

RESOLUTION No. 2005-94-271-Z-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF LEGACY POINTE ASSOCIATES, LTD. FOR MODIFICATION OF PREVIOUSLY APPROVED CONDITIONS; APPROVING A NON-USE VARIANCE; DELETING PREVIOUSLY APPROVED AGREEMENTS AND CONDITIONS; APPROVING A DECLARATION OF RESTRICTIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Legacy Pointe Associates, Ltd. has submitted an Application for the following requests:

1. MODIFICATION of Condition #3 of Resolution Z-83-74, passed and adopted by the Board of County Commissioners to replace the "274-Unit Apartment Complex" plan with the "Legacy Pointe" plan as it relates to Tract "A";
2. DELETION of an Agreement as recorded at Official Records Book 8652, Page 539 through 542 of the Official Records of Miami-Dade County, Florida;
3. MODIFICATION of Condition #3 of Resolution Z-256-71, passed and adopted by the Board of County Commissioners to replace the "Golden Glades" site plan with the "Legacy Pointe" plan;
4. DELETION of an Official Agreement as recorded at Official Records Book 7519, Pages 78-83 of the Public Records of Miami-Dade County, Florida;
5. Approval of a non-use variance to eliminate the six foot (6') masonry wall requirement between the BU-1A and the RU-4M zoning districts, and

WHEREAS, City staff has reviewed the Application and is recommending that the

City Council approve the same with conditions,

WHEREAS, the City Council has reviewed the Application and approves the same with conditions,

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 OF APPLICATION: The City Council for the City of Miami Gardens hereby approves the Application submitted by Legacy Pointe Associates, Ltd., as follows:

1. MODIFICATION of Condition #3 of Resolution Z-83-74, passed and adopted by the Board of County Commissioners to replace the "274-Unit Apartment Complex" plan with the "Legacy Pointe" plan as it relates to Tract "A";
2. DELETION of an Agreement as recorded at Official Records Book 8652, Page 539 through 542 of the Official Records of Miami-Dade County, Florida;
3. MODIFICATION of Condition #3 of Resolution Z-256-71, passed and adopted by the Board of County Commissioners to replace the "Golden Glades" site plan with the "Legacy Pointe" plan;
4. DELETION of an Official Agreement as recorded at Official Records Book 7519, Pages 78-83 of the Public Records of Miami-Dade County, Florida;
5. Approval of a non-use variance to eliminate the six foot (6') masonry wall requirement between the BU-1A and the RU-4M zoning districts.

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

- 1) Extending the landscape median northerly on Northwest 7<sup>th</sup> Avenue close to the project's northerly boundary.
- 2) Providing curbing around the landscape median and curb and gutter on the project side of Northwest 7<sup>th</sup> Avenue;
- 3) Providing palm clusters (a minimum of three (3) per cluster) spaced no greater than 35 feet apart in the landscape median with irrigation with additional landscape and vegetation to be approved by the City;
- 4) Restriping Northwest 7<sup>th</sup> Avenue from Northwest 7<sup>th</sup> Avenue Extension to end of project;
- 5) Contributing up to \$20,000.00 to clean, and if necessary repair the stormwater system in proximity to the project; or,
- 6) In lieu of the Applicant complying with conditions (1) through (5), the Applicant shall be permitted to contribute a sum of money, in an amount to be determined by the City for the completion of those conditions.

Section 4. RECORDATION OF DECLARATION OF RESTRICTIONS: The Declarations of Restrictions previously recorded in Official Records Book 7519, Pages 78-83 and Official Records Book 8652, Pages 539-542 of the Public Records of Miami-Dade County are hereby recorded.

Section 5. DECLARATION OF RESTRICTIONS: The Declaration of Restrictions attached hereto as Exhibit "A" shall be recorded in the Public Records of Miami-Dade County.

Section 6. 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 JULY 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 Watson

VOTE: 6-0

Mayor Gibson	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Vice Mayor Campbell	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilman Melvin L. Bratton	<input type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No) Not present
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 checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilwoman Barbara Watson	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)

SKK/bfc