

RESOLUTION NO. 24-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING APPROVAL OF A MAJOR MODIFICATION TO A MAJOR DEVELOPMENT PLAN FOR THE DEVELOPMENT OF FOUR MARKET RATE RESIDENTIAL UNITS WITH A LANDSCAPE WAIVER FOR A NON-COMPLYING LANDSCAPE BUFFER ON PROPERTY LOCATED WITHIN THE HISTORIC RESIDENTIAL / OFFICE (HRO) ZONING DISTRICT WITH A PROPOSED AFFORDABLE WORK FORCE HOUSING LINKAGE PROJECT LOCATED AT 3228 FLAGLER AVENUE PURSUANT TO CHAPTER 108, SECTION 108-91, AND ARTICLE III THROUGH IX; CHAPTER 122, ARTICLE IV, DIVISION 10; AND CHAPTER 122, ARTICLE V, DIVISION 10 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(c) (3), of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that modifications to Major Development Plans that exceed those treated as administrative or minor modifications shall be treated in the same manner as the original approval; and

WHEREAS, Section 108-91(c)(4) provides that changes to specific conditions of a Major Development Plan required by the original approval shall require approval by the administrative body that originally approved the development; and

WHEREAS, the subject property is located at 638 United St (RE# 00036600-000000), more particularly described in the unity of title recorded in Book 2781, Page 1791 of the official records of the Clerk of the Circuit Court of Monroe County, Florida, is located in the Historic Residential/Office zoning district, and

WHEREAS, Planning Board Resolution 2018-57 recommended approval of a major development plan for the construction of five market rate residential units, and

WHEREAS, the property owner has submitted a request for a major modification to the major development plan to allow for development of four market rate residential units with landscape waivers; and

WHEREAS, the 638 United Street project maintains a linkage with 3228 Flagler Avenue pursuant to Sec. 122-1467 (b) of the City Code; and

WHEREAS, the linkage project located at 3228 Flagler Avenue has not received approval from the Planning Board; and

WHEREAS, this matter came before and was recommended for approval with conditions by the Planning Board at a duly noticed public hearing on December 12, 2023; and

WHEREAS, the granting of the proposed modifications to the Major Development Plan is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the City Commission finds that the granting approval of the proposed modifications to the 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 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. 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 3. The request for a major modification to the Major Development Plan for the construction of four (4) market rate residential units on property located at 638 United Street (RE # 00036600-000000) within the Historic Residential/ Office (HRO) zoning district pursuant to Sections 108-91 (a) (2) (a) 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 August 3, 2023 by Timothy Seth Neal P.A., and the landscape plans by Keith Oropeza, Landscape Architect; notwithstanding any revisions requested and recommended by staff.
2. 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.
3. Each of the four units is a single-family home. Section 86-9 defines family as:
 - (1) One person or a group of two or more persons related by blood, marriage, adoption, or foster care occupying a dwelling unit as a separate, independent, not-for-profit housekeeping unit with a single kitchen and set of culinary facilities. Such family may also include up to two unrelated persons who serve as servants or caretakers for the housekeeping unit; or

- (2) Up to four unrelated persons occupying a dwelling unit as a separate, independent, not-for-profit housekeeping unit with a single kitchen and set of culinary facilities.
4. Prior or simultaneous to issuance of a Certificate of Occupancy for this development, the project at 3228 Flagler Avenue must receive a Certificate of Occupancy.
 5. The applicant must modify the proposed linkage project to include a total of at least four deed restricted affordable housing units to comply with Section 122-1467.
 6. The three existing, large, protected trees on the property that are to remain; 1-Spanish Lime (Tree #1), 1-Gumbo Limbo (Tree #2), and 1-Tamarind tree (Tree#4), are to be protected during all phases of the project. No impacts including to the roots, trunks, or canopy branches, are authorized to occur to these trees.
 7. Final Landscape plan review is required. If no significant changes have been made to the project, the review can be done by the Urban Forestry Manager.

Conditions prior to the City Commission hearing:

8. The applicant must obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).
9. The applicant shall submit an outdoor lighting plan pursuant to City Code Section 108-284.
10. An irrigation plan must be submitted prior to City Commission review.
11. Sealed landscape plans must be submitted prior to City Commission review.

Conditions prior to issuance of a building permit:

12. 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.

13. Per the Fire Marshall's office, all buildings shall be fully sprinkled.
14. Add Storm Water Pollution Prevention Plan (SWPPP) notes as required by the Utilities Department.
15. Reduce the size of the swale in the rear yard of Unit 4. Swale must lie outside of the tree dripline.

Section 3. This Major Development Plan 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 4. 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 5. 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 14th day of March, 2024.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2024.

Filed with the Clerk _____, 2024.

Mayor Teri Johnston _____

Vice Mayor Sam Kaufman _____

Commissioner Lisette Carey _____

Commissioner Mary Lou Hoover _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK