

**RESOLUTION NO. 18-**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A SITE PLAN MODIFICATION PER CITY COMMISSION RESOLUTION NO. 01-342 ON PROPERTY LOCATED AT 1400 DUVAL STREET (RE: 00036360-000000) WITHIN THE HISTORIC COMMERCIAL TOURIST (HCT) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, On September 20, 2001 the Key West Planning Board approved with conditions Major Development Plan and Conditional Use approvals for the property located at 1400 Duval Street, Resolution No. 2001-021; and

**WHEREAS**, The City Commission on November 20, 2001 approved the Major Development Plan and Conditional Use via Resolution 01-342 with conditions. Condition No. 13 states that any changes to the site not already listed on the approved site plan, shall be reviewed and approved by the City Commission; and

**WHEREAS**, The property owner proposes a food truck to be located on the private property of the Southernmost House at 1400 Duval Street, which necessitates the modification of the site plan; and

**WHEREAS**, the granting of the Site Plan Modification will be 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 City Commission 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 the City Commission grants approval of the application for the Site Plan Modification for a proposed food truck on the property of 1400 Duval Street as shown in the attached plans, is hereby approved.

**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 Site Plan Modification 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 will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C, F.A.C., this permit is not effective for forty-five (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 forty five (45) day review period the DEO can appeal the permit 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.

Passed and adopted by the City Commission at a meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Authenticated by the presiding officer and Clerk of the  
Commission on \_\_\_\_\_, 2018.

Filed with the Clerk \_\_\_\_\_, 2018.

Mayor Craig Cates	_____
Commissioner Samuel Kaufman	_____
Vice Mayor Clayton Lopez	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK