

**PLANNING BOARD  
RESOLUTION NO. 2019**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING MINOR DEVELOPMENT PLAN AND LANDSCAPE MODIFICATION / WAIVER APPROVALS PURSUANT TO CHAPTER 108, ARTICLE II, DIVISION 3, SECTION 108-91 B. 1. (B) AND CHAPTER 108, ARTICLE V, SECTION 108-517 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA TO ALLOW FOR RECONSTRUCTION OF A COMMERCIAL STRUCTURE ON A PARCEL LOCATED AT 2222 NORTH ROOSEVELT BOULEVARD (RE # 00051100-000000) WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 108-91 B. 1. (b) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that outside of the Historic District, a Minor Development Plan is required for the reconstruction of 1,000 to 4,999-square-feet of nonresidential floor area; and

**WHEREAS**, Section 108-196 (b) provides that the planning board’s decision on a minor development plan outside the historic district shall be final unless appealed; and

**WHEREAS**, Section 108-413 provides minimum standards for landscaping along the right-of-way; and

**WHEREAS**, Section 108-414 provides minimum requirements for landscaping and tree planting within the interior of parking lots and along the other perimeters of a parking lot; and

**WHEREAS**, Section 108-415 provides minimum requirements for perimeter landscaping; and

\_\_\_\_\_Chairman

\_\_\_\_\_ Planning Director

**WHEREAS**, Section 108-450 provides requirements for landscape screening; and

**WHEREAS**, modifications and waivers to reduce the City's landscaping requirements are requested pursuant to City Code Section 108-517; and

**WHEREAS**, Code Section 108-517(a) requires the Planning Board to consider the landscape modification / waiver request and render the final action; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on February 21, 2019; and

**WHEREAS**, the granting of a Minor Development Plan and Landscape Modification / Waiver application is consistent with the criteria of the Code of Ordinances; and

**WHEREAS**, the Planning Board finds that the granting of a Minor Development Plan and Landscape Modification / Waiver 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.

\_\_\_\_\_Chairman

\_\_\_\_\_ Planning Director

**Section 2.** The Minor Development Plan and Landscape Modification / Waiver application for the reconstruction of a one-story commercial structure on property located at 2222 North Roosevelt Boulevard (RE # 00051100-000000) within the Commercial General (CG) zoning district pursuant to Sections 108-91.B.1(b), 108-196(b), 108-413, 108-414, 108-415, 108-450, and 108-517 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 February 8, 2019 by Aileen Osborn, Registered Architect, and the landscape plans dated February 8, 2019 by Keith Oropeza, Registered Landscape Architect; notwithstanding any revisions requested and recommended by staff.
2. The hours of construction shall be in compliance with City Code and be limited to 8 AM to 7 PM on Monday through Friday, and 9 AM to 5 PM on Sunday.
3. 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.
4. The applicant shall obtain final landscape plan approval from the Tree Commission.

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

5. Applicant shall coordinate with Keys Energy Services for a full project review.

**Conditions prior to issuance of a certificate of occupancy:**

6. All applicable impact fees shall be paid in full.

**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 and Landscape Modification / Waiver 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 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.

\_\_\_\_\_Chairman

\_\_\_\_\_ Planning Director

Read and passed on first reading at a regularly scheduled meeting held this 21st day of February 2019.

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

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Sam Holland, Planning Board Chairman

Date

**Attest:**

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Patrick Wright, Planning Director

Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

Date