

RESOLUTION NUMBER 2011-062

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A SPECIAL EXCEPTION TO LUIGI PACELLI ALLOWING FOR THE SALE OF ALCOHOL TO OCCUR WITHIN 300 FEET OF A CHURCH AND FUNERAL HOME FOR PROPERTY LOCATED WITHIN THE HRCC-1 ZONING DISTRICT, PURSUANT TO SECTION 18-28 (b)(2) OF THE CODE OF ORDINANCES, FOR PROPERTY LOCATED AT 521 FLEMING STREET (RE#00006560-000000), 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 church and funeral home, pursuant to Section 18-28 (b)(2); and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on December 5, 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

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 Luigi Pacelli TO BE LOCATED AT 521 FLEMING STREET (RE#00006560-000000), KEY WEST FLORIDA** with the following conditions:

1. The exception is granted exclusively to the applicant, Luigi Pacelli and is not transferable.


Chairman

Planning Director

2. The hours of operation will be from 10 a.m. until 12 a.m. each day the restaurant is open.

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.

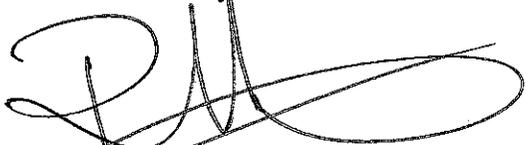
Section 4. This Special Exception does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 5. This resolution shall go into effect immediately upon its passage, 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 special meeting held this fifth day of December, 2011.

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



Richard Klitenick, Chairman

12/7/2011

Date

 Chairman

 Planning Director

Key West Planning Board

Attest:

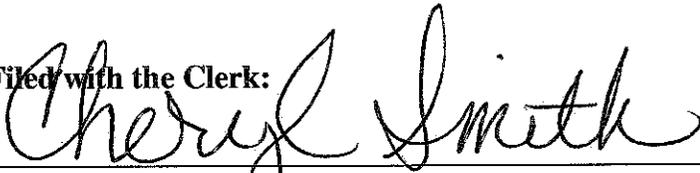


Donald Leland Craig, AICP
Planning Director

12.7.11

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

12-7-11

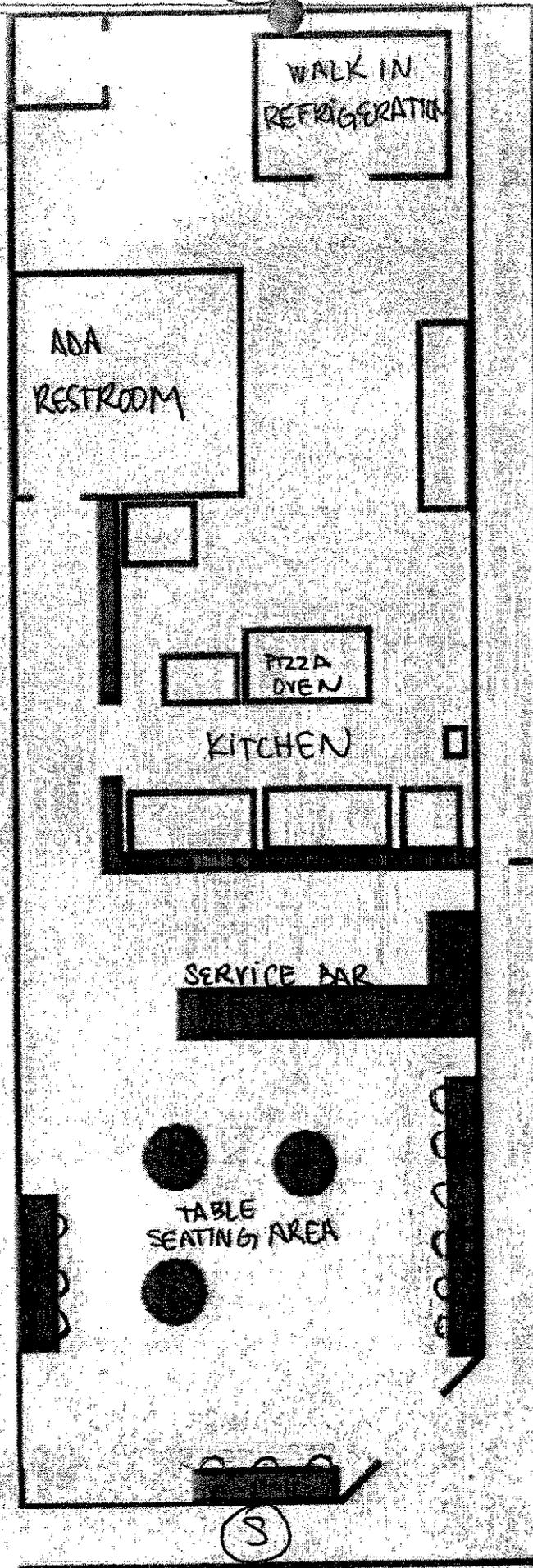
Date



Chairman



Planning Director



30'
BAHAMAMA ST

(E)

27'

OC RUB

FRONT DINING
 & SERVICE
 AREA WITH
 TABLE SEATING
 BAR HEIGHT
 INTERIOR SEATING
 ALONG WEST
 WALL & ALSO
 SOUTH & EAST
 WINDOWS

20'