

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN, CONDITIONAL USE AND LANDSCAPE AND BUFFER-YARD WAIVER APPROVALS PURSUANT TO SECTIONS 108-91.B.2.(A) & (B) AND 122-388(6) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE PHASED DEMOLITION AND RECONSTRUCTION OF SEVEN OF THE SIXTEEN EXISTING CONVALESCENT UNITS, CONSTRUCTION OF SEVEN NEW UNITS, AND AN ADMINISTRATION BUILDING ON PROPERTY LOCATED AT 1512 DENNIS STREET AND 1515-1525 BERTHA STREET (RE # 00063400-000000, AK #1063835 AND RE#00063400-000100, AK #8850701) IN THE LIMITED COMMERCIAL (CL) ZONING DISTRICT; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 108-91.B.2.(b) of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides requires a Major Development Plan for the construction or reconstruction of equal to or greater than 5,000 square feet of nonresidential gross floor area; and

WHEREAS, the applicant proposed the phased demolition and reconstruction of seven of the 16 existing convalescent-units, construction of 7 new units, and an administration building; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 17, 2014, resulting in Planning Board Resolution No. 2014-40; and

WHEREAS, the granting of the Major Development Plan, Conditional Use and Landscape Waiver application is consistent

with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board determined that the granting of the Major Development Plan, Conditional Use and Landscape Waiver 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 Section 108-198, the City Commission shall review and act upon Major Development Plan proposals; and

WHEREAS, the granting of the Major Development Plan and Conditional Use 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 Major Development Plan, Conditional Use and Landscape Waiver for phased demolition and reconstruction of seven of the 16 existing convalescent units, construction of seven new units and an administration building, as shown on the attached plan set dated July 2, 2014 by Richard J. Milelli,

Registered Architect, on property located at 1512 Dennis Street and 1515-1525 Bertha Street (RE # 00063400-000000, AK #1063835 and RE#00063400-000100, AK #8850701) in the CL Zoning District pursuant to Sections 108-91.B.2.(a) & (b) and 122-388(6) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, with the conditions provided in Planning Board Resolution 2014-40, and specified as follows:

General conditions:

1. The applicant shall obtain final landscape plan approval.
2. The applicant shall address Engineering comments dated March 27, 2014.
3. Any lighting fixtures shall meet "Dark Sky" lighting standards.
4. Construction Management Plan shall be implemented.
5. Any use of new BPAS allocations for any part of this project shall require that all structures meet the minimum prerequisites of the BPAS ordinance as to sustainable building features and elevation for FEMA purposes.

Conditions subject to a Conditional Approval Permit, per Ordinance 10-22, subject to an associated annual inspection:

6. All swales and landscaping shall be maintained.

7. Phase 1 of the development shall be complete by October 31, 2017, or shall require one and only one extension approved by the City Commission prior to the expiration date of this resolution of the City Commission approving the Development Plan.

8. Phase 2 of the Development Plan shall be complete by October 31, 2019, or shall require one and only one extension approved by the City Commission prior to the expiration date of this resolution of the City Commission approving the Development Plan.

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 (subject to the conditions set forth above).

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 _____ day of _____, 2014.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2014.

Filed with the Clerk _____, 2014.

Mayor Craig Cates _____
Vice Mayor Mark Rossi _____
Commissioner Teri Johnston _____
Commissioner Clayton Lopez _____
Commissioner Billy Wardlow _____
Commissioner Jimmy Weekley _____
Commissioner Tony Yaniz _____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK