

**THE CITY OF
KEY WEST
PLANNING BOARD
Staff Report**



To: Chair and Planning Board members

Through: Patrick Wright, Planning Director

From: Vanessa Sellers, Planner II

Meeting Date: April 18, 2019

Agenda Item: **Minor Development Plan and Landscape Waiver / Modification– 501-503 Front Street (RE# 00000100-000000)** – A request for minor development plan approval and a landscape waiver / modification to allow for the addition of 706-square-feet of new floor area to an existing structure located in the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) zoning district pursuant to the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

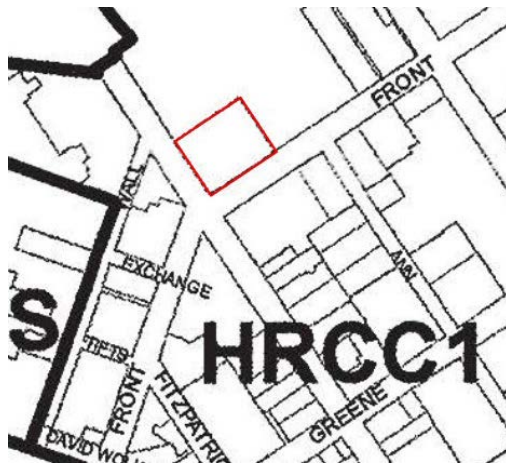
Request: Minor development plan and landscape waiver / modification for the addition of 706-square-feet of new floor area in the historic district.

Applicant: Trepanier & Associates, Inc.

Property Owner: Conch Tour Train, Inc.

Location: 501-503 Front Street (RE# 00000100-000000)

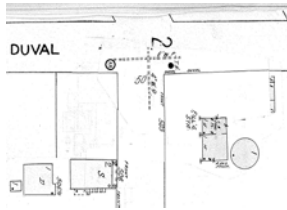
Zoning: Historic Residential Commercial Core Duval Street Gulfside (HRCC-1)



Background:

The subject property is located at 501-503 Front Street and is within the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) zoning district. The properties to the east, west, north, and south are also in the HRCC-1 zoning district. The parcel is 18,750-square-feet and contains one 1-story structure and one 2-story structure.

The subject property is within the Key West Historic District boundaries. Proposals of new construction, major alterations, and additions to existing structures within the historic district are reviewed for appropriateness by the Historic Architectural Review Committee (HARC) and are governed by the HARC Guidelines since such major changes may have a strong effect on the nature of structures and the neighborhood streetscape.



The Sanborn Map Company report from 1960 indicates the property was once used as a gasoline filling and service station. According to the Monroe County Property Appraiser, the existing 1-story structure on the parcel was built in 1975 and the existing 2-story structure was constructed in 1988.

The proposed Minor Development Plan seeks to construct an additional 706-square-feet of new floor area to the existing 1-story structure. The following development approvals would be necessary:

- A variance to off-street parking requirements due to the construction of 706-square-feet of new nonresidential floor area within the historic commercial pedestrian oriented area pursuant to section 108-573 (b) (1).
- Minor Development Plan review is required due to the addition of 500 to 2,499 square feet of nonresidential floor area within the Historic District pursuant to section 108-91.A.1(b).

Existing Conditions and Additional Background:

A search of city records revealed ten (10) active business licenses at the subject property. The property contains several ticket booths and retail spaces. The property also has five (5) loading zones for tour trains.

Proposed Development:

The proposal is to renovate the existing 1-story structure and add a 689-square-foot second floor. According to the application, the development will also include façade updates.

Surrounding Zoning and Uses:

Surrounding properties are also located within the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) zoning districts. Surrounding uses include two large resort-style hotels, a coffeeshop, an ice cream parlor, a large drugstore, several restaurants & bars, and several clothing & merchandise retailers. The property is located approximately 200-feet from the waterfront and approximately 200-feet from Mallory Square.

Process:

| | |
|--|--|
| Development Review Committee: | January 24, 2019 |
| Tree Commission: | April 9, 2019 (Conceptual landscape plan) |
| Planning Board: | April 18, 2019 |
| Final Tree Commission: | TBD |
| Historic Architectural Review Committee: | TBD |
| City Commission: | TBD |
| DEO review | Up to 45 days, following local appeal period |

Evaluation for Compliance with the Land Development Regulations (LDRs) and Comprehensive Plan:

City Code Section 108-91 A 1 (b) requires Minor Development Plan approval for the addition or reconstruction of 500 to 2,499-square-feet of gross nonresidential floor area within the Key West Historic District.

City Code Section 108-196 (a) states after reviewing a Minor Development Plan for a property and staff recommendations therefor, 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 Development Plan is recommended for disapproval, the Planning Board resolution shall specify in writing the reasons for recommending such denial.

The Planning Board’s decision on a Minor Development Plan in the historic district shall be advisory to the City Commission.

Planning staff, as required by Chapter 108 of the City LDRs, has reviewed the following for compliance with the City's LDRs and Comprehensive Plan as summarized in the following table.

| Project Data Summary | | | | | |
|----------------------------|---------------------------------------|--------------------|------|--------------------|-----------------------------|
| Dimensional Requirement | Required/ Allowed | Existing | | Proposed | Change / Variance Required? |
| Zoning District | HRCC-1 | | | | |
| Flood Zone | AE-7 and AE-9 | | | | |
| Site Size | 18,750-SF | | | | |
| Maximum Density | 22 du/acre | 0 | | 0 | No |
| Maximum Floor Area Ratio | 1.0 | 501 Front: 3679-SF | 0.49 | 501 Front: 4278-SF | No |
| | | 503 Front: 5467-SF | | 503 Front: 5467-SF | |
| Maximum Height | 35' | <35' | | 29'-10" | No |
| Maximum Building Coverage | 50% | 48.77% | | 48.77% | No |
| Maximum Impervious Surface | 70% | 99.6% | | 99.4% | No (improves upon) |
| Minimum Open Space | 20% | .4% | | .6% | No (improves upon) |
| Minimum Front Setback | None | 14'-8" | | 14'-8" | No |
| Minimum Side Setback | 2.5' | 1'-10.5" | | 1'-10.5" | No |
| Minimum Rear Setback | 10' | 19'-9.5" | | 19'-9.5" | No |
| Off-Street Parking | | | | | |
| Motorized Vehicles | 1-space per 300-SF of GFA (32 spaces) | 3 spaces | | No Change | Yes |

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 Minor Development Plan application. Staff reviewed the provided concurrency analysis following the criteria in Code Section 94-36 and determines that public facilities are expected to accommodate the proposed development at the adopted level of service (LOS) standards. This portion of the report shall serve as the required written determination of compliance.

1. Potable water supply.

The adopted potable water LOS standard is anticipated to be adequate to serve the proposed development. The property is serviced with potable water by the Florida Keys Aqueduct Authority (FKAA) and has available capacity to service the proposed development with the existing infrastructure currently in place.

Sec. 94-68 states the Level of Service (LOS) standards for potable water for nonresidential uses shall be 650 gallons/acre/per day:

Based on per acre nonresidential: $650 \text{ gal/acre/day} \times 0.43 \text{ acre} = 279.50 \text{ gal/day}$

2. Wastewater management.

The applicant states that the current utility service is adequate to support the proposed development pursuant to City Code Section 94-67.

The City Code states nonresidential uses at 660 gallons per acre per day.

Based on per acre nonresidential: $660 \text{ gal/acre/day} \times 0.43 \text{ acre} = 283.80 \text{ gal/day}$

The adopted sanitary sewer capacity LOS standard is anticipated to be adequate to serve the proposed development.

3. Water quality.

The property is served by the City's central sewer system. The property is not adjacent to any bodies of water, therefore, no adverse impacts to water quality are anticipated.

4. Stormwater management / drainage.

Pursuant to section 108-716 (3), the proposed minor development is exempt from surface water management permitting requirements of the LDRs.

5. Solid waste.

The solid waste LOS standard for nonresidential uses is 6.37 pounds per capita per day, pursuant to City Code Section 94-71. The proposed development will increase the existing gross floor area by 706-square-feet. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

Based on per capita nonresidential: $6.37 \text{ lbs/capita/day} \times 4,368\text{-square-feet} / 1,000\text{-square-feet} \times 1.5833 \text{ persons} = 44.05 \text{ lbs/day}$.

The plans show one area designated for an existing dumpster. The adopted solid waste LOS is anticipated to be adequate to serve the proposed development.

6. Roadways.

According to the applicant's concurrency analysis, trip generation will increase with the proposed development by 30.53 on a weekday, 28.97 on a Saturday, and 14.07 on a Sunday.

7. Recreation.

The proposed plans do not show recreation facilities. The proposed development is not expected to impact recreation level of service.

8. Fire Protection.

Life Safety Plans were submitted for the ground floor and the second floor of 501 Front Street. Plans include smoke detectors, exit lights, emergency lighting, fire extinguishers, strobe lights, and wall mounted exterior light fixtures with emergency lights. A two-hour fire rated ceiling/floor assembly is proposed between the two floors. An existing fire hydrant is located at the corner of Front Street and Duval Street.

9. Reclaimed water system.

There are no plans to install a reclaimed water system / cistern at this time.

10. Other public facilities.

Based on comments received from the DRC members, and based on the Applicant's concurrency analysis, all public facilities would be 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 in the historic district and the proposed development would need to obtain a Certificate of Appropriateness from the Historic Architectural Review Commission (HARC) for the construction of the new second floor.

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

The proposed site plan is analyzed in greater detail below. Traffic impacts are expected to increase slightly with the proposed development. The applicant proposes to improve the open space ratio by .2% and landscape modifications and waivers are requested as part of the development plan review.

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 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 submitted Minor Development Plan has been reviewed for compliance with all applicable performance criteria set forth in Code Chapter 94 (concurrency management), Code Chapter 102 (historic preservation), Code Chapter 106 (performance standards), Articles I and III through IX of Code Chapter 108 (planning and development), Code Chapter 110 (resource protection) and Code Chapter 114 (signs).
- (b) *Vicinity map.* The property is bounded by Duval Street to the west and Front Street to the south..
- (c) *Land use compatibility.* Uses within 50 feet include a hotel parking lot, retail, and a restaurant. 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.
- (e) *Subdivision of land.* No subdivision of land is proposed.

Appearance of site and structures (City Code Section 108-236).

The Applicant submitted a Minor Development Plan that generally exhibits harmonious overall design characteristics in compliance with the performance standards stipulated in Code Sections 108-278 through 108-288, as analyzed below. The property is located in the historic district and the proposed development would need to obtain Certificates of Appropriateness from the Historic Architectural Review Commission (HARC) for the construction of the new second floor.

Site plan (City Code Section 108-237).

The Applicant submitted a site plan pursuant to City Code Section 108-237, which is analyzed in greater detail below.

Architectural drawings (City Code Section 108-238).

The Applicant submitted extensive architectural drawings prepared by a professional architect registered in Florida pursuant to City Code Section 108-238.

Site amenities (City Code Section 108-239).

Proposed site amenities include some minor landscaping.

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).

The parcel is not located within an environmentally sensitive area.

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

- (a) *Land clearing, excavation, and fill.* No land clearing, excavation, or fill is proposed with this project.
- (b) *Landscaping plan.* The City of Key West Tree Commission approved the Conceptual Landscape Design Plan (T19-0089) to allow the project to proceed through the permitting process with the Planning Board. Once approval is received by the Planning Board, application should be made again to the Tree Commission for Final Landscape approval.
- (c) *Irrigation plan.* The applicant did not submit an irrigation plan.

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

No off-site parking is proposed. The existing on-site parking for vehicles and the pedestrian circulation is shown on the site plans. Parking demand will increase with the expansion of commercial use.

Housing (City Code Section 108-245):

Housing is not included in this application.

Economic resources (City Code Section 108-246):

The market improved value of the parcel will increase with the proposed development.

Special considerations (City Code Section 108-247):

- (a) The relationship of the proposed development to the City's land use plans, objectives, and policies is being evaluated as part of this analysis. The relationship of the proposed development to public facilities was evaluated above and no conflicts were identified.
- (b) The parcel is located within the Key West Historic District.
- (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) The plans do not specify any special design features that will be utilized to reduce energy consumption.
- (g) There are no private or public recreational facilities shown on the plans.
- (h) Coordination with applicable agencies was facilitated through the DRC.
- (i) No wetlands or submerged land would be impacted.

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

The construction is proposed to proceed in a single phase. The construction is proposed to progress steadily based on the LDRs and the Florida Building Code. Temporary construction fencing and erosion barrier shall be installed and maintained during all phases of construction. All City streets and sidewalks shall be kept clean and safe during all phases of construction.

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

Not applicable.

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

The City shall not approve a site plan unless a finding is made that such 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 proposed construction will trigger the need for an additional three (3) off-street parking spaces. The applicant has submitted a request for a parking variance.

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

The appearance, design, and land use compatibility complement the surrounding properties and upgrades the appearance, cleanliness and over all well-being of the surrounding properties by providing on-site upgrades.

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

The site plans show an existing dumpster in the rear corner of the property. A new AC compressor will be installed on the roof of 501 Front Street.

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

None proposed.

Utility lines (City Code Section 108-282)

None proposed.

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

Commercial activity will continue within the enclosed buildings. The existing licensed ticket booths will also continue business as usual.

Exterior lighting (City Code Section 108-284)

No exterior lighting information was provided.

Signs (City Code Section 108-285):

The plans do not show signage. Signs in the Historic District are regulated by Chapter 114, Division 3.

Pedestrian sidewalks (City Code Section 108-286):

No new paved interior walkways are proposed.

Loading docks (City Code Section 108-287):

No loading docks are required or proposed.

Storage areas (City Code Section 108-288):

No exterior storage areas are proposed

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

No land clearing, excavation, or fill is proposed with this application. The conceptual landscape plan was reviewed by the Urban Forestry Manager and the Tree Commission at the

April 9, 2019 meeting. A final landscape approval will be necessary before the application can move forward to the City Commission.

Landscaping (Code Chapter 108, Article VI):

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. The submitted plan indicates minor landscaping additions to the property. The Urban Forestry Manager and the Tree Commission approved the Conceptual Landscape Plan on April 9, 2019, to allow the project to proceed through the permitting process. The applicant will need to seek final approval of the landscape plan after the Planning Board, and before moving forward to the City Commission. Nonetheless, full compliance with all landscape buffer requirements of the LDRs is not proposed. The Applicant is requesting modifications and waivers, pursuant to City Code Section 108-517, as outlined in the table below:

| Landscaping Modification / Waiver Summary | | | | |
|---|---|----------|--|------------------|
| Landscaping Type | Minimum Required | Existing | Proposed | Change / Waiver |
| Street frontage (Sec. 108-413) | 10 linear feet of required landscaping / 20 plant units | None | None. See attached conceptual landscape plan. | Waiver requested |
| Interior areas (Sec. 108-414) | Planting area of 6' x 60' | None | None. See attached conceptual landscape plan. | Waiver requested |
| Perimeter (Sec. 108-415) | 5.0 feet perimeter landscape strip; 1 canopy tree and 10 shrubs per 35' | None | None. See attached conceptual landscape plan. | Waiver requested |
| Landscape screening (Sec. 108-450) | A landscape strip along the entire perimeter of all parking areas except along the portion of the perimeter which is entirely screened visually from adjacent property by buildings on the property being improved. | None | None. See attached conceptual landscape plan. | Waiver requested |

Pursuant to City Code Section 108-517(b), the Planning Board may approve or grant the waiver or modification only if it determines that the waivers or modifications are not contrary to the intent of City Code Chapter 108, Article VI, Division 4, Subdivision II and that a literal enforcement of the standards of this subdivision would be impracticable and would not violate the following criteria:

- (1) *Public interest; adjacent property.* The waiver or modification would not have a significant adverse impact on the public interest, or on adjacent property.
- (2) *Not discriminatory.* The waiver or modification is not discriminatory, considering similar situations in the general area.
- (3) *Superior alternatives.* The development will provide an alternative landscape solution which will achieve the purposes of the requirement through clearly superior design.
- (4) *Protection of significant features.* The waiver or modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites, or public facilities, related to the development site.
- (5) *Deprivation of reasonable use.* Strict application of the requirement would effectively deprive the owner of reasonable use of the land due to its unusual size, shape, topography, natural conditions, or location, provided that:
 - a. Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case; and
 - b. The unusual conditions involved are not the result of actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.
- (6) *Technical impracticality.* Strict application of the requirement would be technically impractical.

Given the challenges and trade-offs of fully complying with all of the various landscaping requirements of the LDRs, staff recommends approval of the requested landscape modifications and waivers.

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

The current development provides three (3) off-street parking spaces. The proposed construction of new nonresidential floor area will trigger the need for an additional three (3) spaces. However, the applicant is asking the planning board for a variance to the requirement.

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

The stormwater management or drainage LOS standard is pursuant to City Code Section 94-69. The applicant is proposing to reconstruct existing floor area and to construct a second story on an existing structure. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated due to this proposed plan.

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 1% requirement does not apply to this minor development project.

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:

General conditions:

1. The proposed development shall be consistent with the plans dated April 11, 2019 by William P. Horn Registered Architect.
2. 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.
3. 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.

Conditions prior to the City Commission hearing:

4. The applicant shall obtain final landscape plan approval from the Tree Commission.

Conditions prior to issuance of a building permit:

5. A Certificate of Appropriateness shall be obtained.
6. Applicant shall coordinate with Keys Energy Services a full project review.