

# **Prior Approval**

RESOLUTION NO. 09-242

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A CONDITIONAL USE FOR A BAR AND MAJOR DEVELOPMENT PLAN TO REDEVELOP AN EXISTING PARKING LOT, AND RETAIL STRUCTURES IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE GULF SIDE (HRCC-1) ZONING DISTRICT PER SECTION 122-688(9) AND SECTION 108-91(A)(2)(b) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West Planning Board recommended approval of the application with conditions at its meeting of July 30, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That a conditional use for 512 Greene Street/201-205 Ann Street is hereby approved.

Section 2: That the attached major development plan for 512 Greene Street/201-205 Ann Street is hereby approved.

Section 3: That these approvals are subject to the following conditions, which are specifically incorporated herein:

- (1) Tree Commission approval must be obtained prior to building permit issuance;
- (2) The applicant voluntarily agrees to donate the 1.0 Equivalent Single Family Unit associated with the single family residence to the City of Key West through the execution of a donation waiver;
- (3) The applicant will install and maintain a programmable

distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted on July 25, 2009, and updated on August 5, 2009, to assure compliance with the "unreasonable noise" definition contained in Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and available to the City upon request;

- (4) There will be no live music, disc jockeys, or karaoke at the site unless approved under as special event permit pursuant to Section 6-86 of the Code of Ordinances;
- (5) Security cameras will be provided on site and security personnel will be present during the hours of operation;
- (6) A perpetual two-way easement in a form acceptable to the City Attorney will be executed prior to the issuance of a building permit, to provide access from Simonton Street for commercial trash and recycling removal from 512 Greene Street, and to provide for ingress and egress from Simonton Street to 512 Greene Street;
- (7) Additionally, compliance with the plans dated August 5, 2009, is a condition of approval and specifically incorporated herein.


Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the

signature of the presiding officer and the Clerk of the Commission and 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 Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA 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.

Passed and adopted by the City Commission at a meeting held this 15<sup>th</sup> day of September, 2009.

Authenticated by the presiding officer and Clerk of the Commission on October 13, 2009.

Filed with the Clerk October 13, 2009.

  
MORGAN MCPHERSON, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK

**RESOLUTION NUMBER 2009-030**


**A RESOLUTION OF THE KEY WEST  
PLANNING BOARD GRANTING  
CONDITIONAL USE APPROVAL AND  
REGARDING APPROVAL OF A MAJOR  
DEVELOPMENT PLAN FOR PROPERTY  
LOCATED AT 512 GREENE STREET/201-205  
ANN STREET (RE# 00001170-000000), KEY  
WEST FLORIDA; PROVIDING FOR AN  
EFFECTIVE DATE.**

**WHEREAS**, the subject property is located in the Historic Residential Commercial Core,  
Gulf Side (HRCC-1), zoning district; and

**WHEREAS**, Section 122-61 of the Code of Ordinances allows applicants to request  
Conditional Use approvals; and

**WHEREAS**, Section 122-688(9) of the Code of Ordinances allows bars and lounges as  
Conditional Uses in the HRCC-1 zoning district; and

**WHEREAS**, Section 108-91A(2)(b) of the Code of Ordinances provides that within the  
Historic District a Major Development Plan is required for nonresidential floor area; addition or  
reconstruction of equal or greater that 2,500 square feet of gross floor area; and

  
Chairman  
  
Planning Director

**WHEREAS**, the proposal would allow the existing restaurant to change to a bar and lounge, in areas designated 'consumption area' on the site plan, and allow for the redevelopment of the existing parking lot and the four structures on site, including the bar and lounge, the existing single family home and two small existing structures for commercial retail use; and

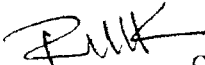

**WHEREAS**, Section 122-61 outlines the criteria for reviewing a Conditional Use application and Section 108-196(a) requires the Planning Board to review and make a recommendation to the City Commission on the proposed Major Development Plan; and

**WHEREAS**, Section 108-230 requires a construction schedule and the applicant has requested an immediate and continuous reconstruction process; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on July 30, 2009; and

**WHEREAS**, the granting of a Conditional Use will be 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;

**WHEREAS**, the granting of a combined Conditional Use and Major Development Plan is

  
Chairman  
  
Planning Director

consistent with the criteria in the code; and



**WHEREAS**, the recommendation of approval of the combined Conditional Use and Major Development Plan 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 approval is consistent with the criteria in the Code; and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

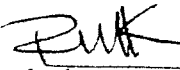

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That a conditional use for a bar and lounge with 1,045 square feet of consumption area, per Section 122-688(9) of the Code of Ordinances, in conjunction with a Major Development Plan for the redevelopment of the site including: a new bar, an existing parking lot, a change of use from a single family home to a commercial retail structure, and a change in use for two(2) existing small commercial structures into two(2) commercial retail structures, per Section 108-91A(2)(b) under the Code of Ordinances of the City of Key West, Florida, is hereby recommended for City Commission approval for property located at 512 Green Street/ 201-205 Ann Street (RE#00001170-000000), as shown in the attached site plans dated July 10, 2009, with the following conditions:

  
Chairman  
  
Planning Director

1. Tree Commission approval must be obtained prior to Building Permit issuance.
2. The applicant will donate the 1.0 Equivalent Single Family Unit associated with the single family residence to the City of Key West through the execution of a donation waiver.
3. The applicant will install and maintain a programmable distributive sound system consistent with that described in document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and available to the city upon request and to state that no speakers will be placed outdoors."
4. There will be no live music, disc jockeys, or karaoke at the site unless approved under a special event permit per Section 6-86 of the City Code.
5. Security cameras will be provided on site and security personnel will be present during the hours of operation.
6. A draft easement for off-site dumpster location on the adjacent Simonton Street property will be provided in a form acceptable to the City Attorney's office prior to forwarding a recommendation of approval to the City Commission and such easement will be executed prior to building permit issuance, to insure that all trash removal is handled via Simonton Street.
7. The following site plan modifications will be provided to the satisfaction of City staff prior to forwarding a recommendation of approval to the City Commission to include the following items:
  - a. Complete exterior lighting plans to ensure that lighting impacts are directed away from residential areas;
  - b. Elevations as provided to HARC will be included in the site plan package;
  - c. The trash and recycling containers will be relocated to the adjacent property (RE 00001111-000700) to enable pick-up to occur from Simonton Street;
  - d. The landscape plan shall be modified to include additional buffering on the south side of the site and in proximity to the exit of the bar into the courtyard;
  - e. A plan showing the proposed location of speakers will be provided and in no case shall speakers be located outdoors; and
  - f. The site plans shall be clearly marked to show that no consumption is approved outdoors on the site.

**Section 3.** Full, complete, and final application for all permits required for which this

  
Chairman  
  
Planning Director



resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

**Section 4.** This Conditional Use request and Major Development Plan application recommended for approval to the City Commission, do 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 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 Commission.

**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 will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA 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 meeting held this 30 day of July, 2009.

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

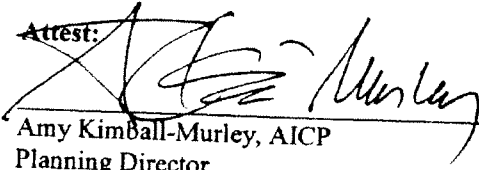
Page 5  
Resolution Number 2009-030

  
Chairman  
  
Planning Director



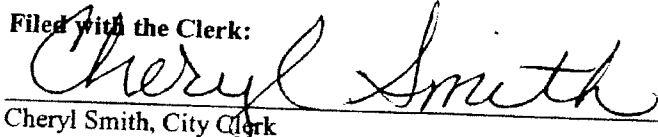
Richard Klitenick, Chairman  
Key West Planning Board

AUGUST 5, 2009  
Date

Attest: 

Amy Kimball-Murley, AICP  
Planning Director

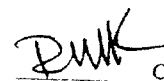

August 5, 2009  
Date

Filed with the Clerk:  


Cheryl Smith, City Clerk

8-6-09  
Date

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 Chairman  
 Planning Director

# THE AUDIO BUG, INC.

3800 HILLCREST DRIVE • HOLLYWOOD, FL. 33021-7937 • 954-983-2788 • FAX: 954-083-2789 • [theaudiobug.com](http://theaudiobug.com)

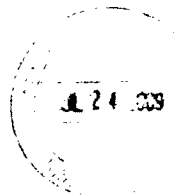
To the attention of the City of Key West Planning Board

The following are recommendations for Sound Control and Mitigation at 512 Greene Street, Key West:

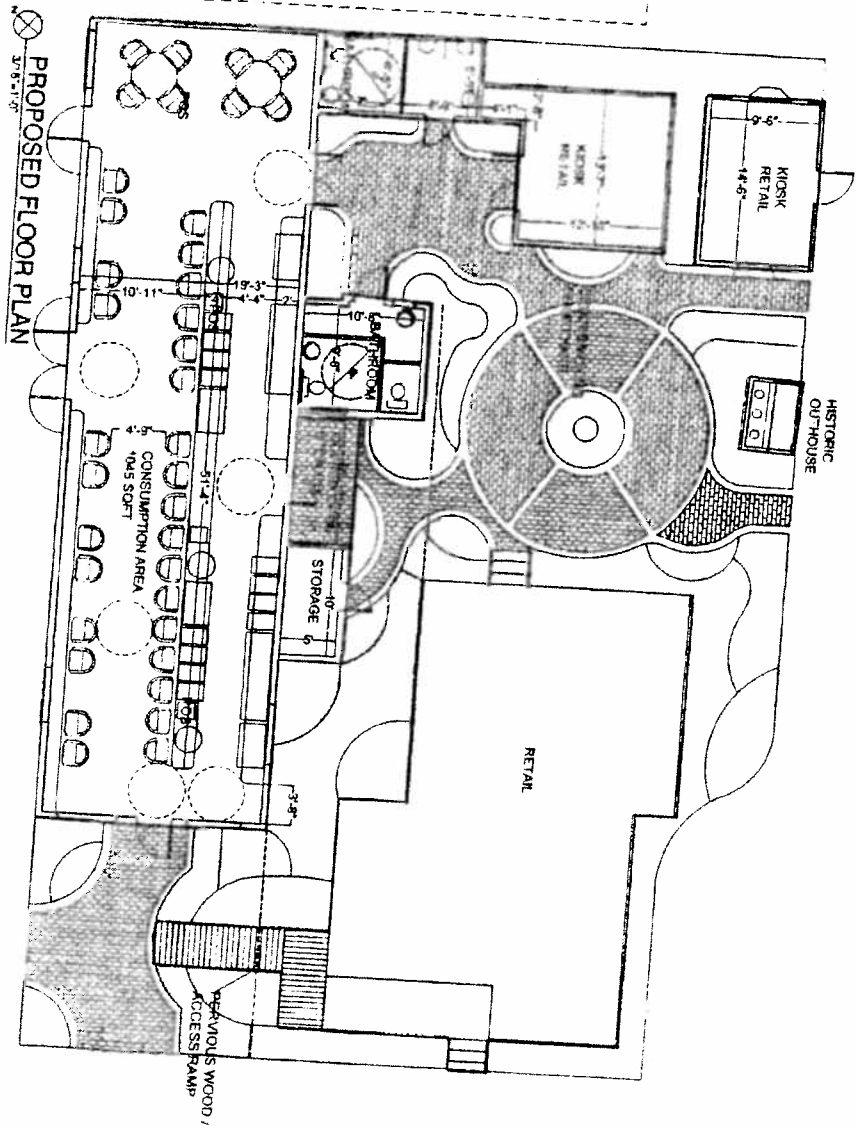
Sound System: The system should be designed to fully comply with local noise ordinances, employing the following techniques to accomplish this goal:

- A. Deployment of many closely spaced speakers driven at low individual volumes. Such a system design will distribute sound uniformly within each entertainment area in such a manner as not to interfere with normal conversational level of the clientele. Maximum long-term system levels are limited to 90 dB SPL (unweighted) and 65 dB SPL with user access restricted to the selection of program material and manual reduction only of system levels. No increase above maximum design sound levels shall be possible by staff. The system includes 72 speakers and 18 amplifiers in order to provide maximum control to the designer. All speakers are hooked into amplifiers two at a time to allow the greatest level of zone control.
- B. Symetrix's Advanced Digital Signal Processing System, "SymNet," a centralized computer control and digital signal processor (or equal), shall form the heart of the system. With this device, the system features the following functions and safeguards:
  1. All controls under lock and key, with limited access via password security.
  2. The system shall be divided into several zones, each with a preset maximum level, separate dynamic equalization and time alignment, sound compression, and intelligent gain adjustment feature which will raise and lower music volume in response to patron conversation noise.
  3. Local control shall consist only of source selection and the ability to turn the system down from preset maximums.
  4. A leveling function capable of reducing the inevitable disparities between source and selection volumes, further ensuring consistent playback levels. Leveling removes the possibility of one song sounding louder than the previous or subsequent song. For example, if a Billy Joel vocal/piano ballad were followed by a song with a significantly different complement of vocals and instrumentals, the second song would normally sound louder at an equal volume setting. With leveling, the two songs would be reproduced at virtually the same sound level.
- C. Bands and/or DJs<sup>1</sup> shall not be permitted to bring additional amplifiers or loudspeakers onto the site. The House System will provide an input portal for band mixers and DJ consoles (mixer, turntables, CD players, etc.). DJs, limited by the House System in place, have no more influence over the volume than the Hotel staff (which means NO ability to exceed preset limits). The DJ becomes a human iPod of sorts and their presence has no material effect on the neighbors or the perceived volume within the area.
- D. Computerized sound monitoring system. Utilizing an inexpensive net-book or laptop computer, appropriate software and an external microphone, the club can be equipped to self-monitor sound levels on the property to ensure and document compliance with the City's Noise Ordinance. Calibration of the system during its installation will allow direct correlation of sound levels on property with those at any location off property. Simple operation and reliable documentation will ensure that code violation claims can be refuted with accurate information at any time. Visit <http://www.fesb.hr/~mateljan/arta/> for details on obtaining this power software.

<sup>1</sup> If permitted as a special event under KW Code Sec. 6.86



RANK  
8/5/09  
MCCM  
8/5/09



PROPOSED FLOOR PLAN  
3/8/13

A1

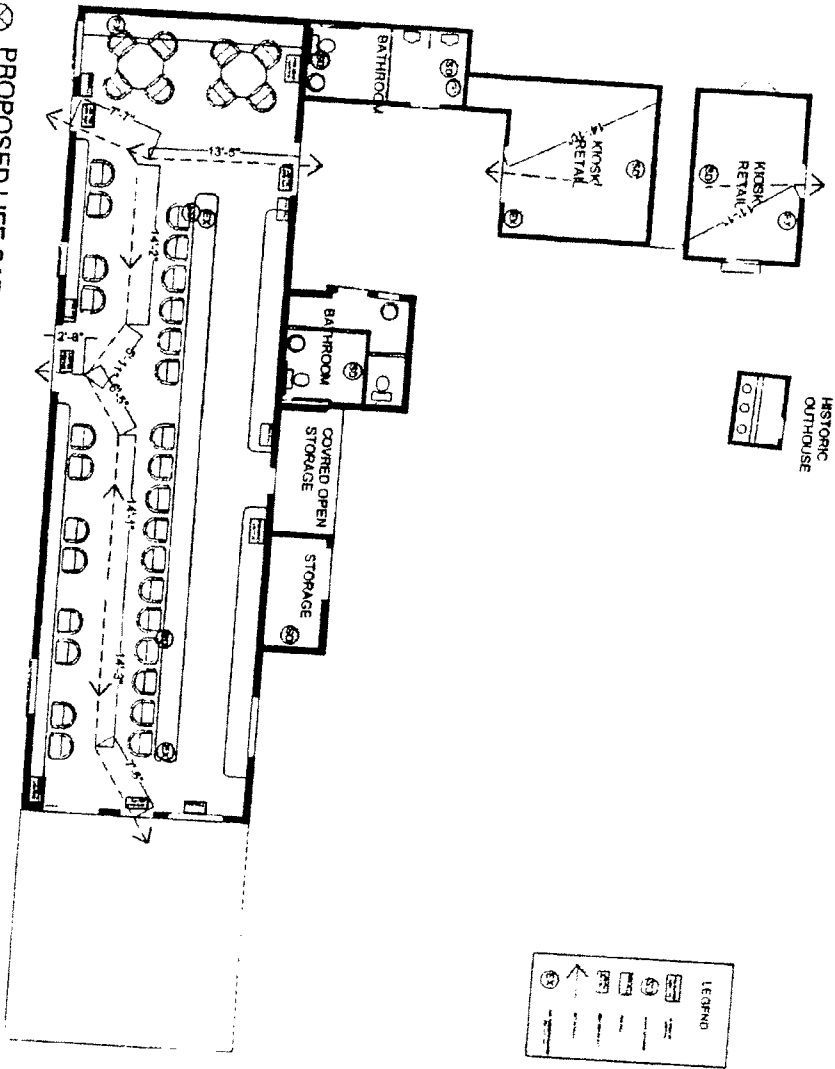
Carlos O. Rojas, AIA  
512 Greene Street  
Key West, Florida 33040



RMK  
8/5/09  
AKM  
8/5/09



PROPOSED LIFE SAFETY PLAN  
3/15/10



F1

DATE	DESCRIPTION

Carlos O. Rojas, AIA  
512 Greene Street  
Key West, Florida 33040



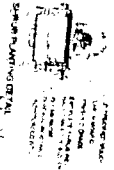
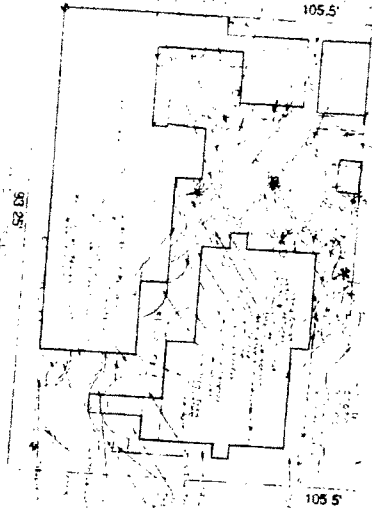

RJK  
8/5/09  
ACCA  
8/5/09

512 GREENE STREET  
KEY WEST, FL



4001 S. BAYVIEW WAY  
SUITE 1200  
MIAMI, FL 33133  
TEL: 305.371.1111  
WWW.HANDMONTE.COM

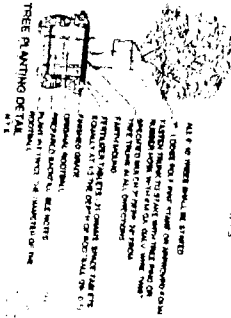
PROPOSED LANDSCAPE  
AND HARDSCAPE PLAN



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*Handwritten notes:*  
PINK  
9/5/09  
ACCESS  
8/15/09