

**RESOLUTION NUMBER 2010-011**

**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 BAR AND LOUNGE LOCATED AT 429 CAROLINE STREET (RE# 00004430-000000) IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE – DUVAL STREET/GULFSIDE (HRCC-1) ZONING DISTRICT, PURSUANT TO SECTION 122-688(9) OF THE CODE OF ORDINANCES, KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subject property is located in the Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1) zoning district; and

**WHEREAS**, Section 122-688(9) of the Code of Ordinances provides that bars and lounges are allowed as a conditional use within the Historic Residential Commercial Core- Duval Street Gulfside (HRCC-1) zoning district; and

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

**WHEREAS**, the applicant filed a conditional use application for a bar and lounge to sell beer and wine at 429 Caroline Street Unit 2; and

  
Chairman  
  
Planning Director

**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 March 18, 2010; and

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

**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 a conditional use request, under the Code of Ordinances of the City of Key West, Florida, per Section 122-688(9) is hereby approved as follows: allowing a 603 square foot

  
Chairman  
  
Planning Director

consumption area for a bar and lounge including, 101 square feet of outdoor and 502 square feet of indoor consumption area, for property located at 429 Caroline Street, Unit 2 (RE# 00004430-000000), Key West, Florida, as shown in the attached site plans dated February 22, 2010 with the following conditions:

1. The use is approved for the sale of beer and wine only; and
2. There will be no live music or outdoor music on the premises.

**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.

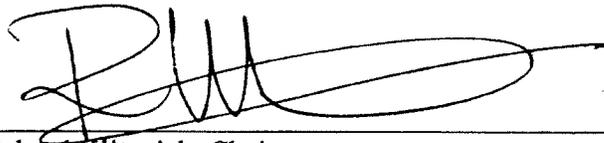
**Section 6.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has

  
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.

Read and passed on first reading at a regular meeting held this 18th day of March, 2010.

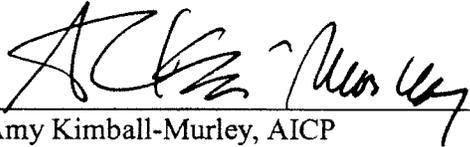
Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman  
Key West Planning Board

3/19/2010  
Date

Attest:



Amy Kimball-Murley, AICP  
Planning Director

3/22/2010  
Date

Filed with the Clerk:

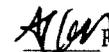


Cheryl Smith, City Clerk

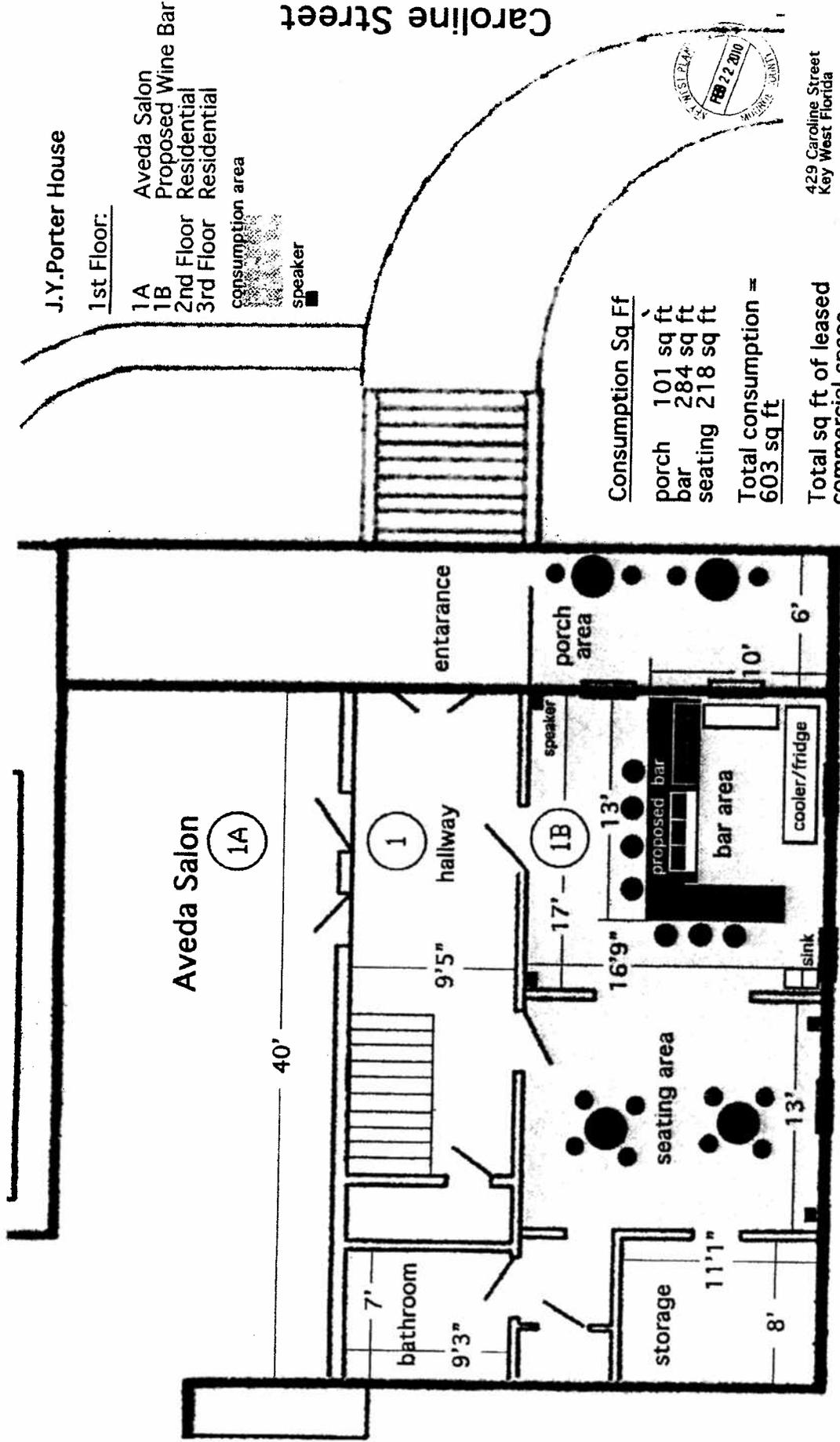
3-23-10  
Date



Chairman



Planning Director



Aveda Salon

1A

40'

bathroom  
7'  
9'3"

1  
hallway  
9'5"

storage  
11'1"  
8'

seating area  
13'  
13'

16'9"  
13'

proposed bar

bar area

cooler/fridge

sink

speaker

entance

porch area

6'

J.Y.Porter House

1st Floor:

- 1A Aveda Salon
- 1B Proposed Wine Bar
- 2nd Floor Residential
- 3rd Floor Residential
- consumption area
- speaker

Caroline Street

Consumption Sq Ft

porch 101 sq ft  
bar 284 sq ft  
seating 218 sq ft

Total consumption =  
603 sq ft

Total sq ft of leased  
commercial space =  
808sq ft



429 Caroline Street  
Key West Florida  
Proposed Wine Bar  
Christopher Shultz  
305.849.0930  
cshultz75@yahoo.com  
Drawing Modifications  
Feb 12th 2010

Duval Street

*Handwritten:*  
RWK  
3/19/10  
ACM  
3/22/10

