

**RESOLUTION NO. 2022-\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN AND LANDSCAPE WAIVER APPROVAL FOR PROPERTY LOCATED AT 1618 N. ROOSEVELT BOULEVARD (RE #00064910-000100) FOR CONSTRUCTION OF A 15,500 SQUARE FOOT BUILDING FOR AN AUTO DEALERSHIP AND TWO AFFORDABLE HOUSING UNITS LOCATED IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT; PURSUANT TO SECTIONS 108-91.B.2., 108-517, AND 122-418 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Section 108-91B.2.(b) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that within the General Commercial Zoning District, a Major Development Plan is required for the construction of greater than 5,000 square feet of gross floor area; and

**WHEREAS**, the proposed use of the property is to continue as an auto dealership, and to add two affordable housing units to the site, both are permitted uses within the General Commercial (CG) zoning district pursuant to Code Section 122-418; and

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

**WHEREAS**, this matter came before and was approved by the Planning Board at a duly noticed public hearing on May 19, 2022; and

**WHEREAS**, the granting of a Major Development Plan and Landscape Waiver application is consistent with the criteria of the Code of Ordinances; and

**WHEREAS**, the City Commission finds that the granting of a Major Development Plan and

Landscape Waiver application 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.

**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 Major Development Plan and Landscape Waiver for the construction of 15,500 square feet for the redevelopment of an existing auto dealership and two affordable housing units on property located at 1618 N. Roosevelt Boulevard (RE #00064910-000100) in the General Commercial (CG) zoning district pursuant to Sections 108-91.B.2., 108-517, AND 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 dated May 6, 2022, is hereby approved with the following conditions:

**General Conditions:**

1. The proposed construction shall be in substantial compliance with the site plans dated May 6, 2022, by Salman & Associates, and with Final Landscape Plans dated June 10, 2022, approved by the Tree Commission on June 14, 2022. Construction drawings for permitting shall be dated as approved herein, with any proposed revisions (modifications) clearly noted and dated. Development plan modifications that do not rise to the status of minor or major plan modifications may be approved by the city planner as per Section 108-91(c)(1). All modifications shall be submitted for review and approval to the Planning Department prior to building permit application. Minor and major development plan modifications are addressed as per Section 108(C.).

2. Coordinate with the City and FDOT to request an extension of the turn lane to the east (by approximately 150'). This extension would allow for left turns off westbound N. Roosevelt Boulevard onto the property for both current curb cut entrances. The coordination of this work will occur as a part of the current milling and resurfacing project programmed for N. Roosevelt Boulevard in 2024 on the FDOT project list.
3. During all phases of 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. All sidewalks and walkways shall have a minimum 36-inch width and clearance from objects and landscaping. Five feet is preferred wherever possible. Flexi-pave shall be utilized in all instances in which sidewalks or parking area is in close proximity to trees. Pavement and sidewalk installation and repaving shall occur with oversight from the Urban Forester.

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

5. 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.

6. A landscape maintenance plan and palm transplantation plan is required to be submitted to the Urban Forestry Manager for approval.

**Conditions prior to issuance of a Certificate of Occupancy:**

7. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.
8. Prior to issuance of a Certificate of Occupancy a recorded affordable housing deed restriction for the two residential units must be submitted to the City of Key West.
9. Per City Code, Section 108-997 (e), building permits for the two affordable housing units shall be obtained within two (2) years of the BPAS final determination award date. If a building permit is not issued within that timeframe, the allocated units will revert back to the City as a recovered unit for allocation during the following sequential award year.
10. Prior to the issuance of a Certificate of Occupancy, a certification that the two affordable housing units were built to LEED standards as stated in the BPAS award application is required.

**Section 3.** This resolution 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 or development order shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 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 45-day review period, the DEO can appeal the permit or development order 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.

Read and passed on first reading at a regularly scheduled meeting held this 6<sup>th</sup> day of July 2022.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_, 2022.

Filed with the Clerk the \_\_\_\_\_ day of 2022.

Mayor Teri Johnston	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Vice Mayor Sam Kaufman	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

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TERI JOHNSTON, MAYOR

ATTEST:

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Cheryl Smith, City Clerk

Date

