

**PLANNING BOARD  
RESOLUTION NO. 2019-**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A SPECIAL EXCEPTION TO KHP IV KEY WEST, LLC ALLOWING FOR THE SALE OF BEER, WINE, AND LIQUOR SALES AND CONSUMPTION TO THE GUESTS OF THE HOTEL ON PROPERTY WITHIN 300 FEET OF TWO CHURCHES LOCATED WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL – TRUMAN / SIMONTON (HNC-1) AND HISTORIC HIGH DENSITY RESIDENTIAL (HHDR) ZONING DISTRICTS AT 801-811 SIMONTON STREET, 813 SIMONTON STREET, 608 PETRONIA STREET, 610-616 PETRONIA STREET (RE # 00016270-000000; 00016390-000000; 00016280-000100; 00016320-000000) PURSUANT TO SECTION 18-28(B) OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Section 18-28(a) of the Code of Ordinances of the City of Key West, Florida provides that no person shall conduct in the City any business involving the sale of alcoholic beverages where such place of business is within 300 feet of any established church, school, cemetery, or funeral home; and

**WHEREAS**, City Code Section 18-28(b) (2) provides that the prohibition in subsection (a) above shall not apply if a property owner is granted a special exception to specifically sell alcoholic beverages pursuant to authorization granted by the Planning Board that the use will not detrimentally impact the public health, safety or welfare after consideration of all the following criteria:

- A. Compatibility with surrounding existing uses;
- B. The extent of conflict between the proposed use and the hours of operation of the facilities described above;

\_\_\_\_\_ Chairman

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

- C. Mitigation measures agreed to be implemented by the applicant;
- D. Public input;
- E. That the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors;
- F. Any other factors the approving body determines relevant to the public’s health, safety, and welfare; and

**WHEREAS**, the applicant requested a Special Exception for sales and consumption of wine, beer, and liquor within 300 feet of the following: Trinity Presbyterian Church of Key West, Inc., 717 Simonton Street and Trinity Wesleyan Methodist Church, 619 Petronia Street pursuant to City Code Section 18-28(b)(2); and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on September 19, 2019; and

**WHEREAS**, the Planning Board finds that the applicant’s proposal to sell wine, beer, and liquor is compatible with surrounding existing uses; and

**WHEREAS**, the Planning Board finds that the extent of conflict between the proposed use and the established church will be minimal; and

**WHEREAS**, the Planning Board considered the mitigation measures agreed to be implemented by the applicant; and

**WHEREAS**, the Planning Board considered public input; and

**WHEREAS**, the Planning Board has found that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have

\_\_\_\_\_ Chairman

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

objected to the application, and by addressing the objections expressed by these neighbors; and

**WHEREAS**, the Planning Board considered other factors determined relevant to the public's health, safety, and 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 Special Exception, under Section 18-28(b)(2) of the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: exclusive to KHP IV Key West, LLC located at 801-811 Simonton Street, 813 Simonton Street, 608 Petronia Street, 610-616 Petronia Street (RE# 00016270-000000; 00016390-000000; 00016280-000100; 00016320-000000) Key West, Florida with the following conditions:

1. The Special Exception is granted exclusively to KHP IV Key West, LLC, and shall not be transferable.

**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 Special Exception 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, adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

\_\_\_\_\_ Chairman

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

**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).

Read and passed at a dually noticed meeting held this 19<sup>th</sup> day of September 2019.

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

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Sam Holland, Chairman, Key West Planning Board

Date

**Attest:**

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Roy Bishop, Planning Director

Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

Date