

RESOLUTION NO. 2025-__

A RESOLUTION OF THE KEY WEST PLANNING BOARD APPROVING A REQUEST FOR A MAJOR DEVELOPMENT PLAN APPROVAL TO RECONSTRUCT A TWO-STORY MIXED-USE COMMERCIAL AND RESIDENTIAL STRUCTURE WITH LANDSCAPE WAIVERS ON MINIMUM LANDSCAPE PERCENTAGE, STREET FRONTAGE, INTERIOR, AND PERIMETER LANDSCAPING ON PROPERTY LOCATED WITHIN THE LIMITED COMMERCIAL (CL) ZONING DISTRICT PURSUANT TO CHAPTER 108, SECTION 108-91, AND ARTICLE III THROUGH IX, CHAPTER 122, ARTICLE IV, DIVISION 4, SUBDIVISION II, AND SECTION 122-28 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, Section 108-91(B)(2)(a), of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that outside the Historic District, a Major Development Plan is required for the addition or reconstruction of eleven or more units; and

WHEREAS, the subject property was involuntarily destroyed by fire in September 2022 and therefore Section 122-28 of the Code allows reconstruction of the building within the same location and three-dimensional envelope, and

WHEREAS, the applicant proposes reconstruction of the building within the same location and three-dimensional envelope, and

WHEREAS, the subject property located at 3201 Flagler Avenue (RE# 00052870-000100) is in the Limited Commercial (CL) Zoning District, and

WHEREAS, Code Section 108-196(a) requires the Planning Board to review and approve, approve with conditions or deny the proposed Minor Development Plan;

WHEREAS, this matter came before and was recommended for approval with conditions by the Planning Board at a duly noticed public hearing on September 18, 2025; and

WHEREAS, the granting of the proposed Major Development Plan is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting approval of the proposed 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.

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 request for a Major Development Plan for the reconstruction within the same location and three-dimensional envelope of a two-story mixed-use commercial and residential building on property located at 3201 Flagler Avenue (RE# 00052870-000100) within the Limited Commercial (CL) Zoning District pursuant to Sections 108-91(B)(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, is hereby approved with the following conditions:

General conditions:

1. The proposed development shall be consistent with the plans by WSA Architecture, dated April 11, 2025, including the site plan sheet with revision date July 29, 2025.
2. The proposed development shall be consistent with the drainage plan by Northstar Engineering LLC signed August 25, 2025.
3. Final landscape plan approval is required from the Tree Commission or the Urban Forestry Manager prior to City Commission.

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 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 Commerce. 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 DOC with all exhibits and

applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DOC 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 18th day of September, 2025.

Authenticated by the Chairman of the Planning Board and the Planning Director.

Peter Batty, Planning Board Chairman

Date

Attest:

James Singelyn, Acting Planning Director

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date