

RESOLUTION No. 24-

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING (I) A VARIANCE FROM SECTION 77-185(A)(1) OF THE CITY'S LAND DEVELOPMENT CODE, TO PERMIT 249 PARKING SPACES OF THE 488 PARKING SPACES LENGTHS OF 18-FEET, IN LIEU OF THE 19-FOOT MINIMUM, AND TO PERMIT 87 PARKING SPACES OF THE 488 PARKING SPACES TO BE COMPACT SPACES OF 16 FEET IN PARKING STALL LENGTH AND EIGHT (8) FEET IN WIDTH, WHICH IS A REDUCTION OF ONE (1) FOOT FROM THE NINE (9) FEET REQUIRED BY THE CODE; (II) A VARIANCE FROM SECTION 77-193(2)(D) AND SECTION 71-213(3) OF THE CITY'S LAND DEVELOPMENT CODE FOR PARKING ROW LANDSCAPE STRIP REDUCTION AT FOUR (4) PARALLEL ROWS OF PARKING STALLS ADJACENT AND PERPENDICULAR TO THE PRIMARY GROCERY BUILDING FROM 7.5 TO 0 FOR THE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF NW 41 STREET AND NW 107 AVENUE, DORAL, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, to Division 2, of Article X "Variances", of Chapter 53, of the City of Doral ("City") Land Development Code ("LDC"), Doral Marketplace LLC ("Applicant") has applied to the City for approval of several non-use variances (the "Application") for the property located at the southwest corner of the intersection of NW 41st Street and NW 107th Avenue ("Property"), as legally described in Exhibit "A", in furtherance of a proposed project generally referred to as the Doral Marketplace Retail Center; and

WHEREAS, the proposed Doral Marketplace Retail Center will be developed as a multitenant retail center on approximately 10.05 acres of the overall 175-acre property known as "Bridge Point Doral Distribution Center," abutting properties that have been built for either industrial or commercial use; and

WHEREAS, the proposed Doral Marketplace Retail Center will have approximately 88,562 square feet in floor area among six (6) buildings, with the

proposed major grocery store tenant building consisting of approximately 40,080 square feet in floor area; and

WHEREAS, in 2023, the property was rezoned from General Use (GU) to Corridor Commercial (CC) to align the zoning district with the Business land use category; and

WHEREAS, in furtherance of the aforementioned proposed project, the Applicant is seeking approval of two (2) non-use variances:

- I. A variance from Section 77-185(a)(1) (i) for 249 parking spaces of the total 488 parking spaces reduce the parking length of 18-feet, where 19-feet is required by Section 77-185(a)(1) of the City's Land Development Code. (ii) for 87 parking spaces of the total 488 parking spaces to be provided to be "compact vehicle" parking spaces of 16 feet in parking stall length, a reduction of three feet from 19 feet required under the City Code, and 8 feet in width, a reduction of one foot from 9 feet required under the City Code."
- II. A reduction at four parallel rows of parking stalls adjacent and perpendicular to the primary grocery tenant building, from 7.5-feet to 0 feet, where 7.5-foot landscape strip is required for each parking row pursuant to Section 77-193(2)(d) of the City Land Development Code. The proposed variance eliminates basically all landscape strips within the parking area serving the primary grocery tenant (Major Tenant A) and replaces them with a limited number of tree planter (diamonds shape). A variance from section 77-193(1) of the City's LDC to eliminate the parking area perimeter landscape buffer width in certain areas, and providing for a 5 foot parking area perimeter landscape buffer in in other areas, in lieu of the 7-foot minimum, as shown on the plans submitted.

WHEREAS, Section 53-468(b) of the City's LDC sets forth the criteria that shall apply in all variances; and

WHEREAS, on April 24, 2024, at a duly advertised meeting, the City Council held a quasi-judicial hearing, and received testimony and evidence related to the application from the Applicant and other persons, including a review of the City's staff report and the data and analysis contained therein, and determined that the four (4) non-use variances are consistent/ not consistent with the Comprehensive Plan, Land Development Code and Doral Boulevard Master Plan, and approve/deny the Application.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

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

Section 2. Decision. The Application to permit:

- I. A variance from Section 77-185(a)(1) (i) for 249 parking spaces of the total 488 parking spaces reduce the parking length of 18-feet, where 19-feet is required by Section 77-185(a)(1) of the City's Land Development Code. (ii) for 87 parking spaces of the total 488 parking spaces to be provided to be "compact vehicle" parking spaces of 16 feet in parking stall length, a reduction of three feet from 19 feet required under the City Code, and 8 feet in width, a reduction of one foot from 9 feet required under the City Code is hereby approved/denied;
- II. A variance from Section 77-193(2)(d) of the City's Land Development Code A reduction at four parallel rows of parking stalls adjacent and perpendicular to the primary grocery tenant building, from 7.5-feet to 0 feet, where 7.5-foot landscape strip is required for each parking row

pursuant to Section 77-193(2)(d) of the City Land Development Code. The proposed variance eliminates basically all landscape strips within the parking area serving the primary grocery tenant (Major Tenant A) and replaces them with a limited number of tree planter (diamonds shape), A variance from section 77-193(1) of the City's LDC to eliminate the parking area perimeter landscape buffer width in certain areas, and providing for a 5 foot parking area perimeter landscape buffer in other areas, in lieu of the 7-foot minimum, as shown on the plans submitted.

Section 3. Findings of Fact. In making the aforementioned decision, and in evaluating the requested variances, the City Council's determination is based upon substantial competent evidence having considered the testimony and evidence in the record presented by all interested parties, including the staff report prepared by the City's planning and zoning department, and further reviewed the following review criteria in Chapter 53, Article X, Section 53-468(b) of the City's Land Development Code to determine the justification for granting of relief from requirements of the development code:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;
- (2) The special conditions and circumstances are not the result of actions of the applicant.
- (3) Literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the development code and would work unnecessary and undue hardship on the applicant.
- (4) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

- (5) Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings, or structures in the same zoning district.
- (6) The granting of the variance will be in harmony with the general intent and purpose of this Land Development Code and will not be injurious to the surrounding properties or detrimental to the public welfare.

Section 4. Effective Date. This Resolution shall become effective upon passage by the City Council.

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

Mayor Christi Fraga	_____
Vice Mayor Oscar Puig-Corve	_____
Councilwoman Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Maureen Porras	_____

PASSED AND ADOPTED this 24 day of April, 2024.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

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

GREENSPOON MARDER, LLP
INTERIM CITY ATTORNEY