

RESOLUTION No. 19-242

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A SPECIAL EXCEPTION APPLICATION TO PERMIT THE SALE OF BEER AND WINE IN CONJUNCTION WITH A NAIL SALON FOR TIPSY SALONBAR, LOCATED AT 3535 NW 83 AVENUE #125, DORAL, FLORIDA, IN ACCORDANCE WITH SECTION 74-184(B) OF THE CITY'S LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on September 28, 2016, the Mayor and the City Council adopted Ordinance No. 2016-23, Amending Chapter 74, "Miscellaneous and Supplementary Regulations," updating alcoholic beverage regulations; and

WHEREAS, Section 74-184(b) of the City's Land Development Code requires that uses that are not specifically authorized in Chapter 74, Article IV or requests for licensing which deviate from the requirements of the section may be approved by the City Council by special exception, upon application by a potential vendor and after administrative review by the Planning and Zoning Director or his/her designee; and

WHEREAS, Park Square Master, LLC (the "Applicant") is requesting the ability to sell beer and wine for consumption on premises (2COP) in conjunction with a nail salon to customers and their guests for Topsy Salonbar ("Topsy") located at 3535 NW 83rd Avenue, #125, Doral, Florida, as legally described in "Exhibit A", in accordance with Section 74-184(B) of the Land Development Code; and

WHEREAS, the request meets the minimum requirements set forth in Section 74-184(b) of the City's Land Development Code; and

WHEREAS, the City Council held a public hearing on August 28, 2019, at which hearing the item was deferred to the September 25, 2019 Zoning Meeting;

WHEREAS, the City Council held a public hearing on September 25, 2019 at which hearing all interested persons were afforded an opportunity to be heard; and

WHEREAS, upon due and proper consideration given to this request, the City Council is approving this special exception application.

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 specific part of the Resolution upon adoption hereof.

Section 2. The Mayor and the City Council of the City of Doral hereby approves/denies the request to apply for a license from the State to sell beer and wine for consumption on premise (2COP) for Topsy Salonbar (“Topsy”) located at 3535 NW 83rd Avenue, #125, Doral, Florida, as legally described in “Exhibit A”, in accordance with Section 74-184(B) of the Land Development Code, subject to the following conditions.

- 1) The facility shall have a valid certificate of use and occupational license.
- 2) 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.
- 3) Once the full-service salon use is terminated, the sale of beer and wine shall be automatically terminated.
- 4) The sale of alcoholic beverages shall be incidental to the primary function of the full-service salon, such that the total annual gross receipts from the sale of alcoholic beverages shall not exceed twenty-five (25) percent of the total annual gross receipts of the entire salon facility. It shall be the responsibility of the facility to maintain records open for inspection by the city to demonstrate compliance with this requirement.
- 5) There shall be no sale of alcoholic beverages except between the hours of operations of Topsy Salonbar.
- 6) The sale of beer and wine shall be limited to Topsy Salonbar customers and their guests.
- 7) Consumption of beer and wine is restricted to only inside the premises.
- 8) The facility shall be subject to an inspection by the City Manager or his/her designee for the purpose of determining that the sales of beer and wine are in compliance with the existing requirements.

- 9) Prior to the commencement of the proposed operation, the applicant shall comply with all applicable building permit requirements and obtain any required approvals from the City's Building Department.
- 10) It shall be the responsibility of the establishment to submit a yearly report to the Code Compliance and Planning & Zoning Departments demonstrating compliance with the aforementioned conditions.
- 11) If the applicant repeatedly and intentionally violates any of the above referenced conditions, upon written notice from the City and reasonable opportunity to cure, the City may, at its sole discretion revoke the special exception.

Section 3. This Resolution shall become effective upon its passage and adoption by the City Council and is binding on all successors and assigns.

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

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes

PASSED AND ADOPTED this 25 day of September, 2019.



JUAN CARLOS BERMUDEZ, 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:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY

EXHIBIT “A”

EXHIBIT A
LEGAL DESCRIPTION

Tract "B" of the Plat of City Place Doral, as recorded in Plat Book 172, at Page 12 of the Public Records of Miami-Dade County, Florida.