



**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**

To: Chair and Planning Board Members

From: Vanessa Sellers, Planner II

Through: Patrick Wright, Planning Director

Meeting Date: August 15, 2019

Agenda Item: **Conditional Use – 417 Southard Street (RE # 00010040-000000) - A request for conditional use approval to allow for a bar and lounge use on a parcel located within the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Request: A conditional use approval to allow for bar and lounge use in the HRCC-1 zoning district.

Applicant: Jessica Moore

Property Owner: 417 Southard Street, LLC

Location: 417 Southard Street, Key West

Zoning: Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) (previously partially HRO - see Resolution no. 16-353)

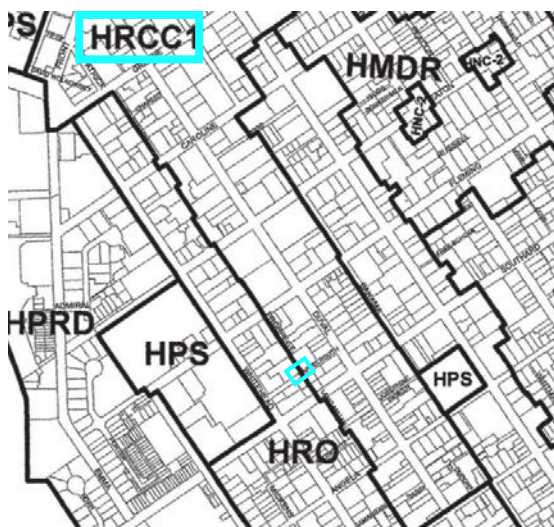


Image of a portion of the Official Zoning Map of the City of Key West.



Image of an aerial view of the subject property.

Background:

According to the Monroe County property appraiser card, the structure at 417 Southard Street is 6,459-square-feet. A search of Polk City Directories revealed the property was used for motorcycle sales for several decades. Today, the property is a mixed-use property.

There are two (2) active business licenses at the subject property. The following table summarizes the licenses:

License Number	Business Name	Description	Comments
2019-000061	A Sweet Venture, LLC	Retail Establishment 2,001 to 5,000 Square-Feet	Art Gallery
2019-000334	417 Southard Street, LLC	Non-Transient Rental	Two (2) Non-Transient Rental Units

Approximately 4,000-square-feet of the 6,549-square-foot subject property is used as an artist's studio and gallery. The property includes an approximate 500-square-foot outdoor area used for trash can storage.

The applicant is requesting a conditional use permit to allow for the sale of alcoholic beverages to be consumed on site by visitors of the artist studio and gallery. No additional indoor seating is proposed at this time. The proposal includes a potential second phase that will improve the existing outdoor area with an installation of a "living wall" of native plants and add bench seating with umbrellas for customer enjoyment. The improvements will shield an existing chain link fence and potentially attract butterflies and pollinators. If the second phase comes to fruition, or if additional indoor seating is installed, impact fees will be levied by the City of Key West's Licensing Official.

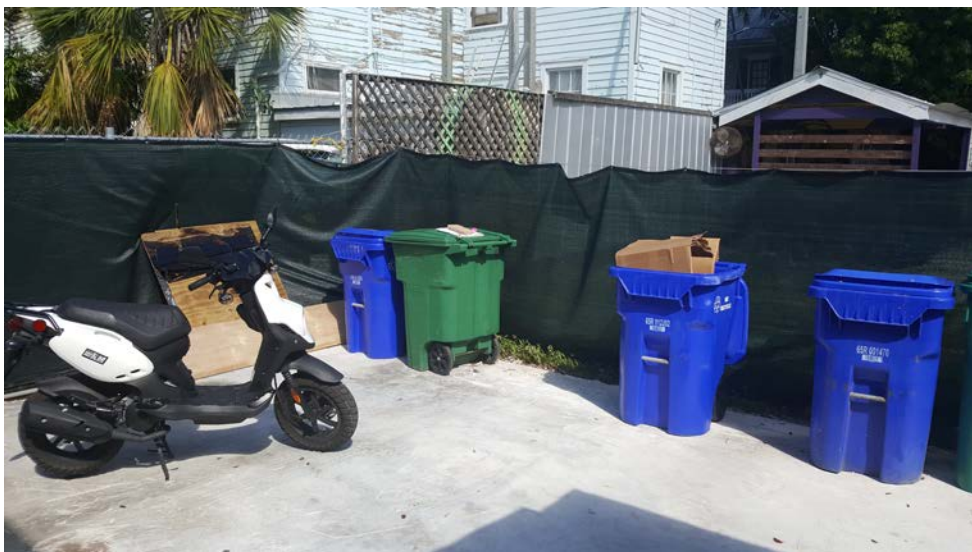


Photo of the existing outdoor area used for trash can storage

Pursuant to section 122-688 (9), bars and lounges are a conditional use of the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) zoning district. The proposed use will be in addition to the parcel's other current uses. Pursuant to section 86-9 of the city code, *a bar and lounge* is defined as a commercial establishment selling and dispensing for the drinking on the premises of liquor, malt, wine, or other alcoholic beverages. It shall not include the sale of alcoholic beverages accessory to and within a restaurant use.

Surrounding Zoning and Uses:

North: HRCC – 1 and HRO
South: HRCC – 1 and HRO
West: HRO
East: HRCC – 1



Image of an aerial view of the subject property with the surrounding uses identified.

Process:

Development Review Committee:	July 25, 2019
Planning Board:	August 15, 2019
Local Appeal Period:	10 days
DEO Review:	Up to 45 days

Conditional Use Review:

The purpose of conditional use review, pursuant to City Code Section 122-61, is to ensure 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. City Code Chapter 122, Article III sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

Conditional Use Specific Criteria pursuant to Code Section 122-62:

(a) Findings

Code Section 122-62(a) provides, in part, that “a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and/or the City Commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations.” This section also specifies that “a conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is averse to the public’s interest.”

(b) Characteristics of use

The proposed use is a bar and lounge use.

(1) Scale and intensity of the proposed conditional use as measured by the following:

a. Floor area ratio (FAR):

The proposed use will not add additional floor area to the property.

b. Traffic generation:

According to the application, the proposed use will be an accessory to the current use of the property. Staff does not anticipate the proposed use will generate an unreasonable or significant change in trip generation at the property above the current or past uses.

c. Square feet of enclosed space for each specific use:

As described in the application, the new use will be in addition to the existing use. The consumption area would cover the entire gallery and studio. The applicant envisions that guests may move freely throughout the space with an optional alcoholic beverage (beer/wine only) in hand while viewing displays of artwork.

d. Proposed employment:

The application indicates the proposed employment is one (1) to two (2) additional employees for the selling and dispensing of alcoholic beverages (beer/wine only).

e. Proposed number and type of service vehicles:

Staff does not anticipate any adverse impacts from service vehicles.

f. Off-street parking needs:

The subject parcel is located within the historic commercial pedestrian-oriented area where parking requirements are applicable whenever:

(1) New nonresidential floor area is constructed;

(2) New residential or transient residential units are constructed;

(3) The amount of nonresidential floor area is increased due to expansion of existing structure or conversion of residential floor area to nonresidential floor area; or

(4) The number of residential or transient residential units available is increased due to conversion of nonresidential uses to residential or transient residential uses or internal or external construction of additional residential or transient residential floor area.

The applicant is not proposing any of the actions listed above, therefore, parking requirements of section 108-572 of the City Code shall not be applied.

(2) On- or off-site improvement needs generated by the proposed conditional use and not identified above including the following:

a. Utilities:

Based on comments at the DRC, Keys Energy has no objections to this conditional use request.

b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94:

None expected. Compliance with building codes and life safety codes would be required prior to building permit issuance. Based on comments at the DRC, it does not appear the conditional use will trigger any public facility capacity issues.

c. Roadway or signalization improvements, or other similar improvements:

None expected.

d. Accessory structures or facilities:

None proposed.

e. Other unique facilities/structures proposed as part of site improvements:

None proposed.

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

a. Open space:

The proposed use will not affect the current open space ratio.

b. Setbacks from adjacent properties:

No exterior construction is proposed.

c. Screening and buffers:

Screening and buffers are not proposed.

d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites:

Landscaping berms are not proposed.

e. Mitigative techniques for abating smoke, odor, noise and other noxious impacts:

No smoke, odor, noise, or other noxious impacts are expected.

(c) Criteria for conditional use review and approval

Pursuant to City Code Section 122-62(c), applications for a conditional use shall clearly demonstrate the following:

(1) Land use compatibility:

The proposed use would be located in the HRCC - 1 zoning district. The HRCC-1 Duval Street gulfside district 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; and transient residential accommodations. The core of the commercial entertainment center spans generally from the Pier House south to Petronia Street as specifically referenced on the official zoning map. This segment of Duval Street is the most intense activity center in the historic commercial core.

The proposed use (bar and lounge) will be operated in an approximately 4,000-square-foot area and will generate minimal traffic. The proposed use complies with the intent of the district.

(2) Sufficient site size, adequate site specifications and infrastructure to accommodate the proposed use:

The size of the site and its specifications is adequate to accommodate the proposed scale and intensity of the conditional use requested.

(3) Proper use of mitigative techniques:

No adverse impacts anticipated.

(4) Hazardous waste:

None expected or proposed.

(5) Compliance with applicable laws and ordinances:

Compliance with all applicable laws and regulations would be required.

(6) Additional criteria applicable to specific land uses:

Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:

a. Land uses within a conservation area: Not applicable.

b. Residential development: Not applicable.

c. Commercial or mixed-use development: No negative impacts expected.

d. Development within or adjacent to historic district: The subject property is located within the historic district and is subject to the HARC Guidelines.

- e. **Public facilities or institutional development:** Not applicable.
- f. **Commercial structures, uses, and related activities within tidal waters:** Not applicable.
- g. **Adult entertainment establishments:** Not applicable.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Conditional Use be **Approved with the following conditions:**

General conditions:

1. The proposed use for bar and lounge use may occupy up to 4,000-square-feet of the 6,459-square-foot structure.
2. If additional seating is installed to accommodate the bar and lounge use, impact fees shall be levied.
3. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance may inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolutions, however, inspection is not required.