

RESOLUTION No. 2009-84-1029-Z-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY CALDER RACE COURSE, INC., FOR NON-USE VARIANCES OF THE SIGN CODE ON PROPERTY GENERALLY LOCATED AT NORTHWEST 27TH AVENUE AND NORTHWEST 215TH STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR A CONDITION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Calder Race Course, Inc. ("Applicant"), has filed an application with the City of Miami Gardens for non-use variances of the Sign Code on property generally located at Northwest 27th Avenue and Northwest 215th Street, more particularly described on Exhibit "A" attached hereto ("Property"), and

WHEREAS, the Applicant seeks the following approvals:

1. Non-use variance to allow 4 monument signs on the property where a maximum of 2 monument signs are permitted.
2. Non-use variances to allow 2 monument signs with a sign area of 483 square feet each where a maximum sign area of 150 square feet each is permitted; to allow a sign height of 18 feet each where a maximum height of 15 feet is permitted.
3. Non-use variances to allow 2 monument signs with sign width of 23.5 feet, and 2 monument signs with sign width of 13.0 feet where a maximum width of 10.0 feet is permitted.
4. Non-use variance to allow 3 wall signs on the property where a maximum of 2 wall signs are permitted.
5. Non-use variances to allow 2 wall signs with sign area of 782 square feet each, 1 wall sign with sign area of 978 square feet where a maximum sign area of 400 square feet is permitted.
6. Non-use variances to allow 5 cabinet type logos where 2 are permitted; and to allow each 154 square feet in sign area where a maximum sign area of 80 square feet each is permitted.

7. Non-use variance to allow directional/information signs with sign area of 3 square feet in area where a maximum sign area of 2 square feet is permitted.

WHEREAS, a public hearing has been held on this matter on May 6, 2009, and

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

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

WHEREAS, the City staff recommends approval of the Application, and

WHEREAS, the City Council has reviewed the Application and approved the same, subject to certain conditions,

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. APPROVAL: The City Council of the City of Miami Gardens, hereby approves the Application submitted by the Applicant as follows.

1. Non-use variance to allow 4 monument signs on the property where a maximum of 2 monument signs are permitted.
2. Non-use variances to allow 2 monument signs with a sign area of 483 square feet each where a maximum sign area of 150 square feet each is permitted; to allow a sign height of 18 feet each where a maximum height of 15 feet is permitted.
3. Non-use variances to allow 2 monument signs with sign width of 23.5 feet, and 2 monument signs with sign width of 13.0 feet where a maximum width of 10.0 feet is permitted.

4. Non-use variance to allow 3 wall signs on the property where a maximum of 2 wall signs are permitted.
5. Non-use variances to allow 2 wall signs with sign area of 782 square feet each, 1 wall sign with sign area of 978 square feet where a maximum sign area of 400 square feet is permitted.
6. Non-use variances to allow 5 cabinet type logos where 2 are permitted; and to allow each 154 square feet in sign area where a maximum sign area of 80 square feet each is permitted.
7. Non-use variance to allow directional/information signs with sign area of 3 square feet in area where a maximum sign area of 2 square feet is permitted.

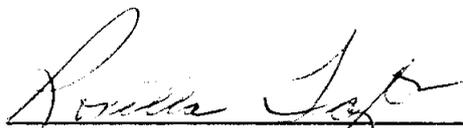
Section 3. **CONDITION:** The Applicant's request is approved subject to the condition that, the plans submitted for permit be substantially in compliance with plans submitted with this Application entitled "Calder Casino, as prepared by JCJ Architecture, issue date 09-11-2008, revision date 02-23-09, consisting of sheets AS-100-104."

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 ITS REGULAR MEETING HELD ON MAY 6, 2009.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.
City Attorney

Resolution No. 2009-84-1029-Z-86

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Councilman Gilbert
SECOND BY: Vice Mayor Watson

VOTE: 6-0

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Barbara Watson	<u> X </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> X </u> (Yes)	<u> </u> (No)
Councilman Aaron Campbell	<u> X </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert, III	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> </u> (Yes)	<u> </u> (No) (out of town)
Councilman André Williams	<u> X </u> (Yes)	<u> </u> (No)

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8398622_1.DOC



1515 N.W. 167TH STREET, BUILDING 5 SUITE 200
 MIAMI GARDENS, FLORIDA 33169

**City of Miami Gardens
 Agenda Cover Memo – Zoning
 Calder Race Track, Inc.-VS-2008-000002**

Council Meeting Date:	Meeting Zoning Meeting May 06,2009	Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Declaration					
			X		n/a					
Fiscal Impact:	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	Yes	No		X	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading	
		Yes	No							
	X									
		Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes	No				
			X							
Sponsor Name: Danny Crew, City Manager	Department: Planning and Zoning	Advertising Requirement: <i>(Enter X in box)</i>	Yes		No					
			X							

Subject:

RESOLUTION No. 2009-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY CALDER RACE COURSE, INC., FOR NON-USE VARIANCES OF THE SIGN CODE ON PROPERTY GENERALLY LOCATED AT NORTHWEST 27th AVENUE AND NORTHWEST 215th STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR A CONDITION; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

As part of the proposed Calder Race Track expansion to develop a casino gaming operation in a new +100,000 square foot building, the signage is being proposed to be upgraded and expanded to better identify the Race Track and Casino facilities. The City's newly adopted Sign Code contemplates regulations generally for community shopping centers and commercial retail activities, not necessarily large regional specialty and unique uses such as the Race Track and Casino. Several non-use variances are therefore being requested by the applicant in order to

**ITEM 10-A) RESOLUTION
 PUBLIC HEARING
 Approving the application of
 Calder Race Course, Inc.**

allow the types and size of signage necessary to appropriately provide, as the applicant has indicated in their letter of intent, "aesthetics and landmark recognition".

Recommend approval of the Resolution subject to the following condition:

1. That the plans submitted for permit be substantially in compliance with plans submitted with this application entitled "Calder Casino, as prepared by JCJ Architecture, issue date 09-11-2008, revision date 2-23-09, consisting of sheets AS-100-104".

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

EXHIBIT "A"
LEGAL DESCRIPTION

THE NORTH THREE-QUARTERS (N 3/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) LESS THE WEST 30 FEET THEREOF, THE NORTH ONE-HALF (N 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4), AND THE NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4), ALL OF SECTION 34 TOWNSHIP 51 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA.

AND ALL THAT PORTION OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 34 DESCRIBED AS FOLLOWS

BEGIN AT THE NORTHEAST CORNER OF SAID SOUTH ONE-HALF (S 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 34. THENCE RUN SOUTH 51 FEET ALONG THE EAST LINE THEREOF. THENCE RUN WEST 1323.84 FEET, MORE OR LESS TO AN INTERSECTION WITH THE WEST LINE OF SAID SOUTH ONE-HALF (S 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) AT A POINT 76.00 FEET SOUTH OF THE NORTHWEST CORNER THEREOF, AS MEASURED ALONG SAID WEST LINE. THENCE RUN NORTH 76.00 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID SOUTH ONE-HALF (S 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4). THENCE RUN EAST 1323.33 FEET, MORE OR LESS, ALONG THE NORTH LINE OF SAID SOUTH ONE-HALF (S 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) TO THE POINT OF BEGINNING.

AND ALL THAT PORTION OF THE NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 34 DESCRIBED AS FOLLOWS

BEGIN AT THE NORTHEAST CORNER OF SAID NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4). THENCE RUN SOUTH 91.00 FEET ALONG THE EAST LINE THEREOF. THENCE RUN WEST 1322.75 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID NORTH ONE-HALF (N 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4), AT A POINT 115.00 FEET SOUTH OF THE NORTHWEST CORNER THEREOF, AS MEASURED ALONG SAID WEST LINE. THENCE RUN NORTH 115.00 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4). THENCE RUN EAST 1322.44 FEET ALONG THE NORTH LINE OF SAID NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 34 TO THE POINT OF BEGINNING.

AND ALL THAT PORTION OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 34 DESCRIBED AS FOLLOWS

BEGIN AT THE NORTHEAST CORNER OF SAID SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4). THENCE RUN SOUTH 97.00 FEET ALONG THE EAST LINE THEREOF. THENCE RUN WEST 2596.46 FEET TO AN INTERSECTION WITH A LINE 43.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES, AND PARALLEL TO THE WEST LINE OF SAID NORTHWEST ONE-QUARTER (NW 1/4) AT A POINT 137.00 FEET SOUTH OF THE NORTH LINE OF SAID SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4), AS MEASURED ALONG SAID PARALLEL LINE. THENCE RUN NORTH 137.00 FEET ALONG SAID PARALLEL LINE, TO AN INTERSECTION WITH SAID NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4). THENCE RUN EAST 2596.03 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

AND ALL THAT PORTION OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 35, TOWNSHIP 51 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA, LYING WEST OF A LINE 5.00 FEET WEST OF AND PARALLEL TO THE WESTERLY RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY (FLORIDA'S TURNPIKE), LESS THE SOUTH 50 FEET THEREOF, ALL AS DESCRIBED IN CLERK'S FILE NO. 74R-111031 AS RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND THE WEST 20 FEET OF THE SOUTH 50.00 FEET OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 35.

AND THE WEST 70.00 FEET OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 35 LYING NORTH OF THE SNAKE CREEK CANAL RIGHT-OF-WAY, LESS THE EAST 50 FEET THEREOF.

LESS COUNTY LINE ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 5971, AT PAGE 531 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND LESS COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 35, TOWNSHIP 51 SOUTH, RANGE 41 EAST, THENCE NORTH 88° 56' 40" EAST ALONG THE NORTH LINE OF SAID NORTHWEST ONE-QUARTER (NW 1/4), FOR A DISTANCE OF 6.47 FEET, THENCE SOUTH 03° 03' 20" EAST FOR A DISTANCE OF 74.31 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 872 AS SHOWN ON THE RIGHT-OF-WAY MAP FOR SECTION 87018-2501, SAID POINT ALSO BEING THE POINT OF BEGINNING. THENCE NORTH 88° 58' 40" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 872, FOR 62.86 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE (SUNSHINE STATE PARKWAY) AS SHOWN ON THE RIGHT-OF-WAY MAP FOR CONTRACT 1 9 SHEET 4 OF B. THENCE SOUTH 02° 30' 57" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID FLORIDA'S TURNPIKE FOR 81.15 FEET TO A POINT OF INTERSECTION WITH A

CIRCULAR CURVE CONCAVE TO THE SOUTHWEST, SAID POINT BEARING NORTH 57° 33' 27" EAST FROM THE CENTER OF SAID CIRCULAR CURVE, THENCE NORTHWESTERLY ALONG SAID CIRCULAR CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 31° 54' 27" AND A RADIUS OF 210.00 FEET FOR AN ARC DISTANCE OF 116.85 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

SAID LANDS BEING A PORTION OF SECTION 34 AND 35, ACCORDING TO NEWMAN'S SURVEY OF THE EAST ONE-HALF (E 1/2) OF TOWNSHIP 51 SOUTH, RANGE 41 EAST, FLORIDA AS RECORDED IN PLAT BOOK 1, PAGE 118, IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND LESS TRACT "A" AND A PORTION OF TRACT "B" ACCORDING TO THE PLAT OF HOLIDAY INN AT CALDER AS RECORDED IN PLAT BOOK 95 AT PAGE 94 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCE AT THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 51 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA. THENCE NORTH 88° 30' 20" EAST ALONG THE NORTH LINE OF SAID SECTION 34 FOR 20.00 FEET. THENCE SOUTH 01° 47' 34" EAST PARALLEL WITH THE WEST LINE OF SAID SECTION 34 FOR 54.93 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY LINE ROAD. THENCE RUN NORTH 88° 18' 38" EAST ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY LINE ROAD FOR 10.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT "A", SAID POINT BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND. THENCE CONTINUE NORTH 88° 18' 38" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 175.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT "A". THENCE CONTINUE NORTH 88° 18' 38" EAST ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 458.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT "B". THENCE SOUTH 01° 41' 22" EAST ALONG THE MOST EASTERLY LINE OF SAID TRACT "B" FOR 117.00 FEET TO A POINT. THENCE RUN SOUTH 36° 42' 30" WEST FOR 266.31 FEET TO A POINT. THENCE RUN SOUTH 01° 47' 34" EAST ALONG THE WEST LINE OF SAID TRACT "B" FOR 23.79 FEET TO A POINT. THENCE SOUTH 08° 18' 38" WEST FOR 467.00 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT "A". THENCE CONTINUE NORTH 01° 47' 34" WEST ALONG THE WEST LINE OF SAID TRACT "A" FOR 150.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT "A", SAID POINT BEING THE POINT OF BEGINNING.

AND LESS A PORTION OF SECTION 34, TOWNSHIP 51 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

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EXHIBIT "B" STAFF RECOMMENDATION



1515 N.W. 167TH STREET, BUILDING 5 SUITE 200
MIAMI GARDENS, FLORIDA 33169

**City of Miami Gardens
Agenda Cover Memo – Zoning
Calder Race Track, Inc.-VS-2008-000002**

Council Meeting Date:	Zoning Meeting May 06,2009		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Declaration	
				X		n/a	
Fiscal Impact:	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading	
		X		Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
Sponsor Name: Danny Crew, City Manager	Department: Planning and Zoning		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No	
				X			

SHORT TITLE

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

CALDER RACE TRACK, INC
VS-2009-000002
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EXHIBIT "A" LEGAL DESCRIPTION

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AND ALL THAT PORTION OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 34 DESCRIBED AS FOLLOWS

BEGIN AT THE NORTHEAST CORNER OF SAID SOUTH ONE-HALF (S 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 34; THENCE RUN SOUTH 51 FEET ALONG THE EAST LINE THEREOF; THENCE RUN WEST 1323.94 FEET, MORE OR LESS TO AN INTERSECTION WITH THE WEST LINE OF SAID SOUTH ONE-HALF (S 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) AT A POINT 78.00 FEET SOUTH OF THE NORTHWEST CORNER THEREOF, AS MEASURED ALONG SAID WEST LINE; THENCE RUN NORTH 78.00 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID SOUTH ONE-HALF (S 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4); THENCE RUN EAST 1323.33 FEET, MORE OR LESS, ALONG THE NORTH LINE OF SAID SOUTH ONE-HALF (S 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) TO THE POINT OF BEGINNING.

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AND ALL THAT PORTION OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 35, TOWNSHIP 51 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA, LYING WEST OF A LINE 5.00 FEET WEST OF AND PARALLEL TO THE WESTERLY RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY (FLORIDA'S TURNPIKE), LESS THE SOUTH 50 FEET THEREOF, ALL AS DESCRIBED IN CLERK'S FILE NO. 74R-111031 AS RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND THE WEST 20 FEET OF THE SOUTH 50.00 FEET OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 35.

AND THE WEST 70.00 FEET OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 35 LYING NORTH OF THE SNAKE CREEK CANAL RIGHT-OF-WAY LESS THE EAST 50 FEET THEREOF.

LESS COUNTY LINE ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 8971, AT PAGE 831 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND LESS COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 35, TOWNSHIP 51 SOUTH, RANGE 41 EAST; THENCE NORTH 88° 58' 40" EAST ALONG THE NORTH LINE OF SAID NORTHWEST ONE-QUARTER (NW 1/4), FOR A DISTANCE OF 6.47 FEET; THENCE SOUTH 03° 03' 20" EAST FOR A DISTANCE OF 74.31 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 872 AS SHOWN ON THE RIGHT-OF-WAY MAP FOR SECTION 87018-2501; SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 88° 58' 40" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 872, FOR 82.86 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE (SUNSHINE STATE PARKWAY) AS SHOWN ON THE RIGHT OF WAY MAP FOR CONTRACT 1 9 SHEET 4 OF B; THENCE SOUTH 02° 30' 57" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID FLORIDA'S TURNPIKE FOR 81.15 FEET TO A POINT OF INTERSECTION WITH A

CIRCULAR CURVE CONCAVE TO THE SOUTHWEST, SAID POINT BEARING NORTH 57° 33' 27" EAST FROM THE CENTER OF SAID CIRCULAR CURVE, THENCE NORTHWESTERLY ALONG SAID CIRCULAR CURVE TO THE LEFT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 31° 54' 27" AND A RADIUS OF 210.00 FEET FOR AN ARC DISTANCE OF 116.95 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

SAID LANDS BEING A PORTION OF SECTION 34 AND 35, ACCORDING TO NEWMAN'S SURVEY OF THE EAST ONE-HALF (E 1/2) OF TOWNSHIP 51 SOUTH, RANGE 41 EAST, FLORIDA AS RECORDED IN PLAT BOOK 1, PAGE 118, IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND LESS TRACT "A" AND A PORTION OF TRACT "B" ACCORDING TO THE PLAT OF HOLIDAY INN AT CALDER AS RECORDED IN PLAT BOOK 95 AT PAGE 94 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCE AT THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 51 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 88° 30' 20" EAST ALONG THE NORTH LINE OF SAID SECTION 34 FOR 20.00 FEET; THENCE SOUTH 01° 47' 34" EAST PARALLEL WITH THE WEST LINE OF SAID SECTION 34 FOR 54.83 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; THENCE RUN NORTH 88° 18' 38" EAST ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY LINE ROAD FOR 10.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT "A"; SAID POINT BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE NORTH 88° 18' 38" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 175.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT "A"; THENCE CONTINUE NORTH 88° 18' 38" EAST ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 486.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT "B"; THENCE SOUTH 01° 41' 22" EAST ALONG THE MOST EASTERLY LINE OF SAID TRACT "B" FOR 117.00 FEET TO A POINT; THENCE RUN SOUTH 01° 47' 34" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY LINE ROAD FOR 10.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT "A"; THENCE CONTINUE NORTH 88° 18' 38" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 175.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT "A"; THENCE CONTINUE NORTH 88° 18' 38" EAST ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 456.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT "B"; THENCE SOUTH 01° 41' 22" EAST ALONG THE MOST EASTERLY LINE OF SAID TRACT "B" FOR 117.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE SOUTH 01° 41' 22" EAST ALONG THE EXTENSION OF THE MOST EASTERLY LINE OF SAID TRACT "B" FOR 34.52 FEET TO A POINT; THENCE RUN SOUTH 31° 54' 47" WEST FOR 188.06 FEET TO A POINT; THENCE RUN SOUTH 32° 07' 11" WEST FOR 40.14 FEET TO A POINT; THENCE RUN SOUTH 85° 09' 13" WEST FOR 38.89 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY LINE OF SAID TRACT "B"; THENCE RUN NORTH 01° 47' 34" WEST ALONG THE WEST LINE OF SAID TRACT "B" FOR 18.43 FEET TO A POINT; THENCE RUN NORTH 38° 42' 30" EAST ALONG THE EASTERLY LINE OF TRACT "B" FOR 286.31 FEET TO THE POINT OF BEGINNING.

AND LESS A PORTION OF SECTION 34, TOWNSHIP 51 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCE AT THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 51 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 88° 30' 20" EAST ALONG THE NORTH LINE OF SAID SECTION 34 FOR 20.00 FEET; THENCE SOUTH 01° 47' 34" EAST PARALLEL WITH THE WEST LINE OF SAID SECTION 34 FOR 54.83 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; THENCE RUN NORTH 88° 18' 38" EAST ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY LINE ROAD FOR 10.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT "A"; THENCE CONTINUE NORTH 88° 18' 38" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 175.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT "A"; THENCE CONTINUE NORTH 88° 18' 38" EAST ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 456.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT "B"; THENCE SOUTH 01° 41' 22" EAST ALONG THE MOST EASTERLY LINE OF SAID TRACT "B" FOR 117.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE SOUTH 01° 41' 22" EAST ALONG THE EXTENSION OF THE MOST EASTERLY LINE OF SAID TRACT "B" FOR 34.52 FEET TO A POINT; THENCE RUN SOUTH 31° 54' 47" WEST FOR 188.06 FEET TO A POINT; THENCE RUN SOUTH 32° 07' 11" WEST FOR 40.14 FEET TO A POINT; THENCE RUN SOUTH 85° 09' 13" WEST FOR 38.89 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY LINE OF SAID TRACT "B"; THENCE RUN NORTH 01° 47' 34" WEST ALONG THE WEST LINE OF SAID TRACT "B" FOR 18.43 FEET TO A POINT; THENCE RUN NORTH 38° 42' 30" EAST ALONG THE EASTERLY LINE OF TRACT "B" FOR 286.31 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B" STAFF RECOMMENDATION

STAFF RECOMMENDATION
VS-2008-00002 Calder Race Track, Inc.

APPLICATION INFORMATION:

Applicant:	Calder Race Course, Inc.
Agent:	Alan S. Krischer, Esq.
Project Name:	Calder Casino
Site Location:	21001 N.W. 27 th Avenue
Property Size:	± 231.45 Acres
Future Land Use:	Commerce
Existing Zoning:	AU, Agricultural District

REQUESTED ACTIONS:

1. Non-use variance to allow four (4) monument signs on the property where a maximum of two (2) monument signs are permitted;
2. Non-use variances to allow two (2) monument signs with a sign area of 483 square feet each where a maximum sign area of 150 square feet each is permitted; to allow a sign height of eighteen (18.0) feet each where a maximum height of fifteen (15.0) feet is permitted;
3. Non-use variances to allow two (2) monument signs with sign width of 23.5 feet, and two (2) monument signs with sign width of 13.0 feet where a maximum width of 10.0 feet is permitted;
4. Non-use variance to allow three (3) wall signs on the property where a maximum of two (2) wall signs are permitted;
5. Non-use variances to allow two (2) wall signs with sign area of 782 square feet each, one (1) wall sign with sign area of 978 square feet where a maximum sign area of 400 square feet is permitted;
6. Non-use variances to allow five (5) cabinet type logos where two (2) are permitted; and to allow each 154 square feet in sign area where a maximum sign area of 80 square feet each is permitted.
7. Non-use variance to allow directional/information signs with sign area of 3 square feet in area where a maximum sign area of 2 square feet is permitted.

RECOMMENDATION

Recommend approval of the Resolution subject to the following condition:

1. That the plans submitted for permit be substantially in compliance with plans submitted with this application entitled "Calder Casino, as prepared by JCJ Architecture, issue date 09-11-2008, revision date 2-23-09, consisting of sheets AS-100-104".

STAFF RECOMMENDATION
VS-2008-000002 Calder Race Track, Inc.

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Applicant: Calder Race Course, Inc.
Agent: Alan S. Krischer, Esq.
Project Name: Calder Casino
Site Location: 21001 N.W. 27th Avenue
Property Size: ± 231.45 Acres
Future Land Use: Commerce
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3. Non-use variances to allow two (2) monument signs with sign width of 23.5 feet, and two (2) monument signs with sign width of 13.0 feet where a maximum width of 10.0 feet is permitted;
4. Non-use variance to allow three (3) wall signs on the property where a maximum of two (2) wall signs are permitted;
5. Non-use variances to allow two (2) wall signs with sign area of 782 square feet each, one (1) wall sign with sign area of 978 square feet where a maximum sign area of 400 square feet is permitted;
6. Non-use variances to allow five (5) cabinet type logos where two (2) are permitted; and to allow each 154 square feet in sign area where a maximum sign area of 80 square feet each is permitted.
7. Non-use variance to allow directional/information signs with sign area of 3 square feet in area where a maximum sign area of 2 square feet is permitted.

RECOMMENDATION

Recommend approval of the Resolution subject to the following condition:

1. That the plans submitted for permit be substantially in compliance with plans submitted with this application entitled "Calder Casino, as prepared by JCJ Architecture, issue date 09-11-2008, revision date 2-23-09, consisting of sheets AS-100-104".

REVIEW AND ANALYSIS

Neighborhood Land Use Characteristics

Property	Zoning	Existing Use	Future Land Use
Site	AU, Agricultural District	Horse Racing Facility	Commerce
North	N/A (City Limits)	County Line Road	N/A(City Limits)
South	BU- 1A, RU-TH, RU-1 & RU-4L	Residential, Retail and School Uses	Neighborhood
East	PAD, Planned Area Development	Multifamily Apartments	Neighborhood
West	RU-1, Single Family Residential	Single-Family Dwellings	Neighborhood

The site is located in the southeast corner of N.W. 27th Avenue and N.W. 215th Street (County Line Road). It is currently used as a horse track facility and includes the race track itself and the main grandstand building, together with numerous barns, stables and other accessory related to the care and board of the horses, as well as restaurants and food service area, bars and a poker room. The properties south of the site accommodate a mixture of uses, including, but not limited to multi-family residential developments, light retail stores, a public school and a townhouse development. The site fronts NW 27th Avenue and County Line Road, both of which are arterial roadways. The site's east border is the Florida Turnpike Expressway.

Project/Background Information

On January 7, 2009, the City Council approved Resolution No. 2009-002-947-Z-83 which permitted an unusual use and related approvals necessary for the proposed Calder Race Track expansion to develop a casino gaming operation in a new +100,000 square foot building. This application proposes upgraded and expanded signage to better identify the Race Track and Casino facilities. The City's newly adopted Sign Code contemplates regulations generally for shopping centers and commercial retail activities, not necessarily large specialty and unique uses such as the Race Track and Casino. Several non-use variances are therefore being requested by the applicant in order to allow the types and size of signage necessary to appropriately provide, as the applicant has indicated in their letter of intent, "aesthetics and landmark recognition".

Sign Code Review and Analysis

In evaluating this application the following Sections of the Sign Code were considered:

Section VIII (J) states:

- J. *"Variances 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 of Miami Gardens, therefore no sign shall be permitted to be installed, altered, erected, constructed, posted, painted, maintained, or relocated, contrary to the provisions of this Schedule 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 Miami Gardens 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 Schedule 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.*

Section III states:

III. PURPOSE AND INTENT

“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.

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 Sign Code, consideration is given to the significant size of the property (approximately 231 acres) and over 1600' frontage on N.W. 27th Avenue and over 3200' frontage directly off the Florida Turnpike; the specialty and uniqueness of the Race Track and Casino gaming uses as it differs from typical neighborhood or community shopping centers and commercial centers; spacing and high visibility from major rights-of-ways (N.W. 27th Avenue, Florida Turnpike); minimal impacts of the signage on adjacent properties; and the regional importance of the Race Track and Casino aesthetics and landmark recognition that is in the best interest and general welfare of the City without detrimental impacts to the surrounding area.

Further consideration is also given to the above-noted Purpose and Intent of the Sign Code, more specifically to the statement *“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.”* The permitted two (2) 150 square feet monument sign area and 15.0' height and

two (2) 400 square feet wall signs do not adequately allow the identification of the \pm 231 acre site and the relatively large and 38.0' tall building height that have high visibility from the Florida Turnpike. The two (2) 483 square feet, 23.5' high monument signs at the main entrance way are in scale with the 1648.0' frontage of the property and are setback +40.0' from the right-of-way of N.W. 27th Avenue, with minimal intrusion to adjacent properties while allowing appropriate and legible identification. The two (2) smaller 65 square feet monument signs are located at secondary entrances, and the 3 square foot directory signs on the property are necessary considering again the overall size of the property and necessity to provide adequate identification of entranceways and directions once on the property.

The proposed two (2) wall signs of 782 square feet in area and the one (1) wall sign of 978 square feet with 154 square feet logos are in scale with the size of the building and are not excessive while allowing adequate identification and landmark recognition. In addition, the building is set back +100' of feet from side property line and +500' from the front property line so that the increased sign area is necessary for legible identification without intrusive impacts on the adjacent properties. The five (5) logos cumulatively help create the landmark recognition and "branding" for identification purposes.

Conclusion: The requested variances are not contrary to the purpose and intent of the Sign Code regulations 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 any 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 half a mile ($\frac{1}{2}$) 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:

- Public Hearing Checklist**
- Letter of Intent**
- Hearing Map-Zoning**
- Hearing Map-Aerial**
- Mailed Notice Affidavit**
- Mailed Notice Radius Map**