

**EXECUTIVE
SUMMARY**



To: Jim Scholl, City Manager

Through: Patrick Wright, Planning Director

From: Ginny Haller, Planner II

Meeting Date: August 7, 2018

Agenda Item: **Minor Development Plan & Conditional Use – 1400 Block of Duval Street** - A request for minor development plan and conditional use approvals for the construction of a pocket park and expansion of restaurant use on property located in the Historic Commercial Tourist (HCT) Zoning District pursuant to Sections 108-91.A.1(c); 122-62; and 122-898(6) & (11) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

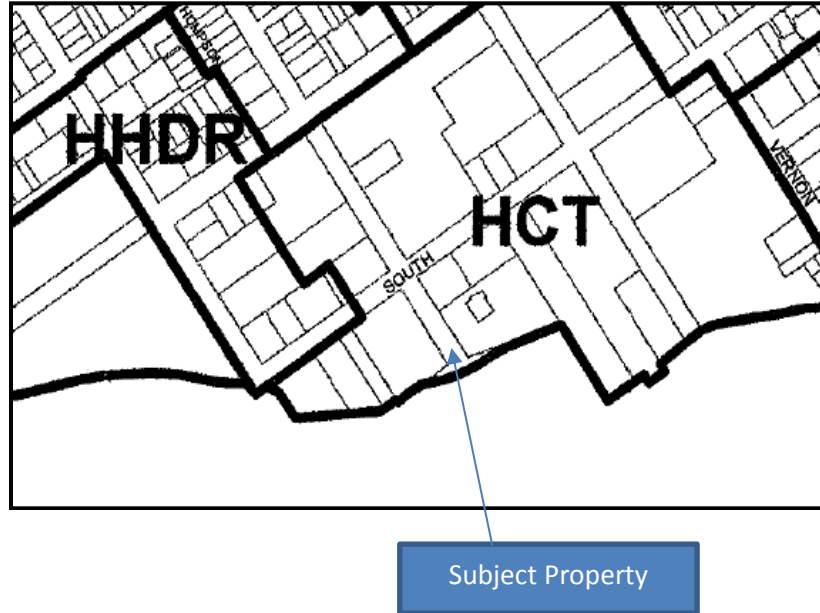
Request: Minor development plan and conditional use approvals for the proposed construction of a pocket park and expansion of restaurant use.

Applicant: City of Key West

Property Owners: City of Key West

Location: 1400 Block of Duval Street

Zoning: Historic Commercial Tourist District (HCT)



BACKGROUND:

The site is an existing 11,614 square foot public street located at the southern end of Duval Street. The street has sidewalks on the western and eastern boundaries and intersects with South Street. Currently the street has nine parking spaces and no structures, buildings, or landscaping. At the southern end of the property there is an existing seawall and gate.

The applicant proposes to construct a pocket park and an expansion of a restaurant use on the public street. The pocket park is proposed to have 2,400 square feet of consumption area serviced by a food truck located on the private property of the Southernmost House at 1400 Duval Street. In addition, the Southernmost Beach Café located at 1405 Duval Street will have food available for tourists and locals in the consumption area. The consumption area is proposed to consist of tables and chairs in an outdoor café style.

The proposed improvements include roadway reconstruction, including the removal of curbs and sidewalks. The site work includes stormwater infrastructure improvements, grading, and the installation of pavers and landscape planters.

In order to allow the proposed construction of a pocket park and expansion of restaurant use several development approvals would be necessary:

- Received variance to parking requirements for fifty-four (54) vehicle spaces at June 21, 2018 Planning Board meeting (Planning Board Res. No. 2018-25).
- Minor Development Plan review is required due to the construction of the pocket park and expansion of restaurant use with the addition of outdoor commercial activity consisting of restaurant seating, outdoor commercial storage, active recreation, outdoor sales area or similar activities of 500 to 2,499 square feet pursuant to Section 108-91.A.1(c) of the Land Development Regulations of the Code of Ordinances (Planning Board Res. No. 2018-26).

- Conditional use review is required for parks and recreation, active and passive, and for restaurants, excluding drive-through within the HCT Zoning District, pursuant to City Code Section 122-898(6) & (11). (Planning Board Res. No. 2018-26).

City Actions:

Development Review Committee (DRC):	May 24, 2018
Planning Board:	June 21, 2018
Tree Commission:	July 9, 2018
HARC:	July 24, 2018
City Commission:	August 7, 2018
DEO review appeal period:	Up to 45 days, following local appeal period

PLANNING STAFF ANALYSIS

Development Plan review

City Code Section 108-91.A.1(c) requires addition of outdoor commercial activity consisting of restaurant seating, outdoor commercial storage, active recreation, outdoor sales area or similar activities of 500 to 2,499 square feet to be reviewed as a Minor Development Plan. City Code Section 108-196(a) states after reviewing a Major Development Plan or a Minor Development Plan for a property and staff recommendations therefor, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the LDRs and the intent of the LDRs and Comprehensive Plan. The Planning Board resolution shall provide written comments documenting any conditions of approval that the Planning Board finds necessary to effectuate the purpose of Development Plan review and carry out the spirit and purpose of the Comprehensive Plan and the LDRs. If the Development Plan is recommended for disapproval, the Planning Board resolution shall specify in writing the reasons for recommending such denial. The Planning Board’s decision on a Minor Development Plan in the historic district shall be advisory to the City Commission.

City Code Section 108-198 states that the City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the LDRs and based on the intent of the LDRs and Comprehensive Plan. The City Commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgement, to effectuate the purpose of this article and carry out the spirit and purpose of the Comprehensive Plan and the LDRs. Any condition shall be made a written record and affixed to the development plan as approved. If the City Commission disapproves a development plan, the reasons shall be stated in writing.

Options/Advantages/Disadvantages:

Option 1. Approve the request with conditions (listed below) as advised by the Planning Board in Resolution No. 2018-26:

Consistency with the City’s Strategic Plan, Vision and Mission: Granting

the request would be consistent with the Economic and Environmental goals of the Strategic Plan.

Financial Impact: The City would collect building permit, licensing and impact fees during subsequent phases of development. There would be no cost to the City for granting the request.

Option 2. Deny the request based on findings that the proposed development does not comply with the criteria established by the Comprehensive Plan and the Land Development Regulations.

Consistency with the City’s Strategic Plan, Vision and Mission: Denial of the requested development plan would be inconsistent with the Strategic Plan.

Financial Impact: There would be no cost to the City for denying the request.

RECOMMENDATION

Staff and the Planning Board, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends **Option 1** to the City Commission approving the request with conditions as outlined below:

General conditions:

1. The hours of construction shall be in compliance with City Code and be limited to 8 AM to 5 PM on Monday to Friday, and 9 AM to 5 PM on Saturday.
2. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
3. Final Construction Plans must be signed and sealed by Tomas E. Pope P.A. Pope-Scarborough Architects and must provide more detail of the paver material and how the pavers will be set and placed to prevent deterioration and periodic inundation and damage from storm surge.
4. Final Construction Plans must be signed and sealed by Tomas E. Pope P.A. Pope-Scarborough Architects and must provide a transition or driveway cut from the entrance to this portion of Duval Street from South Street up to the new finish surface. Connect the sidewalk from the southeast and southwest corners of South Street with new concrete sidewalk. Also, the proposed grades will need to accommodate drainage requirements of the Pocket Park and South Street right-of-way.
5. Final Construction Plans must be signed and sealed by Tomas E. Pope P.A. Pope-Scarborough Architects and show the two signs on the property: One that clearly

identifies public access, “Duval Street Park-Open to the Public” and one within the first median facing South Street indicating “Authorized Vehicle Access Only” to discourage the public from taking vehicular access along this portion of Duval Street.

6. Proposed restaurant consumption area for the outdoor café space shall be limited to 2,400 square feet as indicated on site plans by Tomas E. Pope P.A. Pope-Scarborough Architects dated May 30, 2018.

Conditions prior to issuance of a building permit:

7. A Revocable License for the use of the chairs and tables on the City of Key West public right-of-way on the 1400 Block of Duval Street must be coordinated by the surrounding properties at 1400, 1401 & 1405 Duval Street.