



THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chair and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Ben Gagnon, Planner I

Meeting Date: July 18, 2024

Agenda Item: **Conditional Use – 2011 Flagler Avenue (RE# 00045270-000000)** – Applicant seeks a Conditional Use Permit to operate a medical office pursuant to Sections 122-388 (13) and 122-62 of the Land Development Regulations for property located within the Limited Commercial (CL) District.

Request: A request for a Conditional Use Permit to operate a medical office in the Limited Commercial District (CL) District located on the north Side of Flagler Avenue, east of 2nd Street and west of 3rd Street.

Applicant: George Wallace / Graciela Lozano / Midway Specialty Care Center, Inc

Property Owners: The Toppino Construction Co INC

Location: 2011 Flagler Ave (RE# 00045270-000000)

Zoning: Limited Commercial (CL)

Background:

The subject property is a 5,000 square-foot parcel located at 2011 Flagler Avenue between 2nd Street and 3rd Street in the Limited Commercial (CL) zoning district. The property includes a 2,188 square foot building that currently accommodates multiple businesses, most of which operate remotely. The medical office is expected to occupy most of the current building. The property is adjacent to single family residences to the east and west and is adjacent to a large commercial storage building to the north. The building is situated on the north side of Flagler Avenue and is across from the Key West Highschool.

Medical Services are a conditional use in the CL zoning district. Sec 122-62 Outlines the specific criteria for approval for conditional uses.



SITE MAP & PHOTOS



Request:

The applicant proposes to operate a medical office at an existing building with minimal site plan changes, and no major external renovations proposed. The property has 8 existing parking spaces on site including 2 handicap spaces. The applicant states there will be one doctor operating out of the office. It is not known how many full-time employees in total will be needed on site. As indicated by the site plan and floor plan at the end of this staff report the proposed office use will include two lobbies, a check in room, the main medical room, and supply/filing rooms.

Surrounding Zoning and Uses:

North: Limited Commercial: Commercial

South: Public Services: Key West Highschool

East: Limited Commercial: Residential, Residential

West: Limited Commercial: Residential, Residential

Process:

Development Review Committee: May 23, 2024

Planning Board: July 18, 2024

Local Appeal Period: 10 days

DEO Review: Up to 45 days

Development Review Committee:

This application appeared before the May 23, 2024 Development Review Committee. Committee member comments/questions and the applicant's responses are provided below:

Solid Waste:

Please provide a site plan that shows the location(s) for trash and recycle storage containers.



Solid waste storage areas must be screened from adjacent properties and public ways. (Sec. 108-279)

Multimodal:

If this project represents an increase in capacity by a change of use, parking minimums for motor vehicles and bicycles may need to be considered per Sec. 108-571.

If applicable, Sec 108-572 requires that the number of bicycle parking spaces equals 10% or greater the number of motor vehicle parking spaces. Doctors' offices or clinics require 5 motor vehicle spaces per each doctor.

If applicable, Sec. 108-575(2) states that fractional parking spaces shall be rounded to the next highest number.

Fire:

The applicant shall request life safety inspection prior to opening business.

Section 18-358 Review: Traffic impacts on level of service and nuisance prevention:

The applicant exceeds the Code-required parking for the proposed use with five spaces required and 6 provided. The City's Multimodal coordinator requested the installation of two bike racks, which the applicant has agreed to provide. Trip generation data from the Institute of Transportation Engineers suggest that medical offices generate a higher number of vehicle trips than do general business/professional office, per 1,000 feet of gross floor area. On average of about 4.85 trips per day for a clinic with a low number of employees. However, any additional traffic triggered by the proposed use is not likely to be significant in terms of average traffic volume within the immediate area.

Staff does not anticipate that the proposed use would increase noise, dust, fumes, environmental hazards, or have an adverse impact on drainage.

Conditional Use Criteria:

Pursuant to Section 122-61 and 122-62(a), conditional uses 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. Section 122-26(a) provides the required content of Conditional Use applications. Section 122-26(b) provides specific criteria for approval.

Section 122-62(b): Characteristics of Use Described: The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:

(1) Scale and Intensity of the proposed Conditional Use:

- **Floor area ratio:** 0.44
- **Traffic generation:** On Average of under 5 trips per day, with variations depending on staff.
- **Square feet of enclosed building for each specific use:** One 2,188 square foot existing building.
- **Proposed employment:** One Doctor, one receptionist are the only proposed full time employees.
- **Proposed number and type of service vehicles:** No service vehicles proposed



- **Off-street parking needs:** 5 spaces required, 8 proposed on site. Multimodal requested bike racks be put in and the applicant is providing two separate racks of two bikes each

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

- **Utilities:** No needs are identified by the application. However, the site does not have a stormwater management plan.
- **Public facilities:** No needs are identified by the application.
- **Roadway or signalization improvements:** No needs are identified by the application.
- **Accessory structures or facilities:** No needs are identified by the applicant.
- **Other unique structures or facilities:** No needs are identified by the applicant.

(3) On-site amenities proposed to enhance site and planned improvements:

- Open space;
- Setbacks from adjacent properties;
- Screening and buffers;
- Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
- Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

Section 122-62 (c) establishes criteria for the review of Conditional Uses. Pursuant to the City Code, applicants must demonstrate the following:

- (1) Land Use Compatibility
- (2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use
- (3) Proper use of mitigative techniques
- (4) Hazardous waste
- (5) Compliance with applicable laws and ordinances
- (6) Additional criteria applicable to specific land uses

A summary of these criteria can be found below:

(1) Land Use Compatibility: The scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.

- **Adjacent Land Uses:** There is a mix of residential and commercial uses in the immediate vicinity. The Limited Commercial zoning district surrounds the property, but for the lot on the south, across Flagler Avenue, is Key West Highschool, zoned PS.
- **Scale & Intensity:** The scale of the proposed medical office is relatively small, there is just one Doctor proposed, thus an overflow of patients and vehicles is not expected.



- **Traffic generating characteristics:** The traffic generating characteristics are not deemed significant. Flagler Avenue is a major road in the City and staff does not believe the addition of the medical office will overwhelm the street.
- **Off-site impacts:** The off-site impacts are expected to be minimal.

(2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use: The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested.

- **Scale and intensity:** The scale of the proposed commercial building will remain unchanged. The property holds BTR's for multiple other commercial businesses but the majority work remote. The applicant is proposing to occupy the majority of the existing commercial space.
- **Access and efficient internal traffic circulation:** Section 108-648 provides that:
"The internal circulation system, including drives and maneuvering areas, shall be designed to permit convenient maneuvering of cars and service vehicles into and out of each parking and loading space and shall be arranged so that no vehicle need back onto a public right-of-way.
There are two parking areas, one behind the building and the other right off Flagler Avenue.
- **Screening, buffers, landscaping, open space:** Trash should be screened appropriately as per code. Urban forester provided no comment on existing trees and there is no proposed landscape plan required. Any removal of existing trees would require application to the Tree Commission.
- **Enhancements to mitigate against potential adverse:** No enhancements are proposed to mitigate against potential adverse impacts.

(3) Proper Use of Mitigative Techniques: The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses, and to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

- **Mitigative techniques:** No mitigative techniques are proposed, but staff does not predict any are needed for the proposed use. Multimodal requested and the applicant has agreed to install two bike racks on site.

(4) Hazardous Waste – The applicant shall comply in all respects with the handling and disposal of hazardous waste materials.

(5) Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are



required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.

(6) Additional criteria applicable to specific land uses. Commercial or mixed use development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting floor area ratio, setbacks, lot coverage, height, mass of buildings, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles I, II, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, pedestrian access and circulation; internal vehicular circulation together with access and egress to the site, and off-street parking; as well as possible required mitigative measures such as landscaping, buffering, and other site design amenities. Where commercial or mixed use development is proposed as a conditional use adjacent to U.S. 1, the development shall be required to provide mitigative measures to avoid potential adverse impacts to traffic flow along the U.S. 1 corridor, including but not limited to restrictions on access from and egress to U.S. 1, providing for signalization, acceleration and deceleration lanes, and/or other appropriate mitigative measures.

Public comments:

The City has received no public comments as of June 17th, 2024

Planning Analysis:

Code Section 122-62 provides 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.” Further, it provides that a conditional use shall only be approved if it complies with the criteria specified in Section 122-62, including requirements that:

- The conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.
- The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements are adequate to accommodate the proposed scale and intensity of the conditional use requested.
- The conditional use and site plan incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses.

After review, it is the opinion of staff that the subject application is in compliance with the requirements noted above.



RECOMMENDATION:

The Planning Department, based on the criteria of Section 122-62, recommends APPROVAL of the subject conditional use application for 2011 Flagler Avenue with the following recommended conditions:

1. The area of the proposed use shall remain consistent with the floor plan submitted by the applicant.
2. This Conditional Use shall allow for the operation of a medical office use as detailed herein. Modifications to the proposed use shall be subject to review and approval of the Planning Board.
3. All automobile spaces shall be individually marked pursuant to Sec 86-9.
4. Screening of all outdoor waste receptacles pursuant to Sec 108-279.
5. The installation of two (2) bike racks as noted above.



Site Plan and Floor Plan

