

RESOLUTION No. 2007-112-619-Z-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY MIAMI TOWER, LLC, FOR CERTAIN NON-USE VARIANCES OF ZONING REGULATIONS; FOR RESCISSION OF RESOLUTION 4-ZAB-44-79 PASSED AND ADOPTED BY THE METROPOLITAN DADE COUNTY ZONING APPEALS BOARD ON SEPTEMBER 6, 1995; SPECIAL EXCEPTION TO PERMIT A NEW TOWER AND EXPANSION OF THE EXISTING RADIO/TV TRANSMITTING STATION AND OFFICES TO INCLUDE A NEW 1600-SQUARE FOOT TRANSMITTER STATION; AND UNUSUAL USE TO PERMIT (REPLACE) A 1,044-FOOT GUYED TOWER FOR TV TRANSMISSION, ON PROPERTY GENERALLY LOCATED NORTH OF NORTHWEST 207<sup>TH</sup> STREET BETWEEN NORTHWEST 4<sup>TH</sup> AVENUE AND NORTHWEST 7<sup>TH</sup> AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A DECLARATION OF RESTRICTIVE COVENANTS; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Miami Tower, LLC ("Applicant"), owns certain property located at 501 Northwest 207<sup>th</sup> Street, more particularly described on Exhibit "A" attached hereto, and

WHEREAS, the Applicant seeks the following approval:

1. Rescission of Resolution 4-ZAB-44-79 passed and adopted by the Metropolitan Dade County Zoning Appeals Board on September 6, 1995.
2. Special Exception to permit the expansion of the existing radio/TV transmitting station and offices to include a new 1600-square foot transmitter station.
3. Unusual use to permit (replace) a 1,044-foot guyed tower for TV transmission.

WHEREAS, the City Council held a public hearing on the application on July 18, 2007, and

WHEREAS, the City's Planning & Zoning staff has made a determination that the application is consistent with the Comprehensive Development Master Plan, and

WHEREAS, the City's Planning & Zoning staff recommends approval of the application subject to certain conditions, and

WHEREAS, the City Council considered the testimony of the Applicant, if any, and

WHEREAS, the City Council also considered the testimony of the City's Planning & Zoning staff, and the Staff Report attached hereto as Exhibit "B," incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. APPROVAL: The City Council of the City of Miami Gardens, hereby approves the application submitted by the Applicant as follows:

1. Modification of Resolution 4-ZAB-44-79 passed and adopted by the Metropolitan Dade County Zoning Appeals Board on September 6, 1995.
2. Special Exception to permit the expansion of the existing radio/TV transmitting station and offices to include a new 1600-ssquare foot transmitter station.
3. Unusual use to permit (replace a 1,044-foot guyed tower for TV transmission.

Section 3. DECLARATION OF RESTRICTIONS: The City Council of the City of Miami Gardens, Florida, hereby approves the Declaration of Restrictive Covenants attached hereto as Exhibit "C."

Section 4. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON JULY 18, 2007.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Vice Mayor Braynon  
SECONDED BY: Councilman Campbell

VOTE: 5-1

Mayor Shirley Gibson	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Vice Mayor Oscar Braynon, II	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilman Melvin L. Bratton	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilman Aaron Campbell	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilman André Williams	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilwoman Sharon Pritchett	<input type="checkbox"/> (Yes)	<input checked="" type="checkbox"/> (No)
Councilwoman Barbara Watson	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No) Out of town

SKD/teh  
259733\_1.DOC