

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE PURSUANT TO SECTION 108-91 B. 2. (a) AND CHAPTER 122 – ARTICLE III OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, FOR THE CONSTRUCTION OF FORTY-SEVEN (47) RESIDENTIAL UNITS AND AN ADMINISTRATION BUILDING ON PROPERTY LOCATED AT 1515-1525 BERTHA STREET AND 1512 DENNIS STREET (RE # 00063400-000100 AND RE # 00063400-000000) WITHIN THE COMMERCIAL LIMITED (CL) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91 B. 2. (a) of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that outside of the Historic District, a Major Development Plan is required for permanent residential development addition of eleven or more units; and

WHEREAS, Section 122-388 (6) requires Conditional Use approval for nursing homes, rest homes, and convalescent homes; and

WHEREAS, Section 122-62 provides the specific criteria for the approval of a conditional use; and

WHEREAS, Section 108-196 (a) authorizes 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 September 18, 2018, resulting in Planning Board Resolution no. 2018-48 advising approval with conditions to the City Commission; and

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

WHEREAS, granting of the Major Development Plan and Conditional Use 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, as follows:

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 Major Development Plan and Conditional Use for the construction of forty-seven (47) residential units and an administration building on property located at 1515-1525 Bertha Street and 1512 Dennis Street (RE # 00063400-0001000; AK # 1000469 and RE # 00063400-000000; AK # 1063835) within the Limited Commercial (CL) zoning district pursuant to Section 108-91 B. 2. (a) and Chapter 122 – Article III of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, with the conditions provided in Planning Board Resolution no. 2018-48, and specified as follows:

General conditions:

1. The proposed development shall be consistent with the plans dated September 4, 2018 signed and sealed by MHK Architecture and Planning, and the landscape plans dated August 31, 2018 by Janet O. Whitmill, R.L.A., Inc.; not withstanding any revisions requested and recommended by staff.
2. The hours of construction shall be in compliance with City Code and be limited to 8 AM to 7 PM Monday through Friday, and 9 AM to 5 PM on Sunday.
3. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

Conditions prior to placement on a City Commission agenda:

4. The site plan shall be modified to address the following issues:
 - a. The existing sidewalks in the public right-of-way shall remain.
 - b. The off-street parking requirement of a minimum of twelve (12) spaces shall be wholly contained within the parcel without removing existing on-street parking.
5. The applicant shall obtain final landscape plan approval from the Tree Commission.
6. The applicant shall provide proof of coordination with the Key West International Airport.
7. A revised traffic study to the satisfaction of the City Engineer shall be submitted.

Conditions prior to issuance of a building permit:

8. The applicant shall coordinate with Keys Energy Services a full project review.

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

Conditions prior to issuance of a Certificate of Occupancy:

10. No building permit shall become final and no certificate of occupancy shall be issued until any and all impact fees are paid.

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 and Conditional Use does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the 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 (DEO). 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 _____, 2019.

Authenticated by the presiding officer and the Clerk of the Commission on _____, 2019.

Filed with the Clerk _____, 2019.

Mayor Teri Johnston _____

Commissioner Gregory Davila _____

Commissioner Mary Lou Hoover _____

Vice-Mayor Sam Kaufman _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK