

**PLANNING BOARD RESOLUTION
No. 2001-021**

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD PURSUANT TO SECTIONS 4-18.3
AND 2-6.3 OF THE LAND DEVELOPMENT
REGULATIONS RECOMMENDING APPROVAL BY THE
CITY COMMISSION OF AN APPLICATION FOR A
MAJOR DEVELOPMENT PLAN FOR A FOURTEEN UNIT
GUESTHOUSE COMPLEX, POOL, OUTDOOR PAVILION,
AND INDOOR SUNDRIES SHOP AND FOR A
CONDITIONAL USE FOR A MUSEUM TO BE OPERATED
ON THE GROUND FLOOR OF THE MAIN GUESTHOUSE
AT 1400 DUVAL STREET (THE SOUTHERNMOST
HOUSE) ON PARCELS IDENTIFIED AS RE#00036360-
000000, 00036370-000000; PROVIDING FOR
CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the owner of 1400 Duval Street, Matilde Ramos, by and through her agent Michael Halpern as applicant, filed an application for a Major Development Plan and Conditional Use on August 6, 2001, for a project to include fourteen guesthouse units, a pool, cafe, sundries shop, and museum; and

WHEREAS, the parcels to be developed are identified as RE#00036360-000000 and RE#00036370-000000; and

WHEREAS, the parcels are located in the HCT (Historic Commercial Tourist) zoning district in which zone transient lodging is a permitted use and cultural and civic activities (the museum) are a conditional use; and

WHEREAS, the project received numerous HARC approvals between 1997 and 1998 for changes to the single family building, out buildings, and fencing with the major guesthouse and additions and pool approved in HARC resolution 1-17197-97, on January 13, 1997, for the renovation of the main house with 9 units, a pool and gardens; and

WHEREAS, the plans presented to the Planning Board showed three units in the beach house and two units in the guest house; and

WHEREAS, the construction of ten or more units requires Development Plan approval; and

WHEREAS, the applicant has already redesigned and remodeled the single family home according to commercial standards into a facility with nine units in the main house, three units in the beach house and 2 units in the guest house which can be used as fourteen separate units with a pool and pavilion; and

WHEREAS, the project was reviewed by the Development Review Committee on August 30, 2001, at which time the applicant withdrew his request to have parking across the street at 1401 Duval Street; and

WHEREAS, the Development Review Committee had the following comments:
"DRC Comments:

1. Must be ADA accessible – i.e. needs a ramp for handicapped access.
2. Trim trees up to 8 feet so that they don't interfere with pedestrians.
3. Storm water runoff must be addressed.
4. Traffic entrance to be on South Street and exit on Duval Street.
5. CES has a concrete utility pole located in the sidewalk near the exit from proposed parking area - applicant may need to adjust exit if conflict. (Written Comment)
6. Should any additional water using fixtures be added, additional System Development Fees will be required. (Written comment)"

WHEREAS, after due public notice, including the mailing of notices to property owners within three hundred feet, the Planning Board held a regular meeting on September 20, 2001; and

WHEREAS, the parcel has one, single family ROGO unit currently; and

WHEREAS, the Planning Board has no authority to dispense ROGO units; and

WHEREAS, at this time the City does not have any ROGO awards for transient units; however, it is possible to purchase and transfer units to this location pursuant to Ordinance 99-26 which specifically allows units to be transferred in to the "V zone" if the transfer would not produce new construction; and

WHEREAS, the Planning Board considered this matter for site plan and development plan suitability; and

WHEREAS, the staff report by City Planner Ty Symroski made the following recommendations:

1. The museum hours be limited from 10:00 AM to 6:00 pm. The purpose of this condition is to eliminate the prospect of the parking interfering with motel parking at night.

2. The food and beverage service be limited to guests staying in the 14 transient units when the museum is closed. The purpose of this is to assure the bar pavilion will not have the prospect of becoming a bar or lounge. This also will eliminate the need for required parking.
3. Events at the resort be limited to 9:00 PM on week days and 10:00 PM on weekend and holiday nights with an hour for cleanup. This is to reduce the impact on the neighbors.
4. At least 10 bicycle parking spaces are provided and a variance is granted to allow this as a substitution for the 17th parking space that is required. This will eliminate the requirement to encumber the 1401 Duval property.
5. The project is made ADA accessible including access to the museum and to at least one guest unit.

WHEREAS, there is an extensive collection of historic documents including those from the Presidents of the United States and Queen Isabella of Spain which the owner will put on exhibit; and

WHEREAS, this exhibit will be open free of charge to the schoolchildren of Monroe County and one month a year to the residents of Key West; and

WHEREAS, Mr. Hugh Morgan, the adjacent neighbor living at 404 South Street spoke at the meeting and had the following concerns:

1. The noise from the 13 air conditioner units placed at the setback adjacent to his property.
2. The double lattice work on the chain link fence.
3. Possible spa in the rear of the guesthouse.
4. Raised structure marked on the plans.
5. Deck and spiral stair marked on the building called "beach house."
6. Whether there would be parking at 1401 Duval Street.
7. The hours allowed for serving alcohol outside.
8. Hours for serving food outside.
9. The number of parking spaces required.
10. The presence of a kitchen on site.

WHEREAS, the Planning Board members had the same list of concerns with the addition of:

11. The access directly to the cafe from the street entrance.
12. The obtaining of the transient units; and

WHEREAS, the Board members discussed these concerns with the parties who agreed as follows:

1. Mr. Halpern will do whatever HARC will allow him do to muffle the air conditioning.
 2. There will be no spa, raised structure, deck or spiral staircase.
 3. There will be no other structures that are not already built.
 4. There will be no parking at 1401 Duval Street.
 5. The hours for serving alcohol outside to museum guests will be until 6 PM and to hotel guests until 9 PM outside.
 6. The hours for serving food outside to museum guests will be until 6 PM and to hotel guests until 9 PM outside.
 7. There is no kitchen, and there will be no kitchen on site.
 8. There will be landscaping preventing access directly to the cafe from the street, requiring the public to go directly to the museum or to check in as guests.
 9. Mr. Halpern agreed to call the café building a "pavilion" so that it was clearly an accessory use.
- and

WHEREAS, the applicant stated that the building would be ADA accessible with a mobile handicapped ramp and would also have bicycle racks; and

WHEREAS, Member Armstrong clarified that the retail shop was in the main building and sold only sundries and items with the Southernmost House logo; and

WHEREAS, the drawings being considered are as follows:

DRAWING	By	Date	Revised	Page
Survey	Phillips & Trice	March 15, 1973		B-179
Site Plan	Thomas E. Pope, P.A., Architect	09-4-97 Received 09-06-01	10-8-97	1
Landscape Plan	Not identified	Received 09-06-01		Not identified

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

Section 1. To recommend approval to the City Commission of the City of Key West of the Application for Conditional Use and Major

Development Plan for the Conversion of the Southernmost House, 1400 Duval Street to a 14 unit guest house and a museum with a pavilion for accessory food and beverage service and a sundries store in the main building with the following conditions:

1. Recommendations from the City Planner's report dated September 14, 2001 shall be incorporated as follows:

i. The museum hours be limited from 10:00 AM to 6:00 pm. The purpose of this condition is to eliminate the prospect of the parking interfering with motel parking at night.

ii. The food and beverage service be limited to guests staying in the 14 transient units when the museum is closed. The purpose of this is to assure the bar pavilion will not have the prospect of becoming a bar or lounge. This also will eliminate the need for required parking.

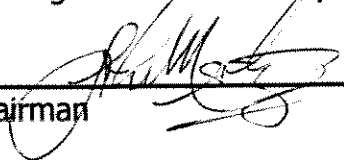
iii. At least 10 bicycle parking spaces are provided and a variance is granted to allow this as a substitution for the 17th parking space that is required. This will eliminate the requirement to encumber the 1401 Duval property.

iv. The project is made ADA accessible, including access to the museum and to at least one guest unit.

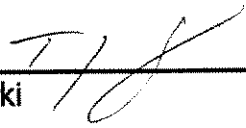
- 2. The applicant must provide reasonable sound buffering for the air conditioning units.**
- 3. The applicant must not allow any roof access to the existing beach house and guesthouse as those are identified on the site plan.**
- 4. All outside service of alcohol and food is prohibited after 9:00 PM seven nights a week.**
- 5. There shall be no spa or any type of construction to the right of the existing beach house north of the chain link fence.**
- 6. There shall be no amplified sound after 9:00 PM.**
- 7. There shall be a landscape barrier to direct people into the museum to prevent entry directly into the pavilion.**
- 8. The retail shop shall be in the main building and shall sell sundries typically sold in a store in a resort, such as shampoo and newspapers, as well as the items with the Southernmost House logo.**

Section 2. That this resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the Chairman of the Planning Board and City Planner.

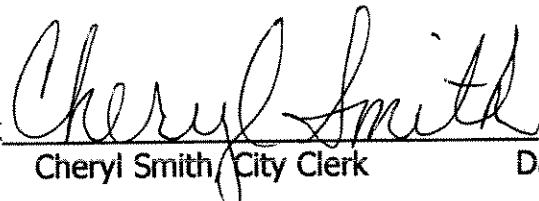
Passed at a meeting held this 20th day of September, 2001.



John Mertz, Chairman 10/25/01
Date
Key West Planning Board

ATTEST:


Ty Symroski 10/27/2-1
Date

City Planner
Filed with the Clerk  10-25-01
Cheryl Smith City Clerk Date