

Application

Revised

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
604 Simonton Street, Key West, FL 33040
(305) 809-3720



Development Plan & Conditional Use Application

Applications will not be accepted unless complete

<u>Development Plan</u>	<u>Conditional Use</u>	<u>Historic District</u>
Major <u>X</u>	<u>X</u>	Yes <u>X</u>
Minor _____		No _____

Please print or type:

- 1) Site Address 512 Greene Street, Key West, FL 33040
- 2) Name of Applicant Susan M. Cardenas, Esq.
- 3) Applicant is: Owner _____ Authorized Representative X
(attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant 221 Simonton Street
Key West, FL 33040
- 5) Applicant's Phone # 294-0252 Email susan@keyslaw.net
- 6) Email Address: susan@keyslaw.net
- 7) Name of Owner, if different than above 512 Greene Street, LLC.
- 8) Address of Owner 1413 South Street, Key West, FL 33040
- 9) Owner Phone # 305-712-0070 Email NA
- 10) Zoning District of Parcel HRCC-1 RE# 00001170-000000
- 11) Is Subject Property located within the Historic District? Yes X No _____
If Yes: Date of approval 04/23/09 HARC approval # H09-0417407
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).

This property received Major Development Plan and Conditional Use approval to convert existing commercial floor area within the Parking Waiver Zone from retail, bar and restaurant to bar, as well as to convert a residential unit to commercial. A ROGO unit was relinquished to the City. Storm water management was improved, impervious surface was reduced, landscaping increased, the site was made ADA accessible, and the historic structures preserved and restored. A 20ft-wide vehicular easement was required as part of the approval conditions at the City Commission hearing. The required easement can not be accommodated and therefore we seek to redesign the parking area of the site plan to eliminate the need for the easement, as well as request the Board's consideration with regard to the removal of a condition prohibiting the use of the courtyard as 261 sq. ft. of consumption area.

Required Plans and Related Materials

- I. Existing Conditions.
- A) Recent Survey: **Attached**
 - B) Existing size, type and location of trees, hedges, and other features. **Attached**
 - C) Existing stormwater retention areas and drainage flows **No Changes Proposed**
 - D) A sketch showing adjacent land uses, buildings, and driveways. **No Changes Proposed**
- II. Proposed Development: Plans at 11" X 17" (10,000 Sq. ft. or less); 24" X 36" if site is over 10,000 sq. ft.
- A) Site Plan: **Attached**
 - 1) Buildings **No Changes Proposed**
 - 2) Setbacks **No Changes Proposed**
 - 3) Parking: **Please see attached Site Plan and associated parking variance**
 - 4) Driveway dimensions and material **Please see Attached Survey**
 - 5) Location of Utility Lines (sewer, water, electric, cable, and phone) adjacent and extending into the site. **No Changes Proposed**
 - 6) Signs **No Changes Proposed**
 - 7) Project Statistics:
 - a. Zoning **HRCC-1**
 - b. Size of site **No Changes Proposed**
 - c. Number of units **No Changes Proposed**
 - d. If non-residential, floor area & proposed floor area ratio **No Changes Proposed**
 - e. Consumption area of restaurants & bars:

This site previously had 31 licensed seats, which equates to a minimum of 465 sq. ft. of consumption area. The previous restaurant had indoor and outdoor seating. Licensing records indicate the property previously had 31 seats, including outdoor seating. Licensing records, provided by the Planning Department, from 1990 indicate 6 of the 31 were located outside at that time. During the original design process, we anticipated the new and required ADA ramp would need the space previously occupied by the consumption area. However, the ramp was unable to be built in the proposed location and instead a lift was installed elsewhere. This allowed the potential for 90 sq. ft. of the previous consumption area to remain in the front patio location. There is also space in the rear courtyard where 261 sq. ft. of consumption area can exist. We seek to permit this consumption area as part of this amendment.

According to Sec. 108-571 we are required to accommodate an increase in parking impacts. The rear 261 sq. ft. of consumption area has a 5.8 parking space requirement associated with it. This will raise the parking requirement from 3.6 to 9.4. We are proposing 4 auto parking spaces and 15 bike scooter spaces on site.

- f. Open space area and open space ratio:

The previous approval improved the open space ratio of the site dramatically. The previous open space was 9%, as a result of the redevelopment open space increased to 20%. This amendment will maintain the minimum 20% the open space.

- g. Impermeable surface area and impermeable surface ratio:

The previous approval improved the impervious surface ratio of the site dramatically. The previous impervious surface ratio was 91%, as a result of the redevelopment the impervious surface ratio was reduced to 80%. This amendment will maintain the ISR below 80%.

- h. Number of automobile and bicycle spaces required and proposed:

The parking requirement for this property is 3.6 auto spaces and 1 bicycle space. The rear 261 sq. ft. of consumption area has a 5.8 parking space requirement associated with it. This will raise the parking requirement from 3.6 to 9.4. We are proposing 4 auto parking spaces and 15 bike scooter



spaces on site. The circulation on the site was approved as a one-way drive (ingress from Ann Street, egress to Simonton Street). This amendment seeks to change that to become a two-way with ingress & egress from Ann Street.

- B) Building Elevations **No changes proposed**
 - 1) Drawings of the building from each direction
 - 2) Height of building
 - 3) Finished floor elevations and bottom of first horizontal structure
 - 4) Height of existing and proposed grades
- C) Drainage Plan: Existing & Proposed with retention areas and calculations **No changes to the drainage system are proposed or required.**
- D) Landscape Plan: Size, type, location and number of plants to be removed, kept, and installed. **Minimal changes are proposed to the landscaping, as depicted on the attached plan.**

III. Solutions Statement. Aspects of the design that address community issues including but not limited to water pollution from stormwater runoff, potable water conservation, waste disposal, energy conservation, affordable housing, and impacts on neighbors such as lighting, noise, traffic and parking.

We propose the following changes to the existing plan:

- 1. **Change angled parking to perpendicular;**
- 2. **Convert the lot to a compact car lot;**
- 3. **Create a "T" turn around and add 14 scooter spaces;**
- 4. **Change 14ft-wide one-way drive to 24ft-wide driveway with a 21.3 ft-wide aisle;**
- 5. **Increase space for trash and recycling on site;**
- 6. **Preserve the outdoor consumption area in the front of the building; and**
- 7. **Permit a 261 sq. ft. of consumption area in the rear courtyard.**



CONDITIONAL USE CRITERIA

Sec. 122-62. Specific criteria for approval.

- (a) Findings.
- (b) Characteristics of use described.
 - (1) Scale and intensity of the proposed conditional use as measured by the following:
 - a. Floor area ratio; **No Changes Proposed**
 - b. Traffic generation: **No Changes Proposed**
 - c. Square feet of enclosed building for each specific use; **No Changes Proposed**
 - d. Proposed employment; **No Changes Proposed**
 - e. Proposed number and type of service vehicles; **No Changes Proposed**
 - f. Off-street parking needs:

The parking requirement for this property is 3.6 auto spaces and 1 bicycle space. The rear 261 sq. ft. of consumption area has a 5.8 parking space requirement associated with it. This will raise the parking requirement from 3.6 to 9.4. We are proposing 4 auto parking spaces and 15 bike scooter spaces on site. The circulation on the site was approved as a one-way drive (ingress from Ann Street, egress to Simonton Street). This amendment seeks to change that to become a two-way with ingress & egress from Ann Street.

- (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including the following:
 - a. Utilities; **No Changes Proposed**
 - b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94; **No Changes Proposed**

- c. Roadway or signalization improvements, or other similar improvements; **No Changes Proposed**
- d. Accessory structures or facilities; **No Changes Proposed**
- e. Other unique facilities/structures proposed as part of site improvements. **No Changes Proposed**
- (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - a. Open space:

The previous approval improved the open space ratio of the site dramatically. The previous open space was 9%, as a result of the redevelopment open space increased to 16.8%. This amendment will maintain a minimum of 20% open space.
 - b. Setbacks from adjacent properties; **No Changes Proposed**
 - c. Screening and buffers:

A small strip of shrubs and ground cover will be moved into landscape islands to allow the change to the parking. As a result, the existing fence will be remodeled to shadowbox or abutting pickets so that it will be visually solid. The large trees installed along the parking area will remain with the parking spaces spread out between them.
 - d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites:

Landscape berms are inappropriate for this site.
 - e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts. **No Changes Proposed**
- (c) Criteria for conditional use review and approval. Applications for a conditional use shall clearly demonstrate the following:
 - (1) Land use compatibility.

No changes proposed that will alter the original finding of compatibility.
 - (2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.

As depicted on the site plan, the site has sufficient size, specifications, and infrastructure to accommodate the redesign of the parking area with minimal variances. This property has a parking requirement of less than 10 auto spaces. We seek minimal variances to maintain the maximum reasonable number of spaces.
 - (3) Proper use of mitigative techniques.

No changes proposed that will alter the original finding of proper use of mitigative techniques.
 - (4) Hazardous waste.

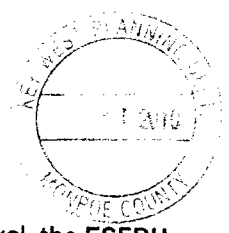
No change proposed. No Hazardous Waste will be generated by the conditional use.
 - (5) Compliance with applicable laws and ordinances.

All laws and ordinances will be followed.
 - (6) Additional criteria applicable to specific land uses.
 - a. Land uses within a conservation area.

No changes proposed.
 - b. Residential development.

This site contained a residential unit, as part of the conditions of approval, the ESFDU was relinquished to the City of Key West.
 - c. Commercial or mixed use development.

The proposed design will allow the site to function independently from adjacent sites and provide adequate internal vehicular circulation together with access and egress to the site and off-street parking.
 - d. Development within or adjacent to historic district.



No changes proposed.

- e. Public facilities or institutional development.

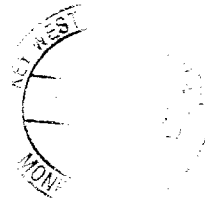
N/A

- f. Commercial structures, uses and related activities within tidal waters.

N/A

- g. Adult entertainment establishments.

N/A



Verification Form

Verification Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the variance outside of the hearing.

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

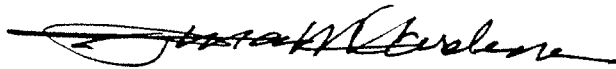
I, Susan M. Cardenas, Esq., being duly sworn, depose and say
Name(s) of Applicant(s)

that: I am (check one) the Owner Owner's Legal Representative
for the property identified as the subject matter of this application:

512 Greene Street

Street Address and Commonly Used Name (if any)

All of the answers to the above questions, drawings, plans and any other attached data which make up this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.



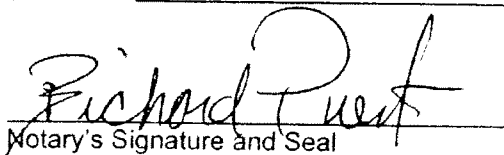
Signature of Owner/Legal Representative

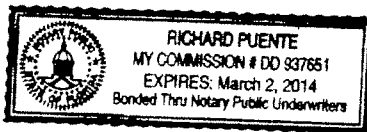
NA

Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on 05/19/10 (date) by
Susan M. Cardenas (name). He/She is personally known to me or has

presented NA as identification.


Notary's Signature and Seal



Richard Puente

Name of Acknowledger typed, printed or stamped

Notary

Title or Rank DD 937651

Commission Number (if any)



[Previous on List](#) [Next on List](#) [Return To List](#)

Entity Na

No Events

No Name History

Su

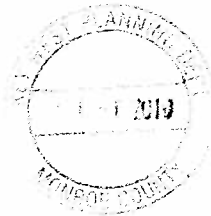
Detail by Entity Name

Florida Limited Liability Company

512 GREENE STREET L.L.C.

Filing Information

Document Number L09000022673
FEI/EIN Number NONE
Date Filed 03/09/2009
State FL
Status ACTIVE
Effective Date 03/09/2009



Principal Address

512 GREENE ST.
KEY WEST FL 33040 US

Mailing Address

525 CAROLINE ST
KEY WEST FL 33040 US

Registered Agent Name & Address

KELLY, ROBERT E JR
525 CAROLINE ST
KEY WEST FL 33040 US

Manager/Member Detail

Name & Address

Title MGRM

BRAWN, PETER
525 CAROLINE ST
KEY WEST FL 33040 US

Annual Reports

No Annual Reports Filed

Document Images

Authorization Form

Deed

Doc# 1742444 05/15/2009 8:41AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Please return this instrument to:
Susan M. Cardenas
Stones & Cardenas
221 Simonton Street
Key West, FL 33040

05/15/2009 8:41AM
DEED DOC STAMP CL: TRIMM \$0.70

This instrument Prepared By: *Ward&Meyers, LLC*
3201 Flagler Ave, Suite 566
Key West, FL 33040

Doc# 1742444
Bk# 2412 Pg# 2463

Corrective Quit Claim Deed

THIS QUIT CLAIM DEED Made this 4th day of May, A.D. 2009, by, Peter Nelson Brown, a single man, hereinafter called the grantor, to 512 Greene Street, L.L.C. whose post office address is 1413 South St., Key West, FL 33040, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantees" include all the parties to this instrument, singular and plural, the legal representatives and assigns of individuals, and the successors deed assigns of corporations, wherever the context so admits or requires.)

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby remise, release, and quit-claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Monroe, State of Florida, to-wit:

On the island of Key West, known on William A. Whitehead's map delineated in February A.D. 1829, as part of Lot Three (3) in Square Thirteen (13). Commencing at the corner of Greene and Ann Streets on the Northeasterly side of Ann Street on the Southeasterly side of Greene Street and running thence along Greene Street in a Northeasterly direction Ninety-three (93) feet and Three (3) inches; thence at right angles in a Southeasterly direction One hundred and five (105) feet and Six (6) inches; thence at right angles in a Southwesterly direction Ninety-three (93) feet and three (3) inches to Ann Street; thence at right angles in a Northwesterly direction along Ann Street One hundred and five (105) feet and Six (6) inches to the point of beginning.

Reference being had to deed recorded in Deed Book "A-4", Page 571, and deeds recorded in Book "G-21", Pages 98 - 103, in the office of the Clerk of the Circuit Court, in and for Monroe County, Florida.

A/K/A 512 Green Street, Key West, FL 33040

SUBJECT TO TAXES FOR THE YEAR 2009 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

Property Appraiser's Parcel Number: 0001170-000000

To Have and to Hold the same with all singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity to the only proper use, benefit and behoof of the said grantee forever.

And the grantor hereby covenants with said grantees that he is lawfully seized of said land in fee simple; that he has good right and lawful authority to sell and convey said land, and hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2008.

THIS CORRECTIVE DEED IS BEING RECORDED TO CORRECT THE LEGAL DESCRIPTION IN THAT CERTAIN QUIT CLAIM DEED RECORDED IN BOOK 2405 PAGE 785 PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

In Witness Whereof, the said grantor has signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:

Frederick C. Dotson III
Witness Signature

Peter Nelson Brawn U.S.
Peter Nelson Brawn
Address:
1413 South St.
Key West, FL 33040

Frederick C. Dotson III
Printed Name

Kelly E. Craig
Witness Signature

Doc# 1742444
Bk# 2412 Pg# 2464

Kelly E. Craig
Printed Name

Country of: REPUBLIC OF ARGENTINA
CITY OF BUENOS AIRES
EMBASSY OF THE UNITED STATES OF AMERICA
State/Province of: STATES OF AMERICA

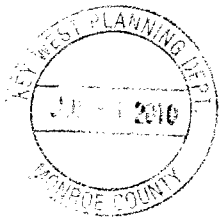
I hereby certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Peter Nelson Brawn, as grantor who is personally known to me to be the individual described in and who executed the foregoing deed or who produced US Passport as identification and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal this 9th day of May 2009.

HEATHER M. SMITH
Vice Consul of the
United States of America
Printed name of Notary

Heather M. Smith
NOTARY PUBLIC

My Commission Expires: **INDEFINITELY**

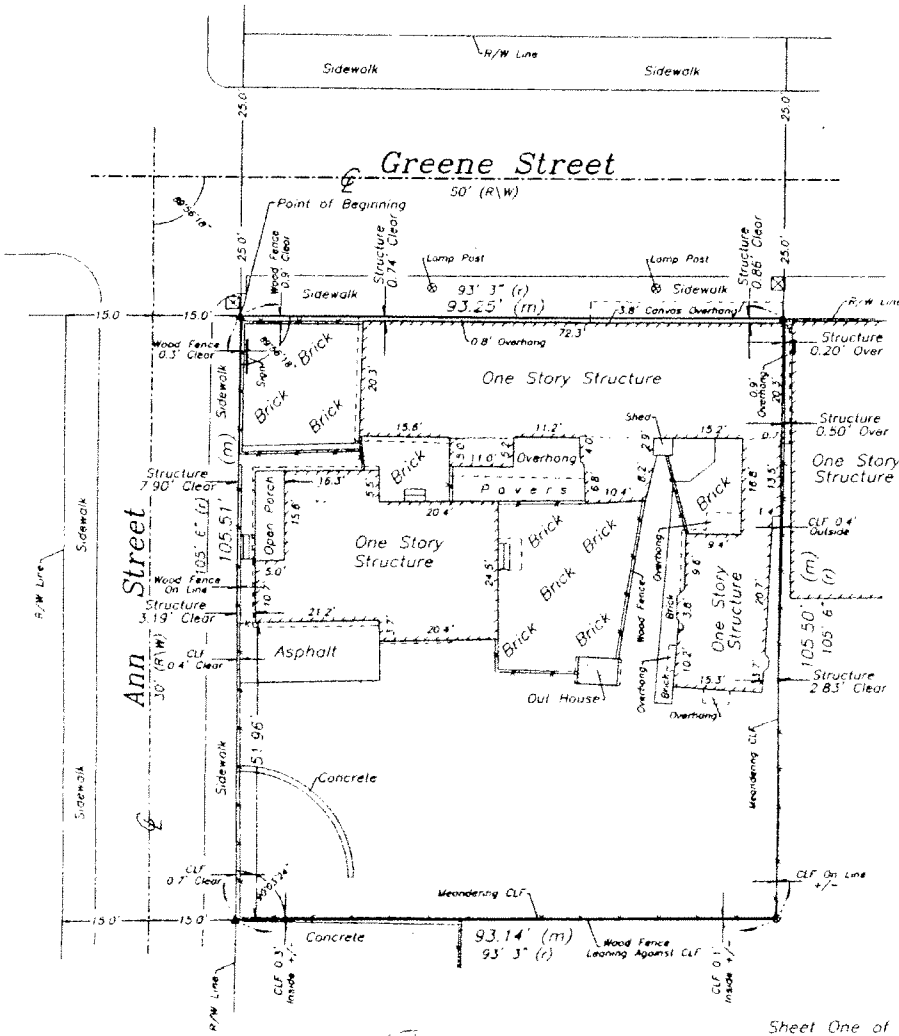


Survey

Boundary Survey Map of part of Lot 3, Square 13, of WM A.
Whitehead's map of the Island of Key West

LEGEND

- Found Permanent Reference Monument (FHM)
- Set #5 rebar w/cap (6298)
- Found 1/2" iron Rod (2863)
- ▲ Found Nail & Disc (FHM)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊙ Wood Utility Pole
- ⊠ Concrete Utility Pole
- P- Overhead Utility Lines



Sheet One of Two Sheets

NOTE
This Survey Map is not
full and complete without
the attached Survey Report.



J. LYNN O'FLYNN, Inc.
Professional Surveyor & Mapper
PSM #6290
3430 Duck Ave., Key West, FL 33040
(305) 296-7422 Fax (305) 296-2244

Boundary Survey Report of part of Lot 3, Square 13, of WM A. Whitehead's map of the Island of Key West

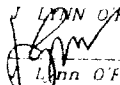
NOTES

1. The legal description shown hereon was furnished by the client or their agent
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 512 Greene Street, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. This survey is not assignable.
9. Date of field work: April 22, 2009
10. Ownership of fences is undeterminable, unless otherwise noted.
11. Adjoiners are not furnished.
12. The Survey Report is not full and complete without the attached Survey Map.

BOUNDARY SURVEY OF: On the Island of Key West, known on William A. Whitehead's map delineated in February A.D. 1829, as part of Lot Three (3) in Square Thirteen (13). Commencing at the corner of Greene and Ann Streets on the Northeasterly side of Ann Street on the Southeasterly side of Greene Street and running thence along Greene Street in a Northeasterly direction Ninety-three (93) feet and Three (3) inches; thence at right angles in a Southeasterly direction One hundred and five (105) feet and Six (6) inches; thence at right angles in a Southwesterly direction Ninety-three (93) feet and three (3) inches to Ann Street; thence at right angles in a Northwesterly direction along Ann Street One-hundred and five (105) feet and Six (6) inches to the point of beginning

BOUNDARY SURVEY FOR: Matthew McCarthy;
Recuerda Lel Alamo I, Inc.

J. LYNN O'FLYNN, INC.


Lynn O'Flynn, PSM
Florida Reg #6298

April 28, 2009



Sheet Two of Two Sheets

J. LYNN O'FLYNN, Inc.
Professional Surveyor & Mapper
PSM #6298
1450 Duck Ave., Key West, FL 33040
(305) 296-7422 Fax (305) 296 7244