

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING APPROVAL TO A MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE APPROVAL FOR CONSTRUCTION OF A REGIONAL PUBLIC FACILITY ON PROPERTY LOCATED AT 616 SIMONTON STREET (RE# 00012210-000000, 00012220-000000) IN HPS AND HNC-1 ZONING DISTRICTS, KEY WEST FLORIDA; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91(A)(2)(b) of the Code of Ordinances allows applicants to request Major Development Plan approval within the Historic District of additions to or reconstruction of equal to or greater than 2,5000 square feet of gross floor area; and

WHEREAS, the old City Hall and current Fire Station property located on the corner of Angela and Simonton Streets is now addressed as 616 Simonton Street. The property is located in two separate zoning districts: the old City Hall, Fire House and public parking lot are located in the Historic Public and Semipublic Service (HPS) zoning District, and the adjoining vacant site is located in the Historic Neighborhood Commercial - Truman Simonton (HNC-1) zoning district; and

WHEREAS, the applicant has proposed the demolition of the existing old City Hall and Fire Station structure in order to build a new regional public facility which includes a fire station, public parking, transportation facility options and public restrooms. The proposed fire station will be built to withstand a Category 5 hurricane and is located in flood zone X, as required in the Comprehensive Plan; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on November 19, 2012, resulting in Planning Board Resolution No. 2012-049; and

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

WHEREAS, the 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:

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, per Section 108-91 of the Code of Ordinances of the City of Key West, Florida, for the development of a regional public facility, including a fire station, on-site parking, transportation facility options, and public restrooms located at 616 Simonton Street (RE#00012210-000000, 00012220-000000) in the HPS AND HNC-1 zoning districts, as shown in the attached plans dated October 18, 2012, with the conditions provided in Planning Board Resolution No. 2012-049 and as specified as follows: (1) Plans cited as basis for approval are attached hereto and incorporated by reference; (2) The ADA parking

spaces must meet Federal guidelines; (3) Variances associated with the Major Development Plan must be approved by the Planning Board, as applicable; (4) in order to reduce impacts on the surrounding community, the Construction Management Plan will be followed with an emphasis on keeping noise, dust and debris to a minimum. The plan shall include (a) an eight foot opaque construction fence erected around the property; (b) during demolition, the building will be pressure sprayed with water to control dust; (c) adjacent streets shall be cleared of dust, dirt and debris at the end of each work day; (d) all waste containers should be covered at the end of each working day (e) current regulations as to the start and stop of each work day will be met - Monday through Friday 8 a.m. to 7 p.m. and Saturdays 9 a.m. to 5 p.m. with no Sundays or holidays; (f) Josephine Parker Road shall remain open throughout construction; (g) The Construction Management Plan shall include "Construction of the facility will meet or exceed the criteria in the City's Local Business Preference Regulations. (5) Prior to the issuance of a certificate of occupancy the two properties shall be combined with a unity of title to create one real estate number; and (6) subject to a Conditional Approval permit, per ordinance 10-22, there shall be subject to an annual inspection public restrooms with hours of operations limited to 8:00 a.m. to 10:00 p.m. daily.

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. 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 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.

Passed and adopted by the City Commission at a meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Authenticated by the presiding officer and Clerk of the  
Commission on \_\_\_\_\_, 2012.

Filed with the Clerk \_\_\_\_\_, 2012.

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CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK