

Application

-----Original Message-----

From: jallison@theallisonfirm.net [mailto:jallison@theallisonfirm.net]

Sent: Wednesday, June 30, 2010 3:17 PM

To: Amy Kimball-Murley

Cc: pritam@singhco.com

Subject: Kennedy Center

Amy

Please make the necessary amendment to our variance and conditional use applications to reduce the height of the monopole from 125' to 105'.

Let me know if you need anything additional at this time.

John R. Allison, III
P.O. Box 2129
Key West, Florida 33045-2129
305.294.5144 (fax)
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DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
604 Simonton Street, Key West, FL 33040
(305) 809-3720



Development Plan & Conditional Use Application

Applications will not be accepted unless complete

Development Plan

Major _____

Minor _____

Conditional Use

X

Historic District

Yes _____

No _____

Please print or type:

- 1) Site Address 1010 Kennedy Drive, Key West, Florida 33040
- 2) Name of Applicant AT&T Mobility, Kennedy Building Associates, LLC and Kennedy Center Condominium Association, Inc.
- 3) Applicant is: Owner X Authorized Representative X
(attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant AT&T Mobility at 5201 Congress Ave. Boca Raton, FL 33487; Kennedy Building Associates, LLC at P.O. Box 2039, Key West, FL 33045; and Kennedy Center Condominium Association, Inc. at 5505 N. Atlantic Ave. Suite 307, Cocoa Beach, FL 32931.
- 5) Applicant's Phone # AT&T Mobility at 561-995-3282; Kennedy Building Associates, LLC 305-296-5601; Kennedy Center Condominium Association, Inc. 321-784-8011 Email Address: matthew.jerry@att.com
pritam@singhco.com and jallison@theallisonfirm.net.
- 6) Name of Owner, if different than above Kennedy Building Associates, LLC; Kennedy Center Condominium Association, Inc.
- 7) Address of Owner Kennedy Building Associates, LLC at P.O. Box 2039, Key West, FL 33045 and Kennedy Center Condominium Association, Inc at 5505 N. Atlantic Ave. Suite 307, Cocoa Beach, FL 32931.
- 8) Owner Phone # 305-296-560; 321-784-8011 Email pritam@singhco.com and jallison@theallisonfirm.net
- 9) Zoning District of Parcel CG RE# 00065650-000500
- 10) Is Subject Property located within the Historic District? Yes _____ No X
If Yes: Date of approval _____ HARC approval # _____
OR: Date of meeting _____

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11) Description of Proposed Development and Use. Please be specific, list existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc. If there is more than one use, describe in detail the nature of each use (Give concise description here and use a separate sheet if necessary). The proposed wireless telecommunication facility is to be located at the site of an existing commercial office building at 1010 Kennedy Drive. The wireless telecommunication facility consists of a single 125' utility pole for antennae which will be constructed on the ground at the west side of the commercial office building and three unmanned equipment shelters and one equipment cabinet which will be constructed on the roof of the commercial office building. The antennae will supply wireless communication for AT&T and three other service providers that may include

Verizon, Sprint/Nextel and T-Mobile/Metro. These providers have service deficiencies and documentation is attached from AT&T engineers showing the cell coverage deficiencies in this area. Due to the important role that cellular phones play in contemporary life often serving as the sole communication device this facility is considered an essential public service under the City of Key West Zoning Code. The minimum height necessary for this wireless telecommunication facility to serve AT&T and three other service providers proposed is 125' above existing grade. Surrounding land uses include ball fields with light poles, Keys Energy substation with electric transmission poles, FCAA parking lot with light poles and Key Plaza Shopping Plaza with light poles. The nearest residential structure is approximately 500 feet from the location of the pole and equipment shelters. A series of photographic simulations are attached depicting the impact of the utility pole and equipment shelters. Due to the massing of other utility poles and structures in the vicinity of the proposed pole and unmanned equipment shelters the visual impact will be minimal. There are no historic properties within 500 feet of the proposed pole and equipment shelters. The unmanned equipment shelters will be located on the roof of the building. The pole will be located in an area 6' diameter on the ground. Generator plugs will be installed at the existing power vault to be used in the event of extended power outages. No generators for the wireless communication facility or fuel for generators will be stored on site other than in the event of extended power outages. Landscape/Open Space area will be added to the site to mitigate for the pole footprint resulting in an increase in open space and pervious area which will improve the existing storm water management plan for the site.

12) Has subject Property received any variance(s)? Yes No _____

If Yes: Date of approval November 20, 1985 Resolution # 85-236

Attach resolution(s). Resolution is Attached.

13) Are there any easements, deed restrictions or other encumbrances on the subject property?

Yes No _____

If Yes, describe and attach relevant documents. There are easements for the parking lot, bank drive-through facility and dumpster access. See attached Warranty Deed.

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- A. For both *Conditional Uses* and *Development Plans*, provide the information requested from the attached **Conditional Use and Development Plan** sheet.
- B. For *Conditional Uses* only, also include the **Conditional Use Criteria** required under Chapter 122, Article III, Sections 122-61 and 122-62 of the Land Development Regulations (see attached copy of criteria).
- C. For *Major Development Plans* only, also provide the **Development Plan Submission Materials** required under Chapter 108, Article II, Division 7, Sections 108-226 through 108-248 of the Land Development Regulations (see attached copy of criteria) and any additional information as determined by the Planning Staff.

Please note, development plan and conditional use approvals are quasi-judicial hearings and it is improper to speak to a Planning Board member or City Commissioner about the project outside of the hearing.

Required Plans and Related Materials for both a Conditional Use and Minor/Major Development Plan

- I. **Existing Conditions.**
 - A) Recent Survey of the site by a licensed Surveyor showing all dimensions including distances from property lines, and including:
 - 1) Size of site-39,213 SF
 - 2) Buildings, structures, and parking-The site includes an existing commercial office building, utility building, parking lot and landscape areas.
 - 3) FEMA Flood Zone-AE 8
 - 4) Topography-Lowest 3.27' and Highest 7.66'
 - 5) Easements-See Attached Warranty Deed
 - 6) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site-See Attached Survey.
 - B) Existing size, type and location of trees, hedges, and other features-See Attached Survey.
 - C) Existing storm water retention areas and drainage flows-See Attached Survey.
 - D) A sketch showing adjacent land uses, buildings, and driveways.-See Attached Survey.
- II. **Proposed Development:** Plans at 11" X 17" (10,000 Sq. ft. or less); 24" X 36" if site is over 10,000 sq. ft.
 - A) Site Plan to scale of with north arrow and dimensions by a licensed architect or engineer.
 - 1) Buildings-Unmanned Equipment Shelters proposed for roof of building.
 - 2) Setbacks-Front & Rear 25', Side 15', Street Side 20' not applicable to utility poles.
 - 3) Parking: Not applicable, unmanned equipment shelters.
 - a. Number, location and size of automobile and bicycle spaces-0 Needed for Unmanned Equipment Shelters
 - b. Handicapped spaces-0 Needed for Unmanned Equipment Shelters
 - c. Curbs or wheel stops around landscaping-Not Applicable
 - d. Type of pavement-Not Applicable
 - 4) Driveway dimensions and material-Not Applicable
 - 5) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site. See attached survey and proposed site plan including location for utility pole for antennae.
 - 6) Location of garbage and recycling-Not applicable for unmanned equipment shelters.
 - 7) Signs-No business signs will be associated with the unmanned equipment shelters or utility pole. Only required safety signage will be installed.
 - 8) Lighting-No lighting will be associated with the buildings. Only required safety signage will be installed.

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9) Project Statistics:

- a. Zoning-Commercial General(CG)
- b. Size of site-39,213 SF
- c. Number of units (or units and Licenses)-Not applicable.
- d. If non-residential, floor area & proposed floor area ratio- Not applicable.
- e. Consumption area of restaurants & bars-Not applicable.
- f. Open space area and open space ratio.-Existing Open Space is 11.44% and Proposed Open Space is 11.99%.
- g. Impermeable surface area and impermeable surface ratio-Existing Impervious Surface Area is 88.46% and Proposed Impervious Surface Area is 88.01%.
- h. Number of automobile and bicycle spaces required and proposed-Not applicable for unmanned equipment shelters.

B) Building Elevations

- 1) Drawings of all building from every direction. If the project is in the Historic District please submit HARC approved site plans. See attached plans and elevations.
 - 2) Height of building.-Existing Building Roof is 55'-0" above Existing Grade. The top of the Proposed Unmanned Equipment Shelters is 70'-6" (15'-6" above the Existing Building Roof). Pole for Antennae will be 125'-0" above Existing Grade.
 - 3) Finished floor elevations and bottom of first horizontal structure- Existing Building is FFE 7.91. Bottom of Unmanned Equipment Shelter which is the first horizontal structure is 59'-0".
 - 4) Height of existing and proposed grades- Existing Grade is 4.58'. Proposed Grade is 4.58.
- C) Drainage Plan: Existing & Proposed retention areas and calculations approved by the City Engineer. See one of the attached commercial and residential use Storm water Retention Forms. See Attached Letter of Approval from City Engineer. Request Submitted to Gary Bowman.
- D) Landscape Plan: Size, type, location and number of plants to be removed, kept, and installed. The plan must be approved by the City Landscape Coordinator through a letter of approval. If the project is a Major Development Plan a landscape design prepared by a licensed Landscape Architect is required per Section 108-511(b) of the Land Development Regulations. See Attached Letter of Approval from City Landscape Coordinator. Request Submitted to Cynthia D. Coogle.

- III. **Solutions Statement.** Aspects of the design that address community issues including but not limited to water pollution from stormwater runoff, potable water conservation, waste disposal, recycling, energy conservation, affordable housing, and impacts on neighbors such as lighting, noise, traffic and parking.

The proposed wireless telecommunications facility for four service providers is to be located at the site of an existing commercial office building at 1010 Kennedy Drive. The wireless telecommunication facility consists of three unmanned equipment shelters and equipment cabinets which will be constructed on the roof of the commercial office building and a single 125' utility pole for antennae which will be constructed on the ground at the west side of the commercial office building and. Landscape/Open Space area will be added to mitigate for the pole footprint resulting in an increase in open space and pervious area which will improve the existing storm water management plan for the site. The top of the 6" diameter concrete foundation for the pole will be sloped to grade into existing landscape areas. The proposed unmanned equipment shelters, equipment cabinets and pole for antennae will have no solid waste or recycling impacts, will not generate traffic, will have no requirements for parking and will not generate noise. The only lighting will be for security or as required by the FAA. The closest surrounding land uses include City of Key West ball fields with sports light poles, Keys Energy substation with electric transmission poles, FKA parking lot with light poles and Key Plaza Shopping Center with light poles. The nearest residential structure is approximately 500 feet from the location of the pole and equipment shelters. A series of photographic simulations are attached depicting the existing utility poles surrounding the property, the new proposed equipment shelters and equipment cabinets located on the roof and the utility pole for antennae located on the ground. Due to the massing of other utility poles and structures in the vicinity of the existing building and site the new proposed unmanned equipment shelters, equipment cabinets and utility pole for antennae will

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have a minimal the visual impact. There are no historic properties within 500 feet of the unmanned equipment shelters and utility pole.

CONDITIONAL USE CRITERIA

Sec. 122-61. Purpose and intent.

The proposed wireless telecommunication facility for four service providers is to be located at the site of an existing commercial office building at 1010 Kennedy Drive. The wireless telecommunication facility consists of three unmanned equipment shelters and equipment cabinets which will be constructed on the roof of the commercial office building and a single 125' utility pole for antennae which will be constructed on the ground at the west side of the commercial office building and. The antennae will supply wireless communication for AT& T and three other service providers that may include Verizon, Sprint/Nextel and T-Mobile/Metro. These providers have service deficiencies and documentation is attached from AT&T engineers showing the cell coverage deficiencies in this area. Due to the important role that cellular phones play in contemporary life often serving as the sole communication device this facility is considered an essential public service under the City of Key West Zoning Code. The minimum height necessary for this wireless telecommunication facility to serve AT&T and other service providers proposed is 125' above existing grade. Surrounding land uses include City of Key West ball fields with sports light poles, Keys Energy substation with electric transmission poles, FKA parking lot with light poles and Kmart Shopping Plaza with light poles. The nearest residential structure is approximately 500 feet from the location of the utility pole and equipment shelters. A series of photographic simulations are attached depicting the visual impact of the unmanned equipment shelters and utility pole. Due to the massing of other utility poles and structures in the vicinity of the proposed pole and unmanned equipment shelters the visual impact will be minimal. There are no historic properties within 500 feet of the proposed unmanned equipment shelters and utility pole. The equipment shelters will be located on the roof of the building. The pole will be located in a ground area of 6' diameter. Landscape/Open Space area will be added to mitigate for the pole footprint resulting in an increase in open space and pervious area which will improve the existing storm water management plan for the site. The service providers require generator plugs only in the ground floor electrical vault. No generators will be stored on site.

The purpose of this article is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. This article sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

Sec. 122-62. Specific criteria for approval.

- (a) Findings- This proposed conditional use shall comply with all specific conditions established by the Planning Board, City Commission, comprehensive plan and land development regulations. The conditional use application does not adversely impact properties in the vicinity of the site.
- (b) Characteristics of use described. The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:
 - (1) Scale and intensity of the proposed conditional use as measured by the following:
 - a. Floor area ratio-FAR of unmanned equipment shelters, equipment cabinets and the utility pole does not constitute floor area and; therefore, no increase in FAR is proposed.
 - b. Traffic generation-The unmanned equipment shelters, equipment cabinets and utility pole will require one scheduled maintenance visit per month per service provider.
 - c. Square feet of enclosed building for each specific use- The unmanned equipment shelters will be 11'-6" width x 20'-0" length x 9' height;
 - d. Proposed employment-There will be no onsite employees and the facility will use existing service provider employees for maintenance.

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- e. Proposed number and type of service vehicles-There will be one standard size pickup truck on site during scheduled monthly maintenance visits.
- f. Off-street parking-Parking for the periodic service vehicle will be on site in the adjacent parking lot. Attached Warranty Deed includes the easement for use of the adjacent FCAA parking lot.
- (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including the following:
- a. Utilities-No utility improvements are expected or required as a result of the proposed conditional use. The service providers require generator plugs only in the ground floor electrical vault. No generators or fuel for generators will be stored on site. In the event of extended power outages portable generators will be delivered to the site by each service provider.
- b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94;- The proposed three unmanned equipment shelters, equipment cabinets and utility pole will not increase the needs for sewer, water or storm water. The traffic impacts will be negligible. There will be no additional impervious surface as a result of the unmanned equipment shelters which will be located on the roof of the building. The pole will be located in a ground area of 6' diameter. Landscape/Open Space area will be added to mitigate for the pole footprint resulting in an increase in open space and pervious area which will improve the existing storm water management plan for the site.
- c. Roadway or signalization improvements, or other similar improvements-This is not applicable since there are no changes being proposed to the roadway or signal improvements.
- d. Accessory structures or facilities; and- This is not applicable since there are no changes being proposed to accessory structures or facilities.
- e. Other unique facilities/structures proposed as part of site improvements.-Unmanned equipment shelters and equipment shelters will be located on the roof of the structure above flood levels. The utility pole for antennae will be located at ground level.
- (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigation techniques such as:
- a. Open space;- The applicant proposes an increase in open space of .45% due to additional landscape area added.
- b. Setbacks from adjacent properties;-The applicant proposes unmanned equipment shelters on the roof of an existing structure. Utility poles are not required to meet building setback requirements.
- c. Screening and buffers-The applicant proposes landscaping in the plant bed around the utility pole. See attached Landscape Plan
- d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; -Landscape berms are not proposed and are not considered an effective mitigation technique for a utility.
- e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.-The proposed facility will not produce smoke, odor, noise or other noxious impacts.
- (c) Criteria for conditional use review and approval. Applications for a conditional use shall clearly demonstrate the following:
- (1) Land use compatibility- Surrounding land uses include City of Key West ball fields with sports light poles, Keys Energy substation with electric transmission poles, FCAA parking lot with light poles and Key Plaza Shopping Center with light poles. The nearest residential structure is approximately 500 feet from the location of the utility pole and equipment shelters. A series of photographic simulations are attached depicting the visual impact of the unmanned equipment shelters and utility pole. Due to the massing of other utility poles and structures in the vicinity of the proposed utility pole and unmanned equipment shelters the visual impact will be minimal. There are no historic properties within 500 feet of the proposed unmanned equipment shelter, equipment cabinets and utility pole. The equipment shelters and equipment cabinets will be located on the roof of the building. The pole will be located in a ground area of 6' diameter. Landscape/Open Space area will be added to mitigate for the pole footprint resulting in an increase in open space and pervious area which will improve the existing storm water management plan for the site. The service providers require

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generator plugs only in the ground floor electrical vault. No generators or fuel for generators will be stored on site. The proposed unmanned equipment shelters and utility pole for antennae will have no solid waste or recycling impacts, will not generate traffic, will have no requirements for parking and will not generate noise.

- (2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.- The existing four story building provides area of sufficient size to accommodate three unmanned equipment shelters and equipment cabinets on the roof of the structure. The site provides area of sufficient size to accommodate the utility pole for antennae in a space adjacent to the building. Generator plugs will be required for each service provider in the existing electrical vault on the property. Electric and telephone service which exist on the property will be needed to service the wireless telecommunications facilities.
- (3) Proper use of mitigative techniques. The proposed wireless communication facility will be located in a commercial zoning district surrounded by other commercial buildings, sports light poles, utility poles, Keys Energy substation and parking lots. The scale and massing of other surrounding buildings, utility poles, Keys Energy substation diminish the visual impacts of the proposed unmanned equipment shelters and utility pole. The nearest residential structure is approximately 500 feet from the existing building. The unmanned equipment shelters and equipment cabinets will be located on the roof of an existing four story building which will not impact storm water. The pole will be located in a ground area of 6' diameter. Landscape/Open Space area will be added to mitigate for the pole footprint resulting in an increase in open space and pervious area which will improve the existing storm water management plan for the site. The base of the pole will be landscaped. Based on the documentation from AT&T engineers detailing the frequency of dropped calls in this area of Key West the increased wireless communication service provided by this facility will improve the general public health, safety and welfare in the community.
- (4) Hazardous waste. No hazardous waste will be generated by or at the proposed wireless telecommunication facility.
- (5) Compliance with applicable laws and ordinances- The applicant will comply with all applicable local, state and federal laws and regulations as a condition of approval including federal requirements pertaining to air traffic safety (FAA), wireless communication facilities (FCC) and the National Historic Preservation Act (NHPA). Please see attached AT&T licenses with FAA and letter of intent to coordinate with FCC and NHPA by AT&T.
- (6) Additional criteria applicable to specific land uses. Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:
 - a. Land uses within a conservation area- Not applicable. No portion of the proposed wireless telecommunication facility will occur in a conservation area.
 - b. Residential development -Not applicable. No residential uses are proposed.
 - c. Commercial or mixed use development-Not applicable. No commercial or mixed use development are proposed.
 - d. Development within or adjacent to historic district -Not applicable. The proposed wireless telecommunication facility is not located within or adjacent to an historic district.
 - e. Public facilities or institutional development-Not applicable. No public facilities or institutional development are proposed.
 - f. Commercial structures, uses and related activities within tidal waters -Not applicable. No commercial structures, uses or related activities are proposed within tidal waters.
 - g. Adult entertainment establishments -Not applicable. No adult entertainment establishments are proposed.