



THE CITY OF KEY WEST  
PLANNING BOARD Staff Report

**To:** Chairman and Planning Board Members

**Through:** Katie P. Halloran, Planning Director

**From:** Scarlet Hammons, AICP, The Corradino Group

**Meeting Date:** January 20, 2022

**Agenda Item:** **Alcohol Sales Special Exception – 1202 – 1206 White Street (RE# 00033010-000000)** – A request for a special exception to add the sale of beer and wine in package form at an existing market in the Historic Neighborhood Commercial – 1 (HNC-1) zoning district pursuant to Sections 18-27 and 18-28 of the City of Key West Code of Ordinances.

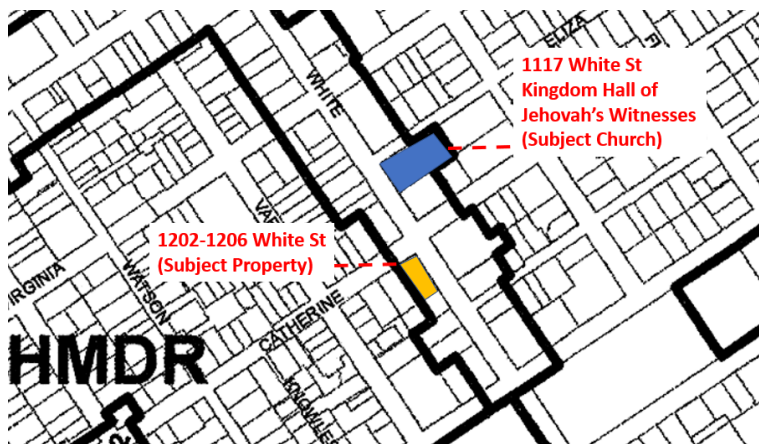
**Request:** To grant a special exception to sell alcoholic beverages at an existing market located within 300 feet of a church.

**Applicant/**

**Property Owners:** Island City Butcher Shop, LLC

**Location:** 1202 – 1206 White Street (RE# 00033010-000000)

**Zoning:** Historic Neighborhood Commercial – 1 (HNC-1)





**Background/Request:**

Section 18-28 of the Code of Ordinances of the City of Key West prohibits the sale of alcoholic beverages where such place of business is within 300 feet of an established church, school, cemetery or funeral home. However, the Planning Board may grant a special exception if the criteria in City Code Section 18-28(b) (2) are met. An Alcohol Exception is granted exclusively to the applicant, and is not transferable. The current applicant has requested a special exception in order to obtain an alcohol license, which would allow the sale of beer and wine at an existing market. The existing market consists of approximately 1,500 S.F., and is a permitted use within the HNC-1 zoning district. The property, “The Local Butcher and Market”, is located on the 1200 block of White Street at the intersection with Catherine Street. The Glad Tidings Church and the Montessori school are located nearby, however they are not within 300 feet. There are no funeral homes, schools, or cemeteries within 300 feet of the property. The property is within 300 feet of one church:

- Kingdom Hall of Jehovah’s Witnesses, 1117 White Street.

**Process:**

<b>Planning Board Meeting:</b>	<b>January 20, 2022</b>
<b>Local Appeal Period:</b>	30 days
<b>DEO Review Period:</b>	up to 45 days

**Evaluation for Compliance with Section 18-28 of the Code of Ordinances:**

(a) Pursuant to Section 18-28 of the City Code of Ordinances, no person shall conduct in the City any business involving the sale of alcoholic beverages where such place of business is 300 feet of any established church, school, cemetery, or funeral home. Such distance shall be measured by following the shortest route of ordinary fare from the nearest point of the property line of the place of business to the property line of the church, school, cemetery, or funeral home facilities.

However, any person licensed to conduct and legally conducting a business involving the sale of alcoholic beverages as of January 4, 1995, shall be governed by the provisions of this section which existed at the time of the original licensure of such business.

(b) The prohibition in subsection (a) above shall not apply if a property owner is granted a special exception to specifically sell alcoholic beverages:

(1) In conjunction with an approved conditional use application that includes consideration of the public welfare factors listed in subsection (2) below; or

(2) Pursuant to authorization granted by the Planning Board that the use will not detrimentally impact the public health, safety, or welfare after consideration of all of the following criteria:

**A. Compatibility with surrounding existing uses;**

The Local Butcher & Market is located within the Historic Neighborhood Commercial - 1 (HNC-1) zoning district which incorporates the city's neighborhood focused local commercial uses and is characterized by specialty shops, small restaurants, and offices.

Staff took measurements utilizing a GIS geospatial measurement. The results are the following: 190 feet starting from the property line from 1202 –1206 White Street and ending at the property line of the Kingdom Hall of Jehovah’s Witnesses at 1117 White Street.

The measurements confirm the subject site is located within 300 feet of the Kingdom Hall of Jehovah’s Witnesses church; however, due to the scope of requested accessory alcohol sales, staff submits that the request does not appear to be incompatible with the surrounding existing uses.

**B. The extent of conflict between the proposed use and the hours of operation of the facilities described in section (a) above;**

As of the date this report is written, the market with beverage sales would operate between 10:00 a.m. 7:00 p.m. (except on Sundays until 3:00 p.m.). As of the date this report is written, the Kingdom Hall Church indicates that general service times are as follows: Sunday 10:00 a.m., and Tuesday 7:00 p.m. The congregation is only holding virtual meetings until further notice.

**C. Mitigation measures agreed to be implemented by the applicant;**

Applicant agrees to limit alcohol sales to beer and wine (no liquor). Applicant will follow Florida ABT regulation on alcohol sales occurring in conjunction with food sales and has stated they would be receptive to additional suggestions for mitigation made by planning staff, Planning Board or from neighborhood input.

**D. Public input;**

As of the date of this report, the Planning Department has received a letter of public support from the Kingdom Hall of Jehovah’s Witnesses, the subject church. Ten additional letters of public support were received as well as one objection letter.

**E. That the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors;**

As of the date of this report, there has been one objection to the applicant’s request to sell beer and wine at this market. The letter stated that the neighbor could be in support of the request if there were certain conditions included, such as a commitment by the new property owner to upgrade the parking lot and other site improvements, per previous City approvals. It was noted in the letter that the previous property owner had agreed to these improvements, but failed to implement. The neighbor further requested that conditions be placed on the sale of alcohol.

The applicant has agreed to fully comply with the majority of the request, such that future operations or the success of the business is not impacted. The applicant is actively working on a concept to improve the parking area and is close to being ready to have a preliminary discussion with the Planning Department regarding options. The applicant has stated that they have received price quotes to resurface the parking lot and will be installing screening to hide the dumpster and recycling containers.

**F. Any other factors the approving body determines relevant to the public’s health, safety, and welfare;**

According to City Code Section 18-28(c), special exceptions granted for alcoholic beverage sales within 300 feet of churches, schools, cemeteries or funeral homes may be approved with conditions, which conditions shall be monitored through a conditional approval permit in accordance with City Code Section 18-610. Should the Planning Board approve the special exception request, City Code Section 18-28(c) requires that the approval be specific to the property owner only, shall not be transferable, and shall only be effective in conjunction with the use(s) specified in the application. As a result, these operational controls would be embedded as conditions of approval. However, based on public input at the public hearing, additional conditions may be necessary to ensure continued neighborhood compatibility

**The Planning Board shall make factual findings regarding the following:**

That the standards established by City Code Section 18-28(b) for special exceptions have been met by the applicant.

Per Section 18-28(e) which states “upon receipt of an application, the planning board shall hold a public hearing upon the application in accordance with the procedures cited in section 90-393 and shall render an order granting or denying such application. In granting such application the planning board must make specific findings respecting each of the matters specified in subsection (b) (2), above.”

As stated above, the Planning Board must make a specific finding on the criteria. Staff recommends to the Planning Board that the response to the criteria outlined in the staff report be taken into consideration in rendering an order to grant or deny the request.

**RECOMMENDATION:**

Based on the existing conditions, the Planning Department recommends to the Planning Board **Approval** of the proposed Alcohol Sales Special Exception.

If the Planning Board chooses to approve the Alcohol Sales Special Exception, the Planning Department recommends the following conditions:

1. The special exception is granted exclusively to Island City Butcher Shop LLC and shall not be transferable.
2. The sale of alcohol shall be limited to beer and wine only, no hard liquor.
3. All storage of beer and wine shall be confined to the interior space of the butcher shop or in existing exterior sheds.
4. The sale of beer and wine will be limited to the operating hours of the butcher shop, which may not exceed 9:00 P.M.
5. All solid waste for the premises, including the cardboard packaging created by the beer and wine sales shall be contained in a closed dumpster or recycling/waste bins that are screened from the public right-of-way except for scheduled pick-up days.
6. If needed, the schedule for waste removal will be adjusted to ensure no trash accumulates beyond the storage capacity of the screened containers.