

**PLANNING BOARD RESOLUTION
NUMBER 2011-045**

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING ONE TRANSIENT BUSINESS TAX RECEIPT TRANSFER FROM PROPERTY LOCATED AT 1800 ATLANTIC BOULEVARD #109-A (RE#00063560-001000) TO PROPERTY LOCATED AT 223 ANN STREET (RE#00001210-00000), 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 where transient residential use is permitted 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



Acting Chairman


Planning Director

WHEREAS, the combined sender sites and the receiver site achieve equivalency regarding the number of bedrooms; and

WHEREAS, the Planning Board determined that the requirements for parking have been met on site; 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 transfer of transient business tax receipts, 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 one transient business tax receipt from property located at 1800 Atlantic Boulevard #109-A (RE#00063560-001000) to one unit at property located at 223 Ann Street (RE#00001210-00000), per the attached site plans dated June 20, 2011.

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 their entirety within 12 months after the date hereof.

Section 4. This transfer of one transient business tax receipt does not constitute a finding

 Acting Chairman
 Planning Director

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 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.

 Acting Chairman

 Planning Director

Read and passed on first reading at a regular meeting held this 15th day of September, 2011.

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



James Gilleran, Acting Chairman
Key West Planning Board

9-23-11

Date

Attest:



Donald Leland Craig, AICP
Planning Director

9-22-11

Date

Filed with the Clerk:



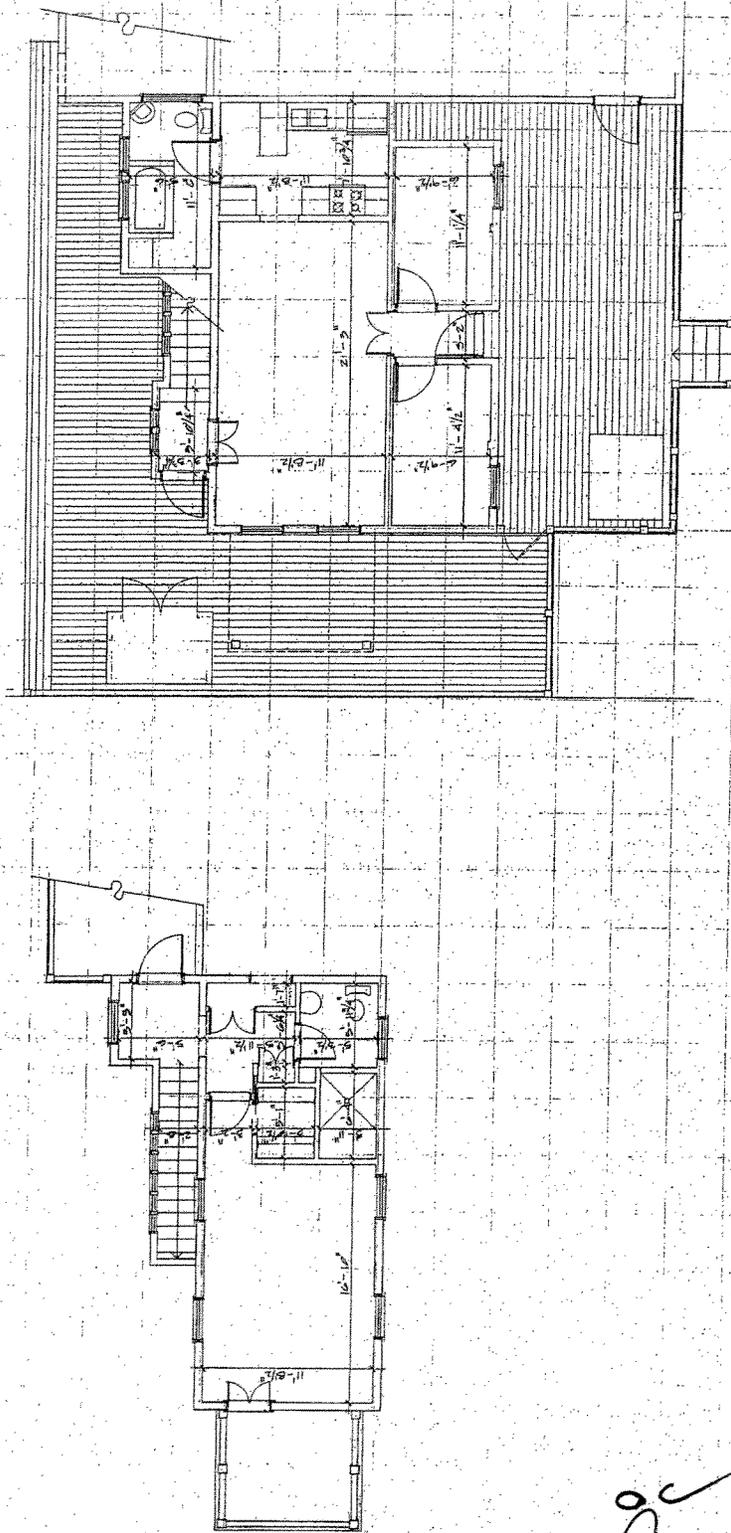
Cheryl Smith, City Clerk

9-23-11

Date

 Acting Chairman
 Planning Director

223 ANN STREET
KEY WEST - FLORIDA



FIRST FLOOR PLAN 14-1-11

SECOND FLOOR PLAN 14-1-11

QC



RECEIVED
June 20, 2011
KW Planning Dpt

223 ANN STREET
FIRST and SECOND FLOOR PLANS

DATE: 10/1/10
DRAWN BY: [illegible]
SHEET NUMBER: D-1
PROJECT NO: 14-1-11

THOMAS KELLY ENTERPRISES, INC.
1941 ROCKY ROAD - STUART, FLORIDA
DESIGN CONSULTANTS
CONSTRUCTION MANAGEMENT
(888) 745-7100