

**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: November 20, 2014

Agenda Item: **Conditional Use – 503 Greene Street (RE # 00000520-000000, AK # 1000515)** – A request for conditional use approval for the renovation of 650 square feet of existing commercial space for a bar and lounge 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(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

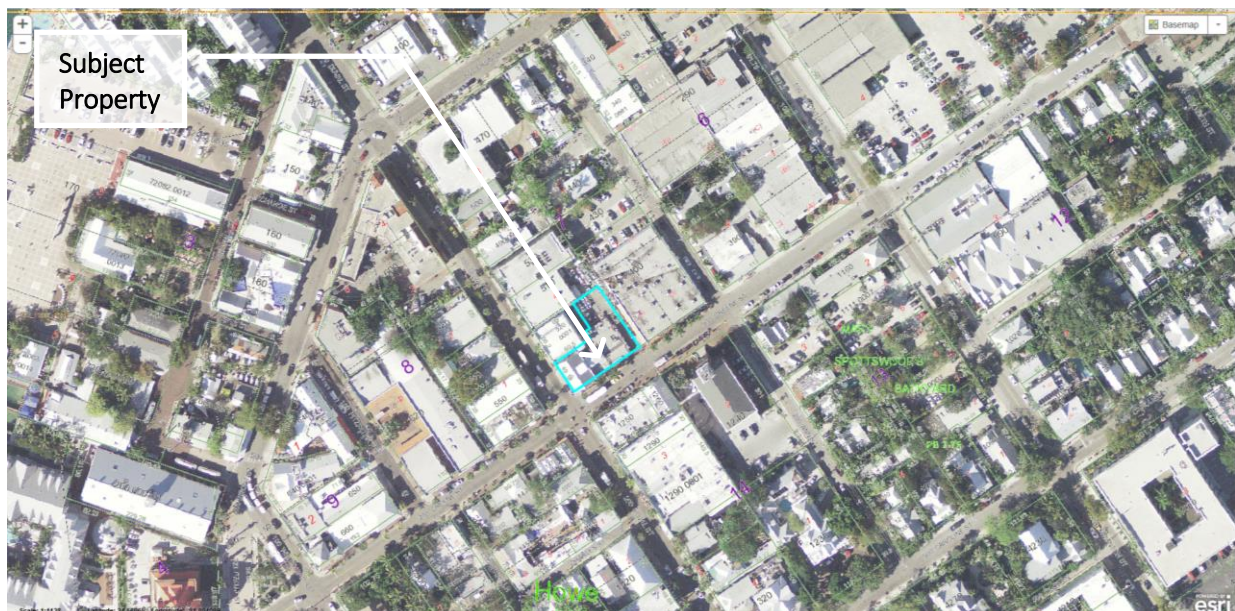
Request: To allow a bar and lounge use within a former commercial retail space.

Applicant: Blake Feldman

Property Owner: 135 Duval Company

Location: 503 Greene Street (RE # 00000520-000000, AK # 1000515)

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



Background:

The property is located at the northern corner of Duval and Greene Streets and is comprised of a multi-tenant commercial building and a rear surface parking lot. The property addresses include 501, 503 and 505 Greene Street and 133 Duval Street. The proposed bar and lounge use would be located within one of the first floor commercial units of the building located at 503 Greene Street and formerly occupied by a retail novelty t-shirt shop. The 133 Duval Street portion of the building is a pre-1900 contributing structure within the Key West Historic District; the remaining portions of the building appear to be non-contributing structures.

Request / Proposed Use:

The proposed use is a bar and lounge. A commercial establishment selling and dispensing for the drinking on the premises of liquor, malt, wine or other alcoholic beverages is considered a bar and lounge use according to the definitions in City Code Section 86-9. Bar and lounge uses are always a conditional use in any zoning district that allowed them, under the City’s Land Development Regulations. Therefore, conditional use approval is required in order to allow a bar and lounge use at the subject property located within the HRCC-1 Zoning District, pursuant to City Code Section 122-688(9). Additionally, the property is located within the historic commercial pedestrian-oriented area, which allows changes of use without having to provide additional off-street parking, so long as no additional or expanded floor area is created and the criteria in City Code Section 108-573 are met.

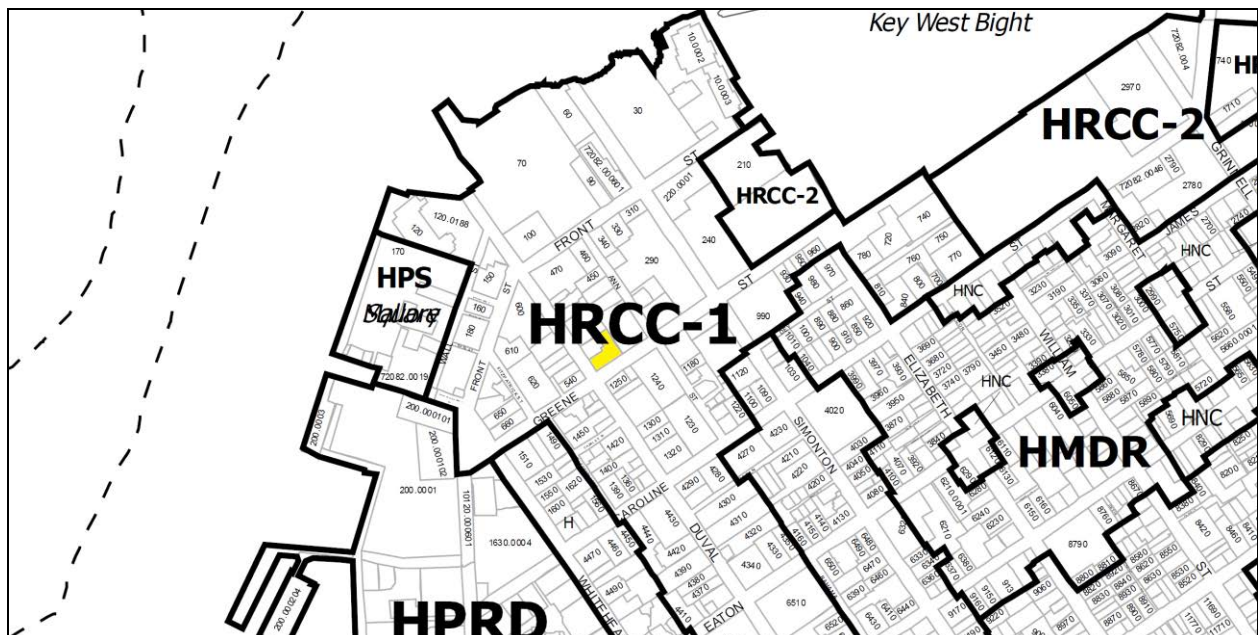
Surrounding Zoning and Uses:

North: HRCC-1, Mixed commercial, residential and tourist uses

South: HRCC-1, Mixed commercial, residential and tourist uses

East: HRCC-1, Mixed commercial, residential and tourist uses

West: HRCC-1, Mixed commercial, residential and tourist uses



Process:

Development Review Committee:	August 28, 2014
Planning Board:	November 20, 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 use would utilize an existing 650-square-foot commercial unit of the first floor of the building by changing from a commercial retail use to a bar and lounge 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:**
No change anticipated.
- c. Square feet of enclosed space for each specific use:**
The whole 650-square-foot commercial space would be for the bar and lounge use, including storage and bathrooms.
- d. Proposed employment:**
The Applicant states one to two employees would work on site at any given time.

e. Proposed number and type of service vehicles:

The Applicant expects deliveries three to four times per week, to the rear of the property and would not create congestion on the surrounding street.

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

None proposed.

(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 commercial building. 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.

(3) Proper use of mitigative techniques

No adverse impacts anticipated.

(4) Hazardous waste

None expected or proposed.

(5) Compliance with applicable laws and ordinances

The applicant would comply with all applicable laws and regulations as a condition of approval.

(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 approved use shall be consistent with the attached plans by Richard J. Milelli.
2. All required Certificates of Appropriateness shall be obtained for the proposed development.
3. 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 Certificate of Occupancy and/or Business Tax Receipt:

4. 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.

Conditions subject to a Conditional Approval Permit, and subject to an associated annual inspection:

5. The approved use shall be for on-premises consumption of alcohol only. Any future change or expansion shall require further City approvals.
6. The approved use shall be limited to the interior of the building. The expansion or relocation of the consumption area outside of the building shall not be permitted without further City approvals.

**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 650 SQUARE FEET OF EXISTING COMMERCIAL RETAIL SPACE FOR A BAR AND LOUNGE USE ON PROPERTY LOCATED AT 503 GREENE STREET (RE # 00000520-000000, AK # 1000515) WITHIN THE HISTORIC RESIDENTIAL COMMERCIAL CORE – DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT PURSUANT TO SECTIONS 122-62 AND 122-688(9) 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(9) 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 bar and lounge use within a former commercial retail space on property located at 503 Greene 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 November 20, 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(9) of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing a bar and lounge use on property located at 503 Greene Street (RE # 00000520-000000, AK # 1000515), as shown on the attached plans with the following conditions:

General conditions:

1. The approved use shall be consistent with the attached plans by Richard J. Milelli.
2. All required Certificates of Appropriateness shall be obtained for the proposed development.
3. 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 Certificate of Occupancy and/or Business Tax

Receipt:

4. 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.

Conditions subject to a Conditional Approval Permit, and subject to an associated annual inspection:

5. The approved use shall be for on-premises consumption of alcohol only. Any future change or expansion shall require further City approvals.

6. The approved use shall be limited to the interior of the building. The expansion or relocation of the consumption area outside of the building shall not be permitted without further City approvals.

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