

**PLANNING BOARD
RESOLUTION NO. 2019-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A VARIANCE TO OFF-STREET PARKING REQUIREMENTS, MINIMUM OPEN SPACE REQUIREMENTS, AND MAXIMUM ALLOWABLE IMPERVIOUS SURFACE FOR PROPERTIES LOCATED AT 5220, 5224, 5228, & 5230 COLLEGE ROAD (RE# 00072082-002200, 00072082-002100, 00072080-002200, & 00072082-002400) WITHIN THE HIGH-DENSITY RESIDENTIAL COLLEGE ROAD DISTRICT (HDR-1) ZONING DISTRICT PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the applicant proposes to construct three (3) buildings to house one-hundred and four (104) affordable workforce housing units on the properties located at 5220, 5224, 5228, and 5230 College Road (RE #00072082-002200, 00072082-002100, 00072080-002200, & 00072082-002400); and

WHEREAS, Section 108-346 (b) of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) states the minimum required open space for residential uses is 35-percent; and

WHEREAS, the existing open space is 50.46-percent and the proposed open space is 22.1-percent; and

WHEREAS, Section 108-572 (2) b. of the LDRs of the Code of the City states that two (2) off-street parking spaces shall be provided per multiple-family dwelling unit outside of the historic district; and

WHEREAS, the proposed number of multiple-family dwelling units is 104 and the proposed number of parking spaces is 125; and

WHEREAS, Section 122-335 (4) b. allows a maximum impervious surface ratio of 60-

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percent for the HDR-1 zoning district; and

WHEREAS, the existing impervious surface ratio is 49.54-percent and the proposed impervious surface ratio is 77.9-percent; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on June 20, 2019;

WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to otherland, structures, or buildings in the same district;

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant;

WHEREAS, the Planning Board finds that granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings, or structures in the same zoning district;

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant;

WHEREAS, the Planning Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

WHEREAS, the Planning Board finds that the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will

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not be injurious to the area involved or otherwise detrimental to the public interest or welfare;

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts are grounds for the issuance of the requested variance; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

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. An approval by Resolution of the City of Key West Planning Board for variances to the off-street parking requirement, minimum open space requirement, and maximum allowable impervious surface requirement to allow for the construction of one hundred and four (104) affordable workforce housing units on the properties located at 5220, 5224, 5228, & 5230 College Road (RE# 00072082-002200, 00072082-002100, 00072080-002200, & 00072082-002400) in the HDR-1 zoning district pursuant to sections 90-395, 108-346 (b), 108-572 (2) b., and 122-335 (4) b. of the City of Key West Land Development Regulations with the following conditions:

General Conditions:

1. The proposed development shall be consistent with the plans submitted by William P. Horn, P.A. No approval granted for any other work or improvements shown on the plans other than the proposed 104 1-bedroom residential dwelling units.

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2. This variance approval is valid only if the major development plan is approved by the City Commission.
3. A residential parking permit program shall be implemented, maintained, and enforced.
4. All parking areas shall be used for automobile parking only, with no motor vehicles sales or any other sales activity, dead storage, nonemergency repair work, dismantling, or servicing of any kind.
5. All parking areas shall be paved to meet city standards and maintained in perpetuity. The paving plan shall be approved by the administrative official before construction is begun on any parking area. The owner or successor in ownership shall be responsible for perpetual maintenance. Parking lots shall be paved with concrete or asphalt or, upon approval of the city engineer, with other dust-free, porous materials.

Section 3. It is a condition of this variance that full, complete, and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to this variance in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

Section 5. This variance 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.

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Section 6. 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 7. 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 will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is no 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 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 20th day of June 2019.

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

Sam Holland, Planning Board Chairman Date

Attest:

Patrick Wright, Planning Director Date

Filed with the Clerk:

Cheryl Smith, City Clerk Date

_____ Chairman
_____ Planning Director