

**PLANNING BOARD
RESOLUTION NO. 2019-82**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A CONDITIONAL USE APPROVAL FOR THE VIV WINE BISTRO AS A RESTAURANT ON PROPERTY LOCATED IN THE HISTORIC NEIGHBORHOOD COMMERCIAL (HNC-3) ZONING DISTRICT PURSUANT TO SECTIONS 122-62 AND 122-868 (9) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the subject property is located within the Historic Neighborhood Commercial (HNC-3) zoning district; and

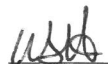
WHEREAS, pursuant to Sections 122-62 and 122-868(9) of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City"), the applicant filed a conditional use application for a restaurant located at 300 Petronia Street; and

WHEREAS, City Code Section 122-62 outlines the criteria for reviewing a conditional use application by the Planning Board; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on November 21, 2019; and

WHEREAS, the Planning Board found that the proposed use complies with the criteria in City Code Sections 122-62 and 122-63; and

WHEREAS, the approval of the conditional use application will be in harmony with the general purpose and intent of the LDRs, and will not be injurious to the neighborhood, or otherwise

 Chairman

 Planning Director

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 fully set forth herein.

Section 2. That a conditional use request, pursuant to Sections 122-62, and 122-868(9) of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing a restaurant use located at 300 Petronia Street – (RE# 00014230-000000) with the following conditions:

General conditions:

1. The conditional use and proposed restaurant shall match the approved plans signed and dated: May 28, 2018 by, Serge Mashtakov, P.A.
2. The proposed restaurant will have no more than forty-three (43) seats within the 646 square foot of consumption area.
3. Hours of operation will be from Monday through Sunday 4 p.m. till 10 p.m., seasonal hours may change to 12 p.m. till 10 p.m. from Monday through Sunday.
4. No deep fryers allowed on premises.
5. No meat smokers allowed on premises.
6. No power tool use after 5p.m. (including pressure washing).
7. **Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax**

Receipt:

 Chairman

 Planning Director

8. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.

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 and construction shall commence within 12 months after the date hereof.

Section 4. This resolution 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 or development order will 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 21st day of November 2019.

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

Sam Holland 12/2/19
Sam Holland, Planning Board Chair Date

Attest:

Roy Bishop 11/26/19
Roy Bishop, Planning Director Date

Filed with the Clerk:

Cheryl Smith 12-3-19
Cheryl Smith, City Clerk Date

WAM Chairman
PP Planning Director

PROGRESS SET
 FOR REVIEW AND
 COMMENT ONLY

A LIFE SAFETY STUDY FOR
300 PETRONIA ST. #1
 KEY WEST, FL 33040

DRAWING TITLE:
**CONSUMPTION AREA
 DIAGRAM**

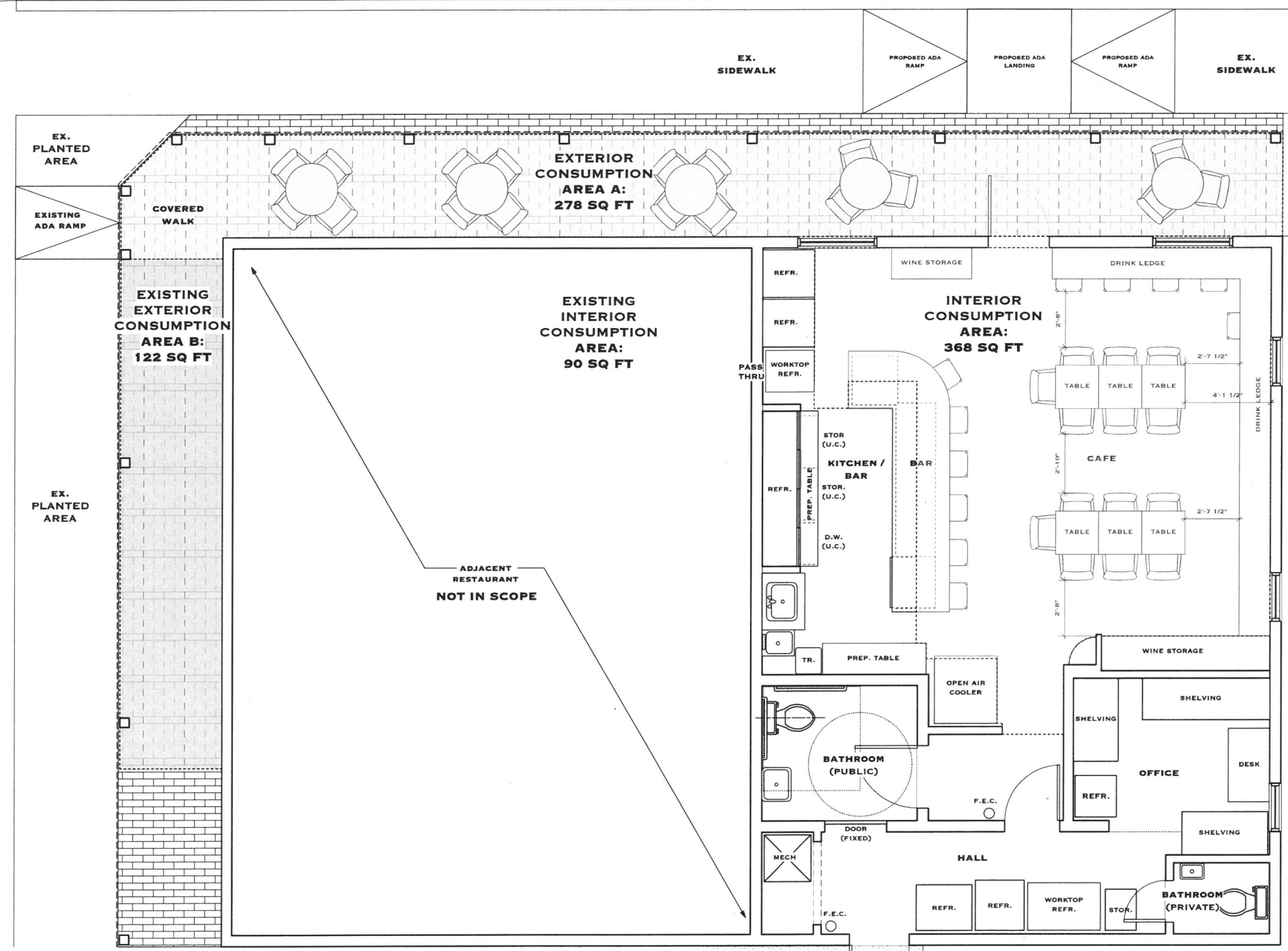
DRAWN: EDSA
 CHECKED: -
 DATE: 09-14-2019

REVISION #	DATE

A1.1
 SHEET #

PETRONIA STREET

THOMAS STREET



CONSUMPTION AREA KEY

CONSUMPTION AREA	SQ FT
INTERIOR CONSUMPTION AREA	368 Sq Ft
EXTERIOR CONSUMPTION AREA A:	278 Sq Ft
EXISTING INTERIOR CONSUMPTION AREA:	90 Sq Ft
EXISTING EXTERIOR CONSUMPTION AREA B:	122 Sq Ft
TOTAL CONSUMPTION AREA:	858 SQ FT

WALL TYPE LEGEND:

— EXISTING WALLS
 — CMU OR WOOD FRAMED

NOTE:
 DIMENSIONS ARE TO FINISH WALL MATERIAL

0 3 6 9 12 FT

1
 A1.1 CONSUMPTION AREA DIAGRAM
 SCALE: 3/8" = 1'-0"

RB
 WSA