

**PLANNING BOARD
RESOLUTION NO. 2017-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A SPECIAL EXCEPTION TO KEY WEST POOL ROOM, LLC, JOINED BY HABANA KEY WEST, LLC ALLOWING FOR THE SALE OF BEER, WINE AND LIQUOR SALES AND CONSUMPTION AS AN ACCESSORY USE TO A NEW RESTAURANT ON PROPERTY WITHIN 300 FEET OF ONE CHURCH LOCATED WITHIN THE COMMERCIAL LIMITED (CL) ZONING DISTRICT AT 3100 FLAGLER AVENUE (RE # 00069090-000000) 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 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 above;
- 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 alcohol within 300 feet of the following: Evangelical Church of the Pilgrims Inc., 3210 Flagler Avenue 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 December 21, 2017; and

WHEREAS, the Planning Board finds that the applicant’s proposal to sell wine and beer 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 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 Key West Pool Room, LLC, joined by Habana Key West, LLC located at 3100 Flagler Avenue (RE # 00069090-000000) Key West, Florida with the following conditions:

1. The Special Exception is granted exclusively to Key West Pool Room, LLC, joined by Habana 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.

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 21st day of December, 2017.

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

Sam Holland, Chairman
Key West Planning Board

Date

Attest:

Patrick Wright,
Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date