

**PLANNING BOARD
RESOLUTION NO. 2015-10**


A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING MINOR DEVELOPMENT PLAN AND LANDSCAPE MODIFICATION / WAIVER APPROVALS PURSUANT TO SECTIONS 108-91.A.1.(B) AND 108-517 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE ADDITION OF 1,094 SQUARE FEET OF COMMERCIAL RETAIL BY THE ENCLOSURE OF AN EXISTING COURTYARD AS PART OF AN INTERIOR RENOVATION FOR USE AS A 10,631-SQUARE-FOOT RETAIL DRUG STORE WITH 36 PARKING SPACES AND FOR THE REDUCTION AND/OR WAIVER OF REQUIRED LANDSCAPING ON PROPERTY LOCATED AT 101 DUVAL STREET (RE # 00000470-000000; AK # 1000469) WITHIN THE HISTORIC RESIDENTIAL COMMERCIAL CORE – DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE


WHEREAS, Section 108-91 of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that within the Historic District, a Minor Development Plan is required for the addition of 500 to 2,499 square feet of nonresidential floor area; and

WHEREAS, modifications and waivers to reduce the City’s landscaping requirements are requested pursuant to City Code Section 108-517; and

WHEREAS, Code Sections 108-196(a) and 122-62(a) require the Planning Board to review and approve, approve with conditions or deny the proposed Major Development Plan in an advisory capacity to the City Commission; and

WHEREAS, Code Section 108-517(a) requires the Planning Board to consider the landscape modification / waiver request and render the final action; and



 Vice Chairman

KJB Planning Director

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on January 15, 2015; and

WHEREAS, the granting of a Minor Development Plan and Landscape Modification / Waiver application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting of a Minor Development Plan and Landscape Modification / Waiver application 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.

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. The Minor Development Plan and Landscape Modification / Waiver for the addition of 1,094 square feet of floor area to the building for a 10,631-square-foot retail drug store on property located at 101 Duval Street (RE # 00000470-000000; AK # 1000469) in the Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1) Zoning District pursuant to Sections 108-91.A.1.(b) and 108-517 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, is hereby approved with the following conditions:

General conditions:

1. The proposed development shall be consistent with the site plan dated August

 Vice Chairman
 Planning Director

29, 2014 and the landscape plan dated December 22, 2014 by Christopher Patrick Collins, Professional Engineer, and the architectural plans signed and sealed August 29, 2014 by Jose A. Gordillo, Registered Architect; notwithstanding the revisions requested and recommended by staff.

2. During all phases of demolition and construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

3. It is recommended that the applicant participate in Waste Management's commercial recycling program and/or participate in a certified green business program, such as through Florida Keys Green Living & Energy Education (GLEE).

Conditions prior to the City Commission hearing:

4. The applicant shall address all of staff's and the DRC's concerns as outlined in the January 9, 2015 staff letter and the September 25, 2014 DRC minutes.

5. The applicant shall submit a stormwater management plan pursuant to City Code Chapter 108, Article VIII.

6. The applicant shall submit an outdoor lighting plan pursuant to City Code Section 108-284, including the covered parking area.

Conditions prior to issuance of a building permit:

7. The property owner shall obtain an easement pursuant to City Code Section 2-938 for the existing brick stairway and planter encroachments in to City rights-of-way.

Conditions prior to issuance of a Certificate of Occupancy:

8. The property owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the above conditions.

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 and Landscape Modification / Waiver application approval by the Planning Board does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the 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 Board.

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 shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 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 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 regularly scheduled meeting held this 19th day of March, 2015.

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

Sam Holland 4/16/15
Sam Holland, Planning Board Vice Chairman Date

Attest:

Kevin Bond 3/20/2015
Kevin Bond, AICP, Acting Planning Director Date

Filed with the Clerk:

Cheryl Smith 4-16-2015
Cheryl Smith, City Clerk Date

WEST Vice Chairman
KJB Planning Director



STORE NUMBER: 8008
101 DAVILA STREET
KEY WEST FL 33940

CS PROJECT NUMBER: 70746

ARCHITECT OF RECORD

Robert Field Wedding
Architects & Planners, P.A., Inc.

OWNER
MARK F. BOOS
BOOS DEVELOPMENT

LEGAL
MARK F. BOOS, INC.
WEST PALM BEACH, FL

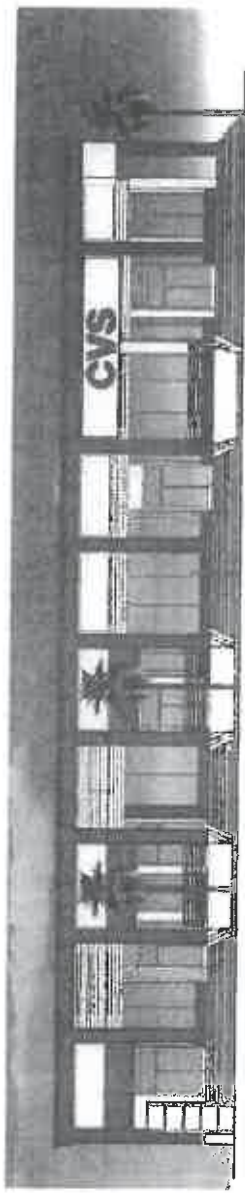
DEVELOPER
BOOS
101 DAVILA STREET
KEY WEST FL 33940
TEL: 305-858-0000
WWW.BOOSEXPRESS.COM

SEAL

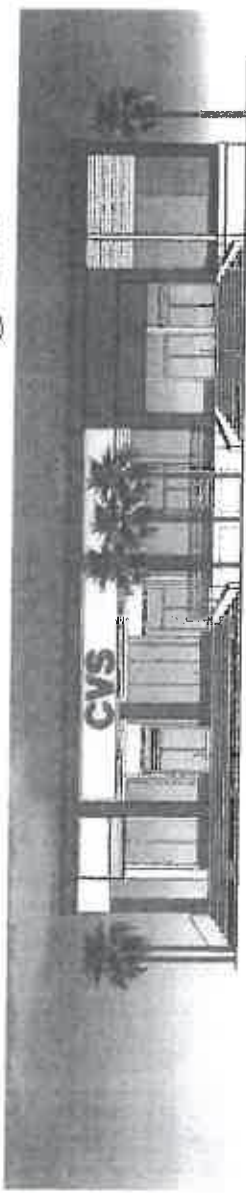
REVISIONS:
P-24-11 MARK DEV. SUBMITTAL

DRAWN BY: BJ/DOU/AD
DATE: 26 AUG 2014
JOB NUMBER: 13100
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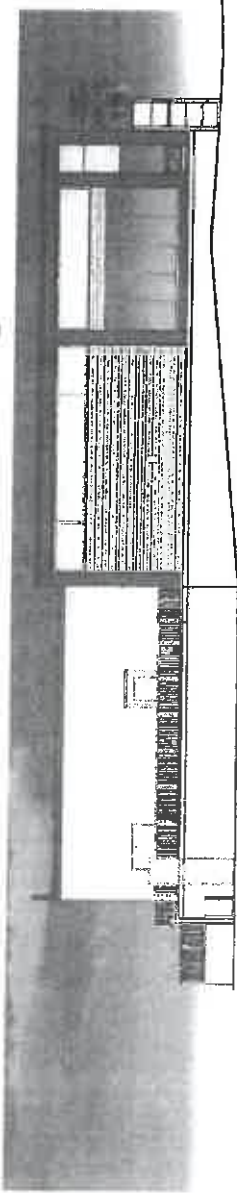
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COMMENTS



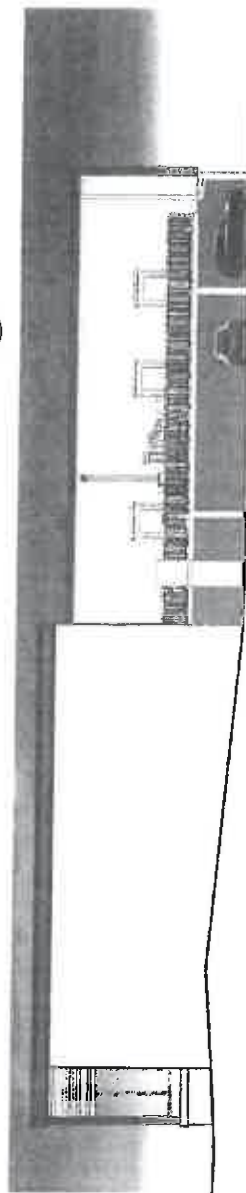
2 WEST ELEVATION (PROP.)
SCALE: 1/8"=1'-0"



1 SOUTH ELEVATION (PROP.)
SCALE: 1/8"=1'-0"



3 NORTH ELEVATION (PROP.)
SCALE: 1/8"=1'-0"



4 EAST ELEVATION (PROP.)
SCALE: 1/8"=1'-0"

WFL
KSF



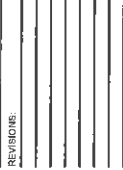
CUSTOM
NO DRIVE THRU RELO
STORE NUMBER: # 8088
18 DUVAL STREET
MIAMI, FLORIDA
PROJECT TYPE: DISTOP
EPA TYPE: PER PER REVIEW
CS PROJECT NUMBER: 78748



CONSULTANT
CIVIL ENGINEERING
11111 N.W. 11TH AVENUE, SUITE 100
MIAMI, FLORIDA 33150
TEL: 305.441.1111
WWW.CIVILPH.COM
PROJECT NO. 78748
DATE: 08/14/14
DRAWN BY: J. L. [unreadable]
CHECKED BY: [unreadable]



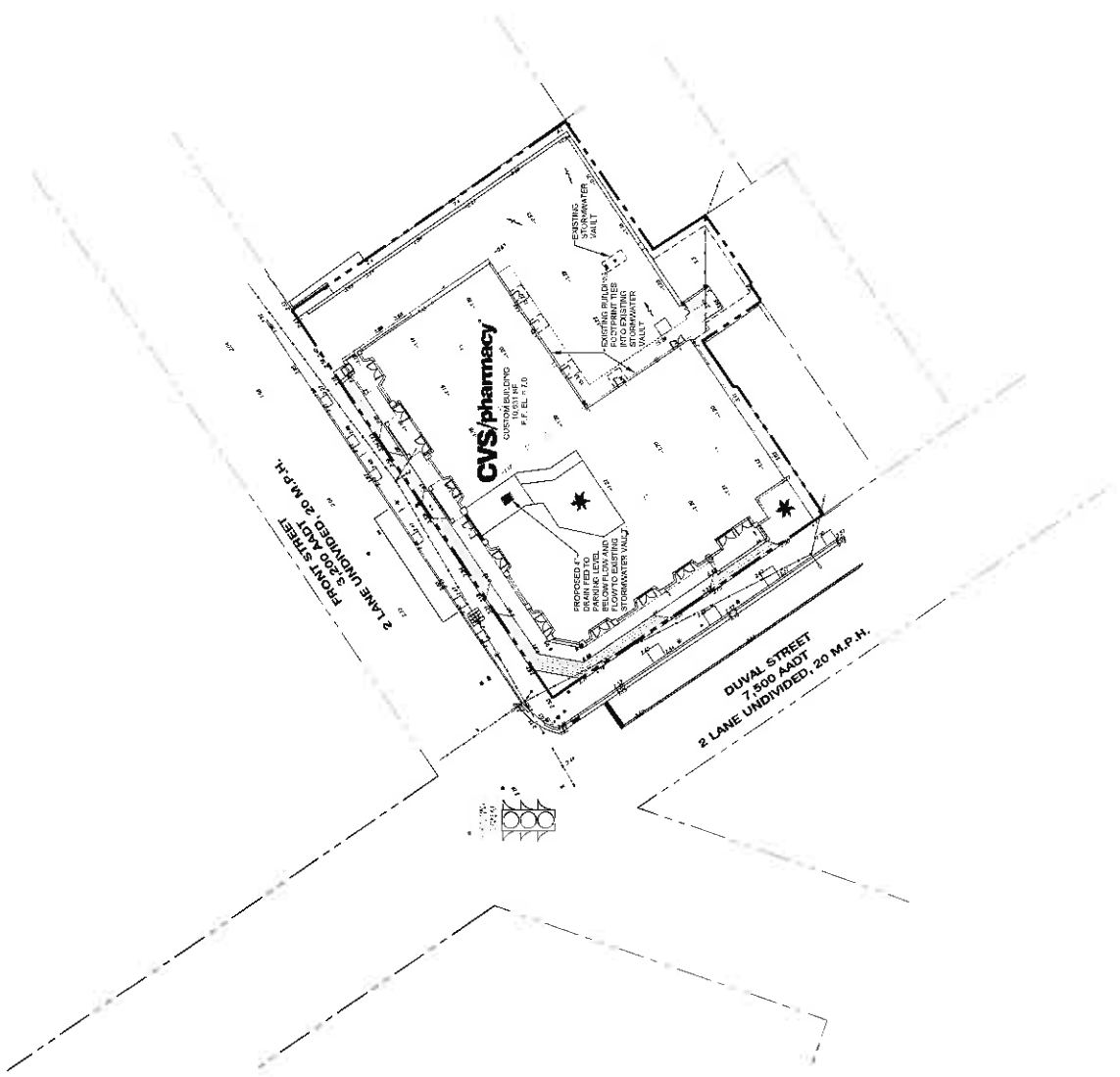
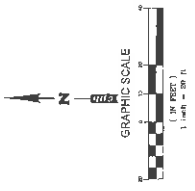
DEVELOPER
2525 N.W. 5th STREET
MIAMI, FLORIDA 33135
MIAMI LAKES, FL 33142
TEL: 305.441.1111
FAX: 305.441.1111



REVISIONS:

DRAWING BY: A.T.S.
DATE: 08/14/14
JOB NUMBER: 872111
TITLE: STORMWATER MANAGEMENT PLAN
SHEET NUMBER: C-4

COMMENTS



WRT-KJB