

**PLANNING BOARD
RESOLUTION No. 2013-51**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING A VARIANCE TO PARKING REQUIREMENTS OF 6 AUTOMOBILE SPACES TO 11 BICYCLE SPACES FOR PROPERTY LOCATED AT 629 DUVAL STREET (RE# 00012440-000100, AK#1012815), UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant proposes an open air restaurant within the HRCC-1 zoning district; and

WHEREAS, Section 108-572 of the Code of Ordinances provides for the minimum parking requirements for land-use types; and

WHEREAS, Code Section 90-391 allows applicants to request variances to the Land Development Regulations through the Planning Board; and

WHEREAS, the applicant requested a variance to parking requirements per Section 108-572 (9): one parking space per 45 square feet of consumption area; and

WHEREAS, approximately 270 square feet of consumption area is proposed, requiring 6 automobile parking spaces; and


____ Acting Chair

____ Planning Director

WHEREAS, the property is located in the Historic Commercial Pedestrian-Oriented Area;
and

WHEREAS, applicant proposes providing 11 bicycle spaces in lieu of the automobile spaces; and

WHEREAS, this matter came before the Planning Board at a public hearing on September 26, 2013; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting a variance requested will not confer upon the applicant any special privileges denied by the Land Development Regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that the literal interpretation of the provisions of the Land Development Regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

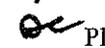
WHEREAS, the Planning Board finds that a variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of a variance will be in harmony with the general intent and purpose of the Land Development Regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to a variance application, and by addressing the objections expressed by those neighbors;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West,

 Acting Chair
 Planning Director

Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That a variance to the 6 required number of auto parking spaces required to 11 bicycle spaces proposed associated with a Minor Development Plan request for property located at 629 Duval Street (RE# 00012440-0001, AK#1012815) per Section 108-572 (5) of the Land Development Regulations of the Code of Ordinances of the City of Key West, are approved as shown on the attached revised plan set received September 4, 2013.

Section 3. It is a condition of a variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which a variance are wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of a variance, shall be submitted in its entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which a variance is wholly or partly necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to submit a full and complete application for permits for new construction for which a variance are wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to a variance in accordance with the terms of a City

building permit issued upon timely application as described in Section 3 hereof, shall immediately operate to terminate a variance, which variance shall be of no force or effect.

Section 5. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 6. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 26th day of September,

2013.

Authenticated by the Acting Chair of the Planning Board and the Planning Director.



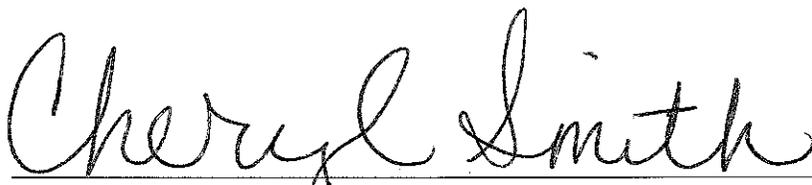
James Gilleran, Acting Chair
Key West Planning Board
10/12/13
Date

Attest:

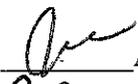


Donald L. Craig, AICP
Planning Director
10.16.13
Date

Filed with the Clerk:



Cheryl Smith, City Clerk
10-16-13
Date



Acting Chair


Planning Director

WILLIAM P. HENRY
ARCHITECT, P.A.

10314 W. 11th St.
FT. MYERS, FL 33907
TEL: 941-336-1111
FAX: 941-336-1112
WWW.WPHENRY.COM

COMMERCIAL
DEVELOPMENT
650 DUVAL ST
KEY WEST, FLORIDA

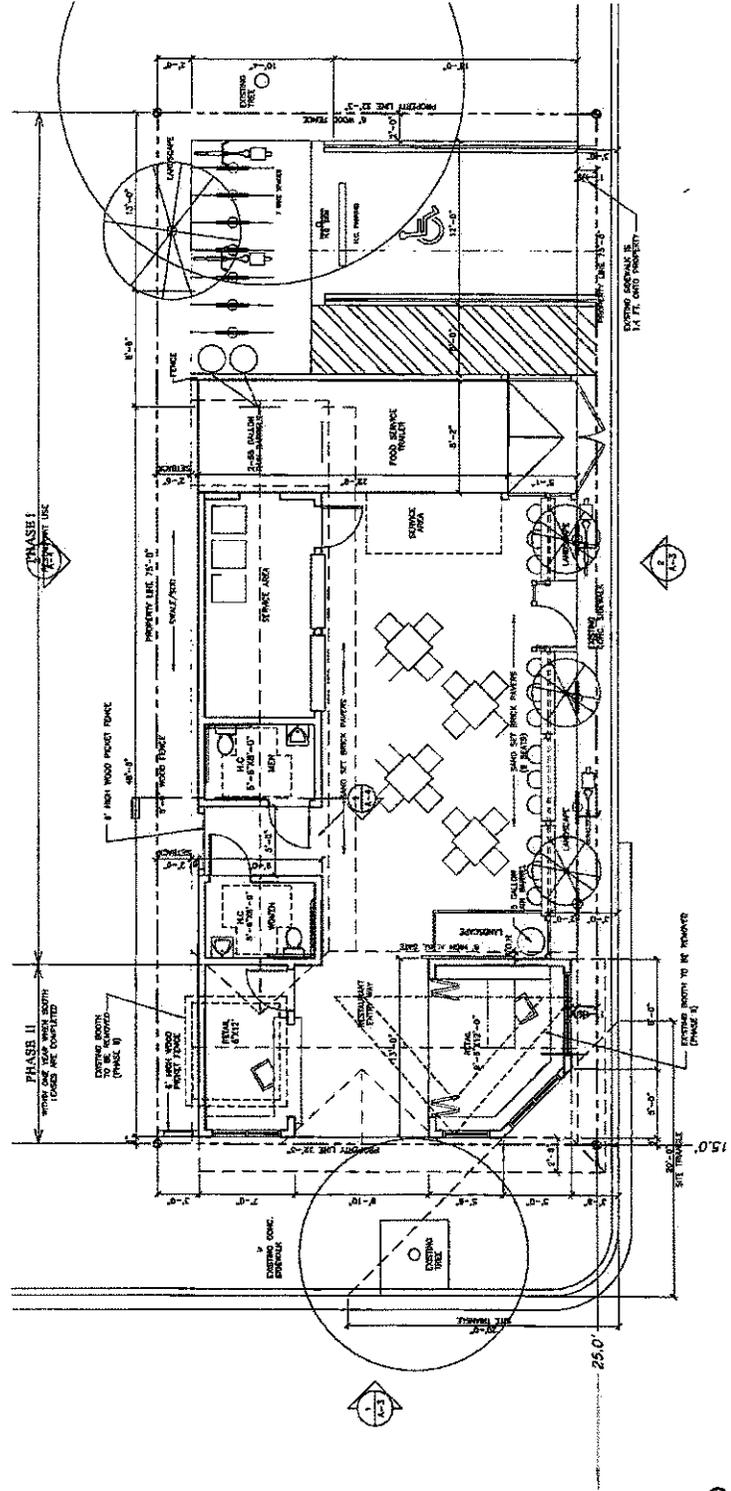
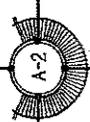
SCALE

DATE
10-20-12 DRL
12-12-12 P.H.D.

REVISIONS

DRAWN BY
M

CHECKED BY
M



PROPOSED SITE - FLOOR PLAN
ALL SITE INFORMATION OBTAINED FROM SURVEY
BY J. LYNN O'HEY, INC. ON APRIL 28, 2008.
SCALE: 1/8"=1'-0"

PC
10113

Handwritten signature

COMMERCIAL DEVELOPMENT
650 DUVAL STREET
KEY WEST, FLORIDA



Doug Bradshaw <dbradsha@keywestcity.com>

RE: 629 Duval traffic analysis

1 message

Jeffery Maxwell <JMaxwell@calvin-giordano.com>
To: Doug Bradshaw <dbradsha@keywestcity.com>

Tue, Jul 2, 2013 at 8:16 AM

Doug,

A couple of things:

While there are supporting data for pass-by trip reductions associated with this land use, Duval Street and the surrounding area are not particularly conducive to this. I doubt motorists would routinely travel along Duval or the side street on their way to another destination and stop in on this establishment without generating any other trip or route diversion. Parking is hard to find in the area and, if anything, motorists will need to circle the block or park on another block in order to frequent this establishment. That would not be a "clean" pass-by trip that doesn't result in additional traffic.

I'm not aware of data supporting the assertion that 75% of the patrons of restaurants on Duval use "non-automobile" modes of transportation. Contrary to what the applicant asserts, scooters do count as vehicular traffic. While there is a high volume of foot traffic on Duval Street, I would be cautious about assuming 75% of them arrived there without a vehicle. Cruise ship passengers eat for free on the ship, so I'm not sure what kind of data are available to support this reduction for a high turnover sit-down restaurant. I would guess most applicants for Duval projects claim someone else is generating the vehicular traffic and their establishment is only experiencing foot traffic, but I would be inclined to hold each applicant to the ITE trip generation rates for their establishment.

I would likely allow only a slight reduction for pass-by trips/high foot traffic.

Jeffery A. Maxwell, PE, PTOE

Associate, Director of Traffic Engineering | Traffic Engineering Department (Broward)



Calvin, Giordano & Associates, Inc. | 1800 Eller Drive | Suite 600 | Fort Lauderdale, FL 33316
Office: 954.921.7781 | Direct: 954.766.2735 | Fax: 954.921.8807
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pc
10/1/13

KBP CONSULTING, INC.

June 18, 2013

Mr. Owen Trepanier
President
Trepanier & Associates, Inc.
402 Appelrouth Lane
Key West, Florida 33045

**Re: Proposed Restaurant at 629 Duval Street – Key West, FL
Trip Generation Analysis**

Dear Owen:

A new restaurant is proposed to be located at 629 Duval Street in Key West, Monroe County, Florida. The subject site is located in the northeast quadrant of the intersection at Duval Street and Angela Street. The proposed restaurant will be a casual dining facility with 43 seats in an open air environment. The purpose of this correspondence is to document the projected trip generation characteristics of the proposed restaurant.

Trip Generation Analysis

The trip generation for this project was determined utilizing the trip generation rates and equations contained in the Institute of Transportation Engineer's (ITE) *Trip Generation (9th Edition)* report. Based upon this information, the AM and PM peak hour trip generation rates for the proposed development are as follows:

High-Turnover (Sit-Down) Restaurant – ITE Land Use #932

- ❑ AM Peak Hour Trip Generation Rate: $T = 0.47 (X)$
where $T = \text{number of trips}$ and $X = \text{number of seats}$
- ❑ PM Peak Hour Trip Generation Rate: $T = 0.41 (X)$
where $T = \text{number of trips}$ and $X = \text{number of seats}$
- ❑ Pass-by Rate = 43%

The resulting trip generation for the proposed development is presented in Table 1 below.

Table 1 629 Duval Street Restaurant Trip Generation Analysis Key West, Florida							
Land Use	Size	AM Peak Hour Trips			PM Peak Hour Trips		
		In	Out	Total	In	Out	Total
<i>Proposed</i> High-Turnover (Sit-Down) Restaurant - Pass-by (43%)	43 Seats	10	10	20	10	8	18
		-4	-5	-9	-4	-4	-8
Total		6	5	11	6	4	10

Compiled by: KBP Consulting, Inc. (June 2013).

Source: ITE Trip Generation Manual (9th Edition).

8400 North University Drive, Suite 309, Tamarac, Florida 33321

Tel: (954) 560-7103 Fax: (954) 582-0989

BC
(P11)



KBP CONSULTING, INC.

As indicated by the foregoing trip generation analysis, the proposed restaurant is estimated to generate approximately 11 net new AM peak hour vehicle trips and 10 net new PM peak hour vehicle trips.

Trip Generation Adjustments

Based upon the location of the project on Duval Street in Key West, reductions in the estimation of automobile traffic are justified. The vast majority of patrons along the Duval Street corridor utilize methods of transportation other than the automobile. Typically these modes include walking, bicycles, scooters and public transportation. Conservatively, it is estimated that 75% of the patrons utilize non-automobile modes of transportation to frequent businesses along Duval Street.

Disregarding the pass-by traffic phenomenon documented in the previous section of this memorandum; this mode split (i.e. 75% non-automobile traffic) yields approximately five (5) vehicle trips in the AM peak hour and five (5) vehicle trips in the PM peak hour. This translates to one (1) vehicle (automobile) trip every 12 minutes, on average. From a traffic engineering perspective, this is a small and nearly imperceptible amount of automobile traffic.

Conclusions

Based upon the foregoing trip generation analysis and traffic evaluation, the proposed restaurant development at 629 Duval Street in Key West will generate a minimal number of vehicle trips during the morning and afternoon peak periods.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

KBP CONSULTING, INC.



Karl B. Peterson, P.E.
Florida Registration Number 49897
Engineering Business Number 29939

8400 North University Drive, Suite 309, Tamarac, Florida 33321
Tel: (954) 560-7103 Fax: (954) 582-0989

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