

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



To: Chairman and Planning Board Members

From: Nicole Malo

Through: Donald Leland Craig, AICP, Planning Director

Meeting Date: August 18, 2011

Agenda Item: **Minor Development Plan - 241 Margaret (RE# 00072082-004501) - A** Minor Development Plan for the reconstruction of the Key West Bait and Tackle retail shop and second storey offices in the HRCC-2 zoning district per Section 108-91(A.)(1)(b.) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Request: To demolish and construct a new two storey FEMA compliant building in the Key West Bight District for retail and office space

Applicant: Trepanier and Associates, Inc., and Sea Tech, Inc.

Property Owner: City of Key West

Location: 241 Margaret Street
RE# 00072082-004501

Zoning: Historic Residential Commercial Core – Key West Bight District (HRCC-2)



Background:

The project site is part of the larger Bight District owned by the City. The parcel is located between Margaret Street to the West and the privately owned Conch Harbor Retail Center and restaurant to the East, and from the waterfront to Caroline Street. The area is immediately surrounded by offices, restaurants, retail uses and two large parking lots with over 45 parking spaces. The entire site is currently non-conforming to impervious surface, open space and landscaping.

The portion of the site proposed for reconstruction has been know as the Discovery Center building. It is a one storey retail shack of approximately 500 square feet adjacent to the Bait and Tackle Shop, with three parking spaces located along-side the building. The building has no historical significance and is slated for demolition as approved by HARC.

Previous uses on and around the site included the storage of petroleum products and other chemicals. The applicant provided a groundwater and earth contamination report. The report finds no contamination concerns on the site that would trigger the need for mediation improvements prior to construction. Please see the attached Site Contamination Report for further information.

Request:

The applicant is proposing a Minor Development Plan for the demolition and development of a two-storey structure on City owned property for use as a second floor office and first floor retail space. The total square footage proposed is approximately 1,000 square feet and eight (8) parking spaces are required, although over thirty spaces may be associated with the existing use in the adjacent parking lot on the property. The proposed development meets FEMA requirements. Further, the structure has been designed to meet LEED certification levels and is thus energy efficient.

According to documents provided by the applicant, the second storey of the proposed structure is exempt from Federal ADA requirements. The applicant has provided information regarding federal standards for ADA compliance, that have been reviewed by the City's ADA Coordinator. Please see the information provided under the DRC Review Attachments.

Surrounding Zoning and Uses:

North: HRCC-2: Restaurant and waterfront dependent uses
South: HRCC-2: Tourist and retail shops
East: HRCC-2: Restaurant and bars, tourist and retail shops
West: HRCC-2: Restaurant, tourist and retail shops

Permitted Uses pursuant to Section 122-717:

In the HRCC-2 Key West Bight district, only water-dependent uses shall be located within the first 30 feet landward of the mean high water (MHW) or the bulkhead. Similarly, only water-related uses shall be located between the 30-foot setback and the 100-foot setback from the mean high water or the bulkhead. No permanent residential use shall be located within 100 feet of the mean high water, and no transient residential uses shall be allowed within any portion of the HRCC-2 district.

- (1) Single-family and two-family residential dwellings.
- (2) Multiple-family residential dwellings.
- (3) Group homes with less than or equal to six residents as provided in Section 122-1246
- (4) Places of worship.
- (5) Business and professional offices.
- (6) Commercial retail low and medium intensity less than or equal to 5,000 square feet as provided in division 11 of article V of this chapter.
- (7) Medical services.
- (8) Parking lots and facilities.
- (9) Restaurants, excluding drive-through.
- (10) Veterinary medical services without outside kennels.

Conditional Uses allowed in the HRCC-2 zoning district pursuant to Section- 122-718:

- (1) Group homes with seven to 14 residents as provided in Section 122-1246
- (2) Community centers, clubs, and lodges.
- (3) Cultural and civic activities.
- (4) Educational institutions and day care.
- (5) Nursing homes, rest homes and convalescent homes.
- (6) Parks and recreation, active and passive.
- (7) Protective services.
- (8) Public and private utilities.
- (9) Bars and lounges.
- (10) Boat sales and service.
- (11) Commercial retail low and medium intensity greater than 5,000 square feet as provided in division 11 of article V of this chapter.
- (12) Commercial retail high intensity as provided in division 11 of article V of this chapter.
- (13) Funeral homes.
- (14) Light industrial.

- (15) Marinas.
- (16) Small recreational power-driven equipment rentals.

Process:

Development Review Committee Meeting: April 28, 2011
HARC Meeting: March 8, 2011
 March 22, 2011
 #H11-01-184
Planning Board Meeting: August 18, 2011
City Commission Meeting: TBD

Analysis – Evaluation for Compliance With The Land Development Regulations:

Section 108-91 A(1)b of the City of Key West Land Development Regulations requires that any proposed plan within the historic district including the addition or reconstruction of 500 to 2,499 square feet of gross floor area shall require a Minor Development plan. Section 108-196(a) of the Land Development Regulations states that “after reviewing a Major Development Plan or a Minor Development Plan for a property and staff recommendations, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the Land Development Regulations and the intent of the Land Development Regulations and Comprehensive Plan.” A Minor Development Plan in the historic district is advisory to the City Commission.

Planning staff, as required by Chapter 108 of the City Code of Ordinances, has reviewed the following for compliance with the City’s Land Development Regulations and Comprehensive Plan:

Project Data				
	Required/ Allowed	Existing	Proposed	Variance Request
Zoning	HRCC-2			
Flood Zone	AE-9			
Size of Site	59,460 s.f			
Front Setback	10'	+ 100'	+ 100'	
North Side Setbacks	7.5'	+ 100'	+ 100'	None Required
South Side Setback	7.5'		20'6"	
Rear Setback	15'		20'4"	
Height	35'	14'4"	30'4"	
FAR	0.5 (29,730 s.f)	.34 (20,518 s.f)	.37 (22,071 s.f)	
Building Coverage	50% (29,730 s.f)	34.5% (20, 518 s.f)	35.5% (21,154 s.f)	
Impervious Surface	60% (35,676 s.f)	82% (48,990 s.f)	No Change	Existing non-conformity
Open Space/ Landscaping	20% (11,892 s.f)	17% (10,470 s.f)	No Change	
Vehicular Parking	8	33	8+	None Required
Bicycle Parking	2	0	2	

Concurrency Facilities and Other Utilities or Services (Section 108-233)

The City's Comprehensive Plan Objective 9-1.5 directs the City to ensure that 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. Section 94-36 requires a concurrency determination to be made concerning proposed development. The applicant provided a concurrency analysis as part of this application. Staff has reviewed the provided concurrency analysis report and following criteria in Section 94-36 and determined that the proposed project meets the City's requirements for concurrency management. This portion of the report shall serve as the required written determination of compliance.

1. The anticipated public facility impacts of the proposed development:

The applicant has provided a Concurrency Management analysis. The proposed development is not anticipated to generate any public facility impacts.

2. The ability of existing facilities to accommodate the proposed development at the adopted level of service standards:

The Concurrency Management analysis concluded that the existing facilities are expected to accommodate the proposed redevelopment project at the adopted level of service standards.

3. Any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development:

The Concurrency Management analysis found that there are no existing facility deficiencies which will need to be corrected prior to the completion of the proposed development.

4. The facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards and the entities responsible for the design and installation of all required facility improvements or additions; and

There are no facility improvements or additions that are necessary to accommodate the impact of the proposed redevelopment other than stormwater improvements contained in the site plan package.

5. The date such facility improvements or additions will need to be completed to be concurrent with the impacts on such facilities created by the proposed development:

This criterion is not applicable, as there are no known facility improvements or additions that will need to be completed for the redevelopment project other than stormwater improvements that have been incorporated into the plans.

Fire Protection (Section 108-233 (8))

No new fire hydrants are proposed as part of this project. The Fire Marshall determined at the DRC meeting that that the new development appears to be in compliance with regulations.

Other Public Facilities (Section 108-233 (10)):

Based on comments received at the DRC meeting, and based on the information in the concurrency analysis, the proposed minor development plan is not anticipated to increase adverse effects upon public facilities.

Appearance, Design and Compatibility (Section 108-234):

1. Compliance with Chapter 102; Articles 111, IV and V:

The Planning Department coordinated with the City's Historic Architectural Review (H.A.R.C.) Planner, and determined that the project is in compliance with Articles III, IV, and V of Chapter 102 of the City Code. The property is not listed in either the local or National Register of Historic Properties in Key West, and therefore is not considered to be a contributing structure. Although not considered to be contributing, the proposed project did require H.A.R.C. approval. On March 8 and on March 22, 2011, a Certificate of Appropriateness was granted for the demolition of the existing structure and development of the proposed two storey office and retail space. A certificate of appropriateness was issued (#H11-01-184).

2. Compliance with Section 108-956:

The applicant has demonstrated that there is access to potable water and to wastewater disposal systems in the concurrency management report.

3. Compliance with Chapter 110; Article II:

If any archeologically significant resources are discovered during the development of the site, the applicant will be required to comply with this article of the Land Development Regulations.

Site Location and Character of Use (Section 108-235):

The project site is located in the HRCC-2 zoning district. Commercial retail low and medium intensity less than or equal to 5,000 square feet businesses and professional offices are permitted uses in this zoning district. Based on the surrounding zoning and land uses, the proposed Minor Development Plan may be compatible with neighboring properties.

1. Appearance of site and structures (Section 108-236 and 108-278):

The development plan exhibits harmonious overall design characteristics, and is in compliance with the performance standards stipulated in Sections 108-278 of the City Code. The site is conforming to the Code requirements. The new construction including massing and scale have been approved by HARC through certificate of appropriateness #H11-01-184. Additionally, the building will be certified for LEED standards for design and energy efficiency.

2. Location and screening of mechanical equipment, utility hardware and waste storage areas (Section 108-279):

Mechanical equipment and utility hardware will be screened from view. The use will be serviced by the existing waste and recycling handling center for the Bight, adjacent to the Waterfront Market. The service area is adequate to accommodate the proposed change to

the building. It is enclosed from view by an existing wood frame structure and meets the requirements as set fourth in the above.

3. Utility lines (Section 108-282):

Keys Energy has provided a letter of no objection for this property and existing electric lines will be used.

4. Commercial and manufacturing activities conducted in enclosed buildings (Section 108-283):

All commercial activities will take place within the enclosed building. No outdoor storage or display has been applied for or approved.

5. Exterior Lighting (Section 108-284):

Exterior lighting will be attached to the building and parking lot lighting provided for the proposed parking adjacent to the structure. No large open areas are proposed. Lighting will meet dark sky initiative requirements in addition to LEED silver certification requirements for energy efficiency.

6. Signs (Section 108-285):

No signage has been proposed as part of the Minor Development Plan. Any new signage requires a Certificate of Appropriateness from HARC.

7. Pedestrian sidewalks (Section 108-286):

No sidewalks presently link the site to the City's pedestrian circulation system. Crosswalks are not proposed as part of the current development plan from adjacent parking lots; however, safe pedestrian access is proposed from the existing three parking spaces adjacent to the building.

8. Loading docks (Section 108-287):

No loading docks are being proposed as part of the Minor Development Plan.

9. Storage Areas (Section 108-288):

The waste and recycling service area is considered an exterior storage area. The development and uses on site will utilize the existing waste and recycling handling center for the Bight, located adjacent to the Waterfront Market. It is enclosed from view by a existing wood frame structure and meets the requirements as set fourth in the above Section. An additional recycling center is proposed beneath the stairs to the second storey of the structure.

On-Site and Off-Site Parking and Vehicular, Bicycle, and Pedestrian Circulation (Section 108-244):

The site development is minimal within the Bight District property and will not affect nor improve the vehicular and bicycle circulation on site. The proposed improvements to the adjacent three parking spaces shall meet code requirements for surface material and pavement markings and other related improvements. Parking requirements in Articles IV and VII of Chapter 108 will be met as required.

Housing (Section 108-245):

No housing is proposed as part of the Minor Development Plan.

Economic Resources (Section 108-246):

This provision of the City Code is not applicable to the proposed Minor Development Plan.

Special Conditions (Section 108-247):

The proposed development site is located within the greater Bight District City owned property which is currently non-conforming to impervious surface and open space. The proposed development does not generally conflict with the intent of the HRCC-2 zoning district, and is not anticipated to cause any conflict in relation to existing public facilities that are in place. The project is not located in a special zoning district and does not trigger any of the special considerations outlined in Section 108-247 of the City Code.

Construction Management Plan and Inspection Schedule (Section 108-248):

The proposed development is not phased. The applicant would like to commence construction as soon as possible.

Open Space, Screening, Buffers and Landscaping (Article V and VI) of Chapter 108:

Because this project is part of a larger overall site the screening, buffer, and landscaping requirements are related to the entire Bight. The proposed plan increases landscaping behind the structure and increases dry retention to the maximum extent practicable. There is minimal open space available on the site and surrounding lands to add landscaping. Because the majority of the property and adjacent areas are paved, the Urban Forestry Manager has requested that the applicant coordinate with the proposed Bight Master Plan currently being designed, see attached. Although coordination has begun, unfortunately this portion of the Plan has not been designed to date.

Off-street Parking and Loading (Article VII) of Chapter 108:

Although the proposed Minor Development Plan is located within the City's Historic Commercial Pedestrian-Oriented Area, and the parking requirement is being reduced from the previous use, the applicant is adding square footage therefore 8 parking spaces are required for the office and retail uses. The property is part of the greater Bight District and portions of the parking lot adjacent to the site are utilized to meet the current parking requirements. Behind the structure three parking spaces shall be reconfigured to meet code requirements and two ADA compliant spaces are proposed in the main lot as seen on the proposed Site Plan G003. Therefore, the reduction in potential parking impacts may result in a net gain of twenty-five (25) available parking spaces for the area. Bicycle parking is proposed adjacent to the structure and exceeds the minimum bicycle parking requirements. Loading is not anticipated regularly for the office use and a loading zone is located in the waste handling and recycling center area for the uses within the Bight.

Stormwater and Surface Water Management (Article VIII):

Currently the site does not include stormwater management. The site lies in the AE flood zone and is susceptible to flooding. As part of the new site design, the applicant has proposed to

gutter the structure with down spouts directed to discharge into dry retention areas along the rear of the structure with splash blocks to prevent erosion (see attached). The plan has been approved by the Director of General Services and Engineering.

Flood Hazard Areas (Division 4 - Sections 108-821 through 108-927):

According to the available information submitted by the applicant, the proposed development is located in the AE flood zone and averages 9 feet above sea level. FEMA regulations require that structures redeveloping more than 50% of the appraised value of the property must meet flood prevention requirements. The applicant has proposed a flood-proofing design for the first floor that meets FEMA requirements for projects in an AE zone, however, the Building Official and FEMA Coordinator have requested a signed and sealed Elevation Certificate by a licensed surveyor due to the proximity of the Velocity Zone to the site. To date, the applicant has provided a survey that shows that the property does not touch the existing/proposed structure that is not considered adequate. As a condition of approval, prior to building permit issuance an Elevation Certificate is required. Please see the attached memo from the City's FEMA Coordinator and DRC Minutes. Please note that if the building is located in the V-zone, the site plans and architectural drawings will have to be revised.

The structure is located over 200 feet from the mean high water line and is not subject to regulations for the Coastal Construction Control Line, nor special height constraints for portions of the HRCC-2 zoning district within 100 feet of the mean high water line.

Utilities (Article IX):

According to information submitted to the Department, FCAA and Keys Energy Services are able to provide utilities to the site. The proposed development project will use existing utility mains and add new utilities as shown in the concurrency management report and utility plan.

RECOMMENDATION:

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

Conditions to be completed prior to the issuance of building permits:

1. That a signed and sealed elevation certificate is presented to the planning and building department
2. The building is constructed according to ADA exempted Building Plans LS101.

Conditions to be completed prior to the issuance of certificate of occupancy:

3. Development will meet LEED silver certification requirements
4. All lighting fixtures shall meet "Dark Sky" lighting standards

General Conditions:

5. Eight (8) parking spaces shall be provided and four (2) bicycle spaces shall be provided as per the site plan.