

RESOLUTION NO.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN PURSUANT TO SECTION 108-91.A.2. (A) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE RECONSTRUCTION AND RELOCATION OF 14 EXISTING TRANSIENT UNITS AND 3 NON-TRANSIENT UNITS ON PROPERTY LOCATED AT 410 SIMONTON STREET, 414 SIMONTON STREET, 411 BAHAMA STREET AND 418 BAHAMA STREET (RE # 00006470-000000; AK # 1006700, RE # 00006460-000000; AK # 1006696, RE # 00006390-000200; AK # 8613482, RE # 00006520-000000; AK # 1006751 ) WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL - TRUMAN/SIMONTON (HNC-1) AND HISTORIC RESIDENTIAL COMMERCIAL CORE - DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICTS; PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, Section 108-91.A.2.(a) 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 reconstruction of five or more transient residential units; and

**WHEREAS**, the proposed use of the property is a reconstruction of the existing transient and non-transient residential use, within the Historic Neighborhood Commercial - Truman/Simonton (HNC-1) and Historic Residential Commercial Core - Duval Street

**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 in an advisory capacity to the City Commission; 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. 2015-50 advising approval with conditions to the City Commission; and

**WHEREAS**, the granting of the Major Development Plan is consistent with the criteria of the Code of Ordinances; and

**WHEREAS**, the Planning Board determined that the granting of the Major Development Plan 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 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 for the reconstruction and relocation of 14 existing transient units and 3 non-transient units property located at 410 Simonton street, 414 Simonton street, 411 Bahama street and 418 Bahama street (RE # 00006470-000000; AK # 1006700, RE # 00006460-000000; AK # 1006696, RE # 00006390-000200; AK # 8613482, RE # 00006520-000000; AK # 1006751 ) within the Historic Neighborhood Commercial - Truman/Simonton (HNC-1) and Historic Residential Commercial Core - Duval Street Gulfside (HRCC-1) zoning districts pursuant to Sections 108-91.A.2.(a) and 108-517 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, with the conditions provided in Planning Board Resolution No. 2015-50, and specified as follows:

**General conditions:**

1. The proposed development shall be consistent with the plans dated September 8, 2015 by Thomas E. Pope, P.A., and the landscape plans dated October 19, 2015 by Craig Reynolds, Landscape Architect.
2. During all phases of construction, temporary fencing and erosion barriers shall be installed and

maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

**Conditions prior to issuance of a building permit:**

3. 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.

4. The applicant shall execute a unity of title for the three contiguous parcels known as 410 Simonton Street, 414 Simonton Street and 411 Bahama Street. This approval is not valid without a unity of title for the properties indicated above.

**Conditions prior to issuance of a Certificate of Occupancy:**

5. The applicant shall coordinate with the City on obtaining any required approvals or permits to have a striped handicapped walkway across Bahama Street in City right-of-way as indicated on sheet A0.2 to meet ADA access requirements.

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

**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 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 \_\_\_\_\_, 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 \_\_\_\_\_

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

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