

**PLANNING BOARD  
RESOLUTION NO. 2019-**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS AN AMMENDMENT TO A CONDITIONAL USE APPROVAL RESOLUTION NO. 2011-061 IN ORDER TO INCORPORATE A 5COP LIQUOR LICENSE AS AN ACCESSORY USE TO THE BAR AND LOUNGE USE ON PROPERTY LOCATED IN THE DUVAL STREET OCEANSIDE (HRCC-3) ZONING DISTRICT PURSUANT TO SECTIONS 122-62 AND 122-748 (9) 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 Duval Street Oceanside (HRCC-3) zoning district; and

**WHEREAS**, pursuant to Sections 122-62 and 122-748(9) 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 in order to incorporate a 5 COP liquor license as an accessory use to the bar and lounge use approved per Resolution No. 2011-061 located at 821 Duval 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 January 17, 2019; and

**WHEREAS**, the Planning Board found that the proposed use complies with the criteria in City Code Sections 122-62 and 122-63; and

\_\_\_\_\_ Chairman  
\_\_\_\_\_ Planning Director

**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 122-748(9) of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing the sale of beer, wine and liquor within the bar and lounge use located at 821 Duval Street – (00016820-000000) with the following conditions:

**General conditions:**

1. ADA access is provided and maintained.
2. The applicant will maintain a programmable distributive sound system to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances and shall include a computerized sound monitoring system with real time monitoring access is provided to the City.

**Conditions subject to a Conditional Approval Permit, per Ordinance 10-22. Conditions subject to an associated annual inspection:**

3. Hours of operation are limited to Sunday through Thursday 10 a.m. to 2 a.m. and Friday and Saturday from 10 a.m. to 4 a.m.
4. The use is approved for the sale of beer, wine, and liquor.

5. There will be no amplified outdoor music.
6. There will be no additional seats allowed without further City approvals.
7. The applicant expressly agrees to provide the City's agents unfettered access to the computer-generated reports and full, real time web-based access to the digital monitoring of on-site acoustics for assuring compliance with the conditions contained herein.

**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 January, 2019.

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

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Sam Holland, Planning Board Chair

Date

**Attest:**

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Patrick Wright, Planning Director

Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

Date