STAFF REPORT

DATE: July 29, 2021

RE: 210-216 Duval Street (Final Landscape Plan Review)

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

An application was submitted to the Planning Department for a major development plan to redevelop an existing structure. A review was done regarding compliance to Sec 108 of the City Code regarding landscaping and buffer requirements. This review was based on the site plan submitted via email to the Urban Forestry Manager on May 26, 2021. The plan proposed the creation of two (2) planters containing shrubs along Charles Street and a request to pay into the City tree fund any additional required landscaping (copy of report is attached).

The existing planter boxes will be removed and rebuilt. It is not known what species of plants will be planted, or how many shrubs will be planted.

Street buffer requirements equate to 3.4 trees for Duval Street and 3.5 trees for Charles Street. A tree by definition in the landscape code is at least 2.5 inches diameter. The City Tree Ordinance has a mitigation fee of \$200 per inch (Sec 110-327.7.a) therefore, each tree under the landscape code requirements would have a value of \$500 and the donation value for the Duval Street requirement would be \$1,700 and for Charles Street would be \$1,750 (not counting any shrubs) for a total donation of \$3,450.

Recommend approval of the landscape plan to create two planter boxes on Charles Street with appropriate shrubs, with a plan to be submitted and approved by the Urban Forestry Manager prior to City Commission approval, and to pay a fee of \$3,450 to the City Tree Fund prior to issuance of a CO or closing of building permits associated with this project.

PLANNING BOARD RESOLUTION NO. 2021-29

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A REQUEST FOR A MAJOR DEVELOPMENT PLAN AND LANDSCAPE WAIVER AT 210-216 DUVAL STREET (RE# 00001420-0000000) TO RENOVATE AN EXISTING HISTORIC MIXED-USE STRUCTURE AND ENCLOSE A PORTION OF SPACE BETWEEN BUILDINGS OF THE PROPERTY LOCATED IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE (HRCC-1) ZONING DISTRICT AND A REQUEST FOR APPROVAL TO PAY A FEE-IN-LIEU TO COMPLY WITH THE CITY OF KEY WEST'S WORKFORCE HOUSING ORDINANCE PURSUANT TO SECTIONS 90-395, 108-91, 108-517, AND SECTION 122-1467(1)(A) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, Section 108-91 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that within the Historic District, a Major Development Plan is required for the addition or reconstruction of equal to or greater than 2,500 square feet of gross floor area; and

WHEREAS, the subject property is located within the Historic Residential Commercial Core
(HRCC-1) Zoning District; and

WHEREAS, waivers to the City's landscaping requirements are pursuant to City Code Section 108-517; and

WHEREAS. Code Section 108-196(a) require the Planning Board to review and approve, approve with conditions or deny the proposed Major Development Plan in an advisory capacity to the City Commission; and

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Vice Chairman

LPHPlanning Director

WHEREAS, Code Section 108-517(a) requires the Planning Board to consider the landscape

waiver request and render the final action; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on

June 17th, 2021; and

WHEREAS, the granting of a Major Development Plan and Landscape Waiver application

is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting of a Major Development Plan and

Landscape Waiver application is in harmony with the general purpose and intent of the Land

Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to

the public welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West,

Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. The a request for a major development plan and landscape waiver to renovate an

existing historic mixed-use structure and enclose a portion of space between buildings of the

property located in the Historic Residential Commercial Core (HRCC-1) zoning district and a

request for approval to pay a fee-in-lieu to comply with the City of Key West's Workforce Housing

ordinance pursuant to Sections 90-395, 108-91, 108-517, and Section 122-1467(1)(a) of the Land

Development Regulations of the Code of Ordinances of the City of Key West, Florida., as shown in

the attached plans dated December 10, 2020, is hereby approved with the following conditions:

General conditions:

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Vice Chairman

LPH Planning Director

Conditions of Approval:

- 1. Approval of a variance to the minimum required front and minimum required rear setbacks prior to the approval of the proposed minor development plan.
- The proposed construction shall be consistent (except for conditions of approval listed below) with the plans signed, sealed, and dated 12/10/2020 by Richard J. Milelli.
- 3. Maintain landscaping in the two planter-boxes on Charles St.
- Add gutters and downspouts to the structure to drain all rain-water runoff into the proposed trench.
- 5. All waste receptacles be hidden or screened from view from the City right-of-way
- 6. The applicant shall have both waste and recycling pick-up services

Conditions prior to the City Commission hearing:

- Submit a stormwater management plan in accordance with Sec. 108-777, to retain the greater
 of one-inch of runoff based on the site upland area or 2.5" times percent of impervious
 coverage.
- 8. The applicant shall obtain final landscape plan approval from the Tree Commission.
- The applicant shall obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

Conditions prior to Certificate of Occupancy of the Commercial Unit:

- 10. Install bike parking either on the property or in direct proximity to the property.
- 11. Code required plant units that cannot be planted on-site shall be provided through a fee-in-lieu and planted off-site. The fee-in-lieu shall be proportionate to the cost of tree mitigation costs for plant material, planting, and three months of watering services, and shall be

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Vice Chairman

Vice Chairman

received prior to issuance of a certificate of occupancy. The applicant is required to plant 6.9 trees for two street buffer requirements, these 6.9 trees have a mitigation price of \$3,450. The applicant shall pay this \$3,450 prior to the issuance of a certificate of occupancy.

Conditions prior to Certificate of Occupancy of Residential Units:

12. Prior to a certificate of occupancy being issued for the residential units, City Code Section 122-1467 (1) shall be met and a fee-in-lieu of \$200,000 for affordable housing shall be paid to the City.

Section 3. Full, complete and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. This Major Development Plan and Landscape Waiver application approval by the Planning Board does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the applicant's assertion of legal authority respecting the property.

Section 5. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Board.

Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DEO can

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VPD Planning Director

appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 17th day of June 2021.

Authenticated by the Vice-Chairman of the Planning Board and the Planning Director.

Gilleran, Planning Board Vice Chairman

7-2-21

Date

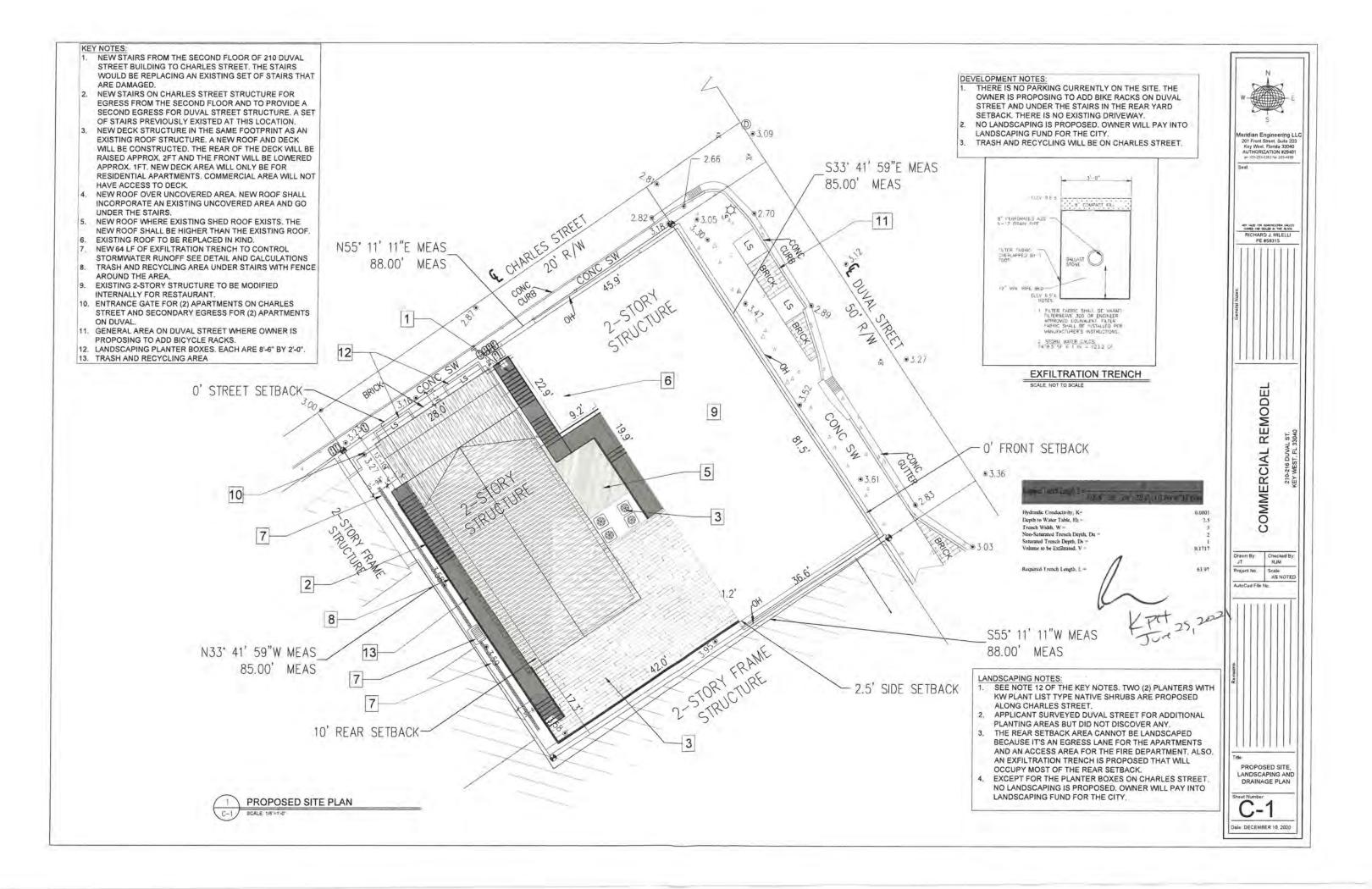
Attest:

Filed with the Clerk:

Cheryl Smith, City Clerk Keri O'Brien · Deputy City Clerk

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K P(+ Planning Director



STAFF REPORT

DATE: June 11, 2021

RE: 210-216 Duval Street (Landscape Code Review)

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

An application was submitted to the Planning Department for a major development plan to redevelop an existing structure. This review is to determine compliance to Sec 108 of the City Code regarding landscaping and buffer requirements. This review is based on the site plan submitted via email to the Urban Forestry Manager on May 26, 2021. The plan proposes the creation of two (2) planters containing shrubs along Charles Street and a request to pay into the City tree fund any additional required landscaping.

The property is an existing, historic structure that occupies most of the property. On two side there are roads (Duval and Charles Streets) and on the other two sides are existing historic structures that are zoned store combo and nightclub. Two planters currently exist on the Charles Street property line area and a narrow strip of land with weeds exists along the southern property line. On Duval Street there are two existing street planters on the City right of way containing a Sabal Palm and a Golden Blossom tree.



Google Earth aerial of property, dated February 2018.



Standing on Charles Street looking toward Duval Street at the northwest corner of the property.



Standing on Charles Street looking at the western property line. White fence indicates the rear property line area.



Standing on Charles Street looking toward Telegraph Lane.

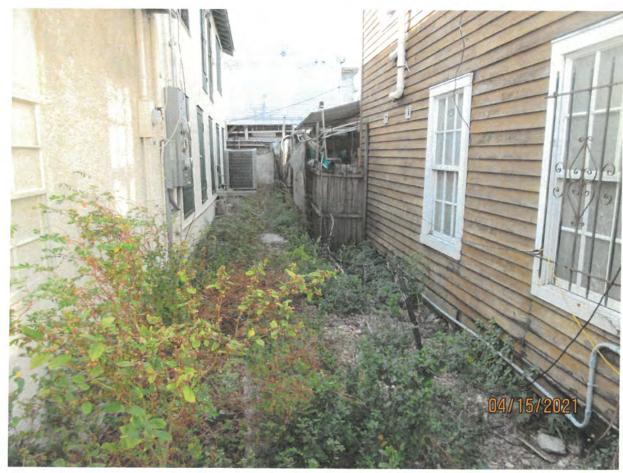


Photo of the southern property line area/rear of the property.



Photo of the front of the property along Duval Street.

Review of Section 108:

- Sec 108-347 bufferyards: The property is considered high intensity use with a zoning of store combo. The adjoining properties to the south and east are zoned store combo and nightclub both considered to be a high intensity use therefore, no buffer landscape is required.
- 2. Sec 108-412 minimum landscape requirements: Due to the existing conditions of the property with existing and historic structures built close to and abutting the property lines, this project can not meet the minimum landscape requirements of 20%. There is only approximately 300 square feet of property that is it not covered by a structure. This remaining area will become an exfiltration trench.
- 3. 108-413, landscape requirement along street frontages: This section of the code requires 40 plant units per 100 linear ft in a 10 ft wide landscape area. One tree equals 10 plant units and is defined by City landscape code as being 2.5 inch diameter and a minimum of 15 ft tall (Sec 108-382). A subcanopy tree or palm equals 3 plant units and a shrub equals 1 plant unit. Two street frontage areas exist;
 - A. Duval Street: the property is 85 feet long therefore, 34 plant units would be required
 - B. Charles Street: the property is 88 ft long therefore 35 plant units would be required.
- There is no parking associated with this property therefore, Sec 108-414 and 415 do not apply to this project.

5. Sec 108-416, interior area landscaping. This section of code specifically looks at the planting of trees and requires that all areas not covered by buildings or hardscape will have grass, groundcover, shrubs or other landscaping materials. There is a small section in the rear of the property, approximately 3-4 ft wide, that currently has no structure or hardscape (approximately 300 square feet). This area is the location of an exfiltration trench and access to the rear of the structure and no vegetation is recommended to be planted in this area. Therefore, compliance not required to this section of code.

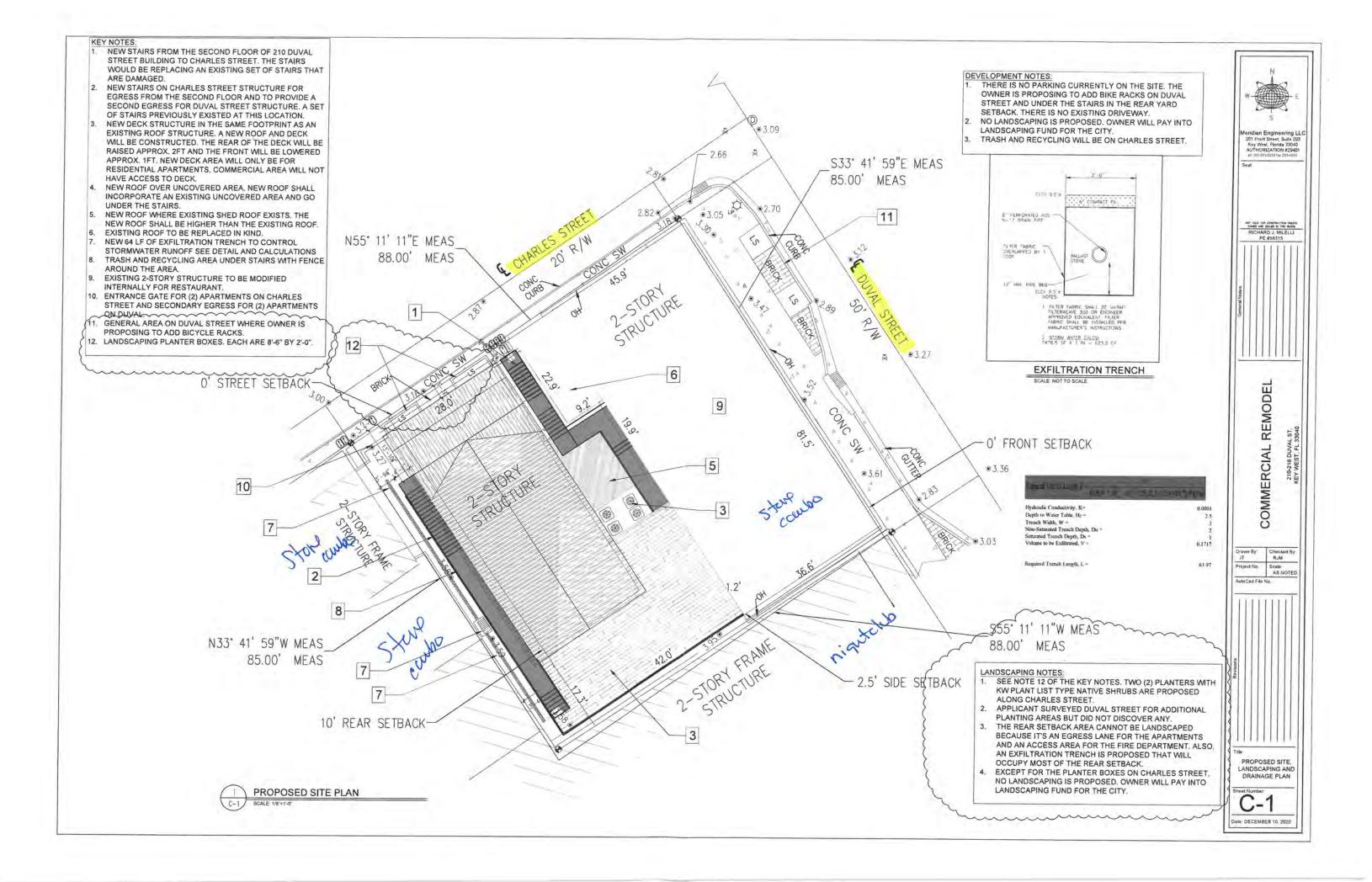
The applicant is proposing to create two planter boxes along Charles Street with shrubs. At this time it is not known if the existing planter boxes will be removed and rebuilt, what species of plants will be planted, or how many shrubs will be planted. The applicant has also proposed a donation to the City tree/landscaping fund.

Street buffer requirements equate to 3.4 trees for Duval Street and 3.5 trees for Charles Street. A tree by definition in the landscape code is at least 2.5 inches diameter. The City Tree Ordinance has a mitigation fee of \$200 per inch (Sec 110-327.7.a), therefore, each tree under the landscape code requirements would have a value of \$500 and the donation value for the Duval Street requirement would be \$1,700 and for Charles Street would be \$1,750 (not counting any shrubs) for a total donation of \$3,450.

Karen DeMaria

Urban Forestry Manager

City of Key West



Application



305-809-3740.

Development Plan Review
Tree Permit Application (Projects) pro

Please Clearly Print All Inform	ation unless indicated otherwise. Date:
Tree Address Cross/Corner Street List Tree Name(s) and Quantity Species Type(s) check all that apply Reason(s) for Application: () Remove () Transplant () Heavy Maintenance Trim	Charles Landscape Plan Review (m)
Additional Information and	Major Development Plan
Explanation _	
_	
Property Owner Name	210 Duyal Street 110
Property Owner email Address	210 Duval Street LLC / Key west nurse 58 e aol. com
Property Owner Mailing Address	PU BUX 206B, KU FL
Property Owner Phone Number	305-304-4464
Property Owner Signature	on behalf of owner
Representative Name	Rick Milelli c/6 Mendran Engineering
Representative email Address	nsefl keys @gmanl.com
Representative Mailing Address	30 201 Front St. Ste 203 KWFL
Representative Phone Number	305-481-0400
	ation form must accompany this application if someone other than the
owner will be representing the owner a	at a Tree Commission meeting or picking up an issued Tree Permit. Tree
Representation Authorization form atta	oched ()
Sketch location of tree in this area incl	
Please identify tree(s) with colored tap	e
If this process requires blocking of a C	ity right-of-way, a separate ROW Permit is required. Please contact

City of Key West Planning Department

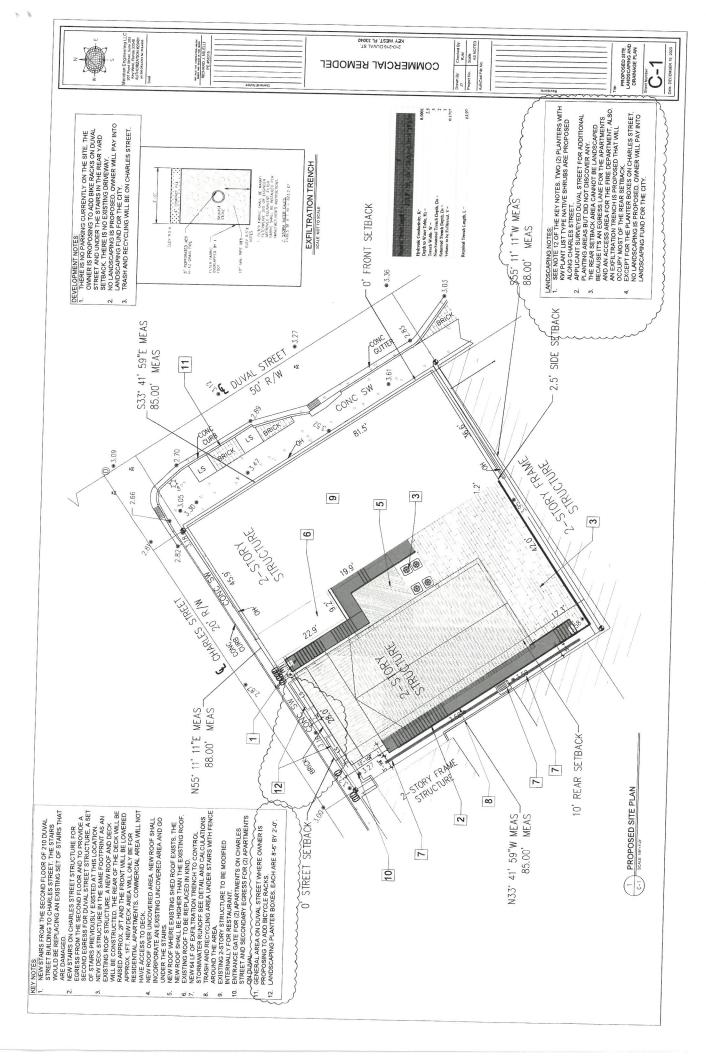


Authorization Form

(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, Nancy Price Leach Please Print Name of person with authority to execute documents on behalf of entity
Please Print Name of person with authority to execute documents on behalf of entity
Managing Member _{of} 210 Duval Street LLC
Name of office (President, Managing Member) Name of owner from deed
authorize Meridian Engineering LLC
Please Print Name of Representative
to be the representative for this application and act on my/our behalf before the City of Key West.
Signature of person with authority to execute documents on behalf on entity owner
Signature of person with authority to execute documents on behalf on entity owner
Subscribed and sworn to (or affirmed) before me on this <u>Seconder 20, 2019</u> Date
by Name of person with authority to execute documents on behalf on entity owner.
He/She is personally known to me or has presented $\mathcal{A}. L200-635.58-768-0$ as identification.
Motory's Signature and Seal
MARION HOPE CASAS Name of Acknowledger typed, printed or stamped
Commission Number, if any MARION HOPE CASAS Commission # FF 973800 Expires July 21, 2020 Bonded Thru Troy Fain Insurance 800-385-7019



Karen DeMaria

From:

nseflkeys@gmail.com

Sent:

Wednesday, May 26, 2021 10:06 AM

To: Cc:

Karen DeMaria Daniel Sobczak

Subject:

[EXTERNAL] 210 Duval Site Plan

Attachments:

CS-1 5.26.21.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Karen,

Could you review the latest site plan. I'm showing two planter boxes on Charles Street. I also added some landscaping notes in the bottom corner. I walked Duval and Charles Street and didn't see any planting opportunities. The rear setback is needed for egress, fire access and stormwater retention. I added a note that we will pay into the fund.

Thank you,

Rick

Rick Milelli

Northstar Engineering LLC

201 Front Street, Suite 203

Key West, Florida

Cell 305.481.0400

<<...>>

Karen DeMaria

From:

nseflkeys@gmail.com

Sent:

Friday, June 11, 2021 2:43 PM

Sent:

Karen DeMaria

Subject:

[EXTERNAL] RE: [EXTERNAL] RE: Landscape Plan review 210 Duval

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Removing existing and rebuilding them. Do you have a recommendation for the shrubs? I'm open to suggestions. Thank you

Rick Milelli Northstar Engineering LLC 201 Front Street, Suite 203 Key West, Florida Cell 305.481.0400

From: Karen DeMaria < kdemaria@cityofkeywest-fl.gov>

Sent: Friday, June 11, 2021 2:07 PM

To: nseflkeys@gmail.com

Subject: RE: [EXTERNAL] RE: Landscape Plan review 210 Duval

Thank you.

I noticed that the plans state that new planters will be created on Charles street and planted with shrubs. Will you be removing the existing planters and rebuilding them or just relandscaping them? Also, what plants (species and size) would you be planting? I'm trying to determine the requirement for the street buffer area plant units-proposed vs still required.

Sincerely,

Karen

From: <u>nseflkeys@gmail.com</u> <<u>nseflkeys@gmail.com</u>>

Sent: Friday, June 11, 2021 1:43 PM

To: Karen DeMaria < kdemaria@cityofkeywest-fl.gov > Cc: Daniel Sobczak < daniel.sobczak@cityofkeywest-fl.gov > Subject: [EXTERNAL] RE: Landscape Plan review 210 Duval

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Here you go. Thank you, Rick