

RESOLUTION NO- 2011-003

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A 12-MONTH EXTENSION TO A TRANSIENT UNIT AND LICENSE TRANSFER APPROVED BY PLANNING BOARD RESOLUTION 2009-044 WITHIN THE HNC-1 ZONING DISTRICT PER SECTION 122-1344 FOR PROPERTY LOCATED AT 524 EATON STREET (RE# 00006500-000000) and (00006500-000100), UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant has requested a 12-month extension to an approved transient unit and license transfer (Planning Board Resolution 2009-044); and

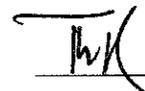
WHEREAS, Code Section 122-1344 allows applicants to request an extension(s) to approved transient unit and license transfers from the Planning Board; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on January 20, 2011; 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 the 12-month extension of Planning Board resolution 2009-044 in the HNC-

 Vice-Chairman
 Planning Director

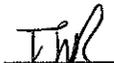
1 zoning district per Section 122-1344 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida (RE# 00006500-000000 and 00006500-000100), is approved.

Section 3. It is a condition of this resolution that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this resolution is wholly or partly necessary shall be submitted in its entirety within 12-months after the date hereof; and further, that no application or reapplication for new construction for which the resolution is wholly or partly necessary shall be made after expiration of the 12-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.

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

 Vice-Chairman

 Planning Director

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 20th day of January 2011.

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



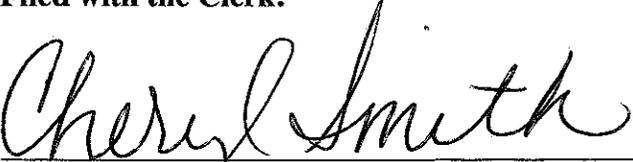
Timothy Root, Vice-Chairman
Key West Planning Board
Date

Attest:

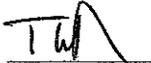


Donald Leland Craig, AICP
Interim Planning Director
12911
Date

Filed with the Clerk:



Cheryl Smith, City Clerk
2-1-11
Date



Vice-Chairman


Planning Director

**Planning Board Resolution
2009-044**



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

December 30, 2009

Mrs. Amy Kimball-Murley, AICP
akimball@keywestcity.com
City of Key West Planning Director
P.O. Box 1409
Key West, Florida 33041

Re: Res# 2009-044 512-524 Eaton St.

The Area of Critical State Concern program has received and reviewed the above referenced permit in accordance with Section 380.07, Florida Statutes. The permit would authorize transfer of four transient units. The Department will not appeal the transfer of transient permits, however, prior to any permits for renovation being issued, please provide documentation of the "unity of title" at the receiving site.

This letter is not intended to constitute, and shall not be construed as constituting, a verification of compliance with the Comprehensive Plan and Land Development Regulations, and shall not be relied upon as a precedent or a waiver of rights regarding any other development order or other growth management laws or statutes.

If additional information is needed, please call Rebecca Jetton @ (850) 922-1766.

Sincerely,

Rebecca Jetton, Administrator
Florida Keys Area of Critical State Concern

RJ/kj

RESOLUTION NUMBER 2009-044

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A TRANSFER OF FOUR TRANSIENT UNITS AND ASSOCIATED TRANSIENT BUSINESS TAX RECEIPTS, THREE FROM PROPERTY LOCATED AT 807-811 WASHINGTON STREET (RE# 00037820-000000, 00037850-000000, 000378400-000000) AND ONE FROM PROPERTY LOCATED AT 1111 DUVAL STREET (RE# 00027670-000100) TO PROPERTY LOCATED AT 512-524 EATON STREET (RE#00006500-000000 & 00006500-000100), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 122-1336 through 122-1339 of the Code of Ordinances provide for the transfer of transient units and business tax receipts; and

WHEREAS, Section 122-1339 (a) of the Code of Ordinances allows a transient business tax receipt to be transferred from an area where transient uses are prohibited to a receiver site without the accompanying transfer of the unit; and

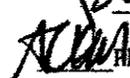
WHEREAS, Section 122-1339 (b) requires that the planning board consider the relative size of the unit from which the license is transferred and the room configuration of both sites to maintain approximately the same or less net number of occupants; and

WHEREAS, the transient use at the sender site is a legal non-conforming use and a permitted use at the receiving site; and

WHEREAS, both sender and receiver sites are of the same relative size; 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 transfer of a transient business tax receipt, pursuant to Section 122-1339 of the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: ALLOWING A TRANSFER OF FOUR TRANSIENT UNITS AT 0.58 ESFU AND ASSOCIATED BUSINESS TAX RECEIPTS, THREE FROM PROPERTY LOCATED AT 807-811 WASHINGTON STREET (RE# 00037820-000000, 00037850-000000, 000378400-000000) AND ONE FROM PROPERTY LOCATED AT 1111 DUVAL STREET (RE# 00027670-000100) TO PROPERTY LOCATED AT 512-524 EATON STREET (RE#00006500-000000 & 00006500-000100), PER THE ATTACHED PLANS with the following conditions:

- That the Major Development Plan enabling these uses is approved and remains in effect; and
- That the variances to dimensional requirements for the Major Development Plan are approved and remain in effect; and
- Only four transient units are allowed through this transfer. Lock-outs are specifically prohibited.

Section 3. Full, complete, and final application for all licenses and 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 transfer of a transient business tax receipt 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


Chairman

Planning Director

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

Read and passed on first reading at a regular meeting held this 10th day of November, 2009.

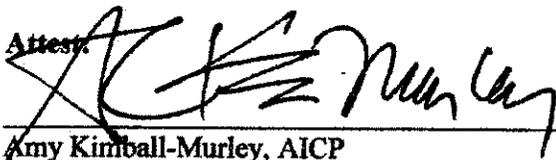
Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman
Key West Planning Board

11/23/09
Date

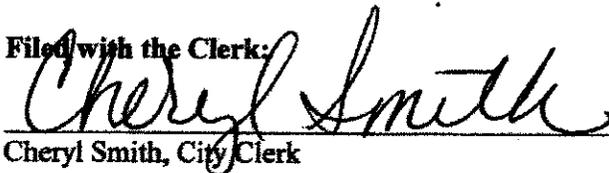
Attest:



Amy Kimball-Murley, AICP
Planning Director

11/23/09
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

11-23-09
Date

Plan Set

