

RESOLUTION NO. 2004-33-84-Z-9

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE ZONING APPLICATION SUBMITTED BY FLORENCE BACCUS (Z03-240/04-1-CMG-6) 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 Florence Baccus' application (Z03-240/04-1-CMG-6) for the following zoning request(s):

1. **UNUSUAL USE to permit a day care center.**
2. **Permit for the proposed parking spaces and drives within 25' of an official right-of-way (N.W. 191st Street & N.W. 5th Court) (not permitted).**
3. **Permit for a one-way drive of 11.3' (14' required).**
4. **Permit for classroom area of 1,000 sq. ft. (1,575 sq. ft. required).**
5. **Permit for 3 street trees (6 required).**

PROPERTY ADDRESS: 19041 N.W. 5 Court, Miami Gardens, Florida;

And;

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)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) 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. APPROVAL/DENIAL

Section 1. Approval/Denial. Based upon substantial competent evidence provided by Miami-Dade County and staff, Requests # 1 through 5, described hereinabove, and are hereby approved, subject to the following terms and 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; said plan to include among other things but not limited to, location of structure or structures, exits 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 "E.L.I.T.A. Learning Center for F. Baccus," as prepared by Steven B. Schwartz, Architect, P.A., dated October 27, 2003 an consisting of 2 sheets, as further modified at Public Hearing.
- c. That the use be established and maintained in accordance with approved plans.
- d. That the applicant shall construct a chain link fence 6' feet in height.
- e. That the applicant submits a landscaping plan consistent with the request made by the City Council, to include a 6' hedge of silver button wood or cocoplum, 3' in height at time of planting to grow to a length of 6'.
- f. That the applicant shall comply with all local and state requirements for the operation of a day care.

II. SEVERABILITY AND EFFECTIVE DATE.

Section 2. Severability. 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.

Section 3. Effective Date. 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, Mayor

ATTEST:



Ronetta Taylor, CMC, City Clerk

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



Hans Ottino, City Attorney

VOTE: 4-2, Moved by Vice Mayor Campbell, seconded by Councilwoman Watson to approve the requested zoning modifications, and upon a roll call the vote was 4 - 2 in favor:

Mayor Gibson	<u> x </u> yes	<u> </u> no
Vice Mayor Campbell	<u> x </u> yes	<u> </u> no
Councilman Bratton	<u> </u> yes	<u> x </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> </u> yes	<u> x </u> no
Councilwoman Watson	<u> x </u> yes	<u> </u> no