

RESOLUTION NO. 01-342

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING PURSUANT TO SECTIONS 4-18.3 AND 2-6.3 OF THE LAND DEVELOPMENT REGULATIONS, A MAJOR DEVELOPMENT PLAN FOR A FOURTEEN UNIT GUEST HOUSE AND A CONDITIONAL USE FOR A MUSEUM AT THE PROPERTY LOCATED AT 1400 DUVAL STREET ("THE SOUTHERNMOST HOUSE"); PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on September 20, 2001, the Key West Planning Board approved with conditions a Major Development Plan and Conditional Use for the property located at 1400 Duval Street; and

WHEREAS, the City Commission finds that prior to the use of the subject property as a 14-unit guest house, the property owner is required to comply with the City's Rate of Growth Ordinance and transient rental occupational license regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

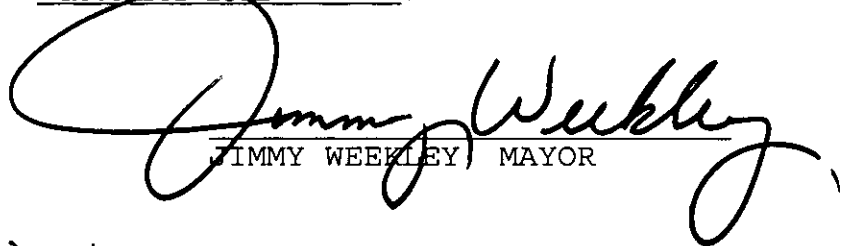
Section 1: That the Major Development Plan and Conditional Use of the property located at 1400 Duval Street are hereby approved; provided that the applicant shall fulfill the twelve conditions set forth in Option A of the City Planner's memorandum of October 25, 2001, attached hereto.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

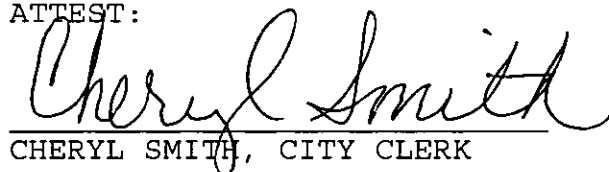
Passed and adopted by the City Commission at a meeting held this 20th day of November, 2001.

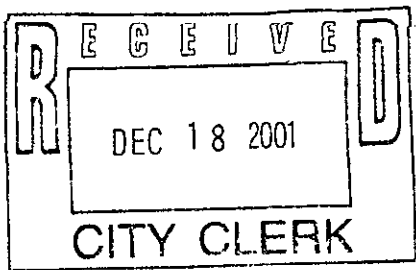
Authenticated by the presiding officer and Clerk of the Commission on November 26th, 2001.

Filed with the Clerk November 26th, 2001.

  
JIMMY WEEKLEY MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK



**THE CITY OF KEY WEST**

Post Office Box 1409  
Key West, FL 33041-1409  
[www.keywestcity.com](http://www.keywestcity.com)

**MEMORANDUM**

TO: Cheri Smith  
City Clerk

FROM: Robert Tischenkel *RT*  
City Attorney

DATE: December 18, 2001

RE: Resolution No. 01-342

Section 1 of Resolution 01-342 provides that the Major Development Plan and Conditional Use approval for 1400 Duval Street contains 12 conditions. The attachment to the Resolution shows 13 conditions, considering changes made by the City Commission. Section 1 of the Resolution should have stated 13 conditions as well. Please attach this memorandum to your file for this agenda item in order to explain the discrepancy.

cc: Ty Symroski, City Planner  
Michael Halpern, Esq.  
Hugh Morgan, Esq.

**CITY OF KEY WEST  
PLANNING DEPARTMENT  
MEMORANDUM**

To: ~~Mr. Julio Avel, City Manager~~ **Bob Tischenkel, City Attorney**

From: Ty Symroski, City Planner 

Date: October 25, 2001 **Revised November 28, 2001 to reflect the revised conditions adopted by the City Commission in italic, underline and strikethrough format.**

RE: 1400 Duval Street (AKA Southernmost House)

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**1. ISSUE:**

**REQUEST**

Address: 1400 Duval Street RE #: Main parcel: 36360, bay bottom: 36370,

Zoning: HCT (Historic Commercial Tourist District)

Purpose: To convert the existing buildings into:

1. 14 transient units,
2. A museum of approximately 600 sq. ft. in the lobby open to the public for a fee,
3. Food and beverage service for the guests of the transient units and visitors to the museum, and
4. Accessory retail space with Southernmost House logo items and miscellaneous sundry items such as toothbrushes, combs, and suntan lotion.

The City's records confirm that there is only one (1) sewer and garbage account and thus there is only one (1) unit on the site.

**PROCESS:** The guesthouse is a permitted use. However, the addition of over ten (10) units at the proposed density (over 16 per acre) is a major development plan (Section 4-18.3B.1.)

At this time the City does not have any ROGO awards for transient units. However, it is possible to purchase and transfer units and transient licenses to this location (ordinance 99-26). This

ordinance specifically allows transfers to properties in the "V zone" if the transfer would not produce new construction.

It is reasonable to proceed with reviewing the proposed site development at this time before considering the transfer of units. This is because it is difficult to obtain units to transfer. Additionally, as one of the most scenic properties in the state, located at a busy intersection, and as a conditional use, there may be impediments to the proposed use. This would affect the transfer and possibly render it obsolete. Therefore, it is acceptable to proceed with a site review first. This understanding has been explained to the applicant.

If the project is approved, 13 transient units and 1 transient license will need to be transferred to the property. This will require a DRC meeting and a Planning Board hearing for each transfer.

The museum is considered a Cultural and Civic Activity and, as such, is a conditional use in the HCT district.

The "food and beverage service" was described in the initial application as a "café and retail" on the application's first page. This seemed to be an attempt to avoid being described as a "bar or lounge" which is not allowed in this district unless associated with a guesthouse of 20 units. However, a restaurant is allowed as a conditional use.

At the Planning Board meeting the applicant stated that there is no kitchen on site and it is the intent for there only to be a very low-key food and beverage service and to function as a small accessory use available to guest of the museum and guesthouse.

PRIOR CITY ACTIONS: The property has obtained many building permits for repairing the property. These permits have been granted with the acknowledgement that the property is a single family home. However, the quality of work has been done to the standards as a commercial guesthouse.

Attached is a list of HARC approvals. As indicated in several approvals acknowledge the proposal of the property as multiple transient units.

DRC Comments:

1. Must be ADA accessible –i.e. ramp for handicap.
2. More bike racks and move the present bike racks to a more usable location.
3. Trim trees up to 8 feet so that they don't interfere with pedestrians.
4. Storm water runoff must be addressed.
5. Traffic entrance on South Street and exit on Duval Street.
6. CES has a concrete utility pole located in the sidewalk near the exit for proposed parking area – applicant may need to adjust exit if conflict. (Written comment)
7. Should any additional water using fixtures be added, additional System Development Fees will be required. (Written comment)

Neighbor Comments and Concerns:

1. The noise from the 13 air conditioner units placed at the setback adjacent to his property.
2. The double latticework on the chain link fence extending above the permitted fence height.
3. A Possible spa in the rear of the guesthouse.
4. A Raised structure marked on the plans.
5. A Deck and spiral stair marked on the building called "beach house" being used and imposing on his privacy.
6. Whether there would be parking at 1401 Duval Street.
7. The hours allowed for serving alcohol outside.
8. Hours for serving food outside.
9. The number of parking spaces required.
10. The presence of a kitchen on site.

Planning Board Recommendations:

The Planning Board had the same concerns as expressed by the neighbor and, additionally, was concerned with the access directly to the cafe from the street entrance and obtaining of the transient units.

The Planning Board then recommended approval with the conditions:

1. Recommended by the City Planner in the report dated September 14, 2001 shall be incorporated as follows:
  - i. The museum hours be limited from 10:00 AM to 6:00 pm. The purpose of this condition is to eliminate the prospect of the parking interfering with motel parking at night.

- ii. The food and beverage service be limited to guests staying in the 14 transient units when the museum is closed. The purpose of this is to assure the bar pavilion will not have the prospect of becoming a bar or lounge. This also will eliminate the need for required parking.
  - iii. At least 10 bicycle parking spaces are provided and a variance is granted to allow this as a substitution for the 17<sup>th</sup> parking space that is required. This will eliminate the requirement to encumber the 1401 Duval property.
  - iv. The project is made ADA accessible, including access to the museum and to at least one guest unit.
- 2. The applicant must provide reasonable sound buffering for the air conditioning units.
  - 3. The applicant must not allow any roof access to the existing beach house and guesthouse as those are identified on the site plan.
  - 4. All outside service of alcohol and food is prohibited after 9:00 PM seven nights a week.
  - 5. There shall be no spa or any type of construction to the right of the existing beach house north of the chain link fence.
  - 6. There shall be no amplified sound after 9:00 PM.
  - 7. There shall be a landscape barrier to direct people into the museum to prevent entry directly into the pavilion.
  - 8. The retail shop shall be in the main building and shall sell sundries typically sold in a store in a resort, such as shampoo and newspapers, as well as the items with the Southernmost House logo.

**ANALYSIS:**

**Response to DRC:** The applicant has responded favorably to all DRC comments (attached letter of September 11, 2001).

**Response to Planning Board:** The applicant has accepted these conditions and revised the plans accordingly. However, there is only a gate to prevent entry directly into the pavilion. Also, due to a slight misunderstanding of the Planning Board's recommendation, there should be an additional 5 bicycle spaces.

**Traffic:** The size of the project compared to background traffic is very insignificant. The maximum number of trip ends for the 14 units,

applying general nation wide numbers, is approximately 140 (70 arrive and 70 leave). There would also be additional traffic for the museum. However, the Planning Department believes the actual number of trips will be much less due to the proximity of the Duval Street pedestrian zone, the variety of uses within a five-minute walk, and the difficulty to park throughout the Historic District.

**Parking:** A total of 6 bicycle spaces and 19 parking spaces are required (4 for the 600 sq. ft. museum and 15 for the 14 rooms). This is slightly more than was initially required because the size of the museum is 300 sq. ft. larger than initially anticipated. Parking spaces are not required for the retail and food and beverage because these are accessory to the guesthouse.

The current proposal provides 16 parking spaces and 10 bicycle spaces. There is no space for an additional 3 parking spaces. A substitution of 12 bicycle spaces for the 3 parking spaces is permitted by the Land Development Regulations. However, this would be the minimum and a total of 25 bicycle spaces would be more appropriate due to the location of this project in the pedestrian and bicycle oriented area of the City.

**Neighbor**

**Impacts:** As conditioned, the food and beverage service will be a small operation and will be a legitimate accessory use of resort because service will be limited to the guests and access will be restricted. Complying with the Planning Board conditions and eliminating the gate to the pavilion will further address the neighbor's concerns.

**ADA Accessibility:** The project will be made ADA accessible with the use of portable ramps and lifts. The entrance to the project on South Street is already handicap accessible and the portable ramps and lifts will be used to make the Southernmost House wheelchair accessible. In addition, at least one unit (in the beach house) will be ADA accessible.

## **2. OPTIONS and Advantages and Disadvantages:**

**OPTION A:** Approve the project with the following conditions recommended by the Planning Board:

1. As indicated on the plans, the museum hours are limited from 10:00 AM to 6:00 **8:00 pm, and that museum guests must leave the premises by 8:00 pm**. The purpose of this condition is to eliminate the prospect of the parking interfering with motel parking at night.
2. As indicated on the plans, events at the resort to be limited to 9:00 PM weekdays and 10:00 PM on weekend and holiday nights with an hour for clean up.
3. As indicated on the plans, the food and beverage service be limited to guests staying in the 14 transient units when the museum is closed. The purpose of this is to assure the bar pavilion will not have the prospect of becoming a bar or lounge. This also will eliminate the need for required parking.
4. At least 19 bicycle parking spaces may be substituted for the 3 required parking spaces. This will result in a total of 25 bicycle spaces.
5. As indicated on the plans, the project is made ADA accessible, including access to the museum and to at least one guest unit.
6. As indicated on the plans, the applicant must provide reasonable sound buffering for the air conditioning units; **the applicant agrees to spend up to \$10,000.00 on such sound buffering in accordance with an engineering design developed in collaboration with Mr. Hugh Morgan (provided that the sound buffering design does not detrimentally affect the operation of the air conditioning units)**.
7. As Indicated on the plans, the applicant must not allow any roof access to the existing beach house and guesthouse as those are identified on the site plan.
8. As indicated on the plans, all outside service of alcohol and food is prohibited after 9:00 PM seven nights a week. This shall apply also to events.
9. As indicated on the plans, there shall be no spa or any type of construction to the right of the existing beach house north of the chain link fence.
10. As indicated on the Plans, there shall be no amplified sound after 9:00 PM.
11. The plans will be modified to provide a landscape barrier to direct people into the museum or ADA accessibility route to prevent entry directly into the pavilion.
12. The retail shop shall be in the main building and shall sell sundries typically sold in a store in a resort, such as

shampoo and newspapers, as well as the items with the Southernmost House logo.

13. **Any changes to the site not already listed on the approved site plan, shall be reviewed and approved by the City Commission.**

**Advantages of Option A:**

1. A historic mansion will become a guesthouse available to the general public.
2. Transient units will be transferred from locations where rates will be less than the project. This will generate increased sales tax and possible increased tourist dollars in general.

**Disadvantages of Option A:**

1. The conditions are reasonable and are sufficiently clear to facilitate enforcement. Nevertheless there may always be some additional demands placed upon the City Code Enforcement Department.
2. Neighbors may be adversely impacted.

**OPTION B:** Deny the project.

Advantages of Option B: Neighbors will not impacted.

**Disadvantages of Option B:**

1. The property owner may choose to develop the property in a manner more likely to disturb the neighbors
2. The advantages of Option A will not be realized.

**3. FISCAL IMPACTS**

Approval may lead to increased City revenues from sales tax. This is likely to exceed increased costs of code enforcement if any.

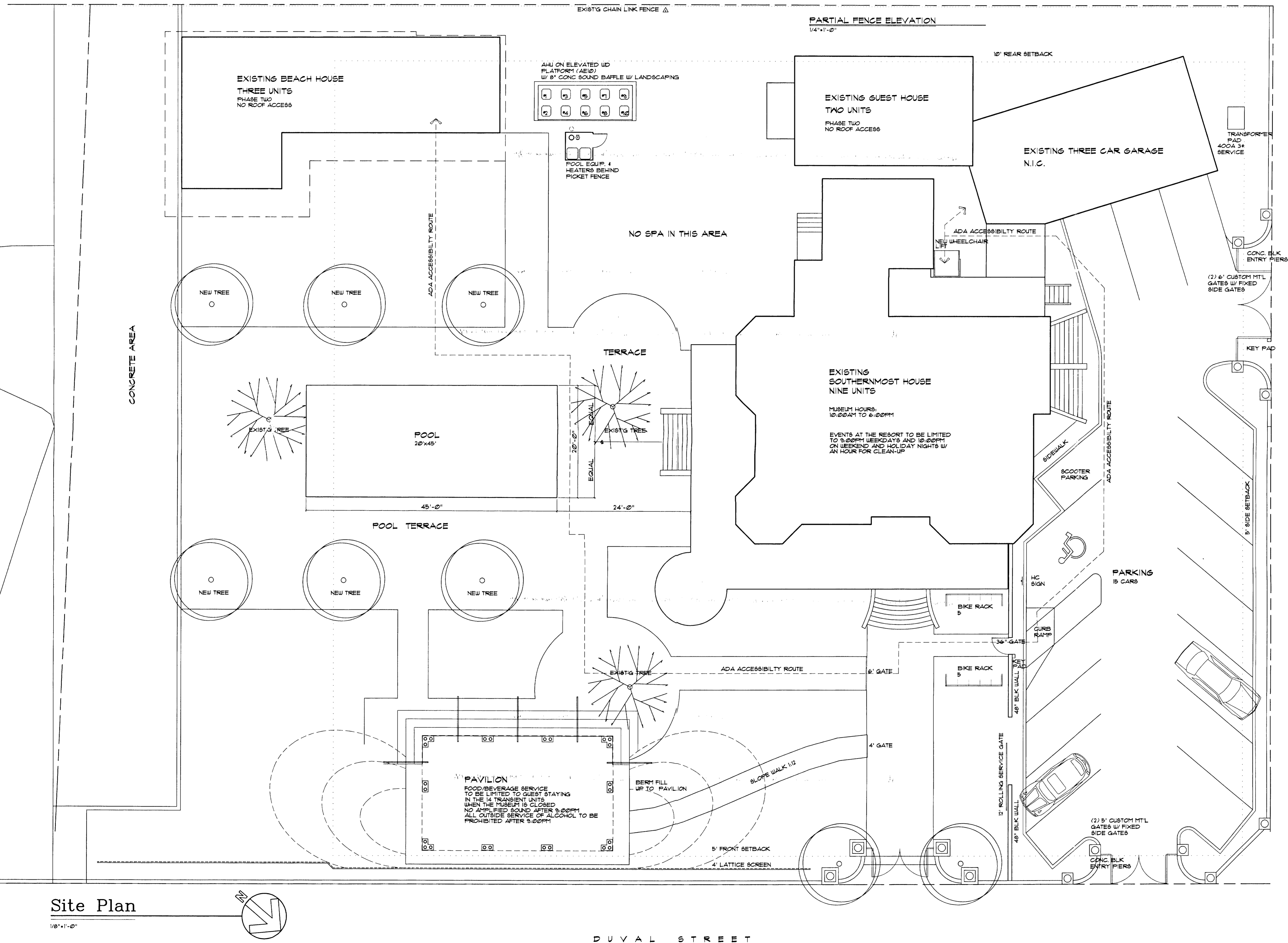
**4. RECOMMENDED ACTION**

The Planning Department recommends Option A.

**5. DRAWINGS PROVIDED WITH THIS REPORT:**

Plans	By	Date	Revised	Page #	Received
Southernmost House Renovation	Thomas E. Pope	9/4/97	09/26/01	S1	Sep 28, 2001
Southernmost House Renovation	"	"	"	A1	
Southernmost House Renovation Beach House	"	10/2/976	"	b.1	
Southernmost House Renovation Cat House	"	11/25/97	"	1	

# SOUTHERNMOST HOUSE Renovation



Res. 01-342

sheet:  
**S1**

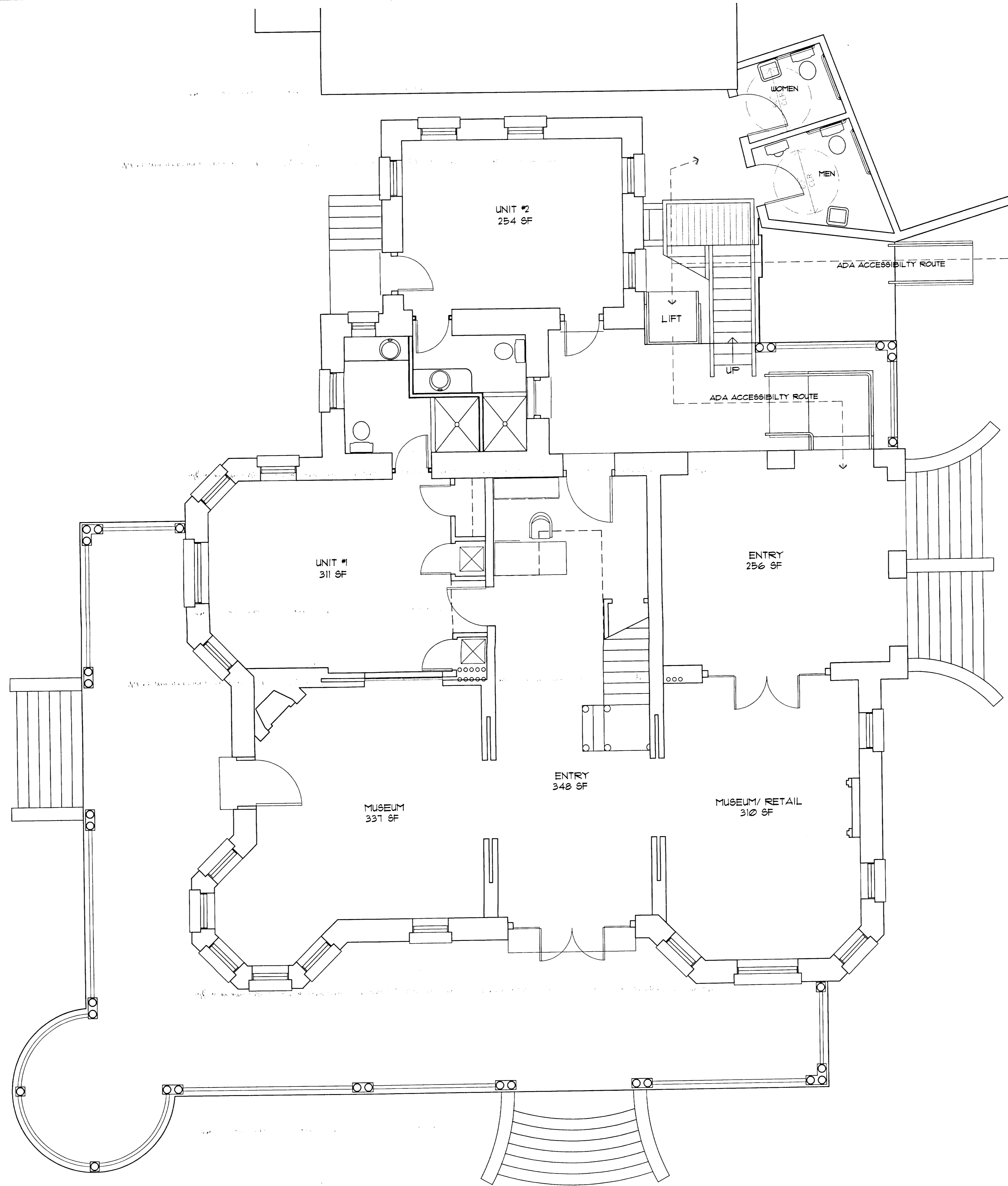
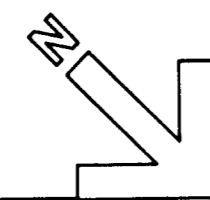
THOMAS E. POPE, P.A. ARCHITECT  
610 White Street, Key West FL (305) 296 3611

**SOUTHERNMOST HOUSE Renovations**  
1400 Duval Street      Key West FL

date:  
9/4/97  
revision:  
09/26/01

First Floor Plan

1/4"=1'-0"



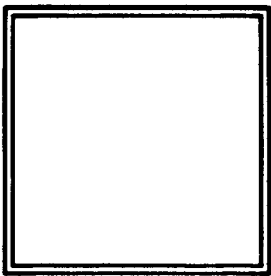
THOMAS E. POPE, P.A. ARCHITECT  
610 White Street, Key West FL (305) 296 3611

date:  
9/4/97  
revision:  
09/26/01

sheet:  
**A1**

Southernmost House Renovations  
1400 Duval Street Key West FL

Res. 01-392

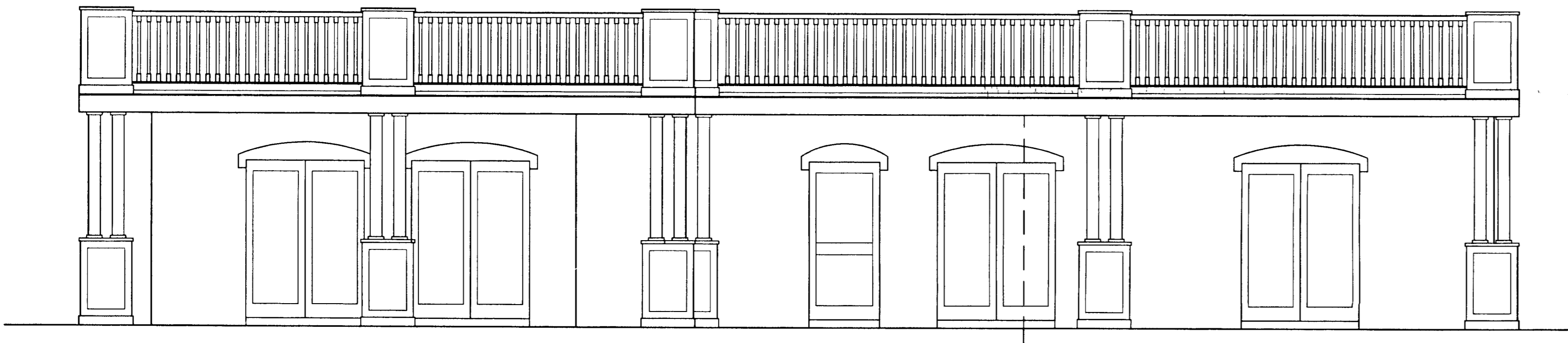


SOUTHERNMOST HOUSE Renovations  
Beach House  
1400 Duval Street  
Key West FL

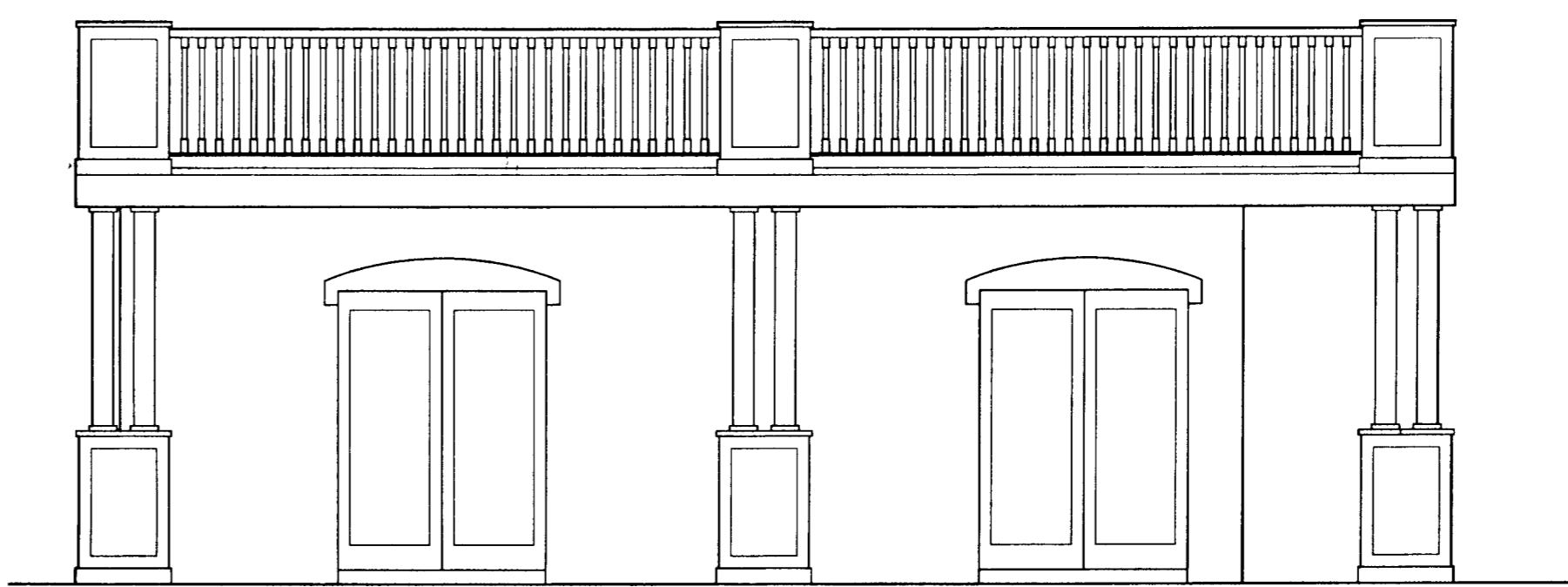
THOMAS E. POPE, P.A. ARCHITECT  
610 White Street, Key West FL (305) 296 3611

date:  
10/2/91  
revision:  
09/26/01

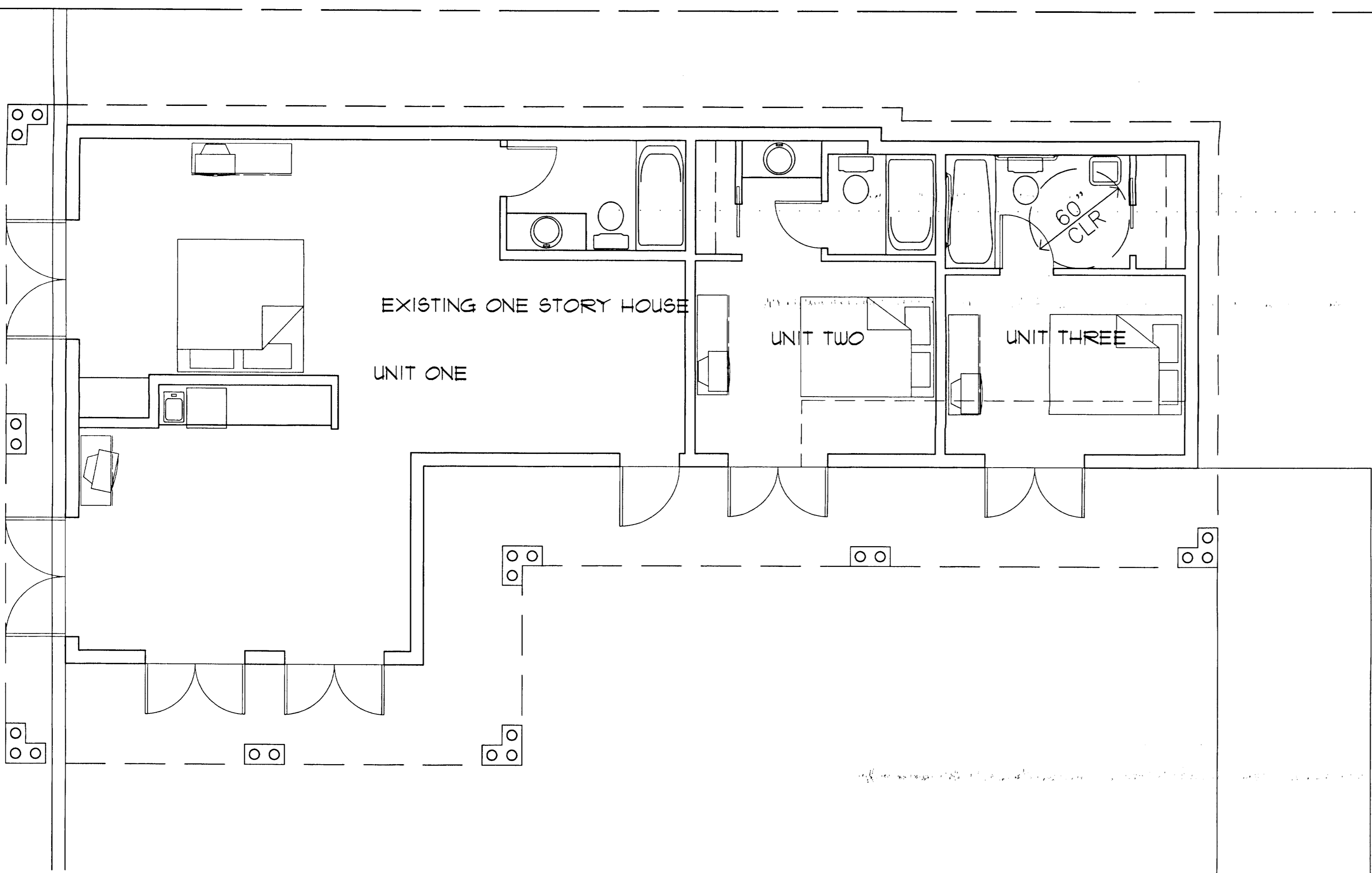
sheet:  
**b.1**



Side Elevation

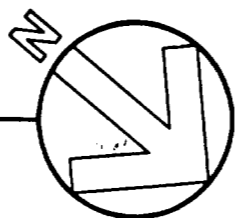


Ocean Elevation



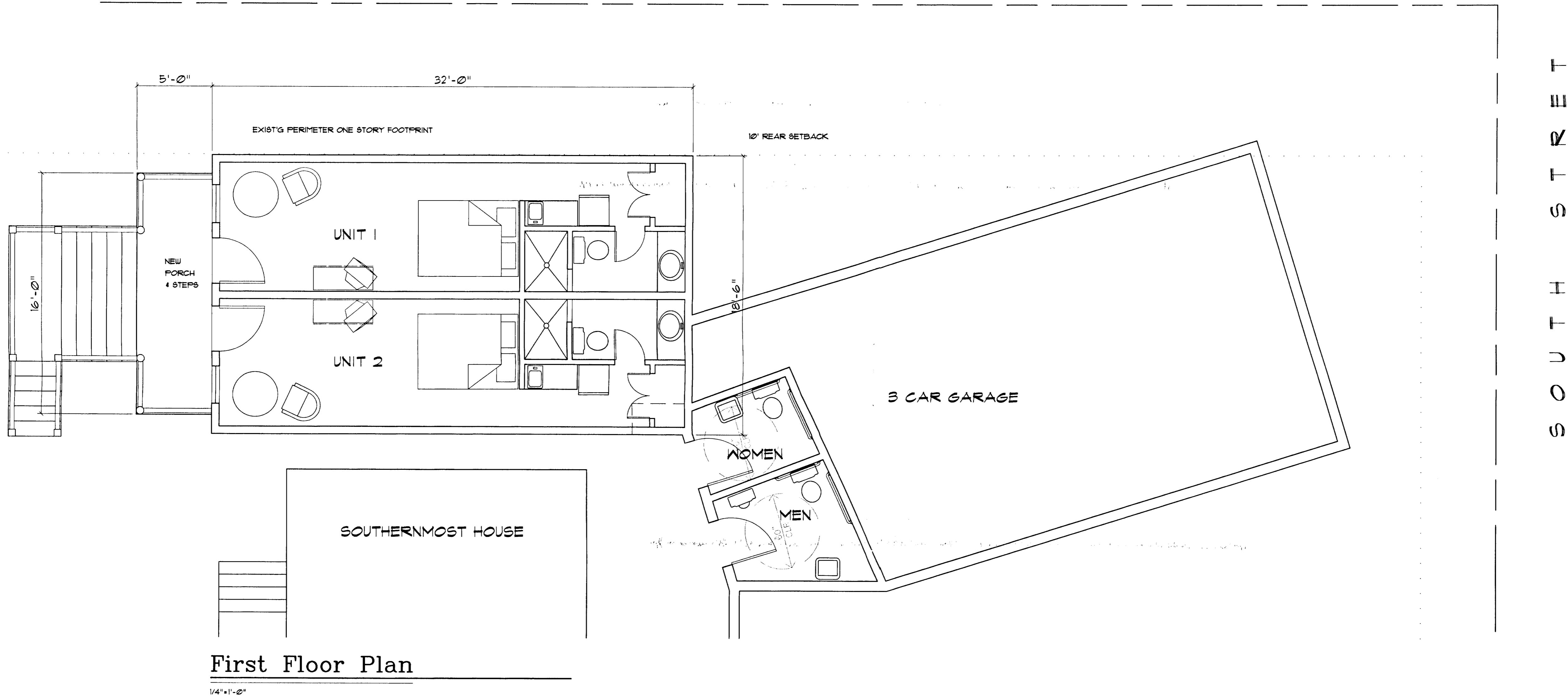
Floor Plan

1/8"=1'-0"



Res. 01-342

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S O U T H S T R E E T

THOMAS E. POPE, P.A. ARCHITECT  
610 White Street, Key West FL (305) 296 3611

date:  
11/25/97  
revision:  
09/26/01

sheet:

1

SOUTHERNMOST HOUSE Renovations  
Cat House Key West FL  
1400 Duval Street

Res. 01-342