

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

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MINOR DEVELOPMENT PLAN PURSUANT TO SECTIONS 108-91.A.1.(A), AND 108-196 (A) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE CONSTRUCTION OF A TWO-STORY STRUCTURE THAT WILL HOUSE A CHILLER PLANT ON PROPERTY LOCATED AT 521 THOMAS STREET (RE # 00010110-000000) IN THE HISTORIC PUBLIC AND SEMIPUBLIC SERVICES (HPS) ZONING DISTRICT; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Section 108-91. A.1. (b) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that within the Historic District, a Minor Development Plan is required for the proposed construction of 500 to 2,499 square feet of nonresidential floor area; and

**WHEREAS**, Section 108-196 (a) authorizes the Planning Board to review and approve, approve with conditions, or deny the proposed Minor Development Plan for property in the Historic District in an advisory capacity to the City Commission; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on August 15, 2019, resulting in Planning Board Resolution No. 2019-58 advising approval with conditions to the City Commission; and

**WHEREAS**, pursuant to Code Section 108-198, the City Commission shall review and act upon the Minor development Plan proposals; and

**WHEREAS**, granting of the Minor 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 Minor Development Plan for the construction of a new two-story structure that will house a chiller plant on property located at 521 Thomas Street (RE# 00010110-000000) in the Historic Public and Semipublic Services (HPS) zoning district pursuant to Sections 108-91.A.1.(b) and 108-196 (a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, with the conditions provided in Planning Board Resolution No. 2019-58, and specified as follows:

**General conditions:**

1. The proposed development shall be consistent with the plans signed and dated July 31, 2019 by Bender and Associates, Architects and T.Y. LIN International Engineers.
2. The hours of construction shall be in compliance with City Code and be limited to 8 AM to 7 PM on Monday through Friday, and 9 AM to 5 PM on Saturday.
3. 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.
4. This approval shall not become effective until the concurrent application for height variance is approved and effective.

**Conditions prior to issuance of a building permit:**

5. A Certificate of Appropriateness shall be obtained.

**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 Minor Development Plan application approval by the City Commission 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 \_\_\_\_ day of \_\_\_\_\_, 2019.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_ 2019.

Filed with the Clerk \_\_\_\_\_, 2019.

Mayor Teri Johnston	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Vice-Mayor Sam Kaufman	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

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TERI JOHNSTON, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK