

RESOLUTION NO. 2024-037

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD APPROVING A REQUEST FOR A VARIANCE TO MAXIMUM PERMITTED BUILDING COVERAGE, MAXIMUM IMPERVIOUS SURFACE RATIO AND A REDUCTION IN THE MINIMUM OPEN SPACE PERCENTAGE TO ALLOW THE CONSTRUCTION OF SIX (6) RESIDENTIAL MARKET RATE UNITS ASSOCIATED WITH AN EXISTING COMMERCIAL (RETAIL) USE FOR PROPERTY LOCATED WITHIN THE HISTORIC COMMERCIAL CORE – 1 (HRCC-1) DISTRICT PURSUANT TO SECTIONS 122-690 AND 90-395 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the subject property is located at 621 Duval Street (RE: 00012380-000000), in the Historic Commercial Core -1 zoning district, and

WHEREAS, Section 122-690 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provide that the maximum permitted building coverage is 50 percent, maximum impervious surface ratio is 70 percent, and minimum open space is 20 percent; and

WHEREAS, the proposed building coverage is 78 percent, proposed impervious surface is 86 percent and proposed open space is 14 percent; and

WHEREAS, the Key West Planning Board (the “Board”) finds that circumstances exist which are peculiar to the land, structure, or building involved and that special conditions which are not applicable to other land, structures, or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Board finds that granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings, or structures in the same zoning district; and

WHEREAS, the Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Board finds that the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts are grounds for the issuance of the requested variances; and

WHEREAS, the Board finds that the applicant has satisfied the conditions of Section 90-395 of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) and likewise met the requirements established by Code Section 90-274; 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. An approval by Resolution of the Key West Planning Board for a variance to allow for an increase in the maximum permitted building coverage from 50% to 78%, maximum impervious surface coverage from 70% to 86%, and a reduction in the minimum open space percentage from 20% to 14% to permit the construction of six (6) residential market rate units associated with an existing commercial (retail) use located in the Historic Residential Commercial Core Zoning District (HRCC-1) pursuant to Sections 122-690 and 90-395 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

General Conditions:

1. The proposed development shall be consistent with the plans dated October 21, 2024 by William Horn, the landscape plans dated October 9, 2024 by Keith Oropeza, notwithstanding any revisions requested and recommended by staff. Construction drawings for permitting shall be dated as approved herein, with any proposed revisions (modifications) clearly noted. 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. Final landscape plan approval required from Tree Commission prior to issuance of a building permit. If no significant changes occur to the approved landscape plan, then the Urban Forestry Manager can review for approval.
3. During all phases of construction, temporary fencing shall be installed and maintained. All

adjacent City streets and sidewalks shall be kept clean and clear of construction debris unless permitted by the City.

4. Per the Fire Marshall's request, the multi-family two story structure must have a sprinkler system installed in each unit.

Section 3. It is a condition of this variance that full, complete and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in its entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.


Section 5. This variance 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 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 Board.

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 Commerce. 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 DOC with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period, the DOC 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 special called meeting held this 20th day of November, 2024.



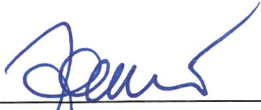
Freddy Varela, Interim Planning Board Chairman
12/10/2024
Date

Attest:



Katie Halloran, Planning Director
12/9/2024
Date

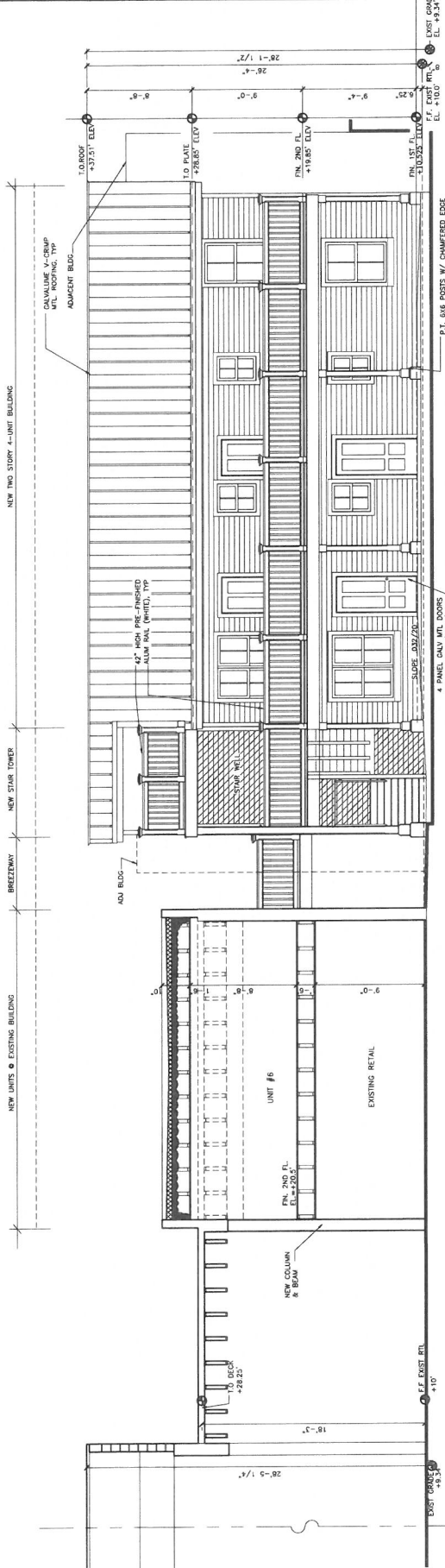
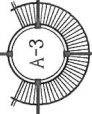
Filed with the Clerk:



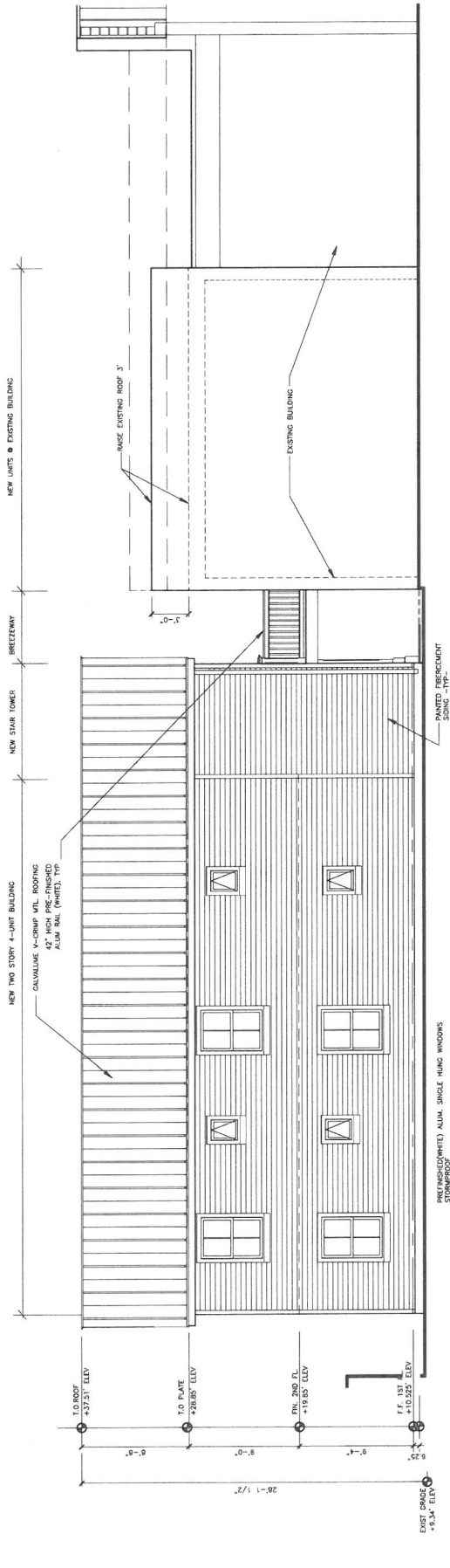
Keri O'Brien, City Clerk
12/10/2024
Date



Chairman
 Planning Director



WEST ELEVATION
SCALE: 1/4"=1'-0"



EAST ELEVATION & TOP SECTION
SCALE: 1/4"=1'-0"

619 DUVAL ST. NEW HOUSING UNITS
619 DUVAL ST.
KEY WEST, FLORIDA

WILLIAM P. HORN
ARCHITECT, P.A.

9151 GATION ST
KEY WEST
FLORIDA
3096

TTL: 305.394-8389
FAX: 305.396-0333

LICENSE NO.
A11521

619 DUVAL ST.
NEW HOUSING UNITS
619 DUVAL ST.
KEY WEST FL.

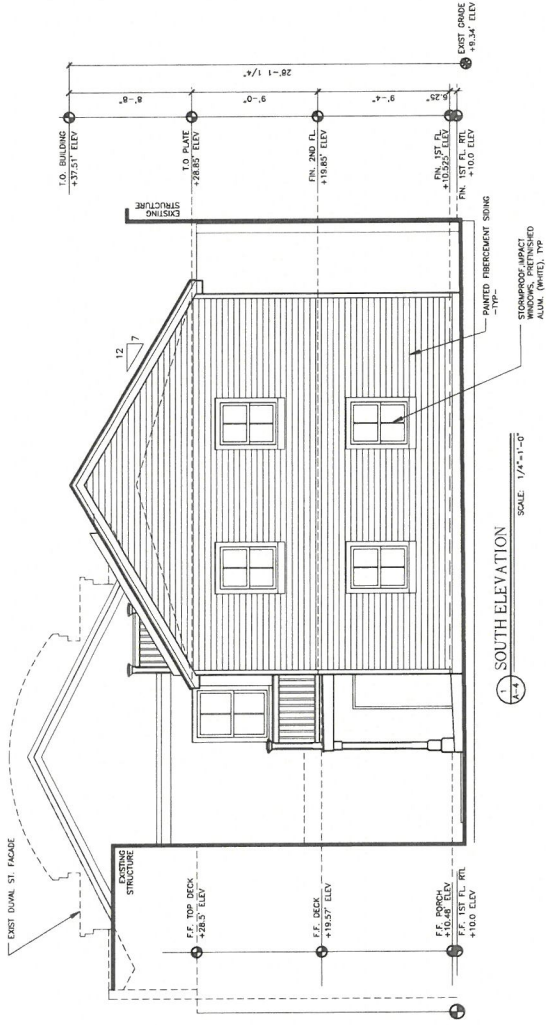
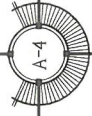
SEAL _____

DATE: 11-02-2023
PROJECT: 619 DUVAL ST.
SHEET: 2007
PROJECT NUMBER: 2007

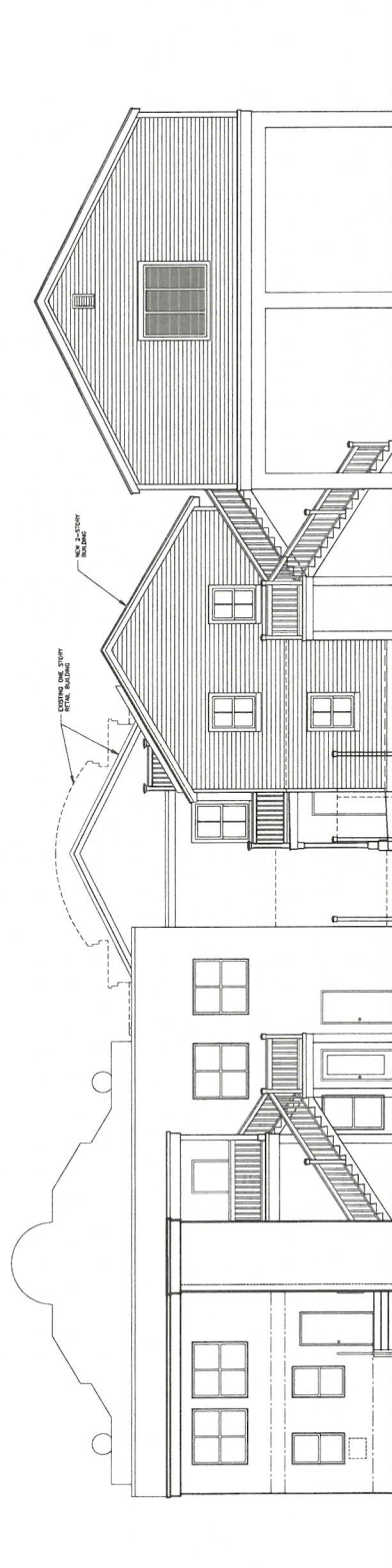
REVISIONS:
A/10-18-2024 REVISION #1

DRAWN BY: EMJ

PROJECT NUMBER: 2007



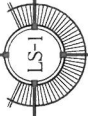
1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



2 JOSEPHINE PARKER WAY STREETSCAPE
SCALE: 3/16" = 1'-0"

619 DUVAL ST. NEW HOUSING UNITS
619 DUVAL ST.
KEY WEST . FLORIDA

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FIRE SPRINKLER SYSTEM
CONTRACTOR TO PROVIDE SHOP DRAWINGS, SIGNED & SEALED BY A REGISTERED PROFESSIONAL ENGINEER TO COMPLETE FIRE SPRINKLER SYSTEM TO CODE FOR THE EXISTING AND PROPOSED BUILDING. PROVIDING THE FIRE ALARM SYSTEM FOR REVIEW AND APPROVAL BY THE FIRE DEPARTMENT.

LIFE SAFETY LEGEND

☐	EXIT LIGHT
☐	COMBO EXIT LIGHT AND EMERGENCY LIGHT
☐	SMOKE DETECTOR
☐	CARBON MONOXIDE DETECTOR
☐	STROBE
☐	FIRE EXTINGUISHER & CABINET (NON-RECESSED)
☐	FIRE EXTINGUISHER (NON-RECESSED)
☐	FIRE EXTINGUISHER
☐	EMERGENCY LIGHT
☐	FIRE ALARM HORN/STROBE
☐	FIRE ALARM PULL STATION
☐	HEAT DETECTORS

CRITERIA	SPECIAL REQUIREMENTS/ COMPLIANCE	STATUS	FBC 2023 REFERENCE
A. USE AND OCCUPANCY			CHAPTER 3
RETAIL STORE (MERCANTILE GROUP M) - EXISTING			307
RESIDENTIAL (R-2) (APARTMENTS) - NEW			310
B. GENERAL BUILDING HEIGHTS/AREAS CONSTRUCTION			CHAPTERS 4 & 6
RESIDENTIAL R-2, MERCANTILE GROUP M	REQUIRED AUTOMATIC FIRE SPRINKLER SYSTEM REQUIRED SMOKE AND THE ALARM SYSTEMS		420.1-420.5 CHAPTER 6
CONSTRUCTION TYPE VB SPRINKLERED			
BUILDING HEIGHT (TYPE VB SPRINKLERED) TYPE VB = 60' (R-2) 60' (M)	BUILDING HEIGHT = 35' MAX	OK	TABLE 504.3
BUILDING STORIES (TYPE VB SPRINKLERED) TYPE VB = 3 STOREY MAX (M)	BUILDING STORIES = 2 STORES	OK	TABLE 504.4
BUILDING AREA (TYPE VB SPRINKLERED) TYPE VB = 21,000 SF / FLOOR (R-2) 21,000 SF / FLOOR (M)	BUILDING AREA: FIRST LEVEL ENCLOSED = 5,443 SQFT COVERED = 384.5 SQFT SECOND LEVEL ENCLOSED = 5,443 SQFT COVERED = 384.5 SQFT		TABLE 504.2
C. GENERATION REQUIREMENTS FOR DIFFERENT OCCUPANCY TYPES			CHAPTERS 4 & 5 TABLE 504.4
R-2 TO M (FLORIDA BUILDING CODE)	1-HOUR FIRE SEPARATION	OK	CHAPTERS 4 & 5 TABLE 504.4
D. FIRE RESISTANT RATINGS FOR BUILDING ELEMENTS STRUCTURAL FRAME, TYPE VB	D-RHS	OK	CHAPTERS 6 & 7 TABLE 601
BEARING WALLS	EXTERIOR VB-RHS	OK	TABLE 601
INTERIOR VB-RHS	INTERIOR VB-RHS	OK	TABLE 601
NON-BEARING INTERIOR	D-RHS	OK	TABLE 601
FLOOR CONSTRUCTION	TYPE VB	OK	TABLE 601
D-RHS	D-RHS	OK	TABLE 601
ROOF/CEILING CONSTRUCTION	TYPE VB-RHS	OK	TABLE 601
SHaft CONSTRUCTION	INTERIOR EGRESS STAIRS 2-STORY = 1-HR (1-HR PROVIDED)	OK	711.4
OPENINGS IN EXTERIOR WALLS (SPRINKLERED BLDG.)	5' TO LESS THAN 8' SEPARATION = 15-M 5' - 12' SEPARATION = 25-M	OK	TABLE 705.8
FIRE RESISTANT RATINGS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE - TYPE VB		OK	TABLE 705.5
5' TO 8' X 8' TO 10' 0"	1-HR	OK	
10' 0" X 8' X 10' 0"	1-HR	OK	
8' X 8' TO 10' 0"	TYPE VB = D-RHS REQUIRED	OK	
10' 0" X 10' 0"	TYPE VB = D-RHS REQUIRED	OK	
E. MEANS OF EGRESS			CHAPTER 10 TABLE 1004.5
M = 60 SF / CROSSPERSON, 300 GROSS (STORE, STOCK)			
R-2 = 200 SF / CROSSPERSON			
EGRESS COMPONENT WIDTH	MIN. 0.7' PER OCCUPANT = 15.8' MIN. 36" PROVIDED	OK	1005.2.2
TOTAL EXITS	R-2: 1 EXIT ALLOWED PER TABLE 1006.3.1 AND 1006.3.3 1-EXIT 1-HR PROVIDED (ALSO LENT ALLOWED PER 7.13.2 LIFE SAFETY CODE) M: ONE EXIT ALLOWED IF OCCUPANCY LOAD IS 49 OR LESS AND COMMON PATH IS LESS THAN 75' (COMMON PATH IS 508'-50.2' EXITS PROVIDED) REQUIRED MIN 32" REQUIRED MIN 48" REQUIRED MIN 48" REQUIRED MIN 48"	OK	TABLE 1006.3.1, 1006.3.3 (1-2)
DOOR CLEAR WIDTH	REQUIRED MIN 32" 36" PROVIDED	OK	1010.1.1
MINIMUM CORRIDOR WIDTH	REQUIRED MIN 48" 50" PROVIDED	OK	TABLE 1006.3
COMMON PATH	R-2 = 125'-0" MAX (SINGLE EXIT, 4 UNITS MAX) ACTUAL 87'-0" M = 75'-0" MAX (SINGLE EXIT, 49 PEOPLE MAX) 2 EXITS PER STORE PROVIDED ACTUAL 132'-0"	OK	TABLE 1006.3.3(1)
EXIT EGRESS TRAVEL DISTANCE	SEE LIFE SAFETY PLAN FOR ALL DISTANCES GREATEST ACTUAL 132'-0"	OK	TABLE 1017.2
SPRINKLERED	R-2 = 250'-0" MAX GREATEST ACTUAL 168'-0"	OK	TABLE 1017.2
SPRINKLERED	M = 250'-0" MAX	OK	TABLE 1017.2

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