

RESOLUTION Z11-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING A VARIANCE FROM CHAPTER 86, ARTICLE 1, SECTION 86-3 OF THE CITY OF DORAL LAND DEVELOPMENT CODE PERTAINING TO ALL DEVELOPMENTS FRONTING DORAL BOULEVARD HAVING TO COMPLY WITH THE DORAL BOULEVARD MASTER PLAN REGARDING BUILDING SETBACKS, PARKING AND ARTICULATION AT THE PROPERTY LOCATED AT 9690 NW 41 STREET, DORAL, FLORIDA; TO ALLOW THE PROPOSED NEW BUILDING TO BE POSITIONED 82-FEET FROM THE PROPERTY LINE FRONTING DORAL BOULEVARD IN LIEU OF THE REQUIRED 45-FOOT SETBACK AND TO ALLOW PARKING IN FRONT OF THE BUILDING; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, Doral Executive, LLC ("Applicants") have requested approval of a variance from Chapter 86, Article I, Section 86-3 of the City of Doral Land Development Code (LDC) pertaining to all developments fronting Doral Boulevard having to comply with the Doral Boulevard Master Plan regarding building setbacks, parking and articulation, for the property located at 9690 NW 41 Street, Doral, Florida; and

WHEREAS, the subject property is located in the Semi-Urban District which provides for the following standards: (1) the pedestal shall be positioned on the Build-to-Line which is located 35-feet from the front property line along NW 36th Street, and shall include a 15-foot wide continuous colonnade fronting Doral Boulevard for the entirety of the building's façade; (2) Surface parking shall occur behind buildings or on the side of buildings and shall not occur within setback areas; and

WHEREAS, the applicant is requesting the retail building setback 82-feet from the property line fronting the Doral Boulevard and 41 parking stalls in front of the building along Doral Boulevard

WHEREAS Applicants have requested a variance based on the criteria for variances provided for in Chapter IV- Article I, Section (2) Variances, of the City of Doral Land Development Code (LDC); and

WHEREAS, on June 8,2011 the City Council, after careful review and deliberation of staff's report and of the testimony and evidence before it, has determined that the Applicants meet the requirements for a variance as provided Chapter IV- Article I, Section (2) Variances, of the City of Doral Land Development Code (LDC);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Resolution upon adoption hereof.

Section 2. The City Council of the City of Doral hereby approves Applicants' request for approval of a variance from Chapter 86, Article I, Section 86-3 of the City of Doral Land Development Code (LDC) pertaining to all developments fronting Doral Boulevard having to comply with the Doral Boulevard Master Plan regarding building setbacks, parking and articulation, on property located at 9690 NW 41 Street, Doral, Florida; to allow the proposed

new building to be positioned 82-foot from the property line fronting Doral Boulevard in lieu of the required 45-foot set back and also to allow parking in front of the building.

Section 3. In granting this variance, the City Council reviewed Chapter IV- Article I, Section (2) Variances, of the City of Doral Land Development Code (LDC), and found that:

(1) That special circumsta

nces exist which are peculiar to the particular property or structure, and which are not applicable to similar properties or structures in general.

(2) The special circumstances do not result from the direct actions of the applicant.

(3) The literal interpretation of this code would result in unnecessary and undue hardship on the applicant.

(4) The granting of the variance is consistent with the overall intent of this code, and will not result in increased danger or reduced safety to the owner or general public.

Section 4. This Resolution shall be recorded in the Public Records of Dade County, Florida, with the Applicant to pay the costs thereof.

Section 5. This resolution shall become effective upon its passage and adoption by the City Council.

WHEREAS, a motion to approve the Resolution was offered by Councilwoman Rodriguez, who moved its adoption. The motion was seconded by Councilman Boria and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilmember Luigi Boria	Yes
Councilmember Pete Cabrera	No
Councilmember Ana Maria Rodriguez	Yes

PASSED AND ADOPTED this 8th day of June, 2011.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JIMMY L. MORALES, CITY ATTORNEY