

**RESOLUTION Z05-39**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AUTHORIZING AND APPROVING A SITE PLAN, TENTATIVE PLAT, NON-USE HEIGHT VARIANCE, AND MODIFICATION TO DELCARATION OF RESTRICTIVE COVENANTS FOR THE APPLICANT ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NW 58 STREET AND NW 107 AVENUE AND CONSISTING OF APPROXIMATELY 103.7 ± ACRES IN DORAL, FLORIDA; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE**

WHEREAS, Landmark at Doral Developers, LLC, Town Center at Doral, LLC, Landmark at Doral South, LLC, Landmark at Doral East, LLC and Landmark Club at Doral, LLC ("Applicants") have requested: (1) site plan approval; (2) tentative plat approval; (3) approval of a non-use variance to permit certain structures to be 75 feet in height where 40 feet is permitted; and (4) approval of a modification of Declaration of Restrictive Covenants to reflect an amended site plan on property generally located at the northeast corner of NW 58 Street and NW 107 Avenue, Doral, Florida ("Property"), as described in Exhibit "A" attached hereto; and

WHEREAS, the City Council, after carefully reviewing the testimony and evidence, including staff's report and recommendation, has determined that it is in the best interests of the citizens of the City of Doral to approve the above referenced requests;

**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.** Subject to the conditions outlined below, the City Council of the City of Doral hereby approves Applicants' site plan as provided to the City Council at its August 25, 2005 zoning meeting, which site plan is incorporated herein for the Property.

**Section 3.** Subject to the conditions provided for below, Applicants' tentative plat is approved as it meets the T-plat requirements as required under Chapter 28 of the Miami-Dade County Code as adopted by the City of Doral.

**Section 4.** Subject to the conditions provided for below, the City Council hereby approves a maximum height of 75 feet where 40 feet is permitted for the store front or workshop use within a Traditional Neighborhood Zoning District as provided for in the approved site plan. In approving said variance, the City Council expressly finds that approval of the variance maintains the basic intent and purpose of the zoning and other land use regulations, protects the general welfare of the public and will be compatible with the surrounding land uses and not detrimental to the community.

**Section 5.** Subject to the conditions provided for below, the City Council approves a modification to the Declaration of Restrictive Covenants as amended. More particularly, paragraph 9 will expressly provide that the owner will not unreasonably withhold permission for the City to use the meeting hall.

**Section 6.** The above approvals are expressly subject to the following conditions:

(1) All conditions outlined in Resolutions No. CZAB9-14-03 and Z04-23 remain in full force and effect unless herein modified.

(2) The Applicant shall construct a right turn lane on NW 58 Street to provided enough queuing during the PM traffic period when entering the project

(3) The Applicant shall remove the proposed “exit only” regulation from the development onto NW 58 Street thereby allowing for entrance and exit.

(4) The \$800,000 that the Applicant has proffered to the Miami-Dade County Public School Board in remediation of the development's impact be spent solely within the City of Doral. Additionally, in order to provide the City assurance that those funds be spent within the City of Doral, the existing covenant between the Applicants and the Miami-Dade County School Board shall also include the City as a party. The Amended Declaration of Restrictive Covenants including the aforementioned changes must be executed prior to the issuance of the first building permit for this project.

**Section 6.** This Resolution shall be recorded in the Public Records of Dade County, Florida, with the Applicant to pay the costs thereof.

**Section 7.** This resolution shall become effective upon its passage and adoption by the City Council.


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

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

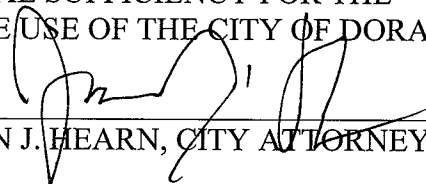
PASSED AND ADOPTED this 24th day of August, 2005.

  
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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

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

  
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JOHN J. HEARN, CITY ATTORNEY