

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING/DENYING THE APPEAL BY VAN D. FISCHER, ESQ. ON BEHALF OF 328 SIMONTON STREET LLC, BY AFFIRMING/REVERSING THE DETERMINATION OF THE PLANNING BOARD RENDERED IN RESOLUTION 2019-37, REGARDING TRANSFER OF ONE TRANSIENT UNIT AND LICENSE FROM 1213 GEORGIA STREET TO 328 SIMONTON STREET; PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS,** at its meeting of August 20, 2019, the City Commission conducted a quasi-judicial hearing concerning an appeal by the Appellant of a decision rendered by the Planning Board, denying the transfer of one transient unit and license from 1213 Georgia Street to 328 Simonton Street; and

**WHEREAS,** in accordance with City Code of Ordinances section 90-431, the City Commission considered the record upon which the Planning Board rendered this decision and provided opportunity for presentation by counsel for the appellant, and the Planning Department; and

**WHEREAS,** City Code of Ordinances section 90-427 provides that "...other decisions of the planning board, shall be advisory to the city commission" and section 90-431(4) requires "The concurring

vote of no less than four members of the City Commission... shall be necessary to reverse or modify any order, requirement, decision or determination of the planning board..."; and

**WHEREAS,** the City Commission found

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**inconsistent/consistent** with the procedural and substantive provisions of Florida Statutes, the adopted Key West comprehensive plan, and land development regulations.

**NOW, THEREFORE, BE IT RESOLVED BY THE BY CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:**

Section 1: That the Appeal is hereby **granted/denied** and the decision of the Planning Board is **affirmed/reversed**.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Authenticated by the Presiding Officer and Clerk of the  
Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Filed with the Clerk on \_\_\_\_\_, 2019.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK