

**RESOLUTION NO. 2022-XX\_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN APPROVAL FOR PROPERTY LOCATED AT 255 TRUMBO ROAD (RE# 00001720-000200) FOR CONSTRUCTION OF A TWENTY-FOUR (24) UNIT AFFORDABLE HOUSING DEVELOPMENT AND A ONE-STORY NONRESIDENTIAL STRUCTURE WITH A BUILDING AREA OF APPROXIMATELY 889 SF., LOCATED IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE – KEY WEST BIGHT (HRCC-2) ZONING DISTRICT; PURSUANT TO SECTION 108-91(A)(2), OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE.**

**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 Residential Commercial Core – Key West Bight 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 and a water-related nonresidential use are permitted uses within the Historic Residential Commercial Core – Key West Bight (HRCC-2) zoning district pursuant to Code Section 122-687; 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 May 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.

**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 for the construction of a twenty-four (24) unit multi-family residential dwelling and an 889 square foot, one-story structure for a nonresidential water-related use on property located at 255 Trumbo Road (RE# 00001720-000200) in the Historic Residential Commercial Core – Key West Bight (HRCC-2) zoning district pursuant to Sections 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 April 21, 2022, is hereby approved with the following conditions:

**General Conditions:**

1. The proposed construction shall be in substantial compliance with the site plans signed, sealed, and dated 4/21/2022 by Gavin Wade Scarborough. 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. The City of Key West pump station along Trumbo Road shall remain accessible for maintenance.
4. In the HRCC-2 zoning district, the Code requires, “. . . only water-related uses shall be located between the 30-foot setback and the 100-foot setback from the mean high water or the bulkhead.”; Water-related uses means activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses and/or provide supportive services to persons using a duly permitted marina.
5. All Brazilian pepper trees, an invasive exotic plant species, currently on the site will be removed. Due to the seed source being in the soil, the property maintenance plan must include a statement regarding continual maintenance of the property to remove any invasive exotic plant species including Brazilian Pepper (*Schinus terebinthifolia*), Lead tree (*Leucaena leucocephala*), and Australian Pine (*Casuarina equisetifolia*).
6. Plans need to show clearly curbing or parking stops being placed in the parking area to protect landscaped areas.

**Conditions prior to issuance of a building permit:**

7. 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.
8. 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.
9. Residential development is subject to the 2019 "Keys Overnight Temporary Shelter (KOTS) and Essential Governmental Employee Housing Interlocal Agreement" between the City of Key West and Monroe County. The proposed project will comply with the terms of this agreement, and with the affordable housing requirements of Section 122-720 and the City's Workforce Housing ordinance. The City of Key West, Monroe County, and the Monroe County Sheriff are in agreement that 24 affordable housing units are proposed for 255 Trumbo Road and other housing has been provided off-site for Sheriff's employees.

**Conditions prior to issuance of a Certificate of Occupancy:**

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

**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 2<sup>nd</sup> day of August 2022.

Authenticated by the presiding officer and Clerk of the Commission on August 2<sup>nd</sup>, 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