

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, AICP-C, Planner II

Meeting Date: September 16th, 2021

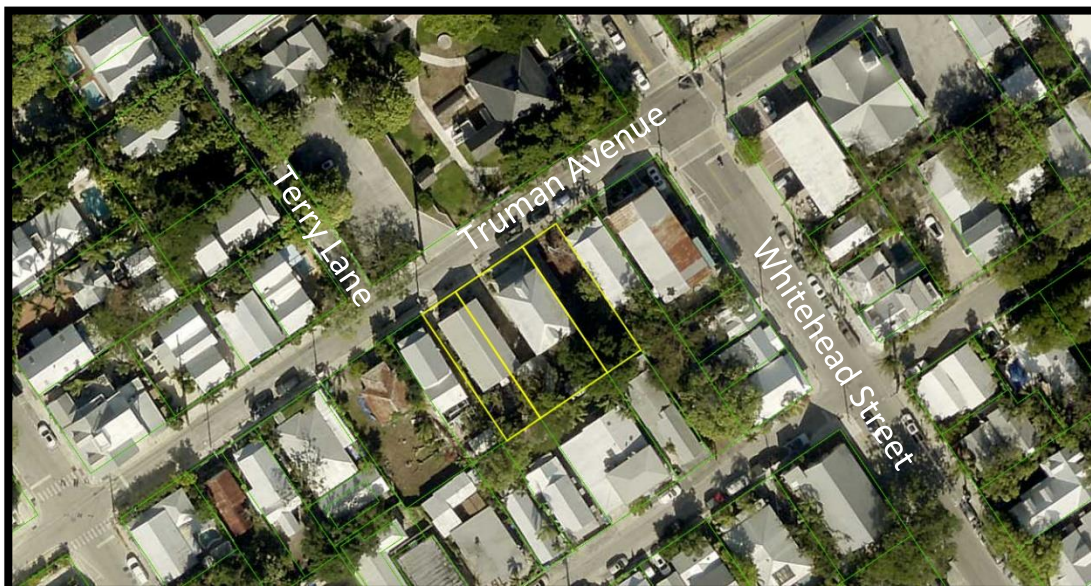
Application: **Variance** - 322-324 ½ Truman Avenue (RE# 00025530-000000, 00025520-000000, and 00025500-000000) - A request for a variance to the minimum rear setback, maximum impervious surface, maximum lot coverage, minimum open space, and off-street parking requirements for a major development plan to redevelop eighteen (18) residential units consisting of fourteen (14) affordable units and four (4) market rate units in the Historic Medium Density Residential (HMDR) zoning district pursuant to Sections 90-395, 108-346, 122-600 (4), and 122-600 (6) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is requesting a variance to 18 off-street parking spaces, building coverage, impervious surface, and open space in order to redevelop eighteen (18) units.

Applicant: Smith Hawks

Property Owner: TD Group Truman Ave. LLC

Location: 322-324 ½ Truman Ave. (RE# 00025530-000000, 00025520-000000, and 00025500-000000)



Background:

The subject parcel is located at 322-324 ½ Truman Avenue, near the corner of Truman Avenue and Whitehead Street and currently consists of two housing structures. According to the Historical Architectural Review Commission, the housing structure addressed as 324 Truman Avenue was constructed in 1920 and is a historic contributing structure to the Key West Historic District. The other housing structure on the lot was constructed in the 1950's and is considered historic, but not contributing. The parcel is zoned HMMDR and is surrounded by HMMDR zoned properties in all directions. The property is approved for eighteen (18) residential units, sixteen (16) residential units were addressed for 322 Truman and an additional two (2) units were addressed for 324 Truman, totaling eighteen (18) units.

The property owner in 2017 applied for a Lawful Unit Determination, LUD, at the property addressed as 322 Truman Avenue. The City established that there were sixteen units in total at the property, two (2) market rate and fourteen (14) affordable lock-out units on the property. The applicant has applied to redevelop these sixteen (16) units as well as two (2) units from 324 Truman.

The applicant has proposed six (6) housing structures in total for the eighteen (18) units. The non-contributing structure addressed as 322 Truman is proposed to be demolished and two (2) new housing structures, per HARC approval, will be constructed on the lot and house eight (8) units in total. The applicant has proposed to restore the historic structure at 324 Truman with interior renovations which would house four (4) units. The applicant has stated they will not alter the exterior portion of the historic structure. Additionally, the applicant has proposed to add a new rear housing structure behind the historic structure which would house two (2) units. The applicant has proposed an additional two (2) new housing structures, per HARC approval, on the lot addressed as 324 ½ Truman; the new structures are proposed to house two (2) units each.

The applicant stated in their application that fourteen (14) of the proposed units to be redeveloped will be deemed workforce affordable units per Division 10 of Chapter 128 of the City's Land Development Regulations (LDRs). To meet affordable workforce housing guidelines, "the maximum total rental and/or sales price for all affordable work force housing units in a single development shall be based on each unit being affordable housing (moderate income). The rental and/or sales price may be mixed among affordable housing (low income), (median income), (middle income) and (moderate income) in order that the total value of rental and/or sales does not exceed ten percent of the rental and/or sales of all the units at affordable housing (moderate income)." A deed restriction shall be recorded in the county records for a period of at least 50 years.

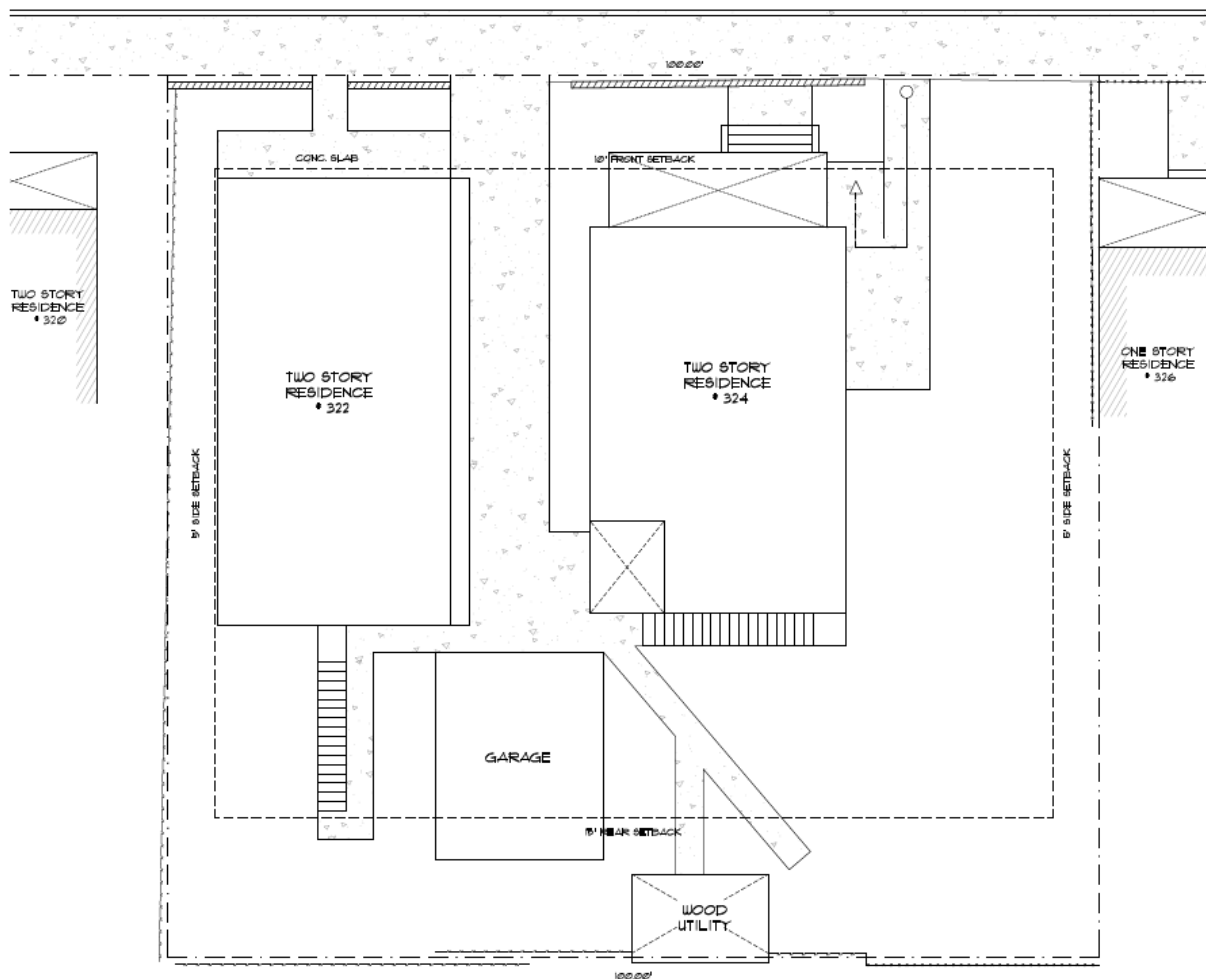
Proposed Development:

The site table below details the current and proposed site data for the property. Three variances are proposed for this development.

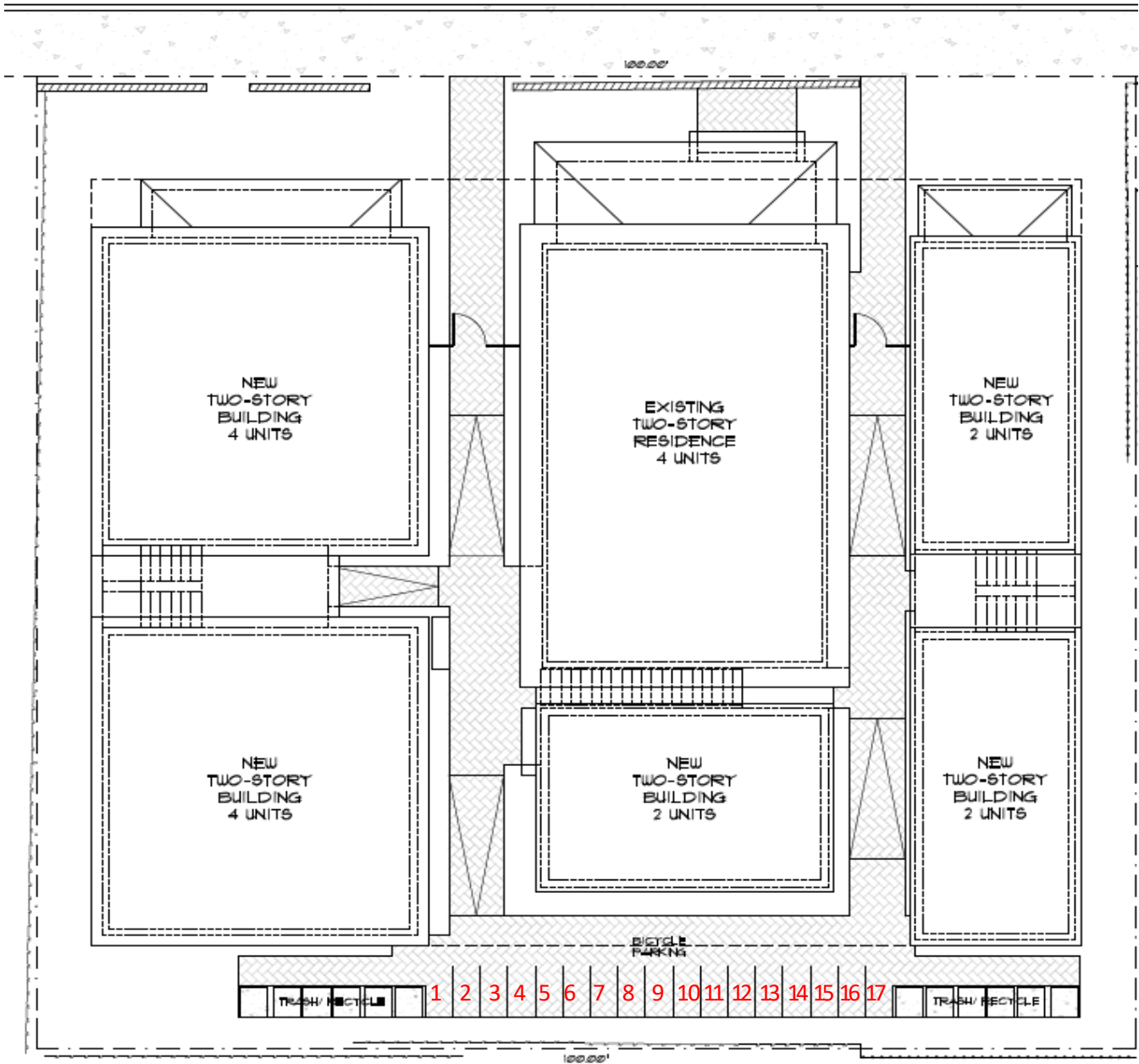
Site Data Table				
	Code Required	Existing	Proposed	Variance Request
Zoning	HMDR			
Flood Zone	X			
Size of Site	9,470 sqft			
Height	30	n/a	n/a	n/a
Front Setback	10'	n/a	n/a	No change
Side Setback	5'	n/a	n/a	No change
Rear Setback	15'	0	10'	5'
Building Coverage	40% -- 3,788 sqft	36.5% -- 3,452 sqft	57.7% -- 5,463 sqft	17.7% -- 1,675 sqft
Impervious Surface	60% -- 5,682 sqft	51.1% -- 4,842 sqft	73.1% -- 6,923 sqft	13.1% -- 1,241 sqft
Open Space	35% -- 3,314 sqft	49% -- 4,628 sqft	27% -- 2,547 sqft	8% -- 767 sqft
Parking	1 per dwelling unit	2 spaces	0 spaces	18 spaces

Existing Site Plans, submitted by applicant,

Truman Avenue



Truman Avenue



Existing Elevations



Proposed Elevations

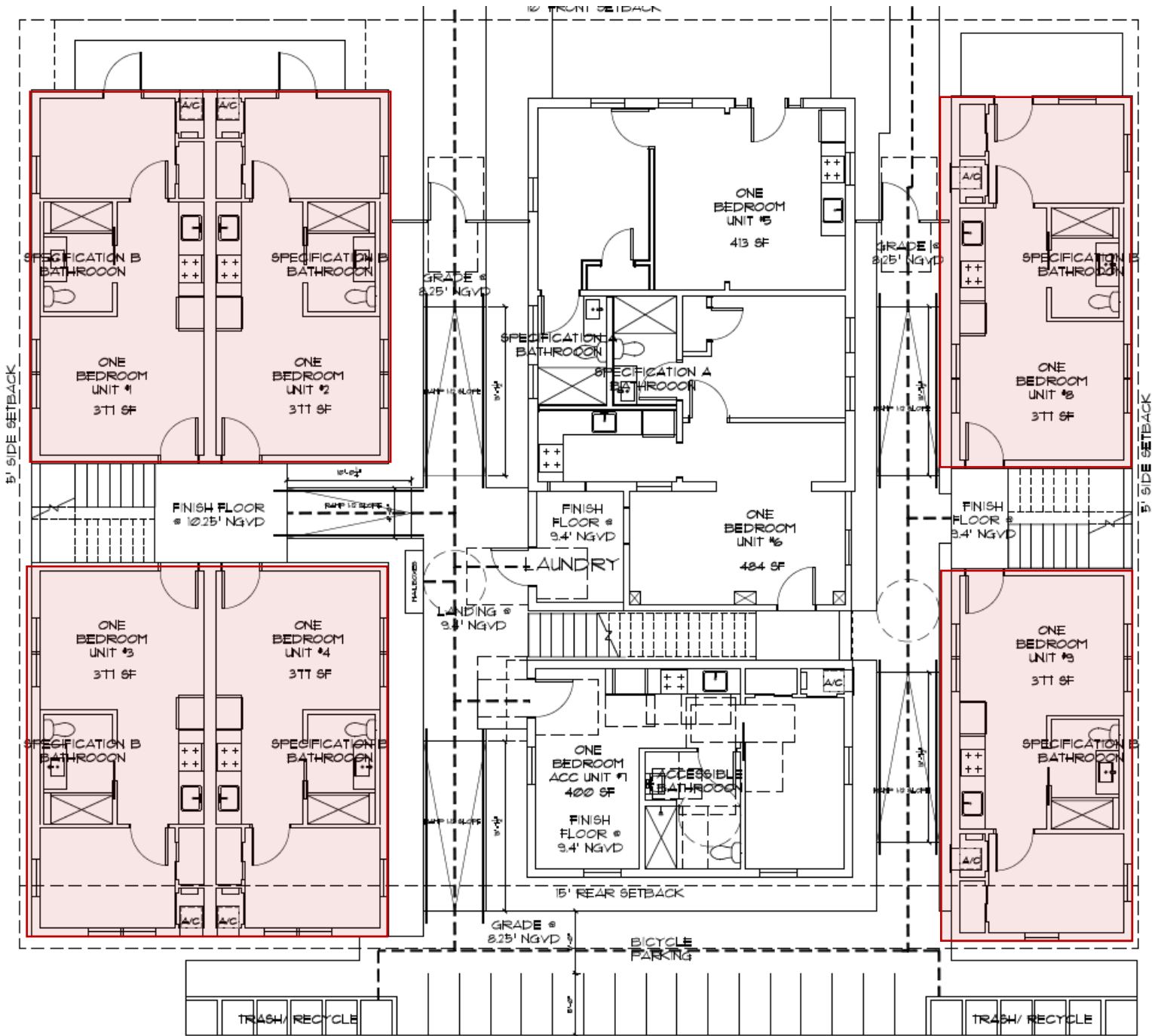


The applicant has proposed to add five new housing structures for a total of six housing structures on the lot. The applicant has proposed to remove the wood utility shed, the garage, and the non-contributing housing structure. Linking the new structures, the applicant has proposed to install staircases between each structure and brick pavers from the front to the rear of the lot. In addition, the applicant has proposed to add seventeen bike parking spaces for bikes, e-bikes, and/or scooters.

The applicant has proposed to construct affordable units somewhat smaller than the code required minimum affordable unit size of 400 square feet. Twelve (12) units are proposed to be built at 377 sqft, the remaining six (6) units are proposed to be above the 400 sqft threshold. The project must be reviewed for an exemption to the minimum unit size.

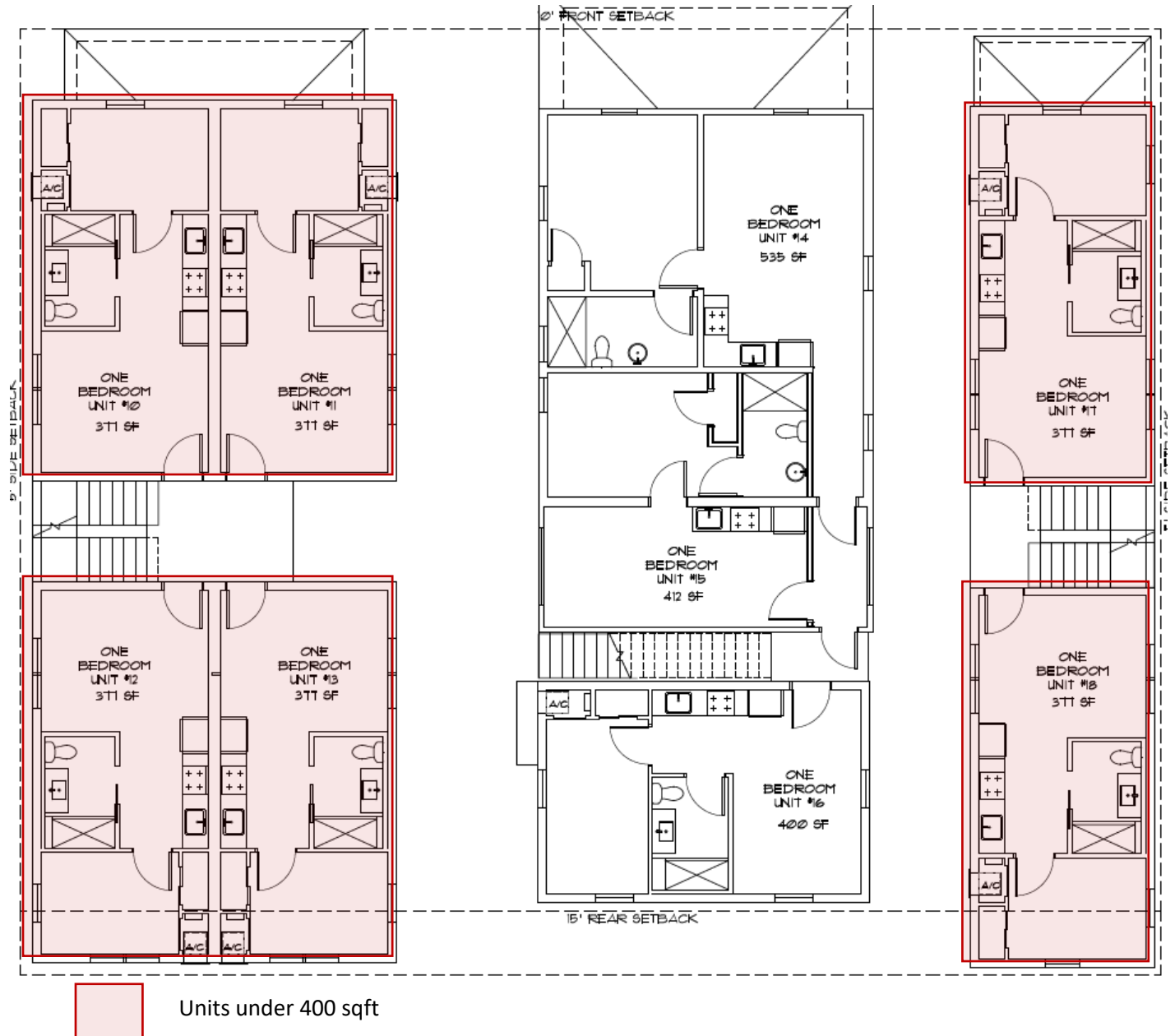
The applicant currently has two off-street parking spaces on the property as well as a garage for an additional parking space. The applicant has applied to remove these off-street parking spaces; the Planning Department has determined that removal of the off-street spaces would cause a detriment to the surrounding property owners and the surrounding on-street parking in the neighborhood. Staff completed a site visit on July 26th at 12:00 in the afternoon and documented that most of the on-street spaces on 300 block of Truman Avenue and both the 900 and 1000 block of Thomas Street were Residential parking spaces, and most were in use.

Proposed First Floor site plans, submitted by applicant



Units under 400 sqft

Proposed Second Floor site plans, submitted by applicant



Process:

Planning Board Meeting:	September 16, 2021
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

Staff Analysis - Evaluation:

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board, before granting a variance, must find all the following:

1. *Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district.*

The parcel located at 322-324 ½ Truman Ave is 2.36 times the size of the code required minimum lot size, the parcel is 9,470 sq.ft. and the minimum size for lots in HMDR is 4,000 sq.ft. The applicant's current proposed project will add five (5) new structures to the parcel and will redevelop the historic structure on the lot.

NOT IN COMPLIANCE

2. *Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.*

The applicant has submitted a unity of title to combine the three formerly separate parcels (322 Truman, 324 Truman, and 324 ½ Truman) creating a parcel that is 2.36 times the minimum size of the code required HMDR parcel. The applicant has requested to construct five (5) new housing structures on the lot which are proposed to put the development over the total allowed impervious surface and building coverage that the HMDR zoning allows. The applicant has also proposed to remove the driveway and garage on the property, therefore reducing the total number of off-street parking spots proposed on the development for the eighteen (18) units from two (2) off-street spaces to zero proposed off-street parking spaces.

NOT IN COMPLIANCE

3. *Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings, or structures in the same zoning district.*

The Land Development Regulations limit building coverage, impervious surface, and open space in order to ensure life safety, general welfare, health standards, and aesthetics. The additional building coverage and impervious surface may make the parcel and surrounding structures more prone to stormwater runoff. The applicant has applied to install an exfiltration trench to address any increase in stormwater runoff. The planning department recommends using pervious pavers instead of the proposed non-pervious brick pavers as a way to further mitigate potential flooding and other possible ramifications.

NOT IN COMPLIANCE

4. *Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.*

The parcel located at 322-324 ½ Truman Ave is larger than most lots in the zoning district. The lot was recently combined through a unity of title in June 2021. The literal interpretation of the land development regulations would not deprive the applicant in the construction of housing structures and dwelling units. It is plausible that the applicant could construct an alternate form of the proposed development with less building coverage and less impervious surface that would

still house all the proposed units, such as what is on the lot currently. The applicant could also construct an alternative form that includes some off-street parking.

IN COMPLIANCE

5. *Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.*

The variance requested is not the minimum required that will make possible the reasonable use of the land, building and/or structure. The combined lots currently house eighteen (18) dwelling units in two structures with two uninhabitable accessory structures. The proposed development consists of six (6) housing structures and non-pervious pavers. It is reasonable that the applicant use pervious pavers to minimize the requested total impervious surface variance. Additionally, the applicant could have also designed the proposed development to maintain the current parking on the parcel.

NOT IN COMPLIANCE

6. *Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.*

The variance will not be in harmony with the general intent of the Land Development Regulations. The variance may spur more severe stormwater flooding for the property and surrounding property owners and would decrease the overall open space on the property. The lack of landscaping and the lack of parking may be a detriment to overall public interest, creating no buffer between property owners on either side of the proposed development and the redevelopment may increase the likelihood of parking issues on this block of Truman Avenue. The on-street parking on the 300 block of Truman Avenue as well as the surrounding blocks of Thomas Street currently have a high level of usage; the redevelopment of these 18 units may add to that level of usage.

NOT IN COMPLIANCE

7. *Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.*

Existing non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for this request.

IN COMPLIANCE

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

It does not appear that the requested variance will trigger any public facility or utility service capacity issues.

The Planning Board shall make factual findings regarding the following:

That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.

The standards established by Section 90-395 of the City Code have not been fully met by the applicant for the variances requested.

That the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

The Planning Department has received submitted public comment in opposition of the variance request from several neighbors. At this time, it is unclear if the applicant has been able to demonstrate a good neighbor policy by contacting or attempting to contact all property owners who have objected.

Recommendation:

The proposed redevelopment of eighteen (18) units, including the construction of five (5) new housing structures on the property at 322-324 ½ Truman Ave will trigger a variance for open space, building coverage, impervious surface, and off-street parking spaces. The property owner has proposed the addition of an exfiltration trench to mitigate some of the increases in building coverage and impervious surface. The Planning Department recommends that the applicant use pervious pavers and that all structures have gutters with downspouts that lead to the exfiltration trench to further mitigate the rise in impervious surface and building coverage.

The applicant has proposed to mitigate the parking variance by including a lease restriction on four-wheeled vehicles for all lessees; the applicant has not stated how they will enforce the lease restrictions. The applicant has proposed to remove the garage and the 50-foot-long driveway from the premise, effectively removing the existing off-street parking spaces from the property and placing an additional burden on the neighborhood on-street parking. The variances to the minimum required open space, maximum building coverage, maximum allowed impervious surface, and off-street parking do not meet the criteria stated in Section 90-395 at this point in time, and as such, the Planning Department recommends **denial**.

If the Planning Board chooses to approve the variance, the Planning Department recommends the following conditions:

General Conditions:

1. All tenant leases shall include a sworn affidavit and language to prohibit use of four-wheeled automobiles, carts, or similar sized vehicles to access residential units at 322 and 324 1/2 Truman Avenue. This language shall establish that there will be no on-street parking associated with residential units at 322/324 Truman Avenue and vehicle usage by tenants to access this property shall be reviewed by the City of Key West Code Department yearly.
2. Utilize pervious pavers instead of non-pervious brick pavers throughout the development.
3. Construct additional onsite bicycle parking spaces to accommodate all potential tenants.

Conditions prior to placement on City Commission agenda:

4. The Major Development Plan must receive a Certificate of Appropriateness from the Historic Architectural Review Commission.

5. The Major Development Plan must receive final landscape plan approval from the Tree Commission.
6. The applicant shall submit documentation regarding cistern requirements and shall provide detail on the stormwater management plan indicating how gutter downspouts will connect to an exfiltration system, for new and existing structures.
7. Applicant must submit breakdown of unit rental structure such that staff may determine compliance with Section 122-1467.

Conditions prior to issuance of a building permit:

8. Applicant receive approval from City Commission for the smaller than code required units under the Workforce Housing provision in the City Code.
9. Applicant comply with stipulations of Division 10 Workforce Housing, Chapter 128, of the City's Land Development Regulations (LDRs), including submittal of deed restrictions recorded with the Clerk of Courts of Monroe County for a period of at least 50 years for 322 Truman, 324 Truman, and 324 ½ Truman Ave.

Conditions prior to Certificate of Occupancy:

10. Additional sprinkler heads be installed in the exterior stairwells, per Fire Marshal's Office.
11. No trees or shrubs planted in front of egress windows, herbaceous groundcover is okay, per Fire Marshal's Office.
12. A yard hydrant be installed in the rear of the property, per Fire Marshal's Office
13. A Fire Department Connection (FDC) is required at the property, per Fire Marshal's Office