

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



To: Chair and Planning Board Members

From: Kevin Bond, AICP, LEED Green Associate, Senior Planner

Through: Donald Leland Craig, AICP, Planning Director

Meeting Date: September 18, 2014

Agenda Item: **Conditional Use – 201 Simonton Street (RE # 00000990-000000, AK # 1001015)** – A request for 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 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

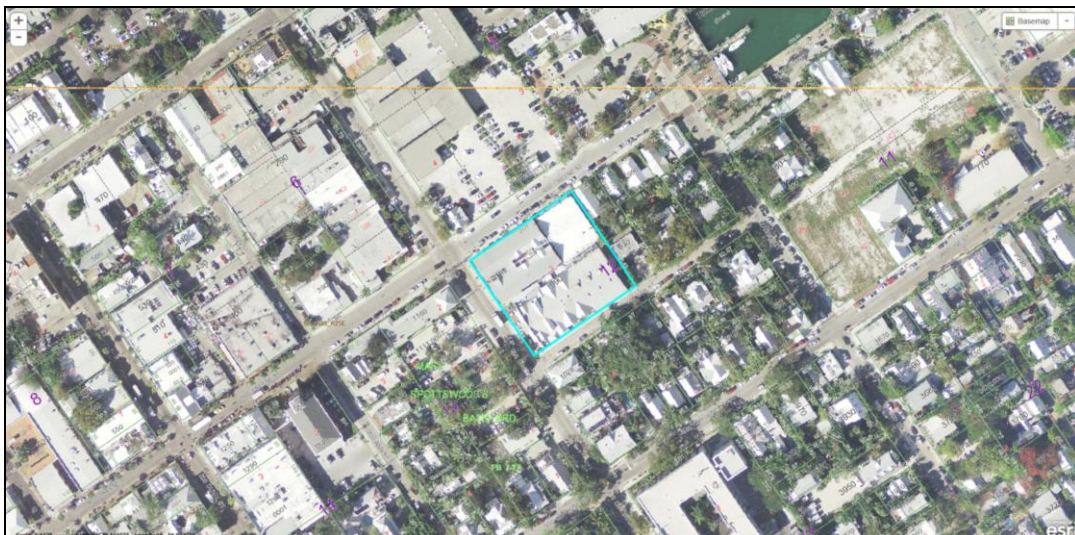
Request: To allow the proposed light industrial use of a rum distillery in the location of the former Key West Hand Print Fabric Building.

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:

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.

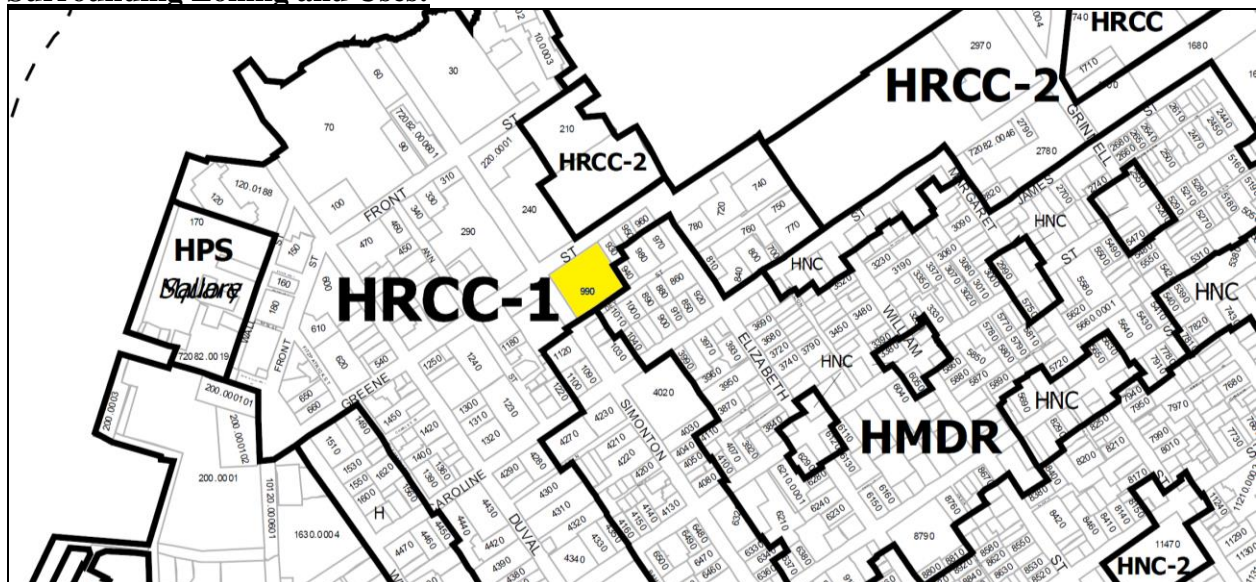
Request / Proposed Use:

The proposed use would involve the interior renovation and adaptive reuse of approximately 5,720 square feet of the first floor of the building to serve as a rum distillery for the Hemingway Rum Company. The use would include the distillery itself, bottling and back-of-house operations, a retail store and tasting room. The retail area would sell souvenirs and finished rum for package sale in accordance with Florida’s craft distillery law, a copy of which is included in the application package.

The distillery is considered a light industrial use under the City’s Land Development Regulations. Conditional use approval is required for light industrial uses within the HRCC-1 Zoning District, pursuant to City Code Section 122-688(15). The ancillary retail and office uses are permitted within the HRCC-1 Zoning District.

The applicants and their fire consultant worked closely with the City’s Building Official and Fire Marshall to address pertinent life safety issues related to the existing commercial and residential uses within the same building. This coordination resulted in the proposed high level of life-safety standards, including an automatic sprinkler and fire alarm system, two-hour fire separation walls three distinct areas of the distillery, and direct egress routes from each zone to the outside. The application package includes the applicant’s fire and life safety report and life safety plans. Staff’s recommendation includes fire and life safety-related conditions.

Surrounding Zoning and Uses:



North: HRCC-1 and HRCC-2, Mixed commercial and tourist uses
South: HNC-1, Mixed residential and commercial
East: HMDR, Primarily residential
West: HRCC-1, Mixed commercial, retail and restaurant

Process:

Development Review Committee:	June 26, 2014
Planning Board:	September 18, 2014
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 conditional uses involves the adaptive reuse of 5,720 square feet of the first floor of the building into a rum distillery light industrial use. The characteristics of the proposed conditional use are evaluated below.

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

a. Floor area ratio (FAR):

No change in floor area is proposed.

b. Traffic generation:

According to the applicant, potential daily vehicular trip generation would decrease.

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

The rum distillery use would occupy 5,720 square feet within the existing building.

d. Proposed employment:

The applicant states 11.5 full time equivalent (FTE) positions would be created.

e. Proposed number and type of service vehicles:

The applicant states one to two deliveries per week are anticipated.

f. Off-street parking needs:

No parking need would be generated by the proposed use, which is located within the historic commercial pedestrian-oriented area.

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

a. Utilities

None expected. Keys Energy had no objections.

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 expected.

d. Accessory structures or facilities

None expected.

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

On-site improvements include ADA accessibility and fire/life-safety improvements.

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

a. Open space

No change proposed.

b. Setbacks from adjacent properties

No change proposed.

c. Screening and buffers

No change proposed.

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

None required or 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 within the existing historic building. Given the proposed renovations, ADA accessibility improvements and fire/life-safety provisions, the proposed use is anticipated to be compatible and harmonious with adjacent uses, and would not adversely impact the immediate vicinity.

(2) Sufficient 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. The renovations include improvements to ADA accessibility to improve pedestrian access and circulation. The applicant intends to use existing infrastructure on the site.

(3) Proper use of mitigative techniques

The applicant has complied with the City Building Official's and Fire Marshall's requests through the proposed fire and life safety measures, which are intended to mitigate and help prevent adverse impacts to adjacent uses. The applicant agreed to locate an exhaust vent through the roof of the building in order to reduce exterior visual impacts to the historic building. ADA accessibility improvements are also proposed.

(4) Hazardous waste

Rum as a finished product is a Class IB flammable liquid, but no hazardous waste would be generated. City staff and the applicant worked together to agree on the necessary fire and life-safety improvements, as reflected in the plans and life-safety report.

(5) Compliance with applicable laws and ordinances

The applicant would comply with all applicable laws and regulations as a condition of approval. Staff recommends conditions of approval to further protect the public health, safety and welfare.

(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: N/A

b. Residential development: N/A

c. Commercial or mixed use development:

Staff has reviewed the proposed use for land use compatibility based on compliance with the City LDRs, and considered any possible impacts on historic resources, access, pedestrian circulation, solid waste generation and site amenities. Staff's recommendation reflects this review and consideration.

d. Development within or adjacent to historic district:

The property is located within the Key West Historic District. All applicable future work as a result of this conditional use, if approved, would be subject to review through the Certificate of Appropriateness process for compliance with appearance and design guidelines for historic structures.

e. Public facilities or institutional development: N/A

f. Commercial structures, uses and related activities within tidal waters: N/A

g. Adult entertainment establishments: N/A

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 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. If and when replaced, 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.

**PLANNING BOARD
RESOLUTION NO. 2014-**

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

_____ Chairman
_____ Planning Director

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. If and when replaced, 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 ____ day of _____, 2014.

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

Richard Klitenick, Planning Board Chairman

Date

Attest:

Donald Leland Craig, AICP, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman
_____ Planning Director