

RESOLUTION NO. [REDACTED]

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING APPROVAL TO AMEND 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 LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the subject property is located within the Historic Special Medium Density Residential (HSMDR) Zoning District; and

WHEREAS, pursuant to Section 122-611(e) of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”), 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 applicant has submitted a major modification to a Major Development Plan and a request to amend and extend an existing Development Agreement for the property at 541 White Street known as “Peary Court”; and

WHEREAS, City Code Section 90-682 requires the Planning Board to review and approve, approve with conditions or deny the proposed amendment to the development agreement 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 February 17, 2022; and

WHEREAS, this matter was incorrectly noticed and so was re-noticed and appeared again

at a duly noticed public hearing on April 21, 2022, during which the item was recommended for approval through Planning Board Resolution 2022-018

WHEREAS, the granting of an amendment to the development agreement application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the City Commission finds that the granting of an amendment to the development agreement 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.

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 fully set forth herein.

Section 2. That the amendment to the development agreement, pursuant to 90-682 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 the development agreement to construct 48 affordable workforce housing units in the Historic Special Medium Density Residential (HSMDR) zoning district pursuant to Section 90-682 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

General Conditions:

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

Section 3. Full, complete and final application for all permits required for which this

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resolution is wholly or partly necessary, shall be submitted in its entirety within 60 months after the date hereof, unless the Development Agreement is renewed or extended beyond that period.

Section 4. This Major Modification to a Major Development Plan and Landscape Waiver 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 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 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.

Read and approved at a regularly scheduled meeting held this _____ day of _____ 2022.

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



Filed with the Clerk the _____ day of 2022.

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	_____ Date
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