

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



**To:** Chair and Planning Board members

**Through:** Patrick Wright, Planning Director

**From:** Melissa Paul-Leto, Planner Analyst

**Meeting Date:** July 20, 2017

**Agenda Item:** **Modification to a Minor Development Plan, Conditional Use and Landscape Waiver – 1119 White Street (RE # 00034460-000000)** – A request for a Modification to a Minor Development Plan, Conditional Use and Landscape Waiver approval to renovate an existing structure for restaurant use that will consist of 50 seats on property located within the Historic Neighborhood Commercial (HNC-1) Zoning District pursuant to Section 108-91.C(4) and 122-808(13) Of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

---

**Request:** Modification to a Minor Development Plan, Conditional Use, and Landscape Waiver approvals to renovate an existing structure for restaurant use.

**Applicant:** Trepanier and Associates, INC.

**Property Owner:** 1119 White Street LLC.

**Location:** 1119 White Street (RE # 00034460-000000)

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

**Background:** The property is located at 1119 White Street on the corner of White and Catherine Street.

In order to allow the proposed development, several development approvals would be necessary.

- Modification of Development Plan review is required due to the changes to specific conditions pursuant to Section 108-91.C (4) of the Land Development Regulations (LDRs) of the Code of Ordinances (the “Code”) of the City of Key West (the “City”).
- Conditional use review is required for the expansion of consumption area and the amount of seats for a restaurant use within the HNC-1 Zoning District, pursuant to City Code Section 122-808(13).
- Landscape Waiver approval is required for the northwest property line against the existing concrete wall.

- The applicant is also requesting a Variance to parking requirements to allow for substitution of bicycle parking spaces, pursuant to City Ordinance 108-574.



**Existing Conditions and Additional Background:**

The property currently consists of an 8,150 square foot lot of record. The existing one story structure consists of approximately 1,718 square feet of interior floor area. The applicant submitted an application and went forward to the Planning Board on the June 15, 2017 meeting for a proposed Minor Development Plan for the inclusion of outdoor seating, Conditional Use for the expansion of seats from 24 to 56 seats, Landscape Waiver and a parking variance for 14 parking spaces. Since the June meeting, the applicant has changed the proposed design to include the following: the seven parking spaces on the property will remain, the amount of seats has changed from 56 to 50 seats, the proposed consumption area has decreased from 827 square feet to 750 square feet and the Parking Variance has been changed to a bicycle substitution request.

The project was granted a Minor Development Plan, Conditional Use and Parking Variance in 2002:

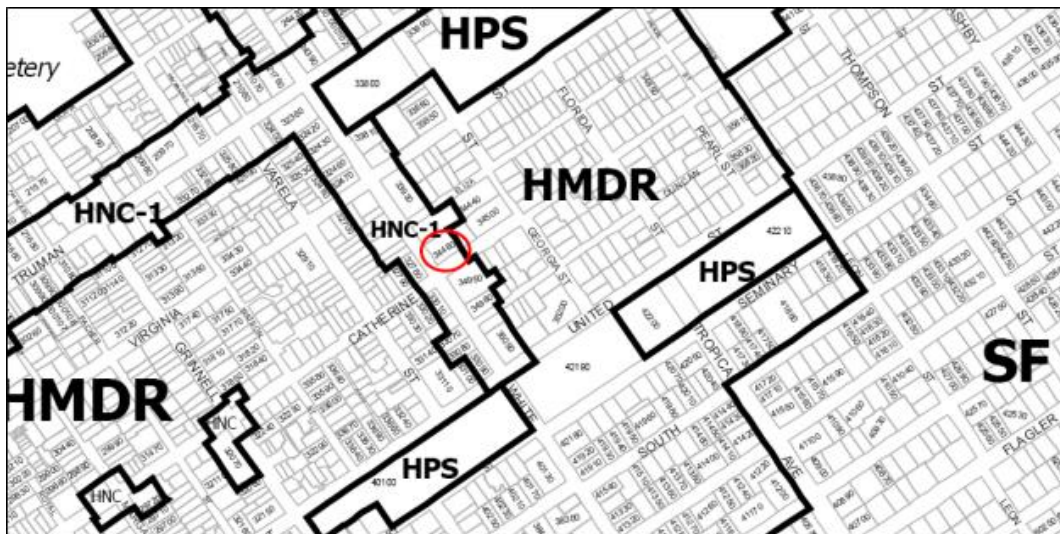
- City Commission Resolution 02-101, 1119 White Street was granted a Minor Development Plan and Conditional Use for a 24 seat Bakery/ Restaurant within a 270 square foot consumption area;
- Board of Adjustment Resolution 02-142, 1119 White Street was granted an addition of 90 square feet of consumption area (6 seats) to a Bakery/Restaurant by granting a variance to Article XV, Section 3-15.2.C, substitution of bicycle parking spaces.
- Planning Board Resolution 2002-05, 1119 White Street was granted a Conditional Use approval for the redevelopment of an existing building and parking lot into a 24 seated Bakery/Restaurant.

**Proposed Development:**

The proposed development would result in an interior renovation of the existing one story structure. Located in the rear of the property are five (5) vehicular parking spaces including 1 ADA space as well as two parking spaces in the front of the property that will remain. The applicant is proposing to increase the consumption area by 390 square feet for a total of 750 square feet of consumption area, and include 40 bicycle parking spaces in substitution for the 10 remaining required vehicular parking spaces. The restaurant will provide a total of 50 seats, 42 interior and 8 outdoor seats proposed. The applicant anticipates having seven fulltime employees. Hours of operation will be from: 5 a.m. to 10p.m., seven days a week. A Modification to a Minor Development Plan, Conditional Use, Landscape Waiver and a Parking Variance to allow for the substitution of bicycle parking spaces are being requested.

**Surrounding Zoning and Uses:**

Surrounding properties are located within the Historic Public and Semipublic Services (HPS) and Historic Medium Density Residential (HMDR) Zoning Districts. Surrounding uses include the following: Offices, commercial retail, car wash service, veterinary office, a church, a grocery store, restaurants, and single/ multifamily residences.



**Process**

Development Review Committee:	March 23, 2017
Preliminary Tree Commission:	May 30, 2017
Planning Board:	May 18, 2017 (postponed by staff)
Planning Board:	June 15, 2017 (postponed)
Planning Board:	July 20, 2017
HARC:	TBD
Final Tree Commission:	TBD
City Commission:	TBD
DEO review	Up to 45 days, following local appeal period

**Evaluation for Compliance with the Land Development Regulations (LDRs) and Comprehensive Plan**

City Code Section 108-91.C (4) requires any changes to specific conditions required by the original approval shall require approval by the administrative body that originally approved the development and shall be noticed in accordance with division 2 of article VIII of chapter 90.

Planning staff, as required by Chapter 108 of the City LDRs, has reviewed the following for compliance with the City's LDRs and Comprehensive Plan as summarized in the following table.

<b>Project Data Summary</b>				
<b>Dimensional Requirement</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Zoning District	HNC-1			
Flood Zone	X			
Site size	8,173.32 SF – 0.187 acres			
Maximum building coverage	50% 4,086.66 sq. ft.	29.79% 2,434.78 sq. ft.	29.79% 2,434.78 sq. ft.	No change In compliance
Maximum impervious surface	60% 4,903.99 sq. ft.	92.20% 7,536.04 sq. ft.	92.20% 7,536.04 sq. ft.	No change Existing non conformity
Minimum Open Space	20% 1,634.66 sq. ft.	7.80% 637.28 sq. ft.	7.80% 637.28 sq. ft.	No change Existing non conformity
Minimum front setback	5 feet	22 feet 9 inches (Overhang)	22 feet 9 inches (Overhang)	No change Existing non conformity
Minimum street side setback	7.5 feet	6 feet 10 inches (Overhang)	6 feet 10 inches (Overhang)	No change Existing non conformity
Minimum side setback	5 feet	10 feet 5 inches (Overhang)	10 feet 5 inches (Overhang)	No change In compliance
Minimum rear setback	15 feet	37 feet 10 inches (Overhang)	37 feet 10 inches (Overhang)	No change In compliance
<b>Minimum vehicular parking</b>	<b>1 space per 45 sq. ft. required 17 spaces</b>	<b>7 vehicular spaces</b>	<b>7 vehicular spaces – one space is a ADA space</b>	<b>Parking Variance– For 10 vehicular spaces Variance for bicycle substitution by providing 40 excess bicycles = 10 vehicular spaces.</b>

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Minimum bicycle parking	25% of vehicular spaces =5 spaces	6 bicycle parking spaces	45 bicycle parking spaces	Variance for bicycle substitution by providing 45 excess bicycles = 10 vehicular spaces and 5 bicycle parking spaces= 25% of vehicular spaces.
Landscaping	Code Ch 108, Arts V & VI	See analysis	See analysis	Landscape Waiver- for the northwest property line against the existing concrete wall.

**Concurrency Facilities and Other Utilities or Services (City Code Section 108-233)**

Comprehensive Plan Objective 9-1.5 directs the City to ensure that public facilities and services needed to support development are available concurrent with the impacts of new development. The analysis considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. Code Section 94-36 requires a concurrency review determination to be made concerning the proposed development. The Applicant provided a concurrency analysis as part of the Minor Development Plan application. Staff reviewed the provided concurrency analysis following the criteria in Code Section 94-36 and determines that public facilities are expected to accommodate the proposed development at the adopted level of service (LOS) standards. This portion of the report shall serve as the required written determination of compliance.

**1. Potable water supply**

The potable water LOS standard for Commercial uses is 100 gallons per capita per day, pursuant to City Code Section 94-68. The adopted potable water LOS standard is anticipated to be adequate to serve the proposed development. The property is currently serviced with potable water by the Florida Keys Aqueduct Authority (FKAA), which has been notified of the upcoming development and has available capacity to service the proposed development with the existing infrastructure currently in place.

*Existing capacity required (measured by floor area): 25.3 gal/day*

The total capacity required for the use on **0.039 acres**  
650 gallons/ acres/day x 0.039 acres = 25.3 gal/day

*Proposed capacity required (measured by floor area): 25.5 gal/day*

The total capacity required for the use on **0.039 acres**  
650 gallons/acres/day x 0.039 acres= 25.3 gal/day

## **2. Wastewater management**

The sanitary sewer LOS standard for Commercial uses is 660 gallons per acre per day, pursuant to City Code Section 94-67. The applicant states that current utility service is adequate to support the proposed development.

*Existing capacity required (measured by floor area): 25.3 gal/day*

The total capacity required for the non-residential use on **0.039 acres**  
660 gallons/ acres/day x 0.039 acres = gal/day

*Proposed capacity required (measured by floor area): 25.7 gal/day*

The total capacity required for the use on **0.039 acres**  
660 gallons/acres/day x 0.039 acres= 25.7 gal/day

## **3. Water quality**

The property is served by the City's central sewer system. The property is not adjacent to any bodies of water. There are no adverse impacts to water quality anticipated.

## **4. Stormwater management / drainage**

The stormwater management or drainage LOS standard pursuant to City Code Section 94-69 is: i) post-development runoff shall not exceed predevelopment runoff for a 25-year storm event, up to and including an event with a 24-hour duration; ii) onsite treatment of the first one inch of rainfall must be provided to meet water quality standards; and iii) storm water facilities must be designed so as to not degrade any receiving water body. A stormwater management plan was submitted and approved through Res. 02-101. No adverse impacts to stormwater management or drainage facilities are anticipated.

## **5. Solid waste**

There is an existing garbage location to the rear of the property that has adequate screening around the receptacles.

## **6. Roadways**

The roadway LOS standard is set forth in City Code Section 94-72. There are no proposed roadways.

## **7. Recreation**

The recreation LOS standard is five acres of recreation and open space per 1,000 permanent residents pursuant to City Code Section 94-70. According to the 2013 Comprehensive Plan Data and Analysis, the City is currently providing ample recreation and open space. The applicant is not proposing a residential development.

## **8. Fire Protection**

A detailed life safety plan was submitted. Fire hydrant locations would be provided to the Fire Chief's satisfaction.

## **9. Reclaimed water system**

Reclaimed water use is not anticipated.

## **10. Other public facilities**

Based on comments received from the DRC members, and based on the Applicant's concurrency analysis, all public facilities would be expected to accommodate the proposed development at the adopted LOS standards.

### **Appearance, design and compatibility (City Code Section 108-234)**

The development plan shall satisfy criteria established in:

#### **City Code Chapter 102 (historic preservation)**

The property is located in the historic district and will go through all appropriate HARC approvals necessary.

#### **Articles III (site plan), IV (traffic impacts) and V (open space, screening and buffers) of City Code Chapter 108 (planning and development)**

The site plan complies with the requirements of the Articles. The applicant provided a trip generation summary using the Institute of Transportation Engineer's (ITE) Trip Generation Manual (9th Edition) data comparing trip generation of a health/ fitness club to that of a high-turnover (sit down) restaurant which indicated an increase in total trip generation.

In addition a Parking and Traffic Memorandum prepared by KBP Consulting, Inc. dated April 8, 2017, stated the level of parking and traffic needs will be sufficient with the proposed design. The City Engineer reviewed the parking traffic memorandum and concurred with its findings. This study contemplated the use prior to the health/ fitness club which was a previously approved 24 seat restaurant.

#### **City Code Section 108-956 (potable water and wastewater)**

Potable water and wastewater were found to be in compliance in the concurrency determination above.

#### **Article II (archaeological resources) of City Code Chapter 110 (resource protection)**

There are no known archaeological resources on the property. If any archeological resources are discovered during construction, the Applicant would be required to comply with this article of the LDRs.

### **Site location and character of use (City Code Section 108-235)**

- (a) *Compliance.* The submitted minor development plan has been reviewed for compliance with all applicable performance criteria set forth in Code Chapter 94 (concurrency management), Code Chapter 102 (historic preservation), Code Chapter 106 (performance standards), Articles I and III through IX of Code Chapter 108 (planning and development), Code Chapter 110 (resource protection) and Code Chapter 114 (signs).
- (b) *Vicinity map.* The property is located on the corner of Catherine Street and White Street.

- (c) *Land use compatibility.* Uses within 300 feet include commercial retail, office spaces, a place of worship, restaurants and single-family/ multi-family residential. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development. The outdoor seating being proposed could have adverse effects to the nearby residences and place of worship.
- (d) *Historic and archeological resource protection.* Property is located in the historic district.
- (e) *Subdivision of land.* No subdivision of land is proposed.

**Appearance of site and structures (City Code Section 108-236)**

The Applicant submitted a minor development plan that generally exhibits harmonious overall design characteristics in compliance with the performance standards stipulated in Code Sections 108-278 through 108-288, as analyzed below.

**Site plan (City Code Section 108-237)**

The Applicant submitted a site plan pursuant to City Code Section 108-237, which is analyzed in greater detail below.

**Architectural drawings (City Code Section 108-238)**

The Applicant submitted extensive architectural drawings prepared by a professional engineer registered in Florida pursuant to City Code Section 108-238.

**Site amenities (City Code Section 108-239)**

Proposed site amenities include an increase in bicycle parking spaces.

**Site survey (City Code Section 108-240)**

The Applicant submitted a site survey pursuant to City Code Section 108-240.

**Soil survey (City Code Section 108-241)**

Soil surveys are not anticipated as part of this project.

**Environmentally sensitive areas (City Code Section 108-242)**

No environmentally sensitive areas are located on or near the property, which is located within the X flood zone.

**Land clearing, excavation and fill, tree protection, landscaping and irrigation plan (City Code Section 108-243)**

- (a) *Land clearing, excavation and fill.* No clearing is proposed as anticipated in Sec. 108-243.
- (b) *Landscaping plan.* Existing landscape and irrigation were approved in Res. 02-101. City staff has reviewed the site. The existing landscape is in compliance with what was originally approved except for the groundcover plant species are missing. The applicant has agreed to replant with golden creeper plants instead of the purple queen groundcover plants. It is not recommended that the hibiscus plantings along the northwest property line against the concrete wall be planted. Therefore, a landscape waiver is required for this area.
- (c) *Irrigation plan.* The applicant has submitted a Drainage plan by Perez Engineering that is in compliance with Article VIII.



**On-site and off-site parking and vehicular, bicycle, and pedestrian circulation (City Code Section 108-244)**

The applicant provided a trip generation summary using the Institute of Transportation Engineer's (ITE) Trip Generation Manual (9<sup>th</sup> Edition) data comparing trip generation of a health/ fitness club to that of a high-turnover (sit down) restaurant which indicated an increase in total trip generation.

In addition a Parking and Traffic Memorandum prepared by KBP Consulting, Inc. dated April 8, 2017, stated the level of parking and traffic needs will be sufficient with the proposed design. The City Engineer reviewed the parking traffic memorandum and concurred with its findings. This study contemplated the use prior to the health/ fitness club which was a previously approved 24 seat restaurant.

**Housing (City Code Section 108-245)**

This project includes no residential development and therefore shall have no impact on hurricane evacuation.

**Economic resources (City Code Section 108-246)**

The proposed restaurant will add to the economic resources of the city.

**Special considerations (City Code Section 108-247)**

- (a) The relationship of the proposed development to the City's land use plans, objectives and policies is being evaluated as part of this analysis. The relationship of the proposed development to public facilities was evaluated above and no conflicts were identified.
- (b) The project is located in the historic district and is in the X flood zone.
- (c) No unincorporated portions of the county would be impacted by the proposed development.
- (d) The project does not front a shoreline, so shoreline access would not be impeded.
- (e) No special facilities are proposed to accommodate bus ridership.
- (f) No recreation space is being proposed on the property.
- (g) Coordination with applicable agencies was facilitated through the DRC.
- (h) No wetlands or submerged land would be impacted.

**Construction management plan and inspection schedule (City Code Section 108-248)**

The proposed development is single phased. Construction is proposed to progress steadily based on Key West LDRs, building codes, and funding. Construction is expected to commence as soon as possible.

**Truman Waterfront Port facilities (City Code Section 108-249)**

Not applicable.

**Site plan (City Code Chapter 108, Article III)**

The City shall not approve a site plan unless a finding is made that such site plan conforms to all applicable sections of the LDRs, pursuant to City Code Section 108-276, as analyzed below.

**Site location and character of use (City Code Section 108-277)**

The proposed restaurant use is a conditional use within the HNC-1 Zoning District and requires one (1) parking space per 45 square feet of consumption area.

**Appearance of site and structures (City Code Section 108-278)**

The appearance, design and land use compatibility complement the surrounding properties.

**Location and screening of mechanical equipment, utility hardware and waste storage areas (City Code Section 108-279 & 280)**

All mechanical equipment and utility hardware will be appropriately screened. All waste storage areas will be screened from adjacent properties.

**Roll-off compactor container location requirements (City Code Section 108-281)**

None proposed.

**Utility lines (City Code Section 108-282)**

No new utility lines proposed.

**Commercial and manufacturing activities conducted in enclosed buildings (City Code Section 108-283)**

The applicant has stated that all commercial-retail activities will take place within an enclosed building except for the outdoor seating/ consumption area. No outdoor storage or display is proposed.

**Exterior lighting (City Code Section 108-284)**

Applicant states all proposed lighting will be shielded and lighting sources will be arranged to eliminate glare from roadways and streets and shall direct light away from properties lying outside the district. Shielding of lighting elements will be accomplished by using directional fixtures or opaque shades.

**Signs (City Code Section 108-285)**

The Proposed signage will need to have HARC approval prior to building permits.

**Pedestrian sidewalks (City Code Section 108-286)**

None proposed.

**Loading docks (City Code Section 108-287)**

No loading dock areas are proposed.

**Storage areas (City Code Section 108-288)**

No exterior storage areas are proposed.

**Land clearing, excavation or fill (City Code Section 108-289)**

No clearing is proposed.

**Landscaping (Code Chapter 108, Article VI)**

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. Existing landscape and irrigation were approved in Res. 02-101. City staff has reviewed the site. The existing landscape is in compliance with what was originally approved except for the groundcover plant species are missing. The applicant has agreed to replant with golden creeper plants instead of the purple queen groundcover plants. It is not recommended that the hibiscus plantings along the northwest property line against the concrete wall be planted. Therefore, a landscape waiver is required for this area. The applicant will go to the Tree Commission for final approval of the landscape plan after the Planning Board.

**Off-street parking and loading (Code Chapter 108, Article VII)**

Parking for seven (7) spaces that includes 1 ADA space and 45 bicycle spaces are proposed on the property. The existing one-story structure has seven (7) parking spaces and six (6) bicycle spaces. The applicant has requested a bicycle substitution variance for ten (10) parking spaces.

**Stormwater and surface water management (Code Chapter 108, Article VIII)**

A drainage plan by Perez Eng. has been submitted and demonstrates compliance.

**Utilities (Code Chapter 108, Article IX)**

Access to potable water, access to wastewater disposal systems were analyzed in the above concurrency management determination and were found in compliance.

**Art in Public Places (City Code Section 2-487)**

None proposed.

**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.* Uses within 300 feet include commercial retail, office spaces, a place of worship, restaurants and single-family/ multi-family residential. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development. The outdoor seating being proposed could have adverse effects to the nearby residences and place of worship.
- (2) *Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.* The proposed development within the minimum size required to complete the development.
- (3) *Proper use of mitigative techniques.* The applicant has mailed letters to all of the neighbors within the 300 foot radius and created a meet and greet event at the subject property on Wednesday June 7, 2017 to address concerns from the neighbors. The applicant has offered specific conditions that could potentially mitigate some of the neighbors concerns.
- (4) *Hazardous waste.* No hazardous waste would be generated and no hazardous materials would be used.

- (5) *Compliance with applicable laws and ordinances.* Any and all necessary permits from other governmental agencies would be obtained.
- (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.* Not applicable.
  - b. *Residential development.* Not applicable.
  - c. *Commercial or mixed use development.* This minor development plan and conditional use is for a commercial restaurant use.
  - d. *Development within or adjacent to historic district.* The development is located within the Historic District.
  - e. *Public facilities or institutional development.* Not applicable.
  - f. *Commercial structures, uses and related activities within tidal waters.* Not applicable.
  - g. *Adult entertainment establishments.* Not applicable.

### **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 Minor Development Plan, Conditional Use be **DENIED**. If the Planning Board approves the request, staff would recommend the following conditions:

#### **General conditions:**

1. The proposed development shall be consistent with the plans dated July 6, 2017 by Serge Mashtakov, Professional Engineer.
2. No amplified music anywhere on the exterior of the premises, shall exceed the requirements of Sec. 26-191 and 26-192.
3. During all phases of demolition and construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
4. It is recommended that the applicant participate in Waste Management's commercial recycling program and/or participate in a certified green business program, such as through Florida Keys Green Living & Energy Education (GLEE).
5. The applicant shall obtain final landscape approval from the Tree Commission.
6. The hours of construction shall be in compliance with City Code and be limited to 8 AM to 7 PM on Monday to Friday, and 9 Am to 5 PM on Saturday.
7. The hours of operation shall be from 5 a.m. to 10 p.m. seven days a week.

#### **Prior to issuance of a Certificate of Occupancy:**

8. Any applicable HARC Certificates of Occupancy shall be obtained.