

RESOLUTION No. 2005-60-237-Z-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF JAMES RANDALL, JR. D/B/A TUMBLING TODDLERS TO MODIFYING CONDITIONS APPROVED BY MIAMI-DADE COUNTY RESOLUTIONS NOS. 4-ZAB-436-86, 4-ZAB-397-78 AND 4-ZAB-285-93; 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 No. 4-ZAB-397-78 permitting an unusual use and certain variances related to a day care, and

WHEREAS, Resolution No. 4-ZAB-397-78 was adopted contingent upon the applicant complying with certain enumerated conditions, and

WHEREAS, Resolution No. 4-ZAB-397-78 was further amended by Resolution No. 4-ZAB-436-86 to increase the number of children permitted on the site from seventeen (17) to twenty-four (24); increase the age of the children from two (2) years old to three (3) years old; and to amend the hours of operation from 7:00 A.M. through 6:00 P.M. to 6:30 A.M. through 6:00 P.M., and

WHEREAS, Resolution No. 4-ZAB-397-78 was further amended by Resolution No. 4-ZAB-285-93 to increase the number of children permitted on the site from twenty-four (24) to thirty-four (34) and to increase the age of the children from three (3) years old to five (5) years old, and

WHEREAS, James Randall, Jr., d/b/a Tumbling Toddlers, ("the applicant") has requested that Conditions Nos. 2 and 7 of Resolution No. 4-ZAB-397-78, as amended by

Resolutions Nos. 4-ZAB-436-86 and 4-ZAB-285-93, be amended as follows:

Condition #2 **FROM:** That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Liberty Academy," as prepared by applicant, dated received 4-5-91.

TO: That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Tumbling Toddler's Two - Day Nursery, Proposed Addition,' as prepared by Robert G. Isham, P.A., revision dated 9/27/04, sheets S-1 and L-1.

Condition #7 **FROM:** That the use shall be restricted to a maximum number of 32 children.

TO: That the use shall be restricted to a maximum number of 49 children.

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 the 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 Resolution No. 4-ZAB-397-78, as amended by Resolutions Nos. 4-ZAB-436-86 and 4-ZAB-285-93,

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 Resolution No. 4-ZAB-397-78, as amended by Resolutions Nos. 4-ZAB-436-86 and 4-ZAB-285-93, as follows:

Condition #2 FROM: That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Liberty Academy," as prepared by applicant, dated received 4-5-91.

TO: That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Tumbling Toddler's Two - Day Nursery, Proposed Addition,' as prepared by Robert G. Isham, P.A., revision dated 9/27/04, sheets S-1 and L-1.

Condition #7 FROM: That the use shall be restricted to a maximum number of 32 children.

TO: That the use shall be restricted to a maximum number of 49 children.

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.

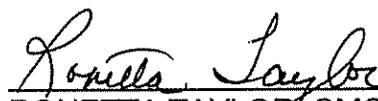
2. That the applicants renew the Certificate of Use annually, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
3. That the use shall be restricted to a maximum number of 49 children.
4. That outdoor recreation shall not be permitted after 6:00 P.M.
5. That all other conditions of Resolution No. 4-ZAB-397-78, as amended by Resolutions Nos. 4-ZAB-436-86 and 4-ZAB-285-93, remain in full force.

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: 5-0

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| Mayor Gibson | <u> </u> (Yes) | <u> </u> (No) | Out of town |
| Vice Mayor Campbell | <u> x </u> (Yes) | <u> </u> (No) | |
| Councilman Melvin L. Bratton | <u> x </u> (Yes) | <u> </u> (No) | |
| Councilman Oscar Braynon, II | <u> x </u> (Yes) | <u> </u> (No) | |
| Councilwoman Audrey J. King | <u> x </u> (Yes) | <u> </u> (No) | |
| Councilwoman Sharon Pritchett | <u> </u> (Yes) | <u> </u> (No) | Out of town |
| Councilwoman Barbara Watson | <u> x </u> (Yes) | <u> </u> (No) | |

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