

**PLANNING BOARD
RESOLUTION NO. 2019-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS AN AMMENDMENT TO A SPECIAL EXCEPTION TO MARK DAVID WYANT, OF SEASIDE HOSPITALITY CORPORATION ALLOWING FOR THE EXPANSION OF SEATING FROM (30) THIRTY SEATS TO (60) SIXTY SEATS IN ORDER TO CONDUCT SALES OF ALCOHOLIC BEVERAGES TO OCCUR WITHIN 300 FEET OF A CHURCH FOR PROPERTY LOCATED WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL – TRUMAN/SIMONTON (HNC-1) ZONING DISTRICT AT 417 EATON STREET (RE # 00004380-000200) 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 an amendment to a special exception in order to expand the current (30) thirty seats to (66) sixty-six seats for the restaurant that is located within the hotel; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on September 19, 2019; and

WHEREAS, the Planning Board finds that the applicant’s proposal to sell alcohol 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 Seaside Hospitality Corporation, located at 417 Eaton Street (RE # 00004380-000200), Key West, Florida with the following conditions:

1. The Special Exception is granted exclusively to Seaside Hospitality Corporation, and shall not be transferable.
2. The Special Exception shall only be effective in conjunction with a 6COP alcoholic beverage license for on-premises consumption of beer, wine and liquor.
3. That the exception and therefore, the sale of alcohol, is accessory to the restaurant use located within the hotel and is limited to (66) sixty-six seats.
4. Pursuant to Section 18-57 an entertainment license shall be required for any live or recorded amplified music.

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 19th day of September 2019.

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

Sam Holland, Vice Chairman
Key West Planning Board

Date

Attest:

Roy Bishop,
Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date