

ORDINANCE No. 2007-27-133

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY THE CITY OF NORTH MIAMI BEACH FOR THE REZONING OF THE MYRTLE GROVE WATER TREATMENT PLANT PROPERTY LOCATED AT 17820 NORTHWEST 29TH COURT, MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED HERETO FROM RU-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO GP – GOVERNMENT PROPERTY; ACCEPTING A DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach ("Applicant"), has filed an application with the City of Miami Gardens to approve a rezoning from RU-1 Single-Family Residential District to GP – Government Property for property known as the Myrtle Grove Water Treatment Plant located at 17820 Northwest 29th Court, more particularly described on Exhibit A attached hereto ("Property"), and

WHEREAS, public hearings will be held on this matter on November 7, 2007, and December 5, 2007, 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, City staff has determined that the rezoning is consistent with the City's Comprehensive Development Master Plan, and

WHEREAS, City staff recommends approval of the application, and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

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

SECTION 2. APPROVAL: The City Council of the City of Miami Gardens hereby approves the application submitted by the City of North Miami Beach for rezoning of the Myrtle Grove Water Treatment Plant property located at 17820 Northwest 29th Court, more particularly described in Exhibit A attached hereto, from RU-1 Single-Family Residential District to GP – Government Property.

SECTION 3. ACCEPTANCE OF DECLARATION OF RESTRICTIVE COVENANTS: The City Council hereby accepts the Declaration of Restrictive Covenants attached hereto as Exhibit "A."

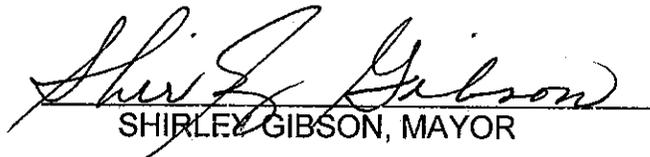
SECTION 4. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 24TH DAY OF OCTOBER, 2007.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 5TH DAY OF DECEMBER, 2007.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Vice Mayor Watson
SECONDED BY: Councilman Bratton

VOTE: 7-0

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 Oscar Braynon, II	<u> x </u> (Yes)	<u> </u> (No)
Councilman Aaron Campbell	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> x </u> (Yes)	<u> </u> (No)
Councilman André Williams	<u> x </u> (Yes)	<u> </u> (No)

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EXHIBIT B
STAFF RECOMMENDATION

STAFF RECOMMENDATION
PH-2007-000016 Public Hearing for City of North Miami Beach
(Second Reading)

Applicant: City of North Miami Beach
 Owner: City of North Miami Beach
 Project Name: Myrtle Grove Water Treatment Plant
 Site Location: 17820 N.W. 29th Court
 Property Size: ± 1.96 Acres
 Future Land Use: Neighborhood
 Existing Zoning: RU-1, Single Family Residential District
 Requested Action: DISTRICT BOUNDARY CHANGE from RU-1, Single-Family Residential District to GP, Government Property.

Recommendation

Recommendation of approval of an Ordinance to rezone the property from RU-1, Single-Family Residential District to GP, Government Property; subject to the following conditions:

1. Submitted Plans: That the plans submitted for building permit, and/or Certificate of Use and Occupancy, be substantially in compliance with that submitted for the public hearing and consisting of the following: Plans labeled “Myrtle Grove Addition, City of Miami Gardens, Florida” as prepared by Corzo Castella Carballo Thompson Salman, Architects Engineers Planners, consisting of cover sheet August/07 Zoning Hearing, sheets AS1.0, A1.0, A2.0, dated 08/02/07, and sheets LA-1, LA-2, LA-3, dated 07/26/07.
2. Use Limited to Water Treatment Facilities: That the use of the property be limited to and/or ancillary to the water treatment plant facilities and their operation.

REVIEW AND ANALYSIS

Neighborhood Land Use Characteristics

Property	Zoning District	Existing Use	Future Land Use Map
Site	RU-1, Single-Family Residential	Water Treatment Plant	Neighborhood
North	RU-1, Single-Family Residential	Warehouse Storage Facility	Neighborhood
South	RU-1, Single-Family Residential	Myrtle Grove Elementary	Neighborhood
East	RU-1, Single-Family Residential	Single-Family Dwellings	Neighborhood
West	RU-1, Single-Family Residential	Public Works Inspection Bldg.	Neighborhood

The site of this existing water treatment plant is an approximate two-acre, mid-block property located on the west side of N.W. 29th Court, one lot south of N.W. 179th Street. The entire block is zoned RU-1, but comprises a mixture of nonresidential uses, as evidenced by the warehouse to the north, the elementary school to the south, and the City’s Public Works Inspection Station to the west. All the single-family residential homes are located on the east side of N.E. 29th Court.

Lying southeasterly of the site is a waste water pump station maintained and operated by Miami-Dade County Waste Water and Sewer Department. It should be noted that Miami Job Corps Center and the Carol Mart are located on the north side of N.W. 179th Street, less than two hundred feet north of the site.

Zoning History

The subject property was originally approved for and developed as a water and sewer treatment plant in the 1950s. The City of North Miami Beach acquired the plant in 1959. On May 12, 1969, pursuant to Resolution 4-ZAB-250-69, the Metropolitan Dade County Zoning Appeals Board granted a special exception and unusual use approval to expand the water and sewer treatment plant.

Comprehensive Development Master Plan (CDMP)

The subject property is designated Neighborhood on the adopted 2006-2016 Land Use Plan (LUP) Map of the Future Land Use Element (FLUE) of the Comprehensive Development Master Plan (CDMP) of the City of Miami Gardens.

Policy 1.1.4 of the Future Land Use Plan Element provides for Public and Semi-Public Uses in All Areas of the City.

Objective 2.2 further states:

“The Land Development Regulations/Zoning Code shall include performance criteria to ensure that public and semi-public uses, such as utilities, schools, parks, and other similar uses, occur in a manner that benefit the City residents and minimizes impacts on adjacent properties”

Furthermore, Policy 2.2.1 *Public and Semi-Public Uses, In General* states:

“Public and semi-public uses and facilities include a range of unusual and special activities that shall be specifically identified and regulated through the City’s land development regulations.

- *Public/Semi-public uses are allowed in any of the future land use categories, subject to intensity, buffering, and location standards.*
- *The development intensity of public/semi-public uses shall not exceed a maximum of 0.5 floor area ratio.*
- *Public and semi-public uses include facilities such as elementary, middle, high schools, parks, houses of worship, hospitals, and utilities”*

The rezoning request is to permit the expansion and upgrading of utilities, specifically water treatment facilities designed to increase water quality and production capacity in anticipation of future federal and state water regulations. As per plans submitted, the construction of the new

storage building would not cause the aggregated floor area ratio (FAR) of all the ancillary structures on the property to exceed the maximum FAR of 0.50 permitted. Additionally, existing and proposed landscaped buffers adequately screen the water treatment plant use from the single-family residential uses to the east. The rezoning to GP, Government Property from RU-1, Single Family Residential will allow the property and the existing water treatment plant and future expansion of the use to be consistent with the zoning regulations governing such uses.

Conclusion:

The proposed rezoning and expansion of the water treatment plant and facilities does not exceed the development intensity while providing adequate buffering, and is a contiguous and logical expansion of the existing location that will benefit the City residents while minimizing the intrusive impacts to the residential neighborhood, consistent with the Goals, Objectives and Policies of the Future Land Use Element of the City's Comprehensive Development Master Plan.

Analysis and Zoning Criteria:

In accordance with Section 33-311(A)(8) of the Zoning Code which states:

"(8) Hear and grant or deny applications for district boundary changes on individual pieces of property or on a neighborhood or area-wide basis except where the Board of County Commissioners has direct jurisdiction."

The City Council has the authority to hear and grant or deny applications for zoning district boundary changes. In evaluating an application for a district boundary changes, the Council shall take into consideration, among other factors, Section 33-311 (F), which states:

"F) Detriments or benefits shall not be denied consideration on the grounds that they are indirect, intangible or not readily quantifiable. In evaluating the application, among other factors related to the general welfare, whether, and the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;*
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;*
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;*

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways."

The subject property covers approximately two acres and is developed with the Myrtle Grove Water Treatment Plant, a facility owned and operated by the City of North Miami Beach Public Works Department. As part of their Water Improvement Program, the City of North Miami Beach the proposed expansion consists of the construction of 19.5' high, 2,674-square-foot building for equipment storage; the rehabilitation of the existing 1.5 MG ground storage tank; a new pumping facility; the renovation of the existing storage buildings (Building "A" & "B" on the Site Plan, attached); on-site underground water system distribution piping improvements; a new loading area; and the relocation of the parking area. The expansion involves the demolishing of an existing ground water storage tank. Additionally, the existing 3,152-square foot wastewater equipment and parts storage building will be renovated to accommodate an electrical and instrumentation room for the proposed pump station. There is no significant increase in volume of traffic to and from the property as a result of the expansion.

Conclusion:

The proposed expansion, as part of the Water Improvement Program, will serve a public benefit by improving an existing public service and will not place any undue burden on or have any adverse impacts on public infrastructures, including roads and streets, and no adverse impact on the environmental and natural resources of the City. The district boundary change will offer due relief of the water service as part of the Water Improvement Program, having a favorable impact on the City.

Anticipated Facilities Impact

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

Traffic Circulation: Access to the existing water treatment facility will remain from N.W. 29th Court. The proposed expansion involves additional equipment storage room and refurbishing. No significant average vehicle trips generation increase is expected from this rezoning.

Proffered Declaration

The applicant has offered to proffer a Declaration of Restriction to tie the property to the submitted site plans as well as limit the use of the property to water treatment facilities.

Public Notification/Comments

In accordance with the Zoning Code, notification of this rezoning request was mailed to property owners within half a mile ($\frac{1}{2}$) of the subject site to provide them an opportunity to comment on or object the application if they so choose. No comments were received from any of the property owners within that radius. (See Mailed Notice Radius Map, attached).

This recommendation to approve this application shall not be construed to be a final development order.

Attachments:

Public Hearing Checklist
Letter Of Intent
Hearing Map-Zoning
Hearing Map-Aerial
Mailed Notice Affidavit
Mailed Notice Radius Map
Resolution 4-ZAB-250-69
Submitted Plans

PUBLIC HEARING CHECKLIST



The City Of Miami Gardens

Development Services

Public Hearing Departmental Checklist

APPLICATION INFORMATION

Applicant Name: City of North Miami Beach

Project Name: Myrtle Grove Water Treatment Plant

Project Location: 17050 NE 19th Ave.

Process Number: PH-2007-000016 Public Hearing Scheduled Date: 11/3/07

Public Hearing Representative:

Registered Lobbyist : NO YES If not, explain:

APPLICANT'S REQUEST

District Boundary Change Use Variance Non-Use Variance Unusual Use Special Exception

Small-Scale Amendment Modification of Resolution Modification of Declaration or Covenant

DEPARTMENT REVIEW

Departmental procedures prior to public hearing

Mandatory		If applicable
<input checked="" type="checkbox"/> Completed Application	<input checked="" type="checkbox"/> Site Plan Review	<input type="checkbox"/> School Checklist
<input checked="" type="checkbox"/> Letter of Intent	1. Electronic Plans (.pdf & .dwg)	<input type="checkbox"/> School Board Report
<input checked="" type="checkbox"/> Legal Description (electronic)	2. Site Plan	<input type="checkbox"/> Traffic Study
<input checked="" type="checkbox"/> Fees Collected	3. Floor Plan	<input type="checkbox"/> Economic Impact Analysis
<input checked="" type="checkbox"/> 2 Sets of Original Plans	4. Elevation Plan	<input type="checkbox"/> Environmental Impact Statement
<input checked="" type="checkbox"/> 1 set of 8 1/2 x 11 of Plans	5. Landscape Plan	<input type="checkbox"/> Neighborhood Outreach
<input checked="" type="checkbox"/> Digital copies of plans	6. Survey	<input type="checkbox"/> Proffered Community Amenities
<input checked="" type="checkbox"/> Survey	7. Architectural Renderings	<input type="checkbox"/> Liquor Survey

ADMINISTRATIVE ACTIONS

- DIC Meeting (if applicable)
- Preliminary Notice
- Posting Signs (Public Works)
- Radius Map
- Final Notice
- Staff Recommendation
- Zoning Map
- Layman's Notice
- Notify Applicant
- Aerial Map
- Full Legal Advertisement
- Proposed Resolution or Ordinance

Site Visit Date: 10/03/07

By: Nixon

RECOMMENDATION OUTLINE

1. Summary

2. City Council Action -- (2nd reading)

3. Recommendation

4. Review and Analysis

- Neighborhood Land Use Characteristics
- Land Use Analysis (consistency with CDMP)
- Zoning Analysis (compliance with zoning code)
- Concurrence Analysis (water & sewer, traffic, schools and/or drainage/irrigation)
- Code Enforcement Violation Notice
 - Yes (attached)
 - No

5. Attachments

- Letter of Intent
- Zoning Map
- Aerial Map
- Radius Map
- Plans
- School Board Report (if any)
- Traffic Study (if any)
- Economic Analysis (if any)
- Environmental Impact Statement (if any)
- Historical Information - (if any)
 - Declaration of Restriction
 - Unity of Title
 - Resolution
- Proposed Resolution or Ordinance
- Proffered Declaration of Restrictions

ZONING AGENDA DECISION

Date: Nov 7, 2007

Action: Introduction Deferred Rescheduled Resolution 1st Reading 2nd Reading
 Result: Approved Approved with Conditions Denied

Date:

Action: Introduction Deferred Rescheduled Resolution 1st Reading 2nd Reading
 Result: Approved Approved with Conditions Denied

Date:

Action: Introduction Deferred Rescheduled Resolution 1st Reading 2nd Reading
 Result: Approved Approved with Conditions Denied

Date:

Action: Introduction Deferred Rescheduled Resolution 1st Reading 2nd Reading
 Result: Approved Approved with Conditions Denied

LETTER OF INTENT



KELVIN L. BAKER
DEPUTY CITY MANAGER

City of North Miami Beach, Florida

PUBLIC SERVICES DEPARTMENT

July 26, 2007

Mr. Jay R. Marder, AICP
Development Services Director
City of Miami Gardens – Department of Planning and Zoning
1515 NW 167th Street
Bldg. 5, Suite 200
Miami Gardens, Florida 33169

**Reference: Zoning Hearing – Rezoning Application – Letter of Intent
Myrtle Grove Storage and Pumping Station Site Improvements
17820 NW 29th Court
Miami Gardens, Florida
Folio No.: 30-2102-001-0021
C3TS Project No.: 817-03.03**

Dear Mr. Jay R. Marder:

The City of North Miami Beach through its Public Services Department is requesting the City of Miami Gardens to review the attached rezoning application for the Myrtle Grove site located on 17820 NW 29th Court, the rezoning will allow the improvements to the site needed as part of the City of North Miami Beach Water Improvement Program. The site is currently zoned as RU-1 Single Family Residential, and we are requesting through this application a rezoning to GP Government Property.

The City of North Miami Beach, through its Public Services Department owns and operates the Norwood-Oeffler water treatment plant located on NW 191st Street and NW 9th Avenue. The City supplies their residents and residents of adjacent communities in Miami-Dade County with drinking water from this facility and through bulk purchases from the MD-WASD. To satisfy the demand needs of their service area and improve the quality of water that it's been delivered to City's customers the City has implemented a Water Improvement Program through which the Norwood-Oeffler WTP is currently being expanded and upgraded to increase its water production capacity. The expansion will provide the facility to meet all the City's water needs, and allow the distribution systems to become independent of MD-WASD. Additionally, the proposed expansion and improvements will assist the City in meeting improved finished water quality to meet the anticipated future federal and state water regulations prior to their enactment.

Crucial to this expansion program are the improvements at the Myrtle Grove site which will require on site underground water system distribution piping improvement, rehabilitation of the existing 1.5 MG ground storage tank, a new pumping facility, the renovation of part of the existing storage building to accommodate the new electrical and instrumentation room to service the pumps, an on site generator and fuel tank, and a new building addition to the existing administration building for storage of maintenance parts, and equipment for the site and off site systems maintenance.

In addition lush landscape will be provided along the site perimeters to provide a buffer zone with the adjacent properties. The new proposed building addition will be a one story building with barrel tile roof located behind the existing administration building, the architectural language will be the same as the administration building and sensitive to the residential neighborhood on the east side.

The Myrtle Grove site was purchase by the City of North Miami Beach in 1959 from North Dade Water Company. At that time the property had a sewage treatment plant, water treatment plant, ground storage tank, and lift station, the use has always been waste and water treatment facility. Currently the site contains four structures that include a 1.5 MG ground storage concrete tank, that will be rehabilitated as part of the improvements, a smaller ground storage metal tank that is not in service and it is proposed to be demolished, a 2,514 SF wastewater administration building built on 2001, and a 3,152 SF building that serves as storage for maintenance of parts and equipment renovated in 1969, part of this building will be renovated to locate electrical and instrumentation equipment for the proposed pump station, and a new building addition will be required to relocate part of current uses.

The site is surround on the north side by warehouses, on the south east side by a waste water pump station building owned by MDWASD, on the southwest side by Miami Dade County School property, on the west side a maintenance yard owned by the City of Miami Gardens, and on the east side along NW 29th court by residential neighborhood.

To date any improvements on the property have gone through a zoning hearing process with Miami Dade County because of its RU-1 zoning, and to date no more expansion improvements of additional structures on site can be made This is limiting the City's ability of fully utilizing this site on its Water Improvement Program and expanding their services.

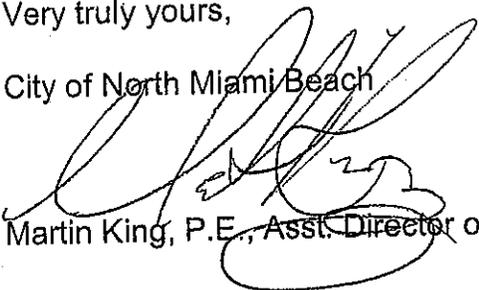
Zoning Hearing – Myrtle Grove
Letter of Intent
July 26, 2007

We are requesting your Department's review of our application for the re-zoning of this property to allow the proposed improvements and assist the City of North Miami Beach to expedite this crucial project. We trust that once your Department reviews this request; has the opportunity to assess the proposal and the improved service that it will provide back to the community, you will look favorably to its approval.

Thanking you in advance for your cooperation with this matter.

Very truly yours,

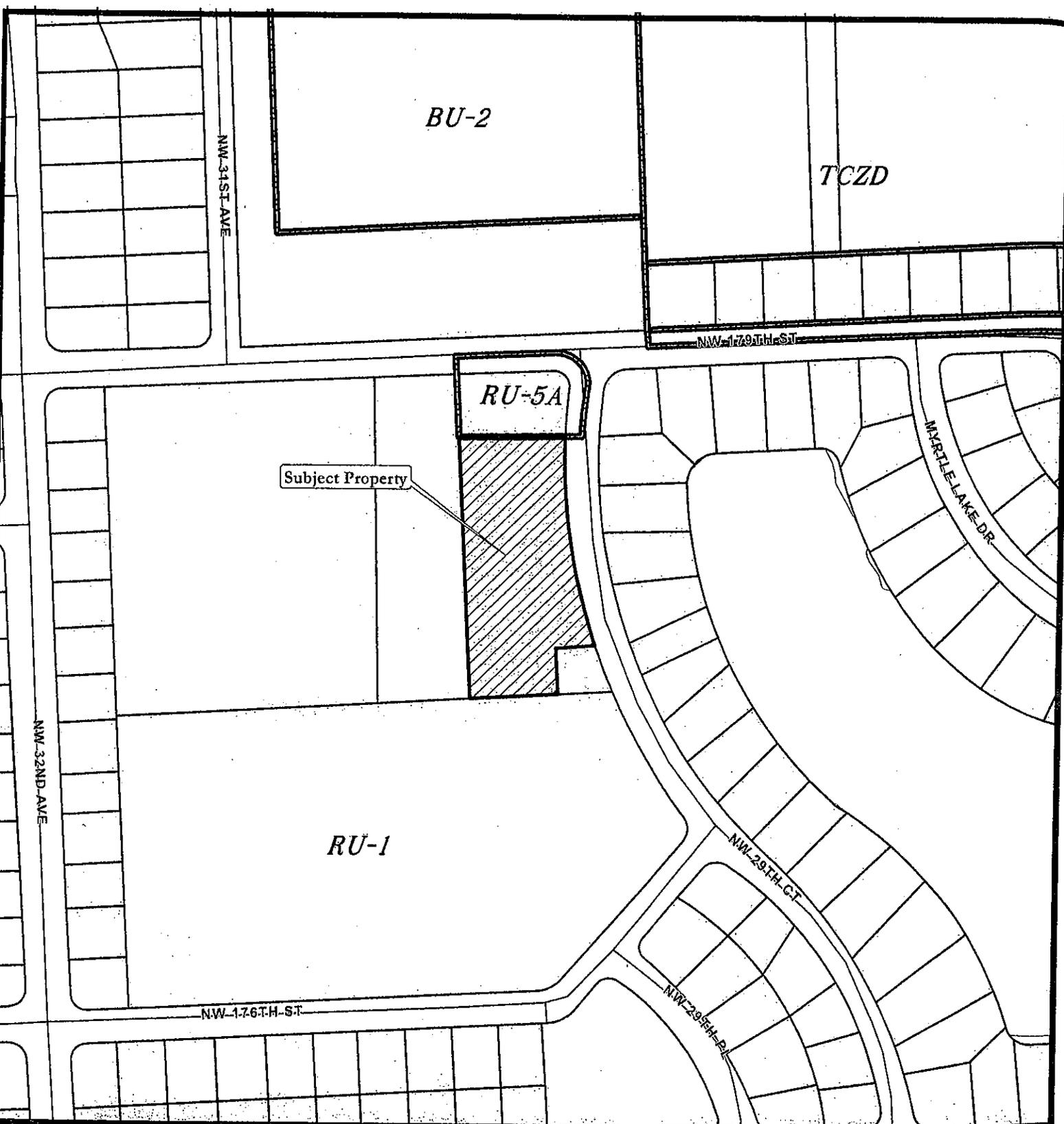
City of North Miami Beach



Martin King, P.E., Asst. Director of Public Services

- C. Mr. Kelvin L. Baker, Deputy City Manager, CNMB
- Mr. Pedro Melo, Wastewater Manager, CNMB
- Mr. Gary Garofalo, Operations Manager, CNMB
- Mr. Javier Salmon, A.I.A., C3TS
- Ms. Elaine Navarro, C3TS

HEARING MAP - ZONING



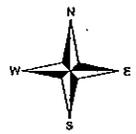
HEARING MAP: ZONING



City of Miami Gardens
 Planning & Zoning Services

 Subject Property Zoning: RU-1
 Applicant
 Myrtle Grove Water Treatment Plant
 [Lot Size: 1.96 acres]

Project Location:
 17820 NW 29 CT
 Miami Gardens, FL 33056



1 inch equals 205 feet
 September 2007

HEARING MAP - AERIAL



Subject Property

HEARING MAP: AERIAL

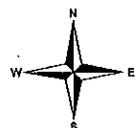


City of Miami Gardens
Planning & Zoning Services

 Subject Property

Applicant
Myrtle Grove Water Treatment Plant
[Lot Size: 1.96 acres]

Project Location:
17820 NW 29 CT
Miami Gardens, FL 33056



1 inch equals 200 feet
September 2007



The City of Miami Gardens

Development Services Department

AFFIDAVIT FOR MAILING OF FINAL NOTICES

Re: Hearing No.: PH-2007-000016

Applicant Name: City of North Miami Beach

I, as the undersigned individual, do hereby affirm by my signature and date that all of the property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated within

500'

1/2 mile

1 mile

minimum radius of the property described in the above-referenced file has been input into the computer system prior to the deadline for the mailing of notices.

Signature: [Signature]

Date: 10/3/2007
GIS Analyst

I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices corresponding to the property owners as hereby referenced were emailed and/or otherwise delivered to Post-It Inc. 1480 NE 129th Street North Miami, FL. 33161 info@postitinc.com for postmarking and mailing.

Signature: [Signature]

Date: 10/1/07
Zoning Technician

I, as the undersigned individual, do hereby affirm that on the date referenced below, a notice for the aforementioned file was received from and postmarked date: 10/1/07 through the US Postal Service.

Signature: [Signature]

Date: 10/01/07
Zoning Administrator

MAILED NOTICE RADIUS MAP

RESOLUTION 4-ZAB-250-69

RESOLUTION NO. 4-ZAB-250-69

The following resolution was offered by Mr. H. H. Wood, seconded by Mr. William L. Flynn, and upon poll of members present, the vote was as follows:

Hilton R. Carr, Jr.	absent	Roger Shaw	absent
Irene Faugno	yes	H. H. Wood	yes
William L. Flynn	yes	Andrew Lee	yes
Leonard Levenstein	yes		

WHEREAS, City of North Miami Beach has applied for SPECIAL EXCEPTION and UNUSUAL USE to permit the expansion of a previously approved water and sewage treatment plant to include three new sludge beds and new precipitator sludge and test piping, etc.,

All according to plans submitted with the application and on file in the Zoning Department, ON

South 425' of Tract "D" and West 73.20' of E/ly 154.20' of South 5' of North 100' of Tract "D", Block 5, of Myrtle Grove Subdivision, Plat Book 33, Page 90,

17850 N. W. 29 Court, Dade County, Florida, and

WHEREAS a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the applicant modified his application to indicate that the request was only for expansion of the water plant, including the new sludge beds, etc., and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested special exception and unusual use, on the modified basis, would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested special exception and unusual use, on a modified basis, to permit expansion of the existing water treatment plant, including three new sludge beds and precipitator sludge and test piping, be and the same are hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 12th day of May, 1969.

Heard 5/12/69
No. 69-5-11
5/22/69
stp

20
32

May 22, 1969

City of North Miami Beach
City Hall, 17011 N. E. 19 Avenue
Miami, Florida 33162

RE: Hrg. 69-5-11 17850 N. W. 29 Court, Dade County, Florida

Enclosed herewith is a copy of Resolution No. 4-ZAB-250-69, adopted by the Metropolitan Dade County Zoning Appeals Board, approving your application concerning the above subject matter.

If said approval was with conditions, please note same carefully inasmuch as strict compliance therewith will be required.

You are hereby advised that the decision of the Zoning Appeals Board may be appealed by an aggrieved party (within 14 days) or by the Directors of the Dade County Building and Zoning Department and Planning Department (within 18 days), as has been provided in Chapter 33-313 of the Code of Metropolitan Dade County, Florida; and that no permits or Certificate of Use and Occupancy can be issued until the appeal periods have expired, and only if no appeal has been filed. Application for necessary permits should be made with this department. The appeal period commences to run two days after the adoption date of the Resolution.

Very truly yours,

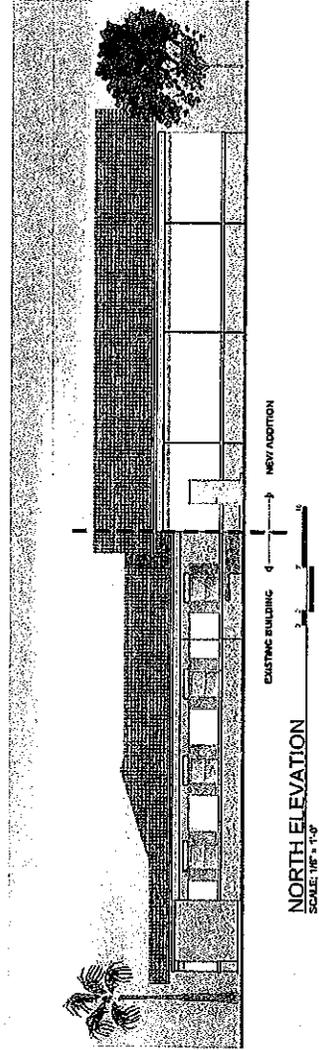
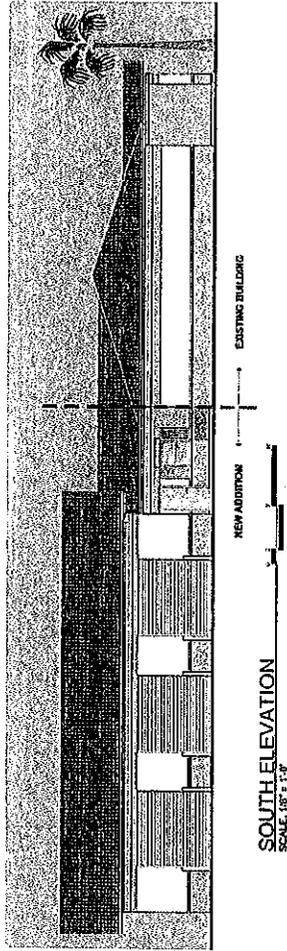
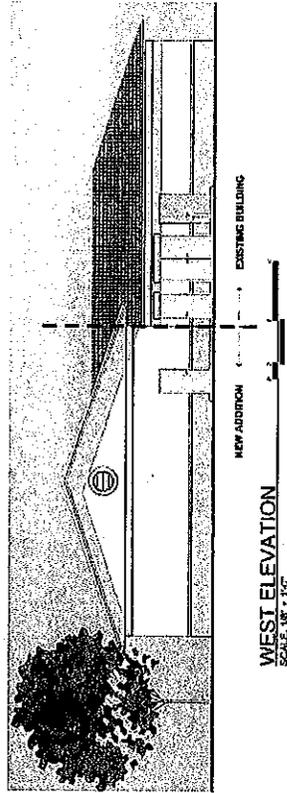
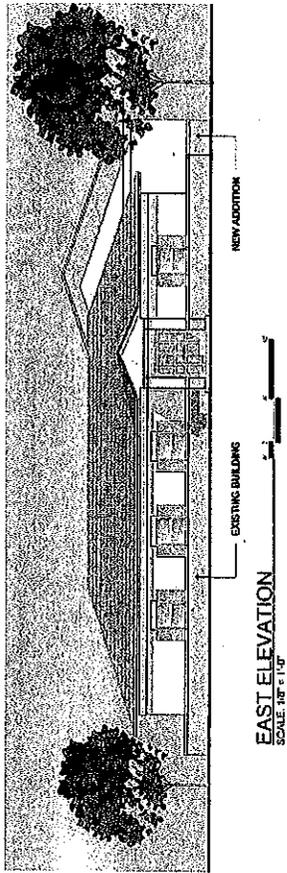
METROPOLITAN DADE COUNTY
BUILDING AND ZONING DEPARTMENT

CCC/ stp
Enc.

Chester C. Czebrinski
Assistant Director

cc: Mr. Bryan
✓Hearing File

SUBMITTED PLANS

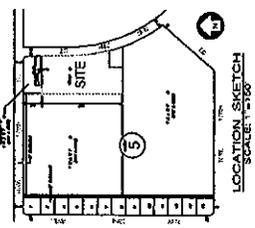


City of North Miami Beach

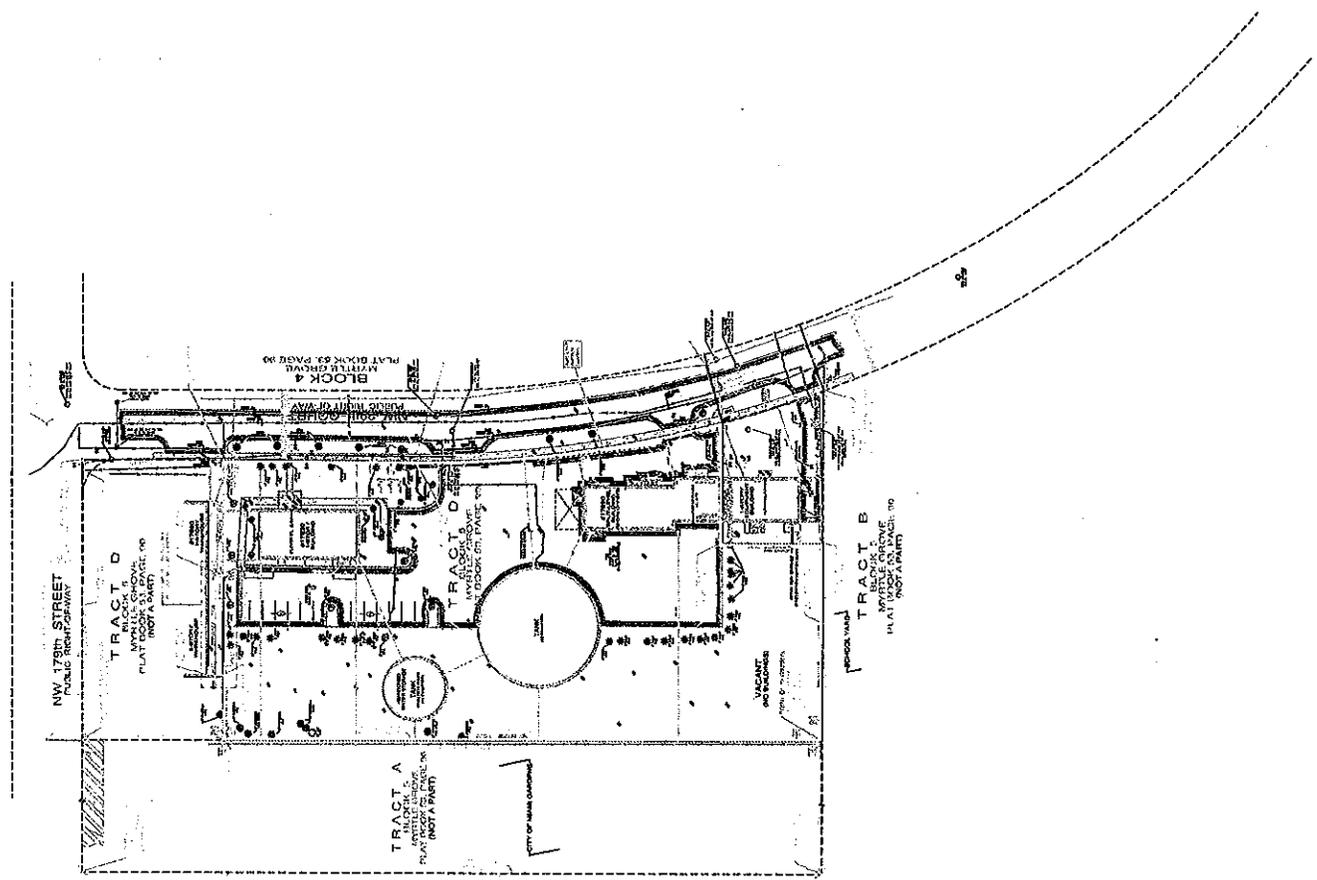
Proposed Improvements to Myrtle Grove
Proposed Building Elevations for New Addition

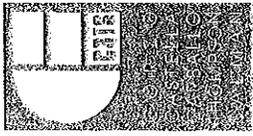
JULY, 2007





1. The proposed site is located within Block 4, Tract D, of the Myrtle Grove Plat, Book 23, Page 90, of the public records of the County of Santa Clara, State of California. The site is bounded on the north by the 100-foot wide alleyway, on the east by the 150-foot wide alleyway, on the south by the 100-foot wide alleyway, and on the west by the 100-foot wide alleyway. The site is approximately 100 feet wide and 150 feet deep. The site is currently vacant and is being offered for sale. The site is being offered for sale as a whole and is not to be divided into smaller lots. The site is being offered for sale as a whole and is not to be divided into smaller lots. The site is being offered for sale as a whole and is not to be divided into smaller lots.

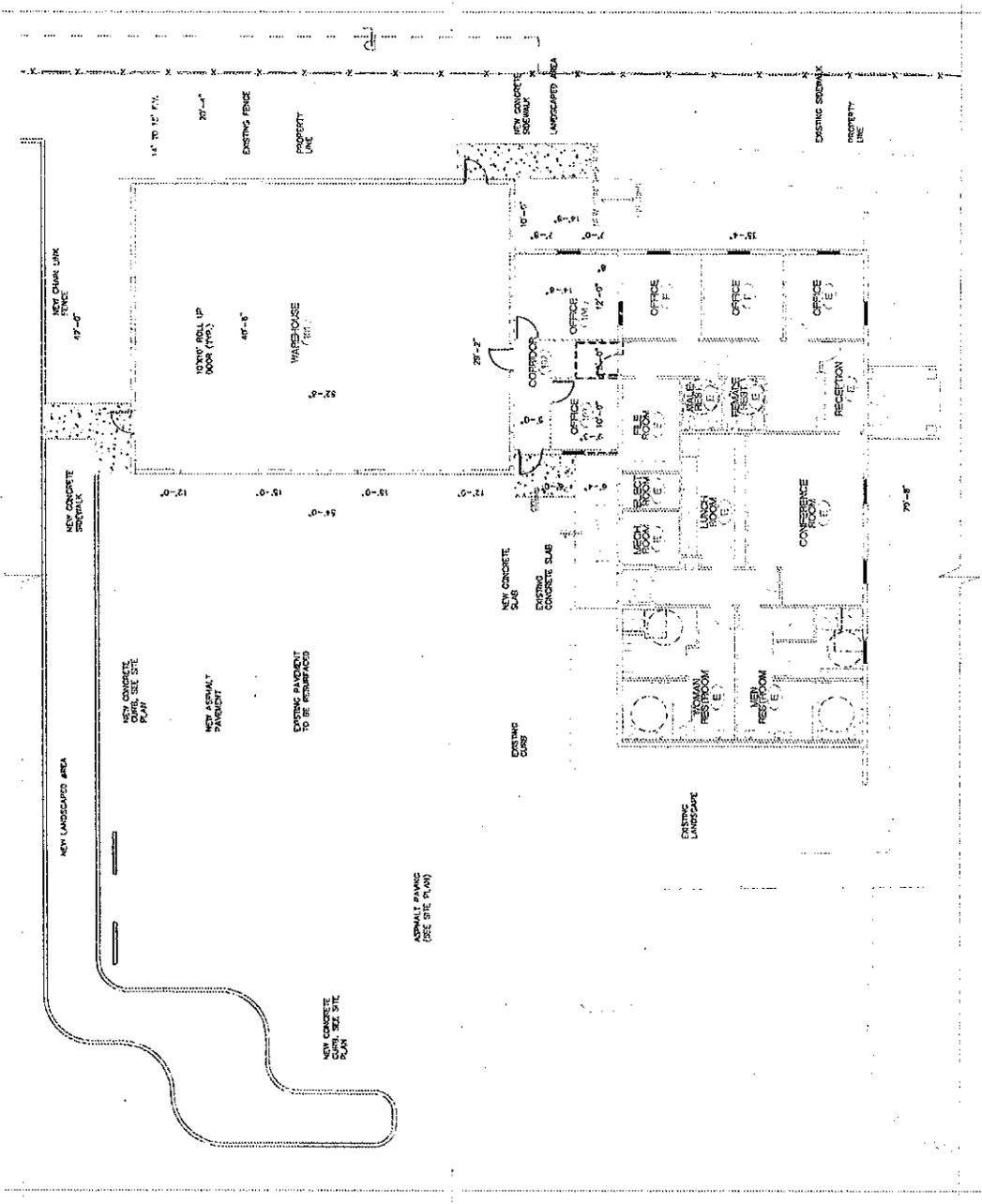




EPR
Architects
Engineers
Planners

Project Name: Myrtle Grove Addition & Site Improvements
17820 NW 29th Court
Miami Gardens, Florida 33154
01405-045
954-980-0909
30 / AS / EN / US / J.S.

John F. Schaefer, PE - ARCHITECT
08/22/07
Approved by: [Signature]



FLOOR PLAN
SCALE: 1/8" = 1'-0"
EXISTING BUILDING 'B' AND PROPOSED BUILDING 'C' ADDITION

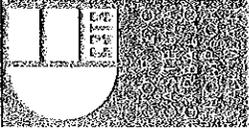
LEGEND:

- NEW CONSTRUCTION
- EXISTING BUILDING

PARTITION LEGEND:

- GLASS PARTITION
- GLASS PARTITION WITH FRAME
- GLASS PARTITION WITH FRAME AND GLASS DOOR
- GLASS PARTITION WITH FRAME AND GLASS DOOR WITH GLASS PANEL
- GLASS PARTITION WITH FRAME AND GLASS DOOR WITH GLASS PANEL AND GLASS DOOR

KEY PLAN
SCALE: NTS
A1.0

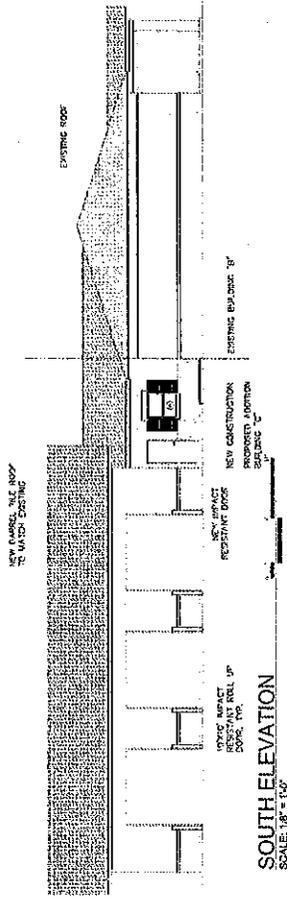


17820 0445
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 US / EN
 US / IS
 Project Name
 My Title
 Address & City
 State & Zip
 Phone
 Fax
 E-mail
 Website

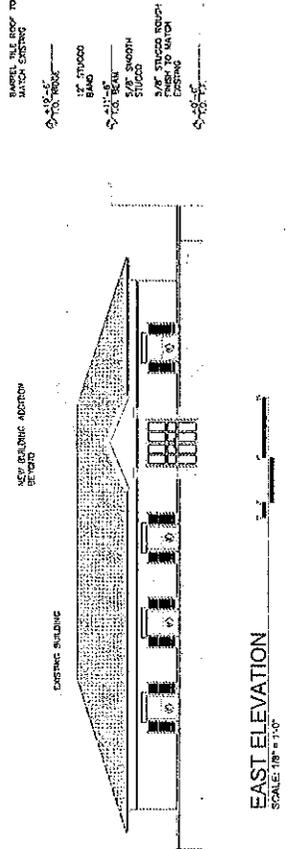
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John E. Smith, AIA - Architect
 09/10/10
 August 10/2010

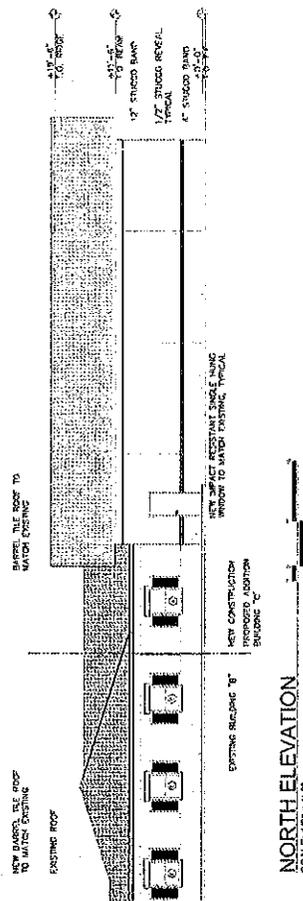
ELEVATIONS
 A2.0



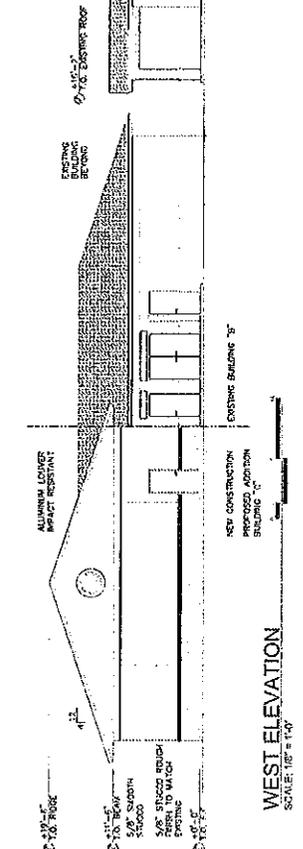
SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



EAST ELEVATION
 SCALE: 1/8" = 1'-0"



NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



WEST ELEVATION
 SCALE: 1/8" = 1'-0"

City of Miami Gardens

1515 NW 167th Street Suite 200
Miami Gardens, Florida 33169



Mayor Shirley Gibson
Vice-Mayor Barbara Watson
Councilman Oscar Braynon II
Councilman Melvin L. Bratton
Councilman Aaron Campbell Jr.
Councilwoman Sharon Pritchett
Councilman André Williams

REVISED COUNCIL MEMO – Fountain of Life International Ministries **PH-2007-0017**

Date: December 5, 2007

Fiscal Impact: No Yes

(If yes, explain in Staff Summary)

Funding Source:

Contract/P.O. Requirement: Yes No

Sponsor Name/Department: Development Services Director via City Manager

Public hearing

Ordinance

1st Reading

Advertising requirement: Yes No

Quasi-Judicial

Resolution

2nd Reading

REVISED STAFF RECOMMENDATION:

Recommend the application be withdrawn by the applicant, or deferred to allow the applicant to revise the requests from a special exception/public hearing request to a rezoning request.

After the legality of the special exception request was challenged by the applicant, the City Attorney and staff determined that the public hearing process to establish a church in an RU-1 district is not valid. The applicant had challenged the need for a special exception based on the Religious Land Use Institutionalized Persons Act (RLUIPA). Section 33-18(c) of the Code requires that churches be permitted in the RU-1 district after approval at a public hearing (special exception). The City Attorney has found that this section of the Code is inconsistent with the RLUIPA in that it applies certain requirements specific only to churches, and not to all places of public assemblage in general.

Having made the determination that Section 33-18(c) of the Code is not valid as it applies to churches, a church cannot be established in the RU-1 district. The RU-1 district does not permit churches or other similar places of public assemblage. Per Section 33-17, and 33-18(a), churches, as well as other places of public assemblages, are allowed in the RU-5A, BU, and IU districts. Therefore, the applicant's request for a special exception to allow a church must be either withdrawn, since the section of the Code requiring the public hearing is inconsistent with the RLUIPA, or the application would have to be deferred to allow the applicant to amend the request to rezone the property to RU-5A, a BU or an IU district, which allow places of public assemblage such as churches without a public hearing.

**10-A) RESOLUTION
PUBLIC HEARING
FOUNTAIN OF LIFE
INTERNATIONAL MINISTRIES**