

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

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN APPROVAL TO DEVELOP A HOTEL AMENITY TO INCLUDE A POOL, A FLOWRIDER® DOUBLE AND ASSOCIATED MECHANICAL EQUIPMENT, SIX CABANAS, RESTROOMS, STORAGE SPACE, TWO AIRSTREAM® TRAILERS, AND TWO FOOD TRUCKS AT PROPERTIES LOCATED AT 3824 AND 3840 NORTH ROOSEVELT BOULEVARD (RE# 00065550-000000 AND RE# 00064950-000000) WITHIN THE COMMERCIAL GENERAL (CG) ZONING DISTRICT PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 108-91 B. 2. (c) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that outside of the Historic District, a major development plan is required for an addition of outdoor commercial activity consisting of restaurant seating, outdoor commercial storage, active recreation, outdoor sales area or similar activities equal to or greater than 5,000 square feet; and

**WHEREAS**, Section 108-196 (a) authorizes 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 July 18, 2019, resulting in Planning Board Resolution no. 2019-50 advising approval with conditions to the City Commission; and

**WHEREAS**, pursuant to Code Section 108-198, the City Commission shall review and act upon Major Development Plan proposals; and

**WHEREAS**, 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, as follows:

**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 and Conditional Use to develop a hotel amenity to include a pool, a Flowrider® Double and associated mechanical equipment, six cabanas, restrooms, storage space, two Airstream® trailers, and two food trucks on property located at 3824 and 3840 North Roosevelt Boulevard (RE# 00065550-000000 & 00064950-000000) within the General Commercial (CG) zoning district pursuant to Section 108-91 B. 2 (c) and Section 122-418 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 provided in Planning Board Resolution no. 2019-50, to include an additional condition as proposed by the applicant (general condition number 5), and specified as follows:

**General conditions:**

1. The hours of construction shall be in compliance with City Code and be limited to 8 AM to 7 PM on Monday to Friday, and 9 AM to 5 PM on Saturday.

2. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
3. The proposed development shall be consistent with the signed and sealed plans by K2M Design and David Douglas Associates, Inc. No approval granted for any other work or improvements shown on the plans other than the proposed pool, FlowRider® Double and associated mechanical equipment, six cabanas, restrooms, storage space, two Airstream® trailers, and two food trucks.
4. Hours of operation may be 7-days a week, from 9am to 9pm. Any proposed extension in hours of operation must be approved by the Planning Board pursuant to section 122-63 (e).
5. The Applicant will provide pedestrian access during all hours of operation for the residents of 20<sup>th</sup> Street/Northside to access the Boulevard.

**Conditions prior to issuance of a building permit:**

6. Pursuant to the note to file, dated December 10, 2013, the unit at the Welcome Center located at 3840 North Roosevelt Boulevard will revert back to the City for redistribution for other potential projects when the site is redeveloped.
7. Applicant shall coordinate with Keys Energy Services a full project review.
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. A unity of title shall be submitted to the Planning Director.

**Conditions prior to issuance of a Certificate of Occupancy and/or tax receipt:**

10. No building permit shall become final and no certificate of occupancy shall be issued until any and all impact fees are paid.
11. 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 conditions of the Planning Board and City Commission resolutions.

**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 the 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 (DEO). 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 \_\_\_\_\_ 2019.

Authenticated by the presiding officer and the Clerk of the Commission on \_\_\_\_\_, 2019.

Filed with the Clerk \_\_\_\_\_, 2019.

Mayor Teri Johnston \_\_\_\_\_

Commissioner Gregory Davila \_\_\_\_\_

Commissioner Mary Lou Hoover \_\_\_\_\_

Vice-Mayor Sam Kaufman \_\_\_\_\_

Commissioner Clayton Lopez \_\_\_\_\_

Commissioner Billy Wardlow \_\_\_\_\_

Commissioner Jimmy Weekley \_\_\_\_\_

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK