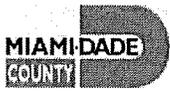


FINAL AGENDA

1-21-2014 Version # 2



COMMUNITY ZONING APPEALS BOARD 10
RUBEN DARIO MIDDLE SCHOOL
350 NW 97 Avenue, Miami
Wednesday, February 12, 2014 at 6:30 p.m.

CURRENT

1. 14-2-CZ10-1 CAROL JEWELERS 13-6 11-54-40 N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF WEDNESDAY, FEBRUARY 12, 2014

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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.

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 MEETING ROOM. PERSONS EXITING THE MEETING ROOM SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM 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

NOTICE

THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Regulatory and Economic Resources (RER), within 14 days after RER has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (RER's posting will be made on a bulletin board located in the office of RER.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.



**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 10**

PH: Z13-006 (14-01-CZ10-1)

February 12, 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.

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.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	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, 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 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 over forty-five (45) uses permitted 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.

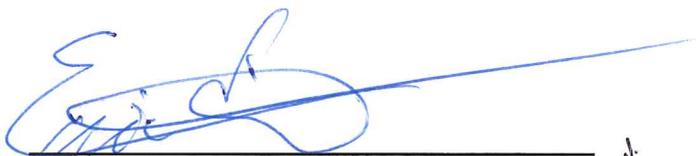
CONDITIONS FOR APPROVAL: (For requests #3 and #5 only).

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

NDM

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)	<i>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.</i>
Objective LU-4 (Pg. I-11)	<i>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.</i>
Policy LU-4A (Pg. I-11)	<i>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.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(4)(a) Use Variances From Other Than Airport Regulations	<i>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.</i>
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ZONING RECOMMENDATION ADDENDUM

Applicant: Carol Jewelers
PH: Z13-006

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.	<i>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.</i>
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Memorandum



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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

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.

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



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.

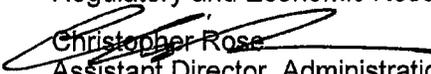
This project meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply.

Memorandum



Date: February 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 | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 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 PWMM has no objections to the proposed application.**

Memorandum



Date: March 1, 2013

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

From: Maria I. Nardi, Chief *M.I.*
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 MDRF 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:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>N/A</u> 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.

15

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

CAROL JEWELERS

7295 CORAL WAY, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2013000006

HEARING NUMBER

HISTORY:

NC OPEN: THERE ARE NO CURRENT OPEN REGULATIONS CASES.

NC CLOSED: CASE #201303010900, WAS OPENED ON DECEMBER 19, 2013, FOR FAILURE TO PERFORM LOT MAINTENANCE AND REMOVE SOLID WASTE JUNK, TRASH, AND/OR DEBRIS [JUNK AND TRASH IN THE REAR OF THE BUILDING; DISCARDED FURNITURE, BOXES, PIECES OF WOOD, AND MISCELLANOUS ITEMS. A WARNING LETTER WAS ISSUED THAT SAME DAY. THE VIOLATION WAS CORRECTED AND THE CASE HAS BEEN CLOSED.

CASE #201303007406, WAS OPENED ON AUGUST 8, 2013, FOR A VEHICLE ADVERTISEMENT VIOLATION. NO VEHICLES FOR SALE OR OBSERVED AT THE TIME OF THE INSPECTION. THE CASE HAS BEEN CLOSED.

CASE #201303007410, WAS OPENED, ON AUGUST 8, 2013, FOR SIGNS ON THE RIGHT OF WAY VIOLATION. A FIRST INSPECTION WAS CONDUCTED THE SAME DAY. NO SIGNS OBSERVED. A FOLLOW-UP INSPECTION WAS CONDUCTED ON DECEMBER 19, 2013. NO SIGNS OBSERVED. THE CASE HAS BEEN CLOSED.

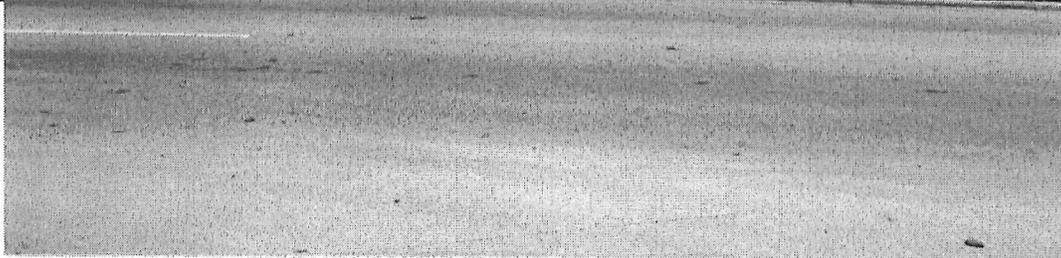
BLDG: THERE ARE NO CURRENT OPEN OR CLOSED BUILDING REGULATIONS CASES.

CAROL JEWELERS

PHOTOGRAPHS –submit photos showing entire site and all structures
FRONT ELEVATION



SIDE



REAR



Additional photos may be submitted

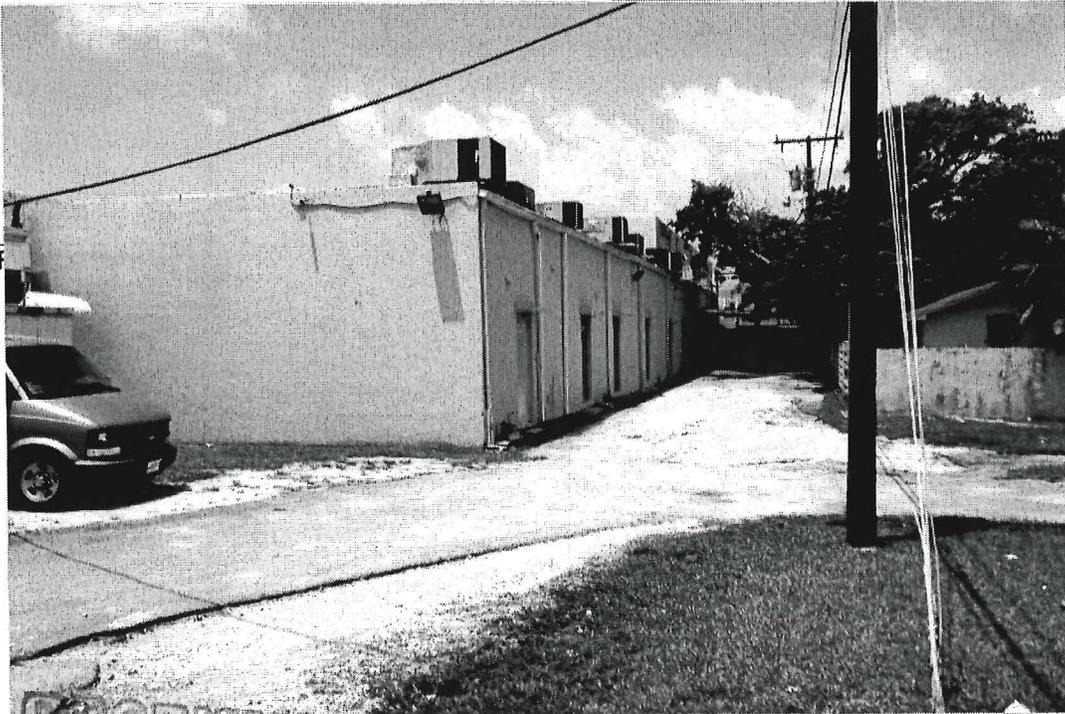
MAY 14 2013
213-000
ZONING PERMITS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY 

8/3/12 rcc

PHOTOGRAPHS –submit photos showing entire site and all structures
FRONT ELEVATION



SIDE



REAR

RECORDED
INDEXED
213-006
AUG 14 2012

Additional photos may be submitted

ZONING BOARD SECTION
MAYOR'S OFFICE
BY: [Signature] AND ZONING DEPT.

8/3/12 rcc

18

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

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>CAROL JEWELERS, CORP</u>	<u>100%</u>
<u>7295 SW 34 ST SUITE 2</u>	
<u>MIAMI, FL 33155</u>	
<u>CAROL SUAREZ</u>	

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 _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

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: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

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.

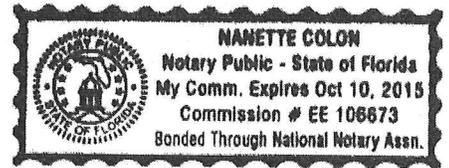
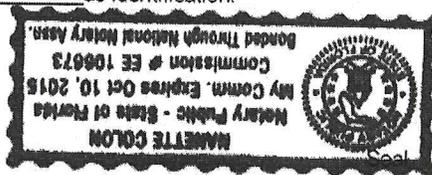
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

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: _____



*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.

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: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
CORAL WAY SHOPPING LLC	100 %
3455 S.W. 130 AVE	
MIAMI FL 33175	
MIKE SIGLER	

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 _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

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: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

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.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

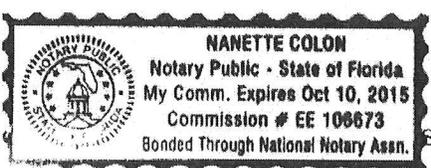
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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)



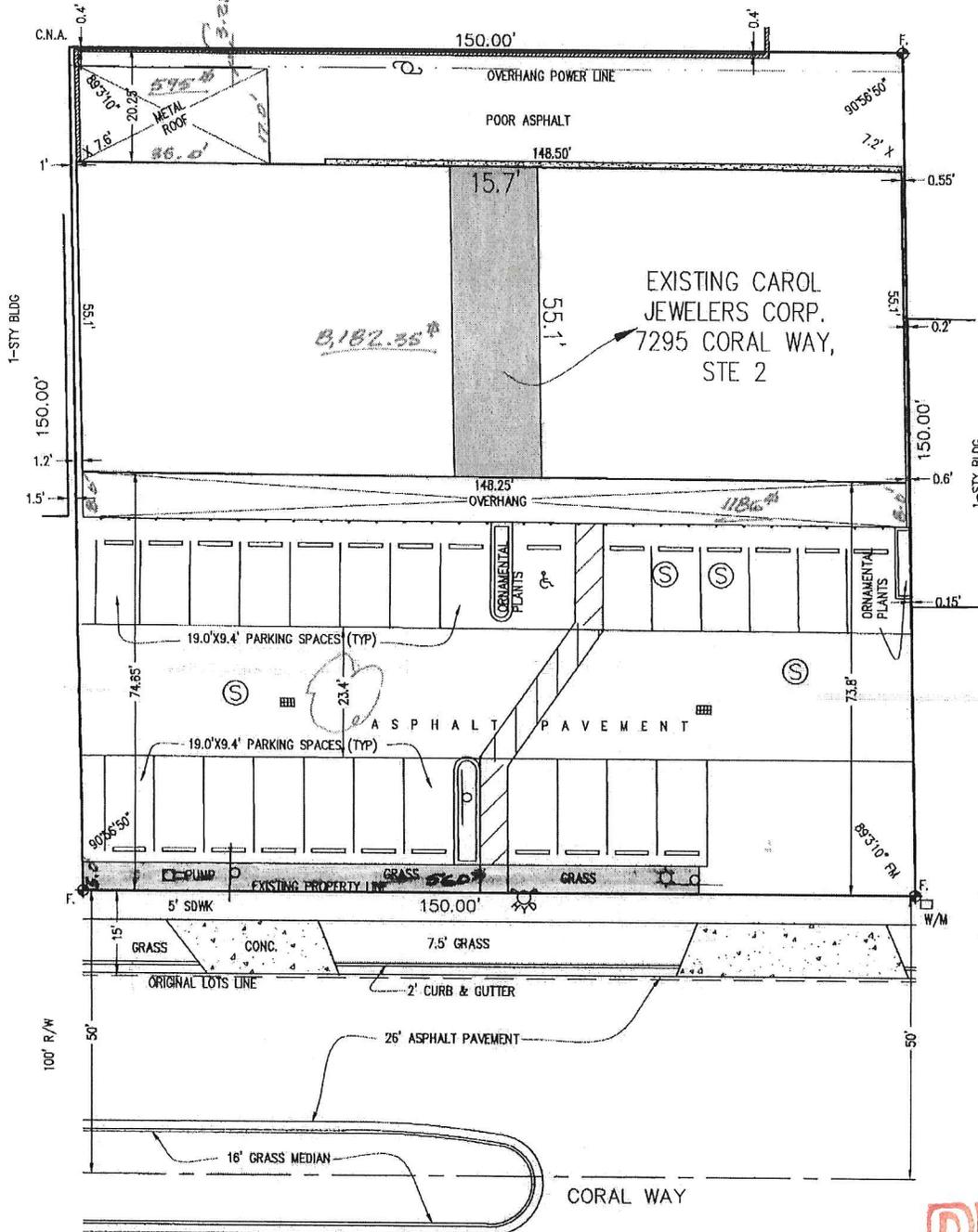
My commission expires: _____

*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.

22

SITE PLAN

SCALE: NOT TO SCALE



LEGEND

LOT COVER = 9,963.35[#] = 44.3% > 40% ∴ **NO**
 LANDSCAPE AREA = 560[#] = 0.02% < 18% ∴ **NO**
 PARKING = 8182[#] / 150 = 53 SPACES REQ'D
 26 SPACES PROVIDED < 53 ∴ **NO**

595.0
 8182.35
 1,186.00
 9,963.35 TOTAL LOT COV

RECEIVED
 213-000
 MAY 14 2013

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

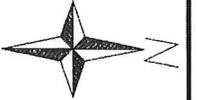
ENLARGED SITE PLAN

23

011
 NING

 N
 35
 52

 N/A
 -11-09



ZONING LEGEND:
64110 COMMERCIAL
-CENTRAL CLUC 0011
RETAIL OUTLET ZONING
BUILD YEAR 1980

FLOOD INFORMATION
COMMUNITY: 120635
PANEL: 1208600452
SUFFIX: L
FLOOD ZONE: X
BASE FLOOD ELEV.: N/A
DATE OF FRM: 09-11-09

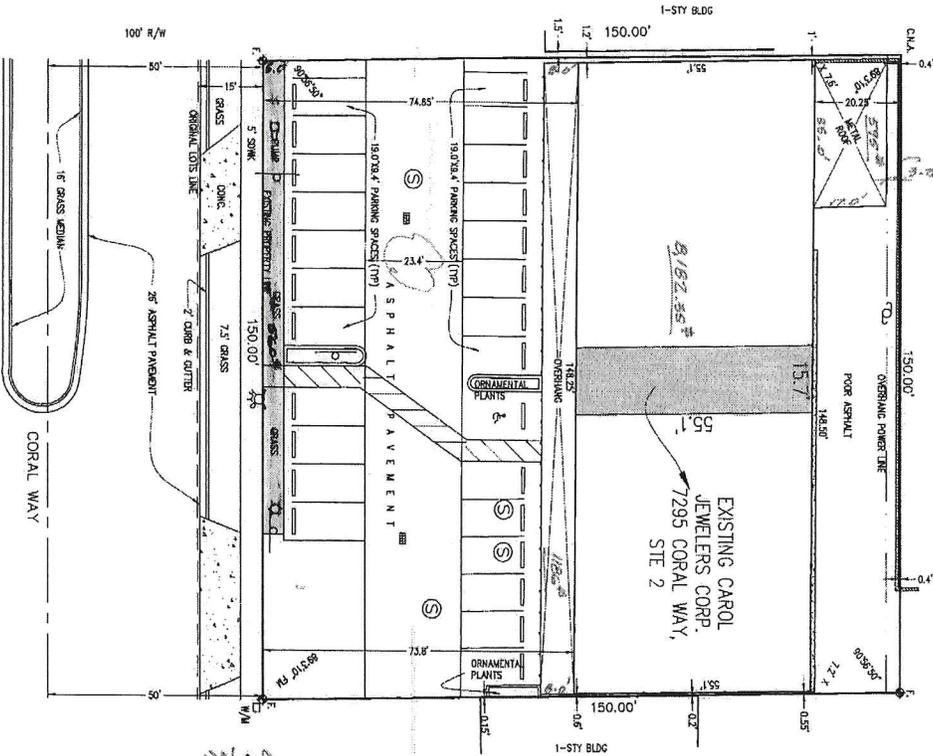
SETBACK
NORTH 20.25'
SOUTH 73.80'
EAST 0.55'
WEST 1.00'

PARKING SPACES
REGULAR 25
HANDICAP 1
TOTAL 26
8745 SQ. FEET

9 SPACES
8 TENANTS
F.A.R. 36.3%
GRASS 610 SQ. FT.

LOT COVER 22,500
SQ. FT.
BUILDING COVER
8169 SQ. FT.

SITE PLAN
SCALE: NOT TO SCALE



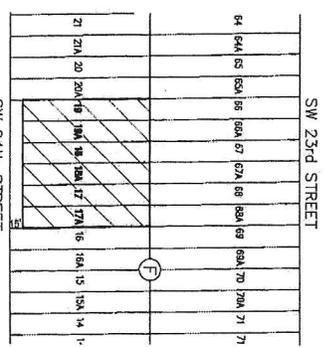
LEGEND
LOT COVER = 9,912.55 sq ft = 44.2%
LANDSCAPE AREA = 5,500 sq ft = 24.4%
PARKING = 8,169 sq ft = 36.3%
TOTAL SPACES PROVIDED = 26 SPACES

SCALE
1" = 20'

FOR CORAL WAY SHOPPING LLC
ADDRESS: 7297 THRU 7299 CORAL WAY, MIAMI, FLORIDA 33155

LEGAL DESCRIPTION:
LOTS 17, 17A, 18, 18A, 19, AND 19A LESS THE SOUTH 15 FEET IN BLOCK F OF SECTION NO. 2 CORAL TERRACE ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 14 AT PAGE 58 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, CONTAINING 22,500.0 SQUARE FEET, 0.516 ACRES.

JOB No: 0912101A
SUBMIT DATE: 12-11-2012



595.0
816.25
118.00
196.25

RECEIVED
MAR 14 2013

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

Name	Address	Phone	Sq. Ft.
Unisex Beauty Salon	7287 Coral Way	786-501-1787	860
Metro PCS	7289 Coral Way	305-260-0447	860
New Uniforms	7291 Coral Way	305-455-1436	860
Novus Pharmacy	7295-1 Coral Way	305-262-6682	860
Carroll Jewelers	7295-2 Coral Way	305-267-4456	860
Gables Home Health	7293 Coral Way	305-722-2525	860
Cardignus Electronics	7299 Coral Way	305-261-6333	1720

FREEDOM OF LAND CORP
Surveying Services
7875 W. FLAGLER STREET, SUITE 307
MIAMI, FLORIDA 33144
MPC0000001 POLY-SURVEYING / LAKESH

PROFESSIONAL SEAL
12/11/12

24

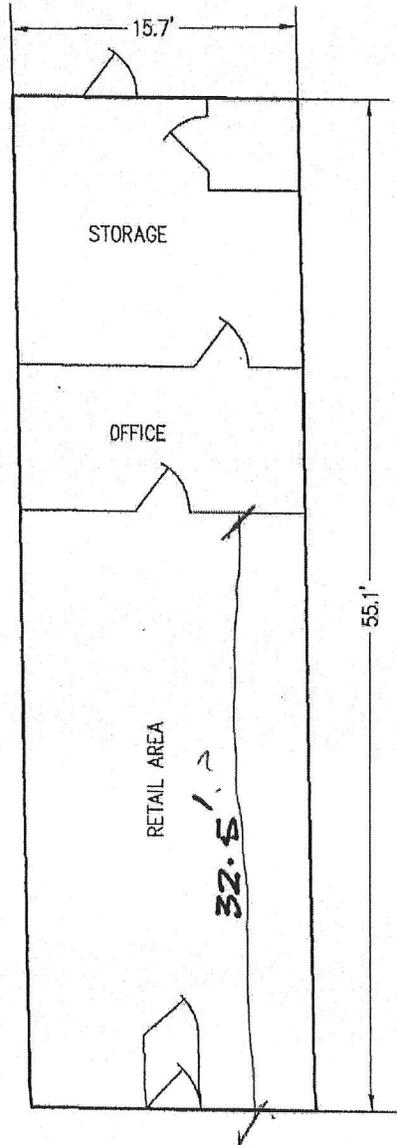
STORE: CAROL JEWELRY CORP.

ADDRESS: 7295 CORAL WAY, SUITE 2, MIAMI, FLORIDA 33155

FLOOR PLAN
865 SQ. FEET



NOT TO SCALE



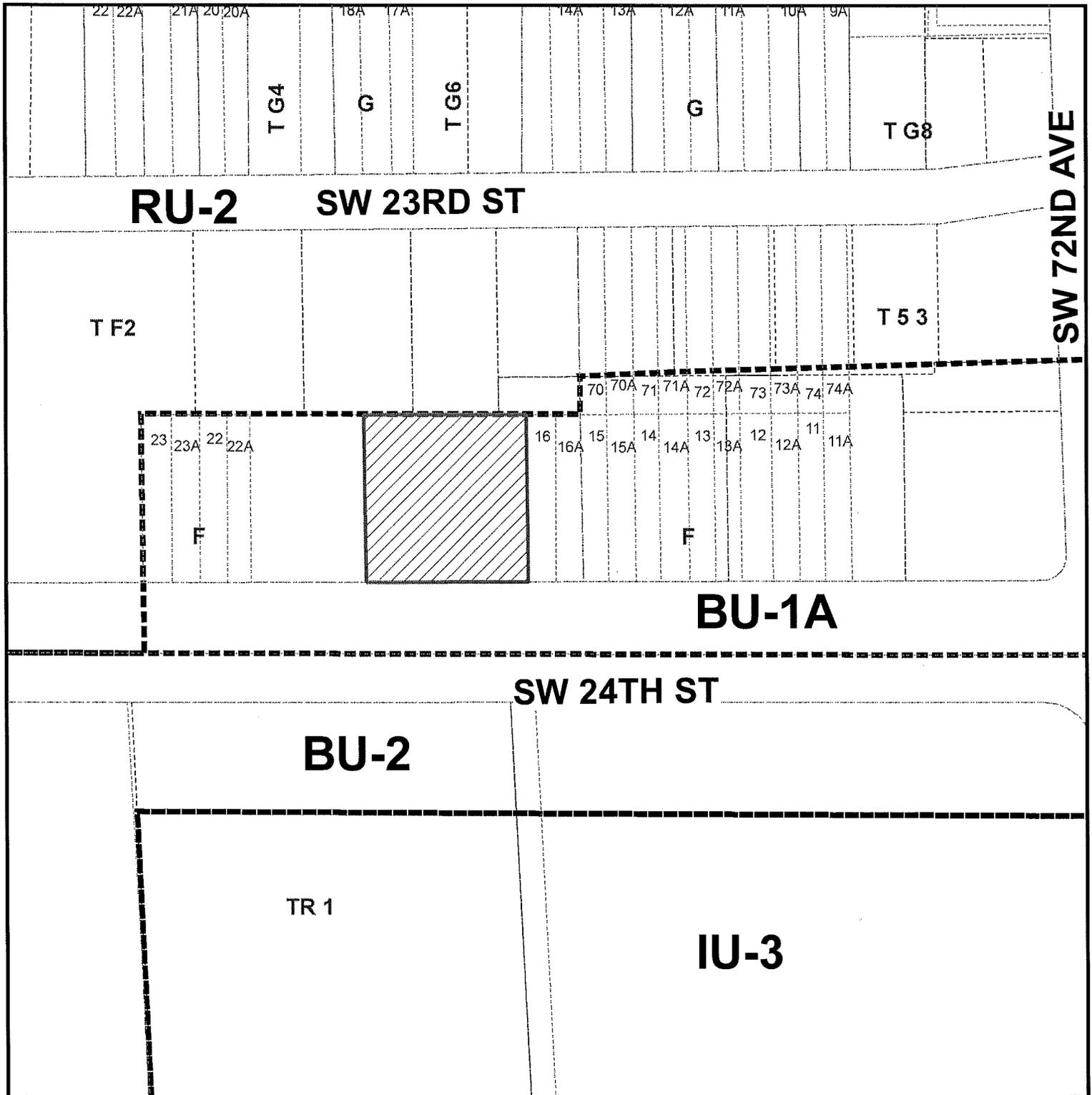
213-006
RECEIVED
JAN 22 2013

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

DH

RECEIVED
213-006
JAN 22 2013

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



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2013000006



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



SKETCH CREATED ON: Wednesday, February 20, 2013

REVISION	DATE	BY
		26



SW 23RD ST

SW 72ND AVE

SW 24TH ST

MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number
Z2013000006



Section: 11 Township: 54 Range: 40
 Applicant: CAROL JEWELERS
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

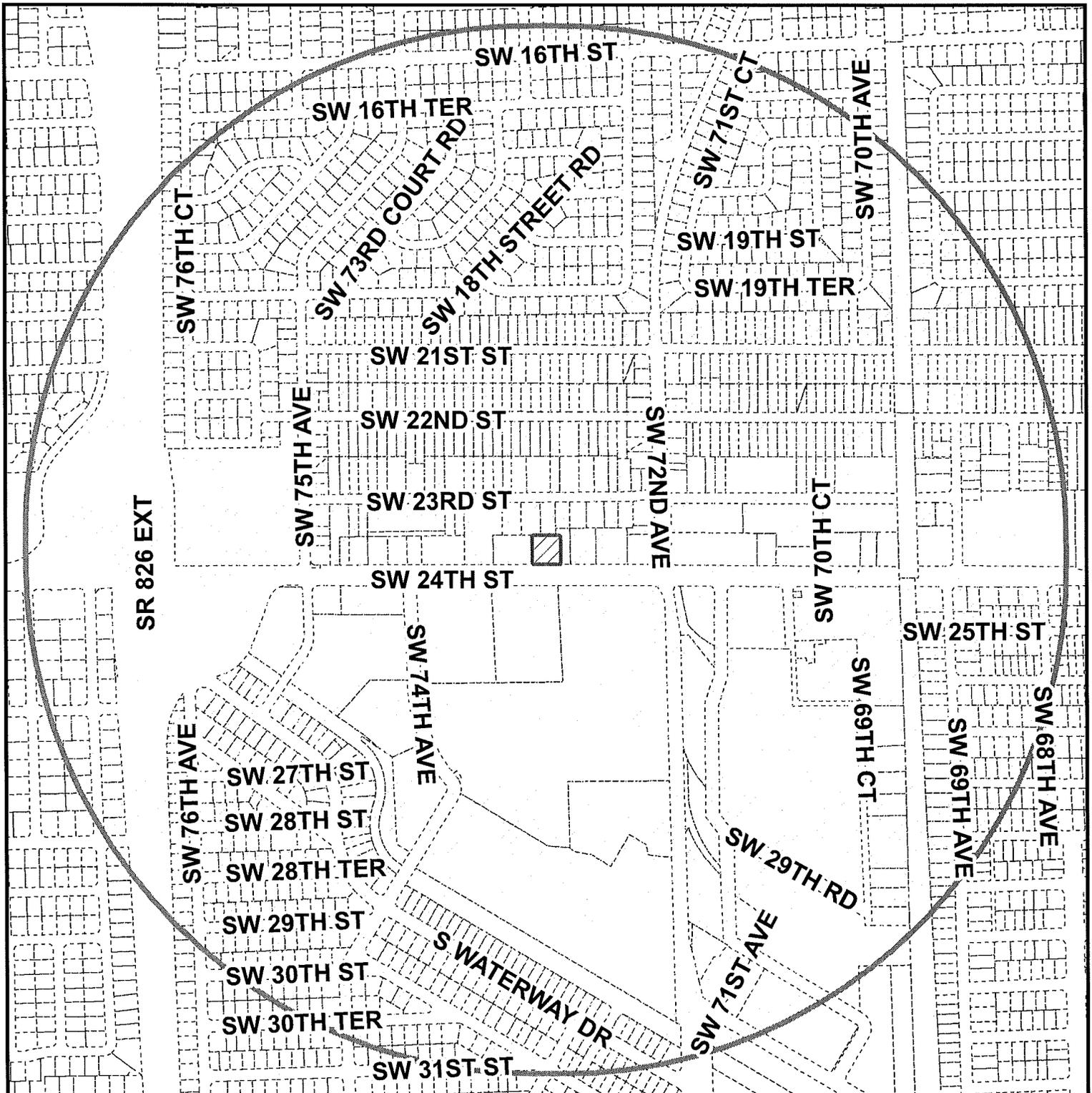
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, February 20, 2013

REVISION	DATE	BY
		27



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

Legend

-  Subject Property
-  Buffer



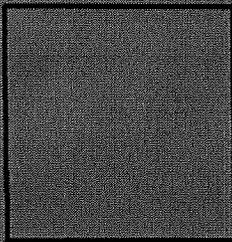
SKETCH CREATED ON: Wednesday, February 20, 2013

REVISION	DATE	BY
		28

(LMDR) 6-13 DU/AC

SW 23RD ST

BUSINESS AND OFFICE



SW 24TH ST

INDUSTRIAL AND OFFICE

TRANSPORTATION

SW 72ND AVE

IN

MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2013000006



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



SKETCH CREATED ON: Wednesday, February 20, 2013

REVISION	DATE	BY

Carol Jewellers
C10 2/12/13
13-006

This instrument was prepared by:

Name:

CAROL SUAREZ
7295 Coral Way
Suite 2
Miami, FL 33155
305-267-4452

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, Coral Way Shopping, LLC, a Florida limited liability company, holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. 13-006 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

Limitation of uses:

That the property be restricted to a pawnbroker use in connection with the existing jewelry store, provided that said pawnbroker use shall be limited solely to the pawning of jewelry only.

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 premises 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 may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida 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 real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their 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 the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all 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.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. 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 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 any further permits, and refuse to make any inspections or grant any approvals, 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 Owners 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 Regulatory and Economic Resources Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her 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 deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

Declaration of Restrictions

Page 5

Witnesses:

[Signature]

Signature
Nanette Colon
Print Name

X
Signature
Richard Suarez
Print Name

Coral Way Shopping, LLC
Name of Corporation

Address:
7295 Coral Way
Suite 2
Miami, FL 33155

By _____
(President, Vice-President or CEO*)

Print Name: Miguel Sigler, Jr.

[*Note: All others require attachment of original corporate resolution of authorization]

STATE OF Florida

COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me by Miguel Sigler Jr the
Member (Title) of Coral Way Shopping (Name) corporation, on
behalf of _____

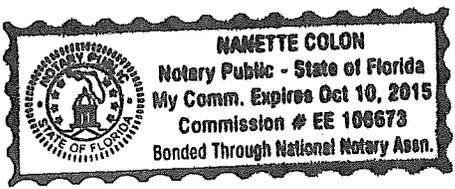
the corporation. He/She is personally known to me or has produced
IDL as identification.

Witness my signature and official seal this 6 day of September
2013, in the County and State aforesaid.

Notary Public - State of Florida

[Signature]
Print Name

My Commission Expires:



JOINDER BY MORTGAGEE CORPORATION

The undersigned Coral Way Shopping LLC, a Florida Limited Liability (state) corporation and Mortgagee under that certain mortgage from Eastern National Bank dated the 10 day of September, 2010, and recorded in Official Records Book 27418, Page 1071, of the Public Records of Miami-Dade County, Florida, covering all or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 6th day of September, 2013.

Witnesses:

[Signature]
Signature
Nanette Colon
Print Name

Signature

Print Name

Coral Way Shopping LLC
Name of Corporation
Address: 7295 Coral Way, Suite 2
Miami, FL 33155
By [Signature]
(President, Vice-President or CEO*)
Print Name: Miguel Sigler, JR.

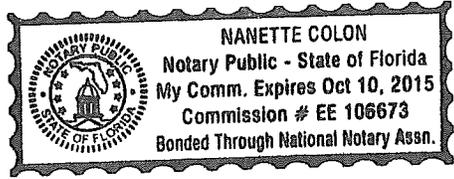
[*Note: All others require attachment of original corporate resolution of authorization]

STATE OF Florida
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me by Miguel Sigler JR the Member of Coral Way Shopping corporation, on behalf of _____ (Title) _____ (Name) the corporation. He/She is personally known to me or has produced DL, as identification.

Witness my signature and official seal this 6th day of September, 2013, in the County and State aforesaid.

Notary Public-State of Florida
[Signature]
Print Name
My Commission Expires:



ACKNOWLEDGEMENT CORPORATION

Signed, witnessed, executed and acknowledged on this 6th day of September, 2013

IN WITNESS WHEREOF, Coral Way Shopping, LLC, a Florida Limited Liability has caused these presents to be signed in its name by its proper officials.

Witnesses:

[Signature]

Signature

Nanette Colon

Print Name

Signature

Richard Suarez

Print Name

Coral Way Shopping LLC

Name of Corporation

Address:

7295 Coral Way, suite 2
Miami, FL 33155

By

(President, Vice-President or CEO*)

Print Name: Miguel Sigler Jr.

[*Note: All others require attachment of original corporate resolution of authorization]

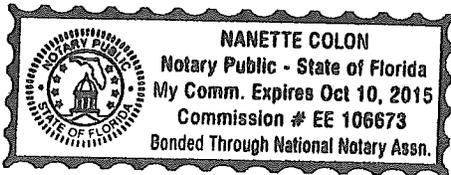
STATE OF Florida

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me by Miguel Sigler Jr. (Name)
the MEMBER (Title) of CORAL WAY SHOPPING (Corporation Name) corporation, on behalf of the corporation.

He/She is personally known to me or has produced DRIVERS LICENSE, as identification.

Witness my signature and official seal this _____ day of _____, _____, in the County and State aforesaid.



[Signature]

Signature

Nanette Colon

Print Name

Notary Public-State of _____

My Commission Expires: _____

EXHIBIT A

Lots 17, 17a, 18, 18a, 19 and 19a, Block F, Coral Terrace Section Two, according to the plat thereof as recorded in Plat Book 14, Page(s) 58, Public Records of Miami-Dade County, Florida, less the South 15 Fee thereof