

**RESOLUTION NUMBER 2009-041**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A MAJOR DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 524 EATON STREET (RE#00006500-000000 AND 00006500-000100), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

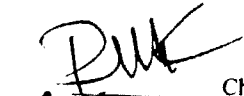

**WHEREAS**, Section 108-91(A)(2)(a) of the Code of Ordinances provides that the addition or reconstruction of five or more units, whether permanent residential or transient residential, within the Historic District require a Major Development Plan approval; and

**WHEREAS**, the applicant requested a Major Development Plan approval to allow the addition of four transient residential units and the reconstruction of one permanent residential unit on the site; and

**WHEREAS**, Section 108-517 of the Code of Ordinances allows for the applicant to request a landscape requirement waiver; and

**WHEREAS**, the applicant requested a waiver to Sections 108-413 for landscape requirements; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on November 10, 2009; and

  
Chairman  
  
Planning Director

**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

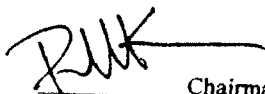

**WHEREAS**, the approval of the landscape waiver is consistent with the criteria in the Code;

**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 if fully set forth herein.

**Section 2.** That the Planning Board recommends to the City Commission conditional approval of the application for Major Development Plan, per Section 108-91 (A)(2)(a), under the Code of Ordinances of the City of Key West, Florida, as follows: To convert a professional office space into four new transient residential units and one permanent residential unit, occupying the second story and proposed third half story for property located at 524 Eaton Street (RE # 00006500-000100), see attached plans dated October 19, 2009, with the following conditions:

1. The approval of the Major Development Plan is contingent upon the applicant obtaining a unity of title before building permits are issued for parcels 512 Eaton Street (RE# 00006500-0000) and 524 Eaton Street (RE# 00006500-0100).
2. Variances for open space, maximum building coverage, impervious surface ratio, and for front, rear, and street side setbacks are approved.
3. A recorded deed restriction or recorded perpetual easement providing for five required parking spaces on the designated site for the duration of the principal use must be accomplished in a form acceptable to the City Attorney before building permit issuance.

  
Chairman  
  
Planning Director

4. Tree Commission approval will be required.
5. H.A.R.C. approval is required for the elevator shaft is required prior to building permit issuance.
6. Labeling corrections will be made on the site plan prior to City Commission review as follows:
  - a. The residential use will be identified as Unit #5 and the transient use as Unit #1, which is the accessible unit.
  - b. Eliminate Pilot House References.
  - c. Eliminate the cover sheet.
7. Stormwater calculations shall be provided by the applicant and approved by the City Engineer.



**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.** That the requested right-of-way waiver/modification reducing the minimum standards for landscaping along the right-of-way be approved in reference to the provided site plan dated October 27, 2009, but not in reference to the provided landscaping plan for the project.

**Section 6.** 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.

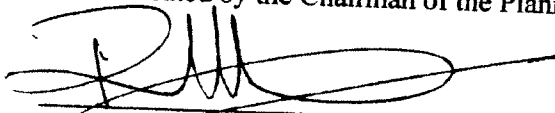
**Section 7.** This resolution is subject to appeal periods as provided by the City of Key West

  
Chairman  
  
Planning Director

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 Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit 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 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.

Read and passed on first reading at a regular meeting held this 10<sup>th</sup> day of November, 2009.

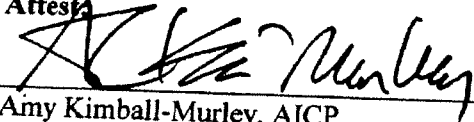
Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman  
Key West Planning Board

11/23/2009  
Date

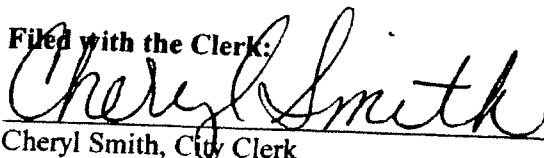
Attest:



Amy Kimball-Murley, AICP  
Planning Director

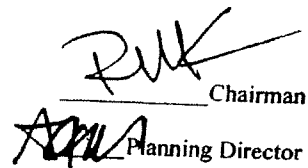
11/23/09  
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

11-23-09  
Date



Chairman  
Planning Director