

**CITY OF MIAMI GARDENS
REGULAR ZONING MINUTES
APRIL 5, 2006**

1. CALL TO ORDER/ROLL CALL OF MEMBERS:

The City Council sitting as the Zoning Board for the City of Miami Gardens, met in regular session on Wednesday, April 5, 2006, beginning at 7:18 p.m., in the City Council Chambers, 1515 NW 167th Street, Building 5, Suite 200, Miami Gardens, Florida.

The following members of the City Council were present: Mayor Shirley Gibson, and Council members Barbara Watson, Aaron Campbell Jr., Melvin L. Bratton Ulysses Harvard and Sharon Pritchett. Vice Mayor Oscar Braynon II arrived at 7:21 p.m.

Also in attendance were: City Manager Dr. Danny O. Crew, City Attorney Sonja K. Dickens, City Clerk Ronetta Taylor, Development Services Director Jay Marder and Zoning Administrator Robert Coleman.

2. INVOCATION:

Invocation was delivered by Reverend Victoria Epps

3. PLEDGE OF ALLEGIANCE:

Recited in unison.

4. APPROVAL OF MINUTES:

4A. Zoning Minutes – March 1, 2006

Motion offered by Councilwoman Pritchett, seconded by Councilman Bratton to approve the minutes as presented. There being no discussion, the motion passed and carried by a 7-0 vote.

**5. AGENDA ORDER OF BUSINESS
(ADDITIONS/DELETIONS/AMENDMENTS)**

Mayor Gibson requested to have item 8A considered before Ordinances on for first reading. The discussion for this item is reflected in its respective place on the official agenda.

Motion offered by Councilwoman Watson, seconded by Councilman Campbell to approve the official agenda with the above referenced request. This motion passed and carried by a 7-0 vote.

Robert Coleman read into the record the process used for this Quasi-Judicial Proceeding.

Clerk Taylor sworn in all parties participating in this Quasi-Judicial Proceeding.

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

6A) There were none.

7. FIRST READING (ORDINANCE):

- 7A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE MIAMI GARDENS TOWN CENTER ZONING DISTRICT ("TCZD"); PROVIDING FOR A DISTRICT BOUNDARY CHANGE OF ZONING FROM O.P.D., RU-1, RU-4A, RU-5A, BU-1, BU-1A, BU-2 AND GU TO TCZD FOR PROPERTIES GENERALLY LOCATED AT THE FOUR QUADRANTS OF THE INTERSECTION OF NORTHWEST 27TH AVENUE AND NORTHWEST 183RD STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; APPROVING A PURPOSE; LOCATIONAL STANDARDS; PERMITTED USES; CONDITIONAL USES; PROHIBITED USES; SUBDISTRICT DESIGNATION DEFINITIONS; BUILDING PARAMETERS; A STREET FRONTAGE PLAN; A TYPICAL STREET SECTIONS PLAN; BASE RIGHT-OF-WAY AND BUILD-TO-LINE SETBACKS; BUILDING HEIGHT REQUIREMENTS; BUILDING HEIGHT VERTICAL INCREMENTAL SETBACKS; SITE DEVELOPMENT STANDARDS; PUBLIC PLAZA REQUIREMENTS; MAXIMUM DWELLING UNIT DENSITY REQUIREMENTS; MINIMUM UNIT SIZE; LOT COVERAGE; LANDSCAPED OPEN SPACE REQUIREMENTS; AFFORDABLE HOUSING REQUIREMENTS; MINIMUM DESIGN STANDARDS FOR SIDEWALKS, PEDESTRIAN AMENITIES, ENTRANCES, WINDOWS, BALCONIES, LANDSCAPE AND OPEN SPACE, TREES, PALMS, AND SHRUBS; SIGN DESIGN PARAMETERS; 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)**

Gianno Feoli, the City's consultant on this project appeared before the City Council to provide an overview of the ordinance, which had been presented in-depth during the February 1, 2006 Zoning Meeting.

Mayor Gibson opened the floor for this public hearing.

Daniel Lavan, 350 North Seaboard Road, Miami, Florida, appeared before the City Council to convey his support of this item. He said from a developer's standpoint, creating a Town Center Zoning District is a positive step in creating a vibrant downtown area.

Evelyn Peters, 2515 NW 166th Street, Miami Gardens, Florida, appeared before the City Council to express her concerns and opposition to this item. She questioned whether the public has been involved with this process.

Leonard Coles, 2010 NW 191st Terrace, Miami Gardens, Florida, appeared before the City Council to express his views about this item. He conveyed concern that the public did not have adequate input into this process.

Dorothy Smith, 18900 NW 30th Court, Miami Gardens, Florida, appeared before the City Council to express her views about this item. She placed emphasis on the importance of having adequate police protection. She further conveyed her opposition to this Ordinance.

Sharon Frazier Stephens 145 NE 193rd Street, Miami Gardens, Florida, appeared before the City Council to express her views about this item. She asked whether there would be space to have activities for families and children.

Charles Johnson, 8390 NW 18th Avenue, Miami Gardens, Florida, appeared before the City Council to ask whether there would be provisions made for entertainment.

Wendell James, appeared before the City Council in opposition to this ordinance.

Roget T. Brown, 19620 NW 29th Avenue, Miami Gardens, Florida, appeared before the City Council in opposition to this ordinance. He questioned the government's structure and suggested a charter change to provide that all zoning decisions be made by the voters.

Inez Mitchell, 2771 NW 193rd Terrace, Miami Gardens, Florida, appeared before the City Council in opposition to this ordinance. She further conveyed her belief that the City of Miami Gardens has the highest tax rate in the County.

After there were no other interested parties to speak on this item, the public hearing was closed.

Moved by Vice Mayor Braynon, seconded by Councilman Harvard to approve this item on first reading.

Mayor Gibson asked staff to further expound on this ordinance.

Jay Marder, Development Services Director said this ordinance would set a guideline by which developers wanting to develop in this area would need to adhere to. All the properties in this area are privately owned.

Councilwoman Watson asked whether the public had input into this process.

Mr. Marder stated there was a total of eight community meetings, which included a Charrette to get the public's input for the development of this ordinance. A lot of the suggestions made by residents during those meetings are incorporated into the ordinance.

Councilwoman Watson asked whether the City would be developing the property along this Town Center Zoning District.

Mr. Marder said all the property along this Town Center Zoning District is privately owned. He emphasized the City would not be developing any of the property in this area. This Town Center Zoning District is a blueprint telling potential developers what the City would and would not accept in this area.

Vice Mayor Braynon further emphasized that if development is to occur in this area it would be done by developers and not the City of Miami Gardens.

At the conclusion of this discussion, the motion to approve this item on first reading passed and carried by a 6-1 vote.

Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Mayor Gibson:	Yes

RESOLUTION NO. 06-01-04 LPA

- 7B) A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE CITY OF MIAMI GARDENS, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, ADOPT AN ORDINANCE APPROVING A SMALL SCALE LAND USE AMENDMENT FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF N.W. 183RD STREET AND N.W. 23RD AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM LOW DENSITY RESIDENTIAL TO BUSINESS AND OFFICE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Attorney Dickens explained the City Council will now act and hear this item as the Local Planning Agency (LPA). Once the City Council sitting as the LPA has considered the item, which is making a recommendation to the City Council to adopt an ordinance approving a small scale land use for property located at 183rd Street and NW 23rd Avenue, the **City Council** would then consider Items 7C and 7C.

Reverend Dr. Donald F. Clarke, Pastor of Harvest Fire Worship Center, 2260 NW 183rd Street, Miami Gardens, Florida, appeared before the City Council to highlight the many services already being provided by this church. He further stated that he had taken staff's [REDACTED] in preparing this proposal for the Council's approval.

Collin E. Edwards, 3900 NW 79th Avenue, Suite 520, Doral, Florida, appeared before the City Council to further expound on the architectural aspect of this proposal.

Mr. Gregory V. Dixon, 1603 Linksvie Way, Stone Mountain, Georgia, a representative with Williams-Russell & Johnson, Inc., appeared before the City Council representing Harvest Fire Ministries. He recounted the events leading up to this application and stated his client was advised by the City of Miami Gardens' Planning staff to apply for a BU-1A Zoning, which would allow this type of a facility adjacent to an RU-1, which is residential housing.

Jay Marder, Development Services Director, appeared before the City Council and stated this proposal has several changes. One of which is a change to the Future Land Use Plan Map, existing Comprehensive Plan and a zoning change. There are some uses in this area that are non residential uses. However, the area is a neighborhood area and devoted to single family uses. Staff did look at this application and rendered opinion that the requested zoning change was not appropriate for this area. This zoning request would increase the traffic in the neighborhood. Part of staff's recommendation is simply protecting single family residential, which is the purpose of most zoning plans.

Mayor Gibson opened the floor for the public hearing.

Retired Congresswoman Carrie P. Meek, 6830 NW 28th Avenue, Miami, Florida, appeared before the City Council in support of this item. She placed emphasis on the fact that Harvest Fire Ministries was trying to build a facility to provide the services the City would not be able to provide.

Lionel S. Reckley, 19021 NW 24th Avenue, Miami Gardens, Florida, appeared before the City Council in support of this item. He said Harvest Fire Ministries has the resources to fund programs to address those social issues the City is not in a position to do so.

Ruben Burke, 2320 NW 182nd Terrace, Miami Gardens, Florida, appeared before the City Council in opposition to this request. He said the applicant is asking for 65 parking spaces whereas the South Florida Building Code requires 126 parking spaces. He further shared he had received two notices, a preliminary notice and a final notice, both with the same postmark date. He asked when was the preliminary hearing on this item.

Mr. Marder said the notices were sent out pursuant to Miami-Dade County's requirement.

Mr. Burke said he was told this project has been cut in half to 53,000 square feet, but was originally projected to be 106,000 square feet. He opined a gymnasium component included in this project would create other issues. In addition, staff has indicated this project exceeds the height requirements by almost 28 feet. He urged the Council to have the developer to conduct a feasibility study as to what is compatible in this neighborhood.

William Dozier, 19435 NW 43rd Avenue, Miami Gardens, Florida, appeared before the City Council in support of Harvest Fire Worship Center.

Wendell James, 18880 NW 29th Court, Miami Gardens, Florida, appeared before the City Council and stated there is a library across the street from this proposed site. The traffic study

conducted in this area did not take into consideration the library and the amount of traffic generated from that institution.

Ana Greaves, 2340 NW 182nd Terrace, Miami Gardens, Florida, appeared before the City Council in opposition to this request. She urged the Council to keep this neighborhood quiet and traffic free.

Hazel Bolds Newton, 2313 NW 181st Terrace, Miami Gardens, Florida, appeared before the City Council in opposition to this project on the southwest side of 23rd Avenue. This project would directly affect the residents along 181st and 182nd Terrace. She stated most of the people attending Harvest Fire did not reside in this particular neighborhood therefore, would not be directly affected by this project. She said there are four other churches in this particular neighborhood providing duplicate services.

Hugh Dodd, 17125 NW 19th Avenue, Miami Gardens, Florida, appeared before the City Council and questioned whether the City would be allowing churches to be built on every block. He opined a four-story building in this neighborhood would be unthinkable.

Tanya Cunningham, 2301 NW 182nd Terrace, Miami Gardens, Florida, appeared before the City Council in support of Harvest Fire Ministries and its proposed project. She credited Harvest Fire Ministries' Enrichment Center with the excellent academic progress her four children have made in school.

Yvonne Dee Johnson, 2061 NW 187th Street, Miami Gardens, Florida, appeared before the City Council in support of Harvest Fire Ministries. She emphasized the importance of having an Adult Day Care Center in this area.

Keith Butler, a representative from Mayor Carlos Alvarez's Office, 606 NW 183rd Street, Miami Gardens, Florida, appeared before the City Council in support of this application, in particular because of the services the Church is offering to the community.

Tanishia C. Findlay, 365 NW 193rd Terrace, Miami Gardens, Florida, appeared before the City Council in support of this request. She said the church currently offers FCAT classes in addition to feeding the hungry as well as other outreach ministries. This center would provide an outlet, a place for children to go to after school rather than hanging out in the streets.

Bruce Williams, 2325 NW 182nd Terrace, Miami Gardens, Florida, appeared before the City Council to express his views about this item he said that he was not against or for the project.

Levann Cunningham, 2301 NW 182nd Terrace, Miami Gardens, Florida, appeared before the City Council in support of this item. He said the church offers hope, it offers a very positive environment.

Sharon Frazier-Stephens, 145 NE 193rd Street, Miami, Florida, appeared before the City Council and opined the services being offered by Harvest Fire Ministries such as educating our

children should be done in the Public School System. She suggested having the churches and schools work together.

Calvin Butler, 530 NW 188th Street, Miami Gardens, Florida, appeared before the City Council in support of this project. He encouraged the Council to vote in favor of this request.

Yvonne Hines 540 NW 188th Street, Miami Gardens, Florida, appeared before the City Council in support of Harvest Fire Ministries and this project. She shared that her children are safe when they go to Harvest Fire Ministries program.

Sharon Bailey, 1431 NW 197th Street, Miami Gardens, Florida, appeared before the City Council in support of this project. She said the church is doing a lot of positive things in this community and this information has been provided to the local schools.

Carol Grant, 630 NW 187th Street, Miami Gardens, Florida, appeared before the City Council in support of Harvest Fire Ministries and its proposal. She shared that the church also provides free tax preparations.

Christina Tulloch, 9471 NW 15th Street, Miami, Florida, appeared before the City Council in support of this application.

Camille Bender, 530 NW 188th Street, Miami Gardens, Florida, appeared before the City Council in support of this proposal. She shared that her son was having difficulties with the FCAT prior to being enrolled in the Harvest Fire Ministries program. She further stated the majority of the programs being offered at the church are free to the community.

Guy Sargeant, 2020 NW 1st Avenue, Miami, Florida, appeared before the City Council in support of this proposal. He shared that when he came out of a drug rehap center, Harvest Fire Ministries placed him in a home and helped him to get his life back on track.

Oliver Gross, 16001 East Bunche Park Drive, Miami Gardens, Florida, appeared before the City Council to express his views about this item but he did not take a position for or against this proposal.

Georgia Bryers, 20826 NW 24th Court, Miami Gardens, Florida, appeared before the City Council in support of this item. She shared that Harvest Fire Ministries was instrumental in assisting her with her homeowner endeavors.

Pastor Clarke said this church is being offered to the community. He emphasized this Church is his mission and purpose to provide hope for the community and its residents. Millions of dollars have been invested in this property. The congregation cares very deeply for this community and is committed to providing a better quality of life for all.

There being no other individuals to speak on behalf of this item, the public hearing was closed.

Attorney Dickens explained the City Council sitting as the LPA needs to now consider the resolution as the LPA and whether to recommend approval or denial of this item to the City Council.

Motion offered by Councilwoman Watson, seconded by Vice Mayor Braynon to approve this item.

Vice Mayor Braynon conveyed first hand knowledge of the outstanding work being done by Harvest Fire Ministries. He asked staff to explain why they were recommending denial of this project even though the presenters stated staff had been providing guidance throughout the application process.

Robert Coleman, Zoning Administrator recounted Harvest Fire Ministries started the application process approximately one year ago. When the application was filed issues relating to the current zoning and what would be best suited for the type of usage in that area was discussed. The Church already existed on the east side of the avenue, with expansion to the west as a separate entity and this new facility, not necessarily having church services but provide similar uses. At no point did staff indicate it would give a favorable recommendation for this project. Best on the residential area to the west side of this site, staff looked at what could go there and came up with the best zoning that could go there. When addressing this proposal under the Comprehensive Master Plan elements as it related to the housing in this area, it was found that this type of development was too intrusive. There are all kinds of developments on the north and south side of 183rd Street that has been approved by Miami-Dade County. The City has an obligation to protect the Comp Plan, which it adopted from Miami-Dade County. In order to that one must look at the existing uses provided for in the Comp Plan. Based on the application submitted by Harvest Fire Ministries and all the information submitted, including the traffic study, staff submitted its recommendation to the Council.

Mr. Coleman stated even though staff has recommended denial, the Council has the authority to overturn staff's recommendation and approve this application. He opined this type of development in that neighborhood is too intrusive and does not fit with the current Comprehensive Master Plan or the future goals of the City's Comprehensive Development Master Plan.

Vice Mayor Braynon asked if this project was located three blocks west would it then be an appropriate use.

Mr. Coleman said the project would still be an inappropriate use because that area is also zoned single family.

Vice Mayor Braynon asked about the proposed Center and the type of services to be provided there.

Reverend Clarke said a gymnasium would be on site, but the use would take place after hours. The Learning Center would have a computer lab, day care facility, and a job training center. Ninety percent of the activities will occur during the hours between 9:00 a.m. to 5:00 p.m.

Vice Mayor Braynon asked if the complex would have a residential component.

Reverend Clarke said there is no residential component at this complex.

Vice Mayor Braynon said a review of the plans indicates a two-story building on the north side, with the gymnasium being located on the south side of the property.

Mr. Dixon said basically what is presented on the plans is a complex. The front half of the building is basically a business, with the first floor being utilized for adult day care. The second floor is basically educational. The third floor is the business incubator. The fourth floor is dedicated to the family life, home ownership program and executive office space.

Vice Mayor Braynon asked whether the two-story building was a part of the office complex.

Mr. Dixon in response to Vice Mayor Braynon's question replied that it was.

Vice Mayor Braynon referenced the parking lot located approximately a half block from the complex as depicted on the plans and asked whether this was the parking allocated for the church.

Mr. Dixon replied that it is. In addition there is parking being provided at the complex.

Vice Mayor Braynon said a lot of concern was raised about having a tall building abutting residential property and asked whether it would be possible to put the largest portion of the building on the street rather than on the residential side.

Mr. Dixon said that is exactly what has been done.

Vice Mayor Braynon asked how tall is the gymnasium.

Mr. Dixon said a gymnasium is anywhere between 26 to 28 feet tall.

Vice Mayor Braynon asked where would it be more appropriate to build a complex like this.

Mr. Coleman said this type of complex would be more appropriate in the Town Center Zoning District.

Mr. Marder said no matter what plan is being looked at, staff's recommendation would have stated it would be more appropriate to have the facility located on the west side of 27th Avenue as opposed to this area.

Vice Mayor Braynon inquired about the total number of parking spaces for this proposed structure.

Reverend Clarke said there is a total of 200 parking spaces. He said most of the individual utilizing this facility would be young people therefore, they would be dropped off instead of having to utilize parking.

Mr. Dixon said the property site is very tight and the drop off would occur on the site under the building. He further shared that Harvest Fire has adopted 23rd Avenue. The Church's ultimate plan is to beautify this area.

Councilman Harvard referenced comments made by the Church representatives that after approximately a quarter million dollars were spent developing this proposal; staff has stated it would not recommend the project. He asked why did this application process even get to that point.

Mr. Coleman stated when an applicant files an application with the City of Miami Gardens, the applicant is not told that staff would provide a favorable or non-favorable recommendation to the Council. The applicant is told he/she must present their application to the City, to staff and to the City Council. A report is provided to the applicant as soon as possible. He said as it relates to the cost, staff can not control what an applicant spends in presenting their application to the Council. The application has a provision that states there is a fifty-fifty chance of that application being approved by the City Council. In addition, staff could recommend approval of an item and Council however could deny that request; that is the Council's right.

Please note, Councilman Bratton left the meeting at 10:10 p.m.

Councilman Harvard questioned whether those residents most affected by this development were ever told about this proposal by Reverend Clarke.

Reverend Clarke said over 500 letters were mailed, in addition an open house was held hold, with very little participation from the community. In an effort to notify the resident of what the church was proposing, the congregation knocked on doors and distributed flyers.

Councilman Harvard asked was there any dialogue prior to this meeting between staff and the applicant about whether this project could possible fit into the City's Comp Plan if certain changes were made.

Mr. Marder said this project started out as a concept, which was much more and was decreased. The larger project had no consideration for parking. Staff had serious concerns about this project and what it would do this neighborhood. It clearly was not something acceptable in the Planning and Zoning phase, therefore staff worked with the applicant. The proposal improved tremendously since it was first submitted. Staff had asked for certain information, which it did get eventually.

Councilman Harvard asked staff's major concern with this project is the intrusion in to the residential area.

Mr. Marder in response to Councilman Harvard's question was yes.

Reverend Clarke stated that the Church has done everything the planning staff had asked for. And then this morning he received a phone call from the City's planning staff offering to refund the application fee, which he refused because this is not about the money. He said he was lead to believe by staff that once the church met the guidelines discussed a favorable recommendation would be presented to the Council.

Councilwoman Watson asked staff to elaborate on the future variances that would need to be approved along with this project if approved by the Council.

Attorney Dickens clarified that the Council is not approving a project tonight. What is before this Council tonight is a land use amendment and a rezoning application and not a site plan. She reiterated the Council is not approving a project. Tonight's request is for a land use amendment and rezoning application which could allow a project like what is being present. When the project comes back for a site plan approval there could possible be parking variances and other variances required.

Mr. Marder said the list of variances that would be required if this application is granted would be: a non-use variance for lot coverage; a non-use variance for FAR; a non-use variance for height; and a non-use variance for parking requirements.

Councilman Campbell commented it is his sense the applicant is proposing to provide an excellent service, which in his opinion is needed. However, the fact of the matter remains as a technical aspect it is not compatible to the residential area. Therefore there are two seemingly opposing situations. Comments have been made by the applicant, which sounded like they were purposely deceived. He conveyed his belief that staff did not purposely deceive anyone. Staff based its recommendation based on the current code and laws on the books. He reiterated this is an excellent program and the Council has an unpopular decision to make. He said he can appreciate what staff has presented and it has been stated at least three times by staff that they make the recommendation. However, it is up to the Council to make the final decision and did not have to go with staff's recommendation. Staff has the responsibility to tell the Council what their recommendation is based on the existing codes and laws. He stated he was in favor of moving this item forward.

Councilwoman Pritchett addressed her question to the Miami-Dade County Comprehensive Development Master Plan and asked until the City adopts its Comprehensive Development Master Plan, is the City subject to the conditions and restraints, constraints, goals and objections of Miami-Dade County's Plan.

Mr. Marder in response to Councilwoman Pritchett's question stated exactly, yes.

Councilwoman Pritchett referenced page two of staff's recommendation, more particularly the language "The site of the proposed multipurpose facility is designated **Low Density Residential** on the Future Land Use Plan Map 2005-2015 of the Future Land use Element of the Comprehensive Development Master Plan. Uses allowed in this category include basically single-family homes,

some low-rise apartments, and, upon approval at a public hearing, religious and educational facilities. The applicant is therefore requesting a **small-scale amendment** in order to change the current **Low Density Residential** designation of the site to **Business and Office.**”

Councilwoman Pritchett further stated the next paragraph on page 2 of staff’s report states staff has a responsibility pursuant to “Policy 8F of Objective 8 of the Land Use Element of the CDMP to ensure the application requesting the amendment to be CDMP be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved would be compatible with abutting and nearby land uses and protect the character of established neighborhoods”.

Councilwoman Pritchett referenced comments made by Mr. Coleman as it related to his position as Zoning Administration that he has the inherited responsibility to protect the rights of the residents based upon the information in the CDMP.

Mr. Coleman stated in response to Councilwoman Pritchett’s comments that is correct.

Councilwoman Pritchett further stated that Mr. Coleman has advised the City Council has a right to make a decision contrary to staff’s recommendation.

Mr. Coleman responded that is correct.

Councilwoman Pritchett asked if it is possible there is a misunderstanding in terms what is before this Council tonight in terms of land use only and not the building and the structures which would come at a later date.

Mr. Coleman said that could be a possibility. The City is only talking about land use and not the actual building and the usages on that site, which can not occur until the land use amendment is approved.

Mayor Gibson conveyed her understanding of this application as being a land use amendment and rezoning application and requires changing the use of the land before anything can be done on the land. All the testimony here tonight was about the good things and how much it is needed. However, none of that can be done unless a decision is made by the Local Planning Agency (LPA), which this Council is currently hearing this item as. Once a decision is made at the LPA level, the application then goes to other phases. She stated that she did not know how this vote is going to go. However, there are other huddles to jump. There are three phases; there must be a vote for the Council to accept that from the LPA; once that is done there is a first hearing on the small scale amendment; and a first hearing on the rezoning. This application must come back for a second hearing on both the small scale amendment and the rezoning.

Mayor Gibson placed emphasis on the fact that staff does not make decisions for the City Council under any circumstances. However, staff is charged with not being in violation of the CDMP, which the City must function under. Staff does not have the authority to make a decision against the CDMP Plan; hat authority rest solely with the City Council.

Attorney Dickens said as it relates to this particular item if the Council sitting as the LPA votes yes, it is making a recommendation to the Council, if the vote is no, that means no recommendation is being made to the Council.

There being no further discussion, the motion to make a recommendation to the City Council passed and carried by a 5-1 vote.

Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Councilman Bratton:	Not present
Vice Mayor Braynon:	Yes
Mayor Gibson:	Yes

7C) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN APPLICATION SUBMITTED BY HARVEST FIRE INTERNATIONAL OUTREACH MINISTRIES FOR A SMALL SCALE LAND USE AMENDMENT FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF N.W. 183RD STREET AND N.W. 23RD AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM LOW DENSITY RESIDENTIAL TO BUSINESS AND OFFICE; 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)

Mayor Gibson opened the floor for this public hearing. After there were no interested parties to speak on this item. The public hearing was closed.

Motion offered by Vice Mayor Braynon, seconded by Councilwoman Watson to approve this item on first reading.

Councilwoman Pritchett asked Mr. Coleman to explain why staff was recommending a denial of this particular request.

Mr. Coleman said staff was recommending denial basically because this would intrude into a single family neighborhood and the CDMP said that should be protected. The only entity that can change that is the City Council.

There being no further discussion, the motion to approve this item on first reading passed and carried by a 4-2 vote.

Councilman Harvard:	Yes
Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Councilman Bratton:	Not present
Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Mayor Gibson:	No

7D) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN APPLICATION SUBMITTED BY HARVEST FIRE INTERNATIONAL OUTREACH MINISTRIES TO APPROVE A REZONING OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF N.W. 183RD STREET AND N.W. 23RD AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM RU-1, SINGLE-FAMILY RESIDENTIAL, TO BU-1A, LIMITED BUSINESS DISTRICT; PROVIDING FOR A CONDITION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Mayor Gibson opened the floor for this public hearing.

Hugh Dodd, 17125 NW 19th Avenue, Miami Gardens, Florida, appeared before the City Council in opposition to this request to build a four-story building. He discouraged having a business in a residential neighborhood.

Lionel S. Rickley, 19021 NW 24th Avenue, Miami Gardens, Florida, appeared before the City Council in support of this item. He placed emphasis on the importance of meeting the needs and concerns of the people, and not focusing too much on the way the building will look.

Collin E. Edwards, 3900 NW 79th Avenue, Suite 520, Doral, Florida, appeared before the City Council and stated Reverend Clarke had insisted this structure be a hurricane shelter. In Miami-Dade County there are very few schools that are hurricane ready. Harvest Fire Ministries' project if approved would provide a place for families to go in case of a hurricane.

Ruben Burke, 2320 NW 182nd Terrace, Miami Gardens, Florida, appeared before the City Council to express his views about the Council's vote on the previous two items. He recounted three years prior a smaller project presented on the property was voted down unanimously by the North-Dade Community Council.

Camille Bender, 530 NW 188th Street, Miami Gardens, Florida, appeared before the City Council in support of this item. She said the Church did not want to do anything to bring the neighborhood down. She emphasized this is not a church thing but a community endeavor.

Motion offered by Vice Mayor Braynon, seconded by Councilman Harvard to extend the meeting passed 12:00 midnight. This motion passed and carried by a 4-2 vote. Vice Mayor Braynon and Councilman Campbell cast the “no” vote.

After there were no other interested parties to speak on this item, the public hearing was closed.

Motion offered by Vice Mayor Braynon, seconded by Councilman Harvard to approve this item.

Mayor Gibson asked staff if they were aware of the specifics of the incubator portion of this project.

Mr. Coleman stated that the applicant advised this would be office space.

Mayor Gibson asked if the BU-1 Zoning would work for the uses the church wanted to utilize the building for.

Mr. Coleman said the BU-1 Zoning would not work but the BU-1A would work for office incubators.

Mayor Gibson shared as an individual, she could rent office space in this incubator, acquire an occupational license and do everything any business is required to do in order to operate. She asked if this kind of relationship would require a 501(c)3 status.

Mr. Coleman expounded on Mayor Gibson’s question and shared the church can contact a lawyer who has just passed the bar and advise that it has office space to facilitate with the lawyer setting up his/her business. That lawyer can then come to the City for a Certificate of Use and occupational license and then start accepting clients.

Mayor Gibson asked whether the Church had a Community Development Corporation (CDC).

Reverend Clarke replied no.

Mayor Gibson asked if the entire church complex was for profit.

Reverend Clarke replied no.

Mayor Gibson asked whether the four-story building would be for-profit.

Reverend Clarke said some portions of the building would be for-profit and some portions would be not-for-profit. He said the revenues from the Day Care Center would be taxable. The computer lab and FCAT area would be not-for-profit. The incubator is to provide infrastructural support more so that for operational purposes.

Councilman Campbell commented from the way the LPA voted earlier, there are going to be some individuals who will hate the Council and some people who will love the Council. This is unfortunately but this is the position the Council is in right now. The Council members were elected to make some unpopular decision and now have to decide. He questioned how is it that a portion of land can be taxed and a portion be exempted due to not-for-profit status.

Mr. Coleman said pursuant to federal law the applicant has to specify the portion to be used for profit. There is a form that must be filled out and filed to get those calculations made. He explained this is a separate entity from the church. It will operate under a different corporation. Seventy-five percent of the building will be for-profit.

Councilman Campbell said this is not the way the item was presented when the presentation was made to the LPA.

Attorney Dickens clarified the issue before this Council tonight is a rezoning item and not a project approval item. It is the approval of a limited business in a residential neighborhood. Whatever falls within the category that is permitted in that zoning, is allowed.

Councilwoman Pritchett asked Mr. Coleman to give examples of what could go into this area if the zoning is changed from RU-1 to BU-1A.

Mr. Coleman said a zoning change from RU-1 to BU-1A, in this case would be three single family homes being turned into a commercial operation. That commercial operation would encompass several different types of uses: animal boarding, parts and equipment, boats, convention halls, dogs, pets, hospitals, donated goods, accessories vehicle uses, tires, health and exercise club, etc.

There being no further discussion, the motion to approve this item passed and carried by a 5-1 vote.

Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Councilman Bratton:	Not present
Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Councilman Harvard:	Yes
Mayor Gibson:	Yes

8. RESOLUTION(S)/PUBLIC HEARING(S)

RESOLUTION NO. 2006-27-373-Z-46

8A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A SETTLEMENT AGREEMENT BETWEEN THE CITY OF MIAMI GARDENS AND CITY NATIONAL BANK

OF FLORIDA AS TRUSTEE UNDER LAND TRUST NO. 2400-5110-00 (“CITY NATIONAL”); AND APPROVING THE APPLICATION OF CITY NATIONAL FOR A SPECIAL EXCEPTION TO PERMIT THE CONSTRUCTION OF A MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON TWO (2) BU-1A ZONED TRACTS ON PROPERTY MORE PARTICULARLY DESCRIBED ON EXHIBIT “A” ATTACHED HERETO; APPROVING A WAIVER OF THE PROVISION OF THE ZONING CODE REQUIRING THAT A SIX (6) FOOT DECORATIVE MASONRY WALL BE INSTALLED ON THE PROPERTY; APPROVING A NON-USE VARIANCE OF HEIGHT REQUIREMENTS TO PERMIT AN EIGHT (8’) FOOT HIGH WALL BETWEEN THE PROPOSED DEVELOPMENT AND THE ADJACENT AUTOMOTIVE SERVICE STATION; APPROVING AN UNUSUAL USE TO PERMIT TWO (2) ENTRANCE FEATURES INCLUDING A FOUR (4’) FOOT HIGH DECORATIVE WALL ON EACH SIDE OF THE ENTRANCE DRIVES OF THE PROPOSED DEVELOPMENT; PROVIDING FOR CONDITIONS; PROVIDING FOR A DECLARATION OF RESTRICTIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Mr. Coleman recounted this item was considered and denied at the December 13, 2005 Zoning Meeting. The Applicant pursued administrative remedies, which has resulted in the formulation of a proposed settlement agreement.

Attorney Dickens further expounded on this item and stated that City National Bank of FL as Trustee filed an appeal of the City Council’s decision rendered on December 13, 2005. As a result an agreement was entered into. A Shade Meeting (Attorney/Client Session) was held with members of the City Council to discuss negotiation strategies. The results of that agreement are incorporated into the Declaration of Restrictions.

Mayor Gibson opened the floor for the public hearing.

Leonard Coles, 2010 NW 171st Terrace, Miami Gardens, Florida, appeared before the City Council meeting to express concerns that the public did not have the benefit of knowing what was in the agreement. He further expressed concern as to whether residents were informed about this project and were allowed an opportunity for input.

Mayor Gibson said the North County Homeowners Association was an integral part of this process and very assertive in providing input. In addition, the developer and the North County Homeowners Association met on numerous occasions to reach an amicable agreement. There is no objection from the North County Homeowners Association with regard to the final Settlement Agreement. There are no changes to the original application request.

Shirley K. Coles, 2801 NW 209th Terrace, Miami Gardens, Florida, appeared before the City Council to express concern with the number of potential children this development would bring, which would pose an additional burden on the already overcrowded schools within this area. She asked who

would be responsible for enlarging or building additional schools to accommodate the increased student population brought on by this development.

After there were no other interested parties to speak on behalf of this item, the public hearing was closed.

Moved by Councilwoman Watson, seconded by Councilman Harvard to approve this item.

Mayor Gibson, in response to Mrs. Coles' concerns stated that Miami-Dade County School Board jurisdiction over the school system. That entity is responsible for determining whether additional schools would be built.

Councilwoman Pritchett asked Attorney Dickens to explain about the Shadow Meeting.

Attorney Dickens explained where litigation matters are concerned the City Attorney is allowed to in private with the City Council. This meeting is not governed by the Sunshine Law. The only individuals present at a Shadow Meeting (Attorney/Client Session) are the Mayor, members of the City Council, City Manager, City Attorney and a Certified Court Reporter. Once the matter has been settled, a transcript of that meeting would become public record.

Attorney Dickens reiterated the application did not change, the only change is with the Settlement Agreement.

At the conclusion of this discussion, the motion to approve this item passed and carried by a 6-1 vote.

Councilman Bratton:	Yes
Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Mayor Gibson:	Yes

RESOLUTION NO. 2006-28-374-Z-47

8B) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF YVONNE OWENS FOR NON-USE VARIANCES OF LOT COVERAGE AND SETBACK REQUIREMENTS FOR AN EXISTING FRONT PORCH ADDITION TO A SINGLE-FAMILY RESIDENCE; APPROVING A NON-USE VARIANCE OF SETBACK REQUIREMENTS TO PERMIT A PROPOSED TWO-BEDROOM ADDITION TO A SINGLE-FAMILY RESIDENCE; APPROVING NON-USE VARIANCES OF SETBACK AND SPACING REQUIREMENTS FOR AN EXISTING UTILITY SHED; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED

BY THE CITY MANAGER)

Mayor Gibson asked Ms. Owens if she had a copy of staff's recommendations and whether she agreed with those recommendations.

Ms. Owens said she had a copy of the list of recommendations submitted by staff and did not have a problem with any of those recommendations.

Mr. Coleman conveyed staff's recommendation of approval of the non-use variances as follows: 1) a non-use variance of lot coverage requirements to permit an existing front porch and proposed bedroom addition to an existing single-family residence, resulting in a total lot coverage of 38% when a maximum of 35% is permitted; 2) a non-use variance of setback requirements to permit an existing front porch addition to an existing single-family residence to have a setback of 18 feet from the west property line where a minimum of 25 feet is required; 3) a non-use variance of setback requirements to permit a proposed two-bedroom addition to a single family residence to have a rear setback of 14 feet, 5 inches from the east property line where a minimum of 25 feet is required. Said variance of setback requirements is conditioned upon: a six (6) foot opaque wall or wooden fence erected along the south property line so as to preclude horizontal vision and protect the privacy of the adjoining property; 4) a non-use variance of setback requirements to permit an existing utility shed to have an interior setback of 3 feet, 9 inches from the south property line where a minimum of 7 feet is required; 5) a non-use variance of spacing requirements to permit said utility shed to have a spacing of 7 feet from the existing single-family residence where a minimum of 10 feet is required; and 6) that the applicant secure all necessary building, plumbing and electrical permits and complete all necessary modifications to the principal structure per said permits within six months of approval of this application.

Mayor Gibson opened the floor for this public hearing.

Yvonne Owens, 19111 NW 42nd Court, Miami Gardens, Florida, appeared before the City Council to solicit approval of her application. She conveyed agreement with staff's recommendations.

After there were no individuals speaking for or against this item, the public hearing was closed.

Motion offered by Vice Mayor Braynon, seconded by Councilwoman Watson to approve this item.

There being no discussion, this motion passed by a 6-0 vote.

Vice Mayor Braynon:	Yes
Councilman Bratton:	Not present
Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	Yes
Councilwoman Watson:	Yes
Mayor Gibson:	Yes

Please note, Councilwoman Pritchett left the meeting at 12:20 p.m.

- 8C) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION OF GEORGE AND VICTORIA EPPS FOR AN UNUSUAL USE PERMIT TO PERMIT A DAYCARE CENTER IN AN RU-1 ZONE; A NON-USE VARIANCE OF PARKING REQUIREMENTS TO PERMIT PARKING SPACES AND DRIVES WITHIN 25 FEET OF THE OFFICIAL RIGHT-OF-WAY LINE; A WAIVER OF AUTO-STACKING REQUIREMENTS; A NON-USE VARIANCE OF CLASSROOM SIZE REQUIREMENTS TO ALLOW PROPOSED DAYCARE CENTER TO HAVE A CLASSROOM AREA OF 1.616 SQUARE FEET; A SPECIAL EXCEPTION TO PERMIT A CHURCH IN AN RU-1 ZONE; A NON-USE VARIANCE OF LOT SIZE REQUIREMENTS TO PERMIT A CHURCH WITH A LOT FRONTAGE OF 79.94 FEET; A NON-USE VARIANCE OF SPACING REQUIREMENTS TO PERMIT A CHURCH TO BE LOCATED 7.5 FEET FROM THE SOUTHERLY PROPERTY; A NON-USE VARIANCE OF SPACING REQUIREMENTS TO PERMIT A CHURCH TO BE LOCATED APPROXIMATELY 60.5 FEET FROM THE EASTERLY RESIDENTIAL PROPERTY; A NON-USE VARIANCE OF PARKING REQUIREMENTS TO PERMIT A CHURCH TO HAVE 15 PARKING SPACES; PROVIDING FOR AN EXECUTION OF A DECLARATION OF RESTRICTIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Scott Golden, an attorney with law offices at 644 SE 4th Avenue, Ft. Lauderdale, Florida, appeared before the City Council representing the applicant. The applicant is requesting a variance to permit a proposed church on the property as well as an unusual use to permit a proposed daycare center. The subject property is located at NW 168th Terrace and NW 32nd Avenue, which is one block north of the Palmetto Expressway and completely surrounded by taller buildings. Therefore, the proposed building is suitable for this property. This property is already transitional to higher uses but would have minimum impact because it is not a large structure. This proposed project is also consistent with the land use.

Attorney Golden stated that staff had recommended the approval of the daycare center component of this project. He further provided a petition asking for the Council's approval of this item, which was signed by 65 residents from this particular area. He referenced the daycare center square footage which is approximately 1,461 square feet. Miami-Dade County's code requires one parking space for every 50 square feet for a church, which would equate to approximately 28 or 29 parking spaces. In 2000, Congress passed a Religious and Land Use Acquisition Act, which means the church, can not be treated different from other assembly buildings. This in essence means only those ordinances regulating assembly buildings would apply, and as such the required parking is 1 space for every 100 feet, which means this church only needs 14 parking spaces. This is exactly the number of parking spaces provided in the proposed project. Staff calculated the parking spaces utilizing Miami-Dade County's Code, but did not take into account the federal Religious and Land Use Acquisition Act.

Attorney Golden indicated that staff stated the church had a lot frontage of 79.94 square feet on the right-of-way where 150 feet was required. However, in actuality the church has 245 square feet. Staff did not take into consideration the upper edge of the property has 140 feet, and the left edge of the property has 105 feet.

Attorney Golden said the two main issues before this Council tonight are: 1) a on-use variance of spacing requirements to permit the proposed Church to be located approximately 60.5 feet from the easterly residential property where a minimum of 75 feet is required. The church has provided plenty of buffers (landscape, wall, etc) so as to not impact the house; and 2) a non-use variance of spacing requirements to permit the proposed Church to be located 7.5 feet from the southerly property, which is under different ownership where a minimum of 50 feet is required.

Mayor Gibson opened the floor for the public hearing.

Ianthe Cupid, 2460 NW 181st Terrace, Miami Gardens, Florida, appeared before the City Council in support of Cornerstone Church and this application.

Victoria Epps, 3196 NW 168th Terrace, Miami Gardens, Florida, appeared before the City Council to solicit approval of Cornerstone Church's application. She said the churches goal is to help the poor, needy and those on drugs.

Ossie Mae Conley, 300 NE 191st Street, Condo 215, North Miami Beach, Florida, appeared before the City Council to solicit approval of this item. She placed emphasis on the importance of having a small church in the community as well as the benefits and services residents as well as the congregation can derive from that church. She further commended Christopher Steers, Assistant City Manager for Business Services for his due diligence in expediting the building permitting process.

Marie Ann Lee, 12525 NE 1st Court, North Miami, Florida, appeared before the City Council in support of Cornerstone Church and this application.

After there were no other interested parties to speak on behalf of this item, the public hearing was closed.

Motion offered by Councilwoman Watson, seconded by Councilman Harvard to approve this item.

Councilman Campbell asked where the Epps resided.

George Epps appeared before the City Council and announced that they resided at 2006 SW 95th Terrace, Miramar, Florida.

Councilman Campbell questioned whether the homeowner, whose property is east of this property had signed the petition, which is 60.5 feet away from this site.

Attorney Golden said the homeowner did sign the petition.

Vice Mayor Braynon said his only concern has to do with the parking.

Attorney Dickens explained the legal issues involved with this application based upon what she has reviewed and is aware of. She said staff has not analyzed this application based upon any provision in Miami-Dade County's Code which treats churches different from any other similar uses, which is what Attorney Golden said. The law Attorney Golden is relying upon, which states a municipality can not take any affirmative action to treat churches as assemblies any differently as any other assembly group, which the City does not do any way. However, the City is not taking any action as far as enacting any ordinances as it relates to this church. The applicant is before this Council seeking a variance. Therefore, that should not be an issue for this Council tonight.

Vice Mayor Braynon asked about the capacity of the church.

Attorney Golden said the church is not very big, 1,500 square feet, with the daycare capacity at 49, but he was not sure about the sanctuary therefore did not want to mislead the Council.

Councilwoman Watson asked staff if they had did the calculations.

Mr. Coleman said staff's calculations yielded 46 children.

Councilwoman Watson expressed concern with the auxiliary portion of the church being 7.5 feet from the adjacent property line. She further asked about the utility easement and whether there would be access.

Mr. Coleman said before any construction permits are issued, the applicant must go through the City's building department. At that time the location of the easements would be checked out.

Councilman Campbell pointed out if the Council approves this application as staff recommended would only be conditions 1 through 3. Conditions 4 through 10 would be denied.

Attorney Dickens said she did not write resolutions based on staff's recommendations. The resolutions are written based upon the applicant's request. Council would need to make the appropriate amendments to the resolution to ensure it concurs with its intent. In the event Council is inclined to agree with staff a motion to amend Section 2 of the resolution is in order to take out those sections the Council is not inclined to approve.

Attorney Golden requested that Council approve all of the items being requested by the applicant.

Councilman Campbell stated if the Council approves the resolution as written it would be contrary to what staff has recommended, which is the approval of items 1-4 and the denial of items 4 through 10.

Vice Mayor Braynon said he did not have an issue with items 4-9 however, a non-use variance for parking requirements to allow the Church to have 15 parking spaces where a minimum of 33 spaces is required did not seem realistic. He said the congregation might be small now however, at some point the church will grow.

Mayor Gibson conveyed her understanding that the resolution is written on the applicant's request and not staff's recommendation. Staff's recommendation for items 1-3 is approving the daycare center, which would be housed in the same 1,500 square footage as the church's sanctuary.

Attorney Golden replied yes.

Mayor Gibson conveyed her agreement with some of the denials recommended by staff, especially with the parking. She said this is based on her experience and many of the churches in this area that do not have adequate parking. In addition, churches visits with each other and bring their congregation along for the service. She opined 15 parking spaces are not adequate. She further indicated the variance to allow the church to be located 7.5 from the property is very close. She shared that she had a problem with building a church on .35 acre, where a minimum of 2.5 acres required.

Attorney Dickens advised that if the Council was inclined to amend the resolution it should be done prior to voting on the item. She suggested the following language "amend Section 2 of the resolution to approve whatever items they wanted to approve and to deny whatever items they wanted to deny.

Vice Mayor Braynon asked the applicant if they could possible address any of the concerns discussed tonight.

Attorney Golden said the applicant could possible address some of the concerns, especially as it related to parking.

Councilwoman Watson withdrew her motion to approve this item, Councilman Harvard withdrew his second.

Motion offered by Councilwoman Watson to deny the application without prejudice, this motion was seconded by Vice Mayor Braynon.

There being no further discussion, this motion passed and carried by a 5-0 vote.

Councilman Bratton:	Not present
Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	Not present
Councilwoman Watson:	Yes
Mayor Gibson:	Yes

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

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

9) RESOLUTION(S):

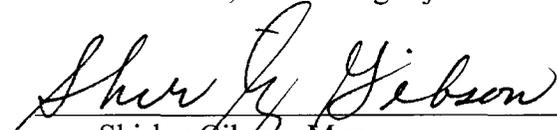
There were none.

10. PRESENTATION:

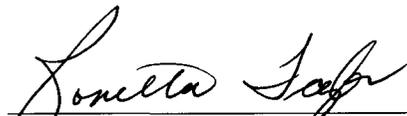
There were none

11. ADJOURNMENT:

There being no further business to come before this Body and upon a motion being duly made by Vice Mayor Braynon and seconded by Councilman Harvard, the meeting adjourned at 1:18 a.m.


Shirley Gibson, Mayor

Attest:


Ronetta Taylor, CMC, City Clerk