

The City of Key West
Planning Board
Staff Report



To: Chair and Planning Board Members

From: Melissa Paul-Leto, Planner I

Through: Katie P. Halloran, Planning Director

Meeting Date: June 18, 2020

Agenda Item: **Conditional Use – 918 Kennedy Drive #A – (RE# 00065660-000000)** – A request for a conditional use to include an educational institution on property located within the General Commercial (CG) zoning district pursuant to Sections 122-62, and 122-418 (5) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

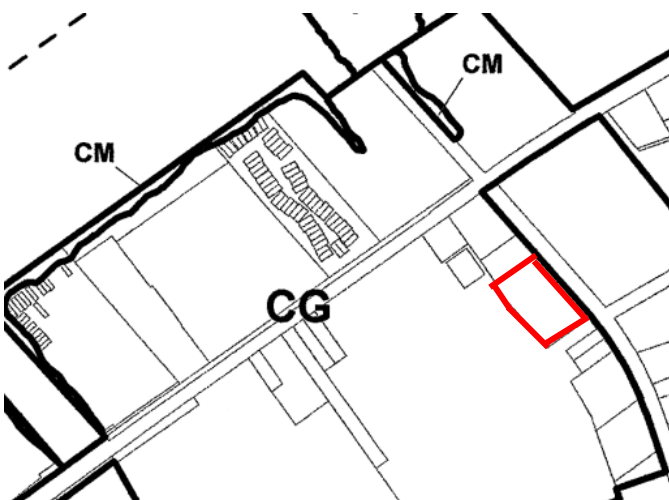
Request: A request to allow for an educational institution which would be called Key West Beauty Academy located within an existing hair and nail salon.

Applicant: Tina Adkins

Property Owner: Manuel Ruiz

Location: 918 Kennedy Drive – (RE# 00065660-000000)

Zoning: Historic Neighborhood Commercial (HNC-3) zoning district



Background:

The subject property is on the corner of Kennedy Drive and Northside Drive and is one lot of record. Unit A at 918 Kennedy Drive is a full-service salon, Spoil Me Rotten. The salon is located within a one-story shopping center, Kennedy Plaza. The property is located within the General Commercial (CG) zoning district.

The applicant is proposing a cosmetology program, Key West Beauty Academy, that will provide students with the knowledge and skills to obtain a Florida License in cosmetology. This will be a part time school. School hours would be Monday from 9 a.m. to 5 p.m. and Tuesday through Saturday from 6 p.m. to 9 p.m. The existing salon, Spoil Me Rotten will be open Tuesday through Saturday from 9 a.m. to 4 p.m. The Key West Beauty Academy would conduct classes for lectures and demonstrations in the time that the salon is closed. The Key West Beauty Academy would be utilizing a 1200 square foot interior space fully equipped with a front desk and computer which simulates a salon atmosphere. A shampoo area, chemical dispensary, nail and facial practice area is provided for students. Area is provided for study and practice on mannequins; additionally, there is a common area for breaks and a bathroom and kitchen.



Entrance to Proposed Key West Beauty Academy



Reception desk and waiting room area



Main salon space



Waiting room area near entrance

Surrounding Zoning and Uses:

North: Public and Semipublic Services District (PS), Clayton Sterling Baseball Complex

South: General Commercial District (CG), Shopping centers including grocery stores

East: Mixed Use Residential / Office District (RO), Banks and professional offices

West: General Commercial District (CG), Gas station, Hotels

Process:

Development Review Committee: April 23, 2020

Planning Board: June 18, 2020

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 generation of 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 averse to the public’s interest.”

(b) Characteristics of use

The City of Key West code states, “The general commercial district (CG) shall accommodate general commercial needs of residents and tourists which are not fulfilled in the historic area mixed use districts. The area is generally located along the North Roosevelt Corridor. “

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

a. Floor area ratio (FAR):

No additional floor area is proposed.

b. Traffic generation:

No changes in the traffic generation are proposed. The 918 Kennedy Drive (Unit A) is located within a one-story commercial shopping center development with general parking to meet a variety of uses within the shopping center. The applicant has purposefully arranged times and days of operation for the existing hair salon and the proposed Beauty Academy in order to avoid any conflicts with occupancy as well as with parking availability.

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

No changes in the enclosed spaces.

d. Proposed employment:

There will be two employees for the proposed Beauty Academy. They are existing employees of the hair and nail salon and licensed cosmetologists.

e. Proposed number of types of service vehicles:

No service vehicles are proposed.

f. Off-street parking needs:

The current use per section 108-572 (16), retail stores and service establishments provide a minimum off-street parking requirement of one (1) vehicular parking space per 300 square feet. With a gross floor area of 1200 square feet, the minimum requirement is four (4) vehicular parking spaces and one (1) bicycle parking space. The retail store and service establishment, Spoil Me Rotten will be open five (5) days a week from 9 a.m. to 4 p.m.

The proposed additional use per section 108-572 (3), Churches; public or private schools, libraries, or museums; public buildings; public or private auditoriums, community centers, theaters, facilities for spectator sports, trade institutions, transit facilities and other places of assembly provide a minimum off-street parking requirement of one (1) vehicular parking space per five (5) seats or one (1) space per one-hundred and fifty (150) square feet of floor area in the main assembly hall, whichever is greater. With a gross floor area of 1200 square feet, the minimum requirement would be eight (8) vehicular parking spaces and one (1) bicycle parking space. The trade institution, Key West Beauty Academy will conduct classes on Monday from 9 a.m. to 5 p.m. and five (5) days a week in the evening from 6 p.m. to 9 p.m.

The subject property is located within Kennedy Plaza, a shopping center development with general parking for a mixed use of tenants.

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

a. Utilities

None expected.

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

None expected.

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

None required.

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 are proposed.

b. Setbacks from adjacent properties:

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.

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

No changes 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 proposed use would be in the CG zoning district. Educational institutions and day cares are a conditional use in the CG zoning district. The proposed use is compatible with the land uses within the zoning district.

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

The size and shape of the site are adequate to accommodate the proposed scale and intensity of the conditional use requested.

(3) Proper use of mitigative techniques:

None have been proposed.

(4) Hazardous waste:

None expected or proposed.

(5) Compliance with applicable laws and ordinances:

None are proposed.

(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:** No negative impacts expected.
- d. **Development within or adjacent to historic district:** The property is not located 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. The conditional use approval is to allow for an educational institution, Key West Beauty Academy to be located at 918 #A Kennedy Drive, Key West, Florida 33040.
2. The educational institution shall have a maximum occupancy load of 30 people per Key West Fire Marshal.
3. Hours of operations for the educational institution shall be Monday from 9 a.m. to 5 p.m. and Tuesday through Saturday from 6 p.m. to 9 p.m.

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

1. 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.