

**The City of Key West
Planning Board
Staff Report**



To: Chair and Planning Board Members

From: Melissa Paul-Leto, Planner I

Through: Roy Bishop, Planning Director

Meeting Date: February 20, 2020

Agenda Item: **Amendment to Conditional Use – 300 Petronia Street – (RE# 00014230-000000)** – A request to amend the hours of operation to a conditional use approval for a restaurant on property located within the Historic Neighborhood Commercial (HNC-3) zoning district pursuant to Sections 122-62, and 122-868 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

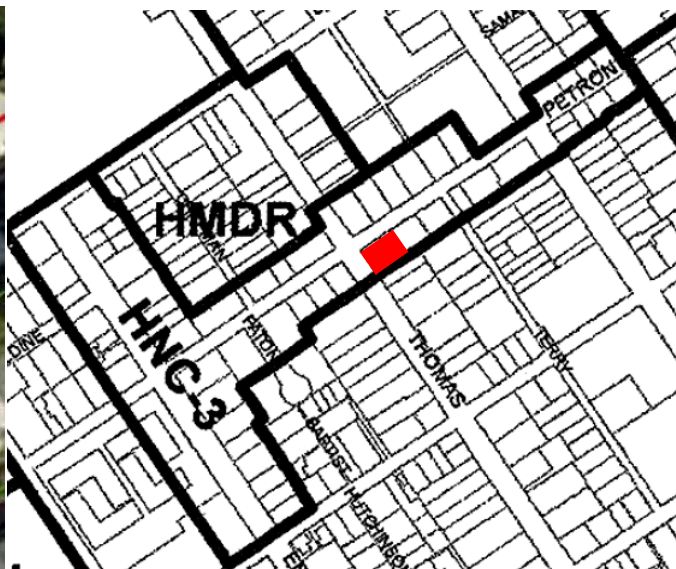
Request: To allow the amendment of an existing conditional use approval to expand the hours of operation.

Applicant: Trepanier & Associates

Property Owner: Bi-State Realty, LTD

Location: 300 Petronia Street – (RE# 00014230-000000)

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



Background:

The subject property is on the corner of Petronia Street and Thomas Street. It is one lot of record and consists of a one two- and one-half story wood framed structure with a wraparound open porch and decks. The property is located within the Historic Neighborhood Commercial (HNC) zoning district.

This location was approved for a conditional use on November 21, 2019 per Resolution No. 2019-82 to allow for The Viv wine bistro to become a restaurant. The restaurant was approved under the following operational hours: Monday through Sunday 4:00 p.m. till 10:00 p.m., seasonal hours may change to 12:00 p.m. till 10:00 p.m. Monday through Sunday.

The applicant is proposing in coordination with a previous good neighbor meeting an expansion in the operational hours. The proposed hours of operation are the following: Sunday through Thursday from 7:00 a.m. till 10:00 p.m. and, Friday through Saturday from 7:00 a.m. till 10:30 p.m.

Surrounding Zoning and Uses:

Northeasterly corner: HNC-3, Residential and Commercial Retail Uses (Blue Heaven Restaurant)

Southwesterly, adjacent: HMDR, Historic Medium Density Residential (houses)

Easterly corner: HNC-3, Residential and Commercial Retail Uses (grocery; retail)

Northwesterly: HNC-3, Residential and Commercial Retail Uses (shops)

Process:

Development Review Committee: January 23, 2019

Planning Board: February 20, 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 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 historic neighborhood commercial district (HNC-3) consists of the Bahama Village commercial core. The HNC-3 Bahama Village commercial core district includes the Bahama Village neighborhood commercial core along Petronia Street, approximately 200 feet southwest of Duval Street, and extends southwestward to the rear property lines of lots abutting the southwest side of Emma Street. The village area is a redevelopment area, including a commercial center linked to Duval Street. Consistent with the comprehensive plan, development in the district shall be directed toward maintaining and/or revitalizing existing housing structures, preventing displacement of residents, and compliance with concurrency management.

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

a. Floor are ratio (FAR):

No additional floor area is proposed.

b. Traffic generation:

No changes in the traffic generation are proposed.

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

No changes in the enclosed spaces.

d. Proposed employment:

No change in employees.

e. Proposed number of types of service vehicles:

There will be no change in in the amount of service vehicles.

f. Off-street parking needs:

There are no changes to off-street parking.

(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 HNC-3 zoning district. Restaurants, excluding drive-through, are a conditional use in the HNC-3 zoning district. Per Section 122-868 the intent of the Historic Neighborhood Commercial zoning district is defined as a district includes the Bahama Village neighborhood commercial core along Petronia Street. The village area is a redevelopment area,

including a commercial center linked to Duval Street. Consistent with the comprehensive plan, development in the district shall be directed toward maintaining and/or revitalizing existing housing structures, preventing displacement of residents, and compliance with concurrency management.

(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 amendment to 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:** 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 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 and restaurant shall match the approved plans signed and dated: September 14, 2019 by, Timothy Seth Neal, P.A.
2. The restaurant will have no more than forty-three (43) seats within the 646 square feet of consumption area.

3. Hours of operations will be Sunday through Thursday from 7:00 a.m. till 10:00 p.m. and, Friday through Saturday from 7:00 a.m. till 10:30 p.m.
4. No deep fryers allowed on premises.
5. No meat smokers allowed on premises.
6. No power tool use after 5:00 p.m. (including pressure washing).

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.