

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2017-337

A RESOLUTION OF THE CITY COMMISSION AUTHORIZING A DOWNTOWN CIGAR LOUNGE TO ADD THE SALE OF ALCOHOLIC BEVERAGES AND INTOXICATING LIQUORS FOR CONSUMPTION ON PREMISES AS AN ACCESSORY USE TO THE RETAIL CIGAR ESTABLISHMENT, AS PERMITTED BY STATE LAW, PROVIDED THAT TOTAL RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES AND INTOXICATING LIQUORS NOT EXCEED 25 PERCENT OF THE TOTAL ANNUAL GROSS RECEIPTS, AND PERMANENT BARS OR COUNTERS NOT EXCEED 45 SQUARE FEET IN SURFACE AREA, SUBJECT TO A VALID CERTIFICATE OF USE AND LOCAL BUSINESS TAX, ON PROPERTY LEGALLY DESCRIBED AS CORAL GABLES SECTION L, LOTS 25 THROUGH 28, BLOCK 33 (2320 GALIANO STREET), CORAL GABLES, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mr. Osvaldo Gomez proposes a state-of-the-art cigar lounge at 2320 Galiano that serves premium hand rolled cigars and cigar accessories as well as alcohol as an accessory use that is meant to compliment the cigar enjoyment; and

WHEREAS, to qualify for a retail beverage or retail liquor store license under Sec. 6-4(a)(4), a non-restaurant facility must receive approval from the City Commission after administrative review from the City Manager and meet the requirements set forth in the City Code; and

WHEREAS, the provisions of Section 6-4(b) of the City Code provide the following conditions for the issuance of a retail beverage or retail liquor store license for a non-restaurant facility:

1. That the non-restaurant facility shall have a valid certificate of use, occupational license, and local business tax.
2. The sale of alcoholic beverage and intoxicating liquors shall be only incidental to the primary function of the facility.
3. Permanent bars or counters with a surface area not exceeding 45 square feet shall be permitted.
4. No sidewalk tables or chairs shall be permitted.
5. Total receipts from the sale of alcoholic beverages and intoxicating liquors shall not exceed 25 percent of the total annual gross receipts of any non-restaurant facility. The applicant shall provide an affidavit prepared by a Certified Public Accountant (CPA) with the following: (1) provide the specific percentage of alcoholic beverages and intoxicating liquors does not exceed 25 percent of the total annual gross receipts; and (2) acknowledge the information provided is subject to City of Coral Gables False

Claims and Presentations law, Ordinance No. 2015-32. This affidavit is required as part of its annual Certificate of Use renewal to the Concurrency Management Coordinator.

6. Non-restaurant facilities holding a state retail beverage or retail liquor store license shall always be subject to inspection by the City Manager or designee for the purpose of determining that such non-restaurant facilities are in compliance with the existing requirements.
7. That the approval is applicable only to Mr. Osvaldo Gomez and is not transferable. A different applicant shall seek separate approval pursuant to Sec. 6-4(b) of the City Code to allow retail beverage or retail liquor store license for a non-restaurant use.
8. The City Manager has sole discretion on the appropriateness of the name of the business that is consistent with the intent of Section 6-4(b) of the City Code.

WHEREAS, the request meets the minimum requirements set forth in Section 6-4(b) of the City Code and is in compliance with the laws of the State of Florida;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. The City approves the issuance of a retail beverage and retail liquor store license at 2320 Galiano Street.

SECTION 3. The City reserves the right, at its discretion, to revoke the approval of the retail beverage and retail liquor store license without further enforcement proceedings if the conditions above are not met.

SECTION 4. That said resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF NOVEMBER, A.D., 2017.

(Moved: Quesada / Seconded: Mena)

(Yeas: Mena, Quesada, Keon, Lago, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: J-3)

ATTEST:



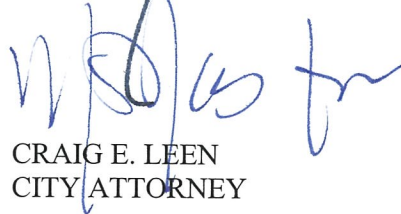
WALTER J. FOEMAN
CITY CLERK

APPROVED:



RAUL VALDES-FAULI
MAYOR

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY