

THE CITY OF KEY WEST
 PLANNING BOARD
 Staff Report



To: Chair and Planning Board members
From: Melissa Paul-Leto, Planner I
Through: Katie Pearl Halloran, Planning Director
Meeting Date: February 18, 2021

Agenda Item: **Major Development Plan, Conditional Use & Landscape Waivers – 111 Olivia Street (RE #00014720-000000)** – A request for major development plan, conditional use and landscape waiver approvals for the construction of a 9,496 square foot two story community center with a commercial kitchen, a computer lab, a music room, a sound studio, a main hall assembly space, classrooms, and offices on property located within the Historic Neighborhood Commercial (HNC-3) Zoning District pursuant to Sections 108-91.A.2 (b), 108-517, 122-62 and 122-868 (2) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: Major development plan, conditional use, and landscape waiver approvals for the proposed construction of a new 9,496 square foot community service center and main recreational hall.

Applicant: Erica Poole, K2M Design

Property Owner: City of Key West

Location: 111 Olivia Street (RE # 00014720-000000)

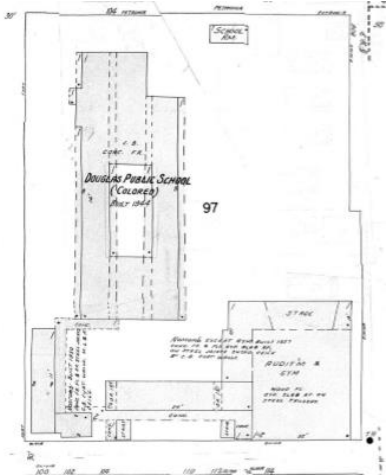
Zoning: Historic Neighborhood Commercial (HNC-3) Zoning District

Demolition has been requested for the subject structure.



Background:

The subject property at 111 Olivia Street is located within the Historic Neighborhood Commercial (HNC-3) Zoning District and is one lot of record. The site is known as the Frederick Douglass Gym / Roosevelt Sands Center and formally included the historically black school building which was in use until after desegregation. The gym's namesake, Frederick Douglass, was a renowned abolitionist, orator, statesman, and former slave. Many of Key West's black leaders attended the school, including current Key West City Commissioner Clayton Lopez. The school building itself was destroyed by the School Board in the mid-1970s, while the remainder of the site and historic gym were given to the City of Key West for use as a community center.



1961 Sanborn map



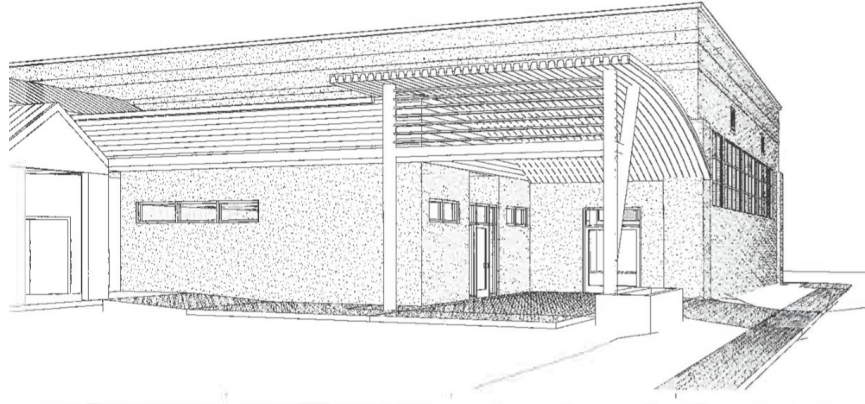
The Frederick Douglass Gym 1965



1965 Frederick Douglass School

In 1965, Key West Community College now known as the College of the Florida Keys opened in the Douglass Gym. The College moved in 1968 to their main campus off College Road. Since 1999, the Annex building has hosted The Bahama Village Music Program as well as a tutoring program, office spaces, and was the former home of the Roosevelt Sands Health Clinic.

A major development plan and landscape waiver have been granted to this property. The major development plan and landscape waiver was approved by the City Commission in 2015 for the reconstruction of 12,153 square feet of nonresidential floor area as part of the renovation and repair of The Frederick Douglass Gym and for the reduction and/or waiver of required landscaping.



The Frederick Douglass Gym 2015

The City Commission approved the “Bahama Village Visioning and Capital Projects Workplan”, in August 2017. The attachment entitled, “Program Priorities List: Recommended Capital Projects” is an excerpt from the approved plan, which categorizes high priority investments for Bahama Village with this project, the “Douglass Gym Expansion”, being the second highest priority project, a “critical priority” for the community. In response to the “Program Priorities List: Recommended Capital Projects”, and many community meetings the City Commission in 2018 approved a request to designate the entire Frederick Douglass Gym / Roosevelt Sands Center as Historic Neighborhood Commercial (HNC-3) the property was straddling two zoning designations. Licensing records indicate the buildings have been used as mixed-use commercial/residential going back to at least the mid – 1980s. Upon adoption of current Land Development Regulations and the Official Zoning Map in 2014, the building was bisected by a zoning line, leaving a portion of the building with a Historic Neighborhood Commercial (HNC-3) Zoning District designation and the remainder with a Historic Medium Density (HMDR) Zoning district designation. In the Historic Medium Density Residential Zoning District, cultural/civic activities are not permitted. In the Historic Neighborhood Commercial Zoning District, cultural/civic activities are a conditional use.

In order to allow the proposed development, several development approvals would be necessary.

- Major Development Plan review is required due to the reconstruction of more than 2,500 square feet of gross floor area, pursuant to Section 108-91.A.2.(b) of the Land Development Regulations (LDRs) of the Code of Ordinances (the “Code”) of the City of Key West (the “City”).
- Conditional use review is required for cultural and civic activities within the HNC-3 Zoning District, pursuant to City Code Section 122-868(2).
- The City is also requesting waivers to landscaping requirements, pursuant to City Code Section 108-517.

Proposed Development:

The City proposes to demolish the existing one-story Annex building and construct a two-story structure with related cultural and civic activities. The site would provide for an enclosed garbage and recycling collection area. The proposed Frederick Douglas Gym "Annex" project is required to provide a total of forty-six (46) standard off-street parking spaces including two (2) ADA accessible spaces per Chapter 108, Section 108-650.- Provision for handicapped parking and loading zones, and Section 108-572 (3), "*Schedule of off -street parking requirements by use generally*". The minimum requirement per 108-572 (3) for churches; public or private schools, libraries, or museums; public buildings; public or private auditoriums, community centers, theatres, facilities and other places of assembly is one (1) standard parking space per five seats or one (1) standard parking space per 150 square feet of floor area in the main assembly hall, whichever is greater. If all the necessary approvals are granted for the proposed development, there would be a total of two (2) assembly halls on the premises. The Frederick Douglas Gym renovation which was approved per Resolution No. 2015-13 provides a 6,771 square foot assembly hall. The proposed Frederick Douglass "Annex" structure would provide a 2,379 square foot assembly hall. The greater assembly hall of 6,771 square feet is what triggers the minimum parking requirements for this proposed development.

Most of the parking for the Major Development Plan and Conditional Use shall be fulfilled by using on-site and off-site parking. Six (6) standard parking spaces including two (2) ADA accessible spaces will be provided on-site and thirty-six (36) standard parking spaces will be provided off-site. Chapter 108 of the Land Development Regulations includes Section 108-576(a), "Location of off-street parking spaces", which allows required off-street parking to be located off-site provided that the off-site parking lot has an appropriate zoning designation, is within 500 feet of the principal structure of the activity, and when applicants have provided satisfactory evidence of a deed restriction or easement providing for such required parking for the duration of the principal use.

The parking lot at 918 Fort Street (the "Fort Street Parking Lot") is located within the Historic Public and Semipublic Services District-1 (HPS-1); this zoning district allows parking lots as permitted uses (City of Key West Code of Ordinances Section 122-967). The Fort Street Parking Lot is located approximately 45 feet from the proposed Annex building and approximately 230 feet from the Frederick Douglass Gym. The Fort Street Parking Lot is owned by the City of Key West, and currently unencumbered. The City of Key West shall retain the public parking lot on Fort Street for the duration of the principal use of the Frederick Douglass Gym and Annex building. Strict application of the Code requirement (Section 108-576 (a)) for a deed restriction/easement under these circumstances creates a hardship for the applicant as the Fort Street Parking Lot is a public parking lot which cannot be sold by the City without a referendum.

Signage indicating that off-site parking is available at the Fort Street Parking Lot shall be installed on the project site at 111 Olivia Street. Proposed off-site parking signage shall be reviewed and approved in accordance with adopted Historic Architectural Review commission guidelines.

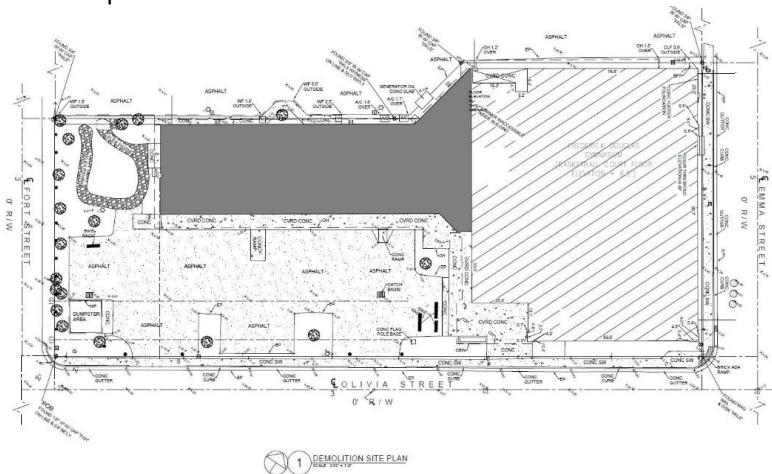
The applicant is requesting parking variances for four (4) off-street parking spaces. The applicant has submitted a parking variance in conjunction with variances to the dimensional requirements for maximum building coverage, maximum impervious surface, and the minimum open space requirements for the HNC-3 zoning district. These requests must be approved before the Planning board may contemplate the City's application for the proposed Major Development Plan and, Conditional Use permit needed for project approval. The Board must also determine whether to grant a landscape waiver for this site.

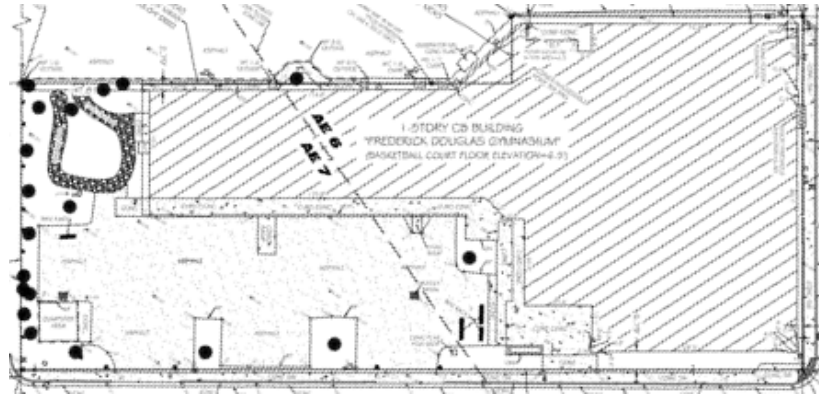
The request to undertake the Frederick Douglass Gym Expansion Project is an action by the City of Key West, in coordination with and through the support of the City Commission, the Bahama Village Redevelopment Advisory Committee, and many community leaders and residents. The intent of this project is to provide deeply needed community services, including youth education, job training, and meal services to those in need. Community representatives serving on the Bahama Village Redevelopment Advisory Committee have met to discuss the design concept for this project on multiple occasions.

The existing Annex Building.

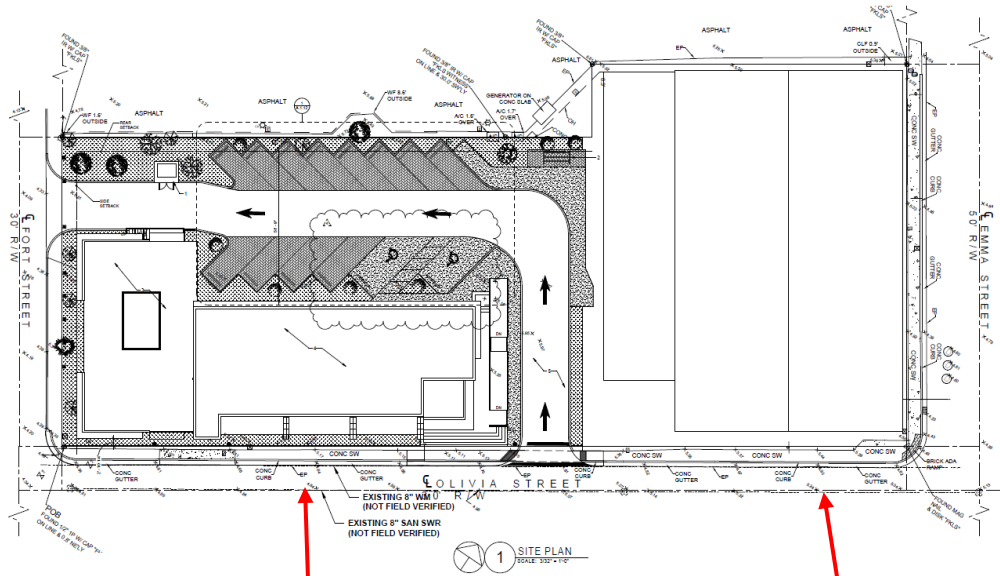


The existing Annex Building is to be demolished. The Demolition Site Plan below indicates in grey the structure that is slated for replacement.





Existing site plan



Proposed two-story structure.

The existing Fredrick Douglass Gym

The proposed location of the new two-story structure will be located on the corner of Fort and Olivia Streets. The proposed structure will include the following services /uses: a community center with a commercial kitchen, a computer lab, a music room, a sound studio, a main hall assembly space, classrooms, and offices. The building has been designed as a two-story structure to minimize impacts to existing landscaping, provide maximum parking, and to maximize the utility of this new building to the Bahama Village community while adhering as closely as possible to City of Key West dimensional and performance standards. The size of the proposed structure and the amount of square footage reflect community service needs documented by tens of public meetings and years of public planning for the Bahama Village community. The community center is currently limited in the services it can provide due to a lack of physical space.



- The proposed location of the new two-story structure will be located on the corner of Fort and Olivia Streets. The proposed structure will include the following services /uses: a community center with a commercial kitchen, a computer lab, a music room, a sound studio, a main hall assembly space, classrooms, and offices.



- Proposed structure facing Olivia Street

Surrounding Zoning and Uses:

Surrounding properties are located within the Historic Medium Density Residential (HMDR), Historic Neighborhood Commercial (HNC-3), and Historic Planned Development and Development (HPRD) Zoning Districts. Surrounding uses include residential, mixed use residential/retail/office, Harry S. Truman U.S. Navy Annex. Zoning districts within 300 feet of the property are HMDR, HNC-3, HCL, HPS-1 and M.

Process

Development Review Committee:	January 23, 2020
Preliminary Tree Commission:	March 9, 2020
Planning Board:	March 19, 2020 (meeting cancelled)
Planning Board:	April 16, 2020 (meeting cancelled)
Planning Board:	April 28, 2020 (postponed by applicant)
Planning Board:	May 21, 2020 (postponed by applicant)
Planning Board:	June 18, 2020 (postponed by applicant)
Planning Board:	August 20, 2020 (postponed by staff)
Planning Board:	September 17, 2020 (postponed by staff)

Planning Board:

October 15, 2020 (postponed by staff)

- November 5, 2020 – BVRAC meeting – The Major Development Plan was a discussion item to allow for any public or board member questions or input, which brought the item to the January agenda as an action item.
- January 7, 2021 - BVRAC meeting – The Major Development Plan was an action item on the agenda. The BVRAC board discussed the design, asked staff questions about the design, and voted unanimously to approve it. Commissioner Lopez expressed his concerns during the discussion before the vote and informed the board that he was not supportive of the design. There was no public attendance at the meeting.

Planning Board:

February 18, 2021

HARC:

TBD

Final Tree Commission:

TBD

City Commission/Board of Adjustment:

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. A.2.(b) requires the reconstruction of nonresidential floor area equal to or greater than 2,500 square feet to be reviewed as a Major 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.

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Zoning District	HNC-3			
Flood Zone	AE-7			
Site Size	34,000 SF. 0.781 acres			
Maximum Density	N/A	0 units	0 units	None
Maximum Floor Area Ratio	1.0	0	0	N/A
Maximum Height	30 feet	30 feet	30 feet	None
Maximum Building Coverage	40% 13,600 square feet	62% 20,924 square feet	60% 20,380 square feet	Variance needed 20% 6,780 square feet

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Maximum Impervious Surface	60% 20,400 square feet	89% 30,361 square feet	84% 28,710 square feet	Variance needed 24% 8,310 square feet
Minimum Front Setback	None	None	None	None
Minimum Side Setback	5 feet	5 feet	5 feet	None
Minimum Street Side Setback	7.5 feet	7.5 feet	7.5 feet	None
Minimum Rear Setback	15 feet	15 feet	15 feet	None
Minimum Off-Street Parking	1 space / 150 square feet = 46 spaces	19 off-street spaces	6 vehicular spaces, 8 compact spaces & (36 standard off-site spaces provided)	Variance needed for 4 off-street parking spaces
Minimum bicycle parking	35% of vehicular spaces = 17 bicycle spaces	8 bicycle spaces	21 bicycle spaces	None
Minimum open space	20% 6,800 square feet	11% 3,639.94 square feet	16% 5,291 square feet	Variance needed -4% -1,509 square feet
Landscaping	Code Ch 108, Arts V & VI	See analysis	See analysis	Waivers 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. 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 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 nonresidential uses is 650 gallons per acre per day, pursuant to City Code Section 94-68. Utilizing this LOS standard, potable water demand is estimated as follows:

Based on per capita residential: $650 \text{ gal/acre/day} \times 0.78 \text{ acres} = 507 \text{ gal/day}$

The adopted potable water LOS standard is anticipated to be adequate to serve the proposed development. The property 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.

2. Wastewater management

The sanitary sewer LOS standard for nonresidential uses is 660 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 Nonresidential: $660 \text{ gal/acre/day} \times 0.78 = 515 \text{ gal/day}$

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

3. Water quality

The property is not adjacent to any bodies of water. No adverse impacts to water quality are anticipated.

4. Stormwater management / drainage

The stormwater management or drainage LOS standard pursuant to City Code Section 94-69 is: i) post-development runoff shall not exceed predevelopment runoff for a 25-year storm event, up to and including an event with a 24-hour duration; ii) onsite treatment of the first one inch of rainfall must be provided to meet water quality standards; and iii) storm water facilities must be designed so as to not degrade any receiving water body.

A drainage plan was submitted indicating that a complete stormwater management system will be installed. Stormwater would be retained on-site utilizing an exfiltration trench. Rainwater from the roof would be channeled to an exfiltration trench. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

5. Solid waste

The solid waste LOS standard for nonresidential uses is 6.37 pounds per capita per day, pursuant to City Code Section 94-71. The proposed development is anticipated to accommodate approximately 138 persons per day. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

Proposed development: $6.37 \text{ lb./capita/day} \times 138 = 879.06 \text{ lbs./day}$

The property is currently serviced by Waste Management. The dumpster trash and recycling areas are provided on the site plan. 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. There is currently one ingress and one egress to the site. The proposed exit is to be located from Olivia Street to Fort Street. The proposed entrance will have a drive-up detection lift arm to prevent excessive speed upon entry.

7. Recreation

The plans do not show onsite recreation as defined in Section 86-9 of the LDRs. However, it is not anticipated that the City's adopted level of service for public recreation will be adversely impacted.

8. Fire Protection

A detailed life safety plan was submitted. An existing fire hydrant on the corner of Fort and Olivia Street is to remain.

9. Reclaimed water system

There is no reclaimed water system proposed.

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 located within the historic district and the building is a non-contributing structure. Therefore, the proposed development would need to obtain a Certificate of Appropriateness from the Historic Architectural Review Commission (HARC) for the proposed design prior to issuance of building permits.

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

Per the Engineering Department's review of trip generation from the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition; impacts caused by additional trip generation as a result of the increased Gross Floor Area (GFA) of the proposed community center are minimal and do not approach a critical volume on the primary or adjacent streets requiring mitigation. Within HNC-3, land use activities shall generate no more than 50 trips per 1,000 square feet of gross leasable floor area per day. The ITE Manual defines the subject land use as *Recreational Community Center* which has a trip generation of 28.82 trips per 1,000 sq.ft. per day.

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

Potable water and wastewater were found to comply 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.* The property is bounded by Olivia Street to the east, Emma Street to the north, Petronia Street to the west and Fort Street to the south.
- (c) *Land use compatibility.* Uses within 300 feet include surrounding uses include residential, mixed use residential/retail/office, Harry S. Truman U.S. Navy Annex, a parking lot. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.
- (d) *Historic and archeological resource protection.* The project's impact on archaeological and historic resources is being coordinated through the DRC and would be reviewed by HARC through a Certificate of Appropriateness.
- (e) *Subdivision of land.* No subdivision of land is proposed.

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 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 ADA-accessible sidewalks, new driveway, curb ramps, (2) two bicycle racks for up to 22 bicycles, outdoor lighting, and 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)

The property has always been an educational center. No soil survey was provided.

Environmentally sensitive areas (City Code Section 108-242)

No environmentally sensitive areas are located on or near the property, which is located within the AE-7 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.
- (b) *Tree protection.* An extensive arborist assessment was submitted of all existing trees on the property. Over 60% of the trees on the site will be relocated. Some will be moved to the Fort Street parking lot; others will be relocated on site. The City's Urban Forestry Manager and the Tree

Commission have reviewed and approved the proposed tree removal and transplant plan at their March 9th, 2020 Tree Commission meeting.

- (c) *Landscaping plan.* The submitted plan indicates landscaping incorporated throughout the property. Landscaped open space would be increased above the existing amount. However, full compliance with all landscape buffer requirements of the LDRs is not possible due to existing site conditions and design. Waivers are requested as part of this application. No environmentally sensitive areas exist.
- (d) *Irrigation plan.* A drainage plan was submitted indicating that a full stormwater management system will be installed. Stormwater will be retained on-site utilizing an exfiltration trench through the driveway. Roof drains will collect building runoff and lead to the exfiltration trench.

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

Vehicular ingress will be on Olivia Street and egress will be on Fort Street. The property is served by all City bus routes. Parking spaces for (4) four standard vehicles, (8) eight compact vehicles, (2) ADA spaces, and (21) twenty-one bicycles are proposed on the property. A remaining thirty-six (36) off-site parking spaces will be available across the street at the Fort Street Parking Lot at 918 Fort Street.

Housing (City Code Section 108-245)

There are no existing or proposed residential dwelling units on the property. The proposed development is nonresidential in nature and therefore should have no detrimental effect on hurricane evacuation.

Economic resources (City Code Section 108-246)

As public property, the proposed project would not yield ad valorem taxes. The estimated construction expenditure is \$4.2 million.

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 located within the historic district and the AE-7 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, although bus routes run along and Emma Street.
- (f) Passive recreation space is not proposed.
- (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 proposed construction is to be complete in one phase.

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 development involves demolishing the existing one-story non-contributing structure and construct a 9,496 square foot building to house a music program, an afterschool tutoring program, and a small community hall. The proposed uses are permitted and conditional uses within the HNC-3 Zoning District.

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

The project involves new construction of a two-story structure facing Olivia Street. All work would follow the City's historic architectural guidelines.

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

All mechanical equipment and utility hardware would be screened. Dumpsters for garbage and recycling would be screened.

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

The City coordinated the location and design of the refuse containers with Waste Management to allow adequate access for refuse vehicles. The dumpster enclosure and landscaping would screen the refuse containers from streets and adjacent properties.

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

None proposed.

Utility lines (City Code Section 108-282)

All new utilities lines would be placed underground.

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

None proposed.

Exterior lighting (City Code Section 108-284)

All new exterior lighting is proposed for the property. All lights would be shielded to prevent glare onto adjacent properties. Lighting would be provided within the parking area for security purposes. The property is also served by existing streetlights.

Signs (City Code Section 108-285)

The plans do not indicate any signs. A building permit and a certificate of appropriateness would be required for the installation of any signs, which must comply with City Code Chapter 114 and the Historic Architectural Guidelines.

Pedestrian sidewalks (City Code Section 108-286)

The existing City sidewalks along Olivia Street and Fort Street would be replaced.

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)

No work would impact a floodplain or a conservation area. A proposed stormwater management would address drainage and runoff from the site. Vegetation removal is being reviewed by the Urban Forestry Manager and the Tree Commission.

Landscaping (Code Chapter 108, Article VI)

A landscape plan is required as part of a development plan review, pursuant to City Code Section 108-411. In March 2015, a major development plan and landscape waivers were approved for Phase 1 of this property, reconstruction of the historic Frederick Douglass Gym building. Phase 2, the plan currently being reviewed, indicates landscaping incorporated throughout most sections of the property. Full compliance with all landscaping requirements of the LDRs is not possible due to existing site conditions or without eliminating required parking. The City is requesting waivers, pursuant to City Code 108-517, as outlined below:

1.Land Use Buffer (Sec 108-347): The property is a low or medium use with single family and multi family residences as the adjoining uses. The buffer requirement would be B or E.

There are no true areas on this property that would fall under a review in this section. The property lies immediately adjacent to Olivia, Fort, and Emma Streets, all street buffer areas under Sec. 108-413, and the northern property line lies immediately adjacent to an interior parking area, a parking buffer area under Sec. 108-415.

Sec. 108-348 allows credit for existing plant material. There are several large, protected trees in the western corner area of the property at fort Street that are to remain and be protected and several, regulated trees that will be transplanted on the property or at the Fort Street Parking Lot located across the street from this project.

The Tree Commission approved the conceptual landscape plan at their March 9, 2020 meeting. The approval included approval for the removal of two trees, 1-Wild Cinnamon (tree #3) and 1-Gumbo Limbo (tree #11) to be replaced with 11.6 caliper inches of approved trees on the property and incorporated into the landscape plan and the approval of the transplanting of 1-Wild Tamarind (tree #2), 1-Gumbo Limbo (tree #4), 1-Redberry Stopper (tree #8), 1-Bahama Tabebuia (tree #1), 1-Pitch Apple (tree #1A), 1-Lignum Vitae (tree #21), 1-Fiddlewood (tree #22), 1-Blackbead (tree #23), 1-Cinnamon Bark (tree #24), 4-Thatch Palms (tree #5, #10, #12A & B). Six existing trees will remain in place including 2-Royal Poinciana trees (tree #14 and #16), 1-Gumbo Limbo (tree #4), 1-Pongam tree (tree #19), and 2-Thatch Palms (tree #15 and #18). The proposed landscape plan does incorporate all the required tree replacements.

2.Minimum landscaping requirement (Sec 108-412): Requires that 20% of the building site shall be landscaped. The existing site represents an 11% landscaped area and the proposed plan offers a 16% landscaped area. **A waiver is required.**

All the plant species proposed to be planted are native plant species. A few trees and palms that are to remain or to be transplanted are not native but indigenous to Key West. Therefore, the plan complies with the 70% minimum native plant requirement for the landscaping.

3.Street Frontage (Sec 108-413): (landscape requirements along street frontages): This section of code bases the width of the landscape areas on the overall size of the property. Since the parcel is 0.78 acres, the required width of the landscape areas along the street is 20 feet.

A. Emma Street: A waiver given for this requirement in 2017 under the Major Development Plan review for the gym.

B. Olivia Street: A portion of this area, in front of the existing gym structure, was given a waiver in 2017 during the Major Development Plan review for the gym. Reviewing the remaining street frontage area (approximately, 200 linear feet) that includes a 16-foot wide driveway into the property and associated sidewalk areas, 160 plant units would be required.

The new development, in coordination with HARC, is being built close to the street area therefore, the proposed landscaped area is 124 feet long by 5.3 feet wide and includes 63 plant units with sod.

A waiver is required.

C. Fort Street: This street frontage area is 106 linear feet that includes a 16-foot wide driveway into the property. The actual proposed landscape area is 74.8 feet long with a width of 7.5 feet and includes a total of 38 plant units with sod.

A waiver is required.

Please note a 15-foot long portion of this area was not included in the above counts as the area is part of a larger planting area directly associated with the western property line.

4. Interior landscape areas (Sec 108-414): There are 6 interior parking spots proposed that are located adjacent to the new structure. There is a contiguous landscape area proposed that runs between the parking spots and sidewalk that is proposed to be planted with sod and 5-Black Ironwood trees. It should be noted that Black Ironwood trees are not considered shade trees by landscape code definition.

At this time, not enough information has been submitted to accurately review for compliance to this section of code.

A waiver probably required.

5. Perimeter landscape areas (Sec 108-415): The western portion of this property adjoins an existing parking area and received a landscape waiver for the section adjacent to the existing gym structure near Emma Street.

This portion of the project is approximately 180 feet long. A portion of this area includes eight proposed in the parking area that adjoin an existing parking area. City code requires a 7.5-foot-wide landscape strip that includes 1 canopy shade tree and 10 shrubs for every 35 linear feet. The proposed landscape parking area is approximately 80 linear feet by 5.8 feet wide and would require 2 canopy shade trees and 20 shrubs planted. The proposed plan for this parking area includes 1 existing canopy tree (Pongam), 2-Lingam Vitae subcanopy trees, and 6-Locustberry shrubs.

A waiver is required.

Please note that there is a large, landscaped area proposed for the property corner with Fort Street. The area is approximately 30 feet long by 15 feet wide and consists of 3 large, existing canopy trees and several palms. Additional shrubs are proposed for this area.

6. Nonvehicular use areas (Sec 108-416): There is a small area adjacent to the entrance driveway between the new structure and the existing gym that is considered an interior landscape area. Plans propose to install sod in the area next to the new structure and 3 new tree planters with proposed subcanopy trees are proposed to be planted. City code requires the planting of 4 canopy trees.

A waiver is required.

7. Landscape screening (Sec. 108-450): The proposed landscape plan does include screening around the dumpster area.

Pursuant to City Code Section 108-517(b), the Planning Board may approve or grant the waiver or modification only if it determines that the waivers or modifications are not contrary to the intent of the City Code Chapter 108, Article VI, Division 4, Subdivision II and that a literal enforcement of the standards of this subdivision would be impracticable and would not violate the following criteria:

(1) *Public interest; adjacent property.* The waiver or modification would not have a significant adverse impact on the public interest, or on adjacent property.

(2) *Not discriminatory.* The waiver or modification is not discriminatory, considering similar situations in the general area.

(3) *Superior alternatives.* The development will provide an alternative landscape solution which will achieve the purposes of the requirement through superior design.

(4) *Protection of significant features.* The waiver or modification is necessary to preserve or enhance significant existing environmental or cultural features., such as trees, scenic areas, historic-sites, or public facilities, related to the development site.

(5) *Deprivation of reasonable use.* Strict application of the requirement would effectively deprive the owner of reasonable use of the land due to its unusual size, shape, topography, natural conditions, or location, provided that:

- a. Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case; and of actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.
- b. The unusual conditions involved are not the result

(6) *Technical impracticality.* Strict application of the requirement would be technically impractical.

Given the challenges and trade-offs of fully complying with all the various landscaping requirements of the LDRs, staff recommends approval of the requested landscape modifications and waivers.

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

The proposed development includes (4) four standard vehical spaces, (8) eight compact vehicle spaces, (2) ADA spaces and (22) twenty-two bicycle parking spaces are proposed on the property.

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

A drainage plan was submitted indicating that surface water management is designed for the 25-year/72-hour storm event, as required. Stormwater would be retained on-site through an exfiltration trench in the driveway. Roof drains will collect building runoff and lead to the exfiltration trench.

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)

The proposed development, being a Major Development Plan, qualifies for the City's Art in Public Places (AIPP) program, pursuant to City Code Section 2-487. The AIPP program requires 1% of construction costs to be set-aside for the acquisition, commission, and installation of artwork on the subject property. The program applies to new construction projects exceeding \$500,000 and renovation projects exceeding \$100,000. Eligible construction costs have not been determined based on hard and soft costs.

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 Applicant has demonstrated that the proposed conditional use within the HNC-3 Zoning District, including its proposed scale and intensity, traffic-generating characteristics and off-site impacts are compatible and harmonious with adjacent land uses and would not adversely impact land use activities in the immediate vicinity.
- (2) *Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.* The site and building would be adequate to accommodate the proposed scale and intensity of the requested conditional use. The property was developed prior to the adopted LDRs and is nonconforming in several respects. It would be impossible for the site to accommodate all required screening, buffers, landscaping, open space and off-street parking of the LDRs without reducing the square footage needed to provide the right amount of services on site. Urban design amenities include street trees, bicycle racks, outdoor lighting, ADA-accessible sidewalks, and curb ramps.
- (3) *Proper use of mitigative techniques.* To help minimize or prevent any adverse impacts of the proposed use, the City proposes to completely screen all mechanical equipment, utilities, and dumpsters; install landscaping throughout the property to provide visual buffers where appropriate.
- (4) *Hazardous waste.* No hazardous waste would be generated, and no hazardous materials would be used.
- (5) *Compliance with applicable laws and ordinances.* 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.* Not applicable.
 - c. *Commercial or mixed-use development.* The proposed conditional use is nonresidential and has been reviewed for land use compatibility based on compliance with all applicable portions of the LDRs. The development is not adjacent to U.S. 1 and no new traffic impacts are being proposed.
 - d. *Development within or adjacent to historic district.* The proposed development is located within the historic district and is designed to reinforce the district's appearance, historic attributes, and amenities. The project would also be reviewed by HARC for appropriateness prior to the City Commission hearing for this Major Development Plan and Conditional Use application.
 - e. *Public facilities or institutional development.* Not applicable.

- f. *Commercial structures use 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 Major Development Plan, Conditional Use and Landscape Waivers be **approved** with the following conditions:

General conditions:

1. The proposed construction shall be consistent with the site plan signed, sealed, and dated October 6, 2020 by Erica Poole, K2M Designs, P.A.
2. The remaining plans shall be revised to reflect the addition of the second ADA accessible parking space prior to City Commission.
3. The city of Key West shall retain off-site parking spaces at the public parking lot at 918 Fort Street for the duration of the principal use of the Frederick Douglass Gym and Annex building. Signage indicating that off-site parking is available at the Fort Street Parking Lots shall be installed on the project site at 111 Olivia Street. Proposed off-site parking signage shall be reviewed and approved in accordance with adopted Historic Architectural Review Commission guidelines.
4. 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.
5. All sidewalks and walkways shall have a minimum 36-inch width and clearance from objects and landscaping. Five feet is preferred wherever possible.

Conditions prior to the City Commission hearing:

6. The applicant shall obtain final landscape plan approval from the Tree Commission.
7. The applicant must obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

Conditions prior to issuance of a building permit:

8. 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:

9. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.