

RESOLUTION No. 2005-145-322-Z-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF COUNTY LINE PROPERTIES, INC., AND WORLDWIDE INVESTMENT GROUP, INC., FOR A SPECIAL EXCEPTION TO PERMIT A MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON PROPERTY ZONED BU-1A; APPROVING A WAIVER OF THE PROVISION OF THE ZONING CODE REQUIRING THAT A SIX (6) FOOT DECORATIVE MASONRY WALL BE INSTALLED ON THE PROPERTY, PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, County Line Properties, Inc., and Worldwide Investment Group, Inc., ("Applicant") owns certain property located at the Northwest corner of 214th Street and Northwest 13th Court ("Property"), and

WHEREAS, the Property is zoned BU-1A, Limited Business District, and

WHEREAS, the Applicant seeks a special exception to permit a multi-family residential development, with a density of 13.4 dwelling units per acre, and

WHEREAS, the Applicant also seeks a waiver of Section 33-311(A)(4)(b), of the Zoning Code, which requires the erection of a six (6) foot high decorative masonry wall to screen the proposed development from the adjacent residentially-zoned property to the south, and

WHEREAS, the City Council of the City of Miami Gardens held a public hearing on the application on November 2, 2005, 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 Council considered the testimony of the Applicant, if any, and

WHEREAS, the City Council also considered the testimony of the City's Planning and Zoning staff, and the Staff Report attached hereto as Exhibit "A," 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 2. APPROVAL: The City Council of the City of Miami Gardens, hereby approves the application submitted by the Applicant as follows:

- a. A special exception to permit a multi-family residential development, consisting of a density of 13.4 dwelling units per acre.
- b. A waiver of Section 33-311(A)(4)(b), of the Zoning Code, which requires the erection of a six (6) foot high decorative masonry wall to screen the proposed development from the adjacent residentially-zoned property to the south.

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

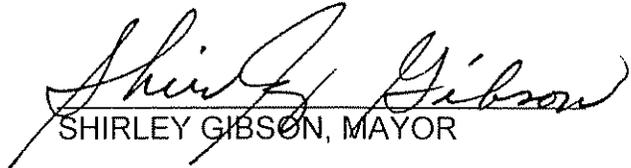
- a. That a site plan be submitted to and meet with the approval of the City upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy, said plan to include among other things, the location of structure(s), the type(s) and location of sign(s), lighting standards, off-street parking areas, exit and entrance drive(s), perimeter walls or fences and the landscaping details.
- b. That the Applicant proffer a declaration of restrictive covenants in recordable form to the School Board of Miami-Dade County that requires the payment of voluntary mitigation funds to be utilized for capital improvements to provide relief for Norland Middle School. The amount of the voluntary contribution provided in the covenant shall be calculated by the School Board and the contribution shall be in addition to the school impact fees required by Section 33-K of the Miami-Dade County Code for the development of the Property. The

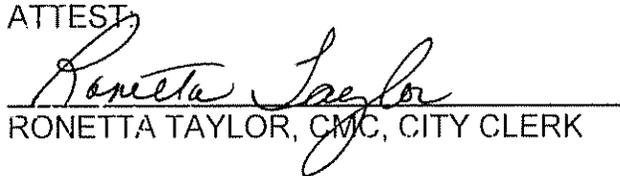
covenant shall further provide that the payment of the contribution shall be prior to the approval of a final plat or issuance of the first building permit, whichever comes first

- c. That the Applicant enter into an agreement with the Florida Department of Transportation for the maintenance of a landscape buffer on Countyline Road, subject to the approval of the Florida Department of Transportation.
- d. That the Applicant constructs a passive park on the Southwest portion of the property, subject to approval by City Planning & Zoning Staff

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 NOVEMBER 2, 2005


 SHIRLEY GIBSON, MAYOR

ATTEST

 RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Councilwoman Watson

SECONDED BY: Vice Mayor Braynon

VOTE: 4-1

Mayor Shirley Gibson	<u> </u> (Yes)	<u> x </u> (No)
Vice Mayor Oscar Braynon, II	<u> x </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> </u> (Yes)	<u> </u> (No) Not present
Councilman Aaron Campbell	<u> x </u> (Yes)	<u> </u> (No)
Councilman Ulyssis Harvard	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> </u> (Yes)	<u> </u> (No) Not present
Councilwoman Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)