

**RESOLUTION NO. [REDACTED]**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR MODIFICATION OF A MAJOR DEVELOPMENT PLAN AND LANDSCAPE WAIVER APPROVAL FOR PROPERTY LOCATED AT 541 WHITE STREET (RE# 00006730-000200) TO CONSTRUCT 48 AFFORDABLE WORKFORCE HOUSING UNITS LOCATED IN THE HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL (HSMDR) ZONING DISTRICT, PURSUANT TO SECTIONS 108-91, AND SUBDIVISION III-HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL DISTRICT OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the subject property is located within the Historic Special Medium Density Residential (HSMDR) Zoning District; and

**WHEREAS**, pursuant to Section 108-91 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”), the applicant filed a Major Modification to a Major Development Plan application and Landscape Waiver to construct 48 affordable workforce housing units at the property located at 541 White Street (RE# 00067300-000200); and

**WHEREAS**, City Code Section 108-196 requires the Planning Board to review and approve, approve with conditions or deny the proposed Major Modification to the Major Development Plan and Landscape Waiver in an advisory capacity to the City Commission; and

**WHEREAS**, this matter came before and was approved by the Planning Board at a duly noticed public hearing on February 17, 2022; and

**WHEREAS**, the granting of a Major Modification to 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 Modification to 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.

**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 fully set forth herein.

**Section 2.** That the major modification to the major development plan and landscape waiver, pursuant to 108-91 and 108-517 of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows:

A request for approval of a major modification to a major development plan and landscape waiver to construct 48 affordable workforce housing units in the Historic Special Medium Density Residential (HSMDR) zoning district pursuant to Sections 108-91 and 108-517 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**General Conditions:**

1. The proposed construction shall be in substantial compliance (except for the conditions of approval listed below) with the site plan Sheet A1 and associated plans signed, sealed, and dated 1-6-2022 by Bender & Associates Architects p.a. 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. All new 48 residential units shall comply with the recorded affordable housing deed restriction for 541 White Street: Declaration of Affordable Rental Housing Restrictions, dated July 18, 2016.
3. 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.
4. Once a year, all listed invasive plant species (Australian Pine-Casuarina equisetifolia, Brazilian Pepper-Schinus terebinthifolia, Lead Tree-Leucaena leucocephala, and Melaleuca- Melaleuca quinquenervia) shall be removed from the site. Stumps should be treated with an appropriate herbicide type treatment to prevent regrowth.
5. A transplantation plan must be submitted at the time of issuance of the tree permits.
6. The City has identified stormwater impacts/flooding at the White and Eaton Street (Palm Avenue) intersection that will likely intensify due to climate impacts over time. The City requests that the applicant negotiate in good faith, at a future date, to consider a potential easement and/or public private partnership for stormwater management in the area of this intersection to reduce flood risk at the adjacent White Street/Eaton Street/Palm Ave intersection.
7. The Major Development Plan approval shall be accompanied by the associated Development Agreement per Section 122-611(e).

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

8. The applicant must obtain a Certificate of Appropriateness from the Historic Architectural Review Commission (HARC).
9. A Code compliant property maintenance plan must be included in the final landscape plan approval.
10. Final Landscape Plan approval is required from the City of Key West Tree Commission.

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

None

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

11. 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. Pavement and sidewalk installation and repaving shall occur with oversight from the Urban Forester.
12. Removal of all invasive exotic plant species from the entire site: Australian Pine-Casuarina equisetifolia, Brazilian Pepper-Schinus terebinthifolia, Lead Tree-Leucaena leucocephala, and Melaleuca- Melaleuca quinquenervia.
13. Landscape inspection to ensure compliance with the approved Final Landscape Plan is required prior to issuance of any CO associated with the MDP. There is no phasing associated with the Final Landscape Plan.
14. 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.
15. The existing shared bicycle route entering the property from Palm Avenue shall be demarcated with “share the road” signage and street markings and shall connect as depicted on the approved Landscape Plan sheet CE.00. Pavement markings and colors will be approved by the City. The new and improved off-road sections providing two internal connections between cul-de-sacs, shall be constructed at 5 to 6 feet wide and constructed from a dust-free material, either asphalt, concrete or pavers.



**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 60 months after the date hereof, unless the Development Agreement is renewed or extended beyond that period.

**Section 4.** This Major Modification to a 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 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 Commission.

**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 will 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 approved at a regularly scheduled meeting held this \_\_\_\_\_ day of \_\_\_\_\_ 2022.



Authenticated by the presiding officer and Clerk of the Commission on

\_\_\_\_\_, 2022.

Filed with the Clerk the \_\_\_\_\_, 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

\_\_\_\_\_  
Date