



## EXECUTIVE SUMMARY

**To:** James Scholl, City Manager

**Through:** Patrick Wright, Planning Director

**From:** Vanessa Sellers, Planner II

**Meeting Date:** April 2, 2019

**RE:** **Major Development Plan – Mallory Square (RE # 00072082-001100, 00072082-001400, and 0072082-003700)** – A request for Major Development Plan approval for the redevelopment of a restaurant and adjacent property located in the HPS zoning district pursuant to Sections 108-91 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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**Request:** Reconstruction of a restaurant to contain 2,344-square-feet of consumption area.

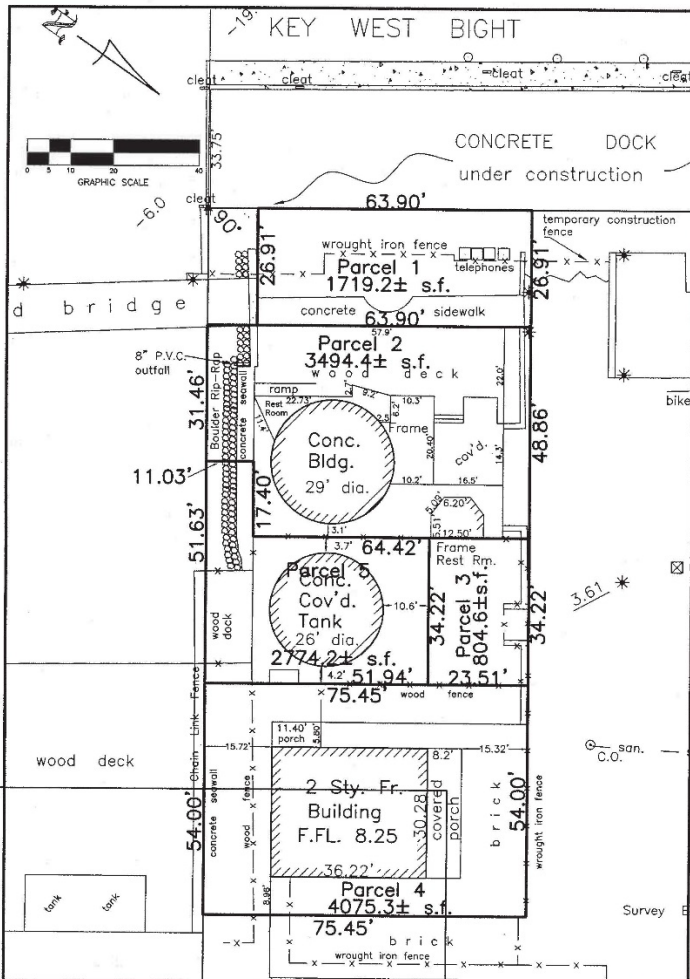
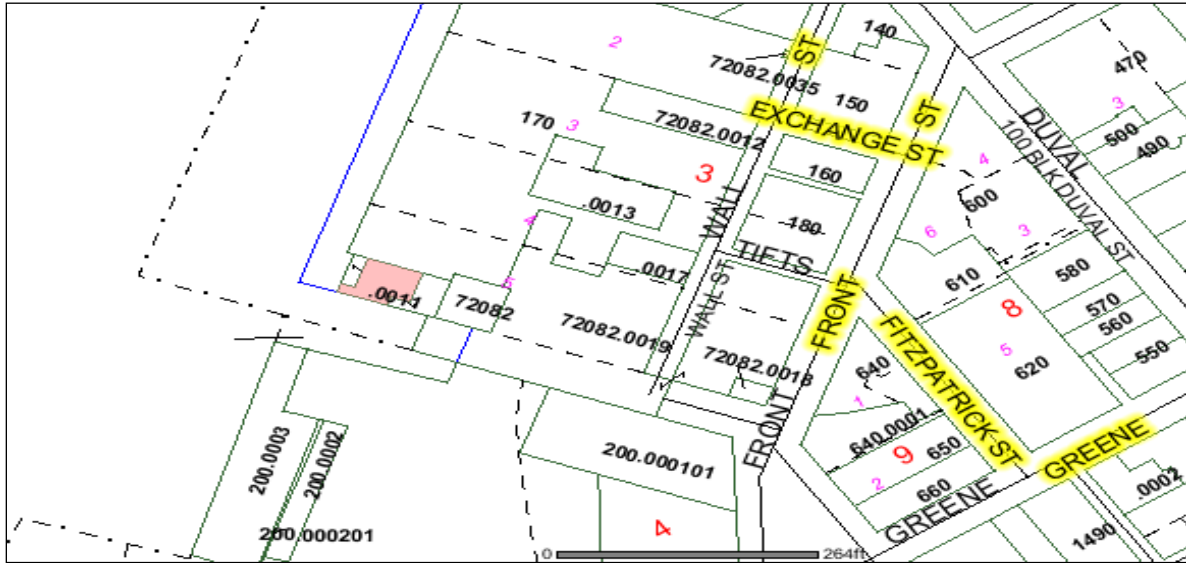
**Applicant:** Trepanier and Associates, Inc.; Peter Pike, Architect

**Property Owner:** The City of Key West

**Location:** Mallory Square (RE # 00072082-001100, 00072082-001400, and 0072082-003700)

**Zoning:** Historic Public Service (HPS) Zoning District





- Area 1 and 3 - RE# 00072082-003700
- Area 2 - RE# 00072082-001100
- Area 4 - RE# 00072082-001400

City of Key West Mallory Square		Own No.: 10-108	<b>ISLAND SURVEYING INC.</b> ENGINEERS PLANNERS SURVEYORS
Lease Areas		Dwn. By: F.H.H.	
Scale: 1"=20'	Ref. file	Flood panel No. 1516K	3152 Northside Drive Suite 12101 Key West, FL 33040 (305) 293-0466 Fax: (305) 293-0237 midsab1@earthlink.net
Date: 1/28/10		Flood Zone:	
REVISIONS AND/OR ADDITIONS			

## **BACKGROUND:**

The four areas included in this specific request include the following existing features and entitlements:

- Area 1: This area serves as a public access way linking Mallory Square across the bridge to the Weston Hotel area. It includes an existing iron fence, telephones and a sidewalk.
- Area 2: This area consists of a former restaurant development and a historic cable hut. This entire area is subject to a lease agreement from 1999 which resolved litigation in favor of a series of uses, including restaurant consumption area. That lease forms the basis of consumption area calculations relevant to determining the legal non-conforming uses enabled in this application.
- Area 3: This area links Areas 2 and 4 and is partially developed as an open area. This area is immediately adjacent to Area 5, which is not included in this application, but which features the second cable hut.
- Area 4: This area contains the Hospitality House, a contributing historic structure which was relocated to this parcel in the 1980's and formerly served as a welcome center but is currently vacant.

These four contiguous areas together form the area addressed in this application. However, because these areas are not parcels (as legally defined in the city's land development regulations) but rather lease areas within a much larger parcel, site calculations provided are for the entire Mallory Square area.

The new restaurant structure is proposed to be a single-story and to include 2,344-square-feet of consumption area which translates to a maximum of 156 seats. This consumption area derives from square footage associated with the 1999 lease. The calculation of consumption area from that lease excludes kitchen and bathroom areas and is considered by the Planning Department to represent a conservative approach to understanding the legally established restaurant-related entitlements. The consumption area is delineated on sheet A1.3 of the attached plan set.

The proposal will link the historic hospitality house to the proposed restaurant with an ADA compliant pathway and ramp. The rear of the hospitality house will be renovated to contain ADA accessible men's and women's restrooms and a janitor's closet. A portion of Area 1 is proposed to contain an active recreation area containing space for sunset performers, artists and artwork. Public access is proposed in all open space areas and important access ways along the waterfront, particularly between the pedestrian bridge and Mallory Square, are proposed to remain.

The entire project is located within the Historic Commercial Pedestrian-Oriented Area. No new consumption area related to the restaurant is proposed; further, the square footage and proposed use of the historic Hospitality House is expected to remain consistent with recent uses. Remaining development consists of improvement to public spaces; therefore, no additional parking is required for the project.

In order to allow the proposed development, the following development approval would be necessary or is requested by the applicant:

- Major Development Plan review is required due to the reconstruction equal to or greater than 2,500-square-feet of nonresidential gross floor area, pursuant to Section 108-91.A.2.(B) of the Land Development Regulations (LDRs) of the Code of Ordinances (the “Code”) of the City of Key West (the “City”)

**City Actions:**

Development Review Committee (DRC):	April 28, 2016
Planning Board:	August 18, 2016 (postponed) September 15, 2016 (postponed) October 20, 2016 (approved)
Tree Commission:	March 13, 2018 (approved)
City Commission:	April 2, 2019
DEO Review Appeal Period:	Up to 45 days, following the local appeal period

**Planning Staff Analysis:**

**Development Plan Review**

Section 108-91. A.2.(b) of the City of Key West Land Development Regulations requires that any proposed plan within the historic district including the addition or reconstruction of equal to or greater than 2,500 square feet of gross floor area shall require a major development plan.

Section 108-196.(a) of the Land Development Regulations states that “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 Land Development Regulations and the intent of the Land Development Regulations and Comprehensive Plan.”

**Options / Advantages / Disadvantages:**

**Option 1.** Approve the request with conditions (listed below) as advised by the Planning Board in Resolution No. 2016-51:

**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.

**a. Consistency with the City’s Strategic Plan, Vision, and Mission:**

Denial of the requested development plan would be inconsistent with the Strategic Plan.

**b. Financial Impact:**

There will be no cost to the City if this request is denied.

**Recommendation:**

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

**General conditions:**

1. A total of 2,344 square feet of restaurant consumption area which equates to 156 seats is allowed within the lease hold area. The location of the consumption area within the restaurant may be modified in consultation with the City relative to final determinations regarding the cable hut located within the parcel. Alcohol sales are permitted as accessory to the principal restaurant business. The sale of food, dessert, and non-alcoholic beverages must constitute 51% or more of business and the sale of food must occur during the time in which service is being provided to the public.
2. During all phases of demolition and construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
3. The project will comply with green building standards established by Chapter 255.2575(2), F.S., and will also provide for recycling of solid waste and meet “dark sky” lighting standards.

4. The proposed structures will be included in the final leasehold area determined by the City at the City's discretion.
5. Public access to plazas and public access ways along Mallory Dock and the bridge to the Westin Marina shall remain unimpeded in perpetuity by the applicant. The City reserves the right to address access for public safety purposes.
6. The applicant will abide by Port Security requirements as required by the Port Facility Security Officer, including requirements deriving from the United States Navy when military vessels are berthed at this location.
7. Restaurant seating shall not exceed 156 seats on the site.
8. 60% or more of the existing cable hut shall be retained into the new design.

**Conditions prior to issuance of a building permit:**

9. Stormwater plans must be approved by the Utilities Department prior to Building Permit issuance.
10. Approval of a Public Art Plan shall be obtained from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.
11. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.