

RESOLUTION No. 2006-29-375-Z-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DENYING, WITHOUT PREJUDICE, THE APPLICATION OF GEORGE AND VICTORIA EPPS FOR AN UNUSUAL USE PERMIT TO PERMIT A DAYCARE CENTER IN AN RU-1 ZONE; A NON-USE VARIANCE OF PARKING REQUIREMENTS TO PERMIT PARKING SPACES AND DRIVES WITHIN 25 FEET OF THE OFFICIAL RIGHT-OF-WAY LINE; A WAIVER OF AUTO-STACKING REQUIREMENTS; A NON-USE VARIANCE OF CLASSROOM SIZE REQUIREMENTS TO ALLOW PROPOSED DAYCARE CENTER TO HAVE A CLASSROOM AREA OF 1,616 SQUARE FEET; A SPECIAL EXCEPTION TO PERMIT A CHURCH IN AN RU-1 ZONE, A NON-USE VARIANCE OF LOT SIZE REQUIREMENTS TO PERMIT A CHURCH TO BE BUILT ON A .35-ACRE SITE; A NON-USE VARIANCE OF LOT FRONTAGE REQUIREMENTS TO PERMIT A CHURCH WITH A LOT FRONTAGE OF 79.94 FEET; A NON-USE VARIANCE OF SPACING REQUIREMENTS TO PERMIT A CHURCH TO BE LOCATED 7.5 FEET FROM THE SOUTHERLY PROPERTY; A NON-USE VARIANCE OF SPACING REQUIREMENTS TO PERMIT A CHURCH TO BE LOCATED APPROXIMATELY 60.5 FEET FROM THE EASTERLY RESIDENTIAL PROPERTY; A NON-USE VARIANCE OF PARKING REQUIREMENTS TO PERMIT A CHURCH TO HAVE 15 PARKING SPACES; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, George and Victoria Epps ("Applicant") own certain property located at 3196 Northwest 168th Terrace ("Property"), more particularly described on Exhibit "A," attached hereto, and

WHEREAS, the Applicant seeks the following approval to permit a daycare and a Church on the property:

1. Unusual Use to permit a proposed Daycare Center in an RU-1 zone;
2. Non-Use Variance of Parking Requirements to permit parking spaces and drives within 25 feet of the official right-of-way line of Northwest 168th Terrace and Northwest 32nd Avenue (none permitted);
3. Waiver of Auto-Stacking Requirements for the proposed daycare center (minimum of 4 spaces required as per Section 33-151.18 (1));
4. Non-Use Variance of Classroom Size Requirements to allow the proposed daycare center to have a classroom area of 1,616 square feet (minimum 1,715 square feet required);
5. Special Exception to permit a Church in an RU-1 zone;
6. Non-Use Variance of Lot Size Requirements to permit a Church to be built on a .35-acre site (minimum 2.5 acres required);
7. Non-Use Variance of Lot Frontage Requirements to permit the Church with a lot frontage of 79.94 feet on a public right-of-way (minimum 150 feet required);
8. Non-Use Variance of Spacing Requirements to permit a Church to be located 7.5 feet from the southerly property, which is under different ownership (minimum 50 feet required);

9. Non-Use Variance of Spacing Requirements to permit a Church to be located approximately 60.5 feet from the easterly residential property (minimum 75 feet required);
10. Non-Use Variance of Parking Requirements to allow a Church to have 15 parking spaces (minimum 33 required).

WHEREAS, City Council of the City of Miami Gardens held a public hearing on the Application on March 1, 2006, and

WHEREAS, the City's Planning and Zoning staff has made a determination that the Church would disrupt the integrity and overall welfare of the neighborhood by impeding traffic on the adjacent streets and is, therefore, inconsistent with the goals, policies and objectives of the Comprehensive Development Master Plan, and

WHEREAS, City staff has found that the Daycare Center that is being proposed does not violate the policies of the Comprehensive Development Master Plan, and

WHEREAS, the City's Planning and Zoning staff recommends approval of the Daycare Center, subject to certain conditions, however, recommends denial, without prejudice of the Church, based upon certain findings that are outlined in the staff report, attached hereto as Exhibit "B" and 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

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paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

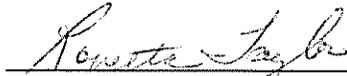
Section 2. DENIAL: The City Council of the City of Miami Gardens hereby denies the Application submitted by the Applicant, without prejudice.

Section 3. 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 5, 2006.


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: 5-0

Mayor Shirley Gibson	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Vice Mayor Oscar Braynon, II	<input checked="" type="checkbox"/>	(Yes)	<input 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)

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Councilman Ulysses Harvard
Councilwoman Sharon Pritchett
Councilwoman Barbara Watson
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(Yes) (No)
 (Yes) (No) Not present
 (Yes) (No)