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RESOLUTION Z05-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING THE REZONING OF \pm 2.20 ACRES GENERALLY LOCATED AT 4190 NW 79 AVENUE FROM BU-2 TO RU-4M; APPROVING A MODIFICATION TO THE SITE PLAN TO DEVELOP A 6-STORY APARTMENT BUILDING WITH ASSOCIATED INFRASTRUCTURE IMPROVEMENTS WITHIN AN EXISTING APARTMENT COMPLEX AND TO CONVERT THE EXISTING APARTMENT INTO CONDOMINIUM UNITS; PROVIDING FOR AN EFFECTIVE DATE

15 WHEREAS, 448 Doral, LLC ("Applicant") has requested approval of a
16 rezoning of \pm 2.2 acres generally located at 4190 NW 79 Avenue from BU-2 (Special
17 Business District) to RU-4M (Modified Apartment House District) and a modification
18 of the Site plan to develop a 6-story, 146-unit apartment building with associated
19 infrastructure improvements within an existing apartment complex and to convert the
20 existing apartment into condominium units; and

21 WHEREAS, on March 23, 2005, the City Council held a quasi-judicial hearing
22 and received testimony and evidence related to the Application from the Applicant and
23 other persons and found as follows:

24 1. The subject property currently has 41 two story apartment buildings and
25 is bordered to the south by an industrial area, to the north and east by similar residential
26 uses and to the west by the White Course of the Doral Country Club;

27 2. In order to approve a purely residential use on this portion of the site,
the property must be rezoned to RU-4M;

1 3. Staff has recommended approval based on fact that the proposed
2 development is consistent with the Comprehensive Development Master Plan; and

3 WHEREAS, after deliberating on the testimony from the Applicant, interested
4 persons and the recommendation of staff, the City Council approves the rezoning from
5 BU-2 to RU-4M and the modification of the site plan;

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

8 **Section 1.** The foregoing “WHEREAS” clauses are hereby ratified and
9 confirmed as being true and correct and are hereby made a part of this Resolution upon
10 adoption hereof.

11 **Section 2.**

12 (A) The rezoning of \pm 2.20 acres generally located at 4190 NW 79 Avenue
13 from BU-2 to RU-4M is approved.

14 (B) The approval of a modification to the Site Plan to develop a 6-story
15 apartment building with associated infrastructure improvements within an existing
16 apartment complex is hereby approved, subject to the following:

17 1. The permitted plans shall be in accordance with the submitted plans prepared
18 by Felix Pardo and Associates, sheets SP-1, SP-2, A1-A11, dated September 7, 2004.

19 2. The Applicant shall submit for review and approval a traffic statement which
20 will show that acceptable levels of service are available with the construction of this
21 project. Once this report is reviewed and accepted, concurrency shall be vested on an
22 interim basis and vested completely at the time that the building permit is issued.

1 **Section 3.** This Resolution shall be recorded in the Public Records of
2 Miami-Dade County and the Applicant shall pay the cost associated with the recording
3 of the document.

4 **Section 4.** This resolution shall become effective upon its passage and
5 adoption by the City Council and is binding on all successors and assigns.

6 WHEREAS, a motion to approve the Resolution was offered by Councilman
7 DiPietro, who moved its adoption. The motion was seconded by Vice Mayor Cabrera
8 and upon being put to a vote, the vote was as follows:

9	Mayor Juan Carlos Bermudez	<u>yes</u>
10	Vice Mayor Peter Cabrera	<u>yes</u>
11	Councilmember Michael DiPietro	<u>yes</u>
12	Councilwoman Sandra Ruiz	<u>no</u>
13	Councilmember Robert Van Name	<u>no</u>

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15 PASSED AND ADOPTED this 23rd day of March, 2005.

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Juan Carlos Bermudez
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

Mercy Anne for Sheila Paul
SHEILA PAUL, CITY CLERK

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

John I. Hearn
JOHN I. HEARN, CITY ATTORNEY