

RESOLUTION NO.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN PURSUANT TO SECTION 108-92.B.2.(a) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE CONSTRUCTION OF 39 AFFORDABLE UNITS AND 23 MARKET RATE UNITS PROPERTY LOCATED AT 5555 COLLEGE ROAD (RE # 00072080-001400; AK # 1076007)) WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 108-91 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that, a Major Development Plan is required permanent residential development; addition of eleven or more units; and

WHEREAS, Code Sections 108-196(a) requires the Planning Board to review and approve, approve with conditions or deny the proposed Major Development Plan in an advisory capacity to the City Commission; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on May 26, 2016, resulting in Planning Board Resolution No. 2016-27 advising approval with conditions to the City Commission; and

WHEREAS, the granting of the Major Development Plan is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board determined that the granting of the Major Development Plan is 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

WHEREAS, pursuant to Code Section 108-198, the City Commission shall review and act upon Major Development Plan proposals; and

WHEREAS, the granting of the Major Development Plan 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 City Commission 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 the City Commission grants approval of the application for The Major Development Plan for the construction of for the construction of 39 affordable units and 23 market rate units at 5555 College Road (RE # 00072080-001400; AK # 1076007) within the General Commercial (CG) Zoning District zoning district pursuant to Sections 108-91.B.2 (a) of the Land Development Regulations of the Code of Ordinances of the City of Key West,

Florida, as shown in the attached plans, is hereby approved with the following conditions

General conditions:

1. The proposed development shall be consistent with the plans dated May 12, 2016 by Weiler Engineering and the Landscape Plan plans dated May 24, 2016 by Ladd Roberts, Landscape Architect.

2. During all phases of construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

3. As outlined in the Development Agreement the thirty-nine (39) affordable units will be required to file deed restrictions with the City per Section 122-1467 (d). The deed restriction shall be in a form provided by the city and shall be for a period of at least 50 years. It shall be recorded in the county records. During the final year of the deed restriction, the city commission may act by Resolution to renew the affordability restriction for an additional 50-year term.

Conditions prior to issuance of a building permit:

4. Approval of a Public Art Plan shall be obtained from the AIPP Board, pursuant to City Code Section 2-487, and may include an in-lieu fee.

Conditions prior to issuance of a Certificate of Occupancy:

5. The total score claimed of 25 points, in which the 23 market rate Building Allocation System (BPAS) units were awarded through Planning Board Resolution 2015-06, shall be confirmed by City staff. The total score claimed of 40 points, in which the 39 affordable Building Allocation System (BPAS) units were awarded through Planning Board Resolution 2015-26, shall be confirmed by City staff.

6. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.

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 Major Development Plan 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 will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C, F.A.C., this permit 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 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.

Passed and adopted by the City Commission at a meeting held
this _____ day of _____, 2016.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2016.

Filed with the Clerk _____, 2016.

Mayor Craig Cates	_____
Commissioner Samuel Kaufman	_____
Vice Mayor Clayton Lopez	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK