

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



**To:** Chairman and Planning Board members  
**From:** Melissa Paul-Leto, Planner Analyst  
**Through:** Patrick Wright, Planning Director  
**Meeting Date:** October 18, 2018  
**Agenda Item:** **Major Development Plan– 638 United Street (RE # 00036600-000000)**  
- A request for a major development plan approval for the construction of five market rate residential units on property located within the Historic Residential/Office (HRO) zoning district pursuant to Section 108-91.A.2. (a), Of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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**Request:** Major development plan approval for the construction of five single family residential units.  
**Applicant:** Trepanier & Associates  
**Property Owners:** Land 10031, LLC c/o Uphoff Investments, LLC  
**Location:** 638 United Street (RE # 00036600-000000)  
**Zoning:** Historic Residential/ Office (HRO) zoning district



**Background / Proposed Development:**

The subject property is located along the 600 block of United Street between Villa Mill Alley and the 1300 block of Elizabeth Street. It is within the HRO zoning district. The parcel consists of three lots of record totaling 13,996 square feet. The property currently has a one story concrete block structure that functions as a commercial office space, formally Dion’s Oil Company. The City of Key West licensing department has records dating from year 1995 to 2005 when Dion’s Oil Company had active licenses.

On October 7, 1999 the property was granted a Variance, per Resolution No. 99-369 in order to construct an enclosed two car (parking) garage attached to the existing office building. On November 3, 2017 the applicant applied for Year 5: (2017- 2018) Building Permit Allocation System (BPAS) Application. The (BPAS) application for 638 United Street was awarded five (5) market rate units. Section 122-1467 (b), provides a linkage of projects, two development projects may link to allow the affordable housing requirement of one development project to be built at the site of another project, so long as the affordable housing requirement of the latter development is fulfilled as well. Both 638 United Street and 3228 Flagler Avenue are owned by the same entity and were awarded (BPAS) allocations with the caveat to include this linkage agreement. In Year 5: (2017-2018) 3228 Flagler Avenue was awarded three (3) market rate units and five (5) deed restricted affordable units; 638 United was awarded five (5) market rate units.

The applicant is requesting to demolish the existing one story commercial office building and convert the property to five market rate single family residential units. Three (3) of the dwelling units located along United Street provide off street parking, while the two (2) residential units to the rear have attached garages.

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

- Major Development Plan review is required due to the construction of five or more residential units, pursuant to Section 108-91.A.2.(a) and 108-517 of the Land Development Regulations (LDRs) of the Code of Ordinances (the “Code”) of the City of Key West (the “City”), Florida.

**Surrounding Zoning and Uses:**

Surrounding properties are located within the Historic Medium Residential (HMDR), Historic Commercial Tourist (HCT), and the Historic Neighborhood Commercial (HNC-1) zoning districts. Surrounding uses include residential housing to the north-east and north-west, transient lodging, restaurants, and commercial uses to the east, and neighborhood commercial uses to the southeast. Zoning districts within 300 feet of the property are HMDR, HCT, and HNC-1.

**Process:**

Development Review Committee (DRC):	February 22, 2018
Development Review Committee (DRC):	July 26, 2018
Preliminary Tree Commission:	August 14, 2018
Planning Board:	October 18, 2018
HARC:	pending

Final Tree Commission:  
 City Commission:  
 DEO review

pending  
 pending  
 Up to 45 days, following local appeal period

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

City Code Section 108-91.A.2. (a) Requires the reconstruction of five or more non-transient residential units 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. The Planning Board’s decision on a Major Development Plan in the historic district shall be advisory to the City Commission.

Planning staff, as required by Chapter 108 of the City LDRs, has reviewed the following for compliance with the City's LDRs and Comprehensive Plan as summarized in the following table.

<b>Project Data Summary</b>				
<b>Dimensional Requirement</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Zoning District	HRO			
Flood Zone	X			
Site size	13,996 square feet			
Maximum density	16 du/acre (5 units)	1 unit	5 units	In Compliance
Commercial F.A.R	1.0 (13,926 square feet)	0.34 (4,745 square feet)	0.0 (0 square feet)	In Compliance
Maximum height	30 feet	<20 feet	29 feet 10 ½ inches	In compliance
Maximum building coverage	50% (6,998)	34% (4,745 square feet)	50% (6,998 square feet)	In compliance
Maximum impervious surface	60% (8,397)	98% (13,716.08 square feet)	63% (8,838 square feet)	Improving In compliance
Minimum lot size	5,000 SF	13,996 square feet	13,996 square feet	In compliance
Minimum front setback (United Street)	5 feet	33 feet	5 feet	In compliance
Minimum side setback	5 feet	50 feet	5 feet	In compliance

<b>Project Data Summary</b>				
<b>Dimensional Requirement</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Minimum street side setback	5 feet	10 feet	5 feet	In compliance
Minimum rear setback	10 feet	11 feet	10 feet	In compliance
Minimum vehicular parking (single-family)	1 space per dwelling unit (5 spaces)	16 spaces	6 off-street spaces	In compliance
Minimum open space	35% (4,899 square feet)	5% (699.8 square feet)	33.21% (4,649 square feet)	Improving In compliance
Landscaping	Code Ch 108, Arts V & VI	See analysis	See analysis	<b>Nonconforming / waivers requested</b>

**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. This portion of the report shall serve as the required written determination of compliance.

**1. Potable water supply**

The potable water LOS standard for residential uses is 93 gallons per capita per day, pursuant to City Code Section 94-68. Utilizing this LOS standard, potable water demand is estimated as follows:

Based on per capita residential: 93 gal/capita/day x 12.5 persons (2.5 per unit) = 1,162.5 gal/day

Therefore, the adopted potable water LOS standard is anticipated to be adequate to serve the proposed development. The property is currently serviced with potable water by the Florida Keys Aqueduct Authority (FKAA), which has been notified of the upcoming development and has available capacity to service the proposed development with the existing infrastructure currently in place.

**2. Wastewater management**

The sanitary sewer LOS standard for residential uses is 100 gallons per capita 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 residential:  $100 \text{ gal/capita/day} \times 12.5 \text{ persons (2.5 per unit)} = 1,250 \text{ gal/day}$

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

**3. Water quality**

The property is served by the City’s central sewer system. The property is not adjacent to any bodies of water. Therefore, 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.

A drainage plan was submitted indicating that a full stormwater management system would be installed. Stormwater would be retained on-site through exfiltration trenches. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

**5. Solid waste**

The solid waste LOS standard for residential uses is 2.66 pounds per capita per day, pursuant to City Code Section 94-71. The proposed development is anticipated to accommodate 12.5 persons. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

Proposed development:  $2.66 \text{ lb/capita/day} \times 12.5 \text{ persons} = 33.25 \text{ lbs/day}$

According to the City’s General Services Division, the contract with Waste Management (WM) accounts for a 20 year “window” for waste processing at the Wheelabrator Waste-to-Energy site. There are other facilities in South Florida also owned by WM for continued use into the future. Therefore, 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. A traffic study was done by the applicant’s traffic engineer Karl B. Peterson, P.E. of KBP Consulting, Inc. This applicants report is currently being reviewed by the City’s Engineer. I will include his comments as soon as I receive his determination.

**7. Recreation**

The recreation LOS standard is five acres of recreation and open space per 1,000 permanent residents pursuant to City Code Section 94-70. According to the 2013 Comprehensive Plan Data and Analysis, the City is currently providing ample recreation and open space.

**8. Fire Protection**

The proposed development shall comply with the life safety requirements per the Fire Marshall's direction regarding installing sprinkle systems into the five single family units.

**9. Reclaimed water system**

The new development will utilize a rain catchment system per the BPAS prerequisite requirements of Section 108-997(b) (1) (c).

**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 development plan shall satisfy criteria established in:

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

The property is located within the Key West Historic District and the proposed development would need to obtain Certificates of Appropriateness from the Historic Architectural Review Commission (HARC) for the construction of the new residential buildings.

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

The proposed site plan is analyzed in greater detail below. A traffic study was submitted and is being reviewed by the City Engineer. The proposed open space is improving from what is currently there.

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

Potable water and wastewater were found to be in compliance 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 facing United Street, and street side to Villa Mill Alley.
- (c) *Land use compatibility.* Properties within 100 feet are located within the HMDR Zoning District. Adjacent land uses within 300 feet include residential, professional offices and other professional services, restaurants, and hotels. 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 project's impact on archaeological and historic resources is being coordinated through the DRC and would be reviewed by the HARC through a Certificate of Appropriateness.
- (e) *Subdivision of land.* No subdivision of land is proposed at this time.

**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 and reflected in the staff recommendation 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)**

Proposed site amenities include six (6) off-street parking spaces, a new stormwater drainage system, a rain catchment system and removal of two non-native trees from the site. This project also qualifies for the 1% set-aside for public art.

**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)**

Not applicable.

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

No environmentally sensitive areas are located on or near the property, which is located within the X flood zone.

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

- (a) *Land clearing, excavation and fill.* The land for the proposed new units is currently 98% impervious.
- (b) *Tree protection.* The City's Urban Forestry Manager and the Tree Commission are reviewing the proposed tree removal and landscape plans. Conceptual approval was granted on August 14, 2018.
- (c) *Landscaping plan.* The submitted plan indicates landscaping throughout the site. The tree commission has given conceptual landscape plan approval at their August 14, 2018 Tree Commission meeting. No environmentally sensitive areas exist.
- (d) *Irrigation plan.* The applicant has provided an irrigation plan.

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

Currently there are sixteen (16) off street parking spaces on the site for commercial use. This project is converting from commercial use to a residential use. The LDRs call for residential units in the historic district to have one space per dwelling unit which would bring the parking requirement to five (5) parking spaces, the proposed development will provide six (6) off street parking spaces.

Vehicular circulation would be provided by off-street driveways for the units facing United Street. The units located to the rear of the property will access Villa Mill Alley to a paved driveway that incorporates two separate car garages.

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

There are currently 4,745 square feet of commercial space within the existing one story concrete block structure on the property. The proposed Major Development for United Street includes the following:

- 638 United Street – four (4) bedroom, 1 ½ story, approximately 2,167 square feet.
- 640 United Street – five (5) bedroom, 2 ½ story, approximately 2,902 square feet.
- 642 United Street – four (4) bedroom, 1 ½ story, approximately 2,167 square feet.
- 644 United Street – five (5) bedroom, 2 ½ story, approximately 3,069 square feet.
- 646 United Street – five (5) bedroom, 2 – story, approximately 2,253 square feet.

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

The applicant has contacted the Monroe County Property Appraiser's office to seek assistance in estimating the average ad valorem tax yield from the proposed project.

**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 is located within the historic district and the X 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, although the property is served by several bus routes running along United Street.



- (f) A rain catchment system for the development plan will reduce water demands and energy by providing for onsite irrigation as well as other uses.
- (g) The property is located within the X flood zone.
- (h) Currently the site maintains 699.8 square feet of open space. The proposed development plan will have 33.21%, (4,649 square feet) open space.
- (i) Coordination with applicable agencies is being facilitated through the DRC.
- (j) No wetlands or submerged land would be impacted.

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

The project would be completed in one phase. The applicant intends to initiate construction after all other level of city approvals are in place. Temporary construction fencing and erosion barrier shall be installed and maintained during all phases of demolition and construction. All City streets and sidewalks shall be kept clean and safe during all phases of demolition and construction.

**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 HRO zoning designation for this parcel was crafted to ensure this type of residential development with improved open space, improved impervious surface and building coverage able to accommodate the proposed development.

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

The proposed buildings are required to be approved by HARC and in keeping with their standards and guidelines.

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

Mechanical equipment utility hardware and waste storage areas screening and location is provided on sheet A101 of the plans.

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

The City will coordinate the location and type of refuse containers through the DRC and with Waste Management to ensure adequate service access.

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

None proposed.

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

The proposed project will require installation of new utility services, Installation will be coordinated with the appropriate utility agency and in accordance with Section 108-282.

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

No commercial activities are proposed.

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

No exterior lighting information was provided. Staff recommends an outdoor lighting plan be submitted prior to the City Commission hearing.

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

Any new signage would have to obtain HARC approval and building permits.

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

No new sidewalks are proposed.

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

No loading docks are proposed and no loading/unloading area is indicated.

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

No exterior storage areas are proposed.

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

No work would impact a floodplain or a conservation area. A proposed stormwater management would address drainage and runoff from the site. Vegetation removal is being reviewed by the Urban Forestry Manager and the Tree Commission. Temporary fencing and silt barriers shall be in place during demolition and construction to prevent soil and debris from running into City streets and sidewalks.

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

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. The submitted plan indicates landscaping incorporated along the perimeters of the property, as well as within the proposed development area. Many improvements to current landscaping including the removal of two non-native trees and one native tree with root issues from the entire property are proposed.

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

The code requires one space per single family dwelling unit, this would create an off-street parking requirements of five (5) spaces. The applicant is currently proposing six (6) off street spaces.

Being a residential development, no deliveries are anticipated.

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

An existing, approved and functional stormwater management system exists on the property. No changes are proposed as part of this development. An engineering certification is provided that demonstrates the stormwater system meets the minimum requirements.

**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, qualifies for the City's Art in Public Places (AIPP) program, 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. A full public art plan would be required to be approved by the AIPP Board prior to building permit issuance.

**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 Landscape Modifications / Waivers be **APPROVED** with the following conditions:

**General conditions:**

1. The proposed development shall be consistent with the plans dated August 24, 2018 by Robert Allen Steele, P.A., and the landscape plans by Ladd B. Roberts, Landscape Architect; notwithstanding any revisions requested and recommended by staff.
2. During all phases of 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.
3. Each of these structures is a single-family home. Section 86-9 defines family as:
  - (1) One person or a group of two or more persons related by blood, marriage, adoption, or foster care occupying a dwelling unit as a separate, independent, not-for-profit housekeeping unit with a single kitchen and set of culinary facilities. Such family may also include up to two unrelated persons who serve as servants or caretakers for the housekeeping unit; or
  - (2) Up to four unrelated persons occupying a dwelling unit as a separate, independent, not-for-profit housekeeping unit with a single kitchen and set of culinary facilities.

**Conditions prior to the City Commission hearing:**

3. The applicant shall obtain final landscape plan approval from the Tree Commission.

4. The applicant must obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).
5. The applicant shall submit an outdoor lighting plan pursuant to City Code Section 108-284.

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

6. 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.
7. Per the Fire Marshall's request, all five (5) single family dwelling units shall have sprinkler systems installed into each structure.