

# Memorandum



**Date:** March 3, 2011  
**To:** Distribution  
**From:** Earl Jones, Deputy Clerk  
**Subject:** Resolutions

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Attached are resolution CZAB7-1-11 and the list from the Community Zoning Appeals Board No. 7 hearing of February 16, 2011.

Any missing resolutions must be reported to this office (ext. 2129) no later than five (5) days from the date of this memo.

## Attachments

**Distribution:** Agenda Coordinator's Office - MDC - 11th Floor  
Clerk of the Board – Linda Cave, MDC -17th Floor  
Property Appraiser –Angela Hall/ Eugenio Alonso, MDC - 8th Floor

CLERK OF THE BOARD  
2011 MAR -3 PM 3:35  
CLERK, CIRCUIT B, COUNTY COURT  
DADE COUNTY, FLA  
#1



COMMUNITY ZONING APPEALS BOARD 7

Hearing Date: FEBRUARY 16, 2011

The Community Zoning Appeals took the following action on the items listed below

11-2-CZ7-1	JP MORGAN CHASE BANK N. A. Approved In Part approved of request #2 with conditions denied without prejudice of request #1	10-83 CZAB7111	32-52-42
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**COUNTY STAFF ATTENDEES:**

CRAIG COLLER - ASSISTANT COUNTY ATTORNEY  
 CARL HARRISON - ZONING EVALUATION SECTION  
 FRANKLIN GUTIERREZ - ZONING AGENDA COORDINATOR'S OFFICE  
 THOMAS GOMEZ - ZONING AGENDA COORDINATOR'S OFFICE

NOTICE

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 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.  
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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 Planning and Zoning (DPZ) within 14 days after the DPZ 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. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) 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](http://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.

**RESOLUTION NO. CZAB7-1-11**

*WHEREAS, JP MORGANCHASE BANK N. A.* applied for the following:

- (1) Applicant is requesting to permit a 4<sup>th</sup> wall sign (3 sign maximum permitted).
- (2) Applicant is requesting to permit directional signs with logos and names (not permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Chase Bank," as prepared by Shanna Brogan, consisting of 6 sheets dated stamped received 10/19/10. Plans may be modified at public hearing.

SUBJECT PROPERTY: Block 12, less the west 700' of BISCAYNE SHORES, UNIT NO. 2, Plat book 40, Page 81.

LOCATION: 10760 Biscayne Boulevard, Miami-Dade County, Florida, and

*WHEREAS,* a public hearing of the Miami-Dade County Community Zoning Appeals Board 7 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

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

*WHEREAS,* upon due and proper consideration having been given to the matter it is the opinion of this Board that the request to permit directional signs with logos and names (Item #2) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the request to permit a 4<sup>th</sup> wall sign (Item #1) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and

*WHEREAS,* a motion to approve Item #2 and to deny Item #1 without prejudice was offered by Shannon Noble, seconded by Lynne Hyde, and upon a poll of the members present the vote was as follows:

Lynne Hyde	aye	Jake Miller	aye
Louis Imburgia	aye	Walter Lebowitz	aye
		Shannon Noble	aye
	Mike Brescher	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 7 that the request to permit directional signs with logos and names (Item #2) be and the same is hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Chase Bank," as prepared by Shanna Brogan, consisting of 6 sheets dated stamped received 10/19/10, except as herein amended to delete the fourth (4<sup>th</sup>) wall sign.
3. That the use be established and maintained in accordance with the approved plan.

BE IT FURTHER RESOLVED, that Item #1 be and the same is hereby denied without prejudice.

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

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

*PASSED AND ADOPTED* this 16<sup>th</sup> day of February, 2011.

Hearing No. 11-2-CZ7-1

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**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY  
COMMISSIONERS ON THE 3<sup>RD</sup> DAY OF MARCH, 2011.**

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 7, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB7-1-11 adopted by said Community Zoning Appeals Board at its meeting held on the 16<sup>th</sup> day of February, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 3<sup>rd</sup> day of March, 2011.

  
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Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL

