

**PLANNING BOARD  
RESOLUTION NO. 2017-**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD  
GRANTING MINOR DEVELOPMENT PLAN,  
CONDITIONAL USE AND LANDSCAPE WAIVER  
PURSUANT TO SECTIONS 108-91.B.1(b), 108-196(a), 122-  
418(1), 122-62, and 108-347 OF THE LAND DEVELOPMENT  
REGULATIONS OF THE CODE OF ORDINANCES OF THE  
CITY OF KEY WEST, FLORIDA FOR THE CONSTRUCTION  
OF A DRIVE-THROUGH RESTAURANT AND 2  
WORKFORCE DWELLING UNITS ON PROPERTY  
LOCATED AT 2312 & 2318 N. ROOSEVELT BOULEVARD  
(RE# 00065720-000000 & 00065730-000000) WITHIN THE  
COMMERCIAL GENERAL (CGR) ZONING DISTRICT;  
PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Section 108-91 of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that a Minor Development Plan is required for the addition of 1,00- to 4,000 square feet of gross floor area; and

**WHEREAS**, Code Sections 108-196(a) the Planning Board to review and approve, with conditions or deny the proposed Minor Development Plan in an advisory capacity to the City Commission; and

**WHEREAS**, Section 122-418(2) of the Code of the City provides that multiple-family residential dwelling units are a conditional use in the CG Zoning District; and

**WHEREAS**, Section 122-62 provides the specific criteria for the approval of a conditional use; and

**WHEREAS**, Code Sections 108-347 provides required screening for landscape buffer yards;  
and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on  
August 17, 2017; and

**WHEREAS**, the granting of a Minor Development Plan, Conditional Use, and Landscape  
Waiver is consistent with the criteria of the Code of Ordinances; and

**WHEREAS**, the Planning Board finds that the granting of a Minor Development Plan,  
Conditional Use, and Landscape Waiver is in harmony with the general purpose and intent of the  
Land Development Regulations, and will not be injurious to the neighborhood, or otherwise  
detrimental to the public welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West,  
Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth  
herein.

**Section 2.** The Minor Development Plan, Conditional Use, and Landscape Waiver for the  
construction of a drive-through restaurant and 2 workforce dwelling units at 2312-2318 North  
Roosevelt Boulevard (RE# 00065720-000000 & 00065730-000000) within the Commercial General  
(CG) Zoning District pursuant to Sections 108-91.B.1(b), 108-196(a), 122-62, 122-418(1), and 108-  
347 of the Land Development Regulations of the Code of Ordinances of the City of Key West,  
Florida, as shown in the attached plans, is hereby approved with the following conditions:

**General conditions:**

1. The proposed development shall be consistent with the plans dated May 30, 2017 by Pike Architects. Registered Architect.
2. The hours of construction shall be in compliance with City Code and be limited to 8 AM to & 7 PM on Monday to Friday, and 9 Am to 5 PM on Saturday.
3. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

**Conditions prior to the City Commission hearing:**

4. The applicant shall obtain final landscape plan approval from the Tree Commission.

**Conditions prior to issuance of a building permit:**

6. Applicant records a Unity of Title for the properties at 2312 & 2318 N. Roosevelt Boulevard.

**Section 3.** Full, complete and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

**Section 4.** This Minor Development Plan, Conditional Use, and Landscape Waiver application approval by the Planning Board does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the applicant's assertion

of legal authority respecting the property.

**Section 5.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Board.

**Section 6.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 17<sup>th</sup> day of August, 2017.

Authenticated by the Chairman of the Planning Board and the Planning Director.

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Sam Holland, Planning Board Chairman

Date

**Attest:**

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Patrick Wright, Planning Director

Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

Date

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director