

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



To: Chair and Planning Board Members

From: Melissa Paul-Leto, Planner I

Through: Patrick Wright, Planning Director

Meeting Date: August 15, 2019

Agenda Item: **Conditional Use – 1314 Simonton Street – (RE# 00035990-000000) - A request for a conditional use to allow for a restaurant within a mobile food truck on property located in the Historic Commercial Tourist (HCT) Zoning District pursuant to Sections 122-62 and 122-898 (11) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

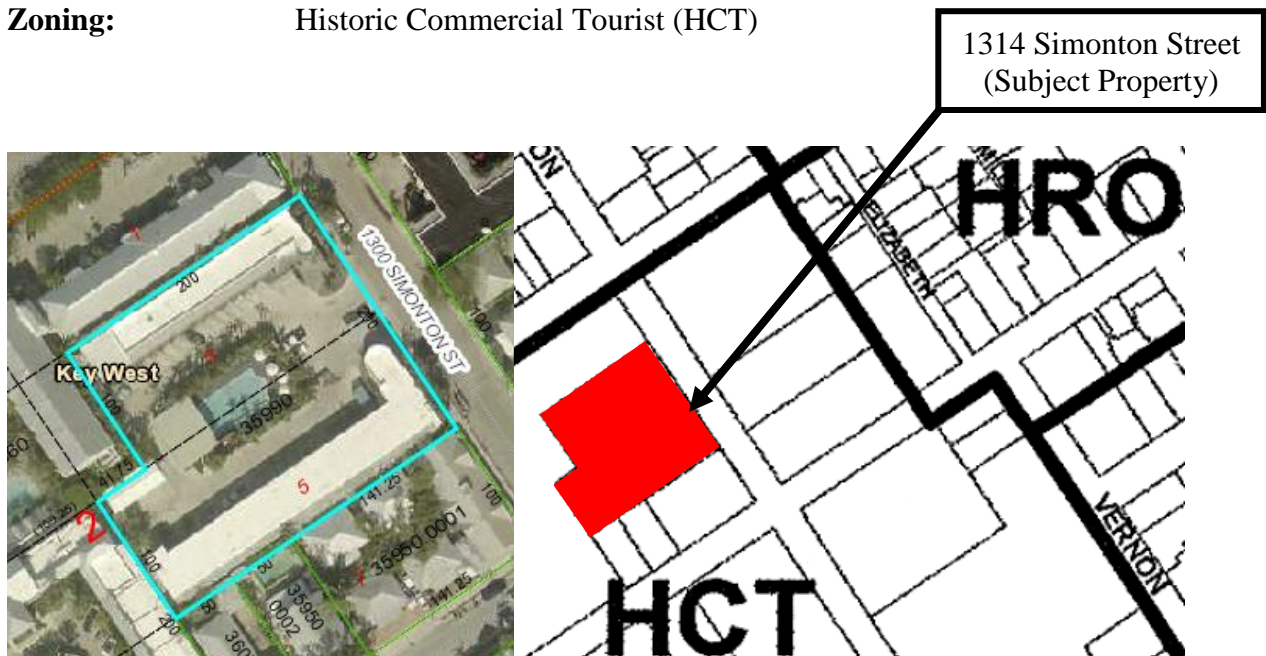
Request: To allow a restaurant within a mobile food truck on hotel premises.

Applicant: Eddie Roberts

Property Owner: Blue Marlin Motel, Inc. / William O.

Location: 1314 Simonton Street – (RE# 00035990-000000)

Zoning: Historic Commercial Tourist (HCT)



Background:

The subject property is on the 1300 block of Simonton Street near the corner of United Street. It is two lots of record and consists of three (3) two-story concrete block structures and an elevated deck with pool accessory structure. The property is located within the Historic Commercial Tourist (HCT) Zoning District and currently operates as a hotel, The Blue Marlin Hotel. The applicant is proposing a restaurant within a mobile food truck. The mobile food truck will arrive daily at the location indicated on the site plan. The hotel will provide an ADA compliant bathroom located within the hotel office and a parking space for the employee. The applicant received a tree permit to remove 1 Sabal Palm tree with a replacement of (1) one native Palm of choice to be planted on site. The dimensions of the mobile food truck will be 85 inches in width and 22 inches in length.

Surrounding Zoning and Uses:

North: HNC-1, Hotels, Restaurants, and Tourist Accommodation Uses

South: HCT, Hotels, Restaurants, and Tourist Accommodation Uses

East: HRO, Retail, Hotels, and Offices

West: HHDR, Single-family, Duplex, and Multi-family Uses

Process:

Development Review Committee:	June 27, 2019
Planning Board:	August 15, 2019
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 arrive daily in front of the hotel property.

(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 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.

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

None proposed.

d. Proposed employment:

There will be two employees working the mobile food truck for this conditional use request. The hotel will provide a parking space and an ADA bathroom within 50 feet of the mobile food truck.

e. Proposed number and type of service vehicles:

There are no proposed service trucks.

f. Off-street parking needs:

The hotel will provide a parking space for the employees.

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

a. Utilities

None expected.

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

None required.

d. Accessory structures or facilities

The proposed restaurant use will include a mobile food truck that will arrive daily and park within 5 feet from the Simonton Street lot line of the parcel.

- 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

None proposed.

b. Setbacks from adjacent properties

The food truck meets all setback requirements.

c. Screening and buffers

No changes proposed.

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

The applicant is proposing a restaurant within a mobile food truck. The food truck will not have any outdoor music. No amplified music is proposed inside the food truck.

(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 in the HCT zoning district. Restaurants are a conditional use in the HCT zoning district. Per Section 122-896 the intent of 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, including specialty shops, restaurant and drinking establishments, personal services, offices, and other similar activities.

(2) Enough 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

None have been 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:** No negative impacts expected.
- d. Development within or adjacent to historic district:** Any signage or other building permits necessary will be required to have HARC approval.
- 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 and proposed food truck shall match the approved site plan.

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

2. 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.