

RESOLUTION NO. 17-217

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PURSUANT TO SECTIONS 108-91.B.2(A) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE CONSTRUCTION OF 56 MARKET RATE UNITS AND 24 AFFORDABLE UNITS ON PROPERTY LOCATED AT 3900 SOUTH ROOSEVELT BOULEVARD (RE # 00066180-000200) WITHIN THE HIGH DENSITY RESIDENTIAL (HDR) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 108-91.B.2.(a), of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that outside the Historic District, a Major Development Plan is required for permanent residential development; addition or reconstruction of eleven or more units; and

WHEREAS, Code Sections 108-196(a) require 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 the Planning Board at a duly noticed public hearing on June 15, 2017, resulting in Planning Board Resolution No. 2017-24 advising approval with conditions to the City Commission; and

WHEREAS, Planning Board Resolution No. 2017-24 required two conditions be satisfied prior to the City Commission hearing (see conditions #7 & 8). Subsequent to the Planning Board



approval, all conditions have been satisfied. Any outstanding issues are reflected in the in the staff recommendations below. The resulting set of revised plans is attached.

WHEREAS, pursuant to Code Section 108-198, the City Commission shall review and act upon Major Development Plan proposals; and

WHEREAS, the granting of the Major Development Plan will be 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; and

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. That the City Commission grants approval of the application for Major Development Plan for the construction of 56 market rate residential dwelling units and 24 affordable residential dwelling units on property located at 3900 South Roosevelt Boulevard (RE # 00066180-000200) within the High Density Residential (HDR) zoning district pursuant to Sections 108-91.B.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,

with the conditions provided in Planning Board Resolution No. 2017-24, and specified as follows:

General conditions:

1. The proposed development shall be consistent with the plans dated June 14, 2016 by K2M Design, Inc., and by the Proposed Site Plan dated June 7, 2017.

2. Share maintenance of off-site improvements and construction to include, but not be limited to speed bumps, sidewalk extensions, crosswalks, and sidewalk lighting.

3. 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.

4. Ocean Walk will provide daily maintenance and cleanup of roadway.

5. Ocean Walk will temporarily keep security gate in open position, commencing prior to commencement of construction at least one year, or until such time as the Las Salinas gate has been replaced during construction.

6. As outlined in the Development Agreement the twenty-four (24) affordable units will be required to file deed restrictions with the City per Section 122-1467 (d). The deed restriction shall be in a form provided by the city and shall be for a period of at least 50 years. It shall be

recorded in the Monroe County records. During the final year of the deed restriction, the city may act by Resolution to renew the affordability restriction for an additional 50-year term.

Conditions prior to issuance of a building permit:

7. 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.

8. Applicant shall coordinate with Keys Energy Service a full project review.

9. Wetland Buffer Zone pursuant to Section 110-91 shall be consistent with South Florida Water Management District standards.

10. The applicant shall submit a completed Form 7460-1 to the Federal Aviation Authority.

Conditions prior to issuance of a certificate of occupancy:

10. The total score claimed of 85 points, in which the 28 market rate and 12 affordable Building Allocation System (BPAS) units were awarded through Planning Board Resolution 2015-26 shall be confirmed by City staff. The total score claimed of 85 points, in which the 28 market rate and 12 affordable Building Allocation System (BPAS) units were awarded through Planning Board Resolution 2015-06, shall be confirmed by City staff.

11. 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 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 will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C, F.A.C., this permit is not effective for forty five (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 forty five (45) day review period the DEO can appeal the permit 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.

Passed and adopted by the City Commission at a meeting held this 15th day of August, 2017.

Authenticated by the presiding officer and Clerk of the Commission on August 16, 2017.

Filed with the Clerk August 16, 2017.

Mayor Craig Cates	<u>Yes</u>
Commissioner Samuel Kaufman	<u>Yes</u>
Vice Mayor Clayton Lopez	<u>Absent</u>
Commissioner Richard Payne	<u>Yes</u>
Commissioner Margaret Romero	<u>Yes</u>
Commissioner Billy Wardlow	<u>No</u>
Commissioner Jimmy Weekley	<u>Absent</u>


CRAIG CATES, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK