

**PLANNING BOARD
RESOLUTION No. 2013-02**

**A RESOLUTION OF THE KEY WEST
PLANNING BOARD GRANTING A VARIANCE
TO PARKING REQUIREMENTS FOR
PROPERTY LOCATED AT 707 CATHERINE
STREET (RE# 00030650-000000), UNDER THE
CODE OF ORDINANCES OF THE CITY OF
KEY WEST, FLORIDA; PROVIDING FOR AN
EFFECTIVE DATE.**

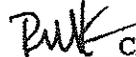
WHEREAS, the applicant proposes to open a 48 –child capacity daycare facility within the HMDR zoning district; and

WHEREAS, Section 108-572 of the Code of Ordinances provides for the minimum parking requirements for land-use types; and

WHEREAS, Code Section 90-391 allows applicants to request variance to the Land Development Regulations through the Planning Board; and

WHEREAS, the applicant requested a variance to parking requirements per Section 108-572 (5): one parking space per employee and one parking space per two children enrolled; and

WHEREAS, this matter came before the Planning Board at a public hearing on January 17, 2013; and



Chairman


Planning Director

WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

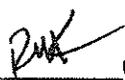
WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting a variance requested will not confer upon the applicant any special privileges denied by the Land Development Regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that the literal interpretation of the provisions of the Land Development Regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that a variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of a variance will be in harmony with the general intent and purpose of the Land Development Regulations and that such variance will



Chairman



Planning Director

not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to a variance application, and by addressing the objections expressed by those neighbors;

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 variance to the 26 required number of auto parking spaces required to the 5 auto and 8 bicycle proposed associated with a Conditional Use request for property located at 707 Catherine Street (RE# 00030650-000000) per Section 108-572 (5) of the Land Development Regulations of the Code of Ordinances of the City of Key West, are approved as shown on the attached revised plan set received December 5, 2012, with the following conditions:

Conditions to be completed prior to the issuance of a Certificate of Occupancy:

- All five (5) auto and 8 bicycle parking spaces are installed; and
- All required landscaping be installed; and
- All access is limited to Amelia Street for drop-off and pick-up purposes; and
- The parking on Catherine Street be limited to employees


Chairman

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Section 3. It is a condition of a variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which a variance are wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of a variance, shall be submitted in its entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which a variance is wholly or partly necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to submit a full and complete application for permits for new construction for which a variance are wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to a variance in accordance with the terms of a City building permit issued upon timely application as described in Section 3 hereof, shall immediately operate to terminate a variance, which variance shall be of no force or effect.

Section 5. These variance 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 6. This resolution shall go into effect immediately upon its passage and adoption and


Chairman

Planning Director

authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. 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 Economic Opportunity. 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 DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (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 17th day of January, 2013.

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



Richard Klitenick, Chairman
Key West Planning Board

FEB 14, 2013
Date

Attest:

Chairman
DC Planning Director

DL Craig

02.01.13

Donald L. Craig, AICP
Planning Director

Date

Filed with the Clerk:

Cheryl Smith
Cheryl Smith, City Clerk

2-27-2013

Date

Fuller
Chairman
DC
Planning Director

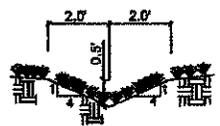
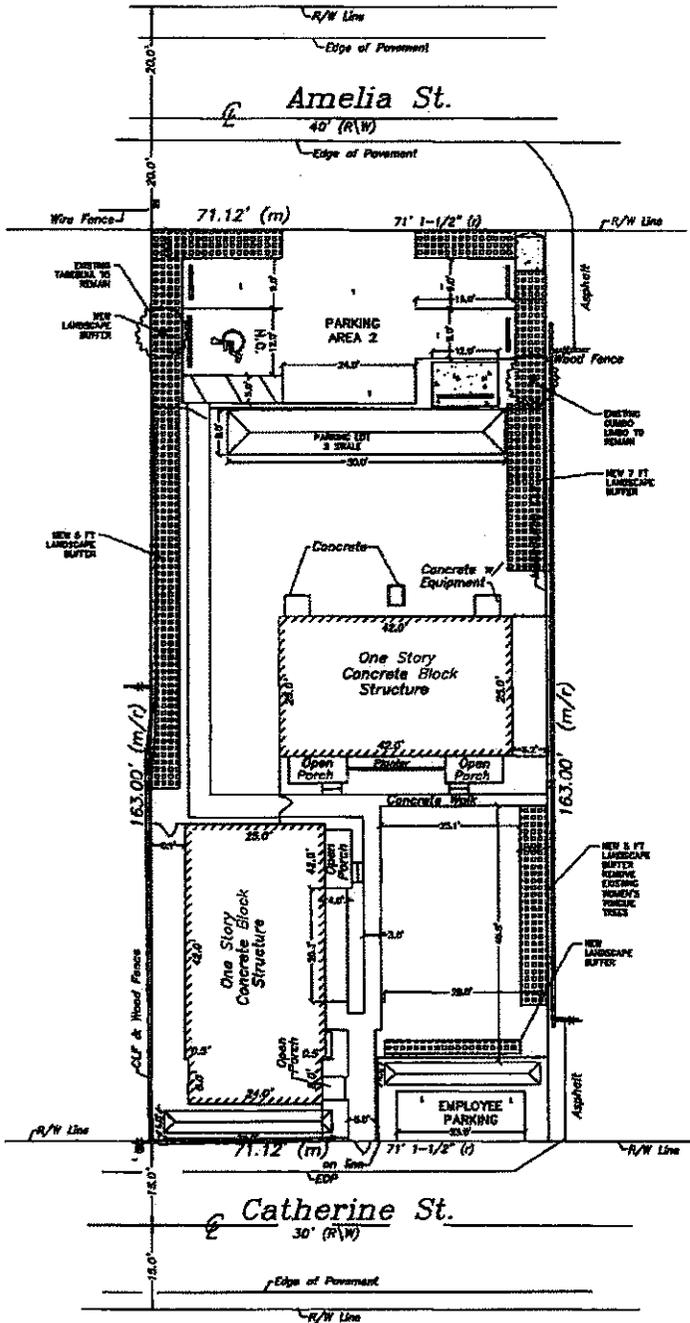
PARKING AREA 1 REQUIRED INFORMATION:

NEW IMPERVIOUS AREA =	
PARKING LOT	207 SF
NEW CONCRETE WALKWAY/RAMP	171 SF
TOTAL IMPERVIOUS COVERAGE =	378 SF
REQUIRED SWALE (378/25)*2	30 CF
SWALE PROVIDED (50 FT * 4 CF/FT)	76 CF

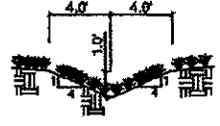
PARKING AREA 2 REQUIRED INFORMATION:

NEW IMPERVIOUS AREA =	
PARKING LOT	1637 SF
GARBIAGE AND BICYCLE SLABS	121 SF
TOTAL IMPERVIOUS COVERAGE =	1,658 SF
REQUIRED SWALE (1658/25)*2	133 CF
SWALE PROVIDED (50 FT * 4 CF/FT)	200 CF

*PUR
RE*



4 FT SWALE
N.T.S.
CROSS SECTION VOLUME = 1.6 CF/FT



8 FT SWALE
N.T.S.
CROSS SECTION VOLUME = 4.0 CF/FT

GROUND COVER IS REQUIRED IN SWALES



DRAINAGE PLAN
SCALE: 1"=20' (10/17)

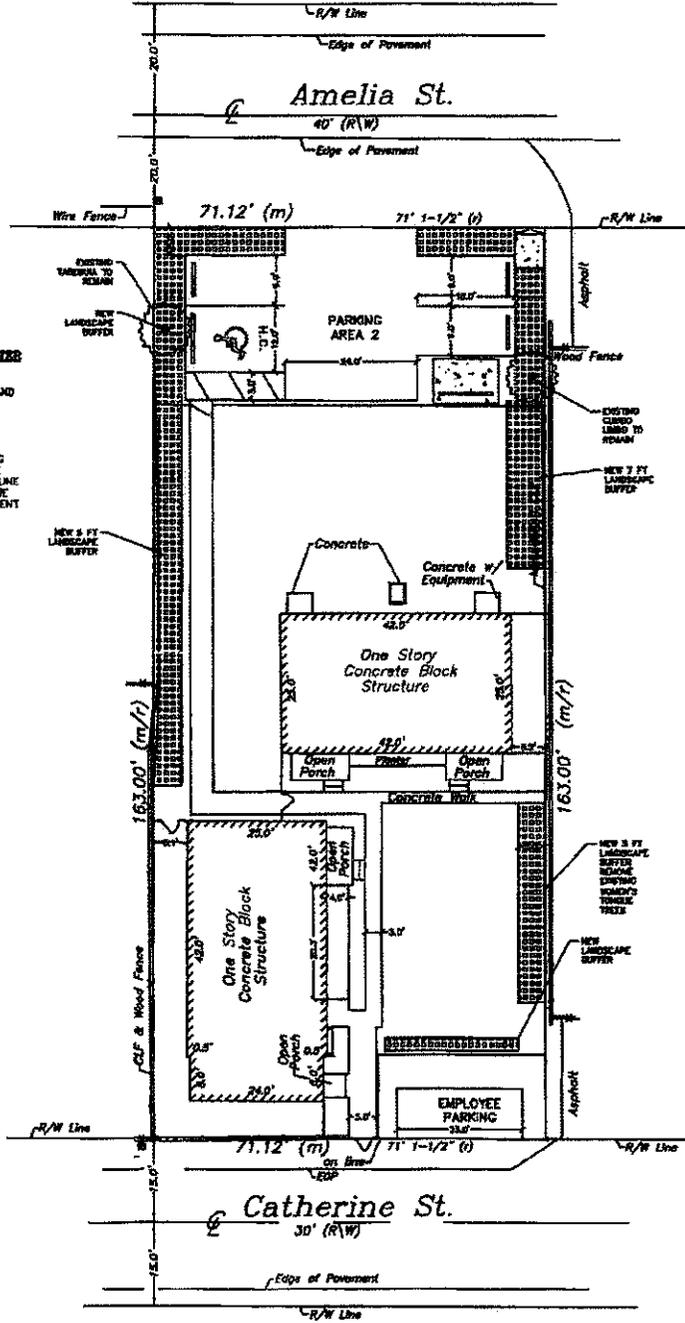
LANDSCAPE BUFFER PARKING AREA 1
 PARKING LOT AREA = 498 SF
 BUFFER REQUIRED = 448 * 10% = 47 SF
 BUFFER PROVIDED = 80 SF

LANDSCAPE BUFFER PARKING AREA 2
 PARKING LOT AREA = 1340 SF
 BUFFER REQUIRED = 1340 * 10% = 134 SF
 BUFFER PROVIDED = 442 SF

RW
AS

LANDSCAPE BUFFER PERIMETER

BUFFERYARD REQUIRED:
 MEDIUM IMPACT TO MULTI-FAMILY AND SINGLE FAMILY REQUIRES A TYPE D BUFFERYARD.
 TYPE D BUFFERYARD 5 FT WIDE REQUIRES 37 UNITS PER 100 FT EXISTING SIDE YARD IS 183 FT LONG REQUIRES 67 PLANT UNITS PER SIDE BUFFERYARDS BETWEEN PROPERTY LINE AND STRUCTURES WERE OMITTED DUE TO LIFE SAFETY AND FIRE DEPARTMENT REQUIREMENTS.



LANDSCAPE PLAN
 SCALE 1"=30' (1:914)