



EXECUTIVE SUMMARY

To: Jim Scholl, City Manager

Through: Patrick Wright, Planning Director

From: Vanessa Sellers, Planner II

Meeting Date: August 20, 2019

Agenda Item: **Major Development Plan and Conditional Use – 3824 & 3840 North Roosevelt Boulevard (RE# 00065550-000000 and RE# 00064950-000000)** – A Major Development Plan and Conditional Use 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.

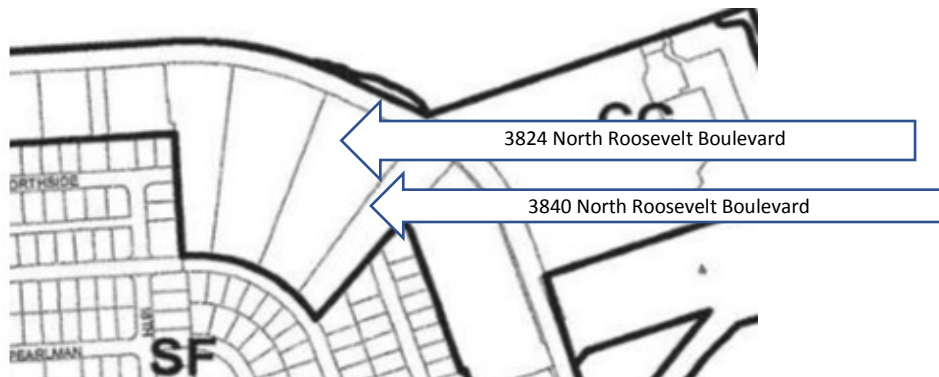
Request: Approval of a major development plan and conditional use permit for a proposed outdoor recreation amenity to include a pool, cabanas, sand and turf areas for lounging, a FlowRider® Double and associated mechanical space, restrooms, storage space, two (2) Airstream® trailers, and two (2) food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

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

Property Owners: 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 (17th) 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.

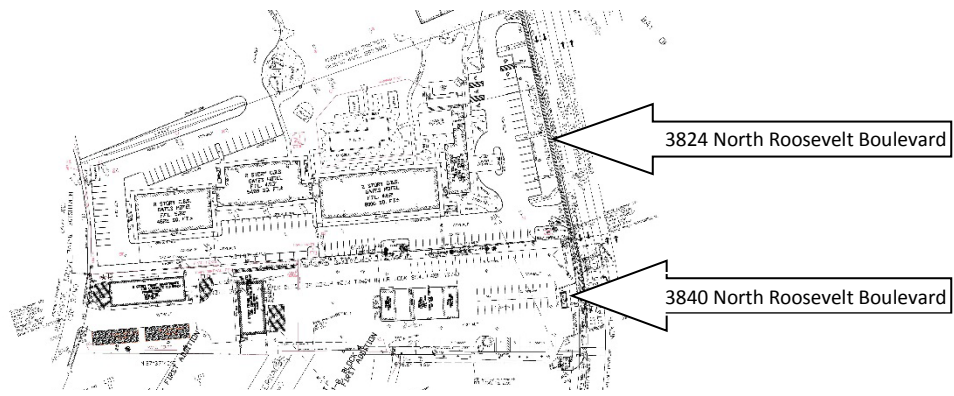


Image of a portion of the existing survey.

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

3824 North Roosevelt Boulevard:		
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
3840 North Roosevelt Boulevard:		
(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.



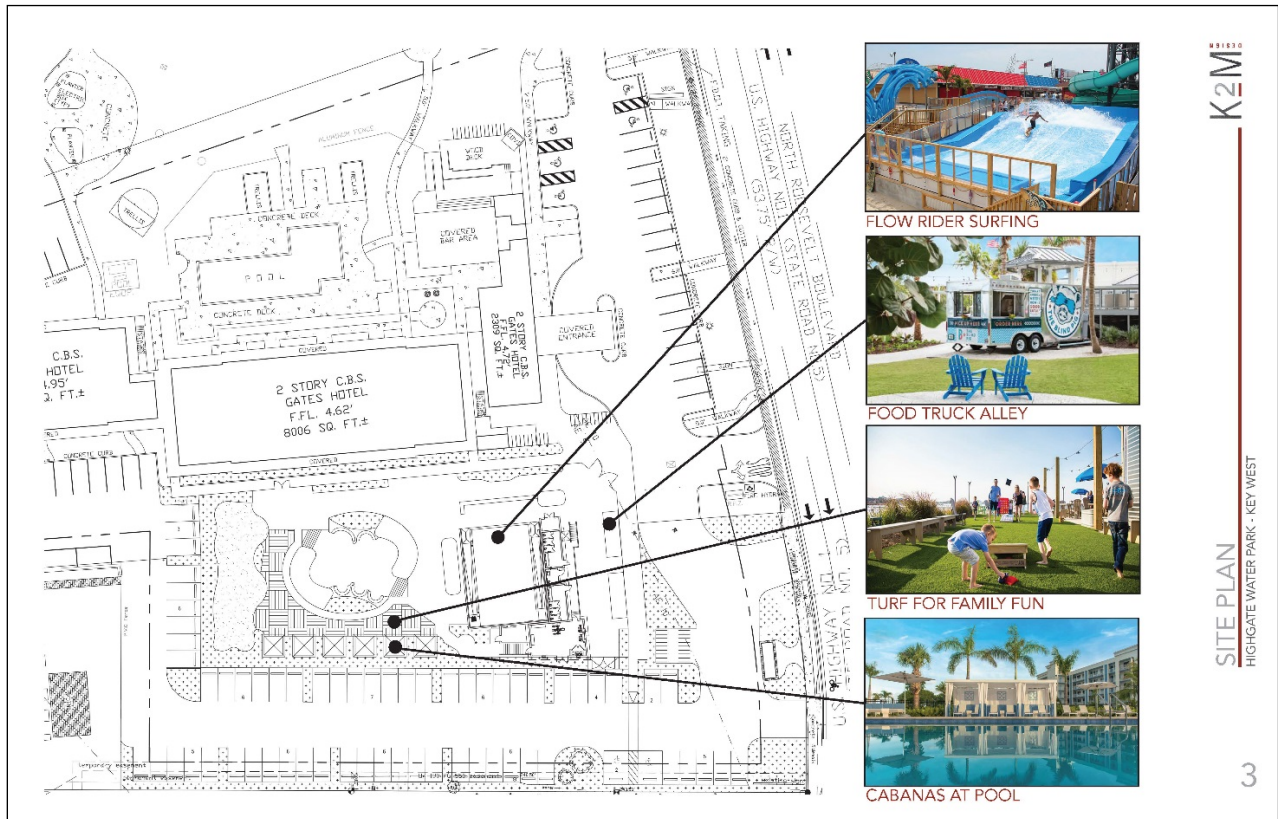
Image of the parking canopy with small structure at one end to be removed.



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.

CITY ACTIONS:

Development Review Committee:	May 23, 2019 (approved)
Preliminary Tree Commission:	June 11, 2019 (conceptual landscape plan)
Planning Board:	July 18, 2019 (recommended for approval)
Final Tree Commission:	July 29, 2019 (staff approved)
City Commission:	August 20, 2019
DEO review:	Up to 45 days, following local appeal period

PLANNING STAFF ANALYSIS:

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.

A development plan shall be reviewed by the City Commission either in its final approval capacity or its appellate capacity, as provided in Section 108-196 (b). The City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the land development regulations and based on the intent of the land development regulations 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 land development regulations. 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.

OPTIONS / ADVANTAGES / DISADVANTAGES:

- Option 1:** **Approve** the request as advised by the Planning Board in Resolution no. 2019-50.
- a. Consistency with the City’s Strategic Plan, Vision, and Mission:**
Granting the request would be consistent with the Economic and Environmental goals of the Strategic Plan.
 - b. Financial Impact:**
The City would collect building permit, licensing, and impact fees during subsequent phases of development.
- 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.
- a. Consistency with the City’s Strategic Plan, Vision, and Mission:**
Denial of the request would be inconsistent with the Strategic Plan.
 - b. Financial Impact:**
There would be no cost to the City for denying the request.

RECOMMENDATION:

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.** 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 issuance of a building permit:

- 5.** 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.

6. Applicant shall coordinate with Keys Energy Services a full project review.
7. 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.
8. A unity of title shall be submitted to the Planning Director.

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

9. No building permit shall become final and no certificate of occupancy shall be issued until any and all impact fees are paid.
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 conditions of the Planning Board and City Commission resolutions.