

RESOLUTION NO.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR MODIFICATION TO A MAJOR DEVELOPMENT PURSUANT TO SECTIONS 108-91.B.2(B), 108-91.C.3.(A) AND 122-1017 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE CONSTRUCTION OF 23,784 SQUARE FEET OF GROSS NONRESIDENTIAL FLOOR AREA FOR THE NEW FLORIDA KEYS SPCA OFFICES AND ANIMAL SHELTER ON PROPERTY LOCATED AT 5711 COLLEGE ROAD (RE # 00063450-000000; AK # 1063886) WITHIN THE PUBLIC AND SEMIPUBLIC SERVICES (PS) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, Section 108-91.B.2.(b), of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that outside of the Historic District, a Major Development Plan is required for the addition or reconstruction of nonresidential floor area equal to or greater than 5,000 square feet of gross floor area ; and

**WHEREAS**, Section 108-91.C.3.(a), of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that Major Modifications: Modifications exceeding those to be treated as administrative or minor will be treated in the same manner as the original approval; 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**, this matter came before the Planning Board at a duly noticed public hearing on December 17, 2015, resulting in Planning Board Resolution No. 2015-58 advising approval with conditions to the City Commission; and

**WHEREAS**, the granting of the Major Modification to 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 Modification to 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 Modification to 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 Modification to Major Development Plan and for the construction of 23,784 square feet of gross nonresidential floor area for the new Florida Keys SPCA offices and animal shelter on property located at 5711 College Road (RE # 00063450-000000; AK # 1063886) within the Public and Semipublic Services (PS) zoning district pursuant to Sections 108-91.B.2 (b), 108-91.C.3.(a) and 122-1017 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. 2015-58, and specified as follows:

**General conditions:**

1. The proposed development shall be consistent with the plans dated January 4, 2016 by Rick Bacon, P.A., and the landscape plans dated December 12, 2015 by Craig Reynolds, Landscape Architect; notwithstanding the revisions requested and recommended by staff.

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 an in-lieu fee

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

4. 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 Modification to 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