



ITEM #6

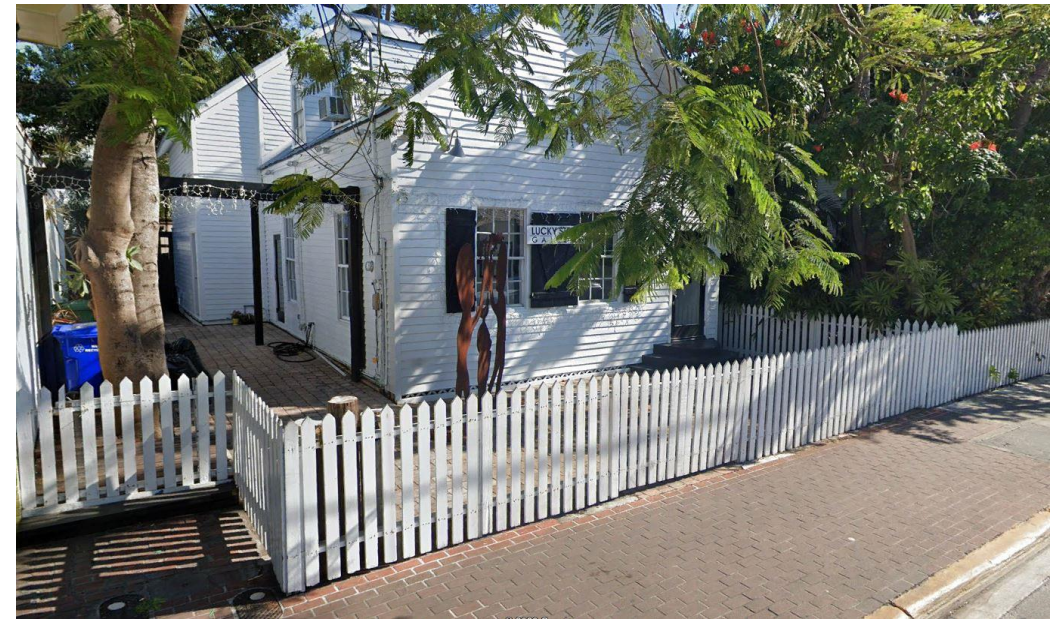
408 GREENE STREET

A request for a change of non-conforming use in order to change the use from commercial retail to restaurant, excluding drive-through on property located within the Historic Residential / Office (HRO) zoning district pursuant to Section 122-32(e) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

REQUEST:

The applicant proposes a change of nonconforming use from retail use to a café use serving beverages, breakfast, and lunch items. The consumption area would be located within the first floor of the interior of the building.

The square footage of the first floor of the inside of the building is 1,078 square feet. The total proposed consumption area would include no more than sixty (60) seats. The application does not include outdoor consumption area



408 Greene Street – Subject property



Front yard



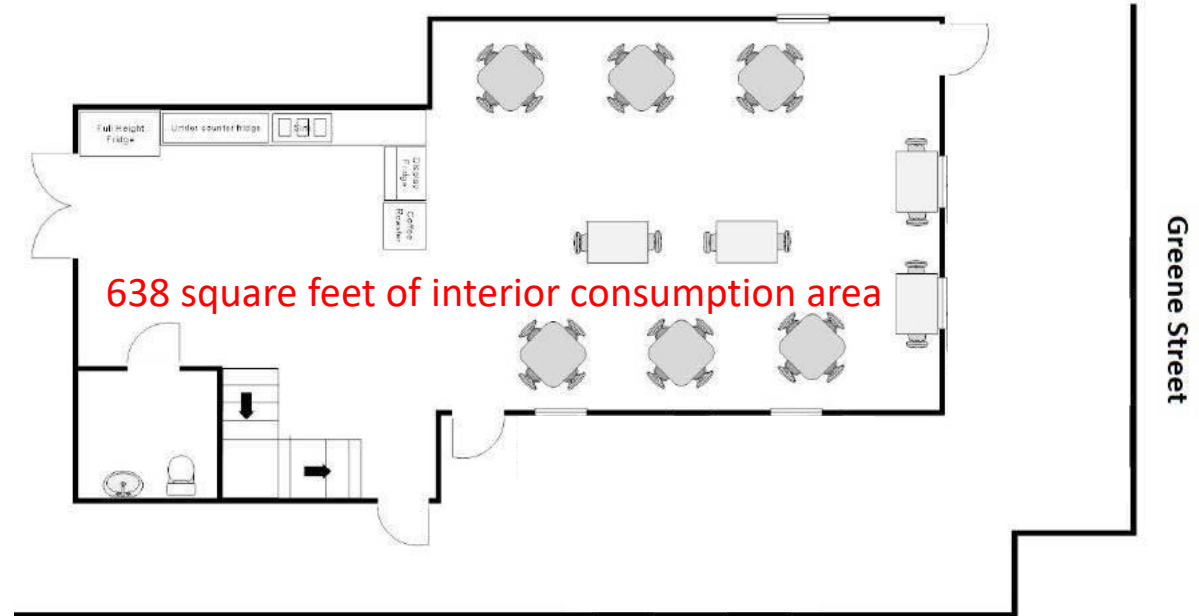
Side yard



Rear door to ADA ramp



Rear yard ADA ramp



The proposed conceptual café seating plan for no more than (60) sixty seats.



First floor proposed interior consumption area



Tropical Vibes Cones & Bowls, Greene Street



Retail uses adjacent to 408 Greene Street



Greene Street toward Duval Street

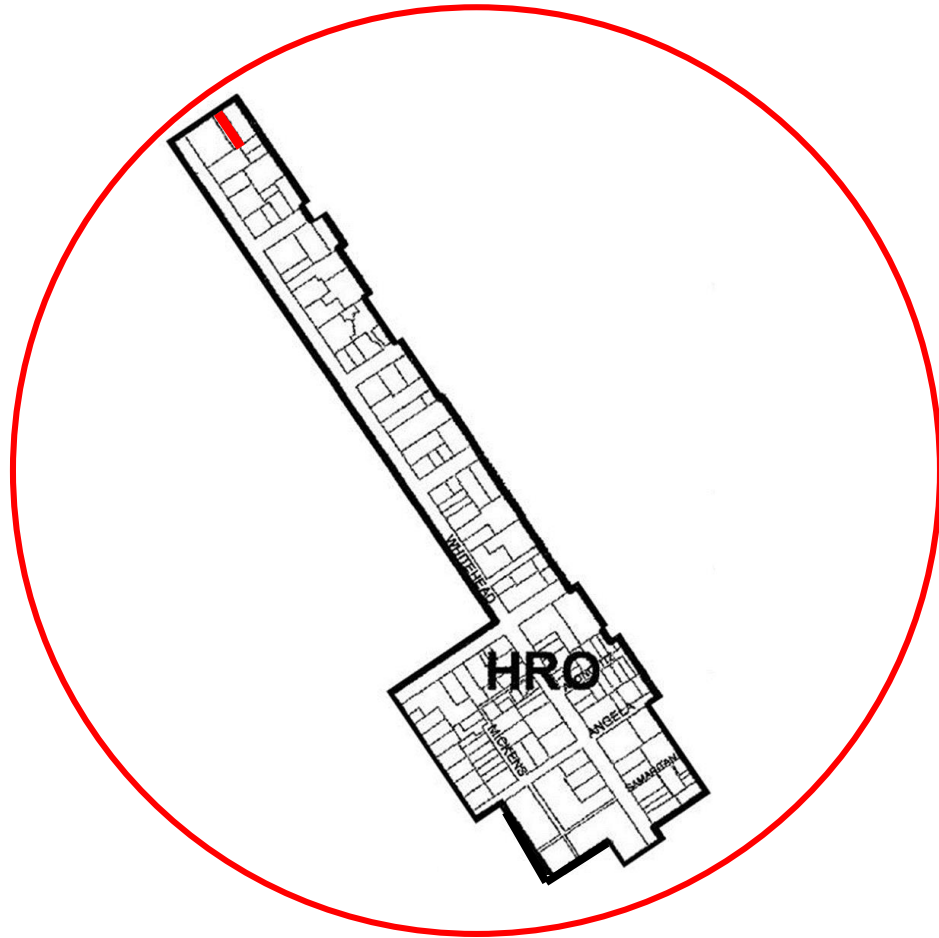


Toward Whitehead Street on Greene Street

Analysis – Evaluation for Compliance with the Land Development Regulations:

The Planning Department has reviewed the proposed restaurant use pursuant to City Code Section 122-32(e) subsection (1) and (2). These subsections outline how the Planning Board shall determine whether a nonconforming use of a building or structure may be changed to another nonconforming use.

(1) The new use is equally or more appropriate to the zoning district; and



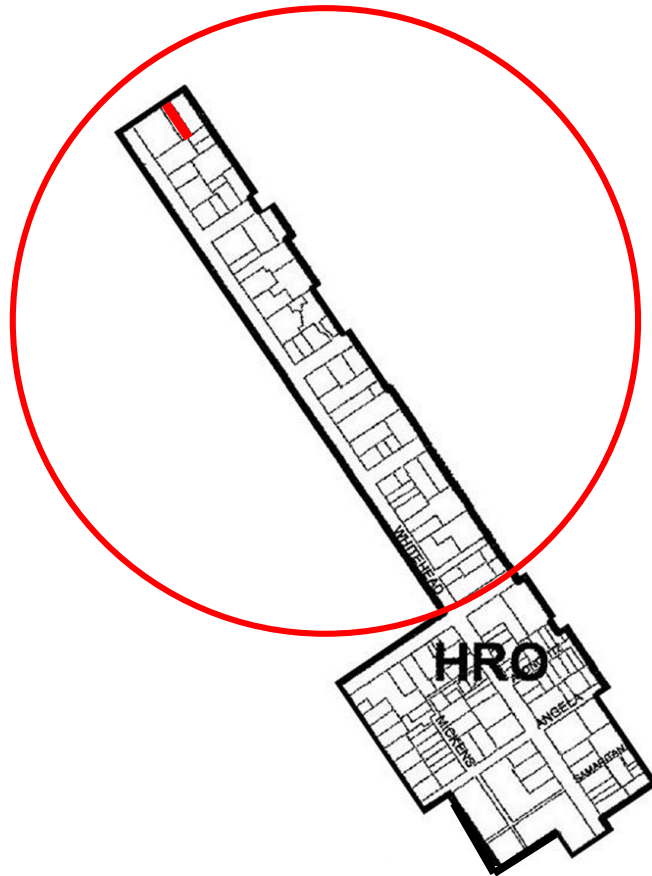
The appropriate uses within the HRO zoning district are the following:

- Permitted uses: residential dwellings places of worship, business and professional offices, parking lots and facilities, medical and veterinary services.
- Conditional uses: group homes with 7-14 residents, cultural and civic activities, community centers, clubs, and lodges, educational institutions and day cares, nursing homes, parks and recreation, protective services, public and private utilities, and funeral homes.

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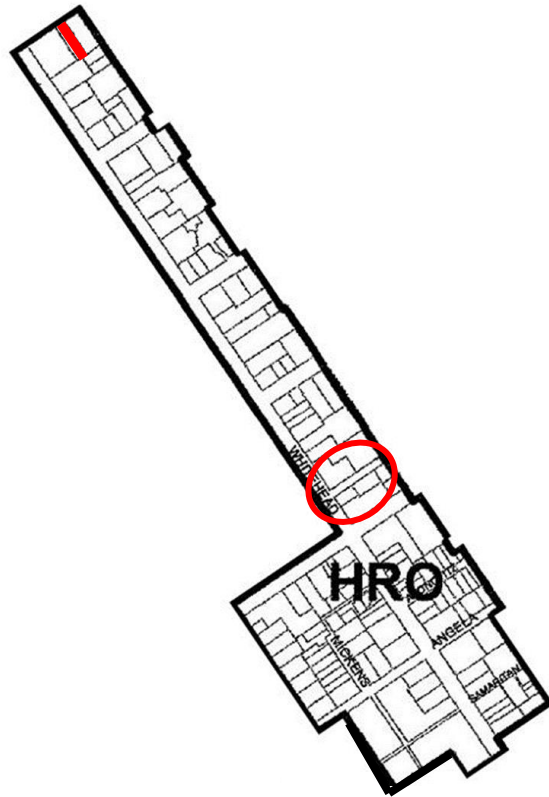
The HRO zoning district has two specific areas located within the district itself that allows for additional permitted and conditional uses which are not allowed in the remaining areas of the HRO zoning district.

- Cultural and civic activities with or without associated / accessory commercial sales are a conditional use for properties located specifically on Whitehead Street from Greene Street to Southard Street.

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(1) The new use is equally or more appropriate to the zoning district; and



The HRO zoning district has two specific areas located within the district itself that allows for additional permitted and conditional uses which are not allowed in the remaining areas of the HRO zoning district.

- The Appelrouth Business Corridor consists of properties located on Appelrouth Lane and 517-519 Whitehead Street.
 - The permitted uses within the Appelrouth Business Corridor are commercial retail low medium intensity less than or equal to 5,000 square feet, commercial retail high intensity less than or equal to 2,500 square feet, hotels, motels, and transient lodging, restaurants, excluding drive-throughs are all permitted and appropriate uses.
 - The conditional uses within the Appelrouth Business Corridor are commercial low and medium intensity greater than 5,000 square feet, commercial retail high intensity greater than 2,500 square feet, and small-recreational power-driven equipment rentals.

Analysis – Evaluation for Compliance with the Land Development Regulations:

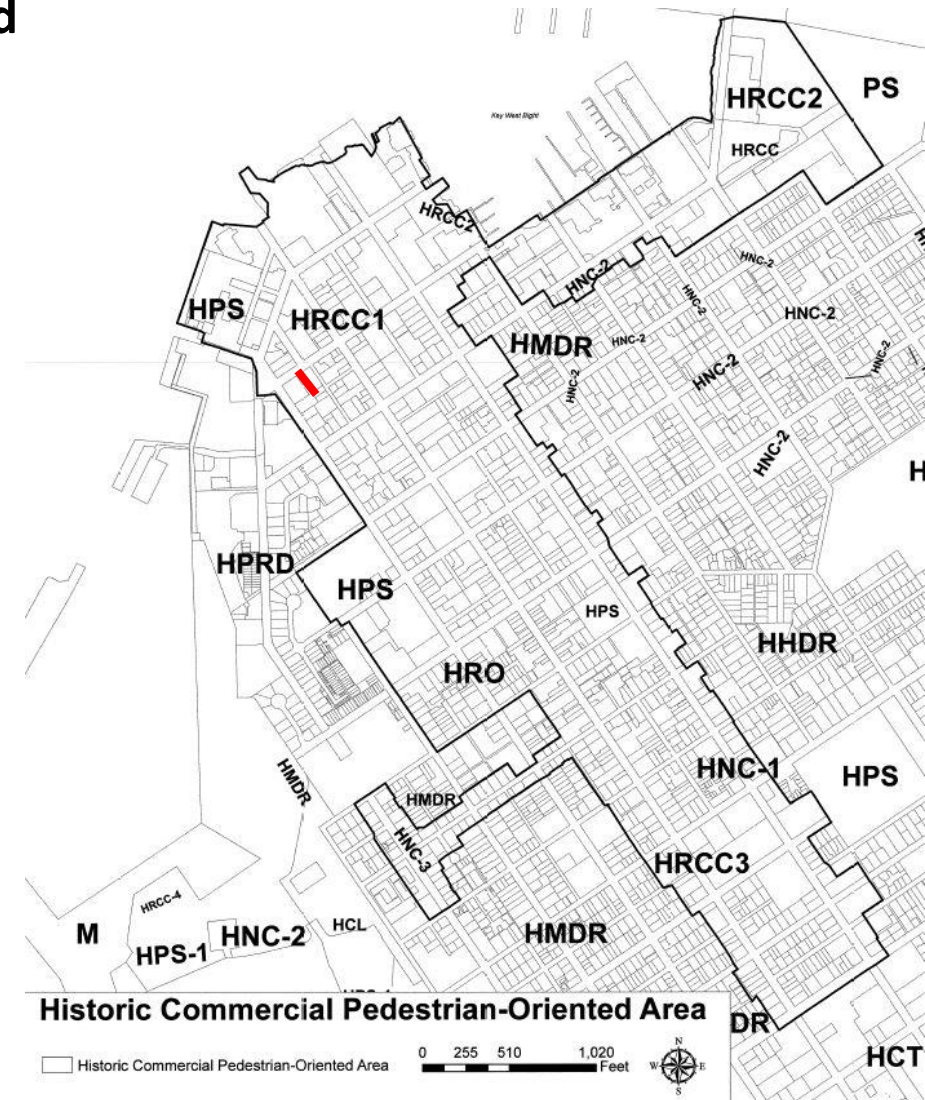
The Planning Department has reviewed the proposed restaurant use pursuant to City Code Section 122-32(e) subsection (1) and (2). These subsections outline how the Planning Board shall determine whether a nonconforming use of a building or structure may be changed to another nonconforming use.

(1) The new use is equally or more appropriate to the zoning district; and

This property is located within the Historic Commercial Pedestrian-Oriented Area. City Code Section 108-573 (c) states, “Change of existing commercial pedestrian-oriented uses. No additional off-street parking shall be required within the Historic Commercial Pedestrian-Oriented Area if a commercial structure is the subject of a change from one type of commercial use to another type of commercial use, so long as no additional or expanded floor area is created.” The proposed site plan does not include expansion of floor area therefore Section 108-573 (c) would apply to this project.

In this instance neither retail nor restaurant use are permitted or conditional in the HRO zoning district (outside of Appelrouth Lane). It is notable that uses in the immediate area include assorted retail including food sales. Given that this is a contributing structure in the City’s historic district, the structure’s integrity will remain protected. Finally, the subject property is on Greene Street, in a block that enjoys heavy pedestrian and bicycle traffic and is considered a tourist-oriented area. The subject property is also located within the Historic Commercial Pedestrian-Oriented Area. Therefore, the Planning Department concludes that this use is roughly equally appropriate for this district.

IN COMPLIANCE



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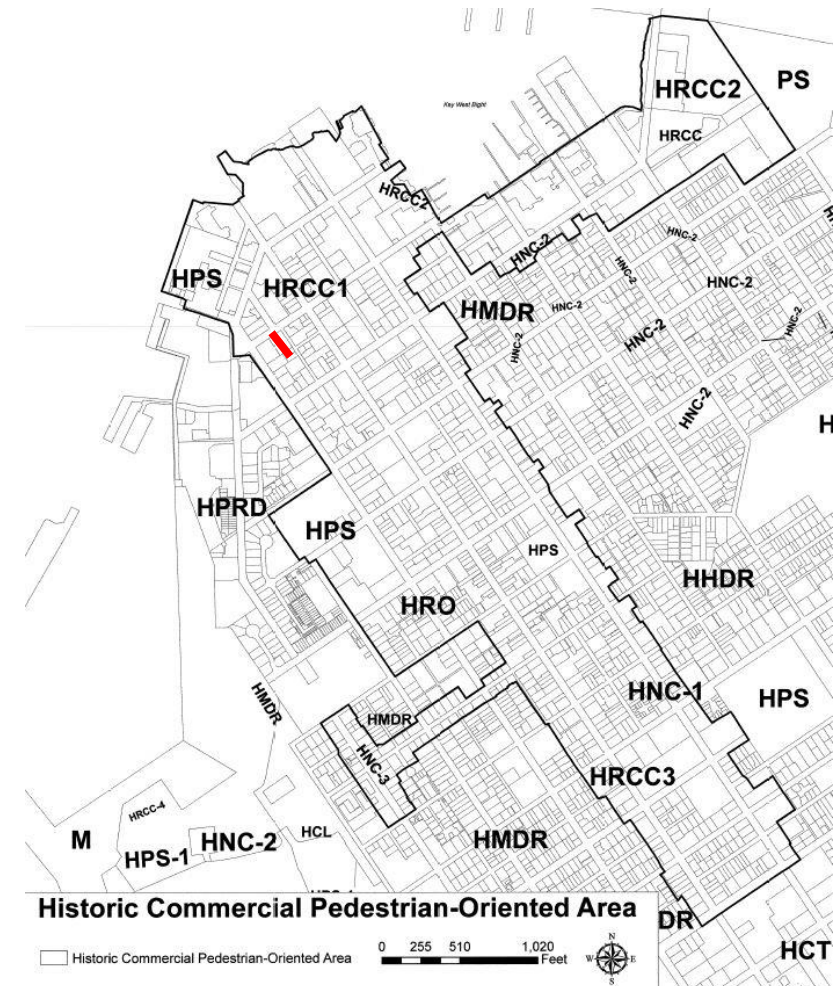
(2) The change of use would not intensify the use of the premises by increasing the need for parking facilities; increasing vehicular traffic to the neighborhood; increasing noise, dust, fumes or other environmental hazards; or by having an adverse impact on drainage.

Intensity of Proposed Use: Parking

Section 108-572 states:	
Retail Use	(1) One vehicular space per 300 square feet of gross floor area
Restaurant Use	(1) One vehicular space per 45 square feet of serving and/or consumption area

This property is located within the Historic Commercial Pedestrian-Oriented Area. Section 108-573 (c) states that no additional off-street parking shall be required within the Historic Commercial Pedestrian-Oriented Area if a commercial structure is the subject of a change from one type of commercial use to another type of commercial use, so long as no additional or expanded floor area is created. The City therefore would not require off-street parking for this proposed use. Green Street is a highly pedestrian oriented street connecting pedestrians to Duval and Whitehead Streets and the assumption is that this business will be accessed by foot or bicycle.

IN COMPLIANCE



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(2) The change of use would not intensify the use of the premises by increasing the need for parking facilities; increasing vehicular traffic to the neighborhood; increasing noise, dust, fumes or other environmental hazards; or by having an adverse impact on drainage.

Intensity of Proposed Use: Traffic

According to the ITE Trip Generation Manual 9th Edition, Café' use would increase vehicular traffic to the neighborhood. However, as previously noted, the subject property is located within the Historic Commercial Pedestrian-Oriented Area. The Historic Commercial Pedestrian-Oriented Area's intent is to acknowledge the density and pedestrian flow that currently exists in this area as well as encourage more pedestrian traffic and alternative modes of transportation.

IN COMPLIANCE

ITE Trip Generation Manual 9 th Edition – Existing use		
Time Period	Setting/ Location	Retail - Apparel Store - Trip Generate Rate per 1,000-SF GFA
Weekday/ AM Peak/ Vehicle	General Urban/ Suburban	Averages a total of 5 vehicular trips
Weekday/ AM Peak/ Pedestrian	Dense Multi-Use Urban	Averages a total of 30 pedestrian trips
Weekday/ PM Peak/ Vehicle	General Urban/ Suburban	Averages a total of 4 vehicular trips
Weekday/ PM Peak/ Pedestrian	Dense Multi-Use Urban	Averages a total of 56 pedestrian trips
Saturday/ Peak/ Vehicle	General Urban/ Suburban	Averages a total of 5 vehicular trips
Saturday/ Peak/ Pedestrian	Dense Multi-Use Urban	Averages a total of 77 pedestrian trips
Sunday/ Peak/ Pedestrian	Dense Multi-Use Urban	Averages a total of 51 pedestrian trips
Weekday/ Vehicle	General Urban/ Suburban	Averages a total of 66 vehicular trips
Weekday/ Pedestrian	Dense Multi-Use Urban	Averages a total of 385 pedestrian trips

ITE Trip Generation Manual 9 th Edition – Existing use		
Time Period	Setting/ Location	Coffee/Donut Shop without Drive -Through Window - Trip Generate Rate per 1,000-SF GFA
Weekday/ AM Peak/ Vehicle	General Urban/ Suburban	Averages a total of 80 vehicular trips
Weekday/ AM Peak/ Pedestrian	Dense Multi-Use Urban	Averages a total of 86 pedestrian trips
Weekday/ PM Peak/ Vehicle	General Urban/ Suburban	Averages a total of 28 vehicular trips
Weekday/ PM Peak/ Pedestrian	Dense Multi-Use Urban	Averages a total of 102 pedestrian trips
Saturday/ Peak/ Vehicle	General Urban/ Suburban	Averages a total of 59 vehicular trips
Saturday/ Peak/ Pedestrian	Dense Multi-Use Urban	Averages a total of 78 pedestrian trips
Sunday/ Peak/ Pedestrian	Dense Multi-Use Urban	Averages a total of 423 pedestrian trips
Weekday/ Pedestrian	Dense Multi-Use Urban	Averages a total of 755 pedestrian trips

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(2) The change of use would not intensify the use of the premises by increasing the need for parking facilities; increasing vehicular traffic to the neighborhood; increasing noise, dust, fumes or other environmental hazards; or by having an adverse impact on drainage.

Intensity of Proposed Use: Noise, Dust, Fumes and Other Environmental Hazards

The proposed use is not anticipated to increase noise, dust, fumes or other environmental hazards.

IN COMPLIANCE

Intensity of Proposed Use: Drainage

No changes are proposed to the exterior of the building or property that would affect drainage. The change of use would not have an adverse impact on drainage.

IN COMPLIANCE

STAFF RECOMMENDATION:

Based on the above analysis of the standards for considering changes of nonconforming uses in Section 122-32(e) of the Land Development Regulations, the Planning Department recommends the request be APPROVED as a change of non-conforming use, based on review criteria in Section 122-32 (e). If approved, staff recommends the following conditions:

General Conditions:

1. The proposed restaurant use shall be restricted to interior seating. No approval granted for any other work or improvements other than the proposed restaurant use with no more than (60) sixty seats.
2. The existing front yard fence shall be demolished or moved within the property lines of the subject parcel.
3. The building and property shall be ADA accessible.
4. Certificates of Appropriateness shall be obtained for any new signage or other applicable work.