



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

To: City of Key West Planning Board

From: Patrick Wright, Planner II

Through: Thaddeus Cohen, Planning Director

Date: May 26, 2016

RE: **Rescinding PB Resolution 2015-28 (Change of Nonconforming Use) 2215 Flagler Avenue, RE# 00045470-000000; AK # 1046060)**

This is a request from the property owner to dissolve the previously adopted Planning Board Resolution 2015-28 pursuant to Section 122-32 (e) (1) & (2). It is staff's understanding that the property owner is requesting to rescind Resolution 2015-28 to allow for a potential tenant to operate commercial retail use of a barber shop at this location. Currently the approved use for the property, per Planning Board Resolution 2015-28, is business and professional office.

Per Section 3 and 4 of the approved resolution, the approval would terminate within 12 months of the original approval date if permits were not pulled. The property owner has not pulled building permits or licenses to allow for the business and professional office use to operate up to this point. This approval would therefore terminate July 28, 2016, and the permitted nonconforming use on the property would revert back to the original nonconforming use of commercial retail for an additional 12 months.

The applicant is requesting that Resolution 2015-28 be rescinded and therefore dissolved to allow for the tenant to operate a commercial retail use on site. If the decision of the Planning Board were to deny the applicant's request to rescind Resolution 2015-28, the use would revert back to commercial retail on July 28, 2016.

Planning staff has no criteria to make a recommendation for this type of request in the land development regulations. Staff does however recommend that the Planning Board consider the applicant's request in light of the information provided.

Draft Resolution

**PLANNING BOARD
RESOLUTION NO. 2016-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD DISSOLVING PLANNING BOARD RESOLUTION 2015-28 ON PROPERTY LOCATED AT 2215 FLAGLER AVENUE (RE # 00045470-000000; AK # 1046060) IN THE SINGLE-FAMILY RESIDENTIAL (SF) ZONING DISTRICT PURSUANT TO SECTION 122-32(E) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the applicant requests to rescind Planning Board Resolution 2015-28 on property located at 2215 Flagler Avenue (RE # 00045470-000000; AK # 1046060); and

WHEREAS, the property is located within the Single-Family Residential (SF) Zoning District; and

WHEREAS, Section 122-32(e) of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that a nonconforming use of a building or structure may be changed to another nonconforming use under certain findings of the Planning Board; and

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. That Planning Board Resolution 2015-28 is hereby dissolved on property located at 2215 Flagler Avenue (RE # 00045470-000000; AK # 1046060) within the SF Zoning District pursuant to Section 122-32(e) of the City of Key West Land Development Regulations.

Section 6. 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 7. 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 forty five (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 forty five (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 26th day of May, 2016.

Authenticated by the Chairman of the Planning Board and the Planning Director;

Sam Holland, Planning Board Chairman

Date

Attest:

Thaddeus Cohen, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman

_____ Planning Director

Applicant's Request

CITY OF KEY WEST
PLANNING DEPT./PATRICK WRIGHT

4/8/16

TO WHOM IT MAY CONCERN:

THE OWNERS OF THE PROPERTY AT 2215 FLAGLER AVENUE, KEY WEST, FL ARE REQUESTING TO RESCIND THE CURRENT OFFICE LICENSE AND TO ALLOW THIS PROPERTY TO GO BACK TO HAVING A BUSINESS LICENSE.

THANK YOU FOR YOUR ATTENTION TO THIS MATTER.

SINCERELY,

A handwritten signature in black ink, appearing to read "Monica Fletchall", written in a cursive style.

MONICA FLETCHALL

OWNER 2215 FLAGLER AVE. KEY WEST, FL 33040

Planning Board Resolution 2015-28

**PLANNING BOARD
RESOLUTION NO. 2015-28**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING A CHANGE OF NONCONFORMING USE FROM COMMERCIAL RETAIL TO PROFESSIONAL OFFICES ON PROPERTY LOCATED AT 2215 FLAGLER AVENUE (RE # 00045470-000000; AK # 1046060) IN THE SINGLE-FAMILY RESIDENTIAL (SF) ZONING DISTRICT PURSUANT TO SECTION 122-32(E) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the applicant proposes to change an existing nonconforming commercial retail use to a professional office use on property located at 2215 Flagler Avenue (RE # 00045470-000000; AK # 1046060); and

WHEREAS, the property is located within the Single-Family Residential (SF) Zoning District; and

WHEREAS, Section 122-32(e) of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that a nonconforming use of a building or structure may be changed to another nonconforming use under certain findings of the Planning Board; and

WHEREAS, the new use is equally or more appropriate to the zoning district; and

WHEREAS, the change of use would not intensify the use of the premises by increasing the need for parking facilities; increasing vehicular traffic to the neighborhood; increasing noise, dust, fumes or other environmental hazards; or by having an adverse impact on drainage; and

WHEREAS, the Planning Board finds that the granting of the change of nonconforming use


Chairman

Planning Director

will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or 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. That a change of nonconforming use from commercial retail to professional office is hereby granted on property located at 2215 Flagler Avenue (RE # 00045470-000000; AK # 1046060) within the SF Zoning District pursuant to Section 122-32(e) of the City of Key West Land Development Regulations.

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. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to this change of nonconforming use in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate this change of nonconforming use, which change of nonconforming use shall be of no force or effect.

Section 5. This change of nonconforming use 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.


Chairman

Planning Director

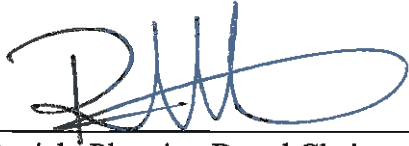
Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

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 Chairman
 Planning Director

Read and passed on first reading at a regularly scheduled meeting held this 16th day of July,
2015.

Authenticated by the Chairman of the Planning Board and the Planning Director;



Richard Klitenick, Planning Board Chairman

7/27/2015
Date

Attest:



Thaddeus Cohen, Planning Director

7/10/15
Date

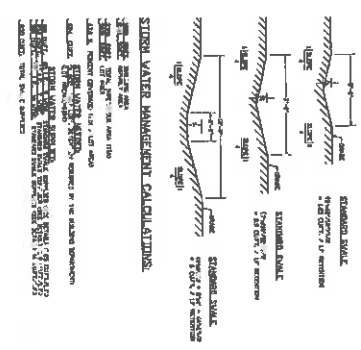
Filed with the Clerk:



Cheryl Smith, City Clerk

7/28/15
Date

 Chairman
Planning Director

[illegible]

Floor plan of a commercial building. The plan shows a large rectangular office area with a central label "COMMERCIAL BUILDING OFFICE AREA". To the right of the office area is a bathroom containing a toilet, sink, and shower. Below the bathroom is a kitchen area with a sink, stove, and refrigerator. The building is surrounded by a parking lot with several parking spaces marked. The plan is oriented with the building's entrance at the top.

A stylized illustration of a building facade. The main part of the wall is filled with a dense, stippled texture. In the upper left corner, there is a small rectangular window divided into a 2x2 grid of four smaller squares. The roofline is indicated by a simple line sloping downwards to the right.

<p>CONCEPTUAL DESIGN</p> <p>DATE: 04-25-82</p> <p>BY: J. L. BROWN</p> <p>NO. 001</p> <p>REV. 001</p> <p>SHEET 1 OF 1</p>		<p>DATE: 04-25-82</p> <p>BY: J. L. BROWN</p> <p>NO. 001</p> <p>REV. 001</p> <p>SHEET 1 OF 1</p>
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