

**THE CITY OF KEY WEST
PLANNING BOARD**



Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Ben Gagnon, Planner I

Meeting Date: June 20, 2024

Agenda Items: **Minor Development Plan 1125 Duval Street (RE# 00027870-000000) –**
A request for Minor Development Plan approval to allow for the development of more than 500 square feet of additional gross floor area, and associated site plan modifications including interior renovations, landscape improvements, and the relocation of restaurant seating areas and four (4) hotel units. The application also involves several landscape waivers including a reduction of the minimum required open space ratio of sixteen percent (16%) instead of the minimum required twenty percent (20%), a minimum landscaped area of sixteen percent (16%) instead of the minimum required twenty percent (20%), an increase in the maximum percentage of palm trees to allow thirty six percent (36%) instead of the maximum permitted twenty five percent (25%), a reduction in the number of interior trees to allow two (2) interior trees instead of the minimum required four (4) trees, a reduction in the landscape requirement along a street frontage to reduce both the number of plants and width of the planting area, and buffer yard waiver for the northwest buffer area for a property located within the Historic Commercial Core – 3 (HRCC-3) District pursuant to Sections 108-91 (A)(1)(b), 108-346, 108-347, 108-412, 108-413, 108-416, 108-481, and 90-395, of the Land Development Regulations.

Request: The application proposes to redevelop four hotel units, relocating three to a newly acquired adjacent site and one transient license to an existing unit in the same structure, along with other site plan renovations, and a series of landscape waivers.

Applicant: Oropeza, Stones & Cardenas, PLLC

Property Owner: Patrick T. Hegarty, Christopher J. Rounds

Location: 1125 Duval Street (RE: 00027870-000000)

Zoning: Historic Residential Commercial Core -3 (HRCC-3)



Background

The subject property is improved with a hotel and restaurant, commonly referred to as La Te Da. The property is located on the northeast corner of Duval St and Catherine Street. It is zoned Historic Residential Commercial Core -3 (HRCC-3) and maintains a lot area of 12,780 square feet. The property was recently merged with 515 Catherine Street immediately adjacent to the east. The property includes sixteen (16) rooms, a 193 seat restaurant, and a small retail sales area for sundries and incidentals. There is one (1) non-transient unit associated with the 515 Catherine Street location. There is no on-site parking associated with the subject property.

The application involves a request for a Minor Development Plan to allow for the development/redevelopment of more than 500 square feet of gross floor area. Specifically, the applicant is seeking to redevelop four (4) of the existing sixteen (16) hotel rooms. This includes relocating three (3) units to the recently acquired Catherine Street structure and relocating one additional unit within the existing hotel complex. In addition, the applicant is seeking to relocate the pool from its current central location on site to the northeast corner of the site. Some of the restaurant seating is also proposed to be relocated and a new accessory structure (shed) will also be relocated on site to the northeast corner of the lot. Finally, a series of landscaping improvements and site renovations are proposed as a part of this application. A site data table can be found below.

Finally, it is noted that the Planning Board previously approved a variance in connection with the subject property to allow for a building coverage of 51.47% instead of the maximum permitted 50%. (PB Resolution No. 15-44)

Site Data Table				
Site Data	Permitted	Existing	Proposed	Variance Required
Zoning	HRCC-3			
Min Lot Size	4,000	17,736	-	
F.A.R	1.0 Max	0.39	0.46	No
Density	22 D/U per Acre 6.45 units permitted	16 hotel +1 non Transient	No Change	No*
Max Height	35' + 5' pitched	-	No Change	No
Open Space/Landscaping	20% Min	15%	17%	Waivers Needed
Building Coverage	50% Max	57.4%	55.7%	No
Impervious	60% Max	62.7%	55.8%	No
Front Setback	5'	4' 9"	No Change	No
Side	5'	1' 2"	No Change (Pool setback 5')	No
Street Side	5'	2'	No Change	No
Rear	15'	10' 4"	No Change	No
Number of Restaurant Seats		193	No Change	No

Analysis

The subject property is nonconforming in terms of density. However, the applicant is not seeking to increase existing density but to relocate existing units on site. The site is also substandard in terms of current landscaping requirements and the applicant has proposed a series of landscaping improvements to address this lack of compliance. As discussed further below, while the site will require several landscape requirement waivers, the application has been reviewed by the City’s Urban Forestry Manager who has recommended approval of the request.

The primary issue associated with the applicant’s request involves the lack of compliance with the City’s Work Force Housing Code. Specifically, Section 122-1467 (1)(a) of the City Work Force Housing Code states:

“Housing units. At least ten percent of all units developed or redeveloped each year shall be low income affordable housing of at least 400 square feet each, as defined herein and 20 percent shall be affordable housing (median income) housing of at least 400 square feet each, as defined herein.

Residential or mixed use projects of less than ten residential or mixed use units shall be required to develop or redevelop at least 30 percent of units of at least 400 square feet each as affordable (median income), but may contribute a fee in lieu for each unit to the affordable work force housing trust fund, if approved by the city commission.”

Based on the above, thirty percent (30%) of all units “developed or redeveloped” must be designated as affordable units in accordance with the Work Force Housing Ordinance. The subject application involves the “redevelopment” of four units, which triggers the requirement to set aside one (1) unit as a deed-restricted Work Force Housing unit. The applicant also has the option to develop the Work Force Housing unit off-site through a linkage project pursuant to 122-1467 (b) or to pay a fee to the Work Force Housing Trust Fund in lieu of the construction of a Work Force Housing Unit on-site or off-site pursuant to 122-1467 (1)(a).

The applicant’s representative has made the argument that the Work Force Housing Ordinance does not apply in this instance as the number of Work Force units should be based on the definition of an “equivalent single-family unit” contained in Section 86-9 of the City Code. Staff finds this argument unpersuasive and inconsistent with the plain meaning of the Work Force Housing Ordinance.

The applicant’s representative has also made the case that the Work Force Ordinance does not apply to hotel/motel sites. However, Policy 3-1.1.6 of the Comprehensive Plan states:

“Any new commercial industrial, hotel/motel or multi-family housing development shall be required to provide affordable housing or pay "fees in lieu" to the Housing Trust Fund.”

The Comprehensive Plan and Work Force Housing Ordinance together make it clear that Work Force Housing requirements apply to both traditional single-family and multi-family developments as well as hotel and motel developments.

Site Conditions

As noted above, the existing site is nonconforming in terms of density and site improvements. However, with the addition of 515 Catherine Street, the site density is moving closer to compliance with the City Code. Similarly, the existing site conditions currently fail to comply with City requirements. However, landscaping, building coverage, and impervious surface percentages are all improving with the proposed changes to the site. The overall amount of floor area associated with the site will remain the same with the proposed renovations. As stated previously, the number of units is not increasing and the number of seats associated with the restaurant will also remain unchanged. A summary of the landscaping standards follows along with a copy of the landscape plan and floor plan.

Sec 108-346, open space and exotic vegetation: The required open space is 20%. Information submitted indicates the open space will be 16%. Waiver needed.

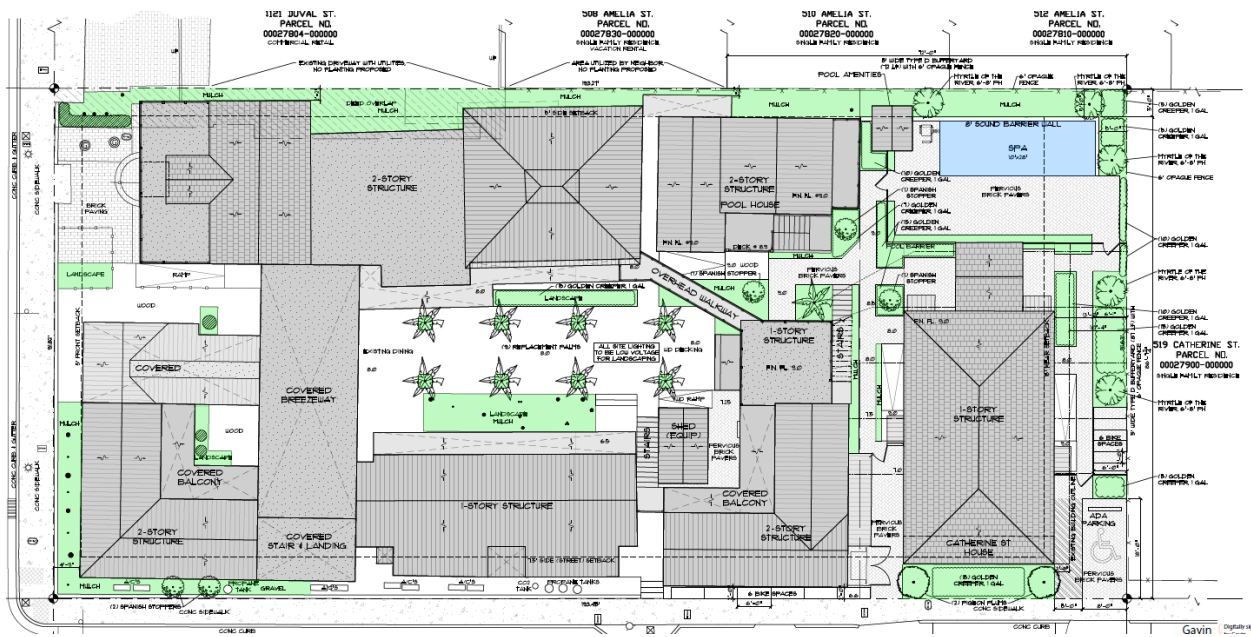
Sec 108-347, bufferyards, waiver needed for northwest buffer yard.

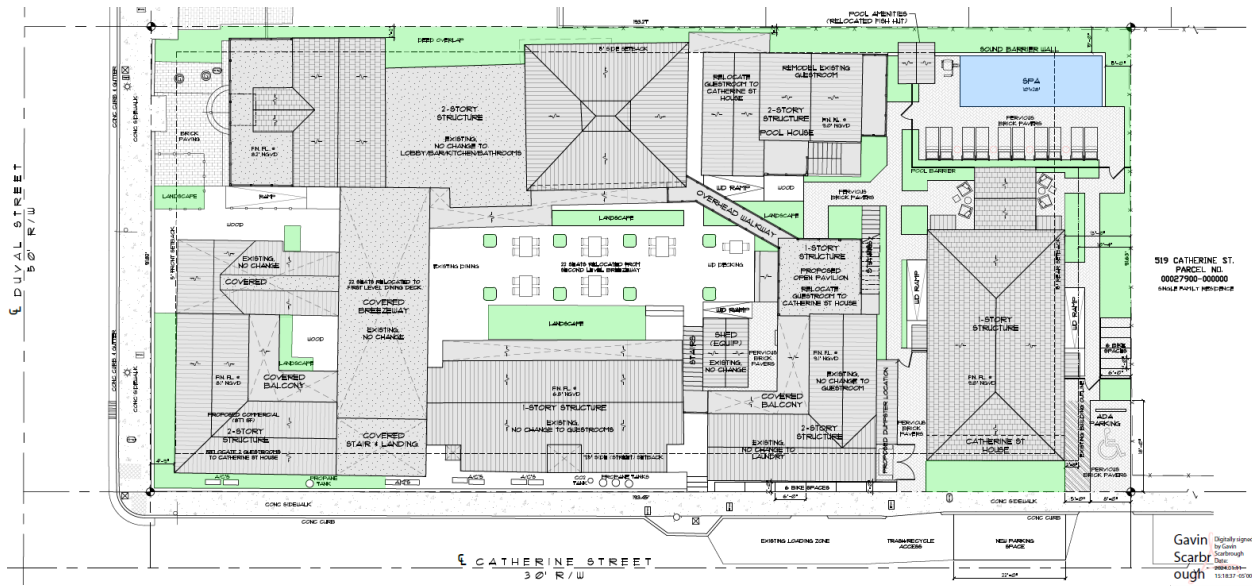
Sec 108-412, minimum landscape requirements: City code requires at least 20% of the area will be landscaped. Only 16% of the property is to be landscaped. Waiver needed.

Sec 108-413, landscape requirement along street frontages, waiver needed for plant units and buffer width.

Sec 108-416, interior area landscaping, code requires at least 4 trees, 2 are proposed, waiver needed.

Sec 108-481, plant specifications: This section of code states that palms shall constitute no more than 25% of the total tree requirements. The proposed landscape plan shows 36% palms being planted. Waiver needed.





Proposed Site Plan
1/17/24
Gavin Scarborough
Digitally signed by Gavin Scarborough
DN: cn=Gavin Scarborough, o=Scarborough
131837-8507

Surrounding Zoning and Uses:

Surrounding properties are located within the Limited Commercial (CL) Zoning District and Single Family (SF) Zoning Districts. Surrounding uses include commercial properties and single family residential homes.

Process:

- Development Review Committee: February 22nd, 2023
- Tree Commission Meeting
(Conceptual landscape plan & tree removal approval): May 7th, 2024
- Planning Board Meeting: July 18th, 2024
- HARC Commission Meeting: TBD
- Tree Commission Meeting
(Final landscape plan approval): TBD
- Local Appeal Period: 10 Days
- Planning renders to DOC for review: Up to 45 days

Concurrency Facilities and Other Utilities or Services (City Code Section 108-233)

Comprehensive Plan Objective 9-1.5 directs the City to ensure that public facilities and services needed to support development are available concurrent with the impacts of new development. The analysis considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. City Code Section 94-36 requires a concurrency review determination to be made concerning the proposed development. The Applicant provided a concurrency analysis as part of the Minor Development Plan application. Staff reviewed the provided concurrency analysis following the criteria in City Code Section 94-36 and determines that public facilities are expected

to accommodate the proposed development at the adopted level of service (LOS) standards. Staff finds that the project meets Sec 108-233 to reasonable standards.

Off Street Parking (City Code Section Sec 108-572)

The property is located in HRCC-3 which falls within Sec. 108-573. - Special provisions within historic commercial pedestrian-oriented area. No additional parking requirements are being triggered by the relocation of hotel units on site.

Good Neighbor Policy

The applicant has not provided any letters in support or against the project as of May 31, 2024. The Applicant's representative has stated that they have met with some of the neighboring property owners. The applicant's representative has indicated that the main concern of surrounding neighbors relates to noise associated with the pool. In response, staff have included a condition prohibiting live music and limiting the use of the pool to hotel guests only.

RECOMMENDATION

After review, Planning staff respectfully recommends approval of the request for a Minor Development Plan and associated landscaping and site improvement variances subject to the following conditions:

1. The proposed development shall be consistent with the plans dated January 11, 2024 by Gavin Scarbrough, the landscape plans dated January 11, 2024 by Gavin Scarbrough, and the irrigation plan dated April 4th, 2024 by Pope-Scarbrough; notwithstanding any revisions requested and recommended by staff. Construction drawings for permitting shall be dated as approved herein, with any proposed revisions (modifications) clearly noted. Development plan modifications that do not rise to the status of minor or major plan modifications may be approved by the city planner as per Section 108-91(c)(1). All modifications shall be submitted for review and approval to the Planning Department prior to building permit application. Minor and major development plan modifications are addressed as per Section 108(c).
2. Applicant/owner agrees to comply in all respects with the City's Work Force Housing Ordinance. This shall include, but not be limited to, the on-site or off-site development of one (1) deed restricted affordable housing unit or, in the alternative, the payment of a per unit fee of \$200,000.00 (representing construction cost, less land cost, of a 400 square foot unit).
3. The hours of construction shall comply with the City Code and shall be limited to 8 a.m. to 7 p.m. on Monday to Friday, and 9 a.m. to 5 p.m. on Saturday.
4. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
5. The applicant shall submit revised landscape plans approved by the Urban Forester prior to the issuance of building permits.

6. Dumpster location and proof of screening shall be submitted to the Utilities Department for final approval.

7. The applicant shall submit an affidavit to the City of Key West Parking Director, confirming that the loading zone adjacent to Catherine Street will be converted to a public parking space.

8. No live music shall be permitted at the pool, which shall be restricted to use by Hotel guests only.

9. All construction, reconstruction, and demolition shall be in compliance with Historic Architectural Review Commission (HARC) Guidelines and shall be subject to the review and approval of the Historic Preservation Planner.