

**RESOLUTION NUMBER 2011-048**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A SPECIAL EXCEPTION TO RICHARD DENNISON, TENANT AT 917 1A FRANCES STREET, ALLOWING FOR THE SALE OF ALCOHOL TO OCCUR WITHIN 300 FEET OF A CEMETERY FOR PROPERTY LOCATED WITHIN THE HHDR ZONING DISTRICT, PURSUANT TO SECTION 18-28 (b)(2) OF THE CODE OF ORDINANCES, FOR PROPERTY LOCATED AT 917 A1 FRANCES STREET (RE# 00021680-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 18-28 (a) of the Code of Ordinances 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**, 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;

  
Chairman

 Planning Director

- 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 a Special Exception to sell alcohol within 300 feet of an established cemetery, pursuant to Section 18-28 (b)(2); and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on October 20, 2011; 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, church, and funeral home will be minimal; and

**WHEREAS**, the Planning Board considered the mitigation measures agreed to be implemented by the applicant; and

  
Chairman  
  
Planning Director

**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 THE APPLICANT Richard Dennison, TO BE LOCATED AT 917 A1 FRANCES STREET (RE#00021680-000000), KEY WEST FLORIDA** with the following condition:

**General Conditions:**

1. That approval of the Special Exception shall not allow the sale nor consumption of alcoholic beverages on site, nor the consumption of food on site.

  
Chairman

  
Planning Director

**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 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).

Read and passed at a meeting held this 20<sup>th</sup> day of October, 2011.

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

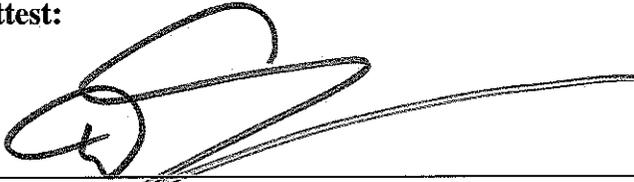


Richard Klitenick, Chairman  
Key West Planning Board

10/28/2011

Date

Attest:

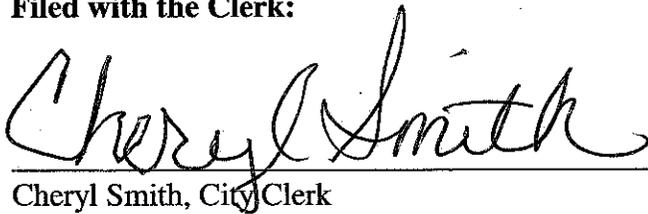


Donald Leland Craig, AICP  
Planning Director

10/28/11

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

10-31-11

Date

\_\_\_\_\_ Chairman

DC Planning Director