



THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chair and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Kimberly Barua, AICP, The Corradino Group

Meeting Date: April 21, 2022

Agenda Item: **Conditional Use – 804 Caroline Street (RE# 00003200-000000)** A request for a conditional use for a walk-up Italian ice kiosk, excluding drive-through, in an existing accessory structure (booth) located in the Historic Neighborhood Commercial (HNC-2) zoning district, pursuant to Section 122-62, Section 122-836 through Section 122-838 and Section 108-573 of the City of Key West Land Development Regulations.

Request: To allow a walk-up food and coffee booth, excluding drive-through, in an existing accessory structure at a commercial property.

Applicant: Christopher Hawn

Property Owners: James Disdier

Location: 804 Caroline Street (RE# 00003200-000000)

Zoning: Historic Neighborhood Commercial (HNC-2)



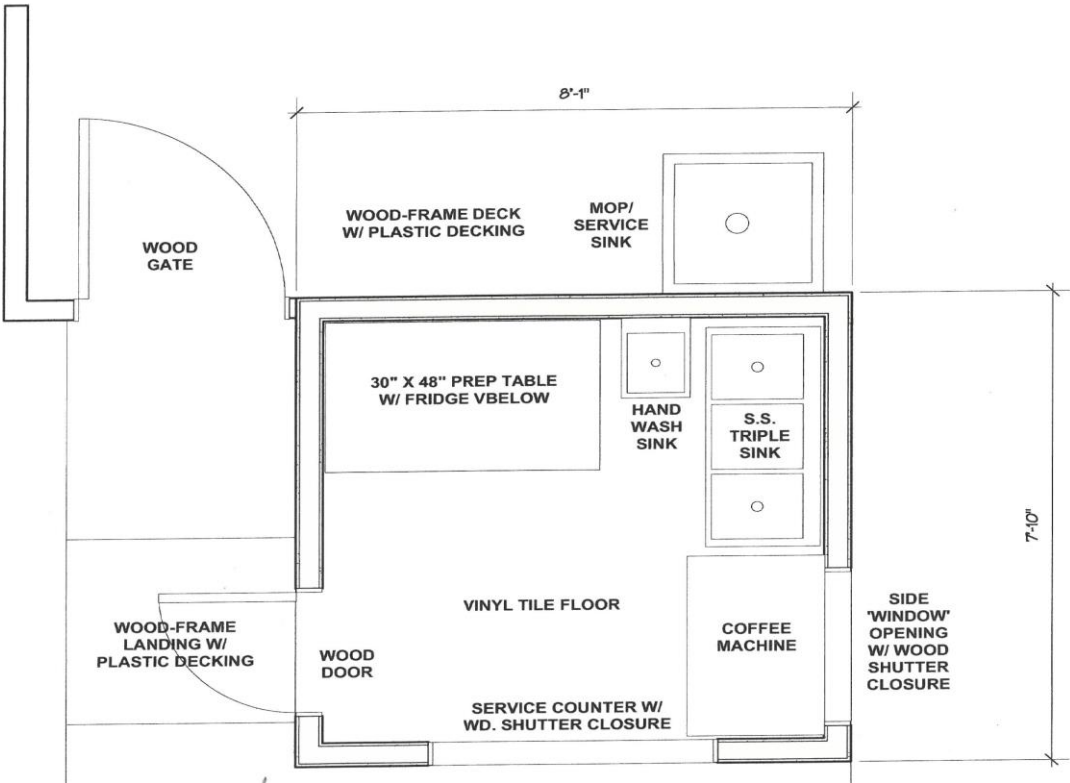
Background:

The subject property is in the 800 block of Caroline Street near the corner of William Street. It is an accessory structure (booth) on the property of 804 Caroline Street. The booth is located within the Historic Neighbor Commercial (HNC-2) zoning district and is currently vacant. The main building was built in 1920 and the accessory building was built in 1995. The accessory building is 49 sq ft. The applicant is proposing an Italian ice take-away. There is no outdoor seating or street furniture proposed. The applicant will apply for a State and City food service license. There is currently running water and electrical connections within the structure. The applicant currently operates an Italian ice vending business in Key West. This will be his first brick and mortar business.

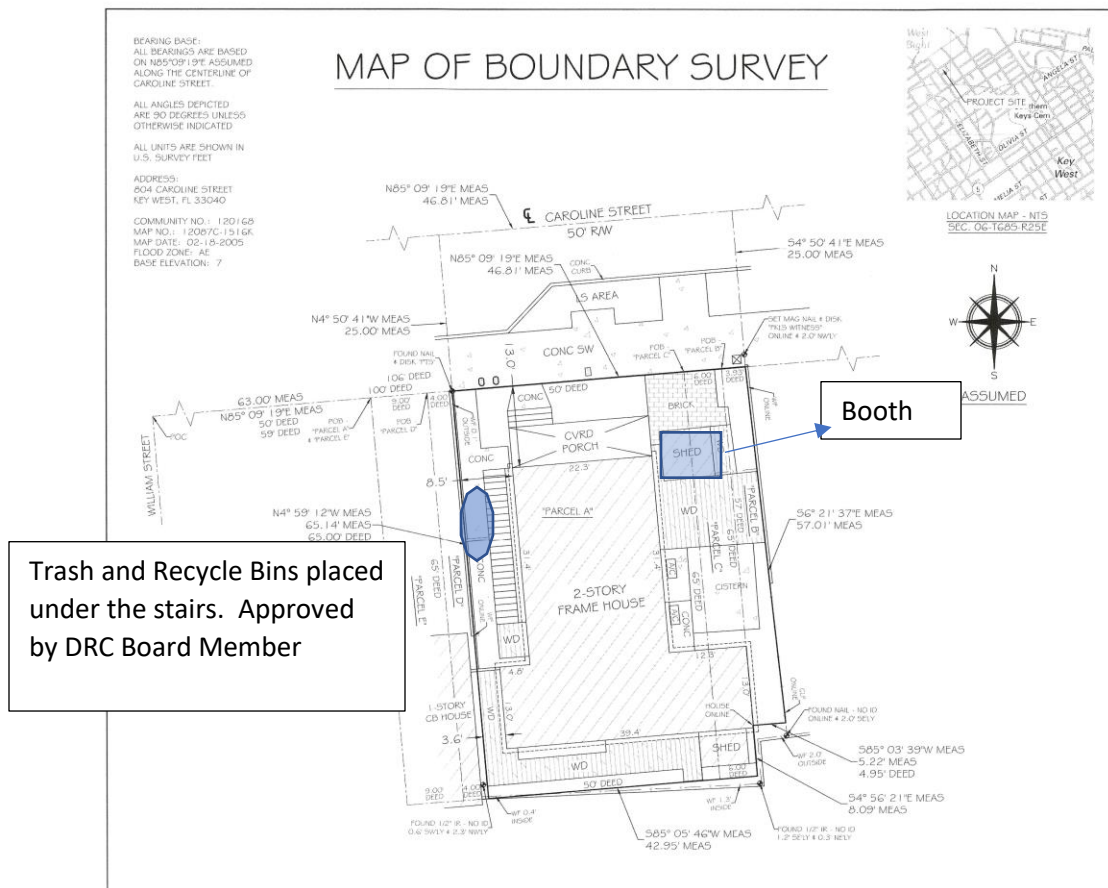
The applicant is requesting a conditional use permit to open a food kiosk in the existing accessory structure. The main building is a home and décor shop called Love Story. Restaurants, excluding drive through, are permitted as a conditional use in the HNC-2 zoning district.



Proposed Site Plan- 49 sq ft



Sink and Fire Extinguisher. DRC member requests.



Surrounding Zoning and Uses:

North: Parking Lot (800 Block Caroline Street) HRCC-2

South: Single Family Residence (801 Sawyers Lane) HMDR

East: Pepe's Restaurant (806 Caroline Street) HNC-2

West: The Red Door, clothing/jewelry shop (800 Caroline St) HNC-2

Process:

Development Review Committee: February 24, 2022

Planning Board: April 21, 2022

Local Appeal Period: 10 days

DEO Review: Up to 45 days

Conditional Use Review: The purpose of conditional use review, pursuant to City Code Section 122-61, is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. City Code Chapter 122, Article III sets forth provisions and criteria for

consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

Conditional Use Specific Criteria pursuant to Code Section 122-62:

(a) Findings

Code Section 122-62(a) provides, in part, that “a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and/or the City Commission during a review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations.” This section also specifies that “a conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is averse to the public’s interest.”

(b) Characteristics of Use

Restaurants, excluding drive throughs, are a conditional use in the HNC-2 zoning district. The HNC-2 zoning district is restricted to small offices, neighborhood shops, restaurants with very limited seating, or other commercial uses similar in character to traditional neighborhood commercial services which have very limited square footage and generate low volumes of traffic.

(1) Scale and intensity of the proposed conditional use as measured by the following:

- a. Floor area ratio (FAR):** The proposed use will not add any additional permanent floor area.
- b. Traffic generation:** No changes in traffic are anticipated.
- c. Square feet of enclosed space for each specific use:** 49 sq ft
- d. Proposed employment:** N/A
- e. Proposed number and type of service vehicles:** There are no proposed service trucks.
- f. Off-street parking needs:** There are no off-street parking needs. The applicant is not expanding floor area, a parking variance is not needed. Section 108-573

(2) On- or off-site improvement needs generated by the proposed conditional use and not identified above including the following:

- a. Utilities:** None expected. The accessory unit has existing water and electricity hook-up.
- b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94:** None expected. Compliance with building codes and life safety codes would be required prior to building permit issuance.
- c. Roadway or signalization improvements, or other similar improvements:** None
- d. Accessory structures or facilities:** None

e. **Other unique facilities/structures proposed as part of site improvements:** None proposed.

(3) On-site amenities proposed to enhance site and planned improvements, including mitigative techniques such as:

a. **Open space:** No outdoor dining areas or street furniture are proposed.

b. **Setbacks from adjacent properties:** N/A

c. **Screening and buffers:** Appropriate screening is proposed for the trash/recycling area.

d. **Landscaping berms proposed to mitigate against adverse impacts to adjacent sites:** No landscape berms proposed.

e. **Mitigative techniques for abating smoke, odor, noise, and other noxious impacts:** This property has adequate space between adjacent properties thereby minimizing any possible noise. There is no expected noise, odor, heat, or smoke from the business. The applicant will comply with garbage service to comport with the anticipated patronage at the site.

(c) Criteria for conditional use review and approval

Pursuant to City Code Section 122-62(c), applications for a conditional use shall clearly demonstrate the following:

(1) Land use compatibility: The Italian ice business is compatible with the surrounding area in that the neighborhood contains multiple gift shops, small restaurants, other tourist oriented commercial uses, and some residences. The neighborhood is heavily tourist oriented. The surrounding area contains public parking and a bicycle rack.

(2) Enough site size, adequate site specifications and infrastructure to accommodate the proposed use: The size and shape of the site are more than adequate to accommodate the proposed scale and intensity of the conditional use requested. As an accessory use, the applicant demonstrates that all infrastructure currently exists to support the proposed use.

(3) Proper use of mitigative techniques: The applicant will comply with all garbage and waste requirements to support the proposed use. No outdoor dining areas are being proposed.

(4) Hazardous waste: None expected or anticipated.

(5) Compliance with applicable laws and ordinances: The use will comply with all applicable laws and regulations would be required.

(6) Additional criteria applicable to specific land uses: Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:

a. **Land uses within a conservation area:** The site is not located in a conservation area.

b. **Residential development:** No residential development is proposed.

- c. **Commercial or mixed-use development:** The proposed use is compatible with similar uses within this zoning district as well as district regulations.
- d. **Development within or adjacent to historic district:** The conditional use application is within the historic district.
- e. **Public facilities or institutional development:** No development of public facilities or institutions are proposed.
- f. **Commercial structures use and related activities within tidal waters:** The site is not located within tidal areas.
- g. **Adult entertainment establishments:** No adult entertainment is being proposed

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Conditional Use be **APPROVED WITH CONDITIONS** as follows:

General conditions:

- 1. No tables or street furniture allowed.
- 2. There shall be no liquor sales from the business.
- 3. There shall be no outdoor music from the business.
- 4. Operating hours are to stay within 9:00am- 10:00pm. Minor exceptions include Fantasy Fest, New Years Eve and city sanctioned street fairs and events.

Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:

- 5. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance Department shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.
- 6. The owner shall obtain any required HARC approvals for signage.