

STAFF REPORT

DATE: April 8, 2019

RE: **501 Front Street**
(permit application # T2019-0089)

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

An application was received for Conceptual Landscape Plan Approval for a Minor Development plan project. A staff report was created on February 27, 2019. The report is attached.

The Tree Commission postponed decision on the Development Plan review and approval and requested additional information to include the applicant working with the City to create some tree planters along the sidewalk. The applicant did meet with the City Engineer and has submitted a proposal to install one new tree planter in the city right of way along Front Street and create a new planter on the property at the northwest corner close to the Duval Street sidewalk area.

The City Engineer reviewed the submitted plan and made comments (see e-mail exchanges below). Of concern is the area is a high commercial use area with a high frequency of conch train trips in and out of the property, the high volume of pedestrians in the area, and the high traffic use of the area by vehicles and bikes. There is a potential for line of sight issues even with palm trees due to the volume of uses in the area so he did not recommend the creation of any new planters except possibly two new planters by Ron Jon.

The applicant is requesting approval of the Conceptual Landscape plan. There is no tree removal involved. They have also requested waivers to the required landscaping (Sec 108) but those waivers are reviewed and approved by the Planning Board.

Attached are some older photos of the area and the property.

SITE DATA

SITE AREA: 18,750 S.F. (0.430 ACRES)

LAND USE: HCCR-1

FLOOD ZONE: 'AE 9' ZONE

FAR: ALLOWED = 1.0 MAX.

DENSITY = 22 UNITS/ACRE

HEIGHT: ALLOWED = 35' MAX.

SETBACKS:

FRONT SETBACK:
REQUIRED = 0'-0"
EXISTING = 14'-8"
PROPOSED = 14'-8"

SIDE SETBACK (NORTH) :
REQUIRED = 2'-6"
EXISTING = 1'-10 1/2"
PROPOSED = 1'-10 1/2"

STREET SIDE SETBACK (SOUTH) :
REQUIRED = 0'-0"
EXISTING = 20'-6"
PROPOSED = 20'-6"

REAR SETBACK:
REQUIRED = 10'-0"
EXISTING = 19'-9 1/2"
PROPOSED = 19'-9 1/2"
(5' FOR ACCESSORY STRUCTURE)

BUILDING COVERAGE AREA:

ALLOWED: 9,375 S.F. (50% MAX.)
EXISTING : 9,146 S.F. (48.77 %)
PROPOSED: 9,146 S.F. (48.77 %)

IMPERVIOUS AREA:

ALLOWED: 13,125 S.F. (70% MAX.)
EXISTING : 18,674 S.F. (99.6 %)
PROPOSED: 18,642 S.F. (99.4 %)

LANDSCAPE AREA:

REQUIRED: 5,625 S.F. (30% MIN.)
EXISTING: 76 S.F. (0.4 %)
PROPOSED: 108 S.F. (0.6 %)

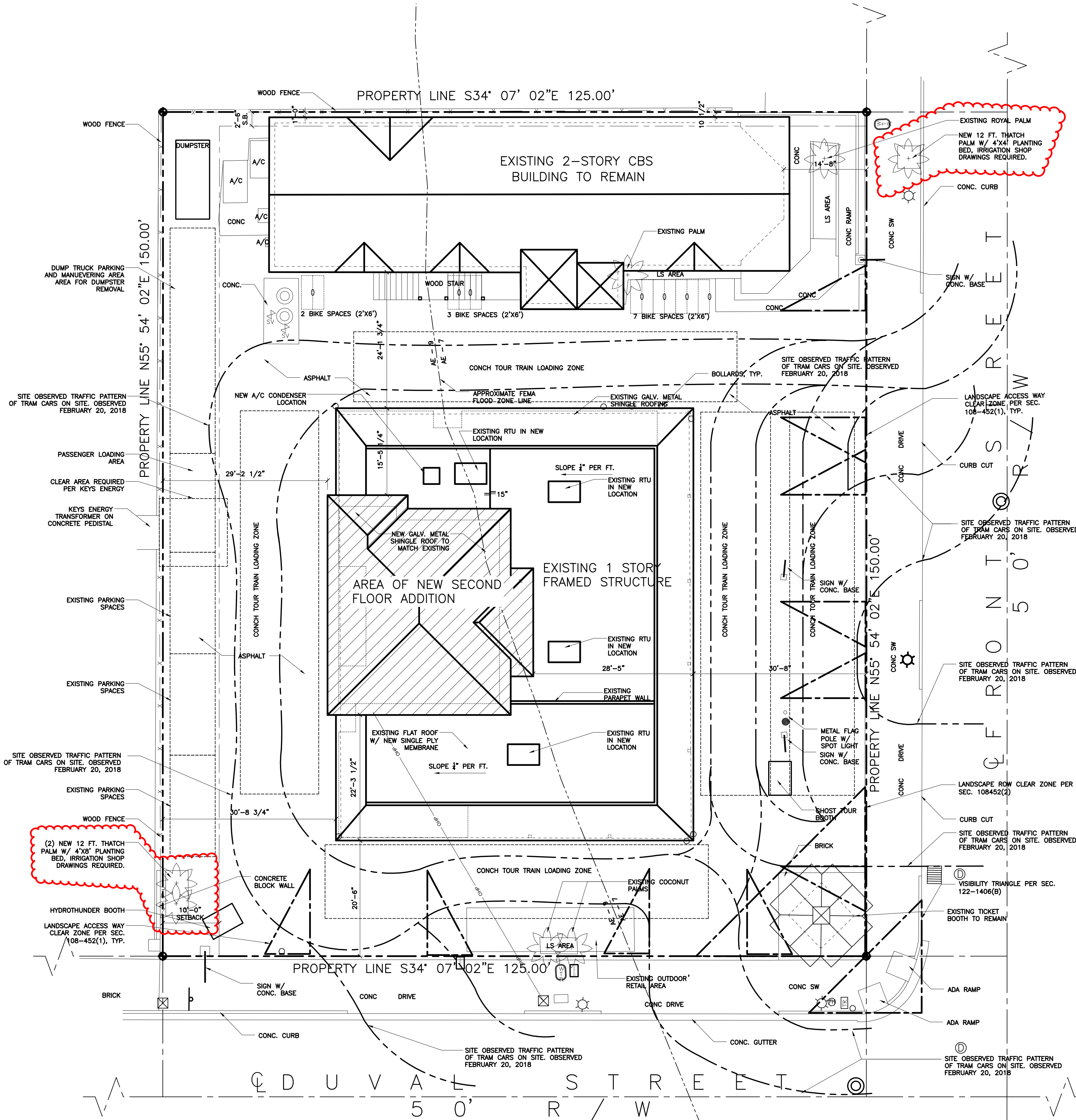
OPEN SPACE AREA:

REQUIRED: 5,625 S.F. (30% MIN.)
EXISTING: 76 S.F. (0.4 %)
PROPOSED: 108 S.F. (0.6 %)

PARKING REQUIREMENTS :

EXISTING PARKING SPACES = 3.0 SPACES
ADDITIONAL PARKING SPACES REQUIRED = 3.0 SPACES
(1 SPACE PER 300 SF GROSS ADDITIONAL FLOOR AREA)
ADDITIONAL PARKING SPACES PROVIDED = 0.0 SPACES
(SEE BELOW)

EXISTING ON SITE BIKE/SCOOTER SPACES = 0
PROPOSED ON SITE BIKE/SCOOTER SPACES = 12
(PER SEC. 108-574 - SUB. OF BICYCLE PARKING SPACES)
(4 BICYCLE SPACES PER PARKING SPACE REQUIRED)



PROPOSED ROOF PLAN

SITE PLAN BASED ON INFORMATION OBTAINED FROM
SURVEY PREPARED BY FLORIDA KEYS LAND SURVEYING
SURVEYOR DATED ON 10/18/2018

SCALE: 3/32"=1'-0"

DRAWING LIST

A-1.0 SITE PLAN
A-2.0 FIRST FLOOR PLAN
A-2.1 SECOND FLOOR PLAN
A-3.0 ELEVATIONS
A-3.1 ELEVATIONS
A-4.0 STREETSCAPE ELEVATIONS

LS-2.0 LIFE SAFETY PLAN FIRST FLOOR
LS-2.1 LIFE SAFETY PLAN SECOND FLOOR

Ex-1 EXISTING SITE PLAN
Ex-2 EXISTING FIRST FLOOR PLAN
Ex-3 EXISTING ELEVATIONS
Ex-3.1 EXISTING ELEVATIONS

SU-SURVEY

WILLIAM P. HORN
ARCHITECT, P.A.

915 EATON ST.
KEY WEST,
FLORIDA
33040

TEL (305) 296-8302
FAX (305) 296-1033

LICENSE NO.
AA 0003040

CONCH TOUR TRAIN
RENOVATIONS
501 Front Street
KEY WEST, FLORIDA.

SEAL

DATE
09-24-18 PRELIM HARC
10-26-18 HARC SUBMITTAL
01-24-19 DRC REVIEW
02-28-19 PLANNING SUBMIT

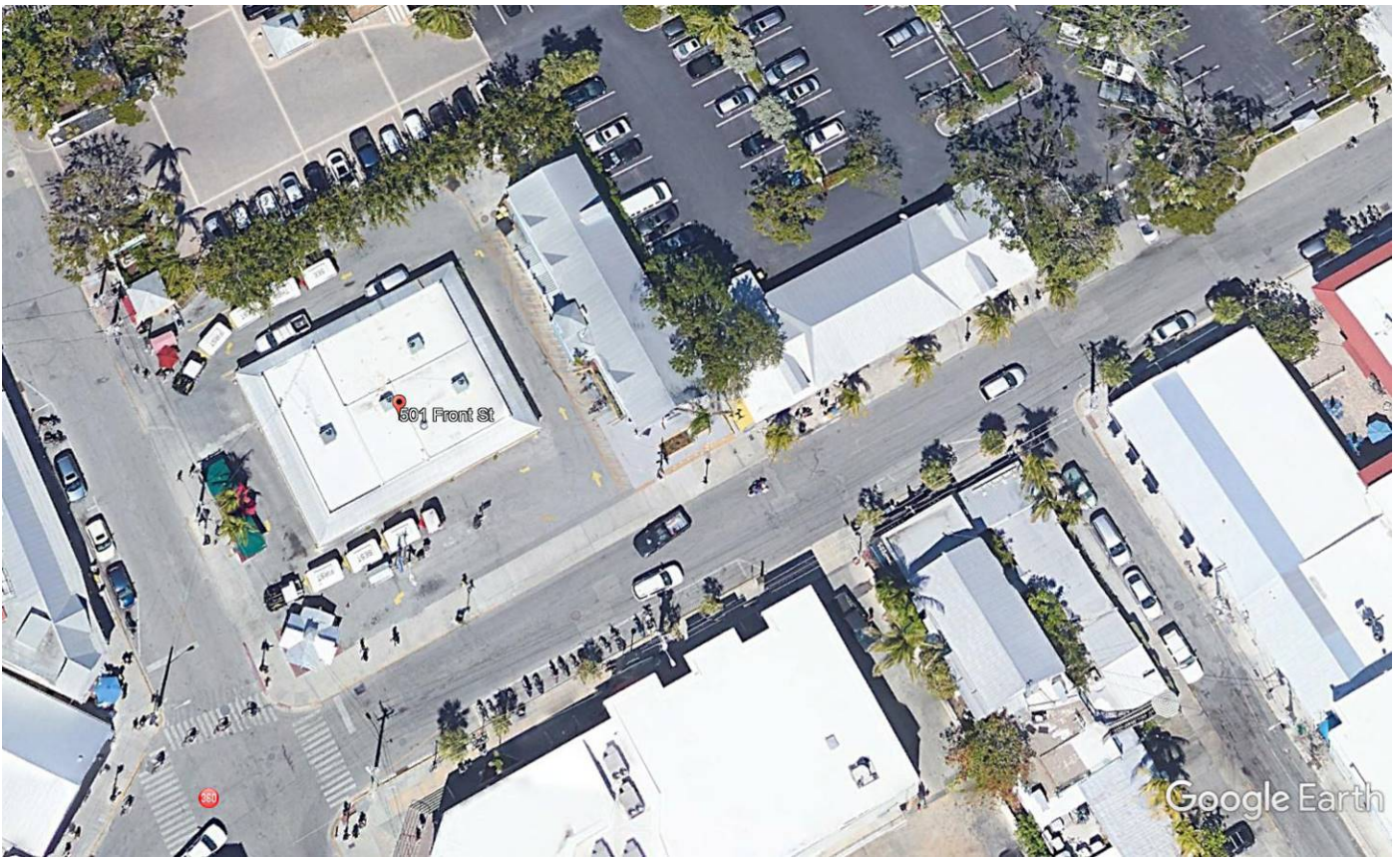
REVISIONS

DRAWN BY
JW

PROJECT
NUMBER
1807

A-1

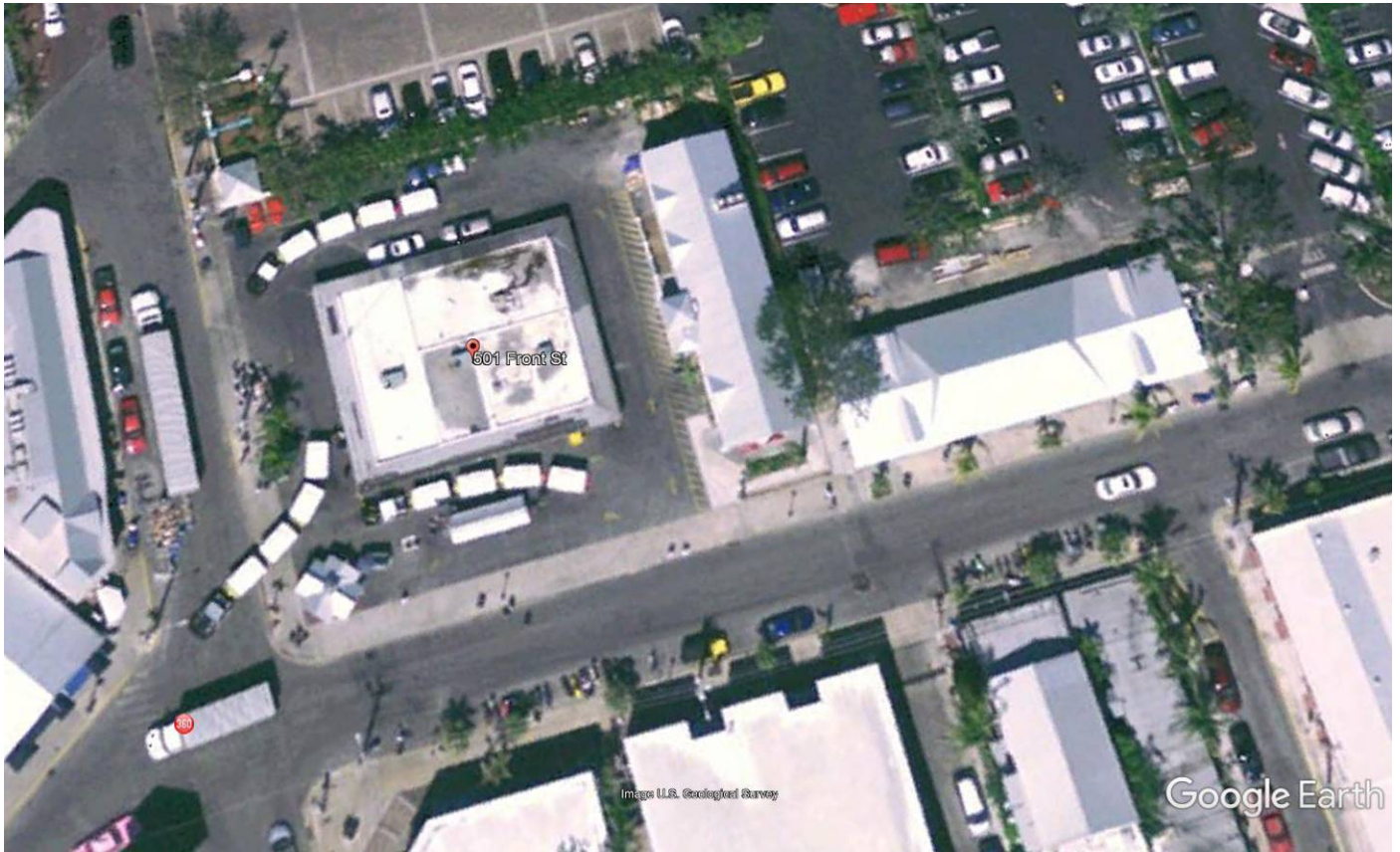
CONCH TOUR TRAIN RENOVATIONS
501 Front Street
KEY WEST, FLORIDA



February 2018



December 2010



February 2006



WOMETCO ENTERPRISES INC.
306 N. MIAMI AVENUE
MIAMI, FL 33101

650

KW

LOT 4

SQR 2

PC-35

G17-309-310-311-312

G17-523-524-525-526 H3-300

150' X 150' DUVAL & FRONT STS

OR 612-803/804

LAND COMPUTATIONS						
QUAN- TYPE-DESC.	SIZE-AREA	UNIT PRICE	D.F.	C.F.	PRICE PER FRONT FOOT	VALUE
	150X150	125	1.08		135	20250
FOR	50X	125		130	35	1350
	22,500SF	200				45000
						23750
TOTAL						21500

SEE CARD #2 FOR LAND VALUE

OR 618-287/288 / OR 593-905-909

10
REAL PROPERTY RECORD CARD
~~1000014~~ 1000108
MONROE COUNTY, FLORIDA

Card #1

VALUATION TOTALS		
1966	LAND	21500
	IMPROVEMENTS	25040
	TOTAL	46540
1971	LAND	20250
	IMPROVEMENTS	25040
	TOTAL	45300
1977	LAND	45000
	IMPROVEMENTS	16725
	TOTAL	61700
1974	LAND	57500
	IMPROVEMENTS	2808
	TOTAL	60308
1976	LAND	57500
	IMPROVEMENTS	32900
	TOTAL	90400
19__	LAND	
	IMPROVEMENTS	
	TOTAL	
19__	LAND	
	IMPROVEMENTS	
	TOTAL	

— NOTES —

3) 36x60 ASPH
40x42
30x36

4) 800 sq CONC
15x42
14x50



March 29, 2019

Mr. Patrick Wright, City Planner
City of Key West
1300 White Street
Key West, FL 33040

**Re: 501 Front Street – ADA Accessibility Project
Request for Waiver to Section 108-243.
Landscaping Requirement for Development
Plans**



Dear Mr. Wright:

We are proposing an ADA accessibility project for the Historic Tours train Depot at 501 Front Street. The project was determined to require development plan approval and as such requires compliance with the landscape requirements of Sec. 108-243. Such compliance bears no relationship to the proposed project impacts, is not necessary prior to development plan approval in order to protect the public interest or adjacent properties and is impractical based on the limitations of the use. This site is used intensively by tour vehicles, trains and trolleys. It has thousands of people passing through site every day. It is traffic constrained and highly congested. Adding landscaping to the site will conflict with operations and create unsafe conditions.

Section 108-226ⁱ of the City of Key West Land Development Regulations (LDRs) authorizes the City Planner to waive or modify requirements, information and specific performance criteria for development plan review after rendering a finding that the project demonstrates certain criteria. Carefully and thoughtfully considering the criteria, our project team has determined the need for such a waiver. The waiver request contained herein pertains to Section 108-243, land clearing, excavation and fill, tree protection, landscaping and irrigation.

Approval of a waiver rests upon the applicant reasonably and adequately demonstrating that the landscaping requirement for the development plan:

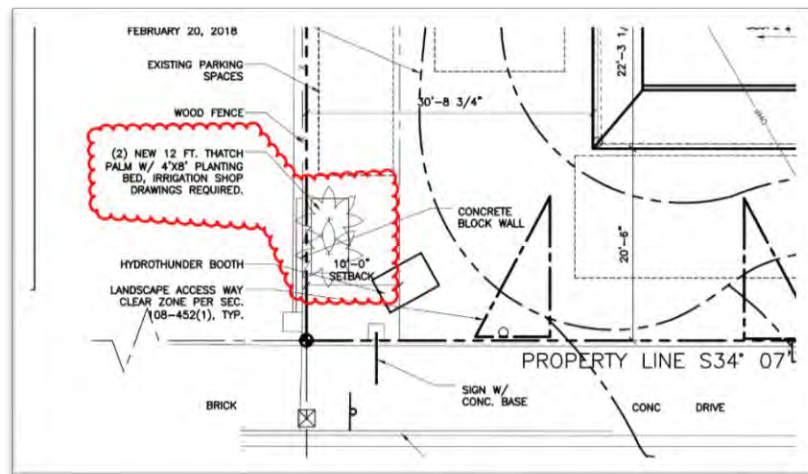
1. Bears no relationship to the proposed project or its impacts;
2. Are not necessary prior to development plan approval in order to protect the public interest or adjacent properties; and

3. Are found to be impractical based on the characteristics of the use, including the proposed scale, density/intensity, and anticipated impacts on the environment, public facilities and adjacent land uses".

Historic Tours is supports increased tree canopy in the City of Key West and plants extensively on their properties; however, after significant consideration, we have determined the installation of code-contemplated landscaping at this particular site is not possible due to conflicts it will create with the existing land use, and the safety issues resulting therefrom, in addition to conflicts it will create with the adjacent land uses. It is for these reasons alone that we respectfully request a waiver of Sec. 108-243 pursuant to Sec. 108-226. Notwithstanding, Historic Tours worked extensively with City Staff, and appreciate the time and effort of Ms. Karen DeMaria and Mr. Kelly Crowe for their assistance through this process. Even with the granting of the waiver, Ms. DeMaria and Mr. Crowe helped us identify two areas that can safely accommodate plantings.

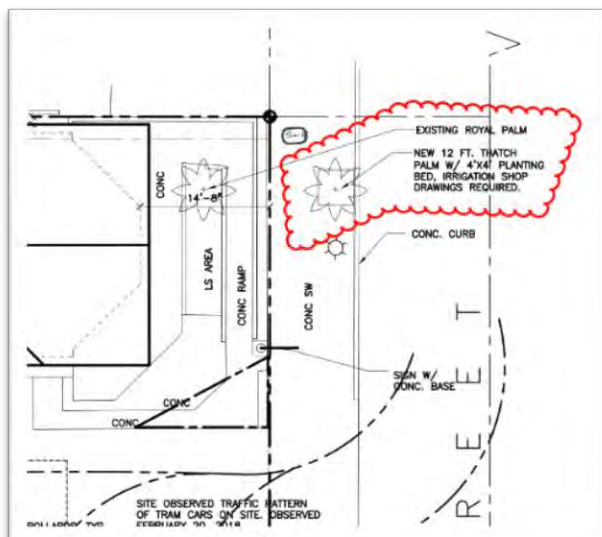
Proposed Planting Area 1:

In the NW Corner of the property, we identified a 4'x4' area that can safely accommodate two mature Florida Thatch Palms as depicted to the right.



Proposed Planting Area 2:

In the SE Corner of the property, we identified a 4'x4' area in the public sidewalk that can safely accommodate one mature Coconut Palm as depicted to the right.



This waiver request is justified based on the following approval criteria:

1. Landscaping on site is not necessary prior to development plan approval in order to protect the public interest or adjacent properties:

Strict interpretation of Section 108-234 will result in impeding the circulation of multiple types of vehicles as they enter, exit and navigate the compact site alongside pedestrians. Furthermore, the introduction of driver sight triangle obstructions and blind spots could complicate the matter further. As Staff is aware, the property is utilized as a drop off and pickup area for Conch Train and Trolley riders. Because both types of passenger vehicles are irregular in length, width and exhibit a large turning radius, it is imperative for drivers to maintain an unencumbered line of sight.

The owner and project team understand the intent of the LDR and agree with it in spirit, however extenuating circumstances exist with the use and configuration of this site, rendering the requirement moot in this case. The public's health, safety and well-being trump the possible positive impacts gained with a strict interpretation of this section of the LDRs. The donation is more practical to protect the public interest and adjacent properties.

2. Landscaping on site bear no relationship to the proposed project or its impacts:

This is an ADA accessibility project. No expansion of building coverage or impervious surface is proposed. Therefore, the modifications bear little relationship to the configuration of the site.

3. Landscaping on site is impractical based on the characteristics of the use, including the proposed scale, density/intensity, and anticipated impacts on the environment, public facilities and adjacent land uses:

Given the site constraints, the high intensity use, the vehicular, bicycle, and pedestrian traffic, adding additional obstructions to the site (in the form of trees and landscaping) is impractical.

Notwithstanding, as mentioned above, with City staff assistance, two areas were identified on site that can safely accommodate additional landscaping. As part of the waiver, we propose to plant these areas as describe above and depicted on the attached plan.

Respectfully,



Owen Trepanier, Principal

ⁱ **Sec. 108-226. - Scope.**

A development plan, for the purposes of this division, shall include but not necessarily be limited to the requirements in this division. With the exception of sections 108-227 through 108-229, the city planner may waive or modify requirements, information and specific performance criteria for development plan review after rendering a finding in writing that such requirements:

- (1) Are not necessary prior to development plan approval in order to protect the public interest or adjacent properties;
- (2) Bear no relationship to the proposed project or its impacts; and
- (3) Are found to be impractical based on the characteristics of the use, including the proposed scale, density/intensity, and anticipated impacts on the environment, public facilities and adjacent land uses.

(Ord. No. 97-10, § 1(4-18.5), 7-3-1997)

Karen DeMaria

From: Owen Trepanier <owen@owentrepanier.com>
Sent: Friday, April 5, 2019 5:39 PM
To: Karen DeMaria
Cc: 'Hope Casas'; Clinton Curry; William Horn; Joseph Scarpelli; Rodney Corriveau; Kelly M. Crowe; Vanessa T. Sellers
Subject: RE: 501-503 Front Street - Tree Commission
Attachments: 501 Front Planting Area Notes.pdf

Hi Karen,

Thanks for the email. I am sorry the plan wasn't clear enough. I appreciate you marking it up and sending it. I marked up your plan in an attempt to explain the situation more clearly. The areas you identified are not plant-able. They are a mix of driveway, loading and unloading, and the extension area of the required clear sight triangles across the public sidewalks. We reviewed these areas extensively. The only area which will not create potential conflicts or block sight triangles are the areas proposed. We certainly wish we had more area to plant, but the unfortunate reality is we do not.

In terms of a monetary donation, we interpreted your strong negative response to mean that such a proposal was inappropriate. I believe your position was that the City doesn't need additional funding, instead the city needs private parties to actually plant in the right of way. Along those same lines, we were directed by the commission to identify adjacent right of way to plant. We took your, and Commission, direction and reprogramed those proposed funds to do what we believe you were asking us to do, i.e. identify and plant the adjacent right of way.

We reviewed the Tree Commission hearing; the direction from both you and the Commission was crystal clear. We took that direction seriously and that resulted in the revised plans as submitted.

Owen

Trepanier & Associates, Inc.

Land Planners & Development Consultants
305-293-8983

From: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Sent: Friday, April 5, 2019 1:13 PM
To: Owen Trepanier <owen@owentrepanier.com>
Subject: RE: 501-503 Front Street - Tree Commission

I've read through your letter and want to get some clarification:

I have attached a color coded map. In green are areas that I previously identified as being potential planting areas. Your letter makes some statements that possibly relate to these areas. Would it be correct to state that your letter and the comments about line of site and planting being impractical are accurately represented by the areas in green? I have also asked Kelly to comment on this map so that there is something in the file from him regarding your meeting and discussions.

Your letter references a donation (page 3-"A donation is more practical to protect public interest and adjacent properties."). Is your client still planning on giving the City a monetary donation or just creating the one new planter at the sidewalk?

Right now I am seeing that your client will create one new planter on the property (plant two Thatch Palms) then create one new planter on City ROW (plant one Thatch Palm).

The sooner I can get clarity, the sooner I can upload the updated information to the Tree Commissioner. I have to have any new information uploaded by noon on Monday.

Sincerely,

Karen

From: Owen Trepanier <owen@owentrepanier.com>

Sent: Friday, March 29, 2019 4:05 PM

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

Cc: Joseph Scarpelli <joe@wphornarchitect.com>; William Horn <william@wphornarchitect.com>; 'Hope Casas' <hcasas@historictours.com>; Clinton Curry <Clinton.Curry@historictours.com>; Vanessa T. Sellers <vsellers@cityofkeywest-fl.gov>; Kelly M. Crowe <kcrowe@cityofkeywest-fl.gov>; Patrick Wright <pwright@cityofkeywest-fl.gov>; Natalie Hill <nhill@cityofkeywest-fl.gov>

Subject: 501-503 Front Street - Tree Commission

Hi Karen,

Please see the attached plan. As I think we discussed, our team met with the City Engineer, as the Tree Commission requested. Kelly reviewed the public right of way adjacent to our sight and helped us identify an area that will not interfere with public access, lines of sight, or vehicular/ bicycle/ pedestrian traffic. It is the area immediately in front of the 503 Front (Ron Jon Surf Shack) where we could extend the existing streetscape planting into the front of our site. (The north side of Front has coconut palms spaces at relatively even intervals all the way towards the Bight.)

Therefore, I am submitting a revised waiver request that utilizes the previously proposed donated funds to effectuate the additional planting in the two areas described. Please see attached.

Thank you very much for your assistance.

Owen

Trepanier & Associates, Inc.

Land Planners & Development Consultants
305-293-8983

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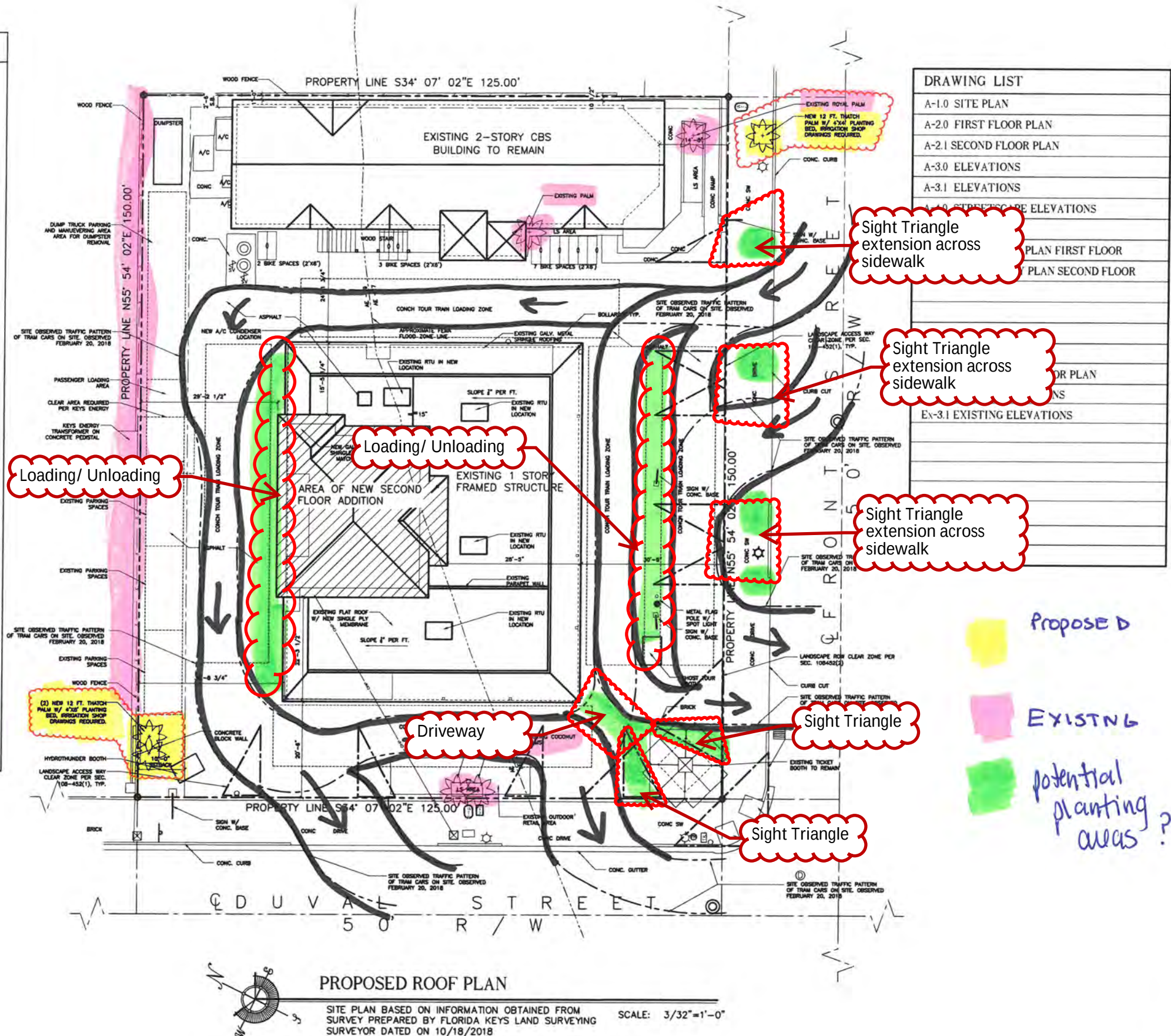
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(PER SEC. 108-574 - SUB. OF BICYCLE PARKING SPACES)
(4 BICYCLE SPACES PER PARKING SPACE REQUIRED)



DRAWING LIST	
A-1.0	SITE PLAN
A-2.0	FIRST FLOOR PLAN
A-2.1	SECOND FLOOR PLAN
A-3.0	ELEVATIONS
A-3.1	ELEVATIONS
A-3.2	STREETSCAPE ELEVATIONS
A-3.3	STREETSCAPE ELEVATIONS
A-3.4	STREETSCAPE ELEVATIONS
A-3.5	STREETSCAPE ELEVATIONS
A-3.6	STREETSCAPE ELEVATIONS
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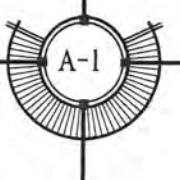
DATE
09-24-18 PRELIM HARC
10-26-18 HARC SUBMITTAL
01-24-19 DRC REVIEW
02-28-19 PLANNING SUBMIT

REVISIONS

DRAWN BY
JW

PROJECT
NUMBER
1507

CONCH TOUR TRAIN RENOVATIONS
501 Front Street
KEY WEST, FLORIDA



Karen DeMaria

From: Kelly M. Crowe
Sent: Monday, April 8, 2019 7:04 AM
To: Karen DeMaria
Subject: RE: 501-503 Front Street - Tree Commission
Attachments: kc-501 Front Planting Area Notes.pdf

Hi Karen,

After reviewing the site for opportunities to plant trees, it appears that the operations on-site limit the ability to add trees along the frontage at Front Street. Two primary concerns were maneuverability of vehicles accessing the property and sight visibility exiting the site. During my meeting with Owen and his team, we identified an alternate approach for tree locations, two of which were shown on his plan. The easternmost "potential" tree planting site (in front of Ron Jon) was part of this approach. It looks like it may not have been implemented on this plan due to the conflict with the sight triangle; however, the access is an *ingress*, not an egress. I believe this location would be acceptable for adding a tree.

I have attached a markup for reference. I have a doctor's appointment at 8:30, but should be back by 9:30. Please let me know if you would like to discuss.

Thanks,

Kelly

From: Karen DeMaria
Sent: Friday, April 05, 2019 1:03 PM
To: Kelly M. Crowe <kcrowe@cityofkeywest-fl.gov>
Subject: FW: 501-503 Front Street - Tree Commission

Kelly:

Attached is a copy of the letter and plan that Owen Trepanier submitted regarding 501 Front St. Do you agree with what this says?

Also, I've attached a copy of a map showing in green areas I identified prior as being potential planting sites. In your professional opinion, could those areas be planted? Would there be line of site issues?

I need this information ASAP as I have to final this report by noon on Monday, April 8.

Sincerely,

Karen

From: Owen Trepanier <owen@owentrepanier.com>
Sent: Friday, March 29, 2019 4:05 PM
To: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Cc: Joseph Scarpelli <joe@wphornarchitect.com>; William Horn <william@wphornarchitect.com>; 'Hope Casas' <hcasas@historictours.com>; Clinton Curry <Clinton.Curry@historictours.com>; Vanessa T. Sellers <vsellers@cityofkeywest-fl.gov>; Kelly M. Crowe <kcrowe@cityofkeywest-fl.gov>; Patrick Wright

SITE DATA

SITE AREA: 18,750 S.F. (0.430 ACRES)
LAND USE: HCCR-1
FLOOD ZONE: 'AE 9' ZONE
FAR: ALLOWED = 1.0 MAX.
DENSITY = 22 UNITS/ACRE
HEIGHT: ALLOWED = 35' MAX.

SETBACKS:

FRONT SETBACK:

REQUIRED	=	0'-0"
EXISTING	=	14'-8"
PROPOSED	=	14'-8"

SIDE SETBACK (NORTH):

REQUIRED	=	2'-6"
EXISTING	=	1'-10 1/2"
PROPOSED	=	1'-10 1/2"

STREET SIDE SETBACK (SOUTH):

REQUIRED	=	0'-0"
EXISTING	=	20'-6"
PROPOSED	=	20'-6"

REAR SETBACK:

REQUIRED	=	10'-0"
EXISTING	=	19'-9 1/2"
PROPOSED	=	19'-9 1/2"

(5' FOR ACCESSORY STRUCTURE)

BUILDING COVERAGE AREA:

ALLOWED:	9,375 S.F. (50% MAX.)
EXISTING:	9,146 S.F. (48.77 %)
PROPOSED:	9,146 S.F. (48.77 %)

IMPERVIOUS AREA:

ALLOWED:	13,125 S.F. (70% MAX.)
EXISTING:	18,674 S.F. (99.6 %)
PROPOSED:	18,642 S.F. (99.4 %)

LANDSCAPE AREA:

REQUIRED:	5,625 S.F. (30% MIN.)
EXISTING:	76 S.F. (0.4 %)
PROPOSED:	108 S.F. (0.6 %)

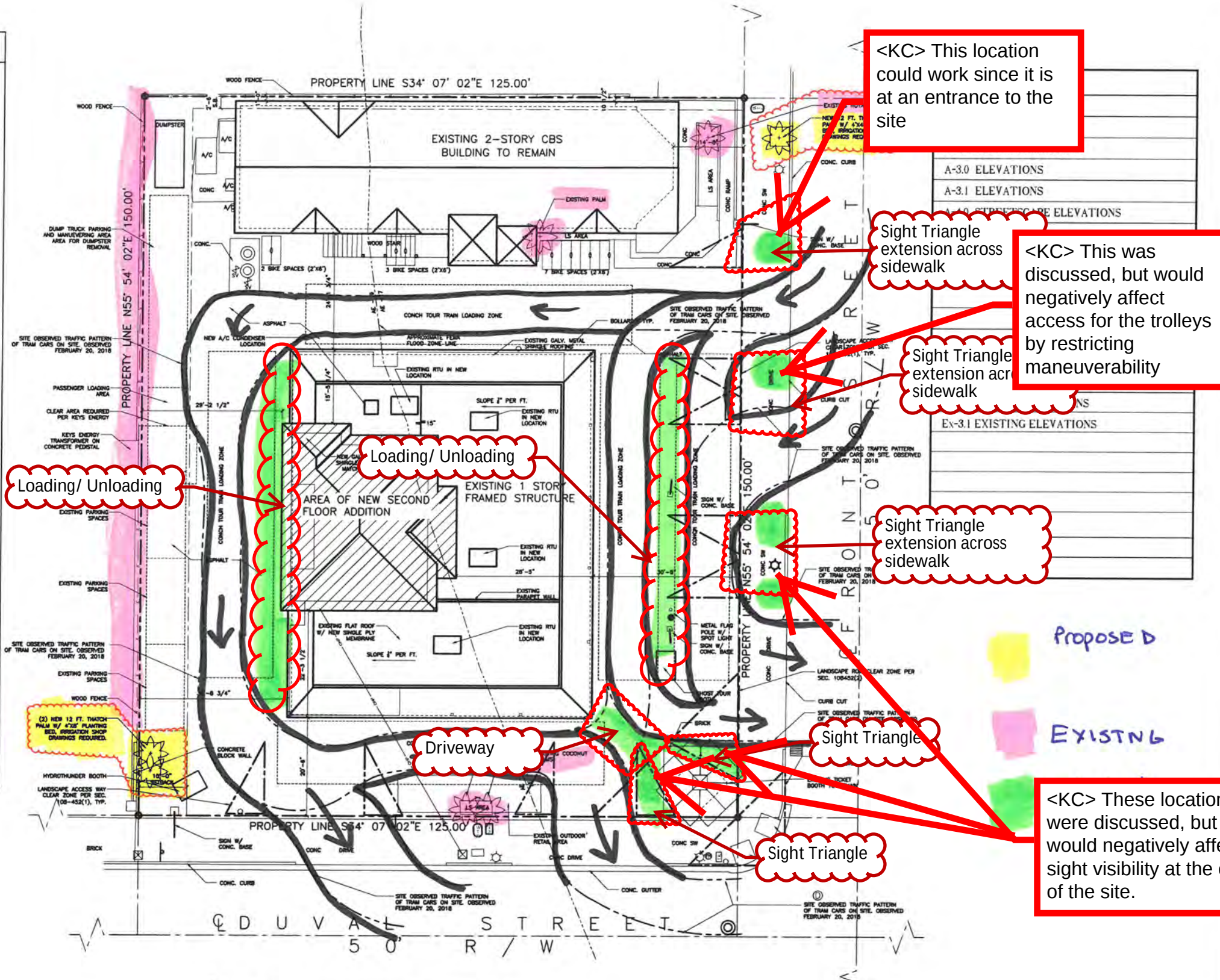
OPEN SPACE AREA:

REQUIRED:	5,625 S.F. (30% MIN.)
EXISTING:	76 S.F. (0.4 %)
PROPOSED:	108 S.F. (0.6 %)

PARKING REQUIREMENTS:

EXISTING PARKING SPACES	=	3.0 SPACES
ADDITIONAL PARKING SPACES REQUIRED	=	3.0 SPACES
(1 SPACE PER 300 SF GROSS ADDITIONAL FLOOR AREA)		
ADDITIONAL PARKING SPACES PROVIDED	=	0.0 SPACES
(SEE BELOW)		

EXISTING ON SITE BIKE/SCOOTER SPACES = 0
PROPOSED ON SITE BIKE/SCOOTER SPACES = 12
(PER SEC. 108-574 - SUB. OF BICYCLE PARKING SPACES)
(4 BICYCLE SPACES PER PARKING SPACE REQUIRED)



<KC> This location could work since it is at an entrance to the site

Sight Triangle extension across sidewalk

<KC> This was discussed, but would negatively affect access for the trolleys by restricting maneuverability

Sight Triangle extension across sidewalk

Sight Triangle

Sight Triangle

<KC> These locations were discussed, but would negatively affect sight visibility at the exit of the site.

WILLIAM P. HORN
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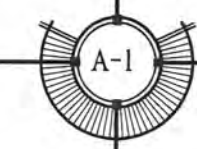
CONCH TOUR TRAIN
RENOVATIONS
501 Front Street
KEY WEST, FLORIDA

SEAL

8 PRELIM HARC
8 HARC SUBMITTAL
9 DRC REVIEW
9 PLANNING SUBMIT

DRAWN BY
JW

PROJECT
NUMBER
1507



CONCH TOUR TRAIN RENOVATIONS
501 Front Street
KEY WEST, FLORIDA