



THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Scarlet R. Hammons, AICP CTP, The Corradino Group

Meeting Date: May 19, 2022

Application: **Variance - 1618 N. Roosevelt Boulevard (RE# 00064910-000100)** – A request for a variance to the maximum allowed impervious area and open space for a property located within the General Commercial (CG) Zoning District pursuant to Section 90-395 and Section 108-346 and Section 122-420~~Section 108-572 (16)~~, of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: A request for a variance to Code Sec. 122-420 to allow 23% more impervious area than allowed by the code. The code allows for 60% and the request is for 83%. And to allow less open space than required. The open space for commercial is 20% or 22,801 square feet, existing open space is 0%. The applicant is proposing 17%, or 20,157 square feet.

Property Owners: Keys Motors LLC

Applicant: Keys Motors LLC

Location: 1618 N. Roosevelt Boulevard - (RE# 00064910-000100)

Zoning: General Commercial (CG) Zoning District



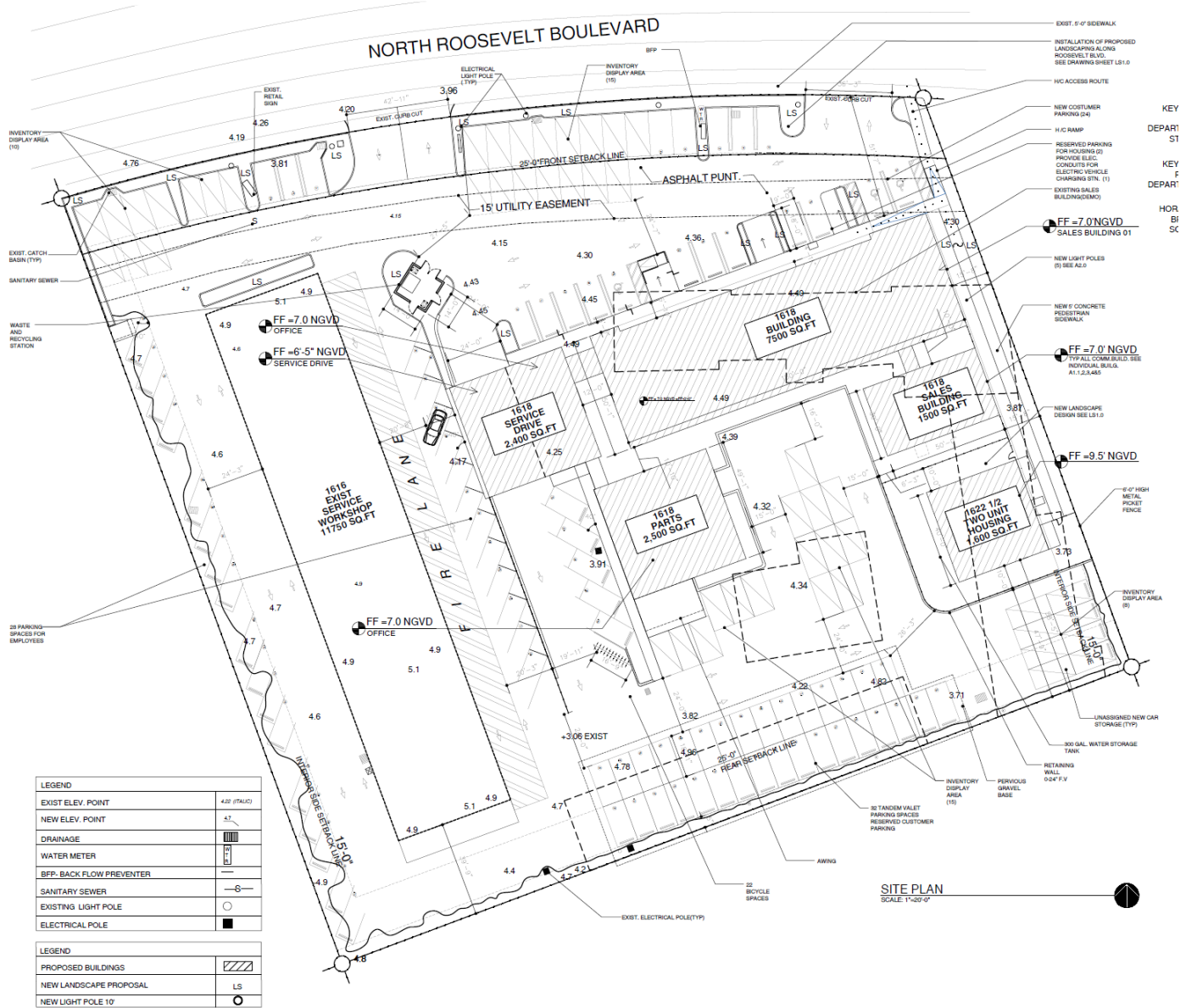
Background

The subject parcel is located at 1618 N. Roosevelt Boulevard and currently consists of an auto dealership that has existed since the 1960's. The subject property is located within the General Commercial (CG) Zoning District and is one lot of record. The site is known as the Key's Auto Center and at one time had five structures housing the various services typical for a full-service auto sales business. None of the original five structures conformed to the setback requirements within the CG zoning district and the entire property is currently paved over with asphalt, therefore not meeting the imperious surface requirements. Several of the original buildings encroached onto neighboring properties.

The applicant has demolished four of the original structures, and in 2020 constructed an 11,750 S.F. tiki structure that is used as a vehicle service area. The proposed major development plan incorporates the existing tiki as well as the employee parking along the site perimeter in this location. The last of the original 1960's sales buildings is to be demolished, while the tiki service area will remain as it is today.

The site will utilize the existing driveways on N. Roosevelt Boulevard, no changes to site access are proposed. The appearance of the site from the street is proposed to improve with the addition of a new landscape buffer, which will improve the pervious surface ratio from what currently exists. Customer parking will be available with self-service spaces as well as a valet option. In addition to customer parking, the site has ample on-site spaces for employee parking and vehicles on display for sale.

Proposed Site Plan, submitted by applicant.



Request

The Applicant is requesting variances to the following requirements: The required maximum impervious surface is 60%, or 72,192 square feet, existing impervious surface is 100%. Whereas, the Applicant is proposing 83%, or 100,164 square feet. The open space for commercial is 20% or 22,801 square feet, existing open space is 0%. The applicant is proposing 17%, or 20,157 square feet.

The table below details the current and proposed site data for the property.

| SITE DATA | | | | |
|------------------------------|---|---|--|---|
| Dimensional Requirements | Required/Allowed | Existing | Proposed | Variance Needed |
| Height | 40 feet | 23 feet | 15 -27 feet | None |
| Minimum Front Setback | 25 feet | 25 feet | 25 feet | None |
| Minimum Side Setback | 15 feet | 0 feet | 15 feet | None |
| Minimum Rear Setback | 25 feet | 0 feet | 25 feet | None |
| Maximum Building Coverage | 40% 48,128 square feet | 25% 30,786 square feet | 23% 27,250 square feet | None |
| Open Space Commercial | 20% 22,801 | 0% 0 square feet | 17% 20,157 square feet | Variance needed for 3% , 2,644 square feet |
| Impervious Surface | 60% 72,192 square feet | 100% 120,321 square feet | 83% 100,165 square feet | Variance needed 23%, 27,973 square feet |
| Parking Commercial | 1 space per 300/600 sf of floor area - 57 spaces* | N/A | 54 spaces | Using Bicycle Substitution in lieu of a Variance |
| Parking Residential | 1 space per unit | 0 | 2 | None |
| Bicycle Parking | 9 | 0 | 22 spaces (13 in excess of required) | None |
| Landscaping | See Section 108 Review | | | Landscape Waiver needed |

Process:

Planning Board Meeting: May 19, 2022

Local Appeal Period: 10 days

DEO Review Period: up to 45 days

Staff Analysis- Evaluation:

The criteria for evaluating a variance are listed in Sections 90-391 through 397 of the City of Key West Land Development Regulations. The Planning Board before granting a variance must find all the following:

1. *Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district.*

No special conditions or circumstances exist. The site is being redeveloped and some of the existing non-conformities, such as maximum impervious surface area, are being improved. However, the applicant is still not fully in compliance with the maximum impervious surface ratio and open space.

NOT IN COMPLIANCE

2. *Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.*

The proposed site plan and associated impervious surface ratio and open space is created by the applicant.

NOT IN COMPLIANCE

3. *Special Privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings, or structures in the same zoning district.*

The Key West open space and impervious surface ratio sets standards to ensure life safety, general welfare, health standards, and aesthetics.

NOT IN COMPLIANCE

4. *Hardship Conditions Exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by the other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.*

No hardship conditions exist. The impervious surface ratio and open space area are improvements from the existing site condition, although not in compliance with the code.

NOT IN COMPLIANCE

5. *Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.*

The Applicant is not requesting the minimum variances to make possible the reasonable use of the land, building, and structure. While the buildings are outdated, the property is fully functional currently.

NOT IN COMPLIANCE

6. *Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.*

The variance would be in harmony with the general intent of the land development regulations and would not be injurious to the area involved or detrimental to the public interest or welfare; the impervious surface area and open space are improvements from the existing site condition. Staff would, however, encourage additional landscaped pervious surface for the site.

IN COMPLIANCE

7. *Existing nonconforming uses of other property shall not be considered as the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.*

Existing non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for the request.

IN COMPLIANCE

Concurrency Facilities and Other Utilities or Service (Section 108-233):

It does not appear that the requested variance will trigger any public facility or utility service capacity issues.

The Planning Board shall make factual findings regarding the following:

That the standards established by the City Code have been met by the applicant for a variance.
The standards established by the City Code have been met by the applicant for the variance requested.

That the applicant has demonstrated “Good Neighbor Policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

The Planning Department has not received any public comment for the variance request as of the date of this report.

The Planning Board shall not grant a variance to permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district.

No use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms or the ordinance in the zoning district would be permitted.

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

No such grounds were considered.

No variance shall be granted that increase or has the effect of the increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs.

No density or intensity of a use would be increased beyond that permitted by the comprehensive plan or these LDRs.

RECOMMENDATION:

The Planning Department recommends Denial given that the application has not met all criteria as stated in City Code Section 90-395.

If the Planning Board chooses to approve the variance, the Planning Department recommends the following conditions:

1. The proposed construction shall be consistent with the plans, signed, sealed and dated May 6, 2022 by Salman & Associates.