

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MAJOR MODIFICATION TO THE MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE APPROVAL PREVIOUSLY APPROVED BY RESOLUTION 99-225 FOR THE PROPERTY LOCATED AT 951 CAROLINE STREET (RE #00002970-000000); 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. 99-225; and

WHEREAS, the applicant requested to modify the design of the Major Development Plan and modify conditions of City Commission approval granted in Resolution No. 99-225; and

WHEREAS, in Planning Board Resolution No. 2012-51 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

WHEREAS, in Planning Board Resolution No. 2012-52 the Planning Board of the City of Key West approved the applicant's variance request from the parking requirements contained in section 108-572(16) of the Land Development Regulations.

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 951 Caroline Street is hereby approved, with conditions as set forth in Planning Board Resolution Number 2012-51, and described herein.

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

Conditions to be completed prior to or in conjunction with the issuance of building permits:

1. The applicant shall enter into a Parking Agreement to effectuate the provisions contained in Planning Board Resolution No. 2012-52 in a form approved by the Planning Director and the City Attorney. The City Manager is hereby authorized to execute the Parking Agreement in behalf of the City.

Conditions to be completed prior to the issuance of certificate of occupancy:

2. All five (5) auto and 123 bicycle/scooter parking spaces are installed.

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 _____, 2012.

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

Filed with the Clerk _____, 2012.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK