PLANNING BOARD
RESOLUTION NO. 2014-28

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING A VARIANCE TO MAXIMUM IMPERVIOUS SURFACE RATIO AS PART OF THE ADAPTIVE REUSE OF A FORMER SCHOOL INTO NEW CITY GOVERNMENT OFFICES ON PROPERTY LOCATED AT 1300 WHITE STREET (RE # 00040100-000000, AK # 1040827) IN THE HISTORIC PUBLIC AND SEMIPUBLIC SERVICES (HPS) ZONING DISTRICT PURSUANT TO SECTIONS 90-395 AND 122-960(4)b. OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA

WHEREAS, the applicant proposes the adaptive reuse of a former school into new City government offices and related cultural and civic activities on property located at 1300 White Street (RE # 00040100-000000, AK # 1040827); and

WHEREAS, the property is currently nonconforming to the maximum impervious surface ratio within the Historic Public and Semipublic Services (HPS) Zoning District; and

WHEREAS, Section 122-960(4)B. of the City of Key West (the "City") Land Development Regulations (the "LDRs") provides that the maximum impervious surface ratio is 50%; and

WHEREAS, the existing impervious surface ratio is 76.6% and the proposed impervious surface ratio is 65.9%; and

WHEREAS, the applicant requests a variance to reduce but continue the nonconformity; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on April 17, 2014; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist which

_____ Vice Chairman

_____ Planning Director

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 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 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 the variance 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 variance will be in harmony with the general intent and purpose of the land development regulations and that such variance 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 variance; and

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

uv _____ Vice Chairman

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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 the maximum impervious surface ratio per the attached plans dated March 3, 2014 by Bender & Associates Architects, P.A., on property located at 1300 White Street (RE # 00040100-000000, AK # 1040827) in the HPS Zoning District pursuant to Sections 90-395 and 122-960(4)b. of the City of Key West Land Development Regulations.

Section 3. It is a condition of this variance that full, complete and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application 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 fully and completely apply the conditions of approval for permits for use and occupancy pursuant to this variance in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

Section 5. This variance does not constitute a finding as to ownership or right to

_____ Vice Chairman

_____ Planning Director

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 Planning Board.

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 shall 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.

_____ Vice Chairman

_____ Planning Director

Read and passed on first reading at a regularly scheduled meeting held this 17th day of April, 2014.

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

4/21/14

Sam Holland, Jr., Planning Board Vice Chairman — Date

Attest:

4 21 14

Donald Leland Craig, AICP, Planning Director — Date

Filed with the Clerk:

Cheryl Smith, City Clerk — Date

_____ Vice Chairman

OC Planning Director

SITE DATA TABLE

	CODE REQUIREMENT	EXISTING	PROPOSED	VARIANCE REQUEST	NOTES
ZONING	HPS				
FLOOD ZONE	ZONE X				
SIZE OF SITE	120,701 S.F. (2.77 ACRES)				
HEIGHT	35' MAX	46.7' (BLDG - 7.2')	NO CHANGE	YES	ASSUMED TOP OF PARAPET +46.7', CROWN OF ROAD +7.2
FRONT SETBACK	30'	8.2'	8.2'		
SIDE SETBACK	5' OR 10% OF WIDTH TO 15'	5'6" OR 12.5'=LIMIT	5'6" (SOUTH PL TO GENERATOR)		
STREET SIDE SETBACK	20'	28.2' (SOUTH), 27.2' (NORTH)	28.2' (SOUTH), 27.2' (NORTH)		
REAR SETBACK	20'	442.8'	575.5'		
F.A.R.	1.0 MAX	57,081 / 120,701 = .48	57,081 / 120,701 = .30		
BUILDING COVERAGE	40% MAXIMUM	28,117 / 120,701 = 23.3%	24,247 / 120,701 = 20.1%		
IMPERVIOUS SURFACE	60% MAXIMUM	91,584 / 120,701 = 75.9%	79,701 / 120,701 = 66.0%	YES	79,101 / 120,701 = 42.0% WITHOUT PARKING SHELTERS
PARKING	1 PER 300 = 24 SPACES	97 SPACES	124 SPACES		
HANDICAP PARKING	4 SPACES	0 SPACES	4 SPACES		
BICYCLE PARKING	10 SPACES	0 SPACES	10 SPACES		
OPEN SPACE	20% MINIMUM	35,251 / 120,701 = 29.2%	41,617 / 120,701 = 34.5%		
LANDSCAPING					
NUMBER OF TYPE OF UNITS					
CONSUMPTION AREAS					

PARKING SPACE COUNT:

REGULAR (9' X 18') PARKING SPACES:	97 SPACES
COMPACT (7.5' X 15') PARKING SPACES:	16 SPACES
ACCESSIBLE (12' X 18') PARKING SPACES:	3 SPACES
EDV PARKING SPACES:	4 SPACES
TOTAL PARKING SPACES:	124 SPACES

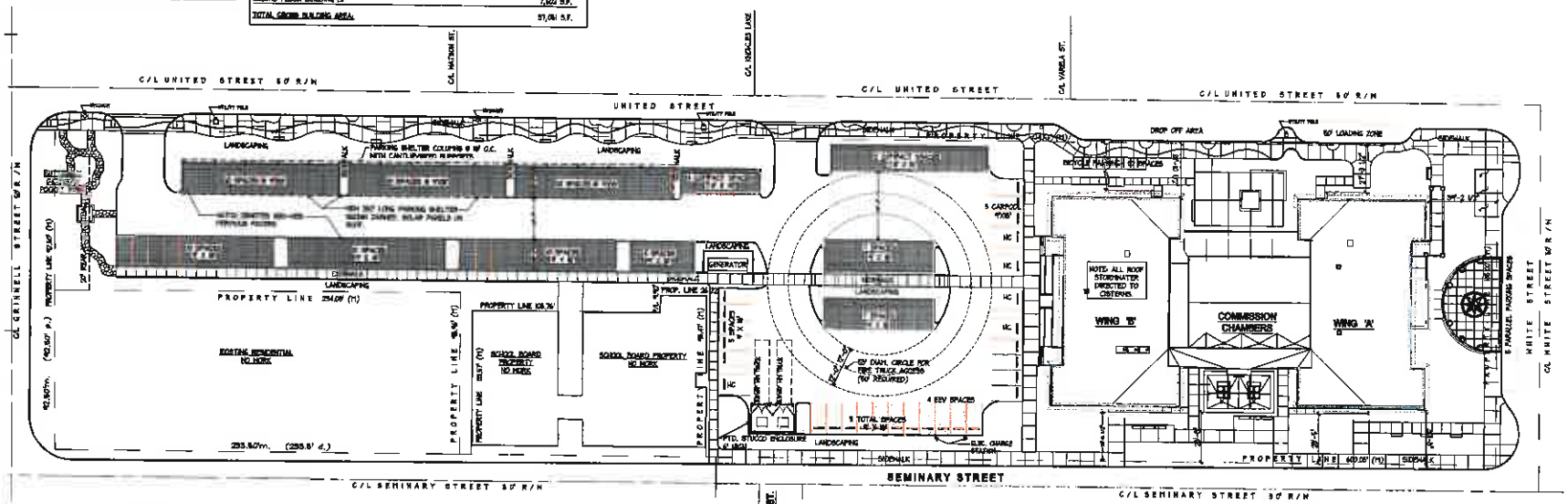
GROSS FLOOR AREA (MEASURED TO INSIDE OF EXTERIOR WALLS):

FIRST FLOOR BUILDING A + AUDITORIUM:	10,14 S.F.
FIRST FLOOR AUDITORIUM COVERED EXTERIOR WALKWAYS:	2,70 S.F.
FIRST FLOOR FRONT PORCH:	204 S.F.
FIRST FLOOR MECHANICAL ROOM:	698 S.F.
FIRST FLOOR BUILDING B:	7,401 S.F.
SECOND FLOOR BUILDING A:	7,242 S.F.
SECOND FLOOR COVERED INTERIOR WALKWAY:	480 S.F.
SECOND FLOOR BUILDING B:	7,502 S.F.
TOTAL GROSS BUILDING AREA:	57,081 S.F.

LEGAL DESCRIPTION (FROM 6/8/98 SURVEY FROM ISLAND SURVEYING, CORRECTED TO 7/12/18.)

LEGAL DESCRIPTION:
On the Island of Key West, Monroe County, Florida and being a part of Tract 18, according to William A. Whitehead's map delineated in February, 1829, but better known as Lots 1, 2, 3, 4, 5, 6, 10, 13, 14, 17, 18, 21, 22, 23, 26, 29, 30, 31, 5, 6, 9, Square 1 and Lots 1, 2, 3, 4, 5, 10, 5 13, Square 2, Tract 18, "GEORGE W. NICHOLS SUBDIVISION", according to the plat thereof, as recorded in Plat Book 1, at page 42 of the Public Records of Monroe County, Florida.
AND
On the Island of Key West, Monroe County, Florida and being a part of Tract 18, according to William A. Whitehead's map delineated in February, 1829, but better known as Lots 1, 2, 3, 4, Square 3, "DIAGRAM OF THE WEBB REALTY COMPANY, of part of Tract 18", according to the plat thereof, as recorded in Plat Book 1, at page 42 of the Public Records of Monroe County, Florida.
AND
William Street, being 80 feet wide lying between United and Seminary Streets.

LESS OUT (Gym and Arts Bldg.):
On the Island of Key West, Monroe County, Florida and being a part of Tract 18, according to William A. Whitehead's map delineated in February, 1829, but better known as Lots 3, 4, 5 5, Square 2, Tract 18, "GEORGE W. NICHOLS SUBDIVISION", according to the plat thereof, as recorded in Plat Book 1, at page 42 of the Public Records of Monroe County, Florida, and being more particularly described as follows:
Commence at the intersection of the Northwesterly Right-of-Way Line of Grinnell Street and the Northeasterly Right-of-Way line of Seminary Street; thence in a Northeasterly direction along the said Northwesterly Right-of-Way Line of Seminary Street for a distance of 245.34 feet to the Point of Beginning; thence at a right angle and in a Northwesterly direction for a distance of 91.97 feet; thence at a right angle and in a Northeasterly direction for a distance of 20.00 feet; thence at a right angle and in a Northwesterly direction for a distance of 102.70 feet; thence at a right angle and in a Northeasterly direction for a distance of 9.00 feet; thence at a right angle and in a Northwesterly direction for a distance of 58.75 feet; thence at a right angle and in a Southwesterly direction for a distance of 58.47 feet to the said Northwesterly Right-of-Way Line of Seminary Street; thence at a right angle and in a Southeasterly direction along the said Northwesterly Right-of-Way Line of Seminary Street for a distance of 135.40 feet to the Point of Beginning.
Containing 11,288.89 square feet, more or less.



1 ARCHITECTURAL SITEPLAN
A1.1 1" = 30'-0"

REVISIONS:

KEY WEST CITY HALL
AT GLYNN ARCHER
1300 WHITE STREET KEY WEST, FLORIDA
CITY OF KEY WEST

MCHARRY&ASSOCIATES
WWW.MCHARRY.COM

410 Angela Street
Key West, Florida 33040
Telephone (305) 296-7317
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Florida License AR0009022

Bender & Associates ARCHITECTS P.A.

Project No. 1505
PROPOSED ARCHITECTURAL SITEPLAN
Date: 3/6/14

A1.1
OF

60% CONSTRUCTION DOCUMENTS SUBMITTAL