

**PLANNING BOARD  
RESOLUTION No. 2013- 47**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING A SPECIAL EXCEPTION TO THE HANSI SONI FAMILY ALLOWING FOR THE SALE OF ALCOHOL TO OCCUR WITHIN 300 FEET OF A CHURCH FOR PROPERTY LOCATED WITHIN THE HNC-1 ZONING DISTRICT, AT 830 TRUMAN AVENUE (RE# 000030470-000000, AK# 1031241), 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 August 22, 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

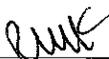
**WHEREAS**, the Planning Board has found that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors; and

**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 the Hansi Soni Family, majority owners of Tejas, LLC located at 830 Truman Avenue (RE# 000030470-000000, AK# 1031241), Key West, Florida with the following conditions:

 Chairman

 Planning Director

1. The exception is granted exclusively to the Hansi Soni family who remain majority owners of Tejas, LLC and is not transferable.
2. The sale of alcohol is for guests only.
3. Purchase of alcohol is for on premises consumption only.

**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.

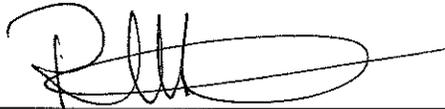
**Section 5.** This resolution shall go into effect immediately upon its passage, adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**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).

  
Chairman  
  
Planning Director

Read and passed at a dually noticed meeting held this 22nd day of August, 2013.

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



Richard Klitenick, Chairman  
Key West Planning Board

9/10/2013  
Date

Attest:



Donald Leland Craig, AICP  
Planning Director

9.5.13

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

9-10-13

Date

\_\_\_\_\_  
Chairman

 \_\_\_\_\_  
Planning Director