

THE CITY OF KEY WEST PLANNING BOARD

Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Jordan Mannix-Lachner, Planner I

Meeting Date: January 18, 2023

Agenda Item: **Change of Nonconforming Use** – 3438 Duck Avenue (RE# 00053120-000101) – A request for a change of nonconforming use to allow for the conversion of a business and professional office to a medical office for property located at 3438 Duck Avenue in the Single-Family zoning district, pursuant to Sections 122-32, 122-235, and 122-236 of the Land Development Regulations of the Code of Ordinance of Key West, Florida.

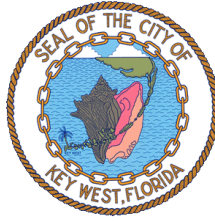
Request: A request for a change of nonconforming use to allow for a pediatrician’s office to operate in a legal nonconforming commercial unit at the Poinciana Plaza commercial complex on Duck Avenue.

Property Owner: Two Seas Holdings, LLC

Applicant: Dr. Melanie Youschack, Keys Pediatrics

Location: 3438 Duck Avenue

Zoning: Single-Family zoning district



Background

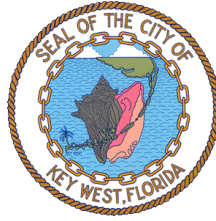
The subject property is a legal nonconforming commercial center in the Single-Family zoning district. The applicant is requesting a change of nonconforming use from a business/professional office to a pediatric medical office for Unit 1 & 1B. The total floor area of the proposed use is 2,224 square feet.

The property is on the 3000 block of Duck Avenue. Surrounding land uses include single- and multi-family residential, community services, and legal nonconforming commercial uses. Other uses within the commercial complex include:

- Medical offices
- Medical lab
- Insurance office
- Rod and tackle shop
- Interior design studio
- Art framing store



The project location is identified by the blue pin. The subject unit is the easternmost unit in the commercial complex. The property is adjacent to Single-Family residential uses to the east, west and south. It is adjacent to multi-family housing, community facilities, and assisted living facilities to the north.



Development Review Committee

Multimodal Transportation Comments: Please provide required bicycle parking (one space)

- **Applicant's response:** Agreed to provide bicycle parking

Process:

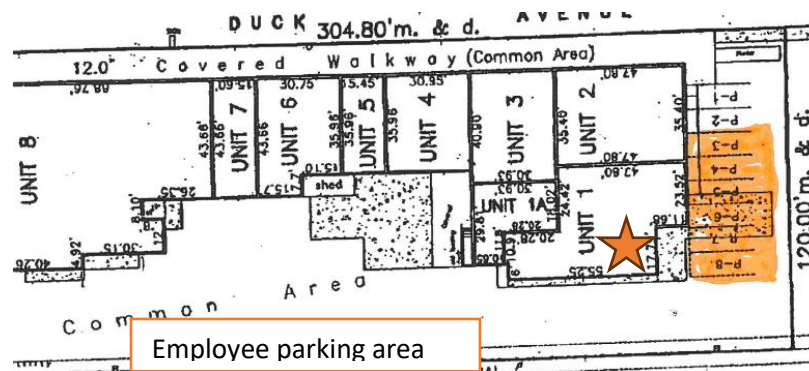
DRC Meeting: November 30, 2023
Planning Board Meeting: January 18, 2023
Local Appeal Period: 10 days
DEO Review Period: Up to 45 days

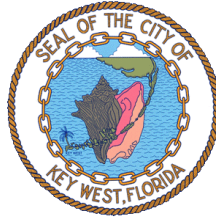
Staff Analysis – Code Criteria

Section 122-32 of the Land Development Regulations provides review criteria for the change of nonconforming uses. The Planning Board must determine whether the proposed use is “equally or more appropriate to the zoning district”, and whether the change in use would intensify the use of the premises by:

- Increasing parking demand and vehicular traffic
- Increasing noise, dust, fumes or other environmental hazards;
- Having an adverse impact on drainage.

The previous business/professional office use of the 2,224 square-foot unit required eight parking spaces per Code. The requested use requires five spaces (Section 108-572). The applicant has six marked, exclusive spaces for customers. Employees park in the property's common area at the rear of the property.





The applicant exceeds the Code-required parking for the proposed use. However, trip generation data from the Institute of Transportation Engineers suggest that medical offices generate a higher number of vehicle trips than do general business/professional office, per 1,000 feet of gross floor area. Nevertheless, there are a number of higher-density multi-family housing developments and an elementary school within three blocks of the subject property. Any additional traffic triggered by the proposed use is not likely to be significant in terms of average traffic volume within the immediate area; the impacts would be more likely to occur in terms of parking, and the applicant exceeds Code requirements for parking.

Staff does not anticipate that the proposed use would increase noise, dust, fumes, environmental hazards, or have an adverse impact on drainage.

Recommendation:

The applicant has requested a change of nonconforming use to authorize a pediatric medical office at a legal nonconforming commercial center in the Single-Family zoning district.

Based on the criteria of Section 122-32, the Planning Department recommends the request for a change of nonconforming use be **approved**.

If the Planning Board chooses to approve the request, the Planning Department recommends the following conditions:

Conditions:

1. The applicant shall maintain the six exclusive, off-street parking spaces in perpetuity.