

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN AND A LANDSCAPE WAIVER APPROVAL AT 210-216 DUVAL STREET (RE 00001420-000000) TO RENOVATE AN EXISTING HISTORIC MIXED USE STRUCTURE AND ENCLOSE A PORTION OF SPACE BETWEEN BUILDINGS OF THE PROPERTY LOCATED IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE (HRCC-1) ZONING DISTRICT AND A REQUEST TO RECORD A DEED RESTRICTION FOR ONE ON-SITE DWELLING UNIT TO COMPLY WITH THE CITY OF KEY WEST'S WORKFORCE HOUSING ORDINANCE PURSUANT TO SECTIONS 108-91, 108-517, AND SECTION 122-1467(1) (A) OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that within the Historic District, a Major Development Plan is required for the addition or reconstruction of equal to or greater than 2,500 square feet of gross floor area; and

WHEREAS, the proposed uses of the property are for a restaurant and four (4) multiple family dwelling units, which are approved uses within the Historic Residential Commercial Core (HRCC-1) zoning district pursuant to Code Section 122-687 (1) and 122-687(11); and

WHEREAS, waivers to the City's landscaping requirements request are pursuant to City Code Section 108-517; 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 in an advisory capacity to the City Commission; and

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

WHEREAS, this matter came before and was approved by the Planning Board at a duly noticed public hearing on June 17, 2021; and

WHEREAS, final landscape plan approval by the Tree Commission occurred on August 10th, 2021; and

WHEREAS, the Historic Architectural Review Commission approved the design and first reading for demolition on July 28, 2021, and gave final demolition approval on August 24, 2021; 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; and

WHEREAS, the City Commission finds that submittal of a recorded deed restriction for one on-site dwelling unit "Apartment

1" for eligible median income tenants would render the Major Development Plan application in compliance with City Code Section 122-1467(1) (a) .

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. The Major Development Plan and Landscape Waiver granting a major development plan and a landscape waiver approval at 210-216 Duval Street (RE 00001420-000000) to renovate an existing historic mixed-use structure and enclose a portion of space between buildings of the property located in the Historic Residential Commercial Core (HRCC-1) zoning district and a request for approval to record a deed restriction for one on-site dwelling unit "Apartment 1" for eligible median income tenants to comply with the City of Key West's Workforce Housing ordinance pursuant to Sections 108-91, 108-517, and Section 122-1467(1) (a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans dated October 8, 2021, is hereby approved with the following conditions:

General conditions:

Conditions of Approval:

1. Approval of a variance to the minimum required front and minimum required rear setbacks prior to the approval of the proposed major development plan.
2. The proposed construction shall be consistent (except for conditions of approval listed below) with the plans signed, sealed, and dated ~~12/10/2020~~ 10/8/2021 by Richard J. Milelli.
3. Maintain landscaping in the two planter-boxes on Charles St.
4. Add gutters and downspouts to the structure to drain all rain-water runoff into the proposed trench.
5. All waste receptacles be hidden or screened from view from the City right-of-way
6. The applicant shall have both waste and recycling pick-up services

Conditions prior to the City Commission hearing:

7. Submit a stormwater management plan in accordance with Sec. 108-777, to retain the greater of one-inch of runoff based on the site upland area or 2.5" times percent of impervious coverage.
8. The applicant shall obtain final landscape plan approval from the Tree Commission.
9. The applicant shall obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

Conditions prior to Certificate of Occupancy of the Commercial Unit:

10. Install bike parking either on the property or in direct proximity to the property.
11. Code required plant units that cannot be planted on-site shall be provided through a fee-in-lieu and planted off-site. The fee-in-lieu shall be proportionate to the cost of tree mitigation costs for plant material, planting, and three months of watering services, and shall be received prior to issuance of a certificate of occupancy. The applicant is required to plant 6.9 trees for two street buffer requirements, these 6.9 trees have a mitigation price of \$3,450. The applicant shall pay this \$3,450 prior to the issuance of a certificate of occupancy.

Conditions prior to issuance of a building permit:~~Certificate of Occupancy of Residential Units:~~

- ~~12. Prior to a certificate of occupancy being issued for the residential units, City Code Section 122-1467 (1) shall be met and a fee-in-lieu of \$200,000 for affordable housing shall be paid to the City.~~

12. Prior to issuance of building permits for this property the property owner shall submit a recorded deed restriction for one on-site dwelling unit (Apartment 1) for median income tenants at 210-216 Duval Street in compliance with City Code Section 122-1467(1)(a). The deed restriction must be approved by the City Attorney, and recorded by the Monroe County Clerk of the Court.

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 and Landscape Waiver application approval by the City Commission 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 14th day of September 2021.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2021.

Filed with the Clerk this ___ day of _____, 2021.

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