

**PLANNING BOARD RESOLUTION  
NUMBER 2011-059**

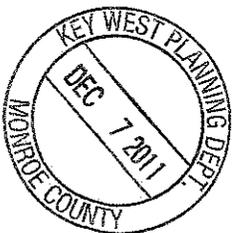
**A RESOLUTION OF THE KEY WEST  
PLANNING BOARD GRANTING A  
CONDITIONAL USE APPROVAL PER  
SECTION 122-62 AND 122-63 OF THE CODE  
OF ORDINANCES FOR A RESTAURANT  
WITH 150 SEATS MAXIMUM TO BE  
LOCATED AT 802 - 806 WHITEHEAD STREET  
(RE# 00014010-000100 AND 00014020-000000)  
AND 318 - 324 PETRONIA STREET (RE#  
00014010-000000) AND 809 - 811 TERRY LANE  
(RE# 00014050-000000, 00014060-000000) IN THE  
HISTORIC NEIGHBORHOOD COMMERCIAL-  
BAHAMA VILLAGE COMMERCIAL CORE  
(HNC-3) ZONING DISTRICT, PURSUANT TO  
SECTION 122-868(9) OF THE CODE OF  
ORDINANCES, KEY WEST FLORIDA;  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subject property is located in the Historic Neighborhood Commercial-  
Bahama Village Commercial Core (HNC-3) zoning district; and

**WHEREAS**, Section 122-868(9) of the Code of Ordinances provides that restaurants are  
allowed as a conditional use within the Historic Neighborhood Commercial- Bahama Village  
Commercial Core (HNC-3) zoning district; and

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

Page 1 of 9  
Resolution Number 2011 - 059



  
Chairman  
  
Planning Director

**WHEREAS**, the applicant filed a conditional use application for a restaurant not to exceed maximum of 150 seats, with 6,637 square feet of flexible indoor/outdoor consumption area at 802 - 806 Whitehead Street (RE# 00014010-000100 and 00014020-000000) and 318 - 324 Petronia Street (RE# 00014010-000000); and

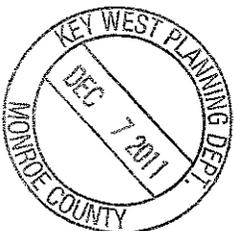
**WHEREAS**, the associated with the Conditional Use request, the applicant is required to bring the parking lot located at 809 - 811 Terry Lane (RE# 00014050-000000 and 00014060-000000) into compliance with dimensional requirements, landscaping and drainage; and

**WHEREAS**, the parking lot shall be reconfigured to include two (2) compact car spaces in order to protect the root system of large trees on the site, six (6) standard vehicular spaces, one (1) handicap space, and forty (40) scooter/bicycle spaces on the lot; 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 17, 2011; and

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



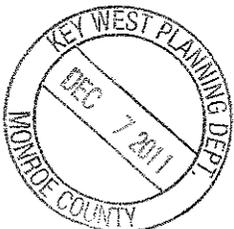
 Chairman  
 Planning Director

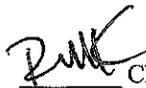
**WHEREAS**, the approval of the conditional use application will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

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

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

**Section 2.** That the request for a Conditional Use approval per Section 122-62 and 122-63 of the Code of Ordinances for a restaurant for up to 150 seats maximum and 6,637 square feet of flexible consumption area to be located at 802 - 806 Whitehead Street (RE# 00014010-000100 and 00014020-000000) and 318 - 324 Petronia Street (RE# 00014010-000000) and the reconfiguration of the parking lot at 809 - 811 Terry Lane (RE# 00014050-000000 and 00014060-000000) to meet Code requirements, landscaping and drainage, and to accommodate two (2) compact car spaces in order to protect the root system of large trees on the site, six (6) standard vehicular spaces, one (1) handicap space, and forty (40) scooter/bicycle parking spaces for property located in the Historic Neighborhood Commercial- Bahama Village Commercial Core (HNC-3) zoning district, pursuant to section 122-868(9) of the Code of Ordinances, Key West, Florida; providing for an effective date, as shown in the attached site plans dated November 1, 2011 with the following conditions:



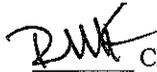
 Chairman

 Planning Director

**Conditions subject to a Conditional Approval Permit, per Ordinance 10-22. Conditions subject to an associated annual inspection:**

1. Approval is limited to no more than 150 seats. At no time does the request for 6,637 square feet of consumption area allow the applicant to increase seating on the site without conditional use review.
2. The parking lot shall be reconfigured and maintained to include two (2) compact car spaces in order to protect the root system of large trees on the site, six (6) standard vehicular spaces, one (1) handicap space, and forty (40) bicycle/scooter spaces on the lot.
3. The waste and recycling handling shall be screened from adjacent properties and public rights-of-way by appropriate fences, walls or landscaping in accordance with Code Section 108-279, and the area shall be enclosed on all four sides with a roof and doors for access.
4. The applicant will install and maintain a programmable distributive sound system to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and shall include a computerized sound monitoring system with real time monitoring access is provided to the City. The applicant expressly agrees to provide the City's agents unfettered access to the computer-generated reports and full, real-time web-based access to the digital monitoring of on-site acoustics for the purpose of assuring compliance with the conditions contained herein.



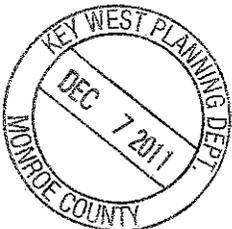
 Chairman  
 Planning Director

**Conditions required prior to the issuance of a Certificate of Occupancy:**

5. Completion of all improvements as depicted on the site plan.
6. The applicant will install and maintain a programmable distributive sound system to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and shall include a computerized sound monitoring system with real time monitoring access is provided to the City.
7. The applicant shall revise and resubmit a signed and sealed Landscape Plan that reflects the modified site plan dated November 1, 2011 and Civil Plan Dated November 9, 2011.

**General conditions:**

8. No outdoor music of any kind is allowed after the hours of 10pm unless approved under a special event permit per Section 6-86 of the City Code or for a special city-sanctioned event within the Petronia Street Commercial Corridor. Amplified music will be regulated by the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances.
9. Recycling of applicable materials is required.
10. Hours of operation are limited from 9am to 11pm daily accept during special city sanctioned events such as Fantasy Fest and Goombay.
11. Service vehicles are prohibited from using Petronia Street and Terry Lane and the Terry Lane parking lot for deliveries.
12. All waste pickup shall be daily via Whitehead Street.



 Chairman  
 Planning Director

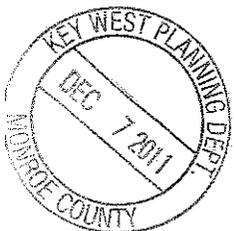
13. In an effort to increase employment opportunities for residents of the Bahama Village Community Redevelopment Area (“BVCRA”) the restaurant operator will make a good faith effort to employ a minimum of 25% of the restaurant workforce from qualified residents of the BVCRA.

“Good faith effort” means all employment opportunities will be advertised and posted in places frequented by residents of the BVCRA, such as the District 6 Commissioner's office, the Douglas Community Center, the Nutrition Center, the Martin Luther King swimming pool, neighborhood churches, neighborhood fraternal organizations, grocery stores, etc.

In the event the property owner is not the operator of the restaurant, the restaurant operator shall submit to the property owner proof of compliance with the employment requirement, on a quarterly basis. The property owner shall, in turn, provide the proof of compliance to the City of Key West, upon request. If the property owner operates the restaurant, in the event that this requirement is not complied with for any reason, the property owner shall tender to the BVCRA the amount of \$750 for each month the requirement is not met to be used to further employment programs within the Bahama Village Community.

In the event the property owner is not the operator of the restaurant, any lease, management agreement, or other document utilized to transfer operation of the restaurant shall include the provisions above along with a provision that the operator’s rent will increase in the amount of \$750.00 per month for each month the

 Chairman  
 Planning Director



requirement is not met. The property owner will in turn pay this increased amount to the BVCRA to be used to further employment programs within the Bahama Village Community Redevelopment Area. The property owner's failure to insist upon, collect, and transfer the increased amount to the City of Key West shall constitute a breach of this condition.

This requirement shall run with the conditional use and remain in place from owner to owner, Lessee to Lessee and Lessor to Lessor.

**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 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 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.

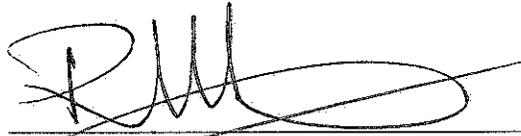
  
Chairman

  
Planning Director



Read and passed on first reading at a regular meeting held this 17th day of November, 2011.

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

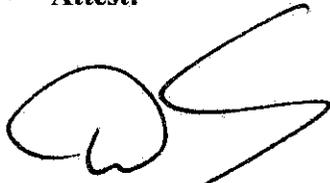


Richard Klitenick, Chairman  
Key West Planning Board

12/7/2011

Date

**Attest:**

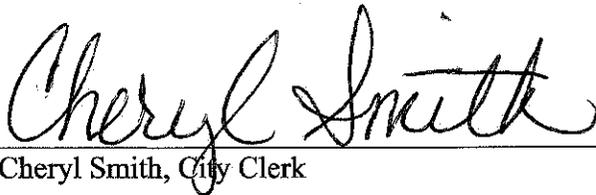


Donald Leland Craig, AICP  
Planning Director

12/7/11

Date

**Filed with the Clerk:**



Cheryl Smith, City Clerk

12-7-11

Date



 Chairman  
 Planning Director

RECEIVED  
November 1, 2011  
KW Planning Dept

WHITEHEAD STREET  
HNC-3 District | HMOR District  
TROLLEY STOP  
LOADING ZONE

PETRONIA STREET

TERRY LANE

Outdoor Commercial Activity Area  
Proposed Flexible Seating/Consumption Area  
Outdoor Consumption Area Outside of Cistern Bar  
Flexible Seating Area  
Proposed Indoor Consumption/Retail Area  
Proposed Outdoor Consumption Area Brick Area  
Proposed Indoor Consumption Area One Story Bldg

NOTE: NO DELIVERIES WILL BE ALLOWED ON PETRONIA STREET

Outdoor Commercial Activity Area  
Proposed Flexible Seating/Consumption Area  
Outdoor Consumption Area Outside of Cistern Bar  
Flexible Seating Area  
Proposed Indoor Consumption/Retail Area  
Proposed Outdoor Consumption Area Brick Area  
Proposed Indoor Consumption Area One Story Bldg

Outdoor Commercial Activity Area  
Proposed Flexible Seating/Consumption Area  
Outdoor Consumption Area Outside of Cistern Bar  
Flexible Seating Area  
Proposed Indoor Consumption/Retail Area  
Proposed Outdoor Consumption Area Brick Area  
Proposed Indoor Consumption Area One Story Bldg



BAHAMA VILLAGE MARKET  
KEY WEST, FLORIDA

RECEIVED  
November 1, 2011  
KW Planning Dept

RECEIVED  
November 1, 2011  
KW Planning Dept

PROJECT: BAHAMA VILLAGE MARKET  
PROJECT NO.: 11-00000000  
DATE: NOVEMBER 1, 2011  
SCALE: 1"=30'

PROJECT: BAHAMA VILLAGE MARKET  
PROJECT NO.: 11-00000000  
DATE: NOVEMBER 1, 2011  
SCALE: 1"=30'

PROJECT: BAHAMA VILLAGE MARKET  
PROJECT NO.: 11-00000000  
DATE: NOVEMBER 1, 2011  
SCALE: 1"=30'

INDEX OF DRAWINGS  
C-1.0 SITE AND FLOOR PLAN  
C-1.1 PREVIOUS CONSUMPTION AREAS  
C-1.2 PROPOSED AND PREVIOUS CONSUMPTION AREAS  
C-1.3 PARKING LOT PLAN

INDEX OF DRAWINGS  
C-1.0 SITE AND FLOOR PLAN  
C-1.1 PREVIOUS CONSUMPTION AREAS  
C-1.2 PROPOSED AND PREVIOUS CONSUMPTION AREAS  
C-1.3 PARKING LOT PLAN

INDEX OF DRAWINGS  
C-1.0 SITE AND FLOOR PLAN  
C-1.1 PREVIOUS CONSUMPTION AREAS  
C-1.2 PROPOSED AND PREVIOUS CONSUMPTION AREAS  
C-1.3 PARKING LOT PLAN

SCALE: 1"=30'

SCALE: 1"=30'

SCALE: 1"=30'

LEGEND  
[S] EXISTING SEWER CLEANOUT (TYP OF 5)  
NOTE: THE SITE DOES NOT HAVE AN EXISTING STORMWATER MANAGEMENT SYSTEM OR A GREASE TRAP

LEGEND  
[S] EXISTING SEWER CLEANOUT (TYP OF 5)  
NOTE: THE SITE DOES NOT HAVE AN EXISTING STORMWATER MANAGEMENT SYSTEM OR A GREASE TRAP

LEGEND  
[S] EXISTING SEWER CLEANOUT (TYP OF 5)  
NOTE: THE SITE DOES NOT HAVE AN EXISTING STORMWATER MANAGEMENT SYSTEM OR A GREASE TRAP

RE NUMBERS  
00014060-0000000; 00014050-0000000; 00014020-0000000;  
00014010-0000000; 00014010-000100

RE NUMBERS  
00014060-0000000; 00014050-0000000; 00014020-0000000;  
00014010-0000000; 00014010-000100

RE NUMBERS  
00014060-0000000; 00014050-0000000; 00014020-0000000;  
00014010-0000000; 00014010-000100

ZONING DESIGNATION  
HMOR (11,154 sq. ft.) and HNC-3 (10,366 sq. ft.)

ZONING DESIGNATION  
HMOR (11,154 sq. ft.) and HNC-3 (10,366 sq. ft.)

ZONING DESIGNATION  
HMOR (11,154 sq. ft.) and HNC-3 (10,366 sq. ft.)

FLOOR ZONE  
ZONE X MAP 12087C-1516K

FLOOR ZONE  
ZONE X MAP 12087C-1516K

FLOOR ZONE  
ZONE X MAP 12087C-1516K

Issue	Existing	Proposed	Required/Permitted	Complexes
Zoning	HMOR and HNC-3	No Change	No Change	Complexes
Site Size (sq. ft.)	21,520	No Change	4,000	Complexes
Building Coverage (sq. ft.)	4,877	No Change	8,608 (40%)	Complexes
Impervious Surface (sq. ft.)	20,616 (95.8%)	No Change	12,912 (60%)	Complexes 1
Open Space Ratio (sq. ft.)	804 (4.2%)	No Change	4,304 (20%)	Complexes
FAR	0.25	No Change	1.0	Complexes
Retail Space (sq. ft.)	5,995	2,553	15,943	Complexes
Consumption Area				
Indoor (sq. ft.)		1,241		Complexes
Outdoor (sq. ft.)	2,285	4,595		Complexes
Restaurant Seats	45	165		Complexes
Parking Spaces	17	19	17	Complexes
Scooter/Bicycle		40		Complexes
Residential Units	3-Studios	3-Studios	10	Complexes
Setbacks				
Front	18'-2 1/2'-0"	18'-2 1/2'-0"	0'-0 1/2'-0"	Complexes
Side	5'-0 1/2'-0"	16'-9 1/4'-0"	7'-6 1/2'-0"	Complexes
Rear	20'-9"	20'-9"	15'-0"	Complexes

Issue	Existing	Proposed	Required/Permitted	Complexes
Zoning	HMOR and HNC-3	No Change	No Change	Complexes
Site Size (sq. ft.)	21,520	No Change	4,000	Complexes
Building Coverage (sq. ft.)	4,877	No Change	8,608 (40%)	Complexes
Impervious Surface (sq. ft.)	20,616 (95.8%)	No Change	12,912 (60%)	Complexes 1
Open Space Ratio (sq. ft.)	804 (4.2%)	No Change	4,304 (20%)	Complexes
FAR	0.25	No Change	1.0	Complexes
Retail Space (sq. ft.)	5,995	2,553	15,943	Complexes
Consumption Area				
Indoor (sq. ft.)		1,241		Complexes
Outdoor (sq. ft.)	2,285	4,595		Complexes
Restaurant Seats	45	165		Complexes
Parking Spaces	17	19	17	Complexes
Scooter/Bicycle		40		Complexes
Residential Units	3-Studios	3-Studios	10	Complexes
Setbacks				
Front	18'-2 1/2'-0"	18'-2 1/2'-0"	0'-0 1/2'-0"	Complexes
Side	5'-0 1/2'-0"	16'-9 1/4'-0"	7'-6 1/2'-0"	Complexes
Rear	20'-9"	20'-9"	15'-0"	Complexes

Issue	Existing	Proposed	Required/Permitted	Complexes
Zoning	HMOR and HNC-3	No Change	No Change	Complexes
Site Size (sq. ft.)	21,520	No Change	4,000	Complexes
Building Coverage (sq. ft.)	4,877	No Change	8,608 (40%)	Complexes
Impervious Surface (sq. ft.)	20,616 (95.8%)	No Change	12,912 (60%)	Complexes 1
Open Space Ratio (sq. ft.)	804 (4.2%)	No Change	4,304 (20%)	Complexes
FAR	0.25	No Change	1.0	Complexes
Retail Space (sq. ft.)	5,995	2,553	15,943	Complexes
Consumption Area				
Indoor (sq. ft.)		1,241		Complexes
Outdoor (sq. ft.)	2,285	4,595		Complexes
Restaurant Seats	45	165		Complexes
Parking Spaces	17	19	17	Complexes
Scooter/Bicycle		40		Complexes
Residential Units	3-Studios	3-Studios	10	Complexes
Setbacks				
Front	18'-2 1/2'-0"	18'-2 1/2'-0"	0'-0 1/2'-0"	Complexes
Side	5'-0 1/2'-0"	16'-9 1/4'-0"	7'-6 1/2'-0"	Complexes
Rear	20'-9"	20'-9"	15'-0"	Complexes

1. Existing measurements  
2. Existing building coverage, parking, and pricing areas  
3. Proposed is based on 9 car parking spaces and 40 scooter spaces.  
4. The City of Key West recognizes ten RDCG-dwelling units, per City Planner's Staff report dated 11/27/2010.  
5. HNC-3 is the base number and HMOR is the second.  
6. HNC-3 zoning only

1. Existing measurements  
2. Existing building coverage, parking, and pricing areas  
3. Proposed is based on 9 car parking spaces and 40 scooter spaces.  
4. The City of Key West recognizes ten RDCG-dwelling units, per City Planner's Staff report dated 11/27/2010.  
5. HNC-3 is the base number and HMOR is the second.  
6. HNC-3 zoning only

1. Existing measurements  
2. Existing building coverage, parking, and pricing areas  
3. Proposed is based on 9 car parking spaces and 40 scooter spaces.  
4. The City of Key West recognizes ten RDCG-dwelling units, per City Planner's Staff report dated 11/27/2010.  
5. HNC-3 is the base number and HMOR is the second.  
6. HNC-3 zoning only

KEY WEST PLANNING DEPT  
DECEMBER 7 2011  
MONROE COUNTY

KEY WEST PLANNING DEPT  
DECEMBER 7 2011  
MONROE COUNTY

KEY WEST PLANNING DEPT  
DECEMBER 7 2011  
MONROE COUNTY



Proposed Flexible Seating/Consumption Area

Site Boundary

Outdoor Commercial Activity Area

Outdoor Consumption Area Outside of Cistern Bar

Flexible Seating Area (Roof Top)

Proposed Indoor Consumption/Retail Area (Ground Floor)

Proposed Outdoor Consumption Area Brick Area

Proposed Indoor Consumption Area One Story Bldg

**LEGEND**

CONSUMPTION AREA

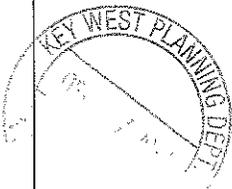


CONSUMPTION AREAS:  
PREVIOUS (ROOF DECK AND CISTERN BAR): 2,285 SF  
PROPOSED:  
COVERED PORCH: 281 SF  
OUTDOOR BRICK AREA: 2,029 SF  
INDOOR ONE-STORY BLDG: 765 SF  
INDOOR TWO-STORY BLDG: 476 SF  
TOTAL PREVIOUS AND PROPOSED: 5,836 SF

**BAHAMA VILLAGE MARKET**  
**PROPOSED CONSUMPTION AREAS**

SCALE: 1"=30' (11x17 paper)

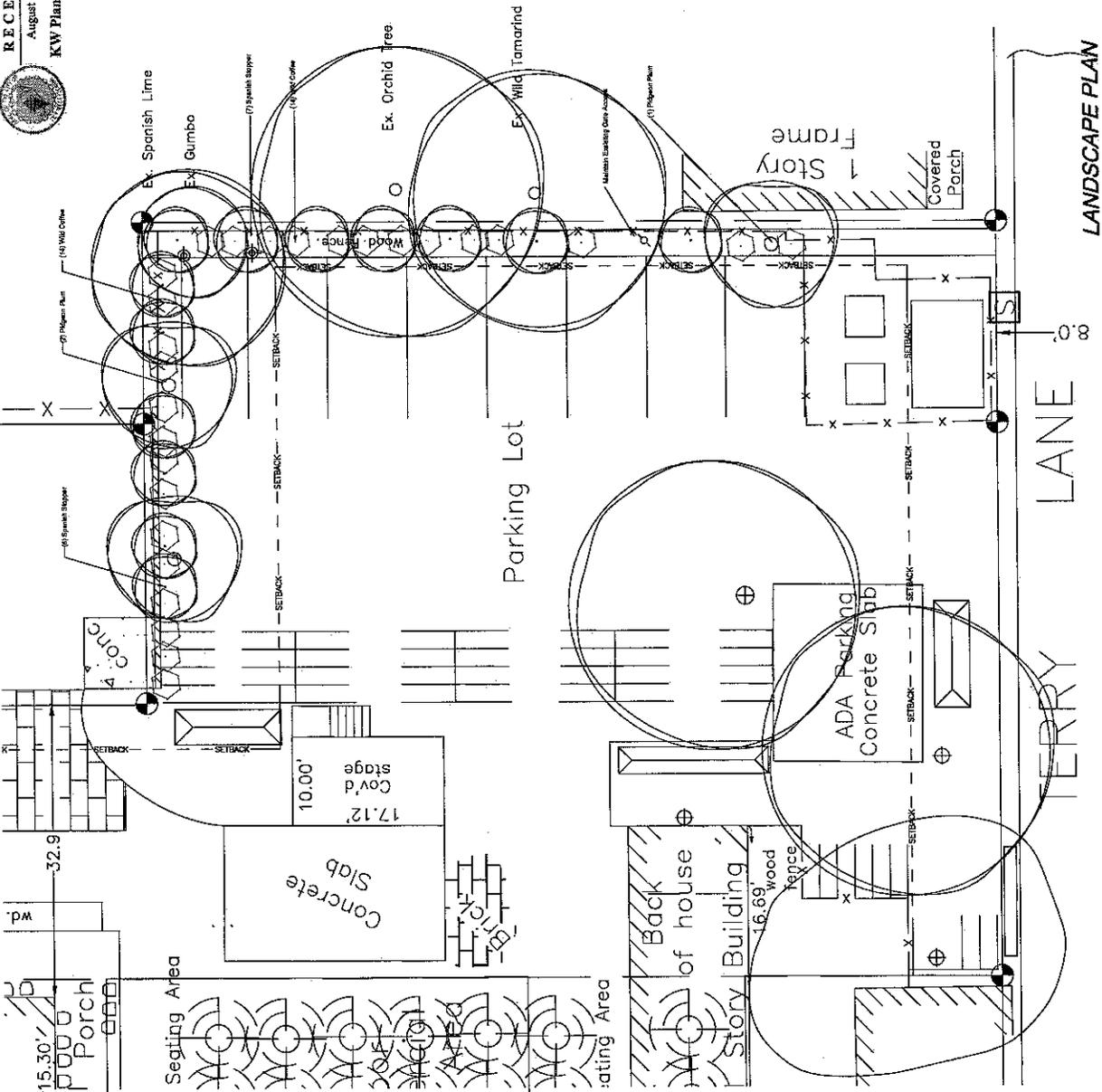
*RWK*







**RECEIVED**  
 August 1, 2011  
 KW Planning Dpt



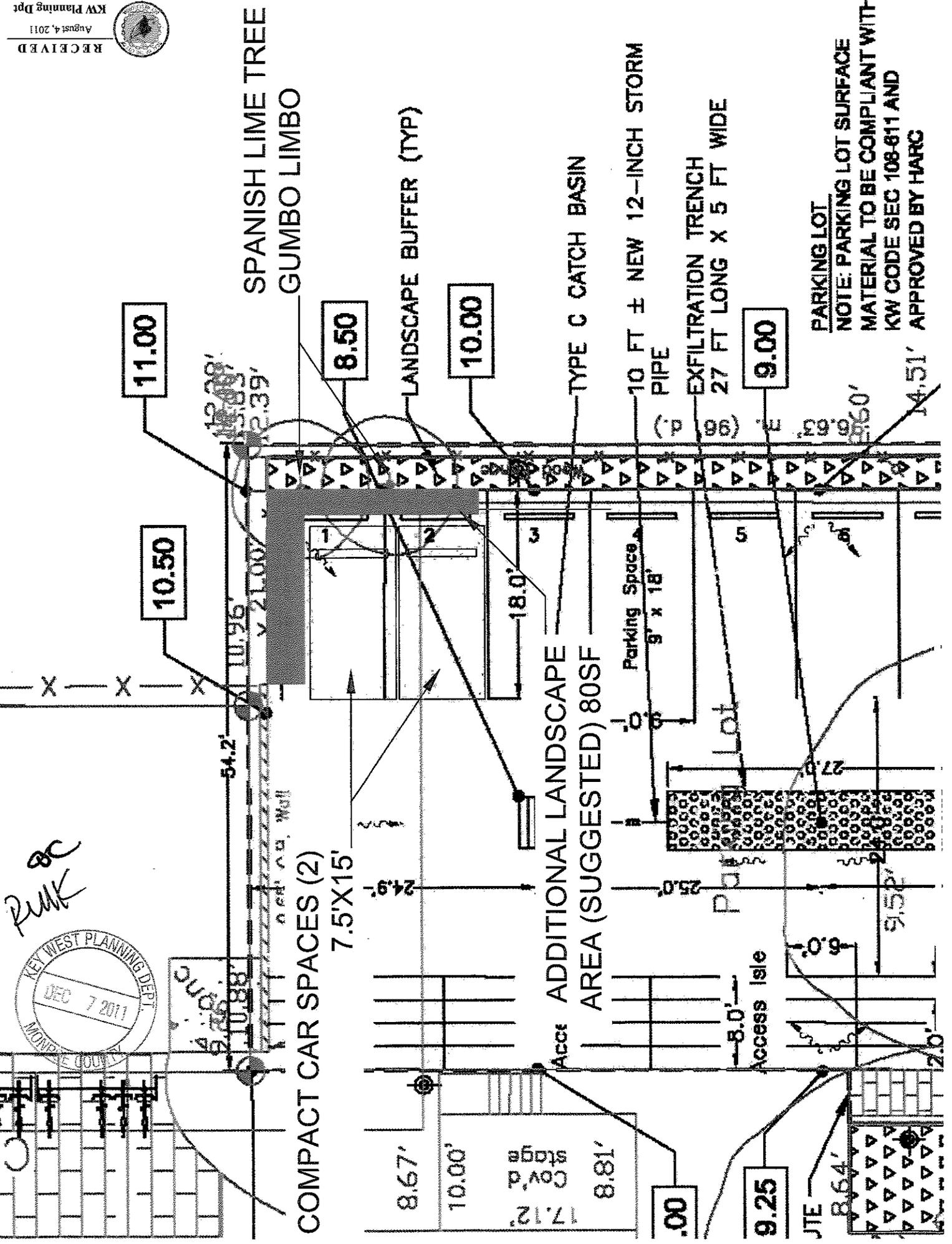
DC  
 RMK



Qty	Item	Specifications
1	Bahama Village Market	
1	Palmetto Palm	12 ft
1	Spanish Bayonet	8 ft PH Standard
1	W/ Palm	3 ft



**PLANTING NOTES**  
 1. All plantings shall be installed in accordance with the specifications and quantities shown on this plan. The contractor shall be responsible for the selection of the plant material and for the installation of the plants. The contractor shall be responsible for the selection of the plant material and for the installation of the plants. The contractor shall be responsible for the selection of the plant material and for the installation of the plants.



SPANISH LIME TREE  
GUMBO LIMBO

LANDSCAPE BUFFER (TYP)

TYPE C CATCH BASIN

10 FT ± NEW 12-INCH STORM PIPE

EXFILTRATION TRENCH  
27 FT LONG X 5 FT WIDE

**PARKING LOT**  
NOTE: PARKING LOT SURFACE MATERIAL TO BE COMPLIANT WITH KW CODE SEC 108-611 AND APPROVED BY HARC

*RMK*



COMPACT CAR SPACES (2)  
7.5'X15'

ADDITIONAL LANDSCAPE AREA (SUGGESTED) 80SF

Parking Space  
9' x 18'

Lot

Access Isle

JTE

11.00

10.50

8.50

10.00

9.00

1.00

9.25

8.67'

10.00'

17.12'

8.81'

8.64'

12.29'

15.83'

12.39'

54.2'

10.96'

21.00'

18.0'

24.9'

25.0'

27.0'

9.52'

14.51'

6.83'

6.83'

6.60'