



THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chair and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Mario Duron, AICP, The Corradino Group

Meeting Date: October 25th, 2022

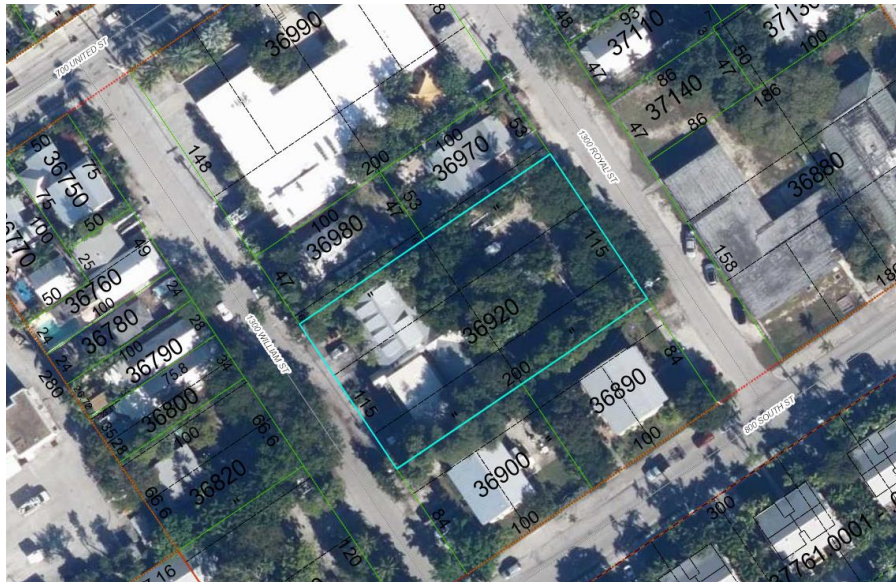
Agenda Item: **Minor Modification of a Major Development Plan – 1319 Williams Street & 1316 Royal Street, Units #1-6 (RE #00036920-000000) – A request to modify the major development plan approval under Resolution No. 2021-197, for property located within the Historic Medium Density Residential District (HMDR) zoning district pursuant to Section 108-91.C of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Request: Minor modification to an approved Major Development Plan to include a construction management and phasing plan as required by Section 108-248.

Applicant: AZO Architecture, LLC

Property Owners: KOAA, LLC

Location: 1319 William Street & 1316 Royal Street Units # 1-6 (RE #00036920-000000)



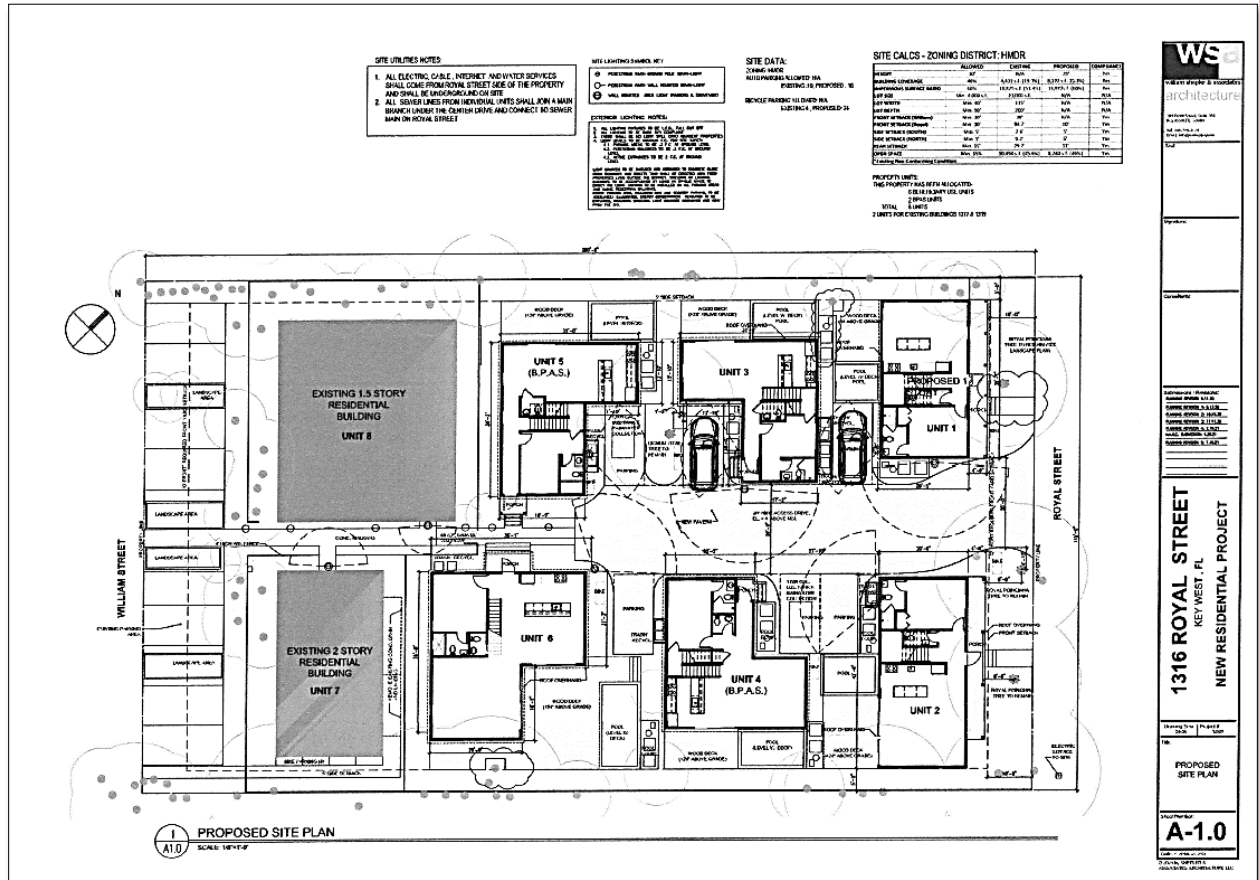
Background:

In September of 2021, the City Commission conditionally granted Major Development Plan (MDP) approval for property located at 1319 William Street and 1316 Royal Street Units #1-6 (City Commission Resolution No. 21-197). The approval included a waiver to the City’s landscape requirements and a linkage provision to comply with affordable workforce housing requirements.

The scope of work under the approved MDP request includes the demolition of the remaining portions of the former palliative center to construct six (6) new single-family homes behind the two (2) existing non-transient rental units facing William Street. Of the 6 units, 2 are BPAS allocations, with approvals set to expire October 2023. The proposed design has a total of eight (8) non-transient units. The Commission also granted landscape waivers. The waivers allow for a reduction to the minimum width of the required landscape area fronting Royal Street, from twenty (20) feet to ten (10) feet, and relief from the perimeter screening requirement along the entire parking area.

An Affordable Workforce Housing Requirement Linkage Provision was also approved under the MDP request. Per Section 122-1467, projects of less than ten residential units are required to develop or redevelop at least 30 percent of units as affordable (median income) housing. The applicant was approved to utilize the linkage provision in Section 122-467(1)(b) which allows two projects to link and allows the affordable housing requirement of one development project to be built at the site of another project, so long as the affordable housing requirement of the latter development is fulfilled as well. The applicant entered the linkage with property located at 1703 Von Phister Street (RE #00042950-000000).

Today the applicant is requesting to modify the approved MDP to extend the construction period and introduce a phasing plan as provided by Section 108-248 of the Code. In conjunction with the modification request the applicant has petitioned the City Commission for a 12-month extension of the approvals in Resolution No. 2021-197. The extension is requested because the final application for all permits needed to fulfill the resolution approvals, will not be submitted to the City in its entirety within the 12 months, as required by Section 3 in the approving resolution. To date, 3 of 6 units are under construction.



Approved Site Plan, 1319 Williams Street & 1316 Royal Street submitted by the Applicant

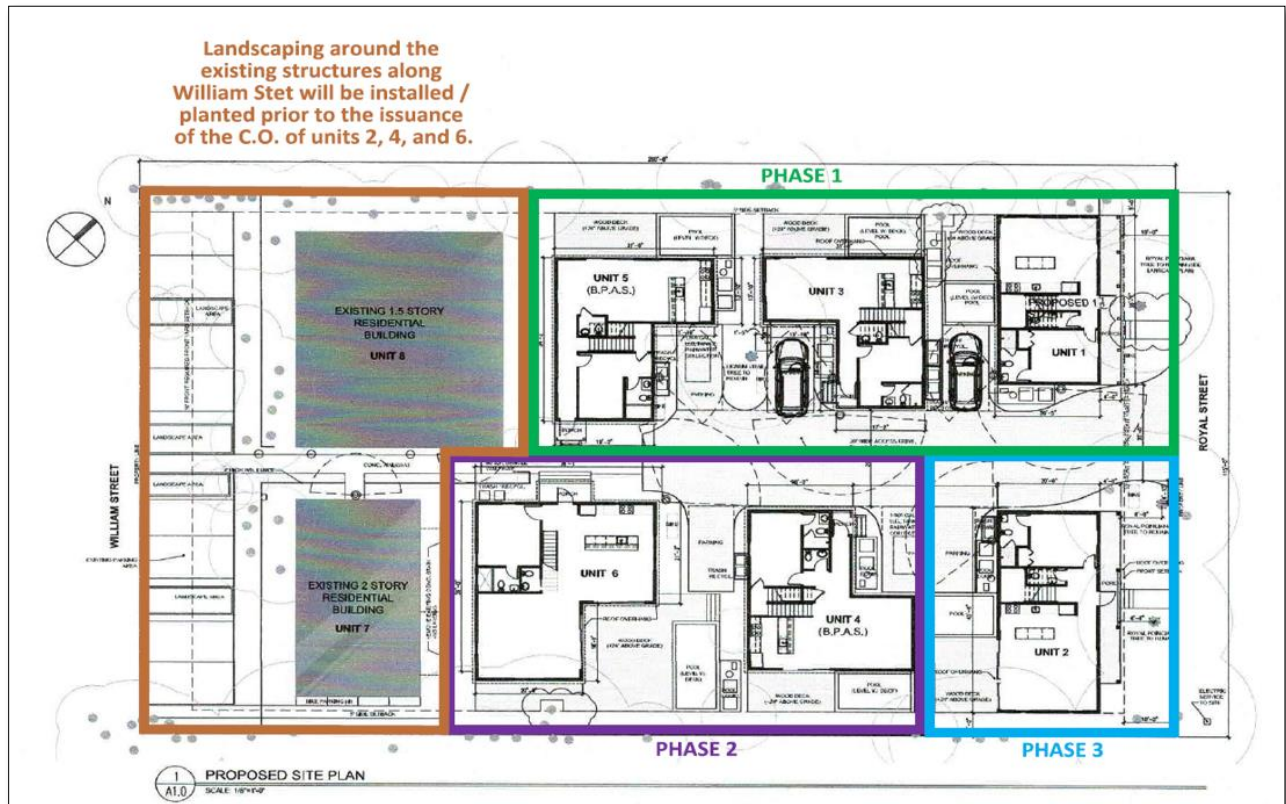
Proposed Development:

The applicant filed a minor modification to the approved MDP back in April 2022. The modification request is to include a phasing plan, which was not considered in the original approval under Resolution No. 21-197. Per Section 108-248 any development containing two or more phases and/or the project's proposed construction schedule is anticipated to exceed a period of one year, the applicant shall be required to submit a construction management plan and inspection schedule as part of the development plan.

For the requested modification the applicant submitted a Construction Management Plan and Inspection Schedule. The proposed phasing plan does not modify any design aspects, density or intensity that was approved. The plan outlines the proposed phasing schedule for the development set to span over a period of four (4) years, into April 2026.

There are a total of three (3) phases. Currently, the major development plan is under Phase 1, with Units #1, #3, and #5 expected to commence construction by November 15, 2022. Phase 2 includes construction of Units #4 and #6, and Phase 3 for Unit #2. Units #4 and #5 are BPAS allocation units, with the approval set to expire October 2023. Construction for Unit #5 commenced in Phase 1, while Unit #4 will be built under Phase 2 and will be constructed prior to the expiration of the BPAS allocation.

The construction management plan and phasing proposal addresses landscaping, infrastructure, and the required public art. Infrastructure associated with and adjacent to each individual unit will be installed prior to the issuance of the Certificate of Occupancy (C.O.) for each individual unit. Landscaping and public art will be installed prior to the issuance of the C.O. for the units, #2, #4, and #6. A phasing diagram was provided by the applicant to visually facilitate the phasing plan.



Proposed Phasing Diagram, submitted by the Applicant

Construction Management Plan and Inspection Schedule

1319 William & 1300 Royal Street
(RE No. 00036920-000000)

Revised 9/14/2022



Construction Management Plan and Inspection (Sec. 108-248):

PHASING SCHEDULE

Phase	Units	ROGO		Commencement	Completion
		Type	Exp. Date		
1	1	Beneficial	NA	11/15/22 - <i>Commenced</i>	Progress and completion pursuant to the KW LDRs and Florida Building Code
	3	Beneficial	NA	11/15/22 - <i>Commenced</i>	
	5	BPAS	10/31/23	11/15/22 - <i>Commenced</i>	
2	4	BPAS	10/31/23	04/15/24 or prior to the expiration of the associated BPAS, whichever is sooner ¹	
	6	Beneficial	NA	04/15/24	
3	2	Beneficial	NA	04/15/26	

PROJECT DOCUMENTATION

The contractor shall maintain all applicable local, state, and federal licenses and permits that apply to the construction project.

Compliance with any and all required public notifications shall be met.

A project sign shall be constructed and posted that identifies, at a minimum, the property owner, contractor, and land use planner.

Proposed Construction Management Plan and Inspection Schedule, submitted by the Applicant

Process:

The City Commission granted approval of the major development plan on September 14, 2021. The following is the process for the minor modification to the approved major development request:

Development Review Committee:	November 18, 2021
Urban Forestry Manager:	September 8, 2022
Planning Board:	October 25, 2022
City Commission	TBD
Local Appeal Period:	30 days
DEO review:	Up to 45 days, following local appeal period

Staff Analysis- Evaluation:

City Code Section 108-91.C.2 requires Planning Board approval for minor modifications to a Major Development Plan approval. City Code Section 108-196(a) states after reviewing a Minor Development Plan for a property and staff recommendations therefore, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the LDRs and the intent of the LDRs and comprehensive plan. The Planning Board resolution shall provide written comments documenting any conditions of approval that the Planning Board finds necessary to effectuate the purpose of Development Plan review and carry out the spirit and purpose of the Comprehensive Plan and the LDRs. If the Plan is recommended for disapproval, the Planning Board resolution shall specify in writing the reasons for recommending such denial.

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. 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 application. Staff reviewed the provided concurrency analysis following the criteria in Code Section 94-36 and determined that public facilities were expected to accommodate the proposed development at the adopted level of service (LOS) standards. There are no changes to the anticipated use of public facilities by the approved development, nor as the result of the minor modification to include a phasing plan.

1. Potable water supply.

The adopted potable water LOS standard is anticipated to be adequate to serve the approved residential development. The property is serviced with potable water by the Florida Keys Aqueduct Authority (FKAA) and has available capacity to service the development.

$$\begin{aligned} &\text{Based on per capita residential: } 93 \text{ gal/capita/day} \times 2.63 \text{ persons (for 8 units)} \\ &= 244.59 \text{ gal/day} \end{aligned}$$

2. Wastewater management.

The anticipated sanitary sewer capacity LOS standard is expected to be adequate to serve the approved development.

Based on per capita residential: 100 gal/capita/day x 2.63 persons (for 8 units) = 263 gal/day

3. Water quality.

The property is not adjacent to any bodies of water, therefore, no adverse impacts to water quality were identified.

4. Stormwater management/drainage

A drainage plan was approved under the original MDP request. Stormwater is expected to be retained on the property through a series of swales and a proposed on-site rainwater catchment system. No adverse impacts to stormwater management or drainage facilities are anticipated.

5. Solid waste.

The approved development is anticipated to accommodate 21 persons. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity was determined to be adequate to serve the development.

Proposed development: 2.66 lb./capita/day x 2.63 persons (for 8 units) = 55.99 lbs./day

The property is serviced by Waste Management. The trash and recycling areas were provided on the site plan, and there are no changes.

6. Roadways.

The proposed plan contains all required off-street parking. Vehicle parking is accessed from both William Street and Royal Street.

7. Recreation.

The approved MDP did not show onsite recreation as defined in Section 86-9 of the LDRs.

8. Fire Protection.

Per Condition #2 in Resolution No. 21-197, the Fire Marshal's Office will review the applicant's fire sprinkler solution (yard hydrants). The signed and sealed plans will need to be accepted by the Fire Marshal's Office prior to issuance of a permit.

9. Reclaimed water system.

The approved plans show a rainwater catchment system.

10. Other public facilities.

Based on comments received from the DRC members, and based on the Applicant's concurrency analysis, all public facilities are expected to accommodate the proposed development at the adopted LOS standards.

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

The development plan shall satisfy criteria established in:

City Code Chapter 102 (historic preservation)

The property is located within the historic district and the existing structures are non-contributing. The property received HARC approval for the original MDP request on May 25, 2021. The property is required to obtain approval for the demolition of existing structures and obtain a Certificate of Appropriateness from the Historic Architectural Review Commission (HARC) for the proposed design prior to issuance of building permits.

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

Traffic impacts for the approved residential use were determined to be minimal. A revised trip generation was submitted on March 10, 2021 and was reviewed and approved under the original MDP request.

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

Potable water and wastewater were found to be in compliance 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 archeological resources are discovered during construction, the Applicant is required to comply with this article.

Site location and character of use (City Code Section 108-235)

- (a) Compliance.* The submitted minor modification to a Major Development Plan has been reviewed for compliance with all applicable performance criteria set forth in Chapter 94 (concurrency management), Code Chapter 102 (historic preservation), Chapter 106 (performance standards), Articles I and III through IX of Chapter 108 (planning and development), Chapter 110 (resource protection) and Chapter 114 (signs).
- (b) Vicinity map.* The subject property is bounded by South Street to the east, United Street to the west, Royal Street to the north and William Street to the south.
- (c) Land use compatibility.* Uses within 300 feet include single-family and multifamily residential, office, a synagogue and The Boys and Girls Club of America. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.

(d) Historic and archeological resource protection. There are no known historic or archeological resources at the property. The project's impact on archaeological and historic resources had been coordinated through the DRC. At time of building permit review a Certificate of Appropriateness by HARC will be required.

(e) Subdivision of land. No subdivision of land is proposed.

Site and structures (City Code Section 108-236)

The originally approved major development plan was determined to exhibit harmonious overall design characteristics in compliance with the performance standards stipulated in Code Sections 108-278 through 108-288.

Site plan (City Code Section 108-237).

There are no modifications to the applicant's approved site plan, which was determined to be in compliance with City Code Section 108-237.

Architectural drawings (City Code Section 108-238).

The minor modification does not change the Applicant's approved architectural drawings; prepared by a professional architect registered in Florida pursuant to City Code Section 108-238.

Site amenities (City Code Section 108-239).

Site amenities include new common area walkways, new driveway, curb ramps, and public art.

Site survey (City Code Section 108-240).

The Applicant submitted a site survey pursuant to City Code Section 108-240.

Soil survey (City Code Section 108-241).

None anticipated for the project.

Environmentally sensitive areas (City Code Section 108-242).

No environmentally sensitive areas are located on or near the property, which is located within the X flood zone.

Land clearing, excavation and fill, tree protection, landscaping, and irrigation plan (City Code Section 108-243):

(a) Land clearing, excavation, and fill.

(b) Landscaping plan.

(c) Irrigation plan.

The original MDP request approved land clearing, excavation, and fill. Native trees are being preserved or relocated to the maximum extent possible. The City's Urban Forestry Manager and the Tree Commission reviewed and approved the tree removal plan at the

January 11th, 2021, Tree Commission meeting. Two landscape waivers were approved. One waiver was approved to reduce the width of the required landscape area from the required 20 feet to 10 feet, for both Royal and William Street frontages. Another waiver was approved from the requirement of providing perimeter screening along the entire parking area.

No changes were proposed to the approved irrigation and landscape plans as the result of the modification request.

On-site and off-site parking and vehicular, bicycle, and pedestrian circulation (City Code Section 108-244):

Vehicular off-street parking was approved with parking access from both William Street and Royal Street. The approved design is providing six vehicular off-street parking spaces accessed through Royal Street and ten vehicular off-street parking spaces accessed from William Street. The required off-street parking for the proposed design is eight spaces. No change in bicycle and pedestrian ways and uses are anticipated as part of this project.

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

Off-street parking is proposed as noted immediately above. No loading zones were proposed. No changes were made.

Housing (City Code Section 108-245):

The approved design includes eight market-rate residential units in total. No changes proposed.

Economic resources (City Code Section 108-246):

The applicant is working with the Monroe County Property Appraiser's office to seek assistance in estimating the average ad valorem tax yield from the proposed project.

Special considerations (City Code Section 108-247):

- (a) The relationship of the proposed development to the City's land use plans, objectives, and policies was evaluated as part of the original MDP approval. The relationship of the proposed development to public facilities was evaluated and no conflicts were identified.
- (b) The project is located in the historic district and is within the X flood zones.
- (c) No unincorporated portions of the county would be impacted by the proposed development.
- (d) The project does not front a shoreline, so shoreline access would not be impeded.
- (e) No special facilities will be provided to accommodate bus ridership.
- (f) Passive recreation space was not proposed.
- (g) Coordination with applicable agencies was facilitated through the DRC.
- (h) No wetlands or submerged land would be impacted.

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

The minor modification request is to include a construction management and phasing plan that was overlooked during the original approval. The project is expected to be developed in three phases spanning four (4) years, into 2026.

Truman Waterfront Port facilities (City Code Section 108-249):

Not applicable

Site plan (City Code Chapter 108, Article III):

The City approved the site plan finding that the site plan conforms to all applicable sections of the LDRs, pursuant to City Code Section 108-276, as analyzed below.

Site location and character of use (City Code Section 108-277)

The approved development involves demolishing the remaining Hospice storage structures, pergola, and concrete wall to construct six (6) non-transient residential dwellings. The proposed uses are permitted within the HMDR zoning district.

Appearance of site and structures (City Code Section 108-278)

The project involves two (2) two-story market rate units and new construction of a six (6) 1 ½ story single family homes. All work would follow the City's historic architectural guidelines.

Location and screening of mechanical equipment, utility hardware and waste storage areas (City Code Section 108-279 & 280)

All mechanical equipment and utility hardware are to be appropriately screened. All waste storage areas will be screened from adjacent properties as required by Code.

Front-end loaded refuse container location requirements (City Code Section 108-280)

Not Applicable – There is no front-end loaded refuse container proposed.

Roll-off compactor container location requirements (City Code Section 108-281)

Not Applicable – There is no roll-off containers proposed as part of the operation of the development. Waste and recycling disposal locations are depicted on the approved site plan.

Utility lines (City Code Section 108-282)

All new utility lines would be placed underground. Installation will be coordinated with the appropriate utility agency and in accordance with Section 108-282.

Commercial and manufacturing activities conducted in enclosed buildings (City Code Section 108-283)

None proposed/approved.

Exterior lighting (City Code Section 108-284)

All proposed lighting shall be shielded, and lighting sources shall be arranged to eliminate glare from the roadways and streets. The applicant is proposing lighting elements such as directional fixtures or opaque shades.

Signs (City Code Section 108-285):

The approved plans did not show any signs. Proposed building signage to be determined. Signage for the parcel is subject to Chapter 114, Article II, Divisions 1 and 4.

Pedestrian sidewalks (City Code Section 108-286):

The MDP was approved with no new sidewalks.

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

All required parking is provided on-site as shown on the attached plans.

Storage areas (City Code Section 108-288)

No exterior storage areas are proposed.

Land clearing, excavation, or fill (City Code Section 108-289)

There is no land clearing proposed.

Landscaping (Code Chapter 108, Article VI)

A landscape plan and two (2) waivers were reviewed and approved pursuant to City Code Section 108-41 and Section 108-517.

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

A drainage plan was submitted. The utilities department has reviewed the plans for compliance. Stormwater would be retained on-site through swales and a rainwater catchment system.

Utilities (Code Chapter 108, Article IX):

Access to potable water, access to wastewater disposal systems and conservation of potable water supply were analyzed in the above concurrency management determination and were found in compliance.

Art in Public Places (City Code Section 2-487)

The proposed development, being a Major Development Plan, qualified for the City's Art in Public Places (AIPP) program, pursuant to City Code Section 2-487.

The AIPP program requires 1% of construction costs to be set-aside for the acquisition, commission, and installation of artwork on the subject property. The program applies to new construction projects exceeding \$500,000 and renovation projects exceeding \$100,000. Eligible construction costs have not been determined based on hard and soft

costs. Per the phasing plan submitted, the applicant proposes to install the two (2) public art pieces prior to the issuance of the Certificate of Occupancy for Units #2, #4, and #6.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Minor Development Plan be **APPROVED with the following conditions:**

Conditions of Approval:

1. The proposed construction shall at 1319 Williams Street and 1316 Royal Street shall be consistent with the site plan signed, sealed and dated September 10, 2020, by William Byron Shepler, R.A. Construction drawings for permitting shall be dated as approved herein, with any proposed revisions (modifications) clearly noted and dated. Development plan modifications that do not rise to the status of minor or major plan modifications may be approved by the city planner as per Section 108-91(c)(1). All modifications shall be submitted for review and approval to the Planning Department prior to building permit application. Minor and major development plan modifications are addressed as per Section 108(C.).
2. All conditions in Resolution No. 2021-197 shall be incorporated into the approving resolution for the requested minor modification.
3. Applicant shall adhere to the Construction Management Plan and schedule dated 9/14/2022.