

RESOLUTION NUMBER 2010-014

**A RESOLUTION OF THE KEY WEST
PLANNING BOARD GRANTING
CONDITIONAL USE APPROVAL PER
SECTIONS 122-62 and 122-63 OF THE CODE
OF ORDINANCES FOR PROPERTY LOCATED
AT 112 FITZPATRICK STREET/105
WHITEHEAD STREET (RE#00000650-000000),
KEY WEST, FLORIDA; PROVIDING FOR AN
EFFECTIVE DATE**

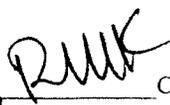
WHEREAS, the subject property is located in the Historic Residential Commercial Core/Duval Street Gulfside District (HRCC-1); and

WHEREAS, Section 122-61 of the City Code of Ordinances allows applicants to request conditional use approvals; and

WHEREAS, Section 122-688 (17) of the Code of Ordinances allows small recreational power-driven equipment rentals as conditional uses in the HRCC-1 zoning district; and

WHEREAS, the proposal would permit the rental of two electric cars from the existing rental company at 112 Fitzpatrick Street currently legally addressed at 105 Whitehead Street; and

WHEREAS, the applicant proposed to store the electric cars on another site currently managed by the applicant on portions of the parking lot at RE# 00006650-000000, on the 400 block


Chairman

Planning Director

of Whitehead Street; and

WHEREAS, Section 122-62 and 122-63 outline the criteria for reviewing a conditional use application; and

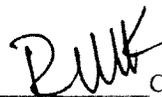
WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on March 18, 2010; and

WHEREAS, the Planning Board determined that the approval of the conditional use application is consistent with the criteria in the Code; 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.

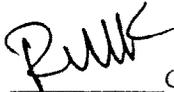
Section 2. That a conditional use application to permit the rental of (2) two electric cars per Section 122-688 (17), under the Code of Ordinances of the City of Key West, Florida, is hereby granted for property located at 112 Fitzpatrick Street currently, legally addressed at 105 Whitehead Street (portion of RE# 00000650-000000) as shown on the attached plans dated March 11, 2010, and


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Planning Director

the two electric cars are to be stored on portions of an alternative site on the 400 block of Whitehead Street, known as RE# 00006650-000000, as shown on the attached plans dated March 5, 2010, with the following conditions:

1. This approval allows for the rental of two electric cars from 112 Fitzpatrick Street, currently legally addressed at 105 Whitehead Street. Those same vehicles are not to be rotated with other vehicles. License and VIN must be submitted to Licensing and Code Compliance Departments; and
2. The license holder shall maintain a separate, permanent storage site for the two electric cars at the 400 block of Whitehead Street (RE# 00006650-000000). No electric car rentals will be permitted from the storage site; and
3. Servicing, washing, and repair of the vehicles will take place in a location licensed for such services off site; and
4. Hours of operation are limited to 8 am to 6 pm; and
5. Vehicles exiting the Fitzpatrick Street site are prohibited from reversing off the site; and
6. Mirrors will be installed near the right of way for better line of site for vehicles exiting the Fitzpatrick Street site onto the right of way; and
7. The applicant agrees to donate \$300.00 for tree planting on Fitzpatrick Street to assist in the revitalization of the streetscape.


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Planning Director

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 Permit 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.

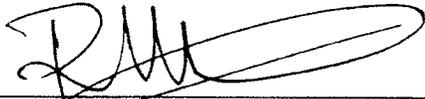
Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant 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 18th day of March, 2010.

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



Richard Klittenick, Chairman
Key West Planning Board

3/19/2010

Date

Attest:



Amy Kimball-Murley, AICP,
Planning Director

3/22/2010

Date

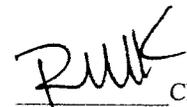
Filed with the Clerk:



Cheryl Smith, City Clerk

3-23-10

Date



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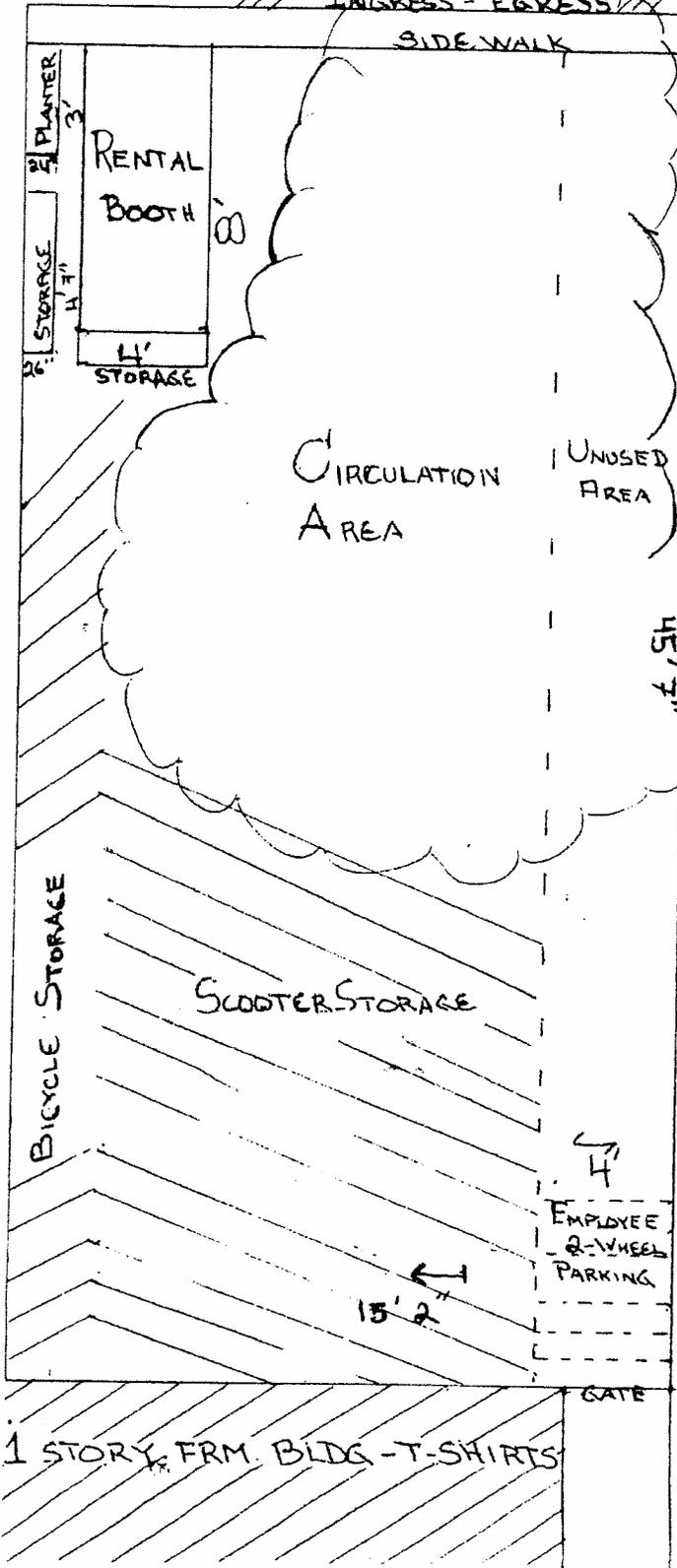


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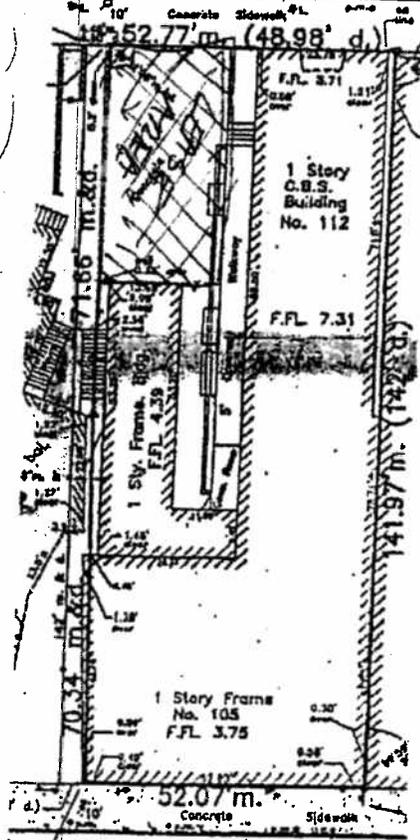
FITZPATRICK ST.

INGRESS - EGRESS

PAY/METER PARKING

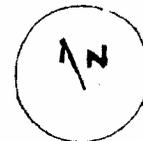


CITY PLAT
SITE INSET



WHITEHEAD STREET
(50' R/W)

REVISED SITE PLAN RE# 00000630-000000
 112 FITZPATRICK ST., KEY WEST, FL 33040
 PREPARED BY CAPT. JAMES S. EVANS, J.D.
 MARCH 10 2010 NOT TO SCALE*



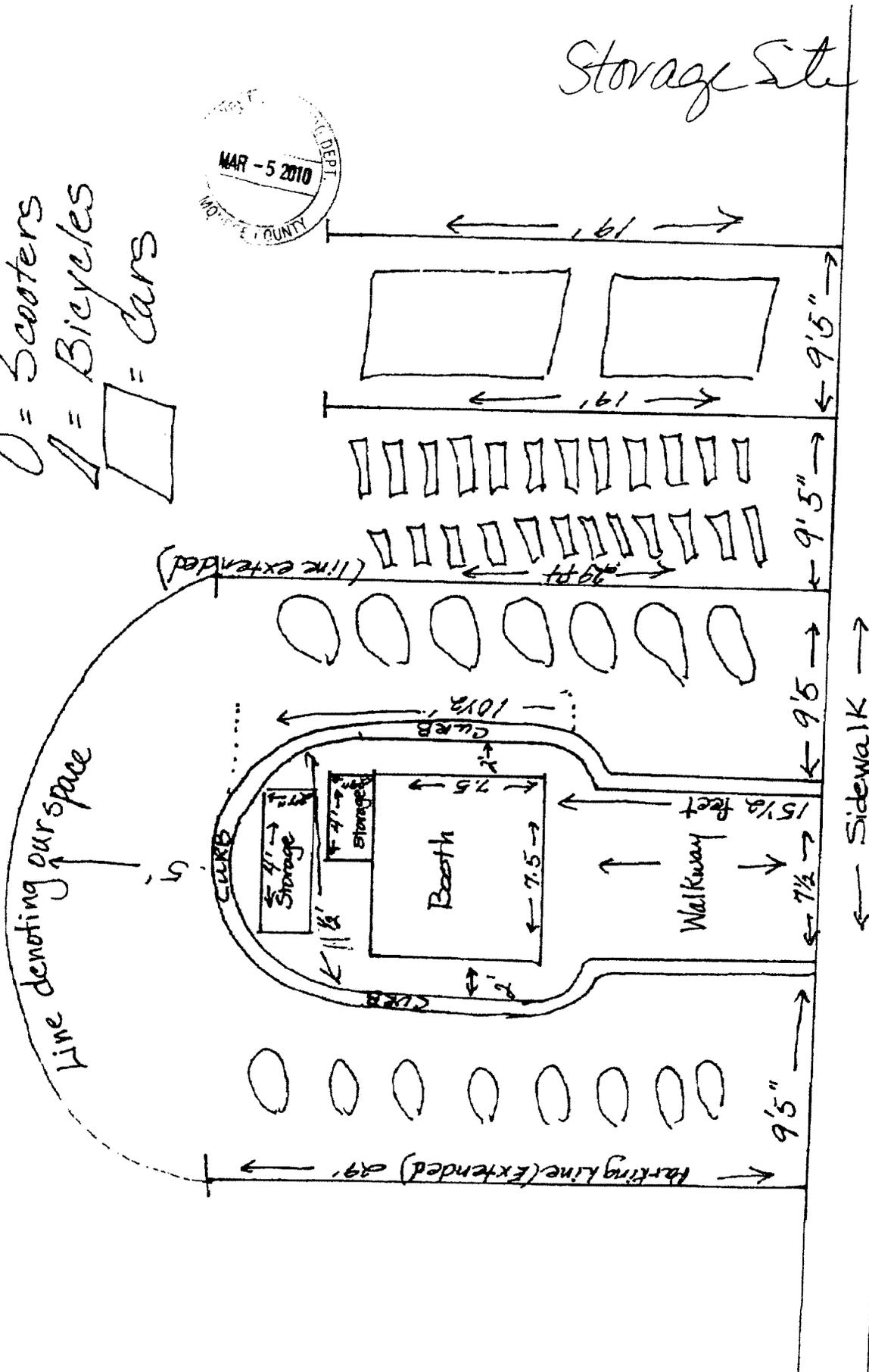
RWK
3/19/10

TEAM
3/22/10

Storage Site



○ = Scooters
 △ = Bicycles
 □ = Cars



← Sidewalk →
 ← Whitehead Street →

RMK
 3/19/10
 ACK
 3/22/10