

**THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report**



**To:** Chair and Planning Board Members

**From:** Melissa Paul-Leto, Planner Analyst

**Through:** Patrick Wright, Planning Director

**Meeting Date:** August 17, 2017

**Agenda Item:** **Conditional Use – 126-128 Duval Street (RE # 00000560-000000) – A request for conditional use approval for interior renovation of existing commercial space for a bar and lounge on property located within the Historic Residential Commercial Core (HRCC-1) Zoning District pursuant to Sections 122-62, and 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

**Request:** Conditional use approval to allow for a bar/lounge use within the HRCC-1 Zoning District.

**Applicant:** Trepanier & Associates, Inc.

**Property Owner:** 126 Duval Company

**Location:** 126 Duval Street (RE # 00000560-000000)

**Zoning:** Historic Residential Commercial Core (HRCC-1)



**Background:**

The property consists of a one story frame and concrete block structure, built in 1947, and is located on the northwestern side of Duval Street. The building is a contributing structure within the historic district. The property is licensed as retail use and has had a history of retail use since the structure was built. The first floor structure currently has two commercial retail spaces at 126, and 128 Duval Street. The applicant will be opening up the two spaces to make it one bar/lounge space.

**Request:**

The proposed development consists of a bar and lounge use consisting of 576 square feet of consumption area, with a total of 1,904 square footage of interior space.

Conditional use approval is required for bar and lounges including those associated with adult entertainment establishments, within the HRCC-1 Zoning District, pursuant to City Code Section 122-688(9).

**Process:**

**Development Review Committee:**

May 25, 2017

**Planning Board:**

July 20, 2017(postponed)

**Planning Board:**

August 17, 2017

**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 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 adverse to the public’s interest.”

***(b) Characteristics of use***

The proposed conditional uses includes 576 square feet of consumption area for bar/lounge use. The characteristics of the proposed conditional use is evaluated below.

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

**a. Floor area ratio (FAR):**

No change in floor area is proposed. The maximum FAR in the HRCC-1 Zoning District is 1.0. The Applicant calculates a FAR of 0.57 for all proposed permitted and conditional uses on the property, based on 1,904 square feet of nonresidential floor area. Staff concurs the F.A.R. is in compliance.

**b. Traffic generation:**

Compared to the previously proposed retail use, the Applicant estimates that trip generation would increase by 15.1 trips during weekdays. The Applicant estimates a total of 21.7 weekday trips.

Staff believes the traffic generation estimates should be higher than the Applicant states because the Applicant's analysis of the proposed bar and lounge use did not include trip generation on Saturday and Sunday.

Based on the Applicant's trip analysis, the proposed uses would generate up to **11.34** weekday trips per 1,000 square feet of floor area.

**c. Square feet of enclosed space for each specific use:**

The proposed development consists of a bar/lounge use with 576 square feet of consumption space, 73 square feet of office space, 780 square feet of kitchen space, and 256 square feet of storage/ mechanical space.

**d. Proposed employment:**

The Applicant estimates there would be eight to eleven total employees.

**e. Proposed number and type of service vehicles:**

No service vehicles are being proposed.

**f. Off-street parking needs:**

The property is located within the Historic Commercial Pedestrian-Oriented area pursuant to City Code Section 108-573. Therefore, the property is able to take advantage of the off-street parking exception for changing commercial uses without increasing floor area.

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

**a. Utilities**

No changes proposed.

**b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94**

No public facilities are proposed.

**c. Roadway or signalization improvements, or other similar improvements**

No roadways or signalization are proposed.

**d. Accessory structures or facilities**

No accessory structures or facilities are proposed.

**e. Other unique facilities/structures proposed as part of site improvements**

No unique facilities/structures are proposed.

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

**a. Open space**

No open space proposed.

**b. Setbacks from adjacent properties**

No setbacks from adjacent properties proposed.

**c. Screening and buffers**

No screening and buffers proposed.

**d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites**

No berms proposed.

**e. Mitigative techniques for abating smoke, odor, noise and other noxious impacts**

No mitigated techniques for abating smoke, odor, noise and other noxious impacts proposed.

**(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 surrounding uses are generally mixed with commercial retail, bar/ lounges and restaurants. The bar and lounge use would be compatible with the HRCC-1 Zoning District.

**(2) Sufficient site size, adequate site specifications and infrastructure to accommodate the proposed use**

The existing building on the property would not be increased in size. The property has adequate size, site specifications, and adequate infrastructure as the property is located within the Historic Commercial Pedestrian-Oriented Area.

**(3) Proper use of mitigative techniques**

No mitigated techniques are proposed.

**(4) Hazardous waste**

No hazardous waste is proposed.

**(5) Compliance with applicable laws and ordinances**

The applicant would be required to comply with all applicable laws and regulations as a condition of approval. The applicant would also be required to comply with Code Chapter 18, Article XII, Division 1 for a conditional approval permit.

**(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:** N/A

**b. Residential development:**

No residential development is proposed.

**c. Commercial or mixed use development:**

The surrounding uses are a mix of commercial and residential. The applicant is proposing interior renovations only. No exterior changes are proposed. This project proposes no change to the overall existing floor area ratio on site.

**d. Development within or adjacent to historic district:**

The property is within the Historic District. Any applicable future work (e.g., signs, awnings, mechanical equipment) as a result of this conditional use, if approved, would be subject to review through the Certificate of Appropriateness process.

**e. Public facilities or institutional development:** N/A

**f. Commercial structures, uses and related activities within tidal waters:** N/A

**g. Adult entertainment establishments:** N/A

**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. The proposed development shall be consistent with the approved plans by Scott C. Maloney, Licensed Architect., dated April 10, 2017.

2. There shall be no music (amplified or vocal), entertainment, or special events of any kind permitted outdoors on the property without a special event permit.
3. All required Certificates of Appropriateness shall be obtained for the proposed development prior to building permit issuance.
4. In order to offset the solid waste generated by the proposed use, staff recommends the owner participate in waste Management's commercial recycling program and/or participate in a certified green business program, such as through Florida Keys Green Living & Energy Education (GLEE).