# RESOLUTION NO. 21-197

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING APPROVALS FOR A MAJOR DEVELOPMENT PLAN, A LANDSCAPE WAIVER AND AN AFFORDABLE WORKFORCE HOUSING REQUIREMENT LINKAGE PROVISION FOR PROPERTY AT 1319 WILLIAM STREET AND 1316 ROYAL STREET UNITS #1-6 (RE# 00036920-000000) TO CONSTRUCT AND REDEVELOP EIGHT (8) RESIDENTAIL DWELLING UNITS LOCATED WITHIN THE HISTORIC MEDIUM DENSITY (HMDR) ZONING DSITRICT PURSUANT TO SECTIONS 108-91 A.2(A), SECTION 108-517, AND SECTION 122-1467(1)(B) 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 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that within the Historic District, a Major Development Plan is required for the addition or reconstruction of five or more permanent residential units; and

WHEREAS, the proposed use of the property is for the construction and redevelopment of eight residential dwelling units; and

whereas, waivers to the City's landscaping requirements are pursuant to City Code Section 108-517; and

whereas, requirements of the affordable work force housing ordinance and specifically, linkage of project provisions, are pursuant to 122-1467(1)(b); and

WHEREAS, Code Section 108-196(a) requires the Planning Board

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to review and approve, approve with conditions or deny the proposed Major Development Plan in an advisory capacity to the City Commission; and

WHEREAS, Code Section 108-517(a) requires the Planning Board to consider the landscape waiver request and render the final action; and

WHEREAS, this matter came before and was approved by the Planning Board at a duly noticed public hearing on April 22, 2021, through Planning Board Resolution #2021-12; and

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

WHEREAS, the City Commission finds that the granting of a Major Development Plan and Landscape Waiver 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, the City Commission finds that the project at 1319 William Street & 1316 Royal Street complies with Section 122-1467(1)(b) so long as specific proposed conditions of approval related to the linked redevelopment project at 1703 Von Phister are also adopted together with this Major Development Plan; and

WHEREAS, the City Commission has moved to further modify the

proposed specific conditions of approval to include a modification to the affordable housing linkage provision to specify all median income AMI rental units for the duplex at 1703 Von Phister, as also agreed at the hearing by the applicant; and

WHEREAS, the applicant provided revised plans for the linked redevelopment project at 1703 VonPhister, dated June 24, 2021, by William Byron Shepler, after the Planning Board approval on April 22,2021; and

WHEREAS, staff has reviewed the revised plans for 1703 VonPhister and affirms they remain compliant with the required provisions of Section 122-1467(1)(b); 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, landscape waiver, and an affordable workforce housing requirement linkage provision for property at 1319 William Street and 1316 Royal Street Units #1-6 (RE# 00036920-000000) to construct and redevelop eight (8) dwellings units located within the Historic Medium Density (HMDR) zoning district pursuant to Section 108-91A.2.(A), Section 108-517, and Section 122-1467(1)(B) of the Land Development Regulations of

the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans dated September 10, 2020 by William Byron Shepler, R.A., for 1319 and 1316 Royal Street Units #1-6, and revised plans dated June 24, 2021 by William Byron Shepler, is hereby approved with the following conditions:

#### General conditions:

- 1. The proposed construction at 1319 William Street and 1316 Royal Street shall be consistent with the site plan signed, sealed, and dated September 10, 2020 by William Byron Shepler, R.A.
- 2. Per Fire: Shall maintain the 20-foot driveway for emergency response. The owner is currently working on a fire sprinkler solution (yard hydrants) to be depicted on the signed and sealed plans that will need to be accepted by the Fire Marshal's office before issuance of a permit.
- 3. Per Urban Forester: Existing Page C-10 indicates the location of several swales to be constructed within the critical root zones of existing trees/ palms that are to remain. This page must be reconciled with the final landscape plan and the swales relocated so as not to impact

the root areas of those existing trees and palms to remain onsite.

- 4. 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.
- 5. Per Sections 108-412 and 108-482, the development plan shall require landscape maintenance in the short term for survivability and in perpetuity. The property owner shall be responsible for the maintenance of the landscaping but the HOA will have the right to step in if it is not maintained.
- 6. The proposed construction at 1703 VonPhister Street to satisfy the affordable housing linkage provision in Section 122-1467(1)(b), of the new two-story structure that will consist of two affordable deed restricted units shall be consistent with the site plan signed, sealed, and dated June 24, 2021, by William Byron Shepler, R.A. These two units shall be restricted for affordable housing (median income) as defined in City of Key West Code Section 122-1467, and the developer/property owners shall not increase the sales or rental above 100% area median income.

## Conditions prior to the City Commission hearing:

- 7. The applicant shall obtain final landscape plan approval from the Tree Commission.
- 8. The Landscape and Irrigation Plans shall be signed, sealed, and dated prior to City Commission.
- 9. The applicant shall obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

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

- 10. 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.
- 11. Prior to issuance of building permits the property owner shall record a deed restriction for the two-market rate units located within the two-story duplex at 1703 Von Phister property, approved by the City Attorney, and submitted into the Records of the Monroe County Clerk of the Court.

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

- 12. Prior to issuance of a Certificate of Occupancy for the Major Development Plan at 1319 William Street and 1316 Royal Street, the applicant shall complete all permitting, construction, inspections and receive a Certificate of Occupancy for the linked project at 1703 Von Phister Street. The two units at 1703 Von Phister shall be restricted for affordable housing (median income) as defined in City of Key West Code Section 122-1467, and the developer/property owners shall not increase the sales or rental above 100% area median income.
- 13. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.
- **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 Major Development Plan and Landscape Waiver and Affordable Workforce Housing Linkage Provision 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 passed on first reading at a regularly scheduled meeting held this  $14^{\rm th}$  day of September 2021.

Authenticated by the presiding officer and Clerk of the Commission on September 21 , 2021.

Filed with the Clerk this 21stday of September ,2021. Yes Mayor Teri Johnston Yes Commissioner Gregory Davila Yes Commissioner Mary Lou Hoover Yes Vice Mayor Sam Kaufman Yes Commissioner Clayton Lopez Commissioner Billy Wardlow\_ Yes Yes Commissioner Jimmy Weekley

ATTEST:

CHERYL SMITH, CITY CLERK

#### **EXECUTIVE SUMMARY**



To: Patti McLauchlin, City Manager

**Through:** Katie P. Halloran, Planning Director

From: Melissa Paul-Leto, Planner I

Meeting Date: September 14<sup>th</sup>, 2021

Request: Major Development Plan & Landscape Waiver – 1319 William Street &

1316 Royal Street Units #1-6 (RE# 00036920-000000) - A request for a major development plan, landscape waiver, and affordable work force

housing linkage approvals to construct and redevelop eight (8)

residential units located within the Historic Medium Density Residential (HMDR) zoning district pursuant to Section 108-91 A.2. (a), Section 108-517, and Section 122-1467 (1)(b) of the Land Development Regulations

of the Code of Ordinances of the City of Key West, Florida.

#### Background:

The subject property is located at 1319 William Street & 1316 Royal Street Units #1-6. The property is a double frontage lot. It was known as The Hospice and the Visiting Nurse Association of the Florida Keys since 1984 and closed in February of 2018. It is currently licensed for two non-transient rental units with assigned addresses as 1319 William Street and 1317 William Street.

The parcel is located within the Historic Medium Density Residential (HMDR) zoning district. The surrounding uses include residential, multi-family, a synagogue, and The Boys and Girls Club of America. Zoning districts within 300 feet of the property are Historic Medium Density Residential (HMDR) zoning district, and the Historic Residential/Office (HRO) zoning district.

## Major Development Plan Review Process:

Planning Board Meeting: April 22<sup>nd</sup>, 2021 HARC Approval: May 25<sup>th</sup>, 2021 Urban Forester's Approval: June 17<sup>th</sup>, 2021

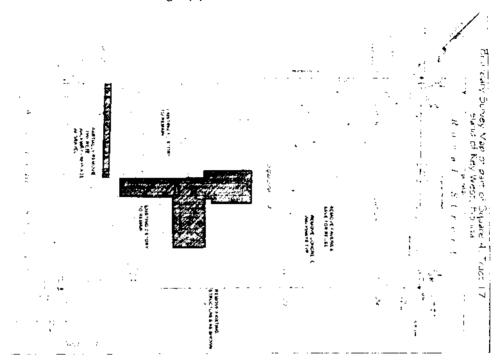
City Commission: September 14<sup>th</sup>, 2021

Local Appeal Period: 30 days

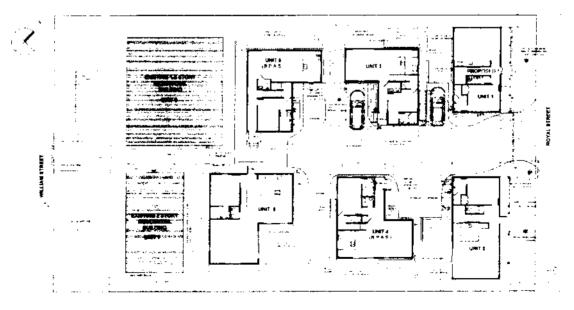
DEO Review: Up to 45 days

# Planning Staff Analysis:

The applicant is proposing to demolish the remaining portion of the palliative center (structures proposed to be demolished are shaded in grey) and construct six (6) new single-family homes behind the two existing non-transient rental units facing William Street. The proposed development would have a total of eight (8) non-transient units.



Existing Site / Demo Plan

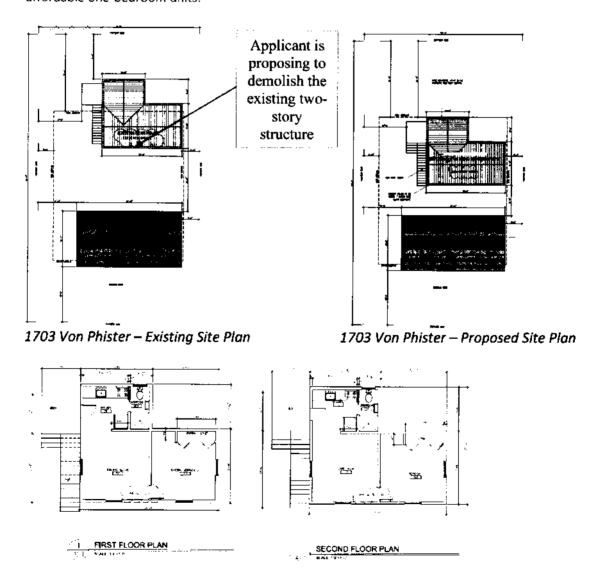


Proposed Site Plan

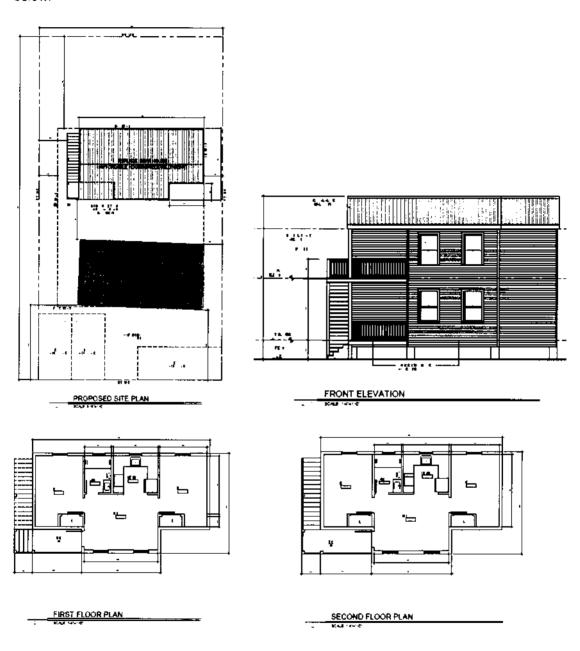
The Section 122-1467 – Requirements of Affordable Workforce Housing states, "Residential or mixed-use projects of less than ten residential or mixed-use units shall be required to develop or redevelop at least 30 percent of units of at least 400 square feet each as affordable (median income) but may contribute a fee in lieu of each unit to the affordable work force housing trust fund, if approved by the City Commission."

The applicant has chosen to provide the affordable housing requirements through the linkage provision under Section 122-1467 (1) (b). The applicant is proposing to utilize 1703 Von Phister as the subject property for the required linkage provision to provide two deed restricted affordable dwelling units. The proposed two-story existing structure on the parcel would be demolished and a new two-story structure would be constructed.

Below are the plans that were approved at the April 22<sup>nd</sup>, 2021 Planning Board for two (2) affordable one-bedroom units.



The applicant has revised the proposed site design for the 1703 Von Phister project since the April 22<sup>nd</sup>, 2021 Planning Board approval. The proposed design still includes two (2) affordable units, but each unit will now have two bedrooms, instead of one. Please see the revised plans below.



A full and complete review of the major development plan is available in the attached Staff Report.

# Options/Advantages/Disadvantages:

Option 1: Approve the proposed major development plan as recommended by the Planning Board through Resolution No. 2021-12

**Option 2:** Deny the proposed major development plan.

#### Recommendation

Staff supports Planning Board Resolution No. 2021-12 and recommends approval of Option 1.

# PLANNING BOARD RESOLUTION NO. 2021-12

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING MAJOR DEVELOPMENT PLAN AND LANDSCAPE WAIVERS AND AFFORDABLE WORFORCE HOUSING REQUIREMENT LINKAGE APPROVALS PURSUANT TO SECTIONS 108-91.A.2.(a), 108-517, 108-196(a) AND 122-1467 (1)(b) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE CONSTRUCTION AND REDEVELOPMENT OF EIGHT (8) RESIDENTIAL DWELLING UNITS ON PROPERTY LOCATED AT 1319 WILLIAM STREET AND 1316 ROYAL STREET UNITS # 1-6 (RE # 00036920-000000) IN THE HISTORIC MEDIUM DENSITY (HMDR) ZONING DISTRICT; 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 District, a Major Development Plan is required for the addition or reconstruction of five or more units; and

WHEREAS, waivers to the City's landscaping requirements request are pursuant to City Code Section 108-517; and

WHEREAS, requirements of affordable work force housing linkage provision request are pursuant to City Code Section 122-1467(1)(b); and

WHEREAS, Code Sections 108-196(a) require 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, Code Section 108-517(a) requires the Planning Board to consider the landscape waiver request and render the final action; and

Page 1 of 6 Resolution No. 2021-12

Chairman

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on

April 22, 2021; and

WHEREAS, the granting of a Major Development Plan and Landscape Waiver application is

consistent with Sections 109-91. A.2.(a), and 108-517 of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting of a Major Development Plan and

Landscape Waiver 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 Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. The Major Development Plan, Landscape Waiver and affordable workforce

housing requirements linkage approvals are to construct and redevelop eight (8) residential

dwelling units located at 1319 William Street & 1316 Royal Street #1-6 (RE # 00036920-000000) in

the HMDR zoning district pursuant to Sections 108-91.A.2.(a), 108-517, 108-196(a), and Section

122-1467(1)(b) of the Land Development Regulations of the Code of Ordinances of the City of Key

West, Florida, as shown in the attached plans dated September 10, 2020, is hereby approved with

the following conditions:

Page 2 of 6 Resolution No. 2021-12

Chairman

12Phanning Director

## General conditions:

The proposed construction at 1319 William Street and 1316 Royal Street

Units 1-6 shall be consistent with the site plan signed, sealed, and dated September 10,

2020 by William Byron Shepler, R.A.

2. Per Fire: Shall maintain the 20-foot driveway for emergency response. The

owner is currently working on a fire sprinkler solution (yard hydrants) to be depicted on the

signed and sealed plans that will need to be accepted by the Fire Marshal's office before

issuance of a permit.

3. Per Urban Forrester: Existing Page C-10 indicates the location of several

swales to be constructed within the critical root zones of existing trees/palms that are to

remain. This page must be reconciled with the final landscape plan and the swales

relocated so as not to impact the root areas of those existing trees and palms to remain

onsite.

4. 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.

5. Per Sections 108-412 and 108-482, the development plan shall require

landscape maintenance in the short term for survivability and in perpetuity. The property

owner shall be responsible for the maintenance of the landscaping but the HOA will have

the right to step in if it is not maintained.

Page 3 of 6 Resolution No. 2021-12

Chairman

VPH Planning Director

6. The proposed construction at 1703 VonPhister Street is to satisfy the

affordable housing linkage provision in Section 122-1467(1)(b), and the proposed new two-

story structure will consist of two affordable deed restricted units and shall be consistent

with the site plan signed, sealed, and dated April, 1, 2021 by William Byron Shepler, R.A.

Conditions prior to City Commission hearing:

The applicant shall obtain final landscape plan approval from the Tree

Commission.

8. The Landscape and Irrigation Plans shall be signed, sealed and dated prior to

City Commission.

The applicant must obtain a Certificate of Appropriateness from the Historic

Architectural Review Committee (HARC).

Conditions prior to issuance of a building permit:

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.

11. Prior to issuance of building permits the property owner shall record a deed

restriction for the two-market rate units located within the two-story duplex at 1703

Von Phister Street property, approved by the City Attorney, and submitted into the Records

of the Monroe County Clerk of the Court.

Page 4 of 6 Resolution No. 2021-12

\_\_\_ Chairman

Y. Pit Planning Director

Conditions prior to issuance of a Certificate of Occupancy:

12. Prior to issuance of a Certificate of Occupancy for the Major Development

Plan at 1319 William Street and 1316 Royal Street Units #1-6, the applicant shall complete

all permitting, construction, inspections and receive a Certificate of Occupancy for the

linked project at 1703 VonPhister Street.

13. On-site artwork shall be installed and inspected by the City pursuant to Code

Section 2-487.

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 Major Development Plan, Landscape Waiver, and Affordable Workforce

Housing requirement linkage application approval by the Planning Board 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 10-day 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

Page 5 of 6 Resolution No. 2021-12

Chairman

KPH Planning Director

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.

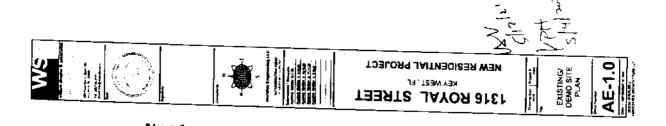
Read and passed on first reading at a regularly sche	duled meeting held this day of
, 2021.	
Authenticated by the Chairman of the Planning Board and	the Planning Director.
Sam Holland, Planning Board Chairman	5/12/21 Date
Attest:	
	5/4/2001
Katie P. Halloran, Planning Director	Date

Filed with the Clerk:

5-12-2021 Date

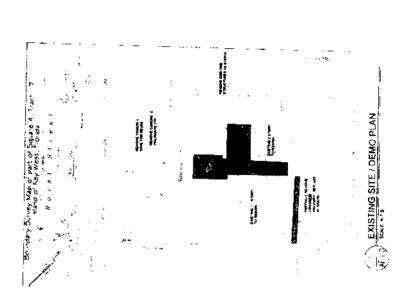
Page 6 of 6 Resolution No. 2021-12

LPC Planning Director

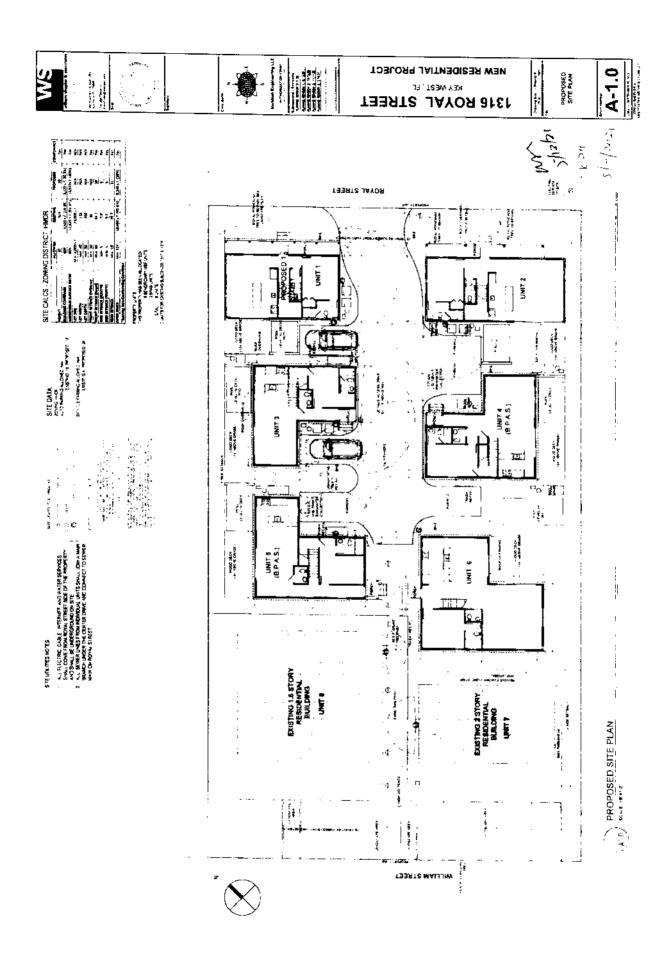


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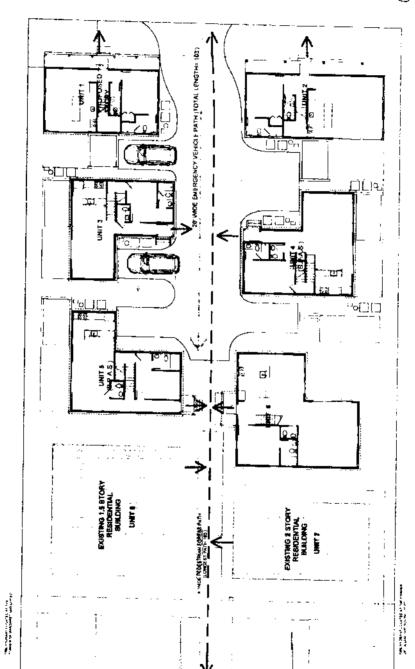
PROPOSED STREETSCAPE - ROYAL STREET



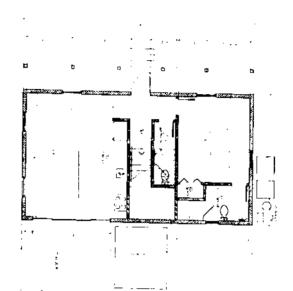
LIFE SAFETY PLAN



LIFE SAFE TV PLAN

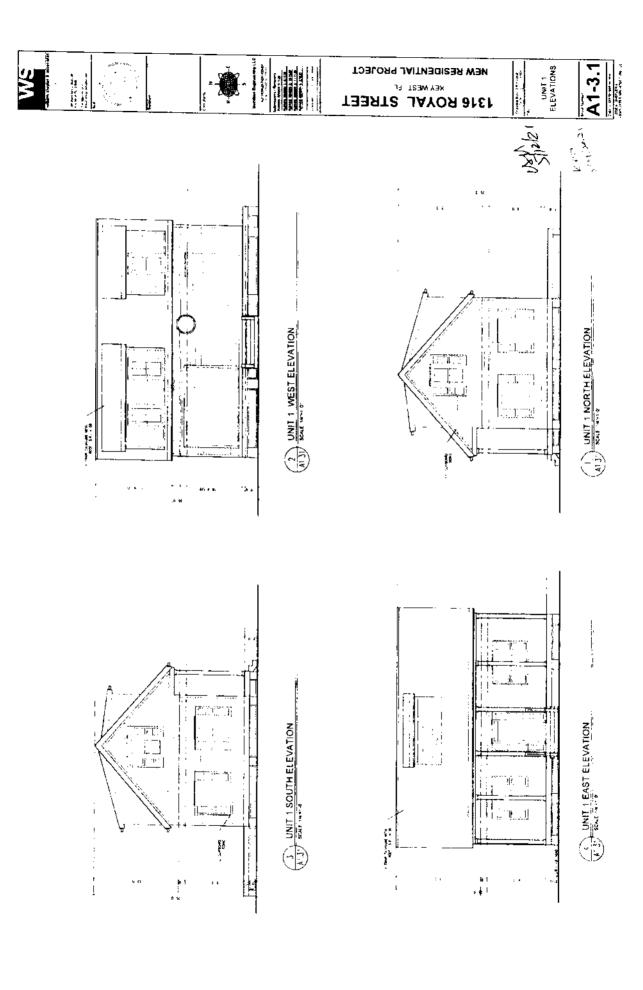


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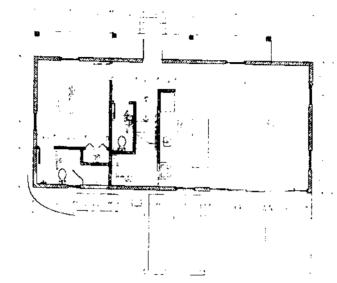


A STATE FLOOR PLAN - UNIT 1

(A) SECOND FLOOR PLAN - UNIT 1

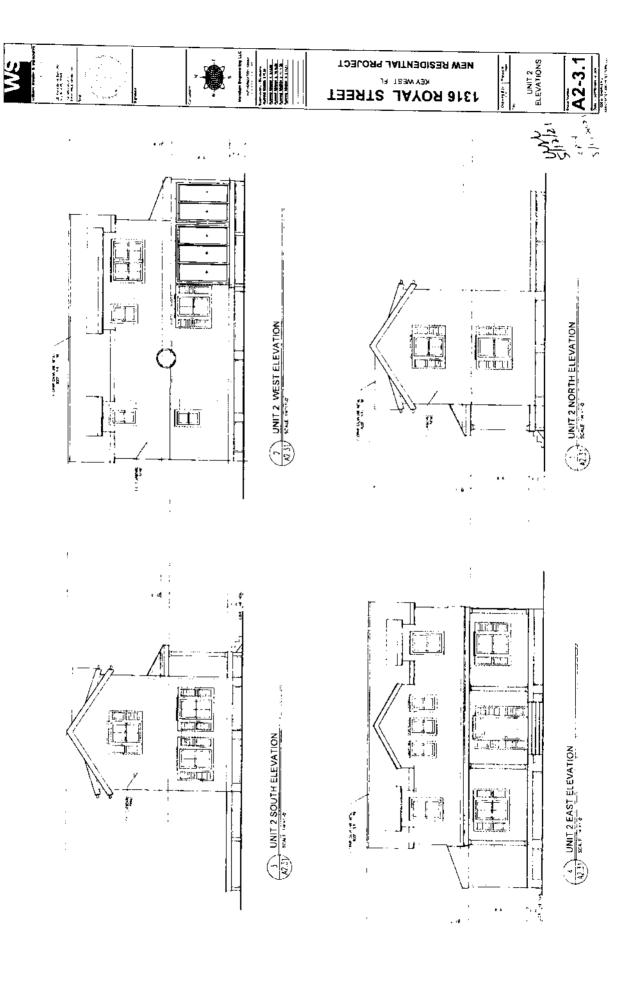


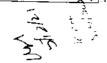




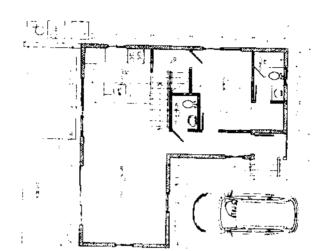
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SECOND FLOOR PLAN - UNIT 2

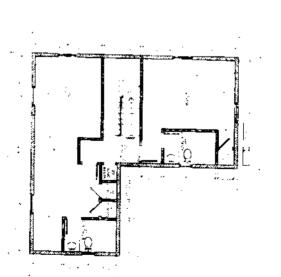




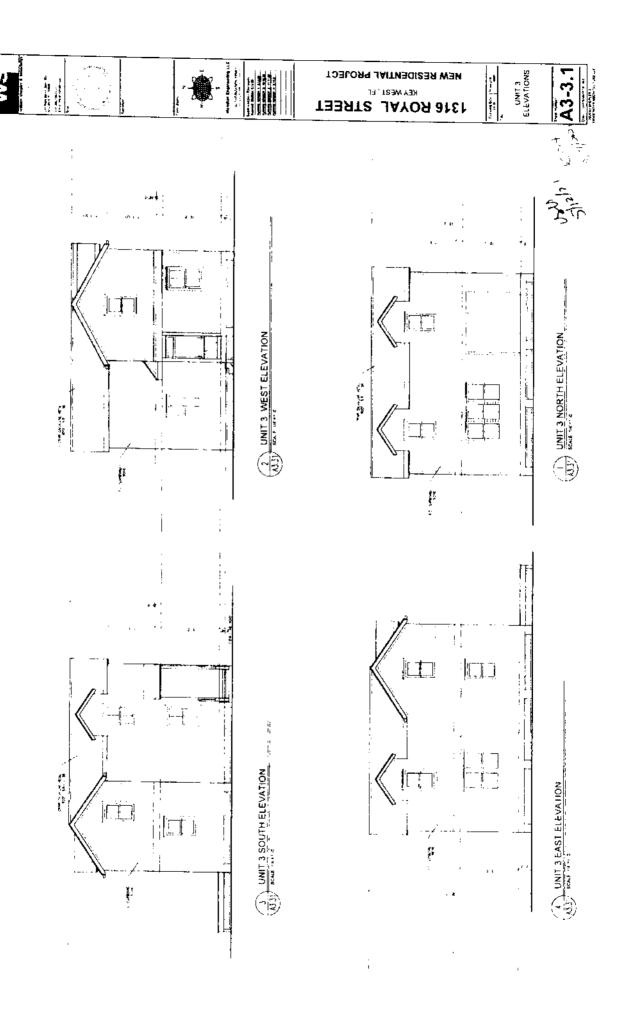
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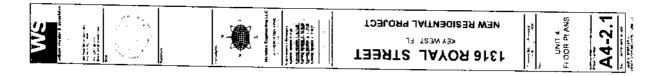


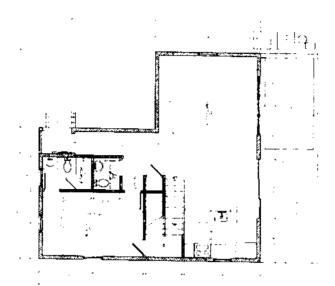
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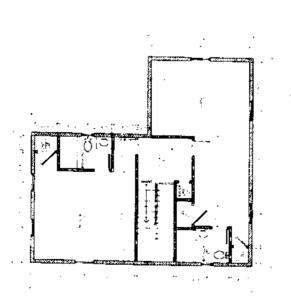


SECOND FLOOR PLAN - UNIT 3



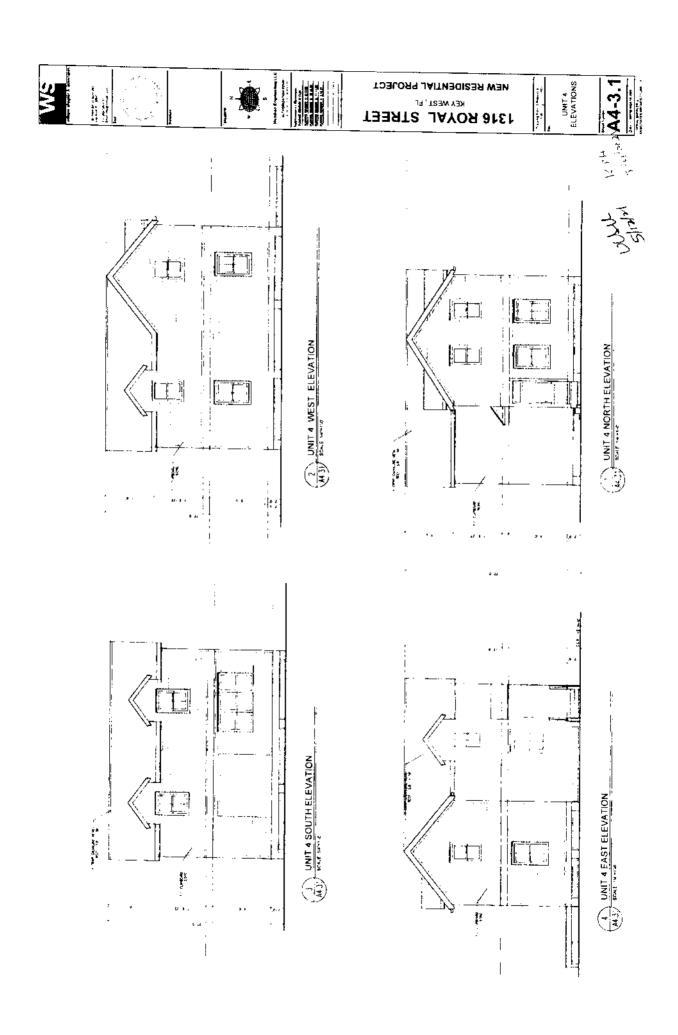


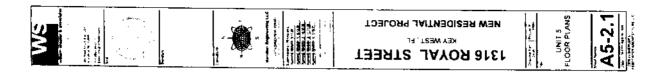


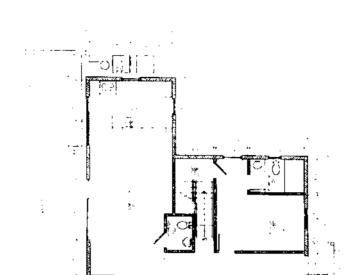


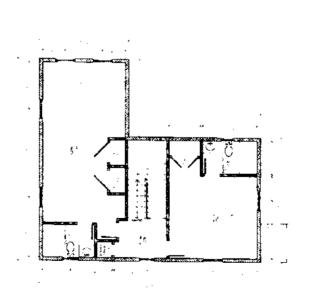
SECOND FLOOR PLAN - UNIT 4

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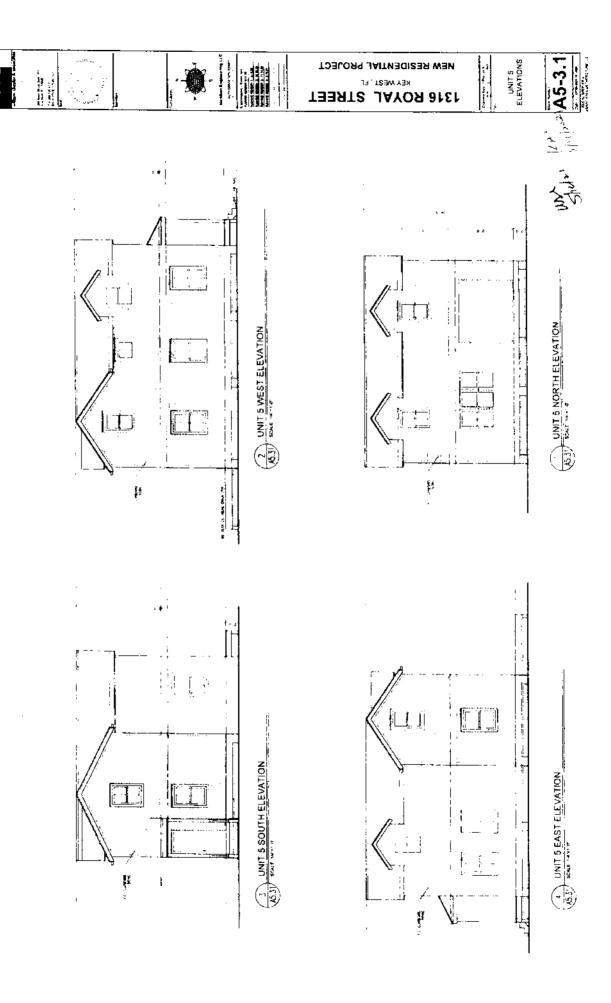


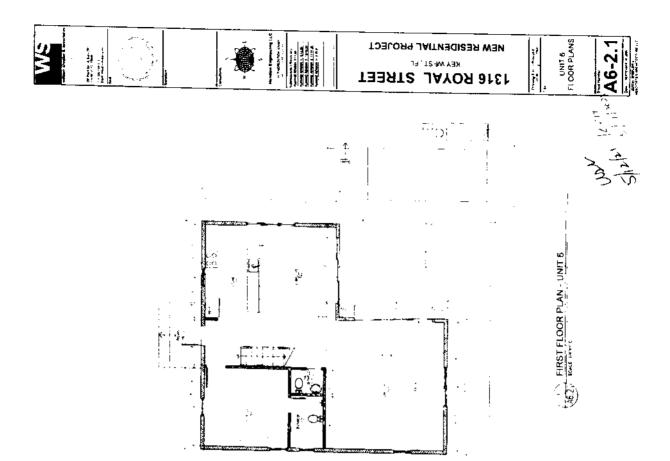


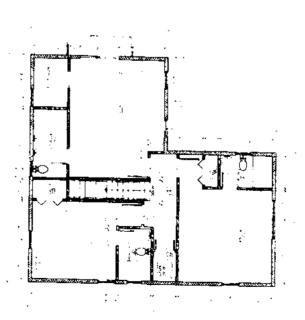




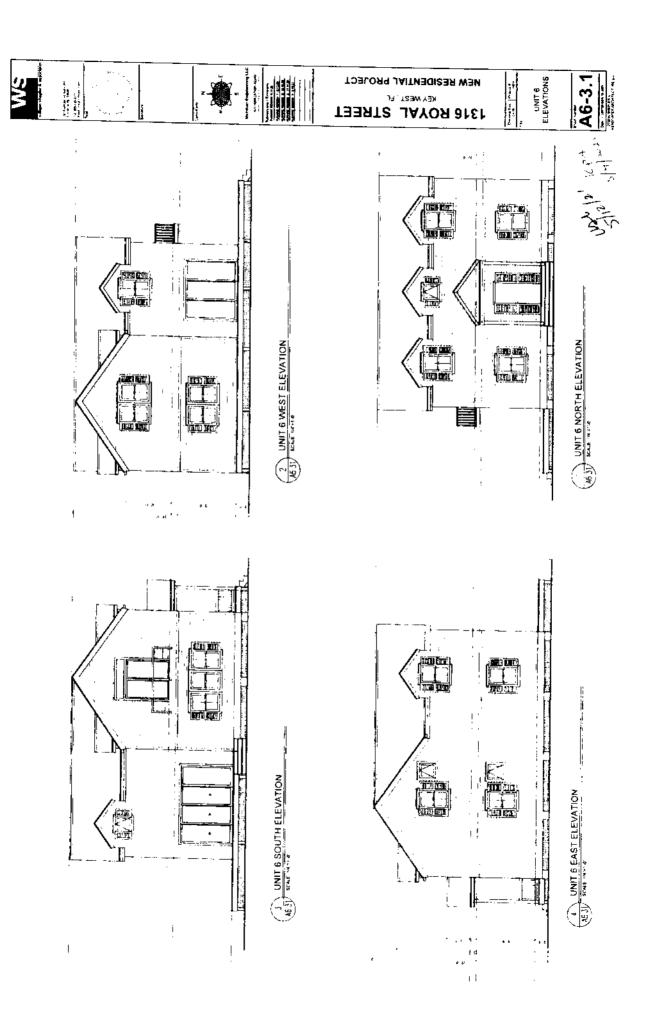
ASST PLOOR PLAN - UNIT 5

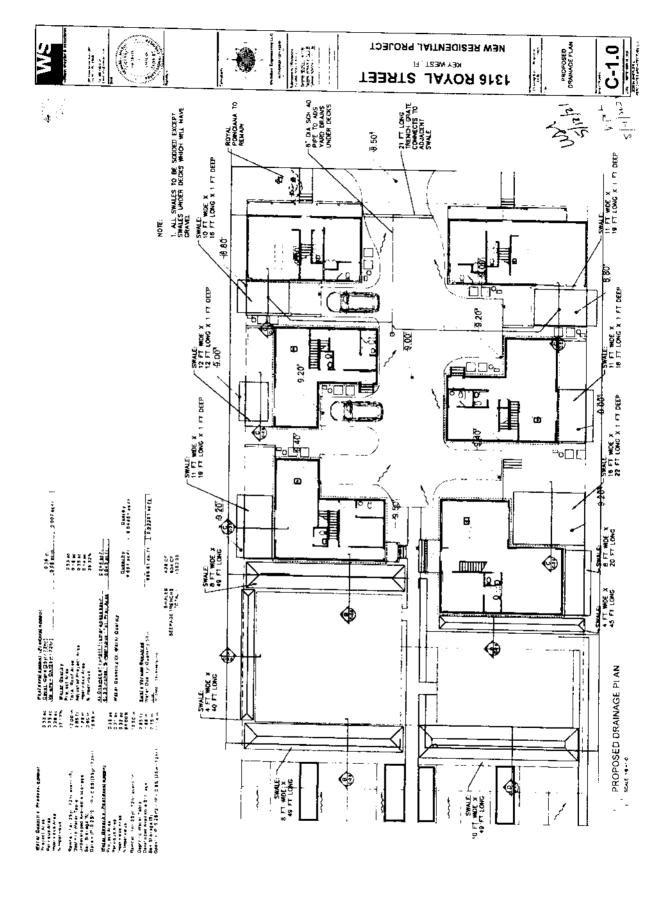






SECOND FLOOR PLAN - UNIT 6





PACTOR DEMINDED FORM

KANADA C-2.0 and defined as 44 SWALE SECTION

SWALE SECTION

SWALE SECTION

SWALE SECTION

