

**PLANNING BOARD
RESOLUTION NO. 2019-58**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD
GRANTING MINOR DEVELOPMENT PLAN AND
LANDSCAPE MODIFICATION / WAIVER APPROVALS
PURSUANT TO SECTIONS 108-91.A.1(b), 108-196(a), 108-413,
108-414, 108-415, 108-450, 108-416, AND 108-517 OF THE
LAND DEVELOPMENT REGULATIONS OF THE CODE OF
ORDINANCES OF THE CITY OF KEY WEST, FLORIDA
FOR THE CONSTRUCTION OF A TWO-STORY
STRUCTURE ON PROPERTY LOCATED AT 521 THOMAS
STREET (RE # 00010110-000000) WITHIN THE HISTORIC
PUBLIC AND SEMIPUBLIC SERVICES (HNC-1) ZONING
DISTRICT; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Section 108-91 A. 1. (b) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that within the Historic District, a Minor Development Plan is required for the addition of 500 to 2,499-square-feet of nonresidential floor area; and


WHEREAS, Section 108-196 (a) authorizes the Planning Board to review and approve, approve with conditions, or deny the proposed Minor Development Plan for property in the historic district in an advisory capacity to the City Commission; and


WHEREAS, Section 108-413 provides minimum standards for landscaping along the right-of-way; and

WHEREAS, Section 108-414 provides minimum requirements for landscaping and tree planting within the interior of parking lots and along the other perimeters of a parking lot; and

WHEREAS, Section 108-415 provides minimum requirements for perimeter landscaping; and

WHEREAS, Section 108-450 provides requirements for landscape screening; and





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Planning Director

WHEREAS, modifications and waivers to reduce the City's landscaping requirements are requested pursuant to City Code Section 108-517; and

WHEREAS, Code Section 108-517(a) requires the Planning Board to consider the landscape modification / waiver request and render the final action; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on August 15, 2019; and



WHEREAS, the granting of a Minor Development Plan and Landscape Modification / Waiver application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting of a Minor Development Plan and Landscape Modification / Waiver 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 Planning Board 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. The Minor Development Plan and Landscape Modification / Waiver application for the construction of a two-story structure on property located at 521 Thomas Street (RE # 00010110-000000) within the Historic Public and Semipublic Services (HPS) zoning district pursuant to Sections 108-91.A.1(b), 108-196(a), 108-413, 108-414, 108-415, 108-450, and 108-517 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as


Chairman

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shown in the attached plans, is hereby approved with the following conditions:

General conditions:

1. The proposed development shall be consistent with the plans dated July 31, 2019 by Bender and Associates, Architects and T.Y.LIN International, Engineers; notwithstanding any revisions requested and recommended by staff.
2. The hours of construction shall be in compliance with City Code and be limited to 8:00 AM to 7:00 PM on Monday through Friday, and 9:00 AM to 5:00 PM on Sunday.
3. 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.

Conditions prior to the City Commission hearing:

4. A non-habitable height variance must be approved by the Board of Adjustment.
5. The applicant shall obtain final landscape plan approval from the Tree Commission.

Conditions prior to issuance of a building permit:

6. A Certificate of Appropriateness shall be obtained.
7. Applicant shall coordinate with Keys Energy Services for a full project review.

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 Minor Development Plan and Landscape Modification / Waiver application approval by the Planning Board 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 Board.

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 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 15th day of August 2019.


Sam Holland, Chairman Planning Board


Date


Patrick Wright, Planning Director


Date

Filed with the Clerk:

Cheryl Smith 8-19-19

Cheryl Smith, City Clerk Date