

**RESOLUTION No. 19-241**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING THE SITE PLAN FOR DISTRICT 79 LOCATED NORTH OF NW 41 STREET AND BETWEEN 79 AVENUE AND STATE ROAD 826/PALMETTO EXPRESSWAY, DORAL, FLORIDA; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on November 2, 2016, the City of Doral adopted Ordinance No. 2016-29 amending the City's Land Development Code to establish procedures for the Mayor and City Council site plan review and approval process; and

**WHEREAS**, 7777 Investments, LLC (the "Applicant") has submitted an application for Mayor and Council Site Plan Review and Approval for District 79 located north of NW 41 Street and between NW 79 Avenue and State Road 826/Palmetto Expressway, Doral, FL, as legally described in "Exhibit A"; and

**WHEREAS**, Staff finds that the proposed site plan complies with the requirements and standards of the Land Development Code; and

**WHEREAS**, after notice of public hearing duly published and notifications of all property owners of record within 500-foot radius, a public hearing was held before the Mayor and City Council of the City of Doral on September 25, 2019, at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, the Mayor and City Council of the City of Doral find the adoption and implementation of this Resolution is in the best interest and welfare of the residents of the City.

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

**Section 1.** The above recitals are confirmed, adopted, and Incorporated herein and made part hereof by this reference.

**Section 2.** The City Council hereby approves the site plan for District 79, as legally described in “Exhibit A”. The site plan consists of 50,936 square feet of retail and commercial uses and 406,000 square feet of industrial uses. A copy of the site plan is provided in “Exhibit B”. The approval of the site plan is subject to the following conditions. Violation of the conditions may result in a code compliance citation or the revocation of this Resolution.

1. All applicable impact fees shall be paid by the Applicant prior to issuance of a building permit.
2. The proposed project shall be built in substantial conformance with the plans entitled “District 79 Retail and Industrial Mixed Use” prepared by RLC Architects, consisting of sheets 44, dated stamped received September 5, 2019.
3. The Property shall be landscaped in accordance with the landscape plan, prepared by Kimley-Horn & Associates, dated stamped received September 5, 2019, as amended, and included with the site plan submittal.
4. Compliance with Ordinance 2015-09 Public Arts Program will be required at the time of building permit, if applicable.
5. Provide irrigation plans at time of building permit.
6. Issuance of this development permit by the City of Doral does not in any way create any right on the part of an Applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Doral for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
7. Approval from Division of Environmental Resources Management (DERM) is required at time of building permit. If DERMs’ requirements result in a modification to the approved administrative site plan, which may include but is not limited to, the layout of proposed parking field, the Applicant will be fully responsible to meet those requirements prior to building permit approval.
8. All applicable local, state and federal permits must be obtained before commencement of the development.
9. The project should make every effort to incorporate the city’s Low Impact Development (LID) Master Plan and Section 74-881 of the Land Development Code.
10. Provide compliance with the Floodplain Management regulations (Chapter 23, Article II, Floodplain Management) of the City Land Development Code. Project team should contact the City’s Floodplain Administrator to review the requirements of the Floodplain Management Ordinance.
11. The Applicant shall comply with applicable conditions and requirements provided by Miami-Dade County Public Works Department, Water and Sewer Department, Fire Rescue Department, and Regulatory and Economics Resources (DRER) prior to issuance of building permit.

12. The hours of operation during the construction shall adhere to as per Noise Ordinance No. 2011-01.
13. The Applicant shall submit a construction staging plan for review and approval prior to commencement of construction. The staging area shall be kept clean at all times, adequately screened and located away from view of existing homes located adjacent to the construction site.
14. Access points for construction vehicles shall be identified as part of the construction plan submitted to the City. Construction vehicles with access to the site shall adhere to existing "no thru truck" areas.
15. The Applicant shall provide a Construction Air Quality Management Plan to the Department prior to the start of construction.
16. The Applicant shall meet the requirements of the Miami-Dade County Water-Use Efficiency Standards Manual, effective January 2009, as may be amended from time to time.
17. A Stormwater Pollution Prevention Plan (SPPP) must be submitted by the Applicant at time of building permit. The Plan shall provide guidelines for implementing and maintaining an erosion and sedimentation control program before the site is cleared or graded, including areas where topsoil will be removed and contours of slopes will be cleared. The Plan shall also include location and type of erosion control measures, storm water and sediment management systems, and a vegetative plan for temporary and permanent stabilization. The Plan shall remain on-site for the duration of the construction activity. The erosion and sedimentation control safeguards shall be kept in good working conditions throughout the duration of the construction phase of the project.
18. The Applicant shall preserve existing trees (including native trees) during the development of the project, wherever possible. If the trees must be removed, the Applicant shall be required to mitigate the impact in accordance with DRER requirements. If the relocated trees do not survive, the Applicant shall be required to replace the trees in compliance with DRER requirements.
19. All stormwater shall be retained on site at all times in accordance with all applicable laws and stormwater regulations.
20. All stormwater drainage systems shall be maintained in working conditions at all times including after completion of the construction phase to avoid localize flooding during and after a storm event.
21. All stormwater drainage systems shall be maintained on an annual basis and a report shall be provided to the Code Enforcement Department. The report shall include, but not be limited to, a diagram of all the system components that were maintained throughout the year.
22. Parking shall be prohibited on top of any drainage inlet or drainage manhole.
23. Developer shall be responsible for providing the City a certified drainage inspection report prior to the issuance of a certificate of occupancy.
24. Noncompliance with the approved site plan and the terms of this approval shall be considered a violation of the City Code.

25. Applicant shall comply with any other outstanding conditions recommended by the Mayor and City Council, Public Works Department, Planning & Zoning Department or Miami-Dade County.

**Section 3.** The City Manager or his/her designee are hereby authorized to take such action as may be necessary to implement the purpose and provisions of this Resolution.

**Section 4.** The Resolution shall take effect immediately upon adoption. The foregoing Resolution was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilmember Cabral and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes

PASSED AND ADOPTED this 25 day of September, 2019.

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

ATTEST:

  
\_\_\_\_\_  
CONNIE DIAZ, MMC  
CITY CLERK

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

  
\_\_\_\_\_  
LUIS FIGUEREDO, ESQ.  
CITY ATTORNEY

# EXHIBIT “A”

**EXHIBIT A**  
**LEGAL DESCRIPTION**

PARCEL 1:

For a Point of Beginning, commence at the Southwest corner of the East 1/2 of the Southeast 1/4 of Section 22, Township 53 South, Range 40 East; thence run North 1°32'24" West along the West line of said East 1/2 of the Southeast 1/4 of Section 22, a distance of 85 feet to a Point; thence run South 89°37'40" East and parallel with the South line of the Southeast 1/4 of said Section 22 a distance of 400 feet to a Point; thence run North 1°32'24" West and parallel to the West line of the East 1/2 of the Southeast 1/4 of said Section 22, a distance of 861.55 feet to a Point; thence run South 89°51'50" East and parallel to the North line of the Southeast 1/4 of said Section 22 a distance of 822.02 feet to the right-of-way line of the Palmetto Road Expressway as recorded in Plat Book 67 at Page 39 of the Public Records of Dade County, Florida; thence South 1°30'40" East along said right-of-way line a distance of 407.82 feet to a Point; thence continuing along said right-of-way line South 4°11'58" West a distance of 201.00 feet to a point; thence continuing along said right of way line South 45°13'29" West a distance of 481.15 feet to the South line of the Southeast 1/4 of said Section 22; thence along the South line of said Section 22 a distance of 853.67 feet to the Point of Beginning.

LESS AND EXCEPT:

Right of Way Deed to Dade County for Canal Purposes filed under CFN 64R-174653, recorded in Official Records Book 4363, Page 91, described as follows:

The South 45 feet of the Southeast 1/4 of the Southeast 1/4 of Section 22, Township 53 South, Range 40 East, less the right of way for Palmetto Expressway as recorded in Plat Book 67, at Page 39, of the Public Records of Dade County, Florida.

ALSO LESS AND EXCEPT:

Right of Way Deed to Dade County for Highway Purposes recorded in Official Records Book 7261, Page 992 and described as follows:

The West 35 feet of the North 85 feet of the South 130 feet of the East 1/2 of the Southeast 1/4 of Section 22, Township 53 South, Range 40 East, Dade County, Florida.

ALSO LESS AND EXCEPT:

Right of Way Deed to Dade County for Highway Purposes recorded in Official Records Book 15247, Page 2055 and described as follows:

The West 35.00 feet of the East 1/2 of the Southeast 1/4 of Section 22, Township 53 South, Range 40 East, Dade County, Florida, LESS the North 1732 feet thereof AND LESS the South 45 feet thereof AND LESS that portion thereof previously obtained for road purposes.

**ALSO LESS AND EXCEPT:**

That portion within the Right of Way of Palmetto Expressway (State Road No. 826) according to the Right of Way Monumentation Map recorded in Plat Book 152, Page 65, of the Public Records of Miami-Dade County, Florida.

**PARCEL 2:**

The East 1/2 of the Southeast 1/4, of Section 22, Township 53 South, Range 40 East, Dade County, Florida, less the North 1732 feet and less the following described property:

For a Point of Beginning, commence at the Southwest corner of the East 1/2 of the Southeast 1/4 of Section 22, Township 53 South, Range 40 East; thence run North 1°29'17" West along the West line of said East 1/2 of the Southeast 1/4 of Section 22, a distance of 85 feet to a Point; thence run South 89°37'40" East and parallel with the South line of the Southeast 1/4 of said Section 22 a distance of 400 feet to a Point; thence run North 1°29'17" West and parallel to the West line of the East 1/2 of the Southeast 1/4 of said Section 22, a distance of 861.55 feet to a Point; thence run North 89°51'50" East and parallel to the North line of the Southeast 1/4 of said Section 22 a distance of 823.49 feet to the right-of-way line of the Palmetto Road Expressway as recorded in Plat Book 67 at Page 39 of the Public Records of Dade County, Florida; thence South 1°30'40" East along said right-of-way line a distance of 411.93 feet to a Point; thence continuing along said right-of-way line South 4°11'58" West a distance of 201.00 feet to a point; thence continuing along said right of way line South 45°13'29" West a distance of 481.15 feet to the South line of the Southeast 1/4 of said Section 22; thence along the South line of said Section 22 a distance of 853.67 feet to the Point of Beginning.

**LESS AND EXCEPT:**

Right of Way Deed to Dade County for Highway Purposes recorded in Official Records Book 7261, Page 992 and described as follows:

The West 35 feet of the North 85 feet of the South 130 feet of the East 1/2 of the Southeast 1/4 of Section 22, Township 53 South, Range 40 East, Dade County, Florida.

**ALSO LESS AND EXCEPT:**

Right of Way Deed to Dade County for Highway Purposes recorded in Official Records Book 15247, Page 2055 and described as follows:

The West 35.00 feet of the East 1/2 of the Southeast 1/4 of Section 22, Township 53 South, Range 40 East, Dade County, Florida, LESS the North 1732 feet thereof AND LESS the South 45 feet thereof AND LESS that portion thereof previously obtained for road purposes.

**PARCELS 1 AND 2 BEING ALSO KNOWN AS:**

The East 1/2 of the Southeast 1/4, of Section 22, Township 53 South, Range 40 East, Miami-Dade County, Florida, less the North 1732 feet thereof;

LESS AND EXCEPT:

That portion of the East 1/2 of the Southeast 1/4, of Section 22, Township 53 South, Range 40 East, lying within the limited access right of way for State Road 826 (Palmetto Road Expressway) and within the canal right of way, as both are shown on the RIGHT OF WAY MAP, recorded in Plat Book 67, at Page 39, of the Public Records of Miami-Dade County, Florida;

ALSO LESS AND EXCEPT:

Right of Way Deed to Dade County for Canal Purposes filed recorded in Official Records Book 4363, Page 91, described as follows:

The South 45 feet of the Southeast 1/4 of the Southeast 1/4 of Section 22, Township 53 South, Range 40 East, less the right of way for Palmetto Expressway as recorded in Plat Book 67, at Page 39, of the Public Records of Miami-Dade County, Florida.

ALSO LESS AND EXCEPT:

Right of Way Deed to Dade County for Highway Purposes recorded in Official Records Book 7261, Page 992 and described as follows:

The West 35 feet of the North 85 feet of the South 130 feet of the East 1/2 of the Southeast 1/4 of Section 22, Township 53 South, Range 40 East, Miami-Dade County, Florida.

ALSO LESS AND EXCEPT:

Right of Way Deed to Dade County for Highway Purposes recorded in Official Records Book 15247, Page 2055 and described as follows:

The West 35.00 feet of the East 1/2 of the Southeast 1/4 of Section 22, Township 53 South, Range 40 East, Dade County, Florida, LESS the North 1732 feet thereof AND LESS the South 45 feet thereof AND LESS that portion thereof previously obtained for road purposes.