

**RESOLUTION No. 18-205**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A NON-USE VARIANCE FROM SECTIONS 53-127 AND 68-824 OF THE LAND DEVELOPMENT CODE, TO PERMIT THE HEIGHT OF THE 6-STORY BUILDING AT 77 FEET AND 8 INCHES, WHERE THE PERMITTED MAXIMUM HEIGHT IS 60 FEET FOR A PROPERTY LOCATED AT 3635 NW 78 AVENUE, DORAL, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Florida International Medical System, LLC. and A.P.D.C. Corporation (the "Applicant"), are requesting a non-use variance from Sections 53-127 and 68-824 of the Land Development Code to permit an increase in the height of the medical "Skilled Nursing Facility" to be located at 3635 NW 78<sup>th</sup> Avenue, Doral, Florida as legally described in Exhibit A, to 77.8 feet where the permitted maximum height is 60.0 feet; and

**WHEREAS**, the irregular shape of the parcel and design requirements of the medical facility warrants additional floor height to accommodate the necessary special equipment, infrastructure, alarms, utilities, acoustics, technology and piping required of an AHCA approved medical facility; and

**WHEREAS**, this non-use variance will ensure the safety and welfare of the patients served by the facility; and

**WHEREAS**, on November 15, 2018 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 rezoning is consistent with the Comprehensive Plan and is in the best interest of the residents of Doral; and

**WHEREAS**, the City Council has reviewed the City staff's report, incorporated herein, which contains data and analysis supporting the non-use variance application.

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

**Section 1. Recitals.** The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

**Section 2. Decision.** The City Council hereby approves the non-use variance from Sections 53-127 and 68-824 of the Land Development Code to permit an increase in the height of the medical “Skilled Nursing Facility” to be located at 3635 NW 78<sup>th</sup> Avenue, Doral, Florida as legally described in Exhibit A, to 77.8 feet where the permitted maximum height is 60.0 feet, subject to the following conditions:

1. The proposed project shall be built in substantial conformance with the plans entitled “Skilled Nursing Facility and Medical Office Building” prepared by Saltz Michelson Architects, consisting of six (6) sheets, dated stamped received October 18, 2018.

2. This non-use height variance shall not in any way create rights 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.

3. This non-use height variance does not exempt the Applicant from securing all applicable local, state and federal permits that must be obtained before commencement of the development.

4. The Applicant shall comply 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.

5. The Applicant shall comply with all 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.

6. If more than one (1) acre of land is disturbed during construction the Contractor/Developer is responsible to obtain NPDES Stormwater permit coverage through the Florida Department of Environmental Protection (FDEP) Construction Generic Permit (CGP). If the project is less than one (1) acre, but part of a larger common plan of development or sale that will ultimately disturb one or more acres, permit coverage is also required. Instruction to request and obtain a CGP can be found

at <http://www.dep.state.fl.us/water/stormwater/npdes/docs/cgp.pdf>  
Contractor/Developer should submit the Notice of Intent (NOI) with the appropriate processing fees to the NPDES Stormwater Notices Center. Contractor/Developer must apply for permit coverage at least two (2) days before construction begins.

7. Noncompliance with the approved non-use height variance and the terms of this approval shall be considered a violation of the City Code.

**Section 3. Effective Date.** This Resolution shall become effective upon passage by the City Council.

The foregoing Resolution was offered by Vice Mayor Mariaca who moved its adoption. The motion was seconded by Councilmember Fraga and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilman Pete Cabrera	No
Councilwoman Christi Fraga	Yes


PASSED AND ADOPTED this 15 day of November, 2018.

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

ATTEST:

  
\_\_\_\_\_  
CONNIE DIAZ, CMC  
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 A: The West 132.185 feet of the North 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East less the West 35 feet, and less the North 35 feet thereof. PARCEL B: The East 132.185 feet of the West 264.37 feet of the North 1/2 of the North 1/2 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East, less the North 35 feet thereof. PARCEL C: The East 132.20 feet of the West 264.40 feet of the South 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East less the South 25 feet thereof. PARCEL D: The West 132.20 feet of the South 1/2 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 22 Township 53 South, Range 40 East less the South 25 feet and less the West 35 feet thereof. LESS THE FOLLOWING PARCELS: The South 10 feet of the North 45 feet of the West 2/5 of the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 22, Township 53 South, Range 40 East, Miami-Dade County, Florida. AND the East 5 feet of the West 40 feet of the North 1/2 of the NW 1/4 of the NW 1/4 of the NW 1/4 of said Section 22, less the North 35 feet thereof. AND The area bounded by the South line of the North 45 feet of the NW 1/4 of said Section 22 and bounded by the East line of the West 40 feet of the NW 1/4 of said Section 22 and bounded by a 25-foot radius arc concave to the Southeast said arc being tangent to both of the last described lines. AND The East 5 feet of the West 40 feet of the South 1/2 of the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 22, Township 53 South, Range 40 East, Miami-Dade County, Florida, and the North 10 feet of the South 35 feet of the West 2/5 of the NW 1/4 of the NW 1/4 of the NW 1/4 of said Section 22 and the area bounded by the East line of the West 40 feet of the South 1/2 of the NW 1/4 of the NW 1/4 of said Section 22 and bounded by the North line of the South 35 feet of the West 2/5 of the NW 1/4 of the NW 1/4 of the NW 1/4 of said Section 22 and bounded by a 25 foot radius arc concave to the Northeast and being tangent to both the last described lines.