

**PLANNING BOARD
RESOLUTION NUMBER 2013-19**

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A SPECIAL EXCEPTION TO MARK GAMBUZZA 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, AT 519 FLEMING STREET (RE#00006560-000000, AK 1006793), 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;

 Vice Chairman
 Planning Director

- C. Mitigation measures agreed to be implemented by the applicant;
- 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 March 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

 Vice Chairman

 Planning Director

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 Mark Gambuzza to be located at 519 Fleming street (RE#00006560-000000, AK 1006793), Key West, Florida with the following conditions:

 Vice Chairman

 Planning Director

1. The exception is granted exclusively to Mark Gambuzza, Managing Member of "Uva" Wine, LLC while he is 51% majority owner and is not transferable.
2. The sale of alcohol is beer and wine package retail only.
3. No purchase of alcohol for on premises consumption.

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.

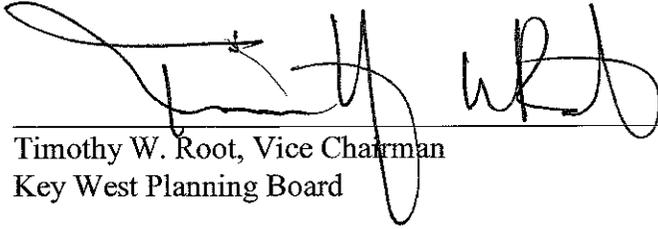
Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations).

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

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

 Vice Chairman

 Planning Director

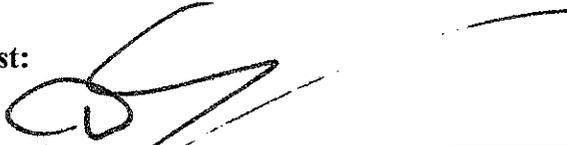


Timothy W. Root, Vice Chairman
Key West Planning Board

4/1/13

Date

Attest:

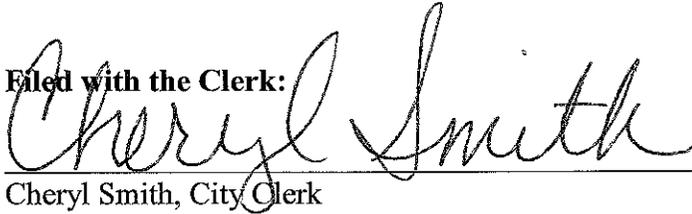


Donald Leland Craig, AICP
Planning Director

3-22-13

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

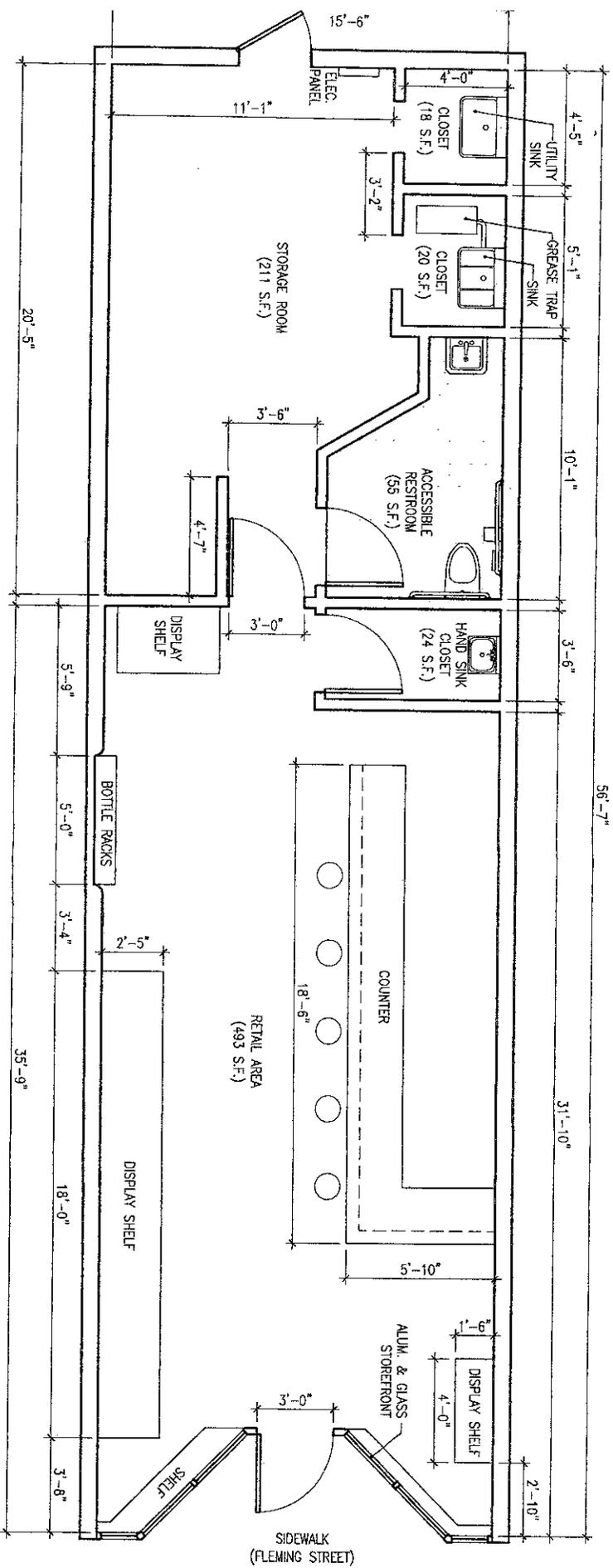
4-1-2013

Date

Vice Chairman

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Planning Director

1
A1
FLOOR PLAN
SCALE: 1/4"=1'-0"



	William Shepler
	architect
	Tel: 305-890-8191 Email: info@shepler.com
UVA GOURMET SHOPPE 519 FLEMING STREET, KEY WEST, FL EXISTING COMMERCIAL SPACE	
Drawing Size: 11X17 Project #: 13-012 Title:	Scale: 1/4" = 1'-0" Sheet Number: A-1 Date: MARCH 5, 2013 ©2013 by William Shepler Architect