

RESOLUTION NUMBER 2010-40

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A MODIFICATION TO A CONDITIONAL USE APPROVAL PER PLANNING BOARD RESOLUTION 2010-028 PER SECTIONS 122-62 AND 122-63 OF THE CODE OF ORDINANCES FOR A WIRELESS TELECOMMUNICATIONS FACILITY AS A PRIVATE UTILITY TO BE LOCATED AT 1010 KENNEDY DRIVE (RE# 00065650-000500), IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT, UNDER THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 122-418(9) OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 122-418(9) of the Code of Ordinances provides that public and private utilities are allowed as a conditional use within the Commercial General (CG) zoning district; and

WHEREAS, Section 86-9 of the Code of Ordinances defines public and private utilities as “use of land which is customary and necessary to the maintenance and operation of essential public services, such as electricity and gas transmissions systems; water distribution, collection and disposal; communication; and similar services and facilities”; and

WHEREAS, wireless telecommunication facilities are considered essential public communications services in the community; and

WHEREAS, the subject property is located in the Commercial General (CG) zoning district; and

WHEREAS, on July 15, 2010 the Planning Board approved a Conditional Use for a 105 foot


Chairman

Planning Director

monopole and associated equipment to support three wireless service providers via Resolution 2010-028; and

WHEREAS, the applicant requested a modification to the approval which would allow a 125 foot monopole and rooftop equipment shelters for up to five wireless service providers; and

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

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on November 18, 2010; and

WHEREAS, the Planning Board determined that granting of the 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; 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 Application, under the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: ALLOWING A WIRELESS TELECOMMUNICATIONS FACILITY BE CONSTRUCTED AT 1010 KENNEDY DRIVE (RE# 00065650-000500), KEY WEST FLORIDA, PER THE ATTACHED PLANS AND GENERAL NOTES with the following conditions:


Chairman

Planning Director

1. The applicant must receive a height variance from the City of Key West Board of Adjustment.
2. The site plan package, including general notes, equipment shelter notes, and tower notes are fully incorporated into this approval and constitute conditions of approval.
3. Pending National Historic Preservation Act approvals as required for the facility will be obtained prior to construction.

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 Permit 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 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.


Chairman

Planning Director

Read and passed on first reading at a regularly scheduled meeting held November 18, 2010.

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

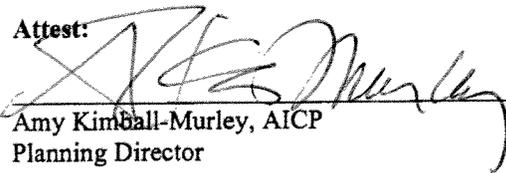


Richard Kitenick, Chairman
Key West Planning Board

November 19, 2010

Date

Attest:



Amy Kimball-Murley, AICP
Planning Director

Nov. 20, 2010

Date

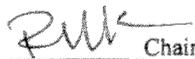
Filed with the Clerk:



Cheryl Smith, City Clerk

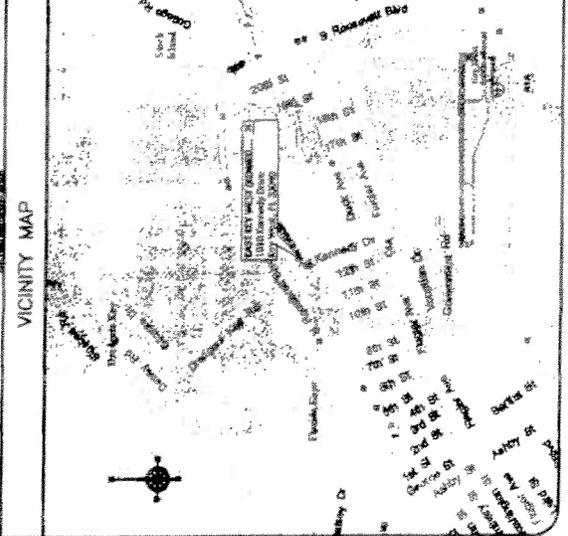
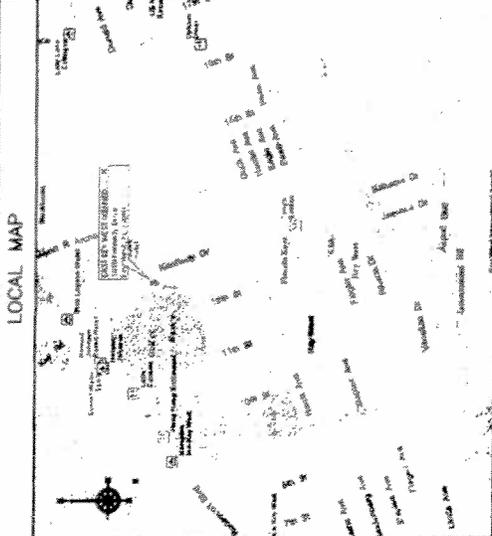
Nov. 22, 2010

Date

 Chairman

____ Planning Director

DRIVING DIRECTIONS
 FROM AT&T OFFICE, HEAD SOUTH ON I-95 FOR 44.3 MILES TO EXIT 3A (SR-836/DOLAN RD), HEAD WEST ON DOLAN FOR 7 MILES TO SR-836 (PALMETTO EXPY) EXIT, HEAD SOUTH ON PALMETTO EXPY FOR 0.8 MILES AND TURN RIGHT ON SR-836 (SR-836/DOUGLASS) ON DON SHALA FOR 2.5 MILES AND MAKE RIGHT TURN ON SR-836 (SR-836/DOUGLASS) TURN LEFT FOR 17.0 MILES AND MAKE RIGHT TURN ON SR-836 (SR-836/DOUGLASS) TURN LEFT FOR 13.9 MILES TO N ROOSEVELT BLVD (US-1), TURN RIGHT AND HEAD NORTH ON US-1 FOR 1.2 MILES TO N ROOSEVELT BLVD (US-1), TURN LEFT AND HEAD NORTH ON US-1 FOR 0.1 MILES TO N ROOSEVELT BLVD (US-1), TURN LEFT AND HEAD SOUTH FOR 0.1 MILES. SITE IS ON THE RIGHT SIDE OF ROAD.



EAST KEY WEST (KENNEDY CENTER CONDO)

1010 KENNEDY DRIVE
 KEY WEST, FL 33040
 10113201

PROPOSED INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT ON ROOFTOP

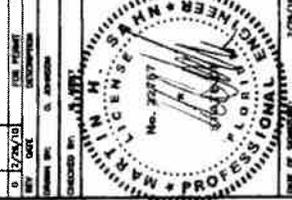
SITE DATA		APPROVALS		CONSTRUCTION NOTES		INDEX OF DRAWINGS		
FIELD #: 00065650-000100 LATITUDE: 24° 33' 56.08" N LONGITUDE: 81° 45' 04.80" W ZONING: COMMERCIAL JURISDICTION: CITY OF KEY WEST		CONSTRUCTION MANAGER: _____ SITE ACQUISITION: _____ RF ENGINEER: _____ PROPERTY OWNER: _____ CONSTRUCTION MANAGER (FINAL): _____		1. ALL NEW BUILDINGS AND STRUCTURES HAVE BEEN DESIGNED IN ACCORDANCE WITH THE 2007 EDITION OF THE FLORIDA BUILDING CODE. THE CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT AND ENGINEER OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME. 2. CONTRACTOR SHALL NOTIFY OWNER FOR ACCESS TO SITE. 3. THIS IS AN UNARMED FACILITY AND WILL BE USED FOR THE TRANSMISSION OF RADIO SIGNALS FOR THE PURPOSE OF PROVIDING PUBLIC CELLULAR SERVICE. AT&T EMPLOYEES AND SUBCONTRACTORS AND THE WORK ASSOCIATED WITH ANY EQUIPMENT CANNOT BE PERFORMED BY HANDICAPPED PERSONS. THIS STATEMENT IS REQUIRED ONLY BY SERVICE PERSONNEL FOR REPAIR PURPOSES ONLY. 4. NO POTABLE WATER SUPPLY IS TO BE PROVIDED AT THIS LOCATION. 5. NO WASTEWATER WILL BE GENERATED AT THIS LOCATION. 6. NO SOLID WASTE WILL BE GENERATED AT THIS LOCATION.		SHT. NO. DESCRIPTION Z1 TITLE SHEET Z2 SITE PLAN Z3 ROOF PLAN Z4 EQUIPMENT LAYOUT Z5 BUILDING ELEVATIONS Z6 BUILDING ELEVATIONS		REV. NO.
ZONING CLASSIFICATION: COMMERCIAL CONDO PROPERTY OWNER(S): KENNEDY BUILDING LLC, PO BOX 2038, KEY WEST, FL 33045		PROJECT INFORMATION						
LEGAL DESCRIPTION UNIT 101 KENNEDY CENTER CONDOMINIUM								

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 RWK
 11/19/10
 11/30/10



MACTEC
 CONSULTING & CONSTRUCTION, INC.
 1100 LAWRENCE PARKWAY
 LAWRENCEVILLE, GA 30046
 3615 W. LARK STREET
 4846 TALLEY, FL 33014
 TEL: (800) 824-1796

CONTRACT OF ARCHITECTURE & ENG.
 PROJECT NO.: 0708-08-1818 (CD)
 SHEET NO.: _____
 DATE: 12/29/10
 DRAWN BY: _____
 CHECKED BY: _____



EAST KEY WEST
(KENNEDY CENTER CONDO)
 1010 KENNEDY DRIVE
 KEY WEST, FL 33040
 SHEET NAME
 TITLE SHEET
 SHEET NUMBER
 Z1



MACTEC
 MACTEC ENGINEERING & CONSULTING, INC.
 1125 UNIVERSITY PARKWAY
 HOUSTON, TEXAS 77002
 (713) 865-1000
 FAX: (713) 865-1008
 WWW.MACTEC.COM

CONTRACT OF ADMINISTRATION F. 6008
 PROJECT NO. EMB-08-1918 (A2)

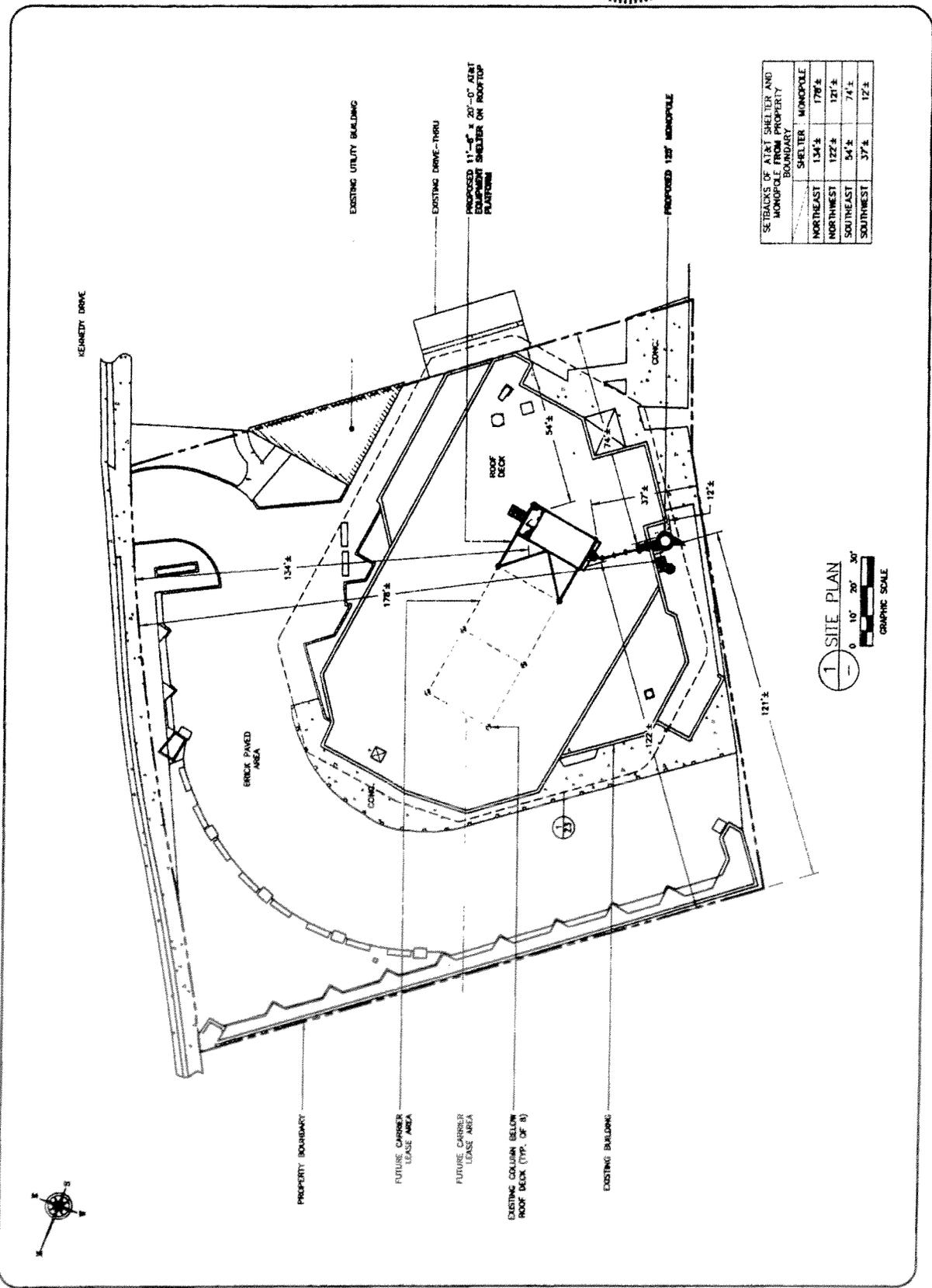
DATE OF SUBMISSION: 12/26/10



**EAST KEY WEST
 (KENNEDY CENTER
 CONDO)**

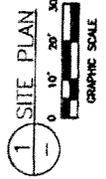
1010 KENNEDY DRIVE
 KEY WEST, FL 33090

SHEET NAME: SITE PLAN
 SHEET NUMBER: Z2



SETBACKS OF AT&T SHELTER AND MONOPOLE FROM PROPERTY BOUNDARY

SHELTER	MONOPOLE
NORTHEAST 134' ±	178' ±
NORTHWEST 122' ±	121' ±
SOUTHEAST 54' ±	74' ±
SOUTHWEST 37' ±	12' ±



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 11/19/10
 ACK
 11/20/10

THE DRAWING IS COPYRIGHTED AND IN THE FULL PROPERTY OF THE ENGINEER. NO PART OF THIS DRAWING OR ANY REPRODUCTION THEREOF IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

at&t

MACTEC
 MACTEC ENGINEERING & CONSULTING, INC.
 12000 UNIVERSITY DRIVE
 SUITE 100
 WEST, FL 33600
 TEL: (813) 834-1900
 FAX: (813) 834-1799

PROJECT NO.: 0700-00-1814 (10)

REV	DATE	DESCRIPTION
0	1/24/10	ISSUE FOR PERMITS

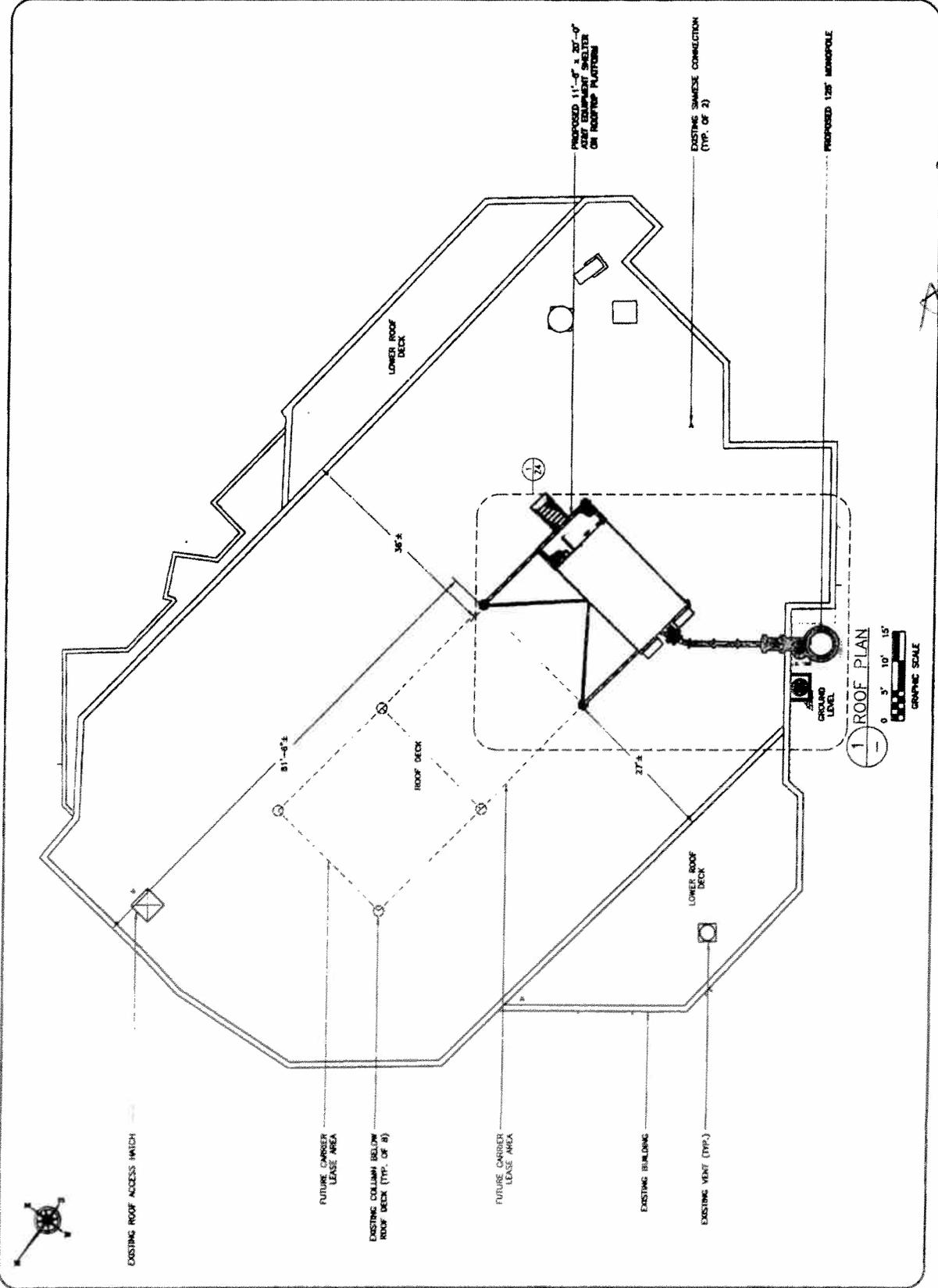
DESIGNED BY: O. JENNINGS
 CHECKED BY: M. J. VETZ

PROFESSIONAL ENGINEER
 M. J. VETZ
 LICENSE NO. 12511
 STATE OF FLORIDA
 DATE OF EXPIRATION: 1/24/10

EAST KEY WEST
 (KENNEDY CENTER
 CONDO)

1010 KENNEDY DRIVE
 KEY WEST, FL 33600

SHEET NAME: ROOF PLAN
 SHEET NUMBER: Z3



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 ACPM 11/20/10

at&t

MACTEC
 MACTEC ENGINEERING & CONSULTING, INC.
 CORPORATION, FLORIDA
 1100 UNIVERSITY AVENUE, SUITE 100
 UNIVERSITY PARK, FLORIDA 32084
 LOCAL OFFICE
 1100 UNIVERSITY AVENUE, SUITE 100
 UNIVERSITY PARK, FLORIDA 32084
 TEL: (407) 638-9900
 FAX: (407) 638-1733

PROJECT NO. 078-00-101A (A2)

DATE OF SHEET: 2/28/10

DATE OF REVISION: 2/28/10

DESIGNED BY: M. ALBERT

CHECKED BY: D. JENNIFER

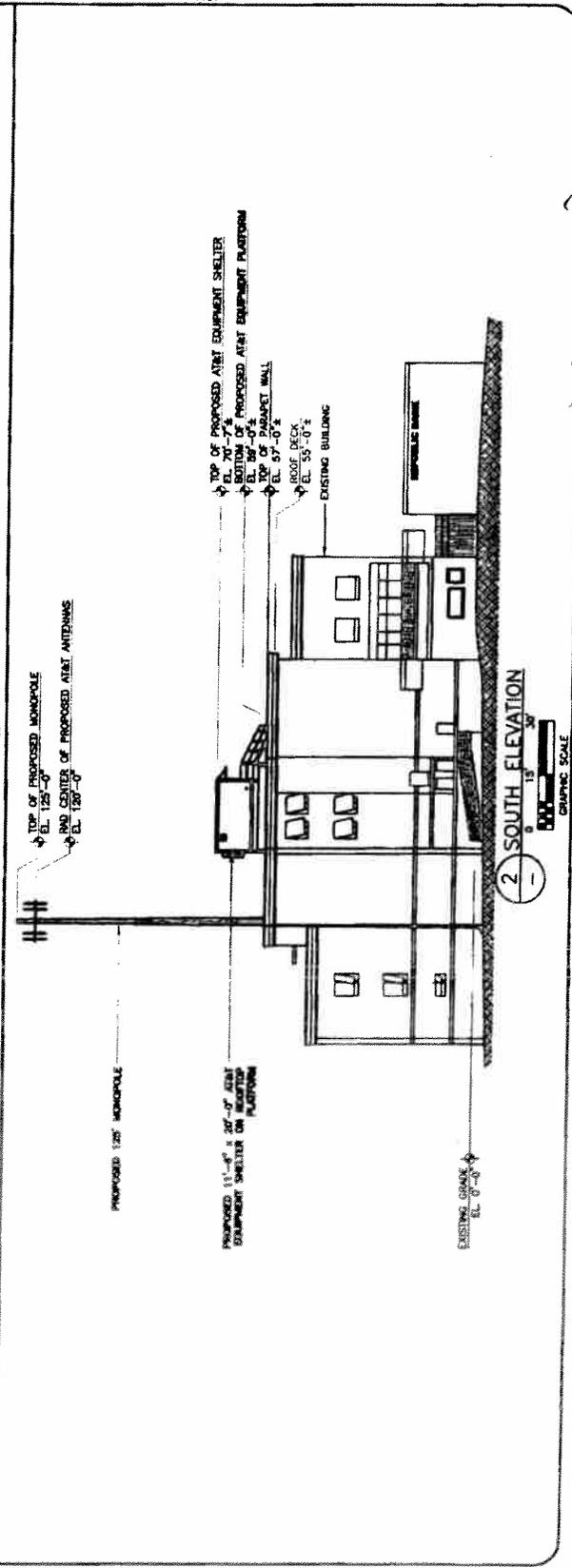
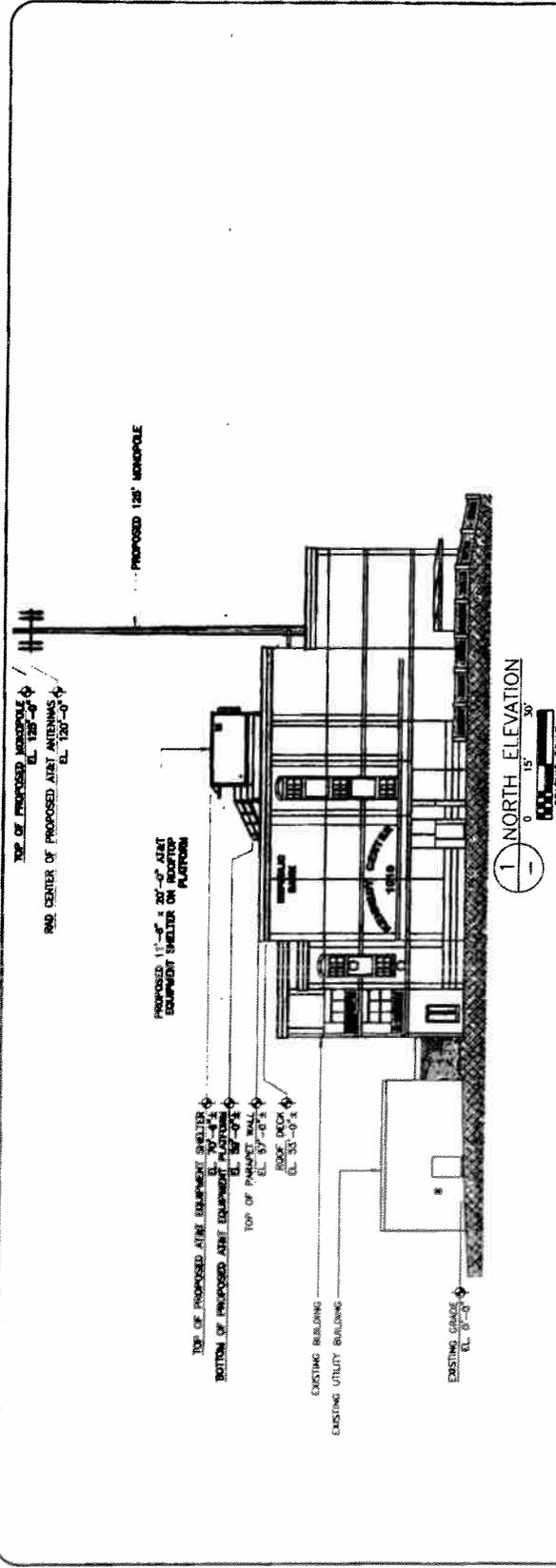
FOR PERMIT DATE: 2/28/10

BY: M. ALBERT

PROJECT: EAST KEY WEST (KENNEDY CENTER CONDO)

SHEET NAME: BUILDING ELEVATIONS

SHEET NUMBER: 75



Handwritten notes:
 11/20/10
 11/19/10

10/10/10 11/11/10 12/12/10 1/13/11 2/14/11 3/15/11 4/16/11 5/17/11 6/18/11 7/19/11 8/20/11 9/21/11 10/22/11 11/23/11 12/24/11 1/25/12 2/26/12 3/27/12 4/28/12 5/29/12 6/30/12 7/31/12 8/31/12 9/30/12 10/31/12 11/30/12 12/31/12

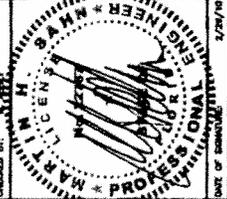


MACTEC
 MACTEC ENGINEERING & CONSULTING, INC.
 1100 UNIVERSITY PARKWAY
 SUITE 200
 CHARLOTTE, NC 28204
 704.375.1100
 704.375.1101
 704.375.1102
 704.375.1103
 704.375.1104
 704.375.1105
 704.375.1106
 704.375.1107
 704.375.1108
 704.375.1109
 704.375.1110

CERTIFICATE OF AUTHORIZATION # 0096

PROJECT NO. 09W-08-1011 (02)

NO.	DATE	FOR PERMIT	DESCRIPTION
1	12/21/10		
2	01/27/11		
3	02/24/11		
4	03/21/11		
5	04/18/11		
6	05/15/11		
7	06/12/11		
8	07/10/11		
9	08/07/11		
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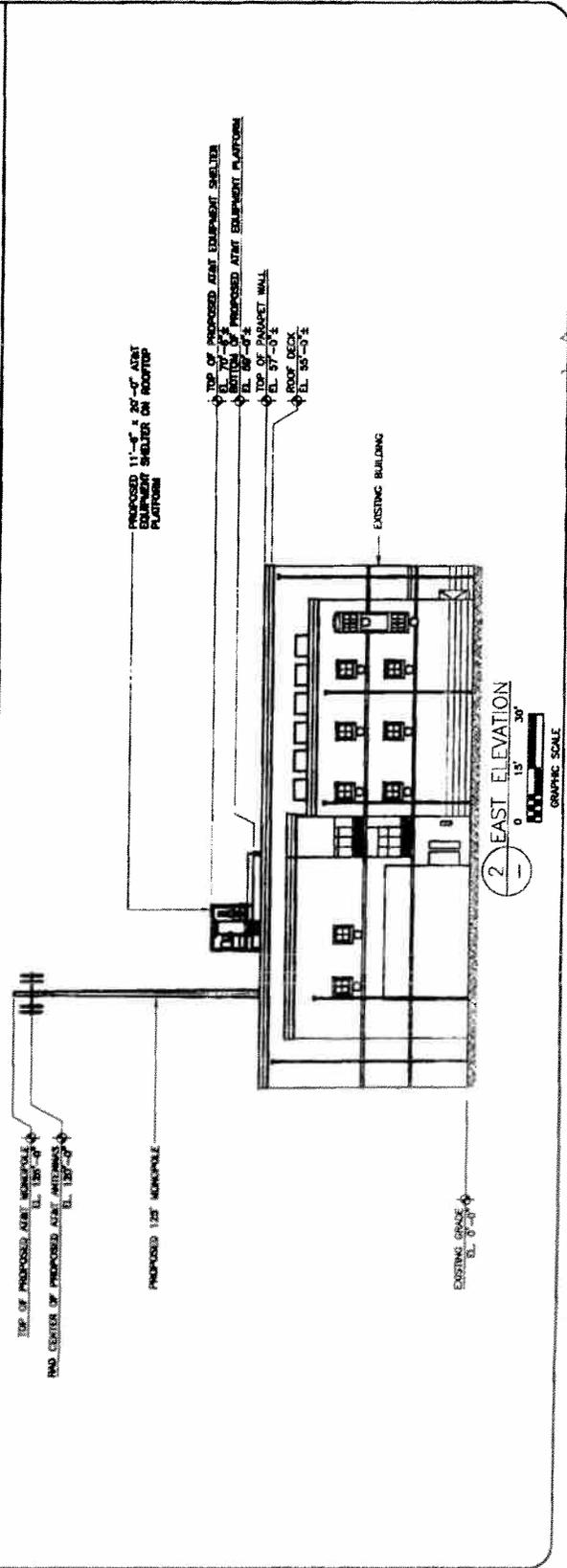
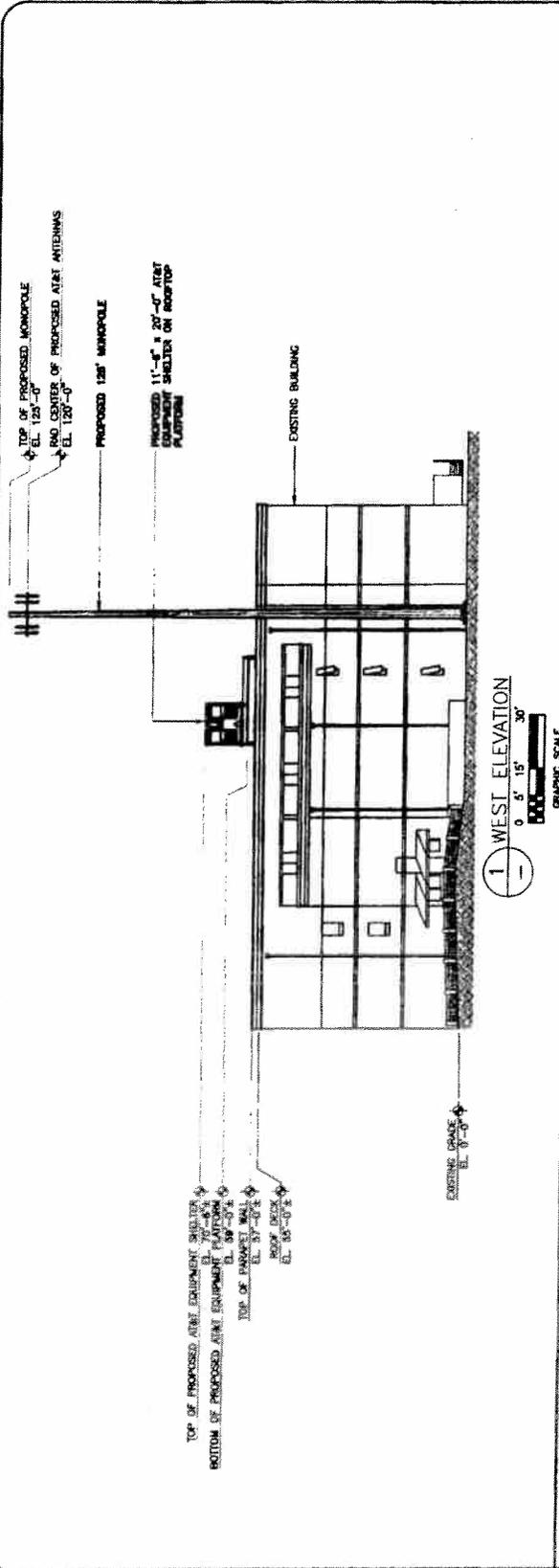
EAST KEY WEST
 (KENNEDY CENTER
 CONDO)

DATE OF SUBMITTAL: 2/27/10

DWG. NUMBER: 09W-08-1011-02

SHEET NAME: BUILDING ELEVATIONS

SHEET NUMBER: Z6



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 11/19/10
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General Notes:

1. Every five years within the first month of said year or within ninety days following a catastrophic act of nature or other emergency that may affect the structural integrity of tower at the wireless telecommunication facility, the FCC registered entity/owner shall file a statement to the building department, sealed by a Florida registered structural engineer that an inspection has been completed and the tower at said facility is structurally sufficient.
2. The tower at the wireless telecommunications facility shall be constructed according to the most current version of structural standards for steel antennae towers and antennae supporting structures (TIA/EIA-222-G), as defined by the Telecommunications Industries Association (TIA), the nationally accepted standards-making body for towers at wireless telecommunications facilities.
3. The wireless telecommunications facility shall be designed and operated in accordance with all applicable Federal Communications Commission (FCC) regulations, including, but not limited to production of electromagnetic fields and radio frequency (RF) generation for any type of communication antennae attached to said wireless telecommunication facility.
4. The wireless telecommunication facility shall conform to all applicable regulations asset fourth by the National Environmental Policy Act (NEPA); Florida Statutes Section 106, State Historic Preservation Office (SHPO); Environmental Assessment (EA) requirements for the formal permitting process at the Federal level. The wireless telecommunications facility shall conform to the Federal Communication Commission, 47 CFR, Part 1 of the nationwide programmatic agreement for review under the National Historic Preservation Act; Final Rule.
5. The wireless telecommunication facility shall be available for the co-location of communication antennas for five (5) service providers, inclusive of commercial, non-commercial, cellular, radio or government agencies, provided the absence of structural and technological matters.
6. No accessory structures or facilities shall be located at the wireless telecommunications facility, except structures directly related to the operation of the facility (including emergency power generation).
7. FCC registered entity/owner shall provide one (1) sign, prominently displayed and permanently affixed to the facility measuring 3 feet x 4 feet indicating emergency contact information for the wireless telecommunication facility. Provided information shall include name, address and telephone number of FCC registered entity/owner of said facility, and FCC registration number of said facility.
8. Lighting and commercial signage on the wireless telecommunications facility, including the monopole, antennas, equipment, structures or any other appurtenances are prohibited, unless required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC).
9. The wireless telecommunications facility shall not create interference with any public safety telecommunications facility, including, but not limited to degradation of RF signals caused by improper performance or operation of said facility or by the reduction of RF signals due to the physical characteristic of said facility. In the event that said facility interest with public safety telecommunication facilities, it shall be the responsibility of the FCC registered entity/owner of said facility to make all necessary repairs, and/or accommodations to alleviate interference, at FCC registered entity/owner's expense.
10. FCC registered entity/owner of the wireless telecommunications facility shall notice the City of Key West immediately in the event of discontinuance of service (abandonment) at the wireless telecommunications facility. Such discontinuance of service (abandonment) at said facility for a period greater than 365 calendar days shall necessitate the removal of said facility, in its

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11/19/10
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entirety, by the FCC registered entity/owner, at FCC registered entity/owner's expense, and the restoration of property to pre-project condition. In the event of discontinuance of service (abandonment) for greater than 365 calendar days, without removal of said wireless telecommunications facility by FCC registered entity/owner, the City of Key West may contract to remove said facility and assess associated costs to the FCC registered entity/owner of said facility, or property owner.



RUNK
11/19/10

ACM
11/20/10