

RESOLUTION NO.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTIONS 90-676 THROUGH 90-692 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, RECOMMENDING APPROVAL OF AN AMENDMENT TO A DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 541 WHITE STREET IN THE HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT (HSMDR) (RE#00006730-000200) BETWEEN THE CITY OF KEY WEST AND PEARY COURT HOLDINGS LP; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Pursuant to section 122-611(e), any development plan approval submitted for a property in the HSMDR zoning district shall be accompanied by a concurrent application for a development agreement; and

WHEREAS, the Development Review Committee reviewed the draft Amendment to the Development Agreement and related documentation on January 4, 2018, and the agreement was revised to reflect staff comments; and

WHEREAS, after public notice pursuant to Section 90-683 of the Land Development Regulations of the Code of Ordinances, the request for an Amendment to the Development Agreement was heard by the Planning Board at the regularly scheduled Planning Board Meeting on April 19, 2018; in an advisory capacity to the City Commission; and

WHEREAS, Code Section 90-676 through 90-692 requires the Planning Board to consider the Amendment to the Development Agreement request; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on April 19, 2018, resulting in Planning Board Resolution No. 2018-13 advising approval to the City Commission; and

WHEREAS, the granting of the Amendment to the Development Agreement application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board determined that the granting of the Amendment to the Development Agreement 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 90-676 through 90-692, the City Commission shall review and act upon the Amendment to the Development Agreement proposals; and

WHEREAS, the granting of the Amendment to the Development Agreement 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 Amendment to the Development Agreement for the for the use of 48 BPAS allocations for internal remodeling of existing multi-unit structures on property located at 541 White Street (RE # 00006730-000200; AK # 9100458) within the Historic Special Medium Density Residential (HSMDR) zoning district pursuant to Sections 90-676 through 90-692 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached Development Agreement.

Section 3. This Development Agreement 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 resolution will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C, F.A.C., this resolution 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 resolution to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the resolution until the appeal is resolved by agreement or order.

Passed and adopted by the City Commission at a meeting held
this _____ day of _____, 2018.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2018.

Filed with the Clerk _____, 2018.

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