



## EXECUTIVE SUMMARY

**To:** Jim Scholl, City Manager

**Through:** Patrick Wright, Planning Director

**From:** Vanessa Sellers, Planner II

**Meeting Date:** January 2, 2019

**Agenda Item:** **Major Development Plan and Conditional Use – 1515-1525 Bertha Street and 1512 Dennis Street (RE# 00063400-000100 & RE# 00063400-000000)** – A request for Major Development Plan and Conditional Use approvals for the construction of forty-seven (47) residential units and an administration building on property located within the Commercial Limited (CL) zoning district pursuant Section 108-91 (B) 2. (a) and Chapter 122 - Article III of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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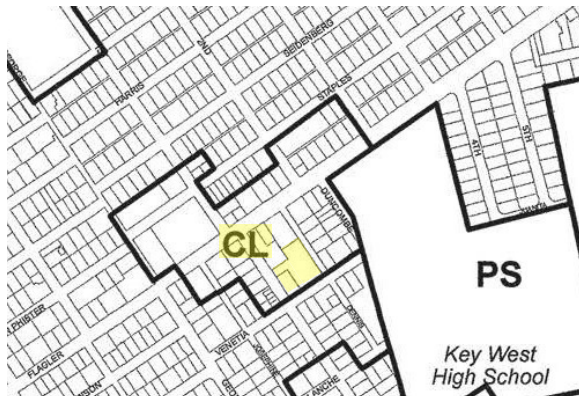
**Request:** Major Development Plan and Conditional Use approvals for the proposed construction of a 3-story building with forty-seven (47) residential units and an administration building.

**Applicant:** Trepanier & Associates, Inc.

**Property Owners:** A H I Real Estate Properties Inc. & A.H. of Monroe County, Inc.

**Location:** 1515-1525 Bertha Street (RE# 00063400-000100) and 1512 Dennis Street (RE# 00063400-000000)

**Zoning:** Commercial Limited (CL)



## **BACKGROUND:**

The subject properties are located at 1515-1525 Bertha Street and 1512 Dennis Street. In order to allow the proposed redevelopment and expansion of the existing facility, the following development approvals would be necessary:

- Major Development Plan review is required due to permanent residential development; addition of eleven or more units, pursuant to Section 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”).
- The applicant received a Landscape Waiver / Modification from the Planning Board on September 18, 2018 to reduce landscape requirements pursuant to City Code Sections 108-413, 108-415, 108-416, and 108-450.
- The applicant received final landscape plan approval from the Tree Commission on November 13, 2018.
- On September 18, 2018, the Planning Board reviewed the request and staff’s recommendations and passed Resolution no. 2018-48, advising approval with conditions to the City Commission. Conditional use review and approval is required for the construction of the rest home facility which is a conditional use within the CL zoning district, pursuant to City Code Section 122-388 (6). Pursuant to Section 122-63 (c), where a conditional use is proposed as part of a major development, the Planning Board’s decision regarding the conditional use approval is advisory only, and the final decision shall be rendered by the City Commission when the major development plan is considered by the City Commission.
- The applicant received variance approvals from the Planning Board on September 18, 2018. Variance approvals are required pursuant to City Code Section 90-395, 122-390 (4) b, 122-390 (6) a, and 122-390 (6) c because the project as proposed exceeds the maximum allowable impervious surface and the structures sit within the side-yard and rear-yard setbacks.

## **EXISTING CONDITIONS AND ADDITIONAL BACKGROUND:**

The properties currently consist of eleven (11) structures, with sixteen (16) housing units. The two parcels, when combined, total 33,021 square-feet.

## **PROPOSED DEVELOPMENT:**

The proposal is to remove the existing structures and replace them with new 3-story buildings surrounding a landscaped courtyard.

The first floor will have four (4) 1-bedroom/1-bathroom accessible units, nine (9) 1-bedroom/1-bathroom standard units, and a 1,916-square-foot administration area. The second and third floors will each have four (4) 1-bedroom/1-bathroom accessible units and thirteen (13) 1-bedroom/1-bathroom standard units. The total amount of living units will be forty-seven (47), of which twelve (12) will be accessible.

The new development will be able to accommodate forty-seven (47) clients, thirty-one (31) more than the current layout. Ingress and egress to the rest home can be achieved from Bertha Street, Venetia Street, or Dennis Street.

**SURROUNDING ZONING AND USES:**

Surrounding properties are located within the Limited Commercial (CL) and Single Family (SF) zoning districts. Surrounding uses include commercial, multiple-family residential units, single-family residential dwelling units, and a public high school.

**CITY ACTIONS:**

Development Review Committee:	June 28, 2018 (approved)
Preliminary Tree Commission:	August 14, 2018 (postponed)
Preliminary Tree Commission:	September 11, 2018 (approved)
Planning Board:	September 18, 2018 (approved)
Final Tree Commission:	November 13, 2018 (approved)
City Commission (2 readings):	January 2, 2019 (first reading) TBD (second reading)
DEO review	Up to 45 days, following local appeal period

**PLANNING STAFF ANALYSIS:**

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 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. On September 18, 2018, the Planning Board reviewed the request and staff’s recommendations pursuant to City Code Section 108-196(a) and passed Resolution no. 2018-48 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 Land Development Regulations and based on the intent of the Land Development Regulations and the 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 Land Development Regulations. 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.

**OPTIONS / ADVANTAGES / DISADVANTAGES:**

**Option 1:** Approve the request with conditions (listed below) as advised by the Planning Board in Resolution no. 2018-48.

**a. Consistency with the City’s Strategic Plan, Vision, and Mission:**

Granting the request would be consistent with the Economic and Environmental goals of the Strategic Plan.

**b. 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.

**a. Consistency with the City’s Strategic Plan, Vision, and Mission:**

Denial of the request would be inconsistent with the Strategic Plan.

**b. Financial Impact:**

There would be no cost to the City for denying the request.

**RECOMMENDATION:**

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 September 4, 2018 signed and sealed by MHK Architecture and Planning, and the landscape plans dated August 31, 2018 by Janet O. Whitmill, R.L.A., Inc.
2. The hours of construction shall be in compliance with City Code Section 26-193 (3) and be limited to 8 AM to 7 PM Monday through 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.

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

4. Applicant shall coordinate with Keys Energy Services a full project review.
5. 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:**

6. No building permit shall become final and no certificate of occupancy shall be issued until any and all impact fees are paid.