

**PLANNING BOARD
RESOLUTION NO. 2012-08**

**A RESOLUTION OF THE KEY WEST
PLANNING BOARD GRANTING A
CONDITIONAL USE APPROVAL PER
SECTIONS 122-62 AND 122-63 OF THE CODE
OF ORDINANCES FOR A WINE BAR
LOCATED AT 1128-1130 DUVAL STREET (RE#
00027950-000000) IN THE HISTORIC
RESIDENTIAL COMMERCIAL CORE –
DUVAL STREET (HRCC-3) ZONING
DISTRICT, PURSUANT TO SECTION 122-
748(9) OF THE CODE OF ORDINANCES, KEY
WEST FLORIDA; PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the subject property is located in the Historic Residential Commercial Core –
(HRCC-3) zoning district; and

WHEREAS, Section 122-748(9) of the Code of Ordinances provides that bars and lounges
are allowed as a conditional use within the Historic Residential Commercial Core- (HRCC-3) zoning
district; and

WHEREAS, the applicant filed a conditional use application for a bar and lounge to sell beer
and wine at 1130 Duval Street only; and

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



Vice Chairman



Planning Director

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on March 15, 2012; and

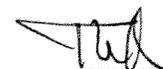
WHEREAS, the Planning Board found that the proposed use complies with the criteria in Section 122-62 and 122-63; and

WHEREAS, the approval of the conditional use application will be in harmony with the general purpose and intent of the 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 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 and special exception request, under the Code of Ordinances of the City of Key West, Florida, per Section 122-748(9) is hereby approved as follows: allowing 1,065 square feet of existing consumption area for a beer and wine bar open to the public at 1130 Duval Street for property located at 1128-1130 Duval Street (RE# 00027950-000000), Key West, Florida, as shown in the attached floor plan received March 7, 2012 with the following conditions:

 Vice Chairman

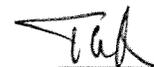
 Planning Director

Conditions to be completed prior to the issuance of a certificate of occupancy:

1. ADA bathroom access is provided and maintained.
2. If the applicant proposes to provide prerecorded background music the applicant will install and maintain a programmable distributive sound system to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and shall include a computerized sound monitoring system with real time monitoring access is provided to the City.
3. The applicant shall obtain a Conditional Use Permit.

Conditions subject to a Conditional Approval Permit, per Ordinance 10-22 and subject to an associated annual inspection:

4. Hours of operation are limited to 10 am to 10 pm.
5. The use is approved for the sale of beer and wine only.
6. There will be no live amplified music on the premises.
7. There will be no more than 1,065 square feet of consumption area allowed without further City approvals.
8. If there is to be prerecorded amplified music, the applicant expressly agrees to provide the City's agents unfettered access to the computer-generated reports and full, real-time web-based access to the digital monitoring of on-site acoustics for the purpose of assuring compliance with condition 2 contained herein. The

 Vice Chairman

 Planning Director

playing of any music (amplified or otherwise) outside of the premises is not permitted without further City approvals.

9. The bar shall be operated as accessory to and in conjunction with the principle retail operation at 1130 Duval Street. At least 60% of the consumption area shown on the floor plan submitted March 7, 2012, shall contain clothing racks, shelving, cases and/or other displays of merchandise for retail sale. Displays of beer and wine for retail package sales, if any, shall occupy no more than 20% of the consumption area. The bar shall not be open if the retail operation is closed.
10. The applicant is limited to a maximum of ten seats. Additional seating of any kind is not permitted without further City approvals.
11. The bar use is limited to the interior of the property. The expansion or relocation of the consumption area outside of the building is not permitted without further City approvals.
12. The applicant shall renew the Conditional Use Permit issued by the City on an annual basis. The renewal is due on May 31st of every year.

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 conditional use approval does not constitute a finding as to ownership or

 Vice Chairman
 Planning Director

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 Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA 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.

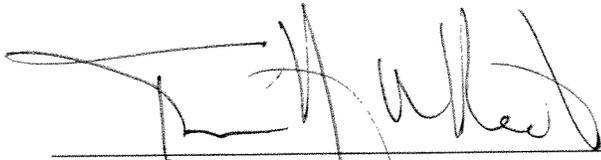
Section 7. The applicant shall obtain and maintain a Conditional Approval Permit from the City prior to issuance of a Certificate of Occupancy per Ordinance Number 10-22.

Read and passed on first reading at a regular meeting held this 15th day of March, 2012.

TUR Vice Chairman

QC Planning Director

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

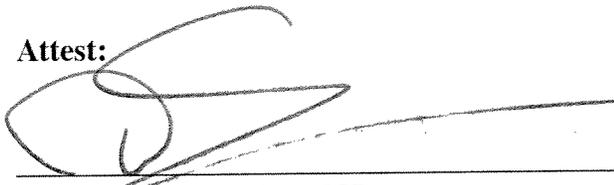


Timothy W. Root, Vice Chairman
Key West Planning Board

3/23/12

Date

Attest:



Donald Leland Craig, AICP
Planning Director

3.21.12

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

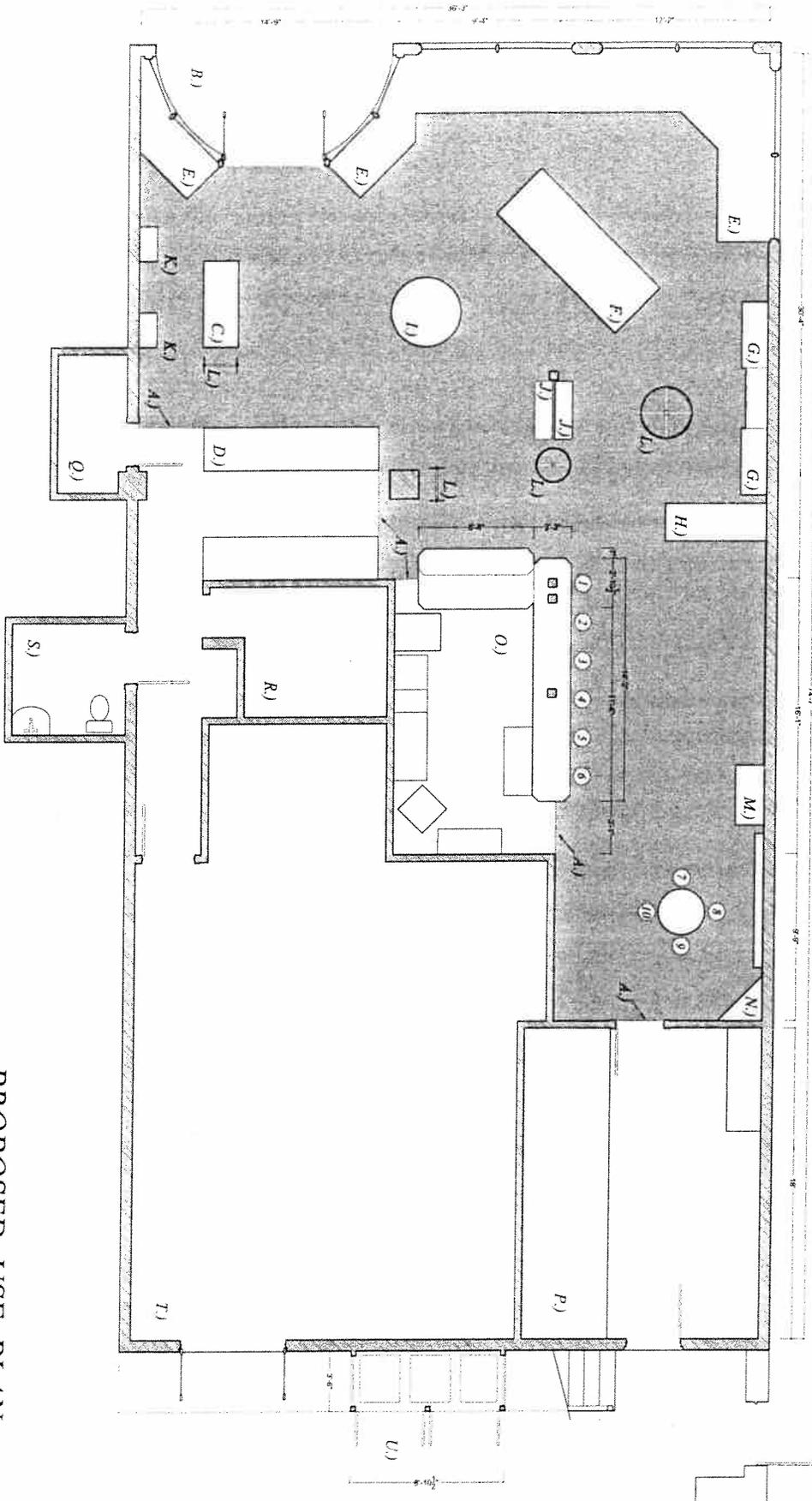
3-27-12

Date

 Vice Chairman

 Planning Director

- A) CEILING HEIGHT 10'-0" TO 12'-0"
- B) MERCHANDISE DISPLAY TABLE 12'-0" X 6'-0"
- C) MERCHANDISE DISPLAY TABLE 12'-0" X 6'-0"
- D) MERCHANDISE DISPLAY TABLE 12'-0" X 6'-0"
- E) MERCHANDISE DISPLAY TABLE 12'-0" X 6'-0"
- F) MERCHANDISE DISPLAY TABLE 12'-0" X 6'-0"
- G) MERCHANDISE DISPLAY TABLE 12'-0" X 6'-0"
- H) MERCHANDISE DISPLAY TABLE 12'-0" X 6'-0"
- I) MERCHANDISE DISPLAY TABLE 12'-0" X 6'-0"
- J) MERCHANDISE DISPLAY TABLE 12'-0" X 6'-0"
- K) MERCHANDISE DISPLAY TABLE 12'-0" X 6'-0"
- L) CLOTHING DISPLAY RACKS
- M) MERCHANDISE DISPLAY TABLE 12'-0" X 6'-0"
- N) MERCHANDISE DISPLAY TABLE 12'-0" X 6'-0"
- O) FLOOR AREA 12'-0" X 6'-0"
- P) MERCHANDISE STORAGE AREA 12'-0" X 6'-0"
- Q) MERCHANDISE STORAGE AREA 12'-0" X 6'-0"
- R) FITTING ROOM 7'-0" X 6'-0"
- S) ADA ACCESSIBLE RESTROOM 6'-0" X 6'-0"
- T) HARD SIGNAGE (NAME AND ADDRESS)
- U) MERCHANDISE STORAGE AREA 12'-0" X 6'-0"



PROPOSED USE PLAN

0 1 2 3 4 5
SCALE: 1/8" = 1'-0"

CONDITIONAL USE PLANNING
 THE GREEN PINEAPPLE MARKETPLACE
 1150 DUVAL STREET
 KEY WEST, FLORIDA 33040

