

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



To: Chairman and Planning Board Members
Through: Katie P. Halloran, Planning Director
From: Roy Bishop, Planning Consultant
Meeting Date: September 17, 2020
Application: Conditional Use- 1610-1612 Dennis Street 210 (RE#00062960-000000)- a request for a conditional use approval to construct a 2 -family dwelling on property located within the Single Family (SF) zoning district pursuant to sections 122-62 and 122-236 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: To construct a 2 -family dwelling on property located within the Single Family (SF) zoning district
Applicant: Trepanier and Associates
Property Owner: Nicholas O'Bea, LLC
Location: 1610-1612 Dennis Street (RE#00062960-000000)

1610-1612 Dennis Street
(Subject Property)



Background:

The Applicant is seeking a Conditional Use Permit to build a duplex on the site. Duplexes are a conditional use in the Single Family (SF) zoning district, and this conditional use request requires review by the Development Review Committee and approval by the Planning Board.

Currently, there is a legal non-complying duplex on the site with non-complying impervious surface, open space and landscape ratios and required yard setbacks. The Applicant proposes to remove all nonconformities by demolishing the current duplex and building a new duplex in compliance with the Land Development Regulations.

The property at 1610-1612 Dennis Street has been the site of a duplex for over 60 years and the use pre-dates the current Land Development Regulations. A zoning verification letter was supplied to the Applicant in 2019.

Per Section 122-28 of the current Land Development Regulations, allowing the rebuild of pre-existing structures, a duplex could be rebuilt in its existing three-dimensional envelope. The Planning Department established that the property has two (2) non-transient dwelling units and has been licensed for these two (2) units since 1995.

However, due to the change in the three-dimensional envelope of the new structure which exceeds the existing structure, a conditional use permit requirement is triggered. In addition, the proposed development is in the AE-8 flood zone. The adherence to applicable Federal Emergency Management Agency requirements for elevation in flood zones for the proposed duplex will require the following sections: Per Florida Building Code 6th Edition Section R322 generally (Section R322.2.2(1) specifically to elevation) & ASCE 24-14 Section 2.3 Elevation Requirements, and Federal Code 44 CFR 60.3 – Floodplain management criteria for flood-prone. The proposed height of the structure is approximately 35 feet with parking underneath.

Staff Analysis - Evaluation:

The subject parcel is in the Single Family (SF) zoning district, which allows for two family residential dwellings (duplexes) as a conditional use (Sec. 122-236).

The purpose of conditional use review, pursuant to City Code Section 122-61, is to, “. . . ensure 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”. City Code Chapter 122, Article III sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article. Granting or denying a proposed Conditional Use on a case-by-case basis gives the Planning Board the discretion to review the proposed conditional use based on the following criteria:

Characteristics of use described:

(1) Scale and intensity

- a. Floor Area Ratio:
Permitted: NA
Proposed: NA

Floor Area Ratio (FAR) refers to the total floor area of a building(s) on any lot, parcel, or site. Floor areas do not apply to residential developments per Policy 1-1.1.3 of the Comprehensive Plan.

- b. Traffic Generation: Permitting this conditional use will result in no excessive trip generation.

Trip Generation	Multiplier	Peak A.M. Hour Weekday		Peak P.M. Hour Weekday		Peak Hour Saturday		Peak Hour Sunday	
		Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
Residential ITE 220	2 units	2 x 0.75	2 x 0.75	2 x 1.01	2 x 1.01	2 x 0.94	2 x 0.94	2 x 0.86	2 x 0.86

- c. Square feet of enclosed building: 1,350 sq. ft.
- d. Proposed Employment
- e. Proposed number and type of service vehicles: NA
- f. Off-street parking needs: per Sec. 108-572. requires 2 auto spaces per unit for units more than 1 family outside the Historic District. This results in 4 auto spaces. Currently there are 4 auto spaces. The proposal includes 4 auto spaces.

(2) On-or off-site improvement needs generated by the proposed conditional use

- a. Utilities - Concurrency Facilities and Other Utilities or Services:

The Applicant has supplied information and the Planning Staff agrees that a level of services ("LOS") analysis concludes that no change in utility use will result from this conditional use.

No change in potable water demand will result from this conditional use.

No change in wastewater flow will result from this conditional use.

No change in Recyclable waste LOS will result from this conditional use.

No change in Solid waste LOS will result from this conditional use.

No change in Stormwater LOS will result from this conditional use.

No change to Recreation LOS will result from this conditional use.

No new construction is proposed that will affect water pressure and flow for fire protection.

No adverse impacts to the quality of receiving waters are anticipated.

- b. Public facilities — No change in Public facilities LOS will result from this conditional use.
- c. Roadway or signalization improvements — NA; No roadway or signalization improvements are required or proposed.
- d. Accessory structures or facilities — NA; No accessory structures or facilities are required or proposed.
- e. Other unique facilities/structures proposed as part of site improvements —NA

No other unique facilities/structures proposed as part of site improvements are required or proposed.

- f. On-site amenities proposed to enhance site and planned improvements, including mitigative techniques such as:
 - a. Open space — Open space will become complying, increasing from 7.7% to 58.8%. This is accomplished because the existing noncomplying impervious surface will be brought into compliance.
 - b. Setbacks — Setbacks will be brought into compliance. Existing noncomplying rear and both side setbacks exist.
 - c. Screening and buffers - No exterior changes to the site are proposed other than the reduction of impervious surface, and thus increasing open space.
 - d. Landscaped berms proposed to mitigate against impacts to adjacent sites. Berms are not proposed. However, the Applicant has submitted plans for mitigative techniques which have been reviewed by the Tree Commission staff, Engineering and the Fire Department to provide site improvements.
 - e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts - This project proposes no use which would induce smoke, odor, noise or other noxious impacts.

Criteria for conditional use review and approval:

(1) Land Use Compatibility: the project site is in the Single-Family Residential District (SF). The intent of the SF zoning district is to implement comprehensive plan policies for areas designated "SF" on the comprehensive plan future land use map. The SF district is designed to accommodate single-family permanent residential development and may also include one accessory attached or detached unit per principal dwelling unit. Two family residential dwellings (duplexes) are a conditional use in this area of the single-family residential district. Duplexes are not permitted in two areas within the Single-Family Residential District. These include the area in the Venetian Subdivision located south of the Riviera Canal and the area bounded on the north by Flagler Drive, on the south by Casa Marina Court, on the east by White Street and on the west by Reynolds Street.



According to the Monroe County Property Appraiser, within the vicinity of 1610-1612 Dennis Street, the surrounding property is a mix of single-family residences and multi-family dwellings with less than 10 units.



Areas in Red indicate Multi Family Units (less than 10 units) and Areas in Yellow indicate Single Family Units as of March 2020, prior to completion of the new Marty's Place in the 1500 block of Bertha.

(2) Sufficient site size, adequate site specifications, and infrastructures to accommodate the proposed use

- a. The site has sufficient size, adequate specifications, and infrastructure to accommodate the proposed use. Site data table is included. The proposed plan will continue the site use for duplex housing, the only change would be as a duplex permitted through a conditional use approval versus a duplex permitted as a legal nonconforming use. The Application package contains the proposed site plan with elevations and indicates the proposed parking. It has been reviewed by the Development Review Committee and the Applicant has successfully addressed comments by the Planner, Urban Forester and Fire Department. These comments are part of the Package attached to this proposal. The applicant must resolve remaining height details with the Planning and Building

Departments, particularly the Floodplain Administrator, to ensure compliance with the SF zoning district and Section 122-1149(d), Flood Protection Building Height Exception and related guidelines.

Table 1: Site Data for 1610-1612 Dennis Street (as revised by most current site plans)

Site Data	Permitted/ Required	Existing	Proposed	Compliance
Zoning				No Change
Historical Zoning, 1985	R-2 (Ord. 78-21)			
FEMA		AE-8	AE-8	No Change
Site Size	6,000 square feet	4,621 square feet	4,621 square feet	No Change
Building Year Built		1958	New	
Density	8 du acre/.9 units	2 du	2 du	No Change
Building Height	25 feet plus an additional five feet for non-habitable purposes if the structure has a pitched roof. *Per Section 122-1149(d) Flood Protection Building Height Exception.	15 feet 1 ½ inches	Approximately 35 feet	Complies*
Building Coverage	35%, 1,611 square feet	37.7%, 1,745 square feet	34.1%, 1,577 square feet	Complies
Impervious Surface	50%, 2,301 square feet	92.8%, 4,290 square feet	40.9%, 1,890 square feet	Complies
Open Space	35%, 1,611 square feet	7.2%, 331 square feet	58.9%, 2,720 square feet	Complies
Landscape	20%, 968 square feet	7.7%, 372 square feet	58.8%, 2,847 square feet	Complies
Front Setback	20 feet	19 feet 9 inches	20 feet 6 ½ inches	Complies
Rear Setback	25 feet	22 feet 6 inches	25 feet 7 inches	Complies
South Side Setback	5 feet	2 feet 3 ½ inches	6 feet 6 ½ inches	Complies
North Side Setback	5 feet	4 1/2 inches	6 feet 5 ½ inches	Complies
Auto Parking	2	4	4	Complies

Applicant's original submitted package has slight differences. *Applicant must resolve height discrepancy with Building and Planning Department.

(3) Proper use of mitigative techniques

- a. No adverse impacts to adjacent land uses are anticipated. The community character is a mix of single-family and multifamily homes.

Hazardous Waste. - The proposed use will not produce any hazardous waste or use hazardous materials in its operation.

Compliance with applicable laws and ordinances

Compliance with applicable laws and ordinances. - All applicable permits required from agencies other than the City of Key West will be obtained.

Additional criteria applicable to specific land uses

- a. Land uses within a conservation area. — The proposed use is not located in a conservation area.
- b. Residential development. —
The proposed use is a residential development in compliance with Subdivision III (Single-Family Residential District) of Division 3 of Article IV of Chapter 122 and Divisions II (Uses) and III (Area Requirements) of Article V of Chapter 122. The proposed land use is compatible with Articles III (Site Plan), IV (Traffic Impacts), and V (Open Space, Screening and Buffers) of Chapter 108 and Sec. 108-956 (Potable water and wastewater). Compatibility with Chapter 102 (Historic Preservation) and Article II (Archaeological Resources) of Chapter 110 is not applicable as the site does not contain historic resources.
- c. Commercial or mixed-use development. — The proposed use is not a commercial or mixed-use development.
- d. Development within or adjacent to historic district. — The proposed use is not in or adjacent to a historic district.
- e. Public facilities or institutional development. — The proposed use is not a public facility or institutional development.
- f. Commercial structures use and related activities within tidal waters. — The proposed use is not located within tidal waters nor includes any activities within tidal waters.
- g. Adult entertainment establishments. — The proposed use is not an adult entertainment establishment.

Recommendation:

Based on a review of the application according to the stringent evaluation criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for a conditional use be **APPROVED**.

The parcel shall comply with all applicable rules and regulations outlined in the City's Land Development Regulations including; drainage, paving, and landscaping.

1. The proposed construction shall be consistent with the plans signed, sealed, and dated February 6, 2020 by T.S. Neal Architect, Inc, except that the height discrepancy regarding Section 122-1149(d) Flood Protection Building Height Exception and related guidelines must be resolved prior to issuance of building permits. No approval granted for any other work or improvements shown on the plans other than the construction of duplex.
2. Per Utilities: The applicant shall provide a stormwater management plan that retains one inch of stormwater runoff on the parcel, equivalent to 385 cubic feet of retention volume, will be required for this development (Sec. 108-777). The design and location of the retention areas shall avoid any existing tree roots.
3. Per the Urban Forester: The applicant shall comply with the Lot Mitigation Plan dated 8/7/20 which is part of the Planning Board Package. The swale shall not be created within ten (10) feet of the base of any existing canopy trees, e.g., especially the two (2) canopy trees located to the rear corners of the lot. No demo or construction work will commence until the Buttonwood tree has been properly trimmed, as per urban forester.
4. Per the Fire Department: The applicant is required to create a 5-foot access between the proposed trees on the Lot Mitigation Plan and the proposed staircase of the duplex and 7.7 feet of access between the proposed trees and the proposed overhangs of the duplex.
5. Keys Energy requires the current rear service to be removed. The new service shall be located to the front of the property.