

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MAJOR MODIFICATION TO THE MAJOR DEVELOPMENT PLAN; APPROVING MODIFICATIONS TO REQUIRED AISLE WIDTH AND PARKING STALL SIZE PER SECTION 122-688(9) AND 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 PROPERTY LOCATED AT 512 GREENE STREET (RE #00001170-000000); 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. 09-242 on October 13, 2009; and

WHEREAS, the applicant requested to modify the design of the Major Development Plan and modify conditions six and seven of City Commission approval 09-242; and

WHEREAS, in Planning Board Resolution No. 2010-024 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;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the proposed major modification to major development plan and conditional use for the redesign of the approved parking lot to eliminate an access easement and relocate the garbage area, in accordance with the site plans dated May 26, 2010, for 512 Greene Street is hereby approved, with conditions.

Section 2: That the ten conditions contained in the June 17, 2010 Planning Board Resolution No. 2010-024 are specifically incorporated herein and made conditions of these approvals, as follows:

1. The parking lot shall be used for handicap parking and compact cars only;

2. The applicant voluntarily agrees to donate the 1.0 equivalent single family unit associated with the single family residence to the City of Key West through the execution of a donation waiver;

3. The applicant will install and maintain a programmable distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted

on July 25, 2009, to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and real time monitoring access is provided to the city;

4. Prior to the issuance of the Certificate of Occupancy, staff will confirm that the sound system is functioning as provided for in Condition No. 3;

5. The applicant expressly agrees to provide the City's agents unfettered access to the computer-generated reports and full real-time web-based access to digital monitoring of on-site acoustics for the purpose of assuring compliance with the conditions contained herein;

6. There will be no live music, disc jockeys or karaoke anywhere on the site unless located indoors and approved under a special event permit per section 6-86 of the Code of Ordinances. Under no circumstances will these venues be allowed outdoors;

7. Security cameras will be provided onsite, and security personnel will be present during the hours of operation.

8. Waste handling shall be consistent with the Solid Waste Management plan dated June 16, 2010. The applicant will recycle materials accepted by the city's waste handling contractor.

9. Compliance with the plans dated May 26, 2010 is a condition of approval and specifically incorporated herein; except that the applicant will modify the site plan and landscape plan to provide a fixed barrier and vegetative buffer to prevent vehicular access but allow pedestrian access no less than six feet in width in the area on the site plan dated May 26, 2010, labeled as 'Future Landscape Area.'

10. No outdoor consumption area has been approved.

Section 3: 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 _____, 2011.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2011.

Filed with the Clerk _____, 2011.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK