

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Scarlet Hammons, AICP CTP, Planning Consultant

From: Katie P. Halloran, Planning Director

Meeting Date: February 17, 2022

Application: **Major Development Plan and Landscape Waiver – 541 White Street (RE# 00006730-000200)** – A request for approval of a Major Development Plan and Landscape Waiver to construct 48 affordable workforce housing units in the Historic Special Medium Density Residential (HSMDR) zoning district pursuant to Section 108-91 and Subdivision III-Historic Special Medium Density Residential District of the City of Key West Land Development Regulations.

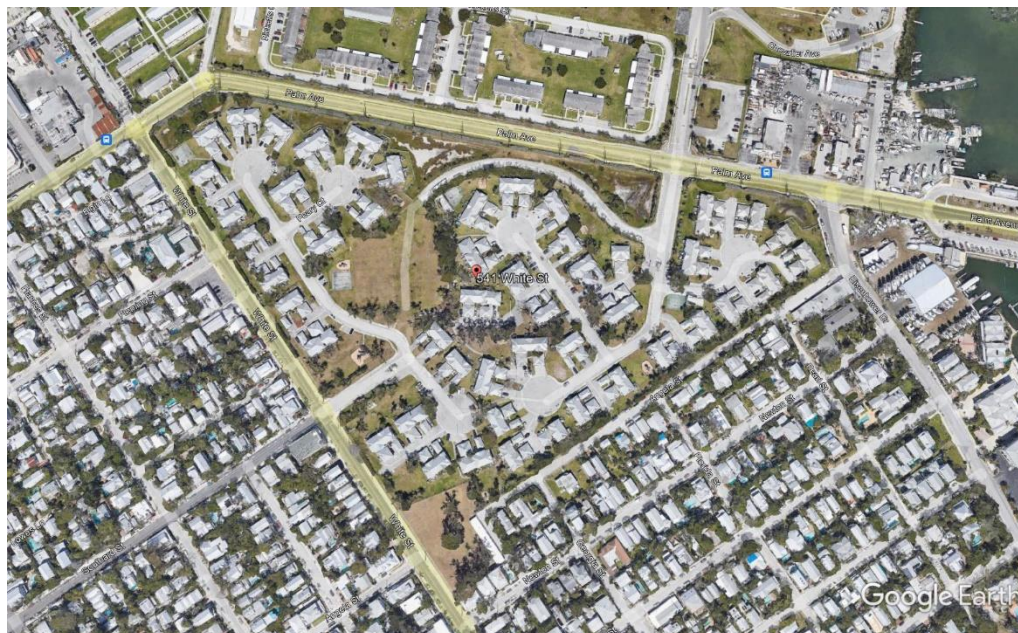
Request: The applicant is requesting a Major Development Plan and a Landscape Waiver approval for the proposed construction of 48 affordable housing units at the Peary Court site.

Applicant: Donald Craig / Representative

Property Owner: Peary Court Apartments LLC

Location: 541 White Street- (RE# 00006730-000200)

Zoning: Historic Special Medium Density Residential (HSMDR) Zoning District



Background:

The subject property is bound by Palm Avenue, Eaton Street, White Street, Eisenhower Drive and Angela Street within the HSMDR Zoning District. It consists of one 24 acre parcel under single ownership. The property has historically been utilized as army barracks dating as far back as the mid nineteenth century and redeveloped in the early 1990's to 160 Navy housing units. The property also housed a 10,000 square foot bank building occupied by Keys Federal Credit Union that was demolished in 2013. The site of the bank building is now proposed to remain an open green area for recreational space.

In 2012 the Navy sold the property to a non-governmental entity thus making it and its 160 units subject to local zoning control. The City Commission adopted Ordinance 12-33 in September 2012 which established the HSMDR zoning district for Peary Court as well as set aside 48 affordable building permit allocation (BPAS) units by recommendation of the State Department of Economic Opportunity to satisfy the 30% affordable housing requirements. The total allowed maximum density is 208 units.

At this time, the applicant is requesting to revise their existing Major Development Plan (MDP) and their existing Development Agreement. Development plans generally expire after twelve (12) months per City Code Section 108-203, however in this instance, the five year term of the Development Agreement controls and is still in effect. The City's HSMDR zoning district language also requires that any major development plan within this district be accompanied by a development agreement. Thus, both requests are put forth as part of this application given that the applicant desires to modify the terms of the existing MDP.

Presently, the property is partially governed by a development agreement approved by the City for the former owner and has a site plan for construction of the 48 BPAS units involving many new structures and revisions to the street layout and drainage systems. Based upon zoning, the former owner received approval of the development agreement for adding the 48 units, along with the anticipation that the remaining original 160 units would be converted to market rate housing. The 48 units were never built because in May of 2016 the City Commission voted to allocate \$12 million of its Land Authority funds set aside for affordable housing to the current owner so that the entire property could be converted to affordable housing.

Proposed Development:

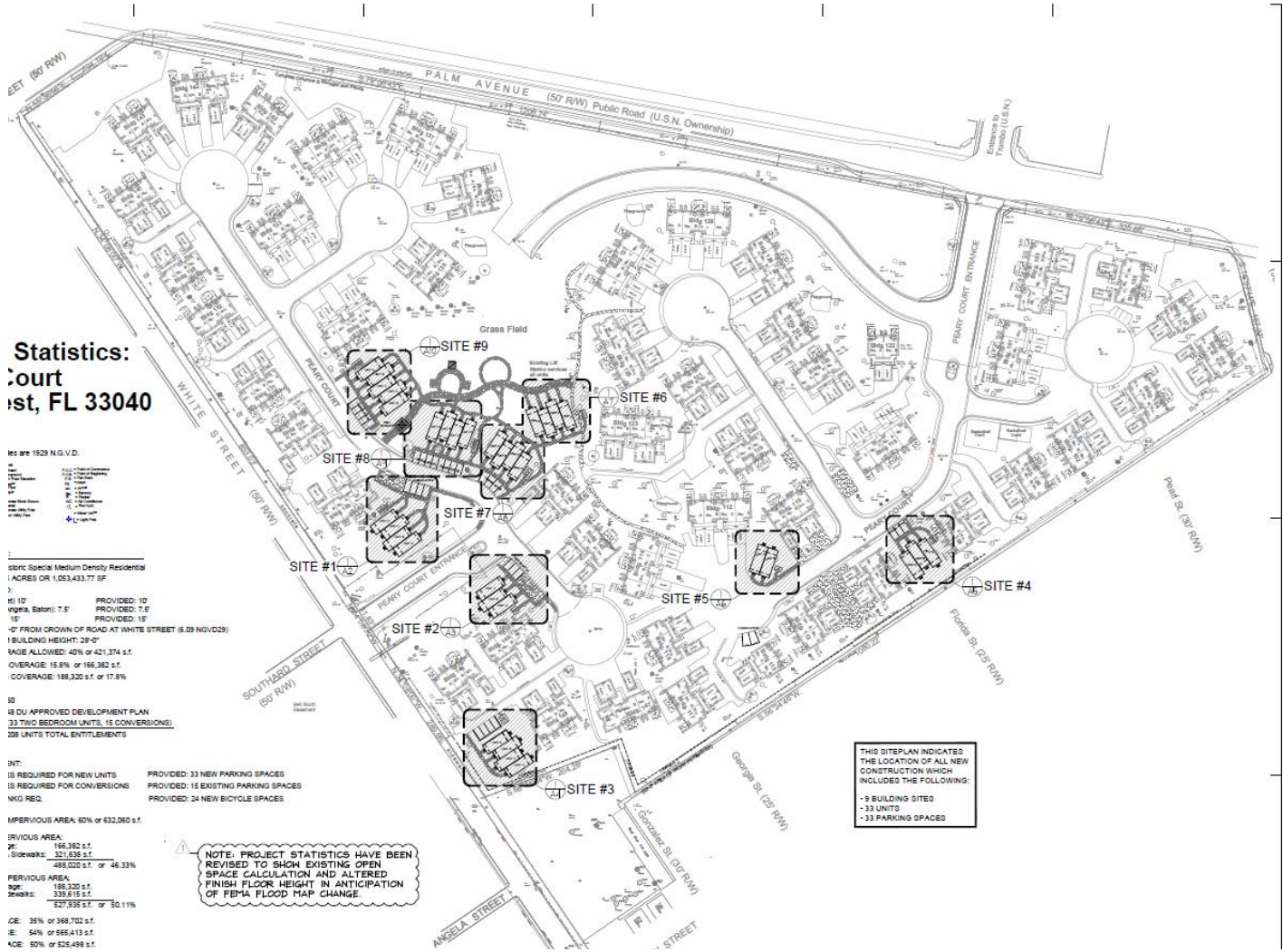
The request from the current owner, Peary Court Apartments LLC is to amend the development agreement and to gain approval for a Major Development Plan to both construct new buildings on the site and make interior modifications to convert some existing two-bedroom units to one-bedrooms, thus gaining a total of 48 additional units.

The proposal is to convert 15 of the existing two-bedroom units on the site to create 30 one-bedroom units, for which the applicant states there is a demand. The remaining 33 units will be newly constructed two-bedrooms in open areas throughout the site, while preserving the main green central lawn area for open space recreation. The new units will be in the form of duplex, triplex, and quadraplex buildings in nine locations or "pods" on the site. The size of the new two-bedroom units is 1,065 sq. ft., while the converted one-bedrooms will be 544 sq. ft. downstairs and 623 sq. ft. upstairs. All units will remain rentals.

While the applicant does not propose a specific phasing plan, nor has identified which units will be converted, it should be noted that the majority of the existing units, 148 of 160, are two-bedrooms. The applicant has stated that the conversions will occur when a unit becomes vacant, and anticipates that a period of five years is sufficient time for this to occur. The amended development agreement proposes a five year time frame, however it does not provide for a time extension, nor to return the BPAS allocations to the City if the

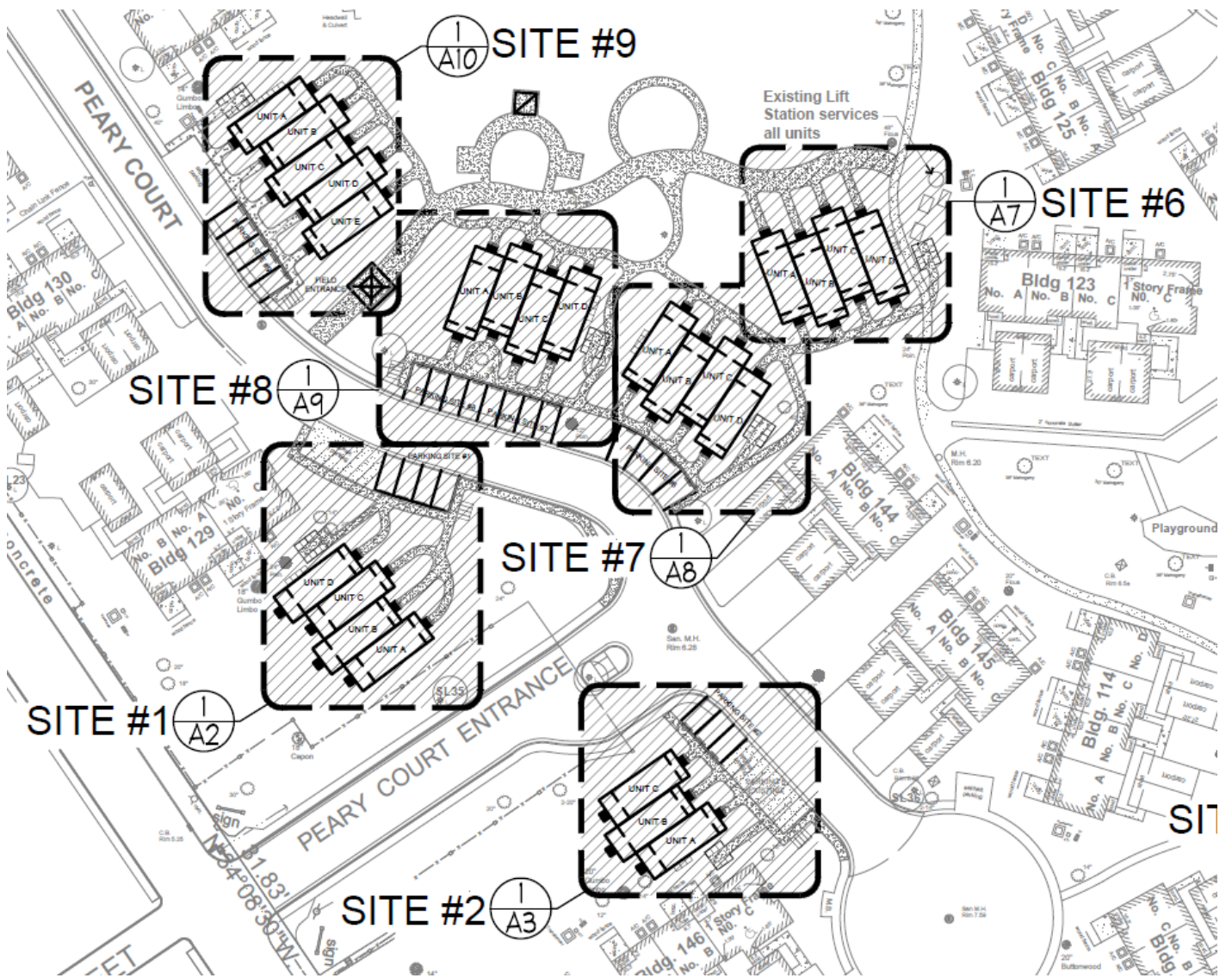
conversions do not materialize.

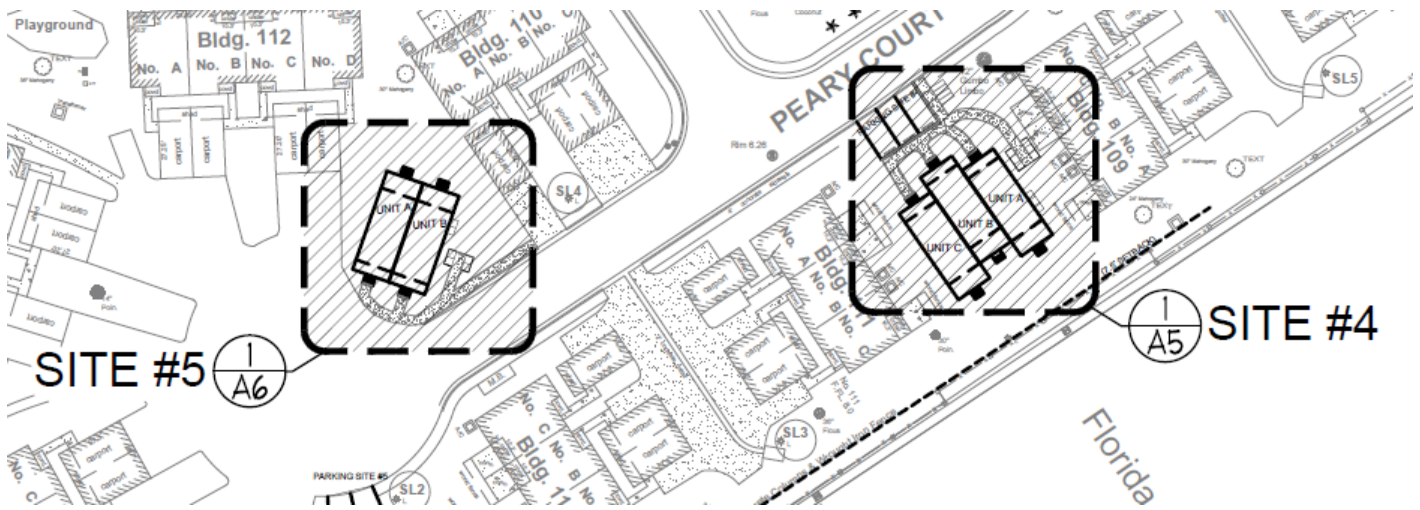
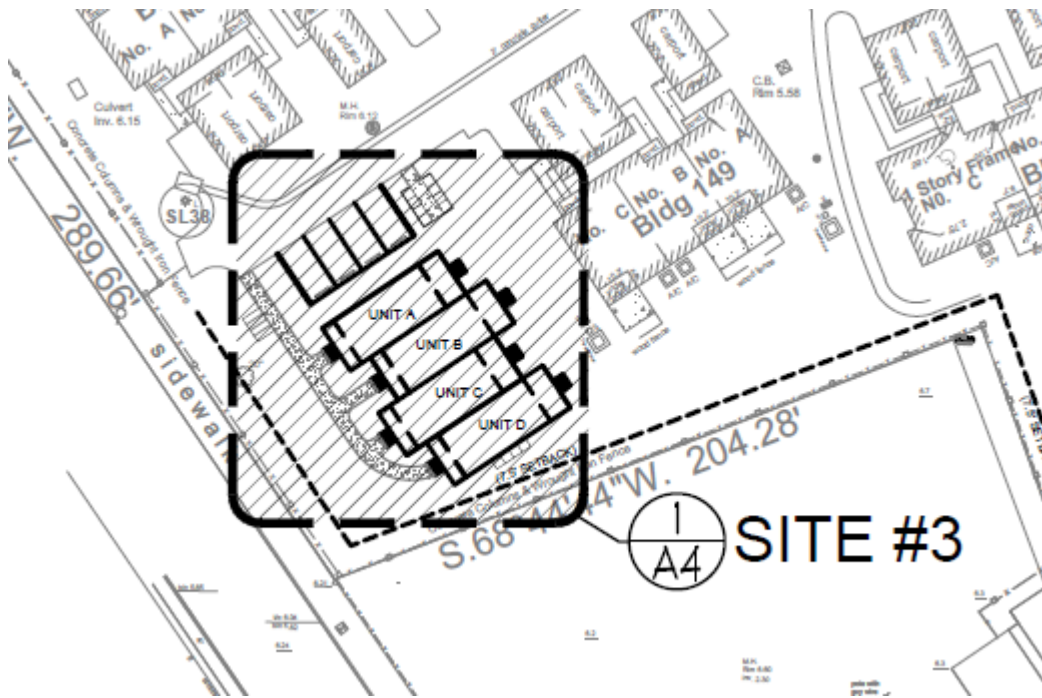
The proposed building site locations were chosen to limit their exposure to the adjacent neighborhoods. Buildings 5 through 9 are located well within the property and have limited exposure to view from the adjacent streets. Buildings 1 and 2 are moved away from White Street by 80 feet which limits the impact of these buildings on the surrounding neighborhood. Building 3 exceeds the setback by 25 feet and Building 4 exceeds the setback by over 20 feet.

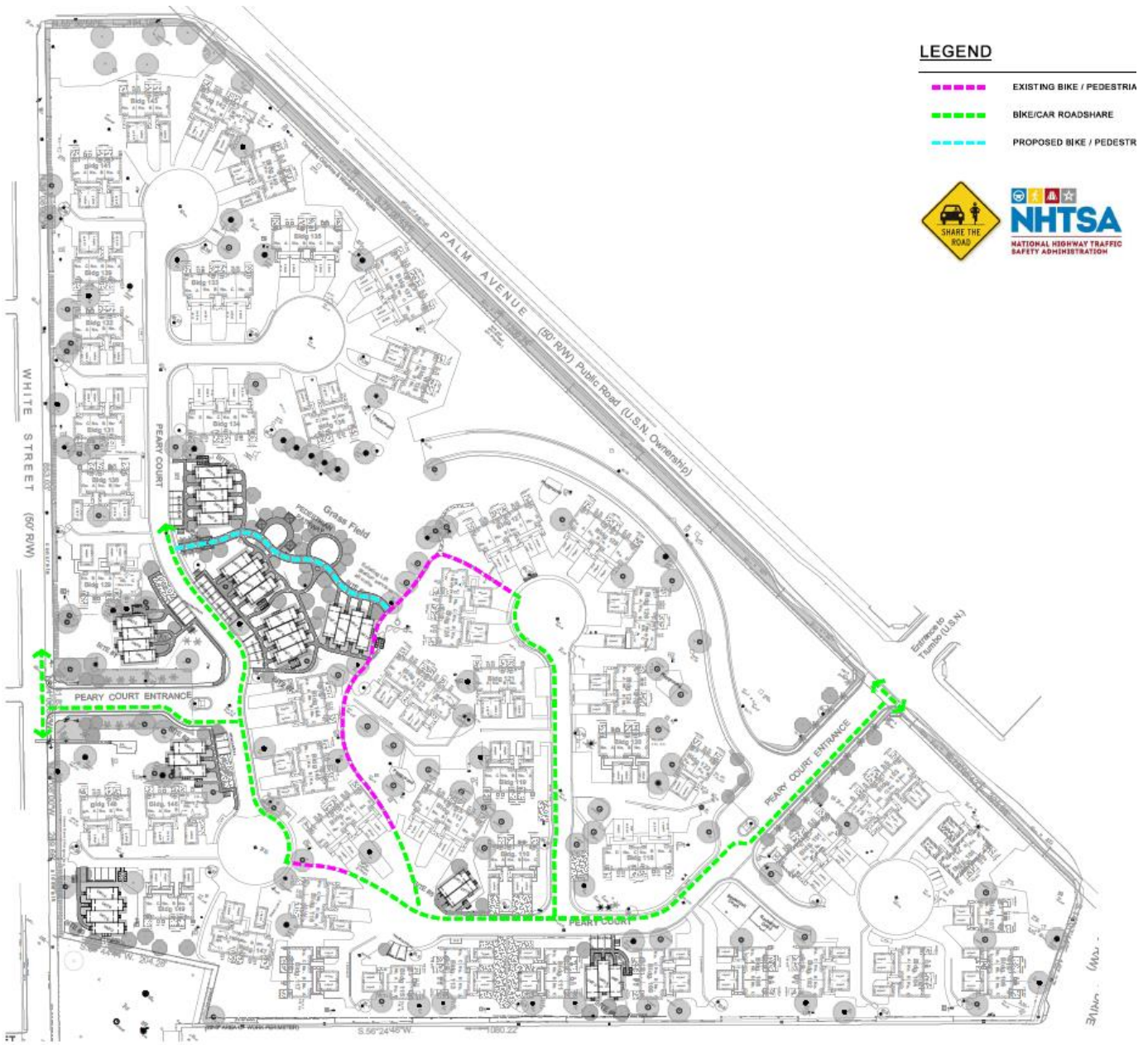


The proposed site plan

The proposed site plan layout indicates nine new pods to accommodate new two-bedroom units in the form of duplex, triplex and quadplex buildings throughout the site.









LEGEND

- EXISTING BIKE / PEDESTRIAN
- BIKE/CAR ROADSHARE
- PROPOSED BIKE / PEDESTRIAN




LEGEND

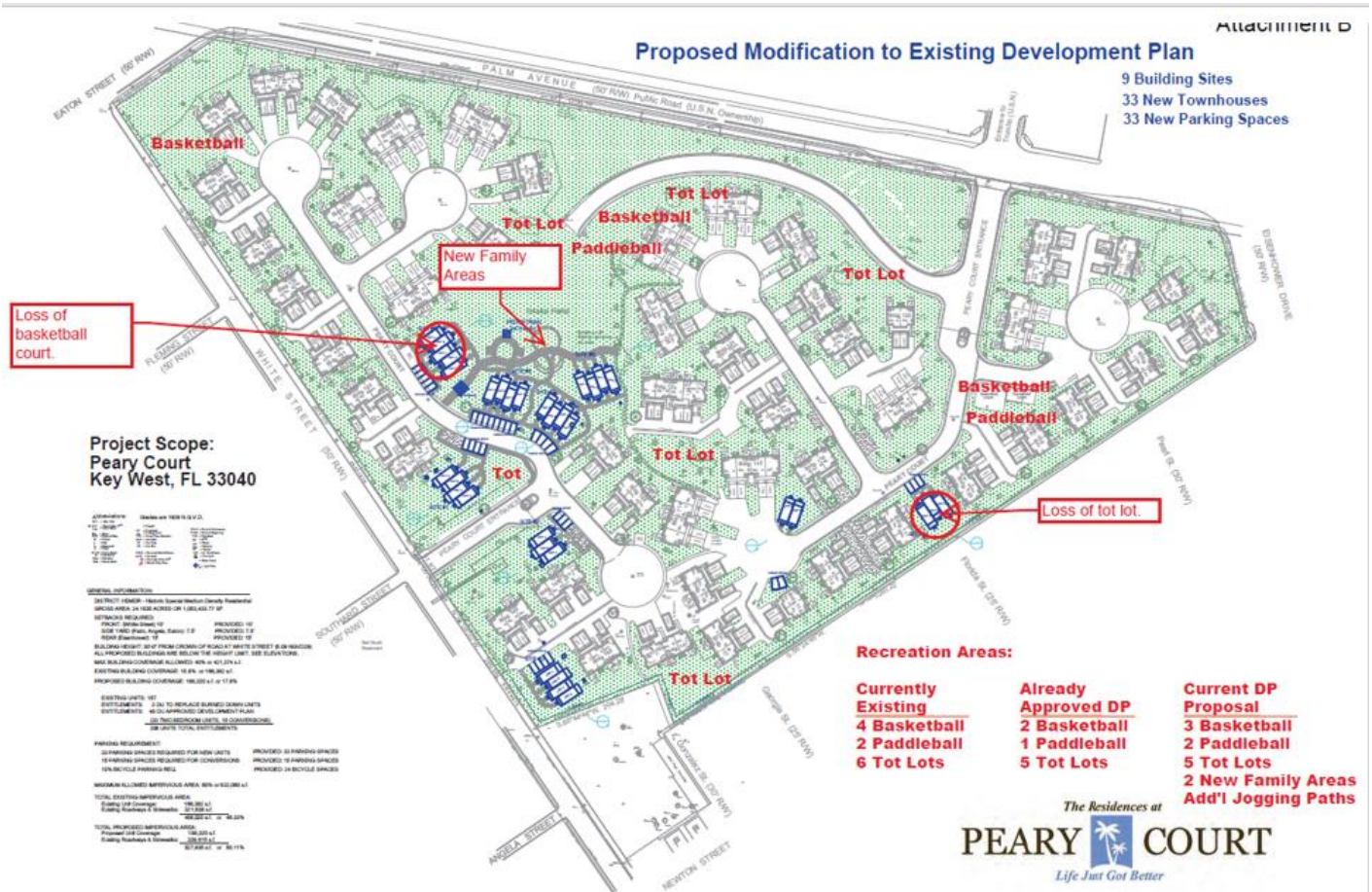
- EXISTING BIKE / PEDESTRIAN ROUTE
- BIKE/CAR ROADSHARE
- PROPOSED BIKE / PEDESTRIAN ROUTE

Existing and new multi-modal routes

The proposed site design will include on-site improvements to bike and pedestrian routes both on the street at the main entrances and off-road cut-throughs at the cul-de-sacs. A new off-road bike/ped path is proposed in the center of the site to provide increased access to the main open space recreation area. The new bike

paths will be marked throughout the property to improve access within Peary Court as well as to the adjacent public rights-of-way at the entrances (Palm Avenue and White Street).



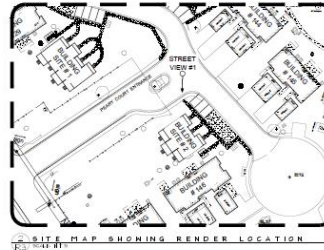
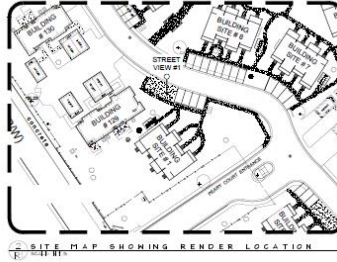
Recreational Amenities

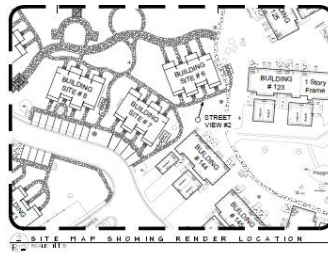
The proposed modification to the existing site will result in the loss of one basketball court and one tot lot. The paddleball courts will not be impacted, and two new family areas will be added. The site is required to provide 35% open space, while the current plan is proposing 50%.

Architecture and Building Design

The proposed design includes nine new multifamily buildings within the existing Peary Court site. The building forms and architectural vocabulary is based on existing surrounding buildings of same land use. Each unit within a building is reflected in the exterior using setbacks and architectural elements such as different roof forms and porches. It is the intent of the architect through its design to have buildings with less volume and mass than the existing structures found in Peary Court. Design strategies have been adopted such as the use of roof forms and slope ratios, horizontal lap siding, front porches, and buildings elevated on footers, as a reminiscent of traditional architecture found in the immediate surrounding context of the historic district.

Proposed Elevations





Surrounding Zoning and Uses:

Surrounding properties are located within the Historic Residential Commercial Core – Key West Bight (HRCC-2), Historic Neighborhood Commercial (HNC-2), Historic Medium Density Residential (HMDR), Historic Public and Semi Public Services (HPS-2), General Commercial (CG), Public Services (PS) and Military (M) zoning districts. Surrounding uses include military housing to the north, commercial and public uses including the City’s transportation building to the east, a residential neighborhood to the southeast, residential and small scale commercial uses to the south and west.

Process:

Development Review Committee:	December 16, 2021
Planning Board Meeting:	February 17, 2022
HARC Commission Meeting:	TBD
Tree Commission Meeting:	TBD
City Commission:	TBD
Local Appeal Period:	10 Days
Planning renders to DEO for review:	Up to 45 days

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

City Code Section 108-91. A.2.(a) requires the reconstruction of five or more transient residential units to be reviewed as a Major Development Plan. City Code Section 108-196(a) states after reviewing a Major Development Plan or 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 Major Development Plan in the historic district shall be advisory to the City Commission. The site table below details the current and proposed site data for the property.

SITE DATA Zoning HSMDR				
Dimensional Requirements	Required/Allowed	Existing	Proposed	Variance Needed
Height	30 feet	31 feet	28 feet	None
Minimum Front Setback	10 feet	unknown	10 feet	None
Minimum Side Setback	7.5 feet	unknown	7.5 feet	None
Minimum Rear Setback	15 feet	unknown	15 feet	None
Site Size	24.18 acres	same	same	None
Density	208	160	48	None
Maximum Building Coverage	40% 421,312 square feet	15% 166,382 square feet	17.8% 188,320 square feet	None
Impervious Surface	60% 631,968 square feet	46% 488,020 square feet	50% 527,935 square feet	None
Open Space	35% 368,648 square feet	54% 565,413 square feet	50% 525,498 square feet	None
Parking	1 space per dwelling unit (48 new spaces, 208 total)	425 spaces	33 new spaces 15 existing spaces 48 total	None
Bicycle Parking	10% of parking spaces	unknown	24 new bike spaces	None

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.

1. Potable water supply

The potable water LOS standard for residential uses is 93 gallons per acre per day, pursuant to City Code Section 94-68. Utilizing this LOS standard, potable water demand is estimated as follows:

Based on per capita residential: 93 gal/capita/day x 120 person (2.5 per unit) = 11,160 gal/day

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), which has been notified of the upcoming development and has available capacity to service the proposed development.

2. Wastewater management

The sanitary sewer LOS standard for residential uses is 100 gallons per capita per day, pursuant to City Code Section 94-67. Utilizing this LOS standard, sanitary sewer capacity demand is estimated as follows:

Based on per capita residential: 100 gal/capita/day x 120 persons (2.5 per unit) = 12,000 gal/day

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

3. Water quality

The property is not adjacent to any bodies of water. No adverse impacts to water quality are anticipated.

4. Stormwater management / drainage

The stormwater management or drainage LOS standard pursuant to City Code Section 94-69 is: i) post-development runoff shall not exceed predevelopment runoff for a 25-year storm event, up to and including an event with a 24-hour duration; ii) onsite treatment of the first one inch of rainfall must be provided to meet water quality standards; and iii) storm water facilities must be designed so as to not degrade any receiving water body.

A drainage plan was submitted indicating that a complete stormwater management system will be installed. Stormwater would be retained on-site utilizing additional swales to be located adjacent to each of the nine proposed pods. Each swale is sized based on the volume of stormwater generated with respect to the square footage of each pod roof area. In summary, no adverse impacts to stormwater management or drainage facilities are anticipated as a result of this project.

5. Solid waste

The solid waste LOS standard for residential uses is 2.66 pounds per capita per day, pursuant to City Code Section 94-71. The proposed development is anticipated to accommodate approximately 120 persons per

day. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

Proposed development: 2.66 lb./capita/day x 120 = 319 lbs./day

The property is currently serviced by Waste Management. The dumpster trash and recycling areas are provided on the site plan. The adopted solid waste LOS standard is anticipated to be adequate to serve the proposed development.

6. Roadways

The roadway LOS standard is set forth in City Code Section 94-72. A traffic study was done by the applicant's traffic engineer Karl B. Peterson of KPB Consulting Inc. This applicant's report was reviewed by the City's consultant Eric Czerniejewski, P.E. of The Corradino Group. Overall the traffic impact from the development has been determined to be minimal.

7. Recreation

The recreation LOS standard is five acres of recreation and open space per 1,000 permanent residents pursuant to City Code Section 94-70. The City is currently providing ample recreation and open space.

8. Fire Protection

A detailed life safety plan was submitted. The proposed development shall comply with the life safety requirements per the Fire Marshall's direction.

9. Reclaimed water system

There is no reclaimed water system proposed.

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 be reviewed for approval in accordance with City of Key West Historic District guidelines, as noted below.

City Code Chapter 102 (historic preservation)

The property is located within the historic district and the existing buildings are non-contributing structures. The proposed development would need to 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)

The City consultants' review of traffic impacts caused by additional trip generation as a result of the new units are found to be minimal and do not approach a critical volume on the primary or adjacent streets that would require mitigation. The proposed open space provided on site exceeds the amount required by code and new landscaping is proposed.

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 submitted 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 Palm Avenue, Eaton Street, White Street, Eisenhower Drive and Angela Street. A location map is indicated on the site plan.

(c) *Land use compatibility*. Properties within 100 feet are located within the HRCC-2, HNC-2, HMDR, HPS-2, CG and PS Zoning Districts. Adjacent land uses within 300 feet include residential, professional offices and other professional services, restaurants, military housing and city facilities. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.

(d) *Historic and archeological resource protection*. The project's impact on archaeological and historic resources is being coordinated through the DRC and would be reviewed by HARC through a Certificate of Appropriateness.

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

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

The Applicant submitted a 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.

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 new ADA-accessible sidewalks, new multi-use paths, 33 new off-street parking spaces, bicycle racks, enhanced central green space, enhanced landscaped entry and removal of invasive plants.

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)

No soil survey was provided.

Environmentally sensitive areas (City Code Section 108-242)

No environmentally sensitive areas are located on or near the property, which is located within the AE-6 and AE-7 flood zones.

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

(a) *Land clearing, excavation and fill*. The land for the proposed new units is currently vacant.

(b) *Tree protection*. An arborist assessment was submitted of all existing trees on the property. The City's Urban Forestry Manager has reviewed the plans and has prepared a memo to the file. All invasive trees are to be removed.

(c) *Landscaping plan*. The submitted plan indicates landscaping incorporated throughout those areas of the property that are subject to construction of new units. The review was performed to verify compliance with Section 108 of the City Code regarding landscaping and buffer requirements.

(d) *Irrigation plan*. Not provided.

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

Currently the majority of off-street parking spaces on the site are provided by driveways with carports for the individual existing dwelling units. The LDRs call for one space per dwelling unit which would bring the parking requirements to 48 additional spaces, the proposed development will accommodate 48 off-street spaces. The plan is also proposing 24 bike parking spaces to comply with code. Pedestrian and off-road bike circulation would be provided by additional internal sidewalks as well as a new path connecting the central green open space.

Housing (City Code Section 108-245)

There are currently 160 existing residential units on the property. All 48 new units as well as the existing units will be deed restricted affordable rental housing units. The total number of units on the site will be 208 as allowed by the HSMDR density of 8.6 units per acre.

Economic resources (City Code Section 108-246)

Cost of construction not provided.

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 project located within the historic district and the AE-6 and AE-7 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 are proposed to accommodate bus ridership, although bus routes run along Palm Avenue and White Street.

(f) Passive recreation space is proposed.

(g) The elevations indicate 1.5' above base flood elevation.

(h) No wetlands or submerged land would be impacted.

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

The proposed construction is to be complete in one phase within a maximum five year timeframe.

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 HSMDR zoning designation for this parcel was crafted to ensure this type of affordable development with existing open space, impervious surface and building coverage was able to accommodate the proposed development.

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

The proposed building are required to be approved by HARC and in keeping with their standards and guidelines.

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

All mechanical equipment and utility hardware would be screened. Dumpsters for garbage and recycling would be screened.

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

The City coordinated the location and design of the refuse containers with Waste Management to allow adequate access for refuse vehicles.

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

None proposed.

Utility lines (City Code Section 108-282)

At time of building permit review KEYS Energy will do a full project review.

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

The proposed development, being a Major Development Plan, qualifies 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.

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

None proposed.

Exterior lighting (City Code Section 108-284)

No new lighting is proposed at this time.

Signs (City Code Section 108-285)

No new signage is proposed at this time. Any new signage would have to obtain HARC approval and a separate building permit.

Pedestrian sidewalks (City Code Section 108-286)

New sidewalks are proposed to connect the new buildings to the existing pedestrian network throughout the site. Additional sidewalks will be needed to accommodate new entryways for the converted units as well.

Loading docks (City Code Section 108-287)

None 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 work would impact a floodplain or a conservation area. A proposed stormwater management system would address drainage and runoff from the site. Vegetation removal is being reviewed by the Urban Forestry Manager and the Tree Commission.

Landscaping (Code Chapter 108, Article VI)

A landscape plan was reviewed pursuant to City Code Section 108-411.

An application was submitted to the Planning Board for a major development plan review to redevelop the property with housing units. This review is to verify compliance to Sec 108 of the City Code regarding landscaping and buffer requirements to help the Planning Board with their review.

This review is based on updated site and landscape plans submitted to the Urban Forestry Manager dated February 10, 2022.

Review of Section 108:

1. Sec 108-243: An updated, signed and sealed landscape plan has been submitted that includes a tree protection plan. No formal irrigation plan has been submitted. On page LA.05 there is a note regarding a proposed irrigation plan to include an above ground temporary irrigation system.
2. Sec 108-289: Once the existing tree maps for the immediate, proposed development areas were verified it was determined that two Pink Tabebuia trees (#127 and #148) and one non-native Ficus tree (tree #192) will be impacted-removed. These three trees are not regulated therefore, no permit is required to remove them and approval from the Tree Commission is not needed for their removal. Five palms (#141, #187, #188, #189, & #190) and one mango tree (#193) will be transplanted on the site. Transplant permits are normally approved by the Urban Forestry Manager. All other trees and palms will remain in place, on site. Therefore, the conceptual landscape plan for this project was reviewed by the Urban Forestry Manager and a memo of approval was submitted to the file on February 8, 2022.
3. Sec 108-346: The required open space is 35%. The proposed open space will be 50%. The property owner has agreed to remove invasive exotic plant species, Australian Pine-Casuarina equisetifolia, Brazilian Pepper-Schinus terebinthifolia, Lead Tree-Leucaena leucocephala, and Melaleuca-Melaleuca quinquenervia, from the entire site.
4. Sec 108-347 (bufferyards): The existing and proposed use of the property is multi-family. According to the property appraiser site, most of the property is bounded by streets. There is a small section behind site #3 that would require a bufferyard as that area abuts a park-cemetery (low impact).

The submitted landscape plan includes the planting of numerous myrtle-of-the-river sub canopy, shrubby trees. These trees satisfy the buffer requirement and the request from HARC for a shrub buffer to visually block the housing area from the historic cemetery.

5. Sec 108-348, allows for credit of existing plant material: This development plan request consists of nine new development sites within an overall developed parcel. Numerous trees and shrubs currently exist throughout the property and along the existing property line areas with most to remain in place.

6. Sec 108-381: A landscape plan has been submitted that consolidates new landscaping around the new development areas, at the two entrances to the parcel, and some infill areas to the existing perimeter landscape parcel buffers areas.
7. Sec 108-411: Since there was no tree removal requested that required Tree Commission approval, the conceptual landscape plan review was completed by the Urban Forestry Manager for compliance to Sec 110 guidelines.
8. Sec 108-412: At this time, it is not known what percentage of the property is currently landscaped or the percentage of the additional landscape as a large portion of the property has previously been developed. There are numerous large trees throughout the parcel. The plan does incorporate over 70% native vegetation. The rest of the proposed work areas not covered in hardscape, shrubs, or groundcover will have sod placed.
9. 108-413, landscape requirement along street frontages: The entire parcel is 24.2 acres and is bounded by Palm Avenue, White Street, Angela Street and Eisenhower Drive. Most of the property has been previously developed as federal housing therefore, no buffer requirements were established. Most of the parcel does contain a perimeter hedge with some trees. The applicant has proposed some additional shrubs to fill in sections of the street perimeter area and is upgrading the landscaping along the two main entrance areas.

Each new development area does contain landscaping along the street area for beautification that contains a mixture of trees, palms, shrubs, and groundcover.

10. Sec 108-414, interior parking areas: There are several interior parking areas as part of this development plan. Most are expansion of existing parking areas and consist of no more than 9 spots. New and existing trees are noted on the landscape plans near these parking areas. A few locations will also include the planting of shrubs to help prevent headlights from impacting the residences.
11. Sec 108-415 perimeter parking areas: There are no perimeter parking areas on the property.
12. Sec 108-416, interior area landscaping. This section of code specifically looks at the planting of trees and requires that all areas not covered by buildings or hardscape will have grass, groundcover, shrubs or other landscaping materials. The applicant has stated that sod will be placed in the proposed development areas not covered by groundcover, shrubs, or hardscape. It is not known what percentage of the site is currently under review for this section. The site is a current developed site with numerous, large existing trees. The landscape plan does incorporate the planting of approximately 45 new trees in the new development areas.
13. Sec 108-447: The landscape plan does include a tree protection plan and parking stops in the parking areas.
14. Sec 108-448: It does appear that all landscape strips are covered with living material, mulch, or grass.
15. Sec 108-515: A formal landscape irrigation plan has not been submitted and is not proposed. A note on the landscape plans indicates the use of an above ground temporary irrigation system to provide necessary water for the newly installed plants using potable water and metered at the specific new building sites. Newly installed plant materials will be monitored for health (see note #8 on landscape page LA.05). Waiver needed.

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 Major Development Plan and Landscape Waiver be **Approved with the following conditions:**

General conditions:

1. The proposed construction shall be consistent (except for the conditions of approval listed below) with the site plan Sheet A1 and associated plans signed, sealed, and dated 1-6-2022 by Bender & Associates Architects p.a.
2. All new 48 residential units shall comply with the recorded affordable housing deed restriction for 541 White Street: Declaration of Affordable Rental Housing Restrictions, dated July 18, 2016.
3. During all phases of construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
4. Once a year, all listed invasive plant species (Australian Pine-Casuarina equisetifolia, Brazilian Pepper-Schinus terebinthifolia, Lead Tree-Leucaena leucocephala, and Melaleuca- Melaleuca quinquenervia) shall be removed from the site. Stumps should be treated with an appropriate herbicide type treatment to prevent regrowth.
5. A transplantation plan must be submitted at the time of issuance of the tree permits.
6. The City has identified stormwater impacts/flooding at the White and Eaton Street (Palm Avenue) intersection that will likely intensify due to climate impacts over time. The City requests that the applicant negotiate in good faith, at a future date, to consider a potential easement and/or public private partnership for stormwater management in the area of this intersection to reduce flood risk at the adjacent White Street/Eaton Street/Palm Ave intersection.
7. The Major Development Plan approval shall be accompanied by the associated Development Agreement per Section 122-611(e).

Conditions prior to the City Commission hearing:

8. The applicant must obtain a Certificate of Appropriateness from the Historic Architectural Review Commission (HARC).
9. A Code compliant property maintenance plan must be included in the final landscape plan approval.
10. Final Landscape Plan approval is required from the City of Key West Tree Commission.

Conditions prior to issuance of a building permit:

None

Conditions prior to issuance of a Certificate of Occupancy:

11. All sidewalks and walkways shall have a minimum 36-inch width and clearance from objects and landscaping. Five feet is preferred wherever possible. Flexi-pave shall be utilized in all instances in which sidewalks or parking area is in close proximity to trees. Pavement and sidewalk installation and repaving shall occur with oversight from the Urban Forester.

12. Removal of all invasive exotic plant species from the entire site: Australian Pine-Casuarina equisetifolia, Brazilian Pepper-Schinus terebinthifolia, Lead Tree-Leucaena leucocephala, and Melaleuca- Melaleuca quinquenervia.
13. Landscape inspection to ensure compliance with the approved Final Landscape Plan is required prior to issuance of any CO associated with the MDP. There is no phasing associated with the Final Landscape Plan.
14. Approval of a Public Art Plan shall be obtained from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.
15. The existing shared bicycle route entering the property from Palm Avenue shall be demarcated with “share the road” signage and street markings and shall connect as depicted on the approved Landscape Plan sheet CE.00. Pavement markings and colors will be approved by the City. The new and improved off-road sections providing two internal connections between cul-de-sacs, shall be constructed at 5 to 6 feet wide and constructed from a dust-free material, either asphalt, concrete or pavers.