

**RESOLUTION NO. 2024-\_\_\_**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD APPROVING A MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE APPROVAL FOR THE EXPANSION OF AN EXISTING SCHOOL ON PROPERTY LOCATED WITHIN THE LIMITED COMMERCIAL (CL) ZONING DISTRICT PURSUANT TO CHAPTER 108, SECTION 108-91, AND ARTICLE III THROUGH IX; AND CHAPTER 122, ARTICLE IV, DIVISION 4, SUBDIVISION II 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(b) (2), of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that outside the Historic District, Major Development Plan is required for the construction of nonresidential floor area greater than 5,000 square feet of gross floor area; and

**WHEREAS**, the subject property is located at 1904-1906 Flagler Avenue (RE# 00063480-000000) and 1908 Flagler Avenue (RE# 00063450-000000) more particularly described in the unity of title recorded in Plat Book 1, Page 13 of the official records of the Clerk of the Circuit Court of Monroe County, Florida, is located in the Limited Commercial zoning district, and

**WHEREAS**, the proposed use of the expansion of an educational facility requiring conditional use approval pursuant to Code Section 122-388(2), and

**WHEREAS**, Code Section 108-196(a) requires the Planning Board to review and approve, approve with conditions or deny the proposed Major 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 December 19, 2024; 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 with Conditional Use for the expansion of an educational facility on property located at 1904-1906 Flagler Avenue (RE# 00063480-000000) and 1908 Flagler Avenue (RE# 00063450-000000) within the Limited Commercial (CL) zoning district pursuant to Sections 108-91(b)(2)(b) 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 dated March 2024 and revised 09/20/2024 by Civica, and the landscape plan dated July 2024, and revised 09/20/24 by Civica.
2. Although subject to a separate City approval, the City shall not bear any of the costs of the proposed sidewalk and any landscaping improvements within City right-of-way.
3. Final landscape plan approval required from Tree Commission prior to issuance of a building permit if significant changes occur.
4. Maximum 376-seat capacity.
5. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris unless required Right of Way permits are obtained.
6. Prior to City Commission, the applicant shall provide a queuing assessment, transportation management plan, and parking capacity and needs assessment so the Planning Department can further inform the City Commission on anticipated traffic impacts.
7. Prior to issuance of a certificate of occupancy, the property owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the above conditions.
8. All prior conditions associated with Resolution No. 2014-76 shall be deemed null and void as a part of this resolution.

**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 with Conditional Use 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 19<sup>th</sup> day of December, 2024.

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

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New Chairman?, Planning Board Chairman Date

**Attest:**

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Katie Halloran, Planning Director Date

**Filed with the Clerk:**

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Keri O'Brien, City Clerk Date