



THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chair and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Kimberly Barua, The Corradino Group

Meeting Date: December 16, 2021

Agenda Item: **Conditional Use – 1327 Duval Street (RE# 000036190-000100)**

Request: A request for a conditional use for a food service restaurant (food truck), excluding drive-through, in an existing hotel's parking lot located in the Historic Commercial Tourist (HCT zone), pursuant to section 122-898 of the City of Key West Land Development Regulations.

Property Owners: Santiago Family Partnership LTD

Applicant: Spottswood, Spottswood, Spottswood, and Sterling PLLC

Location: 1327 Duval Street (RE# 000036190-000100)

Zoning: Historic Commercial Tourist (HCT)



Background/Request:

The subject property is on the 1300 block of Duval Street and South Street. It is two lots of record, lots 7 and 8, and consists of two a (2) story hotel. The property is located within the Historic Commercial Tourist (HCT) Zoning District and currently operates as the Southernmost Point Hotel. The hotel was built in 1938. The applicant is proposing a restaurant within a food truck (concession trailer). The applicant has existing infrastructure on the property including a food service/breakfast bar and ADA bathrooms to serve the proposed use. There are currently 10 bar seats, 8 regular seats and 2 ADA bar seats which may be utilized for seating. The seating is existing under a past approval (2019-42). The applicant is requesting under a separate application to allow a variance to the approved number of bar seats, which would increase to 34 seats. This proposal is to move the existing kitchen outside the building in order to preserve the historic structure as is. The existing indoor kitchen area will be converted to an office. The Applicant also has a State and City food service license for guests of the Property.

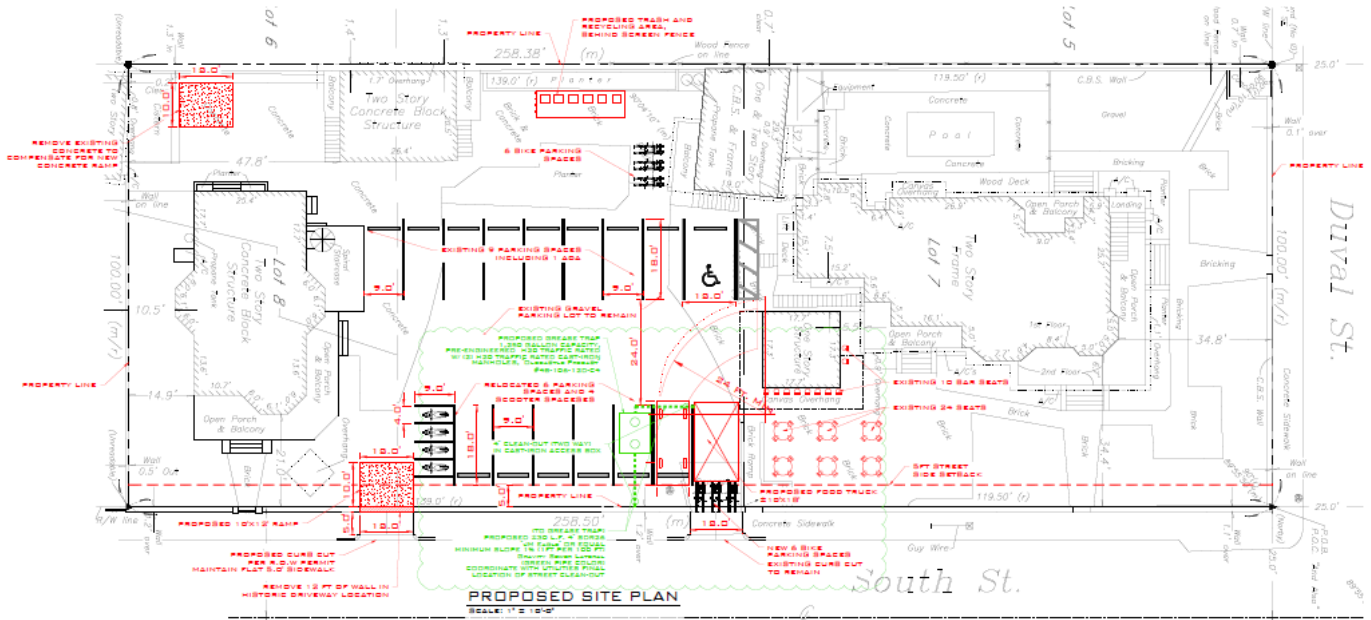
The food truck will be moved every 180 days per FEMA requirements. Food and supplies will be brought by operators to the food truck on an as needed basis. A hood will be installed in the food truck. This hood will help with smoke, heat and odors associated with cooking.





The applicant is requesting a conditional use permit to open a food truck in the parking lot of the existing hotel. Restaurants, excluding drive thru, are permitted as a conditional use in the HCT zoning district. The applicant is also making other changes such as reconfiguration of parking spaces, adding bike spaces, scooter parking, adding a driveway, and adding a trash enclosure.

Proposed Site Plan



Surrounding Zoning and Uses:

- North:** HCT- Commercial Uses
- South:** HCT- Hotels/ Guesthouse and Residential Uses
- East:** HCT- Hotels and Tourist Accommodation Uses
- West:** HCT- Residential Uses

Process:

- Development Review Committee: October 28, 2021
- Planning Board: December 16, 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 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 averse to the public’s interest.”

(b) Characteristics of Use

Restaurants, excluding drive throughs, are a conditional use in the HCT zoning district. The Historic Commercial Tourist zoning district is defined as a district comprised of areas having high concentration of hotels, motels, and/or transient lodging facilities together with primary tourist-oriented commercial services. The proposed restaurant within a mobile food truck will be parked in the hotel’s parking lot.

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

a. Floor area ratio (FAR): The proposed use will not add any additional permanent floor area.

b. Traffic generation: The applicant states most of the patrons will be the hotel’s guests, tourists and/or locals passing by foot in this predominant pedestrian area. No changes in traffic are proposed.

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

d. Proposed employment: N/A

e. Proposed number and type of service vehicles: There are no proposed service trucks.

f. Off-street parking needs: The applicant is requesting a parking variance under a separate application to accommodate the proposed food truck as well as an additional 24 seats for consumption use area. The property currently includes seventeen off-street parking spaces. The hotel includes thirteen (13) transient hotel rooms and one non transient unit, which require a total of fifteen (15) off-street parking spaces (transient units require a parking space for a manager). The inclusion of a food truck necessitates the reconfiguration of the parking area, relocating the drive and displacing existing parking. The proposed reconfiguration will maintain fourteen (14) full size-vehicle spaces and provide one space to accommodate four (4) scooters. One space being lost related to this request is to allow for a turn-around area to prevent vehicles from backing-out of the parking lot in the event the parking lot is full. This variance request also includes an increase in the on-site consumption area, for a total of 510 square feet of consumption area or thirty-four (34) seats (150 square feet/10 seats at the bar, previously approved through Resolution 2019-42, and an additional 360 square feet/24 seats). The 510 square foot consumption area requires eleven (11) off-street parking spaces. The total required off-street parking requirement for the site is twenty six (26) spaces; the applicant is proposing fourteen (14) and space for four scooters.

The bike parking requirements are 35% of 15 spaces required for the rooms = 5 spaces.

The bike parking requirements are 25% of 11 spaces required for the consumption area (restaurant) = 3 spaces.

The application must provide 8 bicycle spaces on-site.

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

a. Utilities: None expected. The proposed food truck can run off a generator or electricity. It is the intent to use existing site utilities.

b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94: None expected. Compliance with building codes and life safety codes would be required prior to building permit issuance.

c. Roadway or signalization improvements, or other similar improvements: This project proposes to add a new driveway, therefore, a new curb cut, and additional ROW improvements will be coordinated with the appropriate city staff.

d. Accessory structures or facilities: The project proposes to include a commercial food truck on the property, which is not a permanent structure.

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: Applicant is providing ample open space for the proposed use. No additional outdoor dining areas are proposed.

b. Setbacks from adjacent properties: N/A

c. Screening and buffers: Appropriate screening is proposed for the trash/recycling area.

d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites: No landscape berms proposed.

e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts: This property has adequate space between adjacent properties thereby minimizing any possible smoke, odor, noise, or other noxious impacts. The food truck will have a hood installed. This will help reduce odor, smoke, and heat associated with cooking. The applicant will comply with garbage service to comport with the anticipated patronage at the site.

(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 conditional use food truck is compatible with the surrounding area in that the neighborhood contains multiple hotels, motels, and other transient living facilities with similar accessory uses. The neighborhood is also made up of commercial and residential uses and is heavily tourist oriented. The surrounding area contains public parking; however, the applicant can provide fourteen (14) off-street parking spaces, 8 bike spaces and room to park four scooters. The applicant is applying for a variance from the 26 parking spaces required by code.
- (2) Enough site size, adequate site specifications and infrastructure to accommodate the proposed use:** The size and shape of the site are more than adequate to accommodate the proposed scale and intensity of the conditional use requested. As an accessory use, the applicant demonstrates that all infrastructure currently exists to support the proposed use.
- (3) Proper use of mitigative techniques:** The Applicant is requesting a variance from the requisite off-street parking for the proposed use. The applicant will comply with all garbage and waste requirements to support the proposed use. No outdoor dining areas are being proposed.
- (4) Hazardous waste:** None expected or proposed.
- (5) Compliance with applicable laws and ordinances:** The use will comply with all applicable laws and regulations would be required.
- (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:** The proposed use is compatible with similar uses within this zoning district as well as district regulations.
 - d. Development within or adjacent to historic district:** The conditional use application is within the historic district.
 - 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: December 10, 2021 by Serge Mashtakov, P.E., Artibus Design, except for changes as required herein.
2. Seating shall be limited to ten seats as previously approved through Planning Board resolution 2019-42.
3. Street furniture (tables, chairs, umbrellas, trash receptacles) shall not be placed in designated parking spaces.
4. There shall be no liquor sales from the food truck.
5. There shall be no outdoor music from the food truck.
6. Operating hours are to stay within 7:30am- 10:00pm. Minor exceptions include Fantasy Fest, New Years Eve and city sanctioned street fairs and events.
7. The food truck will leave the site at least once every 180 days as required by FEMA.
8. All conditions associated with associated approved Planning Resolution for variances at 1327 Duval St shall be incorporated herein.

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

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 conditions of the Planning Board resolution.