

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board Members

From: Brendon Cunningham

Through: Amy Kimball-Murley, AICP, Planning Director

Meeting Date: November 19, 2009

Agenda Item: Conditional Use Application for a wireless telecommunications facility within the Commercial General (CG) zoning district for property located at 2832 North Roosevelt Boulevard (RE # 00065380-000000).

Request: To allow the construction of a telecommunications facility with equipment shelters and a 145 foot tall monopole to be constructed within a designated lease area on a property located at 2832 North Roosevelt Boulevard

Applicant: Trepanier & Associates, Inc.

Property Owner: Carl M. Herman Revocable Living Trust

Location: 2832 North Roosevelt Boulevard, RE# 00065380-000000

Zoning District: General Commercial (CG)



Background:

The proposed project is located on an approximately 3,000 square foot leasehold within a 30,000 square foot parcel. The parcel fronts North Roosevelt Boulevard and is located between the Overseas Market and Key Plaza Shopping Center. It is currently vacant with the exception of several shipping containers and semi-trailers. The parcel is surrounded on three sides by commercial retail operations and on one side by North Roosevelt Blvd. There is a residential neighborhood south of the property, adjacent to the rear setback of the surrounding commercial uses. Access to and from the leasehold area is proposed through an access easement connecting the leasehold area to North Roosevelt Boulevard.

The leasehold area is set approximately 550' from North Roosevelt Boulevard. The loading dock for Albertsons is located immediately to the east of the leasehold location and parking areas as well as entrances to businesses in the rear of the Overseas Market are located to the west. Parking areas are also located to the south of the leasehold area. Although in general the leasehold is surrounded by "back of house" components of adjacent commercial uses (loading, refuse, employee parking, etc), the area has come to serve ~~as an informal short cut between nearby residential uses and North Roosevelt Boulevard.~~ As such, the lease area may be more visible to members of the public than is initially apparent. However, the fundamental character of the immediately surrounding uses is utilitarian and intended to support the functional requirements of the large scale commercial establishments developed there.

Request:

The applicant is proposing to construct a wireless telecommunications facility that will consist of equipment shelters and a 145 foot tall tower capable of serving approximately five FCC registered wireless providers in addition to other wireless providers. The applicant states, and the Planning Department agrees, that cellular phones have become an essential public service and as such are defined as a public and private utilities per Section 86-9 of the Code. Public and Private Utilities are allowed conditionally in the CG zoning district per Section 122-418(9) of the Code. The purpose of this application is to accommodate the increased use and number of users of cellular phones within the community and address a described "gap" in cellular service identified within the middle area of the island. At the request of the Planning Department the applicant held a public meeting on the proposed site to address questions and concerns raised by nearby residents. In addition, the applicant has responded to staff requests for additional information on a variety of different topics and then provided a revised application to reflect the full body of information provided over time. The synthesized application is provided in the support material for this report.

The proposed facility will meet all dimensional requirements regarding setbacks, building coverage and impervious surface ratios. However, the height of the associated tower will require a variance. The variance is part of a separate application that will be reviewed by the City Commission sitting as the Board of Adjustment.

Surrounding Zoning and Uses:

North: CG, Retail-Home Depot

South: CG, Parking area-Key Plaza Shopping Center

East: CG, Retail-Key Plaza Shopping Center

West: CG, Retail-Overseas Market

Permitted Uses in the CG Zoning District Per Section 122-417

- (1) Group homes with less than or equal to six residents as provided in section 122-1246.
- (2) Cultural and civic activities.
- (3) Hospitals and extensive care.
- (4) Places of worship.
- (5) Business and professional offices.
- (6) Commercial retail low and medium intensity less than or equal to 10,000 square feet.
- (7) Commercial retail high intensity less than or equal to 5,000 square feet.
- (8) Hotels, motels, and transient lodging.
- (9) Medical services.
- (10) Parking lots and facilities.
- (11) Restaurants, with or without drive-through.
- (12) Veterinary medical services with or without outside kennels.

Conditional Uses Per Section, 122-418

- (1) Single-family/two-family residential dwellings.
- (2) Multiple-family residential dwellings.
- (3) Group homes with seven to 14 residents as provided in section 122-1246.
- (4) Community centers, clubs and lodges.
- (5) Educational institutions and day care.
- (6) Nursing homes, rest homes and convalescent homes.
- (7) Parks and recreation, active and passive.
- (8) Protective services.
- (9) Public and private utilities.
- (10) Bars and lounges.
- (11) Boat sales and service.
- (12) Commercial retail low and medium intensity greater than 10,000 square feet.
- (13) Commercial retail high intensity greater than 5,000 square feet.
- (14) Commercial amusement.
- (15) Funeral homes.
- (16) Gasoline stations.
- (17) Light industrial.
- (18) Marinas.
- (19) Small recreational power-driven equipment rentals (allowed only as an accessory use to a hotel/motel).
- (20) Vehicular sales and related services.
- (21) Tattoo establishments (see division 13 of Article V)

Process:

Development Review Committee Meeting:

June 25, 2009, July 23, 2009 and
September 14, 2009

Tree Commission Meeting:

October 19, 2009

Planning Board Meeting:

November 19, 2009

Board of Adjustment:

Not yet scheduled

Conditional Use Review:

Code Sec.122-62 (a) provides, in part, that “a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and or the City Commission during review of the respective application in order to ensure compliance with the Comprehensive Plan and Land Development Regulations. The same section also specifies that “A conditional use shall be denied if the City determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public’s interest.”

Conditional Use Criteria Per Code Sec. 122-62:

- (a) **Findings:** The Planning Board may find that the application meets the Code purpose of ensuring that “a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity”.

The following criteria form the basis for a finding of compliance.

- (b) **Characteristics of Use Described:**

- 1) **Scale and Intensity**

- a. **Floor Area Ratio:**

- Floor Area Ratio: Permitted, 0.8; Proposed, 1,700 SF or 0.56 of the leasehold area (0.056 of entire site).

- b. **Traffic Generation:**

- 2.4 trips per 1,000 SF of gross floor area (Institute of Transportation Engineers (ITE) Trip Generation Manual, 7th Edition, land use code 170, Utility). The ITE manual projects a total of 4.08 anticipated trips (1.7 x 2.4 = 4.08) per day. However, the applicant notes that the facility is fully automated and that trip generation will be associated with periodic maintenance. Even at the ITE rate of generation, trip generation is not expected to constitute an impact.

- c. **Square Feet of Enclosed Building for Each Specific Use:**

- 1,700 total square feet for equipment shelters is proposed. This is well below the FAR limits established for the leasehold and the overall parcel.

- d. **Proposed Employment**

- According to the applicant, there will be no onsite employees. The applicant proposes to use existing staff to service the facility as needed.

- e. **Proposed Number of Service Vehicles:**

- The applicant will service the facility approximately every ten days with one team and associated truck.

f. Off-Street Parking:

This is a fully automated facility thus a regular parking schedule is not necessary. However, parking is needed for the service vehicles periodically. Considering the size of the parcel (30,000 square feet) where the lease area is proposed (3,000 square feet), there is adequate parking area for the service vehicle.

2) On or Off site Improvements Required and Not Listed in Subsection (b)(1)

a. Utilities:

No utility improvements are expected to be required as a result of the proposed conditional use. Further, Keys Energy Services and Florida Keys Aqueduct Authority have no objections to the proposed conditional use.

b. Public facilities:

Stormwater improvements are required to ensure compliance with concurrency management, as provided in Chapter 94 of the City Code. The City Engineer has reviewed and approved the proposed stormwater plan. There are no expected changes/increases regarding the level of service for potable water, or sanitary sewer. Further, it is anticipated that the proposed change in use will not have an adverse impact on roadway capacity or trip generation. No impacts to recreational facilities are associated with the project.

c. Roadway or Signal Improvements:

This criterion is not applicable; no changes are being proposed to roadway or signal improvements.

d. Accessory Structures or Facilities:

This criterion is not applicable; no improvement needs are generated by the proposed conditional use.

e. Other Unique Facilities/Structures Proposed as Part of On-Site Improvements:

Equipment shelters on the site will be located above flood levels and stormwater improvements will be provided beneath the structures.

3) On-Site Amenities Proposed to Enhance the Site and Planned Improvements.

a. Open Space:

The applicant proposes ~~44%~~ (1,300 sf) of the leasehold/project area be converted to a pervious surface. The applicant proposes to remove existing pavement and hardscape to install a sod/grass filled area including swales.

b. Setbacks from Adjacent Properties:

Setbacks from adjacent properties will meet permitted/minimum allowed at: front, 25 feet; rear, 25 feet; side, 15 feet; proposed, front, ~~(25 feet)~~ rear, 25 feet; side, 15 feet.

c. Screening and Buffers:

The applicant has stated that project security needs, as well as the location of the site, make typical landscaping impractical for the project. The Tree Commission has approved landscape mitigation as a monetary donation in the amount of \$3,000 to the City of Key West. This amount is equal to the cost of an appropriate landscape buffer along the North Roosevelt portion of this site. This has been approved by the Tree Commission per Section 110-327(7) that allows for the applicant to donate money in lieu of the required number of trees.

d. Landscaped Berms Proposed to Mitigate Against Adverse Impacts to Adjacent Sites:

Landscape berms are not proposed and are not considered to be effective mitigation for the utility.

e. Mitigative Techniques for Abating Smoke, Odor, Noise, and Other Noxious Impacts:

Not Applicable, the proposed facility will not produce smoke, odor, noise or other noxious impacts.

Criteria for Conditional Use Review and Approval: Applications For a Conditional Use Review Shall Clearly Demonstrate the Following.

1) Land Use Compatibility:

The project parcel is surrounded by existing commercial development. The leasehold area is located to the rear of the parcel, in an area adjacent to loading zones, parking areas, and other "back of house" features typical of the side and rear areas of large commercial developments. The rear portion of these large commercial plazas is adjacent to a residential development and over time a short cut between the residential area and North Roosevelt Boulevard has become established. This short cut, which traverses parking areas and internal roadways intended for onsite circulation only, is widely used by the neighborhood and increases the level of project exposure beyond what one would normally expect for loading and parking areas located behind the front entrances of the shopping centers. However, the character of the area is almost industrial in nature, and the proposed utility appears compatible with the parking areas, loading docks and circulation areas that surround the leasehold.

2) Sufficient Site Size, Adequate Site Specifications and Infrastructure to Accommodate the Proposed Use:

The size and shape of the site are adequate to accommodate the proposed scale and intensity of the conditional use requested. No proposed changes to access or internal circulation are being proposed. The applicant intends to use existing infrastructure on the site. Urban design amenities are not considered appropriate to the leasehold area due to its location adjacent to the rear portion of large scale existing commercial structures. The surface development of the site (the service structures) is not expected to be visible from nearby residential areas; however, the monopole may be visible from a number of different locations in the immediate vicinity and will add to skyline clutter

already existing in the area. However, typical approaches to visual impacts (such as screening and landscaping) are not expected to be helpful for a project of this type, regardless of its location.

The applicant has provided structural information on the proposed monopole including an assessment of the likelihood of failure and a radius of impact should the pole structure collapse. The information submitted by the applicant shows a maximum catastrophic impact area of approximately 145' from the center of the pole. The entire impact area includes commercial structures and pavement; no residential uses are located within the area.

3) Proper Use of Mitigative Techniques:

The proposed leasehold area is located between ~~four and five hundred feet from main roads and residential areas~~ and is surrounded by parking, loading docks, and similar uses found behind large commercial shopping centers. However, the height of the structure may result in aesthetic impacts to areas beyond the immediate vicinity. The visual impacts of tall structures can be mitigated by distance from sensitive uses as well as obscuring structures between the monopole and the viewer. The applicant has submitted simulations showing how the structure may appear from various locations. ~~In many cases the proposed structure will blend in with existing structures, including light standards and power poles which are common in the area.~~ However, there may not be a practical way to mitigation appearance from all possible locations in the vicinity.

The applicant has included, at the Department's request, a series of general notes, shelter notes, and tower notes on the site plan series accompanying the application. These notes require tower inspection every five years, structural standards for the tower, compliance with federal standards, limits to co-location of service providers, prohibition of accessory structures, safety signage and contact information requirements, prohibition of lighting except as required by the FAA or FCC, prohibitions of interference with public safety signals, limits to noise created by generators in the event of electrical power failure, and requirements for the facility to be automated.

4) Hazardous Waste:

No hazardous waste will be generated by the proposed conditional use.

5) Compliance with Applicable Laws and Ordinances:

The applicant will comply with all applicable laws and regulations as a condition of approval, including federal requirements pertaining to air traffic safety, wireless communication facilities, and the National Historic Preservation Act.

6) Additional Criteria Applicable to Specific Land Uses. Applicants Shall Demonstrate the Proposed Conditional Use Satisfies the Following Criteria:

a. Land Uses Within a Conservation Area:

Not applicable; the site is not located in a conservation area.

b. Residential Development:

Not applicable; residential development is not proposed.

c. Commercial or Mixed Use Development:

Not applicable; mixed use development is not proposed

d. Development Within or Adjacent to Historic Districts:

Not applicable; the proposed facility is not proposed to be located within an historic district.

e. Public Facilities or Institutional Development:

Not applicable; no public facilities or institutional developments are being proposed.

f. Commercial Structures, Uses and Related Activities Within Tidal Waters:

Not applicable; this site is not located within tidal waters.

g. Adult Entertainment Establishments:

Not applicable; no adult entertainment is being proposed.

Concurrency Facilities and Other Utilities or Service (Section 108-233):

Concurrency management has been previously addressed in this report. The proposed application is in compliance with Chapter 94 of the City Code of Ordinances.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for conditional use be **approved** with the following conditions:

1. The applicant must receive a height variance from the City of Key West Board of Adjustment.
2. The site plan package, including general notes, shelter notes, and tower notes, are fully incorporated into this approval and constitute conditions of approval.
3. Equipment, container and vehicle storage on the parcel will cease upon building permit issuance and will not be allowed for the duration of the use.
4. The applicant will provide one parking space for maintenance vehicles.