

**RESOLUTION NO. Z09-14**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING THE CONDITIONAL USE FROM CHAPTER VI, SECTION 5 (C) OF THE CITY'S LAND DEVELOPMENT CODE TO ALLOW BEER AND WINE TO BE SERVED AT A NON-RESTAURANT FACILITY CURRENTLY BEING OPERATED AT 10395 NW 41 STREET, SUITE 101 STREET, DORAL FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Rodolfo Barusco and Carlos Castañeda, ("Applicant") have requested approval for a Conditional Use from Chapter VI, Section 5 C, of the Land Development Code, to allow the sale of Beer and Wine within a non-restaurant facility ;and

**WHEREAS**, the requested conditional use applies to the sale of Beer and Wine within a Non-restaurant facility (Indoor Soccer) currently being operated at 10395 NW 41<sup>ST</sup> Street, Suite 101, Doral, Florida; and

**WHEREAS**, on November 10, 2009, the City Council held a public hearing and after careful review and deliberation, including a review of staff's recommendation, determined that it is in the best interests of the citizens of the City of Doral to approve the above referenced requests; subject to the following conditions;

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

**Section 1.** Subject to the conditions outlined below, the City of Doral approves the Conditional Use from Chapter VI, Section 5 C, of the Land Development Code, to allow the sale of Beer and Wine within a Non-restaurant facility currently being operated at 10395 NW 41<sup>ST</sup> Street, Suite 101, Doral, Florida

**Section 2.** The above listed approval is subject to the following conditions:

1. The facility shall be prohibited from advertising itself (sign, flyers, news, etc.) as a bar, cocktail lounge-bar, saloon, nightclub or similar type of establishment.
2. Once the Indoor Soccer Facility use is terminated, the sale of beer and wine shall be automatically terminated.
3. There shall be no sale of alcoholic beverages except between the hours of 10:00 a.m. and 1:00 a.m.
4. The sale of alcoholic beverages shall be limited to beer and wine only.
5. Consumption of beer and wine is restricted to only inside the premises, and to be served in connection with a general food and non-alcoholic beverage concession.
6. Only one permanent bar or counters shall be permitted and shall not exceed 45 square feet in area.
7. Total receipts from the sale of beer and wine shall not exceed 25% of the total annual gross receipts of the facility. It shall be the responsibility of the soccer facility to maintain records open for inspection by the City, upon the City's request, to demonstrate compliance with this requirement.
8. The facility shall be subject to an inspection by the City Manager or her designee for the purpose of determining that the soccer facility and the sale of beer and wine are in compliance with the existing requirements.
9. The sale of beer and wine shall be prohibited during league play and/or league practice with children 18 years or younger.

10. The applicant shall submit for a building permit which indicates the location of the concession area.

11. If approved, the use of the property shall be reviewed in 6 months by City Council, for consistency with the aforementioned conditions with analysis provided by the City's Police and Code Compliance Departments.

12. Before the beer and wine may be sold, Applicant must agree in writing that the City may, at its sole discretion revoke the conditional use if applicant violates any of the above referenced conditions.

**Section 3.** This Resolution shall be recorded in the Public Records of Miami-Dade County, Florida and the Applicant shall pay the costs of recording said document.

**Section 8.** This resolution shall become effective upon its passage and adoption by the City Council.

[Section left blank intentionally]

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

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

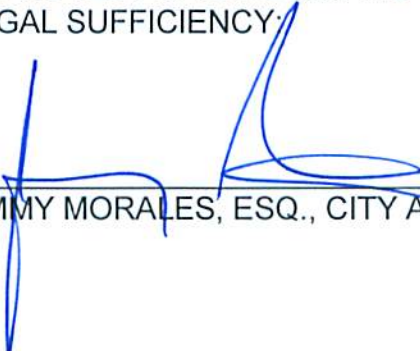
PASSED AND ADOPTED this 10th day of November 2009.

  
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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JIMMY MORALES, ESQ., CITY ATTORNEY