

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN FOR REDEVELOPMENT OF THE PROPERTY FORMERLY KNOWN AS JABOUR'S CAMPGROUND AND TRAILER COURT FOR USE AS A HOTEL COMPLEX FOR PROPERTY LOCATED AT 223 ELIZABETH STREET (RE# 00000710-000101, 00000710-000102, 00000720-000000, 00000730-000000, 00000740-000000, 00000750-000000, 00000760-000000, 00000810-000000, 00000840-000000) IN THE HRCC-1 ZONING DISTRICT, KEY WEST FLORIDA; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City entered into a Settlement Agreement with Harborside, LLC on June 21, 2011 for the redevelopment of the above-referenced property; and

WHEREAS, an agreement enabled by Florida Statutes 380.032(3) (the "380 Agreement") and required by the Settlement Agreement, was approved by the City Commission on July 17, 2012; and

WHEREAS, the 380 Agreement requires the Applicant to submit an application for Major Development Plan consistent with the Land Development Regulations, with the exception of three waivers enabled by the approved Agreements; and

WHEREAS, the applicant requested a Major Development Plan approval for a 96-room hotel resort complex on property located in the HRCC-1 zoning district; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 19, 2012, resulting in Planning Board Resolution No. 2012-034; and

WHEREAS, pursuant to 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, per Section 108-91 of the Code of Ordinances of the City of Key West, Florida, for the development of a hotel resort complex located at 223 Elizabeth Street (RE#00000710-000101, 00000710-000102, 00000720-000000, 00000730-000000, 00000740-000000, 00000750-000000, 00000760-000000, 00000810-000000, 00000840-000000) in the HRCC-1 zoning district, as shown in the attached plans stamped May 1, 2012, with the conditions provided in Planning Board Resolution No. 2012-034 and as specified as follows: (1) that the applicant secure the off-site parking rights, located in the City's surface lot on Caroine Street, as determined in a Settlement Agreement entered into by the Developer and the City and subsequently approved by the Department of Economic Opportunity; (2) all power lines are to be placed underground; (3) any proposed exterior lighting will comply with

section 108-284; (4) clarify that the referenced park shall not be fenced, and that the applicant will work with staff to outline other conditions for the park.

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 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.

Passed and adopted by the City Commission at a meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_, 2012.

Filed with the Clerk \_\_\_\_\_, 2012.

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CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK