

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN AND LANDSCAPE MODIFICATION / WAIVER APPROVALS PURSUANT TO SECTIONS 108-91.A.2.(B) AND 108-517 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE CONSTRUCTION OF 4,557 SQUARE FEET OF NONRESIDENTIAL FLOOR AREA AND FOR THE REDUCTION OF REQUIRED LANDSCAPING ASSOCIATED WITH THE PROPOSED RESTAURANT ON PROPERTY LOCATED AT 921 TRUMAN AVENUE (RE # 00021650-000000; AK # 1022403) IN THE HISTORIC NEIGHBORHOOD COMMERCIAL - TRUMAN / SIMONTON (HNC-1) ZONING DISTRICT; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 108-91.A.2.(b) 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 greater than 2,500 square feet of nonresidential floor area; and

WHEREAS, the proposed use of the property is a continuation of the existing restaurant use within the Historic Neighborhood Commercial - Truman / Simonton (HNC-1) Zoning District; and

WHEREAS, the applicant has requested modifications or waivers 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 in an advisory capacity

to the City Commission; and

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

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on October 16, 2014, resulting in Planning Board Resolution No. 2014-67 advising approval with conditions to the City Commission; and

WHEREAS, the granting of the Major Development Plan 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 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 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 and Landscape Modification / Waiver for the demolition of the former restaurant and the construction of a new 4,557-square-foot restaurant on property located at 921 Truman Avenue (RE # 00021650-000000; AK # 1022403) in the Historic Neighborhood Commercial - Truman / Simonton (HNC-1) Zoning District pursuant to Sections 108-91.A.2.(b) 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 specified as follows:

General conditions:

1. The proposed development shall be consistent with the plans dated December 12, 2014 by William P. Horn, Architect; the landscape plans dated December 8, 2014 by Craig Reynolds, Landscape Architect; and the civil plans dated November 14, 2014 by Richard J. Milelli, Professional Engineer.

2. Although subject to a separate City approval, the City shall not bear any of the costs of the proposed sidewalk improvements within City right-of-way.

3. During all phases of demolition and 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:

4. 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.

5. Certificates of Appropriateness shall be obtained for all applicable work under this development plan.

Conditions prior to issuance of a Certificate of Occupancy:

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

7. A right-of-way permit shall be obtained for the proposed sidewalk and driveway along Packer Street.

8. 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.

Conditions subject to a Conditional Approval Permit, and subject to an associated annual inspection:

9. Restaurant seating shall be limited to a maximum of 150 seats within a 2,250-square-foot indoor consumption area.

The expansion or relocation of the consumption area outside of the building shall not be permitted without further City approvals.

10. All landscaping within the clear visibility zone at the driveway and street intersections shall provide unobstructed cross visibility between 30 inches and six feet above sidewalk grade.

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 and Landscape Modification / 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 _____, 2015.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2015.

Filed with the Clerk _____, 2015.

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

MARK ROSSI, VICE MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK