

**PLANNING BOARD  
RESOLUTION NO. 2018-**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING AN AMENDMENT TO CONDITIONAL USE APPROVAL PER SECTIONS 122-62 AND 122-63 OF THE CODE OF ORDINANCES FOR A YOGA STUDIO WITH ACCESSORY COMMERCIAL SALES LOCATED AT 529 WHITEHEAD STREET (RE# 00010000-000000) IN THE HISTORIC RESIDENTIAL OFFICE (HRO) ZONING DISTRICT, PURSUANT TO SECTION 122-928 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the subject property is located within the Historic Residential Office (HRO) zoning district; and

**WHEREAS**, the applicant filed an amendments to a conditional use application for a yoga studio with accessory commercial sales addressed at 529 Whitehead Street; and

**WHEREAS**, City Code Section 122-62 outlines the criteria for reviewing a conditional use application by the Planning Board; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on January 18, 2018; and

**WHEREAS**, the Planning Board found that the proposed use complies with the criteria in City Code Sections 122-62 and 122-63; and

**WHEREAS**, the approval of the amendment to the conditional use application will be in harmony with the general purpose and intent of the LDRs, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

\_\_\_\_\_ Chairman  
\_\_\_\_\_ Planning Director

**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 fully set forth herein.

**Section 2.** That a conditional use request, pursuant to Sections 122-62 and 122-928 of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing a yoga studio with accessory commercial sales at 529 Whitehead Street (RE# 00010000-000000), Key West, Florida, as shown in the attached plans submitted with the application with the following condition:

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

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 conditions of the Planning Board 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 and construction shall commence within 12 months after the date hereof.

**Section 4.** This resolution 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). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. 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 DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period the DEO 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.

\_\_\_\_\_ Chairman  
\_\_\_\_\_ Planning Director

Read and passed on first reading at a regularly scheduled meeting held this 18th day of January, 2018.

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

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Sam Holland, Planning Board Chair

Date

**Attest:**

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Patrick Wright, Planning Director

Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

Date

\_\_\_\_\_ Chairman  
\_\_\_\_\_ Planning Director