

RESOLUTION NO. 2025-__

**A RESOLUTION OF THE KEY WEST PLANNING BOARD
APPROVING A REQUEST FOR CONDITIONAL USE
APPROVAL TO ALLOW A CHANGE IN USE FROM
COMMERCIAL RETAIL TO EDUCATIONAL
INSTITUTION, 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 1023-1025 White Street (RE# 00033820-000100) is within the Historic Neighborhood Commercial 1 (HNC-1) zoning district where educational institutions are allowed as a conditional use; and

WHEREAS, the applicant filed a request to convert the use of the Subject Property from commercial retail to educational institution; 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 educational institution is allowed as a conditional use within the Historic Neighborhood Commercial 1 (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 122-808 is hereby approved with the conditions below:

General Conditions:

1. The school will adhere to the drop-off and pick-up operations indicated in the applicant's Solutions Statement dated May 16, 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. Maximum 66 seats at 1023-1025 White Street unless a parking variance is obtained.
4. If unanticipated traffic impacts are observed at the 1221 Varela Street location through a significant increase in parking or moving violations during drop-off and pick-up periods, the applicant shall prepare a new traffic management plan subject to the review and approval of the City Manager.
5. The Conditional Use shall be phased - Phase 1 shall commence immediately following the effective date of this resolution and Phase 2 shall commence within 1 year of the effective date and be completed within 2 years of the effective date.

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:

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____ Chairman
____ Planning Director

Keri O'Brien, City Clerk

Date