

**PLANNING BOARD
RESOLUTION NO. 2017-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A CONDITIONAL USE APPROVAL FOR A COMMERCIAL PREP KITCHEN CONSISTING OF 591.2 SQUARE FEET FOR RESTAURANT USE ON PROPERTY LOCATED AT 328 SIMONTON STREET UNIT C (RE # 00004170-000100) WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL (HNC-1) ZONING DISTRICT PURSUANT TO SECTIONS 122-62 AND 122-808(13) 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 Neighborhood Commercial (HNC-1) Zoning District; and

WHEREAS, pursuant to Sections 122-62 and 122-808(13) of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City"), the applicant filed a conditional use application for the proposed restaurant use on property located at 328 Simonton Street Unit C; 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 October 19, 2017; and

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

_____ Chairman
_____ Planning Director

WHEREAS, the approval of 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.

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 122-808(13) of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing a restaurant use with on property located at 328 Simonton Street Unit C (RE # 00004170-000100), with the following conditions:

General conditions:

1. The floor plan layout shall be consistent with the approved Food Service Plan dated August 10, 2012.
2. All required Certificates of Appropriateness shall be obtained for the proposed development prior to building permit issuance.
3. In order to offset the solid waste generated by the proposed use, staff recommends the owner participate in Waste Management's commercial recycling program and/or participate in a certified green business program, such as through Florida Keys Green Living & Energy Education (GLEE).

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

1. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, and 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

_____ Chairman
_____ Planning Director

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.

Read and passed on first reading at a regularly scheduled meeting held this 19th day of October, 2017.

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

Sam Holland, Planning Board Chair

Date

Attest:

Patrick Wright, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date