

**PLANNING BOARD
RESOLUTION No. 2014-14**

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD GRANTING APPROVAL
OF A CONDITIONAL USE PER SECTION 122-
62 AND 122-63 OF THE CODE OF
ORDINANCES FOR FULL ALCOHOL SALES
AT AN EXISTING WINE BAR AND LOUNGE
LOCATED AT 506 SOUTHARD STREET (RE#
00012290-000000, AK#1012629) IN THE
HISTORIC RESIDENTIAL COMMERCIAL
CORE – DUVAL STREET/GULFSIDE (HRCC-1)
ZONING DISTRICT, PURSUANT TO SECTION
122-688(9) OF THE CODE OF ORDINANCES,
KEY WEST FLORIDA; PROVIDING FOR AN
EFFECTIVE DATE.**

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

WHEREAS, Section 122-688(9) of the Code of Ordinances provides that bars and lounges are allowed as a conditional use within the Historic Residential Commercial Core- Duval Street Gulfside (HRCC-1) zoning district; and

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


Chairman

 Planning Director

WHEREAS, the applicant filed a conditional use application for full alcohol sales at an existing wine bar and lounge at 506 Southard Street; and

WHEREAS, Section 122-62 outlines the criteria for reviewing a conditional use application by the Planning Board; and

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

WHEREAS, the Planning Board found that the proposed use complies with the criteria in Section 122-62; and

WHEREAS, the approval of the conditional use application will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be 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 fully set forth herein.

Section 2. That a conditional use request, under the Code of Ordinances of the City of Key West, Florida, per Section 122-688(9) is hereby approved for full alcohol sales at the existing wine bar at 506 Southard Street with the following conditions:

Conditions required to be met prior to issuance of a Conditional Approval Permit:

1. Seats in excess of the 14 originally approved shall be removed until such time as appropriate impact fees are submitted for a total of no more than 25 seats.
2. No more than one table and two chairs shall remain at the outdoor ADA seating area by the call button.

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

3. Hours of operation are limited as follows: Monday through Thursday 10am to 2 am and Friday and Saturday from 10am to 4am and Sundays from 12pm to 2am; and
4. There will be no amplified live music or outdoor music on the premises; and

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 (DEO). 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.

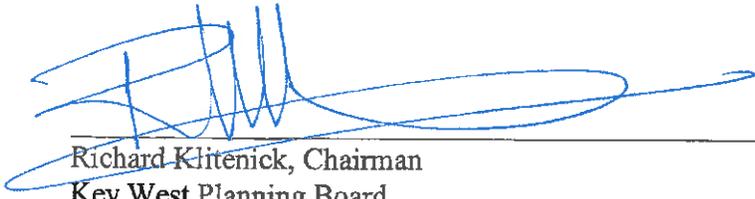
Section 7. The applicant shall obtain and maintain a Conditional Approval Permit from the City prior to issuance of a Certificate of Occupancy per Ordinance Number 10-22.

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

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

 Chairman

 Planning Director


Richard Klitenick, Chairman
Key West Planning Board

3-4-2014
Date

Attest:



2-26-14

Donald Leland Craig, AICP
Interim Planning Director

Date

Filed with the Clerk:


Cheryl Smith, City Clerk

3-4-14
Date

Chairman
 Planning Director

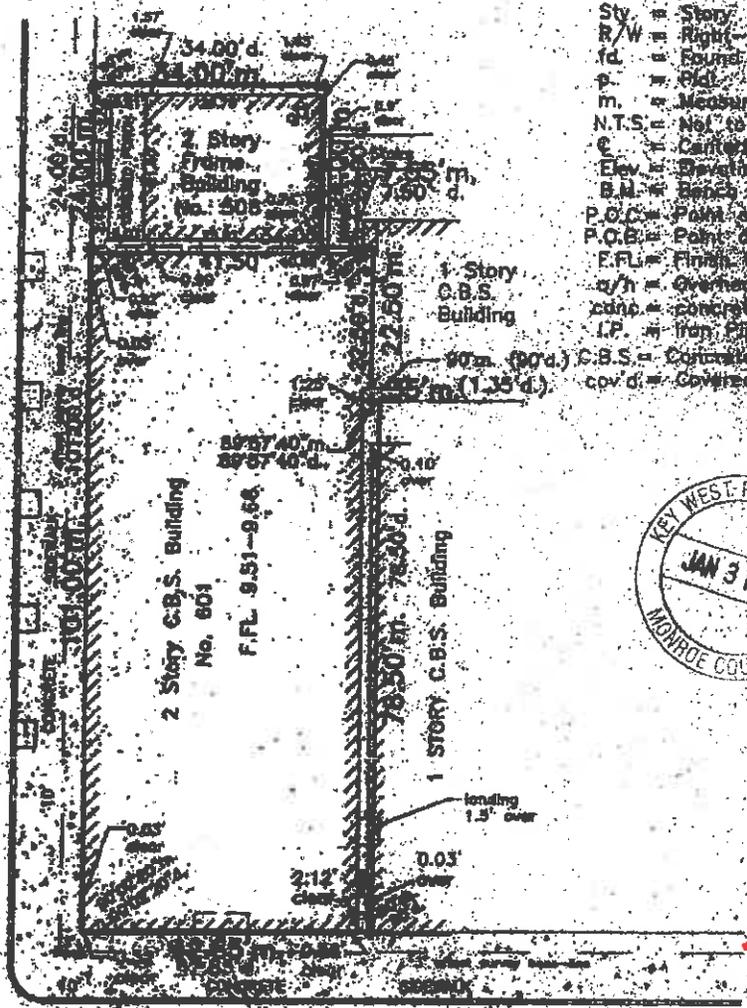


SURVEYOR'S NOTES:
 North arrow based on assumed meridian
 3.4 denotes existing elevation
 Elevations based on N.G.V.D. 1929 Datum
 Bench Mark No.: Basic Elevation: 14.324
Monumentation:
 D = 1d. 1/2" Iron Pipe, P.L.S. No. 2749
 A = 1d. P.K. Nail, P.L.S. No. 2749
 Field Work performed on: 8/19/98

Abbreviations:

- Sty. = Story
- R/W = Right-of-Way
- 1d. = Found
- p. = Pld.
- m. = Measured
- N.T.S. = Not to Scale
- C. = Contour
- Elev. = Elevation
- B.M. = Bench Mark
- P.O.C. = Point of Commencement
- P.O.B. = Point of Beginning
- F.F.L. = Finish Floor Elevation
- g/h = Gravel
- conc. = concrete
- I.P. = Iron Pipe
- C.B.S. = Concrete Block Structure
- cov'd = Covered

SOUTHARD STREET
(50' R/W)



DUVAL STREET (50' R/W)

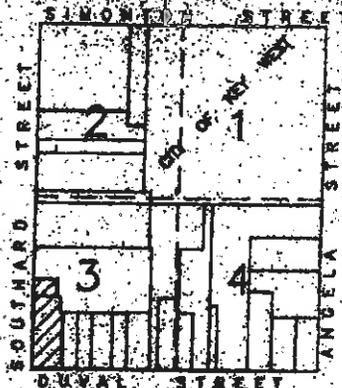
AC
220/7

Old Town Key West Development No. 601 Duval Street, Key West, Florida 33040			
BOUNDARY SURVEY		Dwn. No. 99-297	
Scale: 1"=20'	Map 21-10	Flood Panel No. 121R-G	Dist. By: 3/13/98
Date: 8/4/98	13-98	Flood Zone: X	Flood Elev.:
REVISIONS AND/OR ADDITIONS			
7/8/98: Updated			
Revised:			

FREDERICK H. HILDEBRANDT
 ENGINEER PLANNER SURVEYOR

RAK

3150 Northside Drive
 Suite 101
 Key West, FL 33040
 (305) 293-0466
 Fax: (305) 293-0237



LOCATION MAP

SQUARE 61, City of Key West, Fl.

LEGAL DESCRIPTION:

A Part of Lot 3, Square 61, as delineated by William A. Whitehead's Map of said City of Key West, on February, 1829 A.D. and being more particularly described by metes and bounds as follows:

Begin at the intersection of the Northeastery Right-of-Way Line of Duval Street and the Southeastery Right-of-Way line of Southard Street; thence Southeastery along the the said Northeastery Right-of-Way Line of Duval Street for 42.85 feet; thence at a right angle and in a Northeastery direction for 78.80 feet; thence at angle to the Right of 89°57'40" and in a Northwestery direction for 1.35 feet; thence at a right angle and in a Northeastery direction for 22.50 feet; thence at a right angle and in a Northwestery direction for 41.50 feet to the said Southeastery Right-of-way Line of Southard Street; thence at a right angle and in a Southwestery direction along the said Southeastery Right-of-Way Line of Southard Street for 101.00 feet to the Point of Beginning. Containing 4,287.4750 Square Feet, more or less.

AND

A Part of Lot 3, Square 61, as delineated by William A. Whitehead's Map of said City of Key West, on February, 1829 A.D. and being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the Northeastery Right-of-Way line of Duval Street and the Southeastery Right-of-Way Line of Southard Street; thence in a Northeastery direction along the said Southeastery Right-of-Way Line of Southard Street for 101.00 feet to the Point of Beginning; thence continue in a Northeastery direction along the said Southeastery Right-of-Way Line of Southard Street for 24.00 feet; thence at a right angle and in a Southeastery direction for 34.00 feet; thence at a right angle and in a Southwestery direction for 24.00 feet; thence at a right angle and in a Northwestery direction for 34.00 feet to the said Southeastery Right-of-Way Line of Southard Street and the Point of Beginning. Containing 816 Square Feet, more or less.

This is to certify that this map or plat and the survey on which it is based were made (i) in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by the American Land Title Association, the American Congress on Surveying and Mapping and the National Society of Professional Surveyors in 1997, and includes items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, and 16 of Table A thereof, and (ii) pursuant to the Accuracy Standards (as adopted by ALTA and ACSM and in effect on the date of this certification) of an urban survey and meets the minimum technical standards for surveys set forth by the Florida Board of professional Surveyors and mappers, pursuant to Chapter 61G-17-6, Florida Administrative Code.

CERTIFICATION made to First Union National Bank, a national banking association, Independent Abstract & Title Company, Lawyers Title Insurance Corporation, Stearns, Weaver, Miller, Weissler, Ahnfeldt & Sitterson, P.A. and Old Town Key West Development, Ltd., a Florida limited Partnership.

22614

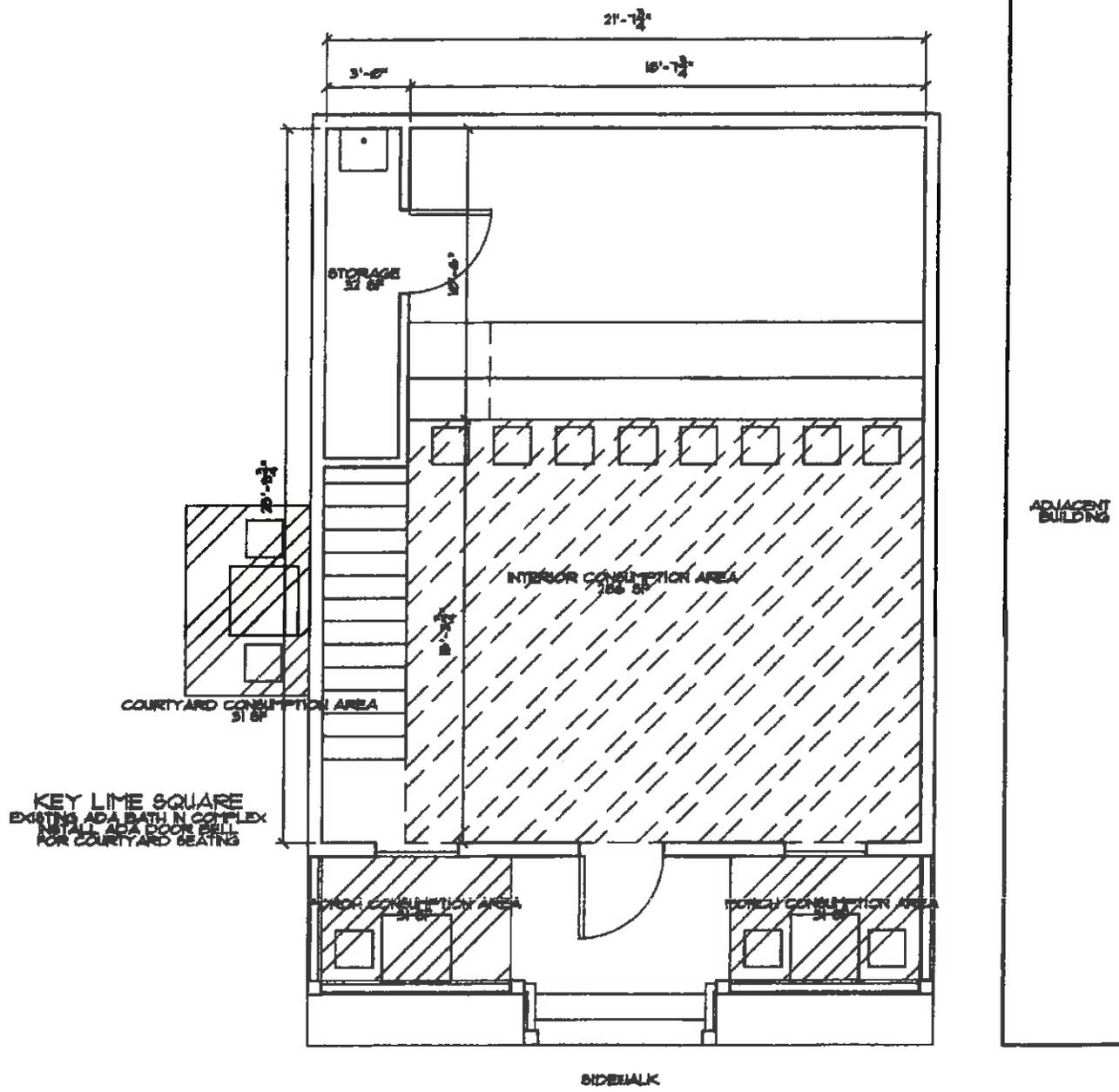
RWK

CERTIFICATION:

I HEREBY CERTIFY that the attached BOUNDARY SURVEY is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 61G17-6, Florida Statute Section 472.927, and the American Land Title Association, and that there are no visible encroachments unless shown hereon.

FREDERICK H. HILDEBRAND
Professional Land Surveyor No. 2749
Professional Engineer No. 36810
State of Florida

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE



KEY LINE SQUARE
 EXISTING ADA BATH IN COMPLEX
 INSTALLED ADA TOILET BELL
 FOR COURTYARD SEATING

OC
 22614
 RWK

SOUTHARD STREET

1ST FLOOR PLAN

3/16" = 1' - 0"

INTERIOR CONSUMPTION AREA: 286 SF
 EXTERIOR CONSUMPTION AREA: 93 SF