

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: April 22nd, 2020

Application: **Determination of Award** – Determination of award for an application for 103 units from the Building Permit Allocation System “Affordable - Early Evacuation Pool” pursuant to Chapter 108, Article XII, of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Applicant: City of Key West

Property Owner: City of Key West

Location: 5220 College Rd, 5224 College Rd, 5228 College Rd, 5230 College Rd (RE# 00072082-002200, RE# 00072082-002100, RE# 00072080-002200, RE# 00072082-002400)



Background:

The City of Key West adopted amendments to the Land Development Regulations and amendments to the Comprehensive Plan in Ordinance No. 19-05 and Ordinance No. 19-06 respectively, on March 5th, 2019. The adopted Comprehensive Plan amendment provided for an additional 300 affordable workforce initiative units to an allocation pool identified as the “Affordable-Early Evacuation Pool” in Objective 1-1.17 and associated policies to Chapter 1 “Future Land Use Element”. The adopted Land Development Regulations ordinance amended Chapter 108 and created Article XII titled “Workforce Affordable Housing Initiative” for the purpose of implementing the comprehensive plan amendment authorizing the acceptance of 300 “Affordable-Early Evacuation Pool” BPAS units.

Policy 1-1.17.1: *Distribution of Workforce-Affordable Housing Allocations.* States that the workforce initiative early evacuation units shall be allocated on a first-come first-served basis and distributed at any time following adequate public notice and hearing procedures. The City approved Planning Board Resolution 2019-47, granting approval of a major development plan for permanent residential development of 104 workforce affordable housing units on the subject properties on College Road, within the High-Density Residential College Road Zoning District (HDR-1).

The City originally applied in Nov. 2018 for 104 Affordable-Rate BPAS units for the proposed College Road development named Garden View Apartments. These 104 BPAS units were issued to the City in Planning Board Resolution 2019-025 at 1.0 ESFU. Subsequently, the City applied for 103 Affordable Early Evacuation units. If the City is allocated the 103 Affordable Early Evacuation Units, the City shall immediately surrender the 103 BPAS units awarded in Planning Board 2019-025. The City has proposed to retain one Affordable-Rate BPAS unit for the on-site manager. Specific standards and requirements for allocation are set out in Comprehensive Plan Policy 1-1.17.2:

- a. Be multiple family structures;
- b. Be rental units;
- c. Require, at a minimum, adherence to the latest edition of the Florida Building Code as published by the Florida Building Commission;
- d. Require on-site property management
- e. Comply with applicable habitat and other locational criteria and densities for multiple-family affordable housing units;
- f. Incorporate resilient design principles into the overall site design;
- g. Ensure accessibility to employment centers and amenities;
- h. Require deed-restrictions ensuring;
 - i. The property remains workforce-affordable housing in perpetuity;
 - ii. Tenants evacuate during the Phase I evacuation period;
 - iii. Rental agreements contain a separate disclosure requiring tenants to acknowledge that failure to adhere to the evacuation requirements could result in severe penalties, including eviction, to the resident;

Staff Analysis:

Resolution 2019-47 approving the major development plan at College Rd. was approved with eleven general conditions including;

1. 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.
2. 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.

3. If the project opts to utilize the units that were awarded through Resolution no. 2019-25, it will be subject to the prerequisites of section 108-997 (b). If the project opts to utilize units from the “Affordable – Early Evacuation Pool” it will be subject to a separate set of requirements.
4. The proposed development shall be consistent with the signed and sealed plans by William P. Horn, P.A., Allen E. Perez, P.E., Sudhir Kumar Gupta, P.E., and Ladd B. Roberts, L.A. No approval granted for any other work or improvements shown on the plans other than the proposed development of one hundred and four (104) 1-bedroom housing units.
5. An irrigation plan with location and specifications for irrigation equipment must be submitted pursuant to Section 108-243 (d).
6. The applicant shall obtain final landscape plan approval from the Tree Commission.
7. Applicant shall coordinate with Keys Energy Services a full project review.
8. Applicant shall coordinate with Florida Keys Aqueduct Authority (FKAA) a full project review.
9. Applicant shall coordinate with Key West Resort Utilities (KWRU) a full project review.
10. 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.
11. No building permit shall become final and no certificate of occupancy shall be issued until any and all impact fees are paid.

As stated in Condition #3 “If the project opts to utilize units from the “Affordable – Early Evacuation Pool” it will be subject to a separate set of requirements. The project will be required to use the Workforce Initiative units should the city be successful in defending the appeal of DEO Final Order 20-032 Pending in the 3rd District Court of Appeals for the State of Florida in Case No. 3D20-1921. In which case the City, its heirs, successors and assigns will be required to immediately surrender 103 of the BPAS units awarded in PB Resolution 2019-025 for return to the City’s unallocated BPAS pool. In order for the major development to use Workforce Initiative Units project approved in Resolution 2019-47, the project shall conform with all specific standards and requirements listed in Comprehensive Plan Policy 1-1.17.2. 1.

- a. Be multiple family structures;
The project at College Road is a multi-family structure which will house 103 affordable early evacuation units and one on-site manager’s unit.
- b. Be rental units;
The residential development will be deed-restricted, and rent controlled per Ordinance No. 19-05 and Ordinance No. 19-06.
- c. Require, at a minimum, adherence to the latest edition of the Florida Building Code as published by the Florida Building Commission:
All plans proposed have shown compliance with the Florida Building Code.
- d. Require on-site property management
The residential development shall have an on-site property manager. The Property manager shall be required to annually verify the employment and income eligibility of tenants.
- e. Comply with applicable habitat and other locational criteria and densities for multiple-family affordable housing units;
The residential development will use triple chamber baffle boxes with a gravity injection well in order to mitigate environmental impact. Stormwater will be retained on-site, City Code Section 94-69 states that post-development runoff shall not exceed predevelopment runoff for a 25-year storm event.

- f. Incorporate resilient design principles into the overall site design;
The residential structure shall be Florida Green Building Certified in order to incorporate resilient design principles.
- g. Ensure accessibility to employment centers and amenities;
The area is serviced by multiple City bus routes as well as the Lower Keys Shuttle. The development shall ensure there are adequate bus shelters/benches as well as adequate bicycle parking infrastructure.
- h. Require deed-restrictions ensuring;
 - i. The property remains workforce-affordable housing in perpetuity;
 - ii. Tenants evacuate during the period in which transient units are required to evacuate, Phase 1;
 - iii. Rental agreements contain a separate disclosure requiring tenants to acknowledge that failure to adhere to the evacuation requirements could result in severe penalties, including eviction, to the resident;

Process:

Planning Board Meeting:	March. 18 th , 2020 – Postponed by staff in order to speak with relevant authorities to ensure accuracy.
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

Recommendation:

Ordinance No 19-05 and Ordinance 19-06 provided for an additional 300 affordable unit allocations to an allocation pool identified as the “Affordable-Early Evacuation Pool” in Objective 1-1.17 and associated policies to Chapter 1 “Future Land Use Element”. These units are to be processed on a first-come first served basis. The City of Key West has applied for 103 units to be allocated from the Workforce Initiative Affordable-Early Evacuation Pool. The City may allocate these units as long as all specific standards and requirements listed in Comprehensive Plan Policy 1-1.17.2. are satisfied. The major development plan approved in Resolution 2019-47 complies with the specific standards and requirements with the conditions listed below, the Planning Department recommends **approval with conditions**.

1. The proposed development maintains all conditions of approval stated in Planning Board Resolution No. 2019-47.
2. Per Ordinance No. 19-05 and Ordinance No. 19-06, evacuation compliance reports shall be available upon request
3. The project will be required to use the Workforce Initiative units should the city be successful in defending the appeal of DEO Final Order 20-032 Pending in the 3rd District Court of Appeals for the State of Florida in Case No. 3D20-1921. In which case the City, its heirs, successors and assigns will be required to immediately surrender 103 of the BPAS units awarded in PB Resolution 2019-025 for return to the City’s unallocated BPAS pool.