

RESOLUTION NO.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING WITH CONDITIONS A CONDITIONAL USE APPROVAL FOR A NURSING HOME, REST HOME AND CONVALESCENT HOME USE ON PROPERTY LOCATED WITHIN THE MEDIUM DENSITY RESIDENTIAL DISTRICT - 1 (MDR-1) ZONING DISTRICT PURSUANT TO SECTIONS 122-62 AND 122-278(3) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the subject property is located within the Medium Density Residential District - 1 (MDR-1); and; and

WHEREAS, Section 122-62(a) provides, in part, that "a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and/or the City Commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations." This section also specifies that "a conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest,"; and

WHEREAS, pursuant to Sections 122-62 and 122-278(3) of the Land Development Regulations (the "LDRs") of the Code of Ordinances

(the "Code") of the City of Key West, Florida (the "City"), the applicant filed a conditional use application for the proposed nursing home, rest home and convalescent home use within a existing commercial retail space on property located at 1664 Dunlap Drive; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on April 21, 2016, resulting in Planning Board Resolution No. 2016-25 advising approval with conditions to the City Commission; 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, the granting of the Conditional use is consistent with the criteria of the Code of Ordinances; 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 a conditional use request, pursuant to Sections 122-62 and 122-278(3) of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing

a nursing home, rest home and convalescent home use on property located at 1664 Dunlap Drive (RE # 00054250-000000; AK # 1054879), with the following conditions.

General conditions:

1. The non-resident respite care facility on the first floor shall be limited to 25 non-residents per day for purposes of limiting traffic and parking congestion.

Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:

2. 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 general 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 Conditional Use 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