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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: June 17th, 2020

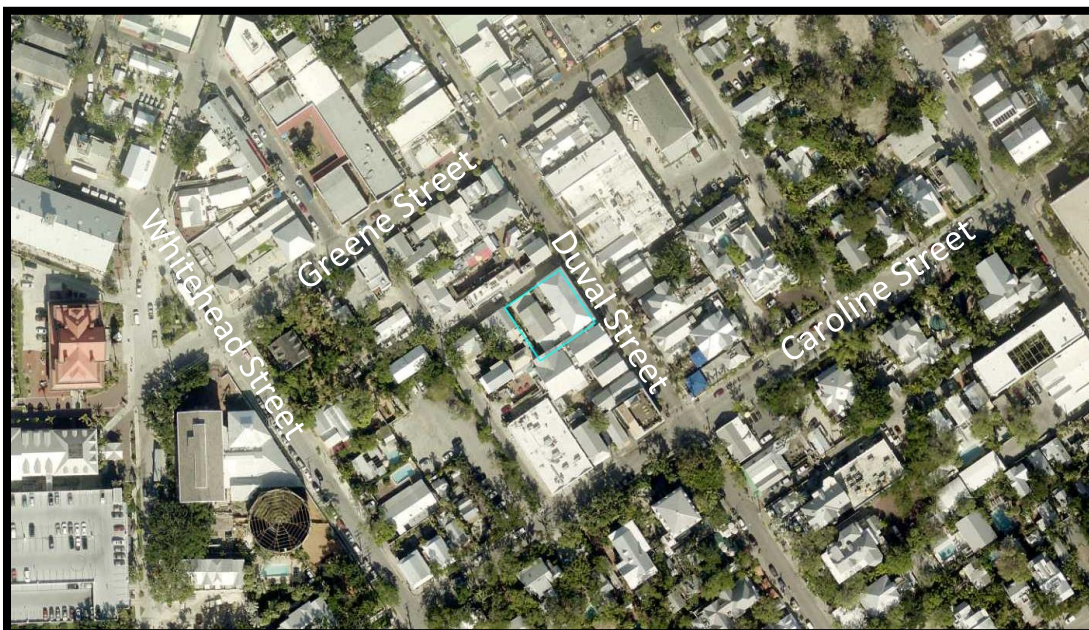
Application: **Major Development Plan and Landscape Waiver** - 210-216 Duval Street (RE# 00001420-000000) - A request for a major development plan and landscape waiver to renovate an existing historic mixed-use structure and enclose a portion of space between buildings of the property located in the Historic Residential Commercial Core (HRCC-1) zoning district and a request for approval to pay a fee-in-lieu to comply with the City of Key West's Workforce Housing ordinance pursuant to Sections 90-395, 108-91, 108-517, and Section 122-1467(1)(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request: The applicant is requesting approval of a major development plan to renovate an existing historically significant structure from an internally segmented vacant structure to a proposed open floor plan with a restaurant/bar use. The applicant has also proposed to redevelop the four residential units on the top floor of the structure. The applicant has applied for a variance for building coverage, impervious surface, and open space.

Applicant: Meridian Engineering

Property Owner: 210 Duval St. LLC

Location: 210-216 Duval (RE# 00001420-000000)



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Background:

The subject parcel is located at 210-216 Duval Street on the corner of Duval Street and Charles Street. According to the Historical Architectural Review Commission, the current mixed-use structure was constructed in 1912. The structure is of masonry vernacular and is a historically significant contributing structure to the Key West Historic District. The parcel is zoned HRCC-1 and is surrounded by HRCC-1 zoned properties in all directions. The property is approved for four (4) residential units, as well as commercial space on the ground floor.

The applicant is proposing to restore the historic structure, aligning the façade more closely to its historic significance. The major renovation will include the removal of many supporting walls and columns and the installation of new columns in order to open up the space. Major renovation is also proposed for the four residential units on the second floor of the structure. In addition to the renovation, the applicant has proposed to add several elements such as an additional staircase, enclosing existing open space, and a rooftop deck for the residential portion of the structure. The applicant has applied for a variance to maximum building coverage, maximum impervious surface, and minimum open space in order to create the additional staircase and enclose a portion of open space. The applicant has stated that the rooftop deck will be for residential use only and an exfiltration trench will be added in order to mitigate the high impervious surface on the lot. In an effort to mitigate the open space requirements and landscape waiver, the applicant has stated they will add two planter-boxes on Charles St. and are prepared to pay a fee-in-lieu that is proportionate to the cost of plant material and maintenance for the landscape requirement waiver.

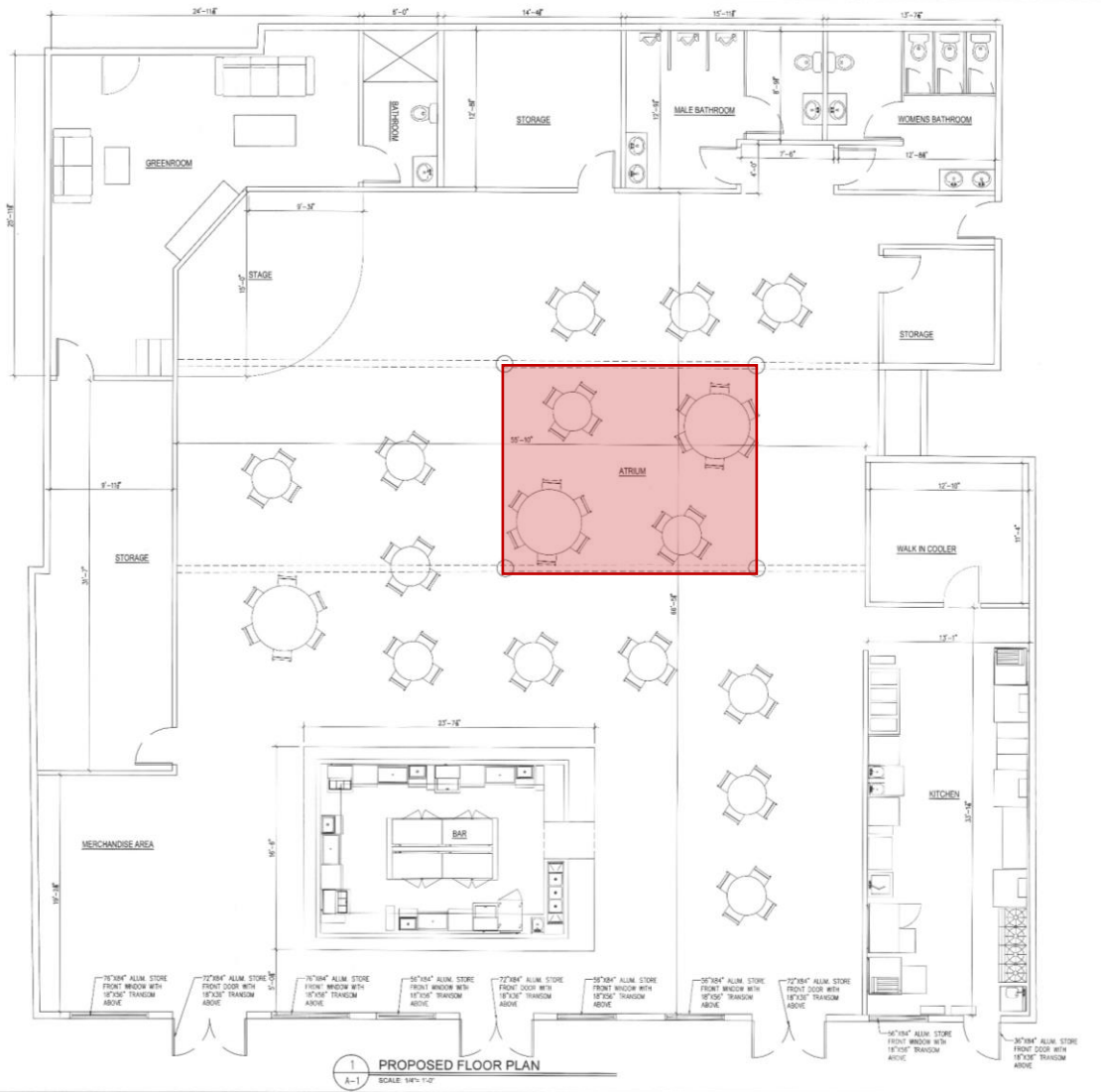
Proposed Development:

The site table below details the current and proposed site data for the property. Three variances are proposed for this development.

| Site Data Table | | | | |
|--------------------|---|---------------------|---------------------|--|
| | Code Required | Existing | Proposed | Variance Request |
| Zoning | HRCC-1 | | | |
| Flood Zone | AE-6 | | | |
| Size of Site | 7,480 sqft | | | |
| Height | 35 | n/a | n/a | n/a |
| Front Setback | 0' | 0' | 0' | No change |
| Side Setback | 2.5' | 1'4" | 1'4" | No change |
| Rear Setback | 10' | 7'8" | 7'8" | No change |
| Building Coverage | 50% -- 3,740sqft | 79.5% -- 5,946 sqft | 90.6% -- 6,732 sqft | 40.6% -- 2,992 sqft |
| Impervious Surface | 70% -- 5,236 sqft | 89% -- 6,657 sqft | 91% -- 6,732 sqft | 21% -- 1,571 sqft |
| Open Space | 20% -- 1,496 sqft | 8% -- 598 sqft | 6% -- 447 sqft | 14% -- 1,047 sqft |
| Parking | 1 per unit 1 per 45 sqft of consumption area | 0 spaces | 0 spaces | 85 spaces 4 – dwelling units 81 – restaurant use |

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Floor plans, first floor, 210-216 Duval St, submitted by applicant



The applicant has proposed convert the retail use of structure to a restaurant use. The proposed project would redevelop the structure and add additional floor area outlined in red.

Proposed Duval elevation, submitted by applicant



1 PROPOSED DUVAL ELEVATION SCALE: 1/8" = 1'-0"

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Floor plans, second floor, 210-216 Duval St, submitted by applicant



Process:

Development Review Committee:

April 22nd, 2021

Planning Board Meeting:

Mar. 18th, 2021 – postponed due to MDP req'd

June 17th, 2021

Tree Commission Meeting:

July __, 2021

Ratification by the City Commission:

July __, 2021

Local Appeal Period:

10 Days

Planning renders to DEO for review:

Up to 45 days

Staff Analysis - Evaluation:

Section 108-91 states that the reconstruction of nonresidential floor area equal to 2,500 sq.ft. or more shall be a major development plan. The proposed major development plan includes both the reconstruction of nonresidential floor area as well as the reconstruction of four residential units. The applicant has not proposed a phased development plan and will develop the lot concurrently. Section 108-196 states that the Planning Board shall act by resolution to recommend to approve, approve with conditions, or disapprove a major development plan based on specific development review criteria contained in the Land Development Regulations and the intent of both the City Code and the LDRs.

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 Major Development Plan application. Staff reviewed the provided concurrency analysis following the criteria in City Code Section 94-36 and determines that public facilities are expected to accommodate the proposed development at the 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 historical contributing structure will be renovated to more closely resemble the historical façade. The historic structure will require a certificate of appropriateness for any additional structures proposed.

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

- The proposed major development plan will allow the reconstruction of four single-family structures and the reconstruction of commercial space. The space was formerly used for multiple tourists related commercial shops. Section 108-573 of the City Code provides for special provisions within the historic commercial pedestrian-oriented area. The subject property is located within the historic commercial pedestrian-oriented area; however, additional off-street parking shall be required due to the property converting to another use requiring more parking and constructing new commercial floor area. The total requirement per code is 4 off-street auto spaces for the redevelopment of the residential units, and 81 off-street auto spaces for the redevelopment of the commercial space. The size of the lot, the size of the historically significant structure on the lot, and the amount of required parking make the 85 required parking spaces physically impossible to place on the lot. The applicant has offered to add additional bike parking to the City's right-of-way to mitigate a small amount of the parking variance being proposed.

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- The proposed project was granted approval for the Conceptual Landscape Plan on June __th, 2021. Upon approval from the Planning Board and HARC, the final Landscape Plan approval shall be reviewed for approval at the next available Tree Commission meeting before appearing before City Commission.
- The City Code dictates that the proposed project is insufficient in street buffer plantings. The Code states that street buffers are required and should be 40 plant units per 100 linear feet, which equates to 4 trees. The proposed project has two required street buffers, both less than 100 linear feet, for a total of 6.9 required trees. The Code states that mitigation funds per tree is \$200 per inch diameter. Street buffer trees are required to be 2.5-3 inches diameter at breast height. 2.5 inches x 6.9 trees = 17.25 inches or \$3,450 mitigation fee. For additional information, please see the Urban Forester's Landscape Review, 6/11/2021.

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.

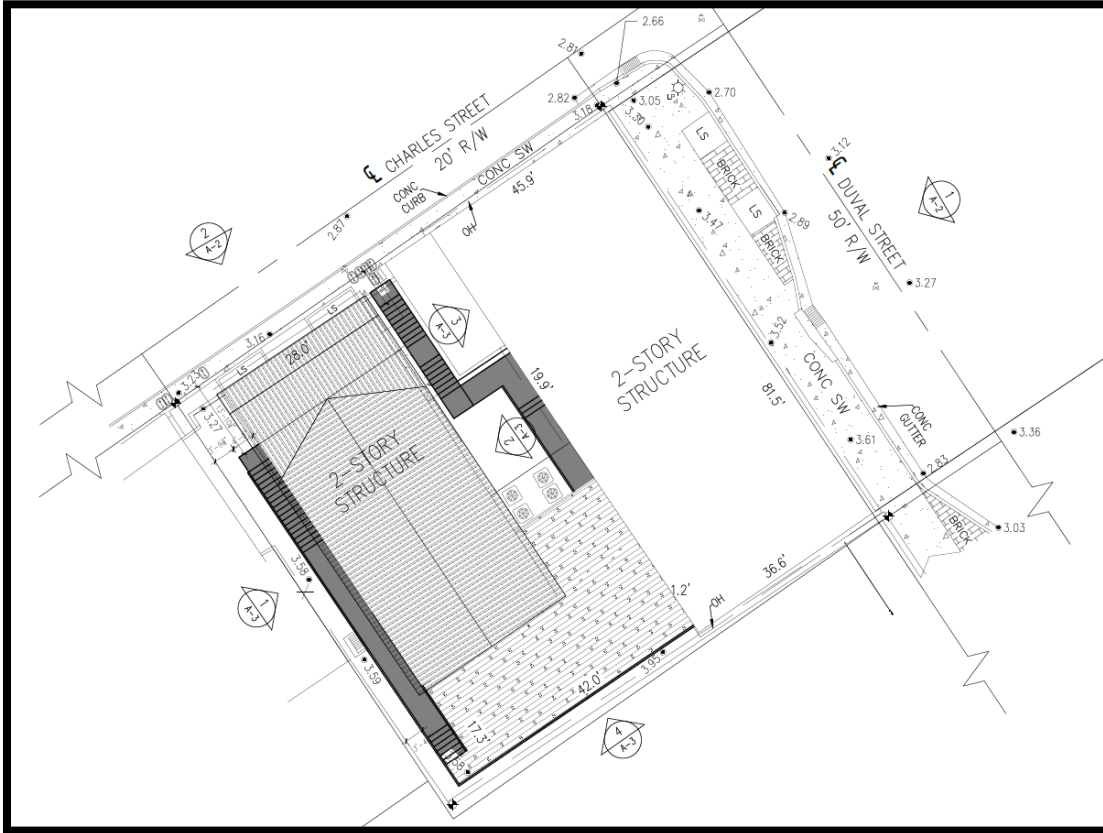
Site location and character of use (City Code Section 108-235)

(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 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 all applicable criteria.

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(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.



(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 located within the HRCC-1 and HRO Zoning Districts. Adjacent land uses within 300 feet include residential, professional office, hotel, and restaurant/bar. There is no subdivision of land proposed at this time.

(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)

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- The site is located in the Historic District, the proposed major development project is an overall harmonious design per Section 108-278. The parcel consists of two connected structures that span almost the entire lot, with an entrance on Charles St. and an entrance on Duval St. Historically the parcel was mixed use with residential units on the second floor and commercial units on the first. The applicant is applying to continue the mixed-use trend on the parcel. The reconstructed commercial space is proposed to be used as a bar/restaurant and has a proposed consumption space of approximately 3,656 square feet.

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

- Construction will take place pursuant to approval from the Planning Board and ratification by the City Commission. Inspections will take place during the building permit process.

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

- Code Section 108-570 requires one (1) off-street parking space per single-family dwelling unit. The applicant has applied for a parking variance to the required four (4) off-street parking spaces for the residential units and the required 81 off-street parking spaces for the restaurant use.

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

- No changes proposed, however a stormwater management plan shall be submitted pursuant to Sec. 108-777 prior to final approval.

Utilities (Code Chapter 108, Article IX)

- The applicant proposes to update both the plumbing and electric as part of the Major Development Plan.

Workforce Housing (Code Chapter 122, Division 10)

- The applicant has proposed to pay a fee-in-lieu of providing affordable workforce housing on site. Per Section 122-1467 (1) (a) an applicant “may contribute a fee in lieu for each unit to the affordable work force housing trust fund, if approved by the city commission. The per unit fee shall be \$200,000.00 (representing construction cost, less land cost, of a 400 square foot unit).” Code states that 30% of all housing redevelopment must be affordable. The applicant is applying to redevelop four housing units, which would result in one unit needing to be deed restricted affordable per code. The applicant has opted to pay the fee-in-lieu and maintain four market rate housing units on the property.

Recommendation:

The proposed development plan for the property located at 210-216 Duval St. will redevelop a currently vacant structure with four redeveloped single-family units and a reconstructed commercial space.

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 the Major Development Plan be **approved** with the following following conditions:

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Conditions of Approval:

1. Approval of a variance to the minimum required front and minimum required rear setbacks prior to the approval of the proposed minor development plan.
2. The proposed construction shall be consistent (except for conditions of approval listed below) with the plans signed, sealed, and dated 12/10/2020 by Richard J. Milelli.
3. Maintain landscaping in the two planter-boxes on Charles St.
4. Add gutters and downspouts to the structure to drain all rain-water runoff into the proposed trench.
5. All waste receptacles be hidden or screened from view from the City right-of-way
6. The applicant shall have both waste and recycling pick-up services

Conditions prior to the City Commission hearing:

7. Submit a stormwater management plan in accordance with Sec. 108-777, to retain the greater of one-inch of runoff based on the site upland area or 2.5" times percent of impervious coverage.
8. The applicant shall obtain final landscape plan approval from the Tree Commission.
9. The applicant shall obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

Conditions prior to Certificate of Occupancy of the Commercial Unit:

10. Install bike parking either on the property or in direct proximity to the property.
11. Code required plant units that cannot be planted on-site shall be provided through a fee-in-lieu and planted off-site. The fee-in-lieu shall be proportionate to the cost of tree mitigation costs for plant material, planting, and three months of watering services, and shall be received prior to issuance of a certificate of occupancy. The applicant is required to plant 6.9 trees for two street buffer requirements, these 6.9 trees have a mitigation price of \$3,450. The applicant shall pay this \$3,450 prior to the issuance of a certificate of occupancy.

Conditions prior to Certificate of Occupancy of Residential Units:

12. Prior to a certificate of occupancy being issued for the residential units, City Code Section 122-1467 (1) shall be met and a fee-in-lieu of \$200,000 for affordable housing shall be paid to the City.