

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN, CONDITIONAL USE, AND LANDSCAPE WAIVER APPROVAL AT 111 OLIVIA STREET (RE #00014720-000000) FOR CONSTRUCTION OF A NEW 9,587 SQUARE FOOT COMMUNITY CENTER LOCATED IN THE HISTORIC NEIGHBORHOOD COMMERCIAL (HNC-3) ZONING DISTRICT; PURSUANT TO SECTIONS 108-91A.2(B), 108-517, 122-62, AND 122-868(2) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 108-91A.2.(b) 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 use of the property is a Community Center, which is a Conditional Use within the Historic Neighborhood Commercial (HNC-3) zoning district pursuant to Code Section 108-91A.2.(b) 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 January 20, 2022; and

WHEREAS, the granting of a Major Development Plan, Conditional Use, and Landscape Waiver application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the City of Key West Historic Architectural Review Commission (HARC) approved the project for a Certificate of Appropriateness at their January 25, 2022, hearing (H2021-0008); and

WHEREAS, the City of Key West Tree Commission approved the Conceptual Landscape Plan with Tree Removal for this project on December 14, 2021, and authorized the Urban Forestry Manager to review the final plan. Final Landscape Plan with Tree Removal (TP2022-0005) was approved with conditions on March 1, 2022, by the Urban Forestry Manager; and

WHEREAS, Planning Department staff have reviewed all conditions required prior to City Commission approval and have recommended deletion of those conditions that have been fulfilled, and have recommended new conditions as required to reflect the Final Landscape Plan approval and these are indicated through ~~strike through~~ and underline notations; and

WHEREAS, the City Commission finds that the granting of a Major Development Plan, Conditional Use, 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.

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, Conditional Use, and Landscape Waiver for the construction of a 9,587 square foot one story community center on property located at 111 Olivia

Street (RE #00014720-000000) in the Historic Neighborhood Commercial (HNC-3) zoning district pursuant to Sections 108-91.A.2.(b) and 108-517 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans dated December 9, 2021, by K2M Design with updated landscape and civil plans dated January 11, 2022, is hereby approved with the following conditions, in addition to the strike-through underline modifications offered below.

The strike-through underline modifications below reflect City staff's further recommendations to the Planning Board conditions. Some specifically reflect components of the Urban Forester's Final Landscape Plan approval. Other conditions were required prior to City Commission and have been completed. Modifications to General Condition #1 were crafted by the City Planner and Assistant City Attorney to address issues with modifications to approved plans and ensure efficient plan review and compliance with approvals.

General Conditions:

- ~~1. The following required variances must first be approved: a variance allowing total building coverage of 71%, or 20,924 square feet, which exceeds the Code's maximum allowable building coverage of 40%; a variance allowing total impervious surface of 85% or 28,812 square feet, which exceeds the Code's maximum allowable impervious surface coverage of 60%; a variance allowing minimum open space of 15% or 5,189 square feet, which exceeds the Code's minimum required open space of 20%, and a variance to the required minimum rear setback: the Code requires fifteen (15) feet, but the project will be constructed five (5) feet from the rear property line. (completed)~~
1. The proposed construction shall be consistent in substantial compliance with the site plan signed, sealed, and dated December 9, 2021, by K2M Design with updated Landscape and

Civil Plans dated January 11, 2022. Construction drawings for permitting shall be dated as approved herein, with any proposed revisions (modifications) clearly noted and dated. Development plan modifications that do not rise to the status of minor or major plan modifications may be approved by the city planner as per Section 108-91(c)(1). All modifications shall be submitted for review and approval to the Planning Department prior to building permit application. Minor and major development plan modifications are addressed as per Section 108(C.).

2. The City of Key West shall retain off-site parking spaces at the public parking lot at 918 Fort Street for the duration of the principal use of the Frederick Douglass Gym and Annex building. Signage indicating that off-site parking is available at the Fort Street Parking Lots shall be installed on the project site at 111 Olivia Street. Proposed off-site parking signage shall be reviewed and approved in accordance with adopted Historic Architectural Review Commission guidelines.
3. The City shall install a crosswalk with ADA sidewalk access from the project site to the Fort Street Parking lot.
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. All sidewalks and walkways shall have a minimum 36-inch width and clearance from objects and landscaping. Five feet is preferred wherever possible. Flexi-pave shall be utilized in all instances in which sidewalks or parking area is in close proximity to trees, particularly tree #2, #4, and #14, and the canopy trees at the northwest corner of the site. Pavement and sidewalk installation and repaving shall occur with oversight from the Urban Forester.

6. Solid Waste: Sufficient area must be provided for one (1) four-cubic-yard trash dumpster, and five (5) 97-gallon recycle carts. These areas must be fully screened from view from the right of way.
7. All new underground piping shall be located to avoid drip lines of existing tree roots.

Conditions prior to the City Commission hearing:

- ~~8. The applicant must obtain a Certificate of Appropriateness from the Historic Architectural Review Commission (HARC). *(completed)*~~
- ~~9. Sanitary Sewer: The Architectural Site Plan and Concept Utility Plan do not depict the required grease interceptor. Please correct plans to provide a grease interceptor for the kitchen plumbing system, including the mop sink, three-compartment sink, and kitchen floor drains, in accordance with the Florida Building Code: Plumbing, Chapter 10, Section 1003. Sewer connections to the grease interceptor shall exclude all non kitchen generated wastewater flows (Sec.74-171). *(completed)*~~
- ~~10. Stormwater Management: the proposed exfiltration trench treatment and disposal volume addresses the requirements of the Land Development Regulations, Chapter 108, Article VIII: Stormwater and Surface Water Management. Exfiltration trench locations and dimensions will need to be adjusted on site to avoid impact to tree roots and palms. The City shall maintain and ensure the functionality of the proposed on-site cistern to utilize collected stormwater runoff to irrigate on-site landscaping. *(completed)*~~
- ~~11. The Final Landscape Plan and Site Plan shall reflect replacement of the pavement in the patio area (“paved seating area”) with semi-pervious turf material or pervious pavers to further reduce the impervious surface variance. The Paved Seating Area shall also be~~

~~modified to include non-linear perimeter planting beds for shade species (ferns or shrubs, as appropriate) to improve the on-site open space ratio, aesthetics, and human comfort/functionality of this integral meeting area that links the Gym with the Community Center. (completed)~~

~~12. Landscape plans revised and dated January 12, 2022, include the removal of two trees, the protection of trees to remain on-site, and the transplanting of additional trees to the Fort Street parking lot, as approved by the Tree Commission and Urban Forestry Manager. (completed)~~

~~13. Final Landscape approval required from the Urban Forestry Manager on behalf of the Tree Commission.~~

8. Tree protection must be installed prior to work commencing on the property and maintained throughout the duration of the construction.

Conditions prior to issuance of demolition permit:

9. Transplanting of trees to the Fort Street Parking Lot must be done prior to demolition permit being issued. Trees/palms must be properly root pruned and the receiver area prepped for planting. The Urban Forestry Manager shall be contacted for supervision of the work.

Conditions prior to issuance of a building permit:

10. Approval of an Art in Public Places plan shall be obtained from the Art in Public Places Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.

11. Details regarding the layout of plantings, species names, and sizes of the plant/tree species for the seating area of the courtyard shall be finalized with the Urban Forestry Manager.

12. An application to remove and transplant trees shall be submitted to the Tree Commission at the same time or just prior to applications being submitted to the Building Department for work on the property.

Conditions prior to issuance of a Certificate of Occupancy:

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, Conditional Use, 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 5th day of April 2022.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2022.

Filed with the Clerk this _____ day of _____, 2022.

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