

RESOLUTION Z06-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA MAKING FINDINGS OF FACT AND APPROVING A NON-USE VARIANCE FROM SECTION 33-150(E)(4) OF THE MIAMI-DADE COUNTY CODE PERMITTING A COCKTAIL LOUNGE AS AN ACCESSORY USE TO A RESTAURANT WITH LESS THAN 200 SEATS LOCATED WITHIN 2,500 FEET OF A CHURCH; APPROVING THE VARIANCE AT THE REQUEST OF THE PETITIONER FOR THE PROPERTY LOCATED AT 9851 NW 58 STREET; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, Mr. Frank Faria ("Applicant") has requested approval of a non-use variance from Section 33-150(E)(4) of the Miami-Dade County Code, which has been adopted by the City of Doral, on property located at 9851 NW 58 Street, Doral, Florida; and

WHEREAS, the requested non-use variance is to allow a cocktail lounge as an accessory use to a restaurant with less than 200 seats and located within 2,500 feet of a church; and

WHEREAS, Section 33-150 of the Code allows cocktail lounges as an accessory use provided that it is located at least 2,500 feet from a church or school; and

WHEREAS, Section 33-150(E) further provides that, if it is not located farther than 2,500 feet, an exception may be made provided that there are at least 200 seats in a restaurant of over 4,000 square feet and that the cocktail lounge would be less than 15% of the floor space; and

WHEREAS, although the restaurant is in excess of 4,000 square feet and the proposed lounge makes up less than 15% of the floor space, there are only 129 seats available at the establishment; and

WHEREAS, the Applicant has requested a non-use variance based on the criteria provided for in Section 33-311(A)(4)(b) of the Miami-Dade County Code, as adopted by the City of Doral; and

WHEREAS, that Section of the Code allows a non-use variance, provided that the basic intent and purpose of the zoning, subdivision and other land use regulations which protect the general welfare of the public will otherwise be compatible with the surrounding land uses and will not be detrimental to the community; and

WHEREAS, on August 23, 2006, the City Council, after careful review and deliberation of staff's report and upon receiving testimony and other evidence before it, has determined that the Applicant meets the requirements for a non-use variance as provided for in Section 33-311(A)(4)(b) of the Miami-Dade County Code as adopted by 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. The City Council of the City of Doral hereby approves Applicant's request for approval of a non-use variance from Section 33-150(E)(4) of

the Miami-Dade County Code, as adopted by the City of Doral with the following conditions:

(1) The restaurant shall be prohibited from advertising itself as a bar, cocktail lounge-bar, saloon, night club, or any similar type of establishment;

(2) Once the restaurant use is terminated, the cocktail lounge use will automatically terminate and this variance shall be null and void; and

(3) The operating hours for the cocktail lounge-bar shall not extend beyond the permitted hours of operation for the restaurant.

Section 3. In granting this variance, the City Council reviewed Section 33-311(A)(4)(b) of the Miami-Dade County Code, as adopted by the City of Doral, and found that:

(1) The non-use variance request is in harmony with the general appearance and character of the subject block face and would not result in a significant diminution of value to adjacent property.

(2) The non-use variance request will not be detrimental to public welfare in that it will not have a substantial impact on public safety.

(3) The non-use variance request will not create a materially greater adverse privacy impact on adjacent residences than that permitted by the underlying district regulations.

Section 4. This Resolution shall be recorded in the Public Records of Dade County, Florida, with the Applicant to pay the costs thereof.

Section 5. This resolution shall become effective upon its passage and adoption by the City Council.

WHEREAS, a motion to approve the Resolution was offered by Councilman DiPietro, who moved its adoption. The motion was seconded by Councilwoman Ruiz 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

PASSED AND ADOPTED this 23rd day of August, 2005.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

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



JOHN J. HEARN, CITY ATTORNEY