

**PLANNING BOARD
RESOLUTION NO. 2017-**

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A MODIFICATION TO A MINOR DEVELOPMENT PLAN; CONDITIONAL USE; AND A LANDSCAPE WAIVER PURSUANT TO SECTIONS 108-91.C.4.; 122-62; 122-808(13); AND 108-517 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE RENOVATE AN EXISTING ONE STORY STRUCTURE FOR RESTAURANT USE FOR A TOTAL OF 50 SEATS ON PROPERTY LOCATED AT 1119 WHITE STREET (RE # 00034460-000000) WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL (HNC-1) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 108-91.C.4.; of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that a Modification of a Development Plan review is required due to the changes to specific conditions.; and

WHEREAS, Code Section 122-62 provides for approval of specific criteria for a Conditional Use; and

WHEREAS, Code Section 122-808(13) provides for approval of a request for a conditional use for Restaurants, excluding drive-through; and

WHEREAS, Code Section 108-517 provides for approval of a waiver to reduce the landscape requirements on the property; and

_____Chairman

_____ Planning Director

WHEREAS, Code Sections 108-196(a) requires the Planning Board to review and approve, with conditions or deny the proposed Minor Development Plan, Conditional Use and Landscape Waiver in an advisory capacity to the City Commission; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 20, 2017; and

WHEREAS, the granting of a Modification to a Minor Development Plan is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the granting of a Conditional Use is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the granting of a Landscape Waiver is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting of a Minor Development Plan, Conditional Use and Landscape Waiver is 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.

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 if fully set forth herein.

_____ Chairman

_____ Planning Director

Section 2. The Modification to a Minor Development Plan, Conditional Use and Landscape Waiver for the renovation of an existing one story structure for restaurant use and total 50 seats on property located at 1119 White Street (RE # 00034460-000000) within the Historic Neighborhood Commercial (HNC-1) Zoning District pursuant to Sections 108-91.A.1. (C); 122-62; 122-808(13); AND 108-517 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 proposed development shall be consistent with the plans dated July 6, 2017 by Serge Mashtakov, Professional Engineer.
2. No amplified music anywhere on the exterior of the premises, shall exceed the requirements of Sec. 26-191 and 26-192.
3. During all phases of demolition and construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
4. It is recommended that the applicant participate in Waste Management's commercial recycling program and/or participate in a certified green business program, such as through Florida Keys Green Living & Energy Education (GLEE).
5. The applicant shall obtain final landscape approval from the Tree Commission.
6. The hours of construction 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.
7. The hours of operation shall be from 5 a.m. to 10 p.m. seven days a week.

Prior to issuance of a Certificate of Occupancy:

8. Any applicable HARC Certificates of Occupancy shall be obtained.

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, Conditional Use and Parking Waiver application approval by the Planning Board does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the 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 Board.

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 shall 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 20th day of July, 2017.

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

Sam Holland, Planning Board Chairman

Date

Attest:

Patrick Wright, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman

_____ Planning Director