

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager

Through: *DC* Donald Leland Craig, AICP, Planning Director

From: Kevin Bond, AICP, LEED Green Associate, Planner II

Meeting Date: September 16, 2014

RE: **Major Development Plan, Conditional Use & Landscape Modification / Waiver - 1001 James Street (RE # 00001700-000000; AK # 1001767)**
– A request for major development plan, conditional use and landscape modification / waiver approvals for the reconstruction of 2,500 or greater of gross floor area, conditional use approval for the modification and continuation of public utility and parking lot uses, and landscape modification approval for the reduction of required landscaping associated with the proposed renovation of the Keys Energy office building on property located within the Historic Residential Commercial Core - Key West Bight (HRCC-2) Zoning District pursuant to Sections 108-91.A.2.(b), 108-517, 122-62 and 122-718(8) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

ACTION STATEMENT:

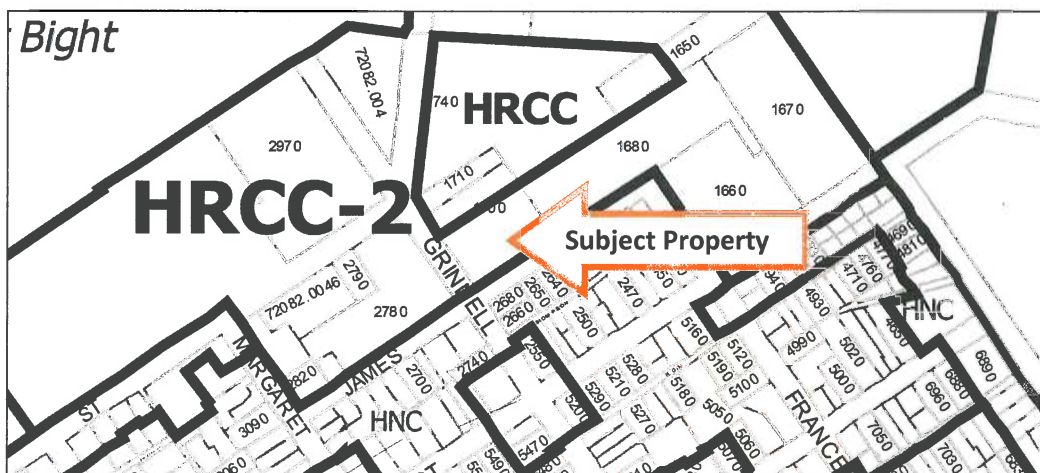
Request: Major development plan approval for the reconstruction of 2,500 or greater of gross floor area, conditional use approval for the modification and continuation of public utility and parking lot uses, and landscape modification approval for the reduction of required landscaping associated with the proposed renovation of the Keys Energy office building.

Applicant: Bender & Associates Architects, P.A.

Property Owner: The Utility Board of the City of Key West

Location: 1001 James Street (RE # 00001700-000000; AK # 1001767)

Zoning: Historic Residential Commercial Core – Key West Bight (HRCC-2)



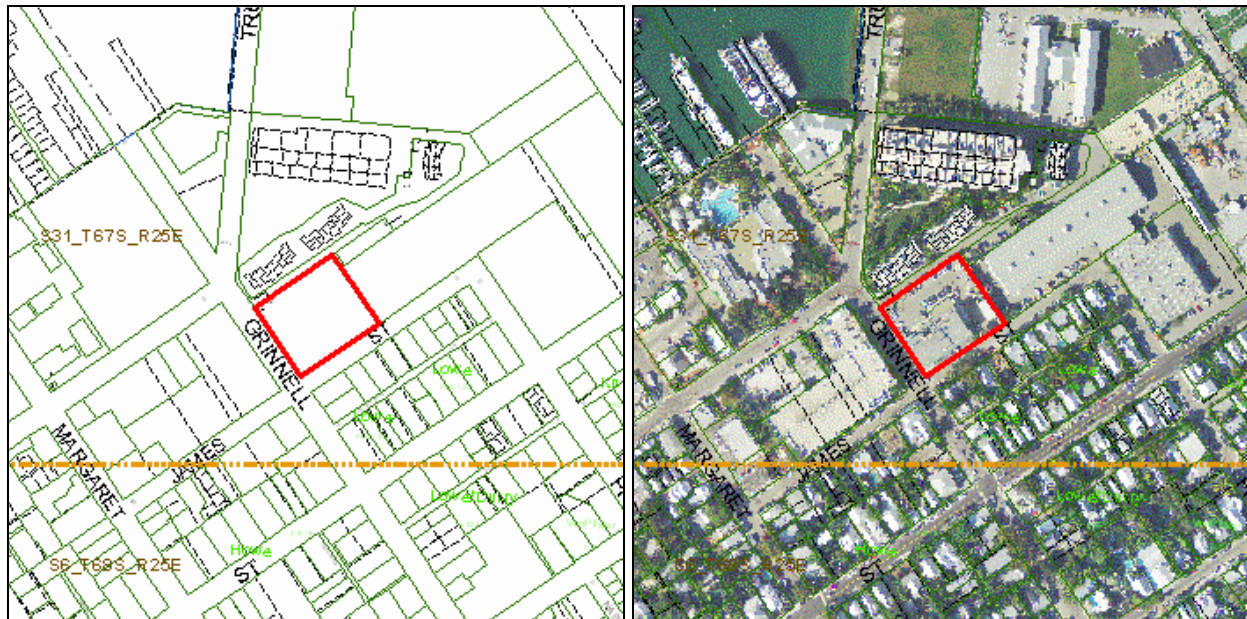
BACKGROUND:

The Utility Board of the City of Key West, doing business as Keys Energy Services, is the City’s public electricity utility. Keys Energy proposes a complete renovation of their existing office building and parking lot, including demolition of additions to the building and flood-proofing of the first floor. The proposed parking lot renovation would eliminate or reduce existing nonconformities, such as the removal of parking spaces along James Street that currently require vehicles to back into the street, and the increased provision of landscaped open space. The continuous curb cut along James Street would be eliminated and new driveways, sidewalks and landscaping would be provided. The existing shared driveway on Grinnell Street would be reconfigured to provide two separate driveways: the existing driveway to the adjacent residential condominiums and a new driveway to the Keys Energy parking lot. The plans were revised after the Planning Board review to include the proposed enclosure of an existing metal structure to create an added storage area similar to the existing adjacent metal clad building.

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 2,500 square feet of gross floor area, pursuant to Section 108-91.A.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 public and private utilities within the HRCC-2 Zoning District, pursuant to City Code Section 122-718(8).
- Modifications or waivers to reduce landscaping requirements pursuant to City Code Section 108-517.

Additionally, as a condition of approval, an easement would be required in order to replace and maintain the existing encroachments into the Grinnell Street right-of-way consisting of a concrete roof canopy on the south side of the building and metal sun shades mounted on the west side of the building.



City Actions:

Development Review Committee:	June 5, 2014 (Filed)
Preliminary Tree Commission:	July 8, 2014 (Approved)
Planning Board Meeting:	July 24, 2014 (Approved with conditions)
HARC:	August 27, 2014
Final Tree Commission:	September 9, 2014
City Commission:	September 16, 2014
DEO review:	Up to 45 days, following local appeal period

PLANNING STAFF ANALYSIS:

Development Plan Review

City Code Section 108-91.A.2.(b) requires the reconstruction of nonresidential floor area equal to or greater than 2,500 square feet within the historic district to be reviewed as a Major Development Plan. Planning staff and the Planning Board, as required by Chapter 108 of the City LDRs, has reviewed the request for compliance with the City's LDRs and Comprehensive Plan as detailed in the attached Planning Board staff report. On July 24, 2014, the Planning Board reviewed the request and staff recommendations, pursuant to City Code Section 108-196(a), and passed Resolution No. 2014-47 advising approval with conditions to the City Commission.

City Code Section 108-198 states that the City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the LDRs and based on the intent of the LDR's and Comprehensive Plan. The City Commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgment, to effectuate the purpose of this article and carry out the spirit and purpose of the comprehensive plan and the LDR's. Any condition shall be made a written record and affixed to the development plan as approved. If the City Commission disapproves a development plan, the reasons shall be stated in writing.

It should be noted that condition #1 of Planning Board Resolution No. 2014-47 was satisfied. The applicant submitted a new set of revised plans based on staff's and the Development Review Committee's (DRC) concerns. The revised plans are attached accordingly, including the aforementioned storage building enclosure.

It should also be noted that three (3) on-site vehicular spaces are less than nine (9) feet wide. The City Commission must approve this modification pursuant to City Code Section 108-641.

Conditional Use Review

Pursuant to City Code Section 122-62(a), a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and or the City Commission during review of the respective application in order to ensure compliance with the Comprehensive Plan and LDRs. If the proposed conditional use is a major development pursuant to City Code Sections 108-165 and 108-166, the Planning Board's decision is advisory only and the City Commission shall render the final determination pursuant to City Code Section 122-63. A conditional use shall be denied if the City determines that the

proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest.

Planning staff and the Planning Board have reviewed the request for compliance with the specific criteria for approval pursuant to City Code Section 122-62(c), as detailed in the attached Planning Board staff report. On July 24, 2014, the Planning Board reviewed the request and staff recommendations, pursuant to City Code Section 108-196(a), and passed Resolution No. 2014-47 advising approval with conditions to the City Commission.

Landscape Modification / Waiver Review

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. The Applicant is requesting modifications or waivers to required landscaping, pursuant to City Code Section 108-517. Given that the property was developed prior to the adoption of the current LDRs and is a non-contributing structure within the historic district, staff recommended approval of the requested landscape modifications and waivers. On July 24, 2014, the Planning Board reviewed the request and staff recommendations, pursuant to City Code Section 108-196(a), and passed Resolution No. 2014-47 advising approval with conditions to the City Commission.

Options / Advantages / Disadvantages:

Option 1. Approve the request with conditions (listed below) as advised by the Planning Board in Resolution No. 2014-47:

Consistency with the City's Strategic Plan, Vision and Mission: Granting the request would be consistent with Economy and Environment goals of the Strategic Plan.

Financial Impact: The City would collect building permit, licensing and impact fees during subsequent phases of development. There would be no cost to the City for granting the request.

Option 2. Deny the request based on findings that the proposed development does not comply with the criteria established by the Comprehensive Plan and the Land Development Regulations.

Consistency with the City's Strategic Plan, Vision and Mission: Denial of the requested easement would not be inconsistent with the Strategic Plan.

Financial Impact: There would be no cost to the City for denying the request.

RECOMMENDATION: Option 1.

Staff and the Planning Board, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends **Option 1** to the City Commission approving the request with conditions as outlined below.

General conditions:

1. Although subject to a separate City approval, the City shall not bear any of the costs of the proposed sidewalk improvements along Grinnell and James Streets.
2. The owner shall be responsible for maintenance of all required landscaping according to the approved landscape plan, pursuant to City Code Sections 108-412(d) and 108-482. All required landscaping shall be maintained in perpetuity.
3. All landscaping shall comply with the clear sight requirements of City Code Sections 108-452 and 122-1406.
4. All new exterior lighting shall be designed to “Dark Sky” lighting standards and shall comply with City Code Section 108-284.
5. All signs shall comply with City Code Chapter 114 and Historic Architectural Guidelines.

Conditions prior to issuance of a building permit:

6. City approval required for removal and replacement of existing sidewalk and curb along Grinnell Street. City approval required for new sidewalk along James Street.
7. The property owner shall obtain an easement from the City for the proposed replacement and maintenance of existing encroachments into the Grinnell Street right-of-way, consisting of a concrete roof canopy on the south side of the building and metal sun shades mounted to the west side of the building.
8. 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.

Conditions prior to issuance of a Certificate of Occupancy:

9. On-site artwork shall be installed and inspected by the City pursuant to Section 2-487.
10. 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 above conditions.