

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN FOR REDEVELOPMENT OF A THE WATERFRONT MARKET BUILDING FOR USE AS A RESTAURANT AND MICROBREWERY WITH WAREHOUSING AND DISTRIBUTION ABILITY FOR PROPERTY LOCATED AT 201 WILLIAM STREET (RE#00072082-004200) IN THE HRCC-2 ZONING DISTRICT, KEY WEST FLORIDA; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91 of the Code of Ordinances provides that within the HRCC-2 Zoning District the addition of outdoor activity consisting of restaurant seating equal or greater than 2,500 square feet or other similar activities requires a Major Development Plan approval; and

WHEREAS, the applicant requested a Major Development Plan approval for a restaurant and micro-brewery with new outdoor seating, an allowed use, for city-owned property located in the HRCC-2 zoning district; and

WHEREAS, this matter came before the Planning Board at duly noticed public hearings on March 15, 2012, April 19, 2012, and May 31, 2012, resulting in Planning Board Resolution No. 2012-25; 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, to redevelop the Waterfront Market building for the addition of outdoor commercial activity for a new restaurant and brewery with a total of 300 seats (150 on each floor) located at 201 William Street (RE# 00072082-004200) in the HRCC-2 zoning district, as shown in the attached plans stamped March 2, 2012, with the conditions provided in Planning Board Resolution No. 2012-25 and as specified as follows: (1) hours of operation (excluding City-approved special events) for the rooftop Waterfront Brewery Café are limited to 8:00 a.m. to 10:00 p.m., and any outdoor performance or entertainment activity, whether amplified or otherwise shall end by 10:00 p.m.; (2) The applicant shall obtain a Conditional Approval Permit, pursuant to 18-610.; (3) The applicant shall recycle materials accepted by the city's waste handling contractor; (4) New lighting shall be designed to "Dark Sky" lighting standards; (5) The upstairs turf area shall not be used for table placement or be considered consumption area; (6) The applicant shall renew the Conditional Approval permit issued by the City on an annual basis. The renewal is due on May 31<sup>st</sup> of every year; (7) The applicant

will install and maintain a programmable distributive sound system to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and shall include a computerized sound monitoring system with real time monitoring access provided to the City for the outdoor rooftop café area only; (8) any outdoor televisions will not be wired through the distributive sound system or any surround system; (9) the applicant shall point any speakers or any sound amplification device on the rooftop Waterfront Brewery Café away from neighboring and/or surrounding transient and residential properties; (10) the restaurant use is consistent with the October 21, 2008 Administrative Interpretation defining Bar/Lounge and Restaurant Uses attached herein;

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