

RESOLUTION NO.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN PURSUANT TO SECTION 108-91.A.2. (b) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE RECONSTRUCTION OF 9,300 SQUARE FEET OF NONRESIDENTIAL FLOOR AREA AS PART OF THE RENOVATION AND REPAIR OF THE FREDRICKDOUGLASS COMMUNITY CENTER ON PROPERTY LOCATED AT 111 OLIVIA STREET (RE# 00014720-000000, AK# 1015091) WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL - BAHAMA VILLAGE (HNC-3) AND HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) ZONING DISTRICTS; PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, Section 108-91 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that within the Historic District, a Major Development Plan is required for reconstruction of greater than 2,500 square feet of nonresidential floor area; and

**WHEREAS**, Code Sections 108-196(a) requires the Planning Board to review and approve, approve with conditions or deny the proposed Major Development Plan in an advisory capacity to the City Commission; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on March 19,2015, resulting in Planning Board Resolution No. 2015-13 advising approval with conditions to the City Commission; and

**WHEREAS**, the granting of the Major Development Plan is consistent with the criteria of the Code of Ordinances; and

**WHEREAS,** the Planning Board determined that the granting of the Major Development Plan is 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,** pursuant to Code Section 108-198, the City Commission shall review and act upon Major Development Plan proposals; and

**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

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 The Major Development Plan for the reconstruction of 9,300 Square Feet of nonresidential floor area as part of the renovation and repair of the Frederick Douglass Community Center at 111 Olivia Street (RE # 00014720-000000, AK # 1015091) within the Historic Neighborhood Commercial-3 (HNC-3) and Historic Medium Density Residential

(HMDR) zoning district pursuant to Sections 108-91.A.2 (b) 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 following conditions

**General conditions:**

1. The proposed development shall be consistent with the site plan and architectural plans dated February 27, 2015 by architect Andrew M. Hayes. Notwithstanding the revisions requested and recommended by staff.

2. During all phases of demolition and construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

**Conditions prior to issuance of a Certificate of Occupancy:**

3. On-site artwork shall be installed and inspected by the City pursuant to Code.

**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 Economic Opportunity. 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 4<sup>th</sup> day of April, 2017.

Authenticated by the presiding officer and Clerk of the  
Commission on \_\_\_\_\_, 2017.

Filed with the Clerk \_\_\_\_\_, 2017.

|                              |       |
|------------------------------|-------|
| Mayor Craig Cates            | _____ |
| Commissioner Samuel Kaufman  | _____ |
| Vice Mayor Clayton Lopez     | _____ |
| Commissioner Richard Payne   | _____ |
| Commissioner Margaret Romero | _____ |
| Commissioner Billy Wardlow   | _____ |
| Commissioner Jimmy Weekley   | _____ |

---

CRAIG CATES, MAYOR

ATTEST:

---

CHERYL SMITH, CITY CLERK