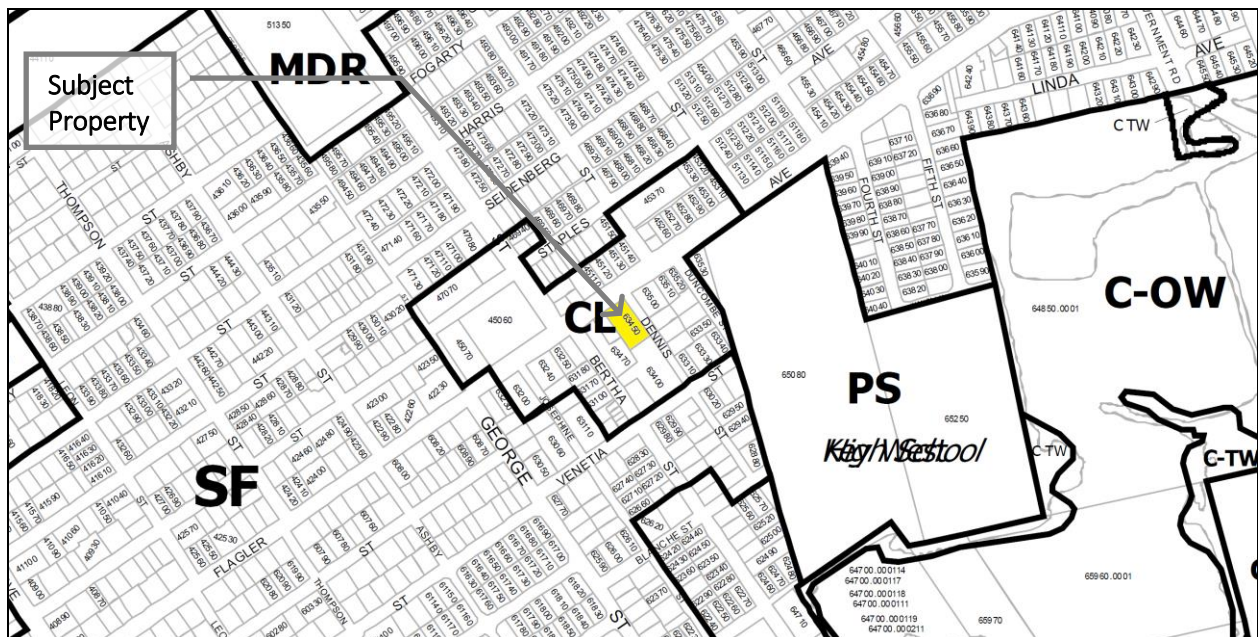


**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chair and Planning Board members
From: Kevin Bond, AICP, LEED Green Associate, Senior Planner
Through: Donald Leland Craig, AICP, Planning Director
Meeting Date: November 20, 2014
Agenda Item: **Minor Development Plan – 1908 Flagler Avenue (RE # 00063450-000000; AK # 1063886)** – A request for minor development plan approval for the construction of 3,444 square feet of gross nonresidential floor area for a learning center on property located within the Commercial Limited (CL) Zoning District pursuant to Sections 108-91.B.1.(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

Request: Minor development plan approval for the redevelopment of the property into the proposed Michelle Keevan Halpern Center for Learning.
Applicant: Michael Halpern and Thomas Pope
Property Owners: 1908 Flagler Avenue Corp
Location: 1908 Flagler Avenue (RE # 00063450-000000; AK # 1063886)
Zoning: Commercial Limited (CL)



Background / Proposed Development:

The subject property is located at the southwestern corner of Flagler Avenue and Dennis Street within the CL Zoning District. The approximately 1/3-acre property consists of a 614-square-foot commercial building last used as a restaurant called Flavors, but also known for other restaurants in the past such as El Faro, Conch Chatter, Florida Keys Seafood Market, Spencer Seafood, Front Porch Café, Lu Lu’s Kiss, Flagler Grill, Essy’s Café and The Joint. The property is outside of the Key West Historic District.

The proposed development would demolish all existing structures and construct a new 3,444-square-foot after-school learning center called the “Michelle Keevan Halpern Center for Learning.” The plans call for 11 off-street parking spaces, new landscaping including a garden and a new sidewalk along Dennis Street. The overall property would be brought into compliance with the City’s Land Development Regulations.

Minor Development Plan review is required due to the reconstruction of 1,000 to 4,999 square feet of nonresidential floor area outside of the Historic District, pursuant to Section 108-91.B.1.(b) of the Land Development Regulations (LDRs) of the Code of Ordinances (the “Code”) of the City of Key West (the “City”).

Surrounding Zoning and Uses:

Surrounding properties are located within the CL Zoning District. Surrounding uses include single-family residential, offices, a Salvation Army store, the Marty’s Place / AIDS Help assisted living facility, a bar and vacant land. Zoning districts within 300 feet of the property are CL, Single-Family Residential (SF) and Public and Semi-Public Services (PS). Other uses within 300 feet of the property include single- and multi-family residential, stores, mixed residential and commercial uses, offices, restaurant, repair shop and Key West High School.

Process:

Development Review Committee (DRC):	October 23, 2014
Tree Commission:	November 7, 2014 (staff approved)
Planning Board:	November 20, 2014 (pending)
DEO review:	Up to 45 days, following local appeal period

Evaluation for Compliance with the Land Development Regulations (LDRs) and Comprehensive Plan

City Code Section 108-91.B.1.(b) requires the reconstruction of 1,000 to 4,999 square feet of nonresidential floor area outside of the Historic District to be reviewed as a Minor Development Plan. City Code Section 108-196(a) states after reviewing a Major Development Plan or a Minor Development Plan for a property and staff recommendations therefor, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the LDRs and the intent of the LDRs and comprehensive plan. The Planning Board resolution shall provide written comments documenting any conditions of approval that the Planning Board finds necessary to effectuate the purpose of Development Plan review and carry out the spirit and purpose of the Comprehensive Plan and the LDRs. If the Development Plan is recommended for disapproval, the Planning Board resolution shall specify in writing the reasons for recommending such denial. The

Planning Board's decision on a Major Development Plan in the historic district shall be advisory to the City Commission.

Planning staff, as required by Chapter 108 of the City LDRs, has reviewed the following for compliance with the City's LDRs and Comprehensive Plan as summarized in the following table.

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Zoning District	Commercial Limited (CL)			
Flood Zone	AE-8			
Site size	14,091 SF; 0.32 acres			
Maximum density	16 du/acre	0 units	0 units	N/A
Maximum floor area ratio	0.8	0.04	0.24	+0.20 / In compliance
Maximum height	40 feet	Not indicated; 1-story bldg	20'-2"	In compliance
Maximum building coverage	40%	Not indicated; staff estimate 4%	24%	+20 / In compliance
Maximum impervious surface	60%	~100% (nonconforming)	58%	-42 / In compliance
Minimum lot size	10,000 SF	14,091 SF	14,091 SF	None
Minimum lot width	70 feet	92.5 feet	92.5 feet	None
Minimum lot depth	100 feet	152.34 feet	152.34 feet	None
Minimum front setback	25 feet	64 feet	25 feet	-39 feet / In compliance
Minimum side setback (southeast)	15 feet	34.4 feet	15 feet	-19.4 feet / In compliance
Minimum rear setback	25 feet	74 feet	53'-3.75"	-20'-8" / In compliance
Minimum street side setback (Dennis St)	20 feet	23 feet	20 feet	-3 feet / In compliance
Minimum vehicular parking (public or private schools; places of assembly)	1 space per 5 seats	Approx 18 spaces for prior restaurant use	11 spaces proposed, including 1 ADA van accessible space; 11 spaces required	-7 spaces / In compliance
Minimum handicap parking	1 space	Unknown	1 van-accessible space	+1 space / In compliance
Minimum bicycle parking	10% of vehicular spaces	0 spaces	3 spaces proposed; 2 spaces required	+3 spaces / In compliance
Minimum open space	20%	~0%	41%	+41 / In compliance

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Landscaping	Code Ch 108, Arts V & VI	See analysis	See analysis	In compliance
Consumption area or number of seats		Not indicated; former drive-in restaurant	Maximum 55 seats or students based on 11 parking spaces provided @ 1 space per 5 seats	In compliance

Concurrency Facilities and Other Utilities or Services (City Code Section 108-233)

Comprehensive Plan Objective 9-1.5 directs the City to ensure that public facilities and services needed to support development are available concurrent with the impacts of new development. The analysis considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. City Code Section 94-36 requires a concurrency review determination to be made concerning the proposed development. The Applicant provided a concurrency analysis as part of the Major Development Plan application. Staff reviewed the provided concurrency analysis following the criteria in City Code Section 94-36 and determines that public facilities are expected to accommodate the proposed development at the adopted level of service (LOS) standards. This portion of the report shall serve as the required written determination of compliance.

1. Potable water supply

The potable water LOS standard for nonresidential uses is 650 gallons per acre per day, pursuant to City Code Section 94-68. The land area would remain the same and the floor area would increase. Utilizing this LOS standard, potable water demand is estimated as follows:

- Based on total acres of land area: $650 \text{ gal/acre/day} \times 0.32 \text{ acres} = 208 \text{ gal/day}$
- Based on total acres of floor area: $650 \text{ gal/acre/day} \times 0.08 \text{ acres} = 52 \text{ gal/day}$

Therefore, the adopted potable water LOS standard is anticipated to be adequate to serve the proposed development. The property is currently serviced with potable water by the Florida Keys Aqueduct Authority (FKAA), which has been notified of the upcoming development and has available capacity to service the proposed development with the existing infrastructure currently in place.

2. Wastewater management

The sanitary sewer LOS standard for nonresidential uses is 660 gallons per acre per day, pursuant to City Code Section 94-67. The land area would remain the same and the floor area would increase. Utilizing this LOS standard, sanitary sewer capacity demand is estimated as follows:

- Based on total acres of land area: $660 \text{ gal/acre/day} \times 0.32 \text{ acres} = 211.2 \text{ gal/day}$
- Based on total acres of floor area: $660 \text{ gal/acre/day} \times 0.08 \text{ acres} = 52.8 \text{ gal/day}$

Therefore, the adopted sanitary sewer capacity LOS standard is anticipated to be adequate to serve the proposed development.

3. Water quality

The property is served by the City's central sewer system. The property is not adjacent to any bodies of water. Therefore, no adverse impacts to water quality are anticipated.

4. Stormwater management / drainage

The stormwater management or drainage LOS standard pursuant to City Code Section 94-69 is: i) post-development runoff shall not exceed predevelopment runoff for a 25-year storm event, up to and including an event with a 24-hour duration; ii) onsite treatment of the first one inch of rainfall must be provided to meet water quality standards; and iii) storm water facilities must be designed so as to not degrade any receiving water body.

A drainage plan was submitted indicating that a full stormwater management system would be installed and overall impervious area would be greatly reduced. Stormwater would be retained on-site through exfiltration trenches and vegetated swales. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

5. Solid waste

The solid waste LOS standard for nonresidential uses is 6.37 pounds per capita per day, pursuant to City Code Section 94-71. The proposed development is anticipated to accommodate up to 55 persons. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

$$\text{Proposed development: } 6.37 \text{ lb/capita/day} \times 55 \text{ persons} = 350.35 \text{ lbs/day}$$

According to the City's General Services Division, the contract with Waste Management (WM) accounts for a 20 year "window" for waste processing at the Wheelabrator Waste-to-Energy site. There are other facilities in South Florida also owned by WM for continued use into the future. Therefore, the adopted solid waste LOS standard is anticipated to be adequate to serve the proposed development.

6. Roadways

The roadway LOS standard is set forth in City Code Section 94-72. Flagler Avenue is classified as a collector roadway with a minimum LOS of D. According to the 2011 Carrying Capacity Study, Flagler Avenue had an existing LOS of C. Trip generation for the proposed learning center is expected to decrease compared to the prior restaurant use. Therefore, a traffic study was not required and the proposed development is not anticipated to negatively affect the adopted LOS standard.

7. Recreation

The recreation LOS standard is five acres of recreation and open space per 1,000 permanent residents pursuant to City Code Section 94-70. According to the 2013 Comprehensive Plan Data and Analysis, the City is currently providing ample recreation and open space. The proposed

development is nonresidential in nature and therefore would have no impact on the adopted recreation LOS standard.

8. Fire Protection

The proposed development shall comply with the life safety requirements per the Fire Marshall's direction.

9. Reclaimed water system

Not proposed by the applicant.

10. Other public facilities

Based on comments received from the DRC members, and Staff's concurrency analysis, all public facilities would be expected to accommodate the proposed development at the adopted LOS standards.

Appearance, design and compatibility (City Code Section 108-234)

The development plan shall satisfy criteria established in:

City Code Chapter 102 (historic preservation)

The property is not located within the Key West Historic District and does not contain any known historic resources.

Articles III (site plan), IV (traffic impacts) and V (open space, screening and buffers) of City Code Chapter 108 (planning and development)

The proposed site plan is analyzed in greater detail below. Although a traffic study was not required, traffic impacts were found to be in compliance in the concurrency determination above. The open space provided would increase and new landscaping is proposed in full compliance with the LDRs.

City Code Section 108-956 (potable water and wastewater)

Potable water and wastewater were found to be in compliance in the concurrency determination above.

Article II (archaeological resources) of City Code Chapter 110 (resource protection)

There are no known archaeological resources on the property. If any archeological resources are discovered during construction, the Applicant would be required to comply with this article of the LDRs.

Site location and character of use (City Code Section 108-235)

- (a) *Compliance*. The submitted development plan has been reviewed for compliance with all applicable performance criteria set forth in Code Chapter 94 (concurrency management), Code Chapter 102 (historic preservation), Code Chapter 106 (performance standards), Articles I and III through IX of Code Chapter 108 (planning and development), Code Chapter 110 (resource protection) and Code Chapter 114 (signs).
- (b) *Vicinity map*. The property is situated in the 1900 block of Flagler Avenue between Dennis and Bertha Streets. A location map is indicated on the survey.

- (c) *Land use compatibility.* Properties within 100 feet are located within the CL Zoning District. Adjacent land uses within 300 feet include single- and multi-family residential, stores, mixed residential and commercial uses, offices, restaurant, repair shop and Key West High School. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.
- (d) *Historic and archeological resource protection.* The property is not located within the Key West Historic District and contains no known historic or archaeological resources.
- (e) *Subdivision of land.* No subdivision of land is proposed.

Appearance of site and structures (City Code Section 108-236)

The Applicant submitted a development plan that generally exhibits harmonious overall design characteristics in compliance with the performance standards stipulated in Code Sections 108-278 through 108-288, as analyzed and reflected in the staff recommendation below.

Site plan (City Code Section 108-237)

The Applicant submitted a site plan pursuant to City Code Section 108-237, which is analyzed in greater detail below.

Architectural drawings (City Code Section 108-238)

The Applicant submitted architectural drawings prepared by a professional architect registered in Florida pursuant to City Code Section 108-238.

Site amenities (City Code Section 108-239)

Proposed site amenities include 11 off-street parking spaces including one ADA van-accessible space, new bicycle parking, new landscaping and a garden, and new sidewalks and walkways.

Site survey (City Code Section 108-240)

The Applicant submitted a site survey pursuant to City Code Section 108-240.

Soil survey (City Code Section 108-241)

Not applicable.

Environmentally sensitive areas (City Code Section 108-242)

No environmentally sensitive areas are located on or near the property, which is located within the AE-8 flood zone.

Land clearing, excavation and fill, tree protection, landscaping and irrigation plan (City Code Section 108-243)

- (a) *Land clearing, excavation and fill.* All existing development would be demolished and one existing coconut palm would be preserved.
- (b) *Tree protection.* One existing coconut palm would be preserved. The City's Urban Forestry Manager reviewed the proposed tree removal and landscape plans. Approval was granted on November 7, 2014.
- (c) *Landscaping plan.* The submitted plan indicates landscaping incorporated along the perimeter and street fronts of the property, as well as within the proposed garden to the side of the building. Landscaped open space would be increased above the existing amount. Full

compliance with all landscape buffer requirements of the LDRs is proposed. No modifications or waivers are requested as part of this application. No environmentally sensitive areas exist.

(d) *Irrigation plan*. None provided.

On-site and off-site parking and vehicular, bicycle, and pedestrian circulation (City Code Section 108-244)

Currently, the existing restaurant building is surrounded by an asphalt parking area. This includes nonconforming perpendicular off-street parking along the Dennis Street side of the property, which necessitate backing into the street to exit the spaces. The proposed plan would redevelop the site and eliminate all nonconforming parking. Eleven (11) off-street parking spaces are proposed, including one ADA van-accessible space. Therefore, off-street vehicular parking would be in compliance with the LDRs.

There is no existing bicycle parking on the property. The submitted plans indicate three off-street bicycle parking spaces. The LDRs require two (2) bicycle spaces for schools and assembly uses of this size. Staff recommends that the applicant consider providing additional secure bicycle parking spaces, as needed to accommodate demand.

Vehicular and bicycle circulation would be provided by a single driveway connection to Dennis Street and an existing sidewalk along Flagler Avenue. Pedestrian and bicycle circulation would be improved by the proposed new sidewalk along Dennis Street, and other on-site walkways.

Loading and unloading would occur in the proposed rear parking area, and could occur with the two proposed parallel parking spaces along Dennis Street.

Housing (City Code Section 108-245)

Not applicable. No existing or proposed housing on the property.

Economic resources (City Code Section 108-246)

An analysis of estimated average ad valorem tax yield from the proposed project was not submitted by the applicant. However, it is expected the tax yield would be greater than that from the existing improvements on the property. No construction expenditure was given by the applicant. No estimated number of employees was given by the applicant.

Special considerations (City Code Section 108-247)

- (a) The relationship of the proposed development to the City's land use plans, objectives and policies is being evaluated as part of this analysis. The relationship of the proposed development to public facilities was evaluated above and no conflicts were identified.
- (b) The project is located outside of the historic district and is within the AE-8 flood zone.
- (c) No unincorporated portions of the county would be impacted by the proposed development.
- (d) The project does not front a shoreline, so shoreline access would not be impeded.
- (e) No special facilities are proposed to accommodate bus ridership, although the property is served by several bus routes running along Flagler Avenue and Bertha Street, including the Blue, Green and Orange Routes and the Lower Keys Shuttle. Bus stops are located within two blocks of the property.

- (f) No special design features are proposed to reduce energy consumption. However, the project would be required to comply with the energy efficiency requirements of the state and city building codes for new commercial buildings.
- (g) The property is located within the AE-8 flood zone and would not have any usable area below the bottom floor. The elevation plans indicate the finished floor level at +5.0 NGVD and would be flood-proofed to +9.0 NGVD.
- (h) No private recreation facilities are proposed.
- (i) Coordination with applicable agencies is being facilitated through the DRC.
- (j) No wetlands or submerged land would be impacted.

Construction management plan and inspection schedule (City Code Section 108-248)

The project would be completed in one phase. A detailed construction schedule was not submitted. Staff recommends that temporary construction fencing and erosion barrier be installed and maintained during all phases of demolition and construction. Staff recommends that all City streets and sidewalks shall be kept clean and safe during all phases of demolition and construction.

Truman Waterfront Port facilities (City Code Section 108-249)

Not applicable.

Site plan (City Code Chapter 108, Article III)

The City shall not approve a site plan unless a finding is made that such site plan conforms to all applicable sections of the LDRs, pursuant to City Code Section 108-276, as analyzed below.

Site location and character of use (City Code Section 108-277)

The proposed development would be bring the property into compliance with the LDRs, in part through the proposed landscaping, open space, setbacks and stormwater management.

Appearance of site and structures (City Code Section 108-278)

The proposed building is a modern architectural design that would create an overall pleasing and harmonious environment with improved pedestrian accessibility.

Location and screening of mechanical equipment, utility hardware and waste storage areas (City Code Section 108-279)

Air conditioning equipment would be located on the ground, but would be screened from the streets by landscaping and the building itself. The waste storage area would be screened, as required, by the proposed six-foot wood fence.

Front-end loaded refuse container location requirements (City Code Section 108-280)

The Applicant and the City will coordinate the location and type of refuse containers with Waste Management to ensure adequate service access.

Roll-off compactor container location requirements (City Code Section 108-281)

None proposed.

Utility lines (City Code Section 108-282)

Any proposed above-ground or rooftop utility structures shall be screened as required by the LDRs.

Commercial and manufacturing activities conducted in enclosed buildings (City Code Section 108-283)

All commercial activities would take place within the new building and the garden porch.

Exterior lighting (City Code Section 108-284)

No exterior lighting information was provided. All exterior lighting must be shielded as required by the LDRs.

Signs (City Code Section 108-285)

A sign is indicated on the elevation plan, but few details are provided. Any new signage would have to obtain a building permit.

Pedestrian sidewalks (City Code Section 108-286)

The plans indicate a new sidewalk along Dennis Street, where no sidewalk exists likely due to the existing nonconforming perpendicular off-street parking spaces along Dennis Street. There is an existing sidewalk along Flagler Avenue. Internal walkways and connections to City sidewalks are proposed.

Loading docks (City Code Section 108-287)

No loading docks are proposed. Loading and unloading would occur within the proposed rear parking area or the off-street parallel spaces.

Storage areas (City Code Section 108-288)

No exterior storage areas are proposed.

Land clearing, excavation or fill (City Code Section 108-289)

No work would impact a floodplain or a conservation area. A proposed stormwater management would address drainage and runoff on the site. Vegetation removal was reviewed by the Urban Forestry Manager. Staff recommends temporary fencing and silt barriers during demolition and construction to prevent soil and debris from running into City streets and sidewalks.

Landscaping (Code Chapter 108, Article VI)

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. The submitted plan indicates landscaping incorporated along the perimeters of the property, as well as within a new garden. Landscaped open space would significantly increase above the existing amount. Full compliance with all landscape buffer requirements of the LDRs is proposed, as outlined in the table on the following page.

Landscaping Modification / Waiver Summary				
Landscaping Type	Minimum Required	Existing	Proposed	Change/Waiver
Land use buffer (Sec. 108-347) Proposed Use: Low impact	Type C adjacent to single-family residential uses; plant units required varies	None	10' Type C buffer along Flagler with 399 plant units; 5' Type C along south property line with 83 plant units	In compliance
Minimum landscaping requirement (Sec. 108-412)	20%	~0%	41%	+41 / In compliance
Street frontage (Sec. 108-413)	Less than 0.5 acre site area = 10' wide, 40 plant units per 100 linear feet; minimum 75 plant units required	None	10' street buffers with 389 plant units proposed	In compliance
Interior parking areas (Sec. 108-414)	20% of total parking area; minimum 6' dim, 60 SF & 1 shade tree per landscape area; 1 tree per 100 SF of landscape area; interior landscape strips between rows and every 10 spaces	None	948 SF required; 1,164 SF proposed	In compliance
Perimeter parking landscaping (Sec. 108-415)	Building sites 20,000 SF or less: 5' wide, 1 canopy shade tree, 10 shrubs per 35 LF	None	8 trees & 75 shrubs required; 8 trees and 222 shrubs proposed	In compliance
Nonvehicular use areas (Sec. 108-416)	Site with less than 30% nonvehicular open space (NOS): 4 trees / 2,000 SF NOS	None	5 trees required; 8 trees proposed	In compliance

Off-street parking and loading (Code Chapter 108, Article VII)

Already addressed in above analysis.

Stormwater and surface water management (Code Chapter 108, Article VIII)

A stormwater management plan was submitted indicating that surface water management is designed for the 25-year/72-hour storm event, as required. Stormwater would be retained on-site through an exfiltration trench in the parking lot and vegetated swales. Staff recommends that the applicant consider using a pervious material for parking surfaces, and that downspouts direct rainwater to the on-site stormwater retention areas.

Utilities (Code Chapter 108, Article IX)

Access to potable water, access to wastewater disposal systems and conservation of potable water supply were analyzed in the above concurrency management determination and were found in compliance.

Art in Public Places (City Code Section 2-487)

Not applicable.

RECOMMENDATION

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Minor Development Plan be **APPROVED** with the following conditions:

General conditions:

1. The proposed development shall be consistent with the attached architectural plans dated November 5, 2014 by Thomas E. Pope, Registered Architect, the civil plans dated November 11, 2014 by Allen E. Perez, P.E., and the landscape plans dated November 7, 2014 by Elizabeth Newland, Landscape Architect.
2. Although subject to a separate City approval, the City shall not bear any of the costs of the proposed sidewalk and any landscaping improvements within City right-of-way.
3. 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.

Conditions prior to issuance of a Certificate of Occupancy:

4. 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.

Conditions subject to a Conditional Approval Permit, and subject to an associated annual inspection:

5. Maximum 55-seat/student capacity based on the 11 off-street parking spaces proposed, pursuant to the off-street parking requirements of City Code Section 108-572(3).

**PLANNING BOARD
RESOLUTION NO. 2014-**

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING MINOR DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTION 108-91.B.1.(B) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE CONSTRUCTION OF 3,444 SQUARE FEET OF NONRESIDENTIAL FLOOR AREA FOR A LEARNING CENTER ON PROPERTY LOCATED AT 1908 FLAGLER AVENUE (RE # 00063450-000000; AK # 1063886) WITHIN THE COMMERCIAL LIMITED (CL) 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 outside of the Historic District, a Minor Development Plan review is required for the construction of 1,000 to 4,999 square feet of nonresidential floor area; and

WHEREAS, Code Section 108-196(b) requires the Planning Board to review and approve, approve with conditions or deny the proposed Minor Development Plan; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on November 20, 2014; and

WHEREAS, the granting of the Minor Development Plan application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting 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, or otherwise detrimental to the public welfare.

_____ Chairman

_____ Planning Director

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 for the construction of 3,444 square feet of gross nonresidential floor area for a learning center on property located at 1908 Flagler Avenue (RE # 00063450-000000; AK # 1063886) in the Commercial Limited (CL) Zoning District pursuant to Section 108-91.B.1.(b) 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 attached architectural plans dated November 5, 2014 by Thomas E. Pope, Registered Architect, the civil plans dated November 11, 2014 by Allen E. Perez, P.E., and the landscape plans dated November 7, 2014 by Elizabeth Newland, Landscape Architect.

2. Although subject to a separate City approval, the City shall not bear any of the costs of the proposed sidewalk and any landscaping improvements within City right-of-way.

3. 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.

Conditions prior to issuance of a Certificate of Occupancy:

_____ Chairman

_____ Planning Director

4. 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.

Conditions subject to a Conditional Approval Permit, and subject to an associated annual inspection:

5. Maximum 55-seat/student capacity based on the 11 off-street parking spaces proposed, pursuant to the off-street parking requirements of City Code Section 108-572(3).

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 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

_____ Chairman

_____ Planning Director

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 ____ day of _____, 2014.

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

Richard Klitenick, Planning Board Chairman

Date

Attest:

Donald Leland Craig, AICP, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman

_____ Planning Director