



THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, AICP-C, Planner I

Meeting Date: September 17th, 2020

Application: Text Amendment to the Comprehensive Plan - 1900 North Roosevelt Boulevard (RE# 00051820-000000) and 1910 North Roosevelt Boulevard (RE# 00051840-000000) - A Resolution of the City of Key West Planning Board recommending an Ordinance to the City Commission amending Comprehensive Plan Table 1-1.1.5, a request to raise the maximum Floor Area Ratio (FAR) of parcels located in the General Commercial (CG) zoning district from .8 FAR to 1 FAR pursuant to Section 90-554 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida and Table 1-1.1.5 of the Comprehensive Plan of the City of Key West, Florida.

Request: Request to amend the Comprehensive Plan to increase the maximum floor area ratio of the General Commercial zoning district from 0.8 to 1.0.

Applicant: StorCon Development LLC, through Smith/Hawks

Background:

The applicant has proposed a major development plan for the redevelopment of a 53,000 sqft, more or less, property on the corner of N. Roosevelt Blvd and First Street: including the properties located at 1900-1910 N. Roosevelt Blvd. The applicant proposes to join the two properties located at 1900 N. Roosevelt and 1910 N. Roosevelt Blvd. through a Unity of Title. The applicant proposes to demolish the Sunshine Scooter structure and all accessory structures at 1910 N. Roosevelt to create a 50,000 sqft self-storage facility. The applicant proposes to leave all structures and uses as-is at 1900 N. Roosevelt. In order to move forward with the applicant's development plan as currently designed, the proposed amendment must move forward. The proposed Comprehensive Plan amendment will affect the proposed major development plan location as well as the entire CG zoning district. The Planning Board is hearing the proposed Comprehensive Plan text amendment and a text amendment to the Land Development Regulations "LDRs" in order to increase the Floor Area Ratio of the CG zoning district, which will allow developers to construct structures at a larger scale but remain beholden to current regulations for open space, setbacks, impervious surface ratio, height, and building coverage. To ensure compatibility with adjacent residential uses, there must be careful consideration of setbacks, heights and buffering, including landscaping, berms, walls, etc.

The area is in the General Commercial zoning district and is generally located along the North Roosevelt Corridor. The proposed ordinance to amend the City's Comprehensive may facilitate redevelopment of

the General Commercial (CG) Zoning District. Properties within this zoning district service the general commercial needs of residents and tourists which are not fulfilled in the historic area mixed use districts. Single-family, duplex and multiple-family residential activities may be accommodated if approved as a conditional use. The General Commercial zoning district is comprised of a western section from Jose Marti Blvd to Seventh Street with a 30-foot height restriction and the eastern section that encompasses the rest of the district east of Seventh Street with a 40-foot height restriction. The western section is comprised of narrow commercial parcels that directly abut single-family and multi-family parcels. The code states that height restrictions are intended to ensure a more effective land use transition from adjacent and nearby single-family neighborhoods in this district. The applicants project is located within the western portion of the CG district with the lower height allowance.

The CG zoning district contains many aging shopping centers, car-oriented streetscapes, and little landscaping along the main commercial corridor. Ordinance No. 19-39, passed by Planning Board and City Commission in 2019, allowed affordable single-family and multi-family housing by right in the CG zoning district and allowed a density bonus for affordable housing up to 40 dwelling units per acre. This affordable housing bonus for the CG zoning district was intended to further incentivize mixed use redevelopment and affordable workforce housing.

Map of General Commercial (CG) zoning district, 2020



The applicant has also submitted a proposed change to Section 108-572 of the LDRs for the creation of a new use in the City's schedule of off-street parking requirements. The applicant proposes to create an 18th use in the chart entitled Self-Storage in conjunction with their redevelopment of a 53,000 sqft, more or less, parcel on the corner of 1900 N. Roosevelt. The new parking requirement for the self-storage use would be one (1) parking space per fifty (50) storage units, as well as one (1) additional space for employee parking.

Proposed Text Amendment:

The proposed text amendment(s) to the LDRs is as follows*, the additions are underlined and the removals are crossed through:

Table 1-1.1.5

Commercial Future Land Use District			
Zoning District	Density	Intensity	Uses & Limitations
(CT) Salt Pond Commercial Tourist	Maximum of 16 dwelling units per acre. *	Maximum FAR of 0.8.	Allowable uses in areas zoned CT are motels, limited scale tourist facilities, customary accessory uses, and requisite community facilities including public schools.
(CG) General Commercial		Maximum FAR of 0.8 <u>1.0</u> .	Allowable commercial uses in areas zoned GC inclusive of, but not limited to, general retail sales and services, highway-oriented sales and services, other general commercial activities, customary accessory uses, and requisite community facilities including public schools. Residential uses are allowed and encouraged in the (CG) General Commercial Zoning District if in conformance with Policy 1-1.1.4 with a *density bonus allowing up to 40 dwelling units per acre with the provision of deed restricted affordable housing in conformance with Policy 3-1.1.7. Density bonuses are solely for affordable housing. Market rate housing will be restricted to the maximum of 16 dwelling units per acre.
(CL) Limited Commercial		Maximum FAR of 0.8.	Allowable commercial uses in areas zoned CL include but are not limited to low to medium intensity retail; small limited item shops and customary accessory uses, and requisite community facilities including public schools.

Land Development Regulations Text Amendment Process:

Planning Board: September 17th, 2020
 City Commission (first reading): TBA
 City Commission (second reading): TBA
 Local Appeal Period: 30 days
 Render to DEO: 10 working days
 DEO Notice of Intent (NOI)
 Effective when NOI posted to DEO website

Analysis:

The purpose of Chapter 90, Article VI, Division 2 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) is to provide a means for changing the text of the Comprehensive Plan. It is not intended to relieve particular hardships nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the City Commission shall consider, in addition to the factors set forth in this subdivision, the consistency of the proposed amendment with the intent of the Comprehensive Plan.

Pursuant to Code Section 90-552 the Planning Board, regardless of the source of the proposed change in the Comprehensive Plan, shall hold a public hearing thereon with due public notice. The Planning Board shall consider recommendations of the City Planner, City Attorney, Building Official and other information submitted at the scheduled public hearing. The Planning Board shall transmit a written report and recommendation concerning the proposed change in the Comprehensive Plan to the City Commission for official action. In its deliberations, the Planning Board shall consider the criteria in Code Section 90-521.

Criteria for Approving Amendments to the Comprehensive Plan pursuant to Code Section 90-555. In evaluating proposed changes to the Comprehensive Plan, the City shall consider the following criteria:

- (1) Consistency with plan. Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

- a. **Consistency with the Comprehensive Plan:**

The City’s Comprehensive Plan was developed in response to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes). The Plan and its updates are consistent with the State, Regional and County plans; and serves as the basis for all land development decisions within the City of Key West. In addition to fulfilling legislative requirements, the City’s Plan: protects and maintains its natural, historic and cultural resources; preserves its community character and quality of life; ensures public safety, and; directs development and redevelopment in an appropriate manner.

The proposed text amendment would be inconsistent with the overall purpose of the Comprehensive Plan, particularly objectives 1-1.2.1 (Plan and Design for Residential Quality) and 1-1.3 (Allocating Commercial Development).

Policy 1-1.2.1: Provide Access to Goods and Services and Protect Residential Areas from the Adverse Impacts of Transition in Land Use, is designed to protect residential areas from the encroachment of incompatible development. Potential adverse impacts shall be minimized by landscaping, berms, screening, and other buffering techniques.

Policy 1-1.2.2: Promote Orderly Land Use Transition, aims to protect residential uses from commercial uses by buffering or other techniques. Buffering may take the form of barriers, berms, hedges, landscaping, walls/fences, as well as the development of transitional use between the incompatible uses, such as high intensity commercial uses and residential uses.

The applicant has proposed an amendment to increase the scale and size of these developments that abut single-family and multi-family dwellings.

Objective 1-1.3: *Allocating Commercial Development*, states that the development and redevelopment of structures be compatible with the built environment. This policy states “Along the North Roosevelt commercial corridor, the city shall promote redevelopment of mixed use and general commercial activities which fulfill market demands of the City’s residents for affordable housing proximate to retail sales and services.” The City has promoted redevelopment of this area through the 2019 text amendment to increase affordable housing allotments in the CG zoning district. All developments must still comply with all Land Development Regulations such as landscaping, height, setbacks, density, open space, etc.

Minimum Levels of Service Standards and the Concurrency Management Program:

The proposed text amendment would be consistent with the adopted infrastructure minimum level of service (LOS) standards and the concurrency management program.

- (2) Conformance with Ordinances. Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.

The proposal is in conformance with all applicable requirements of the Code of Ordinances

- (3) Changed conditions. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed rezoning.

The existing LDRs were adopted on July 3, 1997 through Ordinance No. 97-10 following adoption of the 1994 Comprehensive Plan. Over the years, the Comprehensive Plan and LDRs have been amended from time-to-time. A new Comprehensive Plan was adopted on March 5, 2013 and became effective on May 2, 2013.

The proposed ordinance to amend the City’s Comprehensive Plan is a component of the applicant’s proposed major redevelopment project involving the redevelopment of a 53,000 sqft., more or less, parcel located at 1900-1910 N. Roosevelt. The applicant is seeking additional floor area ratio to accommodate a larger self-storage structure to be placed on the 1910 N. Roosevelt lot. Self-storage facilities are classified as a light industrial land use and are a conditional use in the CG zoning district. The proposed text amendment will allow the applicant to increase the size and scale of their development from the 42,632 sqft of building area (.08 FAR) on the two properties to 53, 291 sqft of building area (1.0 FAR). The change in floor area ratio allows the applicant to develop another 10,659 sqft of building space.

Floor area ratio in the CG zoning district has not been altered since being ratified in 1997. In addition to the client’s proposed project, the amendment to increase the F.A.R. in the CG zoning district may spur redevelopment of existing underused parcels and encourage the development of affordable housing in the CG zoning district. The expansion of a structure in size and scale allows developers to create a larger structure at a more affordable rate per square foot than a smaller structure due to economies of scale. The increase in floor area ratio may make the redevelopment of the CG zoning district more desirable to developers who would not otherwise build affordable housing.

In addition to the expansion of the floor area ratio of the general commercial zoning district, the applicant is also proposing an amendment to the off-street parking table in the Land Development Regulations. The off-street parking table has been adjusted several times since the ratification of the off-street parking chapter in 1997. Changes in the off-street parking table are appropriate to maintain relevance in an emerging and expanding multi-modal trend in the City and across urban areas, per the City's Transportation Development Plan and the City's Bicycle and Pedestrian Master Plan.

- (4) Land use compatibility. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.

Potential land use incompatibilities may develop from the proposed increase to the floor area ratio. An effort must be made using urban design principles and landscaping to ensure that an increase in the floor area ratio of the CG zoning district does not create large blank square facades in the CG zoning district, but rather a harmonious design that complements surrounding residential, commercial, and public service uses. Without an increase in requirements for landscaping, buffering, screening, and setbacks, potential land use incompatibilities may develop between large major development projects and the abutting single-family and multi-family housing.



The General Commercial zoning district is comprised of two sections, a section from Jose Marti Blvd. to Seventh Street which is comprised of smaller commercial structures and has a height restriction of 30-feet. The eastern section of parcels are located east of Seventh Street which are comprised of larger commercial complexes with a height restriction of 40-feet. The City Code dictates that the height restriction for parcels located between Jose Marti Blvd. and Seventh Street is 30-feet due to the unique juxtaposition these commercial properties have to mostly residential parcels. The Code states that "Height restrictions shall ensure a more effective land use transition from adjacent and nearby single-family neighborhoods." An increase in the FAR of this section of the CG zoning district may result in structures that are larger in scale and size and

may be detrimental to the code's intent of ensuring an effective land use transition from adjacent single and multi-family homes.

Self-storage facilities are used in different ways amongst different groups of the population. Some clients may use the facilities to store excess goods, seasonal items, and items that are not needed regularly. Other clients use these facilities as storage for their industrial equipment, their work tools and materials, and may require to use these facilities on a daily basis to pick up and drop off materials, tools, etc. The proposed alteration of the off-street parking table of one (1) parking space per 50 storage units may be sufficient for the group of people who use these spaces sparingly. It is unclear how the parking will be used if this facility is used by clients that require accessing their storage units daily. The applicant is proposed 526 storage units at the proposed self-storage facility.

- (5) Adequate public facilities. Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.

The General Commercial zoning district is built out, few properties lay vacant, however many are underused. Underused properties that include low intensity, single-use commercial development and grey-areas (underused paved space) cover much of the CG zoning district. The intent of the General Commercial zoning district is to spur development and redevelopment of mixed-use properties that include a variety of uses include commercial, residential, and public facilities. An increase in floor area ratio for the CG zoning district may encourage and aid the future development/redevelopment of mixed-use and affordable housing in the district. All applications for either major or minor development projects that take advantage of the proposed code-change would be required to complete a concurrency determination pursuant to chapter 94 of the Land Development Regulations.

- (6) Natural environment. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.

The proposal to increase the floor area ratio of the CG zoning district may have a beneficial impact on the natural environment. Currently, many of the properties located in the CG zoning district are non-complying properties that do not include sufficient landscaping, especially canopy trees, are over the maximum impervious surface, over the maximum building coverage, and under the minimum required open space specified in the LDRs. It is the City's determination that an increase in F.A.R. would promote redevelopment which would incentivize developers to remove noncomplying structures and replace them with structures that more readily comply with city code including; dimensional regulations, landscaping, buffering, drainage, and screening requirements.

- (7) Economic effects. Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.

The proposal may garner both potential detrimental effects and potential beneficial effects on the surrounding property values and general welfare. The proposed

comprehensive text amendment change may spur redevelopment in properties zoned general commercial. This redevelopment may use the increase in floor area ratio to construct buildings of a larger size and scale. Since much of the CG zoning district abuts single-family and multi-family homes, its plausible these larger buildings may lower these property values due to larger shadows cast on the properties, blocked views, louder and closer equipment noise, tractor-trailer truck loading and unloading, etc. Future development, if mitigated with proper landscaping, buffering, and setbacks, may also bring redevelopment to underused parcels, which may increase surrounding property values and give surrounding property owners an alternative place to live, work, and play.

- (8) Orderly development. Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.

It is unclear if the proposal would lead to an orderly and compatible land use pattern, as much of the CG zoning district abuts residential and conservation land. Allowing buildings of larger scale and size abutting residential areas may result in an increase of an already incompatible situation. Without proper landscaping, setbacks, and other mitigation techniques, allowing larger more intense commercial structures to abut single-family homes may cause an increase in abutting incompatible land uses. The applicant has applied for an increase in the floor area ratio from 0.8 to 1.0, allowing the applicant to increase their total building size and scale by 10,659 sqft. To mitigate the expansion of commercial structures it is essential to require future development and redevelopment to follow all dimensional regulations including maximums for impervious surface, height, building coverage and requiring a minimum square footage for open space.

- (9) Public interest; enabling act. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the land development regulations in this subpart B and the enabling legislation.

The proposed text amendment may promote the public interest by spurring redevelopment of the General Commercial zoning district. The comprehensive plan states that the city has an objective to encourage redevelopment of commercial properties along the North Roosevelt Boulevard corridor. It is within the public's interest to redevelop this area to become a safer, walkable, greener corridor that has mixed-use development and incorporates affordable-housing, the proposed text amendment may encourage this redevelopment.

The proposed text amendment is neither in direct contradiction nor in harmony with the intent of the General Commercial zoning district as stated in the Land Development Regulations. The intent includes the effective land use transition from adjacent and nearby single-family neighborhoods, increasing the FAR for this zoning district may make this effective land use transition more difficult. To minimize the transition from commercial to residential the city will require compliance with all landscaping, screening, and buffering regulations.

- (10) Other matters. Other matters which the planning board and the city commission may deem appropriate.

There are not other matters at this time.

RECOMMENDATION:

Due to the extreme proximity of residentially zoned parcels in this particular section of the General Commercial zoning district, staff cannot recommend the proposed increase in FAR. The proposed FAR increase will allow CG structures to be built at a larger mass and scale which may affect the health, property values, and general welfare of the abutting residential property owners. In addition, as in this particular case, other property owners may choose to unify adjacent properties, allowing buildings of an increased mass and scale that create an even further negative impact on the surrounding property owners and the N. Roosevelt streetscape as a whole.

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 to amend the Comprehensive Plan, Table 1-1.1.5. be **Denied**. If the Planning Board chooses to approve an FAR increase for the CG zoning district at this time, the Department recommends excluding the more narrow western strip of the General Commercial Zoning District from Jose Marti to Seventh Street, which includes the applicant's properties.