

RESOLUTION NUMBER 2009-030

**A RESOLUTION OF THE KEY WEST
PLANNING BOARD GRANTING
CONDITIONAL USE APPROVAL AND
REGARDING APPROVAL OF A MAJOR
DEVELOPMENT PLAN FOR PROPERTY
LOCATED AT 512 GREENE STREET/201-205
ANN STREET (RE# 00001170-000000), KEY
WEST FLORIDA; PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the subject property is located in the Historic Residential Commercial Core, Gulf Side (HRCC-1), zoning district; and

WHEREAS, Section 122-61 of the Code of Ordinances allows applicants to request Conditional Use approvals; and

WHEREAS, Section 122-688(9) of the Code of Ordinances allows bars and lounges as Conditional Uses in the HRCC-1 zoning district; and

WHEREAS, Section 108-91A(2)(b) of the Code of Ordinances provides that within the Historic District a Major Development Plan is required for nonresidential floor area; addition or reconstruction of equal or greater than 2,500 square feet of gross floor area; and


Chairman

Planning Director

WHEREAS, the proposal would allow the existing restaurant to change to a bar and lounge, in areas designated 'consumption area' on the site plan, and allow for the redevelopment of the existing parking lot and the four structures on site, including the bar and lounge, the existing single family home and two small existing structures for commercial retail use; and

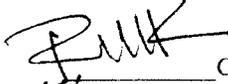
WHEREAS, Section 122-61 outlines the criteria for reviewing a Conditional Use application and Section 108-196(a) requires the Planning Board to review and make a recommendation to the City Commission on the proposed Major Development Plan; and

WHEREAS, Section 108-230 requires a construction schedule and the applicant has requested an immediate and continuous reconstruction process; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 30, 2009; and

WHEREAS, the granting of a Conditional Use 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;

WHEREAS, the granting of a combined Conditional Use and Major Development Plan is


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Planning Director

consistent with the criteria in the code; and

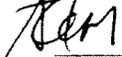
WHEREAS, the recommendation of approval of the combined Conditional Use and Major Development Plan is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

WHEREAS, the approval is consistent with the criteria in the Code; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

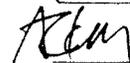
Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That a conditional use for a bar and lounge with 1,045 square feet of consumption area, per Section 122-688(9) of the Code of Ordinances, in conjunction with a Major Development Plan for the redevelopment of the site including: a new bar, an existing parking lot, a change of use from a single family home to a commercial retail structure, and a change in use for two(2) existing small commercial structures into two(2) commercial retail structures, per Section 108-91A(2)(b) under the Code of Ordinances of the City of Key West, Florida, is hereby recommended for City Commission approval for property located at 512 Green Street/ 201-205 Ann Street (RE#00001170-000000), as shown in the attached site plans dated July 10, 2009, with the following conditions:


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Planning Director

1. Tree Commission approval must be obtained prior to Building Permit issuance.
2. The applicant will donate the 1.0 Equivalent Single Family Unit associated with the single family residence to the City of Key West through the execution of a donation waiver.
3. The applicant will install and maintain a programmable distributive sound system consistent with that described in document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and available to the city upon request and to state that no speakers will be placed outdoors."
4. There will be no live music, disc jockeys, or karaoke at the site unless approved under a special event permit per Section 6-86 of the City Code.
5. Security cameras will be provided on site and security personnel will be present during the hours of operation.
6. A draft easement for off-site dumpster location on the adjacent Simonton Street property will be provided in a form acceptable to the City Attorney's office prior to forwarding a recommendation of approval to the City Commission and such easement will be executed prior to building permit issuance, to insure that all trash removal is handled via Simonton Street.
7. The following site plan modifications will be provided to the satisfaction of City staff prior to forwarding a recommendation of approval to the City Commission to include the following items:
 - a. Complete exterior lighting plans to ensure that lighting impacts are directed away from residential areas;
 - b. Elevations as provided to HARC will be included in the site plan package;
 - c. The trash and recycling containers will be relocated to the adjacent property (RE 00001111-000700) to enable pick-up to occur from Simonton Street;
 - d. The landscape plan shall be modified to include additional buffering on the south side of the site and in proximity to the exit of the bar into the courtyard;
 - e. A plan showing the proposed location of speakers will be provided and in no case shall speakers be located outdoors; and
 - f. The site plans shall be clearly marked to show that no consumption is approved outdoors on the site.

Section 3. Full, complete, and final application for all permits required for which this


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Planning Director

resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. This Conditional Use request and Major Development Plan application recommended for approval to the City Commission, do 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.

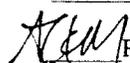
Section 5. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

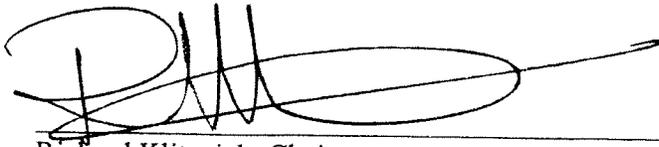
Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant 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 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.

Read and passed on first reading at a special meeting held this 30 day of July, 2009.

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

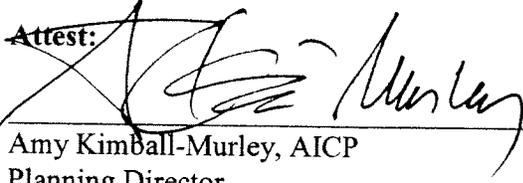
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Chairman

Planning Director



Richard Klitenick, Chairman
Key West Planning Board

AUGUST 5, 2009
Date

Attest: 

Amy Kimball-Murley, AICP
Planning Director

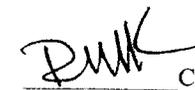
August 5, 2009
Date

Filed with the Clerk:

Cheryl Smith, City Clerk

8-6-09
Date

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 Chairman
 Planning Director

THE AUDIO BUG, INC.

3800 HILLCREST DRIVE § HOLLYWOOD, FL. 33021-7937 § 954-983-2788 § FAX: 954-083-2789 § audiobug1@aol.com

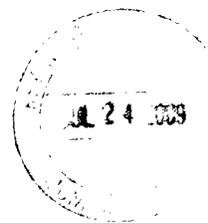
To the attention of the City of Key West Planning Board

The following are recommendations for Sound Control and Mitigation at 512 Greene Street, Key West:

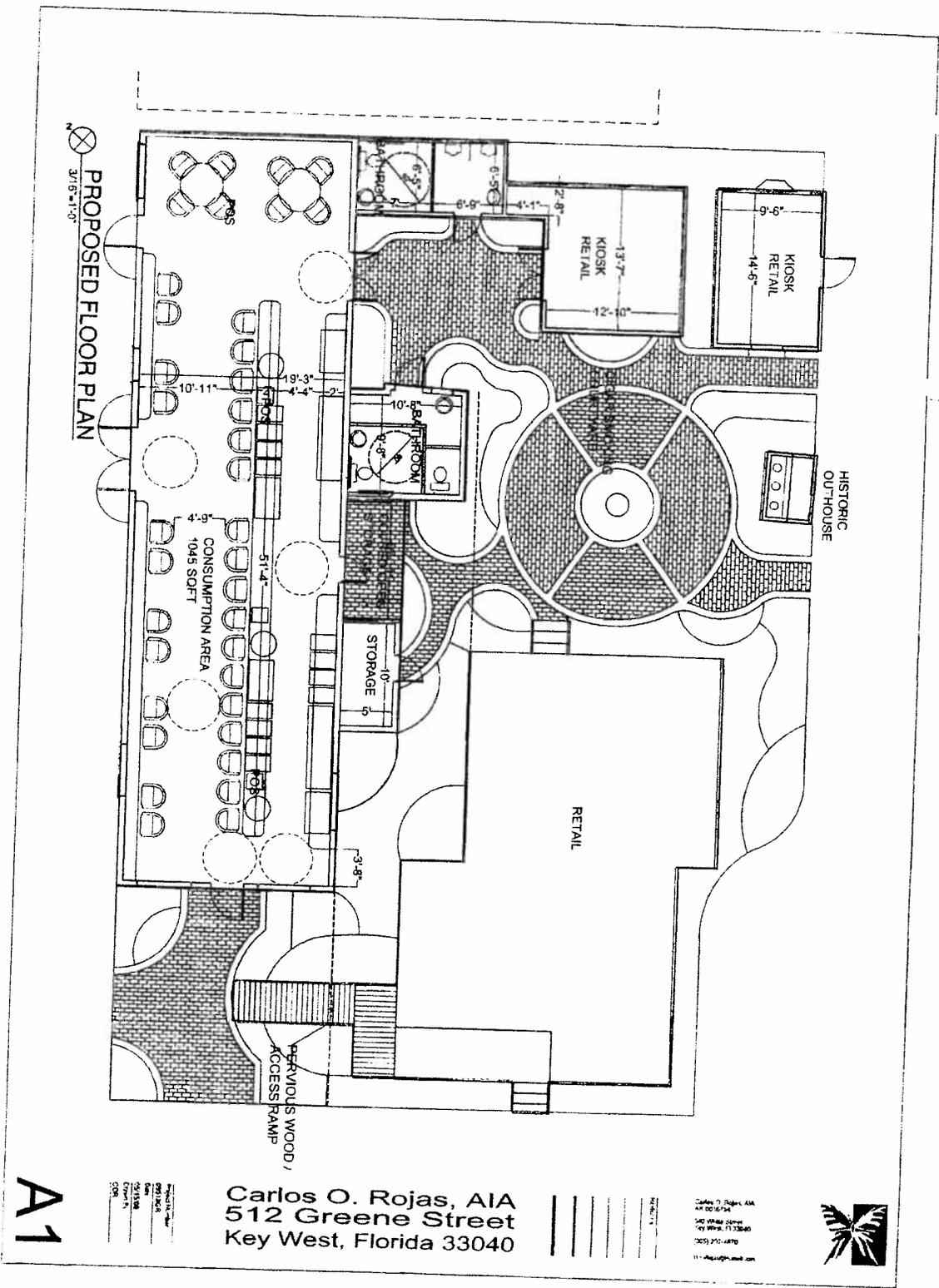
Sound System: The system should be designed to fully comply with local noise ordinances, employing the following techniques to accomplish this goal:

- A. Deployment of many closely spaced speakers driven at low individual volumes. Such a system design will distribute sound uniformly within each entertainment area in such a manner as not to interfere with normal conversational level of the clientele. Maximum long-term system levels are limited to 90 dB SPL (unweighted) and 65 dB SPL with user access restricted to the selection of program material and manual reduction only of system levels. No increase above maximum design sound levels shall be possible by staff. The system includes 72 speakers and 18 amplifiers in order to provide maximum control to the designer. All speakers are hooked into amplifiers two at a time to allow the greatest level of zone control.
- B. Symetrix's Advanced Digital Signal Processing System, "SymNet," a centralized computer control and digital signal processor (or equal), shall form the heart of the system. With this device, the system features the following functions and safeguards:
 1. All controls under lock and key, with limited access via password security.
 2. The system shall be divided into several zones, each with a preset maximum level, separate dynamic equalization and time alignment, sound compression, and intelligent gain adjustment feature which will raise and lower music volume in response to patron conversation noise.
 3. Local control shall consist only of source selection and the ability to turn the system down from preset maximums.
 4. A leveling function capable of reducing the inevitable disparities between source and selection volumes, further ensuring consistent playback levels. Leveling removes the possibility of one song sounding louder than the previous or subsequent song. For example, if a Billy Joel vocal/piano ballad were followed by a song with a significantly different complement of vocals and instrumentals, the second song would normally sound louder at an equal volume setting. With leveling, the two songs would be reproduced at virtually the same sound level.
- C. Bands and/or DJs¹ shall not be permitted to bring additional amplifiers or loudspeakers onto the site. The House System will provide an input portal for band mixers and DJ consoles (mixer, turntables, CD players, etc.). DJs, limited by the House System in place, have no more influence over the volume than the Hotel staff (which means NO ability to exceed preset limits). The DJ becomes a human iPod of sorts and their presence has no material effect on the neighbors or the perceived volume within the area.
- D. Computerized sound monitoring system. Utilizing an inexpensive net-book or laptop computer, appropriate software and an external microphone, the club can be equipped to self-monitor sound levels on the property to ensure and document compliance with the City's Noise Ordinance. Calibration of the system during its installation will allow direct correlation of sound levels on property with those at any location off property. Simple operation and reliable documentation will ensure that code violation claims can be refuted with accurate information at any time. Visit <http://www.fesb.hr/~mateljan/arta/> for details on obtaining this power software.

¹ If permitted as a special event under KW Code Sec. 6-86



RMK
8/5/09
ALLEN
8/5/09



PROPOSED FLOOR PLAN
3/16"=1'-0"

A1

Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

Project No.	00000000
Sheet No.	00000000
Date	08/15/09
Author	CR
Check	
Scale	

1	RETAIL
2	CONSUMPTION AREA
3	BATH ROOM
4	STORAGE
5	KIOSK RETAIL
6	HISTORIC OUTHOUSE

Carlos O. Rojas, AIA
411 000000
50 White Street
Key West, FL 33040
305 210-4470
11 - Rojas@aia.com



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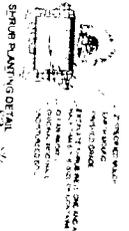
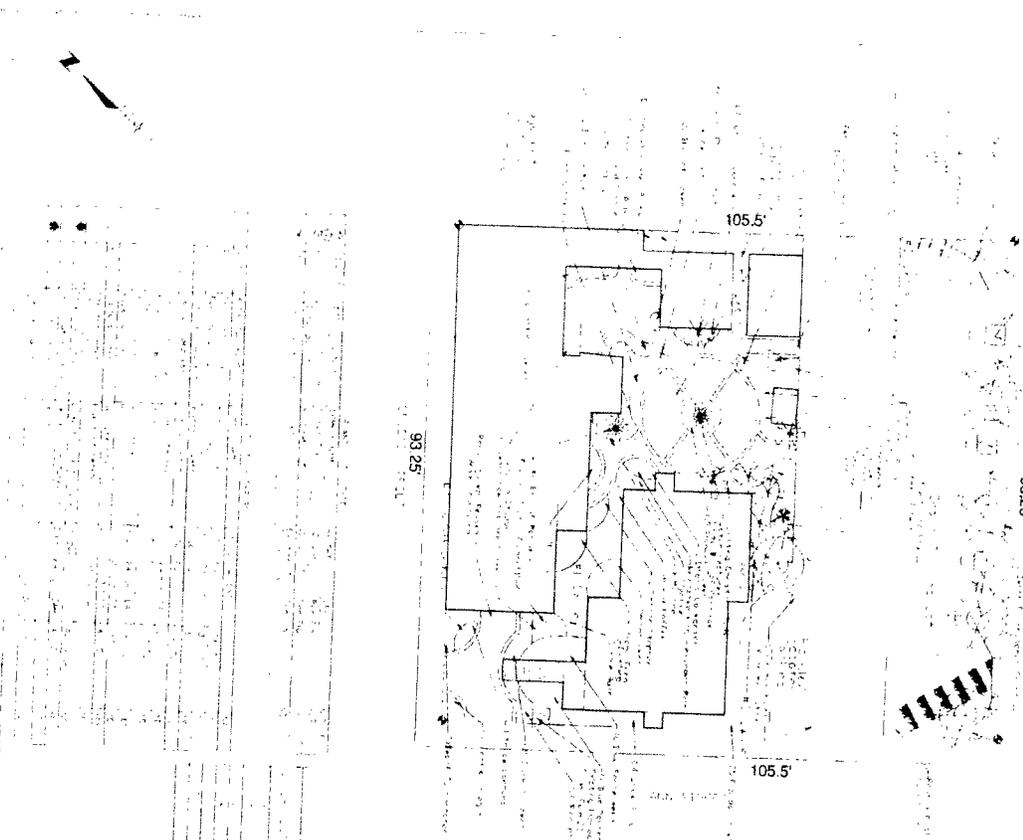
512 GREENE STREET
KEY WEST, FL



901 E. Ocean Way
Naples, FL 34102
Phone: 239.434.4400
Florida Certificate No. 12000
Architectural No. 1172

PROPOSED LANDSCAPE
AND HARDSCAPE PLAN

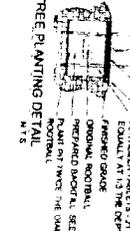
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6/15/09



THE FRONTS WITH BURLAP STRIP
2"X4" BLOCKING WITH 5" SPACING OF
BURLAP PADDING AROUND TRUNK. THE
WITH STEEL BAND
NAIL BRACES 12" APART.
SPECIFIED MULCH. BRACE PAD
TREE TRUNK IN ALL DIRECTIONS
EARTH MOUND
ORIGINAL ROOTBALL
CLEAN BACKFILL. BRACE PIT
TWICE THE DIAMETER OF THE
ROOTBALL
UNDISTURBED SOIL



PALM PLANTING DETAIL
ALL 8" TO TREES SHALL BE STAKED
1" LODGE POLE PINE STAKE OR APPROVED EQUIV.
NASTY TRUNK TO STAKE WITH THE PADDING
SPECIFIED MULCH. TRUNK
TREE TRUNK IN ALL DIRECTIONS
EARTH MOUND
FERTILIZER TABLET 21 OZ/MS SPACE TABLETS
FERTILIZER AT 1/3 THE DEPTH OF ROOTBALL (20-0-0)
ORIGINAL ROOTBALL
CLEAN BACKFILL. BRACE PIT
TWICE THE DIAMETER OF THE
ROOTBALL
UNDISTURBED SOIL



TREE PLANTING DETAIL
ALL 8" TO TREES SHALL BE STAKED
1" LODGE POLE PINE STAKE OR APPROVED EQUIV.
NASTY TRUNK TO STAKE WITH THE PADDING
SPECIFIED MULCH. TRUNK
TREE TRUNK IN ALL DIRECTIONS
EARTH MOUND
FERTILIZER TABLET 21 OZ/MS SPACE TABLETS
FERTILIZER AT 1/3 THE DEPTH OF ROOTBALL (20-0-0)
ORIGINAL ROOTBALL
CLEAN BACKFILL. BRACE PIT
TWICE THE DIAMETER OF THE
ROOTBALL
UNDISTURBED SOIL