

RESOLUTION No. 2005-61-238-Z-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF D.R. HORTON, INC. FOR CERTAIN NON-USE SETBACK VARIANCES FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTHWEST 207TH STREET AND NORTHWEST 7TH AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, D.R. Horton, Inc. ("Applicant") has filed an application with the City of Miami Gardens for the approval of certain non-use setback variances for forty nine (49) lots located within a five hundred forty-three (543) lot subdivision, and

WHEREAS, the requested setbacks are more particularly described on Exhibit "A" attached hereto, and

WHEREAS, City Staff has reviewed the Applicant's request and is recommending that the City Council approve the Applicant's request, with certain conditions, and

WHEREAS, a public hearing on this matter has been held on April 6, 2005, and

WHEREAS, the City Council has reviewed the application and approved the same, subject to certain conditions enumerated herein,

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 for the City of Miami Gardens hereby approves the application submitted by D.R. Horton, Inc. for the Coconut Cay development for non-use setback variances for forty nine (49) lots, more particularly described on Exhibit "A", attached hereto.

Section 3. CONDITIONS: The Applicant's request is approved and subject to the following additional conditions:

- a. That the Developer repave (overlay) NW 207th Street from US 441/SR-7 to the project's main entrance at NW 12th Avenue. Curb and gutter shall be added between the guardhouse and NW 7th Avenue. The City shall share 50% of the reasonable costs of said repairs and repaving.
- b. That the Developer construct a landscaped sidewalk on the south side of NW 207th Street between NW 4th and NW 7th Avenues. The City shall share 50% of the reasonable costs of said sidewalk.
- c. That the Developer upgrade lighting on NW 207th Street between NW 4th and NW 7th Avenues. Said lighting is located within the Andover Street Lighting Special Taxing District (STD). All applicable rules and regulations affecting Special Taxing Districts shall be adhered to in fulfilling this condition.
- d. That the Developer shall repair as necessary and repave (overlay) NW 204th Street from US Highway 441 to NW 4 Avenue. The City shall share 50% of the reasonable costs of said repairs and repaving.
- e. That the Developer build (replace) the manned guardhouse on NW 207th Street. All applicable rules and regulations affecting Special Taxing Districts shall be adhered to in fulfilling this condition.
- f. That the Developer construct a new guardhouse on NW 204th Street after the issuance of the 260th building permit. City shall provide an easement or other appropriate instrument for location of said guardhouse. All applicable rules and regulations affecting Special Taxing Districts shall be adhered to in fulfilling this condition.
- g. That US Highway 441/SR-7 improvements shall be constructed at the

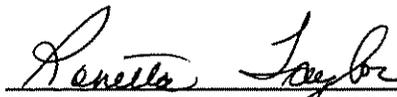
Developer's expense. Specifically, the Developer shall, subject to FDOT approval, add the longer stacking lanes and make improvements to the median of SR - 7 at the intersection of NW 207th Street and, if feasible, at NW 204th Street. The Developer will not be obligated to make significant modifications to the roadway such as land acquisition or right-of-way acquisition.

- h. That the Developer paint multi-family buildings located on NW 7th Avenue and selected homes on NW 207th Street. This condition is subject to approval from individual property owners.
- i. That the Developer replace the wall/signage feature at NW 7th Avenue and NW 207th Street with a new, landscaped feature with wording agreed to by the City and the Andover Civic Association.
- j. Traffic calming features shall be constructed by the Developer, subject to the City's approval, as follows: Roundabouts at the following intersections: NW 207th Street and NW 12th Avenue, NW 207th Street and NW 7th Avenue, NW 203rd Street and NW 12th Avenue, assuming adequate road right-of-way exists to accommodate the new roundabout construction. If one or more intersections do not have sufficient right-of-way to accommodate a roundabout, the Developer shall construct speed bumps or other appropriate intersection and/or traffic calming improvements with appropriate signage at these intersections, subject to the City's approval. Speed bumps or other appropriate traffic calming improvements plus appropriate signage shall also be designed and constructed on NW 203rd Street and NW 207th Street between NW 7th Avenue and NW 15th Avenue subject to the City's approval.

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 APRIL 6, 2005.

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK


SHIRLEY GIBSON, MAYOR

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Councilwoman Watson
SECONDED BY: Councilman Braynon

VOTE: 5-0

Mayor Gibson	<u> </u> (Yes)	<u> </u> (No)	Out of town
Vice Mayor Campbell	<u> x </u> (Yes)	<u> </u> (No)	
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)	
Councilman Oscar Braynon, II	<u> x </u> (Yes)	<u> </u> (No)	
Councilwoman Audrey J. King	<u> x </u> (Yes)	<u> </u> (No)	
Councilwoman Sharon Pritchett	<u> </u> (Yes)	<u> </u> (No)	Out of town
Councilwoman Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)	

SKD/bfc