

RESOLUTION No. 2006-118-464-Z-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY THE DIRECTOR OF DEVELOPMENT SERVICES FOR TERMINATION OF A PRIOR UNUSUAL USE AND VARIANCE APPROVAL TO PERMIT AN AUTO AUCTION AND ASSOCIATED PARKING ON AN APPROXIMATE 186.7 ACRE PROPERTY, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF N.W. 47TH AVENUE AND N.W. 215TH STREET/COUNTY LINE ROAD, IN ACCORDANCE WITH SECTION 33-317 OF THE MIAMI -DADE COUNTY CODE AS MADE APPLICABLE TO THE CITY OF MIAMI GARDENS; TERMINATING REQUESTS #1 THROUGH #8 OF RESOLUTION Z-166-96; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 26, 1990, Miami-Dade County ("County") approved the rezoning of approximately 96 acres fronting on NW 47th Avenue and NW 215 Street (more particularly described on Exhibit "A" attached hereto) from the Interim (GU) zoning designation to Light Industry (IU-1) (Resolution Z-165-90), and

WHEREAS, on December 3, 1992, the County rezoned an adjacent approximately 91 acre property to the east (more particularly described on Exhibit "B" attached hereto) from Single-Family Residential (RU-1) and Townhouse (RU-TH) to Zero-Lot-Line Single Family Residential (RU-1Z) (Resolution Z-148-92); and together, these properties constitute the approximately 187-acre subject site, and

WHEREAS, in 1996, the County approved Resolution Z-166-96, which approved unusual uses and variances to permit a proposed auto auction on the IU-1 portion of the site, as well as an unusual use on the eastern RU-1Z portion of the site to permit parking, which was to be used in connection with the auto auction, and

WHEREAS, the County in Resolution Z-166-96 also approved a special exception and non-use variance to permit a six foot high fence, and a non-use variance

to allow stored automobiles to be enclosed with an eight feet high chain link fence and twenty-five feet landscape buffer, rather than a six feet high CBS wall as normally required, and

WHEREAS, the unusual uses approved in 1996 pursuant to Resolution Z- 166-96 have not yet been utilized, and

WHEREAS, section 33-317 of the Miami Dade-County Code provides

that:

"Upon application of the Director, any variance, special exception, new use, special permit or unusual use heretofore or hereafter granted that is not utilized within the three-year period following the date of its grant or approval, may be terminated by the Board of County Commissioners [in this case the City Council] after the required noticed public hearing or hearings, if it is determined that there have been sufficient changes in circumstances in the neighborhood and area concerned that to permit the same to be used would be detrimental to the area and incompatible therewith

and

WHEREAS, Section 33-317 of the Miami-Dade County Code is made applicable to the City of Miami Gardens, by virtue of Section 8.3 of the City of Miami Gardens Charter, and

WHEREAS, the City's Planning and Zoning Consultants have completed a study and analysis that demonstrates that termination of the Unusual Use and Variance approvals is warranted due to sufficient changes in circumstances in the neighborhood and area concerned, such that to permit the auto auction use and any associated variances would be detrimental to the area and incompatible therewith, and

WHEREAS, the following changes in circumstances in the area and neighborhood in the form of development, public policy and planning have occurred since 1996, and support a termination of the unusual use approval for the auto auction:

- The incorporation of the City of Miami Gardens in 2003, which brought a new active "central city" planning vision to the property versus the prior County "urban periphery" focus. The City has been engaged in multiple planning efforts, including a new Town Center at NW 183rd Street and NW 27th Avenue, as well as the \$900 million planned Metrorail North Corridor expansion into the City less than two miles from the subject site.
- The preparation by the City of Miami Gardens of a new Comprehensive Development Master Plan, which was transmitted to the Department of Community Affairs on July 26, 2006. The Plan was developed through an extensive visioning process including citizen participation. The resulting vision included emphasis on attracting a wide range of skilled job opportunities to the City and becoming a "City of Gardens." The analysis conducted as part of this planning process also makes clear that the two parts of the site constitute some of the last significant vacant sites in the City with high-value residential and office/industrial development potential.
- The City's proposed and transmitted Comprehensive Plan includes the following policy in the Future Land Use Element (Policy 2.6.6) especially pertinent to the property: "Development in commercial and industrial land use areas shall be designed to have minimal or no adverse impacts on adjacent neighborhoods, and priority will be given to uses that have the greatest positive impact on the City's tax base and provide good-paying, value-added jobs 'with a future' to the community." The proposed and unutilized 1996 site plan would be inconsistent with this key policy.
- Changed development trends over the last ten years, including extensive quality office and industrial development 1/3 mile north of the site in the City of Miramar. This relatively new development trend has provided an estimated 4.5 million square feet of skilled, high quality jobs near the subject site. This exciting trend has occurred on properties that have the same locational advantages as the subject site, including excellent transportation access to the Homestead Extension of the Florida Turnpike (HEFT).

WHEREAS, given the aforementioned changes in circumstances since 1996, and the fact that the approvals have not been utilized, the City Council finds that allowing the auto auction on the site would be detrimental to the area, incompatible therewith, and contrary to the public interest, and

WHEREAS, it is being recommended that the previous Unusual Use and

Variance approvals granted by Requests #1 and #8 of Resolution Z-166-96, be terminated, and

WHEREAS, a public hearing was held on this matter on October 4, 2006, and

WHEREAS, the City Council considered the testimony of the City's planning and zoning staff, the City's planning and zoning consultants, and the Staff Report attached hereto as Exhibit "C", incorporated herein by reference, and

WHEREAS, the City Council also considered the testimony of the property owner and the property owner's representatives, and

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. TERMINATION OF UNUSUAL USE AND ASSOCIATED VARIANCES: The City Council for the City of Miami Gardens, Florida hereby adopts the findings of the aforementioned Whereas clauses, as well as the findings of the Staff Report attached hereto as Exhibit "C," and hereby determines that there have been sufficient changes in circumstances in the neighborhood and area concerned that to permit an auto auction and associated variances on the property would be detrimental to the area and incompatible therewith. As such, the approvals granted by Resolution Z-166-96, requests #1 through #8, are hereby terminated.

Section 3. DIRECTIONS TO THE CITY CLERK: The City Clerk is hereby directed to record a certified copy of this resolution in the public records of Miami-Dade

County.

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 OCTOBER 4, 2006.

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK


SHIRLEY GIBSON, MAYOR

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Mayor Gibson

SECONDED BY: Councilman Harvard

VOTE: 4-2

Mayor Shirley Gibson	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Vice Mayor Oscar Braynon, II	<input type="checkbox"/> (Yes)	<input checked="" type="checkbox"/> (No)	
Councilman Melvin L. Bratton	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	Not present
Councilman Aaron Campbell	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilman Ulysses Harvard	<input type="checkbox"/> (Yes)	<input checked="" 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)	