

**RESOLUTION NUMBER 2009-52**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A CONDITIONAL USE APPROVAL PER SECTION 122-62 AND 122-63 OF THE CODE OF ORDINANCES FOR A BAR AND LOUNGE LOCATED AT 1075 DUVAL STREET UNIT C-4 (RE# 00027090-000106) IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE - OCEANSIDE (HRCC-3) ZONING DISTRICT, PURSUANT TO SECTION 122-748(9) OF THE CODE OF ORDINANCES, KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subject property is located in the Historic Residential Commercial Core – Duval Street Oceanside (HRCC-3) zoning district; and

**WHEREAS**, Section 122-748(9) of the Code of Ordinances provides that bars and lounges are allowed as a conditional use within the Historic Residential Commercial Core- Duval Street Oceanside (HRCC-3) zoning district; and

**WHEREAS**, Section 122-61 of the Code of Ordinances allows applicants to request a conditional use approval; and

**WHEREAS**, the applicant filed a conditional use application for a bar and lounge to sell beer and wine at 1075 Duval Square unit C-4; and

 Vice Chairman  
 Planning Director

**WHEREAS**, the subject property is located within a mixed use condominium built in 1987, and the proposed bar and lounge would be within the interior of unit C-4, one of the commercial retail units; and

**WHEREAS**, 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 November 19, 2009; and

**WHEREAS**, the Planning Board found that the proposed use complies with the criteria in Section 122-62; and

**WHEREAS**, the 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

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

 Vice Chairman  
 Planning Director

**Section 1.** That the above recitals are incorporated by reference as fully set forth herein.

**Section 2.** That a conditional use request, under the Code of Ordinances of the City of Key West, Florida, per Section 122-748(9) is hereby approved as follows: allowing a 360 square foot, indoor consumption area for a bar and lounge for property located at 1075 Duval Street, unit C-4 (RE# 00027090-000106), Key West, Florida, as shown in the attached site plans dated August 21, 2009, with the following conditions:

1. The consumption area is indoors and limited to 360 square feet;
2. The use is approved for the sale of beer and wine only;
3. Hours of operation are from Sunday - Thursday until midnight, and Friday and Saturday until 1 am;
4. There will be no entertainment or amplified music on the premises;
5. The applicant expressly consents to permit agents of the City to enter onto the subject property to assure compliance with or to enforce the conditions contained herein, without the necessity of a duly issued search or administrative warrant in furtherance of an annual inspection.

**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 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

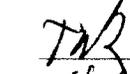
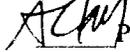
  
Vice Chairman  
  
Planning Director

assertion of legal authority respecting the property.

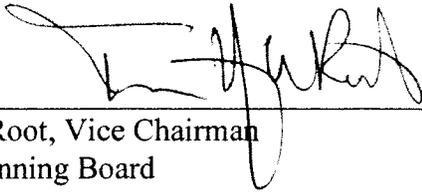
**Section 5.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**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 Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order 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 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 regular meeting held this 19th day of November, 2009.

 Vice Chairman  
 Planning Director

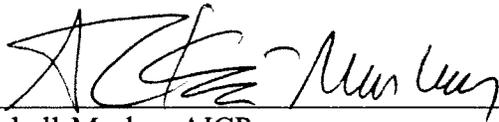
Authenticated by the Vice Chairman of the Planning Board and the Planning Director.



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Timothy W. Root, Vice Chairman  
Key West Planning Board

12-3-09  
\_\_\_\_\_  
Date

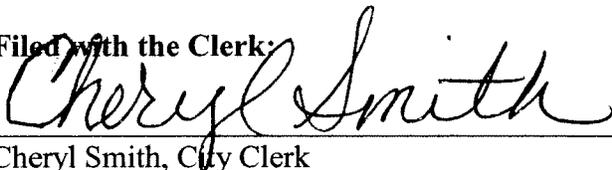
**Attest:**



\_\_\_\_\_  
Amy Kimball-Murley, AICP  
Planning Director

12/3/09  
\_\_\_\_\_  
Date

**Filed with the Clerk:**

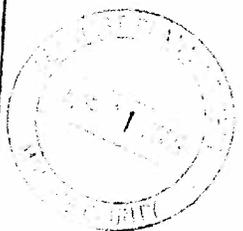
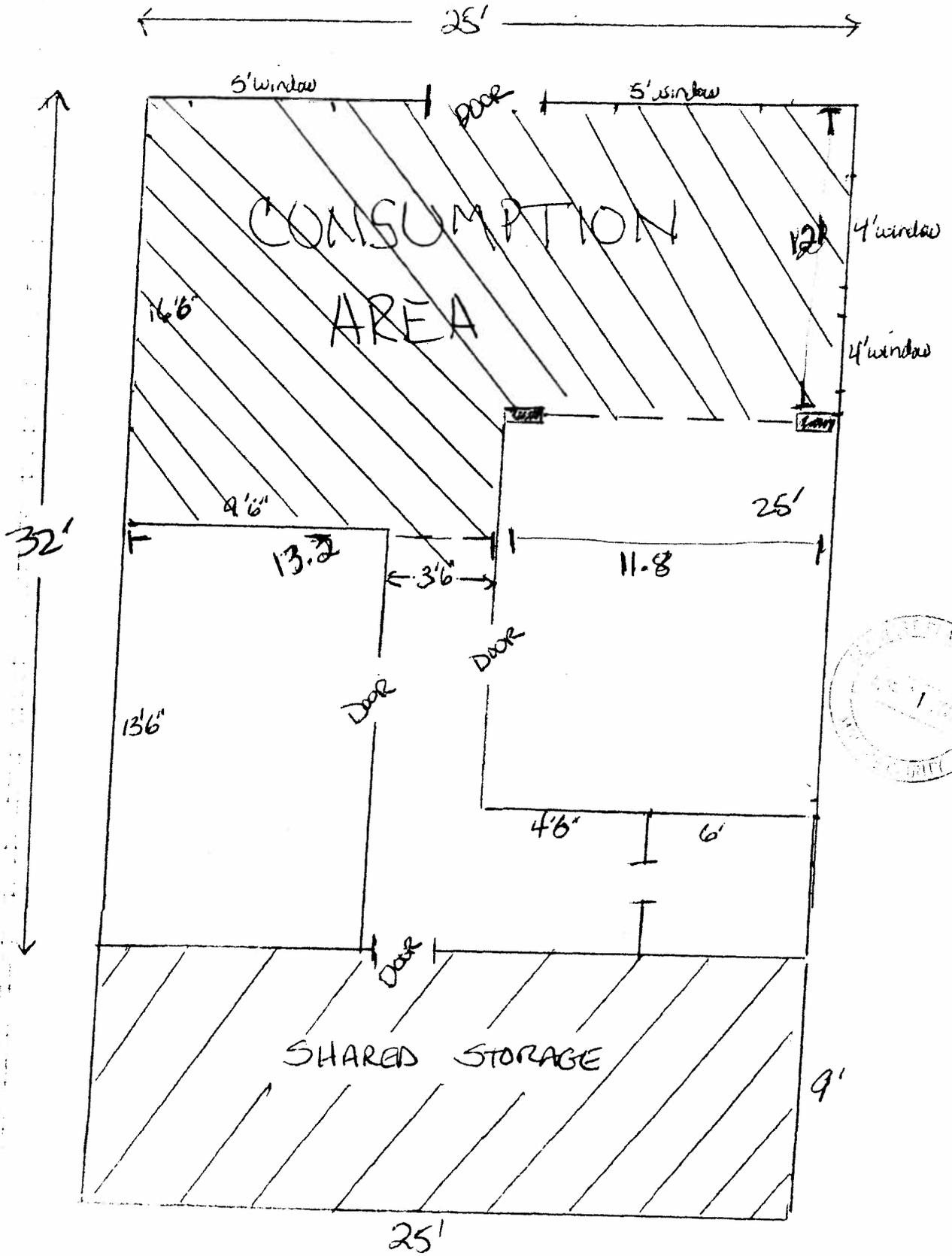


\_\_\_\_\_  
Cheryl Smith, City Clerk

12-3-09  
\_\_\_\_\_  
Date

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

1075 DUVAL STREET C4



TRP