

RESOLUTION NO.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTIONS 90-676 through 90-692 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, RECOMMENDING APPROVAL OF A DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 541 WHITE STREET IN THE HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT (HSMDR) (RE#00006730-000200) BETWEEN THE CITY OF KEY WEST AND PEARY COURT HOLDINGS LP; PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, Pursuant to section 122-611(e), Any development plan approval submitted for a property in the HSMDR zoning district shall be accompanied by a concurrent application for a development agreement; and

**WHEREAS**, the Development Review Committee reviewed the draft Development Agreement and related documentation on June 25, 2015 and August 27, 2015, and the agreement was revised to reflect staff comments; and

**WHEREAS**, after public notice pursuant to Section 90-683 of the Land Development Regulations of the Code of Ordinances, the request for a Development Agreement was heard by the Planning Board at the regularly scheduled Planning Board Meeting on October 15, 2015; in an advisory capacity to the City Commission; and

**WHEREAS**, Code Section 90-676 through 90-692 requires the Planning Board to consider development Agreement request; and

**WHEREAS**, this matter came before the Planning Board at a duly

noticed public hearing on October 15, 2015, resulting in Planning Board Resolution No. 2015-49 advising approval with conditions to the City Commission; and

**WHEREAS**, the granting of the Development Agreement application is consistent with the criteria of the Code of Ordinances; and

**WHEREAS**, the Planning Board determined that the granting of the Development Agreement 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 Code Section 90-676 through 90-692, the City Commission shall review and act upon Development Agreement proposals; and

**WHEREAS**, the granting of the Development Agreement 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 Development Agreement for the for the construction of 48 new affordable residential units on property located at 541 White Street (RE # 00006730-000200; AK # 9100458) within the Historic Special Medium Density Residential (HSMDR) zoning district pursuant to Sections 90-676 through 90-692 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached Development Agreement.

**Section 3.** This Development Agreement 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 4.** 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 5.** 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 resolution will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C, F.A.C., this resolution 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 resolution to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the resolution until the appeal is resolved by agreement or order.

Passed and adopted by the City Commission at a meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_, 2016.

Filed with the Clerk \_\_\_\_\_, 2016.

Mayor Craig Cates	_____
Commissioner Samuel Kaufman	_____
Vice Mayor Clayton Lopez	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

\_\_\_\_\_  
CLAYTON LOPEZ, VICE MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK