



## EXECUTIVE SUMMARY

**To:** Gregory W. Veliz, City Manager

**From:** Katie P. Halloran, Planning Director

**Meeting Date:** October 6<sup>th</sup>, 2020

**Location:** 1900 North Roosevelt Boulevard (RE# 00051820-000000) and 1910 North Roosevelt Boulevard (RE# 00051840-000000)

### ACTION STATEMENT

**Request:** To grant preliminary City Commission authorization to enter into the development agreement process and pursue negotiations with the property owners pursuant to Section 90-679 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, to review a proposal for a new self-storage facility.

**Applicant:** Jonathan Dorman, StorCon Development, LLC

**Property Owner(s):** Susan and Allan Burns, Paradise Petroleum Marketers Inc. (1900 N. Roosevelt Blvd.) and Dennis P. Saviano, Dennis P. Saviano Living Trust (1910 N. Roosevelt Blvd.)

**Zoning:** General Commercial (CG)

### BACKGROUND

The Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") allow the City Commission, at its sole discretion, to enter into development agreements with property owners. City Code Section 90-679 requires the City Commission to respond to requests to enter into development agreements by first making a preliminary determination regarding their willingness to enter into such an agreement and to pursue negotiations with the property owner prior to reviewing the actual requirements for such an agreement as set forth in article II of chapter 108, that will be considered by the Planning Board and City Commission.

The applicant, StorCon Development, LLC, has applied to engage in a development agreement with the City of Key West in order to aggregate 1900 N. Roosevelt Blvd. with 1910 N. Roosevelt Blvd. and construct a new 39,980 square foot storage facility at 1910 N. Roosevelt and retain the existing 5,131 square foot gas station and related operations at 1900 N. Roosevelt Blvd.

The analysis section below outlines the related components of this proposal for a development agreement and major development plan. The table identifies the review and approval processes that would be required, subject to changes in applicant submittals and design, prior to the City Commission's final determination regarding this project. At this time, the applicant has chosen to move forward with this preliminary request to enter into development agreement negotiations, although project details are

subject to change. The analysis below is based on staff’s preliminary review of the applicant’s submittals.

**ANALYSIS**

As noted above, the proposed plan to construct a self-storage facility would require Planning Board review of multiple related applicant submittals such as variance requests, a Land Development Regulation amendment, conditional use request, and a major development plan review and approval by the City Commission and Board of Adjustment of those requests. As currently designed, the project is not consistent with the Comprehensive Plan or in compliance with the Land Development Regulations (LDRs), due to dimensional requirements and other site features including structure height, mass and scale, and paving and thus would require variances. The proposed landscaping plan will also require a landscape waiver.

<b>Applicant’s Current Related Submittals</b>	<b>Staff’s Suggested Modifications</b>	<b>Review Process</b>
Major Development Plan with a Conditional Use – Request for approval for a major development plan and conditional use in order to construct a 39,980 sq. ft. commercial self-storage facility defined by code as a <i>light industrial</i> use. Light industrial is a conditional use in the CG zoning district.	The submitted plans indicate the self-storage structure will be a total of 39,980 square feet. The required landscaping be wrapped around the entire parcel, from the corner of 1900 to the end of 1910 N. Roosevelt Blvd.	Development Review Committee- September 24 <sup>th</sup>  Planning Board – November 19 <sup>th</sup> City Commission – December 2 <sup>nd</sup>
Height variance – Request to raise the maximum height of a structure in the CG zoning district, from 30-feet to 34-feet for non-habitable space. (Section 122-420(3))	N/A	Board of Adjustment – October 20 <sup>th</sup>
LDR Code Amendment – Request to amend the off-street parking table to include a <i>Self-Storage</i> use which would require 1 off-street parking space per 50 storage units	LDR Code Amendment – The <i>Self-Storage</i> use not be used for self-storage facilities that are used as business addresses nor used daily for contractor’s tools/building supplies pick-up.	Planning Board – October 15 <sup>th</sup> City Commission – First Reading City Commission - Second Reading
Variance – Request to the maximum building coverage allowed in the CG zoning district	An updated site data table will be needed for exact variance requests	Planning Board – November 19 <sup>th</sup> to be presented with the Major Development Plan

Applicant's Current Related Submittals	Staff's Suggested Modifications	Review Process
Variance – Request to the maximum impervious surface allowed in the CG zoning district, from 60% to 85%, in order to construct a 40,000 sq. ft., more or less, self-storage facility.	An updated site data table will be needed for exact variance requests	Planning Board – November 19 <sup>th</sup> to be presented with the Major Development Plan
Variance – Request to the minimum required open space for a commercial property in the CG zoning district, from 20% to 15%, in order to construct a 40,000 sq. ft., more or less, self-storage facility. (Section 108-346)	An updated site data table will be needed for exact variance requests	Planning Board – November 19 <sup>th</sup> to be presented with the Major Development Plan
Potential landscape waiver (Section 108-517)	An updated site data table will be needed for exact variance requests	Planning Board – November 19 <sup>th</sup> to be presented with the Major Development Plan

*\* Section 86-9. "Building means any structure used or intended for supporting or sheltering any use or occupancy.", and "Building coverage means the percentage of lot area covered by buildings and including roofed porches, eaves, decks and similar structures as well as all structures, including structural elements such as raised decks, 30 inches or more above grade."*

**Withdrawn:**

*LDR Code Amendment – Applicant has withdrawn a request to raise the maximum Floor Area Ratio (FAR) of parcels located at 1900-1910 N. Roosevelt in the CG zoning district from .8 FAR to 1 FAR.*

**Withdrawn:**

*Comprehensive Plan Text Amendment – Applicant has withdrawn their request to raise the maximum Floor Area Ratio (FAR) of parcels located at 1900-1910 N. Roosevelt in the CG zoning district from .8 FAR to 1 FAR.*

**Modified submittal**

*Parking Variance – Submittal modified from parking variance (light industrial (warehousing or manufacturing) use in the CG zoning district from 84 required off-street spaces to 13 spaces) to LDR amendment request. The applicant is currently requesting an amendment to the Land Development Regulations to modify the off-street parking table.*

The applicant has stated their intent to execute a Unity of Title for 1900 and 1910 North Roosevelt Blvd. to facilitate approvals to construct the proposed 39,980 sq. ft. self-storage structure. This Unity of Title

would effectively reduce their proposed floor to area ratio for this unified site to 0.8, from 1.2 without joining the parcels.

The proposed self-storage facility itself has a total floor area of 39,980 sq. ft. The buildings on the abutting Shell gas station parcel have a combined floor area of 5,131 sq. ft. If combined, the existing Shell property building, and the proposed self-storage building would total 45,111 sq. ft. on the potentially joined 53,291 sq. ft. parcel. This equates to a FAR of .84, rounded to the nearest whole number the applicant has proposed a total FAR of 0.8 which is in compliance with CG zoning district regulations.

### **Applicable Land Development Regulations**

The Land Development Regulations acknowledge the findings of the state legislature that enable development agreements under Florida Statute, as follows:

#### **Section 90-676.**

*(1) The lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning.*

*(2) Assurance to a developer that, upon receipt of a development permit, the applicant may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in ensuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning and reduces the economic costs of development.*

*(3) The comprehensive planning process should be furthered by authorizing local governments to enter into development agreements with developers. The intent is to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.*

Further, City Code Sections 90-677 through 90-692 guide the submittal, review, approval and administration of any development agreement negotiated by the City Commission. Relevant excerpts from these sections of the City Code are as follows:

#### **Section 90-677. Applicability.**

*(a) The city may, by ordinance, establish procedures and requirements, as provided in F.S. §§ 163.3220—163.3243, to consider and enter into a development agreement with any person having a legal or equitable interest in real property located within its jurisdiction.*

*(b) The entry into a development agreement by the city shall in no way whatsoever limit or modify any legislative power of the city to adopt ordinances, resolutions or regulations or to make executive or legislative decisions of any kind which it had the power to make prior to the entry into such development agreement, except to the degree that the development agreement, by its express terms and not by implication, gives vested rights to the property owner as to certain development permissions, required improvements and similar matters. No development agreement shall, by its express terms or by implication, limit the right of the city commission to*

*adopt ordinances or regulations or to adopt policies that are of general application in the city, except as is expressly provided by F.S. §§ 163.3220—163.3243.*

**Section 90-678. Initiation of process by applicant.**

*A property owner desiring to enter into a development agreement with the city shall make a written request for such development agreement to the city administrative official and pay the fee as is established by resolution of the city commission. Such written request shall identify the lands which are desired to be subject to the development agreement and shall identify all legal and equitable owners having any interest in such property. Such ownership interest shall be certified by a title company or an attorney at law licensed to practice law in the state. If any partnership, joint venture or other entity, other than an individual, owns a legal or equitable interest in the subject property, all principals and other persons with interest in such partnership or joint venture shall be revealed. If any corporation owns a legal or equitable interest in the subject property, the officers and directors and any shareholder owning more than ten percent of the interest in the corporation shall be revealed.*

**Section 90-679. Preliminary actions by city commission.**

*Upon receipt of a request to enter into a development agreement with the city, the city administrative official shall place the matter on the agenda of the city commission. The city commission, after considering staff comments, shall, in its sole and absolute discretion, determine whether or not to enter into a development agreement and to pursue negotiations with the property owner.*

**Next steps**

Should the City Commission provide the applicant with preliminary authorization to request a development agreement, the applicant would be required to provide a draft agreement, together with finalized related submittals as noted above, as well as other information required by the City Code. Development agreements can proceed conditioned upon Planning Board and Board of Adjustment approvals.

**RECOMMENDATIONS**

Therefore, based on Section 90-679 of the Land Development Regulations of the City of Key West, staff recommends **Option 1** as described below. Staff recommends denial to initiate entering into a development agreement given the scope of the project (a development agreement is not necessary) and given that the mass/scale of the development vary from the dimensional standards in the Code. The mass of the building is significant for the site given the proposed Unity of Title. Staff has noted the applicant's willingness to coordinate to attempt to mitigate the size of the building through ample landscaping.

**Options / Advantages / Disadvantages:**

**Option 1.** Deny the request to initiate the process of entering into a development agreement until such time that the applicant has approvals from both the Planning Board and City Commission of the City of Key West.

1. **Consistency with the City's Comprehensive Plan and Land Development Regulations:** The applicant may still proceed with the development approval process and coordinate with staff to bring all associated variance requests and text amendments to respective

boards and commissions. Upon approval from the Board of Adjustment and City Commission the applicant may enter into a Development Agreement per Section 90-681.

2. **Financial Impact:** The lack of a development agreement would not prevent the proposed development of the subject property but may result in greater uncertainty for the developer. There would be no direct financial impact to the City of Key West related to a denial of this request.

**Option 2.** Approve the request to initiate the process of entering into a development agreement with Jonathan Dorman, StorCon Development, LLC, for the development of a new self-storage facility at 1900 and 1910 North Roosevelt Boulevard, with the following minimum condition for negotiation:

The requirements of City Code Chapter 90, Article IX shall be fully complied with to the satisfaction of the City Attorney.

1. **Consistency with the City's Comprehensive Plan and Land Development Regulations:** Section 90-679 provides the City Commission with the option to enter into a development agreement and pursue negotiations with the property owner, however, as proposed, the project is not consistent with Comprehensive Plan text and certain sections of the Land Development Regulations.
2. **Financial Impact:** The cost of processing of the development agreement would be offset by the required application fee, and thus no financial impact is expected.