

**Attachment 3**  
**Planning Board Resolution 2010-016**

**RESOLUTION NUMBER 2010-016**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE APPROVAL FOR PROPERTY LOCATED AT 5555 COLLEGE ROAD (RE# 00072080-001400), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

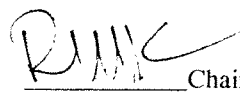

**WHEREAS**, Section 108-91(B.)(2)(c) of the Land Development Regulations provides that the addition of outdoor commercial storage equal to or greater than 5,000 square feet requires major development plan approval; and

**WHEREAS**, Section 122-418 (18) of the Land Development Regulations provides that marinas may be allowed conditionally in the CG zoning district; and

**WHEREAS**, the applicant requested a major development plan and conditional use approval to allow 184 unenclosed boat storage racks to be used for outdoor vessel storage on the site; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on April 15, 2010; 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

  
Chairman  
  
Planning Director

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

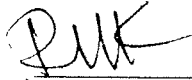

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That the Planning Board recommends to the City Commission conditional approval of the application for major development plan and conditional use, per Section 108-91(B.)(2)(c) and 122-418 (18), under the Code of Ordinances of the City of Key West, Florida, as follows: To allow the installation and use of 184 boat racks at Sunset Marina (RE # 00072080-001400), see attached plans signed and sealed April 5, 2010, with the following condition:

- The amended Settlement Agreement for the property must be modified to incorporate the proposed changes to the development program, as well as past changes not fully incorporated into the program, and be approved by the City Commission and Department of Community Affairs.

**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 conditional use does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of

  
Chairman  
  
Planning Director

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 Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA 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.

  
Chairman  
  
Planning Director

Read and passed on first reading at a regular meeting held this 15th day of April, 2010.

Authenticated by the Chairman of the Planning Board and the Planning Director.

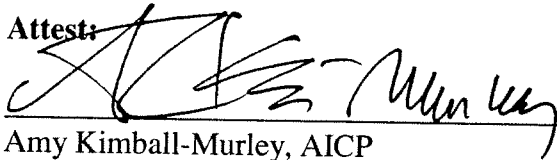


Richard Klitenick, Chairman  
Key West Planning Board

MAY 3, 2010

Date

Attest:

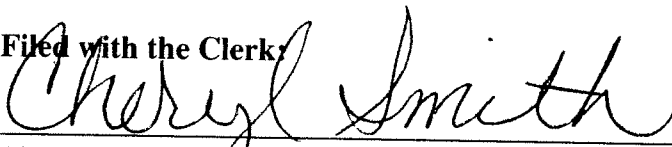


Amy Kimball-Murley, AICP  
Planning Director

MAY 3, 2010

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

5-3-10

Date

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director