

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

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A REQUEST FOR A SPECIAL EXCEPTION TO ADD THE SALE OF ALCOHOL AT AN EXISTING HOTEL LOCATED AT 325 DUVAL ST IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE – 1 DUVAL STREET GULFSIDE DISTRICT (HRCC-1) ZONING DISTRICT PURSUANT TO CHAPTER 18 (BUSINESSES), ARTICLE II (ALCOHOLIC BEVERAGES), DIVISION I (GENERALLY) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

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 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 in section (a) above;
- C. Mitigation measures agreed to be implemented by the applicant;
- D. Public input;

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 5COP license to sell alcoholic beverages within 300 feet of one (1) established 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 July 17, 2025; and

WHEREAS, the Planning Board finds that the applicant's proposal to sell alcohol is compatible with the surrounding existing uses; and

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

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

WHEREAS, the Planning Board considered public input; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance 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

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 'Casa 325' located at 325 Duval Street (RE# 00004320-000000), Key West, Florida with the following conditions:

1. The special exception is granted exclusively to 325 Duval and shall not be transferable.
2. All storage of alcohol shall be confined to the interior space of the hotel.
3. This approval does not establish on-site consumption area.
4. All solid waste for the premises, including the cardboard packaging created by the alcohol sales shall be contained in a closed dumpster or recycling/waste bins that are screened from the public right-of-way except for scheduled pick-up days.
5. If needed, the regularly scheduled pick-up for waste removal will be adjusted to ensure no trash accumulates beyond the storage capacity of the screened containers.
6. All prior conditions associated with Resolution No. 2024-015 shall be deemed null and void as a part of this resolution.

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.

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).

Read and passed at a duly noticed meeting held this 17th day of July, 2025.

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

Peter Batty, Planning Board Chair

Date

Attest:

Katie P. Halloran, Planning Director

Date

Filed with the Clerk:

