

THE CITY OF KEY WEST PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

From: Mario Duron, AICP, The Corradino Group

Meeting Date: October 25th, 2022

Application: **Major Development Plan – 5501 College Road (Re #00072080-000101)** – A request for approval of a major development plan and landscape waiver to construct an approximately 5,161 SF, two-story building to accommodate the property's generator, mechanical rooms, and storage, on property located within the Public and Semipublic Services (PS) zoning districts pursuant to Section 108-91.B.2 and 108-517 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is requesting approval of a major development plan and landscape waiver to construct a two-story, non-habitable structure to accommodate the site's mechanical equipment.

Applicant: Trepanier & Associates, Inc.

Property Owner: Monroe County, FL

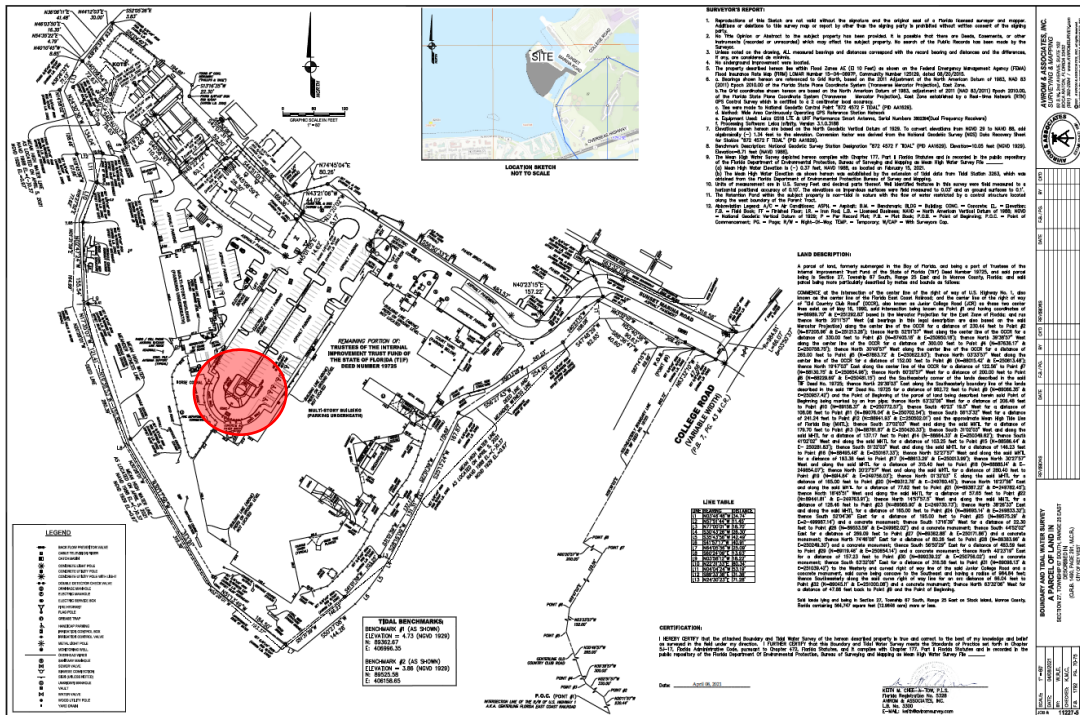
Location: 5501 College Road (RE #00072080-000101)



Background:

The subject property at 5501 College Road is owned by Monroe County and is developed with the Monroe County Jail. Per the applicant, the generators currently housed inside the jail are nearing the end of their effective lives. The Monroe County jail is proposing to construct a non-habitable structure to house new generators and other mechanical equipment. The non-habitable structure is proposed as a 44-foot tall, two-story building, of approximately 5,161 square feet, consisting of a generator, mechanical rooms, and storage above proposed parking. The impacted ADA parking spaces below the proposed building would be relocated to a nearby location. The application is being processed in conjunction with a variance request to exceed the maximum building height for the PS zoning district. The item was presented and approved at the October 6th, 2022 Board of Adjustment meeting.

Major Development Plan review is required due to the construction of nonresidential floor area equal to or greater than 5,000 square feet of gross floor area, pursuant to Section 108-91.B.2.(b) of the Land Development Regulations (LDRs) of the Code of Ordinances (the "Code") of the City of Key West (the "City"). The applicant is also requesting a landscape waiver pursuant to City Code Section 108-517.



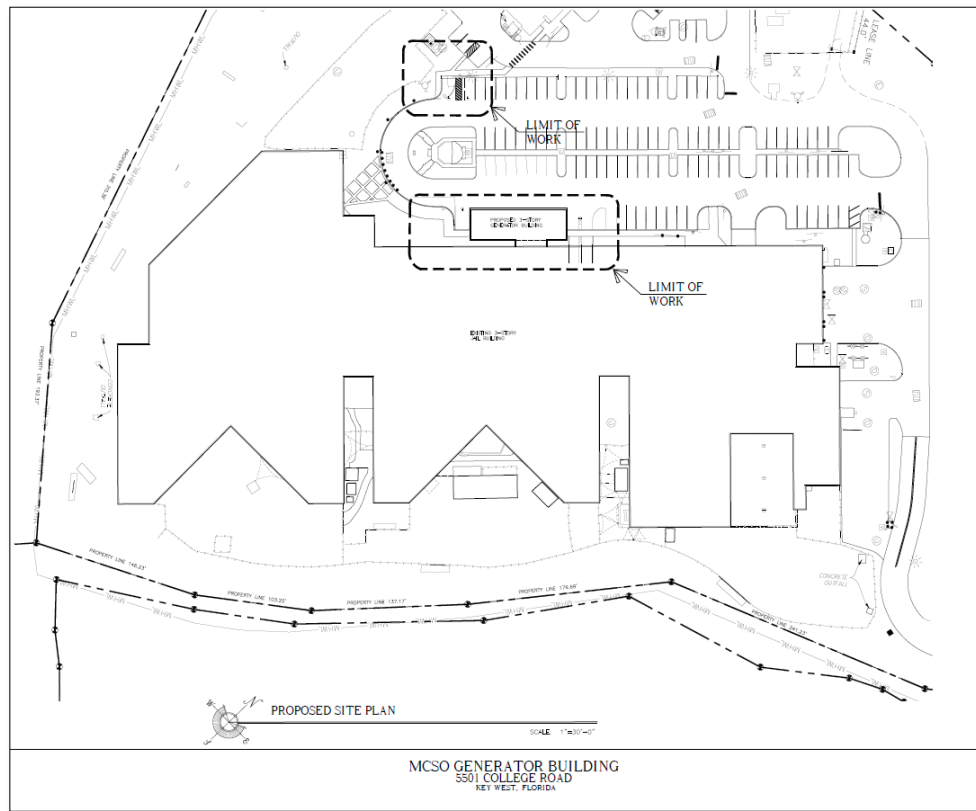
Site Survey provided by Applicant. Approximate location of the proposed work area in red.

Proposed Development:

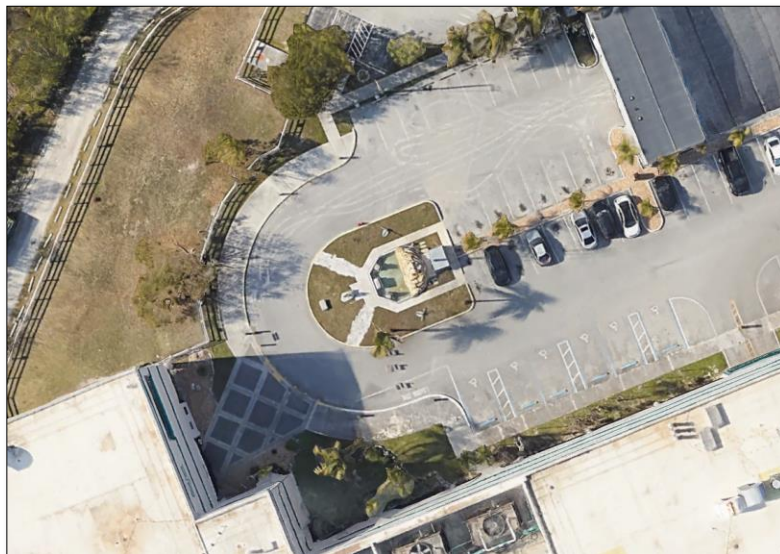
The proposed site plan request includes the construction of a 5,161 square foot non-habitable structure over existing parking area. The proposal will impact four existing ADA spaces. Two of the four ADA parking spaces will be relocated approximately 140 feet away from their original location. The existing circular driveway will be modified to accommodate the two relocated spaces. Two existing ADA spaces are incorporated into the design and will remain on the ground level beneath the structure. The proposal also includes two additional standard parking spaces beneath the structure, for a total of 4 covered parking spaces on the ground level on the non-habitable structure. No reduction in the total parking spaces is anticipated.

The applicant's request to construct a two-story, non-habitable structure to accommodate the site's mechanical equipment requires a variance from Section 122-1149(d)2. The proposed structure will exceed the maximum height

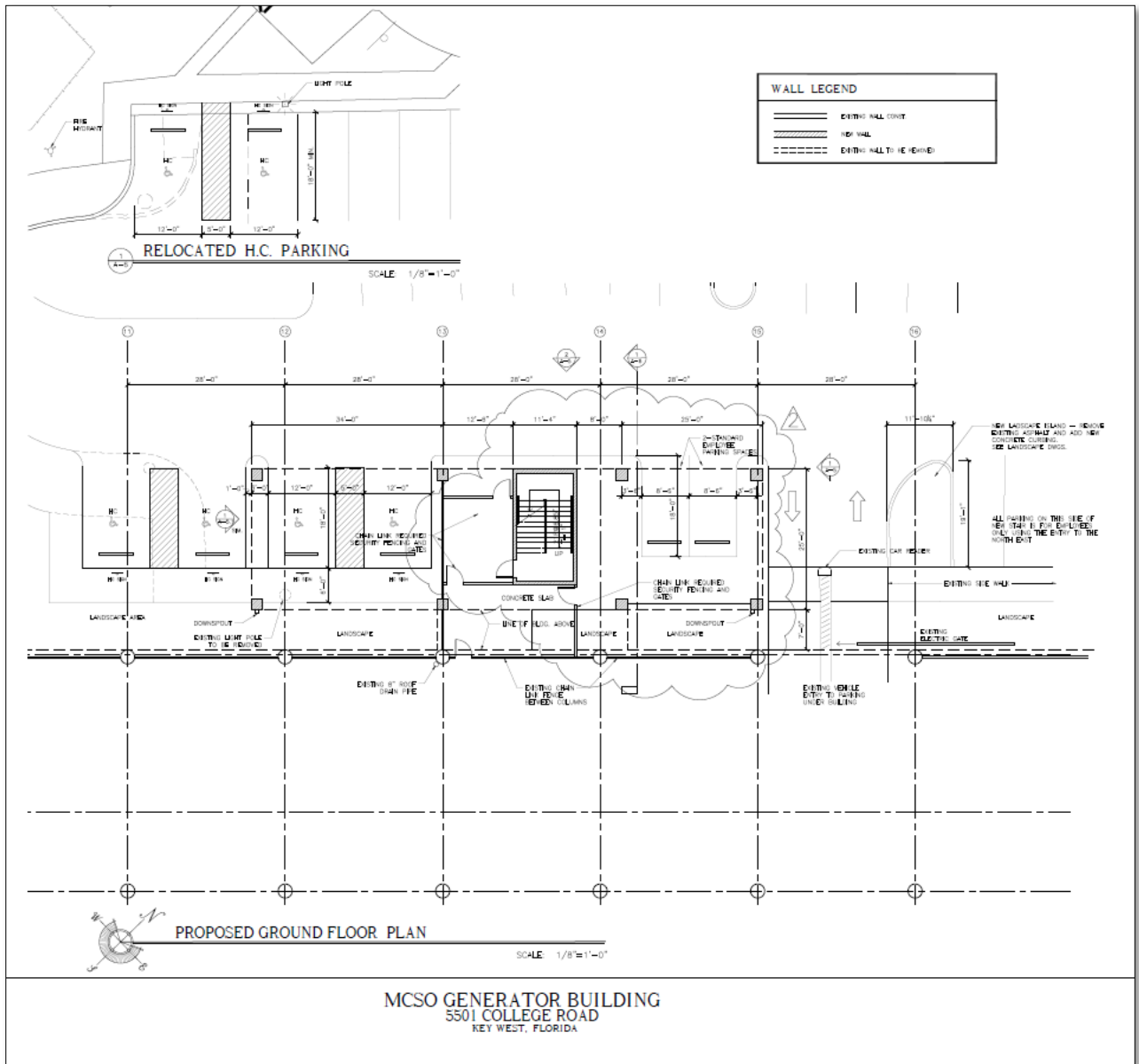
of forty (40) feet allowed by the Code's PS zoning district and the Flood Protection Building Height Exception. The proposed building will have a total height of 40 feet above the crown of road, with an additional four-foot generator exhaust pipe. A variance was requested to account for height above thirty-eight feet, which is the maximum provided by Code.



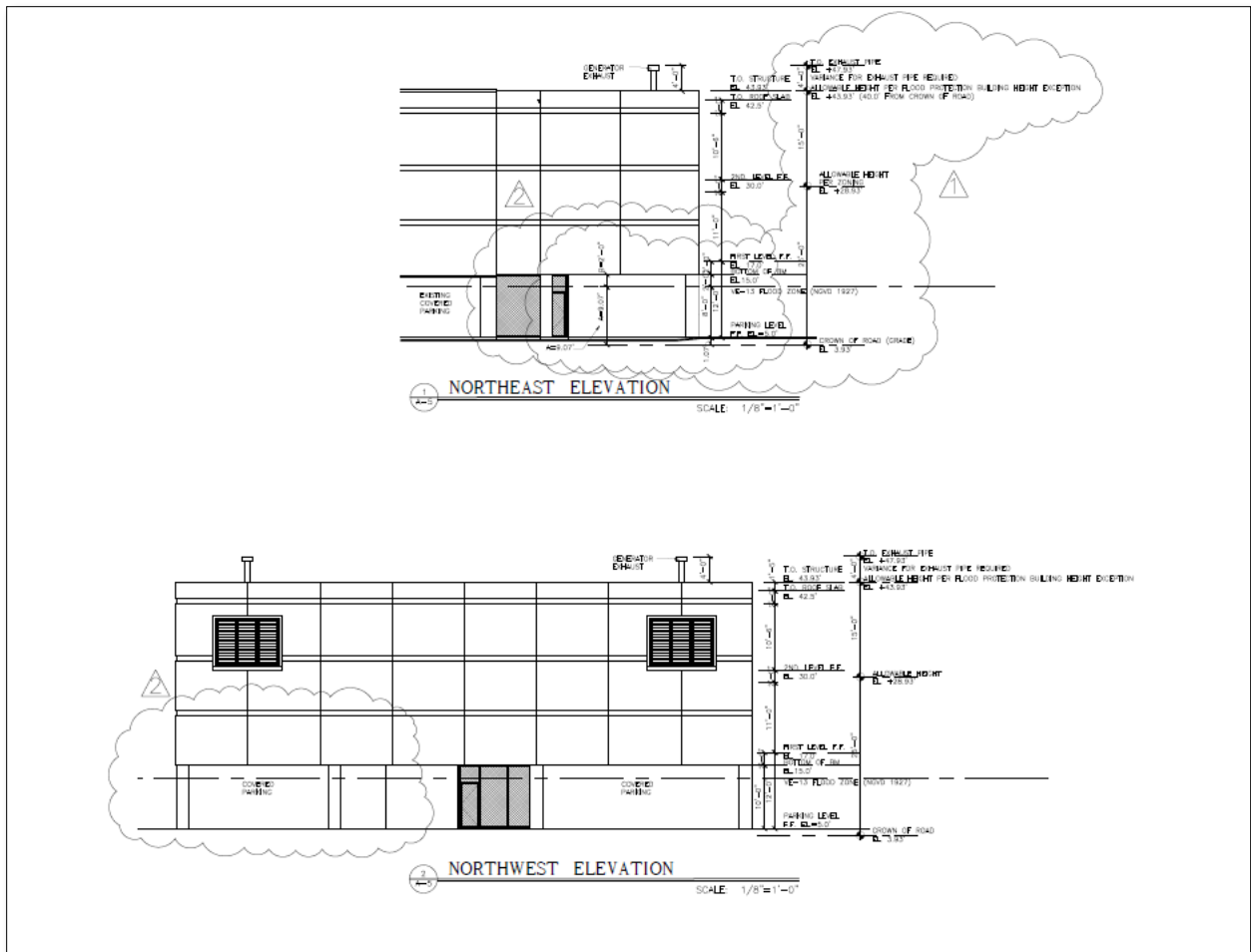
Proposed site plan provided by Applicant.



Aerial view of work area.



Ground floor plan provided by the applicant demonstrating the building footprint of the proposed structure and the relocated handicap parking spaces.



Elevation and cross section demonstrating the proposed height of the structure and the proposed configuration of the rooms.

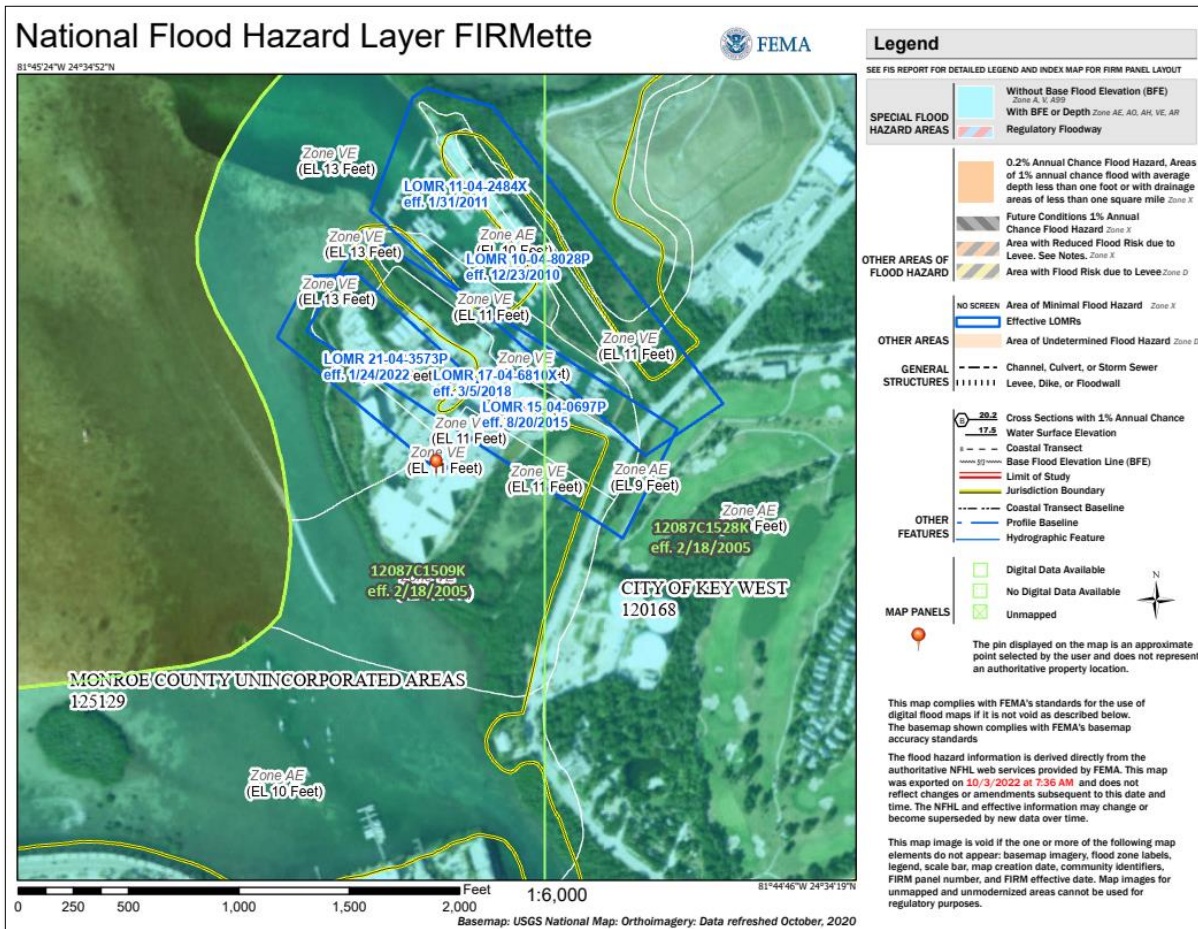
Demolition Scope:

There is no demolition of structures proposed, but the scope of work includes the relocation of existing parking. The scope of work also includes removal of approximately 91 feet of sidewalk, tree removals, removal of one light pole, and removal of concrete to install a new landscape island with concrete curbing.

The site data table below provides an analysis of the proposed development with respect to the requirements for properties located in the PS zoning district.

	CODE REQUIRED	EXISTING	PROPOSED	NOTES
Zoning	PS			
Flood Zone	VE + 13 FT			
Site Area	5,000 SF	13.94 AC		In Compliance
Height	25 FT (PS) 38.07 FT (Flood Height Except.)		39.93 FT Building + 4 FT exhaust	Total Building Height: 43.93 ft VARIANCE REQUESTED: PROPOSAL EXCEEDS MAX HEIGHT BY 6 FT.
FAR	0.8	.70	.708	In Compliance
Front Setback*	20 FT	≥20 FT	≥20 FT	Not Applicable for Proposed Structure
Rear Setback*	25 FT	≥25 FT	≥25 FT	Not Applicable for Proposed Structure
Side Setback*	15 FT	≥15 FT	≥15 FT	Not Applicable for Proposed Structure
Building Coverage	40%	25.4%	25.80%	In Compliance
Impervious Surface	60%	44.58%	44.65%	In Compliance
Open/Landscape Area	20%	55.42%	55.35%	In Compliance

The property on which the proposed non-habitable structure will be located has a FEMA flood zone designation of VE. Properties with a VE designation are coastal high hazard areas with a high flood risk. The proposal provides for a structure that will respond to the likely risk of flooding. As demonstrated by the elevation and cross section drawings provided, the ground floor and first level are limited to storage uses, while the second level will house the mechanical equipment. The maximum height of the proposed structure will be 43.93 FT above the crown of road. A variance request was submitted to the Board of Adjustments to exceed the building height allowed, as proposed in the MDP request. At their October 6th, 2022 meeting the Board recommended approval of the building height variance request.



FEMA FIRMette showing property within Zone VE.

Surrounding Zoning and Uses:

Surrounding zoning districts are the General Commercial and Conservation-Mangroves. Surrounding uses include multifamily residential, the Sunset Marina, the Keys Overnight Temporary Shelter, and the Monroe County Detention Center and Building Department offices.

Process:

Development Review Committee:	August 25, 2022
Tree Commission Meeting (Conceptual landscape plan & tree removal approval):	September 13, 2022
Board of Adjustment	October 6 th , 2022
Planning Board Meeting:	October 25, 2022
Tree Commission Meeting (Final landscape plan approval)	TBD
City Commission:	TBD
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

Staff Analysis - Evaluation:

Pursuant to Section 108-91.B.2.(b) any addition or reconstruction of nonresidential floor area equal to or greater than 5,000 square feet of gross floor area requires a major development plan approval. The proposal includes the construction of a two-story non-habitable structure over a parking level which will include approximately 5,116 SF.

The applicant has not proposed a phased development plan and would develop the lot concurrently. Section 108-196 states that the Planning Board shall act by resolution to recommend to, approve, approve with conditions, or disapprove a major development plan based on specific development review criteria contained in the Land Development Regulations and the intent of both the City Code and the LDRs.

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, roadway level of service and recreation. City 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 Major Development Plan application. Staff reviewed the provided concurrency analysis following the criteria in City Code Section 94-36 and determines that public facilities are expected to accommodate the proposed development at the adopted level of service (LOS) standards. The proposal is for a non-habitable structure intended to serve as storage and to house the property's mechanical room and generators. No impacts to public facilities are anticipated by the proposed development.

1. Potable water supply

The proposed development is expected to maintain the existing potable water flow LOS for the site.

Pursuant to Policy 4-1.1.2.C, the potable water LOS for nonresidential is 100 gallons per capita per day. Based on the City of Key West adopted level of service the potable water demand is not anticipated to change.

2. Sanitary sewerage system level of service

The proposed development is expected to maintain existing wastewater flow LOS for the site.

Pursuant to Policy 4-1.1.2.A, the sanitary sewer LOS for nonresidential is 660 gal/acre/day. Based on the City of Key West adopted level of service the sanitary sewer demand is not anticipated to change. Existing & Proposed LOS = 660 gal/acres/day x 13.943 acres = 9,202 gal/day.

Sanitary sewer demand is not expected change due to the development.

3. Water quality

No impacts are anticipated to water quality.

4. Drainage

The stormwater management or drainage LOS standard pursuant to City Policy 4-1.1.2.E is: i) post-development runoff shall not exceed predevelopment runoff for a 25-year storm event, up to and including an event with a 24-hour duration; ii) onsite treatment of the first one inch of rainfall must be provided to meet water quality standards; and iii) storm water facilities must be designed so as to not degrade any receiving water body.

The Applicant provided a drainage plan. Existing drainage is not anticipated to be impacted by the proposed development. The proposed structure will have a downspout to route stormwater to the existing landscape areas and to the existing drain system. An additional landscape island is also being proposed.

5. Solid waste

Pursuant to Policy 4-1.1.2.D, the solid waste LOS for nonresidential is 6.37 lbs/capita/day. Based on the City of Key West adopted level of service the solid waste demand is not anticipated to change.

(Existing & Proposed LOS = 6.3 lbs/capita/day x 1.4157 capita/1,000 sq. ft. x 607,340 sq ft = 5,477 lbs/day.)

No change in Solid Waste demand is anticipated.

6. Roadways

The proposed development is expected to maintain the existing trip generation LOS for the site. No added trip generation is anticipated as the building will not add any additional demand for vehicular traffic. The proposed development of a generator building will not create a need for a greater number of parking spaces than existing, and the proposed development is expected to maintain the existing number of off-street parking spaces.

7. Recreation

The plans do not show onsite recreation as defined in Section 86-9 of the LDRs. It is not anticipated that the City's adopted level of service for public recreation will be adversely impacted. The proposed development is expected to maintain existing recreation LOS.

Residential Development (Sec. 108-231):

No residential development is proposed as part of the project.

Intergovernmental coordination (Sec. 108-232):

Coordination will occur through the Development Review Process of the City of Key West and all applicable agencies.

Appearance, design and compatibility (City Code Section 108-234) :

The development plan satisfies criteria established in Chapter 102; Articles III, IV and V of Chapter 108; Section 108-956; and Article II of Chapter 110 of the Key West City Code in the following manner:

Chapter 102 – This property is located outside the Historic District and does not impact the district.

Articles III, IV and V of Chapter 108 – Based on the site plan, and the site data calculations, the project complies with the requirements of the Articles.

Chapter 110 –The proposed development complies with the resource protection requirements of Chapter 110.

City Code Chapter 102 (historic preservation)

The site is not affected by the Historic District. Any archeological resources will be protected as required.

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

Potable water and wastewater were found to comply 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 any archeological resources are discovered during construction, the Applicant would be required to comply with this article of the LDRs.

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

(a) *Compliance.* The submitted development plan has been reviewed for compliance with all applicable performance criteria set forth in Code Chapter 94 (concurrency management), Code Chapter 102 (historic preservation is not applicable), Code Chapter 106 (performance standards), Articles I and III through IX of Code Chapter 108 (planning and development), Code Chapter 110 (resource protection) and Code Chapter 114 (signs).

(b) *Vicinity map*. The property is bounded by Sunset Marina Road to the east, and to the south by mangroves designated for Conservation and beyond that College Road. To the west and north, the property is surrounded by tidal waters.

(c) *Land use compatibility*. Uses within 300 feet include a multifamily residential development, the Sunset Marina, the Monroe County Building Department, the Keys Overnight Temporary Shelter, and the Monroe County Detention Center. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.

(d) *Historic and archeological resource protection*. The proposed project is not within historic district. No existing historic structures are present on 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 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.

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 architectural drawings prepared by a professional architect registered in Florida pursuant to City Code Section 108-238.

Site amenities (City Code Section 108-239)

No site amenities are proposed.

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)

Soil surveys are not anticipated as part of the project. No soil survey was provided.

Environmentally sensitive areas (City Code Section 108-242)

Environmentally sensitive areas, designated Conservation-Mangroves are located near the property to the south. The property is located within the VE flood zone.

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

Sec 108-243: A landscape plan, signed and sealed, with a tree protection, and irrigation details has been submitted.

(a) *Land clearing, excavation and fill*. The proposed development would involve land clearing of existing concrete and asphalt pavement from the parking area.

(b) *Tree protection*. The City's Urban Forestry Manager and the Tree Commission have reviewed and approved the tree removal and conceptual landscape plan at their September 13th, 2022 Tree Commission meeting.

(c) *Landscaping plan*. The submitted plan demonstrates landscaping proposed. Landscaped open space is in compliance with all landscape buffer requirements of the LDRs. No environmentally sensitive areas exist on the property.

(d) *Irrigation plan*. No formal irrigation plan is included, but the landscape plan provides irrigation details.

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

The proposed non-habitable structure will not require additional automobile parking spaces. The structure is being placed over a portion of the existing sidewalk.

Housing (City Code Section 108-245)

None proposed.

Economic resources (City Code Section 108-246)

None anticipated.

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 located within the historic district and the VE flood zone.

(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 are proposed to accommodate bus ridership.

(f) Passive recreation space is not proposed.

(g) Coordination with applicable agencies is being facilitated through the DRC.

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

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

The proposed construction is to be complete in one phase.

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 proposed development involves the construction of a two-story non-habitable structure to be used for storage, mechanical equipment, and to house the site's new generators. The proposed structure will have a similar height to the existing Detention Center building. Also include is the relocation of two ADA parking spaces being impacted by the proposed location of the non-habitable structure. The two ADA spaces are being relocated within proximity of their current location. The existing number of parking spaces will not change.

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

The proposed structure is designed to integrate harmoniously with the existing development on site.

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

The proposed structure will serve to house the site's generators and mechanical equipment. No garbage dumpsters are proposed.

Front-end loaded refuse container location requirements (City Code Section 108-280)

None proposed.

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)

None proposed.

Exterior lighting (City Code Section 108-284)

One light pole adjacent to the existing ADA parking spaces will be removed to accommodate the non-habitable structure. Additional lighting is proposed to be mounted on the exterior ceiling and grade walls of the new structure. No impacts to adjacent properties are anticipated by the proposed lighting.

Signs (City Code Section 108-285)

The plans do not indicate any signs.

Pedestrian sidewalks (City Code Section 108-286)

None proposed. A portion of the sidewalk is being removed as the footprint of the proposed structure will encroach on, approximately 91 linear feet of existing sidewalk. Staff recommends stripping a pedestrian path along the pavement to connect the modified sidewalk network around the perimeter of the parking area.

Loading docks (City Code Section 108-287)

None proposed.

Storage areas (City Code Section 108-288)

No exterior storage areas are proposed. The structure will provide interior storage space on the ground and first level.

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

The Tree Commission reviewed and approved the conceptual landscape plan with tree removal at their September 13, 2022 meeting.

Landscaping (Code Chapter 108, Article VI)

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

An application was submitted to the Planning Board for a major development plan review to construct a building to house two new generators and for storage. The new structure will be built next to the existing jail facility on an existing developed piece of property on land area that is currently used for parking (paved). The proposed project will also require the creation of two new handicapped parking spaces. This review is to verify compliance to Sec 108 of the City Code regarding landscaping and buffer requirements to help the Planning Board with their review.

This review is based on site and landscape plans submitted to the Urban Forestry Manager dated September 1, 2022.

Sec 108-243: Signed and sealed landscape plans have been submitted that include a tree protection plan. No formal irrigation plan has been submitted but notes on the landscape plan indicate the area will be hooked up to the existing irrigation system for the property.

Sec 108-289: Bougainvillea and sea grape shrubs will be removed for the construction. These plants are not regulated. One Christmas Palm will be relocated and existing palms and Gumbo Limbo trees near the proposed work areas will be protected. The conceptual landscape plan for this project was reviewed and approved by the Tree Commission on September 13, 2022.

The property itself is bounded by environmentally sensitive wetland areas on the southern and western developed

boundary areas. These areas will not be impacted by the proposed construction which will be occurring in an established parking lot area.

Sec 108-346: The required open space is 20%. Information submitted indicates the open space will be over 55% once this building is constructed.

The property owner will need to agree to remove invasive exotic plant species, Australian Pine-*Casuarina equisetifolia*, Brazilian Pepper-*Schinus terebinthifolia*, Lead Tree-*Leucaena leucocephala*, and Melaleuca-*Melaleuca quinquenervia*, from the entire site, above the mean high-water line

Sec 108-347 (buffer yards): The existing use of the property is a County building- jail facility (Public Service). According to the property appraiser site, most of the property is bounded by environmentally sensitive and submerged land with an affordable housing project to the north.

The proposed impact from the construction of this additional building will be a low impact, therefore, no buffer yards are required except for the area to the north which is adjacent to affordable housing.

Along the property line area with the affordable housing there is an existing access driveway/road. The affordable housing property installed landscaping along this property line area as a requirement of their development plan. There is no landscaping in this area from this property.

WAIVER REQUIRED

Sec 108-348 allows for credit of existing plant material. This development plan request will construct a building in a current parking lot area adjacent to an existing structure. Existing landscaping in the area is sparse. One existing palm will be transplanted and new landscaping will be installed to enhance the immediate area.

Sec 108- 412: The applicant stated that over 55% of the property is landscape/open space area. This has not been verified. A large portion of the property has either been previously developed or is environmentally sensitive lands.

The proposed construction work is occurring primarily in a current parking area. The existing landscaped area will remain and be enhanced. The plan does incorporate over 70% native vegetation that includes trees, shrubs, and groundcover with gravel

Sec 108-381: A landscape plan has been submitted that enhances the existing, immediate proposed work area.

Sec 108-411: The Tree Commission gave conceptual landscape plan approval for the project on September 13, 2022.

Sec 108-412: The applicant stated that over 55% of the property is landscape/open space area. This has not been verified. A large portion of the property has either been previously developed or is environmentally sensitive lands.

The proposed construction work is occurring primarily in a current parking area. The existing landscaped area will remain and be enhanced. The plan does incorporate over 70% native vegetation that includes trees, shrubs, and groundcover with gravel.

Sec. 108-413, landscape requirement along street frontages. Not applicable.

Sec 108-414 Interior parking areas: The new construction will occur in an existing parking lot area. Several existing parking spots will be removed due to this project. A new tree island will be created near the proposed work area and an immediate landscape area will be enhanced to include trees, shrubs, and groundcover.

Sec 108-415 perimeter parking areas: The immediate proposed work area is a previously development and created parking lot with a landscape strip and some trees/palms dividing the head-to-head parking spots.

Sec 108-416, interior area landscaping. This section of code specifically looks at the planting of trees and requires that all areas not covered by buildings or hardscape will have grass, groundcover, shrubs, or other landscaping materials.

The site is a current developed site with numerous, large existing trees and palms. The submitted landscape plan does incorporate the planting of (2) new trees in the immediate construction area. Next to the new handicap parking area there are two Gumbo Limbo trees that will be protected.

Sec 108-447: The landscape plan does include a tree protection plan and parking stops and curbing in the parking areas.

Sec 108-448: It does appear that all landscape strips are covered with living material, mulch, or grass.

Sec 108-515: A formal irrigation plan has not been submitted. A note on the landscape plans indicates that the existing irrigation system will be modified to provide coverage for this area.

Off-street parking and loading (Code Chapter 108, Article VII)

The property is developed with surface parking and additional garage parking is located underneath the existing multi-story buildings. Per the applicant's submittal, the existing parking counts will not be reduced.

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

A drainage plan was submitted indicating that surface water management is designed for the 25-year/72-hour storm event, as required. Stormwater would be retained on-site through existing landscape areas and existing drain system at the entrance of the garage parking. A new landscape island is also being proposed next to the garage vehicle entry area.

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 in compliance.

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

The proposed development, being a Major Development Plan, triggers the City's Art in Public Places (AIPP) requirement, pursuant to City Code Section 2-487. The AIPP program requires 1% of construction costs to be set-aside for the acquisition, commission, and installation of artwork on the subject property. The program applies to new construction projects exceeding \$500,000 and renovation projects exceeding \$100,000. Eligible construction costs have not been determined based on hard and soft costs.

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 Major Development Plan request and Landscape Waiver be **approved** with the following conditions:

General conditions:

1. The proposed construction shall be in substantial compliance with the site plans signed, sealed, and dated July 11, 2022, by William P. Horn Architect, P.A. for 5501 College Road. Construction drawings for

permitting shall be dated as approved herein, with any proposed revisions (modifications) clearly noted and dated. Development plan modifications that do not rise to the status of minor or major plan modifications may be approved by the city planner as per Section 108-91(c)(1). All modifications shall be submitted for review and approval to the Planning Department prior to building permit application. Minor and major development plan modifications are addressed as per Section 108(C.).

2. Use of the structure shall remain for non-habitable purposes.
3. Prior to the issuance of the first building permit to clear the land, the applicant shall provide a pavement marking and striping plan showing a striped pedestrian path on the pavement connecting with the concrete sidewalks.
4. Prior to City Commission review Final Landscape Plan approval required from Urban Forestry Manager (memo into file).
5. Once a year, all listed invasive plant species (*Australian Pine-Casuarina equisetifolia*, *Brazilian Pepper-Schinus terebinthifolia*, *Lead Tree- Leucaena leucocephala*, and *Melaleuca- Melaleuca quinquenervia*) shall be removed from the site (above mean high water line). Stumps should be treated with an appropriate herbicide type treatment to prevent regrowth.
6. Prior to City Commission review details are needed regarding the irrigation plan.
7. Prior to the City Commission meeting, the Applicant will provide an updated Final Landscape Plan showing the four (4) covered spaces on the ground floor of the proposed non-habitable structure, consistent with the remainder of the site plan.