

Application



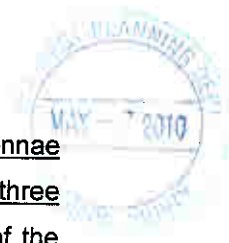
VARIANCES ARE QUASI-JUDICIAL HEARINGS AND IT IS IMPROPER TO SPEAK TO A PLANNING BOARD AND/OR BOARD OF ADJUSTMENT MEMBER ABOUT THE VARIANCE OUTSIDE THE HEARING

Variance Application

**City of Key West
Planning Department**

Please print or type a response to the following:

1. Site Address 1010 Kennedy Drive, Key West, Florida 33050
2. Name of Applicant AT&T Mobility; Kennedy Building Associates, LLC; Kennedy Center Condominium Association, Inc.
3. Applicant is: Owner Authorized Representative
(attached Authorization Form must be completed)
4. Address of Applicant AT&T Mobility at 5201 Congress Avenue, Boca Raton, Florida 33487; Kennedy Building Associates, LLC at P.O. Box 2039, Key West, Florida 33045 and Kennedy Center Condominium Association, Inc. at 5505 N. Atlantic Ave. Suite 207, Cocoa Beach, FL 32931
5. Phone # of Applicant AT&T Mobility at 561-995-3282; Kennedy Building Associates, LLC 305-296-5601; Kennedy Center Condominium Association, Inc 321-784-8011 Fax# of AT&T Mobility 561-251-7178; Kennedy Building Associates, LLC 305-494-5144 and Kennedy Center Condominium Association, Inc. 305-784-8350.
6. E-Mail Address matthew.jerry@att.com ; pritam@singhco.com and jallison@theallisonfirm.net
7. Name of Owner, if different than above -Kennedy Building Associates, LLC. and Kennedy Center Condominium Association, Inc.
8. Address of Owner Kennedy Building Associates, LLC at P.O. Box 2039 Key West, Florida 33045 and Kennedy Center Condominium Association, Inc. at 5505 N. Atlantic Ave. Suite 207, Cocoa Beach, FL 32931.
9. Phone Number of Owner Kennedy Building Associates, LLC at 305-296-5601 and Kennedy Center Condominium Association, Inc. at 321-784-8011. Kennedy Building Associates, LLC at Fax# 305-294-5144 and Kennedy Center Condominium Association, Inc. at Fax # 321-784-8350
10. Email Address pritam@singhco.com and jallison@theallisonfirm.net
11. Zoning District of Parcel CG RE# 00065650-000500
12. Description of Proposed Construction, Development, and Use-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 in this area of Key West with documentation attached from AT&T engineering indicating dropped calls. 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. Documentation is attached that has been prepared by AT&T engineers showing the cell phone coverage deficiencies in this area. 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 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 depicting the impact of the utility pole and equipment shelters are attached. 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 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. 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.

13. Required information: (application will not move forward until all information is provided)

	Required	Existing	Requested
Front Setback	NA		
Side Setback	NA		
Side Setback	NA		
Rear Setback	NA		
Building Coverage	NA		
Open Space Requirements		11.54%	11.99%
Impervious Surface		88.46%	88.01%
Height	40 Feet	0 Feet	125 Feet

14. Is Subject Property located within the Historic District? Yes _____ No
 If Yes, indicate date of HARC approval as well as the HARC Approval Number. Attach minutes of the meeting.

Date _____ HARC # _____



15. Are there any easements, deed restrictions or other encumbrances attached to the subject property? Yes X No _____ If Yes, please describe and attach relevant documents. See Attached Warranty Deed.
16. Will the work be within the drip line (canopy) of any tree on or off the property?
 YES X NO _____
 If yes, provide date of landscape approval, and attach a copy of such approval. A copy of the landscape plan is attached and approval has been requested.

Check List

(to be completed by Planning Staff and Applicant at time of submittal)

Applicant Initials	Staff Initials	The following must be included with this application
EN	_____	Copy of the most recent recorded deed showing ownership and a legal description of the subject property
EN	_____	Application Fee (to be determined according to fee schedule)
EN	_____	Site Plan (existing and proposed) as specified on Variance Application Information Sheet
EN	_____	Floor Plans of existing and proposed development (8.5 x 11)
EN	_____	Copy of the most recent survey of the subject property
EN	_____	Elevation drawings as measured from crown of road
EN	_____	Stormwater management plan
Not Applicable	_____	HARC Approval (if applicable)
EN	_____	Notarized Verification Form
EN	_____	A PDF or compatible electronic copy of the complete application on a compact disk

Please note that all architecture or engineering designs must be prepared and sealed by a professional architect or engineer registered in the state pursuant to F.S. chs. 471 and 481, respectively. Two signed and sealed copies will be required at time of submittal.

Standards for Considering Variances



Before any variance may be granted, the Planning Board and/or Board of Adjustment must find all of the following requirements are met:

1. Existence of special conditions or circumstances. 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 zoning district. A wireless telecommunication facility requires that antennae be at a higher elevation than other buildings to provide adequate coverage.
2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant. An existing coverage shadow results in 25% of calls dropped in this area of Key West.
3. Special privileges not conferred. That granting the variance(s) 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. A wireless telecommunication facility functions when antennae are higher than other buildings. No special privileges would be conferred by granting this variance.
4. Hardship conditions exist. That 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. As the sole source of emergency communication for a large segment of the population, consistent coverage is a necessity and without such can be life threatening. A coverage shadow exists in this area of Key West which results in dropped calls that can affect life safety communication capabilities.
5. Only minimum variance(s) granted. That the variance(s) granted is/are the minimum variance(s) that will make possible the reasonable use of the land, building or structure. 125 feet is the minimum height required to allow the wireless telecommunication facility to function for four service providers and to provide the minimum coverage necessary to eliminate the coverage shadow in this area of Key West.
6. Not injurious to the public welfare. That granting of the variance(s) will be in harmony with the general intent and purpose of the land development regulations and those variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare. A wireless telecommunication facility will improve service in the coverage shadow and provide benefits to the public with regard to life safety communication capabilities.
7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming use of neighboring lands, structures, or buildings in the same district, and that no other permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance. Non-conforming uses are not part of the request.

The Planning Board and/or Board of Adjustment shall make factual findings regarding the following:



- That the standards established in subsection (a) have been met by the applicant for a variance.
- That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

The applicant is not aware of any neighbors that objected to the variance application. The applicant held two public meetings with the community to discuss the proposed wireless telecommunication facility. The first meeting was publicly noticed in the Key West Citizen on September 13, 2009 and held at the site on Thursday, September 17, 2009. The second meeting was publicly noticed in the Key West Citizen on November 29, 2009 and held on Wednesday, December 2, 2009. Records of the public noticing for the meetings are attached as Exhibit D. The neighbors that attended the public meetings reviewed the proposed plans and were in support of the wireless communication facility. A third public meeting is scheduled to be publicly noticed in the Key West Citizen on March 7, 2010 and to be held at the site on March 11, 2010.