

RESOLUTION NO. 2025-\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MINOR DEVELOPMENT PLAN APPROVAL TO ALLOW FOR THE EXPANSION OF FOOD SERVICE TO THE EXISTING REAR YARD CONSUMPTION AREA AND CONSTRUCTION OF A WOOD-FRAMED PAVILION, LOCATED IN THE HRCC-1 ZONING DISTRICT, PURSUANT TO SECTION 108-91 AND CHAPTER 122, ARTICLE IV, DIVISION 7, SUBDIVISION II OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA.; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 108-91(a) (1), of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City'') provides that within the Historic District, Minor Development Plan is required for the construction of commercial floor area of 500 to 2,499 square feet of gross floor area; and

**WHEREAS**, the subject property is located at 218 Duval Street (RE# 00001400-000000) and is located in the HRCC-1 Duval Street Gulfside zoning district, and

**WHEREAS**, this matter came before and was recommended for approval with conditions by the Planning Board at a duly noticed public hearing on February 20, 2025; and

**WHEREAS**, the granting of the proposed Minor Development Plan is consistent with the criteria of the Code of Ordinances; and

**WHEREAS**, the City Commission finds that the granting approval of the proposed Minor Development Plan is 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.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission 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.** The request for a Minor Development Plan to construct a rear yard pavilion to allow for outdoor food service, located in the HRCC-1 zoning district, pursuant to Section 108-91 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, is hereby approved with the following conditions:

**General conditions:**

1. The proposed development shall be consistent with the plans dated December 9, 2024, by Lakewood Engineering Design and Construction Services.
2. The applicant/owner agrees to comply in all respects with the City of Key West Noise Ordinance.
3. Solid waste dumpsters shall be stored pursuant to City of Key West Land Development Regulations, Sec. 108-279.

4. Building plans shall be subject to the review and approval of the Historic Architectural Review Commission (HARC) or HARC planner prior to the issuance of any permits.

5. The hours of construction shall follow City Code.

6. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris unless the required right-of-way permit is obtained.

7. Minimum 289 cubic feet of stormwater retention capacity beneath the artificial turf areas consistent with the "Artificial Turf Permeability" detail sheet provided by the applicant and dated January 14, 2025.

**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 Minor Development Plan application approval by the City Commission does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the 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 shall be rendered to the Florida Department of Commerce. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 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 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 1<sup>st</sup> day of April, 2025.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_, 2025.

Filed with the Clerk \_\_\_\_\_, 2025.

Mayor Danise Henriquez \_\_\_\_\_  
Vice Mayor Lisette Carey \_\_\_\_\_  
Commissioner Aaron Castillo \_\_\_\_\_  
Commissioner Monica Haskell \_\_\_\_\_  
Commissioner Mary Lou Hoover \_\_\_\_\_  
Commissioner Sam Kaufman \_\_\_\_\_  
Commissioner Donald "Donie" Lee \_\_\_\_\_

\_\_\_\_\_  
DANISE HENRIQUEZ, MAYOR

ATTEST:

\_\_\_\_\_  
KERI O'BRIEN, CITY CLERK