



Amendment to a Conditional Use

501 Greene St.



To amend a conditional use permit to allow outdoor amplified music to a bar/lounge use. The amplified music would be confined to the second story open air portion of the establishment. The applicant proposes live music on the rooftop deck every day from 8pm – 12am.

Request



Duval St.

Ann St.

Greene St.



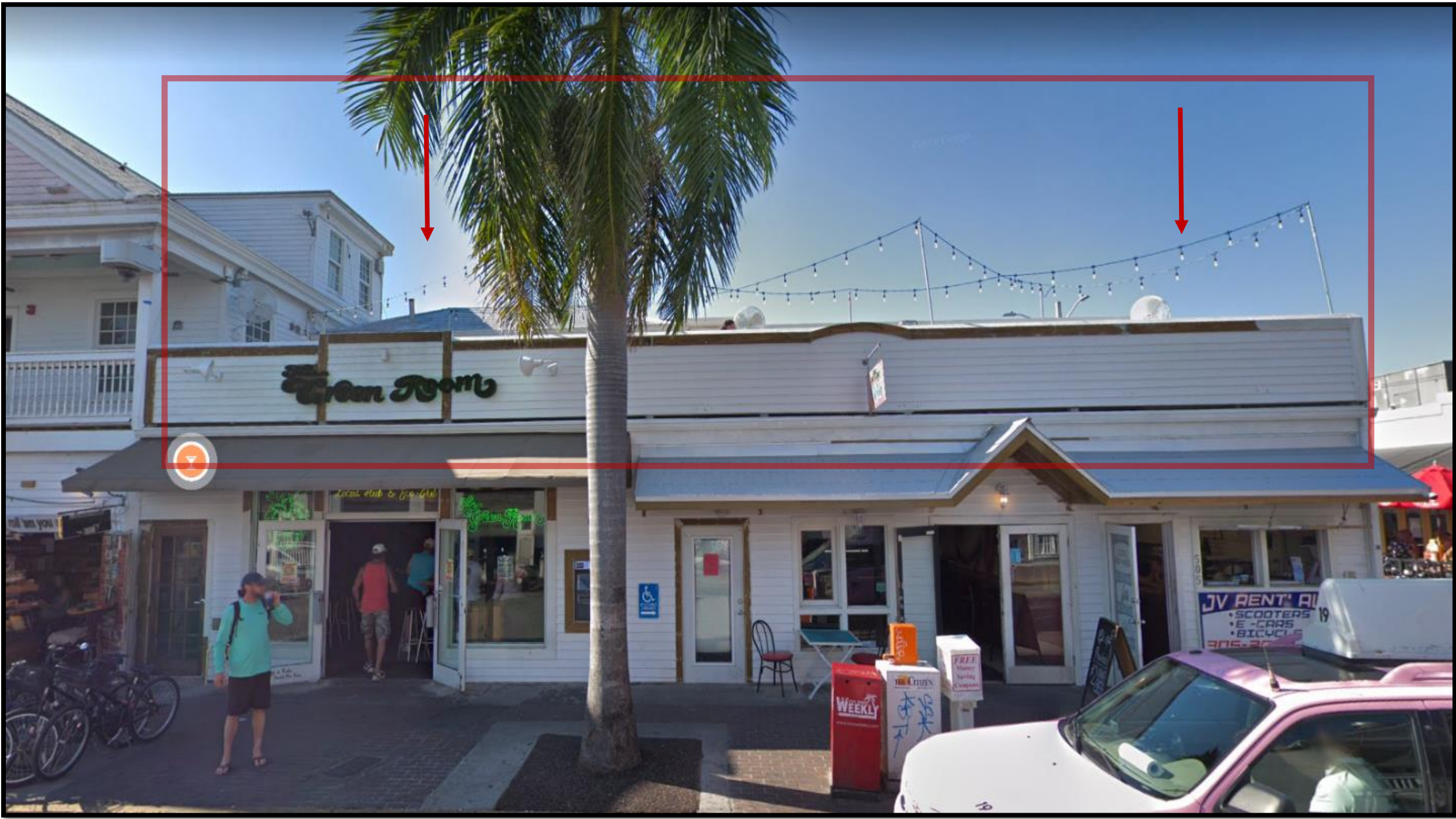
- Zoned Historic Residential Commercial Core (HRCC-1)
- Located in the Historic District
- Structure is not a historically contributing structure
- 2016 Conditional Use for Bar/Lounge prohibited amplified music
- HRCC-1 intent includes wording for incorporates the city's intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, **lounges and bars with inviting live entertainment;**

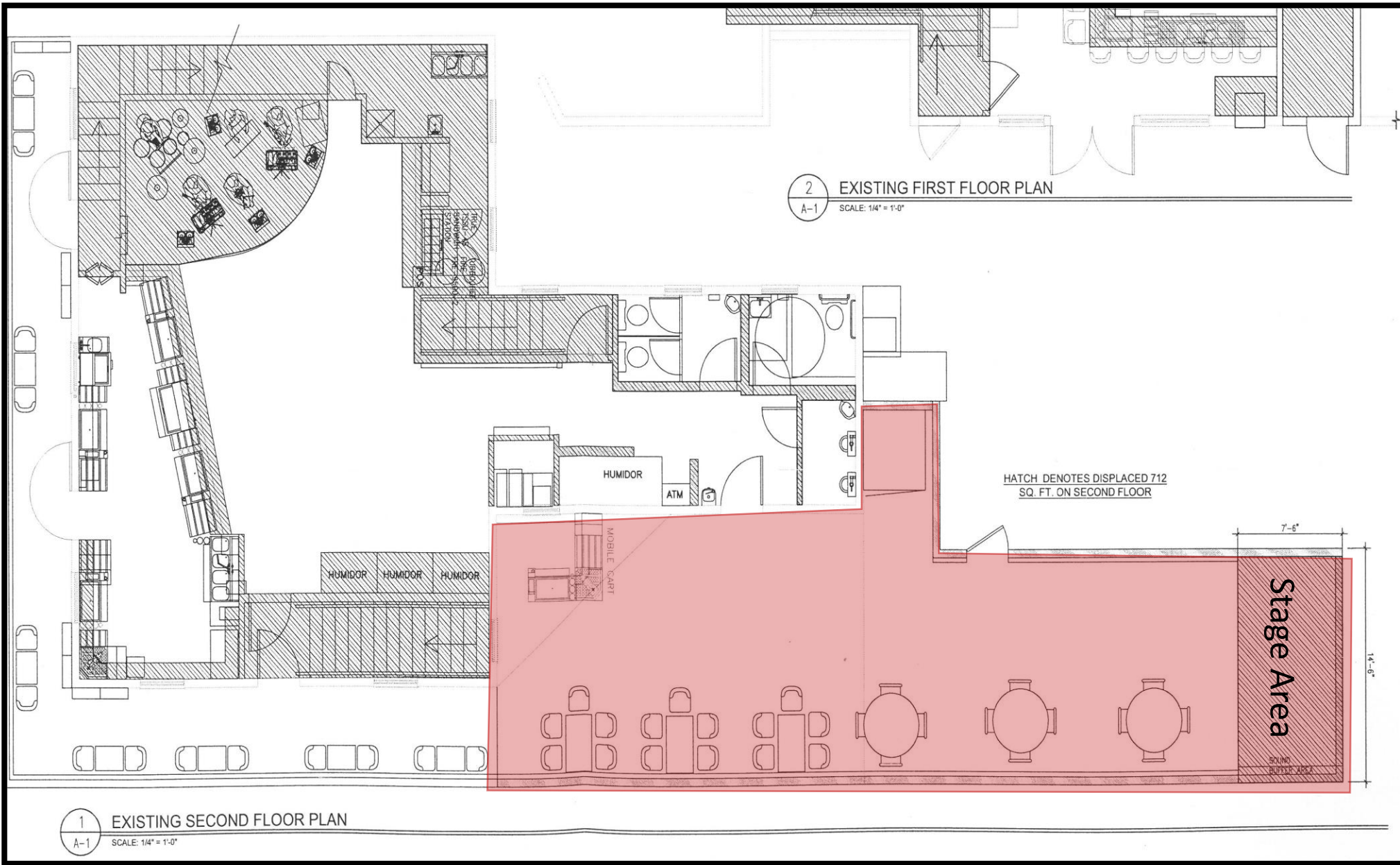
Background



**Aerial View of 501 Greene St.,
1960s**








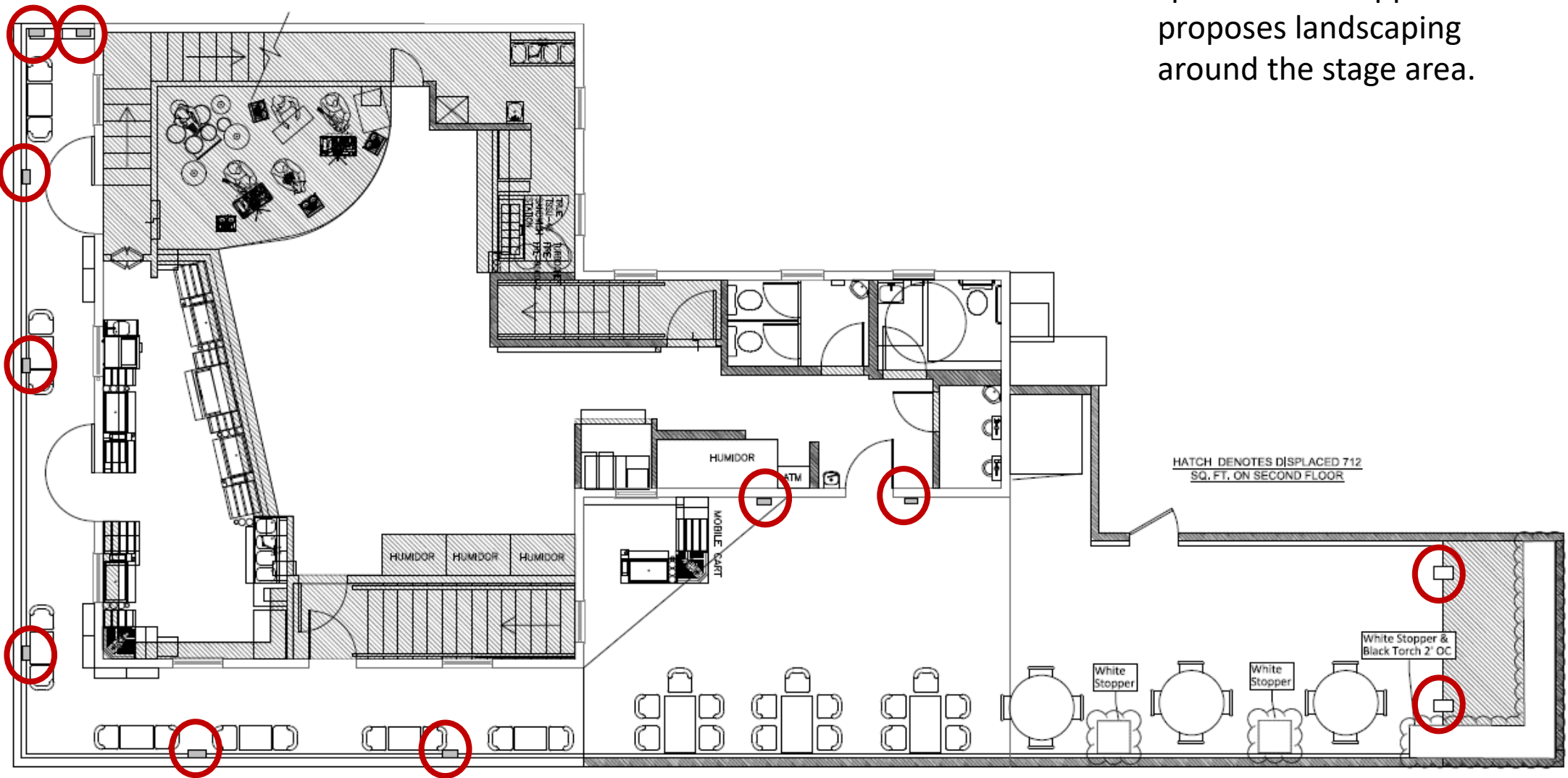


Roof top deck and stage area of 501 Greene St.

KEY

-  10" Eon Speakers
-  Main Stage Speakers
-  Potted Landscaping



The sound mitigation map submitted by the applicant shows nine 10" speakers and two main stage speakers. The applicant also proposes landscaping around the stage area.

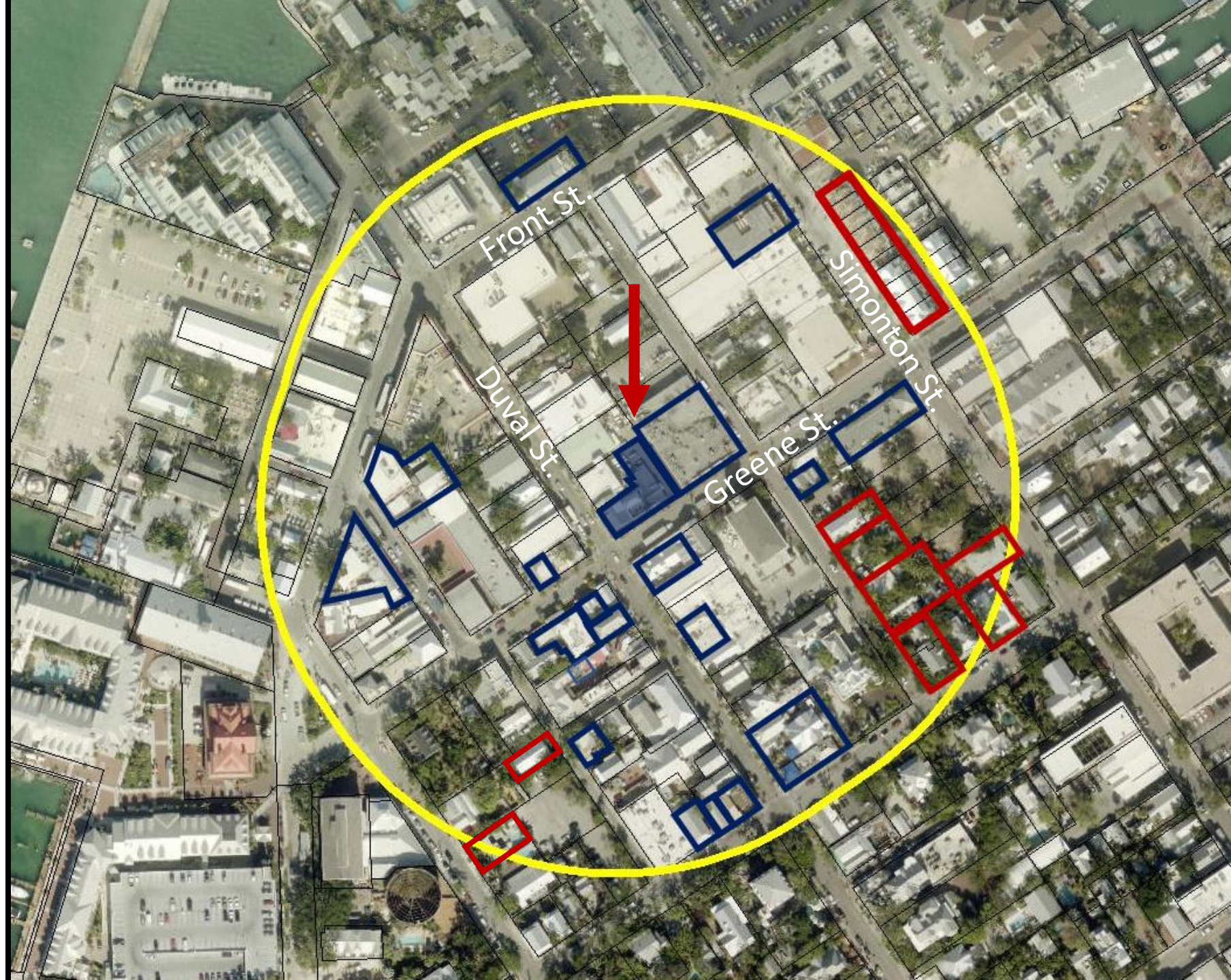


Audio Mitigation Report



Bars and Residential uses within 500 – Feet

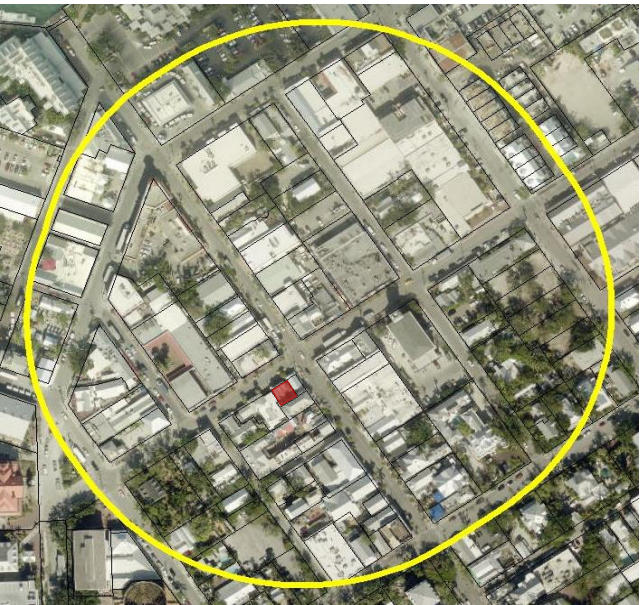
-  Residential Structures
-  Bar/Lounges



430 Greene

Conditional Use 2006
required:

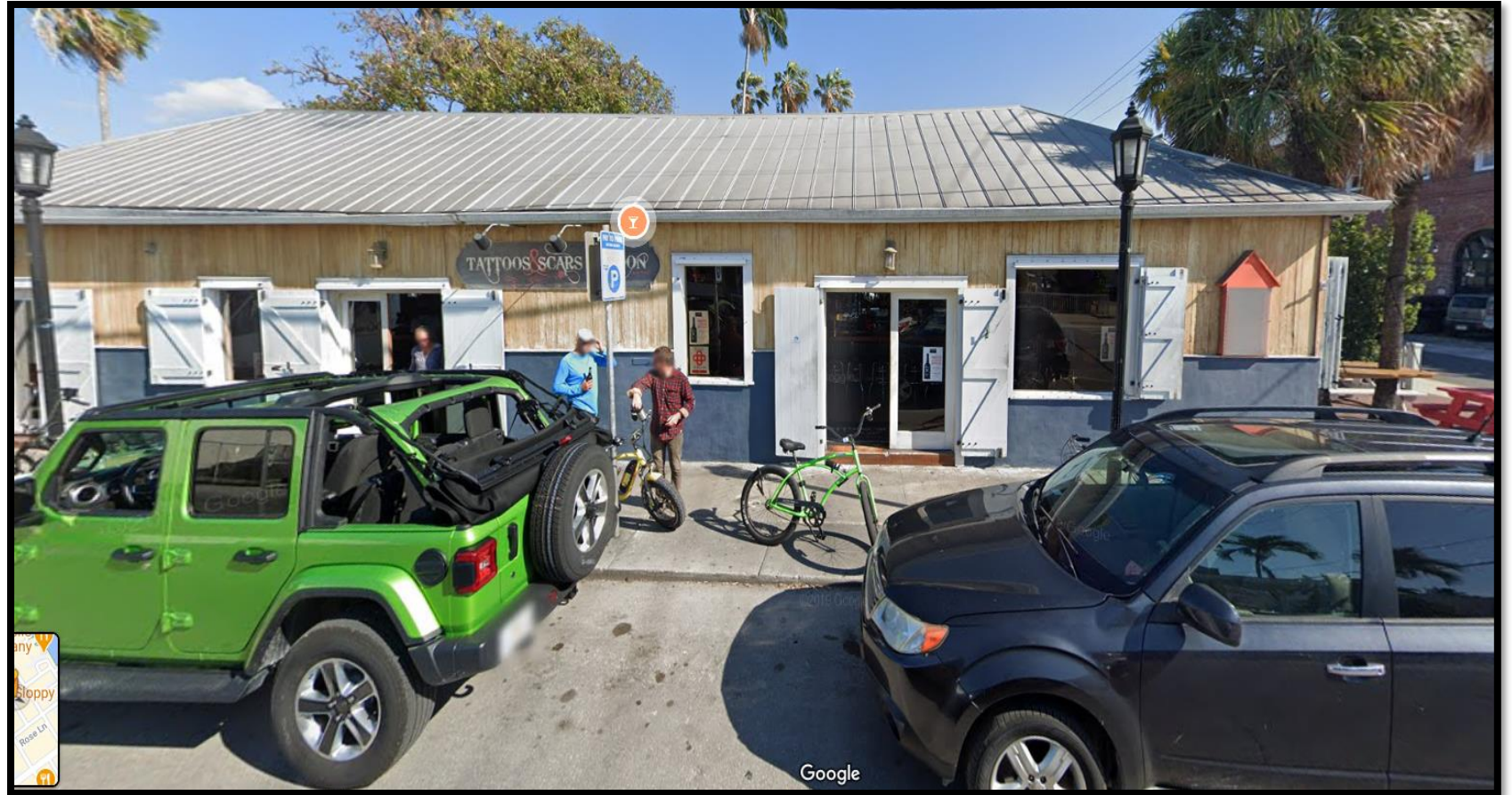
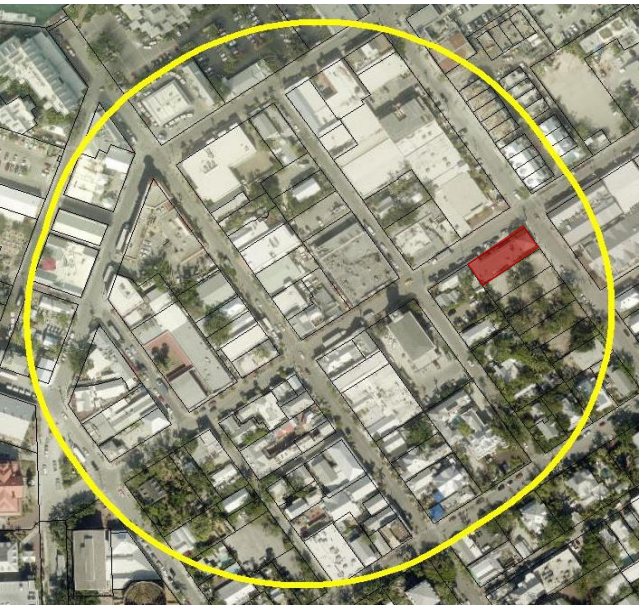
- noise abatement techniques such as air curtains
- No outdoor seating
- Only single or duo musical acts, bands not allowed



512 Greene

Conditional Use 2009:

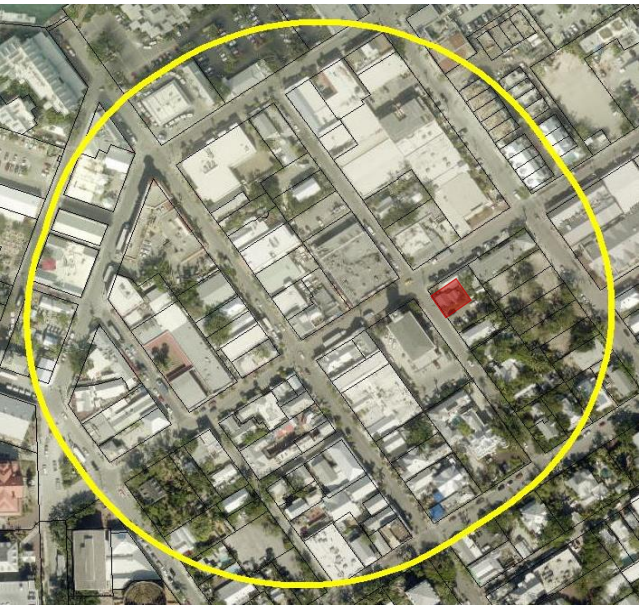
- No live music, disc jockeys, or karaoke
- Programmable distributive sound system
- Applicant provided a 59-page noise study
- No outdoor areas



201 Ann

Conditional Use 2009:

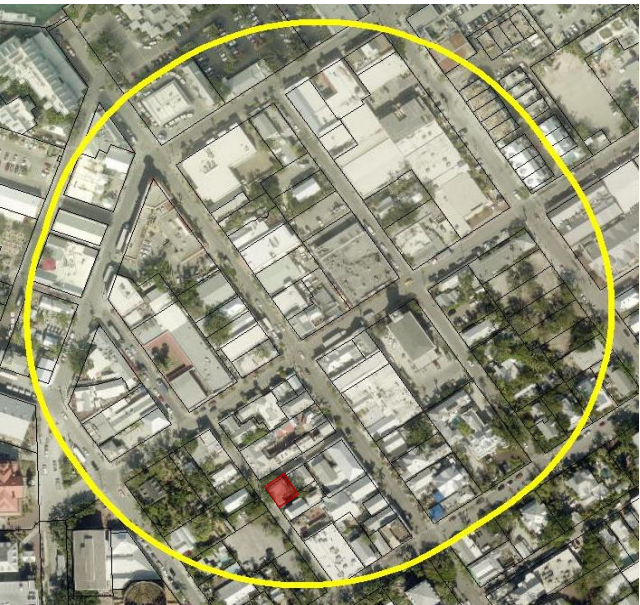
- No live music, disc jockeys, or karaoke
- Programmable distributive sound system
- Applicant provided a 59-page noise study
- No outdoor areas



4-6 Charles

Conditional Use 2009:

- Programmable distributive sound system
- Applicant held Community Meeting regarding the bar use and amplified music
- Applicant provided a 60-page noise study

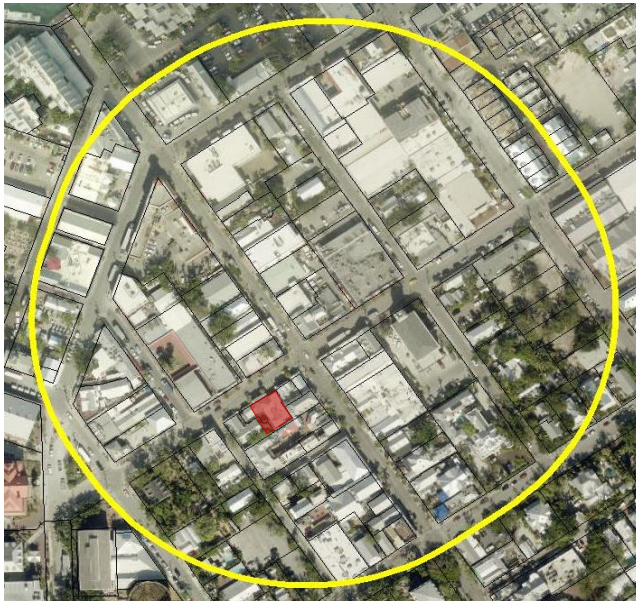


Similar Bar/lounges

Captain Tony's 428 Greene

Entertainment license:

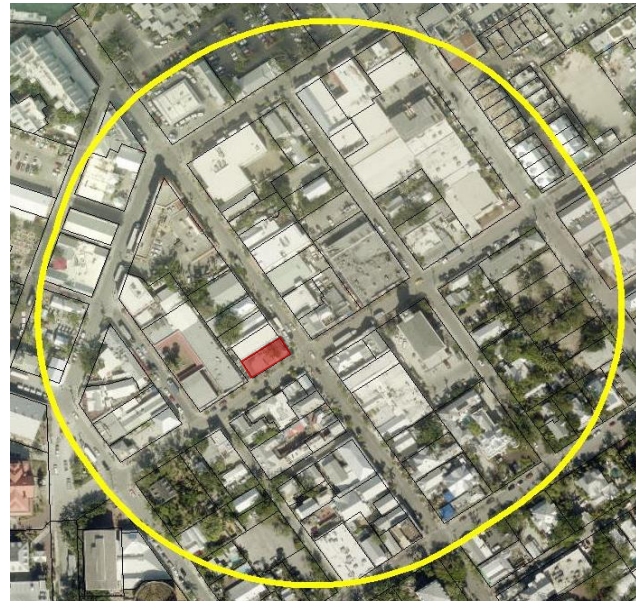
- No conditional use
- No outdoor area
- Single Story structure
- All music is played indoors



Amigos Bar 425 Greene

No entertainment license on file:

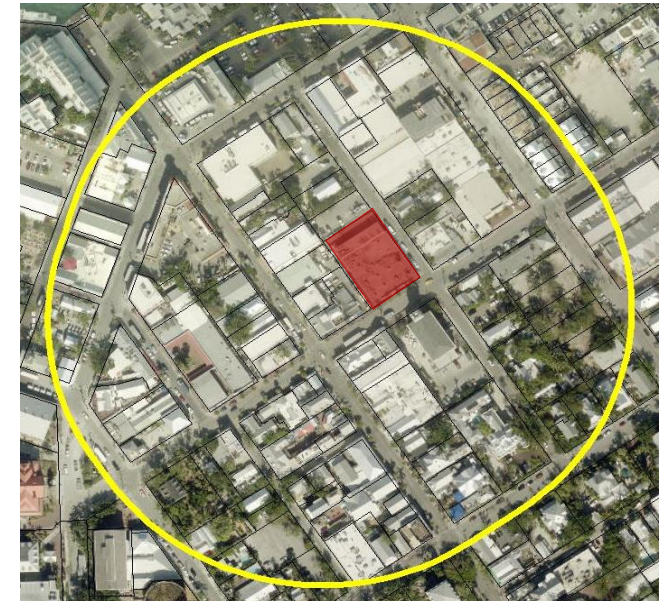
- No outdoor area
- Single Story structure



Sandbar Sports Bar/Grill 511 Greene

No entertainment license on file:

- No outdoor area
- Single Story structure



1) Scale and Intensity

- Floor Area Ratio:
 - Permitted: 1.0 (8,138 sqft)
 - Proposed: 0.91 (7,424 sqft)
- Traffic Generation:
 - The property is located in the historic commercial pedestrian-oriented area. The location is in the lower Duval Street area which is comprised of bar/lounge uses along with some retail and restaurants. The applicant provided a survey of current patrons and found that 90% arrived by non-automobile means. This is consistent with most commercial uses in the HRCC-1 especially the lower Duval Street area that is the epicenter of the tourist and cruise ship thoroughfare along Duval Street.
- Square feet of enclosed building for each specific use:
 - The property is approximately 8,138 sq. ft. The total floor area of the building is 7,424 sq. ft., 5,471 sq. ft. is used by the Green Room. The first and second floors consist of 4,473 sq. ft. and are dedicated to the bar/lounge use, this includes consumption area and a small kitchen. The third floor consists of 998 sq. ft. and is used for an office and storage for the bar/lounge.
- Proposed Employment:
 - six full time employees
- Proposed number and type of service vehicles:
 - No service vehicles proposed
- Off-street parking needs:
 - The applicant's proposal will not increase off-street parking needs

Staff Analysis



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

- Utilities
 - No improvements specified.
- Public facilities:
 - No improvements specified.
- Roadway or signalization improvements:
 - No improvements specified.
- Accessory structures or facilities
 - No improvements or structures proposed
- Other unique facilities/structures proposed as part of site improvements
 - The applicant has constructed a rolling platform for performers on the rooftop deck. The applicant has proposed to have the platform surrounded by hedges and landscaping to dampen the sound. Any sound barrier is to be approved by the Planning Department and HARC.

Staff Analysis



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

- Open Space
 - Existing noncomplying, none proposed
- Setbacks from adjacent properties
 - None proposed.
- Screens and buffers
 - The applicant has proposed hedges to screen and mitigate any amplified sound
- Landscaped berms
 - None proposed.
- Mitigative techniques for abating smoke, odor, noise, and other noxious impacts
 - The applicant has proposed a computerized sound distribution system and hedges along the stage area. All mitigation techniques must be approved HARC and Planning before final approval.

Staff Analysis



Criteria for conditional use review and approval

Land Use Compatibility:

- The conditional use amendment for amplified live music would be located on the roof deck of a structure located in the HRCC-1 zoning district. Per Section 122-686, the intent of the HRCC-1 zoning district is defined as the city's intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, and lounges and bars with inviting live entertainment.

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

- The second story outdoor deck does not currently have the proper infrastructure to accommodate the proposed use without substantial mitigative techniques. The deck is surrounded by a low parapet wall and does not currently have any other means to capture the amplified sound. Amplified music carries over a longer distance when there is no infrastructure to mitigate the sound.
- The applicant has submitted proposed plans to the Planning Department that detail a proposed computerized sound system and hedges/landscaping to surround the stage area. With the updated sound proofing techniques, the applicant has proposed, the multiple residential units 200 yards to the east of the roof-top deck should not be affected by the amplified noise. The applicant has asked to work with the Planning Department and HARC for final approval of all mitigative techniques to dampen the sound.

Proper use of mitigative techniques

- The applicant proposes to work with the Planning Department and HARC to implement proper mitigative techniques.

Hazardous waste

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

Compliance with applicable laws and ordinances

- The applicant complies with minimum parking standards due to their location in the Historic Pedestrian Oriented Zone. The applicant has submitted a sound mitigation plan as required per Section 102-7 due to the introduction of audio elements that are out of character with the property and/or altering its settings.

Additional criteria applicable to specific land uses

- No additional criteria are applicable.

Staff Analysis



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 **approved with conditions.**

Staff Recommendation

THE CITY OF KEY WEST- PLANNING DEPARTMENT



If a vote to approve is passed by the Planning Board, the Planning Department recommends the request for Conditional Use be approved upon the following conditions:

1. A detailed plan be submitted and approved by the Planning Department for the number of speakers installed, the location of the speakers and the direction to which they face.
2. The applicant shall install tall shrubbery in pots/planters along the perimeter of the stage and roof top deck area to create a sound barrier. Landscaping shall be maintained in perpetuity and shall be approved by the Urban Forester and the City Planner of the City of Key West.
3. Applicant must comply with all codes and regulations including Article IV of Chapter 26 of the Code of Ordinances regarding Sound Control.
4. The applicant will install and maintain a programmable distributive sound system to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances and shall include a computerized sound monitoring system with real time monitoring access provided to the City.
5. The applicant shall point any speakers or any sound amplification device on the rooftop deck away from neighboring and/or surrounding transient and residential properties.
6. Live music to cease at 10:00 pm every night unless approved under a special event permit per Section 6-86 of the City Code or for a special city-sanctioned event. Amplified music will be regulated by Section 26-191 of the Code of Ordinances.

Staff Recommendation

