

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING APPROVALS FOR A MAJOR DEVELOPMENT PLAN, A LANDSCAPE WAIVER AND AN AFFORDABLE WORKFORCE HOUSING REQUIREMENT LINKAGE PROVISION FOR PROPERTY AT 1319 WILLIAM STREET AND 1316 ROYAL STREET UNITS #1-6 (RE# 00036920-000000) TO CONSTRUCT AND REDEVELOP EIGHT (8) RESIDENTIAL DWELLING UNITS LOCATED WITHIN THE HISTORIC MEDIUM DENSITY (HMDR) ZONING DISTRICT PURSUANT TO SECTIONS 108-91 A.2(A), SECTION 108-517, AND SECTION 122-1467(1)(B) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 108-91 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 five or more permanent residential units; and

**WHEREAS**, the proposed use of the property is for the construction and redevelopment of eight residential dwelling units; and

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

**WHEREAS**, requirements of the affordable work force housing ordinance and specifically, linkage of project provisions, are pursuant to 122-1467(1)(b); 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 April 22, 2021, through Planning Board Resolution #2021-12; 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 the project at 1319 William Street & 1316 Royal Street complies with Section 122-1467(1)(b) so long as specific proposed conditions of approval related to the linked redevelopment project at 1703 Von Phister are also adopted together with this Major Development Plan; and

**WHEREAS**, the applicant provided revised plans for the linked

redevelopment project at 1703 VonPhister, dated June 24, 2021, by William Byron Shepler, after the Planning Board approval on April 22,2021; and

**WHEREAS**, staff has reviewed the revised plans for 1703 VonPhister and affirms they remain compliant with the required provisions of Section 122-1467(1) (b); and

**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, landscape waiver, and an affordable workforce housing requirement linkage provision for property at 1319 William Street and 1316 Royal Street Units #1-6 (RE# 00036920-000000) to construct and redevelop eight (8) dwellings units located within the Historic Medium Density (HMDR) zoning district pursuant to Section 108-91A.2.(A), Section 108-517, and Section 122-1467(1) (B) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans dated September 10, 2020 by William Byron Shepler, R.A., for 1319 and 1316 Royal Street Units #1-6, and revised plans dated June 24, 2021 by William Byron Shepler, is hereby approved with the following conditions:

**General conditions:**

1. The proposed construction at 1319 William Street and 1316 Royal Street shall be consistent with the site plan signed, sealed, and dated September 10, 2020 by William Byron Shepler, R.A.
2. Per Fire: Shall maintain the 20-foot driveway for emergency response. The owner is currently working on a fire sprinkler solution (yard hydrants) to be depicted on the signed and sealed plans that will need to be accepted by the Fire Marshal's office before issuance of a permit.
3. Per Urban Forrester: Existing Page C-10 indicates the location of several swales to be constructed within the critical root zones of existing trees/ palms that are to remain. This page must be reconciled with the final landscape plan and the swales relocated so as not to impact the root areas of those existing trees and palms to remain onsite.
4. 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.

5. Per Sections 108-412 and 108-482, the development plan shall require landscape maintenance in the short term for survivability and in perpetuity. The property owner shall be responsible for the maintenance of the landscaping but the HOA will have the right to step in if it is not maintained.
  
6. The proposed construction at 1703 VonPhister Street to satisfy the affordable housing linkage provision in Section 122-1467(1)(b), of the new two-story structure that will consist of two affordable deed restricted units shall be consistent with the site plan signed, sealed, and dated ~~April 1, 2021~~ June 24, 2021 by William Byron Shepler, R.A.

**Conditions prior to the City Commission hearing:**

7. The applicant shall obtain final landscape plan approval from the Tree Commission.
  
8. The Landscape and Irrigation Plans shall be signed, sealed, and dated prior to City Commission.
  
9. The applicant shall obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

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

10. 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.
  
11. Prior to issuance of building permits the property owner shall record a deed restriction for the two-market rate units located within the two-story duplex at 1703 Von Phister property, approved by the City Attorney, and submitted into the Records of the Monroe County Clerk of the Court.

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

12. Prior to issuance of a Certificate of Occupancy for the Major Development Plan at 1319 William Street and 1316 Royal Street, the applicant shall complete all permitting, construction, inspections and receive a Certificate of Occupancy for the linked project at 1703 Von Phister Street.
  
13. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.

**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 and Affordable Workforce Housing Linkage Provision 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 14<sup>th</sup> 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