

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



To: Chair and Planning Board Members

From: Melissa Paul-Leto, Planner Analyst

Through: Patrick Wright, Planning Director

Meeting Date: August 16, 2018

Agenda Item: **Conditional Use – 1325 Simonton Street #26 – (00035950-000000) - A request for a conditional use to operate a bar as an accessory use to the motel on property located in the Historic Commercial Tourist (HCT) Zoning District pursuant to Sections 122-62 and 122-898 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Request: To allow for the operation of a bar within the existing consumption area of a motel.

Applicant: Trepanier & Associates, Inc.

Property Owner: Meisel Holdings FL – 1321 Simonton Street, LLC.

Location: 1325 Simonton Street #26 – (00035950-000000)

Zoning: Historic Commercial Tourist (HCT)



Background:

The subject property is located in the 1300 block of Simonton Street on the corner of South Street. The property is immediately surrounded by the Historic Residential / Office (HRO), Historic Medium Density Residential (HMDR), Historic Neighborhood Commercial (HNC-1), Duval Street Oceanside (HRCC-3), and Historic High Density Residential (HHDR) zoning districts. The property is comprised of three lots with the total area of the property approximately 65,968.0 square feet. The property currently operates as a motel, South Winds Motel. The applicant proposes no additional square footage for the bar use.

Surrounding Zoning and Uses:

North: HRO, Business and Professional Offices Uses

South: HHDR, Residential, Retail Uses

East: HCT, Hotel, Restaurant Uses

West: HNC-1, Hotels/Restaurant Uses

Process:

Development Review Committee:	June 28, 2018
Planning Board:	August 16, 2018
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.”

(b) Characteristics of use

Bars and lounges accessory to and located within a motel, hotel or other transient facility having at least 20 units, are a conditional use in the HCT zoning district. Historic Commercial Tourist zoning district is defined as a district comprised of areas having high concentration of hotels, motels, and/or transient lodging facilities together with primary tourist-oriented commercial services. KBP Consulting, Inc. analyzed the traffic impacts of the proposed use in a Traffic

Statement dated June 11, 2018 (attached). In the summary, the statement states...”that the existing operating and customer characteristics of the resort-style bar at the Spanish Gardens Motel in Key West, it is evident that that this use generates very little automobile traffic and, as such, requires very little, if any, automobile parking.” The proposed bar is located within the hotel.

(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 floor area to the property. The existing FAR of the entire consumption area is .29 which consists of 7,213.8 square feet of the structure. The area of the proposed Conditional Use will occupy approximately 996 square feet of the already existing 24,800 square foot lot.

b. Traffic generation:

No change in parking demand or vehicular trip generation.

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

The existing square footage of the outdoor consumption area is 996 square feet.

d. Proposed employment:

There will be no additional employees for this conditional use request.

e. Proposed number and type of service vehicles:

There are no proposed service trucks.

f. Off-street parking needs:

The property is not located in the historic commercial pedestrian oriented area, and no new floor area is being created.

(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. 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 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

The parcel is currently conforming to commercial open space requirements (41%). 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 landscape berms proposed.

e. Mitigative techniques for abating smoke, odor, noise and other noxious impacts

The property is proposing to add a resort bar to the existing consumption area of the hotel. The hotel has outdoor music for the consumption area. There is no plans to change that. No proposed new/additional amplified music is proposed as part of the resort bar.

(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 would be located in the HCT zoning district. Bars and lounges accessory to and located within a motel, hotel or other transient facility having at least 20 units, are a conditional use in the HCT zoning district. Per Section 122-896 the intent of the Historic Commercial Tourist zoning district is defined as a district comprised of areas having high concentration of hotels, motels, and/or transient lodging facilities together with primary tourist-oriented commercial services, including specialty shops, restaurant and drinking establishments, personal services, offices, and other similar activities.

(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 proposed scale and intensity of the conditional use requested.

(3) Proper use of mitigative techniques

None have been proposed as it the resort bar is located within the hotel property.

(4) Hazardous waste

None expected or proposed.

(5) Compliance with applicable laws and ordinances

The use will comply with all applicable laws and regulations would be required.

(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, uses 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 and location of resort bar shall match approved plans submitted with the application received by the Planning Department and dated May 3, 2018.

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

2. 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.