

**PLANNING BOARD
RESOLUTION NO. 2024-__**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A REQUEST FOR A SPECIAL EXCEPTION TO ADD THE SALE OF ALCOHOLIC BEVERAGES AT AN EXISTING RESTAURANT IN THE LIMITED COMMERCIAL (CL) ZONING DISTRICT PURSUANT TO SECTION 18-28 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

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 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 of 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 in section (a) above;
- C. Mitigation measures agreed to be implemented by the applicant;
- D. Public input;

_____ Chairman
_____ Planning Director

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 a 2COP license to sell beer and wine within 300 feet of one (1) established school, 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 October 17, 2024; and

WHEREAS, the Planning Board finds that the applicant's proposal to sell alcohol is compatible with the surrounding existing uses; and

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

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

WHEREAS, the Planning Board considered public input; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance 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 'El Molcajete' located at 1500 Bertha Street (RE# 00063180-000000), Key West, Florida with the following conditions:

1. The special exception is granted exclusively to 1500 Bertha Street and shall not be transferable.
2. All storage of alcohol shall be confined to the interior space of the restaurant.
3. All sale of alcohol shall be for restaurant customers only.
4. All solid waste for the premises, including the cardboard packaging created by the alcohol sales shall be contained in a closed dumpster or recycling/waste bins that are screened from the public right-of-way except for scheduled pick-up days.
5. If needed, the regularly scheduled pick-up for waste removal will be adjusted to ensure no trash accumulates beyond the storage capacity of the screened containers.

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 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).

Read and passed at a duly noticed meeting held this 17th day of October 2024.

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

, Planning Board Chair Date

Attest:

Katie P. Halloran, Planning Director Date

Filed with the Clerk:

Keri O'Brien, City Clerk Date

_____ Chairman
_____ Planning Director

_____ Chairman

_____ Planning Director