

RESOLUTION NO. 19-275

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, DENYING THE APPEAL BY TROPICAL SOUP, INC., OF THE PLANNING DIRECTOR'S DETERMINATION DATED MAY 7, 2019, PURSUANT TO SECTION 108-91 D.1 & 2, WITH REGARD TO REFERRING A MALLORY SQUARE MAJOR DEVELOPMENT PLAN BACK TO THE PLANNING BOARD IN LIGHT OF SIGNIFCANT MATERIAL CHANGES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, at its meeting of September 4, 2019, the City Commission, sitting as the Key West Board of Adjustment conducted a quasi-judicial hearing concerning an appeal by Tropical Soup, Inc. of the Planning Director's Letter of Determination dated May 7, 2019, to refer significant material changes to the site plan for the proposed Mallory Square Major Development back to the Planning Board for consideration; and

WHEREAS, the Board of Adjustment considered the record upon which the City Planning Director rendered his decision, and provided opportunity for presentation by the appellant and the City Planner; and

WHEREAS, City Code of Ordinances section 90-431(4) requires the concurring vote of no less than four members of the Board of Adjustment/City Commission to reverse or modify the order, requirement, decision or determination of the city planner.

NOW, THEREFORE, BE IT RESOLVED BY THE BY THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the appeal is hereby denied.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Board.

Passed and adopted by the Board of Adjustment at a meeting held this 4th day of September, 2019.

Authenticated by the presiding officer and Clerk of the Board on September 4, 2019.

Filed with the Clerk October 2, 2019.

Chair Teri Johnston	<u>No</u>
Vice Chair Sam Kaufman	<u>No</u>
Commissioner Gregory Davila	<u>No</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>


TERI JOHNSTON, CHAIR

ATTEST:


CHERYL SMITH, CITY CLERK