

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

**A RESOLUTION OF THE KEY WEST PLANNING BOARD APPROVING A MINOR DEVELOPMENT PLAN FOR THE CONSTRUCTION OF A TWO-STORY MIXED-USE STRUCTURE WITH OFFICE SPACE AND A REQUEST FOR CONDITIONAL USE FOR THREE MARKET RATE RESIDENTIAL UNITS LOCATED WITHIN THE LIMITED COMMERCIAL (CL) ZONING DISTRICT WITH A PROPOSED AFFORDABLE WORK FORCE HOUSING LINKAGE PROJECT AT 124 SIMONTON STREET PURSUANT TO CHAPTER 108, SECTION 108-91; CHAPTER 122, ARTICLE IV, DIVISION 4; AND CHAPTER 122, ARTICLE V, DIVISION 10, ENTITLED "WORK FORCE HOUSING", 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) (1), of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that outside the Historic District, Minor Development Plan is required for the construction of nonresidential floor area of 1,000 to 4,999 square feet of gross floor area; and

**WHEREAS**, the subject property is located at 1817 Staples Avenue (RE: 00047070-000100) more particularly described in the unity of title recorded in Plat Book 1, Page 43 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 property is a 2,205 square foot office permitted in the Limited Commercial (CL) zoning district pursuant to Code Section 122-387(4) and three

residential market rate units 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 Minor 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 November 21, 2024; and

**WHEREAS**, the granting of the proposed Minor 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 Minor 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 Minor Development Plan with Conditional Use for the construction of three (3) market-rate residential units and office space on property located at 1817 Staples Avenue (RE: 00047070-000100) within the Limited Commercial (CL) zoning district pursuant to Sections 108-91(b)(1)(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 May 20, 2024 by William P. Horn, Architect, P.A., and the landscape plans dated January 22, 2024 by Keith Oropeza.
2. Final landscape plan approval required from Tree Commission prior to issuance of a building permit.
3. Modify sheets to show continuous sidewalk connection along both Staples Avenue and First Street frontages.<sup>[NP1]</sup>
4. The hours of construction shall follow City Code and be limited to 8 a.m. to 7 p.m. on Monday to Friday, and 9 a.m. to 5 p.m. on Saturday.
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.
6. Per the Fire Marshall's request, the multi-family two story structure must have a sprinkler system installed in each unit.

**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 Minor 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 21<sup>st</sup> day of November, 2024.

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

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Sam Holland, Jr. 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