

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager

Through: Sarah Hannah Spurlock, Assistant City Manager

From: Kevin Bond, AICP, LEED Green Associate,
Acting Planning Director / Senior Planner

Meeting Date: February 18, 2015

RE: **Major Development Plan – 1315 Whitehead Street (RE # 00036180-000000; AK # 1037044)** – A request for major development plan approval for the construction of seven permanent residential units on property located within the Historic High Density Residential (HHDR) Zoning District pursuant to Sections 108-91.A.2.(a) and 122-627 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

ACTION STATEMENT:

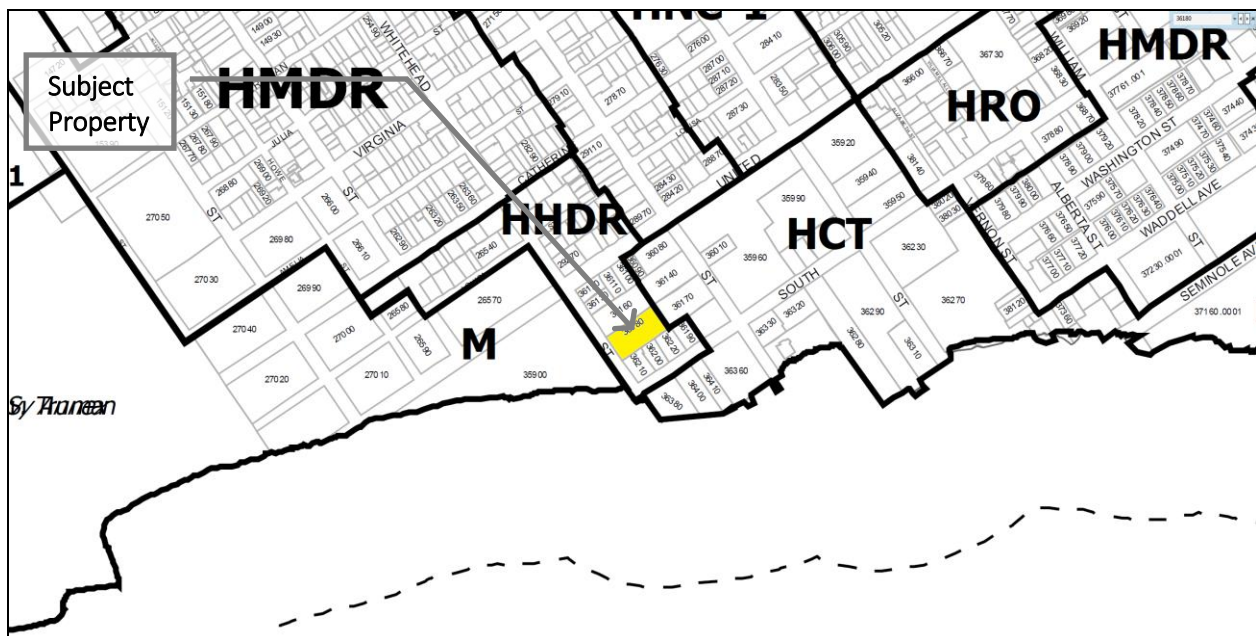
Request: Major development plan approval for the demolition of the existing nonresidential building and the construction of seven non-transient, single-family residential dwellings.

Applicant: Trepanier & Associates, Inc.

Property Owner: Southwhitehead, LLC

Location: 1315 Whitehead Street (RE # 00036180-000000; AK # 1037044)

Zoning: Historic High Density Residential (HHDR)



BACKGROUND:

The subject property is located in the 1300 block of Whitehead Street between United and South Streets within the HHDR Zoning District. The 0.45-acre property consists of a 6,010-square-foot, two-story commercial building last used as offices, which is a nonconforming use. The property is within the Key West Historic District. According to the Monroe County Property Appraiser, the building was built in 1968 and is a non-contributing structure within the historic district. The property is located within three different FEMA flood zones: AE-8, AE-9 and VE-10. However, FEMA recently approved changing the VE-10 flood zone on the property to AE-10 as a result of a Letter of Map Revision (LOMR) request (see attached LOMR letter), but this change is not effective until June 5, 2015. This is reflected in the staff recommendations below.

The proposed development would demolish all existing structures and construct seven (7) new two-story, single-family residences. The plans call for seven (7) off-street parking spaces, new landscaping, and pools and decks for each unit. Four of the units were via a Transient Unit Transfer to be converted to non-transient use pursuant to Planning Board Resolution No. 2006-035, and two of the units are via a prior Beneficial Use Determination originally approved in August 2005. Documentation of these approvals is attached. The Applicant is requesting the seventh unit via the City’s Building Permit Allocation System (BPAS).

Major Development Plan review is required due to the construction of five (5) or more permanent residential units within the Historic District, pursuant to Section 108-91.A.2.(a) of the Land Development Regulations (LDRs) of the Code of Ordinances (the “Code”) of the City of Key West (the “City”).

City Actions:

- Development Review Committee (DRC): August 28, 2014
- Preliminary Tree Commission: September 9, 2014 (conceptual approval)
- Planning Board: November 20, 2014 (approved with conditions)
- HARC: December 16, 2014 (approved)
- Final Tree Commission: January 13, 2015 (approved)
- City Commission: February 18, 2015
- DEO review: Up to 45 days, following local appeal period

PLANNING STAFF ANALYSIS:

Development Plan Review

City Code Section 108-91.A.2.(a) requires the construction of five (5) or more permanent residential units within the historic district to be reviewed as a Major Development Plan. Planning staff and the Planning Board, as required by Chapter 108 of the City LDRs, reviewed the request for compliance with the City's LDRs and Comprehensive Plan as detailed in the attached Planning Board staff report. On November 20, 2014, the Planning Board reviewed the request and staff recommendations, pursuant to City Code Section 108-196(a), and passed Resolution No. 2014-77 advising approval with conditions to the City Commission.

City Code Section 108-198 states that the City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the LDRs and based on the intent of the LDR’s and Comprehensive Plan. The City

Commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgment, to effectuate the purpose of this article and carry out the spirit and purpose of the comprehensive plan and the LDR's. Any condition shall be made a written record and affixed to the development plan as approved. If the City Commission disapproves a development plan, the reasons shall be stated in writing.

It should be noted that Planning Board Resolution No. 2014-77 required several conditions to be satisfied prior to the City Commission hearing (see conditions #5-6). Subsequent to the Planning Board approval, all conditions have been satisfied. Any outstanding issues are reflected in the staff recommendations below. The resulting set of revised plans is attached.

Options / Advantages / Disadvantages:

Option 1. Approve the request with conditions (listed below) as advised by the Planning Board in Resolution No. 2014-77, and additional conditions recommended by staff:

Consistency with the City's Strategic Plan, Vision and Mission: Granting the request would be consistent with Economy and Environment goals of the Strategic Plan.

Financial Impact: The City would collect building permit, licensing and impact fees during subsequent phases of development. There would be no cost to the City for granting the request.

Option 2. Deny the request based on findings that the proposed development does not comply with the criteria established by the Comprehensive Plan and the Land Development Regulations.

Consistency with the City's Strategic Plan, Vision and Mission: Denial of the requested easement would not be inconsistent with the Strategic Plan.

Financial Impact: There would be no cost to the City for denying the request.

RECOMMENDATION: Option 1.

Staff and the Planning Board, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends **Option 1** to the City Commission approving the request with conditions as outlined below.

General conditions:

1. The proposed development shall be consistent with the architectural plans signed and sealed on January 15, 2015 by William Shepler, Architect; the civil plans signed and sealed on January 15, 2015 by Allen E. Perez, P.E., and the landscape plans by Ladd B. Roberts, Landscape Architect; notwithstanding the revisions requested and recommended by staff.
2. A Building Permit Allocation System (BPAS) award of one residential dwelling unit with an ESFU of 1.0 shall be obtained prior to building permit issuance for the seventh proposed residence.

3. During all phases of demolition and 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. Exterior lighting shall be shielded in accordance with City Code Section 108-284.
5. All fencing shall comply with the LDRs and HARC guidelines. Non-compliant fence height shall require HARC approval and a variance.
6. No building permits shall be issued for Units 1 or 2 until the FEMA Letter of Map Revision (LOMR) is effective [expected June 5, 2015, unless appealed] and the proposed development is designed in compliance with the floodplain and building height regulations.
7. The pool and deck for Unit 2 shall be located outside of the required five-foot accessory structure setback, or a setback variance shall be obtained.

Conditions prior to issuance of a building permit:

8. 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.
9. Certificates of Appropriateness shall be obtained for all applicable work under this development plan.

Conditions prior to issuance of a Certificate of Occupancy:

10. Per the correspondence dated October 23, 2014, the Applicant offered to voluntarily contribute one full permanent residential BPAS-exempt unit to the City as an in-lieu contribution to the City's work force housing requirements. Therefore, the Applicant shall execute a "Waiver and Release of Building Permit Allocation" affidavit prior to the issuance of the first Certificate of Occupancy for this Major Development Plan.
11. On-site artwork shall be installed and inspected by the City pursuant to Section 2-487.
12. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the above conditions.