

**RESOLUTION NO.Z04-01**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, PROVIDING FOR TRANSMITTAL OF AN AMENDMENT TO THE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN AS ADOPTED BY THE CITY OF DORAL CHARTER TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND ALL OTHER REQUIRED GOVERNMENTAL AGENCIES OR ENTITIES FOR THEIR REVIEW; RESERVING THE RIGHT TO TAKE FINAL ACTION AT A LATER DATE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan ("CDMP") for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners in November 1988; and

**WHEREAS**, Section 2-116.1 of the Code of Miami-Dade County, Florida (the "County Code") provides procedures for amending the CDMP which comply with the requirements of the Florida Statutes and Administrative Code referenced above; and

**WHEREAS**, pursuant to Section 8.03 of the City of Doral (the "City") Charter, the CDMP and the County Code are the City's CDMP and City Code respectively; and

**WHEREAS**, Aran Properties, Inc. has submitted an application for amendment to the CDMP (the "Application"); and

**WHEREAS**, the City Council acting as the Local Planning Agency ("LPA") conducted a duly noticed public hearing on January 28, 2004, to address the Application; and

**WHEREAS**, at the conclusion of the foregoing public hearing the LPA passed and adopted Resolution No. LPA 04-01 recommending the transmittal of the Application to the

Florida Department of Community Affairs (“DCA”) and all other required governmental agencies; and

**WHEREAS**, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the City Council, in conjunction with a particular zoning action, finds such preexisting zoning or uses to be inconsistent with the CDMP based upon a planning activity or study addressing the criteria set forth in the CDMP; and

**WHEREAS**, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the City; and

**WHEREAS**, any application for zoning or other land use approval involves the application of the City’s overall land use policies to the particular request under consideration; and

**WHEREAS**, the City’s overall land use policies include, but are not limited to the CDMP in its entirety and the City’s land development regulations; and

**WHEREAS**, this City Council desires to further evaluate, without prejudice the Application that is hereby transmitted.

**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 true and correct and are incorporated herein by this reference.

**Section 2. Transmittal.** The Mayor and City Council having considered the following Application requesting amendment to the CDMP hereby direct the City Manager to

transmit the Application to the Florida Department of Community Affairs (“DCA”) and to all other agencies pursuant to Chapter 163.3184, F.S., along with all other materials required by Chapter 9J-11, F.A.C.

Applicant: Aran Properties, Inc.

Location (size): North of NW 41 Street between NW 109 Avenue and NW 114 Avenue  
(26 acres)

Land Use: From: “Office Residential”

Plan Map: To: “Business and Office”

**Section 3. DCA Review.** The City Council hereby requests the DCA to review all transmitted applications pursuant to Chapter 163.3184(6), Florida Statutes.

**Section 4. Reservation of Right.** The City Council hereby reserves its right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt the Application and proposals following receipt of notice of comments by DCA, and following one or more final public hearings by the City County all as authorized by Chapter 163.3184, F.S.

**Section 5. Severability.** The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

**Section 6. Effective Date.** This Resolution shall take effect immediately on its adoption.

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

Mayor Juan Carlos Bermudez	yes
Vice Mayor Peter Cabrera	yes
Councilmember Michael DiPietro	yes
Councilmember Sandra Ruiz	yes
Councilmember Robert Van Name	yes

PASSED and ADOPTED this 28 day of February, 2004.

  
\_\_\_\_\_  
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
Ana Cecilia Velasco  
CITY CLERK

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

  
\_\_\_\_\_  
Gilberto Pastoriza  
CITY ATTORNEY