

**PLANNING BOARD RESOLUTION
NUMBER 2009-020**

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A CONDITIONAL USE PERMIT TO RENT TEN BICYCLES, FIFTEEN SCOOTERS, FIVE MOTORCYCLES AND TWO ELECTRIC CARS AT PROPERTY LOCATED AT 417 SOUTHARD STREET, COMMONLY KNOWN AS HONDA KEY WEST (RE#00010040-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

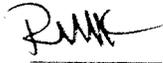
WHEREAS, the subject property is located in two zoning districts; and

WHEREAS, the two zoning districts are Historic Residential Office (HRO) and Historic Residential Commercial Core (HRCC-1); and

WHEREAS, the applicant currently operates a legal non-conforming City-licensed motorcycle and scooter sales and service business at this location and has done so for decades; and

WHEREAS, Code Section 122-929 prohibits sales and rentals within the HRO zoning district; and

WHEREAS, Code Section 122-688(17) of the Code of Ordinances allows “small recreational power driven equipment rentals” as a Conditional Use in the HRCC-1 zoning district; and


Chairman

Planning Director

WHEREAS, the applicant filed a conditional use application to allow the rental of 10 bicycles, 15 scooters, 5 motorcycles and 2 electric cars within the portion of the building located in the HRCC-1 zoning district; and

WHEREAS, Sections 122-61 and 122-62 outline the criteria for reviewing a Conditional Use application; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on May 21, 2009; and

WHEREAS, approval of the Conditional Use application 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; and

WHEREAS, the approval of the conditional use application is consistent with the criteria in the Code; 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.


Chairman

Planning Director

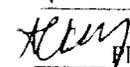
Section 2. That a Conditional Use application, per Section 122-688 (17), under the Code of Ordinances of the City of Key West, Florida, is hereby approved for property located at 417 Southard Street (RE#00010040-000000), as shown in the attached application dated April 9, 2009, with the following conditions of approval:

1. Storage of vehicle inventory on the City Right-of-Way is strictly prohibited without an easement agreement between the applicant and the City.
2. All transactions for, and storage of, the 10 bicycles, 15 scooters, 5 motorcycles and 2 electric cars shall occur in the portion of the building within the HRCC-1 zoning district.
3. Parking of electric cars at Clinton Square is prohibited.

Section 3. This Conditional Use approval 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 4. 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 5. 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 Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness


Chairman

Planning Director

of the permit until the appeal is resolved by agreement or order.

Section 6. It is a requirement of this conditional use that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this conditional use is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this conditional, shall be submitted in its entirety within twelve months after the date hereof; and further, that no application or reapplication for new construction for which the conditional use is wholly or partly necessary shall be made after expiration of the twelve month period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Read and passed on first reading at a regular meeting held this 21st day of MAY, 2009.

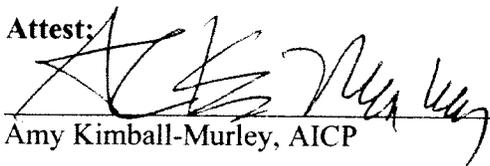
Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman
Key West Planning Board

MAY 26, 2009
Date

Attest:



Amy Kimball-Murley, AICP

MAY 26, 2009
Date

RWK Chairman
ALM Planning Director

Planning Director

Filed with the Clerk:

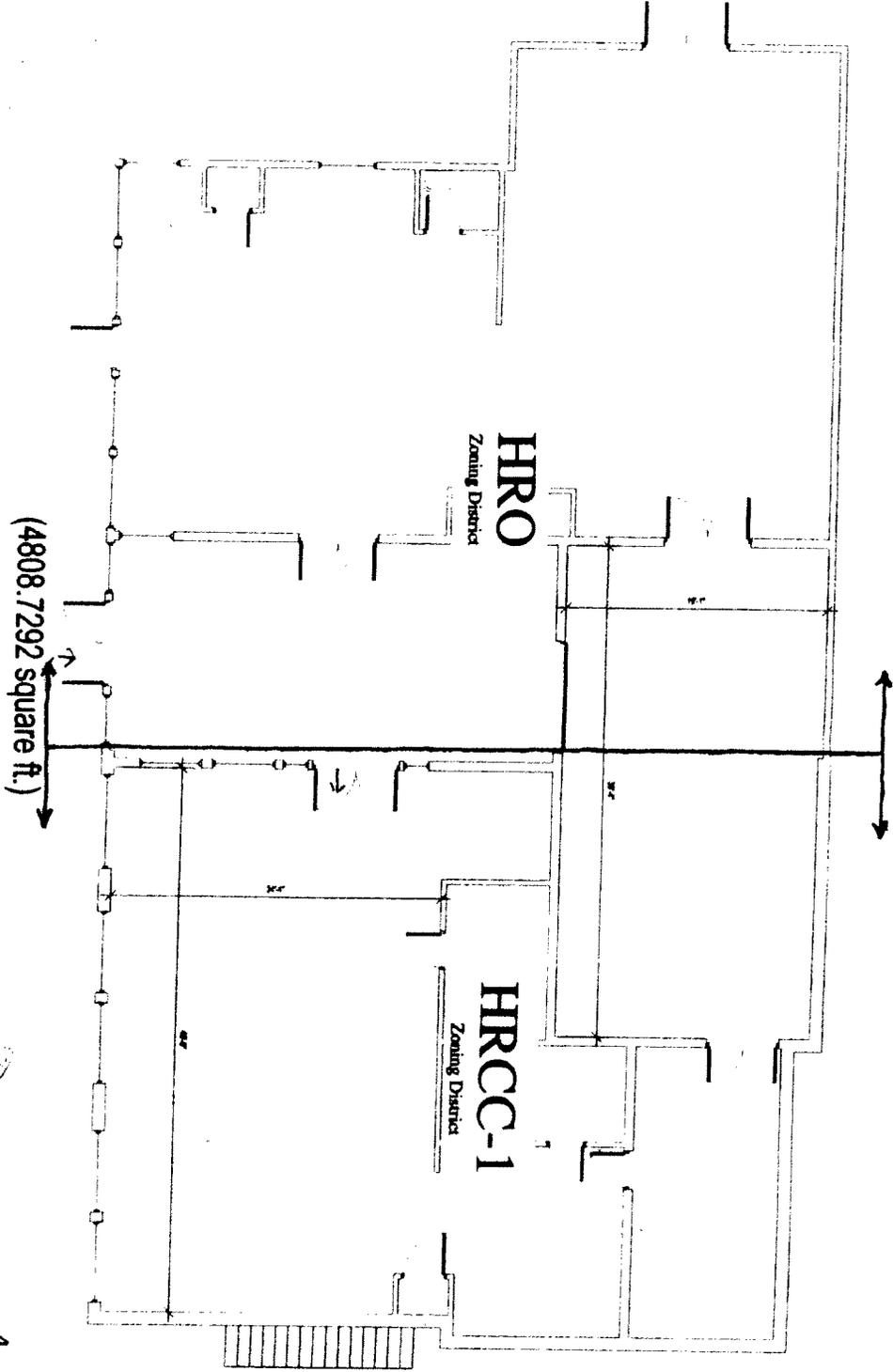
Cheryl Smith
Cheryl Smith, City Clerk

5-26-09
Date

RMC Chairman
Allen Planning Director

1

EXISTING 1ST FLOOR
1/8"=1'



W
A-19-09

*ALAN
RUK*

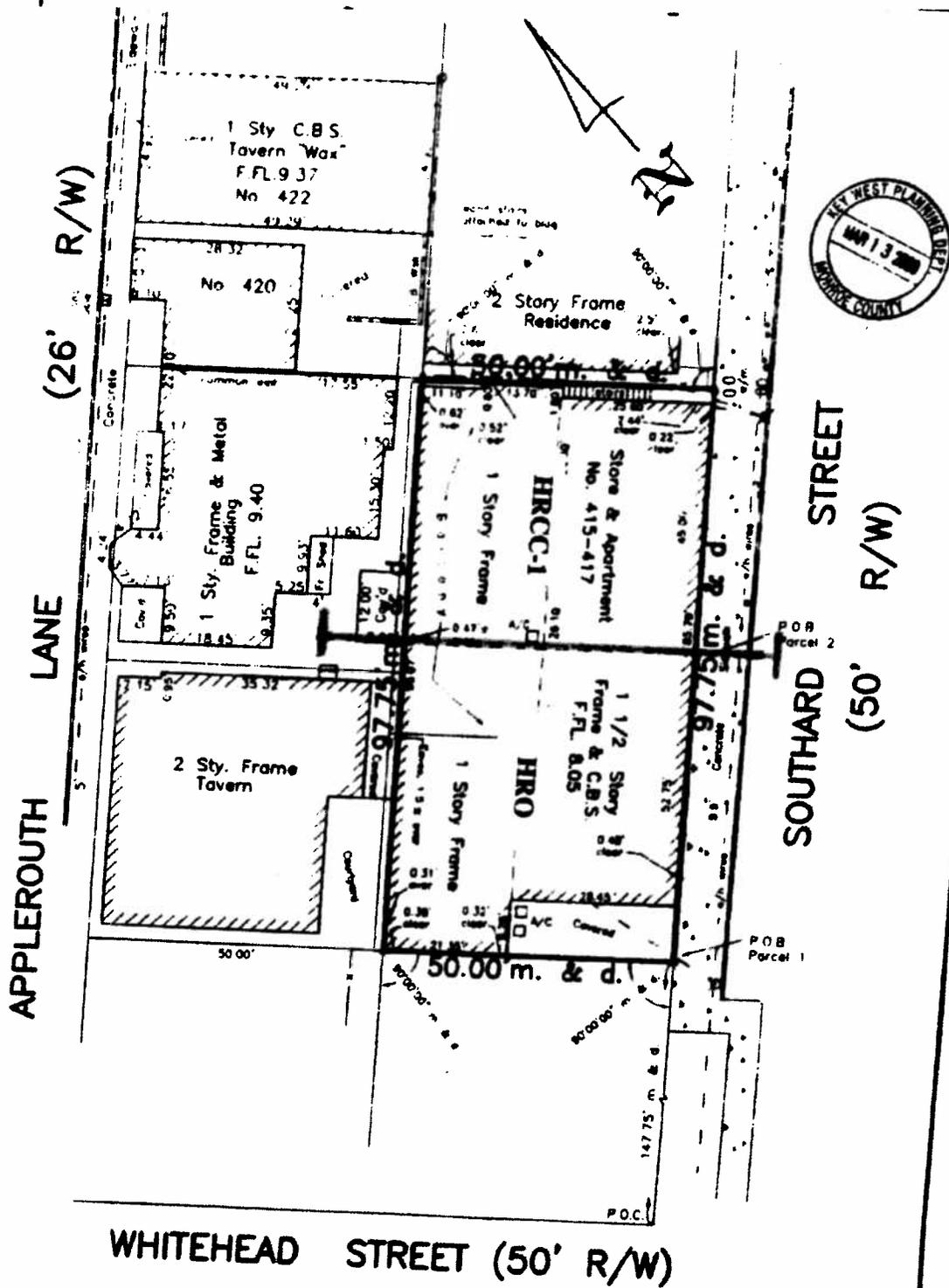
A1

117 FOOTHARD STREET

10 1/2 BLOCKS WEST OF WEST PALM BEACH

Revised 12/2004
 10/20/04 041 0420
 041 0000





Victor Mills 415-417 Southard Street, Key West, Florida 33040			
BOUNDARY SURVEY		Dwn No. 06-387	
Scale: 1"=20'	Ref. 188-51	Flood panel No. 1516 R	Dwn. By: F.H.M.
Date: 10/4/06	No.	Flood Zone: II	Flood Elev. —
REVISIONS AND/OR ADDITIONS			

FREDERICK H. HILDEBRANDT
ENGINEER PLANNER SURVEYOR

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Key West, FL 33040
(305) 293-0468
Fax: (305) 293-0237

*ACKN
RWR*