

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN APPROVAL FOR PROPERTY LOCATED AT 918 FORT STREET (RE# 00001630-000801) - FOR THE CONSTRUCTION OF 126 AFFORDABLE HOUSING RESIDENTIAL UNITS ON PROPERTY LOCATED WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL 4 - BAHAMA VILLAGE TRUMAN WATERFRONT (HNC-4) ZONING DISTRICT PURSUANT TO CHAPTER 108, ARTICLE III THROUGH IX 122-1467 AND 122-872(2) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, Section 108-91(A)(2)(a) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that within the Historic Neighborhood Commercial 4 – Bahama Village Truman Waterfront Zoning District, a Major Development Plan is required for the construction of permanent residential developments with five or more units; and

WHEREAS, the proposed use of the property consisting of multiple-family residential dwelling units is a permitted use within the Historic Neighborhood Commercial 4 – Bahama Village Truman Waterfront zoning district pursuant to Code Section 122-872; and

WHEREAS, Code Section 108-196(a) requires 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 and was approved by the Planning Board at a duly noticed public hearing on December 19, 2022; and

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

WHEREAS, the City Commission finds that the granting of a Major Development application 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; and

WHEREAS, as City staff received additional documentation from the applicant after the Planning Board hearing, staff has updated proposed conditions of approval through strike through underline notations provided below in Section 2; and

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 to construct a one hundred and twenty-six (126) unit affordable multi-family residential community on property located at 918 Fort Street (RE# 00001630-000801) within the Historic Neighborhood Commercial 4 – Bahama Village Truman Waterfront zoning districts, pursuant to Section 108-91.A.2 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans dated December 1, 2022, is hereby approved with the following conditions:

General Conditions:

1. The proposed construction shall be in substantial compliance with the site plan signed, sealed, and dated 1/3/2023~~12/1/2022~~ by Joshua J. Jennings. 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. 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. An ADA compliant five-foot sidewalk is required to provide a direct connection to Truman Waterfront Park surface parking lot, including along Evans Street, if permissible by the Navy, and must tie into the existing grid with ADA connections across any driveway. This sidewalk would be needed to provide access for rental housing residents (southern leased area) who would park at the Truman Waterfront Park parking lot, if the parking agreement is approved.
4. Once a year, all listed invasive plant species (Australian Pine-Casuarina equisetifolia, Brazilian Pepper-Schinus terebinthifolia, and Lead Tree-Leucaena leucocephala) shall be removed from the site.
5. The dumpster area near Building C is to be maintained to control odors and debris, and shall be fully fenced and screened with landscape material.
6. All approved bicycle parking spaces shall satisfy pavement, maintenance, and construction specifications of subdivision II of this division as well as bicycle parking, design, lighting, and security criteria of section 108-643.
7. Pervious parking material maintenance records may be requested by the City Engineer if pervious paving material failure is apparent.
8. Per the City Engineer, throughout the parking areas, flush concrete curbing must be installed between the proposed porous paving system and asphalt to protect the asphalt edge from degradation.
9. This Major Development Plan is contingent on City Commission approval of a Parking Agreement for sixteen (16) vehicular parking spaces. Furthermore, the Parking Agreement should be reviewed prior to the expiration date in 2043, or City of Key West daily parking rate fees shall be remitted to the City.
10. The applicant shall adhere to the submitted parking plan. All twenty-six homeowners' units shall have a marked parking space for their unit and those spaces shall not be subleased to a non-resident of 918 Fort Street. City parking spaces

adjacent to the applicant's leased areas shall remain clearly marked as "public parking".

Conditions prior to the City Commission hearing:

~~9. The pervious parking material and on-going maintenance plan must be approved by the City Engineer.~~

~~10. Prior to City Commission, the applicant shall provide a parking plan to depict marked homeowner parking spaces for all twenty-six (26) condominium units within the limits of the leased areas. Each single parking space shall remain with the relevant homeowner's unit and shall not be subleased to a non-resident of 918 Fort Street. The parking plan shall indicate which parking places are being proposed to be relocated from the adjacent City-owned Truman Waterfront Park parking lot. If the applicant is proposing to reconstruct three City parking spaces adjacent to the leased area, these spaces must be clearly marked as "public parking" and the parking plan shall reflect their proposed location.~~

~~11. The applicant must obtain a Certificate of Appropriateness from the Historic Architectural Review Commission (HARC) for on-site structures and signage visible from the right-of-way, except for traffic and internal vehicular signs.~~

~~11. Final Landscape plan approval is required from the Tree Commission/Urban Forestry Manager.~~

~~13. A site plan shall be submitted for review depicting a total of 121 bicycle spaces.~~

~~14. A Pavement and Signage plan shall be submitted for review.~~

~~15. Applicant shall coordinate with staff to establish compliance with cistern requirements associated with City Code Section 108-991; unless an exemption is approved, cisterns shall be added to the site plan.~~

Conditions prior to issuance of a building permit:

126. The applicant shall provide a Life Safety Plan, consistent with any local, state or federal laws, for review and approval by the City's Fire Department.

137. 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.

148. Permits to remove and transplant the trees and palms will not be issued until building or demolition permits are submitted to the building department. Application must be made to the urban forestry manager for processing of the permits.

159. A tree protection plan is needed to protect the trees in the Truman Park parking area during construction.

1620. A transplantation plan is needed regarding the replanting of nine autograph trees from the Truman Park parking area to nearby park property areas and three Sabal palms to the Fort Street parking area.

1724. A detailed irrigation plan is needed.

1822. Coordination with the City Utilities Department shall be required for connections to the public sewer water systems.

Conditions prior to issuance of a Certificate of Occupancy:

1923. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.

2024. City BPAS Code requires all new development to achieve a baseline green building certification.

2125. The applicant shall submit a minor modification application to the City to modify the Major Development Plan and Conditional Use Approval for the Truman Waterfront Parcel (City Commission Resolution 14-137, and subsequent site plan approvals as needed) to relocate the seven parking spaces proposed to be displaced from the city-owned Truman Waterfront Park parking lot. The applicant shall compensate the City in full to grade, pave, re-landscape, and construct the assumed four missing parking spaces elsewhere in the park. The relocation of four parking spaces shall be reviewed and approved/denied through the minor modification process pursuant to City Code Section 108-91. Prior to issuance of Certificate of Occupancy for any rental units at 918 Fort Street, the applicant shall complete the City review/approval process to relocate the parking spaces and shall remit full payment for reconstruction of the spaces as provided above. The issuance of a Certificate(s) of Occupancy shall not be delayed if in the event that any outstanding parking requirements have not been satisfied and the delay is attributable to the City in identifying and constructing said spaces. In such an event, the Applicant shall pay to the City an amount that equates to the cost of construction of said spaces as determined by the City Engineer 30 days prior to the issuance of the Certificate(s) of Occupancy.

2226. The applicant shall make every effort to provide habitat for threatened, endangered, and migratory bird species.

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 18th day of January 2023.

Authenticated by the presiding officer and Clerk of the Commission on January 18th, 2023.

Filed with the Clerk the ____ day of January 2023.

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