

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



**To:** Chairman and Planning Board members

**From:** Ginny Haller, Planner II

**Through:** Patrick Wright, Planning Director

**Meeting Date:** June 15, 2017

**Agenda Item:** **Major Development Plan & Landscape Waiver – 3900 South Roosevelt Boulevard (RE# 00066180-000200)** -A request for major development plan & landscape waiver approvals for the construction of 56 new market rate residential units and 24 new affordable units on property located within the High Density Residential (HDR) zoning district pursuant to Sections 108-91.B.2(a) and 108-413 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

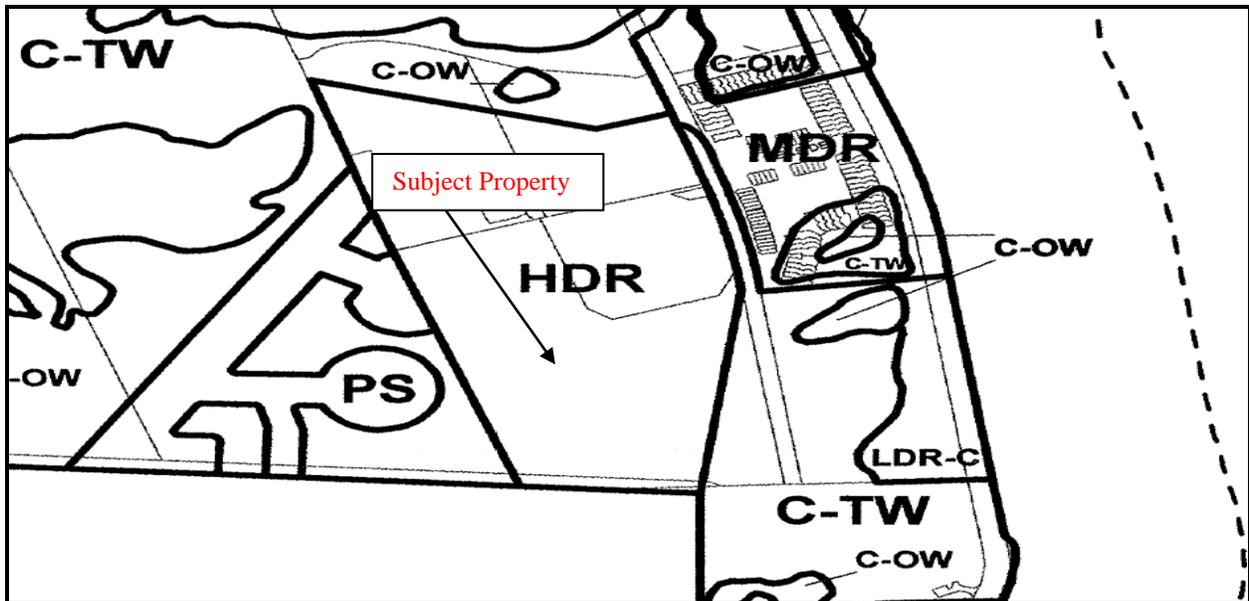
**Request:** Major development plan approval for the construction of 56 new market rate units and 24 new affordable units.

**Applicant:** Critical Concern Consultants

**Property Owners:** Ocean Walk Key West Owner, LLC

**Location:** 3900 South Roosevelt Boulevard (RE# 00066180-000200)

**Zoning:** High Density Residential (HDR)



**Background / Proposed Development:**

The subject property is located at 3900 South Roosevelt Boulevard and is bound by the multi-family residential units at Seaside and Las Salinas Condominium. The property is surrounded by Public Service, Medium Density Residential, Conservation-Tidal Wetlands, and Conservation - Outstanding waters of the State zoning districts. The parcel is approximately 17.11 acres of land including environmentally sensitive areas.

The parcel at Ocean Walk contains 296 existing dwelling units within two buildings that were constructed in 1989:

- Building one contains 88 units and is 26.6 feet in height with covered parking on the ground floor and apartments on the second and third floors;
- Building two contains 208 units and is 43.5 feet in height with covered parking on the ground floor and apartments on the second through fifth floors.

The proposed major development plan and landscape waiver seeks to add 56 new market rate units and 24 new deed restricted affordable units for a total of 80 new units to be located in two new structures. The proposal is located in the High Density Residential (HDR) zoning district which allows residential uses, including single-family, two-family, and multi-family dwelling units at a maximum density of 22 units per acre. The project was awarded Building Permit Allocation System (BPAS) units in Year 2 and Year 4:

- Planning Board Resolution 2015-26, the project was awarded 28 market rate equivalent single family units and 12 affordable equivalent units through Year 2 of the Building Permit Allocations System;
- Planning Board Resolution 2017-06, the project was awarded 28 market rate equivalent single family units and 12 affordable equivalent single family units through Year 4 of the Building Permit Allocation System.

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

- Landscape Waiver review is required due to requirements along street frontage pursuant to 108-413 of the LDRs of the Code of Ordinances of the City of Key West;
- 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 LDRs of the Code of Ordinances of the City of Key West;
- Development Agreement has been requested per Article IX of the LDRs of the Code of Ordinances of the City of Key West.

**Surrounding Zoning and Uses:**

Surrounding properties are located within the Medium Density Residential (MDR), Public Service (PS), Conservation-Tidal Wetlands (C-TW), and Conservation–Outstanding waters of the State (C-OW) zoning districts. Surrounding uses include multi-family residential units, transient lodging (Doubletree resort), conservation, professional office, and airport facilities. No unincorporated parts of the County are located within the area, although the Key West International Airport which is owned and operated by Monroe County is sited by the southerly boundary of the property.

**Process:**

City Commission Authorization to enter Development Agreement:	January 5, 2016 (Resolution 16-021)
Development Review Committee (DRC):	March 24, 2016
Development Review Committee (DRC):	October 27, 2016
Conceptual Landscape Plan	January 10, 2017
Planning Board:	May 18, 2017 (postponed)
Planning Board:	June 15, 2017
Final Tree Commission:	pending
City Commission:	pending
DEO review:	Up to 45 days, following local appeal period

**Evaluation for Compliance with the Land Development Regulations (LDRs) and Comprehensive Plan**

City Code Section 108-91.B.2 (a) requires Major Development Plan review for permanent residential development; addition of eleven or more units. City Code Section 108-196(a) states after reviewing a Major Development Plan or a Minor Development Plan for a property and staff recommendations therefore, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the LDRs and the intent of the LDRs and comprehensive plan. The Planning Board resolution shall provide written comments documenting any conditions of approval that the Planning Board finds necessary to effectuate the purpose of Development Plan review and carry out the spirit and purpose of the Comprehensive Plan and the LDRs. If the Development Plan is recommended for disapproval, the Planning Board resolution shall specify in writing the reasons for recommending such denial. The Planning Board’s decision on a Major Development Plan in the historic district shall be advisory to the City Commission.

Planning staff, as required by Chapter 108 of the City LDRs, has reviewed the following for compliance with the City's LDRs and Comprehensive Plan as summarized in the following table.

<b>Project Data Summary</b>				
<b>Dimensional Requirement</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Zoning District	HDR			
Flood Zone	AE-8			
Site size	17.11 acres			
Maximum height	40 feet	Existing 1, 2 & 3-story buildings	40 feet	In compliance
Side Setback (multi-family)	25 feet	29 feet 2 inches	29 feet 2 inches	In compliance
Side Setback	25 feet	30 feet 5 inches	30 feet 5 inches	In compliance
Rear Setback	25 feet	N/A	N/A	In compliance
Front Setback	30 feet	166 ft 3.5inches	140 feet	In compliance

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Shoreline Setback <sup>1</sup>	50	Varies	Varies	Non-conforming
Maximum building coverage	40%	11.5% (85,949 sq. ft.)	+4.5% (33,622 sq. ft.) Total 15.6% (116,665.6 sq.ft.)	In compliance
Maximum impervious surface	60%	44% (327,682 sq. ft.)	49.8% (371.238 sq. ft.)	In compliance
Minimum vehicular parking	160 Spaces	New construction	195 Spaces	In compliance
Minimum bicycle parking	10% (Required 16)	New construction	173 spaces	In compliance
Maximum Density	22 du/ac	296 units 17 du/ac	376 total units 22 du/ac	In compliance
Minimum open space	35 %	56% (417,630 sq. ft.)	51% (383,584sq. ft.)	In compliance
Landscaping/Street Frontage (Sec. 108-413)	40' ROW buffer	None	See attached Waiver Request	Non-conforming buffer; waiver requested

**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 Major 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. This portion of the report shall serve as the required written determination of compliance.

**1. Potable water supply**

The potable water LOS standard for residential uses is 93 gallons per capita per day pursuant to City Code Section 94-68. Utilizing this LOS standard, potable water demand is estimated as follows:

<sup>1</sup> Shoreline setback established by South Florida Water Management District per Section 110-91)

Based on per capita residential: 93 gal/capita/day x 200 persons (2.5 per unit) = 18,600 gal/day

Therefore, the adopted potable water LOS standard is anticipated to be adequate to serve the proposed development. The property is currently serviced with potable water by the Florida Keys Aqueduct Authority (FKAA) and has available capacity to service the proposed development with the existing infrastructure currently in place.

## **2. Wastewater management**

The sanitary sewer LOS standard for residential uses is 100 gallons per acre per day, pursuant to City Code Section 94-67. Utilizing this LOS standard, sanitary sewer capacity demand is estimated as follows:

Based on per capita residential: 100 gal/capita/day x 200 persons (2.5 per unit) = 20,000 gal/day

The adopted sanitary sewer capacity LOS standard is anticipated to be adequate to serve the proposed development.

## **3. Water quality**

The property is served by the City's central sewer system. The property is not adjacent to any bodies of open water, and stormwater facility improvements are proposed to control the volume and quality of stormwater discharged into wetlands. Therefore, no adverse impacts to water quality to water quality are anticipated.

## **4. Stormwater management / drainage**

The stormwater management or drainage LOS standard pursuant to City Code Section 94-69 is:

- Runoff shall not exceed predevelopment runoff for a 25-year storm event, up to and including an event with a 24-hour duration;
- Treatment of the first one inch of rainfall must be provided to meet water quality standards; and
- Storm water facilities must be designed so as to not degrade any receiving water body.

(See City comments in Utilities section of this report.)

A drainage plan was submitted; sheet C1.1.2 shows the upgraded stormwater management system that services more than the areas proposed for construction. The treatment and retention of stormwater will be retained on the site through the use of existing catch basins.

## **5. Solid waste**

The solid waste LOS standard for residential uses is 2.66 pounds per capita per day pursuant to City Code Section 94-71. The proposal is anticipated to accommodate 120 persons. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

Proposed – Residential capacity based on 200 persons: 200 persons x 2.66 lbs/day = 532 lbs/day

According to the City’s General Services Division, the contract with Waste Management (WM) accounts for a 20 year “window” for waste processing at the Wheelabrator Waste-to-Energy site. There are other facilities in South Florida also owned by WM for continued use into the future. Therefore, the adopted solid waste LOS standard is anticipated to be adequate to serve the proposed development.

## **6. Roadways**

The roadway LOS standard is set forth in City Code Section 94-72. A traffic study was required, and performed by traffic engineer Karl B. Peterson, P.E. of KPB Consulting, Inc. and originally submitted in October, 2015. The study was reviewed by the City through Calvin Giordano & Associates (CGA) on December 9, 2016 with comments for additional information on peak traffic data and intersection capacity analysis on intersection of South Roosevelt and Seaside Drive; more detail site plan showing ingress and egress driveways; provide a link analysis of existing conditions and future conditions between South Roosevelt and Seaside Drive between US 1 and Bertha Street; confirm with City if any approved but unbuilt development projects that would impact roadways; and provide narrative of alternative modes of transportation. Based on these comments, a revised traffic study was submitted February, 2017. The revised traffic study was reviewed by CGA and it was confirmed that the revised study addressed all of the original comments. With the assistance of residents of neighboring properties, the concerns regarding insufficient internal traffic controls, for example ‘cut-through’ maneuvers, were identified and will be addressed by an addition of traffic calming devices and enhanced by barriers. As shown on the revised site plan, the applicant proposes a new 8-foot wide sidewalk to extend from the existing fence to the intersection of Seaside Drive, and to install new bollards along the new Las Salinas sidewalk every 10 feet.

## **7. Recreation**

The recreation LOS standard is five acres of recreation and open space per 1,000 permanent residents pursuant to City Code Section 94-70. The 2013 City Comprehensive Plan Data and Analysis states the City is currently providing sufficient recreation and open space. The applicant showed on the plans a swimming pool and proposed the addition of an exercise room, game room, and dog park.

## **8. Fire Protection**

The proposal shall comply with life safety requirements per the Fire Marshal’s direction. Hydrants servicing the existing development will remain in place, an additional hydrant for the exclusive service use by the Ocean Walk development has been requested, as have additional standpipe services, and gate access updates.

## **9. Reclaimed water system**

The two proposed residential buildings will utilize cisterns per the BPAS prerequisite requirements of Sec. 108-997(b)(1)(c), as shown on sheets A2.1.1 and A2.1.4 of the plans.

## **10. Other public facilities**

Based on the Applicant's concurrency analysis, all public facilities would be expected to accommodate the proposed development at the adopted LOS standards.

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

The development plan shall satisfy criteria established in:

#### **City Code Chapter 102 (historic preservation)**

The property is not located within the Key West Historic District

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

A traffic study was submitted with this application and reviewed by the City. The proposed open space as depicted on the site plan meets Code requirements. A buffer along street frontage has been requested as part of the development plan reviews.

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

Potable water and wastewater were found to be in compliance 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 submitted development plan has been reviewed for compliance with all applicable performance criteria set forth in Code Chapter 94 (concurrency management), Code Chapter 102 (historic preservation), Code Chapter 106 (performance standards), Articles I and III through IX of Code Chapter 108 (planning and development), Code Chapter 110 (resource protection) and Code Chapter 114 (signs).
- (b) *Vicinity map.* A vicinity map is on the survey as shown on sheet GO 1.1. The property is serviced by Seaside Drive, which leads to South Roosevelt Boulevard.
- (c) *Land use compatibility.* Properties within 100 feet are located within the HDR, MDR, PS, A, and C-TW Zoning Districts. Adjacent land uses within 300 feet include the multi-family residential units (Las Salinas, Seaside), transient lodging (Doubletree resort), conservation use, professional offices and airport facilities. No unincorporated parts of Monroe County are located nearby, nor would any be impacted by the proposed development; but, Key West International Airport, owned and operated by the county, lies along the southerly boundary of the property.
- (d) *Historic and archeological resource protection.* The project will have no impacts on archaeological and historic resources.
- (e) *Subdivision of land.* No subdivision of land is proposed at this time.

**Appearance of site and structures (City Code Section 108-236):**

The Applicant submitted a development plan that generally exhibits harmonious overall design characteristics in compliance with the performance standards stipulated in Code Sections 108-278 through 108-288, as analyzed and reflected in the staff recommendation below.

**Site plan (City Code Section 108-237):**

The Applicant submitted a site plan pursuant to City Code Section 108-237, which is analyzed in greater detail below.

**Architectural drawings (City Code Section 108-238):**

The Applicant submitted engineered drawings prepared by a professional engineer registered in Florida pursuant to City Code Section 108-238.

**Site amenities (City Code Section 108-239):**

The attached site plan includes proposed amenities which are required to comply with appearance, design and compatibility regulations outlined in Chapter 102, Articles III, IV and V of Chapter 102 of the Code, Section 108-956 of the Code and Article III of Chapter 110 of the Code. Proposed site amenities include a game room, an exercise room, and a fenced in dog park. The applicant proposes new sidewalk infrastructure, and stormwater drainage system, cistern and future electric car stations to be provided. This project also qualifies for the 1% set-aside for public art.

**Site survey (City Code Section 108-240):**

The Applicant submitted a site survey pursuant to City Code Section 108-240.

**Soil survey (City Code Section 108-241):**

Not applicable. The two new buildings will be constructed on scarified uplands that do not implicate soil suitability.

**Environmentally sensitive areas (City Code Section 108-242):**

The proposed site is adjacent to conservation zoning districts.

(1) Stormwater improvements are proposed with this application as illustrated on sheet C1.1.2. The wetlands adjacent to the property limits the number of parking spaces. All of the wetland buffers shall be consistent with South Florida Water Management District permitting regulations (SFWMD letter attached).

(2) Shoreline protection. Not applicable.

(3) General requirement. If environmentally sensitive areas are found in or adjacent to the site, the following information is necessary:

- a. Existing conditions. The survey included in the application as performed by Commercial Due Diligence Services delineates the boundaries of the environmentally

sensitive areas on the property. No dredging, or filling is proposed, and there are no spoil sites, canals, or channels identified on the survey.

b. Preservation. The applicant shall obtain final landscape plan approval from the Tree Commission prior to City Commission hearing.

**Land clearing, excavation, and fill, tree protection, landscaping and irrigation plan (City Code Section 108-243):**

- (a) *Land clearing, excavation and fill.* “Building 1” as identified on the survey provided will be demolished in order to provide construction space for “Building A.” A section of the parking lot currently servicing “Building 5” as shown on the survey will be demolished and reconfigured to accommodate the construction of the proposed “Building B.” Any impacted vegetation is to be relocated on site.
- (b) *Tree protection.* A tree protection and transplanted plan has been provided with the application to the Tree Commission.
- (c) *Landscaping plan.* Landscape design sheets L100 – L202 indicate landscaping throughout the site, with relocation of existing species on site. A street frontage buffer waiver is requested as part of this application to reduce the required landscape buffer along Sea Side Drive. The wetland buffer along an existing internal roadway and proposed relocated parking is conditioned by this Major Development Plan to be consistent with South Florida Water Management District permitting standards as per Sec. 110-91 of the Code. Final landscape approval will be required before the project moves to City Commission.
- (d) *Irrigation plan.* Landscape design notes refer to as-built to be provided.

**On-site and off-site parking and vehicular, bicycle, and pedestrian circulation (City Code Section 108-244):**

The applicant is proposing 195 vehicle parking spaces, that includes 177 standard, 12 compact and 6 ADA spaces. The proposal is for 173 new bicycle parking spaces. As shown on the revised site plan, the applicant proposes a new 8-foot wide sidewalk to extend from the existing fence to the intersection of Seaside Drive; and to install new bollards along the new Las Salinas sidewalk every 10 feet.

**Housing (City Code Section 108-245):**

There are currently 296 existing non-transient residential units on the property. The construction of 80 new units is proposed in this application. Twenty-four of those 80 units will be deed-restricted affordable workforce housing. The total units on site post development will number 376 units. The total number of units permitted by HDR density is 376 units, a density of 22 units per acre.

The property has been awarded 80 BPAS allocations during year 2 and 4 of the City Building Permit Allocation System, of which 24 were allocated as affordable and another 56 as market rate.

As outlined in the Development Agreement, the twenty-four (24) 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.

**Economic resources (City Code Section 108-246):**

The market value of the Property is currently \$60,372,586, at a millage of 10.4 generates over \$627,800 tax revenues. The 24 affordable units limited the market value. Therefore, it is assumed the assessed value of 80 new units at \$10,110,900, offset by \$3,033,270 reduction attributable to the deed-restricted units, for a net increase in assessed value of approximately \$7,077,630.

**Special considerations (City Code Section 108-247):**

- (a) The relationship of the proposed development to the City's land use plans, objectives and policies is being evaluated as part of this analysis. The relationship of the proposed development to public facilities was evaluated above and no conflicts were identified.
- (b) The project is located in the High Density Residential District and is in the AE-8 flood zone.
- (c) No unincorporated portions of the county would be impacted by the proposed development.
- (d) The project does not front a shoreline, so shoreline access would not be impeded.
- (e) The property currently accommodates a dedicated bus stop, and is served by City bus routes. No new facilities are proposed to accommodate city bus transportation.
- (f) Cisterns for the new units are shown on sheets A2.1.1 and A.2.1.4 and will reduce water demand and energy by providing for onsite irrigation as well as other uses.
- (g) The property is located within the AE-8 flood zone. No residential structure shall have any habitable space below the bottom floor. Project plans indicate the first floor elevation as +1.5' above BFE.
- (h) Currently, the site maintains open space as well as tennis courts and a swimming pool. New amenities include an exercise room, a game room, and a dog park.
- (i) Coordination with applicable agencies is being facilitated through the DRC.
- (j) The wetland buffer along an existing internal roadway and proposed relocated parking is conditioned by this Major Development Plan to be consistent with South Florida Water Management District permitting standards as per Sec. 110-91 of the Code.

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

This is a phased construction project, consisting of two phases. The applicant states that during each of the phases, one multifamily building housing 40 new dwelling units will be constructed. The first phase will commence upon issuance of a building permit for the 40 new dwelling units within that phase, and no later than five (5) years. The second phase will be completed within five years following completion of the first phase. Each phase of construction will be completed within two years following commencement of that phase. All site work corresponding to a specific phase will be completed prior to the first certificate of occupancy for a dwelling unit in that phase. Construction management will conform to the provisions of the Development Agreement.

**Truman Waterfront Port facilities (City Code Section 108-249):**

Not applicable.

**Site plan (City Code Chapter 108, Article III):**

The City shall not approve a site plan unless a finding is made that such site plan conforms to all applicable sections of the LDRs, pursuant to City Code Section 108-276, as analyzed below.

**Site location and character of use (City Code Section 108-277)**

Multi-family uses are permitted as of right in the HDR zoning district. The proposed new structures will become a part of the existing multi-family development known as “Ocean Walk.” Ocean Walk adjoins the multi-family developments know as Las Salinas and Seaside.

**Appearance of site and structures (City Code Section 108-278)**

The proposed building is harmonious and complies with Section 108-278.

**Location and screening of mechanical equipment, utility hardware and waste storage areas (City Code Section 108-279)**

Mechanical equipment utility hardware, and waste storage areas screening and location will be provided on sheets A.2.11 and A.2.1.4 of the plans.

**Front-end loaded refuse container location requirements (City Code Section 108-280)**

Two new refuse container locations are shown on the submitted plans. The applicant will coordinate the final location and type of refuse containers with Waste Management to ensure adequate service access.

**Roll-off compactor container location requirements (City Code Section 108-281)**

None proposed.

**Utility lines (City Code Section 108-282)**

The property is subject to recorded utility easements as shown on pages 1 and 2 of the survey submitted with the application, any upgrades to existing service and applicable impact fees will be coordinated with Keys Energy Services (KEYS) prior to the issuance of a building permit. At the time of the building permit review KEYS will do a full project review.

**Commercial and manufacturing activities conducted in enclosed buildings (City Code Section 108-283)**

No commercial activities are proposed.

**Exterior lighting (City Code Section 108-284)**

A photometric plan for the proposed new buildings A and B are sufficient to show the applicants proposed plan for exterior lighting. They were submitted with the application.

**Signs (City Code Section 108-285)**

No signs are being proposed.

**Pedestrian sidewalks (City Code Section 108-286)**

The plans indicate a new sidewalk and pedestrian circulation throughout the proposed development. The new sidewalks will connect to existing pedestrian access throughout the site.

**Loading docks (City Code Section 108-287)**

None proposed.

**Storage areas (City Code Section 108-288)**

No exterior storage areas are proposed.

**Land clearing, excavation or fill (City Code Section 108-289)**

The proposed stormwater management plan addresses updated drainage requirements with the provision of improved vegetated swales, catch basins, and an injection well. Temporary fencing and silt barriers shall be in place during demolition and construction to prevent soil and debris from running into City streets and sidewalks.

**Landscaping (Code Chapter 108, Article VI):**

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. The submitted plan indicates existing vegetation as well as the addition of landscaping along non-wetland perimeters of the property and within the proposed development area. The applicant is requesting buffer modifications and waivers pursuant to Code Sec. 108-413 as set forth in the table on page 4 of this report. See attached request for waiver.

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

See above: “On-site and off-site parking and vehicular, bicycle, and pedestrian circulation City Code Section 108-244.”

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

A stormwater management plan was submitted indicating that surface water management is designed for the 25-year/72-hour storm event, as required. Stormwater will be retained on-site through installation of new vegetated swales, modifications to existing vegetated swales, the use of existing catch basins and retention areas, and installation of an injection well. Applicant shall obtain an updated SFWMD permit prior to receiving building permits.

**Utilities (Code Chapter 108, Article IX):**

The City’s Utilities Department reviewed the Proposed Grading & Drainage Plan for Ocean Walk Apartments. The scope of the work entailed construction of six stormwater retention swales, regrading parking areas to direct runoff into catch basins, and connection of the drain inlets to the proposed swales. The following comments were provided:

Sheet AE1.1.2, datum NAVD 88 adjusted, provides existing site elevations, and shows the areas where proposed swales to be constructed to have approximate elevation 2.0 NAVD 88. The bottom of proposed swales must be one-foot above the average high groundwater table. (City of Key West Code of Ordinances, Chapter 108, Article VIII, Division I) Design groundwater table should be based on seasonal high water level, 1.2 NGVD 29. Converting this level to NAVD 88, high water level is -0.145. Swale depth must not exceed 1.2 feet, to ensure swales return to dry conditions following a rain event and high tide influences to groundwater table.

South Florida Water Management District Applicants Handbook Volume II (Section 4.2.1) allows dry retention treatment systems to be based on 75 percent of the required total runoff of 2.5 inches times the percentage of imperviousness or one-inch over the project area, whichever is greater. Please revise drainage calculation required treatment volume to incorporate the 25% credit for utilizing dry retention swales.

**Art in Public Places (City Code Section 2-487):**

Pursuant to City Code Section 2-487, the Ocean Walk addition project is subject to the City's 1% set-aside for public art. Construction costs (labor and material) are estimated to be approximately \$6.7 million. Owner intends to contract with a professional artist or artists to create on-site artwork, rather than paying an in-lieu fee. Before contracting with the artist and prior to issuance of a building permit for the project, Owner will submit for review and approval by the AIPP Board a public art plan as set forth in City Code section 2-487, and following approval of the public art plan, will contract with the artist(s).

**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 Major Modification to Major Development Plan be **APPROVED** with the following conditions:

**General conditions:**

1. The proposed development shall be consistent with the plans dated June 14, 2016 by K2M Design, Inc., and by the revised Proposed Site Plan dated June 7, 2017.
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 Twenty-four (24) 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 Monroe County records. During the final year of the deed restriction, the City may act by Resolution to renew the affordability restriction for an additional 50-year term.

**Conditions prior to the City Commission hearing:**

4. The applicant shall obtain final landscape plan approval from the Tree Commission.
5. Revise drainage calculation required treatment volume to incorporate the 25% credit for utilizing dry retention swales.

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

6. 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.
7. Applicant shall coordinate with Keys Energy Services a full project review.
8. Wetland Buffer Zone pursuant to Section 110-91 shall be consistent with South Florida Water Management District standards.
9. The applicant shall submit a completed Form 7460-1 to the Federal Aviation Authority.

**Conditions prior to issuance of a certificate of occupancy:**

10. The total score claimed of 85 points, in which the 28 market rate and 12 affordable Building Allocation System (BPAS) units were awarded through Planning Board Resolution 2015-26, shall be confirmed by City staff. The total score claimed of 85 points, in which the 28 market rate and 12 affordable Building Allocation System (BPAS) units were awarded through Planning Board Resolution 2017-06, shall be confirmed by City staff.
11. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.