



## EXECUTIVE SUMMARY

**To:** Jim Scholl, City Manager  
**Through:** Amy Kimball-Murley, AICP, Planning Director  
**From:** Nicole Malo, Planner  
**Date:** July 6, 2010  
**RE:** To allow modifications to a Major Development Plan and Conditional Use approved via City Commission Resolution 09-242 to enable a reconfiguration of the parking lot with reduced aisle width and parking stall dimensions per section 108-641, elimination of an ingress and egress easement and relocation of garbage storage and pick-up areas for property located at 512 Greene Street in the Historic Residential Commercial Core Gulf Side (HRCC-1) zoning district per Section 108-91C(3) and (4) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida (RE # 00001170-000000).

### **ACTION STATEMENT:**

**Request:** To allow modifications to a Major Development Plan and Conditional Use approved via City Commission Resolution 09-242 to enable a reconfiguration of the parking lot with reduced aisle width and parking stall dimensions per section 108-641, elimination of an ingress and egress easement and relocation of garbage storage and pick-up areas.

**Location:** 512 Greene Street, RE # 00001170-000000

**Zoning:** Historic Residential Commercial Core – Duval Street Gulf Side

### **BACKGROUND:**

#### **Previous City Actions:**

DRC Meeting	February 25, 2010
HARC Meeting	April 5, 2010
Planning Board	June 17, 2010
Tree Commission Meeting	April 14, 2010
City Commission Meeting	June 6, 2010

**Planning Staff Analysis:**

The applicant has requested a Modification to a Major Development Plan and Conditional Use that was originally approved by the City Commission on October 13, 2009, through Resolution 09-242 with seven conditions of approval. The approval consists of 1,045 square feet of indoor bar and lounge consumption area and 1,256 square feet of retail floor area. The Major Development Plan was constructed according to the approval, however the applicant has chosen to request a modification to the approved site plan for the garbage area and parking lot instead of implementing an access easement that is required as condition numbers six and seven.

City Commission Resolution 09-242 has seven conditions, as follows:

1. Tree Commission approval must be obtained prior to building permit issuance;
2. The applicant voluntarily agrees to donate the 1.0 Equivalent Single Family Unit associated with the single family residence to the City of Key West through the execution of a donation waiver;
3. The applicant will install and maintain a programmable distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and available to the city upon request;
4. There will be no live music, disc jockeys, or karaoke at the site unless approved under a special event permit per Section 6-86 of the Code of Ordinances;
5. Security cameras will be provided on site and security personnel will be present during the hours of operation;
6. A perpetual two-way easement in a form acceptable to the City Attorney will be executed prior to the issuance of a building permit, to provide access from Simonton Street for commercial trash and recycling removal from 512 Greene Street, and to provide for ingress and egress from Simonton Street to Greene Street;
7. Additionally, compliance with the plans dated August 5, 2009 is a condition of approval and specifically incorporated herein

Since the original modification request in February 2010, the site plan has evolved numerous times in an attempt to satisfy neighborhood concerns and code requirements

for parking aisles and parking stall dimensions. Additionally, the applicant has withdrawn part of the original modification request that included a conditional use for outdoor consumption area and an associated parking variance request.

This Modification to a Major Development Plan and Conditional Use approval application request has three parts:

1. A Major Modification of a Development Plan;
2. Changes to specific conditions required by the original approval; and
3. Modifications to the required dimensions for parking lot aisle width and parking stall dimensions.

According to Code Sections 108-91C(3) requests for major modifications to development plans and 108-91C (4) requests for changes to specific conditions included in the original approval require approval by the administrative body that originally approved the development.

Because the request includes reduced aisle widths and parking space dimensions it requires a staff recommendation and City Commission approval per Section 108-641. The relevant language in that section reads as follows: “the City Commission may approve modifications upon demonstrated need by the applicant and based on recommendations of the city staff. In considering modification to the specifications required by this subdivision, the City Commission shall be guided by the current edition of the Architectural Graphic Standards by Ramsey and Sleeper or an equivalent commonly accepted source of standards.” On May 18, 2010, the City Engineer recommended approval of the parking lot design with a series of conditions which have been incorporated into the site plan dated May 26, 2010.

The current request was brought before the Planning Board at a meeting held June 17, 2010. The Planning Board found the modification request to be in compliance with the required criteria as set forth in Chapter 108, Article II, Division 7 and Article III through Article IX for Major Development Plans, Section 108-641 driveways, aisle, and stalls, and Chapter 94, and Concurrency Managements requirements, and has recommended for City Commission approval the project proposal with ten conditions as follows:

1. The parking lot shall be used for handicap parking and compact cars only.
2. The applicant voluntarily agrees to donate the 1.0 Equivalent Single Family Unit associated with the single family residence to the City of Key West through the execution of a donation waiver.
3. The applicant will install and maintain a programmable distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and that such referenced

document shall be updated to include that a computerized sound monitoring system is installed and real time monitoring access is provided to the City.

4. Prior to the issuance of the Certificate of Occupancy City Staff will confirm that the sound system is functioning as provided for in Condition 3.
5. The applicant expressly agrees to provide the City's agents unfettered access to the computer-generated reports and full, real-time web-based access to the digital monitoring of on-site acoustics for the purpose of assuring compliance with the conditions contained herein.
6. There will be no live music, disc jockeys, or karaoke anywhere on the site unless located indoors and approved under a special event permit per Section 6-86 of the Code of Ordinances. Under no circumstances will these venues be allowed outdoors.
7. Security cameras will be provided on site and security personnel will be present during the hours of operation.
8. Waste handling shall be consistent with the Solid Waste Management plan dated April 16, 2010. The applicant will recycle materials accepted by the city's waste handling contractor.
9. Compliance with the plans dated May 26, 2010, is a condition of approval and specifically incorporated herein; except that the applicant will modify the site plan and landscape plan to provide a fixed barrier and vegetative buffer to prevent vehicular access but allow pedestrian access no less than six feet in width in the area on the site plan dated May 26, 2010, labeled as Future Landscape Area.
10. No outdoor consumption area has been approved.

**Options / Advantages / Disadvantages:**

**Option 1.** To approve the proposed Modification to the Major Development Plan and Conditional Use approval and approve modifications to aisle width and parking stall dimensions.

1. **Consistency with the City's Strategic Plan, Vision and Mission:** The City's Strategic Plan, Vision, and Mission do not address issues pertinent to this request.
2. **Financial Impact:** There is no direct financial impact to the City if the modification to the plan is approved.

**Option 2.** To deny the proposed Modification to the Major Development Plan and Conditional Use and approval.

1. **Consistency with the City’s Strategic Plan, Vision and Mission:** The City’s Strategic Plan, Vision, and Mission do not address issues pertinent to this request.
2. **Financial Impact:** There is no direct financial impact to the City if the modification to the plan is not approved.

**RECOMMENDATION:**

Staff recommends the approval of **Option 1**, with the following conditions:

1. The parking lot shall be used for handicap parking and compact cars only.
2. The applicant voluntarily agrees to donate the 1.0 Equivalent Single Family Unit associated with the single family residence to the City of Key West through the execution of a donation waiver.
3. The applicant will install and maintain a programmable distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and real time monitoring access is provided to the City.
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and landscape plan to provide a fixed barrier and vegetative buffer to prevent vehicular access but allow pedestrian access no less than six feet in width in the area on the site plan dated May 26, 2010, labeled as Future Landscape Area.

10. No outdoor consumption area has been approved.

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