

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN, CONDITIONAL USE AND LANDSCAPE MODIFICATION / WAIVER APPROVALS PURSUANT TO SECTIONS 108-91.A.2., 108-517, 122-62 AND 122-718 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE RECONSTRUCTION OF 2,500 OR GREATER OF GROSS FLOOR AREA FOR THE MODIFICATION AND CONTINUATION OF PUBLIC UTILITY AND PARKING LOT USES AND FOR THE REDUCTION OF REQUIRED LANDSCAPING ASSOCIATED WITH THE PROPOSED RENOVATION OF THE KEYS ENERGY OFFICE BUILDING ON PROPERTY LOCATED AT 1001 JAMES STREET (RE # 00001700-000000, AK # 1001767) IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE - KEY WEST BIGHT (HRCC-2) ZONING DISTRICT; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 108-91.A.2. of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that within the Historic District, a Major Development Plan is required for the addition or reconstruction of equal to or greater than 2,500 square feet of gross floor area; and

WHEREAS, the proposed use of the property is continuation of the existing public utility use, which is a conditional use within the Historic Residential Commercial Core - Key West Bight (HRCC-2) Zoning District pursuant to Code Section 122-718(8); and

WHEREAS, the applicant has requested modifications to the

City's landscaping requirements pursuant to City Code Section 108-517; and

WHEREAS, Code Sections 108-196(a) and 122-62(a) require the Planning Board to review and approve, approve with conditions or deny the proposed Major Development Plan and Conditional Use in an advisory capacity to the City Commission; and

WHEREAS, Code Section 108-517(a) requires the Planning Board to consider the landscape waiver request and render the final action; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 24, 2014, resulting in Planning Board Resolution No. 2014-47; and

WHEREAS, the granting of the Major Development Plan, Conditional Use and Landscape Modification / 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 Modification / 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 Code 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 Modification / Waiver for the renovation of the existing office building and parking lot for the public electric utility use on property located at 1001 James Street (RE # 00001700-000000; AK # 1001767) in the HRCC-2 Zoning District pursuant to Sections 108-91.A.2., 108-517, 122-62 and 122-718 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans dated August 17, 2014,

with the conditions provided in Planning Board Resolution No. 2014-47, and specified as follows:

General conditions:

1. Although subject to a separate City approval, the City shall not bear any of the costs of the proposed sidewalk improvements along Grinnell and James Streets.

2. The owner shall be responsible for maintenance of all required landscaping according to the approved landscape plan, pursuant to City Code Sections 108-412(d) and 108-482. All required landscaping shall be maintained in perpetuity.

3. All landscaping shall comply with the clear sight requirements of City Code Sections 108-452 and 122-1406.

4. All new exterior lighting shall be designed to "Dark Sky" lighting standards and shall comply with City Code Section 108-284.

5. All signs shall comply with City Code Chapter 114 and Historic Architectural Guidelines.

Conditions prior to issuance of a building permit:

6. City approval required for removal and replacement of existing sidewalk and curb along Grinnell Street. City approval required for new sidewalk along James Street.

7. The property owner shall obtain an easement from the City for the proposed replacement and maintenance of

existing encroachments into the Grinnell Street right-of-way, consisting of a concrete roof canopy on the south side of the building and metal sun shades mounted to the west side of the building.

8. Approval of a Public Art Plan shall be obtained from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.

Conditions prior to issuance of a Certificate of Occupancy:

9. On-site artwork shall be installed and inspected by the City pursuant to Section 2-487.

10. 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 above conditions.

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.

Section 4. This Major Development Plan, Conditional Use and Landscape Waiver 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