

RESOLUTION No. 2009-156-1101-Z-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY T-MOBILE, LLC SOUTH, FOR AN UNUSUAL USE TO PERMIT A 100-FOOT HIGH FLAGPOLE STEALTH ANTENNA ON CITY-OWNED PROPERTY LOCATED AT 19455 NORTHWEST 12th AVENUE AND A NON-USE VARIANCE OF SETBACK REQUIREMENTS TO PERMIT SAID FLAGPOLE TO SET BACK EIGHTEEN FEET (18') FROM THE NEAREST POINT OF AN ADJACENT PROPERTY, AND SEVENTY-FOUR FEET (74') FROM THE EDGE OF THE RIGHT-OF-WAY OF NORTHWEST 12TH AVENUE, WHERE NINETY (90) FOOT MINIMUM SETBACKS ARE REQUIRED; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Miami Gardens owns property located at 19455 Northwest 12th Avenue, more particularly described in Exhibit A attached hereto ("Property"), and

WHEREAS, T-Mobile, LLC South ("Applicant"), intends to request that the City Council approve a lease agreement between the City and Applicant to permit a 100-foot high flagpole to carry a T-Mobile stealth antenna on the site of a city-owned Optimist Park, and

WHEREAS, the Applicant seeks a non-use variance of setback requirements as applied to the height of poles to permit said flagpole to be setback eighteen feet (18') from the nearest point of an adjacent property under another ownership, and seventy-four feet (74') from the edge of the right-of-way of Northwest 12th Avenue, instead of the ninety (90') foot minimum setback required for a pole of such height, and

WHEREAS, the City Council held a Public Hearing on September 2, 2009, and

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

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

WHEREAS, the City Council considered the testimony of the Applicant, if any, the testimony of the City's Planning and 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 3. APPROVAL: The City Council of the City of Miami Gardens hereby approves the Application submitted by the Applicant for a non-use variance of setback requirements as applied to the height of poles to permit said flagpole to be setback eighteen feet (18') from the nearest point of an adjacent property under another ownership, and seventy-four feet (74') from the edge of the right-of-way of Northwest 12th Avenue, instead of the ninety (90') foot minimum setback required for a pole of such height.

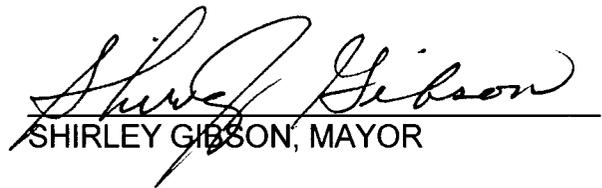
Section 3. CONDITION: This Approval is subject to the following conditions:

a. The City Council of the City of Miami Gardens enters into a lease agreement with T-Mobile to permit T-Mobile to install a flagpole stealth antenna on City property, and

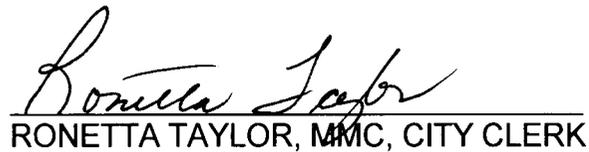
b. That the development be consistent with plans submitted to and approved by the City.

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 SEPTEMBER 2, 2009.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Vice Mayor Gilbert
SECOND BY: Councilwoman Watson

VOTE: 5-1

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Oliver Gilbert, III	<u> X </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> X </u> (Yes)	<u> </u> (No)
Councilman Aaron Campbell	<u> </u> (Yes)	<u> </u> (No) (out of town)
Councilwoman Barbara Watson	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> </u> (Yes)	<u> X </u> (No)
Councilman André Williams	<u> X </u> (Yes)	<u> </u> (No)