

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2008-164

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION AFFIRMING THE DECISION OF THE CONCURRENCY ADMINISTRATOR, THEREBY DENYING THE APPEAL FILED BY APPLICANT, ROBERT ESPINOSA, IN CONNECTION WITH BUSINESS OPERATION OF A TATTOO PARLOR LOCATED AT 5258 S.W. 8TH STREET, CORAL GABLES, FLORIDA.

WHEREAS, on August 4, 2008, Robert Espinosa filed an application for a certificate of use to the Building and Zoning Department for the opening of a Body Arts Studio; and

WHEREAS, on September 24, 2008, upon review of said application along with subsequent meetings with Mr. Espinosa, applicant, it was determined by the Concurrency Administrator that the body art studio is in fact a tattoo parlor; further noting that tattoo parlors are not listed under the Zoning Code District Uses Category Article 4, as well as under Section 4-301(B), Permitted Uses; and

WHEREAS, Robert Espinosa, applicant, appealed the negative concurrency determination to the City Commission, for determination as to what is the interpretation of "problematic use", under the Zoning Code and what zoning classification does Body Arts Studio fall under; and

WHEREAS, the decision of the Concurrency Administrator was appealed to the City Commission, as in accordance with Article 3 Division 6, Section 3-606 of the Coral Gables Zoning Code, and a public hearing before the Coral Gables City Commission, Florida, which was duly advertised and held upon notice, as required by said Zoning Code; and

WHEREAS, after reviewing the record and decision of the Concurrency Administrator and having given an opportunity for interested parties to be heard; it is of the opinion of this City Commission that the grounds and reasons specified in the appeal were insufficient to merit a reversal of the ruling made by the Concurrency Administrator, and the appeal should be denied and a decision of the Concurrency Administrator should be sustained, since tattoo parlors are not a listed use under the Zoning District Uses Category Article 4; further stating that in accordance with Section 8, entitled "Definitions" of the Zoning Code: that "*a problematic use means commercial retail and service uses which are typically characterized by poorly maintained facilitates, loitering and other neighborhood deterioration or urban blight, including but not limited to, day labor agencies, tattoo parlors, body piercing, pawn shops, check cashing centers and blood plasma centers*", further stating that when the use is not listed, then it is not allowed; and

WHEREAS, a motion to deny the appeal and affirm the decision of the Concurrence Administrator was offered by Commissioner Cabrera seconded by Vice Mayor Kerdyk, and upon a vote of the City Commission approving the motion;

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 Ordinance upon adoption hereof.

SECTION 2. That this resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF OCTOBER, A.D., 2008.

(Moved: Cabrera / Seconded: Kerdyk)

(Yeas: Kerdyk, Anderson, Cabrera, Slesnick)

(Nays: Withers)

(Majority (4-1) Vote)

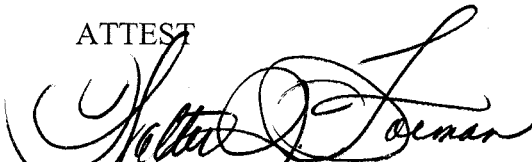
(Agenda Item: E-2)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY