Dear Planning Board Members,

I apologize for being unable to attend this meeting in person.

I hope that you will approve items 13 and 14 with a small change.

My company has been working on trying to revitalize Mallory Square for fifteen years.

This new zoning district is a welcome improvement. Mallory Square has been an outlier full of non-conforming uses and since the City inappropriately zoned it HPS. Except for the parking lot, nearly all of the Mallory square uses are existing non-conformities under the current code. Recognizing these historic and desirable uses is good zoning.

This zoning clarification will facilitate the redevelopment of Mallory Square with adequate financing to maintain the property. Much of the commercial activity and investment at Mallory Square has long been oriented towards Wall Street, while neglecting the waterfront plaza.

I would urge a small modification to the proposed land development regulation Amendment.

I believe that the zoning amendment would be more effective, and more accurately help implement the "master Plan", and reflect the intent of the public planning sessions, if two of the proposed uses under the new Sec. 122-983. Conditional uses- are moved to 122-982 permitted uses.

(1) Restaurants, excluding drive thru.

(8) Commercial retail high intensity less than or equal to 5,000 square feet applied for after the date of this ordinance.

Conditional uses are covered in City code Chapter 122 Article III. While the section is extensive- the primary criterion in guiding an approval or denial of a conditional use is whether a particular use is appropriate or compatible for a particular location or zoning district.

The City of Key West has already made such a finding with regards to restaurants at Mallory Square. All of the public meetings as well as the Master plan include a new restaurant at Mallory Square. Making such a use conditional while recognizing the appropriateness of existing restaurants does not make sense. The additional burden of a conditional use for something that has already been designed for is unnecessary and inappropriate.

The proposed zoning recognizes the retail uses at the Sponge Market, Shell warehouse, CPS retail vendors, and the Abuela's Bodega shops at Meson de Pepe. Changing small new retail uses to permitted, rather than conditional allows a similar use or new CPS retail vendors to secure City licensing without a conditional use approval. This is appropriate zoning.

Simply, are retail and restaurant uses permitted/appropriate at Mallory Square or not. The Square is full of them. The Master Plan anticipates more of them. These uses should be permitted, not conditional. As the city owns the whole Square it has the further ability to restrict these uses with leaseholds if it so chooses.

Thank you for your consideration, and your volunteer service on the City's planning board.

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Regards,

Joe Walsh

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