

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, AICP-C, Planner II

Meeting Date: May 20th, 2021

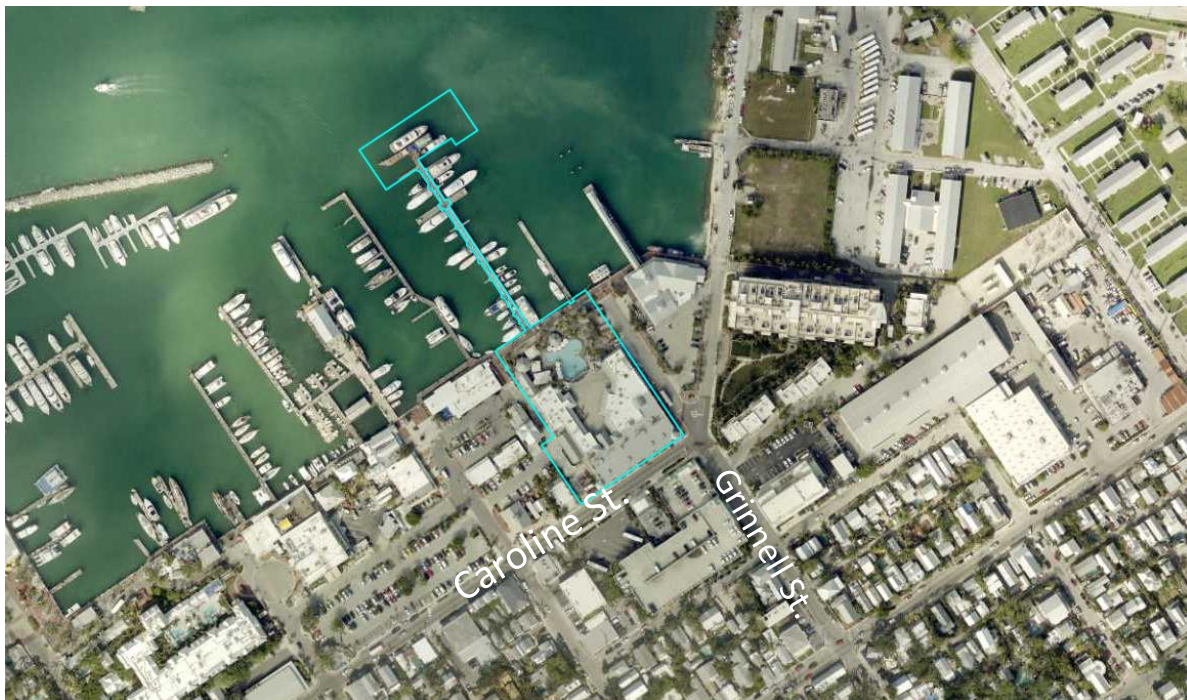
Application: **Major Modification to a Major Development Plan and Conditional Use - 951 Caroline Street - (RE# 00002970-000000)** - A request to amend a parking agreement for a Major Development Plan and Conditional Use approval on property located within the Key West Bight (HRCC-2) Zoning District per Section 108-91 C.3 and 122-62 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Request: The applicant is requesting a major modification to a major development plan to amend the existing parking agreement between Conch Harbor Marina LLC and the City of Key West.

Applicant: Trepanier & Associates, Inc.

Property Owner: Conch Harbor Marina LLC

Location: 951 Caroline Street (RE# 00002970-000000)



Background:

The subject parcel is located at 951 Caroline St., on the corner of Grinnell Street and Caroline Street. The site evolved in 1995 to a working marina with fueling stations. In 1999 the development expanded to a marina with accommodations, retail, restaurants, and parking. The development expanded again in 2012 to a marina with accommodations, expanded retail, restaurants, and parking. Today, Conch Harbor Marina has 18 active business tax receipts including; 50 marina slip rentals, a commercial parking lot, charter boat(s), retail, professional services, public services/regulatory services, and food services. The development has gone through several development plans from 1995 to 2012 as seen below:

Approval	Subject	Details
CC Res. 95-324	Development Agreement	Agreement to rehabilitate and reconstruct a fueling station onsite, and an easement for public access on the east and water side of the property. A variance was applied for in October of 1995 for parking, to allow 86 parking spaces for the marina uses and the various smaller commercial uses surrounding the parking lot. The marina expanded from 10 slips in 1995 to the current 25 slips in 1996. It is unclear why the expansion was not met with an additional parking requirement. The parking required for a wet slip is 1 space per liveaboard boat, 1 space per 4 pleasure boats stored on site, and/or 1 space per 3 passengers based on the total capacity of commercially licensed vessels.
CC Res. 98-298	Parking Agreement	Parking agreement with the city for a proposed development to include retail, kitchen/dining facilities, bar facilities, and marina facilities including showers and restrooms. The marina uses were not taken into account for the total required parking for the new development plan, as can be seen in the MDP executive summary. No parking variances were granted for the development.
CC Res. 99-225	Major Development Plan	Approval for retail space, restaurant space, pool and pool bar, laundry and restroom facilities for marina rentals, a 66-space parking garage. Actual parking requirements were lowered from 120 spaces to 110 spaces. The parking agreement was written the Conch Harbor to lease 54 spaces from the City at the Park-n-Ride. <i>See Table 1 and Table 2</i> in the staff analysis.
License No. 25767	Updated Business Tax Receipt	Approval of an increase in marina slip rentals from 27 to 50 slips. An increase in dockage size and slips should have resulted in an increase in parking requirements.
PB Res. 2012-51	Major Modification to a Major Development Plan	Approval for the addition of a 13,500 sqft commercial space for West Marine on the condition that a parking agreement is signed, and conditions from PB 2012-52 are met. The total required parking on-site is 102 spaces; 71 auto spaces were required, and an additional 31 auto spaces were substituted by 123 required on-site bicycle spaces.
PB Res. 2012-52	Variance	Approval for variances to building coverage, impervious surface ratio, front and street side setbacks, and parking requirements. Parking requirement rose to 144 required off-street spaces, due to the proposed MDP work. The applicant

		proposed to add five additional off-street auto spaces, and substitute 123 bicycle spaces for 35 auto-spaces. The applicant received a variance for 42 off-street spaces, for a total of 102 required parking spaces.
CC Res. 12-362	Major Modification to a Major Development Plan	Approval of a parking agreement of 49 spaces for staff and customer over-flow. With the use of the City's Parking garage, Conch Harbor would have the use of 151 parking spaces; 71 off-street spaces at Conch Harbor, 31 auto spaces substituted by 123 required on-site bicycle spaces, and 49 auto-spaces at the City Park-n-Ride.
Parking Agreement 2013	Agreement associated with CC Res. 12-362	The subject parking agreement requires Conch Harbor to pay \$4001.82 per month to reserve 49 spaces at the Grinnell Street Park & Ride.

Staff Analysis:

The applicant is applying for a major modification to a Major Development Plan. Planning Board is to review the project in its entirety, per Section 108-91 (3.) and place any new conditions, edit current conditions, or delete any conditions they deem appropriate.

The City has identified three major points in the Conch Harbor Marina major modification review:

- 1) The 2020 Parking Study – The study is problematic; it does not offer any data to indicate how many customers walked in the West Marine door. It does not offer any data to indicate how many West Marine or Conch Harbor customers parked in the Park-n-Ride. It does not offer any data to show if any of the surrounding on-street or off-street parking was used for customers coming to West Marine or Conch Harbor, it does not indicate how the customers came to the store, i.e. walking, boat, bike, car, etc.
- 2) The parking worksheet for the 2013 Parking Agreement – The applicant and the Department are in agreement that the parking worksheet does not accurately reflect the code required needs of the development nor the redevelopment of Conch Harbor Marina and should be altered.
- 3) The 2013 Parking Agreement – The agreement signed in 2013 replaced the former parking agreement that was signed in 1998 for the entirety of Conch Harbor Marina LLC. The parking agreement anticipates a second study to reevaluate the terms of the parking agreement per the following language:

“A second parking study shall be performed after the redevelopment is in operation (not less than 3 years or as the City deems appropriate) to evaluate the parking impacts of the redevelopment. The second study may serve as the basis to re-evaluate the terms of this parking agreement.”
- 4) Parking for Marina Uses and dockage - The parking for the 50 marine boat slips were not taken into account in the 1999 major development plan, the 2012 major development plan, nor the 2013 parking agreement.

2020 Parking Study

The applicant submitted a parking study in March 2020, that surveyed the 13 designated West Marine parking spaces behind the building and in the on-site Conch Harbor parking garage. The survey did not take into account the other parking that is available to Conch Harbor customers such as the Ferry Terminal parking, the Park-n-Ride, and various on-street parking areas. The study states that the 13 designated West Marine parking spaces are used by both customers and employees. The study surveyed 13 parking spaces out of the 120 parking spaces Conch Harbor has (71 on-site parking spaces and 49 spaces reserved at the City park-n-ride). The parking study referenced the proximity to several marinas, the walkability of the overall area, and the greater reliance upon alternative modes of transportation as a reason that parking at the park-n-ride is not necessary. The traffic study did not take into account how many customers walked into the store from nearby locations, how many customers came to the store by an alternative mode of transportation, or how many customers came to the store from the marina.

The 2020 Parking study focused on 13 parking designated parking spaces. The study did not indicate how many of those spaces were used by customers and how many of those spaces were used by employees. The 2012 parking study was comprehensive in scope and surveyed ten parking zones, one being the Conch Harbor Parking Garage, and the other nine being either existing on-street parking areas or existing off-street parking areas such as the Ferry Terminal and the Park-n-Ride, both across the street from Conch Harbor Marina.

The traffic study did not include data to show if any of the City's parking garage spaces were used by West Marine customers. The parking study focused on Friday February 21, 2020, and Saturday, February 22, 2020. The study found that the peak parking demand on that Friday was five vehicles, including customers and employees. The study found that the peak parking demand on Saturday was seven vehicles. The study states "...at no time did the number of West Marine-related vehicles parked in parking spaces designated for West Marine customers and employees exceed seven (7) vehicles." The Conch Harbor parking garage sign does not specify that West Marine parking is complimentary. Furthermore, the City Parking Garage and the Conch Harbor parking garage are both about 180-feet away from West Marine's front door. With the lack of signage, and residents being able to park free at the City Garage, its likely people would park in either lot if they were going to West Marine or Conch Harbor as a whole.



The applicant is applying to amend the 2013 Parking Agreement by showing that the parking impacts of the West Marine are not enough to warrant reserving spaces in the City park-n-ride. However, the applicant's study was not structured solely to accommodate West Marine. The Parking Agreement was structured to accommodate all parking requirements associated with all commercial uses at 951 Caroline Street. Conch Harbor Marina currently reserves 49 spaces in the City park-n-ride for customer over-flow and employees. The 2020 Parking Study did not factor in if any of the spaces in the Park-n-Ride were used by West Marine customers or employees. The 2020 Parking Study did not factor in how many customers came into and out of the stores, and did not factor in how those customers came to the store, by car, by bike, by foot, by boat, etc. The Department does not find that the Parking Study shows a body of evidence to amend or dissolve the 2013 Parking Agreement. Below are the parking zones surveyed in the 2012 Parking Study and the 2020 Parking Study.

2012 Parking Study

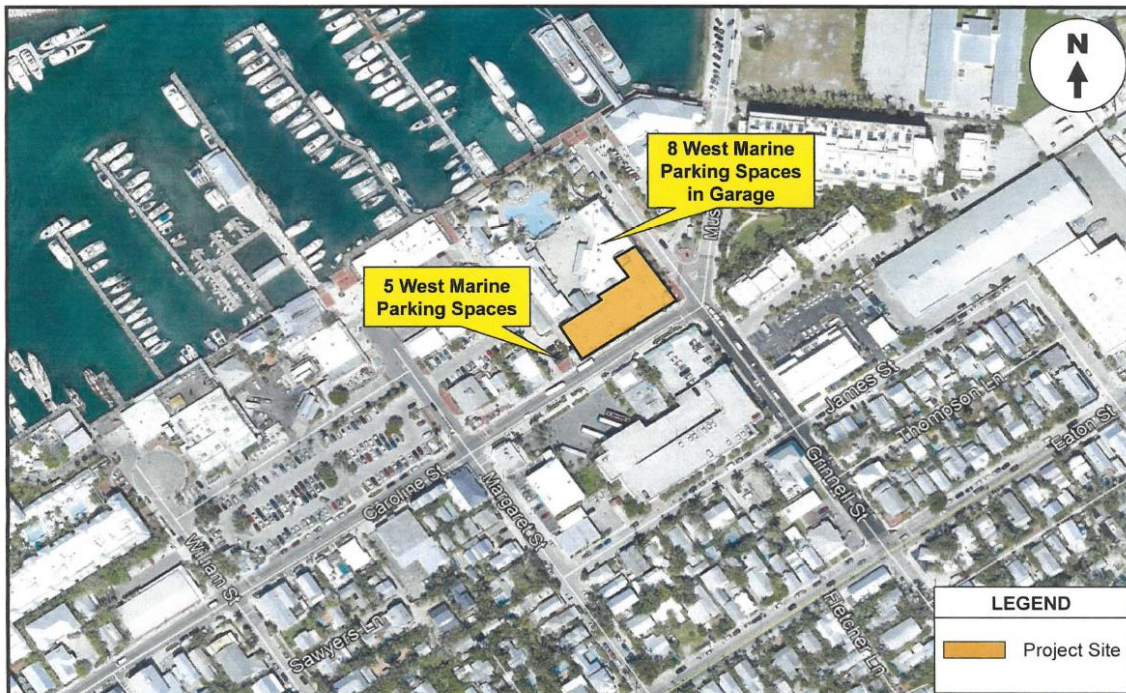


Traf Tech
ENGINEERING, INC.

PARKING ZONES

FIGURE 2
Conch Harbor Marina
Key West, Florida

2020 Parking Study



KBP
CONSULTING, INC.

Project Location Map

Attachment A
West Marine
Key West, Florida

Parking Worksheet:

The parking worksheet was submitted as an exhibit to the 2013 Parking Agreement. The parking worksheet worked as an outline for the parking agreement asserting how many spaces the development had on-site and how many spaces would be required to be reserved at the City’s parking garage. It is unclear where the parking worksheet originated, whether it was from the applicant or the City. The City has no records that would indicate the worksheet was devised by the City. The worksheet includes both the code required off-street parking per use and off-street parking currently on the 951 Caroline property. The parking worksheet reflects the following; the 110 off-street spaces required in 1999 through Resolution 99-250. It also reflects a reduction of ten spots due to a “parking waiver zone,” and the 44 off-street parking spaces required for the proposed West Marine addition. Absent from the worksheet are the 50 marine boat slips associated with the marine use. The worksheet also incorrectly omits the parking variance, which reduced the parking needs from 144 required off-street spaces to 102 off-street spaces. The parking worksheet is below:

Conch Harbor Parking Worksheet	Code Required		On Property					City Operated Old Town Garage				
	Auto	Bicycle / Scooter	Auto	Auto Handicap	Bicycle / Scooter	Auto Equivalent	Needed Per Code	Parking Agreement				
Existing Conch Harbor	110	27.5	61	5	61	8.4	35.6					
Proposed West Marine	44	11	7	1	62	12.8	23.3					
Parking Waiver Zone	-10						-10.0					
Total	144	38.5	68	6	123	21.1	48.9					
								Per Month	Per Year	Total		
								Reservation Agreement	39.0	44.17	530.00	20670
								Park & Ride Monthly	10.0	107.25	1287.00	12870
								49.0		Total		33540

The first recorded draft the City has of the parking worksheet is in a PDF document submitted to the City by the Applicant’s representative. The PDF had a draft parking agreement, and two exhibits, Exhibit A - the 2012 Parking Study, and Exhibit B – the parking worksheet. The City does concur with the applicant that the parking worksheet is in error. The worksheet should be amended to remove the auto-equivalent column, include the variance of 42 off-street parking spaces, and include all commercial uses on the property including the marina uses. Despite the errors, the total parking needed for the entire Conch Harbor Marina should be relatively the same as the final calculations made in the worksheet.

As a part of this application, the applicant submitted a corrected parking worksheet that the Department mostly agrees with, although it does not add in the marina use parking requirements:

Table 3. Corrected Parking Worksheet

Approval	Total Spaces Required	On-site Spaces		Additional Required Spaces
		Auto	Bicycle/ Scooter	
Conch Harbor (Pre-West Marine)	110	58	--	52
West Marine	45	13	--	32
Parking Waiver Zone Reduction*	-11	--	--	-11
Variance 2012-52	-42	--	123	-42
Total	102	71	123	31

* Staff recognizes this as approved by the Planning Board, but it has no basis in the Code.

Planning Department's Revised Parking Worksheet				
Approval	Total spaces required	on-site spaces		Amount additional off-street required spaces
		auto	bike	
Conch Harbor (Pre-West Marine)	110	58	--	52
West marine	45	13	--	32
Parking Waiver Zone Reduction	-11	--	--	-11
Variance 2012-52	-42	--	123	-42
Total parking required with approvals	102	71	123	31
Addition of Parking for Marina Use	29	--	--	29
Total parking required with Marina Uses	131	71	123	50

Per the following required parking approvals:

Required Parking Approvals					
Approval		on-site spaces		required off-site spaces	total spaces required
		auto	bike		
1998	Res. No. 98-298	0	0	120	120 Spaces
	Parking Agreement	0	0	120	120 Spaces
1999	Res. No. 99-225	66	0	54	110 Spaces
2012-2013	Res. No. 2012-52	71	123	31	102 Spaces
	2013 Parking Agreement	71	123	49	120 Spaces

2013 Parking Agreement:

The 2013 parking agreement is an agreement for the entire Conch Harbor Marina LLC development. As noted above, the parking agreement has not taken into account the 50 wet slips the Marina rents to pleasure boats, charter boats, or liveaboards. The 2013 parking agreement reflects the documented history of the Property's unique parking impacts, the data and analysis collected from the 2012 parking study, and the current code requirements.

The parking agreement states that "A second parking study shall be performed after the redevelopment is in operation (not less than 3 years or as the City deems appropriate) to evaluate the parking impacts on the redevelopment." The applicant has called the West Marine expansion the "anchor" for the surrounding area as it was billed as West Marine's two-million-dollar flagship store. The addition of the West Marine expansion was a major redevelopment for the entire Conch Harbor Marina complex. Therefore, a second parking study should have been performed in the same vein as the comprehensive 2012 parking study, looking at the complex in its entirety instead of a mere 13 off-street spaces that were surveyed in 2020. It is worth noting that the 2012 MDP application for the West Marine expansion mentions the City parking garage under the on-site and off-site parking concurrency evaluation. It was the applicant's intention to

use the City parking garage for excess parking as they have since 1999.

Parking for Marina Uses and Dockage:

The parking for the marina and dockage were not taken into account in the 1999 MDP, as can be seen in from the following table in the 1999 executive summary:

Table 1

Use	Current Proposal (sq.ft.)
Retail	858
Retail	6920
Kitchen/dining	4437
Covered Seating	818
Main bar	1024
Pool bar	612
Restrooms	462
Shower/restrooms	1000

Table 1 presents the proposed uses and the size of the proposed uses; note that the marina uses are not included. The executive summary for the 1999 Major Development Plan listed the required parking as 110 spaces. The following table, Table 2, includes data from Table 1 and shows the required off-street parking per code for each use:

Table 2

Use – MDP 99	Current Proposal (sq.ft.)	Off-street parking spaces required per Code
Retail	858	2.86
Retail	6920	23
Kitchen/dining*	4437	98.6*
Covered Seating	818	18
Main bar	1024	22.75
Pool bar	612	13.6
Restrooms	462	2
Shower/restrooms facilities for Marina customers	1000	6.66
Total	Total sq.ft. : 16,131 sq.ft.	Approx. Total spaces – 189*
*Square-footage w/o kitchen is needed for accurate total of required spaces.		

The marina uses are categorized separately as liveaboard boats (one space per liveaboard), pleasure boats (one space per four pleasure boats), and commercial charter boats (three spaces per total capacity of the boat). The off-street requirements for Conch Harbor Marina for the 1999 MDP should have been higher; it should have included the parking requirements for the 27 licensed marine boat slips. That total number of required parking for each slip could increase or decrease if a liveaboard is docked versus a charter boat or a pleasure boat. The applicant received a new business tax receipt for 50 marine boat slips in 2000, however the additional parking requirements for the additional slips was not accounted for in 2000 or the 2012 MDP/variance.

In 2012 Conch Harbor applied for variances and a major development plan to redevelop a large portion of landscaped land for a 13,500 sq.ft. retail facility to house West Marine. The new development activity in the MDP required an additional 5 off-street parking spaces, in addition to 66 off-street Conch Harbor parking garage spaces for a total of 71 on-site spaces and were required an additional 123 bicycle parking

spaces. The variance proposed was for impervious surface, building coverage, setbacks, and parking. The applicant proposed to reduce the additional 45 off-street parking spaces required for the proposed development to 12 off-street parking spaces. The applicant was granted a variance from 144 to 42 parking spaces as well as agreed to a parking agreement with the City to use space in the City park-n-ride, reserving 49 spaces in total for use by staff and customer overflow. Throughout the 2012 variance and major development process, the 50 marina boat slips were not factored into the required parking total.

In 2012 a Parking Agreement was drafted and submitted to the City and the Applicant with two exhibits, a 21-page comprehensive parking study, and a parking worksheet. As a condition of both the variance and the major development plan, the agreement was signed between Conch Harbor Marina LLC and the City of Key West. The new parking agreement, signed January 2013, dissolved the 1998 parking agreement and created a new agreement for the entirety of Conch Harbor Marina including the retail space, professional offices, restaurants, and food/bar space. Absent again from the calculations for the new parking agreement were the 50 marina boat slips. The parking agreement was agreed upon per the two submitted exhibits, the parking study, and the parking worksheet.

The current dockage at Conch Harbor Marina is occupied, there are currently five active charter boats licensed for the property and on a recent site visit on May 10th, 2021, it appeared that at least half of the boat slips were occupied. The charter boats currently licensed for the property have a requirement of 18 auto-spaces, per their size and capacity. The remaining 45 marina boat slips have a flexible parking requirement, the least would be 11 required spaces if all slips were pleasure boats, to a maximum of 45 required spaces if the remaining slips were liveaboard boats. That number could increase if more charters are licensed on the property.

Additionally, the charter boats licensed at Conch Harbor Marina instruct their clients to park in the Conch Harbor Garage (aka Dante's garage). The charter boat captains, mates, crew, or clients were never factored into the overall parking totals for Conch Harbor Marina.

The Code instructs staff to review a major modification to a major development plan holistically and review the development in its entirety. Staff endeavors to present a pragmatic, code compliant analysis of the site's approval history and a fair approach to the applicant's request to amend the parking agreement.

Process:

Development Review Committee:	February 20, 2020
Planning Board Meeting:	May 20, 2021
City Commission:	TBD
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

Staff Analysis - Evaluation:

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 original Major Development Plan applied for in 2012. Staff has re-reviewed

the provided concurrency analysis following the criteria in City Code Section 94-36 and determines that public facilities are not expected to change and still meet adopted level of service (LOS) standards.

Appearance, design, and compatibility (City Code Section 108-234)

- The development plan shall satisfy criteria established in: Chapter 102; articles III, IV and V of Chapter 108; section 108-956; and article II of chapter 110, included in staff's review below.

City Code Chapter 102 (historic preservation)

- The structure is not historic but is in the Historic District. This modification will not affect the historic preservation Chapter 102.

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

- The proposed modification will not affect the site plan.
- The proposed modification has some impacts on traffic impacts. The applicant just came into conformance with their Major Development Plan conditional approval in April 2021. The applicant installed 3 additional bike racks for a total of 27 bike racks. The bike racks do not meet the City Code Requirement's to be used as required bike parking. Permit documentation shows the applicant is aware of this issue.
- The reduction of reserve parking spots in the City parking garage may also lead to the City garage being at capacity and potential employee and customer-overflow being forced to cruise for a spot or park elsewhere.

City Code Section 108-956 (potable water and wastewater)

- Potable water and wastewater were found to comply 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 development plan submitted for review should be in compliance with all applicable performance criteria set forth in chapter 94, chapter 102, chapter 106, articles I and III through IX of this chapter, chapter 110 and chapter 114.

- The submitted modification for a major development plan has been reviewed for compliance with all applicable performance criteria. It is the Planning Department's determination that the application is in compliance with the applicable criteria.

(b) *Vicinity map.* A vicinity map shall be provided with the project's location noted together with a general written description of the proposed development (provided in Appendix A)

(c) *Land use compatibility*

- Land use compatibility. Adjacent land uses shall be identified including current zoning designation, conditional uses and/or special districts within 50 feet of the boundaries for a minor development, and 100 feet of the boundaries for a major development. Properties within 100 feet are also located within the HRCC-2 zoning district.

(d) *Historic and archeological resource protection.* A review of the project's impact on archaeological and historic resources shall be included.

- There are no proposed impacts on archeological and historical resources.

(e) *Subdivision of land.* Any subdivision of land shall comply with section 108-1 and chapter 118 pertaining to subdivisions.

- There is no subdivision of land proposed at this time.

Site and structures (City Code Section 108-236 – 108-246)

- The site is located in the Historic District, the proposed modification will not affect the design per Section 108-278.

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

- There are no construction management plans proposed.

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

- See analysis.

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

- No changes proposed.

Utilities (Code Chapter 108, Article IX)

- No changes proposed.

Recommendation:

The proposed major modification to a major development plan requires review of the project per 108-91 C. 3. and allows the Planning Board to create conditions of approval, alter current conditions of approval, and delete any conditions of approval for the development located at 951 Caroline. The modification process also allows the Planning Board to make recommendations to alter the terms of the parking agreement to reflect the parking needs for the entirety of the land uses on the property, including the marina.

The Department does not find adequate information or a body of evidence that would show that the parking spaces leased by Conch Harbor Marina LLC are not needed. The 2020 parking study did not survey the amount of parking spaces in the City parking garage that West Marine or Conch Harbor Marina

customers used. The 2020 parking study did not survey how many people came to and left West Marine or the other on-site businesses and did not survey how they arrived; by car, on foot, by bike, transit, etc.

Due to the lack of this information, the department finds that there is inadequate information to support a modification to reduce the number of parking spaces Conch Harbor reserves from the City. The City recommends **denial** of the applicant’s proposed major modification.

However, the Planning Department, does find a body of evidence to amend the Parking Agreement. The City is proposing the following updates to the Parking Agreement based on the revised parking worksheet. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the department recommends the request to modify the major development plan be approved per the department’s following proposal:

Planning Department’s Revised Parking Worksheet				
Approval	Total spaces required	on-site spaces		Amount additional off-street required spaces
		auto	bike	
Conch Harbor (Pre-West Marine)	110	58	--	52
West marine	45	13	--	32
Parking Waiver Zone Reduction	-11	--	--	-11
Variance 2012-52	-42	--	123	-42
Total parking required with approvals	102	71	123	31
Addition of Parking for Marina Use	29	--	--	29
Total parking required with Marina Uses	131	71	123	50

City's Proposed updated parking agreement	
Type	Spaces proposed
Current amount of parking required to be reserved at the City Park n Ride	49 spaces in total
Amount of parking required to be reserved with factoring in variance for PB Resolution 2012-52	31 spaces in total
Amount of additional parking required with factoring in the 50 marine boat slips	29 spaces in total
Total Proposed Parking Spaces to be Reserved at the City Park n Ride	60 spaces in total
Total Current Parking Agreement	49 spaces in total
Total change between the Current Parking Agreement and the proposed revised parking agreement	+11 additional space