

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, AICP, Planner II

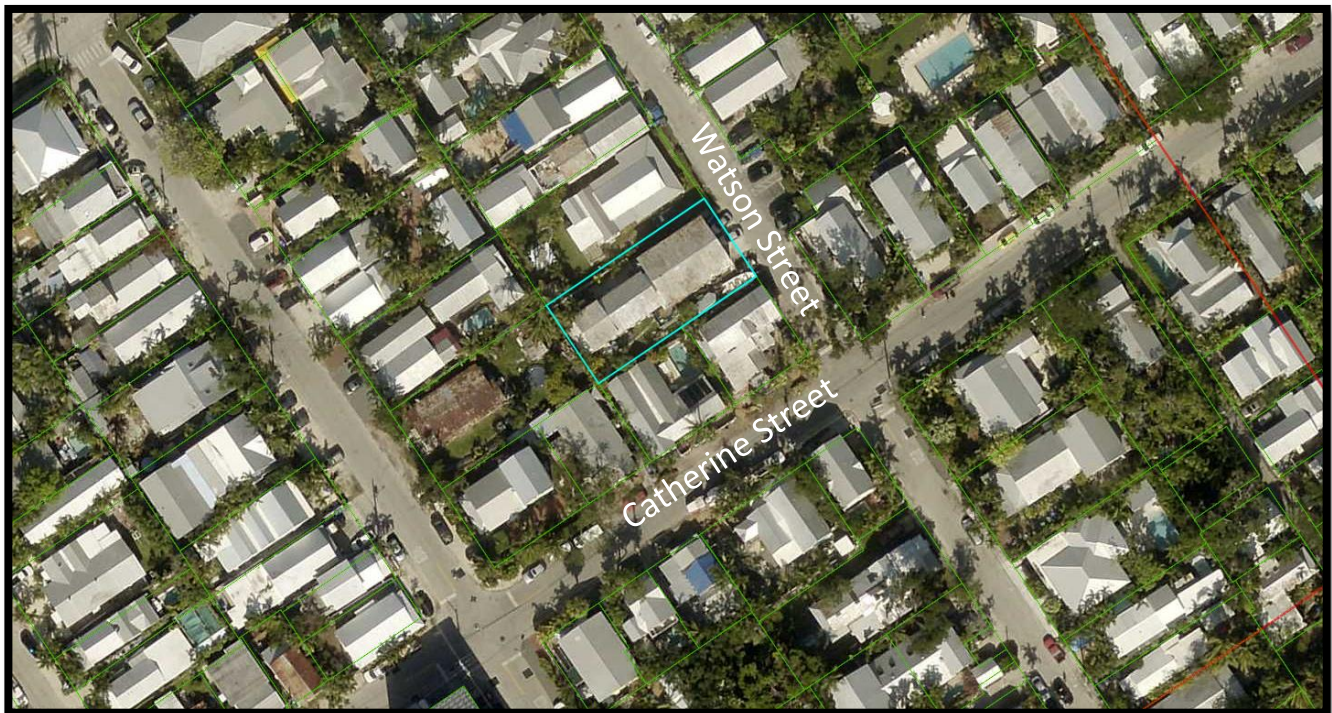
Meeting Date: September 16th, 2021

Application: **Conditional Use** - 1122 Watson (RE# 00031840-000000) – A request for approval of a Conditional Use Permit to convert a portion of a multi-family structure currently used for storage into a civic and cultural use as an office space for archival work on a parcel located in the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 122-62 and Section 122-598.

Applicant: Michael Lepine

Property Owner: Kim Fisher

Location: 1122 Watson (RE# 00031840-000000)



Background:

This item was postponed to a date certain by the Planning Board at the August 19, 2021, meeting in order to allow the applicant to attempt to address concerns voiced by nearby residential residents. The applicant has offered additional conditions #3 and #4.

The property at 1122 Watson Street is located near the corner of Watson Street and Catherine Street. The applicant has applied to partially convert a residential use into a civic and cultural activities use. The property has historically been used as a multi-family property. Historically, there has been no commercial or civic and cultural activity uses on the property, nor has there been any commercial or civic and cultural activity uses on surrounding properties. The property is zoned Historic Medium Density Residential (HMDR) and is surrounded by HMDR properties on all sides.

The multi-family structure is comprised of four living units with a front unit that has been historically used for storage. The applicant has proposed to locate this new activity in the front unit currently used for storage. The applicant has proposed to operate a private office and archival space as a civic and cultural use. The office and archival space would consist of two offices, an ADA bathroom, and an archival storage area. The applicant has proposed to have two full-time employees located at the office and have no public admittance.

A portion of the intent of the Historic Medium Density Residential Neighborhood Zoning District is below:

- a. The HMDR district shall accommodate historic Old Town medium density residential development for permanent residents, including single-family, duplex, and multiple-family residential structures. The HMDR district shall provide a management framework for preserving the residential character and historic quality of the medium density residential areas within Old Town.
- b. In addition, accessory uses, including approved home occupations conducted within the residential structure, and customary community facilities can be located in the HMDR designated area. This area shall not accommodate transient residential uses, including guest homes, motels or hotels. Similarly, the area shall not accommodate commercial office, retail, or other commercial use.

The code specifies, "Cultural and civic activities means activities typically performed by public or private not-for-profit entities for the promotion of a common cultural or civic objective such as historical, literary, scientific, musical, dramatic, artistic or similar objectives,". The applicant has specified that their operating plan includes:

"...to use this space as a confidential, private shipwreck artifact curating and storage space. There will be no signage or public access to this place." "We will have several computer workstations, secure inventory storage and shelving, historic salvage archives documents, artifact curating maintenance tools and equipment located here." (Complete document attached to this report)

Staff Analysis - Evaluation:

The subject parcel is located in the HMDR zoning district, which allows the following uses:

Permitted by right	Conditionally Permitted
Single-family / two-family dwellings	Group homes with seven to 14 residents
Multiple-family residential dwellings	Cultural and Civic activities
Group homes with less than or equal to six res.	Educational institutions / day care
	Nursing homes / rest homes
	Parks and recreation active / passive
	Places of worship
	Protective services
	Public and private utilities
	Parking lots and facilities

Conditional uses allowed in HMDR provide a service for the neighboring community. The proposed archival office space is different from a cultural and civic institution such as a museum, theater, or library, and it is unclear how the activity would provide a service to the neighboring community. It is possible that if the archival space were open to neighboring residents or if there was some element of public involvement, the proposed cultural and civic activity may provide service to the neighboring community. Alternatively, with the introduction of public involvement, the property and use may no longer be “preserving the residential character and historic quality” of the neighborhood.

Key West Zoning Map

Legend:

- Historic Medium Density Residential (HMDR)
- Historic Public Services (HPS)
- Historic Neighborhood Commercial (HNC-1)
- Historic Neighborhood Commercial (HNC-2)



Characteristics of use described:

(1) Scale and intensity

- a. Floor Area Ratio:
 - i. Permitted: 1.0 (5,678 sqft)
 - ii. Proposed: 0.21 (1,218 sqft)
- b. Traffic Generation:
 - i. The applicant has proposed that the use be closed to the public and that there would be two full time employees and one employee that would drop-off and pick-up materials from the office. The traffic generation then would only be for the two employees and the occasional drop-off and pick-up. The applicant has stated that they have multiple off-street parking spaces in front of the structure that could accommodate both the full-time staff members and the occasional employee.
- c. Square feet of enclosed building for each specific use:
 - i. 1,218 sqft of enclosed building.
- d. Proposed Employment:
 - i. Two full time employees.
- e. Proposed number and type of service vehicles:
 - i. No service vehicles proposed.
- f. Off-street parking needs:
 - i. The proposed use of Cultural and Civic activities does not have an exact coordinating parking requirement in Section 108-572. **Schedule of Off-street Parking Requirements by use generally.** Per Section 108-575(3) in the event that a specific use is not specified a similar use shall be used for parking requirements. Much of the proposed work is storing and archiving historic artifacts, as such this use may be analogous for warehousing/storage which has a parking requirement of 1 space per 600 sqft. Therefore, the applicant's two off-street parking spaces would meet the parking requirement.

(2) On- or off-site improvement needs generated by the proposed conditional use

- a. Utilities
 - i. A conversion of a residential utility account to a commercial utility account.
- b. Public facilities:
 - i. No improvements specified.
- c. Roadway or signalization improvements:
 - i. No improvements specified.
- d. Accessory structures or facilities
 - i. No improvements or structures proposed
- e. Other unique facilities/structures proposed as part of site improvements
 - i. The applicant has applied to make renovations for fire safety at the structure as well as introducing an ADA bathroom.

(3) On-site amenities proposed to enhance site and planned improvements, including mitigative techniques such as:

- a. Open Space
 - i. None proposed.
- b. Setbacks from adjacent properties
 - i. None proposed.
- c. Screens and buffers
 - i. None proposed.

- d. Landscaped berms
 - i. None proposed.
- e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts
 - i. None proposed.

Criteria for conditional use review and approval

(1) Land Use Compatibility:

- a. The intent of the HMDR zoning district is to preserve the residential character and the historic quality of the neighborhood. The introduction of an office closed to the public would not substantially change the neighborhood, however it has not been shown by the applicant how this use would enhance the neighborhood nor if the approval of this proposal would have a domino effect on other residential structures on the block or in the neighborhood. It is also unclear how many commercial deliveries or commercial loading may be associated with this new business. It is plausible that commercial rental space is more costly than residential rental space; this approval may encourage others to apply for a similar use in distinctly residential neighborhoods. Sound urban planning principles would support the introduction of non-residential uses in a residential neighborhoods if those uses substantially enhance or provide a unique service to the neighborhood.

(2) Sufficient site size, adequate site specifications, and infrastructures to accommodate the proposed use

- a. The size and shape of the site would support the applicants' proposed uses, the front unit is about 1,300 sqft which accommodates the two proposed offices, archival storage space, a bathroom, and a break room. The applicant has applied for multiple permits at the property for plumbing, electric, and general renovations in order to make the space habitable for the use.

(3) Proper use of mitigative techniques

- a. The applicant has not provided any mitigative techniques, however the applicant does not anticipate any hazardous materials or safety concerns from the proposed use.

(4) Hazardous waste

- a. The applicant has stated that no hazardous waste will be produced on the property.

(5) Compliance with applicable laws and ordinances

- a. The applicant would comply with all applicable laws and ordinances.

(6) Additional criteria applicable to specific land uses

- a. The conditional use applied for is for *Cultural and Civic Activities*, the proposed use as an archival space is different than a cultural and civic activity space that actively promotes common objectives such as museums, theatres, literary institutions, etc.

Recommendation:

The proposed conditional use at 1122 Watson would allow the property owner to operate a cultural and civic activity in the front unit of a multi-family structure. The applicant has proposed to use the space for an office/archival space. To be a cultural and civic activity, the activity must promote a common cultural or civic objective. Furthermore, if the intended use is intended as a cultural and civic activity, the applicant must show that it is appropriate for the zoning district. Based on a review of the application according to the stringent evaluation criteria established by the Comprehensive Plan and the Land Development

Regulations, the Planning Department recommends the request for a conditional use be **denied**. If the Planning Board chooses to approve the use, the Department recommends the following conditions:

1. The approval be strictly for an archival office space, and subsequent use that would deviate from the archival office use would need a subsequent conditional use approval to operate.
2. Limit commercial delivery and pick-up activity to regular business hours 8-5 p.m., Monday-Friday.
3. A contact person must be available 24-hours per day, seven days per week for the purpose of responding promptly to complaints regarding the building. The name and phone number of the contact person must be provided to any neighbor who requests it and to the City.
4. The owner shall provide one off-street parking space per residential dwelling unit and two off-street parking spaces for the office unit.