

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



To: Chair and Planning Board Members

From: Ginny Haller, Planner II

Through: Patrick Wright, Planning Director

Meeting Date: May 18, 2017

Agenda Item: **Variance – 3900 South Roosevelt Boulevard (RE # 00066180-000200) -**
A request for a variance to parking requirements to allow for substitution of bicycle parking spaces on property located within the High Density Residential (HDR) Zoning District pursuant to Sections 90-395, 108-572 (2) (b) and 108-574 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

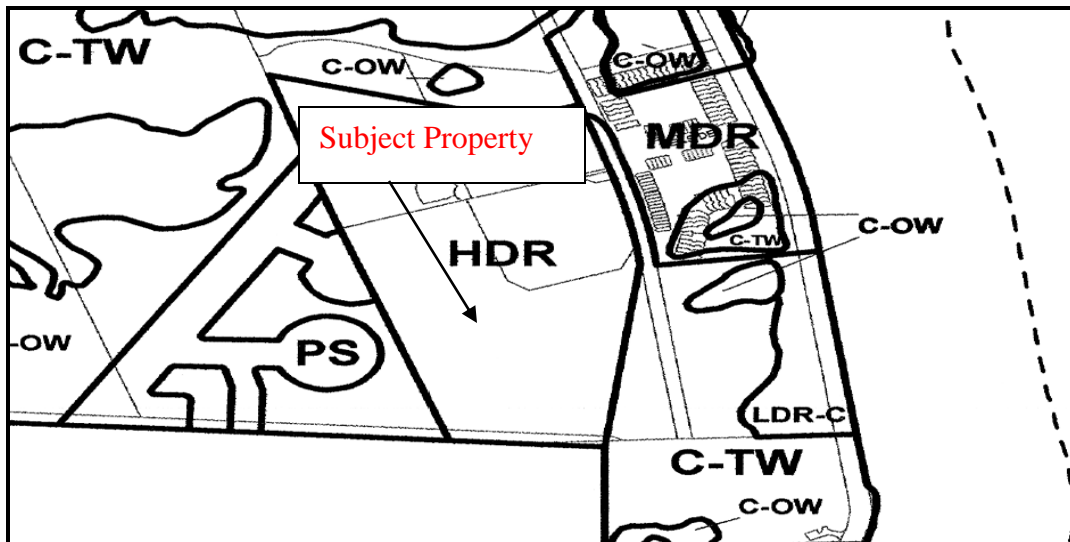
Request: The applicant is requesting a variance for bicycle substitution by providing 151 excess bicycle spaces as an equivalent to 38 vehicular spaces (at ratio of 4 bike spaces = 1 vehicular space). The applicant is requesting a variance to the remaining 22 vehicular spaces.

Applicant: Critical Concern Consultants

Property Owner: Ocean Walk Key West Owner, LLC

Location: 3900 South Roosevelt Boulevard (RE# 00066180-000200)

Zoning: High Density Residential (HDR)



Background:

The subject property is located at 3900 South Roosevelt Boulevard and is bound by the multi-family residential units at Seaside and Las Salinas Condominium. The property is surrounded by Public Service, Medium Density Residential, and Conservation - Outstanding waters of the State zoning districts. The parcel is approximately 17.11 acres of land including environmentally sensitive areas.

The proposed major development plan and landscape waiver seeks to add 56 new market rate units and 24 new deed restricted affordable units for a total of 80 new units to be located in two new structures. The proposal is located in the High Density Residential (HDR) zoning district which allows residential uses, including single-family, two-family, multi-family dwelling units at a maximum density of 22 units per acre. The project was awarded Building Permit Allocation System (BPAS) units in Year 2 and Year 4:

- Planning Board Resolution 2015-26, the project was awarded 28 market rate equivalent single family units and 12 affordable equivalent units through Year 2;
- Planning Board Resolution 2017-06, the project was awarded 28 market rate equivalent single family units and 12 affordable equivalent single family units through Year 4.

The applicant is proposing 100 vehicle parking spaces, therefore a bicycle substitution is being requested for the remaining 60 vehicle parking spaces. As per Section 108-574, the ratio of four (4) bicycle parking situations being equivalent to one (1) vehicle parking space the applicant is requesting a variance for 22 vehicle parking spaces.

Dimensional Requirement	Required/ Allowed	Proposed on Plan	Change / Variance Required?
Parking requirement	160 vehicle spaces 16 bicycle spaces	100 vehicle spaces 167 bicycle spaces	Variance for bicycle substitution by providing 151 excess bicycles = 38 vehicular spaces. Variance for remaining 22 vehicle spaces

Process:

Planning Board: May 18, 2017
Local Appeal Period: 10 days
DEO Review: Up to 45 days

Analysis – Evaluation for Compliance with the Land Development Regulations:

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. An applicant for development plan approval pursuant to article II of the land development regulations may file a request for a variance to substitute additional bicycle parking (i.e., bicycle parking in excess of that required pursuant to section 108-572). The planning board may grant such variance upon a finding that such additional bicycle parking would be beneficial and would satisfy the specific conditions of sections 90-394 and 90-395. However, hardship conditions shall not be a mandatory condition of obtaining the subject variance. If the planning board determines the requested bicycle parking is compliant with the referenced criteria, the planning board shall

require that such additional parking be located on a site within 100 feet of the subject site. Furthermore, in determining the appropriate substitution, four bicycle parking spaces shall be equivalent to one motorized vehicle parking space. All such approved bicycle parking spaces shall satisfy pavement, maintenance, and construction specifications of subdivision II of this division as well as bicycle parking, design, lighting, and security criteria of section 108-643.

1. ***Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.***

The conditions and circumstances related to this site are peculiar to the land structure in that the property is irregularly shaped. Parking is limited by the wetland buffer zones on the property pursuant to Section 108-576(a) of the Code that states no parking may be located within any wetland buffer zone as set forth in Section 110-91. City staff supports multi-modal transportation. Special conditions or circumstances do exist.

IN COMPLIANCE.

2. ***Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.***

It is the applicant's decision to increase the need for parking on site by adding the additional 80 residential units. These conditions are created by the applicant.

NOT IN COMPLIANCE.

3. ***Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.***

Section 108-572 (2) (b) identifies the parking requirements for multi-family residential housing outside of the historic district. Section 108-574 allows the Planning Board as part of development plan approval to request a variance to parking requirements for bicycle substitution. Granting a variance to parking requirements would confer special privileges upon the applicant denied by the land development regulations to other lands, buildings or structures in the same zoning district.

NOT IN COMPLIANCE.

4. ***Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.***

Literal interpretation of Section 108-572 (2) (b) would not deprive the applicant of rights commonly enjoyed by other properties in the same district, nor would it work unnecessary and undue hardship on the applicant. Other multi-family residential uses in the HDR zoning district would have to meet parking requirements. The required total vehicle parking of 160 spaces is a result of the multi-family residential dwelling use of the property in which the code requirement of Section 108-572 (2) (b) requires two (2) vehicle parking spaces per dwelling unit. The intent of the applicant to promote bicycle and multi-modal transportation is supported by staff and also meets the intent of several of the transportation polices, objectives and goals of the City's Comprehensive Plan. Hardship conditions do not exist.

NOT IN COMPLIANCE.

5. ***Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.***

The variance requested is not the minimum required that will make possible the reasonable use of the land, building, or structure. However, they are the minimum necessary to accommodate the request.

NOT IN COMPLIANCE.

6. ***Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.***

The requested variance will not be injurious to the public welfare, it will be beneficial to public welfare by providing bicycle parking and storage on a site that has transit and bicycle routes that easily connect it to the rest of the City. As mentioned above Section 108-574 allows the Planning Board as part of development plan approval to request a variance to parking requirements for bicycle substitution. Granting the requested variance would be in harmony with the general intent and purpose of the land development regulations and not be injurious or detrimental to public welfare.

IN COMPLIANCE.

7. ***Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.***

Existing non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for this request.

IN COMPLIANCE.

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

It does not appear that the requested variance would trigger any public facility capacity issues.

The Planning Board shall make factual findings regarding the following:

That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.

The standards established by Section 90-395 of the City Code have not been fully met by the applicant for the variances requested.

That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

Pursuant to Code Section 90-392, in granting such application the Planning Board must make specific affirmative findings respecting each of the matters specified in Code Section 90-394. However, hardship conditions shall not be a mandatory condition of obtaining the subject variance.

The planning board shall not grant a variance to permit a use not permitted by right or as a conditional use in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district.

Multi-family residential dwellings are a permitted use in the HDR zoning district.

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

No such grounds were considered.

No variance shall be granted that increases or has the effect of increasing density or intensity of a use beyond that permitted by the comprehensive plan or these LDRs.

No density or intensity of a use would be increased beyond that permitted by the comprehensive plan or these LDRs.

RECOMMENDATION:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the request for variance be **denied**.