

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



**To:** Chair and Planning Board members

**Through:** Patrick Wright, Planning Director

**From:** Vanessa Sellers, Planner II

**Meeting Date:** August 15, 2019

**Agenda Item:** **Minor Development Plan and Landscape Modification/Waiver – 2308 North Roosevelt Boulevard (RE# 00065710-000000)** – A request for minor development plan and landscape waiver/modification approval to allow for the construction of a single-story commercial structure on a parcel located in the General Commercial (CG) zoning district pursuant to Chapter 108, Article II, Division 3, Section 108-91 B. 1. (b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Request:** Minor development plan and landscape waiver / modification for the construction of a single-story commercial structure.

**Applicant:** Jim Reynolds, PE

**Property Owner:** Rossi Family, LLLP

**Location:** 2308 North Roosevelt Boulevard (RE# 00065710-000000)

**Zoning:** General Commercial (CG)



*Image of the Official Zoning Map*



*Aerial View of the Subject Property*

**Background:**

The subject property is an interior lot located at 2308 North Roosevelt Boulevard within the Commercial General (CG) zoning district. Properties to the immediate east and west are also within the CG district. The rear of the property abuts the Single Family (SF) zoning district. The property is not within the Key West Historic District. The subject parcel is 5,179-square-feet and contains one 1-story CBS and frame structure.

Conditional use approval was granted by the planning board on April 18, 2013 to allow for the sale, rental, and repair of motorcycles and scooters at the subject property.

The commercial structure was heavily damaged on December 28, 2018 when an automobile traveling east on North Roosevelt Boulevard went over the curb and into the parking lot of the subject property. The vehicle collided with a boat parked in the lot, knocking it off its trailer and into the structure. On May 2, 2019, the Chief Building Official for the City of Key West declared the structure unsafe and not habitable.



*Image of the existing, damaged structure, with yellow “caution” tape wrapped around it.*

The applicant seeks to demolish and replace the existing commercial structure. The following development approval would be necessary:

- Minor Development Plan review is required due to the reconstruction of 1,000 to 4,999-square-feet of gross floor area outside of the historic district pursuant to Section 108-91 B. 1. (b).
- A Landscape Waiver/Modification is required because strict application of the standards of Chapter 108 Article VI would be technically impracticable and would effectively deprive the owner of a reasonable use of the land due to its unusual conditions.

**Existing Conditions and Additional Background:**

The property is currently unoccupied. Previous uses included a pawn shop and a retail liquor store.



City Code Section 108-196 (a) states after reviewing 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 Minor Development Plan outside the historic district shall be final unless appealed. The board may approve, approve with conditions, or deny the application.

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.

<b>Project Data Summary</b>				
<b>Dimensional Requirement</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Zoning District	CG			
Flood Zone	AE-8			
Site Size	5,215 SF			
Maximum Floor Area Ratio	0.8	0.40	0.41	No
Maximum Height	30'	<30'	<30'	No
Maximum Building Coverage	40% (2,086 SF)	47% (2,451 SF)	45.98% (2,398 SF)	No (Improves upon the existing nonconformity)
Maximum Impervious Surface	60% (3,129 SF)	97.7% (5,095 SF)	92.7% (4,834 SF)	No (Improves upon the existing nonconformity)
Minimum Open Space	20% (non-residential)	2.3% (119.94 SF)	7.3% (380.7 SF)	No (Improves upon the existing nonconformity)
Minimum Front Setback	25' or 10% of lot depth	35'-10"	29'-9"	No
Minimum Side Setback	15' or 10% of lot width up to a maximum of 20', whichever is greater	0'-1"	2'-6"	No (Improves upon the existing nonconformity)
		0'-6"	3'-0"	
Minimum Rear Setback	25' or 10% of lot depth	2'-9"	9'-6"	No (Improves upon the existing nonconformity)

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
<b>Off-Street Parking</b>				
Scooter, moped, etc.	1 space / 3 scooters, mopeds, etc.	5	5	No (Existing nonconformity)
Retail	1 space per 300 SF of GFA	5	5	No (Existing nonconformity)
Bicycles	25%	0	0	No (Existing nonconformity)

**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 Minor 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 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) and has available capacity to service the proposed development with the existing infrastructure currently in place.

Sec. 94-68 states the Level of Service (LOS) standards for potable water for nonresidential uses shall be 650 gallons/per acre/per day:

$$\begin{aligned} &\text{Based on per capita nonresidential: } 650 \text{ gal/acre/day} \times 0.11972 \text{ acres (5,215-square-feet)} \\ &= 77.818 \text{ gal/day.} \end{aligned}$$

The total potable water demand for the proposed reconstruction is 78 gallons per day.

**2. Wastewater management.**

The applicant states that the current utility service is adequate to support the proposed development. Pursuant to City Code Section 94-67, the level of service standards for sanitary sewer shall be 660 gallons per acre per day.

Based on per acre nonresidential:  $660 \text{ gal/acre/day} \times 0.11972 (5,215\text{-SF}) = 79 \text{ gal/day}$

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

### **3. Water quality.**

The property is served by the City's central sewer system. The property is not adjacent to any bodies of water, therefore, no adverse impacts to water quality are anticipated.

### **4. Stormwater management / drainage.**

The proposed project will improve the open space ratio by 5-percent and decrease the impervious surface ratio by 5-percent. In addition, there are two (2) existing catch basins at the front of the parcel. 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 3 employees. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

Based on per capita nonresidential:  $6.37 \text{ lbs/capita/day} \times 3 \text{ persons} = 19 \text{ lbs/day}$ .

The applicant proposes two (2) 96-gallon hand carts to be stored within the building. The adopted solid waste LOS is anticipated to be adequate to serve the proposed development.

### **6. Roadways.**

The trip generation of the proposed commercial use is not addressed by the Institute of Transportation Engineer Trip Generation User's Guide. However, a significant increase in trip generation is not anticipated with the proposed development.

### **7. Recreation.**

The proposed plans do not show recreation facilities. The proposed development is not expected to impact the recreation level of service.

### **8. Fire Protection.**

A life safety plan was submitted by the applicant and reviewed by the lieutenant fire inspector. The applicant is proposing the following features: two (2) exit lights, two (2) wall-mounted fire extinguishers, three (3) smoke detectors, and two (2) emergency back-up lights. Four (4) exits will be available as means of egress.

## **9. Reclaimed water system.**

The proposed plans do not show a water catchment system.

## **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 not located in the historic district and the proposed development would not need to obtain Certificates of Appropriateness from the Historic Architectural Review Commission (HARC) for the reconstruction of the commercial building.

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

The proposed site plan is analyzed in greater detail below. Traffic impacts are expected to be minimal with the proposed development when compared with the previous use of the property. The proposed open space, screening, and buffers provided on site will be an improvement from the previous landscaping, although modifications and waivers are requested as part of the development plan review.

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

Potable water and wastewater were found to be in compliance 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 archeological resources are discovered during construction, the Applicant is required to comply with this article.

### **Site location and character of use (City Code Section 108-235).**

- (a) *Compliance.* The submitted Minor Development Plan has been reviewed for compliance with all applicable performance criteria set forth in Chapter 94 (concurrency management), Code Chapter 102 (historic preservation), Chapter 106 (performance standards), Articles I and III through IX of Chapter 108 (planning and development), Chapter 110 (resource protection) and Chapter 114 (signs).
- (b) *Vicinity map.* The subject property is an interior lot bounded by North Roosevelt Boulevard on the north. It is located between Fifth (5<sup>th</sup>) Street and Seventh (7<sup>th</sup>) Street.

- (c) *Land use compatibility.* Uses within 50 feet include single-family residential, multiple-family residential, and commercial. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.
- (d) *Historic and archeological resource protection.* There are no known historic or archeological resources at the property.
- (e) *Subdivision of land.* No subdivision of land is proposed.

**Appearance of site and structures (City Code Section 108-236).**

The Applicant submitted a Minor 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. The property is not located in the historic district and the proposed development would not need to obtain Certificates of Appropriateness from the Historic Architectural Review Commission (HARC) for the reconstruction of the commercial building.

**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 engineer registered in Florida pursuant to City Code Section 108-238.

**Site amenities (City Code Section 108-239).**

Proposed site amenities include new landscaping, a new covered concrete walkway, and delineated parking stalls with wheel stops.

**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).**

None anticipated for the project.

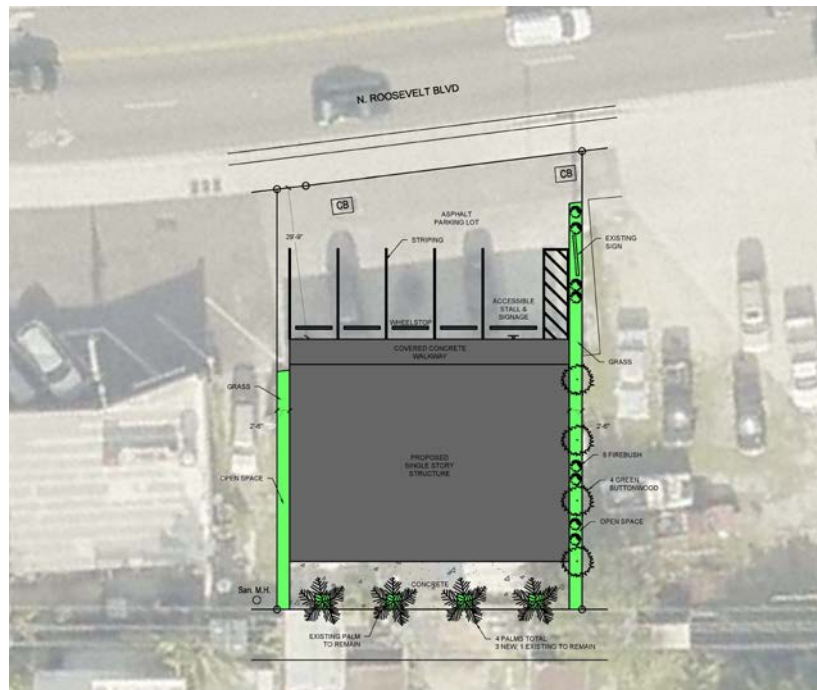
**Environmentally sensitive areas (City Code Section 108-242).**

The parcel is located within the AE-8 flood zone. It is not located within or near a wetland, an upland wildlife habitat, or a coastal high hazard area. It is not located within open water, however, the front boundary of the parcel is less than 100-feet from open water.



**Land clearing, excavation and fill, tree protection, landscaping and irrigation plan (City Code Section 108-243):**

- (a) *Land clearing, excavation, and fill.* No land clearing, excavation, or fill is proposed.
- (b) *Tree protection.* The site includes one (1) existing palm to remain.
- (c) *Landscaping plan.* The City of Key West Urban Forester approved the Conceptual Landscape Design Plan (T2019-0364) to allow the project to proceed through the permitting process with the Planning Board. Once approval is received by the Planning Board, application should be made again to the Tree Commission for Final Landscape approval.
- (d) *Irrigation plan.* A landscape irrigation system is not proposed. The landscape plan proposes native, drought tolerant plantings. According to site plan T-2, roof runoff will be directed to open space areas via downspouts with splash blocks (or equivalent) to prevent erosion.



*Image of the conceptual landscape plan.*

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

Off-site parking is not proposed. The proposed on-site parking for vehicles is shown on the plans.

**Housing (City Code Section 108-245):**

The development project does not include residential development.

**Economic resources (City Code Section 108-246):**

(a) *Estimated average ad valorem tax yield from the proposed project.* The applicant expects it to meet or exceed the level it was in 2018 (\$3,719.46).

(b) *Construction expenditure.* Per the applicant, the anticipated cost to replace the existing building is \$275,000.

(c) *Projected number of employees.* The anticipated number of employees is three (3), to include a manager, a sales agent, and a mechanic.

**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 is not located in the historic district and is within the AE-7 and AE-8 flood zones.

(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 will be provided to accommodate bus ridership.

(f) The plans do not specify any special design features that will be utilized to reduce energy consumption. However, the applicant proposes in the solutions statement new low-flow plumbing fixtures and a 64-gallon recycling hand cart.

(g) The plans indicate that the proposed building will not be elevated.

(h) There are no private or public recreational facilities shown on the plans.

(i) Coordination with applicable agencies was facilitated through the DRC.

(j) No wetlands or submerged land would be impacted.

**Construction management plan and inspection schedule (City Code Section 108-248):**

The construction is proposed to proceed in a single phase. The construction is proposed to progress steadily based on the LDRs and the Florida Building Code. Temporary construction fencing and erosion barrier shall be installed and maintained during all phases of construction. All City streets and sidewalks shall be kept clean and safe during all phases of construction.

**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 sale, rental, and repair of motorcycles and scooters use was approved by the planning board through resolution number 2013-23 on April 18, 2013. The 2013 application for

conditional use proposed motorcycle repair and retail. It did not include scooters or rentals. Pursuant to section 122-418 (19), small recreational power driven equipment rentals are allowed by conditional use *only as an accessory use to a hotel/motel*. Staff is unable to find an explanation for the added rental of scooters to the resolution.

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

The appearance, design, and land use compatibility complement the surrounding properties and upgrades the appearance, cleanliness, and over all well-being of the surrounding properties by providing much needed on-site upgrades.

**Location and screening of mechanical equipment, utility hardware and waste storage areas (City Code Section 108-279 & 280):**

The site plans indicate that mechanical equipment will be located on the roof. Waste storage (two 96-gallon trash and one 64-gallon recycle) receptacles will be stored within the service bay.

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

None proposed.

**Utility lines (City Code Section 108-282):**

None proposed.

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

Commercial activity will occur within the existing commercial structure.

**Exterior lighting (City Code Section 108-284):**

The applicant's solutions statement indicates that existing site lighting will remain.

**Signs (City Code Section 108-285):**

Plan T-1 indicates that the existing sign will remain.

**Pedestrian sidewalks (City Code Section 108-286):**

A concrete covered walkway is proposed to run between the proposed off-street parking stalls and the front of the proposed commercial structure.

**Loading docks (City Code Section 108-287):**

No loading docks are required or proposed.

**Storage areas (City Code Section 108-288):**

No exterior storage areas are proposed

**Land clearing, excavation, or fill (City Code Section 108-289):**

The conceptual landscape plan was reviewed and approved by the Urban Forestry Manager. The applicant will need to seek final landscape approval from the Tree Commission.

**Landscaping (Code Chapter 108, Article VI):**

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. The submitted plan indicates minimal landscape along each of the sides and the rear of the property. The overall landscaped open space would increase. The Urban Forestry Manager approved the Conceptual Landscape Plan to allow the project to proceed through the permitting process. The applicant will need to seek final approval of the landscape plan after the Planning Board. Nonetheless, full compliance with all landscape buffer requirements of the LDRs is not proposed. The Applicant is requesting modifications and waivers, pursuant to City Code Section 108-517, as outlined in the table below:

Landscaping Modification / Waiver Summary				
Landscaping Type	Minimum Required	Existing	Proposed	Change / Waiver
Street frontage (Sec. 108-413)	10 linear feet of required landscaping / 40 plant units	None	See attached conceptual landscape plan.	Waiver requested
Interior areas (Sec. 108-414)	20-percent of total parking area to be landscaped/ planting area minimum of 6' x 60' + 1 shade tree	None	See attached conceptual landscape plan.	Waiver requested
Perimeter (Sec. 108-415)	5.0 feet perimeter landscape strip; 1 canopy tree and 10 shrubs per 35'	None	See attached conceptual landscape plan.	Waiver requested
Landscape screening (Sec. 108-450)	A landscape strip along the entire perimeter of all parking areas except along the portion of the perimeter which is entirely screened visually from adjacent property by buildings on the property being improved.	Partial strip along a portion of one side	See attached conceptual landscape plan.	Waiver requested

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 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 clearly 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
  - b. The unusual conditions involved are not the result of actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.
- (6) *Technical impracticality.* Strict application of the requirement would be technically impractical.

Given the challenges and trade-offs of fully complying with all of 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 previous development provided off-street parking. The plans show four (4) 9.5x18 automobile parking stalls and one (1) 12x18 handicapped parking stall with an adjacent five-foot wide access aisle.

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

The stormwater management or drainage LOS standard is pursuant to City Code Section 94-69. Two (2) existing catch basins will remain. The open space ratio will improve and the impervious surface ratio will decrease. According to site plan T-2, roof runoff will be directed to open space via downspouts with splash blocks (or equivalent) to prevent erosion. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

**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 to be in compliance.

**Art in Public Places (City Code Section 2-487):**

This is neither a new public or private construction project that qualifies as a major development plan and exceeds \$500,000.00 in construction costs nor a public or private

renovation project that qualifies as a major development plan and exceeds \$100,000.00 in construction costs.

The one percent for public art fund set-aside requirement does not apply to this project.

**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 Minor Development Plan be **APPROVED** with the following conditions:

**General conditions:**

1. The proposed development shall be consistent with the plans dated June 29, 2019 by James Reynolds, Professional Engineer.
2. The hours of construction shall be in compliance with City Code and be limited to 8 AM to 7 PM on Monday to Friday, and 9 AM to 5 PM on Saturday.
3. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
4. The Applicant shall obtain final landscape plan approval from the Tree Commission.

**Conditions prior to issuance of a building permit:**

5. The Applicant shall coordinate with Keys Energy Services a full project review.

**Conditions prior to issuance of a certificate of occupancy:**

6. All applicable impact fees shall be paid in full.
7. All conditions of the 2013 Conditional Use approval (Resolution no. 2013-23) shall be met.