

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA GRANTING APPROVAL FOR MAJOR DEVELOPMENT PLAN AND LANDSCAPE WAIVER AT 5501 COLLEGE ROAD (RE# 00072080-000101) FOR CONSTRUCTION OF AN APPROXIMATELY 5,161 SF, TWO-STORY NON-HABITABLE STRUCTURE TO ACCOMMODATE THE PROPERTY'S GENERATOR, MECHANICAL ROOMS, AND STORAGE, ON PROPERTY LOCATED WITHIN THE PUBLIC AND SEMIPUBLIC SERVICES (PS) ZONING DISTRICT; PURSUANT TO SECTION 108-91.B.2 AND SECTION 108-517, 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.2.(b) of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that a Major Development Plan is required for any construction of nonresidential floor area equal to or greater than 5,000 square feet of gross floor area; and

WHEREAS, the request for Major Development Plan and Landscape Waiver approval is to construct a non-habitable structure to house new generators and other mechanical equipment, on property located within the Public and Semipublic Services (PS) zoning districts; and

WHEREAS, Code Section 108-196(a) require the Planning Board to review and approve, approve with conditions or deny the proposed Major Development Plan and Landscape Waiver 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 October 25th, 2022; and

WHEREAS, the granting of a Major Development Plan and Landscape Waiver application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the City Commission finds that the granting of a granting of a Major

Development Plan and Landscape 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 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 Landscape Waiver to construct an approximately 5,161 SF, non-habitable two-story building on property located at 5501 College Road (RE# 00072080-000101) within the Public and Semipublic Services (PS) zoning district, pursuant to Section 108-91.B.2 and Section 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 dated July 11, 2022 and revised October 6, 2022, is hereby approved with the following conditions:

1. The proposed construction shall be in substantial compliance with the site plans signed, sealed, and dated July 11, 2022 and revised October 6, 2022, by William P. Horn Architect, P.A. for 5501 College Road. 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. Use of the structure shall remain for non-habitable purposes.
3. Once a year, all listed invasive plant species (Australian Pine-*Casuarina equisetifolia*, Brazilian Pepper-*Schinus terebinthifolia*, Lead Tree- *Leucaena*

leucocephala, and Melaleuca- *Melaleuca quinquenervia*) shall be removed from the site (above mean high water line). Stumps should be treated with an appropriate herbicide type treatment to prevent regrowth.

- ~~4. Prior to City Commission review Final Landscape Plan approval required from Urban Forestry Manager (memo into file).~~
- ~~5. Prior to the City Commission meeting, the Applicant will provide an updated Final Landscape Plan showing the four (4) covered spaces on the ground floor of the proposed non-habitable structure, consistent with the remainder of the site plan.~~
4. Prior to submittal of the first building permit, details regarding the irrigation system/plan must be submitted to the urban forestry manager along with the required tree removal permit paperwork.

Section 3. This resolution 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 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 6th day of December 2022.

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

Filed with the Clerk the ____ day of 2022.

Mayor Teri Johnston	_____
Commissioner Lissette Carey	_____
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 Date