

**PLANNING BOARD  
RESOLUTION NO. 2019-**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A CONDITIONAL USE APPROVAL TO ALLOW FOR THE CONSTRUCTION OF A PRIVATE AND PUBLIC UTILITY ON PROPERTY LOCATED AT 5610 COLLEGE ROAD AND WITHIN THE PUBLIC AND SEMIPUBLIC SERVICES DISTRICT (PS) ZONING DISTRICT PURSUANT TO CHAPTER 122, ARTICLE III AND SECTION 122-1018 (5) OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the subject property is located within the Public and Semipublic Services District (PS) zoning district; and

**WHEREAS**, pursuant to Sections 122-62, 122-63, and 122-1018 (5) of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”), the applicant filed a conditional use application to allow for installation of a public and private utility located at 5610 College Road; and

**WHEREAS**, City Code Sections 122-62 and 122-63 outline the criteria for reviewing a conditional use application by the Planning Board; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on January 17, 2019; and

**WHEREAS**, the Planning Board found that the proposed use complies with the criteria in City Code Sections 122-62 and 122-63; and

\_\_\_\_\_ Chairman  
\_\_\_\_\_ Planning Director

**WHEREAS**, the approval of the conditional use application will be in harmony with the general purpose and intent of the LDRs, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as fully set forth herein.

**Section 2.** That a conditional use request, pursuant to Sections 122-62, 122-63, and 122-1018 (5) of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing the installation of a private and public utility located at 5610 College Road (RE # 00072080-001300) with the following conditions:

**General conditions:**

1. The conditional use and site improvements/renovations shall match approved plans dated October 9, 2018 by Russell C. Morrison, Professional Engineer.
2. The proposed landscape plan dated August 15, 2018, by David Knoll, Architect, shall be reviewed by the City's Urban Forester and may be modified if necessary.
3. A height variance is needed prior to the issuance of building permits due to the proposed height of the structure. Pursuant to Section 122-63 (e), a conditional use shall expire if construction has not commenced within twelve (12) months of approval.

**Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:**

4. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.

**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 and construction shall commence within 12 months after the date hereof.

**Section 4.** This resolution 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 or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 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 45-day review period the DEO 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.

Read and passed on first reading at a regularly scheduled meeting held this 17th day of January 2019.

Authenticated by the Chair of the Planning Board and the Planning Director.

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Sam Holland, Planning Board Chair

Date

**Attest:**

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Patrick Wright, Planning Director

Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

Date