval and permitting, a Dry Run Paving and Drainage submittal is required to review compliance with DIC conditions for approval and appropriate standards, and to rectify any discrepancies between existing facilities, plans, conditions for approval, or standards. Existing and proposed striping, signs, and lane widths must be shown on these plans for all adjacent roadways. Also, plans must indicate any existing or proposed private driveways across the streets adjacent to the school site.
4. All roadway improvements including, but not limited to, traffic signs, markings and signals shall be installed by the applicant adjacent to, or nearby, this facility to ameliorate any adverse vehicular impacts caused by the traffic attracted to this facility. Also, traffic control devices, e.g., crosswalks, may be required at locations remote from this site along safe routes to school to provide for pedestrian student safety. These requirements may be determined at the time of Dry Run submittal of Paving and Drainage Plans.
5. PWWM reserves the right to add or modify requirements based upon any additional information that may be received during this review process.

c: Raul A. Pino, PLS, Department of Regulatory and Economic Resources
Jorge Vital, Development Impact Committee, Department of Regulatory and Economic Resources
Joan Shen, Ph.D., P.E., PTOE, Chief, Traffic Engineering Division, PWWM
Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division, PWWM

Memorandum

MIAMI-DADE COUNTY

Date: March 21, 2014

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: DIC #Z2012000128-3rd Revision
Ferro Development LLC
SW 8th Street and 152nd Avenue, Miami, Florida
Charter School
(BU-1A) (8.97 Acres)
04-54-39

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code). As noted in the attached comments, your application has been reviewed and approved for compliance with the requirements of Chapter 24 of the Code subject to the conditions below and may be scheduled for hearing:

Conditions for Covenant:

Prior to BCC approval of this zoning application, the applicant shall submit to DERM a properly executed covenant running with the land in favor of Miami-Dade County. The covenant shall provide that with the exception of the materials permitted under Board Order No. 14-02, hazardous material shall not be used, generated, stored, disposed of, handled or discharge on the property.

Wellfield Protection

The subject property is located within the West Wellfield interim protection area. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that regulate land uses within the wellfield protection area.

Section 24-43(5) of the Code requires that no zoning action may occur within the West Wellfield interim protection area without the prior written approval of the Director of DERM or his designee. The same Code Section further provides that the Director or his designee shall issue his written approval only after ascertaining that hazardous materials shall not be used, generated, handled, disposed of, discharged or stored on the property and the owner of the property has submitted to DERM a properly executed covenant running with the land in favor of Miami-Dade County which provides for this requirement.

In as much as the above-noted request did not comply with the noted Code Sections, DERM was not able to administratively approve this application. Accordingly, the applicant applied for variances before the Environmental Quality Control Board (EQCB). Based upon the evidence and available information the Board granted the property owner a variance from the requirements of Section 24-43(5) of the Code via Board Order 14-02. This approval is subject to several conditions.

Potable Water Service
The subject property is located within Miami-Dade Water and Sewer Department (MDWASD) water franchised service area. A 12-inch public water main is abutting this property on the east side.

The source for this water supply is Alexander Orr Water Treatment Plant, which is owned and operated by MDWASD. This plant has sufficient capacity to provide current water demand, and is presently producing water that meets Federal, State, and County drinking water standards.

Wastewater Disposal
The subject property is located within MDWASD sewer franchised service area. A public sanitary sewer 20-inch force main is abutting the subject property along S.W. 8th Street, as well as a 16-inch force main along S.W. 152nd Avenue.

The wastewater flows is directed into pump station 30-1213, then into either pump station 30-0559 or pump station 30-0536, then to pump station 30-Tandem and finally to the South District Wastewater Treatment Plant. All the aforementioned sanitary sewer pump stations as well as the South District Wastewater Treatment Plant are owned and operated by Miami Dade Water and Sewer Department. The aforesaid force main and pump stations, are currently working within the mandated criteria set forth in the First and Second Partial Consent Decree At this time the South District Wastewater Treatment Plant has sufficient capacity to treat current discharge.

Civil drawing for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the Water and Wastewater Engineering Section of DERM prior to approval of final development orders.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management
This proposed development is located within the Basin Bird Drive and currently has a Cut and Fill approval (CF 328). Any deviation of the final site plan from the conditions below will require a modification of CF-328.

A Class II permit is required; this permit shall be obtained prior to any future development order approval. The applicant is advised to contact the Water Control Section of DERM for further information regarding permitting procedures and requirements.

The site, with exception of the water management areas, shall be filled to Miami-Dade County Flood criteria or +8.20 feet NGVD, with a low point set at +7.7 feet NGVD.

No encroachment shall be allowed in the surface water management area from elevation +5.0 feet to +9.20 feet NGVD.

A berm with minimum elevation of +8.60 feet NGVD along the property lines, with equivalent grading to match the required berm elevation at all roadway entrances shall be provided.

An Environmental Resources Permit from the South Florida Water Management District may be required for the construction and operation of the required surface water management system. It is the applicant responsibility to contact this agency for more information regarding said permit.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

Wetlands
The subject property is located within the Bird Drive Wetland Basin, and is a wetland as defined in Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will be required before any work can be done on the subject property.

Class IV Wetland Permit 2009-CLIV-PER-00039 was issued for this site and authorizes the impacts to 0.00027 acres of wetlands for soil borings associated with geotechnical due diligence. This permit is scheduled to expire on March 8, 2014. However, please be advised that a Class IV Wetland Permit will be required for the remaining wetlands on the site prior to the construction of the proposed charter school.

The Coastal and Wetlands Resources Section (305-372-6585) may be contacted for further information concerning the wetland permitting requirements.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
The subject property revealed the presence of tree resources; however, the property is located in a designated wetland basin and will be regulated through a Class IV Wetland Permit.

Enforcement History
There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary
A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum

MIAMI-DADE COUNTY

DATE: October 10, 2013

TO: Jorge Vital
DIC Coordinator
Department of Regulatory and Economic Resources

FROM: Jacqueline Carranza Jacqueline Carranza
Transit Planner 2
Miami-Dade Transit - Engineering, Planning & Development Division

SUBJECT: DIC Project No. 12-128 (Ferro Development, LLC) – Revision No. 1
MDT Project No. OSP006
FSC No. 41.04

MDT Comments/Recommendations

The subject site is currently vacant and is located on the southwest corner of SW 8th Street and SW 152nd Avenue. There is no direct transit service currently serving the subject site. The closest transit service is provided by Routes 24, 51 (Flagler MAX) and 137 (West Dade Connection) and are located over mile away from the site. However, the extension of these routes is not economically feasible at this time. As such, this application meets the adopted mass transit level of service standards as prescribed by Policy MT-1A of the Mass Transit Sub-element of the Comprehensive Development Master Plan (CDMP). This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the mass transit level-of-service standards established for Miami-Dade County.

Notwithstanding the foregoing, the 2013 ten-year Transit Development Plan (TDP) identifies in its 2023 Recommended Service Plan three proposed new Premium Metrobus Routes that will serve the proposed West Miami-Dade/SW 8th Street Park-and-Ride/Transit Terminal located at SW 8th Street and SW 147th Avenue, located approximately 0.37 miles to the east of the subject site.

The SR 836 Express Enhanced Bus and the Flagler Enhanced Bus will provide premium transit service along a segment of SW 8th Street from SW 107th Avenue to SW 147th Avenue. Both routes will terminate at the proposed West Miami-Dade/SW 8 Street Park-and-Ride/Transit Terminal located at SW 8th Street and SW 147th Avenue. These enhanced bus projects will feature specially-branded 60-foot diesel/electric hybrid, clean diesel, compressed natural gas (CNG) buses as well as strategic park-and-ride locations. In addition, these routes provide a premium east-west transit connection between the residential suburban areas of Western Miami-Dade and the MIC and the Downtown Central Business District.

The SR 836 Express Enhanced Bus service headways will be 10 minutes during the AM/PM peak-hour. Revenue service is anticipated to begin in 2017 using 11 new 60-foot diesel/electric hybrid, clean diesel, CNG, or other alternative fuel buses.

The existing Route 51 (Flagler MAX) will be transformed into the Flagler Enhanced Bus with service headways improved from 15 to 12 minutes during the AM/PM peak and 30 minutes

during midday service. Revenue service is anticipated to begin in 2018 using 10 new 60-foot diesel/electric hybrid, clean diesel, CNG, or other alternative fuel buses.

The SW 137th Avenue Enhanced Bus Service will provide premium limited-stop transit service along SW 137th Avenue from MDT's proposed park-and-ride/bus terminal station (SW 8th Street and SW 147th Avenue) to SW 304th Street and US-1. This enhanced bus project will feature strategic park-and-ride locations. In addition, this route provides a premium north-south transit connection for the West Kendall area connecting several residential areas with large shopping centers, which include Kendale Lakes Mall, Miller Square and London Square. In 2007, the Miami-Dade Metropolitan Planning Organization conducted a study of potential transit service improvements in the Kendall area. Bus rapid transit (BRT) service on SW 137th Avenue was one of the recommendations made in that study. Service headways will be 20 minutes during the AM/PM peak-hour and 40 minutes during the mid-day. Revenue service is anticipated to begin in 2020 using nine (9) new standard 40-foot buses.

In conclusion, although there is no direct transit service currently serving the subject site and the extension of existing routes to serve this site is not economically feasible at this time, MDT opines that the planned transit improvements as identified in the 2023 Recommended Service Plan will accommodate the transit demand generated by the proposed development.
Based on the information presented, MDT has no objections to this project.

Project Description
12-128 – Ferro Development, LLC is requesting a special exception to permit a public charter school facility that will serve up to 3,000 students in grades pre-kindergarten through 12th grade. The applicant is currently requesting to amend the proposed project with a revised site plan submitted on September 12, 2014. The subject property is approximately 8.93 acres and is located on the southwest corner of SW 8th Street and SW 152nd Avenue, Miami-Dade County, Florida.

Current Transit Service
There is no transit service within the immediate vicinity of the application site. The closest transit service is provided by Routes 24, 51 (Flagler MAX) and 137 (West Dade Connection). The alignment for these routes is illustrated on the attached maps. The service headways for these routes (in minutes) are as follows:

Metrobus Route Service Summary
Ferro Development, LLC Application Site

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
24	(20/30/40) / (20/40)	(20/40)	(24/30)	n/a	(30/60)	(30/60)	1.2	L
51 (Flagler MAX)	15	30	30	n/a	n/a	n/a	1.4	L/F/E
137 (West Dade Connection)	(30)/(30/45)	45	(50/60)	n/a	40	45	1.4	L

Notes: L means Metrobus local route service
F means Metrobus feeder service to Metrorail
E means Express or Limited-Stop Metrobus service

June 2013 Line up

34

Future Transportation/Transit Improvements

The 2014 Transportation Improvement Program (TIP) proposes the following improvements on the roadways within the immediate vicinity of the site.

Facility/Project Limits	Type of Work
SR 836 Enhanced Bus Service	New park-and-ride lot at SW 8th Street and SW 147th Avenue
SW 157th Avenue (from SW 42nd Street to SW 8th Street)	Construct additional 2 lanes

The 2035 Long Range Transportation Plan (LRTP) lists the following improvements within the immediate vicinity of this project.

Facility/Project Limits	Type of Work	Priority/Funding Phase
SW 147th Avenue (from SW 22nd Terrace to SW 10th Street)	Widen roadway from 2 to 4 lanes	Priority I
SW 157th Avenue (from SW 8th Street to SW 42nd Street)	Widen roadway from 2 to 4 lanes	Priority IV
SR 836 Southwest Extension (from NW 137th Avenue to SW Miami-Dade)	Multimodal transportation corridor	Partially Funded Project
SW 147th Avenue (from SW 8th Street to SW 26th Street)	Complete as a 4 lane roadway	Private Sector Project

The 2014 ten-year Transit Development Plan (TDP) identifies in its 2023 Recommended Service Plan the following improvements/adjustments on the existing routes serving the vicinity of the project:

Route	Improvement/Adjustment
24	Convert to the Coral Way Limited and provide local service between SW 153rd Avenue and Ponce de Leon Blvd. Limited-stop service will be provided east of Ponce de Leon Blvd. to Downtown Miami due to City of Miami Coral Way Trolley.
51 (Flagler MAX)	Route to be transformed to Flagler Enhanced Bus.
137 (West Dade Connection)	No planned improvements.

In addition, the 2014 ten-year TDP identifies in its 2023 Recommended Service Plan the following new routes that will serve the vicinity of the project:

Route	Description
SR 836 Express Enhanced Bus	This route will provide premium limited stop and express transit service along SR 836 and SW 8th Street (East-West Corridor) from west Miami-Dade County (SW 8th Street and SW 147th Avenue) to the MIC via SW/NW 107th Avenue and SR 836.
Flagler Enhanced Bus	This route will provide premium limited-stop transit service along Flagler Street from Downtown Miami to West Miami-Dade County.
SW 137 Avenue Enhanced Bus	This route will provide premium limited-stop transit service along SW 137th Avenue from MDT's proposed park-and-ride/bus terminal station (SW 8th Street and SW 147th Avenue) to SW 304th Street and US-1.

cc: Monica D. Cejas, P.E., Senior Professional Engineer
Nilia Cartaya, Principal Planner
Douglas Robinson, Principal Planner
Gerald Bryan, Transit Planning Section Chief
Eric Zahn, Transit Planning Section Supervisor

Memorandum

MIAMI-DADE COUNTY

Date: September 26, 2013

To: Jack Osterholt, Director
Regulatory and Economic Resources

From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department

Subject: DIC 2012000128 – Ferro Development, LLC (Revision No. 1)

The applicant is seeking a Special Exception to permit a public charter school on an approximate 8.9 acre parcel of land lying south of SW 8th Street between SW 152nd Avenue and SW 153rd Place, Miami-Dade County, Florida.

SERVICE IMPACT/DEMAND

(A) Based on development information, this project is expected to generate approximately **117** fire and rescue alarms annually. The estimated number of alarms results in a moderate impact to existing fire and rescue service. However, existing fire and rescue stations will be able to absorb the additional number of alarms.

(B) Based on data retrieved during calendar year 2012, the average travel time to the vicinity of the proposed development was **4:54** minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to the vicinity of the proposed development complies with the performance objective of national industry.

(C) A suspected fire within this project would be designated as a building dispatch assignment. Such an assignment requires four (4) suppression units; one of which must be an aerial, and the other three may be a combination of engines, tankers, ladders or aerials. Additionally, the assignment will require one (1) rescue and a battalion commander. This assignment requires twenty (20) firefighters and officers.

EXISTING SERVICES

STATION	ADDRESS	EQUIPMENT	STAFF
61	15155 SW 10 Street	Engine	4
58	12700 SW 6 Street	Rescue, Engine	7
29	351 SW 107 Avenue	Rescue, Aerial	7
37	4200 SW 142 Avenue	Rescue, Engine	7
57	8501 SW 127 Avenue	Rescue, Battalion	4

SITE PLAN REVIEW

(A) Fire Engineering & Water Supply Bureau reviewed and approved the revised site plan entitled "Pinecrest Academy," as prepared by Civica Architiecture, dated stamp received October 17, 2012, with the following condition:

1. At time of permitting the site plan must indicate that either a Knox Key Switch and/or Knox Padlock will be provided on all gates.

(B) This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for DIC applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

For additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor, at 786-331-4544.

/ch

Memorandum

MIAMI-DADE COUNTY

Date: September 26, 2013

To: Jack Osterholt, Deputy Mayor/Director
Sustainability, Planning and Economic Enhancement (SPEE)

From: Maria A. Valdes, Chief, LEED® Green Associate
Comprehensive Planning & Water Supply Certification Section

Subject: Pinecrest Academy Charter School, DIC Application # Z2012000128 (REVISION # 1)

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project. Please note that final points of connection for this project will be issued at the time the applicant request connection to the water and sewer system infrastructure. Therefore, all points of connections provided below might change at the time of development and a capacity modeling evaluation may be required.

Recommendation: Approval based on conditions noted below.

Application Name: Pinecrest Academy Charter School

Project Location: The subject property is located at SW 8th Street & SW 152nd Avenue, in unincorporated Miami-Dade County, adjacent and within the Urban Development Boundary (UDB).

Proposed Development: The applicant is requesting to permit a charter school consisting of 81,600 square feet (sq.ft.) of class room area, 117,150 sq.ft. of non-class room area (offices, bathroom, kitchens etc.) and 100,500 sq.ft. of outdoor recreation area. The total water demand for this development will be 23,850 gpd.

Water: The subject project is located within MDWASD's service area. The source of water for the project is the Alexander Orr Water Treatment Plant. There are existing 12-inch water distribution mains located in SW 153rd Place and in SW 152nd Avenue, abutting the Developer's property, from any of which the Developer may connect to provide water service. If two or more fire hydrants are to be connected to a public water main extension within the property, then the water system shall be looped with two (2) points of connection. In addition, all comments addressing water service are provided in accordance with CDMP policies WS-1A, WS-1B and WS-2A.

This project will be required to obtain a Water Supply Certification (WSC) from Miami-Dade Water and Sewer Department. The WSC letter shall remain active in accordance with the terms and conditions specified in said certification. Said Certification is issued to assure adequate water supply is available to all water users of the MDWASD as required by Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the MDWASD's 20-year Water Use Permit.

MDWASD will be the utility providing water services subject to the following conditions:

- Adequate transmission and Plant capacity exist at the time of the applicant's request.
- Adequate water supply is available prior to issuance of a building permit or its functional equivalent.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Sewer: The subject project is located within MDWASD's service area. There is an existing 8-inch sanitary gravity sewer main stub-out located in SW 153rd Court, north of SW 8th Way, at the southern boundary of the Developer's property, from which the Developer may connect and install an 8-inch gravity sewer line within the Developer's property, provided that there is sufficient depth and that there are no obstacles which would preclude construction of the sewer facilities.

Pump Station: 1213
Yearly NAPOT: 3.69 Hrs
Projected NAPOT: 4.01 Hrs
Projected NAPOT including this project flows: 4.83 Hrs

The South District Wastewater Treatment Plant (WWTP) is the facility for treatment and disposal of the wastewater. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. MDWASD will be the utility providing sewer services subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2A(2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Water Conservation: All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in sections 18-A and 18-B of Miami-Dade County Code. In addition, all developments must comply with the Miami-Dade County's permanent landscape irrigation restrictions in Section 32-8.2 of the Miami-Dade County Code.

For more information about our Water Conservation Program please go to http://www.miamidade.gov/conservation/home.asp.

For information concerning the Water-Use Efficiency Standards Manual please go to http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf

Should you have any questions, please call me at (786) 552-8198 or Alfredo B. Sanchez at (786) 552-8237.

c/o

Memorandum

MIAMI-DADE COUNTY

Date: September 30, 2013

To: Eric Silva, Assistant Director
Regulatory and Economic Resources Department

From: Paul Mauriello, Assistant Director, Waste Operations
Public Works and Waste Management Department

Subject: Ferro Development, LLC update (DIC 12_128)

The Public Works and Waste Management Department (PWWM) has no objections to the proposed application as the supplemental information provided in the application does not affect the waste management service provided.

The review was created as requested to update a previous response dated November 9, 2012, as the applicant is requesting a Special Exception to permit a public charter school serving pre-kindergarten through 12th grade. The school will likely be considered a commercial establishment per Chapter 15 of the County Code. As the PWWM does not actively compete for commercial waste collection service at this time, waste collection services may be provided by a private waste hauler. The application will have no impact or any associated costs.

The PWWM does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste. The PWWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand, inclusive of the application reviewed here, which is not anticipated to have a negative impact on disposal service.

If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661.

Memorandum

MIAMI-DADE COUNTY

Date: December 4, 2012

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2012000128: FERRO DEVELOPMENT,LLC
Revised plans dated stamped received 9/12/2013

Application Name: FERRO DEVELOPMENT, LLC

Project Location: The site is located on the south side of SW OF SW 8 ST & between SW 152 AVE and sw 153 pl, Miami-Dade County.

Proposed Development: The request is for a special exception to permit a charter school to serve up to 3,000 students.

Impact and demand: This application does not generate any residential population applicable to CDMP Open Space Spatial Standards. We have no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

Objective ROS-8 of the Recreation and Open Space Element of the CDMP states the following: ***The 2007 Miami-Dade County Parks and Open Space System Master Plan (OSMP), through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.***

Recommendation: Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION**.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb
Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum

MIAMI-DADE COUNTY

Date: November 21, 2012

To: Eric Silva, AICP, Assistant Director
Development Services Division, Department of
Regulatory and Economic Resources

From: J.D. Patterson, Acting Director
Miami-Dade Police Department

Subject: Review – Developmental Impact Committee - Zoning Application
Case: No. Z2012000128 – Ferro Development, LLC

APPLICATION

The applicant, Ferro Development, LLC, is requesting a public hearing for a Special Exception to permit a public charter school facility to be located on 8.5 acres at SW 8 Street and SW 152 Avenue. The request would include grades pre-kindergarten through the 12th grade and serve up to 3,000 students.

CURRENT POLICE SERVICES

The school would be located in unincorporated Miami-Dade County and serviced by our Hammocks District, located at 10000 SW 142 Avenue, Miami, Florida. Our current staffing allows for an average emergency response time of eight minutes or less.

REVIEW

A review of the application and related documents was conducted to predict the impact on the Miami-Dade Police Department's (MDPD) resources and the impact that the location could have on the proposed zoning modification changes. A ½ mile radius check of crimes/calls for service of the location was done and has been provided in the attached documents for your Department.

Current data of police staffing, population, and crimes/calls for service was examined to project any increase in calls for service. Based on this data and due to the nature of the request (school), it cannot be predicted as to any projected increase in calls for service. Experience lends itself to anticipate that when additional citizens are present, traffic increases, truants may be present in the area, and calls for police service may rise. Current staffing should accommodate any slight increase in the volume of calls for service. However, should demand for police services increase beyond current levels, additional sworn personnel, support staff, and equipment may be required to maintain current levels of service. Additionally, it is recommended that Ferro Development, LLC work closely with the local police district command staff in considering security options for the site, especially during high volume times, to include but not limited to school start/dismissal times and special events.

The MDPD does not object to any proposed zoning modifications to complete this project. The applicant and developers are encouraged to work with police during any future application, design, or construction changes to determine the best possible solutions or security options.

If the request is approved, the MDPD recommends the following to be implemented as part of the approval.

- Stagger start and dismissal times to assist in decreasing the volume of traffic generated by the school.
- Install additional traffic control devices on the appropriate streets surrounding the school as necessary.
- Establish an internal system and protocols to locate and identify the residence of any sexual offenders residing within 1,000 and 2,500 feet of the school as reflected in Florida Statute 775.215 and the Code of Miami-Dade County, Section 21.281(a) respectively.
- Develop and implement a parking and traffic plan that includes, but is not limited to, adequate parking during special events and safe street crossing for pedestrians in and around the immediate area surrounding the campus.

Should you have any questions or require additional information, Lieutenant William Gonzalez, of the Public Information & Education Bureau, may be contacted at (305) 471-1775.

JDP/kh
Attachment

Memorandum

MIAMI-DADE COUNTY

Date: November 27, 2012

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: José A. Ramos, R.A., Division Director
Aviation Planning, Land-Use and Grants Division
Aviation Department

Subject: DIC Application #12-128
Ferro Development, LLC
MDAD DN-12-11-1093

As requested by the Department of Regulatory and Economic Resources, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #12-128, Ferro Development, LLC. The applicant is requesting a special exception to permit a charter school on the Southwest corner of SW 8th Street and SW 152nd Avenue, Miami-Dade County, Florida. The size of the property is approximately 8.97 acres.

Based upon our review of the information provided to us, MDAD does not object to the use provided there are no conflicts with applicable local, state and federal aviation regulations including the Code of Miami-Dade County, Chapter 33, Airport Zoning.

C: Jorge Vital, DIC Coordinator, Department of Regulatory and Economic Resources

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

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Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

January 31, 2014

DELIVERY VIA ELECTRONIC MAIL

Mr. Nicholas Nitti, DIC Coordinator
Zoning Evaluation Section
NDN@miamidade.gov

RE: STATUS OF SELECTED CHARTER SCHOOL CONTRACTS

Dear Mr. Nitti:
Please see the information below in response to your inquiries regarding Pinecrest Academy, Inc., on behalf of (1) **Pinecrest Palms Academy (4634)**; (2) **Pinecrest Academy Middle School North Campus (6003)**; and (3) **Pinecrest Preparatory Academy Charter High School (7053)**.

(1) Pinecrest Palms Academy (4634):	
Application Approval:	January 18, 2012
Contract Status:	Approved at the June 19, 2013 School Board Meeting. Currently being routed for signature for full execution of the contract.
School location(s):	▪ Current/Temporary Campus: 15130 S.W. 80 Street, Miami, Florida 33193, Folio No. 30-4933-002-0021; (to remain at this address commencing with the 2013-2014 school year and until August 1, 2015). ▪ Permanent Campus: S.W. 8th Street and S.W. 152nd Avenue, Folio No. 30-4904-000-0090. The following schools will be co-located at this site: Pinecrest Middle and Pinecrest High.
Term of the Contract:	5 years; August 2013 to June 30, 2017, as a deferral to open was granted for the 2012-2013 school year.
Enrollment Capacity:	2012-2013 SY – Not Open 2013-2015 SY – (K-1) 18 students 2015-2016 until end of term – (K-8) 900 students
Allowable Grade levels:	Grades K - 8
Additional Information:	Approved School Board Item: http://pdfs.dadeschools.net/Bdarch/2013/Bd061913/agenda/C30rev.pdf

Tiffanie A. Pauline, Assistant Superintendent • Charter School Support • 1450 N.E. 2nd Ave. • Suite 806 • Miami, FL 33132
305-995-1403 • 305-995-2009 (FAX) • charterschools.dadeschools.net

(2) Pinecrest Academy Middle School North Campus (6003):	
Application Approval:	02/10/10
1st Amendment to the Contract Status:	Approved at the October 16, 2013 School Board Meeting. Currently being routed for signature for full execution of the contract.
School location(s):	▪ Current/Temporary Campus: 10207 W. Flagler Street, Miami, Florida 33174; Folio No. 30-4005-001-0291 (to remain at this address until such time that construction is completed at the Permanent Campus) ▪ Permanent Campus: S.W. 8th Street and S.W. 152nd Avenue, Folio No. 30-4904-000-0090. The following schools will be co-located at this site: Pinecrest Palms (elementary) and Pinecrest High
Term of the Contract:	5 years; August 2011 to June 2015, as a deferral was granted for 2010-2011 school year.
Enrollment Capacity:	2010-2011 SY – Not open 2011-2012 SY – (6) 25 students 2012-2014 SY – (6-8) 300 students 2014-2015 until end of term – (6-8) 600 students
Allowable Grade levels:	Grades 6 - 8
Additional Information:	Approved School Board Item: http://pdfs.dadeschools.net/Bdarch/2013/Bd101613/agenda/C30.PDF

(3) Pinecrest Preparatory Academy Charter High School (7053):	
Application Approval:	02/14/2007
2nd Amendment to the Contract Status:	Approved at the October 16, 2013 School Board Meeting. Currently being routed for signature for full execution of the contract.
School location(s):	▪ Current/Temporary Campus: 14901 S.W. 42 Street, Miami, Florida 33185; Folio No. 30-4916-052-0010 (to remain at this address until such time that construction is completed at the Permanent Campus) ▪ Permanent Campus: S.W. 8th Street and S.W. 152nd Avenue, Folio No. 30-4904-000-0090. The following schools will be co-located at this site: Pinecrest Palms (elementary) and Pinecrest High
Term of the Contract:	10 years; August 2008 to June 2018
Enrollment Capacity:	2008-2009 SY – (9-10) 500 students 2009-2010 SY – (9-11) 750 students 2010-2014 SY – (9-12) 1,000 students 2014-2018 SY – (9-12) 1,200 students
Allowable Grade levels:	Grades 9-12
Additional Information:	Approved School Board Item: http://pdfs.dadeschools.net/Bdarch/2013/Bd101613/agenda/C30.PDF

If you have any questions or require additional information, please contact me, at 305 995-1403 or tpauline@dadeschools.net.

Sincerely,

Tiffanie Pauline
Assistant Superintendent

TP:elg
L160

DATE: 26-MAR-14

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

FERRO DEVELOPMENT,LLC

APPLICANT

south side of SW OF SW 8 ST & between SW 152 AVE and sw 153 pl, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2012000128

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. Prior case 201312009897 was opened on November 27, 2013 for junk/trash on unimproved property. Warning was issued December 18, 2013. Violation corrected and closed on January 3, 2014. Case 201412001009 was opened on February 6, 2014 for junk/trash on unimproved property. NCO did not get good address and case was closed on March 10, 2014. BNC: No bss cases open/closed.

Ferro Development

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

PHOTOGRAPHS

NORTH WEST

SOUTH WEST

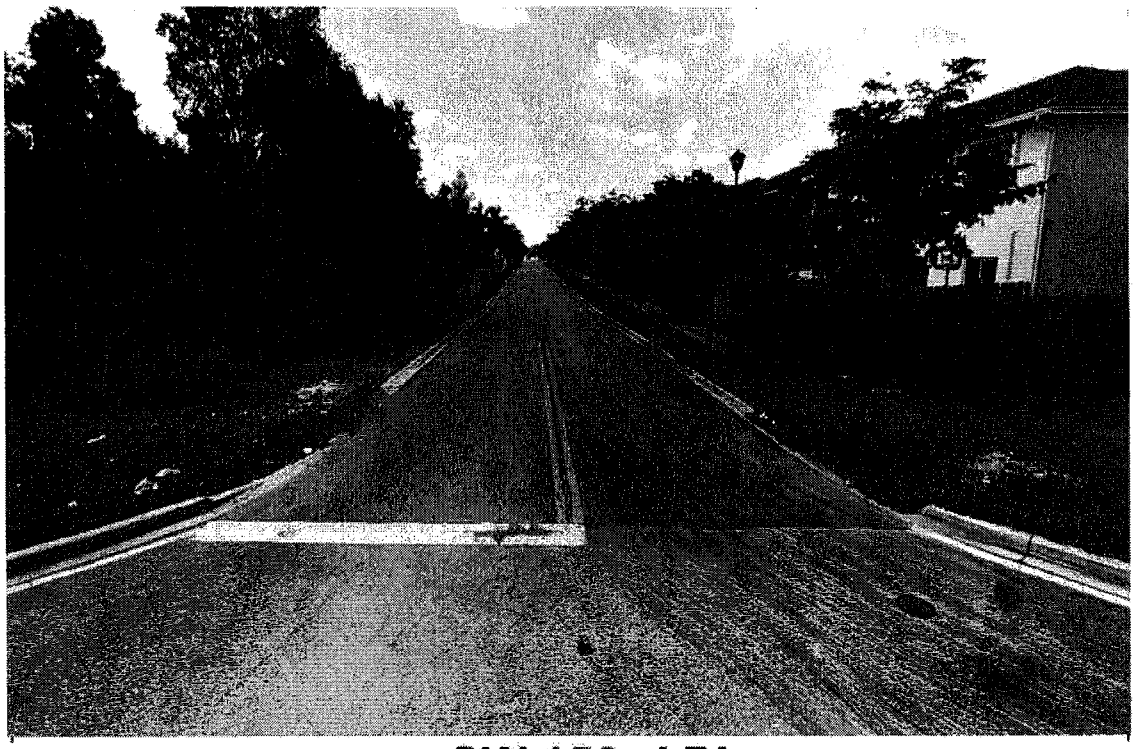
PHOTOGRAPHS

NORTH EAST

SOUTH EAST

PHOTOGRAPHS

SW 152nd AVE.



SW 153rd PL

PHOTOGRAPHS

NORTH WEST

SOUTH WEST

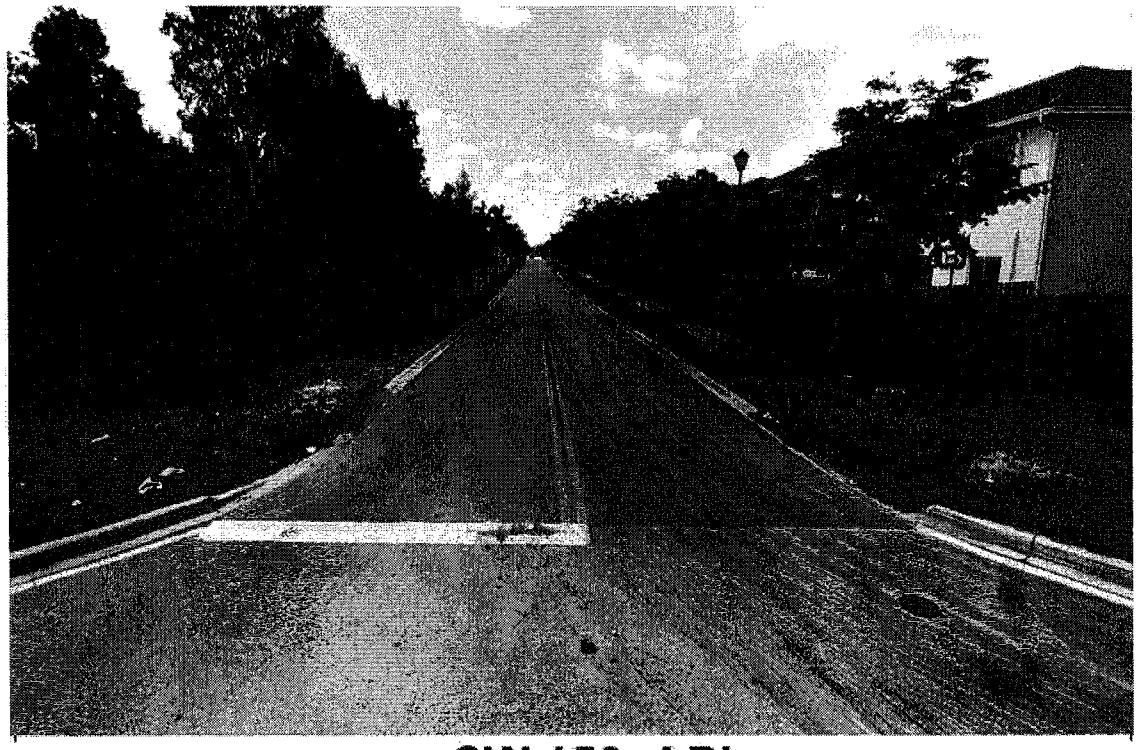
PHOTOGRAPHS

NORTH EAST

SOUTH EAST

PHOTOGRAPHS

SW 152nd AVE.



SW 153rd PL

55

PINECREST ACADEMY
TAMIAMI TRAIL CAMPUS

SW 8th STREET & SW 152nd AVENUE
MIAMI, FL 33194

FOLIO # 30-4904-000-0090

APPLICANT:

TAMIAMI SCHOOL PROPERTY, LLC
6457 Sunset Drive
South Miami, FL 33143

DATE: 09.18.2012
ISSUED FOR: DIC SUBMITTAL
CIVICA PROJECT: 120118

A R C H I T E C T:

CIVICA
L L C
ARCHITECTURE & URBAN DESIGN

8323 NW 12th St. Suite 106
Doral, FL 33126
tel: 305.593.9959

AA #26001093

C O N S U L T A N T S:

INDEX OF DRAWINGS

COVER	
SURVEY	
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A-4.1	PROPOSED EAST CLASSRM BLDG 01 ELEVATIONS
A-5	PROPOSED NORTH CLASSRM BLDG 02 FLOOR PLANS
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A-8	SITE DETAILS
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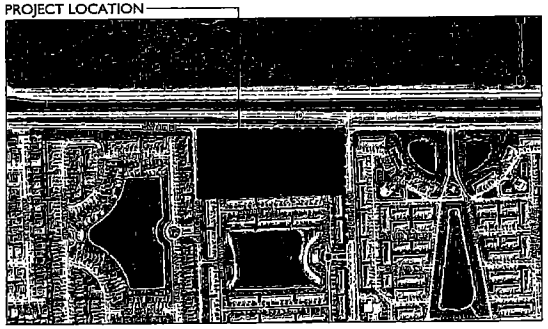
PROJECT LOCATION



LOCATION MAP
N.T.S.

LEGAL DESCRIPTION

FOLIO # 30-4904-000-0090

That portion of Tracts 53 and 54, of the SUPPLEMENTAL MAP NO.1 OF LANDS OF THE MIAMI EVERGLADES LAND CO. LTD., in Section 4, Township 54 South, range 39 East, Miami-Dade County, Florid, according to the Plat thereof, as recorded in Plat Book 3, at Page 38, of the Public Records of Miami-Dade County, Florida, more particularly described as follows: That portion of the East 3/4 of the Southwest 1/4 of Section 4, Township 54 South, Range 39 East, less the West 988.83 feet, the South 880.00 feet, and less the East 25.00 feet, which lies South of the Southerly right of way line of State Road NO.90 (U.S. 41), also known as TAMIAMI TRAIL.

RECEIVED
212-128
SEP 12 2013
MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENT IMPACT COMMITTEE
BY

REVISIONS

NO.	DATE	REVISION
1	01.24.2013	DIC COMMENTS
2	04.12.2013	PUBLIC WORKS COMMENTS
3		

STATE OF FLORIDA
ROLANDO LLANES
REGISTERED

8.20.13

SKETCH OF SURVEY SCALE: 1"= 40'

TAMIAMI TRAIL (SW. 8th ST.)

N89°43'32"E 956.14'

VACANT

SW. 152nd AVE.

SW. 153rd PL.

SW. 151st PL.

SW. 8th TERR.

SW. 153rd CT.

SW. 152nd CT.

EMERALD ISLES PB.160, PG.50

SW. 8th WAY

AB AT TAMIAMI TRAIL PHASE 2 PB.162, PG.18

GRANG LAKES PHASE I (PB.159, PG.65)

S87°45'25"W 955.49'

S02°13'08"E 390.25'

N02°13'59"W 423.10'

TRACT "OO"

TRACT "S"

TRACT "T"

LEGEND:

- METAL LIGHT POLE
- CONCRETE LIGHT POLE
- CATCH BASIN
- FIRE HYDRANT
- WATER VALVE
- SANITARY SEWER MANHOLE
- CONCRETE POWER POLE
- TRAFFIC SIGN
- CONCRETE AREAS
- PAVED AREAS

P.C.P.= SURVEYOR'S DISC STAMPED
P.R.M.= PERMANENT REFERENCE MONUMENT
S.I.P.= SET 1/2"IRON PIPE N°LB.3192
F.I.P.= FOUND 1/2"IRON PIPE
N&D.= NAIL & DISC
4' HIGH CHAIN LINK FENCE
6' HIGH WOOD FENCE

LOCATION MAP SCALE: 1"= 400'

PORTION OF THE SW. 1/4 OF SEC. 48, TWP. 54S, RGE.39E

TAMIAMI CANAL (CANAL C-4)

TAMIAMI TRAIL (SW. 8th ST.)

EPM ESTATES SECTION ONE (PB.158, PG.89)

AB AT TAMIAMI TRAIL PHASE 2 (PB.162, PG.18)

EMERALD ISLES (PB.160, PG.50)

SW. 157th AVE. — SW. 153rd PL. — SW. 152ND AVE.

SW. CORNER OF SE.4-54-39 — SW. 15th ST. — S.1/4 CORNER OF SE.4-54-39

LEGAL DESCRIPTION:

That portion of Tracts 53 and 54, of the SUPPLEMENTAL MAP NO.1 OF THE LANDS OF THE MIAMI EVERGLADES LAND CO. LTD., in Section 4, Township 54 South, Range 39 East, Miami-Dade County, Florida, according to the Plat thereof, as recorded in Plat Book 3, at Page 39, of the Public Records of Miami-Dade County, Florida, more particularly described as follows: That portion of the East 3/4 of the Southwest 1/4 of Section 4, Township 54 South, Range 39 East, less the West 989.93 feet, the South 660.00 feet, and less the East 35.00 feet, which lies South of the Southerly right of way line of State Road NO.90 (U.S. 41), also known as TAMIAMI TRAIL.

SURVEYOR'S NOTES:

1. TYPE OF SURVEY: BOUNDARY AND ELEVATIONS
2. BEARINGS & DISTANCES SHOWN ARE IN SUBSTANTIAL COMPLIANCE WITH THOSE RECORDED UNLESS OTHERWISE NOTED.
3. BEARINGS ARE BASED ON AN ASSUMED VALUE OF N89°43'32"E ALONG THE NORTH LINE OF SAID PORTION OF TRACTS 53 AND 54.
4. PROPERTY AREA: 369,834 SQUARE FEET = 8.4894 ACRES
5. THIS PROPERTY IS LOCATED IN FLOOD ZONE AH, BASE FLOOD ELEVATION: 8.0', PER FIRMA MAP COMMUNITY N° 120035, PANEL N°0165, SUFFIX L, REVISED ON SEPTEMBER 11, 2009.
6. ALL ELEVATIONS THUS +9.00' ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929, AS MEASURED FROM MIAMI-DADE COUNTY BENCHMARK N° B-33-R, ELEVATION:7.46', INDEX:1631 NW., AND IS A US C&G BRASS DISC IN CONC.MON. 10'N.OF A GUARD RAIL AND 189' E.OF A METAL SIGN (TRAIL GLADES RANGE 2 MILES) 15SOUTH OF A WITNESS POST. SW. 8th ST.(TAMIAMI TRAIL)--27.4' NORTH OF C/L OF PORTLAND CEMENT PLANT--1.7 MILES WEST OF NORTH ENTRANCE ROAD, AND 0.3 MILE EAST OF GATOR KICK SALOON. NOTE: PREVIOUS ELEVATION WAS 7.63'
7. EXISTING ZONE CLASSIFICATION: RU-3M
8. THIS SURVEY HAVE BEEN PREPARED IN ACCORDANCE WITH TITLE COMMITMENT 01-2012-1659 ISSUED BY OLD REPUBLICAN NATIONAL TITLE INSURANCE COMPANY, AND FURNISHED TO THE UNDERSIGNED TO SHOW ANY MATTER OF RECORDS AFFECTING THE SUBJECT PROPERTY AS FOLLOWS:

SCHEDULE B-II (EXCEPTIONS)

ITEMS1, 2a, b, c, AND 2e ARE STANDARD

ITEM 2c -- ENCROACHMENT OF PAVEMENT, CURB & GUTTER , A CATCH BASIN AND A SEWER MANHOLE WITHIN THE WEST 25' OF THE PROPERTY, THE SAME BEING THE EAST ½ OF THE REQUIRED 50' RIGHT OF WAY OF SW. 152nd P.L. PORTION TO BE DEDICATED TO MIAMI-DADE COUNTY..

ITEM 3 -- STANDARD

ITEM 4 -- NO SUBMERGED LAND WITHIN SUBJECT PROPERTY..

ITEM 5 -- STANDARD

ITEM 6 -- COVENANT RECORDED IN O.R.B. 21013, PG. 2924 AFFECTS ENTIRE PROPERTY.

ITEM 7 -- DECLARATION OF RESTRICTIONS RECORDED IN O.R.B. 22176, PG.2700 AFFECTS ENTIRE PROPERTY.

ITEM 8 -- DECLARATION OF RESTRICTIONS RECORDED IN O.R.B. 26712, PG.892 AFFECTS ENTIRE PROPERTY.

ITEM 9 -- EASEMENTS AND ASSIGMENT RECORDED IN O.R.B. 14908, PG.1117 DOES NOT AFFECT THE SUBJECT PROPERTY.

ITEM 10 -- RESOLUTIONS OR ORDINANCES RECORDED IN O.R.B. 20792, PG.2830 DOES NOT AFFECT THE SUBJECT PROPERTY.

ITEM 11 -- RESOLUTIONS OR ORDINANCES RECORDED IN O.R.B. 20953, PG.842 DOES NOT AFFECT THE SUBJECT PROPERTY.

ITEM 12 -- RESOLUTIONS OR ORDINANCES RECORDED IN O.R.B. 20953, PG.858 DOES NOT AFFECT THE SUBJECT PROPERTY.

ITEM 13, 14, 15 AND 16 ARE NOT A SURVEY MATTER.

J. F. LOPEZ & ASSOCIATES, INC.

CONSULTING LAND SURVEYORS AND PLANNERS

CERTIFICATE N° LB.3192, STATE OF FLORIDA

7900 NW. 155th ST, SUITE 104, MIAMI LAKES, FL.33016

PH: (305) 828-2725 Fax: (305) 828-3589

I HEREBY CERTIFY: THAT A SURVEY OF THE PROPERTY AS DESCRIBED IN THE FOREGOING CAPTION HAS BEEN MADE UNDER MY DIRECTION, AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17-05 OF FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, BELIEF AND PROFESSIONAL JUDGEMENT.

NOTE: THIS IS NOT A VALID SURVEY WITHOUT THE UNDERSIGNED SURVEYOR'S SIGNATURE AND EMBOSSED RAISED SEAL.

BY: JOSE F. LOPEZ, P.S.M. Professional Surveyor & Mapper N°3086, State of Florida.

CERTIFIED TO:
MIAMI YEAR 2005, INC. its successors and/or assigns;
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY;
KATZ & ASSOCIATES LAW FIRM , P.L.

DATE OF FIELD WORK:	ORDER N°	DRAWN BY:	FIELD BOOK:	CAD FILE:	JOB DESCRIPTION
FEBRUARY 10, 2012	120209	J.F.L.	149-55	120209	REVISED, UPDATED & RECERTIFIED
APRIL 12, 2006	060265	MTP.	149-55	060266	BOUNDARY SURVEY & ELEVATIONS

57

Parking Calculation Note:
As per Florida Statutes Chapter 1002.33 (18) Facilities:

- The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and size-site criteria, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code.
- Pinecrest Academy Charter School parking calculations are based on State Requirements for Educational Facilities 2010 FBC/ Sec.423.10.2.8:
  - Faculty and staff - One space for each member.
  - Visitors - One space for every 100 students.
  - High Schools - One space for every 10 students in grades 11 and 12.

PARKING CALCULATION		
Parking Data @ 3,000 Students (Grades K - 12th)		
K-5th	Elementary	1,200
6th-8th	Middle School	600
9th-12th	High School	1200
Type	Required	Provided
Staff (1 Per Staff)	194	194
Visitors (1 Per 100 Students)	30	39
Students (1 Space for every 10 students in 11th & 12 Grades)	60	60
Totals	274	293

NOTES: 7 total ADA Accessible parking spaces required as per 2010 Florida Building Code, Accessibility. Total Provided = 8 (included in 293 total parking count)

BU - ZONING LEGEND

District: BU-1A

Use Zoning All ASIV, ASIV, ASIV, 2010) for BU-1, BU-1A, BU-2, & BU-3 criteria. Parking structure not counted as floor area but used to count # of stories. Mall area not counted in lot coverage; their area, not FAR, stages measured from finished floor (F.F.) to top of pitch steel roofs)

GROSS AREA (acres)	368,934 s.f.		
Less r-o-w	10,570 s.f.		
Less Water	-		
Less Other	-		
NET AREA (no. 1)	378,284 s.f.	100 %	
Lot Coverage (495 max)	90,000 s.f.	23.8 %	
Paved Area	150,224 s.f.	39.71 %	
Landscaped Open Space	138,040 s.f.	36.49 %	

MINIMUM REQUIREMENTS	REQUIRED	PROVIDED
frontage for interior lot	50'	-
lot area for interior lot	5,000 s.f.	-
75' frontage for corner lot (or 5,000 s.f. if plat prior to PB 40-16)	75'	656'
7,500 s.f. lot area for corner lot (5,000 s.f. if plat prior to PB 40-16)	7,500 s.f.	378,284 s.f.

SETBACK REQUIREMENTS		
SETBACK TYPE	REQUIRED	PROVIDED
FRONT	20'	69'-8"
SIDE STREET (15' or 25')	25'	50' (w/ 15' Landscape)
INTERIOR (0' or 5', 10' or 15')	15'	n/a
REAR (0', 5' or 20')	20'	40'
BETWEEN BUILDINGS	20'	n/a

SIDE ST.: 15', except 25' on cnr part of bldg. within 30' of RU or EU property. INTERIOR: 0' if adjacent property is BU or IU & bldg. used only for business or industry. 5' if wall has openings & 4-hr. fire resist. 10 for portions of bldg. with residential use. 15' when adjacent property is RU or EU. REAR: 5' in BU1/2 if opening on rear bldg wall, 0' if no opening. 20' from res. dist. width of alley.

Same setbacks as above for accessory buildings

ZONING DISTRICT	MAX. HEIGHT	MAX. STORIES
BU-1 (Business - Neighborhood)	30'	2 stories
BU-1A (Business - Limited)	45'	4 stories
BU-2 (Business - Special)	no max.	no max.
BU-3 (Business - Liberal)	no max.	no max.

NOTE: Portion of bldg. in BU-2, BU-3 from 35' - 45' height to setback a minimum of 25' from the street; thereafter 1' for each additional 5' of height. (see 33-35 for exemptions)

Maximum Floor Area Ratio (F.A.R.) per No. of Bldg. Stories			
1 story	2 thru 3 stories	3th story and up	
0.4	0.31 for additional floor permitted up to 3 stories	0.03 per each additional story above 6th floor	
MAX. HEIGHT OF PROPOSED BLDGS			45'
MAX. NUMBER OF STORIES PERMITTED			4
MAX. NUMBER OF STORIES PROPOSED			3
F.A.R. PERMITTED		234,524 S.F.	0.62 FAR
F.A.R. PROPOSED		201,400 S.F.	0.53 FAR

NOTES:
1. SITE WILL BE FILLED TO COUNTY FLOOD CRITERIA ELEVATION N.G.V.D. OR AN ELEVATION NO LESS THAN THE HIGHEST APPROVED CROWN ELEVATION OF THE ROAD ABUTTING THE PROPERTY.
2. LOT WILL BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OR STORMWATER ONTO ADJACENT PROPERTY. APPLICANT WILL PROVIDE CERTIFICATION PRIOR TO FINAL INSPECTION

CHILD CARE CHECK LIST FOR CHARTER SCHOOLS

A signed charter contract from the Miami-Dade County School Board must accompany this application which matches the location, and not to exceed # of students and grade levels of the proposed application.

School Name: PINECREST ACADEMY CHARTER SCHOOL - TAMIAMI TRAIL CAMPUS
School Address: SW 8th Street & SW 152nd Avenue
Tax Folio #30-4004-000-0090

Total size of site: 18.9284 Acres when including ROW to be dedicated).

Is this an expansion to an existing school? ____YES ✓ NO

If yes, then indicate the # of students and grade levels previously approved:

N/A and the Resolution # N/A .

Number of students / children requested: 3,000 Grade Levels: pre/k-12th Grades Ages: 4-18 Yrs Old.

Number of classrooms: 138 Total Classrs

Total square footage of classroom area: 81,600 Sq.Ft.

Total square footage of non-classroom area (offices, bathrooms, kitchens, etc.): 117,150 Sq.Ft.

Total square footage of outdoor recreation/play area: 180,500 Sq.Ft.

Number of parking spaces provided for staff and transportation vehicles: 194 Spaces

Total parking spaces provided: 293 Spaces

Auto-stacking spaces provided: 88 vehicles

Days and hours of operation: Monday – Friday 7:00 AM - 4:00 PM .

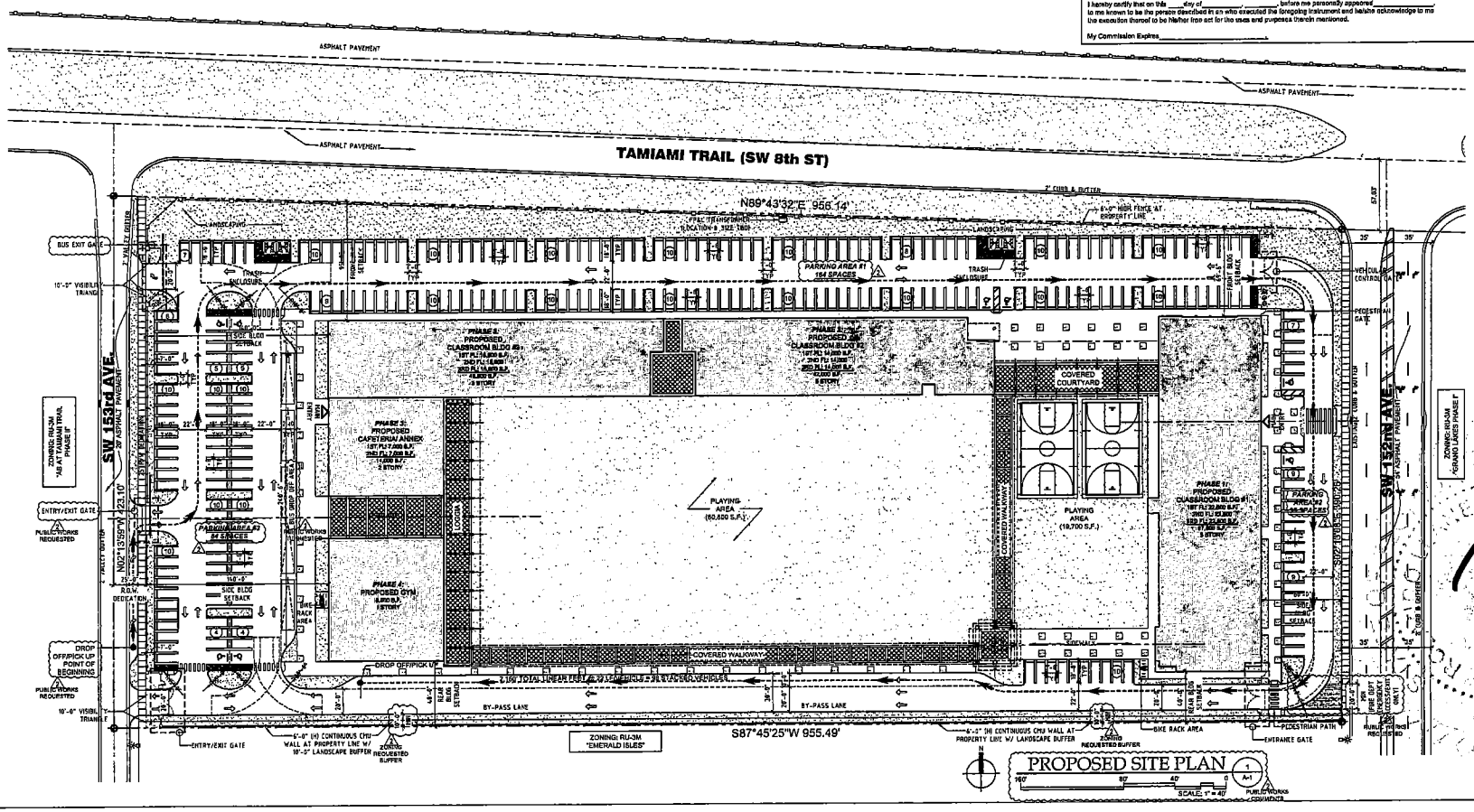
THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.
Signed, sealed, executed and acknowledge on this ____day of ____ at Miami-Dade County, Florida.

WITNESSES: ____ SIGNATURE: ____

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this ____day of ____, ____, before me personally appeared ____, to me known to be the person described in an who executed the foregoing instrument and he/she acknowledge to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

My Commision Expires ____.



CIVICA
ARCHITECTURE & DESIGN GROUP
8323 NW 12th St. Suite 108
Doral, FL 33126
tel: 305.593.9959
AA #26001093
www.civicagroup.com

PROJECT:
PINECREST ACADEMY (TAMIAMI TRAIL CAMPUS)
SW 8th ST & SW 152nd AVE
MIAMI, FL 33194

APPLICANT:
TAMIAMI SCHOOL PROPERTY, LLC

6457 Sunset Drive
Miami, FL 33143

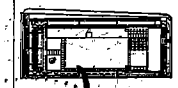
ISSUED FOR:
DIC SUBMITTAL

CIVICA PROJECT No : 120118

No.	DATE	REVISION	BY
1	01.24.2013	DIC COMMENTS	TM
2	04.12.2013	PUBLIC WORKS COMMENTS	TM / F

DRAWN BY	APPROVED BY
TH	RGL
DATE	SCALE:
Sept. 19, 2012	SEE ISSUE

KEY PLAN



SIGNATURE
8.28.13
ROLANDO GONZALEZ-LAMAR
AR-0012

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COPYRIGHT © 2013

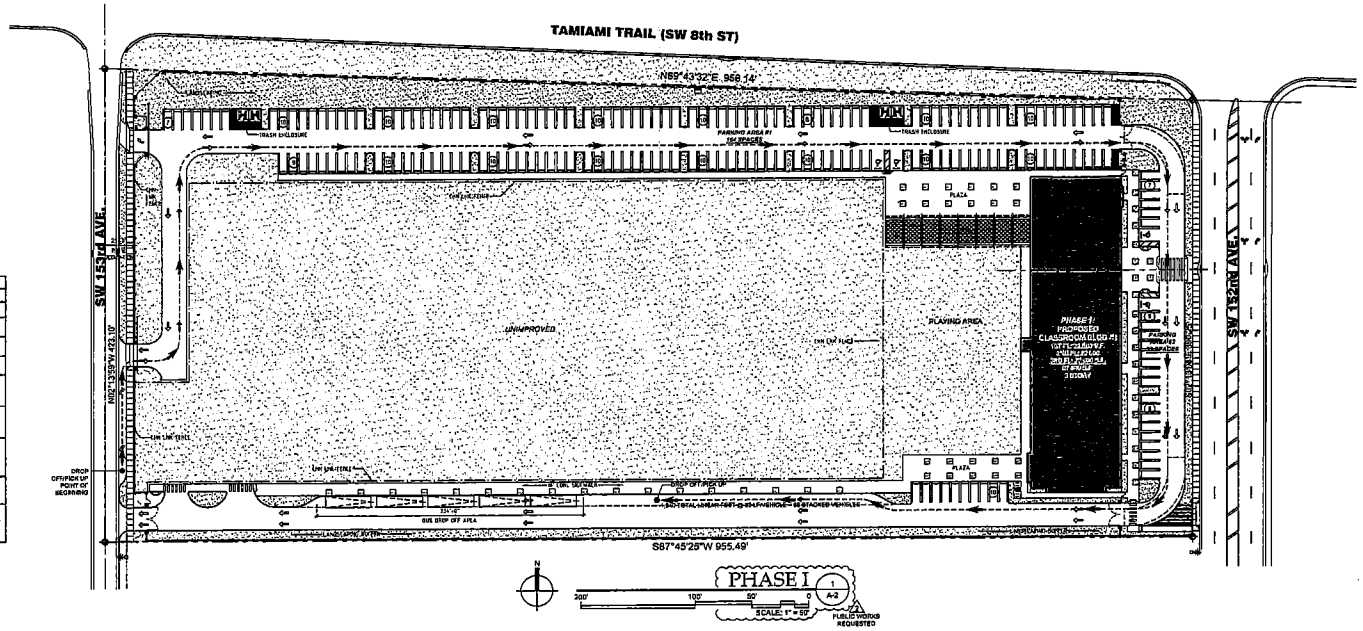
SHEET TITLE
PROPOSED SITE PLAN & DATA CALCULATIONS

SHEET NUMBER
A-1

58

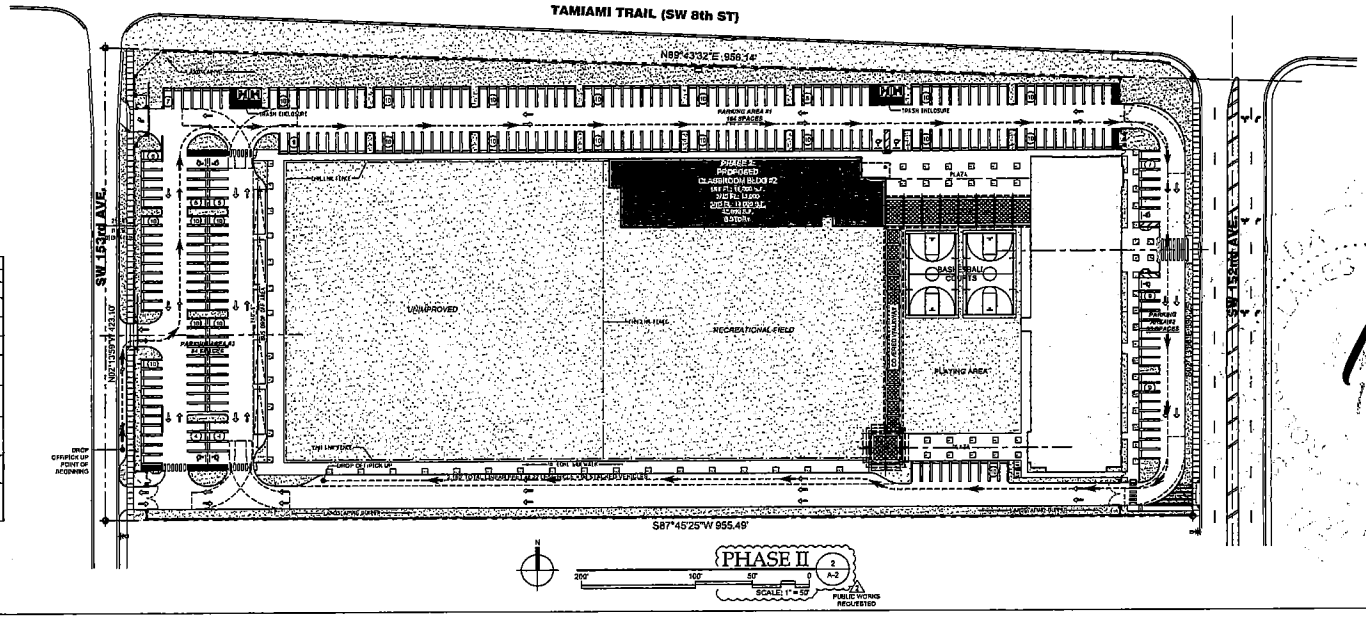
Phase 1		
Parking Data @ 1,100 Students (Grades K - 12th)		
K-5th	Elementary	335
6th-8th	Middle School	165
9th-12th	High School	600
Type	Required	Provided
Staff (1 Per Staff)	69	69
Visitors (1 Per 100 Students)	11	100
Students (1 Space for every 10 students in 11th & 12 Grades)	30	30
Totals	110	199

NOTES: 5 total ADA Accessible parking spaces required as per 2010 Florida Building Code, Accessibility. Total Provided = 5 (included in 199 total parking count)



Phase 2 (Cumulative Phi+Phii)		
Parking Data @ 2,100 Students (Grades K - 12th)		
K-5th	Elementary	735
6th-8th	Middle School	365
9th-12th	High School	1000
Type	Required	Provided
Staff (1 Per Staff)	131	131
Visitors (1 Per 100 Students)	21	102
Students (1 Space for every 10 students in 11th & 12 Grades)	50	50
Totals	202	283

NOTES: 7 total ADA Accessible parking spaces required as per 2010 Florida Building Code, Accessibility. Total Provided = 8 (included in 283 total parking count)



CIVICA
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PROJECT:
PINECREST ACADEMY (TAMIAMI TRAIL CAMPUS)
SW 8th ST & SW 152nd AVE
MIAMI, FL 33194

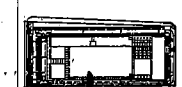
APPLICANT:
TAMIAMI SCHOOL PROPERTY, LLC
6457 Sunset Drive
Miami, FL 33143

ISSUED FOR:
DIC SUBMITTAL

CIVICA PROJECT No:
120118

No.	DATE	REVISION	BY
1	04.12.2013	PUBLIC WORKS COMMENTS	TM / SF

DRAWN BY: TH
APPROVED BY: RL
DATE: Sept. 19, 2012
SCALE: SEE SHT
KEY PLAN



8.12.8.13

ROLANDO LANES
AR - 0013160.

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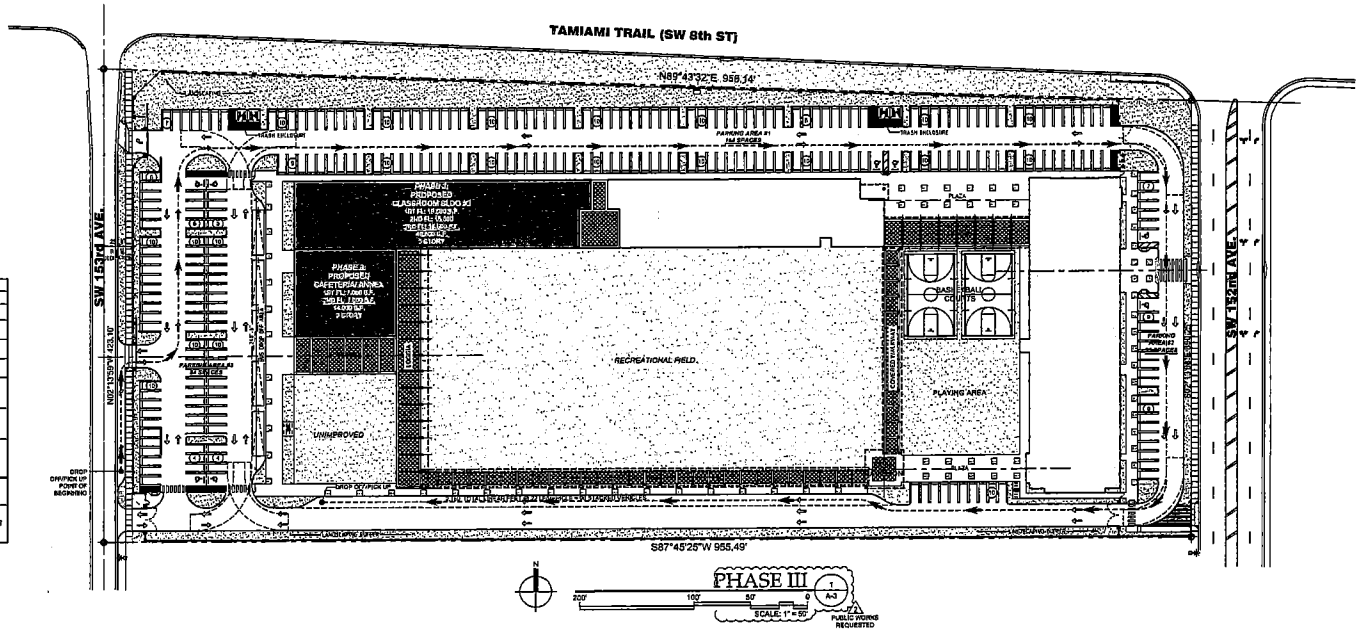
SHEET TITLE:
PROPOSED PHASING PLAN

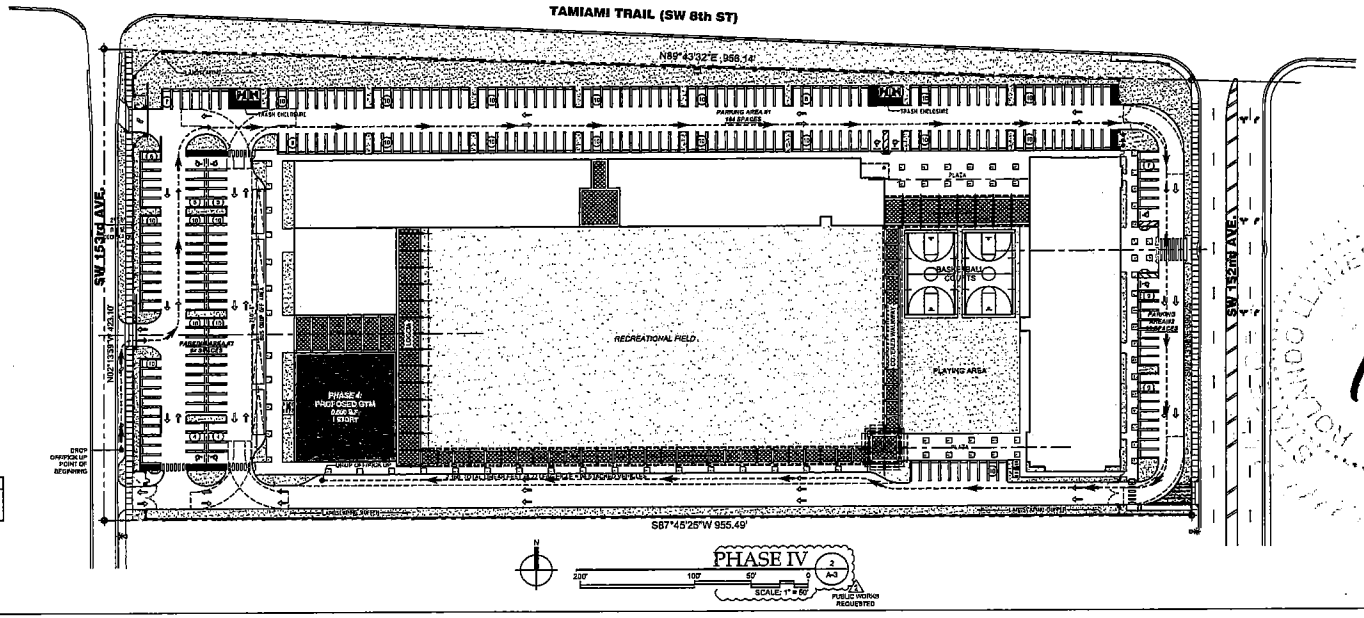
SHEET NUMBER
A-2

59

PARKING CALCULATION		
Parking Data @ 3,000 Students (Grades K - 12th)		
K-5th	Elementary	1,200
6th-8th	Middle School	600
9th-12th	High School	1200
Type	Required	Provided
Staff (1 Per Staff)	184	184
Visitors (1 Per 100 Students)	30	39
Students (1 Space for every 10 students in 11th & 12 Grades)	60	60
Totals	274	283

NOTES: 7 total ADA Accessible parking spaces required as per 2010 Florida Building Code, Accessibility. Total Provided = 8 (included in 283 total parking count)





Phase 4 (ACCESSORY USE - GYMNASIUM)
NO INCREASE IN STUDENTS OR STAFF

CIVICA
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PROJECT:
PINECREST ACADEMY (TAMIAMI TRAIL CAMPUS)
SW 8th ST & SW 152nd AVE
MIAMI, FL 33194

APPLICANT:
TAMIAMI SCHOOL PROPERTY, LLC
6457 Sunset Drive
Miami, FL 33143

ISSUED FOR:
DIC SUBMITTAL

CIVICA PROJECT No : 120118

No.	DATE	REVISION	BY
2	04.12.2013	PUBLIC WORKS COMMENTS	TM / IF

DRAWN BY: TH
APPROVED BY: RL
DATE: Sept. 19, 2012
SCALE: SEE SHT

KEY PLAN

SEAL SIGNATURE

8.28.13

ROLANDO LEAVES
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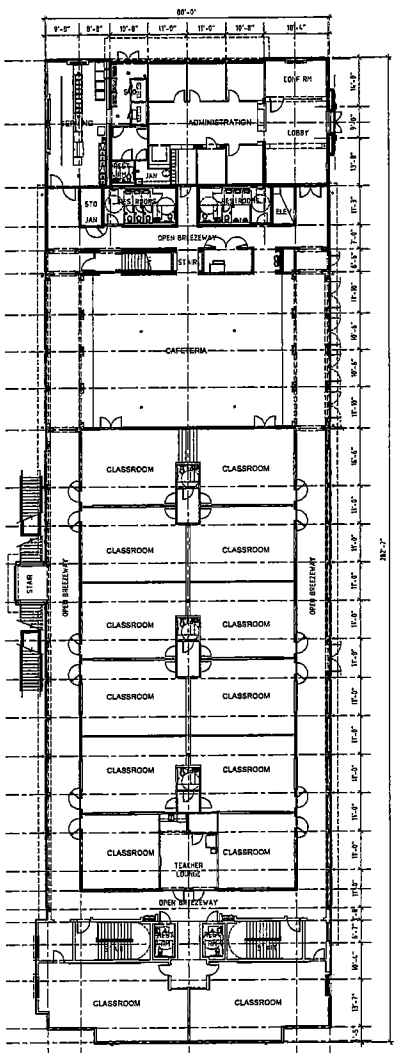
SHEET TITLE
PROPOSED PHASING PLAN

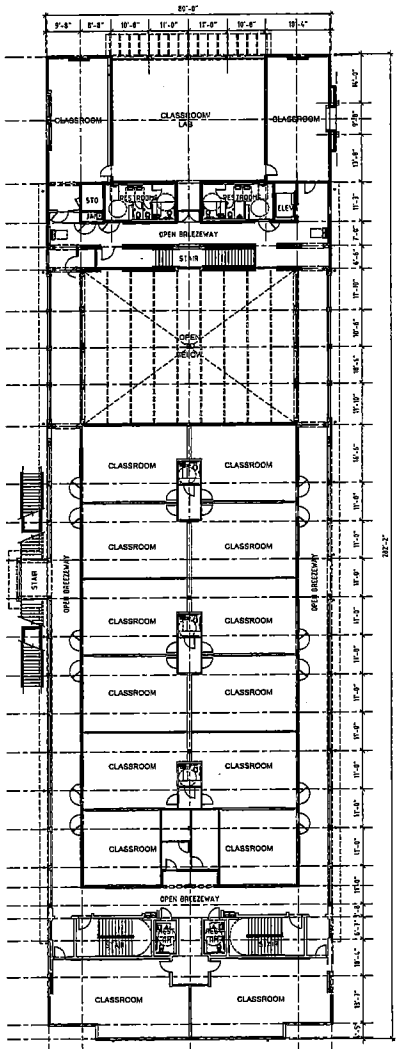
SHEET NUMBER
A-3

09



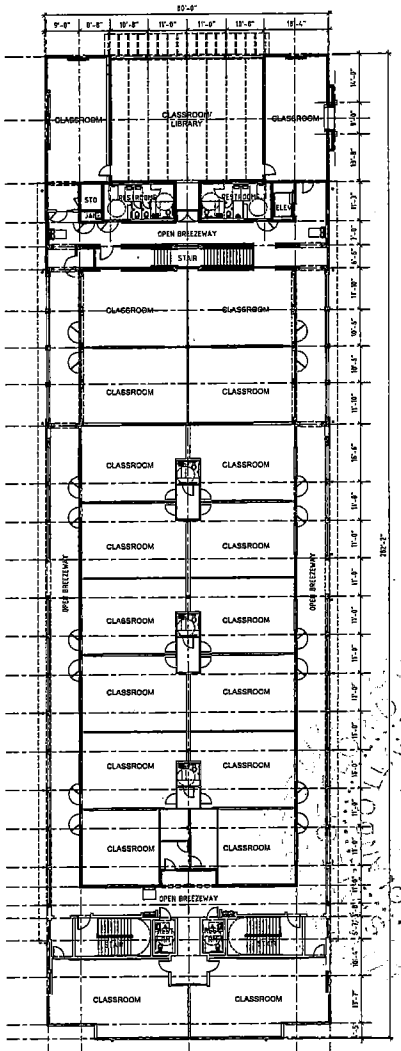
GROUND FLOOR PLAN (1 / A-4)

SCALE: 1/16" = 1'-0"



2ND FLOOR PLAN (2 / A-4)

SCALE: 1/16" = 1'-0"



3RD FLOOR PLAN (3 / A-4)

SCALE: 1/16" = 1'-0"

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Miami, FL 33143

ISSUED FOR:

DIC SUBMITTAL

CIVICA PROJECT No : 120118

No.	DATE	REVISION	BY

DRAWN BY: TH
APPROVED BY: RL
DATE: Sept - 15,1012
SCALE: SEE SHT

KEY PLAN

8.28.13

ROLANDO LOPEZ
AR - 0013180

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SHEET TITLE

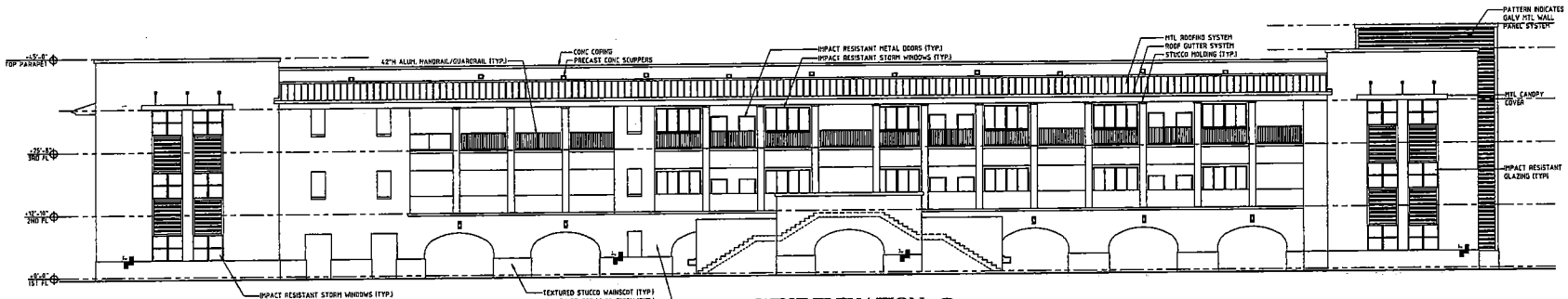
PROPOSED EAST CLASSRM BLDG 01 FLOOR PLANS

SHEET NUMBER

A-4

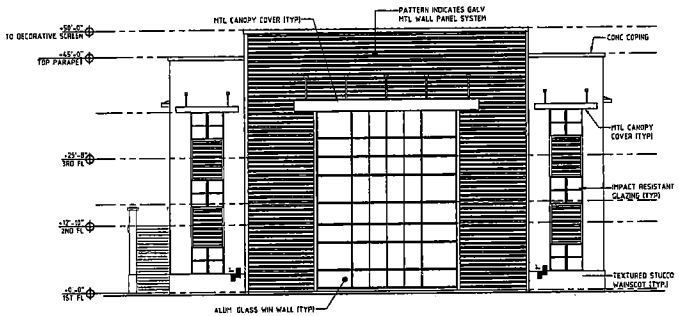
19

HEIGHT NOTE:
ALL ROOF DECORATIVE SCREENS AND ACCENT TOWERS SHALL BE EXEMPT FROM THE 45'-0" HEIGHT RESTRICTIONS AS PER SEC 33-65(a) OF THE MIAMI-DADE COUNTY ZONING ORDINANCE (TYP)



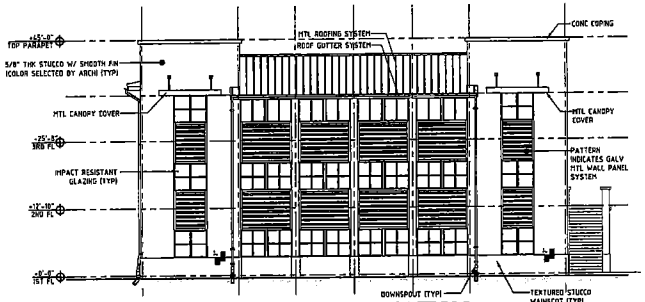
WEST ELEVATION 2 A-4.1

SCALE: 1/16" = 1'-0"



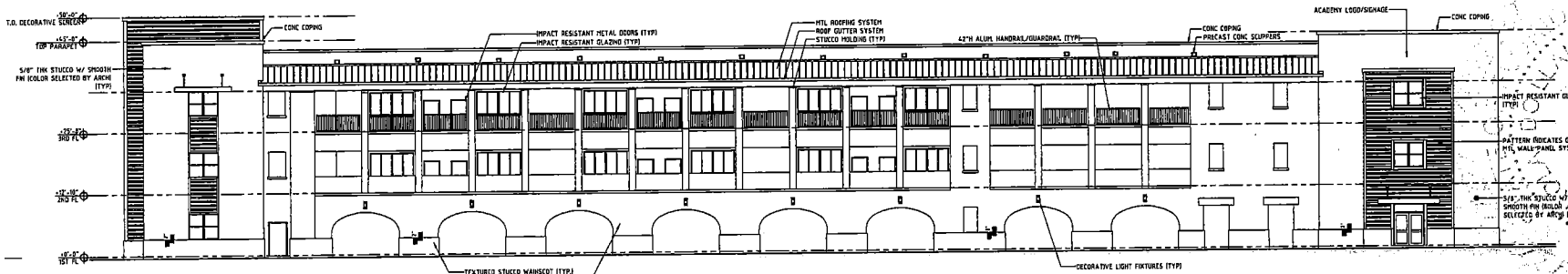
SOUTH ELEVATION 4 A-4.1

SCALE: 3/32" = 1'-0"



NORTH ELEVATION 3 A-4.1

SCALE: 3/32" = 1'-0"



EAST ELEVATION 1 A-4.1

SCALE: 3/32" = 1'-0"

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PROJECT:
PINECREST ACADEMY (TAMIAMI TRAIL CAMPUS)
SW 8th ST & SW 152nd AVE
MIAMI, FL 33194

APPLICANT:
TAMIAMI SCHOOL PROPERTY, LLC
6457 Sunset Drive
Miami, FL 33143

ISSUED FOR:
DIC SUBMITTAL

CIVICA PROJECT No:
120118

No.	DATE	REVISION	BY

DRAWN BY	APPROVED BY
TH	RL
DATE	SCALE:
Sept. 19,1012	SEE SHT

KEY PLAN

SEAL SIGNATURE

8.28.13

ROLANDO LEANES
R - 0013160

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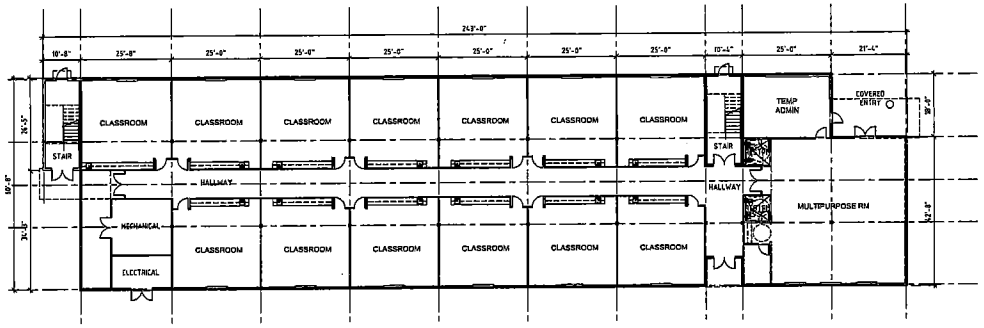
SHEET TITLE
PROPOSED EAST CLASSRM BLDG 01 ELEVATIONS

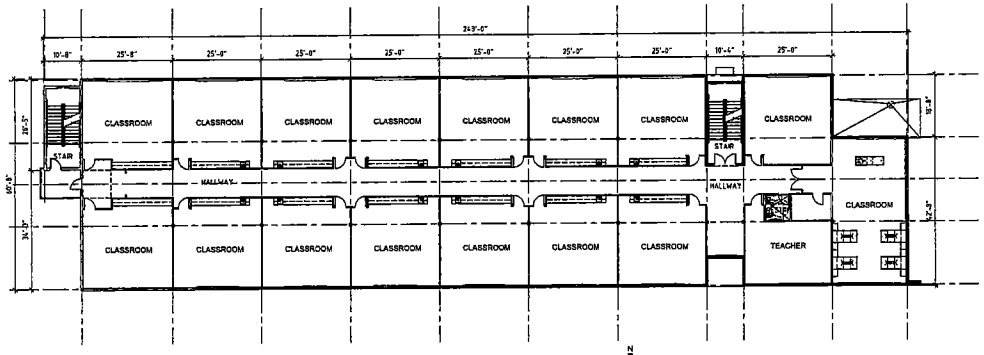
SHEET NUMBER
A-4.1

62



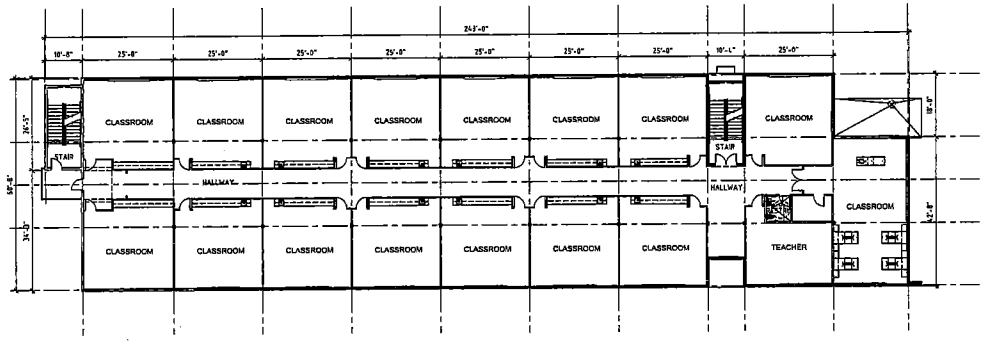
GROUND FLOOR PLAN 1 A-5

SCALE: 1/16" = 1'-0"



2ND FLOOR PLAN 2 A-5

SCALE: 1/16" = 1'-0"



3RD FLOOR PLAN 3 A-5

SCALE: 1/16" = 1'-0"

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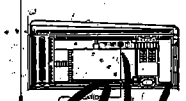

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ROLANDO LLANES
AR - 0013160

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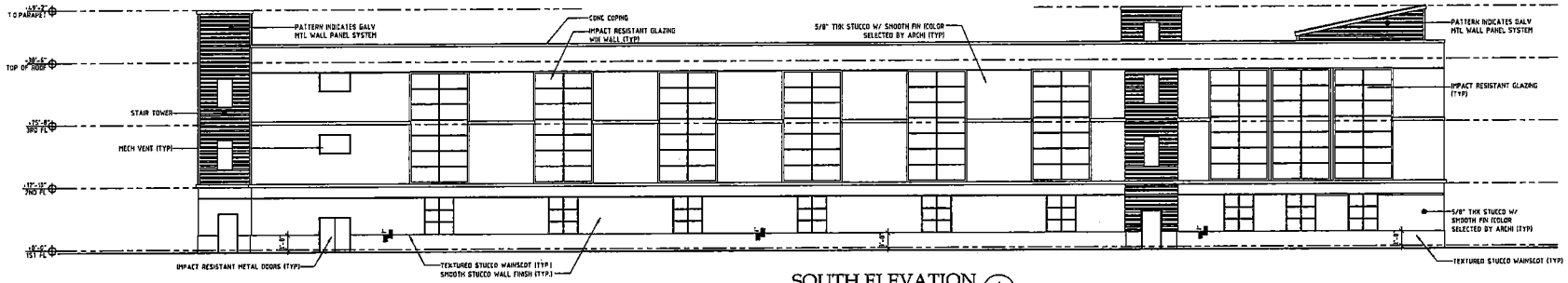
SHEET TITLE:
PROPOSED NORTH CLASSRM BLDG 02 FLOOR PLANS

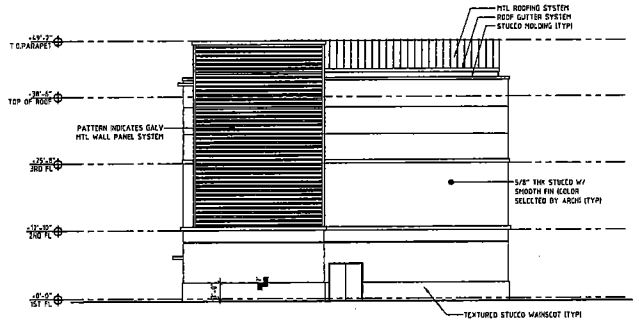
SHEET NUMBER
A-5

63

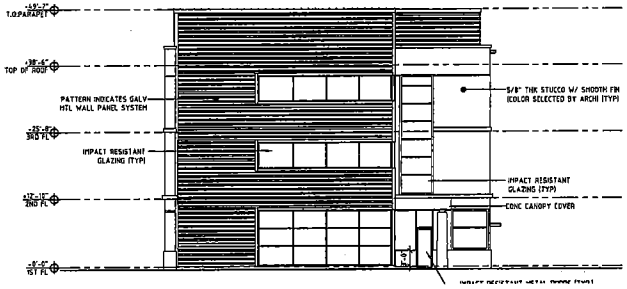
HEIGHT NOTE:
ALL ROOF DECORATIVE SCREENS AND ACCENT TOWERS SHALL BE EXEMPT FROM THE 48'-0" HEIGHT RESTRICTIONS AS PER SEC 33-35(a) OF THE MIAMI-DADE COUNTY ZONING ORDINANCE (TYP)



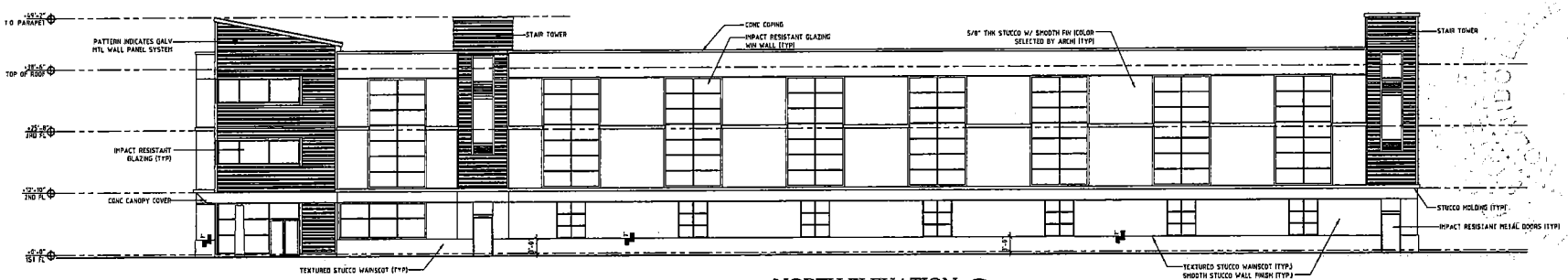
SOUTH ELEVATION (4 / A-5.1)
42'-8" 21'-4" 10'-8" 0
SCALE: 3/32" = 1'-0"



WEST ELEVATION (3 / A-5.1)
42'-8" 21'-4" 10'-8" 0
SCALE: 3/32" = 1'-0"



EAST ELEVATION (2 / A-5.1)
42'-8" 21'-4" 10'-8" 0
SCALE: 3/32" = 1'-0"



NORTH ELEVATION (1 / A-5.1)
42'-8" 21'-4" 10'-8" 0
SCALE: 3/32" = 1'-0"

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6457 Sunset Drive
Miami, FL 33143

ISSUED FOR:
DIC SUBMITTAL

CIVICA PROJECT No : 120118

No.	DATE	REVISION	BY

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TH	RL
DATE	SCALE:
Sept 19,2012	SEE SHT

KEY PLAN

8.28.13

ROLANDO LLANES
AR-0012160

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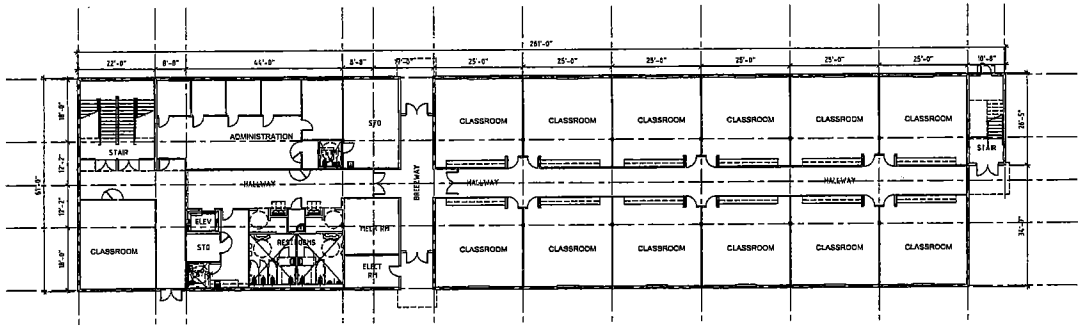
SHEET TITLE
PROPOSED NORTH CLASSRM BLDG 02 ELEVATIONS

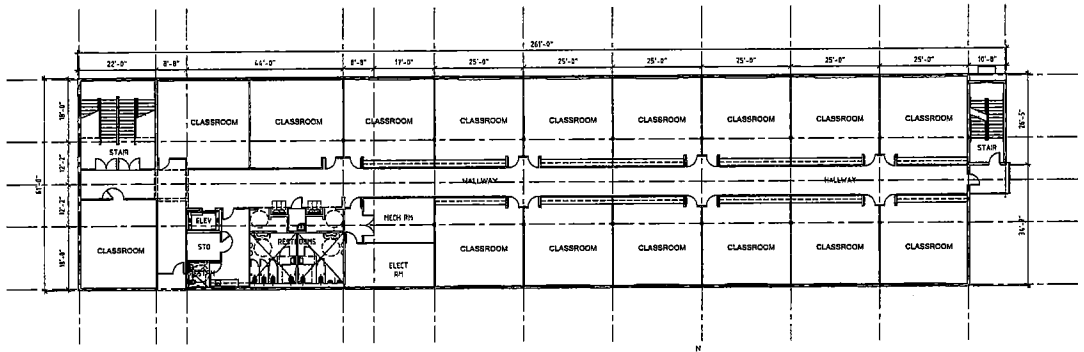
SHEET NUMBER
A-5.1

69



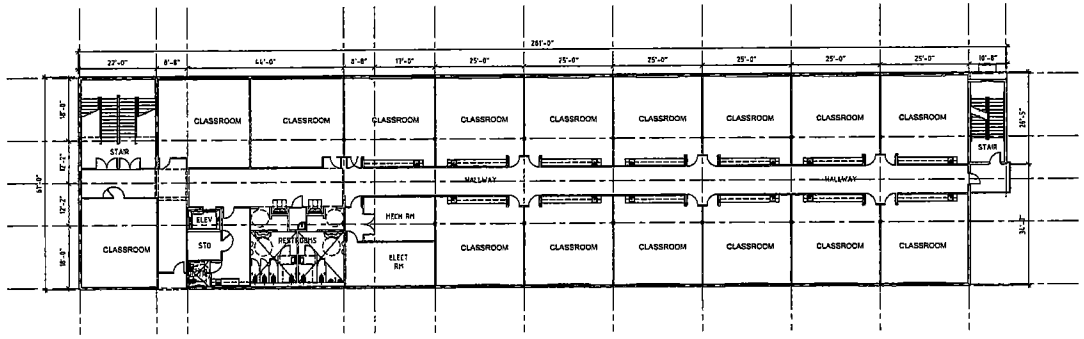
GROUND FLOOR PLAN 1 A-6

SCALE: 1/16" = 1'-0"



2ND FLOOR PLAN 2 A-6

SCALE: 1/16" = 1'-0"



3RD FLOOR PLAN 3 A-6

SCALE: 1/16" = 1'-0"

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CIVICA PROJECT No: 120118

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APPROVED BY: RL
DATE: Sept. 19,1012
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KEY PLAN

8-28-13

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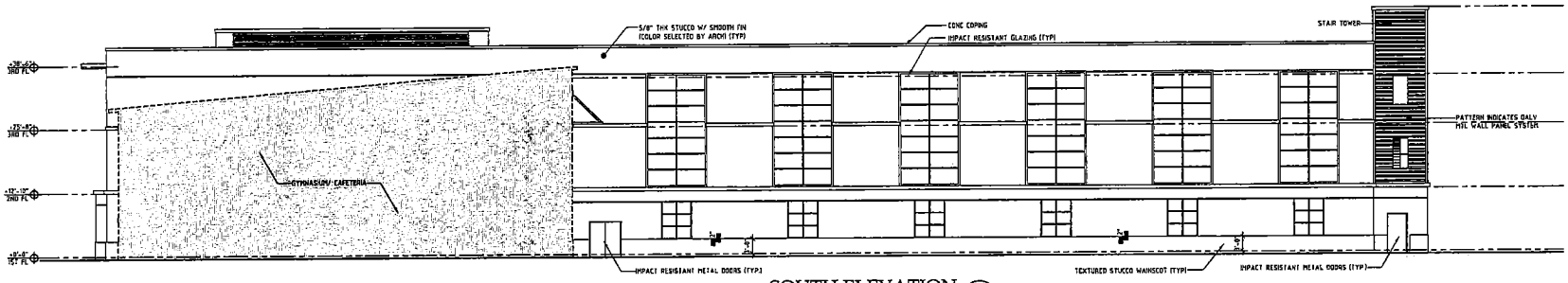
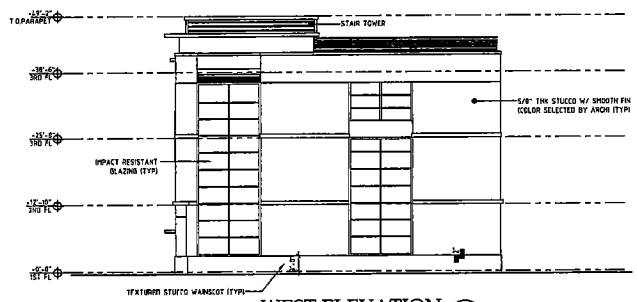
SHEET TITLE:
PROPOSED NORTH CLASSRM BLDG 03 FLOOR PLANS

SHEET NUMBER
A-6

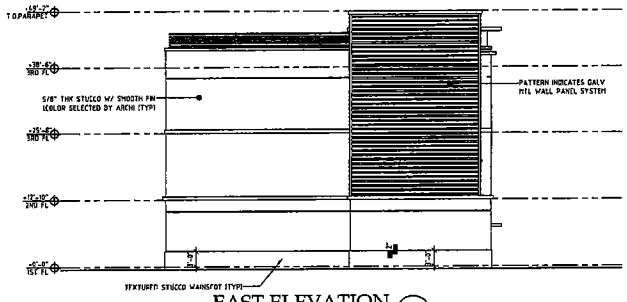
HEIGHT NOTE:
ALL ROOF DECORATIVE SCREENS AND ACCENT TOWERS SHALL BE EXEMPT FROM THE 45'-0" HEIGHT RESTRICTIONS AS PER SEC 33-33(a) OF THE MIAMI-DADE COUNTY ZONING ORDINANCE (TYP)



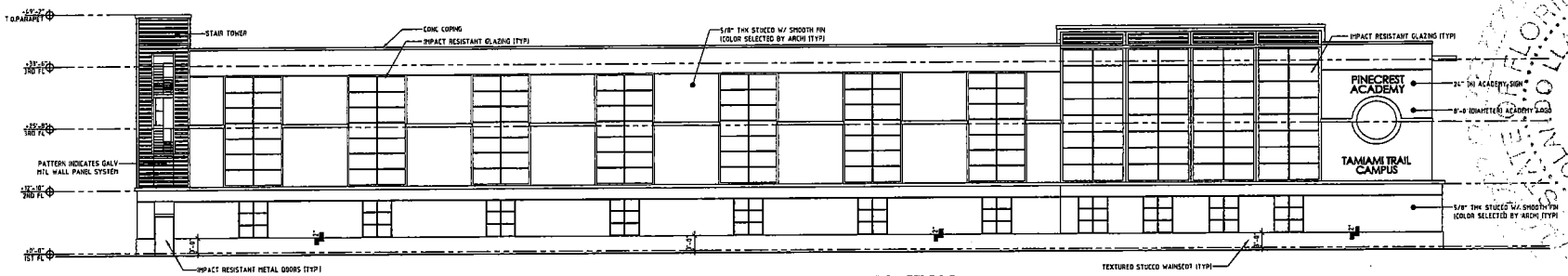
SOUTH ELEVATION 4 A-6.1
128' 64' 32' 0
SCALE: 1/32" = 1'-0"



WEST ELEVATION 3 A-6.1
42'-8" 21'-4" 10'-8" 0
SCALE: 3/32" = 1'-0"



EAST ELEVATION 2 A-6.1
42'-8" 21'-4" 10'-8" 0
SCALE: 3/32" = 1'-0"



NORTH ELEVATION 1 A-6.1
42'-8" 21'-4" 10'-8" 0
SCALE: 3/32" = 1'-0"

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ISSUED FOR:
DIC SUBMITTAL

CIVICA PROJECT No : 120118

No.	DATE	REVISION	BY

DRAWN BY: TH
APPROVED BY: RL
DATE: Sept. 19,1012
SCALE: SEE SHT

KEY PLAN

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8-28-13

ROLANDO LLANES
AR-0016

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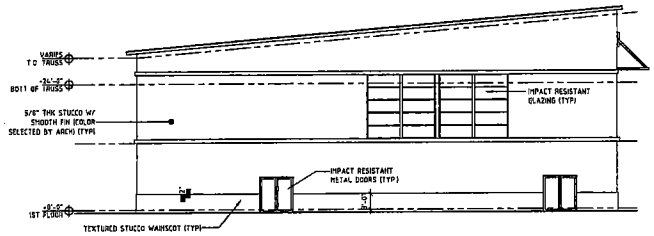
SHEET TITLE
PROPOSED NORTH CLASSRM BLDG 03 ELEVATIONS

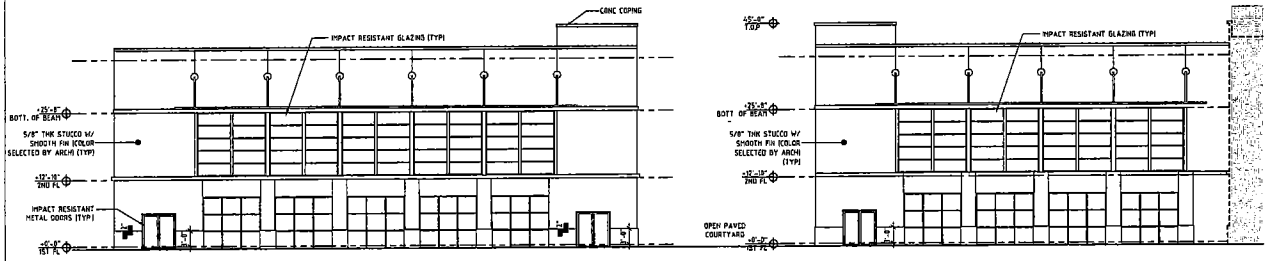
SHEET NUMBER
A-6.1

99

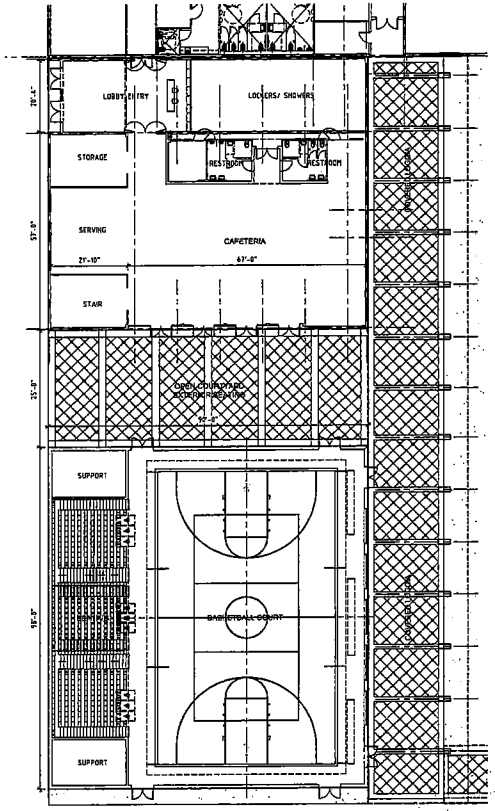
HEIGHT NOTE:
ALL ROOF DECORATIVE SCREENS AND ACCENT TOWERS SHALL BE EXEMPT FROM THE 45'-0" HEIGHT RESTRICTIONS AS PER SEC 33-58(a) OF THE MIAMI-DADE COUNTY ZONING ORDINANCE (TYP)



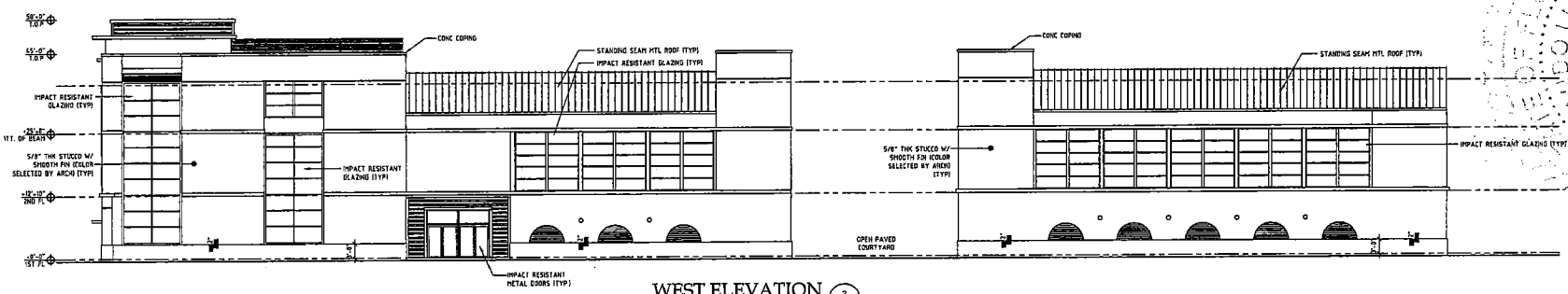
SOUTH ELEVATION (4 / A-7)
SCALE: 1/32" = 1'-0"



EAST ELEVATION (2 / A-7)
SCALE: 1/32" = 1'-0"



3RD FLOOR PLAN (3 / A-4)
SCALE: 1/16" = 1'-0"



WEST ELEVATION (2 / A-7)
SCALE: 1/32" = 1'-0"

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ISSUED FOR:
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CIVICA PROJECT No: 120118

No.	DATE	REVISION	BY

DRAWN BY: TH
APPROVED BY: RL
DATE: Sept. 19,2012
SCALE: SEE SHT

KEY PLAN

ROLAND LEIS
AR-0011

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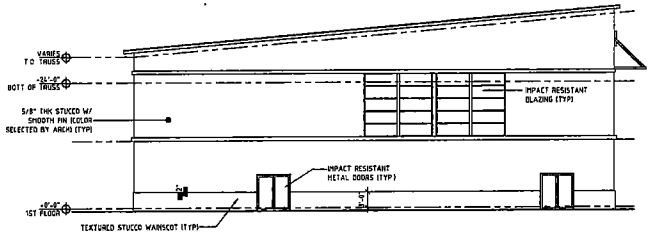
SHEET TITLE
PROPOSED CAFETERIA & GYMNASIUM FL PLANS & ELEVS

SHEET NUMBER
A-7

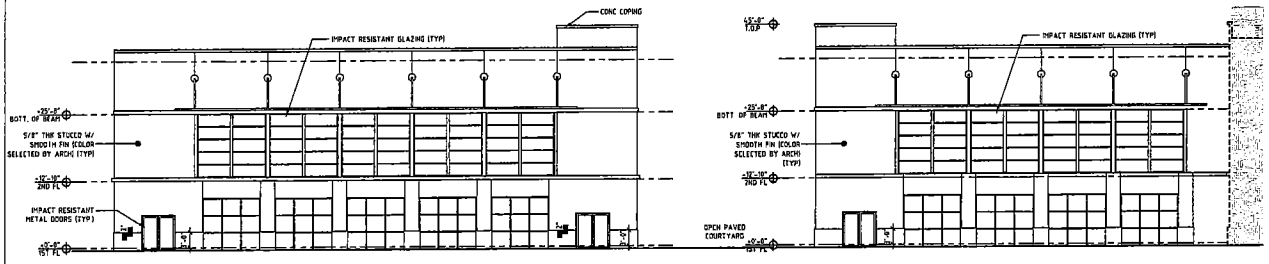
8.28.13

67

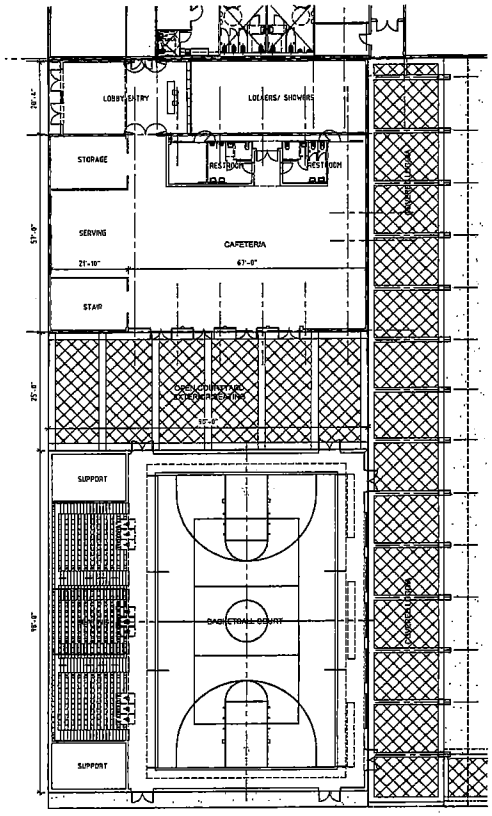
HEIGHT NOTE:
ALL ROOF DECORATIVE SCREENS AND ACCENT TOWERS SHALL BE EXEMPT FROM THE 45'-0" HEIGHT RESTRICTIONS AS PER SEC 33-35(a) OF THE MIAMI-DADE COUNTY ZONING ORDINANCE (TYP)



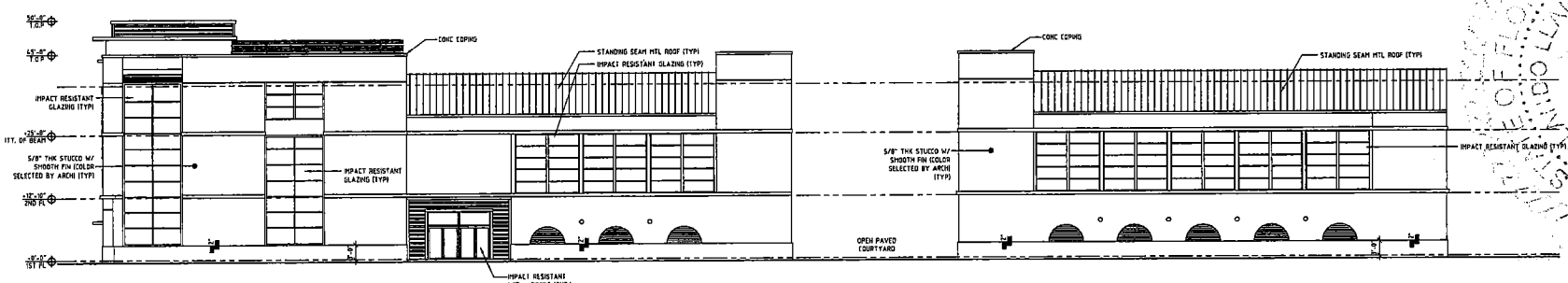
SOUTH ELEVATION 4 A-7
SCALE: 1/32" = 1'-0"



EAST ELEVATION 3 A-7
SCALE: 1/32" = 1'-0"



3RD FLOOR PLAN 3 A-4
SCALE: 1/16" = 1'-0"



WEST ELEVATION 2 A-7
SCALE: 1/32" = 1'-0"

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PROJECT:
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SW 8th ST & SW 152nd AVE
MIAMI, FL 33194

APPLICANT:
TAMIAMI SCHOOL PROPERTY, LLC
6457 Sunset Drive
Miami, FL 33143

ISSUED FOR:
DIC SUBMITTAL

CIVICA PROJECT No.:
120118

No.	DATE	REVISION	BY

DRAWN BY: TH
APPROVED BY: RL
DATE: Sept. 19, 1992
SCALE: SEE SHT
KEY PLAN

ROLANDO LLANES
AR-0013[illegible]

8.28.13

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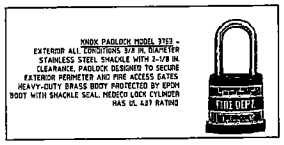
SHEET TITLE
PROPOSED CAFETERIA & GYMNASIUM FL PLANS & ELEVS

SHEET NUMBER
A-7



KNOX PADLOCK (FIRE DEPT. ACCESS) 10 / A-8

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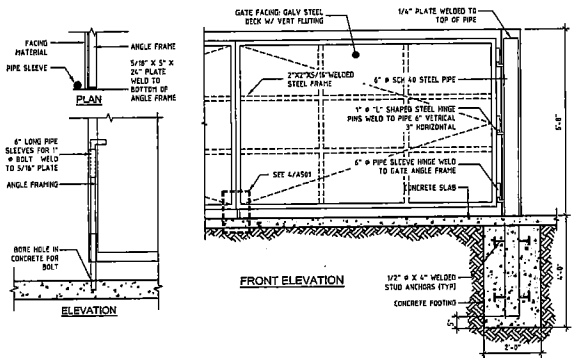
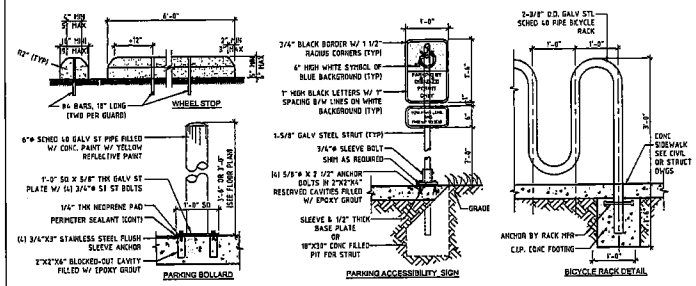


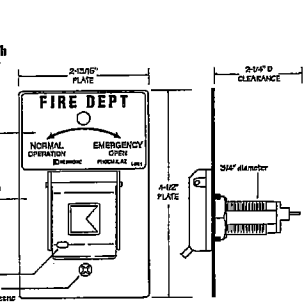
DUMPSTER ENCLOSURE GATE 7 / A-8

SCALE: 1/2" = 1'-0"



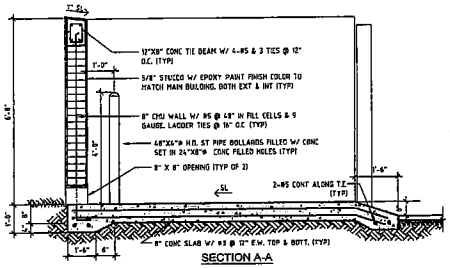
MISCELLANEOUS. SITE DETAILS 4 / A-8

SCALE: 3/4" = 1'-0"



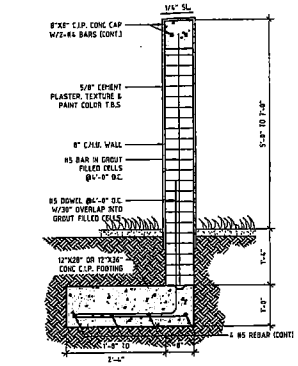
KNOX KEY SWITCH (FIRE DEPT. ACCESS) 9 / A-8

N.T.S.



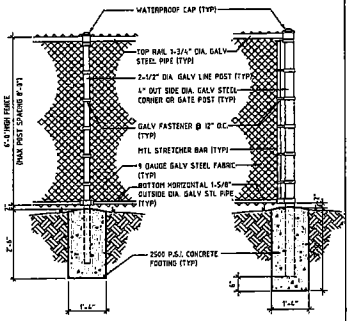
DUMPSTER ENCLOSURE SECT A-A 6 / A-8

SCALE: 1/2" = 1'-0"



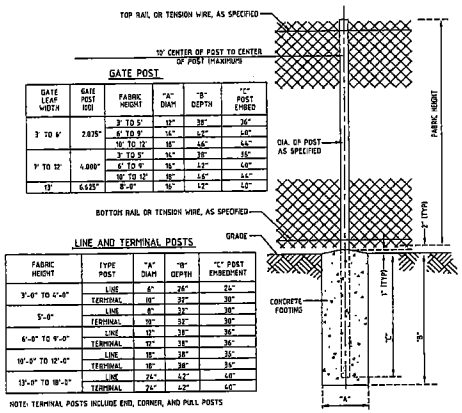
PROPERTY WALL 3 / A-8

SCALE: 3/4" = 1'-0"



CHAINLINK FENCE DETAIL 2 / A-8

SCALE: 1/2" = 1'-0"



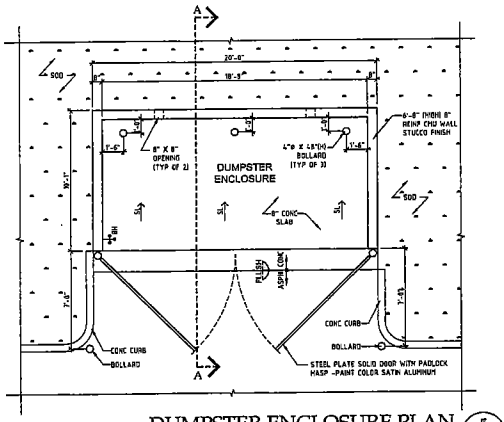
GATE LEAF WIDTH	GATE POST (OD)	FABRIC HEIGHT	"A" DIAM	"B" DEPTH	"C" POST EMBED
3' TO 6'	2.875"	3' TO 5'	12"	38"	26"
		6' TO 9'	14"	42"	40"
		10' TO 12'	16"	46"	44"
7' TO 12'	4.000"	3' TO 5'	14"	38"	26"
		6' TO 9'	16"	42"	40"
		10' TO 12'	18"	46"	44"
13'	6.625"	8'-0"	18"	42"	40"

FABRIC HEIGHT	TYPE POST	"A" DIAM	"B" DEPTH	"C" POST EMBEDMENT
3'-0" TO 4'-0"	LINE	6"	24"	24"
	TERMINAL	10"	32"	30"
5'-0"	LINE	8"	32"	28"
	TERMINAL	10"	32"	30"
6'-0" TO 9'-0"	LINE	12"	36"	36"
	TERMINAL	12"	38"	36"
10'-0" TO 12'-0"	LINE	16"	38"	36"
	TERMINAL	18"	38"	36"
13'-0" TO 18'-0"	LINE	24"	42"	40"
	TERMINAL	24"	42"	40"

NOTE: TERMINAL POSTS INCLUDE END, CORNER, AND PULL POSTS

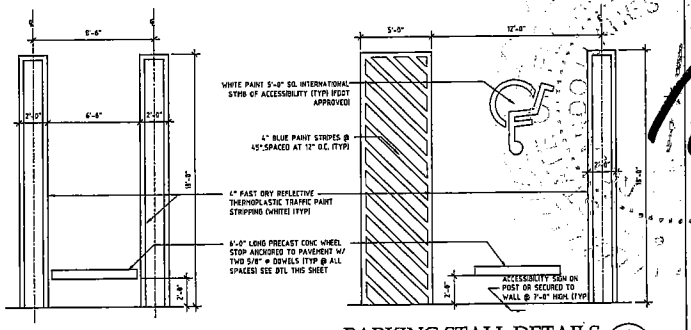
CHAIN LINK FENCE FOUNDATION 8 / A-8

N.T.S.



DUMPSTER ENCLOSURE PLAN 5 / A-8

SCALE: 1/4" = 1'-0"



PARKING STALL DETAILS 1 / A-8

SCALE: 1/4" = 1'-0"

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MIAMI, FL 33184

APPLICANT:
TAMIAMI SCHOOL PROPERTY, LLC
6457 Sunset Drive
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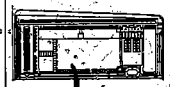
ISSUED FOR:
DIC SUBMITTAL

CIVICA PROJECT No: 120118

No.	DATE	REVISION	BY

DRAWN BY: TH
APPROVED BY: RL
DATE: Sept. 19, 1012
SCALE: SEE SHT

KEY PLAN



ROLAND LEE
AR-0016

8-28-13

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SHEET TITLE
SITE DETAILS

SHEET NUMBER
A-8

NOTES

SOD
St. Augustine "Floratam" for parking areas, Dahia Sod for playfields

IRRIGATION
All landscape areas to receive 100% coverage by means of an automatic sprinkler system with rain sensor

PLANTING NOTES

1. Plant materials shall conform to grades and standards for Florida No 1 or better as given in grades and standards for nursery plants, part 1 (current edition) and part II (current edition) by the Florida Department of Agriculture and Consumer Services Divisions of Plant Industry.
2. Planting mix/backfill mix shall be clean and free of construction debris, weeds, rock and noxious pests and disease The planting areas shall be amended with a minimum of forty (40) percent of muck or horticultural acceptable organic material. The minimum topsoil depth shall be four (4) inches for ground cover areas and sodded grass areas.
3. Palms shall be planted in a good grade of salt free sand (soil of good drainage) Trees and shrubs shall be fertilized at the time of planting with agriform planting tablets, 20-10-5 formula 21 grams, at manufacturers recommended rate Trees and shrubs shall be planted with a minimum of 6" of topsoil beneath rootball.
4. Fertilizer shall comply with state fertilizer laws. It shall have a chemical designation as indicted for each type of plant Turf: 4-1-2 N-P-K with micronutrients Apply at a rate of 1 lb of nitrogen per 1000 s.f Palms: 2-1-1 N-P-K with micronutrients.
5. Shrubs and Trees: 7-6-6 N-P-K with micronutrients Mulch shall be clean, bright and free of weeds, moss sticks and other debris
6. All landscape installation to be 100% irrigated to meet local and state regulations with a minimum of 50% overlap. (See Plans and Specs)
7. All work shall be done in accordance with authorities having jurisdiction. Contractor shall submit shop drawings for approval.
8. No charges/ substitutions shall be made without prior consent of the designer
9. Contractor shall field verify locations of all utilities prior to installation
10. All landscape areas shall be sodded unless otherwise noted. Landscape contractor shall coordinate his work with that of the irrigation contractor.
11. Mulch: All plants and plant beds shall have a 3" layer of clean weed free, organic mulch (eucalyptus where possible). Mulch shall contain less than 10% wood chips.
12. Utilities: The location and existence of utilities (overhead and underground) shall be thoroughly investigated and verified by the Landscape Contractor before the work begins. Exercise care in digging and work so as not to damage existing utilities in said areas, such as underground pipes, cables, wires, etc. The Landscape Contractor shall be responsible for the immediate repair of any damage to utilities caused by the work.
13. Watering: Initially water the plant material to develop uniform coverage and deep water penetration of at least 6". Avoid erosion, pudding, and washing soil away from plant roots.
14. Plant quantities in plant legend are for reference only. If discrepencies exist between quantities in legend and quantity shown on plan, plan shall govern.
15. Plant Quantities: Plant quantities are provided as a courtesy and should be verified by the contractor prior to bidding.
16. Sod: Sod shall be clean and visibly free of weeds, noxious pests, and diseases.
17. Planting: All planting holes shall be excavated to a minimum of 1 1/2 times the diameter of the root ball of plant to be planted and back filled with planting soil. Plant beds shall be excavated to a minimum of 12" and back filled with planting soil.
18. Sizes: All sizes shown for plant material on the plan are to be considered as minimums. All plants must meet or exceed these minimum requirements for height, spread, trunk caliper.
19. All shrubs, trees and palms shall be minimum of 6' away from all other utilities
20. R.O.W shrubs must be a minimum of 36" at the time of plantin, and they will be grown & maintained at 72" at maturity.

LANDSCAPING NOTES:

1. ALL ELEMENTS WITHIN THE VISIBILITY DISTANCE TRIANGLE AREAS SHALL NOT EXCEED 30" IN HEIGHT. TREES SHALL NOT BE ALLOWED TO BE PLANTED WITHIN THESE AREAS, AND ALL SHRUBS SHALL BE KEPT TO A MAX HEIGHT OF 30".
2. ALL "STREET TREES" DEPICTED ALONG THE PROPERTY LINE ADJACENT TO RIGHT-OF-WAYS SHALL CONFORM TO THE ABOVE. AT ALL OTHER INSTANCES "STREET TREES" SHALL BE PLANTED WITHIN 7'-0" OF THE PROPERTY LINES OR EDGES OF SIDEWALK.
3. SPECIES AND FINAL TREE LOCATIONS SUBJECT TO CHANGES IN COMPLIANCE W/ CHAPTER 18A OF MIAMI-DADE COUNTY.

SIGNAGE NOTE:

1. THE TOTAL FREE-STANDING SIGNAGE IN ANY RESIDENTIAL DISTRICT SHALL NOT EXCEED SIX (6) SQ.FT. IN SIZE. IN COMPLIANCE W/ MIAMI-DADE COUNTY ORDINANCE (CHAPTER 33)

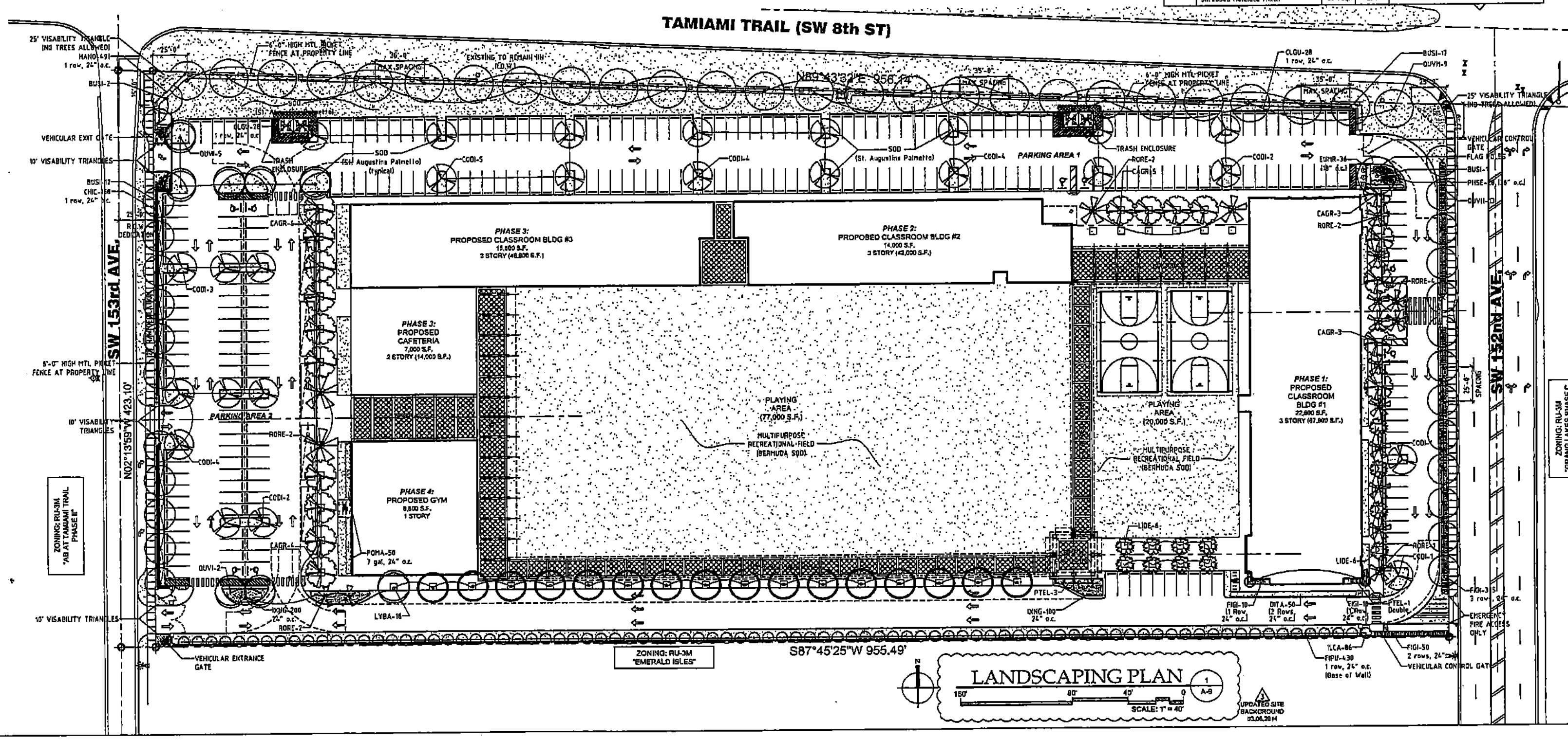
LANDSCAPE LEGEND

Zoning District: BU-1A
Area 378,264 sq.ft (8.68 Acres)

		REQUIRED	PROVIDED
	LANDSCAPE OPEN SPACE		
	Square Feet of open space as required by Chapter 33, as indicated on site plan: Net Lot Area= 378,264 s.f X [16% + (1.5% X 2 each Additional Story)] = 63,305 s.f.	63,305 S.F.	129,360 S.F.
	Square feet of parking open space required by Chapter 18A, as indicated on site plan No. of Parking Spaces. 274 spaces X 10 s.f. per parking space = 2,740 s.f.	2,740 S.F.	2,140 S.F.
	Total s.f. of landscaped open space required by Chapter 33: A + B = s.f.	66,045 S.F.	132,100 S.F
	LAWN AREA CALCULATION		
	A. Total s.f. of landscaped open space required by Chapter 33	66,045 S.F.	132,100 S.F
	B. Maximum lawn area (sod) permitted = 20% X 378,264 s.f. = 75,653 s.f.	39,627 S.F. max	35,100 S.F.
	TREES		
A)	No. of trees required per Net Lot Acre as per Sec. 18A-6 (Excluding play area used for organized sports. 97,000 s.f. = 2.23 acres) = 28 trees X (8.68 - 2.23) net lot acres = 28 trees x 6.45 = 180.6 Trees	181	181
B)	30% palm species allowed (2 palms=1 tree) 108 Palms allowed = 54 trees = 30% of 181	108 Allowed	36 palms (18 trees)
	% Palms permitted to count as street trees on 1:1 basis = 30% = 32	32	N/A
C)	% Natives required: No. trees provided (181 trees) x 30% = 54	54	181
D)	Street trees (maximum average spacing of 35' o.c.): 1744.49' linear feet along street / 35' = 49.84 street trees	50	50
	TOTAL TREES REQUIRED (A + D) = (181 + 50) = 231	231	231
	SHRUBS		
	No. of trees required (231 trees) x 10 = 2,310 shrubs required	2,310	2,478
	No. of Native shrubs required (2,310 shrubs) x 30% = 693 native shrubs required	693	1,000

PLANT LIST

	KEY	PLANT NAME	QTY.	UT.	SIZE
Tree	BUSI	BURSERA SIMARUBA _Gumbo Limbo	32	ea.	14' tall x 7' spread, 3-1/2" cal
	CHIC	CHRYSOBALANUS ICACO _Cocoplum	158	ea.	3 gallon cans
Tree	CODI	COCCOLOBA DIVERSIFOLIA _Pigeon Plumb	26	ea.	12' tall x 5' spread, 2 1/2" cal
Tree	CAGR	CAESALPINIA GRANADILLO _Bridalveil	22	ea.	12' tall x 6' spread, 2 1/2" cal
	CLGU	CLUSIA GUTTIFERA _Small Leaf Clusia	56	ea.	8' tall, full to ground
	DITA	DIANELLA TASMARICA _Flax Lilly	286	ea.	3 gallon cans, 16" x 18"
	EUMR	EUPHORBIA SPLENDENS VAR. "ROSY" _Crown of Thorns	36	ea.	3 gallon cans, 14" spread
	FIGI	FICUS MICROCARPA _Green Island Ficus	445	ea.	3 gallon cans, 16" spread
	FIPU	FICUS PUMILA _Creeping Fig	430	ea.	1 gallon cans
	HANO	HAMELIA NODOSA _Dwarf Bahama Firebush	490	ea.	3 gallon cans, 24" x 18"
Tree	ILCA	ILEX CASSIE _Dahoon Holly	86	ea.	12' tall x 5' spread, 2 1/2" cal
	IXNG	IXORA "NORA GRANT" _Ixora	300	ea.	3 gallon cans, 24" x 18"
Palm	LIDE	LIVISTONIA DECIPIENS _RIBBON PALM	12	ea.	15' tall overall, Matched Heights
Tree	LYBA	LYSILOMA BAHAMENSIS _Wild Tamarind	16	ea.	12' tall x 6' spread, 2" -2 1/2" cal
	PHSE	PHILODENDRON SELLOUM _Cut Leaf Philodendron	161	ea.	3 gallon cans, mature leaves
	POMA	PODOCARPUS MACROPHYLLUS _Podocarpus	50	ea.	3 gallon cans
Palm	PTEL	PTYCHOSPERMA ELEGANS _Solitaire Palm	5	ea.	Doubles, 12' tall
Tree	QUVH	QUERCUS VIRGINIANA "HIGHRISE" _Upright Live Oak	19	ea.	12' tall x 4' spread, 2 1/2" cal
Tree	QUVI	QUERCUS VIRGINIANA _Live Oak	12	ea.	12' tall x 5' spread, 2 1/2" cal
Palm	RORE	ROYSTONIA REGIA _Royal Palm	18	ea.	20' tall overall, 6' GW
		Bahia Sod (for recreation area)	as req.	s.f.	solid sod
	sod	St. Augustine "Floratam" for parking & other areas	as req.	s.f.	solid sod
		Planting Soil 70% Silica Sand 30% Everglades Muck	as req.	c.y.	
		Shredded Melaleuca Mulch	as req.	s.f.	



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6457 Sunset Drive
Miami, FL 33143

ISSUED FOR:
DIC SUBMITTAL

CIVICA PROJECT No : 120118

No.	DATE	REVISION	BY
3	03.06.2014	DIC COMMENT	TM

DRAWN BY: TH — APPROVED BY: RL
DATE: Sept. 19, 2013 — SCALE: SEE SHT

KEY PLAN

SEAL/SIGNATURE

ROLANDO LLANES
AR - 0013160

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SHEET TITLE
LANDSCAPING PLAN

SHEET NUMBER
A-9

69

LANDSCAPING SPECIFICATIONS

PART 1 - GENERAL

1.1 SCOPE

A. Provide all labor, materials, equipment, watering, supervision, and work necessary to complete work in accordance with the intent of the landscape plans, schedules and these specifications. The extent of work is shown on the drawings which is part of this document

1.2 SUBSTITUTIONS

A. Only materials specified will be accepted, unless approved in writing by the Landscape Architect in advance.

1.3 PLANT SIZES

A. All plant sizes shall equal or exceed the minimum sizes as specified in the plant list. When plant sizes are specified as a range of size, installed materials shall average the mean of the range specified. Plants shall be measured following pruning, with the branches in normal position. All necessary pruning shall be done at the time of planting

1.4 PLANT QUALITY

A. All plant material shall be equal to or better than Florida No. 1 as classified by "Grades and Standards for Florida Nursery Plants" by the Division of Plant Industry, Florida Department of Agriculture. They shall have a growth habit that is normal for the species; healthy, vigorous, free from insects, disease and injury.

1.5 PLANT QUANTITY

A. The plant quantities shown on the plant list are to be used only as an aid to bidders. In the case of discrepancy between the plant list and the plan, the plan shall be held valid.

1.6 UNIT PRICES

A. The succesful bidder shall furnish to the Owner and the Landscape Architect a unit price breakdown for all materials. The Owner may at his discretion add to or delete from the materials utilizing the unit price breakdown submitted to and accepted by the Owner.

1.7 INSPECTION CERTIFICATES

A. Fertilizer. The Contractor shall submit to the Owner and Landscape Architect documentation that all the fertilizer used for the project is of the analysis specified and placed at the rates specified

1.8 GRADING

Rough Grading. All areas to be rough graded to within three (3) inches of finished grade by others. All construction debris to be removed by others

B. Fine Grading. All areas to be planted, mulched, or sodded shall be raked by the Contractor to remove all debris 1" in diameter or larger.

CLEAN-UP

A. Upon completeion of the work or any major portion of the work or as directed by the Landscape Architect, all debris and surplus material shall be removed from the job site

1.10 MAINTENANCE

A. The Contractor is responsible to maintain the plantings until they are accepted under the provisions of 1.11-C "ACCEPTANCE"

1. Plants. Begin maintenance immediately following the final plant installation operation for each plant and continue until all plant installation is complete and accepted. Maintenance shall include watering all plants, weeding, mulching, pest control, tightening and repairing of guys, repairing of braces, removal of dead growth, resetting of plants to proper grade or up-right position, restoration of plant saucers, and other necessary operations as determined by the Landscape Architect and good nursery practice.

2. Turf Areas: Begin maintenance of turf immediately following the placement of sod and continue until sod installation is complete and accepted. Maintence shall include, but not be limited to, watering, leveling, mowing, weed and pest control, fungus and disease control, and other necessary operations as determined by the Landscape Architect and good nursery practice.

3. Watering of Field-Grown Plants. The following water schedule and amount of water per application shall be followed during maintenance period. If climatic or soil conditions warrant a variation of this schedule, the Contractor shall be responsible to notify the Landscape Architect and receive his approval. All field grown plants shall be watered once daily for the first week after planting; every other day for the next week; and twice weekly for the third and fourth week.

The following amount of water shall be applied at the base of each plant at each watering

- up to 4 inch trunk caliper for trees and large shrubs — 10 gallons
- from 5 to 8 inch caliper — 25 gallons
- 9 inch and up caliper — 50 gallons

1.11 OPERATIONS FOR ACCEPTANCE

A. General. A project may be accepted in segments if the work is extensive enough to justify segmented inspection and acceptance. If a project is to be segmented, segments shall be recorded on the drawings or in other reasonable documents. If segments are not so designated during negotiation, the work will only be accepted in total when all work is completed

B. Inspection. Inspection of the work, in this Section, to determine completion of completion of contract work exclusive of the possible replacement of plants and turf, will be made by the Landscape Architect at the conclusion of the maintenance period, upon written notice requesting such inspection and submitted by the Contractor at least ten (10) days prior to the anticipated date. The condition of the turf area will be noted and determination made by the Landscape Architect as to whether maintenance shall continue.

C. After inspection, the Landscape Contractor will be notified in writing, by the Landscape Architect of acceptance of all work, of this section, exclusive of the possible replacement of plants subject to guarantee or if there are any deficiencies of the requirement for completion of the work. Turf maintenance or other work remaining to be done shall be subject to re-inspection before acceptance.

1.12 GUARANTEE

A. Guarantee all plants for sixty (60) consecutive calander days (CCD) from the date of acceptance. Guarantee oaks, sabal palmettos, and cocos spp. or equal for a period of three hundred sixty five (365) CCD. Guarantee shall commence from the date of written acceptance. Plant material which is on the site and scheduled to be relocated is not covered by the guarantee except in the case of Contractor's negligence or work that has been done in an unworkman-like manner. The Contractor is not responsible for loss due to acts of god, vandalism, or theft

1.13 REPLACEMENT

A. Replacements shall be made during the guarantee period as directed by the Landscape Architect. At the end of the guarantee period, an inspection will be made by the Landscape Architect, upon written notice requesting such an inspection and submitted by the Contractor at least five (5) days before the anticipated date remove from the site all plants that are dead or in a state of unsatisfactory growth, as determined by the Landscape Architect. Replace these and any plants missing due to the Contractor's negligence as soon as conditions permit

1. Materials and Operations. All replacement plants shall be of the same kind and size as indicated on the plant list. The Contractor shall supply and plant the plants as specified under planting operations

2. Cost of Replacements. A sum sufficient to cover the estimated cost of possible replacements, including material and labor will be retained by the Owner and paid to the Contractor after all replacements have been satisfactorily made and approved by the Landscape Architect

PART 2 - MATERIALS

2.1 PLANTING SOIL

A. General Purpose Planting Soil: General Purpose Planting Soil shall be of the composition noted in the plans measured by volume

B. Special Planting Soil: Shall be of a composition noted in the plans, measured by volume and installed where noted in the plans.

2.2 FERTILIZER

A. Fertilizer for trees, shrubs, & groundcovers, and vines shall be as follows. LESCO 8-10-10. Sulfur coated with iron and other minor elements and maximum of 2% chlorine or brand with equal analysis. The fertilizer shall be uniform in composition, dry and free flowing and shall be delivered to the site in the original unopened containers, bearing the manufacturer's guaranteed analysis. Fertilizer for sod and seeded areas shall be 8-6-8, 50% organically derived nitrogen, or equal. Fertilizer for palms shall be LESCO 13-3-13 Palm Special or equal.

2.3 WATER

A. The Owner shall provide potable water on site, available from the start of planting, as required by the Contractor. The Contractor is responsible to ascertain the location and accessibility of the water source. The Contractor is responsible to provide the means of distribution (i.e. water truck, hoses, etc.) for distribution of water to the areas of planting. If water volumes and accessibility are not satisfactory to the Contractor, it is his responsibility to negotiate acceptance terms with the Owner prior to signing of a contract

2.4 MULCH

A. Mulch shall be as specified in the plant list, uniformly shredded and free from large pieces of bark and foreign matter

3.0 PART 3 - INSTALLATION PROCEDURES

3.1 LAYOUT

A. Verify location of all underground utilities and obstructions prior to excavation. Locate new planting where construction below grade or overhead are encountered or necessary adjustments only after approval by the Landscape Architect.

3.2 HERBICIDE TREATMENT

A. In all areas infested with weed and/or grass growth, a systemic herbicide such as roundup, shall be applied per manufacturer's rates. When it has been established where work will be done, the systemic herbicide shall be applied in accordance with manufacturer's labeling to kill all noxious growth. Contractor shall schedule his work to allow more than one application to obtain at least 95% kill of undesirable growth. Contractor shall exercise extreme care to prevent damage to desirable existing growth. If necessary, Contractor shall conduct a test to establish suitability of product and applicator to be used on this project, prior to execution of the full application.

B. When specified in the plans, a pre-emergent herbicide such as Treflan shall be applied after planting

3.3 PLANT PIT EXCAVATION AND BACKFILLING

A. Trees. The diameter of the planting pits shall be at least two feet wider and one foot deeper than the size of the root ball. Backfill the planting pit, utilizing general purpose planting soil (50%) and soil from the site which all course debris 2" in diameter or larger has been removed (50%).

B. Shrubs and Groundcover. Shrubs and groundcover shall be planted in a soil bed of general purpose planting soil to the depth noted in the plans. In areas where placement of the soil bed on top of existing grade will create grading and/or drainage problems, the Contractor shall excavate and remove the existing soil and replace to proper finish grade with the planting soil

3.4 WATERING-IN

A. Water in plants by thorough soaking of the entire root ball immediately after planting. For large trees and shrubs, add water while backfilling hole to eliminate any air pockets in the soil around the root ball.

B. Water shrubs, sod, and groundcover a minimum of once daily until an irrigation system is fully operational. Water for trees and other large field grown plants shall be supplemented by hand watering in addition to the irrigation system, as specified in 1.10 (A-3).

3.5 FERTILIZING

A. Add fertilizer on top of the surface one (1) week after planting of each segment of the job after soil has been well moistened, at the following rates of application:

1. Trees & Large Shrubs: One (1) pound per inch of trunk diameter, spread evenly over the root ball area
2. Shrubs: One handfull per shrub, spread evenly over the root ball area
3. Groundcover: Twelve (12) pounds per 1000 sq. ft. of bed area
4. Sod. Twelve (12) pounds per 1000 sq. ft.. Wash off baldes immediately after spreading.

3.6 MULCHING

A. Spread mulch two (2) inches thick uniformly over the entire surface of shrub and groundcover beds, depth measured after settling. Provide 24" diameter bed of mulch, measured from outer edge of the trunk, for all trees and palms in sod areas. Keep mulch away from contact with the trunk.

3.7 GUYING & BRACING

A. See the details found herewith or made part of the plans.

3.8 SODDING

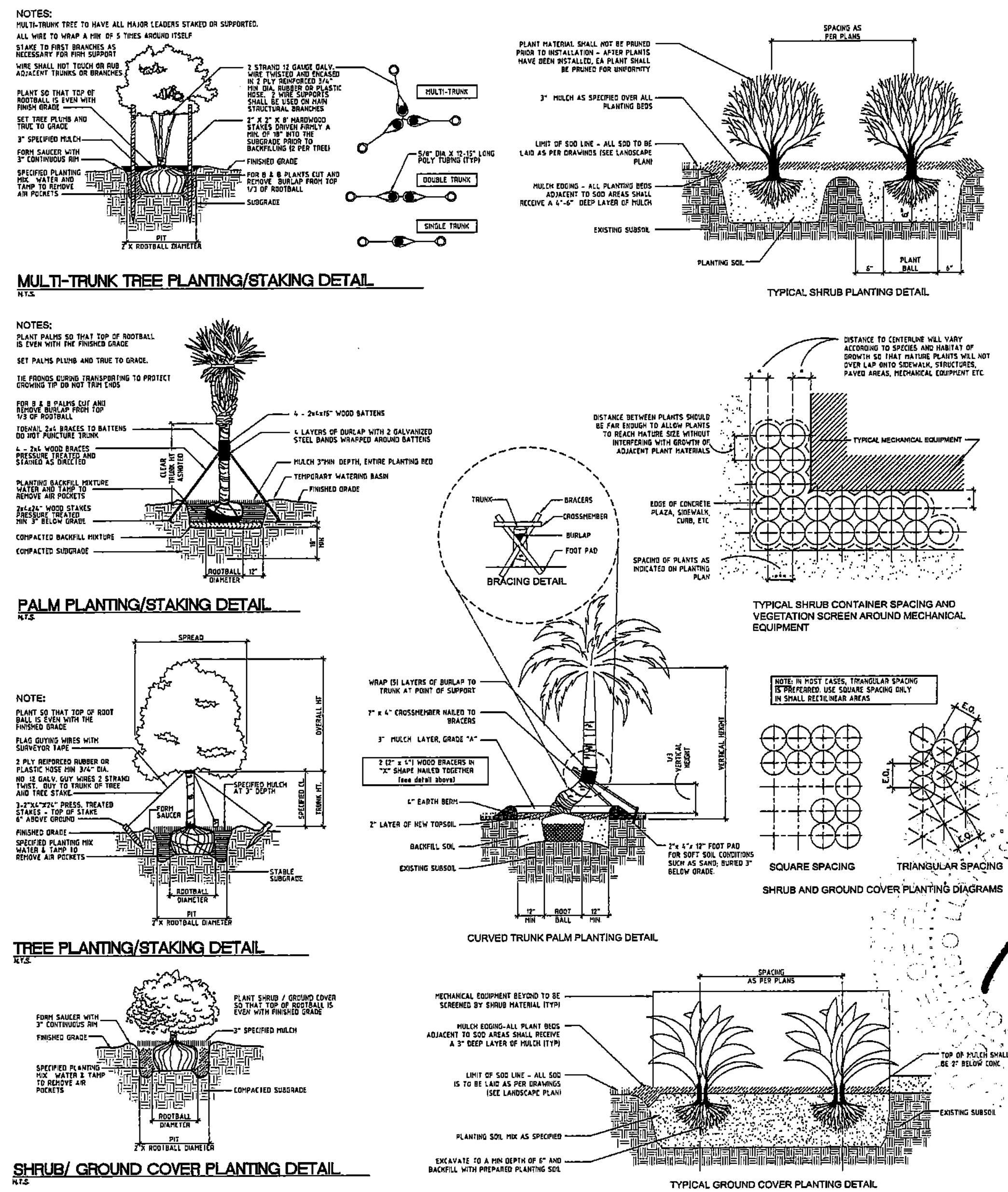
A. Provide a blanket of topsoil, free from weeds, debris and stones over 1" diameter. Soil shall be a minimum of two (2) inches thick. Prior to planting remove all stones, sticks, etc. from the sub-soil surface. Excavate existing non-conforming soil if required so that level of soil prior to sodding shall be three (3) inches below adjacent pavement or top of curb.

B. Place sod on moistened soil, with edges tightly butted in rows at right angles to slopes. The sod shall be rolled with a 500 pound hand roller. On slopes greater than one in three, peg the sod into place with not less than two stakes per square yard

C. Keep edge of sod bed a minimum of twelve (12) inches away from groundcover beds and twenty four (24) inches away from shrub bed and trees

D. Completed sod shall immediately be watered sufficiently to wet the soil to at least two inches below the bottom of the sod strips

E. Apply fertilizer to the sod after initial watering, as specified in Section 3.5.



CIVICA

8323 NW 12th St. Suite 106
Doral, FL 33126
tel: 305.593.9959
AA #26001093
www.civicagroup.com

PROJECT:
PINECREST ACADEMY (TAMIAMI TRAIL CAMPUS)
SW 8th ST & SW 152nd AVE
MIAMI, FL 33194

APPLICANT:
TAMIAMI SCHOOL PROPERTY, LLC
6457 Sunset Drive
Miami, FL 33143

ISSUED FOR:
DIC SUBMITTAL

CIVICA PROJECT No : 120118

No.	DATE	REVISION	BY

DRAWN BY: TM — APPROVED BY: RL
DATE: Sept. 19,2012 — SCALE: SEE SHT
KEY PLAN:

SIGNATURE: 8.28.13

This drawing is the property of CIVICA and is not to be reproduced or copied in whole or part. It is not to be used on any other project and is to be returned on request.

SHEET TITLE:
LANDSCAPING NOTES & DETAILS

SHEET NUMBER
A-10

70

Department of Planning and Zoning
111 NW 1 Street 11th Floor
Miami, Florida 33128

CHILD CARE CHECK LIST FOR CHARTER SCHOOLS

A signed charter contract from the Miami-Dade County School Board must accompany this application which matches the location, # of students and grade levels of the proposed application.

School Name: Pinecrest Academy Charter School - Tamiami Campus School Address: SW 8th Street & SW 152nd Ave

Tax Folio # 30 4904-000-0090 Total size of site: 8.9264 acres

Is this an expansion to an existing school? _____Yes X No

If yes, indicate the # of students and grade levels previously approved:

_____ and the Resolution # _____

Number of children/students requested: 3000 Grade Levels: PreK-12th Ages: 4-18 years

Number of classrooms: 136 Total square footage of classroom area: 81,600 S.F.

Total square footage of non-classroom area (offices, bathrooms, kitchens, etc.) 117,150 S.F.

Total square footage of outdoor recreation/play area: 97,000 S.F.

Number of parking spaces provided for staff, visitors, and transportation vehicles: 184 spaces

Days and hours of operation: Monday - Friday: 7:00AM - 4:00PM

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this 16 day of October at Miami-Dade County, Florida.

WITNESSES:

_____

_____

RECEIVED 212-128 OCT 17 2012 ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT. BY

RECEIVED OCT 17 2012 ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT BY

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 16 day of October, 2012, before me personally appeared Miguel De La Portilla, to me known to be the person described in an who executed the foregoing instrument and he/she acknowledge to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

My Commission Expires _____

ANA M. SUAREZ MY COMMISSION # EE 179140 EXPIRES: June 29, 2016 Bonded Thru Notary Public Underwriters

ANA M. SUAREZ MY COMMISSION # EE 179140 EXPIRES: June 29, 2016 Bonded Thru Notary Public Underwriters

4/1/08

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Ferro Development LLC

NAME AND ADDRESS	Percentage of Stock
Mario Ferro	50%
Mario C. Ferro	50%

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

RECEIVED
212-128
OCT 17 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: School Development HC, LLC

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
Ignacio Zulueta	50%
Fernando Zulueta	50%

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____ (Applicant)

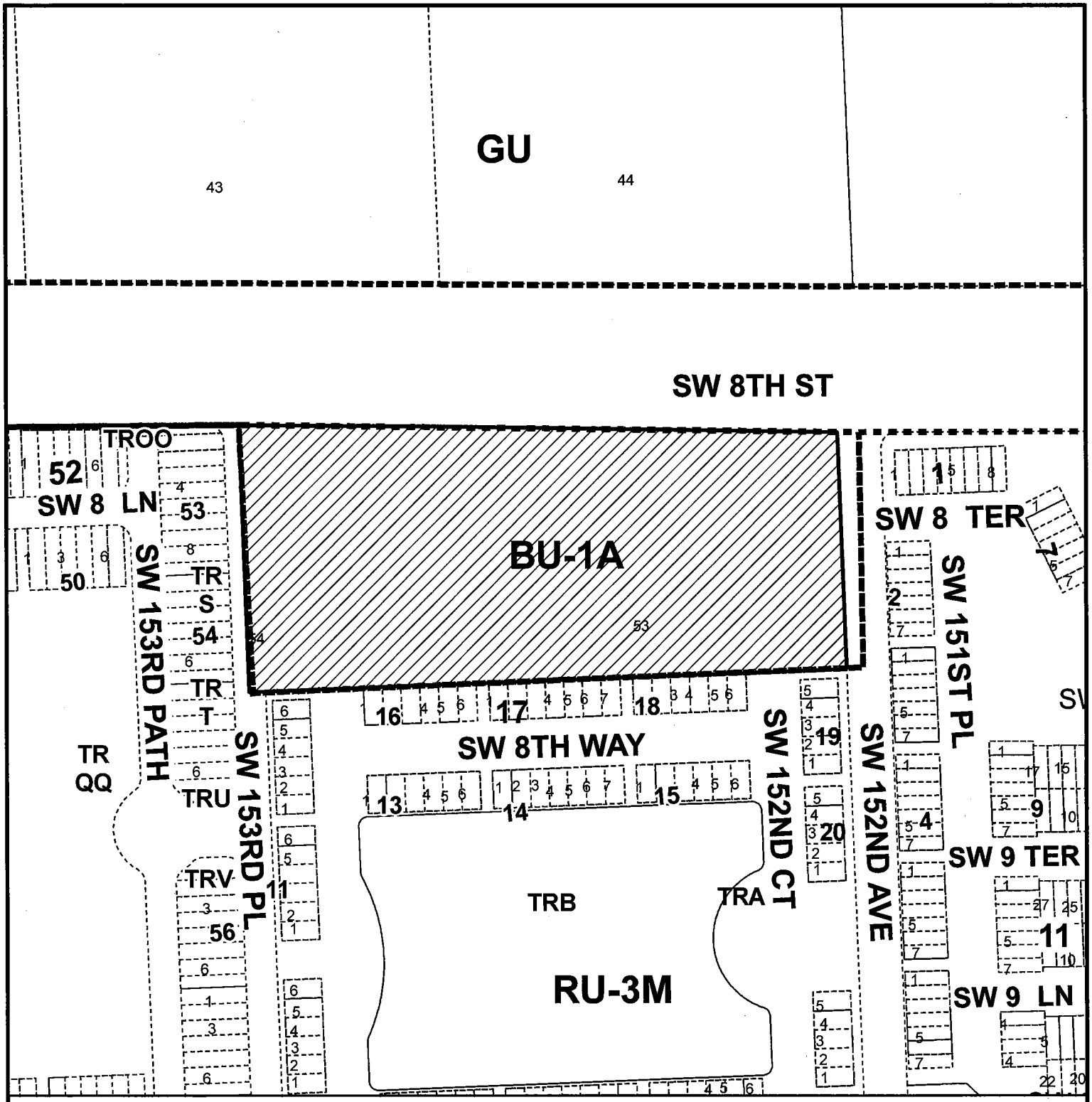
Sworn to and subscribed before me this 16th day of Oct, 20 2012. Affiant is personally know to me or has produced _____ as identification.

_____ (Notary Public)

SONIA HARRIS
MY COMMISSION # EE 204984
EXPIRES: October 5, 2016
Bonded Thru Notary Public Underwriters

My commission expires: _____

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2012000128

Section: 04 Township: 54 Range: 39
Applicant: FERRO DEVELOPMENT,LLC
Zoning Board: C10
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

N W E S

Legend

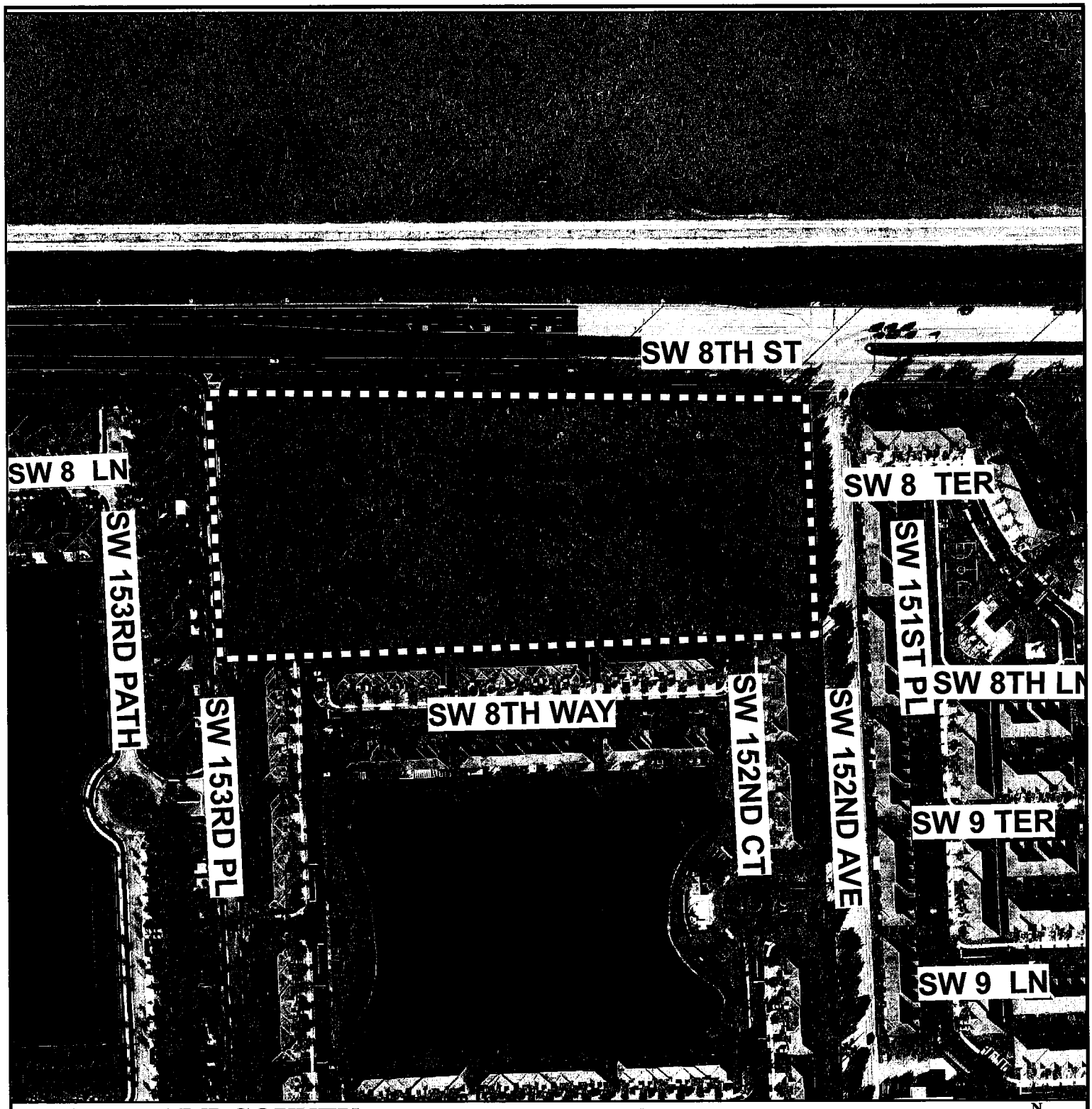
Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, October 30, 2012

REVISION	DATE	BY
		74



MIAMI-DADE COUNTY

AERIAL YEAR 2012

Process Number

Z2012000128

N
W E
S

Section: 04 Township: 54 Range: 39
Applicant: FERRO DEVELOPMENT,LLC
Zoning Board: C10
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

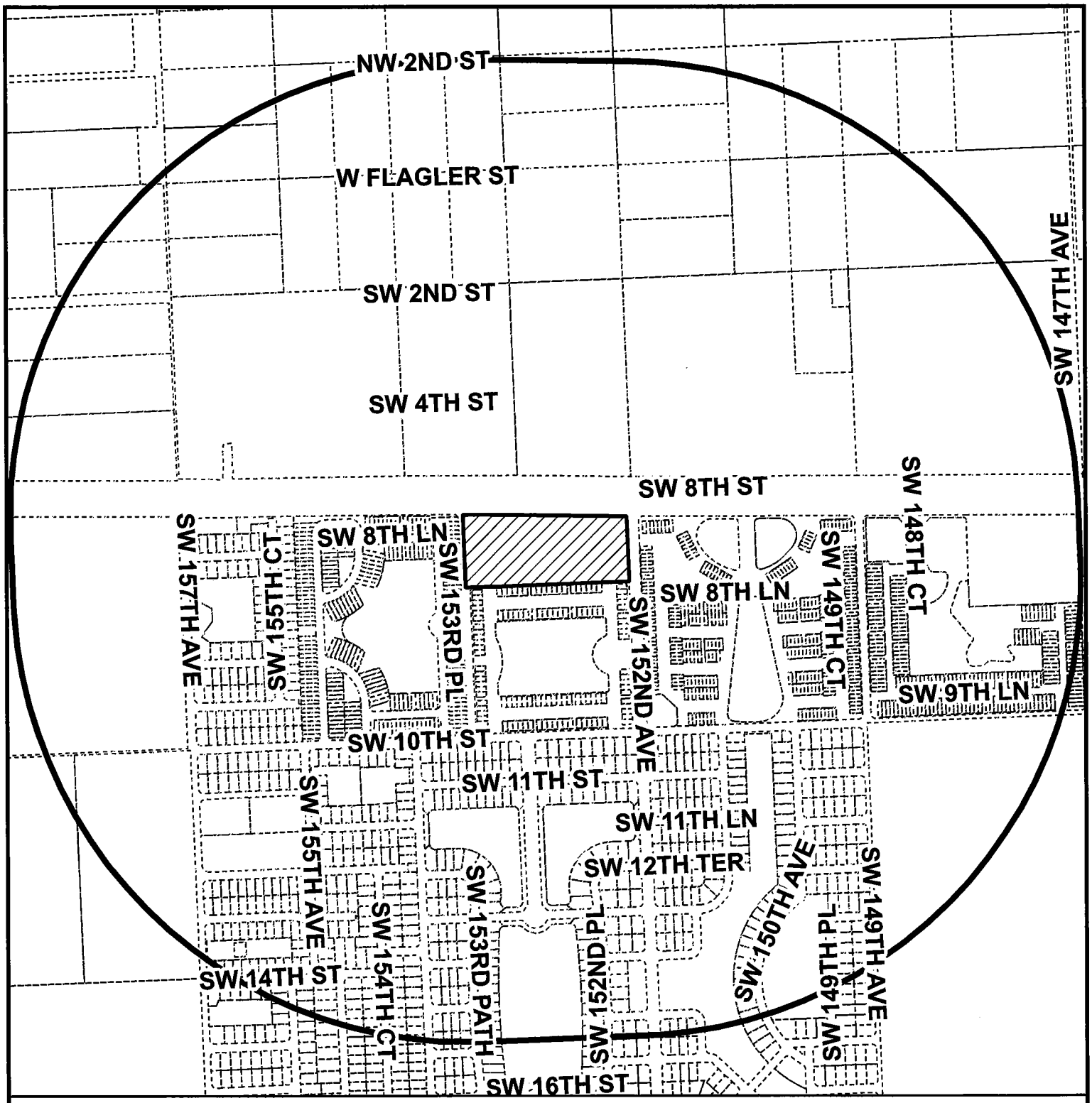
Legend

Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, October 30, 2012

REVISION	DATE	BY
		75



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2012000128

RADIUS: 2640

Section: 04 Township: 54 Range: 39
Applicant: FERRO DEVELOPMENT,LLC
Zoning Board: C10
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

N W E S

Legend

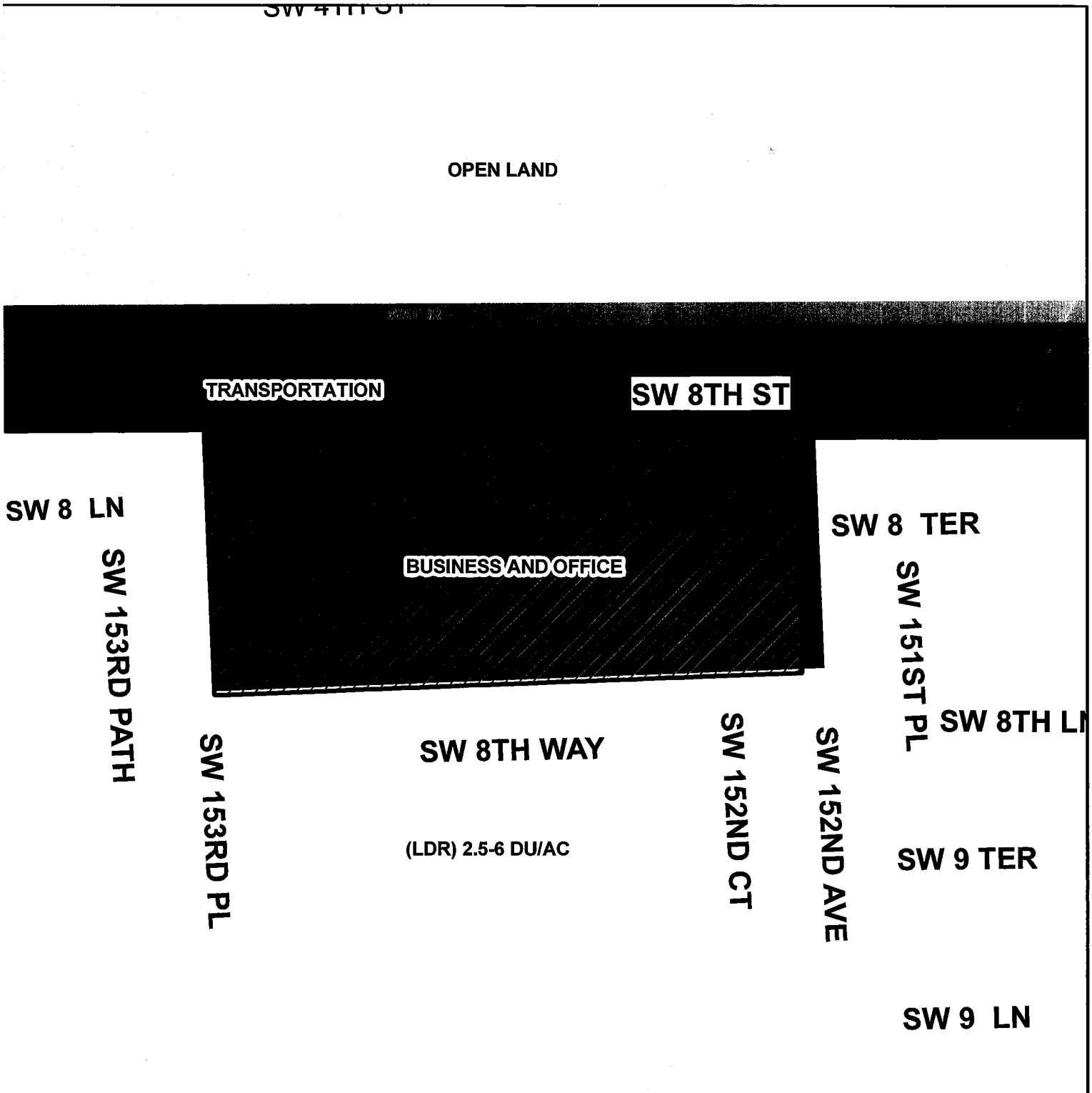
Subject Property

Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, October 30, 2012

REVISION	DATE	BY
		76



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2012000128

N W E S

Section: 04 Township: 54 Range: 39
Applicant: FERRO DEVELOPMENT,LLC
Zoning Board: C10
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, October 30, 2012

REVISION	DATE	BY

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners

PH: Z13-053 (13-11-CZ11-1) **May 22, 2014**
Item No. C

Recommendation Summary	
Commission District	11
Applicant	Five Star Jewelers, Inc.
Summary of Requests	The applicant is seeking a Use Variance to allow a pawnbroker use for secondhand jewelry only in a more restrictive zoning district.
Location	16205 SW 88th Street, Miami-Dade County, Florida.
Property Size	7.53 acres
Existing Zoning	BU-1A
Existing Land Use	Retail
2015-2025 CDMP Land Use Designation	Business and Office (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(a), **Use Variance** standards (see attached Zoning Recommendation Addendum)
Recommendation	**Denial without prejudice.**

This item was deferred from the April 24, 2014 meeting of the Board of County Commissioners (BCC) to allow the applicant to submit a Declaration of Restrictions to staff.

On December 10, 2013, the Community Zoning Appeals Board (CZAB) #11, approved the application for a use variance to permit a pawn shop use in the BU-1A zone as would be permitted in the BU-3 zone with conditions, contrary to staff's recommendation.

On December 16, 2013, the appellant, the Department of Regulatory and Economic Resources appealed the CZAB–11 decision to the Board of County Commissioners (BCC).

For the reasons outlined below in the CDMP and Zoning analysis of the requests, staff opines that the BCC should reverse the CZAB 11 decision, thus denying the use variance as recommended by the Department.

This item was deferred from the April 24, 20143 meeting of the BCC to allow the applicant to proffer a properly executed declaration of restrictions.

REQUEST:

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

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.

PROJECT DESCRIPTION AND PROJECT HISTORY:

The site has been the subject of several zoning actions from 1988 to 1993, for district boundary changes, modifications to prior declarations of restrictions and plans, and variances from the zoning regulations. The current application seeks a pawn broker use in the BU-1A zone, as would be permitted in the BU-3 zone, only upon approval after public hearing, for the pawning of jewelry only. The site plan submitted by the applicant depicts an existing 1,204 sq. ft. jewelry store within an 87,939 sq. ft. shopping center.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	BU-1A; shopping center	Business and Office
North	RU-3M; lake	Water
South	BU-1A; restaurants BU-2; vacant land & bodies of water	Business and Office
East	RU-TH; townhouse residences RU-4L; single-family residences BU-1A; restaurant	Low Density Residential, (2.5 to 6 dua) Business and Office
West	BU-1A; shopping center	Business and Office

NEIGHBORHOOD COMPATIBILITY:

The subject property is located within a shopping center located at 16205 SW 88 Street. The area surrounding the subject property is characterized by commercial uses to the west, residential uses to the east, a lake to the north and vacant land to the south.

SUMMARY OF THE IMPACTS:

The approval of this application will provide an additional service for the surrounding community. However, approval of the request to allow a pawnbroker use which is typically located in a zoning district that allows more intensive commercial uses only upon approval after public hearing, could have a negative impact on the surrounding area. Furthermore, approval of the same could result in an increase in the intensity and types of uses that would be allowed in this area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property for ***Business and Office*** use. *This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.* As such, the existing jewelry store use and requested pawnbroker use are **consistent** with the CDMP Land Use Element interpretative text for the Business and Office designation.

The CDMP Land Use Element **Objective LU-4** states that *Miami-Dade County shall, continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.* The **Land Use Element Policy LU-4A** of said interpretive text provides that *when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows,*

glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable. Staff notes that the existing jewelry store is located within a shopping center that consists of various commercial uses such as a grocery store, restaurants, a karate studio, beauty salon, a mail store, and office uses, among other uses. In staff's opinion, the requested pawnbroker use for jewelry only is an accessory use to the existing jewelry store and therefore, would be **consistent** with the Business and Office designation on the CDMP Land Use Plan map and **consistent** with **Objective LU-4** based on the criteria outlined in **Land Use Element Policy LU-4A.**

ZONING ANALYSIS:

The current application seeks approval of a use variance, under Section 33-311(A)(4)(a) to permit a pawnbroker use in the BU-1A zoning district. The pawnbroker use is not permitted in the BU-1A district and is permitted in the BU-3 district only upon approval after public hearing. The letter of intent indicates that the applicant intends to limit the pawnbroker use solely for jewelry and will not permit the pawning of other merchandise.

The existing jewelry store is located within a shopping center that is within the BU-1A zoning district, surrounded by commercially and residentially zoned properties and provides the residential properties with access to neighborhood services for the residents. However, the proposed pawnbroker use is only permitted in the BU-3 zoning district upon approval after public hearing. Staff notes that the applicant is requesting this use variance in order to establish a pawnbroker, which is not permitted in the existing BU-1A zoning district. Although the BU-3 district provides for a host of uses that are significantly more intense than those allowed in the BU-1A district, such as gun shops; secondhand stores for the disposal of furniture, fixtures and tools; locksmith shops, sharpening and grinding shops; garage and mechanical services; commercial chicken hatcheries; and pawnbrokers; the applicant has indicated that the pawn broker use would be limited to the pawning of secondhand jewelry only in conjunction with the existing jewelry store.

When the subject request, to permit a pawnbroker use in the BU-1A zone, as would be permitted in the BU-3 zone only upon approval after public hearing, is analyzed under Section 33-311(A)(4)(a), Use Variance Standards, staff opines that the request is not consistent with the general purpose and intent of the zoning regulations. Section 33-311(A)(4)(a) provides that a **use variance** permits a use of land other than that which is prescribed by the zoning regulations. The standard stipulates that *the Board shall hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest where, owing to special conditions,* ***a literal enforcement of the provisions thereof will result in unnecessary hardship****, and so the spirit of the regulations shall be observed and substantial justice done; and further provided that the use variance will be in harmony with the general purpose and intent of the regulations.* ***To prove an unnecessary hardship the applicant must demonstrate that without the requested use variance, the applicant, under the existing zoning, has lost all reasonable use of the property.***

Based on the information provided by the applicant, staff opines that the applicant has not demonstrated any special conditions related to the subject site where the literal enforcement of applicable zoning district provisions would result in an unnecessary hardship. As previously discussed, the subject property is currently in use and operating as a jewelry store; as such, provides the applicant with economic use and benefit. Furthermore, Section 33-247 of the Code provides eighty-four (84) permitted uses in the BU-1A zoning district, which allow for the reasonable use and benefit of the subject property. Staff is of the opinion that the approval of the use variance request will not be in harmony with the general purpose and intent of the

regulation, and that the applicant has not demonstrated a loss of all reasonable use of the property under the existing zoning. **As such, staff recommends denial without prejudice of the request for the proposed pawnbroker use under the Use Variance Section 33-311(A)(4)(a).**

CIRCULATION AND PARKING:

The subject property has ingress and egress points along SW 88 Street and SW 162 Avenue.

ENVIRONMENTAL REVIEW: Not applicable.

OTHER: Not applicable.

RECOMMENDATION: **Denial without prejudice.**

CONDITIONS FOR APPROVAL: **None.**

ES:MW:NN:CH:JC

Eric Silva, AICP, Development Coordinator NDN
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Five Star Jewelers, Inc.
Z13-053

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Regulatory and Economic Resources (Environmental Division)	No objection
Platting and Traffic Review Section (RER)	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Business and Office (Pg. I-41)	*This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.*
Land Use Objective 4 (Pg. I-11)	*Miami-Dade County shall continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.*
Policy LU-4A (Page I-11)	*When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(4)(a) Use Variances From Other Than Airport Regulations.	*The Board shall hear and grant applications for **use variances** from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in **unnecessary hardship**, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.*

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY _____ AMOUNT OF FEE _____

RECEIPT # _____

DATE HEARD: 12/10/13

BY CZAB # 11

RECEIVED
2013-053
DEC 16 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

DATE RECEIVED STAMP

****

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z2013000053 (13-11-CZ11-1)

Filed in the name of (APPLICANT)

Name of Appellant, if other than applicant: Director of the Department of Regulatory and Economic Resources

Address/Location of APPELLANT: 111 NW 1 Street, 11th Floor, Miami, FL 33128

Application, or part of Application being Appealed (Explanation):

ENTIRE APPLICATION

Appellant (name): Director of the Department of Regulatory and Economic Resources

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

1. The applicant has not demonstrated any special conditions related to the subject site where the literal enforcement of applicable zoning district provisions could constitute a practical difficulty or would result in unnecessary hardship.

2. The approval of the use variance request will not be in harmony with the general purpose and intent of the regulation, and that the applicant has not demonstrated a loss of all reasonable use of the property under the existing zoning.

6

APPELLANT MUST SIGN THIS PAGE

Date: 16th day of December, year: 2013

Signed _____

Jack Osterholt
Print Name

111 NW 1st Street, 11th Floor, Miami, FL 33128
Mailing Address

(305) 375-2842 Phone
(305) 372-6096 Fax

REPRESENTATIVE'S AFFIDAVIT
If you are filing as representative of an association or other entity, so indicate:

Representing

_____
Signature

_____
Print Name

_____
Address

_____ _____ _____
City State Zip

_____
Telephone Number

Subscribed and Sworn to before me on the _____ day of _____, year _____

_____
Notary Public

(stamp/seal)

Commission expires:

ZONING ACTION

MEMORANDUM

Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

DATE: APRIL 24, 2014 **#Z-**

ITEM: 1.

APPLICANT: FIVE STAR JEWELERS, INC. INVESTMENTS, INC. (13-11-CZ11-1 (13-053)

MOTION: To defer the appeal to May 22, 2014 at 9:30 AM.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Bovo		X		
Diaz		X		
Edmonson		X		
Heyman				X
Jordan				X
Monestime		X		
Moss	S	X		
Souto		X		
Suarez				X
Zapata	M	X		
Vice Chair Bell				X
Chairwoman Sosa		X		
TOTAL		8	0	5

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 11
MOTION SLIP

#1

APPLICANT'S NAME: **FIVE STAR JEWELERS, INC.**

REPRESENTATIVE: Applicant

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
13-11-CZ11-1 (13-053)	November 7, 2013	CZAB11		13

REC: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: **December 10, 2013** ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.
☐ WITH CONDITIONS

■ OTHER: At applicant's request due to the applicant's attorney being out of town during the hearing.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN	M	Carolina BLANCO	X		
COUNCILMAN		Socrates De Jesus	X		
VICE CHAIR		Miguel DIAZ			X
COUNCILMAN	S	Jay REICHBAUM	X		
COUNCILWOMAN		Beatriz SUAREZ			X
CHAIR WOMAN		Patricia DAVIS	X		
		VOTE:	4	0	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **THOMAS ROBERTSON**

C. FIVE STAR JEWELERS, INC.
(Applicant)

13-11-CZ11-1 (13-053)
BCC/District 11
Hearing Date: 05/22/14

Property Owner (if different from applicant) **Kendall Park Plaza, LTD.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1988	City National Bank of Miami, Trustee	- Zone change from GU to RU-3M, BU-1A. - Unusual Use for Lake Excavation. - Non-Use Variance of Lot Area.	BCC	Approved with condition(s)
1990	City National Bank, Trustee	- Modification of plan of Resolution.	ZAB	Approved with condition(s)
1992	City National Bank, Trustee	- Modification of Condition of Resolution.	ZAB	Denied without prejudice
1992	City National Bank	- Modification of Declaration of Resolution.	BCC	Approved
1993	City National Bank, Trustee	- Modification of Condition of Resolution.	BCC	Appeal Approved, Application Approved
1993	City National Bank	- Zone change from GU to RU-3M. - Modification of Declaration of Resolution.	BCC	Approved with condition(s)

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

Memorandum

MIAMI-DADE COUNTY

Date: August 13, 2013

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: C-11 #Z2013000053-1st Revision
Five Star Jewelers, Inc.
16205 SW 88th Street, Miami, Fl
Use Variance to Permit a Pawnbroker
(BU-1A) (7.53 Acres)
32-54-39

The subject application has been reviewed by the Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Wellfield Protection

The subject property is located within the West Wellfield interim protection area. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that restrict development, and regulate land uses within the wellfield protection area.

Since the subject request involves a non-residential land use or a zoning category which permits a variety of non-residential land uses, the owner of the property has submitted a properly executed covenant running with the land in favor of Miami-Dade County, as required by Section 24-43(5)(a) of the Code. The covenant provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service

The subject property is currently connected to public water. Water services are provided by Miami-Dade Water and Sewer Department. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements.

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required for this proposed development order.

Wastewater Disposal

The subject property is currently connected to public sanitary sewer. Sewer services are provided by Miami-Dade Water and Sewer Department. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Currently, the corresponding downstream sanitary pump station 30-0648 is operating under Conditional Moratorium; downstream pump stations 30-0536 and the South District Wastewater Treatment Plant are operating in compliance within the requirements set forth in the First Partial Consent Decree, Case No.93-1109 CIV-Moreno, between the Environmental Protection Agency and Miami Dade County. Based on the letter of intent, to include resale, consign and pawning as an expansion of services in the existing jewelry store, will not result in an increase in the amount of wastewater flow generated at this location and can be considered as a no net increase during the sewer capacity certification process.

Stormwater Management
The proposed change will not affect the existing stormwater management system.

Wetlands
The subject property is located within the Bird Drive Wetlands Basin, in an area that normally contains wetlands. However, this property has already been included as part of a larger project, under Class IV Wetlands Permit FW87-110. All Class IV Wetland Permit requirements for this property have been completed under the previously issued permit. Therefore, this Section has no objection to the scheduling of this zoning application.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
The proposal stated on the letter of intent will not impact tree resources. Therefore, the Tree Permitting Program has no objection to this zoning application. Be advised that a Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History
There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary
A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum

MIAMI-DADE COUNTY

Date: July 15, 2013

To: Eric Silva, Assistant Director
Department of Regulatory and Economic Resources

From: Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2013000053
Name: Five Star Jewelers, Inc.
Location: 16205 SW 88 Street
Section 32 Township 54 South Range 39 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

This land complies with Chapter 28 of the Miami-Dade County Code and was approved under Waiver of Plat D-20208.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Memorandum

MIAMI-DADE COUNTY

Date: July 1, 2013

To: Eric Silva, Assistant Director
Regulatory and Economic Resources Department

From: Christopher Rose
Assistant Director, Administration
Public Works and Waste Management Department

Subject: #13_053
Five Star Jewelers, Inc

The Public Works and Waste Management Department (PWWM) has no objections to the proposed application.

The application requests a use variance to permit the pawning of second hand jewelry in connection to an existing jewelry store. The jewelry store on the property will likely be considered a commercial unit per Chapter 15 of the County Code. As the PWWM does not actively compete for commercial waste collection service at this time, waste collection services may be provided by a private waste hauler. The application will have no impact or any associated costs.

The PWWM does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste. The PWWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand, inclusive of the application reviewed here, which is not anticipated to have a negative impact on disposal service.

If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661.

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 10th 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 19TH 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 10th day of December, 2013.

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

Earl Jones

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

SEAL

Memorandum

MIAMI-DADE COUNTY

Date: July 31, 2013

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2013000053: FIVE STAR JEWELERS, INC.
Revised plans dated stamped received through 5-22-2013

Application Name: FIVE STAR JEWELERS, INC.

Project Location: The site is located at 16205 SW 88 STREET, Miami-Dade County.

Proposed Development: The applicant is seeking approval for a use variance to permit a pawn shop.

Impact and demand: The request of this application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

Recommendation: PROS has no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review. Therefore, based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION**.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb
Cc: John M. Bowers, Parks Property Management Supervisor

REVISION 1

Memorandum

Date: 26-JUN-13

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2013000053

Fire Prevention Unit:

No objection.

Service Impact/Demand

Development for the above Z2013000053
located at 16205 SW 88 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1777 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:33 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 56 - West Sunset - 16250 SW 72 Street
Rescue, ALS Engine Haz Mat Support

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments

Not applicable to service impact analysis.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 11-OCT-13

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

FIVE STAR JEWELERS, INC.

APPLICANT

16205 SW 88 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2013000053

HEARING NUMBER

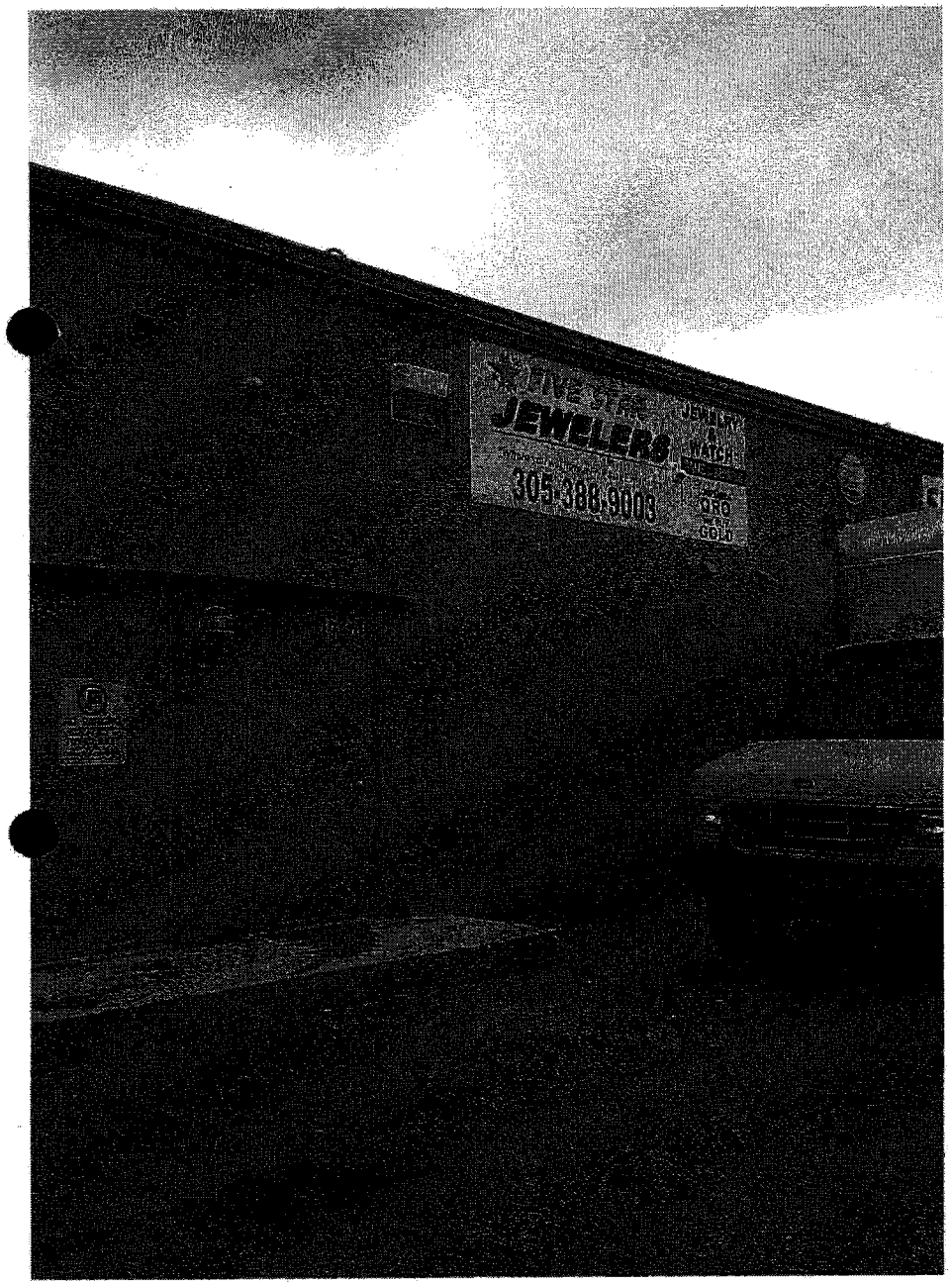
HISTORY:

NC: THERE ARE NO CURRENT OPENED OR CLOSED NEIGHBORHOOD COMPLIANCE CASES.
BLDG: THERE ARE NO CURRENT OPENED OR CLOSED BUILDING SUPPORT CASES

FIVE STAR JEWELERS, INC

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:



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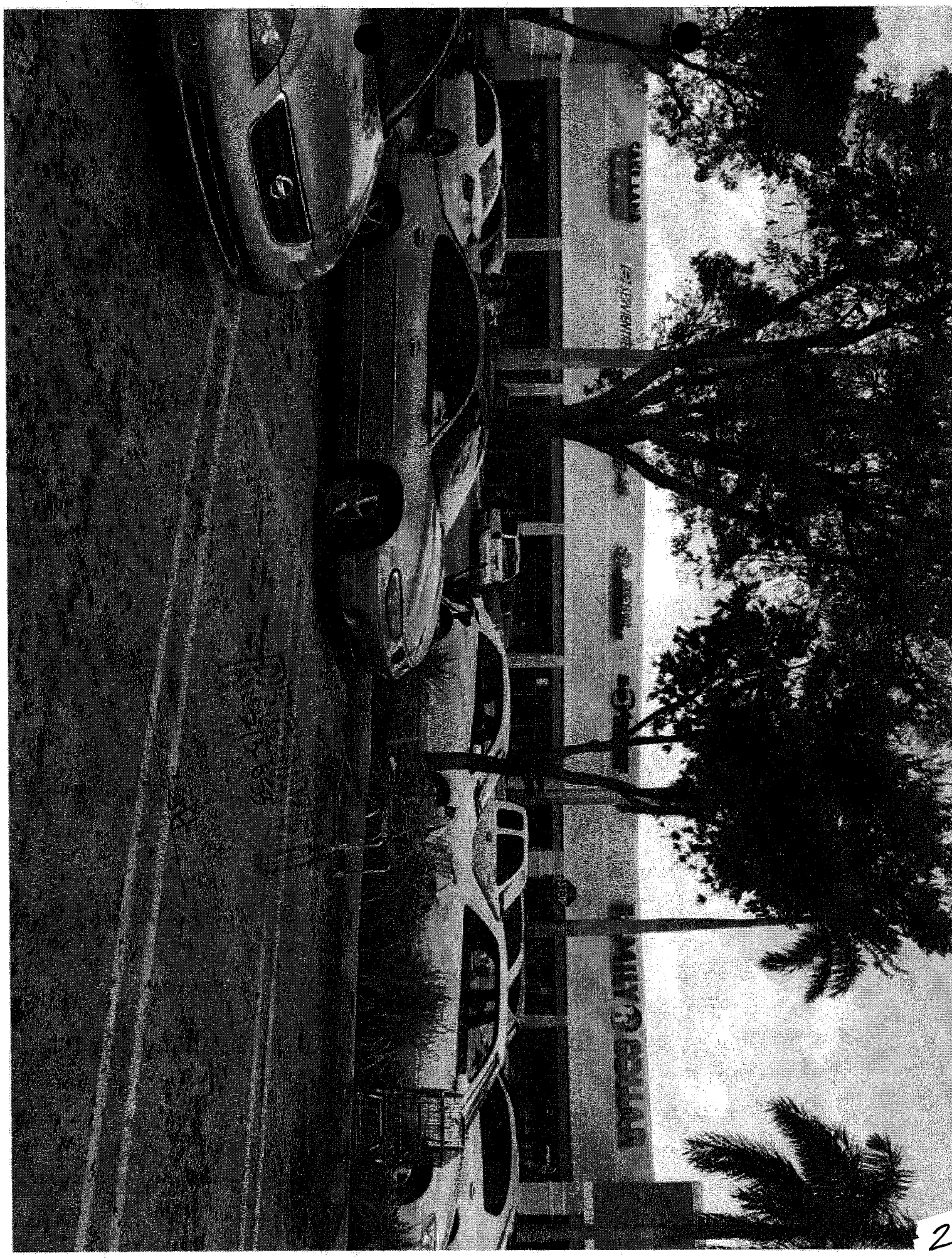
23-053
MAY 22 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY



25

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: **Five Star Jewelers, Inc.**

NAME AND ADDRESS	Percentage of Stock
Jorge L. Carvajal	100%
13804 SW 152 Street	
Miami, Florida 33177	

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME:

NAME AND ADDRESS	Percentage of Interest

RECEIVED
23-053
MAY 22 2010
MIAMI-DADE COUNTY PLANNING DEPT.
BY AH

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: **Kendall Park Plaza, Ltd.** F/K/A Century On Time, Ltd

NAME AND ADDRESS	Percentage of Ownership
On-Time Construction, Corp.	2%
- Agustin Herran 100%	
General Real Estate Corporation	49%
- Agustin Herran 100%	
GREC, LLC	49%

- Agustin Herran 90%
- Agustin & Rosiel Herran Children's Irrevocable Trust 03 FBO Victoria Herran 5%
  - Victoria Herran 100%
- Agustin & Rosiel Herran Childrens Irrevocable Trust 03 FBO Isabella Herran 5%
  - Isabella Herran 100%

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Interest

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation. partnership or trust:

_____

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: Jorge L. Cargill
(Applicant)

Sworn to and subscribed before me this 7th day of April, 2013 Affiant is personally known to me or has produced _____ as identification.

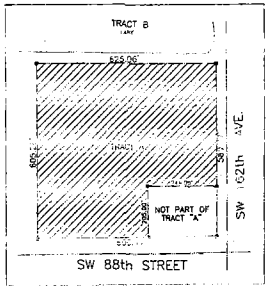
Clara I. Mirabal
(Notary Public)

My commission expires _____

CLARA I. MIRABAL
MY COMMISSION # EE 164571
EXPIRES: February 12, 2016
Bonded Thru Notary Public Underwriters

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

RECEIVED
213-053
MAY 22 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH



LOCATION SKETCH NTS.

LEGAL DESCRIPTION:

TRACT "A" LESS THE EAST 245.00 FEET OF THE SOUTH 125.00 FEET OF WEST KENDALL EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 142 AT PAGE 35 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

ZONING LEGEND

ZONING:	BU-1A (Business-Limited District)
GROSS LAND AREA:	625'x625' = 390,625 sq.ft. or 8.96 acres
OUTPARCEL AREA: (NOT 2 PART)	205'x245' = 50,225 sq.ft. or 1.15 acres
NET LAND AREA:	390,625 - 50,225 = 327,300 sq.ft. or 7.53 acres
BUILDING AREA:	89,253 sq.ft. = Ground Floor

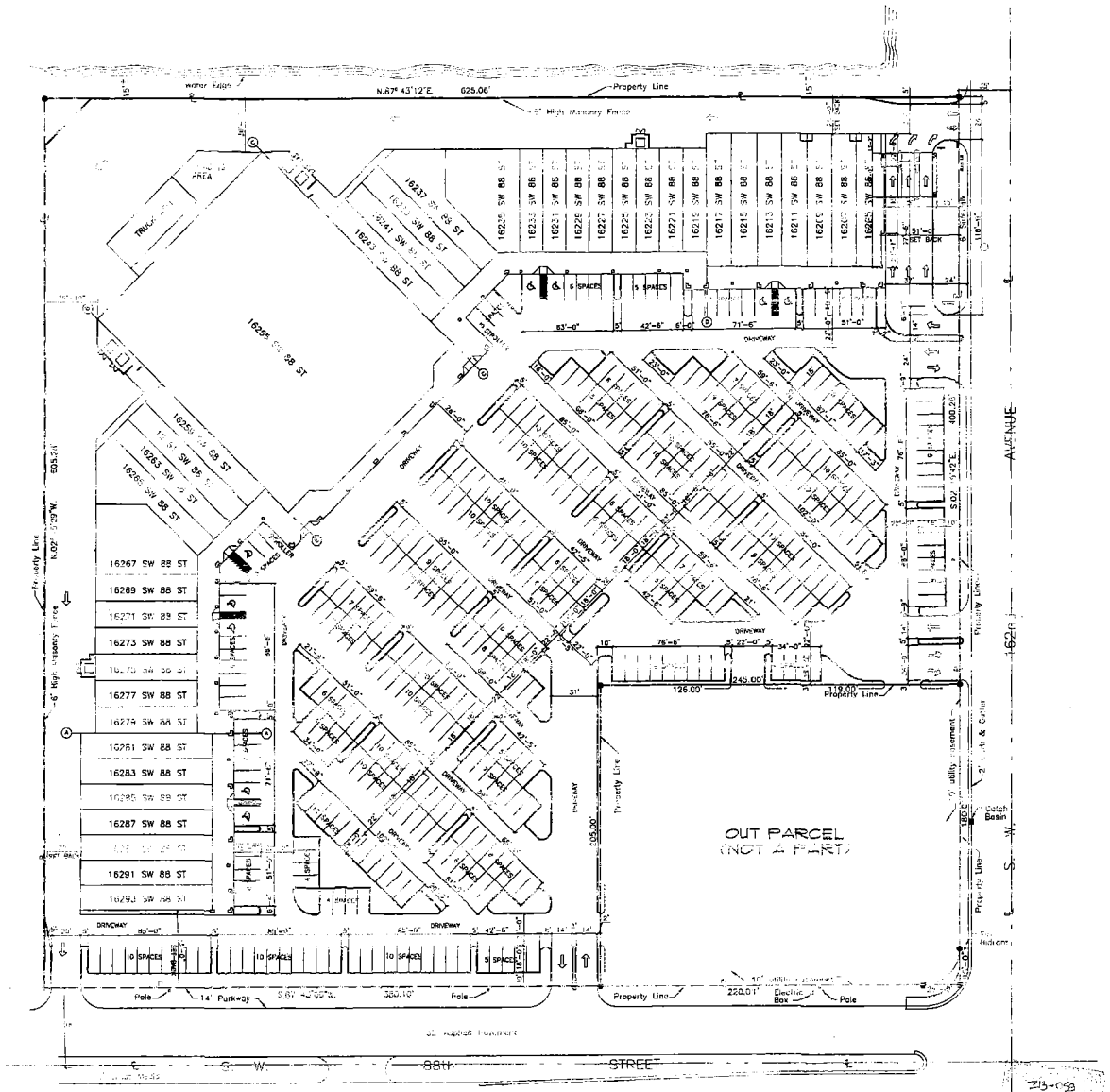
Rent Roll - Occupancy Summary
As of Date: 04/19/2013 Show Excluded Units: No Show All Amounts:

Property: Kendal Park Plaza, Ltd. - Kendall

Unit	Lease Name	Area	Monthly Base Rent Per Lease	Parking Ratio	Required Parking
16209	JPMorgan Chase Lease		4,556	1/250	18.2
16211	Maria Roldan and Gen (Beauty Salon)		1,508	1/250	6.03
16215	Black Belt for Life		3,016	1/100	30.16
16217	Vacant		1,583	1/250	6.34
16219	Subway Real Estate C		1,109	1/50 @50%	11.09
16221	AMK Insurance & Fina		1,103	1/300	3.67
16223	H&K Black Eastern En		1,103	1/300	3.67
16225	Dominican Beauty Salon		1,103	1/250	4.41
16227	Accessory Express, I		1,103	1/250	4.41
16229	Peking One, Inc.		1,103	1/50@50%	11.03
16231	Hometown Medical Equ		1,103	1/250	4.41
16233	South Dental Clinic,		1,104	1/300	3.68
16235	Future Leaders Academy		2,800	1/250	11.20
16237	Future Leaders Academy		4,698	1/250	18.79
16239 16283	Dance Elite Dance St		2,358	1/100	23.58
16241	Worldmarketshopping.co (Home Décor)		825	1/250	3.30
16243	Nuevo Mundo Company		815	1/250	3.26
16255	Sedano's Supermarket		30,700	1/250	122.80
16259	Family Dollar Stores		7,469	1/250	29.87
16267	Black Coral Gallery (Adult Day Care)		2,284	1/500	4.56
16269	A. James Segal, MD		1,221	1/300	4.07
16271	Five Star Jewelers		1,221	1/250	4.88
16273	Shoes Pam 5, Inc.		1,221	1/250	4.88
16275	Servicentrega Kendall		1,221	1/250	4.88
16279	Cakeworld Bakery		2,450	1/250	9.80
16281	Alex Liquors, Inc.		1,586	1/250	6.34
16285	Steve's Pizza West,		3,016	1/50@50%	30.16
16293	Mattress Firm, Inc.		4,558	1/250	18.23
Summary			87,939		408

EXISTING PARKING AS PER SURVEY 430
REQUIRED PARKING AS PER CODE 408

#23860525 v1



SITE PLAN

ZB-059

REVISIONS

OCTAVIO A. SANTURIO A.I.A.
ARCHITECT
6262 bird road suite 302 south miami, florida 33143
tel. (305) 661-8844/665-8803 fax 661-2113
FL AR. 0007079

OWNER: c/o AUGUSTIN HERRAN
5727 S.W. 152 ST. SUITE 102
MIAMI, FL. 33177-1166, PH. (305) 234-7606

NEW SHOPPING PLAZA
SW 162nd AVE. AND
SW. 88th STREET
MIAMI, FL 33193

THIS DRAWING AND SPECIFICATION CONTAINS PROPRIETARY INFORMATION AND SHALL NOT BE DISCLOSED OR REPRODUCED WITHOUT THE AUTHORIZED WRITTEN CONSENT OF OCTAVIO A. SANTURIO A.I.A.

BY
DATE
DRAWN
CHECKED
SCALE AS SHOWN
JOB NO. 9163
SHEET

SP-1

1 OF 1 SHEETS

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 213-053
DATE: MAY 22 2013
BY: SOB

29

Landscaping Legend
Chapter 18A-Ordinance 90-222

ZONE DISTRICT BU-1A

Gross Land _____(acre) Net Land 7.63 (acre) Water Bodies _____(acre)

	REQ.	PROV.
Landscape Open Space (if applicable)	18 %	18 %
Greenbelt (if applicable)	_____ feet	_____ feet
Lawn Area (As defined in Ordinance)	20 % soded	20 %
Trees Trees per Net Lots (Note: 30 % of required trees and/ or palms shall be native species. No more than 20% of the native tree requirement shall be Sabal Palmetto (cabbage palm)	168	174
Street Trees (Trees in the right of way (*) or in private property)*will require Public Works approval or Special Taxing District.	20	20
TOTAL NUMBER OF TREES	188	194
Shrubs (7 shrubs for each tree required) *30 % shrubs/hedges shall be native species. Irrigation system required pursuant to Chapter 33 Dade County Code	1,316	2,160

Business (BU) and Industrial (iu) zones

A). Open space required per Section 33 of Zoning Code net lot area (sq. ft.) = 33,2621 x 18 % = 59,872 sq. ft.

B). Parking lot landscaping required per Chapter 18A-6 (J) number of parking spaces = 470 x 10 sq.ft. = 4,700 sq.ft.

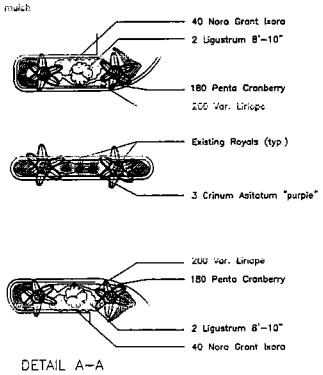
C). Add A + B = 64,572 sq. ft. (total lawn area required)

D). Maximum lawn area (sod) permitted 20 % of A + B = 64,582 sq. ft. 64,572 x .20 = 12,914 sq. ft.

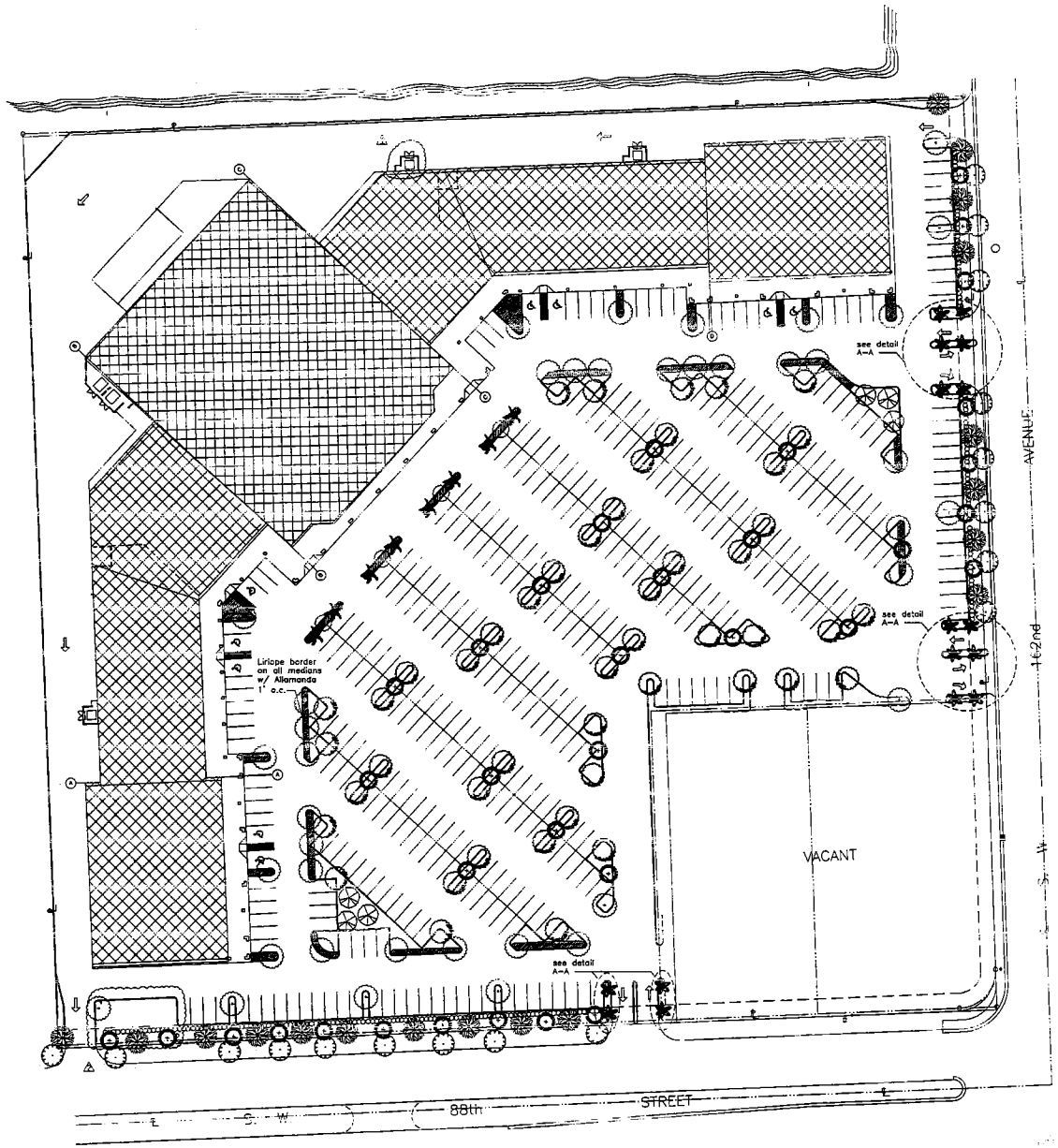
E). Maximum lawn area provided = 12,916 sq. ft. soded

Symbol	New	Qty.	Tree Name Scientific	Tree Name Common	Native Species Yes/No	Size
	yes	8	Roystonia Elata	Florida Royal Palm	Yes	24'
	yes	18	Roystonia Elata	Florida Royal Palm	Yes	14'-16'
	yes	40	Tabebuia Pallida		No	10'-12'
	yes	48	Swietenia Mahogani	Mahogany	Yes	10'-12'
	yes	19	Quercus Virginiana	Live Oak	Yes	10'-12'
	yes	18	Conocarpus Erectus	Green Buttonwood	Yes	10'-12'
	yes	35	Callistemon Viminalis	Weeping Bottlebrush	No	10'
	yes	4	Cassia Surranttensis	Glaucous Cassia	No	10'
	yes	6	Tabebuia Argentia		Yes	10'-12'
	yes	240	Chrysobalanus Icaco		Yes	24"x24"
	yes	640	Allamanda Schotti		—	24"x24"
	—		hedge 2.5' o.c.		—	
	—	40,000 s.f.	Floratam "St. Augustin"		—	
	—	60 yds.	Cypress mulch 2" thick		—	
	yes	1280	Liriope "Evergreen Giant"		No	12"x12"

Note:
1. All material Florida Grade A
2. All landscaped area 2" min. mulch
3. 100% irrigation provided



DETAIL A-A



LANDSCAPE PLAN 1"=30'

213-053

REVISIONS	
1	12-21-99
2	3-12-00

OCTAVIO A. SANTURIO A.I.A.
A R C H I T E C T
6262 bird road,suite 3B south miami, florida 33155
tel. 305) 665-9844/665-8866 fax661-7413
FL. AR. 0007679

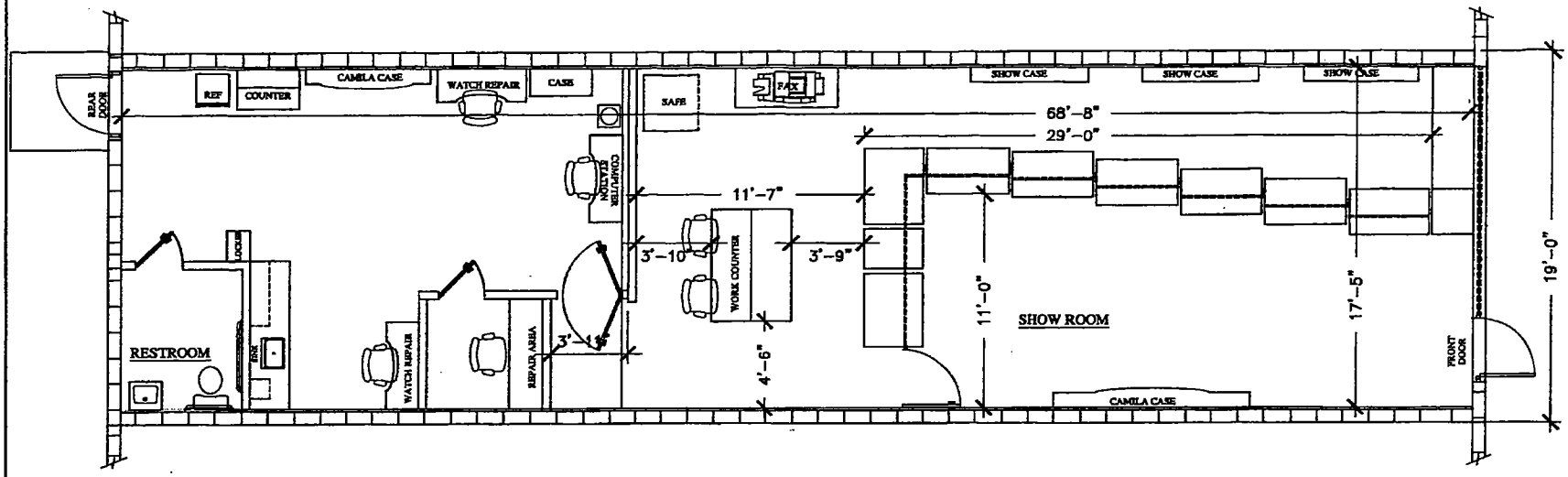
OWNER: c/o AGUSTIN HERFAN
13727 S.W. 152 ST. SUITE 102
MIAMI, FL. 33177-1106, PH. (305) 234-7600

NEW SHOPPING PLAZA
SW 162nd AVE. AND
S.W. 88th STREET
MIAMI, FL. 33193

DRAWN	B.H.C.
CHECKED	O.A.S.
DATE	04-14-97
SCALE	1"=30'
JOB NO.	9703
SHEET	SP-2
1 OF	SHEETS

30

RECEIVED
23-055
JUNE 25 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH



EXISTING SPACE PLAN
SCALE: 3/16"=1'-0"

NOTE: ALL INFORMATION ON DRAWING WAS FIELD VERIFIED.

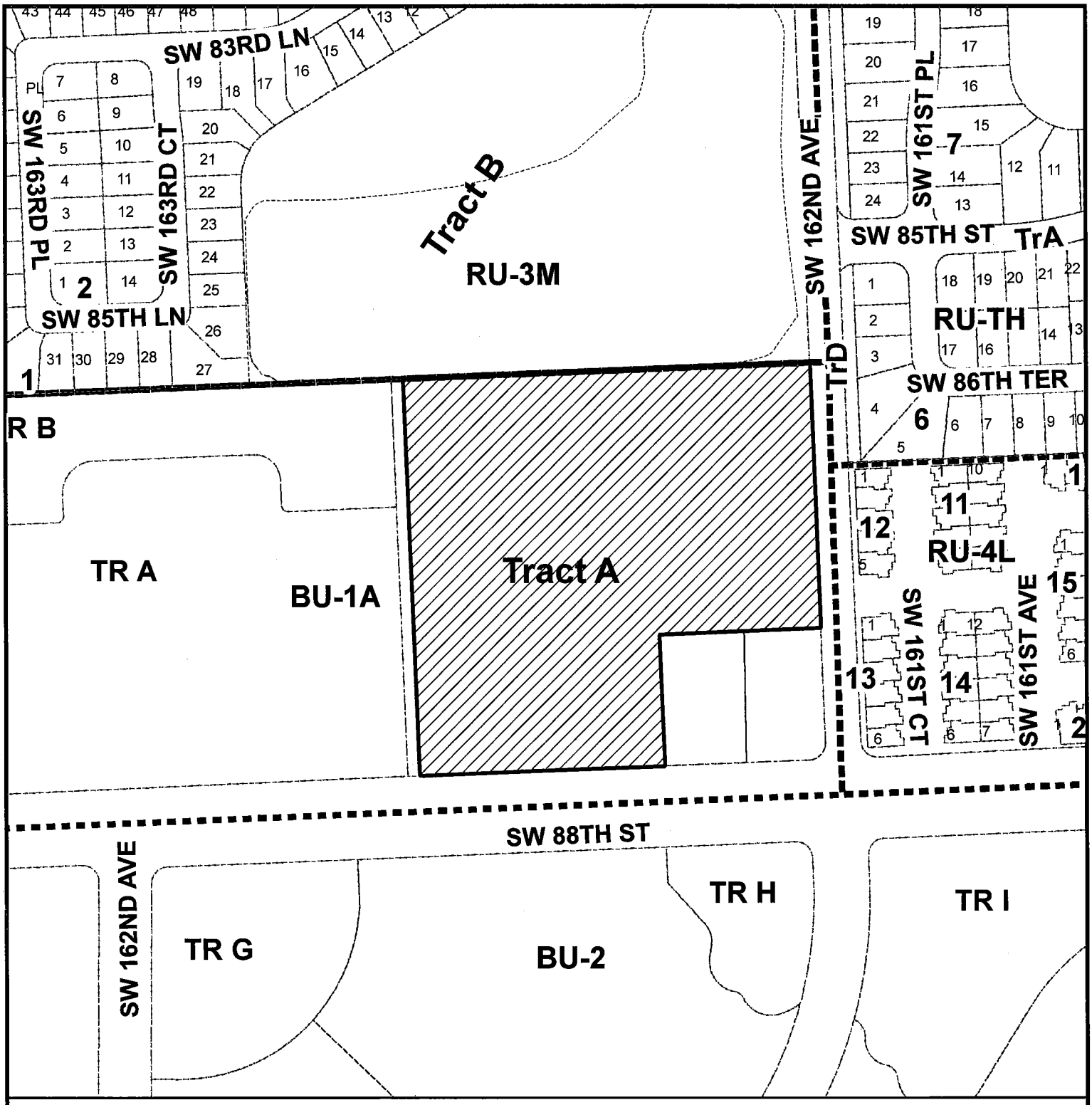
FIVE STAR JEWELERS

16271 N. KENDALL DR , MIAMI FL.

EXISTING JEWELRY SHOP

FLOOR PLAN

DATE: 06-17-13 PREPARED BY: ROGER PEREZ



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2013000053

Section: 32 Township: 54 Range: 39
Applicant: FIVE STAR JEWELERS, INC.
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

N W E S

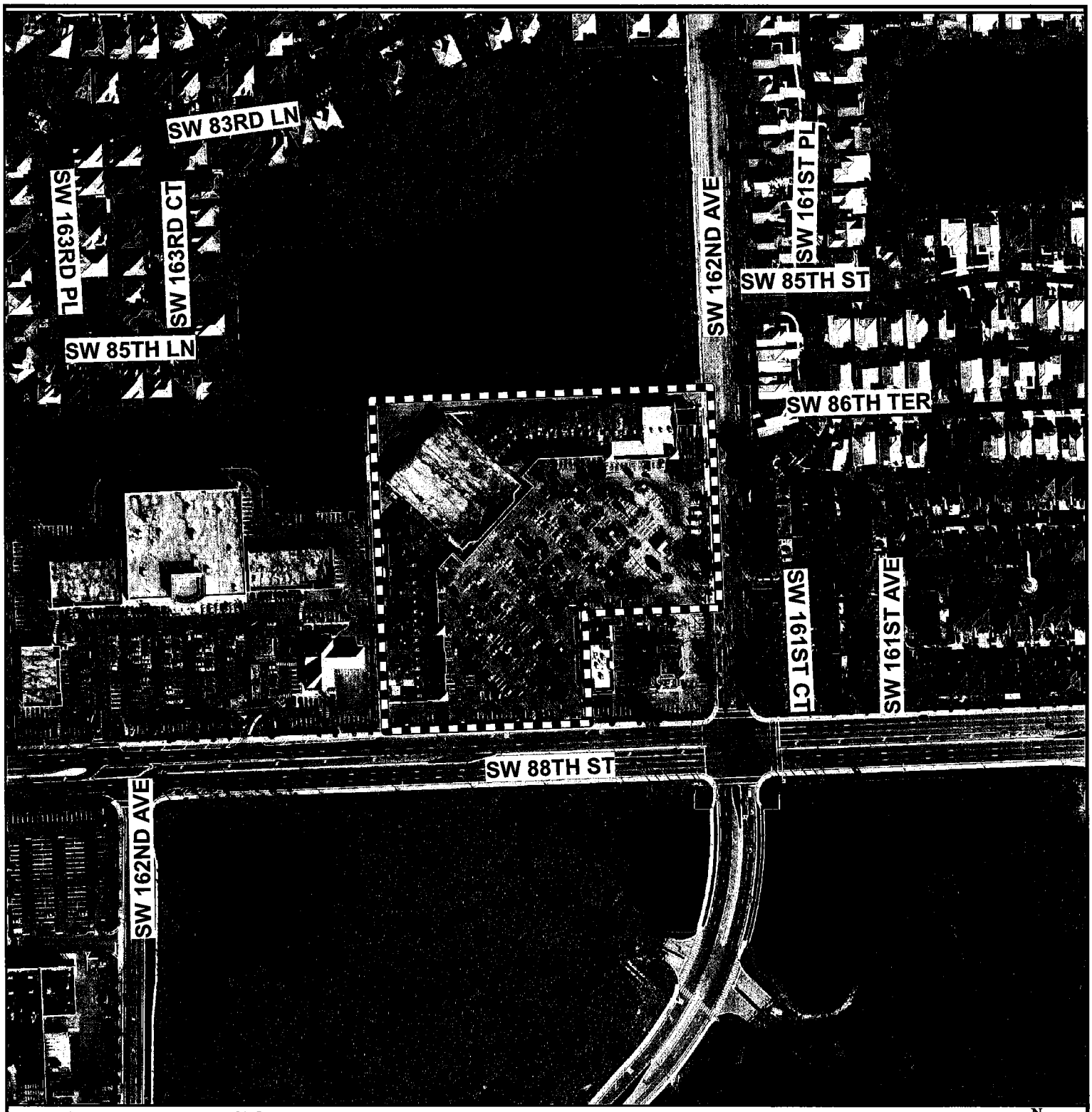
Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, June 18, 2013

REVISION	DATE	BY
		31



MIAMI-DADE COUNTY

AERIAL YEAR 2012

Process Number

Z2013000053

Legend

- MDC STL Index Poly
- Subject Property
- Zoning

N W E S

Section: 32 Township: 54 Range: 39
Applicant: FIVE STAR JEWELERS, INC.
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, June 18, 2013

REVISION	DATE	BY
		32

MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2013000053

RADIUS: 2640

N
W E
S

Section: 32 Township: 54 Range: 39
Applicant: FIVE STAR JEWELERS, INC.
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

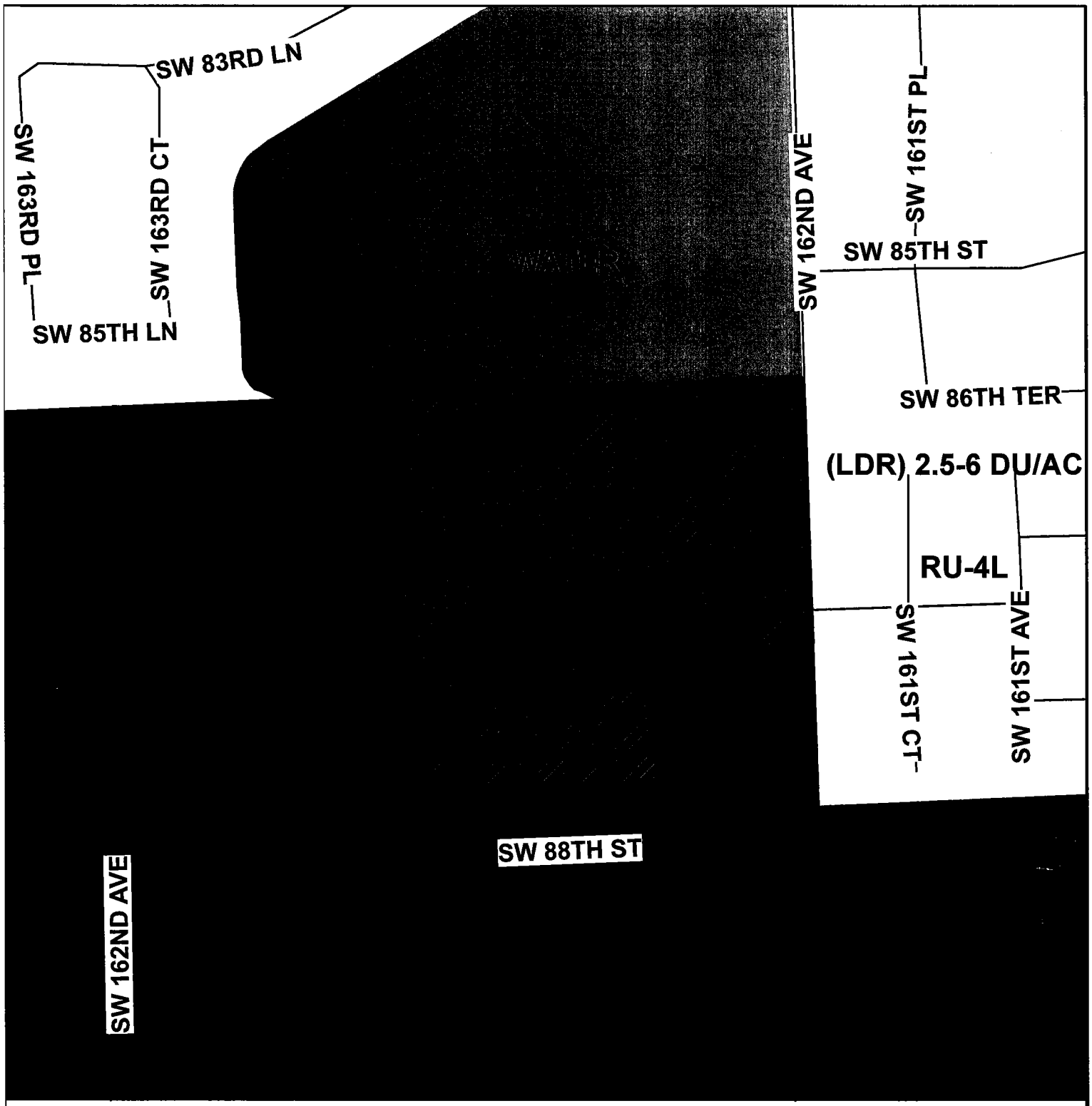
Subject Property

Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, June 18, 2013

REVISION	DATE	BY
		33



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2013000053

Section: 32 Township: 54 Range: 39
Applicant: FIVE STAR JEWELERS, INC.
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

N W E S

Legend

Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, June 18, 2013

REVISION	DATE	BY

DRAFT

Five Star Jewelers, Inc
BCC 5/22/14
Z13-053

PLANNING AND ZONING AGENDA OFFICE
2014 MAY -1 P 4:52

This instrument was prepared by:

Name: Jorge Carvajal
Address: 13804 SW 152 Street
Miami, FL 33177

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned owner, Kendall Park Plaza, Ltd, a Florida limited partnership (f/k/a Century/On-Time, Ltd.) (the "Owner"), holds the fee simple title to that certain parcel of land in Miami-Dade County, Florida (the "Property"), which is legally described in Exhibit "A" to this Declaration;

WHEREAS, the Property is improved with a retail center;

WHEREAS, the Owner consented to the filing of a zoning application by Five Star Jewelers, Inc. (the "Applicant"), one of its tenants at the retail center, seeking to permit the Applicant to operate a jewelry pawn shop in connection with the jewelry store located in Unit B-105 of the retail center (a/k/a as 16271 SW 88th Street), which zoning application is pending under County Public Hearing No. Z2013000053 (the "Application");

WHEREAS, on December 10, 2013, the Community Zoning Appeals Board for Area 11 adopted Resolution No. CZAB11-9-13 (the "Resolution"), which approved the Application in its entirety subject to conditions;

WHEREAS, the Director of the Department of Regulatory and Economic Resources appealed the adoption of the Resolution to the Board of County Commissioners (the "Board"); and

DRAFT

WHEREAS, on April 24, 2014, the Board deferred consideration of the Application to allow the Applicant an opportunity to proffer a Declaration of Restrictions, signed by the Owner, containing certain conditions and restriction on the operation of the jewelry pawn shop;

NOW, THEREFORE, IN ORDER TO ASSURE the County that the representations made by the Applicant during consideration of the Application will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions (the "Declaration") covering and running with the Property:

1. Use and Signage Restrictions. Notwithstanding the approval of the Application, in connection with the establishment of the proposed jewelry pawn shop, the Owner agrees to restrict the use of the Property, as follows:

A. A site plan shall 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 for the jewelry pawn shop; said plan to include among other things but not be limited thereto, the location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, and landscaping.

B. In the approval of the plan, the same be substantially in accordance with that submitted with the Application, 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.

C. The pawn shop use shall be established and maintained in accordance with the approved plan.

D. The Applicant shall obtain a Certificate of Use and Occupancy for the pawn shop use 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.

E. No stringer lights, pennants, mobile or stationary visual devises, except as permitted under the point of sale sign regulations in the Code of Miami-Dade, shall be used or displayed in connection with the pawn shop use. In addition, the terms "pawn," pawning," or "pawnshop" shall not be used in any indoor or outdoor advertisement.

F. The pawn shop activities shall be limited to jewelry only.

G. The pawn shop use may only be operated solely as an accessory use in connection a jewelry store, and if the jewelry store use is terminated, the pawnshop use shall automatically expire and be discontinued.

H. The operating hours for the pawn shop use shall not extend beyond those for the jewelry store.

2. Miscellaneous.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the Property to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at Owner's expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the Property, and for the benefit of Miami-Dade County and the public welfare. The Owner, its heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change this Declaration in whole, or in part, provided that the Declaration has first been modified or released by the County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved

by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing. It is provided, however, that in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants set forth in this Declaration. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his/her/its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold, in connection with the Property, any further permits, and refuse to make any inspections or grant any approvals with respect to the Property, until such time as this Declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida, at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by her/his assistant in charge of the office in her/his absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance with respect to the Property.

Owner. The term "Owner" shall include the Owner, and its heirs, successors and assigns.

[SIGNATURE PAGE(S) FOLLOW]

DRAFT

Signed, sealed and acknowledged on this _____ day of _____, 2014.

WITNESSES

_____
Signature

_____
Printed Name

_____
Signature

_____
Printed Name

KENDALL PARK PLAZA, LTD.,
a limited partnership

_____
Agustin Herran, as President of On-Time Construction Corp., a Florida corporation, its general partner

ACKNOWLEDGED BEFORE ME, this _____ day of _____, 2014, by Agustin Herran, as President of On-Time Construction Corp., a Florida corporation, the general partner of Kendall Park Plaza, Ltd., a Florida limited partnership, who is personally known to me or who has produced _____ as identification.

_____
NOTARY PUBLIC

_____
Printed Name

My Commission Expires: _____

EXHIBIT A

(LEGAL DESCRIPTION OF THE PROPERTY)

TRACT A, LESS THE EAST 245 FEET OF THE SOUTH 205 FEET, OF WEST KENDALL BEST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 143, PAGE 35 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY.

COMMUNITY ZONING APPEALS BOARD - AREA 11
MEETING OF WEDNESDAY, DECEMBER 10, 2013
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8265 S.W. 124 Avenue, Miami, Florida

ITEM A

FIVE STAR JEWELERS, INC.

(13-53)

COUNCIL MEMBERS PRESENT

Patricia S. Davis, Chair
Carolina Blanco
Beatriz Suarez
Socrates De Jesus

STAFF

Carl Harrison

ASSISTANT COUNTY ATTORNEY

Abbie S. Raurell,

SPEAKER INDEX

Chairwoman Davis: 3-5, 7-8, 33-36, 38-40, 42-53, 55-57, 60, 63-64, 67, 70, 74-75.

Councilwoman Blanco: 4, 68-70, 75,

Councilwoman Suarez: 4, 65-67, 74-75,

Councilman De Jesus: 4, , 34-35, 60-64, 74-75.

STAFF

Mr. Harrison: 4-5, 8, 66, 69, 75.
Ms. Raurell: --

APPLICANT'S REPRESENTATIVE

Mr. Mayol: 8-21, 36, 38, 50, 61, 63, 65-68, 70, 72, 75.

SUPPORTERS

Jorge Carvajal: 18, 63-65.
Lawrence Percival: 35-36, 38.
Armando Mato: 39.

Denise Alvarez: 40, 42.
Letter read of Ory Dawes: 40.
Eliza Valenti: 43.

Marcus Ravelo: 45.
Grandon Carvajal: 46.
Vanessa Carvajal: 47.

Pedro Guerrero: 50.
Jorge Chayeb: 51.
Alicia Legra: 53.

Keith Holder: 54.
Amy Castillo: 56.
Clara Mirabal: 57.

OBJECTORS

--

(Thereupon, the following proceedings were had:)

Please turn all of your cell phones and beepers to silent, including mine, which are on vibrated at this moment, but I will turn them to silent.

Good evening.

The West Kendall Community Council is now in session. I see we have a Court Reporter and a County Attorney.

Tonight I'm going to ask Julio Celeres (sic), Councilman at Area 10 to come and lead us in the Pledge of Allegiance. And I think I said your last name wrong. I'm so sorry.

COUNCILMAN CACERES: That's okay.

Thank you, Madam Chair.

(Thereupon, the Pledge of Allegiance was had, after which the following transpired:)

CHAIRWOMAN DAVIS: Thank you. You may be seated.

CHAIRWOMAN DAVIS: Staff -- Mr. Jones, would you please call the roll -- Mr. Harrison. I knew that you're

1 not -- sorry. It's going to be a night.
2 MR. HARRISON: Councilwoman Blanco?
3 COUNCILWOMAN BLANCO: Present.
4 MR. HARRISON: Councilman De Jesus?
5 COUNCIL MEMBER DE JESUS: Present.
6 MR. HARRISON: Please show Vice Chair
7 Diaz absent.
8 Please show Councilman Reichbaum
9 absent as well.
10 Councilwoman Suarez?
11 COUNCILWOMAN SUAREZ: Present.
12 MR. HARRISON: And Chairwoman Davis?
13 CHAIRWOMAN DAVIS: Present.
14 MR. HARRISON: We have a quorum.
15 CHAIRWOMAN DAVIS: Thank you.
16 Those of you who are present who wish
17 to speak tonight, you must stand at this
18 time and the Court Reporter will swear you
19 in. Even if you're not sure, go ahead and
20 do it.
21 (Thereupon, all interested
22 individuals seeking to present testimony
23 in these proceedings were duly sworn to
24 tell the truth, the whole truth, and
25 nothing but the truth, after which the

following transpired:)

CHAIRWOMAN DAVIS: Thank you.

There will now be an introductory statement read by staff.

MR. HARRISON: In accordance with the Code of Miami-Dade County, all items to be heard tonight have been legally advertised in the newspaper. Notices have been mailed, and the properties have been posted.

Additional copies of the agenda are available here at the meeting.

Items will be called up to be heard by agenda number and the name of applicant. The record of the hearing on each application will include the records of the Department of Regulatory and Economic Resources.

All these items are physically present this evening, available to all interested parties, and available to the members of the Board who examine items from the record during the hearing.

Parties have the right of cross examination.

1 This statement along with the fact
2 that all witnesses have been sworn, should
3 be included in any transcript of all or
4 any part of the proceedings.
5 In addition, the following
6 departments have representatives present
7 here at the meeting to address any
8 questions. The Zoning Evaluation and
9 Platting and Traffic Review sections of
10 the Department of Regulatory and Economic
11 Resources, and the County Attorney's
12 Office.
13 All exhibits used in presentation
14 before the Board becomes part of the
15 public record, and will not be returned.
16 Any person making impertinent or
17 slanderous remarks, or who becomes
18 boisterous while addressing the Community
19 Zoning Appeals Board, shall be barred from
20 further audience before the Community
21 Zoning Appeals Board by the presiding
22 officer unless permission to continue, or
23 again address the Board be granted by the
24 majority vote of the Board Members
25 present.

The number of filed protests and waivers on each application will be read into the record at the time of hearing as each application is read.

Those items not heard prior to the ending time for this meeting will be deferred to the next available zoning hearing meeting date for this Board.

CHAIRWOMAN DAVIS: Thank you very much.

Now, before I say anything else, since we have a full room, there's a couple of things you need to know about this room. The acoustics. If you're whispering in the back, we can hear you here. So please be mindful that sound carries very, very well in this room.

We also have a tradition here. If you agree with something, you go like this (indicating). We don't do hand clapping. We don't do shouting, we don't do carrying on. You can raise your hands, and do that, (indicating). If you raise your hand against it, be mindful that there are children and everybody in the room. So

1 nothing bad with the hand signals.
2 Other than that, let me first ask, do
3 we have any withdrawals or deferrals this
4 evening? Seeing none, I will ask that
5 staff, please call the items in the order
6 we agreed on.
7 (Thereupon, other matters not related
8 to this case were heard, after which the
9 following transpired:)
10 CHAIRWOMAN DAVIS: You may call the
11 next application.
12 MR. HARRISON: The next item on the
13 agenda is Item A, 13-11-CZ11-1, Five Star
14 Jewelers, Incorporated. Application
15 Number 13-053, zero protests, zero
16 waivers.
17 Madam Chairwoman, members of the
18 Council, Juan Mayol along with Mike Freire
19 with the law firm of Holland and Knight at
20 701 Brickell Avenue on behalf of the
21 applicant. Unfortunately for you, you're
22 stuck with me for a little longer tonight,
23 but actually this is a very simple
24 request, and I think we can get through it
25 pretty swiftly.

1 It is a pleasure and an honor to
2 appear before you on behalf of Jorge
3 Carvajal and his family. They're joining
4 us tonight. And I know at least one or
5 two will speak to you tonight. I plan to
6 introduce Jorge and ask him a couple
7 questions about the process.
8 I'd be remiss if I didn't thank you,
9 because you agreed to defer this item when
10 it came up before you on November 7th. I
11 was out of town. I was actually
12 celebrating my 22nd wedding anniversary,
13 and I didn't think I could -- I think my
14 partner would actually stab me if I had to
15 come. So I really appreciate it.
16 This is an item where we really took
17 community outreach to I think a new level.
18 Not only were there 1,338 notices sent out
19 by the client -- by the County at the
20 client's expense -- at the applicant's
21 expense, but it was actually sent out
22 twice. Jorge and his family knocked on
23 400, and they mailed 500 letters
24 explaining what the application was about.
25 What we did was, we got a copy of the

mailing list that the County uses, and they actually mailed out letters to the 500 closest neighbors. Many of those neighbors are actually here to express their support for this application.

I brought a few handouts, and I do apologize in advance, because they're pretty voluminous. I could tell you that I don't expect you to read them all tonight. I'm just going to simply point to the different areas in the town homes -- in the handout.

So we have two packets. One is a bit thinner, and one is -- it actually goes from one through 16. Sixteen different tabs. The copies of the exhibits that are before you are also in that booklet just in case it's easier to see from up close.

We also brought duplicate boards so that the audience has a board of their own and the council members have their own board. That's why Mike will be manning the two.

Then we also have this large packet. That is, 17 similar approvals for the same

1 use in the general Kendall area. There
2 have been tens of applications like this
3 one before you presented to the Community
4 Council through CZAB over the years. We
5 only searched in the Kendall area, and we
6 found 17 approvals of the same use.
7 When I looked beyond the approvals,
8 we pulled the recommendations, and
9 actually staff recommended an approval of
10 every single one of them. The exact same
11 request, the exact same code section, the
12 exact same criteria, and very similar
13 cases. Those are the 17 approvals that
14 are before you.
15 We took that information in that
16 large zone and summarized it in a chart
17 that Mike will introduce. Unfortunately,
18 we burnt a lot of paper. At the
19 conclusion of the hearing, you can give
20 those back, and we will gladly recycle
21 them tomorrow. I do apologize for the
22 amount of paper. So in that chart then
23 we'll be discussing it.
24 Later in my presentation, you can see
25 the summary of all of the approvals that

1 are before you tonight.
2 We then went through the
3 recommendations, and the basis for the
4 approval by staff and created an
5 evaluation checklist. And I will also
6 walk you through the checklist.
7 I basically asked two questions. I
8 was working by myself, so I asked myself
9 the questions.
10 Number 1, what is similar? What is
11 similar? What do those approvals tell me
12 about the item that's before you tonight?
13 Are they similar? Are they different? I
14 will walk you through what I found.
15 I also brought you a copy of the BU-1
16 regulations? The reason that I'm giving
17 you the BU-1 separate from the earlier
18 booklet is that Mike had already run the
19 copies of the booklet, and I wanted to
20 supplement it.
21 We'll be referring to BU-3, which is
22 the most liberal commercial
23 classification. We'll talk about BU-2,
24 BU-1A, and BU-1.
25 The significance of BU-1 is that a

1 jewelry store is allowed to buy and sell
2 used jewelry. So today Five Star Jewelers
3 can actually buy and sell used jewelry.
4 And, lastly, we have prepared a set
5 of conditions that at the end of my
6 presentation, I will be asking the Board
7 to consider approving this application
8 subject to a number of those conditions at
9 the end of the presentation. And I will
10 walk you through the conditions at the end
11 of the presentation.
12 I am attaching -- and I'm sure that
13 the Assistant County Attorney and Carl has
14 a copy of the e-mail from Nick Nitti. It
15 is an e-mail that states that effectively
16 his recommendations are consistent with
17 other jewelry stores pawn approvals. I'm
18 introducing that into the record. So
19 that's it.
20 Let me -- if I may give you an idea
21 of where we are, I want to walk you
22 through the subject property currently,
23 and I want to tell you why we're here,
24 what is the relief that we're seeking from
25 you today.

1 The subject property is actually
2 tiny. It is a space within an existing
3 retail center.
4 Let me give you the context. The
5 shopping center located at the northwest
6 corner of Kendall Drive and the southwest
7 corner of 152nd Avenue. So it is located
8 right on a major roadway, Kendall Drive,
9 intersected by another major roadway,
10 152nd Avenue.
11 The property where the retail space
12 is located is 7.53 acres. So almost eight
13 acres of land. It is zoned BU-1A, which
14 is a commercial classification that allows
15 any type of retail or surface use,
16 restaurants, certainly a jewelry store.
17 The BU-1A includes the BU-1 uses. A
18 jewelry store is actually authorized to
19 sell and purchase used jewelry.
20 The center is called the Kendall Park
21 Plaza. It is an 87,939 square foot
22 center. The corner store, Five Star
23 Jewelers, is 1,221 square feet. So when I
24 said tiny, it's really tiny. The store is
25 1.3 percent of the total square footage of

1 the center. It is, again, one of the
2 stores that calls this retail center home.
3 Tab 4 -- I'm sorry to jump a little
4 bit, but Tab 4 gives you the list of the
5 tenants. It tells you who is in the
6 retail center. And it shows Five Star
7 Jewelers at 1,221 and the total at 87,939.
8 The center has Sedano's Supermarket,
9 the Family Dollar Store. There is a
10 Denny's. There is a beauty salon.
11 There's an H & R Block store. There's a
12 pizza shop. There's a cake store. So it
13 gives you a sense of the services that you
14 would find in any neighborhood center.
15 And Jorge's store provides another
16 service that is provided to the community.
17 His hope is that his customers -- if this
18 application goes through, his customers
19 will have the opportunity of not selling
20 the jewelry to him, but be able to take
21 out a loan based on the value of that
22 jewelry, and what really becomes a highly
23 regulated transaction between the jewelry
24 store and the borrower.
25 In the last few years, I've seen many

1 of us face financial strains. So he has
2 seen an increase in the number of
3 customers who are actually asking, not
4 just to sell the jewelry, they want to be
5 able to take a loan and then retrieve the
6 jewelry once they pay off the loan.
7 Unfortunately, for many, the traditional
8 sources of credit, you know, banks, the
9 credit union, friends and family, those
10 traditional sources of credit are not
11 available. Some, because of a tarnished
12 credit history, others because maybe
13 something happened to their ability to
14 secure credits.
15 The proposal before you then is as
16 advertised by staff. It is to permit a
17 pawn shop. And the word pawn shop, the
18 term pawn shop, for many of us, it
19 conjures images of seedy businesses, and
20 you know, places that perhaps we would not
21 want to visit. That used to be the image
22 many years ago. Today, actually, you find
23 people using the so-called pawn shops
24 as -- this is their financial
25 institutions.

1 What's before you is not the approval
2 of a pawn shop. What's before you is a
3 request to allow Jorge to offer loans that
4 we secure by jewelry. The use would be
5 strictly limited to jewelry, and we'll go
6 through the conditions, but nothing else
7 would change. The center would look the
8 same. The store would look exactly the
9 same from the outside. In fact, on the
10 proposal that we will be describing for
11 you, the word "pawn," the term "pawn
12 shop," "pawn broker," and any term of
13 "pawn" will not appear in any of the
14 outside advertising.
15 This is how the store looks today
16 from the outside and from the inside.
17 This is how the store would look tomorrow,
18 if you were willing to approve the
19 application before you. There would be
20 some partition work done in order to
21 enhance the operation, but you would not
22 see many changes to the interior.
23 What we will not be doing, we will
24 not be pawning in the sense of the
25 traditional or typical view of a pawn

1 shop. We will not be pawning anything but
2 jewelry.
3 This is some of the items that you
4 would find in a traditional pawn shop
5 (indicating). None of those items would
6 be found here. This industry is a very
7 highly regulated industry. And while
8 Jorge spent a good hour explaining it to
9 me the other day, I felt that the best
10 person to explain it to the Board would be
11 Jorge Carvajal.
12 So I'm going to ask him to spend
13 three minutes or less explaining the two
14 types of transactions. One, when I sell
15 you my jewelry, and, two, when I take out
16 a loan based on the jewelry. He will tell
17 you the paperwork that is involved.
18 We have brought for you, as Item 9, a
19 copy of the transaction form that Jorge
20 must file with the state and the police
21 department.
22 MR. CARVAJAL: Good evening. Jorge
23 Carvajal, 11921 Southwest 126 Terrace,
24 owner of Five Star Jewelers.
25 And the pawn setting is a very

1 regulated industry. The process is very
2 similar in the sense that we have to --
3 and in the folder that he handed you,
4 there are step-by-step images that would
5 show you how it goes.
6 So pretty much we're approached by a
7 guest who would come in, and either want
8 to sell us their items, because they're
9 not interested in retrieving them. It's
10 something that maybe they wore when they
11 were teenagers and no longer care for and
12 they just want to sell it.
13 On the other hand, we have some
14 guests then come in and have some
15 sentimental attachment to the pieces, and
16 need a bridge loan for a couple weeks, a
17 month, and would like to get it back.
18 And I want to explain right now we
19 can give you that option.
20 So what we do is, we have a form,
21 which he presented to you, which would
22 actually detail each item which is left,
23 including the weight, how many stones, and
24 all the details. It's a contract that the
25 guess gets a copy of, we keep a copy, and

one copy goes to the police department. So we're regulated by Miami-Dade County Police. We're also regulated by Tallahassee.

We have to -- start out by requesting an ID, a Florida driver's license, passport or such from the guest. We also have to get a fingerprint from the person leaving the item and a signature. Okay. Then the item is put away in an envelope, labeled, and put away in our safes. The customer comes back, they pay us our fee, the money that we loaned them. We give them back their items. And it works out for everybody, and everybody is happy.

Funny enough, with the license that we have now, which we have for over five years, when we buy the items -- if we buy it from you today, on the 16th, I'm allowed to sell it to a refinery and scrap it. Once, you know -- if this application is approved, once we get the pawn broker's license with the restrictions that we're presenting, due to Tallahassee restrictions, now we have to hold items

1 60 days. So the items would actually sit
2 in our store for a longer period of time.
3 So if there is any question as to
4 where the item came from, you know,
5 somewhere where it shouldn't have, the
6 items would be sitting there, and it will
7 allow the police to do what they have to
8 do.
9 MR. MAYOL: Thank you, Jorge. And,
10 of course, Jorge will be available for
11 questions letter on. The process that he
12 explained is Item 8 on our packet.
13 We, on behalf of Jorge Carvajal,
14 really faced a dilemma in filing a zoning
15 application that would get him what he
16 needed, which is the ability to make loans
17 on used jewelry. So, again, BU-1 and
18 BU-1A is the only classification that
19 allows the purchase and sale of jewelry.
20 And if you look at Item 10, this is
21 what you find everywhere you drive to
22 where there is a commercial center.
23 People are buying gold. And, you know,
24 because of the market for gold, that has
25 been extremely popular in the last few

1 years. That can happen today, and it
2 doesn't have to be gold. It could be much
3 more than that.
4 At the moment, he proposes to make a
5 loan on the jewelry, then he must secure
6 additional zoning approvals. We have two
7 alternatives. We could file for the
8 rezoning of the property to BU-3. So we
9 would rezone that entire center to BU-3,
10 and liberalize the zoning classification
11 on the center. We brought for you the
12 BU-2 and BU-3 regulations to show you some
13 of the uses that are presented in BU-2 and
14 BU-3. Or we were given the choice of
15 filing for a use variance.
16 A use variance is a use as defined by
17 code -- it's a variance, which permits a
18 use of land other than that which is
19 prescribed by zoning regulations. I want
20 to give you a sense of -- give you a few
21 examples of a use variance, what such a
22 use would be. So I brought you three just
23 to give you a range.
24 Item 14 is an application by Mory
25 (phonetic) Investments. This went to

1 actually Community Council 10. It was
2 approved as a use variance to permit
3 offices in a district -- in the RU-1
4 district, which is a residential district.
5 So you were going from a -- they were
6 having an office use in a residential
7 district. That's a typical use variance
8 in some parts of the County.
9 Item 15 is a use variance. Again, it
10 goes to the use, to permit a car wash in
11 the RU-2 zone. RU-2, as you probably
12 know, allows duplex residential uses.
13 They wanted to do a duplex in RU-2. That
14 went to Community Council 10, and it was
15 approved in 2012.
16 Item 16 is fairly unusual in that you
17 don't see too many of them. Item 16 was a
18 use variance to permit an access drive --
19 an access road in land that was zoned GU.
20 It was not zoned commercial. The access
21 road was to serve the recently approved
22 Target store on the corner of 8th Street
23 and 137th Avenue north of where we are.
24 So those are examples of use variances.
25 The last book that Mike is about to

1 introduce into the record -- and I'll give
2 him a second to bring those to you. A
3 second? Maybe 30 seconds. So it turns
4 out that applications like Jorge's have
5 been presented to the County for a long,
6 long time.
7 And as I stated when I started, we
8 searched for similar approvals in the
9 Kendall area. There are -- I said 17, but
10 there are actually 15 approvals in total
11 here. Items 1 and 2 are for the same
12 jewelry store. Items 3 and 4 are for the
13 same. The reason I separated them is that
14 I have the resolution as one item, and the
15 recommendation as the second item. The
16 reason I singled those out is that they're
17 actually the closest to the proposed
18 jewelry store -- to Jorge's existing
19 jewelry store.
20 So Item 1 is a jewelry store located
21 at 15154 Northwest 77 Street. In 1997,
22 they went before the zoning board and
23 obtained a use variance and special
24 exception to permit a proposed pawn shop
25 in connection with an existing jewelry

1 store in the BU-2 district as it would be
2 permitted in the BU-3 district.
3 Item 3 is a similar request to permit
4 a pawn shop in connection with an existing
5 jewelry store in the BU-1A district as it
6 would be permitted in the BU-3 district.
7 That's at 13804 Southwest 152nd street.
8 That's actually in the Country Walk area
9 of Kendall.
10 What was really interesting -- and,
11 again, we gave you a summary of those
12 approvals.
13 What was most interesting to me is
14 that when I reviewed the staff
15 recommendation for every single one of
16 those 15 items, I found that staff
17 actually recommended approval of every
18 single one of them. And so I decided that
19 I would review every recommendation and
20 try to determine why they had recommended
21 approval.
22 So I created a chart, which
23 summarizes the basis for staff's
24 recommendation of approval, on a use
25 variance on those 15 instances. So staff

said the use was in connection with an existing jewelry store. It checks out. Our proposed use is in connection with an existing jewelry store.

The second one is location within a larger shopping center. Again, we are a tiny little store within an 89,000 square foot shopping center.

A fronting on a section line road. We front on a section line road. In fact, one of the most important section line roads in the County, Kendall Drive. And we front on the other side on a half section line road, 162nd Avenue.

The fourth factor was that they would only be pawning jewelry. Again, we would only be pawning jewelry.

Staff indicated that it was important to them that these conditions would be imposed on the approval.

So if the conditions were that the CU be subject to cancellation, if the conditions were not complied with, we are proposing that, and we'll walk you through the conditions.

1 Number 2, there will be restrictions
2 on signage and outdoor displays. We also
3 have those restrictions, but we actually
4 have gone further. We're proposing that
5 no outdoor sign will be permitted to
6 utilize the terms "pawn" or "pawn shop".
7 So that no one walking or driving by the
8 center could actually see the word pawn.
9 We are proposing that a condition be
10 required so that Jorge would have to
11 execute and record a declaration of use
12 with the county that will be limiting the
13 use to jewelry only. If the jewelry store
14 use terminates, the pawn use would expire.
15 So that it can remain open as long as the
16 jewelry store use is in operation, and the
17 pawn component of it, the loan component
18 of it, would have the same hours of
19 operation as the jewelry store.
20 And, again, we're proposing those for
21 you. All those conditions would be
22 suggested by the applicant as part of an
23 approval of the application.
24 I normally don't read from the
25 documents that I bring forth and introduce

1 into the record, but I was -- actually, I
2 thought that it would be interesting for
3 this council to read a portion of the
4 zoning recommendation, which appears in
5 Item 4. And that is, the -- I'll give you
6 time to get there. It's item 4. It's
7 actually the fourth page in that item, and
8 I highlighted in the margins the language
9 that I think is very telling of the
10 staff's position on this type of
11 application.
12 So staff indicates that they have no
13 objection to the application with
14 conditions. And I've gone through those
15 conditions limiting the pawn use to
16 jewelry only.
17 And I quote, "If as much as the
18 applicant must demonstrate a necessary
19 hardship in this case, it is staff's
20 opinion that consideration must be given
21 to the location of a business at the
22 intersection of two section line roads.
23 Other supportive factors are the large
24 size of the shopping center, which is
25 developed on an 8.6 acre tract with

1 numerous stores, which offer a wide array
2 of goods and services, and the internal
3 location of the proposed pawn shop within
4 the shopping center.
5 "Staff also feels that considering
6 the nature of a jewelry store operation,
7 the pawning of used jewelry will be a
8 logical ancillary use to the existing
9 jewelry store.
10 "Staff notes that a use variance
11 special exception to permit a pawn shop
12 for jewelry only in connection with an
13 existing jewelry store in a 5. acre
14 shopping center located on Southwest 160th
15 Street and 137th Avenue was approved by
16 the Zoning Appeals Board on July 17th.'
17 Staff concludes by saying that, "In
18 this regard, with the imposed conditions,
19 the pawn shop for the pawning and sale of
20 used jewelry will not be contrary to the
21 public interest and land use regulations,
22 and will allow the application a use of
23 the premises that will not detrimentally
24 impact the surrounding area.
25 "Accordingly, staff recommends

1 approval of the application."
2 When you compare the site that was
3 the subject of this application to the
4 site before you, it's almost exactly
5 identical. You have the intersection of
6 two major roads. In that case, Coral Reef
7 and 137th Avenue. In our case, Kendall
8 Drive and 162nd Avenue. You have the
9 exact same request. The property was
10 zoned BU-1A, and we were seeking the pawn
11 component that's allowed in BU-3. It's
12 the same code, the same criteria, the same
13 set of facts. And that led staff to
14 recommend approval subject to conditions,
15 and it led the Board to approve the
16 application before them.
17 I can tell you that I have gone
18 through the exercise of reviewing every
19 single one of those approvals that I've
20 introduced into the record, and I can tell
21 you the same can be said of each one of
22 those approvals. And it is, I think,
23 reasonable to conclude that the weight of
24 the precedence would justify the approval
25 of this application as restricted by the

1 proposed conditions the same as those
2 earlier approvals.
3 I mentioned that we have a set of
4 conditions, and I would like to review
5 those with you. I'm quickly concluding my
6 remarks. There's a lot of papers. I
7 don't want you to think that I'm going to
8 go for much longer. I want to conclude
9 with a discussion of the conditions,
10 which, again, in an earlier e-mail today,
11 we confirmed that those conditions -- if
12 the Board were to approve the application,
13 we confirmed that they would be acceptable
14 to staff as the conditions are consistent
15 with other jewelry pawn applications
16 earlier approved.
17 So the condition of approval would
18 include eight of them. I'm not going to
19 go through every single one of them in
20 that one, two, three a fairly standard
21 conditions. We're tying the approval to
22 the plans before you.
23 Condition 4, if we don't comply with
24 the conditions of the approval, the CU can
25 be revoked.

1 Condition Number 5 deals with
2 signage, but, most importantly, it states
3 that in addition to -- in addition, the
4 terms pawn -- there's a comma missing
5 there. In addition, the terms pawn,
6 pawning, or pawn shop shall not be used in
7 any outdoor signs. So, again, you drive
8 by, you walk by, you will not see the word
9 pawn.
10 Condition Number 6 will limit the
11 pawn component of it to the jewelry only.
12 We will only operate the pawn component in
13 connection to the jewelry store for as
14 long as the jewelry store is in operation.
15 And, again, the two will maintain the same
16 hours of operation.
17 So we would urge you to consider our
18 proposed conditions, to consider the
19 similarities of the application before you
20 with the earlier 15 approvals in the
21 Kendall area, and we would urge your
22 approval of this application subject to
23 those conditions. I, as well as Jorge and
24 anyone else in our group, will be
25 available for any questions.

1 I do know that there are several
2 people who do wish to speak to you. I'm
3 not aware of any opposition. And, again,
4 1,338 notices did go out. I'm not aware
5 of any opposition, but if there are any
6 objectors, if I may reserve a couple
7 minutes for rebuttal, that would be great.
8 Thank you so much.
9 CHAIRWOMAN DAVIS: Thank you so much.
10 This is a very obedient group. Thank
11 you so much.
12 So I will ask, let me see a show of
13 hands of those of you here to object to
14 this application.
15 AUDIENCE MEMBERS: (No response).
16 CHAIRWOMAN DAVIS: Wow! This is an
17 exceptional night. All right.
18 There are many of you here. As
19 everyone knows, I'm a great believer that
20 anybody that shows up here to say
21 something to us, we want to hear you. So
22 I will ask that those of you who wish to
23 speak to us and tell us your feelings
24 about it, if you would form a nice line.
25 I do not say things like you can only take

1 a certain amount of time or anything like
2 that, but just remember it is a school
3 night and there are people that have been
4 here a long time. So please do try to
5 keep those things in mind.
6 COUNCIL MEMBER DE JESUS: Madam
7 Chair.
8 CHAIRWOMAN DAVIS: Yes, sir.
9 COUNCIL MEMBER DE JESUS: Should the
10 members first ask questions before we hear
11 the audience?
12 CHAIRWOMAN DAVIS: We usually do it
13 after the public hearing, only --
14 COUNCIL MEMBER DE JESUS: Might take
15 too long.
16 CHAIRWOMAN DAVIS: Well, I'm going to
17 stick to that for one reason. Our
18 experience has been that we sometimes hear
19 questions come up that we might not have
20 thought to ask until we hear it.
21 COUNCIL MEMBER DE JESUS: No problem.
22 Go ahead.
23 CHAIRWOMAN DAVIS: So rather than ask
24 questions, open it, and then we have to
25 ask the questions again.

1 COUNCIL MEMBER DE JESUS: I'll ask
2 one later.
3 CHAIRWOMAN DAVIS: We'll do our very
4 best. So with that being said, we'll do
5 our best to try to -- you signed in for
6 the long haul being here.
7 COUNCIL MEMBER DE JESUS: I know. I
8 know.
9 CHAIRWOMAN DAVIS: We always are.
10 While these gentlemen consult, if the
11 other gentleman would like to come
12 forward, please.
13 MR. PERCIVAL. Good evening, Madam
14 Chair, Council Members.
15 Lawrence Percival, President, Greater
16 Kendall Community Activist, Incorporated,
17 11945 Southwest 127th Court.
18 Now, I'm clearly familiar to the four
19 of you, but to a great number of the
20 people in the audience, they have no clue
21 who I am or my involvement in the
22 community. And, you know, since the
23 creation of this community council, I'm
24 probably the single most significant
25 regular attendee of your meetings since

1 the formation of this council. I began my
2 involvement first as a citizen, and then
3 as the Vice President of the Kendall
4 Federation of Homeowner's Association,
5 speaking on their behalf on issues that
6 would be beneficial to that organization.
7 That has now evolved to my being a
8 community activist, and having formed a
9 community activist organization to look
10 out for the greater good of the western
11 greater Kendall community.
12 CHAIRWOMAN DAVIS: If we could move
13 to the application.
14 MR. PERCIVAL: With that being said,
15 I think this is an important issue,
16 because you see a large number of people
17 here that have a personal reason, whatever
18 it is, why they're here in support. I
19 didn't see anybody raising their hand, or
20 I'm not aware of opposition.
21 The one thing that Mr. Mayol spoke
22 about that probably is important is that
23 concept of the word pawn shop, or pawn
24 broker or things of that sort. It doesn't
25 have a positive connotation. And in as

1 much as, one, you have zoning department's
2 approval, and, two, there's stipulations
3 and conditions relative to this, so that,
4 I believe, your council and all of us in
5 west Kendall can be protected and not be
6 concerned and worried that if one day he
7 should decide to retire, and if he should
8 decide to sell his business to someone
9 else, who could come in and take that
10 location, that the restrictions that you
11 would put in place, and that, through the
12 Council, have been proffered, would
13 protect this community so that we wouldn't
14 have to worry that something negative
15 could evolve because a precedent was set,
16 because he was granted this permission to
17 borrow -- excuse me -- to buy people's
18 jewelry, and/or to lend them money in
19 exchange for that commodity. And if they
20 don't come back within a certain time
21 frame to reclaim it or pay the interest
22 that's obligated to be paid, that he could
23 then keep that merchandise.
24 We're not talking about, as they
25 showed in the presentation, lawn mowers,

1 or golf clubs or anything other than
2 jewelry.
3 I'm not aware -- I wasn't aware until
4 tonight that there were these services
5 within our community. I think there is a
6 need for this. I don't believe that
7 there's anything in the immediate area out
8 in the western bounds of greater Kendall.
9 There may be services, as Mr. Mayol has
10 pointed out, at Country Walk, or Sunset or
11 even places closer to here, but as it
12 relates to that location, I think it would
13 serve the benefit of the community to
14 allow it.
15 I hope this Council would approve it.
16 And if you have any reservation or
17 concerns, please allow those restrictions
18 to be part of the covenant, or part of an
19 agreement that will protect this community
20 so that something negative could not come
21 out of something good.
22 Thank you.
23 CHAIRWOMAN DAVIS: Thank you very
24 much Mr. Percival.
25 MR. PERCIVAL: And please approve

1 this application.
2 CHAIRWOMAN DAVIS: Thank you, sir.
3 Next.
4 MR. MATO: Good evening. My name is
5 Armando Mato. My address is 16260 SW 81st
6 Street, Miami.
7 I live approximately about a half a
8 mile from the shopping center. Myself and
9 my family frequent the shopping center
10 quite a bit. I am one of those people
11 that when you hear the word, "pawn," it
12 gives you pause and you're like, okay.
13 You think of the -- you do think of the
14 seediness. You think of some guy driving
15 up trying to sell a bat mobile to the guy.
16 However, after listening and after
17 understanding what Mr. Carvajal wants to
18 do, the restrictions that he wants to put
19 on his business, and what he wants to do
20 with that, basically it's still going to
21 be just basically a jewelry store with an
22 added component.
23 You know, I fully support it. As
24 somebody who frequents that shopping
25 center, I fully support it, and I hope

1 that you all do, too. I hope that you
2 guys support the application. That's what
3 I need to say.
4 Thank you.
5 CHAIRWOMAN DAVIS: Thank you, sir.
6 Next.
7 MS. ALVAREZ: Good evening. My name
8 is Denise Alvarez, 14601 Country Walk
9 Drive, Miami, Florida. I'm the property
10 manager for the Country Walk Master
11 Association.
12 I'm here on behalf of our board
13 president, Ory Dawes, who wanted to be
14 here this evening. She would like me to
15 read this letter on her behalf for the
16 record. She's taking care of a family
17 crisis and asked, with your permission,
18 that I read this.
19 "Good evening, Council Members. I'm
20 sorry I was not able to personally come
21 before you tonight. I understand that
22 Five Star Jewelers has requested a
23 variance to allow pawning of items at
24 their Kendall store. I understand why the
25 neighbors would feel apprehensive about

1 allowing this type of service.
2 "A pawn store usually attracts a
3 clientele that you normally wouldn't want
4 in your neighborhood store. However, not
5 all pawn stores are created equal, nor its
6 clientele.
7 "Country Walk was equally concerned
8 when Five Star came to our neighborhood so
9 many years ago. I met with the owner, and
10 he assured us that this store was a
11 family-oriented store, and the pawn aspect
12 was additional service to the jewelry
13 store and not a sole source of income.
14 "My family has bought many pieces of
15 jewelry at Five Star over the years, and
16 my daughters never miss an occasion to
17 pick up another chamilia charm for our
18 bracelets. I've been in the store over
19 the past years making a purchase and
20 witness people pawning or selling their
21 jewelry. It was sad to see what families
22 had to do to make ends meet during the
23 recession, but was glad to see that these
24 hard-working families had a place to go
25 where they were treated with dignity and

1 respect during a time when they needed a
2 little extra cash and that they had the
3 opportunity to reclaim their items when
4 times got better.
5 "Please don't be fooled by the
6 stereotype or by what you see on TV. This
7 is not that type of store. I am proud to
8 have Five Star Jewelers in our community,
9 and was happy to see our neighbors had a
10 place to go in times of need. This store
11 will not produce the element of people
12 frequently associated with pawn shops.
13 This is a family that stands by its words,
14 keep their promises and cares about their
15 community.
16 "I ask and encourage you to approve
17 their application. Thank you, Ory Dawes."
18 CHAIRWOMAN DAVIS: Thank you.
19 MS. ALVAREZ: I would like to add my
20 own note, if I may.
21 CHAIRWOMAN DAVIS: Of course.
22 MS. ALVAREZ: In our experience with
23 this store, its owners and employees
24 handle their pawning aspect of the
25 business very discretely. You would never

1 know about the customer's transactions
2 unless you were going there for that
3 purpose, from what I see in the store at
4 Country Walk.
5 Keep in mind, once again, as you
6 already know, it is not the typical type
7 of pawn. It is limited to jewelry. Five
8 Star has been very supportive within the
9 community of Country Walk. When we've
10 reached out to them for special causes and
11 other things, they have never been
12 hesitant with their time and generous
13 donations of items needed for that
14 particular item such as medicine. She had
15 cancer, the little girl, brain cancer, and
16 they were very helpful with one of those.
17 That's one of many events that they were
18 helpful with. So they are proactive
19 within the community as well.
20 Thank you for your time.
21 CHAIRWOMAN DAVIS: Thank you very
22 much.
23 Next.
24 MS. VALENTI: Hi. My name is Eliza
25 Valenti, known as Titi -- Eliza Valenti,

1 known as Titi.
2 I'm one of the recipients --
3 CHAIRWOMAN DAVIS: I need your
4 address. And if I can get you to speak
5 into the microphone, because the Court
6 Reporter has to be able to hear it.
7 MS. VALENTI: Okay. 5915 Southwest
8 108 Place, Miami, Florida 33173.
9 I'm here -- thanks to Jorge and his
10 family, I still own that home, because
11 when I was about to lose my home in
12 foreclosure, I was able to take jewelry
13 and pay my mortgage. That's my case.
14 My heart is beating a thousand miles
15 a minute.
16 CHAIRWOMAN DAVIS: Okay.
17 MS. VALENTI: For friends of mine,
18 that shared the experience that I had, and
19 how he and his business was able to help
20 us. I have friends that were able to pay
21 for their medicines, and for their kids to
22 go to private school and to attend the
23 sporting events that their kids needed to
24 participate in.
25 So I'm here only representing a

1 miniscule portion of people that have not
2 been able to be here that believe in the
3 Carvajal family, their business, and the
4 need to have this approved.
5 Thank you.
6 CHAIRWOMAN DAVIS: Thank you very
7 much.
8 MR. RAVELO: Good evening. My name
9 is Marcus Ravelo, 12728 Southwest 64
10 Terrace.
11 One of the great things that I love
12 about this Country, the freedom, the
13 choice that we have. I'm a former veteran
14 honorably discharged from the first Gulf
15 war.
16 CHAIRWOMAN DAVIS: Thank you.
17 MR. RAVELO: I actually -- I think
18 there's too many restrictions. Me, as a
19 customer, I haven't had to use these
20 services, but it's nice to know that
21 they're there if I need them. I hope I
22 never do, but I would like the
23 restrictions to be removed, because it
24 removes choice from me. The more you
25 restrict him, the more me, as a consumer,

1 have restrictions. So I request that you
2 just pass this.
3 Thank you very much.
4 CHAIRWOMAN DAVIS: Thank you, sir.
5 And thank you for your service.
6 BRANDON CARVAJAL: Good evening.
7 Brandon Carvajal. My address is 11921
8 Southwest --
9 CHAIRWOMAN DAVIS: You're going to
10 have to speak a little slower and louder.
11 We know this is your first time, but
12 you're doing good. Just so she can hear
13 you.
14 BRANDON CARVAJAL: Okay.
15 CHAIRWOMAN DAVIS: All right. You're
16 making dad and the family proud. We're
17 happy. Okay.
18 BRANDON CARVAJAL: Brandon Carvajal,
19 11921 Southwest 126th Terrace. I'm here
20 to support my mom and dad.
21 We wanted to try and explain to our
22 neighbors and customers what this
23 application was all about. That it is not
24 a pawn shop.
25 We printed an explanation letter. We

1 walked door-to-door and we asked our
2 customers what they thought. We knocked
3 on a lot of doors and a lot of people
4 didn't answer, so we left the letter of
5 explanation. It was hot and rained a lot,
6 but we kept going.
7 We have 143 signatures to hand in
8 tonight. Only one said no.
9 CHAIRWOMAN DAVIS: Young lady, go
10 ahead and give it to him, and then he'll
11 pass it to us. That's your first time
12 handing something to the County. Maybe it
13 won't be your last. Very good.
14 Thank you.
15 BRANDON CARVAJAL: I'll offer to turn
16 in the opposition signature, too.
17 We also mailed 500 letters out to our
18 surrounding neighbors. We just wanted you
19 to know how hard we tried to let the
20 neighbors know what we were trying to do.
21 Please help my mom and dad.
22 Thank you, and goodnight.
23 CHAIRWOMAN DAVIS: Thank you very
24 much. Good job.
25 MS. CARVAJAL: Good evening. Vanessa

1 Carvajal, mother of these two beautiful --
2 CHAIRWOMAN DAVIS: Your address for
3 the record. I know you should be proud of
4 them. They did real good.
5 MS. CARVAJAL: 11921 Southwest 126th
6 Terrace.
7 CHAIRWOMAN DAVIS: It's all right.
8 Thank you, sir.
9 MS. CARVAJAL: I'm here, not because
10 I'm the wife and the mother, but because I
11 am very proud to be an active member of
12 this community. That is how we've raised
13 them. That is what we want to continue to
14 be. It humbles me greatly to see so much
15 support from our community, because that's
16 all we've ever wanted, to make a living in
17 an honest way, a decent way, and we take
18 great pride in helping others. That's all
19 we want to do.
20 It's a very family-oriented business.
21 My husband is very much by the books. He
22 does everything by the rules, you know,
23 everything in order. And I'm very proud
24 to stand by him and see what a beautiful
25 job he's done. I get emotional, just

because, you know, it's hard to sometimes face obstacles when all you want to do is good.

We live in this Kendall area. We've been raised here. We don't want, you know, what the typical pawn shop is. We don't want it. We don't support it. Unfortunately, just as the economy has hit everybody, it's hit us, too. So it's a form for us to be able to continue our business and to continue to feed a lot of mouths that we employ. A lot have been families, and other that have become families from just working with us.

Our main goal is just to, you know, be able to get that license to be able to continue on our journey, to continue to help the community, to just be good people in this society.

Since I'm up here, I just really want to thank everybody that's here. They'll never know.

CHAIRWOMAN DAVIS: Thank you very much.

MS. CARVAJAL: If they don't mind, if

1 it's okay, I just want to make sure that
2 everybody that's here to stand up to show
3 our support.
4 Thank you.
5 CHAIRWOMAN DAVIS: Thank you very
6 much. We appreciate your show of support.
7 Thank you, ma'am.
8 MR. GUERRERO: Madam Chair, Council
9 Members, my name is Pedro Guerrero. My
10 address is 11780 Southwest 89th Street.
11 What you're being asked to do today
12 is obviously make a judgement call on this
13 approval. And, obviously, Mr. Mayol has
14 explained the precedent here. I believe
15 that Mr. Mayol has done an exceptional job
16 of presenting facts, and figures, and
17 grafts and pictures to you all, which are
18 very, very relevant, and especially
19 relevant to the county in this case,
20 because they have to follow the letter of
21 the law.
22 As the commission, you have the
23 benefit of using common sense. And I'm
24 listening to things outside of that. And
25 what Mr. Mayol could not reflect to you in

1 the charts, and the grafts and in the
2 pictures is -- and the difference between
3 this application and the other
4 applications that were part of his
5 composite is the applicant. And, as
6 you've seen, the applicant's family and
7 the support they have here.
8 I think that this speaks volume of
9 Mr. Carvajal and his family, and the type
10 of business that they've run for 24 years
11 and the type of business that they're
12 going to continue to run.
13 If you all approve this application,
14 I guarantee you, I give you my word that
15 you will not regret it. This will be a
16 business that will continue to flourish
17 with integrity and with the utmost
18 professionalism, because of this man and
19 this family.
20 So I ask for your approval of this
21 application tonight. And I thank you for
22 your time.
23 CHAIRWOMAN DAVIS: Thank you very
24 much.
25 MR. CHAYEB: Good evening, Council

1 Members. Jorge Chayeb, 14844 Southwest
2 152 Terrace.
3 I think I dropped the script, because
4 everything he said, I say the same thing.
5 I moved into the area of Country Walk
6 right about a year after Mr. Carvajal.
7 Until now, you're talking about, you know,
8 more than 15 years right now, he hasn't
9 changed. This isn't about a business, but
10 it's about a family. It's about the
11 morals that he's grown up with -- or that
12 he's teaching his kids.
13 He's not a person that just wants to
14 open up a jewelry store and just say here
15 goes. He's teaching his kids how to
16 operate a business, how to be -- how to do
17 everything by the letter of the law.
18 There's so many things he can do to make
19 him a riffraff, and he's not. He's doing
20 everything the way the council has asked
21 him to do, and the way the community has
22 asked him to do.
23 And that's it. Approve it.
24 CHAIRWOMAN DAVIS: Thank you very
25 much.

1 MS. LEGRA: Good evening. My name is
2 Alicia Legra. I live at 13721 Southwest
3 173 Street, Miami Florida, 33177.
4 I'm here because I want to support
5 the company where I work. I work at Five
6 Star Jewelry. And I'm here because I
7 still remember when I used to work at
8 Subway and I had a great opportunity when
9 the manager at one of the store gave me a
10 card. Five Star Jewelry gave me the
11 opportunity to work with them. I consider
12 that they're a great company, and I'm here
13 to support them, because I feel and I
14 believe that I'm more than being only an
15 employee or a number how I use to be at
16 Subway. I'm part of the Five Star family.
17 That's why I'm here, because I want
18 to support them, and that's why all the
19 family and all of the customers, and why
20 I'm here.
21 So the conclusion is, if they are
22 like that with the employee, what else you
23 can expect for the community?
24 Thank you.
25 CHAIRWOMAN DAVIS: Thank you very

1 much.
2 MR. HOLDER: Good evening, Council
3 Members. Keith Holder, 15221 Southwest
4 114 Terrace.
5 I'll be short and sweet. It looks
6 like it's been a long night.
7 I didn't know much about this
8 application until recently. And after
9 doing some research -- and I don't know
10 the applicant, but I have worked with the
11 representing attorney and his consultant,
12 Mr. Tim Hyman. I kind of -- again, the
13 first initial impression was pawn shop.
14 There's a negative attribute to it.
15 However, I drilled them through a
16 series of questions. And as you know me,
17 I usually have 10 questions to get a few
18 answers. I got plenty of answers as well
19 as many that I think answered a lot of the
20 concerns that the community would have,
21 which is, again, not allowing riffraff to
22 come into these areas and do business.
23 Every aspect of -- again, to make
24 this short, is it looks like it's a
25 business owner who's trying to access a

1 different dynamic to his business that I
2 think would be an enhancement to the
3 community and offer a quick solution for
4 residents who are looking for loans that
5 are not going to take a long process or go
6 through a denial process since it's so
7 difficult nowadays.
8 So I just want to voice my support in
9 this application, and, again, request your
10 approval on this.
11 Thank you.
12 CHAIRWOMAN DAVIS: Thank you, Mr.
13 Holder.
14 I'm going to take a minute right now.
15 I think we've heard a really -- the folks
16 that are in line right now, we're going to
17 hear. I would like to say that at this
18 point we've heard a very, very good
19 representation. If there is anybody else
20 that wants to come to the line right now,
21 they have either a burning point of view,
22 or feel that they would have had a real
23 missed opportunity, because they haven't
24 spoken, then we'll hear from you.
25 Otherwise, I would like for these two to

1 be the last heard this evening. I think
2 we've gotten a real good feel for the
3 community.
4 Please.
5 MS. CASTILLO: Good evening. My name
6 is Amy Castillo, and I represent the
7 landlord. My address is 9089 Southwest
8 129th Land. I'll make it very brief.
9 CHAIRWOMAN DAVIS: Excuse me. Which
10 landlord?
11 MS. CASTILLO: The landlord of the
12 shopping center.
13 CHAIRWOMAN DAVIS: Thank you.
14 No, I know that, but you needed to
15 say it for the record. Okay.
16 MS. CASTILLO: I've had the privilege
17 and the honor to work with them
18 side-by-side on a day-to-day basis, and we
19 fully -- we're happy to have them there.
20 We understand what they're trying to
21 provide, and they have our 100 percent
22 support.
23 Thank you.
24 CHAIRWOMAN DAVIS: Thank you very
25 much.

1 MS. MIRABAL: Good evening. My name
2 is Clara Mirabal. My address is 11267
3 Southwest 33rd Street.
4 I'm sorry.
5 CHAIRWOMAN DAVIS: It's okay. It's
6 okay.
7 MS. MIRABAL: I do well at home. I
8 don't do well in public.
9 CHAIRWOMAN DAVIS: You're doing fine.
10 You're doing fine.
11 MS. MIRABAL: Thank you.
12 Madam Chair and Council, I came to
13 work at Five Star Jewelers about four
14 years ago. The Carvajal family are not
15 only friends, but they're also considered
16 family members of ours.
17 I'm an integral part of the business
18 operation. I'm the inside manager, the
19 one that nobody likes. The Carvajal
20 family is a very supportive, a very
21 humble, a very giving family. In my
22 position, I receive updates from all of
23 our stores. What I receive on a
24 day-to-day basis is what the community
25 needs, and what it is that our customer

1 base comes in and asks for and what
2 requests. We try by all means to please
3 all of our customers. We go out of our
4 way. That's part of the Carvajal pride.
5 Their integrity is incredible. They go
6 out of their means for every single
7 individual customer.
8 For us and for our employees,
9 sometimes it's even a 24-hour a day job,
10 seven days a week. Sorry, Jorge. Phones,
11 texts, you name it. And my husband can
12 support that. We get it. But it's simply
13 always because of the customer service.
14 It's always because we want to give
15 everyone our number one attention. Not
16 only for the customers, for our neighbors,
17 but also for our employees.
18 The store approximately gives
19 about -- requires five to seven
20 employees -- customers a week more or less
21 coming in asking and requesting if we loan
22 money on jewelry. If you multiply that by
23 52 weeks a year, that's -- I don't know,
24 about 250 or so transactions that we miss
25 out on, and that we cannot serve our

1 neighbors with. That's a lot of people.
2 That's a lot of transactions. And those
3 are just the ones that come in asking.
4 We don't advertise. We advertise our
5 license like everyone else does, but we do
6 not advertise loaning money on jewelry.
7 For us, everything is word of mouth. So
8 all of our customers are from word of
9 mouth.
10 Besides that, I also want to add,
11 because my family has been very
12 much affected by him, by the Carvajal
13 family, Mr. Carvajal not only believes in
14 his business, and believes in his family,
15 but he brings in ours. I have four
16 children. I have teenagers. I have
17 nephews. I have nieces. Mr. Carvajal and
18 their family and Five Star Jewelers has
19 brought in our teenagers and our young
20 adults, not only to make an extra dollar
21 here or there, but he brings them in in
22 the summer. He brings them in Christmas
23 break, spring break. They not only are
24 making money, but they are being taught
25 integrity. They're being taught how to

1 treat a human being, one-on-one. Everyone
2 is an individual and everyone has value,
3 no matter what it is.
4 What our kids have learned -- we have
5 offered internships. Our kids -- they're
6 not here tonight, because they're taking
7 finals at FIU. There's actually five of
8 them. And we also have them at UCF taking
9 finals.
10 So, in conclusion, I know it's a long
11 night and it's old -- and it's late, but I
12 appreciate your support. You won't be
13 sorry. And our neighborhood really,
14 really needs this service.
15 I ask the Council to please really
16 take us into consideration, because it is
17 something that our neighborhood really,
18 really needs.
19 Thank you. Have a good evening.
20 CHAIRWOMAN DAVIS: Thank you very
21 much.
22 At this time, the public hearing is
23 closed. And we will have some council --
24 Councilman De Jesus?
25 COUNCIL MEMBER DE JESUS: I have two.

1 One, so the applicant has another
2 jewelry store, provides the same type of
3 business from buying to loaning the money?
4 MR. MAYOL: Yes.
5 COUNCIL MEMBER DE JESUS: Would you
6 explain that a little.
7 MR. MAYOL: Yes, he does, in fact,
8 Councilman. He has a store that operates
9 out of the Country Walk shopping center at
10 the corner of 152 Street and 137th Avenue.
11 That's one of the earlier approvals that I
12 showed you, yes.
13 COUNCIL MEMBER DE JESUS: And the
14 applicant -- the application was the same
15 from what you actually showed us, correct?
16 MR. MAYOL: Exactly the same. I
17 mean, other than a different location, but
18 on a section line road, say part of a
19 larger center, exclusively in connection
20 with jewelry. All the other conditions
21 were exactly the same.
22 COUNCIL MEMBER DE JESUS: So explain
23 this to me. When you get a jewelry
24 license, you're also able to buy -- not
25 only buy, but kind of exchange jewelry at

1 the same time? Is that what you
2 explained?
3 MR. MAYOL: Right. So the property
4 is zoned BU-1A. Under the BU-1A zoning
5 classification, Jorge is allowed to buy
6 and sell used jewelry. The moment he
7 crosses into making a loan on the jewelry,
8 that's when the County will treat him as a
9 pawn broker. So he can buy it from you,
10 but he can't loan you money on it.
11 COUNCIL MEMBER DE JESUS: Okay. Let
12 me see. My other question -- I'm sorry, I
13 was just writing my questions down here.
14 So he was previously approved.
15 MR. MAYOL: At Country Walk, he was
16 approved, and today he operates a jewelry
17 store and he actually makes loans on
18 jewelry.
19 COUNCIL MEMBER DE JESUS: And the
20 recommendation was -- I'm sorry if I cut
21 you off. The recommendation was actually
22 to approve?
23 MR. MAYOL: For approval, yes.
24 COUNCIL MEMBER DE JESUS: Okay. One
25 more -- actually, two more, Madam Chair,

1 I'm sorry.
2 CHAIRWOMAN DAVIS: Don't apologize to
3 me. I'm here for the long haul.
4 MR. MAYOL: You'll never speak for as
5 long as I spoke, so go ahead.
6 COUNCIL MEMBER DE JESUS: What about
7 security concerns when it comes to the
8 store and -- what type of security do they
9 have?
10 MR. MAYOL: I'm going to invite Jorge
11 to come forward. He has explained to me
12 exactly what he'll do, but I think you'll
13 want to hear directly from Jorge.
14 CHAIRWOMAN DAVIS: But don't give
15 away your secrets so it will stay secure.
16 COUNCIL MEMBER DE JESUS: Going into
17 the store, and let's say where the jewelry
18 is. Being kind of like in a safe
19 environment to do the business.
20 MR. CARVAJAL: The store, people
21 could walk in freely and walk out.
22 COUNCIL MEMBER DE JESUS: Do you have
23 cameras?
24 MR. CARVAJAL: We have 32 cameras.
25 As a matter of fact, funny enough, after

1 going through the expense of installing
2 the camera system, many of times we've
3 actually been the go-to business in the
4 shopping center for incidents at other
5 locations where they've needed to figure
6 out who broke the Miami Herald newspaper,
7 you know, selling machine or what car was
8 around, because nobody else has gone
9 through the expense that we've had.
10 Luckily, we haven't had any, you
11 know, major incidents.
12 COUNCIL MEMBER DE JESUS: You know,
13 where you have the safe or things like
14 that?
15 COUNCIL MEMBER DE JESUS: Oh, yes.
16 The show cases are thick Plexiglass
17 showcases. The inventory is kept away in
18 two vaults. We're insured. We do work,
19 obviously, behind the counters, but many
20 of times we come out and we interact with
21 the customers as needed.
22 COUNCIL MEMBER DE JESUS: Thank you
23 very much.
24 MR. CARVAJAL: Sure.
25 CHAIRWOMAN DAVIS: All right.

1 Councilwoman Suarez?
2 COUNCILWOMAN SUAREZ: Thank you.
3 It says that this is to buy and sell
4 used jewelry. What about new?
5 MR. MAYOL: Actually, he sells new
6 jewelry, a lot of beautiful new jewelry.
7 And they even have some of their own
8 lines. So that will continue. It will
9 still be a full functioning jewelry store.
10 They'll have new merchandise, and they
11 will continue to buy and sell used
12 jewelry. Actually, I don't think they
13 sell used jewelry.
14 Do you sell used jewelry?
15 MR. CARVAJAL: Yes.
16 MR. MAYOL: Yes, some used jewelry.
17 And what they can do out of the
18 Country Walk location, but cannot do out
19 of the Kendall location is the actual
20 lending of money based on the value of the
21 jewelry.
22 COUNCILWOMAN SUAREZ: They cannot
23 lend the money?
24 MR. MAYOL: Not in Kendall, but yes
25 in Country Walk.

1 COUNCILWOMAN SUAREZ: And how much is
2 the fee for the loan? It's a percentage I
3 guess?
4 MR. MAYOL: It's a percentage -- it's
5 an interest rate associated with the
6 transaction.
7 Does it depend on the value and the
8 amount? It's 10 to 15 percent.
9 COUNCILWOMAN SUAREZ: I have a
10 question for the staff. Why did the staff
11 deny the application?
12 MR. HARRISON: Through the Chair,
13 although Mr. Mayol has shown you some
14 previous examples where staff recommended
15 approval.
16 COUNCILWOMAN SUAREZ: Uh-huh.
17 MR. HARRISON: If you noted, the last
18 one of these where staff actually
19 recommended approval in this area was in
20 1997. Since that time, staff has
21 consistently recommended denial. And the
22 main reason for that is that the Code
23 actually states that to be approved for a
24 use variance, you have to show a hardship.
25 That is a necessary hardship.

1 So staff has had to stick strictly to
2 what the code says in their
3 recommendations in recent years. So we
4 have tried, for the most part, to be
5 consistent in recommending denial unless,
6 in certain cases, the applicant is able to
7 show that there is a hardship. In this
8 particular case, we did not see it,
9 because, as the recommendation states, the
10 applicant is able to continue to run a
11 business for an economic benefit. And,
12 therefore, based on what the Code states,
13 staff opines that there is no hardship.
14 COUNCILWOMAN SUAREZ: Thank you so
15 much.
16 MR. MAYOL: Madam Chair, if I may, on
17 the issue of hardship?
18 CHAIRWOMAN DAVIS: Why don't we wait
19 until all the questions, and we can
20 address that then.
21 MR. MAYOL: Okay, yes, certainly.
22 CHAIRWOMAN DAVIS: Any other
23 questions?
24 COUNCILWOMAN SUAREZ: No.
25 CHAIRWOMAN DAVIS: Thank you.

1 COUNCILWOMAN BLANCO: I'd just like
2 to mention that I visited the Country Walk
3 store. I lived by there when my daughter
4 was a baby. She's seven now. She used to
5 lose her earrings, so I would go there to
6 buy replacements.
7 MR. MAYOL: Thank you.
8 COUNCIL MEMBER DE JESUS: Are we
9 allowed to say that?
10 COUNCILWOMAN BLANCO: Why not?
11 But another question, how many people
12 live near that location that are here
13 today? Because they all seem very
14 friendly with the family, but do they live
15 within two miles of this location?
16 MR. MAYOL: Do you want a show of
17 hands?
18 COUNCILWOMAN BLANCO: A show of hands
19 who lives like within two miles.
20 AUDIENCE MEMBERS: (Indicating).
21 COUNCILWOMAN BLANCO: Okay. Thank
22 you.
23 MR. MAYOL: Actually, I do want to,
24 if I'm allowed, be able to say, again,
25 there were 1,338 notices sent out twice.

1 When this item came up on November 7th,
2 there was one gentleman who showed up, and
3 he was coming to oppose the application.
4 He was motivated by the word pawn shop.
5 When he understood exactly what we were
6 proposing, he said, "I don't have a
7 problem with this."
8 COUNCILWOMAN BLANCO: And a question
9 for staff. Hardship, what would they need
10 for hardship, like distance?
11 MR. HARRISON: Through the Chair,
12 I'll try as best as possible to explain
13 that. Hardship can be different
14 circumstances.
15 The main example I can give you now
16 is he gave an example of a house that we
17 approved, and it was in a residentially
18 zoned district. And we recommended
19 approval of a use as an office. And what
20 normally happens is that you find that
21 there is this one house that's left on the
22 street where everything else are offices.
23 And it's not really feasible for somebody
24 to live there in that location. And in
25 that case, staff would normally determine

1 that there is some degree of hardship, and
2 we would recommend approval.
3 In this particular case, what we have
4 tried to be consistent in doing is that if
5 it's a commercial entity, and they are
6 able to continue to operate as a
7 commercial entity, then we, unless the
8 applicant can provide us with something
9 specific, we do not determine that there
10 is a hardship.
11 COUNCILWOMAN BLANCO: And what is the
12 distance between the Country Walk location
13 and this location?
14 MR. MAYOL: Country Walk is at 137th
15 Avenue. The other one is 162nd Avenue but
16 on Kendall. So I'm guessing four, five
17 miles? Six or seven? Six or seven miles.
18 My math was not --
19 COUNCILWOMAN BLANCO: Okay. No
20 problem.
21 Thank you.
22 CHAIRWOMAN DAVIS: Well, the first
23 thing I want to say is, I'm kind of sorry
24 that all of you feel so badly about pawn
25 shops, because my children spent their

1 formative years in another state growing
2 up in a pawn shop. And they still benefit
3 from that pawn shop as did I through my
4 life. And my experience in that store was
5 the same thing. Moms who need medicines,
6 guys who couldn't quite make the bills,
7 you know. And, yes, occasionally people
8 came in and you thought, oh, man, you
9 know, you need some other kind of help
10 than just this pocket full of cash. But,
11 you know, I think we find that in so many
12 walks of life. So I kind of don't want to
13 talk pawn shop there.
14 But that being said, I certainly
15 cannot see any harm, or incompatibility or
16 any problem with making this service
17 available closer to my part of town. And
18 while for some people, Country Walk might
19 not seem far away, I live at Kendall
20 and -- well, I live at 167th and 100th
21 Street. And I try to never go that far
22 east or south after I get home. I mean,
23 you all are great and everything, but
24 that's -- if I never had to go east of
25 147th again, I'd be perfectly happy.

1 I just, you know, want to commend the
2 community for showing their support. And
3 I think that this is very, very good
4 application. And I certainly hope that my
5 council members feel the same way.
6 And that being said, I believe that
7 Mr. Mayol did want to bring up a couple of
8 other points.
9 MR. MAYOL: Yes, just briefly. And I
10 have nothing but respect for the County
11 Attorney's Office, and for staff. They
12 have their opinion. They express it well,
13 they defended their opinion, and we
14 provide a different view.
15 When you -- take the example of the
16 residential lot, the RU-1 lot, and the
17 RU-2 lot that's been used for something
18 other then that, there's still a
19 residential use and staff yet found a
20 hardship to allow -- to recommend approval
21 of an office use in a lot that could be
22 used for a residential for a home. Yes,
23 it's next to an office, but it could be
24 used for a home. That was not prohibited.
25 The code section that we are relying

1 on to come before you is the same code
2 section that has existed, I believe, since
3 1958 in the code. And staff found under
4 the same conditions that there was a
5 hardship to justify the recommendation of
6 approval for the jewelry store -- the
7 loans on jewelry in connection with a
8 jewelry store. The same circumstances,
9 the same characteristics of those
10 properties would apply here.
11 The applicant is left with two
12 choices.
13 One, he can seek the use variance, or
14 two, he can seek to rezone the entire
15 shopping center to BU-3 where the pawn
16 shop would be allowed pursuant to a
17 special exception, which is the second
18 request that's before you. So he faces
19 and impossible or very difficult task to
20 really not change the use. Again, the
21 sale and purchase of used merchandise is
22 allowed already. He's just changing a
23 characteristic of that use to be able to
24 extend a loan on this.
25 So he faces a regulatory hardship in

1 having to come before you and to show you
2 that it would be unreasonable and
3 inequitable to allow other jewelry stores
4 to offer the pawn component, and not to
5 allow him to do the same thing at a
6 location where he could provide service to
7 a greater percentage of the community.
8 So, again, we would urge your
9 approval of the application subject to the
10 conditions that we have proposed.
11 Thank you.
12 CHAIRWOMAN DAVIS: Thank you.
13 And at this time I would like to hear
14 any motions.
15 COUNCIL MEMBER DE JESUS: Motion to
16 approve the application.
17 COUNCILWOMAN SUAREZ: With the
18 approvals?
19 COUNCIL MEMBER DE JESUS: With the
20 approvals, definitely.
21 CHAIRWOMAN DAVIS: With the
22 conditions?
23 COUNCIL MEMBER DE JESUS: With the
24 conditions provided by the applicant.
25 COUNCILWOMAN SUAREZ: I will second

1 it.
2 MR. HARRISON: There's a motion on
3 the floor to approve the application as
4 requested by the applicant, and with the
5 conditions proffered by the applicant.
6 The motion was moved by Councilman
7 De Jesus, and seconded by Councilwoman
8 Suarez.
9 Councilman De Jesus?
10 COUNCIL MEMBER DE JESUS: That would
11 be a yes for the application -- approval.
12 MR. HARRISON: Councilwoman Suarez?
13 COUNCILWOMAN SUAREZ: Yes.
14 MR. HARRISON: Councilwoman Blanco?
15 COUNCILWOMAN BLANCO: No.
16 MR. HARRISON: And Chairwoman Davis?
17 CHAIRWOMAN DAVIS: Yes.
18 MR. HARRISON: Motion passes three to
19 one.
20 MR. MAYOL: Thank you so much.
21 We are adjourned.
22 (Thereupon, at 9:11 p.m., the
23 proceeding was concluded:)
24
25

1
2 CERTIFICATE OF OATH
3
4 STATE OF FLORIDA)
5 SS)
COUNTY OF MIAMI-DADE)
6
7 I, Jannett Taylor-Brown, Court
8 Reporter and Notary Public in the State of
Florida, certify that all witnesses personally
9 appeared before me on this 10th day of
December, 2013, and were duly sworn.
10
11
12 JANNETT TAYLOR-BROWN
13 Court Reporter
Notary Public, State of Florida
14 My Commission # FF 76398
My Commission Expires: 12-27-2017
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JANNETT TAYLOR-BROWN NOTARY PUBLIC STATE OF FLORIDA My Comm. Expires Dec. 27, 2017 No. FF 76398

1 CERTIFICATE OF REPORTER

2

3 STATE OF FLORIDA)
SS:
4 COUNTY OF MIAMI-DADE)

5 I, Jannett Taylor-Brown, Court
6 Reporter and Notary Public in the State of
7 Florida, do hereby certify that a meeting was
8 held before Community Zoning Appeals Board 11
9 on December 10, 2013; and that Item Number
10 13-53, Five Star Jewelers, Inc. was heard, and
11 that the foregoing pages, numbered 1 through
12 77, inclusive, constitute a true and correct
13 transcript of my stenographic notes.
14 WITNESS my hand in the City of Miami,
15 County of Miami-Dade, State of Florida, this
16 8th day of January 2014.
17
18
19
20
21
22
23 JANNETT TAYLOR-BROWN
24 COURT REPORTER
25

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners

PH: Z13-006 (14-01-CZ10-1) **May 22, 2014**
Item No. 1

Recommendation Summary	
Commission District	06
Applicant	Carol Jewelers
Summary of Requests	The applicant is seeking a Use Variance to allow a pawnbroker use in a more restrictive zoning district and ancillary non-use variances of street trees, lot coverage, setback and parking spaces requirements.
Location	7295 Coral Way, Miami-Dade County, Florida.
Property Size	22,500 sq. ft.
Existing Zoning	BU-1A, Limited Business District
Existing Land Use	Retail
2020-2030 CDMP Land Use Designation	Business and Office (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(a), Use Variance standards, Section 33-311(A)(4)(b), Non-Use Variance Standards (see attached Zoning Recommendation Addendum)
Recommendation	**Denial without prejudice of requests #1 and #2, withdrawal without prejudice of request #4; modified approval with conditions of request #3, and approval with conditions of request #5.**

On February 12, 2014, the Community Zoning Appeals Board (CZAB) #10, approved the application for a use variance to permit a pawn shop use in the BU-1A zone as would be permitted in the BU-3 zone with conditions, contrary to staff's recommendation. Additionally, the Board approved the remainder of the application in part based on staff's recommendation, with additional conditions.

On February 20, 2014, the appellant, the Department of Regulatory and Economic Resources appealed the CZAB–10 decision to the BCC.

For the reasons outlined below in the CDMP and Zoning analysis of the requests, staff opines that the BCC should reverse the CZAB 10 decision, thus denying the use variance as recommended by the Department.

REQUESTS:

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

(2) NON-USE VARIANCE to permit (0) street trees (5 street trees required).

(3) NON-USE VARIANCE to permit a lot coverage of 44.3% (40% maximum permitted).

(4) NON-USE VARIANCE to permit an open sided metal roof structure setback 3.25' (20' required) from the rear (north) property line.

(5) NON-USE VARIANCE to permit 25 parking spaces (33 spaces required).

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

PROJECT DESCRIPTION: The site plan submitted by the applicant depicts an existing 865 sq. ft. jewelry store within an 8,169 sq. ft. shopping center.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	BU-1A; shopping center	Business and Office
North	RU-2; duplex residences	Business and Office
South	BU-2; vacant lot	Business and Office
East	BU-1A; offices	Business and Office
West	BU-1A; shopping center	Business and Office

NEIGHBORHOOD COMPATIBILITY:

The subject property is an interior lot, located at 7295 Coral Way. The area surrounding the subject property is primarily characterized by commercial shopping centers, offices, duplex residences and a vacant parcel.

SUMMARY OF THE IMPACTS:

The approval of this application will provide an additional service for the surrounding community. However, approval of the request to allow a pawnbroker use which is typically located in a zoning district that allows more intensive commercial uses, could have a negative impact on the abutting residential properties. Furthermore, approval of the same could result in an increase in the intensity and types of uses that would be allowed in this area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property for ***Business and Office*** use. *This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.* As such, the existing retail use is compatible with the area and **consistent** with the CDMP Land Use Element interpretative text for the Business and Office designation.

The CDMP Land Use Element **Objective LU-4** states that *Miami-Dade County shall, continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.* The **Land Use Element Policy LU-4A** of said interpretive text provides that *when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.* Staff notes that the existing jewelry store is located within a shopping center that consists of various commercial uses such as a clothing store, dance studio, auto accessories and cell phone store. In staff's opinion, the requested pawnbroker use for jewelry only is an accessory use to the existing

jewelry store and therefore, would be **consistent** with the Business and Office designation on the CDMP Land Use Plan map and **consistent** with **Objective LU-4** based on the criteria outlined in **Land Use Element Policy LU-4A.**

ZONING ANALYSIS:

In October 1955, pursuant to Resolution #8894, the subject property was granted approval to rezone the subject property from RU-2 to BU-1A. The current application seeks approval of a use variance, under Section 33-311(A)(4)(a) to permit a pawnbroker use in the BU-1A zoning district as would be permitted in the BU-3 district (request #1), and ancillary non-use variances of street tress, lot coverage, setback and parking spaces requirements to allow a pawnbroker use on the subject property (requests #2 - #5).

When request #1, Use Variance to permit a pawnbroker use in the BU-1A zone, as would be permitted in the BU-3 zone only upon approval after public hearing, is analyzed under the Use Variance Section 33-311(A)(4)(a), staff opines that the request is not consistent with the general purpose and intent of the zoning regulations. Section 33-311(A)(4)(a) provides that a **use variance** permits a use of land other than that which is prescribed by the zoning regulations. The standard stipulates that *the Board shall hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions thereof will result in* ***unnecessary hardship****, and so the spirit of the regulations shall be observed and substantial justice done; and further provided that the use variance will be in harmony with the general purpose and intent of the regulations.* **To prove an unnecessary hardship, the applicant must demonstrate that under applicable zoning regulations, the applicant is deprived of all reasonable use or benefit from the property in question**.

Based on the information provided by the applicant, staff opines that the applicant has not demonstrated any special conditions related to the subject site where the literal enforcement of applicable zoning district provisions would result in an unnecessary hardship. As previously discussed, the subject property is currently in use and operating as a jewelry store; as such, the current use provides the applicant with reasonable use and benefit. Furthermore, Section 33-247 provides eighty-four (84) permitted uses in the BU-1A zoning district, which allow for the reasonable use and benefit of the subject property. Moreover, Section 33-246 provides that *the purpose of the BU-1A, General Business District, is to provide for retail and service convenience facilities which satisfy the essential and frequent needs of the adjacent residential neighborhood as well as the more specialized commercial facilities which may serve several neighborhoods.*

Staff is of the opinion that the approval of the use variance request will not be in harmony with the general purpose and intent of the regulation, and that the applicant has not demonstrated a loss of all reasonable use of the property under the existing zoning. **As such, staff recommends denial without prejudice of request #1 for the proposed pawnbroker use under the Use Variance Section 33-311(A)(4)(a).**

The applicant also seeks non-use variances of the landscape, setback and lot coverage requirements of the Code for the existing shopping center facility. The applicant seeks to permit the existing shopping center with zero street trees, where 5 trees are required for the 150' street frontage (request #2). When request #2 is analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff opines that approval would not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations as it pertains to the stability and appearance of the community and would be **incompatible** with same. Approval of request #2 would allow the applicant to maintain the shopping center with

zero street trees. Staff opines that the applicant has sufficient room to provide the required street trees on the site. The BU-1A zoning district regulations requires the applicant to among other things provide *buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses.* Staff opines that apart from acting as a visual buffer for the less intensive recreational use to the south, the additional landscaping would provide the logical transition referred to in the zoning district regulations. **Therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(b), Non-Use Variance Standards.**

However, when requests number #3 through #5 are similarly analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff opines that approval with conditions would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations as it pertains to the stability and appearance of the community and would be **compatible** with same. Request #3, would permit the existing shopping center with a lot coverage of 44.3% (40% maximum permitted), and request #4 would permit an existing open sided roof structure setback 3.25' (20' required) from the rear (north) property line. Further, staff's research indicates that the shed that is the subject of request #4 was approved for demolition pursuant to Permit #2013048431. Staff opines that although minimal, the demolition of the roof structure contributes to an approximately 2.7% reduction of the total lot coverage for the existing shopping center. Therefore, staff opines that the withdrawal of request #4 without prejudice and a modified approval with conditions of request #3 to permit the shopping center with 41.66% lot coverage would not have a negative visual impact on the surrounding area and would be **compatible** with same.

Similarly, staff opines that when request #5 to permit the existing shopping center with 25 parking spaces (33 spaces required) is analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), that approval of same would also maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would not be detrimental to the community. Staff opines that eight (8) less parking spaces than required for the shopping center would not impact traffic on the abutting roadway, Coral Way. Further, staff notes that the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources does not object to this request.

Based on the aforementioned, staff recommends modified approval with conditions of request #3 to allow a 41.66% lot coverage, approval with conditions of request #5 and withdrawal without prejudice of request #4 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.

CIRCULATION AND PARKING:

Access to the subject property is provided through an ingress/egress drive along Coral Way. The site plan provided indicates fewer parking spaces than required for the existing 8,169 sq. ft. retail facility, which has been addressed in the discussion pertaining to request #5.

ENVIRONMENTAL REVIEW: Not applicable.

OTHER: Not applicable.

RECOMMENDATION: Denial without prejudice of requests #1 and #2, withdrawal without prejudice of request #4; modified approval with conditions of request #3, and approval with conditions of request #5.

CONDITIONS FOR APPROVAL: (For requests #3 and #5 only).

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Site Plan" as prepared by Freedom of Land Corp., consisting of 1 sheet dated stamped received 5/14/13 and a floor plan prepared by unknown dated stamped received 1/22/13, for a total of 2 sheets, except as herein amended to show the removal of the open sided shed and to show the required street trees.

3. That the applicant submits to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

4. That the use be established and maintained in accordance with the approved plan.

5. That no off-site parking be allowed along Coral way.

ES:MW:NN:EJ:CH

Eric Silva, AICP, Development Coordinator
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Applicant: *Carol Jewelers*
PH: Z13-006

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resources Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Business and Office (Page I-41)	*This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.*
Objective LU-4 (Pg. I-11)	*Miami-Dade County shall continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.*
Policy LU-4A (Pg. I-11)	*When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(4)(a) Use Variances From Other Than Airport Regulations	*The Board shall hear and grant applications for **use variances** from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in **unnecessary hardship**, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Carol Jewelers*
PH: Z13-006

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.	*Upon appeal or direct application in specific cases, the Board shall hear and grant applications for* ***non-use variances*** *from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.*

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY RC AMOUNT OF FEE —

RECEIPT # —

DATE HEARD: 2/12/14

BY CZAB # 10

RECEIVED
2/3.006
FEB 21 2014
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY RC

DATE RECEIVED STAMP

****

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z2013000006 (14-2-CZ10-1)

Filed in the name of (APPLICANT)

Name of Appellant, if other than applicant: Director of the Department of Regulatory and Economic Resources

Address/Location of APPELLANT: 111 NW 1 Street, 11th Floor, Miami, FL 33128

Application, or part of Application being Appealed (Explanation):

ENTIRE APPLICATION

Appellant (name): Director of the Department of Regulatory and Economic Resources

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

1. The applicant has not demonstrated any special conditions related to the subject site where the literal enforcement of applicable zoning district provisions could constitute a practical difficulty or would result in unnecessary hardship.

2. The approval of the use variance request will not be in harmony with the general purpose and intent of the regulation, and that the application has not demonstrated a loss of all reasonable use of the property under the existing zoning.

8

APPELLANT MUST SIGN THIS PAGE

Date: 21st day of February, year: 2014

Signed _____

Jack Osterholt
Print Name

111 NW 1st Street, 11th Floor, Miami, FL 33128
Mailing Address

(305) 375-2842 Phone
(305) 372-6096 Fax

REPRESENTATIVE'S AFFIDAVIT
If you are filing as representative of an association or other entity, so indicate:

Representing

_____
Signature

_____
Print Name

_____
Address

_____ _____ _____
City State Zip

_____
Telephone Number

Subscribed and Sworn to before me on the 21 day of February, year 2014

Magdalia Cabrera
Notary Public

(stamp/seal)

MAGDALIA CABRERA
Notary Public, State of Florida
My comm. expires Oct. 24, 2014
No. EE 29812
Bonded thru Ashton Agency, Inc. (800)451-4854

Commission expires:

RECEIVED
FEB 21 2014
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

1. CAROL JEWELERS
(Applicant)

14-2-CZ10-1 (13-006)
BCC/District 06
Hearing Date: 05/22/14

Property Owner (if different from applicant) **Coral Way Shopping LLC.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1955	Jules Pearlman, Trustee	- Zone change from RU-2 to BU-1A.	ACC	Approved

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

Memorandum

MIAMI-DADE COUNTY

Date: February 20, 2013

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: C-10 #Z2013000006
Coral Way Shopping, LLC
7295 Coral Way
Pawn Shop
(BU-1) (22 Acres)
11-54-40

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service

Public water can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements.

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Wastewater Disposal

The subject property is currently connected to a septic tank and drainfield, however sanitary sewer abuts the subject property along SW 24th Street. Section 24-43.1 (4) of the Code prohibits any nonresidential land use to be served by a septic tank if the property uses, generates, disposes of, or stores liquid waste other than domestic sewage. In addition, the Code requires properties to connect to public sanitary sewer if the abutting line is available for connection. At this time, the line is on the opposite side of the divided median, consequently is not available for connection. Be advised that connection to the abutting sewer main will be required once the line is considered available for connection.

The interim use of a septic tank and drainfield system as a means for the disposal of domestic liquid waste could be approved, provided that the proposed development meets the sewage loading requirements of Section 24-43.1(4)(b) of the Code. The maximum sewage loading shall not exceed 1,500 gallons per day per acre (gpd/acre) for nonresidential properties served by a septic tank in conjunction with public water. The subject property contains 30,000 square feet, and the proposed development would generate a wastewater flow of approximately 861 gallons per day (gpd). This translates into a sewage loading rate of 1,250 gpd/acre which complies with sewage loading requirements as defined in Section 24-43.1(4)(b) of the Code.

11

Additionally, the owner of the property has submitted properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(4)(a) of the Code. Consequently, DERM may approve the subject application and the same may be scheduled for public hearing.

Stormwater Management
The proposed change will not affect the existing stormwater management system.

Wetlands
The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
The proposal to permit a jewelry store with a pawn permit will not impact tree resources. Therefore, the Tree Permitting Program has no objection to this zoning application. Be advised that a Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History
There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary
A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum

MIAMI-DADE COUNTY

Date: March 12, 2013

To: Eric Silva, Assistant Director
Department of Regulatory and Economic Resources

From: Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2013000006
Name: Carol Jewelers
Location: 7295 Coral Way
Section 11 Township 54 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

This land complies with Chapter 28 of the Miami-Dade County Code and was approved under Waiver of Plat D-6490.

This project meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply.

Memorandum

MIAMI-DADE COUNTY

Date: Februrary 21, 2013

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

From: Christopher Rose
Assistant Director, Administration
Public Works and Waste Management Department

Subject: #13-006
Carol Jewelers

Attached please find a copy of this Department's review of the above-referenced item. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal, Planning and Performance Management Division at 305-514-6661.

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

#13-006
Carol Jewelers

Application: ***Carol Jewelers*** is requesting a use variance and a special exception to permit a jewelry store with a pawn permit to operate on a property zoned within a Special Business District (BU-1).

Size: The subject property is approximately .52 acres.

Location: The subject property is generally located at 7295 Coral Way in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The jewelry store on the property will likely be considered development for a "commercial establishment". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

3. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

1) High grade office paper
2) Mixed paper
3) Corrugated cardboard
4) Glass (flint, emerald, amber)
6) Steel (cans, scrap)
7) other metals/scrap production materials
8) Plastics (PETE, HDPE-natural, HDPE-colored)
9) Textiles

5) Aluminum (cans, scrap) 10) Wood

Section 15-2.3 states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
b. "T" shaped turnaround 60 feet long by 10 feet wide
c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection. **The PWWM has no objections to the proposed application.**

RESOLUTION NO. CZAB10-2-14

WHEREAS, **CAROL JEWELERS** applied for the following:

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

(2) NON-USE VARIANCE to permit (0) street trees (5 street trees required).

(3) NON-USE VARIANCE to permit a lot coverage of 44.3% (40% maximum permitted).

(4) NON-USE VARIANCE to permit an open sided metal roof structure setback 3.25" (20' required) from the rear (north) property line.

(5) NON-USE VARIANCE to permit 25 parking spaces (28 spaces required).

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

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

LOCATION: 7295 Coral Way, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the requested non-use variance to permit (0) street trees (Item #2) and the requested non-use variance to permit an open sided metal roof structure setback 3.25" from the rear (north) property line (Item #4), 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 use variance to permit a pawnshop use in the BU-1A zone, as would be permitted in the BU-3 zone, only upon approval after public hearing (Item #1) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the requested non-use variance to permit a lot coverage of 41.66% on a modified basis, in lieu of the requested lot coverage of 44.3% (Item #3), and the requested non-use variance to permit 25 parking spaces (Item #5) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the withdrawal of the requested non-use variance to permit (0) street trees (Item #2) and the withdrawal of the requested non-use variance to permit an open sided metal roof structure setback 3.25" from the rear (north) property line (Item #4) should be granted, and

WHEREAS, a motion to approve Items #1 and #5, approve Item #3 on a modified basis, and withdraw Items #2 and #4 was offered by Julio R. Caceres, seconded by Gerardo Rodriguez, and upon a poll of the members present, the vote was as follows:

Julio R. Caceres	aye	Gerardo Rodriguez	aye
Miriam Planas	aye	Toufic Zakharia	absent
Robert Suarez	aye	Manuel Valdes	aye
	Richard M. Gomez	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 10 that the requested use variance to permit a pawnshop use in the

BU-1A zone, as would be permitted in the BU-3 zone, only upon approval after public hearing (Item #1), and the requested non-use variance to permit a lot coverage of 41.66% on a modified basis, in lieu of the requested lot coverage of 44.3% (Item #3), and the requested non-use variance to permit 25 parking spaces (Item #5) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Site Plan" as prepared by Freedom of Land Corp., consisting of 1 sheet dated stamped received 5/14/13 and a floor plan prepared by unknown dated stamped received 1/22/13, for a total of 2 sheets, except as herein amended to show the removal of the open sided shed and to show the required street trees.

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant submit to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

5. That the applicant installs the required street trees.

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

7. That the pawnshop use be operated solely as an accessory use in connection with the jewelry store, and if the jewelry store use is terminated, the pawnshop use will automatically expire and shall be discontinued.

8. That a Declaration of Restrictions in recordable form be submitted to and meet the approval of the Director within 30 days of the final approval restricting the use to the effect that the pawn shop use shall be limited to jewelry only.

9. That the applicant obtain a Certificate of Use and Occupancy from and promptly renew same annually with the Miami-Dade County Department of Regulatory and Economic Resources, upon compliance with all the terms and conditions, the same subject to cancellation upon violation of any of the conditions.

10. That the operating hours for the pawnshop use not extend beyond those for the jewelry store.

11. That no stringer lights, pennants, mobile or stationary visual devices, except as permitted under point of sale sign regulations, shall be used or displayed. In addition, the terms pawn, pawning or pawnshop shall not be used in any outdoor signs in any language.

12. That no off-site parking be allowed along Coral Way.

13. That the applicant applies for permits for any unpermitted structures from the Department of Regulatory and Economic Resources within 90 days of the expiration of the final appeal period of this application, unless a time extension is granted by the Director of the Department for a good cause show.

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

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 12th day of February, 2014.

Hearing No. 14-01-CZ10-1
rd

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 24th DAY OF FEBRUARY, 2014.

Memorandum

MIAMI-DADE COUNTY

Date: March 1, 2013

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief M.N.
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2013000006: CAROL JEWELERS

Application Name: CAROL JEWELERS

Project Location: The site is located at 7295 CORAL WAY, Miami-Dade County.

Proposed Development: The applicant is seeking approval for a use variance to permit a pawn shop.

Impact and demand: The request of this application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb
Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum

Date: 07-FEB-13

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2013000006

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand

Development for the above Z2013000006
located at 7295 CORAL WAY, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1442 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:36 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 3 - Tropical Park - 3911 SW 82 Avenue
Rescue, ALS Engine

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments

Not applicable to service impact analysis.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 25-MAR-14

REVISION 2

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

CAROL JEWELERS

APPLICANT

7295 CORAL WAY, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2013000006

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. Prior case 201303007406 was opened on December 19, 2013 for advertising vehicles. No vehicles observed for sale and case closed on December 19, 2013. Case 201303007410 was opened on August 8, 2013. No signs observed December 19, 2013 and case closed. Case 2013030010900 was opened December 19, 2013 for junk/trash on unimproved property and a warning was issued. Violation reinspected January 6, 2014 and case closed. BNC: No bss cases open/closed.

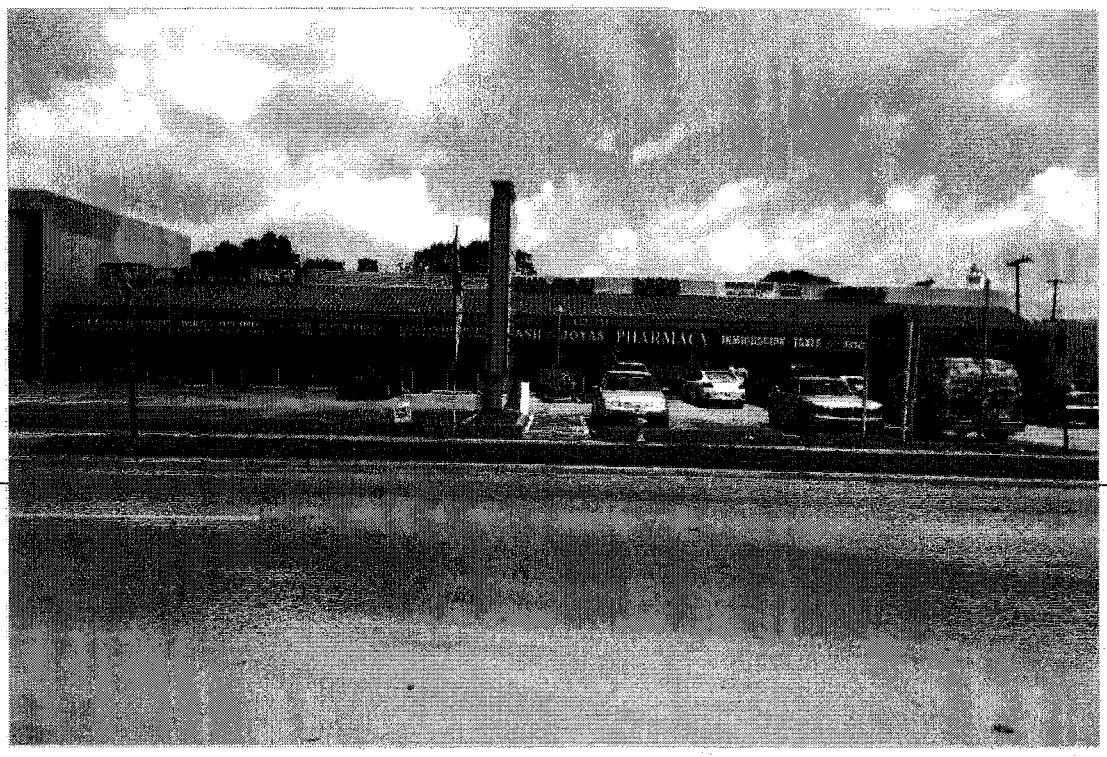
Carol Jewelers

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

PHOTOGRAPHS –submit photos showing entire site and all structures

FRONT ELEVATION



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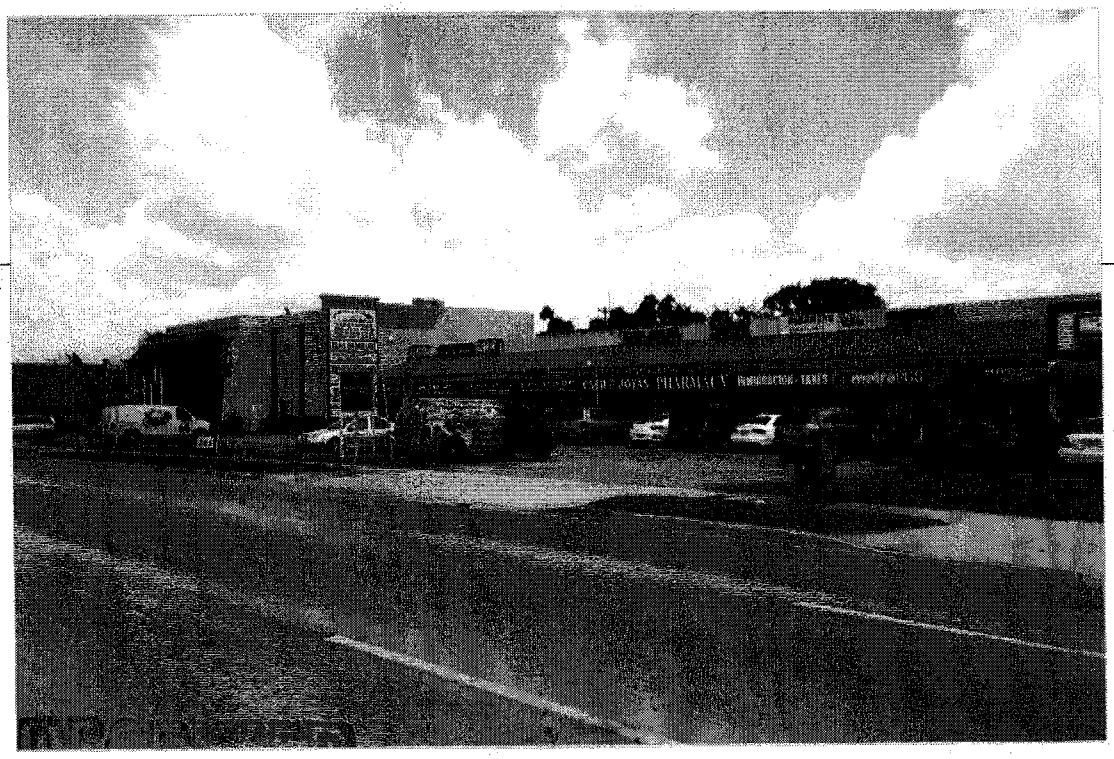

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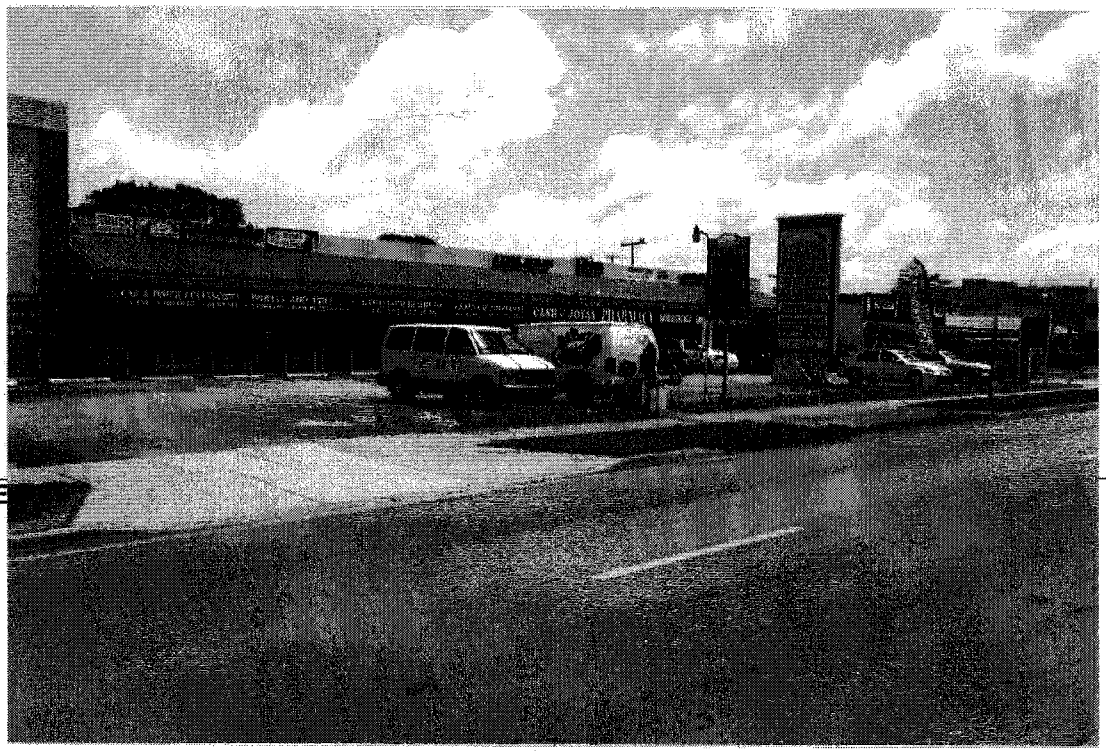
Additional photos may be submitted

MAY 14 2013
ZB-006
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

8/3/12 rcc

PHOTOGRAPHS –submit photos showing entire site and all structures

FRONT ELEVATION



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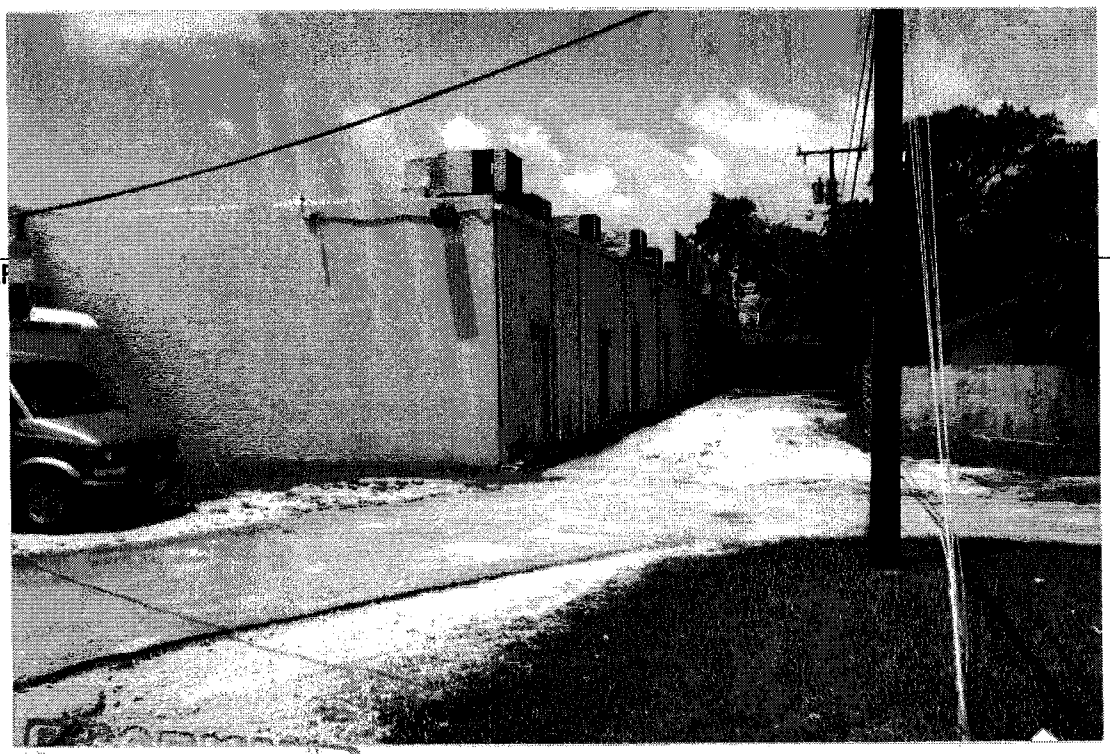

213-006 Additional photos may be submitted

ZONING INSPECTION
MIAMI SIDE PLANNING AND ZONING DEPT.
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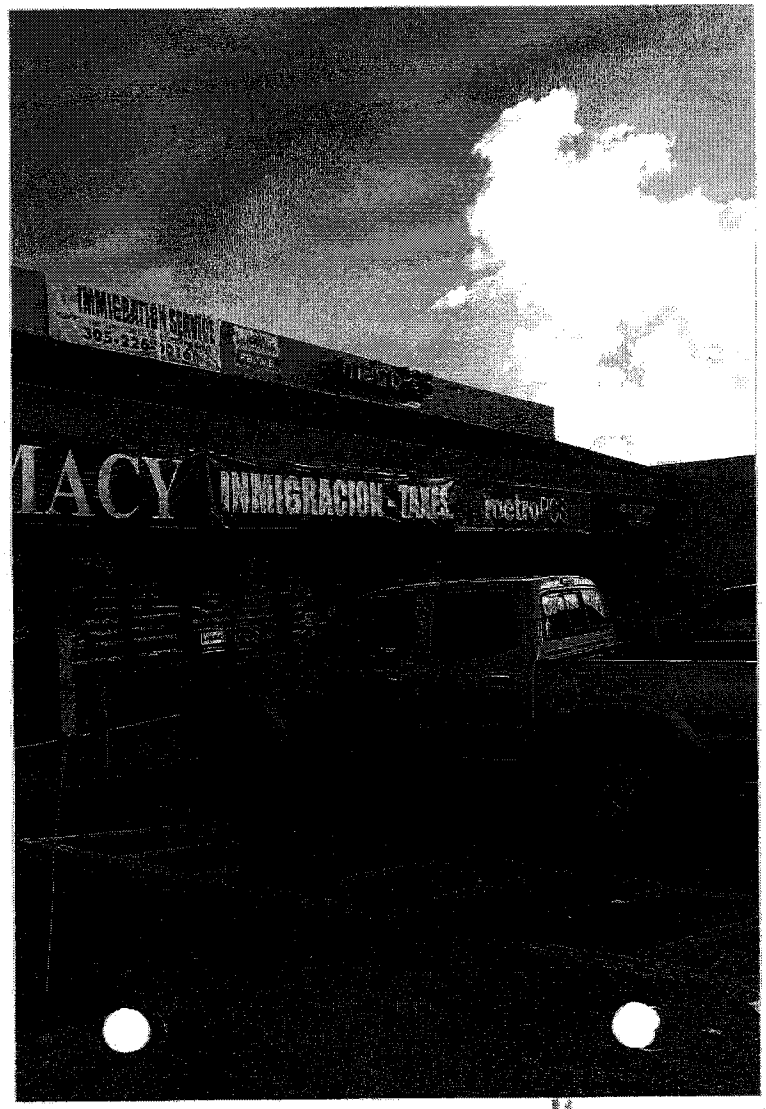
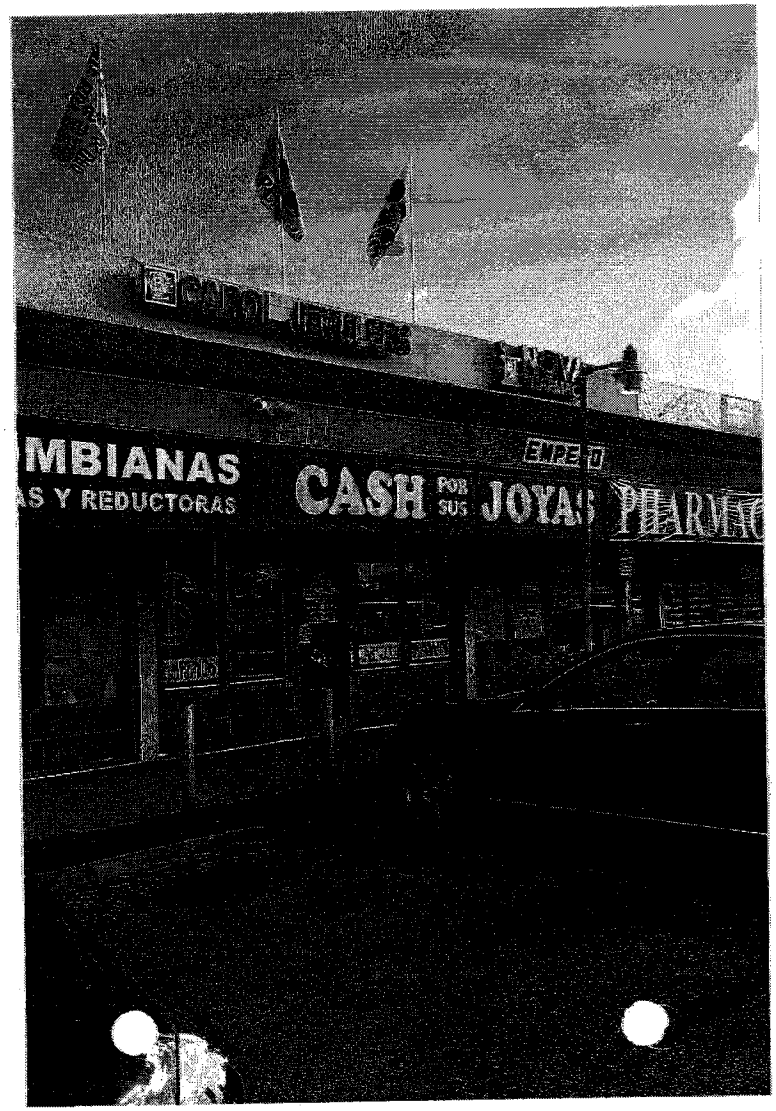
8/3/12 rcc





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ZONING HEARINGS SECTION
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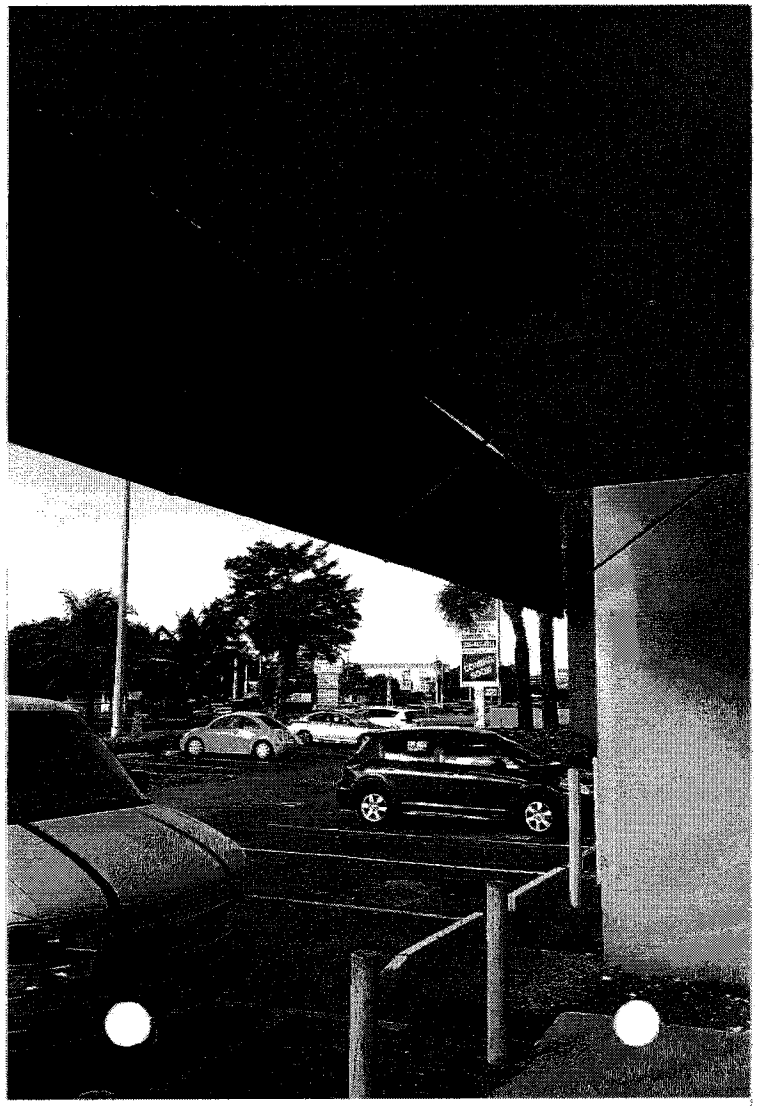

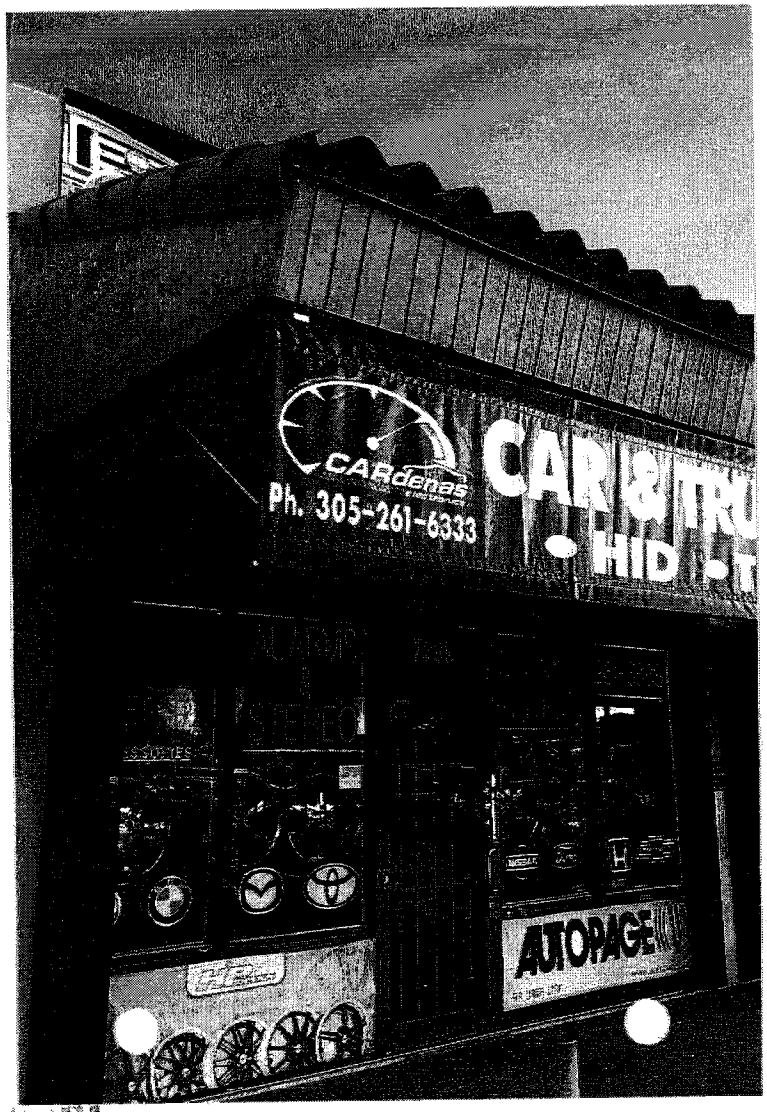

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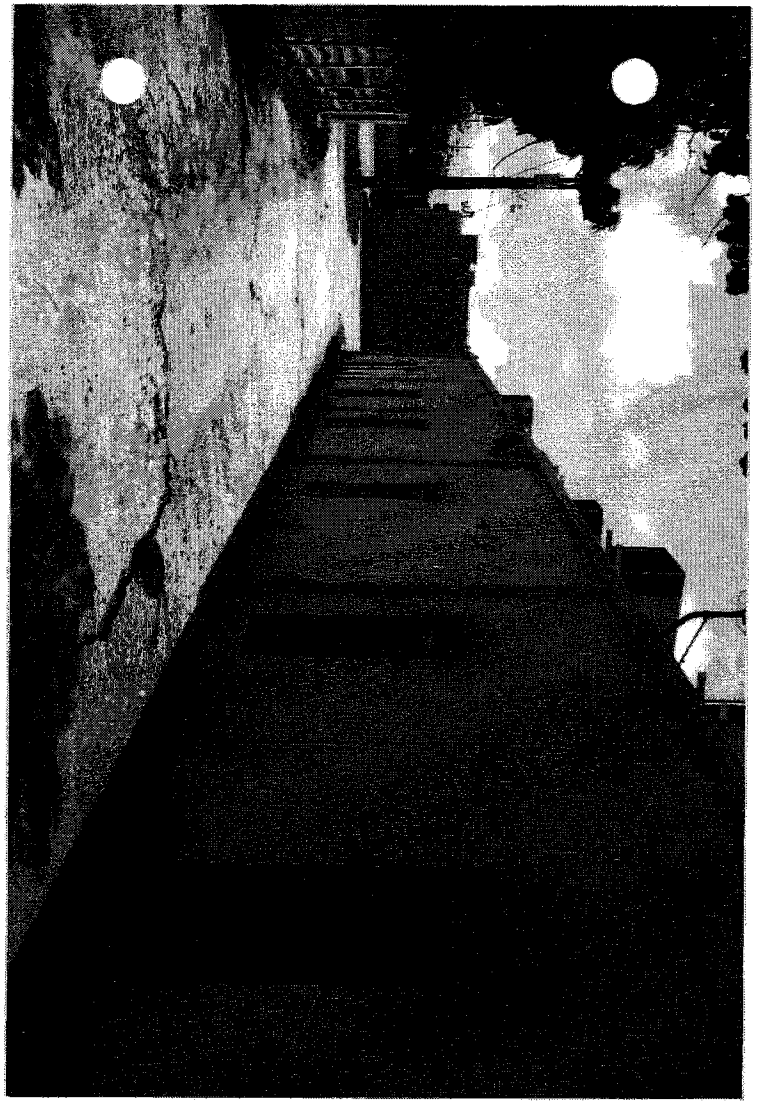

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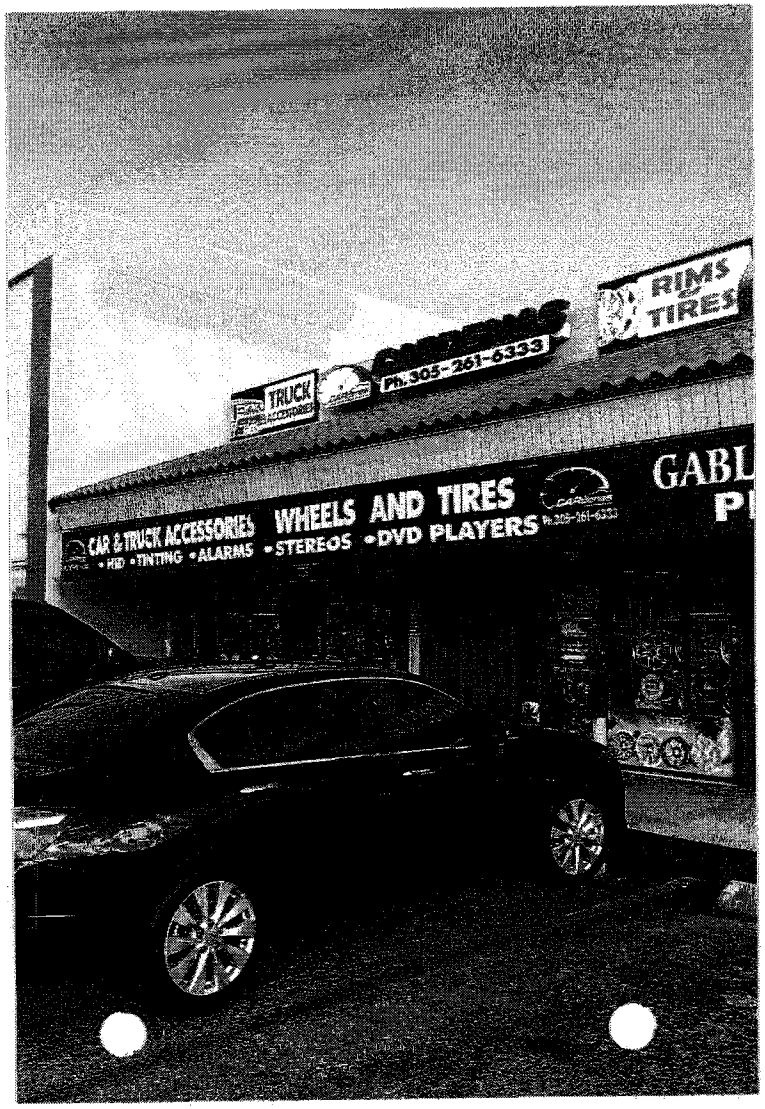

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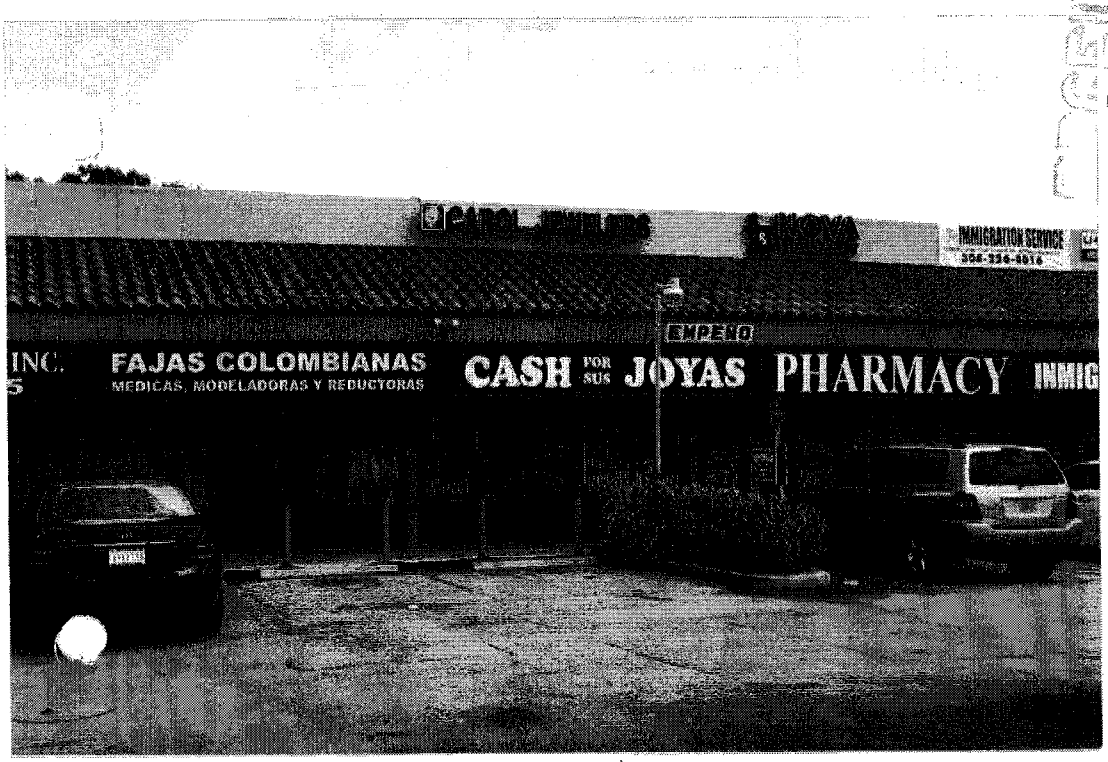

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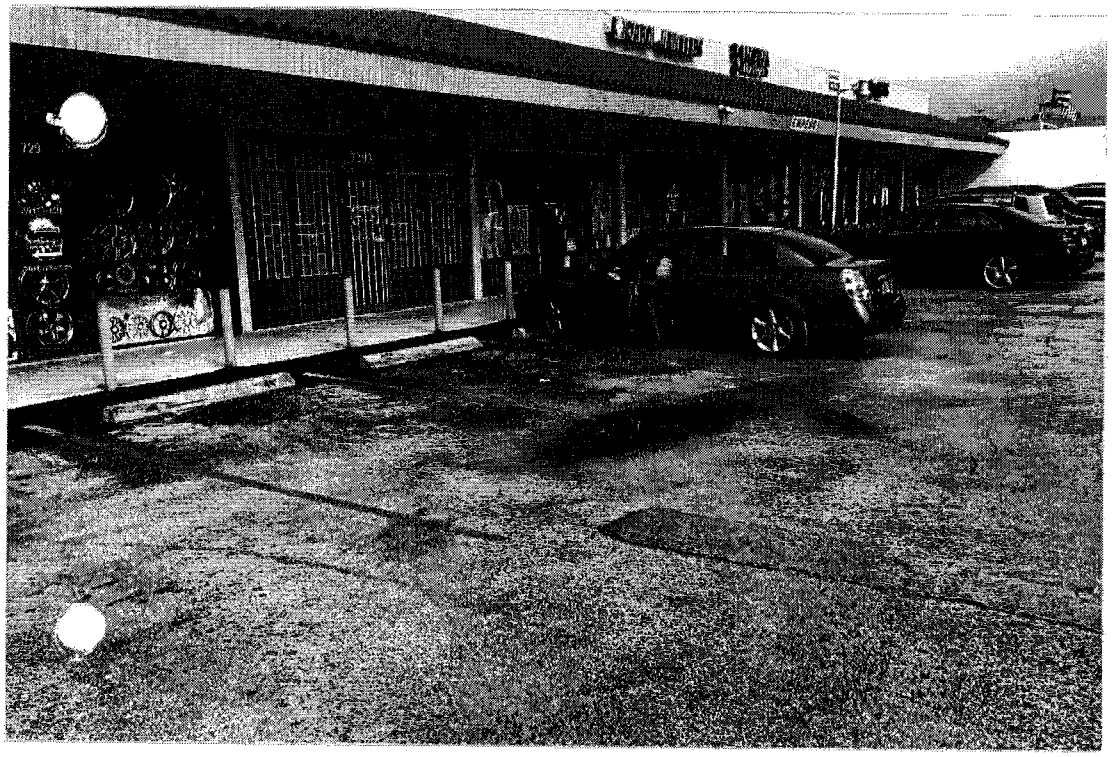

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MIAMI-DADE COUNTY ZONING DEPT.
BY

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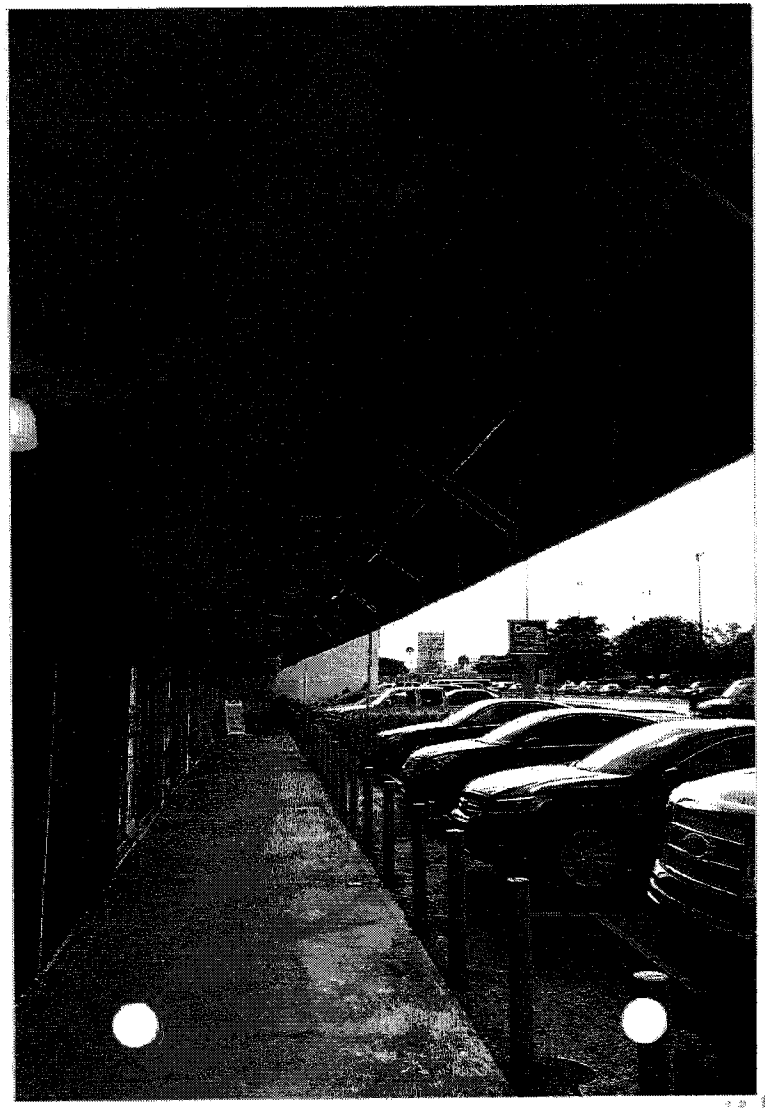

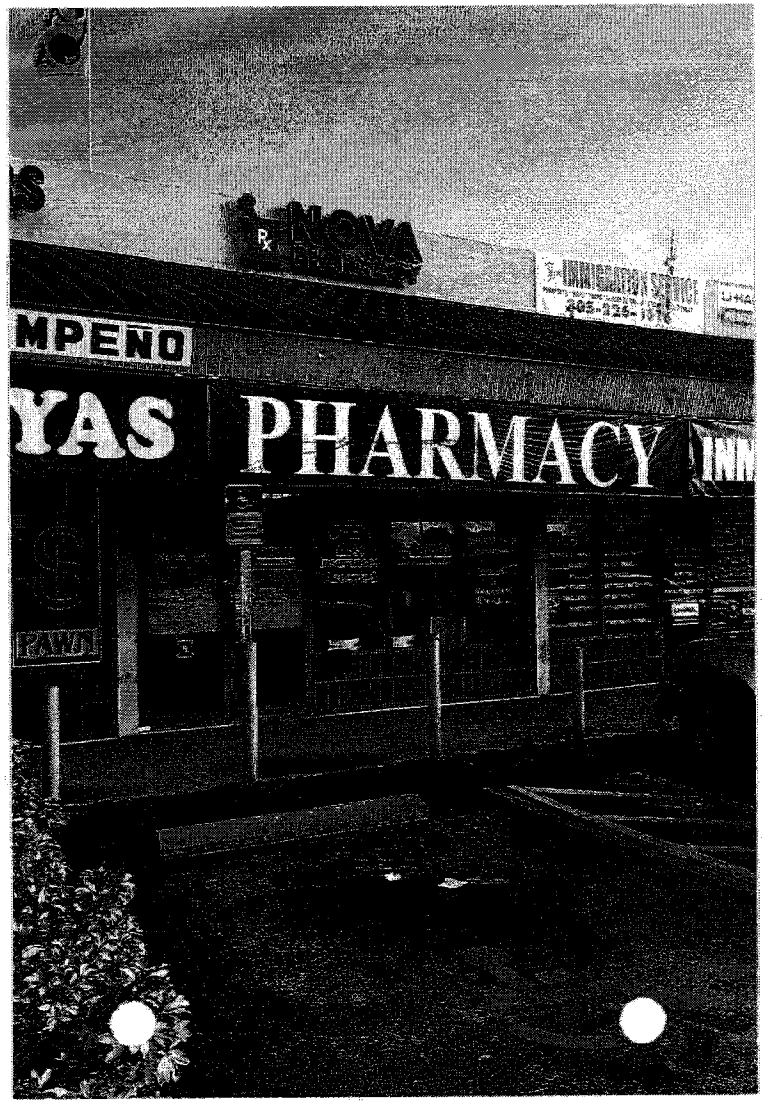

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING & ZONING DEPT.
BY

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: CAROL JEWELERS, CORP

NAME AND ADDRESS	Percentage of Stock
CAROL JEWELERS, CORP	100%
7245 SW 24 ST SUITE 2	
MIAMI, FL 33155	
CAROL SUAREZ	

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____
(Applicant)

Sworn to and subscribed before me this 22 day of 1, 2013. Affiant is personally know to me or has produced _____ as identification.

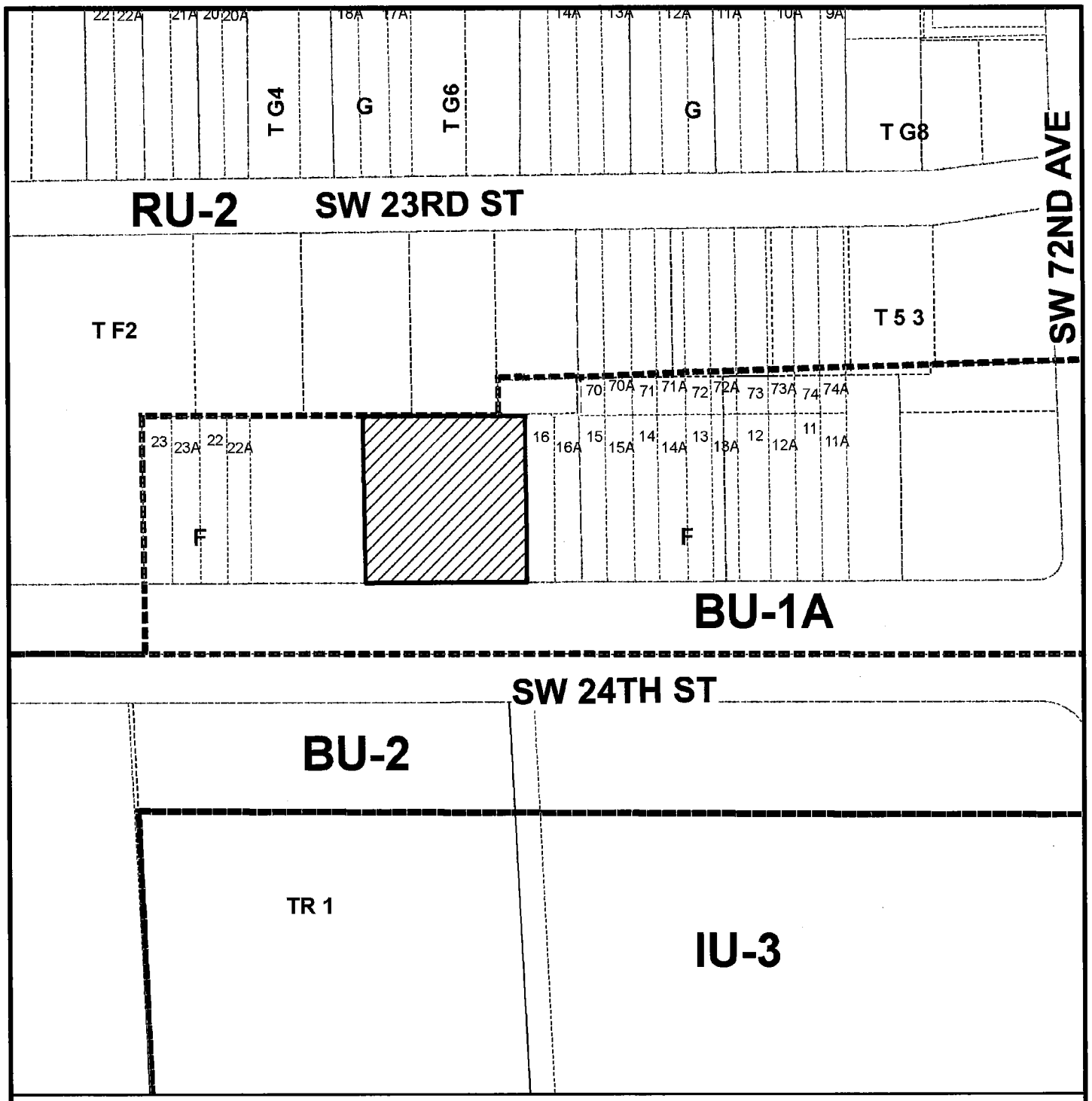
_____
(Notary Public)

My commission expires: _____

NANETTE COLON
Notary Public - State of Florida
My Comm. Expires Oct 10, 2015
Commission # EE 106673
Bonded Through National Notary Assn.

NANETTE COLON
Notary Public - State of Florida
My Comm. Expires Oct 10, 2015
Commission # EE 106673
Bonded Through National Notary Assn.

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2013000006

N W E S

Section: 11 Township: 54 Range: 40
Applicant: CAROL JEWELERS
Zoning Board: C10
Commission District: 6
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend
Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, February 20, 2013

REVISION	DATE	BY
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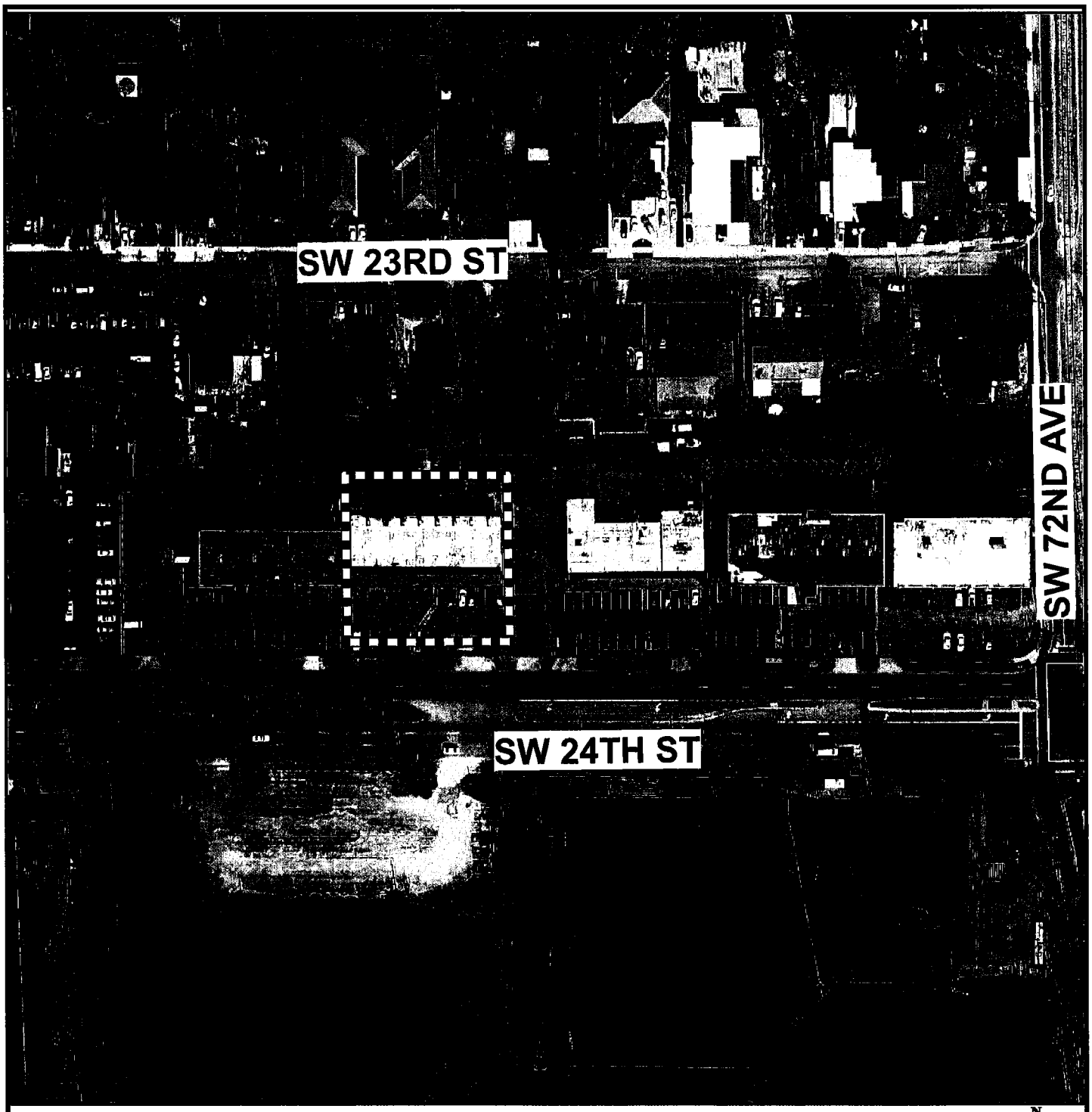

MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number
Z2013000006

N
W E
S

Section: 11 Township: 54 Range: 40
Applicant: CAROL JEWELERS
Zoning Board: C10
Commission District: 6
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend
Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, February 20, 2013

REVISION	DATE	BY
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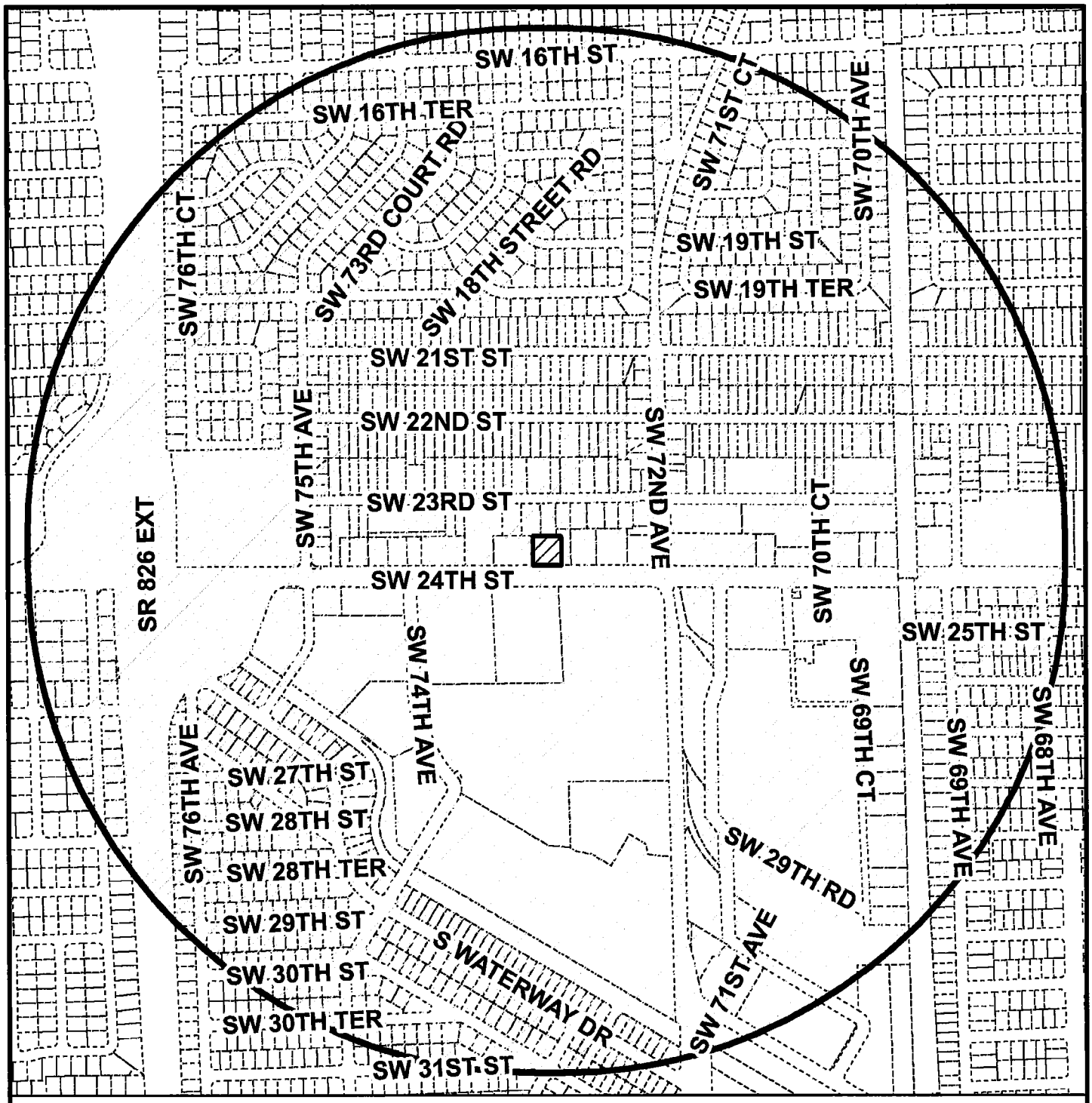

MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2013000006

RADIUS: 2640

Section: 11 Township: 54 Range: 40
Applicant: CAROL JEWELERS
Zoning Board: C10
Commission District: 6
Drafter ID: JEFFER GURDIAN
Scale: NTS

N W E S

Legend

Subject Property

Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, February 20, 2013

REVISION	DATE	BY
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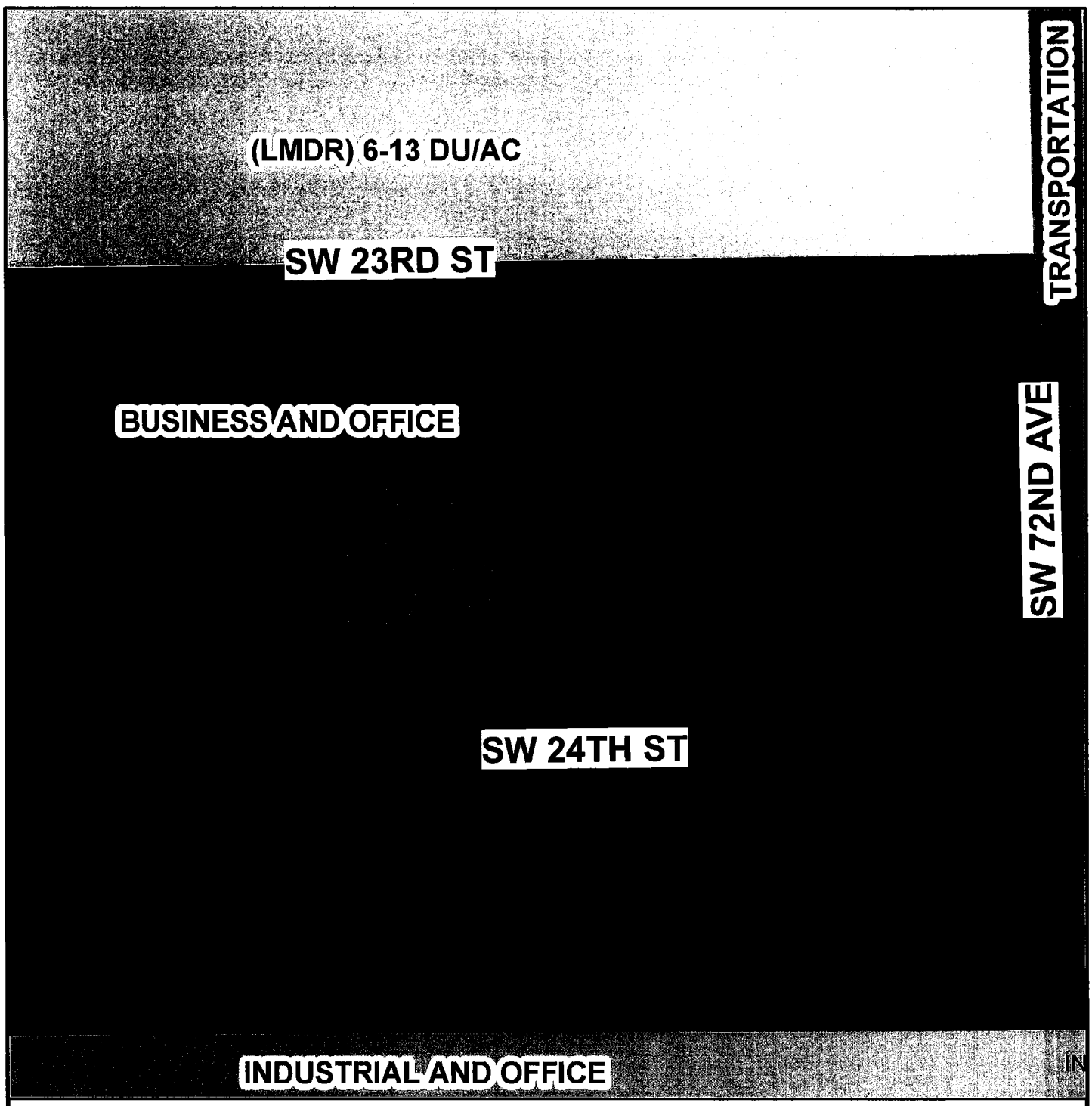

MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2013000006

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Section: 11 Township: 54 Range: 40
Applicant: CAROL JEWELERS
Zoning Board: C10
Commission District: 6
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, February 20, 2013

REVISION	DATE	BY

1 COMMUNITY ZONING APPEALS BOARD - AREA 10

2 RUBEN DARIO MIDDLE SCHOOL

3 350 NW 97 AVENUE, MIAMI

4 Wednesday, February 12, 2014

5 6:30 p.m.

6

7

8 ITEM NO:

9 CAROL JEWELERS
13-6

10

11

12

13 BOARD MEMBERS

14 Present:

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

18

19

20 STAFF PRESENT:

21

Rosa Davis
22 Earl Jones
David Hope, Assistant County Attorney

23

24

25

I N D E X

BOARD MEMBERS	PAGE NO.
Chairman Gomez	5,12,13,14,17,18,20,36,39 43,62,63,64,70,71,75
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Councilman Valdes	39,71,77
Councilman Planas	36,37,38,66,71,77
Councilman Rodriguez	39,70,71,72,76,77
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Mr. Jones	17,20,26,40,65,66,67,68 69,70,74
Mr. Hope	14,17,18,20,28,30,31,32 33,35,36,37,38,40,44,47,48,51,60,61,63,64,70,72,73,74
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OPPOSERS	
Ms. Quigley	12-14,25,27,50,52

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

application.

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

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

CHAIRMAN GOMEZ: Okay. That's it?

MS. QUIGLEY: Yes.

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

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

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

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

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

CHAIRMAN GOMEZ: Sorry. Is there anyone that wishes to speak in favor of the application? Again, for the record, no one else came forward. Now I would like to open it up for --

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

CHAIRMAN GOMEZ: He can't sit in.

1 Go ahead.
2 MR. FRESEN: Thank you, Mr. Chair. And, it's
3 not so much that I want to object, but I do want
4 to address -- most of her concerns were brought up
5 in the form of a question. So, just so that the
6 Board understands, and so that the Council
7 understands, what is being requested here
8 doesn't -- if this variance were to be granted, it
9 wouldn't, then, propel my client to obtain a
10 license that my client does not already currently
11 hold. He currently holds the type of license that
12 would allow the very type of limited activity that
13 is being requested in this use.
14 What he is not entitled to is to actually do
15 it because of the fact that the use is not allowed
16 on the zoning category. So, this wouldn't, in any
17 way, trigger a new license, or the granting of a
18 new license that the client already has right now
19 under his current operation. He is simply not
20 allowed to exercise the use of that license on the
21 property for that limited type of -- again, it is
22 almost a misnomer to call it a pawning activity,
23 since this is a zoning hearing. That request for
24 that word to be used, we'll continue to use it,
25 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?

1 COUNCILWOMAN PLANAS: Yes.
2 MS. DAVIS: Councilman Rodriguez?
3 COUNCILMAN RODRIGUEZ: Yes.
4 MS. DAVIS: Councilman Suarez?
5 COUNCILMAN SUAREZ: Yes.
6 MS. DAVIS: Councilman Valdes?
7 COUNCILMAN VALDES: Yes.
8 MS. DAVIS: Councilman Gomez?
9 CHAIRMAN GOMEZ: Yes.
10 MS. DAVIS: Motion passes -- carries six to
11 zero.
12 MR. FRESEN: Thank you so much, Mr. Chair.
13 CHAIRMAN GOMEZ: Meeting is adjourned.
14 (Meeting adjourned at 7:58 p.m.)
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1 CERTIFICATE OF OATH

2 STATE OF FLORIDA

3 COUNTY OF DADE

4

5 I, Janice Aguirre, Registered Professional

6 Reporter, Notary Public, State of Florida, certify that

7 the following witnesses personally appeared before me

8 on February 12, 2014 and were duly sworn.

9 WITNESS my hand and official seal this 15th

10 day of March, 2014.

11

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15 JANICE AGUIRRE

16 Registered Professional Reporter

17 Notary Public, State of Florida

18

19

20 JANICE AGUIRRE
MY COMMISSION # FF 074251
EXPIRES: December 8, 2017
Bonded Thru Notary Public Underwriters

21

22

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1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)

3 COUNTY OF DADE)

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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.

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21 JANICE AGUIRRE,
Registered Professional Reporter

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