

**PLANNING BOARD
RESOLUTION NO. 2025-__**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING APPROVAL FOR A CONDITIONAL USE TO ALLOW FOR THE INTERIOR REMODEL OF A COMMERCIAL SPACE TO OPEN A PROPOSED COFFEE SHOP (RESTAURANT) LOCATED IN THE HISTORIC NEIGHBORHOOD COMMERCIAL (HNC-1) ZONING DISTRICT, PURSUANT TO SECTION 122-62, SECTION 122-836 THROUGH SECTION 122-808 AND SECTION 108-573 OF THE CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the “Subject Property” located at 601 Fleming Street (RE# 00006350-000000) is within the Historic Neighborhood Commercial (HNC-1) zoning district; and

WHEREAS, the applicant filed a request to allow for restaurant use; and

WHEREAS, Section 122-808(13) of the Code of Ordinance of the City of Key West provides that restaurants are conditional uses in the HNC-1 zoning district; and

WHEREAS, Sections 122-62(b) and (c) outlines the criteria for the Planning Board to review the conditional use request; and

WHEREAS, Section 122-63(e) of the Code of Ordinances requires a conditional use be reviewed based on the criteria in Sections 122-836 through 838; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on June 18th, 2025; and

WHEREAS, the Planning Board found that the request for a revision to the conditional use complies with the criteria in Section 122-62(b) and (c); and

WHEREAS, the approval of the conditional use application will be 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; and

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 request for a restaurant is hereby approved, pursuant to the Code of Ordinances of the City of Key West, Florida, per Section 122-62 and Section 122-808, with the following conditions:

1. Floor plans shall remain consistent with the attached plans dated 6.2.2025 by Nautilus Drafting & Design Services.
2. The owner shall obtain and maintain a Conditional Use Approval Permit, pursuant to City Code Chapter 18, Article II, Division 1. The owner shall be subject to an annual inspection to verify compliance with the conditions of this approval.
3. Waste bins shall be kept inside unless otherwise approved by the Utilities Department.

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 conditional use approval 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 Commerce. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (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 forty five (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 18th day of June 2025.

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

Peter Batty, Planning Board Chair

Date

Attest:

_____ Chairman
_____ Planning Director

Katie P. Halloran, Planning Director

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date

_____ Chairman

_____ Planning Director