



CITY OF MIAMI GARDENS ZONING AGENDA

Meeting Date: May 4, 2011
1515 NW 167th St., Bldg. 5, Suite 200,
Miami Gardens, Florida 33169
Phone: (305) 622-8000 Fax: (305) 622-8001
Website: www.miamigardens-fl.gov
Time: 7:00 p.m.

Mayor Shirley Gibson
Vice Mayor Aaron Campbell Jr.
Councilwoman Lisa C Davis
Councilman André Williams
Councilwoman Felicia Robinson
Councilman David Williams Jr.
Councilman Oliver G. Gilbert III
City Manager Dr. Danny O. Crew
City Attorney Sonja K. Dickens
City Clerk Ronetta Taylor, MMC

City of Miami Gardens Ordinance No. 2007-09-115, requires all lobbyists before engaging in any lobbying activities to register with the City Clerk and pay an annual fee of \$250.00. This applies to all persons who are retained (whether paid or not) to represent a business entity or organization to influence “City” action. “City” action is broadly described to include the ranking and selection of professional consultants, and virtually all-legislative, quasi-judicial and administrative action. All not-for-profit organizations, local chamber and merchant groups, homeowner associations, or trade associations and unions must also register however an annual fee is not required.

- 1. CALL TO ORDER/ROLL CALL OF MEMBERS:**
- 2. INVOCATION:**
- 3. PLEDGE OF ALLEGIANCE:**
- 4. APPROVAL OF MINUTES:**
- 5. AGENDA ORDER OF BUSINESS (ADDITIONS/DELETIONS/AMENDMENTS) BUSINESS (Items shall be pulled from the Consent Agenda at this time):**
- 6. PRESENTATION(S)**

7. CONSENT AGENDA

8. FIRST READING (ORDINANCE)/PUBLIC HEARING(S)

8-A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED JERRY B. PROCTOR, ESQ. FOR NORTH AMERICAN ISLAMIC TRUST, INC. FOR THE REZONING OF THE PROPERTY LOCATED AT 4305 N.W. 183 STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A," ATTACHED HERETO, FROM AU, AGRICULTURAL AND UTILITIES DISTRICT TO NC, NEIGHBORHOOD COMMERCIAL; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

8-B) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ARTICLE XIII OF CHAPTER 34 ("ZONING AND LAND DEVELOPMENT CODE") TO CREATE SECTION 34-421 ENTITLED "HEAT ISLAND EFFECT-NON ROOF" AND TO PROVIDE REGULATIONS RELATING TO ENVIRONMENTALLY RESPONSIBLE METHODS FOR COOLING AND SHADING OF HARDSCAPES IN THE CITY OF MIAMI GARDENS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER) (Deferred from 3/2/2011)

9. ORDINANCE(S) SECOND READING/PUBLIC HEARING(S)

10. RESOLUTION(S)/PUBLIC HEARING(S):

10-A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY WALMART STORES EAST LP FOR NON-USE VARIANCE OF SECTION 34-667 1(C) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ALLOW THREE (3) MONUMENT SIGNS WHERE TWO (2) MONUMENT SIGNS ARE ALLOWED, ON PROPERTY GENERALLY LOCATED AT NORTHWEST 27 AVENUE AND NORTHWEST 199 STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A"

ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR A CONDITION; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

10-B) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY M & M INVESTMENTS, INC. FOR THE VACATION OF A 10.0' WIDE PORTION OF A PLATTED UTILITY EASEMENT MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

10-C) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY ACCELERATED LEARNING SOLUTIONS, INC. REQUESTING A MODIFICATION TO CONDITON NO. 2 OF THE DECLARATION OF RESTRICTIVE COVENANTS AS PROFFERED BY RESOLUTION NO. 2010-105-1287-Z-95, PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

11. CITY MANAGER'S REPORT

12. ADJOURNMENT

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT RONETTA TAYLOR, CITY CLERK (305) 622-8003, NOT LATER THAN 48 HOURS PRIOR TO SUCH PROCEEDING. TDD NUMBER 1-800-955-8771.

ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM MAY CONTACT RONETTA TAYLOR, MMC, CITY CLERK (305) 622-8003.

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF MIAMI GARDENS WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Please turn-off all beepers and cellular telephones to avoid interrupting the council meeting.



City of Miami Gardens Zoning Agenda Memo

Zoning Board Meeting Date:	May 4, 2011		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Other	
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1 st Reading		2 nd Reading	
		x		Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
				X			
Funding Source:	<i>(Enter Fund & Dept)</i>		Advertising Requirement:	Yes		No	
				X			
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:				
		X					
Strategic Plan Related:	Yes	No	Strategic Plan Priority Area:	Strategic Plan Obj./Strategy: 2.5.1 Adopt revised Zoning Code/Land Development Regulations by 2009, including the incorporation of new sign code			
	X		Enhance Organizational <input type="checkbox"/>				
			Bus. & Economic Dev <input checked="" type="checkbox"/>				
			Public Safety <input type="checkbox"/>				
			Quality of Education <input type="checkbox"/>				
			Qual. of Life & City Image <input type="checkbox"/>				
			Communication <input type="checkbox"/>				
Sponsor Name:	Dr. Danny Crew, City Manager		Department:	Planning and Zoning Department			

Short Title:

ORDINANCE No. 2011-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY REPRESENTING NORTH AMERICAN ISLAMIC TRUST, INC., FOR THE REZONING OF THE PROPERTY LOCATED AT 4305 N.W. 183RD STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A", ATTACHED HERETO, FROM AU, AGRICULTURAL AND UTILITIES DISTRICT TO NC, NEIGHBORHOOD COMMERCIAL; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

The Applicant, Jerry B. Proctor, Esq. representing North American Islamic Trust, Inc. is requesting the rezoning of a 4.23 acre parcel of land located on the north side of N.W. 183 Street just west of N.W. 42 Avenue from Agricultural and Utilities District (AU) to Neighborhood Commercial District (NC). This rezoning would allow the existing 7,423 sq. ft. place of religious assembly and a proposed expansion of

ITEM 8-A) ORDINANCE
FIRST READING/PUBLIC HEARING
Application submitted by Jerry B. Proctor Esq

North American Islamic Trust, Inc. REZONING
PH-2011-000063

8,467 sq. ft. for a total of 15,890 sq. ft. as a permitted use. Future expansions will include a 9,578 sq. ft. multi-purpose building and a 10,465 sq. ft. library office building, with a total of 305 parking spaces.

Proposed Action:

Staff recommends granting the rezoning from AU to NC on the property located at 4305 N.W. 183 Street.

Attachments:

EXHIBIT "A" LEGAL DESCRIPTION
EXHIBIT "B" STAFF RECOMMENDATION

ORDINANCE

ORDINANCE NO. 2011 ____

1
2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
4 OF MIAMI GARDENS, FLORIDA, APPROVING THE
5 APPLICATION SUBMITTED BY REPRESENTING NORTH
6 AMERICAN ISLAMIC TRUST, INC., FOR THE REZONING
7 OF THE PROPERTY LOCATED AT 4305 N.W. 183RD
8 STREET, MORE PARTICULARLY DESCRIBED ON
9 EXHIBIT "A", ATTACHED HERETO, FROM AU,
10 AGRICULTURAL AND UTILITIES DISTRICT TO NC,
11 NEIGHBORHOOD COMMERCIAL; PROVIDING FOR
12 ADOPTION OF REPRESENTATIONS; REPEALING ALL
13 ORDINANCES IN CONFLICT; PROVIDING A
14 SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE
15 DATE.

16
17 WHEREAS, North American Islamic Trust, Inc. ("Applicant") is requesting
18 the rezoning of a 4.23 acre parcel of land on the north side of Northwest 183rd
19 Street and west of Northwest 42nd Avenue from Agricultural and Utilities District
20 (AU) to Neighborhood Commercial District (NC), and

21 WHEREAS, this will allow, as a permitted use, the existing place of
22 religious assembly, and a proposed expansion of 8,457 sq. ft. for the construction
23 of a multi-purpose building and a library office building, and

24 WHEREAS, the City Council held public hearings on the application on
25 May 4, 2011 and June 1, 2011, and

26 WHEREAS, the City's Planning and Zoning staff has made a
27 comprehensive determination that the application is consistent with the
28 Comprehensive Development Master Plan, and

29 WHEREAS, the City's Planning and Zoning staff recommends approval of
30 the application, and

31 WHEREAS, the City Council considered the testimony of the Applicant, if
32 any, and

33 WHEREAS, the City Council also considered the testimony of the City's
34 Planning and Zoning staff and the staff report attached hereto as Exhibit "B",
35 incorporated herein by reference,

36 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
37 THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

38 Section 1. ADOPTION OF REPRESENTATIONS: The foregoing
39 Whereas paragraphs are hereby ratified and confirmed as being true, and the same
40 are hereby made a specific part of this Ordinance.

41 Section 2: APPROVAL: The City Council of the City of Miami Gardens
42 hereby approves the application submitted by the Applicant for the rezoning of
43 the property generally located at 4305 N.W. 183rd Street, more particularly
44 described on Exhibit "A" attached hereto, for a rezoning from AU Agricultural and
45 Utilities District to NC Neighborhood Commercial District.

46 Section 3. CONFLICT: All ordinances or Code provisions in conflict
47 herewith are hereby repealed.

48 Section 4. SEVERABILITY: If any section, subsection, sentence,
49 clause, phrase or portion of this Ordinance is for any reason held invalid or
50 unconstitutional by any court of competent jurisdiction, such portion shall be
51 deemed a separate, distinct and independent provision and such holding shall
52 not affect the validity of the remaining portions of this Ordinance.

53 Section 5. EFFECTIVE DATE: This Ordinance shall become effective
54 immediately upon its final passage.

55 PASSED ON FIRST READING ON THE ____ DAY OF _____,
56 2011.

57 PASSED ON SECOND READING ON THE ____ DAY OF _____,
58 2011.

59
60 ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF
61 MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE ____ DAY OF
62 _____, 2011.

63
64 _____
65 SHIRLEY GIBSON, MAYOR
66
67

68
69 **ATTEST:**

70
71
72 _____
73 RONETTA TAYLOR, MMC, CITY CLERK
74

75
76 PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY
77

78
79 SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER
80

81
82 Moved by: _____
83 Second by: _____
84

85 **VOTE:** _____

86
87 Mayor Shirley Gibson _____ (Yes) _____ (No)
88 Vice Mayor Aaron Campbell, Jr. _____ (Yes) _____ (No)

89	Councilman David Williams Jr.	_____ (Yes)	_____ (No)
90	Councilwoman Lisa Davis	_____ (Yes)	_____ (No)
91	Councilman Oliver Gilbert, III	_____ (Yes)	_____ (No)
92	Councilwoman Felicia Robinson	_____ (Yes)	_____ (No)
93	Councilman Andre' Williams	_____ (Yes)	_____ (No)
94			

EXHIBIT "A"
LEGAL DESCRIPTION

EXHIBIT "A" LEGAL DESCRIPTION

Lot 118, in Section Five, less the South 70 feet of Lot 118, of MIAMI GARDENS SUBDIVISION, according to the plat thereof, as recorded in Plat Book 2, at Page 96 of the Public Records of Dade County, Florida; said Section located in Township 52 South, Range 41 East; ALSO less the North 25 feet of the East 155.00 feet thereof.

EXHIBIT "B"
STAFF RECOMMENDATION

STAFF RECOMMENDATION
PH-2011-000063

APPLICATION INFORMATION

Applicant: North American Islamic Trust, Inc.
Property Location: 4305 N.W. 183 Street
Property Size: 4.23 acres
Future Land Use: Neighborhood
Existing Zoning: AU, Agricultural and Utilities District
Requested Action(s):
1. Rezone to NC, Neighborhood Commercial

RECOMMENDATION:

Staff recommends granting the rezoning from AU, Agricultural and Utilities District to NC, Neighborhood Commercial on the property located at 4305 N.W. 183 Street.

REVIEW AND ANALYSIS:

Neighborhood Land Use Characteristics

Property	Future Land Use Designation	Zoning Classification	Existing Use
Site	Neighborhood	R-1, Single Family Residential	Place of Religious Assembly
North	Neighborhood	R-1, Single Family Residential	Single Family Residential
South	Neighborhood	R-1 Single Family Residential	Single Family Residential
East	Neighborhood	R-1 Single Family Residential	Single Family Residential
West	Neighborhood	R-1 Single Family Residential	Single Family Residential

The subject property is 4.23 acres located on the north side of N.W. 183 Street west of N.W. 42 Avenue and is developed with a place of religious assembly consisting of two (2) one story buildings totaling 7,423 sq. ft. Surrounding properties are developed with single family homes.

Project Summary/Background

- The applicant is requesting a rezoning of the 4.23 acre parcel which is zoned AU, Agricultural and Utilities District to NC, Neighborhood Commercial which would bring the existing use, as a place of religious assembly, into conformity with the City's Land Development Regulations. City's Zoning

and Land Development Code allows places of assembly as a permitted use in the NC, Neighborhood Commercial or the PCD, Planned Area Development districts.

- This conformity will allow for the proposed 8,467 square feet expansion of the existing 7,423 square feet building for a total of 15,890 square feet. Future expansions will include a 9,578 sq. ft. multi-purpose building and a 10,465 sq. ft. library office building, with a total of 305 parking spaces.
- The applicant has presented a site plan (attached) depicting the existing and proposed development for the property. The site plan will be subject to site plan review by the City's Development Review Committee (DRC).
- Including places of public assembly the rezoning to NC, Neighborhood Commercial would allow an extensive list of commercial and non-residential uses. (See attachment, Permitted Use List Comparison, NC, Neighborhood Commercial, and AU, Agricultural and Utilities.

Zoning History

In March 1957, Dade County Resolution No. 11317 approved the place of religious assembly use and accessory uses. That approval was subject to conditions which included that the property be established and maintained in accordance to the approved plans.

Consistency with City of Miami Gardens Comprehensive Development Master Plan

The primary objective of the Neighborhood designation as outlined in Objective 1.2 of the Comprehensive Development Master Plans is as follows:

“The Neighborhood land use designation applies to areas intended for low and medium density residential development with supporting commercial and office uses. The designation of Neighborhood is specifically intended to protect single family homes from encroachment or intrusion from incompatible land uses.”

The property has been developed and established with the place of religious assembly since 1957 at the time the surrounding residential community was being established. The property is located along what is now a heavily travelled corridor of N.W. 183 Street on the west side of the City limits. The current zoning of AU, Agricultural and Utilities allows uses that may not be appropriate or consistent with the above stated objective of the CDMP and uses that are intrusive and incompatible with the residential character of the area. The rezoning to NC, Neighborhood Commercial would allow, not only the places of assembly and accessory uses, but also a list of supportive commercial and office uses that could be appropriately developed on the 4.23 acres site without intrusion of the single family neighborhood in the area.

Conclusion: From these factors listed above it can be concluded the existing and proposed development of the place of assembly is a supportive neighborhood use and would not be an encroachment or intrusion while protecting the single family residential neighborhood from incompatible uses and therefore the rezoning is consistent with the policies of the City's Comprehensive Development Master Plan.

Zoning Review and Analysis

The City Council may grant the rezoning of the properties subject to meeting the criteria set forth in Section 2-100 (F) of the City's Land Development Regulations:

- (F) ***“Criteria for granting of amendments or adoption of changes to the text of the LDRs, or change of the actual official zoning map designation of a parcel or parcels. The detriments or benefits of amendments or adoption of changes to the text of the LDRs, or change of the actual official zoning map designation of a parcel or parcels shall not be denied consideration on the grounds that they are indirect, intangible or not readily quantifiable. In evaluating the application, among other factors related to the general welfare the following shall be considered:***
- a. *The development permitted by the application, if granted, conforms to the City’s Comprehensive Development Master Plan; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;*
 - b. *The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of the City, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur.*
 - c. *The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of City of Miami Gardens, Florida;*
 - d. *The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;*
 - e. *The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.”*

In analyzing the proposed rezoning request and how it is in compliance with the above noted criteria for granting the rezoning, consideration was given to all the possible uses for the property with the proposed NC, Neighborhood Commercial zoning designation. (see attachment, Permitted Use List Comparison, NC, Neighborhood Commercial, AU, Agricultural and Utilities. The existing AU, Agricultural and Utilities zoning was the comparable zoning district from the AU zoning Miami-Dade County had designated the property historically. The location of the property and proximity within a developed residential community is inconsistent with the objectives and policies of the CDMP due to the antiquated AU zoning designation. Rezoning to NC, Neighborhood Commercial is a more appropriate designation and will allow the established use of a place of religious assembly (established in 1974) to continue in conformity. The planned expansion of a multi-purpose hall and offices/library building for the exclusive use of the congregation are not for general public use and do not create any new detrimental impacts since these uses are logical, customary and incidental uses for places of religious assembly use.

Conclusion: The rezoning of the property meets the criteria in the granting of the rezoning from AU, Agricultural and Utilities to NC, Neighborhood Commercial.

Anticipated Facilities Impact

DRC (Development Review Committee): prior to building permit issuance for the expansion(s) the site plan will be reviewed by the City’s DRC for anticipated impacts and any mitigation thereof.

General: Concurrency determinations are not finalized during the zoning approval process.

Public Notification/Comments

In accordance with the Land Development Regulations, two (2) notifications of the applicant's requests were mailed to property owners within a half mile (1/2) radius of the subject site to provide them an opportunity to comment on the application. No comments were received from property owners within that radius at the date of this writing. (See Mailed Notice Radius Map, attached).

Attachments:

Letter of Intent

Hearing Map-Zoning

Hearing Map-Aerial

Mailed Notice Radius Map

Submitted Plans and Survey

Zoning History

Permitted Use List Comparison NC, Neighborhood Commercial and AU, Agricultural and Utilities

LETTER OF INTENT



Jerry B. Proctor, Esq.
Tel 305.350.2361
Fax 305.351.2250
jproctor@bilzin.com

March 3, 2011

Mr. Jay Marder, Director
Planning & Zoning Department
City of Miami Gardens
1515 NW 167 Street, Building 5
Suite 200
Miami Gardens, FL 33169

03/04/11

Re: Zoning Application
Applicant: North American Islamic Trust, Inc.
Property: 4305 NW 183 Street, City of Miami Gardens

Dear Mr. Marder:

Our firm represents Muslim Communities Association of South Florida, Inc., the authorized agent for the property owner, North American Islamic Trust, Inc., of the religious facility at 4305 NW 183 Street (the "Subject Property"), in the City of Miami Gardens.

Please accept this application for rezoning of the Subject Property from AU to NC (Neighborhood Commercial), for the purpose of effectuating expansion plans for the religious facility on this 4.19 acre parcel. Conceptual expansion plans are included with this application.

The proposed expansion complies with the City's Comprehensive Development Master Plan Standards for public and semi-public uses, and the NC classification would place the Subject Property in compliance with the land use designation of "Commerce". The location of the Subject Property along a sectionline roadway (Miami Gardens Drive) also complies with the CDMP.

The applicants, together with the undersigned, will make themselves available to answer pertinent questions during your review of the application and to appear at all necessary meetings and hearings.

Thank you for your consideration of this application.

Sincerely,

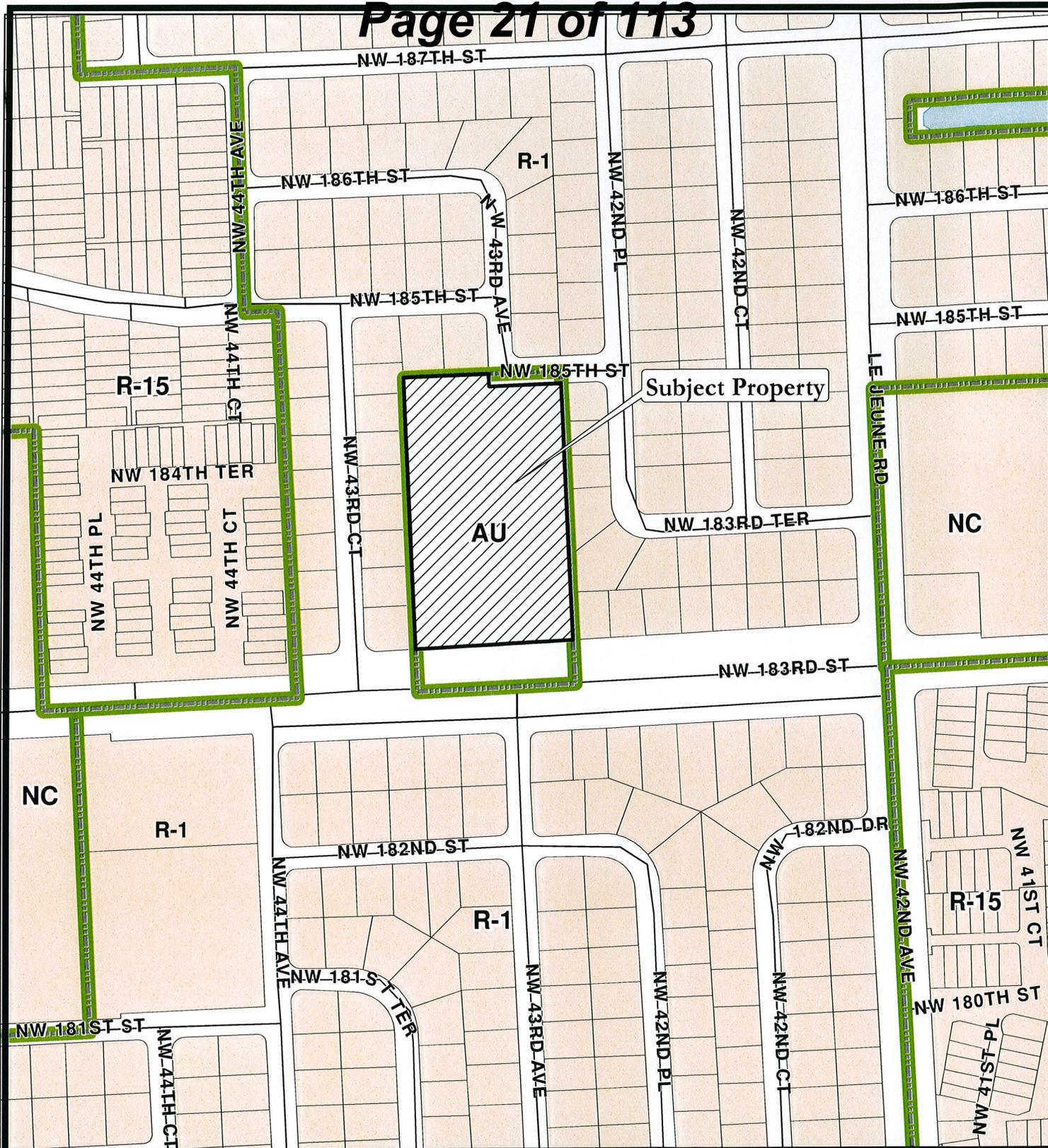
Jerry B. Proctor

JBP: id
Encl.

c: Khalid M. Mirza
Brian S. Adler, Esq.

MIAMI 2455116.1 7940735499
3/3/11

HEARING MAP-ZONING



HEARING MAP: ZONING



City of Miami Gardens
 Planning & Zoning Department

 Subject Property Zoning: AU

Applicant:
 Islamic Center of Greater Miami

Project Location: 4305 NW 183 Street
 Miami Gardens, FL 33055

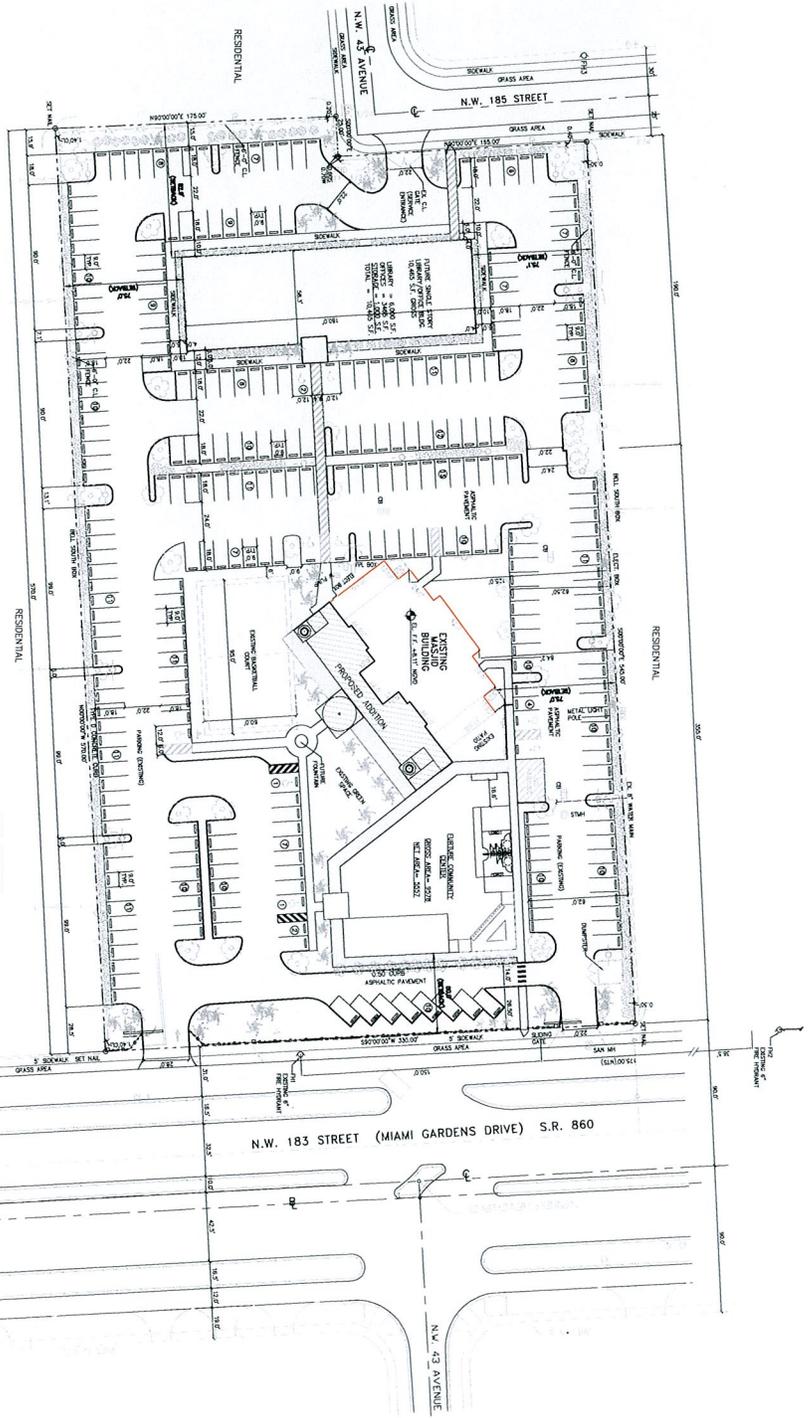


1 inch = 273 feet
 March 2011

HEARING MAP- AERIAL

MAILED NOTICE RADIUS MAP

SUBMITTED PLANS AND SURVEY



SITE DATA

ZONING DISTRICT: SPECIAL PERMIT FROM CHURCH & ALLEY USES AS PER RESOLUTION NO.1317 DATED MARCH 14, 1997.

EXISTING BUILDING DATA

- GROSS LAND AREA (INCL. C.O.A.) = 17,200 SF = 5.0 A.C.
- GROSS LAND AREA (EXCL. C.O.A.) = 17,200 SF = 5.0 A.C.
- EXISTING DEVELOPMENT = 17,200 SF = 2,700 A.C.
- EXISTING MAIN BUILDING = 5,923 SF GROSS
- EXISTING MAIN BUILDING = 1,500 SF GROSS
- COMBINED EXISTING BUILDING AREA = 7,423 SF GROSS

PROPOSED ADDITION:

- GROUND LEVEL ADD'N = 4,888 SF GROSS
- SECOND LEVEL ADD'N = 3,318 SF GROSS
- TOTAL EXISTING & PROPOSED ADDITION = 8,697 SF
- TOTAL EXISTING & PROPOSED ADDITION = 14,881 SF GROSS

FUTURE LIBRARY/OFFICE BUILDING DATA:

- LIBRARY = 6,000 SF GROSS
- OFFICES = 3,000 SF GROSS
- STORAGE = 1,000 SF GROSS/200
- TOTAL = 10,000 SF
- TOTAL OCCUPANTS = 129 OCCUPANTS
- TOTAL ADDITIONAL = 129 OCCUPANTS

OCCUPANCY DATA: CLASSIFICATION: ASSEMBLY, CHURCH, A-3 (NFPA 101(2007))

- EXISTING PRAYER HALL = 4,250 SF GROSS (NET = 2,807 SF)
- OTHER AREA (CORR., ELEV., STAIR) = 1,068 SF
- TOTAL EX. BLDG. AREA = 5,318 SF GROSS
- EX. CAPACITY (SEE SHT. A-1) = 256 OCCUPANTS
- PROPOSED ADDITION = 2,848 SF GROSS (NET = 1,026 SF)
- OTHER AREA (STAIRS, ELEVATOR, STORAGE) = 321 SF
- COVERED WALK = 1,068 SF
- TOTAL, PROPOSED BLDG. AREA, ADD'N = 4,888 SF GROSS
- PROPOSED COVERED TERRACE CAPACITY = 144 OCCUPANTS
- SECOND LEVEL: 3,318 SF GROSS (NET = 1,810 SF)
- OTHER AREA (CORR., ELEV., STAIR) = 927 SF
- OTHER MECHANICAL ROOM = 321 SF
- TOTAL SECOND LEVEL AREA, ADD'N = 3,318 SF GROSS
- PROPOSED PRAYER HALL CAPACITY = 146 OCCUPANTS
- OTHER AREA CAPACITY (OFFICE, STORAGE, MECHANICAL ROOM) = 5 OCCUPANTS
- TOTAL SECOND LEVEL CAPACITY = 151 OCCUPANTS
- PROPOSED ADDITION CAPACITY (GROUND & 2ND LEVELS) = 578 OCCUPANTS
- COMBINED EXISTING & PROPOSED ADDITION CAPACITY = 727 OCCUPANTS

PARKING DATA: (REQUIREMENT: 1 PARKING SPACE PER 4 PERSONS)

- TOTAL CAPACITY 726 + 321 + 135 = 715 PERSONS
- EX. MAIN BLDG. PARKING SPACES REQUIRED = 2 SPACES
- PROPOSED ADDITION PARKING SPACES REQUIRED = 187 SPACES
- TOTAL PARKING SPACES REQUIRED = 189 SPACES
- REGULAR PARKING SPACES PROVIDED = 796 SPACES
- HANDICAPPED PARKING SPACES PROVIDED = 9 SPACES
- TOTAL PARKING SPACES PROVIDED = 805 SPACES

ZONING INFORMATION:

- EXISTING ZONING: AU
- PROPOSED ZONING: NC
- EXISTING BUILDING: 7,423 SF GROSS AREA
- PROPOSED ADDITION: 8,697 SF GROSS AREA
- TOTAL: 16,120 SF GROSS AREA
- EXISTING BUILDING: 15,800 SF GROSS AREA
- PROPOSED ADDITION: 8,697 SF GROSS AREA
- TOTAL: 24,497 SF GROSS AREA
- EXISTING BUILDING: 15,800 SF GROSS AREA
- PROPOSED ADDITION: 8,697 SF GROSS AREA
- TOTAL: 24,497 SF GROSS AREA

LEGAL DESCRIPTION:

LEGAL DESCRIPTION: SOUTH 80.00 FEET INTERSECT AND LESS THE NORTH 20 FEET OF THE EAST 115 FEET OF THE MAIN SUBDIVISION, AS SHOWN IN PLAT BOOK NO. 2717 PAGE 96 OF PUBLIC RECORDS OF MIAMI COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION ONE, TOWNSHIP 22 NORTH, RANGE 41 EAST.

LEGAL DESCRIPTION: SOUTH 80.00 FEET INTERSECT AND LESS THE NORTH 20 FEET OF THE EAST 115 FEET OF THE MAIN SUBDIVISION, AS SHOWN IN PLAT BOOK NO. 2717 PAGE 96 OF PUBLIC RECORDS OF MIAMI COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION ONE, TOWNSHIP 22 NORTH, RANGE 41 EAST.



SITE PLAN-EXISTING & FUTURE

<p>SP-1F</p> <p>Sheet</p>	<p>Checked By: MSK</p> <p>Drawn By: CSK</p> <p>Date: 07/28/01</p>	<p>Siddiq Khan & Associates, Inc.</p> <p>Consulting Engineers And Planners</p> <p>1835 S.W. 87th Avenue, Suite 100 Miami, Florida 33165 Tel: (305) 551-7111 Fax: (305) 551-9922</p> <p>Comm. No. 60-001-00</p>	<p>ISLAMIC CENTER OF GREATER MIAMI</p> <p>4325 NW 183rd St. MIAMI, FL 33255</p> <p>SITE PLAN</p> <p>SCALE: 1" = 60'</p>	<p>TO THE BEST OF OUR KNOWLEDGE THESE PLANS CONFORM TO THE STRUCTURAL REQUIREMENTS OF F.P.C. CODE, LATEST EDITION, INCLUDING SECTIONS PERTAINING TO H-2.12</p> <p>DESIGNED BY: U.S. KHAN</p> <p>DATE: 07/28/01</p> <p>FL. P.E. #16743</p>
----------------------------------	--	---	---	---

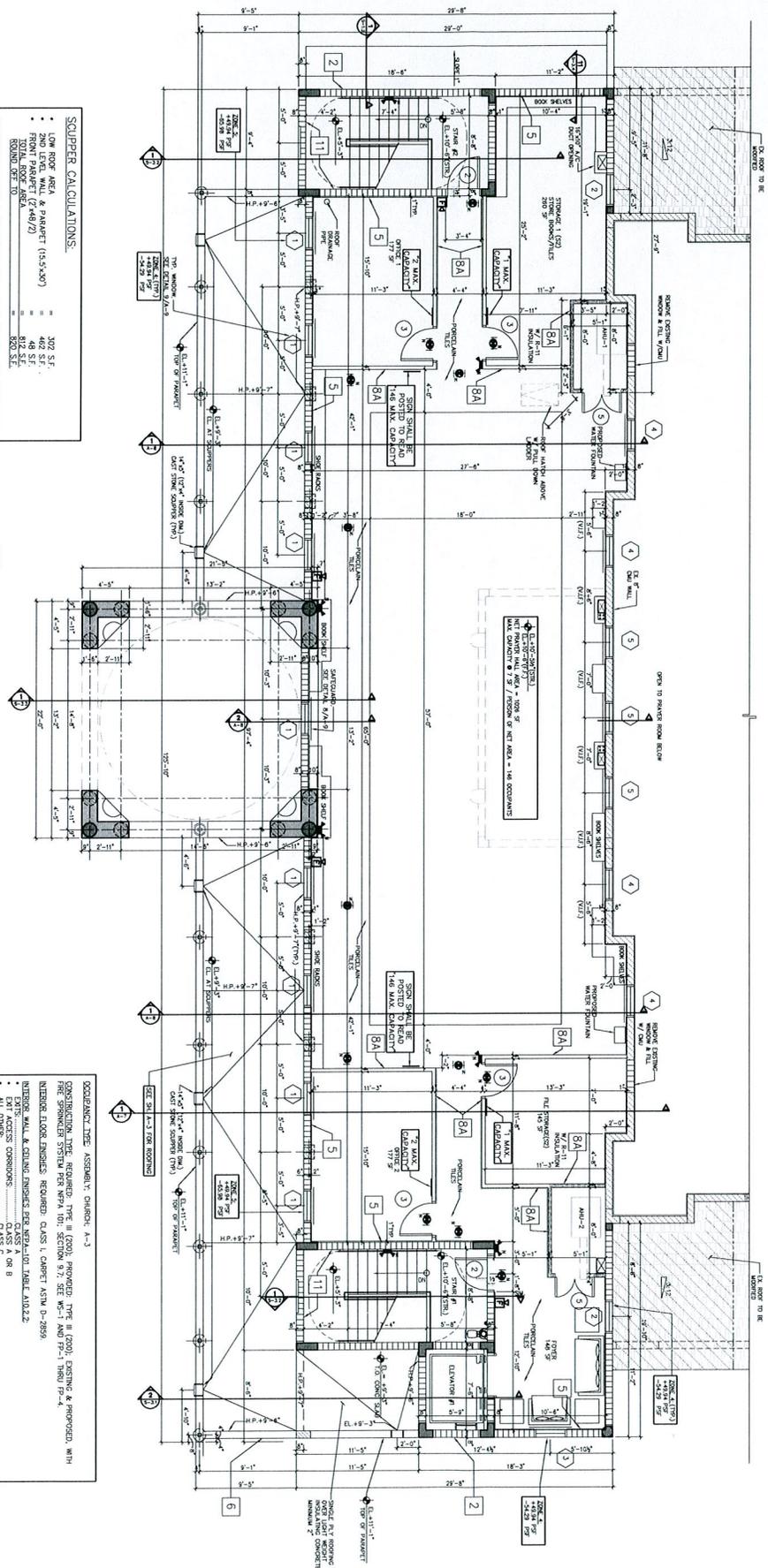
SCUDDER CALCULATIONS:

- LOW ROOF AREA & PERMET (155,500) = 202 S.F.
- HIGH ROOF AREA & PERMET (155,500) = 49 S.F.
- TOTAL ROOF AREA = 251 S.F.
- SCUDDER SET AREA = 832 S.F.
- SCUDDER W/ 1" HEAD & 1/2" WEB (42427) = (42427/251) = 169.03
- SCUDDER W/ 1" HEAD & 1/2" WEB (42427) = 892 S.F./SCUDDER
- TOTAL NUMBER OF SCUDDERS PROVIDED = 3



PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

- PLAN NOTES:**
1. FOR DOOR & WINDOW SCHEDULES/DETAILS SEE SH. A-9
 2. FOR KEY NOTES SEE SH. A-8



CONSTRUCTION TYPE ASSIGNED: CHURCH, A-3

CONSTRUCTION TYPE REQUIRED: TYPE III (200); EXISTING & PROPOSED, WITH FIRE SPRINKLER SYSTEM PER NFPA 101, SECTION 9.7; SEE M-1 AND M-1.1 THRU M-4.

INTERIOR FLOOR FINISHES REQUIRED: CLASS 1, CARPET ASTM D-2899.

INTERIOR WALL & CEILING FINISHES PER 909-1.01, TABLE A102.2.2.

EXITS: CLASS A OR B.

EXIT ACCESS CORRIDORS: CLASS C.

NOTES:

1. PRAYER HALL OCCUPANT LOAD DETERMINED PER IBC SECT. & TABLE 1004.1.1 & NFPA 101 TABLE 10.2.1.1.
2. ALSO SEE PREVIOUSLY APPROVED PLANS, MAIN-LEVEL PERMIT NO. C09079312 & NO. C09081050, SH. A-10.

PROPOSED SECOND FLOOR OCCUPANT LOAD:

- OCCUPANT LOAD PER IBC SECT. & TABLE 1004.1.1 & NFPA 101 TABLE 10.2.1.1 = 1,810 SF GROSS (NET = 1,026 SF)
- PRAYER HALL AREA = 354 SF
- OFFICE AREA (COMMON FLOOR, ELEVATOR SHAFT) = 354 SF
- STORAGE & MECHANICAL ROOM = 1,569 SF
- TOTAL OCCUPANT LOAD = 3,327 PERSONS

MAX. PRAYER HALL CAPACITY (1" ST / PERSON BY NET AREA) = 144 OCCUPANTS

- OFFICE OCCUPANT LOAD = 1 OCCUPANT
- STORAGE & MECH. RM OCCUPANT LOAD = 242SF/200 = 121 OCCUPANTS
- TOTAL AND LEVEL OCCUPANT LOAD = 122 OCCUPANTS

EXIT CAPACITY REQUIRED (BASED BY 2 STAIRS):

- 2 EXIT STAIRS STANDARD 48" WIDE = 2448/0.3 = 8160 PERSONS
- 2 EXIT STAIRS STANDARD 48" WIDE = 2448/0.2 = 12240 PERSONS
- MOST RESTRICTIVE 2 EXITS EXIT CAPACITY PROVIDED = 12000 PERSONS

Siddiq Khan & Associates, Inc.
Consulting Engineers and Planners

1800 NW 55th Street, Suite 205
Miami, Florida 33155
Tel: (305) 442-1100
Fax: (305) 442-1101

Comm. No. 00-001-001

Scale: 1/4" = 1'-0"

Sheet: **A-27**

ISLAMIC CENTER OF GREATER MIAMI
4305 NW 183rd St.
Miami, FL 33199

PROPOSED 2ND FLOOR PLAN
SCALE: 1/4" = 1'-0"

THE BEST OF OUR KNOWLEDGE THESE PLANS CONTAIN ALL THE NECESSARY INFORMATION FOR THE PROPER CONSTRUCTION OF THE PROJECT. HOWEVER, THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS, CONDITIONS, AND REQUIREMENTS OF THE PROJECT BEFORE CONSTRUCTION. ANY CHANGES TO THESE PLANS SHALL BE MADE BY A REVISION OR A CHANGE ORDER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING TREES AND LANDSCAPE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING HISTORIC STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING MONUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING MONUMENTS.

M.S. KHAN
P.L.C. # 16743

ZONING HISTORY

1971 42 PAGE 28

5-82-41
II-68

RESOLUTION NO. 11317

Reso. approv. sp.
permit for church
& allied uses of
prop. in Sec. 5-
92-41 upon appl.
Allapattah Baptist
Improvement Assoc.,
Inc.

The following resolution was offered by Commissioner

_____ Walter J. Mason _____, seconded by Commissioner

_____ Ralph A. Fossey _____, and upon vote duly adopted:

WHEREAS, The Allapattah Baptist Improvement Association, Inc. has applied for a special permit for church and allied uses on Tract 118, Miami Gardens Subdivision, (Plat Book 2, Page 96) in Section 6, Township 62 South, Range 41 East, NW corner of NW 43rd Avenue and Miami Gardens Road, Dade County, Florida, and

WHEREAS, a public hearing of the Dade County Zoning Commission was advertised and held as required by law, and after hearing all interested parties and considering the adjacent areas, the Zoning Commission recommended that the requested special permit be approved subject to the following conditions:

1. That in order to alleviate the congestion and traffic to be generated by the church use, such rights of way as may be deemed lacking, desirable and necessary, in the opinion of the County Engineer and Zoning Director, be dedicated.
2. That a detail plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include, among other things, but not be limited thereto, type and location of bulletin board or sign, location of structure or structures, off-street parking areas and driveways, walls and hedges, landscaping, drainage, etc.
3. That the use be established and maintained in accordance with the approved plan,

and
WHEREAS, it appears to this Board that the special permit, as recommended by the Zoning Commission, is in accord with the overall comprehensive zoning plan for Dade County, Florida;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the special permit, as recommended by the Zoning Commission, be, and the same is hereby approved.

The Zoning Director is hereby directed to make the necessary notation upon the maps and records of the Dade County Planning, Zoning and Building Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 11th day of March, 1967

HEARD and APPROVED this 11th day of March, 1967
_____ Mayor
_____ Board of County Commissioners

Verified By
For County Use Only

EXHIBIT "B"
REC. 1458671234
UNITY OF TITLE

Accepted By
For County Use Only

WHEREAS, the undersigned is the owner of that property described as:
The legal description as it appears in the documents of Agreement and deed are divided into 2 portions for the benefit of the land use. This unity of title only applies to the front portion, being known as Front Part, on which the unity of title is hereby presented for county use only. The back portion, being known as Back Part, though it is owned by the same party, the owner may sell, develop, construct anything that the zoning under which it was purchased permits.

The front southerly footings on Miami Gardens Drive. The South 447.14 of Lot 118, less the South 90.00 feet thereof, MIAMI GARDENS SUBDIVISION, according to the plat thereof, as recorded in Plat Book 2, at Page 96, of the Public Records of Dade County, Florida, said section located in Section 5, Township 52 South, Range 41 East.

also known as 4305 N.W. 123 St., Dade County, Florida, and The undersigned recognizes and acknowledges that for the public health, welfare, safety or morals, the herein-described property should not be divided into separate parcels owned by several owners so long as the same is put to the hereinafter use, and in consideration of the issuance of a permit to construct a mosque for the Muslim Communities Association of South Florida as beneficiary of the North American Islamic Trust according to the plans C90079312 heretofore filed with the Dade County Building and Zoning Department, and for other good and valuable considerations, the undersigned hereby agrees to restrict the use of the subject property in the following manner:

1. That said property shall be considered as one plot and parcel of land and that no portion of said plot and parcel and land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land.
2. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land and shall remain in full force and effect and be binding upon the undersigned, their heirs and assigns until such time as the same may be released in writing by the Director of the Dade County Building and Zoning Department or the executive officer of the successor of such Department, or in the absence of such director or executive officer, by his assistant in charge of the office in his absence.

Provided, however, that a release will be executed when the premises are made to conform with applicable zoning regulations or the use or structure is removed from the premises and there is no further reason to maintain the Unity of Title on the public records.

Rev. 5/27/89
MAY 18 2011
4467372

Prepared by: Louis A. Supraski, Esq.
Law Offices of Smith & Supraski, P.A.
New World Tower Bldg., Suite 1411
100 North Biscayne Blvd.
Miami, FL 33132

JUN 14 AM 8:31
GDR220263

NO. 1458671235

ACKNOWLEDGMENT

signed, sealed, executed and acknowledged on this 1 day of June, 1990.

IN WITNESS WHEREOF, Muslim Communities Association of South Florida, Beneficiary, North American Islamic Trust, Trustee, have caused these presents to be signed in their name by their proper officials, and the corporate seal to be affixed.

(SEAL) Muslim Communities Association of South Florida, Beneficiary North American Islamic Trust, Trustee

By [Signature]
President, Muslim Communities Association of South Florida/
Local Representative, North American Islamic Trust

Secretary, Muslim Communities Association of South Florida

STATE OF FLORIDA)
COUNTY OF DASH) SS:

I hereby certify that on this day, before me, a Notary Public duly authorized in the State and County named above to take acknowledgments, personally appeared Malik Sardar Khan and to me known to be the persons described as the President of Muslim Communities Association of South Florida and Local Representative of North American Islamic Trust, and Secretary of Muslim Communities Association of South Florida, who executed the foregoing instrument, and acknowledged before me that such persons executed the said instrument in the name of and for that corporation, affixing the corporate seal of that corporation thereto; that as such corporate officers such persons are duly authorized by that corporation to do so; and that the foregoing instrument is the act of that corporation.

Witness my hand and official seal in the county and state named above this 1 day of June, 1990.

[Signature]
Notary Public

[Signature]
Notary Public
My Commission Expires:



NOTARY PUBLIC STATE OF FLORIDA
COMMISSION EXPIRES MAY 3, 1994

RICHARD P. BRADY
CLERK DISTRICT COURT

**PERMITTED USE LIST COMPARISON
NC, NEIGHBORHOOD COMMERCIAL AND
AU, AGRICULTURAL AND UTILITIES**

Zoning Districts/Uses	NC	AU
Assisted Living Facility (ALF)*	SE	
Community residential facility up to 6 residents*	P	
Community residential facility 7 to 14 residents *	SE	
Community residential facility greater than 15 and more *	SE	
Day care center –adult	P	
Dormitories, Fraternity or Sorority house, on campus, off-campus		
Family day care home, 5 children or less	P	
Farm worker housing		SE
Halfway house, treatment facility	SE	
Home occupation office*		P
Hotels, Motels, Lodging*	P	
Mobile home, Manufactured homes*		
Residential -mixed-use residential*		
Residential -multi-family residential*		
Residential -single family-detached residential*		
Residential –townhouse*		
Residential -two-family residential*		
Transient Housing - shelters		
Airport, airfield, heliport, related uses–public, private*		
Community centers		
Cultural and civic facilities - libraries, museums	P	
Detention facility		
Educational and child care facilities – non-public* (includes charter)	P	SE
Educational facilities - college or university –private; main campus*	SE	
Educational facilities – public	P	P
Educational facilities – technical, vocational, specialty –non-public	P	
Government facilities, including administrative, support and service		
Hospital, –private, public	SE	

Zoning Districts/Uses	NC	AU
Public parks and recreational facilities	P	P
Public safety facility	P	P
Sewage lift or pumping station*	P	P
Solid waste transfer station		
Transit station		
Utilities and related facilities		
Water plant, waste water plant		
Car wash – enclosed*	P	
Car wash – outside, hand wash*	P	
Parking Garage. lot - commercial	P	
Rental-automobile only (No standards in Section 9-20)	SE	
Rental-Truck and other vehicles	SE	
Transit, passenger terminals.	SE	
Vehicle Fueling stations and sales	P	
Vehicle major repair – mechanical, body (No standards in Section 9-20)		
Vehicle minor repair – mechanical, service (No standards in Section 9-20)	P	
Vehicle - parts sales and installation and service - new	P	
Vehicle -parts sales and installation - used	SE	
Vehicle sales-new automobiles (No standards in Section 9-20)	SE	
Vehicle sales-used automobiles (No standards in Section 9-20)	SE	
Amusement parks, stadiums, arenas, Marinas*		
Arcade, video games, electronic gaming	P	
Camp grounds, RV parks*		SE
Casino Gaming Facility		
Golf course, driving range		P
Golf, miniature	P	

Zoning Districts/Uses	NC	AU
Gun, pistol range, gun clubs, archery clubs - indoor, outdoor	SE	
Race track- horse, dog, car		
Riding clubs – horses, off-road vehicles, motorcycles		SE
Sports fields, batting cages, basketball courts, racket ball courts, sporting activities, bowling alleys - indoor	SE	
Sports fields, batting cages, basketball courts, racket ball courts, sporting activities - outdoor	SE	SE
Adult entertainment establishment*		
Catering Service*		
Nightclub, Discotheque, Club, Cabarets.	SE	
Restaurant – sports bar, amusement restaurant/bar, coffee/sandwich shop, cafeteria, outdoor cafe*	P	P
Auction House- indoor	P	
Banquet hall	P	
Funeral Homes	P	
Place of religious assembly	P	
Private clubs, not public	P	
Theater (movie, performing arts)	P	
Convenience store	P	
Donated goods Center - new/used*	P	
Drug, Pharmacy store	P	
Flea market		
Food specialty store	P	
Grocery store	P	

Zoning Districts/Uses	NC	AU
Liquor package store*	SE	
Pawn shop	SE	
Plant nursery, retail or wholesale *	P	
Retail – big box, club membership, department		
Retail – general, single use	P	
Retail - Home improvement, building materials*	P	
Secondhand merchandise store/consignment store	SE	
Call center		
Office- business, sales, professional, semi-professional services	P	
Office - medical office/medical clinic	P	
Animal grooming and pet sitting - indoor	P	
Animal Hospital/Veterinarian clinic	P	
Animal kennel, boarding*	SE	P
Animal shelters	SE	P
Blood banks, diagnostic medical treatment centers	P	
Check cashing, bill payments	P	
Copy, printing center	P	
Cosmetic Surgery, beauty clinics	P	
Customer service center	P	
Dry cleaning	P	
Equipment and tool rental	P	
Financial institution – banks, credit unions, investment brokerage establishments*	P	
Health club, fitness club	P	
Laundromat, self-service	P	
Package shipping, mail service	P	
Personal care services	P	

Zoning Districts/Uses		NC	AU
	Repair and service shop - general merchandise	P	
	Self service storage facility	SE	
	Studios – photographic, and instructional	P	
	Tattoo parlor, body piercing	SE	
	Cemetery, mausoleums, crematory*	SE	SE
	Wireless Antennas and support services*	SE	SE
	Distribution center		
	Dry cleaning- commercial laundry plant		
	Industrial uses - heavy		
	Industrial uses- light		P
	Laboratory- medical, research, testing		
	Mining/extraction, rock quarry		
	Outdoor Storage, open air storage* (See Section 10-10 for Special Requirements)		
	Radio and transmitting station	SE	
	Recycling facility, Refuse disposal		
	Salvage yard, junkyard		
	Self-storage facility	SE	
	Showrooms, retail sales	P	
	Showrooms, wholesale sales	SE	
	Studio for movie, television, music production		
	Warehouse		
	Farms – produce, livestock		P
	Greenhouses – nurseries, retail	P	P
	Outdoor storage – agriculture* (No extra standard in Section 9-20)		P
	Packing facilities – small* (No extra standard in Section 9-20)		P
	Produce stand, farmers market*		P
	Packing facilities – large*		SE
	Seed drying facility		P

Zoning Districts/Uses	NC	AU
Urban agricultural gardens*	SE	P
Wineries, vineyards*		P



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	May 4, 2011		Item Type:	Resolution	Ordinance	Other	
					x		
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading:	1st Reading		2nd Reading	
		x		x			
			Public Hearing:	Yes	No	Yes	No
				x			
Funding Source:			Advertising Requirement:	Yes		No	
				x			
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:	N/A			
		x					
Strategic Plan Related <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area:	Strategic Plan Obj./Strategy			
	X		Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input checked="" type="checkbox"/> Communcation <input type="checkbox"/>	Objective: Enhance overall quality of life for residents and businesses of CMG.			
Sponsor Name	Councilman Andre' Williams		Department:	Mayor and Council			

Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ARTICLE XIII OF CHAPTER 34 ("ZONING AND LAND DEVELOPMENT CODE") TO CREATE SECTION 34-421 ENTITLED "HEAT ISLAND EFFECT-NON ROOF" AND TO PROVIDE REGULATIONS RELATING TO ENVIRONMENTALLY RESPONSIBLE METHODS FOR COOLING AND SHADING OF HARDSCAPES IN CERTAIN DISTRICTS WITHIN THE CITY OF MIAMI GARDENS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

Summary:

At the March 2, 2011 Zoning Meeting the city Council deferred this ordinance for the second time to May 4, 2011.

**ITEM 8-B) ORDINANCE
FIRST READING/PUBLIC HEARING
Heat Island Effect**

The City of Miami Gardens is committed to doing its part to reduce energy consumption. One mechanism for doing this is to reduce the heat island effect from hardscapes in the City. It has been shown that elevated temperatures from heat island effects in urban areas result in increased energy consumption for cooling; increased greenhouse gas emissions associated with building and vehicle usage; and deterioration in air quality. Hardscape management methods, such as tree planting, shading and use of reflective light colored paving materials, will contribute to decreasing the urban heat island effect, which can thereby reduce the energy consumption of buildings.

The City Council previously adopted Resolution No. 2008-27-714 whereby the City Council committed to implemented measures to become a “green local government.” Councilman Andre’ Williams is proposing that the City Council enact this Ordinance in an effort to mitigate the urban heat island effect within the City thereby improving the energy consumption in new commercial structures.

At the February 2, 2011 Zoning Meeting the City Council requested Staff to provide an analysis of the proposed ordinance’s potential effect upon development. That analysis is attached.

Based on discussion with the LDR Stakeholders on February 16, 2011, the proposed ordinance was revised so that it does not impact existing businesses and only applies to new construction.

Proposed Action:

Councilman Williams is recommending that the City Council adopt the attached Ordinance.

Attachment:

Smart Growth Heat Island Brochure
Staff Analysis of Heat Island Effect Ordinance – Cost Analysis

ORDINANCE NO. 2011 _____

1
2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
4 OF MIAMI GARDENS, FLORIDA, AMENDING ARTICLE
5 XIII OF CHAPTER 34 (“ZONING AND LAND
6 DEVELOPMENT CODE”) TO CREATE SECTION 34-421
7 ENTITLED “HEAT ISLAND EFFECT-NON ROOF” AND TO
8 PROVIDE REGULATIONS RELATING TO
9 ENVIRONMENTALLY RESPONSIBLE METHODS FOR
10 COOLING AND SHADING OF HARDSCAPES IN CERTAIN
11 DISTRICTS WITHIN THE CITY OF MIAMI GARDENS;
12 PROVIDING FOR ADOPTION OF REPRESENTATIONS;
13 REPEALING ALL ORDINANCES IN CONFLICT;
14 PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR
15 INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.
16

17 WHEREAS, the City of Miami Gardens is committed to doing its part to
18 reduce energy consumption, and

19 WHEREAS, one mechanism for doing this is to reduce the heat island
20 effect from hardscapes in the City, and

21 WHEREAS, the United States Environmental Protection Agency advises
22 that it has been shown that elevated temperatures from heat island effects in
23 urban areas result in increased energy consumption for cooling; increased
24 greenhouse gas emissions associated with building and vehicle usage; and
25 deterioration in air quality, and

26 WHEREAS, hardscape management methods, such as tree planting,
27 shading and use of reflective paving materials, will contribute to decreasing the
28 urban heat island effect, which can thereby reduce the energy consumption of
29 buildings, and

30 WHEREAS, City Council previously adopted Resolution No. 2008-27-714
31 whereby the City Council committed to implement measures to become a “green
32 local government”, and

33 WHEREAS, Councilman Andre’ Williams is proposing that the City Council
34 enact this Ordinance in an effort to mitigate the urban heat island effect within the
35 City thereby improving the energy consumption in new commercial structures,
36 and

37 WHEREAS, at the February 2, 2011 Zoning Meeting, the City Council
38 requested that staff provide a detailed analysis of the proposed Ordinance’s
39 potential effect upon development, and

40 WHEREAS, based on discussions with stakeholders, the proposed
41 Ordinance was revised so that it does not impact existing businesses and only
42 applies to new construction,

43 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
44 CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

45 Section 1. ADOPTION OF REPRESENTATIONS: The foregoing
46 Whereas paragraphs are hereby ratified and confirmed as being true, and the same
47 are hereby made a specific part of this Ordinance.

48 Section 2. AMENDMENT: Article XIII of Chapter 34 of the City’s Zoning
49 and Land Development Code is hereby amended to add Section 34-421 as follows:

50 Sec. 34-421. Heat Island Effect - Non-Roof

51
52 A. Intent

53

54 The requirements of this ordinance are intended to reduce the “heat island effect”
55 from hardscapes in the City of Miami Gardens and to consequently reduce
56 energy consumption and electric bills for buildings within the City.

57
58 B. Definitions

- 59
60 1. Hardscape means the nonliving portions of a building's landscaping, such
61 as roads, sidewalks, courtyards and parking lots.
62 2. Heat Island Effect is an elevated temperature over an urban area when
63 compared to rural areas, typically caused by the increased presence of
64 dark, heat-absorbing materials, such as asphalt and dark roofs in urban
65 areas.
66 3. Solar reflectance is the fraction of solar energy reflected by a material.
67 4. Pervious Pavement System is a porous surface system with a stabilized
68 base that allows water from precipitation and other sources to pass
69 directly through, thereby reducing the runoff from a site, allowing
70 groundwater recharge, and naturally cooling the surface through
71 evaporation of water from pavement voids or from beneath.

72
73 C. Applicability

74
75 The provisions of this section are applicable in all zoning designations except the
76 I-1 and I-2 Zoning Districts. All newly constructed buildings shall comply with
77 these requirements, provided that, single family, duplex, townhouse dwelling
78 units, and industrial parks, are exempt from these requirements. Additionally,
79 new developments, where asphalt and paving already exist, or where compliance
80 would otherwise require the removal of existing asphalt, are exempt from these
81 requirements. New construction that is a part of an overall larger site plan, with
82 existing asphalt shall be permitted to match the hardscape to the existing asphalt
83 to create a cohesive development. All new and replacement hardscape shall be
84 reviewed by the Planning & Zoning Department for compliance with this
85 Ordinance.

86
87 D. Solar reflectance

88
89 Solar reflectance shall be determined as follows:

- 90
91 a. For parking lot roofing covering materials, all roof exterior surfaces and
92 building materials used to comply with Section 34-421(D) shall have a
93 minimum solar reflectance as specified in Sections 34-421(D) when (i)
94 tested in accordance with American Society for Testing and Materials
95 (“ASTM E1918”), (ii) tested with a portable reflectometer at near
96 ambient conditions, (iii) labeled by the Cool Roof Rating Council, or (iv)
97 labeled as an Energy Star qualified roof product. Any product that has

98 been rated by the Cool Roof Rating Council or by Energy Star shall
99 display a label verifying the rating of the product.

- 100
101 b. For paving materials, all paving materials used to comply with Section
102 34-421(D) shall have a minimum solar reflectance as specified in
103 Sections 34-421(D) when (i) tested in accordance with ASTM E903 or
104 ASTM E1918, (ii) tested with a portable reflectometer at near ambient
105 conditions, or (iii) default values of solar reflectance for listed materials
106 may be used as follows:

107
108 **TABLE INSET:**

<u>Material Solar</u>	<u>Reflectance</u>
<u>Typical new gray concrete</u>	<u>0.35</u>
<u>Typical weathered gray concrete</u>	<u>0.20</u>
<u>Typical new white concrete</u>	<u>0.70</u>
<u>Typical weathered white concrete</u>	<u>0.40</u>
<u>New asphalt</u>	<u>0.05</u>
<u>Weathered asphalt</u>	<u>0.10</u>

109
110
111
112
113
114
115
116
117
118
119 E. Requirements

120
121 Sites with new construction, except as provided under Section C above, shall be
122 required to comply with the following:

- 123
124 (a) Provide any combination of the following strategies for fifty percent
125 (50%) of the site hardscape:
- 126
127 (i) Shade from solar panels or roofing materials with a solar
128 reflectance of at least 0.30
 - 129 (ii) Shade from trees within five (5) years of occupancy
 - 130 (iii) Paving materials with a solar reflectance of at least 0.30
 - 131 (iv) Pervious pavement system; OR
- 132
133 (b) Place a minimum of fifty-percent (50%) of parking spaces under
134 cover (defined as underground, under deck, under roof, or under
135 building). Any roof used to shade or cover parking must have a
136 solar reflectance of at least 0.30.
137

138 Section 3. CONFLICT: All ordinances or Code provisions in conflict
139 herewith are hereby repealed.

140 Section 4. SEVERABILITY: If any section, subsection, sentence,
141 clause, phrase or portion of this Ordinance is for any reason held invalid or
142 unconstitutional by any court of competent jurisdiction, such portion shall be
143 deemed a separate, distinct and independent provision and such holding shall
144 not affect the validity of the remaining portions of this Ordinance.

145 Section 5. INCLUSION IN CODE: It is the intention of the City
146 Council of the City of Miami Gardens that the provisions of this Ordinance shall
147 become and be made a part of the Code of Ordinances of the City of Miami
148 Gardens and that the section of this Ordinance may be renumbered or relettered
149 and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or
150 such other appropriate word or phrase, the use of which shall accomplish the
151 intentions herein expressed.

152 Section 6. EFFECTIVE DATE: This Ordinance shall become effective
153 immediately upon its final passage.

154 PASSED ON FIRST READING ON THE ____ DAY OF _____,
155 2011.

156 PASSED ON SECOND READING ON THE ____ DAY OF _____,
157 2011.

158

159 ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF
160 MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE ____ DAY OF
161 _____, 2011.

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SHIRLEY GIBSON, MAYOR

ATTEST:

RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: COUNCILMAN ANDRE' WILLIAMS

Moved by: _____

Second by: _____

VOTE: _____

Mayor Shirley Gibson	_____ (Yes)	_____ (No)
Vice Mayor Aaron Campbell, Jr.	_____ (Yes)	_____ (No)
Councilman David Williams Jr.	_____ (Yes)	_____ (No)
Councilwoman Lisa Davis	_____ (Yes)	_____ (No)
Councilman Oliver Gilbert, III	_____ (Yes)	_____ (No)
Councilwoman Felicia Robinson	_____ (Yes)	_____ (No)
Councilman Andre' Williams	_____ (Yes)	_____ (No)



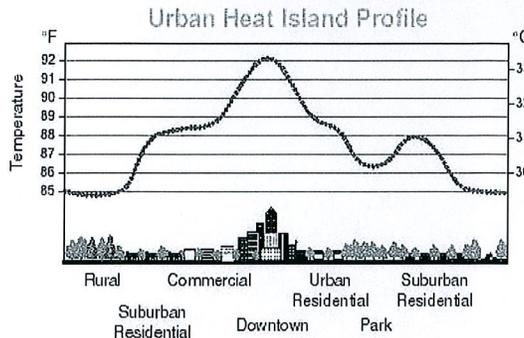
Smart Growth and Urban Heat Islands

Development patterns of the last 50 years have had both positive and negative impacts on communities across the country. One concern has been steadily increasing urban temperatures due to the effects of "urban heat islands." A heat island is an umbrella of air, often over a city or built-up area, that is warmer than the air surrounding it.

The urban heat island profile shown here demonstrates that heat islands are typically most intense over dense urban areas. The profile also shows how parks and other vegetated sections within a downtown area may help to reduce heat islands.

In general, summertime heat islands raise air conditioning demand, air pollution levels (particularly smog), and greenhouse gas emissions. They also increase the incidence of heat-related illness and mortality. In fact, in an average year, approximately 1,100 Americans die from extreme heat -- the leading weather-related killer in the United States. ²

Heat islands augment this public health threat by directly increasing temperature and indirectly raising ground-level ozone concentrations. Those at significant risk from extreme heat and ozone exposure include the elderly, children, and individuals with pre-existing respiratory disease. Residents who live in homes with dark-colored roofs and no air conditioning may also be more vulnerable than the general population.



Source: EPA 1992 ¹

Because urban design plays a large role in heat island formation, smart growth development strategies provide an opportunity to reduce heat islands.

Smart growth is development that enhances both a community's economy and environment through strategies to help citizens make informed decisions about how and where they want to grow.

In addition to mitigating the heat island effect, smart growth provides a framework for increasing regional environmental protection, enhancing community character, and strengthening local economies. Here are four smart growth solutions that can achieve these goals:

- **Reducing off-street parking and using porous paving materials:** Surface parking lots replace natural vegetation with pavements that transfer heat to the surroundings. Providing on-street parking and planning compact, pedestrian-oriented development promotes transportation choices and can minimize the size and number of parking lots.
- **Planting, preserving, and maintaining trees and vegetation:** Trees and vegetation contribute to the beauty, distinctiveness, and material value of communities by incorporating the natural environment into the built environment. In addition, they cool surrounding areas by increasing evapotranspiration -- a natural process that draws heat from the air to convert water in the leaf structure to water vapor. Planted adjacent to homes and buildings, trees provide shade, cool the interior, and reduce air conditioning energy demand. Trees and vegetation planted along medians and sidewalks can decrease evaporative emissions from cars and filter pollution from the air. Rooftop gardens, or green

Everyone wins. Residents get better homes, lower energy bills, and cooler neighborhoods with plenty of green space. Narrower streets and a shorter pipeline means lower installation costs, so the developer gets a subdivision that's cheaper to build. And the City ends up with less streets to maintain and a standard for future development that maintain the community's existing high quality of life.

J.D. Hightower, City Planner for Escalon, CA

Currents – An Energy Newsletter for Local Governments January/February 1999

roofs, can also mitigate urban heat islands while increasing the energy efficiency and attractiveness of commercial and residential buildings.

- **Promoting infill and higher-density development:**

Development within existing communities can preserve open space and help offset heat islands and their consequences. A 2001 report found that for every acre of brownfield redevelopment, 4.5 acres of open space is preserved. Additional research found that compact development contributes less heat energy to the surrounding air than low-density dispersed growth patterns.³

- **Increasing public education and outreach:**

Heat island mitigation strategies should reflect local variation in the built environment, as well as local preferences and attitudes. Policies should be tailored to meet these needs, based on stakeholder input, and effectively communicated to the public. Committees formed to address urban heat mitigation should include representatives from citizen groups, local government, non-governmental organizations, universities, and others concerned about how the community grows. A lead organization should be appointed to disseminate information to the community, solicit feedback, and incorporate issues and concerns

To learn more about Smart Growth and the Smart Growth Network, please go to <http://www.smartgrowth.org>.

Case Study

Chicago is a leader in urban forestry and heat island mitigation. The city has adopted an **open space impact fee ordinance** that requires new residential development to contribute a proportionate amount of open space or recreational facilities, or to pay fees that ensure community residents of continued access to greenspace. Chicago also replaced a 10,080 ft² conventionally paved alley with a **light-colored permeable gravel pave system**, which has eliminated chronic flooding without requiring the installation of a sewer system. In addition, between 1991 to 1998 Chicago planted **over 500,000 trees** and achieved a citywide tree count of 4.1 million. Chicago's Bureau of Forestry now plants a minimum of 5,000 new trees per year and plans to install -- in addition to 120 miles of existing median planters -- **280 miles of new median planters by 2005**. In June 2001, Chicago amended its **energy code** to include **requirements for reflective or green roofs**. See: <http://www.cityofchicago.org/Environment/>

into action plans. Working together, communities can address urban heat islands while enhancing the quality and character of their neighborhoods.

Resources

For more information on heat islands, see www.epa.gov/heatisland, www.hotcities.org, and <http://eetd.lbl.gov/HeatIsland>.

For more information on smart growth, see www.smartgrowth.org and www.epa.gov/smartgrowth. Additional information on the relationship between the environment and the built environment can be found in "Our Built and Natural Environments: A Technical Review of the Interactions between Land Use, Transportation, and Environmental Quality." EPA 231-R-01-002.

¹ "Cooling Our Communities – A Guidebook On Tree Planting and Light-Colored Surfacing" U.S. Environmental Protection Agency 22P-2001, January 1992.

² Kalkstein, LS, 1993. Health and Climate Change: Direct Impacts in Cities. *The Lancet* 342:1397-99.

³ Stone, B., and M.O. Rodgers. 2001. "Urban Form and Thermal Efficiency: How the Design of Cities Influences the Urban Heat Island Effect." *Journal of the American Planning Association* 67 (2) 186-198.

Office of Air and Radiation (MC 6205J)

Office of the Administrator (MC 1808)

EPA 430-F-03-001

"EPA's mission is to protect public health and the environment. EPA works with state and local decision makers to evaluate, promote, and implement integrated, common-sense strategies that capitalize on public health and air quality improvements, while encouraging economic growth. Studies have demonstrated that mitigating heat islands provide clear environmental and financial benefits including improved local and global air quality, reduced heat-related illness and death, and increased energy savings."



Page 54 of 113

The City of Miami Gardens

Planning and Zoning Department

DATE: February 23, 2011

TO: Mayor and City Council

VIA: Danny Crew, City Manager

FROM: Jay R. Marder, AICP, Development Services Director

CC: Daniel Rosemond, Assistant City Manager/Community Development Director
Sonja Dickens, City Attorney
Shellie Ransom, Building Official
Tom Ruiz, Public Works Director

SUBJECT: Heat Island Effect Ordinance – Cost Analysis

BACKGROUND AND PURPOSE

Councilman Andre' Williams has sponsored a Heat Island Effect ordinance that is based on similar City of Miami regulatory provisions. The provisions are proposed to be incorporated into the Zoning Code by amending Design Standards section. The draft ordinance was deferred at the Zoning Meeting of February 2, 2011 to allow City Staff to develop a more comprehensive analysis of the issues and to give Council more time to review the proposed ordinance. The ordinance will be heard on first reading at the Zoning Meeting of March 2, 2011.

Staff has been asked to analyze the Heat Island Effect ordinance in terms of its potential cost impact upon businesses and the City's development review process.

A Brief Explanation of the Proposed Ordinance

What is the "Heat Island Effect" – A definition by the United States Environmental Protection Agency is attached.

The proposed ordinance regulates the hardscape of a given development which primarily includes parking and traffic circulation areas. The ordinance does not affect the principal building or buildings. The proposed specifications require hardscape/pavement to provide and maintain a minimum 30% reflective surface per the national standards established by Leadership in Energy & Environmental Design (LEED: an internationally recognized green building certification system). In short, that means that hardscape must be white concrete material or other similarly reflective surfaces such as pervious concrete pavement that meet the 30% requirement. Grey concrete is not considered because over time it will diminish in the percentage of reflection and will no longer provide the required reflectance. In general asphalt is not known to meet the 30% requirement unless the asphalt is coated with a 30% reflective coating.

Cost Comparison and Estimates of White Concrete and Asphalt Paving

Cost Analysis/Comparison

- Asphalt Paving in a Typical Parking and Traffic Surface:
 - Total to Install Asphalt per Square Yard (SY): \$22.00
 - Includes Subgrade, Limerock, and Asphalt

- White Concrete Paving in a Typical Parking and Traffic Surface:
 - Total to install white concrete per SY: \$34.32
 - Includes Subgrade, Forming, Concrete, Finishing and Sawcutting

- Cost Difference: White concrete costs 56% more than asphalt in the typical parking and traffic surface calculation.

* Source: Miami Gardens Public Works Department, Miami Gardens Building Services

Sample Estimates: These projects are currently permitted and under construction.

- Mariner Parking Lot, 1100 Park Center Boulevard/NW 12 Avenue (Adjacent to Roma Hotel)
 - Number of Spaces: 126
 - Surface Parking Area: 4,284 SY
 - Estimated Cost of Asphalt: \$94,248
 - Estimated Cost of White Concrete: \$147,027

- FMU Dormitories, Florida Memorial University
 - Number of Spaces: 189
 - Surface Parking Area: Approximately 9,000 SY
 - Estimated Cost of Asphalt: \$198,000
 - Estimated Cost of White Concrete: \$308,880

- Again, as noted above, there is a 56% cost differential between white concrete and asphalt.

Potential Future Development Projects – Specific developments that could be impacted by the proposed Heat Island Effect ordinance:

- Solabella: 13 buildings; 92 new units
- Planned Projects by the City of Miami Gardens:
 - Paving Projects such as Vista Verde
 - City Hall
 - Rolling Oaks Park: 600 spaces
 - Bunche Park Pool Redevelopment

DEVELOPMENT REVIEW IMPACT (Potential Costs to the City of Miami Gardens)

- Development Review – Plan review by the Planning and Zoning Department to confirm that heat island specifications are met will not increase development review costs.
- Inspections - The cost of inspecting concrete parking lots will be covered in the permit cost. Thus, there is no initial financial impact to the City.

City of Miami - Per Staff's research, the City of Miami's Zoning Division reviews plans to insure that the heat island effect standards are included on the plans. As with other projects, the project engineer ensures that the project is built according to plan. According to LEED references, white concrete maintains its reflective quality for many years and does not need to be inspected.

CONCLUSIONS

Based on the information gathered from various sources, the following are staff's conclusions:

- The City of Miami Gardens does not meet the Environmental Protection Agency's definition of an Urban Heat Island. This definition is more in line with condensed downtown developments such as City of Miami or Fort Lauderdale.
- The City's Zoning Code provides for a landscape provision requiring additional tree canopies in both residential and commercial districts. It has been well documented that providing additional shading through the use of tree canopies is just as effective as the proposed amendments to the Zoning Code.
- The cost implication of this ordinance is indicated in the above analysis. Any significant increase in development costs to private sector commercial developers would seem to work in stark contrast to the City's goal of maintaining and increasing its tax base. Moreover, the ordinance as proposed would also create a cost burden to existing commercial developments during the maintenance of their hardscape areas.
- Finally, a stand-alone ordinance related to reducing heat island effect is limited in its true environmental impact as compared to a more comprehensive amendment of our Building and Zoning Codes to include Green Design Standards. These anticipated amendments will incentivize property owners to make these improvements, rather than simply requiring them. Staff anticipates bringing this recommendation to Council once the consultant completes all the related tasks tied to the scope of work.

Attachments: Attachment 1: Heat Island Definition

Attachment 1: Heat Island Definition



[Contact Us](#) **Search:** () All EPA (X) This Area [Go]

- You are here: [EPA Home](#)
- [Heat Island Effect](#)
- Basic Information

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Basic Information

You will need the free Adobe Reader to view some of the files on this page.
See [EPA's PDF page](#) to learn more.

More Information on Urban Heat Islands

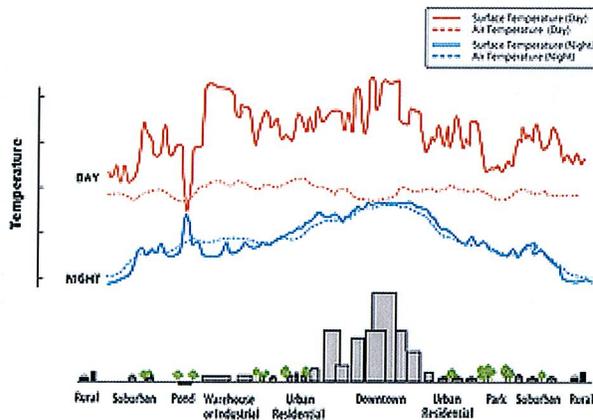
- [Heat Island Basics Chapter from EPA's Reducing Urban Heat Islands: Compendium of Strategies \(PDF\)](#) (22 pp, 1.5MB)
- [Measuring Heat Islands](#)
- [Heat Island Video Segments](#)

What Is an Urban Heat Island?

As urban areas develop, changes occur in their landscape. Buildings, roads, and other infrastructure replace open land and vegetation. Surfaces that were once permeable and moist become impermeable and dry.¹ These changes cause urban regions to become warmer than their rural surroundings, forming an "island" of higher temperatures in the landscape.

Heat islands occur on the surface and in the atmosphere. On a hot, sunny summer day, the sun can heat dry, exposed urban surfaces, such as roofs and pavement, to temperatures 50–90°F (27–50°C) hotter than the air,² while shaded or moist surfaces—often in more rural surroundings—remain close to air temperatures. Surface urban heat islands are typically present day and night, but tend to be strongest during the day when the sun is shining.

In contrast, atmospheric urban heat islands are often weak during the late morning and throughout the day and become more pronounced after sunset due to the slow release of heat from urban infrastructure. The annual mean air temperature of a city with 1 million people or more can be 1.8–5.4°F (1–3°C) warmer than its surroundings.³ On a clear, calm night, however, the temperature difference can be as much as 22°F (12°C).³



[view a larger version of this image](#)

Surface and atmospheric temperatures vary over different land use areas. Surface temperatures vary more than air temperatures during the day, but they both are fairly similar at night. The dip and spike in surface temperatures over the pond show how water maintains a fairly constant temperature day and night, due to its high heat capacity.

* Note: The temperatures displayed above do not represent absolute temperature values or any one particular measured heat island. Temperatures will fluctuate based on factors such as seasons, weather conditions, sun intensity, and ground cover.

To view images of surface and atmospheric heat islands, and to learn more about how scientists measure them, visit the [Measuring Heat Islands](#) page.

The heat island sketch pictured here shows how urban temperatures are typically lower at the urban-rural border than in dense downtown areas. The graphic also shows how parks, open land, and bodies of water can create cooler areas within a city.

For additional information on urban heat islands:

- read the [Heat Island Basics chapter \(PDF\)](#) (22 pp, 1.5MB) from EPA's Reducing Urban Heat Islands: Compendium of Strategies, which explains the different types of urban heat islands and their causes, describes the impacts of heat islands, and provides resources for more information;
- learn [how heat islands are measured](#); and
- watch two short [video segments](#) that EPA developed in partnership with The Weather Channel cable television network.

Why Do We Care About Heat Islands?

Elevated temperature from urban heat islands, particularly during the summer, can affect a community's environment and quality of life. While some heat island impacts seem positive, such as lengthening the plant-growing season, most impacts are negative and include:

- **Increased energy consumption:** Higher temperatures in summer increase energy demand for cooling and add pressure to the electricity grid during peak periods of demand. One

study estimates that the heat island effect is responsible for 5–10% of peak electricity demand for cooling buildings in cities.³

- Elevated emissions of air pollutants and greenhouse gases: Increasing energy demand generally results in greater emissions of air pollutants and greenhouse gas emissions from power plants. Higher air temperatures also promote the formation of ground-level ozone.
- Compromised human health and comfort: Warmer days and nights, along with higher air pollution levels, can contribute to general discomfort, respiratory difficulties, heat cramps and exhaustion, non-fatal heat stroke, and heat-related mortality.
- Impaired water quality: Hot pavement and rooftop surfaces transfer their excess heat to stormwater, which then drains into storm sewers and raises water temperatures as it is released into streams, rivers, ponds, and lakes. Rapid temperature changes can be stressful to aquatic ecosystems.

For more information on the effects of heat islands, visit the [Heat Island Impacts](#) page.

What Can Be Done?

Communities can take a number of steps to reduce the heat island effect, using four main strategies:

- increasing [tree and vegetative cover](#);
- creating [green roofs](#) (also called "rooftop gardens" or "eco-roofs");
- installing [cool—mainly reflective—roofs](#); and
- using [cool pavements](#).

Typically heat island mitigation is part of a community's energy, air quality, water, or sustainability effort. Activities to reduce heat islands range from voluntary initiatives, such as cool pavement demonstration projects, to policy actions, such as requiring cool roofs via building codes. Most mitigation activities have multiple benefits, including cleaner air, improved human health and comfort, reduced energy costs, and lower greenhouse gas emissions.

For more information on heat island mitigation strategies and activities:

- visit the [Urban Heat Island Mitigation](#) page;
- read the [Heat Island Reduction Activities chapter \(PDF\)](#) (23 pp, 2.7 MB) from EPA's Reducing Urban Heat Islands: Compendium of Strategies;
- use the [Community Actions Database](#) to see what communities around the United States are doing to reduce the urban heat island effect; and
- learn about [EPA's Clean Energy-Environment State and Local Program](#).

Footnotes and References

1. This change in landscape may differ in regions such as deserts, where moisture may increase in urban areas if development introduces grass lawns and other irrigated vegetation.

2. Berdahl P. and S. Bretz. 1997. Preliminary survey of the solar reflectance of cool roofing materials. *Energy and Buildings* 25:149-158.

3. Akbari, H. 2005. [Energy Saving Potentials and Air Quality Benefits of Urban Heat Island Mitigation \(PDF\)](#) (19 pp, 251K). Lawrence Berkeley National Laboratory.



City of Miami Gardens Zoning Agenda Memo

Zoning Board Meeting Date:	May 4, 2011		Item Type: <i>(Enter X in box)</i>	Resolution X	Ordinance	Other	
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1 st Reading		2 nd Reading	
		x		Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
				X			
Funding Source:	<i>(Enter Fund & Dept)</i>		Advertising Requirement:	Yes		No	
				X			
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:				
		X					
Strategic Plan Related:	Yes	No	Strategic Plan Priority Area:	Strategic Plan Obj./Strategy: 2.5.1 Adopt revised Zoning Code/Land Development Regulations by 2009, including the incorporation of new sign code			
	X		Enhance Organizational <input type="checkbox"/>				
			Bus. & Economic Dev <input checked="" type="checkbox"/>				
			Public Safety <input type="checkbox"/>				
			Quality of Education <input type="checkbox"/>				
			Qual. of Life & City Image <input type="checkbox"/>				
			Communication <input type="checkbox"/>				
Sponsor Name:	Dr. Danny Crew, City Manager		Department:	Planning and Zoning Department			

Short Title:

RESOLUTION No. 2011-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING THE APPLICATION SUBMITTED BY OKS STADIUM, LLC, FOR PROPERTY GENERALLY LOCATED AT NORTHWEST 27TH AVENUE AND NORTHWEST 199TH STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FOR A NON-USE VARIANCE OF ARTICLE XVII OF SECTION 34-667(1)(A) OF THE CITY'S LAND DEVELOPMENT CODE TO ALLOW THREE (3) MONUMENT SIGNS WHERE TWO (2) MONUMENT SIGNS ARE ALLOWED ON PROPERTY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONDITIONS; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

The Applicant, Hope Calhoun, Esq. representing OKS Stadium, LLC (aka Sonic Restaurant) is requesting a non-use variance of the City's sign regulations to allow a third monument sign on the Walmart site located at N.W. 27 Avenue and N.W. 199 Street. Walmart currently has two existing (2) monument signs, one on each frontage. Sonic is building a restaurant on an outparcel of the Walmart site that faces N.W.

ITEM 10-A) RESOLUTION

PUBLIC HEARING

Application by Walmart Stores East LP

199 Street and is requesting to have signage along N.W. 27 Avenue. The signage proposed along N.W. 27 Avenue would have to be placed on the Walmart site, since the Sonic Restaurant site itself, does not have direct frontage on N.W. 27 Avenue, resulting in the Walmart site having a total of three (3) on site monument signs where the sign regulations allow two (2) on site monuments signs, thus requiring a non-use variance.

Proposed Action:

Staff recommends granting approval of the Resolution subject to the following conditions:

1. That the applicant submit and obtain Sign Plan approval from the Planning and Zoning Department prior to issuance of the building permit for the proposed monument sign.
2. That the plans submitted for building permit for the signage be substantially in compliance with those submitted with this application titled, "Sonic Family of Signs" as prepared by Cook Neon Signs, Inc. consisting of one sheet.

Attachments:

- EXHIBIT "A" LEGAL DESCRIPTION
 - EXHIBIT "B" STAFF RECOMMENDATION
-

RESOLUTION

RESOLUTION NO. 2011_____

1
2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 MIAMI GARDENS, FLORIDA APPROVING THE APPLICATION
5 SUBMITTED BY OKS STADIUM, LLC, FOR PROPERTY
6 GENERALLY LOCATED AT NORTHWEST 27TH AVENUE AND
7 NORTHWEST 199TH STREET, MORE PARTICULARLY
8 DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FOR A NON-
9 USE VARIANCE OF ARTICLE XVII OF SECTION 34-667(1)(A) OF
10 THE CITY'S LAND DEVELOPMENT CODE TO ALLOW THREE
11 (3) MONUMENT SIGNS WHERE TWO (2) MONUMENT SIGNS
12 ARE ALLOWED ON PROPERTY; PROVIDING FOR THE
13 ADOPTION OF REPRESENTATIONS; PROVIDING FOR
14 CONDITIONS; PROVIDING AN EFFECTIVE DATE.
15

16 WHEREAS, OKS Stadium, LLC, also known as Sonic Restaurant ("Applicant"), is
17 requesting a non-use variance of Article XVII of Section 34-667(1)(a) of the City's Land
18 Development Code to allow a third monument sign on the Wal-Mart side located at
19 Northwest 27th Avenue and Northwest 199th Street, more particularly described on
20 Exhibit "A", and

21 WHEREAS, the Applicant is located on the outparcel of the Wal-Mart site
22 location that faces Northwest 199th Street, and

23 WHEREAS, Wal-Mart has given written authorization for this application, and

24 WHEREAS, the proposed signage will be placed along Northwest 27th Avenue
25 on the Wal-Mart side, and since Sonic Restaurant does not have direct frontage on
26 Northwest 27th Avenue, the Applicant requests approval of a variance of Article XVII of
27 Section 34-667(1)(a) of the City's Land Development Code to allow three (3) monument
28 signs where two (2) monument signs are allowed, and

29 WHEREAS, City staff recommends approval of the application, and

30 WHEREAS, the City Council has considered the testimony of the Applicant, if
31 any, and

32 WHEREAS, the City Council has also considered the testimony of the City's
33 Planning and Zoning staff and the staff report attached hereto as Exhibit "B", and
34 incorporated herein by referenced,

35 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
36 OF MIAMI GARDENS, FLORIDA AS FOLLOWS:

37 Section 1: ADOPTION OF REPRESENTATIONS: The foregoing Whereas
38 paragraphs are hereby ratified and confirmed as being true, and the same are hereby
39 made a specific part of this Resolution.

40 Section 2: APPROVAL: The City Council of the City of Miami Gardens hereby
41 approves the application submitted by Applicant for a non-use variance of Article XVII of
42 Section 34-667(1)(a) of the City's Land Development Code, to allow three (3)
43 monument signs where two (2) monument signs are allowed.

44 Section 3: CONDITIONS: The City Council approval of the variance contained
45 herein are conditioned upon the Applicant complying with the following:

- 46 1. That the applicant submit and obtain Sign Plan approval from the
47 Planning and Zoning Department prior to issuance of the building
48 permit for the proposed monument sign; and
- 49 2. That the plans submitted for building permit for the signage be
50 substantially in compliance with those submitted with this
51 application titled, "Sonic Family of Signs" as prepared by Cook
52 Neon Signs, Inc. received on March 14, 2011, consisting of one
53 sheet.
54

55 Section 4: EFFECTIVE DATE: This Resolution shall take effect immediately
56 upon its final passage.
57

58 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI
59 GARDENS AT ITS ZONING MEETING HELD ON _____, 2011.

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SHIRLEY GIBSON, MAYOR

ATTEST:

RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Moved by: _____

VOTE: _____

Mayor Shirley Gibson	_____ (Yes)	_____ (No)
Vice Mayor Aaron Campbell, Jr.	_____ (Yes)	_____ (No)
Councilman David Williams Jr.	_____ (Yes)	_____ (No)
Councilwoman Lisa Davis	_____ (Yes)	_____ (No)
Councilman Oliver Gilbert, III	_____ (Yes)	_____ (No)
Councilwoman Felicia Robinson	_____ (Yes)	_____ (No)
Councilman Andre' Williams	_____ (Yes)	_____ (No)

EXHIBIT "A"
LEGAL DESCRIPTION



EXHIBIT "A"
LEGAL DESCRIPTION

A PORTION OF LOT 1, BLOCK 1, OF THE "WAL-MART ON HONEY HILL PLAT" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 164, PAGE 58, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

EXHIBIT "B"
STAFF RECOMMENDATION

STAFF RECOMMENDATION PH-2011-000062

APPLICATION INFORMATION:

Applicant: OKS, Stadium LLC
Agent: Hope Calhoun, Esq.
Project Name: Sonic Restaurant
Site Location: SE corner of N.W. 27 Avenue and N.W. 199 Street
Property Size: ± 33 Acres
Future Land Use: Commerce
Existing Zoning: PCD, Planned Corridor Development

REQUESTED ACTIONS:

1. Non-use variance to allow three (3) monument signs on the property where a maximum of two (2) monument signs are permitted;

RECOMMENDATION

Recommend approval of the Resolution subject to the following condition:

1. That the plans submitted for building permit for the signage be substantially in compliance of those submitted with this application titled “Sonic Family of Signs” as prepared by Cook Neon Signs, Inc. consisting of one sheet.
2. That the applicant submit and obtain a sign plan approval from the Planning and Zoning Department prior to issuance of the building permit for the proposed monument sign.
3. That the monument sign may be altered or replaced without modification of these imposed conditions providing the alteration or replacement of the sign is in compliance with the City’s sign regulations in effect at such time.

REVIEW AND ANALYSIS

Neighborhood Land Use Characteristics

Property	Zoning	Existing Use	Future Land Use
Site	PCD, Planned Corridor Development, R-1, Single Family Residential, R-15, Multi-Family Residential	Walmart Store and Neighborhood Buffer Area	Commerce
North	Miami Dade County BU-2	Sun Life Stadium	Commerce

South	PCD, Planned Corridor Development	Unimproved	Commerce
East	R-1, Single Family Residential	Single Family Residential	Neighborhood
West	PCD, Planned Corridor Development	Retail/ Commercial	Commerce

The 33 acre site is located in the southeast corner of N.W. 27 Avenue and N.W.199 Street and is developed with a Walmart store with two unimproved outparcels. To the north is the Sun Life Stadium site with parking, while to the west and south are developed with retail and commercial uses. The property to the east is developed with single family residences.

Project/Background Information

- OKS Stadium LLC is planning to build a Sonic Restaurant on the .95 acre outparcel of the Walmart site located at southeast corner of N.W. 27 Avenue and N.W. 199 Street.
- The .95 acre Sonic Restaurant outparcel is located approximately 200 ft. to the east of N.W. 27 Avenue with no actual site frontage on N.W. 27 Avenue. Sonic would be allowed a monument sign on N.W. 199 Street consistent with the site’s frontage.
- During staff’s DRC (Development Review Committee) review of the development plans it was noted that a monument sign was proposed along N.W. 27 Avenue on the Walmart site which could not be accommodated without a variance to the Walmart site since Walmart already has its’ two (2) permitted monument signs.
- Walmart has since authorized a variance request on the property to allow the third monument sign which will facilitate the Sonic outparcel signage on N.W. 27 Avenue. A variance would have not been required if Walmart had only one monument sign and was adding the Sonic monument sign as its’ second sign. However, Walmart already has monument signs along N.W 27 Avenue and along N.W. 199 Street.

Sign Code Review and Analysis

In evaluating this application the following Sections of the Land Development Regulations (LDRs) were considered:

“Sec.34-656 – Variance and waivers.

Whereas it is the attempt of this sign code to reduce the proliferation of the number, size and types of signs, and whereas it has been determined that less-obtrusive signs will ultimately lead to a healthier economy within the city, therefore no sign shall be permitted to be installed, altered, erected, constructed, posted, painted, maintained, or relocated, contrary to the provisions of this article unless a variance or waiver is approved by a majority vote in favor of granting such a variance and waiver by the members of the city council.

(1)

A decision to grant a variance or waiver must be in conformance with the following criteria and procedure:

a.

There is something unique about the building or site configuration that would cause the signage permitted by this article to be ineffective in identifying a use or structure that would otherwise be entitled to a sign.

b.

The grant of a variance or waiver is not contrary to the plan and intent of the sign code or any adopted redevelopment plan or policies, the aesthetics of the area, and does not create a nuisance or adversely affect any neighboring properties.

c.

The sign provides certain aesthetics, landmark recognition, or public benefit that is in the best interest and general welfare of the city, without detrimental impacts to the surrounding area.

Sec. 34-649 – Purpose and intent

(a)

These sign regulations and requirements are the minimum requirements to promote the public health, safety, comfort, good order, appearance, morals and general welfare, and to protect the character of residential, business and industrial areas throughout the city, and to conserve the taxable value of land and buildings and to protect the character and maintain the stability of residential, business, and industrial areas within the city and to promote the orderly and beneficial development of such areas. The display of signs should be appropriate to the land, building or use they identify and be adequate, but not excessive, for the intended purpose of identification or advertisement.

(b)

Unless otherwise prescribed herein, signs placed on land or on a building for the purpose of message display, identification or for advertising a use conducted thereon or therein shall be deemed to be accessory and incidental to subject land, building or use. With respect to signs advertising business uses, these regulations are specifically intended to avoid excessive competition and clutter among sign displays in the demand for public attention.”

Reviewing the above-noted criteria for granting variances of the LDRs, consideration is given to the significant size of the property (approximately 33 acres) and approximately 1200 ft. of frontage on N.W. 27th Avenue. As a single site the LDRs allows a maximum of two monument signs of which the two (2) could be located along the approximate 1200 ft. frontage of N.W. 27 Avenue. The additional one monument sign along this 1200 ft. frontage of N.W. 27 Avenue would allow Sonic Restaurant the identification and advertisement to the heavy traffic along one of the City’s main roadways. The third onsite sign on N.W. 27 Avenue would not be contrary to the purpose of the LDR sign requirements which intends to avoid excessive competition and clutter among sign displays in the demand for public attention.

Conclusion: The requested variance is not contrary to the purpose and intent of the LDRs which is in part to allow the display of signs appropriate to the land, building or use they identify and be adequate, but not excessive, for the intended purpose of identification or advertisement which at the same time do not create a nuisance or adversely affect any neighboring properties; while providing certain aesthetics, landmark recognition, or public benefit that is in the best interest and general welfare of the City, without detrimental impacts to the surrounding area.

ADDITIONAL INFORMATION

Anticipated Facilities Impact

The subject application pertains to signage and, as such, will not create additional impact upon the existing urban services and facilities.

Public Notification/Comments

In accordance with the Zoning Code, notification of this rezoning request was mailed to property owners within 500 ft. radius of the subject site to provide them an opportunity to comment on or object to the application if they so choose. (See Mailed Notice Radius Map, attached).

Attachments:

- Letter of Intent
 - Hearing Map-Zoning
 - Hearing Map-Aerial
 - Mailed Notice Radius Map
 - Submitted Plans
-

LETTER OF INTENT



200 EAST BROWARD BOULEVARD
SUITE 1500
FORT LAUDERDALE, FLORIDA 33301

POST OFFICE BOX 1900
FORT LAUDERDALE, FLORIDA 33302

(954) 761-2913
FAX: (954) 333-4113
HOPE.CALHOUN@RUDEN.COM

March 9, 2011

SONIC Sign Variance

OKS Stadium, LLC (“Applicant”) intends to construct a 3,000 square foot Sonic restaurant on the 0.95-acre outparcel generally located east of NW 27 Avenue and south of NW 199 Street (the “Property”). The Property is an outparcel of the Walmart at Dolphin Stadium Planned Corridor Development (“PCD”). The PCD consists of approximately 33 acres, and includes the Walmart Supercenter, a proposed gas station, and the proposed Sonic restaurant. The Property is directly adjacent to NW 199 Street.

The Applicant desires two freestanding identification signs for the restaurant, one facing NW 199 Street and one facing NW 27 Avenue. It has been determined that the City of Miami Garden’s Zoning and Land Development Code (“Code”) permits an identification sign along NW 199th Street. However, a variance is required for the second sign, as the Property is not directly adjacent to NW 27 Avenue. Therefore, the Applicant is seeking relief from Section 34-667, Sign Regulations, of the Code to allow a freestanding identification sign for the Sonic restaurant to be installed along the PCD’s NW 27 Avenue frontage.

Section 34-667 of the Code specifies that properties with at least 50’ of linear lot frontage on a principal or minor arterial are permitted a monument sign. The Code continues to provide that property that has more than 500’ of frontage along a right-of-way is allowed two monument signs along that street. While the PCD does have more than 500’ of frontage along NW 27 Avenue, staff has advised that a variance is required because the Property does not have NW 27 Avenue frontage and there is a sign on NW 27 Avenue for the WalMart.

Consistent with Section 34-656 of the Code, the Applicant will demonstrate below that the requested sign variance complies with the City’s established criteria for granting variances.

- 1. There is something unique about the site configuration that would cause the signage permitted by this article to be ineffective in identifying a use or structure that would otherwise be entitled to a sign.*

RM:7825134:3

The Applicant is requesting relief from strict interpretation of the City's sign regulations based on the PCD's arterial frontage when considering the commercial project, as a whole. The PCD has over 700' of frontage along NW 27 Avenue. Per Section 34-667(1)a.3., a property that has 500' or more linear frontage along an arterial is eligible for two monument signs along that frontage. The Walmart store has one freestanding identification sign along NW 27 Avenue, therefore, the PCD is eligible for a second monument sign along this street. While Walmart is the underlying property owner, they have consented to the Applicant's request for a freestanding sign, and will be dedicating a sign easement to accommodate the Applicant's sign, if approved.

The Property can be accessed via any of the three entrances along NW 27 Avenue, via the internal circulation system. The Property does not have a curb cut for direct access onto a street; rather, all NW 27 Avenue access is via the PCD's internal drives. Because access to the Sonic restaurant is through the Walmart-owned internal access drives, it is appropriate for business identification to be provided along NW 27 Avenue in the form of a freestanding monument sign in order to advise potential customers of the restaurant's location.

The proposed Sonic monument sign, located at the northern-most entry drive into the PCD, will comply with all other aspects of Section 34-667 pertaining to size and height allowances. Further, the PCD, due to its frontage along NW 27 Avenue, is eligible for a second freestanding sign. The requested sign will provide identity to the restaurant which is one of the businesses within this commercial node. Therefore, Applicant's request is in keeping with the spirit of the City's sign regulations, and a unique site consideration is the basis for the request. Further, the purpose of signage is to provide information regarding business identity, and this request does that.

- 2. The sign provides certain public benefit that is in the best interest and general welfare of the City, without detrimental impacts to the surrounding area.*

Based upon the Code, the PCD qualifies for two monument signs along its NW 27 Avenue frontage. The Walmart store has elected to provide a single freestanding sign to provide business identification. While the Sonic restaurant is proposing a freestanding sign along NW 199 Street, the location of the restaurant may not be readily known to passersby driving along NW 27 Avenue. The restaurant may be accessed via any of the three entry drives along NW 27 Avenue, therefore, it is appropriate for identification signage to be provided along this street. The requested freestanding sign conforms to the City's sign regulations in all other aspects, and it is strict interpretation of the Code that generates the need for the variance. Reconfiguration of the Walmart parcel could result in additional outparcels being provided along the PCD's western perimeter. In this case, each outparcel having at least 50' of frontage along NW 27 Avenue would be eligible for a freestanding sign. Therefore, the Applicant's request for a second monument sign along NW 27 Avenue, while still in keeping

with the intent of the Code, results in minimal signage along the corridor. In consideration of the size of the PCD and its linear frontage along the arterial, two monument signs are consistent with the character of the surrounding area.

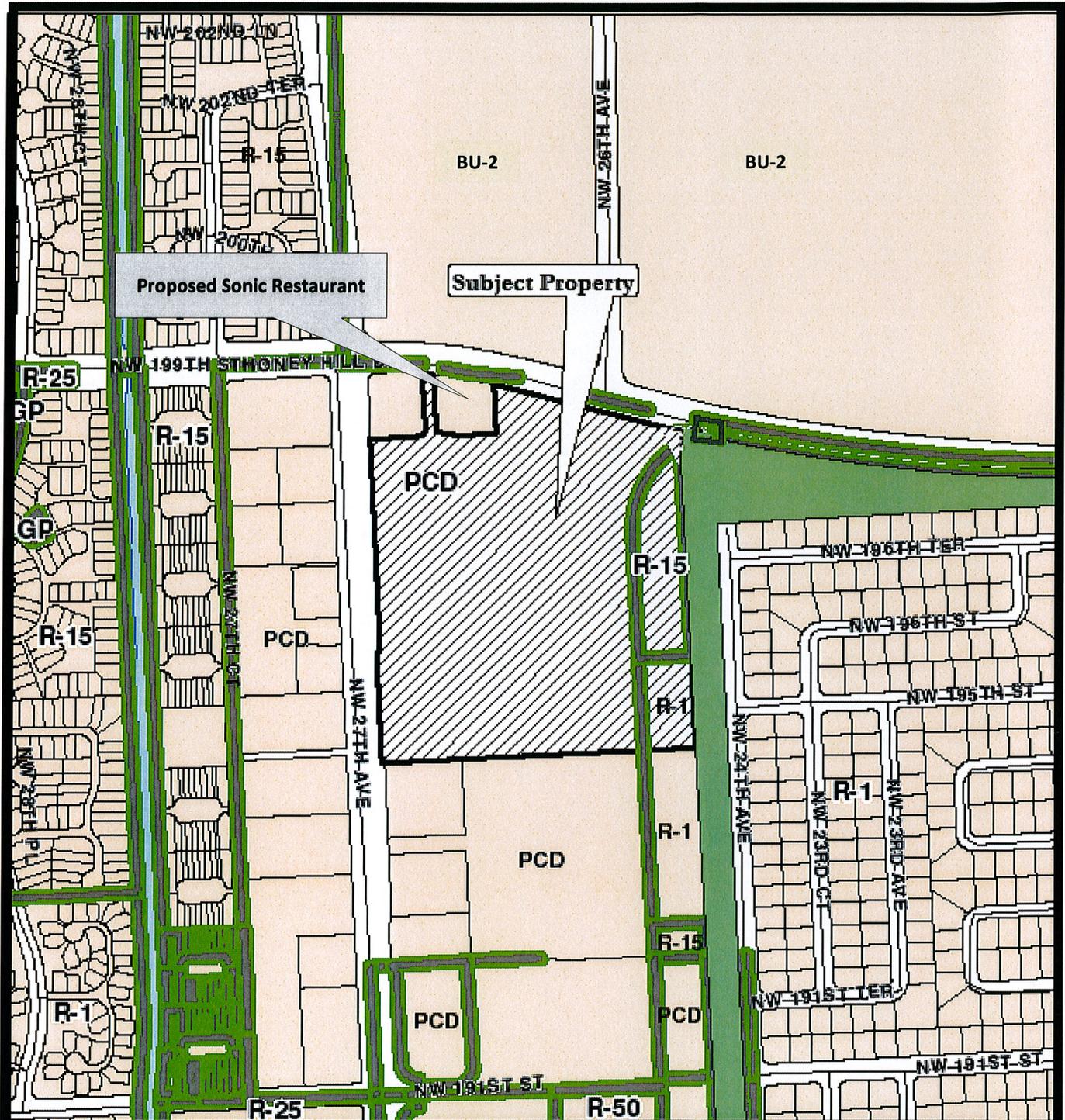
The addition of the requested Sonic identification sign along NW 27 Avenue will allow patrons to readily find the restaurant and allow for safe traffic maneuvers into the project. Inadequate signage might generate unsafe situations of U-turns or quick lane transitions as drivers realize too late the location and access points for the fast-food restaurant. Therefore, installation of a freestanding sign along NW 27 Avenue will promote the general safety and welfare of the community through adequate wayfinding signage.

3. *The grant of a variance is not contrary to the plan and intent of the sign code or any adopted redevelopment plan or policies, the aesthetics of the area, and does not create a nuisance or adversely affect any neighboring property.*

The proposed monument sign is located along the NW 27 Avenue Corridor. This corridor is designated for Commerce uses on the City's Future Land Use Map. The Walmart at Dolphin Stadium PCD provides a mixed-commercial node at the important NW 27 Avenue/NW 199 Street intersection. This intersection serves as a crossroads between the Dolphin Stadium Area and the NW 27 Avenue Corridor. The immediate area is designated as an Enterprise Zone. Adequate identification signage will enhance the restaurant's business and allow it to function as a viable commercial enterprise. The synergy between viable commercial uses will enhance the City's ability to attract new businesses to the Enterprise Zone, thereby fulfilling the City's economic development objectives.

The requested freestanding sign along NW 27 Avenue will not be detrimental to the surrounding area. Per Section 34-667(1)a.3., a property that has 500' or more linear frontage along an arterial is eligible for two monument signs along that frontage. The Walmart store has one freestanding identification sign along NW 27 Avenue, therefore, the PCD is eligible for a second monument sign along this street. While Walmart is the underlying property owner, they have consented to the Applicant's request for a freestanding sign, and will be dedicating a signage easement to accommodate the Applicant's sign, if approved. A second monument sign for the PCD along its NW 27 Avenue frontage is in keeping with the spirit of the Code allowances for larger commercial properties.

HEARING MAP-ZONING



HEARING MAP: ZONING



City of Miami Gardens
Planning & Zoning Department

 Subject Property Zoning: PCD, R-15, R-1

Applicant:
Sonic Restaurant (Wal-Mart Stores)

Project Location: 19501 NW 27 Avenue
Miami Gardens, FL 33055

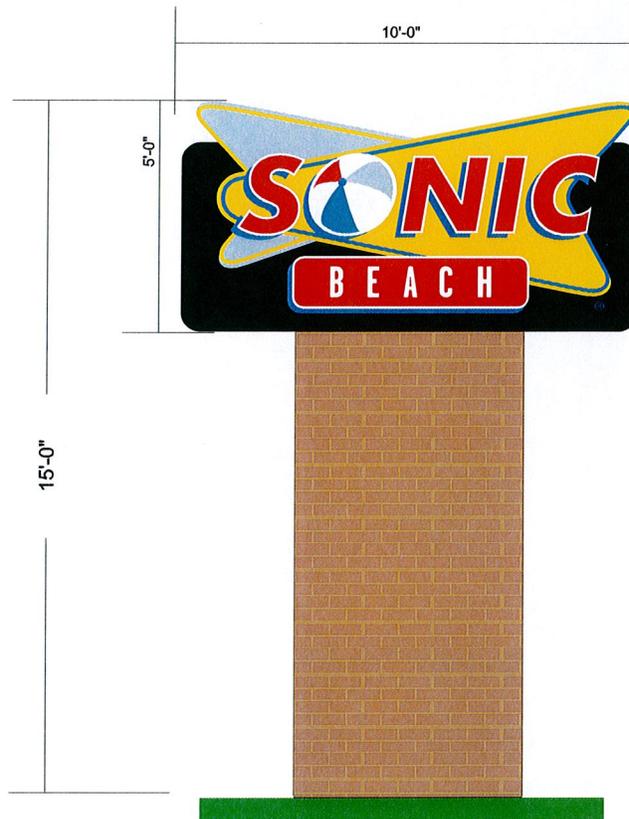


1 inch = 457 feet
March 2011

HEARING MAP- AERIAL

MAILED NOTICE RADIUS MAP

SUBMITTED PLANS



SONIC FAMILY OF SIGNS
30 at 15'
Custom SONIC BEACH
Masonry Base by Others



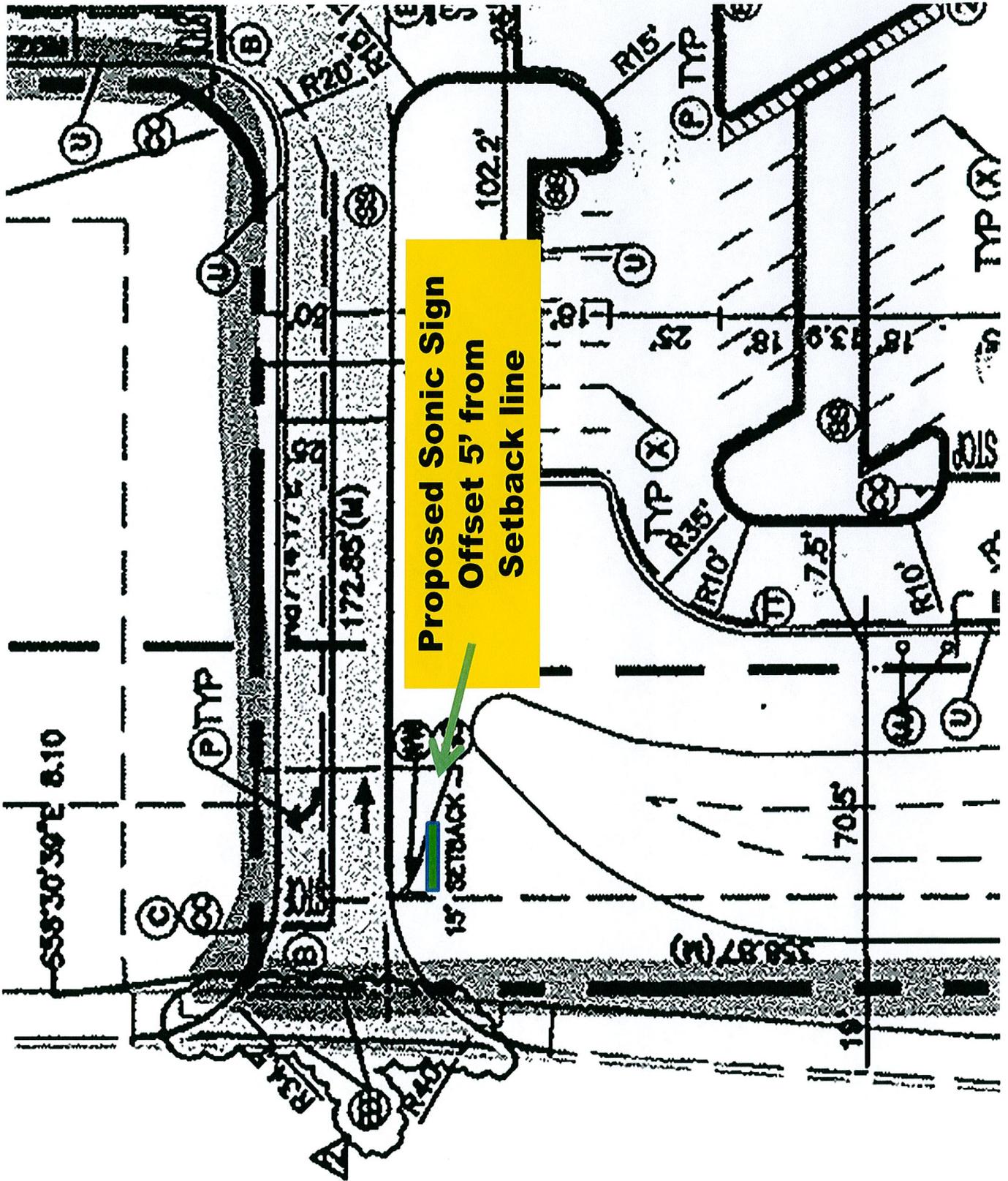
COLORS:

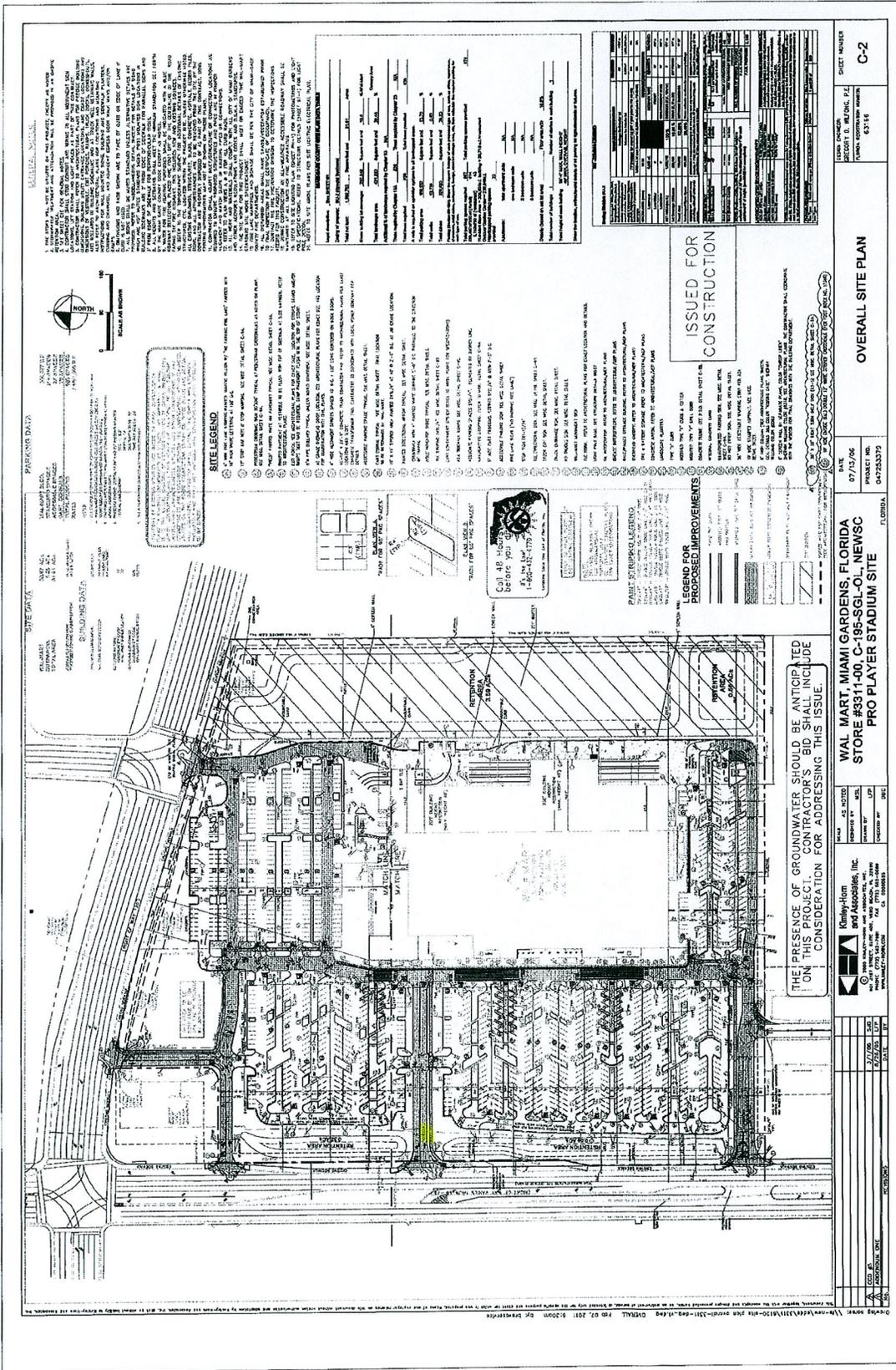
CABINET: BLACK ANODIC ENAMEL
FACE: DK. BLUE- PMS 2728
RED- PMS 485
LT. BLUE- PMS 278
YELLOW- PMS 109

FACE:

HIGH-IMPACT (.125) ACRYLIC
SECOND SURFACE DECORATION

COOK NEON SIGNS, INC.
5382 New Manchester Hwy
Tullahoma, TN 37388
931-455-0944





GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MIAMI GARDENS AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) PRIOR TO THE START OF CONSTRUCTION.

2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.

3. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.

4. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.

5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT ROADS AND DRIVEWAYS.

6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE LIGHTING AND SAFETY MEASURES THROUGHOUT CONSTRUCTION.

7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SECURITY MEASURES THROUGHOUT CONSTRUCTION.

8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORD DRAWINGS THROUGHOUT CONSTRUCTION.

9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE COMMUNICATIONS THROUGHOUT CONSTRUCTION.

10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS THROUGHOUT CONSTRUCTION.

PERMITS DATA

DATE: 07/13/06
 PROJECT NO: 047233273
 SHEET NO: C-2

LEGEND FOR PROPOSED IMPROVEMENTS

1. 1" = 1' SCALE
 2. 1" = 1' SCALE
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 9. 1" = 1' SCALE
 10. 1" = 1' SCALE

REVISION

NO. 1
 DATE: 07/13/06
 DESCRIPTION: [REDACTED]

THE PRESENCE OF GROUNDWATER SHOULD BE ANTICIPATED ON THIS PROJECT. CONTRACTOR'S BID SHALL INCLUDE CONSIDERATION FOR ADDRESSING THIS ISSUE.

Wal-Mart Inc.
 1000 W. WINDY HILL BLVD.
 SUITE 100
 WINDY HILL, GA 30093

Wal-Mart, Miami Gardens, Florida
 STORE #8311-00, C-195-SGL-O, NEWSC
 PRO PLAYER STADIUM SITE

ISSUED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION
1	07/13/06	ISSUED FOR CONSTRUCTION

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1	07/13/06	ISSUED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION
1	07/13/06	ISSUED FOR CONSTRUCTION

plot scale 1:1



City of Miami Gardens Zoning Agenda Memo

Zoning Board Meeting Date:	May 4, 2011		Item Type: <i>(Enter X in box)</i>	Resolution X	Ordinance	Other	
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1 st Reading		2 nd Reading	
		x		Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
Funding Source:	<i>(Enter Fund & Dept)</i>		Advertising Requirement:	Yes		No	
						X	
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:				
		X					
Strategic Plan Related:	Yes	No	Strategic Plan Priority Area: Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/>	Strategic Plan Obj./Strategy: N/A			
	X						
Sponsor Name:	Dr. Danny Crew, City Manager		Department:	Planning and Zoning Department			

Short Title:

RESOLUTION NO. 2011-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING THE APPLICATION SUBMITTED BY M & M INVESTMENTS, INC. FOR THE VACATION OF A 10.0' WIDE PORTION OF A PLATTED UTILITY EASEMENT, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

Background

The applicant, M & M Investments, Inc. is the owner of the 1.3 acre shopping center site located at the southwest corner of N.W. 27 Avenue and N.W. 177 Street and is requesting the vacation of the platted 10.0' wide portion of a utility easement along the north property line.

Current Situation

The 10.0' wide portion of the platted utility easement was dedicated on the "Parts USA Plat" as recorded in Plat Book 150, page 30 of the Public Records of Miami-Dade County, Florida. There are no underground utilities in the

**ITEM 10-B) RESOLUTION
PUBLIC HEARING
Application submitted by M & M**

easement and the applicant has obtained letters of no objections for the vacation from all utility companies or franchises that would have an objection, including FPL, Teco Gas, City of North Miami Beach, AT&T, and Comcast.

Analysis

The property is developed with a shopping center that was built on a portion of the 10.0' wide utility easement. The utility easement is not improved with any underground utilities and there are no objections from any of the City's utility franchises that would have any objections. The utility easement encumbers privately owned property and the vacation has no significant impact to the City. To complete the vacation process the applicant will have to re-plat the property to remove the portion of the utility easement from the plat of record.

Proposed Action:

Staff recommends the adoption of the Resolution for the platted utility easement.

Attachment:

- Exhibit "A" Sketch and description of the platted easement to be vacated
-

RESOLUTION NO. 2011_____

1
2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 MIAMI GARDENS, FLORIDA APPROVING THE APPLICATION
5 SUBMITTED BY M & M INVESTMENTS, INC. FOR THE
6 VACATION OF A 10.0' WIDE PORTION OF A PLATTED UTILITY
7 EASEMENT, MORE PARTICULARLY DESCRIBED IN EXHIBIT
8 "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS;
9 PROVIDING AN EFFECTIVE DATE.

10
11 WHEREAS, M & M Investments, Inc. ("Applicant"), is the owner of the 1.3 acre
12 shopping center site located at the southwest corner of N.W. 27th Avenue and N.W.
13 177th Street, and

14 WHEREAS, the Applicant is requesting the vacation of the platted 10.0' wide
15 portion of a utility easement along the north property line, and

16 WHEREAS, the 10.0' wide portion of the platted utility easement was dedicated
17 on the "Parts USA Plat" as recorded in Plat Book 150, Page 30 of the Public Records of
18 Miami-Dade County, Florida, and

19 WHEREAS, there are no underground utilities in the easement, and the Applicant
20 has obtained letters of no objection for the vacation from all utility companies or
21 franchises that would have any objections, and

22 WHEREAS, City's Planning and Zoning staff recommends approval of the
23 application, and

24 WHEREAS, the City Council considered the testimony of the Applicant, if any,
25 and

26 WHEREAS, the City Council also considered the testimony of the City's Planning
27 and Zoning staff,

28 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
29 OF MIAMI GARDENS, FLORIDA AS FOLLOWS:

30 Section 1: ADOPTION OF REPRESENTATIONS: The foregoing Whereas
31 paragraphs are hereby ratified and confirmed as being true, and the same are hereby
32 made a specific part of this Resolution.

33 Section 2: APPROVAL: The City Council of the City of Miami Gardens hereby
34 approves the Application submitted by the Applicant, M & M Investments, Inc., for the
35 vacation of a 10.0' wide portion of a platted utility easement, more particularly described
36 in Exhibit "A".

37 Section 3: EFFECTIVE DATE: This Resolution shall take effect immediately
38 upon its final passage.

39 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI
40 GARDENS AT ITS ZONING MEETING HELD ON _____, 2011.

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ATTEST:

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51

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RONETTA TAYLOR, MMC, CITY CLERK

53

54

55

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

56

57

58

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

59

60

Moved by: _____

61

62

VOTE: _____

63

64

Mayor Shirley Gibson _____ (Yes) _____ (No)

65

Vice Mayor Aaron Campbell, Jr. _____ (Yes) _____ (No)

Page 95 of 113

66	Councilman David Williams Jr.	_____ (Yes)	_____ (No)
67	Councilwoman Lisa Davis	_____ (Yes)	_____ (No)
68	Councilman Oliver Gilbert, III	_____ (Yes)	_____ (No)
69	Councilwoman Felicia Robinson	_____ (Yes)	_____ (No)
70	Councilman Andre' Williams	_____ (Yes)	_____ (No)

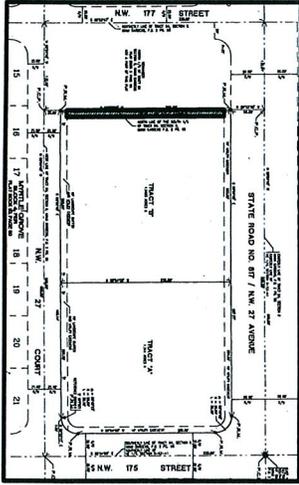
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72
73
74

**EXHIBIT "A"
SKETCH AND DESCRIPTION**

DRAWN BY: F. A. A.

EASEMENT VACATION
 SKETCH AND LEGAL DESCRIPTION OF
 A 10 FOOT UTILITY EASEMENT TO BE VACATED
EXHIBIT "A"
 SECTION 9 - TOWNSHIP 52 SOUTH, RANGE 41 EAST
 CITY OF MIAMI GARDENS, FLORIDA

A PORTION OF PARCEL "B"
 PARTS U.S.A.
 PLAT BOOK 150 PAGE 30



LOCATION SKETCH
 NOT TO SCALE

= DENOTES EASEMENT AREA

LEGEND

- B.O.B. = BASIS OF BEARING
- L.B. = CERTIFICATE OF AUTHORIZATION
L.B.#7806
- R/W = RIGHT OF WAY
- U.E. = PLATTED UTILITY EASEMENT
- CL = CENTER LINE

PROPERTY ADDRESS:

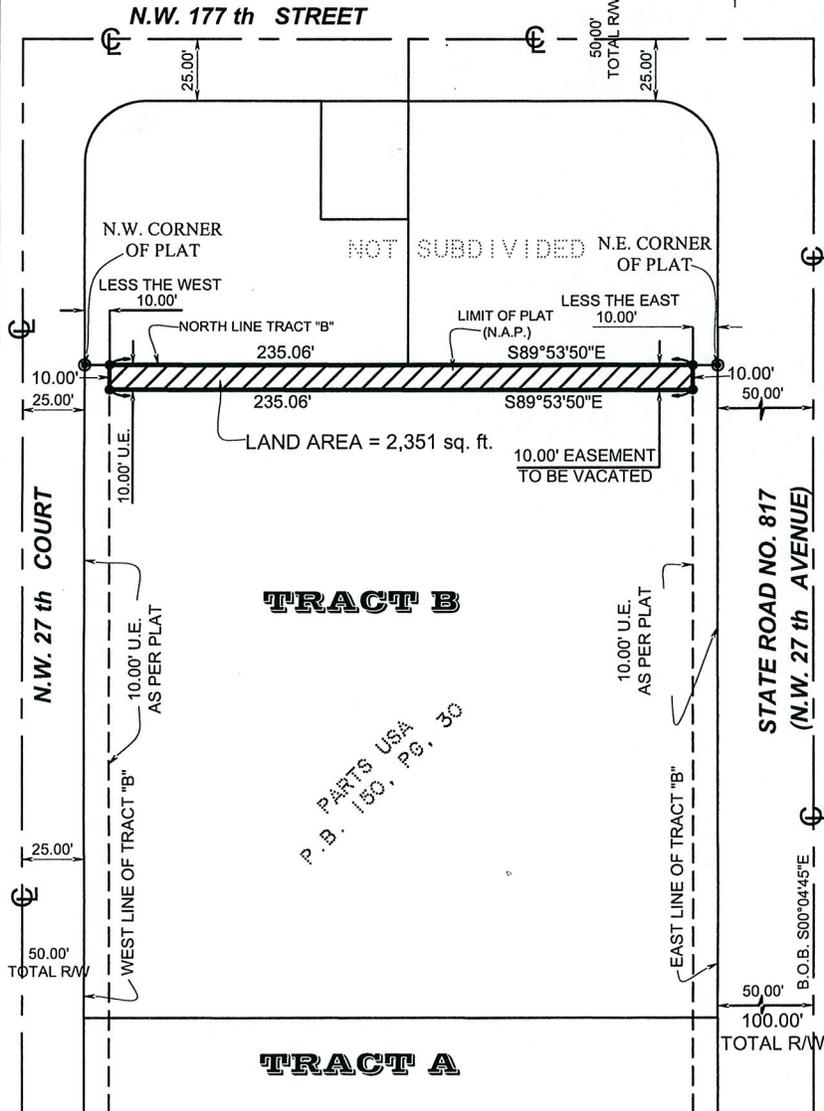
17560 N.W. 27 AVENUE
 MIAMI GARDENS, FLORIDA 33056

FOLIO NO.: 34-2109-022-0020

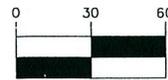
10' UTILITY EASEMENT TO BE VACATED:

A 10.00 FOOT EASEMENT IN TRACT "B" OF PARTS U.S.A., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 150, AT PAGE 30 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 10 FEET OF SAID TRACT "B", OF PARTS U.S.A., LESS THE EAST 10 FEET THEREOF AND LESS THE WEST 10 FEET THEREOF, CONTAINING 2,351 SQUARE FEET MORE OR LESS.



GRAPHIC SCALE



(IN FEET)
 1 inch = 60 ft.

I HEREBY CERTIFY: THAT THIS "SPECIFIC PURPOSE SURVEY" OF THE PROPERTY DESCRIBED HEREON, AS RECENTLY SURVEYED AND DRAWN UNDER MY SUPERVISION, COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.027, FLORIDA STATUTES.

BY: _____ 1-19-2011
 JOHN IBARRA (DATE OF FIELD WORK)

PROFESSIONAL LAND SURVEYOR NO. 5204
 STATE OF FLORIDA (VALID COPIES OF THIS SURVEY WILL BEAR THE EMBOSSED SEAL OF THE ATTESTING LAND SURVEYOR).

L.B. # 7806 STATE OF FLORIDA



SEAL

THIS IS NOT A BOUNDARY SURVEY
 THIS IS A SPECIFIC PURPOSE SURVEY



City of Miami Gardens Zoning Agenda Memo

Zoning Board Meeting Date:	May 4, 2011		Item Type: <i>(Enter X in box)</i>	Resolution X	Ordinance	Other	
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1 st Reading		2 nd Reading	
		x		Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
				X			
Funding Source:	<i>(Enter Fund & Dept)</i>		Advertising Requirement:	Yes		No	
						X	
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:				
		X					
Strategic Plan Related:	Yes	No	Strategic Plan Priority Area: Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/>	Strategic Plan Obj./Strategy: N/A			
	X						
Sponsor Name:	Dr. Danny Crew, City Manager		Department:	Planning and Zoning Department			

Short Title:

RESOLUTION NO. 2011-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING THE APPLICATION SUBMITTED BY ACCELERATED LEARNING SOLUTIONS, INC., FOR A MODIFICATION TO THE SECOND CONDITION IN THE DECLARATION OF RESTRICTIVE COVENANT AS PROFFERED BY RESOLUTION NO. 2010-105-128-7-Z-95, PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

Background

The applicant, Martin Fugardi of Accelerated Learning Solutions, Inc. was granted a waiver of the recreational open space requirements for a proposed charter school at 4692 N.W. 183 Street at the June 10, 2010 City Council Zoning meeting by Resolution No. 2010-105-128-7-Z-95. As a condition of the granting the waiver the applicant proffered a Declaration of Restrictive Covenants to the City, which among other things, restricted the number of students and the hours of operation.

**ITEM 10-C) RESOLUTION
PUBLIC HEARING
Application submitted by Accelerated
Learning Solutions, Inc**

Current Situation

The applicant has received approval from the Miami-Dade County School Board to operate the proposed charter school, however the approval requires a modification to condition No. 2 to the original Declaration of Restrictive Covenants proffered at the June 10, 2010 zoning meeting. The modifications must first be accepted by the City Council before the applicant can proffer the executed Declaration of Restrictive Covenants and validate the Miami-Dade County School Board approval of the charter school. The requested modifications to condition No. 2 are outlined below (additions are indicated with underlines, deletions are indicated with ~~strikeouts~~):

2. **Student Size and Hours of Operation.** That the operation of the charter school be limited to a maximum of 150-175 students at any one time, with class time for a one group of students not to exceed ~~4.0~~ 5.0 hours, of which the operating hours of the school shall coincide with the operating hours of the shopping center.

Analysis

The proposed amendments to condition No. 2 of the Declaration of Restrictive Covenant do not significantly change the purpose of and intent of the charter school of which the waiver of recreational open space was granted at the original public hearing on June 10, 2010. The modification increases the total number of students during any one shift by 25 students, and increases the maximum class time by 1.0 hour. The hours of operation of the school to coincide with the shopping center was the original intent of the applicant and has being added to the condition.

Proposed Action:

Staff recommends the adoption of the Resolution.

Attachment:

- Letter of Intent
- Original Declaration of Restrictive Covenants
- Location map

RESOLUTION NO. 2011_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA APPROVING THE APPLICATION SUBMITTED BY ACCELERATED LEARNING SOLUTIONS, INC., FOR A MODIFICATION TO THE SECOND CONDITION IN THE DECLARATION OF RESTRICTIVE COVENANT AS PROFFERED BY RESOLUTION NO. 2010-105-128-7-Z-95, PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution No. 2010-105-128-7-Z-95, Accelerated Learning Solutions, Inc. ("Applicant") was granted a waiver of the recreational open space requirements for a proposed charter school located at 4692 N.W. 183rd Street, and

WHEREAS, as a condition of said waiver, the Applicant proffered a Declaration of Restrictive Covenants to the City, which restricts the number of students and the hours of operation, and

WHEREAS, the Applicant is requesting a modification of the second condition in the original Declaration of Restrictive Covenants to meet the Miami-Dade County School Board's approval for the operation of the charter school, and

WHEREAS, the Applicant seeks a modification of the second condition of the Declaration of Restrictions as follows:

2. **Student Size and Hours of Operation.** That the operation of the charter school be limited to a maximum of ~~450~~ 175 students at any one time, with class time for a one group of students not to exceed ~~4.0~~ 5.0 hours, of which the operating hours of the school shall coincide with the operating hours of the shopping center.

WHEREAS, the City staff has determined that the modification is consistent with the Comprehensive Master Development and recommends approval of the application, and

33 WHEREAS, the City Council has considered the testimony of the Applicant, if
34 any, and

35 WHEREAS, the City Council has also considered the testimony of the City's
36 Planning and Zoning staff and the staff report attached hereto as Exhibit "B", and
37 incorporated herein by reference,

38 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
39 OF MIAMI GARDENS, FLORIDA AS FOLLOWS:

40 Section 1: ADOPTION OF REPRESENTATIONS: The foregoing Whereas
41 paragraphs are hereby ratified and confirmed as being true, and the same are hereby
42 made a specific part of this Resolution.

43 Section 2: APPROVAL OF MODIFICATION: The City Council of the City of
44 Miami Gardens hereby approves modification to the second condition in the Declaration
45 of Restrictive Covenants as follows:

46 2. **Student Size and Hours of Operation.** That the operation of the
47 charter school be limited to a maximum of ~~450~~ 175 students at any
48 one time, with class time for a one group of students not to exceed
49 ~~4.0~~ 5.0 hours, of which the operating hours of the school shall
50 coincide with the operating hours of the shopping center.
51

52 Section 3: DECLARATION OF RESTRICTIVE COVENANTS: The City
53 Council of the City of Miami Gardens hereby approves the revised Declaration of
54 Restrictive Covenants attached hereto as Exhibit "C."

55 Section 4: EFFECTIVE DATE: This Resolution shall take effect immediately
56 upon its final passage.

57 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI
58 GARDENS AT ITS ZONING MEETING HELD ON _____, 2011.

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SHIRLEY GIBSON, MAYOR

ATTEST:

RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Moved by: _____

VOTE: _____

Mayor Shirley Gibson	_____ (Yes)	_____ (No)
Vice Mayor Aaron Campbell, Jr.	_____ (Yes)	_____ (No)
Councilman David Williams Jr.	_____ (Yes)	_____ (No)
Councilwoman Lisa Davis	_____ (Yes)	_____ (No)
Councilman Oliver Gilbert, III	_____ (Yes)	_____ (No)
Councilwoman Felicia Robinson	_____ (Yes)	_____ (No)
Councilman Andre' Williams	_____ (Yes)	_____ (No)

LETTER OF INTENT



April 4, 2011

City of Miami Gardens, Florida
Development Services Department
1515 NW 167th Street
Building 5, Suite 200
Miami Gardens, FL 33169

RE: Accelerated Learning Solutions Charter School ("School)/4592 NW 183rd Street, Miami Gardens, Florida ("Property") – **LETTER OF INTENT**

Ladies and Gentlemen:

Community Education Partners, d/b/a Accelerated Learning Solutions ("ALS"), intends to operate a charter school ("Charter School") on property located at 4692 NW 183rd Street ("Property") in the City of Miami Gardens ("City"). In accordance with *Resolution No. 2010-105-128-Z-95*, the City Commission granted ALS a waiver in connection with the operation of the Charter School. One condition of approval was the execution of a Declaration of Restrictive Covenants ("Declaration") associated with the operation of the Charter School. Since the approval of the variance application referenced above, ALS has obtained approval from the Miami Dade County School Board ("School Board") to operate a school on the Property. In connection with said approval, the School Board has requested ALS to revise the previously approved Declaration. To that end, ALS respectfully requests that the City Commission authorize the proposed changes in order to allow the Charter School to operate on the Property.

The proposed changes to the Declaration are as follows: (1) increase the length of class times (from 4 to 5 hours); (2) modify the hours of operation of the Charter School to coincide with the hours of operation of the shopping center; and (3) the number of students per shift will increase from 150 to 175.

The owner of the shopping center has consented to these changes, and is in full support of same. As explained in connection with the variance application, the goal of the Charter School is to provide high school diplomas to Miami Gardens residents primarily and also Miami-Dade County residents. The Charter School is intended to educate students between the ages of 16 and 21 who are having difficulties with their current education options. A typical Charter School student has a strong desire to earn a high school diploma but has difficulty learning in a traditional high school setting.

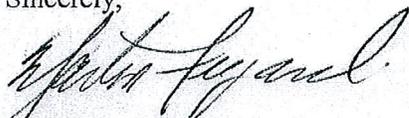
(Continued on Page 2)

City of Miami Gardens, Florida
Development Services Department
April 5, 2011
Page Two of Two

In addition to the teachers, the Charter School will also provide a career coach who will assist students and graduates with gaining, improving or maintaining employment. ALS also generally partners with local social service agencies and community organizations in order to provide support to students and their families in order to insure that students have the best chance to succeed. The goal of ALS is to address the growing crisis of high school dropout rates and low academic achievement currently facing our nation's schools. The ALS education experience is technology based which allows students to attend the school while also being able to manage other responsibilities that they have.

Thank you for your time and consideration.

Sincerely,



Martin Fugardi
Vice President – Facilities and Development

**ORIGINAL DECLARATION OF
RESTRICTIVE COVENANTS**

Return to: (enclose self-addressed stamped envelope)

Name: Ronetta Taylor, City Clerk

1515 N.W. 167th Street
Building 5, Suite 200
Miami Gardens, Florida 33169

This Instrument Prepared by:

Sonja K. Dickens, Esquire
1515 N.W. 167th Street
Building 5, Suite 200
Miami Gardens, Florida 33169

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIONS

WHEREAS, Accelerated Learning Solutions, Inc. ("Applicant"), owns certain property located at 4500 N.W. 183rd Street ("Property"), more particularly described on Exhibit "A," attached hereto, and

WHEREAS, the Applicant filed an Application with the City of Miami Gardens to operate a charter high school in the facility. The Applicant is seeking a waiver of Section 9-20(7)(A) of the City of Miami Gardens Land Development Regulations.

IN ORDER TO ASSURE the City of Miami Gardens that the representations made by the Applicant will be abided by, the Applicant, subject only to conditions contained herein, freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Site Plan.** The development complies with an application submitted by Accelerated Learning Solutions, Inc. for the use of the property known as "Miami Gardens Shopping Plaza" located at 4500 N.W. 183rd Street for a charter high school.
2. **Student Size.** That the operation of the charter school be limited to a maximum of 150 students at any one time, with class time for a one group of students not to exceed 4.0 hours.

3. **Student Age.** That the minimum age of the students shall be 16 years of age.
4. **Drop-off and Pick-up.** That any drop-off or pick-up of students shall occur in an area specifically designed for drop-off and pick-up, and such area shall not impede, interfere, or create a hazard for the general traffic circulation of the shopping center.
5. **City Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of the City, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.
6. **Covenant Running With The Land.** This Declaration on the part of the Applicant shall constitute a covenant running with the land and shall remain in full force and effect and be binding upon the Applicant, and his heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the public welfare.
7. **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming from the date this Declaration is recorded. This Declaration shall be in effect for a period of thirty (30) years from the date of recordation in the public records of Miami-Dade County, Florida, after which time it shall be automatically extended for periods of ten (10) years. This Declaration may be modified, amended or released as to the Property or any portion thereof by a written instrument executed by the then Applicant(s) of the Property, and applicable mortgagees, if any, provided that same is approved by the City Council after public hearing. In such event, the Mayor or City Manager shall execute a written instrument suitable for recordation acknowledging such modification, amendment or release.
8. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the City, or other procedure permitted under the City's Code, whichever by law has jurisdiction over such matters, after public hearing.
9. **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the

Court may judge to be reasonable for attorney fees. This enforcement provision shall be in addition to any other remedies available at law or in equity. Jurisdiction shall be proper in Miami-Dade County.

10. **Authorization for Miami Gardens to Withhold Permits and Inspections.** In the event the terms of this Declaration are not complied with, in addition to any other remedies available, the City is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.
11. **Executed Copy to be provided to the City. Executed Copy to be provided to the City Clerk.** The Applicant shall be fully responsible for providing to the City Clerk an original and fully executed copy of the Declaration of Restrictions within thirty (30) days of the approval of this request by the City Council, unless an appeal is filed or otherwise the Director, for good cause shown, grants a time extension. If this is not accomplished, the approval shall become null and void. If circumstances prevent the Applicant from complying with this timeframe condition, the Applicant may request, in writing, an extension of said thirty-day timeframe in writing to the Development Services Director, who is authorized to take such action upon the request to approve, disapprove or approve with conditions such request.
12. **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
13. **Recording.** The City, at Applicant's expense following the approval of the same by the City of Miami Gardens, shall file this Declaration of record in the Public Records of Miami-Dade County, Florida.
14. **Acceptance of Declaration.** Applicant acknowledges that acceptance of this Declaration does not obligate the City in any manner, nor does it entitle Applicant to a favorable recommendation or approval of any application, zoning or otherwise, and the City Council retains its full power and authority to deny each such application in whole or in part, and to decline to accept any conveyance.
15. **Applicant.** The term Applicant shall include the Applicant, and its heirs, successors and assigns.
16. **Waiver.** Each and every covenant and agreement contained herein shall be for any and all purposes hereof construed as separate and independent and the breach of any covenant by any party shall not release or discharge such party from its obligations hereunder. No delay or omission by any party to exercise its rights accruing upon any noncompliance or failure of performance by any party

shall impair any such right or be construed to be a waiver thereof. A waiver by any party hereto of any of the covenants, conditions or agreements to be performed by any other party shall not be construed to be a waiver of any succeeding breach or of any other covenants, conditions or agreements contained herein.

17. **Severability**. All rights, powers and remedies provided herein may be exercised only to the extent that the exercise thereof does not violate any then applicable law and shall be limited to the extent necessary to render the real covenants herein valid and enforceable. If any term, provision, covenant or agreement contained herein or the application thereof to any person, entity or circumstance shall be held to be invalid, illegal or unenforceable, the validity of the remaining terms, provisions, covenants or agreements or the application of such term, provision, covenant or agreement to persons, entities or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby.
18. **Entire Agreement**. This Agreement and the exhibits attached hereto contain the entire agreement between the parties hereto with respect to the subject matter hereof. This Agreement and exhibits supersede any prior correspondence, memoranda or agreements in total hereto.
19. **Counterparts**. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same document.

(SIGNATURE PAGE TO FOLLOW)

IN WITNESS WHEREOF, Applicant has executed this Declaration.

Print Name: _____

Accelerated Learning Solutions, Inc.

BY ITS:
PRESIDENT

Print Name: _____

Signature

Print Name: _____

Print Name

Print Name: _____

Date

ACCEPTANCE

The City of Miami Gardens, hereby accepts this Declaration of Restrictions hereby made by _____.

CITY OF MIAMI GARDENS, FLORIDA

Attest:

City Clerk

By: _____
Mayor Shirley S. Gibson

Date: _____

LOCATION MAP

Subject Property



HEARING MAP: AERIAL



City of Miami Gardens
Planning & Zoning Services

 Subject Property

Project Location:
4500 NW 183 ST
Miami Gardens, FL 33055



1 inch = 200 feet

May 2010