

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



**To:** Chair and Planning Board members

**Through:** Patrick Wright, Planning Director

**From:** Ginny Haller, Planner II

**Meeting Date:** August 17, 2017

**Agenda Item:** **Minor Development Plan, Conditional Use & Landscape Waiver – 2312 & 2318 N. Roosevelt Boulevard (RE# 00065720-000000 & 00065730-000000)** – A request for minor development plan, conditional use and landscape waiver approvals for the construction of a drive-through restaurant and two (2) new workforce housing units on property located within the Commercial General (CG) Zoning District pursuant to Sections 108-91 B.1 (b); 108-196(a); 122-62; 122-418 (1); and 108-347 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

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**Request:** Minor development plan, conditional use and landscape waiver approvals for the proposed construction of a drive-through restaurant with two new workforce housing units.

**Applicant:** Oropeza, Stones & Cardenas, Esq.

**Property Owner:** Reel Developers LLC

**Location:** 2312 N. Roosevelt Boulevard (RE # 00065720-000000) and 2318 N. Roosevelt Boulevard (RE # 00065730-000000)

**Zoning:** Commercial General (CG)



**Background:** The property is located at 2312- 2318 N. Roosevelt Boulevard. In order to allow the proposed development, several development approvals would be necessary.

- Variance to parking requirements to allow four (4) vehicle spaces for construction of the drive-through restaurant and workforce dwelling units.
- Minor Development Plan review is required due to the reconstruction of 1,000 to 4,999 square feet of gross floor area, pursuant to Section 108-91.B.1(b).
- Conditional use review is required for the construction of the two-family dwelling units within the CG Zoning District, pursuant to City Code Section 122-418(1).
- The applicant is also requesting a waiver to landscape buffer requirements, pursuant to City Code Section 108-347.

**Existing Conditions and Additional Background:**

The properties currently consists of the commercial businesses of Banner Tire and the Blue Flamingo Café, which are now vacant.

**Proposed Development:**

The proposal is for the construction of a drive-through restaurant and two affordable dwelling units to be located on the second floor above the restaurant. The applicant was granted ten Affordable Building Permit Allocation System (BPAS) units for the property in BPAS Year 4. It is the intention of this project to use 2 of the awarded BPAS residential units. As stated in the attached Project Description for this minor development plan, the owner requests the use of the residential units by employees.

**Surrounding Zoning and Uses:**

Surrounding properties are located within the Commercial General (CG) and Single Family (SF) zoning Districts. Surrounding uses include commercial and single family residential dwelling units.

**Process**

Development Review Committee:	April 27, 2017
Preliminary Tree Commission:	July 11, 2017
Planning Board:	July 20, 2017 (Postponed)
Planning Board:	August 17, 2017
Final Tree Commission:	TBD
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.1 (b) requires nonresidential floor area: addition or reconstruction of 1,000 to 4,999 square feet of gross floor area be reviewed as a Minor Development Plan. City Code Section 108-196(a) states after reviewing a Major Development Plan or a Minor Development Plan for a property and staff recommendations therefor, 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	CG			
Flood Zone	AE-8			
Site size	31,657 SF			
Maximum density	16 du/acre	0	2 units	None
Maximum floor area ratio	80% 25, 254 SF		5.3% 1,690 SF	None
Maximum height	30 feet	N/A	27 +/- feet	None.
Maximum building coverage	40% 12,662	19.3% 6,137 SF	15.7% 4,971 SF	None
Maximum impervious surface	60% 18,994	83% 26,292	79% 24,945	None/Improvement
Open Space	20% 6,331 SF	17% 5,388 SF	21% 6,712 SF	None
Minimum front setback	25 feet or 20% for buildings over 25 foot height	22.3 feet	37 feet 6 inches	None

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Minimum side setback (NE)	20 feet	10 feet	84 feet 2 inches	None
Minimum side setback (NW)	20 feet	86.7 feet	37 feet 9 inches	None
Minimum rear setback	25 feet or 20% for buildings over 25 foot height	3.5 feet	28 feet 9 inches	None

Parking Data Summary			
Dimensional Requirement	Required/ Allowed	Proposed on Plan	Change / Variance Required?
<b>TOTAL PARKING REQUIRED</b>	<b>22 Vehicle Spaces</b> 840 sf consumption area 840/4 is 18 vehicle spaces & 2 spaces per dwelling unit is 4 vehicle spaces	<b>18 vehicle spaces</b>	<b>Variance for 4 vehicle spaces.</b>

### **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. 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 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 adopted potable water LOS standard is anticipated to be adequate to serve the proposed development. The property is currently vacant, but is serviced with potable water by the Florida Keys Aqueduct Authority (FKAA), which has been notified of the upcoming development and has available capacity to service the proposed development with the existing infrastructure currently in place.

Sec. 94-68 states the Level of Service (LOS) standards for potable water for nonresidential uses shall be 650 gallons/per acre/per day. The property is .72 acres, therefore the potable water demand is 468 gallons (.72 X 650 = 468). The LOS for residential use shall be 93 gallons/per

capita/per day for a dwelling unit, therefore the two units would demand 186 gallons per day. The total potable water demand for the proposed development is 654 gallons per day.

## **2. Wastewater management**

The applicant states that current utility service is adequate to support the proposed development pursuant to City Code Section 94-67. The Code states residential uses at 100 gallons per day and non-residential uses at 660 gallons per day. This mixed use proposal is for the restaurant service demands to be 475.2 gallons and the residential service demands to be an additional 200 gallons for a total level of service of 675.2 gallons. The applicant proposes adequate grease interceptors to service the proposed drive-through restaurant.

## **3. Water quality**

The property is served by the City's central sewer system. The property is not adjacent to any bodies of water. There are no adverse impacts to water quality anticipated.

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

The stormwater management or drainage LOS standard is pursuant to City Code Section 94-69. The retention of stormwater on the site will improve from the only existing retention which is via North Roosevelt Boulevard. The applicant states runoff will flow into natural vegetative filtration area as shown on the site plans. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

## **5. Solid waste**

Waste Management for Commercial Services will handle the solid waste on the property. The applicant's solid waste disposal plan shall have a recyclable and non-recyclable component.

## **6. Roadways**

A traffic study was submitted with the application and was reviewed by the City through Calvin Giordano & Associates (CGA) on July 5, 2017 with comments for additional information (the comments are attached).

## **7. Recreation**

N/A

## **8. Fire Protection**

There are two fire hydrant locations close to the site of the proposed development, the applicant confirmed with the Fire Marshal they are adequate to serve the site. After the DRC process the applicant revised the plans to include a fire suppression system for the entire structure. A Life Safety Plan for the ground floor and the second floor was submitted.

## **9. Reclaimed water system**

As a part of the BPAS requirements for the two workforce housing units, a rooftop cistern shall be utilized.

## **10. Other public facilities**

Based on comments received from the DRC members, and 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 in the 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. The proposed open space and dimensional setback requirements are in conformance with the Code. The proposal is to improve the alley at the rear and construct a buffer cement wall to screen the property at the rear.

**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 minor 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.* The property is bounded by North Roosevelt Blvd. on the north and west, and an alley at the rear.
- (c) *Land use compatibility.* Uses within 300 feet include single-family residential and commercial. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.
- (d) *Historic and archeological resource protection.* Property is not located in the historic district.
- (e) *Subdivision of land.* No subdivision of land is proposed.

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

The Applicant submitted a minor 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 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 extensive architectural drawings prepared by a professional architect registered in Florida pursuant to City Code Section 108-238.

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

Proposed site amenities include new cross walk, new landscaping, bicycle racks, and outdoor lighting utilizing dark sky methods.

**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)**

The Applicant had a Phase I Environmental Site Assessment for the Banner Tire property performed by LandScience, Inc. Environmental Consultants & Engineers in September, 2016. The report recommended no further assessment of the site.

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

Garrison Bight is located on the other side of North Roosevelt Boulevard from the proposed development. The subject property is located within the AE-8 flood zone.

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

- (a) *Land clearing, excavation and fill.* The proposed development would involve these activities. Native trees are being preserved or relocated to the maximum extent possible. Considerations for soil erosion control and sedimentation are included in the construction management plan.
- (b) *Landscaping plan.* The Key West Tree Commission approved the Conceptual Landscape Plan with Tree Removal (T17-8521) to allow the project to proceed through the permitting process.
- (c) *Irrigation plan.* An Irrigation Master Plan dated June 2, 2017 was submitted.

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

The applicant submitted a Traffic Impact Statement performed by DDAI, Inc., which was reviewed by the City through Calvin Giordano & Associates (CGA) on July 5, 2017 which was deemed in compliance with Section 18-358. A parking variance was requested and bicycle parking and pedestrian circulation indicated on plan.

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

The proposal is for a structure with a drive-through restaurant on the first floor and two workforce units on the second floor.

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

The proposed workforce housing units and drive-through restaurant will add to the economic resources of the city.

**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 not located in the historic 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) No special facilities are proposed to accommodate bus ridership since this is proposed for workers in the commercial area. The property is served by bus stops for all bus routes along North Roosevelt Blvd.
- (f) No passive recreation space is proposed on the property.
- (g) Coordination with applicable agencies is being facilitated through the DRC.
- (h) No wetlands or submerged land would be impacted.

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

The construction is proposed in a Dual Phase:

- Phase I is for the drive-through restaurant and the infrastructure of the residential dwelling units to be completed on or before December 31, 2017;
- Phase II is for the completion of the two workforce housing dwelling units to be completed on or before December 31, 2018.

**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)**

The proposed drive-through restaurant is a permitted use, and residential use is a conditional uses within the CG Zoning District.

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

The appearance, design and land use compatibility complement the surrounding properties and upgrades the appearance, cleanliness and over all well-being of the surrounding properties by providing much needed on-site upgrades.

**Location and screening of mechanical equipment, utility hardware and waste storage areas (City Code Section 108-279 & 280)**

The solid waste and recycling receptacles are to be located in a screened 10' X 19' enclosure in a location to minimize impacts of waste hauling noises during waste hauling pick up days.

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

None proposed.

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

None proposed.

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

None proposed.

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

The applicant proposes dense landscaping along the rear of the property in order to mitigate sound and light from leaving the site. A proposed 6' concrete block solid fence shall be a visual buffer along the rear of the property. The applicant proposes dark sky lighting to be used as a buffer from light encroaching on the neighbors at the rear of the property.

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

The plans show a proposed sign on the northeasterly corner of the property along North Roosevelt Boulevard.

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

None proposed.

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

The plans show a loading zone located near the northeasterly entrance on North Roosevelt Boulevard.

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

No exterior storage areas are proposed.

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

No work would impact a floodplain or a conservation area. A proposed stormwater management would address drainage and runoff from the site. The conceptual landscape plan and vegetation removal has been reviewed by the Urban Forestry Manager and the Tree Commission at the July 11, 2017 meeting.

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

- (d) A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. The submitted plan indicates landscaping incorporated throughout the property. Overall landscaped open space would be increased. The Key West Tree Commission approved the Conceptual Landscape Plan with Tree Removal to allow the project to proceed through the permitting process. The applicant will go to the Tree Commission for final approval of the landscape plan after the Planning Board.

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

The proposed plans show an off-street loading and parking area. The applicant has applied for a parking variance.

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

The stormwater management or drainage LOS standard is pursuant to City Code Section 94-69. The retention of stormwater on the site will improve from the only existing retention which is via North Roosevelt Boulevard. The applicant states runoff will flow into natural vegetative filtration area as shown on the site plans. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

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

Access to potable water, access to wastewater disposal systems and conservation of potable water supply were analyzed in the above concurrency management determination and were found in compliance.

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

None proposed.

**CRITERIA FOR CONDITIONAL USE REVIEW AND APPROVAL:**

Pursuant to City Code Section 122-62(c), applications for a conditional use shall clearly demonstrate the following:

- (1) *Land use compatibility.* The land uses that surround this area are commercial on each side and residential to the rear of the property. The mixed use proposal is compatible. The applicant proposes a buffer wall between the drive-through restaurant and the existing residential units to the rear. The existing alley at the rear will be improved to make it accessible for life safety.
- (2) *Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.* The proposed development does not exceed the minimum size required to complete the development.
- (3) *Proper use of mitigative techniques.* Any adverse impacts will not affect surrounding properties. The on-site upgrades, such as landscaping, dark sky lighting, and drainage should provide added benefits to the neighborhood.
- (4) *Hazardous waste.* No hazardous waste would be generated on the property.
- (5) *Compliance with applicable laws and ordinances.* Any and all necessary permits from other governmental agencies would be obtained.
- (6) *Additional criteria applicable to specific land uses.* Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:
  - a. *Land uses within a conservation area.* Not applicable.

- b. *Residential development.* The proposed workforce housing development is compliant with all dimensional requirements, lot coverage, open space, building coverage, and similar in terms of mass and scale with the surrounding properties.
- c. *Commercial or mixed use development.* The proposal is a mixed use development with the drive-through restaurant on the ground floor and two residential dwelling units on the second floor.
- d. *Development within or adjacent to historic district.* Not applicable.
- e. *Public facilities or institutional development.* Not applicable.
- f. *Commercial structures, uses and related activities within tidal waters.* Not applicable.
- g. *Adult entertainment establishments.* Not applicable.

## **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 Minor Development Plan, Conditional Use and Landscape Waiver be **APPROVED** with the following conditions:

### **General conditions:**

1. The proposed development shall be consistent with the plans dated May 30, 2017 by Pike Architects. Registered Architect.
2. The hours of construction shall be in compliance with City Code and be limited to 8 AM to & 7 PM on Monday to Friday, and 9 AM to 5 PM on Saturday.
3. 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.
4. The Certificate of Occupancy for the commercial restaurant may be issued separately from the affordable housing Certificate of Occupancy.
4. The applicant shall obtain final landscape plan approval from the Tree Commission.

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

6. Applicant records a Unity of Title for the properties at 2312 & 2318 N. Roosevelt Boulevard.
7. Item 2 of the Traffic Review Comments shall be addressed to the satisfaction of the City Traffic Engineering consultant.