

RESOLUTION NUMBER 2011-010

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING AN EXCEPTION FOR OUTDOOR MERCHANDISE DISPLAY TO ALLOW THE DISPLAY OF MERCHANDISE SOLD IN-STORE IN THE HRCC-3 ZONING DISTRICT PER SECTION 106-52 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES FOR PROPERTY LOCATED AT 1120 DUVAL STREET (RE# 00027930-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is located in the Historic Residential Commercial Core Zoning District (HRCC-3); and

WHEREAS, Section 106-51 of the City Code of Ordinances imposes certain conditions on the display of merchandise where visible from any public place, right-of-way, street or sidewalk; and

WHEREAS, Section 106-52 of the City Code of Ordinances provides that exceptions to the general prohibition may be granted upon application to the Planning Board; and

WHEREAS, a request was submitted for Planning Board consideration to clarify that jewelry and art can be displayed within the approved Exception area; and

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Chairman
DC
Interim Planning Director

WHEREAS, the Planning Board met on February 17, 2011 to consider factors favoring and disfavoring the Exception pursuant to Chapter 106-52 of the Land Development Regulations; 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 an Exception for Outdoor Display under the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: allowing the outdoor display of merchandise on a porch located at 1120 Duval Street (RE# 00027930-000000), with the following conditions, and per the attached site survey, location sketch with site photos received January 10, 2011:

- (1.) The Exception for the Outdoor Merchandise Display is limited to the existing porch and will not be placed in the City right-of-way.
- (2.) The Exception for Outdoor Merchandise Display is limited to jewelry and art works.
- (3.) The Exception for the Outdoor Merchandise Display will only be present during hours of operation.
- (4.) The Exception for the Outdoor Merchandise Display is specific to the tenant J. Patrick Hanley for a term of no more than 60 months.

Section 3. Exceptions to 106-51 may be revoked by the Planning Board after notice and


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hearing on grounds:

- a. The applicant has failed to comply with terms and conditions specified pursuant to the grant of an Exception in this section.
- b. The Exception was granted pursuant to mistaken or misleading information;
or
- c. The Exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to grant of the Exception.

Section 4. The City Manager or the Planning Board, upon any written petition by any city resident, may cause issuance of a notice of hearing on revocation of an Exception, which notice shall be issued by the City Clerk.

Section 5. This Exception for Outdoor Display 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 6. 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 7. 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

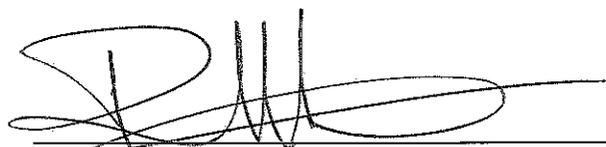

Chairman

Interim Planning Director

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 regularly scheduled meeting held this 17th day of February, 2011.

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



Richard Klitenick, Chairman
Key West Planning Board

3/4/2011
Date

Attest:



Donald Leland Craig, AICP
Interim Planning Director

2/22/11

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

3-7-11

Date



Chairman



Interim Planning Director

TOM FANELLI
1120 DUVAL ST.

NORBY

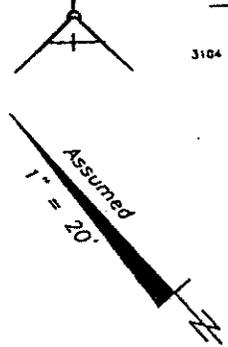
& Associates, Inc.
Professional Land Surveyors

Thomas A. Norby
Reg. No. 5234

3104 Flagler Ave.

Key West, FL 33040

(305) 298-7422 FAX(305)293-8924



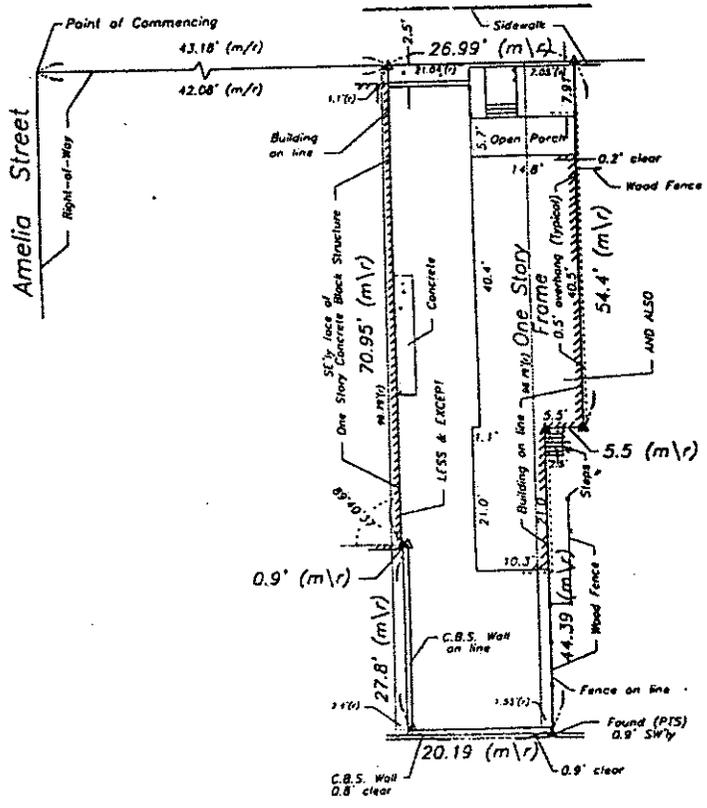
LEGEND

- △ Set Nail & Disc (5234)
- ▲ Found Nail & Disc (5234)
- (M) Measured
- (R) Record
- R\W Right of Way
- C.B.S. Concrete Block Structure

FEB 27 2002

50' (R\W)

DUVAL ST.



NOTES:

1. The legal description shown hereon was furnished by the client or their agent.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 1120 Duval Street, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. Date of field work: March 20, 2001.

RWK

DC

NORBY



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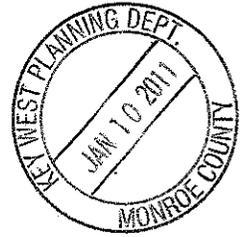
FEB 27 2002

BOUNDARY SURVEY OF: On the Island of Key West, and known on Wm. A. Whitehead's map of said Island, delineated in February, A.D. 1829, as Part of Tract Eleven (11), but now better known and described in a diagram of Lots One (1) and Two (2) in Square Six (6), drawn by Stepney Austin, and recorded in Deed Book "L", Page 433 of Monroe County, Florida records.

COMMENCING at a point on Duval Street Forty-two (42) feet and One (1) inch from the corner of Duval and Amelia Streets, and running thence along the Southwest side of Duval Street in a Southeasterly direction Twenty-one (21) feet and one-half (1/2) inch; thence at right angles in a Southwesterly direction Ninety-eight (98) feet and nine and one-half (9 1/2) inches; thence at right angles in a Northwesterly direction Twenty-one (21) feet and one-half (1/2) inch; thence at right angles in a Northeasterly direction Ninety-eight (98) feet, nine and one-half (9 1/2) inches to the Point of Beginning on Duval Street. The above described parcel of land being in Subdivision No. Two (2) of said diagram above referred to.

AND ALSO;

In the City of Key West, County of Monroe and State of Florida, in Tract Eleven (11), Square Six (6), but better known and described in a diagram of Lots One (1) and Two (2) in said Square Six (6) made by Stephen Austin, recorded in Book "L", page 433 of the Public Records of Monroe County, Florida, said parcel being described by metes and bounds as follows: **COMMENCE** at the intersection of the Southeasterly right of way boundary line of the Amelia Street with the Southwesterly right of way boundary line of Duval Street and run thence in a Southeasterly direction along the said right of way line of Duval Street for a distance of 63.12 feet to the Point of Beginning; thence continue in a Southeasterly direction along the said Duval Street for a distance of 7.05 feet; thence at right angles in a Southwesterly direction for a distance of 54.4 feet; thence at right angles in a Northwesterly direction for a distance of 5.5 feet; thence at right angles in a Southwesterly direction for a distance of 44.39 feet; thence at right angles in a Northwesterly direction for a distance of 1.55 feet; thence at right angles in a Northeasterly direction for a distance of 98.79 feet back to the Point of Beginning.

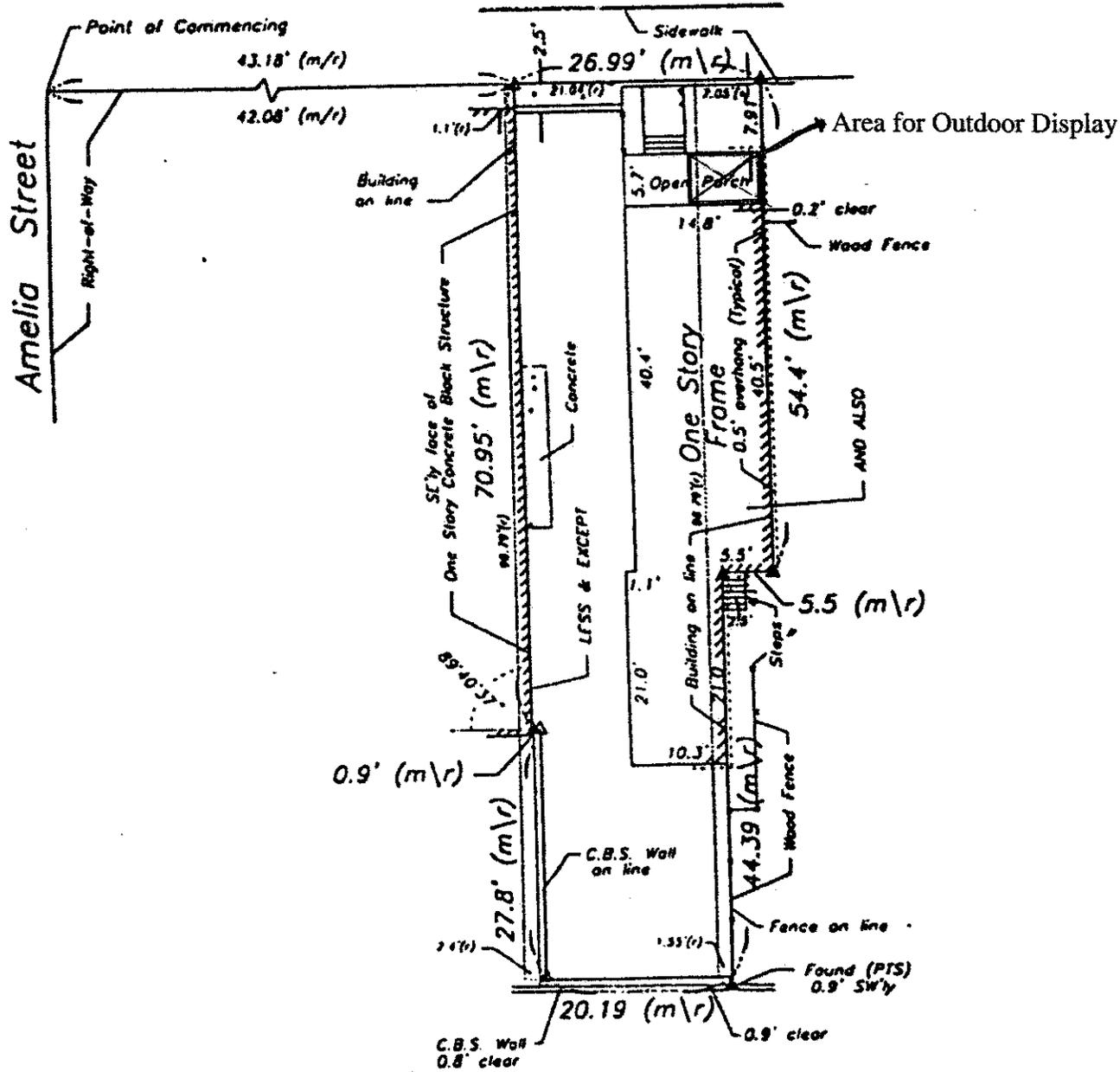


RMC

AC

50' (R\W)

DUVAL ST.



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RMLK

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