

RESOLUTION No. 20-165

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A SPECIAL EXCEPTION APPLICATION PURSUANT TO SECTIONS 74-184 AND 74-193 OF THE CITY'S CODE OF ORDINANCES, TO PERMIT A PACKAGE STORE WITHIN LESS THAN 2,500 FEET FROM AN EDUCATIONAL FACILITY OR PLACES OF WORSHIP FOR A COMMERCIAL PROPERTY LOCATED IN THE CORRIDOR COMMERCIAL ZONING DISTRICT AT 1635 NW 107 AVENUE, DORAL, FLORIDA 33172; PROVIDING FOR AN EFFECTIVE DATE

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 that section may be approved by the City Council by process of Special Exception, upon application by a potential vendor and after administrative review by the Planning and Zoning Director; and

WHEREAS, Section 74-193 of the City's Land Development Code requires vendors of alcoholic beverages to comply with the distance restriction of 2,500 feet from education facilities and places of worship, unless otherwise approved as a Special Exception and after administrative review by the Planning and Zoning Director; and

WHEREAS, Florida Fine Wine and Spirits, LLC (the "Applicant") is requesting approval of a Special Exception to permit a package store (Total Wine and Spirits) within 2,500 feet from existing education facilities or places of worship. In addition to the retail sale of wine, beer and spirits, Total Wine offers classes and in-store tastings of alcoholic beverages; and

WHEREAS, application was sent to the City of Sweetwater's Planning and Zoning department due to the fact that most of the prohibited facilities within the 2,500 foot radius are within the adjacent city and the City of Doral is notifying and requested any

comments from our neighboring city and having received no comments after multiple phone calls; 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 request meets the minimum requirements set forth in Section 74-193 of the City's Land Development Code; and

WHEREAS, the City of Doral held a public workshop on July 9, 2020, online per the Governor's orders for the State of Emergency during the COVID-19 pandemic that was legally advertised and open to the public for comments: and

WHEREAS, the City Council held a public hearing on August 26, 2020 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. Recitals. 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. Approval. The Mayor and the City Council of the City of Doral hereby approve the Special Exception request by the Applicant to permit a package store within 2,500 feet from education facilities and places of worship for Total Wine and Spirits located at 1635 NW 107 Avenue, Doral, FL 33172, as legally described in

“Exhibit A”, in accordance with Sections 74-184(b) and 74-193 of the Land Development Code, subject to the following conditions:

- 1) The business shall have a valid certificate of use and occupational license.
- 2) The business shall be prohibited from advertising itself (sign, flyers, news, etc.) as a bar, cocktail lounge-bar, nightclub, or similar type of establishment.
- 3) Once the package store use is terminated, the sales of wine, beer and spirits shall be automatically terminated and do not continue with the land or building.
- 4) Consumption of wine, beer and spirits on premises is restricted to classes and in-store tastings indoor within the building only.
- 5) The business shall be subject to an inspection by the City Manager or his/her designee for the purpose of determining that the sales of wine, beer and spirits are in compliance with all code requirements and these conditions listed.
- 6) Prior to the commencement of the proposed operational use, the applicant shall comply with all applicable building permit requirements, Land Development Code requirements and obtain any required approvals to operate from the City’s Building department and Planning and Zoning department.
- 7) If the applicant repeatedly and intentionally violates any of the above referenced conditions, upon written notice from the City Attorney and reasonable opportunity to cure, the City may, at its sole discretion revoke this Special Exception.

Section 3. Effective Date. 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 Christi Fraga	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Claudia Mariaca	Yes

PASSED AND ADOPTED this 26 day of August, 2020.



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

All that certain real property located in the City of Doral, County of Miami-Dade, State of Florida, and described as follows:

Being a part of Tract A, according to the Plat of MIAMI INTERNATIONAL MALL PROPERTIES, as recorded in Plat Book 117, Page 84, in Section 32, Township 53 South, Range 40 East, of the Public Records of Miami-Dade County, Florida:

COMMENCING at a pipe in concrete marking the Southwest corner of said Section 32; thence run North 01° 43' 13" West, along the West lone of said Section 32, a distance of 2644.15 feet; thence North 89° 38' 52" East, a distance of 89.03 feet; thence South 01° 43' 13" East, a distance of 157.41 feet; thence North 43° 16' 47" East, a distance of 104.65 feet; thence North 88° 16' 47" East, a distance of 115.08 feet; thence South 80° 02' 25" East, a distance of 72.97 feet to the POINT OF BEGINNING; thence continue South 80° 02' 25" East, a distance of 29.87 feet; thence South 56° 40' 50" East, a distance of 102.84 feet; thence South 45° 00' 00" East, a distance of 293.65 feet; thence due South, a distance of 15.00 feet; thence South 45° 00' 00" West, a distance of 222.53 feet; thence North 45° 48' 14" West, a distance of 91.08 feet; thence North 02° 01' 09" West, a distance of 104.58 feet; thence South 88° 16' 46" West, a distance of 88.40 feet; thence North 01° 43' 06" West, a distance of 276.42 feet, said line lying in part along the east face of an existing concrete block demising wall, to the POINT OF BEGINNING.

Said lands lying and situate in the City of Doral, Miami-Dade County, Florida.