

ORDINANCE NO. 2013-18-306

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY CAPO AND SONS, CORP FOR THE REZONING OF PROPERTY LOCATED AT 16300 N. W. 42ND AVENUE, MIAMI GARDENS, FLORIDA MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM GP GOVERNMENT PROPERTY TO I-2, INDUSTRIAL DISTRICT-HEAVY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant, Capo and Sons, Corp. ("Applicant") is the owner of that certain property located at 16300 N. W 42nd Avenue, more particularly described on Exhibit "A", and

WHEREAS, the Applicant is requesting a rezoning of the 1.67 acre parcel which is zoned GP, Government Properties, to I-2, Industrial District-Heavy to allow a tractor trailer parking lot for the Eldorado Furniture warehouse, and

WHEREAS, the property is currently zoned GP, Government Properties, and

WHEREAS, it is contiguous to Applicant's other 21.23 acre site that is developed with the Eldorado Furniture store and warehouse, and

WHEREAS, the I-2, Industrial District-Heavy classification provides for a wide range of land usage, including research, assembly, manufacturing, repair, retail, and entertainment, and,

WHEREAS, the parking lot for tractor trailers is consistent with these usages, and

WHEREAS, the City's Planning and Zoning Staff has made a determination that the application is consistent with the Comprehensive Development Master Plan, and recommends approval of the application, and

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

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

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

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

Section 2. APPROVAL: The City Council of the City of Miami Gardens, Florida hereby approves the application submitted by Applicant the rezoning of property located at 16300 N. W. 42nd Avenue, more particular described on Exhibit "A" attached hereto from GP, Government Properties to I-2, Industrial District Heavy.

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

Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be

deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

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

PASSED ON FIRST READING ON THE 26TH DAY OF JUNE, 2013.

PASSED ON SECOND READING ON THE 24TH DAY OF JULY, 2013.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 24TH DAY OF JULY, 2013.



OLIVER GILBERT, III, MAYOR

ATTEST:



RONETTA TAYLOR/MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY
SPONSORED BY: DR. DANNY CREW, CITY MANAGER

Moved by: Councilman Williams
Second by: Councilwoman Robinson

VOTE: 7-0

Mayor Oliver Gilbert, III	<u> X </u> (Yes)	_____ (No)
Vice Mayor Lisa Davis	<u> X </u> (Yes)	_____ (No)
Councilwoman Lillie Q. Odom	<u> X </u> (Yes)	_____ (No)
Councilman David Williams Jr	<u> X </u> (Yes)	_____ (No)
Councilwoman Felicia Robinson	<u> X </u> (Yes)	_____ (No)
Councilman Rodney Harris	<u> X </u> (Yes)	_____ (No)
Councilman Erhabor Ighodaro, Ph.D.	<u> X </u> (Yes)	_____ (No)