

**PLANNING BOARD
RESOLUTION NO. 2019-80**

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING APPROVAL OF A MAJOR DEVELOPMENT PLAN APPLICATION TO RECONSTRUCT A RESTAURANT ON PROPERTIES LOCATED AT MALLORY SQUARE (RE # 0072082-001100, 0000170-000000, 00072082-003700, 00072082-001400, AND 00072082-001900) WITHIN THE HISTORIC PUBLIC SERVICE (HPS) ZONING DISTRICT PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91 A. 2. (b) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that within the Historic District, a major development plan is required for a reconstruction of greater than 2,500-square-feet of nonresidential gross floor area; and

WHEREAS, Section 108-196 (a) provides that the planning board’s decision on a major development plan shall be advisory to the city commission; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on October 17, 2019; and

WHEREAS, the Planning Board finds that the granting of a Major Development Plan application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting of a Major Development Plan is in



Chairman



Planning Director

harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

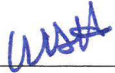
NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.


Section 2. The Major Development Plan application to for the redevelopment of a restaurant and adjacent property containing 2,344-square-feet of consumption area at Mallory Square (RE # 0072082-001100, 0000170-000000, 00072082-003700, 00072082-001400, 00072082-001900) within the Historic Public Service (HPS) zoning district pursuant to Section 108-91 A. 2 (b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, is hereby approved with the following conditions:

Conditions prior to placement on a City Commission agenda:

1. The plans attached to the staff report for the October 17, 2019 planning board meeting shall be signed and sealed by the architect and shall provide a delineation of the proposed consumption area. Applicant shall submit the signed and sealed plans to the planning department.
2. Applicant shall submit a revised landscape plan application that matches the approved site plan to the urban forester.
3. The MDP reflects two ADA ramps in a location that may be part of a lease between the City and Tropical Shell. Prior to City Commission consideration, an agreement or resolution of the disputed area and its use by and between Tropical Shell, Tropical Soup, and the City of Key West needs to be reached.



Chairman



Planning Director


General conditions:

4. 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.
5. During all phases of 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.
6. 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.
7. The proposed structures will be included in the final leasehold area determined by the City at the City’s discretion.
8. 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.
9. 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.
10. Restaurant seating shall not exceed 156 seats on the site.
11. Sixty-percent or more of the existing cable hut shall be retained into the new design.

Conditions prior to issuance of a building permit:

12. Stormwater plans must be approved by the Utilities Department prior to Building Permit issuance.


_____ Chairman


_____ Planning Director

13. 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.

Conditions prior to issuance of a certificate of occupancy:

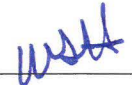
14. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.

Section 3. Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.


Section 4. This Major Development Plan approval by the Planning Board does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the applicant's assertion of legal authority respecting the property.

Section 5. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Board.

Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved



Chairman



Planning Director

by agreement or order.


Read and passed on first reading at a regularly scheduled meeting held this 17th day of October 2019.

Authenticated by the Chairman of the Planning Board and the Planning Director.




Sam Holland, Planning Board Chairman 10-29-19
Date

Attest:





Roy Bishop, Planning Director 10/21/19
Date

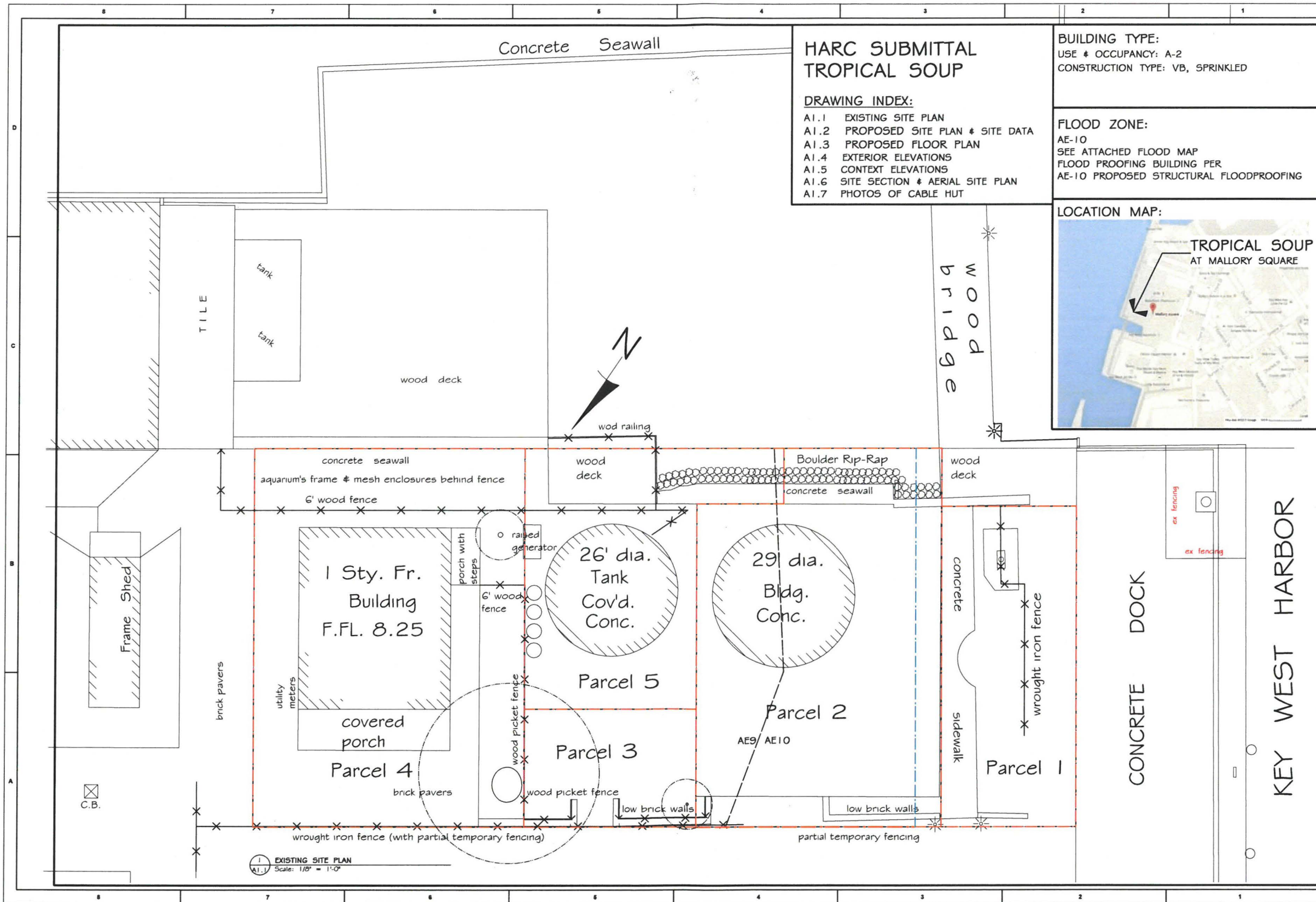
Filed with the Clerk:



Cheryl Smith, City Clerk 10-30-2019
Date

 Chairman
 Planning Director

6/1/2019
 6/1/2019
 6/1/2019



**HARC SUBMITTAL
 TROPICAL SOUP**

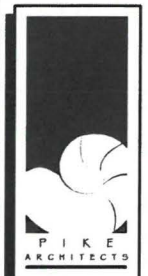
- DRAWING INDEX:**
- A1.1 EXISTING SITE PLAN
 - A1.2 PROPOSED SITE PLAN & SITE DATA
 - A1.3 PROPOSED FLOOR PLAN
 - A1.4 EXTERIOR ELEVATIONS
 - A1.5 CONTEXT ELEVATIONS
 - A1.6 SITE SECTION & AERIAL SITE PLAN
 - A1.7 PHOTOS OF CABLE HUT

BUILDING TYPE:
 USE & OCCUPANCY: A-2
 CONSTRUCTION TYPE: VB, SPRINKLED

FLOOD ZONE:
 AE-10
 SEE ATTACHED FLOOD MAP
 FLOOD PROOFING BUILDING PER
 AE-10 PROPOSED STRUCTURAL FLOODPROOFING



REVISION #	DATE
#1	04.25.2017



471 U.S. HIGHWAY 1
 SUITE 101, KEY WEST, FL 33040
 305-296-1692

PROJECT:
 TROPICAL SOUP
 MALLORY SQUARE
 KEY WEST, FL 33040

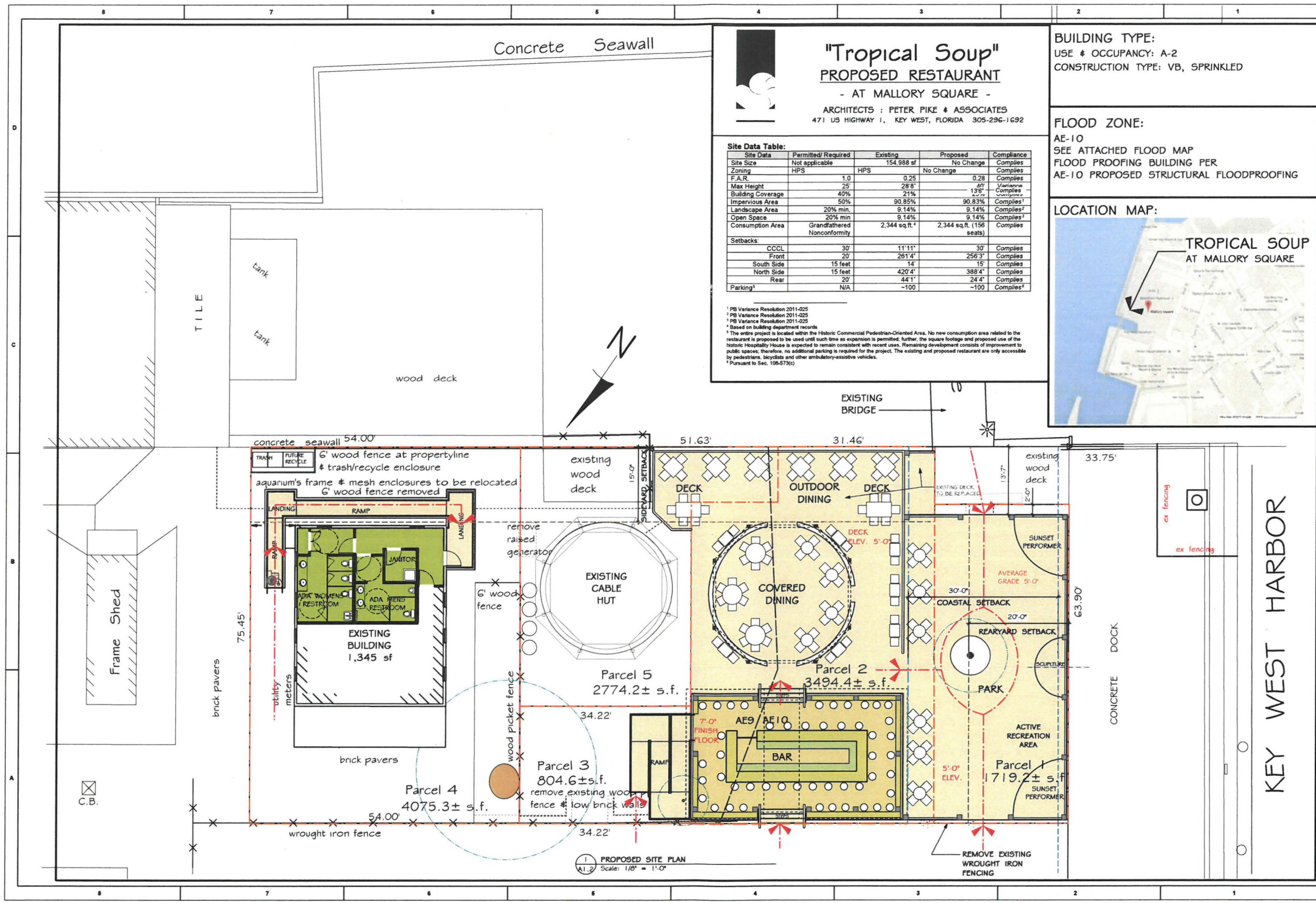
DRAWING TITLE:
 EXISTING SITE

PROJECT NUMBER:
 14.17
 DRAWN: LS/TSN
 CHECKED:
 DATE: 03.07.2017

SHEET #
A1.1

1 EXISTING SITE PLAN
 A1.1 Scale: 1/8" = 1'-0"

b1/28/21 821
 6/10/19
 USK
 2/19/19



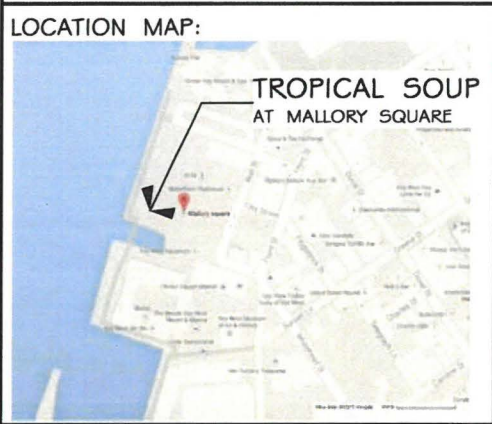
"Tropical Soup"
PROPOSED RESTAURANT
 - AT MALLORY SQUARE -
 ARCHITECTS : PETER PIKE & ASSOCIATES
 471 US HIGHWAY 1, KEY WEST, FLORIDA 305-296-1692

Site Data Table:

Site Data	Permitted/ Required	Existing	Proposed	Compliance
Site Size	Not applicable	154,988 sf	No Change	Complies
Zoning	HPS	HPS	No Change	Complies
F.A.R.	1.0	0.25	0.28	Complies
Max Height	25'	28'8"	30'	Varies
Building Coverage	40%	21%	13%	Complies
Impervious Area	50%	90.85%	90.83%	Complies ¹
Landscape Area	20% min.	9.14%	9.14%	Complies ²
Open Space	20% min	9.14%	9.14%	Complies ²
Consumption Area	Grandfathered Nonconformity	2,344 sq.ft. ¹	2,344 sq.ft. (156 seats)	Complies
Setbacks:				
CCCL	30'	11'11"	30'	Complies
Front	20'	281'4"	256'3"	Complies
South Side	15 feet	14'	15'	Complies
North Side	15 feet	420'4"	388'4"	Complies
Rear	20'	44'1"	24'4"	Complies
Parking ³	N/A	-100	-100	Complies ⁴

BUILDING TYPE:
 USE # OCCUPANCY: A-2
 CONSTRUCTION TYPE: VB, SPRINKLED

FLOOD ZONE:
 AE-10
 SEE ATTACHED FLOOD MAP
 FLOOD PROOFING BUILDING PER
 AE-10 PROPOSED STRUCTURAL FLOODPROOFING



¹ PB Variance Resolution 2011-025
² PB Variance Resolution 2011-025
³ PB Variance Resolution 2011-025
⁴ Based on building department records
⁵ The entire project is located within the Historic Commercial Pedestrian-Oriented Area. No new consumption area related to the restaurant is proposed to be used until such time as expansion is permitted; 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. The existing and proposed restaurant are only accessible by pedestrians, bicyclists and other ambulatory-assistive vehicles.
⁶ Pursuant to Sec. 106-573(c)

REVISION # DATE
 #1 04.25.2017

PIKE ARCHITECTS

471 U.S. HIGHWAY 1
 SUITE 101
 KEY WEST, FL 33040
 305-296-1692

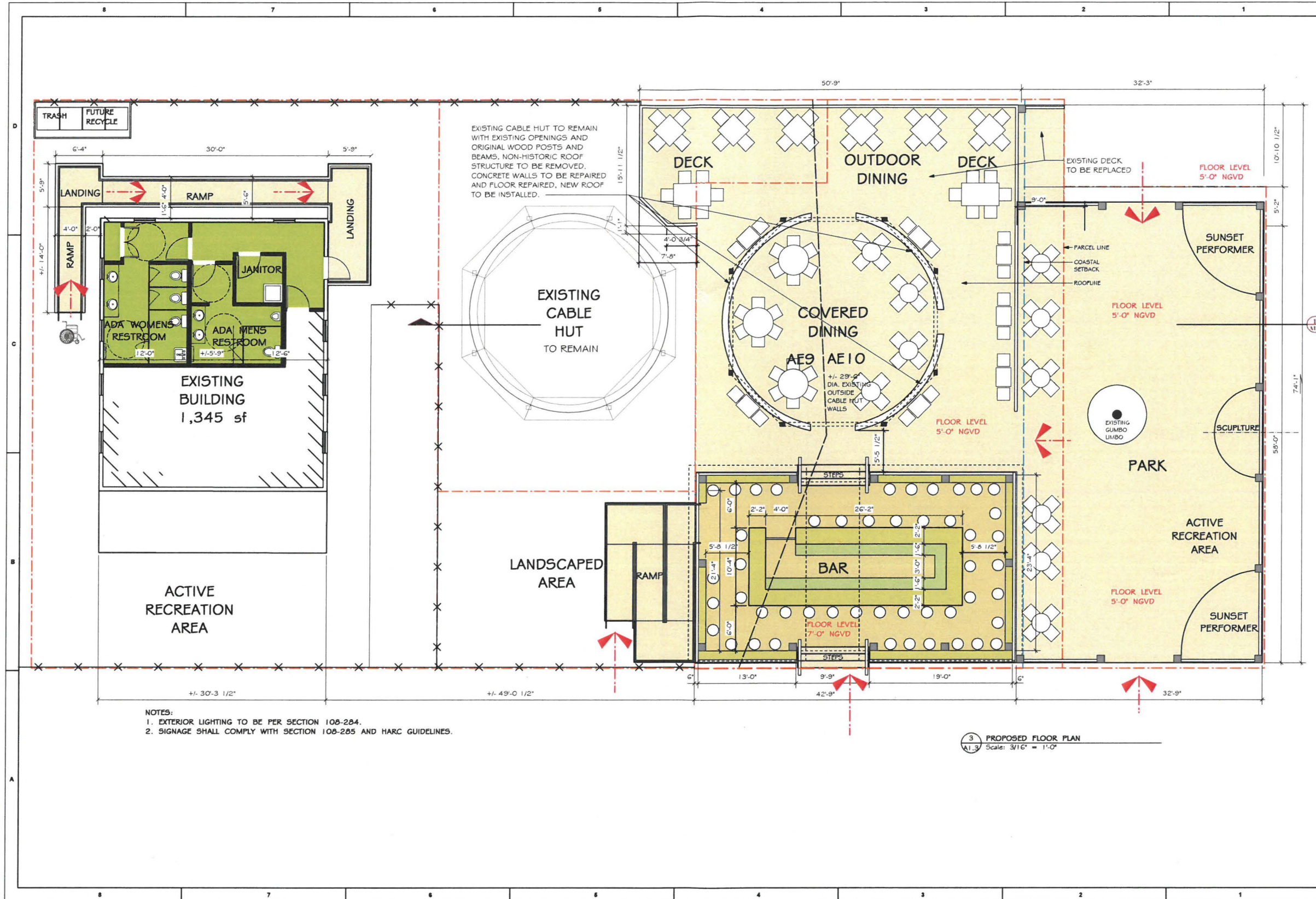
PROJECT:
 TROPICAL SOUP
 MALLORY SQUARE
 KEY WEST, FL 33040

DRAWING TITLE:
 PROPOSED
 SITE PLAN

PROJECT NUMBER:
 14.17
 DRAWN: LS/TSN
 CHECKED:
 DATE: 03.07.2017

SHEET #
A1.2

b1/b2/a1 5/8
 b1/b2/a1
 ARM



NOTES:
 1. EXTERIOR LIGHTING TO BE PER SECTION 106-284.
 2. SIGNAGE SHALL COMPLY WITH SECTION 106-285 AND HARC GUIDELINES.

3 PROPOSED FLOOR PLAN
 A1.3 Scale: 3/16" = 1'-0"

REVISION #	DATE
#1	04.25.2017

PIKE ARCHITECTS
 471 U.S. HIGHWAY 1
 SUITE 101
 WEST, FL 33040
 305-296-1692

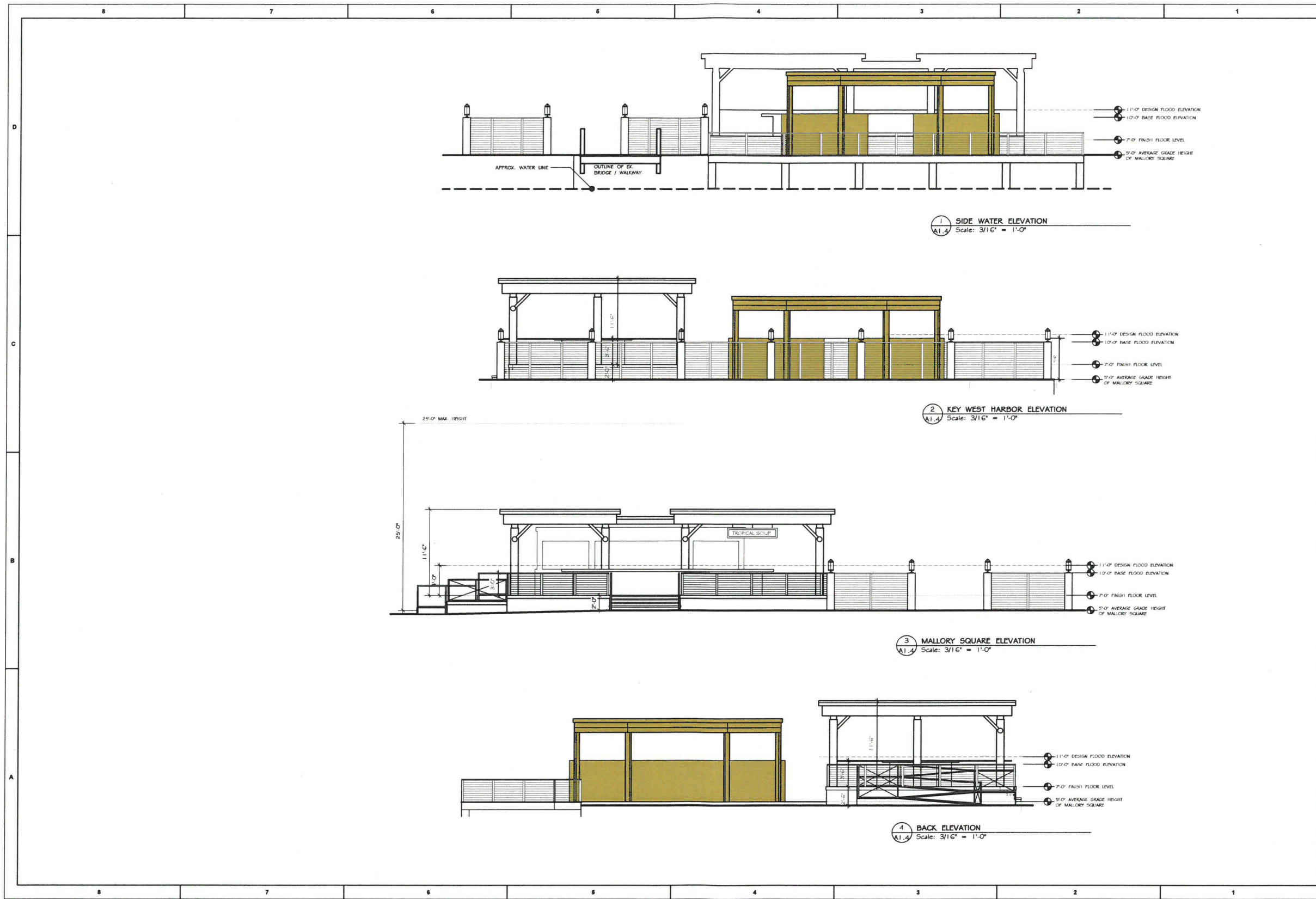
PROJECT:
TROPICAL SOUP
 MALLORY SQUARE
 KEY WEST, FL 33040

DRAWING TITLE:
PROPOSED FLOOR PLAN

PROJECT NUMBER:
 14.17
 DRAWN: LSTSN
 CHECKED:
 DATE: 03.07.2017

SHEET #
A1.3

RB 10/28/19
 WAA
 10/29/19



REVISION #	DATE
#1	04.25.2017


PIKE ARCHITECTS

471 U.S. HIGHWAY 1
 SUITE 101
 KEY WEST, FL 33040
 305-296-1692

PROJECT:
 TROPICAL SOUP
 MALLORY SQUARE
 KEY WEST, FL 33040

DRAWING TITLE:
 ELEVATIONS

PROJECT NUMBER:
 14.17

DRAWN: LSTSN
CHECKED:
DATE: 03.07.2017

SHEET #
A1.4

6/16/2019
 6/16/2019
 USA
 AIA



REVISION #	DATE
#1	04.25.2017

PIKE ARCHITECTS

471 U.S. HIGHWAY 1
 SUITE 101
 KEY WEST, FL 33040
 305-296-1692

PROJECT:
TROPICAL SOUP
 MALLORY SQUARE
 KEY WEST, FL 33040

DRAWING TITLE:
CONTEXT ELEVATIONS

PROJECT NUMBER:
 14.17

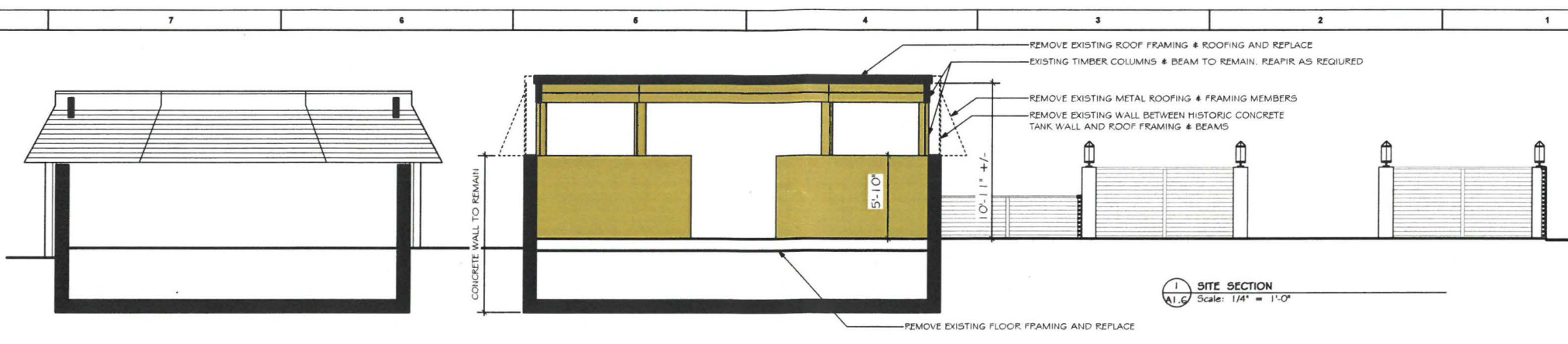
DRAWN: LS/TSN

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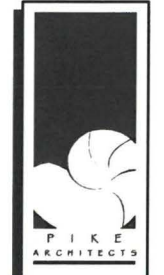
DATE: 03.07.2017

SHEET #
A1.5

2/1/2019
 6/1/2019
 6/1/2019
 6/1/2019



REVISION #	DATE
#1	04.25.2017
	12.05.2016



471 U.S. HIGHWAY 1
 SUITE 101
 KEY WEST, FL 33040
 305-296-1692

PROJECT:
TROPICAL SOUP
 MALLORY SQUARE
 KEY WEST, FL 33040

DRAWING TITLE:
**SITE SECTION &
 AERIAL SITE PLAN**

PROJECT NUMBER:
 14.17

DRAWN: LST/STN
 CHECKED:
 DATE: 03.07.2017

SHEET #
A1.6

