

**THE CITY OF KEY WEST
PLANNING BOARD**



Staff Report

To: Chairman and Planning Board Members
Through: Katie P. Halloran, Planning Director
From: Nicholas Perez-Alvarez, Stantec
Meeting Date: December 19, 2024

Agenda Item: **Minor Development Plan, Conditional Use – 1817 Staples Avenue (RE: 00047070-000100)** - A request for a minor development plan for the construction of a two-story mixed-use structure with office space and a request for conditional use for three market rate residential units located within the Limited Commercial (CL) Zoning District with a proposed affordable work force housing linkage project at 124 Simonton Street pursuant to Chapter 108, Section 108-91; Chapter 122, Article IV, Division 4; and Chapter 122, Article V, Division 10, entitled “Work Force Housing”, of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

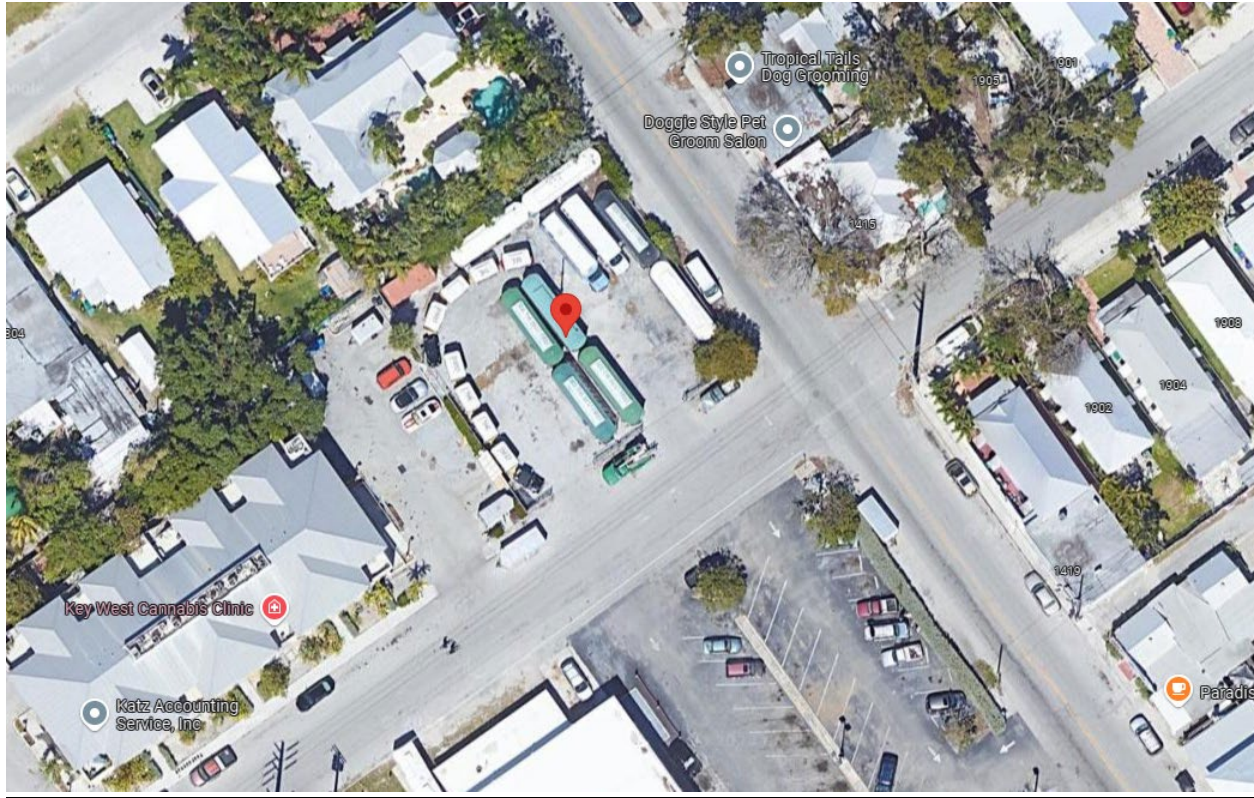
Request: This application proposes a minor development plan approval for the construction of a two-story mixed-use structure with office space and three market-rate residential units on an existing vacant lot currently used for storage of commercial vehicles. Conditional use approval is also required for the proposed residential units.

Applicant: Trepanier & Associates Inc

Property Owner: Conch Tour Train Inc.

Location: 1817 Staples Ave (RE: 00047070-000100)

Zoning: Limited Commercial (CL)



Background and Analysis

This item was originally on the September 19, 2024 Planning Board agenda but was requested for postponement by the applicant to allow time to amend the companion variance application, which now includes a parking variance request. This application was then placed on the Planning Board agenda for the October 17, 2024 meeting. However, this meeting was canceled due to a lack of quorum and was brought before the Planning Board at its next scheduled meeting of November 20th, where the Planning Board postponed the item to December 19th.

The subject property, with a total lot size of 9,884 sq. ft., currently has no structures, is 100% impervious, and serves as a commercial vehicle storage lot for Conch Tour Trains. The applicant proposes the construction of a two-story, mixed-use structure, raised above a parking area. A 2,205 sq. ft. office space is proposed for the first floor and three market rate residential units with a combined 2,575 sq. ft. are proposed for the second floor. A portion of the covered parking area is also designated to continue serving as a storage lot for the Conch Tour Train vehicles. A conditional use approval is required for the proposed residential units, given that multi-family residential is a conditional use in the CL district. The applicant has also submitted a separate variance application for a reduction in the minimum parking and front and rear setbacks. However, as further noted below, the proposed development is also out of compliance with maximum impervious surface ratio (ISR).

Section 122-1476 of the City Code, as indicated below, requires that at least 30% of units be affordable.

Section 122-1467(1)(a) *“Housing units. . . . Residential or mixed use projects of less than ten residential or mixed use units shall be required to develop or redevelop at least 30 percent of units of at least 400 square feet each as affordable (median income), but may contribute a fee in lieu for each unit to the affordable work force housing trust fund, if approved by the city commission.*

To meet the requirements of Section 122-1467, the applicant is proposing linkage to two existing, deed-restricted affordable housing units at 124 Simonton Street, Apts. 201 and 202. Section 122-1467(1)(b), indicated below, allows the 30% affordable housing requirement of 1817 Staples, which would be one deed-restricted unit out of the total three units proposed, to be built at the site of another project. However, the proposed linkage units at 124 Simonton Street do not meet the below requirements, given that these units have been deed-restricted since 2005 and no new building permits have been issued at this address since 2010. The applicant is proposing linkage to existing deed-restricted units; not a linkage to new or redeveloped affordable units.

Sec. 122-1467(1)(b) *“Linkage of projects. Two development or redevelopment projects may link to allow the affordable housing requirement of one development or redevelopment project to be built at the site of another project, so long as the affordable housing requirement of the latter development or redevelopment is fulfilled as well. Written proof of the project linkage shall be supplied by the developer to the city commission at the time of the first site plan approval. The project containing the affordable units must be built or rebuilt either before or simultaneously with the project without, or with fewer than, the required affordable units. In addition, if a developer builds or rebuilds more than the required number of affordable units at a development site, this development or redevelopment project may be linked with a subsequent development or redevelopment project to allow compliance with the subsequent development's affordable unit requirement. Written proof of the linkage must be supplied by the developer to the city commission at the time of the subsequent development's site plan approval. Linkage shall not be available if either development is entirely or in part to be constructed by public funds. Finally, all linkages under this subsection may occur within the city or on a site within the city and on a site on Stock Island in the unincorporated part of the county.”*

Proposed Development:

The site data table for the proposed development is shown below.

	<u>Required</u>		<u>Provided</u>		<u>Complies</u>
Max. Density	16 du/ac	3.63	3		Yes
Max. FAR	0.8	7,907.20	0.6*	6,172.52*	Yes
Max. Height	40'		39'-4"		Yes
Max. bldg coverage	40%	3,953.60	31%	3,086.20	Yes

Max. ISR	60%	5,930.40	86%	8,454.10	No
Front setback	25' or 20% of lot depth	19.8	10'		No, variance requested
Rear setback	25' or 20% of lot depth	19.8	10'		No, variance requested
Side Setback	15' or 10% of lot width up to 20' max, whichever is greater	15'	28'-6"		Yes
Side street setback	20'		30'-6"		Yes

*FAR calculation based on City of Key West Comprehensive Plan Policy 1-1.1.3 definition of Intensity, which exempts covered parking areas from being included in floor area calculations.

The parking data table is shown below:

	Code	Required	Proposed	Complies
Office	1 space/300sf	7.4		
MF Residential	2 spaces/unit	6		
Total		14	12	No, variance requested

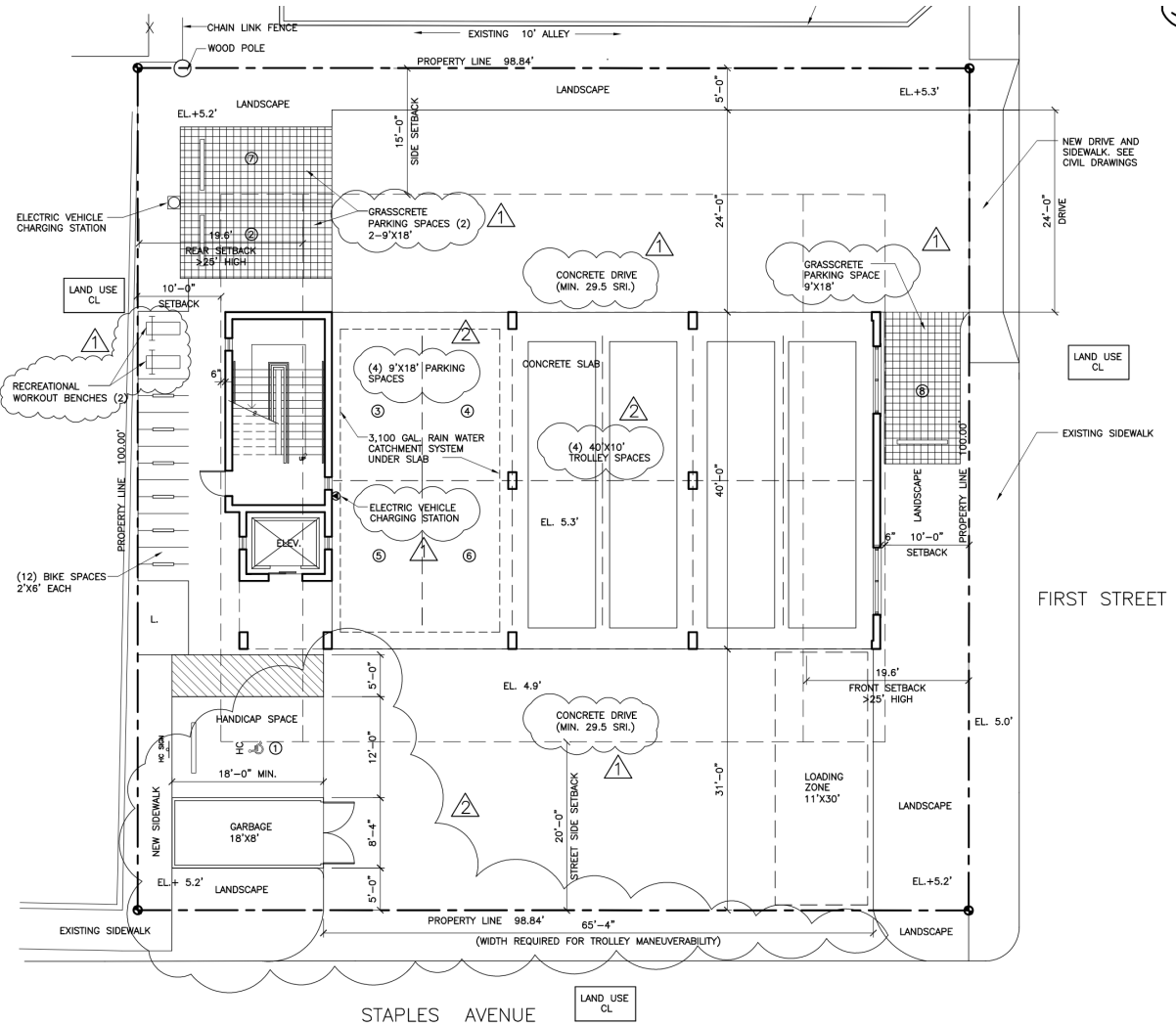
As noted above, a variance application has been submitted for reduction in the minimum front setback from 19.8-feet to 10-feet, reduction in the minimum rear setback from 19.8-feet to 10-feet, and reduction in the minimum parking from 14 spaces required to 12 spaces proposed. Four of the proposed spaces, at 40' x 10', exceed the minimum parking stall dimensions to accommodate parking of the Conch Tour Train trolley cars.

The proposed development is also out of compliance with the following additional standard for which a variance has not been applied for:

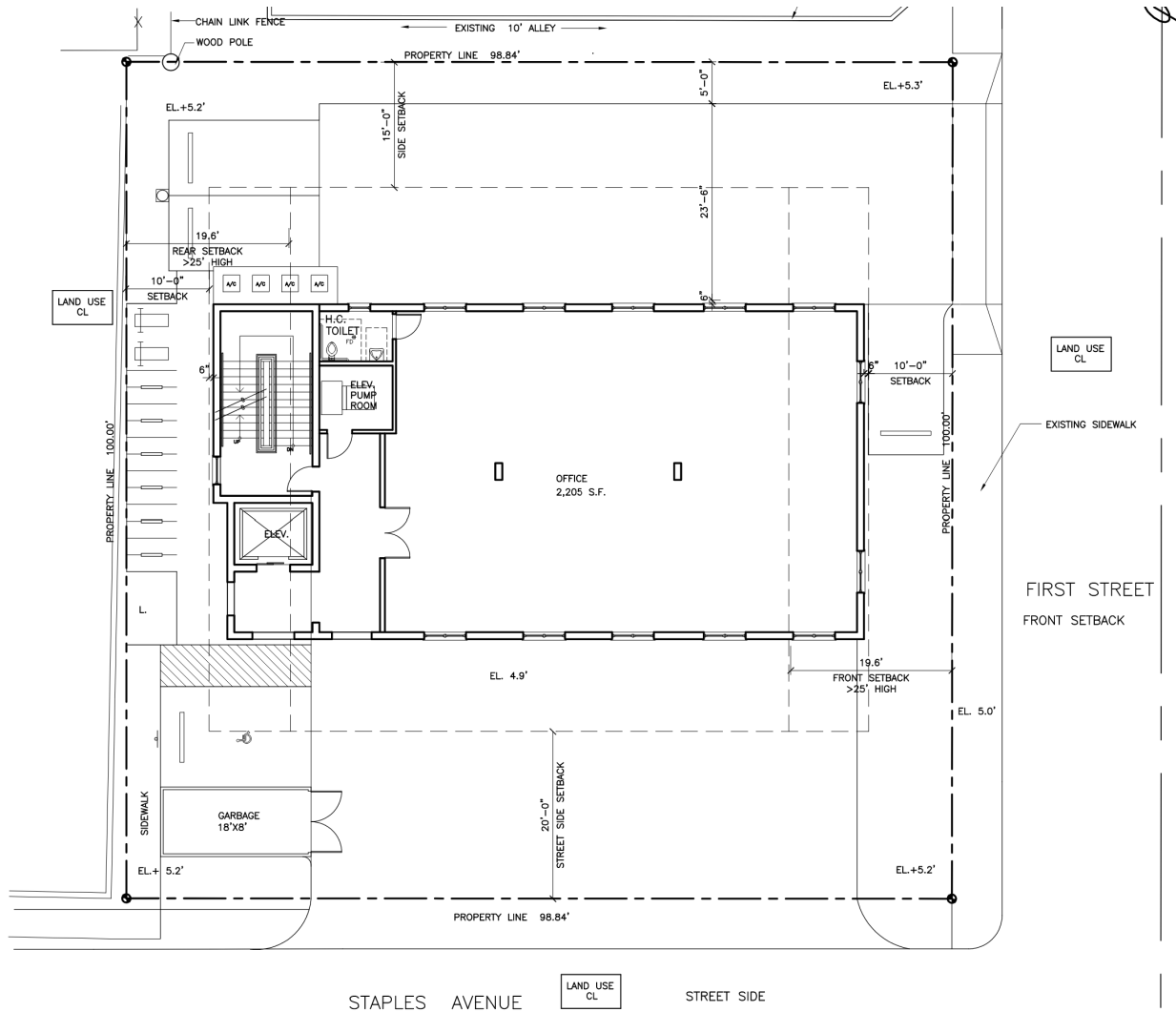
- *Maximum Impervious Surface Ratio (ISR)*. The applicant proposes an ISR of 86% where a maximum 60% is permitted in the CL district. The applicant provides that a variance is not required, given that the proposed new ISR is an improvement from the current condition, which is a 100% impervious lot. Section 122-32(a) of the LDRs states, "Notwithstanding anything in the Code to the contrary, a structure or site improvement may be altered without the need for a variance if the alteration decreases respective noncompliance."

Staff maintains that a variance is required for maximum impervious surface ratio.

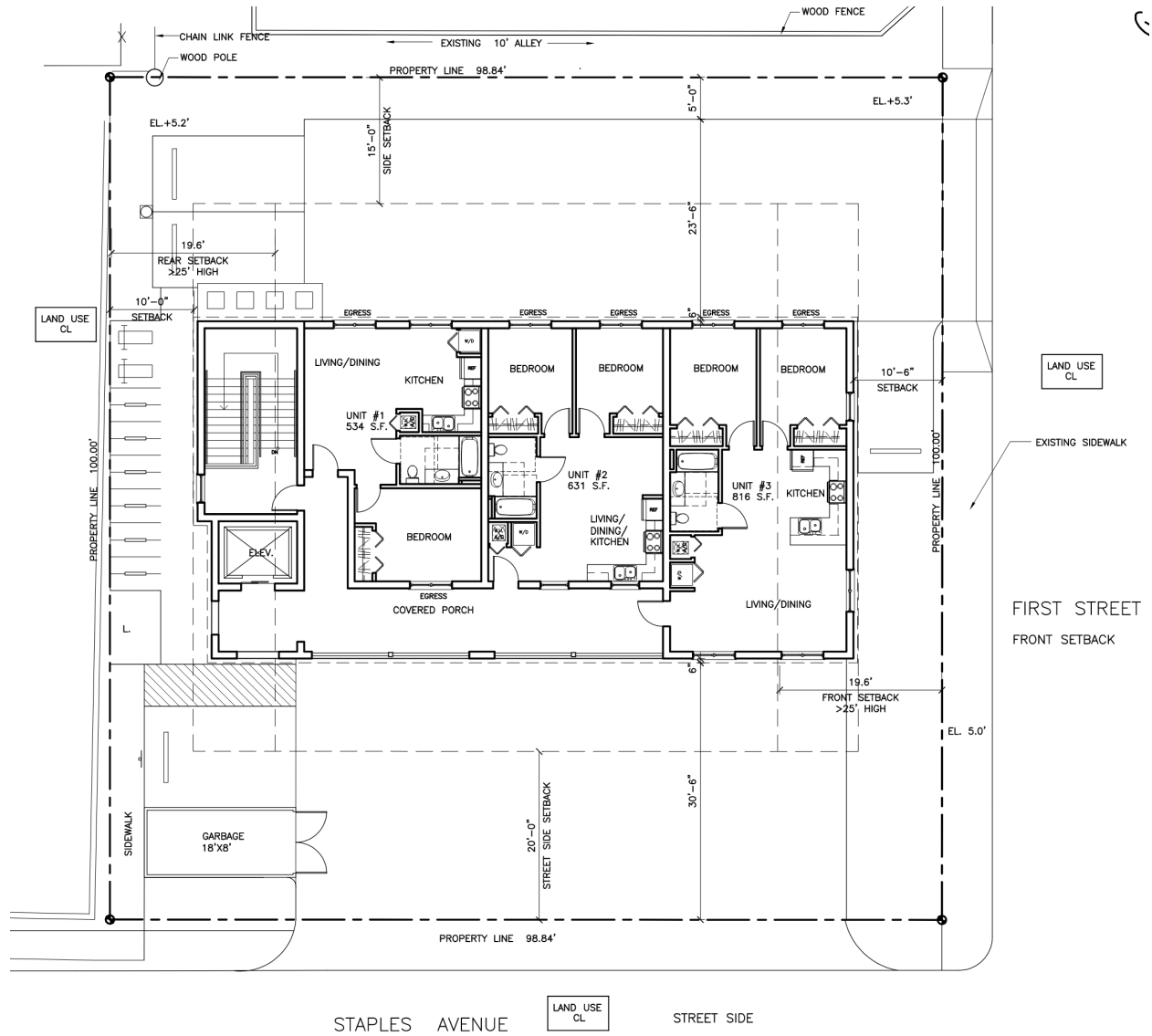
Proposed Site Plan/ Ground Floor Plan, submitted by applicant.



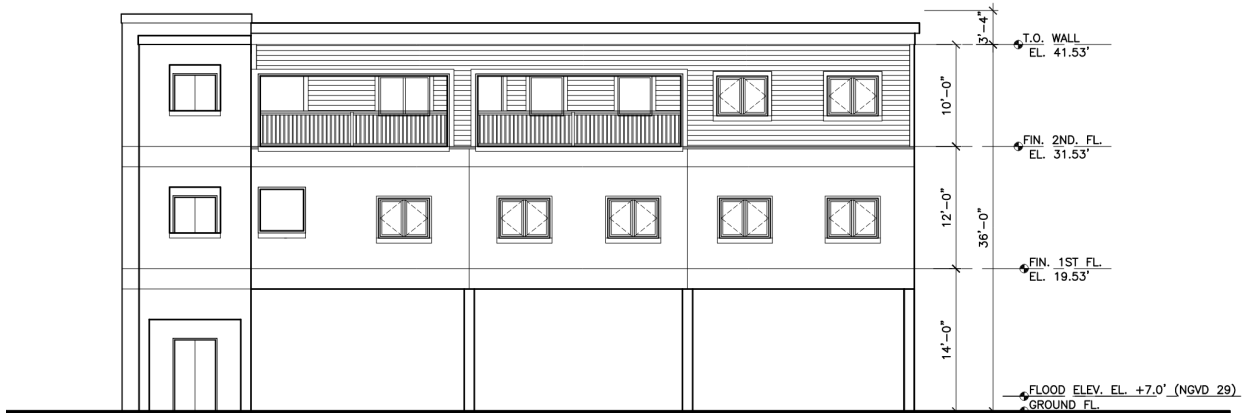
Proposed First Floor Plan, submitted by applicant.



Proposed Second Floor Plan, submitted by applicant.

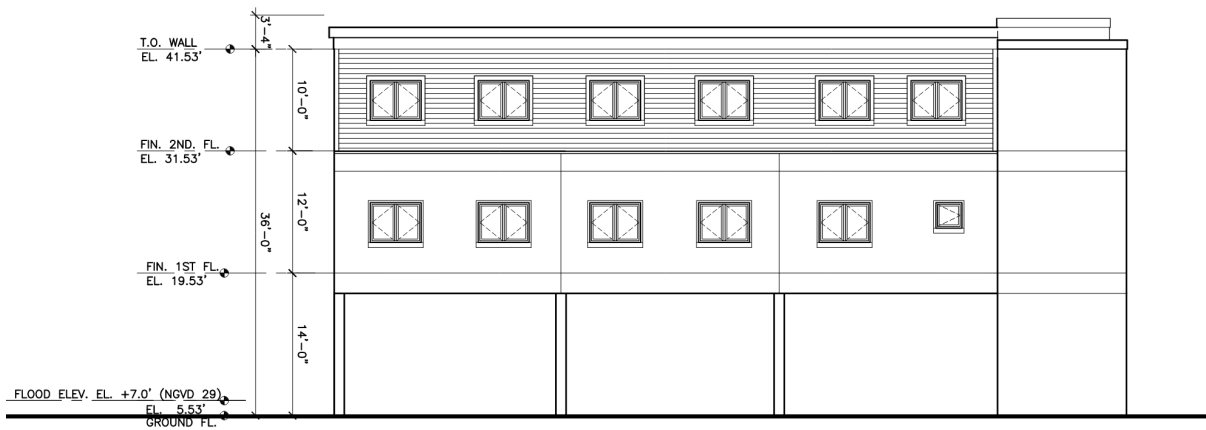


Proposed Front and Back Elevations, submitted by applicant.



1 FRONT ELEVATION
A-4

SCALE: 1/8"=1'-0"



3 BACK ELEVATION
A-4

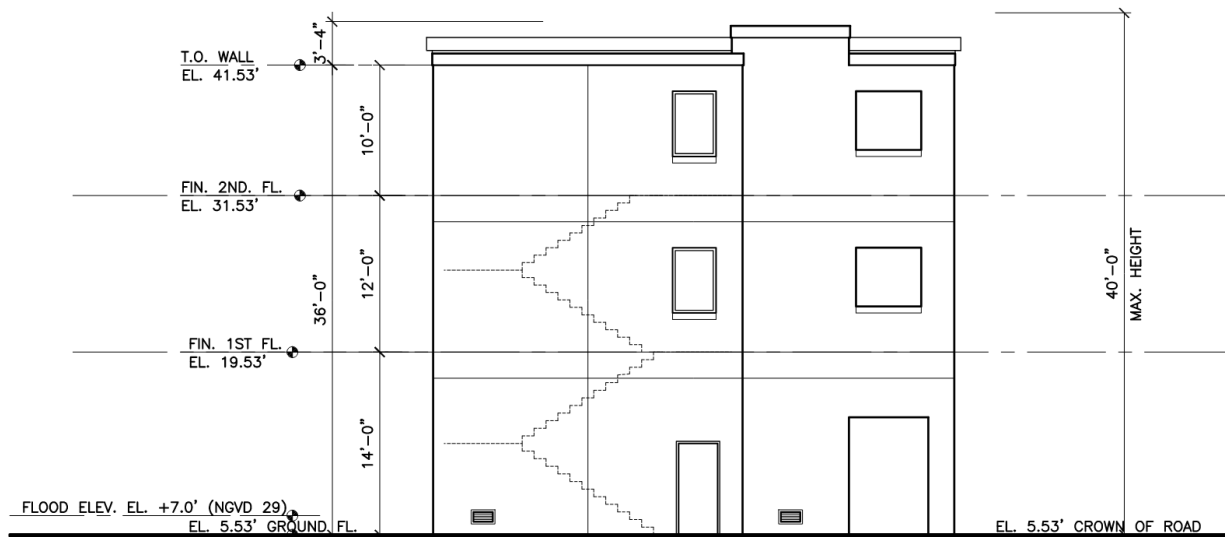
SCALE: 1/8"=1'-0"

Proposed Side Elevations, submitted by applicant.



2 SIDE ELEVATION
A-4

SCALE: 1/8"=1'-0"



4 SIDE ELEVATION
A-4

SCALE: 1/8"=1'-0"

Surrounding Zoning and Uses:

Surrounding properties are located within the Limited Commercial (CL) Zoning District. Surrounding uses include commercial properties and single family residential homes.

Process:

Development Review Committee:	March 28, 2024
Tree Commission Meeting (Conceptual landscape plan approval):	August 6, 2024
Planning Board Meeting:	September 19, 2024 (postponed)
Planning Board Meeting:	October 17, 2024 (canceled)
Planning Board Meeting:	November 20, 2024 (postponed)
Planning Board Meeting:	December 19, 2024
Tree Commission Meeting (Final landscape plan approval):	TBD
Local Appeal Period:	10 Days
Planning renders to DOC for review:	Up to 45 days

Relevant Development Plan Code Analysis

Good Neighbor' Policy: The applicant has indicated that "Good Neighbor" letters were mailed on September 6, 2024 and that, as of September 11, 2024, they have received one response in objection of the request.

Landscaping (Code Chapter 108, Article VI)

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. As part of the section 108 review conducted by the Urban Forester, the applicant requires a landscape waiver for non-complying open space and landscape percentages, buffer yard area, plant unit count, and specifications for plant material. Further information on required waivers are listed below.

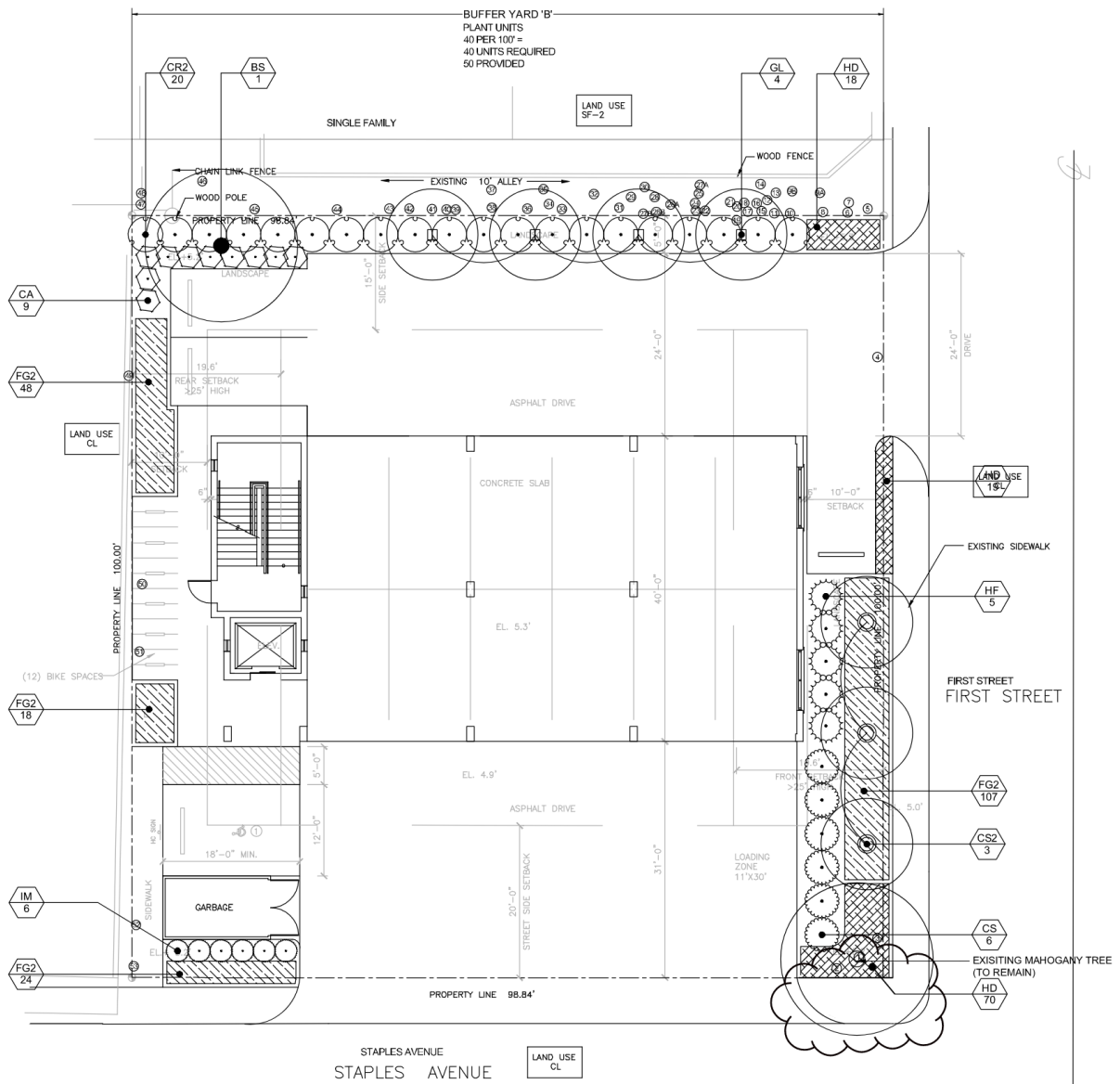
- Sec. 108-346. Min. open space 27.5%, 14.7% provided
- Sec. 108-412. Min. landscape 20%, 14.5% provided
- Sec. 108-415. Min. parking perimeter buffer 5', <5' provided along east and west lot lines
- Sec. 108-415. Min. 3 trees and 30 shrubs each in parking lot buffers along north and west lot lines
- Sec. 108-481. Min. 12' tree height
- Sec. 108-481. Max. 25% of total tree requirement shall be met by palms. 37.5% palms proposed

Although requested at Development Review Committee, the applicant has yet to confirm compliance with the additional landscape requirements below.

- Sec. 108-412. Min. 70% native plants – show native plant percentage on landscape plan

- Sec. 108-413. Min. 10' landscape buffer along ROW – show landscape buffer width along Staples
- Sec. 108-413. Min. 40 plant units along First St landscape buffer and min. 40 plant units along Staples Ave landscape buffer – show how this requirement is being met using Sec. 108-413 unit value calculations
- Sec. 108-607. Min. 10% parking area landscape. Show calculation on landscape plan
- Sec. 108-481. Min. 24" shrub height. Show shrub heights on landscape schedule

Proposed Landscape Plan



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 Minor 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. Staff finds that the project meets Sec 108-233 to reasonable standards.

RECOMMENDATION

As per Sec. 108-94. - Review by staff. - "Each application for development plan approval shall be reviewed by the city planner and transmitted to the development review committee and other staff as may be designated by the city planner based upon the type of development proposed. The city planner shall review each application for compliance with land development regulations."

Planning staff has concerns with the application as proposed for the following reasons:

- The applicant has not submitted a variance application for the waiver that would be required for maximum impervious surface area.
- Proposed affordable housing linkage units do not meet the linkage criteria, as they are existing deed restricted units, not new or redeveloped units.
- Landscape waivers being sought do not reflect a hardship. The proposed landscape plan can be modified to be brought into greater compliance without major changes to the proposed development.

Due to the reasons listed above, the Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations respectfully recommends to the Planning Board that the request for Minor Development Plan with Conditional Use and Landscape Modifications / Waivers be **DENIED**.

Should Planning Board approve this proposed development plan, staff recommends the following conditions listed below.

General conditions:

1. The proposed development shall be consistent with the plans dated November 25, 2024 by William P. Horn, Architect, P.A., and the landscape plans dated January 22, 2024, and revised 09/17/24 to reflect a continuous sidewalk, by Keith Oropeza.
2. Final landscape plan approval required from Tree Commission prior to issuance of a building permit if significant changes occur.

3. The hours of construction shall follow City Code ~~and be limited to 8 a.m. to 7 p.m. on Monday to Friday, and 9 a.m. to 5 p.m. on Saturday.~~
4. 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 ~~unless~~ required Right of Way permits are obtained.
5. Per the Fire Marshall's request, the multi-family two story structure must have a sprinkler system installed in each unit.
6. The deed restriction for the proposed linkage units at 124 Simonton Street, Apts. 201 and 202, currently set to expire in 2030, shall be extended an additional 25 years to remain as affordable units through 2055 and recorded in a form provided by the City Attorney.