

**PLANNING BOARD RESOLUTION  
2011-025**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD  
GRANTING VARIANCES TO IMPERVIOUS SURFACE  
RATIO IN THE HPS ZONING DISTRICT PER SECTION 122-  
960(4)b. OPEN SPACE REQUIREMENTS PER SECTION 108-  
346(b), AND COASTAL CONSTRUCTION CONTROL LINE  
SETBACK REQUIREMENTS PER SECTION 122-1148(2) FOR  
PROPERTY LOCATED AT MALLORY SQUARE (RE#  
00072082-001100, 00072082-001400 and 0072082-003700),  
UNDER THE CODE OF ORDINANCES OF THE CITY OF  
KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE  
DATE.**

**WHEREAS**, Code Section 90-391 allows applicants to request variances from the Planning Board; and

**WHEREAS**, Section 122-960 (4)b. of the Code of Ordinances provides that the maximum dimensional requirements for impervious surface ratio in the HPS zoning district is 50%; and

**WHEREAS**, the applicant requested a variance to impervious surface ratio to allow redevelopment of proposed leasehold portions of Mallory Square; and

**WHEREAS**, Section 108 -346(b) of the Code of Ordinances provides that minimum open space requirements for a commercial property are 20%; and

**WHEREAS**, the applicant requested a variance to open space requirements to allow redevelopment of proposed leasehold portions of Mallory Square; and

**Page 1 of 6  
Resolution Number 2011-025**



Chairman



Planning Director

**WHEREAS**, Section 122-1148(2) of the Code of Ordinances provides that the maximum dimensional requirements for the Coastal Control Line setback requirements at Mallory Square is 30 feet; and

**WHEREAS**, the applicant requested a variance to Coastal Control Line setback requirements to allow redevelopment of proposed leasehold portions of Mallory Square; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on June 16, 2011; and

**WHEREAS**, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and 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 Planning 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

Page 2 of 6  
Resolution Number 2011-025

ChairmanPlanning Director

**WHEREAS**, the Planning Board finds that the 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 Planning 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 Planning 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 Planning Board finds that no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

**WHEREAS**, the Planning Board finds that the applicant has demonstrated a "good neighbor policy" by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those neighbors;

**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 the variances for impervious surface ratio requirements in the HPS zoning district per Section 122-960(4)b., open space requirements per Section 108-346(b), and Coastal Construction Control Line requirements for the redevelopment of a restaurant located in Mallory Square per Section 122-1148(2), of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida (RE# 00072082-001100, 00072082-001400 and 0072082-003700), as shown on the attached plan set revised June 3, 2010 and date stamped June 6, 2011, with the following condition:

1. That the application for a Major Development Plan with conditions is approved.

**Section 3.** It is a condition of this variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which the variance is wholly or partly necessary 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 submit a full and complete application for permits for new construction for which this variance is wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 3 hereof, shall immediately operate to terminate this variance, 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.

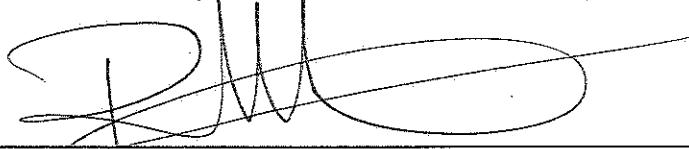
**Section 6.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**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 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 meeting held this 16th day of June, 2011.

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



6/20/2011

Date

Richard Klitenick, Chairman  
Key West Planning Board

Attest:

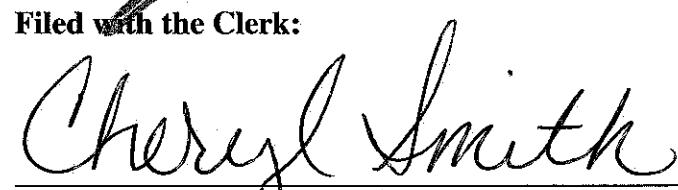


6/17/11

Date

Donald L. Craig, AICP  
Planning Director

Filed with the Clerk:



6-21-11

Date

Cheryl Smith, City Clerk

WILLIAM P. HORN  
ARCHITECT, P.A.

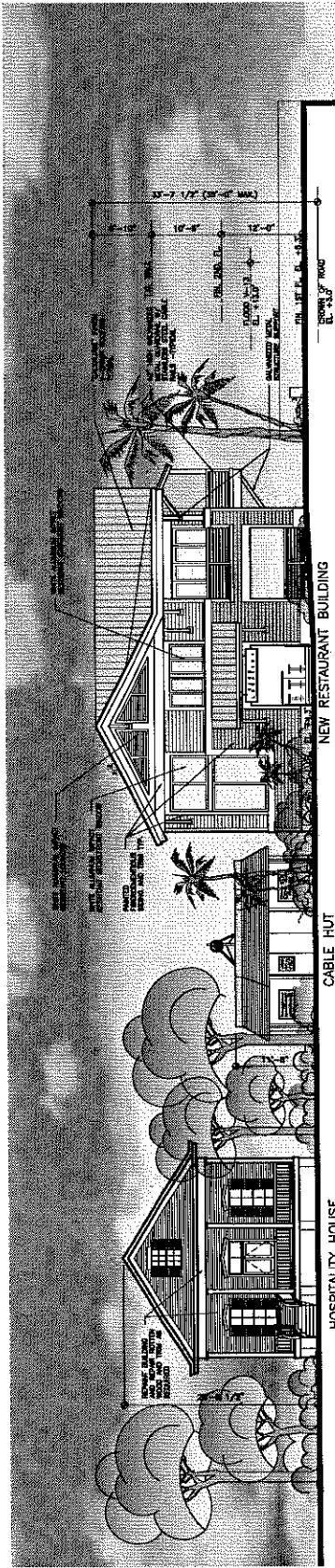
915 CAYTON ST.  
KEY WEST,  
FLORIDA  
33040

**Florida**  
PAUL R. SEMERAK, P.E.  
P.E., CCM  
LICENSING NO.  
A133300  
TEL: (800) 285-5232  
FAX: (305) 296-1183  
STEERAGE BOULEVARD  
MIAMI, FLORIDA 33132  
TELEFAX: (305) 296-1183

MALLORY  
SQUARE  
RESTAURANT  
MALLORY DOCK  
KEY WEST, FLA.

۱۴۳

# MALLORY SQUARE RESTAURANT KEY WEST, FLORIDA



DRAWING LIST	
SHR. NO.	DESCRIPTION
T-1	COVER SHEET
A-1	FROZEN SITE PLAN 1"=1'-0"
A-1	PROPOSED SITE PLAN 1"=1'-0"
A-2	FIRST FLOOR PLAN 1"=1'-0"
A-3	SECOND FLOOR PLAN 1"=1'-0"
A-4	ELEVATIONS
A-5	EXISTING TREE DISPOSITION PLAN
L-1	EXISTING BASE PLAN
L-2	PLANTING PLAN
L-2	PLANTING NOTES & DETAILS
C-1	DRAINAGE PLAN
SU-1	SURVEY
EX-1	EXISTING SITE PLAN 1"=1'-0"
EX-1	EXISTING SITE PLAN 1"=1'-0"
EX-2	EXISTING FIRST FLOOR PLAN 1"=1'-0"
D-1	DEMOLITION PLAN 1"=1'-0"
A-1a	SITE PLAN - LANDSCAPE SURFACE FOOTING
A-2a	CONSTRUCTION AREA 1ST & 2ND FLOOR
A-2b	CONSTRUCTION AREA 1ST & 2ND FLOOR
EX-2a	EXISTING ROOF PLAN

KEY PERSONNEL	
ASSESSMENT, WILLIAM A. HORN ARCHITECT, P.A. 105 S. 20TH ST., SUITE 1000 PHILADELPHIA, PA. 19103-3000	DRAFTER/DESIGNER, SARAH E. SIEGEL, P.E. 105 S. 20TH ST., SUITE 1000 PHILADELPHIA, PA. 19103-3000
LANDSCAPE CONSULTANT; ELIZABETH VENLAND LANDSCAPE ARCHITECTURE, LLC 73 NORTH 20TH AVENUE PHILADELPHIA, PA. 19103-3000	LAWYER; CHRISTOPHER J. KELLY, KELLY, KELLY & CO., LTD. 105 S. 20TH ST., SUITE 1000 PHILADELPHIA, PA. 19103-3000
LAND SURVEYING INC., ENGINEERS PLANNERS AND SURVEYORS INC. 105 S. 20TH ST., SUITE 1000 PHILADELPHIA, PA. 19103-3000	CIVIL ENGINEERING; PLANNING; AND ASSOCIATES, INC. 105 S. 20TH ST., SUITE 1000 PHILADELPHIA, PA. 19103-3000
SUBDIVISIONS, SURVEYING INC., 105 S. 20TH ST., SUITE 1000 PHILADELPHIA, PA. 19103-3000	LAND SURVEYING INC., ENGINEERS PLANNERS AND SURVEYORS INC. 105 S. 20TH ST., SUITE 1000 PHILADELPHIA, PA. 19103-3000

MALLORY SQUARE RESTAURANT  
MALLORY DOCK  
KEY WEST, FLORIDA







WILLIAM P. HORN  
ARCHITECT, P.A.

915 EATON ST.  
KEY WEST,  
FLORIDA  
33040

TEL. (346) 282-8332

१०८

800

PAUL R. SEMMES CP.A.  
P.A. SERVICES  
100 CRANE BOULEVARD  
SUICURONI, FL 33771-3000

MALLORY  
SQUARE  
RESTAURANT  
MALLORY DOCK  
KEY WEST, FLORIDA.

SEAL

DATE	REVISIONS	DRAWN BY
06-08-10	HARC	
08-03-10	HARC RE	
08-31-10	HARC RE	
10-01-10	DRC	
11-05-10	PL BD.	
03-11-11	HARC RE	
	& PL. BD.	
05-09-11	HARC RE	
05-20-11	PL. BD. RE	

108

A-3

RECEIVED  
June 6, 2011  
KW Planning Dpt

**MALLORY SQUARE RESTAURANT  
MALLORY DOCK  
KEY WEST, FLORIDA**

**RECEIVED**  
June 6, 2011  
KW Planning Dept

WILLIAM P. HORN  
ARCHITECT, P.A.

BISLEYTON ST.  
KEY WEST,  
FLORIDA  
33040

TEL: 305/256-4912  
FAX: 305/256-1039

LICENS No.

A.07004

**Saltair Inn**  
PAUL R. SEMMERS, P.E.  
P.E. #23100  
COURTNEA HOLDEN  
SHAWN CAT STRICKER  
CA. #2322

MALLORY  
SQUARE  
SQUARES  
RESTAURANT  
MALLORY DOCK  
KEY WEST, FLORIDA

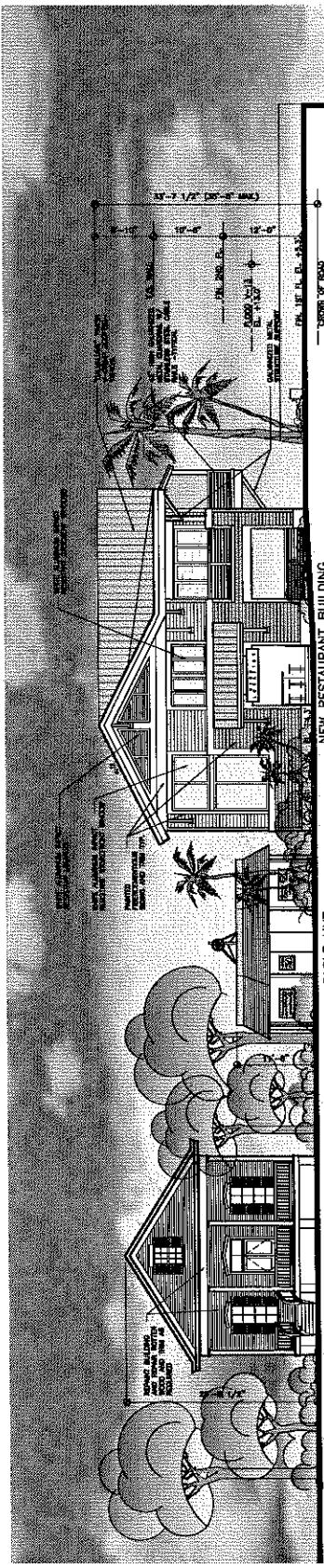
SEAL \_\_\_\_\_

DATE \_\_\_\_\_  
05-03-10  
08-09-10 HAR/C  
09-31-10 HAR/C REV.  
10-01-10 DRC  
11-05-10 PL.BD.  
  
REVISIONS  
05-11-11 HAR/C REV.  
05-09-11 HAR/C REV.  
05-20-11 PL.BD. REV.

DRAWN BY \_\_\_\_\_  
EMA  
  
PROJECT  
NUMBER  
1006

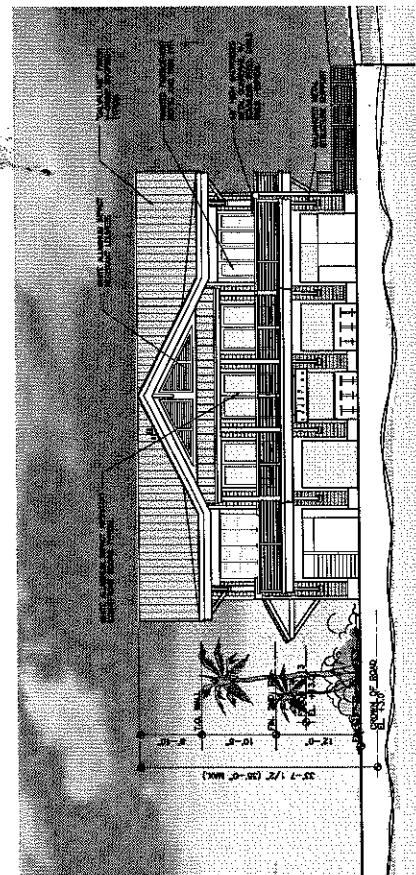
A-4

**MALLORY SQUARE RESTAURANT**  
MALLORY DOCK  
KEY WEST, FLORIDA



**PROPOSED NORTH ELEVATION**

SCALE 1/8"=1'-0"



**PROPOSED WEST ELEVATION**

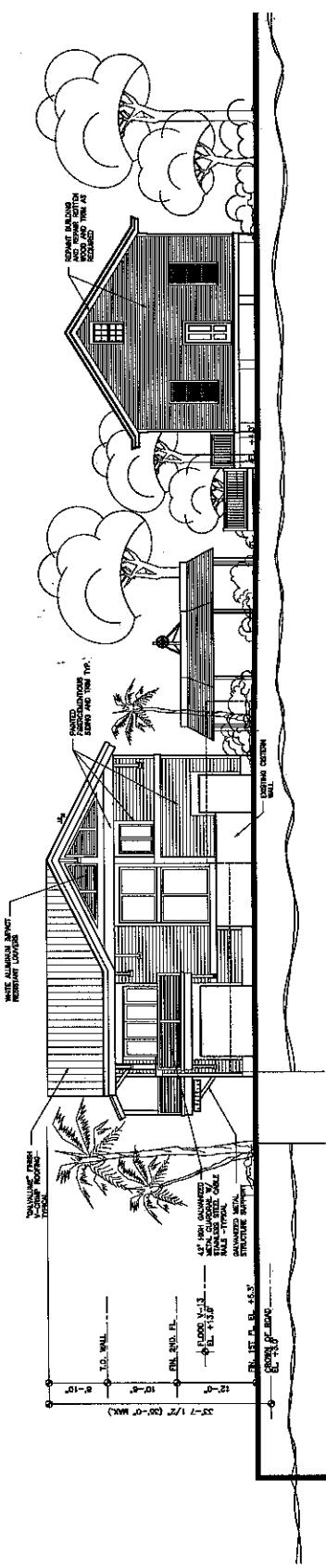
SCALE 1/8"=1'-0"

R  
C

WILLIAM P. HORN  
ARCHITECT, P.A.

**ScotTech**  
KEY WEST,  
FLORIDA  
33040  
TEL: (305) 264-5212  
FAX: 305-264-1033  
LICENSE NO.  
MA 0000000  
PFB CIRCUS  
1000 BROADWAY  
SUITE 1000  
NEW YORK, NY 10036  
TELE: (212) 557-1000  
FAX: (212) 557-1001  
E-MAIL: PFB@AOL.COM  
WWW: [WWW.PFB.COM](http://WWW.PFB.COM)

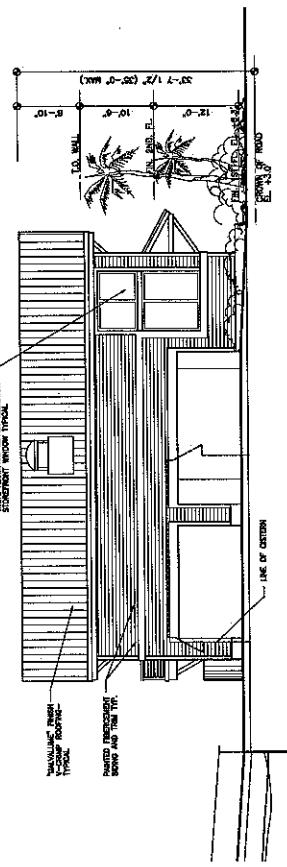
**RECEIVED** \_\_\_\_\_  
June 6, 2011  
**KW Publishing Dpt**



**PROPOSED SOUTH ELEVATION**

SEAL

DATE	06-10-10	08-10-10	08-10-10	08-10-10	08-10-10
	HARC	HARC	HARC	HARC	HARC
	REV.	REV.	REV.	REV.	REV.
REVISIONS	03-11-11 HARC REV. 03-11-11 HARC REV. 03-11-11 HARC REV.				
DRAWN BY	E.P.D. REV. E.P.D. REV. E.P.D. REV.				
PROJECT NUMBER	1006				



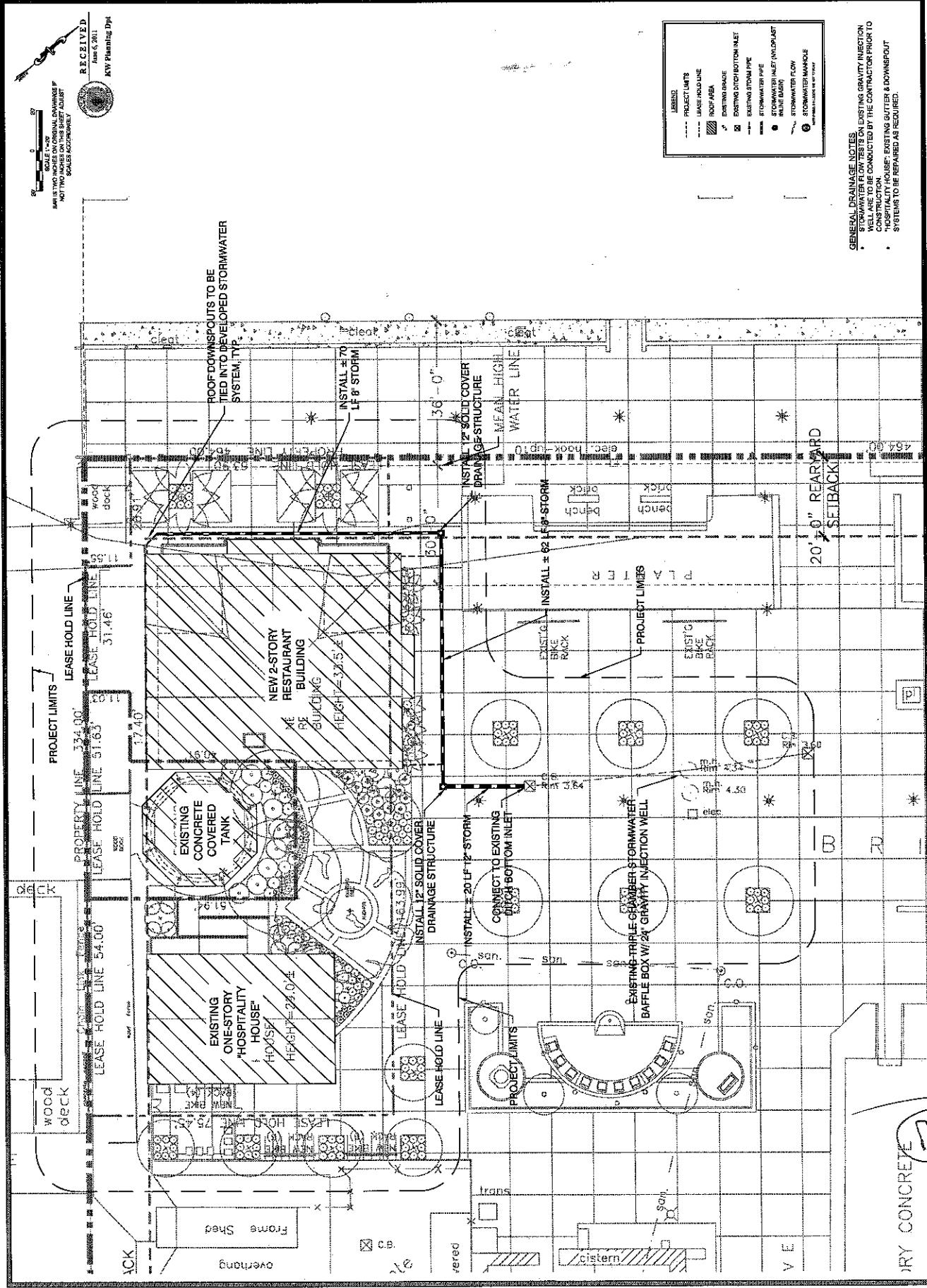
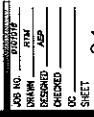
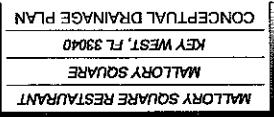
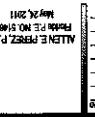
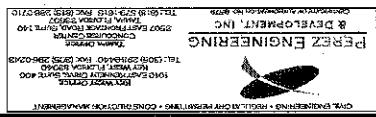
PROPOSED EAST ELEVATION







Now, however, it is clear that the new law will not be effective in preventing the kind of conduct that led to the financial crisis. The reason is that the new law does not change the underlying incentives that drive the banking industry. In fact, the new law may even exacerbate some of these incentives. For example, the new law allows banks to keep more of their profits, which can lead to a greater focus on short-term gains rather than long-term stability. It also allows banks to take on more risk, which can lead to a greater likelihood of failure. In addition, the new law does not address the issue of executive compensation, which has been a major factor in the recent financial crisis. As a result, the new law is unlikely to have the intended effect of preventing another financial crisis.





WILLIAM P. HORN  
ARCHITECT, P.A.

618 BATTON ST.  
KNOXVILLE,  
FLORIDA  
33340  
TEL. 320-2081-8101

**scratches**  
PAUL R. SERKES, S.P.E.  
P.E. 13343  
222 CRANE BOUL EVARD  
SUGARLOAF, MINNESOTA  
320-2277  
C.A. 00000

MALLORY  
SQUARE  
RESTAURANT  
MALLORY DOCK  
KEY WEST, FLORIDA.

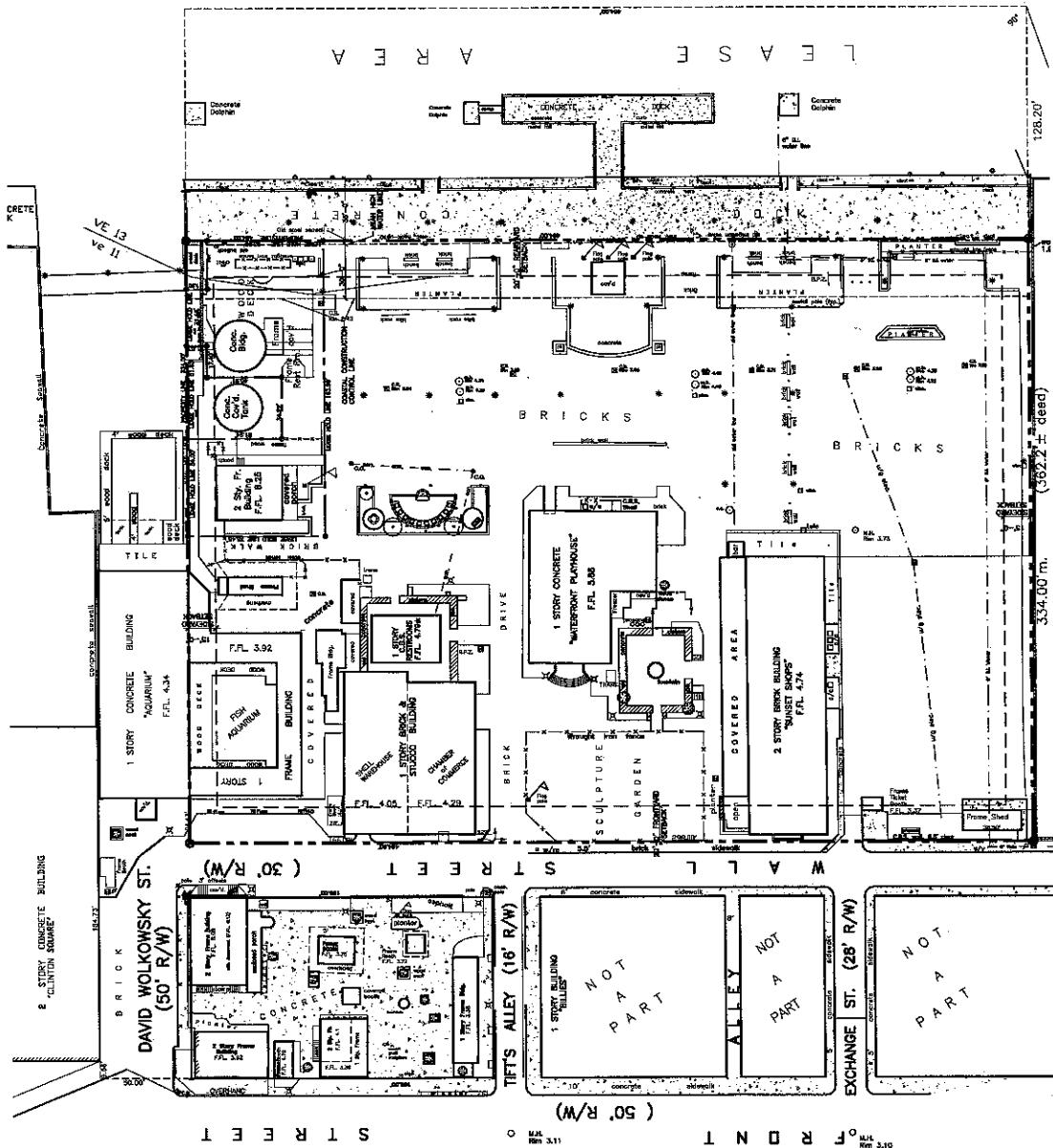
10

DATE 06-05-10  
08-05-10 HARC  
08-05-10 HARC REV.  
10-01-10 DRC  
11-05-11 PL BD.  
  
 REVISIONS 03-11-11 HAR BEV & PL. BD. REV.  
05-05-11 HARC REV.  
05-20-11 PL. BD. REV.  
  
 DRAWN BY EBA

1005

EX-1

# M A I N   S H I P   C H A N N E L



**EXISTING SITE PLAN**

---

SCALE: 1" = 30'-0"

ALL SITE INFORMATION OBTAINED FROM SURVEY  
BY ISLAND SURVEYING, INC. ON 1/28/10

**MALLORY SQUARE RESTAURANT**  
MALLORY DOCK  
KEY WEST, FLORIDA

WILLIAM P. HORN  
ARCHITECT, P.A.

Planning Dept  
IITW, Pune

35 BAYTON ST.  
KEY WEST,  
FLORIDA  
\$300  
TELE: 335-298-2828  
FAX: 335-296-1168

卷之三

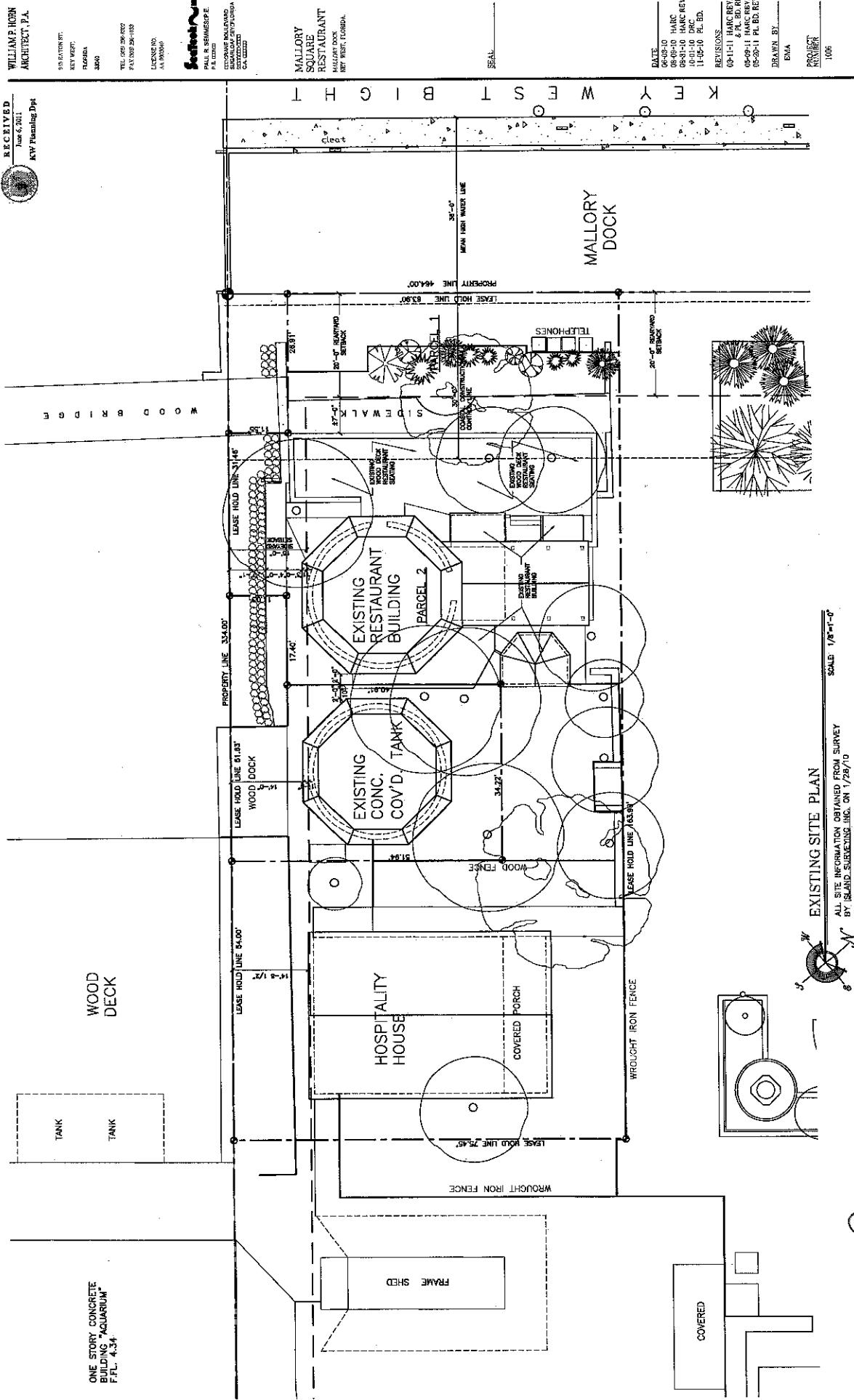
**MALLORY  
SQUARE  
RESTAURANT**

1035

DATE	REVISIONS	DATE	REVISIONS
05-03-10		03-11-11	HARC REV. & PL. BD. REV.
05-05-10	HARC	05-09-11	HARC REV.
05-31-10	HARC REV.	05-20-11	PL. BD. REV.
10-01-10	DRC		
11-05-10	PL. BD.		

NUMBER

EX-1.]



**MALLORY SQUARE RESTAURANT**  
MALLORY DOCK  
KEY WEST, FLORIDA

WILLIAM HORN  
ARCHITECT, P.A.

S.E. DIAZ & ST.  
KEY WEST,  
FLORIDA  
33040

TEL. (305) 297-8322  
FAX (305) 297-1827

LICENSE NO.

A. W. WOOD



PAUL R. SEBASTIANE,  
P.L. LICEN.  
COCOON BOUTIQUE  
RESTAURANT  
DOCK  
CA. #1000

MALLORY  
SQUARE  
RESTAURANT  
MALLORY DOCK  
KEY WEST, FLORIDA.

SEAL \_\_\_\_\_

RECEIVED  
K.W. Planning Dept  
June 6, 2011



EX-2

RECEIVED  
WILLIAM P. HORN  
ARCHITECT, P.A.  
June 6, 2011  
KW Planning Dps

616 EATON ST.  
KEY WEST,  
FLORIDA

3204

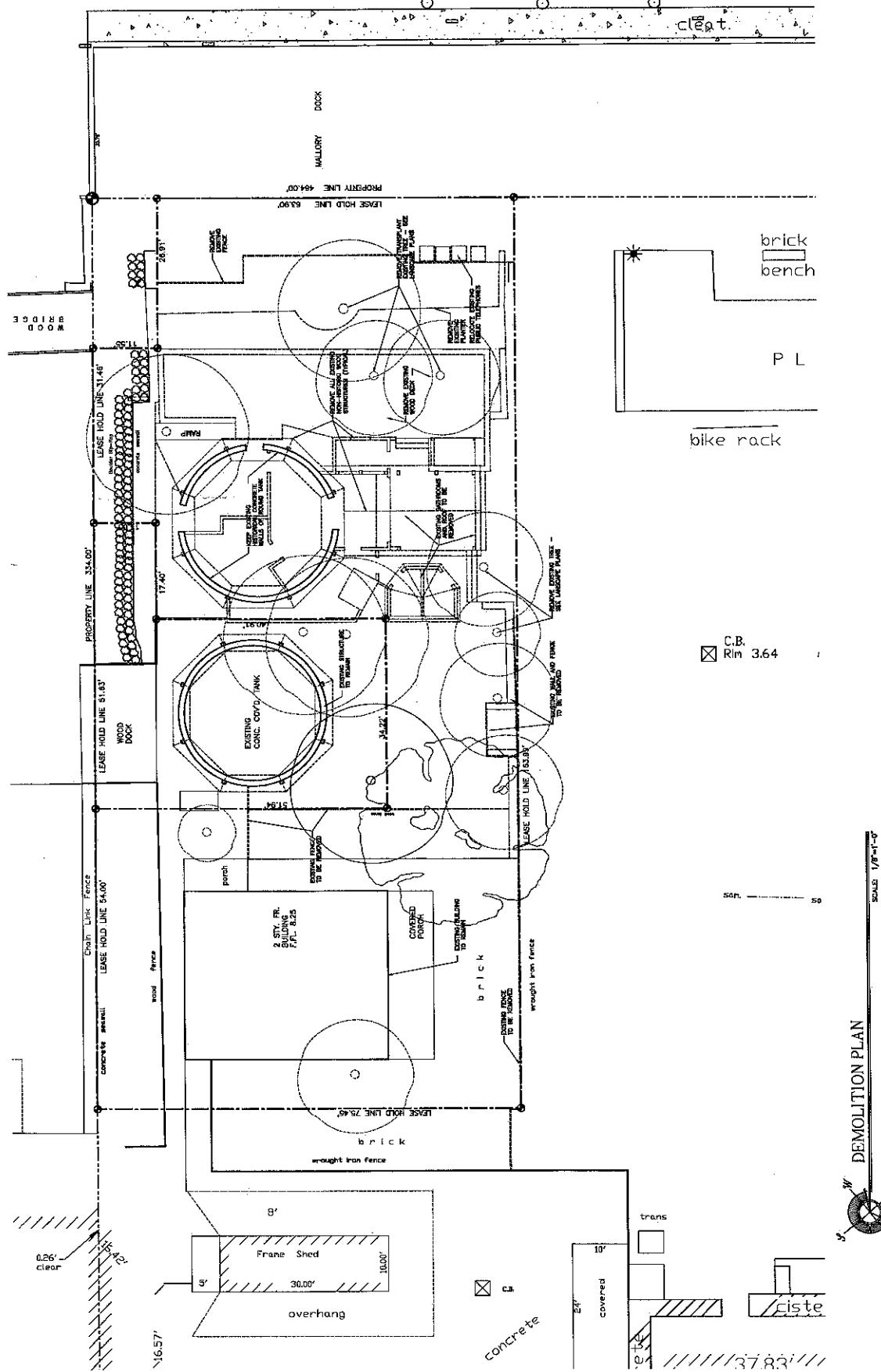
MALLORY  
SQUARE  
RESTAURANT  
MALLORY DOCK  
KEY WEST, FLORIDA.

854

DATE 06-03-10 HARC  
REVISIONS 03-11-1 HARC REV  
4 & PL. BD. REV  
08-09-10 HARC REV  
10-01-10 CRC  
11-05-11 PL. BD.  
DRAWN BY EMA  
PROJECT

1001

1



WILLIAM P. HORN  
ARCHITECT, P.A.

232-2885 200-284  
48844  
WEST, GATTON ST.

REUTTER &  
SCHWEITZER  
INC.  
1000 BROADWAY  
NEW YORK 22-1131

MALLORY  
SQUARE  
RESTAURANT  
MALLORY DOCK,  
WEST, FLORIDA.

三

DATE \_\_\_\_\_  
6-03-10 HARC  
6-08-10 HARC  
8-11-10 HARC REV.  
9-01-10 DRC  
1-05-10 PL. BD.  
EXHIBITS \_\_\_\_\_  
3-3-11 HARC REV.  
& PL. BD. REV.  
4-08-11 HARC REV.  
5-20-11 PL. BD. REV.  
DRAWN BY \_\_\_\_\_  
EAM.  
PROJECT NUMBER \_\_\_\_\_  
1066

**RECEIVED**  
June 6, 2011  
K.W. Planning Dept.

**RECEIVED**  
June 6, 2011  
**KW Planning Dept.**

PROPOSED SITE PLAN - LANDSCAPE SQUATAGE BREAKDOWN

ALL SITE INFORMATION OBTAINED FROM SURVEY  
BY ISLAND SURVEYING INC. ON 1/28/10

卷之三

卷之三

111

104

14

MALLORY SQUARE RESTAURANT  
MALLORY DOCK  
Key West, FL 33040





WILLIAM P. HORN  
ARCHITECT, P.A.

RECEIVED  
June 6, 2011  
KJV Publishing Dept.

916 EASTERN ST.  
KEY WEST,  
FLORIDA  
\$3000

TEL. 395-296-332  
FAX 395-296-1157

**Scattone's**  
PAUL R. SEMMERS, P.E.  
P.S.E.D.C.T.D.  
112 CRANE BOULEVARD  
SUITE 600, NEW YORK, NY 10036  
(212) 537-1000

MALLORY  
SQUARE  
RESTAURANT  
MALLORY DOCK  
NEW WEST, FLORIDA.

SC 41

PROJECT  
NUMBER 1061

A circular label with the text "EX-2a" in the center, surrounded by a radial pattern of lines.

MALLORY SQUARE RESTAURANT  
MALLORY DOCK  
KEY WEST, FLORIDA

