

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MAJOR MODIFICATION TO THE MAJOR DEVELOPMENT PLAN APPROVAL PREVIOUSLY APPROVED BY RESOLUTION 07-164 FOR THE PROPERTY LOCATED AT 3820, 3824, 3850 AND 3852 N. ROOSEVELT BOULEVARD (RE #00065530-000000, AK #1068233; RE# 00065550-000000, AK 1068250; RE#00064940-000000, AK#1065455; RE# 00065060-000000, AK#1065587); 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. 07-164; and

WHEREAS, the applicant requested to modify the design of the Major Development Plan and amend the major development plan granted in Resolution 07-164 to include the renovation of four hotel properties as Phase 1 and the replacement of the Welcome Center and restaurant structures as Phase 2; and

WHEREAS, in Planning Board Resolution No. 2013-25 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; 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 proposed major modification to major development plan and conditional use for the properties located at 3820, 3824, 3850 and 3852 North Roosevelt Boulevard is hereby approved, with conditions as set forth in Planning Board Resolution Number 2013-25, and described herein.

Section 3: That approval to the requested major modification is conditioned upon the following supplemental and modified requirements:

1. The applicant shall install a continuous landscape buffer and wall per the waiver request approval and Development Agreement.
2. Exterior lighting shall comply with "Dark Sky Standards" as described in the Development Agreement.

3. Coordinate with the Art in Public Places Board for an installation at the intersection of 3850 North Roosevelt and US 1, the "Triangle."
4. Coordinate with FDOT for changes of ingress and egress and sidewalk installation.
5. That the applicant authorizes the City to perform Lawful Unit Determinations for 3840 and 3824 North Roosevelt Boulevard. There was a determination by the DCA in 2009 that there is one non-transient dwelling unit on each of these properties. The unit at 3824 N. Roosevelt will be demolished as part of the redevelopment. If found to be legal, recognizable units, the City would absorb the demolished unit to be added to the Building Permit Allocation System.
6. That the Concurrency Management Analysis be revised to reflect the Level of Service requirements in the effective Comprehensive Plan at the time of final approval.
7. That the approval of the Modification to a Major Development Plan be contingent upon the approval of the Development Agreement.

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 _____, 2013.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2013.

Filed with the Clerk _____, 2013.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK