

ORDINANCE #2010- 01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING THE NOTICE OF PROPOSED CHANGE (NOPC) TO MODIFY THE EXISTING RYDER SYSTEM INC. / WESTSIDE CORPORATE CENTER DRI OF PARK SQUARE AT DORAL AND MODIFY CONDITION #10 OF MIAMI-DADE COUNTY RESOLUTION Z-258-88, PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, AND MODIFIED BY MIAMI-DADE COUNTY RESOLUTION Z-15-98, MIAMI-DADE COUNTY RESOLUTION Z-9-03, AND CITY COUNCIL ORDINANCE 2006-17; MODIFY CONDITIONS #11 AND #12 OF MIAMI-DADE COUNTY RESOLUTION Z-258-88, PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, AND MODIFIED BY MIAMI-DADE COUNTY RESOLUTION Z-15-98, MIAMI-DADE COUNTY RESOLUTION Z-9-03, AND CITY COUNCIL ORDINANCE 2006-17; AND MAKING A FINDING THAT SAID CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION PURSUANT TO SECTION 380.06(19), FLORIDA STATUTES; PROPERTY GENERALLY LOCATED BETWEEN NW 82ND AVENUE AND 87TH AVENUE AND NW 36TH STREET AND NW 33RD STREET IN THE CITY OF DORAL, MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, Shoma Homes Village at Doral, Inc. and Village at Doral Commercial, ("Applicant") filed a Notice of Proposed Change (the "NOPC") to modify the existing Ryder System, Inc./ Westside Corporate Center DRI (the "DRI") in accordance with the approved Park Square at Doral Planned Unit Development (PUD), for the property generally located between NW 82nd Avenue and 87th Avenue and NW 36th Street and NW 33rd Street, in the City of Doral, Miami-Dade County, Florida seeking a modification of Condition Nos. 10, 11, and 12 of the DRI Development Order, as amended;

WHEREAS, the Applicant has requested a substantial deviation determination for the NOPC request to modify the DRI, in accordance Section 380.06(19), Florida Statutes; and

WHEREAS, after careful review and deliberation, staff has determined that this application for a modification to the DRI does not constitute a substantial deviation as per section 380.06, Florida Statue; and

WHEREAS, on February 10, 2010 the City Council held a quasi-judicial hearing and received testimony and evidence related to the Application from the Applicant and other persons and found that the Notice of Proposed Change (NOPC) meet all applicable regulations and is consistent with the proposed CDMP; and

WHEREAS, after careful review and deliberation, staff has determined that this application has complied with the Code;

NOW, THEREFORE, BE IT ORDAINED 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 Ordinance upon adoption hereof.

Section 2. Condition Nos. 10, 11, and 12 of the DRI Development Order, as amended, shall now read as follows:

"10. Limit development to those land uses authorized by City of Doral provided, however, that the overall development shall have a maximum of 1,588,563 square

feet of office use, 671,400 square feet of retail use, 740 restaurant seats and a bank, 400 residential dwelling units, and 480 hotel rooms or a combination of uses as provided for in the Equivalency Matrix contained in the attached Exhibit A and generally reflected on the "Park Square at Doral Master Development Plan," prepared by Zyscovich and Associates, dated 12/18/2008. Subsequent plan approval will require compliance with all City of Doral Comprehensive Plan and Land Development Regulations standards, as may be amended from time to time in accordance with the City of Doral Code, and subject to substantial deviation determination, if applicable.

"11. December 31, 2014 is hereby established as the date until which the City of Doral agrees that the Westside Corporate Center/Increment II Corporate Office Park Development of Regional Impact shall not be subject to downzoning, unit density reduction, or intensity reduction, unless the City can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to public health, safety, or welfare.

"12. (For purposes of this paragraph, physical development means that development as defined in §380.04, Florida Statutes.) Physical development of this development has commenced. The termination date for completing development shall be December 31, 2014, provided that the Applicant, its successors, and/or

assigns complies with Condition 19 herein. The termination date may only be modified in accordance with §380.06(19)(c), Florida Statutes."

Section 3. The City Council of the City of Doral hereby finds that the proposed change to modify the existing Ryder System, Inc. / Westside Corporate Center DRI in accordance with the approved Park Square at Doral Planned Unit Development (PUD) does not constitute a substantial deviation as per Section 380.06 Florida Statutes.

Section 3. **Effective Date.** This Ordinance shall be effective upon adoption on second reading.

[Section left blank intentionally]

The foregoing Ordinance was offered by Councilwoman Ruiz, who moved its adoption. The motion was seconded by Vice Mayor Van Name and upon being put to a vote, the vote was as follows:

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

PASSED AND ADOPTED on first reading this 13th day of January, 2010.

PASSED AND ADOPTED on second reading this 10th day of February, 2010.



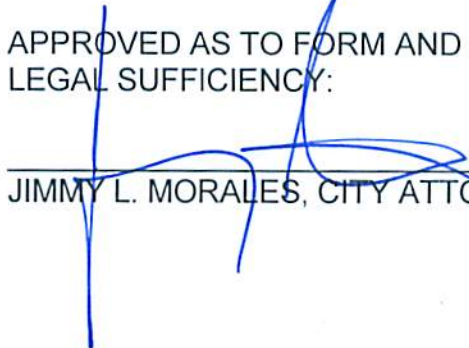
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JIMMY L. MORALES, CITY ATTORNEY