

**PLANNING BOARD  
RESOLUTION NUMBER 2014-20**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A VARIANCE TO THE MINIMUM OFF-STREET PARKING REQUIREMENTS IN ORDER TO SUBSTITUTE 200 BICYCLE PARKING SPACES FOR THE DEVELOPMENT OF THE TRUMAN WATERFRONT PARK AMSTER PLAN FOR PROPERTY LOCATED AT THE TRUMAN WATERFRONT PARK (RE # 00001630 001000; AK #9038855; RE# 00001630-001100; AK# 9038866) WITHIN THE HISTORIC RESIDENTIAL COMMERCIAL CORE – TRUMAN WATERFRONT (HRCC-4), HISTORIC NEIGHBORHOOD COMMERCIAL-2 (HNC-2), HISTORIC MEDIUM DENSITY RESIDENTIAL, HISTORIC PUBLIC SERVICE AND SEMI PUBLIC SERVICE (HPS-1) ZONING DISTRICTS PURSUANT TO SECTION 108-574 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the applicant proposes to develop a park for the city and its users; and

**WHEREAS**, Section 108-574 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West (the “City”) provides for the minimum off-street parking requirements for land-use types; and

**WHEREAS**, Section 108-574 of the LDRs allows applicants to request that bicycle parking spaces be allowed to be substituted for vehicular parking spaces at a rate of 4:1 bicycle to vehicles in addition to the bicycle parking spaces required; and

**WHEREAS** Section 108-574 stipulates that the criteria to be applied is found in Code Section 90-395 with the exception of the hardship criteria that is not applicable; and

**WHEREAS**, Code Section 90-391 allows applicants to request variances to the Land

Chairman

Planning Director

Development Regulations through the Planning Board; and

**WHEREAS**, the applicant requests to substitute 200 additional bicycle parking spaces for the 50 vehicular parking spaces generated by the Proposed Development; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on March 20, 2014; and

**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 the variances 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 variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

**WHEREAS**, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

**WHEREAS**, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts are grounds for the issuance of the requested variances; and

  
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Chairman

  
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Planning Director

**WHEREAS**, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these 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.** An approval by Resolution of the Key West Planning Board for a variance to substitute 200 additional bicycle parking spaces for the required 50 vehicular parking spaces generated by the Proposed Development according to the attached plans dated March 4, 2014 by for the Truman Waterfront Park Master Plan:

1. That the Major Development Plan and Conditional Use for the Truman Waterfront Park Master Plan are approved.

**Section 3.** That the timeline for completing the development for which this variance is a part shall be extended as part of the Major Development Plan. It is a condition of these variances that full, complete and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety in conjunction with the development plan.

**Section 4.** The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances,

  
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Chairman  
Planning Director

which variances shall be of no force or effect.

**Section 5.** These variances 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.

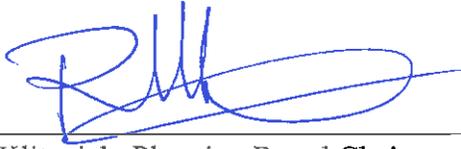
**Section 6.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**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 73C-44, 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 20th day of March, 2014.

  
Chairman  
  
Planning Director

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



Richard Klitenick, Planning Board Chairman

3/26/2014

Date

**Attest:**

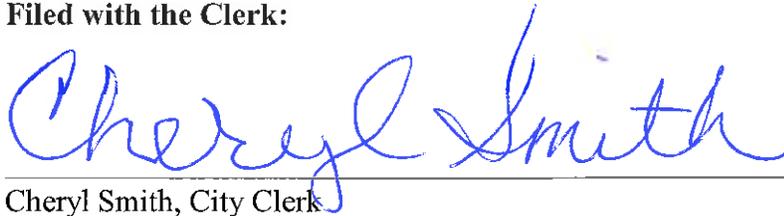


Donald Leland Craig, AICP, Planning Director

3-29-14

Date

**Filed with the Clerk:**



Cheryl Smith, City Clerk

3-31-14

Date

\_\_\_\_\_ Chairman



\_\_\_\_\_ Planning Director

