

RESOLUTION 2005-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING MODIFICATION OF VESTED RIGHTS DEVELOPMENT ORDER NO. MVR-2-97; PROVIDING AN EFFECTIVE DATE

WHEREAS, Transal Business Park ("Applicant") has requested a resolution approving a modification to Miami-Dade County Modification of Vested Rights Development Order No. MVR-2-97; and

WHEREAS, the subject property generally is located at the southeast corner of NW 87 Avenue and NW 29 Street (the "Property"); and

WHEREAS, the Property received a Binding Letter of Interpretation of Vested Rights from the Florida Department of Community Affairs in 1977 for an Industrial Park Development consisting of ± 697.02 acres in Dade County; and

WHEREAS, Miami-Dade County approved Vested Rights Order No. VR-35-91 in 1991;

WHEREAS, Miami-Dade County Vested Rights Order No. MVR-2-97 subsequently amended Miami-Dade County Vested Rights Order No. VR 35-91 to allow for the following uses on the Property;

Office	375,000 sq. ft.
Bank	9,000 sq. ft.
Hotels (400 rooms)	282,000 sq. ft.
Sit-Down Restaurant	6,510 sq. ft.
Fast-Food Restaurant	6,510 sq. ft.
Warehouse	547,397 sq. ft.
Total	1,240,807 sq. ft.

WHEREAS, Miami-Dade County Vested Rights Order No. MVR-2-97 does not provide specifically retail as a use designation, but does include other retail uses such as banks, and restaurants as use designations,

WHEREAS, the applicant has requested to modify the designation categories to add retail as a use designation,

WHEREAS, On October 12, 2004, the applicant submitted a request to modify the Vested Development to allow for the addition of 17,000 square feet of retail uses and the reduction of 132,397 square feet of warehouse uses; and

WHEREAS, the proposed modification reduces the impacts on potable water, sanitary sewer, solid waste and traffic; and

WHEREAS, pursuant to Section 2-114.4 of the Miami-Dade County Code, staff has determined that the proposed modification the Vested Development does not generate increased impacts on any governmental facilities or services for which the Comprehensive Plan establishes level of service standards and does not generate increased impacts on the environment when compared to the vested development; and

WHEREAS, after careful review and deliberation, the City Council finds that the proposed request for modification of vested rights is consistent with Section 2-114.4 of the Miami-Dade County Code and believes that approval of this modification to the Vested Development is in the best interests of the citizens of the City of Doral;

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. Order No. MVR-2-97 is hereby modified to add 17,000 square feet of retail and reduce 132,397 square feet of warehouse uses. Vesting expiration and conditions for compliance shall not change from those previously outlined on Order MVR-2-97 and shall expire on December 10, 2007.

Section 3. This resolution shall become effective upon its passage and adoption by the City Council and is binding on all successors and assigns.

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

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

PASSED AND ADOPTED this 26th day of January, 2005.



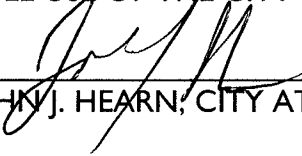
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



SHEILA PAUL, CMC, CITY CLERK

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



JOHN J. HEARN, CITY ATTORNEY