



## EXECUTIVE SUMMARY

**To:** Jim Scholl, City Manager

**Through:** Thaddeus Cohen, Planning Director

**From:** Patrick Wright, Planner II

**Meeting Date:** July 6, 2016

**RE:** **Major Development Plan – 5555 College Road (RE # 00072080-001400; AK # 1076007)** - A request for major development plan for the construction of 39 affordable units and 23 market rate units on property located within the General Commercial (CG) Zoning District pursuant to Sections 108-91.B.2(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

### ACTION STATEMENT:

**Request:** Major development plan approval for the construction of 39 affordable units and 23 market rate units.

**Applicant:** Smith | Oropeza | Hawks

**Property Owners:** Sunset Marina, LLC

**Location:** 5555 College Road (RE # 00072080-001400; AK # 1076007)

**Zoning:** General Commercial (CG)



**BACKGROUND:**

The subject property is located on North Stock Island off of College Road. It is bound by the Monroe County Detention Center to the West, Condominiums to the East, the Key West Golf Course to the South and the Gulf of Mexico to the North. The property is surrounded by Public Service, General Commercial. The parcel is approximately 4.5 acres not including environmentally sensitive areas.

The existing parcel is mixed use commercial and residential. Currently all of the commercial uses are contained within two structures. A marina ship store and general office space are located in one structure, and a second building consisting of four (4) affordable deed restricted one bedroom, one bathroom residential units and office, 9,600 square feet consisting of a 2,960 square foot marina boat repair shop, 1,840 square feet of storage attendant to the marina use, 1,125 square feet consisting of showers and laundry facilities attendant to the marina use and 3,675 square feet of office space. In addition to the commercial space, Sunset Marina owns twenty-nine (29) boat wet slips in the adjacent boat basin.

The proposed major development plan seeks to add twenty-three (23) market rate units and thirty-nine (39) deed restricted affordable multi-family units to the property for a total of sixty-two (62) additional units. Sixty (60) of those units will be housed within fifteen (15) multi-family four unit buildings. The remaining two (2) units will be located in the existing mixed use three story building as part of renovation and conversion of an unused boat showroom area.

In February of 2002 the Planning Board passed Resolution 2002-003 permitting the construction of the existing multifamily affordable units on the property. Per Section 122-63 (f) conditional use approvals run with the land. The expansion of this residential conditional use requires approval for Major Development Plan review as expressed below.

On February 4<sup>th</sup>, 2015 the project was awarded 23 market rate equivalent single family units through Year 1 of the City's Building Permit Allocation System (Planning Board Resolution 2015-06). On June 29<sup>th</sup>, 2015 the project was awarded 39 affordable equivalent single family units through Year 2 of the City's Building Permit Allocation System (Planning Board Resolution 2015-26).

In order to allow the proposed development, the following development approvals would be necessary or are requested by the applicant:

- Major Development Plan review is required due to permanent residential development; addition of eleven or more units, pursuant to 108-91.B.2(a) of the Land Development Regulations (LDRs) of the Code of Ordinances (the "Code") of the City of Key West (the "City"); and
- Development Agreement has been requested per Article IX. of the Land Development Regulations (LDRs) of the Code of Ordinances (the "Code") of the City of Key West (the "City")

**City Actions:**

Development Review Committee (DRC):	March 26, 2015
Development Review Committee (DRC):	March 24, 2016
Development Review Committee (DRC):	April 28, 2016
Preliminary Tree Commission:	May 10, 2016
Planning Board:	May 19, 2016
Final Tree Commission:	June 14, 2016
City Commission:	July 6, 2016
DEO review	Up to 45 days, following local appeal period

**PLANNING STAFF ANALYSIS:****Development Plan Review**

City Code Section 108-91.B.2.(a) requires Major Development Plan review for permanent residential development; addition of eleven or more units to be reviewed as a Major Development Plan. Planning staff and the Planning Board, as required by Chapter 108 of the City LDRs, reviewed the request for compliance with the City's LDRs and Comprehensive Plan as detailed in the attached Planning Board staff report. On May 26, 2016, the Planning Board reviewed the request and staff recommendations, pursuant to City Code Section 108-196(a), and passed Resolution No. 2016-27 advising approval with conditions to the City Commission.

City Code Section 108-198 states that the City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the LDRs and based on the intent of the LDR's and Comprehensive Plan. The City Commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgment, to effectuate the purpose of this article and carry out the spirit and purpose of the comprehensive plan and the LDR's. Any condition shall be made a written record and affixed to the development plan as approved. If the City Commission disapproves a development plan, the reasons shall be stated in writing.

It should be noted that Planning Board Resolution No. 2016-27 required two conditions to be satisfied prior to the City Commission hearing (see conditions #4 & 5). Subsequent to the Planning Board approval, all conditions have been satisfied. Any outstanding issues are reflected in the staff recommendations below. The resulting set of revised plans is attached.

**Options / Advantages / Disadvantages:**

**Option 1.** Approve the request with conditions (listed below) as advised by the Planning Board in Resolution No. 2016-27, and additional conditions recommended by staff:

**Consistency with the City's Strategic Plan, Vision and Mission:** Granting the request would be consistent with Economy and Environment goals of the Strategic Plan.

**Financial Impact:** The City would collect building permit, licensing and impact fees during subsequent phases of development. There would be no cost to the City for granting the request.

**Option 2.** Deny the request based on findings that the proposed development does not comply with the criteria established by the Comprehensive Plan and the Land Development Regulations.

**Consistency with the City's Strategic Plan, Vision and Mission:** Denial of the requested development plan would not be inconsistent with the Strategic Plan.

**Financial Impact:** There would be no cost to the City for denying the request.

**RECOMMENDATION: Option 1.**

Staff and the Planning Board, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends **Option 1** to the City Commission approving the request with conditions as outlined below:

**General conditions:**

1. The proposed development shall be consistent with the plans dated May 12, 2016 by Weiler Engineering and the Landscape Plan plans dated May 24, 2016 by Ladd Roberts, Landscape Architect.
2. 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.
3. As outlined in the Development Agreement the thirty-nine (39) affordable units will be required to file deed restrictions with the City per Section 122-1467 (d). The deed restriction shall be in a form provided by the city and shall be for a period of at least 50 years. It shall be recorded in the county records. During the final year of the deed restriction, the city commission may act by Resolution to renew the affordability restriction for an additional 50-year term.

**Conditions prior to issuance of a building permit:**

4. Approval of a Public Art Plan shall be obtained from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.

**Conditions prior to issuance of a Certificate of Occupancy:**

5. The total score claimed of 25 points, in which the 23 market rate Building Allocation System (BPAS) units were awarded through Planning Board Resolution 2015-06, shall be confirmed by City staff. The total score claimed of 40 points, in which the 39 affordable Building Allocation System (BPAS) units were awarded through Planning Board Resolution 2015-26, shall be confirmed by City staff.
6. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487