

THE CITY OF KEY WEST PLANNING BOARD

Staff Report

To: Chair and Planning Board Members

From: Melissa Paul-Leto, Planner Analyst

Through: Thaddeus Cohen, Planning Director

Meeting Date: November 17, 2016

Agenda Item: Conditional Use – 927 Eaton Street (RE # 00002750-000000; AK #

1002852) – A request for conditional use to allow a Career Adult Educational Facility on property located in the Historic Neighborhood Commercial (HNC-2) Zoning District pursuant to Sections 122-62 and 122-838 (3) of the Land Development Regulations of the Code of

Ordinances of the City of Key West, Florida.

Request: To allow a Career Adult Educational Facility

Applicant: Marc and Sheri Harden

Property Owner: Marc Harden

Location: 927 Eaton Street (RE # 00002750-000000; AK # 1002852)

Zoning: Historic Neighborhood Commercial (HNC-2) Zoning District



Background:

The subject property is located on the 900 block of Eaton Street and the corner of Grinnell Street. The property is located in the Historic Neighborhood Commercial zoning district that is surrounded around the Historic Medium Density zoning district. The property is approximately 6,552 square feet.

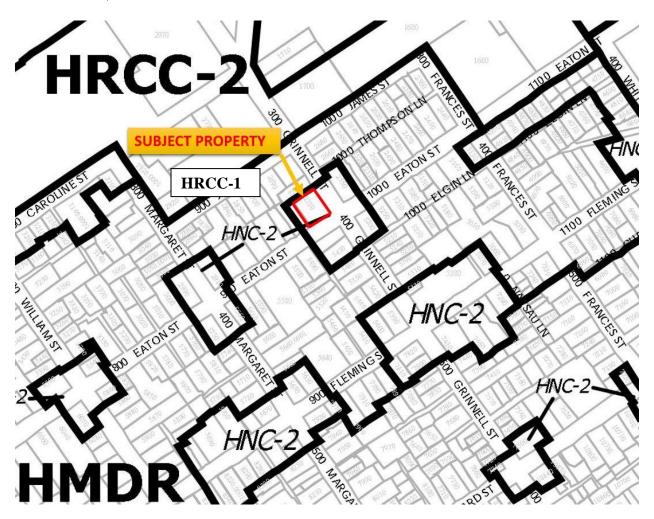
As far as available City Licensing records indicate the property has historically operated as commercial retail with Keys Energy operating at this location during construction of their new building. The current building contains two 900 square feet units of commercial floor area according to Monroe County Property Appraisers records.

Surrounding Zoning and Uses:

North: HMDR, Restaurant uses and residential uses

South: HNC-2, Residential home uses **East:** HNC-2, Restaurant and retail uses

West: HNC-2, Commercial Uses and restaurant uses



Process:

Development Review Committee: September 22, 2016 Planning Board: November 17, 2016

Local Appeal Period: 10 days
DEO Review: Up to 45 days

Conditional Use Review

The purpose of conditional use review, pursuant to City Code Section 122-61, is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. City Code Chapter 122, Article III sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

Conditional Use Specific Criteria pursuant to Code Section 122-62

(a) Findings

Code Section 122-62(a) provides, in part, that "a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and/or the City Commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations." This section also specifies that "a conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest."

(b) Characteristics of use

The proposed use is for the first floor of the building to be an Adult Education Institute, where English is there second language. The property is located on the corner of Eaton and Grinnell Street and is in close proximity to a number of commercial and restaurant uses. The property is located in the HNC-2 zoning district which is surrounded by the HMDR zoning district. The HNC-2 district mixed use subarea is defined as both residential and commercial activities and shall continue to be allowed to develop as mixed use neighborhood centers.

(1) Scale and intensity of the proposed conditional use as measured by the following:

a. Floor area ratio (FAR):

The proposed use will add no additional floor area to the property. The total parcel area is 6,552 square feet. The permitted FAR in the HNC-2 Zoning District is 1.0. The existing and proposed FAR is 0.27 (1,800 sq. ft.), and is conforming.

b. Traffic generation:

The trip generation rate between the uses of office space (General Office Building ITE 710) is the same as per 1,000 square feet of gross commercial floor area than that of an educational institute (Junior/Community College ITE 540) according to the Institute of Transportation Engineers (ITE) 7th Edition Volume 3.

c. Square feet of enclosed space for each specific use:

The entire first floor of the building, 1,800 sq. ft. of floor area is separated into two 900 square feet units, will be classified as the educational institutions use.

d. Proposed employment:

3 full time employees

e. Proposed number and type of service vehicles:

Staff does not anticipate any adverse impacts from service vehicles.

f. Off-street parking needs:

The parcel itself contains 8 off street parking spaces plus one ADA space which is sufficient for the amount of students/teachers occupying the institution.

(2) On- or off-site improvement needs generated by the proposed conditional use and not identified above including the following:

a. Utilities

Staff does not anticipate any improvement needs regarding utilities.

b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94

None expected. Compliance with building codes and life safety codes would be required prior to building permit issuance. Based on comments at the DRC, it does not appear the conditional use will trigger any public facility capacity issues.

c. Roadway or signalization improvements, or other similar improvements None expected.

d. Accessory structures or facilities

None proposed.

e. Other unique facilities/structures proposed as part of site improvements None proposed.

(3) On-site amenities proposed to enhance site and planned improvements, including mitigative techniques such as:

a. Open space

The parcel is currently nonconforming to commercial open space requirements. No changes are proposed.

b. Setbacks from adjacent properties

No changes proposed.

c. Screening and buffers

No changes proposed.

d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites

No changes proposed.

e. Mitigative techniques for abating smoke, odor, noise and other noxious impacts No noxious impacts expected.

(c) Criteria for conditional use review and approval

Pursuant to City Code Section 122-62(c), applications for a conditional use shall clearly demonstrate the following:

(1) Land use compatibility

The proposed use would be located in the HNC-2 zoning district. Per Section 122-836 the intent of the HNC-2 zoning district is restricted to small offices, neighborhood shops, restaurants with very limited seating, or other commercial uses similar to character to traditional commercial uses which have very limited square footage and generate low volumes of traffic.

(2) Sufficient site size, adequate site specifications and infrastructure to accommodate the proposed use

The size and shape of the site are adequate to accommodate the proposed scale and intensity of the conditional use requested.

(3) Proper use of mitigative techniques

No adverse impacts anticipated.

(4) Hazardous waste

None expected or proposed.

(5) Compliance with applicable laws and ordinances

Comply with all applicable laws and regulations would be required.

(6) Additional criteria applicable to specific land uses

Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:

- a. Land uses within a conservation area: N/A
- b. Residential development: N/A
- **c.** Commercial or mixed use development: No negative impacts expected.
- **d. Development within or adjacent to historic district:** The development is located in the Historic District. Any proposed signage will need to be approved by HARC.

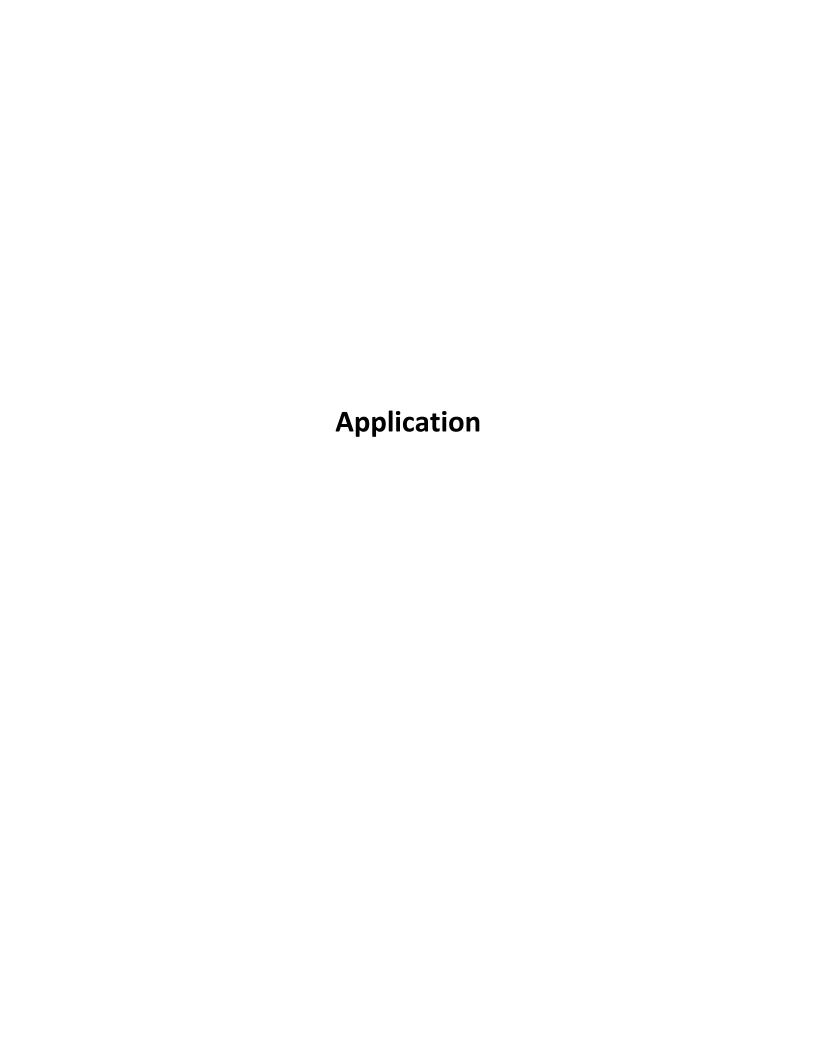
- e. Public facilities or institutional development: N/A
- f. Commercial structures, uses and related activities within tidal waters: N/A
- g. Adult entertainment establishments: N/A.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Conditional Use be **APPROVED WITH CONDITIONS** as follows:

Condition prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:

1. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.



DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

City of Key West Planning Department 3140 Flagler Avenue, Key West, FL 33040 (305) 809-3720



Development Plan & Conditional Use Application

Applications will not be accepted unless complete

	Development Plan Conditional Use Historic District					
	Major Yes V					
	140					
Please	e print or type:					
1)	Site Address 121 Laton Street					
2)	Name of Applicant Marc and Sherr Harden					
3)	Applicant is: Owner Authorized Representative (attached Authorization and Verification Forms must be completed)					
4)	Address of Applicant 3832 Eagle Ave Key West 12 33040					
5)	Applicant's Phone # 305-1997-3126 Email Sheri. harden@airgas.com					
6)	Email Address:					
7)	Name of Owner, if different than above Marc Harden					
8)	Address of Owner 3832 Eagle Avenue					
9)	Owner Phone # 305-393-3310 Email Mharden 780 amail.com					
10)	Zoning District of Parcel RE#					
11)	Is Subject Property located within the Historic District? Yes No					
	If Yes: Date of approval HARC approval #					
	OR: Date of meeting					
12)	Description of Proposed Development and Use. Please be specific, list existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc. If there is more than one use, describe in detail the nature of each use (Give concise description here and use a separate sheet if necessary).					
	See attriched					
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DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
3140 Flagler Avenue, Key West, FL 33040
(305) 809-3720

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13)	Has subject Property received any variance(s)? Yes NoNoNo						
	If Yes: Date of approval Resolution #						
	Attach resolution(s).						
14)	Are there any easements, deed restrictions or other encumbrances on the subject property?						
	Yes No						
	If Yes, describe and attach relevant documents.						
	A. For both Conditional Uses and Development Plans, provide the information requested from the attached Conditional Use and Development Plan sheet.						
	B. For Conditional Uses only, also include the Conditional Use Criteria required under Chapter 12 Article III, Sections 122-61 and 122-62 of the Land Development Regulations (see attached copy criteria).						
	C. For Major Development Plans only, also provide the Development Plan Submission Material required under Chapter 108, Article II, Division 7, Sections 108-226 through 108-248 of the La Development Regulations (see attached copy of criteria) and any additional information determined by the Planning Staff.						
	D. For both <i>Conditional Uses</i> and <i>Development Plans</i> , one set of plans MUST be signed & sealed by an Engineer or Architect.						
	note, development plan and conditional use approvals are quasi-judicial hearings and it is per to speak to a Planning Board member or City Commissioner about the project outside of the g.						

Conditional Use Application

Site Address: 927 Eaton Street (Downstairs)

Owner: Marc Harden

Use: Career Adult Ed Facility to House a maximum of 30 students and

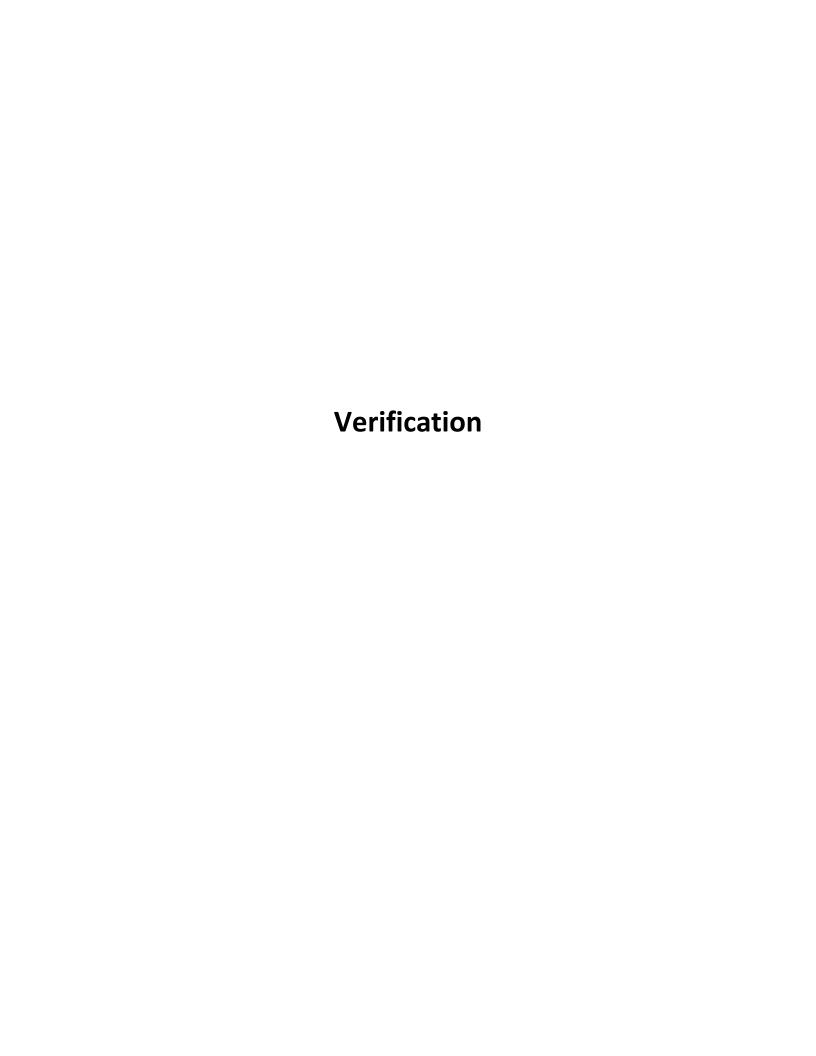
teachers at any given time.

Package Includes:

- 1. Check 591 for \$2150.00 (Application Fee)
- 2. Conditional Use Application Form
- 3. Verification Form
- 4. Authorization Form
- 5. Letter of Intention of use for the property
- 6. Letter from School Representative
- 7. Layout of Units
- 8. Parking Space Layout
- 9. Layout of Property
- 10. Ownership Deed 927 Eaton
- 11. Survey of 927 Eaton







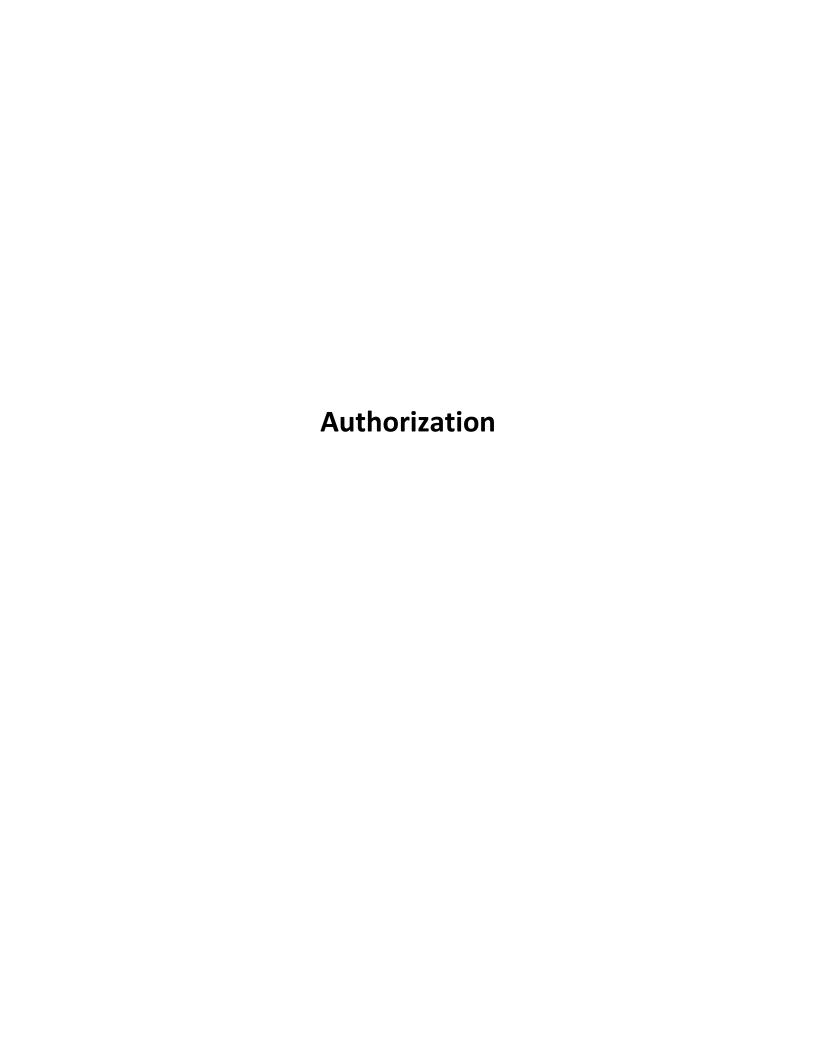
City of Key West Planning Department



Verification Form

(Where Authorized Representative is an individual)

I, Sheri Harden, being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:
927 Eaton Street, Key West Fr. Street address of subject property
All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.
Signature of Authorized Representative
Subscribed and sworn to (or affirmed) before me on this Name of Authorized Representative Subscribed and sworn to (or affirmed) before me on this Name of Authorized Representative
He/She is personally known to me or has presented as identification.
Notary's Signature and Seal Notary's Signature and Seal MY COMMISSION # FF920085 EXPIRES October 19, 2019
Name of Acknowledger typed, printed or stamped
Commission Number, if any



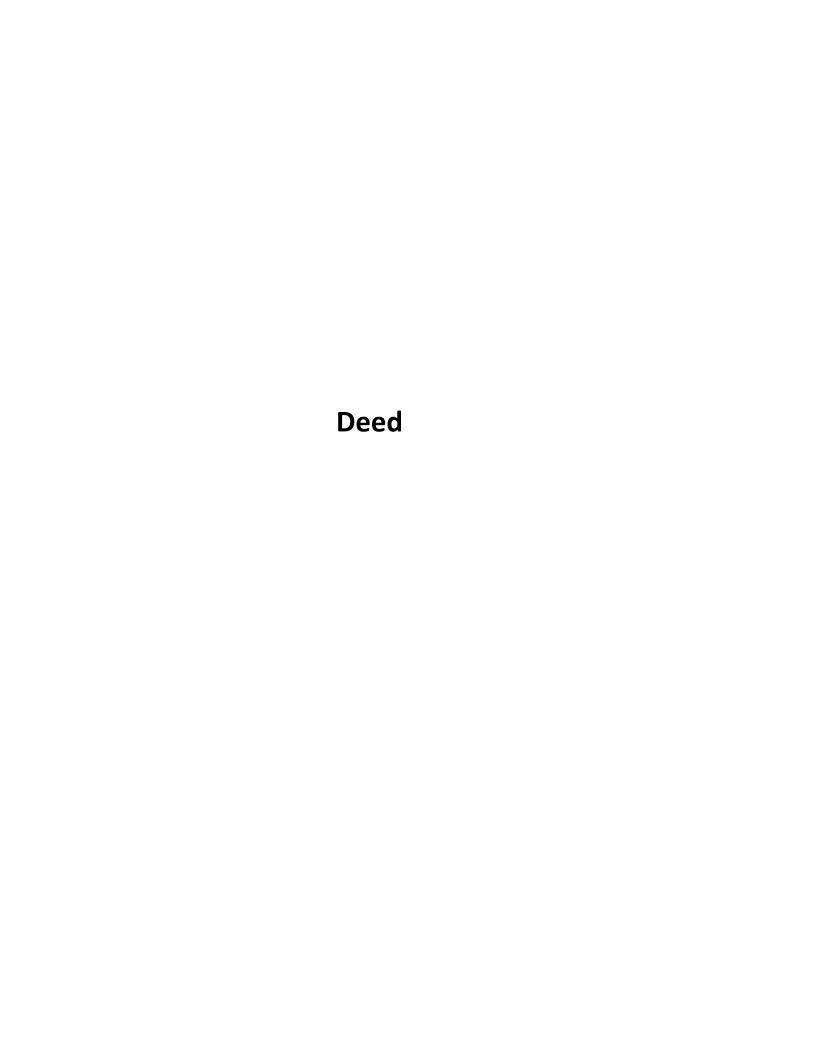
City of Key West Planning Department



Authorization Form

(Individual or Joint Owner)

Please complete this form if someone other than the owner is representing the property owner in this matter.
I, Marc Harder Please Print Name(s) of Owner(s) as appears on the deed authorize
Sheri Harden, Melanie Stefanowicz (Speaker only Please Print Name of Representative
to be the representative for this application and act on my/our behalf before the City of Key West.
Signature of Owner Signature of Joint/Co-owner if applicable
Subscribed and sworn to (or affirmed) before me on this Date Date Date
Name of Owner
He/She is personally known to me or has presented as identification.
Notary's Signature and Seal Notary's Signature and Seal MY COMMISSION # FF920085 EXPIRES October 19, 2019
Name of Acknowledger typed, printed or stamped
Commission Number, if any



Planning Board – City of Key West 3140 Flagler Avenue Key West, FL 33040

RE: Conditional Use – 927 Eaton Street Key West, FL 33040

I am requesting a conditional use for the Monroe County School Board Career Ed Dept to be able To rent our downstairs units for Adults, where English is there second language.

Each of the two units are 900 square feet with ADA bathrooms. I have attached a floor plan of the units, and parking area.

The units will not exceed 30 (1-3 of these will be teachers) people total at any given time. As you will find attached, in a letter from the schools representative, most of the students come by bus or bicycle to class. The students that have cars can either part in the available parking spaces or will be advised to part at the district building on Trumbo Road or the parking garage on Grinnell Street.

There will not be any changes made to the property for the classrooms other than adding furniture. Keys Energy recently vacated the property where all new electric, sewer, ADA bathrooms, plumbing, air conditioning and windows were replaced and up to code.

Attached:

Copy of Deed Showing Ownership

Doc# 1913645 12/27/2012 1:36PM Filed & Recorded in Official Records of MONROE COUNTY AMY HEAVILIN

Doc# 1913645 Bk# 2605 Pg# 2248

Quit Claim Deed

This Quitclaim Deed, made this day of December, 2012 A.D. between HUNTER N. HARDEN, as Trustee, under the Hunter N. Harden Living Trust dated July 27, 2011, whose post office address is 1065 Boca Chica Road, Key West, FL 33040, of the County of Monroe, State of Florida, hereinafter referred to as the "GRANTOR" and MARC A. HARDEN, a married man, whose post office address is 3832 Eagle Ave, Key West, FL 33040, of the County of Monroe, State of Florida, hereinafter referred to as "GRANTEE".

Witnesseth, that said GRANTOR, for and in consideration of love and affection freely given, and other good and valuable consideration to said GRANTOR in hand paid by said GRANTEE, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, and quitclaims to the said GRANTEE, and GRANTEE'S heirs successors and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

927 Eaton Street, Key West, the legal description of which is: On the Island of Key West, known as Wm A. Whitehead's map delineated in February A.D. 1829 as part of the Lot One (1) Square Twenty (20), Commencing at the corner of Eaton and Grinnell Sts. And running thence along Grinnell Street in a Northwesterly direction Ninety-one (91) feet; thence at right angles in a Southwesterly direction Seventy-two (72) feet; thence at right angles in a Southeasterly direction Ninety-one (91) feet out to Eaton Street; thence at right angles along Eaton Street in an Northeasterly direction Seventy-two (72) feet to the point of the beginning.

The preparer of this instrument was neither furnished with, nor requested to review, an abstract on the described property and, therefore, express no opinion as to the condition of title.

Together with all tenements, hereditaments, easements and appurtenances, belonging to or benefiting such property subject to restrictions, easements and covenants of record.

To Have and to Hold the same together with all and singular appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of the said Grantee forever.

In Witness Whereof, GRANTOR has hereunto set GRANTOR's hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Signature of Witness

Printed Name LOUISE FERRIS

HUNTER N. HARDEN, as Trustee, under the Hunter N. Harden Living

Trust dated July 27, 2011

1065 Boca Chica Road, Key West, FL 33040

Signature of Witness

Printed Name MARIHNA KRAUSE

STATE OF FLORIDA.

Docm 1913646 12/27/2012 1:36PM Filed & Recorded in Official Records of MONROE COUNTY AMY HEAVILIN

Doc# 1913646 Bk# 2605 Pg# 2249

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Witnesseth, that said GRANTOR, for and in consideration of love and affection freely given, and other good and valuable consideration to said GRANTOR in hand paid by said GRANTEE, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, and quitclaims to the said GRANTEE, and GRANTEE'S heirs successors and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

322 Grinnell Street, Key West, the legal description of which is: On the Island of Key West, known as Wm A. Whitehead's map delineated in February A.D. 1829 as part of the Lot One (1) Square Twenty (20). Beginning at a point on Grinnell Street ninety-one (91) feet from the corner of Grinnell Street and Eaton Streets, running thence along the line of Grinnell Street in a Northwesterly direction thirty-eight (38) feet; thence at right angles in a Southeasterly direction thirty-eight (38) feet; thence at right angles in a Northeasterly direction ninety-eight (98) feet to the point of the beginning on Grinnell Street.

The preparer of this instrument was neither furnished with, nor requested to review, an abstract on the described property and, therefore, express no opinion as to the condition of title.

Together with all tenements, hereditaments, easements and appurtenances, belonging to or benefiting such property subject to restrictions, easements and covenants of record.

To Have and to Hold the same together with all and singular appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of the said Grantee forever.

In Witness Whereof, GRANTOR has hereunto set GRANTOR's hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Signature of Witness
Printed Name LOUISE FERRI

HUNTER N. HARDEN, as Trustee, under the Hunter N. Harden Living Trust dated July 27, 2011

1065 Boca Chica Road, Key West, FL 33040

Signature of Witness
Printed Name MARIA NA KRAVSE

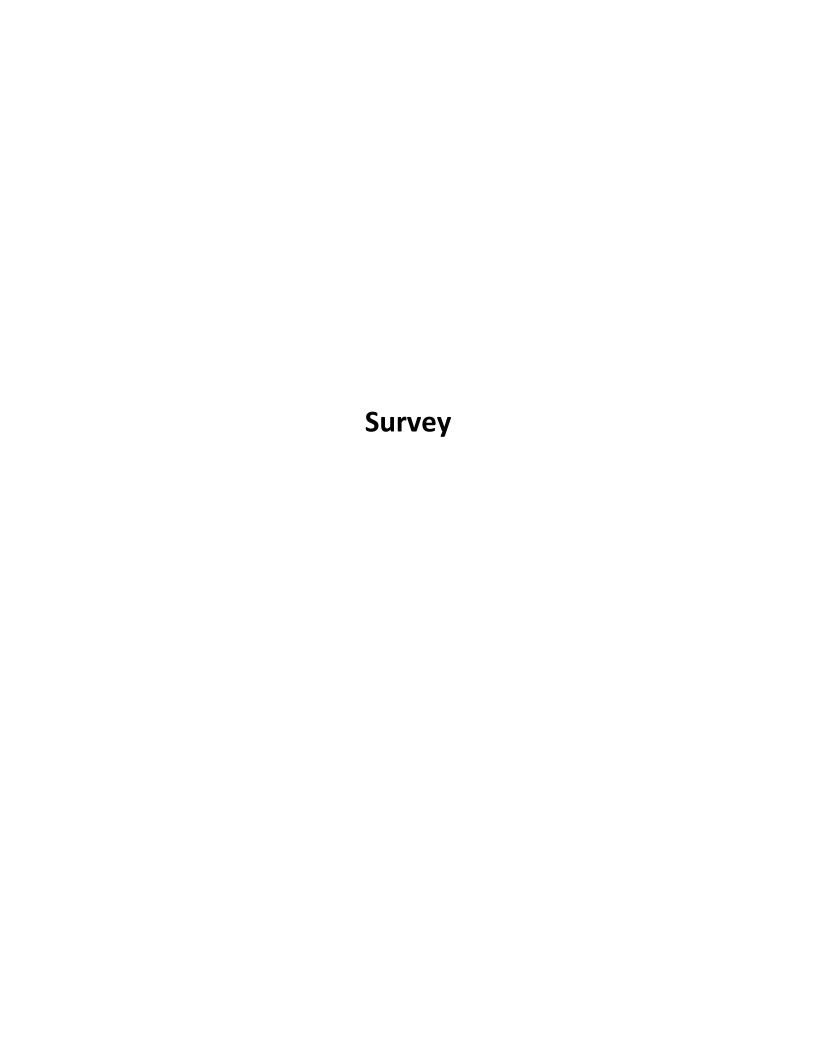
COUNTY OF MONROE

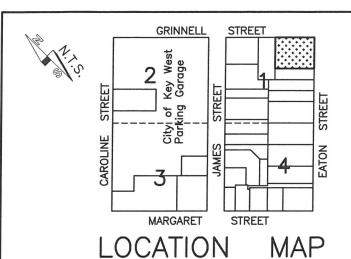
STATE OF FLORIDA,

The foregoing instrument was acknowledged before me this 27 day of December, 2012 by HUNTER N. HARDEN, who (v) is personally known or () has produced a driver's license as identification.

[Notary Seal]

SUZANNE COHILL Commission # EE 185656 Expires May 17, 2016 Bonded Thru Troy Fein Insurance 800-385-7019 SUZANNE Coh III
Printed Name
My Commission Expires: 5/17/16





SURVEYOR'S NOTES:

North arrow based on Plat Reference Bearing: R/W Eaton Street 3.4 denotes existing elevation Elevations based on N.G.V.D. 1929 Datum Bench Mark No.: Basic Elevation: 14.324' Survey performed without benefit of Title search on this or surrounding properties.

Field Work performed on: 7/22/16

MONUMENTATION:

▲ = Found P.K. Nail

 $\Delta = \text{Set P.K. Nail, P.L.S. No. 2749}$

 Θ = Set 1/2" I.B., P.L.S. No. 2749

= Found 1/2" iron pipe

Square 20, City of Key West, FL

LEGAL DESCRIPTION:

927 Eaton Street, Key West, the legal description of which is: On the Island of Key West, known as William A. Whitehead's map delineated in February A.D. 1829 as part of the Lot One (1) Square Twenty (20):

COMMENCING at the corner of Éaton and Grinnell Streets and running thence along Grinnell Street in a Northwesterly direction Ninety-one (91) feet; thence at right angles in a Southwesterly direction Seventy-two (72) feet; thence at right angles in a Southeasterly direction Ninety—one (91) feet out to Eaton Street; thence at right angles along Eaton Street in a Northeasterly direction Seventy-two (72) feet to the Point of Beginning.

	LEGEND						
	A/C BAL	Air Conditioner Balcony	LB	Licensed Business Number			
11	BM	Bench Mark	М	Measured			
	СВ	Catch Basin	N.T.S.	Not To Scale			
	Q	Center Line	O.R.	Official Records			
	CO	Clean Out	ОН	Over Head			
	CONC		P	Plat			
	C.B.S.	Concrete Block Stucco	PB	Plat Book			
	COV'D	Concrete Utility Pole	P.O.B. P.O.C.	Point Of Beginning Point Of Commence			
	D	Covered Deed	R/W	Right Of Way			
	ELEV	Elevation	SIB	Set Iron Bar			
	F.FL.	Finished Floor Elevation	SIP	Set Iron Pipe			
	FD	Found	SPK	Set Nail And Disc			
	FIB	Found Iron Bar	STY	Story			
	FIP	Found Iron Pipe	UP	Utility Pole			
	INV	Invert	WM	Water Meter			
	IRR	Irregular	WV	Water Valve			
		SYMBOLS					
	×	Concrete Utility Pole	*	Street Light			
l	⋈ •	Fire Hydrant	Ø	Wood Utility Pole			
	⊚	Sanitary Sewer Clean Out	W	Water Meter			

CERTIFICATION:

I HEREBY CERTIFY that the attached BOUNDARY SURVEY is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 5J-17 Florida Statue Section 472.027, and the American land Title Association, and that there are no vigitle energachments unless shown hereon.

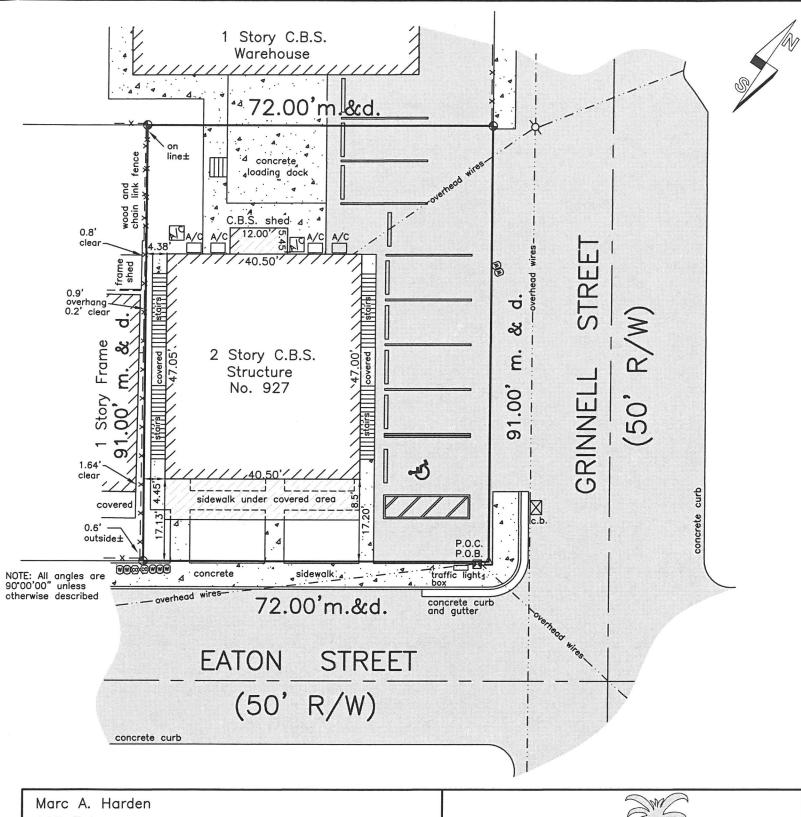
FREDERICK H. HILDEBRANDT

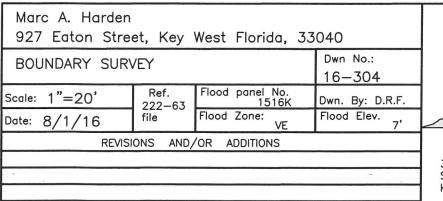
Professional Land Surveyor & Mapper No. 2749

Professional Engineer No. 36810

State of Florida

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE f/datafred/dwg/keywest/block19/927eaton







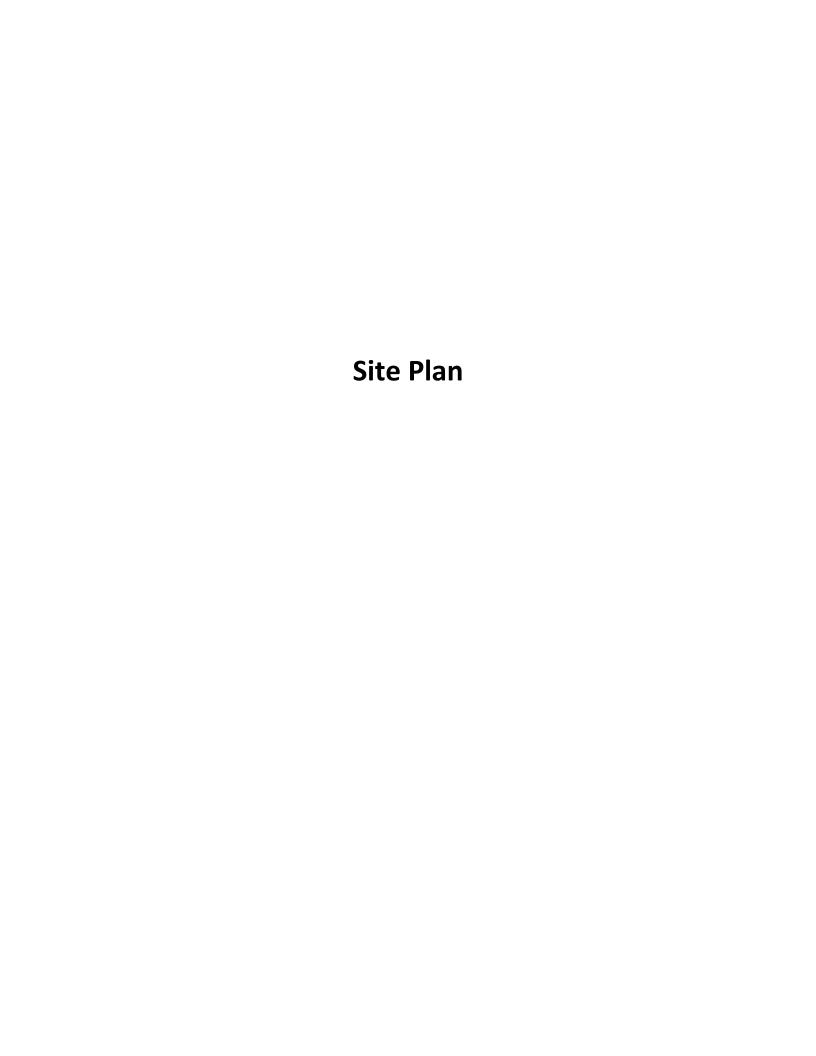
ISLAND SURVEYING INC.

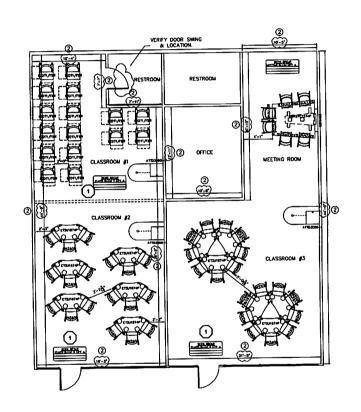
ENGINEERS PLANNERS

3152 Northside Drive Suite 201 Key West, Fl. 33040

(305) 293-0466 Fax. (305) 293-0237 fhildeb1@bellsouth.net L.B. No. 7700

SURVEYORS





- WALKWAYS UNDER 3'-0" ARE NOT ADA ACCESSIBLE AND ARE NOT RECOMMENDED.
- (2) E. WALLE COLUME, WHOOMS, DOORS...
 TO ISSUE PROPER IT OF TAINHING.
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 AND STORACE HOOM'S.
 VIETY MALL FEATURES
 E. THERIOSTATS, USHI SHITCHES, LICETREAL
 RECOPPAGE, MACH. FEATURES, SLICETREAL
 RECOPPAGE, SLICETREAL
 RECOPPAG





CLASSROOM #1

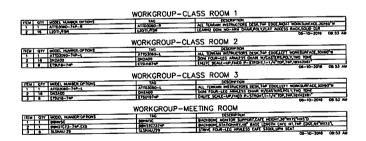
MEETING ROOM

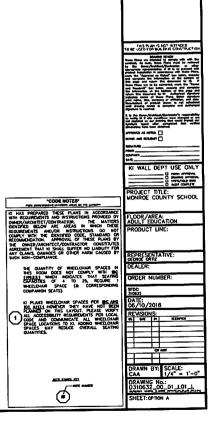




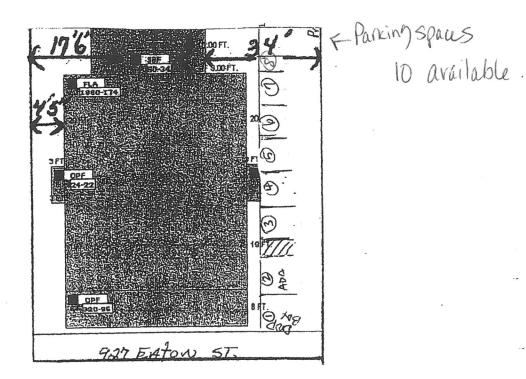
CLASSROOM #2

CLASSROOM #3

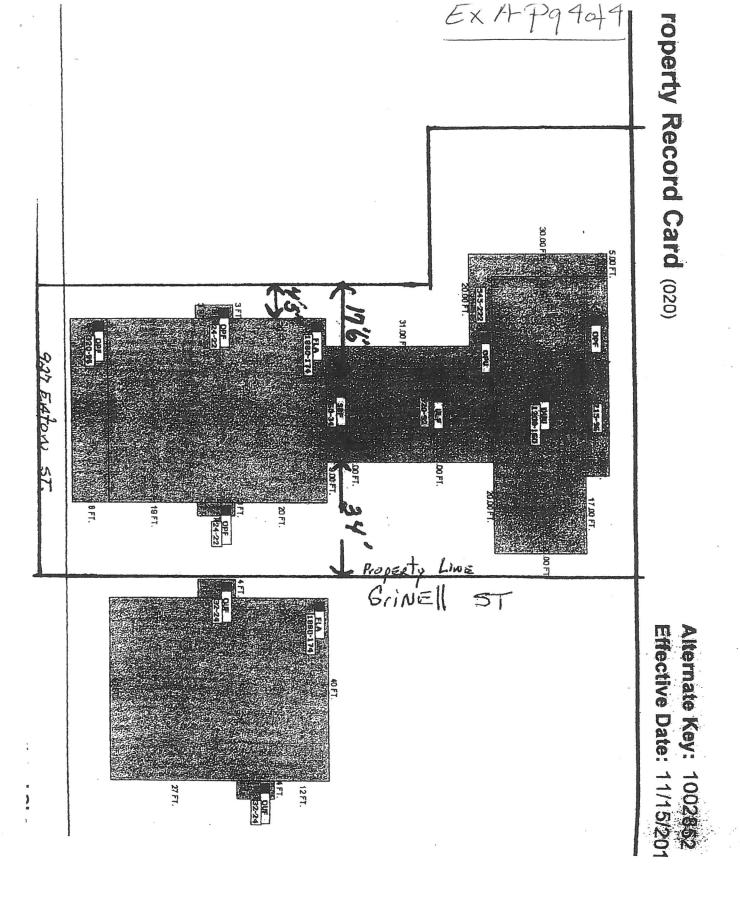


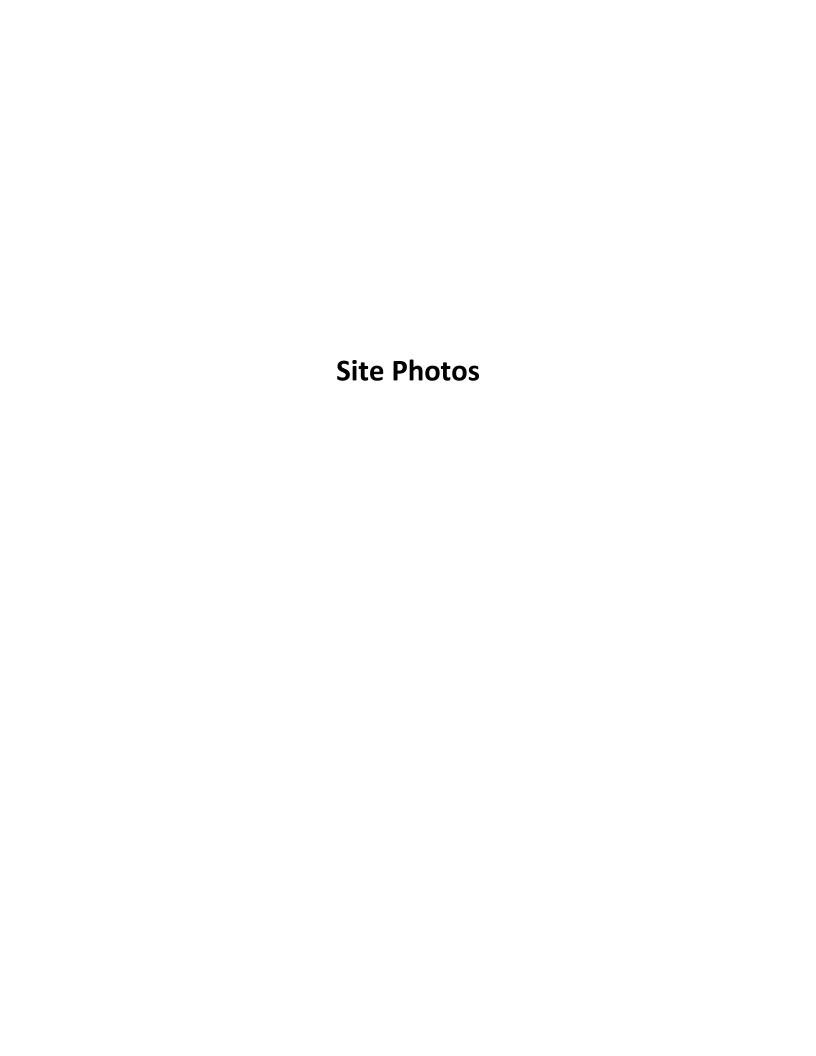


EXA-7930f4



PARKINS



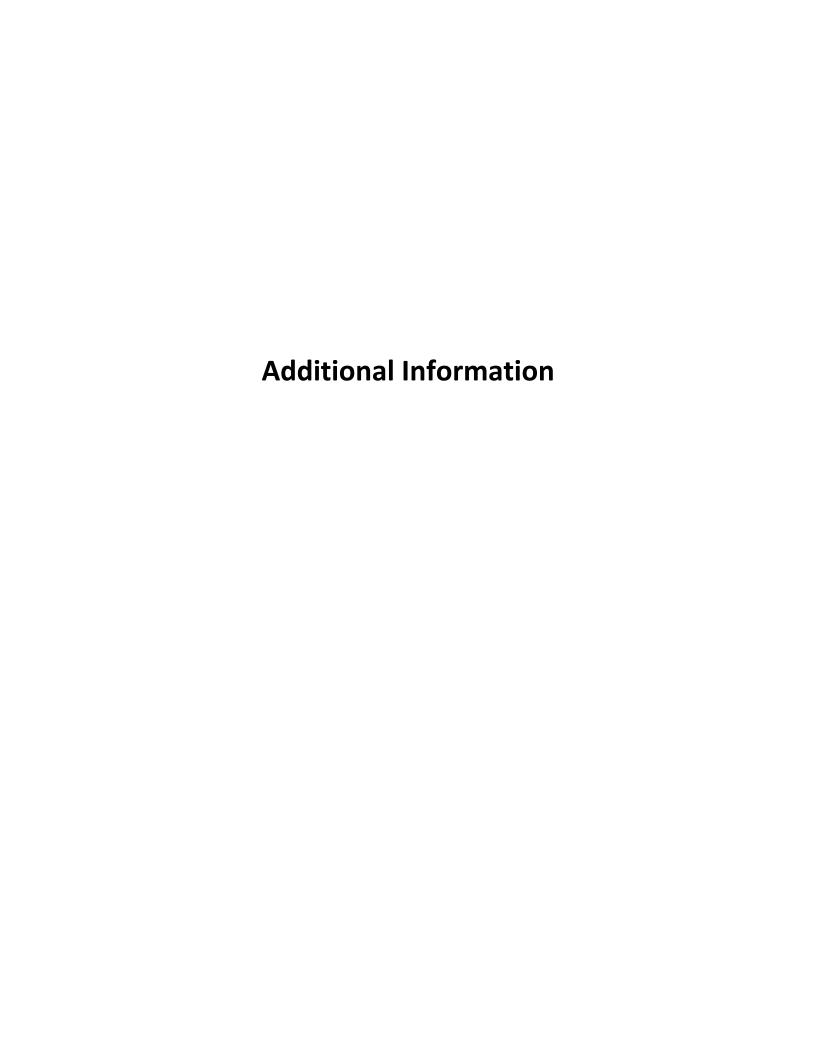






927 Eaton Street, key West, Florida SITE VISIT- NOVEMBER 9, 2016





Members of the Board

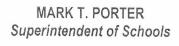
District # 1
BOBBY HIGHSMITH

District # 2
ANDY GRIFFITHS
Chairman

District # 3
ED DAVIDSON

District # 4 JOHN R. DICK Vice- Chairman

District # 5
RONALD A. MARTIN





To Excellence in the Monroe County Schools

July 14, 2016

VIA EMAIL

Mr. Marc Harden 3832 Eagle Avenue Key West, Florida 33040

Re: Adult Education/927 Eaton Street

Mr. Harden,

Please be advised that the majority of students attending the adult education program arrive by public transportation or bicycle. Students who drive will be directed to park at the district offices located at 241 Trumbo Road or in the City Parking Garage located on Grinnell Street.

Please do not hesitate to contact me with further questions.

Thank you,

Melanie Stefanowicz

Director of Career and Adult Education Melanie.Stefanowicz@KeysSchools.com