

**PLANNING BOARD
RESOLUTION No. 2014-13**

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD GRANTING APPROVAL
OF A CONDITIONAL USE APPROVAL FOR A
SMALL TO MEDIUM SCALE DISCOUNT
RETAIL STORE PER SECTION 122-62 FOR
PROPERTY LOCATED IN THE 3100 BLOCK
OF FLAGLER AVENUE (RE# 00069090-000000,
AK#1072982), IN THE CL ZONING DISTRICT
OF KEY WEST FLORIDA; PROVIDING FOR
AN EFFECTIVE DATE.**

WHEREAS, the subject property is located in the Limited Commercial (CL), zoning district;
and

WHEREAS, the applicant requested an approval of a Conditional Use application to allow
a discount retail store in the CL zoning district; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on
February 20th, 2014; and

WHEREAS, the granting of a Conditional Use is consistent with the criteria in the code; and

WHEREAS, the recommendation of approval of the Conditional Use application is in
harmony with the general purpose and intent of the Land Development Regulations, and will not be

WHA Vice Chairman

QC Planning Director

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 if fully set forth herein.

Section 2. That a Conditional Use application per Section 122-62 under the Code of Ordinances of the City of Key West, Florida, is hereby approved for 12,231 square feet of commercial floor area for use as a dollar store or a similar discount retail outlet for property located at the 3100 Block of Flagler Avenue (RE# 00069090-000000, AK#1072982) with the following conditions:

Conditions required prior to the issuance of a certificate of occupancy:

1. The original loading zone at the rear of the site be returned to its designated use as a loading zone and all commercial loading for the retail space at the front of the building shall cease.

Conditions subject to a Conditional Approval Permit, per Ordinance 10-22 subject to an associated annual inspection:

2. If shopping carts are to be used in the store, they shall remain in the store at all times and not be present in the parking lot.
3. All storage of solid refuse and recyclable materials shall remain inside the building or within an approved covered enclosure until the regularly scheduled time for pick-up.

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 expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. 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 DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO 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.

Section 7. The applicant shall obtain and maintain a Conditional Approval Permit from the

City prior to issuance of a Certificate of Occupancy per Ordinance Number 10-22.

Read and passed on first reading at a meeting held this 20th day of February, 2014.

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



Sam Holland, Vice Chairman, Planning Board

2/5/14

Date

Attest:



Donald Leland Craig, AICP, Planning Director

2.26.14

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

3-5-14

Date

 Vice Chairman

 Planning Director

