

RESOLUTION NO. Z04-27

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING THE REZONING OF THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF NW 36 STREET AND NW 107 AVENUE, CITY OF DORAL, FLORIDA FROM IU-C (INDUSTRIAL DISTRICT, CONDITIONAL) TO BU-1A (LIMITED BUSINESS DISTRICT)

WHEREAS, Section 33-311(A)(8) allows for the granting or denying of applications for district boundary changes taking into consideration that the changes must be consistent with the Comprehensive Development Master Plan (CDMP), with applicable area or neighborhood studies or plans, and would serve a public benefit; and

WHEREAS, the CDMP states that all approval of new land uses must be consistent with the Land Use Plan (LUP) map and the specific land use provisions of the various LUP categories and the objectives and policies of the LUP; however, changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Plan and, in particular, the Land Use Element, rather than the existing use or zoning; and

WHEREAS, the CDMP currently designates the subject property, located at the Northeast corner of NW 36 Street and NW 107 Avenue, for industrial and office use on the LUP map; and

WHEREAS, the property is located along the westerly border of an industrial office area and in proximity to a major roadway with high visibility and traffic which encourages a commercial development; and

WHEREAS, the applicant acquired permits and constructed a development under the existing IU-C zoning regulations and permitted uses; however, the applicant is now requesting a zone change to a BU-1A zone; and

WHEREAS, applicant has voluntarily restricted its allowable uses to 17 uses as provided for in the Declaration of Restrictions, attached hereto and incorporated herein as Exhibit "1," restricting the uses permitted under the proposed BU-1A zone; and

WHEREAS, staff has found that the applicant has minimized the amount of uses currently permitted under the BU-1A zone and that zoning remains consistent with the Land Use Element of the CDMP;

WHEREAS, the application is approved upon the following conditions being satisfied:

1. That the applicant execute and record a Declaration of Restrictions acceptable to the City restricting the use on the property located at the Northeast corner of NW 36 Street and NW 107 Avenue, City of Doral, Florida; and

2. That the property is developed in accordance with the plans submitted at the hearing of June 23, 2004 entitled "Doral Professional Center," prepared by Interplanners, Inc., dated April 26, 2004;

NOW, THEREFORE BE IT RESOLVED by the City of Doral Council, upon proper consideration and findings that the application has met the standards for a rezoning, and hereby GRANTS the applicant a rezoning from IU-C (Industrial District, Conditional) to BU-1A (Limited Business District) for the property located at the

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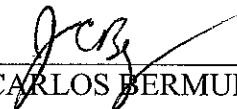
Northeast corner of NW 36 Street and NW 107 Avenue, City of Doral, Florida, with the above conditions.

A motion to approve the application was offered by Councilman Ruiz, 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
Councilmember Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilmember Robert Van Name	yes

If any section, part of section, paragraph, clause, phrase or word of this Resolution is declared invalid, the remaining provisions of this Resolution shall not be affected.

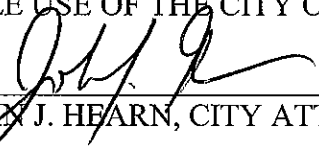
PASSED AND ADOPTED this 23rd day of June, 2004.


JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:


SHEILA PAUL, CITY CLERK

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


JOHN J. HEARN, CITY ATTORNEY