

RESOLUTION NO. 2024-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING APPROVAL OF A REQUEST FOR A MINOR DEVELOPMENT PLAN TO RECONSTRUCT A TWO-STORY COMMERCIAL STRUCTURE AND A REQUEST FOR CONDITIONAL USE APPROVAL TO ALLOW FOR THE EXPANSION OF A BAR CONSUMPTION AREA AND AN AMENDMENT TO PLANNING BOARD RESOLUTION 2006-020, LOCATED IN THE HRCC-1 ZONING DISTRICT, PURSUANT TO SECTION 108-91 AND SECTION 122-62 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 108-91(a) (1), of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that within the Historic District, Minor Development Plan is required for the construction of nonresidential floor area of 500 to 2,499 square feet of gross floor area; and

WHEREAS, the subject property is located at 430 Greene Street (RE# 00001470-000100) and is located in the HRCC-1 Duval Street Gulfside zoning district, and

WHEREAS, the subject property received conditional use approval from the Planning Board for use as a bar under Resolution 2006-020; and

WHEREAS, the City of Key West Building Department has revoked the certificate of occupancy for the existing building located at 430 Greene Street due to significant structural damage and life safety issues, and has concluded that demolition of the entire structure would most likely be required and rebuilt to current code, and

WHEREAS, Section 122-28(f) of the Code provides that if a noncomplying building or structure is a contributing building or structure according to the historic architectural review

commission (HARC) and it is involuntarily destroyed, such building or structure may be reconstructed or replaced without a variance so long as it is to be rebuilt in the three-dimensional footprint of the original building and built in the historic vernacular as approved by the historic architectural review commission.

WHEREAS, the applicant has requested amendment to Resolution 2006-020, removing all prior conditions; and

WHEREAS, this matter came before and was recommended for approval by the Planning Board at a duly noticed public hearing on November 20, 2024; and

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

WHEREAS, the City Commission finds that the granting approval of the proposed Minor Development Plan and Conditional Use 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 City Commission of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. The request for a Minor Development Plan and Conditional Use for the reconstruction of a two-story commercial structure on property located at 430 Greene Street (RE# 00001470-000100) within the HRCC-1 Duval Street Gulfside zoning district pursuant to Sections

108-91(a)(1)(b) 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 June 24, 2024 by William P. Horn, Architect, P.A.
2. This Conditional use shall allow for the operation of a bar as provided herein.
3. All prior conditions associated with Resolution No. 2006-020 shall be deemed null and void as a part of this resolution.
4. Building plans shall be subject to the review and approval of the Historic Architectural Review Commission (HARC) prior to the issuance of any permits.
5. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris unless required Right of Way permits are obtained.

Section 3. This Minor Development Plan application approval by the City Commission 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 4. 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 5. 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 Commerce. 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 DOC with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DOC 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 12th day of December, 2024.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2024.

Filed with the Clerk _____, 2024.

Mayor Danise Henriquez _____

Vice Mayor Lissette Carey _____

Commissioner Aaron Castillo _____

Commissioner Monica Haskell _____

Commissioner Mary Lou Hoover _____

Commissioner Sam Kaufman _____

Commissioner Donald "Donie" Lee _____

DANISE HENRIQUEZ, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK