

**PLANNING BOARD
RESOLUTION NUMBER 2013-11**

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A SPECIAL EXCEPTION TO JONATHAN & MEGAN PIDGEON ALLOWING FOR THE SALE OF ALCOHOL TO OCCUR WITHIN 300 FEET OF A CHURCH FOR PROPERTY LOCATED WITHIN THE HRCC-1 ZONING DISTRICT, AT 420 EATON STREET (RE#00006580-000000), PURSUANT TO SECTION 18-28 (b)(2) OF THE CODE OF ORDINANCES, 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;



Chairman



Planning Director

- D. Public input;
- 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, pursuant to Section 18-28 (b)(2); and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on February 21, 2013; 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



Chairman



Planning Director

WHEREAS, the Planning Board considered public input; and

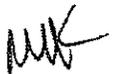
WHEREAS, the Planning Board has found that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors; and

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 JONATHAN & MEGAN PIDGEON TO BE LOCATED AT 420 EATON STREET (RE#00006580-000000), KEY WEST FLORIDA with the following conditions:


Chairman


Planning Director

1. The exception is granted exclusively to Jonathan & Megan Pidgeon while they are 51% majority owners of the "Glazed Donuts LLC", and is not transferable.
2. The sale of alcohol is accessory to the existing sale of food. The revenue ratios are 51% food to 49% alcohol.
3. The sale of alcohol shall be limited to beer and wine. Any attempt to secure a SCOP license will require additional review by the Planning Board.

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.

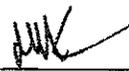
Section 4. This Special Exception does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

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).

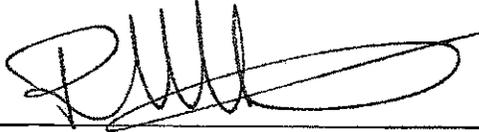
Read and passed at a regularly scheduled meeting held this 21st day of February, 2013.

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Chairman


Planning Director

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

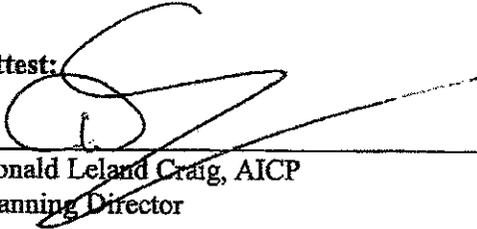


Richard Klitenick, Chairman
Key West Planning Board

3/5/13

Date

Attest:

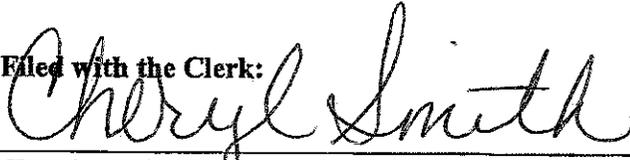


Donald Leland Craig, AICP
Planning Director

2-22-13

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

3-6-2013

Date

_____ Chairman

DC Planning Director

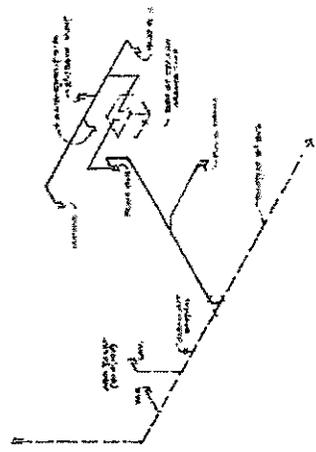
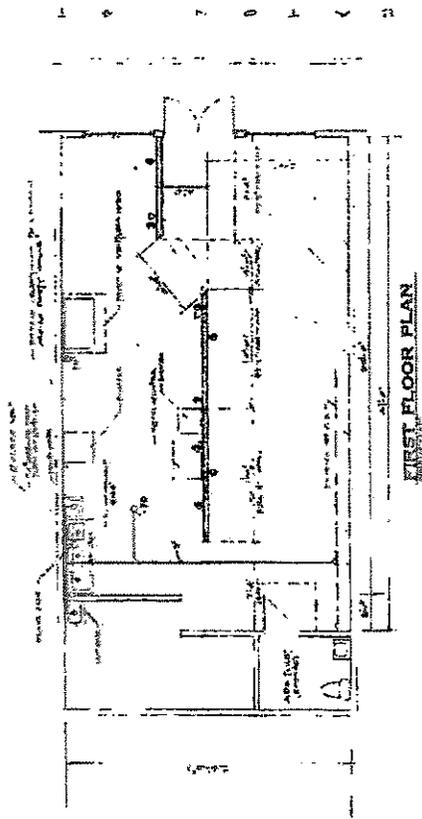
GENERAL NOTES

1. ALL WORK TO BE ACCORDING TO THE SPECIFICATIONS AND THE NOTES HEREON.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
6. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
7. THE CONTRACTOR SHALL MAINTAIN THE EXISTING GRADE UNLESS OTHERWISE NOTED.
8. ALL FINISHES SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
10. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.

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