

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING MODIFICATION TO THE MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE PREVIOUSLY APPROVED BY RESOLUTION 09-242 TO PERMIT RECONFIGURATION OF A PARKING LOT, ELIMINATION OF PREVIOUSLY REQUIRED INGRESS AND EGRESS EASEMENT, RELOCATION OF GARBAGE STORAGE AND PICK-UP AREAS, AND TO MODIFY CONDITIONS TO PERMIT OUTDOOR CONSUMPTION AREA FOR THE PROPERTY LOCATED AT 512 GREENE STREET (RE #00001170-000000); PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, section 108-91C(3) and (4) of the Code of Ordinances allows applicants to request major modifications to major development plans, including changes to specific conditions of development approvals, and those requests are required to be treated in the same manner as the original approval; and

WHEREAS, the Key West City Commission approved a major development plan and conditional use for the property in Resolution No. 09-242 on October 13, 2009; and

WHEREAS, the applicant requested to modify the design of the Major Development Plan and modify conditions of City Commission approval 09-242; and

WHEREAS, in Planning Board Resolutions No. 2010-024 and 2011-035 the Planning Board of the City of Key West recommended approval and found the modifications to the Major Development Plan to be in

harmony with the general purpose and intent of the Land Development Regulations, and not injurious to the neighborhood, or otherwise detrimental to the public welfare;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the proposed major modification to major development plan and conditional use for 512 Greene Street is hereby approved, with conditions as described herein.

Section 2: That approval to the requested modification is conditioned upon the following supplemental and modified requirements:

Conditions to be completed prior to or in conjunction with the issuance of building permits:

1. The parking lot surface material to be used in the parking lot must be jointly approved by the engineering division and HARC. The ADA parking space must meet Federal guidelines.

Conditions to be completed prior to the issuance of certificate of occupancy:

2. The applicant will install and maintain a programmable distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and real time monitoring access is provided to the City.

3. City Staff will confirm that the sound system is functioning as provided for in Condition two (2).

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

4. Outdoor speakers are prohibited.
5. Security cameras will be provided on site and security personnel will be present during the hours of operation.
6. Waste handling shall be consistent with the Solid Waste Management plan dated July 13, 2011. The applicant will recycle materials accepted by the city's waste handling contractor.
7. Compliance with the plans received July 12, 2011, is a condition of approval and specifically incorporated herein.
8. The outdoor consumption area is limited to the side yard area on the corner of Greene and Ann Streets only and is strictly prohibited from the rear courtyard area.

General Conditions:

9. The applicant expressly agrees to provide the City's agents unfettered access to the computer-generated reports and full, real-time web-based access to the digital monitoring of on-site acoustics for the purpose of assuring compliance with the conditions contained herein.
10. Any and all music shall be routed through the programmable distributive sound system consistent with that described in the document prepared by The Audio Bug. Under no circumstances is outdoor music allowed.

Section 3: That condition number 2 of City Commission Resolution 09-242, which required the execution of an irrevocable donation waiver for a 1.0 Equivalent Single Family Unit previously associated with the property, was completed on January 13, 2010. The previous relinquishment of that unit to the city remains unaffected by this resolution.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and 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 Community Affairs. 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 DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA 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.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2011.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2011.

Filed with the Clerk _____, 2011.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK