

RESOLUTION No. 2005-59-236-Z-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, GRANTING THE APPLICATION OF CARRIE KEYES AND CYNTHIA HOLMES, D/B/A CELEBRITY KIDS CLUB OF MIAMI, TO MODIFY THE CONDITIONS APPROVED BY MIAMI- DADE COUNTY RESOLUTIONS 4-ZAB-145-87 AND 5-ZAB-133-97; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, prior to the City of Miami Gardens being incorporated, Miami-Dade County approved Resolution 4-ZAB-145-87 which approved an unusual use to permit a proposed daycare nursery and which also granted non-use variances for setback and parking, and

WHEREAS, Resolution No. 4-ZAB-145-87 was adopted contingent upon the Applicant complying with certain enumerated conditions, and

WHEREAS, Resolution No. 5-ZAB-133-97 amended the conditions enumerated in Resolution 4-ZAB-145-87 to amend the site plan notation, and to increase the maximum number of children from twenty (20) to eighty (80), and

WHEREAS, Carrie Keyes and Cynthia Holmes, d/b/a Celebrity Kids Club of Miami, ("the Applicant") has requested that Conditions Nos. 2, 6 and 7 of Resolutions 4-ZAB-145-87, as amended by Resolution 5-ZAB-133-97, be amended as follows:

CONDITION 2: Revised Site Plan to Update As-Built Drawing

FROM: That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Sunshine Kidz Day Care" as prepared by Charles C. Mitchell, P.E. Consulting Engineer dated 11-21-96 and consisting of (1) sheet.

TO: That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing

entitled "Proposed addition to existing Day Care" as prepared by Walter Guintyn Consulting Engineer dated 12-06-04 and consisting of (4) sheets.

CONDITION 6: Increase the number of children

FROM: That the use shall be restricted to a maximum number of 50 children.

TO: That the use shall be restricted to a maximum number of 105 children.

CONDITION 7:

FROM: That the hours of operation shall be between 7:00 A.M. and 6:00 P.M.

TO: That the hours of operation shall be 24 hours a day 7 days a week.

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

WHEREAS, a Public Hearing on this matter has been held on April 6, 2005, and

WHEREAS, the City Council has reviewed the application, heard testimony from City staff as well as the Applicant, if any, and

WHEREAS, the City Council approves the request of the Applicant to modify the conditions contained in Resolutions 4-ZAB-145-87, as amended by Resolution 5-ZAB-133-97, subject to additional 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 a modification to the conditions provided in Resolutions 4-ZAB-145-87 and 5-ZAB-133-97 as follows:

CONDITION 2: Revised Site Plan to Update As-Built Drawing

FROM: That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Sunshine Kidz Day Care" as prepared by Charles C. Mitchell, P.E. Consulting Engineer dated 11-21-96 and consisting of (1) sheet.

TO: That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed addition to existing Day Care" as prepared by Walter Guintyn Consulting Engineer dated 12-06-04 and consisting of (4) sheets.

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FROM: That the hours of operation shall be between 7:00

A.M. and 6:00 P.M.

TO: That the hours of operation shall be 24 hours a day 7 days a week.

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

1. That the landscape buffer be extended along the south property line to further mitigate impacts upon the adjacent residential properties.
2. That the Certificate of Use be renewed annually, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
3. That the use be restricted to a maximum number of 105 children.
4. That outdoor recreation or related activities shall not be permitted after 6:00 P.M. or before 8:00 A.M.
5. The use may remain open 24 hours, provided, however, that the facility shall not be utilized as a dwelling unit, residential care facility, foster care, or similar residential facility.
6. That all conditions of Resolution 4-ZAB-145-87, as amended by Resolution 5-ZAB-133-97 remain in full force and effect except as herein modified.

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.


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: Councilman Braynon
SECONDED BY: Councilwoman King

VOTE: 6-0

Mayor Gibson	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	Out of town
Vice Mayor Campbell	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilman Melvin L. Bratton	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilman Oscar Braynon, II	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilwoman Audrey J. King	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilwoman Sharon Pritchett	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	Out of town
Councilwoman Barbara Watson	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	

SKD/bfc