



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

To: City of Key West Planning Board

From: Patrick Wright, Planner II

Date: December 17, 2015

RE: **501, 503 and 505 Greene Street Request for Waiver to the Zoning in Progress for Parking Variances**

This request is for a waiver to the recently passed Zoning in Progress for a moratorium on parking variances. The City Commission added language to Ordinance 15-05 that states:

"An applicant may seek a waiver of the conditions imposed herein. To be eligible for a waiver, the applicant must demonstrate to the Planning Board that the amount of parking required by the code of ordinances is not necessary given the particular conditions of the proposed development. The Planning Board must make specific findings concerning the lack of need for vehicular parking based upon the use and occupancy of the proposed development."

Approval of this waiver request would not grant a parking variance to the applicant, but rather allow them to submit an application for a parking variance and follow standard due process.

ORDINANCE NO. 15-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, INVOKING THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS TO REDUCE THE NEED FOR PARKING VARIANCES; DIRECTING PLANNING DEPARTMENT STAFF TO DEFER THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR PARKING VARIANCES AND BICYCLE SUBSTITUTIONS; CONTINUING THIS POLICY UNTIL NEW OR AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COMMISSION OR UNTIL THE PASSAGE OF 360 DAYS FROM THE DATE OF THIS ORDINANCE, WHICHEVER OCCURS FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West City Commission is concerned about the increasing number of requests for variances to the City's off-street parking requirements and the cumulative effects of the approval of these requests on the public welfare; and

WHEREAS, the City Commission desires to review existing Land Development Regulations (the "LDRs") to determine whether there is a need to adopt amended off-street parking requirements and other relevant LDRs within the City of Key West; and

WHEREAS, the City Commission has directed Planning Department staff to develop any necessary proposed LDR amendments for City Commission review and adoption; and

WHEREAS, the City Commission wishes to definitively place all parties on notice that it is considering amending the LDRs and City Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: Zoning in Progress. The City hereby recognizes that City Planning and

Legal Department staff are researching the issue and preparing any necessary ordinances (the "Pending Ordinances") that would, if adopted, amend the LDRs. All affected property and business owners are placed on notice with respect to the Pending Ordinances and the action being taken by the appropriate departments within the City.

Section 2: The acceptance and processing of new applications for parking variances and bicycle substitutions shall be deferred by Planning Department staff upon passage of this Ordinance on first reading and ending as set forth in Section 3 below. Complete applications for parking variances submitted prior to the passage on first reading of this Ordinance shall be processed normally pursuant to the LDRs currently in effect. An applicant may seek a waiver of the conditions imposed herein. To be eligible for a waiver, the applicant must demonstrate to the Planning Board that the amount of parking required by the Code of Ordinances is not necessary given the particular conditions of the proposed development. The Planning Board must make specific findings concerning the lack of need for vehicular parking based upon the use and occupancy of the proposed development.

Section 3: That this Zoning-In-Progress policy shall be in effect until new or amended LDRs are adopted by the City Commission or until the passage of 360 days, whichever occurs first. This policy may be extended by Resolution of the City Commission for additional 180 day periods to complete the tasks outlined herein.

Section 4: **Public Notice.** The adoption of this Ordinance shall be evidenced by placement of a notice in a newspaper of general circulation within the City, in accordance with Chapter 50, Florida Statutes, within two weeks after adoption of this Ordinance. A copy of this Ordinance shall also be posted at City Hall for the next one hundred and eighty (180) days.

Section 5: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the

remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 6: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 7: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the Florida Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes, however the City shall utilize March 3, 2015 as the date of commencement of the Zoning-in-Progress doctrine.

Read and passed on first reading at a regular meeting held this 3rd day of March, 2015.

Read and passed on final reading at a regular meeting held this 17th day of March, 2015.

Authenticated by the presiding officer and Clerk of the Commission on the 21st day of August, 2015.

Filed with the Clerk on August 21, 2015.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Mark Rossi	<u>Yes</u>
Commissioner Teri Johnston	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>
Commissioner Tony Yaniz	<u>Yes</u>



CRAIG CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK



PHONE: (305) 809-3770
FAX: (305) 809-3771

Office of the City Attorney

POST OFFICE BOX 1409
KEY WEST, FL 33041-1409

Memorandum

TO: Mayor & Commissioners
FROM: Shawn D. Smith, City Attorney
RE: Additional Language for Second Reading -
DATE: March 10, 2015

Mayor and Commissioners,

At the last Commission meeting, I was directed to include a hardship provision in the proposed Zoning in Progress ordinance regarding parking variances. I suggest the following language:

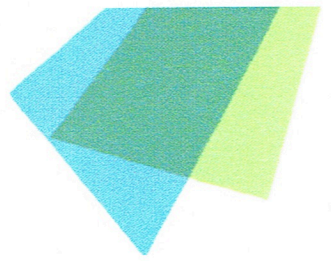
"An applicant may seek a waiver of the conditions imposed herein.

To be eligible for a waiver, the applicant must demonstrate to the Planning Board that the amount of parking required by the code of ordinances is not necessary given the particular conditions of the proposed development. The Planning Board must make specific findings concerning the lack of need for vehicular parking based upon the use and occupancy of the proposed development."

Please contact me with any questions or comments you may have.

A handwritten signature in blue ink, appearing to be "S. D. Smith", is located at the bottom right of the page.

Request



16 November 2015

Mr. Patrick Wright, Planner II
City of Key West Planning Department
3140 Flagler Avenue
Key west, Florida 33040

The Creative Edge
Donald Leland Craig AICP

benaddie1@gmail.com
305 924 0249
Skype: DLelandC
PO Box 7215
110 North French Street
Breckenridge Colorado 80424

Subject: 501-503 Greene Street Redevelopment – Request
for Waiver from the Moratorium on Parking Variances.

Expert Witness
Comprehensive Planning
Land Use Codes
Development Feasibility and
Permitting
Resort and Tourism Planning
Planning Management

Dear Mr. Wright:

Thank you for meeting with my client and the design team last Friday to discuss the processing of the application of our request to redevelop the Green Room and expand its seating. The pre-application meeting was helpful and provides the clarity need to move forward.

As directed by the City, please accept this letter and attached materials as my client's request for a waiver from the City's current moratorium on parking variances.

The redevelopment and expansion of the Green Room bar will entail an expansion fro 14 seats to a total of of 87 on two floors, both inside an outside.

The attached materials include an explanation of why the request is justified and the survey data on how clients arrived at the present Green Room. These materials form the basis of the findings to be made by the Planning Board in reaching a decision to approve a waiver from the moratorium.

Please process the request and schedule it for the next available Planning Board meeting.

Sincerely and Respectfully,


Donald Leland Craig, AICP

Cc: Blake Feldman and Tim Root

Parking Survey and Request for Waiver on Parking Variance Moratorium

The applicant is requesting the the Planning Board grant a waiver of the moratorium on parking variances.

The calculated parking demand for the bar/lounge/office relocation is the following:

87 seats @15 square feet per seat = 1305 s. f. of consumption area divided by one parking space per 45 s. f. of consumption area creates a theoretical demand for **29** spaces. The existing transient unit requires one (1) space, and when this 998 s. f. of floor area being converted to commercial floor area, the demand will rise to three (3) spaces for a total new maximum demand of **32** spaces. As required by the City Land Development Regulations 25% of the maximum parking demand in bicycle spaces must be provided. The number of required bicycle spaces is 8.

However, the City Land Development Regulations (Section 108.573 (c)) provide that in the Pedestrian Oriented Zone if existing commercial floor area is converted to another use, then no additional parking is required for that change of use. In the case of the Green room expansion, with the exception of 497 s. f. of new floor area, all of the proposed new seating is within existing floor area. Therefore, the parking demand calculated for the expansion (assuming all is consumption area) is 497 s. f. divided by 45 s. f. per required space =11 spaces.

The existing demand for the parking at the building is driven by the commercial floor area and the existing Green Room. The existing commercial floor area of all the buildings on the site is 6927 s. f. (including the 998 s. f. of the third floor transient unit when converted to commercial support offices and storage). If the 600 s. f. for the Green Room is removed and calculated using consumption area, the resulting 6327 s. f. of gross floor area creates a parking demand of 6327 s. f./300 s. f. per space generates a demand of 22 spaces. These spaces do not have to be provided because they are subject to Section 108.573(c). Therefore, the net new demand created by the expansion is **10-11** spaces.

The re-developed site will have **8** spaces (25% of the maximum required amount, or **57%** of the demand created by new floor area – 497 s. f. of new consumption area and 998 s. f. of the transient unit converted to floor area for office and storage.) available at the rear of the building, accessible by the alley way running from Greene Street. In addition twenty-four (24) new bicycle spaces will be provided on site to compliment the 6 spaces provided by the City on Greene Street. The new spaces will be highly visible and their presence indicated by signage.

The calculated parking spaces required does not fit the location nor operational characteristics of the Green Room nor its expansion for the following reasons.

1. The management conducted a three-day random sample of the patrons of the bar from opening to late at night to determine the method of arrival. Ninety percent (90%) arrived by non private automobile means – bicycle, foot, taxi, shuttle, scooter and skateboard. The vast majority of that percentage arrived by foot.
2. The bar is and will be located in the heart of the City designated Pedestrian Oriented area. The property is surrounded by very well attended restaurants and bars, none of which have parking. The City by designating this area, has recognized that introducing new automobile parking lots into the area is inconsistent with the historic pattern of buildings, shops and small streets and alleyways. Further in designating this area the City consciously wished to emphasize the pedestrian over the automobile; slow traffic to create safe street and intersections, especially during busy times and during the evening; create incentives for non private automobile transportation modes and provide the background and demand for centralized public parking garages in areas convenient to the establishments within the area.
3. The property's location at the corner of Duval and Greene streets is on the primary Cruise Ship passenger and pedestrian access way to the Historic district and the City's Historic Seaport which emphasizes the walking experience over the automobile. Therefore, many patrons of the bar arrive by foot from this source.
4. There are many large hotels with a four block radius of the site, whose guests walk by this corner each day and evening looking for entertainment, food and drink. This expansion will provide a new interesting alternative to those establishments in the area already visiting the area by foot.
5. The site is populated by three historic building, one of which is highly contributing, and the removal and replacement of the non-contributing buildings with a parking lot would destroy the historic pattern of building placement, especially across the street from the former City Hall and the Sloppy Joes, two of the most iconic Historic buildings in the City.
6. Finally, due to the size and configuration of the the requirements to provide the required maximum parking of 32 spaces would require 330 s. f. per space including circulation and would require 10,560 s. f. of site area and is clearly a burden and a hardship on the owner and applicant.

For these reasons the applicant asks for a waiver to the moratorium on parking variances.

persons coming to the existing Green Room, which is the business model and operational pattern that will be encouraged by the owner as he expands the use.

**2 BLOCK RADIUS
GREEN STREET AND DUVAL STREET CORNER PARKING
CONSUMER SURVEY**

PLEASE PROVIDE US WITH INFORMATION PERTAINING TO HOW YOU GOT TO THIS ESTABLISHMENT FROM YOUR PREVIOUS LOCATION.

EXAMPLES INCLUDE:

- 1) VEHICLE THAT IS PARKED IN VICINITY OF ESTABLISHMENT
- 2) BICYCLE THAT IS PARKED IN THE VICINITY OF THIS ESTABLISHMENT
- 3) SKATEBOARD STORED IN THE PROVIDED RACKS
- 4) WALKED FROM PREVIOUS LOCATION
- 5) SHUTTLE FROM HOTEL
- 6) ON A CRUISE-SHIP
- 7) SCOOTER

THANK YOU FOR YOUR PARTICIPATION

DATE	TIME	NAME	METHOD OF TRANSPORTATION	SIGNATURE
10-12	12:20am	Cassi	TRUCK	[Signature]
10-12	1:11	Rie	cab	[Signature]
10-12	11pm	Krisi	WALK	[Signature]
10-12	12:00	Anna	WALK	[Signature]
10-12	11:00	Matt	cab	[Signature]
10-12	11:00	Kyle	Bike	[Signature]
10-12	12:00	ERIN	WALK	[Signature]
10-12	12:06	Denny	WALK Segway	[Signature]
10-12	12-	Shou	CAR	[Signature]
10-12	12-	M. G. G.	SCOOTER	[Signature]
10-12	12-	Destiny	WALK	[Signature]
10-12	12-	Tim Robie	WALK	[Signature]
10-12	12-	Regan Vincent	WALK	[Signature]
10-12	12:00	J. Patton	WALK	[Signature]
10-12	12-	J. Grace	WALK	[Signature]
10-12	10-	J. Hayes	WALK	[Signature]
10-12		Emily Hayes	WALK	[Signature]
10-12	12:03	Miles Hayes	cab	[Signature]
10-12	12:06am	Andrew Sohn	cab	[Signature]
10-12	12 AM	Russell Pope	BIKE	[Signature]
10-12	12 AM	Adam Nish	Bike/Walk	[Signature]
10-12	12:05 AM	Chris	WALK	[Signature]
10-12	12:05	Jordan Ivey	bike	[Signature]
10-12	12	Frank	WALK	[Signature]
10-12	12	Bob	SCOOTER	[Signature]

**2 BLOCK RADIUS
GREEN STREET AND DUVAL STREET CORNER PARKING
CONSUMER SURVEY**

****PLEASE PROVIDE US WITH INFORMATION PERTAINING TO HOW YOU GOT TO THIS ESTABLISHMENT FROM YOUR PREVIOUS LOCATION.****

EXAMPLES INCLUDE:

- 1) VEHICLE THAT IS PARKED IN VICINITY OF ESTABLISHMENT
- 2) BICYCLE THAT IS PARKED IN THE VICINITY OF THIS ESTABLISHMENT
- 3) SKATEBOARD STORED IN THE PROVIDED RACKS
- 4) WALKED FROM PREVIOUS LOCATION
- 5) SCOOTER
- 6) ON A CRUISE-SHIP
- 7) TAXI CAB

THANK YOU FOR YOUR PARTICIPATION

DATE	TIME	NAME	METHOD OF TRANSPORTATION	SIGNATURE
10/13	4:15	Edw Nordin	Stumbled	[Signature]
10/13	4:15	Karri Daley	Walked	[Signature]
10/13	4:16	Madison Davis	Walked	[Signature]
10/13	4:16	David David	Walked	[Signature]
10/13	4:29	Lina	Walked	[Signature]
10/13	4:30	Ramon	Walked	[Signature]
10/13	6:30	Helena	Walked	[Signature]
10/13	6:45	Paul Miskoe	Bicycle	[Signature]
10/13	6:50	Delon Nash	Bike	[Signature]
10/13	6:55	LARRY	WALKED/BESTWESTERN	[Signature]
10/13	6:56	MARSHA	WALKED/BESTWEST	[Signature]
10/13	6:30	WITMER	WALKED (KERRY)	[Signature]
10/13	6:30	WITMER	WALKED (KERRY)	[Signature]
10/13	7:00	Chris Buchanan	skateboard	[Signature]
10/13	7:00	Mina Valdez	Bike	[Signature]
10/13	7:15	BEN SOLAVE	WALKED	[Signature]
10/13	7:18	TOM BUTLER	STATE BOARD	[Signature]
10/13	7:20	MARTIN K	Bicycle (two wheels)	[Signature]
10/13	7:21	Cia Edwards	Walked	[Signature]
10-13	7:45	JAY RICHMOND	BIKE	[Signature]
10-13	7:46	FROZINA GARAMVAGH	WALK	[Signature]
10-13	7:46	Korey	bike	[Signature]
10-13	7:47	Frankie	walk	[Signature]
10-13	7:47	[Signature]	walk	[Signature]
10/13	8:00	[Signature]	WALKS	[Signature]
10/13	8:00	[Signature]	WALKS	[Signature]
10/13	8:00	[Signature]	WALKS	[Signature]

A-1

PROPOSED FLOOR PLANS

NO.	
DATE	
BY	
CHECKED BY	
APPROVED BY	
SCALE	

NO.	
DATE	
BY	
CHECKED BY	
APPROVED BY	
SCALE	

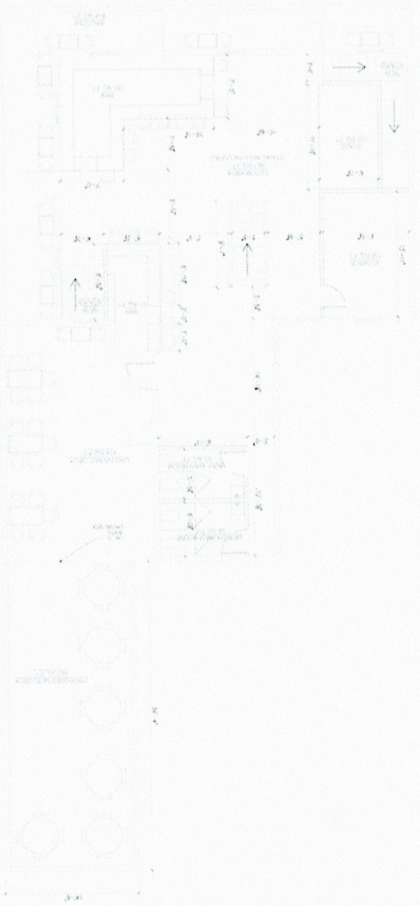
COMMERCIAL RENOVATION
 100 WASHINGTON STREET
 NEW YORK, N.Y. 10038

NO.	
DATE	
BY	
CHECKED BY	
APPROVED BY	
SCALE	

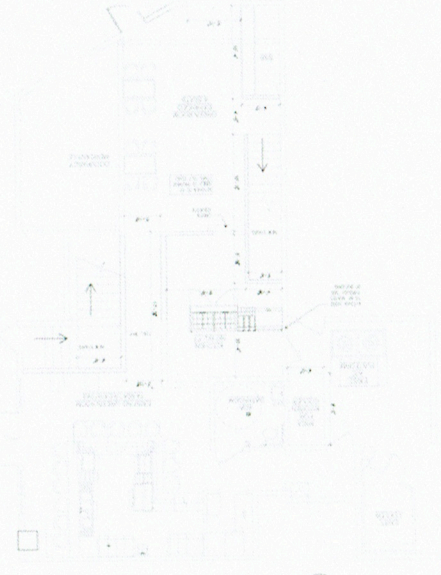
DATE: 10/15/08
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]



PROPOSED SECOND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED THIRD FLOOR PLAN



NOT TO SCALE
 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 ALL WALLS ARE 1/2" THICK UNLESS OTHERWISE NOTED
 ALL DOORS ARE 3'0" WIDE UNLESS OTHERWISE NOTED
 ALL WINDOWS ARE 6'0" WIDE UNLESS OTHERWISE NOTED
 ALL CEILING HEIGHTS ARE 8'0" UNLESS OTHERWISE NOTED
 ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECT
 ALL WALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT
 ALL CEILING FINISHES ARE TO BE DETERMINED BY THE ARCHITECT
 ALL LIGHT FIXTURES ARE TO BE DETERMINED BY THE ARCHITECT
 ALL MECHANICAL SYSTEMS ARE TO BE DETERMINED BY THE ARCHITECT
 ALL ELECTRICAL SYSTEMS ARE TO BE DETERMINED BY THE ARCHITECT
 ALL PLUMBING SYSTEMS ARE TO BE DETERMINED BY THE ARCHITECT
 ALL FIRE PROTECTION SYSTEMS ARE TO BE DETERMINED BY THE ARCHITECT
 ALL ACCESSIBILITY REQUIREMENTS ARE TO BE DETERMINED BY THE ARCHITECT
 ALL MATERIALS AND FINISHES ARE TO BE DETERMINED BY THE ARCHITECT
 ALL CONSTRUCTION METHODS ARE TO BE DETERMINED BY THE ARCHITECT
 ALL NOTES ARE TO BE DETERMINED BY THE ARCHITECT

City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

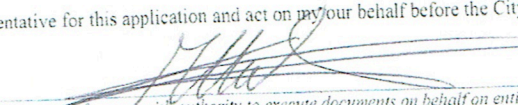
Please complete this form if someone other than the owner is representing the property owner in this matter.

I, CHARLES ITTAH as
Please Print Name of person with authority to execute documents on behalf of entity

CHARLES ITTAH of 135 DWVA I COMPANY INC
Name of office (President, Managing Member) Name of owner from deed

authorize BLAKE FELDMAN
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.


Signature of person with authority to execute documents on behalf an entity owner

Subscribed and sworn to (or affirmed) before me on this OCTOBER 19, 2015
Date

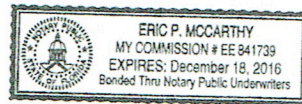
by CHARLES ITTAH
Name of person with authority to execute documents on behalf on entity owner

He/She is personally known to me or has presented _____ as identification.

E. P. MCCARTHY
Notary's Signature and Seal

ERIC P. MCCARTHY
Name of Acknowledger typed, printed or stamped

EE 841739
Commission Number, if any



City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, CHARLES ITTAH as
Please Print Name of person with authority to execute documents on behalf of entity

CHARLES ITTAH of 135 Duval Company Inc
Name of office (President, Managing Member) Name of owner from deed

authorize THE CRAIG Co.
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.

[Signature]
Signature of person with authority to execute documents on behalf on entity owner

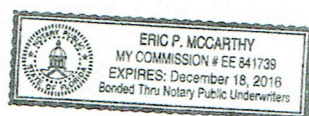
Subscribed and sworn to (or affirmed) before me on this OCTOBER 17, 2015
Date

by CHARLES ITTAH
Name of person with authority to execute documents on behalf on entity owner

He She is personally known to me or has presented _____ as identification.

[Signature]
Notary's Signature and Seal

ERIC P. MCCARTHY
Name of Aclator/Jedger typed, printed or stamped



EE 841739
Commission Number, if any