

**RESOLUTION NUMBER 2010-024**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING APPROVAL OF A MAJOR MODIFICATION TO A MAJOR DEVELOPMENT PLAN APPROVAL AND GRANTING APPROVAL OF MODIFICATIONS TO REQUIRED AISLE WIDTH AND PARKING STALL SIZE FOR PROPERTY LOCATED AT 512 GREENE 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 108-91C(3) and (4) of the Code of Ordinances allows applicants to request Major Modifications to Major Development Plans including changes to specific conditions of development approvals and those requests are required to be treated in the same manner as the original approval; and

**WHEREAS**, the original Major Development Plan and Conditional Use proposal was recommended for approval by the Planning Board through Resolution 2009-030 and was subsequently approved by the City Commission on October 13, 2009 through Resolution 09-242; and

\_\_\_\_\_Chairman

\_\_\_\_\_Planning Director

**WHEREAS,** the applicant requested to modify the design of the Major Development Plan and modify conditions six and seven of City Commission approval 09-242; and

**WHEREAS,** Section 108-641 requires that isle widths for parking lots designed at a 90 degree angle be 24' wide and the stalls be 9' by 18'; and

**WHEREAS,** Section 108-641 provides a footnote allowing modifications to the aisle width and stall size requirement be approved by the City Commission, guided by the Architectural Graphics of Ramsey and Sleeper, in conjunction with the City Engineer recommendation; and

**WHEREAS,** the applicant requested a modified aisle width of 20'7" and compact parking sized stalls of 9'6" by 15'; and

**WHEREAS,** this matter came before the Planning Board at a duly noticed public hearing on June 17, 2010; 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 Modification to the

\_\_\_\_\_Chairman

\_\_\_\_\_Planning Director

Major Development Plan is 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 granting of a modified parking aisle width and parking stall size is consistent with the criteria in the code; 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 Modification to a Major Development Plan for the redesign of the approved parking lot to eliminate an access easement and relocate the garbage area, including the modification of conditions number six and seven of approval (Resolution 09-242) per Section 108-91C(3) and (4), and modifications to required aisle width and parking stall size per Section 108-641, under the Code of Ordinances of the City of Key West, Florida, is hereby recommended for City Commission approval for property located at 512 Greene Street (RE#00001170-000000), as shown

\_\_\_\_\_Chairman

\_\_\_\_\_Planning Director

in the attached site plans dated May 26, 2010, with conditions as follows:

1. The parking lot shall be used for handicap parking and compact cars only.
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, 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 real time monitoring access is provided to the City.
4. Prior to the issuance of the Certificate of Occupancy City Staff will confirm that the sound system is functioning as provided for in Condition 3.
5. The applicant expressly agrees to provide the City's agents unfettered access to the computer-generated reports and full, real-time web-based access to the digital monitoring of on-site acoustics for the purpose of assuring compliance with the conditions contained herein.
6. There will be no live music, disc jockeys, or karaoke anywhere on the site unless located indoors and approved under a special event permit per Section 6-86 of the Code of Ordinances. Under no circumstances will these venues be allowed outdoors.
7. Security cameras will be provided on site and security personnel will be present during the hours of operation.
8. Waste handling shall be consistent with the Solid Waste Management plan dated April 16, 2010. The applicant will recycle materials accepted by the city’s waste handling contractor.
9. Compliance with the plans dated May 26, 2010, is a condition of approval and specifically incorporated herein; except that the applicant will modify the site plan and landscape plan to provide a fixed barrier and vegetative buffer to prevent vehicular access but allow pedestrian access no less than six feet in width in the area on the site plan dated May 26, 2010, labeled as Future Landscape Area.

\_\_\_\_\_Chairman

\_\_\_\_\_Planning Director

10. No outdoor consumption area has been approved.

**Section 3.** Full, complete, and final application for all permits required for which this 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 Modification to a 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 meeting held this 17 day of June, 2010.

\_\_\_\_\_Chairman

\_\_\_\_\_Planning Director

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

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Richard Klitenick, Chairman  
Key West Planning Board

Date

**Attest:**

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Amy Kimball-Murley, AICP  
Planning Director

Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

Date

\_\_\_\_\_Chairman

\_\_\_\_\_Planning Director