

RESOLUTION No. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 1000 ATLANTIC BOULEVARD - HIGGS BEACH PARK IN THE PS (PUBLIC AND SEMIPUBLIC SERVICE) ZONING DISTRICT (RE# 00058800-000000, 00058790-000100, 00058790-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91 of the Code of Ordinances provides that within the PS zoning district the addition of outdoor activity or similar activities shall require approval of a Major Development Plan; and

WHEREAS, the applicant proposed a Master Plan with associated Landscape Plan to redevelop the Higgs Beach Park area; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on October 20, 2011, resulting in Planning Board Resolution No. 2011-049; 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 a Master Plan for the redevelopment of Higgs Beach Park in the PS zoning district at 1000 Atlantic Boulevard (RE# 00058800-000000, 00058790-000100, 00058790-000000), as shown in the attached plans dated August 30, 2011, with the nine (9) conditions provided in Planning Board Resolution No. 2012-049 and specified as follows: (1) City Commission approval of the Intergovernmental Agreement Agreement. (2) Staff approval of a composting facility is required by the City's Planning and Engineering Departments. Operations maintenance of the composting center shall be provided by the County and will remain in its adjacent location as proposed on the site plans. (3) The recycling center shall be screened from view by a fence and vegetation approved by the City's Urban Forester. (4) The applicant is responsible for designing and submitting a Signage Plan that is compatible with Section 108-285 of the Code to the Planning Department for approval before implementation. (5) Construction on the site, including the development of Nature Visitors Center, is

required to be consistent with Chapter 255.2575(2), Florida Statutes which requires compliance with an accepted third party environmental standard (see Attachment for the full language of the relevant section of the statute). (6) Lighting shall be designed to "Dark Sky" lighting standards and shall meet energy efficiency standards established by an accepted third party environmental standard consistent with F.S Chapter 255.2575(2). (7) Tree Commission approval is required for each phase of the removal/relocation and replacement of the Landscape Plan. (8) The wetland areas of the Whistling Duck Pond and the F.A.A Tower are required to be noted on the Landscape Plan. An upland/wetland jurisdictional line needs to be set for the area and work within the area requires environmental permitting and possible mitigation. (9) Revise design of scooter and bicycle parking areas to separate uses and add additional bollards or bicycle friendly parking areas throughout the park.

Section 3. 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 4. 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 5. 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, or until the date DCA issues a written waiver of appeal, whichever is sooner; 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