

**PLANNING BOARD
RESOLUTION NO. 2018-26**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD
GRANTING MINOR DEVELOPMENT PLAN AND
CONDITIONAL USE APPROVAL PURSUANT TO SECTIONS
108-91.A.1(c), 122-62, AND 122-898 (6) & (11), OF THE LAND
DEVELOPMENT REGULATIONS OF THE CODE OF
ORDINANCES OF THE CITY OF KEY WEST, FLORIDA
FOR THE CONSTRUCTION OF A POCKET PARK AND
EXPANSION OF RESTAURANT USE ON PROPERTY
LOCATED ON THE 1400 BLOCK OF DUVAL STREET
WITHIN THE HISTORIC COMMERCIAL TOURIST (HCT)
ZONING DISTRICTS; PROVIDING FOR AN EFFECTIVE
DATE**

WHEREAS, Section 108-91 of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that a Minor Development Plan is required for the addition of outdoor commercial activity consisting of restaurant seating, outdoor commercial storage, active recreation, outdoor sales area or similar activities of 500 to 2,499 square feet; and


WHEREAS, Code Sections 108-196(a) the Planning Board to review and approve, with conditions or deny the proposed Minor Development Plan in an advisory capacity to the City Commission; and


WHEREAS, Section 122-898(6) & (11) of the Code of the City provides that parks and recreation, active and passive, and restaurants, excluding drive-through is a conditional use in the HCT Zoning District; and

WHEREAS, Section 122-62 provides the specific criteria for the approval of a conditional use; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on

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Chairman
Planning Director

June 21, 2018; and

WHEREAS, the granting of a Minor Development Plan and Conditional Use is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting of a Minor Development Plan and Conditional Use is in harmony with the general purpose and intent of the Land Development Regulations, 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 if fully set forth herein.

Section 2. The Minor Development Plan and Conditional Use for the construction of a pocket park and expansion of restaurant use on the 1400 block of Duval Street within the Historic Commercial Tourist (HCT) Zoning District pursuant to Sections 108-91.A.1(c), 122-62 and 122-898(6) & (11) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, is hereby approved with the following conditions:

General conditions:

1. The hours of construction shall be in compliance with City Code and be limited to 8 AM to 5 PM on Monday to Friday, and 9 AM to 5 PM on Saturday.
2. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

 Chairman
 Planning Director

3. Final Construction Plans must be signed and sealed by Tomas E. Pope P.A. Pope-Scarborough Architects and must provide more detail of the paver material and how the pavers will be set and placed to prevent deterioration and periodic inundation and damage from storm surge.

4. Final Construction Plans must be signed and sealed by Tomas E. Pope P.A. Pope-Scarborough Architects and must provide a transition or driveway cut from the entrance to this portion of Duval Street from South Street up to the new finish surface. Connect the sidewalk from the southeast and southwest corners of South Street with new concrete sidewalk. Also, the proposed grades will need to accommodate drainage requirements of the Pocket Park and South Street right-of-way.

5. Final Construction Plans must be signed and sealed by Tomas E. Pope P.A. Pope-Scarborough Architects and show the two signs on the property: One that clearly identifies public access, "Duval Street Park-Open to the Public" and one within the first median facing South Street indicating "Authorized Vehicle Access Only" to discourage the public from taking vehicular access along this portion of Duval Street.

6. Proposed restaurant consumption area for the outdoor café space shall be limited to 2,400 square feet as indicated on site plans by Tomas E. Pope P.A. Pope-Scarborough Architects dated May 30, 2018.

Conditions prior to the City Commission hearing:

7. The applicant shall obtain final landscape plan approval from the Tree Commission.

Conditions prior to issuance of a building permit:

8. A Revocable License for the use of the chairs and tables on the City of Key West public right-of-way on the 1400 Block of Duval Street must be coordinated by the surrounding properties at 1400, 1401 & 1405 Duval Street.

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 Minor Development Plan and Conditional Use application approval by the Planning Board does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the 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 Board.

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 shall 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.

 Chairman

 Planning Director

Read and passed on first reading at a regularly scheduled meeting held this 21st day of June, 2018.

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



Sam Holland, Planning Board Chairman

7-2-18

Date

Attest:



Patrick Wright, Planning Director

6-28-18

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

7-3-18

Date



Chairman



Planning Director

