

RESOLUTION NO. 21-276

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MINOR DEVELOPMENT PLAN APPROVAL AT 1020 MARGARET STREET (RE 00030490-000000) TO RENOVATE AND REDEVELOP AN EXISTING HISTORIC SINGLE-FAMILY STRUCTURE AND TWO (2) NEW SINGLE-FAMILY STRUCTURES AND A DUPLEX AS WELL AS INSTALL AN INGROUND POOL AND A PAVED PARKING LOT IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) ZONING DISTRICT AND A REQUEST TO DEED RESTRICT UNIT 5 IN ACCORDANCE WITH THE CITY OF KEY WEST'S WORKFORCE HOUSING ORDINANCE PURSUANT TO SECTIONS 108-91 AND SECTION 122-1467(1)(A) OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that within the Historic District, a Minor Development Plan is required for the addition or reconstruction of three or four units, a Major Development Plan is required for the addition or reconstruction of five or more units; and

WHEREAS, the proposed use of the property is for single-family dwelling units and a duplex, which are permitted uses within the Historic Medium Density Residential (HMDR) zoning district pursuant to Code Section 122-597 and

WHEREAS, Code Section 108-196(a) requires the Planning Board to review and approve, approve with conditions or deny the proposed Minor Development Plan in the historic district in an advisory capacity to the City Commission; and

WHEREAS, variances associated with this Minor Development Plan came before and were approved by the Planning Board at a duly noticed public hearing on June 17, 2021, through PB Resolution #2021-25; and

WHEREAS, this Minor Development Plan was recommended for approval by the Planning Board with a slightly updated site plan to reflect relocated trash and recycling facilities as reflected in approved site plans signed, sealed and dated 6/28/2021, by William Horn, Architect, PA., at a duly noticed public hearing on July 15, 2021 through PB Resolution #2021-30; and

WHEREAS, the granting of a Minor Development Plan is consistent with the criteria of the Code of Ordinances; and

WHEREAS, approval for Final Landscape Plan with Tree Removal was granted on September 7, 2021; and

WHEREAS, approval of this project was granted by the Historic Architectural Review Commission on August 24, 2021; and

WHEREAS, upon review by the City Commission on October 19, 2021, the Commission rejected approval of a potential fee-in-lieu for compliance with City Code Section 122-1467(1)(a), and postponed this item in anticipation of provision of an on-site or linked deed restricted unit; and

WHEREAS, the applicant subsequently submitted revised site plans dated November 2, 2021, and proposed an additional on-site

unit, Unit 5 (at the northwest corner of the site) to be deed restricted in compliance with City Code Section 122-1467, and to have a designated on-site parking space; and

WHEREAS, historic architectural review staff reviewed and administratively approved the conversion of one of the previously approved single family structures to a duplex; and

WHEREAS, the applicant also timely submitted Building Permit Allocation System (BPAS) application materials for one additional unit for this site and has the required minimum on-site density; and

WHEREAS, if a BPAS unit is not allocated for this property during Year 9, the applicant shall have to return to the City Commission to seek compliance with City Code Section 122-1467 by alternate means and shall not be issued a Certificate of Occupancy for the project; and

WHEREAS, the initial submission was for a Minor Development Plan and four units, however, the City Commission subsequently required changes that necessitated this new request for five units, and the Planning Director finds that the review process has been sufficient; and

WHEREAS, the City Commission finds that the granting of a Minor Development Plan application is in harmony with the general purpose and intent of the Land Development Regulations, and will

not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

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

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

Section 2. The Minor Development Plan to redevelop one single-family structure and construct two single-family structures and one duplex as well as install an inground pool and a paved parking lot in the Historic Medium Density Residential (HMDR) zoning district and deed restrict Unit 5 to comply with the City of Key West's Workforce Housing ordinance pursuant to Sections 108-91 and Section 122-1467(1)(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans dated, 11/2/2021, is hereby approved with the following conditions:

Conditions of Approval:

1. Approval of a variance to the minimum required front and minimum required rear setback prior to approval of the proposed minor development plan.
2. A semi-pervious material be used for parking surfaces.

3. No units subject to this Minor Development Plan, nor any other units on the parcel, be used for transient rentals.
4. The proposed construction shall be consistent with the plans signed, sealed, and dated 11/2/2021 by William Horn, PA.
5. During all phases of construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

Conditions prior to the City Commission hearing:

6. Submittal of a stormwater management plan according to Sec. 108-777, to retain the greater of one-inch of runoff based on the site upland area or 2.5" times percent of impervious coverage.
7. The applicant shall obtain final landscape plan approval from the Tree Commission.
8. The applicant shall obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

Conditions prior to Certificate of Occupancy of Residential Units:

9. Prior to a certificate of occupancy being issued for the residential units, City Code Section 122-1467 (1) shall be met

through submittal of a recorded deed restriction for Unit 5 for affordable housing (median income);

10. If a Building Permit Allocation System (BPAS) permit is not acquired for 1020 Margaret Street during Year 9 of the City of Key West's BPAS program, the applicant shall be ineligible for a Certificate of Occupancy and must return to City Commission to request modification of the development plan in order to comply with City Code Section 122-1467.

Section 3. Full, complete and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. This Minor Development Plan application approval by the City Commission does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the applicant's assertion of legal authority respecting the property.

Section 5. 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 Board.

Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the

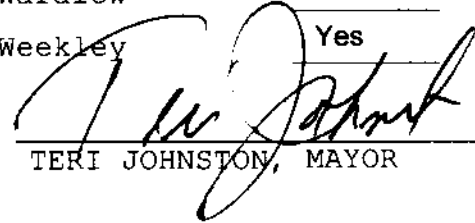
Land Development Regulations). After the City appeal period has expired, this permit or development order shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 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 adopted by the City Commission at a meeting held this 7th day of December, 2021.

Authenticated by the presiding officer and Clerk of the Commission on this 8th, day of December, 2021.

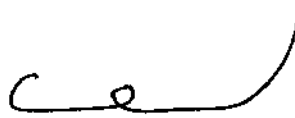
Filed with the Clerk this 8th day of December, 2021.

Mayor Teri Johnston	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>



TERI JOHNSTON, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK

EXECUTIVE SUMMARY



To: Patti McLaughlin, City Manager

From: Katie P. Halloran, Planning Director

Meeting Date: December 7, 2021

Request: **Minor Development Plan** - 1020 Margaret Street (RE# 00030490-000000) - A request for approval of a ~~minor~~ major development plan to renovate and redevelop an existing historic single-family structure and construct two (2) new single-family structures and a duplex as well as install an inground pool and a paved parking lot in the Historic Medium Density Residential (HMDR) zoning district and a request to deed restrict Unit 5 in accordance with the City of Key West’s Workforce Housing ordinance pursuant to Sections 108-91, 122-596, 122-597, and Section 122-1467(1)(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

BACKGROUND:

The subject parcel is located at 1020 Margaret Street near the corner of Truman Avenue and Margaret Street. According to the Historical Architectural Review Commission, the two current residential structures were constructed in 1906 and 1920 respectively. Both structures are of frame vernacular and are historically significant contributing structures to the Key West Historic District. The parcel is surrounded by HMDR zoned properties to the south, east, and west, and Historic Neighborhood Commercial (HNC-1) zoned properties to the north.

Historically the large parcel has been situated with the two historic structures to the rear of the lot and the front of the lot has been vacant. Both historic structures currently encroach in required setbacks. The applicant has proposed to relocate, elevate, and redevelop the large historic home situated at the rear of the lot to the front of the lot. The applicant originally proposed to also construct three new single family structures and pay a fee-in-lieu to comply with City Affordable Workforce Housing ordinance, but after the October 19, 2021 City Commission hearing, submitted revised site plans.

The revised plans, and new condition of approval, would instead result in relocation of the one historic structure and the construction of a duplex and two single family structures. The duplex would include a deed restriction for Unit 5 for affordable (median income) housing per City Code Division 10. – Work Force Housing. Given the applicant now proposes one additional on-site unit, the project technically converts from a Minor Development Plan in the historic district to a Major Development Plan. Planning Staff have

determined the level of review is sufficient for this project to proceed to City Commission for review and approval. It must be noted that the addition of Unit 5 requires a Building Permit Allocation Unit, and the applicant has submitted an application for this unit as part of the Year 9 BPAS program.

Historic Architecture staff reviewed the minor changes included in the revised plans, signed, sealed, dated 11.12.2021, by William Horn, P.A. These changes modify the front elevation of Unit 5/6, to replace a window with a door, to allow for inclusion of Unit 5, the on-site affordable unit. These modifications are not visible from Margaret Street.

The applicant is also proposing to add seven off-street parking spaces to the property, for a total of seven spaces- six for residents, and one for guests. The applicant is also proposing an in-ground pool, 12' x 22', at the center of the lot, new garbage and recycling facilities, and landscaping.

One of the proposed new residential units, Unit 5, would encroach six feet (6') into the rear setback and would be nine feet (9') from the property line. The relocated historic structure would encroach four feet six inches (4'6") into the front setback and would be five feet six inches (5'6") from the front property line. These encroachments (variances) were permitted by the Planning Board at their regularly scheduled meeting on June 17, 2021, (Planning Board Resolution #2021-25). The Minor Development Plan was also recommended for approval at the subsequent Planning Board meeting on July 15, 2021, through PB Resolution #2021-30. The Minor Development Plan was approved at this subsequent Planning Board meeting given that a neighbor was unsatisfied with the initial proposed location of the trash and recycling facilities. The applicant redesigned this aspect of the site and the project was then recommended for approval by the Planning Board.

The Key West Historic Architectural Review Commission approved the project for a Certificate of Appropriateness at their August 24, 2021 hearing.

The City of Key West Tree Commission approved the Conceptual Landscape with Tree Removal (TP2020-0005) for this project on September 15, 2020, and a revised landscape plan was submitted to the City dated October 15, 2020. The applicants' initial request for a landscape waiver was resolved after the applicant modified their plans to comply in full with landscape requirements. The Final Landscape Plan with Tree Removal (TP2021-0009) was approved on September 7, 2021.

Process:

Development Review Committee:	February 20, 2020
Planning Board Meeting(s):	June 17, 2021 (variance) and July 15, 2021 (development plan)
Tree Commission Meeting:	September 7, 2021

HARC Meeting:	August 24, 2021
Ratification by the City Commission:	(postponed) October 19, 2021 (postponed) November 16, 2021 December 7, 2021
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

Planning Staff Analysis:

The proposed minor development plan is in compliance with applicable Land Development Regulations and has been approved for variances; the proposed front setback is 5'6" (minimum front setback is 10') and the proposed rear setback is 9' (minimum rear setback is 15'). The front half of the parcel is currently used as a parking area for residents and the rear has two residential structures. The two new proposed detached single-family units being constructed will be three-bedroom units with a total of 1,372 square feet per unit, more or less. The new duplex will include two one-bedroom units. The site plans indicate the renovated and relocated historic contributing structure at the front of the lot is a four-bedroom unit with a total of 2,416 square feet, more or less. The applicant has also proposed on-site amenities, including an in-ground swimming pool and a parking area for the residents.

As noted above, the applicant shall comply with the City of Key West Workforce Housing Code Chapter 122, Division 10, Section 122-1467 (1) (a) through deed restriction of one on-site unit, Unit 5.

The Minor Development Plan was recommended for approval by the Planning Board with the following conditions of approval. Staff recommended modifications are indicated with through strike-through and underline and reflected in the associated Resolution.

Conditions of Approval:

1. Approval of a variance to the minimum required front and minimum required rear setback prior to approval of the proposed minor development plan.
2. A semi-pervious material be used for parking surfaces.
3. No units subject to this Minor Development Plan, nor any other units on the parcel, be used for transient rentals.
4. The proposed construction shall be consistent with the plans signed, sealed, and dated ~~6/28/2021~~ 11/12/2021 by William Horn, PA.
5. During all phases of construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

Conditions prior to the City Commission hearing:

6. Submittal of a stormwater management plan according to Sec. 108-777, to retain the greater of one-inch of runoff based on the site upland area or 2.5" times percent of impervious coverage.
7. The applicant shall obtain final landscape plan approval from the Tree Commission.
8. The applicant shall obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

Conditions prior to Certificate of Occupancy of Residential Units:

9. Prior to a certificate of occupancy being issued for the residential units, City Code Section 122-1467 (1) shall be met ~~and a fee in lieu of \$200,000 per affordable housing unit shall be paid to the City.~~ through submittal of a recorded deed restriction for Unit 5 for affordable housing (median income).
10. If a Building Permit Allocation System (BPAS) permit is not acquired for 1020 Margaret Street during Year 9 of the City of Key West's BPAS program, the applicant shall be ineligible for a Certificate of Occupancy and must return to City Commission to request modification of the development plan in order to comply with City Code Section 122-1467.

Options/Advantages/Disadvantages:

Option 1: Approve with conditions the proposed Minor Development Plan for 1020 Margaret Street.

1. **Consistency with the City's Comprehensive Plan, Vision, and Mission:** This action will allow a largely vacant piece of the parcel to be developed with two new single-family homes and one new duplex in addition to the renovation and relocation of one existing single-family home. The relocation of the older historic structure will bring the historic structure into the foreground of the parcel and will allow the structure to be seen by passersby on Margaret Street. The plan has been reviewed for consistency with the Comprehensive Plan and together with approved variances, is also in compliance with the Land Development Regulations.
2. **Financial Impact:** The redevelopment of the property would increase its value and augment the tax base.

Option 2: Deny the proposed Minor Development Plan for 1020 Margaret Street.

1. **Consistency with the City's Strategic Plan, Vision, and Mission:** This action would not be inconsistent with the Comprehensive Plan but would disallow redevelopment of the property at 1020 Margaret Street that has been recommended for approval by the Planning Board, Tree Commission, the Historic Architectural Review Commission, and staff.

2. Financial Impact: There would be no financial impact to the City.

Recommendation

The Planning Department concurs with the Planning Board's recommendation to approve the minor development plan with conditions, including the Staff recommended modifications noted above and suggests **Option 1, approval with conditions**, for the proposed minor development plan.

**PLANNING BOARD
RESOLUTION NO. 2021-30**



A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A REQUEST FOR A MINOR DEVELOPMENT PLAN AT 1020 MARGARET STREET (RE# 00030490-000000) FOR A REQUEST FOR APPROVAL OF A MINOR DEVELOPMENT PLAN TO RENOVATE AN EXISTING HISTORIC SINGLE-FAMILY STRUCTURE AND CONSTRUCT THREE NEW SINGLE-FAMILY STRUCTURES, AS WELL AS INSTALLING AN INGROUND POOL AND A PAVED PARKING LOT IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) ZONING DISTRICT AND A REQUEST FOR APPROVAL TO PAY A FEE-IN-LIEU TO COMPLY WITH THE CITY OF KEY WEST'S WORKFORCE HOUSING ORDINANCE PURSUANT TO SECTIONS 108-91, 108-517, 122-596, 122-597, AND SECTION 122-1467(1)(A) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, Section 108-91 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that within the Historic District, a Minor Development Plan is required for permanent residential development including the addition or reconstruction of three or four units; and

WHEREAS, the subject property is located within the Historic Medium Density Residential (HMDR) Zoning District; and

WHEREAS, Code Section 108-196(a) require the Planning Board to review and approve, approve with conditions or deny the proposed Minor Development Plan in an advisory capacity to the City Commission; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 15th, 2021; and


Vice Chairman

Planning Director

WHEREAS, the granting of a Minor Development Plan application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting of a Minor Development Plan application is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.



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

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

Section 2. The a request for approval of a minor development plan to renovate an existing historic single-family structure and construct three new single-family structures, as well as installing an inground pool and a paved parking lot in the Historic Medium Density Residential (HMDR) zoning district and a request for approval to pay a fee-in-lieu to comply with the City of Key West's Workforce Housing ordinance pursuant to Sections 108-91, 108-517, 122-596, 122-597, and Section 122-1467(1)(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida., as shown in the attached plan revisions dated June 28th, 2021, is hereby approved with the following conditions:

Conditions of Approval:

1. Approval of a variance to the minimum required front and minimum required rear setback prior to approval of the proposed minor development plan.
2. A semi-pervious material be used for parking surfaces.
3. No units subject to this Minor Development Plan, nor any other units on the parcel, be used for transient rentals.

 Vice Chairman
 Planning Director

4. The proposed construction shall be consistent with the plans signed, sealed, and dated 6/28/2021 by William Horn, PA.
5. During all phases of construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

Conditions prior to the City Commission hearing:



6. Submittal of a stormwater management plan according to Sec. 108-777, to retain the greater of one-inch of runoff based on the site upland area or 2.5" times percent of impervious coverage.
7. The applicant shall obtain final landscape plan approval from the Tree Commission.
8. The applicant shall obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

Conditions prior to Certificate of Occupancy of Residential Units:

9. Prior to a certificate of occupancy being issued for the residential units, City Code Section 122-1467 (1) shall be met and a fee-in-lieu of \$200,000 per affordable housing unit shall be paid to the City.

Section 3. Full, complete and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.


Section 4. This Minor Development Plan application approval by the Planning Board does not constitute a finding as to ownership or right to possession of the property, and assumes, without


Vice Chairman

Planning Director

finding, the correctness of the applicant's assertion of legal authority respecting the property.

Section 5. 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 Board.


Section 6. 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 shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 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 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.

 Vice Chairman


 Planning Director

Read and passed at a regularly scheduled meeting held this 15th day of July 2021.


Authenticated by the Vice-Chairman of the Planning Board and the Planning Director.




James Gilleran, Planning Board Vice Chairman 09-02-21
Date

Attest:


Katie P. Halloran, Planning Director 8/2/2021
Date

Filed with the Clerk:


Cheryl Smith, City Clerk 8/9/21
Date

 Vice Chairman
 Planning Director

WILLIAM P. MOON
ARCHITECT, P.A.

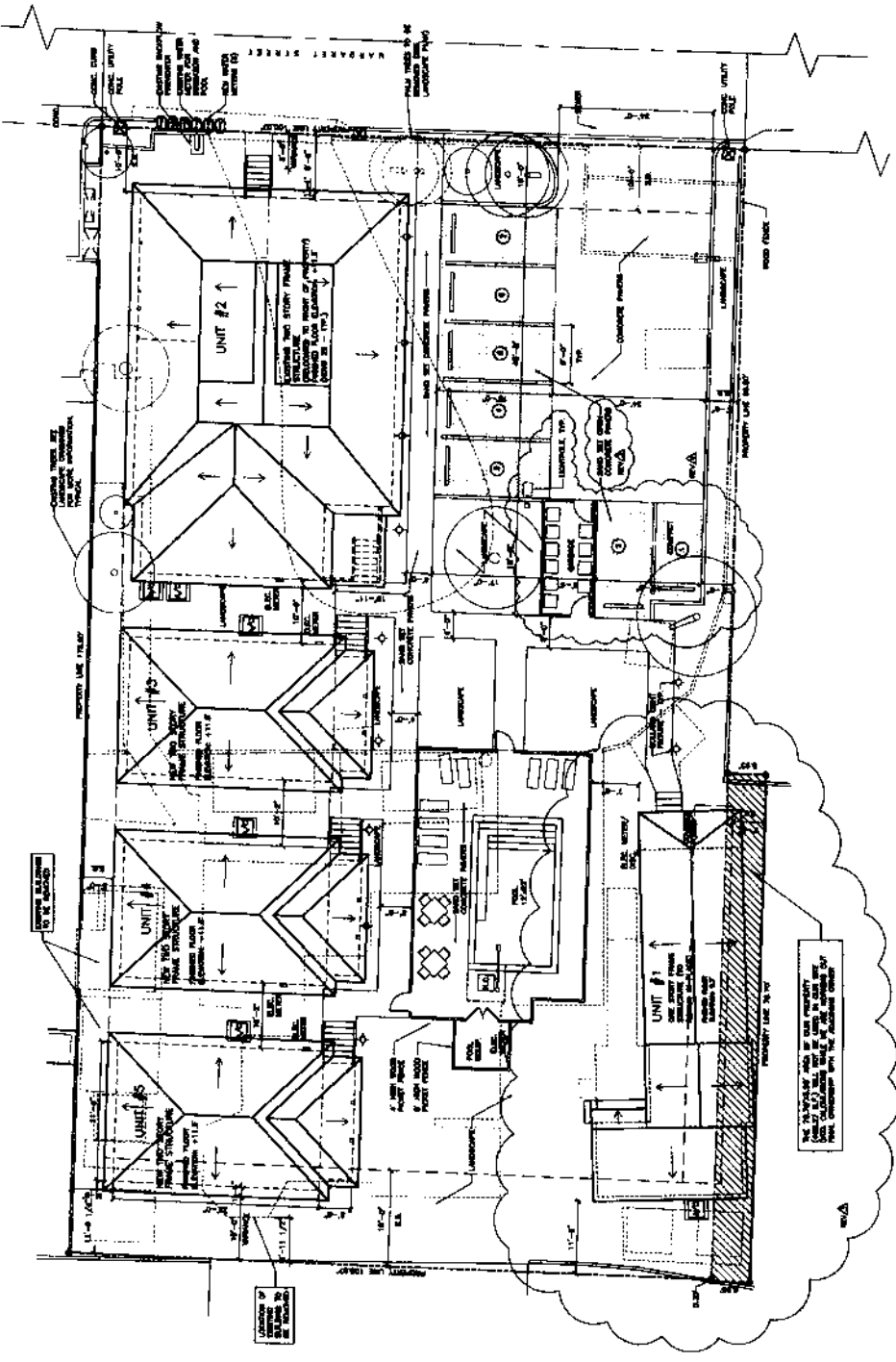
1020 MARGARET STREET
FLORIDA
33139

1020 MARGARET STREET RENOVATIONS
KEY WEST, FLORIDA

10/20/17
10/21/17

DATE: 10-20-17
BY: WPM
CHECKED BY: WPM
DATE: 10-21-17
BY: WPM
CHECKED BY: WPM

REVISIONS:
01-11-18 REV. A
01-11-18 REV. A
01-11-18 REV. A
01-11-18 REV. A
01-11-18 REV. A
01-11-18 REV. A
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01-11-18 REV. A



PROPOSED ROOF/SITE PLAN
SCALE: 1/8"=1'-0"
SITE PLAN BASED ON INFORMATION OBTAINED FROM SURVEY
PREPARED BY FLORIDA METS LAND SURVEYING, DATED ON 03-16-18

1020 MARGARET STREET RENOVATIONS
KEY WEST, FLORIDA

DRAFT
THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, AICP-C, Planner II

Meeting Date: July 15th, 2021

Application: **Minor Development Plan and Landscape Waiver - 1020 Margaret Street (RE# 00030490-000000)** - A request for approval of a minor development plan to renovate an existing historic single-family structure and construct three new single-family structures, as well as install an inground pool and a paved parking lot in the Historic Medium Density Residential (HMDR) zoning district and a request for approval to pay a fee-in-lieu to comply with the City of Key West's Workforce Housing ordinance pursuant to Sections 108-91, 108-517, 122-596, 122-597, and Section 122-1467(1)(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is requesting a minor development plan to renovate an existing historically significant structure and construct three new single-family structures. The applicant has applied for a variance to front and rear setbacks.

Applicant: William P. Horn Architect, PA

Property Owner: Soni and Sons LTD Partnership

Location: 1020 Margaret Street (RE# 00030490-000000)



DRAFT

Background:

The subject parcel is located at 1020 Margaret Street near the corner of Truman Avenue and Margaret Street. According to the Historical Architectural Review Commission, the two current residential structures were constructed in 1906 and 1920 respectively. Both structures are of frame vernacular and are historically significant contributing structures to the Key West Historic District. The parcel is surrounded by HMDR zoned properties to the south, east, and west, and Historic Neighborhood Commercial (HNC-1) zoned properties to the north.

Historically the large parcel has been situated with the two historical structures on the rear of the lot and the front of the lot has been vacant. Both historical structures currently encroach in required setbacks. The applicant has proposed to relocate the large historical structure situated at the rear of the lot to the front of the lot. The applicant is also proposing to construct three new single-family residences in the rear of the lot. The applicant has three additional residential unit licenses to be used to construct the three new single-family units.

The applicant is proposing to add seven off-street parking spaces onto the property, for a total of seven spaces, five for residents, and two for guests. The applicant is also proposing an in-ground pool at the center of the lot. One of the proposed new residential units, Unit 5, will encroach 6' into the rear setback and will be 9' from the property line.

The proposed project was granted approval for the Conceptual Landscape Plan with Tree Removal on September 16th, 2020. Any new structures being added to the lot will need to go through the HARC approval process. The addition of the three new single-family homes and the relocation of the historic structure will need HARC approval prior to proceeding. If approved by HARC, the final Landscape Plan shall be reviewed at the next available Tree Commission meeting before appearing at City Commission.

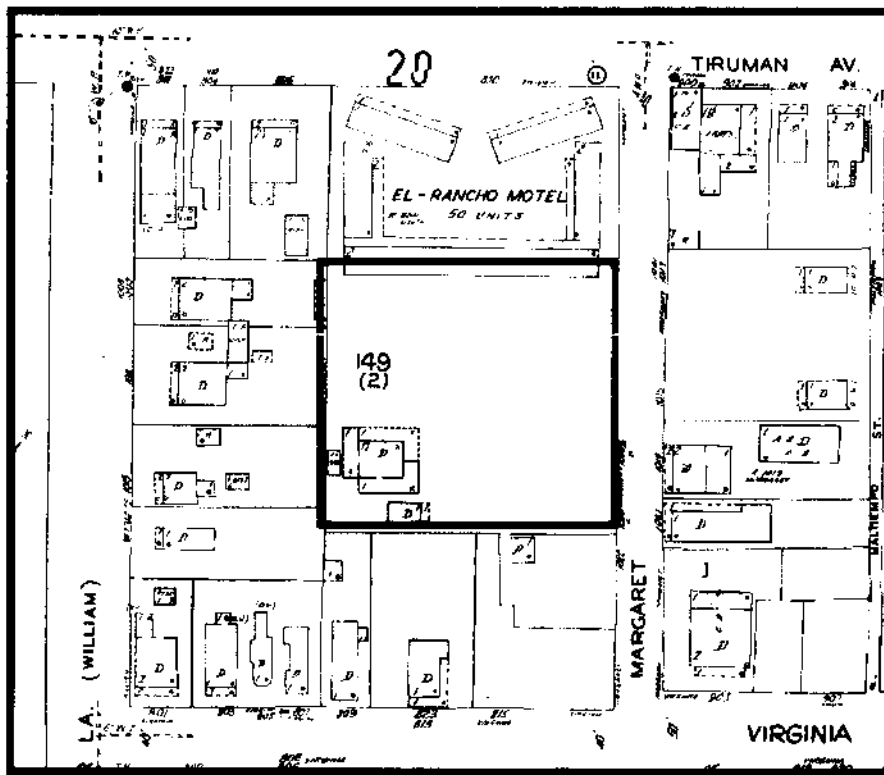
Proposed Development:

The site table below provides detailed current and proposed site data for the property.

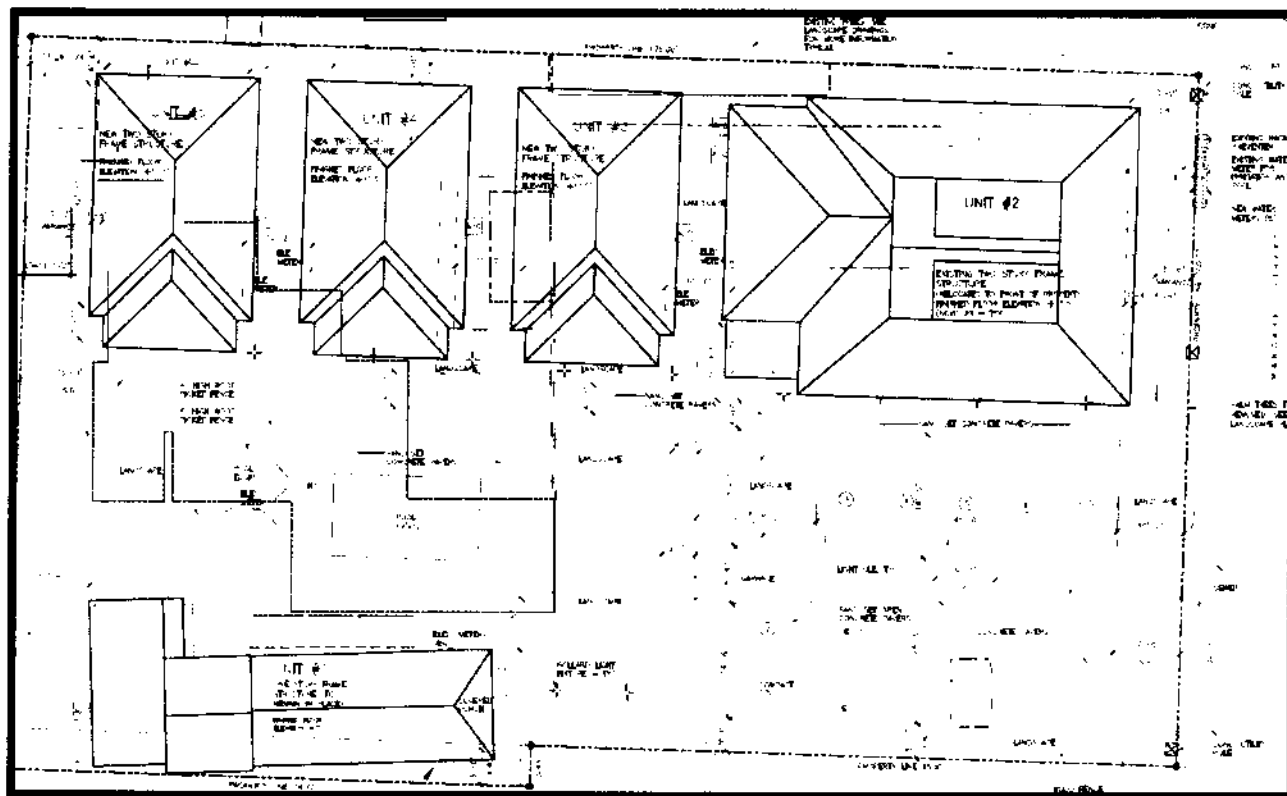
Site Data Table				
	Code Required	Existing	Proposed	Variance Request
Zoning	HMDR			
Size of Site	17,980 sqft			
Height	30	22' 6"	26' 4"	n/a
Front Setback	10'	72' 11"	5' 6"	3' 4"
Side Setback	5'	0'	5'	n/a
Rear Setback	15'	2' 3"	9'	6'
Building Coverage	40% -- 7,192 sqft	27.5% -- 5,004 sqft	37% -- 6,697 sqft	n/a
Impervious Surface	60% -- 10,788 sqft	47% -- 8,418 sqft	59.7% -- 10,750 sqft	n/a
Parking	5 Spaces	0 Spaces	7 Spaces	n/a
Bicycle Parking	n/a	n/a	n/a	n/a
Open Space	35% -- 6,293	53% -- 9,562 sqft	35% -- 6,330 sqft	n/a

DRAFT

1961 Historical Sanborn Maps, 1020 Margaret Street



Building Plans, 1020 Margaret Street, submitted by applicant



DRAFT

All site plan and building plans have been attached in Appendix 1.

Process:

Development Review Committee:	February 20, 2020
Planning Board Meeting:	June 17 th , 2021 – Postponed working w/ neighbors July 15 th , 2021
Tree Commission Meeting:	July __, 2021
Ratification by the City Commission:	July __, 2021
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

Staff Analysis - Evaluation:

Section 108-91 states that a permanent residential addition or reconstruction of three or four units shall require minor development plan approval. The applicant has proposed the addition of three permanent residential units to the property located at 1020 Margaret St. The applicant has not proposed a phased development plan and will develop the lot concurrently. Section 108-196 states that the Planning Board shall act by resolution to approve, approve with conditions, or disapprove a minor development plan based on specific development review criteria contained in the Land Development Regulations and the intent of both the City Code and the LDRs.

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.

Appearance, design and compatibility (City Code Section 108-234)

- The development plan shall satisfy criteria established in: Chapter 102; articles III, IV and V of Chapter 108; section 108-956; and article II of chapter 110, included in staff's review below.

City Code Chapter 102 (historic preservation)

- The older historical contributing structure will be renovated and relocated on the property to be used as a single unit and will be featured more readily on the property. The historic structure will take precedence over the new single-family structures to be erected.

Articles III (site plan), IV (traffic impacts) and V (open space, screening and buffers) of City Code Chapter 108 (planning and development)

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- The proposed minor development plan will allow the construction of three single-family structures for a total of five single-family dwelling units on the property. Per Section 108-570, five single-family dwelling units require five off-street parking spaces. The applicant has provided engineered plans for a parking lot on the property with seven parking spaces, five for the single-family structures and two for guests. The addition of the three single-family structures will not significantly impact traffic on Margaret Street or Truman Avenue. The applicant shall seek curb cut approvals prior to installing the off-street parking. Furthermore, the application proposes that all parking be clearly marked and shall provide safe and convenient circulation on the site and egress off the site.
- The proposed project was granted approval for the Conceptual Landscape Plan with Tree Removal on September 16th, 2020. Upon approval from the Planning Board and HARC, the final Landscape Plan approval shall be reviewed for approval at the next available Tree Commission meeting before appearing before City Commission.

City Code Section 108-956 (potable water and wastewater)

- Potable water and wastewater were found to comply in the concurrency determination above.

Article II (archaeological resources) of City Code Chapter 110 (resource protection)

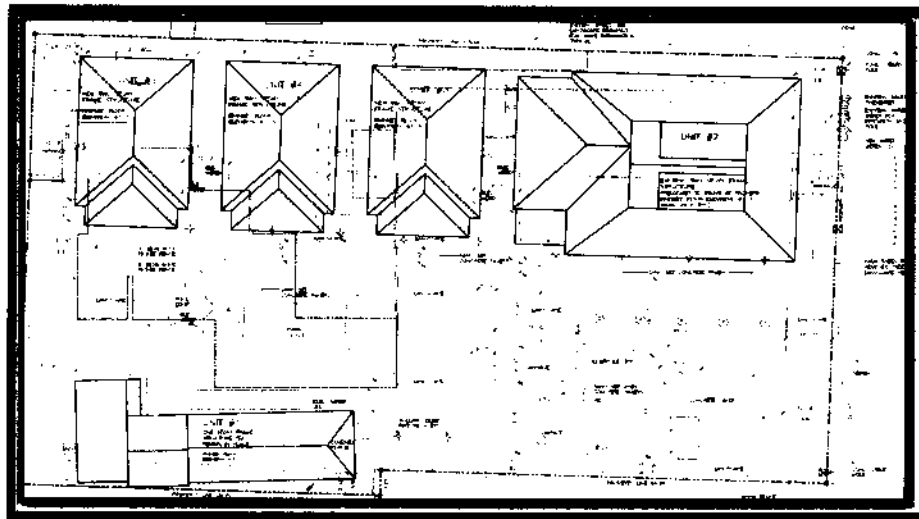
- There are no known archaeological resources on the property. If any archeological resources are discovered during construction, the Applicant would be required to comply with this article of the LDRs.

Site location and character of use (City Code Section 108-235)

(a) *Compliance.* The development plan submitted for review should be in compliance with all applicable performance criteria set forth in chapter 94, chapter 102, chapter 106, articles I and III through IX of this chapter, chapter 110 and chapter 114.

- The submitted major development plan has been reviewed for compliance with all applicable performance criteria. It is the Planning Department's determination that the application is in compliance with all applicable criteria.

(b) *Vicinity map.* A vicinity map shall be provided with the project's location noted together with a general written description of the proposed development.



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(c) Land use compatibility

- Land use compatibility. Adjacent land uses shall be identified including current zoning designation, conditional uses and/or special districts within 50 feet of the boundaries for a minor development, and 100 feet of the boundaries for a major development. Properties within 100 feet are located within the HNC-1 and HMDR Zoning Districts. Adjacent land uses within 300 feet include residential, professional office, hotel, and place of worship. There is no subdivision of land proposed at this time.

(d) Historic and archeological resource protection. A review of the project's impact on archaeological and historic resources shall be included.

- There are no proposed impacts on archeological and historical resources.

(e) Subdivision of land. Any subdivision of land shall comply with section 108-1 and chapter 118 pertaining to subdivisions.

- There is no subdivision of land proposed at this time.

Site and structures (City Code Section 108-236 – 108-246)

- The site is located in the Historic District, the proposed major development project is an overall harmonious design per Section 108-278. The front half of the parcel is currently used as a parking area for residents and the rear is used for two residential structures. The three new detached single-family units being constructed will be three-bedroom units with a total of 1,372 square feet per unit, more or less. The site plans indicate the renovated and relocated historic contributing structure at the front of the lot is a four-bedroom unit with a total of 2,416 square feet, more or less. The applicant has also proposed on-site amenities, including an in-ground swimming pool and a parking area for the residents.
- The parcel is currently situated in the X flood zone. The Federal Emergency Management Agency (FEMA) projected updated flood zone map will designate the parcel to be in the AE-9 flood zone. The applicant has proposed the structure to meet all specifications of the AE-9 flood zone. All residential parking will be off-street and located on the parcel. The applicant has chosen to use a semi-pervious parking material. The parcel currently has two units located on the property; the applicant has three additional residential unit licenses to be used to construct the three new single-family units. These three units are not to be used for transient rentals.

Construction management plan and inspection schedule (City Code Section 108-248)

- Construction will take place pursuant to approval from the Planning Board and ratification by the City Commission. Inspections will take place during the building permit process.

Off-street parking and loading (Code Chapter 108, Article VII)

- Code Section 108-570 requires one (1) off-street parking space per single-family dwelling unit. The applicant has proposed a parking lot off Margaret Street that would consist of seven (7) off-street parking spaces. The applicant currently has parking on a gravel and grass area, per the proposed plans, the applicant will create a brick paver parking area with drainage.

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Stormwater and surface water management (Code Chapter 108, Article VIII)

- No changes proposed, however a stormwater management plan shall be submitted pursuant to Sec. 108-777 prior to final approval.

Utilities (Code Chapter 108, Article IX)

- The applicant proposes to update both the plumbing and electric as part of the Minor Development Plan.

Workforce Housing (Code Chapter 122, Division 10)

- The applicant has proposed to pay a fee-in-lieu of providing affordable workforce housing on site. Per Section 122-1467 (1) (a) an applicant "may contribute a fee in lieu for each unit to the affordable work force housing trust fund, if approved by the city commission. The per unit fee shall be \$200,000.00 (representing construction cost, less land cost, of a 400 square foot unit)." Code states that 30% of all housing redevelopment must be affordable. The applicant is applying to redevelop four housing units, which would result in one unit needing to be deed restricted affordable per code. The applicant has opted to pay the fee-in-lieu and maintain four market rate housing units on the property.

Recommendation:

The proposed development plan for the property located at 1020 Margaret Street will fill in a vacant piece of the parcel with three new single-family homes in addition to the renovation and relocation of one existing single-family home. The relocation of the older historic structure will bring the historic structure into the foreground of the parcel and will allow the structure to be seen by passersby on Margaret Street. These structures are currently hidden from view. In addition, the parcel will house another three units on this mixed used block, anchored by Silver Palms Hotel and the Truman Margaret Laundrette.

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 the Minor Development Plan be **approved** with the following conditions:

Conditions of Approval:

1. Approval of a variance to the minimum required front and minimum required rear setback prior to approval of the proposed minor development plan.
2. A semi-pervious material be used for parking surfaces.
3. No units subject to this Minor Development Plan, nor any other units on the parcel, be used for transient rentals.
4. The proposed construction shall be consistent with the plans signed, sealed, and dated 6/18/2020 by William Horn, PA.
5. During all phases of construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

Conditions prior to the City Commission hearing:

6. Submittal of a stormwater management plan according to Sec. 108-777, to retain the greater of one-inch of runoff based on the site upland area or 2.5" times percent of impervious coverage.

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7. The applicant shall obtain final landscape plan approval from the Tree Commission.
8. The applicant shall obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

Conditions prior to Certificate of Occupancy of Residential Units:

9. Prior to a certificate of occupancy being issued for the residential units, City Code Section 122-1467 (1) shall be met and a fee-in-lieu of \$200,000 per affordable housing unit shall be paid to the City.