

RESOLUTION NO. 2004-03-54-Z-5

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE ZONING APPLICATION SUBMITTED BY MIAMI GARDENS SQUARE, INC., (03-236), SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

I. RECITALS

WHEREAS, on January 7, 2004, the City Council, of the City of Miami Gardens, held a public hearing on Miami Gardens Square, Inc., application (03-236) for the following zoning request(s):

- 1. District Boundary Change from IU-2 to IU-1.**
- 2. SPECIAL EXCEPTION of spacing requirements to permit an adult entertainment space less than the state spacing requirements of 2,500' from an elementary school.**
- 3. SPECIAL EXCEPTION of spacing requirements as applied to alcoholic beverage uses, to permit the adult entertainment nightclub use to be spaced less than 2,500' from a public school.**
- 4. SPECIAL EXCEPTION of spacing requirements as applied to alcoholic beverage uses to permit an adult entertainment nightclub spaced less than the required 1,500' from existing alcoholic beverage uses.**
- 5. To permit the adult entertainment nightclub to remain open until 6:00 a.m. (5:00 a.m. closing required).**

PROPERTY ADDRESS: 18201 NW 2nd Avenue, Miami Gardens, Florida

WHEREAS, notice has been provided to all interested parties and a neighboring jurisdiction regarding the application; and

WHEREAS, the City Council has been advised by Miami-Dade County Department of Planning and Zoning that the subject application has been reviewed for applicable standards under Section 33-311(A)(8) (district boundary changes) or under Section 33-311(A)(3) Special exceptions, unusual and new uses or Section 33-311(A)(4)(b) (Non-use variances from other than airport regulations) or Section 33-311(A)(4)(c) (Alternative non-use variance standard) of the Miami-Dade County Code; and

WHEREAS, a public hearing of the City Council was advertised and held as required by law and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter; and

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

II. APPROVALS/DENIALS

Section 1. Approval. Based upon substantial competent evidence provided by Miami-Dade County and staff, request #1 district boundary change to IU1 is hereby approved; request #5 is approved subject to conditions under Section 33-311(A)(4)(b), and requests #s2 through 4 are hereby approved subject to the following conditions:

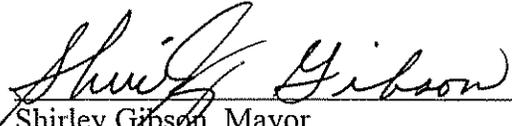
- a. That a site plan be submitted to and meet with the approval of the Director of Planning and Zoning upon submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and locations of signs, light standards, off-street parking areas, exists and entrances, drainage, walls, fences, landscaping, etc.
- b. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Miami Gardens Square One," as prepared by Brown, Demandt Architects, dated 12/08/03 and consisting of 6 sheets and an adult entertainment spacing survey as prepared by Fortin, Leavy, Skiles, Inc., dated 11/5/03 and consisting of 1 sheet.
- c. That the use be established and maintained in accordance with approved plans.
- d. That the applicants submit to the City of Miami Gardens for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
- e. That the applicant obtain a Certificate of Use from the City of Miami Gardens, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
- f. That the applicant proffers a covenant, in recordable form, to close the business known as Tootsies, located at 19839 NW 2 Avenue, within 30 days of obtaining all necessary permits and approvals, including a Certificate of Use from the City of Miami Gardens.

III. SEVERABILITY AND EFFECTIVE DATE.

Section 2. Severability. If any section, subsection, clause or provision of this Resolution is held invalid, the remainder shall not be affected by such invalidity. All Resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

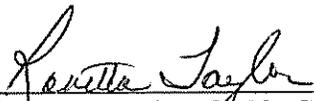
Section 3. Effective Date. This Resolution shall become effective upon adoption.

PASSED and **ADOPTED** this 7th day of January, 2004.



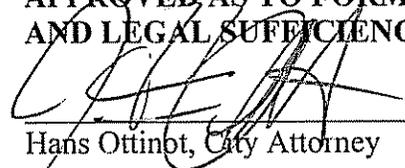
Shirley Gibson, Mayor

ATTEST:



Ronetta Taylor, EMC, City Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**



Hans Ottinot, City Attorney

VOTE: 6-0

Moved by Councilman Bratton

Seconded by Councilman Braynon

Mayor Gibson	<u> </u> x yes	<u> </u> no
Vice Mayor Campbell	<u> </u> yes	<u> </u> no (not present)
Councilman Bratton	<u> </u> x yes	<u> </u> no
Councilman Braynon	<u> </u> x yes	<u> </u> no
Councilwoman King	<u> </u> x yes	<u> </u> no
Councilwoman Pritchett	<u> </u> x yes	<u> </u> no
Councilwoman Watson	<u> </u> x yes	<u> </u> no