

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MINOR DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTIONS 108-91.A.1(b) AND 108-196(a) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE CONSTRUCTION OF A TWO-STORY COMMERCIAL STRUCTURE AND A TWO-STORY TWO-FAMILY RESIDENTIAL STRUCTURE ON PROPERTY LOCATED AT 1028-1030 TRUMAN AVENUE (RE # 00033280-000000) WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL DISTRICT – TRUMAN / SIMONTON (HNC-1) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 108-91 A. 1. (b) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that within the Historic District, a Minor Development Plan is required for the addition of 500 to 2,499-square-feet of nonresidential floor area; and

WHEREAS, Section 108-196 (a) authorizes the Planning Board to review and approve, approve with conditions, or deny the proposed Minor Development Plan for property in the historic district 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. 2018-46 advising approval with conditions to the City Commission; and

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

WHEREAS, granting of the Minor 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, 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 Minor Development Plan for the construction of a two-story commercial structure and a two-story two-family residential structure on property located at 1028-1030 Truman Avenue (RE # 00033280-000000) within the Historic Neighborhood Commercial District – Truman / Simonton (HNC-1) zoning district pursuant to Sections 108-91.A.1(b) and 108-196(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 conditions provided in Planning Board Resolution no. 2018-46, and specified as follows:

General conditions:

1. The proposed development shall be consistent with the plans dated September 10, 2018 by William Shepler and Associates, Registered Architect (minus the three (3) scooter parking stalls), and the landscape plans dated June 18, 2018 by Keith Oropeza, Registered Landscape Architect; notwithstanding 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 on Monday through Friday, and 9 AM to 5 PM on Saturday.

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.

4. The 2-story commercial structure shall not accommodate a use that would generate a minimum off-street parking requirement of more than 1 motorized vehicle parking space per 300-square-foot of gross floor area. Acceptable uses shall include banks, public administration offices, office buildings and professional offices other than doctors' or dentists' offices, retail stores and service establishments, and warehousing or manufacturing, pursuant to Section 108-572. Notwithstanding the foregoing, the parcel must comply with the use regulations of the HNC-1 zoning district as outlined in the City of Key West's LDRs, Chapter 122, Sections 122-807, 122-808, and 122-809.

Conditions prior to placement on a City Commission agenda:

5. The applicant shall submit a revised site plan, eliminating the three (3) scooter parking stalls, as requested by the City of Key West Fire Inspector.

6. The applicant shall obtain final landscape plan approval from the Tree Commission.

Conditions prior to issuance of a building permit:

7. A Certificate of Appropriateness shall be obtained.

8. Applicant shall coordinate with Keys Energy for a full project review.

Conditions prior to issuance of a Certificate of Occupancy:

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

10. The total score claimed of 75 points, in which the two (2) market-rate Building Permit Allocation System (BPAS) units were awarded through Planning Board Resolution 2015-06, shall be confirmed by City staff.

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 Minor Development Plan application approval by the City Commission 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