Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-9-14

WHEREAS, FIVE STAR JEWELERS, INC. applied to Community Zoning Appeals Board 11 for the following:

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

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "New Shopping Center Plaza" as prepared by Octavio A. Santurio A.I.A dated stamped received 5/22/13 and consisting of 2 sheets and a plan entitled "Five Star Jewelers" as prepared by Roger Perez, dated stamped received 6/25/13, consisting of 1 sheet for a total of 3 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "A", less the E245' of S205' of WEST KENDALL BEST, PB 143-35.

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

WHEREAS, a public hearing of Community Zoning Appeals Board 11 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 11 that the requested use variance to permit a pawnbroker use in the BU-1A, as would be permitted in the BU-3 zone, only upon approval after public hearing, would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and said application was approved by Resolution No. CZAB11-9-13, and

WHEREAS, the DIRECTOR OF THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES appealed the decision of Community Zoning Appeals Board 11

to the Board of County Commissioners for the following:

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

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "New Shopping Center Plaza" as prepared by Octavio A. Santurio A.I.A dated stamped received 5/22/13 and consisting of 2 sheets and a plan entitled "Five Star Jewelers" as prepared by Roger Perez, dated stamped received 6/25/13, consisting of 1 sheet for a total of 3 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "A", less the E245' of S205' of WEST KENDALL BEST, PB 143-35.

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

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested the deletion of Condition #6 from Resolution No. CZAB11-9-13 pertaining to the submittal of a Declaration of Use, 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, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 11 and after having given an opportunity for interested parties to be heard, it is the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB11-9-13 and that the appeal should be denied and the decision of Community Zoning Appeals Board 11 should be sustained, and that the request to delete

Condition #6 from Resolution No. CZAB11-9-13 pertaining to the submittal of a Declaration of Use should be approved, and

WHEREAS, a motion to deny the appeal and sustain the decision of Community Zoning Appeals Board 11 on a modified basis to reflect the deletion of Condition #6 from Resolution No. CZAB11-9-13 was offered by Commissioner Jose "Pepe" Diaz, seconded by Commissioner Esteban Bovo, Jr., and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Barbara J. Jordan	absent
Lynda Bell	aye	Jean Monestime	aye
Esteban Bovo, Jr.	aye	Dennis C. Moss	absent
Jose "Pepe" Diaz	aye	Sen. Javier D. Souto	aye
Audrey M. Edmonson	aye	Xavier L. Suarez	abent
Sally A. Heyman	absent	Juan C. Zapata	absent

Rebecca Sosa aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby denied and the decision of Community Zoning Appeals Board 11 is sustained, and the request to delete Condition #6 from Resolution No. CZAB11-9-13 is granted.

BE IT FURTHER RESOLVED that Resolution No. CZAB11-9-13 remains in full force and effect as modified to reflect the deletion of Condition #6 pertaining to the submittal of a Declaration of Use, and that the conditions of said resolution shall be as follows:

1. That a site plan be submitted to and meet with the approval of the Director of Regulatory and Economic Resources, upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, location of structures or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Shopping Plaza," as prepared by Octavio A. Santurio, A.I.A., consisting of two (2) sheets dated stamped received May 22, 2013, and entitled "Existing Jewelry Store Floor Plan," as prepared by Roger Perez, consisting of one (1) sheet dated stamped received June 25, 2013.

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

4. That the applicant obtain a Certificate of Use and Occupancy from and promptly renew the same annually with the Miami-Dade County Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

5. That no stringer lights, pennants, mobile or stationary visual devices, except as permitted under point of sale sign regulations, shall be used or displayed. In addition the terms pawn, pawning, or pawnshop shall not be used in any outdoor signs.

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

7. That the operating hours for the pawn shop use not extend beyond those for the jewelry store.

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

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 22ND day of May, 2014, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 13-11-CZ11-1
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HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By CHRISTOPHER AGRIPPA
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 10TH DAY OF JUNE, 2014.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Rosa Davis as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-9-14 adopted by said Board of County Commissioners at its meeting held on the 22nd day of May, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 10th day of June, 2014.

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

SEAL

COUNTY COMMISSIONERS
MIAMI-DADE COUNTY FLORIDA