

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



To: Chairman and Planning Board Members

From: Thaddeus Cohen, Planning Director

Meeting Date: January 21, 2016

Agenda Item: **Conditional Use Extension – 201 Simonton Street (RE # 00000990-000000, AK # 1001015)** – A request for an extension to a conditional use approval per Planning Board Resolution 2014-61 for the renovation of 5,720 square feet of existing interior space for a rum distillery as a light industrial use on property located within the Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1) Zoning District pursuant to Section 122-63(e) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

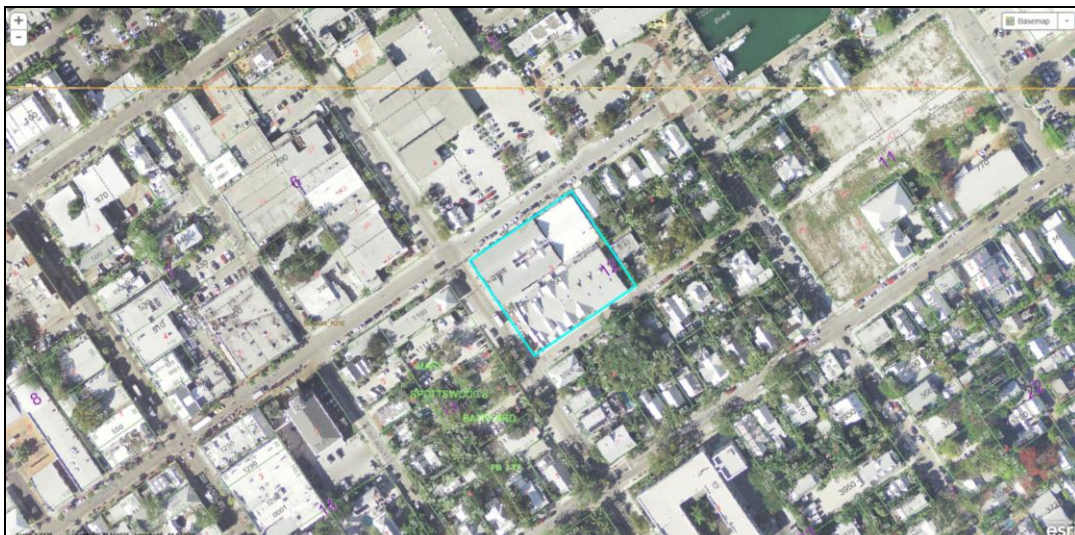
Request: To extend Planning Board Resolution 2014-61, approving a Conditional Use for a rum distillery as a light industrial use on property located within HRCC-1.

Applicant: Trepanier & Associates, Inc., acting as agent for Hemingway Rum Company, LLC

Property Owner: Key West Hand Print Fabrics, LTD

Location: 201 Simonton Street (RE # 00000990-000000, AK # 1001015)

Zoning: Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1)



Background:

On September 18, 2014, the Planning Board approved a Conditional Use for the renovation of 5,720 square feet of existing interior space for a rum distillery as a light industrial use. The resolution became effective on November 30, 2014, upon receipt of a waiver from the Department of Economic Opportunity (DEO). On November 27, 2015, the authorized representative for the property owner made a timely request for a one year extension to the approval in order to secure funds for increasing construction costs and to establish an efficient construction timeline which will assist in minimizing the impact on the neighborhood.

The property is located adjacent to Greene, Simonton and Dey Streets and is comprised of three different commercial buildings. The proposed light industrial rum distillery use would be located on the first floor of the two-story former Key West Hand Print Fabrics building at the corner of Simonton and Greene Streets. The pre-1900 building is located within the Key West Historic District, and was a warehouse for nearby tobacco factories and later used for storage and other businesses.

Request:

The applicant is requesting to extend Planning Board Resolution 2014-61 for 12 additional months.

Section 122-63 (e) of the Code provides that “a Conditional Use shall expire if construction has not commenced within 12 months of approval. A conditional use may be extended only one time for 12 months by a favorable vote of the Planning Board or City Commission, when the project is a major development, if the applicant submits a petition for such extension prior to the development plan’s expiration and demonstrated reasonable cause for the extension. The burden of proof in justifying reasonable cause shall rest with the applicant.”

Process:

Planning Board:	January 21, 2016
Local Appeal Period:	10 days
DEO Review:	Up to 45 days

Factors for review of the Extension include the following (Section 122-63 (e):

- 1. The applicant submitted the request for the Extension prior to the development plan’s expiration.**

The applicant submitted a request for the Conditional Use Extension on November 27, 2015, prior to the expiration of the Conditional Use approval.

- 2. The applicant has submitted reasonable cause for the Extension.**

The applicant has requested the extension in order to secure funds for increasing construction costs and to establish an efficient construction timeline which will assist in minimizing the impact on the neighborhood.

RECOMMENDATION:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for Conditional Use Extension be approved without modification to original conditions.

Draft Resolution

**PLANNING BOARD
RESOLUTION NO. 2016-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING AN EXTENSION FOR A CONDITIONAL USE APPROVAL OF PLANNING BOARD RESOLUTION 2014-61 FOR THE RENOVATION OF 5,720 SQUARE FEET OF EXISTING INTERIOR SPACE FOR A RUM DISTILLERY AS A LIGHT INDUSTRIAL USE ON PROPERTY LOCATED AT 201 SIMONTON STREET (RE # 00000990-000000, AK # 1001015) WITHIN THE HISTORIC RESIDENTIAL COMMERCIAL CORE – DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT PURSUANT TO SECTION 122-63(e) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the subject property is located within the Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1) Zoning District; and

WHEREAS, on September 18, 2014, the Planning Board approved a Conditional Use for the renovation of 5,720 square feet of existing interior space for a rum distillery as a light industrial use via Planning Board Resolution 2014-61; and

WHEREAS, pursuant to Section 122-63(e) of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”), the applicant filed an extension request on November 27, 2015 in order to secure funds for increasing construction costs and to establish an efficient construction timeline which will assist in minimizing the impact on the neighborhood; and

WHEREAS, City Code Section 122-63(e) outlines the criteria for reviewing extension requests by the Planning Board; and

_____ Chairman
_____ Planning Director

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on January 21, 2016; and

WHEREAS, the Planning Board found that the extension request was submitted prior to the expiration of the conditional use approval; and

WHEREAS, that the applicant demonstrated reasonable cause for the extension manner; and

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 fully set forth herein.

Section 2. That the extension for the conditional use approval of Planning Board Resolution 2014-61, pursuant to Section 122-63(e) of the Code of Ordinances of the City of Key West, Florida is hereby approved for an additional 12 months without modification to the original conditions.

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 extension of the conditional use approval does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of 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 Commission.

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 will 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 by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 21st day of January, 2016.

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

Sam Holland, Jr., Planning Board Chairman

Date

Attest:

Thaddeus Cohen, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman

_____ Planning Director

**Conditional Use
Extension Request**

MEMORANDUM

Date: 11/27/2015
To: Mr. Thaddeus Cohen, Planning Director
From: Owen Trepanier
CC: Hemingway Rum Co., LLC
Handprint fabrics, LTD
Re: **201 Simonton Street**
Res. No. 2014-61
Conditional Use Approval Extension Petition



Please consider this memo our petition to request an extension of Resolution 14-61 for 12 months. The Conditional Use for the above referenced project at 201 Simonton Street became effective on November 30, 2014 the day following the expiration of the DEO appeal period.

This one-year extension to the Resolution will allow the owners to plan accordingly over the next year, securing funds for increasing construction costs and establishing an efficient construction timeline which will also minimize the impact on the neighborhood.

We thank you in advance for your consideration in this matter.

Prior Approvals

**PLANNING BOARD
RESOLUTION NO. 2014-61**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A CONDITIONAL USE APPROVAL FOR THE RENOVATION OF 5,720 SQUARE FEET OF EXISTING INTERIOR SPACE FOR A RUM DISTILLERY AS A LIGHT INDUSTRIAL USE ON PROPERTY LOCATED AT 201 SIMONTON STREET (RE # 00000990-000000, AK # 1001015) WITHIN THE HISTORIC RESIDENTIAL COMMERCIAL CORE – DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT PURSUANT TO SECTIONS 122-62 AND 122-688(15) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the subject property is located within the Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1) Zoning District; and

WHEREAS, pursuant to Sections 122-62 and 122-688(15) of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”), the applicant filed a conditional use application for the proposed light industrial rum distillery use on property located at 201 Simonton Street; and

WHEREAS, City Code Section 122-62 outlines the criteria for reviewing a conditional use application by the Planning Board; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on September 18, 2014; and

WHEREAS, the Planning Board found that the proposed use complies with the criteria in City Code Sections 122-62 and 122-63; and

WHEREAS, the approval of the conditional use application will be in harmony with the general purpose and intent of the LDRs, 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 fully set forth herein.

Section 2. That a conditional use request, pursuant to Sections 122-62 and 122-688(15) of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing the proposed light industrial rum distillery use on property located at 201 Simonton Street (RE # 00000990-000000, AK # 1001015), as shown on the attached plans with the following conditions:

General conditions:

1. The proposed use shall be consistent with the architectural plans dated September 2, 2014 and the life safety plans dated September 18, 2014 by William P. Horn, Registered Architect.
2. The building shall be Type III-B or better construction (FBC Table 503) and shall be fully sprinkled on the first and second floors per FBC Table 508.4 for mixed occupancies H-3/R.
3. All spaces in the entire building shall be up to code with NFPA 25 and NFPA 72 concerning sprinkler and alarm systems.
4. All residential units shall be fitted with carbon monoxide (CO) detectors.

5. All rainwater pipes and downspouts shall comply with City Code Section 14-364.

6. In order to offset the solid waste generated by the proposed use, staff recommends the owner participate in Waste Management's commercial recycling program and/or participate in a certified green business program, such as through Florida Keys Green Living & Energy Education (GLEE).

Conditions prior to issuance of a building permit:

7. The proposed development shall obtain all required Certificates of Appropriateness.

8. All required right-of-way permits shall be obtained for work within City rights-of-way.

9. 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 above general conditions.

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.

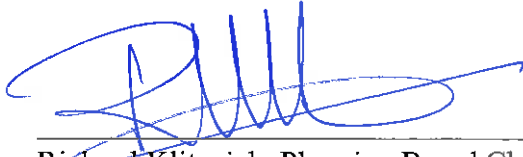
Section 4. This conditional use approval does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

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 Commission.

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 will 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 by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 18th day of September, 2014.

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



Richard Klitenick, Planning Board Chairman

9/20/2014

Date

Attest:

 for

Donald Leland Craig, AICP, Planning Director

9/23/2014

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

10/3/14

Date

SITE DATA

SITE AREA: 37,808.80 SF. (0.87 ACRES)
LAND USE: HRCC-1
FLOOD ZONE: AE 47'0" (BUILDING IS LISTED AS A CONTRIBUTING BUILDING TO THE FLOOD HAZARD. IT IS EXEMPT FROM FEMA REGULATIONS).
FIRE ALLOWED = 1.0 MAX.
HEIGHT ALLOWED = 35' MAX.

BUILDING DATA

LEASE SPACE AREA: 5,720 SF.
OCCUPANCY USES (LEASE SPACE AREA):
F-1, FACTORY, WITH MIXED ACCESSORY USE
(SEE LIFE SAFETY PLAN FOR MORE DETAILS)
FIRE SPRINKLERED BUILDING, EXISTING AUTOMATIC FIRE SPRINKLER SYSTEM WITH 100% COVERAGE AND 100% ACCORDANCE WITH NFPA 13. EXISTING HAZARDOUS WASTE STORAGE IN EXPOSURE.
BUILDING CONSTRUCTION TYPE: TYPE III

INDEX OF SHEETS

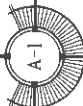
PAGE	DESCRIPTION
A-1	SITE PLAN
A-2	FLOOR PLAN
A-3	ELEVATIONS
LS-1	LIFE SAFETY PLAN
LS-2	LIFE SAFETY PLAN-FIRE SEPARATIONS
EX-1	EXISTING FLOOR PLAN

SEAL

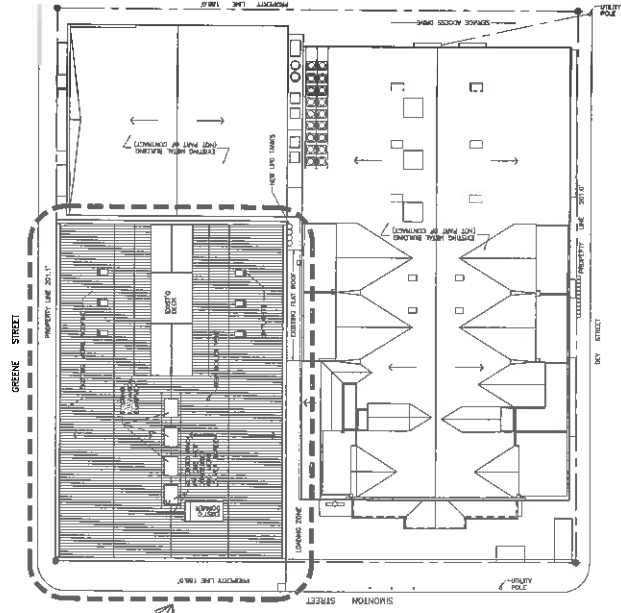
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REVISIONS

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EDM
EMA
PROJECT
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1465



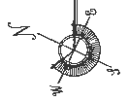
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SCOPE OF WORK
LIMITED TO THIS
BUILDING

PROPOSED SITE PLAN

SCALE: 1"=20'-0"



HEMINGWAY RUM COMPANY, LLC.
201 SIMUNTON STREET
KEY WEST, FLORIDA

WILLIAM P. JORDAN
ARCHITECT, P.A.

11111 AVENUE
KEY WEST
FLORIDA
34909

TEL: 305.266.4400
FAX: 305.266.4433

LICENSURE NO.
AA10000000

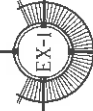
HEMINGWAY RUM
COMPANY, LLC
201 SIMONTON STREET
KEY WEST, FLORIDA

SCALE

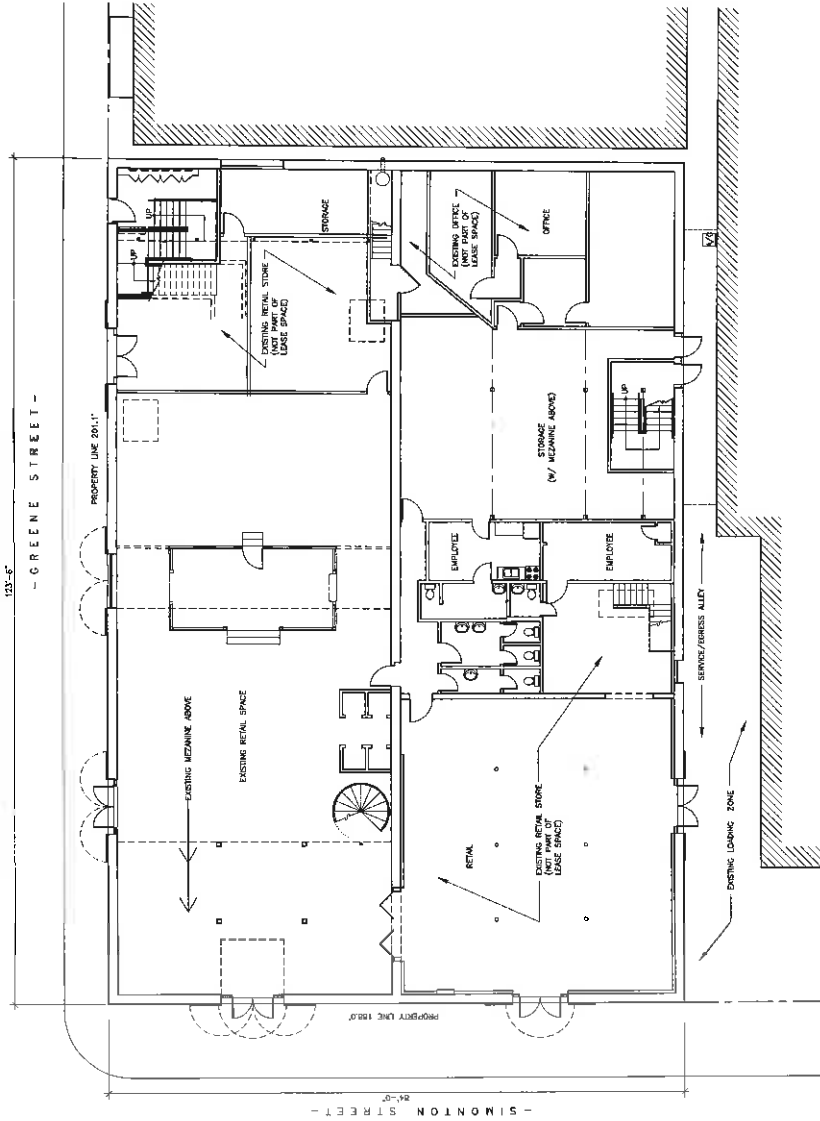
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REVISIONS

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PROJECT NUMBER: 1405



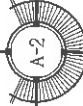
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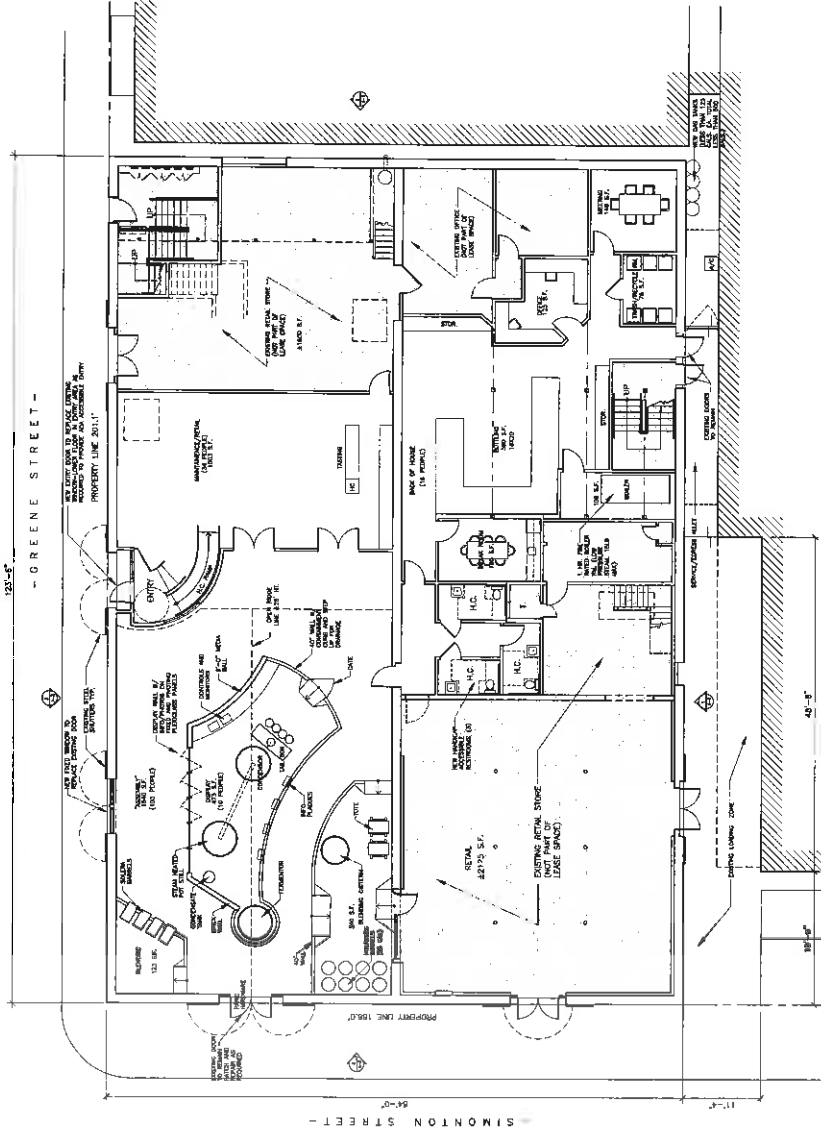
EXISTING FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"

HEMINGWAY RUM COMPANY, LLC
201 SIMONTON STREET
KEY WEST, FLORIDA



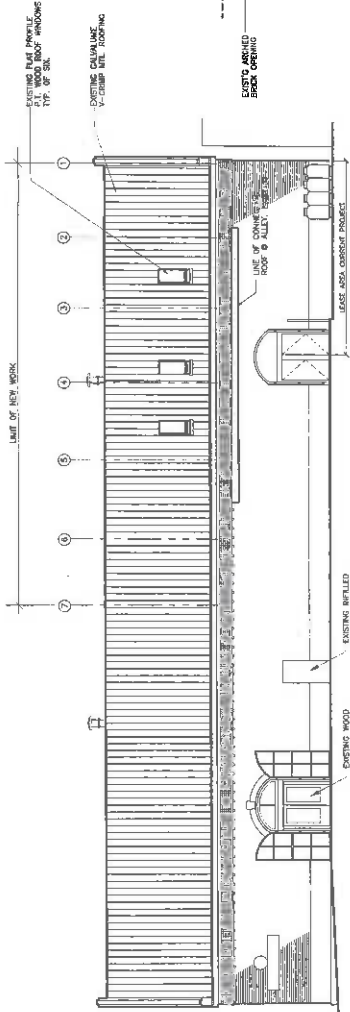
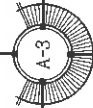
PAK
KJB



PROPOSED FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

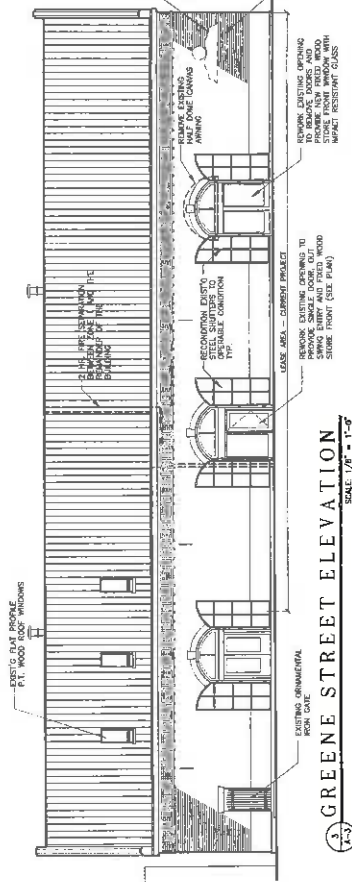


HEMINGWAY RUM COMPANY, LLC.
201 SIMONTON STREET
KEY WEST, FLORIDA



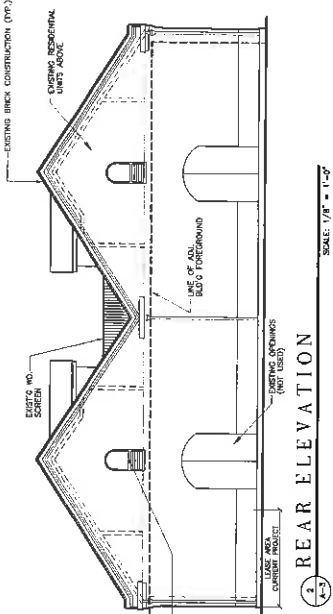
1-1 ALLEY ELEVATION

SCALE: 3/8" = 1'-0"



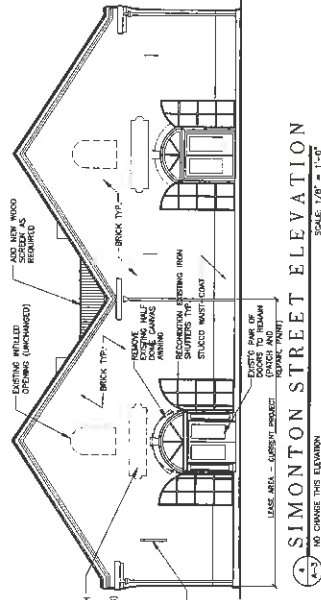
1-2 GREENE STREET ELEVATION

SCALE: 3/8" = 1'-0"



1-3 REAR ELEVATION

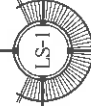
SCALE: 3/8" = 1'-0"



1-4 SIMIMONTAN STREET ELEVATION

SCALE: 3/8" = 1'-0"

ONE
AND
EIGHT
EIGHT



Handwritten: DWG K/B

NOTES

EXISTING BUILDINGS - ALL MODIFICATIONS SHALL BE IN ACCORDANCE WITH THE CITY OF KEY WEST, FLORIDA, CHAPTER 221, SECTION 221.05, WHICH PROVIDES THAT BUILDINGS SHALL BE PROVIDED WITH FIRE ALARMS AND SMOKE DETECTORS. THE CITY OF KEY WEST, FLORIDA, CHAPTER 221, SECTION 221.05, PROVIDES THAT THE STANDARDS AND REQUIREMENTS OF THE CITY OF KEY WEST, FLORIDA, CHAPTER 221, SECTION 221.05, SHALL BE APPLIED TO ALL BUILDINGS AND DETECTION SYSTEMS PER FIRE SECTION NOT SHALL ALSO BE PROVIDED. AREA OCCUPANCY: 1. RESIDENTIAL

PROPOSED LEASE AREA OCCUPANCY: 1. HJ

PROPOSED LEASE AREA OCCUPANCY: 1. HJ

AREA OF HOUSE = 1830 S.F.

AREA OF GARAGE = 1000 S.F.

AREA OF PORCH = 1000 S.F.

AREA OF DRIVEWAY = 1000 S.F.

TOTAL CALCULATED OCCUPANT LOAD = 143 PEOPLE (SEE PLAN)

PER ALARM - THE EXISTING ALARM PANEL WILL ACCOMMODATE THE EXISTING FIRE ALARMS AND SMOKE DETECTORS. THE EXISTING ALARM PANEL WILL BE RELOCATED TO THE EXISTING ELECTRICAL PANEL ROOM. THE EXISTING ALARM PANEL WILL BE RELOCATED TO THE EXISTING ELECTRICAL PANEL ROOM.

FIRE SEPARATIONS: (SPRINKLERED BUILDING)

FIRE SEPARATIONS WILL DIVIDE THE LEASE AREA INTO 3 CONTROL ZONES, ZONE 1 TO ZONE 2 AND ZONE 2 TO ZONE 3. ZONE 1 TO ZONE 2 AND ZONE 2 TO ZONE 3. ZONE 1 TO ZONE 2 AND ZONE 2 TO ZONE 3.

ZONE 1 (HOMING DEPARTMENT) TO ZONE 2 (BACK HOUSE) = 2 HRS. PROVIDED

ZONE 2 (HOMING DEPARTMENT) TO ZONE 3 (BACK HOUSE) = 2 HRS. PROVIDED

ZONE 1 TO ADJACENT COMMERCIAL ZONE = 2 HRS. PROVIDED

ZONE 2 TO ADJACENT COMMERCIAL ZONE = 2 HRS. PROVIDED

ZONE 3 TO ADJACENT COMMERCIAL ZONE = 2 HRS. PROVIDED

ZONE 1 TO ADJACENT COMMERCIAL ZONE = 2 HRS. PROVIDED

ZONE 2 TO ADJACENT COMMERCIAL ZONE = 2 HRS. PROVIDED

ZONE 3 TO ADJACENT COMMERCIAL ZONE = 2 HRS. PROVIDED

ELECTRICAL PANELS SHALL BE PROVIDED TO ZONE 1 IN ACCORDANCE WITH NFPA 70, CHAPTER 780 AND THE REQUIREMENTS OF THE CITY OF KEY WEST, FLORIDA, CHAPTER 221, SECTION 221.05. THE ELECTRICAL PANELS SHALL BE PROVIDED TO ZONE 1 IN ACCORDANCE WITH NFPA 70, CHAPTER 780 AND THE REQUIREMENTS OF THE CITY OF KEY WEST, FLORIDA, CHAPTER 221, SECTION 221.05. THE ELECTRICAL PANELS SHALL BE PROVIDED TO ZONE 1 IN ACCORDANCE WITH NFPA 70, CHAPTER 780 AND THE REQUIREMENTS OF THE CITY OF KEY WEST, FLORIDA, CHAPTER 221, SECTION 221.05.

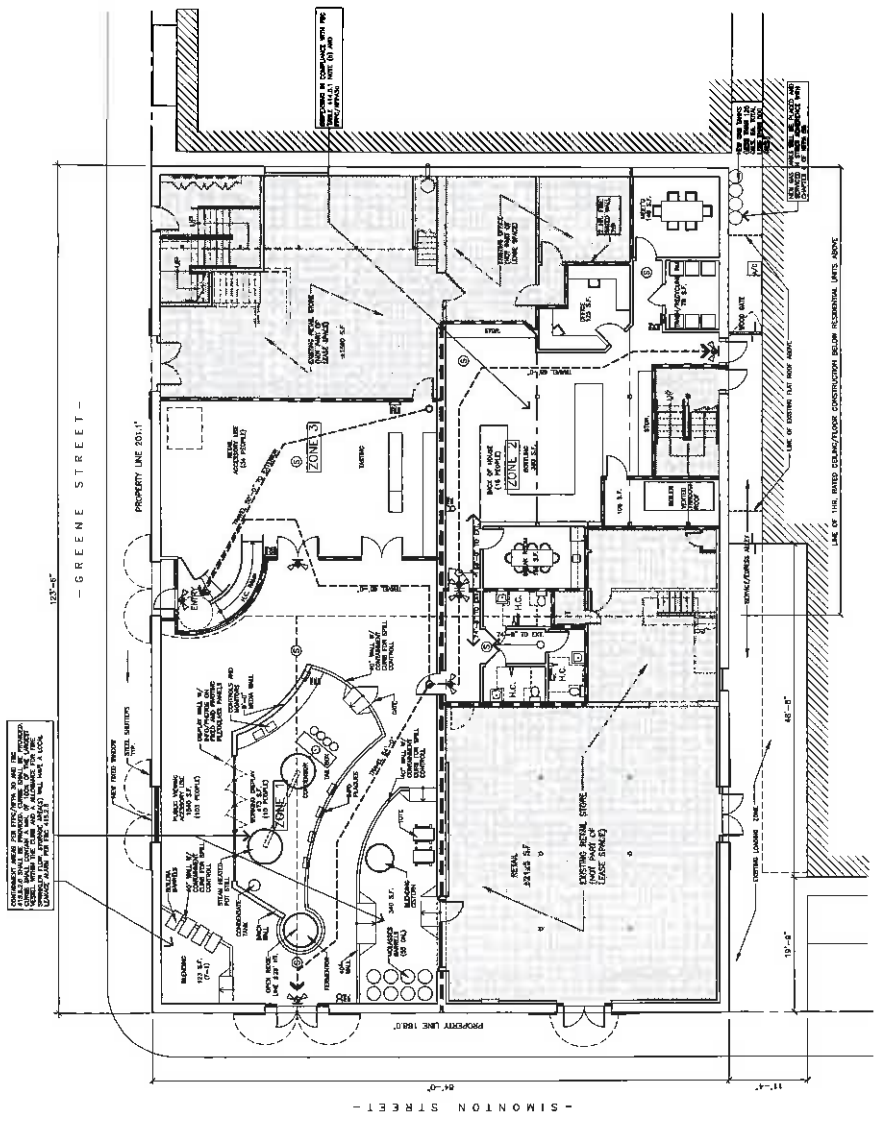
NOTE THAT TO SENSORS SHALL BE ADDED TO THE FOUR RESIDENTIAL UNITS ABOVE.

LIFE SAFETY LEGEND

- ☐ COMB. EXIT LIGHT
- ☐ FIRE EXTINGUISHING CAB
- ☐ COMB. SMOKE DETECTOR
- ☐ AND TO SENSOR
- 1 HR. FIRE RATED WALL CONSTRUCTION
- 2 HR. FIRE RATED WALL CONSTRUCTION

NOTE:

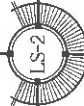
FIRE SEPARATION ZONES SHALL MEET OR EXCEED THE CITY OF KEY WEST, FLORIDA, CHAPTER 221, SECTION 221.05, WHICH PROVIDES THAT BUILDINGS SHALL BE PROVIDED WITH FIRE ALARMS AND SMOKE DETECTORS. THE CITY OF KEY WEST, FLORIDA, CHAPTER 221, SECTION 221.05, PROVIDES THAT THE STANDARDS AND REQUIREMENTS OF THE CITY OF KEY WEST, FLORIDA, CHAPTER 221, SECTION 221.05, SHALL BE APPLIED TO ALL BUILDINGS AND DETECTION SYSTEMS PER FIRE SECTION NOT SHALL ALSO BE PROVIDED. AREA OCCUPANCY: 1. RESIDENTIAL



FIRST FLOOR LIFE SAFETY PLAN

SCALE: 1/8" = 1'-0"

HEMINGWAY RUM COMPANY, LLC.
201 SIMONSTON STREET
KEY WEST, FLORIDA



pink
K-18

NOTES

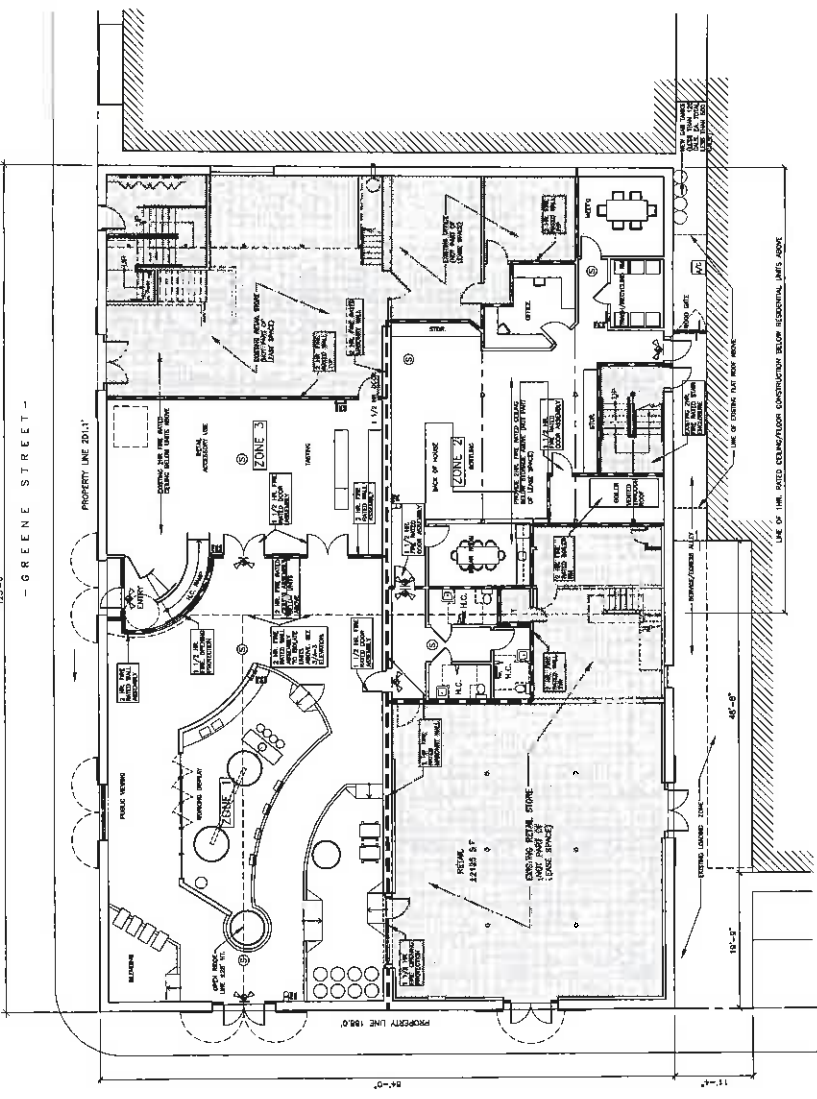
EXISTING BUILDING
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LIFE SAFETY LEGEND

- ⊕ ZONE 1 (WORKING DISPLAY) TO ZONE 2 (BACK OF HOUSE)
- ⊖ ZONE 2 (BACK OF HOUSE) TO ZONE 3 (STAIRS/RESTROOMS)
- ⊙ ZONE 3 (STAIRS/RESTROOMS) TO ZONE 4 (ENTRANCE)
- ⊗ ZONE 4 (ENTRANCE) TO ZONE 5 (REAR PORCH)
- ⊘ ZONE 5 (REAR PORCH) TO ZONE 6 (FRONT PORCH)
- ⊙ ZONE 6 (FRONT PORCH) TO ZONE 7 (FRONT PORCH)
- ⊗ ZONE 7 (FRONT PORCH) TO ZONE 8 (FRONT PORCH)
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NOTE

FIRE SEPARATION ZONES SHALL MEET OR EXCEED THE
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FIRST FLOOR LIFE SAFETY PLAN - FIRE SEPARATIONS

SCALE: 1/8"=1'-0"

MEASUREMENTS AND DIMENSIONS SHOWN ON THIS PLAN ARE APPROXIMATE AND SHALL BE VERIFIED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FROM THE LOCAL AUTHORITIES.

HEMINGWAY RUM COMPANY, LLC
 201 SIMONTON STREET
 KEY WEST, FLORIDA