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 CTP, The Corradino Group

Meeting Date: June 16, 2022

Agenda Item: **Alcohol Sales Special Exception – 601 Truman Avenue (RE# 00017270-000000)** – A request for approval for special exception to allow the sale of beer and wine at a restaurant to be located in the Historic Neighborhood Commercial – 1 (HNC-1) zoning district pursuant to Sections 18-27 and 18-28 of the City of Key West Land Development Regulations.

Request: To grant a special exception to sell alcoholic beverages for the proposed repurposing of the "Moped Hospital" to a restaurant.

Applicant/ Property Owners: Trepanier and Associates; Venter Enterprises, LLC

Location: 601 Truman Avenue (RE# 00017270-000000)

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

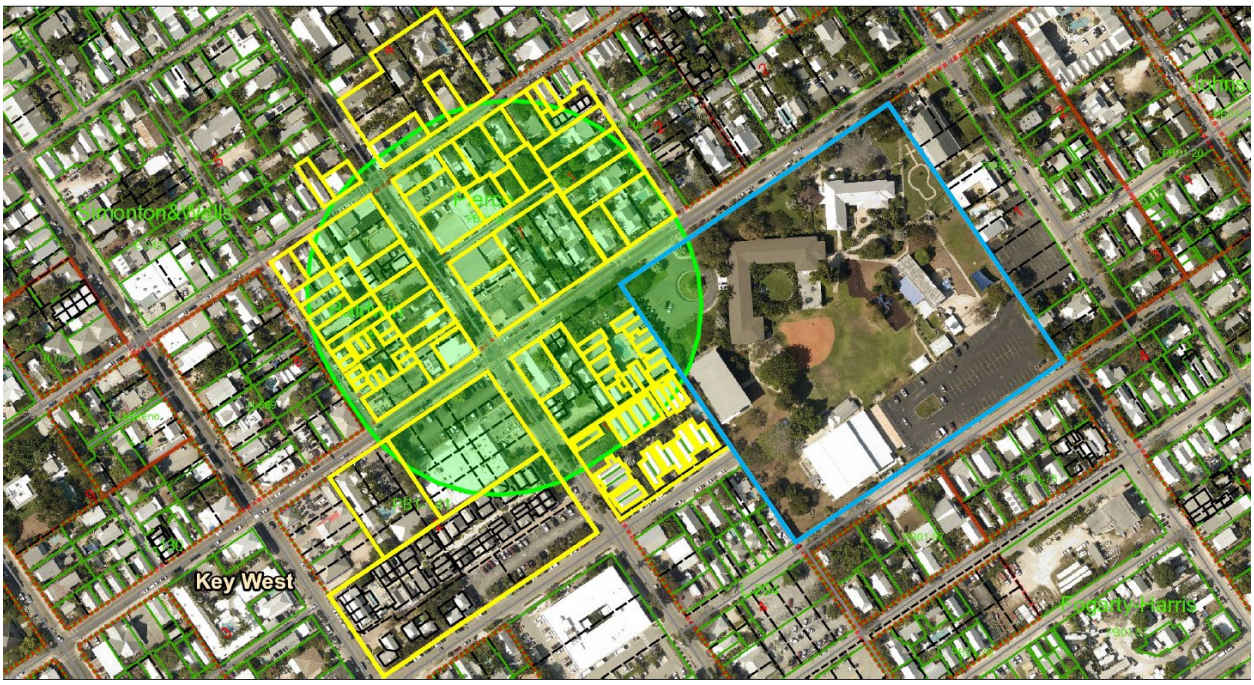




Background/Request

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 a proposed restaurant. There is a companion Major Development Plan and Conditional Use application to allow the reuse and renovation of the "Moped Hospital" to a restaurant to be known as the Cuban Coffee Queen. The existing structure consists of approximately 1,604 S.F. and a restaurant is a conditional use within the HNC-1 zoning district. The property is located at the intersection of Truman Avenue and Simonton Street. There are no funeral homes or cemeteries within 300 feet of the property. The property is within 300 feet of a church and a school:

- The Basilica of Saint Mary Star of the Sea Catholic Church – 1010 Windsor Lane
- The Basilica School – 700 Truman Avenue



300' Radius map - The Basilica of Saint Mary Star of the Sea Catholic Church and School are highlighted in blue

Process:

Planning Board Meeting:	June 16, 2022
Local Appeal Period:	10 days
DEO Review Period:	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 property 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.

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 proposed restaurant will sell alcohol between 7 a.m. and 9 p.m.

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.

D. Public input;
As of the date of this report, the Planning Department has received a letter of public support from The Basilica of Saint Mary Star of the Sea Catholic Church and The Basilica School, the subject church and school.

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 zero objections to the applicant's request to sell beer and wine at this proposed restaurant.

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 special exception, the Planning Department recommends the following conditions:

1. The special exception is granted exclusively to Cuban Coffee Queen 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 proposed restaurant.
4. The sale of beer and wine will be limited to the operating hours of the proposed restaurant 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 regularly scheduled pick-up for waste removal will be adjusted to ensure no trash accumulates beyond the storage capacity of the screened containers.