

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN, CONDITIONAL USE AND LANDSCAPE WAIVER APPROVALS PURSUANT TO SECTIONS 108-91.A.2., 108-517, 122-62 AND 122-808 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE ADAPTIVE REUSE OF A FORMER SCOTTISH RITE MASONIC CLUB/LODGE BUILDING INTO NEW ART STUDIO CLASSROOMS, OFFICES AND EXHIBITION SPACES ON PROPERTY LOCATED AT 533 EATON STREET (RE # 00004130-000000, AK # 1004294) IN THE HISTORIC NEIGHBORHOOD COMMERCIAL - TRUMAN/SIMONTON (HNC-1) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 108-91 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 applicant proposes to use the property for new art studio classrooms, offices and exhibition spaces, which are considered cultural and civic activities and are conditional uses within the Historic Neighborhood Commercial - Truman/Simonton (HNC-1) Zoning District pursuant to Code Section 122-808(3); and

WHEREAS, the applicant has requested 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 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 March 13, 2014; and

WHEREAS, the granting of a Major Development Plan, Conditional Use and Landscape Waiver application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on March 13, 2014; and

WHEREAS, the Planning Board determined that the granting of a Major Development Plan, Conditional Use and Landscape Waiver application 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.

WHEREAS, pursuant to Section 108-198, the City Commission shall review and act upon Major Development Plan proposals; and

WHEREAS, the granting of this 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 surrounding 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. The Major Development Plan, Conditional Use and Landscape Waiver for the adaptive reuse of a former Scottish Rite Masonic club/lodge into new art studio classrooms, offices and exhibition spaces on property located at 533 Eaton Street (RE # 00004130-000000, AK # 1004294) in the HNC-1 Zoning District pursuant to Sections 108-91.A.2., 108-517, 122-62 and 122- 808 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the

attached plans dated March 4, 2014, is hereby approved with the following conditions:

General conditions:

1. This approval shall not become effective until the concurrent applications for height variance and easement are approved and effective.

2. The roof shall not be used for any commercial activities that are unrelated to the principal uses, but may serve as an accessory use.

3. The new storage attic on the second floor mezzanine shall have a floor-to-ceiling height less than seven (7) feet so as not to increase the nonconforming floor area ratio of the property.

4. The proposed trash bin area shall be screened pursuant to Code Section 108-279. If front-end loaded dumpsters are used, they shall comply with Code Section 108-280.

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

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

Conditions prior to issuance of a building permit:

7. Approval of a Certificate of Appropriateness shall be obtained from the Historic Architectural Review Commission.

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 portion of the existing mezzanine level shall be modified or demolished, as indicated on the floor plans, so that portion of the mezzanine shall not be including in the gross floor area or floor area ratio of the property.

11. 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 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 (DEO). 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