

RESOLUTION NO. 18-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MINOR DEVELOPMENT PLAN & CONDITIONAL USE PURSUANT TO SECTIONS 108-91.A.1(C), 122-62, AND 122-898(6) & (11) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE CONSTRUCTION OF A POCKET PARK AND EXPANSION OF RESTAURANT USE ON PROPERTY LOCATED ON THE 1400 BLOCK OF DUVAL STREET WITHIN THE HISTORIC COMMERCIAL TOURIST (HCT) 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 outdoor commercial activity consisting of restaurant seating, outdoor commercial storage, active recreation, outdoor sales area or similar activities of 500 to 2,499 square feet; and

WHEREAS, Code Sections 108-196(a) provides 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, this matter came before the Planning Board at a duly noticed public hearing on June 21, 2018, resulting in Planning Board Resolution No. 2018-26 advising approval with conditions to the City Commission; and

WHEREAS, pursuant to Code Section 108-198, the City

Commission shall review and act upon Minor Development Plan proposals; and

WHEREAS, the granting of the Minor Development Plan and Conditional will be 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; and

NOW THEREFORE BE IT RESOLVED by the City Commission 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. That the City Commission grants approval of the application for the Minor Development Plan and Conditional Use for the construction of a pocket park and expansion of restaurant use on the 1400 block of Duval Street within the Historic Commercial Tourist (HCT) Zoning District pursuant to Sections 108-91.A.1(c), 122-62 and 122-898(6) & (11) 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 hours of construction shall be in compliance with City Code and be limited to 8 AM to 5 PM on Monday to Friday, and 9 AM to 5 PM on Saturday.
2. 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.
3. Final Construction Plans must be signed and sealed by Tomas E. Pope P.A. Pope-Scarborough Architects and must provide more detail of the paver material and how the pavers will be set and placed to prevent deterioration and periodic inundation and damage from storm surge.
4. Final Construction Plans must be signed and sealed by Tomas E. Pope P.A. Pope-Scarborough Architects and must provide a transition or driveway cut from the entrance to this portion of Duval Street from South Street up to the new finish surface. Connect the sidewalk from the southeast and southwest corners of South Street with new concrete sidewalk. Also, the proposed grades will need to accommodate drainage requirements of the Pocket Park and South Street right-of-way.
5. Final Construction Plans must be signed and sealed by Tomas E. Pope P.A. Pope-Scarborough Architects and show the two signs

on the property: One that clearly identifies public access, "Duval Street Park-Open to the Public" and one within the first median facing South Street indicating "Authorized Vehicle Access Only" to discourage the public from taking vehicular access along this portion of Duval Street.

6. Proposed restaurant consumption area for the outdoor café space shall be limited to 2,400 square feet as indicated on site plans by Tomas E. Pope P.A. Pope-Scarborough Architects dated May 30, 2018.

Conditions prior to issuance of a building permit:

7. A Revocable License for the use of the chairs and tables on the City of Key West public right-of-way on the 1400 Block of Duval Street must be coordinated by the surrounding properties at 1400, 1401 & 1405 Duval Street.

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 and Conditional Use

does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of 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 Commission.

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 will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C, F.A.C., this permit is not effective for forty-five (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 forty five (45) day review period the DEO can appeal the permit 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.

Passed and adopted by the City Commission at a meeting held
this _____ day of _____, 2018.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2018.

Filed with the Clerk _____, 2018.

Mayor Craig Cates	_____
Commissioner Samuel Kaufman	_____
Vice Mayor Clayton Lopez	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK