



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

Date: August 19, 2022

To: Joseph Pasik

From: Katie P. Halloran, Planning Director

Subject: Administrative Modification Approval for 2720 N. Roosevelt Blvd,
Overseas Market

Copy To: Patti McLauchlin, City Manager

Attachments: Sec 108 Staff Report with attachments

Requested by: Overseas Market Retail, LLC

On July 15, 2022, an application was submitted to the Planning Department regarding proposed work to the shopping center to include landscaping, traffic, and lighting and signage improvements to the property.

The Overseas Market was constructed in 1990 with development plan approvals finalized in 1989. The property owner is requesting to update the parking area (milling and repaving, landscaping, and lighting) and create a more efficient traffic flow at the entrance to the property. This proposed work does not trigger a development plan review but does require a site plan and the need for a landscape plan per Sec 108-381.

The City of Key West Code Section 108-91.C.1 allows the city planner to administratively approve of modifications to an existing development plan that do not rise to the status of minor or major plan modifications if the work is related to the expansion or enhancement of landscaping on the property. City Commission Resolution 89-26 approved the Site Plan and Community Impact Assessment Statement (now called Development Plan) for the Key West Shopping Center (Overseas Market) in January 1989. On May 15, 1989, the City Commission approved an optional site plan which "may be substituted for the originally approved site plan," through Resolution 89-202. No approved landscape plans were found in the archived files.

The proposed plan includes redesign of the entranceway and parking lot to improve traffic and pedestrian flow, updates to the existing landscaping to include shrubs and groundcover, and installation/transplanting of trees and palms around the property including areas that currently



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have little to no trees, palms, or groundcover. The proposed plan will enhance the appearance of the property.

The application was reviewed for compliance to City of Key West Code Chapter 108, Article VI - Landscaping. Landscape waivers are needed for the percentage of new palms being planted in the proposed landscape plan (over 25%, Sec 108-481), the layout of the interior parking lot with no landscape strips in head in parking areas, and the lack of canopy trees being replanted in the parking planters (Sec 108-414).

City of Key West Code Section 108-517 provides guidance on review and approval of waivers or modifications to the City Code. Although Planning Board review and approval is not required in this instance, it is appropriate to utilize the criteria provided in Section 108-517 to make an administrative determination on this proposed waiver:

(1) *Public interest; adjacent property.* The waiver or modification would not have a significant adverse impact on the public interest, or on adjacent property. One adjacent property is a shopping center with minimal landscaping. In the past few years, owners of the adjacent shopping center started to plant a number of palms and a few trees in parking lot island areas. Landscape improvements to the Overseas Market Shopping center might encourage other similar properties to improve the landscaping on their properties. Other adjacent properties include a wetland and canal area and a residential neighborhood. The additional landscaping to be installed near the rear entrance to the Overseas Market will be an improvement to the residential area at the rear of the property.

The proposed landscape plan was reviewed by the Tree Commission in a public, advertised meeting on August 9, 2022. The Tree Commission was aware of the need for landscape waivers regarding the percentage of palms to be planted and the lack of landscaping at the head to head parking areas at the public meeting and no adverse comments were noted. The Tree Commission approved of the landscape plan, as submitted and dated July 8, 2022, to include the transplanting of the interior trees and palms to other areas of the property and the new plantings of palm groupings in the interior parking area.

(2) *Not discriminatory.* The waiver or modification is not discriminatory, considering similar situations in the general area. The shopping center was developed in the early 1990's and is the newest of the shopping centers in that area. The proposed landscaping will enhance the area. The adjacent shopping center, Key Plaza, has been planting palms and some trees around their existing parking area without review from the Planning Department.



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(3) *Superior alternatives. The development will provide an alternative landscape solution which will achieve the purposes of the requirement through clearly superior design. The proposed plan will enhance an existing developed area. Trees and palms will be transplanted to areas where few trees/palms currently exist. The landscape plan submitted does group palms to create some shade in the parking area and shrubs are being planted to help block headlights from sight lines into the highly traveled adjacent road. Therefore, the submitted landscape plan dated July 8, 2022, represents an overall improvement of the landscaping on the property.*

(4) *Protection of significant features. The waiver or modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.*

Not applicable.

(5) *Deprivation of reasonable use. Strict application of the requirement would effectively deprive the owner of reasonable use of the land due to its unusual size, shape, topography, natural conditions, or location, provided that:*

a. Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case; and

b. The unusual conditions involved are not the result of actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.

This property was developed in the early 1990's prior to establishment of much of the existing development plan and landscaping regulations (1997). The new, proposed interior landscaping will allow for clear views of signage for wayfinding on the property and better traffic flow. Additional proposed landscaping and restriping in the rear of the property will improve cleanliness and increase shade.

(6) *Technical impracticality. Strict application of the requirement would be technically impractical. This property was developed in the early 1990's prior to establishment of much of the existing development plan and landscaping regulations (1997). No significant improvements have been made to the property since the approved plan was built.*

Representatives for the property owner have stated that the goal is for clear views of the business signs to assist with wayfinding of patrons to the shopping center, to improve traffic flow into the shopping center, and to improve the appearance of the property. Currently, many of the existing parking planter canopy trees would need significant maintenance to



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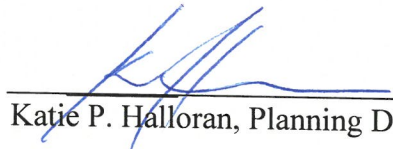
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control height and width to ensure visual access to existing signage on the buildings. The proposed palm groupings will be at least 18-20 feet tall and will allow viewing of the signage.

In summary, this proposed Administrative Modification for 2720 N. Roosevelt Blvd, Overseas Market, is approved with conditions pursuant to Section 108-91.C.1 and satisfaction of criteria identified in Section 108-517.

Approval Conditions:

1. Invasive exotic plant species including Brazilian Pepper, Australian Pine, and leatherleaf will be removed from the site and a maintenance plan will be initiated to continually remove the invasive plant species from the landscape areas.
2. Landscaping shall be maintained in perpetuity.
3. The landscape plan shall be reviewed and approved by the engineering department prior to submittal of any building permits.


Katie P. Halloran, Planning Director


Date