



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

To: Chair and Planning Board Members

From: Vanessa Sellers, Planner II

Through: Roy Bishop, Planning Director

Meeting Date: November 21, 2019

Agenda Item: **Conditional Use – 1217 Varela Street, 1221 Varela Street, & 1127 United Street (RE # 00033140-000000, 00033110-000000, 00033100-000000) - A request for conditional use approval to allow for an expansion of an educational institution and day care use on parcels located within the Historic Medium Density Residential District (HMDR) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Request: A conditional use approval to allow an expansion of an educational institution and day care use in the HMDR zoning district.

Applicant: Serge Mashtakov, P.E. of Artibus Design, LLC

Property Owner: Montessori Children's School of Key West, Inc.

Location: 1217 Varela Street, 1221 Varela Street, & 1127 United Street, Key West

Zoning: Historic Medium Density Residential District (HMDR)

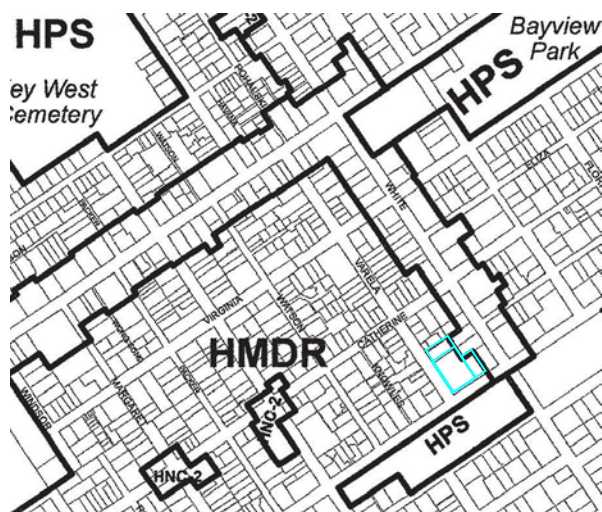


Image of a portion of the Official Zoning Map of the City of Key West.

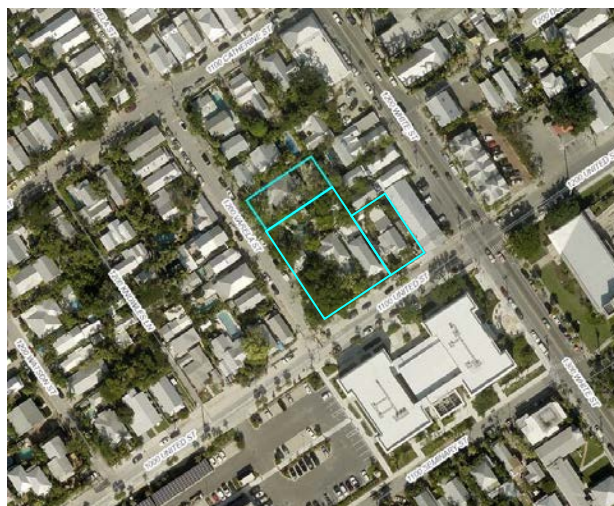


Image of an aerial view of the subject properties.

Background:

The properties at 1221 Varela Street and 1127 United Street operate as the Montessori Children's School of Key West, founded in 1972. On January 4, 2019, the Montessori Children's School of Key West, Inc. purchased the neighboring property at 1217 Varela Street, containing a 1,442-square-foot single-family residence.

The applicant is requesting a conditional use permit to allow for the expansion of the existing school into the newly purchased property at 1217 Varela Street. The current residential use on the property will cease.

Pursuant to section 122-598 (3), educational institutions and day care are a conditional use of the Historic Medium Density Residential (HMDR) zoning district. Pursuant to section 86-9 of the city code, educational institutions include a place for systematic instruction with a curriculum the same as customarily provided in a public school or college. These activities include nursery school and kindergarten facilities designed to provide a systematic program to meet organized training requirements.

Surrounding Zoning and Uses:

North:	Residential
South:	Business and professional offices (City of Key West City Hall)
West:	Residential
East:	Mixed-use commercial & residential, residential



Image of an aerial view of the subject property with the surrounding uses identified.

Process:

Development Review Committee:	September 26, 2019
Planning Board:	November 21, 2019
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 is an expansion of an educational institution and day care use.

(1) Scale and intensity of the proposed conditional use as measured by the following:**a. Floor area ratio (FAR):**

The proposed change of use will convert the existing residential density of 1.0 (up to 2 allowed) on the parcel at 1217 Varela Street to nonresidential floor area. The total floor area ratio for the three (3) parcels will equal 0.244 of the maximum 1.0 allowed.

b. Traffic generation:

According to the application, the proposed change of use of the parcel at 1217 Varela Street from residential to nonresidential will create an increase in traffic conditions during peak hours Monday through Friday from approximately 8:00 a.m. to 8:30 a.m. and again between the hours of 2:15 p.m. and 2:45 p.m. The school is closed for the evening by approximately 5:30 p.m. on a typical school day and, in addition, the school is closed most weekends, major holidays, and seasonal breaks.

In comparison, according to the Institute of Transportation Engineers *Trip Generation*, 7th Edition, a non-transient residential unit (single-family detached housing) generates approximately 9.57 trips on a weekday, approximately 10.10 trips on a Saturday, and approximately 8.78 trips on a Sunday. These trips would be replaced with the aforementioned traffic conditions.

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

As described in the application, the proposal is for an expansion of the educational institution use and cancellation of the residential use within the structure at 1217 Varela Street. According to the Monroe County Property Appraiser, the finished floor area of 1217 Varela Street is 1442-square-feet.

d. Proposed employment:

The application indicates the existing employment is twenty-three (23). The proposed expansion will add two (2) additional staff members, for a total of twenty-five (25).

e. Proposed number and type of service vehicles:

Staff does not anticipate any adverse impacts from service vehicles.

f. Off-street parking needs:

The subject parcel is not located within the historic commercial pedestrian-oriented area. Pursuant to section 108-572, public or private schools shall provide 1 space per 5 seats or 1 space per 150 square feet of floor area in the main assembly hall, whichever is greater. Day care centers, kindergartens, nursery schools and other preschool facilities shall provide 1 space per employee, with a minimum of 2 employee spaces, plus 5 spaces; or 1 space per employee plus 1 space for every 2 children enrolled; or 1 space for each 300 square feet of building areas, whichever is greater.

The applicant is unable to provide the number of off-street parking spaces as required by section 108-572 and has submitted a request for a variance approval. In addition, the removal of the residential use and driveway at 1217 Varela Street will allow for an additional on-street parking space to be created and may then be utilized by a City of Key West resident with a residential parking decal.



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

a. Utilities:

Based on comments at the DRC, Keys Energy has no objections to this conditional use request.

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. Based on comments at the DRC, it does not appear the conditional use will trigger any public facility capacity issues.

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:

The proposed change in use from residential to non-residential and the need to install ramps for accessibility will have a minimal influence on the current open space ratio of the parcel at 1217 Varela Street.

b. Setbacks from adjacent properties:

The principal structure at 1217 Varela Street complies with the front and rear setback requirements of the HMDR zoning district. Future construction shall comply with the minimum setbacks as prescribed by section 122-600 (6) of the Land Development Regulations of the City of Key West, Florida.

c. Screening and buffers:

A new, six-foot tall, wood picket fence is proposed for the front boundary line of the property at 1217 Varela Street. The fence will be a continuation of the existing fence at 1221 Varela Street.

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

Landscaping berms are not proposed.

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

No smoke, odor, noise, or other noxious impacts are expected.

(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 subject parcel at 1217 Varela Street is located within the HMDR zoning district. The applicant is proposing to expand the use of the adjacent educational institution into the existing single-family dwelling. The conversion will add twelve (12) additional students and two (2) staff members to the educational institution and will replace the previous full-time tenants of the property. The applicant has demonstrated that the proposed scale and intensity, the traffic generating characteristics, and the off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.

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

The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements are adequate to accommodate the proposed scale and intensity of the conditional use requested. The site is of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, however, it is not of sufficient size to accommodate off-street parking. The applicant has applied for a variance. The conditional use permit cannot be approved if the variance application is denied.

(3) Proper use of mitigative techniques:

The applicant is proposing six (6) new bicycle parking spaces on the property at 1217 Varela Street. In addition, the proposal includes a 6-foot tall wooden picket fence to prevent adverse impacts to adjacent land uses. The proposal to expand the existing educational institution at 1221 Varela Street and 1127 United Street into the parcel at 1217 Varela Street will not be detrimental to the general public health, safety, and welfare.

(4) Hazardous waste:

The proposed use will not generate hazardous waste or require use of hazardous materials in its operation.

(5) Compliance with applicable laws and ordinances:

The application demonstrates compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval.

(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: Not applicable.

- b. Residential development:** Not applicable.
- c. Commercial or mixed-use development:** The commercial development proposed as a conditional use was reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting floor area ratio, setbacks, lot coverage, height, mass of buildings, building coverage, and open space criteria. Land use compatibility was measured by appearance, design, and land use compatibility criteria established in chapter 102; articles I, II, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, pedestrian access and circulation; internal vehicular circulation together with access and egress to the site, and off-street parking; as well as possible required mitigative measures such as landscaping, buffering, and other site design amenities.
- d. Development within or adjacent to historic district:** The proposed use is within the historic district and was reviewed based on applicable criteria stated in this section for commercial development and shall comply with appearance and design guidelines for historic structures and contributing structures and/or shall be required to provide special mitigative site and structural appearance and design attributes or amenities that reinforce the appearance, historic attributes, and amenities of structures within the historic district. Exterior painting, alterations, and additions will require a Certificate of Appropriateness.
- e. Public facilities or institutional development:** Not applicable. The Montessori Children's School of Key West, Inc. is a private school.
- f. Commercial structures, uses, and related activities within tidal waters:** Not applicable.
- g. Adult entertainment establishments:** Not applicable.

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 July 29, 2019 and revised sheet C-102 dated October 11, 2019 by Serge Mashtakov, P.E.
2. The project must receive a parking variance in the amount of thirty-two (32) off-street parking spaces from the Planning Board.
3. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance may inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolutions, however, inspection is not required.