

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING/DENYING THE APPEAL BY GREGORY S. OROPEZA, ESQ. ON BEHALF OF THE PROPERTY OWNER, 600 WHITEHEAD, LLC, (RE#00012901-000100), LOCATED WITHIN THE HISTORIC RESIDENTIAL OFFICE (HRO) ZONING DISTRICT; HEREBY UPHOLDING/AMENDING/DENYING THE PLANNING BOARD'S JUNE 18, 2026 DENIAL OF THE REQUEST FOR CHANGE OF NON-CONFORMING USE TO ALLOW A RESTAURANT WITH EIGHTEEN (18) INDOOR SEATS AT 600 WHITEHEAD STREET, KEY WEST, FLORIDA, AS REFLECTED IN PB RESOLUTION NO. 2026-022; FINDING THAT THE PLANNING BOARD'S DECISION WAS/WAS NOT MADE IN ACCORDANCE WITH PROCEDURAL AND SUBSTANTIVE LAND DEVELOPMENT REGULATIONS AS WELL AS THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 18, 2026, the Planning Board considered the Non-Conforming Use Application submitted for the property located at 600 Whithead Street, Key West, Florida RE#00012901-000100, ("Property") to allow a restaurant with eighteen (18) indoor seats on the property, pursuant to Section 122-32 of the Land Development Regulations (LDR's) of the City of Key West, Florida; and

WHEREAS, the existing use of the property is a legal non-conforming restaurant/retail use; and

WHEREAS, pursuant to Sec. 122-32(e) of the City's Land Development Regulations, a change of non-conforming use must involve a change from one non-conforming use to another non-conforming use that is less intensive and more compatible with the surrounding area; and

WHEREAS, at its regular meeting of August 6, 2026, the City

Commission of the City of Key West conducted a quasi-judicial public hearing concerning an appeal filed by Gregory S. Oropeza, Esq., on behalf of 600 Whitehead, LLC, of the Planning Board's denial of the applicant's Change of Non-Conforming Use Application, specifically denying a request for a change of nonconforming use to allow a restaurant with eighteen (18) indoor seats at 600 Whitehead Street; and

WHEREAS, the City Commission reviewed the record upon which the Planning Board based its decision and heard testimony and argument from the Appellant and City staff; and

WHEREAS, pursuant to Section 90-431 of the Code of Ordinances, the City Commission is authorized to hear appeals from decisions of the Planning Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the appeal of the Planning Board's denial of the application for change of non-conforming use for the property located at 600 Whitehead Street, is hereby **[upheld/denied]**, based upon the following findings:

Section 2: That the decision of the Planning Board is hereby **[upheld and affirmed/amended/denied]** as it **[was/was not]** made in accordance with procedural and substantive Land Development Regulations and the Comprehensive Plan.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Mayor and the Clerk of the Commission

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Passed and adopted by the City Commission at a meeting held
this _____ day of _____, 2026.

Authenticated by the Presiding Officer and Clerk of the Board
on the _____ day of _____, 2026.

Filed with the Clerk on _____, 2026.

Mayor Danise Henriquez	_____
Vice Mayor Donald "Donie" Lee	_____
Commissioner Lissette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Sam Kaufman	_____
Commissioner Greg Veliz	_____

DANISE HENRIQUEZ, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK