

The City of Key West
Planning Board
Staff Report



To: Chair and Planning Board Members

From: Katie P. Halloran, Planning Director

Meeting Date: November 18, 2021

Agenda Item: **Conditional Use – 500 Whitehead Street - (RE# 00010060-000000) - A request for conditional use approval to allow the change of use from a former public utility /protective service to a cultural and civic activities use converting the historic jail building to a museum in the Historic Public Services (HPS) zoning district pursuant to Sections 122-62 and 122-958 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Request: To allow a conditional use in the HPS zoning district for a museum use.

Applicant: Monroe County Board of County Commissioners

Property Owner: Monroe County Board of County Commissioners

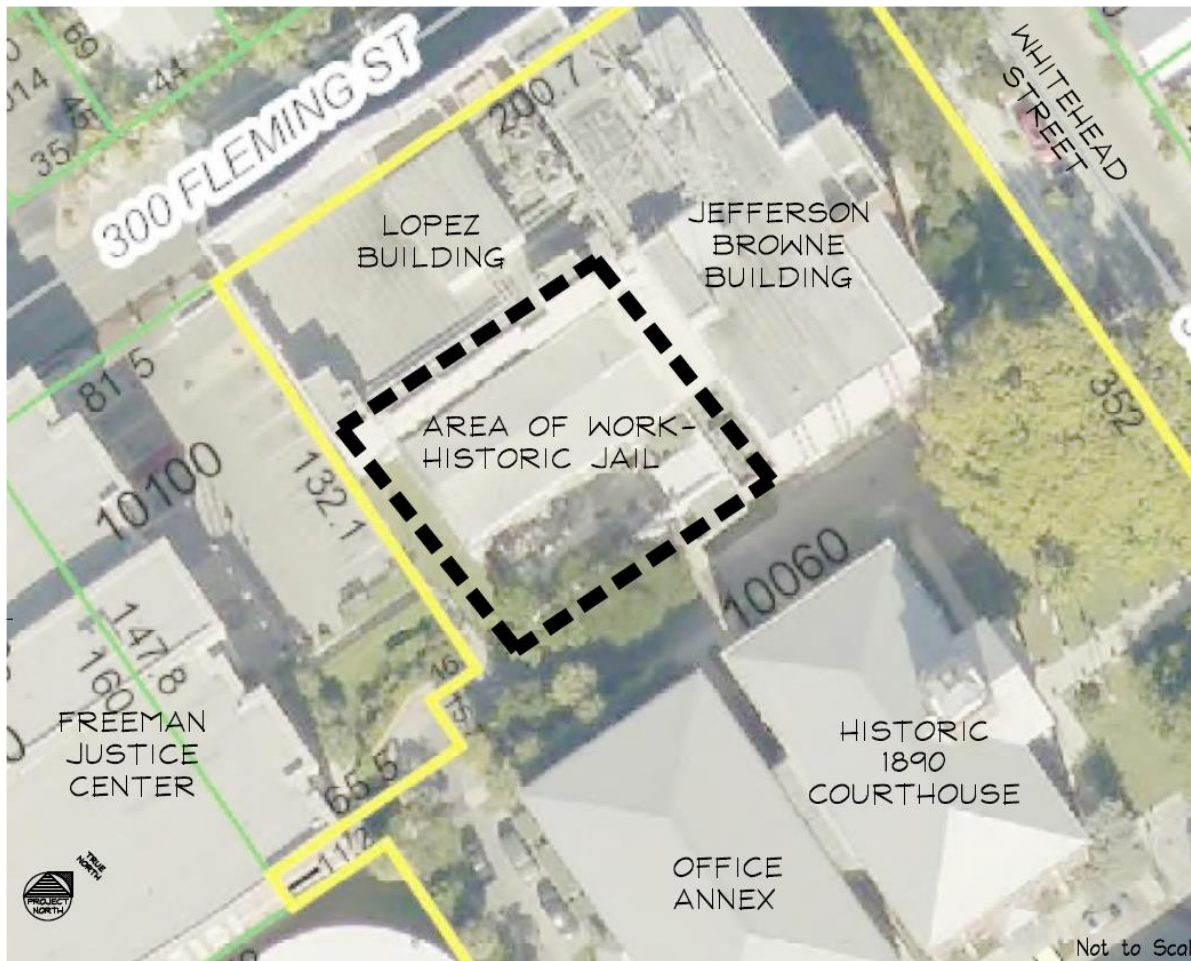
Location: 500 Whitehead Street (RE # 00010060-000000)



Subject Property – 500 Whitehead Street

Background:

The subject property faces Whitehead Street and is located between Fleming and Southard Streets. The 500 Whitehead Street property is a government complex that houses the Monroe County Property Appraiser, Monroe County Courthouse and the Monroe County Clerk of Court, otherwise known as Jackson Square. The subject area is the historic jail to the rear of the adjacent 3 and 4 story buildings and was built in 1892. The Applicant is proposing to change the use from a 5,000 square foot historic jail building to a jail museum. The property is located within the Historic Public Services (HPS) zoning district. Cultural and civic activities are a conditional use in the HPS zoning district.



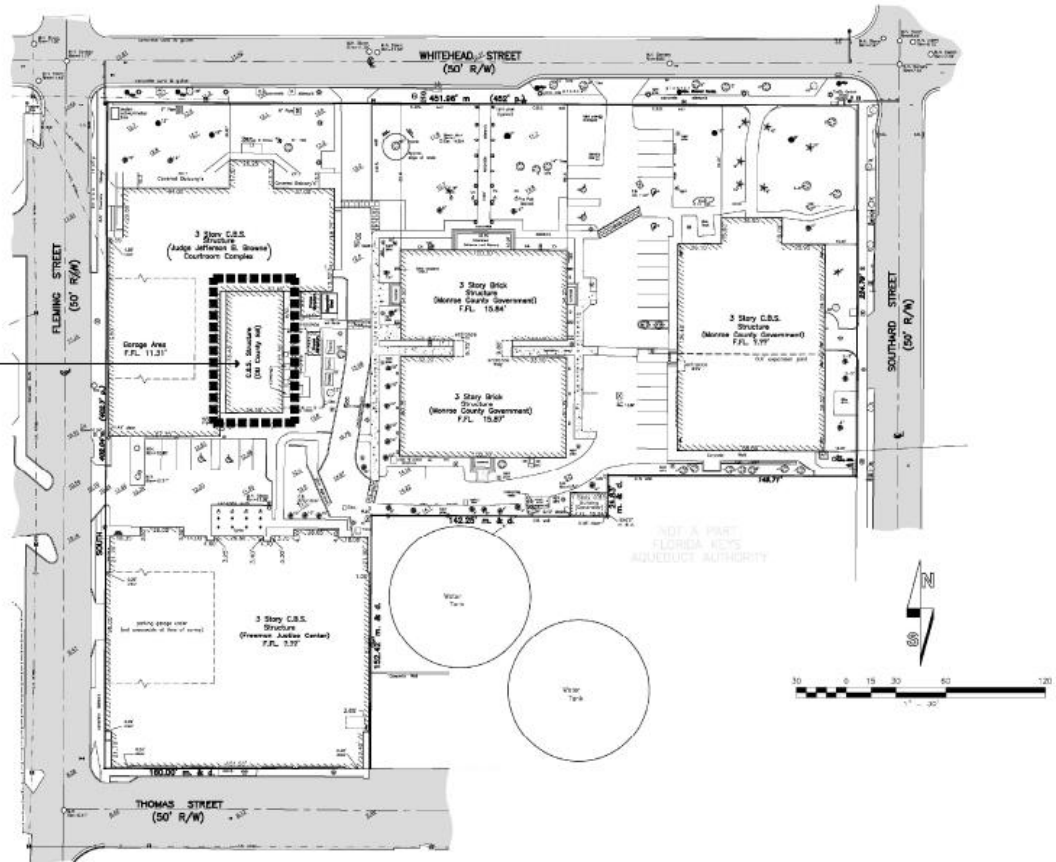
*Subject Structure –KeysWeekly.com -
undated*



Whitehead Street 500 block looking south from Courthouse about 1900. Monroe County Library Collection.

Source: Keysweekly.com

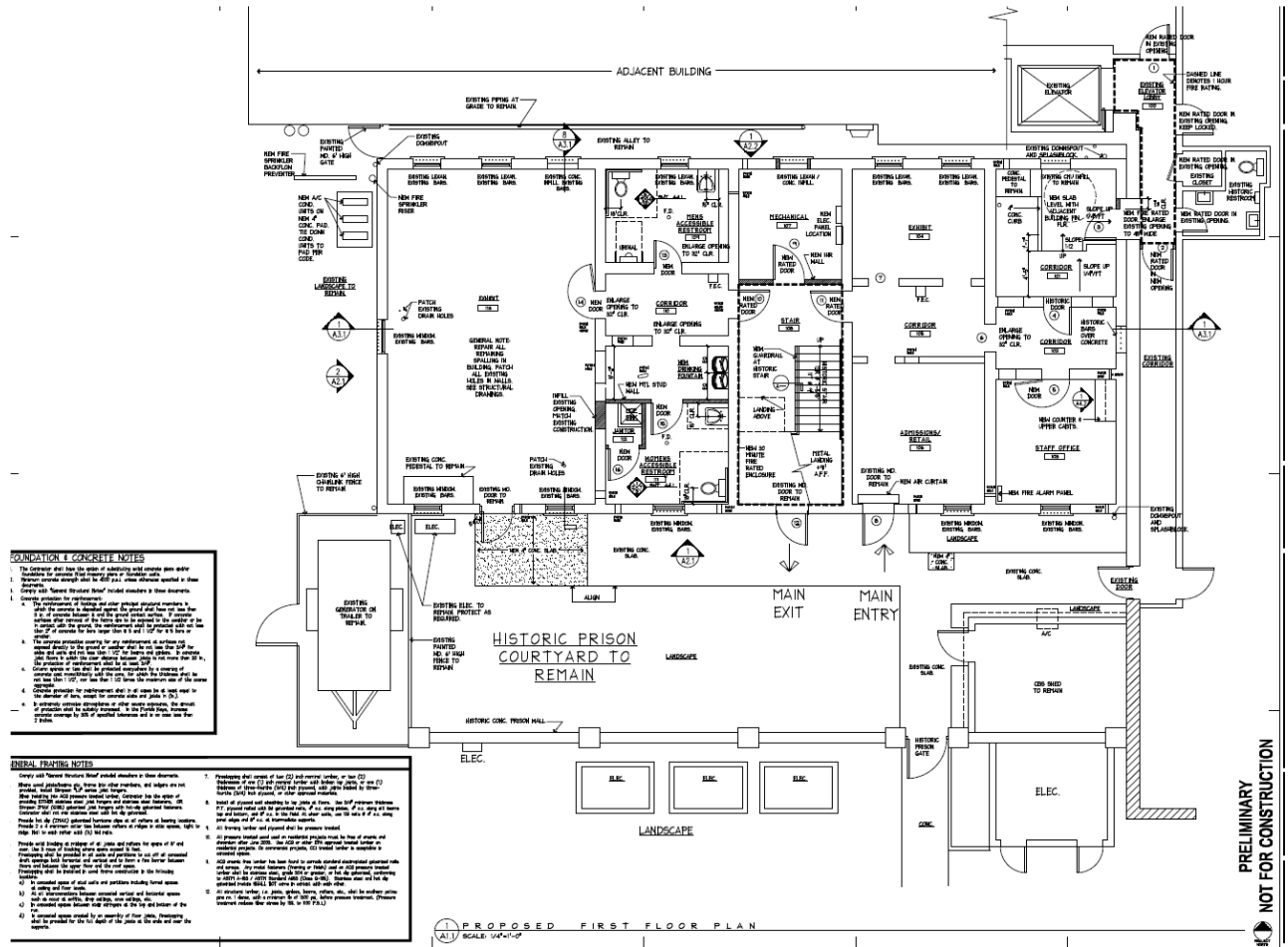
AREA OF WORK
HISTORIC
JAIL
BUILDING



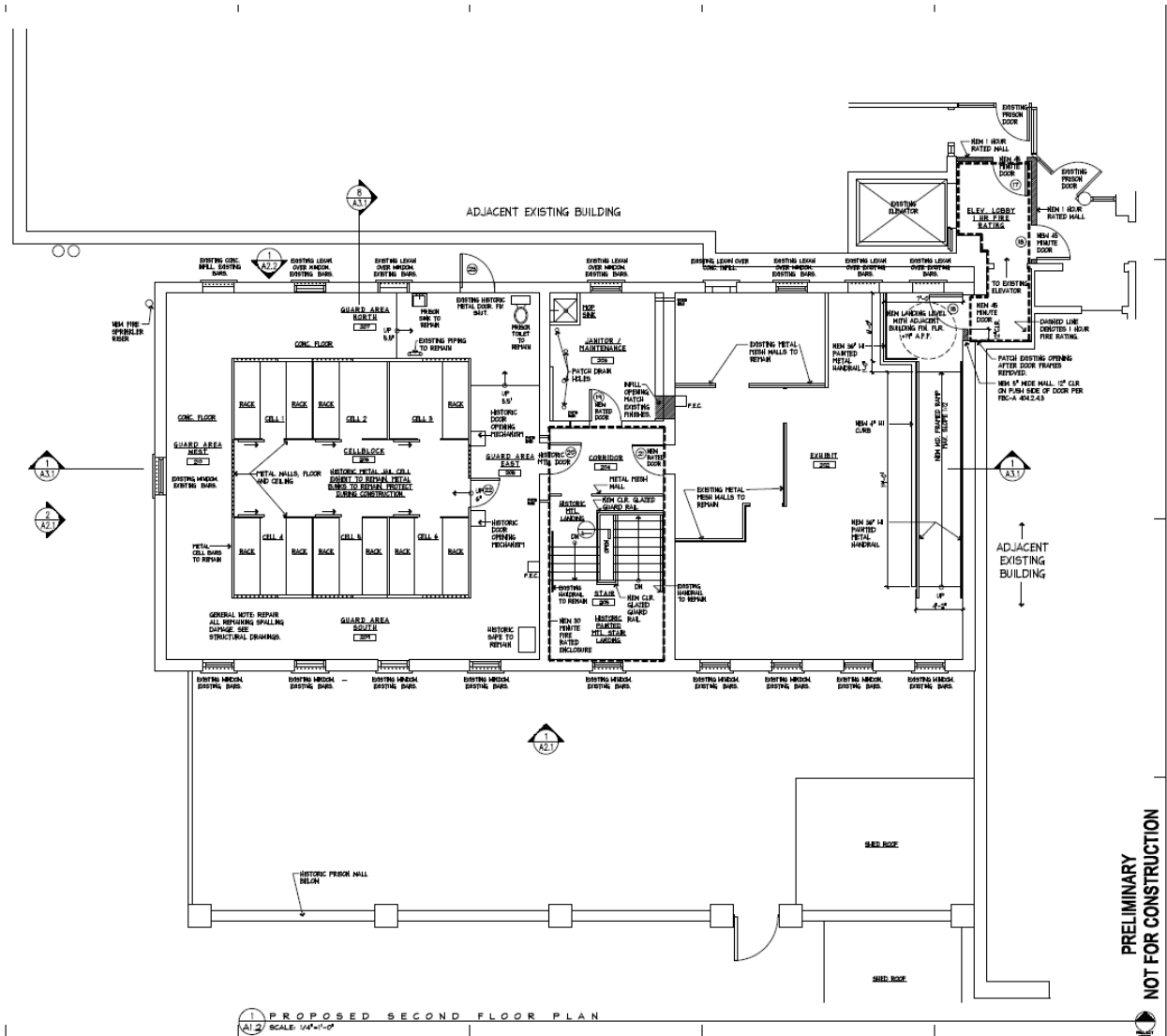
Property Survey – March 1, 2020

The applicant is requesting a conditional use approval to convert a historic jail into a museum in the HPS zoning district. The conversion from a public utility /protective service to a cultural and civic activities use in the Historic Public Services (HPS) zoning district requires conditional use approval.

The property is also located within The Historic Commercial Pedestrian-Oriented Area. City Code Sec. 108-573 (c)states, "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 conversion is to be located within the same footprint as the existing jail, as such no additional off-street parking will be required.



PRELIMINARY NOT FOR CONSTRUCTION



1 PROPOSED SECOND FLOOR PLAN
 A1.2 SCALE: 1/4"=1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

Proposed Floor Plan

Surrounding Zoning and Uses:

- North:** Historic Planned Redevelopment and Development District (HPRD) zoning district (residential, government use)
- South:** Historic Residential/Office (HRO) zoning district (retail, restaurants, lounges, and bars)
- East:** Historic Residential Commercial Core 1 (HRCC-1) zoning district, (offices, residential, restaurants, lounges and bars)
- West:** Historic Medium Density Residential (HMDR) zoning district (government, retail, residential)

Process:

Development Review Committee:	September 23, 2021
Planning Board:	November 18, 2021
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 generation of 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 averse to the public’s interest.”

(b) Characteristics of use

The City of Key West Land Development Regulations per Section 122-956 states, “The Historic and Semipublic Services district (HPS) is established to implement comprehensive plan policies for areas designated “HPS” on the future land use map. The HPS district shall accommodate existing public and semipublic services and deed restricted workforce affordable housing.”

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

- a. Floor are ratio (FAR):** No additional floor area is proposed.
- b. Traffic generation:** No changes in the traffic generation are proposed. The subject property is located within the Historic commercial pedestrian-oriented area, Section 108-573 (c). The Planning Department does not anticipate any significant increase in traffic generation by adding a museum to the existing use.
- c. Square feet of enclosed space for each specific use:** No changes in the enclosed spaces.

d. Proposed employment: No change in employees, there will be approximately 3-5 employees.

e. Proposed number of types of service vehicles: There will be no service vehicles.

f. Off-street parking needs: There are no changes to off-street parking. However, the subject property is located within the historic commercial pedestrian-oriented area. Per Sec. 108-573 states, "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." There is no additional or expanded floor area being proposed.

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

a. Utilities: None expected.

b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94: None expected.

c. Roadway or signalization improvements, or other similar improvements: None required.

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: 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 changes proposed.

(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 applicant is requesting approval to allow for a museum use.

- The existing Key West jail will operate as a museum. The hours of operation will be from 10:00 A.M. to 5:00 P.M., seven (7) days a week.

Planning staff has evaluated the surrounding Jackson Square, their operations are the following:

- Monroe County Courthouse – 500 Whitehead Street - Monday through Friday 8:30 a.m. till 5:00 p.m.
- (2) Enough site size, adequate site specifications and infrastructure to accommodate the proposed use:** The size and shape of the site are adequate to accommodate the proposed scale and intensity of the conditional use requested.
- (3) Proper use of mitigative techniques:** None have been proposed or necessary to ensure compatibility with the zoning district.
- (4) Hazardous waste:** None expected or proposed.
- (5) Compliance with applicable laws and ordinances:** None are proposed.
- (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:** The site is not located in a conservation area.
 - b. Residential development:** No residential development is proposed.
 - c. Commercial or mixed-use development:** No negative impacts expected.
 - d. Development within or adjacent to historic district:** Any signage or other building permits necessary will be required to have HARC approval.
 - e. Public facilities or institutional development:** No development of public facilities or institutions are proposed.
 - f. Commercial structures use and related activities within tidal waters:** The site is not located within tidal areas.
 - g. Adult entertainment establishments:** No adult entertainment is being proposed.

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. The conditional use shall match the approved plans signed sealed dated: November 4, 2021 Page A.O by Bender and Associates Architects. (Sheet AO.O dated Nov 15, 2021)

2. Hours of operation shall be Monday through Sunday from 10:00 a.m. until 5:00 p.m.

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

- 3.. 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.