

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



**To:** Chair and Planning Board members

**From:** Kevin Bond, AICP, LEED Green Associate,  
Acting Planning Director / Senior Planner

**Meeting Date:** January 15, 2015

**Agenda Item:** **Minor Development Plan – 2500 North Roosevelt Boulevard (RE # 00065230-000100; AK # 8848439)** – A request for minor development plan approval for the construction of 2,334 square feet of gross nonresidential floor area for a restaurant with drive-through on property located within the Commercial General (CG) Zoning District pursuant to Sections 108-91.B.1.(b) and 122-417 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

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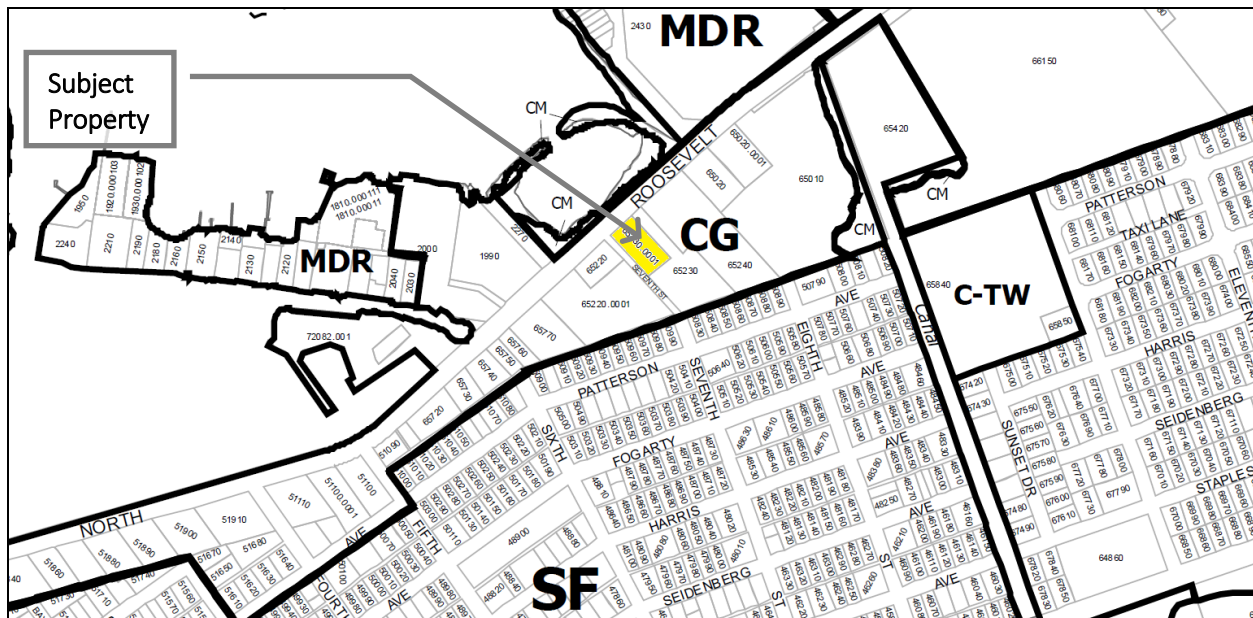
**Request:** Minor development plan approval for the redevelopment of the property into the proposed 2,334-square-foot Starbucks restaurant with drive-through.

**Applicant:** David Pouliot, One Call Construction, Inc.

**Property Owners:** 2500 N Roosevelt LLC

**Location:** 2500 North Roosevelt Boulevard (RE # 00065230-000100; AK # 8848439)

**Zoning:** Commercial General (CG)



**Background / Proposed Development:**

The subject property is located at the southeastern corner of North Roosevelt Boulevard and Seventh Street within the CG Zoning District. The approximately half-acre property consists of a 1,378-square-foot commercial building last used as a Checkers restaurant with two drive-through lanes and outdoor seating. The property is outside of the Key West Historic District.

The proposed development would redevelop the property into a new 2,334-square-foot Starbucks restaurant with one drive-through and an outdoor seating area. The plans call for 24 off-street parking spaces, new landscaping, new pervious paving and new bicycle and scooter parking. Fifteen of the 24 required parking spaces would be located on the abutting Conch Plaza property, and ensured through the recording of an easement agreement. A total of 32 additional parking spaces would be added to the Conch Plaza property to accommodate the increase in required parking for the new Starbucks. The overall property would be brought further into compliance with the City’s Land Development Regulations.

In order to allow the proposed development, Minor Development Plan review is required due to the reconstruction of 1,000 to 4,999 square feet of nonresidential floor area outside of the Historic District, pursuant to Section 108-91.B.1.(b) of the Land Development Regulations (LDRs) of the Code of Ordinances (the “Code”) of the City of Key West (the “City”).

**Surrounding Zoning and Uses:**

Surrounding properties are located within the CG and Conservation – Mangroves (CM) Zoning Districts. Surrounding uses include the Conch Plaza shopping center, the Fairfield Inn hotel and offices. Zoning districts within 300 feet of the property are CG, CM and Single-Family Residential (SF). Other uses within 300 feet of the property include single- and multi-family residential, Centennial Bank, a self-storage center and the Lion’s eye clinic.

**Process:**

Development Review Committee (DRC):	November 21, 2014
Tree Commission:	December 29, 2014 (staff approved)
Planning Board:	January 15, 2015 (pending)
Local Appeal Period:	10 days
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.B.1.(b) requires the reconstruction of 1,000 to 4,999 square feet of nonresidential floor area outside of the Historic District to be reviewed as a Minor Development Plan. City Code Section 108-196(a) states after reviewing a Major Development Plan or a Minor Development Plan for a property and staff recommendations therefor, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the LDRs and the intent of the LDRs and comprehensive plan. The Planning Board resolution shall provide written comments documenting any conditions of approval that the Planning Board finds necessary to effectuate the purpose of Development Plan review and carry out the spirit and purpose of the Comprehensive Plan and the LDRs. If the Development Plan is recommended for disapproval, the Planning

Board resolution shall specify in writing the reasons for recommending such denial. The Planning Board's decision on a Major Development Plan in the historic district shall be advisory to the City Commission.

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	Commercial General (CG)			
Flood Zone	AE-8			
Site size	20,000 SF; 0.46 acres			
Maximum density	16 du/acre	0 units	0 units	N/A
Maximum floor area ratio	0.8	0.0689	0.1167	+0.0478 / In compliance
Maximum height	40 feet <sup>1</sup>	Not indicated; 1-story bldg	18'-6"	In compliance
Maximum building coverage	40%	6.9%	11.7%	+4.8 / In compliance
Maximum impervious surface	60%	80% (nonconforming)	67%	-13 / Nonconforming, but would improve
Minimum lot size	15,000 SF	20,000 SF	20,000 SF	None / In compliance
Minimum lot width	150 feet	100 feet	100 feet	None / Nonconforming
Minimum lot depth	100 feet	200 feet	200 feet	None / In compliance
Minimum front setback (North Roosevelt Blvd)	20 feet <sup>2</sup>	45.18 feet	36'-2"; does not include awning	-9 feet / In compliance
Minimum side setback (northeast)	15 feet <sup>3</sup>	~44 feet	41 feet; does not include awning	-3 feet / In compliance
Minimum rear setback (southeast)	20 feet <sup>2</sup>	~100 feet	90 feet	-10 feet / In compliance
Minimum street side setback (7th St)	20 feet	23.38 feet	22'-2" feet; does not include awning	-1 feet / In compliance

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Minimum vehicular parking (restaurants)	1 space per 45 SF of serving and / or consumption area	9 spaces, including 1 ADA accessible	24 spaces based on 1,080 SF consumption area, including 1 ADA accessible and 15 spaces off-site per easement agreement	+15 spaces / In compliance
Minimum handicap parking	1 space	1 space	1 space	None / In compliance
Minimum bicycle parking	25% of vehicular spaces	0 spaces	Bike rack indicated, but spaces unknown; 6 spaces required	See recommended conditions of approval
Minimum open space	20%	20%	33%	+13 / In compliance
Landscaping	Code Ch 108, Arts V & VI	See analysis	See analysis	In compliance
Consumption area or number of seats		600-700 SF consumption area; 28 seats	1,080 SF consumption area, including 800 SF indoor and 250 SF outdoor; 31 indoor seats; # outdoor seats not stated	In compliance

<sup>1</sup> 40 feet, except 30 feet along N Roosevelt from 7th St west to Eisenhower / Jose Marti

<sup>2</sup> 25 feet, or 10% lot depth for bldgs 25 feet high, or 20% lot depth for bldgs over 25 feet high; max 50 feet

<sup>3</sup> 15 feet, or 10% of lot width up to 20 feet, whichever is greater

**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. City 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 Major Development Plan application. Staff reviewed the provided concurrency analysis following the criteria in City 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 nonresidential uses is 650 gallons per acre per day, pursuant to City Code Section 94-68. The land area would remain the same and the floor area would increase. Utilizing this LOS standard, potable water demand is estimated as follows:

Based on total acres of land area:  $650 \text{ gal/acre/day} \times 0.46 \text{ acres} = 299 \text{ gal/day}$

Based on total acres of floor area:  $650 \text{ gal/acre/day} \times 0.05 \text{ acres} = 32.5 \text{ gal/day}$

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.

## **2. Wastewater management**

The sanitary sewer LOS standard for nonresidential uses is 660 gallons per acre per day, pursuant to City Code Section 94-67. The land area would remain the same and the floor area would increase. Utilizing this LOS standard, sanitary sewer capacity demand is estimated as follows:

Based on total acres of land area:  $660 \text{ gal/acre/day} \times 0.46 \text{ acres} = 303.6 \text{ gal/day}$

Based on total acres of floor area:  $660 \text{ gal/acre/day} \times 0.05 \text{ acres} = 33 \text{ gal/day}$

The adopted sanitary sewer capacity LOS standard is anticipated to be adequate to serve the proposed development.

## **3. Water quality**

The property is served by the City's central sewer system. The property is not adjacent to any bodies of water. Therefore, no adverse impacts to water quality are 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 drainage plan was submitted indicating that a full stormwater management system would be maintained and overall impervious area would be reduced through the increase in landscaped open space and use of pervious pavers. Stormwater would be retained on-site through exfiltration trenches and vegetated swales. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

## **5. Solid waste**

The solid waste LOS standard for nonresidential uses is 6.37 pounds per capita per day, pursuant to City Code Section 94-71. The proposed development is anticipated to accommodate 8 to 10 employees, but no information was provided about the anticipated number of customers per day. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

Proposed development: 6.37 lb/capita/day x 10 persons = 63.7 lbs/day

According to the City's General Services Division, the contract with Waste Management (WM) accounts for a 20 year "window" for waste processing at the Wheelabrator Waste-to-Energy site. There are other facilities in South Florida also owned by WM for continued use into the future. Therefore, the adopted solid waste LOS standard is anticipated to be adequate to serve the proposed development.

## **6. Roadways**

The roadway LOS standard is set forth in City Code Section 94-72. North Roosevelt Boulevard is part of U.S. 1 and is classified as an urban principal arterial with a minimum LOS of C. According to the 2011 Carrying Capacity Study, U.S. 1 had an existing LOS of D or E depending on the direction of traffic and time of day. A traffic study was submitted for the proposed development. The study concludes that the projected net increase in traffic is considered to be minimal, and these increases will have little impact on the respective roadway capacities. Therefore, the proposed development is not anticipated to negatively affect the adopted LOS standard.

## **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 proposed development is nonresidential in nature and therefore would have no impact on the adopted recreation LOS standard.

## **8. Fire Protection**

The proposed development shall comply with the life safety requirements per the Fire Marshall's direction.

## **9. Reclaimed water system**

Not proposed by the applicant.

## **10. Other public facilities**

Based on comments received from the DRC members, and Staff'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 not located within the Key West Historic District and does not contain any known historic resources.

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

The proposed site plan is analyzed in greater detail below. Traffic impacts were found to be minimal and in compliance in the concurrency determination above. The open space provided would increase and new landscaping is proposed in full compliance with the LDRs.

**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 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 situated at the southeastern corner of North Roosevelt Boulevard and Seventh Street. A location map is indicated on the survey.
- (c) *Land use compatibility.* Properties within 100 feet are located within the CG Zoning District. Adjacent land uses within 300 feet include the Conch Plaza shopping center, the Fairfield Inn hotel, offices, single- and multi-family residential, Centennial Bank, a self-storage center and the Lion's eye clinic. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.
- (d) *Historic and archeological resource protection.* The property is not located within the Key West Historic District and contains no known historic or archaeological resources.
- (e) *Subdivision of land.* No subdivision of land is proposed.

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

The Applicant submitted a 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 and reflected in the staff recommendation 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 architectural drawings prepared by a professional architect registered in Florida pursuant to City Code Section 108-238.

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

Proposed site amenities include 24 off-street parking spaces including one ADA van-accessible space, new bicycle and scooter parking, new landscaping and an outdoor seating area.

**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)**

Not applicable.

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

No environmentally sensitive areas are located on or near the property, which is located within the AE-8 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 major clearing, excavation or fill are proposed.
- (b) *Tree protection.* Most existing landscaping would be preserved. The City's Urban Forestry Manager reviewed the proposed tree removal and landscape plans. Approval was granted on December 29, 2014.
- (c) *Landscaping plan.* The submitted plan indicates landscaping incorporated along the perimeter and street fronts of the property, as well as within the parking area. Landscaped open space would be increased above the existing amount. Full compliance with all landscape buffer requirements of the LDRs is proposed. No modifications or waivers are requested as part of this application. No environmentally sensitive areas exist.
- (d) *Irrigation plan.* None provided, but the application states an irrigation system would be installed.

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

Currently, the existing restaurant building is served by nine on-site parking spaces. The property is considered an outparcel of the Conch Plaza shopping center. The proposed plan would provide an additional 15 parking spaces to serve the new restaurant on the abutting Conch Plaza property. This would be ensured through the recording on a parking easement agreement. To accommodate the increased parking need, additional parking spaces would be provided on the Conch Plaza property, mostly to the rear of the shopping center. Therefore, off-street vehicular parking would be in compliance with the LDRs.

There is no existing bicycle parking on the property. The submitted plans indicate a new bike rack, but do not state the number of bicycle parking spaces provided. The LDRs require six (6) bicycle spaces for restaurant uses of this size. Staff recommends that the applicant provide the six required bicycle parking spaces as a condition of approval.

Vehicular and bicycle circulation would be provided by the existing driveway connections to North Roosevelt Boulevard and Seventh Street and an existing sidewalk along North Roosevelt Boulevard. Pedestrian circulation would be improved by the proposed on-site walkways.



Loading and unloading would occur in the parking area.

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

Not applicable. No existing or proposed housing on the property.

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

An analysis of estimated average ad valorem tax yield from the proposed project was not submitted by the applicant. However, it is expected the tax yield would be greater than that from the existing improvements on the property. No construction expenditure was given by the applicant. Eight to 10 employees are anticipated.

**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 outside of the historic district and is within the AE-8 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, although the property is served by all four bus routes and the Lower Keys Shuttle running along North Roosevelt Boulevard. Bus stops are located within one block of the property.
- (f) The application states that design features are proposed to reduce energy consumption. The project would be required to comply with the energy efficiency requirements of the state and city building codes for new commercial buildings.
- (g) The property is located within the AE-8 flood zone and would not have any usable area below the bottom floor.
- (h) No private recreation facilities are proposed.
- (i) Coordination with applicable agencies is being facilitated through the DRC.
- (j) No wetlands or submerged land would be impacted.

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

Staff recommends that temporary construction fencing and erosion barrier be installed and maintained during all phases of demolition and construction. Staff recommends that all City streets and sidewalks shall be kept clean and safe during all phases of demolition and construction.

**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 development would bring the property further into compliance with the LDRs, in part through the proposed landscaping, open space and off-street parking.

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

The proposed building is a modern architectural design that would create an overall pleasing and harmonious environment with improved pedestrian accessibility.

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

Mechanical equipment would be located on the roof. The waste storage area would be screened, as required, by a six-foot concrete wall.

**Front-end loaded refuse container location requirements (City Code Section 108-280)**

The Applicant and the City will coordinate the location and type of refuse containers with Waste Management to ensure adequate service access.

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

None proposed.

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

Any proposed above-ground or rooftop utility structures shall be screened as required by the LDRs.

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

All commercial activities would take place within the new building and a small outdoor seating area.

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

An exterior lighting plan was provided. All exterior lighting must be shielded as required by the LDRs.

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

Signs are indicated on the plans. All new signage would have to obtain a building permit and comply with City Code Chapter 114.

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

There is an existing sidewalk along North Roosevelt Boulevard adjacent to the property. Internal walkways connecting the restaurant to adjacent parking areas are proposed.

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

No loading docks are proposed. Loading and unloading would occur within the parking area.

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

No exterior storage areas are proposed.

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

No work would impact a floodplain or a conservation area. A proposed stormwater management would address drainage and runoff on the site. Vegetation removal was

reviewed by the Urban Forestry Manager. Staff recommends temporary fencing and silt barriers during demolition and construction to prevent soil and debris from running into City streets and sidewalks.

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

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. The submitted plan indicates landscaping incorporated along the perimeters of the property, as well as adjacent to the parking lot and drive-through. Landscaped open space would increase above the existing amount. Full compliance with all landscape buffer requirements of the LDRs is proposed, as outlined in the table on the following page.

<b>Landscaping Modification / Waiver Summary</b>				
<b>Landscaping Type</b>	<b>Minimum Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change/Waiver</b>
Land use buffer (Sec. 108-347)	None	Part of existing landscaping	Part of proposed landscaping	In compliance
Minimum landscaping requirement (Sec. 108-412)	20%	20%	33%	+13 / In compliance
Street frontage – North Roosevelt Blvd (Sec. 108-413)	Less than 0.5 acre site area = 10’ wide, 40 plant units per 100 linear feet; minimum 40 plant units required	Not indicated	59 plant units	In compliance
Street frontage – 7th Street (Sec. 108-413)	Less than 0.5 acre site area = 10’ wide, 40 plant units per 100 linear feet; minimum 71 plant units required	Not indicated	78 plant units	In compliance
Interior parking areas (Sec. 108-414)	20% of total parking area; minimum 6’ dim, 60 SF & 1 shade tree per landscape area; 1 tree per 100 SF of landscape area; interior landscape strips between rows and every 10 spaces	None	849 SF required; 1,547 SF proposed	In compliance
Perimeter parking landscaping (Sec. 108-415)	Building sites 20,000 SF or less: 5’ wide, 1 canopy shade tree, 10 shrubs per 35 LF	None	4 trees required; 5 trees and 41 shrubs proposed	In compliance
Nonvehicular use areas (Sec. 108-416)	Site with 30-39% nonvehicular open space (NOS): 4 trees / 2,500 SF NOS	None	Part of proposed landscaping	In compliance

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

Already addressed in above analysis.

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

A stormwater management plan was submitted indicating that surface water management is designed for the 25-year/72-hour storm event, as required. Stormwater would be retained on-site through an exfiltration trench in the parking lot and vegetated swales. The applicant proposes using pervious material for parking surfaces.

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

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

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

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 be **APPROVED** with the following conditions:

**General conditions:**

1. The proposed development shall be consistent with the attached plans dated September 29, 2014 by James Marr Hoffman, Registered Architect, the civil plans dated November 3, 2014 by Richard J. Milelli, P.E., and the landscape plans dated December 29, 2014 by Mitchell Planning & Design, Inc.
2. 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.
3. Parking spaces shall be 18 feet in length and have wheel stops pursuant to City Code Sections 108-641 and 108-645.
4. Six (6) off-street bicycle parking spaces shall be required and provided pursuant to City Code Sections 108-572(9) and 108-576(b).
5. Maximum 1,080-square-foot restaurant consumption area, indoor and outdoor, based on the 24 off-street parking spaces proposed, pursuant to the off-street parking requirements of City Code Section 108-572(9).
6. Parking spaces designated for the proposed restaurant located on the adjacent Conch Plaza property shall be maintained for the duration of the restaurant use, and shall have appropriate signage and/or pavement markings.

7. All exterior lighting shall be shielded and meet Dark Sky standards pursuant to City Code Section 108-284.
8. The proposed one-way exiting driveway onto North Roosevelt Boulevard shall be of a sufficient width to the satisfaction of the City Fire Marshall and is subject to approval by FDOT. Appropriate signage and pavement markings shall be installed and maintained to discourage use of the driveway as an entrance.

**Conditions prior to issuance of a Certificate of Occupancy:**

9. Perpetual parking easement agreement for parking located on adjacent lot shall be recorded pursuant to City Code Section 108-576(a).
10. The property 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 above conditions.

**PLANNING BOARD  
RESOLUTION NO. 2015-**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING MINOR DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTION 108-91.B.1.(B) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE CONSTRUCTION OF 2,334 SQUARE FEET OF GROSS NONRESIDENTIAL FLOOR AREA FOR A RESTAURANT WITH DRIVE-THROUGH ON PROPERTY LOCATED AT 2500 NORTH ROOSEVELT BOULEVARD (RE # 00065230-000100; AK # 8848439) WITHIN THE COMMERCIAL GENERAL (CG) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Section 108-91 of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that outside of the Historic District, a Minor Development Plan review is required for the construction of 1,000 to 4,999 square feet of nonresidential floor area; and

**WHEREAS**, Code Section 108-196(b) requires the Planning Board to review and approve, approve with conditions or deny the proposed Minor Development Plan; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on January 15, 2015; and

**WHEREAS**, the granting of the Minor Development Plan application is consistent with the criteria of the Code of Ordinances; and

**WHEREAS**, the Planning Board finds that the granting of the Minor Development Plan is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** The Minor Development Plan for the construction of 2,334 square feet of gross nonresidential floor area for a restaurant with drive-through on property located at 2500 North Roosevelt Boulevard (RE # 00065230-000100; AK # 8848439) in the Commercial General (CG) Zoning District pursuant to Section 108-91.B.1.(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, is hereby approved with the following conditions:

**General conditions:**

1. The proposed development shall be consistent with the attached plans dated September 29, 2014 by James Marr Hoffman, Registered Architect, the civil plans dated November 3, 2014 by Richard J. Milelli, P.E., and the landscape plans dated December 29, 2014 by Mitchell Planning & Design, Inc.
2. 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.
3. Parking spaces shall be 18 feet in length and have wheel stops pursuant to City Code Sections 108-641 and 108-645.
4. Six (6) off-street bicycle parking spaces shall be required and provided

pursuant to City Code Sections 108-572(9) and 108-576(b).

5. Maximum 1,080-square-foot restaurant consumption area, indoor and outdoor, based on the 24 off-street parking spaces proposed, pursuant to the off-street parking requirements of City Code Section 108-572(9).

6. Parking spaces designated for the proposed restaurant located on the adjacent Conch Plaza property shall be maintained for the duration of the restaurant use, and shall have appropriate signage and/or pavement markings.

7. All exterior lighting shall be shielded and meet Dark Sky standards pursuant to City Code Section 108-284.

8. The proposed one-way exiting driveway onto North Roosevelt Boulevard shall be of a sufficient width to the satisfaction of the City Fire Marshall and is subject to approval by FDOT. Appropriate signage and pavement markings shall be installed and maintained to discourage use of the driveway as an entrance.

**Conditions prior to issuance of a Certificate of Occupancy:**

9. Perpetual parking easement agreement for parking located on adjacent lot shall be recorded pursuant to City Code Section 108-576(a).

10. The property 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 above conditions.

**Section 3.** Full, complete and final application for all permits required for which this



resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

**Section 4.** This Minor Development Plan application approval by the Planning Board does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the applicant's assertion of legal authority respecting the property.

**Section 5.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Board.

**Section 6.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director

Read and passed on first reading at a regularly scheduled meeting held this \_\_\_\_ day of \_\_\_\_\_, 2015.

Authenticated by the Chairman of the Planning Board and the Acting Planning Director.

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Richard Klitenick, Planning Board Chairman Date

**Attest:**

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Kevin Bond, AICP, Acting Planning Director Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk Date

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director