

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



**To:** Chair and Planning Board Members

**From:** Ginny Haller, Planner II

**Through:** Patrick Wright, Planning Director

**Meeting Date:** January 18, 2018

**Agenda Item:** **Amendment to Conditional Use – 529 Whitehead Street (RE # 00010000-000000)** - A request to amend conditional use approval to allow commercial sales accessory to a cultural and civic use in the HRO zoning district per Sections 122-62 and 122-928 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

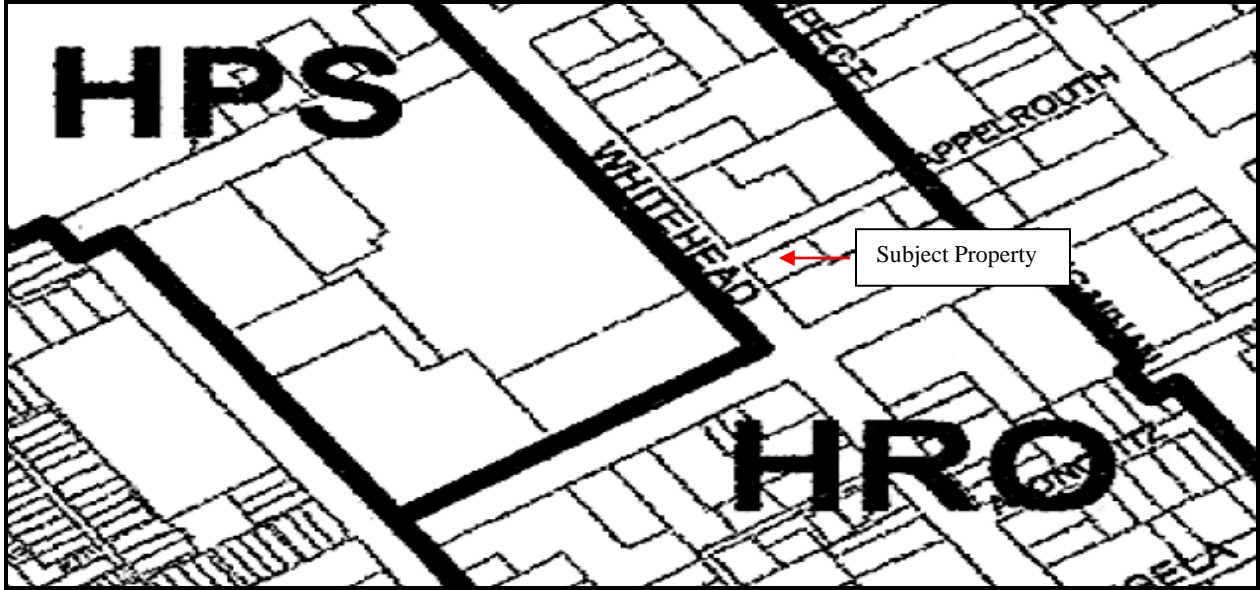
**Request:** The applicant proposes to open a Yoga studio for the purpose of offering yoga and other fitness classes for adults and special needs students, donation classes benefitting local charities, work/exchange opportunities, and expert practitioners to provide special instruction. This request is for an amendment for the conditional use of approximately 720 square feet for the studio with a reception area of approximately 200 square feet.

**Applicant:** Michelle Gattuso

**Property Owner:** Assaf Azoulay.

**Location:** 529 Whitehead Street (RE # 00010000-000000)

**Zoning:** Historic Residential/Office (HRO)



**Background:**

The subject property is located on the corner of Appelrouth Lane and Whitehead Street. This application is to amend the Conditional Use approval (Res. 2012-30) for a pottery studio with accessory commercial sales. The proposed amendment is to change the use from the pottery studio to a yoga studio for yoga and other fitness classes for adults and special needs students, donation classes benefitting local charities, work/exchange opportunities, and expert practitioners to provide special instruction. The applicant proposes no exterior renovations or modifications. The property was inspected by the Key West Fire Marshal on 10/31/2017, where all areas concerning life safety were found to be in compliance all Life Safety 101 (NFPA) codes.

**Surrounding Zoning and Uses:**

**North:** HRO, Guesthouse  
**South:** HRO, Commercial Office and Retail  
**East:** HRO, Commercial Office and Retail  
**West:** HRO, Public Office

**Process:**

Development Review Committee:	December 14, 2017
Planning Board:	January 18, 2108
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.”

The property is zoned HRO. This zoning designation is intended to accommodate commercial office, residential and cultural and civic uses among others.

***(b) Characteristics of use***

The proposed use for a yoga studio with yoga and other fitness classes for adults and special needs students, donation classes benefitting local charities, work/exchange opportunities, and expert practitioners to provide special instruction.

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

**a. Floor area ratio (FAR):**

The proposed use will add no additional commercial floor area to the property.

**b. Traffic generation:**

No additional traffic is expected to be generated by this use.

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

Not applicable, no new enclosure will be constructed.

**d. Proposed employment:**

Not applicable, the studio will be operated by the business owner.

**e. Proposed number and type of service vehicles:**

Currently the existing deli and two other restaurants within the immediate area are supplied by delivery trucks, the proposed restaurant will become a part of this service. The loading zone for the service trucks is along the eastern right-of-way.

**f. Off-street parking needs:**

Parking is available in the existing parking area. The property is located within the historic commercial pedestrian-oriented area and no off-street parking is required as per Sec. 108-573(c).

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

**a. Utilities**

No changes proposed.

**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 expected.

**d. Accessory structures or facilities**

No accessory structures or facilities are generated by the proposed amendment to the conditional use.

**e. Other unique facilities/structures proposed as part of site improvements**

None proposed.

**(3) On-site amenities proposed to enhance site and planned improvements.**

The applicant is not proposing any exterior changes to the site.

**a. Open space:**

The applicant is not proposed any changes to open space on the site.

**b. Setbacks from adjacent properties:**

No changes are proposed.

**c. Screening and buffers:**

No screening or buffers are proposed to this existing building.

**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 noxious impacts are anticipated with this proposed use.

**(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 is in keeping with the LDRs.

**(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 scale and intensity of the proposed amendment to the existing conditional use. None of the existing structures on the site will be altered in size.

**(3) Proper use of mitigative techniques:**

Adverse impacts detrimental to the general public health, safety and welfare are not anticipated. The property was inspected by the Key West Fire Marshal on 10/31/2017, where all areas concerning life safety were found to be in compliance all Life Safety 101 (NFPA) codes.

**(4) Hazardous waste:**

Not applicable; no hazardous waste will be generated by the proposed amendment to the conditional use.

**(5) Compliance with applicable laws and ordinances:**

The applicant will comply with all applicable laws and regulations.

**(6) Additional criteria applicable to specific land uses:**

Applicants for an amendment to a 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:** No negative impacts expected.

**d. Development within or adjacent to historic district:** The property is located within the Historic District, however the proposed use will be contained within an existing structure.

**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 the following condition:

**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.