

RESOLUTION NO. 2025-__

A RESOLUTION OF THE KEY WEST PLANNING BOARD APPROVING A REQUEST FOR CONDITIONAL USE APPROVAL TO ALLOW AN INCREASE IN SEATING FROM 50 TO 72 SEATS AT AN EXISTING RESTAURANT, LOCATED IN THE HISTORIC NEIGHBORHOOD COMMERCIAL – 1 TRUMAN/SIMONTON (HNC-1) ZONING DISTRICT, PURSUANT TO CHAPTER 122, ARTICLE III AND SECTION 122-808 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the “Subject Property” located at 1019 White Street (RE# 00033810-000000) is within the Historic Neighborhood Commercial – 1 Truman/Simonton (HNC-1) zoning district where restaurants are allowed as a conditional use; and

WHEREAS, the applicant filed a request to allow an increase from 50 seats to 72 seats; and

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

WHEREAS, Section 122-63(e) of the Code of Ordinances requires a conditional use be reviewed based on the criteria in Sections 122-806 through 122-808; and

WHEREAS, Section 122-808 of the Code of Ordinances provides that restaurants are allowed as a conditional use within the Historic Neighborhood Commercial – 1 Truman/Simonton (HNC-1) zoning district; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 17, 2025; and

WHEREAS, the Planning Board found that the request for 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 if fully set forth herein.

Section 2. That a request for a conditional use, under the Code of Ordinances of the City of Key West, Florida, per Section 122-688 is hereby approved with the conditions below:

General Conditions:

1. Maximum 72 seats. Seating arrangement shall be consistent with the attached floorplans dated May 23, 2025.

Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:

2. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property

on an annual basis upon reasonable notice to determine compliance with the above general conditions.

Conditions subject to a Conditional Approval Permit, and subject to an associated annual inspection:

3. Solid waste dumpsters shall be stored pursuant to City of Key West Land Development Regulations, Sec. 108-279 and shall be screened behind a gate to match existing fencing as indicated by the applicant.

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 Board.

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 17th day of July, 2025.

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

Peter Batty, Planning Board Chairman

Date

Attest:

Katie Halloran, Planning Director

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date