


**PLANNING BOARD  
RESOLUTION NO. 2017-13**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A SPECIAL EXCEPTION TO POINCIANA PARTNERS, LLC FOR THE RETAIL PACKAGE SALE OF BEER, WINE AND LIQUOR ON PROPERTY WITHIN 300 FEET OF A CHURCH FOR PROPERTY LOCATED WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL (HNC-2) ZONING DISTRICT AT 700 EATON STREET (RE # 00006120-000000) PURSUANT TO SECTION 18-28(B) OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Section 18-28(a) of the Code of Ordinances of the City of Key West, Florida provides that no person shall conduct in the City any business involving the sale of alcoholic beverages where such place of business is within 300 feet of any established church, school, cemetery, or funeral home; and

**WHEREAS**, City Code Section 18-28(b)(2) provides that the prohibition in subsection (a) above shall not apply if a property owner is granted a special exception to specifically sell alcoholic beverages pursuant to authorization granted by the Planning Board that the use will not detrimentally impact the public health, safety or welfare after consideration of all of the following criteria:

- A. Compatibility with surrounding existing uses;
- B. The extent of conflict between the proposed use and the hours of operation of the facilities described above;
- C. Mitigation measures agreed to be implemented by the applicant;
- D. Public input;

  
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Interim Planning Director

E. That the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors;

F. Any other factors the approving body determines relevant to the public’s health, safety, and welfare; and

**WHEREAS**, the applicant requested a Special Exception for a retail package store within 300 feet of Christian Science Society and Reading Room and United Methodist Church pursuant to City Code Section 18-28(b)(2); and

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

**WHEREAS**, the Planning Board finds that the applicant’s proposal for retail package sales of alcohol is compatible with surrounding existing uses; and

**WHEREAS**, the Planning Board finds that the extent of conflict between the proposed use and the established church will be minimal; and

**WHEREAS**, the Planning Board considered the mitigation measures agreed to be implemented by the applicant; and

**WHEREAS**, the Planning Board considered public input; and

**WHEREAS**, the Planning Board has found that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors; and

**WHEREAS**, the Planning Board considered other factors determined relevant to the public’s health, safety, and welfare; and

  
Acting Chair  
  
Interim Planning Director

**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.

**Section 2.** That a Special Exception, under Section 18-28(b)(2) of the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: exclusive to Poinciana Partners, LLC, located at 700 Eaton Street (RE # 00006120-000000) Key West, Florida with the following conditions:

1. The Special Exception is granted exclusively to Poinciana Partners, LLC, and shall not be transferable.
2. The property owner is limited to four (4) wine tasting events per month.
3. The property owner may not charge less than twenty-five dollars (\$25.00) per bottle of wine.
4. That the property owner's hours of operation will not include the regularly scheduled church service hours of Sunday 8:30, 10:00 and 11:00 AM.

**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 Special Exception 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.

 Acting Chair  
Interim Planning Director

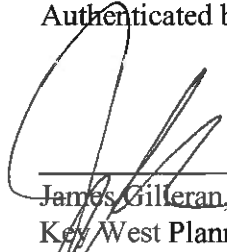
**Section 5.** This resolution shall go into effect immediately upon its passage, adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**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).

  
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Interim Planning Director

Read and passed at a dually noticed meeting held this 20<sup>th</sup> day of April, 2017.

Authenticated by the Vice Chair of the Planning Board and the Interim Planning Director;

  
\_\_\_\_\_  
James Gilleran, Acting Chair  
Key West Planning Board

5-10-17

Date

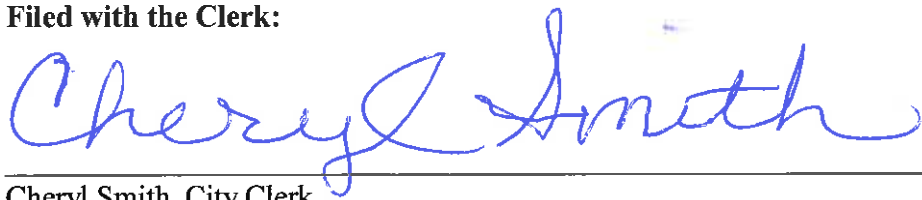
Attest:

  
\_\_\_\_\_  
Patrick Wright,  
Interim Planning Director

5-9-17

Date

Filed with the Clerk:

  
\_\_\_\_\_  
Cheryl Smith, City Clerk

5-10-17

Date

  
\_\_\_\_\_  
Acting Chair  
Interim Planning Director