

THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Kathryn Lyon, Planning Consultant

Meeting Date: March 17, 2022

Application: **Major Development Plan and Conditional Use– 5537 College Road (RE# 00072080-000101)** – A request for approval of a major development plan and conditional use to construct a new 20,948 square foot Keys Overnight Temporary Shelter (KOTS) in the Public and Semipublic Services Zoning District (PS) pursuant to Sections 108-91.B.2., Section 122-62, and 122-1018 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

---

Request: The applicant, the City of Key West, is requesting Major Development Plan and Conditional Use approval for the proposed construction of a new 20,948 square foot overnight shelter for persons experiencing homelessness; the “Keys Overnight Temporary Shelter”.

Applicant: William P. Horn, Architect/ Representative

Property Owner: Monroe County/City of Key West

Location: 5537 College Road- (RE# 00072080-000101)

Zoning: Public and Semipublic Services (PS) Zoning District



Background:

The subject parcel is an area leased by the City of Key West within a 13.94-acre property located at 5537 College Road, owned by Monroe County. The 100-year leased area currently consists of the existing Keys Overnight Temporary Shelter structures which have surpassed their effective life span. The subject property at 5537 College Road is located on Stock Island behind the Monroe County Sheriff's Office and is within the Public and Semi-Public (PS) Zoning District and is one lot of record.

In 2019 Key West officials approved an agreement to allow the Keys Overnight Temporary Shelter (KOTS) to remain on the Monroe County Sheriff's property in exchange for land along Trumbo Road to build workforce housing for Sheriff employees and potentially other government workers.



The applicant, the City of Key West, has proposed to demolish the existing temporary structures and build an approximately 20,984 square foot structure to house maximum of 148 individuals for overnight shelter and potentially other homelessness reduction programs and activities. The property and homeless shelter is proposed to remain open during the day and provide services to the clients 24/7. The project is proposed to be developed in one (1) phase.

In order to allow the proposed development, several development approvals would be necessary.

- Major Development Plan review is required due to the reconstruction of more 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").
- Conditional use review is required for emergency shelters for the homeless, and shelters for temporarily housing the homeless in the PS Zoning District, pursuant to City Code Section 122-1018.

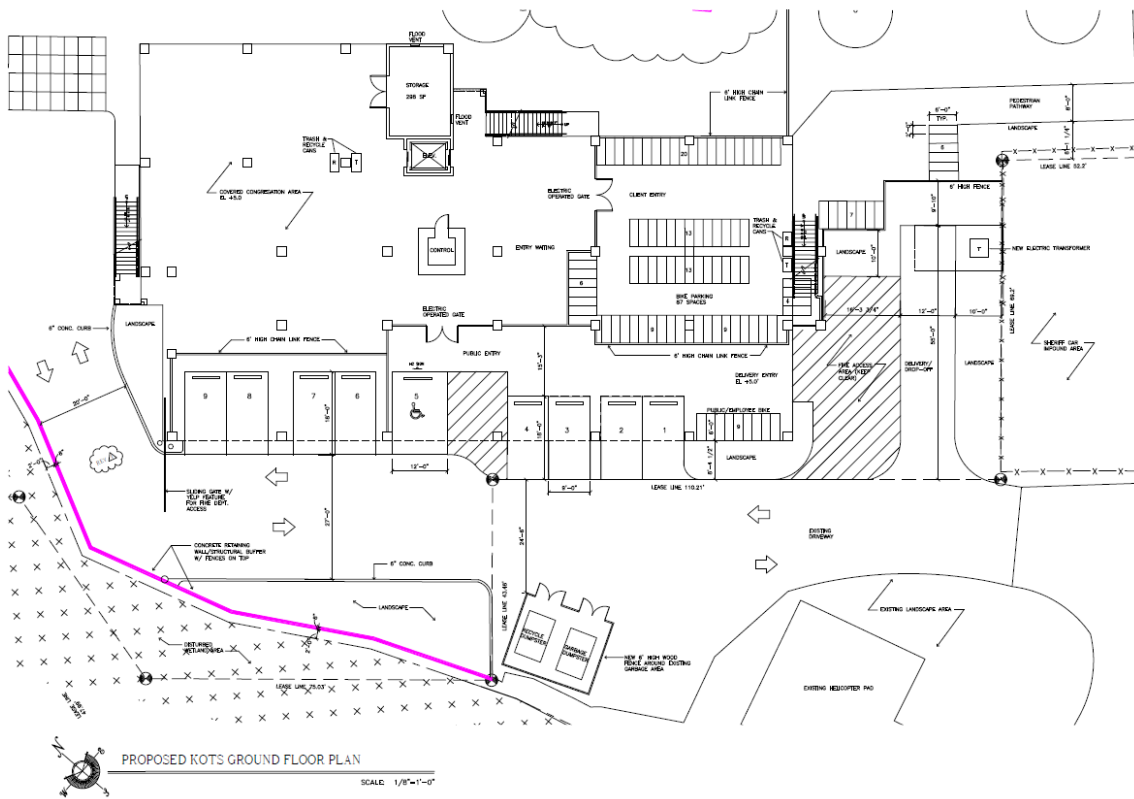
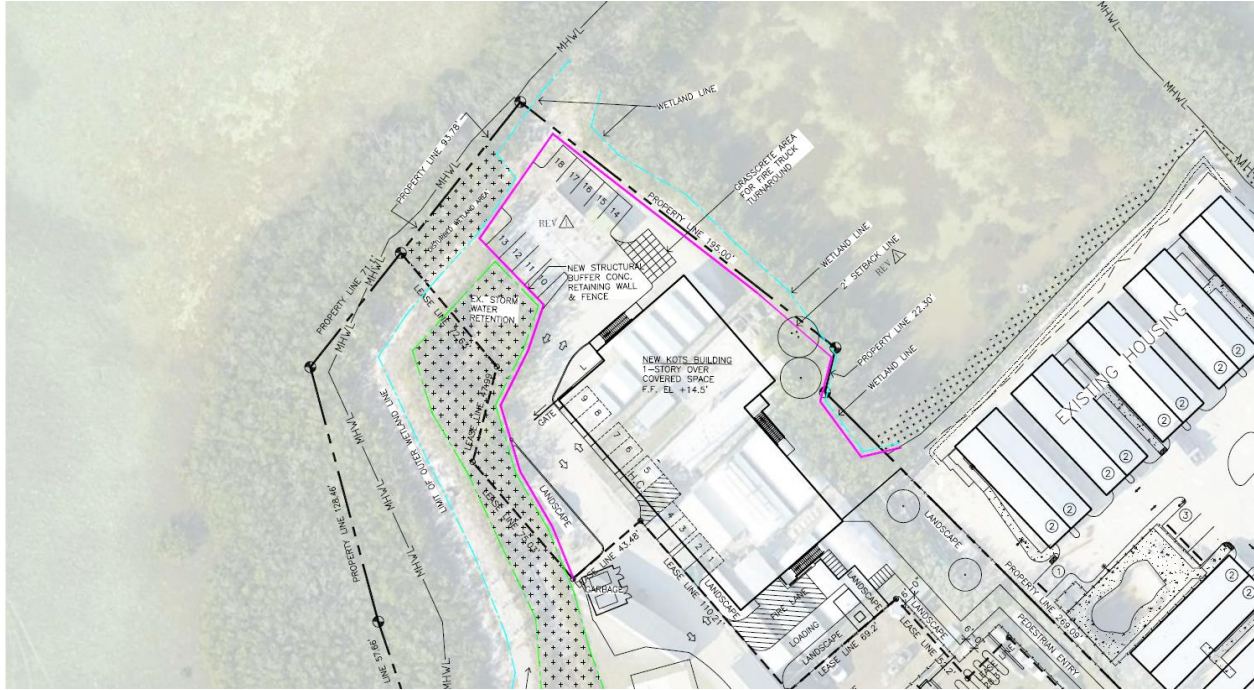
The applicant is also requesting a variance from the conditional use emergency shelter standards.

Proposed Development:

The request to undertake the KOTS project is an action by the City of Key West, in coordination with and through the support of the City Commission and Monroe County. The intent of this project is to provide deeply needed temporary housing, including homeless reduction, counseling services, and meal services to those in need.

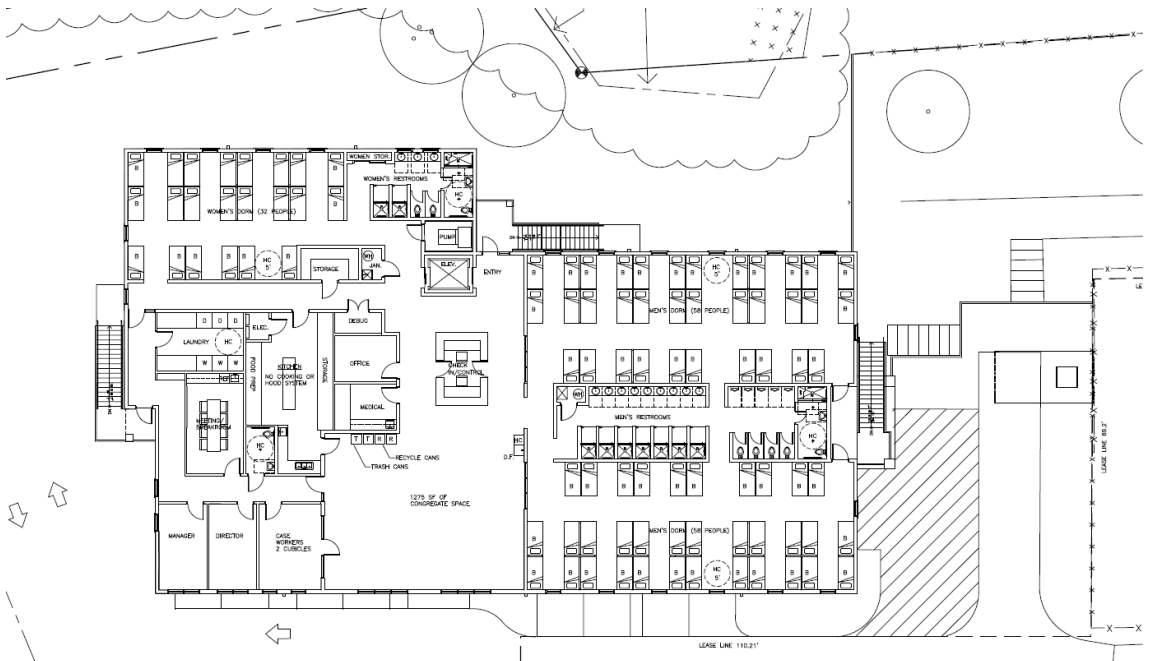
## New Construction Scope

Construction of a new 20,948 square foot building with a low retaining wall above, eighteen (18) parking spaces and 105 bicycle/scooter parking spaces provided.



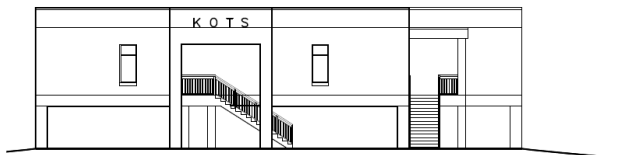
The ground floor is comprised of a covered congregation area with picnic tables for seating, parking, and storage.

Proposed Site Plans, submitted by applicant.

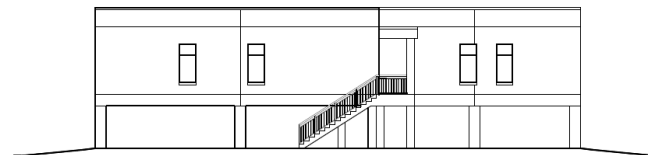


The second floor is comprised of a check-in counter, men's and women's dorm, restrooms, warm up and storage kitchen, client and staff storage, laundry facilities, conference room, and offices.

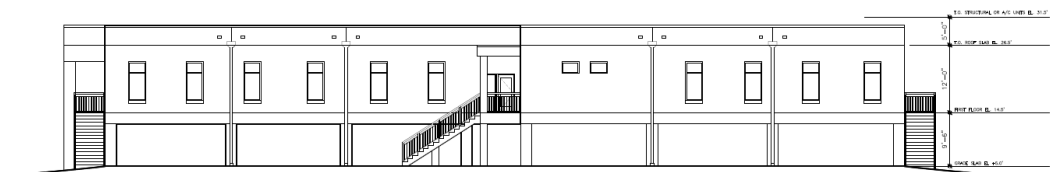
### Proposed Elevations



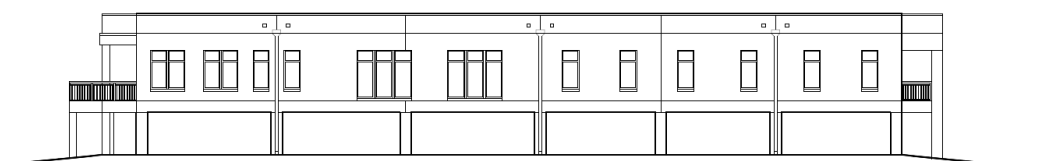
1  
A-1  
PROPOSED FRONT ELEVATION  
SCALE: 1/8"=1'-0"



2  
A-2  
PROPOSED REAR ELEVATION  
SCALE: 1/8"=1'-0"



3  
A-3  
PROPOSED RIGHT SIDE ELEVATION  
SCALE: 1/8"=1'-0"



4  
A-4  
PROPOSED LEFT SIDE ELEVATION

The site table below provides current and proposed site data for the property.

Dimensional Requirements	Required/Allowed	Proposed	Variance Needed
Height	28.5 feet*	26.3 feet	None
Minimum Front Setback	20 feet	NA	None
Minimum Side Setback	15 feet	25 feet	None
Minimum Rear Setback	25 feet	25 feet	None
FAR	.8	.7	None
Lot Coverage	40%	25.4%	None
Impervious Surface	60%	44.58%	None
Open Space	50%	55.42%	None
Parking	NA	18 vehicle spaces	None
Bicycle Parking	NA	105 bicycle/scooter spaces	None
Landscaping	20%	35%	None
Conditional Use Criteria			Bus parking area and landscape buffer

\*25 feet + 3.5 feet = 28.5 feet (Finished Floor is 3.5' above BFE+1)

**Surrounding Zoning and Uses:**

Surrounding properties are located within the Public Semi-Public (PS), Conservation- Outstanding Waters of the State (C-OW), and Conservation- Mangrove (C-M) Zoning Districts. Surrounding uses include government uses, including Monroe County Sheriff’s facilities and Stock Island Affordable Multifamily Apartments.

Process:

Development Review Committee:	December 16, 2021
Tree Commission Meeting:	February 7, 2022
Planning Board Meeting:	March 17, 2022
HARC Commission Meeting:	Not applicable
City Commission:	TBD
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

## Evaluation for Compliance with the Land Development Regulations (LDRs) and Comprehensive Plan

City Code Section 108-91. B.2.(b) requires the reconstruction of nonresidential floor area equal to or greater than 5,000 square feet to be reviewed as a Major Development Plan. City Code Section 108-196(a) states after reviewing a Major Development Plan or 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.

## 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. 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.

### 1. Potable water supply

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

LOS standard flow for nonresidential uses is 650 gallons per acre per day, pursuant to City Code Section 94-68. Utilizing this LOS standard, potable water demand is estimated as follows:

Based on per capita nonresidential:  $650 \text{ gal/acre/day} \times 13.94 \text{ acres} = 9,061 \text{ gal/day}$

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), which has been notified of the upcoming development and has the available capacity to service the proposed development.

### 2. Wastewater management

The sanitary sewer LOS standard for nonresidential uses is 660 gallons per acre per day, pursuant to City Code Section 94-67. Utilizing this LOS standard, sanitary sewer capacity demand is estimated as follows:

Based on per capita Nonresidential:  $660 \text{ gal/acre/day} \times 13.94 = 9,200 \text{ gal/day}$

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

### 3. Water quality

No adverse impacts to water quality are anticipated.

### 4. Stormwater management / drainage

The stormwater management or drainage LOS standard pursuant to City Code Section 94-69 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. In summary, no adverse impacts to stormwater management or drainage facilities are anticipated.

#### Water Quantity

An analysis of the pre(existing) versus post(proposed) development conditions has been conducted. The stormwater runoff volumes for existing and post development conditions were calculated based on the rainfall generated by a 25-year/72-hour storm event.

#### Water Quality

The following two criteria were analyzed to determine the stormwater volume considered to be the first flush of runoff which contains the majority of the pollutants:

- Stormwater volume equal to 1-inch of runoff over the project area
- Stormwater volume equal to 2.5-inches times the percent of impervious area

#### Results

The volume of runoff (water quantity) generated by the 25-year/72hour storm event (proposed conditions minus existing conditions) exceeds the runoff volumes calculated in the water quality analysis.

The proposed stormwater management system is designed to retain this volume of runoff by using a combination of exfiltration trenches and a shallow dry swale. The proposed system meets the water quality criteria and will not cause adverse off-site impacts by limiting off-site discharge to the historic discharge.

#### **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 approximately 148 persons per day. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:  
Proposed development:  $6.37 \text{ lb./capita/day} \times 148 = 942.76 \text{ lbs./day}$

The property is currently serviced by Waste Management. The dumpster trash and recycling areas are provided on the site plan. The adopted solid waste LOS standard is anticipated to be adequate to serve the proposed development.

#### **6. Roadways**

The roadway LOS standard is set forth in City Code Section 94-72.

#### **7. Recreation**

The plans do not show onsite recreation as defined in Section 86-9 of the LDRs. However, it is not anticipated that the City's adopted level of service for public recreation will be adversely impacted. The site plan does include a covered congregation area as required by Code Section 122-1018.

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

A detailed life safety plan was submitted and approved.

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

There is no reclaimed water system proposed.

#### **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 property is located outside the historic district and does not impact the district. The structure location has been designed with input from neighboring property owners to preserve existing view corridors.

**City Code Chapter 102 (historic preservation)**

The property is located outside the historic district and does not impact the district.

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

No impacts caused by trip generation as no net increase to Gross Floor Area (GFA) of the KOTS is proposed. Any increase is minimal and does not approach a critical volume on the primary or adjacent streets requiring mitigation. Trips caused by the existing facility were not factored in due to no change in use of the facility.

Pedestrian walkways were designed and reviewed with input from City Engineering and Forestry staff to ensure client population safety and clear access for pedestrians and bicyclists from College Road through to the lease area.

The parking areas, congregation area and bicycle parking area has been designed in compliance with Section 108-318 which states the following:

*“Parking areas, driveways, bicycle ways and pedestrian ways shall be clearly identified, designed, and marked, where appropriate, to achieve safe and convenient circulation for motorized vehicles, bicyclists and pedestrians. Motorized traffic should be separated from principal bicycle ways, pedestrian routes and recreation areas by curbs, pavement markings, planting areas, fences or similar features designed to promote vehicle, bicycle and pedestrian safety.”*

**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), 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 College Road.

(c) *Land use compatibility*. Uses within 300 feet include surrounding uses include public service and multifamily.

(d) *Historic and archeological resource protection*. None.

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

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

Proposed site amenities include new ADA-accessible sidewalks, bicycle racks, outdoor lighting, and a congregation area.

**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)**

The City authorized TetraTech to perform Phase I Environmental Site Assessment Report. The report was completed on November 21, 2021 and concluded based on testing and history of the site, that no contamination was found. "The results of this assessment have identified no evidence of on-site or offsite or HRECs. No further assessment of the target property is warranted at this time."

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

There are environmentally sensitive areas located near the property, the implementation of best management practices shall ensure no negative impacts to the adjacent sensitive lands.

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

Adjacent, native habitat is being preserved and a soil erosion control and sedimentation plan has been provided (C-100). No wetland areas will be negatively impacted by the proposed work. A completed landscape plan, signed and sealed with an irrigation plan a tree protection plan has been submitted.

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

There will be no changes to vehicular ingress or egress. The property is served by City bus routes located on the adjacent College Road. Parking spaces for (18) eighteen vehicles to be used by staff, volunteers, and a few KOTS clients, and (105) one hundred and five bicycles are proposed on the property.

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

There are no existing or proposed residential dwelling units on the property. Homeless shelters are institutional uses and do not constitute dwelling units per Section 122-1020(1). The proposed development is nonresidential in nature and therefore should have no detrimental effect on hurricane evacuation.

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

As public property, the proposed project would not yield ad valorem taxes. The estimated construction expenditure is to be determined. City applied for a CBDG state grant funding and is awaiting award information to be posted in the next couple of months on DEO website.

**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) Any relationship to the project to special zoning districts, such as airport noise and hazard zones, solid or

liquid waste treatment or disposal areas, shall be indicated.

(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, although bus routes run along and College Road. No bus parking area provided. The land dedicated by the interlocal agreement to construct the "new" KOTS does not allow for the functional ability of busses to turn around. To construct this project, the applicant proposes no bus parking. No bus parking currently exists. Bus stops currently exist along adjacent College Road.

The newly paved College Road accommodates four bus stops within 300 yards of the property exit, currently used by the homeless shelter's community. See attached diagram for clarification. The property currently owned by the County and not a public road. The County has not authorized any bus stops inside the property. There is no appropriate/considerable area and space for a bus stop in the lease area. The site has loading space as shown in the plans for drop off and pick up of food and homeless shelter clients. In case of evacuation the City will use the loading in the parking area to load the clients in the busses.

(f) Any special design features that will be utilized to reduce energy consumption shall be described. Further, any measures that will be taken to utilize solar energy or other alternative energy sources shall be described. The design team with the City's Engineering department is working on a solar study to present to the City Commission.

(g) If the building is to be elevated, the uses for the area between the bottom floor and the grade shall be indicated by square footage. Site plan provides the details.

(h) The size and nature of private and public recreation facilities provided on the site shall be indicated. None provided.

(i) Proof of coordination with applicable local, regional, state and federal agencies, including the state department of environmental protection and the army corps of engineers, that will be involved in the project shall be provided. Coordination with applicable agencies is being facilitated through the DRC.

(j) Evidence that any necessary permit, lease or other permission from the state department of environmental protection has been obtained for any activity that will impact wetland communities or submerged land shall be provided. Attached.

**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 demolishing the existing temporary non-contributing structures and construct a 20,948 square foot KOTS. The proposed uses are conditional uses within the PS Zoning District.

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

The project involves new construction of a one-story elevated structure. All work would follow the City's architectural guidelines.

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

All mechanical equipment and utility hardware would be screened. Dumpsters for garbage and recycling would be screened.

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

The City coordinated the location and design of the refuse containers with Waste Management to allow adequate access for refuse vehicles.

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

None proposed.

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

All new utility lines would be coordinated with the appropriate agency.

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

None proposed.

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

All lights would be shielded to prevent glare onto adjacent properties. Lighting would be provided within the parking area for security purposes. All lighting meets dark sky requirements pursuant to Section 122-1018.

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

All new signage proposed will adhere to Section 108-235.

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

All sidewalks to comply.

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

None proposed.

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

Any storage areas proposed will be located at the rear of the principal structure per code Section 108-288.

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

Vegetation removal is being reviewed by the Urban Forestry Manager and the Tree Commission and is discussed in more detail below.

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

A landscape plan is required as part of a development plan review, pursuant to City Code Section 108-411.

An application was submitted for a major development plan to redevelop the existing KOTS lease area. This review is to verify compliance with Sec 108 of the City Code regarding landscaping and buffer requirements to help the Planning Board with their review. This review is based on the site and landscape plan submitted to the Tree Commission dated January 14, 2022, and plans submitted to the Planning Board dated February 11, 2022, and an updated landscape plan dated March 3, 2022.

Review of Section 108:

1. Sec 108-243: Adjacent, native habitat is being preserved and a soil erosion control and sedimentation plan has been provided (C-100). No wetland areas will be negatively impacted by the proposed work. A completed landscape plan, signed and sealed with an irrigation plan and tree protection plan has been submitted.

2. Sec 108-289: The project will require the removal of (1) Strangler Fig tree currently growing against a structure. Numerous Buttonwood trees on the eastern side of the property including along the existing walkway, shall remain as well as two Gumbo limbo trees. The request to remove the Strangler Fig tree was approved by the Tree Commission on February 7, 2022 and requires the planting of a total of 3 caliper inches of approved trees, FL #1, from the approved list, to be planted on site and incorporated into the landscape plan.
3. Sec 108-346: According to the landscape plan, the project is proposing 64.7% open space. According to the architectural plans, the project proposes 55.4% open space. There are some Brazilian pepper and Seaside Mahoe trees, both invasive exotic plant species, on the site that will be removed. Due to the seed source being in the soil, the property maintenance plan must include a statement regarding maintenance of the property to remove any invasive exotic plant species.
4. Sec 108-347 (bufferyards): The proposed use of the property is considered medium intensity due to the periodic influx of people onto the site. This parcel is a lease section from a larger property currently containing a Jail and Monroe County Sheriff Department offices (government uses). According to the property appraiser site, the property along the access walkway to the KOTS building is multifamily and the northeast, northern, and northwest boundary area is submerged-conservation (fringing mangrove and wetland area).

A. The walkway/access area on the southeastern portion of the lease area would require an E buffer (medium impact-multi family) and this section of code does not have specific buffer requirements for screening (specific requirements to be determined by the City) therefore, a review is being based on the low impact requirement, B buffer of 40 plant units per 100 linear feet of landscaped area that is 5-9 ft wide.

The plan proposes a 6 ft wide landscaped planter along the walkway access area with the neighboring property that currently contains existing, tall buttonwood hedged trees. Three Sabal Palms, 80-Cordgrass shrubs, and Coontie plants will be planted (+95 new plant units) to create a vegetative buffer along an approximate 200 ft long area.

An additional approximately 50 ft long area along this walkway turns approximately 20 feet away from the property line and contains additional, existing buttonwood trees along an existing wire fence. No new vegetation is proposed to be planted on this section of property/lease line area.

B. The western side of the walkway/access area on the southwest side of the lease area abuts existing government use areas currently used as a vehicle impoundment facility and above ground storage tanks (medium-low impact). A B buffer area is required (40 plant units per 100 linear feet). The planting bed is 6 ft wide and is approximately 316 linear feet therefore, 124 plants units are required for this area. The landscape plan proposes the planting of 5-White Tabebuia and 9-Crabwood subcanopy trees, 8-Sabal Palms, 38- Simpson Stopper and 18-Locustberry shrubs and Coontie plants (+168 plant units).

C. The project does not propose continual buffer landscaping along the northeast, north, northwest, and western lease boundary lines. A large fringing mangrove and wetland area currently exists along most of this area therefore, a vegetative buffer currently exists and new vegetation is not needed (Sec 108-352). There are no existing adjacent neighbors on this part of the lease area to require a landscape buffer for the proposed homeless shelter and it would not be recommended to be planted next to the existing mangrove/wetland buffer. A structural buffer/wall-fence will be built upland of the jurisdictional wetland line. On the north and west side, an access drive and parking area will be created. Two small landscape planter areas will be created along the lease/property line and access driveway.

Overall, the proposed landscape plan meets the requirements of landscape buffering.

5. Sec 108-348 allows for credit of existing plant material. This has been addressed above.
6. Sec 108-352 allows for the reduction of landscape or bufferyard requirements where native vegetation currently exists along that bufferyard. A large fringing mangrove area and a wetland area currently exists bordering and in the northeast, north, and northwest lease/property lines areas, as shown on the plans.
7. Sec 108- 412: The plan does incorporate 70% native vegetation and 35% of the property is being landscaped. The rest of the property not covered in hardscape or groundcover will be mulched or have gravel or sod placed, as per plans.
8. 108-413, landscape requirement along street frontages. This property does not abut a public street. The lease line exists within a larger parcel. The south and southwest lease line does abut an existing, interior access driveway and parking area.
9. Sec 108-414 Interior parking areas: There are two interior parking areas on the parcel. One parking area is located under the pile supported main structure and the second parking area is located in the northern area of the property. The landscape does include 4 planters with a shade tree and shrubs in each planter in the northern parking area containing a total of 9 parking spots. The dimensions of these planters are not known at this time.
10. Sec 108-415 perimeter parking areas: There are no perimeter parking areas on the property.
11. 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. Since less than 30% of the site is non vehicular open space, 4 shade trees are required to be planted. The landscape plan includes the planting of 1-Pigeon Plum tree, 2-Sabal Palms, and 4-Thatch Palms in interior landscape areas along with various species of shrubs. Two existing Gumbo Limbo trees and Buttonwood trees also exist on the property that were not included in other reviews. Planters have been placed appropriately around the structure.
12. Sec 108-447: Curbing will be placed around all the landscape planters in the parking area, around the one small eastern planter adjacent to the access drive by the fire access, and the planter next to the delivery area. The landscape plan does include a tree protection plan.
13. Sec 108-450: Landscape screening has been provided where necessary.
14. Sec 108-481: The landscape includes the planting of 33 new trees and 20 new palms. The property contains numerous existing buttonwood trees. The proposed landscape plan meets this code section requirement.

Sec 110-88, Wetland Delineation: The project environmental consultant, Terramar Environmental, Inc, had a pre-application meeting with Sophie Wild, a South Florida Water Management District (SFWMD) representative, on November 17, 2021, which confirmed the upland wetland delineation line submitted in the application package.

Sec 110-89, development restrictions: No development is being proposed in the wetland areas. No adverse

impacts will occur to the surrounding wetland areas due to the upland construction. Coordination with SFWMD has been established.

Sec 110-91, wetland buffer zones: City code states that a natural, upland buffer zone will be created around wetland areas landward of the jurisdictional line to protect the wetland areas from impacts generated by the adjacent upland areas. The purpose of the buffer is to ensure the function of the wetland areas, to prevent pollutants from runoff from entering into the wetland areas and to enhance water quality. The boundary of the upland buffer area shall be established by field investigation and shall be constituent with SFWMD standards.

Coordination with SFWMD indicates that a 25-foot upland buffer would not be required due to the lack of vegetation and the existing conditions of the scarified, upland area that abuts the wetland areas. The proposed structural wall/fence upland of the wetland jurisdictional line will provide a structural buffer to avoid adverse secondary impacts to the wetland area, creates a protective barrier, and would improve the current conditions of the site.

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

The proposed development includes (18) eighteen standard vehicle spaces. (105) One hundred and five (105) bicycle parking spaces are proposed on the property. The architect and City met with Cornerstone Resources Alliance, Inc throughout the design and was provided with a list of specifications and requirements from the director of the homeless shelter that included parking for the staff, volunteers and a few homeless shelter clients.

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

The site will come into full compliance with the requirements of stormwater and surface water management requirements. SFWMD permit was modified May 16, 2001. The new description of the stormwater management system is:

Surface water management system consists of site grading which directs all runoff to a dry retention area. Dry retention area overflows into tidal wetlands. A copy of the SFWMD surface water management general permit # 44-00163-S modification is attached. Site plan is page 18. One retention pond is existing for this permit.

**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)**

NA

**CRITERIA FOR CONDITIONAL USE REVIEW AND APPROVAL:**

**The Applicant is requesting a Variance from the Conditional Use Review and Approval Criteria.**

Pursuant to City Code Section 122-62(c), applications for a conditional use shall clearly demonstrate the following:

(1) *Land use compatibility.* The Applicant has demonstrated that the proposed conditional use within the PS Zoning District, including its proposed scale and intensity, traffic-generating characteristics and off-site impacts are compatible and harmonious with adjacent land uses and would not adversely impact land use activities in the immediate vicinity. According to the City of Key West Engineering Department the additional parking spaces appear to be an increase of about 2% with respect to the sites utilizing the drive that provides access to that area. However, as noted, these are spaces primarily used by staff/volunteers that currently use the MCSO lot, so there is no anticipated change in traffic. Also noted, is that the bus stop for KOTS is down the street, so that will not affect vehicular traffic either. The new KOTS should not generate additional trips that would require a study.

(2) *Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.* The site and building would be adequate to accommodate the proposed scale and intensity of the requested conditional use. The property was developed prior to the adopted LDRs and is nonconforming in several respects. It would be impossible for the site to accommodate all required screening, buffers, landscaping, open space and off-street parking of the LDRs without reducing the square footage needed to provide the right amount of services on site. Urban design amenities include bicycle racks, outdoor lighting, and ADA-accessible sidewalks.

(3) *Proper use of mitigative techniques.* To help minimize or prevent any adverse impacts of the proposed use, the City proposes to completely screen all mechanical equipment, utilities, and dumpsters; install landscaping throughout the property to provide visual buffers where appropriate.

(4) *Hazardous waste.* No hazardous waste would be generated, and no hazardous materials would be used.

(5) *Compliance with applicable laws and ordinances.* All necessary permits from other governmental agencies would be obtained.

(6) *Additional criteria applicable to specific land uses.* Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:

a. *Land uses within a conservation area.* Not applicable.

b. *Residential development.* Not applicable.

c. *Commercial or mixed-use development.* The proposed conditional use is nonresidential and has been reviewed for land use compatibility based on compliance with all applicable portions of the LDRs. No new traffic impacts are being proposed.

d. *Development within or adjacent to historic district.* The proposed development is not located within the historic district.

e. *Public facilities or institutional development.* Public facilities or other institutional development proposed as a conditional use was reviewed based on land use compatibility and design criteria established for commercial and mixed-use development. The city analyzed the proposed site location and design attributes relative to other available sites and the comparative merits of the proposed site, considering professionally accepted principles and standards for the design and location of similar community facilities and public infrastructure. The city also considered compliance with relevant comprehensive plan assessments of community facility and infrastructure needs and location impacts relative to service area deficiencies or improvement needs.

f. *Commercial structures use and related activities within tidal waters.* Not applicable as not commercial structure.

g. *Adult entertainment establishments.* Not applicable.

**Sec. 122-1018. - Conditional uses.**

Conditional uses in the public and semipublic services district (PS) are as follows:

(1) Emergency shelters for the homeless, and shelters for temporarily housing the homeless which meet the following minimum standards for development review, site development and operation:

a. Fencing: The entire site shall have a six-foot opaque fence on all sides.

**The entire site shall have a six-foot opaque fence on all sides. An opaque fence 6 feet in height will surround the property where adjacent uses exist.**

b.Landscape buffer: A minimum of a five-foot wide "D" buffer as specified in section 108-347(c)  
**The site does not currently have a five-foot wide "D" buffer. The City has requested a variance from this standard which is addressed in a companion staff report.**

c.Security lighting on the perimeter of the site and upon the interior of the fenced premises which shall be designed to "dark sky" lighting standards to protect adjacent residential uses.

**IN COMPLIANCE**

d.Onsite security personnel licensed by the State of Florida for such role and activity provided by the operator of the facility during the hours of operation inclusive of nighttime or any time when clients of the facility are present.

**IN COMPLIANCE**

e.An outdoor daytime congregation area inside the grounds of the site large enough to accommodate the maximum client population of the facility to prevent waiting and congregating off site.

**IN COMPLIANCE**

f.On-site facilities:

i. Sleeping facilities for 100% of the maximum client population;

All beds provided (148).

ii. Dining facilities for at least 50% of the maximum client population;

1275 sf of congregate space.

iii. Shower and toilet facilities in a quantity necessary to serve the maximum client population;

Men-There are 116 beds, 8 showers, 5 urinals, 6 toilets, and 9 sinks.

Women- There are 32 beds, 3 showers, and 4 sinks.

iv. Intake and counseling offices;

Provided.

v. Storage for client personal effects, food, sleeping linens, miscellaneous support materials;

Provided.

vi. A loading zone and bus parking area.

Loading provided. No bus parking area.

**No bus parking area provided. The Applicant is requesting a variance to this standard.**

g. All shelters for the homeless or for temporary housing [of] the homeless shall undergo review as a major development plan and meet the requirements of section 108-92 et seq.

**IN COMPLIANCE**

**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 Major Development Plan and Conditional Use be **Approved with the following conditions:**

**General conditions:**

1. The proposed construction shall be in substantial compliance with the site plans dated March 15, 2022, by William P. Horn Architect, and with Final Landscape Plans dated March 3, 2022 when approved by the Tree Commission. 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. During all phases of construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent streets and sidewalks shall be kept clean and clear of construction debris.
3. All sidewalks and walkways shall have a minimum 36-inch width and clearance from objects and landscaping. Five feet is preferred wherever possible. Flexi-pave shall be utilized in all instances in which sidewalks or parking area is in close proximity to trees. Pavement and sidewalk installation and repaving shall occur with oversight from the Urban Forester.
4. All invasive plant species shall be removed from the site (upland and wetland areas), particularly Seaside Mahoe-Thesesia populnea, Brazilian pepper-Schinus terebinthifolia, Lead tree-Leucaena leucocephala, and Australian Pine-Casuarina sp. The property shall be monitored and continual removal of these nuisance trees shall be done.
5. Tree protection and upland silt barriers must be placed and maintained.
6. No impacts authorized to occur to any protected trees. Overhanging buttonwood trees branches must be properly trimmed by a certified arborist prior to commencement of work on the property.
7. No impacts authorized to occur to the adjacent wetland areas. Any debris that accidentally falls into the wetland area must be immediately removed.
8. KOTS Facility shall utilize loading areas for Fire Department access and loading during evacuation procedures.
9. KOTS Facility Staff shall direct KOTS clients to utilize bus stops along both sides of College Road.

**Conditions prior to City Commission:**

10. Final Landscape approval required from Urban Forestry Manager on behalf of Tree Commission.

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

11. 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. The City may request a waiver for low income if grant is not approved.
12. Overhanging buttonwood tree branches must be properly trimmed by a certified arborist prior to commencement of work on the property and shall be inspected by the Urban Forester.

**Conditions prior to issuance of a Certificate of Occupancy:**

13. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.