

RESOLUTION NO. 15-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTIONS 108-91.A.2.(A) AND 122-627 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE CONSTRUCTION OF SEVEN (7) PERMANENT RESIDENTIAL UNITS ON PROPERTY LOCATED AT 1315 WHITEHEAD STREET (RE # 00036180-000000; AK # 1037044) IN THE HISTORIC HIGH DENSITY RESIDENTIAL (HHDR) ZONING DISTRICT; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 108-91.A.2.(a) of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that within the Historic District, a Major Development Plan is required for the construction of five (5) or more permanent residential units; and

WHEREAS, the proposed non-transient residential use of the property is a permitted use within the Historic High Density Residential (HHDR) Zoning District pursuant to City Code Section 122-627; and

WHEREAS, Code Sections 108-196(a) and 122-62(a) require the Planning Board to review and approve, approve with conditions or deny the proposed Major Development Plan in an advisory capacity to the City Commission; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on November 20, 2014, resulting in

Planning Board Resolution No. 2014-77 advising approval with conditions to the City Commission; and

WHEREAS, the granting of the Major Development Plan application is consistent with the criteria of the Code of Ordinances; 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, pursuant to Code 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 for the construction of

seven (7) permanent residential units on property located at 1315 Whitehead Street (RE # 00036180-000000; AK # 1037044) in the Historic High Density Residential (HHDR) Zoning District pursuant to Section 108-91.A.2.(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, with the conditions specified as follows:

General conditions:

1. The proposed development shall be consistent with the architectural plans signed and sealed on January 15, 2015 by William Shepler, Architect; the civil plans signed and sealed on January 15, 2015 by Allen E. Perez, P.E., and the landscape plans by Ladd B. Roberts, Landscape Architect; notwithstanding the revisions requested and recommended by staff.

2. A Building Permit Allocation System (BPAS) award of one residential dwelling unit with an ESFU of 1.0 shall be obtained prior to building permit issuance for the seventh proposed residence.

3. During all phases of demolition and construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

4. Exterior lighting shall be shielded in accordance with City Code Section 108-284.

5. All fencing shall comply with the LDRs and HARC guidelines. Non-compliant fence height shall require HARC approval and a variance.

6. No building permits shall be issued for Units 1 or 2 until the FEMA Letter of Map Revision (LOMR) is effective [expected June 5, 2015, unless appealed] and the proposed development is designed in compliance with the floodplain and building height regulations.

7. The pool and deck for Unit 2 shall be located outside of the required five-foot accessory structure setback, or a setback variance shall be obtained.

Conditions prior to issuance of a building permit:

8. Approval of a Public Art Plan shall be obtained from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.

9. Certificates of Appropriateness shall be obtained for all applicable work under this development plan.

Conditions prior to issuance of a Certificate of Occupancy:

10. Per the correspondence dated October 23, 2014, the Applicant offered to voluntarily contribute one full permanent residential BPAS-exempt unit to the City as an in-lieu contribution to the City's work force housing

requirements. Therefore, the Applicant shall execute a "Waiver and Release of Building Permit Allocation" affidavit prior to the issuance of the first Certificate of Occupancy for this Major Development Plan.

11. On-site artwork shall be installed and inspected by the City pursuant to Section 2-487.

12. 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 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 Major Development Plan and Landscape Modification / Waiver 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 _____, 2015.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2015.

Filed with the Clerk _____, 2015.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

MARK ROSSI, VICE MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK