

RESOLUTION No. 16-173

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A NON-USE VARIANCE TO SECTION 77.80 RELATING TO THE MINIMUM PROPERTY FRONTAGE REQUIRED TO ALLOW TWO (2) ACCESS POINTS TO LIGHT COMMERCIAL PARCELS FOR THE 7.3 ACRE PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF NW 41 STREET BETWEEN NW 94 AVENUE AND THEORETICAL NW 95 AVENUE IN THE CITY OF DORAL, FLORIDA; PROVIDING FOR RECORDATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral's (the "City") Code of Ordinances (the "Code") in section 77-80 provides that "all parcels shall be allowed one access point, consisting of one two-way driveway or a pair of one-way driveways . . . [with the] minimum frontage to allow two access points shall be [500 feet for a light commercial driveway located on section line road]"; and

WHEREAS, Sanctuary at Doral, LLC ("Applicant") is the owner of a certain 7.3 acre property (the "Property") located between 94th Avenue and theoretical 95th Avenue on the south side of NW 41st Street, a section line road; and

WHEREAS, the Property has less than 500 feet frontage along NW 41st Street; and

WHEREAS, the Applicant desires to develop additional driveways on the Property and, in order to do so, the Applicant has applied for a variance from §77-80 of the Code, requesting a waiver of the restriction of one driveway per development having less than 500 feet of frontage to a Section Line Road and allow two additional one-way driveways; and

WHEREAS, section 77-88 of the Code provides that “[w]here the department concurs that unique traffic engineering considerations exist on a specific site, variances from this article may be authorized through the development plan approval process....”

WHEREAS, Doral Boulevard/NW 41 Street is under the jurisdiction of Miami-Dade County which has reviewed Traffic Circulation Plan for the Development and is in agreement with the curb cuts, striping, and ingress/egress as shown on the plans; and

WHEREAS, an additional driveway will help reduce the intensity of vehicular traffic at the principle driveway and allow for the separation of truck deliveries and regular vehicular traffic; and

WHEREAS, after careful review and considering Miami-Dade County’s approval of the curb cuts, striping, and ingress/egress, staff has determined that unique traffic engineering considerations exist on the Property and this variance application is consistent with the Comprehensive Plan; and

WHEREAS, on August 23, 2016, the City Council held a quasi-judicial hearing and received testimony and evidence related to the Application from the Applicant and other persons, and found that the variance is consistent with the Land Development Code; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Approval. City Council of the City of Doral hereby grant approval of a variance, waiving the restriction of one driveway per development having less than 500 feet of frontage to a Section Line Road as outlined in Section 77-80 of the City’s Land

Development Code and allowing two (2) additional one-way driveways to the property identified by Folio Number 35-3028-007-0030, as legally described in Exhibit "A", consisting of approximately 7.29 acres.

Section 3. Recordation. If this Resolution is approved, it shall be recorded in the Public Records of Miami-Dade County, Florida, with the Applicant to pay the costs thereof.

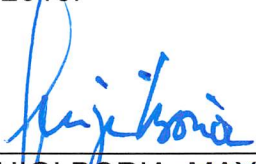
Section 4. Implementation. The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of this Resolution.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Councilmember Rodriguez who moved its adoption. The motion was seconded by Councilmember Cabrera and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	No
Vice Mayor Christi Fraga	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED this 23 day of August, 2016.



LUIGI BORIA, MAYOR

ATTEST:



CONNIE DIAZ, CMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY

Exhibit "A"

LEGAL DESCRIPTION:

TRACT "F" OF "EASTERN DORAL ACRES SECTION ONE SUBDIVISION,'
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 111, PAGE
53, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.