

**THE CITY OF KEY WEST
PLANNING BOARD**



Staff Report

To: Chairman and Planning Board Members
Through: Katie P. Halloran, Planning Director
From: Nicholas Perez-Alvarez, Stantec
Meeting Date: November 20, 2024

Agenda Item: **Minor Development Plan, Conditional Use– 430 Greene Street (RE# 00001470-000100)** – 430 Greene Street (RE# 00001470-000100) – A request for a Minor Development Plan to reconstruct a two-story commercial structure and a request for conditional use approval to allow for the expansion of a bar consumption area and an amendment to Planning Board Resolution 2006-020, located in the HRCC-1 zoning district, pursuant to Section 108-91 and Section 122-62 of the Land Development Regulations of the City of Key West, Florida.

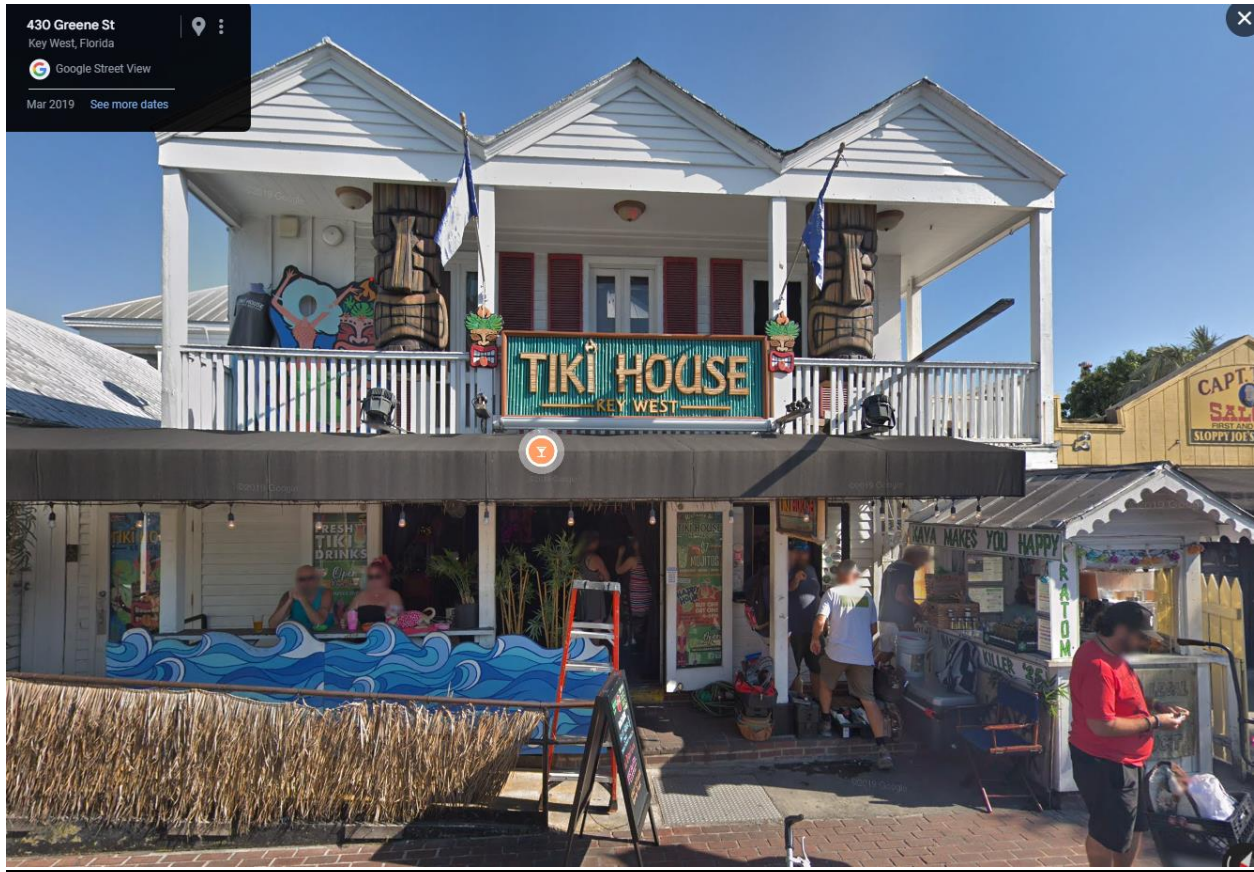
Request: This application proposes a minor development plan and conditional use approval for the reconstruction of a two-story commercial structure that has been declared an unsafe structure and unfit for occupancy by the City of Key West Building Department.

Applicant: Trepanier & Associates Inc

Property Owner: 430 Greene LLC

Location: 430 Greene Street (RE# 00001470-000100)

Zoning: HRCC-1 Duval Street Gulfside District



Background and Analysis

This application was on the Planning Board agenda for the October 17, 2024 meeting. However, this meeting was canceled due to a lack of quorum and is being brought before the Planning Board at its next scheduled meeting of November 20, 2024.

430 Greene Street received a conditional use approval by the Planning Board for use as a bar in 2006 under Resolution 2006-020, subject to 10 conditions of approval, listed in further detail below. On May 29, 2024, the City of Key West Building Department revoked the certificate of occupancy for the existing building located at 430 Greene Street, which most recently served as a bar, due to significant structural damage and life safety issues. The Building Department concluded that the entire structure would be required to be demolished and rebuilt to current code. This minor development plan application proposes to rebuild the structure in a manner largely consistent with the architectural style and massing of the current structure with slight increases in building height and second floor consumption area.

While the existing structure is nonconforming as it is out of compliance with several dimensional standards of the current HRCC-1 zoning as noted in the site data table below, Section 122-28(f) of the Land Development Regulations enables reconstruction in this instance as noted below:

Notwithstanding any other subsection contained in this section, if a noncomplying building or structure is a contributing building or structure according to the historic architectural review commission (HARC) and it is involuntarily destroyed, such building or structure may be reconstructed or replaced without a variance so long as it is to be rebuilt in the three-dimensional footprint of the original building and built in the historic vernacular as approved by the historic architectural review commission.

No variances for reconstruction of this building as proposed are required, as there is a reduction in the proposed new building footprint, and the slight increase in height of 2'-10" is still well within the maximum height limits of the HRCC-1 district.

Proposed Development:

The site data table for the proposed development is shown below.

	<u>Required</u>		<u>Existing</u>	<u>Proposed</u>	
Max. FAR	1.0	1,497 sf	1.31	1.30	1,939 sf
Max. Height	35'		22'-2"	25'-0"	
Max. bldg coverage	50%	748.5 sf	91.28%	90.12%	1,349.2 sf
Max. ISR	70%	1,047.9 sf	100%	100%	1,497 sf
Front setback	None		2'-2" over property line	0'-1.5"	
Side (west) setback	2'-6"		1'-10" over property line	0'-4.5"	
Side (east) setback	2'-6"		0'-6"	1'-2.75"	
Rear setback	10'		0'	0'	

No parking is existing on-site and no new parking is proposed.

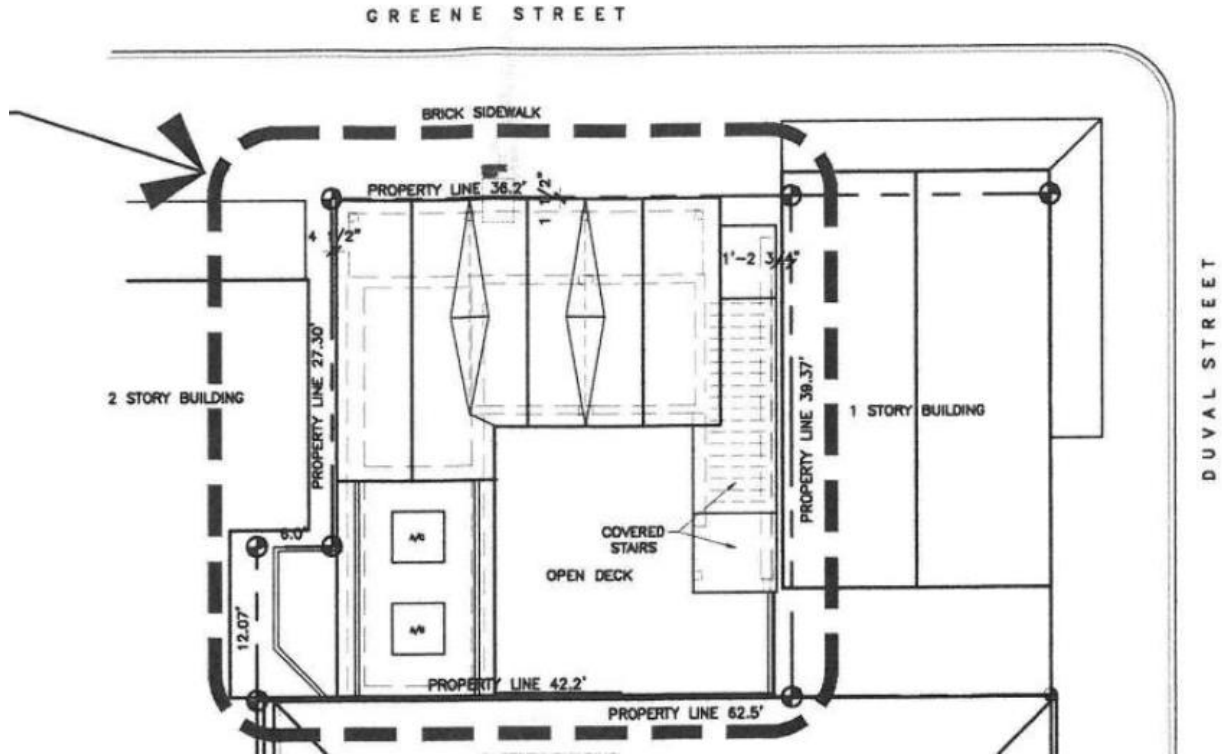
As noted above, this property received conditional use approval in 2006 to operate as a bar under Resolution 2006-020, subject to the conditions listed below.

1. The final building plans must position take-out window to the side so that the customers will be in line out of the public sidewalk area. This will also end the unlicensed activity in front, as promised by the applicant.
2. The building cannot expand and remain in original footprint. All encroachments, including the fence over the property line must be removed and constructed with permits, within the property.

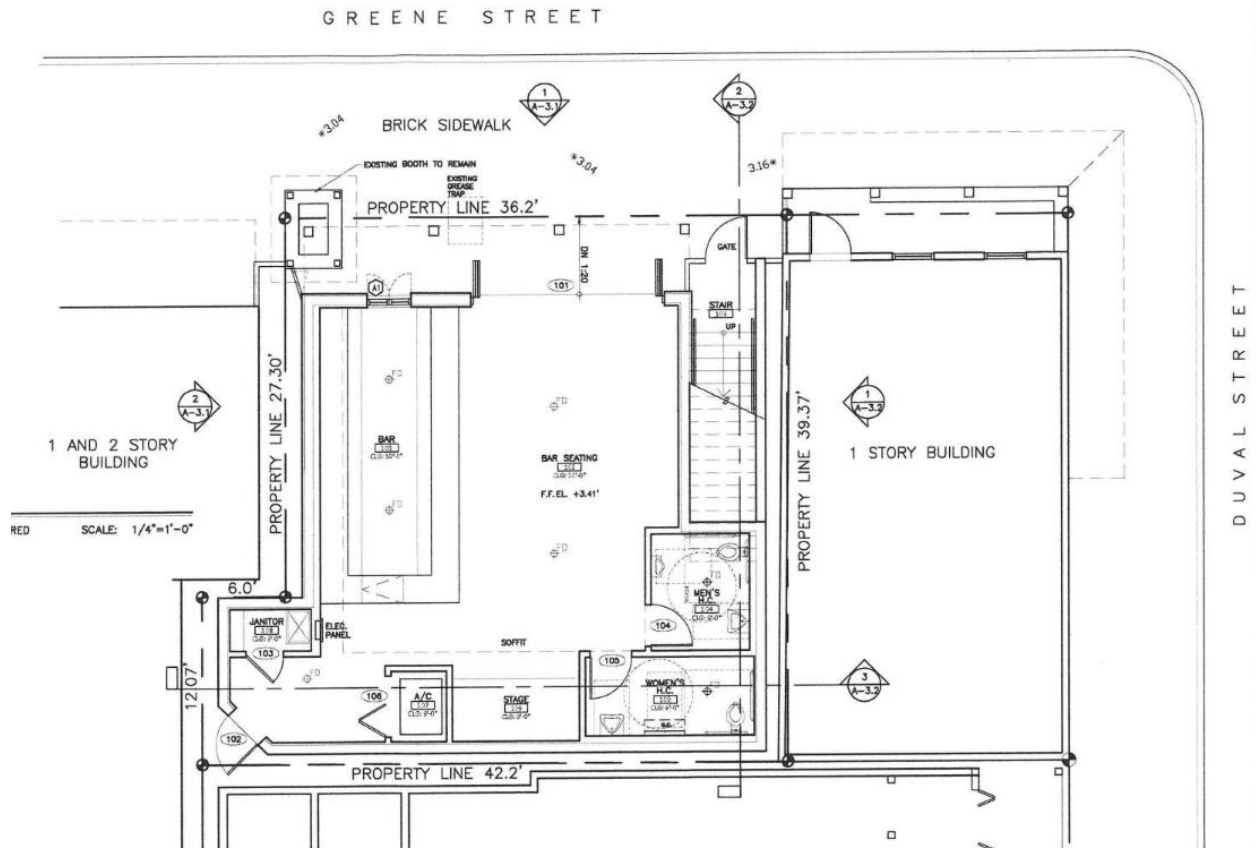
3. Bar activity must be limited to the first floor.
4. The use must install noise abatement devices such as air curtains.
5. The garbage containers shall be located under the stairs and the area shall be kept in a neat and clean manner.
6. No food shall be sold from the both in front of the building.
7. There shall be no outdoor seating.
8. There shall only be single or duo musical acts performing within the building, with the exception of bands to be allowed only during special City of Key West sanctioned events with those performances also on the inside of the building.
9. There shall be no outdoor alcohol sales or outdoor barkers, except during special City pf Key West sanctioned events.
10. There shall be no pizza served.

The applicant has requested amending the conditional use approval, removing all the above conditions. If approved, removal of these conditions would not negate general City of Key West ordinances related to noise, alcohol sales, solid waste storage, etc.

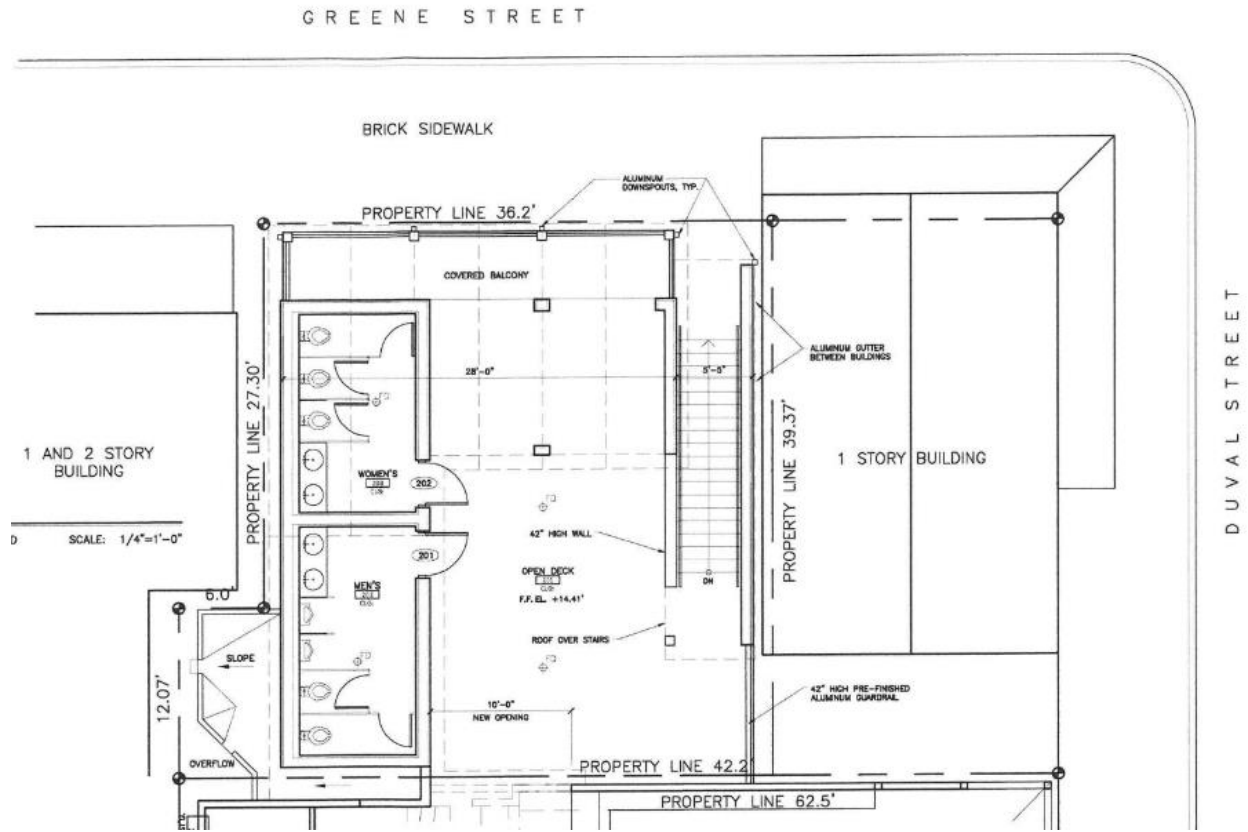
Proposed Site Plan, submitted by applicant.



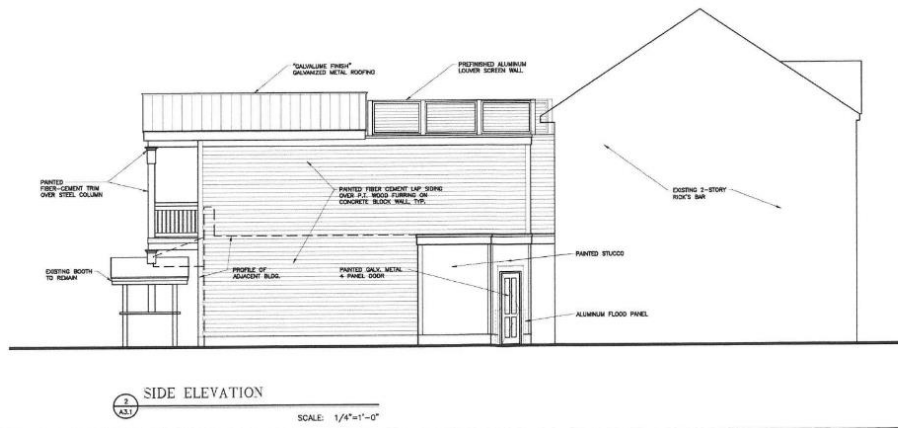
Proposed First Floor Plan, submitted by applicant.



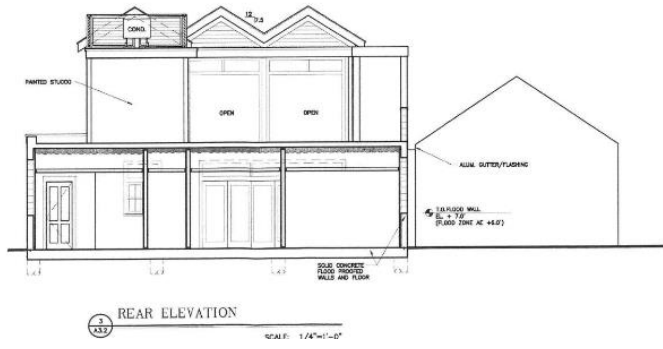
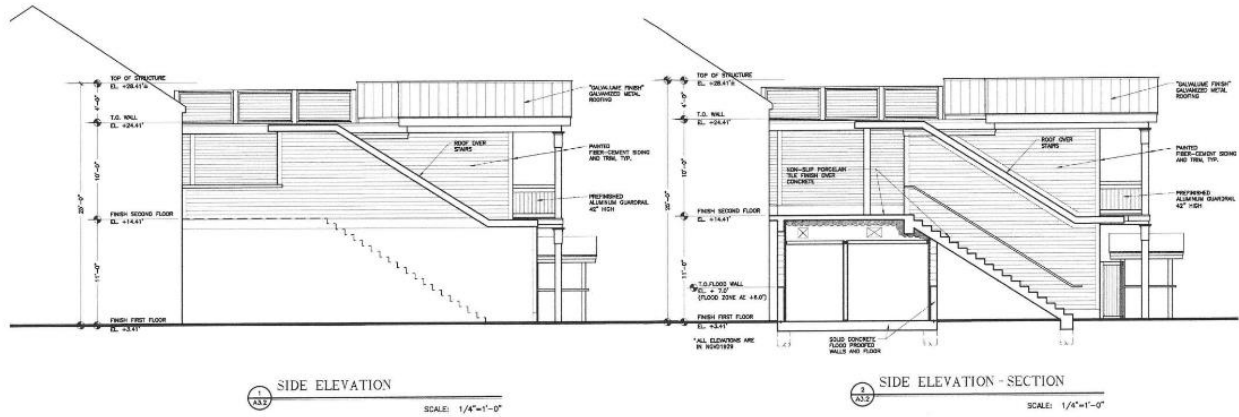
Proposed Second Floor Plan, submitted by applicant.



Proposed Front and Side Elevations, submitted by applicant.



Proposed Side and Rear Elevations, submitted by applicant.



Surrounding Zoning and Uses:

Surrounding properties are located within the HRCC-1 Duval Street Gulfside District, all commercial uses.

Process:

Development Review Committee:	August 22, 2024
Tree Commission Meeting (Conceptual landscape plan & tree removal approval):	September 3, 2024
Planning Board Meeting:	October 17, 2024 (canceled)
Planning Board Meeting:	November 20, 2024
HARC Commission Meeting:	TBD
Tree Commission Meeting (Final landscape plan approval):	TBD
City Commission:	TBD
Local Appeal Period:	10 Days
Planning renders to DOC for review:	Up to 45 days

Landscaping (Code Chapter 108, Article VI)

Given the largely zero-lot-line development, there is currently no landscaping existing or proposed. The Tree Commission at its 9/3/24 voted to approve the application as presented as a legal non-conforming involuntarily destroyed structure.

Concurrency Facilities and Other Utilities or Services (City Code Section 108-233)

Comprehensive Plan Objective 9-1.5 directs the City to ensure that public facilities and services needed to support development are available concurrent with the impacts of new development. The analysis considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. City Code Section 94-36 requires a concurrency review determination to be made concerning the proposed development. The Applicant provided a concurrency analysis as part of the Minor Development Plan application. Staff reviewed the provided concurrency analysis following the criteria in City Code Section 94-36 and determines that public facilities are expected to accommodate the proposed development at the adopted level of service (LOS) standards. Staff finds that the project meets Sec 108-233 to reasonable standards.

RECOMMENDATION

As per Sec. 108-94. - Review by staff. - "Each application for development plan approval shall be reviewed by the city planner and transmitted to the development review committee and other staff as may be designated by the city planner based upon the type of development proposed. The city planner shall review each application for compliance with land development regulations."

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 Minor Development Plan and Conditional Use be **APPROVED** with the conditions listed below.

General conditions:

1. The proposed development shall be consistent with the plans dated June 24, 2024 by William P. Horn, Architect, P.A.
2. The applicant may provide a voluntary donation to the City Tree Fund as recommended by Planning staff.
3. This Conditional use shall allow for the operation of a bar as provided herein.
4. The maximum gross floor area of the proposed use shall be limited to 2,061 square feet in accordance with the plans dated June 24, 2024, prepared by William P. Horn, Architect, P.A., sheet A1.1.
5. The maximum permitted occupancy of the Conditional use shall comply in all respects with any and all applicable Building and Fire Code requirements.
6. The applicant/owner agrees to comply in all respects with the City of Key West Noise Ordinance.
7. All activities shall be contained to the interior of the proposed Conditional Use.
8. There shall only be single or duo musical acts performing within the building, with the exception of bands to be allowed only during special City of Key West sanctioned events with those performances also on the inside of the building.
9. All refuse containers shall conform with City of Key West rules and regulations. The applicant shall work with the building owner and/or tenant to screen the solid waste dumpsters from view daily, pursuant to City of Key West Land Development Regulations, Sec. 108-279.
10. Additions and alterations shall be subject to the review and approval of the Director of Planning for compliance with the conditions contained herein.
11. All prior conditions associated with Resolution No. 2006-020 shall be deemed null and void as a part of this resolution.
12. Building plans shall be subject to the review and approval of the Historic Architectural Review Commission (HARC) prior to the issuance of any permits.
13. The hours of construction shall follow City Code and be limited to 8 a.m. to 7 p.m. on Monday to Friday, and 9 a.m. to 5 p.m. on Saturday.

14. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.