

RESOLUTION NO. 2024-__

A RESOLUTION OF THE KEY WEST PLANNING BOARD APPROVING A MINOR DEVELOPMENT PLAN TO RECONSTRUCT A TWO-STORY COMMERCIAL STRUCTURE FOR USE AS A BAR AT PROPERTY LOCATED IN THE HRCC-1 ZONING DISTRICT, PURSUANT TO SECTION 108-91 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 nonresidential floor area of 500 to 2,499 square feet of gross floor area; and

WHEREAS, the subject property is located at 430 Greene Street (RE# 00001470-000100) and is located in the HRCC-1 Duval Street Gulfside zoning district, and

WHEREAS, the City of Key West Building Department has revoked the certificate of occupancy for the existing building located at 430 Greene Street due to significant structural damage and life safety issues, and has concluded that demolition of the entire structure would most likely be required and rebuilt to current code, and

WHEREAS, Section 122-28(f) of the Code provides that if a noncomplying building or structure is a contributing building or structure according to the historic architectural review commission (HARC) and it is involuntarily destroyed, such building or structure may be reconstructed or replaced without a variance so long as it is to be rebuilt in the three-dimensional

footprint of the original building and built in the historic vernacular as approved by the historic architectural review commission.

WHEREAS, Code Section 108-196(a) requires the Planning Board to review and approve, approve with conditions or deny the proposed Minor Development Plan;

WHEREAS, this matter came before and was recommended for approval with conditions by the Planning Board at a duly noticed public hearing on October 17, 2024; and

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

WHEREAS, the Planning Board 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 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. The request for a Minor Development Plan for the reconstruction of a two-story commercial structure on property located at 430 Greene Street (RE# 00001470-000100) within the HRCC-1 Duval Street Gulfside zoning district pursuant to Sections 108-91(a)(1)(b) 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 June 24, 2024 by William P. Horn, Architect, P.A.
2. Prior to issuance of the CO and closing of building permits, the applicant shall provide payment of a donation of \$3,375 to the City Tree Fund.
3. The applicant shall work with the building owner and/or tenant to screen the solid waste dumpsters from view daily, pursuant to City of Key West Land Development Regulations, Sec. 108-279.
4. The hours of construction shall follow City Code and be limited to 8 a.m. to 7 p.m. on Monday to Friday, and 9 a.m. to 5 p.m. on Saturday.
5. 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.

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 Planning Board 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 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 October, 2024.

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

Sam Holland, Jr. Planning Board Chairman

Date

Attest:

Katie Halloran, Planning Director

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date