

**PLANNING BOARD
RESOLUTION NO. 2022-018**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD APPROVING AN AMENDMENT TO A DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 541 WHITE STREET (RE# 00006730-000200) TO CONSTRUCT 48 AFFORDABLE WORKFORCE HOUSING UNITS LOCATED IN THE HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL (HSMDR) ZONING DISTRICT, PURSUANT TO SECTIONS 90-689 AND 122-611 OF THE CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS.

WHEREAS, the property at 541 White Street is located in the Historic Special Medium Density Residential (HSMDR) zoning district; and

WHEREAS, a major modification to the existing Major Development Plan at 541 White Street, commonly known as Peary Court, was submitted to the City and is moving together with this application through the City review and approval process; and

WHEREAS, Section 122-611(e) of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) City of Key West, Florida (the “City) requires that, any development plan approval submitted for a property in the HSMDR zoning district shall be accompanied by a concurrent application for a development agreement; and

WHEREAS, the existing development agreement, “Development Agreement for the Peary Court Housing Complex” was approved by City of Key West Resolution No. 16-40; and

WHEREAS, the Development Review Committee reviewed the draft amendment to the development agreement and related documentation on December 16, 2021, and the agreement was revised to reflect staff comments; and



Planning Board Chair



Planning Director

WHEREAS, City Code Section 90-682(c) provides that the Planning Board shall review proposed development agreements and transmit its recommendations, along with the Development Review Committee’s recommendations, to the City Commission; and

WHEREAS, this matter came before the Planning Board at a public hearing on February 17, 2022, however notice requirements were not sufficient the matter was renoticed and heard again at a duly noticed public hearing on April 21, 2022; and

WHEREAS, the Planning Board evaluated the request for an amendment to the development agreement pursuant to criteria included in Section 90-682; and

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 fully set forth herein.

Section 2. That the amendment to the development agreement, pursuant to 90-689 and 122-611 of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows:

A request for approval of an amendment to a development agreement to construct 48 affordable workforce housing units in the Historic Special Medium Density Residential (HSMDR) zoning district pursuant to Sections 90-689 and 122-611 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

The full text of the amended development agreement now entitled, “Amended and Restated


_____ Planning Board Chair


_____ Planning Director

Development Agreement for the Peary Court Affordable Workforce Housing Complex”,
is attached.

General Conditions:

1. The Conditions of Approval as provided in the Major Development Plan for Peary Court Development are applicable and binding to this Amendment to a Development Agreement.

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 to recommend a revision to an existing Development Agreement 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 will 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.



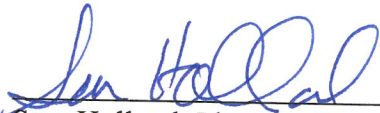
Planning Board Chair



Planning Director

Read and approved at a regularly scheduled meeting held this 21st day of April 2022.

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

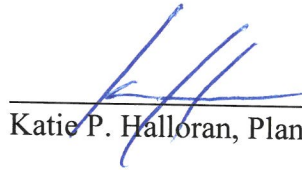


Sam Holland, Planning Board Chair

5/20/22

Date

Attest:



Katie P. Halloran, Planning Director

5/20/2022

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

5/20/2022

Date

Keri O'Brien, Senior Deputy City Clerk



Planning Board Chair



Planning Director