

RESOLUTION No. 2007-10-617-Z-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY PALMETTO EXPRESSWAY BUSINESS PARK, LLC, FOR A SPECIAL EXCEPTION IN ACCORDANCE WITH SEC. 33-247(4) OF THE ZONING CODE TO ALLOW AN AUTOMOBILE RENTAL AGENCY IN A BU-1A ZONING DISTRICT; AND APPROVING A NON-USE VARIANCE OF SEC. 33-247(4)(a) TO ALLOW A CONTINUOUS GREENBELT VARYING FROM 32.0' TO 0.0' WHERE A MINIMUM CONTINUOUS 15.0' GREENBELT IS REQUIRED: SUBJECT PROPERTY LOCATED AT 4858 N.W. 167 STREET; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Palmetto Expressway Business Park, LLP ("Applicant"), owns certain property located at 4858 Northwest 167th Street, more particularly described on Exhibit "A" attached hereto, and

WHEREAS, the Applicant seeks the following approval:

1. A special exception in accordance with Sec. 33-247(4) of the Zoning Code to permit an automobile rental agency in a BU-1A zoning district.
2. A non-use variance of Sec. 33-247(4)(a) to allow a continuous greenbelt varying from 32.0' to 0.0' where a minimum continuous 15.0' greenbelt is required.

WHEREAS, the City Council held a public hearing on the application on July 18, 2007, and

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

WHEREAS, the City's Planning & Zoning staff recommends approval of the application subject to certain conditions, and

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

WHEREAS, the City Council also considered the testimony of the City's Planning & Zoning staff, and the Staff Report attached hereto as Exhibit "B," incorporated herein by reference,

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

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

Section 2. The City Council of the City of Miami Gardens hereby approves the application submitted by the Applicant for:

1. A special exception in accordance with Sec. 33-247(4) of the Zoning Code to permit an automobile rental agency in a BU-1A zoning district.
2. A non-use variance of Sec. 33-247(4)(a) to allow a continuous greenbelt varying from 32.0' to 0.0' where a minimum continuous 15.0' greenbelt is required.

provided that the issuance of a certificate of occupancy or certificate of use or the completion of a final inspection for the facility described hereinabove shall be subject to the following conditions:

- a. Submitted Plans: The plans submitted for building permit and/or Certificate of Use and Occupancy shall be substantially in compliance with that submitted for the public hearing and consisting of the following: Existing Site Plan and General Notes, Sheets A-1.2 and A-1.3; Building "A" Elevation Sheet A-4.0 and Buildings "B" and "C" Elevations Sheet A-4.1 as prepared by Pasquale Kuritzke Architecture, Inc.; East Sector Tree Disposition Plan Sheet TD-1 and West Sector Tree Disposition Plan Sheet TD-2; East Sector Landscape Plan Sheet L-1 and West Sector Landscape Plan L-2 as prepared by JFS Design Inc. All sheets dated and stamped 03/29/2007 and revisions thereof.
- b. Irrigate Landscape: All landscaped areas on site shall be provided with an in-ground irrigation system which shall be installed, operated and maintained to service the property. Areas fronting right-of-way along Northwest 167th

Street, Northwest 49th Avenue and Northwest 47th Avenue shall provide irrigation as stated and have St. Augustine grass. All permits shall be secured in accordance with City of Miami Gardens Department of Public Works and FDOT requirements.

- c. Tree Plantings Along Northwest 167th Street: The main landscape motif adjacent to Northwest 167th Street along the right-of-way shall meet or exceed the minimum requirements of Chapter 18A of the City of Miami Gardens adopted Landscaping Ordinance with specifications to be approved by the City.
- d. Sidewalk on Northwest 167th Street: ~~A six (6) foot wide sidewalk shall be constructed along property abutting Northwest 167th Street.~~ Contribute \$10,000 to City of Miami Gardens sidewalk fund.
- e. Vehicle Preparation: All vehicle preparation activities, including car wash, vacuuming, and detailing shall be performed within an enclosed area and/or within an adequately buffered area, such area meeting the approval of the Development Services Director, and in compliance with all applicable regulations.
- f. Storage of Vehicles: All rental vehicles stored on the property shall be within marked and striped parking spaces meeting the minimum requirement of the Code and in compliance with all applicable regulations, unless a parking plan is submitted and meets the approval of the Development Services Director depicting an alternative plan for the storage and parking of rental vehicles.

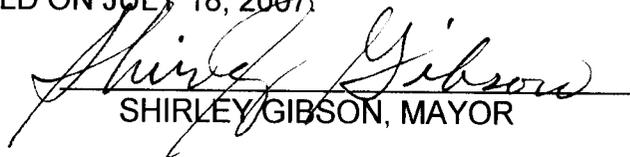
Section 3. **DECLARATION OF RESTRICTIONS**: The City Council of the City of Miami Gardens, Florida, hereby approves the Declaration of Restrictions attached hereto as Exhibit "C."

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT THE ZONING MEETING HELD ON JULY 18, 2007.

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK


SHIRLEY GIBSON, MAYOR

Resolution No. 2007-110-617-Z-70

Prepared by JAMES C. BRADY, ESQ.
Assistant City Attorney

SPONSORED BY: Dr. Danny. O. Crew, City Manager

MOVED BY: Councilman Williams

SECONDED BY: Councilman Bratton

VOTE: 5-1

Mayor Shirley Gibson	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Vice Mayor Oscar Braynon, II	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilman Melvin L. Bratton	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilman Aaron Campbell	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilman André Williams	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilwoman Sharon Pritchett	<input type="checkbox"/> (Yes)	<input checked="" type="checkbox"/> (No)
Councilwoman Barbara Watson	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No) Out of town

JCB/teh
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