

RESOLUTION No. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN FOR REMOVAL OF EXISTING TRAILERS, MOBILE HOMES AND RVS AND RELATED STRUCTURES, AND CONSTRUCTION OF TWENTY-ONE SINGLE FAMILY UNITS ON THE PROPERTY LOCATED AT 1015-1025 SIMONTON STREET (RE#00027070-000000, AK#1027847), IN THE HNC-1 ZONING DISTRICT OF KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91(A)(2)(a) of the Code of Ordinances allows applicants to request Major Development Plan approval within the Historic District; and

WHEREAS, the property is a trailer park that has been in existence for more than fifty years on the corner of Simonton and Virginia Streets, providing permanent, non-transient housing. The size of the property is 42,224.67 square feet, just less than one acre, with an internal asphalt roadway that is used by automobiles.

Currently, the park has 44 units rented through six-month leases. The trailer park is located in the Historic Neighborhood Commercial District - Truman/Simonton (HNC-1), which is intended to accommodate both residential and neighborhood commercial uses. Residential activities permitted within HNC-1 districts include single-family and duplex structures as well as multiple-family structures; and

WHEREAS, the Major Development Plan developed from a Code Compliance case in November 2011, which identified eleven trailers

in the park that encroach 15 feet in the City's right-of-way on Virginia Street. In Resolution No. 12-174, in May 2012, the property received a revocable license agreement for one-year for the use of approximately 6,200 square feet of the right-of-way abutting the Virginia Street side of the property. The revocable license was extended for 180 days in Resolution No. 13-122, on May 7, 2013, in order to allow the owner to complete the application process for the Major Development Plan (MDP) and variances; and

WHEREAS, the applicant has proposed an MDP to remove all of the 44 existing trailers, demolish two small frame structures and construct 21 single-family units on the property. One two-story home will be a stand-alone, and the remaining structures will be in eight clusters. Five of the clusters will be duplexes, two will be triplexes and one will be a four-plex above a parking garage. The proposed development is in the FEMA X zone, so all structures are above the 100-year flood elevation. The lowest structure will be 1.5 feet above grade. As part of this project, variances are necessary for parking requirements for three single-family driveways, impervious surface ratio requirements and a waiver for landscape requirements. The associated variance and landscape waiver requests are being addressed separately from the MDP application; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing, resulting in Planning Board Resolution No. 2013-30; and

WHEREAS, pursuant to Section 108-198, the City Commission shall review and act upon Major Development Plan proposals; and

WHEREAS, the granting of the Major Development Plan will be 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

NOW THEREFORE BE IT RESOLVED by the City Commission 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. That the City Commission grants approval of the application for Major Development Plan, per Section 108-91(A)(2)A of the Code of Ordinances of the City of Key West, Florida, to remove existing trailers, mobile homes and RVs, and demolish two frame structures and construct twenty-one single family units on the property located at 1015-10-25 Simonton Street in the HNC-1 zoning district (RE#00027070-000000), pursuant to attached plans dated May 1, 2013, with the conditions provided in Planning Board Resolution No. 2013-030 and as specified as follows:

**Conditions to be completed prior to the issuance of a Building Permit and ongoing through construction:**

- (1) Plans cited as basis for approval dated May 1, 2013;
- (2) That the approval of the MDP is contingent upon the approval of variances to off-street parking requirements, impervious surface and landscape waivers.

(3) That Certificates of Elevations shall be provided to confirm that the structure meets FEMA base flood elevation requirements;

(4) That a stormwater plan for the proposal be submitted, which meets City, State and South Florida Water Management best practice requirements;

(5) Submit a full set of plans, project review forms, and CAD files to Keys Energy in response to their comments of the Development Review Committee meeting of April 25, 2013;

(6) A landscape plan consistent with the site plan shall be submitted and a final landscape plan be approved by the Tree Commission;

(7) A site lighting plan consistent with the City's dark sky lighting standards, as per section 108-284 shall be submitted;

(8) In order to reduce impacts on the surrounding community, a Construction Management Plan will be followed with an emphasis on keeping noise, dust and debris to a minimum. The Plan shall include:

a. A six-foot opaque construction fence will be erected around the property and maintained throughout the construction period.

b. During demolition and removal of the trailers, the area will be pressure sprayed with water to control dust;

c. Adjacent streets shall be cleared of dust, dirt and debris at the end of each work day;

d. All waste containers shall be covered at the end of

each working day;

e. Current regulations as to the start and stop of each work day will be met: Monday through Friday 8:00 a.m. to 7:00 p.m., and Saturdays 9:00 a.m. to 5:00 p.m., with no Sundays or Holidays; and

f. Virginia and Simonton Street remain open during construction;

**Conditions to be completed prior to the issuance of a certificate of occupancy:**

9. Develop plans for the Art in Public Places component of the development;

10. HARC approval for the proposed sign at the corner of Virginia and Simonton Streets, and any other signage visible from the public right-of-way, other than street address signs;

11. The plans shall be submitted to indicate a complete reconstruction of the Virginia Street right-of-way from the intersection of Virginia and Simonton Streets east and northeast to the termination of Virginia Street at the wall separating the right-of-way from the Archdiocese property to the northeast. The developer shall assume 50% of the entire cost or donate \$200,000, whichever is greater. Such plans must be approved by the City's Engineering Services, and provide the following list of minimum improvements:

a. A five-foot sidewalk on each side of the street;

b. Minimum of four parking spaces on the south side of Virginia Street;

c. Minimum of four parking spaces on the north side of Virginia Street;

d. Maintain existing driveways for off-street parking entrances on the south side of Virginia Street;

e. Minimum of at least three bulb-out landscape areas on the north side of Virginia Street for the placement of trees;

f. Provide at least one bulb-out landscape area on the south side of Virginia Street for the placement of trees;

g. Provide for the placement of trees at the southeast corner of the Virginia Street terminus;

12. Replace and repair the sidewalk on Simonton Street for the length of the property along that street side, with a five-foot sidewalk, which can be reduced to a four-foot minimum in order to accommodate existing trees;

13. Mitigation for the removal of trees from the right-of-way shall be accomplished by the developer/property owner through the planting of trees on the Virginia and Simonton Street right-of-way, with the permission of the City. The developers shall maintain sod plantings for one year following the C.O. at their expense. Alternatively, the developer may mitigate the tree removal on the subject property;

14. Dedicate to the City six unused BPAS allocations reserved, but unused, for the City's use for beneficial use or affordable housing (six unites are equivalent to 30% of 21 units), and such dedication is in fulfillment of the property's obligation as per section 122-1467 of the Code of Ordinances;

15. In the event either the developer and the adjoining neighbors are unable to agree on a common fence, then a six-foot high wall or solid fence shall be erected on the north and east boundaries of the property, subject to final HARC review and approval.

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 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 will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the

permit 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.

Passed and adopted by the City Commission at a meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_, 2013.

Filed with the Clerk \_\_\_\_\_, 2013.

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK