

RESOLUTION NO. 4-ZAB-149-88

The following resolution was offered by Mr. Kenneth Welt seconded by Mr. Levi A. Johnson and upon poll of members present, the vote was as follows:

Thomas A. Conger	aye	Gonzalo (Guy) Sanchez	aye
Levi A. Johnson	aye	Murray Sisselman	aye
Joyce Masso	aye	Kenneth Welt	aye
Mary Jean Risi	aye	R. Jollivette Frazier	aye
Georgia A. Wright	aye		

WHEREAS, PASTOR SIMEON DOWNS, TRUSTEE has applied for the following:

- (1) SPECIAL EXCEPTION to permit a church.
- (2) NON-USE VARIANCE OF LOT FRONTAGE AND AREA REQUIREMENTS as applied to churches to permit the site with 108.43' of frontage (150' required) and with lot area of 1.127 gross acres (2.5 gross acres required).
- (3) NON-USE VARIANCE OF PARKING REQUIREMENTS to permit 12 parking spaces (172 spaces required) for Phase I, and to permit 18 proposed parking spaces on natural terrain with Phase II.
- (4) UNUSUAL USE to permit a day care center and after school care.

Plans are on file and may be examined in the Zoning Department entitled "The Church of God of Prophecy", as prepared by Brad Schiffer/Taxis Architects and Planners dated 12/1/87. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of the north 225' of the east 1/2 of the SE 1/4 of the SE 1/4 of the SW 1/4 less the 75' of the east 185' and less the east 50' of the south 150'; of Section 7, Township 56 South, Range 40 East, being more particularly described as follows:

Commence at the Southeast corner of SW 1/4 of said Section 7 and run N1°1'34"W along the east line of the SW 1/4 of said Section 7 for 480.26'; thence parallel to the south line of the SW 1/4 of said Section 7, S89°11'31"W, 50' to the Point of beginning of the parcel hereinafter described; thence continue along said line parallel to the south line of the SW 1/4 of the said Section 7, S89°11'31"W, 293.25'; thence along the west line of the east 1/2 of the SE 1/4 of the SE 1/4 of the SW 1/4 of said Section 7, N0°59'7"W, 182.79'; thence along the north line of the east 1/2 of the SE 1/4 of the SE 1/4 of the SW 1/4 of said Section 7, N89°4'2"E, 158.2'; thence S1°1'34"E, 75'; thence N89°4'2"E, 135'; thence parallel to the east line of the SW 1/4 of said Section 7 to the Point of beginning, S1°1'34"E 108.43'. The bearings herein are referred to the bearings as provided on the Township maps by Dade County, Florida.

LOCATION: The Southwest corner of theoretical S.W. 214 Street and S.W. 112 Avenue (South Allapattah Road), 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, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of the Board that the requested special exception, non-use variances of lot frontage and area requirements, parking requirements and unusual use would be in harmony with the general purpose and intent of the regulations, 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, non-use variances of lot frontage and area requirements, parking requirements and unusual use be and the same are hereby approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "The Church of God of Prophecy", as prepared by Brad Schiffer/Taxis Architects and Planners dated 12/1/87.
3. That the applicants submit to the Planning Department for its review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a building permit and to be installed prior to the issuance of a certificate of use and occupancy.
4. That only one sign not to exceed 24 square feet be permitted for the use.
5. That the use be established and maintained in accordance with the approved plan.
6. That no temporary structures or temporary use of any type shall be permitted on the premises.
7. That no occupancy or use of the premises be permitted until the required parking facilities have been improved and installed in accordance with Zoning Code requirements, except as herein modified.
8. That the dedication of rights-of-way shall be made in accordance with Sec. 33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights-of-way in order to comply with and in accordance with the requirements of the manual of Public Works construction, as may be deemed lacking, desirable and necessary by the Public Works Director. That the dedication and improvement be made at such time as requested by the Public Works Director.

The additional conditions are specifically applicable to the Day Care Center and after school care:

9. That the use shall be restricted to a maximum of 34 children. ✓
10. That the hours of operation shall be between 7 A.M. and 7 P.M. ✓
11. That the use may be conducted on the premises on week days only, Monday through Friday inclusive.
12. That the play area for the day care center shall be enclosed with a fence of a type and at a location to be approved by the Zoning Director.
13. That the proposed structure or the addition to the existing structure be of a residential type and character and meet with the approval of the Zoning Director.
14. That only one sign, not to exceed six square feet, will be permitted in connection with the use.

15. That no school-provided transportation be furnished in connection with the use.
16. That the applicant obtain a Certificate of Use and Occupancy from and promptly renew the same annually with the Dade County Building and Zoning Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions, or, when in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental to and/or incompatible with the surrounding neighborhood.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 13th day of APRIL 1988.

Hearing No. 88-4-3
Typed 4/25/88 cj