

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MINOR DEVELOPMENT PLAN APPROVAL AT 1020 MARGARET STREET (RE 00030490-000000) TO RENOVATE AND REDEVELOP AN EXISTING HISTORIC SINGLE-FAMILY STRUCTURE AND TWO (2) NEW SINGLE-FAMILY STRUCTURES AND A DUPLEX AS WELL AS INSTALL AN INGROUND POOL AND A PAVED PARKING LOT IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) ZONING DISTRICT AND A REQUEST TO DEED RESTRICT UNIT 5 IN ACCORDANCE WITH THE CITY OF KEY WEST'S WORKFORCE HOUSING ORDINANCE PURSUANT TO SECTIONS 108-91 AND SECTION 122-1467(1)(A) OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 108-91 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that within the Historic District, a Minor Development Plan is required for the addition or reconstruction of three or four units, a Major Development Plan is required for the addition or reconstruction of five or more units; and

**WHEREAS**, the proposed use of the property is for single-family dwelling units and a duplex, which are permitted uses within the Historic Medium Density Residential (HMDR) zoning district pursuant to Code Section 122-597 and

**WHEREAS**, Code Section 108-196(a) requires the Planning Board to review and approve, approve with conditions or deny the proposed Minor Development Plan in the historic district in an advisory capacity to the City Commission; and

**WHEREAS**, variances associated with this Minor Development Plan came before and were approved by the Planning Board at a duly noticed public hearing on June 17, 2021, through PB Resolution #2021-25; and

**WHEREAS**, this Minor Development Plan was recommended for approval by the Planning Board with a slightly updated site plan to reflect relocated trash and recycling facilities as reflected in approved site plans signed, sealed and dated 6/28/2021, by William Horn, Architect, PA., at a duly noticed public hearing on July 15, 2021 through PB Resolution #2021-30; and

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

**WHEREAS**, approval for Final Landscape Plan with Tree Removal was granted on September 7, 2021; and

**WHEREAS**, approval of this project was granted by the Historic Architectural Review Commission on August 24, 2021; and

**WHEREAS**, upon review by the City Commission on October 19, 2021, the Commission rejected approval of a potential fee-in-lieu for compliance with City Code Section 122-1467(1) (a), and postponed this item in anticipation of provision of an on-site or linked deed restricted unit; and

**WHEREAS**, the applicant subsequently submitted revised site plans dated November 2, 2021, and proposed an additional on-site

unit, Unit 5 (at the northwest corner of the site) to be deed restricted in compliance with City Code Section 122-1467, and to have a designated on-site parking space; and

WHEREAS, historic architectural review staff reviewed and administratively approved the conversion of one of the previously approved single family structures to a duplex; and

WHEREAS, the applicant also timely submitted Building Permit Allocation System (BPAS) application materials for one additional unit for this site and has the required minimum on-site density; and

WHEREAS, if a BPAS unit is not allocated for this property during Year 9, the applicant shall have to return to the City Commission to seek compliance with City Code Section 122-1467 by alternate means and shall not be issued a Certificate of Occupancy for the project; and

WHEREAS, the initial submission was for a Minor Development Plan and four units, however, the City Commission subsequently required changes that necessitated this new request for five units, and the Planning Director finds that the review process has been sufficient; and

**WHEREAS**, the City Commission finds that the granting of a Minor Development Plan 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

**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 Minor Development Plan to redevelop one single-family structure and construct two single-family structures and one duplex as well as install an inground pool and a paved parking lot in the Historic Medium Density Residential (HMDR) zoning district and deed restrict Unit 5 to comply with the City of Key West's Workforce Housing ordinance pursuant to Sections 108-91 and Section 122-1467(1) (a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans dated, 11/2/2021, is hereby approved with the following conditions:

**Conditions of Approval:**

1. Approval of a variance to the minimum required front and minimum required rear setback prior to approval of the proposed minor development plan.
2. A semi-pervious material be used for parking surfaces.

3. No units subject to this Minor Development Plan, nor any other units on the parcel, be used for transient rentals.
4. The proposed construction shall be consistent with the plans signed, sealed, and dated 11/2/2021 by William Horn, PA.
5. 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.

**Conditions prior to the City Commission hearing:**

6. Submittal of a stormwater management plan according to Sec. 108-777, to retain the greater of one-inch of runoff based on the site upland area or 2.5" times percent of impervious coverage.
7. The applicant shall obtain final landscape plan approval from the Tree Commission.
8. The applicant shall obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

**Conditions prior to Certificate of Occupancy of Residential Units:**

9. Prior to a certificate of occupancy being issued for the residential units, City Code Section 122-1467 (1) shall be met

through submittal of a recorded deed restriction for Unit 5 for affordable housing (median income);

10. If a Building Permit Allocation System (BPAS) permit is not acquired for 1020 Margaret Street during Year 9 of the City of Key West's BPAS program, the applicant shall be ineligible for a Certificate of Occupancy and must return to City Commission to request modification of the development plan in order to comply with City Code Section 122-1467.

**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 application approval by the City Commission 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.

Read and adopted by the City Commission at a meeting held this 7<sup>th</sup>  
day of December, 2021.

Authenticated by the presiding officer and Clerk of the  
Commission on this \_\_\_\_\_, day of \_\_\_\_\_, 2021.

Filed with the Clerk this \_\_\_\_ day of \_\_\_\_\_, 2021.

Mayor Teri Johnston	_____
Commissioner Gregory Davila	_____
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