

**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: June 21, 2018

Agenda Item: **Conditional Use – 1103-1105-1107 Simonton Street (RE # 00027490-000000; 00027500-000000; 00027510-000000)** - A request for a conditional use for the location of a restaurant with outdoor consumption area on property located in the Historic Neighborhood Commercial-Truman/Simonton (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.

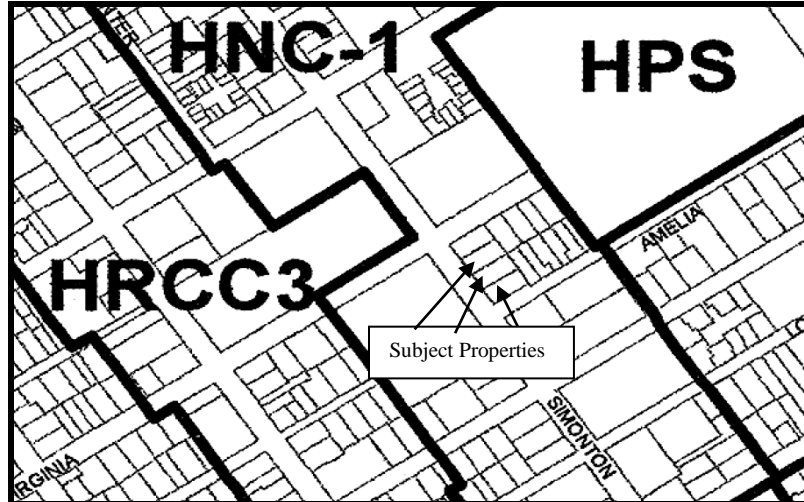
Request: To allow for the location of a restaurant use utilizing a food truck in addition to 499 square feet of outdoor consumption area and accessory game courts for customers.

Applicant: Adele V. Stones

Property Owner: 1105 Simonton LLC

Location: 1103-1105-1107 Simonton Street (RE # 00027490-000000; 00027500-000000; 00025710-000000)

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



Background:

The subject property is located in the 1100 block of Simonton Street bound by Virginia and Amelia Streets. The property is immediately surrounded by Historic Neighborhood Commercial-Truman/Simonton (HNC-1), Historic Public and Semipublic Services (HPS), and Historic Residential Commercial Core-3 Duval Street Oceanside (HRCC-3) zoning districts. The property is comprised of three lots with the total area of the property approximately 11,630.5 square feet. The property currently operates as a welding and fabrication facility; and received Conditional Use approval for recreational rental vehicle use at the August 17, 2017 Planning Board (Res. 2017-42). The applicant is proposing to change from the conditional use approval for the rental of recreational rental vehicles to this Conditional Use for restaurant use for a food truck with 499 square feet of outdoor consumption area. The applicant proposes no additional square footage for the existing industrial commercial structure that will contain the office and interior storage.

Surrounding Zoning and Uses:

North: HNC-1, Residential/Commercial/Retail Uses

South: HNC-1, Commercial/Restaurant/Banking/Retail Uses

East: HPS, Private School/Residential Uses

West: HRCC-3, County Government/Commercial/Restaurant Uses

Process:

Development Review Committee:	March 22, 2018
Planning Board:	June 21, 2018
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

Restaurants, excluding drive-throughs are a conditional use in the HNC-1 zoning district. The Historic Neighborhood Commercial zoning districts are defined as districts that shall accommodate both residential and neighborhood commercial uses. KBP Consulting, Inc. analyzed the traffic impacts of the proposed use in a Traffic Statement dated May 4, 2018 (attached). In the summary, the statement states...”that the proposed indoor dining area with 30 seats and the 499 square feet of outdoor restaurant consumption area (or the equivalent of 33 seats) can be accommodated well within the City’s 3% traffic impact threshold on local streets.” The proposed location is within an area of restaurants, banks, government offices and transient rentals and hotels/motels.

(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 floor area to the property. The existing FAR of the entire site is .18 (1.0 permitted) which consists of 1,008.5 square feet of the structure. The area of the proposed Conditional Use will occupy approximately 5,288 square feet of the total 11,630.5 square foot lot.

b. Traffic generation:

The property is located in the historic neighborhood and commercial area. The applicant has provided a traffic statement from a licensed traffic engineer analyzing the conditions of the location (Traffic Statement from KBP Consulting attached). The analysis maintains that Simonton Street at this time is operating at an acceptable level of service and can accommodate a 3% increase of traffic impact for the area.

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

The existing square footage of the commercial area is 2,012 square feet. The applicant proposes the use of interior area of 1,008.5 sf and approximately 499 square feet of outdoor consumption area, food truck placement, solid waste and recycling, bicycle parking, and games area.

d. Proposed employment:

2 to 3 employees on the site each day.

e. Proposed number and type of service vehicles:

The applicant states that a food truck will be the restaurant food preparation center, food placement, and payment area.

f. Off-street parking needs:

The property is located in the historic commercial pedestrian oriented area, and no new floor area is being created. Section 108-573 (c) states that no additional parking is required for the change of one type of commercial to another in this district. On-site bicycle parking is proposed.

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

a. Utilities

Connection of the food truck to the site's sanitary sewer and a grease interceptor with connection for the food truck will be required.

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 required.

d. Accessory structures or facilities

Bocce courts and lawn bowling area for customers is incidental to the principal restaurant use, and is subordinate in area extent or purpose to the principal use.

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 parcel is currently nonconforming to commercial open space requirements (45%). No changes are proposed.

b. Setbacks from adjacent properties

No changes proposed.

c. Screening and buffers

A proposed new picket fence to run the border of Simonton Street and landscape screening on the site. On the north side of the properties is an existing gated alleyway. There is no ingress and egress to the east and north sides of the property. The west and south sides of the property front on the city rights of way.

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

The property is proposed to change from an industrial use to a restaurant use, therefore, the applicant states the proposal will show a reduction of noise, odor and other noxious impacts.

(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 located in the HNC-1 zoning district. Restaurants, excluding drive-throughs, are a conditional use in the HNC-1 zoning district. Per Section 122-776 the intent of the Historic Neighborhood Commercial zoning districts are defined as districts that shall accommodate both residential and neighborhood commercial uses. The proposed location is within an area of restaurants, banks, government offices and transient rentals and hotels/motels.

(2) Sufficient 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

There is an existing fence on the north side of the property to buffer the residential uses and there are no exterior ingress/egress on the north side. The west and south sides of the property front on the city rights of way.

(4) Hazardous waste

None expected or proposed.

(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:** No negative impacts expected.
- d. **Development within or adjacent to historic district:** Any signage or other building permits necessary will be required to have HARC approval.
- e. **Public facilities or institutional development:** No development of public facilities or institutions are proposed.
- f. **Commercial structures, uses 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 and site improvements/renovations shall match approved plans submitted with the application received by the Planning Department and dated February 9, 2018.
2. The hours of construction/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. In order to offset the solid waste generated by the proposed use, staff recommends the owner participate in Waste Management's commercial recycling program.
4. Connection of the food truck to the site's sanitary sewer and a grease interceptor with connection for the food truck.
5. Provide Keys Energy with a completed project review form to ensure that adequate power will be provided to the property and the surrounding customer.
6. The restaurant shall be fully ADA (Americans with Disabilities Act of 1990) accessible.
7. The hours of operation for the restaurant and the accessory uses shall not exceed 10 PM.
8. The game courts shall be accessory to the principal restaurant use and not constitute the commercial amusement use per Section 86-9 of the Land Development Regulations.

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

9. 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.