



**PLANNING BOARD
RESOLUTION No. 2014-10**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING APPROVAL OF A MINOR DEVELOPMENT PLAN FOR THE REDEVELOPMENT TO CONVERT 2,422 SQUARE FEET OF OFFICE SPACE AT 524 EATON STREET (RE#00006500-000100, AK#8792239) TO BE USED IN CONJUNCTION WITH THE EXISTING THEATER AT 512 EATON STREET (RE#00006500-000000, AK#1006734) AND CONVERT THE REMAINING COMMERCIAL FLOOR AREA INTO A SINGLE-FAMILY DWELLING UNIT AT PROPERTY LOCATED AT 524 EATON STREET & PERSUANT TO SECTION 108-91 (A.)(1) (b.) OF THE LAND DEVELOPMENT REGULATIONS OF KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is located in the Historic Neighborhood Commercial, (HNC-1), zoning district; and

WHEREAS, Section 108-91 A(1).(a.) & (b.) of the Code of Ordinances requires Minor Development Plans for addition or reconstruction of 500 - 2,499 square feet of gross floor area for residential use and commercial; and

WHEREAS, the applicant proposes to convert 2,422 square feet of office space at 524 Eaton Street to be used in conjunction with the existing theater at 512 Eaton Street and convert the remaining commercial floor area at 524 Eaton into a single-family residence.

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WHEREAS, the granting of a Minor Development Plan is consistent with the Land Development Regulations and the Comprehensive Plan; and

WHEREAS, the recommendation of approval of the Minor Development Plan is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, the surrounding community 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 Minor Development Plan to convert 2,422 square feet of office space at 524 Eaton Street (00006500-000100, AK#8792239) to be used in conjunction with the existing theater at 512 Eaton Street (RE# RE#00006500-000000, AK#1006734) and convert the remaining commercial floor area at 524 Eaton into a single-family residence per Section 108-91A.(1).(b.), under the Code of Ordinances of the City of Key West, Florida, is hereby recommended for City Commission approval for property located at 512-524 Eaton Street, as shown on the attached plans dated August 23 & December 27, 2013 and January 14, 2014 with the following conditions:

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Conditions to be completed prior to the issuance of building permits:

1. The applicant receives a variance to the rear and side-yard setbacks.

Conditions to be completed prior to the issuance of certificate of occupancy:



2. The applicant maintain a programmable distributive sound system to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and that such sound system include a computerized sound monitoring system with real time monitoring access is provided to the City or in the alternative, the applicant may sound-proof the building such that it complies with Section 26-191(1).
3. The building at 512 Eaton Street be sprinkled.
4. Any lighting fixtures shall meet “Dark Sky” lighting standards.
5. Applicant must receive a landscape buffer waiver per Sections 108.413 and 108.517 of the Code of Ordinances;
6. The building design and lighting, and signage shall be approved by HARC.

**Conditions subject to a Conditional Approval Permit, per Ordinance Number 10-22:
Conditions subject to associated annual inspection:**

1. 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 unless the applicant provided sound proofing in compliance with Section 26-191(1).
2. The applicant does not operate between 7am and 12 pm on Sundays.

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 Minor Development Plan application recommended for approval to the City Commission, 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

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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 Economic Opportunity. 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 DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO 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 duly noticed meeting held this 23 day of January, 2014, and authenticated by the Acting Chairman of the Planning Board and the Planning Director.




James Galleran, Acting Chairman
Key West Planning Board

Date



Acting Chairman



Planning Director

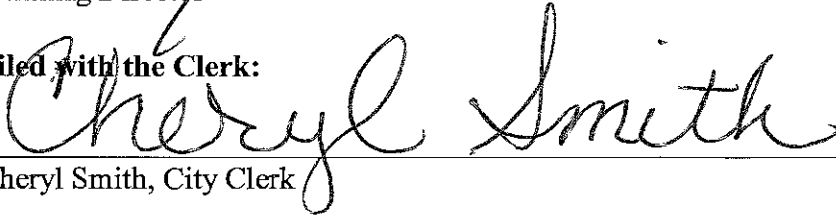


Donald Leland Craig, AICP
Planning Director

1-27-14

Date


Filed with the Clerk:




Cheryl Smith, City Clerk

1-27-14

Date

 Acting Chairman

 Planning Director