RESOLUTION NO. 2022-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE APPROVAL AT 5537 COLLEGE ROAD (RE #00072080-000101) FOR CONSTRUCTION OF A NEW 20,948 SQUARE FOOT OVERNIGHT HOMELESS SHELTER LOCATED IN THE PUBLIC AND SEMIPUBLIC SERVICES (PS) ZONING DISTRICT; PURSUANT TO SECTIONS 108-91.B.2., 122-62, AND 122-1018 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 108-91B.2.(b) of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that within the Public and Semipublic Services Zoning District, a Major Development Plan is required for the construction of greater than 5,000 square feet of gross floor area; and

WHEREAS, the proposed use of the property is an overnight homeless shelter, which is a Conditional Use within the Public and Semipublic Services (PS) zoning district pursuant to Code Section 122-1018 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 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 March 17, 2022; and

WHEREAS, the granting of a Major Development Plan and Conditional Use 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

Conditional Use 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 and Conditional Use for the construction of a 20,948 square foot overnight homeless shelter on property located at 5537 College Road (RE #00072080-000000) in the Public and Semipublic Services (PS) zoning district pursuant to Sections 108-91.B.2., 122-62, and 122-1018 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans dated March 15, 2022, is hereby approved with the following conditions:

General conditions:

1. The proposed construction shall be in substantial compliance with the site plans dated March 15, 2022, by William P. Horn Architect, and with Final Landscape Plans dated March 3, 2022 ~~when approved by the Tree Commission~~. 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. During all phases of construction, temporary fencing and erosion barriers shall be installed

and maintained. All adjacent streets and sidewalks shall be kept clean and clear of construction debris.

3. 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.
4. All invasive plant species shall be removed from the site (upland and wetland areas), particularly Seaside Mahoe-Thesesia populnea, Brazilian pepper-Schinus terebinthifolia, Lead tree-Leucaena leucocephala, and Australian Pine-Casuarina sp. The property shall be monitored and continual removal of these nuisance trees shall be done.
5. Tree protection and upland silt barriers must be placed and maintained.
6. No impacts authorized to occur to any protected trees.
7. No impacts authorized to occur to the adjacent wetland areas. Any debris that accidently falls into the wetland area must be immediately removed.
8. The applicant shall provide the proposed structural wall/fence upland of the wetland jurisdictional line in order to provide a structural buffer to avoid adverse secondary impacts to the wetland area, create a protective barrier, and improve the current conditions of the site, as depicted on the site plan.
9. The homeless shelter facility shall utilize loading areas for Fire Department access and loading during evacuation procedures.
10. Homeless shelter facility staff shall direct clients to utilize bus stops along both sides of College Road.

~~**Conditions prior to City Commission:**~~

~~11. Final Landscape approval required from Urban Forestry Manager on behalf of Tree Commission.~~

Conditions prior to issuance of a building permit:

11. 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.
12. Overhanging buttonwood tree branches must be properly trimmed by a certified arborist prior to commencement of work on the property and shall be inspected by the Urban Forester.

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 and 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 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 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 3rd day of May, 2022.

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

Filed with the Clerk the _____ 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