

Third District Court of Appeal

State of Florida

Opinion filed April 5, 2017.
Not final until disposition of timely filed motion for rehearing.

No. 3D16-1431
Lower Tribunal No. 14-427

El Avila Child Development Center, LLC,
Petitioner,

vs.

City of Miami, etc.,
Respondent.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Maria M. Korvick, Barbara Areces and George A. Sarduy, Judges.

Ehrenstein Charbonneau Calderin, and Jake M. Greenberg and Christopher B. Spuches, for petitioner.

Victoria Méndez, City Attorney, and Kerri L. McNulty, Assistant City Attorney, for respondent.

Before FERNANDEZ, LOGUE and SCALES, JJ.

PER CURIAM.

El Avila Child Development Center, Inc. (“El Avila”) petitioned this Court for second-tier certiorari review of a May 19, 2016 decision of the Miami-Dade Circuit Court appellate division. El Avila had applied to the City of Miami for a zoning exception in order to expand an existing day care facility into a pre-school with a greater population of students. At a quasi-judicial hearing, the Miami City Commission denied El Avila’s application. The circuit court then denied El Avila’s petition for a writ of certiorari to review the Miami City Commission’s decision.

We conclude that the circuit court provided due process to El Avila and did not depart from the essential requirements of law. Custer Med. Ctr. v. United Auto. Ins. Co., 62 So. 3d 1086 (Fla. 2010).

Petition denied.