

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager
From: Kevin Bond, AICP, LEED Green Associate,
Acting Planning Director
Meeting Date: January 21, 2015

RE: **Major Development Plan & Landscape Modifications / Waivers – 921 Truman Avenue (RE # 00021650-000000; AK # 1022403)** – A request for major development plan approval and landscape modifications / waivers for the reconstruction of a 4,557 square foot restaurant on property located within the Historic Neighborhood Commercial – Truman / Simonton (HNC-1) Zoning District pursuant to Sections 108-91.A.2.(b) and 108-517 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

ACTION STATEMENT:

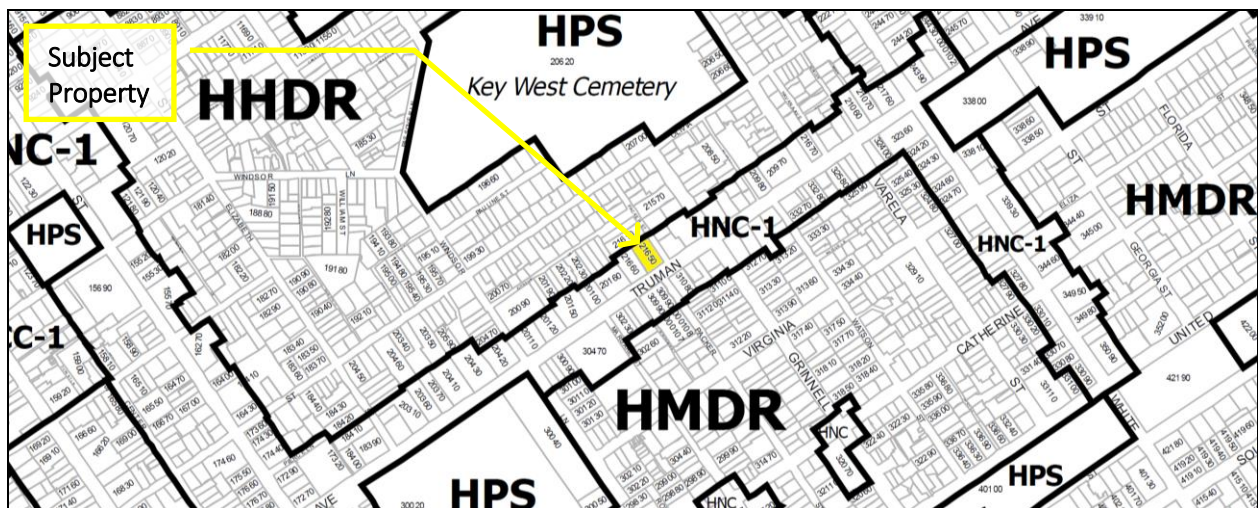
Request: Major development plan approval and landscape modifications / waivers for the demolition of the former Kyushu Japanese restaurant and the construction of a new 4,557 square foot restaurant for Seven Fish.

Applicant: Trepanier & Associates, Inc.

Property Owner: Robert P. and Noreen M. Pollman Revocable Trust of 1999

Location: 921 Truman Avenue (RE # 00021650-000000; AK # 1022403)

Zoning: Historic Neighborhood Commercial – Truman / Simonton (HNC-1)



BACKGROUND:

The subject property, located at the western corner of Truman Avenue and Packer Street within the HNC-1 Zoning District, was previously used as the former Kyushu Japanese restaurant. The property currently consists of one 4,907-square-foot commercial building, which was originally two separate historic buildings that were later joined by an addition in between around 1990. The restaurant was licensed for up to 150 seats. In January 2011, a fire left the prior restaurant a total loss and the building substantially damaged, and has been condemned ever since. The property sold to new owners in February 2014.

The proposed development would demolish the existing building and construct a new 4,765-square-foot restaurant building for Seven Fish, a local restaurant currently located at 632 Olivia Street. The plans call for a two-story building with four off-street parking spaces, including one ADA van-accessible parking space, 13 off-street bicycle parking spaces, new landscaping and a new sidewalk along Packer Street. The restaurant seating would remain a maximum 150 seats within a 2,250-square-foot serving/consumption area. Several existing building encroachments and setback nonconformities would be eliminated and the overall property would be brought further into compliance with the City’s Land Development Regulations.

In order to allow the proposed development, several development approvals would be necessary or are requested by the applicant:

- Major Development Plan review is required due to the reconstruction of greater than 2,500 square feet of nonresidential floor area, pursuant to Section 108-91.A.2.(b) of the Land Development Regulations (LDRs) of the Code of Ordinances (the “Code”) of the City of Key West (the “City”); and
- Modifications or waivers to reduce landscaping requirements pursuant to City Code Section 108-517.

City Actions:

Development Review Committee (DRC):	June 26, 2014
Preliminary Tree Commission:	September 9, 2014 (conceptual approval)
Planning Board:	October 16, 2014 (approved with conditions)
HARC:	October 28, 2014 (approved)
Final Tree Commission:	November 10, 2014 (approved)
City Commission:	January 21, 2015
DEO review	Up to 45 days, following local appeal period

PLANNING STAFF ANALYSIS:

Development Plan Review

City Code Section 108-91.A.2.(b) requires the reconstruction of greater than 2,500 square feet of nonresidential floor area within the historic district to be reviewed as a Major Development Plan. Planning staff and the Planning Board, as required by Chapter 108 of the City LDRs, reviewed the request for compliance with the City's LDRs and Comprehensive Plan as detailed in the attached Planning Board staff report. On October 16, 2014, the Planning Board reviewed the request and staff recommendations, pursuant to City Code Section 108-196(a), and passed Resolution No. 2014-67 advising approval with conditions to the City Commission.

City Code Section 108-198 states that the City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the LDRs and based on the intent of the LDR's and Comprehensive Plan. The City Commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgment, to effectuate the purpose of this article and carry out the spirit and purpose of the comprehensive plan and the LDR's. Any condition shall be made a written record and affixed to the development plan as approved. If the City Commission disapproves a development plan, the reasons shall be stated in writing.

It should be noted that Planning Board Resolution No. 2014-67 requires several conditions to be satisfied prior to the City Commission hearing (see conditions #4-6). Subsequent to the Planning Board approval, all conditions have been satisfied. The resulting set of revised plans is attached.

Landscape Modification / Waiver Review

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. The submitted plan indicates landscaping incorporated mostly around the perimeters of the property. Landscaped open space would be increased above the existing amount. However, full compliance with all landscape buffer requirements of the LDRs is not proposed. The Applicant is requesting modifications or waivers to required landscaping, pursuant to City Code Section 108-517. 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. On October 16, 2014, the Planning Board reviewed the request and staff recommendations, pursuant to City Code Section 108-196(a), and passed Resolution No. 2014-67 advising approval with conditions to the City Commission.

Options / Advantages / Disadvantages:

Option 1. Approve the request with conditions (listed below) as advised by the Planning Board in Resolution No. 2014-55:

Consistency with the City's Strategic Plan, Vision and Mission: Granting the request would be consistent with Economy and Environment goals of the Strategic Plan.

Financial Impact: The City would collect building permit, licensing and impact fees during subsequent phases of development. There would be no cost to the City for granting the request.

Option 2. Deny the request based on findings that the proposed development does not comply with the criteria established by the Comprehensive Plan and the Land Development Regulations.

Consistency with the City's Strategic Plan, Vision and Mission: Denial of the requested easement would not be inconsistent with the Strategic Plan.

Financial Impact: There would be no cost to the City for denying the request.

RECOMMENDATION: Option 1.

Staff and the Planning Board, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends **Option 1** to the City Commission approving the request with conditions as outlined below.

General conditions:

1. The proposed development shall be consistent with the plans dated December 12, 2014 by William P. Horn, Architect; the landscape plans dated December 8, 2014 by Craig Reynolds, Landscape Architect; and the civil plans dated November 14, 2014 by Richard J. Milelli, Professional Engineer.
2. Although subject to a separate City approval, the City shall not bear any of the costs of the proposed sidewalk improvements within City right-of-way.
3. During all phases of demolition and construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

Conditions prior to issuance of a building permit:

4. Approval of a Public Art Plan shall be obtained from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.
5. Certificates of Appropriateness shall be obtained for all applicable work under this development plan.

Conditions prior to issuance of a Certificate of Occupancy:

6. On-site artwork shall be installed and inspected by the City pursuant to Section 2-487.
7. A right-of-way permit shall be obtained for the proposed sidewalk and driveway along Packer Street.
8. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the above conditions.

Conditions subject to a Conditional Approval Permit, and subject to an associated annual inspection:

9. Restaurant seating shall be limited to a maximum of 150 seats within a 2,250-square-foot indoor consumption area. The expansion or relocation of the consumption area outside of the building shall not be permitted without further City approvals.
10. All landscaping within the clear visibility zone at the driveway and street intersections shall provide unobstructed cross visibility between 30 inches and six feet above sidewalk grade.