

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



To: Chair and Planning Board Members

From: Ginny Haller, Planner II

Through: Patrick Wright, Planning Director

Meeting Date: August 17, 2017

Agenda Item: **Amendment to Conditional Use – 1128 Simonton Street (RE # 00027600-000000) -** A request to amend conditional use approval to reduce bar/lounge area and increase restaurant area on property located in the Historic Neighborhood Commercial (HNC-1) Zoning District pursuant to Sections 122-62 and 122-808(13) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

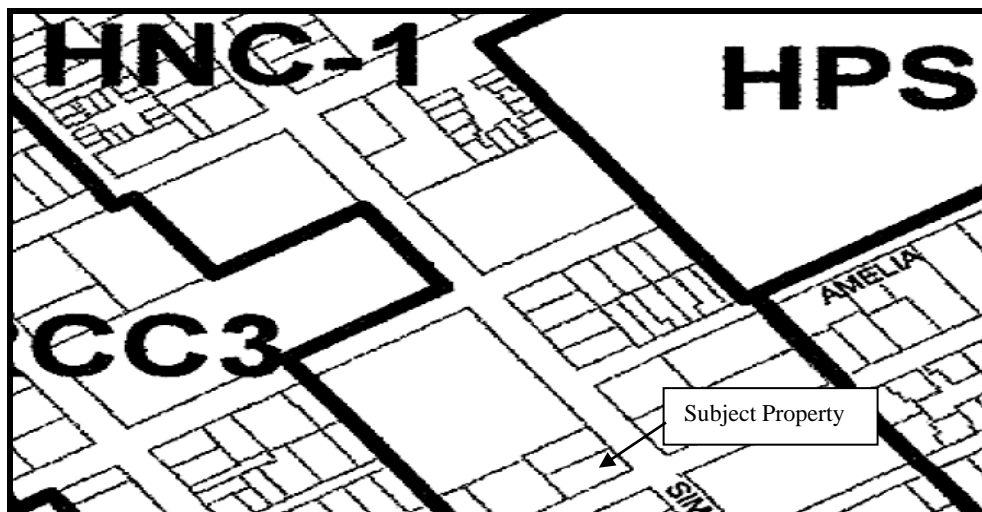
Request: To allow the amendment of an existing Conditional Use approval to reduce the existing bar/lounge from the existing 2,490 square feet to proposed 540 square feet and convert the remaining 2,125 square feet to a restaurant.

Applicant: Trepanier & Associates, Inc.

Property Owner: Catherine Simonton Corp.

Location: 1128 Simonton Street (RE # 00027600-000000)

Zoning: Historic Neighborhood Commercial-Truman/Simonton (HNC-1)



Background:

The subject property is the Bottle Cap Lounge which is located on the corner of Simonton and Catherine Streets. This application is to amend a Conditional Use approval (Res. 2007-022) in order to renovate an existing structure that includes a bar/lounge and delicatessen on the first floor and four non-transient residential dwelling units on the second floor. The proposal is to reduce the existing bar/lounge from the existing 2,490 square feet to 540 square feet and convert the remaining 1,585 square feet into a restaurant.

The Conditional Use approval of Res. 2007-022 was to allow the conversion of 300 square feet of an existing liquor store into the take-out deli currently in use on the property. The existing residential dwelling units on the second floor will remain.

Surrounding Zoning and Uses:

North: HNC-1, Residential and government use

South: HCT, Hotel, motel and restaurant uses

East: HMDR, Residential uses

West: HRCC-3, Restaurant, motel, and commercial Uses

Process:

Development Review Committee:	June 22, 2017
Planning Board:	August 17, 2107
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 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 use for a restaurant with no drive through is a conditional use in the HNC-1 zoning district. The property is located in the HNC-1 zoning district which shall accommodate limited commercial lands uses.

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

a. Floor area ratio (FAR):

The proposed use will add no additional commercial floor area to the property. The existing commercial floor area will be modified as reflected in Section 122-808(13).

b. Traffic generation:

The property is located in the Historic Neighborhood Commercial oriented area. The applicant has provided a trip generation statement analyzing the conditions of the location for the proposed restaurant. The analysis shows a trip generation increase of:

- 142.57 trips on weekdays, with a decrease of 22.58 on bar/lounge trips = **119**
- 149.56 trips on Saturday, with a decrease of 22.58 on bar/lounge trips = **126**
- 72.16 trips on Sundays, with a decrease of 22.58 on bar/lounge trips = **49**

Staff concurs with the traffic generation report that the impacts are minor (see Concurrency Analysis). Additionally there are 3 on-site parking spaces along Catherine Street.

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

Use	Existing	Proposed
Residential	3,250 sf	3,250 sf
Bar/lounge	2,925 sf	540 sf
Deli	300 sf	300 sf
Restaurant	0	2,385 sf
TOTAL	6,475 sf	6,475 sf

d. Proposed employment:

The Bottle Cap currently has 8 employees for the bar/lounge. The applicant states that the proposed restaurant is estimated to be 12 employees and the bar/lounge is estimated to have 3 employees.

e. Proposed number and type of service vehicles:

Currently the existing deli and two other restaurants within the immediate area are supplied by delivery trucks, the proposed restaurant will become a part of this service. The loading zone for the service trucks is along the eastern right-of-way of Catherine Street.

f. Off-street parking needs:

The property is located within the historic commercial pedestrian-oriented area and no off-street parking is required as per Sec. 108-573(c).

(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

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 expected.

d. Accessory structures or facilities

None proposed.

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 changes.

b. Setbacks from adjacent properties:

The proposal is for interior renovations. No changes proposed.

c. Screening and buffers:

No changes proposed.

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

No changes proposed. Adjacent to the property are residential dwelling units under the same ownership and a parking area.

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

The stove vent ducts will be above the roofline and directed away from the dwelling units.

(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:

Restaurants are a conditional use in the HNC-1 zoning district. The proposal is to reduce the existing bar/lounge from the existing 2,490 square feet to 540 square feet and convert the remaining 1,585 square feet into a restaurant. Adjacent land uses are residential, commercial (restaurant and bank) and a county owned parking lot. The proposed restaurant use is compatible and harmonious with the surrounding uses.

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

The site at 1128 Simonton Street is 5,133 square feet. It is sufficient and has adequate infrastructure to accommodate the proposed use. There are no proposed changes. None of the existing structures on the site will be altered in size.

(3) Proper use of mitigative techniques:

No adverse impacts anticipated. The stove vent ducts will be above the roofline and directed away from the dwelling units.

(4) Hazardous waste:

None expected or proposed.

(5) Compliance with applicable laws and ordinances:

Compliance 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: N/A

b. Residential development: N/A

c. Commercial or mixed use development: No negative impacts expected.

d. Development within or adjacent to historic district: The property is located within the Historic District and will require HARC approval as required.

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 the following conditions:

General conditions:

1. The conditional use and site improvements/renovations shall match approved plans dated April 14, 2017 by WSA Architecture.
2. The hours of interior renovation shall be in compliance with City Code and be limited to 8 AM to & 7 PM on Monday to Friday, and 9 AM to 5 PM on Saturday.
3. If the property is sold to a different ownership, the applicant is required to remove trash and recycle storage, and create sufficient solid waste storage on the 1128 Simonton Street parcel, screened from adjacent properties and public ways by fences, walls, or landscaping.
4. The restaurant shall be fully ADA (Americans with Disabilities Act of 1990) accessible.

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 shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.