

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



**To:** Chair and Planning Board members

**Through:** Patrick Wright, Planning Director

**From:** Vanessa Sellers, Planner II

**Meeting Date:** July 18, 2019

**Agenda Item:** **Major Development Plan, Conditional Use, and Landscape Modification / Waiver – 3824 & 3840 North Roosevelt Boulevard (RE# 00065550-000000 and RE# 00064950-000000) – A Major Development Plan, Conditional Use, and Landscape Modification / Waiver application to develop a hotel amenity to include a pool, a FlowRider® Double and associated mechanical equipment, six cabanas, restrooms, storage space, two Airstream® trailers, and two food trucks at properties located within the Commercial General (CG) zoning districts pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

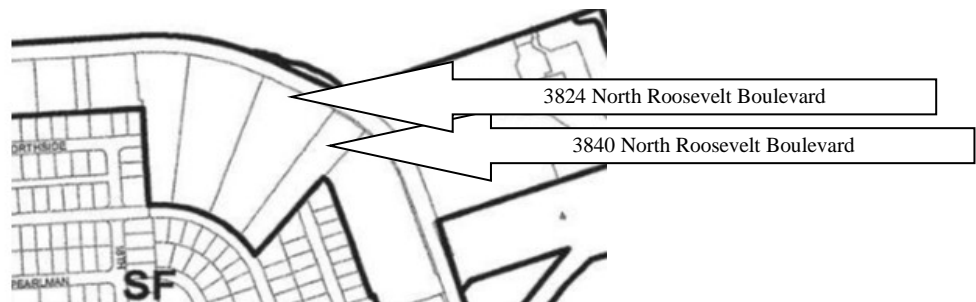
**Request:** Approval of a major development plan and conditional use permit for a proposed outdoor recreation amenity to include a pool, cabanas, sand and turf areas for lounging, a FlowRider® Double and associated mechanical space, restrooms, storage space, two (2) Airstream® trailers, and two (2) food truck locations.

**Applicant:** Gregory S. Oropeza, Esq. of Oropeza, Stones, and Cardenas, PLLC

**Property Owner:** SE Key West Owner VII LP

**Location:** 3824 & 3840 North Roosevelt Boulevard (RE # 00065550-000000 & RE # 00064950-000000)

**Zoning:** Commercial General (CG)



*Zoning map of the subject properties*



*Aerial view of the subject properties*

**Background:**

The properties at 3824 North Roosevelt Boulevard (“Site C”) and 3840 North Roosevelt Boulevard (“Site E”) are located between Seventh (17<sup>th</sup>) Street and the Overseas Highway. They are located within the Commercial General (CG) zoning district and are not within the Key West Historic District boundaries.

The properties are currently owned by SC Key West Owner VII LP (3824) and SE Key West Owner VII LP c/o Rockpoint Group LLC Woodland Hall at Old Parkland (3840). In 2009, the previous owners and the City entered into a Development Agreement for the phased redevelopment of the properties through Resolution 09-059. In 2013, the City Commission approved and authorized the execution of an Amended and Restated Development Agreement through Resolution 13-139. Both the Development Agreement and the Amended and Restated Development Agreement involved the following parcels:

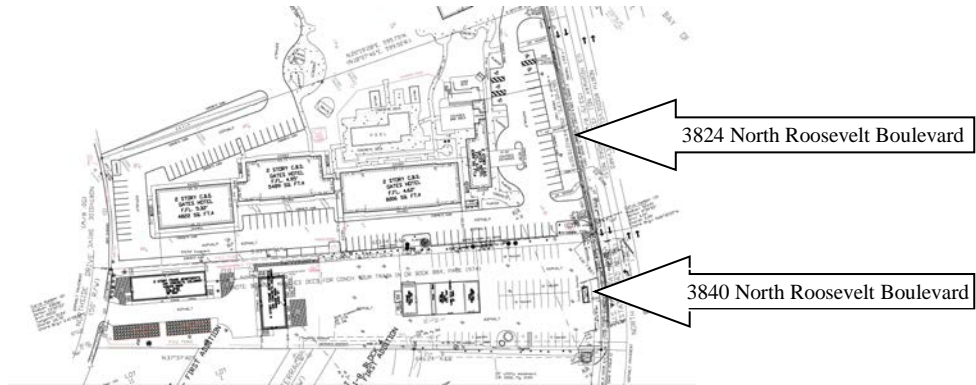
- 3800 N Roosevelt Boulevard – “Site F” – (vacant/used for parking)
- 3820 N Roosevelt Boulevard – “Site D” – 24 North Hotel – 145 Rooms
- 3824 N Roosevelt Boulevard – “Site C” – Gates Hotel – 100 Rooms
- 3840 N Roosevelt Boulevard – “Site E” – (used for parking and storage)
- 3850 N Roosevelt Boulevard – “Site B” – Hilton Garden Inn – 141 Rooms
- 3852 N Roosevelt Boulevard – “Site A” – Fairfield Inn & Suites – 133 Rooms

The Amended and Restated Development Agreement proposed two phases of redevelopment. The first phase (Phase 1) was for the renovation of four existing hotels located on Sites A, B, C, and D; the second phase (Phase 2) was for the redevelopment of the remaining two parcels (Site E and Site F) for commercial uses and affordable housing units. The effective date of the Amended and Restated Development Agreement was September 19, 2013, and the duration of the agreement was five (5) years.

The applicant was granted a 5-year extension to the Amended and Restated Development Agreement in January of 2019, with 2-years carved out for the use of the ten (10) Building Permit Allocation System (BPAS) units awarded to the applicant on February 4, 2015.

**Existing Conditions and Additional Background:**

The property at 3824 North Roosevelt Boulevard currently operates as the Gates Hotel. The property at 3840 North Roosevelt Boulevard contains a trolley station shelter, five (5) flag poles, fifty-two (52) parking spaces, a billboard sign, several shipping containers, and a parking canopy with a small structure underneath one end.



*Image of a portion of the existing survey.*

The table below gives more detail about the active licenses at the two locations:

<b>3824 North Roosevelt Boulevard:</b>		
License No.	License Sub-type	Company
30656	Transient Hotel – 100 Rooms	The Gates Hotel
30726	Entertainment Permit for Live or Recorded Amplified Music	The Gates Hotel
30779	Miscellaneous Other Service	Key West Concierge Inc.
32353	Catering or Restaurant – 0 Seats Mobile Food Unit on Private Property	The Blind Pig
<b>3840 North Roosevelt Boulevard:</b>		
(no active licenses as of the date of this report)		

According to the application, the parking canopy and parking spaces at 3840 North Roosevelt Boulevard will be removed. The trolley station shelter, flag poles, and billboard sign will remain. The billboard will be refaced, of like size and function.



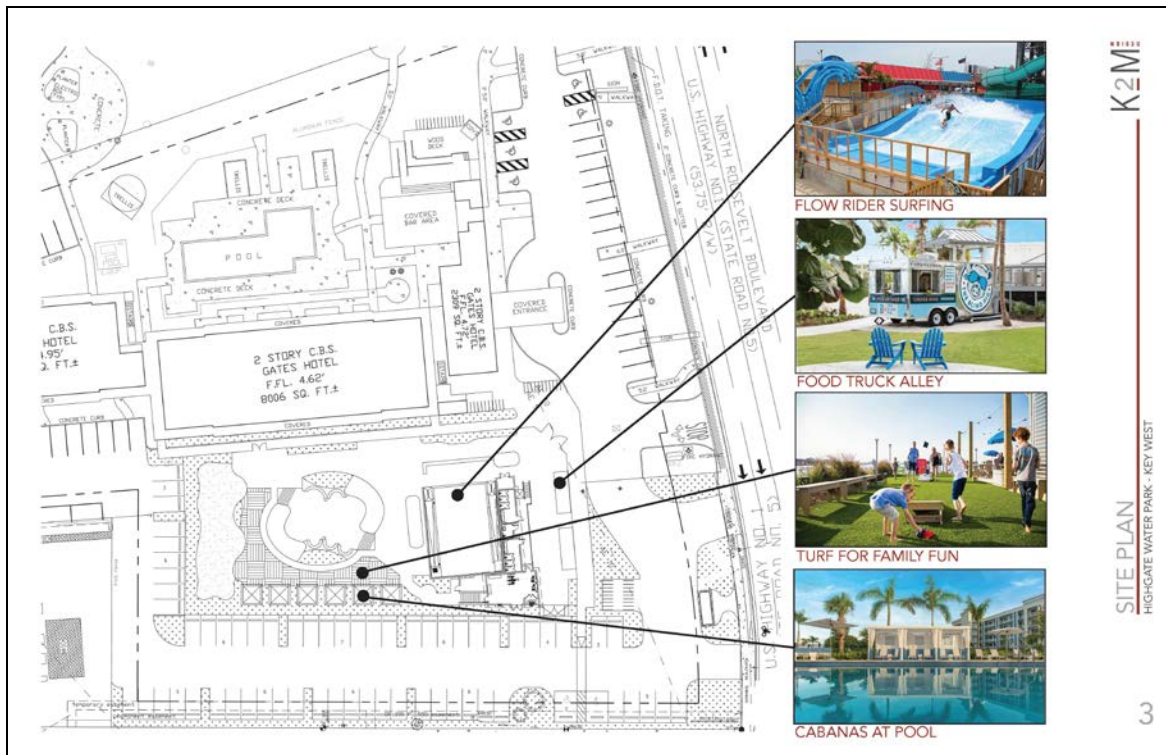
*Image of the parking canopy with small structure at one end to be removed.*



Images of the trolley station shelter, flag poles, and billboard sign to remain.

**Proposed Development:**

The applicant is proposing one (1) phase of development and redevelopment for the properties: Construction of an outdoor recreation amenity to include a pool, cabanas, sand and turf areas for lounging, a FlowRider® Double and associated mechanical space, restrooms, storage space, two (2) Airstream® trailers, and two (2) food truck locations.



Site plan of the proposed development with photos of a Flowrider Double, a food truck, a family playing cornhole, and a pool cabana.

- Major development plan review is required due to addition of outdoor commercial activity consisting of restaurant seating, outdoor commercial storage, active recreation, outdoor sales area or similar activities equal to or greater than 5,000 square feet, pursuant to Section 108-91.B.2(c) 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 the use of the property because commercial amusement within the General Commercial zoning district shall be by conditional use, pursuant to City Code Section 122-418.

In order for the development to occur, the applicant will also need to bring the two properties under common ownership and unity of title. A proposed quit claim deed and unity of title was submitted with the application for major development plan review.

**Surrounding Zoning and Uses:**

Surrounding properties are located within the Commercial General (CG) and Single-Family (SF) zoning districts. Surrounding uses include several large hotels, a multiple-family workforce housing complex, and single-family residences.

**Process:**

Development Review Committee:	May 23, 2019 (approved)
Preliminary Tree Commission:	June 11, 2019 (conceptual landscape plan)
Planning Board:	July 18, 2019
Final Tree Commission:	TBD
City Commission:	TBD
DEO review:	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.B.2 (c) requires Major Development Plan review for an addition of outdoor commercial activity consisting of restaurant seating, outdoor commercial storage, active recreation, outdoor sales area or similar activities equal to or greater than 5,000 square feet.

City Code Section 108-196(a) states after reviewing a Major Development Plan for a property and staff recommendations therefore, 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.

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 Northside Drive</b>	<b>Existing North Roosevelt Boulevard</b>	<b>Existing Gates</b>	<b>Proposed</b>	<b>Variance Required?</b>
Zoning District	CG					
Flood Zones	AE 8, AE 9, and AE 10					
Minimum Lot Size	15,000 SF	30,059 SF	48,235 SF	131,262 SF	No Change	None
Maximum Floor Area Ratio	0.8	0	0.057	0.237	0.093	None
Maximum Building Coverage	40%	24% (7,267 SF)	9% (4,461 SF)	24% (31,353 SF)	20%	None
Maximum Impervious Surface	60%	54% (16,107 SF)	88% (42,483 SF)	73% (95,505 SF)	Reduced to 70%	None
Minimum Open Space	20% for Commercial 35% for Residential	46% (13,952 SF)	12% (5,752 SF)	27% (35,757 SF)	Increased to 30%	None
Minimum Setbacks	Front and rear: minimum of 25' or as an alternative 10% of lot depth for buildings up to 25' in height or 20% of lot depth for buildings over 25' in height; provided, however, the maximum setback shall be 50'.				Front: 25'-0"	None
	Side: 15' or 10% of lot width up to a maximum of 20', whichever is greater.				15'-0"	None
Off-Street Parking for Automobiles	1 per lodging unit + 1 space for the manager / 1 space per 45 SF of consumption area	Existing to Remain	50	97	133 proposed with development	None

## **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. 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 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.

The following analysis is the anticipated use once the proposed development is completed.

### **1. Potable water supply.**

Pursuant to City Code Section 94-68, the potable water LOS standard for nonresidential uses is 650 gal/acre/day. Utilizing this LOS standard, potable water demand is estimated as follows:

Based on per capita nonresidential:  $650 \text{ gal/acre/day} \times 1.8 \text{ acres} = 1,170 \text{ gal/day}$

The adopted potable water LOS standard is expected 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 available capacity to service the proposed development with the existing infrastructure currently in place.

### **2. Wastewater management.**

Pursuant to City Code Section 94-67, the sanitary sewer LOS standard for nonresidential use is 660 gal/acre/day. Utilizing this LOS standard, sanitary sewer capacity demand is estimated as follows:

Based on per capita nonresidential:  $660 \text{ gal/acre/day} \times 1.8 \text{ acres} = 1,188 \text{ gal/day}$

The applicant states that the current utility service is adequate to support the proposed development pursuant to City Code Section 94-67. The proposal is a redevelopment of an existing nonresidential use; however, the adopted sanitary sewer capacity LOS standard is anticipated to be adequate to serve the proposed development.

### **3. Water quality.**

According to the applicant, water quality will be improved with the upgrades proposed with this development. Currently, the site has no stormwater retention other than the North Roosevelt improvements provided by the Florida Department of Transportation (FDOT).

#### **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 one  $\pm 20$ -LF exfiltration trench, two  $+60$ -LF exfiltration trenches, and two  $\pm 150$ -LF exfiltration trenches. The drainage plan was reviewed by city staff, and a determination was made that the plan addresses the requirements for stormwater management. In addition, the development will result in less impervious surface than the existing conditions. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

#### **5. Solid waste.**

Pursuant to City Code Section 94-71, the solid waste LOS standard for nonresidential uses is 6.37 pounds per capita per day. The plans show one (1) new trash collection location for the proposed development and an existing enclosure with two (2) Waste Management dumpsters at the rear of 3824 North Roosevelt Boulevard.



*Image of existing refuse enclosure.*

The adopted solid waste LOS is anticipated to be adequate to serve the proposed development.

#### **6. Roadways.**

The applicant submitted a traffic statement prepared by KBP Consulting, Inc. It has been reviewed by Calvin, Giordano, and Associates, an outside consulting group for the City. The consultant requested an expanded traffic impact statement to address several items. The request shall be addressed to the satisfaction of the consultant before the major development plan application is placed on a city commission agenda for final review.

#### **7. Recreation.**

The proposed development is a water-oriented amenity for hotel guests and the public. It is not anticipated that the City's adopted level of service for public recreation will be adversely impacted.



**8. Fire Protection.**

There is an existing reduced pressure zone (RPZ) device and fire hydrant at the front of the parcel at 3824 North Roosevelt Boulevard that will remain. Fire extinguishers will be provided as required by the Key West Fire Department.

**9. Reclaimed water system.**

The plans do not show a reclaimed water system. This project did not need BPAS units, therefore, no prerequisite cistern is required.

**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 not located within the historic district.

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

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.

Article IV: The applicant has submitted a traffic statement that is currently under review.

Article V: The existing open space ratio is 25-percent. The applicant has submitted a conceptual landscape plan that will improve the landscaping on the properties and increase the open space ratio to 30-percent.

**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 major development plan has been reviewed for compliance with all applicable performance criteria set forth in Code Chapter 94 (concurrency management), 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 properties are bounded by North Roosevelt Boulevard on the northeast, Northside Drive on the southwest, a hotel property to the west, and a hotel and single-family homes to the east.
- (c) *Land use compatibility.* Properties within 100-feet are located in the CG and SF zoning districts. Adjacent land uses within 300-feet include single-family residential, multi-family residential, and transient lodging with associated restaurant uses. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.
- (d) *Historic and archeological resource protection.* Not applicable.
- (e) *Subdivision of land.* No subdivision of land is proposed.

**Appearance of site and structures (City Code Section 108-236):**

The Applicant submitted a major development plan that generally exhibits harmonious overall design characteristics in compliance with the performance standards stipulated in Code Sections 108-278 through 108-288, as analyzed below.

**Site plan (City Code Section 108-237):**

The Applicant submitted a site plan pursuant to City Code Section 108-237, which is analyzed in greater detail below.

**Architectural drawings (City Code Section 108-238):**

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

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

Proposed site amenities include an additional thirty-six (36) off-street parking spaces for use by the Gates Hotel and its guests, forty-nine (49) spaces for bicycles, a pool, cabanas, sand and turf areas for lounging, a FlowRider® Double and associated mechanical space, restrooms, storage space, two (2) Airstream® trailers, two (2) food truck locations, a stormwater drainage system, landscaping, and site lighting. This project qualifies for the 1% set-aside for public art.

**Site survey (City Code Section 108-240):**

The Applicant submitted a site survey prepared by Monroe County Surveying & Mapping pursuant to City Code Section 108-240.

**Soil survey (City Code Section 108-241):**

Not applicable.

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

Although the properties are located within a floodplain, they are not located within a coastal high hazard area. In addition, no wetlands, open water, or upland wildlife habitat will be affected.

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

- (a) *Land clearing, excavation, and fill.* No land clearing, excavation, or fill is proposed at this time.
- (b) *Tree protection.* No tree removal is proposed with this development. The applicant received conceptual landscape approval from the tree commission on June 11, 2019, and the project will require final landscape approval prior to being placed on a city commission agenda. Tree protection notes are given in detail on sheet number LT1-01: Tree Disposition Plan.
- (c) *Landscaping plan.* Although the applicant is proposing one hundred and seven (107) new canopy plantings and numerous understory plantings, the development plan does not satisfy the performance criteria of article V and article VI of chapter 108. The applicant requests a landscape waiver/modification from the planning board, pursuant to section 108-517.
- (d) *Irrigation plan.* The applicant has not submitted an irrigation plan. However, staff recommends an irrigation plan be submitted as a condition of approval prior to this project being placed on a city commission agenda.

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

The proposed project will include two (2) two-way driveways, one twenty-four feet (24') wide and the other thirty-four feet, seven inches (34'-7") wide on the 3840 North Roosevelt Boulevard parcel and one (1) two-way driveway on the 3824 North Roosevelt Boulevard parcel. Each will have a stop sign and stop bar. The plans show two-way vehicular circulation throughout the property.

The plans show four (4) vehicular access points: three (3) two-way driveways from North Roosevelt Boulevard and a fourth access point from the adjoining hotel property at 3820 North Roosevelt Boulevard.

The existing parking availability at 3824 North Roosevelt Boulevard is ninety-two (92) standard-sized stalls and five (5) handicap accessible stalls with loading zones. The existing parking availability at 3840 North Roosevelt Boulevard is fifty (50) spaces, of which two (2) are handicapped accessible. Portions of the parking on each lot will be reconfigured with the proposed development. The result will be a total of one hundred thirty-three (133) spaces, of which eight (8) will comply with the American with Disabilities Act (ADA).

The property at 3824 North Roosevelt Boulevard will have three (3) bicycle racks and the property at 3840 North Roosevelt Boulevard will have one (1) bicycle rack. The properties will be able to accommodate a total of forty-nine (49) bicycles.

The combined off-street parking facilities are possible if the two properties are under common ownership and unity of title. A proposed quit claim deed and unity of title was submitted with the application for major development plan review.

The bicycle racks are strategically placed adjacent to pedestrian walkways. Concrete walkways encompass the properties and several lead to the pedestrian pathway that runs parallel to North Roosevelt Boulevard.

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

The proposed project does not include residential development. Not applicable.

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

An analysis of the estimated average ad valorem tax yield from the proposed project during phase 1 of development was provided by the applicant. In addition, the average annual estimated cost of construction (materials plus labor) is \$2,500,000. It is projected that the nonresidential development will require eight (8) permanent employees.

**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 not located in the historic district and is in the AE-8 and AE-9 flood zones.
- (c) No unincorporated portions of the county would be impacted by the proposed development.
- (d) The project does not front a shoreline.
- (e) No special facilities are proposed to accommodate bus ridership.
- (f) The plans do not indicate any special design features that will be utilized to reduce energy consumption. Further, there is no indication that measures will be taken to utilize solar energy or other alternative energy sources.

- (g) The properties are located within the AE-8, AE-9, and AE-10 flood zones and would not have usable area below the bottom floor.
- (h) The size and nature of the recreation facilities provided on the site is detailed throughout the plans.
- (i) Coordination with applicable agencies is being facilitated through the DRC.
- (j) The proposed activity will not impact wetland communities or submerged land.

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

The development is proposed in one (1) phase and it is not anticipated that the construction schedule will exceed one (1) year. Therefore, a construction management plan and inspection schedule are not required.

**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 comprehensive plan together with the LDRs, including size and dimension regulations, general provisions, performance criteria, and the list of permitted and conditional uses, off-street parking, landscaping, required open spaces, yards and building setbacks shall collectively be the principal guides in determining the suitability of the location of the proposed use.

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

The proposed project, and its choice of building materials, plant materials, lighting, and other site improvements will create a pleasing and harmonious overall environment. The AIPP board will be instrumental in incorporating public art on the property.

**Location and screening of mechanical equipment, utility hardware and waste storage areas (City Code Section 108-279 & 280)**

According to sheet A2.1.0, an equipment room is proposed to house pool equipment.

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

None proposed.

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

No changes to utility lines proposed. However, an existing electric transformer and panel will be relocated, and an existing light pole will be removed.

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

None proposed.

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

The applicant has not submitted a lighting plan. However, light sources shall be shielded and arranged to eliminate glare from roadways and streets and shall be directed away from properties lying outside the district. Shielding of lighting elements shall be accomplished by using an opaque shade to direct the light. Street lighting shall be installed on all internal and perimeter streets, within parking areas, and along pedestrian walkways.

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

According to the sheet G0.0.2, signage will be contained within the site. In addition, the existing billboard sign will be refaced, of like size and function.

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

Sidewalks shall link vehicle use areas including parking areas with all principal buildings. The pedestrian circulation system shall include marked pedestrian crossings in order to separate vehicular and pedestrian traffic. The City's traffic statement review consultant made the following request: "Please provide an expanded traffic impact statement that discusses traffic circulation amongst the hotel properties especially the pedestrian and bicycle infrastructure connectivity. Please include discussion of drop-off and pick-up for ridesharing." Receipt of the expanded traffic statement prior to placement on a city commission agenda will be a condition of approval.

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

No loading docks are proposed, and no loading/unloading 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 land clearing, excavation, or fill is proposed in the application or on the plans.

**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 throughout the property. The applicant will go to the Tree Commission for final approval of the landscape plan after the Planning Board. Nonetheless, full compliance with all landscape buffer requirements of the LDRs is not proposed. The applicant is requesting a landscape waiver/modification pursuant to section 108-517, as outlined in the table on the following page:

Landscaping Modification / Waiver Summary				
Landscaping Type	Minimum Required	Existing	Proposed	Change / Waiver
Street frontage (Sec. 108-413)	30 linear feet of required landscaping / 120 plant units (area of site 1 to <3 acres)	None	See attached conceptual landscape plan.	Waiver requested
Interior areas (Sec. 108-414)	20-percent of the parking area / each planting area a minimum of 6' x 60' and contain at least 1 shade tree	None	See attached conceptual landscape plan.	Waiver requested
Perimeter (Sec. 108-415)	5.0 feet perimeter landscape strip; 1 canopy tree and 10 shrubs per 35'	None	See attached conceptual landscape plan.	Waiver requested
Landscape screening (Sec. 108-450)	A landscape strip along the entire perimeter of all parking areas except along the portion of the perimeter which is entirely screened visually from adjacent property by buildings on the property being improved.	None	See attached conceptual landscape plan.	Waiver requested

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

City Code requires one (1) space per lodging unit plus one (1) space for the owner or manager. The off-street parking requirement for restaurants, bars, and lounges is one (1) space per forty-five (45) square-feet of consumption area. The off-street parking requirement once the proposed project is complete would be a minimum of one-hundred and twenty (120) spaces. The applicant is proposing one hundred and thirty-three (133) spaces.

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

A drainage plan was submitted indicating that a full stormwater management system would be installed. Stormwater would be retained on-site through one ±20-LF exfiltration trench, two +60-LF exfiltration trenches, and two ±150-LF exfiltration trenches. The drainage plan was reviewed by city staff, and a determination was made that the plan addresses the requirements for stormwater management. In addition, the development will result in less impervious surface than the existing conditions. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

**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. Construction costs are estimated to be \$2,500,000. Approval of a full public art plan would be required.

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

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

- (1) *Land use compatibility.* Properties within 100-feet are located in the CG and SF zoning districts. Adjacent land uses within 300-feet include single-family residential, multi-family residential, and transient lodging with associated restaurant uses. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development. The conditional use and its proposed scale and intensity, traffic-generating characteristics, and offsite impacts, will be compatible and harmonious with all of the adjacent land uses and will not adversely impact land use activities in the immediate vicinity.
- (2) *Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.* The size and shape of the site, the proposed access and internal infrastructure, and the urban design enhancements are adequate to accommodate the proposed scale and intensity of the conditional use requested. The site is of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
- (3) *Proper use of mitigative techniques.* The applicant has demonstrated that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme appropriately addresses off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
- (4) *Hazardous waste.* The proposed use will require the use of chlorine in its operation. The chlorine will be stored in a storage room (code 20 on site plan sheet number A1.1.1) next to the equipment room.



- (5) *Compliance with applicable laws and ordinances.* Any and all necessary permits from other governmental agencies would be obtained.
- (6) *Additional criteria applicable to specific land uses.* The applicant for this conditional use approval has demonstrated 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.* Commercial or mixed-use development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting floor area ratio, setbacks, lot coverage, height, mass of buildings, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles I, II, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, pedestrian access and circulation; internal vehicular circulation together with access and egress to the site, and off-street parking; as well as possible required mitigative measures such as landscaping, buffering, and other site design amenities. Where commercial or mixed-use development is proposed as a conditional use adjacent to U.S. 1, the development shall be required to provide mitigative measures to avoid potential adverse impacts to traffic flow along the U.S. 1 corridor, including but not limited to restrictions on access from and egress to U.S. 1, providing for signalization, acceleration and deceleration lanes, and/or other appropriate mitigative measures.
  - d. *Development within or adjacent to historic district.* Not applicable.
  - e. *Public facilities or institutional development.* Not applicable.
  - f. *Commercial structures, uses, and related activities within tidal waters.* Not Applicable.
  - g. *Adult entertainment establishments.* Not applicable.

**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, Conditional Use, and Landscape Waiver / Modification be **APPROVED** with the following conditions:

**General conditions:**

1. The hours of construction shall be in compliance with City Code and be limited to 8 AM to 7 PM on Monday to Friday, and 9 AM to 5 PM on Saturday.
2. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
3. The proposed development shall be consistent with the signed and sealed plans by K2M Design and David Douglas Associates, Inc. No approval granted for any other work or improvements shown on the plans other than the proposed pool, FlowRider® Double and associated mechanical equipment, six cabanas, restrooms, storage space, two Airstream® trailers, and two food trucks.
4. Hours of operation may be 7-days a week, from 9am to 9pm. Any proposed extension in hours of operation must be approved by the Planning Board pursuant to section 122-63 (e).

**Conditions prior to placement on a City Commission agenda:**

5. The applicant shall obtain final landscape plan approval from the Tree Commission.
6. Any comments or requests by the City's traffic engineering consultant relating to the applicant's expanded traffic statement received prior to the City Commission hearing shall be addressed.
7. Pursuant to section 108-243, an irrigation plan, prepared by a registered landscape architect, engineer, or an irrigation contractor working under the supervision of a registered landscape architect or engineer shall be submitted prior to the City Commission hearing.
8. A lighting plan shall be submitted that shows light sources shielded and arranged to eliminate glare from roadways and streets and directed away from properties lying outside the district. The plan shall show that street lighting will be installed on all internal and perimeter streets, within parking areas, and along pedestrian walkways. Shielding of lighting elements shall be accomplished by using an opaque shade to direct the light.

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

9. Pursuant to the note to file, dated December 10, 2013, the unit at the Welcome Center located at 3840 North Roosevelt Boulevard will revert back to the City for redistribution for other potential projects when the site is redeveloped.

10. Applicant shall coordinate with Keys Energy Services a full project review.
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.
12. A unity of title shall be submitted to the Planning Director.

**Conditions prior to issuance of a Certificate of Occupancy and/or tax receipt:**

13. No building permit shall become final and no certificate of occupancy shall be issued until any and all impact fees are paid.
14. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board and City Commission resolutions.