

**PLANNING BOARD
RESOLUTION NO. 2018**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A CONDITIONAL USE APPROVAL FOR THE LOCATION OF A RESTAURANT WITH OUTDOOR CONSUMPTION AREA ON PROPERTY LOCATED IN THE HISTORIC NEIGHBORHOOD COMMERCIAL-TRUMAN/SIMONTON (HNC-1) ZONING DISTRICT PURSUANT TO SECTIONS 122-62 AND 122-808 (13) 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-Truman/Simonton (HNC-1) Zoning District; and

WHEREAS, pursuant to Sections 122-62 and 122-808(13) 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 with outdoor consumption area use located at 1103-1105-1107 Simonton 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 May 17, 2018; 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

_____ Chairman
_____ Planning Director

general purpose and intent of the LDRs, 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 fully set forth herein.

Section 2. That a conditional use request, pursuant to Sections 122-62, and 122-808(13) of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing the location of a restaurant with outdoor consumption area use located at 1103-1105-1107 Simonton Street (RE # 00027490-000000; 00027500-000000; 00025710-000000) with the following conditions:

General conditions:

1. The conditional use and site improvements/renovations shall match approved plans submitted with the application received by the Planning Department and dated February 9, 2018.
2. The hours of construction/renovation 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. In order to offset the solid waste generated by the proposed use, staff recommends the owner participate in Waste Management's commercial recycling program.

4. Connection of the food truck to the site's sanitary sewer and a grease interceptor with connection for the food truck.
5. Provide Keys Energy with a completed project review form to ensure that adequate power will be provided to the property and the surrounding customer.
6. The restaurant shall be fully ADA (Americans with Disabilities Act of 1990) accessible.
7. The hours of operation for the restaurant and the accessory uses shall not exceed 10 PM.
8. The game courts shall be accessory to the principal restaurant use and not constitute the commercial amusement use per Section 86-9 of the Land Development Regulations.

Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:

9. 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.

_____ Chairman
_____ Planning Director

Read and passed on first reading at a regularly scheduled meeting held this 21st day of June, 2018.

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

Sam Holland, Planning Board Chair

Date

Attest:

Patrick Wright, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman
_____ Planning Director