



## THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

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November 20, 2008

VIA ELECTRONIC MAIL

Mr. Peter H. Batty  
St. Mary Star of the Sea  
1010 Windsor Lane  
Key West 33040

**RE: Building Permit Allocation System (BPAS) Determination  
1015-1027 Simonton Street, Real Estate Number 0002707-000000**

Dear Mr. Batty,

The purpose of this letter is to respond to your request for a determination regarding the type and number of units lawfully established at 1015-1027 Simonton Street, per the City of Key West Building Permit Allocation System (BPAS). The property is approximately 1.04 acres in size and is owned by the Archdiocese of Miami; the parcel is located in the Historic Neighborhood Commercial (HRC-1) zoning district and is currently a mobile home park.

The purpose of BPAS is to limit residential development commensurate with the City's ability to maintain reasonable and safe hurricane evacuation clearance times as established by the Hurricane Evacuation Model prepared by Post, Buckley, Schuh and Jernigan in 1991 (see Policy 5-1.6.4 of the Comprehensive Plan). The basis for determining existing units shown in the model was the April 1, 1990 Census. Therefore, units in existence at the time the census was prepared are presumed not to be affected by BPAS as established by Objective 1-3.12 and implementing policies of the City of Key West Comprehensive Plan.

Documentation provided by you since your original request, as well as information researched by the Planning Department, indicates that the property has continuously been used as a mobile home park since at least the 1970's. Although the project may have functioned as a transient recreational vehicle (RV) park initially, by the late 1980's documents (including licensing) suggest that the use had shifted to mobile homes. As such, permanent residential uses, rather than transient residential uses, are well documented on the property. City licensing data shows this property has a current occupational license for 44 rental trailer spaces (Attachment 1) and a site visit confirms that these 44 spaces exist on the property today and appear to have been in place for some time. Data derived from the 1990 Census and compiled for a draft 1991 Land Use Inventory shows 40 residential units (Attachment 2). Polk Telephone Directories dating back to 1981 show that there have been between 15 and 38 listings for this address (Attachment 3). Correspondence from the Florida Keys Aqueduct Authority show service since 1943 with 41 units in 1997 (Attachment 4), and Keys Electric indicates that 39 of the existing 40 electric meters existed prior to 1990 (see Attachment 5). As you have pointed out, each mobile home has not necessarily had individual water and electric accounts, and so these numbers may not reflect the full number of active units on the site. Notices distributed in 2004 to tenants show that each tenant was either required to establish their own electric account or pay an increase in rent (see Attachment 6). 40 tenants were notified at that time. While

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this type of notification doesn't establish the unit number in 1990, it does substantiate the historic approach to metering at the site. Other undated documentation provided indicates occupation has ranged up to 44 units (see Attachment 7).

Due to the nature of mobile home park rentals and the passage we understand that documenting the extent of occupation of the mobile home park in or around 1990 is difficult. However, the Planning Department believes that the site configuration has clearly not been changed in many years, and that the documentation that does exist indicates that up to 44 residential units have existed on the site at various times and are licensed for operation today. Therefore, we believe that 44 single family residential units existed on the site on or about the time of the establishment of the Building Permit Allocation System.

According to the current Land Development Regulations (LDRs) for property in the HRC-1 zoning district, the density allowed is only 16 units per acre. However, per Section 122-26 of the LDRs, this property has legal non-conforming density of 44 non-transient residential units.

In summary, based on available information, 44 non-transient units exist on the property at 1015-1027 Simonton Street. These units have been used historically as non-transient residential housing. Please understand that this is not a granting of Building Permit Allocations but rather the recognition of preexisting units. Please contact the Customer Service Department at 305.809.3861 to make arrangements for the payment of any back fees that may be associated with this property.

If there are any questions or concerns, please contact our office at (305) 809-3720.

Respectfully,



Brendon Cunningham  
Senior Planner

xc: Amy Kimball-Murley, AICP, Planning Director  
Carolyn Walker, Licensing Official  
Geo File

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