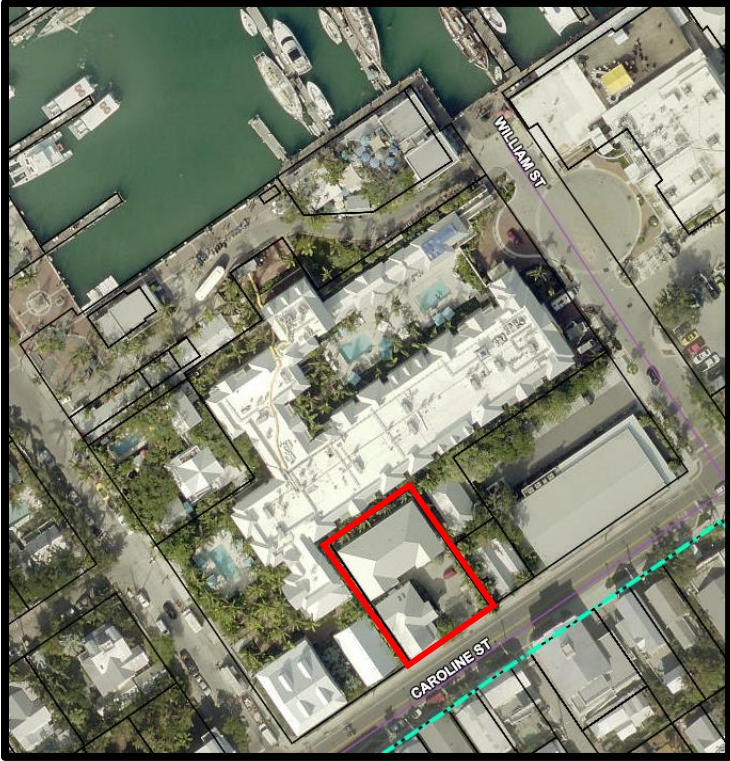


The City of Key West
Planning Board
Staff Report



To: Chair and Planning Board Members
From: Melissa Paul-Leto, Planner I
Through: Katie P. Halloran, Planning Director
Meeting Date: December 17, 2020
Agenda Item: **Conditional Use** – 713 Caroline Street - (RE# 00000800-000000) -A request for a conditional use approval to allow bars and lounges, including those associated with adult entertainment establishment use on property located within the Duval Street Gulfside (HRCC-1) zoning district pursuant to Sections 122-62, and 122-688 (9) of the Code of Ordinances of the City of Key West, Florida.

Request: To allow a conditional use in the HRCC-1 zoning district for a bar and lounge use.
Applicant: Serge Mashtakov
Property Owner: John F. Calleja & Alice Calleja
L4120ocation: 713 Caroline Street (RE # 00000800-000000)



Subject Property – 713 Caroline Street

Background:

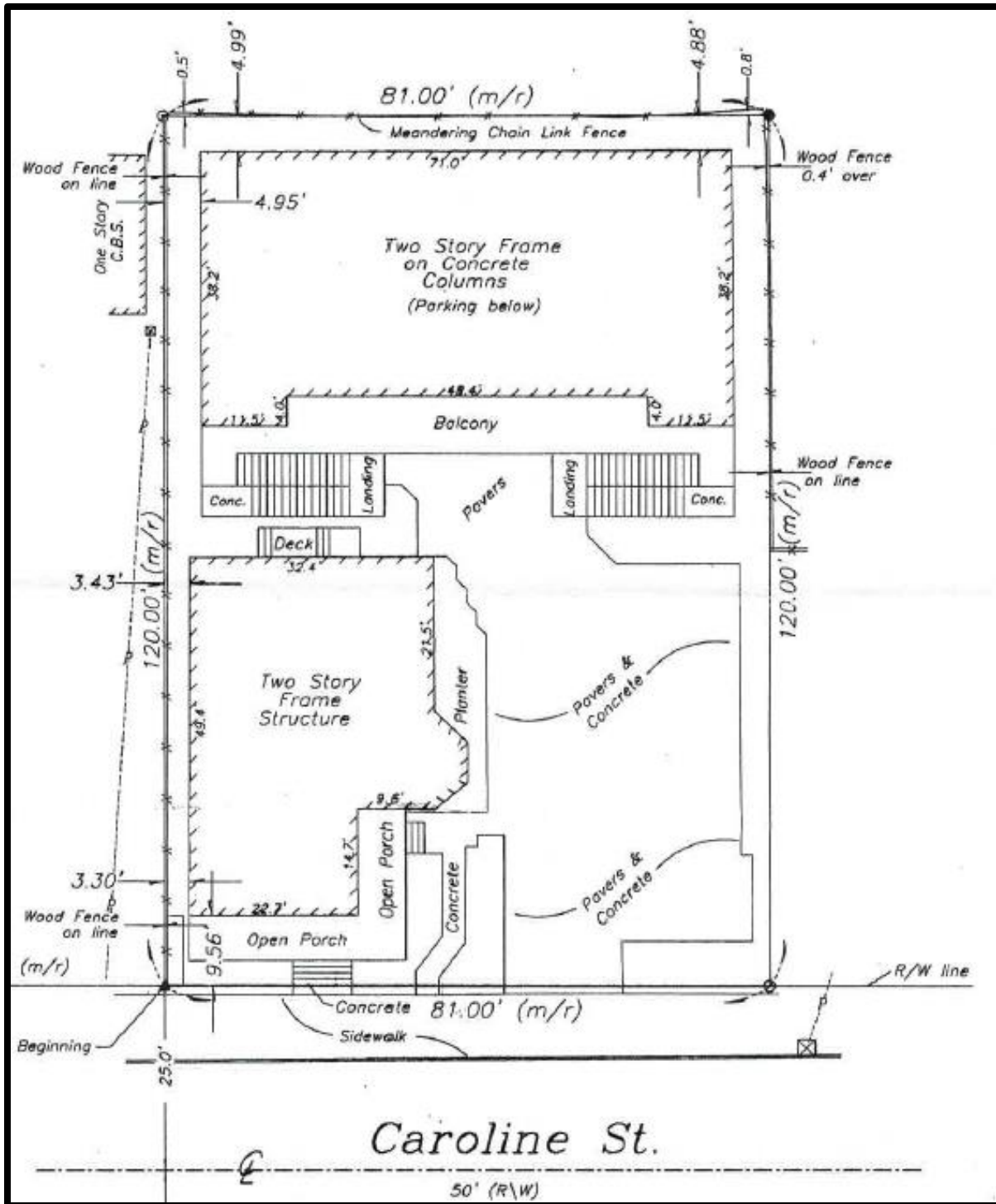
The subject property faces Caroline Street and is located between Elizabeth and William Streets. 713 Caroline is a two-story framed historic, contributing structure, circa 1930s. The structure was built residential then was converted to commercial as an internet café in 2006. It is currently a restaurant café. The two-story structure shares the parcel with a condominium to the rear of the property. The property is located within the Duval Street Gulfside (HRCC-1) zoning district and The Historic Commercial Pedestrian-Oriented Area.



Subject Structure – Flickr - circa 1965



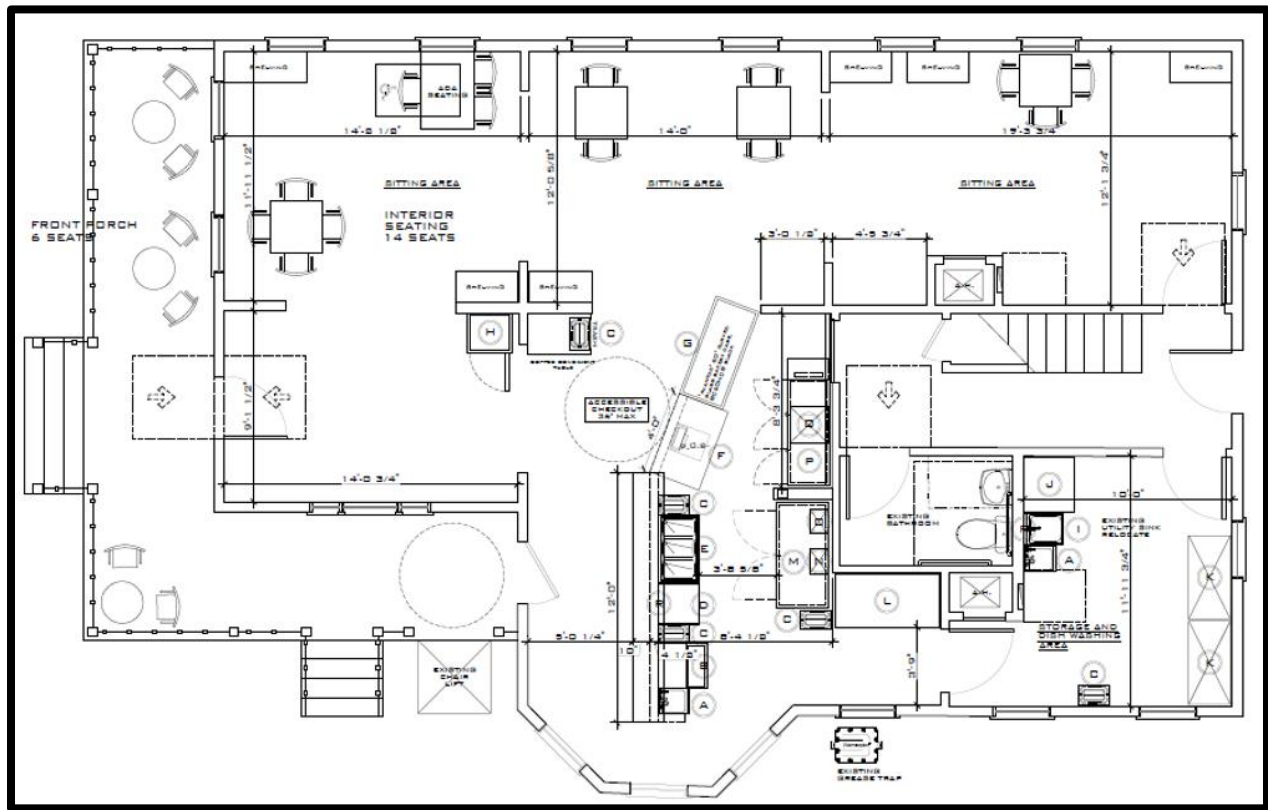
713 Caroline Street - Site Visit - November 15, 2020



Boundary Survey – January 25, 2006

The applicant is requesting a conditional use approval to include a bar and lounge use within the existing restaurant. Restaurants, excluding drive-through are a permitted use in the HRCC-1 zoning district. Whereas, bar and lounges, including those associated with adult entertainment establishments is a conditional use in the HRCC-1 zoning district.

The property is also located within The Historic Commercial Pedestrian-Oriented Area. Sec. 108-573 (c) states, "No additional off-street parking shall be required within the historic commercial pedestrian-oriented area if a commercial structure is the subject of a change from one type of commercial use to another type of commercial use, so long as no additional or expanded floor area is created." The applicant is proposing twenty seats to be located within the same footprint as the existing restaurant.



Proposed Floor Plan

Surrounding Zoning and Uses:

North: Key West Bight (HRCC-2) zoning district (commercial retail, restaurants, and hotel uses)

South: Historic Medium Density Residential (HMDR) zoning district (single family, duplex, and multi-family residential structures)

East: Duval Street Gulfside (HRCC-1) zoning district, retail (restaurants, lounges and bars)

West: Historic Medium Density Residential (HMDR) zoning district (single family, duplex, and multi-family residential structures)

Process:

Development Review Committee:	November 18, 2020
Planning Board:	December 17, 2020
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 generation of 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

The City of Key West Land Development Regulations per Section 122-686 states, “The Duval Street Gulfside (HNC-3) zoning district incorporates the city’s intensely vibrant commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations. The core of the commercial entertainment center spans generally from the Pier House south to Petronia Street as specifically referenced on the official zoning map. This segment of Duval Street is the most intense activity center in the historic commercial core.”

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

a. Floor are ratio (FAR): No additional floor area is proposed.

b. Traffic generation: No changes in the traffic generation are proposed. The subject property is located within the Historic commercial pedestrian-oriented area, Section 108-573 (c). The Planning Department does not anticipate any significant increase in traffic generation by adding a bar and lounge use to the existing restaurant use.

c. Square feet of enclosed space for each specific use: No changes in the enclosed spaces.

d. Proposed employment: No change in employees, there will be two employees.

e. Proposed number of types of service vehicles: There will be no change in in the amount of service vehicles.

f. Off-street parking needs: There are no changes to off-street parking. However, the subject property is located within the historic commercial pedestrian-oriented area. Per Sec. 108-573 states, “No additional off-street parking shall be required within the historic commercial pedestrian-oriented area if a commercial structure is the subject of a change from one type of commercial use to another type of commercial use, so long as no additional or expanded floor area is created.” There is no additional or expanded floor area being proposed.

(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.

c. Roadway or signalization improvements, or other similar improvements: None required.

d. Accessory structures or facilities: None proposed.

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 changes are proposed.

b. Setbacks from adjacent properties: No changes proposed.

c. Screening and buffers: No changes proposed.

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

e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts: No changes proposed.

(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 applicant is requesting approval to allow for a bar and lounge use in order to serve beer and wine at the existing restaurant to their customers.

- The existing restaurant / café hours of operation are Monday through Sunday from 7:00 a.m. till 6:00 p.m.
- The proposed hours of operation would be Monday through Sunday from 7:00 a.m. till 11:00 p.m.

Planning staff has evaluated the surrounding restaurants, their operations are the following:

- Only Wood Grill – 725 Caroline Street - Monday through Sunday from 5:00 p.m. till 9:00 p.m.
- Pepe’s Café – 806 Caroline Street – Monday through Sunday from 7:30 a.m. till 9:00 p.m.
- Schooner Wharf Bar – 202 William Street – Monday through Sunday from 8:30 a.m. till 2:30 a.m.
- Harpoon Harry’s – 832 Caroline Street – Monday through Sunday from 6:30 a.m. till 9:00 p.m.
- Fisherman’s Café – 205 Elizabeth Street – Monday through Sunday from 7:00 a.m. till 5:00 p.m.
- B. O’s – 801 Caroline Street – Monday through Sunday from 11:00 a.m. till 9:30 p.m.

(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 but the applicant is open to mitigation techniques. Staff is proposing a condition to restrict outdoor amplified music at this time since none is proposed and no mitigation technique for noise has been submitted. Staff is proposing that any expansion of consumption area be restricted to the current structure to allow public and Planning board review to ensure compatibility with the mixed-use zoning district.

(4) Hazardous waste: None expected or proposed.

(5) Compliance with applicable laws and ordinances: None are proposed.

(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 shall match the approved plans signed sealed dated: October 5, 2020 by Serge Mashtakov, P.E., Artibus Design.

2. The bar, lounge, restaurant shall have no more than twenty (20) seats within the existing structure.
3. Hours of operation shall be Monday through Sunday from 7:00 a.m. until 10:00 p.m.
4. There shall be no outdoor music.
5. Per utilities: A commercial solid waste and recycling account shall be required.
6. There shall be no liquor sales.

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

1. 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.