

**THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report**



**To:** Chair and Planning Board Members

**From:** Vanessa Sellers, Planner II

**Through:** Patrick Wright, Planning Director

**Meeting Date:** October 18, 2018

**Agenda Item:** **Conditional Use – 1124 Truman Avenue (RE # 00032360-000000; AK # 1033146)** – A request for conditional use approval to allow for the expansion of an existing restaurant to include on site consumption area at property located within the Historic Neighborhood Commercial – Truman / Simonton (HNC-1) zoning district pursuant to Sections 122-62 and 122-808 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

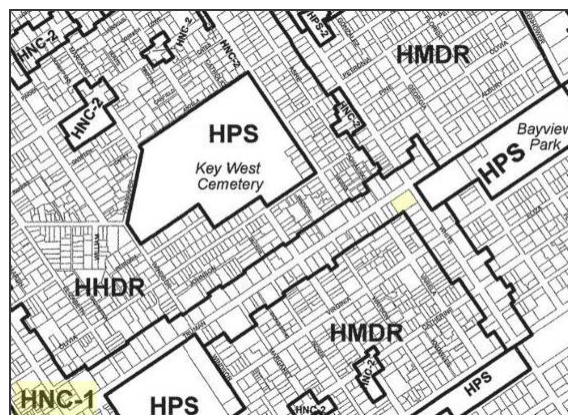
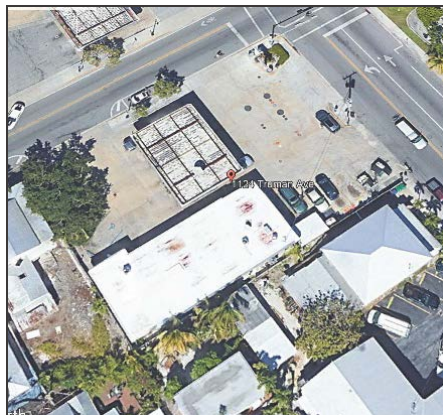
**Request:** To allow for an expansion of an existing restaurant and the addition of a 90-square-foot consumption area.

**Applicant:** Trepanier & Associates

**Property Owners:** Land 10031 LLC, Land 8601 LLC, Land 113 LLC, Land 2708 LLC, Land 7009 LLC, Land 8351 LLC, Land 1701 LLC, Land 4027 LLC, Land 2421 LLC

**Location:** 1124 Truman Avenue, Key West

**Zoning:** Historic Neighborhood Commercial – Truman / Simonton (HNC-1)



**Background:**

The property at 1124 Truman Avenue is located on the southwest corner of Truman Avenue and White Street and is one lot of record. It is located within the HNC-1 zoning district, and it is within the Key West Historic District boundaries.

There are three (3) active business licenses attached to the property:

Number	Classification
31770	Food Service: Catering / Take-Out Only
31771	Gas Station
31772	Retail / Mail Order / Wholesale 2001-5000 SF

The property currently contains one 2,599-square-foot one-story structure used for retail (convenience store) and a take-out only restaurant (Dion’s Quick Chick), a 103-square-foot accessory structure used for restrooms, and a 1,616-square-foot overhead metal canopy above four (4) gasoline pumps.

The applicant is proposing to renovate existing portions of the primary structure, add a 133-square-foot addition, and renovate the existing 103-square-foot accessory structure. The renovations and new construction addition would result in 90-square-feet of consumption area (restaurant use), a conditional use of the HNC-1 zoning district.

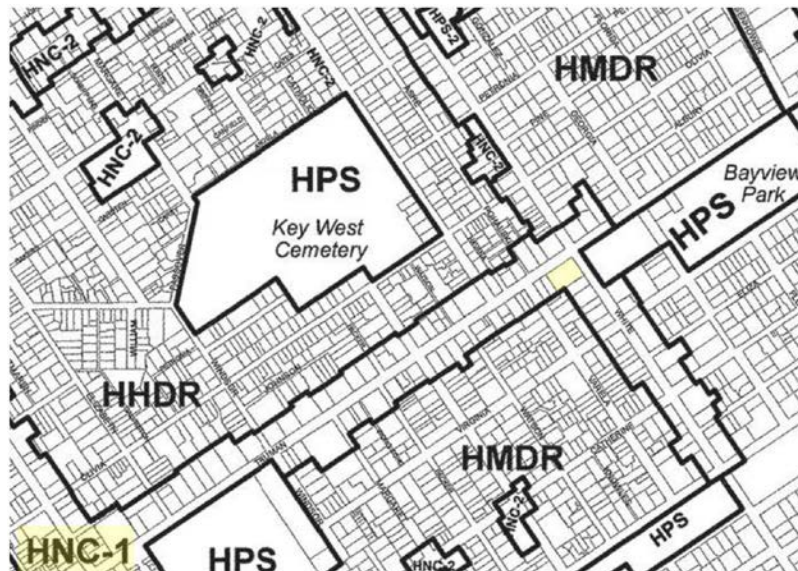
**Surrounding Zoning and Uses:**

**North:** HNC-1 – gasoline service station, retail, restaurant (take-out only), residential

**South:** HNC-1 & HMDR - residential, retail, restaurant (take-out only),

**East:** HPS - government offices

**West:** HNC-1- residential, retail



**Process:**

Development Review Committee:	August 23, 2018
Planning Board:	October 18, 2018
Historic Architectural Review Commission:	TBD
Local Appeal Period:	10 days
DEO Review:	Up to 45 days

**Conditional Use Review:**

The purpose of conditional use review, pursuant to City Code Section 122-61, is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. City Code Chapter 122, Article III sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

**Conditional Use Specific Criteria pursuant to Code Section 122-62:**

***(a) Findings***

Code Section 122-62(a) provides, in part, that “a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and/or the City Commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations.” This section also specifies that “a conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public’s interest.”

***(b) Characteristics of use***

The proposed use is a restaurant with 90-square-feet of onsite consumption area. Part of the property is currently operating as a restaurant with no onsite consumption area. The property is located on the corner of Truman Avenue and White Street, and it is in close proximity to a number of restaurant uses. The property is also located in the HNC-1 zoning district which is defined as an area that generally includes larger scale commercial uses oriented toward the motoring public.

**(1) Scale and intensity of the proposed conditional use as measured by the following:**

**a. Floor area ratio (FAR):**

The proposed construction and change of use will add additional floor area to the property. The total parcel area is 15,201-square-feet. The permitted FAR in the HNC-1 zoning district 1.0. The existing FAR is .17 (2,702 sq. ft.) and proposed FAR is 0.19 (2,877 sq. ft.).

**b. Traffic generation:**

According to the Institute of Transportation Engineers (ITE) 7<sup>th</sup> Edition, Volume 3 of 3, a gasoline/service station with convenience mart has an average trip generation of 77.68 vehicles per 1000-square-feet of gross floor area at a peak hour on a weekday (Land Use Code 245).

A fast-food restaurant without a drive-through window has an average trip generation of 43.87 vehicles per 1000-square-feet of gross floor area at a peak hour on a weekday (Land Use Code 933).

The reduction of gross floor area used for the gasoline service station with convenience mart and the increased area used for the fast-food restaurant without a drive-through is expected to reduce traffic generation.

**c. Square feet of enclosed space for each specific use:**

There are two specific uses existing within the 2,599-square-foot building itself: retail and restaurant. As depicted in the plans and application, 2,073-square-feet will be used for retail, 705-square-feet will be used for restaurant service, and 90-square-feet will be used for consumption area.

**d. Proposed employment:**

No additional employment is proposed. The existing employment for the retail store, the take-out only restaurant, and the gasoline station will remain the same.

**e. Proposed number and type of service vehicles:**

Staff does not anticipate any adverse impacts from service vehicles.

**f. Off-street parking needs:**

The parcel contains a total of nine (9) off-street parking stalls, of which one (1) is handicap accessible. Although the dimensions of eight (8) of the stalls are non-complying with the requirements of section 108-641 and section 108-650, the quantity of stalls complies with section 108-572.

**(2) On- or off-site improvement needs generated by the proposed conditional use and not identified above including the following:**

**a. Utilities:**

Staff does not anticipate any improvement needs regarding utilities.

**b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94:**

None expected. Compliance with building codes and life safety codes would be required prior to building permit issuance. Based on comments at the DRC, it does not appear the conditional use will trigger any public facility capacity issues.

**c. Roadway or signalization improvements, or other similar improvements:**

None expected.

**d. Accessory structures or facilities:**

None proposed.

**e. Other unique facilities/structures proposed as part of site improvements:**

None proposed.

**(3) On-site amenities proposed to enhance site and planned improvements, including mitigative techniques such as:**

**a. Open space:**

The parcel is currently nonconforming to commercial open space requirements. No changes are proposed.

**b. Setbacks from adjacent properties:**

No changes proposed.

**c. Screening and buffers:**

No changes proposed.

**d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites:**

No changes proposed.

**e. Mitigative techniques for abating smoke, odor, noise and other noxious impacts:**

No noxious impacts expected.

***(c) Criteria for conditional use review and approval***

Pursuant to City Code Section 122-62(c), applications for a conditional use shall clearly demonstrate the following:

**(1) Land use compatibility:**

The proposed use would be located in the HNC-1 zoning district. Per Section 122-776, the intent of the HNC-1 zoning district is to accommodate both residential and neighborhood commercial uses typically located along major thoroughfares which lead into or are adjacent to the central core commercial area of the city.

**(2) Sufficient site size, adequate site specifications and infrastructure to accommodate the proposed use:**

The size of the site and its specifications and infrastructure is adequate to accommodate the proposed scale and intensity of the conditional use requested.

**(3) Proper use of mitigative techniques:**

No adverse impacts anticipated.

**(4) Hazardous waste:**

None expected or proposed.

**(5) Compliance with applicable laws and ordinances:**

Compliance with all applicable laws and regulations would be required.

**(6) Additional criteria applicable to specific land uses:**

Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:

- a. Land uses within a conservation area:** Not applicable.
- b. Residential development:** Not applicable.
- c. Commercial or mixed-use development:** No negative impacts expected.
- d. Development within or adjacent to historic district:** The development is located within the Key West Historic District. The proposed addition and renovations will need to be approved by HARC.
- e. Public facilities or institutional development:** Not applicable.
- f. Commercial structures, uses and related activities within tidal waters:** Not applicable.
- g. Adult entertainment establishments:** Not applicable.

**RECOMMENDATION:**

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Conditional Use be **APPROVED WITH CONDITIONS** as follows:

**General conditions:**

1. There will be no outdoor consumption area associated with this use. Additional floor area or consumption area will require the parking requirements of Section 108-572 be met and will require further City approvals.
2. The conditional use and site improvements/renovations shall match approved plans dated September 5, 2018 by Robert Allen Steele, Architect.
3. The project must first receive approval from HARC before the issuance of building permits.

**Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:**

4. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.