

**PLANNING BOARD
RESOLUTION NO. 2017-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS AN AMENDMENT TO CONDITIONAL USE APPROVAL TO REDUCE BAR/LOUNGE AREA AND INCREASE RESTAURANT AREA ON PROPERTY LOCATED IN 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 an amendment to a conditional use application to reduce the bar/lounge area and increase the restaurant area on property located at 1128 Simonton 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 August 17, 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

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.

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 for the reduction of the bar/lounge area and the increase of the restaurant area on property located at 1128 Simonton Street (RE # 000027600-000000), with the following conditions:

General conditions:

1. The conditional use and site improvements/renovations shall match approved plans dated April 14, 2017 by WSA Architecture.
2. The hours of interior renovation shall be in compliance with City Code and be limited to 8 AM to & 7 PM on Monday to Friday, and 9 AM to 5 PM on Saturday.
3. If the property is sold to a different ownership, the applicant is required to remove trash and recycle storage, and create sufficient solid waste storage on the 1128 Simonton Street parcel, screened from adjacent properties and public ways by fences, walls, or landscaping.
4. The restaurant shall be fully ADA (Americans with Disabilities Act of 1990) accessible.

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

5. 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.

Read and passed on first reading at a regularly scheduled meeting held this 17th day of August, 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