

**PLANNING BOARD
RESOLUTION NO. 2020-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS AN AMMENDMENT TO A CONDITIONAL USE APPROVAL RESOLUTION NO. 2019-82 IN ORDER TO EXPAND THE HOURS OF OPERATION ON PROPERTY LOCATED AT 300 PETRONIA STREET (RE# 00014230-000000) WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL (HNC-3) ZONING DISTRICT PURSUANT TO SECTIONS 122-62, AND 122-868 (9) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the subject property is located within the Historic Neighborhood Commercial (HNC-3) zoning district; and

WHEREAS, Section 122-62 and 122-868 (9) of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”), the applicant filed an amendment to a conditional use approval in order to expand the hours of operation for the restaurant use approved per Resolution No. 2019-82 located at 300 Petronia Street; and

WHEREAS, City Code Section 122-62 outlines the criteria for reviewing a conditional use application by the Planning Board; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on February 20, 2020; and

WHEREAS, the Planning Board found that the proposed use complies with the criteria in City Code Sections 122-62 and 122-63; and

WHEREAS, the approval of the amendment to the conditional use application will be in harmony with the general purpose and intent of the LDRs, and will not be injurious to the

_____Chairman

_____Planning Director

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.

Section 2. That a conditional use request, pursuant to Sections 122-62, and 122-868 (9) of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing the expansion of operational hours to be Sunday through Thursday from 7:00 a.m. till 10:00 p.m. and, Friday through Saturday from 7:00 a.m. till 10:30 p.m..

General conditions:

1. The conditional use and restaurant shall match the approved plans signed and dated: September 14, 2019 by, Timothy Seth Neil, P.A.
2. The restaurant will have no more than forty-three (43) seats within the 646 square feet of consumption area.
3. Hours of operations will be from Sunday through Thursday from 7:00 a.m. till 10:00 p.m. and, Friday through Saturday from 7:00 a.m. till 10:30 p.m.
4. No deep fryers allowed on premises.
5. No meat smokers allowed on premises.
6. No power tool use after 5:00 p.m. (including pressure washing).

Section 3. It is a condition of this variance that full, complete and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that

no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to this variance in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

Section 5. This variance 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 6. 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 7. 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 Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty five (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 forty five (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.

Read and passed on first reading at a regularly scheduled meeting held this 20th day of February 2020.

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

Sam Holland, Chairman, Key West Planning Board

Date

Attest:

Roy Bishop, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date