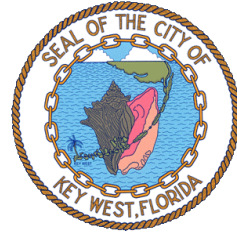


**THE CITY OF KEY WEST**

**PLANNING BOARD**

**Staff Report**



**To:** Chairman and Planning Board Members

**Through:** Katie P. Halloran, Planning Director

**From:** Jordan Mannix-Lachner, Planner II

**Meeting Date:** January 16, 2025

**Agenda Item:** Major Modification to a Major Development Plan and Landscape Waiver – 0 Duval Street (RE# 00000120-018800) – A request for a Major Modification to a Major Development Plan and Land-scape Waiver to remodel portions of an existing hotel in the Historic Residential Commercial Core – 1 zoning district. The proposed work would result in redevelopment of 3,500 square feet of lobby, retail and office area, a modified vehicular circulation and parking plan, and modifications to the landscape plan including a landscape waiver, pursuant to Sections 108-91 and 108-517 of the Code of Ordinances of Key West, Florida.

Variance - 0 Duval - (RE# 00000120-018800) - A request for a variance to the minimum required shoreline setback to allow for a setback of 10' pursuant to Sections 122-1148 and 90-395 of the Land Development Regulations of the City of Key West.

**Request:** A request to modify an existing development plan to remodel the front portion of a hotel at 0 Duval Street and modify vehicular circulation and landscaping, including a landscape waiver for the required buffer yard. The proposed work also requires a variance to minimum shoreline setback.

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**Applicant:** Steve Rossi, Rossi Architecture

**Property Owner:** Noble House Hotels

**Location:** 0 Duval Street

**Zoning:** Historic Residential Commercial Core – 1

## Background

The subject property is a 100-unit hotel on the northwestern terminus of Duval Street. The hotel consists of two principal structures with approximately 85,000 square feet of finished floor area. The hotel includes accessory restaurant and recreational rental vehicle uses. The site consists of two parcels totaling approximately 1.5 acres.

A previous major development plan was approved in 1996. A variance to the A variance to the City's required coastal construction control line (CCCL) was approved in 1999 to allow for the reconstruction of a tiki hut. However, there is no City CCCL variance on file for the principal structure's proximity to the seawall. Because the proposed work involves reconstruction portions of the existing structure within the CCCL, a variance is being processed along with the development plan.



City Commission Resolution 89-103 allowed for the property to count parking spaces in the City parking lot at Mallory Square towards those required for the site in exchange for an agreement regarding a lease of submerged land at the Mallory Dock.



## Request

The applicant proposes to remodel the lobby area of the structure that fronts Duval Street by removing approximately 3,990 square feet of interior floor area and replacing it with approximately

3,500 square feet of interior floor area. The work would also include a covered staircase and a patio area.

The proposed work would also modify the site's vehicular circulation by removing vehicle drop-off and valet services from the right-of-way and creating valet drive aisle on the site that is linked to the ground floor garage area. Modifications to the garage area will add two additional parking spaces.

There is no change to existing or proposed setbacks, floor area ratio. Improvements to building coverage, impervious surface, parking, and open space are proposed.

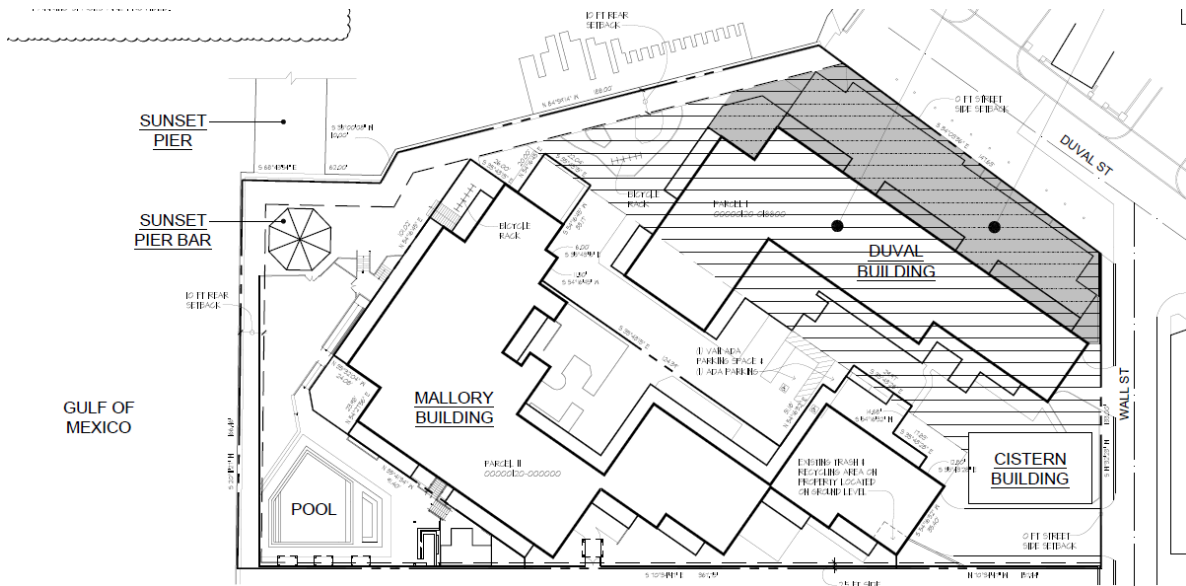
The proposed site work includes additional drainage pipes to be tied into the existing system.

Additional landscape planters are proposed. However, a landscape waiver is required as the proposed landscaping does not include the minimum 30' landscape buffer along the street frontage.

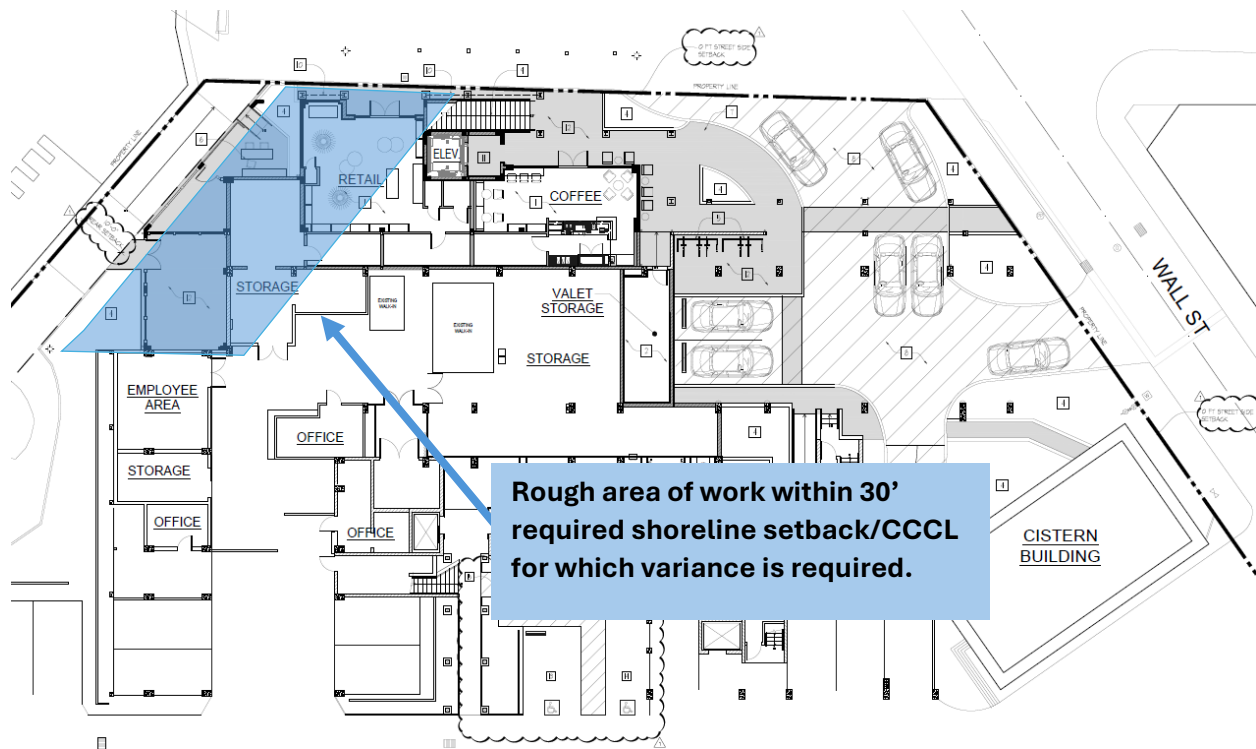
### Rendering of Proposed Work



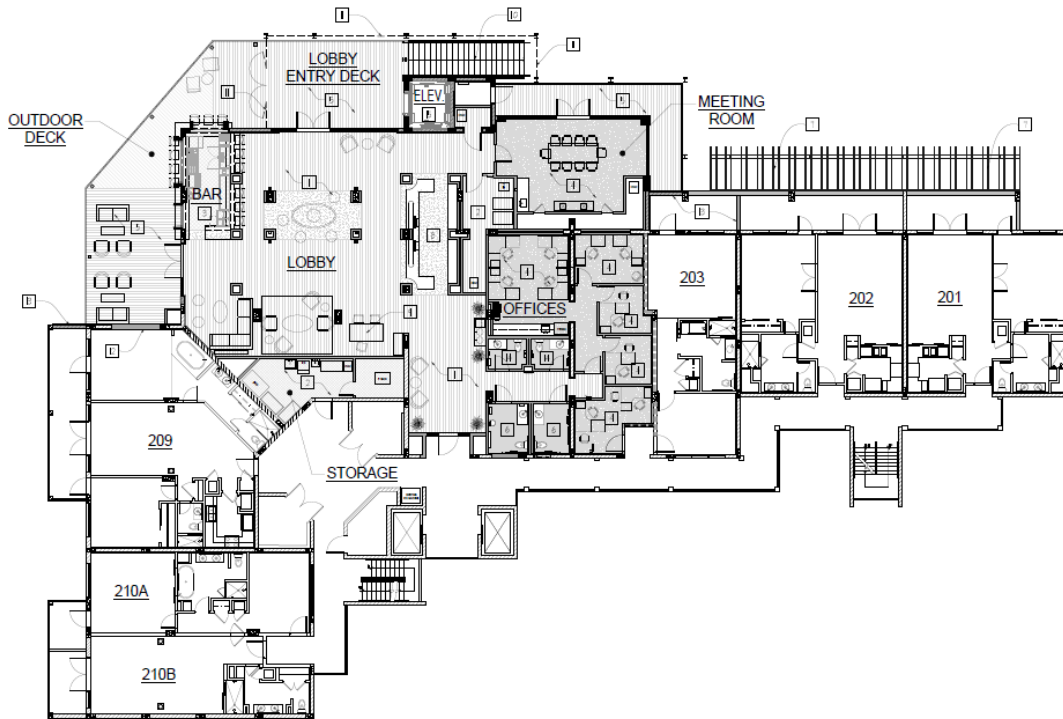
### Existing Site Plan



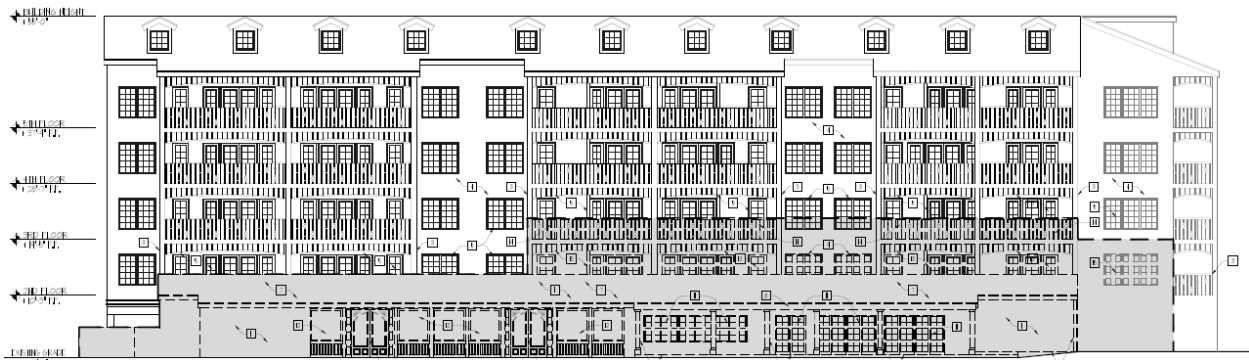
Proposed Site Plan/First Floor Plan



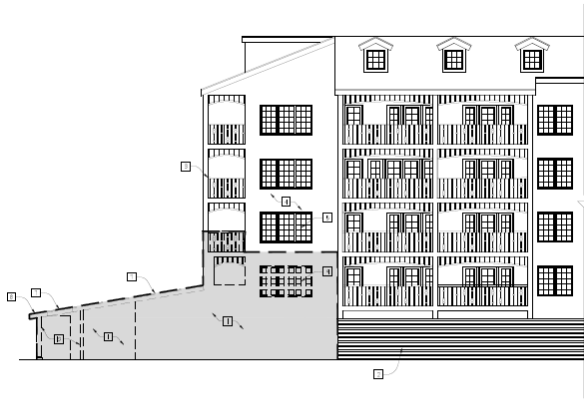
## Proposed Second Floor Plan



## Existing West Elevation – Fronting Duval Street



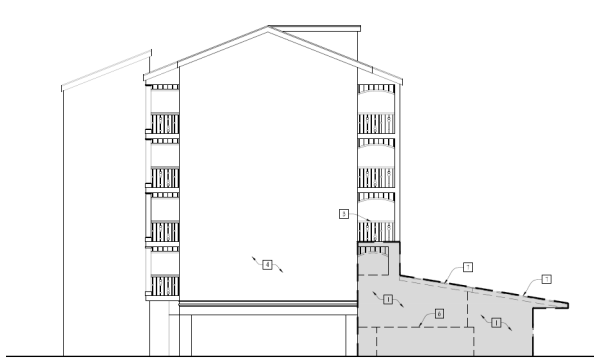
## Proposed West Elevation – Fronting Duval Street



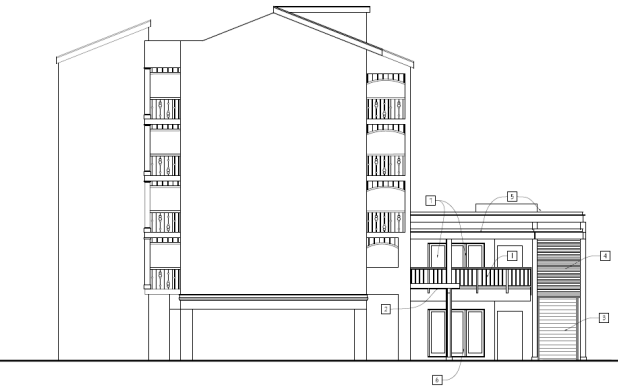
**EXISTING WEST EXTERIOR ELEVATION**



**NEW WEST EXTERIOR ELEVATION**



**EXISTING EAST EXTERIOR ELEVATION (WALL ST)**



**NEW EAST EXTERIOR ELEVATION (WALL ST)**

## SITE DATA TABLE

	CODE REQUIREMENT	EXISTING	PROPOSED	VARIANCE REQUEST
ZONING	HRCC-1			
FLOOD ZONE	AE-1, VE-10, VE-11, VE-13			
SIZE OF SITE	67,841 S.F.			
HEIGHT	35 FT + 5 FT W/ PITCHED ROOF MAX	55 FT BLDG HEIGHT	24'-3" NEW LOBBY ADDITION	
FRONT SETBACK	0 FT	0 FT	0 FT	
SIDE SETBACK	2.5 FT	2.5 FT	2.5 FT	
SIDE SETBACK	2.5 FT	2.5 FT	2.5 FT	
STREET SIDE SETBACK	0 FT	0 FT	0 FT	
REAR SETBACK	10 FT	10 FT	10 FT	
F.A.R.	1.0	1.8	1.8	
BUILDING COVERAGE	50% MAX	50% 33,875 S.F.	48% 32,450 S.F.	
IMPERVIOUS SURFACE	70% MAX	54% 36,820 S.F.	44% 33,400 S.F.	
PARKING	1 SPACE PER UNIT <sup>b</sup>	72 <sup>a</sup> TOTAL	74 <sup>a</sup> TOTAL	
HANDICAP PARKING	2 MIN. REQUIRED	0	2	
BICYCLE PARKING	35% OF VEHICLE TOTAL	36	50	
OPEN SPACE / LANDSCAPE	30% MIN. <sup>c</sup>	46% 31,021 S.F.	51% 34,441 S.F.	
NUMBER & TYPE OF UNITS	N/A	100 GUESTROOMS	100 GUESTROOMS	
CONSUMPTION AREA OR NUMBER OF SEATS	N/A	563	563	

# Staff Analysis: Major Modification to a Major Development Plan

## Surrounding Zoning and Uses:

Surrounding properties are located within the General Commercial and Public and Semi-Public Services zoning districts. Surrounding zoning districts and uses include:

**North:** Public and Semi-Public Services - Marine repair,

**South:** General Commercial – Transient residential, boat rentals/watersports

**East:** Public and Semi-Public Services - Marina

**West:** Historic Medium Density Residential – Residential, community center,

## Process:

Development Review Committee:	September 26, 2024 & Nov. 21, 2024
Tree Commission Meeting	November 17, 2024
Planning Board Meeting:	January 16, 2025
HARC Meeting:	TBD
Final Tree Commission Approval	TBD
City Commission Meeting	TBD
Local Appeal Period:	10 Days

## Development Review Committee

The Development Review Committee is responsible for reviewing development applications for consistency with applicable development standards, including concurrency requirements.

**Key West Fire Department:** Requested that applicant work with KWFD to address Fire concerns, particularly sprinkling of the building. Requested complete life safety analysis. Applicant provided Sprinkler Criteria Engineering Analysis.

**Stormwater/Utilities Comments:** Work with Waste Management if additional solid waste is anticipated.

**Art in Public Places:** Applicant shall coordinate with AIPP to discuss meeting AIPP requirements either through commissioning a new project or paying a fee-in-lieu.

**HARC:** HARC application has always been submitted.

**Tree:** Schedule site visit to determine mitigation requirements. (Completed.)



## Concurrency Analysis

Code Section 108-233 and Comprehensive Plan Objective 9-1.5 require the City to conduct concurrency reviews to ensure that that facilities and services needed to support development are available concurrent with the impacts of such development. Facilities subject to concurrency reviews are listed below, along with staff's evaluation are listed below:

FACILITIES/SERVICES	COMMENTS	COMPLIES?
Potable water	No increased demand on potable water is expected.	Yes.
Wastewater	No increased demand on wastewater is expected.	Yes.
Water quality	Impervious surface is in compliance and being reduced by 5%.	Yes.
Stormwater	Additional drainage pipes are proposed to be tied into existing stormwater system.	Yes.
Solid Waste	No increase in solid waste demand is expected.	Yes.
Roadways	No increase in trip generation is expected.	Yes.
Recreation	No increase in recreation demand will result.	Yes.
Fire Protection	Project has reviewed by Fire Department. The applicant will have to meet Life Safety Code Requirements prior to issuance of building permit.	Yes.
Reclaimed Water	N/A	Yes.
Other public facilities	N/A	Yes.

**Conclusion:** Staff reviewed 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.

## Chapter 108 Development Review Summary:

CODE SECTION	COMMENTS	COMPLIES?
<b>Article III: Site Plan</b>		
Sec. 108-279. - Location and screening of mechanical equipment, utility hardware and waste storage areas.	<ul style="list-style-type: none"> <li>No change proposed.</li> </ul>	Yes.
Sec. 108-289. - Land clearing, excavation or fill.	<ul style="list-style-type: none"> <li>Drainage improvements are proposed. Applicant shall provide soil erosion and sediment control plan and stormwater pollution prevention plan to the City stormwater engineer and comply with approved plan. Applicant shall coordinate dewatering activities with the Utilities Department. Spoil materials and effluent are prohibited from entering the storm drain or discharging into tidal waters.</li> </ul>	Yes.

Sec. 108-286. - Pedestrian sidewalks.	<ul style="list-style-type: none"> <li>New pedestrian walkways are proposed.</li> </ul>	Yes.
<b>Article IV: Traffic Impacts</b>		
Sec. 108-317. - Internal circulation system design and access/egress considerations. / Sec. 108-318. - Separation of vehicles, bicycles and pedestrians.	<ul style="list-style-type: none"> <li>The traffic circulation system is proposed to be altered to remove vehicular traffic and loading from the Duval Street right-of-way and move it on-site.</li> <li>The modifications to the traffic circulation system will reduce the opportunity for conflict between pedestrians/cyclists and vehicles by moving traffic/loading activities out of the right-of-way.</li> </ul>	Yes.
<b>Article V: Open Space, Screening &amp; Buffers</b>		
Sec. 108-346. - Open space, landscaping and removal of exotic vegetation.	<ul style="list-style-type: none"> <li>Open space requirement is met.</li> <li>Exotic vegetation shall be removed.</li> </ul>	Yes.
Sec. 108-352. - Reducing landscape and/or bufferyard requirements.	<ul style="list-style-type: none"> <li>A landscape waiver is being requested for the 30' required street frontage landscape buffer. The proposed street frontage landscaping is identified in the landscape plan.</li> </ul>	Waiver required.
<b>Article VI: Landscaping</b>		
Sec. 108-411. - Landscape plan approval.	<ul style="list-style-type: none"> <li>Conceptual landscape plan approval has been issued by the Tree Commission.</li> </ul>	Yes.
Sec. 108-413. - Requirements along street frontage.	<ul style="list-style-type: none"> <li>The site requires a landscape strip along the frontage at least 30' in width, with at least 120 plant units per 100 linear feet. The applicant requests a waiver to the frontage landscape minimum depth requirement.</li> </ul>	No. Waiver required.
Sec. 108-416. - Other landscape requirements for nonvehicular use areas.	<ul style="list-style-type: none"> <li>The landscape plan provides 4 trees for every 2,000 sq. ft. of nonvehicular open space.</li> </ul>	Yes.
Sec. 108-452. - Required sight distances for landscaping adjacent to public rights-of-way and points of access.	<ul style="list-style-type: none"> <li>The applicant has provided the required clear zone adjacent to the intersection of two rights-of-way.</li> </ul>	Yes.
Sec. 108-517. - Waivers or modifications.	<ul style="list-style-type: none"> <li>Per Section 108-517, the Planning Board may waive or modify the standards of Chapter 108 Article VI upon a finding that the modification meets the criteria outlined in Section 108-517. Staff has reviewed the application and found it consistent with these criteria.</li> </ul>	Yes.
<b>Article VII: Off-Street Parking and Loading</b>		
Sec. 108-573. - Special provisions within historic commercial pedestrian-oriented area.	<ul style="list-style-type: none"> <li>Portions of an existing commercial structure are being remodeled and reconstructed. The total floor area and commercial uses remain the same.</li> <li>The existing total floor area is limited by maximum floor area ratio regulations; the floor area is currently legally</li> </ul>	

	noncompliant with regard to floor area and variances to maximum floor area ratio are not permitted. The property has an existing parking agreement with the City covering the uses that were in effect at the time of the resolution. However, the change to any commercial uses associated with the hotel's submerged land lease of adjacent parcel(s) could trigger parking requirements in the future.	
<b>Article VIII: Stormwater and Surface Water Management</b>		
Sec. 108-777. - Water quality criteria. & Sec. 108-778. - Water quantity criteria.	<ul style="list-style-type: none"> <li>The applicant shall comply with all stormwater and surface water management criteria of the Code of Ordinances.</li> </ul>	Yes
<b>Article IX: Utilities</b>		
Sec. 108-956. - Potable water and wastewater.	<ul style="list-style-type: none"> <li>Applicant has sufficient access to potable water and wastewater disposal system.</li> </ul>	Yes.

## Review Summary: Chapter 110 - Resource Protection

CODE SECTION	COMMENTS	COMPLIES?
<b>Article IV: Coastal Resources</b>		
Sec. 110-181. - Coastal shoreline impact. & Sec. 110-182. - Shoreline vegetation and stability.	<ul style="list-style-type: none"> <li>The project is adjacent to a seawall on the Gulf of Mexico. There is no natural shoreline on the project site. Construction management plans shall be approved as part of the building permit process.</li> </ul>	Yes.
<b>Article VI: Tree Protection</b>		
Sec. 110-366. - Protective barricades; performance bond.	<ul style="list-style-type: none"> <li>The applicant shall provide protective barricading for trees on site before and during construction activities.</li> </ul>	Yes.
Sec. 110-325. - Review and action by tree commission.	<ul style="list-style-type: none"> <li>The Tree Commission has authorized the removal of 10 trees and approved the proposed mitigation.</li> </ul>	Yes.

## Staff Analysis: Variance Request

Section 122-1148 provides that no building or other structure shall be constructed within 30' of the mean high water along the main ship channel, Key West Harbor, and the Bay of Florida. The structure is currently nonconforming with regard to the setback from the mean high water line, with an existing 10' setback. The proposed work involves reconstructing portions of an existing structure within 30' of the aforementioned mean high-water line. The alteration does not reduce respective noncompliance. Additionally, portions of floor area and building mass would be altered within the

30' setback, including portions of some second-story floor area and an outdoor, second-story deck that do not currently exist. As a result, a variance to the 30' setback requirement of Section 122-1148 is required.

## Variance Review Criteria: Section 90-395

90-395(a): Before any variance may be granted, the planning board must find all of the following:

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.
  - Staff Analysis: No special conditions and circumstances exist which are peculiar to the site involved which are not applicable to other sites in the same zoning district. **Does not comply.**
2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.
  - Staff Analysis: No special conditions exist. **Does not comply.**
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.
  - Staff Analysis: Granting of the variance would confer upon the applicant the ability to construct within 30' of the mean high water line, which is denied to other sites in the same zoning district. **Does not comply.**
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.
  - Staff Analysis: Literal interpretations of the LDRs would not deprive the property owner of rights commonly enjoyed in the same zoning district and would not work unnecessary and undue hardship. **Does not comply.**
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.
  - Staff Analysis: The variance requested is not the minimum that will make possible reasonable use of the land/structures. **Does not comply.**
6. Not injurious to the public welfare. That the grant 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.

- Staff Analysis: Granting of the variance would not be in harmony with the general intent of the LDRs which is to prohibit construction within 30' of the mean high water line along the coast. **Does not comply.**
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.
- Staff Analysis: Existing nonconforming uses of other properties are not the basis for the request. **Complies.**

The planning board shall make factual findings regarding the following:

1. That the standards established in subsection (a) have been met by the applicant for a variance.
  - Staff analysis: The standards established in subsection (a) of Sec. 90-395 have not been met by the applicant. **Does not comply.**
2. 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.
  - Staff analysis: No objections have been received to the knowledge of staff. **Complies.**

## RECOMMENDATION

### **Minor Modification to a Major Development Plan:**

Pursuant to Section 108-91, major modifications to existing development plans shall be treated in the same manner as the original approval. Pursuant to Section 108-196, the planning board shall act by resolution to approve, approve with conditions, or disapprove development plans based on specific development review criteria contained in the land development regulations and the intent of the land development regulations and comprehensive plan. Pursuant to Sections 108-94 and 108-196, staff shall review development plan applications for compliance with the Land Development Regulations and provide recommendations to the Planning Board.

Staff has reviewed the subject application for compliance with all applicable development standards. Based on the review criteria of the Land Development Regulations, staff recommends that the subject development plan and landscape waiver be **APPROVED** with the following conditions:

### **Conditions required prior to issuance of a Building Permit**

1. The work shall be consistent with the plans signed and sealed by Steven R. Rossi of Rossi Architecture, dated 9.11.2024. Construction drawings for permitting shall be dated as approved herein, with any proposed revisions (modifications) clearly noted.
2. As a condition of issuance of building permits, the applicant shall provide a soil erosion and sediment control plan that includes a stormwater pollution prevention plan. The plan shall be provided to and approved by the City stormwater engineer.

3. All applicable state or federal permits shall be obtained before commencement of the development.
4. The applicant shall obtain Planning Board approval for a variance to the requirements of Section 122-1148.
5. The applicant shall provide a complete life safety plan compliant with Fire and Life Safety Code to the Fire Marshall. The Fire Marshall shall approve the plan prior to issuance of a building permit. The Fire Marshall may recommend conditions prior to final approval of this development plan.
6. The applicant shall obtain a HARC Certificate of Appropriateness for any new or modified signage.

Variance:

Pursuant to Chapter 90, Article V, Division 3 – Variances, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove variances based on the specific criteria identified in Section 90-395.

Staff has reviewed the subject application for compliance with Section 90-395. Based on the review criteria of the Land Development Regulations, staff recommends that the subject variance to the requirements of Section 122-1148 to allow a 10' setback from the mean high water line be **DENIED**. If the Planning Board chooses to approve the request, staff recommends the following conditions:

1. The work shall be consistent with the plans signed and sealed by Steven R. Rossi of Rossi Architecture, dated 9.11.2024. Construction drawings for permitting shall be dated as approved herein, with any proposed revisions (modifications) clearly noted.
2. As a condition of issuance of building permits, the applicant shall provide a soil erosion and sediment control plan that includes a stormwater pollution prevention plan. The plan shall be provided to and approved by the City stormwater engineer.