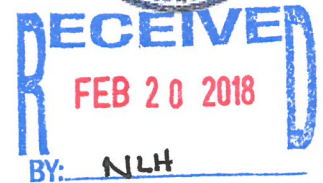


DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

City of Key West Planning Department
1300 White Street, Key West, FL 33040
(305) 809-3764



Development Plan & Conditional Use Application

Applications will not be accepted unless complete

Development Plan

Major _____

Minor _____

Conditional Use

☒

Historic District

Yes _____

No ☒

Please print or type:

- 1) Site Address 3216 Flagler Ave, Key West, FL 33040
- 2) Name of Applicant James A Ross, FMC PM
- 3) Applicant is: Owner _____ Authorized Representative X
(attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant 1909 Tyler Street, 8th Floor, Hollywood, FL 33020
- 5) Applicant's Phone # 954 405 0842 Email james.ross@fmc-na.com
- 6) Email Address: james.ross@fmc-na.com
- 7) Name of Owner, if different than above Bert J Budde Sr.
- 8) Address of Owner 3216 Flagler Ave, Key West, FL 33040
- 9) Owner Phone # 305-924 2367 Email kwf33040@aol.com
- 10) Zoning District of Parcel Limited Commercial RE# 00069060-000100
- 11) Is Subject Property located within the Historic District? Yes _____ No X
If Yes: Date of approval _____ HARC approval # _____
OR: Date of meeting _____
- 12) 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).
Kidney Dialysis, 6 Vehicles, no overnight patients or staff

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

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

If Yes: Date of approval 09/15/2011 Resolution # 2011-044

Attach resolution(s).

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

Yes X No _____

If Yes, describe and attach relevant documents.

Walkway Easements for ingress and egress

-
- 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.
- D. For both *Conditional Uses* and *Development Plans*, one set of plans MUST be signed & sealed by an Engineer or Architect.

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.

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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;
 - 2) Buildings, structures, and parking;
 - 3) FEMA Flood Zone;
 - 4) Topography;
 - 5) Easements; and
 - 6) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
- B) Existing size, type and location of trees, hedges, and other features.
- C) Existing stormwater retention areas and drainage flows.
- D) A sketch showing adjacent land uses, buildings, and driveways.

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
 - 2) Setbacks
 - 3) Parking:
 - a. Number, location and size of automobile and bicycle spaces
 - b. Handicapped spaces
 - c. Curbs or wheel stops around landscaping
 - d. Type of pavement
 - 4) Driveway dimensions and material
 - 5) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
 - 6) Location of garbage and recycling
 - 7) Signs
 - 8) Lighting
 - 8) Project Statistics:
 - a. Zoning
 - b. Size of site
 - c. Number of units (or units and Licenses)
 - d. If non-residential, floor area & proposed floor area ratio
 - e. Consumption area of restaurants & bars
 - f. Open space area and open space ratio
 - g. Impermeable surface area and impermeable surface ratio
 - h. Number of automobile and bicycle spaces required and proposed
- 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.
 - 2) Height of building.
 - 3) Finished floor elevations and bottom of first horizontal structure
 - 4) Height of existing and proposed grades
- C) Drainage Plan: Existing & Proposed retention areas and calculations approved by the City Engineer. See one of the attached commercial and residential use Stormwater Retention Forms.
- 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.

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

**City of Key West Planning Department
1300 White Street, Key West, FL 33040
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- 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.

Development Plan Submission Materials

Sec. 108-226. Scope.

A development plan, for the purposes of this division, shall include but not necessarily be limited to the requirements in this division. With the exception of sections 108-227 through 108-229, the city planner may waive or modify requirements, information and specific performance criteria for development plan review after rendering a finding in writing that such requirements:

- (1) Are not necessary prior to development plan approval in order to protect the public interest or adjacent properties;
- (2) Bear no relationship to the proposed project or its impacts; and
- (3) Are found to be impractical based on the characteristics of the use, including the proposed scale, density/intensity, and anticipated impacts on the environment, public facilities and adjacent land uses.

Sec. 108-227. Title block.

The development plan shall contain the following pertaining to the title block:

- (1) Name of development.
- (2) Name of owner/developer.
- (3) Scale.
- (4) North arrow.
- (5) Preparation and revision date.
- (6) Location/street address of development.

Sec. 108-228. Identification of key persons.

The development plan shall contain the following pertaining to identification of key persons:

- (1) Owner.
- (2) Owner's authorized agent.
- (3) Engineer and architect.
- (4) Surveyor.
- (5) Landscape architect and/or environmental consultant.
- (6) Others involved in the application.
- (7) A verified statement showing each and every individual person having a legal and/or equitable ownership interest in the subject property, except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the names and addresses of the corporation and principal executive officers together with any majority stockholders will be sufficient.

Sec. 108-229. Project description.

Project description should be included on the site plan sheet. The development plan shall contain the following pertaining to the project description:

- (1) Zoning (include any special districts).
- (2) Project site size (acreage and/or square footage).
- (3) Legal description.
- (4) Building size.
- (5) Floor area ratio, permitted and proposed.
- (6) Lot coverage, permitted and proposed.
- (7) Impervious surface.
- (8) Pervious surface.
- (9) Landscape areas.

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

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1300 White Street, Key West, FL 33040
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- (10) Parking spaces, permitted and proposed.
- (11) Delineation of location of existing and proposed structures.
- (12) Existing and proposed development type denoted by land use including density/intensity.
- (13) Setbacks.

Sec. 108-230. Other project information.

A general outline of the proposed development shall include the following criteria where applicable:

- (1) Proposed stages or phases of development or operation and facility utilization.
- (2) Target dates for each phase.
- (3) Expected date of completion.
- (4) Proposed development plan for the site.
- (5) A written description of characteristics of the proposed development (i.e., number and type of residential units; floor area by land use; number of tourist accommodations units; seating or parking capacities; number of hospital beds; any proposed outside facilities or areas to be used for storage, display, outside sales, waste disposal or similar use; and any other proposed uses).
- (6) For planned unit developments, indicate design techniques (i.e., clustering, zero lot line, or other techniques) used to reduce public facility costs, reduce disturbance of natural resources, and preserve scenic quality of the site.
- (7) Buildings and sitting specifications which shall be utilized to reduce damage potential and to comply with federal flood insurance regulations.
- (8) Protection against encroachment together with proposed mitigation measures to be employed within environmentally sensitive areas.

Sec. 108-231. Residential developments.

- (a) If the development includes residential units, the following characteristics shall be discussed in the written description:
 - (1) A breakdown of the proposed residential units by number of bedrooms;
 - (2) Tenure (i.e., owner-occupied or rental); and
 - (3) Structure type, such as single-family, duplex, multiple-family, mobile home.
- (b) Refer to division 10 of article V of chapter 122 for information and legal instruments needed to satisfy the city's affordable housing requirements.

Sec. 108-232. Intergovernmental coordination.

The development plan shall contain the following pertaining to intergovernmental coordination:

- (1) Provide proof of coordination with applicable local, regional, state and federal agencies, including but not limited to the following agencies that will be involved in the project:
 - a. South Florida Regional Planning Council (SFRPC).
 - b. City electric system (CES).
 - c. State department of environmental protection (DEP).
 - d. Army Corps of Engineers (ACOE).
 - e. South Florida Water Management District (SFWMD).
 - f. State department of transportation (DOT).
 - g. State department of community affairs (DCA).
 - h. Florida Keys Aqueduct Authority (FKAA).
 - i. State fish and wildlife conservation commission (F&GC).
 - j. The county.
- (2) Provide evidence that any necessary permit, lease or other permission from applicable local, regional, state and federal agencies has been obtained for any activity that will impact wetland communities or submerged land.
- (3) When intergovernmental coordination efforts are incomplete, the applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

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CONDITIONAL USE CRITERIA

Sec. 122-61. Purpose and intent.

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. A conditional use shall be permitted upon a finding by the planning board that the proposed use, application and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the planning board and or the city commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to sections 108-165 and 108-166, the city commission shall render the final determination pursuant to section 122-63. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described in subsection (c) of this section and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.
- (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;
 - b. Traffic generation;
 - c. Square feet of enclosed building for each specific use;
 - d. Proposed employment;
 - e. Proposed number and type of service vehicles; and
 - f. Off-street parking needs.
 - (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;
 - b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94;
 - c. Roadway or signalization improvements, or other similar improvements;
 - d. Accessory structures or facilities; and
 - e. Other unique facilities/structures proposed as part of site improvements.
 - (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - a. Open space;
 - b. Setbacks from adjacent properties;
 - c. Screening and buffers;
 - d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
 - e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

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- (c) Criteria for conditional use review and approval. Applications for a conditional use shall clearly demonstrate the following:
- (1) Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.
 - (2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure (i.e., refer to chapter 94 to ensure concurrency management requirements are met) and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
 - (3) Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
 - (4) Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
 - (5) Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.
 - (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. Land uses in conservation areas shall be reviewed with emphasis on compliance with section 108-1 and articles III, IV, V, VII and VIII of chapter 110 pertaining to environmental protection, especially compliance with criteria, including land use compatibility and mitigative measures related to wetland preservation, coastal resource impact analysis and shoreline protection, protection of marine life and fisheries, protection of flora and fauna, and floodplain protection. The size, scale and design of structures located within a conservation area shall be restricted in order to prevent and/or minimize adverse impacts on natural resources. Similarly, public uses should only be approved within a wetland or coastal high hazard area V zone when alternative upland locations are not feasible on an upland site outside the V zone.
 - b. Residential development. Residential development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting setbacks, lot coverage, height, mass of building, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles III, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, internal circulation, and off-

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

City of Key West Planning Department
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street parking; as well as possible required mitigative measures such as landscaping and site design amenities.

- c. Commercial or mixed use development. Commercial or mixed use development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting floor area ratio, setbacks, lot coverage, height, mass of buildings, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles I, II, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, pedestrian access and circulation; internal vehicular circulation together with access and egress to the site, and off-street parking; as well as possible required mitigative measures such as landscaping, buffering, and other site design amenities. Where commercial or mixed use development is proposed as a conditional use adjacent to U.S. 1, the development shall be required to provide mitigative measures to avoid potential adverse impacts to traffic flow along the U.S. 1 corridor, including but not limited to restrictions on access from and egress to U.S. 1, providing for signalization, acceleration and deceleration lanes, and/or other appropriate mitigative measures.
- d. Development within or adjacent to historic district. All development proposed as a conditional use within or adjacent to the historic district shall be reviewed based on applicable criteria stated in this section for residential, commercial, or mixed use development and shall also comply with appearance and design guidelines for historic structures and contributing structures and/or shall be required to provide special mitigative site and structural appearance and design attributes or amenities that reinforce the appearance, historic attributes, and amenities of structures within the historic district.
- e. Public facilities or institutional development. Public facilities or other institutional development proposed as a conditional use shall be reviewed based on land use compatibility and design criteria established for commercial and mixed use development. In addition, the city shall analyze the proposed site location and design attributes relative to other available sites and the comparative merits of the proposed site, considering professionally accepted principles and standards for the design and location of similar community facilities and public infrastructure. The city shall also consider compliance with relevant comprehensive plan assessments of community facility and infrastructure needs and location impacts relative to service area deficiencies or improvement needs.
- f. Commercial structures, uses and related activities within tidal waters. The criteria for commercial structures, uses and related activities within tidal waters are as provided in section 122-1186.
- g. Adult entertainment establishments. The criteria for adult entertainment establishments are as provided in division 12 of article V of this chapter.

LEGEND

- Found 1/2" Iron Pipe (No)
- Set #5 rebar w/cap (6298)
- Found 1/2" Iron Rod (No)
- ▲ Found Nail & Disc (PTS)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R/W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊙ Wood Utility Pole
- Concrete Utility Pole
- P- Overhead Utility Lines
- ⊗ Fire Hydrant
- ⊠ Sewer Cleanout
- ⊞ Water Meter

OTE:
his Survey Map is not
ill and complete without
the attached Survey Report.

Boundary Survey Report of part of Block 2, RIVIERA SHORES SUBDIVISION, Key West, FL

NOTES:

1. The legal description shown hereon was furnished by the client or their agent.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 3216 Flagler Ave., Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. This survey is not assignable.
9. Date of field work: September 9, 2009.
10. Ownership of fences is undeterminable, unless otherwise noted.
11. Adjoiners are not furnished.
12. The Survey Report is not full and complete without the attached Survey Map.
13. Easements were not surveyed and are shown for graphical purposes only.

BOUNDARY SURVEY OF: A parcel of land on the Island of Key West, being a part of Block 2 of Riviera Shores Subdivision according to the Plat thereof, as recorded in Plat Book 3, at Page 148, of the Public Records of Monroe County, Florida; said parcel being described as follows:

COMMENCE at the Northeasterly corner of said Block 2 and run thence Southwesterly along the Northwesterly boundary of said Block 2 for a distance of 200 feet to the Point of Beginning of the parcel being described herein; thence continue Southwesterly along the Northwesterly boundary of said Block 2 for a distance of 89.23 feet; thence Southeasterly and at right angles for a distance of 220 feet to the Southeasterly boundary of said Block 2; thence Northeasterly along the Southeasterly boundary of said Block 2 for a distance of 89.23 feet; thence Northwesterly for a distance of 220 feet back to the point of beginning.

TOGETHER WITH AN EASEMENT OF INGRESS AND EGRESS ON THE FOLLOWING TWO PARCELS: (Easements not surveyed and are shown for graphical purposes only)

A parcel of land of the Island of Key West, being a part of block 2 of Riviera Shores Subdivision according to the Plat thereof, as recorded in Plat Book 3, at Page 148, of the Public Records of Monroe County, Florida; said parcel being described as follows:

COMMENCE at the Northeasterly corner of said Block 2 and run thence Southwesterly along the Northwesterly boundary of said Block 2 for a distance of 289.23 feet; thence Southeasterly and at right angles for a distance of 70.95 feet to the Point of Beginning of the parcel of land being described herein; thence Southwesterly at right angles for a distance of 6.0 feet; thence Southeasterly at right angles for a distance of 39.80 feet; thence Northeasterly at right angles for a distance of 6.0 feet; thence Northwesterly for a distance of 39.80 feet back to the Point of Beginning.

A parcel of land on the Island of Key West, being a part of Block 2 of Riviera Shores Subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 148, of the Public Records of Monroe County, Florida; said parcel being described as follows:

COMMENCE at the Northeasterly corner of said Block 2 and run thence Southwesterly along the Northwesterly boundary of said Block 2 for a distance of 289.23 feet; thence Southeasterly and at right angles for a distance of 173.33 feet to the Point of Beginning of the parcel of land being described herein; thence Southwesterly and at right angles for a distance of 12.0 feet; thence Southeasterly at right angles for a distance of 46.67 feet to the Southeasterly boundary of said Block 2; thence Northeasterly along the Southeasterly boundary of said Block 2; thence Northeasterly along the Southeasterly boundary of said Block 2 for a distance of 12.0 feet; thence Northwesterly for a distance of 46.67 feet back to the Point of Beginning.

BOUNDARY SURVEY FOR: Bert J. Budde and Josette M. Budde;
First State Bank of the Florida Keys;
Spottswood, Spottswood & Spottswood;
Chicago Title Insurance Company;

J. LYNN O'FLYNN INC.

J. Lynn O'Flynn, PSM
Florida Reg. #6298

September 14, 2009

Sheet Two of Two Sheets

J. LYNN O'FLYNN, Inc



Professional Surveyor & Mapper
PSM #6298

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244

**PLANNING BOARD RESOLUTION
NUMBER 2011- 044**

**A RESOLUTION OF THE KEY WEST
PLANNING BOARD GRANTING A
CONDITIONAL USE APPROVAL FOR A
MEDICAL OFFICE LOCATED AT 3216
FLAGLER AVENUE (RE# 00069060-000100) IN
THE LIMITED COMMERCIAL (CL) ZONING
DISTRICT, PURSUANT TO SECTION 122-
388(13) OF THE CODE OF ORDINANCES, KEY
WEST FLORIDA; PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the subject property is located in the Limited Commercial (CL) zoning district;
and

WHEREAS, Section 122-388(13) of the Code of Ordinances provides that medical offices
are allowed as a conditional use within the CL zoning district; and

WHEREAS, Section 122-61 of the Code of Ordinances allows applicants to request a
conditional use approval; and

WHEREAS, the applicant filed a conditional use application for a medical office at 3216
Flagler Avenue; and

WHEREAS, Section 122-62 outlines the criteria for reviewing a conditional use application



Acting Chairman


Planning Director

by the Planning Board; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on September 15, 2011; and

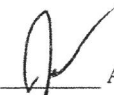
WHEREAS, the Planning Board found that the proposed use complies with the criteria in Section 122-62; and

WHEREAS, the approval of the conditional use application will be 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; and

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 fully set forth herein.

Section 2. That a conditional use request, under the Code of Ordinances of the City of Key West, Florida, per Section 122-388(13) is hereby approved as follows: use of a medical office for property located at 3216 Flagler Avenue (RE# 00069060-000100), Key West, Florida, as shown in the attached site plans dated, August 26, 2011 with the following conditions:

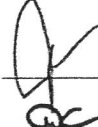
 Acting Chairman
 Planning Director

Conditions to be completed prior to the issuance of certificate of occupancy:

1. The revitalization of the existing sign and planter box;
2. A portion of the 2.8' x 52' poured concrete walkway on the east property line will be removed as depicted on the site plans and at least two-three semi-mature native trees with appropriate ground cover will be planted as determined by the city's Urban Forester. An ADA access path will remain to serve the ADA parking space;
3. The parking bumpers in the parking lot that face the Flagler Avenue right-of-way will be relocated to 3.5 feet from the property line to meet the Code requirement and prevent parked vehicles from encroaching onto the right-of-way;
4. Directional signage and paint will identify the one way traffic design of the parking lot and will be coordinated with the adjacent property owner; and
5. The solid waste handling area at the rear of the building shall be screened from adjacent properties and public rights-of-way by appropriate fences, walls or landscaping in accordance with Code Section 108-279.

Conditions subject to a Conditional Approval Permit, per Ordinance 10-22. Conditions subject to an associated annual inspection:

6. Maintain in healthy condition the required plantings on site including: the silver buttonwood hedge planted along the front of the building, the planter box below the pole sign and the two-three semi-mature native trees with appropriate ground cover required along the northeasterly property line.


Acting Chairman

Planning Director

7. Maintain in working order objectives of conditions 3-5 above.
8. No patron access shall be available at the rear door. The applicant shall post signage at the rear door prohibiting parking and ingress.

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 conditional use approval does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of 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 Commission.

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 will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review

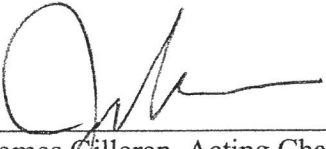
 Acting Chairman
 Planning Director

period the DCA 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.

Section 7. The applicant shall obtain and maintain a Conditional Approval Permit from the City prior to issuance of a Certificate of Occupancy per Ordinance Number 10-22.

Read and passed on first reading at a regular meeting held this 15th day of September, 2011.

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


James Gilleran, Acting Chairman
Key West Planning Board

9-23-11

Date

Attest:


Donald Leland Craig, AICP
Planning Director

9-22-11

Date

Filed with the Clerk:


Cheryl Smith, City Clerk

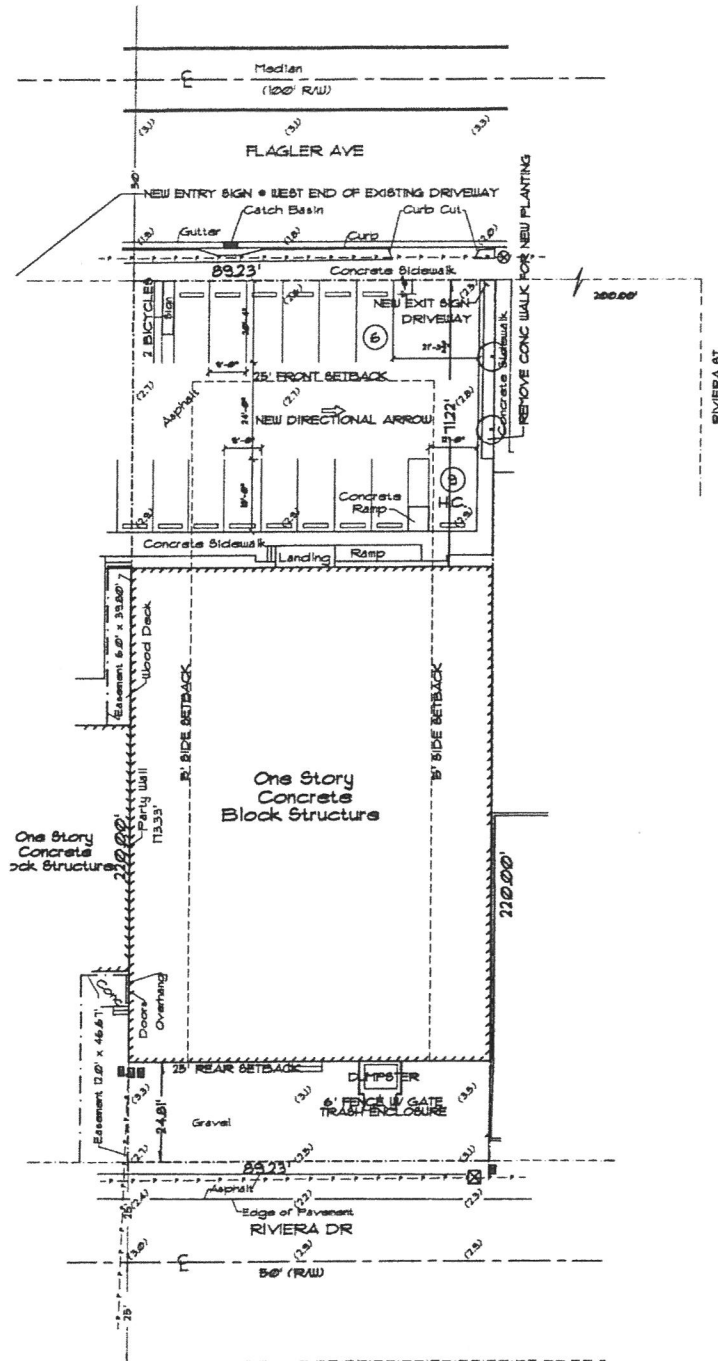
9-23-11

Date

 Acting Chairman
 Planning Director



RECEIVED
August 26, 2011
KW Planning Dpt



Site Plan

1" = 30' - 0"



JP

8C

3216 Flagler Avenue
Key West, FL
3216 Flagler Ave

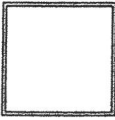
THOMAS E. POPE, P.A. ARCHITECT
7009 Shrimp Road #4, Key West FL
(305) 296 3611
TEPopePA@aol.com

date:
7/1/11
revision:
8/23/11

sheet:
A1

SITE ANALYSIS

ZONING	CL
SITE AREA	19,631* (0.45 AC)
FLOOD ZONE	AE 8
MAX LOT COVERAGE	40% (7,852 SF)
EXISTING LOT COVERAGE	56% (11,041 SF)
PROPOSED LOT COVERAGE	56% (11,041 SF)
MAX FAR	0.8 (15,705 SF)
PROPOSED FAR	0.56 (11,041 SF)
MAX HEIGHT	40'
EXISTING HEIGHT	19.1'
MINIMUM SETBACKS	
FRONT	25'
REAR	25'
SIDE	15'
EXISTING SETBACKS	
FRONT	71.22'
REAR	24.81'
SIDE	0'
MAX IMPERVIOUS SURFACE	60% (11,779 SF)
EXISTING IMPERVIOUS SURFACE	88% (17,248 SF)
PROPOSED IMPERVIOUS SURFACE	87% (17,129 SF)
MIN OPEN SPACE	20% (3,926 SF)
EXISTING OPEN SPACE	12% (2,383 SF)
PROPOSED OPEN SPACE	13% (2,503 SF)
EXISTING CAR PARKING	15 SPACES
PROPOSED CAR PARKING	15 SPACES
EXISTING BICYCLE PARKING	0 SPACES
PROPOSED BICYCLE PARKING	2 SPACES



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OC

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an Individual)

I, Bert Budde, being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

321 6 Flagler Ave, Key West, Fl. 33040

Street address of subject property

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

[Signature]
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 2/20/2019 by

Bert Budde
Name of Authorized Representative

He/She is personally known to me or has presented _____ as identification.

[Signature]
Notary's Signature and Seal

AYDEN PHILLIPS
Name of Acknowledger Commission # PF 200394
Commission stamped
EXPIRES: March 9, 2019
Bonded Thru Budget Notary Services

Commission Number, if any

Please complete this form if someone other than the owner is representing the property owner in this matter.

James A Ross

Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.


Signature of Owner

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this 2-22-19
Date

by Bert Budde *Name of Owner*

He/She is personally known to me or has presented _____ as identification.

Notary's Signature and Seal

TIM TOMITA

~~Name of Acknowledger typed, printed or stamped~~

