

RESOLUTION NO. 2004-31-82-Z-7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE ZONING APPLICATION SUBMITTED BY GREATER NEW BETHEL BAPTIST CHURCH (03-12-CMG-1/Z01-209) SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

I. RECITALS

WHEREAS, on February 4, 2004, the City Council of the City of Miami Gardens, held a public hearing on the Greater New Bethel Baptist Church's application for the following zoning requests:

- (1) **MODIFICATION of Condition #2 of Resolution 4-ZAB-102-85, passed and adopted by the Zoning Appeals Board of Miami-Dade County, Florida and further modified by Resolution 5-ZAB-126-95, passed and adopted by the Zoning Appeals Board of Miami-Dade County, Florida and reading as follows:**

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Greater New Bethel Baptist Church, as prepared by Judson and Partners, and dated received March 1, 1995, consisting of three sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled '[Greater] New Bethel Baptist Family Life Facility,' as prepared by Civil-Cadd Engineering and dated February 14, 2001 and August 10, 2001 and consisting of 15 pages."

- (2) **MODIFICATION of Condition #6 of Resolution 4-ZAB-102-85, passed and adopted by the Zoning Appeals Board of Miami-Dade County, Florida and reading as follows:**

FROM: "6. That the use be restricted to a maximum of 150 children."

TO: "6. That the use be restricted to a maximum of 327 children."

- (3) **Applicant is requesting to permit a drive within 25' of N.W. 22nd Avenue (parking spaces and drives to be spaced 25' from a right-of-way).**

- (4) **UNUSUAL USE and SPECIAL EXCEPTION to permit the expansion of a day care facility, after school care and kindergarten onto additional property to the east of**

the existing religious facility and day care facility, after school care and kindergarten.

- (5) **SPECIAL EXCEPTION to permit the expansion of the existing religious facility onto additional property to the east.**

SUBJECT PROPERTY: Lots 2, 3, 6 and 20 through 25, less the west 15' of Lots 20 through 25, Block 16, SUNNY ISLES INLAND, Plat book 44, Page 69.

LOCATION: 17025 N.W. 22nd Avenue, City of Miami Gardens, Florida;

And;

WHEREAS, notice has been provided to all interested parties and 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 as to requests #1 and #2, under Sections 33-311(A)(7) or 33-311(A)(17) (Alternative Side Development Option for Modification or Elimination of Conditions or Covenants After Public Hearing); request #3 under Section 33-311(A)(4)(b) (Non-Use Variance or (c) (Alternative Non-Use Variance) and requests #4 and #5 under Section 33-311(A)(3) 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;

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

II. APPROVAL

Based upon substantial competent evidence provided by Miami-Dade County and staff, zoning Requests #1 through 5 are hereby approved subject to the following conditions:

1. That all conditions of Resolution 4-ZAB-102-85 shall remain in full force and effect, except as herein modified.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled '[Greater] New Bethel Baptist Family Life Facility,' as prepared by Civil-Cadd Engineering and dated received February 14, 2001 and August 10, 2001 and consisting of 15 pages."
3. That the use be established and maintained in accordance with approved plans.

4. **As to Request #1:** that the modification approved includes the installation of (a) additional lot trees a minimum of 10 feet high and having a minimum caliper of 2 inches at the time of planting and having a maximum average spacing of 25 feet on center, to intensify the landscaping along the north, east and south property lines adjoining properties under different ownership and the rights-of-way for N.W. 20th Avenue and (b) a 3 foot high berm provided along the north, south and east boundary of Lot 6, Block 16 of Sunny Isles Inland, Plat Book 44, Page 69.
5. That the applicant submits to the Department of Planning and Zoning 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. Said landscape plans shall include the additional lot trees specified in the modified approval of Request #1 above. The landscaping of the entire site shall be maintained on a bi-monthly basis as depicted on the plan and as require by the City of Miami Gardens Code of Ordinances.
6. That the family life facility building shall be ancillary to the church and school uses and shall only be used for religious purposes and for activities related to the day care, after school care, and kindergarten uses.
7. That drainage systems shall be installed in accordance with the Miami-Dade County Department of Environmental Resources Management Recommendation dated October 29, 2003 and shall comply with all DERM requirements as set forth therein.
8. That there shall be no vehicular access on to N.W. 20th Avenue from the Property; provided, however, if the Police or Fire Department requires emergency access then only such vehicular access will be provided.
9. That the applicant provides signs and pavement markings at significant locations for smoother circulation of one-way traffic.
10. That there shall be no parking of vehicles on unpaved areas of the site.
11. That the residence presently located on Lot 6, Block 16, fronting on N.W. 20th Avenue shall be demolished prior to issuance of a building permit for the proposed new facilities and until said residence is demolished, it shall not be used for daycare or kindergarten purposes.
12. That the landscape plan presented by the applicant as part of the building permitting process shall incorporate a berm.
13. That no abandoned vehicles shall be parked on the property.
14. That the Applicant shall landscape the entire site on a bi-monthly basis as depicted in the plans and as required by the Miami-Dade County Code of Ordinances or the Codes of Ordinances of the City of Miami Gardens.
15. That the hedges on the entire site shall be trimmed on a bi-monthly basis.

III. SEVERABILITY AND EFFECTIVE DATE.

- 1. If any section, subsection, clause of 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.
- 2. This Resolution shall become effective upon adoption.

PASSED and **ADOPTED** this 4th day of February, 2004.

CITY OF MIAMI GARDENS, FLORIDA

By its City Council

By *Shirley Gibson*
 Shirley Gibson, Mayor

ATTEST:

Ronetta Taylor
 Ronetta Taylor, CMC City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Hans Ottinot
 Hans Ottinot, City Attorney

VOTE: 6-0

Moved by Councilwoman Watson, and seconded by Vice Mayor Campbell to approval of the requested zoning modifications, and upon a roll call the vote was 6 - 0 in favor:

Mayor Gibson	<u> x </u> yes	<u> </u> no	
Vice Mayor Campbell	<u> x </u> yes	<u> </u> no	
Councilman Bratton	<u> x </u> yes	<u> </u> no	
Councilman Braynon	<u> </u> yes	<u> </u> no	Out of town
Councilwoman King	<u> x </u> yes	<u> </u> no	
Councilwoman Pritchett	<u> x </u> yes	<u> </u> no	
Councilwoman Watson	<u> x </u> yes	<u> </u> no	