BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS

WEDNESDAY, MARCH 6, 2013

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

TIME OF MEETING IMMEDIATELY AFTER CDMP AT 9:30 AM

DEFERRED:		**HEARING #**	**DISTRICT(S)**
A.	**LEYDI CASH JEWELRY II, INC.**	**12-088**	**11**

Request(s):

- Use Variance and Special Exception to Exception to permit a pawn broker in the BU-1A zone as would be permitted in the BU-3 zone.

- Modification of a condition of a prior Declaration of Restrictions on the site that limits and restricts the use of the property to those uses as may be permitted in the BU-1A zoning classification, and to now allow for a pawn broker in conjunction with a jewelry store in the BU-1A zone as would be permitted in the BU-3 zone.

Location: 14647 SW 104 Street, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF WEDNESDAY, MARCH 6, 2013

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 WITNESSES

---

1. <u>LEYDI CASH JEWELRY II, INC. (13-2-CC-1/12-088)</u> **03-55-39**
BCC/District 11

(1) USE-VARIANCE and SPECIAL EXCEPTION to permit a pawn broker use in the BU-1A zone, as would be permitted in the BU-3 zone.

(2) MODIFICATION of Paragraph #5 of "Declaration of Restrictions", as recorded in Official Record Book 13313, Page 2385 and last modified by a "Modification to Declaration of Restrictions recorded at Official Records Book 13313, Page 2385" as recorded in Official Record Book 27397, Pages 4559 through 4573, reading as follows:

From: "5. Limitation of Uses: The aforedescribed Property shall be limited and restricted in its uses to those uses as may be permitted in the BU-1A zoning classification as currently provided in Chapter 33 of the Code of Metropolitan Dade County, Florida, except that the subject property or any structure built thereon shall not be used for any of the following uses or activities: (a) video arcades, (b) pubs and bars, (except where such use is permitted as an integral part of a restaurant or other eating establishment, or (c) billiard rooms and pool halls.

To: "5. Limitation of Uses: The aforedescribed Property shall be limited and restricted in its uses to those uses as may be permitted in the BU-1A zoning classification as currently provided in Chapter 33 of the Code of Miami-Dade County, Florida, and to a Pawn Broker in connection with an existing jewelry store on the property, as would be permitted in the BU-3 zone, except that the subject property or any structure built thereon shall not be used for any of the following uses or activities: (a) video arcades, (b) pubs and bars, (except where such use is permitted as an integral part of a restaurant or other eating establishment, or (c) billiard rooms and pool halls.

The purpose of requests #2 is to modify the declaration of restrictions on the site that limits and restrict the use of the property to those uses as may be permitted in the BU-1A zoning classification, and to now allow for a pawn broker in conjunction with a jewelry store in the BU-1A zone as would be permitted in the BU-3 zone.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Leydi Cash Jewelry II" as prepared by Vincente Franco, P.E., consisting of 1 sheet, dated stamped received 8/22/12 and a floor plan as prepared by OLR Architect consisting of 1 sheet dated stamped received 6/20/12 for a total of 2 sheets. Plans may be modified at public hearing.

LOCATION: 14647 SW 104 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 10.85 Acres

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

Protests: 5 Waivers: 0

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): _____

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 Board of County Commissioners

PH: Z12-088 (13-01-BCC-1) **March 6, 2013**
Item No. 1

Recommendation Summary	
Commission District	11
Applicant	Leydi Cash Jewelry II, Inc.
Summary of Requests	The applicant is seeking a Use Variance and a Special Exception to allow a pawnbroker use in a more restrictive zoning district and to modify a declaration of restrictions to allow a pawnbroker use on the subject property.
Location	14647 SW 104 Street, Miami-Dade County, Florida.
Property Size	10.85 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, Section 33-311(A)(3), **Special Exceptions**, Unusual Uses and New uses, and Section 33-311(A)(7) **Generalized Modification Standards** (see attached Zoning Recommendation Addendum)
Recommendation	**Denial without prejudice.**

This application was deferred from the February 21, 2013 Board of County Commissioners (BCC) meeting at the request of the district commissioner.

REQUESTS:

(1) USE VARIANCE and SPECIAL EXCEPTION to permit a pawnbroker use in the BU-1A zone, as would be permitted in the BU-3 zone.

(2) MODIFICATION of Paragraph #5 of a Modification to Declaration of Restrictions recorded in Official Record Book 13313, Page 2385 and last modified in Official Record Book 27397, Pages 4559 through 4573, adopted by the Board of County Commissioners and reading as follows:

From: "5. Limitation of Uses: The afore described Property shall be limited and restricted in its uses to those uses as may be permitted in the BU-1A zoning classification as currently provided in Chapter 33 of the Code of Metropolitan Dade County, Florida, except that the subject property or any structure built thereon shall not be used for any of the following uses or activities: (a) video arcades, (b) pubs and bars, (except where such use is permitted as an integral part of a restaurant or other eating establishment, or (c) billiard rooms and pool halls.

To: "5. Limitation of Uses: The afore described Property shall be limited and restricted in its uses as may be permitted in the BU-1A zoning classification as currently provided in Chapter 33 of the Code of Miami-Dade County, Florida, <u>and to allow a Pawn Broker in connection with an existing jewelry store on the property, as would be permitted in the BU-3 zone,</u> except that the subject property or any structure built thereon shall not be used for any of the following uses or activities: (a) video

arcades, (b) pubs and bars, (except where such use is permitted as an integral part of a restaurant or other eating establishment, or (c) billiard rooms and pool halls.

The purpose of request #2 is to modify the declaration of restrictions on the site that limits and restricts the use of the property to those uses as may be permitted in the BU-1A zoning classification, and to now allow for a pawnbroker in conjunction with a jewelry store in the BU-1A zone as would be permitted in the BU-3 district only upon approval after public hearing.

PROJECT DESCRIPTION: The site plan submitted by the applicant depicts an existing 1,460 sq. ft. jewelry store within a 108,192 sq. ft. shopping center.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	BU-1A; shopping center	Business and Office
North	RU-TH; townhouse residences	Low-Medium Density Residential
South	RU-TH and RU-1; townhouse and single-family residences	Low Density Residential
East	RU-2; duplex residences	Low-Medium Density Residential
West	RU-3M; multi-family residential	Low Density Residential

NEIGHBORHOOD COMPATIBILITY:

The subject property is a corner lot, located at 14601 SW 104 Street. The area surrounding the subject property is primarily characterized by residential 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, by the year 2015, 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. 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 May 1987, pursuant to resolution #Z-136-87, the subject property was granted approval to rezone the subject property to BU-1A and a special exception to permit site plan approval of a proposed shopping center as well as other variances pertaining to the residential portion of the application. Also approved was a proffered covenant that requires that any modification, amendment, or release of the same be approved by the Board of County Commissioners of Miami-Dade County. In July 2010, pursuant to resolution #Z-12-10, the subject property was granted approval for a special exception of spacing requirements to permit a liquor package store and deletion of a paragraph of a Declaration of Restrictions which prohibited a package liquor store.

The current application seeks approval of a use variance, under Section 33-311(A)(4)(a) and a special exception, under Section 33-311(A)(3) to permit a pawnbroker use in the BU-1A zoning district as would be permitted in the BU-3 district (request #1) only upon approval after public hearing, and a modification of the existing Declaration of Restrictions to permit the pawnbroker use on the subject property (request #2). The applicant has proffered a covenant limiting the pawn 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 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 only 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 proffered a covenant which would limit the use to a jewelry pawn shop only in conjunction with the existing jewelry store.

When request #1, USE VARIANCE and SPECIAL EXCEPTION 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) and under the Special Exception Section 33-311(A)(3) 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 property is unusable and the applicant is deprived of all economic 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, provides the applicant with economic use and benefit. Furthermore, Section 33-247 provides over forty-five (45) uses permitted 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 and special exception request will not be in harmony with the general purpose and intent of the regulation, and that the same will not result in unnecessary hardship, will not render the property unusable and will not deprive the applicant of all economic use or benefit from the property. **As such, staff is of the opinion that the use variance and special exception request for the proposed pawnbroker be denied without prejudice under the Use Variance Section 33-311(A)(4)(a) and under the Special Exception Section 33-311(A)(3).**

When request #2, Modification of a Declaration of Restrictions to allow a pawn broker in conjunction with a jewelry store in the BU-1A zone as would be permitted in the BU-3 district only upon approval after public hearing, is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that approval of this request is contingent upon the approval of request #1 and therefore would also not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. **Therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(7), Generalized Modification Standards.**

CIRCULATION AND PARKING:

The subject property has ingress and egress points along SW 104 Street and SW 147 Avenue.

ENVIRONMENTAL REVIEW: Not applicable.

OTHER: Not applicable.

RECOMMENDATION: Denial without prejudice.

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:CH:JC

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

NDN

2/21/2013

ZONING RECOMMENDATION ADDENDUM

Leydi Cash Jewelry, Inc.
Z12-088

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 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, by the year 2015, 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*

ZONING RECOMMENDATION ADDENDUM

Leydi Cash Jewelry, Inc.
Z12-088

	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.
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.*

A. LEYDI CASH JEWELRY II, INC.
(Applicant)

13-1-BCC-1 (12-088)
BCC/District 11
Hearing Date: 03/06/13

Property Owner (if different from applicant) **Wachovia Trust Co..**

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
1987	104th Associates	- Zone chane from RU-TH to RU-2. - Zone change from RU-TH to BU-1A. - Special Exception for shopping center.	BCC	Approved with Condition(s)
2010	Galaxy Liquor Store Corp.	- Special Exception of spacing requirements to permit a liquor package store.	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: July 11, 2012

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

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

Subject: #Z2012000088
Leydi Cash Jewelry II, Inc.
14647 SW 104th Street, Miami, FL 33186
Use Variance and Special Exception to Permit a Pawn Shop Use in the BU-1A Zone, as would be permitted in the BU-3 Zone
(BU-1A) (10.85 Acres)
03-55-39

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.

The Department of Regulatory and Economic Resources has no pertinent comments regarding this application since the request does not entail any environmental concern.

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# Z2012000088
CZAB - C11

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: LEYDI CASH JEWELRY II, 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 application meets the traffic concurrency criteria set for an Initial Development Order.

Raul A Pino, P.L.S.
03-AUG-12

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #12-088
Leydi Cash Jewelry II, Inc.

Application: ***Leydi Cash Jewelry II, Inc.*** is requesting a use variance and a special exception to permit an existing jewelry store to operate with a pawn permit. The area is currently zoned BU-1(A) (Business District, limited).

Size: The lease site for the jewelry store is located within a shopping plaza which occupies approximately 10.85 acres.

Location: The subject property is located at 14647 SW 104th Street 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 12, 2011, 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 within a shopping center 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
6) Steel (cans, scrap)
7) other metals/scrap production materials

3) Corrugated cardboard
4) Glass (flint, emerald, amber)
5) Aluminum (cans, scrap)
8) Plastics (PETE, HDPE-natural, HDPE-colored)
9) Textiles
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 associated with this project ensure that either of the following criteria be present in project design plans and circulation operations 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.**

Memorandum

MIAMI-DADE COUNTY

Date: July 16, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

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

Subject: Z2012000088: LEYDI CASH JEWELRY II,INC

Application Name: LEYDI CASH JEWELRY II,INC

Project Location: The site is located at 14647 SW 104 ST, Miami-Dade County.

Proposed Development: The applicant is requesting a use variance to permit a pawn shop.

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

Memorandum

Date: 17-JUL-12

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

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

Subject: Z2012000088

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand

Development for the above Z2012000088
located at 14647 SW 104 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1853 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: 6:28 minutes

Existing services

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

Station 36 - Hammocks - 10001 Hammock Blvd.
Rescue, ALS 60' Aerial

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.

ENFORCEMENT HISTORY
12-88
LEYDI CASH JEWELRY II, INC

NC:
Case number 201102000053, was opened on January 5, 2011, for Failure to Maintain a Parking Lot Surface [various holes deterioration observed on the parking spaces adjacent to Navarro Pharmacy]. A Warning Letter was issued on January 10, 2011. Civil Violation Notice number T013393, was issued on February 15, 2011, for non-compliance to the violation. Compliance has been met. The case remains open pending Lien review for the non-payment of the citation.

NC: There are no current closed Neighborhood Compliance Regulation Cases.

BLDG: BUILDING SUPPORT CASE #20080115122-B, WAS OPENED ON NOVEMBER 1, 2007, FOR FAILURE OF HOMEOWNER TO OBTAIN A PERMIT FOR THE INSTALLION OF AN ELECTRICAL WALL SIGN FOR THE "SPORTS GRILL". CIVIL VIOLATION NOTICE #B026674, WAS ISSUED ON FEBRUARY 6, 2008, FOR NON-COMPLIANCE. A FINAL NOTICE OF INTENT TO LIEN/DEMAND FOR PAYMENT WAS ISSUED ON AUGUST 16, 2009. A LIEN WAS RECORDED ON OCTOBER 2, 2009. THE CASE REMAINS OPEN IN NON-COMPLIANCE STATUS.

CASE #A2013001145-X, WAS OPENED ON JANUARY 11, 2013 FOR EXPIRED PERMIT #2012027793. A NOTICE OF VIOLATION WAS ISSUED THE SAME DAY. THE CASE REMAINS OPEN PENDING INSPECTION RESULTS.

BLDG: THERE ARE NO CURRENT CLOSED BUILDING SUPPORT REGULATIONS CASES.

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: Leydi Cash Jewelry II, Inc.

NAME AND ADDRESS	Percentage of Stock
Mr. Ciro Perez, 15354 SW 72 Street, #24 Miami, Florida 33193	100%

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

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: _____

NAME AND ADDRESS	Percentage of Ownership

RECEIVED
Z12-088
JUN 20 2012
ZONING INSPECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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 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 15th day of May 2012. Affiant is personally known to me or has produced _____ as identification.

_____
(Notary Public)

My commission expires 9/10/2012

DAGMARA AMARO
MY COMMISSION #DD821922
EXPIRES: SEP 10, 2012
Bonded through 1st State

*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
Z12-088
JUN 20 2012
ZONING RECEPTION
MIAMI-DADE PLANNING AND 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 similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

NAME AND ADDRESS	Percentage of Stock

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: Wachovia Trust Company, National Association, as Trustee of Regency/Macquarie Trust 1, a Delaware statutory trust

NAME AND ADDRESS	Percentage of Interest
MCW – RC FL Shoppes At 104, LLC, a Delaware limited liability company	100 %
3001 PGA Blvd., Suite 202, Palm Beach Gardens, FL 33410, wholly owned by	
Regency Centers, LP, a Delaware limited partnership	100%
Regency Centers Corporation, a Florida corporation	Publicly Traded

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: _____

NAME AND ADDRESS	Percentage of Ownership

RECEIVED
Z12-088
JUN 20 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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 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 20 day of April 2012. Affiant is personally known to me or has produced N/A as identification.

_____
(Notary Public)

My commission expires _____

JENNIFER CAMPBELL
MY COMMISSION #DD862256
EXPIRES: FEB 28, 2013
Bonded through 1st State Insurance

*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
JUN 20 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

P.H. # _____

Owner's Sworn-to-Consent
Permitting Tenant to File for a Hearing
(Trustee)

I, Jay Kanik, as Trustee of the Wachovia Trust Company, National Association, as Trustee of Regency/Macquarie Trust, a Delaware statutory Trust which is the Owner of the property legally described below and which is the subject of the proposed hearing, do hereby grant consent to Leydi Cash Jewelry II, Inc. as Tenant, to file this application for public hearing.

Legal Description:
See attached legal description.

WITNESSES:

Signature

Chad Byrne
Print Name

Signature

Josh Spanner

Trustee Signature

Jay Kanik
Print Name

Address:

STATE OF Florida
COUNTY OF Miami -Dade

The foregoing instrument was acknowledged before me by JAY Kanik, Trustee, to me personally known or produced N/A, as identification and who acknowledged the foregoing instrument for the purposes therin contained, and acknowledged that he was authorized under the trust to execute said instrument on behalf of the beneficiaries of the trust.

Witness my signature and official seal this 20 day of April 2012 in the County and State aforesaid.

Notary Public State of

Print Name

My Commission Expires:

JENNIFER CAMPBELL
MY COMMISSION #DD862256
EXPIRES: FEB 28, 2013
Bonded through 1st State Insurance

RECEIVED
JUN 20 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

OWNERSHIP AFFIDAVIT
FOR
TRUSTEE

STATE OF Florida
COUNTY OF Miami -Dade

Public Hearing No._____

Before me, the undersigned authority, personally appeared _____ _____, **hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:**

1. **Affiant is the Trustee of the Trust which owns the property which is the subject of the proposed hearing.**
2. **Affiant is legally authorized as Trustee to apply for the proposed hearing.**
3. **The subject property is legally described as:**
   See Attached Legal description.
4. **Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding any zoning granted at public hearing.**

Witnesses:

_____
Signature
Chad Byrne
Print Name
_____
Signature
Josh Spooner
Print Name

_____
Affiant's Signature
Jay Hawill
Print Name

Sworn to and subscribed before me on the 20 **day of** April 2012. **Affiant is personally known to me or has produced** N/A **as identification.**

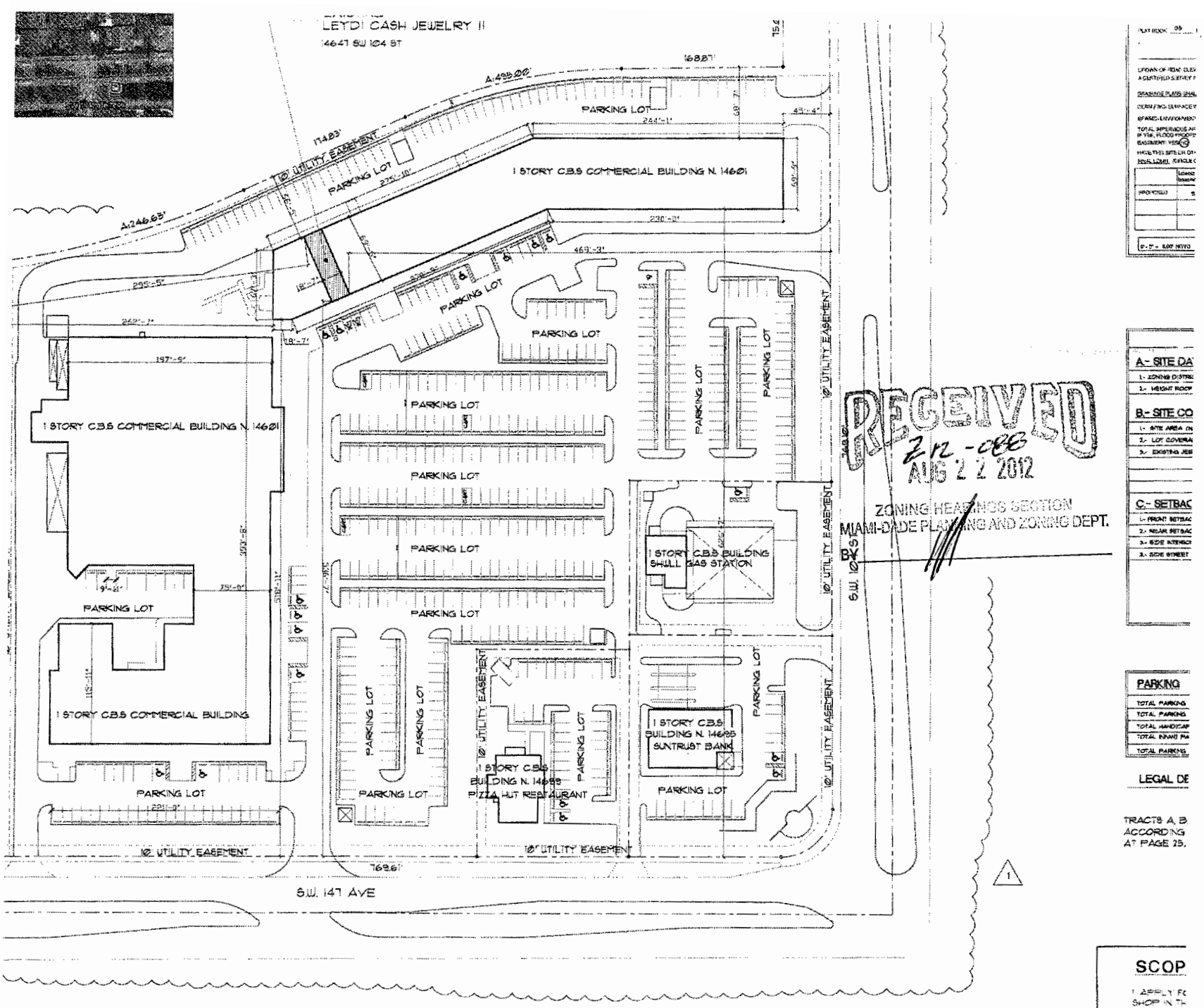
_____
Notary Public, State of _____

_____
Print Name

My Commission Expires:

JENNIFER CAMPBELL
MY COMMISSION #DD862256
EXPIRES: FEB 28, 2013
Bonded through 1st State Insurance

RECEIVED
412-088
JUN 20 2012
ZONING HEARING SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____



SITE PLAN

SCALE: 1/64" = 1'-0"

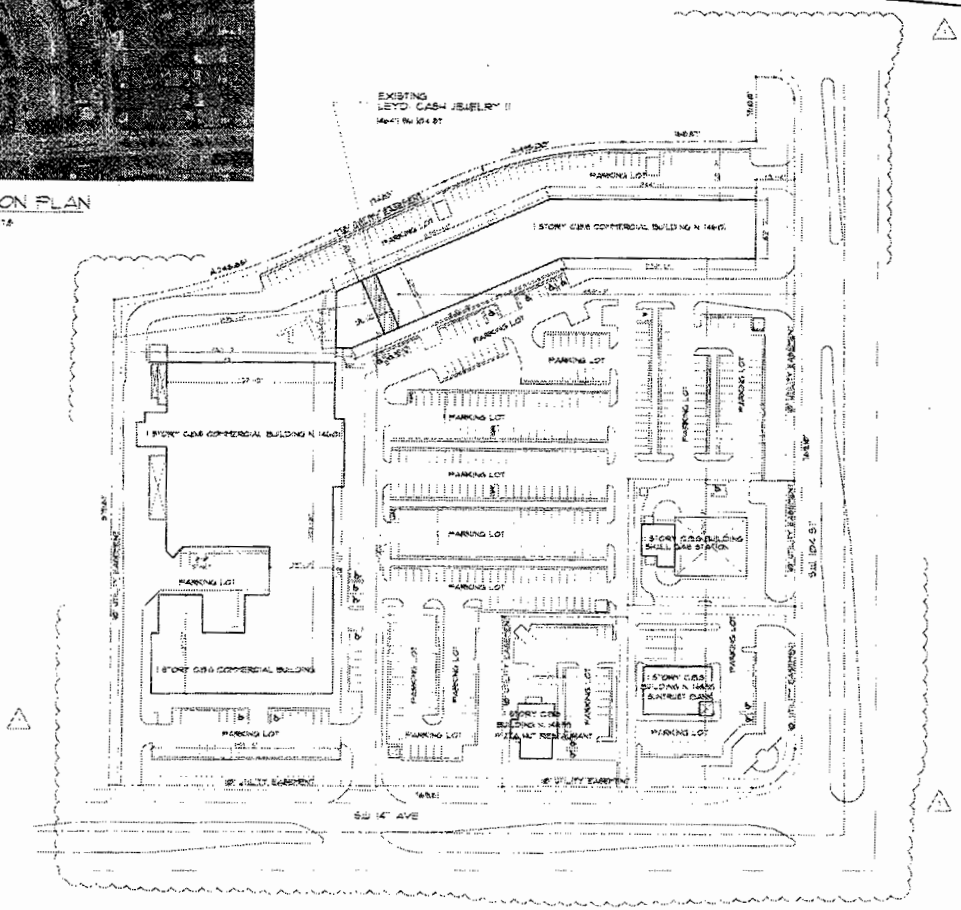
ENLARGED SITE PLAN

21

RECEIVED
MIAMI-DADE COUNTY
RECORDS #: 212-088
DATE: AUG 22 2012
BY: DAH

LOCATION PLAN

SCALE: NTS



SITE PLAN

SCALE: 1/64" = 1'-0"

RECEIVED
Z12-088
AUG 22 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

FLOOD LEGEND

ZONING LEGEND

A - SITE DATA

B - SITE COMPUTATION

C - SETBACKS

PARKING

LEGAL DESCRIPTION

TRACTS A, B, C AND D OF MARKET PLACE SQUARE ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 135, AT PAGE 28, OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA

SCOPE OF WORK

1. APPLY FOR VARIANCE TO OBTAIN LICENSE FOR PAWN SHOP IN THE EXISTING JEWELRY SHOP

RECEIVED
Z12-088

VICENTE FRANCO
P.E. 62531

22

PROJECT NUMBER
2012

100% C.D.

NO.	DATE	REVISIONS	BY
1	07/17/12		

R.S.
DRAWN APPROVED
INDICATED
DATE SCALE

LEYDI CASH JEWERLY II

14647 SW 104 STREET, MIAMI FL 33186

This drawing is the property of Vicente Franco, P.E. and is not to be reproduced or copied in whole or in part. It is not to be used on any other project nor is to be returned on request.

SEAL/SIGNATURE

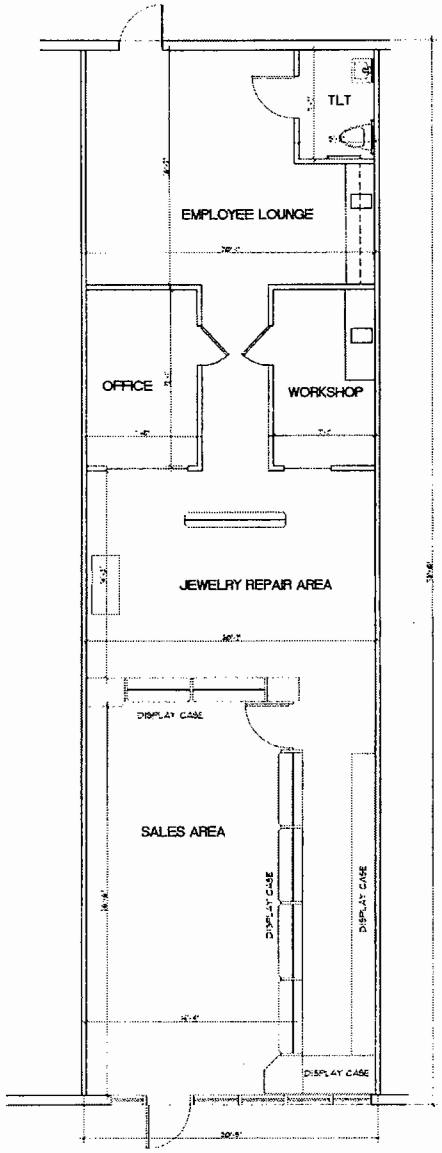
VICENTE FRANCO
P.E. 62531

SHEET TITLE

SP-1

SHEET #

1 of 1



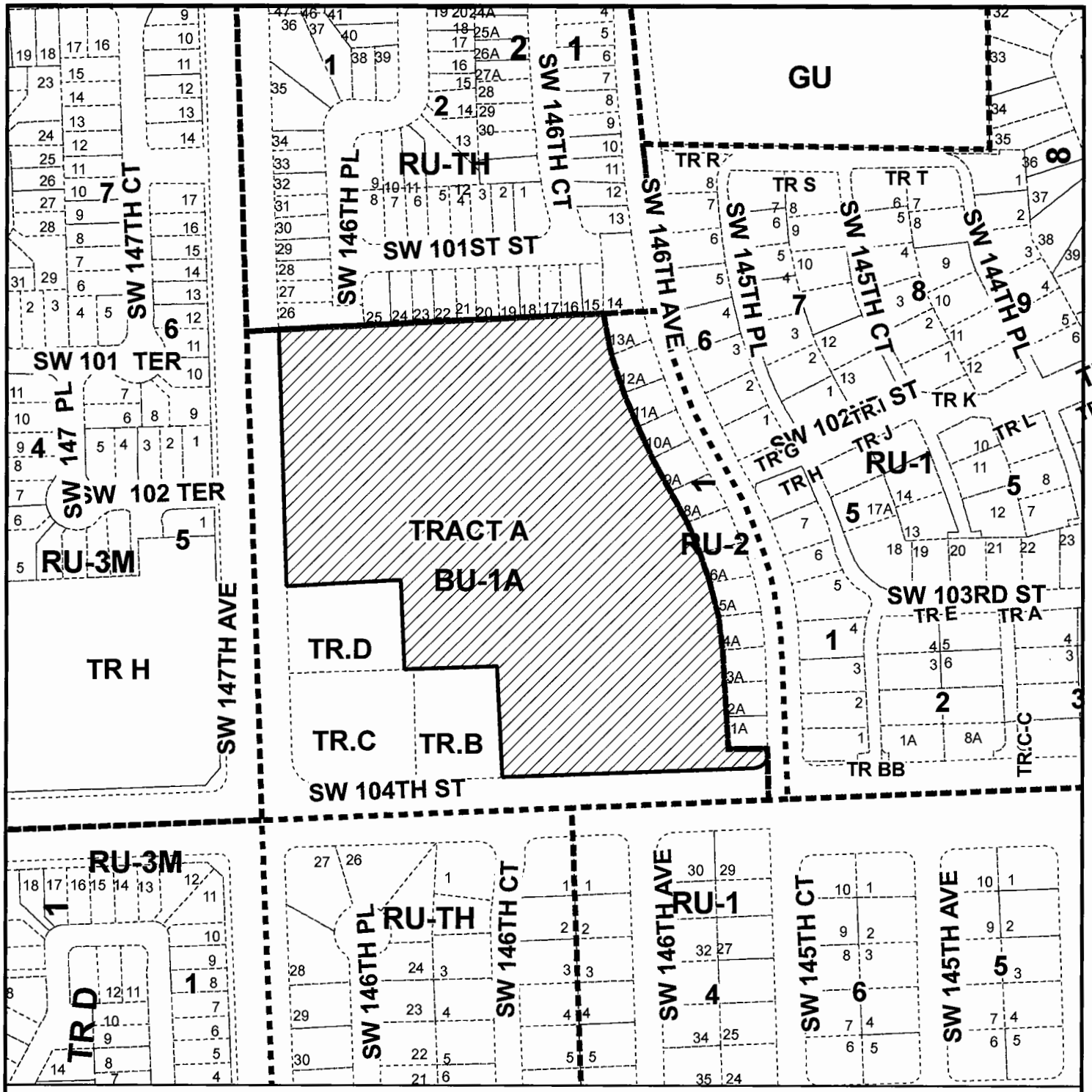
FLOOR PLAN
SCALE 1/4" = 1'-0"

RECEIVED
JUN 20 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

OLR

LEYDI CASH JEWELRY II
14647 SW 104 STREET
MIAMI, FL, 33186

A-1



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2012000088

Section: 03 Township: 55 Range: 39
Applicant: LEYDI CASH JEWELRY II,INC
Zoning Board: BCC
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, July 3, 2012

REVISION	DATE	BY
		24

MIAMI-DADE COUNTY

AERIAL YEAR 2012

Process Number

Z2012000088

N
W E
S

Section: 03 Township: 55 Range: 39
Applicant: LEYDI CASH JEWELRY II,INC
Zoning Board: BCC
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

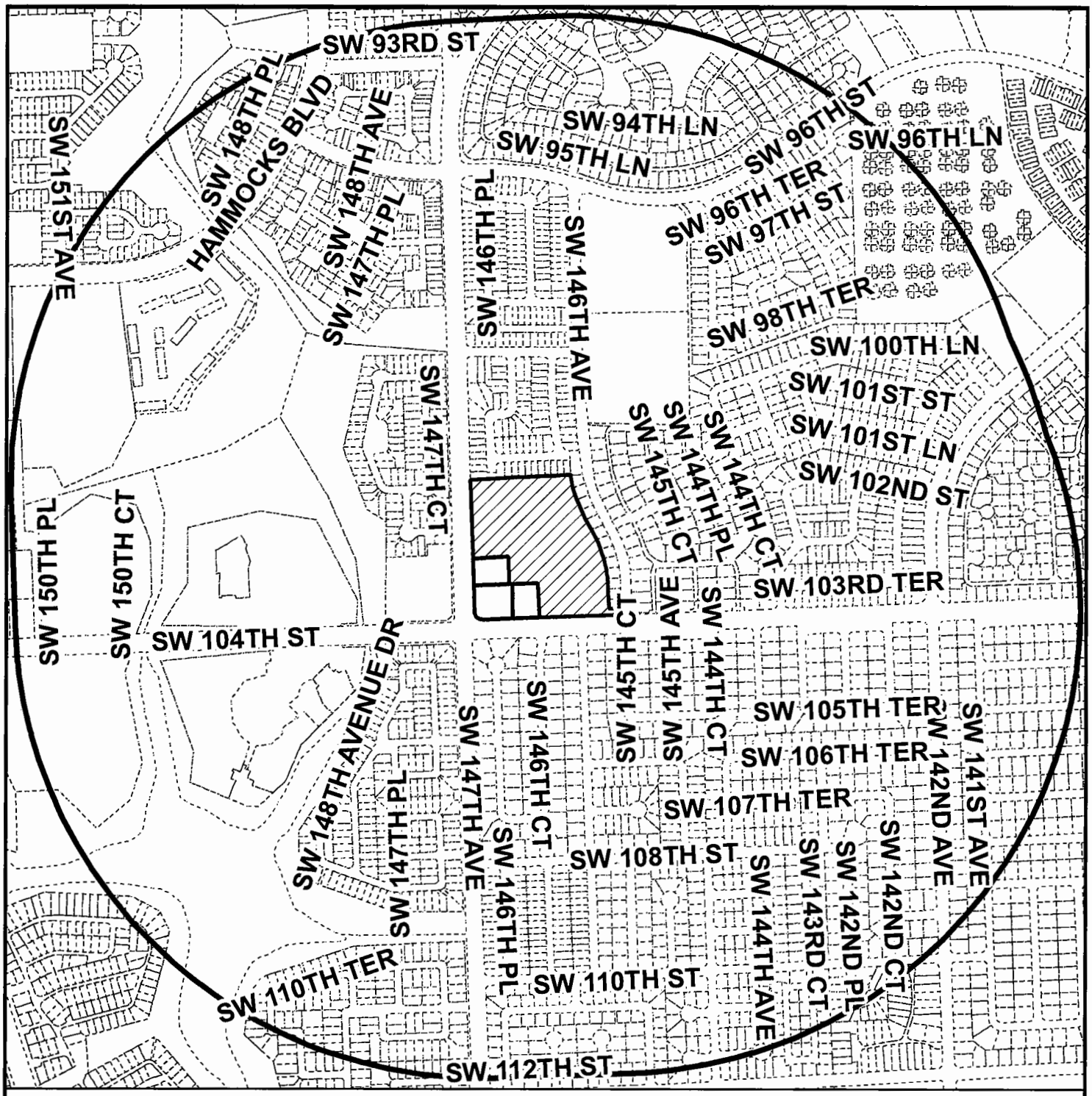
Legend

Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, July 3, 2012

REVISION	DATE	BY
		25



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2012000088

RADIUS: 2640

Section: 03 Township: 55 Range: 39
Applicant: LEYDI CASH JEWELRY II,INC
Zoning Board: BCC
Commission Districcct: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

N W E S

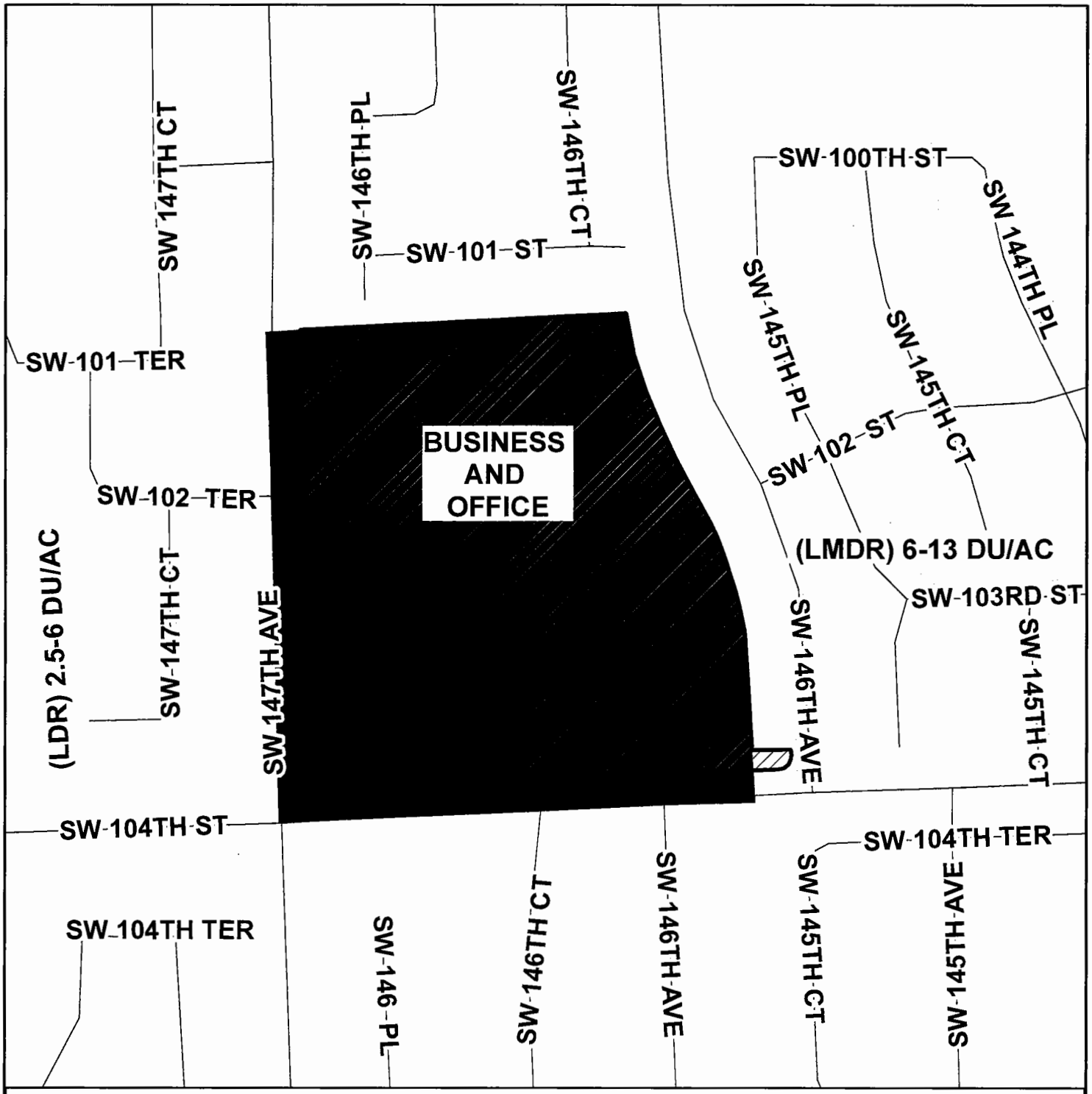
Legend

- Subject Property
- Contiguous Properties
- Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, July 3, 2012

REVISION	DATE	BY
		26



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2012000088

N W E S

Section: 03 Township: 55 Range: 39
Applicant: LEYDI CASH JEWELRY II,INC
Zoning Board: BCC
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, July 3, 2012

REVISION	DATE	BY